

Public Hearing for Sagarra (H-2022-0027) by Accomplice, located at south side of W. Orchard Park Dr., west of N. Fox Run Way and east of N. Linder Rd.

A. Request: Preliminary Plat consisting of 114 building lots and 16 common lots (including 3 private street lots) on 17.49 acres in the R-8 and C-C zoning districts

B. Request: Planned Unit Development for a residential community containing a mix of single-family detached, single-family attached, townhome and multi-family units with a reduction to the setback requirements in UDC Table 11-2A-6. Alternative Compliance to UDC 11-4-3-27B.3, which requires the provision of 80 square foot private usable open space area for each multifamily unit to allow zero (0) for studio/flat units and two private streets.

Seal: And with that we will continue Item No. H-2022-0027 for Sagarra and we will begin with the staff report.

Parsons: Thank you, Mr. Chair, Members of the Commission. Next item is also a continued item from the December 1st Planning and Zoning Commission. I won't go into all of the details of this project, because, again, it's -- it has been continued. If you recall I think two of the major sticking points for the Commission was regarding qualified open space and park -- and parking were the two items I recall that came up quite a bit at that hearing and so you had instructed the applicant to go back to the drawing board and meet with staff and come back with resolution to do those two items. So, I'm happy to report that -- that those have been -- those items have been resolved and the applicant's open space and parking standards do comply with UDC standards, so there are no exceptions being requested to the parking standards or the open space as originally thought in the initial staff report. I would also mention to you that Sonya updated this staff report to reflect that as well. So, everything should be in line for tonight's proceedings. If you would like I'm -- I'm happy to go to the open space exhibit, so you can look at that revised exhibit here real quick. See if I can read it here. I believe that was the open space exhibit. This was explaining when it's coming online and what was counted. It's hard to see at -- at this scale, but looking at Sonya's notes here it looks like there is actually 3.43 acres of qualified open space. I would also mention to the Commission that one of the items that we brought up during the previous staff report was that linear open space along the south and east boundary. Happy to report that the irrigation district has given the applicant their approval to amend their license agreement and actually install the landscaping and required trees per city code. So, that does allow the applicant to go in there and basically enhance that and make -- integrate that better with -- with the development, without having to lose land area and still provide that landscaping that the city code requires and that's -- I think that's probably the -- what really got us over the hurdle was just understanding how that was going to work and whether or not the irrigation district would -- would allow the plantings. And, then, I know we had talked about this and this was discussed at the last hearing was parking and particularly parking -- on-street parking, particularly in the S curve areas and I'm sure -- the applicant has stated -- looking at the parking calcs, based on the revisions it looks like they are still 16 spaces in excess of what code requires and, then, this exhibit shows 122 on-street parking spaces. But,

again, if this body wants the applicant to not allow parking on some of those S curve areas, I'm sure that number would go down. But, again, they are in excess of UDC standards and, really, the on-street parking is the bonus here. It's just in addition to what the code requires. I had a chance to look at the public record. Didn't really see any new testimony or anything to add that wasn't already discussed at the last hearing. Again, concerns with density and just development in general. I do recall at the last hearing, too, that some of the neighbors had concerns about the fencing that was damaged during the tiling of the ditch along the south and east boundary. I know we had preliminary discussions with the applicant. I don't think we have come to a resolution on that. So, if that's something the body wants to have a discussion with the applicant on I would -- I would recommend that you do that this evening as well. Again, staff is -- is recommending approval and I will stand for any additional questions you may have.

Seal: Great. Thank you very much. Would the applicant like to come forward? Good evening.

