

Holland: You know, I think with the -- sorry, I'm -- Mr. Chair. I think with the enhancement of what we have talked about and having the shrubs and stuff there, I don't think there is going to be a lot of light coming through and especially because if -- if it is a dentist use or office use you are probably not going to have a lot of people coming in before the 8:00 to 5:00 hours typically either. If you do have some dental patients they are going to park as close to the building as they can if they are coming in before hours would be my guess, because that's what I try to do.

Yearsley: And that would be my thought as well. That it would be mostly during the day. Even if the other areas are being some other type of facility, like a -- you know, orthodontist or some other business more than likely will be during the day.

Holland: Okay. I'm okay with it then.

Seal: Okay. We will go ahead and proceed with a vote then. All those in favor say aye. Any opposed? Okay. Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Seal: It's 8:25. Does anybody want to request a bio break or anything or do we want to go ahead and get through this last one?

Yearsley: I think a five minute break would be good.

Seal: Okay. We will break for five minutes and we will be back.

(Recess: 8:25 p.m. to 8:31 p.m.)

8. Public Hearing for Seasons at Meridian/Winco Wells Subdivision (H-2021-0007) by The Land Group, Located at 2600 and 2700 E. Overland Rd.

- A. Request: Conditional Use Permit for a multi-family development consisting of 360 dwelling units on 15.89 acres of land in the C-G zoning district, located at 2700 E. Overland Rd
- B. Request: Preliminary Plat consisting of 3 buildable lots on 34.62 acres of land in the C-G zoning district located at 2600 and 2700 E. Overland Rd.

Seal: Okay. I think we are ready to get started again. So, we will start in -- or we will start back with file number H-2021-0007, Seasons at Meridian/Winco Wells Subdivision and we will start with the staff report.

Allen: Thank you, Mr. Chair, Members of the Commission. The next applications before you tonight are a request for a preliminary plat and a conditional use permit. There is

also an accompanying development agreement modification application, but this does not require Commission action, only City Council. This site consists of 34.62 acres of land. It's zoned C-G and is located at 2600 and 2700 East Overland Road. Adjacent land use and zoning. To the north is the I-84 off ramp. To the west is commercial, retail, restaurant and animal care uses, zoned C-G. To the south is Overland Road and a school, restaurant, and office uses zoned C-G and to the east are single family rural residential properties, zoned R-1 in the county. This property was annexed back in 1994 and a development agreement was approved in 2016. The Comprehensive Plan future land use map designation is mixed use regional. A modification to the existing development agreement is proposed to exclude the east parcel from the development. A new development agreement is proposed for the east parcel, which will accommodate the change in ownership of the east parcel if the conditional use permit is approved for the multi-family development. The existing development agreement includes a conceptual development plan for the west parcel, which depicts an 85,000 square foot single story Winco grocery store with associated parking on the north side of the future extension of East Cinema Drive and vacant land with no development plan on the south side. At the time the original development agreement was approved a use and development plan was not known for the east parcel. Therefore, provision was included in the development agreement that requires the agreement to be amended to include a conceptual development plan that demonstrates consistency with the mixed use regional future land use map designation in the Comprehensive Plan prior to any development occurring on the site. The proposed development plan for the east parcel is a 360 unit multi-family residential development as shown. Staff believes the proposed plan contributes to the mix of uses desired in the mixed use regional designation and provides a transition and buffer between commercial uses to the west and low density residential development to the east. Overland Way Subdivision. The addition of more residential uses in this area will provide more patrons for surrounding commercial, retail, and restaurant and office uses and businesses, as well as offer employment options in close proximity to the residents. A conditional use permit is proposed for the 15.89 acre, 360 unit multi-family residential development as required by code in the C-G zoning district. A total of 180 studio and one bedroom units, 152 bedroom units and 33 bedroom units are proposed in ten structures with 36 units per structure. This development is proposed to be constructed in one phase. A total of 3.8 acres of outdoor common open space is proposed, which exceeds the minimum 2.1 acres required. Based on 360 units, a minimum of five amenities are required, but the decision making body is authorized to consider additional similar amenities if they believe the proposed amenities aren't adequate for the size of the development. Amenities are proposed consisting of a clubhouse with a swimming pool, bike maintenance room, fitness facilities, partial lockers, remote work classroom stations and a coffee bar. An outdoor fireplace with the seating and a barbecue, public art, half mile pedestrian loop with a ten foot wide pathway and internal pathways, 18 grassy areas of at least 50 by 50 feet in size, including a dog park, multiple courtyards, park areas with seating, a plaza and pocket libraries, community garden and a children's play structure. Because residential uses are proposed adjacent to I-84 along the project's north boundary, noise abatement is required in the form of a berm or a berm and wall combination parallel to the freeway. The applicant has requested and received director approval of alternative compliance to this standard to provide double pane storm windows

on all structures within the development since the buildings are proposed to be set back at least 250 feet from the freeway and will be two and three stories in height. Parking is proposed in excess of UDC standards. A minimum of 646 spaces are required with 270 of those being in a covered carport or garage. A total of 655 spaces are proposed with 360 of those being in a covered carport, which is nine extra spaces over the minimum required for the overall site. The Commission should determine if the proposed parking is adequate or if additional parking should be provided as a condition of approval of the conditional use permit. Conceptual building elevations were submitted for the apartments and the clubhouse as shown. The apartments consist of two and three story structures in a contemporary farmhouse theme with hip roofs and the steep gables. Building materials consist of a combination of vertical board and batten siding, stucco and decorative balcony rails, along with varied color schemes. Stairways are concealed from public view. L-shaped buildings are proposed for variety. The final design is required to comply with the design standards in the architectural standards manual. A preliminary plat is proposed as shown, consisting of three buildable lots on 34.62 acres of land in the C-G zoning district, proposed to develop in two phases. The first phase consists of the extension of South Wells Avenue from Overland to East Cinema Drive and includes the east parcel. The second phase consists of the extension of East Cinema Drive from Wells to the west boundary of the site and includes the west parcel. Right of way for the extension of South Wells Avenue and East Cinema Drive is proposed to be dedicated with the plat. In order to provide interconnectivity between uses in a timelier manner and dispersed traffic, staff recommends the extension of East Cinema Drive from the west boundary of the site to South Wells Avenue occurs with the first phase of development. The traffic signal at Wells and Overland is also required to be installed prior to issuance of the first certificate of occupancy. Written testimony has been received from Deb Nelson, Givens Pursley, and Ryan Morgan, Morgan Stonehill Partners Development Company, the applicant's representative. They are in agreement with the staff report, except for staff's recommendation for Cinema Drive to be constructed with the first phase of development, rather than with the second phase as proposed. Staff is recommending approval with the conditions in the staff report and staff will stand for any questions.

