

Meridian Planning and Zoning Meeting

May 19, 2022.

Meeting of the Meridian Planning and Zoning Commission of May 19, 2022, was called to order at 6:04 p.m. by Chairman Andrew Seal.

Members Present: Chairman Andrew Seal, Commissioner Steven Yearsley, Commissioner Patrick Grace, Commissioner Nick Grove and Commissioner Maria Lorcher.

Members Absent: Commissioner Nate Wheeler and Commissioner Mandi Stoddard.

Others Present: Chris Johnson, Kurt Starman, Bill Parsons, Sonya Allen, Alan Tiefenbach and Dean Willis.

ROLL-CALL ATTENDANCE

<input type="checkbox"/> Nate Wheeler	<input checked="" type="checkbox"/> Maria Lorcher
<input type="checkbox"/> Mandi Stoddard	<input checked="" type="checkbox"/> Nick Grove
<input checked="" type="checkbox"/> Steven Yearsley	<input checked="" type="checkbox"/> Patrick Grace
<input checked="" type="checkbox"/> Andrew Seal - Chairman	

Seal: All right. Good evening. Welcome to the Planning and Zoning Commission meeting for the date of May 19th, 2022. At this time I would like to call the meeting to order. The Commissioners who are present for this evening are at City Hall. We also have staff from the city attorney, clerk's offices, as well as the City Planning Department. For anyone online if you would like to simply watch the meeting we would encourage you to stream this on the city's YouTube channel and you can access that at meridiancity.org/live. With that let's begin with the roll call. Mr. Clerk.

ADOPTION OF AGENDA

Seal: Okay. The first item on the agenda -- agenda is the adoption of the agenda. Could I get a motion to adopt the agenda?

Grove: So moved.

Lorcher: Second.

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

MOTION CARRIED: FIVE AYES. TWO ABSENT.

CONSENT AGENDA [Action Item]

- 1. Approve Minutes of the April 28, 2022 Planning and Zoning Commission Meeting**
- 2. Approve Minutes of the May 5, 2022 Planning and Zoning Commission Meeting**

Seal: Next item on the agenda is the Consent Agenda and we have two items on the Consent Agenda. One is to approve the minutes of the April 28th, 2022, Planning and Zoning Commission meeting. Second is to approve the minutes of the May 5th, 2022, Planning and Zoning Commission meeting. Could I get a motion to accept the Consent Agenda as presented?

Grace: So moved.

Yearsley: Second.

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

MOTION CARRIED: FIVE AYES. TWO ABSENT.

ITEMS MOVED FROM THE CONSENT AGENDA [Action Item]

Seal: Okay. So, at this time I would like to explain the public hearing process. We will open each item individually. Begin with the staff report. Staff will report their findings on how they adhere to the Comprehensive Plan and the Unified Development Code. After staff has made their presentation the applicant will come forward to present their case and respond to staff comments. They will 15 minutes -- 15 minutes to do so. After the applicant is finished we will open the floor to public testimony. Each person will be called on only once during the public testimony. The Clerk will call the names individually of those who have signed up on our website and in advance to testify. You will, then, be unmuted in Zoom or you can come to the microphones in chambers. Please state your name and address for the record and you will have three minutes to address the Commission. If you have previously sent pictures or a presentation for the meeting it will be displayed on the screen and the Clerk will run the presentation. If you have established that you are speaking on behalf of a large -- larger group, like an HOA, where others from that group will allow you to speak on their behalf, you will have up to ten minutes. After all of those who have signed up in advance have spoken we will invite any others that may wish to testify. If you wish to speak on the topic you may come forward in Chambers. If you are speaking from Zoom, please -- and you have multiple devices, please, make sure to mute the secondary devices, so we don't get feedback and we can hear you clearly. When you are finished, if the Commission does not have any questions for you, you will return to your seat in Chambers or be muted on Zoom and you will no longer have the ability to speak. And, please, remember we will not call on you a second time.

After all testimony has been heard the applicant will be given another ten minutes to come back and respond. When the applicant is finished responding to questions and concerns we will close the public hearing. The Commissioners will have the opportunity to discuss and, hopefully, be able to find -- or make final decisions or recommendations to City Council as needed.

ACTION ITEMS

3. Public Hearing Continued from May 5, 2022 for Amina's Daycare (fka Mulonge Daycare) (H-2022-0012) by Godelieve Mulonge, Located at 4175 S. Leaning Tower Ave.

- A. Request: A Conditional Use Permit for a group daycare of up to 12 children on 0.145 acres of land in the R-8 zoning district.

Seal: So, at this time I would like to continue file number H-2022-0012 for Amina's Daycare, which was continued from May 5th, and we will begin with the staff report.

Tiefenbach: Greetings, Mr. Chair, Members of the Commission. Alan Tiefenbach. Associate planner with the City of Meridian. Yes, it has been continued a few times due to some issues with posting. This time it has been posted and mailed properly. This is a request for a conditional use permit. The property is .14 acres, zoned R-8, located on the west side of South Locust Grove, which is north of Amity. This is a conditional use permit to allow a group daycare. The property is already permitted to allow what is known as a family daycare. That allows up to six kids. In order to go -- and that could be allowed administratively. But in order to go from six to 12 kids they are required to go through a public meeting, which is the purpose of this this evening. Again, located at 4175 South Leaning Tower. There is already an in-home daycare there that has been there with six children. The applicant wants to expand up to 12. According to the applicant, the daycare will operate from 6:30 to 7:00 p.m. on weekdays. Play time is limited to one hour after 9:00 a.m. and one hour after 1:00 p.m. The applicant has stated that they presently provide and will continue to provide the transportation for the children, although in the instance that there may be people picking up or drop off, the house does have a parking pad, which is approximately 30 feet wide, so that would accommodate an additional car, as well as there is parking spaces that are available along the curb in front of the house if needed. Staff has received quite a few letters initially from adjacent property owners. I think the last one we received was maybe in March. Original issues were talking about parking, traffic, and safety issues. There is some pictures that I took here. Staff visited -- based on the issues that were expressed about the parking and the traffic, staff went out in the middle of the day and -- and looked and at that time all we saw on that whole street was just two cars parked in front of the house. There was one particular citizen that sent staff e-mails that there had been some ongoing issues with code enforcement. There have been some complaints called into PD. Staff contacted the police department. They said there had been one call and I guess it might have been somewhat confrontational, but they did talk to the applicant and it might have been a miscommunication. Since that time the PD said they have gone out there three more

times just to check and they have not seen any other issues with that. With that I don't have any other additional recommendations or requirements. Staff recommends approval.

Seal: All right. Thank you very much. Would the applicant like to come forward?

Johnson: Mr. Chair, he is online and unmuted.

Seal: Okay.

O'Bryant: Greetings. Thank you guys for hearing us. My name is Nick O'Bryant. I'm an attorney and I represent Ms. Godelieve Mulonge.

Seal: If you could give your address for the record, please.

O'Bryant: Absolutely. It's 4106 South Sarteano, Meridian, Idaho. 83642. I'm about five houses down from this. We thank the -- the city and the staff for helping us get through this and through the process and appreciate the work and recommendation and I know my -- my clients here are -- are excited to get this, hopefully, and -- and seek approval. You know, ultimately I think there is no real concerns to address. I -- there were several neighbors that I guess had a change of heart and -- and I think that's -- I would like to thank them for that. Other than that I -- we don't have much more to add. If you have any questions I'm happy to answer them.

Seal: Okay. Thank you. Does anybody have any questions for the applicant or staff? All right. None at this time. Do we have anybody that's signed up to testify on this?

