

Meridian Planning and Zoning Meeting

March 3, 2022.

Meeting of the Meridian Planning and Zoning Commission of March 3, 2022, was called to order at 6:00 p.m. by Chairman Andrew Seal.

Members Present: Chairman Andrew Seal, Commissioner Steven Yearsley, Commissioner Nick Grove, Commissioner Maria Lorcher, and Commissioner Mandi Stoddard.

Members Absent: Commissioner Nate Wheeler and Commissioner Patrick Grace.

Others Present: Adrienne Weatherly, Kurt Starman, Bill Parsons, Sonya Alan, Joe Dodson, Alan Tiefenbach and Dean Willis.

ROLL-CALL ATTENDANCE

_____ Nate Wheeler	___X___ Maria Lorcher
__X__ Mandi Stoddard	___X___ Nick Grove
__X__ Steven Yearsley	_____ Patrick Grace
_____ Andrew Seal - Chairman	

Seal: Good evening. Welcome to the Planning and Zoning Commission meeting for March 3rd, 2022. At this time I would like to call the meeting to order. The Commissioners who are present this evening are at City Hall and on Zoom. We also have staff from city attorney and 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, take 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 quick as possible. If you simply want to watch the meeting we encourage you to watch the streaming channel on the city's YouTube channel. You can access it at meridiancity.org/live. With that let's begin with a roll call. Madam Clerk.

ADOPTION OF AGENDA

Seal: At this time we need to -- or the first item on the agenda is the adoption of the agenda. This evening we have Pinedale Sub, H-2022-0001, will be open for the sole purpose of continuing to a regularly scheduled meeting. They will all -- they will open only for that purpose, so if there is anybody here tonight to testify on that particular application we will not be taking testimony on it this evening. We will also move that to the top of the agenda for continuation. So, at this point can I get a motion to adopt the agenda as amended?

Lorcher: So moved.

Grove: Second.

Seal: It has moved and seconded to adopt the agenda. All in favor say aye. Any opposed? Okay. Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

CONSENT AGENDA [Action Item]

1. Approve Minutes of the February 17, 2022 Planning and Zoning Commission Meeting

Seal: Next item on the agenda is the Consent Agenda. We have one item on the agenda, which is to approve the meeting -- the minutes of the February 17th, 2022, Planning and Zoning Commission meeting. Can I get a motion to accept the Consent Agenda as presented?

Grove: So moved.

Lorcher: Second.

Seal: It's been moved and seconded to adopt the Consent Agenda. All in favor say aye. Any opposed? Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

ITEMS MOVED FROM THE CONSENT AGENDA [Action Item]

Seal: There are no department reports this week and at this point I would 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 the 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 the -- the names individually of those who have signed up on our website in advance to testify. You will, then, be unmuted on Zoom or you can come to the microphones in chambers. Please state your name and address for the record and, then, you will have three minutes to address the Commission. If you have previously sent pictures or presentation for the meeting it will be displayed on the screen and our clerk will run the presentation. 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 others who may wish to testify. If you wish to speak on the topic you may come

forward in chambers or on Zoom, press raise hand -- press the raise hand button on the Zoom app. If you are only 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 or phone, please be sure to mute the extra devices, so we do not experience feedback, so 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 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. 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 find -- make a final decision or recommendations to City Council as needed.

ACTION ITEMS

- 5. Public Hearing for Pinedale Subdivision (H-2022-0001) by Pine Project, LLC, Located at 3275 W. Pine Avenue (Parcel #S1210417400)**
 - A. Request: Annexation and Zoning of 1.22 acres of land with a request for the R-15 zoning district.
 - B. Request: A Preliminary Plat for 12 building lots and 2 common lots on 1.22 acres in the requested R-15 zoning district

Seal: So, at this time I would like to open the public hearing for Pinedale Subdivision, H-2022-0001, for continuance. And I think at this point we are looking for a date to continue that to.

Weatherly: Mr. Chair, the 17th of March currently has four hearings on it. The 3rd -- or, sorry, the 7th of April currently has three hearings on it and that date is still open for noticing. So, I will default to staff as well for their opinion.

Seal: Does that work for staff, the 7th probably?

Parsons: The 7th works fine with us.

Seal: Okay. I will take a motion.

Grove: Mr. Chair?

Seal: Go ahead.

Grove: I move to continue file number H-2022-0001, Pinedale Subdivision, to the hearing date of April 7th.

Lorcher: Second.

Seal: It has been moved and seconded to continue the Pinedale Subdivision, H-2022-0001, to the date of April 7th, 2022. All in favor say aye. Any opposed? Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

2. Public Hearing Continued from February 17, 2022 for Meridian U-Haul Moving and Storage (H-2021-0085) by Gurnoor Kaur of Amerco Real Estate Company, Located on Parcel R8257510015 and at 1230 and 1270 E. Overland Rd., Near the Northwest Corner of E. Overland Rd. and S. Locust Grove Rd.

- A. Request: Conditional Use Permit to allow self-storage, ancillary retail, and warehousing and vehicle and equipment with outdoor display.

Seal: All right. So, now I would like to open -- or continue the public hearing for Meridian U-Haul Moving and Storage, H-2021-0085, which was continued from February 17th, 2022, and we will begin with staff report.

Tiefenbach Greetings, Planning Commission. Alan Tiefenbach, associate planner. Yeah, this was continued due to some sign posting issues. This is a proposal for a conditional use. The site consists of just a little more than six and a half acres. It's zoned C-G. It's located at the northwest corner of East Overland Road and South Locust Grove. So, if you know where the climbing gym is, it's behind the climbing gym next to a church. There is a roofing company there and as well as I believe a daycare. A quick little background on this. Okay. So, this is a request for a conditional use to allow self-storage, vehicle and equipment rentals, with outdoor display and some retail. The property consists of three lots, totaling, again, six and a half acres. It was annexed into the city in 1999 as what was called the Overland Storage Annexation. That development agreement at the time allowed the construction and development of only a mini-storage facility, consisting of eight buildings. It's very specific about that. There was a conditional use permit that was approved for this in 1999. There was a final plat that was recorded, which was called the Pack It Up Subdivision. Although the final plat was recorded, the conditional use for the self storage was never completed. This proposal is also for a conditional use and is to allow self storage, rental, and outdoor display. As I mentioned, the existing development agreement was very specific about what you could do there. Because they wanted to also allow the outdoor equipment rental, they had to do an amendment to the development agreement. Council did approve that development agreement, so that's been done now. This is the next step in that process. So, this is the site plan. I know it's a little tough to -- to make it out, but what they are doing here is eight buildings, ranging in size between a hundred thousand square feet to fourteen thousand square foot. So, if you -- see if I can see my printer here -- or, sorry, my pointer. So, there is building one, two, three, four, five, six, seven, eight. And, then, the outdoor equipment storage would be in this area. There are -- one of the things I want to mention, just go through the site plan real quick, there is a couple of buildings that don't meet the minimum spacing requirements. There is specific use standards for self storage and one

of these say that all the buildings have to be at least 25 feet in separation. That's not met right here and there is another part right here where it's not met and that's not met here. So, the applicant will have to revise this site plan accordingly to meet those requirements. One -- one concern that staff has is on the south side of Overland, directly across the street, is mature existing residential properties. Because of the high visibility of this site and, again, because of those residential uses, staff did have concerns regarding the equipment being scattered abroad on that site. We didn't have issues with the actual U-Haul trucks, but we do know that sometimes these self-storage facilities, the equipment has a tendency to grow and end up all over the place, so one of our conditions of approval is that they would be allowed to have the -- the operable moving -- operable -- operable moving trucks along the front. Obviously, that's where -- where U-Haul wants to be able to see them, but all the trailers and the miscellaneous equipment would have to be screened and there is some specific requirements about how that has to be screened. Also because of the -- the visibility of the site and to -- to screen headlights and to soften down this -- this facility for the -- both people traveling down Overland, as well as a residence to the south, staff recommended that there be a combination of landscaped four foot high undulating berm, meaning kind of changing in height, decorative walls and evergreen shrubs along the entire front of the property. So, it would be a combination of all three of those things. Also we know that they generally like to have that kind of equipment that's being rented lit up. Staff had concerns about the lights being too bright for the people across the street. So, we also recommended that the lights be limited to 12 foot height, so that people aren't looking way up at the top of a bulb and we are recommending that they would be directed away from the residents -- from the existing residences. From my understanding, after talking to the applicant, I do not think that they have any concerns with these conditions of approval. Just a quick brief look at the elevations. The applicant has submitted elevations for a few of the buildings. Not all of the buildings. But these include materials such as cement board, stucco, brick and metal paneling for accents. Overall staff believes as far as self-storage facilities go they did a pretty good job designing the architecture on this. There are some elements that probably need a little bit more tweaking at the time of design review and site -- and CZC. There is some fenestration that may or may not be met. There might be -- they may not have made all their modulation, but, again, this is something that -- that staff will work out with the applicant at the time of CZC and design review. There is a couple of -- a couple of things, though, we did have comments about. Again, we are concerned about the visibility of this development. It's very visible coming down Overland. One of the -- one of our comments was -- I don't know if you can see it here, but they show exposed stairs sticking -- sticking along the side of the building in a couple of different places. It was -- for a few different reasons. First of all for maintenance, because outdoor -- outdoor stairs have to be maintained and if they are exposed to the elements it can end up being more of a problem for maintenance. Besides that, just because of the look of them, staff recommended that these either be removed or they would be screened within stairwells or something like that. My understanding is that the applicant would just do a stairwell or something, so you are not looking at the exposed stairs. The other thing is is that we didn't think that there was a very -- we -- we think there could be some better integration with the orange garage doors, the ones that are visible from Overland. We are not so concerned about the other -- so concerned about the other ones, but we do, again, think

that maybe there could be a little more work to incorporate those garage doors into the rest of the architecture. So, we also made that recommendation. Again, I have -- I have spoke to the applicant yesterday and I believe they are okay with all these conditions of approval. With that staff does recommend approval of this with conditions.

Seal: Okay. At this time would the applicant like to come forward. Good evening. If you could state your name and address for the record.

Jones: My name is Casey Jones. I live at 11701 West Cross Slope Way in Nampa. I would rather live in Meridian, but that's where I live. I just want to say first my gratitude to Alan. It's a -- the length of job. But he put a lot of work into it and I appreciate the staff report. The only things I would say is, you know, on the orange doors, we can definitely do something there. Those aren't operational doors. I don't know if you knew. They are just -- they are -- they are fake doors for display purposes. But, you know, we are screening anyway, so it makes sense for us to modify those. I would say that, you know, typically when -- when you guys think U-Haul you can definitely think the equipment's littered everywhere, but at our corporate stores we do have a lot better structure than like the typical U-Haul dealer that doesn't care and parks it where ever they can. So, we will conform to that. I would ask -- I don't know if it's too late to review the -- the language on only having motor vehicles on the front line. Is that something we can maybe discuss? I don't know. But just having a few trailers just for display purposes would help -- help us just to kind of display our product out there. Otherwise, I'm okay with, you know, screening everything.

