

**Meridian Planning and Zoning Meeting**

**May 6, 2021.**

Meeting of the Meridian Planning and Zoning Commission of May 6, 2021, was called to order at 6:00 p.m. by Chairman Rhonda McCarvel.

Members Present: Chairman Rhonda McCarvel, Commissioner Bill Cassinelli, Commissioner Andrew Seal, Commissioner Nick Grove, Commissioner Maria Lorcher and Commissioner Nathan Wheeler.

Others Present: Adrienne Weatherly, Ted Baird, Bill Parsons, Joe Dodson, Alan Tiefenbach and Dean Willis.

**ROLL-CALL ATTENDANCE**

<input type="checkbox"/> Lisa Holland	<input checked="" type="checkbox"/> Maria Lorcher
<input checked="" type="checkbox"/> Andrew Seal	<input checked="" type="checkbox"/> Nick Grove
<input checked="" type="checkbox"/> Nathan Wheeler	<input checked="" type="checkbox"/> Bill Cassinelli
<input checked="" type="checkbox"/> Rhonda McCarvel - Chairman	

McCarvel: Okay. Good evening and welcome to the Planning and Zoning Commission meeting for May 6, 2021. The Commissioners who are present for this evening's meeting are at City Hall on Zoom and in our hearts. 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 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@meridiacity.org](mailto:cityclerk@meridiacity.org) and they will reply as quickly as possible. If you simply want to watch the meeting we encourage you to watch this streaming on the city's YouTube channel. You can access it at [meridiacity.org/live](http://meridiacity.org/live). And let's begin with roll call.

**ADOPTION OF AGENDA**

McCarvel: The first item on the agenda is the adoption of the agenda.

Seal: I move we adopt the agenda.

Cassinelli: Second.

McCarvel: It has been moved and seconded to adopt the agenda. All those in favor say aye. Motion carries.

**MOTION CARRIED: ALL AYES.**

## COMMUNITY ITEMS

### 1. Recognition and Remembrance of Commissioner Holland

McCarvel: It is with heavy hearts that we begin this meeting, as we do so with the incredible loss of our fellow Commissioner Lisa Holland. We welcomed her on this Commission three years ago and as most who knew her, even for a short time, I felt immediate friendship and warmth and looked forward to her smile with every encounter. I always felt she was wise beyond her years with great knowledge and passion for this community. At 34 she had already made a great impact in her work at the Boise Valley Economic Partnership, Kuna economic development and we were lucky to have her perspective as a volunteer in advising Meridian's current Comprehensive Plan and on this Commission. She had a great gift to communicate and make common sense out of complex issues and although we as a community suffer the loss of her vision and passion, it is no measure to the loss her family has experienced by the passing of Lisa, her infant son Milo, and her sister Laurie in a tragic accident. I pray for peace for her family and I know she will forever be remembered in my heart. We are just going to take a few minutes if anybody else has any comments they would like to share before we move on.

Pogue: Madam Chair, this is Andrea Pogue. Can you hear me?

McCarvel: Yes. Go ahead.

Pogue: So, thank you for your words, because they are exactly what I'm feeling as well and all my love and condolences go out to Lisa's husband and family. She was really taken -- they were taken too soon and they will be sorely missed by so many and I really will miss Lisa profoundly.

McCarvel: Thank you.

Cassinelli: Madam Chair?

McCarvel: Commissioner Cassinelli.

Cassinelli: As I have been thinking about this over the last couple of days -- and I miss the fact that I haven't been here for a year, we have been on Zoom. Lisa and I sat next to each other over here and -- to begin with and we didn't necessarily always agree on -- on every -- every item that came before us. I think -- and we would often see things from a different perspective, but I greatly valued her opinions, her perspective, and it was -- it was -- it was so respectful and -- and I think there was just a -- there was a great appreciation of one another and she was truly wonderful to work beside and -- and I will definitely miss her and, likewise, my -- my thoughts and prayers go out to her family and -- and I'm just going to say there was a part of an article that I read on her, it was a friend of hers that was interviewed, and -- and said she loved to -- she lived music, she loved to dance and she loved Jesus and I was -- I was comforted by that, but I know I will miss

her, I know we will miss her and her presence here was -- was amazing and I just appreciated the time I got to work with her.

Grove: Madam Chair?

McCarvel: Commissioner Grove.

Grove: I just want to say how -- how thankful I was to have Lisa guide me through the first year of being on P&Z and -- I never knew what to do and I knew I could always -- always turn to Lisa and have her bail me out with a motion or tell me, you know, what -- what had happened before or why something needed to happen and I'm going to really miss her knowledge and her warmth and just -- it's a hard one.

Seal: Madam Chair?

McCarvel: Commissioner Seal.

Seal: I think you said it best when you said she was wise beyond her years. She was a -- a great mentor in Planning and Zoning for sure and just a great person overall. So, my dealings with her outside of Planning and Zoning she was always open and active and willing to jump in and help out at any major -- any way necessary. So, she will be greatly missed and I will miss our disagreeing, as much as our agreements, because she always helped me to think about things differently. That in turn has just made me a better person overall. She will be missed.

McCarvel: If there is no other comments, we will have one more moment of silence before we move on. Tonight I wish this was under better circumstances, but I would like to welcome Commissioner Nathan Wheeler to my left, who fills Seat No. 4, which was formerly held by Commissioner Pitzer and temporarily filled in by Commissioner Steven Yearsley until Nathan was able to join us. So, welcome, Nathan.

Wheeler: Thank you.

#### **CONSENT AGENDA [Action Item]**

- 2. Approve Minutes of the April 15, 2021 Planning and Zoning Commission Meeting**
- 3. Findings of Fact, Conclusions of Law for Jaker's Drive-Through Addition (H-2021-0012) by BRS Architects, Located at 3268 E. Pine Ave.**
- 4. Findings of Fact, Conclusions of Law for Pine 43 Apartments (MCU-2021-0002) by Pivot North Design, Located South of E. Fairview Ave., on the East Side of N. Webb Way and North of E. Pine Ave.**

McCarvel: The next item on the Consent Agenda -- on the agenda is the Consent Agenda. We have two items on the Consent Agenda. We have the approval of minutes for the April 15th, 2021, P&Z meeting, Findings of Fact and Conclusions of Law for H-2021-0012, Jaker's Drive-Through Addition and MCU-2021-0002, Pine 43 Apartments. Can I get a motion to accept the agenda -- Consent Agenda as presented?

Seal: So moved.

Cassinelli: Second.

McCarvel: It has been moved and seconded to accept the Consent Agenda. All those in favor say aye. Opposed? Motion carries.

MOTION CARRIED: ALL AYES.

### **ITEMS MOVED FROM THE CONSENT AGENDA [Action Item]**

McCarvel: 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 our Comprehensive Plan and Unified Development Code. After staff has made their presentation the applicant will come forward and present their case and respond to the staff comments. They will have 15 minutes to do so. After the applicant has finished we will open the floor to public testimony. Each person will be called only once during the public testimony. The clerk will call the names individually of those who signed up on our website in advance to testify. You will, then, be unmuted. Please 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 presentation for the meeting, it will be displayed on the screen and our clerk will 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 not be speaking, you will have up to ten minutes. After all those who have signed up in advance have spoken we will invite any others who may wish to testify. If you wish to speak on a topic you may press the raise hand button on the Zoom app or if you are listening on the phone, please, press star nine and wait for your name to be called. If you are listening on multiple devices, a computer and a phone, for example, please, be sure to mute those extra devices, so we don't experience feedback and we can hear you clearly. When you are finished if the Commission does not have any questions for you, you will be muted and 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 has finished responding to questions and concerns, we will close the public hearing for the -- and the Commissioners will have the opportunity to discuss and hopefully be able to make a final decision or recommendation to City Council as needed.

### **ACTION ITEMS**

**5. Public Hearing Continued from March 18, 2021 for The Oasis (H-2021-0004) by Brian Tsai of Balboa Ventures, Located at 3185 E. Ustick Rd.**

- A. Request: Conditional Use Permit request for an approximate 7,000 square foot drinking establishment, music venue, and nightclub on a portion of 3.26 acres of land in the C-G zoning district.

McCarvel: So, at this time we will continue the public hearing for CUP Item H-2021-0004, The Oasis, and as this is a continuance we have two Commissioners that were not here on the original presentation, I just wanted to verify that Commissioner Wheeler and Commissioner Seal, do you feel you are up to speed and ready to step in on the continuance or -- without going back and redoing the original presentation?

Seal: I feel that I'm up to speed. It's -- there was a lot of information and I read through all of it.

McCarvel: Okay. Great.

Wheeler: Yes.

McCarvel: Okay. Thank you. So, do we have any additional staff report on this or --

Dodson: Madam Chair?

McCarvel: Yes.

Dodson: Thank you. I don't have necessarily any additional comments. I did want to just note that these are the reasons for the continuance, so that everybody understands and is clear what was -- the guidance of -- at the time of Commissioner Holland's motion. I'm willing to answer any questions or I guess just generally speaking -- I will let the applicant speak more directly to all of these, but I will give a brief overview of what I know about what has transpired of these three items. First it is staff's understanding that the applicant reached out to the police department and that they generally do not participate in projects on this level or on the requested level until after they are approved. However, the applicant did create a safety plan and a protocol, which the Meridian Police Department has received from my understanding. That is part of the public record, so I hope that everybody was able to review that. Secondly, the applicant did provide a rideshare promotion plan. The circular -- circulation plan that I have seen is the same one that was in the application submittals and showed the circulation plan for the interior of the Wadsworth site. So, again, this is one of the lots within the Wadsworth site. Lastly on the last point regarding the shared parking agreement, no agreement was obtained and, therefore, that has not been submitted to us for review. Therefore, at this point I don't know what new information, other than the safety plan has been presented. So, I am -- I understand that the public has been adamant about this use, but as noted previously that the public testimony should only be regarding new information and after that I will stand for any questions or let the applicant speak his peace.

McCarvel: The applicant is before us and state your name and address for the record and the floor is yours.

Tsai: My name is Brian Tsai at 3085 Ustick Road in Meridian, Idaho. 83646. I did submit about five images for the presentation -- I don't know if somebody has a copy of those.

Dodson: I can pull those up. Give me just a second. Are you all still seeing my screen? Oh, that's right. I got to stop it and, then, reshare it and -- fun technology. Is that better?

Tsai: Yes.

Dodson: Okay. Brian, you should be able to just click the arrows to go through the pages.

Weatherly: No, that probably won't work, since the presentation is being shared on your screen at -- on your end.

Dodson: Oh, you're right. Well, Brian, let me know whenever you want to change it and I will move on.

Tsai: Okay.

McCarvel: Yeah, go ahead.

Tsai: Okay. I would just like to start out by acknowledging the passing of Commissioner Holland. It wasn't until earlier this week that I had heard the news and the names of those involved with the collision were released. Being the first hearing and the first item on the docket back since that tragic event this is, of course, the first one without her and I would like to express my condolences to her family members that are closest to her that have felt the loss. I can only imagine how the members of this Commission feel as well as you have gotten to know her over the few years and, hopefully, not just as a colleague, but as a friend as well. Having said that, there is certainly no easy way to segue into the matter at hand. When I last brought this project before the Commission I was presented with three action items that the Commission Members felt would make the proposal more cohesive towards an approval as the creation of the rideshare promotion program, addressing the parking issues, and the creation of an additional parking capacity and the creation of a safety plan in conjunction with the Meridian Police Department. In this first slide here that you are viewing is a diagram from the latest site plan showing the right-in, right-out configuration of the parking lot and additional areas of bi-directional parking flow. In the event that there is a sudden increase of parking, either ingress or egress, we have implemented procedures to address this within our safety plan, which I will get to later. Otherwise, I would hope that most people who know how to navigate a regular parking lot, as many people do it without an issue almost every single day. In the second slide, if you can go to that one. We have a rideshare flow plan that is also addressed in our safety plan. I have worked with the developers of this site to create this designated ride sharing area where vehicles can easily get in and out of this parking area without affecting the traffic flow for the rest of the site. In addition to that, we have the plan to promote the

increased use of the ride sharing services, because the spots are only as good as people who actually use them and this page, which I submitted to the record as well, outlines in detailed capacity thresholds at which the certain plan policies will be implemented as part of the safety plan. It also provides discounts on products or tickets, prices used in conjunction with the ride sharing service and providing security staff as needed to direct the rideshare vehicles into the designated rideshare area parking areas, as well as addressing the concerns of potential congestion within the lot itself, as well as during the ingress and egress process. And that's shown within the slide here. It will be designated I believe on that west side of that building where the pickoff -- or the pickup and drop off area is designated. As far as self enforcing our capacity, as mentioned previously, I'm sure that some people nearby will be monitoring our ingress as well to check for an overcapacity situation, but that is not their job, nor should it be required. That's something that's the responsibility of the business to enforce diligently and as a responsibility to the safety of the patrons. Our entrance scanner is a state of the art system that has never been implemented in any venue in the northwest to my knowledge. I think part of the concern is that after seeing the locations in Boise over the past couple of decades, people have been stuck with the idea that a club or venue of any kind looks to be poorly rated or dirty as some that might be found in other places in town. What they don't see are the upscale locations, like those found in other major cities around the country. Some that can charge thousands of dollars for a single table and still have a wait list. Of course we are not planning to the charge rates like that, but it serves as an example of a distinction to which Idaho has never seen. If we can go to slide four, please. Just skip one and go to the next one. We are not able to produce a documented count from Uber or Lyft, because they have never disclosed their use counts or destinations for the use history of either company. However, many studies have been conducted within documented use from occupants and drivers showing on average an analysis of multiple studies, approximately 40 percent who attend -- of people who attend the maximum capacity event will use some type of ride sharing services. Because these same numbers have been documented nationwide, we have no reason to expect our numbers to be any different. That means our previously proposed four-to-one parking ratio would, in reality, become closer to two-to-one with so many patrons using ride sharing or carpooling. Keep in mind that there are many venues around the valley with much higher persons capacities that seemed to operate just fine with absolute zero parking spaces dedicated to their use. And during the last hearing a managing partner of the landowners for Villa Sport called in and offered to work with us on a cross-parking agreement. However, that Friday immediately following the hearing it turns out that was not the case. It was, however, not in their discretion. It was actually within the Villa Sport tenants determination that cross-parking would not be allowed. Despite our best efforts in collaboration with the Land Baron group, the owners of the Villa Sport property itself, we were unable to get the Villa Sport tenants to even consider a cross-parking agreement. In response I entered into discussions with our developers at the Wadsworth Group to add temporary parking at the unimproved sites to the north of our facility. In talking with the city's planning staff I understand we would have to apply for a temporary use permit in order to use unimproved parking, that that would not be counted towards a potential count for permanent parks. A representative of the Wadsworth Group agreed to this use until such time as future pads would be under contract for future developments. In order to meet the requested three-

to-one parking ratio it would require an additional 41 parking spaces. Once the development is finished they expect to add approximately 70 additional spaces to the site. As a matter of course and compliance I voluntarily proposed an additional reduction of capacity to 400, only fractionally above the required number to meet the three-to-one parking requested threshold, using only the currently proposed paved and fully improved parking spaces. Whereas in reality the conjunction of ride sharing and temporary parking we would have a parking capacity far in excess of the requested ratio. I can imagine that this would be the Commission's preferred method as well, as a reduction in capacity would also serve to reduce the potential for any overcrowding and excess traffic. If we can jump back one slide to number three, please. Because the City of Meridian does not have a statute or code requiring specific requirements for parking of this use -- I often learned in my law enforcement career that anything that wasn't illegal was, therefore, legal. Using the most strict parking regulation as required by the City of Meridian only 38 parking spaces are required. In my last presentation I promised 125 parks to meet the four-to-one ratio requested by the planning staff in the original application. Because the city doesn't have an ordinance with parking requirements for venues or event centers specifically, I looked around at ten other cities around the country, many of which are nearby or have similar populations and have found those who have codes that have parking requirement for venues specifically. You can see in this chart that even at the four-to-one ratio that I have used in these calculations we have anywhere from 31 to 521 percent in excess of what is required across the country. That's more than five times the number of required spaces, depending on the comparison. Ever since the very beginning of this process parking has been the foremost concern. I spent a few weeks trying to find a similar location in the valley that I could use as a real world comparison. I found one that was easily recognizable and because I do some volunteer work nearby I'm often in the area -- if we can go to slide five, please. It's the Boise School District's administration building. It's very similar to our layout, as it's bordered by a major road, has primarily right-in, right-out only parking with no left turn egress and roughly the same amount of parking spaces. For the purposes of our proposal we are talking about a relatively small scale space and many of our patrons won't be leaving all at once after a show. So, I sat at this building a few times with a stopwatch and since most of the workers are salary workers they leave at 5:00 p.m. on the dot every weekday and enter into peak rush hour traffic. The lot is completely empty within on average five minutes, with no -- absolutely no additional congestion on Victory Road, which in comparison is only two lanes at that location. So, if the concern is traffic congestion, tens of thousands of vehicles travel through the Eagle-Ustick intersection every single day. Adding one hundred vehicles all at once would not add a discernible difference, especially at off peak hours, as it could be completely cleared for the facility and the parking lot in one normal traffic signal cycle. And I submitted our safety plan for review with the command staff of the Meridian Police Department. Having myself worked in many major stadiums and NFL games, I can say with absolute certainty that our safety plan is one of the best. I challenge anyone to find anything remotely similar in detail or scope anywhere else in Idaho. It was reviewed by multiple members of the Meridian Police, including a lieutenant that specifically deals in safety operations. They stated -- and I quote -- it was really well thought out and detailed. The only recommendation that they could find to make was an addition to add reflective vest to our outside personnel for identification and I agreed, having experience done such

thing and immediately ordered reflective vests and added them to our inventory. The safety plan promotes and enforces policies and procedures to maintain a safe atmosphere that is free from illegal activity to the best of our ability. Now, the recent incident that occurred at Wahooz is unfortunate, but it demonstrates that violence occurs anywhere and as the Meridian police acknowledged in a public statement, these are incidents that come with growth to become a large city. It's not related to any one location or business. The safety plan was created in conjunction with many other venue owners in other states across the country, to include addressing exactly when and how procedures will be implemented, responding to illnesses and injuries, security screening, disorderly conduct, fake IDs, potential drug use and fights. The plan includes portions for physical security, implemental -- implementation of adequate architectural lighting for video illumination, patrols of the sidewalk and outside areas, posting and distribution of security personnel, procedures for identification, employee safety coordination, screening of promoters for any past histories, fire safety, criminal incidents and even an extensive active shooter and terrorism protocol. It also includes a 12 -- a two page 12 action item document that facilitates our good neighbor policy, which will be distributed to our neighbors and posted prominently at the door to include urging patrons that are leaving to respect the quiet and cleanliness of the neighborhood. It includes items such as providing adequate lighting at all times, maintaining proper ventilation so doors can remain closed to mitigate any exterior sound, creating patrols to clean any possible litter that's found in the parking and surrounding areas and providing a cell phone number to our immediate neighbors to be answered all operating hours to address concerns of parking or noise. The good neighbor policy would additionally be furnished to Villa Sport despite their unwillingness to even start a discussion regarding cross-parking. As you can see I'm not here to do something half assed. If it's meant to be done, it's meant to be done right and with the safety of our patrons and surrounding community held as a paramount standard. Commissioner Seal, I'm glad you were able to join us. You weren't here on the previous one. I had noted in a previous speech that you believed in the 80-20 rule, as they call it the Pareto Principle and you are often involved in completing the remaining 20 percent. As you see here we are about 80 percent of the way there and, Commissioner Seal, you are a music supporter and fan yourself. You have attended events at the Egyptian and the Olympic venue and apparently grown quite an impressive beard over the -- over the previous hearings I have watched. So, you can see in the staff reports -- noted that our proposed facility is of a relatively small scale. I just wish I could pick up and go to an alternate location, but in case you haven't tried to lease any commercial space lately, there is already a waiting list just to get space into The Village and we were told by several dozen people before we picked this space this corner was perfectly suited for entertainment, right on the main drag of Eagle Road and situated just north of an existing entertainment hub. What I soon discovered is that the majority -- in fact, almost every single major developer, except for the Wadsworth Group, wouldn't even look at my proposal. They told me in the current state of development for Meridian they would lease exclusively to corporations with a national presence or to chain stores and would not even consider leasing to anyone else. So, you can see it's been a battle just for me to get to this step. But now that I have signed the lease with Wadsworth, I'm bound to this property, including half my liquidity, without even having started our improvements. So, how do we show that this is something that's a long time coming. In the last

presentation I had mentioned e-mail chains from the Meridian City Council Members, then and present, and their advisory boards that have been asking local promoters for over a decade how a venue could be brought to Meridian. Now to date we have over a thousand followers across our social media pages, despite posting no additional advertisements or photos. And we are not trying to squeeze a stadium where it doesn't belong. I wouldn't say it's trying to fit any type of square peg into a round hole, because the zoning has not changed. The zoning has been the same as far as I can tell over a decade, congruent with the City of Meridian's Comprehensive Plan and the reason that the C-G zoning district is being used as intended is the largest scale of any commercial use. As I mentioned in my previous presentation, all I'm asking for is a chance to start a new business that has been much needed in Meridian for over a decade, at a time when hundreds of thousands of bars and restaurants have already been closed for good due to COVID. I have never failed at anything I have aimed to accomplish in my life, but with so much writing on my project, including my home and personal assets, it's an uneasy feeling to have my entire livelihood in somebody else's hands. I have checked all the boxes extensively and diligently, fulfilled all the requests by the city staff, public sector professionals, law enforcement and of this commission and I can only respectfully ask for your approval tonight.

McCarvel: Thank you. Let's see. Do we have any other questions for staff or the applicant?

Seal: Madam Chair?

McCarvel: Commissioner Seal.

Seal: You had mentioned the Olympic and that was one of the things that was kind of on my mind. How -- how does this facility compare to something like the Olympic?

Tsai: I have only kind of breezed through there, so I couldn't tell you specific details, but anyone that's familiar with going to a downtown venue is familiar that there is zero parking anywhere. So, anywhere -- if you want to say just go on a night out or -- or some something that's related to downtown, you know, typically the deal is you allotted 30 minutes or an hour in advance just to park, you know, seven, eight blocks away, it's over on Third Street or somewhere that's closed and, then, you have to walk the remaining seven, eight blocks to get there. Size wise the Olympic is more designed for specifically I guess intimacy, so to speak. The crowds are closer to the stage. They have a lower wattage of a sound system. Similar to us. It's designed for clarity, as opposed to overall sound pressure. So, it's not designed to be as loud as it can possibly be, but -- so, that if you are in the Olympic and enjoying the show, you can see that, but not be -- trying to shout over everybody else. I hope that answers your question, because I'm not overly familiar with the way the Olympic operates.

Seal: Well, just in terms of -- I mean overall parking and size and scale. That's more what I'm after. Because to me it seems like this, in my mind anyway, has a lot of similarities to the size and scale of what you are trying to deploy and to me I'm kind of

interested, because we have that venue here, albeit, you know, not as close as I would like it to be for sure, but to me it has a lot of similarities. So, we could, you know, learn something from that.

Tsai: I would certainly look into the reason. I can't give you a very concise answer is just because I'm not really familiar with their size and their operational scope. What I can say is that based on the capacity, you know, Boise valley as a whole gets bypassed very often because of the lack of venues of that type, either because of booking conflicts or any type of capacity issues. They might say, oh, well, we wanted to play on this weekend, but you have one venue of that size and they are fully booked, so they could just -- you know, they will drive from Salt Lake City through Boise all the way to the Portland. That's how the -- the usual scheme goes. So, comparison wise it would fill that niche of the tiered capacity that's typically constrained amongst those venues, especially if there is a need for in the city and that -- and by that I mean, you know, if there is a venue that fills a 50 capacity and, then, one that fills the next tier up at a hundred capacity and the next one skips to 500 and, then, a thousand. Well, if you -- if you are the type of musician that can fill those types venues, the next step up is to, you know, go to revolution and the next step up you are going to fill from there is to go from 2,000 up to 20,000. There is not really anything that, you know, fills those needs in between.

Seal: Thank you.

Tsai: Hopefully that answers your question.

Cassinelli: Madam Chair?

McCarvel: Commissioner Cassinelli.

Cassinelli: Brian, I just wanted to -- you went through a lot -- first of all, I don't know that I have ever seen any applicant do the background and the homework that you have done on this. I think I mentioned that -- or at least several others mentioned that the first time around. But I didn't -- I wanted to make sure I heard you correctly on a couple of things. Number one is that you have agreed to drop to a 400 capacity? Is that -- did I hear that right? Okay. And you were at 600?

Tsai: I believe the fire code had it at six or seven hundred and we dropped it to 500 to meet the parking requirement threshold of four to one. Now with the extra spaces we will have in position that are permanent I'm willing to drop it to 400 and meet closer to that three to one that the Commission requested.

Cassinelli: Okay. And then -- and -- and to confirm, it sounds like it was that, but -- but you said the -- the cross-parking agreement that we had asked for you to seek last time, that did not happen; is that correct?

