

Meeting of the Meridian Planning and Zoning Commission of December 15, 2022, was called to order at 6:07 p.m. by Chairman Andrew Seal.

Members Present: Chairman Andrew Seal, Commissioner Steven Yearsley, Commissioner Patrick Grace and Commissioner Maria Lorcher.

Members Absent: Commissioner Nate Wheeler and Commissioner Mandi Stoddard.

Others Present: Joy Hall, Kurt Starman, Bill Parsons, Stacy Hersh and Dean Willis.

ROLL-CALL ATTENDANCE

_____ Nate Wheeler	___X___ Maria Lorcher
_____ Mandi Stoddard	_____ (Vacant)
__X__ Steven Yearsley	___X___ Patrick Grace
_____ Andrew Seal - Chairman	

Seal: Good evening. Welcome to the Planning and Zoning Commission meeting for December 15th, 2022. At this time I would like to call the meeting to order. The Commissioners who are present at this evening's meeting are at City Hall and on Zoom. We also have staff from the city attorney and clerk's offices, as well as the City Planning Department. If you are joining on Zoom this evening we can see that you are here. You may observe the meeting. However your ability to be seen on screen and talk will be muted. During the public testimony portion of the meeting 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@meridiancity.org and they will reply as quickly as possible. If you simply want to watch the meeting we encourage you to watch this streaming on the city's YouTube channel. You can access that at [meridiancity.org/live](https://www.youtube.com/watch?v=meridiancityorg/live). With that let's begin with the roll call. Madam Clerk.

ADOPTION OF AGENDA

Seal: Okay. With that the first item on the agenda is the adoption of the agenda. Files No. H-2022-0077 for Dutch Bros Ustick and Eagle, H-2022-0013 for Promenade Cottages Subdivision and H-2022-0073 from Meridian OZ -- OZ Apartments will be open for the sole purpose of continuing to a regularly scheduled meeting. They will only open for that purpose. So, if there is anybody here tonight to testify for those applications we will not be taking testimony on them. Can I get a motion to adopt the agenda as presented?

Grace: Mr. Chairman, so moved.

Lorcher: Second.

Seal: It's been moved and seconded to adopt the agenda. All in favor say aye. Okay. No opposed.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

CONSENT AGENDA [Action Item]

1. Approve Minutes of the December 1, 2022 Planning and Zoning Commission Meeting

Seal: Next item on the agenda is the Consent -- Consent Agenda and we only have one item on the agenda, which is to approve the minutes of the December 1st, 2022, Planning and Zoning Commission meeting. Can I get a motion to accept the Consent Agenda as presented?

Lorcher: So moved.

Grace: Second.

Seal: It's been moved and seconded to adopt the Consent Agenda. All in favor say aye. None opposed, motion carries.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

Seal: Now I will take a minute here to explain the public hearing process. We will open each item individually and we will begin with the staff report. Staff will report their findings on how the item adheres to our Comprehensive Plan and Unified Development Code. After staff has made 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 on only once during the public testimony. The clerk will call names individually of those who have signed up on our website in advance to testify. You will, then, be unmuted in Zoom or you can come to the microphone in Chambers. You need to state your name and address for the record and you will have three minutes to address the Commission. If you have previously sent pictures or a presentation for the meeting, it will be displayed on the screen. If you have established that you are speaking on behalf of a larger group, like an HOA, where others from that group will allow you to speak on their behalf, you will have up to ten minutes. After all those who have signed up in advance have spoken, we will invite any others who may wish to testify. If you wish to speak on the topic you may come forward in Chambers or if on Zoom press the raise hand button in the Zoom app. Or if you are listening on a phone please press Star 9 and wait for your name to be called. If you are listening on multiple devices, such as a computer and a phone, please, be sure to mute those extra devices, so we do not experience feedback and we can hear you clearly. When you are finished, if the Commission does not have questions for you, you

will return to your seat in Chambers or be muted on Zoom and you will no longer have the ability to speak. And, please, remember we generally do not call you back up a second time. After all testimony has been heard the applicant will be given another ten minutes to come back and respond. When the applicant is finished responding to questions and concerns, we will close the public hearing and the Commissioners will have the opportunity to discuss and hopefully be able to make final decisions and recommend -- recommendations to City Council as needed.

ITEMS MOVED FROM THE CONSENT AGENDA [Action Item]

ACTION ITEMS

- 2. Public Hearing for Dutch Bros Ustick and Eagle (H-2022-0077) by Andrew Bowman, Barghausen Consulting Engineers, Inc., located at the four (4) lots at the southwest corner of N. Eagle Rd. and E. Ustick Rd. intersection**
 - A. Request: Conditional Use Permit for a new 1,154 square foot, dual drive-through Dutch Bros. coffee restaurant on approximately 1.2 acres of land in the C-G zoning district.
 - B. Request: Development Agreement Modification to allow the requested drive-through use by updating the overall concept plan of the approved Development Agreement (Inst. #2019-121599).

Seal: So, at this time I would like to open the public hearing for Item No. H-2022-0077 for a continuance to January 5th to allow for correction of the noticing error.

Lorcher: Mr. Chair? Mr. Chair?

