

**Public Hearing for Overland & Wells II (H-2022-0030) by Morgan Stonehill Partners,
Located at 2600 E. Overland Rd.**

A. Request: Development Agreement Modification to change the existing development plan (Inst. #2016-060157) on the northern portion of the site from a retail grocery store to multi-family residential.

B. A Conditional Use Permit for a multi-family development consisting of 351 apartment units on 11.65 acres of land in the C-G zoning district at a gross density of 30.21 units per acre.

Seal: All right. At this time I would like to open public hearing for -- oh. Sorry. I would like to open up File No. H-2022-0030, Overland & Wells II, 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 conditional use permit. There is also a concurrent development agreement modification application that it's going along with that. It does not require a formal recommendation from the Planning and Zoning Commission tonight. Council is the decision making body on that. This site consists of 11.65 acres of land, 18.75 for the overall site. It's zoned C-G and is located at 2600 East Overland Road. This property was annexed in 1994 and a development agreement was approved in 2016, which was later amended in 2020. A preliminary plat was approved later in 2021, which included the adjacent property to the east. A final plat has not yet been approved for this property. The Comprehensive Plan future land use map designation is mixed-use regional. The applicant has submitted an application, as I mentioned, for a modification to the existing development agreement to change the development plan on the northern portion of the site from a retail grocery store to multi-family residential. This application does not require action by the Commission. As I mentioned, City Council is the decision making body on this, as well as the concurrent conditional use permit application. A conditional use is requested for a multi-family residential development, consisting of 351 apartment units, with a mix of studio one and two bedroom units at a gross density of 30.13 units per acre. A clubhouse, swimming pool, and other site amenities are also proposed on 11.65 acres of land in the C-G zoning district. The conceptually approved Winco grocery store on this site would have provided a regional draw to this area as desired and what was the multi-family development to the east was largely based on that approval, whereas, residential uses do not, but they do provide housing for workers in the mixed-use regional designated area and the general vicinity. A multi-family residential development consisting of 360 units by the same developer was recently approved to develop on the adjacent property to the east. This is proposed to be the second phase of development. Although the residential uses are not integrated within the -- excuse me -- with the adjacent commercial uses as desired in the mixed-use regional designated areas, pathways are proposed for pedestrian connectivity between these uses. Staff is not recommending a mix of -- and integration of uses with this development, as the property has already been entitled with zoning. However, an amendment to the DA is required in order to develop this site as

proposed. Access is proposed from the south via South Wells Avenue, to be extended from Overland Road, a mobility corridor with the first phase of the subdivision, and from the west via East Cinema Drive, a local street, with the second phase of the subdivision. This site is approximately one half mile west of the Overland Eagle-Eagle Road intersection on the south side of the I-84 off ramp. Transit services are available to serve this site via Route 42. Overland Road is listed in the Capital Improvement Plan to be widened to seven lanes from Locust Grove to Eagle Road between 2036 and 2040. The intersection of Eagle and Overland Roads is listed in the CIP to be widened to seven lanes on the north leg, eight lanes on the south, eight lanes on the east and eight lanes on the west leg and signalized between 2031 and 2035. The ACHD report states the p.m. peak hour level of service is E, which is acceptable level of service. Although overall the level of service may be acceptable, certain roadway segments and/or intersections, turning movements, are currently failing and will be worse with the adjacent multi-family residential development to the east and the proposed development. This should be considered when approving this application prior to the aforementioned improvements planned with the CIP being completed. Off-street parking is proposed in excess of UDC standards. A total of 629 spaces are required, 653 are proposed. Bicycle parking is proposed in accord of the minimum standards. A minimum of 3.18 acres of common open space that meets the standards for such is required or alternative compliance may be requested. The common open space exhibit that was submitted as shown here shows 2.55 acres is proposed consisting of linear open space along the north and west boundaries of the site. A park with grass consisting of 9,803 square feet in area. A large amenity area, rooftop terraces on the clubhouse and leasing office and street buffer and additional common area along East Cinema Drive. There is a 20 foot wide sewer easement located along the west boundary of the site, with a 14 foot wide access road that will prohibit landscaping in that area. Therefore, much of that area will not be able to be counted toward the minimum open space standards. Staff recommends revisions to the plans to comply with the minimum standards and an updated common open space exhibit is submitted prior to the Council hearing. Amenities are proposed for the development exceeding the minimum standards. Conceptual building elevations and perspectives were submitted as shown for the proposed structures. The two northern buildings will be four stories in height. The two southern buildings will be three stories and the clubhouse will be two stories. A modernist vernacular theme of design is proposed with a monochromatic color palette of off whites and shades of gray with lap siding accents and decorative balcony railings for color and texture. Final design is required to comply with the design standards in the Architectural Standards Manual. Written testimony was received from Greg Goins, Winco Foods. They are in support of the proposed development and they are the property owner. Elizabeth -- I'm going to slay your last name. I'm sorry. Koeckeritz. Givens Pursley. Is the applicant's representative. They did submit a response to the staff report. She is asking for condition number A-3, which requires a final plat to be submitted, approved, and a plat recorded for the second phase of the subdivision in order to create a developable parcel prior to submittal of a certificate of zoning compliance and design review application for this proposed development. The applicant is requesting approval to submit those applications, the CZC and DR after the final plat for this phase has been approved by Council, but before it's recorded. The findings for the first development agreement amendment and preliminary

