

Meridian Planning and Zoning Meeting

September 15, 2022.

Meeting of the Meridian Planning and Zoning Commission of September 15, 2022, was called to order at 6:00 p.m. by Chairman Andrew Seal.

Members Present: Chairman Andrew Seal, Commissioner Patrick Grace, Commissioner Maria Lorcher, and Commissioner Mandi Stoddard.

Members Absent: Commissioner Steven Yearsley and Commissioner Nate Wheeler.

Others Present: Chris Johnson, Joy Hall, Kurt Starman, Bill Parsons, and Dean Willis.

ROLL-CALL ATTENDANCE

<input type="checkbox"/> Nate Wheeler	<input checked="" type="checkbox"/> Maria Lorcher
<input checked="" type="checkbox"/> Mandi Stoddard	<input checked="" type="checkbox"/> Nick Grove
<input type="checkbox"/> Steven Yearsley	<input checked="" type="checkbox"/> Patrick Grace
<input checked="" type="checkbox"/> Andrew Seal - Chairman	

Seal: Good evening. Welcome to the Planning and Zoning Commission meeting for September 1st, 2020 -- sorry. September 15th. Copy and paste got me again. September 15th, 2022. At this time I would like to call the meeting to order. The Commissioners who are present for this evening's meeting are at City Hall and on Zoom. We also have staff from the City Attorney and Clerk's offices, as well as the City Planning Department. If you are joining us on Zoom this evening we can see that you are here. You may observe the meeting. However, your ability to be seen on -- 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@meridianty.org and they will reply as quickly as possible. If you simply want to watch the meeting we encourage you to watch the streaming on the city's YouTube channel. You can access that at meridianty.org/live. With that let's begin with the roll call. Madam Clerk.

ADOPTION OF AGENDA

Seal: Thank you very much. Okay. The first item on the agenda is the adoption of the agenda. For reference Cobalt Point Apartments, file number H-2022-0042; Slatestone Subdivision, file number H-2022-0039, and Kingstown Subdivision, file number H-2022-0045, will be open for the sole purpose of continuing to a regularly scheduled meeting. They will open only for that purpose. So, if there is anybody here tonight to testify for these applications we will not be taking testimony on them. Can I get a motion to adopt the agenda?

Lorcher: So moved.

Stoddard: Second.

Seal: It's been moved and seconded to adopt the agenda. All in favor, please, say aye. None opposed, so motion carries.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

CONSENT AGENDA [Action Item]

1. Approve Minutes of the September 1, 2022 Planning and Zoning Commission Meeting

Seal: Next item on the agenda is the Consent -- the Consent Agenda and we have one item on the Consent Agenda, which is the minutes of the September 1st, 2022, Planning and Zoning Commission meeting. Can I get a motion to accept the Consent Agenda as presented?

Lorcher: So moved.

Stoddard: Second.

Seal: It's been moved and seconded to adopt the Consent Agenda. All in favor say aye. No opposed. Motion carries.

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

ITEMS MOVED FROM THE CONSENT AGENDA [Action Item]

Seal: All right. So, we will move forward with the public hearing process. At this time I would like to briefly explain the public hearing process. We will open each item individually and begin with the staff report. Staff will report their findings on how the item adheres to the Comprehensive Plan and Unified Development Code. After staff has made their presentation the applicant will come forward to present their case and respond to staff comments. They will have 15 minutes to do so. After the applicant is finished we will open the floor to public testimony. Each person will be called on only once during public testimony. The Clerk will call the names individually of those who have signed up on our website in advance to testify. You will, then, be unmuted in Zoom or you can come forward in Chambers to the microphones and you will need to state your name and address for the record and you will have three minutes to address the Commission. If you have previously sent pictures or a presentation for the meeting, it will be displayed on the screen -- the screen and you can run the presentation or the Clerk can run the presentation. If you have established that you are speaking on behalf of a larger group, like an HOA, where others from that group will allow you to speak on their behalf, you will have up to ten minutes. After all those who signed up in advance have spoken, we will

invite any others to testify. If you wish to speak on the topic you can come forward in Chambers, press the raise hand button in the Zoom app. If you are listening on the phone press star nine and wait for your name to be called. If you are listening on multiple devices, such as a computer and a phone, please, be sure to mute those extra devices, so we do not experience feedback and we can hear you clearly. When you are finished, if the Commission does not have questions for you you will return to your seat in Chambers or be muted on Zoom. You will no longer have the ability to speak. And, please, remember we will not call on you a second time. After all testimony has been heard the applicant will be given another ten minutes to come back and respond. When the applicant is finished responding to questions and concerns we will close the public hearing and the Commissioners will have the opportunity to discuss and hopefully be able to make final decisions or recommend -- recommendations to the City Council as needed.

ACTION ITEMS

- 2. Findings of Facts, Conclusions of Law for Denial of Bridgetower Multi-Family (H-2022-0047) by Alpha Development Group, located at S0427438410 on the north side of W. McMillan Rd. between N San Vito Way and N. Vicenza Way, near the northwest corner of N. Ten Mile Rd. and W. McMillan Rd.**

Seal: So, with that said, at this time I would like to open -- well, actually, I would like to vote on the Findings of Facts and Denial for Bridge -- of the denial for Bridgetower Multi-family, conditional use permit, file number H-2022-0047. We have had -- some of us were able to vote on this as it came through the regularly scheduled meeting. Now, if -- Commissioner Grace, if you have reviewed the process and are ready to vote you can or you can also abstain.

