

Meridian Planning and Zoning Meeting

April 1, 2021.

Meeting of the Meridian Planning and Zoning Commission of April 1, 2021, was called to order at 6:01 p.m. by Vice-Chairman Andrew Seal.

Members Present: Commissioner Lisa Holland, Commissioner Andrew Seal, Commissioner Nick Grove, Commissioner Steven Yearsley and Commissioner Maria Lorcher.

Members Absent: Chairman Rhonda McCarvel, Commissioner Bill Cassinelli.

Others Present: Adrienne Weatherly, Ted Baird, Bill Parsons, Sonya Allen, Joe Dodson, Alan Tiefenbach, Joe Bongiorno and Dean Willis.

ROLL-CALL ATTENDANCE

<input checked="" type="checkbox"/> Lisa Holland	<input checked="" type="checkbox"/> Maria Lorcher
<input checked="" type="checkbox"/> Andrew Seal	<input checked="" type="checkbox"/> Nick Grove
<input checked="" type="checkbox"/> Steven Yearsley	<input type="checkbox"/> Bill Cassinelli
<input type="checkbox"/> Rhonda McCarvel - Chairman	

Seal: Good evening. Welcome to the Planning and Zoning Commission meeting for April 1st, 2021. At this time I would like to call the meeting to order. The Commissioners who are present at this evening's meeting are at City Hall and on Zoom. We also have staff from the city attorney and clerk's offices, as well as the city planning department. If you are joining us on Zoom this evening we can see that you are here. You may observe the meeting. However, your ability to be -- to be seen on screen and talk will be muted. During the public testimony portion of the meeting you will be unmuted and, then, be able to comment. Please note that we cannot take questions until the public testimony portion. If you have a process question during the meeting, please, e-mail cityclerk@meridiacity.org and they will reply as quickly as possible. If you simply want to watch the meeting we encourage you to watch the streaming on the city's YouTube channel. You can access it by going to meridiacity.org/live. With that let's begin with the roll call.

ADOPTION OF AGENDA

Seal: Okay. First item on the agenda is the adoption of the agenda. Tonight Jaker's Drive Through Addition, H-2021-0012, will only be opened for the sole purpose of continuing the item to the regularly scheduled meeting of April 15th, 2021. It will open only for that purpose. So, if there is anybody here tonight to testify on that particular application, we will not be taking testimony this evening. Can I get a motion to adopt the agenda?

Holland: So moved.

Grove: Second.

Seal: It has been moved and seconded to adopt the agenda. All in favor say aye. Opposed? All right. Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

CONSENT AGENDA [Action Item]

- 1. Approve Minutes of the March 18, 2021 Planning and Zoning Commission Meeting**
- 2. Findings of Fact, Conclusions of Law for Sadie Creek Drive-Through (H-2021-0006) by The Land Group, Generally Located South of E. Ustick Rd. on the West Side of N. Eagle Rd.**

Seal: Next item on the agenda is the Consent Agenda and we have two items on the Consent Agenda. Approval of the minutes from the previous Planning and Zoning meeting. Findings of Fact, Conclusions of Law for Sadie Creek Drive -- Drive Through, H-2021-0006. Can I get a motion to accept the Consent Agenda as presented?

Grove: So moved.

Yearsley: Second.

Seal: It has been moved and seconded to adopt the Consent Agenda. All in favor say aye. Any opposed? Okay. Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

ITEMS MOVED FROM THE CONSENT AGENDA [Action Item]

DEPARTMENT REPORTS

- 3. Fire Department: Introduction of Meridian Fire Chief Kris Blume and Department Update**

Seal: Now we have a Department Report from the Fire Department. So, Chief Bongiorno, if you want to jump in, please, feel free.

Bongiorno: Mr. Commissioner, this one is actually going to be the fire chief. He's here tonight. He will be taking care of that one. There he is right there.

Blume: Yes, sir. Okay. Well, Commissioners and those in attendance, by way of introduction my name is Kris Blume and I'm the new fire chief for the City of Meridian Fire Department. I am originally a native of Idaho and I have spent the past 21, 22 years in

the fire service and couldn't be more thrilled to be up here in Meridian. One of the things that I would just like to talk about really briefly is noticing that Meridian is expanding. It's expanding horizontally, it's expanding vertically, and myself and my team are very focused on ensuring a sustainable service delivery model for the community of Meridian. Truth be told, we are struggling with our response to liability time. The adopted five minutes we are nowhere near. We are in the six and a half to seven minute response to emergencies to the community of Meridian. Even with the addition of Station 6 last year we have three stations that are continuing to trend down about three percent in that response -- response reliability. We are lucky to have an 80 percent response reliability and I'm hoping that we are going to be able to improve that, bring that into the mid 80s for the city. We have noticed call volumes increasing, as well as the density of population coming into Meridian increasing and so we are looking to improve and meet those needs and to that end this week on -- I'm sorry this upcoming week on Tuesday I'm looking forward to -- I anticipate a robust discussion on the construction of, hopefully, Stations 7 and 8, one or the other, and my hope and intention is that we will move forward with both of those. That will also lend itself to an increase in improved ISV rating for the city, reducing commercial, as well as residential insurance costs. So, again, I'm very excited to be here and really looking forward to watching the growth of this community move forward and hopefully -- and it's my intent with my team that we are going to be able to meet the expanding community of Meridian. Thank you.

Seal: Thank you, Chief Blume. Is there any comments or questions that other Commissioners have?

Yearsley: Mr. Chairman?

Seal: Commissioner Yearsley.

Yearsley: Just a quick question. You talked about the response times being down. Is that just because the city is growing outward and it's harder to get to the far reaches?

Blume: You know, it's interesting, because we have some empiric, as well as anecdotal information to that. COVID was a bubble; right? I mean it's a snapshot in time. But what's very interesting about that is we had our in-service times, meaning our fire apparatus were not out of service doing training, adopted schools, station tours, we were not going to nursing homes for fall injuries or -- or non-life threatening emergencies and so even with the reduction in those calls, as well as an increase in service time, we were still seeing an increase in responses. Now, I would -- I will go back to the statement that I made that the city is expanding -- the horizon has been defeated. The horizon of Meridian -- we know the expansive boundaries of the City of Meridian, but what we are starting to see are those high density populations, mid rise three and four story apartment complexes, creating higher density of population, not on a vertical plane, but -- I'm sorry -- not on a horizontal plane, but in a vertical plane and so some of the areas have started to generate higher and higher call volumes and increasing out-of-service times and delays in responses in that regard as well. Certainly there are areas within Meridian that are very difficult to reach and certainly -- they are not within a five minute response time on a

-- in a best case scenario and just a bit further on that, I drilled down on that, I wanted to help far off the Meridian Fire Department was that five minute adopted rule. We are at six minutes and 17 seconds and that's response time. Built in on the front side of that is a 90 second -- what's called chute time. So, from the time the 911 call comes in to the time we have wheels rolling, we are given 90 seconds. That's not built into the six minutes. So, we are approaching closer to eight minutes in a response time, which is quite impressive. From the time of the 911 call dispatch to having emergency services at somebody's door.

Yearsley: That's impressive.

Seal: Any other questions from other Commissioners?

Grove: Mr. Chair?

Seal: Yes, Commissioner Grove. Go ahead.

Grove: Sir, is there -- you mentioned the vertical aspects of what's happening. Is there the ability to service higher development as -- as the city continues to grow?

Blume: Well, certainly -- certainly -- thank you for the question, Commissioner Grove. The -- certainly with looking at developing and getting approval for Stations 7 and 8, part of that is bringing a second ladder truck to -- to the community and that's certainly going to help out. I mean it's exponential how much assistance to call volume and being able to meet the needs of the community that that's going to bring. As you probably are aware, the City of Meridian only has one ladder truck and so if that ladder truck is on a medical emergency and there is a call to a multi-level occupancy, we are waiting for Nampa or we are waiting for Boise to show up to handle the emergency in Meridian.

Seal: Thank you. Commissioners, anymore questions?

Holland: Mr. Chair?

Seal: Commissioner Holland, go ahead.

Holland: I don't really have a question. I just wanted to say welcome and thanks for what you do. We appreciate you.

Blume: Thank you, ma'am. I appreciate being here. Thank you.

Lorcher: Mr. Chair?

Seal: Yes, Commissioner Lorcher.

Lorcher: Is there any possibility with the COVID money coming through that we can allocate any of that to get another ladder truck for the City of Meridian or is that considered a different type of funding?

Blume: Commissioner Lorcher, that's an excellent question. As far as that money goes, it is -- a ladder truck is impact fee eligible and that's sort of what we are looking to do at this point and, in fact, what we are -- what we are hoping and the intent of my office, as well as my team, is to utilize the ladder truck that's in -- in place right now and put it into a secondary position when we get a new ladder truck, which has already been purchased and it will be here in late fall, but instead of decommissioning that second ladder truck that would be decommissioned, we are going to keep it in -- in response status at Station 6, so that it can -- it can meet that -- that -- that growing need and demand. That's the intent right now.

Seal: Anything else from the other Commissioners? All right. Thank -- thank you, Chief Blume. We appreciate you coming in, meeting with us and speaking with us while you have our undivided attention. If there is anything else that you want to share with the Commission -- no? You're good?

Blume: No, sir. I love this community. It's fantastic. My family -- we couldn't be happier. I'm still pinching myself. So, I feel blessed beyond measure.

Seal: Excellent. Welcome -- welcome and we look forward to speaking to you more. Appreciate that.

Blume: All right. Thank you for your time this evening.

Seal: All right. At this point I will go ahead and explain the public hearing process. We will open each item individually and began with the staff report. Staff will report their findings on how the item adheres to the Comprehensive Plan and Unified Development Code. After staff has made their presentation the application will -- the applicant will come forward to present their case and respond to staff comments. They will have 15 minutes to do so. After the applicant has finished we will open the floor to public testimony. Each person will be called on only once during the public testimony. The clerk will call the names individually and those who have signed up on our website in advance to testify. You will, then, be unmuted in Zoom or you can come to the microphones in chambers. Please state your name and address for the record and you will have three minutes to address the Commission. If you have previously sent pictures or presentation for the meeting it will be displayed on the screen and our Clerk will run the presentation. If you establish that you are speaking on behalf of a larger group, like an HOA, where others from that group will allow you to speak on their behalf, you will have up to ten minutes. After all those who have signed up in advance have spoken we will invite any others who may wish to testify. If you would wish to speak on a topic you may come forward in chambers or if on Zoom press the raise hand button in the Zoom app or if you are only listening on a phone, please, press star nine and wait for your name to be called. If you are listening on multiple -- multiple devices, a computer or a phone, for example, please,

be sure to mute those extra devices so we do not experience feedback and we can hear you clearly. When you are finished, if the Commission does not have questions for you, you will return to your seat in chambers or be muted on Zoom and no longer have the ability to speak and, please, remember we will not call on you a second time. After all testimony has been heard the applicant will be given another ten minutes to come back and respond. When the applicant has finished responding to questions and concerns, we will close the public hearing and Commissioners will have the opportunity to discuss and, hopefully, be able to make a final decision or recommendation to Council -- to City Council as needed.

ACTION ITEMS

4. Public Hearing for Jaker's Drive-Through Addition (H-2021-0012) by BRS Architects, Located at 3268 E. Pine Ave.

- A. Request: Conditional Use Permit for a drive-through in the C-G zoning district at an existing restaurant.

Seal: At this time I would like to -- I would like to open the public. Oh, sorry. I would like to continue -- or I don't know how to -- would like to open Jaker's Drive Through Addition, H-2021-0012, for continuous and I will take a motion on that.

Holland: Mr. Chair, do we have a date to move that to?

Seal: I believe it was April -- April 15th.

Holland: Mr. Chair, I move we continue Jaker's Drive Through Addition, H-2021-0012, to the hearing date of April 15th to allow the applicant some additional time to meet requirements.

Grove: Second.

Seal: Okay. It's been moved and seconded for the continuance. All in favor, please, say aye. Any opposed? Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

5. Public Hearing Continued from March 18, 2021 for Skybreak Neighborhood (H-2020-0127) by Laren Bailey of Conger Group, Located at 3487 E. Adler Hoff Ln. and 7020 S. Eagle Rd.

- A. Request: Annexation of 80.46 acres of land with an R-8 and R-15 zoning districts.
- B. Request: A Preliminary Plat consisting of 329 building lots, 40 common lots and 14 other lots (i.e. 12 common driveway lots, 1

private street lot and 1 lot for the existing home) on 79.69 acres of land in the R-8 and R-15 zoning districts.

Seal: Okay. Now we will go on to Skybreak Neighborhood, H-2020-0127, continued from March 18th, 2021, and we will begin with the staff report.

Tiefenbach: Good evening, Commissioners. If you can see my presentation and hear me loud and clear, can you give me a thumbs up? Great. You never really know on this end. Okay. So, this is an annexation of 80.5 acres of land with an R-8 and R-15 zoning district. It's a preliminary plat consisting of 328 buildable lots, with 40 common lots and 14 other lots and one of these lots in an existing house that will remain. It's a request for private streets in the gated portion of the development serving 112 residential units with two gates and, then, two more escape gates, so four total. As a request for alternative compliance, which prohibited common driveways off private streets, to allow such in three different locations within the gated area, which -- and also there was a limit on the number of lots that could be served by gated, which the UDC says only 50 and, again, this would be 112. So, here is the zoning, the future land use map, and the aerial. The site consists of, as I said, 80 acres of land. It's zoned RUT in the county right now. It's located at 7020 South Eagle Road and 3487 East Alder Hoff, which is east of South Eagle Road south of East Lake Hazel Road. So, it's mostly within unincorporated Ada county, except that there is a subdivision to west called The Keep, which is being developed to the west and, then, right to the north you probably remember Pura Vida is being developed. The Boise Ranch Golf Course is to the east, but the majority of this, as you can see, is within unincorporated Ada county, although these maps are somewhat dated, because, again, there is one to the north now, northeast corner that you can't see, what's Pura Vida, which has now been annexed. So, a little history on this project. The applicant submitted a previous proposal in June of 2020. This proposal consisted of 353 building lots, all single family detached. It was scheduled for the October 15th Planning Commission meeting. Staff mentioned to the applicant at the pre-app that there was issues and, then, when this went in -- when the staff report was released for the October 15th Planning Commission staff recommended denial. Based on that the applicant withdrew the application. Then they resubmitted this one in January of 2021. So, a few months -- few months later. This proposal is virtually the same with the exception that there is 24 or less lots. There is some slightly enlarged open space in several areas and there is 30 single family attached units at the northwest corner of the project. As I mentioned, staff does -- staff has had two pre-apps, multiple discussions, and in the staff report that we didn't support this project as proposed. The Comprehensive Plan recommends six acres to the south and west for a low density residential. The remaining 74 acres is recommended as medium density residential. At the time of the first -- at the time of the staff report when it first went out only one comment had been received. Since that time we have 11 more letters that have been received. The issues expressed are transition -- or a lack of transition in density. The R-15 zoning being inappropriate. Lack of sidewalks and -- and the -- the reasoning from the citizens of lack of sidewalks to be able to fit more houses. Inadequate green space. This being fringe development there were some concerns listed about school capacity, road design, and proposed usage of Vantage Point Road, which I will get into shortly. So, here is the proposed zoning for this project. The applicant proposes

