

Meridian Planning and Zoning Meeting

September 5, 2024.

Meeting of the Meridian Planning and Zoning Commission of September 5, 2024, was called to order at 6:00 p.m. by Chairman Andrew Seal.

Members Present: Commissioner Maria Lorcher, Commissioner Jared Smith, Commissioner Patrick Grace and Commissioner Matthew Sandoval.

Members Absent: Commissioner Andrew Seal, Commissioner Enrique Rivera. And Commissioner Brian Garrett.

Others Present: Tina Lomeli, Kurt Starman, Bill Parsons, Sonya Allen, Nick Napoli, Linda Ritter and Dean Willis.

ROLL-CALL ATTENDANCE

<input type="checkbox"/> Brian Garrett	<input checked="" type="checkbox"/> Andrew Sealer
<input checked="" type="checkbox"/> Matthew Sandoval	<input checked="" type="checkbox"/> Patrick Grace
<input type="checkbox"/> Enrique Rivera	<input checked="" type="checkbox"/> Jared Smith
<input checked="" type="checkbox"/> Maria Lorcher - Chairman	

Lorcher: All right. Good evening. Welcome to Planning and Zoning meeting for September 5th, 2024. At this time I would like to call the meeting to order. The Commissioners who are present for this evening's meeting are at City Hall and on Zoom. We also have staff from the city attorney's and the City Clerk's Office, as well as the City Planning Department. If you are joining us 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 you 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. If you simply want to watch the meeting we encourage you to watch the streaming on our city's YouTube channel. You can access it at meridiacity.org/live. With that -- with that let us begin with roll call. Madam Clerk.

Lorcher: Commissioner Sandoval and Commissioner Smith, we could barely hear you.

Sandoval: Is that better if I lean a little bit closer?

Smith: I can hear you just fine, so I think it might be on --

Lorcher: So, Jared, you sound good. Matthew --

Smith: I sound good?

Lorcher: Yes.

Smith: Okay.

Lorcher: Matthew, try again.

Sandoval: Can you hear me now?

Lorcher: All right.

Sandoval: Okay.

ADOPTION OF AGENDA

Lorcher: Oh, technical difficulties. Okay. The first thing to do is the adoption of the agenda. Please note that Item 3, Calvary Chapel, for Item No. H-2024-0020 and Item No. 4, Life Church, Item No. H-2024-0024 will be open for the sole purpose of continuance. So, if there is anybody here tonight to testify on these applications we will not be taking public testimony this evening. Could I get a motion to adopt tonight's agenda?

Grace: So moved.

Smith: Second.

Lorcher: It's been moved and seconded to adopt the agenda. All those in favor say aye. Opposed? The ayes have it. Motion carries.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

CONSENT AGENDA [Action Item]

- 1. Approve Minutes of August 15, 2024, Planning and Zoning Commission Meeting**
- 2. Findings of Fact, Conclusions of Law for The Angels Home Childcare (H-2024-0017) by Desange Muhawenimana, located at 167 W. Indian Rocks St.**

Lorcher: Next on the item -- on the agenda is the Consent Agenda. We have two items on the Consent Agenda, to approve the meeting minutes of August 15th Planning and Zoning meeting and the Facts, Findings and Conclusions of Law for the Angels Home Childcare. Can I get a motion to accept the Consent Agenda as presented?

Sandoval: Motion to accept.

Smith: Second.

Lorcher: It has been moved and seconded to approve the Consent Agenda. All those in favor say aye. Opposed? Motion carries.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

ITEMS MOVED FROM THE CONSENT AGENDA [Action Item]

Lorcher: At this time I would briefly like to explain the public hearing process. We will open each item individually and begin with the staff report. Staff will report their findings on how the item adheres to our Comprehensive Plan and our Unified Development Code. After staff has made their 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 only once during the public testimony. The clerk will call the names individually of those who signed up on our website in advance to testify. You may come to the microphones in Chambers or you will be unmuted in Zoom. Please state your name and address for the record. 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 screen and our clerk will help run the presentation. If you have established that you are speaking on behalf of a larger group, like an HOA, where others from your 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 others who wish -- may wish to testify in Chambers or on Zoom. If you wish to speak on a topic you may come forward in Chambers or if on Zoom you can press the raise hand button or if you are listening on a phone please 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 don't experience feedback and we can hear you clearly. When you are finished if the Commission doesn't have any questions for you you will return to your seat in Chambers or you will be muted on Zoom and you will 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, the applicant will be given another ten minutes to come back and respond to public testimony. When the applicant has finished responding to questions and concerns we will close the public hearing and Commissioners will have the opportunity to discuss and hopefully be able to make final decisions or recommendations to City Council as needed.

ACTION ITEMS

- 3. Public Hearing for Calvary Chapel (H-2024-0020) by Calvary Chapel Meridian, located at 2600 W. Nelis Dr.**
 - A. Request: Rezone of 8.41 acres of land from the I-L to the C-C zoning district.

Lorcher: So, with that I would like to open the public hearing for Item No. H-2024-0020, Calvary Chapel, for a rezone and they have asked for a continuance. Madam Clerk, do we have a date suggested for this application?

Lomeli: Madam Chair, September 19th.

Lorcher: May I get a motion to continue the application for Cavalry Chapel for September 19th?

Smith: So moved.

Grace: Second.

Lorcher: It's been moved and seconded to continue Item No. H-2024-0020 for Calvary Chapel for September 19th. All those in favor say aye. Any opposed? Motion carries.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

4. Public Hearing for Life Church (H-2024-0024) by Ella Passey, Land Group, located at 3323 E. Commercial Court

- A. Request: CPAM to amend the Comprehensive Plan Future Land Use Map (CPAM) to change the future land use designation on 6.72 acres of land from Industrial to Commercial.
- B. Request: Rezone of 6.72 acres of land from Light Industrial (I-L) to General Retail and Service Commercial District (C-G) zoning district for the expansion of Life Church and the operation of Life Bible College.

Lorcher: Item No. H-2024-0024, Life Church, has filed for an amendment on the future land use map, a rezone, and also has asked for a continuance. Madam Clerk, is September 19th the day that they prefer as well?

Lomeli: Madam Chair, yes.

Lorcher: May I get a motion to continue the application for Life Church for September 19th?

Grace: So moved.

Smith: Second.

Lorcher: It's been moved and seconded to move Life Church to September 19th. All those in favor say aye. Any opposed? Motion carries.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

5. Public Hearing for Treasure Valley Law Enforcement Childcare Center (H-2024-0030) by Ball Ventures Ahlquist, located at 1085 Ten Mile Rd.

- A. Request: Conditional Use Permit for a daycare center providing care for up to 75 children in the M-E zoning district.

Lorcher: Okay. The next item on the agenda is File No. H-2024-0030 for a conditional use permit on request for the Treasure Valley Law Enforcement Childcare Center for 75 children in an ME zoning district. We will begin with the staff report.

Napoli: Good evening, Madam Chair and Commission. Item No. 5 on the agenda is the conditional use permit for the Treasure Valley Law Enforcement Childcare Center. Thanks, Sonya. The applicant is requesting a conditional use permit to construct and operate a 7,504 square foot daycare facility. The site consists of 1.12 acres of land, zoned mixed employment, located north of I-84 between South Black Cat Road and South Ten Mile Road. The current zoning is mixed employment. The future land use is high density employment and in both the mixed employment zoning and the high density employment FLUM designation in the Ten Mile Interchange Specific Area Plan childcare is considered a complementary use, intended to serve area employees. Staff finds this proposed use is consistent with this. In 2020 and 2021 a rezone, conditional use permit, development agreement modification and preliminary plat were approved. The DA approved of this application currently governs the site. However, a development agreement modification was approved by City Council in 2023, but has yet to be recorded. A final plat and private street applications are currently being processed with the city. Additionally, this project falls into the District at Ten Mile application that is currently awaiting Council review. So, shown on the screen -- on the left is a concept plan for the District at Ten Mile. The red arrow is indicating where the daycare is proposed to be within the development. So, access is proposed via La Vista Lane, a private street -- a private street along the west boundary. The future extension -- from the future extension of West Grand Mogul Way, a collector street, along the north boundary of the site. These roadway and infrastructure improvements are anticipated to be installed with the final plat. However, if they are not they will need to be completed with this application. Street landscape buffers along I-84, West Grand Mogul Way and La Vista Lane are also anticipated to be installed with the final plat for Vanguard Village. However, if they are not complete the developer will be responsible for those improvements with this application. The building elevations are required to meet the Architectural Standards Manual, Ten Mile Interchange Specific Area Plan. However, the District at Ten Mile is proposing its own guidelines and if approved these guidelines would govern the site. Staff is recommending approval with conditions. However, the applicant has submitted written testimony with -- proposing alternative language to the following condition. I will stand for questions.

Lorcher: Would the applicant like to come forward?

Allen: Elizabeth Allen. 1144 South Silverstone Way, Meridian, Idaho. 83642. And the -- the presentation is showing; correct? Okay. So, this evening we are requesting an approval of a conditional use permit for a daycare facility in an MU zone and the facility will be a private facility to serve law enforcement families. Thank you. So, the site is located on the west side of the district at Ten Mile site. Access and utilities to the site are currently under construction with an anticipated completion of December 1st, with temporary access provided to the -- to the site for construction. So, first, I would like to talk about the issues that law enforcement agencies are facing in the Treasure Valley and the nation. So, the facility we are proposing is a crucial service that currently does not exist in the valley, so law enforcements in the Treasure Valley and nation are struggling with staffing issues. Studies found that a 70 percent decrease in applications, in addition to a 45 percent retirement rate and, then, an 18 percent increase in resignations at law enforcement agencies and another issue that they are facing is a gap in staffing of women and studies found that there is less than 12 percent of women in full time within law enforcement and with only three percent in top command and, then, a nine -- nine percent of mothers in law enforcement currently have children under the age of six and so there is a big need to provide facilities for law enforcement families. Next slide. So, the solution that has been identified to help with some of these issues with staff recruitment, as well as retention, is customized childcare for law enforcement that will provide affordable childcare at half the rate -- market rate tuition and, then, the facility will also have expanded operating hours seven days a week to accommodate work schedules that is not offered by other daycare facilities and so talking about the project details, so that -- the building square footage is 7,504 square feet and, then, the playground square footage is 6,544 square feet and we are proposing 84 children with addition of staff, which would bring a total building capacity of 102. Next slide. So, this is an image of the landscape plan that I wanted to show, which shows those three different playground areas with landscaping around that area that provides not only shade for the playground, but also a buffer from future uses, as well as security to kind of block -- to screen the playground area -- area. So, this is an image of the elevations that were provided. That top is the front facade showing the main entry featuring a large -- large glazing area with white metal canopies, cultured stone pillars and gray cement panels with a sand -- sandstone wash. The cement panel finish is wrapped around the corner of the building and the remainder of the building has a red face brick to the top of the windows and, then, above that is a tan EFIS up to the parapet. So, to elaborate on that condition that staff mentioned, they recommended adding park -- additional parking west of the site that is outside of the building lot. That area is slated for a future development. So, between those drive aisles we are proposing this condition, parking, driving and similar activities will be prevented on the unimproved property between the drive aisles to the site through the use of curbing, barricades or similar method until such time that the area develops for a future user. So, that would be around that -- that brown -- that brown area and the image on the right is a barrier that we put up at the Eagle View Landing site to prevent people from driving onto that lot until it develops. Let's see. And as far as the parking goes -- so, we are proposing 40 parking stalls. The requirement is 15. So, we are already over-providing parking, so we don't want to add additional parking when it's not needed and we would have to tear it up in the future to accommodate the user that will be going into

the west. Next slide. So, in attendance with me I believe virtually is the architect who could answer any questions about the building and, then, I also have the civil engineer for the project, who can also answer questions and, then, in the application documents we provided a finance analysis to help with the decision making and I will stand for questions. Thank you.

Lorcher: Commissioners, do we have any questions for the applicant at this time?

Sandoval: Madam Chair?

Lorcher: Commissioner Sandoval.

Sandoval: Yeah. Just a quick question. What agencies are you going to serve? ISP? Sheriff? Local? Mix?

Allen: So, there is -- there is nine agencies that they will be serving in the valley. So, ISP and, then, the other jurisdictions within the Treasure Valley.

Sandoval: Thank you.

Grace: Madam Chair?

Lorcher: Commissioner Grace.

Grace: Can you -- Elizabeth, can you just explain -- so, you want some alternate -- alternative language to the condition related to parking on the west that the -- that the city is recommending be completed now and you are looking for some alternative language that says until that's developed we would like to leave it alone and, then, barricade it so people can't use it?

Allen: Yeah. Madam Chair, Commissioner, I will let staff elaborate on this, but that area between the drive aisles will be developed at some point where there is an office user or different user. So, if you put the parking in -- like additional parking that we wouldn't even need for the use, we would have to rip all of that up and so the reason for the barricade is sometimes on these sites you have lots where the public will just drive onto the site, they will park there or they will just goof around on some of these empty lots. So, the barricade is to prevent people from driving onto that -- to that site.

Grace: Yeah. Madam Chair -- and thank you, I think you answered exactly what I was getting at, which is if you develop it and you don't -- and, then, someone -- with a parking lot and, then, someone later comes in, what -- who is responsibility is and -- it's -- it's yours.

Allen: Uh-huh.

Grace: Okay. Follow up. Given the numbers that you -- the statistics and numbers you provided about law enforcement, is it -- is it safe to assume that you will have a continuing need this far into the future or is there any danger someday it ceases to be a childcare center?

Allen: Madam Chair, Commissioner, that's a really great question. So, the -- the group that's working on this daycare facility, it's the National Law Enforcement Foundation. I may have got the acronym wrong. They have received state funding to -- to fund the -- the law enforcement facility -- daycare facility, so they have a lot of funding to support this new use and in the future as it -- it grows there is the expectation that there could be a potentially second facility in the future. But there is a lot of funding to support to the facility.

Grace: Okay. Thank you.

Lorcher: In regard to the barricade, are you proposing like green stakes and some plastic chains to -- is that the method that you were thinking of using to create a barrier?

Allen: Madam Chair, Commissioner, so we -- we are leaving it open. I showed the example of -- an option that we have at one of our other sites that has worked really well, but we wanted to provide flexibility that the Commission was comfortable with, whether that was curbing, that fencing or some kind of barricades that we could put up. That also wouldn't be visibly unappealing.

Lorcher: And the reason I ask is if you go by the Idaho Central Credit Union at Cherry and Ten Mile there is an open parcel next to it and they have used a similar method where they have green stakes and sometimes it's a string, sometimes it's a plastic and I would say at least twice a year people just bust through it and decide to do whatever they want anyway and the concern is -- is that there is children here and so you don't want that to happen at that point in time, even though it is law enforcement, I would just encourage the developer to have something a little bit more secure, because people do goofy things at inappropriate times and those flimsy barricades can easily come down, which end up costing the developer money, because you are going to have to keep replacing it. So, that's all my comment. Okay. Thank you very much.

Allen: Thank you. Madam Clerk, do we have anybody for public testimony?

Lomeli: Thank you, Madam Chair. I have Jeff Howard online.

Lorcher: Okay. Mr. Howard, please, state your name and address for the record.

Lomeli: Mr. Howard, can you hear us?

Lorcher: I see that he is there. Mr. Howard, can you raise your hand on Zoom to see if you still want to testify? Madam Clerk, is there anybody else? Maybe we can come back to Mr. Howard.

Lomeli: Yes, Madam Chair. I have Colin Ronhaar here in Chambers.

Lorcher: Hi. If you can state your name and address for the record, please.

Ronhaar: Good evening. Colin Ronhaar. 332 North Broadmore Way, Nampa. I'm the civil engineer on this project and so I just wanted to clarify once again on that -- on that empty lot. It's -- it looks weird on -- on a site plan, but if you drive around it's pretty common. I was looking at -- just recently that -- at even The Village of Meridian against Longwing Lane there, there is some empty lots adjacent to parking lots that have been open and dirt for a while. I think it's -- the developer is totally open to restricting that from parking, whether it be barricades, whether it be -- just an extruded curb of some sort. But it's pretty -- it's -- it's common in -- in these commercial developments that are being piecemeal developed throughout that. That's all I had. Thank you.

Lorcher: Okay. Thank you. Madam Clerk.

Lomeli: Madam Chair, no one else has signed up.

Lorcher: You want to try Mr. Howard again?

Lomeli: Madam Chair, he has permission to talk, so I -- I don't know if he has anything to say at this point.

Grace: It looks like he went from unmuted -- excuse me -- muted to unmuted, so -- I don't know if he is trying, but --

Lorcher: Okay. Thank you. All right.

Starman: So, Madam -- Madam Chair, can I just -- I want to make it clear for the record that the applicant indicated that Mr. Howard does not wish to speak. So, just I want the record to reflect that we have confirmation. Thank you.

Lorcher: Okay. Since there is no other public testimony, does the applicant wish to come forward to make any other comments? Okay. Then we will close the public hearing. May I have a motion to close the public hearing for Treasure Valley Law Enforcement Childcare Center?

Grace: So moved.

Smith: Second.

Lorcher: It's been moved and seconded to close File No. H-2024-0030. All those in favor say aye. Any opposed? Motion carries.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

Lorcher: Commissioners, do we have any comments about this application?

Sandoval: Madam Chair?

Lorcher: Commissioner Sandoval.

Sandoval: Yeah. I think this is a -- a great project; right? We look at law enforcement and everything they are dealing with, how many hours they are putting in, often daycare is really hard to find, so I think this is a -- a great example of what we should be putting in there.

Lorcher: Okay. Anybody else?

Smith: Madam Chair?

Lorcher: Mr. -- Commissioner Smith.

Smith: Yeah. I -- I agree. I think this is a great project. I think I'm -- I'm relatively amenable to the applicant's ask for alternate compliance. I would like, if possible, for us to include in the final motion -- and this is just where I'm at -- something that -- that's a little bit more substantive than those kind of stakes and plastic chain. It seems like the applicant is amenable to, you know, more of a barrier or extruded curb or something like that. I would just like something that is a little bit more -- more restrictive given the location and given the -- the use at hand with -- with children nearby. But other than that I think it's a great project and fully support it.

Grace: Madam Chair?

Lorcher: Commissioner Grace.

Grace: I would -- I would just be probably reiterating what my fellow commissioners have said. I think it's a great project. I love the -- I thought I read or heard about the increased hours for law enforcement. I think that's fantastic to support our -- our local law enforcement and I agree with Commissioner Smith I -- I'm amenable to that alternate language with some assurances that like, you said, it's -- it's a little bit more stout and not susceptible to damage, so -- great project.

Lorcher: Do any of my fellow Commissioners wish to propose a motion?

Smith: Madam Chair?

Lorcher: Commissioner Smith.

Smith: I was going to say if Commissioner Grace wants to go for it he can as well.

Grace: Madam Chair, I just had a question and that is do we -- if we -- if we make the motion do we have to address the alternate language request?

Starman: Thank you, Chairman and Commissioner. Yes, this -- this is going to -- this will become the condition for the -- within the conditional use permit and you are the approving body, so I would recommend that the condition be explicit and clear in your motion. I guess I would add if you -- if you like you can ask -- staff may have a suggestion, that would strike the balance you are looking for that would meet the spirit of what the applicant is requiring, but to some of the Commissioners' questions and comments earlier perhaps staff can help you craft some language between Nick and Bill that we kind of hit the -- hit the spot you are looking for, that it's a more substantive barrier, not some of the other examples we discussed this evening.

Lorcher: Nick, do you have any suggestions of what would be sturdy for this particular lot?

Napoli: Madam Chair, Members of the Commission, you know, there is concrete barriers that are not very sightly, could be a little bit -- I would say excessive potentially for blocking that off. Fencing as well. Not very sightly. Typically when we do see fencing -- well, it's chain link and half the time it's half falling down. I would say -- so, you know, I would say that if they can propose a -- either type of fencing that, you know, will be maintained and kept, as well as the ground, I think that's part of something that we would like to see as well, that it -- that it is maintained, the empty lot, so it doesn't become overgrown additionally with that. But as far as additional suggestions, I would say fencing is a great option. I would say concrete barriers is a potential option, but it could potentially be excessive.

Starman: And, Madam Chair, I would add -- I would add maybe a third alternative. Nick just got my creative juices flowing, but something on the line of maybe bollards with metal chain link would -- might be a -- something in between that would be somewhat similar to the photo of the applicant showed with the T post and lighter material, but similar concept, but with more stout and attractive bollards and some more stout chain, as opposed to lighter material. That's an idea.

Lorcher: Okay.

Parsons: So, Madam Chair, Members of the Commission, it really comes down to how much do you want to keep people out? I think extruded curb can work as well, but people can still drive over that, so it really comes down to whatever your comfort level is. I just know Nick and I -- or at least staff just wants a condition that says this is not approved for parking and it shouldn't be used as that and it needs to be maintained weed free like you see in these other developments. So, I think that's -- to me from our -- from staff's standpoint that's the more -- most important thing is we don't want people tracking dirt and mud all over the development and, then, like you said, after hours people doing bad things and, then, all of a sudden it gets very popular, because other developments coming -- are happening in the area and people are just parking on it,

because everything is full. That's what we keep seeing is people just using dirt lots -- as Nick had -- had mentioned is we are just -- people are using it for parking and it's not approved parking and we just don't want to create problems for code enforcement. So, I do -- I do like the bollard idea with the -- with the chains. I think that would be a great solution for an interim fix to keep people out of there. Commissioner Smith, does that help you with some language for the motion?

