

**Public Hearing for McDermott Village (H-2022-0056) by Boise Hunter
Homes, located at 3235 N. McDermott Rd. at the northwest corner of
W. Ustick Rd. and N. McDermott Rd.**

- A. Request: Annexation of 40.05 acres of land with R-15, R-40 and C-G zoning districts.
- B. Request: Preliminary Plat consisting of 85 building lots (81 townhome, 1 multi-family, 3 commercial lots) and 8 common lots on 40.05 acres of land in the R-15, R-40 and C-G zoning districts.
- C. Request: Conditional Use Permit for a multi-family residential development consisting of 250 dwelling units on 12.19 acres of land in the R-40 zoning district.

Seal: Okay. And last, but not least, we will open the file H-2022-0056 for McDermott Village and we will begin with the staff report.

Parsons: Thank you, Mr. Chair, Members of the Commission. The last item on the agenda this evening before we adjourn is the McDermott Village project. It's an annexation and zoning, preliminary plat, and conditional use permit. You can see here on the future land use map that the subject property is mixed-use regional on the Comprehensive Plan and you can see on the zoning map the current boundary of the city limits. There is no application history per se for this particular project, as they are actually here to talk with you tonight about it. The property is located on the southeast -- or excuse me -- the southwest corner of Ustick and McDermott Road. This -- this project is unique -- if you can imagine. You probably saw in that graphic there that there is actually State Highway 16 that goes through this property and bisects it. In the staff report I think city staff did a great job of explaining the situation of why we are supporting this application this evening, just for the fact of the uniqueness of having a state highway run through this property. I would mention to the Commission that the applicant was in front of City Council and asked for the specific land use designation as part of the Comprehensive Plan update in 2019. The requested zoning with the annexation request includes R-40, which is approximately 15.85 acres of land. We have a C-G piece of property, zoned 7.08 acres and across -- or the east side of the future State Highway 16 the applicant is proposing R-15 of approximately 17.12 acres of land. Here is the conceptual development plan submitted with that application. Again, you can see how the intersect -- the state highway intersects the property. So, it's really almost a -- a tale of two projects in -- in a sense with the way this works out and so in our -- in our analysis of the Comprehensive -- Comprehensive Plan for this particular project we couldn't find that it was entirely consistent with all the mixed-use regional standards, but what -- given the circumstances we felt it was generally consistent with the Comprehensive Plan and what I mean by that is Sonya did a great job of laying the foundation that the project on the west did integrate a little bit more with the surrounding developments because of what had been approved and developed on that particular side of the road and, then, as you transition to the other side of the road this provides a buffer to the state highway and transitions on that side of

the road as well. So, I think overall staff is supporting this project with the two residential -- or the two land use types that are proposed before you. So, we have, essentially, commercial, some office and, then, townhome development and a commercial -- or excuse me -- and a multi-family development. I appreciate the applicant also showing you some of the other developments in the area here on the graphic to the -- to the right. It gives you that overall comprehensive view of what's been approved along this corridor thus far, so I -- I think it -- it kind of tells the tale of what's actually happening and I think this Commission is aware of all the growth that's occurring in this area. You will also note on the concept plan here that access to the west -- western portion of the development is coming off of Ustick Road here. This is -- this will be a public street and constructed with the subdivision and, then, also ties into Aviator Springs development to the north. So, this is the primary spine road adjacent to an arterial or the state highway and it will provide that necessary secondary access that we are looking for in this particular area. The applicant is proposing, again, a preliminary plat consisting of 85 buildable lots. So, one -- one would be a multi-family lot, three commercial lots and, then, 81 townhome lots. Again you can see the west half of this green is the west side of State Highway 16 and, then, the townhome portion is the east side, which has 81 townhome lots. You can also see that the applicant is proposing to phase the project. So, phase one will commence with the multi-family and I'm sure the road that comes into the development to serve it. Phase two is across the other side of the roadway, which is the townhome development and, then, phase three will be the commercial development. I would also note to the Commission that at this current time there are no plans for any commercial development, meaning there is no end user to -- to locate on this site. It's really speculative. The applicant -- we worked with the applicant through numerous meetings to try to get something that was consistent with the Comprehensive Plan. They felt this was there -- and, again, given the -- the -- the look at this and seeing that there is a highway going through, it's just really challenging to get a regional draw on something that's going to be bisected by the state highway. So, really, if you look at this project approximately 26 acres of this site is on the -- the east side -- or, excuse me, the west side of the roadway and the remainder falls across the east side of the road. So, again, as I mentioned to you it's -- it's a little disjointed, just because of the highway, so we -- we tried to lay the -- lay the foundation for you as best we could. But, again, staff is supporting this project. So, both projects -- can't call them both projects. But this project has to require -- comply with open space requirements. This is their proposed landscape plan. The highlighted areas show the areas that can count towards the required open space. So, then, again, the multi-family portion and commercial portion are highlighted in red here on the west and, then, on the east side you see the additional open space that's proposed. In the staff report staff did make the finding that the project does comply with the open space standards, not only for multi-family standards, but also the single -- single family standards, which is happening or occurring on the east side of the roadway and, then, as part of the mixed-use regional standards, the applicant's required to provide some open space as part of that project -- that portion of the development as well and you can see here there is a central plaza that's built or proposed in between two of those commercial structures. So, staff has made that a recommended DA provision as well for that to occur with the development of the commercial project with phase three. Staff also noted that the amenities proposed for the -- both the multi-family and the single family met city code.