plat require the property to be subdivided and that -- what that means is the final plat has to be recorded in -- in order for the subdivision to -- property to be subdivided and that is required prior to submittal of any CZC and DR applications for this site. Therefore, this request cannot be granted. Condition number B-29 requires street signs to be in place. Sanitary sewer and water system to be approved and activated. Road base approved by ACHD and the final plat recorded prior to applying for building permits. The applicant is requesting this condition is amended, so that they can apply for building permits after the final plat is approved, but not yet recorded. Same deal as I just explained. The final plat is required to be recorded first in order to create a parcel that's eligible for development. This request cannot be granted either. Condition A-2 requires a revised common open space exhibit to be submitted prior to the Council hearing that complies with the minimum standards. The applicant is proposing to request alternative compliance from these standards and from what I understand isn't planning to submit any revised plans prior to Council. But I will let them speak to that. I have not received a formal application for an alternative compliance on that. Staff is recommending approval with the conditions in the staff report. Staff will stand for any questions.

Seal: Thank you, Sonya. At this point would the applicant like to come forward? State your name and address and the floor is yours.

Koeckeritz: Good evening, Commissioners. My name is Elizabeth Koeckeritz. I am at -- with Givens Pursley. 601 Bannock, Boise, Idaho. 83702. I am here on behalf of the applicant Morgan -- Morgan Holdings and Stonehill. Also with me today are representatives of the applicant, including Ryan Stonehill and Jonathan Fragoso and they are also here and available to answer any questions you may have. First I want to thank Sonya for her hard work on this. There was a lot to get through. She had been on vacation. We were on vacation. It was a lot to sort of pull together and so she has put in a lot of work on this in the last week or so and we really appreciate that and we are in full agreement with her conditions of approval and based on our back and forth earlier today with our requests we are withdrawing those. We will still be seeking alternative compliance and will be filing some sort of amended amenity open space plan in the future. But as far as the timing of the submittals for the different various applications we have no problem with that based on the prior approvals. Do I have -- okay. The applicant is proposing to develop phase two of The Seasons At Meridian Apartments on approximately 11.65 acres at 2600 East Overland Road. As Sonya mentioned, the site was annexed and zoned C-G in 1994 and in 2016 the city approved a development agreement governing the site to the east where the applicant is developing phase one of The Seasons At Meridian, the parcel before you here today and the site to the south, which is still slated for commercial development. The 2016 development DA allows development of the site at -- at Overland consistent with the concept plan. The concept plan that was approved shows an 85,000 square foot retail building north of Cinema -- Cinema Drive and with vacant land to the south. However, since, then, Winco has decided to not develop a new store at this location, but also does not want to sell the property to another commercial or retail developer. So, they have entered into an agreement to sell the property to the applicant Morgan Stonehill, who proposes the mixed -- the multi-family residential use on this property. To develop the western parcel where Winco originally intended to develop, the DA -- requires a DA modification to include the

