

there is a Super Bowl party or a Christmas party or something, there is -- there will be -- there is plenty of parking there. I think -- I don't think it's going to be as bad. So, I'm -- I like the final outcome. I like that they have downsized those -- those units from four to three.

Yearsley: Madam Chair?

McCarvel: Commissioner Yearsley.

Yearsley: No one else has any comments, I will make a motion.

Allen: Madam Chair? May I clarify something real quick? You mentioned another file number. There is actually only one file application file number before you tonight --

McCarvel: Okay.

Allen: -- and that is the one on your agenda, H-2021-0082. The other file number is one you have already acted on.

McCarvel: Okay. That's what I -- I wondered how did I miss that, but I glanced over at the staff report and it's still listed on there. Okay. So, just addressing H-2021-0082.

Yearsley: Okay. After considering all staff, applicant and public testimony, I move to recommend approval to the City Council of File No. H-2021-0082 as presented in the staff report for the hearing date of December 2nd, 2021, with no modifications.

Grove: Second.

McCarvel: It has been moved and seconded to recommend approval of H-2021-0082. All those in favor say aye. Opposed? Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

6. Public Hearing for Rackham East/Eagle View Apartments (H-2021-0075) by Brighton Development, Inc., Located on the south side of I-84, ¼ mile east of S. Eagle Rd.

- A. Request: Annexation of 25.76 acres of land with a C-G zoning district.
- B. Request: A Preliminary Plat consisting of two (2) multi-family residential building lots (i.e. Lots 1-2, Block 1) and six (6) commercial building lots (i.e. Lots 3-8, Block 1) on 29.7 acres of land.
- C. Request: A Conditional Use Permit for a multi-family development consisting of 396 units on 15.94 acres of land in the proposed C-G

zoning district.

McCarvel: Next item on the agenda is H-2021-0075, Rackham East and Eagle View Apartments. We will begin with the staff report.

Allen: Thank you, Madam Chair, Members of the Commission. The last application before you tonight is a request for annexation and zoning, preliminary plat, and a conditional use permit. This site is located on the south side of Interstate 84, approximately a quarter mile east of South Eagle Road and north of East Overland Road on the south side of 84. A small portion of the southwest portion of this site was previously annexed with the development to the west and zoned C-G. The Comprehensive Plan future land use map designation for the property is mixed use regional. Annexation of 25.76 acres of land is proposed with a C-G zoning district as shown. A preliminary plat consisting of two multi-family residential building lots and six commercial building lots on 29.7 acres of land and conditional use permit for a multi-family residential development consisting of 396 units on approximately 16 acres of land in the proposed C-G zoning district is proposed. There is a 14 foot wide sliver of land that exists to the north of the eastern portion of the site adjacent to I-84 that is not included in the proposed subdivision and that is depicted there in the blue on the left preliminary plat exhibit there at the top. It appears to previously have been part of ITD right of way for I-84 that was sold off as surplus right of way. Staff has determined it to be an original parcel of record, which deems this property eligible for development without that parcel. The applicant is attempting to obtain the parcel and include it in this development. However, if this doesn't happen there will be an undeveloped enclave with county zoning surrounded by city annexed land with no access and likely no maintenance of the property if this property around it is annexed. Access exists to the site via South Rolling Hill Drive, an existing local street that serves the rural residential properties to the south and via two driveway accesses from the west, which provide access to Silverstone Way, a collector street, through the adjacent commercial property. It will also provide access to the signalized intersection at Overland Road. Rolling Hill Drive is not improved to urban standards. It's narrow, lacks streetlights, and doesn't have curb, gutter, and sidewalk. We do not have the staff report from ACHD yet. They don't expect it to happen until hopefully later next week. ACHD did communicate to staff some of the things they may be looking at requiring, including some site improvements to Rolling Hill Drive, which may include widening of the street in certain areas, traffic calming, and pedestrian facilities. A sidewalk likely on one side of the street. City staff is recommending streetlights are also installed as off-site improvements. The Ridenbaugh Canal exists along the east boundary of the site. The applicant is requesting a Council waiver to allow the canal to remain open and not be piped. No connectivity to this property exists from the single family residential development to the east. The multi-family residential development contains a mix of studio, one and two bedroom units on 16 acres of land and this is an overall concept development plan for the site and a portion of that -- this area here on the left is part of the previous development plan on the adjacent site. Staff is recommending the multi-family property is annexed with R-4, rather than C-G zoning as proposed. The applicant is in agreement with staff's recommendation on that. The gross density of the development is 24.8 units per acre, which is consistent with that desired in the mixed use

regional designation. Common open space and site amenities are proposed in excess of the minimum UDC standards. Shown before you there is an open space exhibit for the site. The applicant has requested alternative compliance to the private usable open space standards as noted in the staff report. The director has approved a 20 percent reduction to the minimum standard. Shown before you are the site amenity exhibits submitted with this application. Off-street parking does not meet the minimum UDC standards. Six hundred and sixty standard parking spaces are required as a minimum, including 348 covered spaces and 14 spaces for the clubhouse. Six hundred and forty-nine spaces are proposed, with 391 of those being covered in garages or carports, which includes compact spaces. Compact spaces are discouraged, but may be used for parking above the minimum required. Additional parking is required to meet the minimum standards and compact spaces will be required to be removed for those that are required. They may be used for extra spaces, though, as I mentioned. This is a copy of that pedestrian circulation plan for the site. There is a pedestrian pathway around the perimeter of the site, as well as internally throughout the site for pedestrian circulation. Conceptual building elevations are proposed as shown. These are the four story multi-family residential buildings. The fitness building and the leasing building in the multi-family development. And these are the two five story office buildings proposed on the northern portion of the site along I-84. Final design is required to comply with the design standards in the architectural standards manual. Only one letter of testimony was received from Pam Haynes, an adjacent property owner in Rolling Hills Subdivision. She is concerned pertaining to the volume of the traffic this project will generate on Rolling Hill Drive. She requests the terminus of Rolling Hill Drive at the southern boundary of this site have bollards to block off traffic, but that would provide emergency access to the site. Staff is recommending approval of the proposed applications as noted in the staff report. Staff will stand for any questions.