Tsai: Correct.

Cassinelli: Okay. Thank you.

McCarvel: Any other questions for the applicant or staff? Okay.

Wheeler: Madam Chair?

McCarvel: Yes, Commissioner Wheeler.

Wheeler: Just one quick clarification on that. With the cross-access agreement for parking, were you actually told no or did you just not going to reply back yet?

Tsai: We were actually told no. But that was -- that's been in place for probably over two years now. Since Villa Sport just originally started their proposals they had just -- before, you know, this was even just a plan, they had told other developers flat out that they would not entertain any cross-parking.

Wheeler: Okay. Thank you.

Tsai: Back in 2018, so --

Wheeler: Thank you.

Dodson: Madam Chair?

McCarvel: Yes. Joe.

Dodson: This is Joe. Sorry. Just to -- for Commissioner Wheeler, just a quick background on that. Yeah. The -- there is an existing cross-access agreement between all of these sites for the Villa Sport. The Sadie Creek, which is directly south on this site, and, then, onto the Wadsworth site. But specifically in that I think it was recorded in June of 2020, so almost a year ago, it specifically states that there is no cross-parking. I believe it was one of the Villa Sport owners or developers that was on the call last time and they had noted interest in working with the applicant, but, then, following the hearing it turned out that they -- they couldn't come to an agreement. I don't know what happened on the back end, but I -- it was pretty quick. I would agree with the applicant it was pretty quick that they rescinded that offer to get the cross-parking involved -- or a part of that. So, just wanted to make that clear, that there is an existing agreement, it just prohibits parking -- cross-parking.

Tsai: Thank you.

Dodson: You're welcome.

McCarvel: Okay.

Grove: Madam Chair?

McCarvel: Oh, Commissioner Grove.

Grove: Just so that we are all on the same page again, because this one is a little thorny, Joe, could you give us just kind of -- the parameters that we are hearing tonight before we go into public testimony in terms of what it is that we are ruling on and -- and also kind of how we are basing our -- what we are basing our decisions on in terms of what is applicable and not?

Dodson: Commissioner Grove, that's a great question. So, there is kind of two parts to that, at least for why the product should be approved or denied. Some of them being these reasons I was previously continued, but, then, more specifically these are the required findings in code. These eight findings for conditional use permits. So, you don't have to have all eight, you don't have to not have all eight. So, those are the things that need to be addressed. So, any -- any of these are reasons to be recommended -- or, sorry, this is a CUP, so any of these reasons to be denied or approved, depending on the application. The parameters of this -- the proposal tonight -- again, it is a CUP for a drinking establishment and a music venue slash nightclub. Multiple uses are kind of wrapped into that drinking establishment for the CUP. So, their -- originally in the narrative he had mentioned a thousand capacity. I don't -- I don't want to quote him as saying that that is what he was proposing, I just think he was saying that based on the size it could work. But regardless of that, I had recommended in my staff report to limit that to no more than 500 because of the parking and, then, following that the applicant has now stated that he's willing to reduce that even further to 400. So, I hope that answers your -- your question, Commissioner Grove.

Grove: Yes. Thank you.

Dodson: Absolutely.

McCarvel: Any other questions for staff or the applicant? Okay. There being none, we will take public testimony and remind everybody that that needs to be limited just to the discussions that were presented in this evening's presentations, so with that are there -- is there anybody who would like to speak on this application?

Weatherly: Madam Chair, we have several people signed in. First in house is Jerry Soulsby.

McCarvel: Okay.

Soulsby: My name is Jerry Soulsby. Address here 104 East Fairview in Meridian. I was here the last hearing and two points, mostly following tonight's information. So, regarding the -- the traffic flow, by my experience with the people that attend these facilities -- and I'm part of a community -- a group of people that do a lot of country swing dancing and so for the most part a hundred percent of those that I know mostly cooperative people, zero aggression in those groups meeting. The majority of the people and the families that I'm involved with they are people with children ages, you know, three to 15 years old. They

are people that are working, they get off work, they go home, they fix dinner, they arrange for childcare and they all go to classes, you know, Wednesday or Thursday nights, Friday or Saturday nights they go down and they -- they practice what they have learned. They are a great community of people. The majority of them are going to be attending a facility like this probably starting around 8:00 o'clock at night, some of them might get there as early as 7:00. The majority of the traffic that will be entering this lot will be after hours, after a majority of the traffic off of Eagle Road in the first place and, then, those that are departing will be leaving after -- nearly all of the traffic is gone on Eagle Road. So, it's not going to be during peak hours or peak traffic times as far as the flow and as Madam Chairman mentioned last time, no matter what you do at this corner it's going to be a business that draws some traffic. A lot of those businesses are going to be during the high traffic count time period. So, this would be the ideal business to have there where the traffic is concentrated after hours. Just wanted to make that point. So, I guess, you know, I'm just going to leave it at that. Thank you very much.

McCarvel: Thank you.

Weatherly: Madam Chair, next online we have Jeffrey Vrba. Jeff, one moment, please.

Vrba: Hello, Madam Chair. Are you able to hear me?

McCarvel: We can hear you. Please state your name and address for the record.

Vrba: Madam Chair and Honorable Councilmen, this is Jeff Vrba. Address is 3005 North Leblanc Way in Meridian, Idaho. 83646. A couple things that I'm really concerned with is on the November 19th Planning and Zoning meeting that you guys had there was proposed five buildings to go in that lot. Right now they have the one going in, which is the medical center that's going in there and possibly this building here going in. At that time they said there is 125 parking spaces in there -- in that corner lot there. If he's going to be taking up a hundred of those for his business that's leaving 25 spaces for the remainder of the four buildings that may be going in there. Granted I know that the buildings probably aren't going to be opened up much past 11:00 o'clock at night, but I don't know what type of buildings are going in there. So, if you are giving each one of those buildings only two to three spots, what are we going to do? The other thing I'm concerned with is last meeting he mentioned that he has up to 30 staff that will be there -- or possibly being there. So, it's up to 30 cars out of his 170 that we were going to ask him to have a spot for. If he's got bands coming in -- if they are a local band he may have anyplace from two to five cars there, depending on the size of the band and spouses or people that are helping with the stage and that -- if he's got people coming in from -- driving down, like he said to Portland, we have buses that are coming in or campers. Where are these planning on being parked at? The other thing was last meeting, too, he mentioned that on the side where he said the ride share is set up, that now that was going to be the smoking area for the smokers to be able to go out and have their cigarette just before they go back in. So, now all of a sudden that area gets changed again to the ride share area. Also another concern -- we are looking at just strictly at the nightclub at night. He did mention that he's going to be using this facility during the daytime hours, too. We

are -- we are talking 400 people at night. There is no limit on daytime. He could bring up to 700 people in for a cheer competition that might be going on there. In that case there -- the odds are most people aren't going to be using rideshares during the day coming into that. So, there is possible you have to 350 people that are wanting to go in there. They are going to be in -- parking in our neighborhood. My house -- I have three parking spots out in front of my house. That's all I have for my family or whatever else is coming over to visit us. Unless they pull around in the alley behind my house, park in the driveway and, then, have to walk half a block to a block to get around to the front of my house, so they can come in through the front door. We need to make sure that if this facility is approved with you guys that we have something in place that we can protect the homeowners out in this area, to protect our parking area, to protect our noise compliance, to protect us. We were here way before this was even planned to go in. That's something we need to look at. The other thing I would like to say is I want to have all the parking spots for roadways and prior to them going -- getting a conditional use permit. Right now there is only two entrances to the building. To be coming down Eagle Road you have to take a right in there to go in or you have to come down Ustick Road heading east and take a right to go in. There is no way to get in off of Centrepont without going through our subdivision and we are highly against trying to get more traffic coming through our subdivision here and unknown people coming in at that time. My main concern is even with his facility there -- yes, he will get the parking spots by putting this extra parking in where the three businesses aren't going up yet, but when those three businesses go in we don't know how many parking spots they are going to need. If it's a restaurant going in there may be -- they may need 20 -- 20 to 25 spots. If he's using 125 that are in that area for his business, the new businesses going in there won't have anyplace for their patrons to park. We need to look in the future at the parking for that area, not in the present where he's trying to go through and say we can extend this out that way. Madam Chair and Honorable Councilmen, thank you for your time.

McCarvel: Thank you, Mr. Vrba. Madam Clerk, do we have -- who do we have next?

Weatherly: Madam Chair, we have others signed in, but no one else indicating a wish to testify. But we do have one raised in online.

McCarvel: Okay.

Weatherly: John, one moment, please. John, you have the ability to unmute yourself. Go ahead when you are ready.

Hoeger: Okay. Thank you. My name is Jonathan Hoeger. My address is 3664 North Summerpark Place, Meridian, Idaho. I commented the last meeting and I have comments specific to what has happened tonight. Two concerns that I have. The first is the requirement that was given was for him to be able to obtain a cross-parking permit, which has failed to happen. I think that making the adjustment in the top line in terms of the capacity of the facility is sort of a fool's errand. I operate a business. I have 46 employees. I don't know very many businesses that will have profit margins that are large enough that you can just take 40 to 60 percent, depending on what number you are saying

he started with, 700 or 1000 -- how many businesses can take half of their top line, reduce it, maintain the same debt service because the capital expenditures haven't changed and continue to be a going concern? If that's something that can happen in this business I'm in the wrong business. But I know a lot of entrepreneurs, a lot of business owners in town, I don't think this business is going to be feasible with the recommendations that we have made. I also would like to say that the research that he's done, while he's done a lot of work, I don't think he's necessarily done the relevant work. The cities that he's citing are not similar in size, neither are they similar geographic locations. He's choosing large urban centers, like Chicago, Los Angeles, San Francisco all on his list and other places as far away as Florida and Arkansas. These locations don't have similar parking requirements. If he's saying he's 30 percent better than what you see in downtown San Francisco or LA or Chicago, these numbers are irrelevant and they shouldn't be considered by the Council. I think that the last hearing it was clear that he had something that had to get done. He wasn't able to get it done. I'm recommending that the Council deny approval. Appreciate it.

McCarvel: Thank you, Hoeger.

Weatherly: Madam Chair, we have MK. One moment, MK.

Kynaston: Hello. Can you hear me?

McCarvel: Yes. Please state your name and address for the record.

Kynaston: Yes. Michelle Kynaston. 3725 North Neith Avenue, Meridian, Idaho. 83646. I would just like to add to the comment today that last time we talked the traffic circle was being used as a place to send traffic through, but that traffic circle is not an appropriate use for these kinds of businesses. It was a traffic circle meant for the location that's there right now and it would have to be rebuilt to accommodate the traffic that would be flowing through that neighborhood circle. Second of all, the other clubs that he is trying to compare himself to are not in neighborhoods and he admits he is very much in the middle of a neighborhood and there is no parking garage for anyone to go park in and attend his facility events and he has also made it clear that his people will have to park seven to eight blocks away. Those seven to eight blocks away are in our neighborhoods. They are across dangerous streets and in places where we have our children and we live and raise our kids and expect them to be in a safe place. He has also said that he has conversed with many people in the city and gotten it all approved and desirable by people in the city, but he didn't talk about the people in our neighborhoods and if he did he would discover that handily we do not want it here. We are up to 190 people saying, no, do not bring this in, to the 40 who I don't even know where they live, saying that they want it here. But this affects our lives and our neighborhoods. We would also like him to -- we would like him fact checked, because he has demonstrated an ability to say things that are questionable and we would like to -- the opportunity to challenge what he's saying, particularly on the list of property developments who have denied him. We in -- our greatest win-win here is for him to go somewhere else with -- with his business and not put it right here on this corner in our neighborhood. He said foremost the concern of

everyone is parking and traffic, but that is not true. Our foremost concern is the immorality of it and what it does to make our neighborhood unsafe for our women, for our children, for the City of Meridian, how it has been developed as a family neighborhood and we want to see that maintained and that is our foremost concern. We also feel like the reality of saying he wants a thousand patrons. Okay, now 500. Okay, now 400. Is really just an attempt to get the CUP approved, but there is no way -- and the police force has already declared that there is no way for them to enforce it. So, he can really just say whatever he wants and change it later and that's a great concern to us as well.

McCarvel: Thank you.

Kynaston: I think that's about it. Thank you so much.

Weatherly: Madam Chair, I see no other hands raised online.

McCarvel: Thank you. Sir, you may come forward. Yeah. Just come forward and talk in the mic. Yeah. And state your name and address for the record.

Sattler: David Sattler. 2060 East Lobelia Street, Meridian, Idaho. 83646. I think there has been a lot already said. I agree with many of the statements that have already been provided. I feel like this is a conditional use permit and I think the question that we have to ask ourself is there a compelling reason for us to grant an exception? And, quite honestly, I think that there isn't. I think that there was an inability to acquire the parking that this Council requested. I think that there is quite clearly a lack of community love for this particular establishment in this particular location. I don't think that anybody here is saying that a music venue is necessarily a bad idea. I think that what you are hearing is that this close to neighborhoods at this particular location isn't a good idea. I think that based on my research that I have done of nightclub zoning best practices, there are distinct designations and regulations and requirements for nightclubs that this applicant has been unable to meet and I think it behooves this board to benefit from those best practices. I think that would be, I guess, my opinion. There really is no compelling reason to grant an exception -- I think the -- the rule is there for a reason and I think granting an exception -- I feel like we are honestly forcing something that -- into a location that just isn't a good fit. With all of the energy and effort between the community and the applicant they have put into this, I feel like there has been a lot of good thought, but I just think it's the wrong location and I thank you for your time.

McCarvel: Thank you. Okay. If there is no more testimony, would the applicant like to come forward again.

Dodson: Madam Chair, real quick?

McCarvel: Oh. Go ahead, Joe.

Dodson: Thank you. I just wanted to address one thing, just to -- for clarification of both the public and the applicant and the Commission regarding the potential traffic going

through the neighborhood. One of our conditions of approval is related to working with the Villa Sport owners to construct the northernmost drive aisle on the Villa Sport site to get them to have another access to that Centrepoint Lane on the south side. So, that would be -- hopefully avoid some of that. So, I just wanted to mention that that was thought of and attempted to be addressed. And the rest I will leave to Brian. Thank you.

McCarvel: Thank you. Go ahead, Brian.

Tsai: Thank you, Madam Chair and the Commissioners. So, just as -- some of the calls had mentioned that our safety plan -- if you were to go through that entirely it is quite extensive, as I mentioned. It does cover our security staff directing traffic, where they are lawfully allowed to do so, which is in and out of the parking lot to -- you know, if you are leaving a parking lot I would suspect that most people would try to get to the main road, as opposed to trying to duck through a neighborhood and our staff is there to ensure that. Additionally, if there is any concerns, it's not like we will listen to the concern and address it later down the road. The reason that the safety plan implements that cell phone contact for the neighbors and anybody who might be affected adversely is so those issues such as noise or parking could be addressed immediately as they happen, not later down the line, and that, as I mentioned in the original testimony, would be provided to all the neighbors who are within that immediate vicinity. For the notices of this original hearing, I intentionally went farther out than what the city code had required as far as radius, just to ensure I had contacted some of those neighbors that otherwise would not have had an opportunity to voice their opinions. Let's see. The reason that this is still a viable business plan is not just because we are trying to squeeze it through, we are trying to, you know, accommodate as much as we can, but only a percentage of our overall operations, as I mentioned in my previous presentation, is reliant solely upon maximum capacity events and the reason for that is because we are not solely a music venue, just like we are not solely an event center. A lot of those venues do operate on tighter margins and capacities, therefore, they have to fill the house every weekend or, you know, that is part of their pertinent business plan. The reason for the cross-parking agreement in the previous request is because of the capacity and not the other way around. We didn't require the cross-parking because that was the prominent factor, it was that we would require the cross-parking based on the request for the three-to-one ratio, which the previous -- that was posed by the Commission previously. We had to go all the way back to the fact that this -- the scale of this business is small. It's in, you know, hundreds and not thousands. We are talking about hundreds of people and not thousands of people, we are talking about a hundred -- less than 200 cars. We are not talking about thousands of cars. What people are imagining now is trying to get out of the fairgrounds or trying to get out of the Canyon County Fair when everybody is trying to leave at the same time and we are doing it at a scale of thousands of cars and that's just not a realistic application for that vision. If we want to talk about facilities that are similar that do music and dancing that are closer to houses that are currently existing -- well, if you look at the Buffalo Club, there is a neighborhood right across the street. It's not hundreds of feet away. If you look at Cowgirls in Kuna, they are right next to houses. They are right across the street. They are not -- I think the -- 328 feet before we even touch the first house. As far as the opposition numbers, it's not really reasonable for someone to say, hey, there is 190

people against this. If you were to go through letter by letter there is many of those people who have actually written in ten or more times. So, to go back and say, hey, we have counted this person ten times as ten people who have written in in opposition is just not a reasonable assessment. As far as us just being dilly dally with the -- with the actual capacity, I would again mention that state of the art system that does alert us and allow us to crack down on load capacity limitations, not to mention the fact that we are looking at fines from the city, as well as our insurance may even refuse to cover us if we exceed our rated capacity that's approved. Going back to whether or not this community approves. Well, across the valley that we have over that thousand people who have already signed up just to see what we are doing, that are excited to be here. We have pledged over 20,000 dollars in free venue use to the Idaho Humane Society, Marine and Canine Rescue. The reason the cheerleading camp came up is because there was a group that wanted to come and use it for cheerleading competition. All these excessive uses -- we have pledged it to the Meridian Arts and -- Arts and -- Arts Commission. I'm sorry. And, then, also the major -- the majority of all the nonprofits are in support of it and I can even furnish you those messages, because they were excited that they were able to finally now have events in Meridian, as opposed to just be in Boise where their facilities are. As you can see there is no exceptions that are being requested. The only thing that I'm requesting is we have met the parking ratio request of the three to one, which was the original significant concern. Otherwise, we are just using this exact property for the exact general commercial use to which it was originally intended long before any of those houses were built and zoning has not changed. That's all I have, Your Honor. Or Commissioner.

McCarvel: Thank you. So, at this time can I get a motion to close the public hearing for Item No. H-2021-0004?

Cassinelli: So moved.

Seal: Second.

McCarvel: It has been moved and seconded to close the public hearing on H-2021-0004. All those in favor say aye. Opposed? Motion carries.

MOTION CARRIED: ALL AYES.

McCarvel: Comments?

Cassinelli: Madam Chair?

McCarvel: Commissioner Cassinelli.

Cassinelli: I have got a -- I have actually got a couple of questions for Joe if we could -- if I could. Joe, do you have -- do you have a diagram at full build out what all the traffic flow -- the way the pads are laid out? Everything I see nothing connects. What I want

to see is the roads connecting up to Centrepoint and, then, that roundabout. Do you have a slide with that by chance?

Dodson: Commissioner Cassinelli, I do not. This would be the connection to the south. This would be the corner of the property we are talking about and, then, this is the drive aisle that will connect there. I do know that the -- this drive aisle that also connects with Ustick is part of the construction drawings for the already approved CZC for this site, for this Wadsworth site, so that will be constructed as required. I would have to dig through and pull out some of the old Villa Sport stuff to see what else is going to be there. As for the -- this site, those pad sites up at the north end have not been applied for. There has been no administrative application put in for those yet. So, those are currently unknown.

Cassinelli: Is there -- is Centrepoint the only way out or will there be a driveway that will -- that will be a right-in, right-out onto Ustick to the east of Centrepoint?

Dodson: Yes, sir. Just this one right here on the -- the west end of the Wadsworth site.

Cassinelli: Okay. So, that is not Centrepoint there where your cursor is?

Dodson: Correct. No, that's not --

Cassinelli: That's another -- that's another access point?

Dodson: Yes. This is their main access point in and out.

Cassinelli: Okay. But, then, to get directly onto Eagle Road it's southbound through the project to that roundabout off of -- is it Piccard?

Dodson: Yeah. Down Cajun Lane and then -- yes. So, come down here, connect, and, then, out to Eagle.

Cassinelli: Okay. And, then, if I could another question, a little different one. There -- we have talked a little bit about the capacity. The applicant has -- has agreed to go down to the 400, but is there an enforcement instrument or whatever in there that -- I mean because it -- fire code is -- is -- is what will trump everything and I think that's up there in the 700 or so. But if the applicant is just agreeing to 400 for parking, but five or six or seven hundred come in, I mean is there anything that -- that can be done on the -- on the city side to enforce that?

Dodson: Commissioner Cassinelli, a great question and we discussed this a little bit at the last hearing in March and, unfortunately, there is not a lot. There are other -- it kind of falls into the same guise or same -- trying to think of the word. Having a brain fart here. Same issue that we have with daycares when we limit those capacities. You know, I don't go in there and count all the kids. We are on a good faith system largely. I know that's not in code and I -- trust me, I understand the frustrations of the public for that. A lot of it is the self policing, as well as community policing. When we start getting complaints and,

then, police have to go out there and, then, hey, you are overcapacity, that's going to, you know, be an issue and you can have -- the applicant can have the CUP revoked for that. That is a thing. That can happen. It's, unfortunately, not something that we can -- short of me standing out there as part of my salary position I can't really guarantee that that will be adhered to, but we run that risk with anything that we limit the capacity on, underneath the fire code.

Cassinelli: Thank you. So, if I can follow up that with comments?

McCarvel: Sure. Go ahead.

Cassinelli: I'm torn on this. I know a couple of things from the last meeting and I think -- and I know Joe did address that question last meeting, but since the number changed I kind of wanted to address it again as far as the capacity. I don't know that the noise and some of the things would be as bad as -- as some of the people might think that they would be. I'm trying to think back in the days that I used to go out and -- and that sort of thing -- it's been a long time ago. You know, even in strip malls -- I can remember clubs that were in strip malls, maybe like Buffalo Club or something, that shared with other businesses and -- and, you know, outside of maybe some trash that would get picked up in the morning, everybody kind of is in that main area in front of the -- of the venue and, then, they are out of there. The problem that I have with this one is that there is -- so much of the traffic is going to be forced through -- I could just see people coming out after drinking, hitting that roundabout and not knowing which way is Eagle Road, you know drive through -- drive around that thing three times and, then, wind up going Cajun and up around some of those other streets. Going up to Centrepoint and turn left, instead of right, thinking that, hey, we can get out -- you know, maybe we can get out to Eagle Road going -- you know, turning left here and -- and wind up running around the neighborhood three times before they finally figure out -- figure it out how to get out of there. Most of these other -- you know, you look at that Buffalo Club, you look at -- at Cowgirls, their -- their access to a main road is -- is right there. Buffalo Club is right on Fairview. You can go left or right out there. There is a side road alongside that development. There is a lot of ways you can get out of there without having to go through -- nothing takes you through a residential neighborhood. We didn't get that cross-access parking and I'm leery about the -- the enforcement of the -- of the capacity. Fire Department can shut the event down if there is -- if they are over fire code on a given night. They can -- they can shut them down and force everybody to leave, but if they have got five or six hundred people in there, because they are over capacity, so to speak, from a parking aspect, you know, there isn't the -- there isn't the -- the code enforcement to really cover that as we -- as Joe mentioned. I think this is a great product. I think the city could -- could do well with it. I think it would be -- you know, it would fit ten times better even across the street, either -- either to the -- to the east or to the north where there is better access -- direct access to Ustick, direct access to Eagle Road where -- where with this one, except for the one -- the one right-in, right only -- right-out only to -- on to Ustick, there -- all the access is running through residential and that's my -- that's my -- that's my hang up on this one and that -- for those reasons I'm not -- I'm really leery about it. Again, if it was -- and -- and I can appreciate the applicant's trying to find space in this town. It's -- it's difficult. But I --

I look at it and it's just -- it's -- it's a difficult one, because you have got to -- you almost have to get to it through residential neighborhoods and that's a tough one for me.

Grove: Madam Chair?

McCarvel: Commissioner Grove.

Grove: I can appreciate the -- the concerns with going through the neighborhood. I -- I don't personally see that as a long term issue I guess. There is no out from that neighborhood in terms of -- you are not going to cut through that neighborhood to get somewhere. So, if you make the mistake one time, you are not doing it again the next time, essentially. So, I mean that to me is somewhat mute long term. Short term maybe. Long term not as much. But looking at what we asked the applicant to go back and get information on, he brought back the first two and he answered the third one, which was the cross-access parking by doing -- not being able to achieve that, but showing another step and, then, looking at the eight things that we have in here for meeting the required findings for the CUP, I'm having a hard time finding a reason, based on what is in front of us, that I could get behind denying based on what we are tasked with grading this against I guess. Would I like to see it somewhere else? Sure. But that's not necessarily what we are being asked to judge this request on. It's -- does it meet these requirements? Yes or no. And for me it -- it meets all of the requirements and he also came back and met or addressed the -- the additional concerns that we had from the previous hearing.

Lorcher: Madam Chair?

McCarvel: Commissioner Lorcher.