new concept plan consistent with the multi-use regional mix -- with the mixed-use region -- regional designation in your FLUM. Okay. The proposed multi-family use and development plan is consistent with the designation in the FLUM, because it contributes to the mix of uses that are desired in a mixed-use regional area by adding needed density -- higher density residential in this area that's really developed with a lot of retail, hospitality and office development and very little multi-family or even single family homes. And you can see here that this mixed-use region is really large. It's 650 acres. The mixed-use regional designation calls for a mix of employment, retail and residential, with residential densities between six and 40 units per acre. The mixed-use in this area currently -- let's see. As explained by Sonya in her staff report, the proposed plan provides housing for nearby employment uses and contributes to the mix of uses desired in this designation. The adjacent commercial development to the west provides retail, restaurant, and entertainment uses, which will be utilized by the residents and within easy walking distance. The proposed apartments continue a nice transition between -- there is single family residential to the east and the large commercial center to the west that includes the movie theater. In addition to the DA modification and consistent with the C-G zoning, we are also requesting approval of a conditional use permit for multi-family use. The Seasons At Meridian phase two proposes 351 apartments with a density of 30.13 units per acre. The site, as we will show, includes four horseshoe-shaped buildings that allow for really dramatic streetscape perspectives, while concealing much of the parking in the internal areas and garages and it provides for open space area to create neighborhoods centered around parks, that allow for active and passive recreation and gathering. As you can see from this aerial map showing the arrangement, it really highlights how well this arrangement creates that urban like block pattern that's called for in the Comprehensive Plan for the mixed-use regional zoning. It frames the open spaces. It really sets them aside. It's interlaced with landscape pathways throughout this development, connecting to developments -- both the apartments to the east, to the cinema to the west and to the proposed commercial to the south and it all really connects and integrates throughout this whole region. Okay. The architectural theme, as Sonya mentioned, it's a more modern vernacular, drawing inspiration from the aesthetics of the international style. It's really bringing something sort of new and different. There is a lot of sort of more traditional farmhouse -- modern farmhouse styles in Meridian and this is bringing something really new and exciting to this region. To this area. The Seasons At Meridian phase two apartments will include a mix, as mentioned, of studio one and two-bedroom units and plus -- one thing really feeding into this mixed-use designation is the applicant is proposing three live-work units on the far western edge, where people can actually live and work, operate their business right there where they are working. The units will range from 569 square feet to 1,159 square feet and each unit has been designed with expansive private patios and balconies, with a minimum area of the 80 square feet that really creates this great indoor-outdoor space. The interior of the units are designed with really large kitchen-dining areas, great big dual vanities in the primary bathrooms. Large showers. Lots of storage. They are really designed for a really nice upscale sort of living. Lots of light. Lots of windows coming in here. So, in speaking just a little bit more to just the overall look, as you can see on these couple of pages with the evaluate -- elevations, this approach is -- there is a lot of clean lines. There is shadow box frames. The color palette is really sort of muted with off whites and grays and some

browns, decorative balconies, railings. But it really creates a really nice looking -- actually to me it creates a really exciting looking building in an area where there are a lot of buildings that just look like the same three story apartment walk up that you see all over the place and this is really trying to offer something different here. So, we have been working on the open space exhibit and so based on what we had been going back and forth with Sonya over the last couple days is the -- much of the western border that we were including in the open space calculations is ineligible to be included in that open space calculation. So, right now as it stands the development has 15.9 percent qualified open space, which includes a wide perimeter walking path on the north. It includes part of the walking -- the qualified open space includes part of the walking path on the west, but whether it's included or not it still is there, it's still going to be landscaped, it's going to still be a very nice amenity. Both those pathways connect down to the south, to the east, to the west. There is also -- what's really cool about this and what I think will really speak to a lot of sort of the young professionals and the professional couples that will be moving in here is above the clubhouse part of the open space is there is a large rooftop patio, both above the clubhouse and, then, there is a second rooftop patio, sort of wine -- wine bar space above on the building on the north -- northeast corner that you will be able to look out down into the pool area or out across over to the mountains from. There is also a large grassy area and, then, the area along the -- the cinema plaza area, which is the one that abuts the cinema -- Cinema Lane is also going to be really -- sort of a really exciting area that really integrates and moves into that commercial zone. There is going to be some new things there, like from hammock parks where there is areas where there is already hammocks set-up, where there is going to be lots of tables, places for sitting, places just for families to meet and gather and really integrate while they are both living and residing in the development, but also integrating into the proposed commercial that will be coming in the future and so to that end we will be requesting alternative compliance and be looking at submitting some additional proposed open space with this prior to the City Council meeting. There are significant buffers. This does about Interstate 84. It's actually more on the off ramp, so the cars -- there won't be quite as much traffic. The cars will be getting off and decelerating as they go past this development and the development adjacent to it. So, on the north the buildings are set back over a hundred feet from the property line there, but on the north there is a 35 foot wide buffer with a walking path along that. As I mentioned on the west there is also a walking path. That buffer is 22 feet. And on the south it's much larger, but up -- just directly up against the street there is a ten foot wide buffer. There is a significant amount of open space and these are really nice, so I'm going to show you some pictures. These are really nice amenities. This is a really highly amenitized sort of project that's really going to lend itself well towards younger working professionals, individuals, couples, that sort of people. The Cinema Drive plaza is really going to be at the seamless transition from this area into the multi-family into the commercial to the south. Oh, too far. There are 15 qualified amenities and depending how you count them -- it's always a little bit tricky. If there is 15 or 14 or 20, but there is a clubhouse that includes a game room, a coffee bar. There are parcel lockers that will be accessible 24/7. Business center. Classroom stations. Event space. Wi-Fi. HD TVs. There is a 3,500 square foot fitness center that will include yoga and spin studios. As I mentioned there are two rooftop gathering and community spaces that are just a really nice sort of amenity to be able to look out over towards the mountains.