McCarvel: Thank you. Would the applicant like to come forward?

Wardle: Good evening, Commissioners. My name is Jon Wardle. My address is 2929 West Navigator Drive, Suite 400, Meridian, Idaho. 83642. I am here representing Brighton and also BVA. We are partners on the property that's in front of you tonight and they -- our teammates are here if there is any questions that come up regarding the project and they will be available to answer questions if I cannot. Make sure I can -- so, tonight before you we have a request for annexation, rezone, and preliminary plat for the Rackham East Subdivision as well and a conditional use permit for the Eagle View Apartments. As Sonya noted, the location here -- the location in front of you is generally located north of Overland, south of I-84, and east of Eagle Road. The request before you tonight, like I said, is for annexation and zoning of -- to C-G and R-40 of about 25.76 acres and a preliminary plat for eight lots on 29.7 acres. The future land use map shown here on the left is designated as R-G. Of note the R-G designation, the regional designation, goes all the way from Eagle Road to the east to the Ridenbaugh Canal and, then, also goes all the way down to Overland -- actually, goes across Overland as well, the R-G regional designation there. On the far right exhibit here that's showing the current zoning that exists today, which is predominantly C-G on the part that is brought into the City of Meridian. There is still existing R-1 zoning, including the property that we own is R-1 and

RUT, as well as the property going south along Rolling Hills Drive down to Overland Road. This area right here is showing you the part that we are bringing in today. The Rackham East part, which is the 25.7 acres for annexation and zoning and this one shows you what was originally brought in. So, combined these two properties will equal about 90 acres in total. This also shows you the existing roadway circulation, which the public roads, which are to the south of the site and, then, dropping and here is the overall master plan, again, showing some internal circulation, as well as the public road connections going down to Overland Road. When we started looking at the overall project for Eagle View Landing and the uses that had been approved previously and the desire to also include residential living opportunities where we have a mix of uses, we -- we decided -- or we -- we started acquiring the property to the east all the way over to the Ridenbaugh Canal. In doing so we are able to bring to you a complete master plan for all the property, which is south of I-84 within the city's area of impact. The land uses in the original Rackham project are office, retail, hotel and entertainment and, then, we are bringing forward to you both office and multi-family on the Rackham East part of this. And here is a close up of the same exhibit, just showing, again, the internal circulation that has been planned for the site. There are two major east-west drive aisles on the property to collect the -- the automobile movements in and out of the site. We are intending to connect to both Silverstone. There would be a connection on the far west with Rackham Way, which ends up being a right-in, right-out and, then, to Rolling Hills as well. Those would be the public street connections going down to Overland. Everything north where the public streets end will all be private drive aisles internal to the site. As it relates to the comp plan -- and Sonya did a great job in the analysis in the staff report that the Rackham East project, which is before you, is consistent with the city's Comprehensive Plan, the future land use map, and policies and staff has noted that they believe the proposed development is generally consistent with the vision of the Comprehensive Plan for the area per the analysis within the staff report. Just to be clear as to what is happening here -- like I mentioned before, the annexation and zoning part of this is for 25.76 acres. The preliminary plat is slightly larger than that, because we are incorporating these lots -- these two lots, which were previously platted and incorporating that into the project and so the overall preliminary plat area is 29.7 acres. The original Rackham is shown in yellow. The blue is the new Rackham East and the red boundary is the preliminary plat area that Sonya provided to you in the staff report previously. One of the items on the -- within the staff report was a request to take the residential piece of that and make it R-40. When we made our request we requested all C-G. Multi-family uses, regardless of the zone, whether it's R-40 or a C zone requires a conditional use permit, so we viewed it as the same. The -- the C-G already exists out there and other projects we have done have also been done in the C-G designation, but staff has asked that we modify that residential area to R-40. So, the -- the split would be about 13.8 acres for commercial and, then, the balance of that would be for the multi-family. So, the commercial being green, the multi-family being blue. As it relates the annexation, rezone, and preliminary plat, we do concur with staff on the conditions of approval that are before you tonight. We do agree with modifying the rezone to R-40, like I indicated for the multi-family piece, with the balance of it being C-G and also amending the existing development agreement that was previously approved in 2019, so that these two projects, both Rackham original and Rackham East can be combined in a complete document with one single master plan and one development

agreement. Also before you tonight is this conditional use permit for the Eagle View Apartments. As I -- as I noted from the site plan, the -- the apartment part of the project is on the southern piece of the annexation area, which I show in blue there. It is approximately 15.94 acres. We are -- have about 24.8 units to the acre. There are a mix of unit types for a total 396. We are -- based on the required parking we show 648, but staff did a recalculation today and show 660, so we do need to look at that and evaluate it. We do have bike parking on site as well. For overall qualified open space we are about 3.5 acres and we do -- we will develop this property in two phases, 218 units on the west side of it, including the clubhouse, pool area amenities and, then, we would come back and do the other 178 at some point in the future. However, all of the roadway improvements that you see would all be part of the original project with phase one. In the staff report there were a variety of elevations shown for you, but I just wanted to highlight a couple. Here in the middle of the project is the -- the amenity core. We have two different buildings, which is the leasing building, as well as the residents' club and, then, on the backside of that there is a fitness facility and other resident facilities there and, then, the lower left this is the -- looking into the site, pointing the direction to be looking into the site into that building and these are all four story buildings, climate controlled with elevators throughout. Again, just a quick overview of amenities here. In the center we will have a variety of uses there as mentioned already. Entertainment area, game areas, fitness facility, swimming pools, year around internal spa area. There will also be outdoor gathering areas in the center area and Wi-Fi throughout the entire property and smart access into the units and into the community center. On the east and west, if I can just highlight this, internal to each of these buildings is an amenity core. So, the buildings surround this. There is a circulation system going east to west through the site and into the middle community center there. They are pretty similar in nature. There are some variations between them. For example, one side there is sand volleyball, outdoor ping pong table, cornhole, that type of thing. On the other side we would have Bocce ball, Snook ball, but, then, also there will be shade structures, outdoor barbecues, kitchen areas, benches, seating areas. So, there is a lot of outdoor space that is actually accessible very close to each set of buildings on the east and the west. As Sonya noted, we did ask for alternative compliance on a couple of items. We still need to work through a few of those with them, which will be a function of sitting back down through -- looking at the site plan, addressing the parking just to make sure we can make the parking work, as well as the calculation of the private open space and after this, but prior to the certificate of zoning compliance we would sit down with staff and talk through those issues one more time. In conclusion, we do concur with staff. The recommendations that are seen here in the staff report, including the city and agency comments and conditions. We respect -- we request that P&Z approve the conditional use permit for Eagle View Apartments, giving us also the latitude to go back and work with staff on the alternative compliance items and also request that Planning and Zoning Commission support the applications for annexation, zoning, and ultimately a modified development agreement for Rackham East and the preliminary plat. And I stand for any questions you might have.