Lorcher: I would like to add onto what Commissioner Grove said. I think the challenge is whenever you live in a neighborhood and there is a piece of dirt in front of your neighborhood, you, as a homeowner, don't have control on what that's going to be. What if it was a hospital? What if it was an In and Out Burger where there is constant flow of traffic? The fact that almost all four corners have a drinking establishment already leads me to believe that -- you know, Winners has football and -- and they can get rowdy over there. There is the Land Ocean New American Grill is going to go in. There is Pinnacle Sports Bar. There is Chili's. And like Commissioner Grove said, he fulfilled the requirement findings for the CUP. The parking is disappointing. I think he will have his challenges to being able to be good neighbors and being able to take care of that without having two companies involved, but that's a challenge that he is going to have to deal with and if he aggravates and upsets his customers, he's not going to be in business very long. So, again, I agree with Commissioner Grove, I'm having a hard time finding the one through eight items that he hasn't addressed or acknowledged.

Seal: Madam Chair?

McCarvel: Commissioner Seal.

Seal: Just a quick question for Joe. Is the -- the reason for the CUP is it because -- is it because it's close to residential or is it just because of the type of business?

Dodson: The CUP? It's for the drinking establishment period. That's a conditional use within the C-G zoning district.

Seal: Okay. I just wanted to make sure that we weren't -- there wasn't something tied to the closeness of the residential.

Dodson: A proximity thing? No. The only part of the code that could loosely, in my opinion, be tied to that would be the specific use standards for the indoor rec center, which talks about if there is an outdoor music venue. It talks about the outdoor -- meaning outdoor sound, period, can't be within a certain distance of a resident of district. But this is not going to be outdoors. So, that's -- that part is not applicable. The concept of a music venue in general, there is nothing specific in code, unfortunately, that dictates that.

Seal: Okay. Another question. I don't remember seeing one. Was there a sound study done as part of this?

Dodson: The applicant did provide some sound analysis and noted certain materials that would be used. I'm not a sound engineer, obviously. That's not something typical that we have or do.

Seal: Okay.

Dodson: I don't know what I would be basing it against, unfortunately. But, obviously, for good sound you want it to stay inside, otherwise, there wouldn't be a point. Internally, you know, to have the good music, so I -- but other than that I do not know, sir.

Seal: Okay. We have had stuff submitted before. Generally it's to -- because there is freeway noise or something like that where people have submitted basically engineering sound -- sound plans in order to mitigate the -- the freeway sounds or the sounds of something that's noisy next to them. So, didn't know if this had something along those lines.

Dodson: Within his narrative he did provide some information to that, yes.

Seal: Okay.

Dodson: I just don't know if it was a full sound study.

Seal: Got you. I'm really torn on this one. I mean the -- the parking is not ideal. That said when they put the medians in on Eagle Road it kind of made everything not ideal as far as in-out. But I understand why they did it, so -- we have got something that's going to be close to a subdivision -- and to put that into perspective, all the people that are in that subdivision -- I'm sure every single person on Leslie Drive came in here and was

against that proposed subdivision, because they were there first and they didn't want their neighborhood ruined and they didn't want all the people coming in and they didn't want all those little tiny houses in there and all the low income people it was going to bring and that's the way of -- that's the way it is right now. Right now there is a lot of play things that can go into a lot of places and they are not going to make people happy. But it is where you live. Fortunately or unfortunately that's the way that I see this. Everybody's always for something, they always come up and they say I'm not against something like this, I just don't want it in my neighborhood. I want it somewhere else. Which is unfortunate. There is a lot of things I don't want to go in close to my neighborhood. They are going to. It's coming. The growth is unstoppable at this point in time. It's going to happen. No, parking is not ideal. My biggest question -- well, I guess a question for Joe is on the -- the capacity portion of this, the rated capacity versus the enforced capacity, you have touched on the enforcement of it a little bit, but I guess maybe it's more of a question for legal is if they have a rated capacity and we try to enforce a different capacity, can that affect their insurance and everything as the applicant said or is that more conjecture than anything? Because, again, they are going to build a building for a rated capacity and we are going to try to enforce a different capacity on that.

Dodson: Commissioner Seal, the -- I don't know about the insurance side of it, but I do know that changing the capacity with the conditional use permit is -- is allowed. I mean that is one of the parameters that is largely used, as you know better than me. Regard on the -- regarding the private side of it and insurance and things like that, I -- I can't speak to that. I don't know if legal can.

Baird: Madam Chair, Members of the Commission, I don't think it's -- it's one of your decision analysis to worry about his insurance. It's can you enforce the 400 capacity that is under the fire code. The fire department shows up, sees that it's under 500 or whatever their rating is, and they are fine. If the city gets reports, as Joe touched on, that they are potentially exceeding the 400, the city would have to probably send out code enforcement personnel, who generally aren't available on weekends and evenings, but that's the procedure for how that would be enforced and, as Joe mentioned, if the city finds that that 400 capacity is being exceeded, then, the remedy is to commence proceedings to revoke the conditional use permit. So, that kind of gets -- gets to your evaluation criteria. The proposed use, if it complies with all conditions of approval and not adversely affect other property in the vicinity, it's -- it's -- what are your conditions of approval and will they be effectively enforced.

Seal: Understood. Mine was more to -- to be able to help put teeth into the enforcement. I mean if -- if that's a -- if it was a true statement it might help with, you know, ease people that, yeah, this guy could lose his insurance and it -- you know, we have the ability to -- or the city has the ability, I should say, to enforce lose of the conditional use permit. So, I mean it does already have teeth in it. My worry is, you know, as far as a business perspective why would you build a building that can hold a thousand people and agree to only ever put 400 in it? Why not build a building that can hold 400 people? That's the biggest question I have in a business sense. The other side of this is, unfortunately, you are going to be located very close to residents, affected or not, who are going to make it

their mission to pick up their pitchforks and axes and call the police every time somebody drives wrong, every time somebody flashes their lights, every time somebody flicks a cigarette butt in the wrong direction and that's what I see happening here and I find that to be unfortunate, because I -- I think a lot of the criteria has been met. I think there are very valid concerns as to the project. Personally I would like to see something like this come into Meridian. I think we are sorely lacking in that area. We are lacking in things like this, as much as we are bike paths. I mean -- so I -- I would like to see this come in. I'm not discounting the concerns that are out there and I do share similar feelings on -- on the parking, on how it's going to work, on -- on how that would turn out. But I think the single biggest problem that we are going to have is people are mad, they are going to -- maybe only short term, but possibly long term, try to make life extremely miserable for you and especially when you are operating in a completely reduced capacity. I just don't know how that's going to work and how much the city is going to have to be involved and how much misery and pain that's going to bring on to people. So, it's concerning.

Parsons: Yeah. Madam Chair, Members of the Commission, if I may provide you some context. So, I'm looking at the code, I'm looking at our ordinance for conditional use permits, and certainly, you're right, your job is tasked to enforce the code. With the conditional use as you could add -- and I will quote it here. It says you -- you can require more restrictive standards than those generally required in this title to -- to safeguard the public interest and so I'm hearing all of this talk and, you are right, you guys are struggling with this decision, because you hear somebody that's passionate about opening a business and you hear the concerns of the neighbors, but the other part of the conditional use is the duration and timing of the use and that's really to me where we are at here. You hear Joe or the city staff wanting to limit the occupancy. Let's say, for example, we do that and all of -- right now when you look at the aerial of this site there is nothing else to construct out there and that's really the concern I think from staff's standpoint is -- and what I'm hearing from the Commission is if we don't have all that connectivity and any parking in place, people are going to park on dirt, people are going to drive through dirt to get to the light, people are going to cut through the neighborhood. That's really the concern here. So, what you have with this conditional use permit is if you feel inclined to approve it you can have that condition that says they are capped at 400 and at such time as Villa Sports happens and everything else develops, if they want to come back and modify that conditional use permit and it's working and, then, he has the ability to make -- to modify those conditions and say, hey, we are working -- we haven't had any complaints, Commission, we think we want to increase our capacity and now we have a shared parking agreement and we want you to allow us to operate the way we envisioned when we first came before you, I don't know, three or four years ago. That's how you can probably mitigate some of these concerns. You can cap them at 400, with the caveat that if they want to expand that in the future they come back to this body through a CUP process, you have the ability that they can't go beyond 400 until they have a shared parking agreement in place with the surrounding developments or you can say, you know, we don't feel you have adequate circulation or parking for this. You can deny this and the applicant has the ability to appeal your decision to City Council. So, there is -- there is different avenues you can take here and, you are right, I have dealt with this site in the past and I have been at neighbors' houses out there talking with them about other

commercial businesses in the area and we have had to rectify some of those past decisions and I don't want to see that happen here and we want to be sensitive to that. So, to me if you guys are inclined to recommend approval of this tonight, I think I would put some sideboards on it. You can do this in -- in such time as you get cross-parking agreement or you don't get to operate until you get a cross-parking agreement. Certainly you have that ability with the CUP.

Lorcher: Madam Chair?

McCarvel: Commissioner Lorcher.

Lorcher: With the CUP, just on protocol, does this go to City Council or are we the defining -- we are the decision maker here?

McCarvel: We are the decision maker.

Lorcher: Okay. Thank you.

McCarvel: Yeah. We are not making a recommendation, we are saying yes or no.

Lorcher: Okay.

Dodson: Madam Chair?

McCarvel: Joe.

Dodson: The one caveat to that is that applicants or members of the public can appeal decisions to the Council --

McCarvel: Sure.

Dodson: -- following the action done by the Commission. It's the one caveat.

McCarvel: Okay.

Wheeler: Madam Chair?

McCarvel: Commissioner Wheeler.

Wheeler: I would like to add some comments here, too. I am -- I'm in agreement here with Commissioner Grove and Commissioner Lorcher here on taking a look at the staff report and looking at their findings. That's -- everything seems to be in the line here. They are using terms in here like there is no results and no damage, this -- this proposal here for this use will not be detrimental for any persons, will not be detrimental to the economic welfare of the community or create excessive additional costs for public facilities. It seems like there is a lot of things that are just buttoned up for -- for this to

happen and another thing that I took a look at here as I was looking at the -- the out pads, the extra building pads that are, they are around, I know there has been concern about some of those being used -- or the parking kind of spilling over into that area. From -- from my experience it seems that those -- those pads need to carry their own weight of parking and if they can't, then, the -- then the developer of that proposed use will come before this board again and -- or this body again and we take a look at it to see if we want to grant some sort of cross-parking agreement at that time or just the parking requirements. But I see the need for -- or I can hear that people here in this community see a need for such use on this and it seems that the staff has done a thorough job on taking a look at what could cause any sort of issues and you have addressed these things in a very thorough and organized fashion.

McCarvel: Okay. Any other comments or discussion? Yeah. I have gone back and forth on this. I -- I love the idea of this. It would certainly be much easier if it was somewhere else and I guess the comment that Bill made was exactly my question is, you know, as this develops out and there is more adjustments as time goes on with additional parking, can they come back, because I really don't see how -- as well thought out as every other thing in your business plan was, that it -- it still functions by keep lowering the capacity. But I guess that's not what we are here to parent over. If he feels he can make it work at 400 and that's what -- and this -- although he didn't bring in a cross-parking agreement, I believe -- I think he adhered, I guess, to the spirit of what was intended. I guess -- at this point I guess if somebody's got a motion we can -- or any other comments we can move forward.

Seal: Madam Chair?

McCarvel: Commissioner Seal.

Seal: Yeah. I'm still -- still struggling with this one, so --

McCarvel: Yeah. Well, keep going.

Seal: Right -- right now the -- the capacity limitation is -- is self imposed by the applicant; is that correct, Joe?

Dodson: Yes, sir.

Seal: So --

Dodson: That -- that 400 number is -- I did not make that -- we did not make that. To Bill's point you can -- you can pick a different one based upon the concerns noted.

Seal: Okay. I just want to make sure, because if that's an issue we would have to put that in a motion to --

Dodson: That is correct, sir. Yes. I have a current one in there regarding -- I think it's 500 and I spoke about how I got to that number with the four to one ratio of the -- the number of capacity versus patrons. But, yes, you are right, you would have to -- if it's going to be a different number you have to have it in your motion --

Seal: So, is that --

Dodson: -- along with the -- any of the timing that Bill spoke about.

Seal: Is the -- is it limited to -- is that limit on customers or is that limit of the capacity of the building period?

Dodson: Great question. In my -- wow, it's been a long week. It's like a -- yeah, in my condition I noted that it does include the employees as well. So, it's going to include, basically, that -- that tenant suite -- patrons, customers, as well as the employees, because they will -- the employees will be the ones that use -- utilize the parking the longest.

Seal: I will ask a long question here that probably has a short answer. Since this is -- we are going to limit this to four -- 400 and I don't see it exceeding, I can't imagine that doubling and people being happy about it. Can we limit the amount of space that they are -- can we limit the building to a capacity as far as what it's capable of holding or is that part -- was that already addressed in a development agreement?

Dodson: That is not addressed in the development agreement. That is what you guys are doing now. Are you saying that you could have a step process saying that you will have a lower -- lower capacity now in saying that in the future it will never exceed a certain amount?

Seal: Just essentially limit the -- limit the building's capacity to a certain number of people by constraining it to a certain size.

Dodson: Yes, essentially, that's what you can do through this CUP.

Seal: Okay. Because right now we are allowing him -- I mean he could build a building that could hold 2,000 people and we are saying you can only have four people in there -- 400 people in there, so --

Dodson: Well, to be more specific on that, that until this use applies for a TI and that's this specific use, the fire plan reviewers will not be able to give us a dedicated number. How the interior of the tenant suite is laid out is very important to determine that, because as soon as they start adding tables that changes their ratios. If they have how big their dance floor is -- all of those things go into that. I loosely got a number from the fire plan reviewers just based on a preliminary floor plan that I was given and it was a range anywhere from five to 750, depending on if there is additional tables and things like that. So, there is -- there is definitely room to play with what the fire capacity will even be. I

think that based upon my conversations it's probably going to be the lower end of that, probably between the five and six hundred. So, fire capacity may limit it more than what has been discussed in this hearing. So, a thousand was never going to be part of the question period and I don't think 750 is either. So, if that helps you guys. I hope that does.

Seal: It does. And in the picture you have there, which is that oriented north-south or is that -- do you know?

Dodson: It -- south is to the top of the picture.

Seal: Okay.

Lorcher: Madam Chair?

McCarvel: Commissioner Lorcher.

Lorcher: For our motion I would propose that -- what Commissioner Seal said, to have a capacity, but I think that the applicant should have the ability to come back to increase his capacity if his business model is working and he does get cooperation with the other tenants for parking.

Seal: Madam Chair? And --

McCarvel: Commissioner Seal.

Seal: Question for Joe. That -- that's kind of built into the process; correct? Or does that require that we state that in a motion? The ability to come back and ask -- ask for more capacity in the future.

Dodson: It is my understanding that they -- regardless of if you note it, that the applicant can just do a mod -- a CUP modification at a future date. However, for whoever is on the Commission in the future date, if there is already a condition noting that this was something that was discussed that might be worth adding.

Seal: Okay. Thank you.

Dodson: But process wise it's not a requirement, no.

McCarvel: Okay.

Dodson: Well, let me -- let me say that further, now that I'm thinking about it more. The only way that it would be a requirement is if there is a certain timing associated with it, as Bill alluded to. If there is a -- once you get A, then, you can request it, then, yes, that's going to be a requirement of the motion.

Lorcher: Madam Chair?

McCarvel: Commissioner Lorcher.

Lorcher: So, we can't say just a future date, have it be ambiguous, it has to say when a tenant agreement or parking agreement happens -- we have to have something definitive or can it be more vague?

McCarvel: No. We -- my understanding --

Dodson: Commissioner Lorcher.

McCarvel: Go ahead, Joe.

Dodson: Sorry. Yeah. If it's going to be vague, then, in the normal process and the allowance of a future modification is what you should just -- and just -- and just not say anything if it's going to be vague. If there is something specific, the cross-parking as an example, but also part of the CUP you could put a certain sunset date period and say not until after five years can you come back. Those are all things that are in your parameters to add.

Lorcher: Thank you.

Dodson: You are welcome.

McCarvel: Yeah. I'm thinking mentioning it as just a courtesy to a future Commission that it was thought of and we weren't -- they don't have to rehash it all. But I don't think a sunset is necessary. I mean to come back --

Grove: Madam Chair?

McCarvel: Commissioner Grove.

Grove: I think maybe how we could help future is to put in something along the lines of how we have been approaching the percentage essentially of parking. So, not just getting a parking agreement in place with neighbors, but having -- being able to hit that -- a certain threshold with that to keep it consistent with what we have discussed might make it a little easier for future commissions to have an idea of where we were coming from.

McCarvel: Okay. Thank you.

Seal: Madam Chair?

McCarvel: Commissioner Seal.

Seal: If anybody else wants to comment I'm -- I'm ready to make a motion here, but I want to make sure that -- I mean, essentially, the capacity is really -- the capacity and their ability to come back at a later date to ask for more parking -- is there anything else in here that somebody is wanting to see if we were going to make a motion on this?

Lorcher: Madam Chair?

McCarvel: Commissioner Lorcher.

Lorcher: Commissioner Seal, I tried to write something down for the -- for the first time, but -- so, I will defer to your expertise. I just had -- I just had like with the other tenants nothing specific as a -- as a cross-parking agreement, because if the other tenants aren't -- that -- that's not within their business model, they are not willing to do that, then, that limits this applicant any future growth. But it -- as a collective group of tenants together, they have kind of a gentlemen's agreement or a business agreement that they have it, but not necessarily in writing, so maybe not have it saying if it is a cross-parking agreement I have more of parking with the other tenants on the site, as just a general rule.

Dodson: Madam Chair?

McCarvel: Go ahead, Joe.

Dodson: Commissioner Lorcher, there already is an existing cross-parking for all of the tenants and all of the future building sites within this five lot subdivision. So, that cross-parking is already existing. The main crux would be additional parking beyond what is going to be constructed on the site and that's where you could impose saying if you -- you cannot come back -- or I should -- you know, if you get that cross-parking, then, you can increase your capacity, that type of a situation. Beyond the site. Yeah.

McCarvel: Commissioner Cassinelli.

Cassinelli: Not to keep -- keep going down the road here and, Commissioner Seal, I know you are about ready to go forward, but another question came up for Joe. A member of the public that spoke brought up a point of future tenants in this. If there were something -- a business, perhaps a restaurant or something, that competed hour wise with this that wanting to go in, how would their parking -- I mean most of these businesses, if they close up by 8:00, they are not going to -- you know, their parking is not going to impact the parking here. But if there was something else that had hours 10:00 or 11:00 say, his parking might be -- be impacted by this parking. How is that -- how do you view that down the road?

Dodson: Great question, Commissioner Cassinelli, and for the Members of the Commission. That's a good learning thing. One, unfortunately, there -- there isn't specific parking requirements for this specific use. You know, a drinking establishment, for example, versus a restaurant. That's all wrapped into one. So, one for 250 -- 250 square

feet that is the -- all of the future sites and what is already existing will be based on what their proposed use is and the minimum parking required by code. I can't require more, so as long as they are meeting those minimums, then, those sites could be utilized based upon the size of those buildings. If they get to a point where they exceed it, then, we can't approve it and they have to come through us each time. For the hours portion, the applicant -- or the landowner is actually doing some self policing there. For example, the Jamba Juice and that's going to be in the other suite in this building and I have seen the agreement that they are limiting them to close at -- I believe at 7:00 p.m. -- or 6:00 or 7:00 p.m. or something like that. So, as part of their agreement with some of these new tenants that are coming in, so I think that some of that will get quelled and, again, I don't want to speak for the landowners, but I do believe that one of the uses on the other side might be a bank, which does not have late hours and, then, there was word of a coffee shop, but I don't know if that's going to happen and those generally don't go later into the evening either.

McCarvel: Okay.

Seal: Madam Chair, one -- one thing that I would like to add -- and I don't know if it's going to help anything or not -- and the reason I asked the -- the orientation of the building is I would like to put something in here that the sound direction is concentrated away from the closest -- focused away from the nearest housing. Thank you. That's what I have written down here. Just trying to -- just trying to make sure that -- you know, essentially where the sound -- where the stage is, where the sound is focused, the direction that it's going to be emanating is away from the nearest housing as much as possible. Right now with the orientation of it it's kind of going that direction, so that's a little bit of a concern for me. With the construction that they are proposing I think it's less than an issue, but it is, you know, a way to mitigate some of the concerns that are out there as far as sound. Anybody have any issues with that let me know.

Lorcher: Madam Chair?

McCarvel: Commissioner Lorcher.

Lorcher: Didn't the tenant or the applicant fulfill the requirements for sound? Wouldn't that be redundant to put it in there specifically or you would just like to have it as an extra reminder?

Seal: Madam Chair?

McCarvel: Yeah. Commissioner Seal. Yeah, I kind of have the same thought. I think the building itself was designed as fairly sound proof.

Seal: I agree, but there was -- I mean there has been no true sound study done. We are relying on the applicant's analysis of what the sound can and will do. I just think this adds another layer of trying to get along with one's neighbors as well as possible, so -- and, again, I mean if you have been to a venue when you are walking up on it -- if you come

in from behind the building I will -- you know, use the Revolution Concert House is a great example. If music is going on and you walk up -- or you are in the -- behind the buildings, you don't hear a lot. If you are out in the parking lot you hear everything. So, that's -- you know, I mean the sound direction focus can definitely be -- play into something. So, if it's focused in that direction kind of no matter what it is, the bass is going to escape and it's going to float that direction. So, if you want to challenge that just have some teenager turn up their car driving down your road.

McCarvel: I have one of those.

Seal: Exactly. So, it was just a concern that kind of -- I mean to me the sound of this needs to blend in with the neighborhood as much as possible, so just a concern. So, with that, Madam Chair?

McCarvel: Commissioner Seal.

Seal: After considering all staff, applicant, and public testimony, I move to approve file number H-2021-0004, as presented in the staff report for the hearing date of May 6, 2021, with the following modifications: That the capacity will be limited to 400 people. That the applicant can come back at a later date to ask for an increase in capacity when more permanent parking is available. And that sound direction is focused away from the nearest housing.

Dodson: Madam Chair?

McCarvel: Oh. Joe.

Dodson: Sorry. Sorry. I know. One last thing that I do have an existing condition in there that talks about the cross-parking, but because that was not able to be obtained your motion should include striking that condition.

McCarvel: In lieu of the 400 capacity maybe? Okay. What's the condition number on that, Joe?

Dodson: 8-A-3.D.

Seal: That we strike condition 8-A-3.B.

Dodson: D as in David, sir.

Seal: Oh, sorry. D as in David.

McCarvel: Is there a second?

Grove: Second.

McCarvel: Okay. It has been moved and seconded to -- to approve Item H-2021-0004 with conditions. All those in favor say aye. Opposed?

Cassinelli: Nay.

McCarvel: Motion passes. Madam Clerk, do you need a roll call or --

Weatherly: Madam Chair, for the record I want to confirm that was Commissioner Cassinelli who said nay.

Cassinelli: That is correct.

Weatherly: Thank you.

MOTION CARRIED: FIVE AYES. ONE NAY.

**6. Public Hearing for Mountain America Credit Union Drive-Through (H-2021-0019) by Mountain America Credit Union, Located on the West Side of N. Ten Mile Road, Approximately 750 Feet South of Chinden Blvd.**

- A. Request: Conditional Use Permit for a drive-through establishment within 300 feet of a residential use and zoning district for a financial institution on 1.16 acres of land in the C-G zoning district.

McCarvel: Okay. Thank you. Next item on the agenda is -- and we are just full of CUPs tonight. H-2021-0019, Mountain America Credit Union Drive Through, and we will begin with the staff report.

