

Public Hearing for Bridge at The Village at Meridian (H-2022-0069) by Meridian CenterCal, LLC, located at 3210 E. Longwing Ln.

A. Request: Conditional Use Permit to exceed the maximum building height listed in UDC 11-2B-3A.3 of 65 feet for the C-G zoning district to allow an average elevation of 78 feet (85 feet to the highest point of the structures).

Seal: Okay. At this time I would like to open up File No. H-2022-0069 for Bridge at The Village at Meridian and we will begin with the staff report.

Allen: Good evening, Mr. Chair, Members of the Commission. The next application before you is a request for a conditional use permit. This site consists of 14.24 acres of land. It's zoned C-G and is located off the northeast corner of East Fairview Avenue and North Eagle Road. This property was annexed as part of The Village at Meridian development back in 2007 with the requirement of a development agreement, which has been later amended in 2011. The Comprehensive Plan future land use designation is mixed-use regional. A conditional use permit is requested to exceed the maximum building height of 65 feet listed in the UDC for the C-G zoning district to allow an average elevation of 78 feet -- or 85 feet to the highest point of the structure, depending on how you measure it, for two vertically integrated residential buildings, one on each side of Longwing Lane joined by a pedestrian bridge over Longwing. This project can be serviced by the Meridian Fire Department, but with the concentration and distribution of existing resources they are unable to maintain an acceptable response time. A firefighter air replenishment system will be required for the structures per IFC and city code. Both structures shall be required to have radio testing done. The fire department recommends automatic external defibrillators throughout the building, as access to the upper floors and pool area will be delayed. Written testimony has been received from Tamara Thompson, The Land Group, the applicant's representative, in agreement with the staff report. Staff will stand for any questions. The staff is recommending -- excuse me -- approval. I can't speak tonight. Thank you.

Seal: Thank you, Sonya. All right. Would the applicant like to come forward, please? It looks like they are online. Oh. I see a Lance Blackwood is raising his hand. Okay.

Blackwood: Hello. This is Lance Blackwood. Are we coming through okay?

Seal: Yes, sir, you are.

Blackwood: Well, thank you.

Seal: We got your name, let's go ahead and get your address and the floor is yours.

Blackwood: Yeah. Lance Blackwood. 11566 Holly Springs Drive in South Jordan, Utah. I represent -- work for CenterCal Properties and we are the applicant and -- for -- for this project and we are very very excited to be at this -- at this point in our design and development and our approval process and in working with Sonya and the -- the rest of

the staff, to -- to come to this point. We are -- we are very excited with the way that the project has developed in coming forward and this is a real interesting -- important junction for us to be able to take before the Commission -- the Planning -- the CUP for the building height as we are continuing to work on the rest of the documents and -- and to prepare to submit for building permits and the rest of the land development permits and all the other statutory requirements around the first of the year. So, we are very excited about that. And we have with us also via Zoom -- we have Scott Arrington, who is our CenterCal vice-president of construction and Don Becker, who is our entitlement project manager for the design and we also have David Holzberg, who is the director of operations for development and he is the architect representing our design team. So, David is here for -- if you have any questions regarding the architectural -- the technical issues that David is -- is ready to answer those questions.

Seal: Okay. Thank you very much. Is that the -- would you like to present anymore or --

Blackwood: If you would like to -- I mean if you would like to have David give anymore detail regarding what -- what is already included in the staff report or any clarifications, I think that he would be willing to do that, but hopefully -- I -- I believe that it's -- it's pretty well laid out, the -- what our request is and -- and showing the requirements for the conditional use based on just the building height. I believe -- I believe that we are -- we are okay.

Seal: Okay.

Blackwood: But, you know, please, let us know if you want -- if you want David to expand on any of that.

Seal: No. Just -- just asking the question, so --

Blackwood: Okay. Thank you.

Seal: No -- no need to get flashy, although some applicants do.

Blackwood: I'm not very -- I'm not very flashy.

Seal: All right. Thank you very much.

Blackwood: Thank you. Okay. Commissioners, do we have any questions for the applicant or staff at this point?

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher, go ahead.

Lorcher: I have a question for the applicant in regard to the height elevation of 78 -- is it 78 feet to 85 feet? Is it structural or decorative? Lance?

Peterson: Sorry. Yeah. David, will you -- Mr. Holzberg, will you weigh in on that for us, please?