There is a pocket library, which is something that was new to me, where there is a little area where you can -- where there will be some chairs and some books, so you can have a -- sort of a quiet place to borrow -- borrow a book, return a book. Grills and fire pits. And, then, they are looking at some public art throughout the space. Finding some local artists to design some public art. There is a large grassy area between two of the buildings and it's well in excess of the 5,000 square foot minimum. Courtyards. The hammock lawns, with six separate picnic areas, and, then, as I mentioned, the rooftop terraces. There is a pool and the multi-perimeter path that connect and also in this day and age there are charging stations for electric vehicles. We anticipate that there would be certainly people with the electric vehicles residing here. This slide just shows -- shows some imagery and some concepts for the quality of the design of these outdoor gathering spaces. You can see some examples of like hammock lawns, of a pocket library, of really nicely landscaped pathways. Here is what I find looks really cool is this is a rendering of the actual pool that they would like to put in here and you can see in the back of the pool where that rooftop bar is looking down into this pool, it just looks like a really cool, fun place to get to hang out. Here is some examples of concepts for the interior of the clubhouse. As you can see it's going to be modern, light, bright, open. Just a really fun place to live and work here in Meridian. The entrance into the property -- The Seasons At Meridian is really planning on having a wide boulevard with trees, so when you come into it you really come into this off of Cinema Drive and look forward and you see this clubhouse, you see the leasing office, you come through on this main wide tree-lined street, which really integrates it into the rest of the community. Seasons One also has a lot of trees, wide boulevards. It's in a different sort of style, but this is going to integrate really well into the other communities and developments right around here. As Sonya mentioned, there is -- it is -- there is plenty of parking or there is -- it is overparked for what the City of Meridian standards are. There are over -- it's 653 parking spaces in total, which includes 353 garaged or covered parking spaces. Some of the units have garages and, then, there are quite a few carports across here to protect the cars. Traffic. ACHD reviewed and approved the traffic analysis for the development. Importantly -- and this is where we will just sort of end on this, because I know there is a lot of questions about it. There is traffic in this area, but this development actually has significantly less traffic than the Winco would have. In fact, there is 51 fewer a.m. peak hours, 547 fewer p.m. peak trip hours and 659 fewer Saturday peak trip hours. Services can all be met. The applicant is in full agreement of all of the terms and conditions of approval and we look -- we just ask for your recommendation of approval of the DA modification and a recommendation of approval of the CUP. I will stand for questions.

Seal: All right. Thank you very much. Does anybody have questions, concerns for applicant or staff?

Wheeler: Mr. Chair?

Seal: Go right ahead.

Wheeler: Yeah. Thank you, Elizabeth. Had a question concerning -- I think it's Cinema Drive. That's going to be lighted; correct? Or what is the -- is there -- is there going to be a lighted intersection there off of Overland into Cinema Drive headed northbound?

Koeckeritz: Off of Over -- so, Cinema Drive is the -- on the south boundary and, then, below that is the vacant space. The access will be from Wells Street.

Wheeler: Wells? Okay.

Koeckeritz: And Wells is being required both as a condition of approval from ACHD for this and for the other development to be turned into a full access intersection. It will have a stop light at it and dedicated turn lanes.

Wheeler: Okay. Okay. Yeah. Sorry about the --

Koeckeritz: Yeah.

Wheeler: -- wrong name of the street there, but, yes, thank you for taking me to the right place on that one. When it comes down to the amenity that -- that you were saying -- you know, that has -- that overlooked the pool, kind of like a nice little wine bar area and stuff like this, is this going to be a room that's going to -- people are going to rent out or is it just going to be like a gathering place that can happen or is -- what is the developer's kind of thoughts on that?

Koeckeritz: I believe the developer's thoughts are -- at this time it would be primarily just for the use of the residents. However, I believe -- I would anticipate that if a resident wanted to rent the space for some sort of special event for a resident that they would be able to do that.

Wheeler: Okay. And, then, one more time. Can you run through the numbers again about how big the first phase is going to be and, then, the total amount on the -- on the units?

Koeckeritz: There is 351 units -- 351 total.

Wheeler: Okay.

Koeckeritz: I have the breakdown here. And the other development -- the adjacent development was also right at 350. 360.

Wheeler: Okay. Okay. Because, I -- I saw a slide up there that said 694 units, not including Seasons At Meridian.

Koeckeritz: Yes. So, in looking at the multi-family in this area -- in the overall mixed-use regional zone --

Wheeler: Okay.

Koeckeritz: -- future land use map, there is very little multi-family in this area.

Wheeler: Very good. Okay. That's why I wanted to make sure.

Koeckeritz: Yeah. There is only that many units previously approved than the ones that are currently being developed and, then, these to come.

Wheeler: Very good. All right. Thank you, Elizabeth.

Seal: Anyone else? All right. At this time we will go ahead and open up public testimony. Madam Clerk, do we have anybody?

