

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

- A. Request: Rezone approximately 6.819 and 0.326 acres of land from the R-8 and C-G zoning districts to the R-40 (6.61 acres) and C-G (0.535 acres) zoning districts.
- B. Request: Preliminary Plat consisting of 30 single-family residential lots, 5 multi-family lots, 2 commercial lots and 8 common lots on 7.64 acres of land in the requested R-40 and C-G zoning districts.
- C. Request: Conditional Use Permit to construct a 90-unit, multi-family development on approximately 2.8 acres in the requested R-40 zoning district.
- D. Request: Conditional Use Permit to construct single-family, detached dwellings on the 10 of the 30 single-family residential lots in the requested R-40 zoning district.
- E. Request: Conditional Use Permit to allow the existing, non-conforming parking, landscaping and mobile home park to remain as is for an extended period of time in the C-G and requested R-40 zoning districts.

Seal: All right. I would like to open File No. H-2022-0013, Promenade -- Promenade Cottages Subdivision. We will begin with the staff report.

Allen: Thank you, Mr. Chair, Members of the Commission. The applications before you tonight with this -- this request area rezone, a preliminary plat, and three conditional use permit applications. This site consists of 7.64 acres of land. It's zoned R-8, medium density residential, and C-G, general retail and service commercial, and it's located at 403 East Fairview Avenue. This property was annexed into the city back in 1969 without a development agreement. The Comprehensive Plan future land use map designation is commercial for 2.12 approximate acres of the site and high density residential at 5.52 approximate acres. The northern portion of this property adjacent to Fairview Avenue is zoned R-8 and C-C and is developed with two commercial buildings, a multi-tenant building with retail and restaurant uses with Idaho Pizza, a paint store, Rodda Paint, and associated parking. The proportion of the site directly to the south is a mobile home park and further to the south is vacant undeveloped land, all zoned R-8. The applicant is proposing a rezone of 7.15 acres of land from the R-8 and C-G zoning districts to the R-40, which is 6.61 acres, and C-G, which is .54 acre zoning districts consistent with the underlying future land use map designations of high density residential and commercial. The rezone to C-G will remove the nonconforming status of the retail store in the R-8 district as such use is permitted in the C-G district. The mobile home park is a prohibited use in the proposed R-40 district. A conditional use permit is proposed to extend the nonconforming use until such time as the property redevelops at a minimum of four years.

The proposed multi-family residential development is a conditional use in the R-40 zoning district and is subject to the specific use standards for such in the UDC. The proposed single family attached dwellings are a principal permitted use and the single family detached dwellings are a conditional use in the R-40 district. A preliminary plat is proposed as shown consisting of 45 building lots, Thirty of those are single family residential, five are multi-family and two are commercial building lots and eight common lots on 7.64 acres of land in the R-40 and C-G zoning districts. A gross density of 20.51 units per acre is proposed overall in the residential portion of the development. The plat is proposed to develop in three phases as shown. The single family residential on the south end of the site is proposed to develop first with 30 single family residential attached and detached dwellings at a gross density of 16.5 units per acre, with the multi-family residential development second, with a total of 90 apartment units at a gross density of 28 units per acre, for an overall gross density of 28 units per acre in the residential portion of the development and rebuild of the commercial area last shortly after the second phase. The phasing plan is based on the type of loan the applicant has on the property. Because the property is income producing, the loan will not allow the owners to disrupt the income being made off the existing commercial buildings and the mobile home park. Once the property is not encumbered by this loan condition the owner will move forward with phase two providing market conditions warrant it. Phase three will follow shortly after. Due to the financing and timing the applicant request -- requests an additional period of time of approximately four to five years, instead of the standard two years, to obtain the city engineer's signature on the second phase final plat. This will also allow ample time to notice the existing residents of the mobile home park of the plan to redevelop the property. Staff recommends the second phase final plat application is not allowed to be submitted for a minimum period of four years from the date of approval of the preliminary plat to allow residents of the mobile home park ample time to find other housing prior to redevelopment. This will require at least one time extension to be obtained in order for the preliminary plat to remain valid. There are three existing access driveways via Fairview, an arterial street. One for the retail paint store and two for the multi-tenant building. The western access is proposed to be removed and the eastern accesses are proposed to remain until redevelopment of that portion of the property occurs, as removal at this time would negatively affect existing uses. Upon redevelopment of the commercial portion of the site all access via Fairview shall cease and access should be provided from Northeast 3rd Street, the lesser classification of the two streets in accord with UDC standards and ACHD standards. There are nine existing access driveways via Northeast 3rd Street, a local street designated on the master street map as a collector street, two for the commercial, one ingress-egress driveway for the mobile home park, and six driveway accesses for individual mobile homes. The northern access via Northeast 3rd Street is proposed to be removed as it's too close to the intersection and doesn't conform to ACHD standards. The second access nearest Fairview is proposed to remain to serve the existing commercial retail store and a new driveway access is proposed 30 feet to the south of the aforementioned driveway as depicted on the site plan in alignment with the driveway on the west side of 3rd. Due to the traffic conflicts that will likely result from the two driveways so close together, staff -- staff recommends these two accesses are combined and aligned with the driveway on the west side of 3rd in accord with UDC 11-3A-3, which limits access points to collector streets. The existing driveway in alignment