Seal: Commissioner Lorcher, go ahead.

Lorcher: I move that application -- or Item No. H-2022-0077 be continued to January 5th.

Grace: Second.

Yearsley: Second.

Seal: It's been moved and seconded to continue Item No. H-2022-0077 to January 5th. All in favor, please, say aye. No opposed. Motion carries.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

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

- A. Request: Rezone of approximately 0.535 acres of land from the R-8 zone to the C-G zoning district, 0.326 acres of land from the C-G to the R-40 zoning district, and 6.284 acres of land from the R-8 zone to the R-40 zoning district (6.61 acres of R-40 total).
- B. Request: Preliminary Plat consisting of 30 single-family residential lots, 5 multi-family lots, 2 commercial lots and 8 common lots on 7.64 acres of land in the requested R-40 and C-G zoning districts.
- C. Request: Conditional Use Permit for 90 multi-family units on approximately 2.8 acres in the requested R-40 zone.
- D. Request: Conditional Use Permit for proposed ten (10) single-family detached lots within the requested R-40 zoning district.
- E. Request: Conditional Use Permit to allow the continuance of the nonconforming use of a mobile home park for an extended time period in the requested R-40 zone.

Seal: Okay. I would like to open public hearing number H-2022-0013 for Promenade Cottages Subdivision for continuance to January 19th to allow the applicant more time to provide staff with additional documentation.

Grace: Mr. Chairman?

Seal: Go right ahead.

Grace: I move that we continue File No. H-2022-0013 to our January 19, 2023, meeting.

Lorcher: Second.

Seal: It's been moved and seconded to continue Item H-2022-0013 to January 19th. All in favor, please, say aye. None opposed. Motion carries.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

4. Public Hearing for Meridian OZ Apartments (H-2022-0073) by Realm Venture Group, located at 1475 E. Franklin Rd.

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

zoning district.

Seal: All right. At this time I would like to open H-2022-0073 for Meridian OZ Apartments for continuation in January 19th to work with staff on revisions to the development plan.

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher, go ahead.

Lorcher: I move that application H-2022-0073 continue to January 19th.

Grace: Second.

Seal: It's been moved and seconded to continue File No. H-2022-0073 to January 19th. All in favor, please, say aye. None opposed. Motion carries.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

5. Public Hearing for Guthries Drive-Through (H-2022-0081) by Nicolette Womack, Kimley-Horn, located at 1840 W. Chinden Blvd., near the northwest corner of N. Linder Rd. and W. Chinden Blvd.

- A. Request: Conditional Use Permit for a new approximate 2,083 square foot quick serve restaurant with a drive-through located within 300 feet of an existing drive-through.

Seal: Okay. Now for the real stuff. At this time I would like to open File No. H-2022-0081 for Guthries Drive-Through and we will begin with the staff report.

Hersh: Good evening, Mr. Chair and Commissioners. The applicant is here to discuss their project -- or present their project for Guthries Drive-Through, which is a conditional use permit. The site consists of 0.96 -- or 0.69 acres of land, zoned C-C, located at 1840 West Chinden Boulevard. The history on the property -- the most recent is in 2015 the Commission approved a conditional use permit for a Carl's Jr. that has since expired at that location. The Comprehensive Plan FLUM designation is mixed-use community and a restaurant is a principally permitted use in the C-C zoning district. A conditional use permit is required for a drive-through establishment within 300 feet of another drive-through facility, residential district and existing residents. The applicant proposes to construct a 2,083 square foot restaurant with a drive-through for a Guthries, which will contribute to the mix of uses in the area and provide another fast food option to area residents within close proximity to nearby residential development. There are specific use standards in the UDC that apply to both restaurants and drive-through use. Parking is required. Restaurant uses at one space for every 250 square feet of gross floor area. A minimum of eight spaces are required for this particular project and a total of 25 spaces are proposed, exceeding the UDC minimums. Access is provided from the shared driveway to the east proposed -- or from the property to the east proposed from a driveway