Hall: My speaker -- oh, there it goes. There is no one signed up online, but I do have two gentlemen, a Ryan Morgan and Jonathan Fragozo signed up to speak.

Seal: Do either one of you want to come on up? Just give us your name and address for the record and the floor is yours.

Fragoso: Jonathan Fragozo. 2700 East Overland Road with Morgan Stonehill, the developer. Thank you for giving us the opportunity to present in front of you guys. To give a little background on this site, we -- Morgan Stonehill is a partnership between two families. Steinberg family and the Morgan family. The Morgan family has been building apartments across the country for three generations. It was started by Ryan Morgan's grandfather and Ryan would be happy to provide more information on that. We were fortunate enough to present in front of you -- Council and the Planning Commission for phase one, which was approved. But when we came out we set out to bring best in class design techniques to the Meridian market and I believe it was well received by staff and the Planning Commission. We are currently working through the process of starting that project, but we intend to break ground in the next 30 days and assuming we are able to record our plat in the next coming weeks. But we are very excited about the opportunity and about six to eight months ago when we were approached by Winco, who formally made the decision to not proceed with their store at that location, they decided to focus more on the south Meridian area, given their other second location north on Meridian Road. They approached us. They saw how well received our project was and they liked what we are bringing to the area and approached us first before taking this out to the market. We jumped at the opportunity to provide much needed housing. We recognize that -- you know, we also mourn the loss of the Winco Foods. That was a great amenity. One of the reasons we loved our site so much. So, we set out with the intent to really diversify the product offerings. So, what you are seeing here is a little bit of contrast to what phase one is, which has larger units, focused more on the traditional garden style apartment. We went out and set out for urban design, with smaller units, with one -- one and two-bedroom units. No three bedroom units. Create more of an urban product and focus really on bringing in and tying all the mixed-use elements together and actually went in and added three live-work units that are about 1,300 square

feet. They are situated along the main drive. If you look at our design there is really two kind of main drivers here. What we did is there is a main boulevard that goes straight down the site and feeds into Cinema Drive. Our intent is to work with ACHD to enhance -- create some kind of enhanced crosswalk and bring safety. If you go -- can I control this here? Okay. Apologize. Oh, yeah. If you don't mind. Please. Thank you, Sonya. I think we are completely frozen now. Perfect. So, if you look at -- it's kind of -- our buildings are clustered around this main -- main boulevard that's feeding down. There is going to be cross -- we intend to do enhanced landscaping down both sides of the street. We really want to encourage, you know, folks from the future retail to come down this road, walk into -- and, you know, view it -- view the amenities and continue to kind of enjoy what's there. The live-work units will be situated at the northwestern building. If you look at it there is direct access parking and the idea is, you know, folks -- the residents can -- can run their business on the ground and live upstairs and actually park directly and access that workspace downstairs. The second thing we did here and it's really meant -- driven to meet the mixed-use design intent, was enhance this area to the south. This is kind of what we call our Cinema Drive Plaza. What you are going to see here is -- essentially we wanted to set out and create an area that was a really attractive sitting area. So, we plan to create sitting areas, places where people can gather and, you know, enjoy an ice cream down south or have dinner down there and, then, also enjoy the walk. Tie into the trail system, walk across our site, and one thing I want to stress is that our trail system will actually tie over to phase one and will -- it be interconnected, so there will be an actual loop through the entire property. Again, we wanted to meet kind of this -- you know, create great places for people to gather, deliver best in class amenities and, you know, offer a product that's differentiated from phase one and best in class. With that I will turn it over to Ryan Morgan.

Seal: Okay. Thank you very much. All right, sir. Just name and address and --

Morgan: Good evening, everyone. Ryan Morgan. 2700 East Overland Road. It is a pleasure to be speaking in front of you again. Jonathan really covered a great amount of what I wanted to speak about. I guess a little bit about us. We have been developing, as he mentioned, for three generations. My grandfather started building in 1959. We have built coast to coast and we have built Class A multi-family. That's all we build and we really focus on providing incredible amenities and offering communities to our residents. We really focus on that community aspect and bringing people together. The rooftop deck, the -- the pool deck, the different lawns, the dog amenities, the connectivity within this community and, then, the connectivity within like the community as -- I guess this whole mixed-use facility, the commercial to the west and, then, our facility to the east is really important to us. Actually, our neighborhood meeting -- the only people that came out were business owners to the west who were actually really excited about us bringing new households and people that can work their businesses. One of the business owners actually was complaining that he doesn't have enough workers to run his business and he can't actually open up a second floor to -- to the public, because he had no one to work there. So, he was really excited about us being able to offer -- offer that to this community. Yeah. We are really excited to be here. I'm happy to answer any questions

you have. Again, this is going to be a beautiful project and we are excited to build it. Thank you.