with Gruber Avenue on the west side of 3rd is proposed to remain and be reconstructed as a 30 foot wide curb return type driveway and has been approved by ACHD. The remainder of the accesses are proposed to be closed. No access exists via Badley Avenue, a local street along the southern boundary of the undeveloped portion of the site. Two new accesses are proposed via Badley Avenue to the single family residential portion of the development, which also provides connectivity to the multi-family residential and commercial portions of the development. Private streets are proposed for internal access to the proposed single family and multi-family dwellings. With the subdivision cross-access and ingress-egress easement should be granted between the single family residential and multi-family residential and commercial portions of the development via a note on the final plat or a separate recorded agreement in accord with UDC 11-3A-3. Alternative compliance to the off-street parking standards for single family dwellings, which requires parking pads to be located in front of the garage to allow the parking pads for the three bedroom units to be located as close as possible to the corresponding unit was approved by the director. Additional right of way is required to be dedicated along Fairview Avenue, but no improvements are required with this development, as Fairview is listed in the Capital Improvement Plan to be widened from five to seven travel lanes with on-street bike lanes between 2036 and 2040. With development the existing section of Northeast 3rd Street is required to be reconstructed and the unimproved section between East Gruber Avenue and East Badley Avenue constructed as a complete collector street in accord with the master street map and in general conformance with the city's downtown Meridian street cross-section master plan. Private streets are proposed for internal access to the proposed single family and multi-family units for addressing purposes. The pathways master plan depicts a ten foot wide multi-use pathway off site along the west side of Northeast 3rd Street and along East Fairview Avenue on this site. Internal pedestrian connections are required between the single family, multi-family and commercial portions of the development. A 25 foot wide street buffer is required along Fairview and a 20 foot wide buffer is required along Northeast 3rd Street landscaped in accord with UDC standards. Because the single family residential portion of the site is below five acres in size at 2.7 acres, the minimum common open space and site amenity standards do not apply. The southern portion of this project is within the Meridian floodplain overlay district, zone AE, and will require a floodplain development permit. A conditional use permit is proposed to construct a 90 unit multi-family development on approximately 2.8 acres of land in the requested R-40 zoning district. Five three story 18-plex multi-family structures are proposed containing a mix of one and two bedroom units, 45 of each, ranging from 712 to 1,278 square feet in size. Off-street parking is provided in excess of the minimum standards with nine extra spaces. Nine of the surface parking spaces do need to be covered in accord -- or in order to meet the minimum standards for covered spaces. The amount of common open space proposed for the development also exceeds the minimum standards. A minimum of .5 acre of common open space is required. .94 of an acre is proposed, which is almost twice the minimum required. A minimum of four site amenities are required, one from each category. The applicant proposes a swimming pool, clubhouse, dog park, community garden and a tot lot from the quality of life, open space and recreation categories. An additional amenity is required from -- from the multi-modal category. Conceptual building elevations were submitted for the proposed single family structures as shown and for the multi-family. The

single family cottages are all proposed to be two stories in height with two car garages, while the multi-family apartment buildings are proposed to be three stories in height. The clubhouse will be a single story in height. The applicant's narrative states the multi-family buildings will use similar accents as the cottage units. A conditional use permit is requested for the development of ten single family residential detached dwellings in the requested R-40 zoning district. Typically single family residential uses are not a desired use in the R-40 high density residential zoning district. However, they are allowed as a conditional use. There are existing single family residential dwellings to the west across Northeast 3rd Street and to the south across East Badley Avenue. The proposed single family residential homes at a higher density of 16.5 units per acre will assist in providing a transition to the multi-family residential apartments planned in the second phase of this development and should be compatible with adjacent multi-family uses. For these reasons staff is supportive of the request. A conditional use permit is requested to allow the existing nonconforming parking, landscaping and mobile home park to remain as is for an extended period of time until redevelopment occurs with the second and third phases of the proposed development. The nonconforming use of a portion of the site as a mobile home park and the parking and landscaping in the commercial portion of the development will remain as is until the second and third phases of development respectively, which will be approximately four to five years. The reason of the lengthy request is so that the applicant may proceed with the development of the southern vacant portion of the site with phase one, while allowing the residents of the mobile home park adequate time to find other housing options prior to redevelopment of that portion of the site with phase two. Redevelopment of the commercial portion of the site isn't proposed until the third phase of development. The extended time period for redevelopment of the mobile home park also accommodates the type of loan the applicant has on the property and the income generating uses in the interim. The extended time period for the commercial portion of the development where the nonconforming parking and landscaping are located will allow the Fairview Avenue road widening project to -- to be completed. For these reasons staff is supportive of the applicant's request. No written testimony was submitted on this application and staff is recommending approval with the recommendation of a development agreement with the provisions in the staff report. Staff will stand for any questions.

Seal: Okay. Thanks very much, Sonya. Would the applicant come forward. Good evening, sir. We will need your name and address for the record, please.