Smith: Yes, Madam Chair. I think I have got something and it's -- I still want to leave it a little bit open to the applicant, but can include those relevant options or similar option. I don't want to close it off to just those if they have something that -- that staff -- they can present and staff is -- is okay with as well. So, I'm -- I'm happy to make a motion if anyone is -- is all right.

Lorcher: Okay. We are all ears.

Smith: All right. After hearing all staff, applicant and public testimony, I move to approve Item No. H-2024-0030 as presented in the staff report with a modification to replace the requirement for expanded parking with a requirement for cordoning off the parking to be used with fencing, barriers and extruded curb or a combination of the above in order to adequately and consistently restrict the flow of motor vehicles.

Lorcher: Do I have a second?

Grace: I will second that.

Lorcher: It's been moved and seconded to approve Treasure Valley Law Enforcement Childcare with the condition of a barrier for the parking area that has been mentioned in the motion. All those in favor say aye. Nay? Motion carries. Thank you very much.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

6. Public Hearing for Apex Farr Subdivision (H-2024-0014) by Brighton Corporation, located at west side of S. Locust Grove Rd., north of E. Lake Hazel Rd. and east of S. Meridian Rd.

- A. Request: Modified Development Agreement to remove the property annexed with South Meridian Arbor Ridge (H-2015-0019), Inst.#2016-007071 and portions of the property annexed with Shafer View Terrace (H-2020-0117), Inst.#2021-102396 and Apex (H-2020-0066), Inst.#2020-178120 from the existing development agreements to include in a new agreement and update the overall conceptual development plan for the site and other provisions as applicable.

- B. Request: Rezone of 38.69 acres of land from the R-2 to the R-8 (0.76 acre), R-15 to C-C (6.66 acres), and R-4 to R-8 (31.27 acres) zoning districts.
- C. Request: Preliminary Plat consisting of 381 single family residential building lots, 6 commercial building lots and 60 common lots on 131.89 acres of land in the R-8, R-15 and C-C zoning districts.

Lorcher: Okay. The next file on the agenda is File No. H-2024-0014. Is a request for a modification for the development agreement, rezone and preliminary plat for Apex Farr Subdivision. We will begin with the staff report.

Allen: Thank you, Madam Chair, Members of the Commission. The next application before you is -- oops. Let me get here to the right spot here. Is a request for a development agreement modification, a rezone and a preliminary plat. I just wanted to make a note that there was a discrepancy in the hearing notice for the rezone, but the description on the agenda is correct and it has been corrected for the Council notice. This site consists of 131.89 acres of land. It's zoned R-4, R-8 and R-15 and is located on the west side of South Locust Grove Road, north of East Lake Hazel Road and east of South Meridian Road. A little history on this property. Except for the R-2 zoned portion, the -- the rest of it was annexed in 2015 with an R-4 zoning district as part of the South Meridian Category A annexation, which included -- excuse me? Oh, I'm so sorry. I didn't realize I was -- or wasn't. All right. Let's try that again. So, it was annexed as part of the South Meridian Category A annexation, which included multiple properties and property owners. A placeholder R-4 zoning district was approved with individual development agreements for each property owner, i.e., Arbor Ridge, Brighton Investments, LLC; SCS, Brighton, LLC, and Murgoitio Limited Partnership, which require modification prior to development of the property to approve any proposed development plan. In 2020 a modification to the existing development agreements for Brighton, SCS Brighton, Murgoitio Partnership was approved, which replaced these agreements with one new agreement, which was Apex. A rezone was approved for much of the subject property from the R-2 -- excuse me -- R-4 to the R-8 and R-15 districts. The Arbor Ridge R-4 zoned property along the northern boundary was under different ownership at that time and was not included in the rezone, but is part of the subject rezone application. A preliminary plat was also approved for Apex Northwest Subdivision, which included the R-15 zoned portion of the subject property at the southeast corner of the site. The conceptual master plan included in the development agreement depicts future development with no specific development plan for the areas not included in the preliminary plat with a general street layout on the south -- land southwest of the Williams gas pipeline and a future school at the northwest corner of Locust Grove and Crescendo. In 2021 the R-2 zoned portion of the property was annexed with the development agreement and included in the Shafer View Terrace Subdivision as Lot 1, Block 5. This lot was depicted as a future phase with no specific development plan. A preliminary plat was approved in 2021 for Apex West Subdivision, which included Lot 1, Block 5, Shafer View Terrace Subdivision and a portion of the

subject property. A portion of this property is included in the subject preliminary plat. The remainder will be part of Apex West Subdivision. The Comprehensive Plan future land use map designation for this property -- it's on the middle map here -- is designated low density residential, medium density residential and mixed-use community, with a future school designation. The applicant is requesting a development agreement modification to include the South Meridian Arbor Ridge property and portions of the property annexed with Shafer View Terrace and Apex and a new development agreement with an updated conceptual development plan as shown. These properties will no longer be subject to the previous development agreements. The proposed development plan is generally consistent with the future land use map. The future school previously planned at the northwest corner of Locust Grove and Crescendo was shifted to the south side of Lake Hazel, east of Locust Grove. A rezone of a total of 38.69 acres of land from R-2 to R-8, which is .76 of an acre, R-15 to C-C, which is 6.66 acres and R-4 to R-8, which is 31.27 acres, is proposed. The area proposed to be rezoned to R-8 is designated medium density residential on the future land use map, except for a .76 acre portion, which is designated low density residential. The area proposed to be zoned C-C is designated mixed-use community. The proposed zoning is consistent with the associated future land use map designations. A preliminary plat is proposed consisting of 381 single family residential building lots, six commercial building lots and 60 common lots on 131.89 acres of land in the R-8, R-15 and C-C zoning districts and is a resubdivision of a portion of Lot 1, Block 5, Shafer View Terrace Subdivision. The remainder of which will be included in the Apex West final plat. The plat is proposed to develop in seven phases as shown on the phasing plan on the right. Minimum lot size proposed is 4,180 square feet, with an average lot size of 8,021 square feet. A gross density of 2.84 units per acre, with a net density of 5.43 units per acre is proposed, which is consistent with the density desired in the medium density future land use map designation. A mix of front loaded and alley loaded single family residential detached units in a variety of different lot sizes are proposed, with larger lots along the northern boundary to provide a transition between the rural lots to the north of the Farr Lateral. Access is proposed via the extension of East Quartz Creek Street, East Trenton Street and East Liberator Court at the project's west boundary and from South Locust Grove Road via South Apex Way and East Crescendo Street. An emergency access is proposed at the northern boundary via South Margaret Avenue. Several common driveways are proposed as depicted on the plat. Stub streets are proposed for future extension and interconnectivity with adjacent development and future development in Apex Pinnacle. A collector street is stubbed to the north, which will extend to East Amity Road, with future development and South Apex Way will extend to South Locust Grove Road as a collector street in accord at the master street map. Cross-access ingress-egress easements should be provided between all of the commercial lots. There are several common driveways that are depicted on the plat. Private streets are proposed to access for the residential units in Blocks 2 and 23. As shown ACHD will not allow those streets to be public alleys, because some of the lots don't have frontage on a public street. This also creates an issue with addressing the units that have frontage on both a public street and the proposed private street, which staff is concerned will create confusion for emergency responders. Therefore, staff is recommending these blocks are reconfigured, so that public alleys may be allowed and

addressing can be from the adjacent public street. Lot 23 at the southeast corner of the development consists of rear loaded single family residential units on the west side and commercial uses on the east side as shown on the layout on the left. A 25 foot wide buffer to residential uses is required on the C-C zoned property per the UDC. The applicant is requesting a reduction in the buffer width to zero with the provision of a 15 foot wide common MEW on the residential portion, which will include landscaping and a sidewalk. Staff is not in favor of the proposed layout with the residential units abutting the parking lot for the commercial area with only a 15 foot wide landscape area in between. Staff recommends the access drives for the residential units are constructed as alleys, instead of private streets and a north-south public street is provided between the residential and the commercial lots for addressing purposes for the east facing residential units, which is an issue with the proposed layout for on-street parking for the residential units and as a transition separation between land uses as shown on the layout on the right. There are several site constraints that affect the design and layout of the project. They include the following: The Carlson Lateral runs along the northwest boundary of the site. The Farr Lateral runs along the northeast boundary of the site at the highest elevation of the project. The McBurney Lateral will be piped and is located in the southeast portion of the project. The Watkins Drain runs through the northwest quadrant. The Williams Northwest gas pipeline bisects this site within a 75 foot wide easement and that's shown in orange there on the plan. There is an existing sewer trunk line on the northwest corner of the property and a 25 foot wide easement and there are slopes between seven and 12 percent along the northeast boundary of the site within the area shown in red on the map. Due to these constraints the applicant is requesting a waiver from City Council to the maximum block face length standard of 750 feet without an intersecting street or alley. Block faces are allowed to extend up to one thousand feet where a pedestrian connection is proposed between the streets within the block. The face of Block 12 along Precipice Drive is approximately 2,500 feet and that is the street that runs along the northern -- northeast boundary of the site right here. There are two pedestrian connections proposed within the block that provide pedestrian access between streets. The Farr Lateral runs along the north side of the street at the highest point of the development as I mentioned. The face of Block 12 along West Vertex Drive is approximately 1,500 feet long. One pedestrian connection is proposed within the block that provides pedestrian access between streets and that is just the other side of this block. So, it's this area right here. Traffic calming is proposed in the form of a 29 foot wide street section for West Precipice Drive along the Farr Lateral, which will only allow parking on one side of the street and bulb outs and choke points at pedestrian crossings as shown. A landscape plan was submitted with a preliminary plat that depicts street buffers and common open space landscaping for the development. A fencing plan was also submitted as shown on the right. Multi-use pathways are proposed within the Williams Pipeline easement and along Locust Grove Road. A minimum of 15 percent or 18.93 acres of land is required for qualified open space to be provided in the R-8 and R-15 zoning districts. A total of 36.1 acres, which is 29 percent, is proposed at almost double the required amount. Site amenities totaling a minimum of 26 points from each category are required to be provided. Amenities totaling 30 points are proposed consisting of two fitness courses, a dog park and two education gardens from the quality of life category. A swimming pool with changing facilities and restrooms

and two tot lots and natural play areas from the recreation activity category. .37 mile of pathway aligned with linear open space and 1.61 miles of multi-use pathways from the pedestrian or bicycle circulation system category and, finally, a bicycle repair station from the multi-modal category. This does, again, exceed UDC standards. Several conceptual building elevations were submitted for the proposed residential development as shown. A mix of single story and two-story homes are proposed that include a variety of siding styles with masonry accents in a variety of colors and design elements and features with varying roof profiles and wall modulation that demonstrates the high quality of development proposed. No elevations were submitted for the commercial portion of the development, but they will be subject to design review standards. Written testimony has been received from Amanda McNutt, Brighton. That's from the applicant, the response to the staff report. The applicant requests deletion of the following conditions: There -- there is several, so I won't -- I won't go through each of the conditions. They are in your hearing outline. But I will go through the items that they are requesting for deletion. They are asking for the ten foot wide detached sidewalks to be provided along all collector streets for public safety in lieu of the on-street bicycle lanes. They want deletion of that, because they are -- only five foot wide sidewalks are proposed in the remainder of the development that's already gone through and has been approved for consistency and staff is okay with that request and just requiring the typical five foot detached sidewalks required by code. They are also asking deletion of the north-south public street to be provided between the residential and the commercial lots in Block 23. They are requesting deletion of the requirement for the revision to the lot layout in Block 2 to comply with ACHD's requirements for public alleys, so that the lots only have frontage on one named street. They are requesting deletion of the requirement for a sidewalk on the north side of West Precipice Drive. That is a UDC standard that staff can't waive. They are requesting modification to Condition No. 3 to clarify the landscape plan, which will be revised at the time of final plat and staff is in agreement with this clarification and they are asking a modification to include language on Condition No. 9 requiring the alternative compliance to the common driveway in Block 12 if requested to be submitted concurrently with the final plat application and staff is in agreement with that request as well. Staff is recommending approval of the proposed applications with the conditions in the staff report. Staff will stand for any questions.

Lorcher: Would the applicant like to come forward?

McNutt: Thank you. Mike Wardle is handing out just the little blurb of changes that we requested, just so it's a little easier for you guys to find. I'm Amanda McNutt. 2929 West Navigator Drive, Meridian. 83642. I apologize I don't know if there is a way to make this a little bit smaller in here. Oh. Never mind. I got it. All right. So, thank you again for having us. This is Apex Farr, which is the next portion of the Pinnacle community out at Locust Grove and Lake Hazel Roads. As Sonya mentioned, it's 131.8 acres, 381 new residential units, six commercial lots and there are 60 common lots. As mentioned it's about .8 acres from the R-2 zone to the R-8 zone, 29 and .9 acres from the -- R-4 holding zone to an R-8 zone and 5.3 acres from the R-15 to C-C zone. Again, this is consistent with the future land use map. I would like to take a moment to

discuss the site specific constraints. We do have significant grade along the Farr Lateral and the Williams Pipeline is a constrictive vertical grade as well. So, we really can't change any grade between those two points. So, the Farr Lateral and the Williams Pipeline are -- are very constricting in our site. That -- that is driving a lot of the design in this particular development. As you can kind of see from this graphic here a lot of linear things are following those two points and, again, that's -- that's driven by the site itself. So, to the first variance request that we are asking for with that Precipice Street along the Farr Lateral, again, it -- it mostly is due to the fact that we have significant grade there that makes it extremely difficult to add any additional road connections. It would be to the point where we actually couldn't meet ADA requirements if we were to add additional roadway sections through there. As it is we are going to have to do probably some major grading efforts to make lots work through that area and to get those pathway connections. Also I wanted to note that both ACHD and city staff were supportive of this design with both Precipice and Vertex Drive. Vertex Drive is a little bit less of a concern I think due to the length. There are several intersections, as well as two pathway connections that intersect that street. Several choke points as well to try to calm traffic through there, as well as some variation in the straightness. I guess it's not completely straight through there. The next variance request that we are asking for is to allow more than three lots on a common driveway on a single side. So, I believe code allows for four lots total on a common drive, just not on a single side. This particular layout is a little bit unique. You can kind of see that we have some additional parking next to or between Lot 76 and Lot 77. Lot 76 is that driveway. The way that it lays out, obviously, four lots are taking access from that driveway, but we believe that this is a little bit better design, rather than having two abutting driveways with no through access, when we spoke to the fire department they agreed that this was a better design as far as access to and through those homes. The next variance request that we are asking for is the 25 foot buffer between the residential and commercial zones be removed. The intent here is that we want to integrate those uses as much as possible, both for pedestrian and the other homes within this area to be able to access the commercial uses. These are going to be neighborhood type commercial uses, not heavy commercial uses and we believe that this is going to allow just a better flow in the area. We do have the 15 foot MEW as described by Sonya and, then, we also have a ten foot lawn area between the MEW and the front of the homes, which, essentially, will equal a 25 foot separation between the front of the home and the parking lot and we just feel that this is going to be a much more seamless transition between uses and to serve the neighborhood. We have a variety of amenities within the community already. Pinnacle residents will have access to all new amenities in this pre-plat, as well as all the previous and any future development. Pinnacle is developing as a single community. As Sonya mentioned we have several areas where we are proposing amenities. They are a little subject to change, although the area with the pool is likely to stay. And, then, we have some concrete pathways, a natural pathway along the Williams Pipeline, as well as a ten foot wide concrete pathway along the Williams Pipeline and a 14 foot concrete pathway that bisects the development as well. We wanted to show kind of a graphic of the intertwining pathways, which you can see there on the bottom left. It just gives some variation in the pathway system there, so it's not all straight concrete without anything there. We plan to have some natural elements in that pathway system.

Obviously, we are a little bit limited, because it is in the pipeline, but we want to provide as much of a natural feel as possible through there, so it's not just grass and concrete and -- and kind of boring. Along the pathway area we are also going to have some natural play areas and education gardens with, you know, more details to come at a later date. Additionally, we will have another community pool and clubhouse, outdoor gym, a dog park, bike repair station, as Sonya mentioned. We propose to develop in about seven phases. This is also subject to change, but generally we are considering starting at the southeast corner and developing toward the northwest. You did see some of these living choices already. We will have some single family conventional style homes, some paired homes as well. And, then, we will have our Carriage Lane homes on those Carriage Lane areas. So, we would request a recommendation of approval to City Council for the pre-plat, the rezone, the length of West Precipice Drive, the length of West Vertex Drive, four lots on a single side of a common drive. We will submit an alternative compliance to be submitted with the final plat. Removal of the buffer between the C-C and R-15 zone and update conditions to include the deletions and modifications in the memo dated -- and I apologize, that's actually dated September 6th, 2024.

Lorcher: Are there any questions for the applicant at this time?

Grace: Madam Chair?

Lorcher: Commissioner Grace.

Grace: Hi, Amanda. So, can you just give me a little more information about -- you -- you -- you indicated with respect to Block 23 and the 25 foot buffer, that eliminating it and doing the things you are doing it better integrates the commercial and residential spaces? I -- just tell me where I'm wrong, but I would think that I would want as much buffer as possible if I were living there between me and the commercial space. How am I looking at that wrong?

McNutt: The type of use that's going to be proposed there as far as the residential units they will be paired small lot units. We don't expect that people are going to be spending a lot of time in their yards. It's kind of that type of development where you would be wanting to go into those commercial uses, the coffee shop or go to the fitness center or something like that, rather than spending time in your home or really trying to develop a community where people want to get out and spend time together with their neighbors, instead of just in their homes.

Grace: And thank you for that, because maybe I missed what the types of commercial activities were going to be there and they are sort of what you described there, more retail, more friendly to people wanting to be over there and walk over there, that kind of thing.

McNutt: Uh-huh.

Grace: Yeah. Follow-up, Madam Chair? I -- I have to confess I'm not sure I'm following -- not that I disagree necessarily. I'm just -- I want to make sure I understand it. The maximum block face length, can you just explain that piece to me again?

McNutt: Yeah. So, Sonya, you can remind me what those lengths are that -- the maximums are?

Allen: Yes. Would you like me to respond?

Grace: Sure. Yeah. If that's --

Allen: So, that the UDC allows a maximum block face length of 750 feet, unless -- well, that's for an intersecting street or alley. They will allow up to one thousand feet if a pedestrian pathway is provided that provides a connection between the two streets on either side of the block. A block face is broken by a street or a 90 degree angle. So, while these have a little bit of a -- a little curvature in the align, in -- in the alignment, it does not constitute a break in a block face per city code.

Grace: So, a waiver would be needed?

Allen: Council waiver of the block length -- length standard would be needed, yes. Or a redesign of those blocks.

Grace: And is that due to the realities of the site and the restrictions by the laterals and the pipeline and everything that was mentioned?

Allen: Yeah. And that's the applicant's reason for the request. Our code allows for requests for waivers to these standards in certain instances and one of those is slopes in excess of ten percent and I believe they are seven to 12 percent in that area.

McNutt: Yeah. Madam Chair, Commissioner Grace, we also have the -- the Farr Lateral there, which is also another provision that if you have a waterway abutting a roadway it can also exceed. So, we -- we kind of are duplicating that reasoning there is the slopes and also a -- a waterway.

Allen: Yes. That is correct.

Grace: And I apologize, this might be a question for staff. I -- there were some instances where you indicated what staff feels about it. Did you -- did you put in the report and I missed it what your feelings were on that request?

Allen: I did not. It's a -- it's a Council waiver. So, staff did not provide a recommendation on that. We -- we did speak to the applicant in our pre-app meetings about redesigning those blocks, so that they weren't so long. They are -- they are quite long. They are more than double our standards. The applicant can explain to you their

reasoning why they chose not to do that, but, yes, we did ask them to do that and we would prefer that, if it's workable.

McNutt: Madam Chair, Commissioner, unfortunately, the grades and -- and other restrictions there it -- it is nearly impossible to add roadway connections. Literally we -- we just wouldn't be able to meet minimum standards to get additional roadway connections in there. It's very steep and it would be extremely difficult. Basically we would -- I mean you can create a road, but you would have a fall on each side of the road.

Grace: Thank you.

Lorcher: Commissioner Smith or Sandoval, do you have any questions for the applicant or take public testimony?

Sandoval: Madam Chair?

Lorcher: Commissioner Sandoval.

Sandoval: Quick question for the applicant. So, were you requesting the reduction from 25 to 15 feet. Is there any screening that's going to be going on there to shield some of the headlights pulling in and out in that parking lot?

McNutt: Madam Chair, Commissioner, no, we don't propose any screening through there.

Sandoval: Thank you.

Lorcher: Okay. Thank you.

McNutt: Thank you.

Lorcher: Madam Clerk, do we have anybody to testify?

Lomeli: Thank you, Madam Chair. We have Julie Edwards online. Can you hear us, Julie?

Edwards: Yes, I can. Can you hear me?

Lomeli: Yes.