Seal: Thank you very much. Sir, would you like to testify? No? You are the only one here, so I had to point you out. It looks like we have a couple of people online, if either one of them want to testify, please, hit the raise your hand button. If not -- and if nobody else has any further questions, we will let the applicant come back up, if there is anything else you would like to add.

Fragoso: One thing I would like to stress is, you know, knowing how traffic is one of the main concerns, our traffic engineer in the traffic study actually -- the traffic counts are decreased compared to what was previously approved at the Winco. The apartments are less intensive use and I think would be a benefit -- or it would help alleviate some of the traffic concerns in the area.

Seal: Okay. Thanks very much. All right. And with that --

Wheeler: Mr. Chair?

Seal: Go ahead.

Wheeler: I have a question for the applicant, if that's all right.

Seal: Absolutely.

Wheeler: So, either Elizabeth or Jonathan. If you don't mind. I think it was you, Jonathan, that said something about an enhanced crosswalk on that side. Go ahead and -- if you don't mind just kind of explain a little bit more like that. Were you thinking like a causeway? Are you thinking of -- what was your thoughts?

Fragoso: So, our thought process was kind of to tie together that Cinema Drive Plaza area. What we are planning is kind of doing a protected area with enhanced pavers. We -- I know we would have to work with ACHD, because Cinema Drive is a public road, but really create kind of this designated area with, you know, speed bumps that would help with safety, but create a safe point and a natural transition point over to the retail to the south.

Wheeler: Okay. Okay. Are you thinking of anything -- be it Wells is going to be a lighted intersection that's going to be additional. Are you thinking of doing anything of working with the city or ACHD about any pedestrian traffic from the south side -- or, excuse me, the north side of Overland Road to the south side of Overland Road?

Fragoso: When we went forward on phase one we tried to do that. Unfortunately, it's just so far down the road on ACHD's plan for the improvements that we really were kind of -- met with a dead end. I would love to do that and drive over that connectivity, but, unfortunately, working with ACHD -- there is no certainty of the path forward and the only thing we know is that it will be widened 20, 30 years down the road.

Wheeler: Right. But on the pedestrian side of things to be able to get pedestrians to go from that side to the shops on that side, still just a lot of resistance from ACHD, then, is what you are saying?

Fragoso: They have no plan to address those concerns. Yeah.

Wheeler: Okay. Okay. Thank you, Jonathan.

Morgan: Just one thing. I believe there is a crosswalk on Millennium.

Wheeler: There is -- there is there, but not there at Wells and that's where the -- some of the traffic's going to be coming into your place and just -- that's going to be a natural flow out, so that's all.

Seal: All right. If nothing further, then, can I get a motion to close the public hearing for file number H-2022-0030, Overland & Wells II?

Stoddard: So moved.

Lorcher: Second.

Seal: It's been moved and seconded to close the public hearing for File No. H-2022-0030. All those in favor say aye. Any opposed? Okay. Motion carries.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

Seal: Who would like to comment first?

Lorcher: Mr. Chair, I will.

Seal: Yep. Go ahead.

Lorcher: I think if we are going to have multi-family housing this is a good place to have it. So, it seems consistent with the -- the area. I'm not concerned about the traffic, considering the -- their point of Winco probably having more in and out during the day. It seems pretty consistent with what's going on in Meridian along the freeway. Their amenities seem fine. The high school is across the street. There is doctor's offices. There is a cinema. There is restaurants. That all kind of connects together. And I just want to verify. Our objective tonight is not about commenting on the design plan, but the CUP.

Seal: Correct.

Lorcher: Which is specifically just to approve multi-family residential from C-G.

Seal: That is correct.

Lorcher: So, that's all we are doing. I have no problem with it personally.

Wheeler: Mr. Chair? Can we go -- staff, can we go back to the picture that showed the -- the net losses for the traffic counts, if that's okay. Or that slide, please. The applicant's slide?

Starman: I think that was the applicant's slide.

Wheeler: Was that on the applicant's slide? I apologize then. Okay. So, that was neat to know, then, that when it came down to the -- the net losses, that was something that was kind of surprising to me. I thought it would actually be more of a gain on putting in multi-family in here. It seems to fit with the area. I mean we just approved something similar to this off of Fairview near Eagle Road, something that would look at be kind of similar to this and traffic's always just going to be an issue when these things pop in. I know that -- and I like the design and I like the way it's going to look unique and I like some of the more upscale kind of amenities that the developer is thinking about putting in here. It's going to give it a really nice show and I can see it definitely wanting to be a hangout spot for the residents themselves. Run across, grab some food and, then, come on back or make it themselves on that. So, that was something that was very nice. Okay. Thank you. Thank you, staff. Interesting. Okay. So -- because I -- I live -- just for disclosure, I live a mile away from this place and so I'm very familiar with the traffic patterns that are here and it's just -- it's going to be tough on -- on the traffic side of things, but I -- whatever you are going to put in there, as long as -- I mean Winco is going to make it even more congested it looks like than even this apartment complex and we definitely need some more apartments in that area. I guess what I'm -- I guess what I'm saying is that it looks like it's -- I like the way it's going to look and I like the project itself and I like the creativity and the design. It's not just a simple straight face with some relief on it. They are actually putting in some really upscale type of work. Just, once again, just the traffic thing. But we are going to get that no matter what and I think it's too much to ask for anything to do like a widening or a turn out lane or anything like that. But I could say to suggest to put in a pickleball court, because those look like that could happen and I saw a little space for that on the north end. So, you might want to just consider that.. Okay. There we go. All right. We will put that in the -- in the approval. Make sure that the pickleball court gets made. Just kidding. That's all.

