

Meridian Planning and Zoning Meeting

October 20, 2022.

Meeting of the Meridian Planning and Zoning Commission of October 20, 2022, was called to order at 6:02 p.m. by Chairman Andrew Seal.

Members Present: Chairman Andrew Seal, Commissioner Patrick Grace, Commissioner Maria Lorcher, and Commissioner Nate Wheeler.

Members Absent: Commissioner Steven Yearsley and Commissioner Mandi Stoddard.

Others Present: Joy Hall, Kurt Starman, Bill Parsons, Sonya Alan, Joe Dodson, Stacy Hersh, and Dean Willis.

ROLL-CALL ATTENDANCE

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| <input checked="" type="checkbox"/> Nate Wheeler | <input checked="" type="checkbox"/> Maria Lorcher |
| <input type="checkbox"/> Mandi Stoddard | <input type="checkbox"/> (Vacant) |
| <input type="checkbox"/> Steven Yearsley | <input checked="" type="checkbox"/> Patrick Grace |
| <input checked="" type="checkbox"/> Andrew Seal - Chairman | |

Seal: Good evening, everybody, and welcome to the Planning and Zoning Commission for October 20th, 2022. At this time I would like to call the meeting to order. The Commissioners who are present for this meeting -- or this evening's meeting are at City Hall and on -- oh, they are just on -- at City Hall tonight. We don't have anybody on Zoom. So, 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 seen on screen or 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 process questions 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 at meridiacity.org/live. With that let's begin with the roll call. Madam Clerk.

ADOPTION OF AGENDA

Seal: Thank you very much. Okay. First item on the agenda is the adoption of the agenda. We need to announce the Cobalt Point Apartments, File No. H-2022-0042, will be open for the sole purpose of continuing to a regularly scheduled meeting. It will be open for that purpose only. Tessera Ranch will be open for the sole purpose of withdrawing the application. So, if there is anybody here tonight to testify for these applications, we will not be taking public testimony on them. Can I get a motion to adopt the agenda as amended?

Wheeler: So moved.

Lorcher: Second.

Seal: It's been moved and seconded to adopt the agenda. All in favor say aye. Any opposed? Okay. So -- sorry. None opposed. Motion carries.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

ITEMS MOVED FROM THE CONSENT AGENDA [Action Item]

CONSENT AGENDA [Action Item]

- 1. Approve Minutes of the October 6, 2022 Planning and Zoning Commission Meeting**
- 2. Findings of Fact, Conclusions of Law and Decision & Order in the matter of the Request for a Conditional Use Permit (CUP) for a 100-foot lattice designed communication tower for the City of Meridian Water Department on an existing City of Meridian Well site on approximately 3.45 acres of land in the R-8 zoning district, by the City of Meridian, for AMI Tower at Well 29, located at 6355 W. Quintale Dr., directly west of Oaks West Subdivision No. 1**

Seal: The next item on the agenda is the Consent Agenda and we have one item on the Consent -- or sorry. Two -- two items on the Consent Agenda. First is to approve the minutes of the -- the October 6, 2022, Planning and Zoning Commission meeting and we have the Facts -- Findings of Fact and Conclusions of Law for the request for a conditional use permit for a one hundred foot lattice design communication tower for the City of Meridian Water Department on an existing City of Meridian well site on approximately 3.45 acres of land in the R-8 zoning district by the City of Meridian for AMI Tower at Well 29, located at 6355 West Quintale Drive, directly west of Oaks West Subdivision No. 1. Usually those are not quite as wordy. Can I get a motion to accept the Consent Agenda as presented?

Wheeler: So moved.

Grace: Second.

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

MOTION CARRIED: FOUR AYES. TWO ABSENT.

Seal: At this time I would like to briefly explain the public hearing process. We will open each item individually and begin with the staff report. Staff will report their findings on

how the item adheres to our Comprehensive Plan and Unified Development Code. After staff has made their presentation, the applicant will come forward to present their case and respond to staff comments. They will have 15 minutes to do so. After the application is finished -- or 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 of 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 a presentation for the meeting, it will be displayed on the screen and our clerk will run the presentation. If you have established 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, meaning others in the room or online are willing to yield their time for you, you will have up to ten minutes. Otherwise, you will have three minutes to speak. After all those who have signed up in advance have spoken, we will invite any others who may wish to testify. If you wish to speak on the 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 9 and wait for your name to be called. If you are listening on multiple devices, such as a computer and a phone, please, be sure to mute the 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 you will no longer have the -- 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, the Commissioners will have the opportunity to discuss and, hopefully, be able to make a final decision or recommendation to City Council as needed.

ACTION ITEMS

- 3. Public Hearing for Tessera Ranch (H-2022-0020) by Providence Properties, LLC., located at Northwest corner of W. Amity Rd. and S. Linder Rd.**
 - A. Request: Annexation of 123.39 acres of land with R-2 (27.37) acres, R-4 (5.78 acres), R-8 (73.43 acres) and R-15 (16.82 acres) zoning districts
 - B. Request: Preliminary Plat consisting of 518 building lots (393 single family lots, 75 townhome lots) and 50 common lots on 123.39 acres of land in the R-2, R-4, R-8 and R-15 zoning districts.

Seal: With that at this time I would like to open the public hearing for Tessera Ranch, H-2022-0020, and I would need a motion to accept the withdrawal of the application.

Grace: Mr. Chairman?

Seal: Go ahead.

Grace: I would -- I would move that we accept the withdrawal of application for file number H-2022-0020.

Wheeler: Second.

Seal: It's been moved and seconded to move -- to accept the withdrawal of the application H-2022-0020 for Tessera Ranch. All in favor say aye. Any opposed? Okay. Motion carries.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

4. Public Hearing for Cobalt Point Apartments (H-2022-0042) by The Land Group, located on Parcel R7909850396, directly east of the intersection of S. Cobalt Point Way and E. Copper Point Dr. in the Silverstone Business Park

- A. Request: Conditional Use Permit for a new 264-unit multi-family development on approximately 11.95 acres of land in the C-G zoning district.

Seal: I would like to open File No. H-2022-0042 for Cobalt Point Apartments for continuance and I believe the date for that is going to be December 1st, 2022, and we do want them to renotece.

Dodson: Mr. Chair, that is correct. Yes. December 1st the applicant's requesting to continue. Due to travel conflicts they are not able to make it tonight. So, they are trying to bump it to December 1st. This is their second continuance request for this at this point. So, we have had it for a few months and, yes, at this point I believe best option is to renounce it, so that way we ensure that any residents are aware of the new date.

Seal: Okay. Thanks very much. Somebody want to take a stab at that motion?

Wheeler: Mr. Chair?

Seal: Go right ahead, Commissioner Wheeler.

Wheeler: I move that we continue CUP H-20 dash -- excuse me. H-2022-0042 to the date of December 1st.

Lorcher: Second.

Seal: It's been moved and seconded to continue File No. H-2022-0042 for Cobalt Point Apartments to the date of December 1st, 2022. All in favor, please, signify by saying aye. Any opposed? Okay. Motion carries.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

5. Public Hearing for EICU Ten Mile Branch (CUP H-2022-0068) by Steven Peterson, CLH Architects and Engineers, located at 3087 W. Milano Dr.

- A. Request: Conditional Use Permit for a new drive-through establishment (financial institution) within 300 feet of a residential use on approximately 1.23 acres of land in the C-G zoning district.

Seal: Now I would like to open File No. H-2022-0068 for the EICU Ten Mile Branch and we will begin with the staff report.

Dodson: Thank you, Mr. -- Mr. Chair. Give me one second to pull up the PowerPoint for everybody. All right. So, again, the first item tonight -- and hopefully is a nice and easy one for everybody. It's a conditional use permit for a new drive through for a financial institution located within 300 feet of an existing residential use on approximately 1.2 acres in the C-G zoning district, as you can see on the map here. The subject site is one of multiple commercial zone designated properties that frame the intersection of Ten Mile and McMillan Roads. There is a myriad of commercial uses that are existing and/or under construction, with more to come as this area continues to develop. The proposed use fits within the professional services that are listed within the commercial designation in the Comprehensive Plan. It should be noted that there are a number of vehicle dominated uses in this area, specifically within this commercial subdivision. So, those traffic considerations are always taken into account by staff. Thankfully there is an internal drive aisle that is on the interior side of all of the commercial lots, so there is no direct lot access to Ten Mile or McMillan Roads. That drive through is a -- oh, I'm sorry. This is for the site plan. The proposed drive through has a one way drive aisle that circles the proposed building and leads to four covered drive through lanes for drive-up services for the bank. Therefore, the stacking lane is practically 185 feet in length from start of the aisle, which would be start of it here, to about here. Therefore, the stacking -- therefore, an escape lane is required and the applicant has proposed that at the south end of the project here. The proposed drive-through complies with the specific use standards in UDC 11-4-311. Access for the overall site is, again, noted to be the shared drive aisle along the east boundary, which is here. They are proposing two curb cuts to that shared drive aisle. This drive aisle connects to West Milano Drive at the north boundary and, then, one parcel south connects to Ten Mile Road via a shared driveway connection there as well. There is an existing cross-access and cross-parking agreement for all of the sites within this commercial subdivision, so staff has no complaints there. The one comment staff does have is regarding the required pedestrian pathway from the, quote, unquote -- per the code from the front of the business to the arterial sidewalks. At this point staff's only recommended revision is to add that and that must cross somewhere in this area, as there is no sidewalk along the south boundary and this is the only sidewalk that can get them to the front door from the arterial sidewalk. Staff is not going to be specific about the required location, just that it needs to be in this area and staff will work with the applicant on that area. There was no written testimony for the subject application and so

staff has recommended approval, because it complies with the UDC requirements and I will stand for any questions.

Seal: All right. Thank you very much. Would the applicant like to come forward? Good evening, sir. Just need your name and address for the record and the floor is yours.

Peterson: Steve Peterson. Steve Peterson. Address is 2864 North 750 East, North Ogden, Utah.

Seal: Go right ahead.

Peterson: So -- yeah. So, as just explained, it's a credit union. We -- we feel that the location is appropriate. With the comments from staff we will -- we are amenable to -- to providing that -- that walkway path to the -- the front -- street front there for the pedestrian path. But, otherwise, yeah, we -- we appreciate the -- the Council's time and -- and city staff's time as we have submitted this and -- and look forward to approval.

Seal: Okay. Does anybody have any questions, concerns for staff or the applicant? Okay. I will -- I will throw one in real quick. That was just on -- and I know -- I just want to make sure that the sidewalk doesn't necessarily go in right where the little red lines are on the presentation, just because of cars driving around that corner that's going to be blind to them. So, if we could make sure that that's, you know, a good pedestrian access, so just in case we do get foot traffic off of there. Ten Mile Road does have quite a bit of good foot traffic, bike traffic on it, so I just want to make sure that that's got a little bit of signage, a better placement on that, so -- anybody else?

Grace: Yeah. Mr. Chair?

Seal: Commissioner Grace, go ahead.

Grace: Steve, is it -- the escape lane, is it -- maybe this is just my unfamiliarity, but is it normal for that escape lane to be sort of so late -- late, I guess, in -- in the -- in the stacking lane? It seems like you would have -- you may have to go through the entire thing before you could escape.

Peterson: Well, the access -- I mean the intent is is that any access going around that would be for the drive through only. But there is -- we have allowed for enough space for a car to bypass any -- any stacking that's happening in the single line along the backside and, then, also to go around the drive through lanes themselves.

Grace: Oh. So, they can get out of the line, so --

Peterson: Oh, for sure. Yes.

Grace: Okay. Thank you.

Seal: Any other questions? None? Madam Clerk, do we have anybody signed up for public testimony?

Hall: We do not in-house or online.

Seal: Might make this quick here. If anybody -- if anybody online would like to speak, please, press the raise your hand button. Is there anybody in Chambers that would like to speak? Seeing no hands raised anywhere, does the applicant have anything else to add?

Peterson: No. Just thanks for your time.

Seal: Excellent. Thank you. All right. With that I will take a motion to close the public hearing for File No. H-2022-0068.

Wheeler: So moved.

Grace: Second.

Seal: It's been moved and seconded to close the public hearing for H-2022-0068, Ten Mile Branch EICU. All those in favor say aye. Any opposed? Okay. The public hearing is closed.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

Dodson: Mr. Chair?

Seal: Yes, sir.

Dodson: I just wanted to touch on Commissioner Grace's comment real quick. Code is not specific as to when that escape lane needs to start. It just says that if the stacking lane is more than one hundred feet long, then, you need to have one. Typically applicants would start that at approximately the hundred foot length. Thankfully, the drive aisle that they are proposing -- the drive through lane is 20 feet wide. So, it isn't in itself ten feet and ten feet. So, we should have plenty of opportunity for individuals to go around if they need to. You are welcome.

Seal: Okay. Any discussion? Motions? We will take either.

Wheeler: Mr. Chair?

Seal: Go right ahead.

Wheeler: I would like to make a motion here. After considering all staff, applicant and public testimony, I move to approve File No. H-2822-0068 as presented in the staff report

for the hearing date of October 20th, 2022, with the following modifications: That the applicant work with the city on -- on the location and installation of a sidewalk.

Grace: Second.

Seal: It's been moved and seconded to recommend approval -- is this a -- I was going to say to approve File No. H-2022-0068, EICU Ten Mile branch with modifications. All those in favor say aye. Any opposed? Okay. Motion carries. Thank you very much.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

6. Public Hearing for Bridge at The Village at Meridian (H-2022-0069) by Meridian CenterCal, LLC, located at 3210 E. Longwing Ln.

- A. Request: Conditional Use Permit to exceed the maximum building height listed in UDC 11-2B-3A.3 of 65 feet for the C-G zoning district to allow an average elevation of 78 feet (85 feet to the highest point of the structures).

Seal: Okay. At this time I would like to open up File No. H-2022-0069 for Bridge at The Village at Meridian and we will begin with the staff report.

Allen: Good evening, Mr. Chair, Members of the Commission. The next application before you is a request for a conditional use permit. This site consists of 14.24 acres of land. It's zoned C-G and is located off the northeast corner of East Fairview Avenue and North Eagle Road. This property was annexed as part of The Village at Meridian development back in 2007 with the requirement of a development agreement, which has been later amended in 2011. The Comprehensive Plan future land use designation is mixed-use regional. A conditional use permit is requested to exceed the maximum building height of 65 feet listed in the UDC for the C-G zoning district to allow an average elevation of 78 feet -- or 85 feet to the highest point of the structure, depending on how you measure it, for two vertically integrated residential buildings, one on each side of Longwing Lane joined by a pedestrian bridge over Longwing. This project can be serviced by the Meridian Fire Department, but with the concentration and distribution of existing resources they are unable to maintain an acceptable response time. A firefighter air replenishment system will be required for the structures per IFC and city code. Both structures shall be required to have radio testing done. The fire department recommends automatic external defibrillators throughout the building, as access to the upper floors and pool area will be delayed. Written testimony has been received from Tamara Thompson, The Land Group, the applicant's representative, in agreement with the staff report. Staff will stand for any questions. The staff is recommending -- excuse me -- approval. I can't speak tonight. Thank you.

Seal: Thank you, Sonya. All right. Would the applicant like to come forward, please? It looks like they are online. Oh. I see a Lance Blackwood is raising his hand. Okay.

Blackwood: Hello. This is Lance Blackwood. Are we coming through okay?

Seal: Yes, sir, you are.

Blackwood: Well, thank you.

Seal: We got your name, let's go ahead and get your address and the floor is yours.

Blackwood: Yeah. Lance Blackwood. 11566 Holly Springs Drive in South Jordan, Utah. I represent -- work for CenterCal Properties and we are the applicant and -- for -- for this project and we are very very excited to be at this -- at this point in our design and development and our approval process and in working with Sonya and the -- the rest of the staff, to -- to come to this point. We are -- we are very excited with the way that the project has developed in coming forward and this is a real interesting -- important junction for us to be able to take before the Commission -- the Planning -- the CUP for the building height as we are continuing to work on the rest of the documents and -- and to prepare to submit for building permits and the rest of the land development permits and all the other statutory requirements around the first of the year. So, we are very excited about that. And we have with us also via Zoom -- we have Scott Arrington, who is our CenterCal vice-president of construction and Don Becker, who is our entitlement project manager for the design and we also have David Holzberg, who is the director of operations for development and he is the architect representing our design team. So, David is here for -- if you have any questions regarding the architectural -- the technical issues that David is -- is ready to answer those questions.

Seal: Okay. Thank you very much. Is that the -- would you like to present anymore or --

Blackwood: If you would like to -- I mean if you would like to have David give anymore detail regarding what -- what is already included in the staff report or any clarifications, I think that he would be willing to do that, but hopefully -- I -- I believe that it's -- it's pretty well laid out, the -- what our request is and -- and showing the requirements for the conditional use based on just the building height. I believe -- I believe that we are -- we are okay.

Seal: Okay.

Blackwood: But, you know, please, let us know if you want -- if you want David to expand on any of that.

Seal: No. Just -- just asking the question, so --

Blackwood: Okay. Thank you.

Seal: No -- no need to get flashy, although some applicants do.

Blackwood: I'm not very -- I'm not very flashy.

Seal: All right. Thank you very much.

Blackwood: Thank you. Okay. Commissioners, do we have any questions for the applicant or staff at this point?

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher, go ahead.

Lorcher: I have a question for the applicant in regard to the height elevation of 78 -- is it 78 feet to 85 feet? Is it structural or decorative? Lance?

Peterson: Sorry. Yeah. David, will you -- Mr. Holzberg, will you weigh in on that for us, please?

Seal: Madam Clerk, do you want to bring in --

Peterson: Do I have to lower my hand before he can --

Seal: No, I don't think so. It looks like David Holzberg wants to --

Peterson: There he is. Thank you.

Seal: Okay. David, it looks like you are unmuted. Can you hear us?

Holzberg: Yes, I can.

Seal: Okay. Go ahead and give us your name and address for the record, please.

Holzberg: Yes. My name is David Holzberg and our address is 255 400 West in Salt Lake City, Utah. To answer the question, the -- the deck height is below 75 feet. The 80 -- the 78 to 85 is structural. It contains the -- the roof line of the building.

Lorcher: Can I have a follow-up question?

Seal: Absolutely.

Lorcher: So, why -- why -- is 65 feet not enough? I mean why -- why do you have to have the -- the waiver of the variance? What's -- besides the roof line? Is it to have another floor on this building or --

Holzberg: Yes, it is. And just in the -- in the development of bringing the -- the quantity of units on site it is having an extra level that extends up above and -- of that -- that level.

So, it's really -- it's a quantity of units that we are -- we are going to add and that's why -- where the variance comes from.

Lorcher: Is this a seven floor -- a seven floor building?

Holzberg: That is correct.

Lorcher: Okay. Thank you.

Seal: Anyone else?

Grace: Mr. Chairman?

Seal: Commissioner Grace, go ahead.

Grace: This is characterized as a -- two vertically integrated residential buildings and maybe I missed it, so -- maybe this question -- this question could be either for the applicant or staff, but how many units are we talking about?

Holzberg: This is David again. This is -- it's a total of 549 units and it's very vertically integrated in that there is retail along the -- the Longwing corridor, which, again, replicates the scale that we see at The Village at Meridian.

Grace: Thank you. And I was referring to the residential unit. So, that was the number I was looking for. Is that --

Holzberg: Yes.

Grace: -- five forty-nine. Okay.

Holzberg: Thank you.

Seal: Anybody else?

Wheeler: Mr. Chair?

Seal: Commissioner Wheeler, go ahead.

Wheeler: Hello. This is Commissioner Wheeler. David, since you are up to bat here, let me just keep on throwing you some -- some fastballs if that's all right.

Holzberg: Go for it.

Wheeler: So, what you are saying is that it's the parapet that's actually pushing it over the 78 foot limitation or restriction?

Holzberg: Yeah. So, the height of the building -- so, the average being at 78 is -- and it is the parapet of the roof. So, the roof line itself is -- the structure is just a couple of feet below that. So, it's not an overly extended parapet. It is the roof line that's at that level.

Wheeler: It's the roof line and so the parapet goes above the 78 feet and that's what kicks it to the 85 feet; is that what I'm understanding?

Holzberg: No. I'm sorry. It is the parapet that is at the 78. I'm -- I'm saying that the parapet itself is only about 12 inches tall.

Wheeler: Okay. Okay. That makes a lot more sense to me. Okay. And then -- so, what is kicking it over the 78 feet then?

Holzberg: So, the -- there is certain -- just in the variations to add that character to the roof line. So, the average is the 78 feet, but the 85 is just in fitting with the building code and -- and the type of construction that we are doing, that's where we do not exceed the 85, but 78 is the average.

Wheeler: Okay.

Seal: Sixty-five foot is actually the -- the limit that they are exceeding on this.

Wheeler: Okay. So, 65 feet and -- okay. So, why did I see something here on the staff report on 78 feet? Was I missing something?

Seal: The average elevation is 78 feet and 85 feet to the highest point, so --

Wheeler: Okay.

Seal: Essentially the highest point of the building is going to be 85 feet, which is 20 feet higher than what we allow --

Wheeler: Okay.