Seal: Okay. With that we would like to ask the applicant to come forward.

Nelson: Good evening, Commissioners. Long time no see.

Seal: Yes. Go ahead and state your name and address for the record and go ahead and go.

Nelson: I would like to bring up a presentation if I could quickly and, then, I will get going. Okay. My name is Deborah Nelson. My address is 601 West Bannock and I'm here on behalf of the applicant. There is also representatives of the applicant and our local development team here with me that are available to answer any questions that the commissioners may have and thank you to Sonya for her work on this project and her recommendation of approval and presentation this evening. I'm going to touch on a couple of the same things Sonya did. I will try to not repeat too much of what she said about the history, but there is some context there that's relevant to our application request

and even though the DA modification is a Council level decision, we think it helps for the Commission to have a feel for all three of the applications that are presented together. As Sonya mentioned, the Winco site is to the west here and our project site is in yellow on the east. Both of these were annexed together in '94 and zoned C-C and, then, in 2016 the city approved the development agreement for that Winco development and I want to focus in just on some of the conditions there. Specifically the -- the Winco site is allowed to develop consistent with the concept plan which was attached to the development agreement and shows that a 5,000 square foot retail space with the -- the parking -- our site, on the other hand, at 2700 East Overland Road required a development agreement modification simply for the purpose of coming back with that conceptual development plan when it was known that's consistent with the MUR designation and so that's what we are -- that's why we have the VA modifications in the city and this is an overlay of the concept plan that we would add to that development agreement. And as Sonya describes in detail in her staff report, the proposed multi-family use and development plan that we have proposed is consistent with the MUR designation in your future land use map, because it contributes to the mix of uses that's desired in that area by adding needed higher density residential in an area that's already heavily developed with commercial and employment uses. You can see from this slide that the MUR area in this location is very large, it's 650 acres, and -- and it calls for a mix of uses, employment retail and residential with residential densities ranging from six to 40 units per acre. This particular large MUR area currently has extensive retail and office uses, but very little residential and is far below the six to 40 target with the current density of only 1.67 units per acre in this area and it's particularly -- has a similar residential district deficiency in that quadrant where we are in that northwest corner of Overland and Eagle where the current density is only .06 units per acre. So, as the staff report notes, the higher density residential here will support the surrounding commercial and employment and it provides a great transition in between the smaller low density residential to our east and the more intensive commercial to our west. In addition to a DA modification, of course, we have the preliminary plat, which is needed to create the lots. The city and Winco Foods actually originally thought that the apartment site was a separate lot and that's why the DA modification was filed before the preliminary plat application. There is a record of survey showing separate homes and driveways were permitted there off of Overland and it's possible there was a division done at one time when the city allowed one time splits or it could be something was unusual here because of the interchange location. But in any case, the administrative records were not found within the city, so we are filing the preliminary plat to really clean this up and ensure that we have a separate legal lot for the apartments and if that's -- that's relevant to know that history as we look to the improvements that are expected and contemplated with this. You know, we have proposed two phases for development of the preliminary plat. Phase one is on the east, that's our Seasons at Meridian apartment site with the extension of Wells Avenue up from Overland and we will construct the signal at Wells and Overland, which signal was originally required as mitigation for the Winco and now will be built by the applicant for the apartment. Phase two, the western site, those two lots that are there, will include development of those lots and the extension of Cinema Drive at the time that -- that development proceeds. And that's -- that's the phasing that we outlined in our preliminary plat and that is the phasing that ACHD has approved as well. In addition to the DA