There was a little back and forth with the applicant as far as the amenities proposed for the multi-family project. There were some misunderstandings about the commercial kitchen component of the conditional use permit. I had a chance to work with the applicant or at least talk over that condition with them today. So, again, the Commission can either strike the word commercial and just leave the outdoor kitchen as part of an amenity or just strike that amenity altogether, because based on the amenity package that they are proposing for the multi-family, they are in excess of UDC standards. But as you know, once you get over a certain unit count for multi-family developments, it's up to your purview to determine whether or not the applicant is -- is proposing the right number of amenities for the size of the development. In this particular case the conditional use permit is for 250 units. Staff also asked for further clarification on the amenities for the single family portion of the townhome portion and that's what this graphic on the right represents. So, the applicant does meet -- or exceed the -- the amenity points required by the UDC. I will skip over this slide. I think you are aware there is multiple structures, 250 units. Again, the site plan complies with the parking ratios and they meet the open space and amenity requirements per code. And, then, as far as conceptual building elevations, here is what the applicant is proposing for not only the townhomes, but also the multi-family. We believe that it does kind of blend in with the surrounding developments. Any further refinement would occur with administrative design review with a certificate of zoning compliance -- application and design review application I should say. No conceptual elevations were submitted for the commercial portion. So, again, that's fine, they don't have an end user, they don't know what it's actually going to look like yet. They want to keep that portion of the site someone flexible until they have somebody that can locate there. So, looking at the record it looks like we did have somebody that provided testimony. They didn't give a name, so we labeled it Meridian residents. They are concerned with overcrowding at schools and just the continuing growth happening in Meridian. And, then, Todd Tucker, the applicant's representative, did provide a response to the staff report and he's requested that condition A-10K be removed, which is reference to that commercial kitchen as I mentioned and, then, staff is recommending a revision to DA Provision F and that's on your hearing outline. So, basically, we just want to add the name of a street and just clarify in the development agreement that the multi-use pathway required along that roadway can occur on the west side and not directly on the east side adjacent to the state highway. And also after looking at the staff report as well, I would also note that that same condition is condition of approval 3-B as well. So, I will also make sure that that language gets added to that condition as well as we transition to City Council. With that, again, staff is recommending approval and I will stand for any questions you may have.

Seal: All right. Thank you, Bill. At this time would the applicant like to come forward? Good evening, gentlemen. We need one of your names and address for the record and --

Hunter: Yeah. Sure thing. My name is Travis Hunter with Boise Hunter Homes, 923 South Bridgeway Place, Eagle, Idaho. So, we are the principal partner in the McDermott Village Subdivision here before you guys tonight and we are grateful for another opportunity for a unique project in the City of Meridian. Having the right team is really the

key piece to any successful development project and I couldn't be more excited for the team we have put together for this project, as it's so dynamic. So, as this project blends multi-family, commercial, and for sale housing, we have partnered with the Pacific Companies, which are some of the country's best multi-family developers and if you are not familiar with their work, one of their projects is actually right across the street from here, the Old Town Lofts development. Working on the architecture side, we have partnered -- and the -- and the landscape architecture side we have partnered with GGLO and Pivot North and both of them have produced high quality projects, both locally and regionally. The McDermott Village project offers the City of Meridian a timely and low risk development that utilizes the Meridian comp plan to develop a critical 40 acre piece that is adjacent to the existing Owyhee High School and the future Highway 16 extension, which is coming fast. I will now turn over the details of the application to Josh Evarts, the development manager with the Pacific Companies.

Evarts: Yeah. Good evening, Commissioners. Josh Evarts, 303 East State Avenue, Old Town, Meridian. 83642. Hey, I appreciate you guys having us here tonight. This one is a labor of love. This is not easy to do. So, this project -- I won't burden you with the order of events. We are going to talk about the property. We are going to talk about what the ask is and, then, we will get into some of the details and -- and challenges of this guy. The property was 40 acres that was bought back in 2006 by the Hunter family, a family that develops single family homes. This property was in the path of growth and saw an opportunity to develop that in the future. In 2017 ITD redefined the final five miles of Highway 16 and we ended up with a property that had some unique characteristics associated with it. So, what we are looking at is we felt that the reason that we went to City Council during that comp plan is that we really felt that Owyhee High School would become that regional draw and we felt like we could wrap a project on this property, even with the highway dividing it, and have a mixed-use regional draw element product that we could put in place for the City of Meridian in this area. So, what we are asking for tonight is, obviously, the annexation of the property. It is designated mixed-use regional and -- which is a mix of employment, retail, residential dwellings, six to 40 units per acre. We are proposing 12 and a half units per. We definitely wanted to keep with kind of an open design that can be kind of a transitional element from -- from some of these open spaces into some of its higher density partners that exist around it. We need a rezoning request. We have the R-40, the R-15 and the commercial that's down below and we will go into some details on that and, then, obviously, the preliminary plat for each of those 250 dwellings multi-family the Pacific Companies will be building 81 townhomes that will be the responsibility of Boise Hunter Homes and, then, the commercial that we are going to do cooperatively. We think that there is some really strategic things that we can go after that really does make this -- even though it feels like separate projects that can really make this a mixed-use project that can be delivered to the region. We do need a conditional use permit for the Unified Development Code for the multi-family, so that's one little add-on that we need there. So, let's talk about the challenge. So, Highway 16, we make the decision, right, or transportation makes the -- department makes the decision to initiate this extension going from State Highway 44 all the way to Highway 84, so -- or Interstate 84. Phase one was completed in 2014. The design for this last five miles was finished in 2020, funded in '21 and is in the process of working through different