Seal: Okay. I -- I will just go through the good, the bad and the ugly here. So, the good is I -- I really like this product. I can see what you are trying to do with it and I think that it has a place in Meridian. Yeah. Again, I like everything about it and I think the place for it is next door to the east where it already is. I was part of the panel that approved that based on the fact that there would be a commercial entity here. The overwhelming feedback that I get from residents of south Meridian is, please, put in more stores. Please put in more stores. The ugly of this is that Winco went to somebody that wasn't a store, somebody that couldn't provide commercial to do it. Not your fault at all. But I think they have done the community in general a disservice by doing that personally. If one of our

other Commissioners were here -- and I can't put words in anybody's mouth -- the words bait and switch would come up. So, I personally can't support it. I don't think that it has a place here, simply because of what it was, what it was based on and what was approved based on it being here. But that's my opinion. So, again, great product, just a really bad position to be in. I think Winco has just really done a disservice by taking it in this direction personally.

Wheeler: Mr. Chair?

Seal: Commissioner Wheeler, go ahead.

Wheeler: When was the traffic count done for this project when Winco got its approval? Do we have a date on that or know any sort of time frame or anything like that?

Seal: Sonya, do you know anything --

Allen: Not offhand, no.

Seal: I mean it would have been a couple of years ago at least, so -- and -- and I mean as far as the traffic, I -- I know there is always -- and I have been through enough of these that I understand that the traffic's going to be lessened by multi-family. The problem is 7:00 to -- you know, 7:00 to 9:00 in the morning and 4:00 to 6:00 at night. It's not. It's unbearable through there already. And this would actually add to that. The rest of the day, yeah, there is going to be a lot more traffic. That's the nature of retail. That's when everybody is going to be in there, because everybody's going from home to the retail place of business, so I don't see that this is going to help those times when it's most drastic out there on the roads personally, so -- I understand it's going to be less overall, but that's just my opinion on it and what we have seen, so that's my opinion. Anybody else want to jump in? Okay. Anybody want to take a stab at a motion?

Lorcher: Mr. Chair, I will. After considering all staff, applicant, and public testimony I move to recommend approval of the conditional use permit for File No. H-2022-0030 with no modifications.

Seal: Is there a second? Okay. Somebody needs to come up with something different then. So, if you are not going to go with the second, then, you need to start letting us know why. And start with Ms. Stoddard here.

Stoddard: Mr. Chair?

Seal: Yep. Go ahead.

Stoddard: I agree with the comments on -- the fact that we do need more retail in Meridian. Sorry. I agree with you that we need more retail in Meridian. For myself, you know, it's an issue I think putting more people in without the accommodations for people to shop and have the regional space is just a little bit concerning for myself as well.

Seal: Commissioner Wheeler, you didn't give a second. So, what --

Wheeler: Yeah. I'm -- for me it really is just the traffic issue on this during these peak times right next to a high school and, then, the way that the narrow roads and the accesses are, it's -- that's -- that's a really big concern is the traffic side of it for me and I would like to see some sort of an updated study and maybe ways to -- to help out with that mitigation on some of the traffic on it. That would be my thing is I would like to see an updated traffic study before any sort of approval on it. It has nothing to do with the product type, it has nothing to do with what it is, it's everything to do with that congestion at the next half mile mark right next to an on ramp and it just seems -- that can get really backed up most times during the day.

Seal: I mean I can't speak for staff, but I mean we have to go on the information that we are given and what we were given from ACHD is it's all good. I -- I personally don't agree with that, but, unfortunately, when -- they own the roads. So, on that -- you know, what they were saying about it, you know, the inability to put in crosswalks and things like that, that's ACHD. I mean if they won't do it they won't do it, so -- and -- I mean unless they are willing to buy the road, which most folks won't or can't in order to provide for that, so -- I mean it -- you know, if we want to do a continuance until we can get a traffic study -- I -- I mean we can't force them to do a traffic study, since ACHD has already approved it.