Seal: -- on a conditional use permit.

Wheeler: So, is there -- so, with your project, if we are able to take off two more floors in order to bring it within code, are you guys okay with that?

Holzberg: If that were the case the project would not be economically feasible, especially with the -- the rising construction costs. That is where -- where the application had come in as to accommodate the addition -- additional income from those units. So, if -- if this was not approved and it went at the 65, that -- that would be a detriment to the project.

Wheeler: Okay. I also noticed that on the application that you mentioned that there are some -- there are some parking that is on here, a 733 stall parking garage. I'm assuming

that that is not a standalone unit, but more or less this is like a four over three. So, in construction talk that means that there is -- there is four units that are livable that are above like three units of either mixed-use or parking. So, is that what you are saying, is that that's what -- what's adding in is seventy -- a 733 stall parking garage or is that a standalone garage?

Holzberg: It's actually -- the -- the project wraps the south building on -- on the plan there. The project wraps around the parking garage. It -- it's -- it's actually a five over two construction and so the parking garage is a -- is a taller structure, which is -- has the units wrap all the way around it. The intent is to make sure that we conceal that. But there is still lots of access to the parking garage, but from the street you wouldn't know that there was a parking garage.

Wheeler: Okay. So, this -- the residential units -- the mixed-use, the retail and everything else like that will be what is seen from the front and -- the drive by, like -- by the main arterials, but the parking structure will be on the interior side?

Holzberg: Correct. If you see the plan that's on the screen on that south building there, it's -- you will see those units are wrapped all around the parking garage in the center.

Wheeler: Yeah. I'm noticing that from the elevations. I was just kind of curious about the -- you know, the podium side -- side of it. Thank you for answering that, Scott. The other question I have is this area -- this intersection is the most -- it's the busiest in the state of Idaho. The parking there on any sort of fun Fridays that the -- that The Village puts on for concerts or get togethers and we are coming into, you know, holiday seasons, it's pretty packed. How do -- how does -- how does this project not add to more of this congestion and more so even just on a safety level with just the traffic and everything queuing for, you know, just another 733 cars?

Holzberg: Yeah. No. Understood. That's a great question. We -- as part of the CUP process we had gone through some iterations with staff regarding traffic and the approvals of the -- the apartments that are going in right here are actually already part of a previous traffic study that had been submitted to the city. So, it does add more people to it. That's why we wanted to keep all of the additional cars that it will be adding into -- internal to the building and not necessarily spilling out onto the site, which, like you said, is already -- is already busy.

Wheeler: Is this also taking up parking spaces at The Village?

Holzberg: It will be, yes.

Wheeler: So, what's the net loss -- or what's the net gain out of the 733? Because part of those 733 -- the patrons aren't going to be able to park at and so that's just going to add some extra congestion. So, how many -- how many parking spaces are -- are taken away in order -- for this project?

Holzberg: You know, right now I would have to approximate that for you.

Wheeler: That's fine.

Holzberg: I would say probably about 120.

Wheeler: Okay. Are you guys adding any sort of decel lanes or anything like that off of Fairview or Eagle in order to accommodate the extra traffic or what the ITD study said or ACHD?

Holzberg: That was -- that is not something that is in the scope of this project.

Wheeler: Okay. Okay. Thank you.

Seal: Yes. Thank you.

Holzberg: You're welcome.

Seal: Anyone else? Questions. Concerns? Comments? No? All right. At this time we would like to open up the --

Grace: Mr. Chair, I'm -- I'm sorry.

Seal: Go ahead.

Grace: I have one follow up. Just a clarification from the applicant. The parking that is described in the -- in the garage is -- is exclusive to the -- to the residents; right? It's not public parking.

Holzberg: There is public parking. There are about 60 stalls that are being added back into for -- for -- for the public parking. It's free -- free access that is just on the ground floor.

Grace: Okay. Thank you.

Seal: All right. Okay. At this time I would like to take public testimony. Madam Clerk, is there anyone signed up?

Hall: Mr. Chair, there is no one signed up on online, nor in -- in Chambers.

Seal: Okay. If you are online, please, hit the raise hand button. If there is anybody in Chamber, please, raise your hand. Sir, if you would like come up and testify please do. Good evening, sir. I just need your name and address for the record and the floor is yours.

Bernard: Name is Michael Bernard. 4025 North Dashwood Place, Meridian, Idaho. Thank you, Mr. Commissioner and Commission. I didn't come here intentionally to provide testimony on this until they just heard it. So, I only have a couple of points that I would like to make is, number one, if -- if we have standards, then, we should uphold those standards. We shouldn't bend over backwards to modify those standards to allow somebody to make more money; right? So, that's kind of what it sounds like for this project. We want to shoehorn this giant project into here and it's not financially doable for them unless we make allowances or accommodate them and allow them to exceed height standards that exist. So, I don't believe we should do that. We have standards. They exist for a reason. We should uphold them. Two is -- and -- and, Commissioner Wheeler, you -- you kind of hinted at this. That's a disaster in that area for many hours of the day and now we are talking about adding another 4,000 trips a day to those roads, maybe more. Let's remember residents don't have just one car. Many residents have two or even three cars, so parking alone is going to be atrocious. Plus they have visitors; right? So, none of this is accounted for I don't think in any of the numbers that I heard. So, those are the only things that I wish that I'm asking you to consider before you make your recommendations to the Council. Thanks for your time.

Seal: Thank you, sir. Anybody else want to testify? Seeing nobody raising their hand online or -- or in Chambers, would the applicant -- I was going to say, is there any -- any further questions from the Commission? Okay. Would the applicant like to give any closing remarks? That's either -- either Lance or David, you can go ahead with that.

Blackwood: Yeah. We -- we have certainly made every effort to make this -- this isn't just surely a -- a -- purely a process to see how many we can cram in. It -- it really is to build a wonderful vertically integrated, high quality development that it's really going to enhance -- enhance the city as well as our development and so we appreciate the concern and we are looking forward to providing a really world class facility here. Thank you.

Seal: All right. Thank you very much. With that can I get a motion to close the public testimony for File No. H-2022-0069?

Lorcher: So moved.

Wheeler: Second.

Seal: It's been moved and seconded to close public hearing for File No. H-2022-0069, Bridge at The Village of Meridian. All in favor say aye. Any opposed? Okay. Public hearing is closed.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

Seal: Commissioners?

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher, go ahead.

Lorcher: Can I check with Council in regard to what exactly we are voting on tonight? I mean it's not the project, it's the conditional use permit for the height of the building. The project has already been approved or they are in process with the City of Meridian; is that correct?

Starman: Mr. Chairman, Commissioner Lorcher, I will take a stab at that and ask our planning staff to join me as well, but as Sonya indicated this project has a very long history and there is an existing development agreement that contemplates certain development on the site, including multi-family. So, this is all allowed with the existing development agreement. The item -- the concrete specific item before the Commission this evening is the request to exceed the 65 foot limit on height and you have heard testimony from that from the applicant and heard a presentation from staff. So, the specific issue before you tonight is a conditional use permit that pertains to the height limitation and an exception to the 65 foot limit and in order to make the findings for that conditional use permit, you know, in our -- in the Unified Development Code, you have -- there are outlined in your staff report findings that you have to make in order to grant that conditional use permit. So, that's for the Commission to decide whether those findings are and if you are able to make those findings or not, but really the -- the item before you tonight is fairly limited on the height issues that -- I guess I would defer to -- or ask Sonya and Bill Parsons to elaborate if I missed something or if I misspoke.

Allen: Yes. Chairman Seal, Commissioner Lorcher, Commissioners, the -- that's true what counsel just stated. This project has been approved by planning. It is considered a vertically integrated project, which is principally permitted in the C-G zoning district. So, all they have to do is submit for a certificate of zoning compliance and design review application.

Lorcher: Mr. Chair?

Seal: Go ahead.

Lorcher: Sonya, if we deny the height will they go back to the city planning to kind of adjust this to however they would see fit as far as the units are concerned? There is no limit in regard to the number of units for this vertically integrated building.

Allen: There is no limit. However, the applicant stated that this would kill the project for them. But, yes, they could apply for a vertically integrated project at the maximum height limit of 65 feet allowed by the UDC.

Lorcher: One more?

Seal: Yep.

Lorcher: If we did continuance they would continue to work with planning to adjust the building to be able to maximize the space with what they would like to do within the height restriction?

Allen: They could certainly do that. Again, the applicant -- you can ask the applicant again, but from what I heard that that would kill their project that they had going for this site.

Lorcher: Okay. Thanks.

Starman: Mr. Chairman and Commissioner Lorcher, I guess I would add to that -- if the thought is -- if the Commission as a whole is going in that direction to decline the conditional use permit to exceed the 65 foot limit, there is really no reason -- there would -- I don't think there would be a reason to continue the hearing, because if they stay within the 65 foot limit there is no need for Commission action at that point in time. So, there is no need to continue the hearing if you are moving in that direction, because there will be no need to come back for additional discussion at that point.

Parsons: Mr. Chair, just to add a little more to --

Seal: Go right ahead.

Parsons: -- information to -- to the Commission. If you deny it the applicant still has the right to appeal your decision to City Council. So, it's -- it's just more -- more hoops for them to jump through. Again to Kurt's point or the city attorney's point is this really is a height requirement and I think most of the buildings out there -- probably some of those architectural embellishments on some of those buildings are -- exceed 80 feet now. So, I don't -- I don't -- it's something you have to take into consideration, but at least from staff's perspective this is a very simple request. The code allows for them to go through a conditional use permit to increase the height. That's what we are here for. The vertically integrated -- again, it's principally permitted. As Sonya stated, they can come in tomorrow and submit for that.

Seal: Commissioner Grace.

Grace: Mr. Chairman. And that -- thank you so much, because I was about to ask the question as to whether there are other structures in that area that also exceed that height and what's -- if -- if -- if that restriction has been waived what's the rationale? I mean what's -- what's the criteria that the city uses to -- to determine that on a -- on a project by project basis?

Parsons: Mr. Chairman, Members of the Commission, nothing's been waived. There is always a process -- a conditional use process or a lot of times in the code when you look at the height exceptions, if it's not habitable space a building can be taller, because it's -- again, it's just more an architectural feature than actually space of that building, so, again, it's your purview. The traffic study's been addressed. That was addressed. This was --

the use was contemplated back in 2007 when it was annexed. The DA is in place. So, again, it's simply coming before you to allow a higher real -- a taller building.

Seal: Bill, a question on the -- I mean it's probably an impossible question to ask on the spot, but I will ask it anyway. Out of -- do you know of any residential applications that are -- went through the conditional use permit and are exceeding that 65 foot height?

Parsons: Mr. Chairman, Members of the Commission, not -- not in its -- yes. Right across the street. We just did it for that vertically integrated building. They are 90 feet tall.

Seal: Okay.

Parsons: And, then, a lot of times we -- we do that process, we -- we either -- Scentsy campus, the office building there went through a conditional use permit to go up to 85 feet tall and, then, a lot of times these office buildings that you see going up are about 77, 78 feet tall, so they will provide some kind of common open space and go through the staff level alternative compliance process, so they don't need the CUP in that case, they just get staff level approval with their certificate of zoning compliance and design review applications.

Seal: Thank you.

Lorcher: Mr. Chair?

Seal: Yeah, Commissioner Lorcher.

Lorcher: I think it would be easier if we had a sense of context, you know. So, we know that the decorative buildings at The Village exceed 85 feet, but it's more decorative than actually in -- you know, actually being apartments and Brighton is doing one around the corner, but -- I mean I can't remember if -- what -- I think there are a five story building, not seven. And, then, there is the apartments on the other side that I think are closer to three and four. So, you know, if we knew that -- if this is the tallest building or does this fit into the theme of whatever's happening in The Village already, that kind of context information would be helpful, because if this is just almost the same, but just a different style of all the other apartment buildings that are around The Village, then, it would be an easy decision. But if this is one that's exceeding everything else and overshadowing everything else that's happening there standalone, it's -- it's hard to make that decision right off the top of our head. I guess that's not really a question, but more of a comment.

Seal: Yeah. And that's very welcome and I -- I mean I think of it in two ways. There is -- one, they want to add, you know, essentially, an additional level to this in order to, you know, accommodate rising prices that are out there. That said, everybody around them has built at this level, the 65 foot height or below for residential and managed to make a couple bucks. So, you know, at the same time as I look at this do we need another level of residents in that area to help accommodate living spaces for Meridian. I mean if -- if the answer to that is no, then, I mean for the most part, then, we are giving them the

conditional use in order for them to make more money, not necessarily to accommodate, you know, what we need for Meridian. So, that's kind of the way that I'm looking at it at this point in time, so --

Parsons: So, Mr. Chair, Members of the Commission, I think -- I think -- I appreciate the discussion this evening. The -- the one thing that -- that's intriguing to -- at least from a -- putting on my planner hat, what we like about this project is when you look at an aerial of this property it's a sea of asphalt. This is where the applicant is actually putting square footage on the ground, they are trying to screen parking, so you don't see it. So, in -- from a planning perspective this is probably a good case scenario where the building -- the design of the building is accentuated versus a parking lot. So, typically in your urban settings this is what you see. You have -- the building is towards the street or you have the building being the dominant feature and the parking being screened. So, as far as how this is going to fit into the context of The Village, I think in -- in planning it's -- it should fit -- blend in very well. It's -- again it's what was contemplated with the development of this property.

Lorcher: Mr. Chair?

Seal: Go right ahead.

Lorcher: Well, I -- I agree the project actually looks -- it's a -- it's probably a good fit. This building looks like a monster and, you know, if there is 549 units and say everybody's got, you know, two cars or two people, you are adding, you know, almost 1,100 more cars to The Village and to the corner of Fairview and -- and Eagle and I know the ACHD study says that those streets can handle that parking -- or that traffic and, then, even with the 733 parking units that are there with the 60 -- that includes the 60 for the commercial that will be below, which I really like having the commercial and the living space on top, that's still a shortage of 365 parking spaces for a place that's already crowded. So, if everybody wanted to go see Santa on Friday night, it would be really challenging with -- with this there. Having the -- the live-work, you know, in the same parking lot as The Village, so that, you know, you can go grocery shopping, you can go see a movie, you can go have dinner, you can do all those things because you are right there is fabulous. Overall I like the project design, but it is very vast for that particular corner. So, for the development agreement, you know, I totally support having a retail business at the bottom and residential at the top, but 549 units and asking, you know, for another floor to be able to accommodate that when we don't know what the other apartment buildings are doing around the area, it's just -- it's -- at least for me it's hard to decide.

Seal: Yeah. I agree. I -- again, I -- I look at everything that's built around it for the residential. They are all building and -- I mean what we have seen as far as Brighton going in, it was five stories that had their parking concealed. They were able to do all that and stay within the height restriction. So, I mean, again, this kind of comes down to -- I think they can do this, minus a floor, essentially, and some more architecting and still be well within a marketable model. But, you know, I don't risk millions on projects like this, so that's just me thinking out loud.

Wheeler: Mr. Chair?

Seal: Go ahead.

Wheeler: Yeah. I -- I see the -- on the developer side I mean they are the ones that are taking in the risk and they are -- and they are the ones that are pursuing this, they are the ones that are taking a look at the plans, the DA, seeing that, hey, this would look well, looking at something more like staff said about, hey, we are not seeing a sea of asphalt pulling into it; right? And they are in there to put up a lot of risk in order to -- to get some -- to get some return on it and sometimes it's years before they even see any sort of thing as they continue to feed the alligator and as they continue to put out the cost in order for this stuff. I think some of the thoughts that -- that I have on it is similar to yours that there has been other ones that have been able to do this on a smaller scale and be okay within the height restriction. The other thing is I think also as the Commission -- I think this is something that we need to kind of focus on -- not really focus on, but just remember is that we do decide kind of what City of Meridian gets to kind of look like as we approve projects and deny projects and things like that and so for me it's kind of like is this Village, where it's been kind of a -- a hub for -- for community marketplace activities, entertainment, and things like that, how would that -- how would that fit and look with that -- that height restriction removed and the parking spaces out, how would that accommodate people that would want to be able to -- to go there and how that might constrict more -- more use of really the crown jewel in Meridian of this Village and so for that reason I -- I can't support the -- the CUP of going over that height restriction of 65 feet.

Seal: Commissioner Grace, go ahead.

Grace: Yeah. Mr. Chairman, I guess maybe I take a little bit different perspective given the limited nature of what's in front of us in our decision making. We are talking about -- I mean the decision is based on the vertical height; right? And, you know, this Commission and the city is facing this issue -- has faced it before and we are going to continue to face it. It's growing. They are coming. I would rather grow vertically than -- than create -- than continue the sprawl, quite honestly. The staff has said it's compatible with the surrounding buildings and the other uses. There are some structures that are relatively in this neighborhood in terms of height. Housing is a -- is a big issue in Meridian as we all know. I do understand the traffic and the parking. You have to take the traffic study at -- at it's -- at what it says. It's a busy area. It's not going to be -- cease to be a busy area because this project doesn't go in. So, I guess maybe I take a different view of it. I -- I -- I would probably have to support it based on the limited nature of what's in front of us.

Seal: Okay. Anybody else? Okay. I'm looking for a motion at this point in time then.

Wheeler: Mr. Chair?

Seal: Commissioner Wheeler, go ahead.

Wheeler: Let me see here. Get that page here. Okay. I would like to make a motion here. After considering all staff, applicant, and public testimony, I move for denial on File No. H-2022-0069 as presented during the hearing date -- excuse me -- presented during the hearing on October 20th, 2022, due to the -- due for the following reasons: Not allowing the height restriction to be superseded and the parking issues that would, then, ensue.

Seal: Do I have a second?

Lorcher: Second.

Seal: It's been moved and seconded to deny File No. H-2022-0069 for the aforementioned reasons. All those in favor of the denial, please, say aye. Opposed?

Grace: Aye.

Seal: And the -- the ayes have it. So, File No. H-2022-0069 has been denied.

MOTION CARRIED: THREE AYES. ONE NAY. TWO ABSENT.

7. Public Hearing for Kingstown Subdivision (H-2022-0045) by Kimley Horn, located at 2620 E. Jasmine St.

- A. Request: Annexation of 8.20 acres of land with an R-8 zoning district.
- B. Request: Preliminary Plat consisting of 28 building lots and 6 common lots on 8.20 acres of land in the R-8 zoning district.

Seal: That's enough. Thank you very much. Please do not do that. It's not a pep rally. All right. Thank you, Commissioners. Okay. I would like to open up File No. H-2022-0045, Kingston Subdivision, and with that we will begin with the staff report.

Parsons: Thank you, Mr. Chair, Members of the Commission. The next application before you is a request for annexation and zoning and a preliminary plat. This site consists of 8.2 acres of land. It's zoned RUT in Ada county and is generally located west of North Eagle Road and State Highway 55 and north of East Ustick Road at 2610 East Jasmine Street. This is an in-fill or enclave property surrounded by city annexed and developed land. The Comprehensive Plan future land use map designation is medium density residential, which calls for residential units at a gross density of three to eight dwelling units per acre. An application for annexation of 8.2 acres of land with an R-8 zoning district and preliminary plat consisting of 28 building lots and six common lots on 8.2 acres of land in the R-8 district was submitted for this development. This project is proposed to develop in two phases, with the western portion of the property developing first. There is an existing home and several outbuildings on the eastern portion of the property that are proposed to remain until the second phase of development, at which time the outbuildings will be removed and the home will remain on a lot in the proposed

subdivision. In accord with staff's recommendation the applicant has submitted a revised concept plat as shown in an effort to provide a better transition to existing residential properties to the north and future residential properties to the east, which reduced the number of building lots from 28 to 26 and increase the number of common lots from six to seven, for a gross density of 3.17 units per acre. The gross density without the large parcel where the existing home is proposed to remain is 3.78 units per acre and that is this big lot right here where my arrow is. Changes to the plan include removal of three building lots along the north boundary and the addition of one building lot along the east boundary. The size of common lots were increased to meet the qualified open space standards and a 20 foot wide common lot was added for a multi-use pathway connection from Conley Avenue through the large common area to the pathway along the east side of Rogue River Avenue in accord with the pathways master plan and I will just flip to that real quick and show you -- this is the area that was added and the pathway will go through here and up along here to the north boundary. Access is proposed from the extension of existing local stub streets, North Conley Avenue, North Rogue River Avenue and East Jasmine from the south, north and east to point -- Alpine Point, Delano, and Champion Park Subdivisions. A minimum of 1.23 acres of common open space is required to be provided within the development. The initial open space exhibit submitted with the application included some areas that did not meet the minimum qualifications. The applicant submitted an updated common open space exhibit that addresses staff's concerns in the staff report -- and that is shown there on the right -- that depicts exactly 1.23 acres of common open space that appears to comply with UDC standards. Amenities consisting of a dog waste station and a picnic area with a shelter table and bench seating is proposed in accord with UDC standards. There are many existing trees on this site that are proposed -- proposed to be removed with development. Mitigation is required for these trees as noted in the staff report. Conceptual building elevations were submitted as shown that demonstrate what future homes in this development will look like. A mix of single story, single story with bonus room, and two-story homes are proposed. Development of this site is difficult because of the three stub streets to this property that are required to be extended and their locations. Although the use and density of the project is in line with the comp plan, the comp plan also states that new development should create a site design compatible with surrounding uses through transitional densities, buffering, screening and other best site design practices. If the Commission does not feel the proposed development is compatible with surrounding use in terms of transition, the Commission could require additional landscaping for screening and/or reconfiguration of lots, so that more compatible lot sizes are proposed adjacent to existing development. The number of lots could also be reduced by up to five down to 21 and still comply with the density desired and the medium density designation. Written testimony has been received from Nicolette Womack, the applicant's representative, in response to the staff report. She detailed the changes made to the plans. Several letters of testimony have been submitted by adjacent neighbors in opposition to the proposed development and those are all contained in the public record. Concerns noted include, but are not limited to the following: Increased traffic in existing residential neighborhoods due to the proposed street connectivity and associated safety concerns due to speeding traffic. Request for the city to require traffic calming measures within Alpine Point Subdivision and possibly other adjacent subdivisions as a condition of approval prior to

commencement of construction. Opinion that R-2 or R-4 zoning would be more appropriate than R-8 due to the differences in dimensional standards and better compatibility with adjacent lots and preference for larger lots, i.e., lower density along northern and southern boundaries to be more consistent with existing development. Request for minimum lot sizes of 10,800 square feet along the southern boundary and 12,960 square feet along the northern boundary consistent with neighboring lot sizes. Proposed two story homes are invasive to existing residences' privacy in Alpine Point Subdivision and not complementary to existing one story and one story with front facing bonus room homes. Most of the proposed lots are dimensionally too small for the proposed homes with the required setbacks. There was a request from Mr. McDowell, the property owner at 2431 East Wainwright, that is the largest lot adjacent to this site at the northern boundary. That is this lot right here. He is requesting single story homes next to his property or if two homes -- two story homes are approved he requests the developer plant 20 foot tall blue spruce trees in his backyard to provide screening. And, lastly, a request from Mr. Johnson, the property owner directly to the east of Mr. McDowell's property for two story homes next to his property to have no windows overlooking his backyard. Staff is recommending approval with the requirement of a development agreement that contains the provisions in the staff report. Staff will stand for any questions.

