

A Meeting of the Meridian City Council was called to order at 6:00 p.m., Thursday, January 19, 2023, by Chairman Andrew Seal.

Members Present: Andrew Seal, Steven Yearsley, Maria Lorcher, Nate Wheeler and Patrick Grace.

Members Absent: Mandi Stoddard.

Also present: Joy Hall, Kurt Starman, Bill Parsons, Stacy Hersh and Dean Willis.

ROLL-CALL ATTENDANCE

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

Seal: Good evening and welcome to the Planning and Zoning meeting for January 19th, 2023. And at this time I would like to call the meeting to order. Oh, we got a little feedback on there. The Commissioners who are present for this evening's meeting are at City Hall and on Zoom. Okay. We also have staff from the city attorney and clerk's offices, as well as the City Planning Department. All right. If you are joining on Zoom this evening we can see that you are here. You may observe the meeting. However, your ability to be seen on screen and talk will be muted. During the public testimony portion of the meeting will be unmuted and, then, be able to comment. Please note that we cannot take questions until the public testimony portion. If you have a process question during the meeting, please, e-mail cityclerk@meridiacity.org and they will reply as quickly as possible. With that we will begin with -- begin with roll call. Madam Clerk.

ADOPTION OF AGENDA

Seal: Okay. The first item on -- first item on the agenda is the adoption of the agenda. We have File No. H-2022-0066, Artisan Victory Market, File No. H-2022-0073 for Meridian OZ Apartments and File No. H-2022-0013 for Promenade Cottage Subdivision, will be open for the sole purpose of continuing to a regularly scheduled meeting. They will be open for only that purpose. So, if there is anybody here tonight to testify for these three applications, we will not be taking testimony for them. Can I get a motion to adopt the agenda as presented?

Wheeler: So moved.

Yearsley: Second.

Seal: It's been moved and seconded to adopt the agenda -- agenda. All in favor, please, say aye. None opposed. Motion carries.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

CONSENT AGENDA [Action Item].

- 1. Approve Minutes of the December 15, 2022 Planning & Zoning Special Meeting**
- 2. Approve Minutes of the January 5, 2023 Planning & Zoning Meeting**
- 3. Findings of Fact and Conclusions of Law for the Conditional Use Permit for TM Creek Apartment Phase 4 CUP, ALT H-2022-0080.**

Seal: Next item on the agenda is the Consent Agenda and we have three items on the Consent Agenda. To approve the minutes of the December 15th, 2022, Special Planning and Zoning Commission meeting. To approve the minutes of the January 5th, 2023, Planning and Zoning Commission meeting and Findings of Fact, Conclusions of Law for the conditional use permit for TM Creek Apartments Phase Four CUP, File No. H-2022-0080. Can I get a motion to accept the Consent -- Consent Agenda as presented?

Wheeler: So moved.

Yearsley: Second.

Seal: It's been moved and seconded to adopt the Consent Agenda. All in favor, please, say aye. No opposed. Motion carries.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

ITEMS MOVED FROM THE CONSENT AGENDA [Action Item]

Seal: So, at this time I would like to briefly explain the public hearing process. We will open each item individually and we will begin with the staff report. Staff will report their findings on how the item adheres to our Comprehensive Plan and Unified Development Code. After staff has made the presentation the applicant will come forward to present their case and respond to staff comments. They will have 15 minutes to do so. After the applicant is finished we will open the floor to public testimony. Each person will be called on only once during the public testimony. The clerk will call the names individually of those who have signed up on our website in advance to testify. You will, then, be unmuted in Zoom or you can come to the microphones in Chambers. Please state your name and address for the record and you will have three minutes to address the Commission. If you have previously sent pictures or a presentation for the meeting it will be displayed on the -- on the screen for you to run and if you have established you

are speaking on behalf of a larger group, like an HOA, where others from that group will allow you to speak on their behalf, you will have up to ten minutes. After all of those who have signed up in advance have spoken we will invite any others who may wish to testify. If you wish to speak on the topic you may come forward in Chambers or if on Zoom press the raise hand button in the Zoom app or if you are only listening on a phone press star nine and wait for your name to be called. If you are listening on multiple devices, such as a computer and a phone, please, be sure to mute those extra devices so we do not experience feedback and we can hear you clearly. When you are finished if the Commission does not have questions for you you will return to your seat in Chambers or be muted on Zoom and no longer have the ability to speak. And, please, remember we will not call on you a second time. After all testimony has been heard by the applicant -- after all testimony has been heard, the applicant will be given another ten minutes to come back and respond. When the applicant is finished responding to questions and concerns we will close the public hearing and the Commissioners will have the opportunity to discuss and hopefully be able to make final decisions or recommendations to City Council as needed.

ACTION ITEMS

- 4. Public Hearing for Artisan Victory Market (H-2022-0066) by Kindi Moosman, Horrocks Engineers, Inc., located at 2820, 2910, 2960, 2990 and 3020 S. Eagle Rd. Continued to February 2, 2023**
 - A. Request: Annexation and Zoning of 14.47 acres of land with the R-15 (13.53 acres) and C-C (0.94 acres) zoning districts.
 - B. Request: Preliminary Plat consisting of 4 building lots and 1 common lot on approximately 13.6 acres in the requested zoning district.
 - C. Request: Conditional Use Permit for a multi-family development consisting of 138 units on approximately 13.6 acres in the R-15 zoning district.

Seal: So, at this time I would like to open the public hearing for Item No. H-2022-0066 for Artisan Victory Market and we are opening this for continuation. So, can I get a continue -- a motion to continue File No. H-2022-0066 to allow them to post with public hearing notice standards.

Lorcher: So moved.

Yearsley: So, do we have a date when we are moving this?

Seal: February 2nd, 2023. Thank you.

Yearsley: Mr. Chair, I move we -- we continue File No. H-2022-0066 to February 2nd, 2023.

Lorcher: Second.

Seal: It's been moved and seconded to continue File No. H-2022-0066 to the date of February 2nd, 2023. All in favor, please, say aye. None opposed. Motion carries.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

5. Public Hearing for Meridian OZ Apartments (H-2022-0073) by Realm Venture Group, located at 1475 E. Franklin Rd. Continued to February 16, 2023

- A. Request: Development Agreement Modification to the existing Development Agreement (Inst. #99121334 AZ-99-005 Cobblestone Village) to remove the subject property from the agreement and enter into a new agreement for the proposed multi-family development.
- B. Request: Conditional Use Permit for a multi-family development consisting of 60 dwelling units on 2.39 acres of land in the R-40 zoning district.

Seal: Okay. I would like to open File No. H-2022-0073, Meridian OZ Apartments. Can I get a motion to continue the File No. H-2022-0073 to the date of February 16th, 2023 -- yeah. That's it.

Yearsley: Mr. Chair, I move we continue File No. H-2022-0073 to the hearing date of February 15th, 2023.

Seal: February 16th.

Yearsley: February 16th. Sorry. 2023.

Lorcher: Second.

Seal: It's been moved and seconded to continue File No. H-2022-0073 to the date of February 16th, 2023. All in favor, please, say aye. None opposed. Motion carries.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

6. Public Hearing for Promenade Cottages Subdivision (H-2022-0013) by Steve Arnold, A-Team Consultants, located at 403 E. Fairview Ave.