Arnold: For the record my name is Steve Arnold. I'm with A-Team Land Consultants. 1785 Whisper Cove, Boise. 83709. And I will try to keep it as simple as possible. I think I have been working on this for five years. Sonya's had it for the last three to four months and I think she nailed everything that we are doing. Scroll down. So, the residential count -- Sonya went over -- and the mobile home park and the densities. The comp plan -- that we did add additional application, which was the alternative compliance and the private road. Utilities are all in the adjacent roads. Apparently the Public Works frequents the site because of issues in the mobile home park. So, we are hoping that we can get that cleaned up with that phase of the development. We -- as requested the additional covered space that -- we are in agreement with that. This site has been modified so many

times I probably lost it in one of the revisions. We are asking -- the only issue that we are really having with the staff report -- and it's not that we have issue with the condition -- we have issue with the application of it and the funding -- is 3rd Street. Typically ACHD requires half plus 12 and the city staff, which I -- I think it's a good idea -- is asking for it to be a full street section. We would like to be reimbursed that other portion and, then, we would like either the city or ACHD to step in, because I believe that we are going to need additional right of way on the west side adjacent to some of the existing uses. The one -- as staff would recommend -- or noted, we are correcting a -- a fairly big mess, not just physically out there, but, you know, policy wise with the R-8 and the uses of commercial in the R-8 and the mobile home within the R-8. So, we recognize this as actually being a good thing and cleaning some problems up. Again, Sonya nailed the timing. Again, the reason it's four years is because of the income producing nature of the property. The bank won't let us modify that in order to develop that section. CC&Rs, along with an HOA, will be provided for both the -- for the commercial, for the multi-family and the residential or the single family portion. They will maintain the common open areas and keep a -- a uniformity of development. Again, I think the only thing that we have got with staff conditions is -- is 3rd Street. All the other conditions we read through, all the other agency comments we can comply with. I'm going to go in and go quickly through -- staff has presented most of our maps, so I -- the -- the one thing that -- I don't know that it has been seen is the -- one additional amenity that we are doing is the bike lockers up in the multi-family. That wasn't noted, but as stated earlier -- I mean we are providing excess open space. The -- the idea is to get the feel of kind of a small little community on, you know, roughly under three acres and provide pathways, amenities and other things that make it feel more like a home. The units -- oh. Let me briefly touch on parking, too. The parking -- we have -- have excess and the whole idea is because we have had issues on other projects. One of the projects -- and I would invite everyone to go take a look at it, because it's never been -- that was the first one done in Idaho and there are -- these are cottage units and they do an attached and a detached like at a townhome feel and they are a really unique product type. But this project is at, oh, Fairview and Cloverdale area about a thousand feet west of Cloverdale. So, if you ever get a chance to drive by there you can see the product type. And we had issue with parking, so in this project we are proposing to do significantly additional. So, starting off in the multi-family, the requirement's 158, we are providing 161 and we will add to that 81 covered -- I think it's 90 that is required. Multi-family guest was required at nine. We are providing 15. Cottages. We have got the 30 garage parking stalls and, then, 30 assigned and where you see garages in front -- I'm sorry. Parking in front of the garages, that specific unit will be assigned those specific parking stalls, so that you don't have someone else theoretically using it to park and block them in. The cottages. Again, we are doing 30 required, 30 provided. But we are also providing an additional 20 for guest parking and we think that will be beneficial for the development, because we won't get all the parking on the streets. Commercial 33 is required and we have got 90. You have already seen the landscape plan. As you can see we have got it pretty extensively landscaped for a site this size. Here is showing you the extension of 3rd Street down to Badley. As you can see there is going to be some things in our way and I -- I just don't think that we will be able to keep the alignment without getting an additional right of way and if the city is prepared or ACHD is prepared to go get the right of way, we can construct it with the

project and, then, we just ask for reimbursement of the west portion. Here is an idea of our neighbor. He has got his -- his driveways that we will probably be messing up. However, he circulates there. So, we don't necessarily want to be the bad guy. I'm going to show you several images of the buildings as you can -- these are the existing ones that I told you that's near the Cloverdale and Fairview. These -- although we are calling it a private road, it's more of an alley access type product. You can see that we have got extensive architecture work on the outside. They are really a cute unit. I will show you some more here. This would be the -- how they would look facing 3rd Street. This is on a public road right out in front. This image gives you kind of an idea. We have got a townhouse type unit and a townhouse type unit and, then, a single family right in the center. These were built on paseos. This would be kind of similar look, but a lot wider of what we are proposing on the paseos along the parkways that we are doing in the center. These were 20. I think the others that we are doing here are between 40 to 50. This is a -- a 20 foot wide drive aisle. We are going to be doing roughly a 24 foot wide. So, this will be quite a bit wider. But this is, essentially, the back of the buildings. Typical fencing, if any. We fence around some of the units. And, then, this moves into -- this is a rough image of what we envision for the multi-family. Colors aren't quite compatible, but we will make that. Again, that's the only one -- in closing this is the only one thing that we would like to either not do or have the agencies take the lead on it. So, with that I will stand for any questions.

Seal: Commissioners, do we have any questions for the applicant? Or staff.

Wheeler: Mr. Chair?

Seal: Go right ahead.

Wheeler: This is a complicated piece of dirt, huh?

Arnold: I have never done so many applications on a seven acre piece. We have been working on this for -- I think we came to Bill about five years ago and Joseph took it and, then, like I said, Sonya just has had it over the last four months. But, yeah, it's complicated.