Tiefenbach: That would be up to the Planning Commission to make that decision, Mr. Jones.

Jones: Aside from that, did a great, Alan. Thank you.

Seal: Okay. Thank you very much. Anybody have any questions for the applicant or staff? No? Not a one? All right. At this time we will take public testimony. Madam Clerk, do we have anybody signed up?

Weatherly: Mr. Chair, we do not.

Seal: Would anybody in chambers or on Zoom like to testify? Sir, if you would like to come on up. We will need your name and address for the record.

Konzelman: Yes. My name is Brian Konzelman. I live at 1186 East Shepherd Street. From my front office and sitting room I look directly across at the roofing company there. My concern is lighting that comes from the building. Right now there is -- there is a few lights that in the darker hours of winter they do blaze in that room. But what I'm afraid of is -- I don't want any signage that requires me to put up blackout shades on my own. I want to -- right now I look out at the facility where they do the climbing -- climbing wall. It's a pretty building, but it's -- it's not offensive and what I'm afraid of -- in a recent trip to Salt Lake City there is a quite a large U-Haul storage facility on the interstate there and

there is an endless row of these traveling billboards, which I don't fault U-Haul for advertising, but -- and very -- very brightly lit. So, okay, on the interstate that's quite an acceptable thing; right? But in a residential area it doesn't fit in. So, our concern is that to maintain our quality of life and keep our property values good, that these are -- well, I don't know -- well blended into the neighborhood. So, you know, two or three trailers for their advertising I guess you could say that would be okay, but what they end up -- really, these storage facilities, especially U-Haul, they end up -- it does fill up everywhere and so the concern is that they -- they blend in the neighborhood, preserve our property values, and they are aesthetically pleasing.

Seal: Thank you very much.

Konzelman: Thank you.

Seal: Okay. Is there anybody else in chambers that would like to come up and testify? Anybody online?

Weatherly: Mr. Chair, I don't see anybody.

Seal: Okay. At this time would the applicant like to come back up and address anything?

Jones: Yeah. Just as a response, you know, I think everything said is valid. A lot of the properties we have acquired over the last few years they will come with wall packs. We have bought a lot of K-Marts and when we bought them the wall packs were shining onto residential areas behind us and we have replaced them without -- without complaints, just knowing, you know, you don't want to be blasting light in people's property and so I think screening it and making sure that we are not ugly out there and disorganized. I think he has valid concerns and I'm pretty excited that we can actually do all of that.

Seal: Okay. Thank you.

Yearsley: Sir, can you come back?

Seal: Sir, if you want to come back up.

Yearsley: Mr. Chair?

Seal: Commissioner Yearsley, go ahead. So, you had asked -- I just want to clarify. You wanted to be able to allow some trailers up front as well -- to be displayed as well. I'm just trying to figure out what your request is.

Jones: Sure. Yeah. So, typically, on our business plan it's to have 30 percent of our frontline display to be trailers. You know, we -- we can survive without it, but we are going to go forward either way. But just -- just so we can showcase what the customers can and can't get at this facility it would be nice to be able to have that out there.

Yearsley: Okay. Thank you.

Seal: Alan, quick -- a quick question on the -- the lights. I mean as far as the mitigation that you are recommending in there, is that, essentially, going to address the concern of the gentleman that testified, in your opinion?

Tiefenbach: Mr. Chair, Members of the Commission, I think it does. This is actually pretty far above and beyond what we require for lighting.

Seal: Okay.

Tiefenbach: We had exactly the same concerns, which is why we added these. There is a few things. First of all, again, they are -- they are only -- the ones in front can only be 12 feet high if they do any lights in front, which, hopefully, that clears their trucks if they put them there. They would have to be downcast. They would have to be cast away from the residences. So, pointing towards. The other thing is that when they do the certificate of zoning compliance they will also have to give us a photometric plan and when you look at those photometric plans it shows like what the foot candles are and I think it's -- you can't have more than .01 foot candles and you can -- so, there can't be any light spill. I'm pretty -- they are -- they are going to see that there is lights there, but they are not going to be glaring lights and, again, the reason why we asked for them to be low is so that the people aren't looking up. Even if you have lights that are downcast, if they are high enough you are still looking up at these bare bulbs. That's the reason why we asked for them to be low.

Seal: Okay. As far as the -- just listening to the applicant on the -- the trailer portion of it, I mean would you be okay with something like allowing the trailers there if they were covered trailers, you know, something along those lines? Because a lot of those are going to be covered, they are going to have, you know, their logo on them and things like that. I mean to me they are kind of like having the trucks out there with no windshield.

Tiefenbach: Again, it's not a deal killer for us. Our biggest concern is just to see the -- you know, I can't speak to this particular applicant. U-Haul, equipment stores, those kinds of things, tend to have a tendency to get away from you and stuff scattered. It's going to be tough for us to enforce; right? Like 30 percent or five parking spaces, just know that if the Planning Commission does -- is inclined to approve that, which, again, isn't a deal killer, it's going to be hard, if not impossible, for us to actually get out there and enforce it.

Seal: Okay. Understood. Do we have any other questions?

Parsons: Mr. Chair, Members of the Commission. This is Bill. Just a clarification. The code doesn't prohibit it from doing that, as long as it's outside of the landscape buffer. So, if the applicant wants to allow trailers there -- or you want to allow that that's certainly within your purview and allowed under code. We just want to make sure trailers aren't being parked in the landscape buffer along Overland Road. Historically, though, from --

from my experience with equipment rentals, we have -- we try to have those things stay behind fencing and screens, because we don't want -- because to Alan's point, typically -- I have experienced a U-Haul business up in Moscow, because my daughter is going to school there and I can tell you they have trailers all over the place on their facility. So, I know how many trailers these -- they could end up with on any given site. So, really, the code requires that it just be screened, so you don't -- don't see it or -- it's not as noticeable. But the -- the reason why Alan brought up the trucks in the staff report is because that's -- that's vehicle rental. That's a -- a trailer is not a vehicle -- defined as a vehicle in the code, so it's really two different standards here that we are looking at. One is equipment rental versus vehicle rentals and that's why I -- I believe Alan will lean towards, yes, vehicles can be displayed there, because it's like a car lot; right? Everyone has their cars visible and he was trying to manage the amount of clutter that could occur on the property. So, if the applicant's good with making sure that he doesn't have a bunch of trailers stored blocking drive aisles, that there is fire access for fire department and -- I think from our perspective we should be pretty good with it.

Seal: Okay. Thank you. Anyone else have questions? Concerns? No? All right. At this time can I get a motion to close the public hearing on H-2021-0085 Meridian U-Haul Moving and Storage.

Grove: So moved.

Lorcher: Second.

Seal: It's been moved and seconded to close public hearing for Item No. H-2021-0085. All in favor say aye. Any opposed? Okay. Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Seal: Who would like to start us off -- or motions are always welcome.

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher, go ahead.

Lorcher: I have worked with U-Haul before, not the corporate store, but a neighborhood store, and having the trailers and some of their dollies exposed in front is important, because they do get a fair amount of walk-in business. But as long as they have one or two you don't necessarily need 30 of them to display whether or not that they have those in stock or not. So, I would support having the 30 percent displayed and it seems that the corporate stores want to be good neighbors and so, obviously, word of mouth and, believe it or not, some people go to specific U-Haul dealerships because of the owners and who they are, not necessarily because it just says U-Haul on it. I used to work with the one over on Cole Road and we had people coming from all over different towns, because they knew that they were a reputable dealer. So, as long -- and the corporate

stores usually hold them to a little higher standard than some of the neighborhood stores. So, I would support displaying some of their other products out in front as well.

Seal: Okay. Anybody else? Mr. Yearsley, go ahead.

Yearsley: Commissioner Chair. I'm kind of torn. I understand wanting to be able to display what you have, but -- but I think it comes back to the city comment of enforcement, you know, and -- and -- and getting too much stuff out front, you know. So, I -- I -- I kind of -- based on that I'm going to lean to leave it the way it is.

Seal: Commissioner Grove, go ahead.

Grove: I was just going to say I don't have very strong opinions on -- one way or the other, so I could go either way. But I -- when I get to that point I rely on staff's expertise and so I'm -- I'm good with going with staff's expertise on this one and keeping it how it is.

Seal: Okay. Commissioner Stoddard, anything to add?

Stoddard: Mr. Chair, I agree that -- because I feel either way as well. I agree with what the staff said.

Seal: Okay.

Yearsley: Mr. Chair?

Seal: Commissioner Yearsley, go ahead.

Yearsley: After considering all staff, applicant, and public testimony, I move to approve file number H-2021-0085 as presented in the staff report for the hearing date of March 3rd, 2022, with no modifications.

Grove: Second.

Seal: It has been moved and seconded to approve item number H-2020 -- H-2021-0085. For clarity you did say approve; correct?

Yearsley: I did. Approve.

Seal: Since it's a CUP, so -- with no modifications. All those in favor say aye. Any opposed? Okay. Motion carries. Thank you very much.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

3. Public Hearing for Eagle Road Daycare Facility (H-2022-0007) by 814 Development, LLC, Located at 3060 S. Eagle Rd.

- A. Request: A Conditional Use Permit for a daycare center providing childcare for up to 216 children in the C-C zoning district.

Seal: Okay. At this time I would like to open the public hearing for item number H-2022-0007, Eagle Road Daycare Facility. We will begin with the staff report.