Dodson: Thank you, Madam Chair. Sorry, Commissioners, you get to hear me more. I am told I have got a radio voice. So, maybe it's nice. I don't even know at this point, but -- as noted, this is Item No. 5, Mountain America Credit Union CUP. The applications before you are a conditional use permit, administrative design review was already approved for the building at staff level, which we allow concurrently with CUPs. The size the property is 1.16 acres, currently zoned C-G and it's on Lot 13 of the Lost Rapids Subdivision, which is part of the Costco site. It is on the west side of North Ten Mile Road and about an eighth mile south of Chinden. And to the north, as noted is more commercial. The two lots directly above are undeveloped and, then, the corner lot is the Costco fuel station. To the south is more C-G zoning and undeveloped, but directly to the south is the other drive though site that was approved by this Commission I believe last month. To the east is Ten Mile Road and, then, to the east of that is R-8 zoning and detached single family uses. To the west is C-G zoning and the Costco site, the larger building lot here. The future land use plan does constitute this site as a commercial designation, which, obviously, allows a plethora of commercial uses. The conditional use permit is requested for a drive-through. It is for a financial institution that is within 300 feet of a restaurant drive though that I noted is directly to the south. As you can see on

the site plan this is a drive aisle and, then, this site would be the other site that has the drive through. This drive aisle is the main drive aisle off of Ten Mile Road that's not the Lost Rapids public road further to the south, just to be clear. So, there is this public road here and, then, there is a drive aisle right here that is the other main access into the site. So, there is no parking or connection points on this drive aisle, it is just a straight shot. Because it is within 300 feet of the existing -- or the approved drive through, it does require a conditional use permit. The project must also comply with the specific use standards for a drive through establishment in 11-4-3-11. Staff believes that the project meets all of the specific use standards. The proposed drive through has three stacking lanes as noted here that are approximately 65 feet plus or minus from the drive aisle entrance here to the site. Furthermore, the proposed drive-up services are attached -- are proposed in a detached structure, so you have the main building here and, then, all of the drive-up facilities are actually detached and interior to the site. They are approximately 95 feet apart. Staff does not perceive that stacking lanes will impede the circulation lanes to their north, especially because of the design of the detached drive through. Stacking lanes are also less than a hundred feet in length and, therefore, do not require an escape lane. The detached drive through is not exceptionally visible from North Ten Mile Road, which is discussed in the standard and Ten Mile is the road on the eastern boundary. However, staff does find that the shared drive aisle that, again, doesn't have any parking or -- or access to it and minimal tree landscaping, does offer adequate surveillance opportunities, as well as a pretty clear line of sight from here into the development. The site plan will be more heavily scrutinized and analyzed with the future certificate of zoning compliance, which is required for all commercial uses. But upon my initial review of the site plan they do meet all of the dimensional standards, parking counts, and fire access and landscaping. The only issue is a small landscaping -- I think they just missed it -- they need trees along the northern landscape boundaries. That's the only issue I saw. As noted, the applicant did apply for administrative design review, which was approved at the staff level for the credit union building. The two main field materials are shown. The dark color is fiber cement and the white is stone. Staff has made specific conditions of approval for the elevations to be addressed prior to submitting for building permit following the CDC approval for the building. Staff does recommend approval of the proposed CUP request with the conditions of approval noted in the staff report and I will stand for questions.

McCarvel: Would the applicant like to come forward?

Cassinelli: Madam Chair, before -- could I get a question of staff before they come up?

McCarvel: We are --

Cassinelli: Are we? Okay.

McCarvel: If that's okay.

Cassinelli: Yeah. That's fine. In case I forget it.

McCarvel: Okay. Is the applicant with us?

Sanders: Yes.

McCarvel: Oh, there we go. Please state your name and address for the record.

Sanders: Shane Sanders. Sanders and Associate Architects. 2668 Grant Avenue, Ogden, Utah.

McCarvel: Thank you. The floor is yours.

Sanders: Madam Chair, Members of the Commission, appreciate your time this evening. As mentioned, this is a new branch location for Mountain America Credit Union. This will be their second location in Meridian. I think the only -- we agree with all of the comments, except for one I wanted to address with you. Item four in the review states the elevations submitted with the administrative design review application are approved with the following revisions. Show the north and south elevation with additional qualifying modulation per standard 3.1A and 3.1B in the architectural standards manual. The elevations that we had submitted -- it was hard to read a lot of the articulation on the walls. The two in question are the north and south. Carly, can you zoom in on the south? Oh, they have control? Is there any way to zoom in on the south elevation?

Dodson: Sure. Madam Chair, Members of the Commission, I do want to note that the -- the design review is administratively approved, so it's not part of your decision tonight, just to let you all know.

Sanders: So, this is an issue we can address with staff?

Dodson: That is correct, sir.

Sanders: Okay. Well, I can continue or we can just do that offline with staff as we go through the approvals. I don't want to spend a lot of time if we don't need to.

McCarvel: Yeah. That's -- that's fine. You can work through it with staff.

Sanders: Okay.

Dodson: Perfect.

McCarvel: Okay.

Sanders: That -- this is a rendering that we have included. We -- it just gives you a better -- kind of idea of how it looks three dimensionally.

McCarvel: Okay.

Sanders: Large shed roof at the middle of the building, which is the lobby -- just the larger volume where the lobby is. We have offices on each side of that high section in the middle. I think that's it.

McCarvel: Okay. At this time we will take questions for the applicant or staff. Commissioner Cassinelli.

Cassinelli: Madam Chair. I guess either one can answer this, but do you have a distance between the exit of the drive through -- because that's what we are looking at. So, the exit there to the main entrance coming into the development off of Ten Mile? I mean is it right there on the corner as it looks?

Dodson: Off of Ten Mile? So, you mean the drive aisle here and, then, where it is here?

Cassinelli: The main -- to the main entrance off of Ten Mile and, then, if you turn to the right or go north on that drive aisle that -- the exit to the drive through lanes are right there.

Dodson: Yeah. You're talking about here, sir? What this distance is?

Cassinelli: Hold on. I'm -- sorry, I wasn't -- yeah. I was on my -- I was on my PC. I wasn't looking at your presentation. Yeah, that distance right there. I mean is -- it's right there; right?

Dodson: Based upon the dimensions of the parking spaces it's probably 30-ish feet, 35 feet.

Cassinelli: Okay.

McCarvel: And that's the exit; correct?

Dodson: That is the exit. Yeah. The entrance is over here.

McCarvel: Yeah.

Sanders: So, it's a single lane egress or exit.

McCarvel: Yeah.

Cassinelli: Was -- was that -- were there several orientations of that that were discussed?

Sanders: Yes. In the original pre-submittal meeting we actually had the drive-up attached to the branch on the north end where that parking is. We couldn't meet the landscape setback requirements on the north and south with it in that location and create enough room for them to turn around and exit back out. So, this was our solution to that is detaching it and moving it more to the inside of the development.

Cassinelli: I mean we are still in -- in public hearing stuff, but I would just share a concern if I could. I was -- and this goes back to just a couple of days ago I was at Costco and I was trying to come out one of the other -- one of the Costco lanes that would be further north there on the left-hand side and I waited for what seemed like 15, 20 cars to come through there and -- before I could get out and when I did I -- I had to go north, because I was going from a regular parking spot in Costco over the -- over to get gas and I had to punch it to squeeze through a couple of cars or I would have been waiting there for about three minutes. My concern with -- with the proximity to the entrance there is -- is -- I mean you are going to get a steady flow of cars coming in and they are turning right to go into Costco. People will be waiting there to exit if they -- especially if they want to turn left to get out. I just said, I -- I just envision a backup there and I don't know if that's something, Joe, that you guys looked at, if that was a concern to staff at all.

Dodson: Madam Chair, Commissioner Cassinelli, that's not something I looked at too specifically. I think that is a good point. I do think that as all of these sites develop there is going to be an increase of traffic in general. I don't -- I do see your points. I don't think that it's going to be an overly major concern, only because there -- there is other points of ingress and egress out here. Even if you have the site entrance further north you -- same issue that you noted I think can happen there, too.

Sanders: Yeah. I think a bigger concern for me would be just kind of the safety pulling out there on that corner, the visibility of cars coming around that corner and we -- we didn't put any trees there, so the sight lines are not obstructed. A driver could see cars coming around the corner. We could add a stop sign there, too, so people coming out of the drive through have to stop and look before they pull into traffic to create a little safer intersection there. So, we are forcing them to stop and look.

McCarvel: Thank you.

Seal: Madam Chair?

McCarvel: Commissioner Seal.

Seal: Quick question for staff. On the plat there to the south, it seemed like part of the deliberating we had on that was the lack of sidewalks and where did we land on that? Did we require them to have sidewalks or not? I can't remember.

Dodson: Commissioner Seal, I believe you did not add the sidewalks. Rather than the one that was already proposed following the -- the staff report where you made them attach to Ten Mile.

Seal: Okay. That's kind of what I remembered, but I wanted to make sure.

Dodson: Yes, sir.

McCarvel: Okay. Any other questions for staff or the applicant? Okay. Is there anybody here that wishes to testify on this application?

Weatherly: Madam Chair, we have no one signed in to testify.

McCarvel: Okay. Come forward.

Brown: For the record Ken Brown, 3161 East Springwood. I thought that was an interesting discussion about the exit. I bank next door at First Interstate and that distance is even less than this and the elevation is pretty high. The First Interstate sits up high --

Dodson: Can't hear you, Kent.

Brown: Sorry. I apologize. But what ends up happening is -- because you are going through the drive aisle people do get stuck there, because it's Main Street -- It's Main Street that runs behind the building -- or the main street's out here and that's --

Dodson: Meridian.

Brown: -- Meridian. So, Meridian has a lot of traffic on it and people will spend quite a bit of time there and there never seems to be an issue, it's just the people at the bank just have to be patient and, you know, there are certain times that you go, but it -- I know it's less than 30, 40 feet that -- that that distance is and you really can't see, because you got to come down and around to go out onto Meridian Road. So, it seems like it's just something with the drive aisles that you have to kind of do. It's not like fast food where you got somebody really anxious -- I remember my first experience with the drive-up was watching my mom give money to the bank and give her back a piece of paper and I was going -- you know, I knew what money was, I didn't know what the piece of paper was and so you are kind of patient there, I think, in the bank working aisle. Anyway, just a thought.

McCarvel: Thank you. Anyone else to testify on this application? Okay. Does the applicant have any other comments?

Sanders: I would just add that we pushed that drive through north as far as we could to meet the stacking requirements, so we could give them plenty of space as they come out of that drive through and kind of queue up to that stop sign or intersection. So, we have tried to balance both the stacking and the exiting and push that exit as far north as we could, you know, and we looked at landscaping so the views weren't hindered. So, I would just add that.

McCarvel: Okay. If there is no other questions or comments, I would take a motion to close the public hearing on H-2021-0019.

Seal: So moved.

Cassinelli: Second.

McCarvel: It has been moved and seconded to close the public hearing on H-2021-0019. All those in favor say aye. Opposed? Motion carries.

MOTION CARRIED: ALL AYES.

McCarvel: Yeah. I -- I get it with the stacking and the waiting and stuff, but I guess nobody promised me I was never going to have to wait for a few minutes in life, so, yeah, I'm -- I'm in favor.

Seal: Madam Chair?

Lorcher: Madam Chair?

McCarvel: Commissioner Seal first.

Seal: Yeah. I was similarly concerned with, you know, essentially the way that that comes around, but the way that they are stacking in there -- I mean it seems like it's really only going to affect the folks that are using the bank, so I don't think it will have huge impact on those that are trying to use other businesses in there, so, you know, with the small amount of land that's there and how they have it oriented, I think they have done a pretty good job of trying to limit their impact on -- on other businesses in the area. So, I think if they tried to reverse this somehow it probably wouldn't work very well and, then, you would have people competing to come in and out of the same place. So, other than that it's -- you know, glad to see more stuff going in out there and -- I mean that's kind of what it was designed for. Everything that goes in there is just going to add to the traffic, which is never good in a Costco parking lot, so -- unfortunately, but glad to see another business going in out there so soon.

McCarvel: Commissioner Lorcher.

Lorcher: I will -- Madam Chair, I will agree with Commissioner Seal. That it seems like our credit unions that are in our community have a good formula of how to move their customers, whether they walk indoors or through the drive-throughs. So, I would agree with Commissioner Seal on that as well.

McCarvel: Okay. Any other comments or motions?

Grove: Madam Chair?

McCarvel: Commissioner Grove.

Grove: All right. I'm just going to go ahead with the motion if that's okay. After considering all staff, applicant, and public testimony, I move to approve file number H-2021-0019 as

presented in the staff report for the hearing date of May 20 -- or May 6, 2021, with no modifications.

Seal: Second.

McCarvel: It has been moved and seconded to approve file number H-2021-0019 with no modifications. All those in favor say aye. Opposed?

Cassinelli: Nay. You would never think I would oppose a drive-through, but I don't think it's the best design. My opinion.

McCarvel: It does -- no, it doesn't surprise me. Motion carries. Madam Clerk, did you get the nay?

Weatherly: Madam Chair, for the record that was Commissioner Cassinelli that voted nay; correct?

Cassinelli: That is correct.

Weatherly: Thank you, sir. And -- great. So, motion carries.

MOTION CARRIED: FIVE AYES. ONE NAY.

McCarvel: I was on the verge of promising a five minute break if we could get a motion, so we will resume in a few minutes. We will give everybody a break to stand and stretch and do what you need to do.

(Recess: 8:11 p.m. to 8:20 p.m.)

**7. Public Hearing for The Vault (H-2021-0017) by Joshua Evarts, Located at 140 E. Idaho Ave.**

- A. Request: Conditional Use Permit to allow for a drinking establishment

McCarvel: All right. We will resume our meeting for this evening and at this time we would like to open the public hearing for H-2021-0017, The Vault. We will begin with the staff report.

Tiefenbach: Greetings, Madam Chair and Members of the Commission. I was just mentioning to staff that Joe has a radio voice, I have got a Gilbert Godfrey voice, so I will do the best that I can to not annoy everybody. So, this is a conditional use to allow for a drinking establishment. So, the property is about 2,100 and some change square feet of land, zoned O-T, located at 140 East Idaho Avenue. Adjacent properties is a restaurant, drinking establishment, offices, some single family residences. The Comprehensive Plan recommends this for Old Town. The applicant -- excuse me -- the applicant recently

submitted an application for a certificate of zoning compliance to expand their patio on the back. They recently submitted an application for a conditional use to allow a drinking establishment. This present business is a cigar bar. They recently began serving wine and beer and accessories to this. The applicant now wants to serve all types of liquors, may or may not be accessory to the cigar bar, that makes it a -- that makes it a drinking establishment and that only is allowed by a conditional use. Again, as I said this is an existing historic building in the OT district. All the parking, sidewalks and landscaping is already there. The outdoor patio was approved and meets all the setback requirements. Doesn't encroach into the right of way. The Comprehensive Plan recommends this area as an Old Town. This designation includes the historic downtown, the true community center. These kinds of uses are retail, lodging, theaters, restaurant, service retail, the existing cigar barn, and the expansion to serve alcohol. This is exactly the type of neighborhood hangout that is intended by the Comprehensive Plan and with that the staff does recommend approval. Very simple case. And I will take any questions or comments at this time.

McCarvel: Okay. Any -- or I guess ready for the applicant.

Evarts: Fantastic. I am Joshua Evarts. I reside at 303 East State Avenue, Old Town Meridian. 83642. I appreciate, first of all, staff, Alan, Bill, Keegan, they have been really great in this process. We are kind of an oddball. Thus, I guess, the nature of submitting for a conditional use permit. So, we actually -- we restored the building going back in 2015. It was originally the Bank of Meridian. And after about 18 months of enjoying that as a living room for my wife and I, we decided we would open it up to the rest of the public. We thought that that would -- it was, actually, the prompting of Mayor Tammy. She was like you really should do something that everybody else gets to enjoy it. So, we agreed. We launched The Vault in September of 2017. Upon opening within a month we actually got our beer and wine license. So, we have actually been serving beer and wine for three and a half years. We didn't go through a conditional use permit at that point. In speaking of Counselor Nary at the city we -- we were the oddball. We didn't know quite what to do. We weren't a bar. We weren't a restaurant. We were this other thing. So, what we -- what we did at that time is with the help of the city we became a retail tobacconist with a retail beer and wine license, with an exception for on-site consumption I believe, Bill, is how that reads. But as we went through COVID 127 closed and the gals were looking to sell their liquor license. We thought it would be a great addition to what we had already been doing for three and a half years, so we purchased that license and began the process of working through state, county, and now with you guys. So, at that point in our preliminary hearings and meetings and talking with Bill, talking with Mr. Nary, we decided that it would be appropriate to go through a formal CUP process and just do that and not -- and not be this oddball thing anymore in downtown. So, conducted all the appropriate hearings and -- and submitted for this conditional use permit tonight. So, I want to speak just quickly to our intent. Laurie and I take very serious this idea of stewardship for downtown Meridian. So, we live on 3rd and State. One hundred percent, other than some small crypto holdings, a hundred percent of our investment is in Old Town Meridian. So, as we have done things like the Heritage Building, The Vault, the Old Town Lofts, we believe in being a good steward for downtown Meridian and making sure that we are

doing our best to maintain safety, create economic development and vitality, and also preserve our history and certainly The Vaults' been a great -- great story there. So, our intent is to curate a menu of cocktails and drinks that match what we do with cigars. We do not maintain late hours. I'm really glad that we led with a cigar lounge and with a beer and wine license for three and a half years, because that established a track record of us being really good stewards of how we handled alcohol to date. So, we are not in what I would call the category of a drinking establishment. It's something that adds color and adds an additional thing that people can experience, so we really are a premium cigar lounge, first and foremost, even from a revenue standpoint. Our revenues for tobacco is -- is 90 plus percent of what we do and the beverages that we offer currently in beer, wine, soda and coffee is a small part of what we do as a business. We are not intending to change that. We really do feel that this is just going to be something that's an additional add on. We have been working through the cocktail menu with a bar master at Sushi Shack right now. She even asked me -- she's like it seems like some of your cocktail prices are high and I said that's fantastic, I said, because I don't want people to be -- this is not a seven dollar rum and coke establishment. So, I want people to pay a premium, because I want to give them a premium experience. I also want to create some cost prohibitors to people enjoying or wanting to enjoy more, even though I will tell you as a staff this is the one thing that we beat into our staff is our tips training. I will not put drunk people out anywhere in the public. It's something we take serious with the Hop Haus and with Sushi Shack. That's just not something, you know, we tolerate. But we want to make sure that we are creating environments that are also conducive to reinforcing the things that we believe, because Laurie and I aren't always there. So, that's a little bit of our heart and what we are looking to do in this. So, with that if you have any questions happy to answer them.

McCarvel: Any questions for staff or the applicant?

Cassinelli: Madam Chair?

Lorcher: Madam Chair?

McCarvel: Oh. Commissioner Cassinelli started. Sorry. I didn't acknowledge.

Cassinelli: Josh, what's the capacity of the --

Evarts: Forty-nine.

Cassinelli: Forty-nine.

Evarts: Yes.

Cassinelli: Not 494.

Evarts: Yeah. Four hundred and ninety-nine, but I can come down to 400 if you want me to. Is it too soon? I feel -- I feel like it's too soon, but I don't know. Not at all. Oasis,

sorry. Yeah. But I can come down to 400. No. Forty-nine. Forty-nine. What I will tell you is we have 32 chairs in there and we -- we typically on a very, very, very busy event we -- you know, we will get to, you know, all 32 chairs and we have eight folding chairs. So, we will get to 40. But the -- you know, the building just -- you know, just gets uncomfortable once you get past 40. So, we just don't have a -- we don't have an issue ever exceeding that really. And we are intending -- I think we bought 16 chairs for the outdoor patio and there is about an additional -- I think 700 square feet that we have -- Bill, correct me if I'm wrong, that's on the patio. But, yeah, that we are not looking to cram people in.

Cassinelli: Thank you.

Evarts: You are welcome.

Lorcher: Madam Chair?

McCarvel: Commissioner Lorcher.

Lorcher: Mr. Evarts, thank you very much for preserving Old Town and taking care of the buildings that we already have. We enjoy the Heritage Building quite a bit. I have not been into The Vault, mostly because I'm not a cigar smoker. I had always assumed that you had a liquor license, but it sounds like you had beer and wine and it adds some wonderful color to our downtown area. So, thank you very much.

Evarts: Commissioner Lorcher, you are welcome.

McCarvel: Any other comments or questions for the applicant or staff?

Wheeler: Madam Chair?

McCarvel: Commissioner Wheeler.

Wheeler: Just a quick question here. So, 600 square foot on an addition; right?

Evarts: Correct. If that's what it's -- yes.

Wheeler: Okay. And, then, how often is that drive aisle -- that alley used back there for vehicles and stuff like that and stuff?

Evarts: Yeah. Great question. I don't spend a lot of time looking at that -- on that back driveway. I know that it gets -- during lunchtime there is quite a few people that are -- that are using that primarily to exit. It's tough to get out onto Pine if you are in that little parking lot and you went to Eight Thirty Common for lunch, like you are pretty close to the Main and Pine intersection and it gets a little backed up there. So, unless you are taking a right out on Pine most of the people will bomb out on that alley, but it's -- you know, you have got a home, a business -- I don't -- I have never run into real traffic coming out of there

and certainly most of Idaho Avenue -- it's not very activated at night, you know, other than there has been an uptick at Polly's, just with Varsity closing, so there has been a little bit more activity in the evening there, but -- but -- but it's -- it's fairly quiet on -- on that alley come -- come closing time at 5:00 when all the professional businesses that are in like the Idaho Building and stuff like that leave.

Wheeler: Perfect. That was -- that's all. I just wanted to know if that traffic was there, because you will have a patio there with patrons and I know you want to keep them alive.

Evarts: Right. Yeah. I love to keep my patrons alive. It's very important. Good revenue model. Good business practices.

McCarvel: Okay. With -- do we have anybody for public testimony on this one?

Weatherly: Madam -- sorry, Madam Chair. We have one person signed in in house and that's Tommy Elledge.

McCarvel: Thank you. Please state your name and address for the record and the floor is yours.

Elledge: Thank you. My name is Tommy Elledge. E-I-I-e-d-g-e. Address is 2350 Echo Avenue in Parma. 83660. I am in Payette county. Madam Chairman, Members of the Commission, staff, you are right, he is a character. Anyway, down to business. I'm a new citizen of the state of Idaho. One thing that I found quickly when I first got here was The Vault. I am a cigar smoker. I didn't even start smoking cigars until 2019. Working for the railroad for over 47 years, never touched a cigarette, never touched a cigar, but a friend of mine treated me to one on the day that I retired from the railroad and I have enjoyed them ever since. One thing that I do enjoy is friends enjoying themselves. I cannot drink. I am allergic to alcohol. I go into respiratory arrest. I'm always the designated driver. But I have people from California that are planning on coming out here to Idaho on a weekend just for the pleasure of coming out to The Vault to have a drink and enjoy a good cigar. I spend 40 minutes maybe twice a week to come down and enjoy Meridian. Usually I will stop someplace and get lunch. I definitely spend my tax money at The Vault. But I encourage you to vote yes on this proposal. I think it will be a great addition, not only to your community, but to the cigar community at large that I am a member of. Thank you for hearing me and I appreciate your time. Thank you. Any questions?

McCarvel: Thank you.

Elledge: Thank you.

McCarvel: If that's our only public testimony, does the applicant have any additional comments? Okay. Thanks. Thank you. I guess since everybody is adding their comments I will add a comment of thank you for keeping my husband and son occupied during my daughter-in-law's recent baby shower. With that can I get a motion to close the public hearing on H-2021-0017.

Seal: So moved.

Wheeler: I second.

McCarvel: It has been moved and seconded to close public hearing, H-2021-0017. All those in favor say aye. Opposed. Motion carries.

MOTION CARRIED: ALL AYES.

Cassinelli: Madam Chair?

McCarvel: Yeah. Commissioner Cassinelli.

Cassinelli: Full support. I think it's a great spot. Great thing. I love the -- as -- as he used it, the word stewardship of Old Town, downtown, and it's exactly what we need. It will just -- there is no -- I don't see a single negative. I'm full support.

McCarvel: Okay.

Seal: Madam Chair?

McCarvel: Commissioner Seal.

Seal: I -- same sentiments almost exactly. So, I like -- I like the other stuff that comes in. I like the eclectic things. I like the -- the rare items. So, I'm glad to see that this business is not only successful, but expanding and, you know, venturing into other areas. So, it's great. Great to see that there is an economic focus and drive for downtown and it's starting to thrive again.

Grove: Madam Chair?

McCarvel: Commissioner Grove.

Grove: I will be super fast. Josh, this will not take you out of the oddball status as you put it. I'm sorry to break it to you. The only downside with this is I want to make sure that there is still something that I can afford when I go in there, so keep something cheap.

McCarvel: Do I hear a motion?

Seal: Madam Chair?

McCarvel: Commissioner Seal.

Seal: I will go for it on this one. After considering all staff, applicant, and public testimony I move to approve file number H-2021-0017 as presented in the staff report for the hearing date of May 6, 2021, with no modifications.

Cassinelli: Second.

McCarvel: It has been moved and seconded to approve file number H-2021-0017 with no modifications. All those in favor say aye. Opposed? Motion carries. Thank you.

MOTION CARRIED: ALL AYES.

**8. Public Hearing for Jump Creek North Four-Plex (H-2021-0018) by Kent Brown Planning Services, Located at the Northwest Corner of N. Black Cat Rd. and W. Gondola Dr.**

- A. Request: Conditional Use Permit to allow 7 fourplex buildings of 28 units total on 2.2 acres in the R-15 zoning district.

McCarvel: Next on the agenda is H-2021-0018, Jump Creek North Four-plex and we will begin with the staff report.