Seal: Thank you, Sonya. At this time would the applicant like to come forward? Good evening. I need your name and address for the record and the floor is yours.

Womack: My name is Nicolette Womack. I'm a planner with Kimley Horn, and the address is 1100 West Idaho Street, Suite 210, Boise, Idaho. 83702. So, again, we are here before you tonight with Kingstown Subdivision. The applicant team includes Teller Bard, a civil engineer with Kimley Horn. Ian Connair, a civil engineer as well. Myself, who is a planner, and, then, Kyle Enzler is with Maddyn Homes. It's important to note that Maddyn Homes is a second generation builder and fourth generation Idahoan family. So, they have a vast experience across the area and they have a strong commitment to building safe -- safer and more energy efficient homes for families. Before you tonight is that annexation, rezone, that annex -- annexes the parcel into the city and assigns a zoning designation. It plats the parcels of the preliminary plat for individual sale and, then, the development agreement will bind us to specific conditions. It's important also that we cover the timeline, so we began in October of 2020 when Kyle -- the -- the builder actually purchased the site as his personal residence. In May of that year he began with his first pre-application appointment and, then, continued on until November of that year. The neighborhood meeting was held in April and the application was submitted in June. We received staff's comments in September and we revised the plans to bring the plans into greater conformance with the items they brought up. And, then, tonight is our public hearing. Shown here is the site at 2610 East Jasmine Lane. The area is directly to the northwest of the Hobby Lobby retail center and it is adjacent to several adjacent services and in -- in an area that is, obviously, rapidly developing. The crux of why this site is so unique has a lot to do with the existing home that's on the site and so this is the home that Kyle and his family live in. They have made -- they have a lot of focus on the -- keeping the character of the property intact. This 7,337 square foot home is something

that they are desiring to retain and so are several of the neighbors. So, that has been a focus of the design. This is the future land use map for the property. It is designated as medium density residential, which encourages three to eight dwelling units per acre. This is the zoning map for the property. So, as you can see this is one of the last remaining county enclaves with the subdivision to the northwest, but this project clearly was not developed with the adjacent lots and that has made further complicating issues trying to figure out a site plan that works for every code requirement and for everyone. So, they are requesting R-8 zoning, which is consistent with Champion Park and Delano Subdivision to the south and east. The existing condition of the site -- you can see the single family home, several of the out buildings will be removed and the existing landscaping. It's important to note that this is a triangular shaped lot with three stub roads and I think we all know triangles are hard in development and stub roads are generally straight with 90 degree corners. So, to the north there is roughly 13,000 square foot lots. To the south is roughly 11,000 square foot lots. And to the east is five to six thousand square foot lots, with multi-family to the southeast. Again these are the three stubs we are working to connect. Those are requirements of ACHD and the city and so, again, these are the opportunities and constraints we are working to resolve. We are finishing completing the road network and the pedestrian network with those pathways, preserving the existing home, retaining a majority of the existing landscaping, designing a project within a triangular shaped lot and creating consistency with four adjacent very varied subdivisions. The original submittal was 28 single family homes. That is a density of 3.42 dwelling units per acre and, again, it's important to note that 20 percent of our site is required roadways. After working with staff and -- and taking their feedback into consideration, the builder was able to settle on 26 single family homes. That was accomplished by removing three single family homes from the northwest side of the site and replacing one on the southeast corner of the site as recommended by staff. There has been a lot of discussion. The builder has attended several HOA neighborhood meetings to talk about this in more detail and has struggled to decide who should be more burdened by density, one subdivision or another, and so a lot of it had to come down to where the appropriate space for open space and pathway should be and how to work within the odd angles of the required roadway system. Again, in phase one there will be 18 single family homes and in phase two the existing home will be a part of that with seven new single family homes. This is the required open space and amenities, so we meet the required open space. We are providing 2.5 amenities, which include that picnic area and dog waste station and, then, we greatly exceed the required landscaping. Again this is a photo of the site. Depending on the mathematical matrix you use we are retaining somewhere between 68 percent to 73 percent of the existing tree canopy. These are concepts for the first phase in the western side of the site and, then, these -- the applicant is the builder and is confident that these can fit on the lots and, then, in phase two these are more of the estate style homes. So, again, through the neighborhood meeting process we have taken into account the neighborhood feedback. We set up three workstations in our neighborhood meeting. We heard about height, phasing, circulation and right of way connectivity, traffic calming and a concern that we might come back in the future and request additional density increases and I think it's commonly known that that would require additional permits with another hearing. So, that would be up to you all if you would even consider it. So, we don't have any plans for that at this time. And,

again, in working with Sonya we agree with all the conditions noted in the staff report and we request your recommendation approval on the annexation, rezone, and preliminary plat. Thank you.

Seal: Thank you, Nicolette. Okay. Questions for the applicant or staff?

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher, go right ahead.

Lorcher: I saw that on the map that Block 1 was part of the open space and how do you access Block 2? Is that a -- so, the -- the primary residence is Block 3; correct?

Womack: Yes.

Lorcher: That's where the owner lives?

Womack: Mr. Chair, that's correct.

Lorcher: So, out of curiosity -- so, I see Block 1 has turned into open space. Is there a driveway off of the -- I need my glasses. I can't read what that's called. Rogue River Avenue.

Seal: Could you go to the bigger map? There we go.

Bard: Good evening. My name is Teller Bard also with Kimley Horn, 1100 West Idaho Street, Suite 210, Boise, Idaho. 83702. So, that Block 2, Lot 2, is part of phase two. The required frontage per the zoning district -- proposed zoning district is off of that north-south street, which I believe is North Conley. So, on the north side of the open space, which is Block 2, Lot 1 -- I believe we are talking about the same area; correct?

Lorcher: Well -- so, I'm looking at Lot 1 with the dotted line around it. That's the pathway; correct?

Bard: That's correct.

Lorcher: And on the -- and on the other map it showed it was green, so that would be open space; correct?

Bard: That's correct.

Lorcher: So, how -- if I live on Lot 2 am I going off that street right there? I have a driveway right there going across the pathways?

Bard: That's correct. The pathway will be on the west side of the road there.

Lorcher: Okay. So, Jasmine Lane is the -- is the squiggle line from the bottom on the east going up?

Bard: Correct.

Lorcher: So, you don't get off -- but whatever that street -- I don't know the name of it. So, there is a driveway there. So, you would access it that way; correct?

Bard: Correct. Yes.

Lorcher: Okay.

Bard: So, from the western part of the lot.

Lorcher: Got you. All right. Thank you.

Seal: Other questions? No? All right. Thanks very much. Okay. At this time we will open the public hearing. Madam Clerk, do we have anybody signed up?

Hall: There is no one signed up online, but we do have a C. Leon Johnson signed up to speak.

Seal: Good evening, sir. We will need your --

Johnson: C. Leon Johnson. 2453 East Wainwright Drive, Meridian.

Seal: Thank you.

Johnson: My property adjoins and abuts some of those smaller lots along the north side of the project and the viewing here did not give me opportunity to see what kind of -- the back part of these proposed buildings look like. I'm opposed to windows on the north side of any project. They appear -- excuse me -- appear to be double story, two story homes on those smaller lots and my opposition would be that there be no windows on the north side of those abutting lots. That's my main concern. I sent in a letter indicating that, but I would like to reinforce that in order to allow privacy for all of those lots that adjoin on the north side.

Seal: Question for you, sir. Is -- is your house two stories?

Johnson: No. Single story.

Seal: Okay. But you do have windows on the south side of your property; correct?

Johnson: Windows on the south side. Living room, bedrooms, and dining room on the -- my south side.

Seal: Thank you.

Johnson: Thank you.

Seal: Madam Clerk, anybody else signed up?

Hall: George Follmer.

Seal: Good evening, sir. Just need your name and address.

Follmer: George Follmer. 4137 North Rogue River Way. Meridian of course. Our concern and my concern is the traffic. If you open up those two access roads or -- I think proposed, the traffic will go into the Alpine Point development, which has been, as you know, one of the best in Meridian. We feel that it -- the extra traffic will create a hazard to our children and congestion to the -- to the neighborhood. It's -- and it's basically roads that go to nowhere. They would empty into a residential district, not a commercial district. Total residential. And, then, the last thing on residential means more traffic. We got a lot of kids that are in that neighborhood and for their safety and for the -- the value of our development Alpine Point it would be a -- a deterrent for ourselves and possibly reduce the property values. We strongly recommend not having those roads opened up. Thank you.

Seal: Thanks, sir. Madam Clerk?

Hall: Mike Bernard.

Seal: Good evening, again, sir. Just need your name and address, sir.

Bernard: Name is Mike Bernard. Live at 4025 North Ashwood Place, Meridian, Idaho. In addition to represent myself and my home in the neighborhood to the north of this, I'm also representing the homeowners association. I'm the president of the homeowners association board. So, I would like to request consideration for more than three minutes.

Seal: Is there anybody here that would like to yield their time? Okay. You may have ten minutes.

Bernard: Thank you. So, as others have stated, we have already submitted written testimony. In fact, staff -- staff reviewed some of the points that we have made in our written testimony, but I would like to amplify a few points. First off, we still believe the density, even after the changes in this current application, is inappropriate from the neighborhood to the south and ours. So, Alpine Point is R-4. All those lots we have -- we have heard the size, but they are all greater than the quarter acre lot along our southern border. In fact, the entire neighborhood is. Champion Park to the south, although -- although an R-8 subdivision, all those properties built along the border of this applicant are quarter acre and larger, too; right? They are built -- they are built to R-4 standards. So, it's not -- it's not fair to say that it's R-8 -- abutting R-8, because it's really

R-8 abutting R-4 on both north and south and how the homes are built and the lots are sized and even if -- if we look at the -- I don't -- I don't have a -- the screen in front of me that shows the overview, but the lots along the eastern side are actually larger than the lots along the north in Delano; right. So, Delano they are five to six thousand feet. That's -- that's the R-8 subdivision to the east of this that phase two would eventually connect to. So, it's -- it's unusual to me how in phase two we get larger when we are moving closer to smaller lot sizes. Does that -- that point makes sense? So, the phase two lot sizes of this applicant -- of this application are larger in size than the phase one lot sizes for the homes and we are getting larger in size as we move east towards the higher density parts of the city; right? So, Delano is R-8 -- around 5,500 square feet on that border. So, my recommendations there is we add some conditions to this that would require either R-4 zoning or we -- we make a minimum lot size of 10,000 square feet along northern border of this that would be more consistent with the homes that are along the northern border to Alpine Point and if we made it R-4, then, those along the southern border could go down to eight; right? I think that's the minimum lot size for an R-4 and that would also help be consistent with what is in Champion Park, so that transition is more fluid, instead of so abrupt. Also alluded to earlier by testimonies ahead of time, we recognize that based on some of those lots it would be appropriate for the builder to put in two stories, but if they were two stories -- having to be two stories or one story with bonus that only had front facing windows or front and side facing windows on the second story, I don't think anyone's opposed to having rear facing windows on the first story. The opposition would be second story windows that would look into each other's backyards. Those homes along there are all single story and don't have any rear facing windows from Alpine Point that would look into those neighbors' property. So, we are looking for a similar consideration from that perspective. Now, some of these points that I'm making were also relatively consistent with what staff had reported in the initial staff report before these modifications -- these minor modifications were made to reduce the lot sizes or to reduce the total home count by a couple. Now, I want to -- I want to step back for a moment and talk about the bonus room as the second or, excuse me, two story with only front facing bonus concept. Delano, which is the property to just the east of this, those -- those homes that will -- those lots that will adjoin to this applicant's phase two have that same condition on them. So, all those western lots in Delano are limited to single story or if two story, bonus with only front facing windows; right? So, that's -- that's been done in this area. In fact, it was done back when Delano happened to try to protect Kyle and his existing home, so anything that built there wouldn't be peering into his home or whatever he wanted to do with his property in the future. So, we are asking for similar consideration along the northern border for us to what was done for Delano to help protect Kyle or the applicant years ago there. Okay? Secondly, we have heard a little bit about roads, but in a way I want to defend Kyle, the applicant. I think it's unfair for the city and the county to force him to absorb connections from the north, south and east into this funny shaped little lot. I don't believe we need it. There is plenty of examples across the city where parts of neighborhoods are connected by footpaths, not necessarily by roadways. Or by bike paths. In fact, part of this plan includes a bike path that will connect Champion Park to Alpine Point as part of the city's pathway system; right? So, we don't always have to have roads everywhere when there is other means of connectivity and I don't think Kyle needs to absorb 20 -- or have 20 percent of his -- this piece of property

be existing roadway. I think he should be able to use it for some other uses, whether that be common space or maybe decreasing the density a little bit and still being able to have a fair number of homes, so it will pencil out for him. Some possible solutions could be only have an east-west connection. So, whether that be east-west from Alpine Point through the east, Jasmine to Delano, or maybe it comes from the south to the east, because we are going to have north-south on a bike path. We are also going to have north-south on a -- on a future collector street to the east; right? Just -- it's going to come up along Delano to the east up into Alpine Point. The name of that road is eluding me now and I should have had it in my notes, so I apologize, but there is a future collector that is going to be built, which will collect Delano, some commercial property, and stuff to the south. So, we don't have to do it all inside a project. So, again, I would recommend we reduce one of those cardinal direction connections, so Kyle doesn't have to absorb all of that. Use the existing planned pathways north, the connector, and, then, we will add some traffic calming effects. So, when phase two and future traffic comes through it will help slow that down. Because another thing to consider, Champion Park also connects to Locust Grove; right? And there is going to be a future traffic circle at mid mile collector on Locust Grove, which will feed traffic off of Locust Grove into the school system there and, then, from the school system there into Champion Park. When you -- when you put a traffic circle there that's an indicator that this is a good place to turn; right. Here is a mid mile collector. Well, mid mile collector is going to feed into roads in Champion Park that were never designed to carry that load of traffic. They are front facing homes. They are going to go from there up through Kyle's application into Alpine Point. Those roads are not designed to be collector roads either. It's all front facing roads -- or front facing homes with driveways and homes and kids and -- and playgrounds and -- and that's going to flow directly from McMillan through my neighborhood through this application and out onto either -- out onto Locust Grove or onto Ustick, because that's -- we are making -- we are making these neighborhoods be a mid mile collector and that's not fair to any of those residents either. So, if we connect it they will come and ACHD is going to -- is going to funnel traffic there through future traffic signals. So, that's a concern. That concludes all my prepared testimony. Thank you for your time.

Seal: Thanks, sir. Any questions? All right. Thank you very much. I appreciate it. Madam Clerk, do we have anybody else signed up?

Hall: Alan Dixon.

Seal: Good evening, sir. Need your name and address for the record, please.

Dixon: Alan Dixon. 2499 East Wainwright Drive, Meridian, Idaho. I'm one of the last people to move in. I just moved into this house -- I'm right on the corner of Rogue River and Wainwright that the streets were there. The reason I moved there is because where I used to live downtown Boise it developed around me and they put a four story building next to my house. I totally get it. I had no idea there would be two story buildings even considered on this property to -- to do this to this neighborhood where we -- I would never expect it. I would not have -- probably not have moved there if I thought that was going to happen. The traffic that's going to go through there, I agree with Mike on -- we can

limit the amount of -- maybe put a -- a fire department only thing on one of those driveways, so people can ride their bikes and walk, but to get traffic through there -- what's going to happen is they are going to find out that Eagle and Ustick, there is a shortcut through Alpine Point, whichever way you are going, to miss that big intersection and you are going to see people speeding through there and with that street never been opened before, a lot of us elderly people that live in that neighborhood, they don't even look at -- that direction and now you are going to have cars zooming out of there. Since I live there I can tell you people do zoom by my house. You are going to see people not even look at Rogue River to even see if there is cars coming out, because they have never had to do it. These people -- most of these people have lived there ten years and they are not -- it -- it could just be real scary for accidents. So, that's a couple concerns. The other one is I think the lot should match the lots that we have currently. We have like six or seven houses there and you want to put like ten. I think the lots should be the same width on the north side as the ones that are there now that the houses are already built. Just to get house to house. You want to put it -- you want to make it up somewhere else, there is those other big lots, you could move more houses into some of those, but keep the same -- same house size on the one that we are in and the one that they are going to develop. Hopefully no two story. That would really -- hopefully that isn't considered or if it is they are -- they are the windowless ones. Yeah. I guess that's it.

Seal: All right. Thank you, sir. I appreciate your testimony. Madam Clerk.

Hall: That is it. That's all that signed up.

Seal: All right. Sir, if you would like to come up and testify. Good evening. We just need your name and address for the record, please.

Britton: Good evening and thank you for your time tonight. My name is Roger Britton. B-r-i-t-t-o-n. I live at 2457 East Garber Drive, directly across from Conley, which is the entrance into this proposed project here, phase one and phase two. I had some concerns about the actual project itself and one of them is who does the community, the citizens of Champion Park, and, I'm sorry, I -- Alpine Point -- contact if there are issues during the development of this property, so that we can have a direct contact, not a city person that we can't get ahold of, not a voicemail, but somebody that we can actually speak to. That would be something that I think would be beneficial to the -- both communities that are going to be impacted by this project. Secondly, I would be concerned about the traffic also. I currently -- we bought our home and, then, like two days later the -- the fence that was across the street was gone and they started plowing stuff up. So, people have already started using the -- what used to be Jasmine Lane is now Jasmine Street -- have already started using it as a cut through from -- from my guess Eagle and I'm concerned that with that much roadway coming through the neighborhoods it's going to impact our -- our -- the traffic that comes through there. We already have a major impact at Leighfield and Locust Grove with the school there and I'm sure with the development on the north end, which is Delano, and there is quite a bit of high density housing over there that uses Ustick currently, will be coming through Jasmine Lane shortcut to the school and increased traffic flow as the same property for Alpine Point. Speed bumps, if we are going

to have those kind of accesses into our communities, something to slow the traffic down a little bit and also was there a traffic impact report? I did read the project where there were some considerations, but I also noted that the traffic -- am I over my time already? Sorry.

Seal: Go ahead, sir. Just wrap up.

Britton: I noted also that the -- the study that existed that the stats were taken, you know, how it was going to impact the community were done back in 2019 for the most part. So, they were behind the curve, because I understand Idaho's increased by like 20 percent. So, I'm sure it's overall. And, then, finally, I guess that the phase two was a concern that there would be high density housing, but I think I understand that that is not going to be the case, because it was zoned R-8 and R-15. R-15 being medium to high density, if I understood that correctly.

Seal: Right. I was going to say the -- the -- the plan that we have before us right now has no high density in it, so --

Britton: Okay. It was just that phase two was zoned that according to your paperwork, so -- okay?

Seal: Okay.

Britton: I guess that's it for me.

Seal: All right. Thank you, sir. Appreciate it. Would anybody else in Chambers like to testify? Ma'am, come on up. Oh, wait until you get in front of the microphone and, then, we will need your name and address for the record, please.