Allen: Thank you, Mr. Chair, Members of the Commission. The next application before you is a request for a conditional use permit. This site consists of 1.15 acres of land. It's zoned C-C, community commercial district, and it's located at 3060 South Eagle Road on the east side of South Eagle Road, just north of East Victory Road. A little history on this property. A modification to the existing development agreement was recently approved by City Council to update the conceptual development plan approved for the site to allow for development of the proposed use and the site layout, but has not yet been recorded. The Comprehensive Plan future land use map designation is mixed use community. A conditional use permit is proposed for a 13,660 square foot day care center in the C-C zoning district to accommodate a maximum of 216 children and 24 staff members. Child care and early education is proposed to be provided for children ages six weeks to six years with after-school programs for children up to age 12. The proposed site plan is consistent with the updated conceptual development plan and uses approved with the recent development agreement modification. The amended development agreement and final plat for Inglewood Subdivision No. 2, within which this site is located, must be recorded prior to submittal of a certificate of zoning compliance application for the proposed use. Daycares are required to comply with the specific use standards listed in the UDC. Access is proposed via a right-in, right-out driveway from South Eagle Road and by an access easement through the adjacent properties to the south and east from Titanium Way from Victory Road. A minimum of 27 parking spaces are required for the size of building proposed. A total of 29 spaces are proposed. Although the proposed parking exceeds the minimum standards by two and the number of staff members on site at any one time will likely fluctuate, staff is concerned that if the facility is at full capacity and up to 24 staff members are on site at any one time, there may not be adequate parking or pick up and drop off area for the proposed use. Therefore, staff recommends a shared use agreement for parking is required with the property to the south. Conceptual building elevations were submitted as shown for a single story building that incorporates a mix of materials consisting of hardie panels, board and batten siding with stone veneer accents and metal roofing. Final design is required to incorporate some of the same or similar design elements and materials as those of the residential portion of the development per the development agreement and shall comply with the design standards listed in the architectural standards manual. Written -- written testimony was received from Samantha Kozlowski, the applicant's representative. They are in agreement with the staff report, except for a few items that I will run through. They can't comply with a few of these conditions due to site constraints associated with the proposed building size. Condition number 4-D, requirement for a minimum five foot wide pedestrian walkway to be provided from the perimeter sidewalk along Eagle Road to the main building entrance, this standard is eligible for a request for alternative compliance through our code. It's not a given that it will be approved, but it is something that the applicant can request should the director be able to make the findings to approve that. Conditions 4-E and 4-F, the

requirement for a 25 foot wide landscaped buffer to be provided adjacent to residential uses and that applies to the north and east boundaries of the site. This standard may be reduced by City Council at a public hearing with notice to surrounding property owners. The mechanism to do that would be for the applicant to request City Council review of the Commission's decision, which would enable them to get before Council for that request should they decide to do that. Then, lastly, they had noted that the outdoor -- excuse me. Condition number nine, requirement for the outdoor play equipment over six feet in height basically can't be located in a front yard or a required -- any required yard. They do have some play equipment that is over six feet in height proposed in the play area between the structure and the street buffer along Eagle Road. How that -- however, that is not considered a required yard area. Required yards are defined as the setback area and in the C-C district there are no required front setbacks. So, they would be okay with having play equipment over six feet in height in the area between the buffer and the building. So, I don't think there is an issue there. Staff is recommending approval of this application with the conditions in the staff report. Staff will stand for any questions.

Seal: Thanks, Sonya.

Allen: And the applicant is here tonight to present their project.

Seal: Okay. Would the applicant like to come forward?

Kozlowski: Hi. My name is Samantha Kozlowski with 814 Development. I'm the development manager working on this project and, Sonya, thank you for your review and the staff report. It was very comprehensive. I think gave a lot of details and great discussion on our project. I know we were able to speak before the meeting. I actually was able to speak with the tenant regarding Item 4-D. So, we will be able to meet that requirement or that condition of approval regarding the five foot wide sidewalk. So, we will be able to extend the sidewalk from Eagle Road connecting to the future business to the south and the business to the east as well. So, just wanted to let you guys know that that would be one condition that we would be able to meet, but we would like to request a potential variance through City Council for the setback along the northern border of our site, just due to the existing parcel size. It's a little bit constricted, so we don't think with our building site we would be able to meet that buffer, but we do think that we would be able to meet the buffer to the east, which is the 12.5, I believe, is what's proposed. We currently have a ten. So, we should be able to meet that, but we would potentially need to seek City Council approval for a variance on the north buffer.

Seal: Thank you.

Yearsley: Mr. Chair?

Seal: Commissioner Yearsley, go ahead.

Yearsley: I have a couple of questions. So, the site plan you would -- the -- I'm a little concerned with over 200 children dropping off. I'm -- the plan doesn't show how well

circulation is going to be to -- for people to come in and out of here. Is there a way that we have a better site plan to show the overall site and -- and how we are going to get cars in and out of here without causing a traffic jam or can you speak to circulation, if you would.

Kozlowski: Absolutely. So, just kind of some background on the enrollment numbers for this one in general. This floor plan here -- or this building footprint is based off of a prototype floor plan that we use for this tenant all across the nation. So this is just kind of based on maximum enrollment numbers. It's not based on Idaho State Code just yet. So, once we get to the CZC submittal we will have the correct numbers for the state ratio for Idaho. So, that number may be reduced from the 216 students and the 24 staff members. That will just kind of be determined once we get to the CZC submittal. But just kind of -- to speak to our operation of the facility, all of the parents or guardians are required to actually park their car and walk the kids in. So, it's not like they have a drop-off lane or anything of that nature. So, you shouldn't have a lot of cars that are just coming in, dropping off, and zooming out. So, they do actually -- they are actually required to park. So, that kind of helps with the flow of the parking lot a little bit.

Yearsley: So, that speaks to the other question. If we have got 24 staff members and three extra spaces, I mean that's three parking spaces for how many ever parents to get in and out of here. I still see it becoming a big issue of access to this site getting in and out of here. So, can you speak to that. I mean how do you -- how do you park that many kids coming in and out of here?

Kozlowski: Absolutely. So, the way that we like to think of it is it kind of operates like a restaurant. When it opens up in the morning it opens with a couple of staff members on site. The max -- the average -- or the highest drop-off time is usually in the morning. So, the kids will come and get dropped off and as more kids are getting dropped off that's when the staff members kind of -- kind of fluctuate in. And, then, we see the opposite pattern in the afternoon. So, as a lot of the kids are leaving the staff will start to leave as well. So, the numbers do end up kind of balancing each other out. But we will be able to provide the final numbers again with that CZC submittal once we have everything updated per the Idaho state ratios.

Yearsley: Okay. Thank you.

Kozlowski: Uh-huh.

Grove: Mr. Chair?

Seal: Commissioner Grove, go ahead.

Grove: I have a few questions. Mostly similar to Commissioner Yearsley. We had -- I believe you -- you had spoken to us a few months back -- or this was one that we had similar in north Meridian; is that correct?

Kozlowski: Yes, it is.

Grove: And we had parking and other concerns related to that one as well. So, I -- I'm guessing this is not going to be a surprise that it's an issue here as well with the site constraints. So, do we have a shared parking agreement in place with your neighbors?

Kozlowski: It's currently being drafted at this point, so it's not in place or recorded at this point, but we are working with the seller or the master developer for the Inglewood Subdivision to get the shared parking agreement in place. Both shared parking and, then, cross-access as well.

Grove: Okay. And does this facility have a set of vehicles for the facility for transportation of the -- the children to schools or activities that it would have parked on site?

Kozlowski: They do not. Nope. They don't have any kind of bus or anything like that for the school.

Grove: Okay. All right. I think that's my questions for right now.

Seal: I got a couple questions. So, Sonya, for condition nine, essentially, that can stay in there, but it really has no effect; is that correct? Or does that need to be stricken?

Allen: Mr. Chair, that -- that is correct. I will provide a clarification in the findings document to avoid future issues.

Seal: And, then, as far as the site constraints, it sounds like they will be able to comply with 4-D, possibly with 4-F and, then, not at all with 4-E; is that correct?

Kozlowski: That's correct.

Seal: The 4-E is the -- is that the northern site boundary?

Kozlowski: Yes, it is.

Seal: Okay.

Yearsley: Can I ask one more beyond that, Commissioner? So -- so, with the way the condition's written we don't need to change anything with that, because we won't act upon that, that will be a City Council decision to waive that, so -- okay.

Seal: That -- yeah. Good question, Sonya and Bill. So, if we feel strongly on the site constraint pieces of it, I mean in order to get a review at City Council, does that have to be a recommended denial for us or -- I mean because if we approve, but they -- I mean I guess I'm asking logistical questions here -- process questions to figure this part of it out.

Allen: Yeah. Mr. Chair, Commissioners, the applicant is able to request City Council review of the Commission's decision in any matter, whether it's a recommendation -- or, excuse me, a decision of denial or whether it's a certain condition or conditions that are included in the approval. If Commission feels those should be conditions then -- and the applicant has the ability to request Council review of any of those things.

Seal: Okay. Thank you. Do we have any other questions for the applicant? No? Okay. Thank you very much.

Kozlowski: Thank you.

Seal: Okay. At this time we will take public testimony. Do we have anybody signed up?

Weatherly: Mr. Chair, we do not.

Seal: Do not? Anybody online raising a hand at all or --

Weatherly: I don't see anybody.

Seal: Anybody in the chambers want to come up? All right. Last chance. Unless the applicant has anything else to add -- nothing else? Okay. So, at this time I would like to get a motion to close public testimony for H-2022-0007.

Grove: So moved.

Lorcher: Second.

Seal: It's been motioned and seconded to close the public hearing for item number H-2022-0007. All those in favor say aye. Any opposed? Okay. Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Seal: Who would like to go first? Commissioner Lorcher, go ahead.

Lorcher: It seems like we have had a couple of these over in the past. I think I would feel more comfortable with it -- that we had an official shared parking agreement and cross-access. In order for daycares I think to work in communities such as this, it's important to have that. I do know that when I worked for a tow company -- there is a daycare by the water tower and they did not have any shared parking and if anybody parked in their lot, you know, we ended up towing them. So, being a good neighbor is going to be I think important for not only this location, but for the P&Z. So, I am in support of just seeing possibly an official agreement before we say yes or no.

Seal: Okay. So -- and I was going to say, Sonya, that's -- that is one of the conditions of approval.

Allen: It is, Mr. Chair. So, they cannot move forward without submitting proof of a recorded cross-parking agreement.

Seal: Okay. Commissioner Lorcher, does that solve that for you? Okay. Thank you very much. Anybody else? Commissioner Grove, go ahead.

Grove: I was just going to go ahead with a motion, if --

Yearsley: Can I speak really quick?

Seal: You can, Commissioner Yearsley.

Yearsley: So, I struggle with this one, because we have got two facilities that are high capacity uses in the morning. We have got the Starbucks to the south of this property that's -- that just got approved and, then, we are trying to approve this one as well and I'm trying to resolve, me personally, you know, at 27 spaces, you know, even at a hundred kids, assuming you have two people coming in, you are looking at 50 vehicles in the morning trying to get in and out of here at some point during the day -- during the morning. My -- and, then, you have got Starbucks with people through drive-throughs on this -- I am just -- I -- I can't get around the -- for better words -- the disaster that might could happen and I -- I just -- I don't have a good feeling that we have enough parking here, just because of the use and, you know, with the two uses together we are cramming that spot in the mornings really bad is my concern and I don't know anybody else's thoughts on that or not.

Grove: Mr. Chair?

Seal: Commissioner Grove, go ahead.