Grace: Mr. Chairman, can I get a clarification on what we voted for previous -- previously at this meeting? We voted on the agenda; correct?

Seal: We voted --

Grace: We did not vote on the minutes from the September 1st meeting; is that accurate?

Seal: Sorry. Can you repeat that? Are you asking about this file specifically or are you asking about what we already covered?

Grace: I'm asking what we already covered under the Consent Agenda. Did we vote for the agenda or did we vote for adoption of the minutes from September 1st?

Seal: Adoption -- adoption of the minutes from the -- from the 1st.

Grace: Okay. And I asked the question, because -- perhaps I misheard you. I am prepared for this agenda item to abstain, because I have not reviewed those minutes and so it hardly seems logical that I would vote to approve the minutes in the earlier vote if I'm

abstaining from this one. So, I feel like maybe I was confused. It was my fault. I didn't know we were voting on the minutes. I thought we were voting on the agenda.

Seal: Understood.

Starman: So, Mr. Chairman, I think with the consent of the Chair and the Commission, we can have the clerk record your vote as an abstention relative to the minutes, if that's your desire and if your Commission -- fellow Commissioners are amenable to that -- is that okay? So, we will reflect Commissioner Grace's vote on the consent calendar as an abstention and so it passes three zero with one abstention.

Grace: Right. I just -- for clarification I just want to make sure, because I am prepared to abstain on this particular item, because I have not had a chance to look at the minutes. So, it hardly seems right that I would have approved the minutes of -- I mean I guess I could approve them based on, you know, administrative accuracy. I just haven't reviewed them.

Seal: Understood.

Starman: Mr. Chairman and Commissioner Grace, I guess my recommendation, particularly with your comment that you have not yet had an opportunity to review them, I think an abstention would be appropriate. So, I think that's -- that would be a -- a wise way to approach it.

Grace: I agree and that's my intent.

Starman: And, Mr. Chairman, perhaps just with a -- a minute or two more context for Item 2, which is before the Commission currently. So, this -- this is somewhat perfunctory in the sense that this would -- typically findings of this nature would typically be on your consent calendar with no discussion at all and just for clarity, this is not a public hearing this evening. No public testimony is permitted. This is really just an action item up or down vote for the Commission. The reason it is on the regular calendar, instead of the Consent Agenda, however, is because at the September 1st, 2022, meeting Chairman Seal abstained from voting on this particular item and so we thought that he may or may not want to do that again this evening and so by having it on the regular agenda that gives Commissioner -- or Chairman Seal the opportunity to do so and, then, exactly the issue we talked about a moment ago, we were mindful that we would have likely one or more Commissioners present tonight that were not present on September 1st and so to the extent any of those Commissioners wanted to vote on this item, we just wanted to make sure that the record showed that that Commissioner had reviewed the minutes and was prepared to vote. At that -- that point is academic at this time, because the only Commissioner that fits that description is Commissioner Grace and he's indicated he does intend to abstain. So, really, my recommendation for the -- to the board -- or to the Commission tonight would be -- I would ask for a motion to approve the findings as presented and I would just ask for a simple yes or no vote on that.

Seal: Okay. Thank you much. And with that we will -- just a vote? I was going to say that -- what's that? Right. And so we need a motion to approve the Findings of Facts for the denial of the Bridgetower Multi-family CUP, H-2022-0047. And, Madam Clerk, do you want to call the roll for this one?

Starman: Oh, before we do that -- maybe I missed it. Did we -- did we have a motion?

Seal: Oh. Sorry. We do not have a motion.

Grace: Well, I had a question.

Seal: Go ahead.

Grace: I apologize for all the questions. And maybe it's to -- to you, Kurt. Am I voting just simply to approve the adoption of them? I'm not voting substantively on the -- the -- the merits of the proposal that was two weeks ago; right? Or should I abstain is what my question is.

Starman: Thank you. Mr. Chairman, Commissioner Grace, I think it's the latter in the sense that this really is -- to actually read the full title of the item before the -- before the Commission, this is Findings of Fact, which came from the hearing last time, Conclusions of Law, but also importantly Order and Decision. So, this is a substantive topic and I would say it's more than just sort of saying, yeah, you are voting yes for the sake of voting yes. So, I -- I would say if you had not read the minutes from -- have not read the minutes from the September 1st meeting, I would recommend that you do abstain, because it is substantive in the sense that it -- this is the Commission's final decision and it becomes subject to appeal after you take action this evening.

Grace: Thank you.

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher, go ahead.

Lorcher: I motion the Facts and Findings, Conclusions of Law for denial for Bridgetower Multi-family, H-2022-0047 --

Starman: That's sufficient.

Lorcher: I already said it again. So, denial for multi-family 2022-0047. Sorry.

Stoddard: Second.

Seal: It has been moved and seconded -- this is confusing. It's been moved and seconded to accept the Findings of Facts for the denial of the Bridgetower Multi-family CUP, H-2022-0047.