Lorcher: Can you state your name and address for the record, please?

Edwards: Sure. My name is Julie Edwards and address is 1310 East Mary Lane, which is just north of the Farr Lateral. And, Madam Chair and Commissioners, I had a few questions. It might be more of a -- a P&Z thing, rather than a developer thing, but firstly

-- or first off, I had questions about the area requested to be rezoned from R-4 to R-8. In an earlier Brighton postcard for a hearing that I received there was a section up there noted -- it was zoned NAP, which I didn't see anything on the city's website, but other websites said it was natural area protected. So, you can kind of see behind that R-4 there is a darker mass in the center and I was just wondering when that changed, if that changed when it was annexed and why the city would have removed that designation, because it's currently a predatory bird nesting area and at one point before all the construction came along there were coyotes, fox, deer down there and so it's just kind of, you know, disappointing that something like that would be removed. So, just wondering why that wasn't protected. Second, about the block face maximum, so I hear this a lot in a lot of meetings, a lot of waivers and, you know, variances and things like that and I just feel like if there is a standard set, the developers know that there is -- there are rules to follow and why do we keep bending and twisting and letting them do what they want, you know, even though that's not what it says, you know, you have to hold everybody to the same standard I guess is what I'm saying. So, you know, I live here. I'm on the canal a lot. The slope to the south -- just to the south of me doesn't seem as steep. It is further down to the west, but where I am, you know, it doesn't really feel like you would fall off the road if they put a road in there that -- and connected it to Vertex. So, just something, I don't know, maybe somebody can drive by and have a look and see about that and after speaking with my neighbors on Mary Lane we were wanting to request from the developer that along the south side of the Farr Lateral from approximately Locust Grove area up to where it would connect with Margaret, if there could be -- I guess to my understanding that from the canal to Precipice it's a 25 foot grass buffer and we are wondering if trees can go up there, because some of us up here have been living here for over 40 years and so we are used to looking at farmland and so this is quite a change with all the houses going in. So, we are just looking to kind of have some tree buffer, so we don't have to look at the massive roofs and, lastly, just in listening to this now I just want personal input. The homes that were over by the commercial down on the southeast area, there is no way that people would want to look out their front window into a parking lot. That's just my personal opinion. But there has to be some sort of shrubbery, you know, I don't -- I like the idea of putting the road in there, how you have on the right side, but there should be a fence or something. I mean there is one thing about community living, but nobody wants to look at a parking lot, you know. So, thank you.

Lorcher: Thank you. Madam Clerk, do we have anybody else for public testimony?

Lomeli: Thank you, Madam Chair. I have Melissa Fulkerson.

Fulkerson: First time doing this, so --

Lorcher: Okay. State your name and address for the record and you will have three minutes.

Fulkerson: Melissa Fulkerson at 298 East Caldera Street, Meridian, Idaho. 83642. Okay. So, I am in the Prevail neighborhood just west to this property. So, my couple

questions are related to the phase six, specifically ensuring that that grass property of what the proposal is stays. Right now that -- the way that our neighborhood is designed there is -- the street above me is a cul-de-sac with an extension. So, up in the -- the grass area where you can kind of see like a little half circle, in the -- the gray area, that is a steeper grade and ensuring that there is -- that retains as a great grassy area and that that does not become a through street, that would be extremely -- I would be extremely concerned with the amount of traffic coming through there and with the way people drive through neighborhoods and with the steep grade there. The other thing that I had a question about -- or would like to understand more is actually the extension of the main street to connect to -- from Meridian to Locust Grove. So, the Quartz Creek that kind of dog legs down and, then, connects over to Locust Grove, I would like to understand more about what that timeline looks like and how that would play into the overall phasing of the project. With that, yes, it's nice and it's nice that it -- it is not just a straight through so people can just speed on through. Again, there is a lot of kids in these neighborhoods. We have a massive amount of kids in our neighborhood and I am nervous about people just speeding through. So, I would like to see some alternative ways to slow down traffic through that area, not just a curve in the street. Thank you.

Lorcher: Thank you.

Lomeli: Madam Chair, no one else has signed up to testify.

Lorcher: Is there anybody in Chambers that would like to testify on this application? Would the applicant come forward and address some of the concerns.

McNutt: Thank you, Madam Chair. I'm going to start and, then, Jon Wardle with Brightness is also going to come up and kind of close this out. So, that phase six grassy area that was discussed that, again, is such a steep slope right there I don't think there is any way that we could even put a -- a street through there if we wanted to. So, I would say don't worry about that. That's probably not going to be able to change. Plus that is where we propose our -- our pool and clubhouse. Up against that slope we are going to try to do some cool stuff, maybe a -- a sledding hill or something up there. We haven't fully vetted that, but since it is a slope we are going to try to work with it and -- and make it pretty neat. As far as along Precipice on whether or not we could do some trees, it is something that we can look into. The Farr Lateral does have an easement that, obviously, we would either need some kind of a -- an agreement with them or something to be able to get some trees in there, but if it's -- if it's possible to do that we can definitely look at doing that. As far as on the other side against where the -- the homes will be, there -- there are going to be some trees and other landscape there. I'm going to let Jon speak about the Quartz Creek phasing. I -- I believe there -- there is some other stuff going on with that one, so I will let him speak to that and, then, I think I was missing one of Julie's questions. Oh, about neighbors not wanting to look directly at a -- at a parking lot. You know, I think one thing that a lot of people get hung up on is how they would like to live. To be totally honest, I don't know that I would live there either. I live on a half acre, but there are a lot of people, especially young families with

no kids, who do want to be in a more urbanized area, but still live in Meridian. So, I -- I think it just depends on who you are if you want to live there or not and, you know, everybody's different and entitled to their own opinions of where they live. Frankly, I don't think we would build it if people weren't going to buy those. So, that is something kind of to consider with that, you know, and also to the Precipice length, we certainly would like more roadway connections in there if they were doable. Unfortunately, I think in this case it's just -- it's just not doable with the Williams Pipeline not being able to be raised up and the Farr Lateral not being able to be brought down. So, we are doing what we can in there and with that I'm going to turn it over to Jon Wardle.

Wardle: Commissioners, good evening. My name is Jon Wardle. 2929 West Navigator, Meridian, Idaho. 83642. Amanda did a really good job explaining the project. I just want to stand up, because I do have context on the whole project, because I have been here from the very beginning. There was a question raised by Julie about this NAP. When we first started Pinnacle we did not own that part and we titled it NAP, which was not a part. It wasn't a natural preserved area. If you go back and you look at it it was an old farmhouse, farmstead. The area around it was farmed. Yes, there were trees there I'm sure. There has been all sorts of wildlife in and around, but, to be clear, that is not a natural preserve. It was just simply at the time that when we started Pinnacle it was not a part of our ownership, but it is now and so we have brought that into the project and have requested a rezone to match the -- the area that was rezoned around it. Contextually that property was actually brought in by the city when the city extended sewer to the south. There were a number of properties or owners that participated in that and they all came in as an R-4 and, then, when we acquired it we thought we would just wait until this time to bring it in and develop it together. Regarding the -- the question on the open space and Prevail, we were surprised when Prevail phase three was developed and they put a cul-de-sac at the end of that with a stub street coming to us. If you walked out there there is a significant grade between that cul-de-sac on the north, which you can kind of see up here in the upper left corner, there is a little cul-de-sac that was there and, then, the open space down below. We have a number of things going on there, but I can unequivocally commit that we are not developing that other than open space as you see it right now. There is a sewer main line -- the city sewer main line comes through there and makes a hard left over to Prevail. We have the Watkins drain which goes through there. We also have the pipeline that -- which is on the right-hand side of that area and we are trying to make that an amenity with also some slope. We are much lower than the Prevail neighborhood up above and we do not intend to put a road through that area. We did look at a number of different ways to design Precipice along the Farr. It actually does sit -- the roadway does sit below the Farr Lateral some distance already, but -- and there are parts of it which are flat. If you get over to Locust Grove it is pretty flat. But as you move your way west along the lateral and towards the Prevail neighborhood the slope is dramatic and there really is not a way to build a road -- well, anything's possible. You can build a road, but the walls would be significantly tall or you would be tapering at a very long distance. So, the alternatives we came up with were choke points, pedestrian access through. There was another street that was proposed originally that's a public street called Margaret. That's not the connection we are going

to make. It's a little bit farther to the west. And so Precipice is designed that way. That will be an item that we will discuss with Council. It's more of an informational piece for the Commission tonight to make you aware. It wasn't our first design, but it is the best design and there is also opportunities for traffic calming there and pedestrian access back and forth and just, finally, on the part that's down by the commercial, that was not designed in a vacuum either. We looked at two things as one where what are the type of commercial uses that we see happening in that location. The things that we have -- that we have proposed that we are working on right now would include a public fitness facility that we -- that people throughout the community could use. A daycare and a community church. Those would be the elements that would fit we believe on the commercial piece with the residential across the parking lot. Typically the city code states that a 25 foot buffer is to be on the commercial side. Most of the time that you have these residential projects and you have commercial projects that are done by different owners. This case we own both. We are still providing a 25 foot buffer, but it happens to be on the residential side. Fifteen feet of it is in a common lot, which will also include a north-south pedestrian connection, which gets you up into the Williams Pipeline and it will also allow us to plant trees and other things like that. We do not intend to build a fence, but we do intend to make it a very nice livable corridor. We also designed it after a similar project we did in Barber Valley, which is on the east side of Boise. We have townhomes which are right up against an office project separated by a pathway and a parking lot. The dimensions are almost identical. So, yes, maybe not everybody would want to live in this situation, but we feel like it does present an opportunity for a different type of living opportunity at Pinnacle, which we are offering many different types from attached to detached, large lots, small lot, but I think the key to this community Apex Farr is the amount of open space, connectivity. We have been very thoughtful about the pathway system, how this all works together and within the constraints of a lot of topography, pipelines and three or four waterways as well. So, we appreciate your consideration and request your approval and recommendation to the City Council.

Lorcher: Commissioners, do we have any questions for Mr. Wardle?

Smith: Madam Chair?

Lorcher: Commissioner Smith.

Smith: Yeah. Just regarding that commercial facing aspect, how do you address parking for the residents? Are there -- do you anticipate there being dedicated parking stalls for each of those residencies in lieu of on-street parking? You know, help me understand that.

Wardle: Sorry. Commissioner Smith, hold on one second. Each of the -- we are very aware of the city's requirements for residential parking, so each of the units there will have available parking for themselves, required parking. So, each unit will meet that. We will also have -- and while it doesn't count towards it, but on-street parking. The nice thing is these homes are serviced by a carriage lane or an alley and so you don't --

you are not contending with driveways on the adjoining road, which is Apex, but, yes, each of the homes will have to provide for its own required parking per the city code.

Smith: Thank you.

Lorcher: Mr. Wardle, just a follow up. So, the homes that are on -- that lay along the commercial, you said they are alley loaded. So, do they have parking in the alley, so each one has like covered parking or a garage on the backside that you can't see?

Wardle: Correct. Each of these homes would have a garage -- two car garage with them. We also are providing a parking space up to the north of that site and we would provide some guest parking as well.

Lorcher: So, to understand the concept of this home they will have parking in the back of the alley, so they have no backyard and their front yard really is just kind of a visual. It's not some place that they would probably spend time, because they are looking out at a community church or a daycare or a fitness center; correct?

Wardle: Madam Chair, this is actually -- yeah, that is correct. But you want to expand a little bit. They also will all have side yards and private patio areas. We just completed the same type of -- well, these will be a little bit different. These are still paired homes and we just built 56 paired homes in Apex Northwest No. 1. Sorry. Where they were paired homes and they each had their own patio and their own side -- private side yard as well. So, they will have the side yard, that they will be able to use as their private space.

Lorcher: Okay. Thank you. Commissioners, any other questions for Mr. Wardle? Thank you.

Wardle: Thank you.

Lorcher: All right. May I get a motion -- oh, no. No, we are good. No, you are good. Just thinking. I will take a motion to close the public hearing.

Grace: So moved.

Lorcher: Do I have a second?

Smith: Second.

Lorcher: It's been moved and seconded to close the public hearing. All those in favor, please, say aye. Okay. Motion -- motion carries.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

Lorcher: Anybody like to start on this?

Sandoval: Madam Chair.

Lorcher: Commissioner Sandoval.

Sandoval: I will keep this pretty short. You are asking for quite a few exemptions. I'm not crazy that there is no screening in between that parking lot. I think -- but I do think likely the windows are going to be placed in the location hopefully that those lights aren't just going to shine right into people's living areas. Working with the constraints you guys are working and the fact that you doubled the open space I think is a huge positive and I think overall it's a pretty good project.

Lorcher: Thank you. Commissioner Smith?

Smith: Yeah. Madam Chair, thank you. I -- I think to the significant majority of this project I -- I understand some of the -- the requests for -- for the variations and things like that. I'm having a real hard time with -- with this Lot 23 approach. I -- I -- I understand it's -- it looks like it's about ten lots -- or ten -- ten homes. It's not going to make or break, you know, the -- the -- the city as a whole, but I think you owe it to these people to make sure that they are -- you know, the -- the -- the -- the homes that they purchase or rent are -- are livable within a reasonable extent and I -- I -- I don't know that I have ever seen a layout like the existing layout. It -- it doesn't make sense to me for the addressing reasons that the staff mentioned for -- for some of the -- the parking reasons and some of the kind of reasons that Commissioner Grace laid out of, you know, if I want to go to the commercial -- to the commercial section I can still take the crosswalk at the north and south end, but I -- I would prefer to have some of my own space. If that extends my walk to the coffee shop by 30 seconds I'm okay with it. Then, again, that's a personal preference and I understand there might be people with different preferences, but I think there are too many things about this that are just kind of -- no, not that a single one are a red flag, but there are a lot of yellow flags here and I'm not fully comfortable with the existing layout.

Lorcher: Thank you. Commissioner Grace.

Grace: Thanks, Madam Chair. So, yeah, I think that -- I mean it's a pretty sizable project. There is a lot going on. I like it generally. I don't -- I don't -- I don't love everything in it and, you know, the amenities are great. The open space is great. I appreciate that the applicant, you know, was willing to work with some of the -- the neighbors on the tree buffers. I don't personally have an issue with the modification to that 25 foot buffer. I think that folks who are going to live there are going to have to make an informed decision whether they want to live there and -- and -- and -- and sort of have that commercial space across from them. Everybody's different; right? And, hopefully, those will be, you know, informed decisions when they make them. I have some issue with the requested block lengths I guess. I -- they -- they seem very long. They seem -- it doesn't seem right. I get the constraints of the site. As it relates to those sort of specific variances, if that's what you want to call them, I would support the ones that staff supported. I thought their rationale was good for those. The ones that

maybe -- because of the UDC, at least on one of them, I wouldn't -- I would -- I wouldn't. My question is it looks like we have three things in front of us. We got the plat, we got the rezone and we got the development agreement. You know, can we -- I -- I -- I -- I'm not against those three things, I just is it -- do we just -- what do we do, make our thoughts on some of these specific items known to the -- to the Council, so that they can have a sense of where we were on them? Okay. So -- so, I'm not sure what you take from all that, but --

Lorcher: Okay. Well, I have -- I have a few comments as well. Can -- can we pull up the last slide from the presentation? I think it had a list of the things that were going to be part of the motion. I think they were bullet points at the last slide, please.

Allen: Madam Chair, are you asking about the applicant's presentation?

Lorcher: What -- is this your last slide here?

Allen: This is staff's presentation.

Lorcher: Then the applicant's. Is that available to us?

Allen: Yes.

Lorcher: My two comments would be -- I'm struggling with the crossover from the commercial to the -- to the residential as well. It would have been nice to see your Barber Park displays, because maybe that would help us conceptually with it. My first thought when I think about cars in front of a house -- it almost feels like it's a motel, you know, where you got your front door and you have got cars pulling into a stall, whether they are backing in or fronting in and the headlights are going to come through your front window, you know, if it -- if it's a fitness center that's available 24/7, you know, may or may not be parked over there, but who is -- who is to say? So -- but like Commissioner Grace said, we are not the ones buying them. So, you know, everybody has their own choices as far as that's concerned, but as -- I agree with the city that there should be more of a buffer between the commercial and the residential just to create that kind of space and not having those parking stalls right in front of their houses. Fencing is not necessary, but just having that and walking another ten or 15 feet across that open alley would just give everybody a little bit more wiggle room and, then, secondly, I do have concerns with the streets that are private in which law enforcement or emergency services might get confused on how to get to those people based on addressing. So, you have got your collector street, but, then, you have got a private street that may or may not be the same name and, then, how do you find that place. I live in a -- in a subdivision or a circle and half of the streets have a name going left and the next street is going right, but it's actually the same street and it's -- it's good, because we are a circle, so you -- you eventually get there, but it -- it is relatively confusing. So, I live that every day. So, I -- I am a little bit knowledgeable on that part. So, those would probably be the two things that I would have a problem with, but not to

stop it from going forward to City Council. Sonya, is this the last page of their presentation?

Allen: No, but is that the last page you were --

Lorcher: No. I was looking at the bullet points.

Allen: Okay.

Lorcher: Up a little bit. Right here. So, as a Commission we are looking at a pre-plat. This was a very good slide by the way. Thank you very much. A pre-plat, a rezone -- a rezone and the third thing we are -- and the development agreement modification. So, when we make our motion tonight those would be the three things that we will have to address in our motion.

Allen: Madam Chair, may I?

Lorcher: Yes.

Allen: It is a Council decision. It does not require a recommendation from the Commission on the block face waiver or the waiver to the buffer between the -- on the commercial property to the residential use. You are welcome to say your opinion on those two matters, but it does not require recommendation if you don't wish to make one.

Lorcher: Okay. Thank you.

Sandoval: Madam Chair?

Lorcher: Yes.

Sandoval: Yeah. So, I'm looking at this topo map right now of that north section and that's a very challenging grade to work with, so looking at the exemptions and everything that's requested, I think we, hopefully, are all understand -- understanding that, yeah, maybe the commercial to residential isn't great and that can be improved, but I think we should -- my opinion move this forward with a recommendation of approval and, then, let Council decide on all the exemptions.

Lorcher: Do we have anybody who wants to put a motion together or --

Grace: Madam Chair, if we are going to put on the record our feelings about some of the requested modifications I guess maybe I thought I was in the minority, so -- on some of those and I don't want to make a motion that doesn't reflect what the Commission would like, so -- I mean I can make a motion, but others felt like, for instance, a 25 foot buffer was okay, so -- and it seemed like that was the majority opinion.

Lorcher: Right. But Sonya also mentioned that that would be a City Council decision. That doesn't have to be in our motion.

Grace: Okay.

Smith: Madam Chair?

Lorcher: Commissioner Smith.

Smith: I -- to that I would also be fine, you know, with punting on that, essentially, and not addressing that in the motion, if -- if -- if -- Commissioner Grace, if that makes you feel more comfortable. I don't have that necessarily the -- the paper that got handed out, so I was a little hesitant to make a motion on my end.

Lorcher: Again, we are -- we are making a recommendation for a pre-plat, rezone and development modification.

Grace: Madam Chair, I can take a stab at a motion then.

Lorcher: Commissioner Grace.

Grace: Make sure I got the right -- see that, I did not have the right one. After considering all staff, applicant and public testimony I move to recommend approval to the City Council of File No. H-2024-0014 as presented in the staff report for the hearing date of September 5th, 2024, with I guess specific recommendations of approval related to the -- the pre-plat proposal, the rezoning request and the -- the DA modification request.

Sandoval: Second.

Lorcher: It's been moved and seconded to make -- make a recommendation to City Council on Apex Farr Subdivision with the -- with no modifications.

Allen: Madam Chair, may I clarify the motion, please?

Lorcher: Yes.

Allen: Is -- is that motion based on staff's recommended conditions of approval?

Grace: Yes.

Allen: Thank you.

Lorcher: So, let's repeat it just to be safe.

Grace: Okay. So, you want me to read the whole motion again?

Lorcher: Yes, please.

Grace: Wow, I barely got through it the first time. After considering all staff, applicant and public testimony, I move to recommend approval to the City Council of File No. H-2024-0014 as presented in the staff report for the hearing date of September 5th, 2024, with no modifications and I guess in accordance with staff recommendations and to the extent I need to specifically call out those three -- those three issues that were -- the applicant is requesting those are specifically recommended for approval.

Lorcher: Does that work, Kurt?

Starman: Madam Chair, Members of the Commission, I think that works. I think just to -- to clarify with the maker of the motion, I think that -- that last comment about the three requests you are referring to, the preliminary plat, the modified development agreement -- which, actually, is a Council decision as well, but you are -- you are welcome to make a recommendation, but that's the Council's prerogative and the director is the recommending body. So, I think if you are referring to -- and, then, the rezoning request. So, those are the three items we are referring to, I -- I think that motion works just fine.

Lorcher: Okay. All right. I won't make you repeat it again. May I have a second?

Sandoval: Second.