Johnson: Mr. Chair, only the applicant's representative signed up. That's all.

Seal: Okay. It looks like we have one other person on Zoom at this point. If they would like to testify they can raise their hand.

Johnson: And I believe they are with an applicant later in the application.

Seal: Okay. If there is no questions and if the -- does the applicant have anything further to add or --

O'Bryant: Nothing further. Thank you.

Seal: Okay. Thank you.

Grace: Mr. Chairman?

Seal: Go ahead.

Grace: I just have a general question, because I -- we have seen these a number of times and there is a comment in the findings that this is -- these are much needed services. I'm just wondering if staff can expand on that. I mean is there a -- is there a real need for daycare services that it would prompt that -- and maybe you don't know the answer.

Tiefenbach: I'm probably the wrong person, because I don't have any children.

Grace: Yeah.

Tiefenbach: I can tell you that I regularly hear about the cost of daycare, especially in more of an institutional or commercial setting. In-home daycare that's run by people from home providers tends to be much cheaper, tends to serve the surrounding neighborhoods. I might defer to somebody that actually has kids about the need of daycare.

Grace: Yeah. And, I apologize, that might not be a fair question to you. I just -- we have seen these a number of times and I'm just curious to know -- it seems like a lot of residents are going from six to 12 children and I was just curious to know what the -- what the demand is for this and I know Meridian is growing, of course. A lot of children. It would make sense. But I was just looking for some more information. Thank you, Mr. Chairman.

Grove: Mr. Chair?

Seal: Go ahead.

Grove: Commissioner Grace, I could partially answer your question, just based on some of my professional workings in this -- in this regard. Currently throughout the state and more particularly in Meridian we have a -- a significant lack of childcare facilities and childcare options outside of the house. With COVID the -- over the last couple of years the demand has fluctuated somewhat, but the -- the wait list on most childcare facilities is extensive and the -- the cost is more than a mortgage and -- for a newborn in many cases. So, the -- the -- the need is -- is there for childcare to be provided in a multitude of ways, both with these in-home facilities and with the larger facilities as well. We are severely under represented with childcare facilities.

Grace: Mr. Chairman. Thank you. That's good to know. This is a great option for people. So, I appreciate that.

Seal: Okay. Thank you.

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher, go ahead.

Lorcher: In regard to staff for the summary of the requests, the play time is limited to one hour between 9:00 a.m. and one hour after 1:00 p.m. Is that a guideline or is that a steadfast rule?

Tiefenbach: Let me double check and see if that was in our conditions of approval. If you think it needs to be and it's not you can certainly add that.

Lorcher: I would be the opposite. Children need to be outside. So, one hour a day and if they are there from -- what are their hours? 7:00 a.m. to say 6:00 p.m. if somebody is working and only to allow the children out for two hours a day, especially in the summer time, seems not the best use of the children's time.

Tiefenbach: I was quite a hyperactive child and I'm sure that would have been a nightmare for my parents. I will double check and see if that was a condition of approval. Give me just a minute.

Lorcher: Thank you.

Seal: Anymore questions? Somebody has to ask a question while Alan is looking.

Johnson: I apologize, Mr. Chair. The applicant does have their hand up. I don't know if they wanted to answer that or if you are still taking -- Mr. O'Bryant, you can go ahead.

O'Bryant: Thank you. I just wanted to point out a couple of things. I live in this neighborhood, too. We did just have a baby in November. I quit my job at a firm and took a few clients and -- and work from home myself, primarily because of the cost of -- of daycare. It is a huge -- huge concern around here. The growth is incredible and -- and there is no shortage of folks that can't get daycare. So, we appreciate that. And, then, on a -- sort of practical side, I don't think anybody in this neighborhood knew these folks ran a daycare until these notices went out. So, that should probably say something. I would have some other thoughts to say in a different setting, but I don't see any problem here and there is a park right in front of my house. Every day during the summer there is 20, 30, 40 kids out there, if not more, and it's wonderful. That's -- that's all I think I have to say on that.

Seal: Thank you very much. Go ahead, Alan.

Tiefenbach: Mr. Chair, Members of the Commission, Alan Tiefenbach. Just to clarify, that's not a condition of approval. That was just a statement in the staff report and was what the applicant said. So, there is no requirement on what time they can -- can or can't be out.

Lorcher: So, they can have the children out for more than two hours a day?

Tiefenbach: There is no requirement as a condition of approval.

Lorcher: Okay. Very good. Thank you.

Seal: Okay. Anybody else? Can I get a motion to close the public testimony?

Lorcher: So moved.

Grove: Second.

Seal: It's been moved and seconded to close the public testimony for File No. H-2022-0012. All in favor say aye. Any opposed? All right. Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Seal: If anybody would like to ask anything -- or debate anything else or give a motion on this? It looks fairly straightforward.

Grace: Mr. Chairman, for a motion.

Seal: Commissioner Grace, go ahead.

Grace: I would move that after considering all staff, applicant, and public testimony to recommend approval of the City Council -- to the City Council of File No. H-2022-0012 as presented in the staff report for the hearing date of May 19th, 2022, with no modifications.

Seal: Okay.

Grove: And point of clarification.

Seal: Go ahead.

Grove: This is not -- this is a CUP, so it would not be to City Council --

Yearsley: You would need to approve, not to recommend approval.

Seal: Correct.

Grace: So, Mr. Chairman, I would alter my motion to the extent that I would motion to approve, not to recommend to approve.

Seal: Okay. We still have a second?

Grove: Second.

Yearsley: Second.

Seal: Okay. It has been moved and seconded to approve Item No. H-2022-0012 for Amina's Daycare with no modifications. All those in favor say aye. Any opposed? Okay. Motion carries. Thank you very much.

MOTION CARRIES: FIVE AYES. TWO ABSENT.

4. Public Hearing for Black Rock Coffee (H-2022-0019) by Tamara Thompson of The Land Group, Inc., Located at 3300 S. Eagle Rd.

- A. Request: A Conditional Use Permit to allow a drive-through establishment within 300 feet of existing residential.

Seal: All right. At this time I would like to open public hearing H-2022-0019 for Black Rock Coffee.

Tiefenbach: Thank you, Mr. Chair. Again Alan Tiefenbach. This is a request for another conditional use permit. The property is about a little less than an acre. It's zoned C-C. It's located at the southeast corner of South Eagle Road and East Victory, which is in The Shops at Victory Center. The property was annexed in 2008. There were numerous extensions to the preliminary plat until they got the final plat done. The final plat was done in 2016. When the property was annexed one of the conditions -- or excuse me. When the property was annexed alternative compliance was granted. The property is directly next to existing residential. There is a requirement that if you build a commercial use next to residential that you have to supply a 25 foot wide landscape buffer. The alternative compliance was to allow this landscape buffer to be reduced to as little as ten feet and a condition of approval with that was that they had to put in a Verti-Crete wall, which is basically a large concrete sound wall. I only say that because I will probably come back to that. That ship has already sailed. Alternative compliance was already granted, but they -- they don't meet the buffer, but they do have the wall that was required. So, this is a request for a conditional use permit to allow a drive-through establishment. It's within 300 feet of an existing residence and it's within 300 feet of another drive-through facility and that's what the requirements are. If one of those two are met or both you have to go through a conditional use. Again, the property was annexed in 2008. It's one of three commercial lots. A conditional use was approved for the lot on the north. That would be the Rite-Aid. And that was approved to allow a drive-through facility on that Rite-Aid within 300 feet of the residential properties, which are to the east. This would be another drive-through establishment within 300 feet of that and 300 feet of the existing residential. It's a 1,975 square feet Black Rock Coffee Shop. This drive-through establishment, again, is within 300 feet of both. If you look at the site plan here, the site plan shows stacking lanes. That's what you would see here. So, this is the stacking lane. As you probably know, some of these drive-through coffee shops sometimes have a tendency to have traffic parking -- backing out into the street. In this particular case we are a little less concerned about that, because all of this is a parking lot, so if we did have one of those days where there was a lot of people parked waiting to get their coffee it would spill into the parking lot versus into the street. There is also an escape lane. This is required anytime a stacking lane -- stacking lane is longer than a hundred feet. The way that this