Tiefenbach: Commissioners, Alan Tiefenbach, planner, City of Meridian. This is a conditional use to allow seven four-plex buildings with 28 units total on about 2.2 acres in the R-15 zone district. The site, as I said, about 2.2 acres of land is zoned R-15. It's located on the west side of North Black Cat Road, midway between McMillan and West Chinden Boulevard. The subject property was annexed and zoned in 2014 as part of the larger Jump Creek Subdivision. The approved preliminary plat, final plat, and the development agreement specifically identified this particular property for a multi-family development. In fact, it was actually seven four-plexes of 28 units. The required landscaping and the infrastructure has already been installed. There has been a traffic study that was done with the preliminary plat. All the road improvements have already been put in. What you will see on that lot line now are -- is the -- all the infrastructure, the sidewalks are there now, there is just basically dirt in the middle where the parking lot is going to be poured and you can see the building pads where the buildings are going to go in. Again, that was all -- already designed with the annexation and the preliminary plat. However, because of the multi-family requirement for our code, you actually have to do a conditional use as another part of the process, so that's what this is about. There is some specific use standards that are required for multi-family projects. Let me go through that. So, this is -- if you look on the left this is what the -- a concept plan for the annexation allowed. If you look on the right this is what's being proposed almost exactly the same, except that hopefully you can -- if you can see my pointer. These buildings here have just been turned on their axis, so they are now facing each other. Other than that it's pretty much exactly the same. The specific use standards for multi-family units, 80 square feet of private common open space per unit, 250 square foot of common open space. So, there is the private open space, like a patio or a porch or a deck and, then, there is the common open space, which would be the landscaped outdoor open space. There is two amenities that are required with this project. There is requirements for a management office, a central mailbox, and maintenance storage for any development that's more than 20 units. Looking at the floor plans for this project it looks like they may not be at that 80 square feet. They are more about 70 square feet. That's one of the

recommendations. At the time of certificate of zoning compliance they would need to submit that they are actually meeting that 80 square foot. Again, I'm not positive that they are not. The other thing is that the applicant hasn't provided any information regarding the management office and the maintenance storage, other than it would be built later with the other 44 units of multi-family that's going to be part of the Jump Creek Seven. So, that's the next project, the next multi-family project. That will again come in front of you for conditional use. The Planning Commission -- we think that they need to determine whether it's acceptable that the management office and the maintenance storage area should be allowed to be built at a later phase or whether they would prefer that one of the units of this existing -- the 28 units that are now being proposed -- if one of those units should be temporarily used as the maintenance area and the office until the next one builds out. We are not sure when the next one is or if or how long it could take. There is two amenities that are required with this development. All the amenities in the Jump Creek Subdivision -- there were seven of them -- were already approved and most of them have been built. However, when we looked at the development agreement and the annexation, it doesn't really say whether the amenities approved with -- with the whole Jump Creek development included this multi-family project or whether the amenities should be required with this project. We have asked if they were able to give us some kind of legal agreement that can show that the amenities would be shared. That said, there is enough open space there that staff thinks it could even meet the minimum requirements on site, whether it's a shelter or enclosed bike storage or a community garden, I think it's easy enough to go above and beyond and provide amenities that all the -- the -- the residents of this particular project can have. Let's see. So, the code requires two parking spaces per two bedroom units. They have shown all that and there is also to be a covered carport garage. They are meeting all their minimum requirements. However, the elevations that were submitted don't really show much about the carports, so that's going to be something that we are going to ask for at the time of certificate of zoning compliance. So, to summarize all this, staff's recommendations, first of all, is that we think that the site plan and the landscape plan submitted with the CZC should be revised to show a management office, a major storage area and a directory map and here is the landscape plan and I can come back to that. These are elevations of what's being built. So, let me talk, again, about the recommendation. So -- so, we believe that the landscape plan should be revised to show a management office and maintenance storage area and a directory map as is required. But if the maintenance office and the storage area is not part of this development, then, the applicant would need to convert one of the units in the second phase. So, that would be phased -- Jump Creek phase seven, to convert that into multi -- into the maintenance or office storage. However, the staff thinks the Planning Commission should determine whether or not that's acceptable, given that phase seven has not been approved with conditional use yet or whether there should be a temporary arrangement for that maintenance and that office to be within this current project. At the time of the certificate of zoning compliance we also believe they need to submit a common open space exhibit that was not proposed. We believe that they are -- they are probably in excess of it, but we still need to have that as part of the certificate of zoning compliance and, then, also staff believes that there should be two on-site amenities provided. We don't think it was clear with the original approval and that would

come down to whether the Planning Commission actually thinks that is necessary or not and with that staff would entertain any questions or comments.

McCarvel: Okay. Would the applicant like to come forward.

Brown: He talks fast. Alan, do you have some kind of overall that you can --

McCarvel: Name and address for the record.

Brown: Thank you very much. I'm going to do better.

McCarvel: Is this your first time?

Brown: Close.

Tiefenbach: This shows the buildings and the parking and the -- all the landscaping.

Brown: Yeah. But the site -- if you could show that that would help. The overall site.

Tiefenbach: When you say the overall site --

Brown: Jump Creek itself.

Tiefenbach: The entire subdivision?

Brown: Yeah.

Tiefenbach: The whole -- you are talking about you want to see the entire plat?

Brown: Yes, please.

Tiefenbach: If you -- let me search while you present and I will --

Brown: Okay. For the record Kent Brown. 3161 East Springwood, Meridian, Idaho.

McCarvel: Thank you.

Brown: And if I was in Caldwell I would say I had been sworn in -- or sworn at. So, when this development was originally done in 2014, the comp plan wanted some higher density, so the plan that was approved and the development agreement was upon it had these apartments that are located here in the north and, then, in the very northwest corner of McMillan and Black Cat is the other portion of the -- the apartments. That's our future phase seven. I'm waiting for a drawing. The architect that was doing that, being fairly young, just recently passed away and so we are trying to find someone in their office to wrap those drawings up and get that submitted and have a conditional use. I was hoping to do both of them. I had the neighborhood meeting for this on -- on both of them at the

same time. So, between the 28 units that are here and the 44 units that is located to the south, it -- within the same Jump Creek development we want to have one management office that -- and maintenance storage for the -- for the entire Jump Creek multi-family development. All of the amenities that are in the single family portion the multi-family residents are allowed to use. So, the other part of -- the reason that they overall would really help is right across the street that entrance street that is on our west side on that site plan, that is the beginning of a four or five acre park with a tot lot area, covered picnic area that's already built and in place there. Big huge ball field that is adjacent. Yes. One of those would show it. So, as you are looking --

Tiefenbach: I'm looking to see if I have a colored elevation here. I'm just looking at the original staff report. This might be as good as we are going to get on the fly, Kent.

Brown: So, when we were looking at it we thought that we had all the amenities and that the staff report said that this met the -- these -- the number of units, because the number of units were called out in that original one. So, in -- in that upper right-hand corner -- if he's not going to move it. Alan, don't move it. That's where the 28 units is located. Right across the street from that you can see the common area that's there and, then, that park space. The -- in the middle of that park space is -- is a tot lot and covered picnic area. That also, then, links to everything going down to the south with a walkway. There is a regional pathway that is on our boundary between us and Black Cat. It's a ten foot path that is a part of your regional facility going there. We can put two on-site amenities -- the ones that Alan called out, a covered bike parking and some raised beds. There -- there is plenty of grass and open space within the development. He said that as the Commissioners you -- you like those more attached. We are not opposed to that. We can do that. We can add more. But, specifically, I think for the most part when this plan was done in 2014 this concept of mixing the rentals and the single family ownership ones kind of was a new concept. I think we are seeing more and more of that today. I would say the builder kind of had to think about that or else we would have probably built it sooner. This portion right here, the phase four that we are looking at, has already been platted and that's why those improvements are in and installed and there is individual lots for each one of the four -- four-plexes that is in this phase. It's already fenced with a fence around. It's actually a pretty good location, because that spine road that is Gondola that's along our southerly boundary connects into The Oaks property that is to the west of us and continues and, then, on the other side it goes over to -- on the other side of Black Cat there is -- in the Bridgetower development there is the Pleasant Valley Elementary School that's on the other side of Black Cat Road, fairly close to this location also. So, overall this is a good location for that and links well for these people, especially in the environment that we are in today that we see people that are renting and hoping to get into a house, this puts them in neighborhoods that -- where they can see other houses that might come up and they are a part of -- a part of that neighborhood and it kind of goes back to when years ago we designed Tuscany and we put really small cottage type lots in there and yet we had big estate type houses -- estate being 14 -- 1,400 square feet -- not these half acres or anything, but you have a mixture and as people progress in their lives they move back and forth in and out of that. This -- this design kind of does that same thing. We want to have one facility that -- the problem having a designated

maintenance area for 28 units is that it's -- it's really costly to have that happen. I would say as guys approve a lot of these -- you know, I started talking to some kids that are going to ICOM and -- and said, you know, you are supposed to have a maintenance facility and an office and -- and they don't have one and we know that we are going to have one, but we just want to have one instead of one in the north and one in the south, which makes it really difficult for you to man that with employees or have that really as an office. I will stand for any questions that you might have.

McCarvel: Are you open to -- I mean I think the question with the manager office is that -- if that other phase seven doesn't get built out then -- I mean if we put some wording in there that -- like that that -- you know, if that doesn't get built out, then, you are required to have --

Brown: Yes. And we would -- we would do. We -- and -- and I thought that that's the way that Alan had written the condition is we either provide it in phase seven or we provide a temporary one being one of the units, which is generally what -- in most of the apartments that I have done is that you go, okay, Building A, Apartment 101, is your office for that -- that time period. We could do that as a temporary basis. We are okay with that.

McCarvel: And, then, I guess the other question I had is are you open to putting a couple of amenities in? Because I do think -- I mean even though they are right across the street from that other beautiful park area, you know, they are rentals, so they don't necessarily have, you know, the backyard to have their own plant -- I like the idea of the planter bed. I mean something that those people don't have access to that the permanent homes do. So, the shade area and a planter bed or something like that.

Brown: I think that the planter bed -- at least as I -- I'm talking about these ICOM students that are college students and they are -- they are busy -- really busy, it seems like they got finals every -- every other week and they are trying to get through there, but having a garden would be a great thing and that's -- I think that that's a really good amenity in apartments personally and, yeah, we are not opposed to putting two amenities in there. Yes, we -- we -- we have a grassy space that's fairly large in the overall site in the northwest side of that -- the unit space, that street in the backs of them there is -- there is a fairly large lawn in there. We could do that that three units back up to. Thank you. Sorry about that again.

McCarvel: Okay.

Brown: I hate watching myself when I go back and -- terrible. Terrible.

McCarvel: We all do.

Brown: Any other questions?

McCarvel: Yeah. Any other questions for staff or the applicant?

Seal: Madam Chair?

Cassinelli: Madam Chair?

McCarvel: Oh, in stereo. Commissioner Cassinelli.

Cassinelli: Kent, does that -- the parking there between building six and eight, that's not -- there is no plan to extend that in the future to --

Brown: No.

Cassinelli: -- whatever is going to develop to the north?

Brown: To the north has already been approved. There is a -- that's the other part that I didn't talk about is that we have this spine road that is along our southerly boundary. Along our northerly boundary is another spine road that goes into either Toll Brothers or Coleman to the north. So, yeah, there is -- there is no place to go there and it's already been platted, so -- and they didn't ask for a cross-access, so it's not connecting.

Cassinelli: Okay. Thank you. And, then, I did -- another question for -- Joe, do you are -- or Joe -- Alan. Sorry. Do you have -- do you have something you can show us on what is platted to the north? I'm just curious how those -- how those are going to kind of fit together and look.

Tiefenbach: When you say to the north, are you saying the subdivision that's platted up to the north?

Cassinelli: Yes. Just mentioned that there is a spine road there. Do you -- do you have a --

Brown: I bet Bill can find it.

Tiefenbach: Bill, are you able to get that up? I can't get to that from this computer.

Parsons: I'm happy to look that up, Alan. That actually platted as Oakmore Subdivision back in '18, I believe, when Coleman came back through and resubdivided that and I actually had --

Tiefenbach: You can probably get the preliminary lines up quicker than I can do it.

Parsons: Well, they should be able to -- I can pull up the plat or send it to you, Alan, not a problem, but the intent was -- I had actually had Kent -- well, I -- Kent per se, but the CBH and Toll Brothers worked together on realigning that road a little bit better, so it did match up consistently with what they were doing on their south and what was happening on their property. So, it actually replatted the single family lots.

Tiefenbach: You could send it to me in the chat, I can just pull it up in realtime.

Parsons: I will if I can dig that up here while -- if Commissioner Cassinelli will give us a few minutes to dig that information up and show you what that looks like.

Tiefenbach: It would be quicker if you could do it on the chat.

Cassinelli: That would be -- and that would be great. I just -- I'm curious how -- you know, that there is -- it's already been resolved, basically. There is not going to be a weird -- we are not going to have puzzle pieces that aren't going to fit a year from now.

Parsons: We are -- that was the whole intent of them working together to make sure that it did align and work better for both groups.

Cassinelli: Okay.

Parsons: So, give me a few seconds and I will pull it up.

Cassinelli: Appreciate it. Thank you.

Brown: But our intent is is to come back immediately with the conditional use for 44 units in southwest -- or southeast portion of the overall Jump Creek and they are specifically designing an office for this and hopefully others. I talked to him about that and I said, you know, Meridian has this code requirement with this office and I know that that becomes cumbersome to have an employee just for these individual developments, but we are doing a lot of these developments where we only have maybe 40 units or less in them and we need to come up with maybe something creative. Maybe you put some kind of kiosk that's in there that we can get approved as an alternative to putting a physical office where someone can go to, because I -- again, these medical students have become really personal friends and we kind of babysit their kids since we don't have any kids around anymore and they don't have anyplace where they can go and complain to someone and having something that they could go to -- kind of like they do -- they -- they have gone to with the multi -- multi or the storage facilities, something like that, that is technology, you know, taking the place of a physical office. I think that we -- you know, that they could do something like that. But right now they are designing a building that they can add an office to and it's not going to be a unit, it's going to be an office is what they have told me.

Cassinelli: Madam Chair?

McCarvel: Commissioner Cassinelli.

Cassinelli: Excuse me. Kent, that will exist in that southern portion?

Brown: Yes, it --

Cassinelli: Okay.

Brown: So, us doing a temporary would be very appropriate, if you are concerned about that, because I know that they want to move forward with construction on this one. All we would have to do is get the -- before you with a conditional use and we could move forward with the one in the south, we don't need to plat it, so I could be here with -- with that one. But it's going to be behind anything that happens to the one in the north.

McCarvel: But if everybody stops moving to Boise and that other one doesn't get built out, then, you would be required to have one there.

Brown: Yes.

McCarvel: Okay.

Brown: Absolutely.

Parsons: So, Commissioner Cassinelli, can you see the graphic up now?

Cassinelli: Okay. That's in that last -- that five or -- five or six acres, whatever that is?

Parsons: That is correct. So, if you see my cursor here along the south boundary, that's where the multi-family -- or this four-plex project butts up to, Toll Brothers property.

Cassinelli: And -- and they both -- they have worked on this together?

Brown: We had to kind of align our stub streets with each other and, then, I also did the development to the north of that, which was West Bridge, and it stubs into that one, too, on the other side. So, all the puzzling, as you have talked about, has been taken care of.

Cassinelli: Already been figured out.

Brown: We were the first ones in and kind of was going way out there -- what was considered way out there in 2014 and end of the recession -- end of the recession and it's not way out there anymore.

Seal: Madam Chair?

McCarvel: Commissioner Seal.

Seal: Just on the -- as I was looking at the -- just the independent side, one of the buildings is pretty close to that -- to the one house, basically, that kind of touches it, disregarding the ones to the -- to the north now, but is -- is a property going to be fenced as it abuts --

Brown: It's already fenced.

Seal: It is already fenced? Okay. Wasn't -- wasn't sure that. And, then, I had -- I mean previously you have been really good at working with the HOAs in areas and getting agreements on everything. Are there actual agreements in the HOAs to allow for people to come in and use those amenities?

Brown: Yes, there are. And I can provide that. Alan asked me did I get that and I got that.

Seal: Great.

Brown: Actually, I saw that the attorney had made a mistake and so we have modified that and just need to get it signed and -- and recorded. But -- but we did make the -- the changing for that wording and -- and my discussion with them was what we have always represented and from the very beginning is that all of these amenities is for the entire development and you can't cut these people out of -- of this overall project. They are a part of the pressure irrigation system and everything else. So, it needs to be a part and so they -- they have made that change.

Seal: Okay. Thank you.

McCarvel: Okay. Any other questions for the applicant? I'm going to take a wild guess that we don't have anybody to testify on this, since I don't see anybody left in the --

Seal: There is one.

McCarvel: -- chat and nobody in the room.

Weatherly: Madam Chair, we did have several people that signed in. There was one person who was here to indicated a wish to testify, but it doesn't look like they are here anymore. There is Monica online.

McCarvel: Oh, I'm sorry, we do have chats down there.

Weatherly: No problem. Monica, hang on just a moment.

McCarvel: Monica, you are -- you need to unmute and please state your name and address for the record.

Gonsalves: Hi. My name is Monica Gonsalves and I live at 5409 North Willowside Avenue, Meridian, Idaho. 83646. I'm actually a resident here in the subdivision in Jump Creek, so I just wanted to -- looking at the conceptual site plan that was approved with the development, the fencing was completely up across Black Cat. The fencing that they have up currently leaves an opening to Black Cat and multiple mornings when I'm driving out of our subdivision there are children that are standing and trying to cross the street to go to the new elementary school and it's a very big safety hazard seeing these little kiddos running across the street, traffic coming to a halt to let these kids go across the street to

Pleasant View Elementary. My biggest concern having school age children myself is the parking that we are going to be seeing on Black Cat further obstructing any type of view of children standing on the corner trying to get across the street to school in the morning and there is really no safety features in place currently to help these kids get across the street. There is no crosswalks. There is no light. There is nothing in place and it's really the traffic impact and the parking, that's just a huge cause for concern for our family and I know for our community that there is several children in this community -- I see them playing in parks all the time or community spaces, so very big cause for concern. Thank you for your time.

McCarvel: Thank you. Madam Clerk, do we have anybody else?

Weatherly: Madam Chair, that's all I see online and in house.

McCarvel: Okay.

Weatherly: Madam Chair -- sorry, Kent. A Janice just raised her hand online.

McCarvel: Okay.

Weatherly: Janice, one moment, please. Janice, you need to unmute and please state your name and address for the record.

Borchard: Hi. My name is Janice Borchard. 5277 North Maplestone in Gem Creek. 83646. We have a huge concern with traffic densities in the area. That -- that -- one's a huge one, because we are traversing and seeing all the traffic as people are cutting down Black Cat from Chinden versus going to Ten Mile and we are -- you know. And, then, cutting over McMillan or down on Ustick and, again, also we see the kids cutting across and there are no crosswalks at this point. So, that really really needs to be addressed. And, then, another concern that we have is there are densities down on both corners of McMillan and -- yeah. Huge densities of apartments, multi-family, and -- let us know -- I spoke to him a while back that McMillan is never going to be more than like two lanes and, then, the suicide lane, because of the high voltage and the irrigation. So, we are going to -- and, then, we have Prescott Ridge as a subdivision further to the west of us, you know, surrounding St. Luke's. There are going to be so -- there is going to be so much traffic density into this small little area it's unbelievable, you know, what's going to be impacting this immediate area and that's one thing. And, then, for this particular little group these rental units, are they going to pay HOA dues? Are they going to abide by the same HOA rules? You know, there is a lot of reasons why people buy in communities like we did where there are HOA rules. So, are these folks going to abide by the same kind of rules? So, that -- that's a very huge question also when it comes to rental units in, you know, these single family home areas. So, thank you very much for listening to me and I appreciate your input.

McCarvel: Thank you. Anyone else wish to testify? Okay. Seeing none, would the applicant like to reply.

Brown: For the record Kent Brown, 3161 East Springwood, Meridian, Idaho. This is on ACHD's capital improvement list. They have been buying right of way along Ten Mile to widen it and to take care of that traffic concern they required us to sell that entire length of public right of way and so that they can improve it and make it larger. The first lady -- was it Monica had talked about these residents parking on Black Cat. That would be like me trying to park on Eagle Road next to my house. You wouldn't last very long and you are not allowed to do that. Currently there is kind of a shoulder there, but that's all intended to go away and it's a part of ACHD's current -- current property. These residents in this development are a part of the HOA for Jump Creek. They are paying dues. They are -- that's a part of what they are -- they are doing and that's -- that's why we had to make that amendment for them to be able to use those facilities, but they are -- they are a part of the HOA. They have landscaping that's around the outside that the -- the overall HOA takes care of and the multi-family portion is paying their percentage of that. The part that is different is that private or parking lot area, those residents take care of that part and if you were to require us to have two amenities within that we wouldn't require the rest of the HOA to pay for those -- those facilities. Like a raised bed, for example, if there was maintenance or something that needed to take place with that.

McCarvel: Okay.

Brown: Any other questions or --

McCarvel: Commissioner Cassinelli.

Cassinelli: Kent, do you know is -- is there a -- a plan for a HAWK signal in there?

Brown: Not that I have heard of, but I think that that's one of the things that the residents are still on and I would encourage you as Commissioners to remind people that they are paying taxes, just like I'm paying taxes, and if they see an issue like that, ACHD is more than willing -- I mean that -- that school opened up this year, so it's -- it's a new thing.

Cassinelli: Is there school zone lighting speed -- speed control there on Black Cat?

Brown: Not on Black Cat, because they are off like one row of houses or so. They are -- they are at least three or four hundred feet down Gondola to the -- to the east of it.

Cassinelli: Okay. Because I know that's even -- you know, Meridian Road has a school zone, even though Meridian Elementary is off a block. So, it's certainly something that --

Brown: That they could -- they could look at doing and what they need to do is -- I used to tell him to talk to Terry Little that was over traffic. I don't know if Terry's -- Terry's old like me, so whether he's still there or not, but they need to talk to the traffic division of ACHD.

Baird: Madam Chair, I could add a plug for the Meridian Transportation Commission. Contact Miranda Carson with the police department and express -- have the residents

express their concerns and have that addressed by the Commission to make a recommendation to ACHD.

Brown: Good idea.

Baird: We are with you.

Cassinelli: Thank you.

McCarvel: Concerns all appreciated and very legitimate, it's just we have nothing to say about it, so -- yeah. Any other questions, comments for staff for the applicant? If not, I would, please, entertain a motion to close the public hearing on H-2021-0018.

Cassinelli: So moved.

Seal: Second.

McCarvel: It has been moved and seconded to close the public hearing on H-2021- 0018. All those in favor say aye. Opposed? Motion carries.

MOTION CARRIED: ALL AYES.

McCarvel: I think -- yeah, it was something that was already planned for. I don't see any issues, other than the ones we have already addressed with the management office and having those two amenities. Do we think need to address those in a motion or clearly stated in the staff report, I'm not sure.

Seal: Madam Chair, the two site amenities shall be provided -- was part of the staff report in there. The other was more of a question on the management office. But it sounds like he is an agreement to add something in there temporarily and, then, probably be temporary in name only, because it sounds like the other is going to provide occupancy -- occupancy about the same time, so --

McCarvel: Yeah.

Seal: -- that's what it sounds like to me. Unless Alex wants to say otherwise.

Cassinelli: Madam Chair?

McCarvel: Commissioner Cassinelli.

Cassinelli: When we -- when we get there do we have to say anything that -- Kent talked about utilizing technology for that, but do we need to make it clear that it will be a staffed office? That's because I think that's what's required, is that not correct, Bill?

Parsons: Madam Chair, Members of the Commission, it's not necessarily stated that way in the code. It just says provide one. I know some of the other developments there is -- there is an apartment complex -- 48 unit apartment complex in Gramercy where they actually built a 100, 150 square foot office building and it's -- it's basically electronics. Someone comes in and leases from there and that's about it. Once it gets rented up no one is there full time. They just use it as a leasing office to add tenants to the complex, so it's -- you know, there is nothing that says it has to be staffed in the code. It just says provide one. But that's up to you guys if you want it -- want to require that or not in the conditional use. A lot of times you will have tenants that live right -- you know, they are taking care of the apartments and they rent one of their apartments or live in one of the units. That's pretty common these days, too. So, again, it's -- for staff it's really going to come down to the CC&Rs and how this multi-family development plays with the rest of the single family. It really needs to be integrated as one development. The staff report from 2014 didn't state it that way and I -- I worked on the project, so I remember doing that. I think at the time we were very supportive of that integration happening, because of the fact that we didn't see that in many developments in the City of Meridian, so it was something new. At the time that we were coming out of that recession we were seeing a need for more than just single family homes and we had a deficit in multi-family and so I worked with the -- this developer to specifically incorporate some of that into this development at the corner. So, again, that's why we got more open space to support what they are trying to do here. But, again, the code requires those -- those office buildings and maintenance buildings as part of the development and that's something that -- I think I like the approach of it being interim on the one site until such time as they have something more permanent on their southern -- on the southern portion of the site. All contingent on what Mr. Brown testified to as far -- as long as it's all unified and part of the CC&Rs of this development of Jump Creek. To me that -- that's a critical point, because we want that enforcement to be handled under one umbrella, not multiple entities out there not following the same rules.

Cassinelli: Madam Chair, can I follow up -- follow-up question on that? So, right now, Bill, are all the -- or Alan, are all the conditions -- the conditions for the temporary management office and maintenance room and -- and the shared amenities with the rest of the development are already in your conditions; is that correct?