C.Britton: Good evening, Commission. My name is Charlene Britton and my address is 2457 East Garber Drive and I live in Champion Park. I second most of what Mike Bernard said, except to put the whole burden of egress on Champion Park. That I don't agree with. I think that they should come from both sides. Both communities should bear that -- the traffic flow and so on. We do live in the Champion Park area where the school is there and that is a mess every day. I mean the parents are backed up, which -- nowhere to go waiting to get in and that happens multiple times a day and, then, with functions. So, there -- there are just a few other little small things that I would want to bring to your attention for the residents when this project does start and I'm sure it will at some point. On-site parking for workers and all delivery, including trailers not to be dropped off in adjoining neighborhoods. I have seen where deliveries come in three trailers long, drop two in the neighborhood, go back, pick them up. So, I would ask that that is a condition for the developer to keep that on site. Water trucks to be used doing grading and leveling of the project to mitigate the dust, which will be extensive to the homes along the line there. The other thing that on Conley we had a closed fence. Someone has opened up that fence over this last year and so there is access onto that property, which I don't know who would have given them that permission to do that, since it's been excitingly closed

for -- you know, forever. So -- well, initially. Fifteen years. Especially important to the homes on the project would be the water. I mentioned that. And marked access roads to the project to be open and accessible before or on project day. It's already open. If this project is not going to start for another six months to a year, I would ask that it be closed, because there is cars going in and out of it now. Teenagers are kind of milling around in there and I don't feel it's safe. Until this project is improved and starting the access should be reclosed on -- on Conley, since it is still closed on Rogue River and has never been tampered with. That's all I have to say. Thank you very much.

Seal: Real quick. Sonya, I will ask this question and -- you or Bill -- you might be able to ask -- answer the question, but can -- I mean, essentially, ACHD owns that access; is that correct?

Allen: That is correct. It is public right of way.

Seal: Okay. So, if -- you would probably need to get ahold of ACHD in order for them to close that access again or they could give you the reasoning behind why it's open. So, unfortunately, we don't own the roads. Okay. Anybody else that would like to testify? Oh, we got hands -- it was a tie. Ma'am, I will -- ladies first. I will go with you.

Windle: I -- I didn't sign up.

Seal: Go ahead and give your name and address.

Wendle: Carol Wendle. Address is 4199 North Rogue River Way, Meridian, and I entered a -- my -- my husband's and my letter into your staff and I just wanted to -- I didn't sign up, because I wasn't sure if you have read our letters and our concerns, but I'm -- there is a few things that haven't been mentioned yet that I -- I wanted to bring to your attention. Just like Mr. Bernard said, the proposed lot sizes of Kingstown, they should be in alignment with the adjacent development and we are requesting a right turn only sign at Wainwright and Rogue River. The reason being we actually have four bus stops. There is four schools that have children in our -- in Alpine Point and when you -- if you open up Rogue River that is just going to give a straight shot to go down Rogue River and you would be going north and -- until you get to McMillan and we have school bus stops from that area of Wainwright to McMillan and I think that should be brought up. Also on Rogue River about halfway down Rogue River there is a really large path that goes through Alpine Point and connects to the basketball, the pickleball courts, and the swimming pool. The children on their bicycles and the adults even, they are on scooters, they are on electric scooters, there is little tiny ones, they buzz down that path and have no way of knowing -- and especially with cars that are electric cars, would not even be aware of any traffic coming at them. So, I really want you to be aware of this large path going east-west directly to the courts for the children's activity, our activities, the swimming pools and so many of us are -- we are retired, but we also -- we have six grandchildren and many of us do. So, I think this is something that you should be aware of as well and even if you do have to open up Rogue River, if you could have some sort of blinking crosswalk signed to that area to -- just at the pathway. In your -- in your -- in the staff -- the staff

information showed that Lot 1, Block 1, doesn't qualify with the minimum standards noted in Section 8-E. So, there is many things found in your staff report that are not in compliance. So, if you could refer to my letter I would really appreciate it, because I pointed these things out. Thank you very much.

Seal: Thank you, ma'am.

Wendell: And I didn't know about the protocol and didn't sign up, but I appreciate your time.

Seal: That's okay. Thank you very much, ma'am. Sir, if you would like to come up. Need your name and address, please.

McGough: My name is Mike McGough. I live at 2431 East Wainwright Drive. I'm on the north side. So, phase one you have -- I'm on the very northwest corner in the pie shape half acre. Four houses are looking in my backyard. My bedrooms, kitchen, living room, swimming pool. You know, no -- no two story. There is -- there is ten houses going to be there. There is four of us. Make it match. Just make them smaller -- or bigger. Excuse me. Thank you.

Seal: Thank you, sir. Do we have anybody else that wants to testify? I haven't checked online. I don't think anybody is raising their hand online either, so -- oh, got another one in -- go right ahead, sir. Step up to the microphone, please.

G.Wendle: Carol Wendle is my lovely wife.

Seal: All right. We will need your name and address for the record.

Wendle: George Wendle: I live at 4199 North Rogue River Way in Meridian. At least I think we are still in Meridian. And we are glad we moved from Boise to Meridian. Trust me, you guys do such a better job of controlling our founding fathers desires for expansion. One of the things that we put in our letter together jointly, Carol and I, was about Zion Heights south and west Champion Park and those in the development process to the east of Delano. As noted in Section 5, development of the in-fill properties as supported -- provided it doesn't negatively impact the abutting existing development. Because of the lack of adequate transition into lot sizes to the north, the proposed development will likely negatively impact abutting property owners. Additionally, the lack of transition and lot sizes along the east boundary will likely negate impact on -- or negative impact on future owners of those four lots, Block 3. Therefore, to the development plan are necessary. I would like to qualify. I heard testimony that they did reduce the number of lots, which we really appreciate. Thank you, Sonya and your planning and zoning team. We greatly appreciate that. But we still want it to be well developed and, then, also on the stop signs and turn right that we gave in our testimony, can we also get caution signs on the entry from -- I think it's -- whatever road it is that goes into McMillan off of Rogue River Way, that we get those bus stop caution lights for children. I think that would be a great admitting -- mitigating proposal for the children's

safety and the bus drivers, because we have been having problems, as you all know, in Meridian and Boise, people are zooming past the buses when they have their signs out and the lights flashing. So, we need to really bear the importance of safety for our children. So, thank you very much for your time and, again, we truly appreciate all you folks do.

Seal: Thank you, sir. Okay. Would anybody else like to come up and testify? Don't see anybody online. Okay. Seeing no more -- nobody else, would the applicant like to come up and address some of the questions, concerns that were heard? Good evening, sir.

Bard: Good evening. Do I state my name again? I have been up.

Seal: I think so, yeah.

Bard: Yes. So, Teller Bard with Kimley Horn. 1100 West Idaho Street, Suite 210, Boise, Idaho. 83702. I want to thank the neighbors and the public for their comments today and for the questions that you all gave as well. One of the things that we pointed out early on was that there are a number of competing goals on this project. There is existing residents, the existing tree canopy and there is also just the challenges of the configuration of the site being triangular. The three stub roads, which, unfortunately, that's -- that's what that had been -- had been given and continuing those through is something that we cannot change, just per the policies of ACHD. I also wanted to highlight that the site plan that we have done on this -- we have been through at least six iterations, although we did two pre-apps. The first one we actually made an effort to not connect all three streets. So, we -- we showed just one street connection and Meridian Fire said that was not going to be allowed and, then, as we submitted our application and got feedback from ACHD, ACHD's comment was the same, that all three roads were required continued per their policy. I know it's understood by the Commission that decisions of connectivity are made by ACHD and ACHD has commented in their staff report and has made recommendations. Related to the traffic on the site, many of the -- the concerns brought up by neighbors are related to traffic off our site and the continuation of -- of streets that -- that meet the goals of the public agencies through this site. So, the actual site generated by the property is minimal. I think it's the impact -- the unavoidable impact of any development in this area that is the concern of the neighbors. I also wanted to touch on the density balance, because that was brought up between phase one and phase two. Really that's motivated by the fact that phase one is almost entirely in an existing farm field, something without a tree canopy, and phase two is in an area of the tree -- tree canopy. So, priority of the applicant is to keep as many trees as possible. Those larger lots allow us to do that. We also have the constraint of Jasmine Lane extending through and just the oddness that that creates in that site planning being at the lower kind of right-hand corner of the triangular piece and, then, you have all that area on the north side of it, that's -- that's difficult to develop, especially when you consider the -- the existing home there. I wanted to clarify a comment that staff made about the ability to remove five lots and stay within the R-8 -- or the medium density zoning of three. Of those five we have already removed three. So, our zoning is at 3.17. So, to get that three we could remove two more, but that is not the preference of the applicant. I wanted to

also clarify the fence that had been removed on Conley, during construction of Corey Barton's property, Delano Estates to the -- to the east, the access off Jasmine Lane for this property was cut off, so that -- that fence was removed to provide emergency access to the existing home here and hasn't been used by anybody else but the residents. That road Jasmine Lane is now constructed, so the applicant is willing to close that fence back up, so that that road cannot be accessed by anybody else in the public. That -- as you stated, that is public right of way, so the ability to access that road was permitted by ACHD. The applicant's preference is that there are no restrictions on the stories or windows, be it two story or bonus room. The windows proposed in the site plan, they are clear story windows, so they are at a higher height. They are not kind of full height windows. So, it's more -- people can view out, but not down necessarily. So, those are the windows that are proposed there. Let's just double check here. Yeah. I think I will just add that when I talk about priorities and competing priorities here, one of the -- the reasons that I suspect there is so much concern from the neighbors is that this existing home and the tree canopy is an asset to the neighborhood and this applicant is doing everything they can to make a -- a project that is economically feasible that can also maintain that existing home and that tree canopy, to continue that asset for the neighbors in the neighborhood. There is an option where those trees could all be removed and mitigated and that home be removed and it be site planned. Yes, at a larger lot size, but at the loss of those assets. That is something that I believe it was included in the public testimony because it was something that was presented to staff and that is just not the applicant's wishes -- to not remove that asset in any way. With that the applicant asks for approval with appropriate conditions. With that applicant asks for approval with appropriate conditions and with that I can stand for any additional questions.

Seal: I will start off -- you already touched on it. A question I have is I -- I like to call these in-fill developments to have your cake and eat it too developments, because the owner is trying to keep their, you know, rather large estate lot and build whatever they can around it. I'm not a huge fan of them, because this is what usually happens is nothing will fit. So -- and I understand people want to keep the trees and -- and everything, but, again, you can't have your cake and eat it, too, on the other side of it, so -- I mean if -- if -- if there was a recommendation for denial on this based on that would the applicant come back and, basically, redo this with a layout that is more like a standard subdivision where, you know, you -- you do have larger lots and you are going to have to give up some trees, but not all of them, but it would fit everything better. Good evening, sir. Just need your name and address.

Enzler: Kyle Enzler. 2610 East Jasmine Place. So, I'm the home owner. I was avoiding coming up here, because I didn't want to get anything thrown at me. So, you know, I have had a great relationship with the owner -- with the -- with the neighbors. We have met several times. We met throughout the application of Delano. They actually came to me during that time and asked me if I could buy that land, because they saw other projects redeveloped and knew we did a good project and they preferred that over the CBH. This project is really unique. It's not -- my intent in -- in purchasing this property was always to develop it, because it's an in-fill. The city had planned for development, which was why all the stub streets were planned. In-fill, as you know, is one of the hardest things to do,

because you are the last one in and -- and you are trying to accommodate everybody. My desire to preserve the house is not just to have some big house in the middle of a higher density area. This is a -- this is a -- a -- a newer home that would -- would -- is -- is really not an old home that you would just tear down. So, I -- I think it would be a completely wasteful thing to do to tear down the house and add all of that to the landfill. The tree side of it is -- you know, on the south side when -- unfortunately, the development -- I'm sorry -- on the east side when CBH came in, there was equally as many trees and one day we came home they had just chopped every tree down at the base. So, I felt like that was really irresponsible development. My goal here is to be a responsible developer. So, it's not -- if I was trying to just maximize dollars, you know, this is a medium density residential, so R-8, we are asking for us the least amount at a little over three dwelling units per acre. So, what it looks like removing the house and removing the trees, obviously, the city has a tree mitigation plan, so you can remove trees and replace caliper and -- and there is some exceptions that can be made there. I just think it would be a shame to -- to -- to tear down all of those trees that currently provide a lot of privacy to all the neighbors on the north and the south side to this and I think if you took all of those down there would be some more concern about privacy. It would likely -- while that is a possibility and it's likely what would happen, it's probably not going to happen through me. I was approached by three other developers on this site, they didn't look at the house. They would do exactly what you suggested. They would tear down the house, they would tear down the trees and they would put a lot more houses in than what we are asking for. So, I think that's always been the balance as we have tried to work with neighbors is if there was another way to -- we have tried to create the best transition as possible on the -- on the northeast side, you know, we have only two lots transitioning to several homes on the north, so it is constrained. If -- to answer your question if this was denied, then, I wouldn't be the developer on it, but somebody else would and -- and they likely would do as you are suggesting, tear down the house and -- and replace that with a lot more homes. So, while the -- the balance is -- while they might get a little bit more transition on the north side, they are going to end up with more homes and more traffic count likely. So, that's the tradeoff.

Seal: Right. Completely understood. So -- I mean we have got on the -- on the eastern side of the boundary here we have got lots of trees, bigger lots, you know, kind of everybody's getting along here, so -- but I mean the -- the most contentious part of this, obviously, is on that northern boundary where the people want to maintain their privacy, they want to -- they already have the larger lots in there and that's what they are trying to maintain, so -- I mean a suggestion from staff is to eliminate some of the homes, make the lot -- lot size larger and provide more privacy. So, I mean is that something you are amenable to? Because that's -- that's also what you are trying to keep for yourself. So, if you are asking for it for yourself, think maybe you would want to pass that on, because you have already said that it's not just to make as many houses in there as you possibly can, but I do understand you do need to make a -- you know, a couple bucks off of this.

Enzler: Yeah. Thank you. So, the transition that we are asking for along the north side is the same transition as was recently granted on the northeast side to Delano Subdivision. So, we are not -- we did follow staff's recommendation and we did reduce

three lots already, which is why -- and I -- I believe Sonya can correct me if I'm wrong here. I believe that they were not going to recommend approval prior to that. They asked us to do that. They also asked us to add lots on the east side and so we did accommodate those requests, which I believe is -- is what transitioned Sonya to now approving -- or asking for approval on the subdivision.

Seal: So, the answer is no?

Enzler: I'm not sure that was very clear. Yeah. So -- so -- so, like was mentioned, we have been through six different variations of this plan. You -- you can't -- if -- if you could see what's there on the existing home you cannot put a, you know, 6,000 square foot lot -- it wouldn't make any sense to put a 6,000 square foot next to -- you know, that's almost an acre lot and a 7,000 square foot home. So, that's why we did the transition of the zoning where we have more estate lots on the east side, which makes sense around this -- the estate home and that -- you know, that more than -- you -- you can see there we have four lots to the north of those two lots. So, there we have even more transition. The challenge is I -- I wish the site was just a nice square site where you could easily do that all the way across. So, on one side we have less transition and, then, on the other side, just because of the shape of the lot, we have a little bit more. But, you know, where we are at -- at just over three dwelling units per acre, we are really at our limit of what we can do there and still make the project work.

Seal: Okay. Thank you.

Enzler: Thank you.

Bard: If I can just add --

Seal: Go ahead.

Bard: -- that if we were to -- to consider removing those lots we couldn't remove more than two without also adding more to the east and -- and lessening that transition without being outside of zoning compliance, because we would be under three dwelling units per acre.

Seal: Understood. Commissioner Lorcher, go ahead.

Lorcher: With the -- can you bring up the map that had the green space on it, please? So, there is a significant amount of green space. I can't read the numbers, but with that round squiggly line off of Conley Way, is there a way to manipulate that a little bit for the north side, so they don't feel -- the -- the people behind you don't feel like there is so many houses in their backyards?

Bard: So, if I'm understanding correctly, one of the constraints we have on the north side is -- is with the road that needs to extend that Eagle View Court, I think we only have a hundred feet between that right of way and that property line. So, if we -- if we add any

sort of landscape buffer it would not be a -- any sort of simple revision to this site plan and, again, I think we -- with having been through six already, I don't know that that would function or that it would be an improvement for the project overall.

Lorcher: Because what I -- what I'm hearing from the -- the neighbors is that the site plan in and of itself is -- works, but the ten homes that buffer the north side are just too dense compared to everything else. You know, we understand that ACHD has control of the roads. So, speed bumps, signage, caution signs, all of that type of stuff does not belong to the city, does not belong to the developer, it has to come from ACHD. So, those of you residents that are having issues in your own subdivisions with traffic going too fast or, you know, the school zones and that type of thing, the city is not -- can only make recommendations, but the roads don't belong to the city. So, we hear -- we hear you, but our hands are tied, because we are not in charge of the roads. You know, we are not in charge of putting speed bumps out. We can't put the school safety signs, the blinking lights, so -- and, then, the Fire Department is saying you have to have these roads to go through. So, having the roads going through and making it just a pedestrian walkway is not acceptable, because if you are in house number eight and you are on fire and there is no way to get through, now you are creating a -- a hazard. So, the police and the fire said these are the roads and this is how it has to be. So, I get all that. I think the overall concern is this back row of houses being so dense and I know you have gone through six iterations of this already and I -- I don't know what the solution is to be able to be a good neighbor to the people who are to the north of you.

Seal: Go ahead.

Enzler: Thank you. I -- I will -- I will address that. I was walking back to the seat and one of the neighbors grabbed me and asked for a clarifying question. So, just wanted to clarify. I -- I think -- I'm okay on that if -- if I'm understanding what some of the neighbors are saying on that northwest boundary, it's not -- I'm okay with no second story windows looking down. All of our plans that are two story, the windows are on the front side. The two story section actually sits over the garage in the front of the house, not the back of the house. The majority of our plans on that side are single level. So, you know, if -- if we have ten homes along that side, maybe one or two anyways would be two story and those two stories would have windows on the back. So, I'm okay with saying, hey, we won't have any two story windows on that northwest section -- second story windows looking out on the -- onto the north side. On the east portion where you only have the three, one, I already have the existing house, it already has two stories and because, as you saw on the -- on the pictures, those are more estate homes, so they are going to be two story, but they are far enough away from the back and there is enough trees where I don't think that would be an issue on that section.

Seal: Okay. Good. Commissioner Wheeler, go ahead.

Wheeler: Mr. Chair?

Seal: Yes, sir.

Wheeler: So, I -- I personally like in-fill projects. I like to see what people do with it. To me it's like these cooking shows where they are like, hey, here is a steak, some onions, beets and gummy worms and make something out of it, you know, and they have to go present something and it brings up the most creativity and everything in this stuff. Your -- your property is -- is way more complex than most, because you have got three roads that have to have access through and that is -- that is very difficult. Very difficult. And so what you are -- what you are doing here is -- and especially going through six iterations, I mean you are going back to the chopping block and you are really trying to cut it up, so it's nice. So, I mean there is a lot of -- a lot of good effort that's being notice, at least on my side and I want to thank you for that side of it and I think -- and I would want to keep that house, too, and do what you can with that. So, to me that makes a lot of sense on that. I can also share what the neighbors are concerned about with the -- the density that's going back there, transitioning from their larger estates that they have, right, the larger lots that they have and also the windows and the privacies that they are wanting to keep and, but you are -- I'm just trying to make sure that I understand it clear, that you are willing to not put up any windows that would face the north side on -- if there were any two story -- any two story on that?

Enzler: Correct. Yes.

Wheeler: Okay.

Enzler: -- to do that.

Wheeler: Okay. And, then, another thing that they are -- they are requesting is to doing anything of lowering the -- the lot count back there and I know that you have gone several times and I know that lots -- and the developer side, I understand this world well, so you got -- it affects, you know, feasibility. Understand that. Is there anything that -- that you would be willing to -- to reduce that density along that -- that bank of houses there at all?

Enzler: Yeah. So, you know, I -- I was -- I was very transparent with the neighbors. You know, we -- we -- a few of us went to lunch several times. I -- I kind of told them all the typical developer tricks of, you know, developers will go in, they will ask for a ton of density, knowing that everybody is going to push back and, then, they are going to say, okay, well, I will give up these and, then, everybody is happy, because they feel like they got a win. This wasn't our intent here. We weren't trying to do any smoke and mirrors. So, in those six iterations we went lower and lower and lower and lower. So, at this point I feel like we have given up already as much as we possibly can along that side. We are -- we are meeting all of the dimensional requirements and setback requirements in this medium density zoning and I -- I believe that even after -- prior to the last three that we dropped and -- and the reason that we asked for the continuance last time is -- is we came back -- or removed three of those. That was also because as Sonya and the neighbors pointed out we were -- we were pretty tight on our -- on our dimensional standards. So, I really feel like this project is in compliance, that -- that transitional is -- is such -- it's a hard one, because it's really left to some interpretation and in this case where we have four different subdivisions, you know, all bordering this piece, there is a lot of

transition and a little triangle. So, again, I -- we just couldn't find anywhere else to put lots with all the roads and they just ended up here on this northwest side, so --

Wheeler: Okay. Was there -- and I'm sure you have looked at swapping out the density from the north section and trying to at least put some of that on what -- it's called the east section of that and readjusting a road alignment. I mean just on the creativity side. And I understand this is your development and things like this, which you bring before us, but I mean just trying to understand what the neighbors are saying here.

