

**Public Hearing for Black Cat East (H-2024-0047) by Sawtooth
Development, located at 935 S. Black Cat Rd. Recommend Approval
to City Council**

- A. Request: Annexation of 3.62 acres of land with the I-L zoning district to allow industrial development.
- B. Request: Modified Development Agreement to include this property in the development agreement for Black Cat Industrial (H-2021-0064).

Lorcher: The next item on the agenda is Black Cat -- Black Cat East for annexation and a modified development agreement. We will begin with the staff report.

Napoli: Thanks, Madam Chair, Members of the Commission. So, the next item on the agenda is annexation and development agreement modification for Black Cat East. The applicant is requesting annexation and development agreement modification for 3.62 acres of land with the I-L Zoning District to construct approximately 74,365 square feet of an industrial building. The site consists of 3.62 acres of land located 935 South Black Cat Road. As shown on the screen the existing zoning is RUT in Ada county and FLUM designation is mixed employment. This property was part of the initial application for Black Cat East industrial as shown on the screen and it's going to be this area down here where Building M is represented. The applicant is now seeking annexation to integrate this property into the surrounding development and align it with the broader planning efforts in the area. While I-L is not the preferred zone in the mixed employment designation, the City Council previously approved a request for the I-L zone in the surrounding development. Due to this the applicant requests the same zoning granted by City Council with the previous application to ensure a cohesive and consistent development. In 2022 a traffic study was completed with the previous application and was not required with this one. However, the TIS addressed concerns regarding traffic for this development and it was found that the infrastructure will be able to manage the 2.2 million square feet that will be developed within the broader project. This property was included within the scope of that traffic impact study. Additionally, there were thresholds placed on occupied square footage that will trigger roadway and infrastructure improvements as the development continues to be built out. The surrounding developments have similar requirements and restrictions on development until certain road -- road improvements are completed. According to the concept plan the predominant use appears to be warehousing and distribution, which is consistent with the surrounding area and aligns with the City Council's previous approval. Access is proposed off an existing curb cut on Grand Mogul, which is consistent with the original concept plan. Additionally the applicant has provided ten foot detached sidewalks on both sides of West Grand Mogul Drive consistent with the Pathways Master Plan. The building elevations and landscape plan will be analyzed with a submittal of the Certificate of Zoning Compliance and design review. However, the applicant is proposing a change to one of the development agreement provisions. Staff has talked with the applicant and I think that we are going to move forward with trying to find a solution or some common

ground before the City Council hearing. These are the proposed elevations that we were shown and really the provision that they were in question was the 30 percent fenestration to be measured by square footage along the northern half of the eastern facade facing Black Cat. However, the applicant wants it to be measured by linear feet instead of square footage of the building. So, instead of the overall area they want it to be measured by linear feet. So, 30 percent fenestration. We did talk with the applicant. We are willing to work with them to find a compromise to find a solution that is both common ground for both of us prior to the City Council hearing, but that is going to be something that we will review at the administrative design review, so it's not pertinent to this application really. So, you guys are the recommending body, though, with this, so you may choose to change our position. If you choose to do so within that development agreement you can change it tonight. It's something that we will work with the applicant on prior to City Council. So, it's -- but you guys have the authority to change that. So, given the previous approval staff is recommending approval and has received written testimony from Clay Sammis, who is the applicant and developer, in opposition of the condition requiring 30 - 30 percent fenestration measured by square footage, but as I stated staff has talked with the applicant and we are willing to work with them on that. So, I will stand for questions at this time.

Lorcher: Would the applicant like to come forward?

Koeckeritz: Good evening.

Lorcher: Good evening.