Seal: Madam Clerk, do you want to bring in --

Peterson: Do I have to lower my hand before he can --

Seal: No, I don't think so. It looks like David Holzberg wants to --

Peterson: There he is. Thank you.

Seal: Okay. David, it looks like you are unmuted. Can you hear us?

Holzberg: Yes, I can.

Seal: Okay. Go ahead and give us your name and address for the record, please.

Holzberg: Yes. My name is David Holzberg and our address is 255 400 West in Salt Lake City, Utah. To answer the question, the -- the deck height is below 75 feet. The 80 -- the 78 to 85 is structural. It contains the -- the roof line of the building.

Lorcher: Can I have a follow-up question?

Seal: Absolutely.

Lorcher: So, why -- why -- is 65 feet not enough? I mean why -- why do you have to have the -- the waiver of the variance? What's -- besides the roof line? Is it to have another floor on this building or --

Holzberg: Yes, it is. And just in the -- in the development of bringing the -- the quantity of units on site it is having an extra level that extends up above and -- of that -- that level. So, it's really -- it's a quantity of units that we are -- we are going to add and that's why -- where the variance comes from.

Lorcher: Is this a seven floor -- a seven floor building?

Holzberg: That is correct.

Lorcher: Okay. Thank you.

Seal: Anyone else?

Grace: Mr. Chairman?

Seal: Commissioner Grace, go ahead.

Grace: This is characterized as a -- two vertically integrated residential buildings and maybe I missed it, so -- maybe this question -- this question could be either for the applicant or staff, but how many units are we talking about?

Holzberg: This is David again. This is -- it's a total of 549 units and it's very vertically integrated in that there is retail along the -- the Longwing corridor, which, again, replicates the scale that we see at The Village at Meridian.

Grace: Thank you. And I was referring to the residential unit. So, that was the number I was looking for. Is that --

Holzberg: Yes.

Grace: -- five forty-nine. Okay.

Holzberg: Thank you.

Seal: Anybody else?

Wheeler: Mr. Chair?

Seal: Commissioner Wheeler, go ahead.

Wheeler: Hello. This is Commissioner Wheeler. David, since you are up to bat here, let me just keep on throwing you some -- some fastballs if that's all right.

Holzberg: Go for it.

Wheeler: So, what you are saying is that it's the parapet that's actually pushing it over the 78 foot limitation or restriction?

Holzberg: Yeah. So, the height of the building -- so, the average being at 78 is -- and it is the parapet of the roof. So, the roof line itself is -- the structure is just a couple of feet below that. So, it's not an overly extended parapet. It is the roof line that's at that level.

Wheeler: It's the roof line and so the parapet goes above the 78 feet and that's what kicks it to the 85 feet; is that what I'm understanding?

Holzberg: No. I'm sorry. It is the parapet that is at the 78. I'm -- I'm saying that the parapet itself is only about 12 inches tall.

Wheeler: Okay. Okay. That makes a lot more sense to me. Okay. And then -- so, what is kicking it over the 78 feet then?

Holzberg: So, the -- there is certain -- just in the variations to add that character to the roof line. So, the average is the 78 feet, but the 85 is just in fitting with the building code and -- and the type of construction that we are doing, that's where we do not exceed the 85, but 78 is the average.

Wheeler: Okay.

Seal: Sixty-five foot is actually the -- the limit that they are exceeding on this.

Wheeler: Okay. So, 65 feet and -- okay. So, why did I see something here on the staff report on 78 feet? Was I missing something?

Seal: The average elevation is 78 feet and 85 feet to the highest point, so --

Wheeler: Okay.

Seal: Essentially the highest point of the building is going to be 85 feet, which is 20 feet higher than what we allow --

Wheeler: Okay.

Seal: -- on a conditional use permit.

Wheeler: So, is there -- so, with your project, if we are able to take off two more floors in order to bring it within code, are you guys okay with that?

Holzberg: If that were the case the project would not be economically feasible, especially with the -- the rising construction costs. That is where -- where the application had come in as to accommodate the addition -- additional income from those units. So, if -- if this was not approved and it went at the 65, that -- that would be a detriment to the project.

Wheeler: Okay. I also noticed that on the application that you mentioned that there are some -- there are some parking that is on here, a 733 stall parking garage. I'm assuming that that is not a standalone unit, but more or less this is like a four over three. So, in construction talk that means that there is -- there is four units that are livable that are above like three units of either mixed-use or parking. So, is that what you are saying, is that that's what -- what's adding in is seventy -- a 733 stall parking garage or is that a standalone garage?