Starman: Correct. And I think -- Mr. Chairman, I think you had an excellent idea of a minute ago, which is because we may have some abstentions I think a roll call vote would be helpful in this instance.

Seal: Madam Chair?

Roll call: Lorcher, yea; Seal, abstain; Grace, abstain; Stoddard, yea; Yearsley, absent; Wheeler, absent.

Seal: So, the vote of two to zero, with two abstentions, that passes through.

Starman: Correct. That's sufficient to pass the motion. Thank you, Commissioners.

Seal: Thank you.

MOTION CARRIED: TWO AYES. TWO ABSTAIN. TWO ABSENT.

3. Public Hearing for Cobalt Point Apartments (H-2022-0042) by The Land Group, Located at on Parcel R7909850396, directly east of the intersection of S. Cobalt Point Way and E. Copper Point Dr. in the Silverstone Business Park

- A. Request: Conditional Use Permit for a new 264 unit multi-family development on approximately 11.95 acres of land in the C-G zoning district.

Seal: All right. Now, then -- so, at this time I would like to open the public hearing for Item No. H-2022-0042, Cobalt -- Cobalt Point Apartments for continuance to October 20th, 2022. Can I get a motion?

Lorcher: So moved.

Stoddard: Second.

Seal: It has been moved and seconded to continue File No. H-2022-0042 for Cobalt Point Apartments to October 20th, 2022. All in favor say aye. No opposed, so motion carries.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

4. Public Hearing for Slatestone Subdivision (H-2022-0039) by T-O Engineers, Located at 2707 S. Stoddard Rd.

- A. Request: Annexation and Zoning of 5.04 acres of land with a request for the R-8 zoning district.

- B. Request: Preliminary Plat consisting of 15 single-family building lots and 4 common lots on 4.85 acres in the requested R-8 zoning district

Seal: I will now open up file number H-2022-0039, Slatestone Subdivision, for a continuance to October 6. Can I get a motion?

Stoddard: So moved.

Grace: Second.

Seal: It's been moved and seconded to continue File No. H-2022-0039, Slatestone Subdivision, to October 6, 2022. All in favor say aye. No opposed, motion carries.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

5. Public Hearing for Kingstown Subdivision (H-2022-0045) by Kimley Horn, Located at 2620 E. Jasmine St.

- A. Request: Annexation of 8.20 acres of land with an R-8 zoning district.
- B. Request: Preliminary Plat consisting of 28 building lots and 6 common lots on 8.20 acres of land in the R-8 zoning district.

Seal: Now, I will need a motion for File No. H-2022-0045 to continue -- or for Kingstown Subdivision for a continuance to October 20th.

Stoddard: So moved.

Grace: Second.

Seal: It's been moved and seconded to continue file H-2022-0045 for Kingstown Subdivision to October 20th, 2022. All in favor say aye. No opposed. Motion carries.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

6. Public Hearing for Brightstar Overland (H-2022-0061) by Hatch Design Architecture, located at 2940 E. Overland Rd.

- A. Request: Conditional Use Permit for a residential care facility on 0.59 acres of land in the C-G zoning district.

Seal: All right. Now, that we are done with the auctioneer voice, I would like to open File Number H-2022-0061, for Brightstar Overland and we will begin with the staff report.

Parsons: Mr. Chair, we are still having -- we are having some technical difficulties getting this up, so I'm asking -- Chris, if you are out there if you could come in the Council Chambers. Appreciate it.

Seal: Thank you, Chris.

Parsons: Get IT here.

Seal: That's right. Playing the role of our IT person tonight will be Chris.

Parsons: Thank you, Mr. Chair, Members of the Commission. Appreciate the patience this evening. Same thing happened to us last hearing if I don't -- if I recall -- if memory serves me right. So, next item on the agenda is the Brightstar Overland CUP. This site consists of 0.59 acres of land currently zoned C-G in the city and is located at 2940 East Overland Road. So, this is a vacant commercial lot in the El Dorado Subdivision. In 2005 this property was annexed and zoned as part of that El Dorado Subdivision. It is adjacent to an existing commercial lot that's also C-G and developed with a multi-tenant building. Cross-access has been provided for -- from that property to this property as part of that subdivision process. I would mention to the Commission that a DA modification was recently approved by the City Council on this particular property to allow the allowed use -- the proposed use tonight. That agreement has not been executed yet, so as part of this development -- or this project tonight we have placed a condition of approval that the applicant execute and record that development agreement prior to submitting any additional applications for this particular project. So, the applicant here -- is here tonight to discuss developing the site with a 7,800 square foot 12 bed residential care facility. It will also have dining, entertainment and laundry and storage for the residents of the facility and there is also indoor and you can see here there is an outdoor patio area for all the residents to use as well. Compliance with the specific use standards in Chapter 4 is required. I think Sonya did a great job of doing some of that analysis. So, this site does comply with those requirements. This type of facility does require a little less parking than you see with other commercial developments, so the code only requires six parking spaces. The site plan before you this evening has eight. So, this is two above what the minimum code requirements are. The other thing that we brought to your attention in the staff report is the landscape buffer along the northern boundary. Typically when we have commercial zoning up against residential developments we require a 25 foot landscape buffer. That issue was somewhat discussed in the development agreement and the PUD that this process -- this project went through back in 2005. So, essentially, staff has looked at both of those documents and determined that alternative compliance will be required when they submit their certificate of zoning compliance if and when the CUP gets approved tonight. The applicant did provide some conceptual elevations. These are pretty similar to what you guys acted on in north Meridian there adjacent from Settlers Park and that little office development. Same -- same applicant, same structure, so it's -- it's been done once before. They are looking for these little in-fill sites, as they testified last time, and -- and this seems to be a good fit. Staff is recommending approval. We did get agreement from the applicant with the conditions in the staff report. We are recommending approval and I will stand for any questions you may have.