modification and the preliminary plat, consistent with the existing C-C zoning, we are requesting approval of a conditional use permit for the multi-family units and the Seasons at Meridian proposes 360 apartments. The site includes ten L-shaped building arranged around internal open space areas to create these smaller neighborhoods within each of those buildings. Basically pocket parks for active and passive recreation and gathering. The idea is to create one large community and within that large community have micro communities where people can gather with their neighbors. This is an aerial showing that arrangement. This view highlights how well the building arrangement creates that urban life block pattern that's called for in your Comprehensive Plan for MUR areas. Nicely framing those open space areas as interlaced with landscape pathways and the boulevard entrance that all connect and integrate the site to the adjacent commercial uses. Here we have got the elevation perspective. Each building has been designed to create a sense of scale by incorporating a blend of two and three story rooflines, softening that overall massing of the architect and you can see that on that west elevation. More expensive construct than just taking it across -- that it creates that nice mix and those will be the exterior facing elevations property. Pedestrian access is provided by several formalized enhancements entry gates for each building concealing the stairways away from public view. Another view of the building perspective. The apartments will include a mix of studios, one bedroom, two bedroom and three bedroom units, ranging from 480 square feet to 1,328 square feet. Each unit has been designed with expansive private patios and balconies. A minimum of 80 square feet to create that indoor-outdoor experience for the outdoor lifestyle. The interior of the units are designed to accommodate today's ever changing market with open space floor plans and an abundance of glass. Informal living and dining areas have large island kitchens, ideal for entertaining for that casual lifestyle. Other amenities include large bedrooms with walk-in closets, dual vanities and master suites. Large shower and ample storage space. The architectural theme is contemporary farmhouse. A combination of vertical board and batten siding, stucco, and decorative balcony rails along with various -- with varied color schemes creates a soft, well balanced exterior facade. Seasons at Meridian will include 4.15 acres of qualified open space. That's 26 percent and nearly double the 2.1 acres that's required for this site. Internal pathways and sidewalks are linked throughout the site, including a perimeter half mile walking path. The site includes a dog park up in the northeast quadrant there. A large centrally located clubhouse with pool and barbecue seating and courtyards within each building enclave. They each have the Seasons theme and so hence the Seasons at Meridian name. And, yes, there are five enclaves, and so there will be two summers, which everybody needs more summer in their life. Significant landscape buffers will provide attractive screening, along with all perimeter borders, and the amenities are extensive and Sonya walked through some of these. There will be 26 qualified amenities, representing each of the three categories that are listed in the UDC. The clubhouse includes parcel lockers, a bike maintenance room, remote work classroom space and the coffee bar and outdoor fireplaces, seating, barbecue areas. There is fitness facilities and public art. The project includes 18 grassy areas that meet your criteria for the 50 by 100 feet and these include a variety of amenities within them including the dog parks, the multiple courtyard, park areas with seating, a pocket library, plazas that dot the trail that circumvents the property. Community garden. A pool. Walking trails and a children's play structure. These slides provide some imagery for the

architecture and the quality of the design for the clubhouse and the amenities that will be available to the residents. There are some interior images, again, to show the fitness room, work spaces, gathering spaces and some more imagery of the outdoor area and the pool. The community also includes property management office, a maintenance storage area, central mailbox and parcel lockers, with the electronic parcel lockers, such as the example shown here, recipients don't need to worry about parcel theft or misplaced parcels. The parcels could accept deliveries. The resident receives a -- an electronic notification and with the code they receive can retrieve their parcel at their convenience. The site plan includes 655 parking spaces, including 360 covered parking spaces throughout the site. This is 24 over the amount that's needed to service the residences. As Sonya pointed out, there is no requirement in the code for 16 spaces to serve the clubhouse as well, leaving nine extra over that. Of course the spaces that are designed to serve the clubhouse are -- since those amenities are for our residents and their guests already, we feel that that has already been calculated in the base calculation for what's needed for each resident. But in any case, that -- those spaces that are available to serve, whether it's the entire 24 or even if it's the breakout of the 16 and the nine, those are all going to be available to serve our extra space. Our guests will have time, both during the day to access the -- the clubhouse when it's open from 9:00 to 6:00 and, then, there will still be plenty of space when that clubhouse facility is closed, providing all 24 extra spaces throughout the property. It's important to note, too, that this development does not include any enclosed garages and so I think the concern that the city has had in the past with needing to over park even beyond the amount that we are overparked is where you have got people storing things in their enclosed garages and that will not be an issue here. So, there should be sufficient parking with the amount that we are overparked. The Seasons at Meridian is designed to integrate with surrounding uses. Our treeline east-west driveway aligns with Cinema Drive, which will ultimately extend to the Winco site when it's developed to the west, creating this visual and physical integration to the commercial uses to our west. On our east side there is a single family residential county subdivision that doesn't have vehicular connectivity, but we still provide pedestrian connectivity and welcome these residents to enjoy our walking paths. We have also created a significant buffer between the proposed project and the existing homes to our east to ensure compatibility. Our buildings are set back over a hundred feet from the property line and the average setback of our neighboring residences from the property line is at least 250 feet and it looks like -- more like 270 feet from Google Earth. This project will maximize and use existing city services by connecting to an adjacent utilities and by locating housing clusters, with the fire employed infrastructure. ACHD has reviewed and approved the traffic study for the development and proposed access points. To mitigate impact to the apartments and the future Winco development, the applicant will extend Wells Avenue, install the new signal at Wells and Overland, along with a right turn lane on Overland onto Wells. Cinema Drive will be extended through the Winco site with phase two. No other mitigation was required by ACHD and all of those conditions of approval are acceptable. The project will have minimal impact on school enrollment. Based on West Ada School District's calculations the project will only generate 36 students. As Sonya noted, we just have one change that we request to the conditions of approval. Otherwise, we are in full agreement with the project report before you and that does relate to the timing of the extension of Cinema Drive. As noted in this condition,

Sonya wants that to be done with phase one, but it's not needed to serve phase one. The apartments have primary access from the extension of Wells Avenue and secondary emergency access from Overland Road. The traffic impact study that was prepared for the Seasons at Meridian project did not assign any of our trips to Cinema Drive, to that extension. Made no assumption that it would be there. Instead assumes that all of the trips would be the Wells Avenue extension and with those assumptions the Wells-Overland intersection with the signal and the Overland Road segment between Wells and Eagle Road still met all adopted levels of service. Cinema Drive has always been planned to be built when the Winco site is developed. The exact placement of Cinema Drive may vary just slightly as Winco's development plans are finalized for phase two and so they don't support construction of it until they finalize those plans. They did submit a letter into the record supporting the apartment use and application, but objecting to this particular recommended condition of approval. We just ask that it be built as required with the phasing. And with that we ask for your approval of the conditional use permit and preliminary plat, with that one change to the condition. So, thanks for your time. Stand for questions.

Seal: Okay. Thank you very much. Commissioners, do we have any questions for the applicant or for staff?

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher, go ahead.

