

Meridian Planning and Zoning Meeting

December 7, 2023.

Meeting of the Meridian Planning and Zoning Commission of December 7, 2023, was called to order at 6:00 p.m. by Chairman Andrew Seal.

Members Present: Commissioner Andrew Seal, Commissioner Nate Wheeler, Commissioner Enrique Rivera, Commissioner Patrick Grace and Commissioner Jared Smith.

Members Absent: Commissioner Maria Lorcher, and Commissioner Mandi Stoddard.

Others Present: Chris Johnson, Tina Lomeli, Kurt Starman, Caleb Hood, Brian McClure and Dean Willis.

ROLL-CALL ATTENDANCE

☒ Nate Wheeler	☐ Maria Lorcher
☐ Mandi Stoddard	☒ Patrick Grace
☒ Enrique Rivera	☒ Jared Smith
☒ Andrew Seal - Chairman	

Seal: Good evening. Welcome to the Planning and Zoning Commission meeting for December 7th, 2023. And at this time I would like to call the meeting to order. Commissioners who are present for this evening -- evening's meeting are at City Hall. We also have staff from the city attorney and clerk's offices, as well as City Planning Department. I don't believe we have anybody joining us on Zoom. Oh, we do. If you are joining us on Zoom we see -- we can see that you are here. You may observe the meeting. However, your ability to be seen on screen and talk will be muted. During the public testimony portion of the meeting you will be unmuted and, then, be able to comment. Please note that we cannot take questions until the public testimony portion. If you have a process question during the meeting, please, e-mail cityclerk@meridiancity.org and they will reply as quickly as possible. With that we will begin with the roll call. Madam Clerk.

ADOPTION OF AGENDA

Seal: First item on the agenda is the adoption of the agenda. I do need confirmation on which of our applications will be continued, because I know there was a little chatter about that. Kurt, do you want to take that or --

Starman: Mr. Chairman, of course, that's the Commission's decision, but my understanding we have a request to -- from the applicant to -- for Agenda Item 4, as well as Agenda Item 5 to continue those two items. The first one is Blayden Subdivision. The second pertaining to Farmstone Crossing Subdivision.

Seal: Okay. So, the first item on the agenda is the adoption of the agenda, where we will announce and -- unless there is anybody that really really wants to hear either of the applications tonight that Blayden Subdivision, H-2023-0043 and Farmstone Crossing Subdivision, H-2023-0045, will be open for the sole purpose of continuing to a regularly scheduled meeting. They will be open for this alone. So, if anybody is here tonight to testify for the applications we will not -- not be taking public testimony on them this evening. Can I get a motion to adopt the agenda?

Smith: So moved.

Grace: Second.

Seal: It's been moved and seconded to adopt the agenda. All in favor, please, say aye. Opposed nay? Motion passes.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

CONSENT AGENDA [Action Item]

- 1. Approve Minutes of the November 16, 2023 Meeting of the Planning and Zoning Commission Meeting**
- 2. Findings of Fact, Conclusions of Law for Meridian OZ (H-2023-0048) by JD Planning and Consulting, located at 1475 E. Franklin Rd.**
- 3. Findings of Fact, Conclusions of Law for Chik-Fil-A at Ten Mile (H-2023-0054) by 4G Development and Consulting, Inc., located at 501, 567 and 609 S. Innovation Ln.**

Seal: Next item on the agenda is the Consent Agenda and we have three items on the Consent Agenda. The first is to approve the minutes of the November 16, 2023, meeting of the Planning and Zoning Commission and we also have Findings of Facts and Conclusions of Law -- Conclusion of Law for the Meridian OZ, File No. H-2023-0048 and Chik-Fil-A at Ten Mile, File No. H-2023-0054. Can I get a motion to accept the Consent Agenda as presented?

Grace: So moved, Mr. Chair.

Rivera: Second.

Seal: It's been moved and seconded to -- excuse me -- adopt the Consent Agenda. All in favor say aye. Opposed nay? Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

ITEMS MOVED FROM THE CONSENT AGENDA [Action Item]

Seal: All right. Public hearing process. It's going to be an abbreviated version of this. So, essentially, we have got one -- one application that we are going to go through the whole thing on here. The others will be continued. City staff is going to be giving their presentation later, so we will go by the public hearing process.

ACTION ITEMS

- 4. Public Hearing for Blayden Subdivision (H-2023-0043) by Bailey Engineering, located at the South side of W. Chinden Blvd. and west side of N. Black Cat Rd.**
 - A. Request: Annexation of 27.36 acres of land with R-15 (4.32 acres), R-40 (16.71 acres) and C-G (6.33 acres) zoning districts.
 - B. Request: Conditional Use Permit for a multi-family development consisting of 312 dwelling units on 14.92 acres of land in the R-40 zoning district.
 - C. Request: Preliminary Plat consisting of 26 building lots and 11 common lots on 24.98 acres of land in the R-15, R-40 and C-G zoning districts.

Seal: So, at this time I would like to open File No. H-2023-0043, Blayden Subdivision, for a continuation to the date of February 15th, 2024.

Smith: Mr. Chair?

Seal: Yes. And one item is they will need to repost this, because it is far enough out and they will need to pay for that reposting. So, if you are going to make a motion, please, have that in there.

Smith: All right. Try to do that.

Seal: Okay.

Smith: If -- if anyone wants to correct me. Mr. Chair, I move to continue File No. H-2023-0043 to the hearing date of February 15th, 2024 at the applicant's request. Also with the requirement that the applicant reposts and pay the cost -- as needed to repost the notice and pay all the applicable costs.

Seal: Okay.

Wheeler: Second.

Seal: It's been moved and seconded to continue File No. H-2023-0043 for Blayden Subdivision to the date of February 15th, 2024. All in favor, please, say aye. Opposed nay? The item is continued.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

5. Public Hearing continued from November 2, 2023 for Farmstone Crossing Subdivision (H-2023-0045) by Bailey Engineering, located at 820 S. Black Cat Rd.

- A. Request: Annexation of 33.893 acres of land from RUT to the M-E (Mixed Employment) zoning district.
- B. Request: Preliminary Plat consisting of 6 buildable lots on 27.59 acres of land in the proposed M-E (Mixed Employment) zoning district.