Holzberg: It's actually -- the -- the project wraps the south building on -- on the plan there. The project wraps around the parking garage. It -- it's -- it's actually a five over two construction and so the parking garage is a -- is a taller structure, which is -- has the units wrap all the way around it. The intent is to make sure that we conceal that. But there is still lots of access to the parking garage, but from the street you wouldn't know that there was a parking garage.

Wheeler: Okay. So, this -- the residential units -- the mixed-use, the retail and everything else like that will be what is seen from the front and -- the drive by, like -- by the main arterials, but the parking structure will be on the interior side?

Holzberg: Correct. If you see the plan that's on the screen on that south building there, it's -- you will see those units are wrapped all around the parking garage in the center.

Wheeler: Yeah. I'm noticing that from the elevations. I was just kind of curious about the -- you know, the podium side -- side of it. Thank you for answering that, Scott. The other question I have is this area -- this intersection is the most -- it's the busiest in the state of Idaho. The parking there on any sort of fun Fridays that the -- that The Village puts on for concerts or get togethers and we are coming into, you know, holiday seasons, it's pretty packed. How do -- how does -- how does this project not add to more of this congestion and more so even just on a safety level with just the traffic and everything queuing for, you know, just another 733 cars?

Holzberg: Yeah. No. Understood. That's a great question. We -- as part of the CUP process we had gone through some iterations with staff regarding traffic and the approvals of the -- the apartments that are going in right here are actually already part of a previous traffic study that had been submitted to the city. So, it does add more people to it. That's why we wanted to keep all of the additional cars that it will be adding into -- internal to the building and not necessarily spilling out onto the site, which, like you said, is already -- is already busy.

Wheeler: Is this also taking up parking spaces at The Village?

Holzberg: It will be, yes.

Wheeler: So, what's the net loss -- or what's the net gain out of the 733? Because part of those 733 -- the patrons aren't going to be able to park at and so that's just going to add some extra congestion. So, how many -- how many parking spaces are -- are taken away in order -- for this project?

Holzberg: You know, right now I would have to approximate that for you.

Wheeler: That's fine.

Holzberg: I would say probably about 120.

Wheeler: Okay. Are you guys adding any sort of decel lanes or anything like that off of Fairview or Eagle in order to accommodate the extra traffic or what the ITD study said or ACHD?

Holzberg: That was -- that is not something that is in the scope of this project.

Wheeler: Okay. Okay. Thank you.

Seal: Yes. Thank you.

Holzberg: You're welcome.

Seal: Anyone else? Questions. Concerns? Comments? No? All right. At this time we would like to open up the --

Grace: Mr. Chair, I'm -- I'm sorry.

Seal: Go ahead.

Grace: I have one follow up. Just a clarification from the applicant. The parking that is described in the -- in the garage is -- is exclusive to the -- to the residents; right? It's not public parking.

Holzberg: There is public parking. There are about 60 stalls that are being added back into for -- for -- for the public parking. It's free -- free access that is just on the ground floor.

Grace: Okay. Thank you.

Seal: All right. Okay. At this time I would like to take public testimony. Madam Clerk, is there anyone signed up?

Hall: Mr. Chair, there is no one signed up on online, nor in -- in Chambers.

Seal: Okay. If you are online, please, hit the raise hand button. If there is anybody in Chamber, please, raise your hand. Sir, if you would like come up and testify please do. Good evening, sir. I just need your name and address for the record and the floor is yours.

Bernard: Name is Michael Bernard. 4025 North Dashwood Place, Meridian, Idaho. Thank you, Mr. Commissioner and Commission. I didn't come here intentionally to provide testimony on this until they just heard it. So, I only have a couple of points that I would like to make is, number one, if -- if we have standards, then, we should uphold those standards. We shouldn't bend over backwards to modify those standards to allow somebody to make more money; right? So, that's kind of what it sounds like for this project. We want to shoehorn this giant project into here and it's not financially doable for them unless we make allowances or accommodate them and allow them to exceed height standards that exist. So, I don't believe we should do that. We have standards. They exist for a reason. We should uphold them. Two is -- and -- and, Commissioner Wheeler, you -- you kind of hinted at this. That's a disaster in that area for many hours of the day and now we are talking about adding another 4,000 trips a day to those roads, maybe more. Let's remember residents don't have just one car. Many residents have two or

even three cars, so parking alone is going to be atrocious. Plus they have visitors; right? So, none of this is accounted for I don't think in any of the numbers that I heard. So, those are the only things that I wish that I'm asking you to consider before you make your recommendations to the Council. Thanks for your time.