Grove: I -- I can see Commissioner Yearsley's point. Having to go to a daycare almost every day that has a large number of students and is in a busy parking lot, the -- the drop-off times and the drop-off congestion is -- in the even the pick up times is not as much of a concern for me, just because unlike -- at like an elementary school they are not all getting there at the same time. It's very staggered over the course of four hours typically. So, that congestion from the parental side is not as high. I think getting the cross -- or the shared use agreement for parking is really going to be beneficial from the staff side and as long as they can offset some of their staff parking needs with the shared use agreement I'm less concerned about it from that perspective. I think overall that -- that area is going to be highly traveled, but I don't see the congestion of the -- of the -- the parents dropping off as -- as -- as big of an issue. I would say that this is a very tight fit. It would make me a lot more comfortable if this lot size was -- was bigger or the building was smaller. I know with this one when we had it at Meridian and McMillan they were unable to change the building size at all. I don't know if rotating the building would change this for this parcel. Overall I'm going to be in favor of it, because we absolutely need more childcare facilities in Meridian. We are running at a very, very, very low number for families and so whatever we can do to bring those in right now is -- is very important to

me and so while I have some less than stellar feelings about how tight it is, I do -- I do feel okay overall moving forward with it.

Yearsley: Thank you.

Seal: Yeah. And I have also concern -- the business to the -- directly to the south of there doing the parking agreement, what is that business? Because Starbucks is on the corner and so is there something in between?

Allen: Mr. Chair, Members of the Commission, there is -- there is no business currently in between the -- the coffee shop and the -- and this business.

Seal: Okay.

Allen: It's a building pad.

Seal: A building pad? Got you. So, something -- something is on -- on its way. There -- there is an owner involved in that, so -- yeah. And I have had some similar concerns. The traffic coming through here is a concern, but I'm -- I'm kind of with Commissioner Grove on that, I'm a little less concerned with that. I mean we are -- we are all battling traffic where ever we go. The streets that are involved here are able to kind of help accommodate this and -- I mean if this were on the other side of the street I can see where it would be a bigger problem, but just where people are coming out of subdivisions and this is going to be a little bit more accessible as far as that goes and, then, dumping onto Eagle Road, I would hope that it would be less of a problem. The biggest issue that I have with it in general is this is the second time that the applicant's come forward with a building of this size that doesn't really fit the lot. So, I think we are starting to see, you know, something repeatable happen here. So, we have kind of got a 13,000 square foot building trying to be squeezed onto something that would be more appropriate for, you know, a 10,000 square foot, for instance. So, I mean if the building size was able to be smaller in this instance, as well as the last time that the applicant was here, there generally wouldn't be any problems. But the inability to change the building size seems -- I -- I think a request to change the building size to fit the lot is -- is in line with what is best for the city. So, the inability to change that building size seems like it's -- that -- that seems unreasonable to me in order to make it fit to the size and standards that are there for -- for Meridian. So, my opinion is that, you know, if -- if they want to have that reviewed by City Council, then, I would personally leave all -- all the stipulations in there that Sonya has in the staff report if we did approve it. And with that does anybody else have anything to add or would like to make a motion?

Grove: Mr. Chair?

Seal: Commissioner Grove.

Grove: Making sure -- this is a CUP, so we are approving and not -- or denying and not recommending; correct?

Seal: That's correct.

Grove: Okay. Just wanted to double check. All right. After considering all staff, applicant, and public testimony, I move to approve file number H-2022-007 -- did I get all the zeros? As presented in the staff report for the hearing date of March 3rd, 2022, with no modifications.

Seal: Do I have a second?

Lorcher: Second.

Seal: Okay. It's moved and seconded to -- moved and seconded to approve Eagle Road Daycare Facility, H-2022-0007, with no modifications. All in favor say aye. Any opposed?

Yearsley: Nay.

Seal: Did you get that, Madam Clerk?

Weatherly: Commissioner Yearsley, for the record that is a nay from you; correct?

Yearsley: It's a nay for me, yes.

Weatherly: Thank you, sir.

Seal: Okay. Motion passes.

MOTION CARRIED: FOUR AYES. ONE NAY. TWO ABSENT.

4. Public Hearing Continued from February 3, 2022 for Verona Live/Work (H-2021-0080) by J-U-B Engineers, Inc., Located at 3020 & 3042 W. Milano Dr., Near the Northeast Corner of Ten Mile Rd. and McMillan Rd.

- A. Request: A Conditional Use Permit for 16 vertically integrated residential units within four (4) buildings on 1.75 acres in the L-O zoning district

Seal: All right. At this time I would like to reopen the public hearing for Verona Live-Work, H-2021-0080, and we will begin with the staff report.

Dodson: Thank you, Mr. Chair. This is -- I guess this is officially the second time we have heard this, but it's been continued multiple times. I'm not going to go through the whole project again, but just briefly it is for a conditional use permit for 14 vertically integrated residential units within the L-O zoning district. The 14 units are in three buildings on 1.75 acres. This would be the latest site plan. However, just to be clear again, the lot line is right here. This is shown for reference only. It's a future office building in the L-O zone,

but it's common ownership, so the applicant wanted to show that this is their intent with the remaining area, but it is not part of the application. At the last Commission hearing there was a lot of discussion regarding the proposed use, specifically the integration of the commercial and residential component, as well as parking, marketability, and as well as whether or not they should be for rent or for sale product. The applicant responded by writing a memo, which I hope everybody read, that has some of the specifics regarding all of those discussion points. They did revise the floor plans as well. That's the only change to the plans. The most noticeable change is that they removed any interior access between the commercial and the residential component and, then, for the larger units, which would be for the four on the north end of the site, there used to be a wall here that had a -- essentially two commercial suites and they removed that wall to have one larger suite for each of those four units. So, really, that's -- that's all I have as my presentation tonight. If you have any questions I will be free -- feel free to ask them.

Seal: At this point would the applicant like to come forward? Good evening. Just need your name and address for the record and the floor is yours.

Shrief: Good evening, Chairman, Commissioners. My name is Wendy Shrief, I'm a planner with JUB Engineers and my business address is 2760 Excursion Way in Meridian, Idaho. Thank you for giving us the opportunity to come back here and address some of your concerns. I'm going to go through some of the changes that we have made and I want to answer some of the questions that had come up last week, but we definitely are here for -- to answer any questions and if you -- and we were hoping for approval this evening. We had some questions at the last hearing about parking and this is included in our memo. We are required to have a total of 28 parking stalls on the site. We are including 52 inside that parking lot. There is additional on-street parking. We are not including that in our totals. But, again, we -- we are required to have 28. We will have 52 spots. One of the big issues that came up in the last hearing was how do we ensure that these commercial areas stay commercial areas and that they don't become sort of a bonus room for these live-work spaces. We have removed that door that connects the commercial space to the residential space. So, it is now the insular commercial space and we think it's -- it was a good idea. Thank you. We think it's much less likely that it would become, you know, a teenager's -- but, actually, my -- my kids would love it -- then it would become a spot for a teenager or a den or a bonus room with storage. We think it's much more likely with this being no longer connected physically through that doorway to the living unit, that this retains itself as a commercial space. So, those are really -- those are -- are significant changes -- that is the most significant change, but we are -- we are here for any -- any other questions. We think we have addressed everything in the letter that we put forward for you guys and I want to thank Joe for running through everything with us again and for putting together his -- his memo and his staff report for us this evening. We are here for questions.

Seal: Okay. Thank you.

Shrief: Oh. And I wanted to -- I wanted to actually remind you -- when you go through and, hopefully, you are making your motion for approval this evening, because we had

lost two units from our original rendition we were coming in with 16 proposed units, we lost two units, we are now 14. There are several conditions of approval that -- that have changed. So, Joe has gone through in his memo and included language and how these conditions are going to change or when we lost those two units we have added additional open space, a community gathering area, and his conditions address those -- those changes that will need to be made to -- to those initial conditions in the staff report and a lot of this has to do with the two units that we did lose to make some changes. We also have Dave Yorgason here, who is the developer, if you have any questions for him.

Seal: Okay. And I was going to say -- the first question is you are in agreement with the -- with Joe's addendum and the staff report that he has provided? Okay.

Shrief: Chair, Commissioners, yes, we are. Thank you.

Seal: Thank you. Okay. Anybody have questions for staff or the applicant?

Lorcher: I have one question.

Seal: Commissioner, go right ahead.

Lorcher: For the interior door space -- so, if I'm -- own one of these or rent one of these live-work units, if I have the commercial space and I live upstairs, I have to go around the outside of the building to come into my commercial, I can't access it from the inside; is that correct?

Shrief: Chair, Commissioners, correct. We made that modification. That was a suggestion of the Commission to make that more of a separate commercial space and make it less likely to become an extension of the living area. So, we have room -- so, yes, you -- you would go outside -- you would go outside the front -- to the front or the commercial, go around the building to go into the interior to the living unit.

Lorcher: Would there ever be a circumstance where you would rent out the commercial separately from the apartment or living space above?

Shrief: Potentially that could happen. Yes.

Lorcher: Thank you.

Shrief: And we think that that could possibly be a good thing, depending on market conditions.

Seal: Anyone else?

Shrief: Okay. Thank you.

Seal: All right. At this time we will take public testimony. Do we have anybody signed up?

Weatherly: Mr. Chair, we do not.

Seal: Nobody signed up, nobody waving their hand on Zoom. Anybody in chambers like to come up and testify? Sir, come right on up. Just need your name and address for the record again and it's all yours.

Yorgason: You are welcome. Thank you, Mr. Chairman and Commissioners. My name is Dave Yorgason, the developer of the application and online Zoom, I think he might still be on, is Craig Hammett, he is the builder. He and I are together building this -- this development and -- and I just want to say thank you for giving us a chance to come back and make some changes and some clarifications with regard to the application. I happened to run into a few others in the marketplace and ask the questions -- because I appreciate some of the questions about is this marketable. I don't want it to fail. That's the last thing I want to have is a failure project and so we have done a lot of additional research and market research and we feel very confident that there is an absolute market need and a market demand for this spot. We are grateful, which is not typical, to see no opposition in the room. A lot of times you have opposition to something that might be unique or -- or anything that's residential in my backyard. We worked very closely with the residents in -- in through the process and they were very supportive of -- of the architecture and the design as well and so with that we just asked for approval tonight and to reconfirm what Wendy had said, we agree with Joe's memo of the revised conditions in this recommendation of approval and stand for any questions.

Seal: Thank you, sir. Anybody have questions, anything they would to pose? All right. Thank you very much.

Yorgason: Thank you again.

Grove: Mr. Chair?

Seal: Commissioner Grove.

Yorgason: Oh, sure.

Grove: So, you said you did market research on this and when I -- I'm just curious with the ones that -- because like we said at the -- at the last hearing, this is a different style of live/work than what we traditionally see and where we traditionally see it. Were the other ones that you found -- are they in this neighborhood environment versus a more traditional mixed-use environment?

