

Meridian Planning and Zoning Meeting

August 6, 2020.

Meeting of the Meridian Planning and Zoning Commission of August 6, 2020, was called to order at 6:00 p.m. by Vice-Chairman Lisa Holland.

Members Present: Commissioner Lisa Holland, Commissioner Bill Cassinelli, Commissioner Andrew Seal, Commissioner Rhonda McCarvel, and Commissioner Patricia Pitzer.

Members Absent: Chairman Ryan Fitzgerald and Commissioner Nick Grove.

Others Present: Chris Johnson, Adrienne Weatherly, Andrea Pogue, Bill Parsons, Sonya Allen, Alan Tiefenbach, Joe Dodson and Dean Willis.

Roll-call Attendance

<input checked="" type="checkbox"/> Lisa Holland	<input checked="" type="checkbox"/> Rhonda McCarvel
<input checked="" type="checkbox"/> Andrew Seal	<input type="checkbox"/> Nick Grove
<input checked="" type="checkbox"/> Patricia Pitzer	<input checked="" type="checkbox"/> Bill Cassinelli (attended at 6:20pm)
<input type="checkbox"/> Ryan Fitzgerald - Chairman	

Holland: With that I am filling in for our fearless leader Ryan today, so, I would like to call to order of the regularly scheduled meeting of the Meridian Planning and Zoning Commission for the date of August 6th and let's begin with the roll call. Thank you, Madam Clerk. So, welcome to those watching in. Before we move forward with the agenda I'm just going to give a couple of directions about our process tonight. So, a lot of the Commissioners are meeting online via Zoom and we have one Commissioner in person at City Hall. On your screen you should see the Commissioners who are present for the evening. We -- we also have on call staff from the city attorney and city clerk offices, staff from our Planning and Zoning Department will also be on the call as well. Everybody else online that are attendees, you can observe the meeting and we can see that you are there, but your ability to talk and be seen will be muted. During the public testimony portion of the meeting you will be -- you can have the opportunity to be unmuted and able to comment if you would like. If you previously sent a presentation for the meeting it will be displayed on the screen and the clerk will run the presentation for you. The clerk can also assist in bringing up a slide from another presentation. If you need it just ask. If you just want to watch the meeting, we encourage you to watch the live streaming on the city's YouTube channel, which is also accessible at meridiancity.org/live. Once public testimony is open the clerk will call the names of those who signed up to testify on the website and, then, they will unmute you. The chair -- or I will call you individually at that point in time, so we will ask you to state your name and address for the record and you will have three minutes to address the Commission for any comments you might want to make and we may ask for -- questions for clarification, but once you are done they will mute you as well and you will no longer be able to speak. Once all

those who have signed up in advance are called we will ask if there is anybody else who would like to testify before we close the public hearing and if you would like to speak on the topic you are welcome to raise your hand button in the Zoom app or if you are listening through a cell phone or landline you can press star nine and wait for your name to be called. If you are listening on multiple devices, like a computer and a phone, make sure you mute those devices so that we don't experience feedback and we cannot take questions until the public testimony portions, so if you have a process question during the meeting you can reach out to the City Clerk's office at cityclerk@meridiacity.org and they will attempt to help you as fast as possible and I believe that they also have a room at City Hall that they might take you to if you are there in person to testify, so that everybody can hear you without feedback issues on Zoom.

ADOPTION OF AGENDA

Holland: So, on the agenda tonight the first item is the adoption of the agenda and we have a few changes to take place. So, if you are here for item three, four, or five or number nine, all of those items are requesting continuance at this point in time. So, we will be amending the agenda to reflect that. So, let me read those off really quick for you. Now my mouse is not working with me. So, item three is requesting a continuance and that is for H-2020-0046 for the Gateway at Ten Mile and they will be requesting continuance to September 3rd. The item for Pura Vida Ridge Ranch, H-2020-0064, is requesting a continuance for the date of September 3rd and we have item five, which is the Pearson Subdivision requesting a continuance to the date of August 20th and, then, we have Item number nine, which is the TM Center project, H-2020-0074, requesting a continuance to the date of September 3rd as well. So, with that in mind can I get a motion to approve the agenda as -- as modified?

Seal: So moved.

McCarvel: So moved. Second.

Seal: Second.

Holland: I have got multiple motions and seconds. Commissioner McCarvel motion -- moved and, then, Commissioner Seal seconded. All those in favor? Any opposed? Motion passes.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

CONSENT AGENDA [Action Item]

- 1. Approve Minutes of July 9, 2020 Planning and Zoning Commission Meeting**

2. Approve Minutes of July 16, 2020 Planning and Zoning Commission Meeting

Holland: Next up on the agenda is our Consent Agenda and at this point we have two sets of meeting minutes to approve, so we will be approving the minutes of the July 9th Planning and Zoning Commission meeting, as well as the July 16th Planning and Zoning Commission meeting. Can I get a motion to approve the Consent -- Consent Agenda as amended?

Seal: So moved.

McCarvel: So moved.

Seal: Second.

Holland: Commissioner McCarvel makes the motion and Commissioner Seal second. All those in favor. Any opposed?

MOTION CARRIED: FOUR AYES. THREE ABSENT.

ITEMS MOVED FROM THE CONSENT AGENDA [Action Item]

ACTION ITEMS

3. Public Hearing Continued from June 18, 2020 for Gateway at 10 Mile (H-2020-0046) by GFI - Meridian Investments III, LLC, Located at the Northeast Corner of N. Ten Mile Rd. and W. Franklin Rd.

- A. Request: Annexation and Zoning of approximately 41.28 acres of land from RUT in Ada County to the C-G (26.54 acres) and R-40 (14.74) zoning districts to accommodate the future construction of a mixed-use commercial and high density residential development.

Holland: All right. With that we are going to open up those items that requested a continuance just for the purpose of continuing them. So, we will start with item number H-2020-0046 for the Gateway at Ten Mile and they are requesting a continuance to the date of September 3rd. I will pause for a second to see if staff wanted to make any other comments about that one.

Parsons: Chair -- can you hear me?

Holland: We can hear you.

Parsons: Perfect. Yeah. Nothing really from staff. The applicant is continuing to work through some issues with us, so we anticipate having -- they just need more time to

resolve some of those issues and, hopefully, by that next hearing date we should have that ready to go for you and bring it forth with our recommendation.

Holland: Thank you, Bill. With that can I get a motion to continue the public hearing for H-2020-0046 for Gateway at Ten Mile to the date of September 3rd?

Pitzer: So moved.

Seal: Second.

Holland: Commissioner Pitzer moved. Commissioner Seal second. All those in favor? Any opposed? All right. Motion passes.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

4. Public Hearing for Pura Vida Ridge Ranch (H-2020-0064) by Jay Gibbons, South Beck & Baird, Located 3727 E. Lake Hazel Rd.

- A. Request: Annexation of 26.34 acres of land with R-8 (6.64 acres) and R-15 (19.69 acres) zoning districts.
- B. Request: A Preliminary Plat consisting of 157 buildable lots and 35 common lots on 26.34 acres of land in the R-8 and R-15 zoning districts.
- C. Request: A Planned Unit Development with a request for a deviation from the dimensional standards listed in UDC Table 11-2A-7 to allow reduced building setbacks in the R-15 zoning district.

Holland: On to the next one. Again, we are opening the public hearing for Pura Vida Ridge Ranch, H-2020-0064. The applicant's requesting a continuance to the date of September 3rd and I believe that the reason for this one is to allow ACHD time to review the application and provide a staff report to the city. If staff has anything else to add they are more than welcome to.

Allen: Staff has no further comments.

Holland: All right.

Allen: Thank you, Madam Chair.

Holland: Thank you, Sonya. With that can I get a motion to continue the public hearing for Pura Vida Ridge Ranch, H-2020-0064, to the date of September 3rd.

Seal: So moved.

Pitzer: So moved.

McCarvel: Second.

Holland: Commissioner Pitzer moves. Commissioner McCarvel second. All those in favor? Any opposed?

MOTION CARRIED: FOUR AYES. THREE ABSENT.

5. Public Hearing for Pearson Subdivision (H-2020-0075) by Melanie Pearson, Located at 175 W. Paint Horse Ln.

- A. Request: A Combined Preliminary and Final Plat consisting of 2 building lots on 3.98 acres of land in the R-4 zoning district.

Holland: Okay. On to the next one. Item number five is Pearson Subdivision, H-2020-0075, and they are requesting a continuance to the date of August 20th and staff says that there was a processing error and that they would just like two weeks to make sure that they meet the notification and timing deadlines. I don't think that they have got any other comments that they probably need to add to that one, but with that can I get a motion to move -- or continue the public hearing for Pearson Subdivision, H-2020-0075, to the date of August 20th.

Seal: So moved.

Pitzer: So moved.

McCarvel: Second.

Holland: I will give that one to Commissioner Seal this time. Commissioner McCarvel seconded. All those in favor? Any opposed?

MOTION CARRIED: FOUR AYES. THREE ABSENT.

6. Public Hearing for Rock & Armor Fitness (H-2020-0076) by Matt Garner with Architecture Northwest, Located at 1649 and 1703 E. Pine Ave.

- A. Request: A Conditional Use Permit for a 19,162 square foot fitness and training center on 1.8 acres of land in the I-L zoning district.

Holland: All right. I'm tired of talking, so I'm going to turn it back to staff and open up the public hearing for Rock & Armor Fitness, H-2020-0076, and we will begin with the staff report.

Tiefenbach: Good evening, Ms. Chair and Members of the Commission. This is Alan Tiefenbach, associate planner with the City of Meridian. Good evening. This is a proposal

for a conditional use. So, the property is approximately 1.8 acres. So, just a little short of two acres. It's located at 1649 East Pine Avenue, which is the southeast quadrant of North Locust Grove and Pine. It's on the left. You can see the future land use map, which recommends it for industrial. It's proper -- it's presently zoned industrial. This request is for a conditional use to allow a little more than a 15,000 square foot arts, entertainment, and recreation facility. So, this use is allowed by conditional use in the -- in the industrial -- light industrial zone district. Again, the subject property is a vacant lot now. It's at the corner of North Locust Grove and East Pine. Directly east of the property is a preschool. South of the property is a trucking company. West of the property is an electric supply store and north of the property is a tool manufacturer. There is also an existing single family in the northwest quadrant and I put these pictures up just to show you what has been built there. When the Nola Subdivision was developed there were already sidewalks and landscape strips that were put in. The 25 foot required buffer. So, the one on the upper left is looking south down Locust Grove. Looking east on Pine that -- if you look at the bottom left corner you can see the whole vacant lot there where the fence is sort of projecting out and, then, the daycare off in the distance, that's the lot that you are looking at right now. That's the vacant lot. To the top east is an internal access. That access runs south of the daycare and directly connects to Nola and, then, the last picture at the bottom right-hand corner is taken from Nola looking west, looking over towards the property. Again, the applicant proposes to build about a 15,000 square foot Rock & Armor Fitness Center. This proposed use is a sports performance center for training and physical therapy. It specializes in strength conditioning and rehabilitation for athletes. It's considered an indoor recreation facility, which is allowed by conditional use. It's important to note that this is not a drop-in fitness center like one of your after work gyms. These are classes and personal sessions that operate by appointment only between 8:00 and 6:00. And this -- this also proposes a 3,600 square foot outdoor training and warm up center. That's what you can see here. This would -- this would be sod. This -- this -- obviously, this would only occur during certain months. It wouldn't occur in the winter. But this is for the athletes to warm up and to train before they actually do their fitness. The primary access will occur from a shared driveway which is to the north here. There is also a secondary access that's shown here and shown here. Up to the -- the daycare is -- it's actually more about right over here and this comes to the south of the daycare and, then, connects over to Nola Road. Nola Road comes up north-south here and connects to Pine. The applicant has not submitted proof that there is cross-access easements. So, we don't know whether or not the applicant or the property owner over to the right has access across this lot. They may, but we haven't seen those. That is a condition of approval is that they be able to provide those at time of CZC. And the other thing is that based on the parking -- based on the parking spaces of one space per 500 square foot, 31 parking spaces were required. There is much less parking requirements for industrial, but this is not -- really not an industrial use, this is a commercial use, therefore, we are requiring that they provide parking at the commercial use, which would be one per 500. Now, one thing I want to mention -- there is a correction in the staff report. If you look at condition 3-A there is a recommendation for the property owner to the east to provide access, but the property owner to the east of this use is not part of this project, so we are asking you to just strike that condition. We cannot make the property owner at the other property provide access. However, we do need to mention that the