McCarvel: Any questions for staff or the applicant?

Yearsley: Madam Chair?

McCarvel: Commissioner Yearsley.

Yearsley: So, I'm not sure -- I mean that -- that road that's just to the south of your clubhouse that's not yours, I actually share some concerns about a lot of people trying to drive down that road, instead of going around. Have you looked at any provisions on that -- that section of road that's -- I know it's not on your property, but it will be impacted by your property.

Wardle: Madam Chair, Commissioner Yearsley, that's a great question regarding the -- the road that we are talking about is Rolling Hills. Rolling Hills is a -- it's a rural road and we have had a couple of neighborhood meetings and I know that it's -- it is a -- it is a concern for all those residents that live on Rolling Hills and the -- the nature of the development and how things will change. While we don't have a current -- we have not received the staff report, we have been given indications as to some of those things that will be required to make that road both safer for pedestrians, but also some traffic calming on there. ACHD has noted passive traffic calming. We don't have an answer as to what that would be, but they are definitely looking at ways to make sure that the traffic that does move up and down Rolling Hills is appropriate in both speed and volume. There is also a requirement that we would install sidewalk on one side at a minimum and add streetlights, which are not on that road currently. So, those are some of the elements that would still need to be worked through with ACHD as they continue to work through their final recommendation, but that's what they have indicated thus far on those improvements on Rolling Hills Drive.

Yearsley: Thank you.

McCarvel: Any other questions for staff or the applicant? Thank you.

Wardle: Thank you.

McCarvel: Madam Clerk, do we have anybody signed up to testify on this application?

Yearsley: Madam Clerk, we have one signed in. Alicia Eastman.

McCarvel: Okay.

Eastman: Good evening. My name is Alicia Eastman and I live at 1485 Rolling Hill Drive. That's singular, not Hills, as is on their map. Which is Lot 3, Block 2, of Rolling Hill Subdivision. My concern is traffic and I believe that Rolling Hill should be blocked off at the end as a dead street where the current residential housing ends and we had a reply from Tonn Petersen of BVA to Gary Rainey on July -- or June 7th, 2001, that was shared with some of the neighbors. Tonn confirmed that the egress and ingress for this project would be Silverstone. I don't know what was going on today, but this afternoon there was some work being done and I counted two cement trucks and 14 huge dirt trucks, which was a total of 32 huge vehicles going back and forth past my house between like 1:00 p.m. and 5:00. When the -- just the -- not even the rest of the commercial lots in the

business, just the 396 units, when those are done and they have all residents living in there, I won't be able to back out of my driveway. If even -- there is one car from each of those -- or even half of the number I won't be able to back out of my driveway, let alone onto Overland Road. As was tonight when I left my home I left at 5:20 and I barely made the meeting at 6:00 and that's like Eagle and Overland is our intersection there. So, it's already difficult to access. I'm not really against development and I feel like eventually I'm probably going to have to move, because we are going to do some other phase of that, you know, and I'm -- and I'm even considering, well, maybe I should build on my property. I own an acre. Storage units. I would have some income producing property. But as it is right now if they are -- if they want to widen the road, Rolling Hill, where you have the access to the easement that you can -- that's already there that you can take to put a sidewalk there, that's going to be right on the edge of where my well is. If you widen the road anymore that's going to affect my well and I don't want to annex to Meridian. I like having a well and I like having my septic. So, I just think the anticipated traffic that's going to come with this project would really impact us and kind of -- I think that when they started this project -- they started at the wrong end of the street and it just -- it -- it is a lot of housing. It sounds like a wonderful place if you are going to teleport in and out, but how are those people going to get in and out, even if you do widen Rolling Hill or do something with that and do -- went with that project. So, I just think for us the impact would be too great of that traffic coming up and down if we didn't -- well, this space is done, just make that a dead end and go -- use the egress through Silverstone like they said they would. Thank you.

McCarvel: Thank you. That being the only one signed up, is there anyone else in the room or online that wishes to testify? Okay. Come forward.