Yorgason: Mr. Chairman and Commissioner Grove, all Commissioners, I will point to local market research. I could talk about Utah and other places. But I think what's more important is local. I happened to have a conversation today with Eagle's economic

development director and -- Robin. And when I talked to her about a different project, I said, oh, by the way, what's going on in Eagle with live/work and she shared with me two specific examples where there were some remodels of some -- of some buildings and they were adjacent to residential, near office, so a very similar -- not downtown Eagle, but kind of on the semi-fringe of Eagle and they actually are full. They need more -- if there is a demand for them -- there is more of a demand if you will. So, those two examples. And there is a third one that's soon to be under construction that's a little closer to downtown, but it's that kind of a concept. So, there is that -- they are all leased up is the short answer. Boise -- there is one on Hill Road near 36th Street, so that's not downtown, that's maybe far north -- north end, if you will. Here we are on Ten Mile. This is walking distance to restaurants and to Walmart across the street across Ten Mile. So, we actually find this to be actually closer to some of the shopping, some of the others that -- that I have found in the -- in the close proximity of the Treasure Valley. So, I'm very confident that there is -- there is -- not only those are successful, but this is a better fit for where the market need is. Hope that helps.

Grove: Thank you.

Yorgason: You are welcome. You are welcome.

Seal: Anybody else? No? All right. Thank you, sir.

Yorgason: You are welcome. Thanks again.

Seal: Okay. I would ask if the applicant would like to come back up, but the applicant spoke, so -- we are good, so -- can I get a motion to close the public hearing for Verona Live/Work, H-2021-0080?

Lorcher: So moved.

Yearsley: Second.

Seal: It's been moved and seconded to close H-2021-0080. All those in favor say aye. Any opposed? Motion passes. Oh. Hearing is closed. Public hearing -- public hearing is closed. Sorry about that.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Seal: So, who would like to jump in? Make a motion? Talk at length?

Grove: Mr. Chair?

Seal: Commissioner Grove, go ahead.

Grove: I appreciate the -- the work that the applicant's done. I -- I'm still not a huge fan of losing true commercial space and losing some of the -- what I would like to see there. But I don't have any code reason to deny.

Seal: Okay. I will throw my opinion in here. So, I mean at first I was a little leery of this, mainly because the commercial space was really small, the fact that it was rent, instead of own, kind of the idea -- the perception behind it as far as trying to, you know, kind of seeing somebody that was going to -- getting ready to retire and maybe they just needed a place to, you know, age their business out and -- and move into retirement gracefully and things. So, the modifications that have been done, increasing the size of the commercial space, closing it off from the residential -- residential portion of it, to me it makes it -- I mean I have shared this earlier, but to me I think it's -- this is a good place for somebody that's probably more young and up and coming. They are trying to make their side hustle their hustle. They can't afford to purchase in Meridian, so they are looking to rent and get their business started. You know, move down that path. That's -- that's where I see something like this being successful. That said, that's also my biggest concern. So, I think its biggest strength is its biggest weakness, which is true for a lot of things in life, where if you have somebody that's up and coming, they are trying to make their side hustle their hustle and they fail miserably and, then, the next thing you know they are -- you know, they are going to try to take advantage of the situation in order to improve their own situation. So, that's my concern with it. I think the applicant's probably done as much as they can with this application in order to make sure that that's not going to happen. You know, I do agree with Commissioner Grove, there is some other things that we have seen with live/work where the emphasis is really on the work portion of it. The live is more of a convenience where it's reversed on this application, so -- the parking seems -- you know, with the loss of the units, the addition of the parking, the confirmation that we have on-street parking, you know, things like that, I think that the parking situation will probably be handled in its own -- in its own way, you know, and within -- within the specs that we need it to. So, I'm a little less concerned with at this point. I mean it's still not quite my cup of tea, but I understand it and I would be willing to give it a chance in Meridian to see what the outcome is. Anybody else?

Yearsley: I have no comments.

Seal: None? Okay. So, at this point we are looking for motions.

Grove: Mr. Chair?

Seal: Commissioner Grove.

Grove: Sorry. All right. After considering all staff, applicant, and public testimony, I move to approve file number H-2021-0080 as presented at the hearing date of March 3rd, 2022, with no modifications.

Yearsley: Second.

Seal: It has been moved and seconded to approve item number H-2021-0080 with no modifications. All in favor say aye. Any opposed? Motion carries. Thank you.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Yearsley: Mr. Chair, do you mind if we take a quick break?

Seal: Absolutely. We will take a five minute bio break and, then, we will be back.

(Recess: 7:15 p.m. to 7:20 p.m.)

6. Public Hearing for Aviation Subdivision (H-2021-0096) by Jadon Schneider of Bronze Bow Land, Located at Parcel #S1210325951, near the northeast corner of N. Black Cat Rd. and W. Franklin Rd., north of Compass Charter School

- A. Request: Preliminary Plat or 48 building lots (37 single family attached lots, 2 detached single-family, and 9 multi-family lots), 8 common lots, and 1 other lot.
- B. Request: Conditional Use Permit for 36 multi-family units on 9 lots on 9.8 acres in the R-15 zoning district.

Seal: All right. We will go ahead and get things going here again and it looks like we are down to the Aviation Subdivision, H-2021-0096 and if we are ready we can go ahead and start with the staff report.

Dodson: Thank you, Mr. Chair. This one will be a bit of a lengthy presentation, but -- I mean I apologize, but it's a small site, complex site, but complex project, so I apologize. The applications before you tonight for Aviation Subdivision are a preliminary plan and a conditional use permit. The site consists of 9.8 acres, currently zoned R-15, located near the northeast corner of Black Cat and Franklin and directly -- well north -- northeast of the Compass Charter School. The map shows ME for the zoning. And I apologize, it's not an old map, it's the -- there was an issue internally that we didn't send out the zoning ordinance to the county when we approved it, so it just hasn't been updated on the maps, but it is R-15 zoning. The site does have history with the city, starting in 2018 where it was actually annexed with the Compass Charter School and they changed the comp plan and the zoning, then, to ME and mixed employment in general. Still wrapping my mind around why, but they did that. 2020 we came in and rezoned it, DA modification, and a comp plan map amendment, again, to change it back to what it was, which was medium high density residential. So, currently, the future land use designation on the site is medium high density residential, which expects residential densities at eight to 12 dwelling units per acre. The plat before you tonight is for 48 building lots, eight common lots and one other lot and a conditional use permit for 36 multi-family units within the R-15 zoning district. The other lot is an irrigation pump house lot, I believe for Nampa-Meridian, which is this little random square in the corner. That's the other lot. The building

lots are delineated as follow: There is six single family attached lots, 31 townhome lots, two detached single-family lots and nine multi-family lots. So, there is an array of residential uses. The total residential unit count, therefore, is 73 currently. The subject 9.8 acres were annexed into the city in 2018 as noted. Well, I will just skip all that. In addition to the medium-high density residential future land use designation that is on the site, it is also within the Ten Mile interchange specific area plan or as planning likes to call it just the Ten Mile plan. It recommends a mix of housing types within this MHDR designation. It specifically notes row houses, townhouses, condominiums, alley loaded homes and apartments. Within this designation and noted within the existing DA residential gross densities should range from eight to 12 units per acre. With the applicant's proposal of 73 units on the subject 9.8 acres the gross density is 7.44, which does not currently meet the minimum density required. This density needs to be increased and can -- as long as it's over 7.5, which would only be one additional unit, we can use the Comprehensive Plan and we can round up to eight and, then, they meet the plan. Staff has a condition of approval that the applicant should revise the plat to include at least one more dwelling unit to meet the minimum density requirement. In general this site is part of a larger area of medium-high density residential that is slowly redeveloping from both the west and the east and development of the subject site is a logical direction for development to occur in terms of both density and the road improvements. However, the transportation element of this area of the Ten Mile plan is important and there are known traffic issues within this area caused by the Compass Charter School, most notably at pick up and drop off times. The congestion associated with the school and this area creates traffic along the entire Black Cat corridor between Franklin and Cherry and significantly impedes the intersections of Aviator and Black Cat and Black Cat and Franklin during the peak times noted. Staff notes that applications for the site to the east are likely forthcoming. Granted they have not been submitted yet, but they are forthcoming or expected to be forthcoming, which would connect Aviator from Black Cat to North San Marco Way within the Entrada Farm Subdivision to the southeast and I will get into that more later. This east-west connection would create the needed secondary access for the -- for fire, as well as provide a different connection to Franklin Road for this entire area. To help mitigate the issue associated with the future expansion of the road network, staff is recommending conditions of approval around the phasing of the project in relation to the extension of West Aviator Street. In addition to the general comp plan, the applicant is expected to meet certain design criteria found within the Ten Mile plan as well. The applicant is in compliance with these criteria, except for the street oriented design outlined on Page 3-33 was in the Ten Mile plan. This criteria discusses that front loaded units should be located no less -- I should say the garages should be located no less than 20 feet behind the primary facade of the residential structure. As noted in the staff report, the existing site constraints of extending the collector street along the south boundary, as well as the hundred foot easement of the Purdam Drain on the site make full compliance with the standard unlikely. Therefore, staff recommends the applicant explore alternate design options to be more consistent with this requirement, while maintaining a gross density of at least eight units per acre or 7.5 to roundup and consistent with an alternate floor plan -- or sorry. An alternate floor plan should be submitted, as well as revised elevations that show compliance with the recorded DA. Because in the DA there is existing floor plans -- conceptual floor plans that are vastly