Lorcher: So, there is 316 units that are being proposed and you have 641 parking spaces to accommodate those 350 units. On average there are probably 2.5 people living in all the units. Some have one, some have three, so you are looking at a residential community of 900 people. In my experience working with apartment complexes with our tow company, there is never enough parking spaces, especially of guests. And it's also suggested that this 24 overflow, if even ten percent have a guest over at any particular weekend, that 24 is going to be exasperated quite quickly. Do you have a parking agreement with Winco for overflow parking that would accommodate your Seasons project?

Nelson: Chairman, Commissioner Lorcher, no, we -- we don't. We don't -- there is sufficient parking on site. We planned it that way to have that parking on site. Just one correction. There is actually 655 parking spaces on site. We just had a different number there. And it does meet all of the city code requirements and, then, is in excess of that and so the -- but the city code requires -- as you know they have got a mix of what parking is required based on what bedroom type it is and meeting those requirements for each of the residential units and there is an assumption built in there about the number of residents and guests that would utilize the building at that time. We meet all of that. And, then, in addition to that, 24 spaces are available over the residential use, 16 attributed to the clubhouse and nine extra beyond that that are available for guests and our residents to use this clubhouse. So, we do believe that will be sufficient. It's far over what the city code requires. In thinking about that we are also -- and this is an in-fill location and we

are near a transit line, so we hope that in this location with all of the nearby commercial and employment that a lot of people are actually going to choose to live in this location, so that they can walk. I think that is the idea of your mixed use regional and why high density residential could be so beneficial here. We may actually be able to support a less vehicular driven residential community here.

Lorcher: Thank you.

Seal: Any other questions for -- from our Commissioners? All right. Hearing none, we will go ahead and move on to the public hearing portion of it.

Weatherly: Mr. Chair, we have a few people signed in that I think I see online indicating a wish to testify. Josh, one moment, please.

Seal: Okay. Josh, if you want to take yourself off mute and state your name and address for the record. It looks like you are still on mute. Oh, no.

Cirelli: No. Am I there?

Seal: Yes, we can hear you. Go ahead and state your --

Cirelli: Yes. Josh Cirelli. C-i-r-e-l-l-i. 1435 Loader Place, Meridian, Idaho. 83642. I believe, actually, it's me and my wife. My wife has got questions as well. So, I can even leave myself unmuted if you wanted to speak directly to her afterwards. One thing I would like to discuss real quick is I see on the application it discusses -- and something that was brought up in the neighborhood meeting is a fence between actually the apartment complex and the R-1 zone, which is my backyard. As a matter of fact, just to bring it up while we are talking about it, is I have a large shop that is well within 250 feet or 270 feet, I believe what you mentioned, from that -- that property line is -- well, within about five to ten feet of my property line. So, I believe in the neighborhood meeting they said that they were going to put up a fence and in the application it actually discusses that fence and you have details about what kind of fence that would be built between the apartment complex and the R-1 zone. So, I would like to hear what those are, because we haven't been able to actually have those details listed out to us. In the neighborhood meeting there was very limited details of what they were actually going to be giving and providing in that area. Looking over the plat in the application as well it's like they conveniently placed all the trash enclosures up against the R-1 zone that's conveniently there. We do have one acre lots. I agree with -- there is a -- there is a buffer there, yes, but we buy one acre lots, because we like our room and our accessibility on our own lot. I don't want to hear trash enclosures and dump truck banging those trash enclosures at 7:00 o'clock in the morning like they do over here at the hotel to the east of us. Something else I would like to bring up is this is valuable commercial space, not residential space. If you look on the north side of Overland everything is commercial space, including the new commercial development over there at the Norco, the Zamzow's and just released Top Golf. I think we are losing out on having commercial space. Where there is apartment complexes already on the south side of Overland next to Mountain View High School -- I guess to

the northwest of Mountain View High School there is another apartment complex that, I apologize, I missed out on the lady's name, but she excluded that from her density study. I noticed you kind of cut that off on the -- on her mapping right there. So, there is another apartment complex right there already with available rooms already. So, I think we are missing out on commercial real estate here not residential. I don't think we need anymore apartment complexes, we need more commercial buildings.

Seal: Okay. Thank you.

Cirelli: I also disagree, it's not -- it's not downtown Boise, there will be plenty of vehicles moving here. That and another traffic light -- let's see. We have Eagle Road and, then, we have one traffic light already at the Dutch Brothers and the entrance to Mountain View High School. To add one in there, we already get heavy congestion through this area. I think adding another -- another traffic light right there dang near makes it impossible for us to leave our own subdivision. I know we are -- we are not the most congested, you know, neighborhood by any means, but just leaving here poses its own challenges. Also want to bring up that noticing she did not speak about a right turn lane that was also in the adjusted road improvement. I didn't hear anything about a right turn lane being added as well getting into Wells Avenue. That's something we previously asked about as well and we have not been able to come to an agreement with Ryan, who we have previously spoken to. I don't -- I don't see that he's present as well.

Seal: Okay. Thank you. Appreciate that.

Weatherly: Mr. Chair, Vanessa Cirelli would be next.

Seal: Okay.

V.Cirelli: The few questions I have -- there seems like there is a lot of concern about the public view.

Seal: Ma'am.

V.Cirelli: I don't think the public necessarily --

Seal: Ma'am, if you could --

V.Cirelli: -- cares about the --

Seal: Ma'am, if you could state your name and address for the record.

V.Cirelli: Oh. Sorry. Vanessa Cirelli. I'm also at 1435 Loader Place, Meridian, Idaho. 83642.

Seal: Okay. Thank you.

V.Cirelli: Anyway, the public view -- I don't know that the public necessarily is concerned about the view of the apartments. I feel like the residents are not being taken into account for this. You know, they want to back up their clubhouse and their pool to our -- basically our backyard. Their parking basically to our backyard. I just -- I guess I'm wondering why everything's being backed up against our backyards. There is actually four homes on this side of the street and the other side of the property, the Winco property, is more commercialized. So, it's just -- I don't know. We -- we definitely feel like we are not being taken into consideration. The stoplight, he already brought that up, I think that's a valid concern. You know, we are on Eagle Road basically. It's already hard enough getting out of our neighborhood. This is just going to make it even more difficult. You know, adding another stoplight is just going to congest the traffic a lot more and that's -- that's basically -- I think we covered everything else.