Seal: Next I would like to open File No. -- or continue File No. H-2023-0045 for Farmstone Crossing Subdivision for continuation to January 4th, 2024.

Grace: Mr. Chairman, I would move that we continue File No. H-2023-0045 to our next scheduled meeting on January 4th, 2024.

Wheeler: Second.

Seal: It's been moved and seconded to continue File No. H-2023-0045 to the date of January 4th, 2024. All in favor say aye. Opposed nay? Motion -- application is continued.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

6. Public Hearing for a 2023 Mixed Use Comprehensive Plan Text Amendment - Mixed Use (H-2023-0057) by City of Meridian, located City Wide

- A. Request: 2023 Mixed Use Comprehensive Plan Text Amendment Mixed Use to update and/or replace certain text and graphics associated with the mixed use sections, including other revisions, terms and a new appendix.

Seal: Now I will open File No. H-2023-0057, 2023 Mixed-Use Comprehensive Plan Text Amendment - Mixed Use. We will begin with our staff report.

McClure: Commissioner Seal, thanks for having me here tonight. I look forward to spending the next three hours with you.

Seal: There is a lot of information in here.

McClure: I'm here to talk with you about some updates to the Comprehensive Plan, chiefly to the mixed use areas of Chapter 3, evolving community. Hopefully this sounds familiar to some of you as we talked about it during the August -- August Comprehensive Plan policy update. Briefly this is an overview of the presentation. We will cover some background, purpose and need, process, what's been done, overview, recommended changes and, then, recommendation. The city adopted the 2018 Comprehensive Plan in 2019 and which included all the goals, objectives and policies. Each year since we have adopted an amendment. The first was in 2020 to add priorities to the policies. They weren't originally prioritized. The second in 2021 to adopt The Fields area sub -- Fields sub area plan. The third in 2022 to adopt the most current existing conditions report and, then, the fourth was earlier this year with you all to amend the priorities since we hadn't done it for a number of years. In summary we have not done any text amendments to areas outside of policies to the Comprehensive Plan. This will be the first one. There is -- and I will dwell here for a little bit. There is a number of reasons for this Comprehensive Plan text amendment or CPTA. Most importantly the Comprehensive Plan and future land use map are designed with a healthy balance of uses in mind. In the case of residential it's intended to -- the intent of these areas are near services. By design mixed use areas are the only areas for many of those services to occur in areas of city impact. You can sort of see that on the screen here. Northwest Meridian doesn't have any distinct commercial or office uses and most of south Meridian doesn't have any distinct office or commercial uses. All those uses we would expect within those areas are intended to occur in the mixed use areas. Increasingly, however, the land where many mixed use areas are located has been acquired with the intention of maximizing certain uses in certain market conditions and without any concern or reservation for future needs or impacts to the city long term. This Comprehensive Plan text amendment seems to -- seeks to better clarify these expectations. It also seeks to make them formatting and presentation of all relevant information and considerations more streamlined. A great deal of risk is involved with many applications in these areas currently. Review of development applications and mixed use areas is usually very protracted with many revisions of concept plans trying to get staff and applicants on the same page, even when that's what the applicant wants to do. So, it's not necessarily that they don't want to, it's just that the current Comprehensive Plan is really difficult to wrap your head around for some users. Expectations aren't clear. Finally, we want to be more transparent with everyone. Consistency -- consistency is -- is important. Staff had been working on these revisions for seven months. Initial rough drafts were based on years of experience with this new plan. New being relative. And seeking to address common flaws or problems. After a code hearing a draft was assembled, along with new exhibits. A group of experienced professionals and agency partners were asked to review and provide comments. Significant changes -- and I mean that -- were made, including reordering sections. Some of the best feedback, however, were building consistency between some of the terminology we use and better conveying the process and how things occur in what order. Next internal staff did review with minor revisions. And, finally, we invited development partners and, then, the entities prior to submitting our application to comment. The City Clerk's Office also customized the social media messaging, which included links to a new dedicated website. We did not, unfortunately, have any additional

participation through the website, but it was there. I should say we did have comments, just not through the website. The restructure is more top down or linear. I say restructure, because while there is a lot new, there is also a lot old. This amendment adheres to the vision and keeps much of what previously existed, but often reordered or supplements it. There is a stronger intro and median, word context or need, graphic illustrations that identify the process with structure and that structure aligns with the text of the Comprehensive Plan in the next few sections. So, the text as you read it aligns with -- with basically a flowchart we have now. It also reduces duplication of principles, provides more consistent matrix and applies all these matrix to the Ten Mile plan, which has its own sub area plan, but now we have had sort of unifying principles citywide. Or hopefully we will. Just to emphasize the matrix, this work was all done with standard modeling, using real nonresidential service uses and considering gross residential areas. In other words, can we get what residents need after the rooftop -- rooftops are filled in. So, we - we typically see any number of applications that have a whole lot of residential and, then, we often don't leave enough areas for these services that we need to come in later on and so work was identified with these matrix to make sure that some of the new caps and minimum -- minimums both actually realized what we are looking for long term. In other words, the coverage areas for residential, making sure those leave enough coverage areas for commercial those -- those ceilings and those floors for those coverage areas align and that's probably more visible. I should have had a thing in there, but each of the designations in the mixed use -- some mixed use neighborhood and mixed use community and mixed use regional, they each have consistent terminology that describes minimum residential area, maximum residential area and, then, any number of other -- of other policies that relate. For example, civic uses or bonuses or retail, but those are all provided in the same light -- the same location for each designation. They are provided with the same terminology for each designation and they are more consistent. We had all those things before, but they were very inconsistent. They were worded in such a way as to -- like it was a formula, but you were only given parts and pieces of that and you couldn't actually make the math work. So, now the math works. And, finally, most bonuses that were associated with these matrix before have -- have been retooled to focus on employment and on transportation, not necessarily sort of what was arbitrary civic uses. Spent too much time on that for that one. What's been done. The new appendix includes enhancements to the existing mixed use diagrams, with additional annotation. There is more examples, organization -- that are organization and, then, in the web -- the web version of the Comprehensive Plan, which is -- we have to have a PDF for records, but the web tool is our -- is our sort of the default one and the web version of the -- if this is approved -- when it's approved there will be links and pop-ups that make all this sort of seamless. This is an overview of the new structure. The general overview was unorganized before and there is also new sub areas of this, so the value mixed use, the location and generalized land use types. This describes where they are at, why they are there and why they are important. Before this was sort of -- some of this was there, but it was really sort of all over the place. Functional integration is a new subheading, with integration of uses in holistic designs subsections, being a compilation of design principles or guidelines, both from the existing text and new supplemental ones. This has also been organized better, essentially, integration equates to what's being included and holistic design is how it should be organized. All that pretty much faces the