sections of that right now, even though they haven't gotten to our piece of property in -- in particular. So, our solution was, number one, we kind of had to conduct an assessment. We really had to sit down as a team. I think that the Hunter family in their wisdom started bringing some bright people together, Pivot North, GGLO, Pacific Companies to go, okay, what does this look like? What can we offer. What -- what's something that we can do here? And approach the site comprehensively, not look at this as a divided piece of property, but look at it as a project that we can deliver. Building that team. And, then, we have actually leaned in to try to be a good partner, knowing at the end of the day this road is going through. So, on our own volition and dollars we did put in a north sewer main and south sewer main to support development that would happen on either side of this and get that done and, then, we also granted a water line easement to the City of Meridian along the entire southern border of the project and we just felt like it was important for us to -- to lean into this and be -- be a good partner with the city. So, McDermott Village, what is it? It's a mixed-use regional program development. We are leveraging Owyhee High School as our primary draw here. I did want to make note of the one comment that came in earlier about the impact of West Ada. I know we talked about it with Kuna earlier. The letter was actually submitted from West Ada, the planners on this project. They are estimating that we are going to add about 73 students and they didn't express any concerns. Their only concerns were that we were giving access from the development to Owyhee High School, which we have done in three areas. Just an additional data point. Multi-family lifestyle community, we -- we really leaned into amenities here and what we would be able to offer on this site, especially in such close proximity to the -- the high school. Single family townhomes. This was, as staff reported, the more challenging of the two sides to -- to develop a product. There are some unique things. You will notice that there is a -- a cul-de-sac at the end of McDermott. So, that doesn't exist today, but as soon as the highway goes in that does get cul-de-sac'd at the end of that. So, there are just some unique access challenges, but I think we came up with a great concept to do these single family townhomes, which we think are going to be at a price point that has a -- a great amount of affordability associated with it, which we think fits with this whole transitional model of going from the regional draw, the multi-family, some very affordable townhomes and then -- and, then, leading into the rest of the region as we have laid it out. Retail and office amenities and, then, lots of integrated green space. Just felt that that was very very important. So, the comp plan. This is -- this is what guided a lot of our development. This is the mixed-use regional sample laying out the single family residences, the retail office, hospitality and integrated plazas. So, our take on this as we look at kind of the data overlay and the colors here, is on the east side of the project we have the 81 townhomes. You can see the green space of the pickleball courts in the north, as well as the big open green space that's in the middle of the project. We have the 250 apartments that are in the yellow. You will see all the green space that's in the middle of that. The amenity space. For the entire project we are at 32 percent, which includes plazas, pickleball courts, walking paths -- specifically walking paths that are also connected to Owyhee High School. In the front in the commercial we have 15,000 square feet of office retail space that we think that -- we don't have specifics. We do have some things that we are wanting to target in that space that we think fit with being off of a -- a access point off the Interstate and, then, we just have amenities specific to the multi-family, 9,000 square foot clubhouse that does have a full indoor kitchen, big accordion

doors that open up into the public space, outdoor barbecue, pool, lots of fun stuff to do there on site. So -- why didn't that not advance? Oh. Elevations. So, this gives some idea as to what we are looking at. So, this is looking north at the multi-family commercial. You notice we have kind of reflected. We do think one of the natural fits for this, given the fact that it's right off of the state highway or Highway 16, is a fuel convenience store option. We have done a lot of time looking at Rocky Mountain High School and looking at a lot of the successful businesses, the grab and go food. We also think in order to drive more jobs we are looking and -- and just amenities that would be specific to the multi-family, we are looking at dentists, optometrists, things of that nature, that would be things of sports doctors, things that we could see students that are at the high school that are going to be in walking distance, that they would be able to take advantage of. Looking west at the multi-family, again, you can see some of the buffer and -- and -- and landscaping that exists, how we set those buildings back to make sure that those buffers exist and, then, the high school in the background. If we look at this public plaza this is one of the big things that we focused on. I think GGLO and -- and Pivot North did a great job of -- of really creating these kind of environments that are walkable, that are -- that are going to be friendly to kind of the -- the -- the region and, excuse me, finally, the townhome elevations. Again, wanting to fit -- I think like staff reported wanting to fit in with some of the designs and -- and -- and things that were happening in the region and -- and not be developing something that was outside the norm and we know that there are challenges with this, so we wanted to make sure we were being very careful with -- with some of those design things to fit in. So, some staff comments that we wanted to address. So, there was a request -- staff was looking to require a ten foot wide multi-use pathway within the Highway 16 buffer. So, all this pink area, this is the pathways on the property. I will just point out the blue circles on the west side of the property, those directly go into Owyhee High School. That's some pretty neat points right near baseball fields and stuff that's going on. The path to the north of the multi-family ties right into the subdivision, the single family community above us. So, we are providing that multi -- or that ten foot wide path on the multi-family side of the project. Where we run into issues is we are providing that ten foot path on the east side of the townhomes. There just wasn't enough room with the buffers and things that we had to provide to -- to squeeze that ten foot pathway on the east side of the property. So, we moved that to the west side on the -- on the townhome side of the project. Requiring a 25 foot landscape buffer between the commercial lots and the residential lots to the west is the Flowers' property. Flowers' properties -- if you look at this drawing, the easement that we were given by ACHD -- or access that we were given by ACHD, that -- that parking or that -- that driveway that goes in-out, we are only 24 feet off the property line to get to the middle of that. So, it really is impossible for us to do a 25 foot and -- and, ultimately, because that Flowers property is designated mixed-use commercial on the future land use map, it wouldn't be a requirement to have a 25 foot element there. So, it would be asking for a -- a variance to not have to do that. We -- we just would lose the southern access to this -- to this property. We can't move that -- that -- that driveway or that access point any further east. Requiring a 35 foot wide buffer along Highway 16 and McDermott Road, code does allow for a ten percent variance option. So, on, again, the multi-family side we are right there. We are currently at 33 feet, so -- so, no issues at all there. On the other side of the project where it squeezes down on the far north, we get down to a 26 foot buffer between the

westernmost lot on the north of that project. So, even with that ten percent variance where it's -- it's not sufficient to -- to meet that 30 foot -- 30 foot wide buffer, so we are looking for some consideration there. If you look at the on ramp, the 50 foot buffer, there is a retaining wall on the east side of the buffer and the 26 feet that we are providing, we feel that at 76 feet that's -- that's -- that's sufficient and we are really trying not to lose lots in order to make sure that -- that these still maintain, you know, affordability. It really is going to cost us about the same amount whether we have that one extra lot or more and -- and so it really does impact the -- the -- the -- the cost of these properties ultimately to a buyer later on. Requiring the 30 foot wide buffer along McDermott Road, this really isn't -- it -- this won't be a thing. So, this -- as soon as this gets terminated as a cul-de-sac it will no longer be an entryway corridor. So, we won't have a requirement to have that 30 foot wide -- 35 foot wide buffer on that side. So, we are -- we are asking to not have to put that in, since that is going to get ended. And, then, finally, requiring all townhomes to be a minimum 2,000 square feet. So, one of the things that the code does allow for is a variance can be given to relieve an undue hardship because of the characteristics of the site, as long as we are not detrimental to the public health, safety, and welfare. Just given the nature of this Highway 16, we also have in the green spaces and that's in the middle, that's the hundred foot wide Sky Pilot drain easement that we can't touch that we have to maintain. We really did try to program as much as we could in this piece of property, so that we could get to a product -- these townhomes that were -- that were the right price point and the -- and the -- and the right product in this area. We are not far off of this, but if we do have to comply and get to that 2,000 square feet, we are going to lose about ten percent of the available units, so we are estimating nine units, which is negating a portion of that whole affordable spirit of the development. So, with that I am open to any questions and thank you for your consideration. And staff.