works is somebody comes in, they change their mind or somebody calls them, they realize they forget something, they can jump into this escape lane here and get out without having to wait all through the line. There is also a requirement in the specific use standards that the window of the drive-through facility has to be visible from the street. That's for a safety issue. You don't want to have a window on the other side of the building and have no idea what's going on when there is being cash handled. The building -- excuse me. The window in that case would be to the north, so you wouldn't be able to see that when you are coming down Eagle Road south or from the parking lot at the Rite-Aid. There is an outdoor speaker that is shown. It's -- and it's about 200 feet from the existing residence. It's not labeled on here, but if you can see where my pointer is this is where that speaker and that menu board would be. We -- we did have some concerns about that being close to the residential. Because of that we asked the applicant if they would submit to us a decibel study that would sort of demonstrate what kind of sound impacts would be from that speaker board. The applicant did do that decibel study and what it showed is that at 16 feet from the speaker it's about 36 decibels. To -- just to put that into context, 40 is considered a whisper. So, at 16 feet it's about a whisper. The actual adjacent property is 200 feet from that speaker. The property owner of the property to the east directly next door, the house that's closest, submitted a letter to staff and this letter was in support of this development. Basically, the -- the property owner said that this developer has done a very good job working with them and has done everything that they have asked for them to do and that he is confident that this would be fine and he has no issues with it and urges support. Only other comment would be these elevations. Overall they are pretty good. They are franchise type architecture. We do have some requirements in our architectural standards manual that there has to be at least two field materials. This may qualify, but the problem is is that -- and I don't want to get in all the -- to get into the weeds here, but one of those field materials can't be metal. In this case it looks like it is. So, that's something that staff will work out with the applicant. But overall the architecture is good with this. Again, we have received one letter of support. So, the -- the proposal meets all the dimensional standards and it meets the specific use requirements for a drive-through facility. Staff recommends approval with conditions and those conditions included complying with the development agreement on the hours of operation being between 6:00 and 10:00. Specifically at the applicant's request we -- we put it in the conditional use that the -- the hours of operation would comply with the hours of the DA, unless they were modified, and the reason why is the applicant may in the future want to modify those hours through a DA mod and they don't want to have to also come in and modify the conditional use. We also believe that it complies with the -- for the most part the Architectural Standards Manual for the elevations, with probably some tweaks, and the only other thing we commented about in our conditions is that there is a walkway that you can see here. It's striped. On there the way that our code reads it says it has to be brick pavers or some kind of material. It just can't be striped with that. I will stand for any questions and staff is done with their presentation.

Seal: Okay. Thank you very much. Would the applicant --

Starman: Mr. Chairman, may I add a supplemental comment?

Seal: Absolutely.

Starman: So, I just wanted to -- this is really for the record primarily and for the applicant, but in the proposed conditions that are before the Commission tonight is condition -- proposed Condition A-15, which references the development agreement that Alan just described and one provision in that development -- so, the condition essentially says this project that you are considering tonight will be or shall be subject to those approvals that happened previously, including the development agreement. There is a provision in that development agreement that says that the owner-developer is responsible for reimbursing the city for previous expenses to extend sewer and water to this site. We are still doing some research as to whether that has occurred yet or not and so we are not quite prepared to make a definitive statement, but I just wanted to put something on the record that indicates that provision -- that provision in the DA is applicable and if that payment has not -- a reimbursement has not yet occurred that would be a prerequisite before construction could begin on this project. So, I just wanted the opportunity to put that in the record. Thank you, Mr. Chair.

Seal: Thank you. Appreciate that. Okay. Would the applicant like to come forward?

Huber: Mr. Chairman, Members of the Commission, my name is Jeff Huber. My address is 8385 West Emerald Street in Boise and I represent the applicant. We want to thank staff for their report tonight. It was very thorough and we thank them for recommending approval and we are in agreement with all of the conditions as stated in the report. One of the neighbors has come a long ways here tonight. I don't know if they want to testify, but they were late and are not on your sign-up sheet, so you might want to ask if there is someone else that would like to address this.

Seal: Okay. Absolutely.

Huber: I stand for questions.

Seal: Is there any questions for applicant or staff? Commissioner Yearsley?

Yearsley: Mr. Chair. Just -- just want to clarify. I know most coffee shops like to start before 6:00, but you are -- you are okay with starting at 6:00 o'clock then?

Huber: Well, we actually are planning to come back and modify the development agreement to -- so that they start at 5:00.

Yearsley: Okay. That's why I was just curious. Thank you.

Seal: Anybody else have questions? All right. Thank you very much. Appreciate it. Do we have anybody --

Johnson: We do, Mr. Chair. Mr. Aldridge did sign in.

Seal: Good evening, sir. If you could give us your name and address for the record.

Aldridge: Bob Aldridge. I'm at 3300 East Falcon Drive. Depending on how you look at it they are either in my backyard or I'm in their backyard. We have been there since 1985 when life was much more simple. We have worked with this group now over quite a number of years, working on initially the -- just general development and, then, through the Rite-Aid and they have literally bent over backwards to accommodate us and I am thoroughly confident that if any questions come up it will be settled. So, we had some lighting issues from when it was first lit up and they went way out of the way to get those solved. I don't have any problems with noise. As noted, the coffee speakers are pretty low intensity. There is a tall wall in between us. I have got two giant trees there with walnuts that for some reason are able to take over and drop on people's head in the Rite-Aid and also the way this is laid out the traffic is never going to show any lights into our property and plus we are pretty isolated and we have more trees on our property. So, I think it's a good project. It's a good usage. It's a lot lower impact than a lot of things that could be there. So, very much in favor of it.

Seal: Okay. Thank you. Anybody have anything for -- no? All right. Thank you, sir. Appreciate your testimony. Is there anybody else that wants to testify you can raise your hand. If not, does the applicant have anything they would like to add further? Indicating no. All right. Can I get a motion to close the public hearing for Item No. H-2022-0019.

Grove: So moved.

Lorcher: Second.

Seal: It's been moved and seconded into close the public hearing for Item No. H-2022-0019. All in favor say aye. Any opposed? Okay. Motion passes.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Seal: Anybody would like to add more to the discussion or --

Grove: Mr. Chair?

Seal: -- throw a motion out? Go right ahead.

Grove: Pretty simple when the applicant agrees with the staff report and the public testimony with the neighbor most impacted is very supportive. So, I think we should be able to move forward. So, with that, after considering all staff, applicant, and public testimony, I move to approve File No. H-2022-0019 as presented in the staff report for the hearing date of May 19th, 2022, with no modifications.

Yearsley: Second.

Seal: It's been moved and seconded to approve Item No. H-2022-0019, Black Rock Coffee with no modifications. All those in favor say aye. Any opposed? Okay. Motion carries. Thank you very much.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

5. Public Hearing for Peak at Sawtooth Village (H-2022-0026) by JGT Architecture, Located at 4752 N. Linder Rd.

- A. Request: A Conditional Use Permit for a drive-through establishment within 300 feet of another drive-through facility, a residential district and existing residences.