mixed use subcategories now against a mixed use neighborhood, mixed use community and mixed use regional chiefly. You see the design sort of elements before you get into all those. At least -- at least the ones that apply to all of them. I will say many of those elements are where we struggle the most now. So, a lot of people see these bullet points and treat them like checkboxes and they forget that these checkboxes relate to -- to a purpose, vision and context and you can't just check a box without understanding what those things are. So, that's all -- we have attempted to sort of better relate all of those things. This slide here, essentially, directs interested parties to use the entire mixed use area. This is what I have been talking about, but, hopefully, it makes more sense. It's linear. So, the first three boxes in the middle they are subheadings for the Comprehensive Plan. You start there and work your way down. This is intended to help an interested party developing a pro forma or a concept plan or they are interested in a purchase right for a property, that they will be aware of the things and conditions -- the benefits, the condition, sort of the restrictions that occur with that before they go into it and, then, find out later that they have spent too much money on land, that they -- they can't develop the way they want. Just trying to make these more transparent. The chart also references terms like project. This is something that we have seen everyone struggle with. This is important. We don't necessarily expect a project within a larger mixed use area to have three uses. What we expect is an understanding that when we are looking at the larger mixed use area of any mixed use designation to provide or preserve opportunities to address the larger vision. Generally, you know, the mixed use text says you need to provide a bubble plan or a concept plan with any mixed use project. That's still there. And that's an old one. And there is the new one. We expect that to demonstrate feasibility and conductivity and, then, show us how that individual project works within the larger element. Strict adherence isn't required to a mixed use concept plan for another project, though. We expect general alignment. We expect them to continue demonstrating the feasibility and how they are aligning with -- with the city's larger vision there, but a development agreement is specific to a project, not to a mixed use area. So, we can't have the first one and say this is what we are going to do and everyone else is beholden to this concept plan. What we are -- what we are trying to understand is this is the first one and now how can everything else work with your project to meet their -- to meet their overall vision. There is some look, so I'm just going to pause there in case there is any questions before I go on.

Seal: I like where this is going, so -- I mean having a little bit more clarity and a better holistic vision I think it's going to be something that's going to help the Commission, Council, staff, you know, anybody submitting a project as well. So, that's just -- so -- so far I -- I'm interested to see where the word holistic goes in all of this, so -- so far so good. We got the 15 minutes down. We only got two hours and 45 minutes to go, so --

McClure: So, moving on. This is an example of some of the graphics and the appendix. The left side is the older adopted graphic. It still exists in the text as a base plan. The right side are completely different texts and different annotation style and color to illustrate other principles that align with the principles in the text and these are cross-referenced. So, we are not just trying now to show here is some -- here is five words, we are referencing examples and pictures, sketches, but, then, also photos. So, here is an

example of photos and aerals. Again, annotation is -- style sort of been consistent with the previous ones, but these are real locations, real photos and trying to better indicate sort of what we are looking for when we talk about these principles in the text of the Comprehensive Plan mixed use section. And, again, these appendix items will all be cross-referenced in the text of the mixed use areas. We didn't want to fill it up with graphics in case people have a handle on that, but you will be able to quickly see what these are. So, briefly, the staff report included a number of additional recommendations. Most of those were -- two -- actually, two of those were from staff after fresh eyes. The other two were as a result of public comment that we received after submitting a copy -- or before we submitted the staff report. Strike through and underline, I assume you are all familiar with that, but strikethrough is removable and underlined as additions. So, the first two here were staff -- staff changes. This first one isn't actually in the mixed use section, it's page C, right at the beginning of the -- of the Comprehensive Plan itself. All it does is strike Sterling Codifiers, which is our previous code hosting service and we are providing a general description there instead, in case we switch again. Currently we are using Unicode. The second one there, revised graphic, I had that on the previous slide. We adjusted -- I will just go back to it. I adjusted some of the terminology here to better align with text and -- and -- that we submitted with you. We had some good comments on this as well, but after we submitted the application. These next two were the result of some public comments we received from a customer. These made sense, so I'm recommending those forward. The first one -- and the integration of uses in the new -- in the new text is -- and this -- we just sort of talked about this -- is to remove development instead of reference projects. So, a project within a mixed use designation, not a development. So, again, just trying to make the terminology consistent. The second one is under mixed use neighborhood and keep in mind mixed use neighborhood -- all those examples in that one also apply to mixed use community and mixed -- mixed use regional. This first one here is to say that we still -- single family homes are perfectly appropriate in these designations. We still have requirements for density. We are trying to hit a density. That would, then, require other -- other projects -- or other unit types to still achieve that density. You are not going to hit eight dwelling units per acre or six with just single family homes. But you could use single family homes as one product type and, then, have some other product types that sort of transition you -- transition you into the adopted residential density ranges. No issues with that. The second one -- and there is condominiums. That's not a product type and we, as a city, don't typically care or -- or we choose not to care. We are not supposed to care whether something is owned or rented. But the emphasis here is just to say we like those two.

Seal: On the first where we switch from development to projects, will that allow us to -- we have had several things come in where we have two different developments that come in and we hear them at the same time or we hear them in succession. Will that allow -- and it's probably more of a process question. Will that allow us to see that as a complete project or do we still see -- or are each of those still their own project as a development?

