

ACTION ITEMS

2. Public Hearing for Sessions Parkway (H-2022-0046) by KM Engineering, LLP. located at 2700 N. Eagle Rd.

- A. Request: Development Agreement Modification on the existing Development Agreement (Inst.#104129529) to remove the subject property from the agreement in order to enter into a new Development Agreement for the proposed project.
- B. Request: Preliminary Plat consisting of 5 building lots on 5.32 acres of land in the C-G zoning district with a request for City Council approval of an access via N. Eagle Rd./SH-55.

Seal: So, at this time I would like to open the public hearing for Item No. H-2022-0046, for Sessions Parkway and we will begin with the staff report.

Allen: Thank you, Mr. Chair, Members of the Commission. The first application before you tonight is Sessions Parkway. It's a request for a development agreement modification. This application does not require Commission action. City Council is the decision-making body. And a preliminary plat. The preliminary plat is what's before you tonight. This site consists of 5.32 acres of land. It's zoned C-G and is located at 2700 North Eagle Road. This property was annexed back in 2003 with a development agreement, which was later amended in 2017. The Comprehensive Plan future land use map designation is mixed-use regional. The applicant is requesting approval of a preliminary plat, consisting of five commercial building lots on 5.32 acres of land in the C-G zoning district with a request for City Council approval of a right-in, right-out driveway access via North Eagle Road and State Highway 55. Approval of the preliminary plan is contingent upon City Council's approval of the concurrent development agreement modification application. One driveway access is proposed at the northern boundary, which will serve as a backage road along Eagle Road and will connect to the property to the south. The jog in the roadway will result in traffic calming and reduced speeds, which is desired, especially if the access via Eagle Road is approved, which will intersect the backage road. Two driveways to the east are proposed for interconnectivity with the future residential development. ITD has issued a letter of acceptance of the revised traffic striping conceptual drawings. Final approval of the proposed access and associated improvements will be determined once all documentation have been provided and the permit is signed. A 35 foot wide street buffer is proposed along North Eagle Road, State Highway 55, with a ten foot wide multi-use pathway in accord with the Pathways Master Plan. Decorative pedestrian lighting is also required along the pathway. A 25 foot wide buffer is required on the subject property along the eastern boundary adjacent to future residential uses with lot development. Written testimony has been received from the applicant's representative Givens Pursley. They are requesting removal of all four changes to the concept plan recommended by staff in Section 8 of the Staff Report, A-1-A. Staff is recommending approval of the proposed preliminary plat contingent upon

compliance with the development agreement provisions and conditions of approval in the staff report. Staff will stand for any questions.

Seal: Thank you, Sonya. Would the applicant like to come forward? Good evening.

Hopkins: Thank you. Good evening, Mr. Chair, Members of the Commission. I have a presentation I think Sonya is going to bring up.

Seal: And we will need your name and address for the record and the floor is all yours.

Hopkins: Stephanie Hopkins with KM Engineering. 5725 North Discovery Way in Boise. I'm here super excited to represent our client and the developer for Sessions Parkway. We have been working on this project for a few years now on various components and we are really excited to be showing you the preliminary plat, as well as discussing the development agreement modification we will be requesting from City Council and an access -- right-in, right-out access to State Highway 55 or Eagle Road. So, just to get you situated -- and, actually, a little bit of history on this project. It was originally annexed into the city in 2003 as part of Red Feather Estates, which is located to the southeast as you can see on the map here. In 2015 additional property was annexed and zoned and a conditional use permit was also approved for multi-family use. That is the DA that's current on the property now and what we are requesting to modify with City Council. We also did a property boundary adjustment for this property in 2020 that created the current configuration that you see here. So, Sessions Parkway is about 5.3 acres and it's outlined in yellow. We are surrounded by existing development, most of which to the east is residential in nature. So, there is some multi-family to -- directly east and that was -- it's currently under development and under this -- the same development company that's working on this project. There is retail and professional service uses to the north. Regency at River Valley, which is a multi-family development to the south. The Village, which has a variety of commercial and non-retail uses. There is some professional offices and other types of uses in -- in the development there. And, then, there is a county land, as well as State Highway 55 or Eagle Road to our west. Kleiner Park is also a large regional draw. Pretty great civic use that has a variety of pathways and playgrounds and places for people to recreate. It's quite large, so -- this is the preliminary plat that we are asking for your approval on this evening, comprised of five lots, range in size from about 36,000 square feet to 63,000 square feet. Cross-access will be granted internally to each of the lots and we are planning on connecting to Copper -- Copper Canary, which is to the south. They recently came through with a development agreement modification sometime last year and we will comply with whatever they decide to do with their backage road that goes through their property. So, as part of our preliminary plat we will provide 25 feet of landscaping to the adjacent residential use, The Village apartments to our east, and we will be integrating the site with vehicular and pedestrian connectivity as I will show later. So, as part of this application to City Council we will be requesting a right-in, right-out location -- or an access point to Eagle Road, which is shown on our south boundary through that private driveway. This is something we have been coordinating with ITD for the past couple of years. They have approved a conceptual striping plan and recently we were coordinating with them and they said that, you know, this is conceptually approved,