Enzler: Yeah. That was a suggestion that Sonya made and we did do that. You know, it was brought up that both the transition -- the opposite argument was made, too. So, in one sense it was, hey, we would like you to have less of a transition -- or more of a transition over here on the northwest boundary and, then, maybe add some lots on the other side. So, we did pull out two -- yeah, we pulled out three from the top and we added one on the east side to make the transitions a little bit better on both ends.

Wheeler: Okay. Okay. Thank you.

Seal: And I mean looking at it, the only place I have heartburn on the transition is the big triangular lot that that's -- that's to the north there. So, I mean everything else is, essentially, two to one, which is -- you know, that's -- that's the way transition flows, but that triangular lot that's there that has four of them across the back, that's -- that's tough. You know -- you know, kind of put -- putting them in -- in your shoes or putting you in their shoe, I mean if somebody was going to build that right there, that's -- that's a tough -- that's a tough nut to crack right there, so I wish there were something we could do in there to kind of reduce that, but at the same time -- I mean that was what was built on that -- that line knowing that eventually that there would be houses back there, so -- I -- I struggle with this a little bit, just because we have got phase two, which is basically just not a problem for anybody. It's got trees. It's park like. It's all of this and, then, you have this big empty field that's, you know, kind of just -- we will make it work type of -- you know. So, I mean, basically, you have two things going on here, where phase one is -- they are getting -- they are getting the scraps basically is -- is what's going on. So -- you know. And like I said, that -- that transition there for that lot is tough, because there is -- you have four lots that are butting up against it and at the same time you did buy this triangular piece, there were road barriers that were in there, so you knew what was going to be coming in here, so -- and you have known about this lot as well. So, I mean that's the other side of it.

Enzler: Yeah. And I think -- I think the application that we have before you is -- is trying to find a balance of preservation and -- and we are not -- you know, we are not asking for the top end of the density, we are coming in on the low end of medium density residential, asking for just over three units per acre. I think I -- I -- I understand what you are saying. I think that major heartburn is that transition. You know, we have really tried to design this so many different ways to -- but between Fire and -- and where the roads are, it's just -- there is -- there is nowhere else on that northwest section that you can put any other

lots. So, we are just kind of forced on that. That happens to be the one straight shot. You know, it's a -- it's a -- in-fill is a challenging -- challenging piece.

Wheeler: Okay.

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher, go ahead.

Lorcher: With the lots on the north side that -- you know, at the top of the red line what -- what kind of -- are you providing any fencing?

Enzler: There is already existing fencing.

Lorcher: So, the fencing for the neighbors, the -- the north subdivision already have fencing?

Enzler: Yes, ma'am. It's a six foot privacy fence.

Lorcher: It's -- and it's consistent all the way through?

Enzler: Yes.

Lorcher: Okay.

Seal: Commissioner Grace, go ahead.

Grace: Yeah. That was going to be my question. I think I read that it was vinyl fencing.

Enzler: Yes, sir.

Grace: So, what's the -- just educate me. Can you see through it? Can you --

Enzler: It's a six foot privacy fence. You know, again, we are likely going to -- right now there is -- because it's open to a field there is no trees planted on our end, but, obviously, the landscaping standards -- we would have trees in the backyard, too. So, there is some additional privacy with -- from that. But currently it's a six foot privacy vinyl fence.

Seal: Are your plans to put trees in every backyard?

Enzler: Yes, sir.

Seal: Okay.

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher.

Lorcher: Most subdivisions don't require trees in the backyard. So, what were you thinking? Each lot would have one or two or are you thinking deciduous or conifer?

Enzler: Yeah. So -- so, a mix. We developed a subdivision here called Maddyn Village just on the corner of Meridian and Ustick and very similar project to this. That was actually what the neighbors -- when Delano was going through approached me and said, hey, we saw your Maddyn Village, we loved what you did over here. Could you come do that, knowing that, you know, the -- these same homes -- same size homes were seven, eight hundred thousand dollar homes. So, they weren't starter homes, they weren't Corey Barton homes, and we had on average two to three trees in those backyards. A mix of conifer and deciduous.

Lorcher: And is the intention to use it as an additional privacy or are they going to be staggered? For example, if I'm in my back porch are they going to be at the end of the property or there is going to be one here and one here type of thing or --

Enzler: Yeah. I mean -- I think each -- each plan -- likely we are going to be pretty close to the setback. We are -- we are just -- the -- the reason that we are putting -- the -- the answer is yes. But the reason that we are putting in trees is for our homeowners benefit, as much as their homeowners benefit.

Lorcher: Right.

Enzler: Right? And so, you know, that privacy is important to both parties. I'm not going to say that, you know, one hundred percent, because it might not always make sense depending on the layout, but, you know, part of our -- we are tree people. We are -- we are part of the Canopy of Trees. We're affiliated with Jaker Tree Farm out in Nampa. City of Meridian is part of the Canopy of Trees. So, we are -- we are proponents of -- of trees and -- and, you know, of -- of doing good landscape jobs. So, that's definitely incorporated in our plans.

Lorcher: Okay. Thank you.

Grace: Mr. Chair?

Seal: Commissioner Grace.

Grace: Kyle, you said a couple of times that you have already reduced the -- the amount of lots there and you feel like you have come to your end point. Where did you start out with along that northern -- that northern boundary?

Enzler: Do you remember offhand?

Bard: So, the prior plan is there -- there is ten now. So, there was 13 before. I mean -- I know that going through our iterations we looked at this in every way. So, R-8 maximum density is eight dwelling units per acre. You could have about 64 units. So, that was contemplated, because that's something that could be done on this site. But not in the responsible way that -- that Kyle wanted to do. So, we -- we came down from there. I know we were -- we were in the 30s at some point. I think that was probably our first pre-app where we had fewer access roads, just because that was the preference -- the preference from the neighbors and, then, as we added those roads back in that brought it to -- I believe we are at 13 and, then, ten and, then, overall -- so we are down at -- I don't have that number offhand. I guess -- I guess the best way to put it is we are two less than we submitted with now.

Seal: Is my understanding on the -- specifically on the houses that are on that northwestern boundary that you are going to minimize the front setbacks in order to bring those properties forward and, then, we have already talked about you supplying the trees in the backyards, is that -- is that the scope and the goal or are you going to more off -- try to offset them or how -- how do you see that?

Enzler: No, I -- I -- I believe we would push it as -- to that 20 foot setback on the front. So, we would maximize -- we would -- we maximize the front setback to -- or minimize the front setback to maximize what we have in the backyard.

Seal: Okay. Question for staff. What's the maximum setback that they can have on that?

Allen: Mr. Chair, on the front or the rear?

Seal: Front.

Allen: The front? Minimum or maximum? The maximum would be depending on the -- what's left over after the rear setback.

Seal: Got you.

Allen: So, minimum is 20 feet to the front of the garage.

Seal: Okay. More questions?

Lorcher: One more.

Seal: Commissioner Lorcher, go ahead.

Lorcher: Are these two car garages or three car garages?

Enzler: Two car.

Lorcher: And --

Enzler: Sometimes there is a three car if it's a tandem --

Lorcher: Yeah.

Enzler: But it's two car from the front. Sometimes I have two -- three car tandems. So, two and, then, one in the -- behind it.

Lorcher: And, then, all of the upper levels are above the garage not in the back like you had mentioned?

Enzler: That's correct. Most of the two stories are what the neighbors requested, which are single level with a bonus over the garage. I only have a couple plans in what we presented that are true two story, but the two story stack is stacked over the front, so I don't have so much -- my egress windows are on the front, not the back.

Lorcher: Got you.

Enzler: And -- and I think was mentioned, you know, we did have the -- when -- they are the -- you know, they are just the smaller windows that are higher, so you can see out, but you can't -- but I -- those aren't needed for egress, so that's why I said I can -- I can remove any two story windows on the back, so to preserve the privacy.

Seal: Okay. Anything else, Commissioners? All right. Thank you both very much. Appreciate it. Can I get a motion to close the public hearing for Kingstown Subdivision, H-2022-0045?

Wheeler: So moved.

Lorcher: Second.

Seal: It's been moved and seconded to close public hearing for File No. H-22 -- sorry. H-2022-0045. All in favor say aye. No opposed. Motion carries.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

Seal: I think we have hashed that one out pretty well, so, hopefully, we can get to a motion pretty -- pretty soon, so -- I mean I wanted to make sure that we spent a lot of time talking about this one, because -- and we have got a lot of opinions on record at this point. So, I mean -- but, you know, they have reduced the density on it. They are not -- there will be no second story windows. They will try to -- you know, I mean they are going to put some two stories in there on that northwestern boundary, but they have already conceded and we can make sure to put it in a motion that there is no second story windows on the northwest boundary abutting those Alpine Point homes and also to minimize the front setbacks to the minimums. So, that gives as much room on those lots as possible to provide the privacy that the residents are asking for. As far as the roads, I think that's been explained pretty well. ACHD owns the roads, therefore, those have to

be open and they will be open. That does provide cut-through traffic. It's a problem with every subdivision. It's generally a problem with every in-fill that goes in unfortunately, so -- you know, fortunately or unfortunately. So, that's why the signs are up and they say this road to be continued. They are not kidding. So, I have lived on one, I have lived through this and I have moved out of a house because of it, so I -- I feel your pain on some of that, but at the same time I didn't do my homework when I moved in, so that was my fault. So, I'm -- I mean at this point what's been presented and everything that we hashed out, I mean, you know, the -- the fear I have and what I have seen happen before is we get really down into the weeds on this and, again, I mean the heart -- heartbreak that I have on this is that the one lot that has four houses up against it -- you know, four -- four of these houses going up against it. Outside of that everything else kind of transitions pretty well. Two to one is, you know, for people that are living in those homes they might think two to one is too much, but that's, essentially, the way that it goes for everything else. I mean anything over two to one seems -- seems to get excessive. So, I mean at this point I can be supportive of this going forward, as long as, like we said, we provision it with the no second story windows on those houses and minimizing the front setbacks.

Wheeler: Mr. Chair?

Seal: Commissioner Wheeler.

Wheeler: I think similarly, just to add on to one other thing, is I think we -- or that he was willing to go ahead and put at least a tree in the backyard on it, too. So, maybe that's something that we can add to that. I mean you were looking at -- these lots are a hundred feet, you got a 20 foot setback and, then, you got the house. I mean there is not going to be a very large backyard on that anyway to put up a -- something that would require some sort of a -- a shade -- you know, some sort of a shade tree style back there would actually add up a nice little barrier for it I think. But I don't know what the -- the rest of the Commissioners think about that based on what was shared and what was discussed, but that way that would allow some of that privacy that's there. I mean it's on the north side, so it's not going to add any major shade value to the -- the residents in the subdivision, but it will add that privacy to those that are on the -- on the side of it.

Seal: Sure. And I mean, you know, we want to be careful about what we provision sometimes, because it's hard to enforce. So, I mean the setbacks that's -- you know, that's code. I mean we -- we know what we are working with there. So, it's got to be 20 feet away from the street. So, you know, anybody with a tape measure can go and look at that one and enforce it. But as soon as we get in even to the no second story windows on the back of the house, that's -- you know, I mean the neighbor is going to have to tell you whether or not that's there. As far as putting a tree in there, you know, we can provision that if -- you know. I mean we can put that provision in there, but enforcement of that is going to be difficult at best, so -- I mean if these houses are fenced you can put in a tree that's three foot tall and a six foot fenced yard and you are not even going to know that tree is there for, you know, ten years. So, that's a tough one. I --

Starman: Mr. Chairman, can I just interject a couple thoughts?

Seal: You bet.

Starman: So, first I just wanted to remind the Commission this is a recommendation to the City Council relative to an annexation and to the preliminary plat, so you are making a recommendation, not making a final decision tonight. Some of the items you talked about to the extent the Commission, you know, moves in that direction, things like the limitations or prohibitions on second story windows, that would be a recommendation to the Council and if the Council felt that way as well, probably the likely tool for that would be the development agreement as part of the annexation that would have the condition that says -- a contractual provision that would limit or preclude windows in the second story. Similarly you could -- or the Council could add a provision about landscaping or trees into a development agreement as well and, then, to your point, Mr. Chairman, about enforcement is spot on, that the city certainly would enforce those provisions -- the DA provisions at the time of -- either the house is developed and building permits are pulled, but what happens, you know, two years after that or five years after that, that's -- that -- that would be beyond the city's control, unless we wanted to come back and try to enforce the DA that late in time. But at least initially the city would look at those issues -- DA provisions when building permits were pulled or when they were -- certificate of occupancy was issued, but longer term enforcement is an issue for sure. So, I think your point is well taken.

Seal: Thank you. Appreciate that.

Parsons: Yeah. Mr. -- Mr. Chair, Members of the Commission, just to add a little bit to that, I was going to just remind you that the applicant is going to remove some trees from the site. So, some plan is those lots will probably absorb some of those trees as part of that mitigation as well and so I think you are going to get plenty of trees there, but to -- to your point and the city attorney's point is enforcement would be very difficult five years from now and maybe Sonya and I are retired. I don't know. But it's pretty hard to enforce that going forward, because you don't always -- some people like trees in their backyards and some don't. So, it -- don't know if you could keep that in perpetuity and, to be honest with you, the code -- city code doesn't really regulate landscaping on buildable lots. It's really more appropriate for common lots and/or street buffers.

Grace: Mr. Chairman, just --

Seal: Go ahead.

Grace: Counsel had given us some guidance there. Does that -- recommendation to the City Council, does that also include a possible recommendation on what staff had presented as a couple of options in terms of the -- the lot size?

Starman: So, Mr. Chairman and Commissioner Grace, yeah, you are -- the role of the Commission would be, you know, whatever path that you choose as a body would be to

make recommendations to the Council and that certainly would be fair game. If you have -- as part of your recommendation you want to include, you know, ideas or proposals or thoughts that they came from staff, that's definitely allowable and encouraged, quite frankly. The Council wants your input as to, you know, how you view the topic and what recommendations you make. So, that would -- that would be fine and encouraged.

Grace: And just because I'm talking I guess I will finish my --

Seal: Feel free. The mic is yours.

Grace: I'm really torn on this one. I -- I -- as I would assume probably some of the other Commissioners are. I guess -- I haven't been on the Commission too long, but in the time I have been on it I have not seen staff recommend that we consider public testimony -- specifically call that out and say consider the adverse impacts that -- that you may receive from those who speak to us and so, you know, I take that very seriously and I -- I have heard a lot of what the public believes to be negative impacts, so I guess I am really torn on this. I -- I like some of the things that -- that you said, Mr. Chairman, and if we do go forward I absolutely think we should include those as recommendations to Council, but I didn't -- I felt like I would be remiss if I didn't at least bring up to my fellow Commissioners the -- the fact that there was a couple of options put forth by staff and I don't know the economies involved. I'm not a builder. So, I'm -- I am reluctant to try to substitute my judgment for, you know, the builders when they tell me that, you know, you go any less than this and it starts becoming not -- not economically feasible. But I -- but I do -- I take that consideration seriously and I -- to some degree I do -- I defer to you on that, if you are representing that to us and the public, so as much as I am torn on it, I think I'm -- I'm inclined to -- to favor some of the comments you made, Mr. Chairman, when you -- when you just spoke and -- and probably would recommend moving it forward with some of these conditions on it.

Seal: Okay. If anybody would like to try to make a motion I'm all ears.

Wheeler: Okay. Mr. Chair, I'm not -- I'm not trying to hog them all tonight, I'm just ready to go here.

Seal: Feel free to -- I -- I am non-discriminate about who gives me motions, as long as they keep coming.

Wheeler: Okay. Well, after consideration -- well, excuse me. After considering all staff, applicant, and public testimony, I move to recommend approval to the City Council of File No. H-2022-0045 as presented in the staff report on the hearing date of October 20th, 2022, with the following recommendation: That the northwest houses have no second story windows on them and that the developer encourage backyard landscaping.

Seal: Do you mean no north facing second story windows?

Wheeler: North facing second story windows. Thank you.

Allen: Mr. Mayor, may I clarify the motion, please?

Seal: Absolutely.

Allen: The northwest homes, are we referring to the McGough and the Mr. Johnson properties, the two only right here?

Wheeler: It's all lots that I think are -- are shown in Block 1 that are all on the northwest side of this development.

Allen: All of these right here?

Wheeler: Let me look what you are looking at.

Seal: Well, I would say all of them that --

Wheeler: Yes. All of those.

Seal: -- the homes on the Alpine Point --

Allen: That's the Rogue River Street. Okay. Thank you.

Wheeler: Yes.

Lorcher: And keep in mind public testimony. Isn't that what you said? To -- to be able to -- in the motion to be able to acknowledge public testimony.

Wheeler: Yeah. And to be able to acknowledge public testimony. Is that right?

Grace: Just one clarification from my point, Commissioner Wheeler. Were you saying no windows at all or no windows through which you could see -- you know, high windows. I don't know what they are called, but, you know, windows that you wouldn't be able to see down, but you could let sunlight in.

Wheeler: I'm saying no windows on the second story on any north facing --

Grace: Okay.

Wheeler: -- at all just, because of perceptions.

Grace: Okay. I just wanted to be clear in my own mind.

Wheeler: I think that's muddled up enough to make something out of it.

Seal: Do I have a second?

Grace: I will second.

Seal: Okay. It's been moved and seconded to approve file number -- recommend approval of File No. H-2022-0045, Kingstown Subdivision, with aforementioned modification. All in favor say aye. Any opposed? All right. Motion passes. Thank you, everyone.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

Seal: All right.

Grace: Mr. Chairman, would it be appropriate to take a quick break?

Seal: Absolutely. I was going to say for the sake of my kidneys we are going to take a five minute bio break. Thank you, everyone.

(Recess: 8:28 p.m. to 8:36 p.m.)

8. Public Hearing for Klein Huis at Victory and Meridian (H-2022-0051) by Alpha Development Group, generally located at the southwest corner of S. Meridian Rd. and W. Victory Rd.

- A. Request: Annexation of 18.60 acres of land with an R-15 zoning district.
- B. Request: Conditional Use Permit for a multi-family development consisting of 134 dwelling units on 16.8 acres of land in the R-15 zoning district

Seal: All right. For real this time we are going to go ahead and get started again. We will reconvene. So, at this time I would like to open File No. H-2022-0051, Klein Huis at Victory and Meridian, and we will start with the staff report. Did I get the pronunciation right at least?

Allen: I believe so.

Seal: Okay.