Lorcher: It's been moved and seconded to approve File H-2024-0014 with a recommendation to City Council with the aforementioned items. All those in favor say aye. Any opposed? Motion carries. Thank you very much.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

7. Public Hearing for Raising Cane's (H-2024-0006) by Michael O'Reilly, Kimley Horn, located at 2700 N. Eagle Rd.

- A. Request: Conditional Use Permit to construct a drive-through restaurant with food and drink services including an indoor/outdoor seating area. The drive-through restaurant will be approximately 2,862 gross square feet overall and is one-story in height with landscaping along two perimeter property lines.

Lorcher: All right. It is a quarter 8:00 and let me see -- oh, we have a -- let's do one more. We have a conditional use permit for Raising Cane's and we will give everybody a chance to get situated and we will start with the staff report.

Ritter: Okay. Good evening, Madam Chair and Commissioners. So, tonight we are here for a conditional use permit request for Raising Cane's. This site consists of 1.46 acres of land, zoned C-G, and it's located at 2700 North Eagle Road. So, the request is

for a conditional use permit to construct a drive through restaurant with food and drink serving -- services, including an indoor and outdoor seating area. The drive through restaurant will be approximately 2,862 gross square feet overall and is one story in height with landscaping along two perimeter property lines. A conditional use permit is required as the proposed drive through is within 300 feet of an existing drive through. The proposed hours of operation being requested through this conditional use permit are Sunday through Thursday with the closing time of 1:30 a.m. Friday and Saturday with a closing time of 3:30 a.m. or as restricted through this CUP process. As proposed the use complies with the zoning for this site and is subject to specific standards listed in 11-3-3-11 of the UDC. Conceptual building elevations were submitted for the proposed restaurant. The proposed building design includes composite lumber, brick veneer, metal and aluminum panels. Final design is required to comply with design standards in the Architectural Standards Manual. The applicant shall obtain a certificate of zoning compliance and go through administrative design review approvals before submitting for any building permits with this development. So, the Idaho Transportation Department requested chip generation information to determine what mitigation, if any, may be required to complete. The applicant needs to reach out to ITD to discuss their comments. There was no written testimony for this application and staff recommends approval of this proposed conditional use permit with the conditions outlined in the staff report and so -- excuse me. I need to show you my beautiful slides. I was ready to get this done. So, this is the site plan and this is a landscape plan. This are -- these are the elevations that were submitted and this is an overview of the area. So, at this time staff will stand for any questions that you may have pertaining to this application.

Lorcher: Would the applicant like to come forward?

Chiles: Hi. My name is Kelli Chiles. Address is 1100 West Idaho Street, Suite 210, Boise, Idaho. 83702. I don't know if we have that PowerPoint getting pulled up. Perfect. Apologies. Just making sure we can see it good here. All righty. Good evening, Madam Chair and Commissioners. Tonight we are here talking about the Raising Cane's drive through restaurant. We are requesting a conditional use permit for this project. So, the project team that we have for this project consists of Michael O'Reilly, who is the engineer for this project. Myself, who is helping out in a planning capacity. R.V. Vann, who is joined with us on the phone, who is a representative of Raising Cane's and Marissa Muja, who is the architect for the project also on the phone and should be available to answer any questions tonight. There we go. Are you changing it also?

Lorcher: It's a little sensitive.

Chiles: I see that. So, the timeline that we took to get to this hearing tonight first started with a pre-app meeting that was held in April of 2024. We, then, rolled into a neighborhood meeting to get community feedback in May. We submitted our applications in May and, then, we are having our Planning and Zoning Commission hearing tonight in September. So, the project is located closest to the cross streets of Ustick and Eagle Road. It is near Gateway Marketplace directly to the north of the site.

The address is 2700 North Eagle Road. This is a more zoomed in picture of the area. It consists of 1.46 acres and is located within the Sessions Parkway Subdivision, which on the next slide I have an overall view of just to show what's going -- this property was recently subdivided, so the Raising Cane's restaurant will be in this Lot 1. These associated improvements in roads are currently under construction in the final plat for that will be recording soon. So, the future land use map for this site is designated as mixed-use regional, which is in compliance with the Comprehensive Plan as it calls for commercial land use to provide a mix of employment, retail, residential dwellings and public uses near -- near major arterial intersections. The site is zoned general retail and service commercial, in which a drive through restaurant is a permitted use. Like staff mentioned, a conditional use permit is required because the drive through will be located within 300 feet of another drive through and that drive through that qualifies us is located north of our site in one of those shopping centers. This is our proposed site plan. You can see on this site now -- on the screen now we are proposing a one story 2,862 square foot building. We will be providing two entrances into the site that travel both ways and those will be located off of the internal access road that's being built as a part of the subdivision. We will be providing two drive-through lanes, as well as a bypass lane for people to exit the drive through if they need to early for any reason at all. We are also providing a 35 foot landscape buffer along Eagle Road, as well as a ten foot landscape buffer to the north of the site adjacent to the internal access road. We are also providing 35 parking spaces and the required amount of parking spaces is seven. So, we are well exceeding those requirements. These are some of the conceptual elevations we are suggesting for this site. As you can see the exterior is a mixture of brick and wood veneer. So, we had a chance to review the staff report ahead of time and we are good with all the conditions as they were written in the staff report. The next step in our process is this certificate of zoning compliance. So, the staff will have another chance to provide us feedback and -- and take a look at all the specific items that we are proposing. We did mention already that ITD had a condition that we needed to work with them on the trip generation that this site will be generating and we will comply with all those conditions as well. So, lastly, Raising Cane's would just like to say that this is their first location in Idaho and they are very excited to be in this market. So, they are excited and so we request approval of the conditional use permit. Thank you so much and I stand for any questions.

Lorcher: Thank you. Commissioners, do we have any questions for the applicant?

Sandoval: Madam Chair?

Lorcher: Commissioner Sandoval.

Sandoval: Quick question for the applicant. That east-west sidewalk -- I'm assuming that's a sidewalk. What is the width? Is that a six foot? That goes straight through the center.

Chiles: This guy right here?

Sandoval: Yes.

Chiles: I'm assuming five foot, but I might have to double check that number.

Sandoval: Okay. And, then, does it connect to anything on the far east side?

Chiles: So, there will be a -- a crosswalk through that -- through the drive through that leads up to the -- the sidewalks kind of around the building and that was one of the conditions that was noted in the staff report that that crosswalk should have differing materials, so people going through the drive through can understand that that's a crosswalk a little bit clearer.

Sandoval: Okay. And last question. Is there going to be any kind of bike parking along that east side of the building or anywhere on the patio?

Chiles: Yeah. That -- that is actually another one of the conditions in the staff report that we plan to comply with.

Sandoval: Okay. Thank you.

Grace: Madam Chair?

Lorcher: Commissioner Grace.

Grace: Kelli, you said that there was a neighborhood -- you had your neighborhood meeting in May. Did you get any feedback from neighbors?

Chiles: I wasn't personally present, but based on the no's I'm -- nope.

Grace: I'm not completely an old -- an old curmudgeon, but 3:30 a.m. on Fridays and Saturdays, is that pretty -- is that your business model?

Chiles: So, that is Raising Cane's preferred hours of operations that they have seen in other markets. So, they would like to keep that amount of flexibility if this market does end up demanding that. They -- I think the intent there would be to back those hours off if the market doesn't actually work for that in this area.

Grace: I just -- I don't know of any other establishment or restaurant or anything that's -- that's around there on Eagle Road that's going to be open that late. Maybe there are, but I wonder if it's -- if it has a potential turn out as a place for people to gather that late and directly east of the site are those projected to be multi-family apartments?

Chiles: Yeah. So, what's existing -- so just east of the screen is a multi-family. This -- these three parcels that you see on the screen directly to the east of us is proposed to be a hotel.

Grace: Say that again.

Chiles: A hotel.

Grace: Directly in these lots --

Chiles: To the east. So, yeah, you see like Lots 3, 4 and 5. Those -- those are being combined to be one hotel.

Grace: Okay. All right. Thank you.

Lorcher: Madam Clerk, do we have anybody signed up for -- to testify?

Lomeli: Thank you, Madam Chair. We have Perry Coles.

Lorcher: Hi.

Coles: Good evening. Perry Coles. I represent East River Valley Street, LLC, and Copper Canary Fine Jewelry. We are adjacent to this project.

Lorcher: Can I have your address, please?

Coles: 2590 North Eagle Road.

Lorcher: Okay. Thank you.

Coles: You are welcome. I would like to be able to get on the screen if we can -- or, actually, it is on the screen. Thank you. Where we are located is -- you see Block 1, where -- where Raising Cane's is going in you have a vacant lot below it and, then, just on the other side of that road is where we are.

Lorcher: Okay.

Coles: We recently had our entrance closed on Eagle Road and our new entrance is now a right-turn lane going -- going around the north part of our building. Okay? And, then, it goes into our parking lot. If I can see -- see that again real quick.

Lorcher: We are going to --

Coles: I'm sorry. Oh. Okay. That's fine. Anyway, I will -- I will just go on real -- real quick. What we are concerned with is we are concerned about the amount of traffic. They are -- they are -- you are going to be turning right around their -- their development into that backage road. That backage road connects pretty much to our parking lot and I'm very familiar with Raising Cane's. I came from southern California. I had one in my neighborhood. They are very successful. They are very busy. You know, I think it's wonderful that they are a successful business, but they have people backed up in their

drive throughs and onto the street and I -- they look to me where they have the feeling to me like a Chick-fil-A. So, they are a very busy business and I know this is the first time they are coming to Idaho. Most of the people I have talked to are not familiar with them. I'm very familiar, because I lived in a neighborhood for years. When they came in and I saw what happened. What I'm really worried about is I'm worried about the backage road and all the cars coming around and the fact is they are going to -- these cars are going to back up, maybe even up to Eagle Road and, then, once people get smart they are going to -- they are going to come on the other side of -- which -- which is the right turn lane around our building and they are going to come into that backage road the other way. That backage road is not -- is not wide enough. The roads leading into the right turn lanes are not wide enough for the amount of traffic that's going to go. It's not just their business, but right behind them as -- as the developer mentioned, is going to be a Wyndham hotel of over 120 or 30 units. So, that's all dumping on that same road and, then, you have a 330 unit apartment complex dumping on that road right behind the hotel spot and -- and, then, they have -- they have added a connection next to -- just to the south of the new apartments going in and there is another apartment complex right next to it and they have allowed access onto that same road, too. Okay. And, then, you have an empty lot yet, which still isn't developed. You have way too many commercial, you know, businesses and facilities going onto this area and I'm -- what I'm really worried about is I'm very worried about us -- we only have one way out now and that's right on to that -- those roads and so I'm worried about my employees, I'm worried about my customers and you are just going to be free fall and I'm worried about potential accidents, people getting hurt. There is just way too much going on in that particular area and the roads need to be widened. Something needs to happen. I'm not against the development by all means. I'm surrounded by empty lots and they are developing around me and I'm okay with that. It's just what is being proposed here is just, you know, it's just crazy what's going to happen there. There is just too -- there is too many people, too many cars and too much developing on a small -- a small backage road and the right turn lanes -- both right turn lanes aren't adequate either for that amount of traffic.

Lorcher: All right. Thank you very much.

Coles: Okay. Thank you.

Lorcher: Madam Clerk?

Lomeli: Madam Chair, Robert Vann raised his hand online if he would like to speak.

Lorcher: Mr. Vann, please, state your name and address for the record? I see your microphone has a line across it, so I don't think we can hear you. Well, I know we can't hear you.

Vann: Can you hear me now?

Lorcher: Yes.

Vann: Okay. I apologize for that. My name is Robert Vann. I go by R.V. and my address is 6800 Bishop Road, Plano, Texas. 75024. Madam Chair and Commission, I -- I appreciate you all's time and thank you very much for hearing our CUP tonight. I had raised my hand earlier when Kelli was speaking with regard to the hours of operation and I wanted to explain that a little bit. We asked for that and if -- obviously, if our business doesn't demand that time we won't stay open until 3:30 in the morning. If -- if the business shows it's 11:30, 12:00, 1:00 o'clock, yeah, we will -- we will close, because there is, obviously, no reason for us to stay open. But what we -- we -- we ask for that time, so that in the event -- you know, as opposed to asking for a -- let's just say midnight, but, then, we find out, you know, at midnight we still have a demand, we can't stay open past midnight. So, you know, we are not going to -- we are not going to -- we are not going to stay open. There won't be loud music playing and if it's not -- we don't -- we don't create an environment or a habitat for people just to come hang out just because we are open. If -- if we need to close we will close. So, I just wanted to make that clear. That's the reasoning for asking for those times. Those are our standard times. But, again, if there is no demand we will not -- we will not stay open. So, I hope that answers your question.

Lorcher: All right. Thank you very much. Madam Clerk?

Lomeli: Madam Chair, no one else has signed up.

Lorcher: Would the applicant -- oh, is there somebody in Chambers that would like to speak? Will you come up to the microphone. Please state your name and -- we are very formal here. So, please, state your name and address --

Hein: My name is Kristy Hein. I live at 3933 North Amberwood Avenue. Quick comment to add on to the gentleman that owns a jewelry store and with a map already up there I travel Eagle Road everyday home from work and I can tell you right now I think it's a very poor location choice for this restaurant. I am, too, from California, very familiar with this chain. Visited -- a big fan of it, so not anti the chain at all. Just think it's a very poor location and I -- I feel it's going to be a huge safety risk. Being a frequent traveler of this road I can tell you right now according to the map when you see the jewelry store, which is on there and it's going to be adjacent to the proposed Raising Cane's, the gentleman does have really valid concerns because that portion of Eagle Road, as you are probably aware, it has the two lanes and it does have that third lane right there on the far right that does go out. It is a right turn only lane that a lot of people -- what they do is once they pass that East River Valley Road they rush through the signal light and they try to bypass the traffic, even though they know it's going out and, then, they try to cut into the traffic at the last minute. So, I would say if you are going to propose -- or if you are going to approve that location or consider it -- and, again, it's not going to be possible that it -- it wouldn't have to -- it -- it couldn't have access out to Eagle Road, because that would be foolish, because it would be a right turn only into a lane that's already going out. It's not a lane that anyone goes through. So, you already have a lane that already creates traffic hazards as it is. It forces you to turn right into the parking lot with Five Guys and Servpro. So, to me you are asking for additional

accidents. You are asking for increased traffic. It's a -- to me it's -- it's a very dangerous location for this particular type of development. I think there is a more appropriate location for it. This is asking for a lot of trouble. It's going to create additional traffic on Records Avenue, which is already 25 mile per hour one lane each way. I -- I think it's going to cause a disaster and that's just my two cents on this. Thank you.

Lorcher: All right. Thank you very much. Anybody else in Chambers would like to testify? Please come up to the podium. Hi. Please state your name and address for the record.

Vrba: I'm Jeff Vrba. I live at 3005 North LeBlanc Way in Meridian, Idaho.

Lorcher: Thank you.

Vrba: Our house is just basically west of that item going through there. I do drive that road every day. I am all for Raising Cane's going in there. I know you guys probably don't hear that enough in there, but, yes, I agree there might be some traffic issues, but that -- we need to work with the Ada County Highway District to either block those lanes off or something else going in there. I prefer that going in there than the hotel that they were mentioning that's going in behind there with another 120 some cars that could be possibly going through that area on a daily basis. Raising Cane's I -- is -- once again it's limited. It's not going to be busy during major rush hours all the time. It's throughout the entire day, so the traffic's not going to be as bad as the next item we are going to be talking about, so I appreciate your time. Thank you, Madam Chair and Commissioners.

Lorcher: Thank you very much. Anybody else in Chambers have a comment? Please come up to the podium. Hi. State your name and address for the record, please.

Stern: Sure. Doug Stern. 2793 North Centrepoint.

Lorcher: Okay.

Stern: I, too, am not here for this particular, but I will -- I'm here for the debacle that's coming after this. I worked for Jack-in-the-Box for 35 years before I moved here and opened up our business. Anybody who thinks that a restaurant open until 3:30 in the morning is not going to attract kids and be a hangout has not worked in the fast food industry. So, I mean we were open 24 hours when I worked for them and that's all that came in -- that finally ended, but the people who say nothing good happens after midnight -- I mean if my grandson thought I was saying anything negative about Raising Cane's he would never talk to me again, but -- and I'm all for it to be there, but I think you should think about the hours.

Lorcher: Thank you. Anybody else in Chambers would like to speak? Would the applicant like to come forward and address some of the concerns. Actually, comments I suppose. There were many. Hi. Please state your name and address for the record.

O'Reilly: Hello, Madam Chair and Commissioners. Michael O'Reilly with Kimley Horn. My address is 1100 West Idaho Street, Boise, Idaho. 83702.

Lorcher: Thank you.

O'Reilly: I just wanted to speak quickly to address some of the traffic concerns that were mentioned. So, a few items. There was a traffic study done with the Sessions Parkway Subdivision. An overall traffic study. And it did contemplate a restaurant with a drive through use and so that traffic study was done in coordination with ITD and the city and, you know, they had to install the improvements that were required for that. So, this use is very compatible with that traffic study, was already contemplated, which was one of the reasons why the new right turn lane went in just north of our site and so it's -- it's something that's been contemplated. Also we are right by Eagle Road, which is, you know, a main thoroughfare. It's where this use is intended to go, honestly. I mean it is a well-trafficked road. I drive it every day. I live right by it, but it's -- it's the kind of -- of area where this use is supposed to be, you know, and that's why it's zoned and -- and allowed; right? So, I just wanted to point that out. Also Raising Cane's tries to do a very good job with their reputation in the community. They try and come in and work well with everyone. If needed they employ off-duty officers for traffic control and just trying to -- to merge seamlessly there. So, I think Raising Cane's wants to see this operate well as -- as much as the rest of us; right? They plan on doing more stores in Idaho and don't want this to be a -- a -- a traffic debacle. So, just want to address some of those concerns. And, then, also point out that our operating hours don't start until 9:30 in the morning, which is after the peak hour. So, in one way it's not really affecting one of the most travel times a day and so just want to point those items out and see if you guys had any other questions.

Lorcher: All right. Thank you very much.

Grace: Madam Chair, can I ask a question?

Lorcher: Yes.

Grace: Michael, the comments about Raising Cane's being a busy restaurant to the point that it -- it could look -- you know, it could have lots of backed up traffic in the drive through and look like some other places I have seen. In your experience with your other locations is that accurate?

O'Reilly: It's certainly a busy restaurant. I mean it's a successful restaurant. I think you have heard that a lot of people are excited about it, including myself. But I think with this site layout there is a lot of queuing allowed. We have the double lanes and the emergency escape lane, as well as on-site queuing. So, we don't anticipate stacking out into the shared drive, much less out toward Eagle.

Grace: And -- and maybe this is what you are getting at, but do you take measures to manage that traffic, like some restaurants have people -- employees walking out and doing things. Do you take --

O'Reilly: Right. Yeah. During high use hours they will have the employees with the tablets walking, moving traffic along very quickly and efficiently. You know, multiple lanes open to do that to speed up the ordering. As I stated before, if needed they do employ, like I said, off-duty officers who are used for traffic control, although we don't anticipate that with this location. But, yes, they do try and move everyone through efficiently and keep things from being clogged.

Grace: Okay. Thank you.

Lorcher: Have you had a conversation with the jewelry store next door to be able to address some of his concerns?

O'Reilly: Unfortunately we haven't. We did have the neighborhood meeting and there was no attendees, so we -- we weren't able to address it at that point, nor when we got the staff report was there any comments in there that we saw, at least at the time when we received it. Honestly, those concerns seem to be a little bit more of a -- a global concern, you know, with -- with all of the -- with the development as a whole and not necessarily a one parcel. You know, ITD closing that access is consistent with their goal to reduce access points onto a major street like Eagle, which in the end is better for -- for collisions, because you have fewer accesses, but it does put -- put more traffic onto the accesses you have. That's not really a Cane's decision or something we are involved with.

Lorcher: Okay. Commissioners, do you have any other questions for the applicant? All right. Thank you very much.

O'Reilly: Thank you.

Lorcher: Can I get a motion to close the public hearing?

Smith: So moved.

Grace: Second.

Lorcher: It's been moved and seconded to close the public hearing for Raising Cane's. All those in favor say aye. Opposed? Motion carries.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

Starman: Madam Chair, I wonder if I could take just a moment. I think this might be helpful for the Commission and perhaps for our audiences as well, the members of the public, but I just want to take a moment to kind of frame the issues before the

Commission. So, this is one of those projects -- number one, you are the decision making body tonight, so you will make the decision as to whether to grant this CUP and under what conditions, but it's also one of these projects that was -- has a lot of entitlements in place already. So, it has a development agreement that allows certain things to happen on this site. It has zoning in place that allows certain things to happen on this site and so it has a plat that contemplates uses of this nature. So, this property is well into the entitlement process. It's before you tonight because it -- this particular applicant is looking for a drive through that's within 300 feet of another drive through, therefore, our code says we need to go through a CUP process. By this point to make sure we understood the context that this -- this site has been heavily entitled up to this point in time. To some of the concerns you heard tonight, however, I would say that's exactly what a CUP is for. If you have -- you know, if you foresee potential problems or issues or constraints with the site, that's your prerogative as Commissioners is to place conditions on this permit that says to make the site work well, you know, the site layout or other conditions, that you may want to place to make sure it functions correctly, that's all within your purview, but I primarily want to make the point that this site is largely entitled today for uses just like this. The conditional use permit process is really to put some -- some side boards on that to make sure it functions well and you can make some tweaks to site designs and things of that nature, but it's not really a question of whether, you know, the use of this nature goes in there or not, it's what conditions would be placed around it to make sure it works well.