McClure: That's a good question. We expect that projects -- whether they occur at same time or different times, to -- to adhere to an overall vision, so that the first one in general develop the concept plan. If they come at the same time we generally encourage them

and hope that they will work together and achieve that vision together. They will still have a development agreement for each, though. We are not going to tie both projects in a different ownership to the same developer agreement.

Seal: If it has the same ownership?

McClure: Well, that's different. I'm not sure on that one.

Seal: Okay.

McClure: Because if it's the same ownership then -- if it's the same ownership under -- under one development agreement that's -- that's different.

Seal: Okay. We just had some stuff come through where it's -- you know, there is -- it may be two -- two properties, two different developments, but we have had some stuff come through that it's two different developments, same owner, and each of them structured a little bit differently. So, it's not -- I mean we can move on from it. It just -- that was the first thing that kind of popped into my head with kind of redoing how that is worded in there where will it allow us to do that? I think there is great benefit to it, but at the same time that might make something so big that it's -- you know, somebody's trying to develop a square mile, for instance, you know, there is going to be a lot of people in here talking about that, where it would be better in, you know, smaller chunks. That's -- that's kind of the first thing that came to my mind on that. But I will quit talking and let you go back about it.

McClure: Commissioner, I would just say one more thing. I don't think this precludes doing any type of way. All it's saying is we are not going -- all this is saying is that we are not going to hold different projects and a different ownership under one development agreement. They are going to do their own thing. Now, if you come into a project -- if you buy a piece of property within a land that already has a development agreement, that's different, but if you are coming in with a new project and there is not a previous concept plan, then, you will have your own.

Wheeler: Mr. Chair?

Seal: Yes, sir.

Wheeler: Staff, I have another question there. So, when you -- you struck out development and put in projects there, do you see those as just synonyms or do you see -- how is that viewed within staff eyes?

McClure: Commissioner -- Commissioner Wheeler, those are sentiments -- sentiments - - I'm going to give up there. But, yes, to me, however, not to everyone and that terminology -- and this goes throughout all this, which is why we are trying to use the same words consistently. Everyone else interprets things the way they sort of have them -- have them in their mind and some people definitely saw development and projects very differently.

Wheeler: On that same concept about the projects and having the -- you know, there is transitional zones or transitional pieces within a different project, if some of those transitional pieces are already a part of one project are -- is a new project, then, going to be able to use that for their own transitional pieces into where they would want to go or is it going to have to stand alone on its own parcel -- on its own parcels on its own project?

McClure: Commission President, Commissioner Wheeler, I'm not sure I'm tracking what you mean by transitional.

Wheeler: Okay. So, like on a mixed use project that might have -- you go from single family homes to maybe townhomes did before you get into some commercial spaces on the corner or something like this, that way it just doesn't -- there is transitions between those zones, but if you have one project that already has those transitions in for theirs and a new project comes up and abuts next to it, will they also have to integrate their own transitional pieces of, you know, multi-family maybe into a commercial area or will they be able to use the existing in order to -- to -- to have the more commercial space, if that's maybe a little more clear?

McClure: Commissioner Wheeler, I don't know if this answers your question or not, you know, the future land use map indicates the intensity of uses that we are looking for and, generally, when we look for a transition of uses it's something new next to something old and so when something new comes in most cases that's not going to go anywhere. If -- if they provide -- you know, we are talking new and old. If something comes in new and there is nothing adjacent to it, they are generally expected to provide landscape buffers, because we don't know what's going to happen next door. That's still going to be required per city code, unless, you know, the property next door says we don't think you have to do that and Commission says we are fine with that. I will let Caleb chime in if he thinks that's wrong, though. Does that help at all?

Wheeler: Yeah, I -- I think it does. My -- my -- this holistic approach I really do like where it's headed, like Mr. Chair said, but I'm -- I'm just trying to make sure that each -- it seems like not each project's got to have its own -- what you want to say -- its own style there, but they can use it off of the larger holistic plan for that area or the larger -- I might be saying this differently, maybe some of you guys understand what I'm trying to say and piping in, then, here to -- to help out, but I'm just trying to make sure that not every unit -- not every project that comes through that we will take a look at -- there is already transitional pieces in place. Those can also be used for the development that's coming in next to it.

Seal: And I will throw a little bit in here for -- for context. There is -- the area that -- we heard about the area -- kind of the development plan for the area that's out McMillan and Chinden in that area where that was looked at kind of as a development and not necessarily a project or maybe the other way around where our -- here is something like that and I'm -- I'm thinking more along the lines of like, you know, a really large -- what we have traditionally called a development with multi-phases over several years, where our -- and what I have seen in the past is, you know, as those begin to happen they say

things like, well, we are going to use the same -- you know, we are going to use the same common area, we are going to same -- use the same pathway structure, things like that. Will that still be allowed to happen in the context of a project or is that more kind of what they are -- they are going for? Probably a great example of that is the subdivision that developed on both sides of McMillan, for instance, so -- I mean as we go through this that -- those are the kinds of things that we want to make sure that we are -- will never happen again in Meridian, but at the same time kind of open things up so that we can have a more holistic view of where -- if a really large development comes in -- or something that's going to, you know, take a lot longer to develop than, you know, what is traditional that, all the different pieces stand on their own, but at the same time can be seen as one -- one project.

McClure: Mr. Commissioner, I think I understand better now. So, this won't have any bearing or impact on any of that. Any of those sorts of conditions there are going to be a development agreement item. This is -- this -- the -- the project as you can see on the screen is really just talking about the general use. So, we don't expect project one to have three uses, it can be just commercial, so long as they adhere to a general concept plan that leaves room for the other uses to still occur. Any project that comes through in those areas by themselves we still have to adhere to all of our code requirements. So, open space would still -- unless there is something in the DA that Commission and Council allows per city code, they would still have to meet all of our open space requirements and -- and all the city code elements that -- they can't just be shared unless there is an agreement provision to allow them to do so. Mixed -- this is -- this is just -- the term project here is just -- just from the mixed use area and applies to the uses you see here.