R-8 on the western portion of the site. So, over here this will be residential eight. On the eastern part, which will be over here, this is proposed as R-15. R-8 requires 4,000 square foot lots in a 40 foot lot frontage. R-15 allows 20 -- or 2,000 square foot lots and it does not have a lot frontage requirement. This is important, because the applicant has requested R-15 zoning, so that they can do private streets that would not be allowed under R-8 or R-4 zoning. All of the development is proposed -- all of these lots would meet the minimum requirements of R-8 -- it's unnecessary, again, except for the reason of wanting the private streets. As proposed this zoning would zone the denser portions of the property to the less dense zoning -- so, this is the denser area, detached. These would be zoned to the less -- less dense -- or sorry. This would be zoned -- the denser area would be zoned to a lesser zone district -- less dense zone district and the lesser dense portion of the site over here would be zoned to the higher density zoned district. Staff has also mentioned to the applicant that we have a -- we have some issues with the transmission of lots. To the southwest the development proposed lot sizes of 6,000 to eight -- or sorry -- 6,000 and 6,500 square feet. That's in here. The applicant has noted in a response letter that future development in the unincorporated land directly adjacent -- that would be down here and vacant now -- would likely develop into density of 8,000 to 9,000 square foot lots and a density of three units per acre. However, the future land use map actually recommends this area for less than three dwelling units per acre. So, staff is not convinced that that would be the case. At the middle south, which is here, here, and around in here, the development does include prior roads and it includes common open space as a buffer between the 80 feet and 120 feet, between the smaller lots of the subject property, which are here and the larger lots, which is in Vantage Point Subdivision here. These are one acre lots. At the southeast, like I said, the larger lots are proposed at approximately half acre. So, here these lots are bigger. Again they are about a half acre. However, if you notice the way that they are turned, they are turned long wise, so even though these are half acre lots, this particular house is going to be looking at three houses. So, that the density we believe does not transition very well. I mentioned that in the staff report. I incorrectly mentioned that this whole area was phase nine, when it's actually three different areas. Phase nine, phase four, and phase seven. Staff does appreciate that the applicant proposes to limit many of the houses in this subdivision for one -- to one story, including many of them that are in here. At the time that the staff report went out the applicant had submitted drawings proposing additional screening and buffering in this area. The Planning Commission is to determine whether the applicant has provided an appropriate transition in lots to the Vantage Point Subdivision. Everybody hear me and see me okay? Okay. The fire department has noted that this development can be serviced by the fire district, but has noted that there are concerns with this. Here is some of the concerns. The major one is that there is a large subdivision, 329 lots, that's only going to have one access. Now, it has multiple points -- or it has two points of access to Eagle Road, one to here and there could be an emergency access here, but what's important to mention is that only Eagle Road is the only point of access. If Eagle Road was blocked for any reason, then, the fire would have to go all the way around. This would really slow down the time. Fire has mentioned that they prefer a connection to Lake Hazel to the north. They had mentioned that they think the preservation of the southern rim would prevent such an access. Planning isn't convinced. We know that maybe there could be some discussions about the properties

to the north to get a northern access in here, but we do have concerns with only one road in, one road out. The west end, which is in here, does fall within the five minute response time, but the majority of the subdivision is outside of that five minute response time as you heard this evening. The nearest station right now has a low reliability rating. This would improve if and when the new southern station were built, which, in fact, you are going to hear that case next tonight. Fire has also noted that the gates would cause delays. Staff would prefer, as I said, that the applicant work with one or some of the property owners to the north to achieve access to Lake Hazel to give a second point of access out of the subdivision. The applicant has noted in their March 17th response letter that Pura Vida, Pinnacle and Lavender Heights Subdivisions -- Subdivisions are all at the same distance or further and have the same reliability as Skybreak and they were approved. However, staff notes that these other subdivisions have access from multiple streets, not just one street, and although Pura Vida has only one access from East Lake Hazel, it has a development agreement that limits the number of lots that can be built until there is a bridge built to the east. So, it's really not apples to apples. Pura Vida is also less than half the size of this development. The applicant has submitted a fire phasing plan, which includes 59 lots in phase one, only phase nine -- only phase nine proposes access from anywhere other than Eagle Road -- or, sorry, phase eight, would be the one up here. Phase nine here only has emergency access and I'm going to talk a little bit about that shortly. So, here is access. As already -- as already mentioned, all lots, except for 15 in phase eight, which would be the phase that is over here. All of these lots utilize Eagle Road as the only point of access. Phase eight cannot be built until Pura Vida builds out. So, unless this happens this phase here isn't going to happen. Phase nine does not have any improvement access. There is an emergency access only easement that's allowed here, which makes appropriate access for this particular phase, but this -- all 23 lots here cannot be served at present unless the applicant gets legal access to do that. Staff has concerns with supporting a project where we do not know if we have legal access and the developer at this point does not seem to have control over that. This applicant -- this application proposes 112 lots to be served by a private road and two gates. I have outlined in the red outline here -- this is the area that would be served by the private roads. The private roads proposed as narrow as 27 feet and you have no sidewalk or landscaping. The applicant's comment in their letter that 27 feet is a minimum width for ACHD, but it does not meet the ACHD template, because there is no sidewalks here. These roads -- because these roads aren't built to the minimum ACHD standards, they pass the maintenance costs onto the homeowners in perpetuity or the homeowners association, as -- because they don't meet ACHD standards, if there were financial constraints or anything else in the future, ACHD would not accept these roads. Staff does not understand how narrow roads and sidewalks is innovative or preferable to streets without sidewalks. Staff has asked the applicant to explain why this is preferable, other than the ability to increase lots or reduce building costs and the only explanation we have gotten is that it provides an intimate setting and that there is a demographic that prefers a gated community. Staff has concerns with supporting this feature without sufficient justification and what precedent you have set for future requests to build roads that don't meet minimum templates. The applicant has requested alternative compliance to allow 112 lots to be served by two gates and two emergency gates, three common driveways off of a common lot. The planning director -- there is the -- the planning director has

denied this request for alternative compliance, believing that none of the conditions for alternative compliance was met. One thing I do want to mention -- in their most recent response letter the applicant noted that the reason why the private streets are built as such is they are intentionally designed without sidewalks to prioritize using streets for walking, biking, and communing with neighbors and the cars are supposed to be a secondary use. However, staff is skeptical, because given the location of this subdivision we have on the periphery of the -- of the city, every resident is going to have to drive through this subdivision to get in and out. So, maybe -- they may be able to walk around within the subdivision, but they are still going to get in their cars and drive anywhere. Parks, amenities, and open space. The applicant states that 14.99 acres or 18.8 percent of open space is provided and these parks and amenities include a three-quarter acre tot lot with play structure, climbing rock -- climbing rock and outdoor seating, which you can see here. A one acre open sports park, which you can see here. Pathways along the Farr Lateral, which you see here. And there is also a pathway coming along this slope here. There is a golf cart pathway here. So, this would provide golf cart access into the Boise Ranch Golf Course. There are several dog parks. There was one shown here. There is one shown there. And there is an entry park, which you can see here. Staff does believe that some of these amenities would be valuable amenities, such as the sports park and the tot lot. However, aside from much of what -- aside from that, much of what they are crediting as open space -- and I will show you here. Much of what they are crediting as qualified open space is buffers along roads, endcaps, open space that could not have been used anyway, like the slopes or the area within the Farr Lateral, and not all of it is landscaped per the UDC requirements. You have to have a one tree -- if there is a pathway you have to have one tree per hundred linear feet. In addition to that for common open space you have to have one tree per 8,000 square feet. We don't see that within the area of the Farr Lateral or around the slope area. It's important to note that although the applicant has submitted a chart showing which open space meets the minimum dimensional requirements of the UDC -- so it meets our minimum requirements. For example, 50 by 100 feet and/or an open area on both ends -- the applicant is requesting that the city annex this property. There are no present entitlements. So, the Planning Commission and the City Council get to decide if this project is a quality of such that it is in the best interest of the city to annex. Staff thinks a development of this size, 80 acres, should have more quality usable open space and more of it compiled together and oriented in more convenient locations. The applicant has submitted a pedestrian circulation plan with this proposal. All the private streets that are shown without sidewalks are being reflected as pedestrian connections. The Planning Commission should decide if those really are pedestrian connections and whether this is appropriate open space and amenities. Here is the proposed pedestrian plan. Again, you will see that all -- that the roads that do not have sidewalks or pathways here -- many of them there are shown as a pedestrian connection. Here is just a picture of the elevations and overall we believe that the elevations are quality and we support what they are doing with that. You can see the single family residential, as well as a duplex style elevation. Staff recommends denial of this project. Staff does not believe this project substantially complies with the Comprehensive Plan and is in the best interest of the city. This is why. There is only one access road for all but 15 lots and the applicant has not demonstrated legal access for 23 of the lots in phase nine. We believe that there is an inadequate transition of lots to the

lots in the Vantage Point Subdivision. We are struggling with the higher density zoning for the lower density area and the lower density zoning for the higher density zoning area. We really think it's just for the purpose of allowing the private roads. We don't support it, because we believe it's located on the fringe. There is only a few places where it's adjacent to the city limits. We don't believe it's an in-fill development. We don't support it because of the narrow private streets with no sidewalks. It does not meet the Comprehensive Plan for a walkable community. Although fire says they can serve it, they have expressed concerns with this development. There is some quality open space, but much of the open space being credited as not usable, even if it meets the minimum dimensional requirements. The applicant has noted school capacity will not be an issue, because it's age targeted. But unless it's deed restricted there is no way we can enforce whether or not it's going to be above 50. So, it may be sold -- it may be marketed as over 50, but, again, we can't enforce that unless there is some sort of deed restriction. With that I will stand for your questions or comments if the Planning Commission has any.

Seal: Thank you, Alan. And tonight I think we are going to do things just a little bit differently where we are going to go ahead and let the applicant come up and speak and, then, we will ask our questions of staff and the applicant and, then, we will go forward with the public portion of it. So, at this point would the applicant like to come forward?

Weatherly: Mr. Chair, I just need some clarification. Deb Nelson, if you are on the line can you, please, raise your hand. I see two accounts that could be you, but I'm just not quite sure which one you are. Thank you. One moment. Sorry, Deb, I lost you. Raise your hand again, please. Thank you. One moment.

Seal: Okay. If you would -- if you would like to state your name and address for the record and you will have your 15 minutes.

Nelson: Before I get started may I have access to share my screen, please?

Weatherly: There you go, Deb. You should be able to share now.

Nelson: Thank you. Well, good evening, Commissioners. Can you see my screen?

Seal: Not yet.

Nelson: Okay. Let me try again. Okay.

Seal: There we go.

Nelson: It's working now. Good evening, Commissioners. My name is Deborah Nelson. My address is 601 West Bannock Street. I'm here on behalf of the applicant and also members of the development team are here with me as well and available to answer any questions. I'm going to start with a brief fly through of the development. Thank you. And with that I'm going to begin a PowerPoint here as well. Skybreak is a premier golf community targeted to empty nesters. We are super excited to bring this project to you

this evening. We are disappointed that we have not been able to come to terms with staff. As you can tell from staff's presentation that after a year of working with staff we don't see eye to eye on how to best use this unique property that has its own challenges and opportunities for this great development and so we will try to address all of the concerns that have come up. We did provide a detailed written response to the staff to address each and every one of these concerns, because there just isn't enough time during a hearing to try to cover all of them. So, I hope you have had an opportunity to review that and certainly we would be available to answer any questions you have about those, but -- but in some -- we meet the city code requirements that are appropriate for this site. We certainly fulfill the goals of your Comprehensive Plan and we are ready to bring forth this great development and -- and describe it for you this evening. It provides a unique living opportunity for Meridian residents that are looking for an exclusive community with exceptional rim view lots and designed for that active adult living. It's integrated into the adjacent Boise Ranch Golf Course with a cart path for easy access. Over a mile of pathways wind through the neighborhood. Generously landscaped boulevards and endcaps welcome residents home and create a sense of place. Homes with premiere architectural finishes, inside and out, match the quality of this exceptional property. The property is designated as medium density residential in Meridian's recently adopted comp plan, which requires three to eight homes per acre and Skybreak's proposed density is squarely within that 4.1. Skybreak provides the necessary transition and density between the medium high residential designation to the north, which requires eight to 12 homes per acre, and the low density designation to the south with three homes or less per acre. Additional roof tops in this quickly developing area of Meridian helps support the future commercial and retail uses along Eagle Road, Lake Hazel and Meridian Road, including the recently approved Pinnacle project, which has neighborhood commercial at Lake Hazel and Locust Grove. The 77 acre Discovery Park and the new South Meridian Fire Station site are just a half mile to our west. Pura Vida was just approved to our northeast. So, we are close to shopping, healthcare services, employment opportunities and regional transportation arteries. The Skybreak site plan embraces the property's challenges and opportunities. The southern rim with a 50 to 60 foot drop along our east end provides exceptional view lots, along with an opportunity to protect that natural hillside with open space and a pathway. The lack of road access along our northeast and east and southeast due to these existing developments makes this site ideal for a gated community, because it doesn't block any road's connectivity. The golf course on our east side, of course, provides its own great opportunity to connect with pedestrian pathways and a cart path. A large existing home will remain, so we will surround it with other large custom homes. Attached housing in our northwest transitions to high density development planned to our north. Larger custom home sites, along with open space and landscape buffers, transition to existing low density homes to our southeast. Smaller lots and homes on the west along east Eagle Road transition to larger lots and homes in the east along the rim. All of these will meet the R-8 dimensional standards in your code. A portion of the Skybreak community is gated and utilizes private streets to create a more intimate neighborhood setting within the larger Skybreak community. The development team has done extensive marketing and polling of past and future homeowners and has found that a demographic of senior homebuyers prefers the security that a gated community provides. The gates do not create any pedestrian

barrier. The sidewalks and pathways are not needed. The gates slow cars and the narrower private streets are intentionally designed without sidewalks in many locations to provide a pedestrian lifestyle where residents walk and convene in the streets and engage with each other. The development team has done other communities with the same private street design and customers pay a premium to be in these gated communities. Everyone views the street as walking paths that cars are allowed to drive on. We have a video to illustrate this that we will show at the end if we have time. The Skybreak property is ideally suited for a gated community because of several factors. The steep natural hillside of the southern rim. The lack of road connectivity on our eastern end above the rim due to the golf course to our east, the Vantage Point Subdivision on the southeast, and Pura Vida recently approved on our northeast, which does not include any road below the rim and down to connect to Lake Hazel. Where we can connect to surrounding properties we do. Below the rim in the northeast corner. Three additional places on the north. Our western entrance and two places on the south. Skybreak includes premier open space and amenities. The developer has researched and interviewed past homeowners and used the city code to plan the most productive amenities for this new neighborhood. Skybridge's planned open space amenities far exceed city code requirements, providing 15 acres and 18.8 percent qualified open space and providing 14 amenities where only four are required. Skybreak's open spaces and amenities include -- in our three-quarter acre park we have a play structure, seating benches, shade structure and climbing rocks. We have two dog parks, because they are in such high demand by residents, each with open vision fencing, dual boot system, and seating benches. Our one acre open sports area with pathways, seating areas, and landscaping includes a large grassy central space to accommodate sports activities. Our natural hillside area is 2.82 acres, including native grasses and a natural hillside path with open views that everybody will enjoy. Here you can also see the golf cart access to the Boise Ranch Golf Course and one of the two ten foot regional pathway segments this development will provide. Our entry park makes an attractive statement upon arrival and also caps the tree line collector where residents walk, with seating areas and specialty tree plantings and landscaping along the central collector and endcaps adds aesthetic beauty and passive open space areas throughout the development. This slide in particular illustrates the value of that endcap landscaping to create a beautiful neighborhood, add privacy, and enhance walkways. Skybreak has over a mile of constructed sidewalks and pathways, including a half mile of multi-use regional pathways and a unique natural hillside path similar to neighborhoods in the Boise foothills, plus a loop around the entire development and none of those include the walking paths that we consider paths within our private street network. That is over and above that description. In addition, Skybreak is a half mile walk to the city's 77 acre regional Discovery Park. Skybreak provides great transition to surrounding developments. This overview slide I think really shows the efforts that have been made to create that smooth transition to the high density development to our northeast and the low density development to our southeast. Consistent with the Comprehensive Plan we transition through buffering, screening, and transitional densities and our northeast Skybreak transitions to the higher density Pura Vida development with smaller lots, continuous open space along the rim, and street connectivity above and below the rim. And our southeast has a great transition to Vantage Point with buffering, screening, and transitional density. Here you can see

that southeast area in more detail. On the west end we provide separation with a 50 foot wide landscape buffer around a local street, a one acre park, plus berming, landscape screening and concrete walls to ensure no headlights disturb the neighbors. We originally had planned to continue this open space buffer with a pathway along the southeast border as well, but the neighbor said they preferred backyards to a pathway, we adjusted our plan and moved the pathway to the north of those lots. Instead where we directly abut the county lots in the southeast we have provided larger half acre lots with increased setbacks. This cross-section shows the transition areas of the road, plus the 60 feet of landscaping and also the cross-section of the park that provides over 108 feet of separation to the property line. Those areas have berming and heavy landscaping screening. Along the road where there -- where there are two T intersections in response to neighbor concerns with headlights, the developer has added six foot concrete walls on berms with heavy landscaping to block all light. This slide illustrates the wall placement, along with the heavy landscaping and the significant open space buffering that is provided here. You can really see the difference. In the limited area where we directly abut existing homes in the southeast corner, we provide half acre lots, doubled the rear setback to 30 feet, and tripled the side setback of the corner lot to 15 feet. The orientation of these lots is ideal for creating a bigger open space, larger setback between the house and our neighbors. We also agreed on that corner lot to pull back the building footprint from the rear 45 feet on the north side and angling down to 110 feet on the south side as an accommodation to the adjacent land owner. In addition to all of these accommodations on our property to create transition, when considering compatibility to surrounding uses it's appropriate for the Commission to look at the facts of those uses. Here the adjoining homes are setback 50 to 75 feet from the property line. So, for all of these reasons Skybreak provides more than sufficient transition to surrounding developments. Water, sewer and all other infrastructure is adjacent to and ready to serve this site. The developer has had several meetings with Joe Bongiorno in the fire department over the last year. Joe's March 3rd comment letter, his final letter in the record, clearly states this project can be serviced by the Meridian Fire Department. Joe requests opticom devices on gates and a wildland safety plan for the natural hillside and the applicant agrees. The site entrance is within the emergency response time goals for the fire department and other first responders and, most importantly, it is within a half mile of the planned fire station near Discovery Park. Skybreak is anticipated to have a low impact to schools based on the empty nester target demographic, but, regardless, the school serving Skybreak has capacity. Hillsdale Elementary and Lake Hazel Middle School are within planned capacities and Meridian -- or, excuse me, Mountain View High School just -- was just expanded and is within the capacity range the city determined was acceptable in considering the Pura Vida development in the same area just two months ago. ACHD has reviewed and approved the proposed development with conditions of approval that are all acceptable to the developer. The already underway improvement and widening of Eagle Road and Lake Hazel road provide ample capacity for -- for the trips that are generated by this development. ACHD has conditioned phase nine in the southwest on having access to a public road. So, staff's concerns will be addressed by that condition already. The Skybreak neighborhood includes 328 attached and detached single family homes in varying sizes and price points, ranging from the low four hundreds to over a million dollars. Most of the homes are single story to appeal to empty nesters. Homes

are all near your walking paths and open spaces and have walking and golf cart access to the Boise Ranch Golf Course. Large rim view lots accommodate custom homes and provide the executive housing that we have heard city leaders requesting during the Comprehensive Plan hearing. We are really excited to bring this premier golf community to Meridian and if we have time, as the chairman allows, we would show a short video about a successful gated community that has been developed in Boise by the same developer with the same street design that's proposed here.

Seal: Unfortunately, the 15 minutes is up.