Seal: Okay. Thank you very much. Appreciate that.

V.Cirelli: Thank you.

Seal: Got anybody else?

Weatherly: Mr. Chair, that's all that we had indicating a wish to testify.

Seal: Okay. Do we have any -- a gentleman in chambers. You want to come up and -- No? Okay. Anybody else online if you want to --

Cirelli: Mr. Chair?

Seal: Sorry, Josh. You already had your three minutes to speak, so we are going to move on to other attendees. If anybody else would like to speak, please, raise your hand in Zoom. All right. Oh. Sorry, Josh. You and your wife both had your time to speak and that is over, so -- seeing nobody else, I would take a motion to close the public hearing, if we have no other questions. Oh. Sorry. My bad. The applicant would like to come back and address the concerns.

Nelson: Mr. Chairman, we can be brief. Just a few points. Mr. Cirelli noted that he has a -- a shop that's within that 250 buffer that we have created. Yes, we did measure it to the residences, not to the accessory buildings there for that setback. The setback to the residences, though, is extensive and he did raise a question about -- it's curious about the fence design. Ryan Morgan is present, so he is available to answer any specific questions you may have and he has committed to work with the neighbors on that design for the privacy fence and there -- there was comments from both Josh and his wife about the trash enclosures, concern with that on the east side -- just in general things on the east side. Certainly things are not just piled up on the east side, they are distributed throughout. I think you can see on the site plan all the trash enclosures in particular are distributed with each of the buildings. Of nine total there is only three along the east side and they will all be screened appropriately. We thought that, actually, the open space on that side may work really well, being the clubhouse area, being the residential amenity,

doesn't create as much height. A lot of more open space creates even more distance into the courtyard that's around there and, then, the pool will be screened. The -- the signal that's not desired there, that is required by ACHD and was required already as part of the Winco development. We are just bearing the cost of getting that infrastructure in and it will improve traffic conditions in this area. So, I think that's it, unless the Commission has questions for -- for me or for Ryan.

Seal: Commissioners, do we have any other questions? Okay. Thank you very much and now I will take a motion to close the public hearing, please.

Holland: Mr. Chair, I move we closed the public hearing for Seasons at Meridian/Winco Wells Subdivision, H-2021-0007.

Grove: Second.

Seal: Okay. It's been moved and seconded to close the public hearing for H-2021-0007. All those in favor say aye. Any opposed? Okay. Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Seal: All right. Who wants to jump in first? Everybody jumping in all at once here.

Lorcher: Mr. Chairman, I -- I will.

Seal: Go ahead, Commissioner Lorcher.

Lorcher: I'm kind of surprised the placement of Winco kind of in the middle of the eastern portion of the parcel, I don't know if it will be better served closer to the main road, so that the -- the living area would be behind it or possibly closer to the freeway to act more as a buffer for noise. I have lived on the freeway -- near the freeway before and you can put as many double pane storm windows as you want, the lights and the noise, the ambient noise from the freeway, especially when we have construction trucks with jake brakes is always present. But I guess that's a personal choice if you choose an apartment that is along that area. But it looks like they have got some wiggle room on where to place the buildings and I'm just kind of surprised that it is where it is.

Seal: Thank you. Anybody else jump in here? I see Commissioner Holland, you are off mute.

Holland: Oh. I forgot to mute myself again. Mr. Chair, I can go. Commissioner Lorcher just to confirm, I -- the -- I think the Winco is proposed to be on the north side adjacent to the freeway at -- at some point when it does develop in the future. Not on the east side. But looking at the -- the project, I think we always struggle with the number of parking stalls. It's always a conversation when we look at multi-family development. I actually don't have a concern with this project and the number of spaces. I think that they -- they met the requirements. They had the additional ones within the clubhouse and the nine

extra spots, but because it's located in an area that's got significant amount of commercial, if there was overflow needs, I don't know if they even really need to have an arrangement with Winco. I think -- the way that they have arranged the parking I think works and flows better than most multi-family developments I have seen, because it's integrated around the sites and I appreciate that they have got the internal courtyard. I think that's a nice style and something that we don't see very frequently. So, I appreciate the -- the flow and the design and the intention of trying to create these pocket communities. It's nice -- it's a lot nicer to look at than a typical four-plex or six-plex or eight-plex or whatever it would look like. We see a lot of those that come through. This one does give a little bit different variety than we have seen. So, I -- I certainly appreciate your creativity there. I like the farmhouse style. I think it's -- it's a nice addition. I always struggle whenever we lose commercial ground, but in this case I don't disagree that it would be a good spot for some multi-family to be tied in with the neighboring commercial. It's nice when we can have good mixed use projects and I'm not opposed to seeing this development be located there. I appreciate that they have -- they have tried to do some additional buffering and would encourage them to work closely with the neighbors on the eastern boundary on whatever that fencing, screening material looks like. The only other concern I would have is -- double pane windows are great, but I would agree that traffic noise from freeways typically still is fairly significant. So, I don't know if we want to go back to considering some sort of a berm or fencing to screen the freeway noise, but always something in the back of my mind. I'm not opposed to letting them be creative and -- and do some alternative compliance, but overall I think I'm okay with the way that this development has been presented. That's my starting thoughts.

Seal: Okay. And with that I -- I agree with everything that you just said. The one thing that I will ask staff is the -- I believe that the double pane windows were already director approved?

Allen: Mr. Chair, Members of the Commission, yes, that was an alternative compliance application that was approved by the director and that was based on the letter from the sound engineer.