Seal: Thank you, sir. Anybody else want to testify? Seeing nobody raising their hand online or -- or in Chambers, would the applicant -- I was going to say, is there any -- any further questions from the Commission? Okay. Would the applicant like to give any closing remarks? That's either -- either Lance or David, you can go ahead with that.

Blackwood: Yeah. We -- we have certainly made every effort to make this -- this isn't just surely a -- a -- purely a process to see how many we can cram in. It -- it really is to build a wonderful vertically integrated, high quality development that it's really going to enhance -- enhance the city as well as our development and so we appreciate the concern and we are looking forward to providing a really world class facility here. Thank you.

Seal: All right. Thank you very much. With that can I get a motion to close the public testimony for File No. H-2022-0069?

Lorcher: So moved.

Wheeler: Second.

Seal: It's been moved and seconded to close public hearing for File No. H-2022-0069, Bridge at The Village of Meridian. All in favor say aye. Any opposed? Okay. Public hearing is closed.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

Seal: Commissioners?

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher, go ahead.

Lorcher: Can I check with Council in regard to what exactly we are voting on tonight? I mean it's not the project, it's the conditional use permit for the height of the building. The project has already been approved or they are in process with the City of Meridian; is that correct?

Starman: Mr. Chairman, Commissioner Lorcher, I will take a stab at that and ask our planning staff to join me as well, but as Sonya indicated this project has a very long history and there is an existing development agreement that contemplates certain development on the site, including multi-family. So, this is all allowed with the existing development agreement. The item -- the concrete specific item before the Commission this evening is the request to exceed the 65 foot limit on height and you have heard testimony from that

from the applicant and heard a presentation from staff. So, the specific issue before you tonight is a conditional use permit that pertains to the height limitation and an exception to the 65 foot limit and in order to make the findings for that conditional use permit, you know, in our -- in the Unified Development Code, you have -- there are outlined in your staff report findings that you have to make in order to grant that conditional use permit. So, that's for the Commission to decide whether those findings are and if you are able to make those findings or not, but really the -- the item before you tonight is fairly limited on the height issues that -- I guess I would defer to -- or ask Sonya and Bill Parsons to elaborate if I missed something or if I misspoke.

Allen: Yes. Chairman Seal, Commissioner Lorcher, Commissioners, the -- that's true what counsel just stated. This project has been approved by planning. It is considered a vertically integrated project, which is principally permitted in the C-G zoning district. So, all they have to do is submit for a certificate of zoning compliance and design review application.

Lorcher: Mr. Chair?

Seal: Go ahead.

Lorcher: Sonya, if we deny the height will they go back to the city planning to kind of adjust this to however they would see fit as far as the units are concerned? There is no limit in regard to the number of units for this vertically integrated building.

Allen: There is no limit. However, the applicant stated that this would kill the project for them. But, yes, they could apply for a vertically integrated project at the maximum height limit of 65 feet allowed by the UDC.

Lorcher: One more?

Seal: Yep.

Lorcher: If we did continuance they would continue to work with planning to adjust the building to be able to maximize the space with what they would like to do within the height restriction?

Allen: They could certainly do that. Again, the applicant -- you can ask the applicant again, but from what I heard that that would kill their project that they had going for this site.

Lorcher: Okay. Thanks.

Starman: Mr. Chairman and Commissioner Lorcher, I guess I would add to that -- if the thought is -- if the Commission as a whole is going in that direction to decline the conditional use permit to exceed the 65 foot limit, there is really no reason -- there would -- I don't think there would be a reason to continue the hearing, because if they stay within

the 65 foot limit there is no need for Commission action at that point in time. So, there is no need to continue the hearing if you are moving in that direction, because there will be no need to come back for additional discussion at that point.

Parsons: Mr. Chair, just to add a little more to --

Seal: Go right ahead.

Parsons: -- information to -- to the Commission. If you deny it the applicant still has the right to appeal your decision to City Council. So, it's -- it's just more -- more hoops for them to jump through. Again to Kurt's point or the city attorney's point is this really is a height requirement and I think most of the buildings out there -- probably some of those architectural embellishments on some of those buildings are -- exceed 80 feet now. So, I don't -- I don't -- it's something you have to take into consideration, but at least from staff's perspective this is a very simple request. The code allows for them to go through a conditional use permit to increase the height. That's what we are here for. The vertically integrated -- again, it's principally permitted. As Sonya stated, they can come in tomorrow and submit for that.