Wheeler: I was just -- literally was starting to laugh as -- as -- as Sonya was going through it. Like you have got a trailer park, you have got lean encumbrances and, then, on top of it -- what the heck, why don't we just go ahead and add you in a floodplain. You know, it's just like there is -- there is a lot that's going on on this piece of property. So, first off, hats off for chewing on this thing for a while and trying to make something that's -- that to -- to present here for it, so -- but one of -- one of my questions are -- yeah, one of my questions is on the -- on the connectivity. I don't see a pathway that's going to the north side to the commercial side that was talked about. I see the interconnectivity for the properties and to the residential, but where would the pathways -- where are those at that would take them up to the commercial spot?

Arnold: Mr. Chairman, Commissioner Wheeler, we do -- it -- it's shown on this. For some

reason I lost it on my site plan. But we do show a pathway kind of connecting the commercial right near the Idaho Pizza building. We -- and we -- as -- as staff recommended and we agree with, we will add additional connectivities. I'm thinking that perhaps even at the multi-family we could do some crosswalks along that area, kind of like how we did in the cottages. So, I -- I agree we should add that.

Wheeler: Another question I have is I'm hearing all of these restrictions placed upon you by the mortgagee; right? The lien holder; right?

Arnold: Uh-huh.

Wheeler: So, I'm -- I'm curious on -- if we do -- with these extensions is it going to be enough time or will you possibly have to come back again and request another extension? From what you are seeing on your time frame, development time frame, I mean just phasing; right? We are just talking phasing right now. So, how you see this thing play out with phasing, how you have to hold back a little bit before you -- before the trailer park is demised, rebuilt; right? Because you got compaction and environmental and all that kind of stuff you have to do. Is that enough time for you?

Arnold: Mr. Chairman, Commissioner Wheeler, we hope so. I mean -- so, we have -- we have tried to put the minimum there. I mean it -- it may take a little bit longer. If so, we would end up being back in front of you asking for an extension.

Wheeler: Okay. Okay.

Arnold: But we think the -- the four to five year mark would work.

Wheeler: Okay. Because right -- okay. Because right now -- staff, if I can ask just a quick question. It sounds like to me like there is a -- there is already a four year plan for the applicant to go ahead and develop and, then, he is requesting another four to five year extension. Is that how I'm understanding it? Or -- I just want to make sure.

Allen: Chairman, Commissioner Wheeler, Commissioners, the preliminary plat is valid for two years. Within that time period they have to obtain signature on the final plat by the city engineer or request a time extension for up to two years.

Wheeler: Okay.

Allen: They will likely need two -- two time extensions probably for this if it happens within the time period that they are estimating.

Wheeler: And if -- staff, if that's the case is there something that we can say provisionally and -- if it gets recommended to -- to build that in already in our recommendation or is this just something that's taken care of administratively?

Allen: City code.

Wheeler: City code.

Allen: As is.

Wheeler: Okay.

Allen: They were asking for that amount of time I believe probably maybe without extensions, but I -- I can't change that. That's city code that they request a time extension.

Wheeler: Okay. Okay. I just don't want to -- I guess what I'm getting at is what if this project gets going and he is seven -- you know, 75 percent done and, then, were not given an extension or he runs into some road block with the -- with something, all of a sudden we got a project and it puts him up against -- pins him up against a wall. I'm just -- if -- you know, how do we navigate that or what would be something that we can do there, if anything?

Allen: As long as they apply for their -- I'm not sure if I'm answering your question, but as long as they apply for their time extensions it -- it won't expire and as long as it's approved by the -- the first time extension is approved by the director. Any subsequent time extensions are approved by Council.

Wheeler: Okay. Okay. So, he can do multiple time extensions --

Allen: He can. Yes.

Wheeler: Okay. Okay.

Allen: To remain valid and with each of those time extensions the city can place additional conditions on the development. If there are any new city code provisions that go into effect that affect this development we can keep the -- the project up to current code.

Wheeler: Okay. Okay. And also like if they want to see benchmarks to be reached or whatever they can put that in conditionally or whatever they want on that.

Allen: Yes.

Wheeler: Okay. Okay. So -- so, it's -- so, Steve, just -- is that going to be something that -- timeline wise I just want to make sure you are not going to get pinned up against a wall or something like this, that that seems like that's going to work and -- all of that and you feel comfortable with that?

Arnold: Yeah. Mr. Chairman, Commissioner Wheeler, yeah, we are -- we are comfortable with that. And this is a question for counsel is can this be put into a DA, so that the time extensions aren't required that, you know, we essentially have four years on the second plat, instead of the typical two year consecutive. We are -- as soon as the city -- if they

hopefully approve us, that's going to be -- I mean we are going to get going on the cottages like ASAP, so I don't --

Starman: Mr. Chairman, Members of the Commission and our applicant, I would agree with Sonya's comment a moment ago. So, we have -- the development agreement is a contract and, then, we also, in addition to that, have the Unified Development Code, which is law and law trump's contracts. So, the -- the UDC would prevail. We -- we need to adhere to that provision that has the two year period with the extensions. Typically that - - you know, we will assess that at the time, but that's not a difficult thing to accomplish. It's fairly routine for us to extend preliminary plats as -- I don't think it's -- I don't want to - - I don't want to say it's automatic, but it's certainly done on a frequent basis. So, I don't think that's a huge issue. The very worst case to kind of address where you were going to, Commissioner Wheeler -- the worst case I think would be the preliminary plat does not get extended for some reason, in which case they probably had built phase one, but they have not built phase two and phase three and they come back and apply for another preliminary plat. So, that's probably the worst case scenario is that they have to apply, again, for a preliminary plat for phase two and three. I don't think that's a likely scenario, but that would be the worst case scenario that I -- I could envision.