Seal: Okay. Is that something we would still be able to add a condition of approval to improve upon that or is that --

Allen: I would defer to the city attorney, but I believe you could ask for a berm and the landscape buffer. That's not abnormal.

Baird: Mr. Chair, that's correct. You are considering a conditional use permit. So, if you deem an additional initial condition necessary, go right ahead.

Seal: Thank you. Appreciate the clarification.

Baird: As long as I have got the mic, as the -- as the members deliberate, I haven't heard them talk about the requirement for the Cinema Drive extension and for the record it would probably be good to have that included with the deliberations.

Seal: Understood.

Yearsley: Mr. Chair?

Seal: Commissioner Yearsley, go ahead.

Yearsley: Just -- just for clarification, that's already a condition of the staff report; is that not correct?

Seal: I believe that is -- yes, that is a condition of the staff report as it stands right now.

Yearsley: Okay.

Seal: It is contested by the applicant however.

Yearsley: Okay. Mr. Chair, I will go forward if you don't mind.

Seal: Go ahead, Commissioner Yearsley.

Yearsley: You know, I like this -- this layout. I think it's actually a nice looking development. I do have my -- you know, it is unfortunate that, you know, the ruralness of the area is getting gobbled up into commercial and residential and apartments to the adjacent neighbors. It's just kind of the nature of the beast. I do, I think they need to construct the drive. I think it provides a critical access to businesses, you know, eating establishments and stuff like that, so I do believe it's part of the condition and part of the development and that way they don't have to access Overland Road to get to that -- you know, carved off, so -- but I do believe that that could be done. I do -- I do echo the concern. You know, where we are -- we are eating up a lot of commercial space or industrial space that we could have there for -- for residential, but I don't know -- I don't know how to combat that. I know that there is quite a bit of businesses and development all around it, so -- so, with that I'm in favor of this project.

Seal: Okay.

Yearsley: I also would be in favor of the berm if others wanted it as well.

Seal: Okay Thank you. Commissioner Grove?

Grove: Mr. Chair.

Seal: Go ahead.

Grove: I would pretty much echo a lot -- a lot of what has been said, but I guess in terms of how this is zoned for mixed use, I think that getting some residential component into this area is actually a really good thing. Typically I wouldn't want to lose commercial space, but I think having that -- that residential component, especially a higher density

residential component, so actually going to help a lot of those businesses that are in that general area. So, with that I'm in favor. With the other pieces, I think this is one of the more unique layout pieces that we have seen in a little while and I like what they have done with that in providing the amenities and creating that sense of space within each unit's little bubble if you will. With Commercial Drive, I would normally be in favor of having it built out in phase one with this project, but if it impacts how the Winco could develop, then, I -- I would be in favor of having that postponed. Especially -- in fact, you know, with them building out Wells and putting in a traffic signal there, I think that can alleviate some of the traffic flow concerns with the initial phase. With the sound piece, if their sound engineers, you know, are saying it's good, I'm okay with not doing anything additional. Be a great time for Joe to jump on this if he were still here, considering he lives in a similar place I believe and so I -- I'm in favor of what they have proposed here tonight.

Seal: Yeah. I'm -- looking at it I like the -- I like the layout of it. I think it -- it is kind of an original piece that's going in, especially with the farm -- farmhouse style. I mean you are not going to replace a farmhouse with this, but, you know, some of that -- the relic of the past look is something that people might look on favorably. It is hard to give up a piece of commercial property, but I think this one fits. There is enough business around there that I think that, you know, I can definitely see somebody living, working, and playing here for sure. So, as far as extending Cinema Drive there, I mean if I was one of the five or six hundred people that lived here and I wanted to go watch a movie, get a burger, buy a Harley, I'm going to want to do it on Cinema Drive, I don't want to have to go all the way around. I think that's going to -- essentially I think that's going to add people jumping in their car where instead of, you know, I can walk 200 yards or I can walk 500 yards -- well, I'm going to go jump in my car if I have to go all the way around. So, I just -- I understand that it could have an impact on there, but maybe we could condition something in there to -- you know, something that conditions completion of the road with -- before the first occupancy, that way building can at least commence and that gives them a little bit of time to work on putting a road in, but it doesn't have to be completed necessarily, it just has to be started and completed before occupancy. So, I don't know if that would be a good compromise or not. As far as the property line with the neighbors, that is a pretty good amount of space in there. I mean, unfortunately, in Meridian -- I mean I live three miles away from the -- from the freeway and when I sit in my backyard I can hear it basically any time of the day or night. So, the noise part is -- is tough. As far as the close proximity of the neighbors -- it is a pretty good amount of distance. I do like the fact that the clubhouse is where it's at, because I do agree that having that single story and -- and -- over there is going to help with -- you know, instead of them having to look at a whole bunch of the side of the three story buildings, that's going to limit their -- their sight line in there. Hopefully they can work with any concentration of things, like the -- the trash receptacles and things like that. If any of those can be moved I think they, you know, could probably work to move those around. Definitely don't want to make it inconvenient or put one away from the pool house, because I think that's where there is going to be a lot of use on that. Especially on weekends, so -- but I like the -- I like the layout. I like what it is for what it is. So, I think they have done a pretty good job on this one. But I do think that the East Cinema Drive should be part of phase one. With that I would entertain more -- more deliberation or a motion. I see wheels spinning.

Grove: Mr. Chair, I have a question for you.

Seal: Go ahead, Commissioner Grove.

Grove: So, essentially, what we are trying to get at for access for Cinema Drive is more like pedestrian in nature. Is that the initial or is it more vehicular? Like for -- for the necessity to have it in phase one.