Koeckeritz: Good evening, Commissioners. My name is Elizabeth Koeckeritz. I'm with Givens Pursley. 601 Bannock Street, Boise, Idaho. I'm here on behalf of the development team, which is Sawtooth Development Group. With me today if there is any questions that I'm unable to answer we also have Clay Sammis with the development team and Brandon Swanson. I think Nick really -- hopefully that this is pretty short. Nick really did cover everything today and so we are here for the annexation and zoning for the final piece of this development. I went too far. Okay. This was the original -- these are so touchy. Okay. This was the original site plan. It did originally include the 3.62 acre parcel. This happened back in 2022, 2023 was the final approval. At that time for various reasons it did not go forward. Now it's not going forward here. Might want to try the arrows. There we go. Okay. And so ultimately this is the site plan that was approved and it did take out this building that we are now proposing. At that time both staff, council and the applicant wished that they could have included this building, but they just did not have the site control that was necessary at the time. Since, then, fast forward another year and here we are and this is the current site plan that was originally intended to be included. It's now here we are asking just that this be annexed and zoned and developed really in substantial conformance with everything else that's been going on within this development. We have the site plan here. It does allow that hard corner to finally be developed. If you look at the various -- I believe they are in your packet -- we are doing additional fenestration, doing a big sort of front entryway appearance area to really make that corner stand up. There is additional parking over what's required and we are meeting

all requirements of the development code. As Nick mentioned we are not in one hundred percent agreement yet on what the fenestration along Black Cat will be. We have been working with them closely. We proposed some language today. They have come back with other language. And so at this point in time just continue to -- we ask to continue to work with them to come up with some language that will work for all parties in the future. It is really a design review issue, but at the same time if it's in the development agreement we want to make sure we have it right right from the start and so with that we would ask approval of the annexation and zoning of this parcel.

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

Rust: None at this time.

Lorcher: All right. Thank you very much.

Koeckeritz: Thank you.

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

Lomeli: Madam Chair, no one has signed up.

Lorcher: Anything else that you would like to add or are you good? Okay. Then I will take a motion to close the public hearing.

Smith: So moved.

Seal: Second.

Lorcher: It's been moved and seconded to close a public hearing on Black Cat -- Black -- why can't I say that -- Black Cat East. All those in favor say aye. Any opposed? Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Lorcher: It appears that this was not available at the time that they had made the Black Cat industrial, but it has always been planned for it, so it just kind of continues on.

Smith: Madam Chair?

Lorcher: Commissioner Smith.

Smith: I guess just a question for -- for staff, because it seems like this is whatever the language kind of is at it seems like the idea is that it's kind of going to be tweaked probably a little bit. So, from my perspective I think the question is what is -- I guess best for the - the kind of agreement -- or the cooperation going forward. Is it -- should we just kind of set what staff's recommending and, then, work back from there or tailor down? Does --

does it really matter all that much regarding kind of the final product I guess is -- is the guidance I'm looking for here.

Napoli: Madam Chair, Commissioner Smith, as far as with that, correct, if you guys were to just approve the staff report as staff has presented it today, it is something that we can work with the applicant on to modify before City Council. As far as with that if you guys did like their provision change more than staff's, you guys could condition it to do that as well to where we will change it and we can still work with them to find a solution there. It's just a matter of really what you guys would like to do. But either way it's something that we will probably work with them on and it will probably change a little bit before the - the City Council hearing.

Lorcher: I think as long as it looks like it belongs there and it's not an afterthought, whether, you know, it comes from linear feet or square feet or -- or whatever the language ends up being, so that it -- it seems like it's always been a part of it I'm sure you can come to some kind of wording and discussion on how that would be. I mean if this is the rendering, it looks like, you know, the buildings are a little bit -- several different directions. This one seems to be the smallest of all of them, even at 76,000 square feet, but I think the goal is just to make sure that they all belong together.

Smith: Madam Chair, I will make a motion.

Lorcher: Commissioner Smith.

Smith: After considering all staff, applicant, and public testimony, I move to recommend approval to the City Council File No. H-2024-0047 as presented in the staff report with no modifications.

Seal: Second.

Lorcher: It's been moved and seconded to apply -- to approve File No. 2024-0047 with no modifications. All those in favor say aye. Any opposed? All right. Motion carries. Thank you very much.

MOTION CARRIED: FIVE AYES. TWO ABSENT.