along the northern boundary of the site and on the east along west -- or the northern boundary along West Island Green Drive and the private drive, sorry, on the -- located on the east side of the property. Direct access to Chinden Boulevard is prohibited. A drive-through use also requires the applicant to demonstrate safe pedestrian and vehicle access circulation and between adjacent properties. Site -- safe pedestrian access should be provided from the vehicle stacking lanes -- areas around the drive-through on the site. One is required from the perimeter sidewalk along Chinden to the main building entrance. Staff recommends additional pedestrian accesses to the building along the south side of the drive aisle per UDC 11-3A-19B-4 and a striped pedestrian walkway on the northeast of the site directing patrons to the building entrance. Staff recommends signage be installed ahead of each crossing warning drivers to watch out for pedestrians. Staff finds that the parking stalls to the north should be restricted for employee parking only to maximize pedestrian safety. The applicant has submitted a revised -- a revised site plan that demonstrates a better pedestrian circulation from the site plan that differs from staff's. So, staff's is on the left and the applicant's proposed is on the right. Staff supports the changes as proposed by the applicant and staff recommends a modification in addition to the condition in the staff report under Section 7-A, planning, 2-C, to reflect the pedestrian walkway changes. The site plan also shows the stack lane is a separate lane from the drive aisles and parking which provides access to the rest of the development. The proposed site layout places a drive-through -- through that starts at the northeast portion of -- corner of the site of the building and goes all the way around that -- with exits at the northeast corner and west side of the building. Also shows the pickup window on the west side of the proposed restaurant. Street buffer landscaping was -- was installed along Chinden Boulevard with the Chinden and Linder Crossing Subdivision improvements and that must be -- remain and be protected during construction on the site in accordance with UDC 11-3B-10-C3. Conceptual building elevations were submitted for a single story building and that incorporates a mix of materials consisting of EIFS, brick veneer, metal awnings, metal coping, downspouts, windows and metal roofing. The final design of the structure is required to comply with the design standards listed in the Architectural Standards Manual. We had a written a petition signed by numerous neighbors that live within the Spurwing -- or Spurwing Challenge Subdivision. This was included as part of the public record under public comments. The primary concern is with the excess traffic due to another restaurant with a drive-through that will bring to the neighborhood and staff recommendation for this project is approval with the conditions listed in the staff report, with the modification as requested by the applicant, and staff will also need a motion of approval to change the condition in the staff report. Thank you. That concludes the presentation.

Seal: Thank you very much. Would the applicant like to come forward? Good evening, sir. We will just need your name and address for the record and the floor is yours.

Candrian: Awesome. Thank you, Chair and Commissioners. My name is Connor Candrian. 1100 West Idaho Street, Boise, Idaho. Can I see the presentation from this point?

Starman: Madam Chair, could you pause the clock, please.

Candrian: There we go. And am I -- and am I able to control it from here? Oh, got you. Cool. All right. Like I said, thank you Commissioners and Chair for allowing me to present. I'm here to present on behalf of -- behalf of Guthries for the drive-through restaurant CUP. Here is the applicant team. Myself, Lauren Pitcher and Nicolette Womack, all with Kimley-Horn. The timeline for the project. We had a preapp meeting in September. Hosted a neighborhood meeting in October. Submitted application for the CUP in October. And here we are tonight at the P&Z hearing. Here is the vicinity map for the project. As mentioned, this is a 0.96 acre site. It's currently a vacant lot. The future land use map is a mixed use community. The zoning map is zoned as community business. This is the site plan that was submitted with the CUP application and, then, the updated site plan that Stacy had presented on that addresses the conditions set forth. The proposed landscape plan. Conceptual elevations. And just to recap the staff report, mechanical equipment, trash enclosure must be screened. Pedestrian access and materials need to be looked at. Adding additional signage. Existing and proposed landscaping requirements. Adding a bicycle rack. And, then, the business hours restricted to 6:00 a.m. to 11:00 p.m. and no direct access to Chinden. We have reviewed the staff report and are in agreement with all the conditions. Our requested action is for approval of the conditional use permit and that's all I have. Thank you.

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

Grace: Mr. Chairman, I have a question for staff.

Seal: Go ahead, Commissioner Grace.

Grace: You mentioned there was a petition that was available in the packet. I was just having some trouble locating that. Could someone direct me to where I might find --

Seal: It's in the public testimony portion.

Grace: Right. And I was -- I usually can find that, but it's -- am I missing something here or -- I just wanted to take a peek at that petition. Here is the -- yeah. Don't let me hold you up.

Seal: Okay. I was going to say, if there -- if there is a question coming out of it we will -- we will get it here in a little while, so --

Grace: Okay.

Seal: Okay. If there is no questions we will go ahead and have you take a seat and we will open up the public testimony portion. Madam Clerk.

Hall: Yes. And we have several signed up and they had a particular order that they wanted to speak in. So, whoever wanted to speak first, please, come up.

Callison: Thank you, Commission. Can I ask -- this is the first time I have done this. Can I ask questions before I start?

Seal: Yeah. We will need your name and address for the record, please. And then -- you can ask questions, but this isn't a back and forth dialogue, so --

Callison: Understood. It just would change my -- my discussion. First, my name is Ron Callison. My address is 2066 West Three Lakes Drive.

Seal: Please speak into the microphone as well.

Callison: Sorry. Ron Callison. My address is 2066 West Three Lakes Drive and that connects directly to Island Green that -- that connects to the development. I -- I just had one question. I was wondering -- I couldn't find it in any of the materials. Was there any kind of traffic study done around the volume of traffic coming in or out of this particular development and is that available to citizens?

Seal: I was going to say -- I will probably refer to staff, but my -- my answer is going to be that the -- the traffic study that was done for this, because there was a previous CUP that was approved for this area, was probably not required. But that's --

Callison: Okay.

Seal: -- I will -- I will let staff authoritatively respond to that.

Hersh: Chair and Commissioners, there was not a required traffic study for this project.

Seal: Okay.