Seal: Commissioner Grace.

Grace: Mr. Chairman. And that -- thank you so much, because I was about to ask the question as to whether there are other structures in that area that also exceed that height and what's -- if -- if -- if that restriction has been waived what's the rationale? I mean what's -- what's the criteria that the city uses to -- to determine that on a -- on a project by project basis?

Parsons: Mr. Chairman, Members of the Commission, nothing's been waived. There is always a process -- a conditional use process or a lot of times in the code when you look at the height exceptions, if it's not habitable space a building can be taller, because it's -- again, it's just more an architectural feature than actually space of that building, so, again, it's your purview. The traffic study's been addressed. That was addressed. This was -- the use was contemplated back in 2007 when it was annexed. The DA is in place. So, again, it's simply coming before you to allow a higher real -- a taller building.

Seal: Bill, a question on the -- I mean it's probably an impossible question to ask on the spot, but I will ask it anyway. Out of -- do you know of any residential applications that are -- went through the conditional use permit and are exceeding that 65 foot height?

Parsons: Mr. Chairman, Members of the Commission, not -- not in its -- yes. Right across the street. We just did it for that vertically integrated building. They are 90 feet tall.

Seal: Okay.

Parsons: And, then, a lot of times we -- we do that process, we -- we either -- Scentsy campus, the office building there went through a conditional use permit to go up to 85 feet

tall and, then, a lot of times these office buildings that you see going up are about 77, 78 feet tall, so they will provide some kind of common open space and go through the staff level alternative compliance process, so they don't need the CUP in that case, they just get staff level approval with their certificate of zoning compliance and design review applications.

Seal: Thank you.

Lorcher: Mr. Chair?

Seal: Yeah, Commissioner Lorcher.

Lorcher: I think it would be easier if we had a sense of context, you know. So, we know that the decorative buildings at The Village exceed 85 feet, but it's more decorative than actually in -- you know, actually being apartments and Brighton is doing one around the corner, but -- I mean I can't remember if -- what -- I think there are a five story building, not seven. And, then, there is the apartments on the other side that I think are closer to three and four. So, you know, if we knew that -- if this is the tallest building or does this fit into the theme of whatever's happening in The Village already, that kind of context information would be helpful, because if this is just almost the same, but just a different style of all the other apartment buildings that are around The Village, then, it would be an easy decision. But if this is one that's exceeding everything else and overshadowing everything else that's happening there standalone, it's -- it's hard to make that decision right off the top of our head. I guess that's not really a question, but more of a comment.

Seal: Yeah. And that's very welcome and I -- I mean I think of it in two ways. There is -- one, they want to add, you know, essentially, an additional level to this in order to, you know, accommodate rising prices that are out there. That said, everybody around them has built at this level, the 65 foot height or below for residential and managed to make a couple bucks. So, you know, at the same time as I look at this do we need another level of residents in that area to help accommodate living spaces for Meridian. I mean if -- if the answer to that is no, then, I mean for the most part, then, we are giving them the conditional use in order for them to make more money, not necessarily to accommodate, you know, what we need for Meridian. So, that's kind of the way that I'm looking at it at this point in time, so --

Parsons: So, Mr. Chair, Members of the Commission, I think -- I think -- I appreciate the discussion this evening. The -- the one thing that -- that's intriguing to -- at least from a -- putting on my planner hat, what we like about this project is when you look at an aerial of this property it's a sea of asphalt. This is where the applicant is actually putting square footage on the ground, they are trying to screen parking, so you don't see it. So, in -- from a planning perspective this is probably a good case scenario where the building -- the design of the building is accentuated versus a parking lot. So, typically in your urban settings this is what you see. You have -- the building is towards the street or you have the building being the dominant feature and the parking being screened. So, as far as how this is going to fit into the context of The Village, I think in -- in planning it's -- it should

fit -- blend in very well. It's -- again it's what was contemplated with the development of this property.

Lorcher: Mr. Chair?

Seal: Go right ahead.