conditions of approval should mention that access -- that access easement with a -- should be provided between this subject property and the property to the east, because you will notice there is two driveways there and, again, we don't have proof of access. Both -- both North Locust Grove and East Pine are arterial roads. Like I mentioned, there is 25 foot landscape buffers that were -- that were already installed there. The sidewalk is already there as well. However, there is several trees in the landscape buffers that have since died. We are recommending that -- a condition of approval that they replace these trees and, finally, there are conceptual elevations that were provided by the applicant. The west here would be on the corner of North Locust Grove and Pine. The north elevation is also very visible. You would see this coming down Pine. One of the -- one of the concerns that we had is -- as you will notice the elevations are pretty different. If you look at the one on the west and you look at the one on the north, they definitely have sort of a different flavor to them. The other thing is that we have requirements in our architectural standards manual that you can't use metal as a primary field material. It's -- it's possible that they could ask for a design exception, but as is shown here they are proposing to use prefabricated metal panel. The other thing is that there is a certain requirement that roofs have to modulate every certain feet and if you look this roof has a long straight look to it. So, they are either going to have to ask for a design exception or -- or they are going to have to address this. If you look at the north elevation they are showing what I think are garage doors and we might want to defer to the applicant for that, but there are some additional requirements about garage doors and whether or not roll-up doors should be facing Pine Avenue. So, again, this -- it's important to mention that this is an industrial zone district, but this use is listed as a conditional use. So, the use has already been deemed appropriate in the zoning district. We are just down to conditioning to deal with mitigating any impacts. With that staff would recommend approval at this with -- again, with the condition that 3-A be stricken to not require -- obviously, try to have the property owner to the east provide access and to make the second condition have access easements plural. And with that I will entertain any questions.

Holland: Thank you. Are there any questions for staff? Seeing none, I think we could hear from the applicant if they are available.

Weatherly: Madam Chair, Mr. Garner is joining us via Zoom. Mr. Garner, you have the floor.

Garner: Thank you, Commissioners. Glad to be with you tonight. Just to be brief, we have been provided the staff report. We are in agreement with the conditions. Just a couple of things that were brought up by Alan in his presentation. I do -- I am in -- I do have the cross-access agreement that is I believe the one to the north that comes in there off of Pine, between the daycare and the property in question. I think that there is another cross-access agreement for that access on the south. I do not believe I have that one yet, but it is to be coming to me. So, as soon as I have those, as has been conditioned, we will go ahead and provide those on the architectural site plan, the instrument number, so that they can be referenced. So, that was that. And, then, if you are looking -- Alan, do you have the ability to manipulate the screen?

Tiefenbach: Yes, I do. If you want me to -- if you are talking about my presentation; correct.

Garner: Yeah. I was going to say, if you go back to those elevations, the conceptual, those are not overhead doors on that north side. There are no overhead doors except on the east end of the building that goes out into that practice area and so we will work with -- on the -- in the CZC and the DR, which is coming up next. If we get the conditional use permit, then, we will work with staff on addressing the elevations as necessary to provide -- to make them in compliance with the architectural standards. But, yes, we are in agreement with the conditions and would stand for any questions if you have any for me.

Weatherly: And, sir, can you, please, state your name and address for the record, please?

Garner: I'm sorry. It's Matt Garner. It's 1211 West Hawk Place in Nampa, Idaho. 83651.

Weatherly: Thank you.

Holland: Thanks, Mr. Garner. Thanks, Madam Clerk. Are there any questions for the applicant?

Seal: Madam Chair?

Holland: Commissioner Seal.

Seal: Just for disclosure here, I -- I am a frequenter of Rock & Armor, especially in the wintertime. So, I just wanted to put that out there. I don't see it as a conflict of any kind, but I just wanted folks to know.

Holland: Thanks, Commissioner Seal. Any concerns with Commissioner Seal's note there? Seeing Commissioner Pitzer shake her head no. Hearing nothing from Commissioner McCarvel, I think you are good to go. I'm seeing heads shake no. Okay.

Weatherly: Madam Chair?

Holland: Yes.

Weatherly: For the record I just wanted to note that Commissioner Cassinelli joined us at 6:20 p.m. Great. Thank you. Welcome, Commissioner Cassinelli.

Cassinelli: Thank you. Sorry I'm a little tardy this evening.

Holland: That's all right. We are glad to have you. Mr. Garner, so on the north side, looking at the rendering here it looks like there is kind of different elevations proposed for the west and the north side. Can you explain a little bit more about what the process is going to look like? And I know you will work with staff on the design review of the building,

but as that's kind of -- those are two primary roads that are in Meridian and I would love to see maybe a little more consistency between those, but would you mind expanding on that a little bit.

Garner: Well, I think -- for me I think that these renderings -- you know, it's not a 3D model like you would want to see where you have some dimensionality to it, but I would contest that this -- that some of those elements that are visible on the west elevation do carry around to this north side and you wouldn't be able to see it, so if you look at the west elevation there on the top, you see the smaller volume on the left-hand side of the screen that pops off of the side of the building, you don't necessarily see that in the north elevation, because of the limitations of the elevation, but that volume does pop out and it does articulate, because you have a lower roof that's lower than that higher roof and so there are some of those elements that do that. The materials are carrying around as well. You will see the white stucco on the west elevation and that dark metal that does come around to the other side of the building on the north as well. So, we have made an attempt to try and carry some of those things around. But as -- as far as going -- moving forward, what we will end up doing is I will go through the architectural standards manual and verify areas where we are compliant and maybe areas that we are not compliant and part of it is where -- when I met with staff they did talk about this is an industrial zone and so some of these things that are on the building, they would be fine in an industrial zone and so I think that there -- because he wants to consider it a commercial building, which it is, in industrial zoned, maybe there is a happy medium and we have tried to do that. There have been revisions since our pre-application meeting where we have gone back and tried to modify and put some things in there to carry that -- those themes around the building and so we will continue to work with staff to make sure that we do satisfy the architectural standards.

Holland: Thank you, Mr. Garner. Appreciate it.

Garner: You are welcome.

Holland: Any other questions for the applicant right now? Hearing none, I'm going to ask if there is anyone for public testimony and, then, we will come back to you, Mr. Garner, in a minute.

Garner: You bet.

Holland: Madam Clerk, do we have anyone signed in to testify on this one tonight?

Weatherly: Madam Chair, we do have a couple of sign-ins, the first of which is -- oh, I apologize. They did not indicate a wish to testify. So, technically, no, we do not have anybody signed up to testify tonight.

Holland: With that and using Commissioner Seal's eyes to see if there is anybody in the audience that would like to testify, if anyone would like to testify in this application if you would raise your hand in the Zoom app or you would wave at City Hall, we will give you

a chance to speak for a minute if you would like. And it looks like we have no takers, so -- all right. Mr. Garner, one more question for you I have. So, obviously, this area was planned for industrial. I'm just curious on why -- why you chose the industrial site instead of looking for a traditional commercial site for your project?

Garner: Well, I think that that would be a question that would best be answered by the owner if he wanted to. I think that it was just a parcel of land that he found and it was a good location for him and so that was -- that was why he chose that spot.

Holland: Fair enough. Any other --

Garner: I guess that's -- that's the best that I can answer, because I don't really know that answer, but that would be my speculation.

Holland: Okay. Commissioners, any other thoughts or questions you would like to raise before we close the public hearing on this one? Hearing none --

Seal: Madam Chair, there is somebody raising their hand in the -- in the audience.

Holland: Okay. If there is someone raising their hand we can -- I think it's -- since it's still open we can certainly still take that. Madam Clerk, can you help them get -- get to --

Williams: This is Tim Williams, the owner of Rock & Armor. To answer your question, we are literally just around the corner on Locust Grove from there. So, I drive by that piece of land. Steve Hill owns it and have been admiring it for six years now and so we are really excited that it's really close to where we are currently at and it's a good location for our clients and they won't have to go much further or in a different route to receive the services we provide, so --

Holland: Thank you, Tim. If you wouldn't mind, would you state your address for the record as well.

Williams: Timothy Williams. My home address or work address? It's 535 North Locust Grove Road, Suite 170, Meridian.

Holland: Thank you, sir. Appreciate it.

Williams: Thank you.

Holland: All right. Any other questions for -- for Tim or Mr. Garner here? Mr. Garner, any other thoughts or comments you want to make after that?

Garner: No, I don't think so. But I guess the one thing that I would add is relative to the parking. Tim talked a little bit about the parking and when we had our pre-application meeting we came back and we had done our analysis -- parking analysis at the one space per 500 square feet of building and we came in and we had like 30 spaces and Tim was,

you know, questioning whether that would be enough. After consulting with Tim Williams, the owner, and getting his feedback on the number of people that would be visiting the facility at one given time, we did go back in and add in -- pretty much maximized parking on the site to make sure that there would be adequate parking and so that was also something that was addressed from the pre-application meeting to its current iteration. So, we should have plenty of parking available to all the clients as they come.

Holland: Great. Thank you. Appreciate it.

Garner: Yeah. You're welcome.

Holland: All right. If there is no more questions for Mr. Garner, I would entertain a motion to close the public hearing for Rock & Armor Fitness, H-2020-0076.

Cassinelli: So moved.

Seal: Second.

McCarvel: Second.

Holland: Commissioner Cassinelli moved and second from Commissioner Seal. All those in favor? Any opposed?

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Holland: All right. And just a reminder, this is a conditional use request, so we are the deciding body on this one. So, if make a motion to -- we are not recommending approval, we are the approval body on this one. So, just keep that in mind. Anyone want to go first? Commissioner Cassinelli.

Cassinelli: I'm happy to jump in, even though I was late. I think it's kind of -- kind of got an industrial design look to it. I like it. I think the location is prime. We have got that development going in just to -- I think it's 43 Pine or whatever all that is there to the north side there, so I think it's a great fit, a great product. It will -- it kind of ties in the -- the industrial look and feel. So, I like it and I think we are good on parking.

Holland: I was waiting for that comment, Commissioner Cassinelli.

Cassinelli: That's correct. Yeah. I had say something on there; right?