Seal: All right. Thanks, Bill, very much. Would the applicant like to come forward. Good evening. If you will just state your name and address for the record and the floor is yours.

Hatch: Jeff Hatch with Hatch Design Architecture. Our address is 200 West 36th Street, Boise, Idaho. 83714. Good evening, Chairman Seal and Commissioners. Thank you for your consideration of our conditional use application this evening.

Parsons: You should be able to drive.

Hatch: It's not showing up here.

Parsons: Interesting. Share it in just a second.

Hatch: Thank you. The subject property is on the northeast corner of Loder and Overland in a business complex and what we found with some of these assisted living centers -- we are really trying to develop a different product that is more residential in nature, but it is tucked into business complexes we found -- we call it a resi-mercial but in many of these built-out business complexes they tend to have parking constraints, so we tend to work with them for overparking our sites, which is complementary to our fellow commercial neighbors and, then, create a buffer between the commercial use and the residential uses adjacent to us and that would be the case in this particular instance. From the staff report there were a couple items that Sonya came up with that I wanted to speak to that have a slightly updated site plan and landscaping plan. First was there was a comment to extend a sidewalk southward to Overland and that is reflected on our exhibits, which we will provide to staff and that will get reviewed more formally through the CZC and design review process subject to your consideration of the conditional use permit. There is also the consideration that Sonya wanted us to clarify that this property is not hard up against Loder. That was some of the concerns for her for some of the adjacent neighbors. There is an HOA landscape buffer that is fairly substantial, which is now reflected on the landscaping plan and with that there were several street trees that were originally required, but they were actually placed in a ten foot utility easement and so to resolve that we did have to remove the trees from the utility easement, but the existing HOA street trees suffice for that and so we did reflect that in order to be in compliance. As far as the development agreement and the consideration of -- of being less than 25 feet on the northern side, we do have an increased alternative design in this proposed layout for that landscaping as well. So, in particular, speaking to those two comments as far as the utilities, we removed the trees from that utility easement and, then, are utilizing the -- the existing HOA trees and, then, as far as the alternative compliance, we currently have 19 shrubs and four flowering ornamental trees along the northern side. To increase that for an alternative compliance we are proposing an additional 44 evergreens for the total and an additional five ornamental trees, bringing the total to nine. So, basically, doubling and in -- in the case of shrubs tripling the amount of plantings on that northern buffer. The updated site plan also reflects the same courtyard configuration as the landscaping plan for consistency and reflects the consideration for the sidewalk to the south. The additional comments from Sonya was about trash enclosure and in many of these developments the trash enclosure is brought curbside.

We have followed up with Republic storage and they are fine with that, although they did request that we reach out to the adjacent neighbor, who has an existing trash enclosure and see if we can negotiate a shared access for increased usage of that trash enclosure. So, we have engaged that as well, but we do have a solution if that is not an option, so -- and with that I will stand for any questions.

Seal: Thank you very much, Jeff. Do we have questions from the Commissions of staff or the applicant? None? All right thank you very much. Appreciate it. See if -- Madam Clerk, do you have anybody signed up?

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

Seal: All right. Anybody -- there is nobody online. Anybody in Chambers that would like to testify? Seeing none, would the applicant like to add anything?

Hatch: Thank you again for your consideration. I would just like to thank Sonya and her diligence and consideration for making a development that -- you know, a lot of these remnant parcels in business complexes can go for years, if not decades without a appropriate use. We feel that this is a need in our community that also fits a need for these public spaces. So, really -- really excited about this project. Thank you.

Seal: Thank you very much. Okay. With that can I get a motion to close the public hearing on File No. H-2022-0061?

Grace: So moved.

Stoddard: Second.

Seal: It's been moved and seconded and close the public hearing for File No. H-2022-0061. All in favor please say aye. No opposed. Motion carries.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

Seal: With that we can have discussion or a motion. Either way. Commissioner Grace?

Grace: Make a motion.

Seal: Go right ahead.

Grace: Mr. Chairman, I would move -- after considering all staff, applicant, and public testimony to approve file number H-2022-0061 as presented in the staff report for the hearing date of September 5th, 2022.

Lorcher: Second.

Seal: Okay. It's been moved and seconded to approve File No. H-2022-0061 as presented in the staff report. All those in favor, please, say aye. None opposed. Motion carries. Thank you very much.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

7. Public Hearing for Matador Estates Subdivision (H-2022-0043) by Quantum LTD, Inc., located at 1235 E. McMillan Rd.

- A. Request: Annexation of 5.09 acres of land with an R-4 zoning district.
- B. Request: Preliminary Plat consisting of 14 building lots and 2 common lots on 4.84 acres of land in the R-4 zoning district.