Blowers: Try to be more calm this time. My name is Mike Blowers. I live at 1325 Rolling Hill Drive. I think you probably heard enough about traffic and stuff, but I think that's pretty obvious what's going to be happening. I hope everyone can appreciate that this is not a normal sort of traffic increase, so I would like to bring up some more -- some points we probably haven't talked about as much, but aesthetically -- and -- and I have tried to find this myself, but I'm struggling to understand why we think it's okay to have a residential neighborhood be a thoroughfare for commercial development. I mean, obviously, it's going to connect the TopGolf as well. Aesthetically I don't understand this -- the planning around that. It doesn't make any sense to me. I think it was by design that it's this way. I don't understand why we weren't given the opportunity -- I know no one ever approached us to say, hey, would you be interested in selling your property, anything like that, and I believe that's, you know, by design, but unless someone has information for me about plans to develop our properties -- I mean I know I don't plan on moving, so I don't -- I don't really understand why we are spending the money to develop this road. It's going to look weird. I just picture like the Villages at Eagle and Fairview, just picturing 15 one and a half acre 1960s homes, just -- it would look silly and I know we have been talking about aesthetics on these other projects. At the end of the day that -- and we have been in these talks for four years. No one has still answered the question why can this not be dead ended? Like what specific code, what specific law, what's preventing this from being a dead end -- a dead ended safety access only and if, for some reason, there is a law for

that -- I know I spoke with -- sorry if I got your name wrong, Jon, but spoke with him in the past about at bare minimum as part of the approval of this project can we at least say, you know, it's a no construction access thing. Some -- something beyond signs. Like contractual, something that can be fallen back on. Like this -- this is going to be a lifestyle change. This isn't, oh, it's going to be slightly noisier, because, you know, there is neighborhood being impact -- or built, you know, two streets down. I mean this is -- our home sits 20 feet from the road. This street was not designed for this sort of traffic. It may be legal, it doesn't make it right, but it's -- beyond all the obvious, like absurdities of what's about to happen with this, I don't understand how we want the city to look this way by design. It -- I encourage you to take the time to drive down the street and see exactly what we are talking about. But as a final point I also don't really know how we could come to a decision on something like this today without having those ACHD reports. I mean it's a big part of this thing. There is a lot that's going to go into it as part of this project and I just think at bare minimum it needs to wait for that information before a decision is made. Thank you.

McCarvel: Thank you. Anybody else in the room wishing to testify? Okay.

Wattles: My name is Amy Wattles. I'm a resident at 1360 Rolling Hill Drive. I do want to point out kind of what was already addressed, but the fact that they don't even know the street name is concerning. There is no S on it. There never has been. My comments tonight are less about this specific development. All neighbors are sharing the same concerns with the traffic -- the flow of traffic coming down and what that's going to do for our properties. Most of the residents -- or some of the residents have been in these properties long term and the position -- and so tonight is just a representation of one meeting out of 20 years since this plan has -- since the city planning took effect. Every time the residents have to come out and fight whatever the new development is, whatever the new idea is -- and we respect the fact -- we know where we live. We saw all the videos of what's coming and what's planned for our area of town. So, we are not living with any false realities as far as that goes. However, through the years it was, well, we will just annex you. Well, you are just going to get water. Oh, it's just going to be a fire lane. Oh, now it's just going to be an access road for some apartments down your street. It's always something. And when it comes down to it the -- that road, kind of like what Mike said, it's a want. It's not a need. I specifically asked that at one of our neighborhood meetings. Help me understand why you need that road coming down -- access down Rolling Hill. Do you need it or do you want it? We want it. It makes it convenient for the residents. It makes it convenient for the business owners, with a complete disregard for the existing homeowners. Through the years the prevailing message from the city has been development will -- will dictate what happens to our properties. So, when -- when we get a new business coming in, then, it would be annexed into the city. Then it would connect to city water. Our neighbors had that option and they chose to sell out. The developer bought the property, they want to develop it, that's their right. What we are asking is not to be impacted and forced to deal with the consequences of their plan. If they want they can -- they have indicated that in the future there is plans to potentially buy our properties out. Okay. We all know that. So, why the rush to get this road there now? Give us the opportunity to retain our lifestyle and our properties and why we all

chose to live there. It feels like we are being forced. The residents that are here tonight, there is -- while it's a small number, there is 50 percent of the residents here tonight. That's how strongly we feel. Whether or not they testify or not, that's their own decision. But we are all on the same page.

McCarvel: Thank you. Yes. Come on forward. Yeah. And if -- if everybody feels the same and just prefers to raise their hand and not testify, if it's been -- if what you intend to say has already been said, we can see that you are here and acknowledge that. You don't have to -- everybody testify if you have nothing new to add. Okay. Go ahead.

Majorca: Madam Chair, Commissioners, thank you so much. Amy just spoke and we live next to Amy and she has a -- oh, yes. My name is Chris Majorca and I live at 4160 East View Circle. Amy has a potbelly pig and her cow chases the pig and the pig squeals and I have four kids that just love that and we do feel like we have a shire and it's hard not to think of BVA and Brighton as Sauron and Saruman spreading the shadow of Mordor and destroying our way of life, but I know that sounds a bit dramatic. It does feel like that. Whenever I go to Home Depot I ask a question should I buy this apple tree, because I might not get to see the fruit of it. Leaving those analogies aside, 660 parking spaces, that is -- that is making our quiet residential road a freeway. We understand that -- that -- I know Tommy Ahlquist is on record saying that this is what progress looks like. Perhaps it is and that's fine. If this is what progress looks like in the modern day, we -- we acquiesce to that. We just ask that you would spare us and allow us to live our lives and just keep that road a country road. I can't fathom it being a thoroughway for all that traffic. This is a first world problem, but when I was coming from Overland to take a left onto -- onto Rolling Hills it took me about 90 seconds just to break through the traffic. That is your number one traffic problem in Meridian is Overland and Eagle and you are looking at increasing that traffic problem probably by ten fold with progress. Thank you.

McCarvel: Anyone else in the room wish to testify on this application? Thank you.

Adsitt: Hi. I'm Lynette Adsitt and I live at 1360 Topaz Avenue. Is there a way we can get that last picture of the presentation up? I wanted the one with the -- the overall picture where you have your -- the -- this -- Rolling Hill coming down and Topaz -- it was the last one that was up. Is that okay to request that?

McCarvel: Yeah. It's just going to take him a minute, because he was running it through Zoom. It was our presentation -- it wasn't the presentation that the clerk has.