Tseng: Good evening, Commissioners. Tony Tseng. 6518 North Fairborn. Sorry. North Fairburn Avenue, Meridian, Idaho. As Bill noted -- I just want to note that he's covered most of the things. So I will make the presentation pretty quick and simple. We have been working really closely with the neighborhoods and some of the neighborhood representatives. So, to address parking first, we have met with -- I met with Sally and she's a -- she's not the official representative, but I think she's kind of leading the charge and a lot of the neighbors kind of listen to what she's saying. So, we have been working together on solutions about the fence. I think the fence is a big issue for them. We have had -- Sally and I have come up with a couple of possible solutions of how we should fix that fence. Us, as the developers, are committed to participating and paying for half, if not more of the fence and her and I are working together to do a survey of everybody on Bacall and to figure out what certain people want. Certain people's fences are fine. Certain people's aren't. So, she's going -- she's come up with some great ideas of what we need -- we can and need to do to get the fencing issue solved. So, we are -- I'm actively working with her and she's been actually really pleasant to work with and so that's part of the process right now. So, I will -- I will make this pretty quick. I think Bill has addressed most of the issues. So, what I did was highlight some of the issues that was spoken of and kind of made the -- so, this is -- what I first put up is just the -- the addendum to the license agreement with the Northern Slough, allowing us to go ahead and use that and plant the trees, columnar oaks, so they -- they have already signed and -- and -- and recorded this document. So, we have the right to -- my -- the new landscaping plan will show the columnar oaks being planted and there -- and they have approved that type of tree. It's a more non-invasive root system and they are -- they are okay with that type of landscaping. The next thing is the open space. As Bill has -- and I will breeze through this, since Bill has kind of explained it. A lot of the issues that -- with open space was doing the right calculations and if you look at the calculations we have -- and the next page is going to take a while, though. It's kind of a big file. But what I did was I highlighted each section and each phase will stand alone and qualify with it above the 15 percent open space. Together we are above 20 and one thing I want to point out that is in some of the exhibits are -- there is a two acre park that's directly adjacent to the -- the

development that we are not counting. It -- it's across the street. It's part of the overall Orchard Park development that we plan on improving. The original idea from the neighbors was a dog park and, then, some neighbors decided they didn't like a dog park. So, Sally and I just discussed it that we would do a survey of the neighbors and see what they want. I mean I prefer a dog park, but if the neighbors don't want a dog park we will do a regular park. But that's the second thing that I'm working with Sally about is how we approach that park itself. It's two acres. We have control of it. It's not part of the Sagarra development, but it's part of the Orchard Park development, which we are all involved in and so we are working directly with the neighborhood to make sure that whatever gets put in there is something that everyone enjoys. Let's see if this will load now. Still not loading. But -- and also there is a couple of parcels there that -- there is this extra remnant parcel that we originally included in our open space that we are no longer including in our calculations. We don't need it. So, without all the -- all the staff recommendations we are still about 20 -- a little over 20 percent I believe and if you -- of course, if you add the park we are well in excess of probably 30 some percent. And the parking -- we just clarified the parking. I recolor-coded it. It's in your packet. To show each parking requirement for each building type and, then, you will see what's required and what we are providing and I think we are about 16 spaces in excess of what we are required. I can stand for any questions.

Seal: Thank you. I will start off. First question was just in the -- the S curve, still looks like that -- that's going to be allowed parking?

Tseng: Yeah. And so that's not in our control. That's an ACHD decision.

Seal: Still ACHD.

Tseng: Yeah. And I -- I have actually actively reached out to ACHD. General counsel is named Steve Price. I'm trying to set up a meeting with them. We want to do -- we have excess parking and if the neighbors don't want it, we don't need it, I can see not having parking there being beneficial to everyone. So, we are happy to work with the neighbors, work with ACHD. If they want to put up no parking signs we are happy to work with them. So, we are happy -- so, I have -- I have already reached out to Steve and -- to try to set up a meeting and talk about putting up no parking and making it a no parking section.

Seal: Okay. And, then, question on the fencing. Generally speaking when you are going to have common area that's open to anybody, pathways and things like that, generally speaking you put in visibility fence. Is that something that you and Sally have discussed?

Tseng: Yeah. So, the fence is actually on the Paramount property. So, I think it's subject to their HOA standards.

Seal: Okay.

Tseng: And so that was a big issue, because their HOA allows for nonvisibility fencing. Our fencing on our south side of our property will be visibility fencing. So, we are going

to work with their HOA and, you know, I think most of the neighbors -- we have talked to a lot of neighbors -- prefer privacy fencing. They want as much privacy as possible, so the backyards aren't staring at each other. So, I think we might be subject to what the HOA requires on the -- on their fence, because it's going to be still on their property. It's either fixing the -- the deal with Sally that we had was if we are not going to replace the fence we will at least fix them.

Seal: Okay.

Tseng: Put new posts in, straighten them up, and that -- and we as -- we selfishly want our side of the fence to look nice. They are going to be new homes. So, we at the very least want to paint or resurface the fences.

Seal: Okay.

Tseng: Of course with their permission, because it's still their fence.

Seal: Right. And, Bill, is there any -- I guess if this were new build and it was along that pathway it would be visibility fencing. So, just from a staff perspective can you give any guidance on what they may want to consider, you know, long-term, short-term?