Wheeler: Thank you.

Seal: Okay. Questions? Mr. Smith, go right ahead.

Smith: Mr. Chair. Question for staff. I was reading through the staff report. It looked like there was a recommendation to require phase two not be started for six years after and I think you said in the -- in the coverage that it's four years. I just want to make sure I'm understanding right, if there is a discrepancy or something changed.

Allen: Chairman Seal, Commissioners, I actually issued a revised staff report that changed that to the applicant's request of a minimum of four years. But you are correct it initially had the six.

Smith: Thank you. Okay. That makes sense. And, then, second let's pretend that I'm someone who is really bad with directions and it's been a long weekend. I'm not fully understanding the -- the difference of opinions on that alignment. Would it be possible to go back to that map -- Google Maps view? I just want to make sure I'm under -- so -- so, my understanding -- and -- and -- and this is why I need some guidance -- is that 3rd Street where -- it kind of turns -- if you are heading southbound it kind of turns right and, then, left into that area and that's what the applicant is -- is proposing keeping and staff is recommending moving that section to the -- that would be east -- moving eastward to be in alignment. So, it's straight through on 3rd Street. Is that correct? Is that the disagreement there or am I missing something? I'm -- I'm -- and this is totally me. I'm -- I'm -- got oatmeal brain today.

Allen: Chairman, Commissioner, the applicant is concerned that additional right of way may be needed from the property to the west, so they are asking the city and -- he is asking the city and ACHD to get involved to possibly acquire more right of way if needed

for that street section. Otherwise, yes, it would shift a little bit to the east.

Smith: Thank you.

Seal: And I -- I have a similar kind of follow-up question on that is that -- I mean I -- I don't remember reading anywhere that that was going to be a requirement of it, that, you know, additional right of way is going to be required as part of this application. So, is there -- I mean is -- is this one of those situations where something's been built where it shouldn't have or is this literally one of those where we are probably going to have to go and try and get more right of way or -- or do we know that yet?

Allen: Chairman, I'm -- I'm not sure. That's an ACHD question really.

Seal: Okay.

Parsons: Mr. Chair, Members of the Commission, if I can just elaborate on -- on the rationale behind complete street versus -- with first phase and then -- you are correct. It's -- well, Sonya and I -- staff is working with ACHD to figure that out as we transition to City Council. So, I just want to make that clear on the record. We have -- we have communicated -- we have been in contact with them consistently on trying to get this nailed down before tonight's hearing and I don't think you need to hold up the hearing because of it. What we are trying to do is balance two documents. We have a downtown streetscape section that is our preferred, but it stops at Carlton and, then, we have a 3rd Street alignment study that was adopted many years ago that speaks to the design of the road. So, what we are trying to do is take both of those documents and keep in spirit with both of those documents and ensure that we have the aesthetic and the street section that we want to see through 3rd Street, because this will be a major corridor through our downtown as we transition and -- and grow in Meridian. So, we have big plans for this -- this area -- for 3rd Street for -- it's almost like a Meridian Road. It's on the opposite side of Main Street to get people in and out of downtown. What we can't do right now -- and because of the phasing that the applicant's proposed, is -- and with the addition -- with the trailer park staying in, we can't lose -- we can't do anything on that side of the road yet until phase two. So, that will primarily stay the way you see it now until phase two. With phase one ACHD already has 60 feet of right of way for that and so what we have done is we are trying to get the applicant to, one, build a complete street, because we don't know the timing of when that's going to occur if we don't get it now, because it doesn't exist. The right of way is there, but there is nothing built. So, we wanted to make sure if we have a development now, we want to make sure we have a complete street with a ten foot multi-use pathway. The street section that we are asking to do will still work within the 60 feet of right of way. We are just asking the applicant to potentially put the five foot sidewalk in a pedestrian easement within his 25 -- within his landscape buffer -- 20 foot buffer that's required along 3rd Street and we are hoping that that can still work as part of his plan and no additional right of way will be needed. But we -- again, we don't have all those answers yet and if it does, then, potentially just to -- to the applicant's point, additional right of way may have to come from his site, not the western site. Just to kind of put a finer point on that. But I think it may be able to work, but I don't know. Steve has

worked at ACHD, so he's pretty familiar with their policies over there. So, I -- I think he knows he can do that and -- I believe he can do it in a pedestrian easement, still achieve at least the -- the travel lanes and the -- the streetscape and the -- the landscaping and everything we want within the existing right of way.

Seal: Okay. Thank you. I appreciate the collaboration on that. But one of the things that -- if you can explain a little bit more about the provisions of the loan and how, you know, four year time frame isn't going to land you in the same spot. Meaning that, you know, if it's based on the viability or the -- the fact that that makes money for you, how are they not going to come back at that point in time and say it's still making money, you still can't do it.