Seal: I know we are getting hung up on a word. In that -- I guess -- I hate to use the term worrying, but in the future when we go down that road where there is not diversification within a specific project, will that lead the city to having to kind of enforce more rigidly what can go in on a parcel of land, where we have -- somebody says it's mixed use, but we have, you know, commercial, commercial, commercial, commercial. Okay. It's time - - no more commercial in this -- this area. Now, we have kind of dictated to ourselves that we can't have more commercial here. Do we even have the ability to do that or -- and I ask that because I think we are trying to within a project get all those -- get that diversification, so that we don't -- we don't end up in that situation.

McClure: Mr. Commissioner, so, absolutely, that is a consideration that's important. If we allow commercial, commercial, commercial and we don't meet the vision of the Comprehensive Plan and, you know, to some degree shame on us -- first one in the door always has -- has preferential ability, so they get to set the alignments of the roads, they get to determine where the -- where the services are stubbed. They set the baseline for just what the project looks and functions like. The visibility -- they may be able to limit when other things happen near them, because of the design of the buildings and the viewsheds they create. Absolutely. First one in gets to modify it. But that's why we are asking and have always asked for a concept plan for a larger mixed use area of a designation to make sure that whoever comes in first isn't precluding other things from happening. It's not to say at the end of the day there may be very good reasons why

those things shouldn't occur. Better than they -- the comp plan is a guide. It's not perfect. It will never apply all things to all places to all people. You know, there is -- there is limitations on there. Not that we shouldn't strive for that, the services, what it's trying to do is very important, but it will never be perfect.

Hood: Can I maybe just piggyback a little bit on that. So, in that scenario I think there are a couple of different options and just building on what -- what Brian said, not the part about our comp plan being imperfect. It's pretty darn close. But you do have the capability -- it is a guide and if it is commercial, commercial, commercial on last one we want to be commercial as well, we can change the plan, if that's really what we think is in the best interest. So, we are not locking ourselves in. Yes, there is another step, but it helps us question that last property owner and developer to say, hey, we were -- the community expects and is anticipating a mixed use project. If the last parcel in is -- doesn't have -- if we are there and it's not -- then let's call a spade a spade and let's change the map to say commercial, not mixed use. So, we can do that. We are nimble enough where we can modify it, but we have enough of the visioning document to point folks that are trying to develop in the right direction until Planning and Zoning Commission, City Council says, you know what, that vision is outdated, let's make it all commercial or whatever the case may be. So, just -- maybe just to piggyback a little bit -- I mean this isn't all things to everyone, it is -- it is limited and mixed use and it's belt and suspenders with the UDC. So, some of the buffers, some of the transitions, those things will be looked at case by case to make sure it all works together. So, this is our first blush to get that -- the first one in to really set the stage on what we can expect. It's not locking any of the other properties in, but showing how it's possible for them to comply. But, again, this case depends on what they bring in the door and we will look at that and say, yep, this is what we already have on the books, this is what we expect, how do you fit in or not? Excuse me. But, yeah, I think -- and Brian touched on this, so I'm not trying to be repetitive, but the UDC and things like that will still come in -- into play. This isn't -- it's not, you know, a blueprint to build from, it's a guide with some pretty solid examples, but you can't just pick up this picture and put it down in Meridian and say, hey, there it is, that's going to work. It's meant to show you, but it's not exactly how we are going to see any project. It looks like really any of these projects -- am I supposed to say a project or a development. I can't remember. In Meridian, so --

Seal: Got you. Okay. Thank you.

Grace: Brian, wait until you get to an amendment that you change your whole sentence. McClure: Were there any other questions on this second one or should I go on? So, these next series of revisions here came from Brighton Corporation. We received these too late to really integrate into the staff report. So, they are additional recommendations on top of what was in the staff report. At the end of the hearing I'm going to ask you to include these in your motion if you are comfortable moving this forward onto City Council as additional changes to what staff originally proposed. I'm not going to go through all these. Most of these are simple grammar. I will note they had a number of requests in here -- and you will see the asterisk on one of them there. Suggestions to change requires to should. I don't like doing that, because I really want people to do some of these things.

However, this is a Comprehensive Plan and outside of very few examples should be generally what we use there. So, I'm recommending that we support the request for requires to should.

Seal: I will weigh in on that. I prefer requires as well and, then, they can file for -- file for alternative compliance or something along those lines if -- you know, I think the guidance needs to be more direct when it -- when it comes down to it. More succinct, so that there is a little less room. I want to leave room for creativity, but just less room for those that like the minimal approach to things, so --

Hood: Sorry, I'm going to chime in again. I don't know if this helps or not, but for all intents and purposes we will expect slash require compliance with this. It's just the words in there. The comp plan again -- it's not a standards document. So, the shalls and requires type of language really shouldn't have in there, because we don't have that authority to really require. We will expect it and if they don't, then, we can make statements like you are not in compliance with the Comprehensive Plan. So, some semantics there, but I want to reassure the Commission that we take these as shalls, we just don't have the language read that way, because there is some flexibility when you are talking about it to some degree.

Seal: Okay.

McClure: Commissioner, I would -- I would always say -- and, you know, I would -- I would personally love it if required stayed there, but I think we have done a much better job of identifying why these needs exist. You know, in some cases it's health, safety and welfare and this really is important, you know, the commitment levels there. It goes on to say other things. This is important. We have tied it to things -- we had better explained why it's important and why there is a need. It's going to be much more difficult for someone to say I don't want to do this when we identify why -- specifically why it really needs to happen there. So, it's not going to be easy for someone to come in and just roll over staff and say I'm not doing this, because we are going to come back and say, well, these are all the reasons we say you need to do this and it's important to the community.

Seal: Okay. Questions on this? Okay.

McClure: Excuse me. This next one -- there is another required there. Some other changes. They had a good question on one of these what was last mile. I actually meant to include a definition and I forgot, so I'm providing -- suggesting another definition here for last mile. The reason I'm calling this one out specifically is because it's not actually going to happen in the text where this was made. If you looked at the comments, this is going to be put into the glossary of terms, which is the first appendix in the Comprehensive Plan. So, just want to make sure that's clear.

Seal: Question on -- can you go back one more slide?

McClure: This one or one more?

Seal: One more. The standard requires or should have or things along those lines, can we use verbiage at some -- more in line with is expected?