Parsons: Mr. Chair, Members of the Commission, it really comes down to -- it's an existing fence. If you do repairs they can stay. We are not going to make them tear down the entire fence and put up open vision fence. But as you mentioned, if someone was to want -- or to want to replace the fence or they were to tear it all down, then, yes, we would be having a different conversation, because code -- or we would be going through an alternative compliance process to allow it to remain as is. Certainly the city doesn't want to get involved between HOA and CC&Rs. We will -- we will let that stand. But just the fact that the applicant is willing to repair those sections I think there -- there is really is no violation there. It's an existing fence that has been their part -- that predates this development. So, I don't really see that being an issue at this point.

Seal: Great. Okay. Thank you for that. Appreciate it. Anybody else want to jump in? I thought I saw people grabbing for microphones here, so --

Sang: Thank you.

Seal: I was going to say, we -- we can make this kind of quick here. I don't know if there is -- anybody in Chambers wants to testify and raise your hand. No? Anybody online? I see Sally's on there. If you want to testify just raise your hand.

Hall: There is someone online and she signed up. It is Sally Reynolds. You are now allowed to speak. Sally Reynolds? Go ahead and unmute yourself, please. Sally, are you there?

Seal: Not seeing her little microphone icon in there, so --

Hall: She's -- hit the allowed to talk.

Reynolds: Okay. Can you hear me now?

Seal: Yes, we can hear you.

Reynolds: Awesome. Thank you so much. I apologize. This is my first time doing it on Zoom. I wanted to save you guys from my cold germs and not come into Chambers. So, I will be testifying from home tonight. But good evening, Commissioners. My name is Sally Reynolds. 1166 West Bacall Street in Meridian, Idaho, and, yeah, I would just like to start -- start off and say I really appreciate the open dialogue that we have had with this developer. It's been great to meet with Tony. I, for one, am super excited about getting this area developed. It's going to mean a whole lot less dust in my house and as a dog owner I welcome a dog park in north Meridian. I think it's a great amenity to have near a multi-family site. The revised parking exhibit looks good to me and we appreciate their willingness to work with ACHD on the no parking -- especially just the curvature. Mainly Arliss, Bergman, and Director, those direct roads that feed into it. And -- and, yeah, really excited that there are trees being able to be planted on the irrigation that will provide a lot of privacy for all the residents who are there and so we are -- we are -- I'm -- I'm -- I'm -- I shouldn't say we are -- I'm not speaking on behalf of anyone. I'm pleased with those developments. And, you know, Tony and I get along great and I just want to preface that. But we do have one difference of opinion and so I do still maintain that this application is more consistent with an MHDR designation than the MDR designation and I do believe that the use of the planned development in the city's code was not intended for this purpose. It was intended to allow for greater creativity, not to cram more units onto a plat. So, while the neighborhood may have some decent exterior elevations and they have done a really nice job of making it look great, the amount of units and zero setback lines will really detract from the overall aesthetic especially in areas where you have three story buildings butted right up against the road easement and you can get a feel of how crowded that will look from their submitted concept elevation and I had submitted that to city clerk, but it's all right if they can't pull it up. But that concept elevation shows a two story when, in actuality, all along Orchard Park it will be three story. So, the application takes the R-8 designation and really pushes it to its limit. The gross density is 8.35, but the net density is over 16 units per acre. So, we are kind of talking R-15 there. Now, as a side note, I was on the city's open space committee for over a year and we worked with city developers -- or developers to rewrite city code on open space and I get it's difficult to legislate minimum requirements while still allowing for flexibility. So, that's why we have variances and alternative compliance and PUDs; right? Because land is different. Every plot is different. But this is not the intent of the PUD. I mean what good is the city code when these items can be used for loopholes? So, per the development agreement this area should be at minimum R-6, which is around a hundred units and -- and that's what the two preliminary plots had shown, somewhere between 96 and 110. So, 146 is 50 percent more and I believe that if the reduced number of units were on there, the open space requirements could have been met without that irrigation, you know, spot being needed and need to have the setback requirements. So, if you do -- if they go for approval

to City Council, if you are recommending that, the only two conditions we would ask was the fence, which, as Tony said, we have already kind of worked on that, but to just put it on the record. And, then, also lighting on the easement, which Tony and I have also discussed that and they said they are willing to do that. But to put that on the record as well that would be great. And I will stand for any questions.

Seal: I'm sorry, what was the second one that you said there? I didn't quite hear that.