Allen: Thank you, Mr. Chair, Members of the Commission. The next application before you is a request for annexation and a conditional use permit. This site consists of 16.8 acres of land. It's zoned RUT in Ada county and it's located at the southwest corner of South Meridian Road and State Highway 69 and West Victory Road. A little history on this property. A previous development application, Victory Apartments, was submitted in 2020 for this site that was withdrawn due to the recommendation of denial from the Commission. An amendment to the future land use map in the Comprehensive Plan was proposed from medium density residential to medium high density residential to increase

the density allowed to develop on the site from three to eight units per acre to eight to 12 units per acre and annexation with R-15 zoning for a multi-family development, consisting of 170 two-story two-plex and four-plex structures -- style structures at a gross density of ten units per acre. The Comprehensive Plan future land use map designation, as I noted, is medium density residential for this property, which allows residential uses at a gross density of three to eight units per acre. The applicant is requesting annexation of 18.6 acres of land with an R-15 zoning district and a conditional use permit for a multi-family development consisting of 134 dwelling units on 16.8 acres of land in the R-15 district. The proposed density of the development is 7.98 units per acre, consistent with, although at the high end of the density desired in medium density residential designated areas. The style of dwellings proposed are single family residential detached and single family residential attached. However, because more than three dwelling units are proposed on one property, it is classified as a multi-family development. All of the units will be for rent, owned and operated by a single entity. A mix of one, two and three bedroom units are proposed. Twelve of the three bedroom units will have an attached garage. All units will be a single story in height. The project is proposed to be constructed in one phase. Typically medium density residential designated areas are developed with single family, not multi-family residential uses, and the R-4 and the R-8 zoning districts are the most appropriate for the medium density residential future land use designation, with the R-15 zoning district being most appropriate for the medium high density residential future land use designation, which calls for eight to 12 units per acre. However, the Comprehensive Plan doesn't specify the type of residential uses allowed, just the density, nor the appropriate zoning districts for residential future land use map designations. Because multi-family developments are prohibited in the R-4 and the R-8 districts, the applicant is requesting R-15 zoning for the property, which requires approval of a conditional use permit for multi-family development. One full access driveway is proposed via East Victory Road in alignment with South Alfani Way on the north side of Victory, which is approved as a temporary full access by ACHD and may be restricted to right-in, right-out only in the future and one right-in, right-out access driveway is proposed via South Meridian Road and State Highway 69 as depicted on the site plan. ITD is requiring the access via Meridian Road to be relocated approximately 120 feet to the south and additional right of way to be dedicated for construction of a right turn lane for the proposed access. Approval from City Council is needed in order for this access to be approved. The access via Victory will require a new bridge to be constructed over the Ridenbaugh Canal with a five foot wide sidewalk for a pedestrian crossing over the canal. Private streets are proposed for internal access, which do not meet the standards for such in the Unified Development Code. Connection to a local or collector street is required. The applicant is proposing connection to arterial streets and a state highway and plans to request alternative compliance to this standard. No access is proposed to the outparcel to the west for connectivity with future development. No stub streets exist to this site from the south from Meridian Heights Subdivision. Staff is concerned about the safety of both accesses proposed for the development. The curve that exists in Victory Road to the east and west of the proposed driveway creates visibility issues which are compounded when traffic is stacked up and congested. The center turn lane required in Victory should improve safety for westbound vehicles turning into the site, but will hinder traffic coming out of Strada Bellissima Subdivision to the north on South Alfani Way turning left on

Victory Road. The high speed of traffic traveling on South Meridian Road and State Highway 69 will be dangerous for vehicles entering and exiting the site. The southbound right turn deceleration lane into the development should help to increase safety, but the right-out onto the highway will be dangerous with vehicles merging at a slow rate of speed into southbound high speed traffic. A connectivity exhibit was submitted as shown on the right by the applicant that depicts the extension of existing stub streets from the west, West Contender Drive and South -- South Peoria Way through the Brewer Schmidt outparcel at the southwest corner of the site. No connectivity is proposed with this site which is not consistent with the goals in the Comprehensive Plan pertaining to connectivity between neighborhoods. The Ridenbaugh Canal runs along the northern boundary of the site within a one hundred foot wide easement and that is -- if you can see my pointer -- this area right here. The applicant requests a waiver from Council to allow it to remain open and not be piped due to the large capacity of the facility. Council may approve such a waiver if it finds that the public purpose requiring such will not be served and public safety can be preserved. Because residential uses are proposed within the development, which abuts a state highway and noise abatement is required to be provided within the street buffer along South Meridian Road and State Highway 69 in accord with UDC standards, a four foot tall berm with a six foot tall fence on top of the berm is proposed, which does not meet the construction standards for noise abatement. If approved they will need to provide a sound attenuation wall on top of the berm that meets UDC standards. A minimum of 2.57 acres of common open space is required to be provided within the development that meets the qualifications in the UDC. The initial open space exhibit included several areas that did not meet the qualifications. A revised exhibit was submitted as shown that depicts 2.57 acres of qualified open space in accord with UDC standards. Site amenities are proposed from each of the following categories. Quality of life. They are providing a clubhouse with a leasing office and a fitness facility and a dog park with a waste station. Open space. They are providing outdoor game plaza, hammock lounge area with a shade structure, and out of the recreation category they are providing a swimming pool, a ten foot wide multi-use pathway along the north and east boundaries of the site, two fire pits and a children's play structure and for the multi-modal category they are providing charging stations for electric vehicles in accord with UDC standards. Conceptual building elevations were submitted as shown for the proposed structures. The structures are proposed to be oriented in different directions to break up the exterior appearance and will consist of a variety of colors and materials, including horizontal fiber cement siding, with a half height brick or stone finish. Final design is required to comply with the design standards in the Architectural Standards Manual. In order to determine consistency of the proposed development with the Comprehensive Plan there are many other considerations besides use and density, including the establishment of street connections to existing local and collector streets, as well as to underdeveloped adjacent properties. Provision of public utilities and services for county enclaves. Compatible uses and site design to minimize conflicts and maximize use of land. Support in-fill development that doesn't negatively impact the abutting existing development. Provision of appropriate noise mitigation along transportation corridors, like State Highway 69. Creation of a site design compatible with surrounding uses through buffering, screening, transitional densities and other best site design practices and ensuring new development is cohesive and complementary in

design and construction, among other things. Those are only a few. There have been many letters of written testimony received in opposition to the proposed development tonight that I'm sure you have all reviewed in the public file. Reasons for opposition include, but are not limited to the following: Existing infrastructure is struggling to keep up with the growth in the south Meridian area. Victory Road is a traffic jam at commute times. Meridian Road is backed up to Victory. The Meridian-Victory intersection is congested. Schools are overcrowded and adding the proposed number of rental units in this area will just exacerbate the issue. The proposed R-15 zoning isn't consistent with adjacent zoning. For example, the R-4 and R-8 zoning. The proposed multi-family use isn't compatible with existing single family uses and rental units will bring down adjacent home values. Traffic generated from a multi-family development is much higher than single family due to the higher density. Concern pertaining to future residents cutting through adjacent developments, for example, Strada Bellissima and Bear Creek to the north to avoid traffic congestion on Stoddard and Victory and Meridian Roads and safety of children and pets who play in the area and walk to Victory Middle School. There is no connectivity with surrounding neighborhoods. This will be a standalone community. No public transportation in the area to offset the increase in traffic generated from this development. The driveway access on Victory Road straight across from the access to Strata Bellissima Subdivision will severely impact the ability of residents of Strata Bellissima to exit their subdivision to turn left on Victory Road, which is already difficult due to the increased traffic from recently constructed subdivisions in the area. Approval of the proposed development will destroy the natural open space and homes to over 40 bird species and other wildlife on this property. The desire for this property to remain as natural open space and be a nature preserve or a City Park. Children in the area are already being bused to schools much further away, because area schools are overcrowded and don't have capacity. The proposed development will make the situation worse. There are already a lot of rental units in this vicinity, including those along Overland Road between Stoddard and Ten Mile and across the street to the east. Desire for single family residential units to develop on this property at a similar density as adjacent development, which could be compatible with existing single family uses. Not the right location for a multi-family development with restricted access. Effect on area residents' quality of life with increasing traffic and congestion and associated safety issues. Overcrowding of schools. Incompatible land uses. Lack of infrastructure and essential community support, i.e., teachers, bus drivers, police, fire, et cetera, to keep up with growth and concern pertaining to the impact on existing wells in the area with the continued growth. Staff shares many of the neighbors' concerns who have submitted testimony on this application and is not supportive of the proposed annexation and conditional use permit for the following reasons: Based on public testimony received the proposed multi-family development is not compatible with the adjacent single family development and is too high of density for this area. Access issues and associated safety concerns with the Meridian State Highway 69 and Victory Road intersection in such close proximity to this site and the curve in Victory Road to the east and west of the proposed access. No connectivity is proposed with adjacent developments as desired in the Comprehensive Plan. City water and sewer service is not proposed to and through the development as required and the proposed private streets don't meet the standards due to direct connectivity with arterial streets and no connectivity with adjacent developments

in the surrounding area. Staff is recommending denial due to inconsistency with the Comprehensive Plan goals and policies noted in the staff report and in my presentation tonight. Staff will stand for any questions.

Seal: Thank you, Sonya. Would the applicant like to come forward? Good evening, sir. Just need your name and address for the record and the floor is all yours.

Holt: Dustin Holt. 166 East 14000 South, Draper, Utah. Mr. Chair and Commissioners, thank you for your time tonight. It's -- appreciate an opportunity -- opportunity to be before you again. With me -- I'm Dustin Holt, a principal and partner in Alpha Development Group. With me is Brad Watson, who is the development manager for this project, as well as Tahri Molifua, who is with Ball Ventures, who is a partner in Alpha Development Group, as well as the owner of the property. Geoff Wardle of Clark Wardle Law, our outside counsel and I believe our in-house general counsel is on remotely. Virtually. We really appreciate -- and -- and, Sonya, I don't know if you can pull up our packet, please. Thank you. We appreciate an opportunity to be here and to talk to you. We also appreciate the passion. We know there is passionate neighbors in this area. We have had three or four meetings with -- with the neighborhood and as you can imagine we can't be all things to everyone and there -- we are finding even points of conflict between ACHD, ITD, Meridian City, residents and so what we are trying to do and hope to do tonight is -- is present to you a concept that we have been working through that we think answers many of the concerns. It won't -- won't address all of them. You are better than I would. I know some jokes if you want. I -- I will -- I will actually just get started a little bit. So, Alpha Development Group -- we have been involved in development in -- in five states. We have been involved in over 5,000 multi-family units. We have a range of products from eight units to the acre that you are seeing tonight. We have -- we have developed as dense as 189 units to the acre, which is, obviously, in a more significant urban core. So, we -- we know that development is possible. Density doesn't scare us. Density done wrong scares us and scares us immensely. Do I control this or -- sorry. Jittery mouse. So, that is a -- is there a way to just go page down? I'm technically inept. Here is a couple of the Alpha Development kind of lower density townhome products. We originally looked at this project as a townhome community and, then, for a myriad of reasons steered away from a townhome, but here is a -- here is some of the townhome products that we have been involved in. As I mentioned, our development partner is Ball Ventures. They are also the property owner. They have owned this property for 15 years. Ball Ventures -- you may not recognize the Ball Ventures name, but I'm sure you will recognize some of the names of groups that they partner with like, Ball Ventures Alquist. You know, they have been responsible to bring in groups like TopGolf, Shields, Saltzer Health and others, not only to the Treasure Valley, but even specifically to Meridian City. So, the notion that we are out-of-state developers who don't care I think is erroneous. As mentioned, the land use designation -- the Meridian comp plan in December of 2019 when it was updated gave this designation, the medium density residential. If I were to zoom out, the purple to the north is office, the red to the northeast is commercial and the orange to the -- to the east is R-15. You did hear -- and I think Sonya did a nice job explaining we are requesting the R-15 designation only and solely for the multi-family ability to have multiple parcels on a single building and we would be happy to notate that in a

development agreement or -- or whatever other means necessary. But we are looking at 134 homes. When this comp plan was being done Ball Ventures actually presented several concepts to actually try and push this to a denser zone or a denser comp plan. Office commercial or even higher residential. Based on the -- the response back from staff at the time was based on the odd and challenging shape of this site and the R-8 zoning designation adjacent to it. But none of those uses were compatible, so it stayed R-8. We still believe that density and that intensity of density should grow and -- and change as you are coming from far denser uses at that intersection as you head southwest toward the residential to the south. So, several of the projects in the area that have the R-8 designation -- we will talk about a couple of those here shortly. In 2019 as mentioned this commercial use concept plan was shared with staff. It was 75,000 feet of light industrial and about 30,000 feet of retail, 700 -- or 450 parking stalls and the response was this is just not the place. We already have office. We have commercial. We have multi-family and this was a -- this was a plan that was shared and -- and requested to be put into the comp plan and at that point in time it was this density intensity just is inappropriate. As -- as Sonya mentioned, in 2020 a plan, 140 multi-family units, all two and -- duplex and four-plex, but all two-story structures, a density of ten units to the acre. It had a single point of access. They did not approach ITD at the time for a right-in, right-out. We argued with ITD that legally we have three points of access onto Meridian and they are okay granting our single point of access legally and fully as a right-in, right-out, with a one foot tall -- or ten inch tall concrete median in the middle of Meridian and I think it's 660 feet long. So, they want it as a right-in, right-out with a decel lane and an acceleration lane as you are coming out of the east side of this project. This previous project did not have this. It's worth noting that staff recommended approval of this, but as Sonya mentioned, Planning Commission recommended a denial when it moved forward to -- to the City Council. So, the current plan, 134 units. One of the things that was read and understood from that previous plan was that the density was too great. So, we took another 20 percent off. We took another 34 units off the -- off the plan, 20 percent. Additionally, wanted to come up with a lot of homes on Rockford Street were single story and much like you heard in previous agenda item, we addressed that all of -- all -- every single unit in here is a single story. Nothing is two stories. It is all single story. The highest roof pitch we have is 17 foot six to the crown of that roof. So, they are all single story structures. A couple of the things that we heard and -- and were worth mentioning. When we originally presented this with -- to the neighborhood we said we would like to have 30 percent open space in our communities and that -- that is true and we do and we classify our open space slightly different than Meridian City classifieds their open space. So, I think it's worth talking through this, because I think there is some people that feel like we have been disingenuous with the open space. Your qualified open space measure -- has a certain measurement, has a certain shape to it, has certain abilities of use to it. Also have to become all things to everyone and include any type of landscape buffer. You -- you guys know those rules probably better than I do; right? So, qualified open space, we have -- as -- as Sonya mentioned, a little over the 15 percent that is required. Additionally, what you don't see in that plan is seven percent open space. Each and every one of these units has a semi-private back yard. What I mean by that is there -- there is a gate and a man gate and a lock that our maintenance crew has access to, so that they can mow, they can trim, they can pick up leaves. They don't pick up dog poop, but they

will fine if there is too much of it. But pretty much anything else our -- our property maintenance group does. So, they have access to that. So, because it's fenced and semi-private, it cannot count toward that. But that's another seven percent of this project. And, then, in addition to that some of the landscape buffers -- some of the areas like this right here that you -- this mouse is goofy, but some of these areas that you see, because they are only eight and ten and 12 feet wide they don't meet Meridian city's width ordinance to satisfy as qualified open space. So, in addition to all of the private fenced backyards there is an additional 77,000 square feet. It's about 11 percent. So, when you add those up we get to what we classify as 30 percent open space, meaning not sidewalks, not roads, people -- areas that people can actually gather, congregate and utilize with -- with open space. So, that's how we meet our definition if that comes up from public testimony. What -- what we are not -- and -- and we have seen some things online that say this is just another R-5, 15 units to the acre, 250 plus units. This is government subsidized housing at its finest. It's none of those. So, we want to be very clear that is none of those things. I will also note it's not -- it's not open space. The zoning, the general plan, is not open space. It is not intended to be a nature preserve. It won't be a nature preserve. It would be much like me asking any of my neighbors to knock their home down and let me utilize it as my private garden. So, it won't be a nature preserve. It will be developed ultimately in some way, shape or form. So, let's get to the exciting stuff of what -- what we think Klein Huis is. So, we do believe that there has been some recent projects -- if you look at Meridian Heights, that's a subdivision that's 30 years old. As you look at Jocelyn Park, Timberland, and a couple others, they have gone about it differently than us. Yes, they have platted it, but so their gross densities are 7.67. Another thing worth noting, we are annexing 18.6 acres. As you read ACHD's report, we are deeding 37 feet on Victory and another like 22 feet to ITD. So, all of the city -- all of staff's numbers are coming off of the 16.8 acre that we would be left with. As you look at 18.6 acres that we are actually annexing, our density is about 7.2 on the gross acre, compared to even the 7.9. If you were to look at Jocelyn Park at 7.67, that would put us at 129 units compared to the 134 units. We are just doing it in a different manner and we think it's a manner that people are maybe even a little uncomfortable with. Again they are all one hundred percent single story structures, one, two and three bedroom units and that roof line -- I said 17.6 -- 17.4 to the top of that roof line. This is as mentioned professionally managed by our property management company and something that we will own and maintain. One point of contact. One point of management. It's not something that could become 134 individual rentals. This -- this denotes some of that backyard. So, inside the back we have got -- we have got a tree planted in every backyard. I know that wasn't brought up or was previously, but a tree planted in every backyard. Landscape. We also do like an eight by eight concrete pad where someone can do their -- their picnic table or their barbecue. This lower one is the -- is the three bed with an attached garage. This is a design that we are doing in -- in direct reference to the Rockford Subdivision or the -- the homes on Rockford in Meridian Heights to the south of us. One of the comments was we -- we felt different, because we didn't have an attached garage, so we have an attached garage on that southern property line. Again, some of the R-8 zone up to the eight units, I mentioned some of those densities, 7.2 or 7.9, depending on maximum height to -- to a ridge line and R-8 is -- is -- is 35 feet. So, this could be two story homes with a tall 12 -- 4/12 pitched roof and -- and something that

could be more significant than what it is. This qualified open space is admittedly an error. Sonya caught it. The -- the previous one was correct, that 15 percent plus, those additional 7/11. Site development. I think Sonya did a wonderful job talking about all the amenities, but we more than exceed the site amenities that are required for a project of this size and, then, one of the other things that we heard was parking. So, we tried to get additional parking. We are still constrained. This -- this is a site that is physically constrained, it's an odd shaped piece. It's got barriers of the -- the Ridenbaugh Canal, Victory, others and so we tried to cram in as -- as much additional visitor and surface parking as we could get in to help with that. A couple of solutions that I -- I want to just mention. This is one where I think we are -- we are -- we are at odds. The ordinance says we as a private subdivision can't discharge out onto a collector. That's in the city ordinance. I think in an instance like this it makes less sense to have us connect to some of the adjacent subdivisions. I think that Mr. Bernard said it. If you connect it they will come. There is a concern that we have that people come through this subdivision and/or vice-versa. What I don't want is concerns that our residents leave and discharge and go through neighboring subdivisions that have been here first. So, respectfully we disagree and do not want to connect. If this is an absolute requirement we believe there is a way to keep the property to the west of us from being an enclave and this concept shows how we actually could make a physical road connection for if and when that property were ever developed in the future and that's something that we are willing to consider. Lastly, one of the -- one of the -- one of the questions that came up was Rockford Street and this is much like the conversation that we actually just all participated in. There are 13 homes along Rocks -- Rock Street. We have 16 units that face that. I am more than comfortable telling you right now that I will remove four homes to get down to 13 homes. That would be adjacent. It would allow for more width, allow for slightly bigger yards. The only caveat just to double check is that it doesn't put us under our qualified open space requirement if we do that. That's the one caveat that I would have. And so I think that would reduce us down to that 131 -- 129 units that's right in line with some of the more recent projects that have been approved in this area by the Planning Commission, by the City Council. I think we just look a little different and -- and feel a little bit different. So, appreciate your time very much this evening. Thank you. With that we would respectfully request a positive recommendation to the City Council. Happy to answer any questions you have.

Seal: All right. Thank you, sir. Commissioners, do we have any questions?
Commissioner Lorcher.

Lorcher: Mr. Chair. So, all of these units of the little buildings, so you have one, two and three bedrooms. So, are there multiple families in each building or is one a one bedroom and another building is a two-bedroom and another one is a three bedroom?

Holt: So, the only -- the only ones that are attached buildings are the one bedrooms. They are -- they are built in a duplex manner, but everything else is a two bedroom, two bath home, detached one -- one family would live in it and this slightly larger footprint is a three bedroom. This three bedroom footprint is really close to the same as this one bedroom duplex, but these are -- these are all single family occupancy buildings, one bed, two or three bed.

Lorcher: And the little white space between them, that's their backyards?

Holt: That is correct.

Lorcher: And these are all a home ownership or you said these are rentals?

Holt: These are all rental.

Lorcher: And what is the price point?

Holt: Rents will range from 13 -- 13 -- 1,350 to 27, 2,750. And keep -- just -- I -- I heard some snickering in the back when we looked at those backyards, but they are larger than at a 16 acre scale.

Lorcher: So, follow-up?

Seal: Absolutely.

Lorcher: Ridenbaugh Canal, they seem to be very opinionated about their waterways. Did they give you permission to put a bridge over it?

Holt: We have talked to them. We can get -- as long as we stay out of the high watermark we can -- we can get a bridge over it. This is another area that we have had difference of opinions or we have heard differing opinions. City ordinance is to leave it open, preserve it, keep it nice. Open. That is our goal. That is our objective. The canal company has -- has expressed an interest that they may want the underside of the canal tiled. I think we got them away from box covering. We have been involved in a couple other projects adjacent to canals where we have actually by providing this ten foot trail along the -- sorry, this mouse is -- by providing this trail in some instances with -- in one instance particularly another canal company we actually widened it to 12 feet, so that they could get their rubber tire mini-excavator on it. We put a -- a 40 inch wrought iron fence so that they could get stuff out of it and we were able to get them to concede that as long as they could see it, access it, they could maintain it and -- and we actually gave them hardscape. We kept them from tiling the canal. That is absolutely our objective with this as well, that maintaining this canal as a true --

Lorcher: Open.

Holt: -- open is our -- is our goal.

Lorcher: And they are entertaining your -- those conversations or they have been absolute?

Holt: No. We have -- we are -- they are entertaining those conversations and we are having them ongoing.

Lorcher: Okay. Thank you.

Seal: Commissioner Grace?

Grace: Yeah. Mr. Chairman. So, you are counting the space behind the units as an additional seven percent of open space?

Holt: In -- in our open space calculations, yes. It doesn't satisfy or meet your qualified. So, our 15 per percent, we satisfy the ordinance at 15 percent of qualified open space. In our open space math that would be an additional seven percent in the semi-private backyards and, then, there is an additional 11 percent across the rest of the site that just doesn't meet your dimensions.

Grace: So, irrespective of that seven percent you have met 15 percent?

Holt: Correct.

Grace: Those areas -- those part -- those areas of land, are those -- are those -- those are private. They are not open to everyone, they are just open to those who would live in the unit?

Holt: That is correct. Aside from our maintenance group who has access.

Grace: Okay. And, then, the other space is not large enough to be considered an open space under our requirements, but you are counting it as space people can be in.