Lorcher: Thank you for the clarification. Where did we leave off? Oh, we are talking about it. Commissioners, do we have any comments about Raising Cane's?

Sandoval: Madam Chair?

Lorcher: Commissioner Sandoval.

Sandoval: Is it too late to ask staff a question? I know I should have done that a little earlier. May I?

Lorcher: Go ahead.

Sandoval: Two questions. One is the other drive through directly north or is it a different one south of the proposed project?

Ritter: Can you see my cursor?

Sandoval: Yes.

Ritter: There is a Firehouse Sub right here.

Sandoval: Okay. Thank you. Madam Chair?

Lorcher: Commissioner Sandoval.

Sandoval: So, from what I see there is a pretty good divide there and that would be the only reason that we would be doing this CUP was that 300 feet. That's my understanding at least. I do disagree a little bit with Commissioner Grace as far as the hours and that is solely because I travel all the time and I wake up at 3:00 a.m. every morning and I'm the only thing that's awake. So, as far as hours I'm much more flexible to market conditions, especially when there is going to be a hotel directly abutting it or adjacent to it. I think that's a pretty smart use, especially if you are traveling from out of town and the only thing that's open is a gas station. You are probably going hungry that night, as I have many times. So, overall, I -- I think we should approve it and I don't think we really need to place any conditions on it. I'm open to hearing what the other Commissioners have to say about it though.

Lorcher: Thank you.

Smith: Madam Chair?

Lorcher: Commissioner Smith.

Smith: Thank you. I -- I -- I agree pretty -- one to one with Commissioner Sandoval's thoughts around the time -- timing especially. I think, you know, as someone who is also a bit more of a night owl in -- in daily life, sometimes you are trying -- you realize that 11:59 p.m. that you haven't eaten that day or you haven't eaten, you know, since breakfast or something like that and it's nice for there to be some options and I think there is -- given the time that a lot of other things close, I think it's -- it's -- it's -- there is a potential, especially here a hotel and on -- on a major street, I think there is value to kind of being willing to -- to kind of see how -- the results of this. I think Raising Cane's -- I can -- I can confirm. I'm also someone who is originally from southern California, but I can confirm what the applicant said of Raising Cane's properties have always been well maintained, the ones that I have seen and I -- I haven't seen any of the kind of deterioration or -- or lack of care that -- that might invite some more, you know, gathering or -- or -- or some -- some seedy behavior or things like that and so I think if there is -- if there is an applicant to kind of test the waters on this, the -- the type of applicant like Raising Cane's is -- I think is -- is more in line with what I would expect to be able to responsibly fit those -- those -- those needs from what I have seen in my -- my personal experience. So, it's not the end of the world if we want to set some restrictions if that's where the majority lies, but I would be fine without those restrictions on that.

Lorcher: I guess my only comments are -- this is a flagship store for this chain and so if it goes poorly, then, that limits their marketability for the rest of the state. So, I have a feeling that everything is going to be done very well and I'm sure you are going to be a good neighbor and move things along. Eagle Road is a thoroughfare and it's designed for businesses. ITD is asking you to do some mitigations, so as they connect with you I'm sure you will be compatible to that. So, I'm in favor of it well. Do you have any comments, Commissioner Grace?

Grace: Madam Chair, just that I don't know if it's -- I just -- what I don't want to see is what I see in other places right around Eagle Road, maybe a little bit further south, with cars backing up forever. I -- I do -- I can empathize with the folks that are going to be living and working in those streets -- not Eagle Road necessarily, but those streets that are right around there, because if it's as busy as what I'm hearing, you got to find a place to put those vehicles and -- but I also would say if you -- if -- if you -- if Eagle Road is not the right place for this I don't know what is. This -- there is probably no other better great place for this kind of activity. The hours I think will probably adjust themselves. I'm not as concerned. But, you know, Doug's comments are well -- are well taken about what goes on after midnight. But we are -- we got to grow up and we got to -- you know, if -- if things need to be -- you know, as a city and as a community and if things need to be open later that's fine. I do -- I am concerned about the -- the traffic. I just don't know what you do to address it, other than telling people they just can't wait in line, which I'm not prepared to do, so I -- overall I probably would not be voting against this.

Lorcher: Okay. Well, I confirmed with our city attorney that I am allowed to give a motion. So, after considering all staff, applicant and public testimony, I move to approve File No. H-2024-0021 as presented in the staff report -- no, that's not right. File No. H-2024-0006 as presented the staff report with no modifications.

Grace: Second.

Lorcher: It's been moved and seconded to approve Raising Cane's File 2024-0006 with no modifications. All those in favor say aye. Any opposed? Motion carries.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

Lorcher: Everybody who is in the Chambers I know that you have been waiting very patiently and we appreciate that, but can we have a five minute break just to gather ourselves for a moment and we will take the last application. Okay? Thanks.

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

- 8. Public Hearing for Centrepoint Apartments (H-2024-0019) by Nicolette Womack, Kimley-Horn, located at 3030 N. Cajun Lane and 3100 N. Centrepoint Way, near the southwest corner of N. Eagle Rd. and E. Ustick Rd.**
 - A. Request Modified Development Agreement to amend the existing Development Agreement (DA) (Inst. # 2022-079000) for the purpose of updating the concept plan, building elevations and certain DA provisions to increase the number of dwelling units from 215 to 295.

- B. Request: Conditional Use to construct a 295-unit multi-family affordable apartment project consisting of five (5) four-story structures.
- C. Request: Alternative Compliance(s) to deviate for the parking lot landscaping and multi-family common open space design standards set forth in UDC 11-3B-8C and 11-4-3-27C.

Lorcher: All right. Thank you for your patience. I appreciate it. All right. The final item on the agenda is H-2024-0019 -- is a request for a modification to the development agreement, conditional use permit, for multi-family housing and alternative compliance for Centrepoint Apartments. We will start with the staff report.

Ritter: Well, good evening again. So, tonight we are here for, again, an alternative compliance conditional use permit and modification to the development agreement for Centrepoint Apartments. The site consists of 9.99 acres of land. It's zoned C-G and it's located at 3100 Centrepoint Way. So, the modifications to the existing development agreement and conditional use permit to facilitate the construction of a 279 unit multi-family affordable apartment complex. This proposal strictly pertains to the residential component of the approved development plan. The applicant is also requesting alternative compliance to the open space and parking lot landscaping. So, for the alternative compliance the applicant -- applicant is requesting a reduction in the qualified open space as the applicant is deficient by 8,940 square feet. They are also requesting alternative compliance for the removal of parking lot islands under the covered parking internal to the parking lots. The applicant is requesting the following modifications to the development agreement and CUP. They want to modify the CUP to increase the building height to 45 feet, instead of limiting it to three stories. They want to increase the number of units from 215 to 279, which is an increase of 64 additional units. So, this site encompasses one parcel located south of East Ustick Road. The parcel was part of a development agreement modification and conditional use permit application in 2019 that removed the subject parcel from an existing development agreement for the purpose of entering into a new development agreement with a new conceptual plan and building elevations. So, the first request was for a new athletic club and spa and indoor recreation facility, Villa Sports. The CUP approval for the indoor recreation facility has since expired and the property was sold. The current CUP and development agreement was approved to construct the mixed-use development consistent of commercial space and a 215 unit multi-family development in lieu of an athletics club slash spa and commercial building. The proposed CUP and DA modification proposes a deed restricted affordable multi-family development with the 279 units. So, the submitted conceptual plan depicts five multi-family buildings with internal access. The multi-family is split into three four story buildings on the larger area of the site east of Centrepoint Way, one four story building west of Centrepoint Way and one four story building on the east side of Cajun Lane. The submitted landscape plan shows a 25 foot landscape buffer along the west and southern perimeters of the property according to the specific use standards for multi-family development. Common open space may not be counted toward the required minimum when it is adjacent to it --

excuse me. The applicant has proposed a common open space here, but according to our UDC common open space may not be counted towards the required minimum when it is adjacent to arterials, unless approved through the CUP process. Therefore, the proposed open space shown may not be allowed as qualified open space if the Planning Commission and City Council do not approve it in its current location. This is concerning, because at the Commission -- for the applicant it may be concerning, because if the Commission does not approve the proposed site plan and open space will further diminish when combined with the minimum open space standards and revisions would likely be needed. So, the previously approved CUP and development agreement modification -- again, it had a maximum of 215 units. It limited the building height to three stories. It met the intent of the open space requirements. It provided the following qualifying amenities. It had a clubhouse with a business lounge, plaza areas, a swimming pool, a fitness facility, an outdoor kitchen, a dog run, a micropath system, sports courts and a bicycle repair room. All of the proposed amenities, except for the dog run, were located within the central open space area or part of the -- of the three central buildings. So, this was a previous approved plan. So, all of your amenities were located in this area, except for the dog run. The proposed amendment to the CUP and development agreement, they are asking for 279 units. They are requesting four stories and increasing the building height to 45 feet -- does not meet the open space requirement, because it's deficient by 8,940 square feet. The applicant is asking for alternative compliance for the qualified open space requirement stating that the site is irregular, has a unique targeted demographic of an affordable housing community, has significant indoor and outdoor passive and active amenities, and excellent connectivity to public parks within walking distance. Although the project is located less than one mile from Charles F. McDevitt Youth Sports Complex, Julius Kleiner Memorial Park, Champion Park, the residents would have to cross either Ustick Road, a residential arterial, or Eagle Road, a state highway, to access them -- to access them. So, the proposed following qualifying amenities that are being proposed is the clubhouse with the fitness facility, a children's play structure, a dog park with a waste station, a shaded picnic area with barbecue grills, tables, benches and landscaping shaded plaza courtyard with activity lawn, a micropath system, sports court and a bicycle repair area. The sports court and the dog park are located near Cajun Lane, so this is the sports court and the dog park area here. Based on the analysis staff feels the applicant is proposing too many units for the development to be compliant with the comprehensive planning UDC requirements. Staff feels that the proposal to lose the parallel parking along the north property line and relocate the open space away from Ustick Road, an arterial, it would be a nice addition to the community. So, the applicant is proposing a reduction of the 35 foot wide landscape buffer along Ustick Road, up to a 50 percent reduction down to 17 and a half feet as allowed with the implementation of water conserving designs. Staff has no objection to the applicant's request to provide water conserving designs for the -- for the street buffer along Ustick Road. The applicant is proposing alternative compliance to remove parking lot islands beneath the covered parking areas within development. Instead the applicant plans to install solar carports, which will serve as the green infrastructure amenity by providing an alternative power source for development and its residence. The solar carports would also fulfill the requirement for covered parking and help reduce the heat impact of the surface parking

lot. So, according to the applicant the removal of the parking islands under the solar carports will enhance solar panel efficiency by improving daylight captured and reducing maintenance tasks, such as cleaning leaves and debris and replacing plants or trees. Additionally, the solar carports are expected to offset utility costs for the residents. The applicant also knows that despite the removal of these islands the overall landscape buffer percentage does not decrease, as the buffers along the east side of Centrepont Way exceeds the city code requirements. All -- all uncovered parking will continue to comply with the requirements of the parking lot islands. As far as landscape buffers adjacent to the uses, as stated before there is a 25 foot landscape buffer along here and along here for the residential portion of the -- that's adjacent to the neighborhood to the south and to the west and the applicant is also providing an eight foot masonry wall that -- along the west side of the property. So, staff finds the proposed landscape buffer adjacent to the resident neighborhood meets the requirement of the UDC and requires a detail of the masonry wall to be submitted for review with their certificate of zoning compliance application. So, we will go back to the open space. So, the proposed project will include 104,345 square feet of qualified open space, which is 8,940 square feet less than required. Again, the applicant is asking for alternative compliance for the qualified open space requirements, state -- again stating that the site is irregular, has a unique targeted demographic of affordable housing, has significant indoor and outdoor path, active amenities and excellent housing community. Connectivity to public parks within walking distance. So, the project also again includes an extensive network of pedestrian oriented pathways, including the outer loop around the entire project with internal connections to various amenities for the project allowing for free movement of pedestrians throughout the site. So, there are pathways being proposed around the site. The Comprehensive Plan goal is for developments to plan for safe, attractive and well maintained neighborhoods that have ample open space and generous amenities that provide varied lifestyle choices. The Comprehensive Plan's goal emphasizes the importance of safe, attractive and well maintained neighborhoods, again, with ample open space amenities. Reducing these elements regardless of the parcel shape or targeted demographic contradicts the plan standards. Furthermore, the applicant is increasing the density of the site beyond what was previously approved, understanding they are also reducing the open space. Adequate open space and amenities are fundamental to maintaining the vibrancy and functionality of a neighborhood. Adhering to the comprehensive plan ensures development contributes positively to the community and upholds the quality of life for its residents. It's important to recognize that proximity to parks and sports complexes does not fully address the need for accessible and usable open space within neighborhoods. Even though the project is less than a mile from the parks that were mentioned earlier, residents would still face challenges of crossing major arterial roads to reach these amenities. Pedestrians and bicycle crossings of these major roadways adversely affect signal performance and signal timing and is one of the stated reasons for mixed-use areas analysis to not include areas bisected by major roadways. This can be a significant barrier particularly for families with young children, elderly residents, or those without convenient transportation options. And this is the area that we talked about earlier that would require approval through this conditional use permit. They would need to -- if they were allowed to keep this here they would need to berm it, provide at least a four foot berm

along here, but as presented it's not approved by our UDC. As for parking, all street parking for the multi-family development is required to be provided per the table in our UDC based on the number of bedroom units. The applicant is proposing 279 units, consisting of 139 one bedroom units, 105 two bedroom units and 35 three bedroom units. In addition, one guest space for every ten units is required. Based on the total number of units and their bedroom count distribution, a minimum of 552 parking spaces, with a minimum of 279 of these spaces to be covered in a garage or by a carport. In addition to meeting the minimum off-street parking the current development agreement Council was not comfortable with the parking areas west of Centrepoint Way and expressed a desire for all the buildings to be self parked within their respective areas of the site. The previous application provided documents taking show -- documentation showing the buildings to be self-parked within their respective areas of the site. Although the buildings within the proposed development are not self-parked within their prospective areas of the -- as shown in the table, the proposal meets the parking requirement in the UDC. The applicant -- based on the parking provided by the applicant this area to the east -- part of the parking is on the parcel to the east that is the commercial parking. The applicant will either need to enter into a shared agreement -- shared parking agreement with the property to the east of Building C or do a property boundary adjustment to have all the parking stalls on their property, just so that there is no issue if this parcel sells -- right now it's under common ownership and we know that the applicant for the affordable housing is looking at purchasing this and so at this point it will be under different ownership, so we will need some type of shared parking agreement or a property boundary line adjustment for this proposal. Conceptual building elevations were submitted for this proposed multi-family building. The applicant is requesting a design exception of the reduced articulation of the building facade and the omission of the masonry along the base of the building. This is an administrative decision to be determined by the director. Final design will be required to comply with the design standards of the architectural manual and recorded agreement unless otherwise waived by the community director through a design exception request. The applicant is requesting a modification to the DA to increase the building height from three stories to 45 feet. Staff feels in order to obtain cohesiveness with the surrounding areas the building height should remain as shown on the proposed concept plan. So, basically, what we are saying is that the building should not be higher than 41 feet as being proposed. Again, the applicant is requesting a modification to the existing development agreement again to include the following changes. They are updating language and proposed concept plans. Increasing the building height to 45 feet and removing the limitation of three stories. They are increasing the number of units from 215 to 279, which -- again which is an increase of 279 units. So, the city did receive written testimony. We had seven written testimony in opposition to the development. So, these are just pictures of the site. This is the site. This is looking west. I can't see my own screen. This is from Eagle Road looking south. This is from Centrepoint looking east. This is from Ustick Road looking south. And this is from the drive aisle that connects to Cajun Lane looking east. So, with the conditions that we have outlined in the staff report staff recommends approval of this project and at this time I will stand for any questions that City Council -- that the Commission may have.

Lorcher: Would the applicant like to come forward? Hi. Please state your name and address for the record.

Huber: I am Chase Huber. 37532 Southeast Fury Street, Snoqualmie, Washington.

Womack: Nicolette Womack. 1100 West Idaho Street, Boise, Idaho. 83702.

Lorcher: Thank you.

Huber: Powerpoint pulled up? First of all, thank you to the Commissioners and everyone in attendance tonight for allowing us to present this project to you. Centrepont Apartments is a proposed 279 unit affordable housing community located at the corner of Eagle and Ustick Road. Over the course of tonight's presentation we will cover details regarding the development proposal. Next slide. First introduction to Devco. Devco Residential Group is a vertically integrated affordable housing developer based in Bellevue, Washington. Devco has been developing affordable housing in the state of Washington for the better part of the last 30 years and is the largest affordable housing owner in the state of Washington, with a portfolio of over 10,000 units. Three years ago Devco began its expansion outside of Washington and our first new construction project was recently delivered in Boise. The Arbor is 112 unit affordable housing community off of Franklin Road. That opened in August. Here is some photos. This slide describes our project at a high level. The project will be deed restricted, offering income restricted units at varying AMI levels, with an average income of 60 percent of the area median income. It will offer units dedicated to families with one, two and three bedrooms and will contain green components for energy and water conservation, including solar carports, energy efficient compliances and water wise landscaping and fixtures. As we detailed on the prior slide, this project will be deed restricted, meaning that the affordable housing restrictions will be recorded with the land and will be in place for a period of 40 years. The project is income restricted, meaning that our rents are based on the -- on the area median income for Ada county and tenants will need to income qualify to live within the community. Below is a chart that details the difference between our proposed maximum rents and the comparable rents of two projects that are close neighbors, The Village Apartments and the Regency at River Valley. As you can see -- go back. As you can see our project grants are significantly lower than the competing market rents in the area, giving our future residents the opportunity to live in this great area without the significant rent burden that similar projects would require. Finally, the income restricted nature of our project will require residents to income qualify for the project. We expect our project to offer units -- the income band for families making between 35,000 and 60,000 per year. When we identify a project we typically hire a third-party consultant to provide a market study to help us better understand the affordable housing need in any given market. The information provided on this slide has been pulled by a market study conducted by Novogradac in March of 2024 and is focused on the primary market area displayed in the photograph. The primary market area looks at data within a four mile radius of our proposed site. The market study identified that there are approximately 3300 income eligible households in that primary market area. This statistic describes a number of

residents in this community who could qualify for the income restricted requirements of the project. Despite such a large number of income qualified individuals in the area, there are only 96 existing affordable housing units available to them, with only 76 being planned. This leaves only 172 units available for the 3,300 individuals who would qualify to live in these units. This leaves a significant amount of demand for income restricted units in this area, which is further supported by a 1.1 vacancy rate for these projects. Finally, as we detailed in the previous slide, the market study identified a gap between the affordable housing rents and the market rents for comparable properties to be between 38 and 40 percent. This means that individuals must pay on average 38 to 40 percent higher rent due to the lack of affordable housing options available or live further outside of town to find housing that is affordable. Along with our application we have provided, we have been reaching out to our stakeholders within the community to better understand the demands for the project. Attached with our application are various letters of support -- I will not read them here today -- from housing stakeholders in the community. Nicolette will take you through the rest of the presentation.