Callison: Okay. Fair enough. Thank you. So, as I said, my name is Ron Callison. I am one of the members of the Spurwing Challenge Homeowners Association. I'm not the only one that wants to speak. But I am part of that -- that -- that homeowners association and wanted to -- wanted to speak tonight. I'm speaking because I have serious concerns about the traffic safety problem within our neighborhood and I'm opposed to making it even worse by adding yet another high volume restaurant without considering the impact to our specific neighborhood and if I can direct your attention to our neighborhood on the screen, it's outlined in red. Island Green comes out of the -- comes out of the commercial development and connects to West Three Lakes Road where I'm -- where I am -- I am a residence. That -- if I can just describe that to you briefly. That is a 17 -- 17 property neighborhood. There is four houses in the cul-de-sac that are kind of tucked away. There is 13 on -- on Three Lakes Drive specifically. And it's roughly a thousand feet long. It's two and a half football fields long and it is -- the neighbors -- the -- the -- the folks in the -- in the -- in the community have children. They have grandchildren. Some of them have elder parents that all are active in that -- in our particular neighborhood. And what we are seeing -- what we are seeing in our neighborhood is that -- what we would think would be a standard normal, pleasant, you know, one street -- one street neighborhood with no

existing streets coming in from the sides, no existing traffic, we thought it would be a very nice, pleasant neighborhood and -- and it's not and it's not safe and the reason we don't believe it's safe is -- I'm done at three minutes?

Seal: If you could wrap up, please.

Callison: Pardon me?

Seal: If you could wrap up, please. Yes, sir.

Callison: Wow. Okay. So, what's happened is with Chinden and that commercial development, we are the path of least resistance. We are a connector or a collector road where people come -- traveling eastbound come in off Long Lake, come speeding through our neighborhood and are easily in that development without having to stop at any lights. Likewise to get out of the development they come out through our neighborhood. They don't use the other access points. They speed through our neighborhood unimpeded. They go out Long Lake, right-hand turn on Chinden, and they are free to go west and that is the core -- that's the core of our problem. We would like to -- we would like to suggest that you not approve this and we are not against development and we are not necessarily against Guthries, but we are against people getting hurt, potentially killed in our neighborhood with the amount of traffic and the speed of traffic in the neighborhood.

Seal: Okay.

Callison: Thank you.

Seal: Quick -- quick question and, staff, you might be able to help with this. Are those ACHD roads in the subdivision or are those private roads?

Parsons: Mr. Chairman, Members of the Commission, those are dedicated right of ways. They are ACHD roads.

Seal: Okay.

Parsons: Except for the north-south portion of the -- the -- along the west boundary of the Guthries site, that is a private connection to Chinden there. But everything else is -- is a platted street.

Seal: Okay. And I will -- because I would imagine there is going to be several more people that are going to probably come up and -- and speak to the -- speak to traffic, unfortunately, if -- the roads are owned by ACHD and ACHD says that it's okay, that limits us as to having any ability to take action on that. So, unfortunately, ACHD is the -- they are the people that control the roads. That they own that road space and the report that they wrote for us showed that -- indicated that by their standards it's acceptable.

Callison: But that wasn't recent; right? That was when this was started to develop. Could we possibly -- I mean can this committee -- commission make a recommendation that they look at that again because of the increases in volume? Like we are seeing up to 3,000 cars a day go through our neighborhood.

Seal: Understood. And we are all a little frustrated with that, the amount of traffic that we are seeing, but at this point I would say we -- we are likely not able to do that.

Callison: So, you couldn't make a recommendation to ACHD to look into this, we would have to do that?

Seal: Correct.

Callison: Fair enough. Thank you.

Seal: Thank you. Madam Clerk.

Frohnmayr: Thank you. You are going to hear it again.

Seal: Ma'am, we need your name and address.

Frohnmayr: Yes, please. Terri Frohnmayr. 2102 West Three Lakes Drive, Meridian. As stated earlier, our neighborhood in Spurwing Challenge Estates has a real safety issue with the increase in fast moving traffic, utilizing residential -- residential streets as an access to the commercial center and from traffic just cutting through our neighborhood to avoid traffic lights. I was one of the near misses on West Island Green Road utilizing the golf cart crossing. I was nearly T-boned. Shook me up horribly. We have noticed a considerable increase in traffic and speed just over the past two years. Our neighborhood families with children and pets are very concerned with children biking and even walking on the sidewalks. It is a common hot topic discussed by our neighbors. These issues are not manufactured by our neighborhood. During the 2014 entitlement land use process for the Chinden and Linder Crossing, various concerns were identified and memorialized. Number one, regarding West Green Drive, ACHD conditioned the developer to construct traffic calming within the roadway west of the private drive. Per ACHD this was in order to reduce speeding vehicles traveling through the -- traveling through the Spurwing subdivision. Number two. Meridian City Council was concerned about cut-through traffic with the development of the commercial property. Staff was to ensure traffic calming was incorporated into the street design. Number three. The public hearing August 14, 2014. A key issue of discussion by City Council was limiting the location of any fast food restaurant to minimize impact to the adjacent residence. At that time comp plan policy 3.06.15 was applicable and recognized for this 2014 development. The policy stated: Protect existing residential properties from incompatible land use development on adjacent parcels. The 2014 mitigation -- mitigation effort, the traffic calming element has had absolutely no effect on the volume and speed of the vehicles entering our neighborhood. The impact of these -- the issues today has magnified beyond anyone's anticipation back in 2014. As a result, our neighborhood safety is extremely