- A. Request: Rezone approximately 6.819 and 03.26 acres of land from the R-8 and C-G zoning districts to the R-40 (6.61 acres) and C-G (0.535 acres) zoning districts.
- B. Request: Preliminary Plat consisting of 30 single-family residential lots, 5 multi-family lots, 2 commercial lots and 8 common lots on 7.64 acres of land in the requested R-40 and C-G zoning districts.
- C. Request: Conditional Use Permit to construct a 90-unit, multi-family development on approximately 2.8 acres in the requested R-40 zoning district.
- D. Request: Conditional Use Permit to construct single-family, detached dwellings on the 10 of the 30 single-family residential lots in the requested R40 zoning district. E. Request: Conditional Use Permit to allow the existing, non-conforming parking, landscaping and mobile home park to remain as is for an extended period of time in the C-G and requested R-40 zoning districts.

Seal: And I would like to open the public hearing for Item No. H-2022-0013 for Promenade Cottages Subdivision for a continuance to March 2nd, 2023.

Yearsley: Mr. Chair?

Seal: Go ahead.

Yearsley: I move we continue File No. H-2022-0013 to the hearing date of March 2nd, 2023.

Lorcher: Second.

Seal: It's been moved and seconded to continue File No. H-2022-0013 for Promenade Cottages Subdivision to March 2nd, 2023. All in favor, please, say aye. No opposed. Motion carries.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

7. Public Hearing for Wood Rose Apartments (H-2022-0086) by Housing Company, located at 1160 W. Ustick Rd., north of W. Ustick Rd. between N. Linder Rd. and Meridian Rd.

- A. Request: Conditional Use Permit for a multi-family development consisting of 46 affordable multi-family housing units with a clubhouse on 3.81 acres of land in the R-15 zoning district.

Seal: Okay. I would like to open file number -- so, I would like to open public hearing for File No. H-2022-0086 for Wood Rose Apartments.

Wheeler: Mr. Chair?

Seal: Go right ahead.

Wheeler: I am an employee of said applicant and so I will need to recuse myself for this hearing.

Seal: Okay.

Wheeler: So, I will be in that room and come pick me up when you guys are done.

Seal: Excellent. Will do. Thank you. All right. And with that we will begin with the staff report.

Hersh: Good evening, Mr. Chair and Commissioners. The applicant is here to present their project for Wood Rose Apartments. The applications that were submitted are for a conditional use permit. The site consists of 3.81 acres of land, zoned R-15, located at 1160 West Ustick Road. This parcel was approved for annexation and zoning under application H-2021-0092 of five -- or 4.54 acres of land with an R-15 zoning district for the purpose of constructing an affordable housing multi-family residential project with a development agreement in 2021. The Comprehensive Plan designation is mixed-use community and the summary of the request of a CUP is proposed for a two story multi-family development containing 46 dwelling units consisting of seven residential apartment buildings, a clubhouse, children's play structure, dog park and an open grassy area is proposed to develop on the site. Gross density of the development is 12.07 units an acre. A ten foot wide pathway -- detached multi-use pathway is required in front of the buildings located to the north per the master pathways plan. The applicant shall coordinate with the Meridian Parks Department on the placement of this pathway along the front of the units in lieu of it along the northern boundary. Compliance with the specific use standards listed in the UDC for multi-family developments is required. The applicant is required to provide common open space based on the square footage for each unit type. The submitted plans do not depict the square footage for each unit type. There were eight one bedroom units, 28 two-bedroom units, and ten three bedroom units are included on the plans. However, an average unit size of 1,200 square feet or over is provided. Based on the above open -- based on the open space requirements provided on the landscape plan the applicant calculated the maximum requirement of 350 square feet for all 46 units of open space. Therefore, a minimum of 16,100 square feet or 0.37 acres of common open space is required. This equates to approximately 23 percent of the property being open space. The submitted open space exhibit depicts approximately 47,684 square feet or 1.09 acres of total qualified open space provided for the site. For the 46 multi-units proposed, a minimum of three amenities, one from each category, should be provided to satisfied the specific use standards. According to the submitted plans and narrative,

the applicant believes there are four qualifying amenities proposed with amenities from each category. The proposed amenities include a clubhouse, dog park, children's play structure and an open grass -- grassy area, 50 by 100 feet. The open grassy area does not count as an amenity and is considered part of the qualifying open space. The other amenity would be the multi-use pathway that runs through the site. The amenities proposed are required to be from each category. Two of the amenities, the clubhouse and dog park, are from the same category. So, the applicant should choose an additional amenity from a different category or replace one of the amenities to meet the UDC Code 11-4-327-D, requirements for site development amenities for multi-family developments. Based on the total number of units proposed and their bedroom count distribution, a minimum of 93 parking spaces, with a minimum of 46 of these spaces to be covered in a garage or carport. According to the submitted site plan the applicant is proposing 106 spaces, with 46 of these spaces to be covered by a carport. The proposed parking exceeds minimum -- minimum code requirements by seven spaces. However, the plan submitted is deficient in trash enclosure for the site, which may impact the proposed parking. The applicant has submitted conceptual elevations of the future multi-family six-plex buildings, but not of the noted eight-plex buildings. Multi-family residential projects require administrative design review approval with future applications, so staff will perform a thorough analysis at the time against the requirements in the Architectural Standards Manual. And just to note, the owner and developer is required -- was required with the development agreement to record a low income housing tax credit regulatory agreement with the Ada County Records Office to restrict the rental rates on the units for a minimum of 30 years to ensure the units are affordable to individuals and families earning averaged within the entire project no more than 60 percent of the area median income and provide a set agreement prior to issuance of any building permits proposed for this use, except for up to six of the units proposed maybe market rate units to allow for flexibility in the funding source for this project. There was no written testimony and staff did recommend approval with the conditions listed in the staff report. And I stand for any questions you may have.

Seal: Okay. Thank you very much. Would the applicant like come forward? Good evening. Just need your name and address for the record, please.

Anderson: Erin Anderson. 2238 North Astaire Way, Meridian. I'm the director of The Housing Company. I have presented on this project a few times here now at the city and it's -- it's my pleasure to talk to you about our CUP application. Thank you very much, Ms. Hersh, for your introduction to the project. For those of you that were here during our zoning and annexation hearing a year ago -- it was January -- early January of 2022 -- you are probably familiar with us, but just real quick I will go over a quick background. We are nonprofit that was founded in 1990. We provide -- provide affordable housing throughout the state. We have over 1,200 units in 47 affordable rental communities. We have professional property management services and own the rental properties that we develop in the long term. I think that Stacy gave a really good overview of the project. It should be noted that this is the first low income housing tax credit project in Meridian for many years. So, we are really excited to provide this additional opportunity for housing that is very much needed. When we presented and

were approved for zoning and annexation we had one additional building. It's this building in the northwest corner that we removed and that was because of funding limitations. There is a per project -- project limit on some of our funding resources and so, unfortunately, we had to reduce the total unit count and so we took one building out. So, the resulting plan ended up with a little bit more open space in that corner and one of the ideas we have for replacing one of the selected amenities with another category is to include a plaza. It may be in that section up in that northwest corner where there is that open space. So, a paved area and perhaps a gazebo picnic area. We also increased the parking -- the covered parking with this -- with the most recent rendition that you see compared to when the rezoning was approved a year ago, because the requirements of -- for -- for parking increased. On the note on the garbage, the concern over the -- the -- the container for the garbage, I will have our architect Keith speak to that. Do you want to come on up here and -- and address that one while we are at it?