Womack: Chair, Commissioners, thank you for your time tonight. So, shown here you can see a vicinity map of the site. We are adjacent Ustick and Eagle Roadways. We are nearby the popular Trader Joe's, Kohl's and Hobby Lobby. We also have great proximity to jobs, parks, schools and shopping and that creates economic mobility in people's lifestyles. It's important we cover the process to get here today. So, on this site in 2019 Villa Sport had a development agreement and CUP that was for an athletic club and retail. In 2022 there was a DA MOD and CUP for multi-family and drive through. Now, we understand that there is a lot of fears of several permit modifications on any one project. We do need to clarify, though, that the developer on this site is changing hands in this case and so this would be moving from a market rate apartment community into an affordable housing apartment community. So, Devco, which is under contract for the site, began their work back in April with a pre-app and neighborhood meeting. They submitted in May. We are here tonight. We are hoping to go to Council in October and the impact to the long-term construction timeline is in February of 2025, we would have civil and building plan approvals and in spring-summer 2025 we are hoping to start construction. There are specific nuances for affordable housing projects. These projects are tightly tied to federal loans and the timelines of those loans and so it's very important for affordable housing projects to remain moving in a timely manner. We want to make sure we address all the comments or concerns tonight, but we would just emphasize that we be allowed to continue to coordinate with staff to work out any outstanding issues, so that we can remain on the upcoming hearing dates. It became obvious as we worked through the site that there were a lot of competing opportunities and constraints that we were needing to resolve in the site plan. First we are adjacent in-fill. We are an in-fill parcel adjacent, established, varied residential and commercial subdivisions. We also have an established roadway network and the Milk Lateral, which is undergrounded with an easement, bisects the site into three sections with irregular shapes, where adjacent two high capacity roadways that do lack pedestrian networks and we are excited to fix some of that. Also since the prior approvals the code has changed and there is an increase -- increased requirement in open space and parking, so we are attempting to meet the new standards. Shown here is an overview

of our site. Again we are at ten -- about ten acres. We are currently proposing 279 units. We have a similar equal split between one bedroom apartments and the other half being two and three bedroom apartments. We are at 27.9 dwelling units per acre, proposing 552 spaces, which is close to about two -- two parking spaces per unit and, then, again, covered parking 291 spaces. So, again, compared to the private -- prior approval the parking requirements have increased and we are providing more parking spaces per unit. There is lots of benefits of the proposed site plan you have today. We are providing affordable three bedroom family units within an area greatly needing it and giving them the closest access to those amenity areas. We are proposing traffic calming to ensure safe pedestrian crossings. We are positioning largest buildings and units away from the neighboring residential in the south and west property line. We are also providing, again, more parking spaces per unit than the previous project and we are meeting -- meeting all those parking requirements without any off-shared -- off-site shared parking agreements with commercial, which is common in a project like this. So, again, we need that DA modification and CUP modification. That's to modify the conceptual plan for residential uses. It's to change from the approved 215 mixed-use development that had studio one and two-bedroom apartments to 279 unit multi-family affordable apartment development with one, two and three bedroom apartments. If you are trying to keep track of all the numbers we are showing, we are requesting an addition of 64 units and we are providing an addition of 110 parking stalls. We do need to change how height is defined on the project. So, previously, two and three story buildings were specified. We need to change that to a max height of 45 feet, which is the typical range of the three story building and we can walk you through that. There is no change to the existing commercial uses and we are requesting the DA be updated to reflect these changes. There is two alternative compliance requests and I will walk you through those. Alternative compliance number one is removal of those landscape islands under covered parking and that's so we can put solar on top of the carports as shown outlined in red here. By not having those landscaping islands just in these covered carport areas we are preserving solar panel efficiency and ensuring that we can capture more daylight, because we have less interference from the tree canopies. We reduce maintenance requirements and the need to remove leaf debris regularly. This proposal provides equal or superior benefits to the community by, again, relieving the visual and heat island effect of asphalt in the parking lots and our studies show that decreases the heat in that area by about 18 degrees underneath the solar carports. We would also be providing more traffic calming in the parking lots and improving pedestrian safety and, again, this does reduce utility costs for our future residents. Alternative compliance number two in the request is the reduction of qualified open space. We believe we are providing equal or superior benefit, because, again, we are providing that unique targeted demographic of an affordable housing community. We are providing 3.3 acres of qualified open space with amenities and the -- there is another 43,000 of non-qualified open space with pedestrian pathways that I will walk you through. The proposal doubles the required amenities, while providing private open space. So, shown here, just to lay it all out for you guys, you can see in the dark green is the qualified open space and, then, the lighter green there is nonqualified open space. The nonqualified open space is only not qualified because it's less than 20 feet in width. So, shown here on this chart we are required 2.6 acres of -- of qualified open

space. We are providing 2.4 acres of qualified open space, including almost an acre of nonqualified open space, which brings our total to 3.3 acres of open space. We are proposing extra amenities. Those are shown here. The code requires four amenities. We are providing nine amenities. That's double the requirements. And what's unique to that is in many affordable housing projects the first thing to go to make sure we can provide the rents that we are showing is usually the amenities. Here we are showing fabulous amenities for this area, including this -- these great walking trails that surround the site. Here are some example amenity from other Devco projects. It includes a clubhouse with community space and leasing office, fitness facilities, dog park with waste station, two common grassy areas, shaded plaza and courtyard, picnic area, barbecue grills, benches, walking trails, play structure, sports court and bicycle parking. Shown here is a side-by-side comparison of the previously approved elevations on the left and the proposed elevations on the right. So, you can see that, yes, we go from three to four stories, but because we are using a flat roof, instead of a pitched roof, and also our floor plates are slightly different dimensions, we remain at the same height as previously approved. So, we need that to specify remaining underneath 45 feet and this is similar to Regents at River Valley and Village Apartments in the surrounding area and it's below the height exception that was granted for the storage off of Eagle recently, which was 50 feet. Here are those building elevations. We will go through the design review process. Just to keep on time here is a graphic we can pull up later if you are looking for any dimensions from the neighbors. Here are some cross-sections. Very quickly it shows our building structures. It shows the surface parking lots and walls and landscaping and the expansive space between us and the neighbors. There are several revisions along the way. Staff has been great to work through lots of different ideas and versions of this. Obviously, on an affordable housing project unit count is critical to making sure we can actually provide units at the rates we are showing tonight. The initial proposal was for 300 units. Now, we have reduced that by 21 units. We have added 118 parking stalls on site. We removed an original alternative compliance request for reducing the balcony square footages. We have increased the number of amenities. We have expanded the open space. We have reduced the deficit of open space requirements. We originally were short 27,000. We are now only short about 8,000. We have improved our multi-use pathway landscaping. We have reduced our building heights along the way. We have reduced our number of driveways on Centrepoint Way and we are adding safe pedestrian connections. We are grateful for working with staff on this. The DA conditions -- several of the conditions in the staff report we are able to agree to outright. The ones we need to bring specific attention to is the development agreement condition D and staff condition 1.1.D. We proposed language in the updated development agreement to just clarify the separation of the Ustick Road improvements from the commercial road improvements along Eagle Road. So, that needs to be separated. The latest landscaping plan needs to be put into the record and, then, we worked with staff to talk about a condition to address this open space concern along Ustick Road. We are happy to work through it and come up with yet another site plan. We are only on number 30 or something. But we just need that condition modified, so that the wording in red will allow us to continue to work through that issue. Again we will stand for your recommendation of approval. Again, timing is critical on this, so, please, allow us to work with staff where we can or condition where

we can to keep moving and we will stand for any questions. Several people are here tonight and can help with those questions as well.

Lorcher: Thank you very much. Commissioners, are there any questions for staff at this time or should we take public testimony?

Sandoval: Madam Chair?

Lorcher: Commissioner Sandoval.

Sandoval: So, for the applicant you are talking about alternative compliance for solar, specifically the islands -- you are talking about affordable housing. Have you done any studies on what it's going to cost to maintain and replace all those panels in the long term? Is it worth it?

Womack: Chair, Commissioners, I will bring Devco up. They have done a solar on several of their sites and had a lot of success.

Huber: This is Chase Huber. 37532 Southeast Fury Street, Snoqualmie, Washington. Yes, you are correct, there is ongoing maintenance surrounding the solar panels. That's been built into our analysis. For the most part they are pretty resilient. I think they lose like less than a percent of efficiency every year for -- after like the fifth year they are in operation, so they don't wear down overtime as -- as much as you might believe. They are pretty resilient.

Lorcher: Thank you. All right. Thank you very much. Madam Clerk, do we -- who is first to testify?

Lomeli: Thank you, Madam Chair. We have a Vince Skinner online.

Lorcher: All right. Mr. Skinner, if you can state your name and address for the record.

Skinner: Can you hear me okay?

Lorcher: Yes, I can.

Skinner: Excellent. Yeah. Vince Skinner. 3023 North Centrepoint Way. Okay.

Lorcher: All right.

Skinner: So, I'm a native Idahoan. I have been living in the area since 2003. I have seen this community grow and prosper and the homeowners of the Jackson Square neighborhood parts of the entire group that is here, we have moved here to -- due to the quality of the neighborhood, the location, family, community. My children play at the grass locations that the applicant mentioned earlier. I -- I do want to get a -- a specific example and definition of what affordable housing means. This has come across

substantial amount of times in the previous testimony that was given and this is a quite nebulous and relative term and I would like to have some specifics around proposed costs, actual costs, because we can all speculate many things, but reality is a different thing. Tonight I'm going to give some emotional arguments and there are also some technical data that I will present as well. So, again, on the perception of whether it's low income housing, affordable housing, what's the difference between that and housing in the surrounding neighborhood? So, that's one question. I have numerous questions that I -- I would like answered. The negative impacts that I see to this -- one is you have a significant concentration of people in an existing nonconcentrated area. This leads to concentrated poverty and many times low income housing concentrates into crime as well. One other aspect there is strains on local resources. This poses a monolith residential enclave, which would be an overburden to our already overburdened schools, overburdening the local healthcare, emergency services and additional public infrastructure and I would like to have specifics on how that will be addressed. Also with more residents and rents, et cetera, there is going to be an increased tax burden due to those strains that I mentioned before and thus that would reduce the income of not only the existing residents, but others that could be otherwise invested. I mentioned crime earlier. Studies have shown that concentrated low income housing can sometimes correlate with higher crime rates, particularly if those housing areas are not managed accurately, well, and they also lack any type of social support services. I mentioned earlier with the decreased property values, whether they be perceived or potential and that is market and in the end with many of these low income housing developments they do decrease the values of not only the businesses around them, but also the residents and this makes it also --

Lorcher: Mr. Skinner, I need you to wrap up, please.

Skinner: Okay. This makes it much more difficult to sell houses. From a technical perspective you are going from 118 dwellings to 413. That's an increase of 252 percent increase in that single location, not even referring to Leslie Way, which is next door. also Jackson Square is currently 22 acres, which comes down to five dwellings per acre. This new expansion would be 29 units per acre, which is a 490 percent increase in the concentration of the dwellings.

Lorcher: Okay.

Skinner: So --

Lorcher: Your time is up, so any final thoughts?

Skinner: Yeah. I have significant concerns about this and my children, the safety of traffic and there is a lot of additional questions that I have and I would like specific data on how those are going to be -- those concerns are going to be addressed.

Lorcher: Okay. We will ask the applicant to address some of those. Thank you very much. Madam Clerk.

Skinner: Thank you.

Lomeli: Thank you, Madam Chair. I have a Nick Stoppello that signed up online. I don't see that name. I don't know if he is here in the audience.

Lorcher: We do have quite a few people in Chambers tonight. The -- the rule for Planning and Zoning is three minutes per person, unless you are addressing a larger group, like a home owners association, then, they are allowed ten. For the ability of time, please, be respectful of the time and I appreciate that. So, if you can state your name and address for the record that would be great.

Stoppello: Nick Stoppello. 2305 Northwest 15th in Meridian.

Lorcher: Thank you.

Stoppello: I will keep this brief, because I feel like I'm probably persona non grata in this group, but I am for the project.

Lorcher: Okay.

Stoppello: The -- I just want to start by giving some specific data on income and housing specific to our market here. So, the U.S. Census Bureau says that Meridian median household income is 90,000 dollars. A reasonable estimate on an approved mortgage loan at that income, assuming that they have good credit and little to no other consumer debt, amounts to about 350,000 dollars from a mortgage standpoint and as of this evening there are four listings on the MLS that are 350,000 or less in our market, two of which are manufactured homes and those require special financing. So, of the two remaining one is 981 square feet and the other is 616 square feet. I don't think anybody here wants to live in that small of a dwelling to begin with and certainly not for 350,000 dollars. So, from my perspective we have got two options. We can either increase the median wage for those working in our community, which would ultimately increase the cost of goods and services rendered in our community and impact the end user and consumer or we can try to decrease the cost of housing to give those individuals the opportunity and a place to live in our community and contribute to our local economy. The affordable housing project, such as the one being discussed, is -- it's not a bullet to the problem, but it is a step in the right direction, whether it be small or large, in giving housing to people that don't otherwise qualify for anything that is available to them in the market. I -- I have been here for 33 years. I was born in St. Luke's in Meridian. I lived at Mallard Landing on Linder. I live off Linder currently. And I'm moving just south of this project at the northwest corner of Fairview and Eagle here shortly. So, I understand that Meridian is like the town of Mayberry. It's an awesome place to be and live and grow up and have a family, of which I'm growing now and establishing businesses, but we really need to make a conscious decision to be

proactive in addressing the challenges that growth present to our community, rather than burying our heads in the sand and wishing that this place was what it was 20 years ago. I -- we are not ostriches. I don't see any birds in the room. So, let's understand that things are going to change, challenges come along with that and work with the developer and the people that want to give opportunities to those that otherwise couldn't have them.

Lorcher: Thank you very much. Appreciate it. What's next?

Lomeli: Madam Chair, Steve Grant.

Grant: My name is Steve Grant. I live at 1534 North Leslie Way in Meridian.

Lorcher: Thank you.

Grant: Madam Chair, Commissioners, when Mike Mafia of MTM Meridian proposed his project in November of '22 the City Council advised him to reduce the project from four floors to three in the main complex and improve the construction of two-story units on the west side of Centrepont. Going from three to four stories increases the density of 30 percent, which I believe is an unacceptable level for this parcel due to traffic and parking issues. I'm sure that the density is driven by economics. The developer's ability to be profitable shouldn't be the catalyst for approving this project at the density requested. If I recall correctly, the main reason the Council required the project to be limited to three stories was a traffic congestion high density housing would create. As you know, Centrepont at Ustick has only two lanes, one in each direction. Even with three stories traffic loads will require widening the intersection to add a dedicated left turn lane to access Ustick going west. During peak hours traffic will stack from the light at Ustick all the way back into the complex parking lot. Residents living on the west side of Centrepont who attempt to exit their parking area with a left turn during peak hours will face congestion from parked cars exiting the main campus. Frustrated drivers will avoid the congestion by traveling through Jackson Square Subdivision, which will increase safety concerns for Jackson Square residents. I understand that the ACHD has approved widening Centrepont, but I'm not sure if a left turn lane has been contemplated there. If this project is approved as proposed the adjacent neighborhoods to the south and west will experience peak hour traffic congestion and overflow parking problems. Motorists seek the path of least resistance. If it is quicker to travel through the adjacent neighborhood drivers will, as I live on Leslie Way and motorists continue to cut through our street to avoid congestion at Centrepont and Eagle Road. With the high cost of renting it is not unusual for leaseholders to sublease apartments to friends and relatives. If an apartment has an allotted two parking spaces and another person with a car moves in, the third car would not have a dedicated space and would be forced to park on neighborhood streets. This overcrowding will create conflict and safety concerns with neighboring homeowners. I would ask the Commission to do the following: Require the applicant to widen Centrepont at Ustick to allow for a dedicated left turn westbound on Ustick and I guess it has to be the same thing on the north side. Require the applicant to limit the construction of the main campus to three stories and

two stories for units west of Centrepont and ensure that the masonry wall along the western boundary, which is part of the existing development agreement, be extended along the same sight line at the same height with the same materials. Traffic congestion has been a concern for this parcel ever since hearings were conducted when the nightclub was being proposed. I understand the city's interest in the construction of affordable housing. I don't believe this parcel is well suited for the proposed density. Anyway, thank you for your time.

Lorcher: Anyone next?

Lomeli: Madam Chair, Brenda Jones.

Lorcher: Hi.

Jones: Hi. Good evening. Brenda Jones. 659 West Blue Downs Street in Meridian, Idaho. 83642.

Lorcher: Thank you.

Jones: You bet. I'm actually here this evening on behalf of St. Luke's and I would like to voice our support for the Centrepont Apartment project. This housing development offers high quality, affordable, workforce housing units, which greatly are needed in our community. Our 23 -- our 2023 community health needs assessment identified safe, stable housing as a significant need and because stable housing impacts one's health, housing has become an identified impact area for our health system and we are trying to address that. St. Luke's has a history of supporting housing solutions and currently partners with many organizations across our footprint addressing the significant needs of affordable housing and workforce housing. We recognize the importance of having safe, affordable and well-located housing options for all of our community members. As Idaho's largest private employer housing has become an integral part of our stable employment. In order for our workforce and the community to maintain healthy and robust, we must have adequate housing. The Centrepont Apartment project would meet several of these needs of our community members and providing the one, two and three bedroom units, all designed to accommodate residents and workforce incomes ranging anywhere from 30 percent up to 70 percent, which is the area median income, which the other gentleman was speaking to. In addition the location of the development really is great, because it accesses retail, grocery stores, jobs and excellent schools here in the West Ada School District. A project such as this we feel like would really provide a great opportunity for all of our Meridian residents. Thank you for your time.

Lorcher: Thank you very much. Madam Clerk?

Lomeli: Somebody has raised their hand online. Would you like for me to allow them to talk? I'm not sure what their name is.

Lorcher: Has everybody who signed up to speak has -- has spoken?

Lomeli: No.

Lorcher: So, let's go in order.

Lomeli: So, we have Kristy Hein.

Hein: Good evening again.

Lorcher: Yes. Please -- please repeat it. Your name and address.

Hein: Madam Chair, my name is Kristy Hein. I live at 3933 North Amberwood Avenue in Meridian.

Lorcher: Thank you.

Hein: So, I am speaking in opposition of this project. Once again I think we can all agree that housing is an issue. I think we are all in agreement that affordable housing is a good thing. Again, I'm just not in favor of this particular location for a lot of reasons. With this particular project, with the proposed amount of units, we are looking at potentially two vehicles at least per unit. That's a total of 560 additional vehicles on this stretch of road. Where I currently live it's directly on the north side of Centrepont off of the -- Eagle Road currently handles around 60,000 vehicles per day. It sees approximately 400 crashes per year as you know per the Mayor's report in August. We currently own the home that's at North Amberwood Avenue. Again, off of Centrepont Drive. The section of Ustick Road between Eagle and Locust Grove is only two lanes in each direction and Centrepont Drive already experiences significant congestion. Every morning we find ourselves struck -- or excuse me -- stuck for two to three light cycles just to turn onto West Ustick and start our commute each morning. My parents, along with their neighbors, live in the Village Bungalows, which is an active 55 and over community just west of the proposed development along West Ustick Road. The average age of the residents there is around 75 to 80 years old. Many of them still drive enjoying their independence. The convenient access to Trader Joe's, Albertson's, local banks and doctor's offices is a significant part of what drew them to the Village Bungalows. However, they are now deeply concerned about the impact that this large proposed development would have on an already congested stretch of Ustick Road. The increased traffic would not only hinder their daily routines, but could also jeopardize their ability to safely and easily access the essential services they rely upon. This project risks compromising the very qualities that made the area desirable for these older residents in the first place. As far as emergency services, the nearest fire station is located at 3545 North Locust Grove Road, which is near the intersection of Locust Grove and Ustick. I recently spoke with the representative of the local fire department here in Meridian who expressed serious concerns about the increase -- the increasing approval of these low rise developments, such as the one we are discussing tonight. He highlighted the strain that these places -- or that these developments place on emergency response capabilities. For instance, he noted that if a fire were to break out on a development such as this with the proposed 45 feet in height that the developer is

proposing, he would need at least 43 firefighters to respond effectively. Currently he would only have 27 personnel available. His concern is that he would not be able to efficiently respond to a fire and emergency. Those are my concerns and I really wish that you and the Commissioners would consider this as a -- it's a safety concern and I really appreciate your time.

Lorcher: Thank you very much.

Hein: Thank you.

Lomeli: Madam Chair, the next is Landon Johnson.

Lorcher: Mr. Johnson.

Johnson: Good evening, Chair, Members of the Commission. My name is Landon Johnson. I live at 2940 North Centrepoint Way, Meridian, Idaho. 83646. So, I am in the Jackson Square Subdivision on Centrepoint just south of this proposed development. Get straight to the point. Well, I urge you guys to deny this, the permit and the development agreement modification, 295, now 279 -- I mean even 215 the existing apparently agreed upon is too much for this neighborhood. Where Jackson Square is a little enclave that is -- has limited ingress-egress on Ustick and Eagle. Now, there is three spots you can make a right. You can go out on Eagle in two spots -- or excuse me -- Ustick and Eagle one directly, but the left turn, which was brought up by somebody earlier, coming out Centrepoint, you had, you know, 200 units, 300 units, it is going to be a significant negative impact. This is congestion. Safety hazard. If they are three bedrooms, they are targeting families, which is great to provide. Everybody loves affordable housing and we need it. Not here. I have -- I'm a planner by training and profession. I know a little about this stuff and it's great, I love smart growth. TOD. There is no bus line here, so everybody is going to have one car at least, two cars, probably more and they will spill in -- into our development, which is quiet right now, except for those people trying to bypass Eagle and Ustick intersection and it's just going to get worse. There -- of course, I mean I think there was under representation in the staff report, as well as in the developer stuff as consideration to the surrounding community existing environment and I don't think enough consideration was given to that. I don't like the idea of being stuck in my development because there are 200, 300 people living in there or more -- you know, that's a lot more, yeah, one, two and three bedroom. I don't like it. To me that's not freedom at all. You know, restricting physically my access. I go left a lot. Right now the intersection is great, because there is no development. Everybody expects this vacant land to be developed, but, you know, not for these barracks style big -- in my opinion not very appealing -- visually appealing, you know, affordable rental apartments. I would rather something lower. Definitely not four stories. Three stories, if they are allowed that, that's fine. I understand they have entitlements and we will be done. Should it move forward, you know, I would like to see things in the city providing bus transit, so we can make in-fill projects for affordable housing like this move forward. Again, I don't much care for the reduction in -- or excuse me -- the open space issue. That's not a huge amount, but I

appreciate that providing open space, especially a dog park, I wish that would be open to our community, too. I know that they won't do it, but, you know, when I spoke with them in the neighborhood meeting they had is off the open space, but they were under the impression, as far as I -- there was a bus line going on Ustick. No. I have tried doing a walkable thing. It is not a walkable neighborhood and not designed -- that was not the intent. It was single family. It was zoned commercial, mixed-use. All right? There is strong stores, you know, roadside and, then, housing in the back.