Reynolds: Oh, that's fine. The lighting -- some lighting on the easement that's between Paramount and the -- the back of their subdivision. It's about 35 feet wide and there is going to be a walkway. It's kind of a long corridor and so little bit concerned that that could become a corridor for criminal activity. So, some sort of lighting back there and, again, it's just like the fence and just like the dog park, not everybody is going to agree on everything; right? Like we don't know if it's low lights or high lights, but just something back there that would reduce the opportunity for criminal activity would be very welcome.

Seal: Okay. Thank you very much. Anybody have any questions?

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher, go ahead.

Lorcher: The original day that this was presented on December 1st I was absent that day, but I did read all the testimony. So, I feel like I am mostly up to speed on it. But I did have a question for the applicant in regard to the fencing and the drainage ditch.

Seal: Okay. We will bring them back up here in a minute, but -- unless there is anybody else that wants to testify? Nobody else is online. Nobody else in Chambers. So, if the applicant would like to come back up.

Lorcher: Tony, you mentioned that there is a drainage ditch that was tiled and is that on your property or is that on Paramount's property?

Tseng: That is on our property.

Lorcher: And so were you as a developer responsible for tiling it in?

Tseng: Yes. It was not part of the Sagarra development, it was part of the overall Orchard Park development that we tiled it previously.

Lorcher: Okay. And so was Paramount suggesting that because of the tiling that's how the fence got damaged and they feel like it should be your responsibility to fix? Is that how the conversation started?

Tseng: I think that's how the conversation started. And, regardless, we were okay with -- we want it fixed, you know, just from our development's view to their -- to the back

fence. I have been out there and the – the fence is 20 years old. I think Sally can probably correct me. But anywhere from 15 to 20 years old. So, the fence is getting a little old. It's looking a little tired.

Lorcher: Is it vinyl or cedar?

Tseng: It's wood. It's -- I think it's cedar.

Lorcher: Okay. All right. That's all I wanted to clarify. Thank you.

Seal: And if you want to address any of the other items that Sally brought up or -- you know, anything along those lines.

Tseng: Sure. If you look at -- Bill, do you still have that exhibit if it -- if it loaded completely, because I have an exhibit for those zero lot lines and the zero lot lines isn't so we can cram a bunch of buildings right on the lot line. You know, I have an exhibit where it shows the points where we actually go to zero lot line -- here we go. Is this yours or is this -- do you have the zero lot line exhibit that we submitted? Because if not it's on the back of mine. Yeah. And -- and, yes, there are zero lot lines, but it's not -- the intent wasn't to push everything to the edge and once -- once you see that exhibit it's for articulating the buildings, create a little more -- just so they are not straight buildings. They -- they articulate. So, the corners of the buildings have zero lot lines and there is probably, give or take -- and once we pull up the graphic -- seven to ten points, where the lot lines -- and it's right here. The last exhibit here. I think it's still trying to load. It's a big file. Yeah. So, you can see the little red marks and that's where the -- the -- the zero lot lines exist. And so just to clarify, it's not to create a zero lot line everywhere so we can cram the buildings into the edge, it's -- you can see how the buildings are articulated and we hate to lose the design function because of these points, but if we really have to -- like I guess we can go redesign it and straighten the buildings out a little bit more. We just thought it was a good architectural feature to make it so that it doesn't look like rows and rows of buildings.

Seal: Anybody else have questions of the applicant? No? Thank you very much. Can I get a motion to close the public hearing for Item No. H-2022-0027?

Lorcher: So moved.

Stoddard: Second.

Seal: It's been moved and seconded to close the public hearing for File No. H-2022-0027. All in favor, please, say aye. No opposed. So, motion carries.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

Seal: Who would like to go first?

Grace: Mr. Chairman, I just wanted to put on the record on December 1st I recused myself from this matter.

Seal: Okay.

Grace: I -- I am a member of -- I live in Paramount and I'm a member of the HOA, so, I'm going to stay consistent with that and recuse myself this time around, too.

Seal: Okay. Appreciate that. Thank you, sir. So, it's just the three amigos.

Lorcher: Mr. Chair?

Seal: Go ahead.

Lorcher: After reading all the testimony and -- and going through the presentation from the December 1st meeting I feel like -- except for the questions that I asked today, I'm pretty good understanding of what's kind of happening here and that this was always intended for -- to be a mixed-use area at this particular junction. I think the developer has worked very hard and being very accommodating to -- not only to the area, but to their neighbors to make sure that as many people can be happy with it as they can. There is always going to be somebody who is going to complain and adding more houses to any of the subdivisions there is always going to be a complaint. But we are still in a growth community and these types of products are things that people are looking for to live in these areas. So, I support their design.