McClure: Commission President Seal, I think at this point you guys get to recommend what you feel is useful. I think that gets to the same tone. I wouldn't have heartburn over it.

Seal: Just -- something stronger without saying thou shalt. You know, I mean is -- I think is expected might feel that or, you know, something along those lines to where it's -- it's understood that these -- these are the things that we are expecting to see or to be followed and with good reasoning given I think that that would -- help us substantiate that and, you know, this is the path we are -- we -- we want to be taken. Any comments on that from fellow Commissioners? So -- oh, ahead.

Wheeler: I will comment on that, Mr. Chair. So, for me, you know, should have and is expected are to me synonyms on that. One of them just -- it's just grammar type stuff or -- and I can see -- when you were saying you should have, right, you should have this in your toolbox. You should have this in your -- in your car; right? It's expected you should have this on your tool belt, kind of things like that. It's -- it's -- to me it's -- they can have the same enforcement from -- from -- from the Commission and also from staff on that, in my opinion. My opinion the way I read that.

Seal: Okay. Commissioner Grace.

Grace: Once I had a long conversation with a legislator about the word -- the difference between shall and will and I think probably there is a difference, but I think most people don't appreciate it and they interpret will as shall. Just a thought that if it says we will have, it -- I don't think it's prescriptive. I think it's expected. But maybe just to avoid that kind of confusion I would support using the verbiage of expected.

Smith: Mr. Chair?

Seal: Commissioner Smith.

Smith: I also agree. I think at this point it's -- again, as a guidance document it's less about, you know, what is -- is legally binding and what is clear to applicants and I think for me personally, you know -- you know, if I tell a kid he should go do this or I expect you to go do this, I think, obviously, the context depends and you should use -- you are expected to, but I think when it's a guidance from something to me expectation carries a little bit more weight and I think it's a little -- just a little bit clearer. So, I think -- I think you are probably right, I -- it probably will -- hopefully will make it just slightly easier to set the -- I guess level of expectation rather than, you know, just a step beyond a request, but something a little bit more than that. A clear expectation. So, I think you are -- I think you are right there.

Seal: Okay. So, we can tell John that we expect him to accept that. Sorry. I couldn't resist.

McClure: Commissioners, I would just ask when we get to the recommendation, if this is something you want to push forward, a little leeway in how staff interprets that, like are expected or should be expected or any other words you choose and, then, consistency for all the different references in here, not just the one or unless you just mean the one. So, this slide here where we were at is the last one of the changes. Other than that, this is my original request. I can stand for questions. I have all the documents if you want to go through them in detail. We have two hours.

Seal: Is -- oh, go ahead.

Grace: So, Brian, I was just looking at the materials for the packet this afternoon and there was a provision here about -- for this agenda item for tonight, a little bit of background and the history of it, and it talks -- then it goes on to talk about areas of highlight and it looks like a couple of areas were highlighted as potential areas that were amended. One of them had to do with maximum building size and I just -- maybe I'm not catching it, but it looks like it's in a mixed use neighborhood and mixed use community section. Can you just point to where that is, what the -- what the -- what the change is, what the edit is?

McClure: Commission President, Commissioner Grace, yes. So, the staff report goes into that a little bit more. The original Comprehensive Plan hadn't -- actually, this Comprehensive -- the adopted Comprehensive Plan and the original Comprehensive Plan before that -- not original, but 2010 before that, both had the same language in there that involve building footprints within some of the mixed use designations and they included restrictions on how big a foot -- of a footprint a building could be. They didn't talk about height, they just talked about the footprint and it was generally in those two designations specific to grocery stores. The reason I called that out in the staff report was because we have had some previous hearings before Planning and Zoning and City Council that have been contentious, the projects themselves, but, then, also that specific language people felt -- I'm going to try not to refer to a specific project, but the people felt the projects and grocery stores of a certain size weren't appropriate, even with the -- some of the bonuses you could have in there and there were -- and this is one of the reasons I don't like the bonuses -- they were hard to quantify. No one sort of agreed on -- on how much you should get if you did do those things, because it didn't -- didn't define that and, generally, they were arbitrary in my opinion and I think they were arbitrary in most of the development professionals, the architects -- landscape architects, site planners that reviewed this, because grocery stores are changing, they are getting bigger and smaller both, and also because it didn't really talk about how the building looked or fit within a site and, then, it completely ignored height. It was just the footprint size. So, the -- this draft -- this proposed text removes references to footprint requirements for those designations and, instead, has some new language in the integration of uses section about design and considering the adjacent uses, building mass, transitions, things of that nature. Does that answer your question?

Grace: Yeah. And I was just looking for more specifically where is that? Is that -- that strikethrough language, is that in here somewhere that --

McClure: Yes. Let me find it.

Grace: And, again, I think it's under the mixed use and community, under C, and I'm guessing it's the references to the fact that most blocks should be no more than -- well, no, that's footprint size. I just wanted to take a look at it. I saw -- I saw the note in the staff report and I thought, oh, that would be interesting, let me look and see where I can find that --

Hood: And, Mr. Chair, Brian's close, just looking at where he is at, but I will stall a little bit here. It underwrites two spots for the neighborhood flavor and mixed use community, both have the footprint language in there. So, if you are looking at the underline strikethrough it's not in -- it's not in the general mixed use, it's within those two subcategories. I don't know what page number it's on, but Brian's got it I think.

McClure: On -- on the strikethrough and underlined version and, then, his staff report of that, it's page -- so, it's Exhibit B, the strikethrough and underlined changes, page 11 of that it says, unless a structure contains a mix of both residential and office or residential and commercial land uses, maximum building size should be limited to 20,000 square foot -- building footprint. Period. For the development of public school sites a maximum building site does not apply and, then, additionally, there is some bonus language in there where you can get -- sort of override that. That's -- that's pretty generic. For example, if you provide civic or open space you can go above that.

Grace: All right. Thank you. Appreciate that.