Seal: Commissioners, any questions? No? All right. Thank you very much.

Starman: Mr. Chairman, can I take care of some housekeeping real quick?

Seal: Absolutely.

Starman: And if I missed this I apologize, but Commissioner Lorcher and I had a discussion a little earlier today that she may have a conflict of interest relative to this project. If that's the case -- I'm not sure if you made your decision about that, but if that's so I was just reconfirming you do need to make an announcement on the record and we have already talked about you could not participate in deliberations or voting, but if you have decided that you are going to recuse -- I -- I guess I would recommend now that you, you know, make that comment and explain why and, then, refrain from participation in -- you know, participating in deliberations or voting on the item.

Lorcher: So, based on counsel today, because I am a neighbor of this particular project, my farm is just adjacent to it to the east, I am going to recuse myself this evening.

Seal: Okay. Thank you. Appreciate the reminder on that. All right. Madam Clerk, do we have anybody signed up to testify?

Hall: Ron Hopper.

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

Hopper: Name is Ron Hopper. My address is 3510 North McDermott Road. I live right across from this proposed project. I only have a couple of concerns. It looks like a good project, but all this traffic is going to dump on McDermott Road and Ustick. Those roads are two lane roads. They weren't designed for an additional 500 cars a day. So, is the developer going to maintain the road? Is he going to put in a turn lane? Is he going to build up the aprons? This is what my concern is. And also the traffic. The kids. I have got two kids -- grandkids that go to Owyhee High School and so now you are going to be dumping all these cars on Ustick. You are creating an accident is what you are creating. So, just think about it. If some kid gets hit by a car, remember that, okay? I mean it's a nice project, but you need to have more access or better control. That's my comments. Thank you.

Seal: All right. Thank you, sir. Appreciate that. Anybody else signed up?

Hall: Rod Green.

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

Green: Good evening. Yeah. Excuse me. My name is Rod Green. My wife and I -- my wife Bonnie over there, we live at 3560 North McDermott Road. We are right next and behind Ron who just spoke and right across from the east part of this development. We have the same concern about the traffic. If you do a quick calculation based on a little over two cars per townhouse and maybe three trips per day, you are going to have almost a trip every minute during the nine hours of your working day. Now, the problem with that is traffic isn't evenly distributed throughout the day as you well know. You have a lot of congestion in the mornings, a lot of congestion during the evenings and at other peak times of the day. So, it's going to be really hard to get in and out of our properties is what I'm saying. Our driveway for our property lines up almost directly across from the northern access to -- there is -- there is two access points. Let me try to describe it a little better to this eastern portion of this development for McDermott Village. Okay. The northern entrance to that property lines up almost directly across from our driveway. We think that's going to be a problem. Why? Because I think most of the traffic in and out of this eastern portion of this development is probably going to go through that northern access point. There is not much point for all of those people to turn out of their townhomes and go south and get on McDermott and come back up north to get to the drive around point to get to Ustick on north to McMillan. It just looks like it's going to be a problem situation right there and right across from our driveway. So, we have a lot of concern about that. Otherwise, we have I think a general concern for the total amount of build out that you have got going in this part of the -- of your city. The Aviator Springs -- I think it's Aviator Springs to the north -- looks like there is a lot of apartments there and it doesn't look good. I don't know if you have driven out that way and looked at it. It just looks like a big bunch of stacked multi-story apartments. Is that really what we want? Is that -- is that a good

transition to the rural environment that we have had out there? We moved there in 2004, you know, and loved the peace and quiet. That's why we bought there. We are not going to have that anymore. We have got Highway 16. We have got all this other development going on. Have we been compensated in any way for what we have lost? No. Will we even have access to the utilities that you are bringing in to this development, such as natural gas, high speed Internet, water if we should need it at some point or sewer? I doubt it. Just because of our location we probably won't have that. So, those are our concerns. Thank you for your time, Mr. Chairman, Council Members. Thank you. That's it.

Seal: Thank you very much. Appreciate it.

Hall: Bonnie Green.

Seal: All right. Anybody else would like to testify? Sir, come on up.

Elam: My name is Paul Elam. I live at 5127 North Assisi Road, Meridian. I have been here before in relation to the Bridgetower complex and -- and as much as I hated that one, this is much worse. I would say this is garbage. Complete garbage. Twelve three story buildings. I don't know if people have really taking that in. Our daughter goes to Owyhee High School and right now it's a freak show in the mornings and I'm sad to hear that Commissioner Lorcher is going to not vote on this, because I actually think she would give the most valuable opinion, because she is nearby and could say exactly what that area is like. In the morning this week they have been putting in a gas line on -- on McMillan, which is right on the opposite side. You have two main streets going in toward McDermott. One is Ustick and one is McMillan. As you continue on down to the Storm Avenue I think it's called, then, they -- that road goes all the way between both of them on Owyhee High School. This is adjacent to it. It's literally -- when you go there for games it will block out the sky. I mean it's tragic. I wish I had never bought here to see this kind of thing go in and the only reason they are going to get away with this in some ways is because nobody knows. These fine people over here are nearby and they see it, but the 500 yard -- I think it's 500 yards or something like that where they send out the cards, well, there are a lot of farms in there and, then, they should send out a card to everybody who has a student going to that school, because, frankly, the comprehensive report is completely out of date and the planning team seems to approve almost everything that goes through as far as I can see. It was done in 2019 and in 2019 there was a completely different Meridian. It's nothing like what we live in today and it's tragic in what has happened. All along McMillan from where we live near Walmart all the way down to Owyhee there is buildings going in on all sides, which are homes. Granted they are homes, I can't stop that, but also there is a new school going in there, which means that all the traffic will be going back and forth and if you can believe the estimated 71 students -- I won't even describe what that really is. There is no way -- Marci Horner who does West Ada's form letter that sends out for every application says the same thing, which is basically that these three schools that are -- that these students would funnel into -- one of them is in our community and Bridgetower, is already at capacity. It's max. The parents are fuming every day, because they can't even hire teachers to go in that school. So,