Seal: Good evening, sir. Need your name and address for the record, please.

Tasker: Name is Keith Tasker. My address is 1955 North Yonkers Avenue, Boise. And so regarding the trash enclosure, that is something we can definitely adapt, manipulate and meet the minimum requirements that we have to meet. As we do have additional parking, like you mentioned, we can add the trash enclosure and remove some parking and still meet the new zoning requirements to that standard.

Seal: Okay. Thank you.

Anderson: This is just a copy of the zoning approval letter and I think, you know, as mentioned, the fact that we are recording this affordable housing restriction -- it's actually already been recorded on the property. We purchased the property in October -- or, sorry, in -- yeah. November. October. Late October. And so we were able to get that recorded on the property and we couldn't apply for the CUP until after that. So, that was one of the reasons we didn't apply at the time that we rezoned. And with that I think the only other comment that was brought up was about the pathway on the north side. So, I -- I assume that you are referring to along the drainage ditch up there on the -- up on the entire length of the north side. Can you -- is there any way we can get clarification on that?

Hersh: Yes. We were referring to the north side, but right now we are -- you are showing it kind of in front of all the buildings and, then, leading to the north from the west. We just wanted you to work with the Parks Department as to the best location for it, because we are not sure that many people will be using that and -- and biking and walking along the front of apartments. They are more probably going to use it in the rear next to the irrigation ditch.

Anderson: Yeah. So, this came up when we went through the initial zoning and annexation -- the same comment came up and we -- we did some looking into it. There are a couple concerns. One being that -- and I had another presentation that I provided to the City Council on this, too, when the zoning was approved. But on the backside of

these buildings is where the air conditioners are located and there is not a -- a lot of distance on a couple of these buildings from where -- mainly these two, I guess, are the closest ones to where that path would be. So, if you are walking along there you are right -- really close to the building. Not so much in this northwest corner, but as you move along down. And so at the time the City Council had decided that our internal circulation would be sufficient for providing access to the other -- you know, back out to Ustick and -- and also up into the neighborhood to the north. So, this is coming back up again kind of for the second time and I don't know -- I guess I would ask -- we are concerned about two things. One, the proximity and the cost of putting a path in and the practicality of maintaining it. And, then, the fourth thing, I guess, is when I have talked with neighbors that live -- you know, at the neighborhood meetings that live on the north side there in that subdivision, they didn't seem very interested in seeing a path there, so -- Keith, did you have any other remembrances of this, since it was a year ago? Those are all my memories of it.

Tasker: Yes. So, the setback on the north side of the site is 15 feet, which is the -- the requirement from the zoning ordinances. So, if you provided a ten foot path it would be five feet away from the backside of those buildings and we felt that that would be detrimental to the residents in those spaces and I'm not sure if -- if anybody would like to have a path five feet away from their living room window, for instance. And also the subdivision to the north and the multiple neighborhood meetings that we have had and -- they did mention that there are concerns of people -- the -- the amount of people crossing through and passed their houses also and I understand that it's part of the requirements and we want to interconnect all of these developments and not make them stand alone. So, we -- we discussed different ways we could do it and that's why we provided the connection that you can see that goes to the northwest corner of the site. That was everything.

Anderson: Thanks.

Hersh: Mr. Chair and Commissioners?

Seal: Go ahead.

Hersh: I would just like to say that the pathway could also connect on the west all the way down from the north on the west side to Ustick Road. So, that's an option as well. It's just working with the Parks Department to place that in a place that everyone's going to use and it looks to be five feet, so we just weren't sure about that part of it either.

Anderson: Okay. We can dig out all the correspondence we have with the Parks Department on this and -- and provide that and, then, maybe have another discussion with them about it.

Seal: Okay.

Anderson: Any other questions for me, Commissioners?

Seal: Any questions for the applicant or staff? Just -- the only thing I will throw in here, as I was the one that brought up the pathway, so -- I'm an avid bike rider, so, hopefully, something can be done about that. I mean they -- they seem unimportant until they are all connected and, then, everybody uses them. So, having this not be connected and having to drive through the parking lot is -- you know, I -- I -- I guess if it was -- if it were any other applicant coming in here to do this we would require it. I mean it would be a requirement to extend that pathway, so -- and it's a ten foot pathway. I understand what you are doing. I understand the limited budget. But, you know, making exceptions in order to make -- you know, for this to come in I don't think that's something that the city necessarily wants to engage in and I think it's for the betterment of the community to provide that pathway. So, there is -- there is pathway systems that are kind of going in all over the place and if you start to connect enough of them people use them. I know I do.

Anderson: Are those typically privately maintained or -- or part of the park system or --

Seal: A combination of both. I mean the -- you know, the -- the park system can, you know, educate you on all that stuff as -- as far as who pays for what. Some of them when they, you know, cut through they are considered an amenity. So, there is a credit that's given for that as far as having the amenity in there. So, there is one more amenity that needs to come in. So, that could provide for it. So -- and -- and, again, I understand the limitation that you have on the backside of it. You also have the same thing on the west side, as Stacy had discussed, you know, bringing one through there. So, that's -- it's -- it's going to be an issue probably either place that you put it in there, but -- I mean to me it looks like it would be less of an issue, because you already have a street, you know that's going to be coming in on the west side. So, it would just be good to have that -- you know, that continuation of the pathway system so they can -- you know, as things come together for the city -- and they are starting to come together for pathways, so --

Anderson: We will have another conversation with the Parks Department and try to get more clarification on -- on how that -- how that looks and who -- how it -- how it gets funded, et cetera.

Seal: Okay. I appreciate that. Okay. We will see if we can get some public testimony going and appreciate your time so far.

Hall: We have -- I believe the name is Brenda Steele. We also have Keith Tasker. Or Erin Anderson.

Seal: Oh, Erin was --

Hall: Oh. Okay. And, then, online we have our own Patrick -- Commissioner Grace. I don't know why he is signed up, but if he wants to speak --

Seal: I don't know.

Grace: Good evening. I -- I think I was -- in my attempts to get on Zoom I may have accidentally signed up for -- for an agenda item. I apologize.

Hall: Thank you.

Grace: No comment.

Seal: Okay. That's all you have? Anybody else would like to testify, please, raise your hand. Nobody in Chambers. If anybody online would like to testify just press the raise hand button. All right. Would the applicant like to add anything further? Indicating no. Okay. Thank you very much. Appreciate that. With that, if there are no further questions for the applicant or staff, I will take a motion to close the public hearing for File No. H-2022-0086.

Yearsley: So moved.

Lorcher: Second.

Seal: It's been moved and seconded to close the public hearing for File No. H-2022-0086. All in favor, please, say aye. No opposed. Public hearing is closed.

MOTION CARRIED: FOUR AYES. ONE RECUSE. ONE ABSENT.

Seal: With that, any further discussion?

Yearsley: Mr. Chair?

Seal: Commissioner Yearsley, go right ahead.

Yearsley: I actually like the removal of the one apartment. I think it makes it look much nicer, gives it a lot better feel. Not so compact. And I don't have an issue with the applicant meeting with the Parks Department to try to find a reasonable solution that fits both needs. So, I don't think that that's an unfair request. So, I don't know if I have any changes to the conditions.