Arnold: Yeah. Mr. Chairman, I should elaborate on that. So, the timing on the loan -- they are fixed with this certain bank for so many years, which started some time ago. So, they can't refinance until -- and I think it -- it was approximately six years -- probably two years ago since we have been working on it. But, you know, time has lapsed now. So, we believe that within four years they will be able to refinance the loan and they will have another lender on it on the project. Probably the same one that will do the construction financing for that phase. Phase two.

Seal: And if they can't?

Arnold: If they can't refinance?

Seal: Right.

Arnold: I don't see that as being a problem. I mean there is a ton of equity on the property as is. It should be an easy project to finance.

Seal: Okay. I mean the things being what they are, you know -- short story. I had a house built by one of the best, most reputable builders in the valley and in between the time we decided to build the house and when they finally built it, they went out of business within three months of building our house and it was a horrible mess. So, things happen. So, I just want to make sure that we are prepared for that contingency should, you know, things not go the way that -- that we are thinking. I mean I -- and, staff, I don't know if you can help or even Kurt can jump in here on how we can formulate something here that protects us in a -- or not protects us, but makes sure that we are doing what's best for the city, knowing that there is something like, you know, the refinance of the loan.

Starman: And, Mr. Chairman, Members of the Commission, I'm going to ask for some assistance from our -- my planning colleagues as well, but my recollection is that the CUP for the nonconforming use, which is phase two, essentially, that has a four year time frame attached to it. Does it expire in four years? Okay. Bill is shaking his head yes. So, if that's the case that is -- I'm not sure if I would characterize it as a protection, but I would say that the reason that the mobile home park will continue to exist during this interim time frame is because -- or if it -- if the Commission recommends and the Council

approves, it will -- it will stay in place, because it has a conditional use permit for a nonconforming use and if that CUP has a four year -- four year sunset date on it, then, that will call all this to question at that point in time, because the CUP will expire and the use will no longer be allowed. Now, that begs the question of how would you go about enforcement and what would happen and I'm probably not prepared to delve into that this evening, but the CUP for the nonconforming use provides a tool to revisit the issue at that point in time.

Seal: Okay. That answers one of my other questions, which is good. Bill, go ahead.

Parsons: Mr. Chair, Members of the Commission, right now the way we have it structured in the staff report is a DA provision. So, at the end of that four years it -- it -- it goes away or he comes back and amends the agreement to extend it. We do not have an explicit condition that says this shall cease in four years, but that's what you are here tonight -- if that's something that you want to add that extra level of protection -- it is a CUP and I think the applicant would have -- would be in agreement with that, that at the end of the four years that they -- they cease -- the use needs to cease and you can add that as a condition of approval. Or -- or apply for another extension.

Seal: Okay.

Parsons: That's -- that's --

Starman: Mr. Chairman?

Parsons: -- within your purview tonight.

Starman: And, Mr. Chairman, I would say probably either/or works. A provision in the development agreement that has a four year termination date is probably -- works in the same way. You also could add a sunset date to the CUP and use sort of a belt and suspenders approach, which -- and that would be consistent. If you had a DA provision that said four years and a CUP that said four years, that would make some sense. So, that's something the Commission could consider. But either way would work. A DA provision would work. A CUP sunset date would work. Or a combination of both.

Seal: Okay. Perfect. Thank you very much. Can you elaborate a little bit on the utility issues that would be remedied?

Arnold: Mr. Chairman. Yeah. There is the -- basically they would all be ripped out. The -- the mobile home right now is on kind of a -- a weak system. It was probably not to code, nor ever inspected. So with phase two we will be tearing all that stuff out.

Seal: Okay. But there is nothing that's going to be connected right now that would remedy that?

Arnold: Nothing right now. Correct.

Seal: Okay. Just wanted to understand that a little bit better. That's all I have got. Does anybody else have more questions? No? Hearing none -- thank you very much, sir. And we will go ahead and take some public testimony.

Arnold: Thanks.

Seal: Thank you.

Hall: Mr. Chair, we have no one signed up online, but we do have a Craig Peterson signed up to speak. That is all.

Seal: No Mr. Peterson? Do we have anybody else in the audience that would like to come up and speak? Raise your hand. Come on up. I know somebody out there wants to. No? We do actually appreciate any comments that anybody has to make, so -- I mean we -- we do look at every piece of public testimony and listen heartily. Nobody online is raising their hand that I can see, so -- oh, did I miss somebody? Oh. Come on up. Just give us your name and number -- or sorry. Give us your name and -- and address.

Warner: Want my number? Okay.

Seal: Sorry. Gosh. Back to college. Name and address, please.

Warner: I'm Kellee Jean Warner. My address is 435 East State Avenue here in Meridian. And my question? Okay. My question is this seems like a pretty neat development there. I wondered how that affects the properties around? I don't know if that's the right question for this place, but that's my question, kind of how that affects the properties around. Like how it would affect my property that's just a few blocks away. How that affects all the other homes, whether it's value or just -- what does that mean for me as a homeowner in the area and this coming so close to my home?

Seal: Just as far as the -- the multi-family development that's going to come in or the replacement of the mobile home park or kind of all of it?

Warner: Yeah. All of it. Yeah.

Seal: Okay. And -- and I think that's -- I mean I don't know that anybody's going to know that a hundred percent, but there is going to be good and bad to anything really.

Warner: Okay.

Seal: All right. Thank you very much.

Warner: Yeah.

Seal: Anybody else? Last chance. Okay. Would the applicant like to come back up?