Seal: Okay. At this time I would like to open File No. H-2022-0043 for Matador Estates Subdivision and we will begin with the -- with the staff report as well.

Parsons: Thank you, Mr. Chair, Members of the Commission. Next item on the agenda is the Matador Estates Subdivision. The request before you this evening is for annexation and a preliminary plat approval. The site consists of 4.84 acres of land currently zoned RUT in Ada county and it's located at 1235 East McMillan Road. The Comprehensive Plan land use designation for this property that you can see here in the center map is low density residential with -- in which we anticipate densities between -- not between -- three or less dwelling units to the acre in that land use designation. The plat before you this evening comes in at 2.89 dwelling units to the acre, which is consistent with this future land use map. Also wanted to let you know that I had a chance to speak with the applicant and he did confirm tonight that it is a subdivision of 14 lots. So, one of the homes will stay on -- one of the lots with 13 new residences for a total of 14. So, I just wanted to go on the record and clarify that based on some of the discrepancies in the plans. So, again, here is the pre-plat. So, annexation boundary is a little bit larger, because it goes to the center line of McMillan, but the plat itself is 4.84 acres. Applicant is requesting an R-4 zoning district, which is an 8,000 square foot lot. You can see here in the upper left-hand corner the existing home is to remain with the 13 other lots surrounding it. Open space is pretty minimal for this development. Technically, if it was five acres or more we would look at requiring the full 12 percent. This -- in this particular case it's close and because there is an annexation request staff felt it appropriate to require the 12 percent and the main reason for that is we are concerned that there is additional five acre lots in this area and if we just continue to piecemeal the five acre -- the lots that come in a little bit under that five acres development standard you don't get usable open space in these in-fill pieces. So, again, in tonight's presentation we are recommending that the applicant provide 12 percent open space and provide some amenities in accordance with 11-3-G3. We have met with the applicant. If you could look at the landscape plan here, the open space will be in the form of the street landscape buffer, a micro path lot that ties into that street buffer and ties into the internal street system and, then, there is also a 7,200 square foot open space lot that will have a sitting area. Staff has recommended a covered picnic area to go in that area as well to enhance that amenity package for this development.

You can see here there is an existing stub street along the -- the west boundary of the site that will be extended as part of the development and also stubbed to the east for future connectivity and, then, a cul-de-sac that serves some of the other lots farther to the north. So, as you see the plat tonight there is one lot that doesn't meet the lot frontage requirements of the R-4 district. The applicant's been required to comply with that of 30 feet and as we go through that final plat process they will have to meet those street frontage requirements at 30 feet for this particular lot here in the upper right-hand corner. The applicant did provide sample elevations for you this evening. You can see a mix of building materials consistent to what is currently developing in the area. I would also mention to you that a lot of this area is developed with single family homes. So, again, this is compatible with the surrounding land uses in the area. The applicant did submit written testimony in agreement with the staff report and all conditions and, then, if you had a chance to look at the public record we did receive some testimony from a Neil Wilson, who lives along the southern boundary of this particular property. He had noted that he had put in some substantial solar investment on his property and wanted to make sure that this was actually a single family development and the homes would be single to two-story homes, which as you can see here in the elevations tonight there are single story and two-story homes proposed for this development. Again, staff is recommending approval with a development agreement and with that I will conclude my presentation stand for any questions you may have.

Seal: Great. Thank you, Bill. Would the applicant like to come forward, please? Good evening, sir. Just need your name and address for the record and the floor is yours.

Camberlango: Marty Camberlango. 1110 North Five Mile, Road, Boise. 83713. And Mr. Parsons did an excellent job of presenting the project. It's not complicated. It's just a small really 13 lot -- homes to be built on 13 lots. So, I don't want to belabor the -- the fact that it's a pretty simple plat. We have four point -- 4.84 of an acre here, which comply -- and we -- the number of lots comply with the R-4 zoning and so do the size of the lots and size of the structures that will go in there, the new homes. I really would just refer the Commission to ask any questions that you might have.

Seal: All right. Commissioners, do we have any questions for the applicant or staff?

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher, go ahead.

Lorcher: So, as I'm looking at this how do these 14 homes access this subdivision? Are they coming directly off of McMillan or are they coming --

Camberlango: Can you see that little street called Territory?

Lorcher: Yes.

Camberlango: That is a stub street from the Silver Spring Subdivision. That will -- that stubs into it and that is the way the traffic will go is out Territory, down into Silver Springs and out to McMillan. The current access off of McMillan to the existing home will be deleted, because the existing home will be required to exit out on that cul-de-sac that you can see there. In addition to the fact that the home that's staying will also be required to hook into city sewer and water.

Lorcher: So, the lot -- the parcel to the east of you is a current homeowner and that's for future development; correct? But you have subdivisions to the west of you and that's where the cul-de-sac and Territory would access; correct?

Camberlango: Yeah. The Silver Spring Subdivision is west and there is another five acre lot east that it will -- our street will stub into that for connectivity in the future. Yeah.

Lorcher: Okay. Thank you.