Seal: Thank you.

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher, go ahead.

Lorcher: I support with Commissioner Yearsley. I don't think I would enjoy a -- a pathway through the middle of the development. To me it makes sense doing it on the north side of it. But, then, if there is a fence on the other side it might seem claustrophobic. Plus, as the applicant said, the path is right in somebody's backyard, so -- and that -- it's not like you are going to have super high traffic, but on occasion

there will be families going by and that type of thing, so I could see how that could be a little bit of a deterrent. Hopefully they can come up with a resolution with the Parks Department to have something that meets everybody's needs.

Seal: Okay. Commissioner Grace, do you have anything to add?

Grace: No, Mr. Chairman. Just maybe a clarification. Sort of the requirement or the encouragement to work with the Parks Department, is that something that is -- we are making conditional on our motion or is that just -- again, just a recommendation from our -- from us?

Seal: I mean we can condition it to -- to simply, you know, work further with the Parks Department to come up with a solution to the pathway. But I don't think it has -- needs to have anymore teeth than that personally.

Grace: Okay. Yeah. No, I -- I agree. I think the applicant was quite willing to do that, so -- okay. Thank you for that.

Yearsley: And if I'm not mistaken, that's actually a condition in the staff report, so --

Hersh: Mr. Chair, Commissioners, yes, that is correct.

Seal: So, no need to condition that, so -- and I will add to this is I'm -- I'm happy to see this come -- come through -- you know, come to this point in here and so, you know, I mean Meridian and the community in general, you know, we -- we need more of this, so -- and done responsibly and happy to see it happening in Meridian. You know, I'm glad to see that this is -- you know, it seems like it was planned with, obviously, budgeting in mind, but at the same time to be a -- you know, a nice establishment. Something that somebody is going to be proud to live in and, hopefully, it, you know, helps those that -- that do take advantage of it. So, appreciate that coming into our community and I appreciate the hard work on it. Thank you very much. With that I will take a motion.

Yearsley: Mr. Chair?

Seal: Commissioner Yearsley, go ahead.

Yearsley: After considering all staff, applicant and public testimony, I move to approve File No. H-2022-0086 as presented in the staff report for the hearing date of January 19th, 2023, with no modifications.

Lorcher: Second.

Seal: It's been moved and seconded to approve File No. H-2022-0086 for the Wood Rose Apartments. All in favor say aye. No opposed. Motion carries. Thank you very much.

MOTION CARRIED: FOUR AYES. ONE RECUSE. ONE ABSENT.

Seal: We will allow Commissioner Wheeler to come back. All right. Were you listening? Do you know what happened?

Wheeler: I have no idea what happened.

Seal: Okay.

Wheeler: I literally don't.

8. Public Hearing for Wienerschnitzel Drive-Through (H-2022-0074) by John Day, SU Architecture, located at 3136 W. Quintale Dr., near the northwest corner of Ten Mile and McMillan Rds.

- A. Request: Conditional Use Permit for a new approximate 1246 square foot quick serve restaurant with a drive-through located within 300 feet of an existing drive-through.

Seal: We will just keep you in suspense then. It will be fun that way. All good. All right. I would like to open public hearing for Item No. H-2022-0074 for Wienerschnitzel drive-through and we will begin with the staff report.

Hersh: The applicant is here to discuss their project for the Wienerschnitzel drive-through. The application submitted was a conditional use permit and the size of the property is 0.35 acres of land. It's currently zoned C-G and it's located at 3136 West Quintale Drive. The history on the project -- there was an MDA in 2019 for the Ten Mile Plaza that was approved that governs the development of the site in a short plat for Fluid Estate Subdivision that was also approved in 2019. The comprehensive FLUM designation is commercial land uses and the summary of the applicant's request is the applicant requests a CUP for the drive-through establishment, because it is within 300 feet of another drive-through establishment to the north in the C-G zoning district. The proposed drive-through is associated with a 1,246 square foot restaurant. Access to the property is subject -- access to the subject property is provided by two existing access easements or driveways created by the Bridgetower Crossing Subdivision No. 7 in Fluid Estates Subdivisions. However, the applicant is proposing a shared east-west drive with the property to the south. The proposed use is required to comply with the specific use standards for a drive-through establishment in the UDC and it's referenced in the staff report. A restaurant is a principally permitted use in the C-G zoning district. Additional parking is required for a restaurant use at one space every 250 feet of gross floor area and based on the 1,246 square feet, a minimum of five parking spaces are required. A total of 15 spaces are proposed. So, it exceeds the UDC requirements. Conceptual building elevations were submitted for the proposed structure as shown for a single story building that incorporates a mix of materials consisting of stucco, stone, metal trim windows and metal roofing. And final design is required to comply with the design standards in the architectural manual and elevations contained in the

development agreement. And written testimony was from Andrea Ridgely. She -- it really wasn't anything about this particular project, it was more or less making a statement that she thought Quintale Drive to Montelino Way. She thought -- she was under the impression it was a private street and our GSI -- GIS map basically states that it's a collector -- a neighborhood collector. Staff does recommend approval of this project with the conditions listed in the staff report and I stand for any questions you may have.

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

Hall: John, you can go ahead and speak.

Day: Yeah. Can you hear me?

Hall: Yes.

Seal: Yes, sir. Go right ahead. We will need your name and address for the record and it's all yours.

Day: John -- John Day. Slichter|Ugrin Architecture. 415 South 13th Street, Boise, Idaho. Good evening, Mr. Chair, Commissioners. Ms. Hersh did a good job of giving an overview of the project. Essentially it's a 1,246 square foot quick serve restaurant. Wienerschnitzel. With the drive-through. So, in a commercially zoned C-G. So, it is an appropriate site. I think the -- the one -- I think the note on this is that it was -- there is a development agreement on the property and with the adjoining businesses that there is a harmonious color palette and so we have revised the elevations from the standard Wienerschnitzel design to something a little more muted that fits in better with the surrounding buildings. So, it was a pleasure to work with Stacy on that and come up with a -- an agreement on that, because we have had some issues in the past with development agreements and so it was nice to be able to move forward on this. So, other than that, you know, we have reviewed all the conditions of approval and we really take no exceptions to any of them and so with that I would stand for any questions that you may have.

Seal: Thank you, John. Appreciate that. Commissioners, do we have any questions for the applicant? None? Madam Clerk, do we have anybody signed up to testify?

Hall: We do. We have Paul Delbufalo. I don't know if I said your last name correctly. Sorry.

Seal: Good evening, sir. Need your name and address for the record, please.

Delbufalo: Paul Delbufalo. 4420 Wagon Road, Nampa.

Seal: You want to speak right into the microphone there. Thank you.

Delbufalo: Paul Delbufalo. 4420 Wagon Road, Nampa, Idaho.

Seal: Okay. Thank you. Go right ahead.

Delbufalo: I'm the owner of the project, so I'm just -- John's here to do most of the talking, but I'm here to answer any questions of me if there is any of those.

Seal: Do we have any questions? No? Sure -- sure we can live without the yellow and red.

Delbufalo: Fair enough. Thank you.

Seal: Thank you very much, sir. Appreciate it. Do we have anybody else?