Seal: Okay. Next we will open File No. H-2022-0026 for Peak at Sawtooth Village. We will begin with the staff report.

Allen: Thank you, Mr. Chair, Members of the Commission. The next application before you is a request for a conditional use permit. This site consists of .93 of an acre of land. It's zoned C-N, located at the southeast corner of North Linder Road in West McMillan Road at 4752 North Linder Road. This property was annexed in 2013 with the requirement of a development agreement and a preliminary plat was approved. A final plat was later approved in 2015 for McLinder Subdivision. The Comprehensive Plan future land use map designation is mixed use neighborhood. A conditional use is proposed for a drive-through establishment within 300 feet of another drive-through facility, which is directly to the south, and a residential district and existing residences, which are kitty-corner to this site to the southeast in the C-N zoning district. A 4,846 square foot building is proposed to be constructed on the site with three tenant spaces. A drive through is proposed on the westerly 2,200 square foot tenant space for a restaurant. The tenant intends for the drive through to be more of a pick up location where customers would order ahead through a mobile app, rather than ordering from a speaker or window. No speaker or menu board is proposed at this time and there are specific use standards in the UDC that pertain to drive-through establishments as follows: Stacking lanes are required to have sufficient capacity to prevent obstruction of driveways, drive aisles and the public right of way by patrons. The stacking lane proposed for the site will accommodate approximately five vehicles, which the applicant believes will be sufficient for their use and business model. Staff is concerned if the stacking lane backs up the drive aisle on the north side of the building may obstruct vehicles trying to enter or exit the parking spaces in that area. Also while the proposed stacking lane may accommodate the proposed user, it may not be able to accommodate future users that may be more intense without obstructing the drive aisle and parking on the north side of the building. Second, the stacking lane is required to be a separate lane from the circulation lanes needed for access and parking, except that stacking lanes may provide access to designated employee parking. The stacking lane for the site is a separate lane from the circulation lanes needed for access and parking on the west side of the building. However, if stacking backs up around the north side of the building it could obstruct parking in that area. There are also a few other standards the site is in compliance with.

Based on staff's analysis the proposed drive through is deemed to be in general compliance with the specific use standards as required. If the Commission does not feel there is adequate stacking area to accommodate vehicles in the drive through without obstructing the drive aisle needed for circulation and parking on the north side of the building, revisions may be required to the site design. The proposed access and parking complies with UDC standards. Conceptual building elevations were submitted as shown that incorporate a mix of materials consisting of horizontal hardboard siding, stone, veneer and glazing. The final design shall be consistent with the design standards listed in the Architectural Standards Manual. Written testimony was received from the applicant. They are in agreement with the staff report conditions of approval. Staff is recommending approval. Staff will stand for any questions.

Seal: Okay. Thank you. Would the applicant like to come forward? Good evening. Your name and address for the record, please.

Bevan: Yes. Tom Bevan. Address 4202 North Marcliffe Avenue, Boise. 83704.

Johnson: Can you pull that microphone towards you. Either one.

Bevan: I will take any questions. I don't really have anything to add to the staff report, but be glad to take questions.

Seal: Anybody have any questions for the applicant? Mr. Grace, go ahead.

Grace: Mr. Chairman. Sir, so the -- it indicated that it was not intended -- well, let me get this right. It was intended that people would use an app to place their orders and, then, are they only going up to the window, then, to -- to just pick up the order?

Bevan: Yes. It's like a pick up location where there -- there is no menu board and there is no speaker. You have the -- by app you order and, then, you go and pick it up and they just hand it out to you.

Grace: How will they know it's ready I guess is --

Bevan: They do it through their smartphone.

Grace: They get notified over the smartphone --

Bevan: Yes.

Grace: -- that it's ready?

Bevan: When it's ready. Yeah. And they get a number and they come by and pick it up.

Grace: Okay. Okay. Thank you, Mr. Chairman.

Seal: Commissioner Yearsley, did you have something?

Yearsley: I just want to -- if you could address -- you know, I'm not quite sure what business this is or -- or if it's an established business. If -- if the use does change, how do we ensure that we have enough stacking or not having issues in the -- in the future with only having five parking spaces? Is there, you know, other conditions or things that we can consider to provide for more stacking if -- if necessary in the future based on staff's comments that they just presented.

Bevan: Well, I guess we could address that. The -- the tenant has signed a ten year lease, so -- so -- but in the future after that -- I don't know. I guess we would have to look at it again.

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher, go ahead.

Lorcher: In regard to Commissioner Yearsley's comment, so after that tenant leaves would the next business have to get a conditional use permit to address the stacking lane that you are addressing?

Seal: No, they wouldn't have to. I guess I will kind of pile on here a little bit. So, while this is an operation if they wanted to put out -- if they wanted to change the business model let's say, like this isn't working purely online, what would they need to go through -- and, Sonya, this is kind of a question for you probably more or less. If they did want to put out a -- you know, a menu and a microphone and -- and all that, is there a process they would need to go through or they -- they basically are conditioned to use it as they see fit in that regard?

Allen: Mr. Chair, Commissioners, as is there is no condition prohibiting a menu and speaker. You could certainly include that. That would apply to this user, as well as future users of the drive-through.

Seal: Okay. And that -- I think the reasoning behind this is -- I think the use that you are proposing, at least in my mind, if people are coming -- and -- and there are a lot of services that work like this now, so -- that's how I get my haircuts anymore, so -- they let me know when to come and I go and they cut my hair and I leave. So, it's pretty nice to do that. So, I understand a little bit of the business model that's going on here. That said, if the -- if it does change and I ride to dinner and go to this facility here quite a bit, I can see where if that model changed and people were waiting, if it wraps around it's going to make it really hard for people to not block that -- you know, the private drive that's in there or private drive I guess I should say, you know, as far as traffic goes and -- I mean the other part of it is if you get somebody that's waiting at the window, somebody that's trying to use the escape lane, because there are other businesses in this -- I mean it's not just the one business in the building, there are several businesses. So, if you have somebody parking in the diagonal parking to the west side of the building, you have somebody that's

in the escape lane, you have somebody that's ordering -- or picking up I should say, that's -- you know, I drive a full size truck, so if you got three of those trying to do those maneuvers in there I just don't know that it's going to fit, so --

Bevan: Well, I could say that I talked to the tenant about that, actually, what they do in other locations and they do this same thing in almost all their locations and they haven't changed it. They say it works very well. So, I don't think that this tenant would change it, because it works so well for them in other locations. It's a national chain. The Goose, but -- well, I guess it's more of a regional chain, but -- so, they -- they like the process and it works well and I asked them do you want us to put something in there for a speaker later and he said, no, I don't want any speaker wires or I don't want any pre-planned menu board, wires, or lighting or anything like that. They just don't use them.

Seal: Okay.

Yearsley: Mr. Chair?

Seal: Go ahead.

Yearsley: Would you be amenable if we added the condition to -- you know, that -- to not allow a menu board or a speaker without prior approval?

Bevan: In the condition? Yeah, we could go with that.

Yearsley: Okay.

Seal: Okay. Are there any other questions? No? All right. If you want to have a quick seat we will see if anybody is --

Bevan: Thank you.

Seal: -- anybody is going to testify online or -- I don't think we have anybody in the audience. No? Okay. I will assume there is nothing further to add at this point. So, if somebody would like to give me a motion to close the public hearing.

Grove: Mr. Chair?

Seal: Go right ahead.

Grove: I move to close the public hearing for Peak at Sawtooth Village, File No. H-2022-0026.