McCarvel: Madam Chair?

Holland: Commissioner McCarvel.

McCarvel: Yeah. I -- I kind of hate to see our light industrial getting eaten up, but I think if they had their eye on this piece of land for that long and being able to bring different

clientele and fill in that space, so it's a good fit and I can see where they were talking about it probably has more dimension than what we can really see here. I think it would be a good fit.

Holland: I will jump in with my comments, too. I think that I -- I agree with those two comments you have both made, that it looks like they have done a good job of trying to incorporate an industrial commercial design into the area that it's matching and consistent, which I certainly appreciate and I also appreciate that they did the commercial parking standards, because this type of use we typically have more people coming in and out of it than an industrial use would and if for some reason this gym ever, you know, decided to not operate in this building it could be converted back to an industrial building, so I appreciate that, too. My only challenge is, again, I know that industrial is really hard to find right now anywhere in Meridian and it's always tough because a lot of churches, gyms, daycares, we have seen a lot of requests in industrial zones for those types of projects to kind of come in and, you know, we take them one -- one at a time and they are allowed with a conditional use permit, so it's not that it doesn't fit, it's just -- I always hate seeing prime commercial ground taken up -- or prime industrial ground taken up when there is not very much available in the city. That being said, I don't really see a reason to deny the project based just on that. That's just a personal note that I wish that we had more industrial buildings, because there is a lot of great manufacturers out there that we could be attracting to the City of Meridian and I know that this one will be a good solid company and I'm sure that they pay their people well and will have some great opportunities for clients and some revenue opportunities that the city ends up benefiting from the new construction. So, those are my comments. Commissioner Pitzer?

Pitzer: Madam Chair, I'm just going to go ahead and start. After considering all staff, applicant, and public testimony I move to approve the conditional use permit for file number 2020-0076 for Rock & Armor.

Holland: Okay. We have a motion. Do we have a second?

Seal: Madam Chair?

Holland: Commissioner Seal.

Seal: We need to make sure that we strike condition 3-A as per staff's -- staff's request and, then, they wanted a condition on item number two for -- to elaborate on easements, not just easement.

Holland: I had that note in front of me and I forgot to read it, so -- yeah. Commissioner Pitzer, if you are willing to modify your motion to strike 3-A in the staff report and also allow access easements for the property on the east.

Pitzer: Yes. Yes, I have the notes as well and I didn't read them either. Yes. So, I move that we approve the conditional use permit. With the condition that we strike number 3-A and make a condition for easement access for file number 2020-0076.

Seal: Second.

Holland: Okay. I have got a motion by Commissioner Pitzer and a second by Commissioner Seal. Any discussion? I'm not hearing anybody say yes, but all those in favor. Okay. Any opposed? Motion passes.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Holland: Thanks, Mr. Garner.

Garner: Thank you, Commissioners.

7. Public Hearing for 1625 E. Bentley Drive (H-2020-0078) by Clint Hansen of Land Solutions, Located at 1625 E. Bentley Dr.

- A. Request: Annexation of 1.03 acres of land with the C-C zoning district.

Holland: With that we will move on to public hearing Item No. 7, which is for 1625 East Bentley Drive, H-2020-0078, and we will begin with the staff report.

Tiefenbach: Thank you, Madam Chair. Again, Alan Tiefenbach, associate planner with the City of Meridian. This is a proposal for an annexation and rezoning of properties about one and a half acres. It's presently within unincorporated Ada county, zoned R-1. It's located at the southeast quadrant of South Locust Grove and East Bentley Drive. This is a request to annex and zone to allow a 40 -- 4,800 square foot office building and a future lot with two lots total. So, again, the subject property is at the southeast corner of South Locust Grove and East Bentley. It contains right now a 21'ish square foot house. South -- it's interesting the way the road is set up. Let me show you here. If you look at the picture on the left, that is looking at the property. The house on the left is the house that will eventually be demolished and that row that you are looking at with the barrier, that's kind of a no man's land. It doesn't -- I'm not even sure if it has a name, but it is a right of way. If you look to the picture on the right, you are looking down Locust Grove and that picture was taken to show you that there is existing sidewalk now and to show you the house and the existing lot. Excuse me. And the -- on the bottom there you are standing on Bentley. Bentley turns into Truss. Truss -- if you look at the white truck there, the road that goes on beyond that truck -- that truck is Truss. Where you see this road curve, that is Bentley. Here is the site plan. Immediately to the north, south, and east of this property is low density residential, although over to the west and further to the south is highly intensive non-commercial uses. So, again, to the west is Renaissance High School and the Idaho College of Osteopathic Medicine and if you go to the south on the other side of Highway 84 we have got pretty intensive uses, including fast food restaurants, gas stations, and movie theaters. It's important to note that the Comprehensive Plan recommends this area for commercial and, then, just going east -- just east of this property it's recommended for a mixed use neighborhood. So, that's your smaller levels of commercial, some residences, kind of a mix. It's a -- it's transitional use

running up to that. Sidewalks, as I said, already exist along South Locust. Although the applicant will be required to install a buffer along Locust, here this sidewalk is already existing. The applicant will have to put in a buffer there, like I said. The business proposal right now is presently located at 213 East Fifth Street in Meridian and they are sharing space in a 3,800 square foot building. That existing business leases -- the one we are talking about -- about 1,300 feet of available space in this and they are not the owner of that building. The applicant stated that the size and the configuration of the present building doesn't lend themselves to the existing operations. They can't expand. It's just not a very good working environment. So, the applicant wants to build a larger building and move their business here. This is a survey type company, so it's a professional level business. It's not the type that you imagine people are coming and going all the time. It's where people are coming in or even working remotely and they are working their eight hours doing survey and engineering type work and, then, they are leaving. As I mentioned, there is a single family residence that's existing on the property. That's what you see right here. Single family residential is not allowed in commercial zoning districts, so one of the conditions -- or conditions of approval is that this house would have to be removed prior to CO -- when they come in and actually do the CZC. One thing I wanted to mention is that the property is technically two lots. There is -- there is the one lot that's over an acre and, then, there is -- you can't see it here, but there is a little spite strip that's -- that's owned here or what you would probably call a spite strip. Very long narrow lot. And the reason why I bring that up is that the property is technically two lots. The applicant eventually wants to do a property boundary adjustment, move the lot line down towards the middle and turn it into two lots. Now, that's not what they are doing with this proposal, but they will be able to do that as an administrative process, because they already have two lots. Although the staff wanted to make sure that -- because the applicant is considering eventually a second business there, we wanted to make sure that they took that into account with the annexation and give us some kind of conceptual site plan about how that business should be laid out, especially with such a visible road being Locust Grove and the residences to the east and we wanted to make sure that the most efficient parking and that the parking was wrapped. So, what you see here on the south is this is the building they are proposing now, 4,800 square feet-ish, and that's called Land Solutions. Up here is conceptual. We don't know if and when this is going to be built, but they have demonstrated that they have enough parking for this business. Each business has about 17 spaces, which is well beyond the ten that they are required. One thing that we did have a concern about was when this building is demolished now long will it be until something else is developed on the northern portion of that property. What we didn't want to have happen was it to be sort of -- I will use the word again -- a no man's land where there is just grass and weeds and it sort of looks like an undeveloped lot for some amount of time. Staff recommends that when that -- when that house goes that until this property is developed that this would be needed -- this would be seeded with native seed and kept free from weeds to look more like a part of the property versus just something that's sort of sitting there fallow and the other thing I guess I wanted to mention, again, is -- is since -- since we wrote the staff report there has been at least one letter from an adjacent property owner. The -- the applicant has told me that the community meeting did have a few people that showed up with concerns. The biggest concern from what I understand is just that there are residents in the county and they do not want the city to be annexing

that as commercial. There was concerns expressed in a letter that I received today about traffic. There is only one way into this property coming up Locust Grove and taking Bentley is the only way in. You can't go east, because it turns into cul-de-sacs and it dead ends. Now, eventually, that may go through, but as it is right now there is only one way in. Staff did not have major concerns about the -- the traffic with this and the reason why is because this is a professional office for not very many people doing professional level surveys. So, again, they are coming in, they are doing their eight hours of work at their computers and they are going home. This is not a retail store or some kind of big business that's going to be generating very much traffic at all. It's very -- very compatible with what would be a residential neighborhood and it would be very consistent with what you would see in a transitional use, such as mixed use -- mixed use neighborhood. With that staff recommends approval on this with the conditions listed in the staff report.

Holland: Thank you, Alan. Any questions for staff?

Seal: Madam Chair?

Holland: Commissioner Seal.

Seal: Just wanted to make sure the conceptual site plan that you have up here is different from what's in the application material, but is this -- the conceptual site plan that's here, is that something that was modified and that's what they are going with? Because it is quite a bit different.

Tiefenbach: It's very different. The -- the original site plan that they submitted on -- the staff -- as staff was -- so, when staff as writing the staff report we are reviewing these things and we are really going through the analysis and looking at this and we discussed this as a staff and it was -- as we moved forward it became more apparent that he wanted to do a second building and the other thing was that we did -- we weren't really thrilled about the original layout, so we conveyed that back to the property -- back to the applicant and last week the applicant gave us the most -- their latest version of the site plan. So, what you see here in front of you is -- is the version that is being proposed tonight.

Seal: Okay. Thank you.

Cassinelli: Alan -- Madam Chair?

Holland: Go ahead.

Cassinelli: Sorry. Alan, is there a -- what's the height restriction in this area.

Teifenbach: Let me see. I think I might have that off the top of my head here. Bill is saying 50 feet. Didn't have it right in front of me.

Cassinelli: Okay. And this is proposed to be a single story; is that correct?

Tiefenbach: Correct. Single story building.

Cassinelli: Okay.

Tiefenbach: And he didn't -- didn't provide elevations, but it's a single story, somewhat kind of office, somewhat industrial looking building. All of that detail is on the --

Cassinelli: I'm sorry, I couldn't catch that.

Holland: Alan, you are cutting out a little bit.

Tiefenbach: Oh. Sorry. Yeah. It's -- if you look in the staff report, the most recent version of what's been proposed to us is in there. You know, we did, again, have a little bit of concerns about the roof and the metal that's being proposed. That's all stuff that will be worked out with the CZC. We did express those concerns in the staff report. That's on page ten of the staff report. You can see what the architecture and what the level of that building is.

Holland: Did you catch enough of that, Commissioner Cassinelli?

Cassinelli: Yeah. And I can look at page ten and I guess -- so, the 50 feet -- because I'm also curious about what might come in the future there as it abuts residential, so -- but I think that -- I'm clear for now. Yes. Thank you.

Holland: And I believe looking at what's neighboring around there, it's a lot of lower density homes and this is an area that during the comprehensive planning process I know that the committee spent a lot of time on this area and decided not to really make any significant changes, because for that area to redevelop all those properties would pretty much have to redevelop together and it was unlikely that that was going to happen. So, we -- I think it might be that we get one of these every once in a while and I think it's located on Locust Grove, that makes it a little bit easier than being something that's kind of in the middle of that -- that they will only access Bentley to come in and like Alan explained, it's just for an office use, but it's not a retail location, so it won't have a lot of traffic in and out of it. Any other questions for Alan? Seeing none, Madam Clerk, can we bring the applicant on.