Seal: Commissioner Grace, go ahead.

Lorcher: Mr. Chairman. Marty, does the subdivision to the west -- is that -- does that lead out to McMillan?

Camberlango: Yes. Uh-huh. That's a Todd Campbell project there. It does go out to McMillan.

Grace: Okay.

Camberlango: ACHD, as you well know, they don't want -- they want to eliminate as many accesses to an arterial street as possible, so they have routed this through this existing subdivision. They are actually thrilled that you have to delete a driveway that's going out to McMillan, so they like it.

Seal: Commissioner Lorcher, go ahead.

Lorcher: Is there a light at that particular --

Camberlango: No, there is no light there.

Lorcher: So, if I want to go east I just turn right, but if I want to go west there is a center divider I take it? I don't -- I don't live over there, so I'm --

Camberlango: No, I don't believe there is a center divider there, but about a block west is the light that goes into Saguaro Canyon --

Lorcher: Okay.

Camberlango: -- and over into Copperfield think they call it. So, right there where -- once the traffic light goes red, then, they will have a chance to pull out and go left or go west. Yeah.

Lorcher: Okay. Thank you.

Camberlango: Uh-huh.

Seal: Any further questions? All right. Thank you very much, sir.

Camberlango: Thank you.

Seal: Madam Clerk, do we have anybody signed up to testify?

Hall: There is no one signed up online, but we do have an Aaron Davis signed up in house. Aaron Davis? That is it.

Seal: That is it. If anybody else in Chambers would like to testify -- sir, come on up. Good evening. Please give us your name and address for the record and speak right into the microphone and the floor is all yours.

Spiewak: Randy Spiewak. 1458 East Loyalty Street, Meridian. I saw this on the agenda and I thought I might just mention something you all may want to have the applicant respond to. I'm the volunteer ditch manager for the Parkins-Nourse North No. 14 irrigation lateral that feeds all the way from Eagle Road at the Community Church by Lowe's all the way down through the next square mile across Locust Grove, splits and covers all of those properties, including Silver Springs, on McMillan and the other direction Heritage Commons and a couple other smaller subdivisions. The problem they are going to be facing -- and it will come later -- is that that currently is now a landscape company of some kind and they have plants on it and they do field flooding one day every 12. That's the only access they get to water. It was all field flooding for years when that was farmland or small ranches. When you put a subdivision in homeowners aren't going to be happy about only having water one day every 12. So, whether they store water or whether they work out some arrangement with Silver Springs, who has faced that and they store a lot of water on the days that it is part of their 12. They may want to address this. Otherwise they are using potable city water for irrigating grass and plants in a residential subdivision that Public Works usually isn't pretty happy about. So, on the corner opposite -- in fact, a number of those parcels have -- have been converted to residential and we have worked out the process, but I have had no response from that developer or no -- no contact by that developer as to how we would deal with that and as the -- the irrigation lateral manager I haven't been asked to sign off by anything -- by anyone from the city to make sure that that does comply with the easements and the requirements that far predate any use of that property -- go back to 1800s. So, questions?

Seal: Yeah. Can you -- do you have any detail on how the other subdivisions do store water?

Spiewak: Silver Springs, which is comprised of I think four five acre parcels, less a little bit on the corner on the west -- northwest corner that was a large residential property and they are -- they are receiving pressurized water from Silver Springs, but as that gravity fed 24 inch pipe from the Parkins-Nourse at the south edge of that parcel and all the other five acre parcels along there, as it flows by gravity it's manually blocked off with a weir gate and, then, it flooded their property. Well, what Silver Springs had to do with the four five acre parcels is they had to find a way to store water and they didn't want to lose a lot of lots in making a big pond of some kind. My suggestion to them -- and their engineers agreed -- was to do an underground lateral storage -- not vertical, but horizontal. Taking a -- I think they ended up using a 24 inch or 36 inch concrete pipe and as that line came down from east to west and made that north turn down their property, that became underground storage of water laterally -- or horizontally rather than vertically and so far it's worked. They are at the end of that branch of the lateral, so they are storing every bit of water that people upstream from them don't use. They store it and when that pipe gets full it overflows under McMillan into the north slough. This property butts up against that. I believe. If I'm looking at it correctly. They may want to contact Silver Springs and see if they can get access to pressurized water, give their day of -- of -- of field flooding to Silver Springs and let Silver Springs give them seven by 24 access. That's what we have been doing with other parcels is getting these HOAs to work together. There will eventually be an HOA for these 12, 14 homes, so no reason not to do that. I'm doing another one right now with Caldera Canyon that was built two years ago and nobody thought about irrigation water. So, we are getting that fixed as we speak.

Seal: Okay.

Spiewak: It can be done.

Seal: Is there an easement --

Spiewak: Oh, yeah.

Seal: -- where this is at?

Spiewak: It goes back dozens and dozens of years.

Seal: Okay. Well, I mean is there an easement where the underground water storage is within the subdivision?

Spiewak: No. Just where the pipe runs.

Seal: Okay.

Spiewak: They would -- they would have their own storage where ever they would plan for putting it. It could run under homes. It could do whatever they want. It's only the -- the pipe that runs to the east-west at the south end of their property that would be protected from -- you can sell the property, you just can't build over it.