what I would ask is that closing -- I'm sure my time is running out soon -- is that Kurt read again what they did at the Bridgetower conditional use permit time was all the reasons why you can deny this claim and I will give some examples of them real quick. Some of the examples on how you can deny this claim are in the code of ordinances, findings, which include that -- that the design, construction, operation and maintenance will be compatible with other uses in the general neighborhood. There is no support services anywhere near this area. They will have to drive either to Nampa or into Meridian on either Ustick or on McMillan to get to everything they want to do. Very few people will jump right on 16. Is it -- it's an existing or intended character or the general vicinity that such use will not adversely change the essential character of the same area. This project will adversely change the whole area. There is nothing even remotely like it anywhere near it, except if you go up 16, going towards State Road, you will see there there is three story apartment buildings that also block out the sky. Is that the kind of experience that we want for our students at Owyhee High School is they look up and they can't even see the mountains that their school was built -- was built to view? It's unbelievable to me. Going on. Some other reasons to deny would be that the proposed land, if it complies with the conditions of the approval imposed, will not adversely affect the other property in the vicinity. I think we all know that if you build a bunch of apartments right next to the school it will directly adversely impact those other properties in that vicinity. Number five. That the proposed use will be served adequately by essential public facilities and services, such as highways, streets, schools, parks, police, fire protection, drainage structures, refuse disposal, water and sewer. I think we can all agree that the information sent over by those different agencies is not adequate and won't fundamentally explain the true nature of that area. I know I'm going over my time. Finally, I will just add that a nearby neighbor applied to be on this Commission in one of the open spots and I would like to go on the record in saying that nobody, either Andrew Seal, nor the Mayor followed up with them for -- it's been over a month now and it seems like having more opinions on the Commission would be a better way to really project what we want to build in Meridian for our families. Thank you very much for your time.

Seal: All right. Thank you. Anybody else like to testify? No? All right. Would the applicant like to come back up?

Tucker: Mr. Chairman, Members of the Commission, Todd Tucker, Boise Hunter Homes. 923 South Bridgeway Place, Eagle, Idaho. I just wanted to address a few of the comments that were made. You know, there is always concerns about traffic with any development that comes in. One of the unique situations that we have here -- and I understand the concerns from the residents on the east side as far as traffic on McDermott. We have to remember McDermott will be cul-de-sac'd. So, the amount of traffic that you see now that travels on McDermott is going to be dramatically reduced when that road is cul-de-sac'd. There just won't be that much traffic traveling up and down McDermott, because you can't get to Ustick, you have to -- you have to go to the east a mile or a half a mile, then, back down a mile or half a mile, I can't remember the distance, to Ustick Road. So, I think the -- the -- the overall traffic is going to be reduced on McDermott Road, just because that road is going to be cul-de-sac'd. As far as the concern of Mr. Green, the alignment of the road that -- the northern access road and the

townhomes aligning with his driveway, ACHD actually has a policy, they like things to align. It actually makes for safer intersections when -- when roads and driveways align with each other. So, if you look at ACHD's policy manual they actually like things to align or be offset by certain distances, because it makes safer intersections and so that drive -- that -- that street aligning with their driveway is actually what ACHD would -- would prefer. Aviator Springs does not have any multi-family. There are no apartments in -- in Aviator Springs. I believe it's all single family homes that this Commission and Council just recently -- recently approved. As far as the destruction of the rural environment that is there now, the properties to the east side of McDermott Road are in the county, but they are within Meridian's area of impact and Comprehensive Plan and identified as mixed-use interchange, which would have much higher uses than what is there now. Our development -- we really -- as -- as Josh mentioned earlier, we tried to -- to kind of step down or transition that density from being next to the high school with the higher density stuff and the -- the commercial on the -- on the west side of Highway 16 and, then, transitioning down to some single family homes on the east side to kind of transition to that lower density that exists right now on the other side of McDermott Road. As far as the last gentleman that testified, I have a unique situation. My daughter also actually happens to go to Owyhee High School and when I was talking with her the other day I was actually driving her to a practice at -- at school and she said, you know, I thought of something the other day, because we were talking about different businesses. This was out of the blue. I didn't prompt anything. She said I have determined that if a business wants to be really successful they need to be next to a high school and I thought, well, interesting you say that, because the very next week I have a project going forward. So, her and all of her friends are actually very excited about this project. Right now she told me that most of the kids are late to class coming back from lunch, because they actually drive all the way to Walmart. They go to Walmart. They go to the Marco's Pizza that's there. The Panda Express. They -- the -- the gas station that's over there. So, they are leaving Owyhee High School driving three miles to go to eat something at lunchtime, because it's not cool to eat lunch at school, you got to leave, and so we think this is going to be a very positive aspect for the high school. The students that I interact with are actually very excited about this. Insinuating that the comp plan is out of date, it's three years old. That is very new as far as comprehensive plans go. So, I would -- I would say that it is not out of date. Talking about how there is -- it's incongruous with the area, I think our development is very -- actually very -- fits in very well with the existing development and with what has been planned by the City of Meridian with the -- The Fields master planned area that's located directly -- not directly, but located to the west of this, west of Owyhee High School. The city went through an extensive master planning process to plan that area. This -- this area of town is ripe for development. It is going to be more dense in certain areas. I think Meridian is on the right track with the way they have their Comprehensive Plan laid out and identified what the uses should be. Public facilities. We are bringing water, we are bringing sewer, we are handling drainage. The school district, there -- there is a -- directly north of Owyhee High School there is an elementary school that's going to be located there. So, there will be -- it's not there now, but the -- it's five or seven acres, maybe ten acres directly north of Owyhee High School, that big open field, there will be an elementary school there. That's what it's -- that's what it's planned for. So, more school will be in this area to alleviate some of that -- that

pressure on the schools that are around. But, again, we have a letter from West Ada, they -- they didn't really express any concerns about the -- the amount of students that will be produced. So, I think that -- I think hopefully that answers a lot of the questions or the concerns that were brought up by the residents. We had a neighborhood meeting at Owyhee High School. I thought it went very well. A lot of interaction with the -- the residents, the folks that did show up. We are -- again, just to reiterate, we are very proud of this project. We think it fits in well. We have really tried to do the best that we can with the hand that we have been dealt with -- with a -- a -- a state highway bisecting your property right through the middle at a -- we are at an awkward angle. We have got a large drain that runs through the middle of it with a hundred foot wide easement and we have got another canal that runs at an angle across the top of the northern portion of the property. So, again, this is a project we are really proud of. We think it fits in very well with the -- the community. We think it fits in very well with the Comprehensive Plan. We are excited -- we were excited to get a favorable staff report from -- from your staff. We have been working with them for two years on this project, a lot of back and forth and we landed on something that I think we are happy with and we are happy that the staff is happy with it. So, with that I think that we can answer any question -- other questions that you might have, but we are -- we are happy with the -- with the -- the project the way it is.