Hall: There is no one else signed up.

Seal: Anybody in Chambers want to testify? No? Anybody online, you can just raise your hand. Seeing nobody -- John, do you have anything else to add?

Day: Unmute. I do not at this point, so --

Seal: All right. Thank you very much. I appreciate your -- your time on the application. And with that can I get a motion to close the public hearing for File No. H-2022-0074?

Wheeler: So moved.

Yearsley: Second.

Seal: It's been moved and seconded to close the public hearing for File No. H-2022-0074. All in favor, please, say aye. No nays, so we have closed the public hearing.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Seal: If anybody wants to go first I will -- any input or motions are more than welcome.

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher, go ahead.

Lorcher: I don't think we have a designated hot dog stand in Meridian anymore, so -- I think the last one was over by Rite-Aid, the Chicago Dogs, and they closed during COVID. So, having a -- something different as far as a drive through probably would serve our community well.

Seal: Anybody else? I will gladly take a motion if not.

Yearsley: Mr. Chair?

Seal: Go right ahead.

Yearsley: After considering all staff, applicant, and public testimony, I move to approve File No. H-2022-0086 -- is that right?

Seal: 0074.

Yearsley: Okay. Seven four. As presented from the staff report for the hearing date of January 19th, 2023, with no modifications.

Wheeler: Second.

Seal: It's been moved and seconded to approve File No. H-2022-0074 with no modifications. All in favor, please, say aye.

Lorcher: Mr. Chair?

Seal: Yes, go right ahead.

Lorcher: On the agenda it says seven four, but on our sheet with the details it says eight six, so --

Yearsley: Yeah. I think that's --

Lorcher: -- have clarification on --

Yearsley: That's a typo.

Hersh: Yes, Mr. Chair, Commissioners, that is a typo.

Seal: Okay.

Hersh: It's seven four.

Lorcher: Seven four.

Hersh: Yes. 0086 was actually Wood Rose Apartments, which was the one before.

Lorcher: Okay. Then we are good.

Seal: So, please, say aye if you -- to approve. Commissioner Grace, are you approving that?

Grace: Approve. Yes.

Seal: Okay. All right. It is approved. Thank you very much. Appreciate your time.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

9. Public Hearing for Franklin Annexation (H-2022-0090) by The Land Group, Inc., located at 2975 E. Franklin Rd.

- A. Request: Annexation of 2.53 acres of land with a C-C (Community Business) zoning district.

Seal: And with that we will open the public hearing for Item No. H-2022-0090, Franklin Annexation, and we will begin with the staff report.

Parsons: Thank you, Mr. Chair, Members of the Commission. Last item on the agenda tonight -- and want to definitely send out -- Commissioner Yearsley out on a positive note and get home to his family in quick fashion this evening. So, I will get through this project and wish him all the best in his future endeavors. So, pleasure working with you again, Commissioner Yearsley, and hope to see you again -- maybe on the outside, not here at the Commission hearings, so -- the item before you tonight -- the next item is the Franklin Annexation. The site consists of 2.53 acres of land, currently zoned RUT in Ada county and it's located at 2975 East Franklin Road. You can see here in the aerial that there is an existing single family home on the property and some outbuildings. Those will be removed with the development of the site. In 2009 the city did process a Comprehensive Plan map amendment for this particular property and we changed the future land use to commercial and so the applicant is here tonight to -- is proposing annexation of this tonight from the R-2 zoning district in Ada county to the C-C zoning district in the city, which is consistent with the property to the west that we annexed at the same time as the Comprehensive Plan map amendment as this property was part of. So, the applicant has submitted a -- if I can move this here. Why it's not advancing here. There we go. The applicant did submit a conceptual development plan. There is -- there actually are no end users proposed for this site at this time. The concept plan shows an approximately 3,000 square foot restaurant with drive-through and, then, a potential office building on the southern portion of the site and all these associated parking that may go along with this development. When we process the application to the west that is currently C-C, we require cross-access with this property and the applicant is proposing that access to occur in this general location here, which is consistent with the site plan approval of that property. Also in the staff report this particular site currently has two access points to Franklin and with this particular proposal, with the cross-access with the development to the west and the new access point, they are taking two, combining into one, but, actually, this new access point does align with Olson Avenue, which is across the north side of Franklin, which is a safer situation. Originally when we met with the applicant and discussed this proposal we were hoping to potentially get a cross-access with the office development to the east as well, but there are some -- some topography challenges there and, then, also that existing curb cut actually feeds into the right-turn lane to go onto Eagle Road, so we didn't figure that was the safer -- a safe situation to funnel that additional traffic through

that -- that current curb cut. So, staff is supportive of the proposed access that the applicant has on this site plan, at least the public street access, along with that cross-access as I mentioned to you earlier. The applicant did submit sample elevations that they intend to -- as potential possibilities for the site. Again, nothing proposed at this time. The applicant will have to get -- go through that -- use our CUP process for the drive-through or go through administrative design review process to further refine the elevations and develop the site. We didn't -- I didn't see any public testimony submitted as part of this application. We did receive confirmation from the applicant that they are in agreement with the DA provisions that are in the staff report. With that I will go ahead and conclude my presentation and stand for any questions you may have.

Seal: Great. Thank you, Bill. Appreciate it. Would the applicant like to come forward?
Good evening.

Thompson: Good evening, Mr. Chair, Members of the Commission. My name is Tamara Thompson. I'm with The Land Group. We are at 462 East Shore Drive in Eagle. I do have a little PowerPoint that I gave Bill and a lot of it is redundant from what he just said. So, I will -- I won't go through all of it. Are you able to pull that up?

Parsons: Getting to it now.

Thompson: Okay.

Seal: It's okay. We are trying to keep Commissioner Yearsley here as long as we possibly can tonight.

Thompson: Can I do this or do you --

Parsons: You can. Just use the arrow keys --

Thompson: Okay.

Parsons: -- on the keyboard.

Thompson: All right. This is the vicinity map and the property is 650 feet west of Eagle Road on the south side of Franklin at 2975 East Franklin Road here in Meridian. It is currently in Ada county with an R-2 zone and the Comprehensive Plan on this is commercial. The existing buildings and improvements will be removed with development. And the staff went over with you -- it does have -- you can see the -- the comp plan designation there for commercial, which is consistent with the property immediately to the west and, then, the hard corner has an office building on it, which is the purple, zoned L-O. Across Franklin to the north is industrial and commercial properties and, then, to the south is county properties that are zoned R-2 in -- in Ada county. And, then, this is just to show the existing conditions on the site. We did look at a vehicular cross-access across here. We don't have a lot of frontage there and there is some very large trees on the other side. There is also the Snyder Drain that runs

through there and there are some topography issues. I did want to point out the public road to the north, that our access is planned to align with that North Olson on the north side. ACHD has reviewed our application and has a staff report and we -- that -- that approves the -- the project and the access point and we plan to -- we will comply with their conditions of approval. And, then, the one thing I want to point out is that even though we can't provide vehicular cross-access, we are working with the office development and we will provide pedestrian cross-access at that location. And, then, you can see here we -- the -- it's a Jump Time that's operating over there currently to the west and they have a recorded cross-access and we will provide the same for that location. At this point we don't have the end users. That's kind of -- if you get it zoned and everything, then, they will come. Everybody is so busy right now until you have the property entitled that you don't get a lot of people serious about it. So, again, the existing buildings will be removed. The project is proposed in two phases. So, the first phase is north of this line that you can see running kind in the middle of the project, that dashed line right there. With the first phase will be the street improvements along Franklin and the -- the front building pad and the parking in the front. And, then, the second is the -- the back building with that parking. We are complying with the dimensional standards of the C-C zone, especially where we butt up against the residential properties and, then, we have an arterial street along the frontage. So, we have that 35 foot landscape buffer across that frontage. And the end users and tenants are planned to be consistent with the C-C zone. So, the proposed annexation is consistent with the Meridian Comprehensive Plan and zoning code. We have read the staff report and agree with staff's analysis, findings, conditions and recommendation for approval and we respectfully request your recommendation for approval tonight. Thank you.