Nelson: Okay. That's fine. It's in the record if anybody has the opportunity to review it. Thank you for your -- for your attention and be happy to stand for any questions.

Seal: Okay. At this time are there any questions from the Commissioners to the applicant or staff?

Grove: Mr. Chair?

Seal: Commissioner Grove, go ahead.

Grove: I thought with the development that had happened to the northeast of this project that there was conversations about having road connectivity when this was to come before us. Was that -- was I misunderstanding that or did that get planned out?

Nelson: Chairman. I would be happy to address that question if it was to me.

Seal: Go ahead.

Nelson: Commissioner, Mr. Grove, the Pura Vida development to the north didn't -- was not approved by the city requiring any access down the rim. I think that they looked at the natural hillside and saw that it wasn't suitable for placing a road there. The top portion of Pura Vida does -- above the rim does connect to Skybreak, but there is no connection between the top portion of Pura Vida down to the lower portion of Pura Vida creating that Lake Hazel connection and the city approved in that way.

Seal: I was going to say for clarity I was actually going to ask on the same question for the Pura Vida, because I remember that coming in and one of our main concerns was the fact that it had very limited connectivity to everything that was above the bluff. So, that was a huge concern for -- you know, as far as connectivity and response time from the Fire Department and kind of hinged on what was going to be connected as far as their ability to build that out.

Yearsley: Mr. Chair?

Seal: Go ahead.

Yearsley: So, I have been on the homeowners association board of a premier subdivision for the last 13 years and seeing the problems that have come through with developers leaving the association with the design of the development. How do you address the gated community with no sidewalks and no parking and very -- you have got the rim lots, but you have got a lot of high density areas for parking on both sides of the street, getting access through the streets and, then, actually providing walkability. I -- I struggle to see how that's going to work.

Nelson: Chairman, Commissioner, it actually is just medium density, it's not high density in there, and the -- the layout and design is very intentional based on prior developments that the developer has done successfully and demand from residents that want to live in exactly that type of development and the streets are purposefully narrow. They are still wider than the city requirements for a private street and they match the size for a public street for ACHD, but they are purposely designed at that size to slow cars down. So, it is designed to be more of a pedestrian area behind the gate than it is designed to be a vehicular speedway and -- and so that that design is intentional desired by our homeowners and successful in other locations.

Holland: Mr. Chair?

Seal: Go ahead, Commissioner Holland.

Holland: Hi, Deb. We -- we have seen a few of these gated communities that have -- the gates come down more for ornamental reasons than actually functional reasons. Are these going to be ornamental or are they actually going to be functional gates that close where they there is a keypad that they have to enter to come into the subdivision?

Nelson: Chairman, Commissioner Holland, it -- it will be functional. They will be functional gates and that's why they will have the opticom devices as requested by Fire, so that they can have quick fire access. But it is exactly that functional security that the homeowners are looking for in this type of community.

Holland: One more follow-up question. So, I know staff had some concerns about the way open space was configured, because a lot of it's on a lateral and some of it's in areas that are not usable for open space. It certainly looks like there is -- there is a good amenity package and a number of different types of amenities, but do you have any comments to try and -- were there conversations with staff where there was any go between that would have made them a little bit happier? Would you be willing to still consider doing a larger open space, a more central open space amenity moving forward with the project?

Nelson: Chairman, Commissioner Holland, there -- there was a lot of discussion with staff over a long period of time about -- about the open space. There were some adjustments that were made with the new application with that larger park on the south, but the -- the open space is very intentionally designed and it's -- it's spread throughout -- it's a very large property and so it's spread intentionally throughout the property to serve a large number of residents without having one central large location that everybody has to walk

a long distance to. We have got connections from -- to each of these smaller areas through our landscape pathways and so it creates a network. We don't need that central large part here either, because we are right next to the 77 acre Discovery Park of the city and I know that the city always looks to where your regional parks are when you are deciding how large an amenity open space package needs to be. Here we far exceed what the code requires. We are just presenting something that we think our homeowners want and desire that works well for this site and the type of demographic that we are catering to that isn't what staff prefers.

Holland: Thank you.

Yearsley: Mr. Chair, follow up on this question.

Seal: Go ahead, Commissioner Yearsley.

Yearsley: The emergency access for the -- that you showed us to the south of your property, that's a private lane. Do you have an agreement with the owner to access that private lane?

Nelson: Chairman, Commissioner Yearsley, yes, we do. And it's been recorded.

Seal: Okay. Do we have any other questions from our Commissioners? All right. Hearing none, we will go ahead and take public testimony.

Weatherly: Mr. Chair --

Seal: Yes.

Weatherly: -- we had several people sign in, none of which indicated a wish to testify.

Seal: Okay. If anybody else would like to testify, go ahead and raise your hand within Zoom or if you are in chambers please raise your hand. Gentleman in chambers, go ahead and come up and state your name and address for the record.

Rankin: Hello. Thank you for having me. My name is Stephen Rankin and I live at 3062 North Firelight Place. This is not my neighborhood, but I would just like to say as a resident of a community that does have a lot of empty nesters, as he said, I would say the importance of the sidewalk is absolutely vital. You're going to have elderly people living in a neighborhood with other people who drive in that neighborhood, you are going to need sidewalks. I walk my dogs every day. I'm sure a lot of empty nesters have dogs every day and I think, again, the importance of sidewalks should not be overlooked. That's all I got to say.

Seal: Okay. Thank you very much. Do we have anybody else in the audience who would like to come up and testifying? Anybody else on Zoom? I was going to say, it looks like Chief Bongiorno -- oh, we got one person raising their hand right now.

Bongiorno: It can wait.

Seal: Go ahead, Chief Bongiorno, you can go ahead and talk now and we will bring the other person in if you would like.

Bongiorno: Okay. Mr. Chairman and Commissioners, I just wanted to address the comments that Alan had earlier on the project. So, yes, excuse me, I can -- the Fire Department can service the project. The Fire Department can service any project that is built within the city boundaries. The concern that I have is what -- what's it going to look like and so as it stands with this particular project, Station 4 is down the road. The chief, as he alluded to earlier, our response times are extended and we are -- we are kind of stretched at the moment. So, with that, if Station 4, with the low reliability rating that they have, if they are not available, the next fire station that's closest is going to be Engine 14, which I checked the reliability rating as of last week and their rating actually has come up a little bit. They are sitting at about 81 percent, whereas before they were at 78 percent where Station 4 was. So, with the two stations with lower reliability ratings, my concern was that fire station is ten minutes away, you know, just using Google Maps, that's not using -- you know, going ten over or whatever Boise fire department allows for their fire engines and, then, after that the next closest station would be Boise Station 17, which is 11 minutes away and, then, I believe you come back to Meridian for the next closest, which would be 12 minutes away. So, again, I believe Chief Blume likes to use the term time is tissue. So, if it's not a structure fire and let's say grandma is having a heart attack, that time that it takes for us to get there or for the Ada County Paramedics to get there, that tissue is dying and so that's what we are looking at is if Station 4 is out of their quarters, it's going to be a very long response time out to this project and, then, as Alan alluded to, if you use the GIS map that our GIS people have built for us, the front third falls within that five minutes, but once we get back into the subdivision and we get deeper into these streets, it's going to take more time. So, for us this project would look a lot better once station -- the south station, if it gets approved by Council, it would look a lot better. So, that's kind of what the cause -- the concerns were with the Fire Department. You can build any -- you can approve -- approve any project anywhere, we will be there. It's kind of like the Field of Dreams, build it and we will come. Build it and we will be there. It's just a matter of what's it going to look like and -- and that's where this project falls. So, for us that's kind of our biggest concern or my biggest concern with the project and, again, if the station -- if the south station right around the corner was built, man, it's a no brainer then, because the fire station is right there and it's -- it would look a lot better.

Seal: Okay. Thank you. Appreciate the comments and thanks for --

Bongiorno: Thanks for your time tonight.

Seal: Uh-huh.

Weatherly: Mr. Chair, I see one person raising their hand. Kathy White, I see you. One moment.

Seal: Okay. Kathy, if you want to unmute yourself. Do you have anything -- anything else going? Please unmute.

White: My -- my name is Kathy White. I live at 3804 East Vantage Point Lane. The three concerns I will mention are the following: Sidewalks are lacking. Sidewalks offer -- offer safety for pedestrians. Our subdivision, it was built 20 years ago, it does not have sidewalks. Twenty years ago our subdivision was rural. Also it only has 16 homes, which sub -- substantially decreases the safety issue. Skybreak has 20 times the homes of our subdivision. How safe will it be for all those individuals in that subdivision without sidewalks? And to me it seems the lack of sidewalks only benefits the developer's bottom line. My second concern is Skybreak markets this no sidewalk subdivision as ideal for senior citizens. I do not see a senior citizen center, a swimming pool, or any real amenities. Flashy videos in my opinion and marketing a subdivision as unique and special does not make that a reality. My third concern that I will mention is the lack of a fair transition from our subdivision to the proposed subdivision. Our subdivision consists of larger lots. Our home sits on an acre and a quarter and it is feasible and reasonable that the developer, especially with such a large development, could work with five adjacent homeowners by putting one single story home behind each of us. That is also respectful to these five homeowners who have view lots. As the lady just mentioned for Skybreak in her presentation that view lots are important. So, please, respect our view lots in regards to transitions and the city planning staff has rejected this plan twice and we are also asking you to deny it as well. We would like to work with the developers to improve the transition between our rural -- you know, our acreage subdivision and hope the Commissioners will require a division of -- or subdivision of substance and less verbiage. Thank you for your time.

Seal: Thank you. Okay. Is there anybody else online that would like to testify? If so, please, hit the raise your hand button within Zoom. We are not seeing anybody pop up there and nobody else in chambers. Okay. Would the applicant like to come back?

Nelson: Thank you, Mr. Chairman, Members of the Commission. Well, we can keep these points brief, then, and stand for anymore questions you have. Just a few things I want to highlight just in case it's not clear. We do meet the definition of private streets in your code and meet the width requirements in your code. In fact, we exceed them. The streets need to be 24 feet wide in your code and we are 27 feet wide and your code does not require private streets to have sidewalks. So, we are not asking for any change to your code in that regard. We -- we believe that this is a level of preference. Not every homeowner will choose this. In fact, our homes that are outside of our gates do have sidewalks, are not gated, and so there will be a choice that's available to consumers that they can make a selection based on what they desire. Turning to a few comments about fire. We appreciate Joe's comments that really when that new station is built there is no concern and that new fire station is going to be coming on line about the same time we have homes coming online here. But in the meantime with Station No. 4 and the comments about reliability and accessibility to our site, we are in no worse position -- in fact, a much better position than developments that have been approved by the city in recent months in the same area -- with Pura Vida that is immediately to our northeast that

was approved to use the same Station No. 4, as well as further back the Brighton Pinnacle project and they are over three miles to the -- to Station No. 4. Much further distance. And so the -- the expectation has been as the city has considered all of these developments, that the new station would be coming online to aid and shortening that time frame. As far as accessibility, this slide that's in front of you now I think illustrates very well how if there is a disaster on Eagle Road and somehow a truck has got to go around, well, there is roads that have been developed through The Keep and that is the point of these interim collector road networks that are developed off of the arterial, that there are places fire trucks can go around. If some -- if a truck did have to go a longer distance and we are in no different position than any other development, including Pinnacle to our north were that to happen. So, we appreciate that the Fire Department is always balancing these concerns and safety. We appreciate that they did carefully review our development, meet with us many times about how it could be serviced and we ask for your approval consistent with how the city has approved other developments in our area. And, finally, just, again, to touch on open space, you know, in -- in addition to what is around us, which is so important, not just a regional park that we talked about before, but let's not forget that we are next to a golf course. It is -- it is like having an -- that large amenity within our development, because our development is designed to take advantage of that golf course and so every resident in our neighborhood will have pathway and golf cart access to get down to that golf -- that golf course. We don't need to add a larger central amenity when you have those two off-site larger resources. And -- and, again, this is a matter of preference, like the sidewalk. The developer has carefully considered what their target home buyer desires through extensive interviews and charetting processes they are not interested in providing a community center, because that's not what's in demand for this type of development and that's not what they want to provide here. They have really carefully thought about what that open space is going to look like, how it's going to live, how it's going to provide that aesthetic beauty. The landscaping impacts are critical to how this development feels when you enter it. We don't want to take all those off and put them in a central park. We are -- we are not targeting the type of homeowner that desires that central amenity. And it's certainly in the developer's interest to succeed in this regard and because we meet your city code, we would ask the Commission to follow your city code and give us a recommendation for approval based on that and let the developer have some creativity and discretion in how they meet demand. So, with that I would stand for anymore questions you may have.

Seal: Okay. Thank you. Commissioners, do we have any other further questions?

Yearsley: Mr. Chairman?

Seal: Go ahead, Commissioner Yearsley.

Yearsley: So, with regard to the golf course community, is it just because you have a pathway to the golf course? Is that the only amenity? I'm -- I'm trying to figure out how you tie the golf course to this subdivision besides just the pathway to golf course. I just don't see it. Is there anything else that I have missed from the golf course? Is there any like putting greens, any of that that's associated with the subdivision?

Nelson: Chair and Commissioner, actually, there is quite a bit here and primarily it is access, but to the -- to develop a residential development immediately adjacent to a golf course is the amenity. That's how a lot of residential golfing communities are developed is proximity. It's being able to get into a golf cart in your -- in your driveway and head down to the course. That is what makes that amenity. We also have had to negotiate that pathway to get out onto the golf course. We didn't just happenstance get to add that and so that was worked out with the developer and I think that the -- the putting is something that could happen in that large grassy area where we have got room for sports. I think that's a nice idea.

Seal: Okay. Do we have any other questions from our Commissioners?

Grove: Mr. Chair?

Holland: Mr. Chair?

Seal: Mr. Grove, I heard you first. Go ahead.

Grove: All right. I will ask a couple, but I will just ask one right now, just kind of following up on that last question. So, with the northeast portion of this project where the golf path does go through, does that connect directly to the course or does that go through another subdivision for that connectivity to the golf course?

Nelson: Commissioner Grove, it goes directly.

Seal: Do you have a follow up, Commissioner Grove?

Grove: I will wait. I will let Commissioner Holland go ahead. I got to rethink my -- that was just a follow-up question that I didn't actually plan, so I will get back to the one in my head.

Seal: Okay. Commissioner Holland, go ahead.

Holland: Thanks, Mr. Chair. Deb, so tonight we have a little bit -- always have a tough challenge when staff recommends denial of a project, because it -- it puts us in a specific spot where we can't recommend approval of a project if staff recommended denial, because we don't have conditions of approval to move forward on. So, we get to a point where we either have to work to make some recommendations for -- for the applicant to come back to us with some of those changes and do a continuance where we can look at seeing if there is ways we can find some middle ground on some of the concerns that are raised by staff and see if we can find that middle ground or we have the option of recommending denial, so it just moves forward to Council so they can deliberate. I always hate this recommend denial and have something go forward to Council. Certainly they have the ability to request staff to create conditions of approval, but what is your -- your hope tonight? Are you hoping that the Commission can give you some recommendations and we can continue this to a future date where we can discuss and maybe negotiate

some of these challenges or would you prefer to see us move forward with a recommendation of denial?

Nelson: Commissioner Holland, that's a great question. It's -- it's not a great position for us to be in where we have worked really hard with staff to try to get here, but that's exactly why we did propose -- in our written response proposed conditions of approval. We tried to address each and every detailed concern that was raised and so I just apologize in advance for the ten page letter, but that's what it took to -- to go through each and every item, so that you knew that we had thoughtfully considered each of the items raised by staff and at the end of our letter we propose conditions of approval that we think would be appropriate for your consideration. If -- if the Commission had an opportunity to review those or would like to discuss them, we would be happy to engage with that. Of course, if you are ready to approve us and need time to craft conditions of approval, we would certainly support that. If -- if the -- if the notion, though, is that you think we are still too far apart from staff and -- and you want us to go back and work again I guess we want to communicate to you that we -- we have exhausted that effort and it -- I think it's obvious from the presentations tonight that we just have a different opinion about these same items, so -- I mean Alan describes his -- his point of view on each of the same items we have addressed and so you have gotten to hear that and now at this point if you are inclined to agree with us, we would welcome and appreciate your support as you look to your code and the comp plan to base that decision. But if you are not there, then, I guess we would prefer a denial to an indefinite deferral.

Holland: So, I guess I could follow that question up, Mr. Chair, if I can.

Seal: Yeah. Go ahead, Ms. -- Ms. Holland.

Holland: To see if staff had comments on the proposed conditions that the applicant put forward. I'm assuming that staff would ask for more time to review those if that's the direction the Commission goes and I'm not saying that -- we certainly have a lot of things to deliberate on this evening and we will -- we will talk through all those items, but I'm just curious where staff is at before we decide to keep this open for deliberation with the -- with the hearing open or -- or go to deliberation closing it.

Tiefenbach: Yes, Ma'am, Ms. Commissioner, I -- I'm assuming you want me to speak directly.

Holland: Thanks, Alan.

Seal: Go ahead, Alan.

Tiefenbach: Leaving aside other comments that I had on some of the stuff that's been discussed, purely just talking about the conditions that you speak to, I guess it depends on what your issues are going to be. There is -- there is some pretty significant -- I mean in regards to, for instance, private roads, if they had to widen the roads and they add sidewalks, that could be a significant amount of redesign. There could be some significant

redesign in regard to whether or not the infrastructure fit. So, if we are talking simple, like tweaking some open space, I think that's easy. If we are talking about there is some issues with the road, there is issues with the access, you know, you have to -- they -- they only have emergency access from the south. They don't have full access. We are talking much bigger issues and I don't think we could just craft conditions of approval, it almost might be a withdrawal and resubmittal of a new application.