Seal: I think that could go either way personally. I mean if I was coming home -- you know, unfortunately, the vehicular part of it would -- amounts to cut-through traffic. I mean if I'm coming home and I can see that traffic's backed up all the way to Wells and I'm at -- you know, I can pull into Cinema, I'm going to pull into Cinema and take that way home. Not that that's a bad use of that road, I think it's acceptable for the people that live there, but I think that that would -- would provide that to some measure, but that's going to happen whether it's part of phase one or, you know, part of the complete phase. But to me it's more the -- it's the pedestrian traffic. If I know I can walk half the distance by going across that road, I'm going to walk, I'm not going to drive.

Grove: So, I think, you know, with -- maybe would another like way of looking at it be like a temporary pedestrian pathway?

Seal: Yeah. Instead of a road? I don't know if that's something that is feasible.

Grove: Okay.

Seal: I don't know if that opens a can of worms as to what's a public pathway and a roadway and how that fits in. I don't know if that's -- Sonya, do you want to take a crack at how that might work if it was a public pathway in the beginning that became a roadway or -- I don't even know if there is even a provision for that.

Allen: Yeah. I'm not sure. I'm sorry, I didn't catch all of what you were saying. The extension of Cinema Drive as a pathway connection?

Seal: Yeah. As a -- as a -- initially a pathway connection somewhat temporary in nature, but I mean, obviously, that would have to meet some kind of code.

Allen: Well, the whole point of the recommendation from staff was vehicular interconnectivity and -- and to distribute traffic. So, it just depends on what the Commission wants.

Seal: Okay. Appreciate that.

Allen: Pedestrian is better than nothing, though, I will say.

Seal: Right.

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher, go ahead.

Lorcher: I understand from the applicant they don't want to build the road right away. It's probably a -- could be a funding issue. You know, why spend the money when they really don't need it right away. I will defer to whatever the Commission decides -- what the majority decides as far as the road is concerned. If it's built at the beginning it would be helpful and useful, but I also understand from the applicant's point of view that if they don't have to spend the money on a road, which is probably expensive for them, they would probably want to defer.

Seal: Okay.

Yearsley: Mr. Chairman?

Seal: Commissioner Yearsley.

Yearsley: You know, I -- if I had a guarantee that the Winco was going to develop within a year, I would say okay, but we don't have any guarantee when -- when that's going to develop and that that interconnectivity is very important for that for both pedestrians and vehicles. If someone is coming home, wants to grab a bite to eat, it's a great shot to get -- get back to -- you know, back to the apartment instead of having to go back out to Overland, back to the light. I just think it makes sense to have it part of the phase one the way it's conditioned. It just makes it cleaner, makes it more open and just connectivity is -- I think is important.

Holland: Mr. Chair?

Seal: Commissioner Holland, go ahead.

Holland: As an alternative compromise would it be possible to condition that that Cinema Drive be extended within one year of the start of construction for this project?

Seal: I tend to think that might be where we are headed. I mean at least, you know, put -- put some kind of condition in there, whether it's based on occupancy or, you know, start of construction or something along those lines. I think that would be -- yeah. Exactly. I think that would be smart of us to put that in there.

Yearsley: The problem that I see with that condition is how do you enforce it and who is going to enforce that. Is that put on the Planning and Zoning or code enforcement or someone to have that done? And so it's easier to have it as part of certificate of occupancy, because it's an easy one to check. With having it one year who is going to police that?

Allen: Mr. Chair, when --

Seal: Go ahead, Sonya.

Allen: May I? If -- if you go that route it needs to be platted as part of the first phase. If you are going to do a timing on it like that. Thank you.

Seal: So, in --

Allen: It needs to be dedicated and -- and platted. Dedicated right of way with the first phase. And it is -- it is a difficult thing to enforce.

Seal: Once it's --

Allen: Unless it's before occupancy. But anything after that it is fairly problematic to enforce for staff.

Seal: Right. Yeah. So, I think we are probably hinging on before occupancy. Once it's platted what are the ramifications of it needing to change? I'm trying to be sensitive to the fact that we have got commercial going in there and we want to keep commercial going in there for Winco, so if they need to change that road and all of a sudden that's not going to work and -- it delays them. So, you know, just trying to weigh those two things out. I don't know what the -- not having ever built a subdivision or a commercial property myself, I don't know what happens once a road gets plotted in there and it needs to change. I mean what are the -- what are the costs associated with that before it starts -- before they start building it, obviously.

Allen: Mr. Chair, Members of the Commission, if the road location needed to change after the final plat was approved, then, they would have to come in and amend the plat. But between the preliminary plat and the final plat there would be time to nail that down hopefully.

Seal: Okay. So, who wants to jump in and add more to this? Or try and throw a motion out there on it?

Holland: Mr. Chair?

Seal: Yes, Commissioner Holland. And I believe this is a CUP, so we are approval on this, am I correct?

Holland: There is three different components of it, Mr. Chair. There is the conditional use permit for the multi-family development, but there is also the preliminary plat, which will go to Council. So, it's a partial recommendation, partial approval.

Seal: Okay.

Allen: Actually, Mr. Chair, no. The -- when a conditional use permit has a concurrent preliminary plat with it, then, the decision making body for that application actually acts on the conditional use permit. It is a little different in this case.

Seal: Okay. We still recommend approval on this?

Allen: Yeah. Thank you.

Seal: Okay. Thank you. So, we have both been corrected.

Holland: Yeah. Learn something new.

Seal: Absolutely.

Holland: Mr. Chair, I think -- I like your suggestion of -- of saying that Cinema Road needs to be extended prior to occupancy being issued. That gives them a little bit more time to maybe work with Winco on -- if they need to make any adjustments to it before they go to final plat on it. I think that that's a fair recommendation. The only other thing we have talked about -- I don't know -- we kind of got mixed reviews on whether or not we needed enhanced buffering. If there is a sound engineer that has said that it will provide minimal noise, these probably aren't going to be long-term stay residents. That's typical with most apartment complexes anyway, so if they live there for a couple years they may not care that they are next to the freeway noise and, hopefully, if it's mitigated that well with the design features of their -- their complex. But I don't know if we want to talk about that anymore. I'm open to adding a condition that asks for enhanced buffering from the freeway. I'm also not sure if we need to make a specific condition about the neighbors to the east of the project with the lower density homes, if we need to have a specific type of screening they are requesting added in there or if we just say that they need to work with the neighbors on what that fencing and screening looks like. Those are the two items I think still out there.