we just need to submit the formal permitting once construction plans are finalized and we are kind of further along in the process. So, we have also -- our clients have been coordinating with the Copper Canary property a fair amount on this access point. I know the city's been talking with that property as well as us for a while on consolidating the access points that are currently used to our north and south. So, this is the existing concept plan that's in the development agreement that we will be asking to modify. It shows four different pad sites, which were associated with four lots. We have changed the concept plan to be more consistent with the lots that we are now requesting, which are five, as well as different vision for the property. So, along with our development agreement we are asking for two conceptual plans to be attached. We are -- both concept plans include a convenience store, which is at the northwest corner of the site and the first concept shows a drive-through, which will be at the southwest corner. The first concept shows three building pads of different sizes on three different lots and the second -- this is just a -- a rendering to kind of give you an idea of how it would be landscaped. Pedestrian connectivity would be provided on the north, south, and the ten foot multi-use pathway on the west side adjacent to Eagle Road. There would also be some plaza spaces that are on the south side, kind of along here. If you can see my cursor. And this would provide a -- a nice central area for folks within this entire region to hang out, especially if they are coming over from Kleiner Park to access maybe a convenience store or get to some of the other commercial uses that are in this area. This is our second concept plan, which includes the convenience store, as well as the drive through. This one shows a hotel concept, which would go across the three property lines and if this was the concept that was going to be pursued we would just do a property boundary adjustment to consolidate those lines to make sure it wouldn't be an issue for building code stuff and this also shows the plaza spaces on the south side, as well as pedestrian connectivity throughout. I will show you a couple of exhibits later that kind of highlight the pedestrian connectivity to make it a little bit clearer, too. And, then, a rendering -- so, you can see how nicely landscaped it will be. It will be really consistent with what's in the area as far as the ten foot multi-use pathway and we will provide a nice -- kind of a -- a last puzzle piece for this area, because it's really an in-fill spot that's been undeveloped for quite some time, so -- so, this is the city's future land use map that's associated with the Comprehensive Plan. The area in brown is mixed-use regional and that's the land use that's designated and kind of guides how the property develops in the future. East of Eagle Road between Ustick and Fairview -- so, it's kind of like an L-shape here is about 150 acres. So, our site is about five acres. It's a pretty small percentage of the overall land use for this area, most of which has already been developed with some civic uses or commercial uses, as well as some professional uses in the -- The Village apartment -- or The Village shopping center. And, then, there are grocery and kind of some professional and retail uses to the north, as well as the multi-family that we kind of talked about earlier. This is a pedestrian connectivity exhibit to show you exactly how much pedestrian connections this development will be providing. So, The Village apartments are located on the east side here. Quite a few pedestrian connections throughout that development and we will be marrying the two projects together by bringing kind of the east-west connections through and, really, it will provide -- if you can -- I look at Kleiner Park -- if you go further west you can take a variety of paths up north and if you wanted to access maybe this drive-through restaurant there would be a few different options to