Adsitt: That one. That one right there. Perfect. One thing that I would like to ask the Commissioners to look at is the rural area between Overland and the shaded areas. This is our wonderful little oasis. I have got livestock. I know there are several neighbors that have livestock. Increasing the traffic is detrimental to them. It stresses them out. I would just ask that the consideration be of our lifestyle and we would like to keep that lifestyle. I propose that we block off Rolling Hill. Anything that we can do to preserve this wonderful little rural area is open for suggestion. We do know progress is coming, but there has got to be a way to compromise, so that we can keep our lifestyle and the community can

grow. Thank you.

McCarvel: Thank you. Anybody else wishing to testify?

M.Adsitt: I am Matt Adsitt. I live at the same address, 1362 Topaz. If I would have known she was coming up I would have asked her to ask this question. So, one thing that -- that I have always wondered is on -- on Eagle and the light there, where the freeway on ramp goes -- the freeway on ramp goes east and, then, there is one coming from the west. If you would just make an access to all that commercial stuff in there, people don't have to come down Eagle, all the way down Overland and get into it from there, they could come in straight from the freeway and they could leave straight to the freeway and it would relieve a lot of congestion Eagle and Overland and that intersection, which is the worst in the county. So, that was my suggestion and I think -- I'm just surprised that -- I mean the light is already there, you just have to make it a four way light instead of threeway, which it is now.

McCarvel: Okay.

M.Adsitt: So, that's it. Thanks.

McCarvel: Thank you.

Weatherly: Madam Chair, point of order. Sir, could you state your name for the record.

McCarvel: Oh. Sorry. Yeah. It was kind of muffled. Come back to the microphone and just say it. It was kind of muffled at the beginning.

Adsitt. Adsitt.

McCarvel: Okay. Anybody else in the room wishing to testify or online? Okay. We can't have shout out. Everything's got to be in the microphone, but, yes, got you. Thanks. That being said, would the applicant like to come back?

Wardle: Madam Chair, for the record again Jon Wardle. 2929 West Navigator, Meridian, Idaho. 83642. The obvious point here is that traffic is going to increase dramatically on Rolling Hills -- Rolling Hill. I apologize, Amy. I did it again. No disrespect. Didn't intend to throw an S on there. But Rolling Hill. It is a public right of way. It is dedicated to ACHD and in talking with them they -- they do have ultimately the say on what Rolling Hill will be. There is enough room that it could expanded to a 36 foot wide road with two seven foot sidewalks on each side. That -- with that stated that doesn't mean that that won't impact all those residents. We know that. I want to, you know, acknowledge that right off. We have had conversations and that's -- that is, obviously, the theme tonight. I did want to address one thing. Mike Blowers mentioned -- and we did have this conversation in our last neighborhood meeting about trying to limit construction traffic in total through the build out of the project to Silverstone. We -- we have been somewhat successful in making that work, but I think that's something we could commit to and try to make that

work so Silverstone is the primary source of traffic for construction. I will tell you that that doesn't always trickle down to the last mile. There -- there is always a delivery, there is always a truck that is delivering, but may not know that, but we -- on other projects we have had we have been very quick to monitor that. I think signage can be helped as well. I do want to clarify Alicia's comment regarding the e-mail that Tonn Petersen did provide to them. We just reviewed that. It did talk about limiting traffic, but it was specific to construction traffic and so just to be consistent there we do feel like we can do -- make our internal roadway improvements and make Silverstone the primary source for construction traffic through. As it relates to long-term, need versus want, I -- we feel like with the public road there it does improve overall circulation. We -- we do intend to connect to it and would prefer to. Ultimately the highway district will make that call whether it would be limited to emergency only. But we feel like having it -- the connection there is important. In the -- you know, in the immediate we want to be good neighbors. We -- we understand that the residents live there and we do need to do our part to -- to make the improvements as -- as good as possible and -- and minimize the safety issues that would occur as well. Long term, as it relates to this, all of this property is mixed use regional. Not saying that it will change today. In fact, there is -- there is a lot of -- mention from the residents who live on Topaz that there is also, you know, in that rural designation, but long term it will all change and so we feel like, you know, at least establishing and being consistent with the connection to Rolling Hill is -- is important and we are committed to make the improvements both expanding it and enhancing pedestrian and life safety with streetlights as well. Pardon me. I'm losing my voice a little bit. We do feel like this project is -- is a complete project with the uses that are in front of you today and -- and by tying all of this together into a single project in a development agreement where we really can have all of the uses that are desired within a mixed use regional location, this -- this does it and over time some of these properties of the south will also change and enhance and address the additional or new regional needs. But we feel like this is one complete cohesive project. Like I mentioned, we are requesting tonight your approval for the annexation and rezone of the project, as well as a preliminary plat and at these recommendations of those to the City Council and your approval specifically for the conditional use permit and I stand for any questions you might have.

McCarvel: Any questions for the applicant?

Seal: Madam Chair?

McCarvel: Commissioner Seal.

Seal: Do you know is there a hearing date set for ACHD or are they just -- is that already past and they are now just going to report?

Wardle: Madam Chair, Commissioner Seal, it's my understanding that a staff report will be issued, but it will not go to commission unless there is something in the report that they feel like they need to. But it would be a staff level decision based on the review of the TIS.

Seal: Okay. Thank you.

Cassinelli: Madam Chair?

McCarvel: Commissioner Cassinelli.

Cassinelli: Jon, just curious. Did you look at having a traffic flow pattern through there that would direct all the traffic out Silverstone? I think it -- and I don't know if that Rackham Way, is that even an option in that property to the -- to the far west? Because, obviously, Silverstone was built to handle the majority of that traffic when the other -- so, you are -- you know -- yeah, everything's zoned there regional. It may never happen. Everybody -- if none of them -- but not the right ones anyway that sell to make that -- to make that happen. If that stays -- if those stay rural one acre parcels on Topaz and Rolling Hill indefinitely, what -- what alternative did you have as far as designing traffic flow through there to come out Silverstone, if any?