Seal: Commissioners, any other specifics or items we want to discuss on that? Okay. I mean this -- this -- these are a long road for sure, so appreciate all the hard work on this. I'm happy to see the community involvement. I mean I have been involved in a few of the committees that help kind of with all of this, so it is -- it's -- it's a large effort and I'm glad to see that things are kind of moving into that -- moving in the direction of providing kind of better documentation and a better -- better guidance for how we want things to come through the city and I'm hoping that that will, you know, help to -- help the city to see things holistically, not necessarily just from what's coming in, but also what is being replaced, you know, not necessarily -- well, I guess what we may be losing in -- in some of that as well. So, we are growing really really fast, so it's -- I guess a lot of the public feedback that I have seen is, you know, things are a little bit out of control as far as growth and so it's good to see that we are taking a more holistic approach, not only in each individual application, but just as they all mix together -- as they all come together for the city. Okay. Anybody else? I will take a motion. Or, actually, do we --

Starman: So, it's the public hearing. So, I guess I will just note for the record we have no members of the public in Chambers. I will ask Madam Clerk if we have any speakers that -- or anybody on Zoom that has indicated they want to speak.

Lomeli: There is one attendee, but they do not have their hand raised.

Seal: It's looks like we have one person on Zoom. Will, if you are interested in speaking on this matter if you can hit the raise hand button.

Starman: And if that is not the case, Mr. Chairman, then, you would handle it like a typical public hearing and you can entertain a motion to close the hearing when you are ready to do so.

Seal: Okay. Commissioners, if that's okay with you, then, I think we can move that direction.

Smith: So moved.

Wheeler: Second.

Smith: I would move to close the public hearing.

Seal: Do I have a second?

Wheeler: Second.

Seal: It's been moved and seconded to close the public hearing for File No. H-2023-0057. All in favor say aye. Opposed nay? Motion carries. The public hearing is closed.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Seal: Further comments?

Grace: Mr. Chairman, I had a question about the motion, but I will wait a second in case anyone has any further comments. Sorry.

Seal: It's okay.

Grace: So, were we instructed to -- in any motion we make to also include the additional recommendations from -- I think it was Brighton? Is that what I heard?

McClure: Commissioner Seal, Commissioner Grace, my preference would be comments from Brighton, as staff addressed tonight. Not necessarily all comments from Brighton, because many of them did not propose a solution or one that staff was comfortable with.

Grace: Okay. And, then, Mr. Chairman, did we ever answer the question of whether we were trying to modify every should to expect it or just in that one instance?

Seal: In my mind we can, obviously, discuss this. I think -- and, then, whatever it is to use is or are expected as relevant to replace required or should. I don't know if we want to -- and that to me, just in general, if we are going to move in that direction or make that recommendation, I think that it should probably apply more broadly, just so that you have consistency. So, you know, when people are reading through a project, an application, those words are going to be more synonymous with other applications that might need to come through as well. If that makes sense. I don't know if I said that right, but --

Grace: Okay. Do we -- Mr. Chairman, do we want to give staff any ability to exercise some discretion over when they -- when they should maybe make that change? That's -- I mean to me that's where I -- I like the terminology as relevant. I mean to me I think that gives them -- gives staff a wide -- wide scope in order to do that, because there may be some places where -- you know, I don't necessarily want to just focus completely in on the word required or should, because they both fit in different circumstances for different reasons, but I think, you know, I like the idea of using is expected, are expected, that kind of terminology and -- and replace as much as we can as far as the, you know, required, shall, should, just kind of remove anything that is more authoritative or really ambiguous, but, you know, I think about it if I -- Commissioner Smith touched on this when -- you know, when speaking to my younger child if I say, well, you should, okay, that's pretty easy to ignore. If I say you will, then, you know, if they are a teenager you are going to get kick back, but if I say, you know, I really expect you to do this, I think that has a weight to it, but at the same time we are not pointing a finger and saying you are going to do this by gosh. So, I just -- to me I'm like -- I like the weight of it without using the word required.

Hood: Mr. Chair?

Seal: Yes.

Hood: If I can just to add to that, I mean I think some discretion of staff -- like just even as example of what Brian has on the board here, I don't know that we put either of those. We just strike are required and it reads fine to me and it is sort of authoritative without being so. There is no shalls or -- but it just says this is it, you know, so -- and you don't need any of those prepositions to add any weight or take away from it, it's just -- it's a statement and it -- it, essentially, says you have to do it. I mean it doesn't -- doesn't allow wiggle room. I can't interpret that that -- so, if we can -- I don't have a problem. It will take some effort, but we can go and read all those and I think those are kind of three options we are silent on and we don't -- we imply the expectation or the should or the shall, but we don't say any of those words, because it just says do this or we add the expectation language or -- or we do want some of the consistency you were just talking about. So, we will look for that as well. But sometimes it may just read better and fit better to not put any of that in there. If you allow stuff like -- if you want to see -- I mean you could push this out for a month. I mean go back and even read all the shoulds and shalls and expecteds and all that. I think it's pretty minor, but if you want to see that before you send it on the Council we could do that, but I --

Grace: Mr. Chairman, I think probably it's -- it's adequate that we have on the record that as a commission we were thinking these notions of should and require really equate to expected. So, if anyone maybe looks up the legislative history on it, they could see that that was where the commission was at. I was going to add something like where reasonably -- you know, give staff the ability to do that where reasonably possible or where it makes sense or something like that. That way they have some flexibility and if they don't want to say anything at all maybe that makes more sense or is a stronger way to say it versus where the actual word expected is a better -- a better approach. So, that's sort of how I was looking at it.

Smith: Mr. Chair?

Seal: And I tend to -- I definitely agree with that. I want to give staff as much flexibility as possible in this, but it's a -- at the same time somebody has to formulate a motion. So, I'm just trying to figure that out in my -- my own mind as we walk through this, so -- Commissioner Smith.

Smith: Yeah. So, that's kind of what I was going to speak to is I think we have kind of had this discussion. Staff has an idea of what -- you know, the change we might like to see, but also has discretion. I think we could just keep it as simple as, you know, the modification to ask staff to use more -- you know, use clearer language where, you know, requirement language is being replaced with -- with, you know, maybe suggestive language or something like that to that extent. Maybe not dictating whether it's -- is expected to or if it's striking the word and just saying, hey, we would like to be a little bit more precise in our language in these areas and just kind of let them -- let them make those changes at their discretion. That way if they look at it and, hey, we can just cut -- cut the shoulds and requires out entirely and it works fine, they can do that, or if, you know, expectation language is in there as well, that -- that's fine as well. So, I think that's kind of where my head's at. I don't know -- I haven't formulated it into a motion yet, but that's kind of my thoughts at least.