Seal: Okay. Thank you. Commissioner Yearsley, do you have --

Yearsley: Mr. Mayor. So, do you know when they plan to start construction of that interchange, that -- that area of Ustick for the highway?

Tucker: Mr. Chairman, Commissioner Yearsley, the construction of Highway 16 has actually already begun. So, they are actually constructing it in two different kind of segments I guess. They are starting from the north and working south and they are starting from the south and working north and both of those projects have already started and they are meeting somewhere near our property. So, as far as when actually the interchange or the portion of Highway 16 that's constructed on our -- through our property, I'm not sure when that will be, but I'm going to say it's within the next year, because they literally have already started the -- the -- that -- that work right now. It started maybe two months ago.

Yearsley: When -- when do you -- you have to go through all your entitlement process and stuff like this and, then, get your design plans. I'm just trying to figure out timelines of when Ustick will be improved, you know, because I imagine they will have to improve portions of Ustick with the interchange, how that fits in with your project. You know, are you a year out, two years, what are you -- what's your plan for your phase one?

Evarts: Yeah. I will take this one, yeah, because this is the Pacific Company side. Yeah. So, on the multi-family side, yeah, that is phase one and we would be continuing with -- you know, if -- if -- if you guys recommend it, if City Council approves it, we would be pressing on with all of our plans and submissions to the City of Meridian and wanting to break ground as soon as possible. There is not any reason to delay any of this. We have

the capacity and resources and the need is there, you know, to -- to -- to provide this. Especially with escalating interest rates and stuff like that, we have just seen an evaporation of -- of people, you know, at that starter level, right, teachers that are working at the school, firefighters, law -- that they -- they don't have resources and they need housing options. So, we would be starting very quickly. But I think Highway 16 will beat us in terms of our completion. So, I think those improvements will be done before people would be moving in and -- and we have actually had a lot of conversations about the commercial, even though we have that as like a phase three. Just based on some of the feedback we have been getting I won't be surprised if that ends up being a phase two, because I just think that there is an appetite and -- and -- and there is a gap right now that exists with Owyhee High School as that big regional draw. It's a great option to have there.

Yearsley: Well, I agree, because, you know, I -- I have to laugh that -- you talked about what's successful businesses around high schools and at Rocky Mountain it's all the fast food restaurants that are right there. So, I could see that being a good fast food location. I guess follow on. So, with McDermott going to a cul-de-sac there, is there an alternate route that's being proposed to Ustick and -- and is that part of ACHD's construction? I -- I wasn't quite sure. It looked like in your -- your plans that you guys had, it looked like they kind of showed a -- kind of a bypass road back around that.

Tucker: Mr. Chairman, Commissioner Yearsley, we don't have an exhibit that actually shows the full breadth of it, but if you look at the -- the screen now, on the northern portion of the -- of the screen, that gray, that is actually the road that will head to the -- to the east. It goes approximately a mile and, then, it turns south and -- and -- and intersects with Ustick Road and, then, it also has another mile south from there and, then, a mile to the west to reconnect with McDermott south of Ustick. So -- so, McDermott is going to be cul-de-sac'd on the north side and on the south side of Ustick Road and you have to do a bypass around to get it. So, that is ACHD. I believe they acquired that right of way already. If you look at current maps that has already shown -- that that route is already shown as being under the ownership of ACHD. So, I believe they have acquired that -- that -- that circuitous route already. But, yeah, there will be a connection to Ustick, it's just going to be approximately a mile -- maybe it's a half a mile to the east.

Yearsley: Okay. So -- so, with that is the state highway going to -- when -- when Ustick goes through with the state highway through there, will they cul-de-sac that at the same time or is that ACHD cul-de-sac --

Tucker: Mr. Chairman, Commissioner Yearsley, that's going to be more than likely a combo effort. ITD and ACHD are working very close together on this. Because McDermott Road is an ACHD road, not a state highway, my guess is ACHD is going to be the one doing the work, but -- but maybe not. I'm not sure how that works. But that will be part of that interchange that goes in when -- when the interchange at Ustick Road is -- is under construction that's when McDermott will be cul-de-sac'd.

Yearsley: Right. And so the reason why I'm asking all this is we actually had one of the Commissioners from ACHD come in and talk about State Highway 16 and all the things that Ada County Highway District was supposed to do, but was unfunded, and so my concern is all these proposed improvements on ACHD right of way and stuff are they unfunded or are they being funded by the state? And -- and maybe you don't know, I was just kind of curious, you know, how that's all playing out.

Tucker: Yeah. Mr. Chairman, Commissioner Yearsley, I did -- I did see that -- or I have read the -- the report and the -- the -- the -- the news article about it as well, talking about how some of that funding got left out of the grant money that was supposed to be with this and so maybe it's going to be delayed a year, but for the most part this is all going to be one big -- big package when it's -- when it's -- when it's completed. But to give you a definite answer, we don't know for sure when or how, but the intent is that all of this will be done at the same time.

Yearsley: Okay. Thank you.

Seal: When -- when do you think it will -- I mean when -- when do you anticipate having occupancy in the -- the multi-family?