Wardle: Madam Chair, Commissioner Cassinelli, if -- if there is no access to Rolling Hill, then, it would be Silverstone. That's where the traffic would go. And, you know, I think if -- if the access a Rolling Hill eliminated it just -- you know, Silverstone in the -- in the near term would carry all of that, whereas Rolling Hill is a public road and it does get you access down to Overland Road. So, in our traffic study and in the scoping with ACHD we looked at all those public roadways actions to get down to Overland as access points for the project.

Cassinelli: If that didn't exist could you make it?

Wardle: Madam Chair, Commissioner Cassinelli, I think that becomes a question of -- kind of a life safety question. Could it -- could it work? Sure. But we feel like with the public road that's already dedicated and making enhancements there that that does provide also another connection to the overall development, so -- based on our conversations with ACHD, however, that was not part of the scope. They -- when -- when we look at these transportation plans they look at all the available public roads and look to see how the traffic would be dispersed and it was included in that review and application with them.

McCarvel: Any other questions for the applicant or staff?

Grove: Madam Chair?

McCarvel: Commissioner Grove.

Grove: Jon, since we don't have the ACHD report -- I mean a lot of what we have talked about tonight is really related to traffic and will have an impact with what -- what comes out on that report. Is there a reason why we should not postpone until we have that information?

Wardle: Madam Chair, Commissioner Grove, that's a good question. The indication that we are getting out of ACHD and also what you find in your staff report is that the -- anticipating the connection to Rolling Hill and they -- and they have looked at everything, they just haven't finalized the report, so it's not in front of -- in front of you tonight. The bullet points, which are in this staff report or the notes that are made in there do come from ACHD directly from their review, so that there was something on the record. So, I don't know that the staff report will vary much from the recommendation or notes which are in there currently.

McCarvel: Okay. Any other questions? Okay. Thank you.

Wardle: Thank you very much.

Seal: Madam Chair? Oh.

McCarvel: Do -- I have heard the word continuance roll around, so I'm wondering do we want to leave the hearing -- public hearing open or do you want to go ahead and close it?

Cassinelli: I would be in favor -- I would be in favor of keeping it open right now.

Seal: Agreed.

Yearsley: I agree.

McCarvel: Okay. All right.

Seal: Madam Chair?

McCarvel: Commissioner Seal.

Seal: I just -- yeah, for this -- without having the ACHD staff report I do have a question for staff. I mean there is a lot of people here that want to weigh in on this. They are weighing in with the city. We don't own the road. ACHD does. So, is there a way to give them the information that they need in order to interface with ACHD on this? Do we know the report number, the hearing number, the -- whatever that might be or do they just get a go through the calling tree at ACHD, like we all love to do?

Allen: Madam Chair, Commissioner Seal, Commissioners, the planner assigned to it is Paige Bankhead. The file number is the same as the file number in the staff report for this application. I believe they put on their prefix for ACHD. I think it's MER.

Seal: Okay.

Allen: Does that cover your question?

Seal: I think so.

Yearsley: They were asking if we could repeat that information so they could write it down.

McCarvel: Yeah. I think it cut out just a little bit on your mic.

Allen: Paige Bankhead.

McCarvel: Okay. And the project number would be the same as this -- the staff number on this application. I guess I have a question for staff or legal. Is it even in our purview to block that road to say that's not an access, it's emergency access only?

Starman: Madam Chair, I will start off and I would ask my planning colleagues to join me here, but I think it's already noted --

McCarvel: I don't think your mic's on.

Starman: My voice is also going. Is that any better?

Yearsley: Yes.

Starman: I will yell a little bit. As previously noted, the roads are owned and maintained and controlled by ACHD, so the city doesn't have the ability to close a road. I think you have some ability -- you and the Council through your conditioning process, particularly in a conditional use permit for the apartment complex or multi-family to place some conditions in terms of how the project is designed or how traffic flows, but I don't believe the city has the ability to close the road itself. That would be an ACHD decision and I invite the planning staff to chime in if they think differently.

Allen: Madam Chair, I would concur with that. However, I think the city does have some input on that. As long as emergency access is provided to the site I believe it would meet the life safety issues with the Fire Department, but they probably should weigh in on that.

Yearsley: Madam Chair?

McCarvel: Commissioner Yearsley.

Yearsley: I have been thinking about that and, you know, closing the road doesn't make really good sense, because there is no way to turn around for any vehicle or if you have larger vehicles, but I wondered if -- if you could actually make the last hundred feet or the last 50 feet a one way going north, that way if someone gets down to that road he could actually get out, but people couldn't come down that road. I think that might be a better option than having emergency access only point, you know. Because, I agree, I think it's -- it's going to be a huge amount of cars going to go down that road and disturb that neighborhood, so that would be my -- my recommendation.

McCarvel: I seem to remember a couple of projects where we have done something

similar.

Cassinelli: Madam Chair?

McCarvel: Commissioner Cassinelli.

Cassinelli: If I could -- just on that point, that -- all what -- all that is going to do, really, is cut half of that traffic, because you are going to get everybody going -- they know they can get in that way, they are going to go in that way, they will come out Silverstone, but they are going to go in that way, so that only cuts it -- and that cuts it to half. Half is better than all, I guess, if that -- if that's the option you have. But clearly that road was never designed to be -- to handle this level of traffic and if -- Silverstone was designed with this project in mind to handle the traffic, but I'm -- I'm definitely of the mindset right now that we need to at least continue this to see ACHD's -- what they come back with. We don't know what they are going to come back with. I don't want to assume.

Seal: Madam Chair?

McCarvel: Commissioner Seal.