get over there. So, we felt that this would really show kind of how this project will help to bridge that gap and -- and contribute to the overall kind of open space and pedestrian connectivity here. So, this is the proposed access to State Highway 55. As Sonya mentioned, you won't be making a recommendation on this tonight, but it is important I think to this project, because it's going to be an integral part of how the -- the site is accessed. It's also going to help alleviate a lot of issues, I guess, that would -- that already exist on Eagle Road. So, I think we are all familiar with Eagle Road. It's a road that's supposed to be a pretty high traffic volume and fast pace, but there are a lot of access points and so this project would consolidate four of those existing access points, the Copper Canary's property here, this access point was supposed to be temporary. So, with this -- the access point that we are proposing here as a right-in, right-out that would eliminate these four access points and really create a more consolidated place for cars to safely enter and exit. So, we are in agreement with the majority of the staff report and appreciate their analysis and all the coordination that they have helped us on through this project. But there are a few conditions that will be associated with the development agreement that we would like to request modification of. So, we -- our counsel submitted some -- a memo basically outlining these -- these conditions and how we would like to change them and I just want to go through it quickly, so that we can kind of cover that. The first one is the first condition under the development agreement conditions and it's to depict nonretail, commercial, office or civic uses for a minimum of 50 percent of the development area on Exhibit X1.0, which is the first concept plan that showed the three buildings on the east side, unless Commission or Council finds that this isn't applicable, because this property is part of a larger mixed-use regional designated area. This doesn't apply if their property develops with the hotel as proposed in Exhibit 2. So, in order to afford flexibility for our client, we really would like to modify this condition -- or remove this condition, because we do feel that given the size of the property, which is about five acres, in the overall scheme of the mixed-use regional land use it's a pretty small piece and we feel that the intent of the mixed-use regional zone has been fulfilled with all of the other uses that we have kind of talked about. So, the civic that's Kleiner Park, the commercial uses in The Village, as well as to the north and, then, you know, some of the professional service uses that are available to the north, as well as to the south, as well as the multi-family residential properties and, then, a variety of single family residential properties as well within this kind of mixed-use regional zone. And the second one was related to specific details for the integrated plaza slash open space area shall be provided with a first certificate of zoning compliance. The applicant can relocate open space plaza areas depicted on the plan with director approval once specific tenants are known. We request to keep the plaza areas as we have shown on the south part of the site and this is really so that we kind of know what to expect for folks and, additionally, we -- we would prefer that these not be associated with the first certificate of zoning compliance. It's pretty limiting depending on who comes in first and if it's not contiguous with whichever property comes in first it would be hard to -- to make that happen. So, that's how we are proposing to modify that condition. And the third condition was on concept plan one, labeled as X1.0. Again, that's the first concept with the three buildings on the east side. Some or all of the buildings along the eastern boundary should be rotated and/or relocated in a shared plaza area or green space area added to a more central location within the development for better integration, including a central pathway connection to the open space and front

pad sites. We request to keep this building alignment as shown for concept one with the plaza spaces and open spaces on the south. This will really afford more flexibility for future tenants and will allow them to configure the buildings in whatever way they would like to within the building pads, as long as they meet the setbacks and dimensional standards for the C-G zone and would provide a nice buffer for residential uses to the east from the future commercial that will be located there, as well as Eagle Road. We also feel that this building alignment will provide better visibility for commercial users from Eagle Road, which is important for the viability of their businesses and to make sure that they are contributing to the economy here, so -- and the fourth one is -- if the site develops with concept plan two, which is labeled as X2.0, the applicant shall construct a five foot sidewalk on the east boundary and provide a decorative crosswalk across the drive aisle of the multi-family portion of the development to enhance pedestrian connectivity. We request that that sidewalk remain as depicted on the concept plan, which I will bring up. We believe that the additional pathway along the east boundary will be redundant, because there are already several options between and through The Village apartments. We don't think that this pathway would benefit anyone that would be using the hotel or the commercial properties and think that it would just be an unused pathway essentially. So, prefer to keep the pathway directly adjacent to the hotel, so those folks can use it and easily access shopping and other services to the north and south. We do agree, though -- I -- I think staff had written that they wanted a connection right down here to The Village apartments and we agree to do that connection. We think that makes a lot of sense and we will follow code requirements as far as special pavement or differentiating it from the pavement. So, as I mentioned, we are really excited for this project and it's been a long time coming and I think, you know, having two concept plans attached to this development agreement will provide our client the flexibility that's needed to really make it a successful project. It fulfills a lot of the city's goals and I think it will be a wonderful addition to Meridian. So, excited for it and I will stand for questions if you have any. Our development team is here as well. Our client and counsel if you have questions for them they can come up and answer those.

Seal: Okay. Thank you very much.

Hopkins: Thank you.

Seal: Commissioners, do we have any questions for applicant or staff? None? All right. Thank you very much.

Hopkins: Thank you.

Seal: We will get back to you after the public testimony.

Hopkins: Okay.

Seal: Madam Clerk, do we have anybody signed up? Okay.

Hall: We have a Leo Bertz. No? So, don't see anybody else wanting to come up and testify at all? Do we have anybody online?