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

Wheeler: Mr. Chairman?

Seal: Go right ahead.

Wheeler: Yeah. I have one -- I have a couple questions here. You said that the cross-access agreement to the property to the west -- was that also pedestrian or was it just vehicular to -- to the property that's now operating as Jump Time?

Thompson: Yeah. Mr. Chair, Commissioner Wheeler, this cross-access at this location here was a recorded cross-access for vehicles.

Wheeler: Vehicles. Okay. So, no pedestrian to the west access currently; correct?

Thompson: Well, I don't know that it would prohibit pedestrian, but it -- you know, it's going to be a curb cut for cars.

Wheeler: Okay. And, then, the pedestrian access that goes to the east, that goes up over there -- like you said, there is some terrain topography issues, large trees and

things like that. I'm assuming that some of those trees are going to have to be removed and some of the area be leveled out or something like this I'm assuming on that side of things and that's just something you are working with the -- the owners on the hard corner on how that's going to look and work and entry and all that.

Thompson: Right. Mr. Chair, Commissioner Wheeler, we will -- we will work all that out with the -- with the construction drawings for that area, but there -- there is an area where there is a -- like -- like two car stalls -- two parking stalls on that side where we can -- we don't have to remove trees, because there is already cars there, but it's not big enough for a full drive aisle, like a two way drive aisle. And, then, as staff mentioned, you can kind of see the existing curb approach for that property and we are just too close to the intersection to bring in cars there. There could be some -- some conflicts.

Wheeler: Perfect.

Thompson: And, then, just to -- you know, there still will be the sidewalk along the frontage as well.

Wheeler: Perfect. Thank you.

Seal: Quick -- quick question on that. I know -- obviously this isn't the final plat here that we are looking at. I mean it's just a -- an idea of what can go on here. But as far as the -- the drive aisles and everything, just the way that this -- this is laid out I will just throw a concern out here right now where it looks like traffic is going to circulate in and around the building and come back right out into this -- right out into the road where, essentially, you are going to have to -- yeah. Exactly. I mean you are going to have to pull a hard 180 there while cars are also coming in at the same time, so I don't know if that's going to work very well and it's an interesting piece of property to work with. I think -- you know, just the concept and idea of this is -- is nice. Another comment I will make is I -- I like the fact that you have -- intentionally or not you have taken advantage of the space that the parking provides in order to kind of bring the buildings and bring the businesses away -- you know, as far away from the residential buildings that are there already. So, glad to see a piece of commercial property coming in.

Thompson: Yeah. And just to mention on that, Mr. Chair, the -- we threw a drive through on there just for conceptual purposes, but if that comes through fruition we will have to come back and get a conditional use permit. So, we will work out all that internal drive circulation with -- with -- with that application.

Seal: Thank you very much. Anyone else? No? Madam Clerk, do we have anybody signed up to testify?

Hall: We have Frank Cornell. Eric Royer.

Seal: Good evening, sir. Just need your name and address for the record, please.

Royer: My name is Eric Royer. 3064 East Springwood Drive, Meridian. I was born and raised here. We purchased the property to the east. We have the longest side on this -- this property. I have a couple concerns in the aspect of -- like I don't know. This is -- this over here is my property. My -- my concern, first of all, is the dumpster in the bottom right corner. My -- my bedroom is really pretty close to that corner. My concern about that is the dumpsters seem to be getting dumped like 4:00 o'clock in the morning. I already hear it from Jump Time. I'm -- I'm kind of hoping that we could do something in the aspect of maybe moving the dumpsters away, because I believe that there is dumpsters pre-existing here I believe from Jump Time. If we could put those all in one area to where I don't have to -- summer is coming and the smells and clinking of the garbage cans. My other concern -- again, my home is right here up against that fence. I would like to possibly have a barrier wall, so that all of these parking spots -- headlights aren't in my backyard every day. My -- my concerns are my concerns I guess. They are -- they are not your concerns. I have only been in this for a couple years now and I'm not opposed to them doing the things that they are doing. I would just like a little bit of separation between what they have going and what I have tried and have going. So, if you guys could, please, take some of this into consideration I would appreciate it.

Seal: Yeah. Absolutely. And this -- again, this isn't the final plat that we are looking at. These are just conceptual ideas. But the input that you are given is -- is great. So, I wish more people would show up at this phase to kind to help with -- with those ideas and -- and generally speaking staff's pretty -- you know, they are aware of how the property lines up and try to think about what if I lived there. So, you know, obviously, we don't want all the headlights shining into your -- your bedroom window and -- and things like that. So, as -- as the process moves along I'm sure those things will be taken into consideration. Appreciate your testimony, sir.

Royer: Thank you.

Seal: Thank you.

Hall: Brenda Royer.

B.Royer: Good evening. I'm Brenda Royer. I live at 3064 East Springwood Drive. Wife of Eric. And my concerns are basically the same concerns that he has. Sleeping at night maybe with our window cracked I would hate to have to smell somebody's garbage or any transient bums that may be going through the garbage in the middle of the night. That is my biggest concern. We do wake up once a week at between 3:30 and 4:30 with the dump truck coming to dump Jump Time's garbage. So, that's a big concern for me as well. As well as the 20 something parking spots that will be shining in our backyard if we are sleeping. Maybe somebody is going to park overnight. Who knows at this point. But those are my concerns as well and definitely would want some sort of barrier wall, because right now there is just a chain link fence that separates our properties, so --

Seal: Okay. Quick question for you. I mean as -- as I look at this -- and the comment that I made earlier was -- and this is more -- I'm -- I'm literally asking a question of -- because from -- from my point of view, how I'm looking at it, you know, trying to imagine I lived there, I would kind of rather have the parking lot for that separation, because -- I mean are you saying that maybe something should be considered more -- you know, put the building closer to the property line and have the parking and the -- you know, the trash bins on -- you know, especially on the other or is that something you would rather see?

B.Royer: I wouldn't -- either way I'm not opposed to either one really, except lights at night. When somebody's coming to get in their car and we are trying to sleep and, then, you have got the backing up and the moving of the lights or a car alarm goes off it's going to be just constant noise. If there was a building there, then, we get to look at a building. So, honestly, just to see that property cleaned up is going to be a -- you know, a positive.

Seal: Great. Okay. Thank you very much. I appreciate your testimony. Madam Clerk?

Hall: Kent Brown.

Seal: Good evening, Kent.

Brown: Good evening. Before I start I'm going to talk about Mr. Yearsley. I appreciate all your service. I only served for a short period of time, but I understand the amount of hours that you put in and you have been doing it for years and really appreciate that.