different than what is proposed. The proposed plat complies with all UDC dimensional standards, road widths, and the proposed single family uses are principally permitted -- permitted within the R-15 zoning district. The applicant is proposing detached sidewalks and parkways throughout the single family portion of the project to help activate the street and provide more compliance with the Ten Mile plan and the street oriented design. The proposed plat meets all the landscape requirements, except for the required 20 foot buffer along the south side of Aviator extension, which would be here. Sorry. However, staff does recommend that the applicant coordinate with the irrigation district to see if trees can be added within the easement area of the Purdam Drain, specifically on the interior side of it. Due to the proposal of two types of residential uses in the same project, meaning single-family and multi-family, the open space requirements vary for each. The single-family area is approximately five acres and the multi-family area is approximately 4.8. Total property size 9.8. So, one of them has to be less; right? Therefore, the minimum amount of qualified open space required to meet our general open space standards, 11-3G-3, for the single family portion of the site is three quarters of an acre or approximately 32,700 square feet. The minimum amount of qualified open space that is needed for the multi-family standards, which are in the specific use standards, 11-4-3-27, is an amount per unit based on the size of the units. This provision -- the -- there is a section in that -- in the specific use standards that requires a minimum ten percent, but the area of multi-family is not over five acres, so that's not required. With the 36 units proposed the minimum amount of qualified open space for the multi-family development is 12,600 square feet. So, in total, the total amount of open space for the project should be at least 45,300 square feet or just over an acre. According to the submitted plans the applicant is proposing three and a half acres of common open space within common lots, of which approximately two and a half acres is qualified open space. Therefore, they are vastly exceeding the minimum amount of open space required. However, this area is actually still not fully accurate, as the Purdam Drain easement area is located on buildable lots and not in the common lot, so there is additional area that could be qualified and it does -- the open space does not include the parkways, which are also a qualifying open space where no driveways exist. So, this shows that the actual open space is even greater than what is currently listed as the two and a half acres. Again, the proposed open space vastly exceeds the minimum requirements. The applicant is required to provide a qualifying amenity worth at least one amenity point for the single-family portion of the site. The submitted plans do not show compliance with this requirement, but staff has included a recommendation of approval -- or sorry -- a condition of approval and a recommendation of approval. I will spoil the ending there. But a condition of approval to include an amenity that counts as one point for the single-family portion of the site. Specific to the multi-family portion of the site the applicant complies with all the requirements, except as follows: There is no property management office or maintenance storage area shown on the plans, which is required for all multi-family developments with 20 units or more. They are required to propose three amenities and they are only showing one, which is the children's play structures, which I appreciate that it's not just one playground, they actually have multiple things. I definitely appreciate that. Lastly, they do not comply with the number of off-street parking spaces required. They meet the minimum for the per unit, but they do not meet the minimum per unit plus the required guest spaces. So, they need to add, I believe it was four spaces total. In response to

that I have included conditions of approval to reduce the bedroom count of some of the units, because they are all two or three bedroom, which requires the same amount, but if they go to one bedroom reduces the requirement. I also am proposing that they revise the plans to add the required spaces in some of the areas noted. So, they have some areas here -- like they can add at least one more here. I believe they can fit a few here as well. In addition to what's within the site, I did not put this in the staff report as a condition, but code allows alternative compliance to allow other areas of parking to count and, in general, all of this north side and the east side of this street where there isn't these drive aisles on-street parking is going to be available, because there is no driveways. So, in short, I do not anticipate parking be a major issue in this development. Now, to the meats and potatoes here. The applicant is required and proposing to extend West Aviator Street along the southern boundary. It is a collector street that currently exists -- I believe it ends right about here with a temporary cul-de-sac here and connects out to West Aviator. That is the only access for the site currently. According to the plat the applicant is showing a small portion of this road extension on a property to the south, which would be right here. I will go to the next -- this is a property that they do not own and they are showing a portion of the extension on that site. That -- that site is not annexed into the City of Meridian. It is not typical of road extensions to utilize area not on the subject property, but it allows the applicant to have more usable land area that is significantly reduced already to the existence of the Purdam Gulch Drain easement. The placement of Aviator extension requires a formal agreement with the adjacent property owner. If the applicant cannot reach an agreement with that property owner, the submitted plat will have to be revised to show Aviator wholly on the subject site. To ensure this occurs prior to development, staff has included a condition of approval that a final plat for this project will not be accepted until an agreement has been formalized and the right-of-way has been dedicated to ACHD for this portion of Aviator Street. Vehicular access for the single family, which I will go back to this, is via construction of a new local street that loops through this site. In addition, access to the multi-family is via two 25 foot wide drive aisle connections to that eastern local street. ACHD has noted Aviator will need to be one foot wider than currently shown, which the applicant has agreed to. There is no secondary access to the site, because Aviator will be a dead-end street after -- dead-end street after its extension with this project. As noted above, the fire department requires a secondary access for each access that has more than 30 units taking access from it. The development to the west, Hensley Station, already has more than that and they have two accesses. So, that's why if they are not sprinklered that would be why. Therefore, as currently designed and proposed, if it was all to be built at the same time every unit would need to be sprinklered. Single-family and multi-family in this. Thus, the construction phasing of the project plays a key role in how staff must address this issue, as all the structures would need to be sprinklered again. Multi-family is already going to be sprinklered because of the International Building Code that they will have to fall under for that. The applicant has stated that their plan is to extend Aviator into the site to the point of no more than 150 feet past the eastern local street. So, instead of all the way to the east boundary, stop it about here so that there is no need for a temporary turnaround. This does comply with the technical requirements of the UDC and fire code, but it is not consistent with our general practice of requiring public streets to be extended to and through sites with the first phase of development or prior to and in timing with the first

buildings being constructed. However, the applicant is continuing to work with ACHD on a plan to construct Aviator as noted, again, with a short -- not all the way to the east, but with the temporary -- with 150 feet of pavement here. This plan to do this has been noted and they would road trust for the remaining portion of Aviator, so it can be extended with any future road project that occurs on the parcel to the east. Staff is supportive of this option, as the road would be a dead-end street and constructing a temporary turnaround would be both wasteful of space and would need to be located on top of the Purdam Drain, which could significantly -- I can't read. Sorry. Which could further hinder the applicant's ability to develop the site due to complications with the irrigation district. In conversations with ACHD they have noted an openness to this option, because they have done it previously. However, they did not include it in their staff report as a specific condition. So, staff has included a condition of approval to include -- or to encompass both potential outcomes for Aviator Street. I will go to my last thing here. So, as noted with the future extension of Aviator, this is the -- the plan for the master street map, which is the colored line here. This is the North San Marco Way and Entrada Farms. Obviously, Aviator stops right about here with the expansion of Compass Charter School. They are proposing to come here. The plan that I have seen as a preliminary plan for the site to the east shows Aviator continuing on and extending along their south boundary and connecting here and that would allow another access to Franklin for both entry and exit for the school, as well as any future residences out here. So, really, this extension of Aviator is very integral to getting it. It's a timing issue as discussed. There was some written testimony on the project, but all of it was concerning piping the Purdam Drain. There was a desire by -- I assume neighbors to keep the drain open and use it as a water amenity. Staff does recommend approval of the project if all the conditions of approval are met and after that I will stand for any questions.

Seal: Thank you very much. At this time would the applicant like to come forward? Good evening. Go ahead and state your name and address for the record and the floor is yours.

Schneider: Jadon Schneider. 412 South 3rd Street, Boise, Idaho. Mr. Chair, Members of the Commission, I just want to thank you for your time tonight and, first off, I just want to thank Joseph so much for all his work on this. We have -- we have gone to four pre-application meetings and Joseph's been diligent to sit through all of them and answer all our questions and help us with all that. So, I -- just as Joseph said, it might be a little longer about my chatting about this project, but I think it's important that you hear a little bit more of the backstory and a little bit of where we have come from and -- and where we are at now with it. Just to start off here, I would like to show you the -- sorry. So, the preliminary platform, basically, just as Joseph was saying, 9.8 acres. One comment that I had from Joseph's report -- or his comments earlier was he had said 73 units. The -- the total units that we have proposed are 75 units on there, which matches the report and the numbers that you said. I added it up really quick. It's 75 units on 9.8 acres, which is -- 75 by 9.8 is about 7.6 units per acre. So, just a point of clarification and Joseph can chat with that later. I just wanted to bring that one up just from that conversation right away. Just to look at the site as it is right now, I wanted to point out the Purdam Gulch Drain and you can see what's going on here. So, the Purdam Gulch Drain runs east-west through the site and it's a -- it's a pretty sizable drain through there. So, two of the

key components that I wanted to bring up for this site specifically -- sorry about this -- is the westerly boundary has an existing stormwater facility that was put in place by Compass Charter School. So, the stormwater facility services the Compass Charter School's current needs and because of this existing stormwater facility the site is further constrained. So, I just have some pictures of the site as it looks at the moment. This would be the area that is currently used by the stormwater facility. Just a shallow swale. They didn't do anything underground for what's going on through here. And, then, you can see that this is the northern end of it, it kind of bulbs out here at the side. I just wanted to point out, again, the Purdam Gulch Drain easement that runs through here. It's a hundred foot wide easement and it's owned and maintained by the Nampa-Meridian Irrigation District, as well as here in the southeast corner of the site there is the Nampa-Meridian Irrigation District pump house lot. So, the pump house lot was created as a part of the Compass Charter School portion. The portion of our subdivision requires that we include it in our subdivision in order to bring it up to code and Nampa-Meridian Irrigation District has -- has been forthcoming with us and has signed an affidavit of legal interest and -- and they are -- they are happy to -- to be a part of this subdivision and work with us on this. So, the irrigation district drain that runs through the site right now -- you can see it's a pretty sizable drain. Again, it's a hundred feet wide. There is a pretty sizable berm on the north side and the south side of it and it's -- it's fairly deep right now. So, it's -- it's not just a -- a lateral that's a user lateral, it's -- it's a full drain and it's a full main vein for Nampa-Meridian Irrigation District and it is important for them to have. So, one of the components of it that Joseph touched on here is the rerouting of the irrigation district drain. So, we have got the approval from the irrigation district and the developer is fronting all the costs that are involved with this and, like I said, it's a sizable drain and it's a 48 inch diameter RCP pipe, which is a reinforced concrete pipe, so it's -- it's not -- it's not just somebody getting out there with their backhoe and doing it, this is a sizeable project that is underway with the Nampa-Meridian Irrigation District and there is a -- there is a large financial investment that's being made by the developer at this time just to get the site up to a point where it can work for this project and the main point that this has come up with is the fact that Nampa-Meridian Irrigation District has been very clear with us that they will not allow us to cross their drain more than one time on this site. Like I had mentioned earlier, Joseph and I had gone through a number of pre-application meetings. We had come to agreement on one specific site that we both quite liked. We sent it to Nampa-Meridian Irrigation District. We were ready to make our pre-application district and the response back was we won't approve or we will not allow you to cross over our easement twice and -- and that is what we had been previously approving. So, it was disappointing and meant that now we had to reroute this drain, go through a vacation of an easement and everything involved with it, but that is how we came to this site, which is now reduced basically to a rectangle with the easterly and northerly boundary as Nampa-Meridian Irrigation District easements. So, just wanted to look at the site and talk about the specifics of a couple of the lots. There are front loaded attached product involved at this site and an eight foot wide landscape buffer that is in front of a detached sidewalk. So, the local road right here has that eight foot wide landscape buffer and detached sidewalk. Some of the elevations that we had sent to Joseph, but further require some modifications just to come up with the Ten Mile specific plan would look something like this. This is an idea where it's a -- it's involving pitched roofs, it's involving