Seal: Do you have any follow up, Commissioner Holland?

Holland: No follow up for now. I think I will just be interested to hear what the other Commissioners have to say and we can talk through that, whether we do that open or closed on the hearing.

Seal: Okay. Do we have any other questions from our Commissioners?

Lorcher: Mr. Chair?

Seal: Go ahead, Commissioner Lorcher.

Lorcher: For -- this is for staff. I know one of the huge concerns was emergency access and only one access point on Eagle Road because of the proximity of the current fire station. But we are also -- if it's not tonight, it's soon that we are looking at a new fire station. If we postponed a decision tonight until the new fire station was approved or not approved, would that change staff's recommendation for this project?

Tiefenbach: Thank you, Commissioner. I guess the -- the issue is not just one thing. It's a -- it's a number of things. I think that if the fire station was approved and Mr. Bongiorno said it was funded and capped, then, sure, that would eliminate our concerns with fire access. We would still have issues with the parks. We still have issues with the density, with the narrow roads and those sidewalks. So -- so, yes, it would remove one of the seven issues that we have.

Lorcher: Okay. But there is more than one, so --

Tiefenbach: Yeah. Usually if there is -- you know, we will usually do what we can to try to make recommendations with conditions and in this case there was a number of things to the point that we just thought we were either going to be conditioning a whole lot of things or we were just going to have to say we can't support it as it is.

Holland: Thank you.

Bongiorno: Mr. Chairman?

Seal: Was that Commissioner Yearsley?

Bongiorno: Chief Bongiorno.

Seal: Oh, Chief Bongiorno. Go ahead.

Bongiorno: Thank you, sir. Mr. Chairman and Commissioners, I just wanted to reiterate that south station has not been approved yet. We are going through design and you are going to have the zoning in front of you tonight, but the -- it has not been budgeted for to construct it and it has not been budgeted for staffing. So I want to make sure that that's clear, that it has not been approved, it's not -- it is not moving forward. We are only doing design at this point.

Seal: And, Joe, do you have a ballpark timeline on how long that generally takes before you would be able to service from that location?

Bongiorno: I believe if both fire stations move forward, I believe -- trying to remember Chief Butterfield's timeline. I believe the south station would open in July of 2023 and, then, the north station would open like three months after that. And I don't know if Kris is still on the line, if that's correct or not. I don't see him, so -- but it was -- it was roughly July of 2023.

Seal: Okay. Thank you. We appreciate that input.

Bongiorno: Yes.

Grove: Mr. Chair?

Seal: Go ahead, Commissioner Grove.

Grove: Yeah. I have a question for you in regards to how -- how this is laid out a little bit. You have a fairly blank canvas and there are several shared driveways that have been laid out. Is there a purpose behind so many shared driveways on this project?

Nelson: Yes. So, there are -- there are a number of common driveways in the development that creates efficiency and access and -- but everything is designed in accordance with your code for that. Within the gated community we have a request for alternative compliance only because your code requires that for a private street to access a common driveway, but that -- that issue has now been appealed to the -- and that will be decided by the Council.

Seal: Okay. Any other questions by the Commissioners?

Parsons: Mr. Chair? This is Bill.

Seal: Go ahead, Bill.

Parsons: I just wanted to just provide some context on this -- this application and just because, you know, the applicant is correct, we have been -- probably spent over two years discussing development of this site and we are definitely -- I appreciate all the

meetings that we have had with the applicant on this, because I think it's been -- it's worthwhile, it's definitely eye opening to sit down and talk about 40 acres in an area that's rapidly developing and how to get all of these pieces to align. Just from -- from staff's perspective this really comes down to a timing issue. Is this really the right time and that's what the purpose of annexation is. You know, one of the findings is is this in the best interest of the city and you as that body has to make that recommendation. The other piece of it -- it's not as simple as just continuing this and working with staff, coming up with appropriate conditions. In our mind, at least from our perspective, we -- the director or staff has acted on the applicant's alternative compliance request and the private street application and we got denied both and that is the director's decision to do that. Now, the Council -- the Commission doesn't have the ability to overturn the director's decision, but the Council does. So, that's something that the Council will have to take under consideration based on your recommendation tonight. But to me if you were to continue this and have staff work with the applicant, your motion would almost have to say you need to incorporate public streets within the entire development, because that's really where we are at. In order for staff to support an alternative compliance request there is certain findings we have to make and certain criteria that has to be met in order to be eligible for alternative compliance, as Alan alluded in his presentation. He did not -- it was his professional opinion that they did not provide that justification of why this is equal to or better than code, the requirements of complying with code, meaning why should we allow 112 lots when the code says you're allowed up to 50 as an example. So, that's kind of where we are at -- on that portion of this development. So, it does get a little bit dicey in tonight's deliberation, where you guys are trying to find that balance of us all the time collaborating working together, but as the applicant alluded, you know, sometimes we are kind of to the point where we kind of agree to disagree. Staff is of the opinion that there could be consolidated open space. We talked about if we were to support this project that we will put some restrictions in a development agreement that would limit the number of phases that come on throughout -- within a certain time frame. There is a lot of moving parts here to try to get this to align with trying to meet the goals of the Comprehensive Plan and the requirements of the code. If -- we have denied the project -- the application, essentially, they are not meeting the code. That's how it works. We don't feel private streets are appropriate in this development and -- and that has been discussed with the applicant and, again, they wanted to move forward and get some input. Of course, you guys have an option to weigh in on whether you think private streets are appropriate. But, again, you don't have the ability to overturn that. And Alan and I shared with the applicant a list of concerns, we shared with them some ideas and, again, we are to the point where we kind of agree to disagree and that's -- that's really why we are here tonight. It really is if it's at the point -- it's at the public forum and all sides -- views are looked at and you guys deliberate on it. So, I will turn it back over to you, but I just -- I just wanted to at least give you some context that, you know, it really comes down to, again, kind of my closing remarks, just timing. Is this the right time for this development. I think the one thing that has occurred from the previous applications to this one is that we have annexed additional properties in the north -- northeast of this site or to the north of this boundary of this project. So, we have annexed more property than -- we realize the constraint out there. We are trying to address of those. But, again, we are talking about a fairly large development, 323 lots, and that's why we have kind of been cautious and been trying to

work with the applicant to get an appropriate fit for that area. Hopefully I'm not too long winded, but I just wanted to share some of that insight with you. It's not as simple as just continuing it and negotiating out conditions.

Seal: Okay. Thank -- thank you, Bill. Appreciate the perspective on that. Commissioners, do we have anymore questions for the applicant or staff? Okay. Hearing none, need a motion to close the public hearing.

Grove: Mr. Chair?

Seal: Commissioner Grove.

Grove: I move to close the public hearing for Skybreak Neighborhood, H-2020-0127.

Holland: Second.

Seal: Okay. It has been moved and seconded to close the public hearing for hearing item number H-2020-0127, Skybreak Neighborhood. All those in favor say aye. Any opposed? Okay. The motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Seal: All right. Who wants to start us off?

Yearsley: Mr. Chair?

Seal: Commissioner Yearsley, go ahead.

Yearsley: I don't mean to be -- but anytime you hear a -- an honest something -- it's usually not the case. I have to admit the premier community is in the eye of the beholder and at this point I don't view this a premier community. I think I -- I look at it as a -- trying to pack as many homes on 80 acres as they can, in my opinion. In this area we are on a rim lot. If you look at the homes around this, they are either a half acre all the way around or acres or larger. I would refer to see this as an R-4 at minimum with all private -- with all ACHD streets. We have -- we have private streets within our community and -- and we have to devote significant amount of our HOA dues to maintaining those private roads and they have got a lot of private streets, no sidewalks, to me this does not fit this area and I think I -- I just -- I can't -- you know, with the amount of common driveways they have with the number of homes on this, it just feels like they are just trying to stuff as many homes in this subdivision -- or the subdivision as possible. So, I don't see it as a premier community and I don't think it fits this area and I can't recommend it even going forward.

Seal: Okay. Thank you, Commissioner Yearsley. Anybody else want to jump in?

Grove: Mr. Chair?

Seal: Commissioner Grove, go ahead.

Grove: I will keep it somewhat short. I have a lot of issues with this as it's presented to us. From the amenities, to the shared drive, to the gated community as -- as it's laid out and I have no doubt that if they were to build this that they could sell those homes.

Seal: Okay.

Grove: I don't know how fast, maybe 20 years from now, and so I have concerns there. But I don't -- I could probably list ten different things that I have concerns with, but I would be in favor of denial on this one.

Seal: Thank you, Commissioner Grove. Commissioner Lorcher or Commissioner Holland?

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher, go ahead.

Lorcher: Being the new kid on the block here and in my short term with the committee, we haven't denied I think anything that -- during my time, but Chief Bongiorno makes a compelling argument and when the police chief doesn't see that this is the best use at this point in time, I would be hard pressed to say yes.

Seal: Thank you.

Holland: Mr. Chair?

Seal: Commissioner Holland, go ahead.

Holland: I would agree with my fellow Commissioners. While I think there is certainly some nice components to what they tried to do here and I -- I always appreciate the aerials, it's nice to see the marketing, but I really want to focus more on the plat than what the marketing shows. A couple of the bigger concerns I have. The transition to the south, transition to the east, while they provide some lots that gives that transition, they could have provided more that -- that gave a better transition and a -- in a lower density area to that kind of R-4, not the -- and I know that they -- they proposed R-15 just for the reason of trying to get the private streets, but it -- it comes across misleading. It's -- it's almost that they are -- they are trying to just get it in there as tightly as possible. So, I -- I'm not a huge fan of private streets in general. I would much rather see them be public streets. I like sidewalks. I have been in neighborhood that don't have sidewalks and it certainly can work, but typically what ends up happening is you have guest parking along the side of the road and you end up having people not walking along the curb area, they are walking right down the middle of the street and in the nighttime, especially if you have senior citizens and it's a targeted community, I would have concerns about having senior citizens walking down the middle of the road even though I can understand the intent of

what they are suggesting, I just don't think it's -- I don't think it's going to work as well as suggested. I also don't really love age restricted communities, because while there might be a market for it right now, it actually will lower the value of those homes in the future, because they are restricted to a certain age demographic if they really do have a restricted community and while there might be need for that right now, our community -- those change over time and I hate to see a subdivision that can't have -- won't say what was promised or would need to change or adapt in the future and so I -- I'm not a big fan of age restricted communities. I would rather see a community that has targeted maybe towards seniors, but I don't like the age restricted necessarily either. There is certainly a lot of challenges and I -- it's always hard for me to recommend approval of a project when staff has a lot of concerns as well and it's not just one or two small things. So, I think our hands are a little bit tied tonight.

Seal: Yeah. I tend to agree with you on that. I mean there is -- I had concerns outside of just what the staff had in there. I mean the no sidewalks and private streets are a big one for me as well. As I look at it and as I have said before, I mean developers -- and although there is cost associated with it and I don't want to discount that, they have an infinite number of chances to get it right. We get one. So, this just doesn't feel right and until it does and there is more agreement on what's been done or what can be done, then, I definitely would side with staff with it, but I don't get to vote in this one, so that said I'm more than willing to take a motion at this point.

Yearsley: Mr. Chair?

Seal: Commissioner Yearsley, go ahead.

Yearsley: After considering all staff, applicant, and public testimony, I move to recommend denial to the City Council of file number H-2020-0127 as presented during the hearing -- as presented during the hearing date on April 1st, 2021, for the following reasons: So, a higher density zone for the lower density area. The lower density zoning versus higher density zoning. R-15 to R-8 located on the fringe of the city limits and not an in-fill development. Narrow private streets with no sidewalk does not meet Comprehensive Plan policy for a walkable community. Some of the qualified open space that might be credited, is not usable, even though it meets minimum requirements. And I just don't think it fits the area. It's not -- the surrounding element is -- is more of a lower density community and this to me feels like a very high density community.

Seal: Do I have a second on that?

Holland: I will second.

Seal: Okay. It has been moved and seconded to recommend denial of Item No. H-2020-0127, Skybreak Neighborhood with the aforementioned reasons. All those in favor say aye. Any opposed? Okay. Motion carries as recommended for denial.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

6. Public Hearing for Meridian South Fire Station & Police Substation (H-2021-0008) by City of Meridian, Located at 2385 E. Lake Hazel

- A. Request: Annexation of 4 acres of land with the R-8 zoning district to develop the property with a fire station and police station.

Seal: Okay. That one out of the way. We will go ahead and move on to H-2021-0008, Meridian South Fire Station and Police Substation. We will begin with the staff report.

Tiefenbach: Yes. Hang on. Can you hear me okay?

Seal: Yes, we can.

Tiefenbach: Let me get to my share screen here. All right. There we go. All right. Commissioners, this is an annexation and rezoning. It is four acres of land with an R-8 zoning district to develop an 11,650 square foot fire station and an 11,000 square foot police substation building. The property is zoned RUT in Ada county, surrounded by R-4, R-15 and R-14. It's located at 2035 Lake Hazel Road, which is the south side of Lake Hazel Road between South Locust Grove and South Eagle Road. The Comprehensive Plan recommends this for medium density residential. However, in the Comprehensive Plan it does show this general area for being recommended for an emergency services type building. Again this is a request for annexation and zoning of 40 acres of land with the R-8 zoned district, but although much of the land surrounding the site was annexed in 2015 as the South Meridian Annexation, the subject property was not included as part of this annexation. This site is directly adjacent to the new Discovery Park. You can basically see it right here. It's directly west of this property. The plans are to develop the fire station and the police substation separately. It may or may not be at the same time. My understanding is they may start as early as next year. I believe that certainly they do have a duty to clarify. Following annexation a conditional use permit will be required for this, so it would come back to you, Planning Commission, and you would be the approval or denial body on that. That is because it is a public or quasi-public use and that is required to go through conditional use approval. The applicant has proposed to construct two driveways from the site to the new collector. So, here is Lake Hazel Road. Eventually -- so, there is existing access here and over here there is existing access to Discovery Park. ACHD eventually wants to turn off that access. In fact, our regulations say that you should be moving accesses off of arterials. There will eventually be a collector that's going to be built here. The applicant will be required to build this collector down to the south side of the property. They will also be required to build a ten foot wide pathway along the north and ten foot wide pathway along the east that is required for our master pathways plan. Again, the applicant will be required to close this access and they will open up two new accesses. One access will be for the fire department, one larger access will be -- or sorry. One access here will be for the police department. One larger access will be here for the fire department. Eventually this -- this area is planned for signalization. The applicant has submitted colored elevations for both buildings as you can see here. Architecture consists of sloped roof buildings with CMU and wood grade metal panel as the primary fill materials. Exposed timber frame and metal soffit accents would be

included with that. This proposed architecture will be reviewed in detail if the -- the annexation is approved and the conditional use is approved, they would have to do a certificate of zoning compliance, which is administrative, which would be reviewed by staff and we will look at the architecture against the architectural standards manual and with that I will entertain any questions if there are any.

Seal: Okay. At this point we will go ahead and have the applicant come forward. I'm not sure who is speaking on behalf of this for the city tonight.

Redman: Mr. Chair, Gunnar Gladics from RFM, Rice Fergus Miller, is going to be the lead on this and he is on the meeting.

Gladics: Hello. Can everybody hear me?

Seal: Yes, we can. Go ahead and state your name and address for the record and go ahead.

Gladics: My name is Gunnar Gladics, architect. I'm with Rice Fergus Miller. Address is 1422 56th Avenue Northwest, Gig Harbor, Washington. And thank you, Mr. Chairman and Commissioners. I would like to start with thanking Chief Blume for the introduction into why this project is needed. Certainly the response time and the public service that this particular site would provide the city is of utmost importance. Also one of the items that we have found is of significant importance -- importance is the shared use of the -- of the property. The ability of the city to provide both of these services on one site is a significant impact, being able to utilize common utilities and resources, public parking, et cetera, for an economic use of city dollars. In terms of the phasing, I just wanted to cover a couple of things that were brought up. We do have -- currently the fire station is pending start -- pending a budget approval. We are looking at starting construction in early 2022. The police substation component, we don't have a solid fix on -- on what funding they would get and when and so we would -- we are proposing that we in phase one at minimum build the fire station, as well as provide all of the amenities, all of the required landscaping, setback, buffers, et cetera, and creates a pad where the police station or police substation will be able to land when funding is available if it is not funded during the immediate construction. As far as the building, we -- working with the Fire Department on the current -- or the recently completed Station 6 we have started with the fire station plan prototype, which is meant to help increase turnout times or as Chief Blume mentioned chute times, so it's all going towards getting firefighters and first responders to the scene faster and what we have done versus Station 6 is to try to respond to the more residential context and provide some slope roofs and more residential materials to the area. And, then, the next point I wanted to make was about access is that our intent is that the first entry to the site to the north is very -- a very easily signed and very visually appealing place for the public to enter and would have access to the front door of both stations. The access drive to the south in front of the fire station would be emergency vehicles and fire department staff only and it would be heavily signed as such. Police access would be from the main drive just in the north of the -- the fire apparatus entrance. The other and final point that I wanted to bring up was that staff had several comments

about landscaping within the parking providing the minimum amounts in addition to providing a ten foot pathway to connect East Lake Hazel path, as well as the new collector pathway -- template path and we -- we agree with the comments that staff provided and will plan to provide those elements, as well as the eight foot security fence will be concurrently applied for with CZC applications. So, we agree with every -- with all the comments that staff had. And with that I think that is all that I have to share with -- with everybody today and thank you, Mr. Chairman and Commissioners.