Arnold: I really have nothing to rebut, but just thank staff for the years of work that they have had us on this and I can say -- besides doing consulting work in the development side, we also do real estate on the new construction and land side and from a real estate perspective to clean up that mobile home park and to put in some single family and townhomes down there that will have some pretty good value, it will boost comps within, you know, probably a thousand foot radius. So, it -- it -- it will be a good thing for the neighborhood. I'm not sure if the Commission has driven out by there, but it's not the prettiest site. It's probably one of the uglier portions in Meridian.

Seal: Okay. I -- I do have a question on that. Is there -- I mean as far as the ownership of it and are -- are there -- is there an HOA type mechanism to that that would -- and the reason I ask is because my concern is as the -- the mobile home park starts to age out -- meaning that, you know, we get closer to that four year mark, the residents know that they are -- you know, they have to leave sometime. I have seen in other places where that gets pretty ugly pretty fast. So, I just want to make sure that, you know, that's something that's been thought of and there is some kind of mechanism in place that can help with that.

Arnold: Mr. Chairman, yeah. If you drive by there you are going to probably see that some of the residents are just going to leave everything and we will keep the trash cleaned up as that occurs. It's -- it's in our best interest not to have it -- a dump -- dump site either and we will likely have to take all of the mobile homes -- or not all, but a good majority of them to the trash. I mean there is -- there is some really rough looking things out there.

Seal: Okay. Will that happen as they are vacated?

Arnold: Yes, we can do that.

Seal: Okay. Is that -- and, Bill, I don't know -- is that something we can put as a provision for this that as they are emptied they are removed within a certain time frame or -- I know trying to enforce something like that's impossible. I just want to make sure we are doing our due diligence on it.

Parsons: Yeah. Chairman, Members of the Commission, I think that's doable. I would -- I would leave it -- you know, we can add it as a CUP condition that the site be maintained and orderly and that any dilapidated trailers left on the site would be removed within X amount of days or however you want to phrase that. But we can --

Seal: Okay.

Parsons: -- give us something and we can try to wordsmith it as we transition there.

Seal: Perfect. I was really hoping you would say that. Appreciate that. All right. Well, thank you. Commissioners, do we have any further questions? Oh. Go ahead,

Commissioner Wheeler.

Wheeler: Yeah, Mr. Chair. Thank you. Within the three phases do we have cross-access agreements between the different phases and the different building areas or different sections?

Arnold: Yeah. Mr. Chairman, Commissioner Wheeler, as a condition in the staff report they are asking us to do the cross-access --

Wheeler: Okay.

Arnold: -- and, again, it's in our best interest, especially when we are losing a driveway on 3rd Street to the commercial. So, yeah, the -- the -- all of the private roads they are platted on a -- a common lot and, then, cross-access is granted through that, along with all the utilities that are within that.

Wheeler: Perfect. Perfect. Thank you.

Seal: Any other questions? None? All right. Thank you very much, sir. Appreciate it.

Arnold: Thank you.

Seal: And with that I will take a motion to close the public hearing for File No. H-2022-0013.

Smith: So moved.

Wheeler: Second.

Seal: It's been moved and seconded to close the public hearing for File No. H-2022-0013. All in favor, please, say aye. No nays. Motion passes. The public hearing is closed.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Seal: Who would like to go first? Go right ahead.

Smith: This is just some -- some food for thought. I -- I don't -- I don't feel strongly about this one way or the other. Just thinking about that -- that 3rd Street discussion and extension, I -- I don't know -- I don't know how comfortable I am requiring something like that without knowing the right of way and -- and -- and, you know, the legal and financial kind of implications of that, so I don't -- and maybe this should have been a question around, you know, kind of what that could look like and -- and how that might affect -- would it -- how -- how adverse of an effect that would be on the -- the developers or, you know -- you know, what that would look like kind of best and worst case scenario. That's just something that I'm -- I'm -- I'm still kind of kicking around. I don't really feel super strongly about it, but there is -- there is some -- I don't love that uncertainty there at the

moment is all.