compromised and our livability and quality of life is diminishing -- diminishing. Retail, industrial -- office and industrial services are an integral part of any community. In my work experience well planned commercial developments were encouraged, promoted and welcomed by communities. However -- and this is a big however -- residential properties had priority. The neighborhoods were protected and the neighborhoods had standing, especially when it came to traffic impact. Our neighborhood wants standing. We live here. These are our homes. So, in closing, I object to the Planning and Zoning Commission approving this conditional use permit. Please allow our neighborhood time to engage with the appropriate authorities to address our issues and find solutions before this permit is approved. The additional high volume traffic generated by the applicant's use will only compound our ongoing safety and livability issues. And I thank you for your consideration.

Seal: Thank you very much. Commissioner Grace, go ahead.

Grace: Chairman, just a quick question. If -- if you know, Terri.

Frohnmayr: Yes.

Grace: Do you -- what represents the -- the largest portion of the cars going through? Is it people cutting through or is it people using those commercial establishments? Again if you know.

Frohnmayr: I don't -- excuse me. I don't know for sure. We have watched and you -- you have plenty of cars cutting through coming south on -- on Linder, taking a quick right and they will -- they will hit the -- hit that private road and, then, connect on Chinden again, just to miss the -- the -- the light. But a lot of them will turn right and head right down our neighborhood. But a lot of people also coming from the west side, they cut in Long Lake Way, drive down our -- our -- our street into the center, whether it's the liquor store, the car wash. We are not opposed to -- to commercial. I was a commercial broker for 35 years and -- but I have never seen anything like this, where the -- the consideration of downstream on these -- these connecting streets -- because that's what I have read, connecting. But the downstream is just -- we are -- we are really getting hammered and I'm really afraid that someone eventually is going to get killed.

Grace: Thank you.

Frohnmayr: You are welcome. Thank you.

Seal: Thank you much. Who would like to come up next? Good evening, sir. We will need your name and address, please.

W.Frohnmayr: Oh, sure thing. I'm William Frohnmayr and I live at 2102 West Three Lakes Drive. Having kind of observed what's going on here, I have -- the rapid growth for the City of Meridian in the past few years clearly -- it was not anticipated when the planning decisions were made relative to the Spurwing Challenge Estates in the Chinden

-- Chinden and Linder Crossing Center in 2012, '13 and '14. In retrospect, connecting a neighborhood local street to a commercial center was a poor decision, which added little value to the commercial center as it already had two access streets. As a result our neighborhood streets, West Three Lakes Drive and West Island Green, now operate as high traffic commercial collector streets and I have also become -- become aware of the -- what we call the shortcut traffic, which is originating in east and west Ada county and Canyon county, who want to avoid two traffic lights. The traffic light at Chinden and Linder and the second one at Chinden and Long Lake Drive -- Long Lake Way. In the afternoon it's amazing. If you go up and sit in the -- in the -- in the commercial center at the number of vehicles traveling from the Eagle area on Linder, who turn off onto -- in Island Green Drive, through the commercial center, and, then, proceed through our neighborhood to rejoin Chinden at Long Lake Way. Many times -- or many of them also turn onto the private street east of the Primary Health clinic to get back on -- on southbound or westbound on Chinden, a move to avoid the traffic light at -- again, it's a move to avoid the traffic light at Chinden and Linder. Clearly those who are not to turn onto the private road have not yet found out that by driving through our neighborhood they could basically avoid both traffic lights. I assume that as -- as the Guthries is approved and you have a thousand more cars per day using the center -- commercial center, a bunch of them are going to come down our way and pretty soon everybody's going to find out the way to avoid the lights is to basically drive through our neighborhood. Now, the Chinden and Linder Crossing Center already has a high level of auto oriented use. Seventy-five percent of the businesses, including Guthries, are included in that 75 percent if -- if Guthries goes through. And before the -- the Guthries conditional use is approved, I guess what we are looking for is that we need to have some corrective action to basically keep from devastating -- their traffic devastating our neighborhood has it already has and I guess we support growth of new commercial businesses, but not when it contributes to the demise of the quality of life, livability, and the safety of our neighborhood Spurwing Challenge Estates. Thank you.

Seal: Thank you, sir. Appreciate it. Any questions from Commissioners? Okay.

W.Frohnmayr: Thanks.

Seal: Good evening, sir. Need name and address, please.