Seal: Thank you, Gunnar. Appreciate that. Are there any questions for the applicant or staff? Okay. Hearing none, is there any public testimony?

Weatherly: Mr. Chair, we did have one person sign in online wishing to testify. Dean Kidd, if you are on the line can you, please, raise your hand in Zoom. Mr. Chair, I don't see anybody raising their hand at this time.

Seal: I don't either. Okay. Is there anybody in chambers that wants to come up and testify? No? Seeing none, just one more check here.

Weatherly: If anybody is joining us via phone on Zoom and you would like to raise your hand, please, press star nine on your phone.

Seal: No problem. Okay. Still not seeing anybody raise their hand in there, so, Gunnar, if there is anything else that you would like to add?

Gladics: No. I think that was all that we had. Thank you.

Seal: Okay. Last call for questions from Commissioners?

Holland: Mr. Chair?

Seal: Commissioner Holland, go ahead.

Holland: I'm going to make a motion that we close the public hearing for H-2021-0008 for Meridian South Fire Station and to move to deliberation.

Grove: Second.

Seal: Okay. It's been moved and seconded to close the public hearing for Meridian South Fire Station and Police Substation, H-2021-0008. All in favor say aye. Any opposed? Okay. Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Seal: All right. Who wants to start off?

Holland: Mr. Chair, I'm still unmuted, so --

Seal: Go ahead, Commissioner Holland.

Holland: I would just say this one seems like a fairly straightforward application. Anytime you can get a police and a fire station in the same spot I actually think it's a great -- great compatible use and I appreciate that their architectural design is complementing the neighborhood style. So, I am in favor.

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher, go ahead.

Lorcher: I only had two comments. When the Fire Commissioner made the comment about how seconds matter when it comes to response time, I'm kind of surprised to see the police station first, and, then, the fire station further south, which takes them, I don't know, two or three more seconds to get to the intersection to be able to turn. So, I would think that the fire station would be closer to the road and the police station behind, but I'm sure they have their reasons for it. The only thing that kind of bothered me about this project is that there is a 1940s farmhouse on the site, which will be they said removed, which I think means taken down and destroyed and I'm very sad to see another Meridian farmhouse being removed from our community.

Seal: Okay. Thank you. Commissioner Grove, Commissioner Yearsley?

Yearsley: Commissioner -- or chairman. Having a fire station and police, I am fully supportive of both. I do understand Commissioner Lorcher's comments. I think a lot of it is just for the fire station to the back it's easier for them to turn onto the main street -- to Locust Grove. I think it's more of a pathway. It would be a pretty sharp turn right at the intersection to get onto Locust Grove, so that would be my thought. But I'm in favor of this project.

Seal: Okay. Thank you. Commissioner Grove?

Grover: Yeah. I agree with everybody. So, we will just go ahead and move forward with it. After considering all staff, applicant, and public testimony, I move to recommend approval to the City Council of file number H-2021-0008 as presented in the staff report for the hearing date of April 1st, 2021.

Holland: Second.

Seal: Okay. It has been moved and seconded to recommend approval for Item No. H-2021-0008, Meridian South Fire Station and Police Substation. All those in favor say aye. Any opposed? Okay. Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

7. Public Hearing for 3175 N. Ten Mile (H-2020-0122) by Mason & Associates, Located at 3175 N. Ten Mile Rd.

- A. Request: Rezone of a 1.16-acre property from R-4 to the L-O zoning district commensurate with a provision within the Meridian Comprehensive Plan for the purpose of constructing an approximate 10,000 square-foot office building in lieu of residential development.

Seal: All right. Go ahead and move on to item number H-2020-0122 for 3175 North Ten Mile and we will begin with the staff report.

Dodson: Thank you, Mr. Chair. Just pulling up the PowerPoint for you all. Can everyone hear me all right?

Seal: Yeah, we can, Joe.

Dodson: Okay. Good. Can everybody see the screen now as well?

Seal: Yes.

Dodson: Awesome. Thank you. Sorry, just scarfed down dinner, so -- excuse me. As noted this is for 3175 North Ten Mile. It is for -- the request is to rezone a 1.16 acre property from R-4 to the L-O zoning district, which is in line with a provision within the Meridian Comprehensive Plan for the purpose of constructing an approximately 10,000 square foot single story office building with 42 parking spaces, in lieu of a residential development. That 10,000 square foot office building would require 20 parking spaces, so they are in excess of that with the proposed site plan. The subject site is somewhat of a residentially zoned outparcel, due to the fact that it is located on a hard corner of two arterial streets. It is in the southwest corner of the Ten Mile and Ustick intersection and it also has no local street access points. The Meridian Comprehensive Plan has provision to allow properties like this that are less than two acres and have site constraints, particularly constraints made by arterial streets, they are allowed to request a rezone from residential district to the limited office district. The existing site constraints and this provision of the Comprehensive Plan are why the rezone request is being listed before you tonight. The proposed use is for a dental office, which is a principally permitted use within the requested L-O zoning district. The applicant has submitted a site plan that showed compliance with all dimensional standards for a commercial development. With the proposed site plan and proposed use, staff finds the proposed rezone and use to be generally consistent with the Comprehensive Plan. The subject site was annexed in the city in 2010 and does has an existing development. As staff analyzed the application and the existing DA, staff realized that a DA modification was also required, since the original DA contemplated a residential development and not a commercial development. Therefore, the proposed rezone and office use are not generally consistent with the DA. These modifications only required Council action, so following this hearing, should they receive a recommendation of approval, staff recommends the applicant submit a DA modification application to run concurrently with this rezone for the purpose of entering

into in a new DA subject to the proposed development plan, which is the site plan and the new DA provisions noted within the staff report. The existing DA provisions -- there is a -- I should say there is one existing DA provision that requires a 20 foot landscape buffer adjacent to the three existing residents to the south and west. The submitted site plan shows this buffer with adequate -- adequate landscaping and, therefore, in compliance with that existing provision. In hindsight, the 20 foot buffer is also a minimum buffer requirement for the requested L-O adjacent to any residential use. A number of the parking spaces are facing directly towards one of the residential -- or one of the residences, which would be these here I'm referring to and there is an existing wood fence located along all of the shared property lines to these homes. Because the proposed use would have more vehicular traffic than residential, staff finds that the proposed landscaping and existing wood fencing may not be enough screening to mitigate light and light pollution from the proposed dental office and parking lot. Therefore, staff has recommended the landscape buffer be widened to 30 feet adjacent to this home. So, this buffer here and this buffer here be widened to 30 feet in the southwest corner of the site. This change would not compromise any other required dimensional standards, as the proposed drive aisles are more than 15 feet wider than they are required to be. The wider buffer with additional landscaping would pull the parking spaces even further away from the existing homes. Staff did make a mistake -- or I should say I didn't edit my staff report enough before I sent it out and I noted that the applicant should work with adjacent homeowners to replace the wood fence, but that should have been deleted from the report. I do apologize for that if that's caused any confusion. There is no subsequent condition of approval for that, because I should have deleted that in the report. Staff does not believe that replacing the fence is the best option. Instead, staff believes the conditional approval to require the wider landscape buffer adjacent to the home in the southwest corner of the site is a more appropriate solution. In addition to the landscape buffer, access to the site is an issue and is proposed to be two connections to the adjacent arterial. One right-in only access is proposed -- is proposed to Ustick -- or from Ustick I should say and one right-in, right-out access is proposed along Ten Mile. The proposed access to Ustick does not meet ACHD policy, but was a negotiated access at the time the property was sold from ACHD to the current owner. The proposed access to Ten Mile does meet ACHD policy as a limited access right-in, right-out only and is recommended for approval by ACHD. Staff supports the proposed access on Ten Mile commensurate with the approval by ACHD. In addition to the access to Ustick not meeting ACHD policy, the city could further restrict access points for the development despite ACHD's previously granting the access with the sale of the property. The proposed access to Ustick is proposed as an entrance only access, but there would be no true way to restrict the vehicles from utilizing it as an exit. I would if I was in that situation, which is unfortunate, but there is no real way to restrict that. Therefore -- sorry. In addition, this access point is directly within a right-hand turn lane on Ustick to head south on North Ten Mile Road, which intensifies the safety issues associated with this proposed access point. Therefore, through the UDC staff recommends the proposed Ustick access not be approved and, instead, utilize it as an emergency only access barricaded with knock down bollards to prevent people from utilizing it as an entrance. There was one piece of written testimony submitted by -- I believe it's the homeowner that is on the southwest corner. I couldn't verify that. But it's one of the three homes associated. His concerns with the existing

fence remaining and the possibility of future cars jumping the curb and going through the landscape buffer and through their fence. They noted a request for an eight foot tall block wall to replace the existing fence. In the requested zone eight foot fencing is not allowed of any kind. In addition, making an applicant work with the homeowner could be very tricky and there could be no guarantee that staff would be able to verify that that was ever accomplished, which is why staff recommended the wider buffer instead. As Commission sees fit, you can further that requirement of the landscape buffer and require a berm with denser landscaping on top if you would like to make that even safer. Therefore, staff does recommend approval of this application with a requirement that the applicant apply for a concurrent DA modification to be heard at a future City Council meeting. After that I will stand for questions.

Seal: Okay. At this point I would like to ask the applicant to come forward. State your name and address for the record.

Mason: My name is William Mason with Mason and Associates here on behalf of Dr. Rigby and the Design Group. Tonight we are asking for the rezone for a piece of property that ACHD sold to our client. ACHD entered into that development agreement in 2010.

Seal: Sir, did you give your -- state your address for the record?

Mason: I'm sorry if I didn't. It's 924 3rd Street South, Nampa. 83651.

Seal: Okay. Thank you.

Mason: So, in 2010 ACHD entered into a development agreement with the city and thereafter our client purchased this property. Prior to purchasing the property our client talked to ACHD and city planners to verify that he would have access off of Ustick and Ten Mile. ACHD and city staff at the time agreed that a right-in only off of Ustick would be acceptable and a right-in, right-out on Ten Mile would be acceptable. ACHD is honoring that request in their staff report and we would ask that the Commission honor that request if they can feel comfortable with the -- the same comfort level as ACHD. We had one other item that is of concern to us and that's the widening of the landscaping along the south and west side. That 45 foot road access is actually acting as fire access also and so we want to make sure we have turning movements for the fire trucks to be able to get through there. We are not completely opposed to the extra widening of the landscaping strip as long as we can get traffic movements for the fire trucks through the site. And with that I would stand for any questions.

Seal: Okay. Thank you. Commissioners, do we have questions for the applicant or staff? Don't see anybody coming off mute here, so -- okay. With that we will go ahead and take public testimony.

Weatherly: Mr. Chair, we have no one additional signed up besides the applicant to testify.

Seal: Okay. If anybody -- I have one gentleman that would like to come up and testify. Go ahead and come on up, please, sir. And please state your name and address for the record and go ahead.

Rankin: My name is Stephen Rankin. I'm one of the neighbors of this property. I live at 3062 North Firelight Place. I share a fence with this property line. I'm not opposed to the building. I'm not opposed to, you know, a dentist office. I have met the dentist and he's a great guy. Him and I have had conversations. I didn't know the size of the building, anything like that. What I would say is in terms of the location of the out, he has the one coming in from Ustick and, then, the one going out from Ten Mile. I would like to suggest on behalf of the residents who, again, I have neighbors with and myself and my wife and, you know, other people who eventually I'm sure will one time or another occupy my home to have the exit from that parking lot be closer to the building itself. Personally my bedroom literally is right there. So, whether it's first thing in the morning or it's late in the evening or late at night, if someone is coming into there -- believe me, when you hear trucks coming up and down the street at the stoplight you hear it in your -- in your living room. You hear in your kitchen. You hear it upstairs in the bedroom. I would like to politely request that if you are going to have an exit, the only exit for that matter, that you have it be closer to that yellow building, as opposed to right next to my -- my fence. That would be the one thing I would like to suggest. Again, not sure going into this what it was going to be. I'm not opposed to a -- to a dentist office whatsoever. The only thing I would like to politely request is the exit be closer to the building itself and not right next to my fence and thank you.

Seal: Thank you. Appreciate that. Okay. Would anybody else in chambers like to come up? I don't see anybody out there. Anybody on Zoom, if you raise your hand. Don't see anybody. Or it's star -- star nine if you are on a phone. Seeing none, if the applicant would like to come back up and close.

Mason: Again William Mason with Mason and Associates. Again, I would just like to say thank you to the staff and thank you for the Commission for having time for us to present this. I believe it's a good project. I believe it will enhance the area and allow people to get services closer to their homes.

Seal: Okay. Thank you.

Yearsley: Mr. Chair, can I ask a question of the applicant?

Seal: You bet, Commissioner Yearsley, you go ahead.

Yearsley: So, can you address the gentleman's comment why you can't move the approach farther up towards the building on Ten Mile?

Mason: Commissioner, yes, I can. ACHD, during their negotiations, wanted that right-in, right-out to be as far to the south as we can get it in order to not impact the intersection.

Yearsley: Thank you.

Seal: Okay. Do we have any other questions from our Commissioners for staff or the applicant? Okay. Hearing none, I will take a motion to close the public hearing. Thank you, sir.

Yearsley: Before we do that -- and the applicant had the question about fire access around -- in making those turns, you know, for the fire access in and out of the facility there. How do we want to address or talk about that with regards to making the landscape buffer bigger? Do we want to do that now or -- I would kind of like to have staff chime in on that as well.

Seal: Sure. I think that would be a question for Joe and he can respond to that. I think that he did initially respond to that, saying that the drive aisles are 15 feet wider right now than code requires, so --

Yearsley: But the applicant said that they were concerned about the turning radius for the fire trucks to get in and out of that facility if you make those drive aisles small.

Seal: Right.

Yearsley: So, I'm not quite sure how we want to address that or --

Dodson: Mr. Chair?

Seal: Go ahead, Joe.

Dodson: Thank you. Great question, Commissioner Yearsley and the applicant. I do understand that concern. I have -- would do protect reviews for these and this came up as a potential with -- with Fire and they -- they said that everything should still be fine. Like I said, they -- this could be built with 25 foot drive aisles and they should still be able to make those radiuses work and with a ten foot reduction they are going to be over 30 feet wide, so they should be able to make all those radii work. If not, if by some chance they cannot, there -- there is some malleability in the site plan and we might be able to move the landscape -- one of the planter islands over, for instance, this one here, if that needs to move in for the Fire radius here, if they lose one parking space that's fine, they are well over. They have twice the amount of parking they need. So, they are -- there are easy ways to make this work.

Yearsley: Okay. That's what I wanted to make sure before -- so that doesn't become an issue, so thank you.

Dodson: Absolutely. And, then, to reiterate what the applicant also said about the access point, regardless of what was negotiated with the applicant, that ACHD is going to want the accesses far from the intersection as they can get it. I don't know if ACHD would be willing to change that. I believe the minimum distance may not even be met with this. It

has to be at least -- I believe because Ten Mile Road is at least a 45 there -- or 40 mile an hour. It should be 400 plus feet and I don't know if this is even 400 feet. It just is the furthest away it can get, while also meeting the landscape buffer requirements.

Yearsley: Yeah. I figured that as well, but I wanted to make sure the -- or the -- the public knew that, so --

Dodson: Absolutely.

Holland: Mr. Chair?

Seal: Go ahead, Commissioner Holland.

Holland: One more quick question. Is the dentist's office taking up the entire square footage of the site? I don't know if we asked that question.

Dodson: Mr. Chair?

Seal: Go ahead, Joe.

Dodson: Is it my understanding that there is potential that he will not operate the entire building? Ten thousand square feet is rather large for a dentist office from my understanding, but they will be limited to office uses, which, thankfully, with the L-O zone is pretty limited. You are not going to have a restaurant in here, you are not going to get any of those types of things. It will all be less intensive uses and the L-O zone being adjacent to the -- being adjacent to residential zoning and uses, will have unlimited hours of operation period within the -- out of our code, from 6:00 a.m. to 10:00 p.m. and should there be a conditional use permit come forward the Commission would, obviously, have a chance to discuss that further. But like I noted they do have twice the amount of parking that we need as well. So, there are options for additional use to come in, but it would probably be something adjacent or similar to the dental office.

Holland: Thanks. That helps. Confirming that we can't have a restaurant use in there I think is what I was concerned about.

Dodson: Yes, ma'am.

Seal: And, Joe, quick question for me on the -- as far as increasing the berms and all that and just to address the applicant's concerns, which I think has partially been addressed, but I mean would you be in agreement to maybe -- instead of going ten foot in additional with those, maybe five feet and build up a two foot berm on there and have, you know, trees -- mature trees touching -- you know. Or trees touching when they mature type of landscaping in there to have, you know, basically the same kind of effect? Looking for a happy medium here.

Dodson: Understood, Mr. Chair. And I think that's amenable. I do. I don't think that -- that -- I didn't initially think about the berming and maybe more dense landscaping to help. I mean it's, obviously, a lot harder for a car, in the worst case scenario, to go through a bunch of trees. That is very difficult. Maybe one or two, but not a whole bunch. So, I understand that and if that is a happy medium that the Commission wants, I'm amenable to that, yes.

Seal: Okay. Anymore questions? All right. I will gladly take a motion to close the public meeting.

Holland: So moved.

Seal: Okay. It is -- oh, do I have a second for that?

Yearsley: Second.

Seal: Okay. It's been moved and seconded to close the public hearing on item number H-2020-0122, 3175 North Ten Mile Road. All those in favor say aye. Any opposed? Okay. Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Seal: All right. Who wants to go first?

Lorcher: Chairman, I will go first.

Seal: Okay. Commissioner Lorcher, go ahead.