Yearsley: Thank you.

Brown: For the record my name is Kent Brown. My address is 3161 East Springwood. I have lived in the neighborhood for 30 plus years. Thirty-three years. The commercial development that's the L-O when it went in that was kind of a shock to those neighbors. But one of the concessions that they did is that they put really tall Arborvitae trees that were there. Recently someone thought that they wanted to remove them and the neighbors had to remind them that it was in the development agreement that those be there and help buffer. That buffer that -- that those trees have created is maybe some of the trees that they are talking about to create the -- the pedestrian pathway. But those -- those being there have made that really livable for that corner and it has also helped protect us -- that building sits loud and proud there on that southwest corner of Eagle and Franklin Road and it blocks some of the noise that you get from there. We have seen that that's been a -- kind of a 9:00 to 5:00 type of an operation and that's been really nice. The -- you can see the custodians out there until those trees got big and when the trees got big, then, you lack that -- that influence. I -- I don't have anything against the design. I think the -- the proposed landscape strip, if it provided some kind of protection similar to those trees and that that was in the development agreement, I think it helps -- helps be a better neighbor. It's definitely the right use at --

at that -- that location and I -- I don't see anything necessarily wrong with where the buildings are located. It -- it has to go against some residential neighbor, but it is kind of interesting to look and see Jump Time looming through the backyards of these houses and it looks a lot closer than the aerial shows it. It looks like it's sitting right on top of the house as you drive through the neighborhood. But you have some of those mixed uses that are in there that take place. I think as long as there is a good buffer between the two it just makes a -- a better neighbor. I will stand for any questions you might have.

Seal: Any questions? Thank you very much. Appreciate that.

Brown: Thanks.

Seal: Madam Clerk?

Hall: I do not have anybody else signed up.

Seal: Anybody else would like to testify? Ma'am, come on up. Good evening, ma'am. Just need your name and address for the record and the floor is yours.

Taylor: Amanda Taylor. 2998 East Springwood Drive. We are the property directly in the center of the south part of this property. I just wanted to point out a couple of things. First of all, we were hoping at the initial meeting when they met us on the property -- which was great by the way -- they -- they had a different picture, so I'm really glad to see that the potential proposal would be that larger property that's directly up against the backside of our property is actually turned now, which is really nice. We appreciate that. A concern that I have -- there has already been an issue with homeless people on the backside of Jump Time and I'm not sure if you guys are aware of that and so creating another space where people could sort of hunker in behind our back fence and the back of that building is a little worrisome for me with four kids. Also if -- we don't know how many stories the building -- I think -- I don't remember what they said the zoning would potentially allow, but that is going to probably mean that there is going to be people in offices late at night or a school or whatever it ends up being, looking directly into our backyard into the back windows of our home. So, again, like the gentleman that talked earlier -- or just right before me, if there could be some tall trees to sort of be on the backside of that building or -- I know we had talked a little bit about the potential of there being a drive through. I don't know if moving that back building north just a little bit, so that police officers could sort of drive through and it wouldn't be sort of an comfortable, quiet, out of sight area for people that don't have any home. So, those are the two things that I wanted to just bring up as concerns that I have, so --

Seal: Okay. Thank you. Appreciate that. Bill, I don't know if you can answer the question on the fly here, but is a two story or larger -- or taller allowed?

Parsons: Mr. Chair, Members of the Commission, it is. Actually, the zone allows up to 50 feet. But I don't think they are going to put a 50 foot tall building on here. I know when we worked on the adjacent property I believe the DA restricted the height to 35

feet, like a residential zone, and we don't have that proposed at this time, but that's something that you could recommend as -- as a Commission to minimize some of those concerns of the neighbor. Also want to mention to you that because the site does abut a residential zone or use it does require a 25 foot landscape buffer along the west -- or at least the south and east perimeter as well and that will be vegetated heavily with trees, shrubs, and other ground cover and if a fence or wall is something that you want included I would also suggest you put that in the development agreement as well. With the Jump Time project -- or at least when I worked on it back in 2009 when it was annexed is they were actually going to do a block wall -- eight foot wall and they worked with the neighbors to do that and that got removed when the DA was modified to do an eight foot vinyl fence, if I'm not mistaken. So, I don't know if that's something that the applicant's willing to do or help make some of those concessions for the neighbors to eliminate -- or void -- you know, minimize some of those concerns.

Seal: Okay. Thank you very much. Appreciate that. Thank you, ma'am, for your testimony. Appreciate that this evening. It's good to have all of that input at this stage, instead of the final stages for sure. Do we have anybody else that would wish to testify this evening? I don't think anybody is left online. All right. Would the applicant like to come back up?

Thompson: Mr. Chair, Members of the Commission, Tamara Thompson again. I will just address a few of the comments. We did have a neighborhood meeting, so we have met with all of these neighbors. Ms. Taylor, what she mentioned -- this building currently is more north-south. We had it rotated 90 degrees and they had asked us if -- if, you know, something like that could be modified and so we did make that change. The -- but I do want to point out this is a conceptual plan. You know, the -- the actual may be different. It needs to be substantially consistent or we would have to come back for a development agreement modification. As far as the landscaping, the city code has requirements when you are adjacent to residential. So, I -- I feel like it has been addressed and we will definitely comply with those as far as the -- the larger landscape buffers and, then, we can work with -- with the CZC and with staff on what trees would be appropriate in that area, to make them maybe a little closer together, or strategically place them so that they are placed, you know, for the best blockage, I guess for lack of a better term, for -- you know, for where windows are and stuff like that. The other thing is for -- as far as fencing, the Jump Time does have a -- I don't know that it's eight foot tall, but it does have a pretty tall vinyl fence and, then, it does not really have any trees in their back -- in that back buffer. It's a pretty big building setback, but not a landscape setback, so -- because there is a drive aisle that goes around the whole thing. So, we were looking at not creating that activity with drive aisles back behind there, but when we have -- when we have an end user and the actual building footprint, then, we will look at that closely and I think we can work with staff on -- on exactly how to put that in and with the neighbors.

Seal: Great. Appreciate that.

Thompson: See if I -- oh. And, then, we are planning on putting a solid fence and, then, the landscaping.

Seal: Okay.

Thompson: So, I think that addressed everything. So, I will stand for questions.

Seal: Any questions?

Yearsley: Mr. Chair?

Seal: Commissioner Yearsley, go ahead.

Yearsley: My apologies. Mr. Chair, so just -- I understand that this is conceptual, but would you be -- you know, one of the things that they talked about was the restriction -- height restriction to 35 feet. Would you have issues with that in the DA agreement?

Thompson: Mr. Chair, Commissioner Yearsley, I would need to ask my client about that.

Yearsley: Okay.

Thompson: To -- to determine that for sure. Fifty feet is -- is pretty high for that size of a parcel. So, I think the 35 would be okay. But -- but I -- again, I would want to confirm that with them.

Yearsley: Okay. And, then, again, the -- the site is conceptual, but -- and we can work with staff to make sure that the dumpster gets relocated and not behind the gentleman's house, so -- like I said, I don't know if that's a motion we need to make, but just consider that as a consideration when you do the final site design.

Seal: Other Commissioners have questions? None? All right. Thank you very much. Appreciate it.