Weatherly: Madam Chair, he's in the building tonight, so we are getting him set up right now. Go ahead and state your name and address for the record, please.

Hansen: Okay. My name is Clint Hansen. 231 East Fifth Street, Suite A, in Meridian. Me and my business partner Vince are proposing to annex and rezone this property. We were kind of -- I guess not as familiar with the process as we thought for the annexation and rezone. We didn't know we needed to have this site plan as developed as it is, so that's why we tried to work at the last minute to try to complete a conceptual site plan that was for this review. We just had envisioned going through the annexation and rezone process and, then, working with city to develop the site plan, you know, nail it down, but I

think what we have come up with is pretty close to what we, you know, had -- had originally thought we would like to -- like you said, make it into two building lots, with ours being a flex space with the office and garage -- garages for the survey field crews. We have been operating in Meridian for 16 years, serving in the valley for over 20. So, we have been here a long time. We are invested in Meridian and we really like you, know Meridian and the area. We looked for property in flex space for a long time. There just isn't a whole lot of flex space available for our type of use where we need office for the drafting and design and everything that we do and, then, garage spaces for our -- you know, our field crews. So, this would work out perfect for us being right there close to access to Eagle and to Meridian Road and we -- I mean we survey all over the valley with our land surveying. So, it's -- it's perfect for us. I know there is a lot of history in this neighborhood with the city and the neighborhood and the comp plan that the city just adopted, a future land use map and stuff, and I -- in our neighborhood meeting the neighbors expressed -- a lot of them expressed that they don't really have a problem with what we are doing, other than it has to be annexed and rezoned and that's what they are against is the annexation and rezone and I'm sure there is some that will testify tonight. You will hear their concerns and that's what we expressed to them is they need to come and express their -- their concerns here at the -- at the hearing, so -- yeah, I didn't -- any other questions for me I guess?

Holland: Any questions for Mr. Hansen?

Cassinelli: Madam Chair?

Holland: Commissioner Cassinelli.

Cassinelli: Since -- since some of this -- you just kind of put together I guess the site plan at the last minute, I'm assuming that's the same for the elevation and are you -- I guess I want to know -- I want to kind of see that it's tied into, you know, not so industrial, but it sort of blends in with the residential that's in there behind. Is that -- and I don't know what the staff is -- I'm trying to find it and I can, but I don't know what the staff is calling for on that.

Hansen: The elevations that we had submitted that are shown on page ten of the staff report, those, again, were when I was instructed when I submitted the application was just very preliminary conceptual, just so they kind of have an idea of what we are doing and proposing for the property. And we certainly -- this isn't nailed in stone as far as all the architectural -- I mean material and necessarily the roofline and stuff, this was just a -- kind of a conceptual idea of a flex space that we would like to do. So, we would still need to develop this with our development agreement and -- when we go to submit for their -- for their building permits or whatever their conditional use or whatever it will be at that time, then, we will work with staff to -- to make sure that that is conducive to what the city wants and what is, you know, best for everybody to use, too, in the neighborhood.

Cassinelli: All right. Thank you.

Teifenbach: We are going to pull up -- sorry. Alan Tiefenbach. We are pulling up the elevations for you, so that you can see them. We did express some concerns about the usage of metal that was being proposed and some of the roughs and we wanted again just like the other one, we wanted to make sure those concerns were expressed, that we weren't totally -- we like what he's doing, we will work with them, we weren't totally -- we weren't totally on board with the -- with the architecture, because we didn't think it fit with the neighborhood, but we are pulling up the elevations right now so you can look at them.

Holland: Thanks, Alan. Appreciate it. Any other questions for Mr. Hansen while staff is pulling up that rendering? None. I think we will just wait a minute and, Alan, just to confirm, they are going to have to still go through design review with the city on these buildings and make sure that they meet the standard code for commercial; correct?

Tiefenbach: Yeah. Yes, ma'am. When we -- when we have these conceptualls put up we don't want to get too bound into them direct into the hearing. We would like to have the Commission and/or the Council look at them to get a sense, but if -- but if there is some issues up front, we especially want to make sure that the applicant knows in the hearing, so it's not a surprise that the amount of metal that they are showing here and probably the articulation of the roof is going to be an issue and they also have to turn the garage doors -- can't be facing a public street. So, they will know those things. And, yes, we will be doing that with the certificate of zoning compliance and the design review.

Holland: Thanks, Alan. Any other questions for staff or the applicant at this point? All right. Thanks, Alan. And, Madam Clerk, do we have a couple people signed in to testify it sounds like?

Weatherly: Madam Chair, we don't have anybody signed in to testify.

Holland: Okay. Is there anyone in the audience or on Zoom that would like to testify? If so raise your hand or indicate that you would like to testify and we will get you online.

Weatherly: Madam Chair, no one is indicating that they wish to testify.

Holland: I'm sorry, what was that?

Weatherly: No one is indicating a wish to testify, either online or in the room.

Holland: Okay. Alan, I don't know that everybody had a chance to probably see the letter that you received today. Could you summarize for us what that testimony said.

Tiefenbach: Yeah. Let's -- actually, let me just see if I can pull it up quickly for you. Yeah. Hang on one second. The clerk is helping me. I can't navigate super fast here.

Holland: Thanks, Alan. We appreciate you. It's always harder when you are trying to navigate something while you have got a hundred people watching you, too.

Tiefenbach: That's exactly right.

Holland: I believe the main concerns from neighbors were just that they -- they wanted to remain in the county and wanted assurance that they weren't going to be annexed in, so my -- my answer to them would be that no one's going to force annex anybody into the city of Kuna. We take them only as people bring them to us.

Pitzer: Meridian.

Holland: Meridian. I'm sorry. Did I just say Kuna? Wow, it's been a long day. Sorry.

Tiefenbach: Actually, Mr. Parsons has it on his computer. He's hitting it on the Y drive. So, give me just a second and it will come up. Thank you, Chris. There it is.

Holland: So, it looks like the three main concerns is the access point, the -- the concern about wanting to stay in the county versus coming into the City of Meridian and that the property is close to homes and so they would prefer the hours of 8:00 to 5:00, so we can certainly ask the applicant to address what their hours of operation would look like. Okay. Thanks, Alan. Appreciate it.

Tiefenbach: That was Chris' doing. Thank him.

Holland: Thanks, Chris. With that, Mr. Hansen, do you have any comments -- can you share about what your hours of operation look like or answering any of those other concerns that were addressed in that letter?

Hansen: Yeah. Sorry. I didn't get through the letter, but I did see that number two that said, you know, 8:00 to 5:00 and that's certainly what we are. We usually right now in the summertime start a little earlier than that and get off, you know, everybody goes home by 3:00 or so, 3:00 or 4:00 most -- you know, sometimes you work maybe until 6:00 or so with -- I mean the crews trying to finish up projects, but we are not an all hours of the day type of operation and, you know, close up shop and go home and it will just be all quiet. So, I know one of the neighbors expressed for lighting, too, that we just consider that with the -- with the lighting to not be pointed towards the houses and stuff and, yeah, it's certainly something we would obviously do. And I'm thinking that the city would require anyways at that point, but -- yeah. What -- what I saw with that letter we are certainly conducive with what they are saying.

Seal: Madam Chair?

Holland: Anything else you would like to -- oh, Commissioner Seal, did you have a question?

Seal: Just a question on the field trucks and stuff like that. Is that something you service on site or are those taken somewhere else to be serviced?

Hansen: After hours?

Seal: Yeah. Just trying to get an idea of after hours type of activities that might take place.

Hansen: Oh, yeah. I mean we don't really work on our own vehicle, we take them, you know, to a mechanic or anything like that. Is that what you are asking if we need to do --

Seal: Correct. As far as vehicles or any other kind of equipment might be serviced to, again, trying to get an idea of anything that might happen after hours.

Hansen: Yeah. Generally all service stuff off site with mechanics and different stuff, because we just don't have time or desire to do any of that.

Seal: Got you. Okay.

Hansen: So -- yeah. Every once in a while there might be, you know, some Saturday work going on, too, it's just the office are different things, but generally not servicing or doing anything with the vehicles.

Seal: Okay. Thank you.

Cassinelli: Madam Chair?

Holland: Commissioner Cassinelli.

Cassinelli: I have an additional question on that. Do you have some ideas in mind for -- for that additional building, what that might be. Will that be kind of similar applications. Again, just kind of going to some of the neighbors' concerns.

Hansen: Yeah. For us -- I mean ideally we would like to keep it and development it into something in the future, but I feasibly I think we are going to try to just end up selling the lot and so we don't know what any potential buyer might want to put on that piece of property, which is I think what the -- what Alan or the staff report is trying to kind of nail down a little bit, so kind of have an idea of what will be done there. So, they will certainly develop -- or design -- or the development agreement will run with the land. So, whoever purchases the property would -- after we have entered into that development agreement we will have to comply with that as well.

Holland: And they would have to still take a lot line adjustment request to the City Council as well.

Hansen: All right. Thank you.

Holland: Any other questions for Mr. Hansen? Seeing none, Mr. Hansen, is there any other closing remarks you would like to make before we close public hearing?

Hansen: No. Thank you for your time.

Holland: Thank you. Can I get a motion to close the public hearing for H-2020-0078, 1625 East Bentley Drive?

Seal: So moved.

McCarvel: So moved. Second.

Holland: Okay. Commissioner Seal motions to close and McCarvel second. All those in favor? Any opposed?

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Holland: All right. The floor is ours. Anyone want to go first?

McCarvel: Madam Chair?

Holland: Commissioner McCarvel.

McCarvel: I think this is a nice transition of -- from some of the other uses that are close by into current residential. It doesn't sound like it's going to be much of an impact and it sounds like -- it seems like it would be a good neighbor for them and easy access for all their equipment. I would be in support of it. But I would -- yeah, I would be in agreement with staff that that other lot not just go to weeds and be unkept in the meantime until it's developed.

Holland: And I believe that's a condition that they have to seed it and maintain it until it --

McCarvel: Yeah.

Holland: -- comes time that they develop that lot.

McCarvel: Yeah.

Pitzer: Madam Chair?

Holland: Madam Pitzer.

Pitzer: You know, I'm -- I'm looking at this and the new comp plan that we put in place and this is definitely keeping with the comp plan. I think that this is going to blend well, you know, with the surrounding neighbors having larger lots, will be selling or won't be selling, if they want to -- don't want to sell, it won't go through. I like the blend that it's going to have with the property to the west across the Locust -- Locust Grove and I think that, again, as Commissioner McCarvel said, this is -- it's going to be very low impact. It's

not like it's a mini mart having a lot of stop and go customers on that -- that area. So, I'm in favor of this as well.

Holland: Thank you, Commissioner Pitzer. Mr. Cassinelli or Commissioner Seal?

Seal: Madam Chair?

Cassinelli: Madam Chair?

Seal: Oh.

Holland: Commissioner Cassinelli.

Cassinelli: I'm -- I'm in favor of it. It's a tough little -- little spot there. You got commercial bumping up against the residential, but I think, you know, once they work with staff on -- on elevations and building materials and whatnot, I think kind of farm -- larger lots, sort of -- sort of mini farms over there. So, I think it will -- I think it can be done right and blend in. So, all in all I'm -- I'm in favor of it.

Holland: Commissioner Seal?