Lorcher: Mr. Chair?

Seal: Go ahead.

Lorcher: Our task tonight is to do a conditional use permit.

Seal: Correct.

Lorcher: So, it's either for multi-family housing or not multi-family housing; is that right? The design aspects of it. What -- that is correct and --

Lorcher: So, to deny the multi-family housing, then, they have to start all over; right?

Seal: Unfortunately, this is one of those where at some point in time Council decided that they wanted to hear both of these at the same time. So, they put the conditional use permit before us, knowing that the DA modification hasn't gone through, so they can hear both of them. Unfortunately, I think this is -- I mean this is the -- you know, the cart before the horse personally. I would rather this go to City Council, so that they can weigh in on the DA modification and, then, it would come to us to approve the conditional use permit for -- for multi-family. Because, personally, I think if this gets to City Council it's -- it ain't going nowhere.

Lorcher: So, you are suggesting we deny the conditional use permit, they go to City Council, get the DA modification and, then, it comes back? Is that how it -- is that how that would work?

Starman: Mr. Chairman, can I help clarify a bit?

Seal: Absolutely.

Starman: Ask our planners to help as well. So, this is -- it was unusual, as the chairman just alluded to. We have two different items that -- as part of the request to the city overall. So, we have a request to modify an existing development agreement. That is not before the Commission this evening, so that -- the -- the recommendation comes from the -- our Community Development Director and the decision making body is the City Council. So, you don't have a formal role with respect to the request to modify the -- the development agreement. Now, the reality is it's hard to talk about the CUP without talking about that as well, so they do sort of go hand in glove, but under our code the recommendation comes from the director and, then, the decision is made by the Council. Usually -- typically you would be -- you are the decision making body on a conditional use permit. This is one of the exceptions, however, in that the CUP is going forward with the development agreement and so in this instance you are a recommending body with respect to the CUP to the City Council. So, you are not making a yes or no decision, you are making a recommendation to the City Council relative to the CUP and, then, the Council will look at both items, the development agreement modification and the CUP at its meeting, you know, henceforth. Does that makes sense?

Lorcher: So, if we deny the conditional use permit it still goes to City Council.

Starman: Mr. Chairman, Commissioner Lorcher, you wouldn't be denying the CUP, you would be -- a different way to say that is you would bring forward -- you would have a negative recommendation -- or you would recommend against the CUP. So, you wouldn't be denying it, but you would be -- have a recommendation to not approve the CUP, but the Council would make the decision to approve or deny.

Seal: So, it would be a recommend -- recommend denial in that case.

Lorcher: So, what are the words?

Seal: And at this point where we are -- generally speaking we are the approving body on a CUP, but this is going to be treated like anything else that would come through where we recommend approval or denial.

Lorcher: Okay.

Seal: Give -- give the reasons.

Starman: And then -- Mr. Chairman, if I can just elaborate on that. So, that last comment or advice from the chairman I would like to reiterate that as well. So, to the extent you can -- you are not making a decision today, so it's not quite as critical, but I would highly recommend and encourage that individual Council Member -- or Commissioners have given their thoughts here, but to -- to explain and to describe your reasons for your motion. So, in terms of -- if the -- if the motion is, for example, to recommend denial, an explanation as to why that's the case. What's the rationale for that? The Council will make that final decision. They will have to have their own rationale at that time, whether it's yea or nay, but it would be helpful for our record and, then, also helpful for the Council in its decision making process, to understand the impetus or the rationale behind your motion this evening. Whatever the motion might be.

Seal: Okay. Thank you. Anybody have comments? We are kind of at two ends of this thing here, so we got to -- we got to meet in the middle somewhere.

Wheeler: Mr. Chair?

Seal: Commissioner Wheeler, go ahead.

Wheeler: Commissioner Lorcher, did you want to go for another motion or anything like that or what were your thoughts? It sounds like you were kind of --

Lorcher: Well, I already had mine.

Wheeler: Okay.

Lorcher: I would be -- I would do the same one again.

Wheeler: Okay. Roger. Okay. Mr. Chair, I would like to make a motion.

Seal: Feel free.

Wheeler: After considering all staff, applicant, and public testimony, I move for recommending denial to the City Council of File No. H-2022-0030 as presented before -- or, excuse me, as presented during the hearing date of August 4th, 2022, for the following reasons: Due to traffic concerns and that the original approval was retail space.

Seal: Got a second?

Stoddard: Second.

Seal: It's been moved and seconded to recommend denial of File No. H-2022-0030 with the affirmation -- aforementioned reasons. All those in favor say aye. Those opposed?

Lorcher: Nay.

Seal: Okay. For the record that's Commissioner Lorcher. Okay. And with that the recommendation for denial is approved or -- yeah. Okay. So -- all right. Thank you very much.

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