Tucker: I will let Josh handle that. When he said like we are -- we are -- we are not planning on slowing down at all. We -- we do have to go through some approval process -- well, I guess I said I would let Josh --

Evarts: Yeah. No. No. No. No. Let me -- let me jump in. I will tell you, because we -- we -- we are six, 18 -- I -- I think we would have it done in two years, to be realistic, because I think we would have our plans in -- I'm giving ourselves six months for all design review and -- and stuff like that and, then, be able to turn dirt and I think 18 months is a reasonable development time for -- for a project of this size. I don't -- I don't see anything keeping us from -- from leaning in on it. So, we -- we have definitely increased our capacity here for a lot of the projects that we are doing already, so there is no disruption on our end. So, in fact, our -- our -- our site for doing the manufacturing of all the units is sitting in Nampa. So, it's -- this is all very proximate to what we do.

Seal: Okay. Yeah. And the reason I ask is because I -- I mean my issue isn't necessarily with what you are building out, it's just the -- the -- the lack of road infrastructure when that comes in the from of Ustick and -- and McMillan. I mean they are already -- they are a mess. They are -- they are a nightmare for sure. So, part of Ustick is going to be improved here in the next -- they have got signs up to even start it. Luckily they wanted to build a facility on Ustick Road, so we can hold their feet to the fire on it. But it -- unfortunately, it doesn't go out to this neck of the woods until 2026. So, I mean we have got a state highway that's coming in and, then, we have got, you know, essentially, two lane country, you know, back roads that are there to support all of this stuff, so -- and we are already feeling that. I mean you are right, all the kids go elsewhere for lunch. Well, good luck trying to get on those roads at lunchtime, so --

Evarts: Yeah.

Seal: That's -- that's -- you know, that's an issue for me as far as the timing of this to where it would be nice if all this would kind of congeal at the same time. 2026 is when ACHD is going to attack Ustick, you know, State Highway 16 is going to go in supposedly before that, so, I don't know, it just seems like our agencies are not coordinating very well to make this happen.

Tucker: Yeah. Commissioner Yearsley, also along -- along those lines, a lot -- I don't want to say most, but most street improvements actually occur with development. So, we will be improving McDermott Road, Ustick Road, providing a connection to the Aviator Springs Subdivision to the north to provide some of that connectivity through the area. Hopefully when the property to the -- to the -- to the west of us, the Flowers' property, when that begins to redevelop, which I think as more development comes that's going to speed that process up, we are going to get Endeavor Road that -- that is stubbed to the Flowers' property hopefully connected through and connected to this -- this project and so a lot of the development or a lot of the infrastructure actually occurs when development happens. The developers build these -- these roads and make these street improvements as they are adjacent to our property. Occasionally we have to do off-site improvements, but usually it's adjacent to our -- our project and so, yeah, some of the bigger projects that ACHD tackles, some of that can be sped up if development happens along that road and so we just view it as, yeah, we understand that their traffic is always an issue and a concern, but as development occurs, although it -- it contributes some to the traffic, it also makes the improvements to the road that we all want to see happen.

Evarts: So, Chairman, Commissioners, the people that are much smarter than me said realistically we are going to be at three years for -- for actual move in dates for people. So, if we are not even considering, you know, approval through City Council until December, January, you know, we are really at that 2026 probably for actual move-ins and density for the project. So, we have got construction to do, but I don't think we are very far off from -- from some of these things happening, so --

Seal: Okay. Appreciate that.

Evarts: Yeah.

Seal: Anything further?

Yearsley: No.

Seal: Commissioner Stoddard, do you have anything?

Stoddard: No. I just share the same concerns about the traffic.

Seal: Okay.

Yearsley: So, I guess before we close --

Seal: Go ahead.

Yearsley: -- close the public hearing, you have asked for a lot of conditions. Can we walk through those conditions?

Evarts: Yeah.

Yearsley: Since I more than likely we will have to make this -- this -- this motion.

Parsons: Mr. Chair, Members of the Commission, before we get into the -- the variance discussion, I just want to make a point that there is no variance application submitted for even the Council to act on. So, that's one step of the process. If -- if they truly feel they need to go through that variance process there is another application that needs to be a companion application as they transition to City Council. Two. Some of the landscape requirements can be modified through the alternative compliance process, which is not -- it's staff level approval, not necessarily City Council action. As far as the buffer requirement along the west side of the road for the western portion of the development, the road is the buffer. I'm not sure why we required a 25 foot landscape buffer when they are going to dedicate right of way. It's -- historically the code says when you abut a residential district -- well, when you have a road there you are not abutting anything, it's -- you are adjacent. So, it -- it may not be -- it may not be required at this time. So, I just want to be cognizant of that and as far as the -- the entryway corridor, that may not change. That is a comp plan requirement. So, the Comprehensive Plan delineates entryway corridors on it, regardless of the roadway designation. So, the code dictates the -- the width of the buffer and any entryway corridor -- corridor regardless of the road -- road -- roadway classification is going to be 35 feet. So, I don't want to give the applicant the impression that they may not have to lose lots or they may have to potentially pick a different zone to -- to get smaller lot sizes, rather than go through that variance process, but it -- there is a lot of moving parts there that we have to think about as we transition, because it's not as simple as we will go to a variance and get ten percent exception. It -- it's a little more complicated than that. We need to have a discussion to understand that a little bit more with the applicant, so that we can send them down the right avenue.

Yearsley: Well -- and -- and to be honest with you, the only thing that I was looking for condition wise is the one access off of Ustick that they are proposing, not to have that buffer there. That was the only one that I was really willing to -- to give, so -- so --

Parsons: Perfect. If it's a public street, it's probably a non-issue.

Yearsley: Okay. And, then, I guess for your condition was there a condition that we need to change on your side?

Parsons: I think that's up for discussion, debate, too, Mr. Chairman, Commissioners. As I mentioned -- I know the intent of the applicant is to have the outdoor barbecue area. I mean maybe just have a different terminology than outdoor kitchen. I think that's probably a better way to -- either strike it from the condition or just change what it actually will function as, which I think is an outdoor barbecue.