Grace: Second.

Yearsley: Second. Oh.

Seal: It's been moved and seconded to close the public hearing for File No. H-2022-0026, Peak at Sawtooth Village. All in favor say aye. Any opposed? Okay. Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Seal: Who would like to go first?

Yearsley: Mr. Chair?

Seal: Commissioner Yearsley, go ahead.

Yearsley: I -- I agree with the concerns of staff and I understand -- and I think if -- if -- if this works I think it's a great idea, but I would be amenable to -- or I would like to see that condition to not allow a menu board or a speaker without prior additional conditional use permit or additional approval.

Seal: Okay. I agree with that as well. Commissioner Grace?

Grace: Mr. Chairman, I think that's a great recommendation. I agree with that. I probably still have concerns that there might be stacking and based on the depiction what that would mean for, you know, people parking and -- but I'm willing to allow for what the applicant said about, you know, it's been done before and it's -- it's not a problem. I do -- I do question -- I do worry about potential further future I should say tenants there, so I -- I agree with Commissioner Yearsley. I think that's a great recommendation.

Grove: Mr. Chair?

Seal: Go right ahead.

Grove: I think maybe just to have it on the record for some of the thinking here, though, is with the -- if it does ever come back for an additional CUP to add the speaker board, I think having the applicant at that point in time look at relocating the -- the placement of the -- the pick up window would be an appropriate thing to -- at least can strongly consider and moving it to the south side versus the west side if -- if -- if a speaker board does come in, because it would improve the stacking capacity. I will say one thing that works in the favor of this is, you know, it's overparked a little bit, so that does give some additional leeway in terms of how they could operate, you know, with running orders out and things like that. So, I'm not as concerned if there was not that additional overparking.

Seal: Okay. Anyone else?

Yearsley: Mr. Chair?

Seal: Go right ahead.

Yearsley: After considering all staff, applicant, and public testimony I move to approve File No. H-2022-0026 as presented in the staff report for the hearing date of May 19th, 2022, with the following modifications: That no menu board or speaker may be allowed without prior approval from the city.

Seal: Do I have a second?

Grove: Second.

Seal: Okay. It's been moved and seconded to approve Item No. H-2022-0026 for Peak at Sawtooth Village with the aforementioned modifications. All in favor say aye. Any opposed?

Parsons: Mr. Chair, just a clarification for Sonya and myself.

Seal: All right.

Parsons: I think it was your intent to say come back and get CUP approval, if I'm understanding correctly.

Yearsley: Yes.

Parsons: All right. Thank you.

Yearsley: Absolutely.

Seal: All right. Thank you very much for that. So, none -- none -- none were opposed, so motion -- motion carries. All right. Thanks very much.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

6. Public Hearing for Bountiful Commons East (H-2022-0015) by KM Engineering, LLP, Located at 5960 and 5984 N. Linder Rd. Recommended Approval of Request B to City Council (request A is only a City Council decision) – Scheduled for June 14, 2022

- A. Request: Modification to the Existing Development Agreement (Linder Mixed Use - Inst. #2018-052340) to update the conceptual development plan and building elevations.
- B. Request: Combined Preliminary and Final Plat consisting of three (3) building lots on 2.20 acres of land in the C-C zoning district.

Seal: All right. At this time we will open up File No. H-2022-0015, which is Bountiful Commons East, and we will begin with the staff report.

Allen: Thank you, Mr. Chair, Members of the Commission. The next application before you is a request for a combined preliminary and final plat. There is also a concurrent development agreement modification application that will be heard by the City Council that does not require the Commission action tonight. This site consists of 2.2 acres of land. It's zoned C-C and it's located at 5960 North Linder Road. This property was annexed in 2017 with the requirement of a development agreement. A preliminary and final plat was approved in 2018. A property boundary adjustment was recently approved this year, which established the current configuration of the property. The Comprehensive Plan future land use map designation is mixed use community. As I mentioned earlier, the -- the modification to the existing development agreement is proposed to update the conceptual development plan and remove the conceptual building elevations for Chili's from the agreement and replace them with concept elevations for the proposed single story commercial and office buildings. Changes to the concept plan consists of replacing the 7,000 and 10,000 square foot buildings with a shared outdoor plaza area in between the two buildings as shown on the site plan there on the left with four multi-tenant commercial and office buildings with individual outdoor plazas at the rear of each building and that site plan is shown there on the left as well. Staff is recommending changes to the concept plan that consists of removal of the parking spaces on the west side of the site that back out into the backage road and removal of the parking in between each set of buildings for the provision of common usable area and plaza area as required in the development agreement and the Comprehensive Plan for mixed use designated areas. These changes should be made prior to the City Council hearing per the staff report. Again, this application is not before you for a recommendation tonight and this is purely informational. A combined preliminary and final plat is proposed as shown to resubdivide a portion of Lot 1 and all of Block -- excuse me -- all of Lot 4, Block 1, Bountiful Common Subdivision. The proposed plat consists of three buildable lots on 2.2 acres of land. The preliminary plat is shown on the left and the proposed final plat is shown on the right. The proposed plat consists of three buildable lots on 2.2 acres of land. Access to the subdivision exists via a private driveway and backage road that runs along the west boundary of the site parallel to North Linder Road. This is a copy of their proposed landscape plan for the site. There are no public streets that abut this property. Written testimony has been received from Stephanie Hopkins, KM Engineering, the applicant. They are not in favor of amending the concept plan as recommended by staff. Staff is recommending approval of the combined preliminary and final plat with the conditions in the staff report. Staff will stand for any questions.

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

Hopkins: Thank you, Mr. Chair, Members of the Commission. Stephanie Hopkins with KM Engineering. Our address is 5725 North Discovery Way in Boise. 83713. I have a presentation. I don't know if Sonya has it up quite yet. I also have a flash drive if that's easier. Sorry about that.

Allen: No. No. Just a second here. All right. Sorry about that, Stephanie. Get it opened here.

Seal: It's beautiful weather we are having lately.

Hopkins: Okay. Very chilly today.

Seal: It was a little chilly.

Hopkins: Compared to the last couple days.

Seal: Blow all the pollen elsewhere.

Hopkins: I know. Thank you. Okay. So, Sonya did a great job summarizing our request. I won't go over too many of the details she already covered, but this property is south of Linder Village. It's just east of Linder Road and south of Chinden Boulevard. It was originally part of the Bountiful Common Subdivision. This is I think Lots 1 and 4 within that original subdivision and we are going to be calling it Bountiful Commons East. We recently did a property boundary adjustment. Used to be -- the backwards L -- used to be a little corner there, as well it was part of Lot 1 that's now been taken out of the property and so we are proposing to subdivide the remainder into three commercial lots, as Sonya mentioned. We are requesting a couple of changes to staff's recommendation on the development agreement modification. We are proposing to update the development agreement with the new concept plan that we are proposing. This is the original concept plan. Shows a 7,000 square foot building and 10,000 square foot building with central open space or a common open space in the center there, with surface parking lots, and this is our proposed concept plan. So, the -- up in the northwest portion of the site is the -- the lot that was taken out with the property boundary adjustment. So, the remainder will be the three lots that will be in the combined preliminary and final plat and so the concept plan that we are showing now does not have a central open space, but it has four open plazas for each of the multi-tenant buildings that we are proposing. They will be connected with sidewalk throughout the site and will connect ultimately to the drive aisle that's to the east -- or to the west. This is conceptual elevations that we are proposing for the buildings. They are multi-tenant buildings. Don't have users in place quite yet, but the intent really behind updating the development agreement is to have a little bit of flexibility with the concept plan and the elevations that we are proposing, so that we can be flexible for future tenants and make sure that if there is someone that comes in that maybe wants to do a property boundary adjustment to get rid of a lot line or modify the -- the existing concept plans of -- say somebody wants to come in and actually build a building across Lot 7 and Lot 8, they could come in and do an administrative lot -- or property boundary adjustment to get rid of that line and -- and build a building. So, we would really like to have some flexibility with the concept plan that's attached to the development agreement, as well as the elevations that are included in our request. So, this is the combined preliminary and final plat. Three commercial lots taking access from the private drive aisle that goes north-south that was recently constructed and we are going to be installing a 25 foot landscape buffer adjacent to the existing residential homes on the eastern part of the site. That will happen with site development of those two lots. So, as Sonya mentioned, we are requesting to modify a couple of her conditions -- or a couple of conditions that are attached to her recommendation and that is to remove ten