Stuart: Good evening my name is Neal Stuart. I live at 2148 West Three Lakes Drive with my wife. We are longtime Meridian residents. In fact, we both attended elementary school just right down the street over here. Trish and I are concerned and you have been hearing that from everyone -- regarding the traffic and the speed and so forth and so we have those same concerns. For us it's more of a personal issue because of grandchildren. Our children come over with our grandchildren. When they do park on the street, just exiting children out of the cars and car seats and so forth is -- is really a concern. So -- and I'm hearing you -- you -- that, you know, the -- the safety issue and the -- and the traffic issue may be -- you know, an Ada County Highway District concern, but, anyway, we are voicing it anyway. So, one thing that I would like to -- to bring up is it's quite interesting is that if you are coming from the west on Chinden and through a

Google Maps -- say you are coming from Costco let's say and you -- you Google Map to go to Primary Health and, then, you would also -- Guthries would be right similar to that, the actual mapping of that takes you left on Long Lake, down West Three Lakes Drive and into Primary Health and, then, most likely will be the same thing going into -- into Guthries versus the three or four minutes longer to go all the way up to the Linder intersection, head -- head north on Linder and, then, take the -- enter on the east side of that -- of the commercial development. Anyway our -- our grandchildren, they are three to 11 years old and whether -- you know, if they are riding, you know, small toys or -- or bikes or whatever, you know, we are concerned with them on the sidewalk and -- and the -- and the lower part of our driveway and that's a big concern for us. As you have heard, our street is being used as more of a thoroughfare, you know, as identified by even through the Google Map mapping of how to get, you know, to -- to the commercial development. As stated earlier, it's affecting our livability and, you know, Teresa and I, my wife, respectfully request that these concerns be heard in making this determination. Thank you.

Seal: Thank you very much. The only one left over there, ma'am. No? Okay.

Hall: I have no one else signed up.

Seal: Okay. It looks like Chris online is raising his hand.

Johnson: Hi, Commissioner Seal. This is Chris Johnson, city clerk. I just sent a message. Youtube is not running, so I just wanted to point that out, so the clerk can get that running for those who may be watching from home. That's all I have. Thank you.

Seal: Thank you, Chris. Appreciate it. Joy, do you want to take a -- should we take a quick break, so we can get that -- okay. We will take about a five minute break here and see if we can get that to work.

(Recess: 6:45 p.m. to 6:49 p.m.)

Seal: All right. We will go ahead and reconvene and since Chris was our -- the last person for public testimony, unless anybody else -- there is nobody new in here. Nobody else online raising their hand, so would the applicant like to come back up? But -- but before you start I will -- I will talk to it a little bit, because the traffic considerations that are here are -- we, as a city, don't always agree with what we get from ACHD, but they do own the roads, they are the authority on it. So, unfortunately, we have to -- if they, being the authority, to tell us that those roads can handle this, we have to abide by that. So, with that I will let the applicant, please, come up and present any additional information that you would like.

Candrian: Yeah. I would just like to add that we do hear the concerns, but as the Commissioners and staff have said, you know, ACHD did not recommend a -- a traffic study for this development, but we hear the concern. I'm a -- I'm a new father, so I -- I feel that, you know, I would be concerned about my -- my kids safety, too, with cut-through

traffic, but, unfortunately, we were not required to do a TIS report from a design perspective on the site. As it pertains to traffic, the access to the east is existing and the access to the west that we are proposing is aligned with the Primary Health access. We felt that this was the -- the best case scenario we could design our accesses to for the site. So, that's all I have.

Seal: Okay. Thank you very much. Can I get a motion to close the public hearing for File No. H-2022-0081?

Grace: So moved.

Lorcher: Second.

Seal: It's been moved and seconded to close the public hearing for File No. H-2022-0081. All in favor, please, say aye. None opposed. Motion carries.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

Seal: Who would like to go first?

Yearsley: Mr. Chair?

Seal: Commissioner Yearsley, please, go ahead.

Yearsley: So, the only action that we have today is to approve or disapprove the drive-through and that's really our -- our -- our action. The restaurant itself is a principal permitted use. I -- I do understand the homeowners' frustration about traffic. But I don't know -- the way it sounds to me it's not related to this facility and my recommendation would be to reach out to ACHD. I know in our subdivision we have had similar instances where we have had high speed traffic and they have come out and done studies and -- and have identified traffic calming measures to help, you know, try to minimize traffic or slow traffic down. A couple of things that they have done in our subdivision is actually making the -- the roadway a little narrow in spots to have areas where they make -- kind of force traffic to slow down. I would recommend they go this -- that direction. For this application I -- I can't see their requesting denial has basis on the drive-through itself. So, I -- I would stand in favor of the application.

Seal: Thank you, Commissioner Yearsley. Anybody else want to throw out their -- their thoughts?

Grace: Mr. Chairman, yeah, I -- I tend to agree with Commissioner -- what Commissioner Yearsley indicated. I -- as a resident pretty close to that area I'm very sympathetic. I -- I deal with the Rocky Mountain traffic in my -- in my neighborhood and subdivision routinely and the drivers are young and inexperienced. So, I am sympathetic. But I -- I'm also mindful of what is before us and I can't help but think also that I'm -- I'm having a hard time coming up with any other commercial establishment that would be in that location

that might not cause or yield the same results, so -- for the neighborhood. So, that's all I have to say.

Seal: Thank you. Commissioner Lorcher, do you have anything to add?

Lorcher: No.