Lorcher: Well, I -- I agree the project actually looks -- it's a -- it's probably a good fit. This building looks like a monster and, you know, if there is 549 units and say everybody's got, you know, two cars or two people, you are adding, you know, almost 1,100 more cars to The Village and to the corner of Fairview and -- and Eagle and I know the ACHD study says that those streets can handle that parking -- or that traffic and, then, even with the 733 parking units that are there with the 60 -- that includes the 60 for the commercial that will be below, which I really like having the commercial and the living space on top, that's still a shortage of 365 parking spaces for a place that's already crowded. So, if everybody wanted to go see Santa on Friday night, it would be really challenging with -- with this there. Having the -- the live-work, you know, in the same parking lot as The Village, so that, you know, you can go grocery shopping, you can go see a movie, you can go have dinner, you can do all those things because you are right there is fabulous. Overall I like the project design, but it is very vast for that particular corner. So, for the development agreement, you know, I totally support having a retail business at the bottom and residential at the top, but 549 units and asking, you know, for another floor to be able to accommodate that when we don't know what the other apartment buildings are doing around the area, it's just -- it's -- at least for me it's hard to decide.

Seal: Yeah. I agree. I -- again, I -- I look at everything that's built around it for the residential. They are all building and -- I mean what we have seen as far as Brighton going in, it was five stories that had their parking concealed. They were able to do all that and stay within the height restriction. So, I mean, again, this kind of comes down to -- I think they can do this, minus a floor, essentially, and some more architecting and still be well within a marketable model. But, you know, I don't risk millions on projects like this, so that's just me thinking out loud.

Wheeler: Mr. Chair?

Seal: Go ahead.

Wheeler: Yeah. I -- I see the -- on the developer side I mean they are the ones that are taking in the risk and they are -- and they are the ones that are pursuing this, they are the ones that are taking a look at the plans, the DA, seeing that, hey, this would look well, looking at something more like staff said about, hey, we are not seeing a sea of asphalt pulling into it; right? And they are in there to put up a lot of risk in order to -- to get some -- to get some return on it and sometimes it's years before they even see any sort of thing as they continue to feed the alligator and as they continue to put out the cost in order for this stuff. I think some of the thoughts that -- that I have on it is similar to yours that there has been other ones that have been able to do this on a smaller scale and be okay within the height restriction. The other thing is I think also as the Commission -- I think this is

something that we need to kind of focus on -- not really focus on, but just remember is that we do decide kind of what City of Meridian gets to kind of look like as we approve projects and deny projects and things like that and so for me it's kind of like is this Village, where it's been kind of a -- a hub for -- for community marketplace activities, entertainment, and things like that, how would that -- how would that fit and look with that -- that height restriction removed and the parking spaces out, how would that accommodate people that would want to be able to -- to go there and how that might constrict more -- more use of really the crown jewel in Meridian of this Village and so for that reason I -- I can't support the -- the CUP of going over that height restriction of 65 feet.

Seal: Commissioner Grace, go ahead.

Grace: Yeah. Mr. Chairman, I guess maybe I take a little bit different perspective given the limited nature of what's in front of us in our decision making. We are talking about -- I mean the decision is based on the vertical height; right? And, you know, this Commission and the city is facing this issue -- has faced it before and we are going to continue to face it. It's growing. They are coming. I would rather grow vertically than -- than create -- than continue the sprawl, quite honestly. The staff has said it's compatible with the surrounding buildings and the other uses. There are some structures that are relatively in this neighborhood in terms of height. Housing is a -- is a big issue in Meridian as we all know. I do understand the traffic and the parking. You have to take the traffic study at -- at it's -- at what it says. It's a busy area. It's not going to be -- cease to be a busy area because this project doesn't go in. So, I guess maybe I take a different view of it. I -- I -- I would probably have to support it based on the limited nature of what's in front of us.

Seal: Okay. Anybody else? Okay. I'm looking for a motion at this point in time then.

Wheeler: Mr. Chair?

Seal: Commissioner Wheeler, go ahead.

Wheeler: Let me see here. Get that page here. Okay. I would like to make a motion here. After considering all staff, applicant, and public testimony, I move for denial on File No. H-2022-0069 as presented during the hearing date -- excuse me -- presented during the hearing on October 20th, 2022, due to the -- due for the following reasons: Not allowing the height restriction to be superseded and the parking issues that would, then, ensue.

Seal: Do I have a second?

Lorcher: Second.

Seal: It's been moved and seconded to deny File No. H-2022-0069 for the aforementioned reasons. All those in favor of the denial, please, say aye. Opposed?

Grace: Aye.

Seal: And the -- the ayes have it. So, File No. H-2022-0069 has been denied.