Seal: And I'm -- it's good to see something that was fairly hotly contested come back in and have, you know, good -- good support from the community and good input from the community as well. So, that's very nice to see. I'm glad that the -- the pathway worked out and you were able to put in what needed to be put in there. So, sometimes that's a pretty tough sell. But all looks pretty good. I mean, hopefully, something can be done with ACHD to eliminate parking on at least half of that S curve. Appreciate your working with ACHD and approaching them proactively. That's going to make things a little bit easier as -- as things go forward, so -- and it -- I mean it will just make it safer. I mean it's only going to take, you know, one person kind of trying to race car through there to make really bad days for others for sure, so -- but, yeah, I like the pathway. The lighting is I think probably a really good element to this, so -- especially if the fences are going to be built where they are not privacy fences it would be good to have some extra light shining back in there to make sure that's, you know, a safe place for people to -- to walk through -- walk through, bike through. That's about all I have.

Stoddard: No. I agree with all that. I also like the purpose of the zero lot line. I like the idea of, you know, having the buildings not just a solid line. I think it's great and I like the design as well.

Seal: Real quick. I do have a question for Bill and -- I mean, essentially, when it comes to the -- some of the things have been mentioned, the lighting, essentially working on the

fence or repairing the fence, replacing the some of the fence and this -- you know, they are over 16 spaces on parking. They are going to talk to ACHD. Is that something we can condition? I don't want to -- just want to make sure that we are putting that in the public record, but not in such a way that we are telling them you have to eliminate 16 parking spots. You have -- you know, I don't want anything along those lines. But I do want something in the public record about that.

Parsons: Sure. Mr. -- Mr. Chair, Members of the Commission, certainly you can condition the project and simply staff can just say as proposed by the applicant, because, again, that's what they agreed to do. They agreed to lighting. They agreed to working with the HOA. And they agreed working with ACHD. So, in your motion that -- in your recommendation if you state that you are adding those three conditions as proposed by the applicant, then, when we add it to a condition of approval we will say work with ACHD on no parking signs along whatever streets those are -- those curved areas as proposed. And, then, if allowed or something to that effect. So, if ACHD says no, then, obviously, they can't meet that condition. But as long as it's may or shall -- not thou -- that thou shall, but maybe leave it open to work with the HOA on fence repairs or those types of things, I think that gives them some flexibility and it's not so rigid in case things don't work out.

Seal: Okay. Appreciate that.

Starman: Mr. Chairman, I agree with all that one hundred percent and just to add one more layer of information. I think with -- and, Bill, if you disagree definitely correct me, but I think -- I agree with everything Bill just said. I think with respect to the lighting and the open space area you could condition that as a requirement, not as a -- that you will use good faith. I think that one you can make a requirement. The other two, the parking issue, that's really within ACHD's purview. So, the best we can say is you are directed to go work with ACHD, but we can't require it, because there is no way to enforce that. Likewise, the fencing is on private property and it's off site and so same thing, we can ask the applicant to work with the neighbors, but we can't require something. I think the lighting is different. The lighting we could require if you -- if you and the Council were so inclined.

Seal: Okay. Appreciate that feedback. That's -- sorry to -- sorry to cut you off before making a motion, because I don't want to stand in the way of that, but I did want to make sure that we covered that well.

Lorcher: Kurt, does this go in front of City Council?

Starman: Yes.

Lorcher: So, the lighting issue would be really decided -- decided by them; correct?

Starman: It would. Although my suggestion to the -- to the Commission would be if you feel that ought to be a condition I would recommend that you include that as part of your motion and recommendation to the Council, so that the Council is aware of your feelings

on that, so -- but, ultimately, the City Council would -- for lack of a better -- would impose -- would impose such a condition, but you would be making the recommendation.

Lorcher: Okay.

Seal: I'm ready if you are.

Lorcher: Okay. I will give it a go.

Seal: Great.

Lorcher: After considering all staff, applicant, and public testimony, I move to recommend approval to City Council a File No. H-2022-0027 as presented in the staff report for the hearing date of January 5th, 2023, with the following modifications: To continue to work with ACHD on parking in curved areas. Working with adjacent neighbors to repairing the fence that is common between both properties. And a recommendation to City Council that additional lighting be provided for safety.

Stoddard: Second.

Seal: Okay. It's been moved and seconded to approve Item No. H-2022-0027 with the aforementioned modifications. All in favor, please, say aye. So, there is none opposed. Motion carries. Thank you very much.

MOTION CARRIED: THREE AYES. ONE RECUSE. TWO ABSENT.