Seal: Okay. Yeah. Similarly I'm the same place, but sympathize for the situation, but, again, for the most part by the time it gets here, if ACHD has given the report that all is well, that limits what we can do with an application like this. So, especially, where it's a conditional use permit. I mean -- the property is already in the city and -- and has been, so -- I do want to say I do appreciate some things that staff has put in there as far as the recommendations that were made and, then, the applicant's proposal for the -- essentially the pedestrian traffic. So, I live in this area myself. I'm a frequent bike rider, as are my kids. My wife. So, we ride to this area for, you know, recreation and dining. So, it's nice to have that kind of as an element to -- to the building that's there and to the establishments. So, I also do -- ironically, I live in a subdivision where I have just the opposite problem with traffic. So, I live by a golf course and so we have a lot more people going to that golf course and we have a similar problem where we are seeing just the influx of people causing enough of a rise in there that is causing a lot more traffic in our subdivision. So, unfortunately, it exists everywhere. You are not alone in that. And with that I would be more than happy to hear a motion.

Grace: Mr. Chairman, after considering all staff, applicant, and public testimony, I move to approve File No. H-2022-0081 as presented in the staff report, including all staff recommendations for the hearing date of December 15th, 2022.

Lorcher: Second.

Seal: Quick question. Bill, is that enough to cover the condition -- or, Stacy, is that enough to -- enough to -- I'm going to be able to talk eventually. The 8A-2C?

Hersh: We just need you to state a motion that you are accepting -- or approving the revised change that staff recommended.

Grace: Oh. Okay.

Hersh: We can pull up the slide.

Seal: Yeah. The revision was to 8A-2C, if you want to amend your -- your motion.

Grace: So, I'm not -- I guess I'm not following, Mr. Chairman. What's the revision to the motion then?

Seal: It's on the screen. I would read it, but that would be redundant.

Grace: So, you just want me to read this?

Seal: You can or summarize it if you would like.

Parsons: Yeah. Commissioner Grace, you can just say revise the condition A2.C as -- as stated in -- in tonight's presentation and we will make sure it happens.

Grace: Okay. So, Mr. -- Mr. Chairman, I would make the same motion I made -- if I have to make it again I can, but the same motion I made, which also would include recommending a revised condition to Section 8A-2C as is included in the staff report.

Seal: Does the second stand?

Lorcher: Yes.

Seal: Okay. It's been moved and seconded to approve File No. H-2022-0081 with the mentioned modifications. All in favor, please, say aye. All -- all in favor, so motion passes. Thank you very much.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

6. Public Hearing for KeyBank Meridian Branch (H-2022-0076) by HSB Architects + Engineers, located at 3513 W. Chinden Blvd.

- A. Request: Conditional Use Permit for a drive-through establishment within 300 feet of another drive-through establishment, an existing residence and residential zoning district on 1.04 acres of land in the C-G zoning district.

Seal: Okay. All right. And with that we will open the public hearing for Item No. H-2022-0076 for KeyBank Meridian Branch and we will begin with the staff report.

Parsons: Thank you, Mr. Chairman, Members of the Commission. The last item on the agenda this evening is the KeyBank Meridian Branch conditional use permit. The subject property consists of 1.04 acres of land, currently zoned C-G and it's located at 3485 West Chinden Boulevard, which is the Lost Rapids Subdivision. History on this site -- recently City Council just approved a short plat for this property. So, the lot that you see here in this graphic isn't the actual configuration of the property. The applicant will be required to record that short plat and create the lot that this particular development will develop on I should say. So, here -- you can see here on this graphic on the left-hand side you can see where the short plat created two lots. So, KeyBank is going on the left lot -- one of the lots and, then, this is an additional lot that will be created as part of that short plat process and it will come in with a different user at some point in the future. Don't know what that is at this time. Just doing some quick math in my head before the hearing, I think this is the seventh or eighth drive-through on this particular property, just to bring that to your attention. Typically we -- you know, as you know with the pandemic drive-

throughs have become very popular and so this is one of those instances where we are getting quite a few drive-throughs on the site. So, as -- back in 2019, I believe, the Comprehensive Plan designation for this property was changed to commercial to allow for the development of the Costco Lost Rapids property and so, again, this is one of the commercial lots as well. So, the applicant is here tonight -- or at least online tonight to discuss with you developing a 3,400 square foot bank branch on the site, with the associated drive-through. The reason for the drive-through is because, one, this drive-through is located within 300 feet of an existing drive-through and also located within 300 feet of a residential zoning district to the west. So, they are hitting all the right items to require this body to act on this application tonight. I would let you know that this branch will serve the area. So, there is another bank branch that was approved and constructed and operating just to the east of the site as well, but it's, again, a different financial institution. If you had a chance to look at the staff report, you -- you would note that staff did mention that this is required to comply with all UDC standards for drive-through uses, self -- trying to think of -- the ATM. There is an ATM as well, which is self-service uses. That's UDC 11-3A-16. So, visibility needs to be part of that and that would be located on the west side here. One of the interesting things about this particular site is when the short plat was approved recently we did place a condition on the project that access would be from the south and the reason for that -- the reason why we did restrict access, one, Chinden, we don't allow direct lot access to Chinden. But, two, this driveway here is a direct connection to Chinden and we wanted to minimize conflict with residents -- or cars coming off of Chinden and entering the site. So, we had placed that condition to have the shared access come in off the south boundary. Also mention to you as part of the subdivision approval, this development does have cross-access between all the lots within the commercial development. Code does require specific parking standards for this use. The site plan this evening shows 16 parking spaces, which is in excess of the code requirements. Applicant also submitted a concurrent development -- excuse me -- a concurrent design review application with this project. As you know design review applications are reviewed at staff level and -- and approved by the director and so the design that I'm showing you tonight has been approved by staff and so there is no action for you on that this evening. Looking at the public record I did not see that any public testimony was provided on this application. I would mention to you that we did receive written testimony from the architect, the applicant, and I wanted to also let the Commission know that as of 5:00 o'clock this evening I did receive an e-mail from Public Works. There was a condition of approval that I need to have you strike this evening and that would be Public Works site specific condition number four. It refers to reimbursement for the street lights along Chinden. That has already been taken care of or paid by Costco when the development was approved. So, that condition is no longer necessary as part of the project. So, staff is recommending with the conditions in the staff report and with the recommendation that you strike that Public Works condition. With that I will conclude my presentation and stand for any questions you may have.