Seal: I mean I would add to that. I know that if the city has some input on it -- I mean I have been involved in this in other committee meetings and things for a while and there has -- there has been a couple mistakes that I think Meridian has made. One was eliminating the rural designation altogether, which this kind of ties into a little bit in my mind. I mean this is a very small rural community that's right in the middle of a large area of -- of development. I think if we didn't have some input on this and how this is going to impact those folks it would be yet another mistake that we would be making as a city. I mean we -- you know, they aren't technically residents, because they are residents of the county, but, you know, here they are in the middle of this whole thing, so, you know, I -- as -- as I look at the development and how it's being put together I agree, it's kind of -- we are starting at the wrong end of the road. It would be nice to go from Overland out to the freeway, but that's not the way that this is happening. You know, I mean Brighton does -- they have brought some quality products that we have reviewed and that have also turned ACHD on their head a couple times in projects that I have had the ability to review. So, you know, hope maybe there can be something done here with ACHD that will help preserve that road and eliminate the traffic that's on it. I would imagine that -- that Brighton and their partners will probably definitely be policing that road a little bit more, hopefully in good faith to help this thing move forward at a future date, but I think there is a whole lot of things that can be done here for all -- all of us to be better neighbors and to bring this project in with a little bit more tact as it would be.

Allen: Madam Chair? If I may, I would just like to second Mr. Yearsley's point about if -- if the access from Rolling Hill was closed off a turnaround would be required and, you know, there is no place for that, except for on that adjacent property on the residential property, so --

McCarvel: Okay.

Allen I know ACHD is probably going to require a mini roundabout on this site at the terminus of Rolling Hill and, then, the remainder of the existing right of way will be vacated by the applicant. So, anyway, just wanted to second that.

Parsons: Yeah. Madam Chair, Members of the Commission, I would like to just kind of clarify some things for the record. One, going back to this gentleman's comment about access to the interchange. It's not going to happen and the reason why is it's ITD right of way. You know, you want to eliminate conflicts on those types of roadways, as you all know. So, I know this applicant has tried to approach ITD and allow for something like that to happen. Others have tried in the past as well. And that's why it's sat empty for so many years, C-G zone, since 1994, because no one could get adequate access to this site. It's constrained by the interstate on the west. On the north we have a canal that has a connect to the city of Boise on the other side and the only funnel outlet to this -- for this project is to Overland Road. So, yes, we have an issue that we have created because of the site constraints. So, what this applicant -- what we can't do, at least from -- from a planning perspective -- and I totally agree with these neighbors, their world is going to change if this road happens, because this is an intense land use on this property, including their property. Right now their -- their property is low density residential. It's rural residential county properties. But in the future -- and I know the city's had many conversations with a lot of the neighbors out there that we have this as mixed use regional and when you look at a mixed use regional designation we anticipate vehicles and trips going with a destination. You draw people to that place and that's what drew TopGolf to this area. So, yes, in instances where we have had challenges with access, the city's had the ability to restrict access to a road for a period of time and, then, at such time as something else occurs we open that road and make it happen and allow it to function the way it needs to function to get other people out of that area. So, I think from my perspective this Commission doesn't have everything it needs to make a decision tonight. That's what you are tasked to do. You are tasked to make the finding that this is consistent with the Comprehensive Plan and it meets the code. If you think you need ACHD staff report to -- to make the appropriate decision, then, by all means continue this and get that decision. If the neighbors have concerns with this project and the traffic, they should be contacting ACHD. That in itself may trigger a hearing at ACHD commission for them to take it under consideration, again, where they could have that ability to say, no, this is pedestrian access only or this is emergency access or whatever it may be. But I can tell you with my experience at the city we have -- so many times we have restricted access from things happening and one example is Woodbridge. I think you guys hear it every time, we had two stub streets to that property and we missed it and now we still have access issues and that's what we could potentially end up here. We have planned for this to be mixed use regional, we have a master street map that's going to have additional collector roadways to serve this area, but what we are not going to be able to do is get another access to any other property -- arterial except Overland and that's the challenge where ACHD is going to have to figure out how to fund that and widen that to seven lanes. It's planned to be a seven lane roadway to try to address some of those concerns -- those congestion issues. But, again, we are not going to solve that issue

tonight. It's -- it's whether or not you get ACHD's staff report, we fully understand those impacts and whether or not we can mitigate that through the public hearing process. So, that's all I wanted to contribute tonight, so something for your consideration. But certainly if -- if the neighbors reach out to ACHD and it gets set aside to hearing, two weeks isn't going to be enough. A staff -- you know, it may be four weeks before they get it on a docket. I don't know what ACHD's schedule is. But it could be some time before that happens. So, I just wanted you to be aware of that.

Grove: Madam Chair?

McCarvel: Commissioner Grove.

Grove: I just had a question real quick about Rolling Hill. Is -- what's its classification currently under ACHD and what is it projected to be? Like does it have a -- is it, you know, a collector or what -- like what's -- what's its classification?

Allen: Madam Chair, Commissioner Grove, it's classified as a local street and that's what it's planned to remain.

Yearsley: So, my guess is what -- what date do we want to continue this to? Because if it has to go to ACHD, you know, do we want to push it into February?

Cassinelli: That would be my thought.

McCarvel: Uh-huh.

Parsons: Madam Chair, Members of the Commission, I think we call the applicant up. We still have the public hearing open. Let's see what -- what they would prefer and, then, we can at least decide on what we should do.

Seal: Sure you want February?

McCarvel: Yes.

Wardle: Madam Chair, for the record Jon Wardle. 2929 West Navigator, Meridian, Idaho. 83642. Obviously, we would have preferred to have had a full staff report here and not just parts of that information. As I noted before, I don't know that the staff report will be different than what we have communicated or what we have been told, but, with that said, having that as a point of clarification, so that this Commission has that as information and we know where ACHD will land on that, we -- we don't disagree with that. We -- we are concerned about pushing out until February. We do feel like there will be a staff report that will be issued here shortly. So, our preference would be to not go that far out and we pick a date sometime in January.

Allen: Madam Chair, I would recommend January 6th if the Clerk's agenda is available for this project.

Cassinelli: Madam Chair?