Tiefenbach: That is correct. We already mentioned that the question was whether the Planning Commission was okay with having the interim office there or whether they want it to be permanent.

Cassinelli: Okay. So, a motion approved with your conditions includes that?

Tiefenbach: Correct.

Cassinelli: Okay. Thank you.

McCarvel: Any more comments or motions?

Tiefenbach: I'm double checking the conditions for you right now to read them for you verbatim if you would like. Here is what it says. It says the site plan -- landscape plan submitted with the certificate of zoning compliance shall be revised to depict the management plan, maintenance storage area and directory map. That's -- that's one. And, then, there is A. If a management office and storage area is not part of this development, the applicant shall convert one of the units in the second phase of the multi-family development currently being filed in Jump Creek for such use. So, the comment that we had for the Planning Commission is whether they wanted to make it clear that there would be an internal one temporarily there until phase seven was built. That part's not stated. Does that make sense? Because the way it reads right now it says a permanent one. It doesn't say temporary until the phase seven is built.

McCarvel: Okay.

Tiefenbach: So, you would add the interim language to your motion if you wanted to do that.

Lorcher: Madam Chair?

McCarvel: Commissioner Lorcher.

Lorcher: So, is phase seven the multi-unit portion of it?

Tiefenbach: Yes, ma'am. So, this is the first multi-family and, then, the second portion is phase seven.

Lorcher: Okay.

Cassinelli: Are we ready?

McCarvel: I believe so.

Seal: I think we are ready.

McCarvel: Motions are always in order.

Cassinelli: Okay. Madam Chair?

McCarvel: Commissioner Cassinelli.

Cassinelli: After considering all staff, applicant, and public testimony, I move for approval of file number H-2021-0018 as presented in the staff report for the hearing date of May 6, 2021, with the following modifications: We amend the language on the main -- on the management office and maintenance building to -- to allow for an -- to change it to an interim office and maintenance until such time that phase seven is built out and one is permanently installed in phase seven and, then, that unit can be, then, converted and

rented out. That we -- that they add in an amenity, such as a planter bed -- are we just doing one?

McCarvel: It's in there that they are required two.

Cassinelli: Okay. Two? Okay. That there is the two amenities and that that's required. And just confirmation that -- that the HOA is a part of the main development and all the amenities and those are shared.

Tiefenbach: Sir, did you want to mention about staffing or not? I wasn't sure that was discussed.

Cassinelli: No. Just go with what the standard --

Seal: Second.

Cassinelli: -- language is.

McCarvel: Okay. It's been moved and seconded to approve H-2021-0018. All those in favor say aye. With conditions. Sorry. Opposed? Motion carries.

MOTION CARRIED: ALL AYES.

**9. Public Hearing for 2021 UDC Text Amendment (ZOA-2021-0002) by City of Meridian Planning Division, Located at 33 E. Broadway Ave.**

- A. Request: UDC Text Amendment for text amendments to update certain sections of the City's Unified Development Code (UDC) pertaining to the Landscape Requirements and Common Open Space and Site Amenity Requirements in Chapter 3; Multi-family Common Open Space Design Requirements in Chapter 4; and Various other Amendments in Chapters 1-5 and 7.

McCarvel: Okay. Onto our final item ZOA-2021-0002, UDC Text Amendment. And, Bill, the floor is yours.

Parsons: Thank you, Madam Chair, Members of the Commission. I appreciate you recognizing that the product name had changed. That's one of the improvements we have made with all of our updates to our Accella system. So, thank you for that, Madam Chair. If you recall I was here before you guys about a month ago with a UDC text amendment, which was expedited at the request of Council and city and the mayor and at this time I informed you at that hearing that I was going to be coming forward with a longer -- a larger code amendment and it would include multiple sections of the code. So, in tonight's presentation I don't think I'm going to go line by line through every code change. I don't think we have the bandwidth or the time to do that this evening, but I do want to highlight some of the major changes for all of you, because although there is

updates throughout the code, the primary theme of this update before you tonight is really changes to our open space. Not only our -- so, it would be our open space and site amenities, also our multi-family standards, and this also includes our landscape improvements -- or landscape standards as well in the code. So, this is -- some of this is a significant overhaul and a lot of it has come about over the years -- I have been with -- trying to come up with a solution to improve our open space and amenities over the last five years. That's a lot of -- some of the concern or at least a lot of the feedback that we received as part of our Comprehensive Plan update back a year and a half or so ago. People wanted better amenities. They wanted a sense of identity, a sense of place, community identity I guess is the better word and, then, coming up with better or more quality open space and that's what we hope we have achieved here with some of these changes tonight. I know Commissioner Seal was -- was part of that UDC open space committee. Again, thank you for your service on that. It was very instrumental in getting us to this and I also want to introduce Lacy Ooi with us. She's from code enforcement. She is going to be here to answer any questions you may have regarding the first part of the presentation. So, if you had a chance to read the staff report you will notice that I broke up all of the code changes into five separate exhibits and I did that purposefully, so that if we have any changes as we go through the public hearing process it's going to be easier for me to modify those documents, rather than cut and paste out of the staff report, insert new documents. Things could get lost in translation if that -- if that was to occur. So, the first exhibit that I'm going to share with you tonight really has to do with what Lacy does in her business. She's -- she's tasked within the UDC to enforce our city code and not only the UDC, but all of the city codes, and so give me a second here, I will go ahead and share those screens and the reason why this came about -- and let me know if you -- guess it didn't open up here. And the reason why these code changes came about so quickly -- typically, as you know, if -- when we go through these code changes we vet those through the UDC focus group, a larger group to get feedback and -- and this is one where it recently came to my attention from not only Lacy's team, but also city attorney's office, where they had a series of court cases that came up, they went to go prosecute and for some reason or other the judge felt we didn't adequately address that in our code and so they -- her and legal quickly came up with some of these code changes. Again, I won't go through all of these, but most of it -- it doesn't really impact development per se. Again, it's just giving them better tools to enforce our code. So, hopefully, all of you have had a chance to look at this. If there is any particular questions on this exhibit -- I want to try to keep this presentation informal this evening. I think there is not a lot of people online or even in the audience tonight, so I think in my experience with all of you, an open discussion on these changes has always been kind of the -- the approach that we have taken, so don't -- don't feel like you can't interject or ask questions as I'm moving through these things very quickly. But I do want to be sensitive and I do want to spend adequate time and make sure that you guys understand what we are trying to do with all of these changes. So, any questions of either staff or even Lacy this evening on some of these procedural changes to the UDC, particularly the definitions or where people can park their RVs on their property, that's a -- that's a hot button these days if you didn't know.

Wheeler: Madam Chair? Just a quick question. Yes. Exactly. That's exactly where I was with the boats and the RV there. So, is this to state that -- that is not that -- is in violation to be able to park a -- or if somebody parks a boat or RVs or UTVs on the side of the street?

Parsons: I will go ahead and defer to Lacy. She's the one that deals with it more than we do. We just tell people the code and how they can come into compliance.

Wheeler: Okay.

Parsons: It's really her group that has to try to -- to work with the residents to get them to come into compliance. So, she can give you all the stories you want on that.

Ooi: I'm new here, but I like informal, so if that's okay I'm definitely free to answer --

Wheeler: Very good.

Ooi: So, currently you cannot park any recreational type vehicles. So, trailers, boats, campers, anything on your driveway or anywhere in the front of your property. It has to be on the side yard behind a screened fence or in your rear yard.

Seal: Madam Chair?

Cassinelli: So, the revision is doing what?

Ooi: So, the revision would be to allow them to have one of any of the described types of vehicles in their required street yard. So, they could have one boat -- or on their side yard. So, it would allow for one of the recreational type vehicles to be either on their driveway or on their side yard.

Wheeler: But not in front of their house in front of the street; is that correct?

Ooi: It can already be on the street -- on the roadway they are allowed and that's what happens is that we will go and tell people they can't have them in their driveway, so, then, they all move them onto the roadway, because they can do that for three days. We would encourage them to be off the roadway and actually allowed to have them on the driveway, because when they are cleaning them up, taking them out, packing them up, they don't have a place to be able to do that that they are allowed. So, overactive -- no. Active HOAs will do drive throughs and give us reports of every address -- you know, starting Memorial Day through Labor Day we will get calls for them throughout the entire season every time someone brings them back into their home.

Wheeler: That seems sensible.

Seal: Madam Chair? Being a trailer owner myself -- and I have one on the side of my house -- how do you -- how do you prevent people from living in them when they are out

there? I mean that -- that would be my concern. I understand -- I totally understand why people want to do this, but I just want to make sure we are not --

Ooi: So, the code won't actually change that. There is a separate code that addresses living quarters. So, using them as sleeping quarters would still be addressed, things that would still be addressed are also if they are on an unimproved surface, if they are not registered, if they don't have current license plates. So, a lot of these are just really the ones of just average use, when it comes to any of the additional violations that come with them, those ones would still be enforceable based on the way that the rewrite allows. So, there is still a section that says inoperative vehicles. So, if it's not -- you know, if they are piecing it out, even if it's on the front, that would also be restricted. The -- living in a camper, whether it's on the front of their driveway or on the side of their house, is usually a patrol function. So, we send those complaints over for police to make contact with. If it's behind the property we will send them a notice and just hope that they stop, but we utilize the neighbor, whoever the calling party is, to be a witness to that. So, if it's continuing to occur, then, the violation can continue to occur and it will get sent to court for that violation.

McCarvel: I think I see in here the neighborhoods can choose to enforce it privately in their CC&Rs. So, this just takes the burden off the city --

Ooi: Right.

McCarvel: -- and if you still want an HOA to live in a place where it's not allowed then -- but, then, they have got to enforce it themselves.

Ooi: Right. So, the contention that we usually see comes from older neighborhoods that don't have CC&Rs. So, the -- if you look at newer neighborhoods that have CC&Rs, a lot of them restrict the RVs on the driveways anyway or sometimes it gives them a time frame, 48 hours or 72 hours that they can keep them, and if they were to govern those rules they are usually reasonable. But we are oftentimes utilized by their drive-throughs and they will give us the list. So, the way I see it citizens are paying for their HOA dues to a property management company to call us that they are paying taxes to also serve them. So, he would force that burden back to them to enforce the regulations that they put in place. Or older neighborhoods -- this -- this UDC change was put into effect in 2005 and a lot of the older neighborhoods had plats made with permits issued through the city allowing electrical hookups to charge the RVs on pads that don't meet parking standard requirements. So, just today one of my officers got in a confrontation and it was one person working on a motorhome in the driveway, she got called because of the parking on the sidewalk. So, she goes up to go issue a warning or citation for the sidewalk, there is someone there, she makes that contact and homeowners come out, too, and as she's in the middle of a driveway she's got a male and female homeowners come out and all three of them start in on her. So, it makes for a really dangerous situation for something that's not really necessary, where if we could just go and put that citation for blocking the sidewalk, they don't fit it in their driveway if it's not on the sidewalk, so we can cite them for that, get it onto the roadway and have it properly marked. But the

confrontation and the threats that we receive, based on the way that we are constantly having to contact people on private property for this, puts us in huge danger. So, when we can address the other issues or call patrol for assistance, that's a lot better for our code officers that are unarmed.

Seal: Madam Chair?

McCarvel: Commissioner Seal.

Seal: Having served on the HOA -- I mean the only concern I have about this is because the HOAs were -- I mean a lot of them are so poorly written, the only enforcement that they really have is to call code enforcement. I mean because generally speaking everything is less restrictive -- restrictive or as restrictive as city code, just trying to put more teeth into it. So, my only concern is that if anything's rolled back to where code enforcement isn't an avenue, then, essentially, people just -- they don't care. And we have a couple people in our subdivision that literally don't care. They just -- and it's -- and it's difficult, because, you know, of course, our HOA board is made up of retirees and they are not going to be confrontational at all, so I just -- I want to make sure that we are still leaving that avenue open. The code enforcement can definitely get involved and if it escalates from there, obviously, law enforcement.

Ooi: So, to address that one, I have been doing this for 11 years and I can tell you two addresses that for 11 years I have chased their RV around, because as soon as -- here is the way the process works. If I'm going to go up -- and pre-COVID we would usually knock on every single door, now we are a little more cautious or we will just send them a notice and we might see -- like leave a door hanger, but not attempt contact. But we are going to try to make some contact. We are going to come out and take an original photo just to show that it's there. So, let's say the HOA has called us and we are going to come out there. That's the process. So, we are going to go out, we are going to make our initial contact or initial photos and, then, if we have made contact and -- or left a note, hey, you know, to say move this at this time frame. We usually give them a couple of days -- five days or something on trying to -- just with a verbal, it usually opens dialog. They will call us and if they don't do anything we are going to come back and we are going to say it's still here and we are going to now send them a notice. We are required to send them a notice of violation. It's going to give them a deadline with reasonable time to comply. So, usually reasonable is ten days. In some cases for people that we have done this for 11 years we think reasonable is a little less than ten days, because they are well informed. But usually we give them ten days and usually a half an hour before the deadline of that 5:00 o'clock tenth day they put it on the street, they will put it on the street for three days, we will clear our call and, then, they will put it back in their driveway, where we, then, have to notify them again. So, as much as it sounds like a better option for HOAs, we are not in any better position. So, I know -- what was that, six months ago, a year ago that we were trying to get the penalties changed. We looked at trying to make it a sizable offense to say this is a problem for us, let's make these penalties sizable. We will try that route and when we talked to the prosecutor's office, they won't send summons for the infractions, because it costs more in court costs to be able to get someone into summons.

So, we didn't have the option of changing it to a more reasonable penalty that we can be able to resolve and when it came down to it, all of the other UDCs that we have penalties that are misdemeanors that go through our process, everything else can work with an end result. A daycare operating without a license. They are either going to get their permit -- their home occupation permit or they are going to choose not to or they are going to stop running the operation completely. If they choose not to, we can send that to court. But when the compliance can be resolved every time they move their vehicle and, then, restart every time, we can't get teeth on it, so, then, we re-evaluated -- it's not the UDC that needs to be changed, it's this one code. So, I looked at 2020 stats on this -- 173 calls for service with the parking standards involving 200 vehicles. If these amendments were changed the same call, the same year, if we allowed them to have one -- one recreational vehicle that's licensed with registration -- and to following all the rules. We are not talking vehicles that aren't registered that are in horrible conditions, we are talking just your standard operating -- a guy who has a trailer that works out of his home and brings his trailer every day landscaping, something like that. Our call load would be 71 calls. One hundred and two of those calls would go away. One hundred and two confrontations, one hundred two possible complaints. The people that we contacted today, that was the exact threat, I'm going to Council. I'm going to the Mayor's office. I'm going to talk to your boss. Every single time it's anger and a confrontation. The citizens -- majority of the citizens -- and I'm taking it from a complaint basis; right? There might be a hundred other happy people that don't have to look at that trailer, but what I see is my code officers daily being put in competition positions over something that's being handled on private property that otherwise isn't violating any other code, other than something that's usually coming and going. These ones that we are talking about that are actual problems would still be addressed. What we ended up with is the neighbor wars. He brought the trailer back. The boat's back. Duck hunt -- duck season. I mean we are -- it's constant and so we are just trying to look for a way that takes some of that threat away. I know that people have gone to Council, I know that people talk to the Mayor, it's constantly one of those things where citizens aren't happy with the code. So, it's just time to come up with some sort of in between.

Seal: Okay. That makes sense.

McCarvel: Any other questions for staff or -- do you have anything else, Bill?

Parsons: I was just going to add -- kind of piggyback on what Lacy was saying is that this is really -- I think this one's coming more from Council than anything, too. It's -- they have talked about this round and around in many City Council meetings and I know Councilman Cavener is very passionate about doing something with this section of code. So, hopefully, will -- as this kind of transitions through the public hearing process I'm hoping we will garner some support on this, just to help our team members here.

Seal: Bill, one -- one thing I will say is with the HOAs that are out there -- and overactive is probably the right word, not active. There will likely be some kickback on this from the HOAs, because they want it more restrictive, not less restrictive, and I think this is going to make it less restricted. With the wording that's in there I think it protects -- it protects

from just having, you know, a piece of junk basically laying beside your house, so it may -- it enforces to keep it registered, to keep it running, to keep it -- you know, something that you are going to have. But, again, I -- in the -- some of the HOAs in the way that they go about things, they generally want to be more restrictive. Ours, for instance, you can't -- our HOAs literally say that if you are a permanent resident you can't park on the street. Yeah. You have to park in your garage or in your driveway, you can't park on the street, so --

McCarvel: Yeah. I -- I mean I deal with the HOA as well and, then, thinking if -- you know, maybe you resort to fining, instead of involving the city. It's like -- it's just -- you know, after one or two notices and you start getting fined and a lien on the property and -- I mean --

Seal: Oh, yeah. We have got lots of liens and the fines are a sticky situation, because, then, of course, you have to have somebody to collect the fine and now you are talking money.

Ooi: One of the other things that was added in here -- there was previously a loophole -- and let me tell you, people will find the loopholes and they learn how to work it in a way that we can't counter it. So, when we added -- you know, one of the things we added in was a gross vehicle weight. So, if you are going to say that one recreational or any of these other type vehicles are allowed, we added in the gross vehicle weight of 16,000 pounds, because, really, an F-350 is over 12,000 pounds, which is allowed on the road, but it's -- you know, you can't actually park an F-350 on a road, because it's over the gross vehicle weight. But to add that, because we get the dump -- like semi trucks coming in on driveways, so we added the gross vehicle weight, so that we did have a restriction and, then, the other thing we added was listing those specialized vehicles, UTVs, ATVs, which we included the jet skis -- I have two properties that hoard jet skis and they are not a vehicle, so they -- they -- and they aren't junk and so there is this thing where I have these properties with probably eight jet skis on their properties, so by adding this it also gives us a little bit more authority to be able to enforce against these other things that people do on the front of their properties.

Seal: I do not envy your job.

Ooi: Neither do I.

Cassinelli: I muted myself, instead of unmuting. So, does -- does the 16,000 pounds agree with the RV or is there a conflict there?

Ooi: They will be separate, because the recreational vehicles are listed as allowed. Like currently you can't park a vehicle on the roadway that's over 12,000 pounds, except RVs are exempt. So, the same thing is by listing them as allowed -- allowing one recreational vehicle, one camper trailer, then, those will be allowed. But a vehicle, which is defined by the state of Idaho, can't be over 16,000 pounds. So, it will be automobiles and pickup

trucks, anything that's a vessel that can be registered, then, it would have to be registered under 16,000 pounds to meet the gross vehicle weight -- weight rating corrected.

Cassinelli: But --

Ooi: Yeah. Okay.

Cassinelli: But an RV, even if it's over 16,000 pounds, is allowed?

Ooi: Yes. Because it's listed as allowed.

Cassinelli: Okay. Does that need to be -- it says both. Does it need to be changed at all to say -- with the exception of approved vehicles above or something?

Ooi: I don't think so. I think that's what that headshake means.

Cassinelli Okay.

Ooi: Okay.

Baird: Okay. Emily wrote it, so we are good.

Ooi: Okay.

Seal: A question on the -- I mean, essentially, you are talking about anything with a T plate; right?

Ooi: So --

Seal: And I ask because, I have a truck with a T plate that sits in the driveway.

Ooi: Yeah. So, right now it's not allowed anyway. Anything over 12,000 pounds isn't currently allowed in your driveway.

Seal: So, don't -- so don't drive by.

Cassinelli: Can we get your address?

Ooi: Yeah.

Cassinelli: Not to dox you, but --

Ooi: Right. So, I'm trying to look at this and not get completely sidetracked, but we tried to list it when we described them as vehicles that could be licensed and registered would be listed first and, then, those specialty vehicles were listed afterwards. So, what we are looking for is that license that it's current and invalid. So, that's the intent is to have current

and valid vehicles. We don't go out looking for vehicles that are over 16,000 pounds rated. You would have to run the license plate for that. So, we are responding to a complaint. So, sometimes those come in when people try -- like running a home occupation and maybe they are like remodel something or restoration companies and they have these large cargo box vans. So, unless they are doing like interstate travel, they really can usually rate them under that and we don't have any enforcement on that. So, you are choosing to rate your vehicle you are going to end up with a T plate --

Seal: Yeah.

Ooi: -- because you are choosing to rate it higher than that. But you probably wouldn't -- you wouldn't receive that call.

Seal: Okay.

McCarvel: Any other comments from staff or any other presentation?

Parsons: If there is -- if there is no other questions for Lacy, I would certainly ask -- she doesn't have to stay. She's more than welcome to leave, unless you guys have other questions, but I think I can handle it from here.

McCarvel: Okay. Thank you.

Parsons: All right.

Ooi: Thank you.

Parsons: Yeah. Thank you for joining us. Lacy. So, the -- the next round of changes are really ones that I handle throughout the year. As you know, I take care of -- I keep a running list of code changes throughout the year. These are the ones that I take -- meet with the UDC focus group and get input from every -- all of our stakeholders before we bring those to you. So, I'm very familiar with these code changes. Some of the ones that you heard last month were going to be part of this presentation tonight, but, again, because of that request of expediting those, I went ahead and removed those from the list here. You can see here these -- these range from Lacy's changes from Chapter 1, all the way to Chapter 7 of the code -- of the UDC anyways. So, we want to -- some of the changes tonight to discuss with you -- you can see here that we are raising -- and I would also mention to the Commission that we say what we are trying to fix and why we are fixing that. So, I think that's the importance of this table here. One, we are changing code, but why are we changing code, and we try to do that regularly. Some of the code changes you have tonight couldn't get to that level of detail, just because a rewrite -- we are in the process of rewriting an entire ordinance and that's in regards to the open space and site amenity. So, be hard to give you commentary for every code change that we did, but I can tell you that not only were these changes and the open space changes that we are going to discuss a little bit later, they were fully vetted through a very talented group of people. And, again, we appreciate their time in participating in that, because it

is a huge effort to do that and take your time out of your busy schedules to participate in these activities. So, it's something that we do take very very serious. I also had the pleasure of sharing these changes with the BCA, which is the Building Contractors of Southwest Idaho is -- that's the technical term, but I like to get in front of our developers or even our home builders and just share what's coming down the pipeline and -- and you can see with the public comments submitted from them today that they like to be involved and active as well in the process. So, I will go ahead and move quickly through some of these. I think some -- I will highlight some of the more prominent changes for you. I think it's obvious what we are trying to do on some of these. Remember, one of the changes that we are trying to do is -- that's particularly of interest to our development community is probably 11-3B-14C, right here at the end of this first page here, and it has to do with certificate of occupancy for subdivisions. So, a lot of you don't get involved in this, but what will happen is you all approve subdivisions and, then, there is the construction period and during that construction period there is ways of getting the plat recorded without actually building anything. You can just put up the money for that to guarantee those improvements are met and still record a plat. It doesn't mean you can get a building permit, it just means you have a recorded document and what we are finding with the high level of demand for homes -- a few years ago was the delay in getting just help -- you couldn't get any contractor to help you, because there wasn't the workforce and now we are seeing there is a delay in building materials, because of the number of homes going up and so typically in my world or planning's world is we don't let anyone move into their homes until the subdivision is one hundred percent complete. That means all amenities in, all landscaping in, fencing in per the approved plans and what we have noticed is we have had to make exceptions these last several years, because they just can't get materials to finish the work, but we have always collected what we call a surety to do that work and so in working with our development partners we came up with this solution to allow them to continue to get C of O's, let people move in, the intention upon us having C of O, with the expectation that those improvements would be done at -- at the end of -- 90 days after the first C of O was issued for the development. I can tell you some of that -- that 90 day was still pretty tight for some of the feedback that we received with the group. They were -- they were wanting us to push that to almost 180 days, because they said what if -- what if we need people moving in in November and that may not get you far enough into spring to get the materials to do that work, because of the weather here in Idaho. So, we went ahead and said, well, we are going to stick with 90 for now, but it's something that we need to track in our process as we go through as part of our process improvements. Is this adequate? I don't know. Again, staff is guessing that 90 days might be sufficient, but maybe 120, 160, 180, may be prudent at this point, so -- and I will go ahead and go through all of this and, then, we can go back to some of these and have questions on it, as a transition. I think another one of particular interest for this body is the parking for multi-family. You can see we are actually making some changes this time. We are classifying studios as providing one and, then, we are also having a requirement for guest parking and this is pretty similar to what we saw from our -- our neighbor to the east in Boise. So, I took that right out of their code that they -- the developer would have to provide guest parking, one per ten dwelling units -- for every ten dwelling units. The other change on this sheet is our flex space standards. We are starting to see an uptick in flex space throughout the community and the need for that and currently we don't allow

rolling doors or loading docks in those districts and so we have -- we have met with the development community, we understand their concern, and as long as they can screen it or put it behind the building there may be cases where it's appropriate and that's why we are adding that it can be, as long as it's not visible from the street. We don't want them in front of the building, but it might work in behind the building. So, that's one change we have going forward. Another one -- this one may be of interest to Commissioner Cassinelli -- concerns with public hearing signs. When we started meeting with the UDC focus group we had a vision that the city may take over posting of properties and as we had the larger discussion with the group we realized there is a lot of liability the city would have to take on if we were to take that -- provide that service to our -- our applicants and so we decided to remove that portion of the language from the code, but we did try to reinforce that signs need to be fastened securely and they have to provide documentation with photos, a map of where they placed the signs, so that we can at least have an accurate record that it was done. I know this body's heard on a regular basis where people have gone in and kicked over signs or the wind blowing them over or something happened to the sign as it was going through the public hearing process that led you to question what had happened and what -- why this occurred. We don't have a real answer. All we can really do is go to the public record and let you know that we received the affidavit, we have the proof of posting and they met code requirements. We don't physically go out to the site and verify that it's been posted. This is a new change also underneath the public hearing process. What we see throughout -- at least from my perspective and the team's perspective, when we transition between Planning and Zoning Commission to City Council sometimes there is not always enough time for the applicant to get us revised plans and so it's really hard for us to update our staff report or articulate the changes to both, either you or the City Council. So, I wanted to make sure that whatever we do if you guys require changes to plans or City Council, that we have some kind of time frame built into the code, so that we could adequately analyze those changes and bring back a formal recommendation on those changes to you and have modified conditions of approval should you want to act on that once you see the revised plans and I think, again, some of the feedback that I had on this particular code change or addition is just adding more time to the development process and, unfortunately, sometimes when -- and this body sees it time and time again -- sometimes we have developments that just aren't ready yet and we have to condition the heck out of it and, ultimately, we are continuing anyways, going back and getting a redesign and, then, bringing it back with -- with modified conditions. But to me this just kind of puts a finer plan to what the expectations are moving forward. I would also let you know with some of the software updates that we are going to be implementing here in the next couple months, we will actually be able to send an e-mail back to the applicant saying you need to upload revised plans or you are not going to your hearing and that will only -- that will help staff -- my -- my staff to understand that they have to review the plans and it will also inform the city clerk that there is other plans that need to be uploaded to the public record. So, it should be a pretty interesting tool. We will see how this all plays out and I'm looking forward to some of the changes that are coming your way here in the next couple months. Here is some of the surety agreements. Again, this kind of coincides with some of the changes that we had up above, that 180 day window, or at least giving the developer some flexibility to get people moving into their homes quicker if we have a surety in place. So

that coincides. And, then, the last modification on this table is just the density formula for PUD standards. I think this body is very aware that we do not -- no longer regulate density in the UDC. It's a function of the Comprehensive Plan now and so we found this one interesting hold over in the code and so we just decided to go ahead and get it cleaned up while we were doing this round of updates currently. So, again, overall I think a lot of the feedback from the -- the committee -- UDC focus group was positive. They do endorse some of the -- a majority of these changes. But, again, as I noted earlier, they would like that window to be extended from 90 days to potentially 120 to 160 days. With that I will kind of just stand for questions for this section of the code changes this evening.