Lorcher: I live down -- I live down the street from this and if I was to go to the dentist here I would most certainly take a right-hand turn from Ustick into this lot versus a left-hand turn over Ten Mile. So, I don't know what the conversation was, how they wanted the access, but they were trying to make it in and out only type of thing. But I would rather take a right than the left. But this is -- this is just an example of a little bit off setting, because it makes it look really big, but this is really small. I mean it shows like on the Ten Mile where the south entrance is seems like it's really far away, but it's right there at the intersection. So, I understand the homeowner's concern. But with a dentist office they are really going to work Monday through Friday, maybe 7:00 to 5:00, maybe 8:00 to 5:00 type of thing. And so the impact of noise to the adjacent homes should be relatively minimal, especially on weekends and evenings.

Seal: Thank you.

Dodson: Mr. Chair?

Holland: Mr. --

Seal: Oh. I think that was Joe. Go ahead.

Dodson: Sorry. Commissioner Holland. We are fighting for -- I'm sorry. I just wanted to clarify the access for the Commission to -- the right-in, right-out access would be on Ten Mile. So, you would not be able to be heading north on Ten Mile and, then, make a left. You would make a U-turn and, then, come through. Part of the ACHD condition of approval is to work with -- for the applicant to have ACHD do some type of medium block -- like a curbing I think is what they suggested -- or requiring. And, then, staff is recommending to only have the Ustick access be emergency only, just to avoid people trying to exit, because it would be one of them I'm sure to try and exit out and cut across three lanes of traffic and the right-hand turn lane to head east on Ustick. It would just be the easiest thing for someone to do. So, we just want to avoid those issues and the potential increase in accidents by that, even if it would be shown as a one way.

Holland: Mr. Chair?

Seal: Commissioner Holland, go ahead.

Holland: I was going to echo the same thing that -- that Joe just said, but that's -- the only access in and out of here is a right-in, right-out, so they can't turn left off of Ten Mile into it, they can only turn right. So, if you were coming from Ustick you would have to turn right on Ten Mile and, then, right into the development. I can see staff's concerns, too, because if -- if the Ustick access was open and you see a stack up of people at the intersection trying to turn right and you wanted to cut through traffic, I could see people cutting through the parking lot to get out on Ten Mile quickly, too. So, I -- I think I'm in favor of the recommendation there to make only one access point and where there is a dental office use, you are not going to have lots of traffic needs flowing in and out of there, so it might be a little inconvenient for patrons of the dentist's office or other office users, but I think they will figure out a flow that -- that works for them. Especially since we don't have a restaurant use in there I'm not as concerned. The only real object I think we need to discuss is vision screening, because that's kind of the only obstacle that came up. Rather than seeing an enhanced buffer, I probably would rather just see some sort of no vision screening that we could put up against the fence line, whether that's brick wall or whether that's an extra vinyl fence or something like that that could help with some of the vision screening, if that's the only concern. But, otherwise, I think it's a nice in-fill for a strange lot. I have driven by this frequently and just always wonder what could fit there and I think this is a decent fit for what -- what could be on that awkward lot.

Seal: Okay. Thank you. Who would like to jump in next?

Yearsley: Mr. Chair?

Seal: Commissioner Yearsley, go ahead.

Yearsley: I like this. I think it's a great in-fill project. I think it's a nice fit. A very I guess low density type versus impact, you know, during -- during the day. Not a huge amount

of turnover. I'm, actually, I think in favor of increased buffers. They got more asphalt than they need and it's actually less expensive for them to -- to do less to pave. So, it just gives a little bit more landscaping along the edge and makes it look -- look prettier. So, I'm in favor of the increased buffer area.

Seal: Okay. Commissioner Grove, do you want to jump in?

Grove: I concur with everything that's been said. I'm open to whatever the decision that everybody is for the buffer, but I would be in favor of doing what staff has recommended in terms of closing the drive aisle on Ustick and utilizing it only as emergency access.

Seal: Yeah. I -- I struggle with that one a little bit. When you -- you get a piece of property and you have things negotiated that you think are going to be available and, then, they are suddenly not, that might change some things. So, I'm -- I'm a little bit on the fence about that one. As far as the -- you know, expanding the berms and everything, I think an expansion should happen. Honestly, I think if the -- if that berming were built up a couple feet that would help with not only noise, but also the light, because I mean after a couple feet most cars are going to -- their lights aren't going to shine through that anyway. Not for all cars, but for quite a bit of them. I don't know that a second fence would -- it seems like that might complicate things. To me if -- you know, fencing would be something that we wouldn't want to do. I think we would just ask the applicant to work with the neighbors to replace the fencing that's there. That said I don't think it's going to do much for sound and even vinyl fences have cracks in them, so hard to -- hard to say what would happen in there. But the rest of it looks good. I'm glad to see that a project is coming to fill this corner in at this point in time. With that I would gladly entertain a motion. All right. Who is going to jump in? Is that Commissioner Yearsley?

Yearsley: I just -- I guess for the consensus, I know we have some differing of opinions. I would be curious to know -- I know Commissioner Holland, you -- you didn't want the increased buffers. Are you okay with the increased buffer?

Holland: Mr. Chair, Commissioner Yearsley, I'm okay with the enhanced buffer. I -- I just thought it -- you know, the applicant seemed like they didn't really care for that idea and I -- I don't know that it's necessarily needed, because I don't think it's going to save them all that much traffic noise. I guess I'm open to either way. Whatever the Commission feels like I will go along with.

Dodson: Mr. Chair?

Seal: Go ahead, Joe.

Dodson: Just real quick to clarify with any motion. I do not have any berming or mention of denser landscape within my conditions of approval. So, if you want that you will have to add that into the modification I should say -- just to the -- the maker of the motion, sorry, is the word I was looking for.

Seal: Okay. Thanks for that clarification. Anybody want to take a stab at a motion?

Yearsley: I will go for it. Mr. Chairman, after considering all staff, applicant and public testimony I move to recommend approval to City Council of file number H-2020-0122 as presented in the staff report for the hearing date of April 1st, 2021, with no modifications.

Grove: Second.

Seal: Okay. It has been moved and seconded to recommend approval of item number H-2020-0122, 3175 North Ten Mile, with no modifications. All those in favor?

Holland: Mr. Chair?

Seal: Oh, go ahead. Commissioner Holland.

Holland: One -- one clarification question to the motion maker. Did you not want to have any enhanced screening or buffering or anything? Because I know -- I don't think what -- what Joe just said was that they don't have that in the staff report.

Yearsley: I know and I -- I'm okay not having increased buffering or a berm in that. So, if you are wanting to deny this and do a different motion I'm -- I'm okay with that.

Seal: Yeah. At this point if -- if we are going -- if that's going to divide the vote, then, I would almost rather than Commissioner Yearsley repeal his and if you want to jump in, Commissioner Holland, we can do that, but --

Yearsley: I guess I would be interested in what other people are wanting to say on that.

Holland: Well, I think one more clarification question if I may.

Seal: Go ahead.

Holland: So, staff, we did require having some landscaping there as the buffer. Your recommendation earlier this evening was to do an enhanced buffer zone and that's what's not in the staff report? Can I just clarify that real quick?

Dodson: Mr. Chair, Commission Holland, that is correct. Yes. My staff report only states a wider buffer. There was no mention of a berm or a mention of more dense landscaping. If the Commission sees those options as needed, then, that would be -- you would have to put them in the motion. Yes. If not, then, you -- then no modifications are necessary.

Seal: So, we have the -- we have the ten foot increase in -- in buffer size, but nothing else, basically, what the motion is at hand?

Yearsley: Yeah.

Holland: You know, I think with the -- sorry, I'm -- Mr. Chair. I think with the enhancement of what we have talked about and having the shrubs and stuff there, I don't think there is going to be a lot of light coming through and especially because if -- if it is a dentist use or office use you are probably not going to have a lot of people coming in before the 8:00 to 5:00 hours typically either. If you do have some dental patients they are going to park as close to the building as they can if they are coming in before hours would be my guess, because that's what I try to do.

Yearsley: And that would be my thought as well. That it would be mostly during the day. Even if the other areas are being some other type of facility, like a -- you know, orthodontist or some other business more than likely will be during the day.

Holland: Okay. I'm okay with it then.

Seal: Okay. We will go ahead and proceed with a vote then. All those in favor say aye. Any opposed? Okay. Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Seal: It's 8:25. Does anybody want to request a bio break or anything or do we want to go ahead and get through this last one?

Yearsley: I think a five minute break would be good.

Seal: Okay. We will break for five minutes and we will be back.

(Recess: 8:25 p.m. to 8:31 p.m.)

8. Public Hearing for Seasons at Meridian/Winco Wells Subdivision (H-2021-0007) by The Land Group, Located at 2600 and 2700 E. Overland Rd.

- A. Request: Conditional Use Permit for a multi-family development consisting of 360 dwelling units on 15.89 acres of land in the C-G zoning district, located at 2700 E. Overland Rd
- B. Request: Preliminary Plat consisting of 3 buildable lots on 34.62 acres of land in the C-G zoning district located at 2600 and 2700 E. Overland Rd.

Seal: Okay. I think we are ready to get started again. So, we will start in -- or we will start back with file number H-2021-0007, Seasons at Meridian/Winco Wells Subdivision and we will start with the staff report.

Allen: Thank you, Mr. Chair, Members of the Commission. The next applications before you tonight are a request for a preliminary plat and a conditional use permit. There is

also an accompanying development agreement modification application, but this does not require Commission action, only City Council. This site consists of 34.62 acres of land. It's zoned C-G and is located at 2600 and 2700 East Overland Road. Adjacent land use and zoning. To the north is the I-84 off ramp. To the west is commercial, retail, restaurant and animal care uses, zoned C-G. To the south is Overland Road and a school, restaurant, and office uses zoned C-G and to the east are single family rural residential properties, zoned R-1 in the county. This property was annexed back in 1994 and a development agreement was approved in 2016. The Comprehensive Plan future land use map designation is mixed use regional. A modification to the existing development agreement is proposed to exclude the east parcel from the development. A new development agreement is proposed for the east parcel, which will accommodate the change in ownership of the east parcel if the conditional use permit is approved for the multi-family development. The existing development agreement includes a conceptual development plan for the west parcel, which depicts an 85,000 square foot single story Winco grocery store with associated parking on the north side of the future extension of East Cinema Drive and vacant land with no development plan on the south side. At the time the original development agreement was approved a use and development plan was not known for the east parcel. Therefore, provision was included in the development agreement that requires the agreement to be amended to include a conceptual development plan that demonstrates consistency with the mixed use regional future land use map designation in the Comprehensive Plan prior to any development occurring on the site. The proposed development plan for the east parcel is a 360 unit multi-family residential development as shown. Staff believes the proposed plan contributes to the mix of uses desired in the mixed use regional designation and provides a transition and buffer between commercial uses to the west and low density residential development to the east. Overland Way Subdivision. The addition of more residential uses in this area will provide more patrons for surrounding commercial, retail, and restaurant and office uses and businesses, as well as offer employment options in close proximity to the residents. A conditional use permit is proposed for the 15.89 acre, 360 unit multi-family residential development as required by code in the C-G zoning district. A total of 180 studio and one bedroom units, 152 bedroom units and 33 bedroom units are proposed in ten structures with 36 units per structure. This development is proposed to be constructed in one phase. A total of 3.8 acres of outdoor common open space is proposed, which exceeds the minimum 2.1 acres required. Based on 360 units, a minimum of five amenities are required, but the decision making body is authorized to consider additional similar amenities if they believe the proposed amenities aren't adequate for the size of the development. Amenities are proposed consisting of a clubhouse with a swimming pool, bike maintenance room, fitness facilities, partial lockers, remote work classroom stations and a coffee bar. An outdoor fireplace with the seating and a barbecue, public art, half mile pedestrian loop with a ten foot wide pathway and internal pathways, 18 grassy areas of at least 50 by 50 feet in size, including a dog park, multiple courtyards, park areas with seating, a plaza and pocket libraries, community garden and a children's play structure. Because residential uses are proposed adjacent to I-84 along the project's north boundary, noise abatement is required in the form of a berm or a berm and wall combination parallel to the freeway. The applicant has requested and received director approval of alternative compliance to this standard to provide double pane storm windows

on all structures within the development since the buildings are proposed to be set back at least 250 feet from the freeway and will be two and three stories in height. Parking is proposed in excess of UDC standards. A minimum of 646 spaces are required with 270 of those being in a covered carport or garage. A total of 655 spaces are proposed with 360 of those being in a covered carport, which is nine extra spaces over the minimum required for the overall site. The Commission should determine if the proposed parking is adequate or if additional parking should be provided as a condition of approval of the conditional use permit. Conceptual building elevations were submitted for the apartments and the clubhouse as shown. The apartments consist of two and three story structures in a contemporary farmhouse theme with hip roofs and the steep gables. Building materials consist of a combination of vertical board and batten siding, stucco and decorative balcony rails, along with varied color schemes. Stairways are concealed from public view. L-shaped buildings are proposed for variety. The final design is required to comply with the design standards in the architectural standards manual. A preliminary plat is proposed as shown, consisting of three buildable lots on 34.62 acres of land in the C-G zoning district, proposed to develop in two phases. The first phase consists of the extension of South Wells Avenue from Overland to East Cinema Drive and includes the east parcel. The second phase consists of the extension of East Cinema Drive from Wells to the west boundary of the site and includes the west parcel. Right of way for the extension of South Wells Avenue and East Cinema Drive is proposed to be dedicated with the plat. In order to provide interconnectivity between uses in a timelier manner and dispersed traffic, staff recommends the extension of East Cinema Drive from the west boundary of the site to South Wells Avenue occurs with the first phase of development. The traffic signal at Wells and Overland is also required to be installed prior to issuance of the first certificate of occupancy. Written testimony has been received from Deb Nelson, Givens Pursley, and Ryan Morgan, Morgan Stonehill Partners Development Company, the applicant's representative. They are in agreement with the staff report, except for staff's recommendation for Cinema Drive to be constructed with the first phase of development, rather than with the second phase as proposed. Staff is recommending approval with the conditions in the staff report and staff will stand for any questions.

Seal: Okay. With that we would like to ask the applicant to come forward.

Nelson: Good evening, Commissioners. Long time no see.

Seal: Yes. Go ahead and state your name and address for the record and go ahead and go.

Nelson: I would like to bring up a presentation if I could quickly and, then, I will get going. Okay. My name is Deborah Nelson. My address is 601 West Bannock and I'm here on behalf of the applicant. There is also representatives of the applicant and our local development team here with me that are available to answer any questions that the commissioners may have and thank you to Sonya for her work on this project and her recommendation of approval and presentation this evening. I'm going to touch on a couple of the same things Sonya did. I will try to not repeat too much of what she said about the history, but there is some context there that's relevant to our application request

and even though the DA modification is a Council level decision, we think it helps for the Commission to have a feel for all three of the applications that are presented together. As Sonya mentioned, the Winco site is to the west here and our project site is in yellow on the east. Both of these were annexed together in '94 and zoned C-C and, then, in 2016 the city approved the development agreement for that Winco development and I want to focus in just on some of the conditions there. Specifically the -- the Winco site is allowed to develop consistent with the concept plan which was attached to the development agreement and shows that a 5,000 square foot retail space with the -- the parking -- our site, on the other hand, at 2700 East Overland Road required a development agreement modification simply for the purpose of coming back with that conceptual development plan when it was known that's consistent with the MUR designation and so that's what we are -- that's why we have the VA modifications in the city and this is an overlay of the concept plan that we would add to that development agreement. And as Sonya describes in detail in her staff report, the proposed multi-family use and development plan that we have proposed is consistent with the MUR designation in your future land use map, because it contributes to the mix of uses that's desired in that area by adding needed higher density residential in an area that's already heavily developed with commercial and employment uses. You can see from this slide that the MUR area in this location is very large, it's 650 acres, and -- and it calls for a mix of uses, employment retail and residential with residential densities ranging from six to 40 units per acre. This particular large MUR area currently has extensive retail and office uses, but very little residential and is far below the six to 40 target with the current density of only 1.67 units per acre in this area and it's particularly -- has a similar residential district deficiency in that quadrant where we are in that northwest corner of Overland and Eagle where the current density is only .06 units per acre. So, as the staff report notes, the higher density residential here will support the surrounding commercial and employment and it provides a great transition in between the smaller low density residential to our east and the more intensive commercial to our west. In addition to a DA modification, of course, we have the preliminary plat, which is needed to create the lots. The city and Winco Foods actually originally thought that the apartment site was a separate lot and that's why the DA modification was filed before the preliminary plat application. There is a record of survey showing separate homes and driveways were permitted there off of Overland and it's possible there was a division done at one time when the city allowed one time splits or it could be something was unusual here because of the interchange location. But in any case, the administrative records were not found within the city, so we are filing the preliminary plat to really clean this up and ensure that we have a separate legal lot for the apartments and if that's -- that's relevant to know that history as we look to the improvements that are expected and contemplated with this. You know, we have proposed two phases for development of the preliminary plat. Phase one is on the east, that's our Seasons at Meridian apartment site with the extension of Wells Avenue up from Overland and we will construct the signal at Wells and Overland, which signal was originally required as mitigation for the Winco and now will be built by the applicant for the apartment. Phase two, the western site, those two lots that are there, will include development of those lots and the extension of Cinema Drive at the time that -- that development proceeds. And that's -- that's the phasing that we outlined in our preliminary plat and that is the phasing that ACHD has approved as well. In addition to the DA