McCarvel: I'm wondering with the holiday and everything -- I mean --

Cassinelli: Yeah. I was thinking -- I mean if we make it for the 6th or the 20th, but contingent upon having that. So, if -- if that report is not done and ready then -- then it moves to the -- it slides out from there.

Yearsley: Madam Chair, that would be my thought, too, is if we do January 6th we could -- then if the staff report -- if it gets held up we just continue it again would be my -- my thought until we actually get the staff report.

McCarvel: Okay. Anybody want to make a motion?

Yearsley: Madam Chair?

McCarvel: Commissioner Yearsley.

Yearsley: I move to continue file number H-2021-0075 to the hearing date of January 6th, 2022, for -- to wait for ACHD's traffic report to understand what's going to happen with Rolling Hills.

McCarvel: Hill.

Yearsley: Hill. Sorry.

Grove: Second.

Seal: Could we add a couple things to that? But give them time to deal with the sliver of land that we don't want to have to deal with at a later date.

McCarvel: Yeah.

Yearsley: Okay.

Seal: And --

McCarvel: Sorry, that was the other one.

Seal: Also to work on enforcement of no construction traffic on Rolling Hill Drive.

Yearsley: And that one I don't know -- that one there -- that was just more of an internal discussion I think with the construction guys, so --

McCarvel: Yeah. Let's pause the motion for a minute and we do want to address that sliver, because that -- I don't want to -- I don't think we want to move forward without

having that dealt with.

G.Wardle: Madam Chair, Commissioners, my name is Geoffrey Wardle. My address is 251 East Front, Suite 310, in Boise. I'm counsel to the applicant. I understand the concern with that strip, but there have been more spent in terms of professional fees for attorneys and title companies and others talking about a 40 foot wide strip that got created because ITD screwed up years ago than the property is worth. Staff raised this issue. We had evaluated this issue. BVA has been negotiating to acquire that property. That property was severed years ago and, then, conveyed to the Petersens and they lost it by tax deed. So, A, that property has never had access. The owner of that property acquired it via a tax deed. Has never asserted access and, ultimately, because of its configuration and shape, if and when we acquire it -- and BVA has been working in that regard -- it will be part of the buffer, because it's within 50 feet of the interstate and so under your code it is part of the landscaped buffer. I mean we -- if we can't acquire it we may go ahead and trespass anyway and landscape it. But I don't know what the condition would be that you would have us to come back and deal with it, because it is an enclave, but it is -- it is a conundrum that was created 50 years ago when ITD and that property owner decided to create it. And just to clarify from staff's presentation, it wasn't property that ITD acquired and, then, got rid of, they literally had a big piece of land that came down 40 feet south of the interstate. They dedicated the right of way through and it was created later when everything to the south was -- was conveyed. So, if that is a concern we understand it. It is something that we have been working on. Mr. Petersen and I have been working on that title issue for going on -- well, Tonn has been working on it for years. I first addressed that when Gardner Company had this property under contract seven years ago. So, it's -- it's one of those things that let's not let -- let's not strain at gnats here for something that isn't -- you know, isn't that big of a deal. Give us guidance, but we cannot hold up -- and we had this conversation with staff. You know, we cannot be held hostage to go get somebody else's property and included it in our plat. There is just -- there is no legal basis to do that. We have diligently tried, but I can honestly tell you that I have billed clients thousands of dollars to date over a piece of property that sold for a tax deed for approximately less than 500 dollars 15 years ago. So, give us guidance, but let's not overreach.

McCarvel: I am not an attorney, but I think to protect the city you would have to provide access to it if you don't acquire it.

G.Wardle: And if that's the concern, then, we will -- we will provide access. We can address that, because, again, it's within the commercial portion and it can only be used by your code --

McCarvel: Yeah.

G.Wardle: By your code it can only be utilized for a 50 foot wide buffer, because it's a nonconforming parcel. There -- there -- it's not developable.

McCarvel: I would say whatever you come back to with this has to be cleared by the city

attorney's, because we don't want to put the City of Meridian in a position of being then --

G.Wardle: But -- but, again, it's not the city's fault that there is not access to that property and there is nothing about creating this plat that -- that would create that. But I just -- I'm passionate about it, because, to be honest, I'm sick and tired of the Wood parcel, because every three years I have to go open the file, I have to go back to First American, I have to go back to staff, and I have to share with everybody the history of this parcel.

Wardle: We can do access, but it is -- it was deemed to be a parcel of record legally created through that ITD dedication. So, we will work through it, but it does not need to be included in the plat.

Yearsley: I don't think we need to include that in the motion. I -- personally.

Starman: Madam Chair, I was just going to add two thoughts there. So, I think there is two topics at play. First of all, I'm very sympathetic with the history of that -- that parcel and the ordeal to try to rectify that situation. I think there is two issues at play here. One is the issue of access and to the extent I think we had a concern earlier today that -- that if that sliver of parcel had legal access today and this project would block that access, that would be a concern. In other words, if this project was to land lock that parcel that would be a concern. If the parcel has never had legal access that's a different story. So, I think we could have that discussion. Part two, though, also part of the Commission's concern for sure and part of your consideration is just the public policy consideration of the annexation and do you -- is it in the city's best interest to approve or recommend the approval of annexation knowing that we are going to create a small little enclave that may never be annexed, that may not be maintained and it may be an issue for the community on a going forward basis. So, that would appear is a public policy question for you and ultimately for the City Council. So, there is two issues at play on that issue. One is the legal access issue and that may or may not be a concern if it doesn't have access today, but there is certainly a public policy issue for the Commission's consideration as well.

McCarvel: Okay. I guess we would like that wrapped up in a nice pretty little bow before -- before the next year anyway.

Yearsley: So, I don't want to include that in my motion. It stands.

Seal: Then I will second it.

McCarvel: Okay. It has been moved and seconded to continue File No. H-2021-0075. All those in -- to the hearing date of January 6th. All those in favor say aye. Opposed? Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

McCarvel: One more.