Seal: Interesting. Okay.

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher, go ahead.

Lorcher: Based on this picture that you see up here -- so, where is your easement in regard to that? So, the bottom street is Territory and, then, you have got the four homes at the bottom and, then, they got the cul-de-sac going to the top and, then, McMillan is at the top. Where is --

Spiewak: It would be right through their park.

Lorcher: Go through that little park right there?

Spiewak: And the one house at the -- it's -- oh, no. It would be across the bottom of those five houses -- five lots at the -- the five houses at the bottom that our -- our line goes right through their backyards.

Seal: Okay.

Spiewak: So, you can have a backyard over it, you just can't have a house, you can't have a pool, you can't have concrete, because if the pipe breaks or there is a problem, the homeowner has got to tear down whatever is there and they have to fix it and, then, put it back. It's the property owner who is held responsible in Idaho for maintaining the irrigation, not the irrigation lateral association.

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher, go ahead.

Lorcher: So, currently where those four houses are at the bottom of Territory, you are saying that's where the lateral is. Is it open right now?

Spiewak: Is it underground pipe.

Lorcher: It is underground pipe.

Spiewak: Yeah. I think it's a -- that one I believe is -- is 24 inch.

Lorcher: Okay.

Spiewak: It could be 12, but I think it's --

Lorcher: And you are suggesting to kind of stub it going north just to hold the water, so that they -- the houses can tap in for pressurized irrigation as it's stored.

Spiewak: Or they could have a parallel storage lateral pipe still running through those backyards if they wish or they could go perpendicular to it, where ever their pump station is, if they don't work out a -- a joint arrangement with Silver Springs on -- on one side. We know there is only two five acre parcels left that are still commercial and I have been waiting to see what happens. I just happened to notice it on the agenda.

Seal: Interesting.

Lorcher: One more question, Mr. Chair.

Seal: Absolutely.

Lorcher: So, the existing parcel that's already at the top that's the big one, number one, how do they get their water? Top left-hand corner. Right there. Do they have septic and --

Spiewak: They would have to put a pressurized irrigation system in. Normally a four or six inch pressurized pipe. It would go from their pump to each of the homes and to the common areas.

Lorcher: Right. But what I'm saying is that that's the existing homestead that's there on the five acre parcel that's current. So, he has his own -- he has his own access to pressurized irrigation I would assume already; correct?

Spiewak: It's -- he has -- he floods the back part of that property, I believe, where he has trees that he is a -- a tree farm of some kind or something in there. How he gets water up to the front -- I don't know if he has storage or may have an old well from many, many years ago. Some of those farmers did.

Lorcher: Okay. Thank you.

Seal: Commissioners, anymore questions? All right. Thank you very much. I appreciate that.

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher, go ahead.

Lorcher: Question for staff. So, has -- has this come up in the application process as far as talking with the lateral and the ditch diggers -- or the ditch managers?

Parsons: Mr. Chairman, Members of the Commission, it's -- there is so many different ditch riders out there that we can't capture all of them. So, I'm -- I do appreciate this gentleman being here, because they actually get their water from a larger irrigation district, like a Settlers or Nampa-Meridian, and so that's who we transmit our information to and get feedback on these types of situations. What I can tell you is our code requires

a pressurized irrigation system as part of the development. So, the fact that this gentleman's here sharing his requirements with us, the applicant's aware of it, now they can go -- go to the drawing board, come up with a solution. A lot of times in these particular situations if it is problematic to deliver water, they will build a pond on site to store that water, as this gentleman mentioned, or they may connect into an existing system and have to work out those details with the developer to make sure everyone's getting water. But we will certainly have that figured out prior to them getting any sign-off or developing anything on this -- this site. It's -- it's a requirement as part of their construction drawings.

Seal: Okay. Good?

Lorcher: I'm good.

Seal: Okay. Thank you very much. Commissioner Grace, go right ahead. See you reaching for the --

Grace: I don't have a question for staff or the applicant, but a question for our deliberations maybe. I mean what was just described something, then, that we would leave as conditional or can we -- or should we not proceed with it at this time?

Seal: I'm not sure that we can condition anything, because as Bill said, it is a requirement to have pressurized irrigation. So, it is -- it is their -- it is a requirement of the applicant in order to provide that. So, they will have to comply with that.

Grace: Okay. And as we sit today it's not complied with; right?

Seal: It is to be determined at this point. I -- it will have to be complied with in order for them to put a shovel in the ground, as it -- is one way to put it. So, before it passes through City Council it will have to be complied with.

Parsons: Well, that's -- yeah. Mr. Chair, Members of the -- that's -- that's part of the development review process. So, annexation plat comes in, this is just a pre-plat. The next step is they do a final plat, which has a lot of those details figured out with engineered drawings. So, you don't get to that level at -- with a pre-plat stage. It usually happens later on down the road. So, right now they are requesting to annex -- this is a pretty common topic discussion for subdivisions. We get this all the time with people asking -- making sure that they have adequate water and there are subdivisions in Meridian where they just don't have adequate water -- surface water rights and they had to use city water. But in this particular case I think there is a -- a workable solution here, as long as there is communication happening.

Grace: Okay. Thank you.