parking spaces that are on the west boundary of the site adjacent to the private north-south drive aisle. As you can see on our concept plan, we are currently showing ten parking spaces that come right off of that drive aisle and to replace parking areas between Buildings A and B and C and D with plazas, with a public, quasi-public, open space. So, that is so that we can have more flexibility and parking for future tenants. As you are all aware, restaurants and some uses require a lot more parking than other uses and because we don't have users in place for the three lots that we are proposing it would be nice to be able to have some flexibility for future tenants to make sure that we are providing adequate parking for folks, as well as remaining flexible for anyone that might want to come in and modify the site. The requirement for the mixed use community land use, which is the designation that we are in, does require -- I think it's five percent public, quasi-public open space and this property was initially part of a five acre piece that was within -- per the development agreement. This is two -- a little over two acres. It's a smaller site and it's difficult to put open space in a location, so it would really be preferred to have them individually located on each lot to make sure that -- not only for installation, but to make sure that it's easily maintained by those buildings, rather than the entire office complex. It would also be difficult to make sure that a central open space was installed at one time if it was in the center of these four lots. So, that's -- that's the reasoning behind that request. These are the plaza areas that we are proposing. Additionally there is some -- a pretty large chunk of open space that's going to be provided with the Linder Village Subdivision -- or the Linder Village development to the north. It's going to be a public park that has parking and micro paths that kind of go through it, so this -- this is a schematic to show you how that might work. People from the office complex or whatever uses decide to locate here could easily walk up to that open space and -- and hang out there. I think it was probably -- this area is going to be a little bit more of a draw for folks, residents and employees in the area than the -- the complex that we are talking about would be. These are just some photos of the drive aisle to show kind of how it's currently configured and how that might function. So, the Beehive Federal Credit Union is constructed and it's to our west and, then, our property is the undeveloped property on your left. As you can see it's not very busy right now. There is not any vehicles coming or going and there is no one parked on the side of the road. This is an example of how I think that parking off of that drive aisle would function. This -- this is a complex on the right-hand side of your screen that's over off of Eagle Road. It's just north of Chinden Boulevard where there is a Reel Theater and some other stuff over there. They have kind of a similar configuration where they have got a -- Eagle Road is actually a state highway, so it's probably a little more heavily trafficked than Linder Road is, but folks can come in off of the arterial roadway and go into a local collector and, then, come onto a drive aisle where they have diagonal parking in place and I have been in this complex several times and it seems to work pretty well. It actually tends to slow traffic down, so folks know that it's meant to be a place to stop. It's a destination. It's not a thoroughfare. So, with that we -- we think that the addition of these commercial uses will be a benefit to the city. We are excited for this project and really looking forward to continue working with the city on it. I would like to hear your opinions, I guess, on the development agreement modification request, as I know you won't be making a recommendation to City Council, but we are interested to kind of know, you know, what maybe your opinions

are. With that I will stand for any questions. The developer is here tonight, too, if you have any that I can't answer.

Seal: Thank you. Questions for applicant or staff?

Grove: Mr. Chair?

Seal: Go right ahead.

Grove: So, Stephanie, with this change it sounds like the intent is to have it be more office and not have any restaurant retail operations. Is that the intent or --

Hopkins: Mr. Chair, Commissioner Grove, I will probably defer to our client on that. I don't know -- they don't have any users in place that I'm familiar with. The northwest parcel that we separated off of the property boundary adjustment is going to be a dentist, so that is an office -- kind of a professional office use. There will probably be a fair amount of parking needed for that kind of use, as I'm sure they will have several chairs and several appointments at a time. But the other lots I don't know that they have any specific kinds of uses in mind and I think that they can come up and kind of --

Grove: The reason I'm asking is it -- I guess it -- we don't have a -- a say on how that plays out tonight, but just in terms of how we are conceptualizing the -- the use and why we would, you know, be in favor or against not having a more centralized usable space amongst the -- the -- the four uses. I struggle with the general concept that as provided, because it -- it doesn't tie into the larger mixed use of -- of the area when it's very isolated. It's not isolated -- because it's very -- very small. But it -- I just -- you are asking for some feedback and that's -- that would be my feedback is I don't -- I don't personally like how that is integrating currently. I know we don't have a say, but just my -- my two cents.

Hopkins: Commissioner, thank you for your feedback. If I might ask a question.

Seal: Go right ahead.

Hopkins: Would it be preferred or maybe help the situation if there was a pathway leading from our site plan at some point to the -- the open space that's to the north?

Grove: For me it's -- the -- the pathway would definitely help. It's the -- trying to think of good words and it's later in the day for me, but it's just -- it's not tied together. It's four separate entities and not one -- being looked at as one development, essentially. I know it might get built out as four separate things, but it doesn't look like the -- an integrated plan with how they would function together. But, you know, there are -- there are four parts and they are not four parts of a whole.

Hopkins: Thank you for the feedback.

Seal: Yeah. And I mean the -- the feedback I will give is just on the -- the drive aisle really where -- and we have a drive aisle that's coming down -- it looks like the bulb outs and the -- and the trash receptacle is going to kind of impede that. I mean if -- if anything can be done -- and I can see why Sonya put that in there as far as those ten parking spots, the bulb outs, and everything, that looks like it's going to push right into that drive aisle. The more you can keep that open the better it's going to be for everybody, your neighbors, your customers, everybody involved. So, you know, and depending on who you market this for, you know, having open areas, especially in between the buildings, there is -- if you have been to -- down by the Capri Cafe, it's just south of this, they have an open plaza that's in there. It gets used a ton by the businesses that are in there, but, you know, of course, you have, essentially, you know, a -- a dining establishment and a brewery, basically, sharing that space and they do have a nice pathway that goes right into the residential area there, so that's very, very nice to where if you have something like that and you have just a parking lot, kind of difficult to go the other way. So, I don't know if there is a way to, you know, kind of mash this up a little bit, maybe come up with a better solution overall. I think that the -- you know, the small amount of common area off the back is helpful. I mean you can have some patio out there if you do have a restaurant or something along those lines. If you do have a dentist office that's wasted space, so -- I mean I don't -- in my dentist I would prefer to wait outside, but I don't have that option. But, anyway, that's -- I mean the feedback that I can give on it that's -- that's what I'm seeing of it. So, you know, it would be nice to see that drive aisle opened up, the bulb outs taken away, that parking -- you know, sacrificed, substituted. You are overparked, which is great. Thank you very much. It's not often that we are talking about taking parking spaces away. So, high marks for that for sure, but that's -- you know, the way that I look at it -- I mean there is other stuff that's going on here that kind of plays into this where you have, you know, a larger space for a business opportunity and just north of this you have multi-story live-work. So, you know, somebody that, you know, they are making their side hustle their hustle, they are, you know, working -- or living in the multi-story live-work and now they need to expand. Well, here is some place to do that, so -- and they happen to have a nice library up the road, so -- had to say that for the benefit of this guy here, so -- anyway, that's the feedback that I have on it. I mean I -- I think that a -- a connection into the walking path to the common area in the north would be great. I mean the more connected things are the better I -- I think. I don't think it presents any kind of issues as far as, you know, anybody having nefarious behavior in there trying to, you know, do something -- get away or do anything like that. I think it just provides for better accessibility. Anybody else? Sorry, I rambled on long enough.