Seal: Thank you very much, Bill. It looks like the applicant is online. Ben, if you want to go ahead and unmute, the floor is yours.

Gingrich: Good evening. Ben Gingrich. I'm with HSB Architects and Engineers representing KeyBank. My address is 1250 Old River Road, Cleveland, Ohio. I don't have much to add, other than the report that was just given by -- by staff here. Our new bank branch is -- is, obviously, going to serve the community. We have put together a nice design here, which we think really emphasizes, you know, sort of pedestrian scale here with these canopies. We are here tonight to go for conditional use on the drive-through. I would try to differentiate ourselves as a bank branch. We are a little different than, you know, similar drive-through uses of restaurant use. As a bank branch we typically see around, you know, maximum four stacking spaces going into a drive-through. The ATM is the -- is the lane adjacent to the building and that's a 24 hour use there and, then, our auto teller lane is the next lane and that has become really crucial, especially during this sort of pandemic time when people don't want to get out of their car, they want to be able to take care of any kind of bank transactions, speak with a -- a member of staff directly from their car. So, you know, I think that the use is appropriate for this district and appropriate for this parcel here out in front of Costco and with that we -- we responded to all the staff comments. The only thing we were -- we were going to look for alternative compliance on was the east property line. The -- the comment was that we needed a five foot landscape buffer. We are going to request alternative compliance to utilize the same five foot buffer as our -- our neighboring property. It's our -- our -- our civil engineer's belief that that -- that meets the standard. We will file any kind of easement that's required to reciprocally maintain that landscape buffer. So, there would be a five foot buffer between our lot and the next lot and we will apply for that through the alternative compliance path concurrent to the CZC. With that I will -- I think that's all my comments. Pretty straightforward and -- and we are looking for your support this evening. Thank you.

Seal: Thanks very much, Ben. Appreciate it. Since there is nobody else online, sir, would you like to -- there is one person in Chambers. Would you like to testify on this? No? Okay. With that -- oh. I was going to say, Commissioners, do we have any questions for the applicant or staff?

Yearsley: I don't.

Seal: Okay. That's a no. If there is anything further that the applicant would like to add, otherwise, we will close the public testimony portion.

Gingrich: Thank you all of your time this evening.

Seal: All right. Thank you very much. Okay. At this time I will take a motion to close the public hearing for File No. H-2022-0076.

Lorcher: So moved.

Grace: Second.

Seal: It's been moved and seconded to close File No. H-2022-0076. All in favor, please, say aye. None opposed. Public hearing is closed.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

Seal: This one seems to be pretty straightforward, but if anybody has any questions, concerns or comments, Please, feel free. Or a motion.

Grace: Mr. Chairman, just a clarification. So, any --

Seal: Commissioner Grace, go ahead.

Grace: -- motion that was -- would be made would be to -- I can't talk either. Any motion would need to include the removal of the fourth Commission condition from Public Works related to the reimbursement agreement; is that accurate?

Seal: Yes. I mean specifically it was strike the site specific condition number four is what I heard.

Grace: Okay.

Lorcher: You can go.

Grace: Mr. Chairman, I will give it a shot then.

Seal: Go right ahead.

Grace: After considering all staff, application, and public testimony, I move to approve File No. H-2022-0076 as presented in the staff report for the hearing date of December 15th, 2022, with the following modification. Striking the fourth site specific condition under the Public Works related to the reimbursement agreement.

Lorcher: Second.

Seal: It's been moved and seconded to approve File No. H-2022-0076 for the KeyBank -- KeyBank Meridian Branch with the modifications noted. All those in favor, please, say aye. None opposed. Motion carries.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher, go right ahead.

Lorcher: I move we adjourn.

Seal: Do I have a second?

Yearsley: Second.

Seal: It's been moved and seconded that we adjourn. All in favor, please, say aye. None opposed. We are adjourned. Thank you all very much.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

MEETING ADJOURNED AT 7:08 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS.)

APPROVED

ANDREW SEAL - CHAIRMAN

_____|_____|_____
DATE APPROVED

ATTEST:

CHRIS JOHNSON - CITY CLERK