Grove: Madam Chair?

McCarvel: Commissioner Grove.

Grove: Bill, I have a stupid question. It's late enough at night that I can have a stupid question I think, but is there a place on the city's website where you can easily find what public notices are -- are currently out in the public, where it -- you don't have to -- I drive by things and I see public notices and, then, I'm like, oh, yeah, I will remember -- time to figure out what that is, but it doesn't -- I never remember and -- I don't know. Is there an easy way to just quickly see what those things are about?

Parsons: Well, we have -- we have implemented, so -- Madam Chair, Members of the Commission, Commissioner, there is not an easy -- we don't have a database that does that. What we do is when we accept an application we actually have mapping -- a mapping system on our website where residents, if they do see a sign, they have the ability to go to our website, click on a map and see what that project is. That's how we track that. And, then, if -- if all the publishing information the clerk's keep on the project folder on laserfiche, so that's where we have all of that information. But there is no database per se that shows where all the postings are and where the projects are. For the public to have easy access, except for that map that I -- and we call it the active hearing level map and it's on our website now and it's actually been -- I have -- I know I have tried to guide residents through that as much as possible, because it really does keep them informed as to what's happening in your area.

Seal: Madam Chair?

McCarvel: Commissioner Seal.

Seal: And, Bill, we got -- on the noticings, if the city is going to take it over, is that going to be fee driven?

Parsons: Well, we are not going to. That's what I said. We had toyed with it, but we decided not to, because of the liability, getting people -- property owner's permission, having -- having to go onto somebody else's property, just -- it didn't seem warranted. Based on feedback from the UDC focus group, they did note that Boise reverted -- Boise used to do that and they actually changed their code, went back and put it back on the

applicant to do it. So, I don't know if there is any value add to that. But certainly we don't want to proceed -- at least staff doesn't want to proceed with that without knowing all of the obstacles or things that we may have to take on by doing that and, yes, we would have to go and create a fee to do that and analyze what that would cost the city to do and we would pass that onto the -- to the applicant as part of the application process.

Seal: Okay. Yeah. That's just -- as things are coming about and the city is trying to expand what it's able to offer -- or capable of offering as far as technology and ease of use, fees for something like that could definitely contribute to that, so --

Cassinelli: Madam Chair? Bill, a couple of questions. On the multi-family parking, are those numbers -- are those increased from what's been required in the past?

Parsons: Madam Chair, Members of the Commission, Commissioner Cassinelli, no. Well, the -- the ones in the middle for one, two, three, and four plus bedrooms, those are what currently are in code and, then, the underlying are the new addition to the parking standards. So, we have added -- or better defined what parking is going to be required, because we are starting to even see more studios come online and -- and so working with the development community and hearing what we have heard from all of you saying you don't -- you meet the minimums, but you don't have any -- where is the guests going to park? So, this is kind of staff's best guess as saying, hey, this -- this could provide that additional parking that we keep hearing over and over from -- not only you, but City Council.

Cassinelli: When you got these numbers -- you say you -- you got these from Boise?

Parsons: The guest spaces I did. But as far as the studio, that came from the UDC focus group. We all kind of agreed that, you know, there is really no bedroom with a studio, but it acts like a one bedroom, so it made sense to assess a one bedroom per dwelling for a studio.

Cassinelli: Is the -- on the guest is -- did you -- did you just pull it out of their standards or did you talk to somebody over there? Is that -- and do they -- is that enough, one in ten?

Parsons: I did not speak with any staff members over at the city of Boise. Again, I just went to their code, because I remember researching this -- I don't know, 18 months ago, and saw that standard in there and -- and, then, I kind of took one of our larger multi-families and I times it by that and I go, okay, that seems to be a reasonable amount. I mean if you have a 240 unit apartment it's pretty easy math; right? You get 24 guest stalls. That seemed to be a good visitor overflow parking number. It might even be excessive, but --

Cassinelli: But on a smaller unit that may not be enough.

Parsons: You got it. Or it may not be necessary. But, again, that's what the conditional use permit is for. That kind of goes back to our earlier discussion this evening is that you have the ability to prescribe something more with a CUP. So, if you don't feel it's -- it's appropriate or you feel more parking is required, that's certainly your purview.

Cassinelli: And, Madam Chair, if I may, another question.

McCarvel: Sure.

Cassinelli: Bill, on the -- on the roll-up doors on the flex space, what -- is there a -- is there a mechanism there for -- if it's -- if it's kind of a -- you know, a modern industrial type of this base with a -- with a -- you know, with a -- I don't know, whatever you want to call it -- some, you know, kind of a cool architectural design, it's got cool roll-up doors, not your industrial roll-up doors. Is there something that -- you know, the alternative compliance or whatever that the applicant can -- can get that in -- you know, can get a -- even a fully visible one that's -- one that's not screened, but if it -- if it's -- if it complements the project. Can we -- can they put that in?

Parsons: Currently that -- that is -- there is nothing available for them to do that, except to comply. We -- and we specifically -- and the reason -- what -- what you are not seeing here is the definition of a flex space building and in our minds a lot of people think it's just an industrial building, but, really, if you look at the definition of a flex base building in our code, it speaks to a high quality building. So, it's meant to be -- look commercial from the street and, then, act like an industrial building from the rear and so we intentionally made it that way, where we didn't want the roll up, because we didn't want to hurt the design aesthetic of the building and allow those in front and so we did that intentionally a few years ago when we did our flex space standards.

Cassinelli: So -- okay. So, this is -- you are not talking about like a live-work --

Parsons: Correct.

Cassinelli: -- type of environment.

Parsons: We are not talking flex space. It's basically -- it's office warehouse type buildings where you can have multi-tenant buildings where 30 percent is office, they have a retail showroom and, then, they have warehousing in the back to store the materials or do manufacturing or something.

Cassinelli: Okay. Yeah.

Parsons: No, it's not a vertically integrated building. That's something totally different.

Cassinelli: Okay. Got you.

Wheeler: Madam Chair?

McCarvel: Commissioner Wheeler?

Wheeler: Yes. Commissioner Cassinelli, yeah, that's like what we also call in the industry -- it's called incubator space and so these people come in to like what you can see in like Ten Mile and Franklin spaces, they just have those -- those spots that they can be there for a little bit or what you see like Alder Construction or Van Auker built, those kinds of spots like that I think is what he's trying to address there; is that correct?

Parsons: That is correct.

Wheeler: Okay.

McCarvel: Thank you.

Parsons: That's what I mean, we are actually -- in this particular case we are actually relaxing the standards, because of what we have heard, you know, some of these bigger buildings, some -- particularly in our ME zone, if you look at the Ten Mile interchange specific area plan and look at mixed employment, that ME, it does, it encourage some industrial users and buildings could be one to four stories, so you just -- you don't know -- you know, but at the same time you don't want loading docks in front of a building, you know, it just -- it hurts the aesthetics and same with the roll up doors, but certainly if a restaurant was to go in a building and put a roll-up door for -- to connect to their patio, we don't -- that's -- again, that's a completely different use, we would allow something like that as part of their design. All right. Any other questions on this change before I move on to the next one? And does the Commission want Kent to chime in on any of these changes before we get to the staff presentation?

McCarvel: Yeah. Come on up.

Brown: Kent Brown. 3161 East Springwood. To help understand the parking, Boise has a lot less parking. They encourage you -- I can get more units if I put less parking on a general rule doing units, do a two bedroom, they require one and a quarter parking spaces per unit. I have a theory is that they are trying to promote mass transit and by overparking they -- they meet that need. But they do -- the provision that Bill pulled out is exactly the one per ten guest parking. That's -- that's in their standard. Cities -- Kuna, Ada county, they all require two. Most of them require a guest parking along the lines of the -- the two unit -- or the one per ten. That's kind of standard with Nampa and -- who else? I think Kuna. But for the most part we normally see two units. My clients that I do multi-family for, say that that meets most of their needs. Surprisingly, their renters, they find that they have a lot of people that are just renting one unit. I mean they are -- they are renting a two bedroom, but there is only one person. They might have the really nice car that they take when they go out to eat and they have another car -- they could have that, but for the most part a lot of people are professional adults and they -- they just -- they need the one bedroom, but they have to rent two, so -- because there is not a lot of one bedrooms out there. The sign posting -- the reason that you wouldn't want the city to do it is a number of the developments that we did when I was working for the city of Boise and

since then -- you have militant neighborhood associations in Boise, they have empowered the neighborhoods to a point that they will tear down your signs, they will tear down the four-by-four signs. They disappear off the site. One of the things that you should understand is my clients are generally paying around 500 dollars per sign for a sign to be posted. It's -- it's a pretty expensive thing to do. I think one of the things that Meridian has done well is that they have changed the lettering heights and sizes, where I go do one in Eagle -- if I do the type that they are talking about I can't even see it when I park in front of it to know what -- what's all there. But that's kind of normal for the sign posting. There are some companies that just do posting, that have kind of come along. Nampa is in the process of adding that posting to their process. They haven't had in the past. Kuna -- to take care of the mom and pops, they rent signs, so they have a generic sign that they can put in P&Z and City Council and the dates and, then, they rent it to somebody that is doing the daycare or something like that, that they allow the -- the people to use, figuring that a resident can't afford a 500 dollar sign. I have posted sites where they are spending close to 2,000 dollars with all the locations that staff asked us to post with every stub street, so -- anyway, hopefully that helps.

McCarvel: Any other questions or comments for this section?

Parsons: Perfect. Now I will move onto exhibit three of five. So, this next one is really the -- now we are starting to transition into a lot of our landscape, open space changes and I just have to commend Brian, he is the one that really spearheaded these changes to the landscape ordinance. I -- I provided comment, but he worked closely with our Parks Department and others to -- to try to enhance what we already have. So, this isn't a total rewrite, it's just really to make things clearer and make sure that we are getting attractive landscaping in our developments and, again, I won't go through all of the changes, but I did want to highlight a couple of them. And one change that I will have for you this evening that I need you to include in your motion is -- I was able to get with Matt Perkins -- so, as -- when I -- when I sent out the staff report on Friday, I realized that the city arborist had not provided us a list of trees to include into our ordinance and you can see here it just kind of has a holder -- a placeholder here and so he was able to provide that to me beginning of the week here and so in your motion tonight I just would want you to include that -- that we include that -- the two lists that he gave me. So, he gave me a list for waterwise and, then, he also gave me a list that goes -- goes along as a companion document to the Treasure Valley tree selection guide and I will make sure that that gets added as we transition through the hearing -- to the City Council hearing. So, you can see here we removed a lot of our waterwise in trying to improve upon that, to make it clear. We certainly want people to do that in our valley. We -- I would much rather see xeriscape and some of those things than a lot large expansion of lawns that are around a lot of these commercial businesses. It's just a lot of maintenance and a lot of water. This is nothing new to the code. Again, we are just reinforcing it with different trees and different species to try to encourage that to happen more often and, again, a lot of these are changes to that that speaks to that, you know, irrigation standards. One thing that's going to be interesting is -- this is where -- and I did also share these changes with our UDC focus group once we had a draft of the changes and, then, you -- you -- the Commission is very aware of all the developments around you. You live here, you are

passionate about what you do, and you want to -- you want to see better -- higher quality development and so what we have tried to do with this particular section is enhance what the developers need to do with -- particularly in regards to their street scape buffers and their -- their -- their landscape buffers along arterials and collector roadways and how they are supposed -- supposed to plant that and what that's supposed to look like. There will also be a couple -- a series of graphics that go along to give the end user an idea what this actually means. So, it really specifies tree canopy. It really encourages more of a mix of shrubs and plantings and boulders, rather than just having a strip of sod and one tree for every 35 linear feet. So, again, we are trying to reinforce that and that really kind of comes down into these -- this section here and the exhibits were part of the public record as well. I transmitted that with the application. So, you guys were aware of that. And, then, here is some of the -- again, some of the explanation of eliminating grasses and, you know, how much coverage you should provide for that. It goes along with those graphics. And, then, a lot of you probably know, we -- we -- certain roadways in our community have what we call entryway corridors and along those corridors we require a 35 foot buffer, rather than a 25, and I -- you know, to be honest with you, I can't see where 35 looks any better than 25, but those are the areas that should be elevated or be distinguished from other landscape buffers in our city and that's what we are trying to do here as well. And, again, the rest of these are just cleanups in language and verbiage in the code, removing some things and just kind of reinforcing some -- some better principles. But I did want to point out one change to all of you and this kind of coincides to which -- which this -- we will see how -- what the appetite of the Council is on this particular one. It's really tree mitigation. This has really been -- you have probably seen this more and more these days with these five acre lots where they are -- they are never covered with trees, because there is just a home on there and the residents have lived there forever and now we have a project where someone wants to come in and subdivide it and they have hundreds of caliper inches that they just can't mitigate for on a site and so I'm working with the city's attorney's office and the city's arborist to develop basically an in lieu fee. It's almost like a tree bank where if you can't mitigate the inches on your property there is -- maybe you can pay towards a fund to offset those -- those inches and, then, place them elsewhere throughout the city in our parks, along pathways. And, again, I don't know if Council has traction for that, but I know planning and, of course, the parks department are pretty excited about this. We don't have any fees developed at this point. That will certainly be the next step. I have actually asked the city arborist to reach out to -- my understanding is the city of Boise has something similar to this and he came from the city of Boise, so I actually asked him to reach out to his counterpart over there and get some more information on this particular topic, because I'm curious to see how -- how this shapes up or how they administer this program.

Grove: Real quick. Are there limits on that?

Parsons: As far as what limits?

Grove: Let's say that there is a hundred caliper that had to be addressed or something and instead of doing any trees whatsoever, like they decided to just pay the fees, so that

there was no trees. I guess my question is like is there -- could that be abused if there is not limits put in place?

Parsons: Well, I think we have to look at the beginning part of the code where it says we are going to mitigate trees. Obviously, we want them to preserve the trees, that's the goal, and we have given them a lot of tools and flexibility to do that through alternative compliance. I don't think that would be the case, to be honest with you. I think all of us can appreciate keeping mature trees. I know Kent is probably a big fan of it, too. I know he's done -- been part of that in some of his developments. But the intent is not to mitigate anything, the intent is to try to keep and preserve that. But where you can't, then, you would have this option. I don't know why staff would want to support that. If someone had -- I can give you an example where we had that project off of McDermott, Lupine Cove, where they had 1,400 caliper inches to mitigate, you are not going to get -- you are never going to get that many trees on a five acre property and so, essentially, where else are we going to put these trees? We have no other tools or mechanism to do that. So, the arborist went out there, did the best he could to mitigate what he could and, then, said, okay, this is a -- this seems to be a fair plan, let's move on. Most of the time we get a plan, we have them show us that, we required trees in their front yards and their rear yards, more in the common open space, where ever we can get trees we try to accomplish that to make up for those caliper inches. So, the intent of this code is not just to put up a hundred thousand dollars and move on. It really is our first -- our first line of defense is really mitigate, you know, to preserve where we can.

Seal: Like the -- there is a property on Black Cat I'm thinking of that just has -- I mean there is -- there is a tree every three feet on the whole five acres up there. So, this kind of speaks to that where there is just no way that's ever going to be a reality.

Grove: That's a conservator. I think it -- that has like a special thing on it, though. That parcel does that you are talking about on Black Cat.

Seal: Yeah. I know.

Grove: There is a special thing where it can't be changed, but -- I guess my question, Bill, is -- is just making sure there is not a loophole that we are going to have to worry about later, so --

Parsons: Well, certainly, if -- again we don't know what that fee is, but when I have talked with the city arborist he informed me it costs the city -- I think he said roughly 250 dollars to install a two inch caliper tree. So, if you have to plant a tree, you got to -- if you have to mitigate for 400 -- say a hundred caliper inches and you do that in two inch caliper trees, it's going to get very expensive. I don't know why if someone would put up 250,000 dollars or -- to -- to try to make up that amount. But is it possible? Sure. And, again, I think more than likely someone would want to work with us and come up with a mitigation plan that worked for both parties and, again, this is a new concept for the City of Meridian. I don't know how this is going to play out and, again, I don't even have a fee to share it with you this evening. But I'm hoping as we transition to City Council we would have

something figured out at that point and -- or at least lay out steps for a program for Council so they can understand what -- what this means.

McCarvel: Commissioner Cassinelli.

Cassinelli: Bill, I'm a little curious on that. Not that I don't like trees and things, but when you -- get when you -- when you look at the -- at the natural landscape of the valley here it's -- it's desert and the trees are there -- you know, especially some this old growth or whatever, a homeowner planted that at some point -- you know, a farmer probably put that around his house, but the rest of -- you know, the rest of his 80 acres or whatever was -- was bare and only because of the irrigation canals is there any vegetation on that land. So, if a -- if a developer comes in -- and I mean typically they are going to put trees in, they are not going to not put trees in. If you are trying to mitigate for, you know, a bunch of trees that a farmer put in around his house 50 years ago, it's going to be difficult to do. I mean it's -- so it's -- I kind of question why -- you know, we are trying to get -- replace something that was put in there -- I don't want to say artificially, but that was put in there -- to begin with it's not natural in this environment. Does that make sense?

Parsons: Yeah. No, I completely understand and that's typically where we get all these mitigations happening is because the farmer has sold their property and now we are mitigating that 50 year old tree or a hundred year old tree, because it's been there this whole time providing shade or -- but, again, there is -- there is certain tree species that are evasive and the arborist has the right to make that call, whether it's a trash tree or a prohibited tree or -- and so a lot of times you would be surprised, you might see a nice tree, but it may not be -- it may be a cottonwood, for example, that we don't mitigate for, because it may be a prohibited tree because of how invasive the root systems are or how much water it takes to grow that tree and so that's -- that's the other part of the code that you don't see. It's here, but that goes into account that sometimes trees don't -- there is certain circumstances where trees don't always require mitigation and that's in this code as well. But -- yeah, but when you are talking 80 acres, you can spread a lot of trees across 80 acres. It's really getting difficult on these -- these smaller properties, these in-fills, where we have to get tools that are -- that give us flexibility or can do things elsewhere in the city and that's really what we are trying to get at.

McCarvel: Thank you.

Parsons: Here is one where we don't really have any specifications for our pathways. Public work -- or we do, but we don't technically get any specified drawings for that. So, parks department has requested that we have some kind of requirement that they would go out and verify that multi-use pathways that are constructed as part of a project will provide specs that, you know, provide documentation that they meet those requirements. And, then, the last one has to do with -- well, I think I already touched on that one, so -- here is that physical inspection that I was -- was talking to you. Any questions on this section? Or any words of wisdom to the Council as we move -- we move forward?

Cassinelli: I have another question. On the -- the limitation on grass areas, we are not -- I just want to be clear, that's not sacrificing open space for concrete and what --

Parsons: Not necessarily. It's sacrificing grass for just more planter beds. So, if you have had an example to look at that, but our code does allow hardscape in -- in street buffers, particularly with our commercial developments for patios and things of that nature, so it's integrated. But the intent -- like I said, if we -- I could pull up the graphics for you, but the intent is really just to get more decorative buffers and include a mix of materials along that and there is multiple ways to do that based on those graphics that we have prepared. We just don't want just one tree every linear -- 35 linear feet and all grass, you know, it's -- you really want to get some attractive beds, shrubs, and for the most part you see the developers doing that along the arterials. You really do. So, it's really nothing new from what they are already doing, it's just defining that a little bit differently in the code and making it clear that that's the expectation. But you might get more rocker barch for sure, you know -- or bark -- perma park or mulch. Which I don't think is necessarily a bad thing if it's done right.

Cassinelli: No. I just want to make sure that it doesn't mean more concrete.

Parsons: No, it's not going to mean they can just pave a bunch -- put a bunch of concrete in there and just have these planters -- tree planters everywhere. There is still a -- there is still a -- in the code there is still a vegetation requirement. So, the way the code reads is all the vegetation has to touch at 70 percent maturity if they use the waterwise, then, it's 40 percent. So, that's how we -- that's why when you see a land -- when you guys see a landscape plan in front of you, the landscape architect is presenting that to you at maturity. The trees are full growth. But when you -- that's why when you drive by and you go, wow, I remember that buffer being a lot less thick than that. It's like, no, that's because the trees are this big and he showed you the trees at full maturity, so it looks fuller on paper than it does when they actually install it. So, yeah, there is -- there is minimum vegetation coverage in the code to combat that same issue you had, Bill. Or Commissioner Cassinelli.

Cassinelli: That's all right. It's almost 11:00. You can go with Bill.

Parsons: All right. Let's get to -- let's get to the meat of the -- the meeting tonight. So, again, this one -- I'm not going to go -- this is a complete -- almost overhaul of the code section. It really is. But I'm going to really highlight the major differences in the code from what you see in today's code and what may get adopted in the future and what the changes are. A lot of this is reinforced -- as you guys recall in part of that Comprehensive Plan update, the residents -- and you hear it every time at the hearing where a lot of residents want better open space -- consolidated open space, better amenities, you know, sense of place, all of these things that go into the visioning of a Comprehensive Plan and so what we have tried to do here -- or at least the UDC -- and what was it -- the open space committee I think is the formal name of the group and what they try to do is really rewrite this code to align with the adoption of the new Comprehensive Plan. This is something that we were even asked by City Council to do once they adopted it and so a

lot of this is -- again, you can see a lot of verbiage linking things back to Comprehensive Plan policies. This particular case we actually removed the multi-family standards from the open space standards and made them their own separate -- so we kind of bisected those two from each other, because it was not clear on when this section applied to multi-families and when it didn't. So, we wanted to make sure that we had a clear line of what's required for subdivisions and what's required for multi-family developments and so the biggest change that came out of this group is currently we require ten percent open space for developments five acres or larger and as part of this group we went back and said, well, let's set the standards based on the zone and you can see in here how that's going to play out. So, if you develop an R-2 zone, the expectation you have a minimum ten percent open space. R-4 is 12 and, then, it's a sliding scale as you increase the zoning and the -- the idea behind this was -- is you increase the zoning, you increase the density, right, so you need more open space to coincide with the density that you are wanting to do.

Cassinelli: Is that regardless of the size of the -- I like that.