Grace: Yeah. Mr. Chairman. Stephanie and I -- I'm just kind of going off of what -- what Commissioner Seal said and I have two questions and I apologize if you already went over this and I missed it, but on that north side what -- what's the transition into that park area? I -- I just wasn't catching that.

Hopkins: Mr. Chair, Commissioner Grace, right now I don't believe we are showing any walkway along the drive aisle. So, the transition up to the north would be just for folks to walk along the drive aisle to the -- the pathway that's existing.

Grave: Okay. But there is not a fence or anything, you could walk to it.

Hopkins: Mr. Chair, Commissioner Grace, I don't believe there is a fence and I don't know that our client has plans. No, they are -- they are shaking their heads that they don't have plans.

Grace: Okay. The second question -- I think I know the answer to it, but just to confirm, that -- the language in the -- in the application about the event center, that was the previous version of it and that's no longer happening.

Hopkins: That's correct.

Grace: Okay. Thank you.

Grove: Mr. Chair?

Seal: Commissioner Grove, go ahead.

Grove: Just real quick. So, I won't belabor it too much, but just looking at -- I -- I'm not a fan of the parking on the drive aisle. I think that it has a potential of causing more problems than it solves. I think having a -- a walking connection, a pedestrian connection, would help this project in the -- in the future to be able to connect to the larger development to the north. You know, it's -- that's a large development going on up there and anything that you could do to, you know, connect the two would -- I would think probably help you have that -- the feel of it just being an extension of what is available to the public up there. So, again, we don't have anything to stipulate here, but just kind of some feedback.

Hopkins: Okay. Thank you.

Yearsley: Mr. Chair?

Seal: Mr. Yearsley, go ahead.

Yearsley: So, I -- I guess I'm a little conflicted, because looking at the building styles that you are looking -- to me it feels more like a strip mall type facility, but, yet, you are -- you are trying to market this more of an office type setting, which I think understanding, you know, what's -- what's on the plan to what's actually being proposed, you know, because if it's more office style I don't know if the -- you know, the open space is going to be utilized nearly as much versus strip mall style, so -- and I guess that's -- that's where I struggle with at this point, trying to make a decision on -- on how best to move forward with this, so --

Hopkins: Mr. -- Mr. Chair, Commissioner Yearsley, I -- I'm looking back at our client as you are talking and I think that they are planning to pursue more of an office use for the buildings. That being said, they don't have users in place -- yeah. Maybe -- thank you.

Yearsley: That would be awesome.

Seal: Yeah. Just let us know who you are -- I mean you are -- you are spending money here, so there has got to be a marketing plan.

Gasser: Trevor Gasser. 74 East 500 South, Suite 200, Bountiful, Utah. 84010. Appreciate you guys listening to our -- our concept plan here and, really, we are looking for more of a professional office, you know. Right now we have a dentist going in to the piece that we parceled off. I see this more as like insurance companies, brokerages, that type of user. So, yes, I do think it is going to be more professional office. There could be some retail component in there, but, you know, I think most retail -- or most retailers like to be right on Linder Road and this is offset a little bit and as far as restaurant use to parking for our development -- or at least for my development, I want to have as much parking as I can. I know right now I -- I probably don't have enough for a restaurant I would say or it would be tight. I'm trying to do four to five stalls per thousand square feet for office tenants. You know, I know dentists are heavy on the parking spaces and so that's why I have just tried to provide as much parking as I can. One thing I -- I did want to -- how do I go back on this? Oh. I wanted to just show you guys what's -- what's just to the south of here. So, there is an office development right here with parking up in front of all of these buildings that you -- you -- I mean it's right on the drive aisle. So, that -- that's where I have kind of kept in with that same. There -- there is -- there is just this office complex and it comes up through here. So, there is no -- no traffic through a residential neighborhood. It is -- there is not a lot of traffic on this development. There is also this -- we have also got a -- a curve in the road here that is kind of like a -- a speed, you know, calmer as well. So, I -- you know, that is my reasoning for putting parking up there. Plus, also, I -- I feel like, you know, tenants -- they -- they like to have parking on -- on all sides of the building where -- where these could be individual clients or tenants and -- and have access -- you know, doors on -- on either side right here and it just gives them a little more exposure and so, you know, I just felt with what -- what had happened to the south, there is -- there is no traffic. I would be happy to put, you know, speed limit signs on there, just to make sure everybody is -- is driving and responsible and -- but that was my reasoning for that. The other reasoning, you know, just -- if I'm going to take out all this parking, that's ten stalls -- another ten stalls, another ten stalls. I'm -- I'm taking out 30 stalls per staff recommendations. I just don't feel like I -- you know, with -- with the park, with all the open space, I would be -- I would be happy to, you know, provide an access way up to the park. I could -- I could provide two, you know, because parking is just so important for the development. There is a 25 foot landscape barrier right here that, you know, we could -- we could maybe do some -- some common plaza space within that, too. I don't know what your thoughts would be. I know we are just kind of bouncing ideas off, but I -- I would kind of like to hear your ideas before I go to City Council.

Grove: Mr. Chair?

Seal: Commissioner Grove, go ahead.

Grove: I can appreciate not wanting to lose 30 spots. That -- you know, that is a lot, especially with what you -- you are wanting to do. I would highly recommend, though, at a minimum looking at those west parking spots. I know, you know, there -- there is examples of other ones here. I think that the uniqueness of this is a little bit different though. You are not coming off of a 90 degree to get into that space at the same as you would where those parcels to the -- to the south that you pointed out. So, that -- it's kind of a blind spot if you are coming south to north. It -- just trying to help you limit future problems. I think having -- using some of that more as, you know, a potential pedestrian connection from what's to the north of you and what's to the south of you, I would much -- I would much rather see that personally, having a -- a pedestrian, you know, pathway of sorts versus the -- the parking on that side.

Gasser: Appreciate your comment, Commissioner. We -- we did provide a pedestrian access way that comes all the way along this side. We were required to have one, you know, on -- on one of the sides and so that was put in. But, no, I -- we will -- we will go back and see what we can do there. I just -- parking is such a big deal. But, anyways, I -- I do appreciate you guys taking a look at it and give me your comments. Any other comments?

Grace: Mr. Chairman, just another -- I don't have a solution for you, but just another comment. I do know that since that access road has connected there to Plaza Shops Drive, I think it's a pretty heavily used alternative now for the high school students coming out of Rocky and going to Winco or doing whatever. So, although it may not be, you know, as busy now, I -- I think it's progressively getting more busy and just another consideration for when you go to City Council. Thanks.

Gasser: Sure.

Seal: Yeah. I was going to say, that's a -- a really good point and I do -- my -- my eye doctor and my chiropractor are just south of this, so --

Gasser: Okay.