setbacks, and -- and at different sizes and we will continue to work with staff to try to find some elevations that are really appropriate for this site. The standard for this would be a livable space on the ground floor or the first level, with bedroom and bathroom -- or, sorry, a bathroom -- half bath on the first floor, with two bedroom and two -- and a bath on the second story of these units. And, then, just to kind of talk again. So, the street section for the local right -- or the local road has the back of curb and eight foot landscape buffer and, then, the detached sidewalk and, basically, just to give some examples of what we are thinking it would be -- it would -- it can be tastefully done and this is what we would like to be doing. We would like to have lots of greenery and a landscape plan that looks really well for this. And just some ideas of having that detached sidewalk and something that we really like in this type of area. And, then, further to that we have the -- we will call it the alley loaded garage. However, this isn't alley load -- an alley between here. It's a -- it's an ACHD street section. It's just a reduced width -- width section. So, it's not 20 feet wide, I believe it's 28 feet from right-of-way to right-of-way. So, it's not a small tight alleyway back there, it is a full street section. Now, there is no parking specifically on the street section through here, but it is still foreseen to be rear loaded and have front doors opening to this usable open space. So, there is some in Block 2, Lot 8, which is that corridor that connects the loop road and, then, usable open space in that 20 foot landscape buffer along the north side of Aviator there. Just some elevations of things that we -- we have seen, other products and the developer has -- has proven to us that -- that they really like. This is some of that attached product with the front doors opening onto usable open space. Again, the layouts for this would involve a livable first floor and two stories with bedrooms upstairs. So, this one was a three bedroom unit upstairs with two baths upstairs and a half bath downstairs. So, three and a half bath. So, this is a project in Garden City, which we have drawn a lot of ideas from. I have fallen on the word. Sorry there. But, basically, you can see how this attached product here in the middle would look with that common space in the middle. So, what I would refer to here would be the Lot 8 of Block 2, where you have two -- the homes fronting onto an open space and you have a usable area out in the middle that can also be utilized for things like storm water management. This is what it can look like when it's in -- even a tight spot, so it can take -- it can be done very tastefully and not look, you know, like a -- like as if it's a small corridor or walled in on either side, it can -- it can look like a nice thoroughfare for the -- for the pedestrian pathways. The last part of the site here that we want a dimension on was the CUP portion of the site, which is the multi-family here. There is a number of conditions that Joseph mentioned in his staff report that generally we are -- we are all in favor of and -- and the small updates to the -- to the site plan here in order to receive approval for the cup should not be any problem for the developer moving forward. These are proposed right now as four-plexes. As Joseph mentioned we had proposed them all as two bedroom, two bathroom four-plexes. They would follow the two story idea where, basically, you would have your first story entryway with a livable space and, again, a second story bedrooms in order to allow access for each individual unit and instead of having a four-plex stacked with two units on the bottom, two units on the top, and -- and this is just a general idea of what we would be proposing for this site. Lastly, there was a condition -- and I -- Joseph and I chatted about it and I just wanted to bring it up anyways. Basically a condition involved with Aviator that had mentioned that there was going to be the requirement of a detached sidewalk on the south side of Aviator and due

to the site constraints involved with that, the condition was going to -- or I fear will push the unit density even lower. I -- I don't want to talk at nauseam about it. Joseph's made it clear to me that it was a condition that was put in place, because it's written in code, it cannot be variance requested out of it. I would just like to still bring that up that this is something that we struggle with. Everything else in the staff report we can approve and everything else in the staff report we are very happy with. There was just that condition of adding in the detached sidewalk. Compass Charter School, as it stands right now, has a seven foot wide detached sidewalk with a bike lane. So, it is in here as a seven foot wide attached sidewalk and that's what we had proposed. ACHD is okay with it. Again, Joseph's made it clear to us that it was a code issue and it wasn't something along there. The only reason, like I said, that I bring this up specifically is as you can see we are constrained by the fact that they are -- we are currently trying to work with the neighbors here to take some of this portion of their property and the Nampa-Meridian Irrigation District pump house lot. So, our fear is that by extending this seven foot attached sidewalk into a five foot detached sidewalk with a landscape buffer attached to it, would mean that we would have to push the right-of-way -- the northern portion of Aviator to the north, which, would, then, further constrains any of these lots here in Block 3, or the lots here in Block 1 and since we already are very close to being below the -- the minimum density allowed, that was our main concern with it. So, that -- that's all I will say about it here. And, then, with that, just to touch on, again, with what Joseph said about the neighboring parcel, the reason that we went ahead and are including this portion of the neighboring parcel was originally the developer to the south had a proposal in place and he had connection issues and so we had worked out an agreement with them that we would work with them to try to connect Aviator through their parcel, to allow them a future connection, due to the fact that if we came north on our portion of the property it would allow a non -- or it would create a non-conforming connection intersection by ACHD standards. So, the idea was, hey, we will come in with you, we will work together, we will take some portion of your lot. That project has since been removed, the portion to the south. Our project was put into motion when they were put onto the agenda, at which point they had been taken off. Anyways, to the point now there is a new developer that is currently in their due diligence period and is purchasing the land and we have been working with them to get that and Joseph's condition about anything to do with getting -- getting an approval from the developer to the south or the landowner to the south, we feel that is totally justified and -- and we are on our way to -- to getting that and that is our plan. And with that I will stand for any questions.

Seal: Thank you. Anybody have any questions for the applicant or staff? No? Okay. Thank you very much. Madam Clerk, has anybody signed up to testify?

Weatherly: Mr. Chair, we have two people signed up, but neither one indicating a wish to testify. So, Chad Palmer, did you want to speak? Okay. And, Larry, do you want to speak or no? Thank you. That's all I have, Mr. Chair. No worries. Thank you.

Seal: Nobody online?

Weatherly: Not raising their hand, sir.

Seal: Okay. Is there anybody else in chambers that would like to testify, now is your chance or forever hold your peace. No? Was going to say, you get an opportunity to come back up and speak again, but if you have nothing to -- nothing to add, we will go ahead and move on. Do we have any questions to --

Grove: Mr. Chair?

Seal: Go ahead.

Grove: I do have a question. Question for you if you could -- with -- in regards to the Ten Mile area specific plan -- I think I got those letters in the right order. Will the revisions to the -- to the west side of -- will that change the layout? Will those -- will the design aspects of the Ten Mile area specific plan in any way alter just the layout, the concept or anything else with regards to how you have it now?

Schneider: Are you speaking specifically to the lot layout or to individual unit --

Grove: Either way. Just in terms of -- I mean I know that there is certain design aspects. Will -- will that -- will those design aspects change what -- what the product looks like I guess?

Schneider: Sure. I -- I believe that if we are specifically talking about the lot layout themselves, I -- I believe that we have worked with staff and we have found a plan that fits the Ten Mile specific plan as best we can at this time. Again, the plan is strong guidelines. It's not written in code. It's something that we are trying to follow as best we can and so I believe -- maybe it's a question Joseph can follow up with, but I believe a lot layout wise in -- in regards to where individual parcels are located, I do not believe that we will need to make any revisions specifically to meet -- or further meet the Ten Mile specific plan. However, Joseph's made it clear to us about the elevations of individual units and trying to find something that can fit well and that's something that we are fine to work with.

Seal: Any other questions? No?

Dodson: Mr. Chair, I just had a couple comments. To -- to that -- to Mr. Grove's point, I agree with the applicant. I don't anticipate it changing any of the lot lines and I just recounted again and, apparently, I don't know, two months ago I couldn't count at all, because I swear I counted like six or seven times, but they have the 75. So, we are good on the density.

Seal: Eighth time is a charm.

Dodson: Yeah. I -- yeah. I -- yeah. The other comment I wanted to make was regarding the -- the sidewalk issue along Aviator. I completely understand the applicant's perspective. I get it. There is a couple things going on. One, what is currently constructed on the south side of Aviator does not currently meet our code and should not have been

approved. So, doing it again does not make it better and because of that there is -- there is no alternative compliance and it doesn't meet our variance applicability standards to use either of those avenues in order to change what code is saying that it has to be five foot detached. ACHD in their policies allows for seven foot attached, but our code for collector streets does not. Further, I think once we dive into the site plan a little bit more with the applicant, I -- I noted in my staff report the buffer on the north side of Aviator is actually 30 feet wide to the lot lines, not 20, so they have ten feet of room that they could move the road up and that will be the four feet of landscaping from the edge of the back of curb and the five foot detached sidewalk on the south side and that's -- they got their space for that right there. At least doing preliminary math. Granted my track record's not good right now with that, but that I believe will work just fine and that way it avoids them having to go into the -- the pump house lot, because we do not want to deal with that. So, I -- I think we can make that work. I don't see any issues with that. Those are my main comments as of now.

Seal: Okay. Thank you very much.

Dodson: Yep.

Seal: I was going to say, does the applicant -- do they want to come back up? Is there anymore questions or are we ready to close the public hearing?

Lorcher: I have a question for staff.

Seal: Oh. Commissioner Lorcher, go ahead.

Lorcher: So, in regards to the sidewalk, Joe, where there is seven foot along Compass on Aviator and, then, you are requesting -- or requiring the applicant to change it to five foot detached, so if I'm a kid going to -- from school to home or even aesthetically is that going to be weird, where it's kind of connected and all of a sudden the juggernauts to a different whole thing or --

Dodson: I -- I -- I -- Commissioner Lorcher, I understand your point there. This does happen, unfortunately, when certain things get approved or, frankly, it happens most often when ACHD comes back and widens the road and tears things out and, then, all of a sudden you have a segment of attached sidewalk, when it is detached everywhere else along the corridor. They have -- they have to meet certain ADA standards for the curvature of it. They can't just 90 it and go.

Lorcher: Right.

Dodson: So, it will look better than just that. But it is a requirement of code, so I -- there is -- I can't do anything. There is no avenue in order to say, oh, you do that. The only caveat would be, as bossman just reiterated to me, if it's less than 300 feet I believe -- I don't know what the length is there, but if it's less than 300 feet the director can waive the requirement of the detached portion. However, it's not something staff necessarily wants,

because the whole segment is going to be -- all the rest of it is going to be five foot detached. That's what we are going to require with the project to the east. That's what it is on the Entrada Farms, all that. So, to do it here doesn't make a lot of sense if they have the space, because it shouldn't have been done to begin with. So, it's just kind of like where do you draw the line of the -- the non-conformity.

Lorcher: Thank you.

Dodson: You're welcome.

Seal: Anybody else? Okay. Can I get a --

Grove: Mr. Chair?

Seal: Go ahead, Commissioner Grove.

Grove: Just thinking ahead on this. My personal preference on what -- where this might end up going would be to continue this to allow some of those changes to be made to make sure that it lines up. If we were going to do that could we check with the applicant first --

Seal: Sure.

Grove: -- before closing the public hearing, so that we don't have to yo-yo?