Seal: I tend to agree with that. I mean I like the word expected, because I brought it up, but -- you know.

McClure: Mr. Commissioner -- or Commissioner Seal.

Seal: Yes.

McClure: I just -- I don't want to disagree, because I agree, but I want to say that, you know, we replace some of the shalls or should or expected -- we replaced some of the shalls with should, because we were trying to be more consistent. So, the direction of the consistency you are looking for is still important as well there in order for me to make sure I'm actually doing what you want. It seems like I'm hearing you want to impart some strength without using shall, but I just want to make sure that consistency isn't going back to should -- with more should, it's X.

Seal: Right. Okay. And that's good feedback, because I think we -- myself I would like to have a little more weight to it than should. That's just my experience and where things go a little bit -- you know, things are going to look cross-wired in there, because it would be -- you know, should -- should vary to me the word should is something that makes it a little easier to ignore. Like, well, we should, but, eh, we don't have to, where there is just a little more expectation that they will without telling them that they have to. So, again, just trying to navigate -- navigate a vocabulary like I would if I'm talking to my kids, trying to steer them to an end without necessarily having to drag them to it.

Rivera: Mr. Chair?

Seal: Yes. Go ahead.

Rivera: Just to clarify, I guess. If -- is staff wanting to be consistent across? I think we are -- are we saying like we want to leave it open for -- in some sections depending on how it reads -- to have should -- in other words, maybe as expected and is that trying to be -- just use the same route or are we open to I guess --

Hood: So, I will take that one maybe. I mean what I'm hearing -- and I will get with Brian and we were just kind of talking -- I think we will look, but, yes, we want to be consistent and I think where the comp plan currently says shall, we were proposing in this to put should for in most cases. Now, we will look to replace the shoulds with some level of expectation, even using that language as much as we can where appropriate and get rid of the shoulds for the most part. So, there shouldn't be -- not saying it's not appropriate in some cases, but we will heighten the level of expectation by using that word where we can and sometimes that's going to mean amending the sentence structure a little bit, but we will try not to do that too many times, so it still reads largely the way you have seen it tonight. So, consistency I guess gets trumped a little bit with when we can use expects or it's expected or -- I mean sometimes we will leave it alone and --

Rivera: So, where the -- where it reads -- I just think there is some areas that might be - - where we want to be more, you know, strict or -- or we want to use more stronger words for certain areas that are maybe nonnegotiable in a way; right? Like are -- to read stronger than others. So, I just want to make sure that --

Seal: You know, I tend to agree with what Caleb had mentioned was sometimes less is more. So, I think given the opportunity to remove, you know, a should or required or shall and just cut it off, like here is -- here is the information. It's not a negotiation at that point. This is -- you know, it's basically written. That is the expectation. So, I think people would -- would probably take it more that way without having to say anything else.

McClure: Commissioner Seal?

Seal: Uh-huh.

McClure: Not to make this even more complicated, but I'm going to. So, the Comprehensive Plan text amendment also modifies other text outside of the mixed use. I just want to make -- make it understood where my head is at right now is we are talking about the mixed use section only. We are not going through an entire comp plan and doing all shalls and all expecteds.

Seal: Right. Really understood on that and that's -- I mean -- and changes like this will probably soon envelop, you know, other areas of the comp plan. So, I think the more work that we do at this point in order to provide that consistency the better off we are going to be in the long run.

Grace: Mr. Chair?

Seal: Go ahead.

Grace: Just a question. Do you ever -- do you routinely run into situations where someone goes, well, it says should -- and if you do that's -- maybe that's my own naivety thinking those things don't happen, but does it matter I guess?

Hood: So, I will start that one. I mean, yeah, it is pretty -- we don't get caught up on the word should so much, but I think inherent to the nature of the Comprehensive Plan, the people we work with understand this as a guiding principles document, not a standards document. This isn't the law, it's the guidelines, and they know that and so they push back or away from that as much as possible. So, we -- we could potentially put shall in there, but it's a -- because we can't really enforce that, but we do want the weight of -- we want to portray that strength without actually saying that. So, to answer your question, yeah, I mean don't get caught up on it says should and I choose not to do, not in a smart aleck way, but, yeah, we read it. We are good. We don't want to do it, so --

Grace: If you think you got it.

Smith: I will give it a shot. Okay. So, I will give this a shot and I'm open to amendments if anyone has any feedback. Mr. Chair, I -- read the continuance. After having all staff testimony, I move to recommend approval to the City Council of File No. H-2023-0045 as presented in the staff report for the hearing date of December --

Seal: It's 0057.

Smith: 0057. I had the wrong number. Apologies. Sorry. For -- for File No. H-2023-0057 as presented in the staff report for the hearing date of December 7th, 2023, with a modification -- the modification to include the recommendation -- the recommended changes in response to the comments from Brighton presented by staff tonight, except to replace the use of the word should with more precise and instructive language consistently throughout the mixed use text where staff deems appropriate.

Wheeler: I will second that.

Seal: Okay. Any discussion? Your microphone.

Grace: Sorry. To replace it with more concise -- and did you say instructive language?

Smith: Yeah. I said precise and instructive. So, whether that is using specifically expectation language or using a different term that fits better, just asking staff to -- something that is more clear.

Grace: Okay. With that explanation I -- I understand now.

Rivera: Sounds good to me.

Seal: It's been moved and seconded to approve File No. H-2023-0057 for the 2023 Mixed Use Comprehensive Plan Text Amendment -- Mixed Use. With the aforementioned modifications. All in favor, please, say aye. Opposed nay? Motion passes. Thank you very much.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Wheeler: Mr. Chair?

Seal: Go right ahead.

Wheeler: I would like to make a motion we adjourn.

Seal: Do I have a second?

Rivera: Second.