modification and the preliminary plat, consistent with the existing C-C zoning, we are requesting approval of a conditional use permit for the multi-family units and the Seasons at Meridian proposes 360 apartments. The site includes ten L-shaped building arranged around internal open space areas to create these smaller neighborhoods within each of those buildings. Basically pocket parks for active and passive recreation and gathering. The idea is to create one large community and within that large community have micro communities where people can gather with their neighbors. This is an aerial showing that arrangement. This view highlights how well the building arrangement creates that urban life block pattern that's called for in your Comprehensive Plan for MUR areas. Nicely framing those open space areas as interlaced with landscape pathways and the boulevard entrance that all connect and integrate the site to the adjacent commercial uses. Here we have got the elevation perspective. Each building has been designed to create a sense of scale by incorporating a blend of two and three story rooflines, softening that overall massing of the architect and you can see that on that west elevation. More expensive construct than just taking it across -- that it creates that nice mix and those will be the exterior facing elevations property. Pedestrian access is provided by several formalized enhancements entry gates for each building concealing the stairways away from public view. Another view of the building perspective. The apartments will include a mix of studios, one bedroom, two bedroom and three bedroom units, ranging from 480 square feet to 1,328 square feet. Each unit has been designed with expansive private patios and balconies. A minimum of 80 square feet to create that indoor-outdoor experience for the outdoor lifestyle. The interior of the units are designed to accommodate today's ever changing market with open space floor plans and an abundance of glass. Informal living and dining areas have large island kitchens, ideal for entertaining for that casual lifestyle. Other amenities include large bedrooms with walk-in closets, dual vanities and master suites. Large shower and ample storage space. The architectural theme is contemporary farmhouse. A combination of vertical board and batten siding, stucco, and decorative balcony rails along with various -- with varied color schemes creates a soft, well balanced exterior facade. Seasons at Meridian will include 4.15 acres of qualified open space. That's 26 percent and nearly double the 2.1 acres that's required for this site. Internal pathways and sidewalks are linked throughout the site, including a perimeter half mile walking path. The site includes a dog park up in the northeast quadrant there. A large centrally located clubhouse with pool and barbecue seating and courtyards within each building enclave. They each have the Seasons theme and so hence the Seasons at Meridian name. And, yes, there are five enclaves, and so there will be two summers, which everybody needs more summer in their life. Significant landscape buffers will provide attractive screening, along with all perimeter borders, and the amenities are extensive and Sonya walked through some of these. There will be 26 qualified amenities, representing each of the three categories that are listed in the UDC. The clubhouse includes parcel lockers, a bike maintenance room, remote work classroom space and the coffee bar and outdoor fireplaces, seating, barbecue areas. There is fitness facilities and public art. The project includes 18 grassy areas that meet your criteria for the 50 by 100 feet and these include a variety of amenities within them including the dog parks, the multiple courtyard, park areas with seating, a pocket library, plazas that dot the trail that circumvents the property. Community garden. A pool. Walking trails and a children's play structure. These slides provide some imagery for the

architecture and the quality of the design for the clubhouse and the amenities that will be available to the residents. There are some interior images, again, to show the fitness room, work spaces, gathering spaces and some more imagery of the outdoor area and the pool. The community also includes property management office, a maintenance storage area, central mailbox and parcel lockers, with the electronic parcel lockers, such as the example shown here, recipients don't need to worry about parcel theft or misplaced parcels. The parcels could accept deliveries. The resident receives a -- an electronic notification and with the code they receive can retrieve their parcel at their convenience. The site plan includes 655 parking spaces, including 360 covered parking spaces throughout the site. This is 24 over the amount that's needed to service the residences. As Sonya pointed out, there is no requirement in the code for 16 spaces to serve the clubhouse as well, leaving nine extra over that. Of course the spaces that are designed to serve the clubhouse are -- since those amenities are for our residents and their guests already, we feel that that has already been calculated in the base calculation for what's needed for each resident. But in any case, that -- those spaces that are available to serve, whether it's the entire 24 or even if it's the breakout of the 16 and the nine, those are all going to be available to serve our extra space. Our guests will have time, both during the day to access the -- the clubhouse when it's open from 9:00 to 6:00 and, then, there will still be plenty of space when that clubhouse facility is closed, providing all 24 extra spaces throughout the property. It's important to note, too, that this development does not include any enclosed garages and so I think the concern that the city has had in the past with needing to over park even beyond the amount that we are overparked is where you have got people storing things in their enclosed garages and that will not be an issue here. So, there should be sufficient parking with the amount that we are overparked. The Seasons at Meridian is designed to integrate with surrounding uses. Our treeline east-west driveway aligns with Cinema Drive, which will ultimately extend to the Winco site when it's developed to the west, creating this visual and physical integration to the commercial uses to our west. On our east side there is a single family residential county subdivision that doesn't have vehicular connectivity, but we still provide pedestrian connectivity and welcome these residents to enjoy our walking paths. We have also created a significant buffer between the proposed project and the existing homes to our east to ensure compatibility. Our buildings are set back over a hundred feet from the property line and the average setback of our neighboring residences from the property line is at least 250 feet and it looks like -- more like 270 feet from Google Earth. This project will maximize and use existing city services by connecting to an adjacent utilities and by locating housing clusters, with the fire employed infrastructure. ACHD has reviewed and approved the traffic study for the development and proposed access points. To mitigate impact to the apartments and the future Winco development, the applicant will extend Wells Avenue, install the new signal at Wells and Overland, along with a right turn lane on Overland onto Wells. Cinema Drive will be extended through the Winco site with phase two. No other mitigation was required by ACHD and all of those conditions of approval are acceptable. The project will have minimal impact on school enrollment. Based on West Ada School District's calculations the project will only generate 36 students. As Sonya noted, we just have one change that we request to the conditions of approval. Otherwise, we are in full agreement with the project report before you and that does relate to the timing of the extension of Cinema Drive. As noted in this condition,

Sonya wants that to be done with phase one, but it's not needed to serve phase one. The apartments have primary access from the extension of Wells Avenue and secondary emergency access from Overland Road. The traffic impact study that was prepared for the Seasons at Meridian project did not assign any of our trips to Cinema Drive, to that extension. Made no assumption that it would be there. Instead assumes that all of the trips would be the Wells Avenue extension and with those assumptions the Wells-Overland intersection with the signal and the Overland Road segment between Wells and Eagle Road still met all adopted levels of service. Cinema Drive has always been planned to be built when the Winco site is developed. The exact placement of Cinema Drive may vary just slightly as Winco's development plans are finalized for phase two and so they don't support construction of it until they finalize those plans. They did submit a letter into the record supporting the apartment use and application, but objecting to this particular recommended condition of approval. We just ask that it be built as required with the phasing. And with that we ask for your approval of the conditional use permit and preliminary plat, with that one change to the condition. So, thanks for your time. Stand for questions.

Seal: Okay. Thank you very much. Commissioners, do we have any questions for the applicant or for staff?

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher, go ahead.

Lorcher: So, there is 316 units that are being proposed and you have 641 parking spaces to accommodate those 350 units. On average there are probably 2.5 people living in all the units. Some have one, some have three, so you are looking at a residential community of 900 people. In my experience working with apartment complexes with our tow company, there is never enough parking spaces, especially of guests. And it's also suggested that this 24 overflow, if even ten percent have a guest over at any particular weekend, that 24 is going to be exasperated quite quickly. Do you have a parking agreement with Winco for overflow parking that would accommodate your Seasons project?

Nelson: Chairman, Commissioner Lorcher, no, we -- we don't. We don't -- there is sufficient parking on site. We planned it that way to have that parking on site. Just one correction. There is actually 655 parking spaces on site. We just had a different number there. And it does meet all of the city code requirements and, then, is in excess of that and so the -- but the city code requires -- as you know they have got a mix of what parking is required based on what bedroom type it is and meeting those requirements for each of the residential units and there is an assumption built in there about the number of residents and guests that would utilize the building at that time. We meet all of that. And, then, in addition to that, 24 spaces are available over the residential use, 16 attributed to the clubhouse and nine extra beyond that that are available for guests and our residents to use this clubhouse. So, we do believe that will be sufficient. It's far over what the city code requires. In thinking about that we are also -- and this is an in-fill location and we

are near a transit line, so we hope that in this location with all of the nearby commercial and employment that a lot of people are actually going to choose to live in this location, so that they can walk. I think that is the idea of your mixed use regional and why high density residential could be so beneficial here. We may actually be able to support a less vehicular driven residential community here.

Lorcher: Thank you.

Seal: Any other questions for -- from our Commissioners? All right. Hearing none, we will go ahead and move on to the public hearing portion of it.

Weatherly: Mr. Chair, we have a few people signed in that I think I see online indicating a wish to testify. Josh, one moment, please.

Seal: Okay. Josh, if you want to take yourself off mute and state your name and address for the record. It looks like you are still on mute. Oh, no.

Cirelli: No. Am I there?

Seal: Yes, we can hear you. Go ahead and state your --

Cirelli: Yes. Josh Cirelli. C-i-r-e-l-l-i. 1435 Loader Place, Meridian, Idaho. 83642. I believe, actually, it's me and my wife. My wife has got questions as well. So, I can even leave myself unmuted if you wanted to speak directly to her afterwards. One thing I would like to discuss real quick is I see on the application it discusses -- and something that was brought up in the neighborhood meeting is a fence between actually the apartment complex and the R-1 zone, which is my backyard. As a matter of fact, just to bring it up while we are talking about it, is I have a large shop that is well within 250 feet or 270 feet, I believe what you mentioned, from that -- that property line is -- well, within about five to ten feet of my property line. So, I believe in the neighborhood meeting they said that they were going to put up a fence and in the application it actually discusses that fence and you have details about what kind of fence that would be built between the apartment complex and the R-1 zone. So, I would like to hear what those are, because we haven't been able to actually have those details listed out to us. In the neighborhood meeting there was very limited details of what they were actually going to be giving and providing in that area. Looking over the plat in the application as well it's like they conveniently placed all the trash enclosures up against the R-1 zone that's conveniently there. We do have one acre lots. I agree with -- there is a -- there is a buffer there, yes, but we buy one acre lots, because we like our room and our accessibility on our own lot. I don't want to hear trash enclosures and dump truck banging those trash enclosures at 7:00 o'clock in the morning like they do over here at the hotel to the east of us. Something else I would like to bring up is this is valuable commercial space, not residential space. If you look on the north side of Overland everything is commercial space, including the new commercial development over there at the Norco, the Zamzow's and just released Top Golf. I think we are losing out on having commercial space. Where there is apartment complexes already on the south side of Overland next to Mountain View High School -- I guess to

the northwest of Mountain View High School there is another apartment complex that, I apologize, I missed out on the lady's name, but she excluded that from her density study. I noticed you kind of cut that off on the -- on her mapping right there. So, there is another apartment complex right there already with available rooms already. So, I think we are missing out on commercial real estate here not residential. I don't think we need anymore apartment complexes, we need more commercial buildings.

Seal: Okay. Thank you.

Cirelli: I also disagree, it's not -- it's not downtown Boise, there will be plenty of vehicles moving here. That and another traffic light -- let's see. We have Eagle Road and, then, we have one traffic light already at the Dutch Brothers and the entrance to Mountain View High School. To add one in there, we already get heavy congestion through this area. I think adding another -- another traffic light right there dang near makes it impossible for us to leave our own subdivision. I know we are -- we are not the most congested, you know, neighborhood by any means, but just leaving here poses its own challenges. Also want to bring up that noticing she did not speak about a right turn lane that was also in the adjusted road improvement. I didn't hear anything about a right turn lane being added as well getting into Wells Avenue. That's something we previously asked about as well and we have not been able to come to an agreement with Ryan, who we have previously spoken to. I don't -- I don't see that he's present as well.

Seal: Okay. Thank you. Appreciate that.

Weatherly: Mr. Chair, Vanessa Cirelli would be next.

Seal: Okay.

V.Cirelli: The few questions I have -- there seems like there is a lot of concern about the public view.

Seal: Ma'am.

V.Cirelli: I don't think the public necessarily --

Seal: Ma'am, if you could --

V.Cirelli: -- cares about the --

Seal: Ma'am, if you could state your name and address for the record.

V.Cirelli: Oh. Sorry. Vanessa Cirelli. I'm also at 1435 Loader Place, Meridian, Idaho. 83642.

Seal: Okay. Thank you.

V.Cirelli: Anyway, the public view -- I don't know that the public necessarily is concerned about the view of the apartments. I feel like the residents are not being taken into account for this. You know, they want to back up their clubhouse and their pool to our -- basically our backyard. Their parking basically to our backyard. I just -- I guess I'm wondering why everything's being backed up against our backyards. There is actually four homes on this side of the street and the other side of the property, the Winco property, is more commercialized. So, it's just -- I don't know. We -- we definitely feel like we are not being taken into consideration. The stoplight, he already brought that up, I think that's a valid concern. You know, we are on Eagle Road basically. It's already hard enough getting out of our neighborhood. This is just going to make it even more difficult. You know, adding another stoplight is just going to congest the traffic a lot more and that's -- that's basically -- I think we covered everything else.

Seal: Okay. Thank you very much. Appreciate that.

V.Cirelli: Thank you.

Seal: Got anybody else?

Weatherly: Mr. Chair, that's all that we had indicating a wish to testify.

Seal: Okay. Do we have any -- a gentleman in chambers. You want to come up and -- No? Okay. Anybody else online if you want to --

Cirelli: Mr. Chair?

Seal: Sorry, Josh. You already had your three minutes to speak, so we are going to move on to other attendees. If anybody else would like to speak, please, raise your hand in Zoom. All right. Oh. Sorry, Josh. You and your wife both had your time to speak and that is over, so -- seeing nobody else, I would take a motion to close the public hearing, if we have no other questions. Oh. Sorry. My bad. The applicant would like to come back and address the concerns.

Nelson: Mr. Chairman, we can be brief. Just a few points. Mr. Cirelli noted that he has a -- a shop that's within that 250 buffer that we have created. Yes, we did measure it to the residences, not to the accessory buildings there for that setback. The setback to the residences, though, is extensive and he did raise a question about -- it's curious about the fence design. Ryan Morgan is present, so he is available to answer any specific questions you may have and he has committed to work with the neighbors on that design for the privacy fence and there -- there was comments from both Josh and his wife about the trash enclosures, concern with that on the east side -- just in general things on the east side. Certainly things are not just piled up on the east side, they are distributed throughout. I think you can see on the site plan all the trash enclosures in particular are distributed with each of the buildings. Of nine total there is only three along the east side and they will all be screened appropriately. We thought that, actually, the open space on that side may work really well, being the clubhouse area, being the residential amenity,

doesn't create as much height. A lot of more open space creates even more distance into the courtyard that's around there and, then, the pool will be screened. The -- the signal that's not desired there, that is required by ACHD and was required already as part of the Winco development. We are just bearing the cost of getting that infrastructure in and it will improve traffic conditions in this area. So, I think that's it, unless the Commission has questions for -- for me or for Ryan.

Seal: Commissioners, do we have any other questions? Okay. Thank you very much and now I will take a motion to close the public hearing, please.

Holland: Mr. Chair, I move we closed the public hearing for Seasons at Meridian/Winco Wells Subdivision, H-2021-0007.

Grove: Second.

Seal: Okay. It's been moved and seconded to close the public hearing for H-2021-0007. All those in favor say aye. Any opposed? Okay. Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Seal: All right. Who wants to jump in first? Everybody jumping in all at once here.

Lorcher: Mr. Chairman, I -- I will.

Seal: Go ahead, Commissioner Lorcher.

Lorcher: I'm kind of surprised the placement of Winco kind of in the middle of the eastern portion of the parcel, I don't know if it will be better served closer to the main road, so that the -- the living area would be behind it or possibly closer to the freeway to act more as a buffer for noise. I have lived on the freeway -- near the freeway before and you can put as many double pane storm windows as you want, the lights and the noise, the ambient noise from the freeway, especially when we have construction trucks with jake brakes is always present. But I guess that's a personal choice if you choose an apartment that is along that area. But it looks like they have got some wiggle room on where to place the buildings and I'm just kind of surprised that it is where it is.

Seal: Thank you. Anybody else jump in here? I see Commissioner Holland, you are off mute.

Holland: Oh. I forgot to mute myself again. Mr. Chair, I can go. Commissioner Lorcher just to confirm, I -- the -- I think the Winco is proposed to be on the north side adjacent to the freeway at -- at some point when it does develop in the future. Not on the east side. But looking at the -- the project, I think we always struggle with the number of parking stalls. It's always a conversation when we look at multi-family development. I actually don't have a concern with this project and the number of spaces. I think that they -- they met the requirements. They had the additional ones within the clubhouse and the nine

extra spots, but because it's located in an area that's got significant amount of commercial, if there was overflow needs, I don't know if they even really need to have an arrangement with Winco. I think -- the way that they have arranged the parking I think works and flows better than most multi-family developments I have seen, because it's integrated around the sites and I appreciate that they have got the internal courtyard. I think that's a nice style and something that we don't see very frequently. So, I appreciate the -- the flow and the design and the intention of trying to create these pocket communities. It's nice -- it's a lot nicer to look at than a typical four-plex or six-plex or eight-plex or whatever it would look like. We see a lot of those that come through. This one does give a little bit different variety than we have seen. So, I -- I certainly appreciate your creativity there. I like the farmhouse style. I think it's -- it's a nice addition. I always struggle whenever we lose commercial ground, but in this case I don't disagree that it would be a good spot for some multi-family to be tied in with the neighboring commercial. It's nice when we can have good mixed use projects and I'm not opposed to seeing this development be located there. I appreciate that they have -- they have tried to do some additional buffering and would encourage them to work closely with the neighbors on the eastern boundary on whatever that fencing, screening material looks like. The only other concern I would have is -- double pane windows are great, but I would agree that traffic noise from freeways typically still is fairly significant. So, I don't know if we want to go back to considering some sort of a berm or fencing to screen the freeway noise, but always something in the back of my mind. I'm not opposed to letting them be creative and -- and do some alternative compliance, but overall I think I'm okay with the way that this development has been presented. That's my starting thoughts.