Seal: Got you. Yeah. Is there anybody else want to weigh in on that, continuance versus pass tonight? Okay. Sir, come back up. And I -- yeah, I think there is -- there is enough in here -- and I understand that, too, as -- as I read through it to me it was kind of -- there was a lot of things in here that kind of spoke to not quite ready to go through and I mean we have -- we have got to do our due diligence in order to make sure whatever gets passed on to City Council is something that they don't have to throw back our way and -- cause you more time and effort to be spent, so -- and outside of Joe's math, everything is still -- just lines up with that, so --

Schneider: Just to -- just to comment on that, we -- Joseph's comment about the -- the extra space to the north, if -- we can make that five foot detached work and -- and we will be more than willing to work with Joseph before then to continue this application along, as opposed to deferring it to a later date. But that -- that's just our comment at this time.

Seal: Okay. So, I -- I mean I -- I just think there is some things that can be done, especially with the roadway. The property to the -- to the south, that's one of my bigger concerns. I have a child that goes to Compass Charter, so traffic there is a nightmare, so -- it really is. It has significant issues and there is -- even though it's marked no parking, people park along there and everything. So, anytime they have a cakewalk it's pandemonium. So, definitely want to make sure that we get that portion of the road right, you know, for now and into the future. So, just think there is some things that could probably be worked

on and determined to -- you know, at a later date that will kind of firm this whole thing up and, you know, make the application a little bit more firm.

Schneider: As Joseph's staff report mentions, we are required to have that approval of the agreement with the neighboring parcel to the south prior to the City Council meeting and if that is a concern it -- I would -- I would argue that it's been met with the fact that we can't actually take it to Council until we have in writing an agreement that is -- that is agreed upon by both parties. Is there -- is there any other condition or any other worries that I could speak to at this time?

Seal: Commissioner Grove?

Grove: I think for me the road aspect, making sure that that agreement is in place and ready to go, the sidewalk is able to be integrated the way that it's required to be integrated and that, you know, the -- the piece coming in was the numbers piece and making sure that worked out and my concern was that there might be some -- if there was any change to meet the ten area -- Ten Mile area specific plan, if it had any changes, I wanted to make sure that that was in place prior to approval or denial -- or recommended approval or denial, so that it was a complete -- completed project that was fully recommended or fully denied to move forward and so that's -- that's why I was wanting to know if you were -- if we get to a point where we can't make that decision tonight, if -- if we cannot do that, if -- if you would be open to continuing or if you are asking us to -- if it gets to that point to deny, rather than continue, or where -- where you are at with that. So, it's more about where you are at in terms of that process.

Schneider: Obviously we -- we would much rather continue, as opposed to getting a denial -- or a recommendation of denial. So, we would be open to continuing in that regard and, like I said, I think that Joseph's made it clear that it seems like we can make something work, especially about the landscape buffer, but I completely understand, if you need more time we can work with that. Thank you.

Seal: Okay. So -- yeah. And I just -- I mean before we move to -- I mean it sounds like a continuance is kind of like where -- where we are moving, but I think --

Grove: Mr. Chair?

Seal: Yeah. Go ahead.

Grove: I think we could close the public hearing and have that discussion and, then, if a continuance is needed, then, open it back up for that sole purpose.

Seal: Okay. That's fine with me. So, can I get a motion to --

Grove: Mr. Chair?

Seal: Go ahead.

Grove: I move to close the public hearing for file number H-2021-0096.

Seal: So, a second?

Yearsley: Second.

Seal: It's been moved and seconded to close the public hearing for H-2021-0096. All those in favor? Any opposed? Okay. Motion carries. The public hearing is closed.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Seal: Joe, if you don't mind, I kind of want to go through -- I have kind of got mixed feelings on this. I mean as I initially read through it it just seemed like there was a lot of loose ends, a lot of things that were going on. It seems like we have tied up some of those loose ends tonight, so I just kind of want to go back through some of the conditions that were written in there, just to see what's -- we, obviously, have the -- the road. I mean -- and that's a big one. It would be nice to see that one done up, but if it's -- if there is a condition of approval in there already, it has to be buttoned up before it gets to Council, in my mind --

Dodson: Mr. Chair, yes, there is -- there is actually two different conditions. There is one regarding the dedication of the right-of-way and all that before final plat, but, then, there is also the agreement with the property owner that I did state that should be presented to me or planning staff in general before the Council meeting, yes.

Seal: Okay.

Dodson: And that's to your point exactly, that it -- that's such a big piece of it, that if that's not done, then, we got to kind of -- we got to go backwards anyways, so I understand your point there, if that's worth a continuance, but I do have that buttoned up and I would agree with you prior to the meeting I think it felt like death by a thousand cuts kind of thing, at least towards a continuance, but now we have cleared some of that up, which is great. I love that. It seems less imperative to me than it did.

Seal: Okay. So, I mean we have got the -- essentially the density requirements are good. Does that also reconcile the parking requirements that were in there?

Dodson: The parking was only for the multi-family, so it does not reconcile those, no.

Seal: Okay.

Dodson: Because I assume they are not going to add multi-family units, they just -- the space isn't there. But the single family was where I was looking, but they are good.

Seal: Okay. So, essentially, we have got the -- yep. We got hung up on that. So, I forgot to ask the questions about the property management and off -- off-street parking. And,

then, the condition that needs to have sprinklers in it throughout. So, generally speaking, with -- I mean, essentially, unless they want to stick to 30 units, they are going to have to have sprinklers in everything. That -- I mean is what it comes down to and that's generally what the fire department does, so --

Dodson: Right. Not necessarily. So, again, that -- it depends on the phasing.

Seal: Okay.

Dodson: And this is where they are working with the property owner to the south, as well as the property owner to the east, to try and set this up appropriately, so they don't have to do that. Obviously, development takes time. This isn't a final plat, et cetera. If they build the road 150 feet east of this local street it does not require a cul-de-sac; right? Or a temporary turnaround or anything. This remaining area would be road trusted. ACHD will take care of that. This application would have to get submitted and approved and, then, once that gets extended they -- they -- by that time they could have started the multi-family, which has to be sprinklered anyways. They are good to go on all that. They can construct the local road. They can do all of the site work. If that is all done and, then, this road gets extended or is dedicated and under construction, then, fire would not require these to be sprinklered. So, again, they are not phasing the project, there is no need, but the construction phasing will probably end up being that way and that's what the applicant and I have discussed and that's to avoid that. Now, if it comes down to the wire and they need to get these units done, I'm sure that that's just going to be what they do and they sprinkle them and move on.

Seal: Okay.

Dodson: But there -- I do have a condition about that already. So, that -- and that is something that's, frankly, not entirely pertinent to the public hearing and whether it's done now or later, it -- we got it taken care of. It's going to be a later issue.

Seal: Okay. And you do have a -- one of the conditions of approval is the property management office that in order to meet that that they need to have that and the amenities they are going to have to meet in order to move on as well.

Dodson: Correct. Yeah. All those things. The property management office and the maintenance area I would like to see before Council, but the amenities stuff and all that, I assume they can fix that really quickly.

Seal: Okay.

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher, go ahead.

Lorcher: So, in regard to the Aviation Street and ACHD making those improvements, what kind of attention can we get from ACHD? Is it something that's going to be pushed back, like Black Cat, until 2031 or is that something that they would do sooner than later?

Dodson: Commissioner Lorcher, if the applicant road trusts, which is basically just put up the money for it, as soon as it gets constructed or begins construction on the property to the east, ACHD will do it. They will do the work. It's not a CIP project, so there is no waiting around for public funds or anything, it will already be trusted in and ready to go.

Lorcher: Okay. Thank you.

Seal: Okay. I feel a lot better about the project. I think there is, you know, a few things that could be done, but I don't think there is anything -- I'm not seeing anything that's making me pause, you know, think that this is going to get to City Council and, then, they are going to, you know, try and remand it back to us to take a look at. So, I -- I sympathize for you on this piece of property. This was going to be the greatest soccer field ever, which is why the drainage goes out -- you know, all the different things about it. So, you know, the way this is having to be built, you know, I -- part of me looks at this as in-fill, just because of where it's at and how it has to be constructed, the way that the -- the ditch has to be rerouted and everything. I agree it would be nice to keep that open, but I just don't see that that's a possibility. If you have to reroute it I don't know that there is a way to do that efficiently without piping it, that would make the users of that irrigation water happy long term anyway. So, you know, I do like a lot of -- that you have a lot of different products in here. There is a lot going on. I like the road -- the way that the road comes in and goes around provides, you know, ample circulation for -- for this. So, I don't know. I -- I mean at this point I don't see anything that -- I'm not seeing anything that Joe hasn't already taken care of as far as the staff report that I wouldn't be able to support. Commissioner Grove, go ahead.

Grove: Mr. Chair. I would agree. I had some concerns. They have been largely addressed or at least addressed within the conditional -- conditions of approval. I think the site constraints are going to make this rather difficult to do a whole lot else with it. I think that it fits and, you know, having the Ten Mile area specific plan to help guide some of the design gives it another piece to, you know, integrate with what's there. So, I'm on board. I think there is some work to be done before City Council, but it all seems doable and it's -- it's not something that should really stop or slow down the process at this point.

Seal: Okay. Anybody else?

Yearsley: I have no concerns.

Seal: Okay. At this point I'm looking for a motion.

Dodson: Mr. Chair, just real quick. Since I can count tonight, I would say with any motion that I recommend striking condition 12-A, because that's the unit one.

Grove: Mr. Chair?

Seal: Commissioner Grove, go ahead.

Grove: Okay. All right. After considering all staff, applicant, and public testimony, I move to recommend approval to the City Council of file number H-2021-0096 as presented in a staff report for the hearing date of March 3rd, 2022, with the following modification: That Condition 12-A be stricken.

Seal: Okay. Do I have a second?

Lorcher: Second.

Seal: It's been moved and seconded to recommend approval of Item No. H-2021-0096 with aforementioned modifications. All in favor? Any opposed? Motion -- motion carries. Gosh, I almost said that wrong. I'm reading -- reading ahead.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Grove: I have a question for staff real quick. Is that okay?

Seal: I don't know.

Grove: Do we need to do another motion, because there was a CUP also, on that or does that get --

Dodson: No. That's all part of the same deal when it -- when it's all together like that you are good.

Grove: Cool.

Seal: All right. Thank you very much. At this point I'm looking for one final motion.

Yearsley: Mr. Chair?

Seal: Commissioner Yearsley.

Yearsley: I move we adjourn.

Seal: Do I have a second?

Stoddard: I second.

Seal: It's been moved and seconded that we adjourn. All in favor say aye. Any opposed? Motion carries. Thank you all very much.

MEETING ADJOURNED AT 8:11 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS.)

APPROVED

ANDREW SEAL - CHAIRMAN

_____|_____|_____
DATE APPROVED

ATTEST:

CHRIS JOHNSON - CITY CLERK