Holt: You can still throw a football in it, you can still throw a baseball in it and you can still do a myriad of -- of activities inside of it. One of the other big ones probably to note is at the far northeast corner. So, this whole triangle -- we haven't talked a lot about ACHD. ACHD's recommended conditions are in the staff report and are actually fairly minimal. We are willing to do more. We have told ACHD we would work with them on a free flow right turn here to help with stacking from someone that's waiting to try and turn right to get them out of the go straight east lane. Because of that we have taken this whole triangle out of any of those calculations for the time being, because we don't know -- we don't know ultimately if that ends up being a right turn lane or it ends up being something else. There was also a note that because we -- while we do have the sidewalk that goes to that intersection from our community, we didn't have a pedestrian bridge over the canal right to that triangle and so, therefore, it could not be considered open space under the city standards.

Grace: Is that little triangle fenced in?

Holt: It's not. It's open right now.

Grace: But would it be fenced in from Meridian Road and Victory?

Holt: I think we -- I think we have the sound barrier and Sonya would have to correct me if I'm wrong. I think we have the sound barrier going up the Meridian side, but not the Victory side. One of ACHD's recommending conditions or mitigating conditions is actually along this curve to put a -- what's the word I'm looking for? A -- a car rail -- a guardrail to help with just overall traffic and overall traffic safety along that -- along that canal.

Grace: Okay. Thanks.

Seal: Anyone else? All right. Thank you. Madam Clerk, nobody signed up?

Hall: We have Kurt Weimer signed up online and I have a Kurt that I will allow to speak. Are you there, Kurt?

Weimer: I'm here. Can you hear me?

Hall: Yes, we can. Go ahead.

Seal: Good evening, Kurt. Go ahead and give your name and address for the record, please.

Weimer: My name is Kurt Weimer. 3322 South Cobble Place. You pretty much went over most of the points that I had in your opening. You know, sometimes they will sit there at Victory heading east, you know, for four light changes and like you had mentioned, sometimes the traffic's backed up, yeah, heading north on Meridian to the freeway in the morning it's backed up to Victory. You know, with all the new developments going on over here it's -- you know, it would just add that much more jumping onto Victory, you know, for commute -- commute hours. It's, you know, one thing that none of us want and, you know, they are already designated as it could be R-8. I don't know why developers come in wanting to change it. You know, CBH seems to have no problem making money under those kind of developments. So, I'm sure some other development could come in there and have single family homes. You know, I'm not sure why this developer doesn't just do that. There wouldn't be a whole lot that anybody could say about it if they did and me personally I would rather have it as open space and, yeah, it's -- if the city was able to do that that would be great, but it's -- you know, not sure how that would happen, but -- but that's about all I had to comment on.

Seal: Okay. Thank you, Kurt. Appreciate it.

Weimer: Thank you.

Hall: Mark Nero. Nero. Sorry.

Seal: Good evening, Mark. Just need your name and address and the floor is yours.

Nero: Yeah. Mark Nero. I live at 3050 South Denali Way in Meridian, Idaho. 83642. I'm here tonight on behalf of the Strada Bellissima HOA and I would like to request for some additional time to share some thoughts.

Seal: Will anybody here give their time to -- okay. It looks like we got folks that are raising their hand. Please -- give him ten minutes, please.

Nero: Can somebody pull up the presentation that I sent in?

Starman: Madam Clerk, could you hold the clock? Thank you.

Allen: Sorry about that. We will get that going for you.

Nero: That's why they tell you to bring a backup. Perfect. Thank you. I guess I get control of it here. Figure out where we are scrolling here. The -- not sure this keyboard is working in that way. No. Okay. Yeah. Okay. No, that's not working either. All right. Well, we will do it this way. We will just do it with scrolling with the mouse up and down. The key doesn't work. So, I won't go over a lot of these slides. A lot of it is redundant. We just have a short message and, then, talk a little bit about responsible development and that's what my goal is here tonight. So, you know, really what the message here is, you know, we are not here to be anti-development. That's -- that's not what we are here about. We want to be -- we want to see responsible development that meets the best interest of the surrounding community and the neighborhood. We believe responsible development ensures consistency, compatibility, connectivity and transitions within the neighboring areas. These are all goals within the Comprehensive Plan and the code. The Klein Huis development appears to primarily satisfy the self-interest of the landowner with very little regard to the impact of the neighboring communities. We believe the Klein Huis proposal is ill-conceived and we oppose this project and while people are talking about open space, I just -- it is worth mentioning this is not a farmer's field to plow under. It's land that's been home to 45 species of birds and wildlife for decades and it does at least deserve a little bit of consideration. I'm not going to spend time here. We have talked about the history already. I guess the -- the only thing that I would say between 2020 and today is that many of the same issues that were raised by this Commission may be different members, but same Commission in 2020, still exist today and I think in the staff report that you all read and that we have all read it highlights many of those and I don't think that any of them have been mitigated. So, responsible development. It's consistent. So, what I thought I would do is to contrast what -- what appears to be responsible development as -- as by the Commission, as well as by the comprehensive code, and look at a couple of different developments that are within a half mile of one another. One is Slatestone, which was here on October 6 and this Commission approved it. I came to the meeting and listened to the developer and such. And, then, of course, the Klein Huis, which is before us. Both of these are in surrounding land use areas that are low density and medium density and the zoning for these is R-1, R-4 and R-8. What's interesting about these is they both are designated for future land use of medium density. In the case of Slatestone, the developer proposed single family ownership density minimum three and consistent R-8 zoning. They didn't ask for any special permission or

any special use cases. In the case of the Klein Huis it seems to be inconsistent in the sense that it's multi-family, which by the staff report and other mentioning is not typical in a medium density area and in this case it's nearly at the eight unit max and they are asking for special consideration, as well as a zoning change to 134. I'm going to skip this slide. This is just the designations that the City of Meridian defines for FLUM and just worth noting that both medium density -- or medium high density and high density is really the only time you start to hear about multi-family and a mixed dwelling of condominiums and apartments and townhomes, even the same that the developer proposed in 2020. This chart I put together because I think it kind of helps illustrate consistency. So, there is a green arrow there that stroke between the medium density designation density and typical zoning and it's got a little jog in it there, but that's the Slatestone proposal and what you can see is R-8 is consistent with medium density, but yet they have chosen to go on the low end and there is a reason for that, which I will share here shortly. So, from a FLUM zoning standpoint it's very consistent. When you look at the Klein Huis proposal they are asking for R-15 zoning within medium density, but they are really crossing at that crossover between medium high and medium density. One might even be able to argue that medium high density makes more sense given that they are asking for an R-15. They tried to ask for that in 2020 and that was declined. So, again, not consistent within the FLUM and zoning and, then, when you look at the blue stripe, which is the 2020 proposal, you know, that actually looks consistent within medium high density. The density was ten. The zoning was R-15. But, again, it's not consistent with anything in the surrounding neighborhood, nor is the current Klein Huis proposal. The only one that does have consistency in the neighboring area is Slatestone and as far as densities go in the medium density -- I actually did a little bit of a study and looked around the surrounding areas to find out within single family homes what's the highest density that these builders have been building and I just took a sample -- four samples and it's between five to six acres and this next map kind of shows you where those are, just within the surrounding area, the Klein Huis being in the middle there and even one of them was slightly outside of that area. But I tried to zoom in and this is the closest I could get to the Klein Huis proposal where I could find densities and single family that were above the midline or heading to the higher level. So, again, you know, this is well below the eight for a single family home. Sorry. Mouse is a little quirky there. So, what's the public response been like? And that's quite interesting. So, there is several items to look at. E-mail comments. Opposing signatures on a petition. NextDoor neighbor website comments. And even those here at the public meeting to listen and oppose or approve. So, if you look at Slatestone, it's quite interesting. There is no public e-mail comments. There is no petitions. There is no NextDoor neighbor comments that I could find in search and there was no opposition at the meeting. That tends to indicate that perhaps it's responsible development. On the other hand, Klein Huis, even as of tonight there was 76 responses on the public website for Meridian and in my hand here I have what is now 350 signatures from all the neighboring communities that we have collected over the last four weeks and gone door to door and asked people -- where we have asked people to sign it, whether they are for it, against it and today we have 350 signatures that oppose. So, it's quite a statement by the neighboring areas. And, then, within the website on NextDoor neighbor there was 22 comments and tonight I don't know how many people are here, but there is more than zero who -- who are not in favor. So, it's just to me another thing about indicating either

ill-conceived development or inconsistent development and I guess I will finish on responsible development as complementary. So, within the designation for the FLUM plan and within the Comprehensive Plan, I have highlighted a couple of things where it talks about, you know, the -- the complementary aspects are comparable with surrounding use, promote area beauty all throughout the community and, then, support and protect the identity of the existing neighborhoods and I think that's what a lot of people are also concerned about. So, this here is a -- kind of an illus -- not illustration, but a slide that shows on the upper left-hand corner. This is just one of the models that Slatestone has proposed and it's got a lot of attractive architectural features to it. It's got some depth to it. A lot of natural materials and it just -- it -- it's -- it looks like a very nice home and these are homes that are just within the surrounding area, both in Bear Creek and in other areas and you can kind of see these -- this is complementary and consistent to the existing and surrounding homes. If we go down and look at what the Klein Huis proposal includes, I have captured a few from their proposal for a one bedroom, two attached side by side and, then, three bedroom and if you just look at the -- within the Strada HOA across the street and just even the other surrounding areas, a very different style of home and architecture and it just -- it doesn't appear to me to be very complementary and supportive of the existing. In fact, in some cases it looks sort of like post-World War II military housing, but that's for others to -- to decide I suppose. So, you know, it's also worth noting -- how does the developer come at this? What -- what's the -- what's the developer's desire in terms of working in the neighborhood? You know, the Klein Huis -- I read their narrative. I read the Slatestone narrative. I listened to the representative from Alpha here tonight. And what I heard was we will make the houses in different positions and we will change some of the siding on them and we will paint them different colors and it just -- it just didn't -- didn't excite me as looking very complimentary. But on the other hand with Slatestone, even within their own narrative, you know, they talked about these homes are to be high end homes with natural tones and finishes -- and can I take one more minute? And if you look at the slide during their presentation they talked about some of the community benefits. Provide quality homes in the City of Meridian. Match and compliment surrounding developments. And enhance the overall look and the feel of the neighborhood. So, I will close with this. So, we do oppose the Klein Huis development and that it fails to meet many of the requirements of the city Comprehensive Plan and the Unified Development Code. Twice now this property owner Ball Ventures has tried to circumvent the system and pass a plan that is ill-conceived for the surrounding community. A bad precedent will be set if this is approved. It opens the floodgates for more proposals for this type of ill-conceived development. There are many alternative land use opportunities that have already been suggested for this habitat treasure to help preserve an open space and maintain the home to a lot of wildlife. We are respectfully asking the City of Meridian Planning Commission to return an overwhelming message and deny approval of this project and we also thank all the surrounding neighbors who have expressed concern over the last many weeks and maybe months and, lastly, I thank this Commission tonight for giving me the time to be able to share these thoughts and I thank you, Commissioner.

Seal: Thank you. Oh, don't forget your USB drive. I have lost many of those in my life. Madam Clerk?

Hall: Larry Chase.

Chase: My turn.

Seal: Good evening, sir. Name and address for the record, please.

Chase: I am Larry Chase. I live at 309 West Galvani Drive in Meridian. Today I came home Meridian Road -- like you are in Meridian and you are driving to Kuna and this big wide road and it's full of traffic and to turn right on to Victory, which has got two or three lanes and immediately it narrows down to a two lane country road and on my right-hand side is the City of Meridian subdivision and, guess what, there is grass and trees and a sidewalk and it just feels good. And Victory -- gorgeous. It's like a motorcycle road. You get to walk down and up and around and loop and zoop. Really cool. You get to the top, you turn around and come back. When you come back on Victory Road, those of you who may know this, it does the same thing, it -- zoop, down, turn, turn and, guess what, there is this canal and the road is right here and there is 15 feet of gravel right next to you and, then, there is this canal and the canal is ten, 15 feet deep and 20 feet wide and if it's in the middle of winter and you come around too fast you get to be in the canal, but it's dry, so that's okay. But in the summer you get to be in the canal and it's wet. That's awkward when you are upside down in a canal. But, guess what, on the other side of the canal is -- who is that? Ada county. That's not Meridian. These people would like to have you annex that little chunk of land, but they -- they got this problem. There is that canal and so they say, well, this -- we will go over there and do all that sidewalk and the buffer and all that on the other side of the canal. We will just leave the canal alone. Well, that didn't help me coming down the hill and all that. Gosh. And, then, the entryway is a little too close to the things that we will do our exception. Gosh. And, then, we will do the funny thing to try to get out of the thing. Gosh. And, then, we will build a bridge over this canal. That's cool. Let's -- you know, then we have a wreck on the middle of the bridge and, then, the fire truck can't get in. By the way, that area that they want to build to me looks like an island. They got a canal on one side. You got a -- what we call in the old days a bench on the other side. Whole thing. Bench. And it's blocked on Meridian Road and blocked on private stuff on the other side. I would like to have you decline this request. Thank you.

Seal: Thank you, sir.

Hall: Patsy Chase.

P.Chase: My name is Patsy Chase and I live with that funny guy there. 309 West Galvani in Meridian. I guess my -- my biggest concern is trying to get out on to Victory. You -- you just -- in the mornings anytime between 7:30 and 9:00 you may as well forget it now. And I also see where people use our subdivision to cut through and I can see that they will continue to do that so they can go on to the other place without getting caught in the Meridian Road backup, because when I go and I'm going to go downtown, I am turning -- first of all I have to get on to Victory and, then, you know, there is really only one lane there and, then, the one little turn lane and it's very short, so people do -- are nice a lot of

them and they pull clear over on the edge of the road in order to allow room for me to go into the turn lane to turn left to go north down -- to go to the freeway and the traffic is -- sometimes is backed clear up almost to Victory Road. So, we have a lot of cars coming from Meridian -- from Kuna and from all that area out there and we are talking here of 134 units, most of which will have two to three cars and they are going to be trying to come out in that same spot. So, I would encourage you to consider that and consider the impact upon the traffic and deny this. Thank you.

Seal: Thank you.

Hall: Linda Whitney.

Seal: Good evening, ma'am. Need your name and address, please.

Whitney: Linda Whitney. 314 West Galvani, Meridian. 83642. Well, it kind of seems like a lot of what's been said has messed up everything I was going to say. So, I'm going to wing it sort of. As has been stated, that intersection at Meridian and Victory is already extremely busy. ACHD estimates Klein Huis will add another 1,340 vehicle trips per day. We already often have difficulty getting out of our neighborhood at certain times of the day. With all of the other developments going on in both directions along Victory those time frames that we have difficulty keep expanding. This developer wants to drop over 1,300 more trips per day into that extremely busy intersection. As has been said, Victory is a two lane road and their traffic -- adding lanes and such, it's just a joke. It is -- it's going to make things worse. The developer sees dollar signs and I see a traffic nightmare. Another objection is displacing the wildlife currently using that land. That parcel has been used by wildlife for many years. According to the Meridian nature reserve, many species of birds have been recorded as using that property, including a large number of birds protected under the Migratory Bird Treaty Act. I happen to like the birds and the open space. I have seen these tiny house developments in Arizona on recent trips. In my opinion they are -- they are just awful. They are rentals. They have got all these tiny homes packed into these tiny little pieces of land and my first impression driving into several of them to check them out was this is a prison colony and little did I know that one was being planned across the street from me. Now, seeing their packed development, it's all enclosed, including a moat on the north side, it reinforces my opinion that it's a prison colony. My suggestion to the developer is that they fire their architects, because those little buildings are ugly and just to me it was a -- it looked like a basic tenement housing. Thank you.

Seal: Thanks, ma'am.

Hall: I have a James Cavernet. Is there a James? Okay. A Cateri or Biley? Bailey? Help me out.

Bilay: Hi. My name is Kateri Bilay and I live at 3315 South Peoria Way in Meridian, Idaho. My family has lived in that house since 1999 and we were the only subdivision, Meridian Heights Subdivision, that was in existence at the time and we have seen everything grow

up around us. We have seen everything just become more and more and more and we have seen the traffic get worse. We have seen the schools get overcrowded. I went to Mountain View High School, which is -- was overcrowded when I went there. I graduated in 2013. Obviously, if -- of what everybody has said this property is a very difficult space to develop. It's got canals on both sides. It doesn't have just the Ridenbaugh, it has another canal that borders on the other side of the property, as well as the curve in Victory Road, which doesn't allow it to be widened and, then, you also have 55 mile an hour road -- people go 60, 65, 70 miles an hour on that road on Meridian. So, all of that makes this a very difficult space to be developed. I have lived there, I have seen this space be left as open space continuously. New developers coming in trying to make something out of it that they can make a profit off of and, really, the entire community that we have reached out to -- everybody that I have talked to have all expressed an interest in leaving open space and I do think that using this particular example of space, this property in general, as just kind of a plea of the community that we do need to consider setting aside open space to leave for nature, to leave and enhance for the community, to let the wildlife that do already exist in that space have some space, that we haven't really -- we don't have that in Meridian. There are American kestrels that nest there. There are red tailed hawks that hunt and nest there. There are red foxes. There is skunks. There is raccoons. And if we were able to enhance this area it would be such an asset. It would be such a treasure for the surrounding community. How we get to that point I'm not sure, but that is something that I have spent a lot of time thinking about and if there is any space in the City of Meridian to put a nature reserve, something that would, you know, enhance the City of Meridian as a whole, I think that this is a really good opportunity to use this space, because it is such a difficult space. I have seen it. I have seen what people have tried to do. I see that -- the crashes that happen as well, because I have a perfect view of that intersection. Crashes happen like once a week and like cars are returning, it's -- it's not a safe intersection already and they have already segued and sequestered all the left-hand turns. Like if you are coming south and you are trying to turn left into the D&B parking lot or any of those businesses that you just can't and they asked -- I asked where are you asking people to turn around and they said, well, they are asking people to make a U-turn on Meridian Road and that's -- that's what people are being expected to do, which is unsafe and that's already the reality of the situation that's going on before this type of development is being done. So, I definitely request the opposition of this development plan. Thank you.

Seal: Thank you.

Hall: Christine Garro. Christine? Could be, yes.

Carrier: Hello. My name is Christine Carrier. My address is 1119 East Wrightwood, Meridian, Idaho, and I have a short statement to read. I am here in opposition to the proposal for Klein Huis. As previously stated, this proposed development would adversely affect the area of Victory and Meridian Road. It would increase traffic. We already know it -- we have stressed schools. It would affect the established neighborhoods and it would possibly create more problems than we can ever imagine. It's already been rejected in 2020. I live in Reflection Ridge. It's a development that

borders Meridian and Victory, as well as Locust Grove. I walk. I bicycle. I have bicycled on Victory up and down those hills many times. I love that area. I marvel at the red tailed hawks. The little quail families and occasionally a kestrel. I support the idea of a Meridian natural preserve on this land. Zoning can be changed. When we adopt this idea we have the opportunity to transform the corner of Victory and Meridian to a destination that can become a community legacy. This is a very unique parcel of land. Idaho Citizens treasure our natural resources, our natural spaces, and we understand the value of the species diversity and protecting these natural areas. It creates a healthy environment for both creatures of the earth and human beings. These values can be championed and we would also be protecting the Ridenbaugh Canal, which has some historic agricultural ties to Meridian, as well as the -- Nampa and the other areas and I think that's very important to remember our heritage. The preserve would be home to wildlife, including migrating and year around birds and ducks, small mammals and insects. This proposal was championed by the Audubon Society and it would be attractive to students of all ages and it would be a true treasure for the Treasure Valley. A red tail hawk feather in the hat of the City of Meridian. Thank you.

Seal: Thank you.

Hall: Chris Keith.

Seal: Good evening, sir.

Keith: Good evening. My name is Chris Keith. 181 West Winnipeg, Meridian, Idaho. I kind of want to point out -- sorry. I'm not happy with the situation and having to keep returning on this, but I have been living there since 2008. I feel like Meridian kind of stole the land from us, because we got annexed in and I have talked with a lot of people, it seemed like that was shot down when it was voted and somehow it still seems like it went through. But I deal with radio communications for the state of Idaho and what people don't understand is the influx of having all this development going on. We don't have the police force. We keep trying -- we don't retain them and this is the state of Idaho. It just -- the radio calls that come in for emergencies has increased dramatically and this is like in the last three years. You used to be able to listen to the radio. You wouldn't hear too much chatter and now it's constant. On the freeway or the -- sorry -- 69, the ambulance and fire trucks, whatever, I almost hear them constantly now and I hear a lot of that traffic on the radio of the accidents and, granted, not all this is just localized to this area. I'm pretty much against all of the development. We don't have the resources. We don't have the infrastructure, which, yes, can be built, but I'm -- I'm really tired of having to fight these battles, because I -- yeah, growth can be good, but I walk out the door and sometimes I just smell garbage. Like literally I have walked out of my house -- and it's not just because the neighbors are not keeping stuff up, it smells like a large city. I'm a native. I'm very disappointed at how things have turned out with this area. I mean everybody tries, but you can only do so much. So, yeah, I'm opposed to more houses going in, because, yes, traffic situations, crime -- we had three neighbors in my neighborhood build a brand new fence. Within that same week the whole BLM movement, we got that R-15 lovely little apartment complex and there has been a -- tired. Jumping topic slightly. But there has

been vandalism on those three fences. They spray painted BLM and derogatory things towards cops and bad language. Distracted. But overall there is -- there is a boat motor that's been ripped off because of all these -- the influx of people and so I would also like to recommend going with the -- going forward with the nature reserve and I know that's in -- in works to have that zoned properly or whatever, but, like I said, I feel like that land was already taken from us by Meridian, which -- when we got annexed in, which probably would have been easier for Ada county to do it. I don't know. That's not my department, but thank you for your time.