Seal: Yeah. Madam Chair, I basically echo what has already been said. So, I don't want to belabor the point. It's looks like it's going to fit well. It's going to be pretty quiet. So, kind of like the fact that that's going to squeeze in there. It's going to take up a little bit of commercial space. You know, it's not going to be another residence or multi-family or some crazy thing like that with a bunch of kids that are going to school, so -- because the schools are a little crowded. So, I like -- I like it. And I -- the second conceptual drawing they have of it to me works a lot better, just because of the way that the parking lot can definitely continue on to -- to host for the -- whatever building goes in there in the future to the north.

Holland: I agree. And ditto to everything everyone else has said. So, if anybody would like to attempt to make a motion certainly that is called for at this time.

Seal: Madam Chair?

Holland: Commissioner Seal.

Seal: Let me get my thing up here, so I don't mess this up too bad. After considering all staff, applicant, and public testimony. I move to recommend approval -- approval to the City Council of file number H-2020-0078, for 1625 East Bentley Drive and that's it.

Holland: I have got a motion --

McCarvel: Second.

Holland: Okay. Motion by Commissioner Seal, second by Commissioner McCarvel. All those in favor? Any opposed? Seeing none, motion passes.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Holland: We will move on now to the public hearing for Jocelyn Park Subdivision, H-2020 --

Weatherly: Madam Chair?

Holland: Yes. Go ahead, Madam Clerk.

Weatherly: I apologize for interrupting, but when they adoption of the agenda was done I believe you mentioned Item No. 9 being continued as well. The Brighton team is --

Holland: Correct.

Weatherly: -- on the phone and they wanted to make sure that that's what you were going to do. I didn't hear you open that up. I was wondering if you wanted to open that up for continuance at this time before you proceed.

Holland: Thank you, Madam Clerk. We did not -- we did not continue it at the beginning. We left it kind of where it was on the agenda, but I believe our intention is to continue the application. I don't know -- since we have already adopted the agenda, I don't know if we would need to go back and make a new motion to adopt the agenda again if we heard that first. I will look at our legal counsel for that question.

Pogue: When it comes up we can open for -- to continue. So, just take it up in its order at this point.

8. Public Hearing for Jocelyn Park Subdivision (H-2020-0067) by Bonnie Layton, Located on the South Side of W. Victory Rd., Approximately ¼ Mile West of S. Meridian Rd.

- A. Request: A Preliminary Plat consisting of 67 single-family residential lots and 7 common lots in an existing R-8 zoning district.

Holland: Yeah. I would say, Madam Clerk, I think it's every intention of ours to continue it, but we will move forward with the -- the next application first. Okay. With that we open the public hearing for Jocelyn Park Subdivision, H-2020-0067, and begin with the staff report.

Dodson: Thank you, Madam Chair. I appreciate it very much. That little tidbit gave me time to clean up the area. So, thank you. All right. As stated, the next item on the agenda is Jocelyn Park Subdivision. The project before you is located at a site that consists of

12.675 areas of land, zoned R-8, and is located at the south side of West Victory Road, approximately a quarter mile west of South Meridian Road. The subject property --

Holland: Sorry to interrupt. Do you have some slide to show, too, that can show the maps and stuff while you are talking?

Dodson: That would be very smart of me. Yes. Let me see here. Presentation. Maybe -- I will get there eventually. There we go. Thank you, Madam Chair. A brief history on the subject property. It was annexed in 2013 as part of a larger area known as Victory South. There is an existing development agreement associated with this annexation and property, but the requested application and recorded DA do not require modification, as the proposed development is consistent with those provisions contained in the existing DA. In addition, a preliminary plat was approved for this property in 2018 for the same title plat named, Jocelyn Park. The existing plat is set to expire in December of 2020. This December. The current developer is a new owner and wishes to obtain approval of a new plat with higher density, more in line with the dimensional standards of the existing R-8 zoning district. The proposed development is located in an area of the city where low and medium density residential developments are existing and anticipated, as you can see on these screens with the zoning in the center of the screen. The subject site is surrounded by existing City of Meridian zoning and development, except for a small parcel that abuts its northeastern property that is zoned RUT. Therefore, this project is an in-fill development per the definitions of city code. The proposed development has a gross density of 5.1 acres.

Holland: Hey, Joe, for some reason the sound quality is kind of going in and out a little bit. If you can be closer to the microphone that might help.

Dodson: Yeah. I will get closer to the microphone. Is that better?

Holland: Yeah. Thank you.

Dodson: Okay. Thank you. The proposed development has a gross density of 5.1 dwelling units per acre, meeting the density requirements for the future land use -- land use designation of medium density residential. In addition, the existing R-8 zoning allows for detached single family residences with average -- well, with minimum lot sizes above 4,000 square feet. The proposed development meets these requirements. This development is proposed as one phase with an average lot size of 4,455 square feet. Staff finds the proposed use and density to meet the intent of the future land use designation and the zoning district. One quick note regarding this plat. There is a very tiny sliver north of the central open space -- if you can see my pointer on here, it is right abutting that property zoned RUT. This applicant is going to deed or convey that parcel -- that piece of the parcel over to the adjacent owner, because there is a shed that crosses the property line, so it will be a cleaner transit -- you know, transmittal of this land. Access for this development is proposed to be an extension of stub streets from adjacent subdivisions. The stub street located in the southeast corner of the site, West Winnipeg Street, is an existing stub from Meridian Heights Subdivision to the east. The proposed

connection is located in the northwest corner of the site, but is not yet constructed. This connection is to be constructed with phase two of the Timberline Subdivision, which has received final plat approval, but has not yet received city engineer's signature. These two local streets will -- will supply the access points for this development. In addition, the applicant is proposing to stub a street to the property located to the northeast of this site for future connectivity. On the stub street the applicant is proposing a temporary hammerhead type turnaround to ensure safe fire turnaround. In discussion with ACHD, the hammerhead type design will not meet the requirements and, therefore, the applicant will have to construct a temporary turn that meets ACHD and Meridian Fire requirements. On-street parking is to be required and to be provided in accord with the standards listed in UDC table 11-3C-6 for single family detached dwellings based on the number of bedrooms per unit. In addition, the applicant is proposing 33 foot street sections within 47 feet of right of way, which would allow on-street parking where there are no driveways. A minimum of ten percent qualified open space meeting the standards listed in the UDC is required. Based on the proposed plat of 12.9 acres, a minimum of 1.3 acres of qualified common open space should be provided. According to the open space exhibit, the applicant is proposing a total of 3.65 acres of open space. The exhibit shows three distinct areas of open space. One area in the south that contains the existing pond that is to remain, one along the entire northern boundary of the subject site and along -- that abuts the Ridenbaugh Canal. And one centralized area. The large open space lot containing the pond abuts the open space area in the Timberline Subdivision currently under construction and abuts open space in the adjacent subdivision to the south Biltmore Estates. In addition, there is a micro pathway connection to the west shown on the open space exhibit that also connects to the Timberline Subdivision near the southwest corner. The submitted open space exhibit shows all of this area as qualifying, but, in fact, it is not. The existing pond and the open space lot that it is on -- unfortunately, the pond is more than 25 percent of the lot in which it resides and, therefore, the entire lot is not qualifying open space per the standards in our code. The other area of open space that is listed as qualified, but is not, is the end cap lot located at the south end of the property and directly north of the open space lot on the -- that contains the pond. This area meets neither the 50 by 100 dimensions, nor the minimum 5,000 square foot dimension. After removing the end cap lot and the lot containing the pond from the open space calculations, there is 2.46 acres of area that is qualifying open space. This area is still vastly more than the required amount of 1.3 acres. One area of concern for staff within the open space is that area directly north of Lots 35 to 37, Block 3, which is the lots located at the end of South Garibaldi Street as proposed on the plat, which is the cul-de-sac shown on the east side of the property. The applicant is proposing to leave an area of open space between the rear yards of these homes and the irrigation district access road. The access road must be fenced off from this development, which leaves a thin area behind homes with the only true visibility coming from the open vision fencing of these three homes rear fence. This area leads to nowhere and does not appear to offer any usable benefit for the development if left as is. Even with the required open vision fencing along the rear of these lots, staff is concerned this area, obviously, will be -- will be neglected due to the slope of the terrain and its location. Therefore, staff is recommending that this area be added to the adjacent buildable lots, Lots 35 through 37, Block 3, instead of remaining open space. There are no multi-use pathways proposed or required with this

development. There is an existing multi-use pathway on the north side of Victory Road directly north of this subject site. The applicant is proposing micro pathways in multiple locations within the development to add pedestrian and bicycle connections throughout. These pathways -- apologize. These pathways connect the central open space area with the five feet attached sidewalks located along the local streets throughout the development. The applicant is also proposing a micro pathway connection on the west side of the project to connect with a pathway and open space connection in Timberline No. 1 as noted earlier. In addition, it is proposed within the large open space lot abutting the Ridenbaugh Canal. Staff supports the addition of these micropathways throughout the development, but has some concerns regarding their placement. First, staff believes the micro path connection from the central open space lot to the street on the west half of the property should be relocated two lots further north, between Lots 10 and 11, Block 3, to help with potential visibility issues and crime prevention. Second, staff has concerns over how the pathway within the large open space lot along the Ridenbaugh Canal is depicted on the submitted plans and where it is shown to connect to the Timberline Subdivision to the west. The lot in Timberline that directly abuts the subject site in the northwest corner is a buildable lot and will have a privacy fence on the shared property boundary. Therefore, the proposed layout of the pathway shown would likely never become a reality and that is this section up in this northwest corner. The only other pedestrian access out to Victory Road from this site would be via the irrigation district access road, but this is not supported by staff, nor the irrigation district. This -- this access road should be fenced off from this open space lot to ensure a safer open space area along the canal. Because of these issues staff proposes at the -- that the proposed pathway be completely out of the irrigation district easement and looped around this northern open space lot for a walking path around the perimeter of this open space lot and connect back to the proposed sidewalks along West Cumberland Drive, which is the east-west street in the north of the property. Based on the area of the proposed plat, a minimum of one qualified site amenity is required to be provided. The applicant is proposing four qualified amenities to satisfy these requirements. One, a child's play structure. Two, a shaded picnic area. Three, walking paths. And, four, an additional 20,000 square feet of qualified open space. The Ridenbaugh Canal runs through the northern portion of the subject site and, essentially, makes up the required landscape buffer along Victory in its area and location. Per the UDC this waterway is required to be tiled. However, the applicant wishes to keep the canal open and act as a buffer between Victory Road, an arterial street, and the common open space lot proposed south of the canal. Staff supports this proposition by the applicant. The applicant is requesting a Council waiver to keep the canal open. The location of this canal on this site also brings up issues with the required frontage improvements along Victory Road. ACHD has conditioned the applicant, via their draft staff report, to construct detached sidewalk along Victory no closer than 31 feet from centerline of the road. The applicant has concerns about the viability of this requirement. Staff recommended that following at the P&Z hearing. That the applicant and ACHD continue working together to determine the most viable location of a sidewalk along the south side of Victory Road. This is not a condition within the staff report, but staff believes working this issue out before the City Council hearing is the best avenue forward. After all of this, staff does recommend approval of the subject preliminary plat application and I will stand for questions. Thank you.

Holland: Thank you, Joe. Any questions for staff?

Cassinelli: Madam Chair?

Holland: Commissioner Cassinelli.