Seal: Yeah. I agree that -- I mean a sound engineer has signed off on it. The director has approved that. So, I mean there is some validity to it for sure. I mean as someone that used to live next to railroad tracks I can tell you that after you are there for a couple of weeks it's just background noise for the most part, which is hard to believe that trains would become background noise, but it truly does, so I -- you know, as far as who wants to recommend what on that, I think that the rest of the Commission would probably go along with whatever the recommendation is.

Yearsley: Well, I guess that that -- on the -- we don't need to make a change to the Cinema Way deal; correct? We just talked about it. It's part of occupancy. That's kind of where staff has put it in; correct?

Seal: I think we would need to change the wording of it to -- if we wanted it to be based on occupancy. Right now --

Yearsley: Okay.

Seal: -- it's just part of the recommendation no matter what.

Yearsley: Okay. I will make a stab at this if everyone's ready.

Allen: Excuse me, Mr. Chair, if I could jump in again. I'm sorry. I -- question for the city attorney. I'm not sure if -- if they make the extension of Cinema with the first phase final plat, if they can tie that to any other timing, like C of O. I believe that would have to be done with completion of the plat for ACHD to sign off on it. Mr. Baird?

Baird: Mr. Chair, Members of the Commission, having been in a position before where we have got apartments that are completed and you have got sales agents renting out rooms and there are conditions that need to be fulfilled, I have seen it work that tying it to a C of O gets their attention and it gets it done and any of the platting and the working with ACHD will just fall into line ahead of that through the planning process. That's the way I'm seeing it. Am I answering your questions, Sonya?

Seal: Yeah. I tend to agree with that where if you tie it in there, whatever modifications that road needs to be made are going to be made when they need to be made before anybody commits to occupancy.

Allen: If the C of O -- I believe that the road improvements, if they are part of the plat would all have to be done before building permits are even issued.

Seal: And, personally, that's what I was trying to -- you know, come to some kind of agreement on that to where they can still start to build, they just can't occupy beforehand. But if there is precedence before that that don't allow it, then, you can be stuck.

Parsons: Well, Mr. Chair?

Seal: Go ahead, Bill.

Parsons: ACHD has a process, just like the city. If the improvements aren't done the applicant can bond for those improvements and get their plat recorded, so that they are eligible for a building permit. So, more than likely this -- looking at the application submittals, it is their intent to do the apartment complex under one phase. So, that's a lot of buildings going up at one time. So, I kind of like your suggestion of where, you know, even if the road has been constructed they have the opportunity to bond for it and, then, prior to them getting occupancy, like you said at the first building, then, that road should be done. So, that may be the mechanism to go. I -- I'm kind of leaning towards the city attorney's interpretation that there is a mechanism there for them to move forward, get under construction and still have that road constructed prior to occupancy. I think we can change that condition to read that way.

Seal: And -- I mean with us doing a recommendation to City Council can we work towards putting that -- you know, solidifying that so that when it goes to City Council they have all the information as far as what it can and cannot be? I mean we can't -- we can't -- we can't provision something in here that's --

Parsons: You can make a recommendation on the DA to modify that provision. Right now the way that staff has the conditions -- or the DA provision crafted is with the first phase, which we are -- when we are talking phases we were talking about the subdivision phase. So, if it's your intent to modify that, you can have -- make a recommendation to modify that that road be constructed prior to the first occupancy of the first structure. So, you just have to make that clear in your motion and Sonya will make that happen. I would imagine that the -- again, the applicant has another bite at the apple, because they are going to be in front of City Council and if they can convince the Council to overturn your decision or staff's recommendation then -- then maybe they have that ability to do that. Because Sonya -- as Sonya mentioned to you they are the decision maker on it -- on all of it, so it really comes down to what you guys feel comfortable with moving forward on your recommendation and, again, the applicant will have their chance in front of Council.

Seal: Okay.

Yearsley: Mr. Chairman?

Seal: Commissioner Yearsley, go ahead.

Yearsley: After considering all staff, applicant, and public testimony I move to recommend approval to the City Council of file number H-2021-0007 as presented in the staff report for the hearing date of April 1st, 2021, with the following modification: That the construction of Cinema Way be conditioned upon approval of certificate of occupancy. That it be construction as part of the certificate of occupancy and that the developer work with the property owners to the east on developing an agreeable fence configuration.

Allen: Mr. Chair, excuse me. Clarification of the motion. Is -- is the motion to include Cinema Drive with the first phase subdivision plat, but have it constructed prior to the first occupancy permit?

Yearsley: That is correct.

Allen: Thank you.

Seal: Do I have a second?

Grove: Second.

Seal: All right. It has been moved and seconded to recommend approval of file number H-2021-0007, Seasons at Meridian/Winco Wells Subdivision with the aforementioned modifications. All those in favor say aye. Any opposed? Okay. Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Seal: All right. I will take one more motion.

Holland: I move we adjourn for the hearing date of April 1st, 2021.

Seal: Do I have a second?

Yearsley: I will second that.

Seal: It has been moved and -- motioned and seconded to adjourn. All those in favor say aye. Any opposed? All right. Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Seal: Thanks, everyone.

MEETING ADJOURNED AT 9:37 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS.)

APPROVED

ANDREW SEAL - VICE-CHAIRMAN

_____|_____|_____
DATE APPROVED

ATTEST:

CHRIS JOHNSON - CITY CLERK