Lorcher: I need to -- I need to have you wrap up. Thank you.

Johnson: I appreciate it. There are mitigation things you can do, but I think a redesign, rather than these big rectangles that are four stories as proposed. It's just not right for the area and it's a stark contrast to existing community that's around there. Thank you.

Lorcher: Thank you. Madam Clerk?

Lomeli: Madam Chair, Janet Bailey.

Bailey: Hello. Janet Bailey. 2925 North Centrepoint Way.

Lorcher: Thank you.

Bailey: Thank you. I just have a few comments on this. I -- I have lived in my house 12 years, so I have watched the neighborhood evolve. This housing apartment complex in the front -- I think it's going to be disastrous. Absolutely. I -- I ask you, please, deny the whole thing. There is too many apartments, too high, too tall, we -- I started our neighborhood watch 12 years ago, so I have seen things come through. The traffic is crazy through there. It's a raceway down Centrepoint. With all those added cars and all the parking, it will spill in the Centrepoint and it's to our expense to maintain our neighborhood. The HOA -- we had graffiti on this walking path behind our homes. Okay. Well, that was taken care of, because it was our neighborhood and our expense. So, anything to spill it over from these apartments it's going to be at our cost. We have to maintain the pathway. We maintain all of that in there. I have seen the increase in traffic. Centrepoint to Ustick, it's two lights to get out. There have been numerous accidents there. I don't know if that's in your report as well, but there is always accidents out there and the traffic is at least 50 cars deep to try to get out there in the peak driving, so I have one concern and it's a question for you guys, why -- or why is it allowed for a Seattle developer to come into our Meridian and tell us what we need? Because at the neighborhood meeting I asked questions and the developer had kept telling me this is what Meridian needs. I disagree. I disagree. He's bringing his Seattle ideas into our home, our Meridian. This is our home. I don't believe his ideas fit our neighborhood to put it in our front yard. I think it's going to be disastrous. I think it's going to cause a chain reaction of events that -- and there is a lot of people talking that I have spoken to that are talking this could possibly force us to sell our homes. I don't want to do that. That was our investment. This is our retirement place, you know. This is where we decided to retire and, you know, until the next step. But it's not turning out

to be that way and anytime these developers come in with big promises, it doesn't happen. When Mayor De Weerd had expressed her distaste for the apartments on occasion, she even said somebody dropped the ball on those, because when I moved in they had told us they would be 26 to 28, like-minded housing like ours along there and, then, they put those -- whatever they are called over there, so -- and just to correct the developer, the parks are not within walking distance. Settlers Park is two miles down to the west. The McDevitt Sports Place is on McMillan and Eagle and Champion Park Subdivision -- you have to go into their subdivision to get to their park. There is nothing around.

Lorcher: Okay. Thank you.

Bailey: Thank you.

Lorcher: All right. Madam Clerk.

Lomeli: Madam Chair, Jeffrey Miller.

Lorcher: Hi.

Miller: Hi. Good evening. Jeffrey Miller. 2487 East Foster Lane.

Lorcher: Thank you.

Miller: I happen to be a resident of Village Bungalows, so I --

Lorcher: Okay.

Miller: -- I know what they are talking about and there -- there is a need for low income housing. That's not an issue here. The issue is actually the density that's going into this development. The traffic on Ustick in the morning is backed up from Eagle Road all the way back to Verado, the second development behind me, half mile away and it's -- it's horrendous. I mean you can't walk -- you can't cross the lights. You have -- there is no crossing -- mention was made of access to parks. There is no Ustick. You have to walk a half a mile up to the nearest crosswalk just to cross to get to Champion Park. So, it's -- it's -- it's more of an issue than this. It's the density that bothers us and it's the traffic that's going to be the death of everybody. It's 60,000 cars a day on Eagle Road. It's backed up. You can't make the turn, you can't get out. When they are stuck at the left-hand turn on Eagle, if you want to go north on Eagle, you come out of Centrepont, no room. Where are you going to go? So, you are waiting cycle after cycle. It's just going to be a mess. I just adamantly hope that you -- you guys use your infinite wisdom and deny this program. Thank you.

Lorcher: Thank you. Madam Clerk.

Lomeli: Madam Chair, Barry Holsinger.

Lorcher: All right. We can come back to him.

Lomeli: Okay. Doug Stern.

Stern: Hello again.

Lorcher: Hello.

Stern: Doug Stern. 2793 North Centrepoint. I cannot think of a worse use of land to an existing neighborhood in this entire city than what's being proposed to that corner. The homes that were built there -- I have lived there for 12 years. These are custom built homes in this neighborhood and the traffic and the parking right now is a mess, because if you go up Bourbon Street east of my street, the existing tenants are parking on both sides of the street now. You can get one car through at a time. I can't imagine what it would be like with adding 600 more drivers in every direction from this monstrosity that they are trying to put in. I drove up -- I drove up and down once I saw the signs that they were going to do this, I drove up and down Records and Ustick and Eagle trying to figure out why here, why would they do this? Have they done this to another existing established neighborhood and I can't find a single example. If you go up Records and see all the new apartments, they are fine. They are on the right -- or they are on the west side of the street. The existing neighborhoods are on the east side of the street. They don't -- the existing -- the apartment dwellers don't have to go into the existing neighborhoods like they do in this instant. I -- I agree with affordable housing and I know everybody says the same thing, not in my neighborhood, not in my neighborhood, but in this situation it doesn't fit. I never even knew that they approved the 211 and I have been there for 11 -- like I said, 11, 12 years. I don't know how that even got approved, yet some of the other things I think we can -- we can come together and come up with a much better use for that land than adding this -- whatever this is that they are doing. It's going to exactly ruin our neighborhood.

Lorcher: Thank you. Let's see if Barry got back.

Lomeli: Madam Chair, Barry Holsinger.

Lorcher: Hi. If you can state your name and address for the record, please.

Holsinger: My name is Barry Holsinger. I live at 2836 North Centrepoint Way, Meridian. I just want to add one simple other concern. The -- we are part of the Nampa Irrigation District and we have been fighting with them and -- and keeping our lawns green this year we have just barely had enough water out of the canal and now they are going to propose to put green space all over that -- all over that apartment complex. There isn't enough water for it. Thank you.

Lorcher: Thank you.

Lomeli: Madam Chair, Jared Schofield.

Lorcher: Good evening.

Schofield: Jared Schofield. 1566 North Leslie Way, Meridian. 84664 or -- one of the primary concerns of high density affordable housing is the impact on property values. Studies have indicated that property situated near high density developments may experience a decline in value due to various factors, including increased traffic congestion, noise levels and perceived decrease in the neighborhood appeal. These three elements will directly correlate to both the value and desirability of the immediate voting properties with secondary effects to the neighboring property in a cascading effect. The traffic will continue to be extreme and with a massive increase of vehicles that will go into this structure -- or into this development, as there is no other point of entry to access westbound Ustick, Centrepont will be overly burdened at the intersection to Ustick. This, in turn, will add more hostile drivers to mix with current normal excessive traffic. Traffic studies are typically based on the number of vehicles per day, but not necessarily account for peak traffic hours. Several accidents have been personally witnessed by myself with two incidents nearly involving myself and family. One of the incidents involved an irate individual who could not wait until my family was in -- across the crosswalk -- walk and proceeded to maneuver around a car in front of them at a high rate of speed. This vehicle I was close enough that I could actually reach back and have touched it. This vehicle was traveling from the area of the apartments located on Centrepont behind Kohl's, which is currently being expanded. An additional accident occurred while I was waiting to exit off of Leslie Way. An inattentive driver rear-ended the vehicle traveling eastbound on Ustick directly in front of my vehicle. Vehicular accidents within the immediate vicinity of this complex have now become an almost daily event. The immediate vicinity around already has a significant volume of high density housing. So, all the apartments located further to the east, further to the north on -- on Centrepont and one thing that should be noted is that those of us that live directly in relationship to this will have the highest impact on. It does not affect those that live elsewhere in -- within the city. It does not affect those that are going to be moving elsewhere in the city. This is very much in our backyard. This is something that impacts us directly. It impacts our families, it impacts our lives, it impacts my children who play in my backyard. It impacts every detail of everything we do every day. The previous CUP should have never been approved as it is. I wish we could go back and take several steps back and start over from ground zero. One of the other things I want to bring up is when you also have the -- oh, a couple things. The -- the proposal they presented on drawing A-05 it indicates the comparison to a two story home from their building, which the two-story home should be -- indicate my home. My home is a single story ranch home last I checked. So, it makes me wonder how many other items have received an artistic interpretation of -- with no basis in reality? Community safety is a big issue. Recently we had an individual on their vacant property that was videoing my daughter in my backyard the police had to be called about. You put apartments -- four story apartments, two story apartments, whatever, in my backyard where they have the privacy of windows staring into my backyard and my daughters, that -- that is a complete disregard for my daughters and their safety. I appreciate what you guys do and I appreciate you allowing me the time to speak. Thank you.

Lorcher: Thank you very much.

Lomeli: Madam Chair, no one else has indicated to testify.

Lorcher: There was one gentleman online. Are they still there? If you are still online and you wanted to speak, please, raise your hand.

Uretta: Yes, I'm online.

Lorcher: Okay. Go ahead. State your name and address for the record and, then, we will take the Chamber's next.

Uretta: Abisay Uretta. 3022 North Centrepont Way. My house would be one of the nearest to this development on one side of the street and I just want to say that I fully support the rest of my neighbors that are in a position to this and one thing that I would like the Council to keep in mind is the only people in support of -- of this current proposal are the people that will not be living with the results. Us here in our neighborhood are the ones that will be deeply impacted are the ones opposing. I have not heard one person in support of this development that will have to live with the -- with the results of this development. So, I would like you to keep that in mind as you look to perform your duties for -- for the best of our city today. Thank you.

Lorcher: Thank you. All right. Is there anybody in Chambers? You had your hand up first.

Dickinson: Ruth Dickinson. I live at 2771 North Centrepont.

Lorcher: Okay.

Dickinson: So, I think it's kind of been covered as far as Centrepont and the difficulty getting off of Centrepont and Ustick, but one of the things I noticed in reviewing all the maps is that the other street that goes out, which is just escaped my mind, sorry, but on the east side of the apartment complex they are showing that street going out and currently serves the commercial that's on the corner of Eagle and Ustick.

Lorcher: Cajun.

Dickinson: Cajun Lane. Thank you.

Lorcher: Okay.

Dickinson: So, what I'm seeing there, at least in the maps I was looking at today, is there is actually parking planned head in off of Cajun Lane, which means those people would have to back out into Cajun Lane to try to exit. So, to me that's really bad planning, because, one, it's going to be really, really crowded. Half -- I assume half of the exits are destined to go out that direction one way or another into an -- into a turn

lane, which, by the way, you can't pull out into if there is any traffic at all, so those people have no -- no other option, but to go back into the other neighborhood, around the traffic circle and try to get out on Eagle Road that way or to follow down all the way to Centrepoint and try to go out on a street that really isn't wide enough for a left turn lane. So, I haven't heard that or seen that exactly addressed, how they are going to deal with that, but it's just a bad traffic plan and somebody mentioned emergency vehicles. I think they would have a tough time getting in and out of the neighborhood, not just to service us, the people that have already lived there for years, but if anybody should need help or assistance in those apartments. So, just a bad plan. The other thing I noticed is in our -- one of the previous presentations is you have a certain color designated that shows where you are going to put the chicken place and all up in the corner and that same color designation covers that space that goes around the corner on Ustick. It was originally designed to be commercial. If you had commercial there will be traffic no matter what, but at least it would be a minimal amount of traffic that probably that area couldn't handle -- would have to handle and so I would just say, please, deny this and let's do something better for our community than this project. Thank you.

Lorcher: Thank you, ma'am.

Gammon: I'm Carrie Gammon 3055 North Centrepoint Way, Meridian, Idaho. 83646.

Lorcher: Thank you.

Gammon: I just want to point out that I have lived here for about 12 or 13 years and I have never seen a development idea that has scared me so much. I totally agree with affordable housing. I myself am back in school again. I know what it's like to struggle, but putting something like that in that small of a space is not going to work. I am actually the first house here that was actually in some of the videos and I will be that person that will be looking at a four story building and have all those eyes back on me and anything and anyone that I have in my house. I also don't like the idea of looking at a concrete jungle when I can see the mountains for now, but that's not even the most important thing. I think is it worth putting something like this when it's going to jeopardize other people's safety. The traffic I know has been brought up, but I cannot even back out of my driveway. I have to sit there and watch cars go by and race by. It is a speedway and I would ask anyone that is even considering putting this here, especially if you don't live there, please, just come there and stand there for five minutes and see what the traffic is like. The people -- they don't even use the right side of the road. Today they were speeding around the divider trying to get there first. When you try to turn out right onto Ustick or left onto Ustick you do sit there for multiple, multiple lights. I leave an hour early to get to school as it is and that is because the traffic is that bad. If you are talking about putting this many places in such a small area it's going to be insanely congested and dangerous for all the small kids, the elderly people and everyone in between that lives in my neighborhood and I really think that they need to consider doing something a lot different, because this just isn't going to work and it's going to be dangerous and I am scared to live there and I have never heard so many

neighbors that, you know, maybe couldn't come out or were afraid to come out tonight that don't want to live there because of what's going in. I don't mind something going in, but not this.

Lorcher: Thank you.

Gammon: Thank you.

Lorcher: Anybody else in Chambers? Sir.

Vrba: Madam Chair and committee -- or Commissioners, my name is Jeff Vrba. I live at 3005 North LeBlanc Way in Meridian, Idaho. 83646.

Lorcher: Thank you.

Vrba: I am the vice-president of the Jackson Square Homeowners Association. I wanted to allow my homeowners to actually talk to you, so you can actually see their concerns. Some of the main concerns that we also have with the way the development is set up -- if you look at the entrances in the Centrepont Way from their individuals there that's in the middle of the block, they are going to be backed up there. The other one -- they got another entrance down on Cajun Way or Cajun Lane down there. Cajun Lane, half of Picard, which is just south of there -- down there and Bourbon Street are all private roads. These have to be maintained by the homeowners associations. If something happens and the road gets damaged I am having to pay for that. Our homeowners are having to pay for that. By having these extra cars like we talked about -- you heard a lot of homeowners trying to get onto Ustick, there will be cars going down through Cajun Way south around the roundabout and out on East Bourbon Street. That's taken up private roads there that we were told had to be private. The next concern we have is we have a fence that's running along the entire length of that road there, a wooden fence that's up. We have been maintaining that for over 14 years now that we were required to put up and we were required to put up the brick wall on the other side by the Planning and Zoning and the city when the original developer for that whole area went in. With this fence going -- with our wooden fence there and possibility of damage on it, our homeowners association is going to be responsible for it. If you guys would like to put this in and let it go up why don't we have a brick wall -- an eight foot wall along that whole entire Picard Way there, too, to prevent the individuals damaging the fence that belongs to our properties that our homeowners aren't going to be accounted for. The other thing I'm concerned with is the elevation. I know in the past we have -- the city's talked about elevation of the buildings in the area. I can travel up and down Ustick and look. I do not see any apartment complexes that have the flat rooftops on Ustick. They all have the elevation. They have the peak. They are three stories tall right around the other park that's a little bit further down. That's where my concern is at. We do not want four stories there. The original plat was the two buildings that were closest to the homes were going to be two stories. The other ones were going to be three stories to match -- or close to the existing areas there. The other thing we had problems with is when they are talking 500 plus cars through that area there,

they will be coming through the subdivision. There is no problem with that. That's going to be tied up and we are going to be stuck with that. Centrepoint Way is only two lanes, two and a half lanes if you really get up at the intersection there. You might be able to get a third car around. The other concern is -- I don't know if they have taken an effect where the Milk Lateral actually runs, because that's already buried under the ground and if I'm not mistaken it's going to run between -- underneath two of their buildings. So, either they are going to have to move that around, reposition it. Some of the maps I have seen had it routed wrong, but I know right where it runs. So, there are going to be issues with that. You take away people's water further downstream you are going to have a lot more problems here in Idaho with that. So, overall, like you said, you heard from a lot of our homeowners here how much we are concerned with the way this is bad with the extra houses in here. I have actually gone through with the previous one plat -- I was in here protesting against that, too. We were against it at that time. I didn't have as many homeowners. Here the city said last time with one of the other developers in there, but we don't have homeowners here, so it must not be -- they must not really be concerned about it. So, we called into action our homeowners so you could actually hear from them and also get the e-mails and letters mailed in from them, too. So, it's just not me as the vice-president of the association talking about it. My main concern is the traffic. Traffic on Eagle Road -- they -- they keep saying that's the sixth or fifth busiest intersection in all of Idaho. Do we need to add another group of cars through there? Granted it's not going to be all day long, but between 6:00 a.m. to 9:00 a.m. peak traffic, people going to work, taking kids to school, evenings coming in. Eagle Road is backed up already trying to make that left turn going from -- if you are heading north on Eagle Road trying to take that left turn onto Ustick. Sometimes it's backed up and it's causing people trying to, like they said, cut through subdivisions, turn wrong down Ustick trying to cut across lanes and everything else like that. So, I plead with you guys to take that into consideration, our concerns. I know that you got a lot weighing on you right now and that and a lot of decisions to be made. I appreciate your time and everything you do for our great City of Meridian. I have lived in my home for over nine years now. I moved into there and when I first moved in they said it was going to be general retail out there. I didn't have problems with general retail going in, even with the noise that would be possibly caused by deliveries at night, forklift driving around, I would -- when I moved into my house I was expecting that. I wasn't expecting a three -- two, three, four story apartment complex going in. Thank you for your time.

Lorcher: Thank you. Anybody else in Chambers would like to speak? Ma'am.

E.Gammon: I'm Elizabeth Gammon. 3055 North Centrepoint Way, Meridian.

Lorcher: Thank you.

E.Gammon: And that house right there and -- and I wish it was on here. It's right here by the -- where the one is coming up. It's right next to it -- completely next to it and it's actually two -- four if it's built up four. There is two of them higher than the house and everyone can look into the house, can look into the yard and even the yard next door might be a problem, too. And, then, on the other side that's not even in our area, but it's

on the other side of the fence, there are two homes there at the end. The numbers are 1566 and 1598 and they can look into the yards. They have children. They are big yards and there will be a problem there and it might all -- with four of them being built there is going to be five houses around there that are going to have a problem. This one at 3055 is the very worst one and then -- so, you know that and people have talked about all the traffic and there is a tremendous amount of traffic and they are correct about it. There is a little bit more that they haven't really thought about, but over there at Kohl's people that go in there and have -- you know, go to the stores and that, when they come out they can't go to Eagle, so they come down and they come into Centrepont and come around and turn around and that and, then, coming down that street that belongs to us, people come down there, there is a stop sign there, four out of five do not park, they just keep going. So, sometimes when I'm at the house and trying to get out I have to watch all the people coming down, the people coming there and sometimes I'm just sitting in the driveway and I will see at least five cars coming down there and, then, some coming the other way. So, people come from Dutch Brothers and all those places there, they come down that way, too, and also the people that are going to be living at the -- the places when they try to come out they are going to have tremendous cars coming each way. They are going to have a problem coming out and I think -- and, then, people come in way down from South Centrepont, it turns a little bit and they can't see all the stuff coming, so it's dangerous to them. I actually think that because of all of this and all the traffic and all the people there, that there are going to be deaths and injuries and hits many times and so I think you should really think about everything that's going on here.

Lorcher: Okay. Thank you very much.

E.Gammon: We have a problem.

Lorcher: Thank you. Anybody else in Chambers would like to speak? All right. Can I get a motion to close the public hearing -- oh, wait. No, I can't do that. I would like the applicant to come back up. Sorry. Almost.

Womack: Chair, Commissioners, thank you for your time tonight and thank you for all the great feedback from the neighbors. We are excited to talk through some of these items. Regarding affordable housings, I will turn over the time to Chase in just a second. Going to address a few things. And, then, I'm also going to turn the time over to Brandon to talk through traffic. With the discussion on the differences between this project and the neighbors, just wanted to pull up a visual. So, you can see here from the previous plan to this plan, the building in the -- Building D in the -- I don't know if my mouse is showing up. Can you guys see that? Building D in the southwest corner, we actually have less units and they are further away from the western property line. We are still closest of all the adjacent units, 45 feet from the south. A lot of that has to do with the Milk Lateral being underground in this northwest corner, so we aren't able to move the building any further north. But, again, shown here you can see that our buildings are generally ranging between a hundred and -- sorry -- at the lowest end 45 feet and at the highest end almost two hundred feet from the neighbors and here you

can see how that plays out. I do hear the comment about the two-story homes. I'm happy to check that and if we need to switch that to a one story home in this graphic totally fine. I think you all can imagine a one story versus a four story just fine. Again, this project is requested in order to modify the permit to allow for the affordable housing units and the rents that are associated with that. Regarding the western boundary wall that was required in the previous approval, we are going to complete that boundary wall on the western side and that will provide further transition. Regarding the building heights to the adjacent neighbors, there is several ways we can continue to mitigate this further. Some of that typically includes modifications to windows on the upper stories to make sure that they have less of an impact on the neighbors, changes to the balconies on those upper stories and, then, we already have significant landscaping along the permanent property lines. With that I will turn the time over to Chase to talk about affordable housing and, then, Brandon to talk about traffic.