Cassinelli: Joe, is that -- does that cul-de-sac -- it looks kind of long. Is that within code? I can't see the name of the street, but --

Dodson: Commissioner Cassinelli, yes, sir, we did check that and it -- it does meet code. It's close, as you can tell, but it does mean code.

Cassinelli: Okay.

Seal: Madam Chair?

Holland: Commissioner Seal.

Seal: Just a question on the canal there. Would there be no fence or anything right up to it? Or is there a fence already supplied by the irrigation district?

Dodson: Commissioner Seal, thank you. Great question. Their landscape plan shows this fence on the north side of the access road. In my staff report I noted that that -- that should be moved to the south side of the access road in order to keep the irrigation district access roads and -- and their easement completely separate from the open space that is proposed on the north of this property. So, they should -- and are required by code to provide a fence.

Seal: Okay. Thank you.

Dodson: You are welcome.

Holland: And, Joe, just to confirm again, it sounds like one of the biggest challenges is about the sidewalk because of the placement of the -- where the canal sits and the ability to have a buffer and the sidewalk there. If the staff feels confident that they can work out some sort of agreement ahead of Council on those items, was there anything else you want, just be specific on deliberating with that.

Dodson: Madam Chair, thank you. Yes, as you can see -- oh, well, I didn't make this. I took this from the applicant. So, sorry, Bonnie, but it -- it is a very good representation of the Ridenbaugh Canal and what ACHD is proposing. As you can see here in red, this is -- where, generally, the sidewalk would be as proposed or as conditioned by ACHD. The dashed light blue line is the current toe, so the very edge of the slope of the elevated Ridenbaugh Canal. So, if this were to be built as conditioned by ACHD they would be cutting into that slope and I -- from my understanding this has not been signed off by the irrigation district and I presume that there would be some engineering issues. So, again,

I'm not an engineer, but that type of a situation should be handled very carefully. So, between now and Council I think that this can be worked out. I have been in contact with ACHD all day and they -- they, too, agree that this could be worked out fairly easily and quickly and there would be no need to continue the project from tonight, other than with your recommendation of approval or denial.

Holland: Joe, just one more question. Is there sidewalk already if this thing were on the east and the west boundaries of this section?

Dodson: Madam Chair, there will be on the west boundary due to the Timberline No. 2, but to the east there is not. The canal continues and it curves along and there is not much room at all between the edge of right of way and the canal and a note for everybody, on the north side of West Victory is a multi-use pathway directly north of this site.

Holland: Great. Thanks, Joe. Any other questions for staff or are we ready for the applicant to come speak to us? Clerk, that's time for the applicant.

Layton: Good evening, Chairperson Holland and Members of the Commission. Can you hear me?

Holland: We can hear you. Thanks, Bonnie. And if you would just give your name and address for the record, we would appreciate it.

Layton: Yeah. For sure. I am Bonnie Layton. I'm with WH Pacific, 690 South Industry Way, Suite 10, Meridian, Idaho. 83642. And I appreciate your time this evening to consider this project and really want to thank staff for all of their hard work and really working through the issues with us. So, I think this will be a great project for the city and, you know, I don't really have too many in communication with ACHD. I think that the -- the shot that's on the screen right now is kind of the biggest thing that we just want to work through and I think we are confident that we can come up with a solution. If we want to -- Joseph, do you have that other slide that I had sent over that shows the pictures of the existing condition? So, I guess generally speaking I mean I don't want to take up a bunch of time, but, you know, as you mentioned we are proposing in our development, you know, some -- a little bit higher density, open space. We redid the calculations to make sure that we were in compliance. The neighborhood meeting that we had -- basically the questions were about the development and the fencing and how that all worked out. I thought it was a fairly standard neighborhood meeting. The -- the slide that you are seeing right now in terms of where the fencing is for the canal and how that transition -- do I have control of the screen or am I able to flip through something or can I share my screen to talk about a couple of things?

Holland: I will ask Chris or Adrienne if they can help with that.

Weatherly: Yes, Bonnie, you can share your screen. Give us just a second.

Layton: Okay. I see a green -- I see a green share screen.

Weatherly: Go ahead and click that and, then, choose your presentation and you should be good to go.

Layton: Okay. Perfect. Start with this one. So, this is my -- just kind of built this in PowerPoint, so Joseph has shown you this and really what we were looking at is just the -- the frontage improvements. I went out the other day -- are you able to see my screen, everyone?

Holland: Yeah. We can see it. Thanks, Bonnie.

Layton: Okay. Thanks. Thanks, Lisa. So, just looking at the existing conditions -- conditions -- and, like I said, I think we can work this out with ACHD the way the canal comes and -- so, I took a slide from the Timberline Subdivision, just kind of looking east and that's the center in the picture -- the picture in the center here where there is the canal and there is actually quite a bit of elevation when you -- when you drive down and around the site and so the -- the photos here on the left -- like this photo, for example, is just looking east and, then, a more zoomed in photo of that and really where that sidewalk would be is behind the power pole, just for a frame of reference. So, we get quite a bit of slope up there and I don't know if any of you folks have been out there, but this picture down here in the bottom that I have got my cursor on, I'm standing across the street and the top of the -- the canal road is above the height of the sign that's posted for -- for the project and, then, also just looking -- this is another picture in the corner. So, if I'm standing right here looking west -- and that's this picture here. So, there is actually -- there is quite a bit of topography there. It's a fairly busy -- fairly busy road as you know and --

Weatherly: Bonnie, if you are speaking we can't hear you. Bonnie, it seems like we have lost your audio.

Seal: Madam Chair, are you able to hear Bonnie at this point or have we all lost her?

Layton: -- and so our concern was -- you bring pedestrians along this sidewalk and -- and this is all what -- what I have shown is what has been -- what ACHD has conditioned. And so we -- so, we bring that sidewalk in along here and, then, you stop them here and, then, they are penned in and at the same time this area as you are -- as you are heading from the east to the west, it's dropping down and so --

Dodson: Hey, Bonnie?

Layton: -- you know -- yes.

Dodson: It's Joe. Just to let you know, we missed like the last 30 seconds of what you said. Apologize for that. It cut out and I think we lost --

Layton: Okay. So, Joe, I will just reiterate. So, there is quite a bit of fall, actually. So, the crossing that happens kind of to the west -- or the entrance into Timberline, which is

where we take access off of from Victory, you know, is a good line and, then, you drop pretty drastically through our site and you are kind of penned in on this corner and bringing a sidewalk through here, you know, we are -- we are just concerned about that from -- once people get here there is not a sidewalk, so, then, are they jumping up on this -- this bank. Like I said, there is a headgate here. Or are they crossing the street here with traffic coming. So, those are some of our concerns. Of course, also with this light bluish green line -- dashed line here that's the toe of the slope of the elevated canal and so, obviously, the structural integrity of that. I did speak briefly with Gary Curtis with the irrigation district and, of course, they -- you know, they have concerns about that, too. But I think those are things that we can work through, generally speaking. I'm going to stop sharing my screen and see -- Joseph, am I able to -- are we able to scroll back to any of your slides or how should we do that? Apologize, everyone, for --

Holland: That's all right.

Layton: I actually had another public hearing this week, but it was -- it was in person, although most people were not an attendance, but -- yeah. So, you know, generally speaking we will work with ACHD and I think we can -- we can resolve that issue. Obviously, we want to provide an improved frontage and -- and also pedestrian safety. I think that's first and foremost. In terms of some of the staff comments, you know, some of the -- some of this area is going to develop potentially in the future. How that develops and this open space back behind here, you know, that's -- that's something that I think -- oh, thank you. So -- so, we have got that path for future connection. Let's see. But if that's something that -- you know, if we can't work that out with the irrigation district or staff feels strongly about, I think we are still grossly over the amount of open space that -- that we need to have. I really think that was it. In -- in my mind we have -- I think we have got a great development with a lot more open space than that's qualified. I think the pond will be an amenity. I like, you know, the connection that we have tried to coordinate with the adjacent property on the eastern boundary, our intent is to construct a new fence along that line. That was one of the comments that was brought up by the neighbors in the neighborhood meeting and so we would go back along the eastern boundary. So, with that I don't think -- I can't think of anything I'm needing to address other than that, so I will stand for any questions at this time.

Holland: So, one question about the fencing. I know Joe had mentioned as a condition that they were trying to remove some of the fencing that was around the pond. That -- Joe, was that a different piece than the eastern boundary? Is that -- are you talking about the western boundary? Can you clarify for us?

Dodson: Madam Chair -- yeah. Madam Chair, that's a great question. I'm referring to the western boundary by the pond lot right here. I had proposed that they remove the fencing. Just to keep this area open. I can understand if the applicant does not want to have it all the way open, but some opening and availability for residents to come in is highly recommended and recommended by code to have open space contiguous and accessible between subdivisions.

Holland: Thanks for clarifying, Joe. Bonnie, are you okay with the other conditions that staff had made on the open space, moving the pedestrian pathway up on the northern open space lot and also removing the open space that was behind those three cul-de-sac lots there?

Layton: Yeah. So, let's -- let's talk about the first one up here in the -- in the northern -- so, Joseph, as you were talking about -- and we have got -- I see what you mean where there is the label -- am I able to -- can you see my cursor moving? Or is that not possible? So, I --

Holland: No, I don't think we can, because it's now being shared by city.

Layton: Okay. So, Joseph, up in that northwest corner what you are talking about is where that -- where our path is shown, you are saying that that's not going to connect now there, that's -- that's a residential lot. Is it -- did I catch you right on that?

Dodson: Yes. That is correct, Bonnie. Yeah. That's a buildable lot, so it's just going to go into a fence.

Layton: Okay. So, yeah, I -- I don't see the issue in looping that down. I guess there is no fence between us and Timberline -- or wait. Hold on. Let me see if -- that piece was mislabeled, actually. That's not supposed to be a pathway, that's -- that's actually the canal road or the ditch road. There is a road there. So, that's not actually part of our pathway, that's outside of -- let me see.

Holland: Are you talking about that whole stretch that's up in the north? None of that's supposed to be pathway?

Layton: Yeah. So, that -- if we look at -- Joseph, can you scroll to the plat? Oh, well, this shows it, too. So, there is a -- there is a fence there and, then, there is -- right. Right there. So, that's actually the area -- that's part of the irrigation access. Can you scroll to -- I don't know if it's forward or back, Joseph. So, in -- in that plat exhibit you can see where the fence line is. Oh, there you go. I think you can see that. You can also see it in that exhibit I sent you today. That one's probably more clearly marked. So, you can see where those X's are, that's where -- that's where the fence line is and that -- that exhibit was labeled wrong. That's the canal road.

Holland: Would you be willing to do a pathway that would kind of loop around that open space?

Layton: Good question. So, we have got the sidewalk along there and along this southern boundary. I guess we could look at what other amenities that we could put into that public -- or that open space and that park. I mean I think we are -- we are over on that, but we could -- I could look at that and, you know, see what we could do there. I don't want it to be too -- too redundant with some of the connectivity that we already have.

Holland: I think when staff saw that I think they were recommending putting a loop there. I'm not sure if they were referring to the -- the canal road there, too, but, yeah, this -- this clearly shows that's a canal road, not a pathway, but it was confusing on the other open space exhibit. So, I think you would definitely want to change out your open space exhibit before it goes to Council a little bit.