Starman: Mr. Chairman? Not to testify, but may I just add a piece of clarification --

Seal: Absolutely.

Starman: -- for the Commission in particular. So, this is one of these hybrid applications where we are -- and you saw from the presentation this evening, particular from the applicant, where a lot of discussion relative to the proposed modification to the development agreement and, then, we also have the topic as part of the application is the preliminary plat and so this is one of those odd types of applications in the -- in our Unified Development Code where it talks about the responsibilities of the Commission, vis-a-vis the department director, vis-a-vis the City Council. The Commission is tasked as a recommending body relative to the preliminary plat, but with respect to the proposed modification to the development agreement, the recommending body, so to speak, is the community development director, not the Commission. So, even though you heard a lot of testimony about the proposed modifications to the development agreement, that's really not directly within your purview. So, just I wanted to sort of clarify that piece. But I would also say it may be difficult to talk about one without the other and so I don't want you to feel artificially constrained and if you need to talk about the bigger picture to understand, you know, the preliminary plat better, I think that's all fair game. But I just wanted the Commission to be aware that, really, in terms of -- from the code perspective your recommendation is specific to the preliminary plat. That all make sense? Okay.

Seal: Thank you very much. Appreciate the clarification on that. Nobody else wants to come up and testify? I was going to say would the applicant like to add anything or close with anything? Okay. With them signifying no, can I get a -- a motion to close the public testimony?

Grace: Mr. Chairman, I would move to close the public testimony.

Lorcher: Second.

Seal: It's been moved to close public testimony for File No. H-2022-0046. All in favor say aye. No opposed. Motion carries. The public hearing is closed.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

Seal: Who would like to go first?

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher, go ahead.

Lorcher: So, based on City Council in regard to our goal tonight, the way the buildings are situated and the open space and all that, that's the develop -- that's the development agreement; correct? We are really talking about whether or not this is designed for mixed-

use regional or -- or retail -- or retail or general commercial; correct? Based on where the buildings are.

Starman: Mr. Chairman and Commissioner Lorcher, like I said, it may be difficult to break those things apart, the preliminary plat, which is within your purview as a recommending body, vis-a-vis proposed change to the development agreement. But, really, the issue before you is a preliminary plat and maybe staff can -- our planning staff can put that back -- that slide up. Do you have a slide that just shows the preliminary plat? Yeah. So, really, this -- this is -- if you wanted to kind of zero in like what precisely is your recommendation, it's relative to the preliminary plat that's on your screen now in the Chambers here. Your recommendation is relative to the preliminary plat before you, but to the extent you need to talk about the bigger picture of the concept plans that you saw and how it might relate to this topic, I think that's fair game.

Lorcher: Okay. Well, with that being said, I mean to put in a mixed-use, I'm a little concerned about convenience store with the high traffic off of Eagle Road. I'm trying to think if there is anything else like that right there, but because of the right-in and right-out, I don't know how much use the convenience store would get because it would be challenging to get in and out of there. Is there a gas station proposed with it as well? So, a gas station as well. And, then, some kind of drive-through, which we have plenty along Eagle Road. I -- I guess, you know, without getting into the weeds, you know, the City Council may -- or the city planners made recommendations as far as how the buildings should be situated for the developmental -- development agreement, which should be followed. But if we are just talking about our recommendation of whether or not this should be a drive-through, a convenience store, and some stores, I guess I would like to hear from you who have had more experience with this and whether this would be in the best interest of the city.

Seal: Well, I will kind of go about it a little different way. I mean looking at the -- at the plat -- I mean, you know, you are looking at a bunch of squares, you know, or -- or odd shapes on a -- on a map, then, basically anything that can go there that would fix -- you know, fit mixed-use residential, so -- or mixed-use basically. So, with that I mean it is difficult not to get into the weeds a little bit on the DA plan, so -- on the DA modification and -- I mean the -- the one thing that I will say is the -- the hotel-motel, that seems to fit a lot better. For me if it fits a lot better mainly because with the residential all being lined up creates that wall effect, which is hideous. So, it's not -- to me that is just a -- it creates a dead space behind the -- the commercial use buildings with the apartments. It's hard to see back there. You know, that -- that in and of itself is -- is a concern for me with that. That also affects, you know, obviously, the layout of the preliminary plat, because if you do turn the building sideways, then, you know, is this plat well adjusted for that? I don't know the answer to that. Not a -- I'm not that kind of engineer. So, I mean there are -- that's -- that's the biggest concern that I have with it as the preliminary plat and the DA modification kind of come together, so -- I mean the others -- you know, other than that I have no big issues with that. I know there has been a lot of work done with ITD in order to get, you know, the right-in, right-out in order to get the access points created as they are. The property to the south has been, you know, through here before. You know, we