Seal: Okay. And with that I -- I agree with everything that you just said. The one thing that I will ask staff is the -- I believe that the double pane windows were already director approved?

Allen: Mr. Chair, Members of the Commission, yes, that was an alternative compliance application that was approved by the director and that was based on the letter from the sound engineer.

Seal: Okay. Is that something we would still be able to add a condition of approval to improve upon that or is that --

Allen: I would defer to the city attorney, but I believe you could ask for a berm and the landscape buffer. That's not abnormal.

Baird: Mr. Chair, that's correct. You are considering a conditional use permit. So, if you deem an additional initial condition necessary, go right ahead.

Seal: Thank you. Appreciate the clarification.

Baird: As long as I have got the mic, as the -- as the members deliberate, I haven't heard them talk about the requirement for the Cinema Drive extension and for the record it would probably be good to have that included with the deliberations.

Seal: Understood.

Yearsley: Mr. Chair?

Seal: Commissioner Yearsley, go ahead.

Yearsley: Just -- just for clarification, that's already a condition of the staff report; is that not correct?

Seal: I believe that is -- yes, that is a condition of the staff report as it stands right now.

Yearsley: Okay.

Seal: It is contested by the applicant however.

Yearsley: Okay. Mr. Chair, I will go forward if you don't mind.

Seal: Go ahead, Commissioner Yearsley.

Yearsley: You know, I like this -- this layout. I think it's actually a nice looking development. I do have my -- you know, it is unfortunate that, you know, the ruralness of the area is getting gobbled up into commercial and residential and apartments to the adjacent neighbors. It's just kind of the nature of the beast. I do, I think they need to construct the drive. I think it provides a critical access to businesses, you know, eating establishments and stuff like that, so I do believe it's part of the condition and part of the development and that way they don't have to access Overland Road to get to that -- you know, carved off, so -- but I do believe that that could be done. I do -- I do echo the concern. You know, where we are -- we are eating up a lot of commercial space or industrial space that we could have there for -- for residential, but I don't know -- I don't know how to combat that. I know that there is quite a bit of businesses and development all around it, so -- so, with that I'm in favor of this project.

Seal: Okay.

Yearsley: I also would be in favor of the berm if others wanted it as well.

Seal: Okay Thank you. Commissioner Grove?

Grove: Mr. Chair.

Seal: Go ahead.

Grove: I would pretty much echo a lot -- a lot of what has been said, but I guess in terms of how this is zoned for mixed use, I think that getting some residential component into this area is actually a really good thing. Typically I wouldn't want to lose commercial space, but I think having that -- that residential component, especially a higher density

residential component, so actually going to help a lot of those businesses that are in that general area. So, with that I'm in favor. With the other pieces, I think this is one of the more unique layout pieces that we have seen in a little while and I like what they have done with that in providing the amenities and creating that sense of space within each unit's little bubble if you will. With Commercial Drive, I would normally be in favor of having it built out in phase one with this project, but if it impacts how the Winco could develop, then, I -- I would be in favor of having that postponed. Especially -- in fact, you know, with them building out Wells and putting in a traffic signal there, I think that can alleviate some of the traffic flow concerns with the initial phase. With the sound piece, if their sound engineers, you know, are saying it's good, I'm okay with not doing anything additional. Be a great time for Joe to jump on this if he were still here, considering he lives in a similar place I believe and so I -- I'm in favor of what they have proposed here tonight.

Seal: Yeah. I'm -- looking at it I like the -- I like the layout of it. I think it -- it is kind of an original piece that's going in, especially with the farm -- farmhouse style. I mean you are not going to replace a farmhouse with this, but, you know, some of that -- the relic of the past look is something that people might look on favorably. It is hard to give up a piece of commercial property, but I think this one fits. There is enough business around there that I think that, you know, I can definitely see somebody living, working, and playing here for sure. So, as far as extending Cinema Drive there, I mean if I was one of the five or six hundred people that lived here and I wanted to go watch a movie, get a burger, buy a Harley, I'm going to want to do it on Cinema Drive, I don't want to have to go all the way around. I think that's going to -- essentially I think that's going to add people jumping in their car where instead of, you know, I can walk 200 yards or I can walk 500 yards -- well, I'm going to go jump in my car if I have to go all the way around. So, I just -- I understand that it could have an impact on there, but maybe we could condition something in there to -- you know, something that conditions completion of the road with -- before the first occupancy, that way building can at least commence and that gives them a little bit of time to work on putting a road in, but it doesn't have to be completed necessarily, it just has to be started and completed before occupancy. So, I don't know if that would be a good compromise or not. As far as the property line with the neighbors, that is a pretty good amount of space in there. I mean, unfortunately, in Meridian -- I mean I live three miles away from the -- from the freeway and when I sit in my backyard I can hear it basically any time of the day or night. So, the noise part is -- is tough. As far as the close proximity of the neighbors -- it is a pretty good amount of distance. I do like the fact that the clubhouse is where it's at, because I do agree that having that single story and -- and -- over there is going to help with -- you know, instead of them having to look at a whole bunch of the side of the three story buildings, that's going to limit their -- their sight line in there. Hopefully they can work with any concentration of things, like the -- the trash receptacles and things like that. If any of those can be moved I think they, you know, could probably work to move those around. Definitely don't want to make it inconvenient or put one away from the pool house, because I think that's where there is going to be a lot of use on that. Especially on weekends, so -- but I like the -- I like the layout. I like what it is for what it is. So, I think they have done a pretty good job on this one. But I do think that the East Cinema Drive should be part of phase one. With that I would entertain more -- more deliberation or a motion. I see wheels spinning.

Grove: Mr. Chair, I have a question for you.

Seal: Go ahead, Commissioner Grove.

Grove: So, essentially, what we are trying to get at for access for Cinema Drive is more like pedestrian in nature. Is that the initial or is it more vehicular? Like for -- for the necessity to have it in phase one.

Seal: I think that could go either way personally. I mean if I was coming home -- you know, unfortunately, the vehicular part of it would -- amounts to cut-through traffic. I mean if I'm coming home and I can see that traffic's backed up all the way to Wells and I'm at -- you know, I can pull into Cinema, I'm going to pull into Cinema and take that way home. Not that that's a bad use of that road, I think it's acceptable for the people that live there, but I think that that would -- would provide that to some measure, but that's going to happen whether it's part of phase one or, you know, part of the complete phase. But to me it's more the -- it's the pedestrian traffic. If I know I can walk half the distance by going across that road, I'm going to walk, I'm not going to drive.

Grove: So, I think, you know, with -- maybe would another like way of looking at it be like a temporary pedestrian pathway?

Seal: Yeah. Instead of a road? I don't know if that's something that is feasible.

Grove: Okay.

Seal: I don't know if that opens a can of worms as to what's a public pathway and a roadway and how that fits in. I don't know if that's -- Sonya, do you want to take a crack at how that might work if it was a public pathway in the beginning that became a roadway or -- I don't even know if there is even a provision for that.

Allen: Yeah. I'm not sure. I'm sorry, I didn't catch all of what you were saying. The extension of Cinema Drive as a pathway connection?

Seal: Yeah. As a -- as a -- initially a pathway connection somewhat temporary in nature, but I mean, obviously, that would have to meet some kind of code.

Allen: Well, the whole point of the recommendation from staff was vehicular interconnectivity and -- and to distribute traffic. So, it just depends on what the Commission wants.

Seal: Okay. Appreciate that.

Allen: Pedestrian is better than nothing, though, I will say.

Seal: Right.

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher, go ahead.

Lorcher: I understand from the applicant they don't want to build the road right away. It's probably a -- could be a funding issue. You know, why spend the money when they really don't need it right away. I will defer to whatever the Commission decides -- what the majority decides as far as the road is concerned. If it's built at the beginning it would be helpful and useful, but I also understand from the applicant's point of view that if they don't have to spend the money on a road, which is probably expensive for them, they would probably want to defer.

Seal: Okay.

Yearsley: Mr. Chairman?

Seal: Commissioner Yearsley.

Yearsley: You know, I -- if I had a guarantee that the Winco was going to develop within a year, I would say okay, but we don't have any guarantee when -- when that's going to develop and that that interconnectivity is very important for that for both pedestrians and vehicles. If someone is coming home, wants to grab a bite to eat, it's a great shot to get -- get back to -- you know, back to the apartment instead of having to go back out to Overland, back to the light. I just think it makes sense to have it part of the phase one the way it's conditioned. It just makes it cleaner, makes it more open and just connectivity is -- I think is important.

Holland: Mr. Chair?

Seal: Commissioner Holland, go ahead.

Holland: As an alternative compromise would it be possible to condition that that Cinema Drive be extended within one year of the start of construction for this project?

Seal: I tend to think that might be where we are headed. I mean at least, you know, put -- put some kind of condition in there, whether it's based on occupancy or, you know, start of construction or something along those lines. I think that would be -- yeah. Exactly. I think that would be smart of us to put that in there.

Yearsley: The problem that I see with that condition is how do you enforce it and who is going to enforce that. Is that put on the Planning and Zoning or code enforcement or someone to have that done? And so it's easier to have it as part of certificate of occupancy, because it's an easy one to check. With having it one year who is going to police that?

Allen: Mr. Chair, when --

Seal: Go ahead, Sonya.

Allen: May I? If -- if you go that route it needs to be platted as part of the first phase. If you are going to do a timing on it like that. Thank you.

Seal: So, in --

Allen: It needs to be dedicated and -- and platted. Dedicated right of way with the first phase. And it is -- it is a difficult thing to enforce.

Seal: Once it's --

Allen: Unless it's before occupancy. But anything after that it is fairly problematic to enforce for staff.

Seal: Right. Yeah. So, I think we are probably hinging on before occupancy. Once it's platted what are the ramifications of it needing to change? I'm trying to be sensitive to the fact that we have got commercial going in there and we want to keep commercial going in there for Winco, so if they need to change that road and all of a sudden that's not going to work and -- it delays them. So, you know, just trying to weigh those two things out. I don't know what the -- not having ever built a subdivision or a commercial property myself, I don't know what happens once a road gets plotted in there and it needs to change. I mean what are the -- what are the costs associated with that before it starts -- before they start building it, obviously.

Allen: Mr. Chair, Members of the Commission, if the road location needed to change after the final plat was approved, then, they would have to come in and amend the plat. But between the preliminary plat and the final plat there would be time to nail that down hopefully.

Seal: Okay. So, who wants to jump in and add more to this? Or try and throw a motion out there on it?

Holland: Mr. Chair?

Seal: Yes, Commissioner Holland. And I believe this is a CUP, so we are approval on this, am I correct?

Holland: There is three different components of it, Mr. Chair. There is the conditional use permit for the multi-family development, but there is also the preliminary plat, which will go to Council. So, it's a partial recommendation, partial approval.

Seal: Okay.

Allen: Actually, Mr. Chair, no. The -- when a conditional use permit has a concurrent preliminary plat with it, then, the decision making body for that application actually acts on the conditional use permit. It is a little different in this case.

Seal: Okay. We still recommend approval on this?

Allen: Yeah. Thank you.

Seal: Okay. Thank you. So, we have both been corrected.

Holland: Yeah. Learn something new.

Seal: Absolutely.

Holland: Mr. Chair, I think -- I like your suggestion of -- of saying that Cinema Road needs to be extended prior to occupancy being issued. That gives them a little bit more time to maybe work with Winco on -- if they need to make any adjustments to it before they go to final plat on it. I think that that's a fair recommendation. The only other thing we have talked about -- I don't know -- we kind of got mixed reviews on whether or not we needed enhanced buffering. If there is a sound engineer that has said that it will provide minimal noise, these probably aren't going to be long-term stay residents. That's typical with most apartment complexes anyway, so if they live there for a couple years they may not care that they are next to the freeway noise and, hopefully, if it's mitigated that well with the design features of their -- their complex. But I don't know if we want to talk about that anymore. I'm open to adding a condition that asks for enhanced buffering from the freeway. I'm also not sure if we need to make a specific condition about the neighbors to the east of the project with the lower density homes, if we need to have a specific type of screening they are requesting added in there or if we just say that they need to work with the neighbors on what that fencing and screening looks like. Those are the two items I think still out there.

Seal: Yeah. I agree that -- I mean a sound engineer has signed off on it. The director has approved that. So, I mean there is some validity to it for sure. I mean as someone that used to live next to railroad tracks I can tell you that after you are there for a couple of weeks it's just background noise for the most part, which is hard to believe that trains would become background noise, but it truly does, so I -- you know, as far as who wants to recommend what on that, I think that the rest of the Commission would probably go along with whatever the recommendation is.

Yearsley: Well, I guess that that -- on the -- we don't need to make a change to the Cinema Way deal; correct? We just talked about it. It's part of occupancy. That's kind of where staff has put it in; correct?

Seal: I think we would need to change the wording of it to -- if we wanted it to be based on occupancy. Right now --

Yearsley: Okay.

Seal: -- it's just part of the recommendation no matter what.

Yearsley: Okay. I will make a stab at this if everyone's ready.

Allen: Excuse me, Mr. Chair, if I could jump in again. I'm sorry. I -- question for the city attorney. I'm not sure if -- if they make the extension of Cinema with the first phase final plat, if they can tie that to any other timing, like C of O. I believe that would have to be done with completion of the plat for ACHD to sign off on it. Mr. Baird?

Baird: Mr. Chair, Members of the Commission, having been in a position before where we have got apartments that are completed and you have got sales agents renting out rooms and there are conditions that need to be fulfilled, I have seen it work that tying it to a C of O gets their attention and it gets it done and any of the platting and the working with ACHD will just fall into line ahead of that through the planning process. That's the way I'm seeing it. Am I answering your questions, Sonya?

Seal: Yeah. I tend to agree with that where if you tie it in there, whatever modifications that road needs to be made are going to be made when they need to be made before anybody commits to occupancy.

Allen: If the C of O -- I believe that the road improvements, if they are part of the plat would all have to be done before building permits are even issued.

Seal: And, personally, that's what I was trying to -- you know, come to some kind of agreement on that to where they can still start to build, they just can't occupy beforehand. But if there is precedence before that that don't allow it, then, you can be stuck.

Parsons: Well, Mr. Chair?

Seal: Go ahead, Bill.

Parsons: ACHD has a process, just like the city. If the improvements aren't done the applicant can bond for those improvements and get their plat recorded, so that they are eligible for a building permit. So, more than likely this -- looking at the application submittals, it is their intent to do the apartment complex under one phase. So, that's a lot of buildings going up at one time. So, I kind of like your suggestion of where, you know, even if the road has been constructed they have the opportunity to bond for it and, then, prior to them getting occupancy, like you said at the first building, then, that road should be done. So, that may be the mechanism to go. I -- I'm kind of leaning towards the city attorney's interpretation that there is a mechanism there for them to move forward, get under construction and still have that road constructed prior to occupancy. I think we can change that condition to read that way.

Seal: And -- I mean with us doing a recommendation to City Council can we work towards putting that -- you know, solidifying that so that when it goes to City Council they have all the information as far as what it can and cannot be? I mean we can't -- we can't -- we can't provision something in here that's --

Parsons: You can make a recommendation on the DA to modify that provision. Right now the way that staff has the conditions -- or the DA provision crafted is with the first phase, which we are -- when we are talking phases we were talking about the subdivision phase. So, if it's your intent to modify that, you can have -- make a recommendation to modify that that road be constructed prior to the first occupancy of the first structure. So, you just have to make that clear in your motion and Sonya will make that happen. I would imagine that the -- again, the applicant has another bite at the apple, because they are going to be in front of City Council and if they can convince the Council to overturn your decision or staff's recommendation then -- then maybe they have that ability to do that. Because Sonya -- as Sonya mentioned to you they are the decision maker on it -- on all of it, so it really comes down to what you guys feel comfortable with moving forward on your recommendation and, again, the applicant will have their chance in front of Council.

Seal: Okay.

Yearsley: Mr. Chairman?

Seal: Commissioner Yearsley, go ahead.

Yearsley: After considering all staff, applicant, and public testimony I move to recommend approval to the City Council of file number H-2021-0007 as presented in the staff report for the hearing date of April 1st, 2021, with the following modification: That the construction of Cinema Way be conditioned upon approval of certificate of occupancy. That it be construction as part of the certificate of occupancy and that the developer work with the property owners to the east on developing an agreeable fence configuration.

Allen: Mr. Chair, excuse me. Clarification of the motion. Is -- is the motion to include Cinema Drive with the first phase subdivision plat, but have it constructed prior to the first occupancy permit?

Yearsley: That is correct.

Allen: Thank you.

Seal: Do I have a second?

Grove: Second.

Seal: All right. It has been moved and seconded to recommend approval of file number H-2021-0007, Seasons at Meridian/Winco Wells Subdivision with the aforementioned modifications. All those in favor say aye. Any opposed? Okay. Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Seal: All right. I will take one more motion.

Holland: I move we adjourn for the hearing date of April 1st, 2021.

Seal: Do I have a second?

Yearsley: I will second that.

Seal: It has been moved and -- motioned and seconded to adjourn. All those in favor say aye. Any opposed? All right. Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Seal: Thanks, everyone.

MEETING ADJOURNED AT 9:37 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS.)

APPROVED

ANDREW SEAL - VICE-CHAIRMAN

_____|_____|_____
DATE APPROVED

ATTEST:

CHRIS JOHNSON - CITY CLERK