Layton: Yeah. Thank you, Lisa. We will definitely do that and make sure that that's updated. You know, I think with the amenities that we have on the north end and given the existing conditions with, you know, looking what the irrigation is going to want, they are not going to want people all over their -- all over their canal road and, you know, obviously, nobody wants to fish a kid out of the canal; right?

Holland: Right.

Layton: So, I -- you know, I think we have done a good job of providing some internal connectivity and, then, also, of course, getting access through Timberline. You know, we don't have any direct access out to Victory. So, you know, as a -- as a resident in the area, you know, I'm a walker myself, so just looking at how somebody could loop through their subdivision, feel safe and enjoy some of the open space in the natural amenities, but we will definitely update that open space exhibit for sure.

Holland: Thank you. Appreciate it.

Layton: Yeah.

Holland: And, then, the other question is about the -- kind of star area that's next to the cul-de-sac there. I know staff was recommending that -- some of those lots up, so that way we didn't have kind of a small strip that didn't really lead to a connecting pathway somewhere else. More for safety than anything else.

Layton: Right. I mean right now, you know, we are -- as Joseph mentioned, we are deeding some of that over, because of some existing encroachments and just trying to -- trying to clean that up, but potentially in the future as that property develops, you know, just looking at what's that opportunity. You know, to me that looks like a great space for kind of like a dog run, like a -- you know, nice narrow space where you can throw a ball and run your dog back and forth. I mean we are not -- you know, I guess having that open space back behind those lots, it's nice to have that open space, but we are not completely married -- I mean --

Holland: One thought, too, just maybe a variation and, then, I can open it up for other Commissioners to ask questions. I'm dominating the time here. Sorry about that. I'm -- I'm almost wondering -- there is so many lots on that cul-de-sac and I know it always gets tough when you have got so many lots on the turnaround, because people tend to overpark on those cul-de-sacs, there is -- trash day can become complicated. Would you be willing to consider removing one of the lots off the cul-de-sac and just kind of reconfiguring it a way that that open space is shaped, so it's less of a star, but more of a

-- kind of square usable area and, then, having those other two lots that touch that halfway as proposed, kind of go up and close off there.

Layton: Well, nobody likes to lose lots, but -- sorry. Actually, if I had my druthers what I would do is I would shift that -- that connecting path and make it run more north-south at the end of the terminus of that cul-de-sac, just as a visual compliment, you know, and that's what I would do. I think those lots are quite large, so there will be an opportunity to park more -- to park vehicles there. They are, obviously, larger than -- than the rest of the lots in that area. So, yeah, I would like to not lose that lot. I think maybe we could design it in a way where we shift that connection. So, with access from where it is now in the cul-de-sac up to the rest, I would put it more north-south and, then, you can kind of make a -- kind of a statement of it, if that makes sense. And I have seen that done in a number of communities and I think that's a great -- a great alternative, because it's -- I think it works well in -- in the examples that I have seen in other places. So, that's -- that's how I would handle that.

Holland: Okay. Other Commissioners have any questions for Bonnie? Hearing none, Bonnie --

Dodson: Madam Chair?

Holland: Oh, no, we have got one. Okay. Go ahead, Commissioner Seal.

Dodson: No. It was Joe.

Holland: Sorry, Joe. Go ahead.

Dodson: We get confused with each other quite often during these commission meetings. Just to be clear, my main concern regarding this open space behind Lots 35 to 37 is more so that area between 36 and 37, because it kind of gets pinched down there, just thinking on the fly here, but if the applicant were to be amenable to rotating those lots to the west and having the pathway loop around and the lot that is currently Lot 37, maybe losing Lot 37 and rotating the other two over, that would be, you know, possibly ideal to kind of open up that whole area and have a pathway that loops around. Just a potential option there.

Holland: Thanks, Joe. I appreciate the suggestion.

Cassinelli: Madam Chair?

Holland: Commissioner Cassinelli.

Cassinelli: Is that -- where that portion of that open space terminates there on the -- on the eastern boundary that -- thank you, Joe. Joe is concerned about. Is that -- right to the east of that is that a developed lot? What is that? Over there just to the right -- there you go. Right there.

Dodson: Commissioner Cassinelli, yes, sir, that's a developed lot. It's actually -- it's just a fence. It's a backyard. The access road kind of -- as you can see curves north a little bit and goes right around it and this area right here continues the irrigation district access road, because, then, this is a lot, a backyard.

Cassinelli So, that -- yeah. So, that little green space there would -- would just terminate at somebody's backyard?

Dodson: That is correct, sir. Yes.

Cassinelli: Okay.

Holland: Yeah. I think I would like to see at least Lots 35 and 36 rotate and have -- instead of that pathway kind of end at the canal road, having that access from the cul-de-sac go through between those lots and stubs. So, we just have a loop into that common space instead. I think that would help. Other questions? Are we ready to open up for public testimony and, then, come back?

Cassinelli: Madam Chair?

Holland: Commissioner Cassinelli.

Cassinelli: I don't know if there was anything else, but I just want to ask the applicant if there -- there is -- I know these were the pathways and stuff was a lot of the conditions, but are they -- they are good with all the other -- and off the top of my head if there is other conditions in there, but I just want to see if they are acceptable of all the other conditions.

Layton: Yes, Commissioner Cassinelli, we are acceptable with all the other conditions and to your point about kind of rotating those lots and looping that through and splitting -- splitting that access point maybe farther to the east on that cul-de-sac, I think that's a -- that would be a great suggestion. Just to kind of loop that through. I think that connects in well and, then, also doesn't limit the potential for future -- future access somehow, you know, to an adjacent parcel that might be developed or something, so -- does that answer your question?

Cassinelli: Yes. Thank you.

Layton: Fantastic. Thank you.

Holland: Madam Clerk, do we have anyone signed up to testify on this tonight?

Weatherly: Madam Chair, we had two people signed in, but neither wish to testify.

Holland: Okay. I will ask if there is anyone in the audience that would like to testify or anyone on Zoom, if you would raise your hand. We will wait just a second and see if

there is anyone that -- that indicates interest. Hearing none, Bonnie, any closing thoughts you would like to make?

Pitzer: Madam Chair?

Holland: Commissioner Pitzer.

Pitzer: Thank you. Before -- I'm sorry, Bonnie, but I just had a quick question. So, when -- when you purchased this -- this -- this development there were -- there was approved for 23 a lots and now you are going to 67. I'm looking at the lots along the eastern side where you are having 12 -- it looks like 12 lots going up against an R-4. I'm a little concerned about the heavy -- heavy density there, going up against those lots that -- I just wonder if maybe we can better transition to those who -- what's going in behind there -- 11, 12 along that border.

Holland: Commissioner Pitzer, one -- one comment to make is that the -- it's a different owner now and they have decided to come back with a new plat. So, the old plat is not -- not by the same owner and so they are -- they are trying to get a new approval and they are zoned already R-8 there. They are within code for the R-8.

Pitzer: I realize that. Thank you. Thank you, Madam Chair. I'm just -- I'm just saying that I'm looking at what's going to transition on that east side and I'm just concerned that there is -- you know, they have the bigger lots at the end of the cul-de-sac and I think just for transitioning purposes to say maybe make those just a hair bigger would transition better for the subdivision to the other side.

Holland: Yeah. I think that's a great question, Commissioner Pitzer. Bonnie, I will let you answer that if you would like.

Layton: Sure. Thank you, Commissioners. Commissioner Pitzer. So, what we really tried to do in that, as Ms. Holland mentioned, that we are -- this is zoned for an R-8, so there is that -- there is a difference from the previous application to this application. What we really tried to do is to do a one to a one and a half difference. The other thing that our client is doing here is constructing a brand new fence line -- solid fence line all of the same material, so it's not hodgepodge along our eastern boundary, which, of course, the properties to the west -- or to the east, pardon me, will have the benefit of and so, you know, as -- we have tried to be really conscious of that and do a good job of how do we make that transition and be mindful of the residents and when we had the neighborhood meeting we talked about this and came up -- and walked through that issue with the neighbors and talking about, you know, we are going to provide this continuous fence. The -- the -- the buyer of the property that's going to develop the homes, it's going to be more patio style homes, which is something that's consistent with not only zoning, but also with the comp plan for providing a variety of homes in the area and so we -- we feel like this is a good transition oftentimes as patio homes are really single -- single story, where -- where those other big homes to the west -- or to the east are also six feet above our site, so there is a pretty big grade difference in there. So, it's hard to see on this image

per se, but there is going to be not only typography difference, but, then, we really tried to make sure that we -- we were mindful when we laid out the lots that they complied with the zone, but they also respected what was happening to the east.

Pitzer: Thank you. Madam Chair, follow up.

Holland: Go ahead, Commissioner Pitzer.

Pitzer: So, are these patio homes -- is the HOA going to be -- or are there going to be HOA dues that take care of their yards or -- when you -- or is each homeowner going to be taking care of their own landscaping?

Layton: Commissioner Pitzer, so I -- I have done a number of different projects. I'm -- I'm not sure on that. I -- actually, I have a degree in architecture and started out my career in residential architecture, so there is a number of different ways to make that happen. I think the concern from the neighbors was what is that going to feel and look like of this development in comparison to theirs and so looking at that patio style home and what that architect sort of looks like, we felt like the mapping and the layout of those and how those are going to live for the residents and based on -- you know, being consistent again with the comp plan and the zoning, you know, providing -- providing something that's -- that's consistent with -- with the comp plan. So, I -- to answer your question, I'm not sure how that will be. I think there is a number of different ways to make that happen.

Pitzer: Thank you.

Holland: Any final questions? Bonnie, any closing thoughts you would like to make?

Layton: Just, again, I want to thank the staff for all of their hard work on this and, you know, I think it's going to be a great project for the community, so -- and I appreciate your -- all of your time this evening for sure.

Holland: Thanks, Bonnie. With that can I get a motion to close the public hearing and move to deliberation for -- now I lost the file number. H-2020-0067 for Jocelyn Park.

Seal: So moved.

Cassinelli: So moved.

McCarvel: Second.

Holland: Motion by Commissioner Cassinelli. Second by Commissioner McCarvel. All those in favor?

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Holland: Okay. The floor is open to us, so I will start, since I have got the floor, and I think a couple of my comments -- so, I -- rather than the condition that was in the staff report, which is Section 8-A-1A, where it says revise the plat to include the area behind Lots 35 and 37, Block 3, as part of building lots, instead of common open space, I would prefer to see those three lots rotated and to have the pathways come through the cul-de-sac on the eastern boundary and loop through that common area, instead, to make a -- a more walkable amenity. That would be one thing I would like to say as a condition. I wouldn't mind seeing one of the lots disappear, but I don't know that I necessarily need to condition that on the cul-de-sac, but I would be open to other Commissioners thoughts on that and I'm trying to remember if there was something actually in the -- Joe, was there something in there about the pathway on the northern open space lot about looping that in?

Dodson: Madam Chair --

Holland: That's not a pathway, but it's actually the canal road?

Dodson: Madam Chair, yes, that is correct. I did have that in there, because it was labeled as a pathway and I thought that they were trying to build a separate pathway. Now that I know that they are not, I'm not necessarily going to fight for them to put a looped pathway through there, since there is the sidewalk along the road and the -- you know, the open space lot isn't a mile deep, so that is up to Commission if they want to strike that condition altogether and require that they provide an -- a revised open space exhibit that correctly labels that.