have had a lot of conversations about this piece of property. So, in all I'm happy to see it develop. You know, I mean to me this is an in-fill project for sure. That said, you know, I think either the -- the hotel or turn the building sideways has been recommended by staff, would be in your best interest for sure in order to make sure this fits correctly and is, you know, of good use for the community. As far as the -- some of the other things that have been in there -- I mean I -- I understand this is a small piece of a larger piece of mixed-use. That said, I -- I like properties to stand on their own. I -- I always use the example of we have developers that come in and say, well, I -- we don't have -- need to have as much common space, because, well, there is a school next door to us, you know, without making any kind of contribution to the school at all. You really can't rely on your neighbors in order to fill in what you are supposed to be doing. That's the way it has been. That's the way it should be. So, I'm not going to rely on my neighbor to augment my goals. So, I -- you know. And that's just a recommendation as you go to City Council. I'm sure they will -- I can't speak for any of them, but, you know, I watch their meetings every week, so fairly certain that that's going to come up. Does that help, Commissioner Lorcher? I mean it's, essentially, that's, you know, how I'm tying it all together is it is difficult to not tie in everything from the DA mod, but it is -- you know, it's not in our purview in order to recommend approval for that. So, City Council does listen to what we have to say sometimes, so that's the recommendations that I would give is either go with the hotel plan or turn the buildings and, then, you know, reconfigure some of that public space -- or open space that's out there in order to fit in with the recommendation that Sonya has made. We can't tell you how to design your property, we can just tell you what might work and what might not and, then, it's up to you to design it.

Grace: Mr. Chair, I don't -- I don't have a whole lot more to add. I -- other than I really would echo your recommendation that the -- I guess of the two options I really like the idea of the hotel as well, to the extent that that carries any weight with City Council that would be my recommendation. I like some of the things I see. I -- I like the -- the abandonment of some of the -- some of the access points into one. That's a -- I think that's a positive. I did have a question similar to maybe Commissioner Lorcher whereby, yeah, the folks going northbound I guess on Eagle, it's -- it's an easy access. The folks coming south -- southbound -- I guess they would have to go Ustick and, then, around like that other parallel road escapes me at the moment, but -- and, then, come in the other way. Or go in through The Village. So, yeah, the convenience store doesn't bother me per se, other than if it's -- if it's only accessible one way I guess that could be -- you -- you could ask, you know, the value of it, so -- so, not -- not a whole lot to add, but just -- just some comments, hopefully, for consideration for City Council or others.

Seal: Okay. Commissioner Lorcher, go ahead.

Stoddard: Mr. Chair?

Seal: Yes, go right ahead, Commissioner Stoddard.

Stoddard: Yeah. I just wanted to kind of echo the same exact stuff. You know, I'm -- I'm really happy to see the consolidated access points. I'm really glad to see it being developed. I think that's great. Same -- I -- I don't mind the convenience store at all and

I definitely agree also that -- that I think a hotel in that space would be nice, especially with the subdivision, you know, behind it. I think it would just kind of be a nice transition there and so -- anyway, I just kind of have the same kind of thoughts and feelings.

Seal: Okay. Thank you. Appreciate that.

Stoddard: Uh-huh.

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher, go ahead.

Lorcher: Sonya, with -- do we have to add anything into our approval as far as modifications are concerned or is it as is? Do we need to add anything in or --

Seal: I think -- and that question probably stems from the -- the modifications that Sonya has in the staff report really are not related to the preliminary plat.

Lorcher: Oh.

Seal: So, I think that the recommendations that we give are on the preliminary plat, albeit you can include a recommendation in a motion, so --

Lorcher: All right. Mr. Chair?

Seal: Go right ahead.

Lorcher: After considering all staff, applicant, and public testimony, I move to approve to City Council File No. H-2022-0046 as presented in the staff report for the hearing date of November 17th, 2022.

Grace: Second.

Seal: It's been moved and seconded to approve Item No. H-2022-0046 with no modifications. All in favor say aye. No opposed? Motion passes. Thank you very much.

MOTION CARRIED: FOUR AYES. TWO ABSENT.