Seal: -- I use the -- the -- the buildings in here and I -- and I do appreciate what you are saying about how that is, but within -- I mean to me that's kind of within a complex and at the same time what you just said about, you know, how close it is to the high school and everything, it's not going to take very long before they all figure out, hey, I can get up to Winco through all this. I actually thought that that was blocked off at the -- at the school, but seeing that it's not, that's probably going to be happening -- happening in there. So, you know, again, where it's not designed like the buildings down below are, I -- I think you would be better off to go ahead and remove that parking on the -- on the west side personally and keep that drive aisle a little bit more open. As far as more -- you know, eliminating parking spots for open space, if we knew what was going in there that would be a much easier decision, so -- you know, I mean if it's going to be a lot of, you know, kind of restaurant type things, you know, I mean, obviously, you want to have all the parking you can, but at the same time open areas would help facilitate having customers

inside and outside of your establishment. So, you know, like I said, I -- I mean the -- as far as the drive aisle, that's really not something that we are -- that's not in our purview tonight, but just for the feedback part of it.

Gasser: No. I appreciate that.

Seal: Yeah. I was going to say I think that the -- I think the first provision in there that you guys are a little bit in disagreement about -- I think that that's a good one and we will probably more than likely -- I can't speak for my fellow Commissioners and I actually can't make a motion, which is wonderful, but I think that one will probably stick and the second one -- you know, we can debate that a little bit more.

Gasser: Sure. I mean ten stalls is better than 30. So -- yeah. No. I appreciate you giving me your recommendations.

Seal: Okay. And I have got to tell you if Sonya is saying we can eliminate parking, then, you have done a great job on parking.

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher, go ahead.

Lorcher: So, after all this discussion remind me what are we voting on tonight.

Seal: We are voting on the preliminary and final plat. We are not the -- the DA modification goes to City Council.

Lorcher: So, the preliminary and final plat is to -- to take out the -- the Chili's and the event center and change it to these four individual buildings and the last discussion was just to remove the parking on the common aisle on the west; is that correct? Or am I missing something?

Seal: You will do a better job at this than I will.

Allen: Chairman, Commissioner, the only application that's before you tonight is the subdivision -- the proposed combined preliminary and final plat and that -- that is just a lot line boundary -- property line thing. It's not a site design. The site design and the site plan is associated with the development agreement modification.

Lorcher: Okay. All right.

Yearsley: Mr. Chair. Just follow up with that, Sonya. So, the site plan modification, is that as part of the DA of agreement that you are asking for and so at that point our -- our motion is if we want to keep those 20 spaces would be we recommend to Council -- I don't -- I'm trying to figure out motion wise what -- you know, what are we -- what are we

trying to say here? Because we are -- we can't say to leave those spaces, but we can say we would recommend maybe to leave them. Is that what we are looking for or --

Allen: Chair, Commissioner Yearsley, your motion should be directly related to the preliminary and final plat. If you choose to provide an unofficial recommendation on the development agreement modification you can do so.

Yearsley: Okay.

Allen: It's not what's before you tonight.

Yearsley: Okay. That's -- that's what I want to make sure --

Allen: Do you have anything else to add feel free.

Seal: So, yes, I will -- go ahead, Kurt.

Starman: I think that's a good description. Really from the city staff perspective we -- we probably should have cued this up a little bit differently in terms of how we agendized it. Really, the discrete item before the Commission side is just the preliminary and final plat and even that is a recommendation to the City Council, not an action item or not for final approval tonight. And, then, really, the way the city's ordinance is structured, the recommendation on the concept plan for the DA comes from the Community Development director and that is made to the Council and the Council makes that decision. So, I think Sonya was quite accurate that, really, you have a discrete action before you, which is a preliminary and final plat. That's a recommendation to the Council. If you have -- I will use Sonya's description. If you have some informal comments that you would like to work into a motion relative to the site plan, I don't think there is any harm in that, but that's not really before you tonight.

Yearsley: Okay.

Seal: So, essentially, we would -- wording such as we would recommend to City Council keeping provision 8-A-1, striking -- you know --

Yearsley: Yes.

Seal: -- those lines. So --

Yearsley: Or we could just close the public hearing and say we recommend leaving the -- the -- the two parking spaces and that, you know, Council --- Council -- or staff -- or Planning and Zoning will actually -- I -- you know, I would imagine express our recommendations based on just our discussion I would assume, so -- yeah. I don't know if we need to do it in the motion or not.

Seal: Okay. Real quick is there anybody signed up to give public testimony? I'm guessing not. Nobody else is in Chambers. So, unless there is anything else to add -- okay. Could I get a motion to close the public hearing for H-2022-0015?

Lorcher: So moved.

Grove: Second.

Seal: It's been moved and seconded to close the public hearing for Item No. H-2022-0015. All in favor, please, say aye. Any opposed? Okay. Motion passes.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Seal: Anymore discussion?

Yearsley: Mr. Chair, I will just say I -- I hadn't expressed my concerns on this. I -- given that this is marketed to be more of a professional office type facility, I don't see an issue with leaving the ten parking spaces in between the two buildings on each side. I do agree that the west parking probably should be eliminated. However, the one on the -- the lower west -- the -- the -- the lower section there, it looks like there is quite a bit of room there that you could potentially back out safely, but -- so -- but I'm -- I'm good either way on that -- that west side.

Seal: Okay. Anybody else?

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher, go ahead.

Lorcher: I was fine with the parking on the west side until you told me it was all high school students running through.

Seal: Well --

Lorcher: So, you know, if people -- if people are backing out and -- especially at that bottom left corner and it is kind of a blind corner and kids are going through for lunch, you know, or whomever, there could be some potential conflicts there. So, I would be in support of eliminating the western parking. But that's not really our -- that's just -- that has nothing really to do with us, so there is my opinion.

Grove: Mr. Chair?

Seal: Go right ahead.

Grove: In terms of what we are recommending approval on, I -- I don't see any issues. You know, ideally I would love to have seen an event center here, just because we need

more event space, especially in -- in this, you know, growing area. I know that that's not always the easiest thing to monetize and -- and can -- can have some unique challenges. I -- I would love to see that, but in -- in lieu of that being, you know, where the applicant is going or wanting to go, I -- I see no -- no issues with the preliminary plat and final plat as presented.

Seal: Okay. Commissioner Grace?

Grace: Mr. Chairman, I would -- I, too, don't have any issues with the parking between the buildings. The -- I'm torn on the parking on the west side. I don't feel as strongly negatively about it, but -- I don't know. Maybe there is something they could do -- make it employee parking or something. I don't know. But based on what we are -- what is before us, yeah, I'm -- I'm in favor of it.

Seal: Okay. You have all spoke, so now somebody gets to make a motion.

Yearsley: Mr. Chair?

Seal: Commissioner Yearsley, go ahead.

Yearsley: After considering all staff, applicant, and public testimony, I move to recommend approval to City Council of File No. H-2022-0015 as presented in the staff report for the hearing date of May 19th, 2022, with no modifications. However, we would recommend -- or, you know, we do like the idea of leaving the parking in between the two buildings.

Seal: Do I have a second?

Grove: Second.

Seal: It's been moved and seconded to approve Item No. H-2022-0015 with no modifications. All those in favor say aye. Any opposed? Okay. Motion carries. Thank you very much.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Seal: I will take one more motion.

Grace: Mr. Chairman, I move to adjourn.

Yearsley: Second.

Seal: It has been moved and seconded to adjourn. All those in favor? Opposed? All right. Motion passes. Thanks, everyone.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

MEETING ADJOURNED AT 7:24 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS.)

APPROVED

ANDREW SEAL - CHAIRMAN

_____|_____|_____
DATE APPROVED

ATTEST:

CHRIS JOHNSON - CITY CLERK