Holland: Do you, by chance, know what that condition number is, Joe, off the top of your head?

Dodson: Madam Chair, no, I do not. I apologize.

Holland: Okay. I will keep looking in here. Overall I think the -- the development itself, I think it fits well as an in-fill project. I appreciate that they have done as much open space as they have, because they have gone above and beyond what's required and so I do appreciate that, even though they are a little bit smaller lots and I always like seeing a little more space between them, so that they can match up fence lines. I think they have -- they have done a fairly good job with this concept plan here. I would open up for anyone else that would like to discuss, though.

Seal: Madam Chair?

Cassinelli: Madam Chair?

Holland: We will go with Commissioner Seal first.

Seal: Just a couple of observations on it. There is -- as far as the amenities piece of it, it looks like the -- the north end there is getting the -- the tot lot and things like that, but

around the pond it would be nice to see something -- you know, maybe a gazebo or some -- you know, I don't know what the elevations there are, but something where people could sit and enjoy the -- you know, the pond and that area there. It would be nice to see something along those lines. Then the -- the common area that's in the middle, to me that's -- I don't like that common area really at all, so -- mainly because the entire thing is behind houses and it's going to be fenced off from the neighbors there. So, you are kind of creating an area where it doesn't have a lot of visibility, so that one's a tough one. So, I mean if something was going on and let's say the sheriff needed to get in there, they have got to go find that area back there. So, I just -- I just don't have a good feeling about that. I know some of its going to be restructured as far as where the pathways are going to go through and -- I mean as far as a little common area for a family to enjoy, it's -- it's nice, but it just seems like it's closed off from the rest of the world to me.

Holland: But I think that's -- that might be why they made the condition to move the pathway up two blocks on that western road as well. So, that way it -- it opens up more visibility there.

Seal: Right. But it's still -- I mean it's -- it's definitely closed -- to me it seems like it's closed off, so -- but, you know, like I said, there is no -- there is just not a lot of visibility back there. So, that's a concern to me. Nothing that, you know, would make me not support the project. The rest of it's pretty nice and I mean that area is kind of -- it's a strange area out there, because there are so many elevation changes and it is kind of strange as it goes through and everything. So, I mean trying to design something that would fit into this area had to have some challenges for sure. So, to me it looks like they did a pretty good job with it. Again, the only concern I have is just that -- that open area just seems like it's really confined and not a lot of visibility.

Dodson: Madam Chair?

Holland: I would -- I would agree with you on that and I think that's part of the reason I was thinking maybe one of those cul-de-sac lots could go away, too, which will open up more visibility to it. Commissioner Cassinelli, go ahead. Oh, I'm sorry, that was Joe talking.

Cassinelli: Yeah.

Dodson: Yes, ma'am. Yeah. I just wanted to -- Madam Chair, just wanted to clarify that condition that you were requesting about the pathway is condition number four.

Holland: Thank you, Joe.

Dodson: Yeah. And, then, just to quickly speak to what Commissioner Seal said, the code dictates that abutting common open space lots, that the fencing will be open vision, so, they won't be completely closed off, but I -- I understand your sentiment there.

Holland: Thanks for that clarification. Mr. Cassinelli, I know you wanted to go next.

Cassinelli: Yeah. I -- I would like to -- I'm going to kind of echo some of the comments you made, moving of those lots. I would like to see us at least recommend a loop pathway up north. I don't think we -- I'm fine with -- with removing that condition, obviously, but if we could -- I would I'd like to recommend it, because I think it would be a nice fit. I also, then, would echo Commissioner Seal to have something on the south by the pond. I'm not -- I can -- I get the issue with the -- with that open space that's confined, but I think throughout the city there is a lot of those types of things in different subdivisions. I have got a couple in my surrounding neighborhoods. When I go on walks and whatnot there is -- there is places like that where you can only get to a big open field through a pathway through two lots kind of a thing. So, similar -- I have seen it quite a few places. Other than that I like the idea of the patio homes. I think if they -- you know, they are going to -- it sounds like they are going to work with the neighbors there -- already are to the east getting the fencing, so all in all I'm -- I'm in support of this. In-fill is always tough, but I think this angle works, just tweak a couple of those things.

McCarvel: Madam Chair?

Holland: Commissioner McCarvel.

McCarvel: Yeah. I agree. I mean those always have to make -- it would make that -- I mean that open space back there is not ideal, but I think just rotating those three lots would go a long ways to making it better and having a pathway come back out to that cul-de-sac. So, yeah, overall, I -- I would be in support of it. It's a tough -- tough space.

Holland: Okay. Commissioner Pitzer, any comments?

Pitzer: Yes. Thank you, Madam Chair. My screen is getting all messed up over here on my phone, so I apologize. I'm going to echo Commissioner Seal's concerns about it being so cut off, but rather than lose a lot in the cul-de-sac, we lose a lot just to the north of where that cut through is. I think that would open that up. I appreciate the applicant working with the neighbors to the east. I was concerned about that density, but it sounds like with the elevation change that they have done a good job of mitigating that. So, I don't -- I don't see an issue with that. I think that some seating or something around the pond -- I think would be -- I know they said they are going to beautify that pond, which is great. Nobody wants a -- everybody would like a beautiful pond, but maybe adding some seating around it. But I think that's my own -- I think my biggest concern is that star shaped open space there, may be a fatal -- like I said, may be if they turned one of those smaller lots instead of taking one of the larger lots it might accomplish the same thing and wouldn't be as painful. Those are my thoughts.

Holland: Thanks, Commissioner Pitzer. Just to recap, you have the numbers. It's condition 1-A and 3-B on that -- those lots that go back behind the cul-de-sac. So, we would need to modify that. It sounds like everybody was in agreement with at least rotating those three lots to have some sort of pathway loop that would go around there. We could make the recommendation to lose a lot somewhere to give more visibility to the complex. I don't know that I want to specify necessarily where that would be, but maybe

that's just a consideration that we would ask them to come back to Council with more visibility into that open space somehow and give them some discretion to be able to figure out how to do that and, then, item four was the other one we need to modify, which is the requirement of looping that pathway up on the northern open space, so just for whoever wants to make a motion at some point, those are the item numbers within the staff report that we want to make sure we pay attention to.

Cassinelli: Madam Chair?

Holland: Commissioner Cassinelli.

Cassinelli: Are we ready for a motion?

Holland: Always open to entertain a motion.

Cassinelli: If nobody else -- if there is no other comments, I will go ahead and throw something out here. After considering all staff -- I didn't give anybody a second to jump in. But after considering all staff, applicant, and public testimony, I move to recommend approval to City Council of file number H-2020-0067 as presented in the staff report for the hearing date of August 6th, 2020, with the following modifications: Conditions 1-A and 3-B look to move those lots -- shift them to the west and bring that open space connection more towards the east and add a recommendation in there to perhaps look at -- at losing a lot to even further open up that open space to get a little bit more visibility in there. Striking condition number four for that looped pathway to the north, since that is actually the -- the canal roadway. But make a recommendation to add a looped pathway in there. And, then, three, recommend another amenity down by the pond, a seating area, benches, gazebo, something of that nature, just to get a little bit more gathering space down there.

Seal: Second.

Holland: Okay. We have a motion. Anyone want to second?

Pitzer: Second.

Holland: Okay. We have a motion by Commissioner Cassinelli and a second by Commissioner Pitzer. Any discussion? All in favor. Any opposed? Hearing none, motion passes.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

**9. Public Hearing for TM Center (H-2020-0074) by SCS Brighton, et al.,
Located East of S. Ten Mile Rd. and South of W. Franklin Rd.**

- A. Request: A Preliminary Plat consisting of 83 buildable lots and 2 common lots on 132.42 acres of land in the R-40, TN-C, C-C and C-G zoning districts.

Holland: And we will move on to the -- Item 9, just to open again for the continuance and that is public hearing for TM Center, H-2020-0074, by Brighton and the applicant request continuance in order to be able to meet with staff to discuss other staff requirements for -- pertaining to street and pathway requirements in relation to what's been designed, approved, and constructed in the site in previous phases. If staff has any other comments they are certainly welcome to make those if they would like. I don't believe we need to hear from the applicant. I'm okay continuing this to September 3rd. Staff, are there any other comments that you would like to make on that?

Parsons: Madam Chair, you summarized everything very well. Thank you. Nothing to add.

Holland: Thanks, Bill. With that can I get a motion to continue the public hearing for TM Center, H-2020-0074, to the hearing date of September 3rd?

Seal: So moved.

McCarvel: Second.

Holland: Motion by Commissioner Seal, second by Commissioner McCarvel. All those in favor? Any opposed? Motion passes.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Holland: And, then, before we do our final motion I know Bill would like to talk to us a little bit about some changes happening at City Hall and our October meeting date and potentially discuss an alternate date for October. So, Bill, I will give you the floor before we make that final motion.

Parsons: Thank you, Madam Chair, Members of the Commission. Before we adjourn for this evening I just wanted to let you know we -- as you are aware, we are experiencing some technical difficulties in the Council Chambers, so I anticipate the city is going to do some upgrades in our Council Chambers and we are anticipating targeting the last week of September, first week of October, and so that's going to cut into our October 1st hearing date and so more than likely we are going to have to cancel that hearing and I wanted to at least ask the Commission if they had an appetite to have a special hearing, either -- looking probably October -- the third hearing in October would be the 15th, which shouldn't affect us, but either looking to have a special meeting on the 22nd or the 29th. So, I just want to open that up with all of you to discuss which date would be your preference for a special hearing in October. I know staff's preference would be the 22nd. But, again, I don't know what your schedules are.

Seal: I know I would not be able to attend on the 29th.

McCarvel: Either is fine with me.

Holland: I will technically be out on maternity leave at that time, but if it's -- still available via Zoom I probably can attend if it's on the 22nd or the 29th.

McCarvel: I would say that if it's staff's preference for the 22nd, let's do the 22nd.

Seal: Agreed.

Parsons: Thank you. Appreciate that. I will make a note of that and as we start moving closer to that hearing date I will make sure everyone else is aware of that as well. Thank you.

Holland: Thanks, Bill. Commissioner Pitzer, we have appreciated you being with us and tonight is her official last meeting with us, so we wish you well in your new location that you are moving to and we will certainly miss having you on the Commission. But thanks for all your -- your work and effort with us. We appreciate you.

Pitzer: Thank you very much. And I'm going to -- I'm going to miss it myself. I'm very sad, so -- with that I move that we adjourn the meeting of August 6th, 2020. Word is adjourned. I got it.

Holland: Perfect. A second for the motion?

Seal: Second.

Holland: All right. We have got a motion and a second. Thank you, Commissioner Pitzer, for that last motion. We appreciate you and thanks, everybody, for a great meeting.

Pitzer: Thank you.

McCarvel: We might want to vote on that motion.

Holland: Oh, yeah. Sorry. All those in favor? All right. Any opposed? Motion to adjourn -- we are adjourning at 8:08 p.m. on August 6th.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

MEETING ADJOURNED AT 8:08 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS.)

APPROVED

LISA HOLLAND - VICE-CHAIRMAN
ATTEST:

_____|_____|_____
DATE APPROVED

CHRIS JOHNSON - CITY CLERK