Tucker: Yeah. I think we -- we agree with -- with Bill on that. The -- the -- the word to be struck I think is commercial, because it says it needs to be a commercial outdoor kitchen. We are providing what we think is a very robust outdoor barbecue area. It's not just a -- a barbecue that you would buy at Home Depot and put a propane tank there. They are multi-thousand dollar barbecue grills set into concrete countertops with stainless steel prep area, again, right -- covered adjacent to a full commercial kitchen that's inside that has giant accordion doors that open and that makes it one big area. So, our -- our real concern was just the term commercial outdoor kitchen. We can't provide that, but we can provide a very robust outdoor covered barbecue area that is directly adjacent to -- and, again, I -- I don't know -- I think we meet all of the -- the -- the amenity requirements for a multi-family development anyway. I don't know that that's even -- we are not deficient in that area to make that a requirement.

Yearsley: Right. Well, I just -- I just want to make sure I get this correctly, just -- can I just say that we are just going to change the -- the words for the commercial kitchen -- outdoor commercial kitchen to outdoor barbecue or -- okay. Awesome. So, just glad to kind of walk through that before we close the public hearing and I have to fumble through this. So, thank you guys.

Evarts: Thank you, guys.

Seal: Thank you very much.

Yearsley: Mr. Chair, I move we close the --

Seal: Yeah.

Yearsley: -- public hearing for file number H-2022-0056.

Seal: Nope. Commissioner Stoddard, do I get a second?

Stoddard: Yeah. Second. Sorry.

Seal: Okay. It's been motioned and seconded to close the public hearing for file number H-2022-0056. All in favor say aye. The public hearing is closed for file number H-2022-0056.

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

Yearsley: So, Mr. Chair, I -- for the residents that came here to testify, I -- I -- I do -- it's -- it's -- it's heartbreaking to see all this farmland to be chopped up into development and -- and the state highway did not do any of you guys any favors and, you know, where -- you know, where there is access you will -- they will -- they will build and so you guys are just kind of getting stuck into this area and I -- I feel for you, I honestly do. I grew up in a rural area of eastern Idaho and -- and watching it get chewed up is -- is really heartbreaking. That being said, this is an area with -- along the state highway where this type of a development is actually adequate or -- or -- you know, it -- it fits and -- and, unfortunately, we have so much rural around it is -- is -- is -- it's a tough situation. So, I -- I do think it's actually a good development. I think it's something that I think fits close to the state highway, close to the school. I think their commercial is going to want to be one of the first things built, to be honest with you, because I think the demand there is -- is there for some sort of fast food or some convenient foods type situation, so -- so, for that I'm -- I am in favor with it -- of the -- of the application.

Seal: Yeah. And I have got mixed feelings on it, so -- I mean I -- you know, I mean we have seen enough of these come through that there is -- you know, there -- whether people want to admit it or not, there is -- there is a need for housing types like this out here. So, the fact that it's going to eat up a whole lot of land that's farmland right now, just like people have property rights for their individual properties, people have property rights to sell it and develop it. So, that's the flip side to -- to all of this. So, you know, I mean I grew up in Baker, Oregon, so this is all very foreign to me on a lot of scale for sure. So, you know, that said, it is what's coming and happening here. So, the -- the only problem that I have with it and -- and I do agree, because of Highway 16 and the way that that's going to develop, that it does fit when that gets done. So, again, my -- the issue that I have with it right now is, you know, Ustick is already -- it -- it's just very overtaxed. I mean, again, we were able to kind of hold ACHD's feet to the fire when they presented their -- you know, their development that they want to put in in order to provide for ACHD facilities on Ustick Road to expand that. Unfortunately, it only went to Black Cat. So, with the high school coming in that's presented -- it's made things very unique out there. So, it's doing exactly what they want it to do. They put in a high school. It's drawing a lot of -- you know, a lot of development out in that area. So, unfortunately, it's happening faster than I think the roads can put up with at this point. So, I mean if we could really know that this wasn't going to have occupancy until, you know, the roads are improved in 2026, I wouldn't have an issue with it, but, you know, again, it's coming, it's going to happen here, but I just -- I question the timing of it, so -- I mean my -- my -- my fear is, you know, that they get in on the -- you know, they are on the -- the leaner side of it in 18 months and all of a sudden we have all of this in here, we have occupancy -- occupancy going on and we still have Ustick Road the way it is today. There is no way, especially with the -- you know, the way you have to come in and out of this, that Ustick Road is going to be able to support that very well.

Yearsley: Right. And that's why a lot of the questions I had initially was -- was timing and with -- with the -- with the interchange as well. So, I -- I do believe I knew -- I know that this project is funded. They are moving forward with it. It's just which one comes first.

Seal: Uh-huh.

Yearsley: So --

Stoddard: Mr. Chair?

Seal: Commissioner Stoddard, yeah, go ahead.

Stoddard: I just kind of share a lot of the same feelings as you. I have -- I have mixed feelings on the project as well. I think the timing of it might be a little off. I use Ustick Road everyday driving by there and I know how much it gets used and so it's a tough one for me. I -- I agree that I think we need, you know, some options out there for commercial stuff, but -- but my biggest concern, again, is the timing on the traffic. I completely agree with you and share your sentiments on that, just because, like I, said, I use it every single day and I see the traffic on there and I see how taxed it gets, especially with that high school right there, when, you know, they are going in and out of there, it's -- it's a nightmare right now.

Seal: Yeah. It's a tough one for sure, so -- there is only three of us talking about it tonight.

Yearsley: And unfortunately. Mr. Chair, after considering all staff, applicant, and public testimony I move to recommend approval to the City Council of file number H-2022-0056 as presented in the staff report for the hearing date of November 3rd, 2022, with the following modifications: That the term outdoor commercial kitchen be stricken and replaced with outdoor barbecue and that the road buffer off of Ustick Road on the west side of the facility, that buffer be reduced, so they can provide that access.

Seal: Okay. Commissioner Stoddard, do you want to second?

Stoddard: No.

Seal: Okay. So, since the chair can neither make nor second motions, we are stuck here, so --

Starman: Mr. Chairman, you are allowed to second. It's customary the chair person does not do that, but you are allowed to second if you wish to bring the item to a vote.

Seal: I will second it. So, it's been moved and seconded to approve item number H-2022-0056 with the aforementioned modifications. All in favor say aye. Commissioner Stoddard?

Stoddard: I'm not giving an aye.

Seal: I would say if it's not an aye, it's an nay.

Stoddard: Okay. Nay.

Seal: Okay. Motion passes.

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