Seal: Yeah. I agree with that. It would be good to have more of that. I mean I'm -- I'm sure city staff is working diligently on that to try and figure out the answer to it. It's sometimes hard, because when things come through here, especially as a recommending body, it's difficult, because we don't necessarily want to hold things up in the process, but I, myself, I'm not -- I dislike greatly when things go to City Council just to come back to us. So, I don't know that this is -- this would be something that would have to rebound like that, but definitely has the -- the potential to do that. One of the -- I mean -- and -- and I will just speak to the -- to the site and the layout and the -- you know, kind of what this looks like in the future. I -- I do like that there is a four year halt, basically, on, you know, removing the -- the -- the -- the mobile home park in there. You know, I mean I'm sure there is people in there that are going to appreciate that, too, you know, and -- and there is generally a stigma around them, but I understand that, you know, housing in Meridian is incredibly expensive, as it is in the valley, so I'm just happy to see that that's in there. That said, I do want to -- I would like to see something -- you know, something -- I don't get to make the motion, but if I were to make the motion, you know, basically it's, you know, a provision that sunsets the -- the CUP at the same time as the DA provision. So, we are kind of double covered in that and that, you know, also we provision it that basically any abandoned mobile homes are removed within a certain amount of time. You know, let -- let the staff work with the applicant to figure out what that might be, just so that we are -- we make sure that, you know, as -- as the properties are -- are left or abandoned that, you know, basically we have a mechanism in there to keep -- keep moving towards cleaning that up for when that does get phased in. On the -- I actually -- I mean for what the property is I kind of like the layout of this, the way that it transitions. The fact that the clubhouse is kind of centrally located or will be centrally located is nice. The pathways in here are very nice. I like the -- the interconnectivity of it for certain. I'm sure as the city continues to grow that's going to actually be great for the folks that live in here. The only thing I don't like -- and you will -- you will rarely, if ever hear me say this, is the pathway that's behind the -- the houses that are on the -- the southeast -- is that right? Yep. On the southeast. I don't like that in there. So, to me that kind of sets it up to where you are going to have people -- kind of makes it to where it's, you, know, a blind alley in there, not a lot of observability. So, you know, hopefully nothing nefarious happens back there, but if it does it's really really hard for public to view it. So, I'm not -- I -- I don't -- I like the grass area back there, but I definitely am not a big fan of the -- of the pathway that goes back through there. I think that might be troublesome in the future, so I don't know if that negates as far as that being an amenity or anything along those lines, I just -- I think that's a safety concern that may just be me, may just be my opinion, but I -- for -- for me I think that's a safety concern. But the rest of it I -- again, I -- I like what it's going to be in the future. I wish we could get there a little differently, but, obviously, we can't. In-fill properties like this are really really hard. So, I'm -- I'm in favor of it, you know, as it stands and I -- I do hope that we can get to -- and, you know, Commissioners, if there is something in here where you feel like, you know, we -- we absolutely need to know what's going on with 3rd Street before we move forward, you know, please, indicate that as well. I will give some time to you guys to chat about it.

Rivera: Yes, Mr. Chair?

Seal: Go ahead.

Rivera: Again, first of all, thank you to developers and staff for all the time spent on this property. I think the end result will be a -- will be a nice, you know, addition to the city and to the residents here in Meridian. I -- I agree with the question mark on 3rd Street. I -- I think that's, you know, a question mark there. Overall I like the -- the flow of -- of what's being proposed in that tight space there. I did see that -- that walkway in the southeast corner as well, so I -- I observed that earlier, but hoping with -- I don't know, maybe some proper lighting or -- or something that it doesn't affect too much would create more safety than -- than -- than not and the only other thing, too, I just wanted to say just -- just from -- from my experience and I -- I don't foresee either any kind of a, you know, problem with refinancing this property, just based on, you know, once you create a -- I can see that the -- the equity in there I can see that there is -- of course I don't have the numbers, but once you build out phase one it only makes it more attractive for -- for -- for financing from any financial institution to grow and -- and, you know, when we do appraisals -- appraisals you get the as is, at completion, and at stabilization, you know, values. So, I think for the most part financial institutions use at completion and -- and their value will help with the -- with the refinancing here.

Seal: Okay. Thank you.

Wheeler: Mr. Chair, I'm ready to make a motion if we are good with that.

Seal: Commissioner Stoddard, do you have anything to add?

Stoddard: I do not.

Seal: Okay. All right. Commissioner Wheeler, if you would like to go right ahead.

Wheeler: You bet. Complicated property and excited to see something clean up. This is great. If I'm looking at the right one. After consideration -- after considering all staff, applicant and public testimony, I move to recommend approval to the City Council of File No. H-2022-0013 as presented in the staff report for the hearing date of April 20th, 2023, with the following modifications: Number one. That the CUP sunset at the same time as the DA provision. Number two. That the southeast pathway is not required. And number three. That the trailers that are vacant at the beginning of phase two be removed within 45 days and if there are more than five that is extended to 90 days.

Seal: Got a second?

Stoddard: Second.

Seal: A question for you, Bill -- for Bill. Is -- is that too defined?

Parsons: Mr. Chair, Members of the Commission, I -- I was hoping you would just say debris -- trailers and debris or something to that effect, but --

Wheeler: Okay.

Parsons: -- 45 and 90 days, is -- it's -- it's spot on in our opinion. That's easy -- that's easy to understand and enforce when you have that.

Wheeler: Okay.

Parsons: I would presume you mean calendar days as well.

Wheeler: Yes. That would be -- I actually had written down calendar days and didn't state that. So, yes, it would be trailers and their corresponding debris will be removed within 45 calendar days or if there are more than five -- more than five vacant trailers that that would be extended to 90 days.

Seal: Does the second still stand?

Stoddard: Yes. Second still stands.

Seal: All right.

Starman: And, Mr. Chairman, I just -- I'm certain this is part of the motion. I just want to get this on the record, that -- because we actually have three CUPs before you tonight. So, I just wanted to make it clear that I think the -- the maker of the motion intended that the -- the sunset date on the CUP is referencing the CUP for the nonconforming use, not the other two CUPs. Does that make sense?

Wheeler: Yes, counsel, that's correct.

Starman: Okay.

Seal: Second still stands with that?

Stoddard: Yes.

Seal: Okay. So, it has been moved and seconded that we recommend approval of File No. H-2022-0013 with the aforementioned modifications. All in favor, please, say aye. Opposed nay? All right. Motion carries. Thank you very much.

MOTION CARRIED FIVE AYES. TWO ABSENT.