Seal: Any further questions? All right. Would the applicant like to come back up? Go ahead and give us your closing remarks and you just need to give us your name and address again, please.

Camberlango: Maybe just address that irrigation a little bit. Appreciate the --

Seal: Do you want to give us your name and address one more time, please?

Camberlango: Oh, address again -- name and address?

Seal: Yes, sir. Thank you.

Camberlango: Marty Camberlango. 1110 North Five Mile Road. And on your staff report under Public Works number 2.4 addresses that the City of Meridian requires that pressurized irrigation systems be supplied by year around surface -- basically irrigation water. Now, this piece of property is owned by Diamond Lawns. They are a landscape company and they have a lot of water and we have had some conversations with Silver Springs about tapping into their system or recently I did a subdivision in Boise where we couldn't work anything out with the homeowners association, so we retained our own water. We don't like to do a pond, because they are ugly. So, we -- we build kind of a little concrete structure below ground, kind of like a seepage bed, so you can't see it. There is a pump on it and it fills up and when it fills up it shuts off and, then, people can draw upon that for their pressurized water. And sometimes if there is not enough water -- if there seems like there is not enough water, we will put people on a schedule, like they might have Monday, Wednesday, Friday from 3:00 o'clock to 6:00 o'clock or whatever and this subject always comes up and we -- we can resolve it. It's like Bill said, there are solutions for these things and we just -- we don't -- at the preliminary plat stage we don't engineer everything, because if for some reason we are turned down by the city, we don't want to have to pay all those engineering fees for something that has to be engineered, but isn't engineered yet, but we will be working on that. And I think that's all I have to say.

Seal: Okay.

Camberlango: Thank you.

Seal: Commissioners, do we have any questions for the applicant? If not, thank you very much, sir. Appreciate that. And I will take a motion to close the public hearing for File No. H-2022-0043, Matador Estates.

Lorcher: So moved.

Stoddard: Second.

Seal: It's been moved and seconded to close File No. H-2022-0043. All in favor please say aye. None opposed. Motion carries.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

Seal: Any discussion?

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher, go right ahead.

Lorcher: I have been on record to deny applications on McMillan Road because of traffic, but because this is not a new access to McMillan Road, they are actually going to be moved around the existing subdivision and if each parcel has two cars, you are looking at 28 cars moving, you know, maybe 20 or 30 times a day or less. I think that the way the street is managed at that point at McMillan, especially going through the subdivision, should be able to handle this particular subdivision. So, I would be in support of this parcel.

Seal: Okay. Anything else? Commissioner Grace, go ahead.

Grace: Mr. Chairman, I -- that was the first thing that came to my mind, too, was the traffic and that's why I followed up with Commissioner Lorcher's question about access. It's still a concern, but I -- I think ultimately I'm -- I'm able to approve as well.

Seal: Okay. Yeah. And I will -- I mean that's -- McMillan is ugly, so it's been talked about a lot. We have had some applications come in where we have recommended denial or denied applications coming through because of the traffic on it, so considering this is -- I mean this main stretch of this is on a cul-de-sac, I saw the elevations in there with, you know, possible RV parking garages and things like that, a little tight to squeeze them in there, but, you know, I think if this is a product out there that the applicant thinks will sell, then, I think they will figure all that out, so --

Grace: Do we know the future of McMillan Road?

Seal: McMillan Road is set to develop in 2031 through 2036, I believe, or 2035. I'm fairly certain of that. Bill is shaking his head, so I must be right.

Parsons: Mr. Chair, Members of the Commission, I don't have the exact date for you, but as you know, anything heading west from Locust Grove is going to be a constrained corridor because of the -- the ditches and the -- and the Idaho Power poles. So, it's a three lane road. So, it's two lane with a center turn lane from -- from that point on, so --

Seal: But the good news is we have plenty of water and power.

Lorcher: Chairman Seal, I actually wrote it down.

Seal: Go ahead.

Lorcher Locust Grove, ACHD, 2036 to 2040 and McMillan 2031 to 2035. So, you are spot on.

Seal: I do have a memory. That's good. Okay. With that anymore discussion or I will take a motion if anybody wants to throw one my way.

Lorcher: Commissioner Seal?

Seal: Commissioner Lorcher, go right ahead.

Lorcher: After considering all staff, applicant, and public testimony, I moved to recommend approval to City Council to File No. H-2022-0043 as presented in the staff report for the hearing date of September 15th, 2022, with no modifications.

Grace: I will second.

Seal: Okay. It's been moved and seconded to approve File No. H-2022-0043, Matador Estates Subdivision, with no modifications. All in favor please say aye. None opposed. Motion carries.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

Seal: Thank you very much. And with that I will take one more motion.

Lorcher: Commissioner Seal?

Seal: Commissioner Lorcher, go right ahead.

Lorcher: Motion that we adjourn.

Grace: Second.

Seal: It's been moved and seconded that we adjourn. All in favor, please, say aye. None opposed. Motion carries. We are adjourned. Thank you very much.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

MEETING ADJOURNED AT 6:55 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS.)

APPROVED

ANDREW SEAL - CHAIRMAN

ATTEST:

CHRIS JOHNSON - CITY CLERK

_____|_____|_____
DATE APPROVED