Huber: Yeah. I think the -- the basis for, you know, what we believe this project could be is, you know, equal opportunity. We -- we really like -- well, we feel like this is a very excellent location for our project, because of the proximity to everything this community loves. We envision that our residents have the same opportunity to be close to Trader Joe's, to Kohl's, to hospitals, to the good schools, to the parks, to everything that kind of has been discussed tonight and that all these people love so dearly. We want to give an opportunity for people a little bit less fortunate to have exposure to all of that. We understand this is a very busy area, it's a very commercial area and we will certainly be adding to that, but it gives our residents a lot of economic opportunity to be closer to jobs, closer to good schools and not push to the outskirts of town where there is more land that's generally cheaper. This is an in-fill site that gives a lot of economic opportunity to tenants that really need it. So, we feel very strongly about that and I'm happy to answer any questions you might have.

Womack: Quickly I wanted to add on the affordable housing component, when there is the nebulous term affordable thrown around in these types of hearings, they are not usually talking about a deed restricted product and Chase can talk through the nuances of that loan as well.

Huber: Sure. Yeah. This is, as I mentioned earlier -- we will go back to this slide. This is deed restricted, income restricted, which means there is a certain rent we can charge. It is based on the area median income. Tenants have to income qualify. This is not studio apartments. This is not micro apartments. This is rent restricted housing dedicated for individuals making between a certain income level. So, hopefully, that helps expand on the affordable housing component.

McDougald: Brandon McDougald with Kimley-Horn, 1100 West Idaho Street, Boise, Idaho. Wanted to just give a little bit of a general history about the traffic on this particular site. There was a traffic impact study that was completed as part of the Villa Sport proposal and ACHD reviewed, accepted and provided conditions of approval that needs to be made as part of the traffic that was generated for that particular project. Those mitigation measures have been completed on Eagle Road for the traffic that was

going to be generated for Villa Sport. This -- this project will actually reduce the traffic quite significantly than what Villa Sport was proposing. So, there is going to be approximately 1,400 fewer daily trips as a result of the -- the multi-family use versus the Villa Sport use, 73 fewer weekday a.m. peak trips and 158 fewer weekday p.m. peak hour trips. So, a reduction -- pretty substantial reduction from what was originally approved by ACHD and mitigation measures required to be done on Ustick Road. A couple of other things that I would like to just note. Heard a lot of comments with regards to speeding along Centrepont Way and -- and concerns with pedestrian crossings. Obviously, ACHD controls Centrepont Way, but we have identified -- we want something there to help control the speed. We have identified speed tables. If ACHD won't accept speed tables, we would look at bulb outs with -- which kind of restricts the pavement width in that particular area, which slows down traffic, in addition to providing protection for pedestrians and cyclists and, then, finally, we meet the requirements of the parking for what is being proposed here. So, a lot of talk about parking being spilled out onto the streets. We are complying with what's -- what's identified in city code for parking.

Womack: I just want to bring it home. It looks like we have three minutes. So, one of the comments was about Cajun Lane and the parking in that area. We are doing our best to make sure that we are self-parking between the different areas of the building, but we do, obviously, have some space where we could pivot that -- that parking around elsewhere if needs be. Lastly we just need to reiterate again with affordable housing there are really tight timelines to get those federal loans, so we do need to keep moving in the process. We want to make sure that we are taking all the comments into consideration and doing the best we can to find the site plan that would work best for everyone, so that Devco could reasonably develop an affordable housing product on this. So, please, let us know of any conditions or items of concern and we will make sure we do our best to address that before City Council. Otherwise, we will stand for any questions.

Lorcher: Okay. Thank you. Commissioners, do you have any questions for the -- any other questions for the applicant before we close the public hearing?

Smith: Madam Chair?

Lorcher: Commissioner Smith.

Smith: Can we go back to slide 21, please.

Womack: Can you tell me what's on that? I can't see slide numbers.

Smith: It is the distances to the abutting properties.

Lorcher: One more.

Womack: There you go.

Smith: So -- okay. So, it looks like this -- the shortest distance is 45 feet. Can we go to the next slide, please. What I saw inside of the staff report what we see here -- it looks like the distance in this visualization is 185 feet. Did you guys create any visualizations of what that -- that -- what this relationship between this four story building and this two-story -- or one story home would look like at 45 feet apart?

Womack: Chair, Commissioners, we don't have it directly in this view. In our backup slides, in case you need any extra info, we do show the elevation of that building on that corner. So, you can see the north-south elevation that is what that side of the building would look like at the moment. We need to go through the design review process and, then, on the landscape plans from an aerial view you can see what landscaping is included in that area.

Smith: Okay. Thank you. And, then, another question that I do have is regarding the qualified open space. If you -- I guess the question is what would it take -- not counting the nonqualified open space, what would you assume -- and I'm not that setting -- ask for anything to be set in stone, but what would the likely outcomes be or what would be necessary -- the next measures to be -- to meet the qualified open space, not counting any of the nonqualified?

Womack: Chair, Commissioners -- team, correct me if I'm wrong and feel free to hop on up if you wanted to add anything, but my understanding is meeting the qualified open space would be severely restrictive, because we need to also meet the parking requirements which are now also larger and so we would likely be looking at a loss of units and at the same time -- I'm sorry, I need to clarify -- that we are only -- only providing additional amenities in order to support the alternative compliance request. So, if we are not able to get the alternative compliance requests we need to verify, because we are losing -- losing units if we also have to remove amenities.

Smith: Okay. Thank you.

Womack: Thank you.

Grace: Madam Chair and -- Nicolette; right?

Womack: Uh-huh.

Grace: Can you just confirm what -- maybe what Brandon said? So, ACHD -- ACHD did a traffic study when it was -- when it was proposed to be Villa Sport and they did a traffic study with respect to what you are proposing and the traffic actually is reduced based on this proposal.

McDougald: Yeah. Just a clarification there. So, ACHD didn't prepare that -- the traffic study. Another consulting firm prepared a traffic impact study when Villa Sport went through the entitlement process with the city here. So, that initial TIS was reviewed by ACHD, intercepted by ACHD, there was mitigation measures identified within that,

which have been completed thus far on -- on Eagle Road. A memo was drafted that identified what the reduction in -- in trips would be based on a multi-family use versus the commercial Villa Sport use and those numbers that I identified was the reduction based on our unit count proposed at this point in time.

Grace: And the traffic studies that these different organizations complete, are they -- is there some standard by which you can compare apples to apples? They are not doing -- there is not different types of studies; right?

McDougald: Absolutely. I mean ACHD has a pretty specific way that they want the TIS studies completed and, then, there is ITE manuals that identify the traffic that is generated based on particular uses. So, it's -- it's pretty specific black and white.

Grace: So, just an editorial on my part. We don't control the roads. We -- we can consider the impact that a project will have on the roads, but, you know, unfortunately, we often get a lot of testimony and comments about the roads and the effects on the roads and we don't control -- we -- we -- we are not ITD or, you know, the -- the highway district, but we can consider the effects on it, so -- thank you for that.

Lorcher: Can I get a motion to close the public hearing? Thank you.

Smith: Madam Chair, I -- I do have one additional question --

Lorcher: Okay.

Smith: -- before that. Sorry. Just as we go into deliberation, for the applicant I know that timelines are -- are an important factor here. It seems like there are some questions and so depending on the outcome of this deliberation, what does -- what are the next steps look like if this gets continued and/or denied?

Womack: Chair, Commissioners, I will pull the timeline up. Chase, could you elaborate further on that? Here is an overview of the future processes we are hoping to meet and he can talk more.

McDougald: Yeah. I think -- we don't own this land, we are under contract to purchase this land under fairly tight timelines. If there was a continuance we would have to figure out a way to figure that out. If it was denied this project would probably revert back to the original approved plan for a market rate project and we would go look elsewhere. Is -- does that answer your question?

Smith: Yes. Thank you.

Lorcher: Commissioners, anything else? Okay. Now I think we are good. Can I get a motion to close the public hearing.

Smith: So moved.

Grace: Second.

Lorcher: It has been moved and seconded to close the public hearing. All those in favor say aye. Any opposed? Motion carries.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

Sandoval: Madam Chair?

Lorcher: Commissioner Sandoval.

Sandoval: Quick question for Kurt. Are we the recommending body on all three items on -- are we the approving body for any of these? For the CUP maybe?

Starman: Thank you, Madam Chair Commissioner Sandoval. So, you are a recommending body to the City Council. Technically per the city's code you are not -- you don't make an official recommendation relative to a request to modify a DA. That really comes from the director of the department, the community development director, but the reality is it's difficult for the Commission or for anybody to separate those items, so it wouldn't -- it wouldn't be unusual for you to make comments relative to the proposal as a whole, including the proposed modified development agreement, but, technically, that's not within your purview. The other items before you are, with the exception of alternative compliance, but, yeah, really, the items before you are all -- you are able to act upon and make a recommendation to the City Council. I -- I would advise, because of the complexity of the project before you and how all the pieces fit together, I think the best course of action would to -- would be to consider the package -- or the application as a whole and make a recommendation based upon that.

Sandoval: Thank you.

Lorcher: Want to start?

Grace: Sure. You know, these are as hard as they get. They just are. And there is competing demands and I -- you know, it's easy for me to sit up here and -- and -- and, you know, try to be -- demonstrate wisdom and all -- and all the rest when I don't live there and it's -- it's -- it's hard. Everybody supports affordable housing, but solutions are tough to come by and I have heard that tonight, you know, lots of folks say they are not against it, they are just -- maybe not there. Where do we locate them, then, is -- is the question. I did hear a couple comments that I don't think were intended to be the way they came out, but I just want to say that, you know, characterizations about maybe poverty and crime are -- are tough as well, because I feel like these are our -- these are our kids, these are our neighbors that are trying to find places to live. People with degrees, people who work for government and they don't make a lot of money and so I -- I understand that -- that where you -- where most of you in the room live and why you bought there and those kinds of things, but I hope we all recognize that piece of it, too, that a lot of good people live in these -- in these -- in these places -- in these multi-

family. We need affordable housing in the -- in the city. We -- we do. In the valley. There is no doubt about that. I'm not as concerned maybe about the -- the requested alternatives. I don't think that's what's driving the concern here tonight, whether there is trees that are going to block the solar, you know, those are -- those are secondary issues to me anyway. The open space is related a little bit to one concern I have and that is I don't like the density. I -- I just -- it's tough. If -- and I'm glad that Commissioner Sandoval asked the question of -- of Kurt, because if -- personally, if I can parse some of this stuff out that's the one piece that I don't think fits. If we are a group of citizens sitting up here looking at this through the lens of citizens and the effect that it has, it's a tough fit where it is. It is. And looking at it through that lens and -- and not the -- not the economic portion and the affordable portion, it's a tough -- it's a tough fit there. So, I would be interested to see what my fellow commissioners would say. I understand the timelines and the applicants not looking for any sort of delays on this, but I -- what else goes there? I -- I understand some people have recommended certain things, but, you know, the housing problem is real and I'm not sure what we do about it when we can't find places to put these projects. So, those are my thoughts at the moment.

Lorcher: Thank you.

Smith: Madam Chair?

Lorcher: Commissioner Smith.

Smith: I think -- I think I'm pretty well on this, Commissioner Grace. I -- I just -- this is also -- this is something that's been kind of an area of study of mine, so at the risk of getting on a soapbox a little bit, studies show, generally speaking, that there is not really a correlation between the development of affordable housing and crime rates. A lot of -- a lot of us tend to get the toggle chain backwards and we think affordable housing means crime. The reality is that affordable housing is generally built as a solution in poorer, higher crime rate areas, and so I really want to drive home two things. One, that I -- I hope when we think about affordable housing we are charitable and we are neighborly as Meridian has been to -- to my family, as Meridian I hope to be to -- to my children and any other people who -- who move here. I also want to emphasize that because of -- of the -- the things that I have -- I have read and the -- and the -- the research that I have done in a -- in a past life, in a policy life, I support affordable housing very strongly and I generally -- I -- I'm not even opposed to it in this location, but the lack of transition -- transition spaces, a four story, you know, complex next to 45 feet from -- from an existing house I can't support that. I -- I -- I genuinely can't. I -- I -- I can't support the -- the lack of open space. I -- I think if your goal is to provide more affordable housing, but we talked about a flagship product in Raising's Cane's and their incentive to make it a good product. If I -- if my goal is to expand my footprint and develop more affordable housing I sure don't want my first project to be a poorly implemented mess and I -- I grow increasingly concerned that this is the -- this is the case here. You are not often going to find me opposing more density in certain areas and certain developments. I think smart density can be very valuable and this type of density can be valuable to our community, but this is too much with too little transition

space, too little open space and there are too many red flags and too many alarms blaring for me to be able to support this and I -- I do believe that a decrease in density -- maybe not down to the -- maybe not even down to the original amount -- to that original 215, but lower than what it is now I think is -- is what would be needed for me to get to a point to support it in terms of, you know, increased open space, increased transition space and things like that.

Lorcher: Thank you. I will get my two cents in. I don't know why -- I mean I think for your federal loans that you are getting you are calling it affordable housing. I have a daughter who graduated Boise State in the middle of COVID and has had a hard time getting a job and her first job out of college she makes 45,000 dollars a year and in order for her to live in our community she has to live with four other people, because there is car payments and there is gas and there is commute and there is all those things and she's a good person and she's young and she's just starting and she really doesn't want to live with four people. So, when we say affordable housing from 35,000 to 60K -- God, my first job out of college I would have loved to make 60K, but this isn't affordable housing. This is housing in our community. That part I love. I love that you are going green. I love that you are looking at alternatives to being able to save energy for the people who live in your community. I think that's fabulous. I love that you want to be in the center of things because, then, you don't have to worry about maybe having a car. Maybe you are an active senior and you -- you want to walk and Trader Joe's is right there and it's very -- it's very clear we do not have a good transportation corridor program here in Meridian. That is not what we are discussing tonight. It's just the way it is. So, what do these people do? But, on the other hand, to be able to put in 250, 270 in a very small space that's already overly congested, it would be -- it's not in the best interest of the City of Meridian, which is our purview. So, I plead with you to come up with a project -- if you have the ability to lower the density and continue to pursue your federal loans, please do. You can always appeal whatever decision we make to City Council, but I -- I think you have got a good project. It's just a little bit too big for the space and I agree with Commissioner Smith, the transition of a two story or even three story building behind a house that has a big backyard -- I know I wouldn't want to look at that behind my house as well. I think the transition needs to be a little bit more gradual and 45 feet is not enough. Commissioner Sandoval, do you have any other comments?

Sandoval: Yes, Madam Chair. So, modifications to the DA, CUP, all compliance; right? And you are mainly citing this unique demographic. So, as a child I grew up in a shelter and, then, eventually transitioned into a townhouse that had open space and that was huge, not only for myself, but for all of my friends that were growing up with me, it really established that community, allowed you to engage physically, stay active, stay healthy and the difference in communities and the open space, the correlation, is -- it's absolute; right. My big hang up with this is I look at this project and the shape and the open space and I imagine myself living there and, honestly, I -- I feel like it's very poorly planned. There are elements that I do like about it. It's very centrally located, but you have some units where you are crossing two parking lots and another complex just to get in that central hub. So, you know, as it is now I love affordable housing. I'm all for

it. Clearly I think there is a need and I agree with everyone on that. I cannot be in favor of pushing this forward with a recommend of approval.

Lorcher: Okay. Commissioners, do I have a motion?

Smith: Madam Chair?

Lorcher: Commissioner Smith.

Smith: At this point to me it's a question of a continuance or a denial; right? It would be -- is it -- do we think that this is something that can be sorted out if it's continued or do we deny and allow the applicant to appeal directly to -- to City Council? Those are kind of my two thoughts and I don't know if -- if we want to reopen and -- and pull the applicant back up and ask them what their preferred choice is, if that -- it -- it concerns timelines, but it seems like that's the question that I have at the moment. So, I'm not -- I'm not sure what motion to make, but that's where I'm at.

Starman: So, Madam Chair and Commissioners, let me just add two thoughts. First, I know that -- I think at least two Commissioners talked about an appeal to City Council. Just as a reminder, you are a recommending body to Council, so you are not approving, nor are you denying an application. You are making a recommendation to the City Council. So, this is going to the City Council regardless at the appropriate time.

Lorcher: Right.

Starman: So, it's not an appeal, it's -- you are making a recommendation and the Council will make the decision -- is the first thought for you. The second is -- and I'm not -- I will defer to the chair and to the Commission if you want to reopen the hearing, but I thought I heard pretty clearly from the applicant on a couple of occasions tonight that timeline is important and they want to advance this to the Council for final decision, you know, whether the recommendation is in favor or not, what I heard was that they wanted to proceed with the process, because they had other time considerations.

Grace: Sorry. So, is this an all-or-nothing proposition then? Is it a -- is it a recommended approval or recommended -- or a recommended denial or is it a -- personally just -- I will give you an example from my perspective -- I'm not sure I disapprove of the -- the -- the alternate compliant -- alternative compliance or the -- necessarily the height unless it impacts the density. I -- going from 215 to 279 is -- is my big -- and so I -- I was sort of asking is it an all or nothing proposition.

Starman: So, Madam Chair and Commissioner Grace, I don't want to get too far into the weeds, so tell me if I'm getting too far into the weeds, but as I mentioned or alluded to at least earlier, really, technically, under our code, under the UDC, the Commission is not a recommending body for at least one of the items, which is a -- or that's -- that we discussed tonight and that is the modification to the development agreement. So, that that is really -- you are not charged with making recommendations relative to that, but,

as I mentioned earlier, it's virtually impossible to address an application of this complexity and not deal with it all as one complete application. But, technically, you are not the recommending body on -- on the development agreement modification. The alternative compliance topic gets gray and I would invite Mr. Parsons to help me out here. We -- up until recently we changed the code a few months back -- or maybe a year back now, but previously that was -- that was solely a department director decision. So, similar answer, that's not really within your purview for recommendation either, it really was deferred to the director. We modified our decision making table to say when -- when an alternative compliance is coupled with other actions, like a CUP, then, the City Council does participate. I'm going to ask Bill how -- how do you view the Commission's role relative to alternative compliance when there is a CUP involved?

Parsons: Thank you, Kurt, Madam Chair, Members of the Commission. I think that's -- I think Kurt has -- legal has summarized it very well for you. These things are really -- really coupled. When we changed the code the intent of Council was if there is a DA involved they wanted the CUP -- or the alternative compliance to go concurrent, so they can look at the complete package. So, therefore, all of these applications really default to them to make the decision on all three of them. So, kind of alluding to what legal has advised you, had this not had the MDA you would be the decision maker on the old compliance, because it was coupled with the CUP. That's the difference here. It's that MDA that is carrying everything forward for Council to take under advisement. So, really, you are the recommending body. Just like staff. We gave you a recommendation on the project. Now, it's your turn to pass it on -- or make a decision -- make a recommendation onto City Council for their ultimate decision on the applications.

Starman: So, my -- I would agree with all that. So, my -- my -- this -- this is my practical and pragmatic advice to the Commission is that it's virtually impossible to break these issues apart. MDA's, alternative compliance, CUPs, they all go hand-in-glove as parts of a puzzle. My recommendation is -- and the Council, you know, values the Commission's overall opinion relative the project and elements of the project. So, my -- my advice, just from a practical perspective, is that you deal with the project in its totality, you make your best recommendation to the City Council, including some of those issues we said they are not really technically within your purview. I know that the Council would value your -- your input on those regardless. So, I think that's kind of the practical way to approach it and I think the more feedback and more detail on your recommendation is always valuable for Council Members, but, you know, the Commission needs to gauge how deep you want to get into that.

Grace: Well, Madam Chair, unless -- well, I should ask that if the Commission wants to talk about it, but given that guidance I -- I feel much more comfortable making a motion then.

Lorcher: Commissioners, do you have any other comments? I think you can go forward.

Grace: So, Madam Chair, after considering all staff, applicant and public testimony I move to recommend denial to the City Council of File No. H-2024-0019 as presented during the hearing of -- during the hearing of September 5th, 2024, for the following reasons: And, essentially, those are the increased density based on the -- based on the proposal and potentially the additional height that's being requested to the extent that it increases the amount of units and increases the density.

Lorcher: Do I have a second?

Smith: I will second that.

Lorcher: It's been moved and seconded to deny File No. H-2024-0019 with the aforementioned reasons. All those in favor say aye. Any opposed? Motion carries.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

Lorcher: Commissioners, can I get one more motion?

Grace: Madam Chair, move to adjourn.

Smith: Second.

Lorcher: It's been moved and seconded to adjourn. All those in favor say aye. All those opposed? Motion carries. Thank you. Have a good night.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

MEETING ADJOURNED AT 10:37 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS.)

APPROVED

MARIA LORCHER - CHAIRMAN

_____|_____|_____
DATE APPROVED

ATTEST:

CHRIS JOHNSON - CITY CLERK