Parsons: Mr. Chair, Members of the Commission, I looked -- I'm looking at the Jump Time DA and Tamara is correct, it's six foot along the south boundary, eight along the west boundary, so --

Seal: Okay.

Parsons: -- I think -- I think that was the intent, that the neighbors wanted it to match kind of the existing residential in the area.

Seal: Okay. Thank you very much. Appreciate that, Bill. And with that can I get a motion to close the public hearing for H-2022-0090?

Wheeler: So moved.

Yearsley: Second.

Seal: It's been moved and seconded to close the public hearing for File No. H-2022-0090. All in favor say aye. None opposed. Motion carries. The public hearing is closed.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Seal: Anybody like to add -- add to -- I think I have thrown in -- I -- I hate to condition too much based on a concept. I have kind of seen us go down that road and it's -- you know, that -- we want to make sure we are being consistent and responsible, but at the same time we don't want that to backfire too much. So, you know, even the proposals -- or the information that I gave or the proposals that I gave in there I would hate to condition something like that, especially where it's conceptual. So, I mean the only thing I would like to see is that they continue to work further with the neighbors. You know, it's -- it's tough, you know, to put things side by side that are different, you know, commercial versus residential for sure. So, hopefully, it's done in a -- you know, responsible way with a 25 foot buffer and landscaping and fencing and everything. I think that that will help accommodate all of that. As far as the noise from the trash, that's -- that's a tough one, so -- there is only so much space on a -- on a -- you know, on a parcel like this. So, hopefully, they can accommodate that as much as possible.

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher, go right ahead.

Lorcher: Since we are just doing the annexation and it does go to City Council for final approval, I think any type of -- like you said with the conceptual thing that can be worked out during the development agreement. All we are doing is annexing this into the city from Ada county.

Seal: Correct.

Lorcher: And if that's the case, then, moving this to commercial based on the current land use to the east and to the west, it makes sense.

Seal: I would agree.

Wheeler: Oh, go --

Seal: Go right ahead. Commissioner Wheeler.

Wheeler: No, I'm -- I'm -- you know me, I'm a fan of these in-fill projects. I like to see the creativity. I like to see the way they can use these -- take these parcels and turn

them into something that's productive for our community. I'm -- you know, I'm optimistic that -- that -- that the developer will work, you know, well with the neighbors according to what they have said -- what their representative has said here today. And -- and, yeah, exactly, when we see the final projects come through, we can take a look at some of those details at large about the landscaping buffers, the -- the height of the -- the fencing, where those -- you know, making sure they see that the neighbors are amiable to what's going on, the location of the dumpster, and even hours for dumpster pickup, I think we can have some sort of encouragement on that on the DA, I believe, on -- when the -- when the dumpster pickups are. So, this seems to be a good use for -- for this location of this property.

Seal: All right. Thank you very much.

Yearsley: Mr. Chair?

Seal: Commissioner Yearsley, go right ahead.

Yearsley: I think they have done a very good job of the site -- the site layout. I appreciate that they put the car -- the -- more of the restaurant style in the front and the -- and an office style in the back to kind of minimize the impact of the adjacent homeowners. Since the site plan is actually as part of the development agreement, I wouldn't mind seeing the site plan being modified to move that dumpster more to the center of the property on the east side, just making sure that that gets kind of memorialized in this. And, again, since we are a recommending body to City Council, I would recommend that we restrict the height to 35 feet as in the -- in the DA modification and at that point Tamara can actually talk with the applicant and, then, they can negotiate that with City Council at that time and -- and -- and make those decisions and stuff, since we are the recommending body. So, I do appreciate that they are doing a solid wall fence. I don't know if -- personally if we need to recommend anymore than that. So, with that that's the only two modifications that I wouldn't mind seeing with this application.

Seal: Okay. Thank you very much. Commissioner Grace, do you have anything to add?

Grace: Mr. Chairman, no. I generally agree with the comments made by the other Commissioners. They were well said. I do think the concerns and the possible solutions raised by the -- the public testimony of the neighbors are reasonable and when the time is right I -- I think I would like to see the applicant work with them and -- and take those into consideration. But as was said already at this stage of the annexation, you know, that -- that might be a little premature. But I think they are on the record and it's been documented and they are reasonable to my estimation. So, that's where I fall.

Seal: Okay. Thank you very much. And, again, I really appreciate the testimony that everybody gave tonight. It's nice to have, you know, good constructive feedback that's

going to, you know, obviously help shape this parcel and -- and -- and this project, you know, for years to come. And with that, Commissioner Yearsley.

Yearsley: So, since this is my last time they give me the opportunity to do all the -- the motions, so -- and since I was the one that actually recommended the -- the -- the -- the modifications, I will go do this. After considering all staff, applicant, and public testimony, I move to recommend approval to City Council of File No. H-2022-0090 as presented in the staff report for the hearing date of January 19th, 2023, with the following modifications: That the dumpster on the south end of the property be relocated on the site plan to more of the center of the -- the property away from homes and that City Council discuss with the applicant to add a deed restriction for the -- or not -- sorry. Height restriction to the -- the office building to 35 feet.

Seal: Is there a second?

Wheeler: Second.

Seal: It's been moved and seconded to recommend approval of File No. H-2022-0090, with affirmation -- aforementioned modifications. All in favor, please, say aye. None opposed. Motion carries.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Seal: All right. Thank you very much. Before we get our last motion, Commissioner Yearsley, I just want to say thank you very very much for the years you have been here. I haven't been -- I haven't been here as many years as you have been here, but I really appreciate you helping keeping me on the tracks, as it would be. So, congratulate you on, you know, moving -- moving on and freeing up a little bit of time. But thank you very much for your service to the city.

Yearsley: My pleasure. It's been a -- a true honor serving on the -- the Planning and Zoning Commission. So, I -- you know, I -- I will miss it. So, thanks again.

Seal: Yep. Thank you very much.

Wheeler: I -- I, too, would like to make some comments.

Seal: Absolutely.

Wheeler: We can keep piling on here, Mr. Yearsley. So, Commissioner Yearsley, I just want to say thank you so much for your service to -- 11 years; is that correct?

Yearsley: Yes.

Wheeler: Eleven years. And during that time here the City of Meridian has changed a bunch and so you can see your fingerprint, your input, the way that it's developed into

just a nationally recognized phenomenal community. That's -- that's a credit to you on that, too. Plus on top of it you have mentored a lot of new commissioners coming on here, like one like myself, and so hearing your comments, your input, seeing what to do and also how to -- you know, was this in bounds; right? Out of bounds? What are we supposed to say, what we are not, things like that you have been able to kind of just father us back into line on that and I just want to say that that's going to be -- there is going to be a gap there and something that's going to be missed there for a bit. So, thank you so much for the way that you have involved yourself in this community for decades. It will be felt. And also here on this Commission. Thank you.

Yearsley: Thank you. It's been my pleasure. With that, Mr. Chair, I move we adjourn.

Lorcher: Second.

Seal: It's been moved and seconded that we adjourn. All in favor, please, say aye. We are adjourned. Thank you, everyone.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

MEETING ADJOURNED AT 7:23 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS)

CHAIRMAN ANDREW SEAL

_____/_____/_____
DATE APPROVED

ATTEST:

CHRIS JOHNSON - CITY CLERK