Seal: Thank you.

Hall: Roger Britton? Charles Britton? That is all that's signed up.

Seal: Okay. Who wants to raise their hand first? Ma'am, you want to come up? Good evening.

Brewer: My name is Karen Brewer. 355 West Victory Road. We -- we own the property that is directly to the west of the development, the four acres -- what the people call the Brewer-Schmidt land. We also own property on the south -- southern border in Meridian Heights and so -- let me get this going. So, we are opposed to the development, because of the -- the exceptions and the waivers that the developer is asking for in order to force this plan onto this land. We feel that this development will decrease the livability of the surrounding communities and it will be detrimental to our property values. That's already been mentioned. So -- boy. No, it's not working. So, I would like to bring the conversation back to connectivity. So, let me skip over the slide that has Meridian's code requirements and Comprehensive Plan goals. I mean let's -- let's start with the private road. And you guys have already thought about this, talked about this; right? The -- the Meridian Code says that a private street shall not connect to an arterial street and you have private streets connecting to Victory Road and to Meridian Road, which are arterial streets. So, then, let's look at the connectivity for pedestrians. So, the City of Meridian requires that pedestrian access connectors in all new developments to link the subdivisions together and to promote neighborhood connectivity. The ACHD report site specific conditions requires that this ten foot wide sidewalk on the south side of the canal, that it tie into the sidewalk that the Jocelyn Park Subdivision has already created. Well, that can't happen, because our land is in between that and that's the picture that you see down there in the left, if you can see it. Let's see if I can get this -- can't get it. Well, it's like real funky. Can't hardly move it. Oh, there we go. Yeah. So, this picture on the left here, this shows the Joslyn Park sidewalks and where they end there at the Jocelyn Park fence. Over on the right-hand side you have the Klein Huis property and the red lines in between those are our property lines. So, there is no way that those can connect. So, in order for a pedestrian to leave the Klein Huis community, they have to either walk out onto Meridian Road -- walk or bike at -- at -- at a road that's 60 -- 55, 60 miles an hour or they can go out across from Strada Bellissima and they would have to walk east to the -- to the crossing light, go across and come back and, you know, the kids aren't going to do that. They are not doing it now at Stoddard, so -- wow, my time's up.

Seal: Ma'am, go ahead and you -- keep going. We had some technical difficulties there, so --

Brewer: Okay. Next slide then. So, vehicle connections. So, Meridian requires that -- that they establish street connections to the existing local roads, as well as underdeveloped properties and they submitted a sketch -- next slide. And this is their connectivity exhibit. This is how they -- that our property should be developed in order to provide the connectivity for the surrounding communities that their development doesn't provide. So, even -- and even if our property was developed like this, their -- their property would still be an island. It would be landlocked. It's never going to be anything. But since they have brought up how our property should be developed, I would like to tell you how we would like to develop our property. Next slide. So, there is five stakeholders in the land that's proposed for development. Meridian City, Ada County, Idaho Power, Nampa-Meridian Irrigation District and the Southwest Victory, LLC, Ball Ventures. These are powerful stakeholders and they have the knowledge, they have the resources, they have the financial means to work together to do what's best for this land and for the city and what we would like to do with our land is we would like to work with these stakeholders, with the citizens groups, with the Golden Eagle Audubon Society and the other nonprofits that have proposed this nature reserve on this land and we would like to understand how our land can also be part of their plan. So, that's where we are. Thank you for your time.

Hall: And, Ms. Brewer, I would like to apologize. You were signed up on here. I just missed your name. I apologize.

Seal: Madam Clerk, no one else signed up. Oh, go right ahead.

K.Nero: Nope. I'm not started. I'm part of Bear Creek. My name's Kim Nero and I'm with 3050 South Denali Way, Meridian, Idaho. Wait for her to bring up -- so, I have looked at this in a different way than everybody else did and my basic question is -- because they were talking about, you know, these are rental -- is rental availability or rental affordability, the housing issue in Meridian. Next slide, please. So, on October 10th I took a look across the internet and I came to find out that in Meridian -- just in Meridian city there is about 1,259 apartments for rent, 232 houses, 25 condos, 68 townhomes, which made a total of almost 1,600 places that people could rent if they needed to. Next slide, please. Within the surrounding units of -- I'm sorry. Within the surrounding facility -- two and half miles of where they want to build these small tiny houses I can look at 13 complexes. There is 3,500 rental units located in all of these. There were 233 open vacancies, 89 one bedroom, 123 two bedroom and 16 three bedroom. This alone tells me that we don't have really maybe a rental availability shortage, but, instead, we might have a rental affordability problem, which we all know about. Next slide, please. So, how does the Klein Huis build compare to the other multi-family homes built in Meridian? Next slide. I actually have two slides that look the same here, but I have 13 different apartment complexes is what I looked at. Red Tail, which is the closest to us was built on a medium high density, which got changed January and they got approved in June of 2013. Then there is the one on Ten Mile that's on high density. And, then, you have the -- the Lofts at Ten Mile that are on mixed used. The -- the next one is on high density. High density.

High density. And if you notice they are all surrounded by commercial, mixed-use, high density. Next slide, please. Same. So, on these -- all of these. They are on commercial, medium high density, mixed-use, high density. They are not surrounded by low and medium density homes, which is what we live in. That's our community. You can see at the bottom of all these just these 13 complexes, two and a half miles, there is 3,544 apartments, which available right now are 233. I broke down the one bedroom, two bedroom and the three bedroom. Next slide, please. I opposed this development in 2020. I was outspoken then and I am outspoken now. I oppose the developer Ball Ventures only building what serves them well, not the citizens of Meridian. In the 2020 it was -- it was disclosed that they could not make a profit with single family homes that fit the medium density residential specs. Ball Venture, once again, is asking for multi-family homes in an area that the city, based on your FLUM, designated for medium density housing, single family homes and, yes, I did come to the FLUM meeting. It was stated very clearly to me that the reason that they were doing this planning was so that people would stop asking to up it and stop asking to move it. We were doing this so that we would build what the city put on that piece of land. No other multi-family homes previously are on multi-density residential and they are not built near low density and medium density -- most medium density homes. The entrance to this development would be across from Strada Bellissima and Bear Creek, both flow it into residential and it will be surrounded by medium density that tapers off into low density, unless they cross through at Meridian and there is the Red Tail apartments. It's a rental -- this is an island unto itself. There is no connectivity into existing subdivisions and I have to say that it really bothers me when somebody stands up here and says, well, we don't want people to connect into our neighborhood, because, then, people will come. Where do they think the people that live in their tiny homes are going to come through to get to their neighborhood? They are going to come through my neighborhood. They are going to come down the streets that my dogs want to play on. So, it bothers me that you have the arrogance to stand up here and say that. Yes, if you build it they will come and if you build it in an appropriate place it will be okay that they come. So, my -- my opinion is that the 134 rental only units to be built by Ball Venture in an area that's not designed for multi-family units just so they can turn a profit and put more unaffordable housing on the market is not in the best interest of Meridian citizens. Thank you.

Seal: Thank you.

Hall: Is there a Mark Hildebrandt? Would you like to speak?

Seal: Good evening, sir.

Hildebrandt: Good evening.

Seal: Thank you.

Hildebrandt: My name -- my name is Mark Hildebrandt. I live at 368 West Fortini in Meridian. I know we have been here a long time today and I know that the Council has heard about everything they can hear about this and I do appreciate your time. I

appreciate the privilege of being up here and as I look at all of you I think I voted for everyone of you, too. Now, as I look back there at the developers from Utah, I don't think they voted for you folks. I don't think they care about this area. I don't think they know about the traffic. I think they just simply want to make money. Now, I know you have heard a lot from us, but I'm encouraging you as a Council to listen to your staff. I heard comments like does not comply. I heard comments like dangerous, is not consistent and it's a severe impact. Those are words from your staff that came to you. I heard the developers say, well, these are points of conflict with you. We classify our rules different than Meridian rules. How dare they tell you what our rules -- what their rules are and how they are going to be different from our good Meridian rules that we have. This is why I live here, because of our rules and not some -- some arrogance telling them that's the way it's going to be. I also heard the comments there will not be a nature reserve there. There will not be a park there. Again, how dare they tell you as a Council and as Commissioners what you are going to decide and what will be in our City of Meridian. So, with that I thank you for your time.

Seal: Thanks, sir. That's everybody signed up? Okay. Anybody else want to come up? Ma'am, come right up. Okay. Good evening. Need your name and address.

Forney: I'm Heidi Forney. I live at 645 West Kodiak Drive. I wasn't originally going to speak, but there was one thing that kept coming to my mind as I was listening to all of the wonderful speakers tonight. I'm the parent of a firefighter in another state. Over the last few years we have seen so many fires happen in different communities in the west and when I look at the map over and over again as it kept coming up, I keep seeing this one exit onto Victory and the little exit onto Meridian, which just goes one direction. If we were to have a fire in that area from fireworks or a lightning strike and we tried to get 290 cars or 130 some odd homes evacuated quickly, because we had a big windstorm or something like that, trying to get all of those people out of that subdivision, how many people would we lose? How many people could we lose? I think to the different places, Paradise, to the community in Oregon, to places that have lost homes and lives and families. I don't want that to happen here. That subdivision is, frankly, dangerous as far as I'm concerned and I realize I'm not a firefighter. I'm not an expert on these kinds of things, but that's where my heart lies and I just wanted to share that with you. Thank you.

Seal: Thank you. I think we had a hand up over here. Sir, come on up.

Plimmer: Hello. My name is Gary Plimmer. I live at 2873 South Bear Claw Way and the reason I'm here is after looking over this proposal -- a couple of different things I guess. I actually own a piece of commercial property over on South Cole Road. Bought it as dirt and I wanted to get -- get a cut into Cole Road while they are expanding to five lanes and it was an absolutely not. You can't put a cut into a -- a road like that and, then, when I saw this and I see a cut in going into a 55 mile an hour road that's just completely jammed, you guys got better connections than I have. I'm kind of -- I couldn't pull it off. But, anyway, also -- I have also owned a multi-family dwelling here in Meridian over in the Pine-8th Street area and I had to kind of chuckle when I heard earlier about, you know, we have got this many parking spaces and this many cars are there. My experience has

been -- you have never seen so many cars in all your life if you -- until you have gone to rental units and see how many friends they have that come over to visit or to stay, so that the two cars per unit is not even close to what happens there. I mean I was giving them four per and it was all full. So, I -- I think, you know, that that's just not accurate and -- and as far as the architecture is concerned, it was really kind of funny, because I was looking at the picture of my apartments, they look just like theirs. They were built in 1974 for Pete's sakes. I'm kind of like can't we do better than that? They were two bedrooms, two baths, fenced backyards, you know, it -- I don't know. I don't know. But at the same time living in Bear Creek -- and I love that side of the road, because it's close to the freeway. But at the same time I can almost speak for anybody sitting in this room, when you drive out of our subdivisions or any of those houses there, you go one direction south -- I mean north towards the freeway. You don't go to Kuna. Why would you go to Kuna. I go to Kuna once in a while, I got admit, to play golf. Love Falcon Crest. But you just don't go that way. So, I just cannot believe that all of these people are going to the golf course. I just don't think they are going to use that road. I -- I kind of agree what -- what I heard earlier, they are probably going to go up the road, make an illegal U-turn -- at some point in time they almost have to, because you -- you are not going to go three miles out of your way to get to where you want to go. So, I think it's just a huge traffic problem and there is a lot more than 134 cars or two cars per that are going to come out of that place. I mean it's -- I have -- I have had my own and I have -- I have just watched them and like, wow, there is a lot of stuff that goes on here. So, that's my concern. Thank you very much.

Seal: Thank you, sir. Appreciate it. Okay. Do we have anybody else that wants to raise a hand? Come on up. I saw you raise your hand first and, then, we will get to you after that.

Vondemkamp: My name is Megan Vondemkamp. I live at 3387 South Peoria Way and I have lived -- we have lived in our house for the last eight years. We proudly moved to Meridian in search for a larger parcel of land where I could have chickens and a garden, because we came from the North End where the parcels are a little smaller, but as we have been here we have noticed the lovely infiltration of lots of new homes, which I'm excited about, because I want to welcome people to where we live. I want to share the space. I also want to see better stewardship of the space. I am personally a God fearing woman and when I look at it it's like the land isn't even ours, it's his and the way we treat our land is terrible and it breaks my heart to see people bulldoze over topsoil that took a hundred years to develop -- when that just keeps happening. So, I guess I just -- my plea is for the developers -- for you guys -- and for you guys, because you make these decisions, to look at it through a lens of stewardship. What are we doing here? Like long-term how is this affecting the ecosystem to -- somehow to -- to -- to look at that differently, because if we just keep filling it in what's -- what is that going to do? Yeah. So, thank you guys for your service. Thank you for serving us.

Seal: Thank you. Appreciate it. Come on up.

Edmondson: Hi, there. I'm Tanya Edmondson. I live at 3086 South Silvertip Lane, Meridian, Idaho. I'm over in the Bear Creek Subdivision. I live right up at the corner of Stoddard and Victory. Have seen the traffic increase there quite a bit. For the most part I try to avoid Victory because of the nature of that road and the angles and the corners and, in fact, even right now coming out of Stoddard it is a -- almost a blind corner with trying to get on there to get on to Victory. But, then, as you come around the corner and you go past the proposed area, I know that one of the proposals was to do right turns, but it's -- if they are coming back home they are not going to want to go straight and, then, you end up at Stoddard and Victory and where do you turn around there -- there is no place to turn around and you would be ending up down in the subdivisions, down by the school, or keep going down Victory, which is -- continues to be a two lane road, still no place to turn around without going through some other subdivision and to do a turn around. So, that was one of my big concerns. The other thing I heard tonight was some stuff about, you know, it's not going to ever be a -- a nature reserve and, you know, that would be like me telling you to go do -- raise -- you know, get rid of your house, so I can build my garden. No, what we are asking for is let's leave that option open. You know, I recognize that's not what we are here for tonight to specifically say that is for an approval or a denial of this particular thing. But let's leave that option open. This -- this is not a good lot for this and I'm sorry that the developers got this lot that they bought and they are trying to figure out how to make some money on it. I get that. But this lot is not a good one for putting a lot of houses on. We really need to keep looking for some other better uses of it. Thank you.

Seal: Thank you. Anybody else? No takers? I don't think we have anybody left online. Anybody online want to raise their hand? That's a no there as well. All right. With that would the applicant like to come back up.

Holt: I'm happy to address any questions that the Commission --

Seal: Go -- go right ahead. I was just going to say -- so, it's not going to be a bird reserve. You are stuck on that, but -- probably bad humor at this point, so --

Holt: Yeah. I was going to say I didn't vote for you, but that's because you are appointed.

Seal: I was going to say, that's -- yeah. I was going to say I'm just -- I'm just a volunteer.

Wheeler: So, it's -- is it Justin? Is that right? Did I get it right?

Holt: It's with a D. But I have been called worse as you can probably tell.

Wheeler: No. No. No. No ones calling anything bad like that. That's not the Meridian way and --

Holt: But Dustin. Yes.

Wheeler: Okay. Dustin. Sorry about that. Okay. So, just a couple quick things; right? So, one of the things is that that access point going to the west on there, that wasn't something that you wanted to do is make a connectivity for a road off to the west out of there next to it. Do you know what I'm talking about?

Holt: Oh, down in our southwest corner?

Wheeler: Yeah.

Holt: Yes.

Wheeler: Is there -- what's the -- what's kind of the reasoning of the idea behind that?

Holt: I think you heard straight from Karen that she has zero interest in developing her property. So, I'm happy to put a stub there. I'm happy to put utilities there. If that's what you want. I -- what I can't do is connect to Peoria.

Wheeler: Okay.

Holt: I can't force her to allow me to connect to Peoria. So, then, I ask myself is it -- is it necessary for me? No. If it satisfies the -- the Comprehensive Plan and -- and your needs, sure, we will put a stub road there.

Wheeler: Okay. All right. And, then, staff, I had it -- I had just a quick question here. On the open space requirements, I'm -- I'm kind of getting some stuff that's a little bit conflicted here. Has he -- has the developer met the open space requirements of 15 percent?

Allen: Mr. Chair, Commissioner Wheeler, Commissioners, the applicant has met the requirements. They are proposing exactly the minimum that's required.

Wheeler: Okay. Okay. Good. Okay. And, then, you know, this has been a tough piece of dirt to try to -- try to take care of and to develop and everything like that for sure and there has been a lot of opportunities with it and they just -- they are hard to stick, because of some of these things that you are hearing and some of the things that are there with it, especially with the Ridenbaugh Canal, the access on it, that windy corner -- I mean it's just -- it's a hard -- hard piece for sure. Those were just -- I guess those were some of the more -- I guess that's really my main questions on that then. So, thank you very much.

Seal: Anyone else? Questions? Concerns? No? Okay. Thank you, sir. Appreciate it. I will now take a motion to close the public testimony for File No. H-2022-0051.

Grace: So moved.

Wheeler: Second.

Seal: It's been moved and seconded to close public hearing for File No. H-2022-0051, Klein Huis at Victory at Meridian. All those in favor say aye. Any opposed? Okay. Motion carries.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

Seal: Who would like to go first? Commissioner Grace, you want to open?

Grace: Sure. Well, I am mindful of the recommendations of staff and I, too, picked up on a lot of language about being not -- not cohesive and compatible. The adverse effect on neighboring property and some other -- some other comments from staff. I also feel like I have heard my fellow citizens pretty loud and clear on this and I am not -- I -- I don't get voted in. I get appointed. So, I -- I say that only to suggest that I think part of our -- our role is to be mindful of the public's will. So, based on all that I think I am -- I'm in -- I am not in favor. I'm in favor of denying this application.

Seal: Okay. Commissioner Lorcher?

Lorcher: Ball Venture does some amazing things for our community. So, you have been -- you have made some great additions to what we have. This is your land. You have the right to be able to do what you see fit with it. But I don't think you are listening to our community where this high density at this particular time is in the best interest of our city. So -- it's going to be developed. We just need to accept that. Eventually it's going to happen. But this particular project at this particular time with this particular density, with the limited access and not having full approval from the irrigation company, not having full approval from ITD, I think I would also be in favor of denial at this time.

Wheeler: Yeah. Mr. Chair?

Seal: Go right ahead.

Wheeler: It's really hard to go against when -- when staff recommends denial on multiple fronts. Sometimes it's on one or two things, sometimes it can be worked out a little differently, something is creative. But this is -- there is just a lot of things that just aren't matching up on it and that's just really hard to move forward when, you know, they are the ones vetting, they are the ones taking -- talking with other agencies in order to see the -- the compatibility or the way that it aligns the best and it's just hard to say yes to that -- on that reason. I do think that, you know, this is a town that -- this is an area that people want to move to, so we are going to get more housing for sure and we will need -- there will be more apartment complexes built. There will be more single family residence homes that will be built. That's going to happen. So, we just need to remember not to always have the -- the statement of, you know, not in my backyard kind of thing, we are going to -- it's going to be there sometime, someday, some way, because this is a great place to be and this is a really tough part. I remember, just so you guys as developers understand, in a former life when I used to be similar where you guys are at, we looked at this in 2008 and it's been trying to be developed ever -- before that even. It is just a

tough piece and I like your creativity, though, that you are bringing and trying to match it up. Just continue down that path and maybe someday some way it can. But it's -- it's a -- it's a tough piece of dirt for sure. But with all the things that are a part of it, it's -- it's hard to say yes to this.

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher, go ahead.

Lorcher: After considering all staff, applicant, and public testimony I move to recommend denial to the City Council File No. H-2022-0051 as presented during the hearing of October 20th for the following reasons: High density. High traffic. Public testimony. And staff report.

Wheeler: Second.

Seal: It's been moved and seconded to recommend denial of File No. H-2022-0051 as presented during the -- as presented, with the -- with the reasons mentioned. All in favor say aye. Any opposed? Okay. The file is denied.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher.

Lorcher: I motion we adjourn.

Grace: Second.

Seal: It's been moved and seconded that we adjourn. All in favor say aye. And none opposed to that. We are adjourned. Thank you all.

MEETING ADJOURNED AT 10:22 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS.)

APPROVED

ANDREW SEAL - CHAIRMAN

_____|_____|_____
DATE APPROVED

ATTEST:

CHRIS JOHNSON - CITY CLERK