Parsons: That's -- that's how it's going to play out with this code. You are correct. Regardless if it's three units to the acre --

Cassinelli: Or if it's -- I mean if it's a three acre parcel, if they are under that then --

Parsons: Yeah, they don't -- they don't comply with these standards. It's -- it's really five acres or more. That -- that has not changed.

Cassinelli: Oh, that is still the same?

Parsons: Yes. You still have to have a minimum acreage to get there, so -- and, then, we have added some graphics to kind of explain that and we have also expanded what could count as open space -- qualified open space. So, we have defined that a little better in the code. There -- there have been instances where staff and a developer have been at kind of a disagreement on how to interpret our own code and you have probably seen that play out in the hearings. So, I would -- this is definitely how we are going to -- moving forward how we are going to interpret the code. I mean there is some spots in the code that are ambiguous and will be left to interpretation and we could -- we have conveyed to that group that you need to -- where you think there may be ambiguity in the plan, you need to explain that in your narrative to not only staff, but to you all, so you know what the intent is for the development and I think being part of that open space committee, they were very -- at least out of a lot of the developers that were on that committee said that. We have to do a better job of explaining our project and what we are doing and what our amenities are and that's a key to any project, in my opinion. You have got to just be able to tell us what you are doing and not leave it to us to interpret, because we are going to go to the code and we are going to say this is what code says and I don't see how you meeting the code, because you haven't explained it to us. So, in this particular case here -- I mean we have minimum areas that count. Here is the 50 by 100 and, then, also this is the one where we probably got the most pushback is having the unit's front on the open

space or that 50 percent threshold of having front yards on 50 percent of the perimeter and to better explain that we actually do some graphics in the code for you, so you can see how that looked and many different ways to do that. In the letter from the -- from BCA, they actually wanted to reduce that down to 25 percent. It was one of their recommended changes. So, here is community garden. Ponds and water features. We always have that. Again, none of these are really -- these are things we already have in code, we are just further defining them and how they can be qualified and count towards your open space and putting some dimensions to them and I like the fact that we actually added graphics. I think that a picture says a thousand words; right? That really tells what -- what the expectation is for the open space. Here is one here where we count a hundred percent of the buffer. So, just -- again, just clarifying it and, then, some new -- some -- just, again, enhancing what we already have. So, anything you see that struck out here is something that's already -- being removed, we already have it in code and anything underlined is new or text changes. Again, nothing new as far as what's required for open space, just further defining it and requiring more based on your zone. And, then, the -- the next part of these changes is the amenities. Currently in code we have a pretty limited list in code and so this is where we spent a lot of time with the UDC -- or at least the open space committee and, again, we devised -- we actually came up with a lot more amenities, but, then, we assigned a point to each one of those amenities and each amenity has different points and so this is how you would tally them. So, for each five acres you are going to get a point based on your acreage here and so, then, what you would do is you go down to amenity list and you get to pick from this -- all of these different amenities and depending on the size of your development you can have many amenities to get to your points or you can have one great amenity to get to your points and that's something that I have heard for the last, I don't know, five years having to deal with trying to amend this section of code is we always hear that not every amenity is created equal. Not all open space is created equal and that's true. Obviously, if you do a clubhouse in your development, that's an additional expense or cost to not only an HOA, but also to the developer and, again, I can't testify whether or not these are the right point totals for how we should assess the point for these -- these amenities, but right now this is what we came up with and I think Commissioner Seal can attest to -- we spent quite a bit of time on how to grade these amenities, because it's -- we all -- there was -- I mean developers will tell you, the clubhouses is half a million dollars, a million dollars to build, and you are giving me six points. I mean we -- we heard every argument under the sun why some of these weren't apples to apples.

Cassinelli: How did you come up with a dog waystation? Point five.

Parsons: I was just being polite. We have -- yeah. We have them in our sub -- my subdivision, too. I mean it's appreciated. I don't think people use them, but it's appreciate when you see them, but -- I think it came out of -- you know, a lot of times -- you guys see this all the time and we are starting to see more and more dog parks. It's a very popular amenity.

Seal: Part of it, too, was based out of some of the feedback they got on people want the dog -- the dog parks, but they don't want the trash receptacles there, because it's -- it's a

mess that nobody deals with. So, it just -- it just becomes a mess. You know, it's like -- like anything else. You bring it in, you pack it out type of thing. So, because if you -- if you leave a receptacle there people are going to, obviously, abuse that in a lot of ways. So, I think that's why there is a little bit of separation in there where you still have a dog park, you just don't have to have a trash can there.

Parsons: Yeah. And so a lot of these quality of life amenities, recreation activity amenities, these are all things in the code already, we just, again, expanded upon the list and added more, to be honest. I mean I think that's -- that's the good thing is hopefully this will give the development community more flexibility. That's really the goal here. The other good thing about it is we actually had -- when we were talking about the overall open space for developers -- residential subdivisions, we actually had I believe some of the committee members actually ran this -- this code against their current approvals and they came back and said it really didn't change what we already had approved. We already had -- it matched up what you are doing here, city, so we don't really have any concerns with it.

Seal: That was definitely some of the feedback that was appreciated for sure and I think it's going to help, you know, weed out the minimalists, the ones that are just trying to squeak by. They are probably going to struggle with some of this in trying to come up with something. There is a huge list of amenities that are in here and there is a lot of things that you can do to be creative about it, it's just trying to remove, you know, some of the things that are just way too easy to attain and calling it an amenity and put in some stuff that has some --

Cassinelli: Park bench.

Seal: Yeah. You know, exactly. I mean we have seen some stuff that's been submitted where it just doesn't meet the intent and I think part of this was just -- you know.

Cassinelli: Bill, is that swimming pool with changing facilities or they get -- they don't get four for the swimming pool and, then, six for the restrooms?

Parsons: No. That's correct. They would get a total of six. So, in the subdivision that I live in we have a pool and a building that has, essentially, restrooms.

Cassinelli: But that should say -- shouldn't it say swimming pool with changing --

Parsons: Yeah. Yeah. Like I said, I think we will probably wordsmith some of this a little bit more, but I'm certainly open -- is there any amenity here you don't see that you -- the other thing I don't want to lose sight of, though, even though we are kind of revamping this code or overhauling it, there is still the alternative compliance process. That's built into this. So, if someone has something unique or different, they can come forward with that. You know, they can -- they can come to staff and say, hey, we think we have something better. We want -- we still -- we want to do eight percent open space, but we

are willing to do this amenity package. What do you think, city? Does this work? Yes or no.

Grove: I have a question on that. How -- is there -- have you outlined like a plan on how you will be able to assess -- or assign value points on things that aren't on the list and what that process will look like through the alternative compliance?

Parsons: No, we didn't and that -- that's a very good point. I think -- if someone came to me today and asked me to do alternative compliance, I would -- I would steer them to this code and I would say pick off this list and tell me what you are going to do -- what's your amenity package to offset the open space, because that's what we kept hearing. A lot of the steer committee members kept saying I'm big on amenities, I'm not so big on open space. So, if I'm going to come forward with a -- lack of a better word -- a premier amenity package, then, show me that or explain that in your narrative. But to me at least it has to be equal to or better than what's on this list. That -- that's what alternative compliance is is it's not to get you out of code, alternative compliance is to do something that we don't have here and we -- we like it -- I mean if you have to tell us how it's -- it's equal to or better than. That's the finding we really have to make. Where is the innovation? Do you meet the requirements to even be eligible for alternative compliance and that's where a lot of times, as -- as staff we don't see that -- we don't see applicants explaining that very well. They just say we want this and it's like you didn't tell me anything. You didn't give me enough to say whether or not I could support it and that's -- again, that was the conversation we had with this committee, is like if you are going to do something you got to tell us what you are going to do and explain it, so that we can articulate that to you all as you are making decisions on projects.

Cassinelli: Bill, you wrote by -- up above stormwater retention pond, does it -- does that -- does that count as qualified open space?

Parsons: Yes, it does. Again, it comes down to -- well, you can see we have kind of wordsmithed it, but it has to be -- it has to be part of a larger open space and that -- that was changed a while ago. I -- I think I did that code change a couple of years ago where we allowed storm ponds in -- in subdivisions, but they didn't have to -- they could just be standalone open space if they were designed appropriately and, then, a few years ago I did a code change that said if you are going to do storm ponds, then, at least it has to be on a lot that's 20,000 square feet. So, that way it's not entirely a storm pond, that someone could still use it as a recreation and use it as open space and try to make -- at least get people thinking that you should really design that as part of your open space, not just a random lot in the middle of a subdivision that collects water or has sand in the bottom of it and that's what we have seen in past developments. So, now we have --

Grove: I know we don't want to get into the weeds necessarily, but one of the ones that -- and maybe I'm missing, but it came up tonight and it's come up quite a few times over the last year is community gardens and treating that as an amenity and how -- how we look at things like that moving forward. I don't want to go line by line necessarily, but just looking at --

Seal: Are you sure that's in there?

Parsons: Yeah. I thought it was.

Seal: I still can't get them to add a bike park. You know, I tried. Alternative compliance I guess.

Parsons: The other thing that we did, too, is we reinforced that it needs to be high quality amenities. So, commercial grade, which we don't have that in the code right now. So, we definitely want them to develop things and design things that are meant to last. I think that's the key.

Cassinelli: Thank you for doing the tot lot at one point.

Wheeler: Bill, one of the things that Discovery Park showed to me was this -- as an amenity was a sandbox or like the sand play area and I didn't see anything listed in there about that. So, is that something -- or where do you think that might fall under if -- what you guys are thinking?

Parsons: I don't know. I mean that's a good question. Usually sand in our world means it's the bottom of a retention pond. We discount that as open space. But, again, it comes down to playground. If you look down here playground?

Wheeler: Yes.

Parsons: To me that's where you are getting swing sets or multiple play areas --

Wheeler: Okay.

Parsons: -- being designed. So, maybe that's the opportunity they could do something like that. But I know we have -- in the past, Commissioner Wheeler, we have had people that have put volleyball courts in the bottom of those basins and try to count that as an amenity and that's not what we want to do. All right. Any other questions here? Kent, any commentary on this?

Brown: Kent Brown. 3161 East Springwood. I recently helped Nampa -- Nampa is in the process of looking at their open space and I actually brought them over and they are looking at trying to come up with things for density also and I took them to Tuscany as one of the ones that we went to. They have a pool and changing room and, then, a pathway that goes through one section and, then, they have the storm drain pond and the storm drain pond looks like a dry creek bed and it's got boulders and, you know, I said -- so, in Nampa you make us make these sterile ACHD type ponds and I said, you know, ACHD actually came up with different criteria, so that we could make these look nice and usable and, then, I drove them through Woodbridge and Woodbridge has theirs all sodded and, then, they got a big boulder that's on the side and in the spring they will get water down on the bottom, grass kind of gets kind of mushy for a little bit, but, then, the

rest of the time it's just grass and so you are able to count that. Went over into the other part of Tuscany and I said -- so, you got a pool and changing room and a tot lot and they are all over at this one end and, then, the park kind of goes real narrow and P&Z asked us to put in a parking area and this is as close as they could get to the pool, but I says if you go over here this storm drain pond is where -- if I was a little boy that's where I would be playing and we looked in there and, sure enough, there was a little kid in there and he's jumping off the rocks, not in the safe area, you know, landing in the stuff and I think that that's one of the things that Bill's done that makes that look really -- and I had a hard time when I worked for -- for the city of having people say that you could count the ditch that's next door to your open space. You know, we are having a pathway there and not counting it. Caldwell actually -- if it has water in it you can't count it and developers are creative, now they are putting the pathway in a lot and the bottom of the ditch in another lot, so that you can count a portion of it, because they are saying if there is any part of it that has a drain or whatever in it you can't count on it and -- but I think this is a step in the right direction definitely, because in the past it's been a struggle to use the limited number of amenities and try to go, well, how does this fit this particular development that we are doing, whether it's a rental or it's a senior development or something -- you know, the one that always was kind of thrown in my face and it's still on the list is public art. We are going, okay, we will put one of Bill's benches and we will put a cow on it, you know, and say that's public art. Bill would say no. He didn't like that idea. But I think that this is needed. I thought it was really interesting in the fact that if you were to look at Tuscany, it doesn't meet your current open space requirements. But you don't feel like it's tight in there. It's -- it's because of how it's laid out with these linear pathways, a little bit of landscaping in front of it in areas where it gets tighter and I think that that's a much needed thing and I think that that's a nice thing to progress. When you get more dense than you need, you know, some more open space. Just a thought. Thanks. I'm going to go home.

McCarvel: We will be right behind you.

Parsons: Before I transition away from this I did just want to point you to the BCA letter that was submitted today and a lot of the comments had to do with us requiring more open space, you know, given the fact that we have affordable housing issues, things are going up, your trends -- in their letter they speak to transition -- you know, paying higher HOA dues and fees and all of that and that just contributes to the issue that we are dealing with now and, then, they also had comments regarding the irregular shaped lots and that's -- that's one of the things that I have seen over -- over time is you just have these remnant lots leftover in developments and they just seem to be out of place and I think this Commission has seen that time and time again, too, it's like, okay, how many lots can we get on here and, then, the rest is open space and that's what the project looks like and so that's really what we are trying to -- to avoid here with this code is really try to get people to go -- put thought into your design. Obviously, you have to lay roads out, you got to plot lots, you have to do drainage. I think all of us get those concepts and you have waterways you have other impediments on the site that you have to work around. But, again, our code is meant to try to do that and, hopefully, we try to get -- we are getting more and more flexible with our code to allow those things to occur. And, then, this -- this last -- the one other part that I like about this section of code is we start defining things. You know,

we -- this is how it counts. You have to have these elements as part of it. Which I think is -- is good, because right now we don't have anything like that, you know. And there it's going back to Kent's point, public art, what does that mean? That's -- we struggle with that, too. But it really is meant to be something decorative and nice. It's a custom piece. It's not just put your subdivision name on it and put it upon a big rock and you put out at your front entrance and call it art. No. That's a sign. That's not art.

Seal: Yeah. And I think the -- I mean the -- one of the major focuses we had on all of this section here is just basically focusing on quality, not quantity, trying to figure out how to ensure that, you know, the minimalists that are coming in still have something to shoot for, but at the same time really emphasizing quality of open space, of activities, of even coordinating with other entities to provide something.

Parsons: And we try to be open to all demographics. Not every subdivision is alike; right? If it's going to be older -- I mean that's what a subdivision does. You have younger population and older population and -- as those neighborhoods transition in a community and I think that's -- that's the one thing that I took away from it, too, is they are trying to make it inclusive for everybody and I think that's a good thing for Meridian and I think Commissioner Holland would agree. And, then, here is your dog parks and I will -- what that's supposed to look like. So, again, a lot of this is just kind of expanding and providing some parameters on that -- those amenities and I -- again, I hope it -- I hope we get some pretty cool things coming through once we get this adopted. So, anyways, I'm going to go ahead and digress on this and see if there is any changes here. Is the Commission comfortable with the open space -- direction we are going with the open space as far as the percentages and what we are doing as far as the added amenities and how we have defined those? Again, I think there has been several months of work gone into this thing. We have spent quite a bit of time on it.

Seal: Well, what -- where is the section that has the paths? What ended up becoming of how paths are designated and awarded and --

Parsons: Pathways?

Seal: Giving an example, there is a section from Ten Mile that goes clear through to Linder that's like the greenbelt. I mean it's beautiful. Wide walking path, nice amenity over there and everything and that's something that, you know, we want to kind of aspire to is being able to do that, because at both ends of it it just ends. You don't go anywhere else. But I mean when you are on it it's absolutely beautiful. It's breathtaking to ride through there. I -- unfortunately, I live there and I -- I get to, you know, ride my bike on it all the time, but I just -- the pathways part of it was a little contentious, just because of -- I mean I think there is -- in the developer community a lot of people want to just -- they want the city to go for it, spend money and connect it all and just get it done instead of having to rely on the developers to do that, so -- but I think we came up with some pretty good -- I don't know exactly how it all worded it out in there, but I think it came out pretty good to where there is pretty good incentives in there for starting to make that happen more aggressively.

Grove: I really like the point system. Kudos for getting that off the ground and moving forward with it. I think that's a really cool way to improve things.

Seal: That was also contentious, mainly because it -- the other side of that is it makes things more complicated. But that's okay.

Parsons: All right. Let me move on to Exhibit 5 here if there is no other comments or questions on this section. And so this one has to do with multi-family. So, this is one that Brian took -- kind of took on and, then, I helped kind of massage it to the finish line here. Of course with Caleb helping out as well. So, again, as I mentioned to you, this -- the way the code works currently is right now in the multi-family section of our code we require a certain amount of open space based on the square footage of the multi-family dwelling unit, but if that multi-family project exceeds five acres then, we are double dipping the development community. So, basically, we are telling them that they have to provide the open spaces and amenities in 11-4-3-27 and, then, if you are over five acres, then, you have to provide the ten percent open space and the other additional amenity requirements of 3.G and so it wasn't -- I wouldn't say it wasn't being applied consistently, but definitely there was some confusion among city staff on that particular requirement. So, if -- if a multi-family development was to come into a C-G zone, for example, a commercial zone, we would not apply the five percent, because it's not a residential zone. So, we would only apply the multi-family standards. So, technically, we -- that's where we started seeing uptick of people wanting to develop multi-family in our C-G zones, because, one, it's allowed through a conditional use, but, two, you are going to get more density. There is no density requirement and you get to do less amenities and open space if it was over five acres. I'm not saying that's the only reason, but there is some advantages to developing in the commercial zone versus a residential district and so what we wanted to do with this is, again, we have actually separated this from 11-3-G, so now this has its own specific open space requirements based on square footage -- or based on the size of the development. Again, I won't go into all the changes, I just want to primarily get to the one that -- that I spent the most time with meeting with stakeholders. So -- and that's -- and that's this particular one here is where it's currently -- we are requiring, again, if the development exceeds five acres they are going to do ten percent and, then, in addition to that ten percent they are still going to have to provide that square footage based on the size of the dwelling unit and, then, we have also added this component into it where you have more than 20 units you have got to provide a consolidated open space of at least 50 by 100 in order for -- as part of the development. So, there is kind of a three prong approach to this, so whether you are five acres or not you are still doing this 50 by 100 area and the other open space and if you are a larger multi-family development you are providing ten percent, plus that open space, plus the 50 by 100 area. But the caveat is -- and, again, we have ground truthed some of this with some other multi-family developments that we have provided and on average the larger multi-family developments are exceeding these requirements. They really are. And we actually had the numbers to prove that. But one thing that came out was from the developer -- they don't mind providing the open space, what they really want it -- they said, okay, we are okay with open space, this is typically what we provide, but why can't we be like the residential where we cap off at 15 percent? So, I went back in and went ahead and set

up here -- I added this -- and in no case shall multi-family development exceed a total of 15 percent common open space. So -- so whether they get the combination of the three or one or the other, it in no way can -- the max open space we are going to get with multi-family developments is going to be 15 percent, which is consistent with 11-3G.

Grove: A question on that.

Parsons: What's that?

Grove: They can't exceed 15 percent if they want to?

Parsons: They can. Yeah. Exactly. The intent is if they don't want to the minimum is going to be -- if they go through -- if they have -- let's say, for example, they have a 20 acre multi-family development and they -- they provide the ten percent and the code has -- well, if we crunch the numbers and they needed ten percent and they had 300 units and we times that by 250 and it was over 15 percent, we -- we couldn't -- they could go forward with that, but they could say, sorry, your code says we only have to provide 15 percent. So, we are not going to provide -- you know, they will -- and how they do that they would have to work with staff. I don't know if that's right for the Commission, I don't know if you want 20 percent or 50. There is no real ratio here. It really -- a lot of this really comes down to design and how they lay out the site and what site constraints that they have. But the intent is not to do the -- yeah, the intent is to cap it at 15 percent or, again, the developer can choose to do more and, then, again we -- we also opened it up to alternative compliance, which we typically haven't done and, then, as you come through you can see we haven't really expanded on those -- those amenities like we have in the -- in 3-G. But that -- that's really the biggest change with the multi-family is just that we have removed it and, then, pretty much capped open space at 15 percent, unless otherwise wanted -- you know, in case they want more.

McCarvel: I was going to say, does that maybe need to be reworded and just put shall not be required?

Parsons: Yeah. Maybe -- that's -- what I mean, it's -- it's something that we probably want to look at that.

McCarvel: Because I mean the way it reads to the --

Parsons: I agree.

McCarvel: I agree with Commissioner Grove, it sounds like, okay, you can't put more than 15 percent in here.

Parsons: Yeah. That's not the intent, though. So, that's -- that's a good point. We definitely want to --

McCarvel: Shall not be required to have --

Parsons: Right.

McCarvel: -- over 15 percent.

Parsons: Well, I even want to put a book end if this and this equals this -- 15 percent is the number; right? So, yes, definitely needs some wordsmithing there and I can definitely work with that as we transition to City Council. But, I agree, that seems a little strange the way it's worded in there. But are there any amenities -- I think -- I thought I also added something including but not limited to the open space, because I wanted to make sure that this -- I really liked the idea of having more options for multi-family, to be honest with you, as far as amenities. Any comments on that as far as having -- increasing this amenity list?

Grove: So, I might have missed what you just said, but are you -- are we doing the point system on this one, too, or no?

Parsons: And I don't know if we do the point system. I'm just curious whether or not the Commission wants to see some of those other amenities added to this list as part of multi-family developments. We have not discussed the point system for multi-family. That's -- that's a whole different animal.

Lorcher: Don't you think it should be the same? Have the same list for both?

Seal: Yeah. And I don't know that that would -- I don't know that all of them are relevant between the two.

Lorcher: Oh.

Seal: Some of them to me were probably more relevant to multi-family than single family in there. You know, some of the play areas -- play area with splashpad, for instance, instead of a pool, where you could probably have, you know, a couple of those in a smaller area, instead of providing a pool and a clubhouse and things like, where people are probably going to be more apt to use that.

Parsons: Yeah. The other one -- well, we have walking trails, so that covers the --

Seal: Right.

Parsons: -- multi-use pathways. I don't know. It's something we can look at.

Lorcher: Yeah. If you had the same it would be just consistent, so that way if you were talking to a developer that was doing the single family houses versus multi-family, then, you are always talking about the same list, even if it doesn't have points.

Seal: Well, in developments like we just looked at where there is multi-family --

Lorcher: And single family.

Seal: I mean, then, you know, where they -- it's -- it's a hybrid kind of model in there, that having some consistency in there might be good. But, again, I'm -- you know, I'm struggling to figure -- to find an example of what's not relevant to multi-family versus single family, but I know that was part of the communication and I, for one, I'm really happy to see the open grassy area removed from this, so -- I think that was one of the common themes is we don't -- you know, let's quit letting people just put in these giant grassy areas and call it common open space and move on. So, trying to get the quality out of it.

Cassinelli: From that standpoint I know one thing that's -- we have seen lately a few times is the use of MEWS and -- which I think all of us like. I don't know if there is a way to incorporate that into there as a -- not a requirement, but I think that's in the multi-family and -- I don't even know if it's multi-family attached. It's in the attached where you put the MEWS in and that counts -- that counts differently for open space. Actually, it just counts as open space when it's a MEW.

Parsons: Yes. Correct. If it's 20 by 20 it would --

Seal: Right.

Parsons: -- count. That is correct.

Seal: Yeah. And that's -- I think that's in there specifically to try and encourage that, you know, more kind of an alley load if I'm facing -- you know.

Parsons: Yeah.

Seal: And, again, a lot of the open space, you know, coming into a park like where you are -- you have more of a sense of community where instead of looking over someone's back fence into a park, the front side -- you know, basically that front side is looking into that common open space, kind of all eyes on it. So, I think the MEWS are what does that.

Parsons: Yeah.

Seal: I think. It's late, so I'm not a hundred percent sure.

Parsons: Well, the way that multi-family standards read it -- you want all of the units running on the open space for CPTED reasons. You want eyes on that, so --

Wheeler: Bill, a couple things I had as a thought was one is on the open grassy area. I know it's kind of just a quick little sod drop and go, but one thing it does -- just something to consider is that it does leave open for kicking a soccer ball, throwing a baseball, football. So, sometimes just those quick little things that low income families

might be able to -- be able to provide on something like that might be something just to reconsider and maybe have something in there that might say with playground equipment or with some other sort of thing attached to it, so, you're right, it's just not a patch of lawn. That's something just to consider. And, then, when it comes down to using the same list for both of them, there is nothing -- maybe an idea is to put them -- make the list and, then, have also like checkboxes off on the side with some columns that would say be permitted for multi-family and residential and that way there was just a way that in the code -- that you could take a look and say this type of amenity would be used for -- could -- could be used for both, you know, because you have a column -- I'm thinking a spreadsheet in my head, right, list of amenities, residential, multi-family, and, then, you just check boxes, so that it can be clarified which one would account for what.

Parsons: Yeah. I think that's a good -- good option. We could look at some of those and see if we can expand on this list for sure.

Seal: Yeah. And the grassy areas are still there, they are just not counted as -- as an amenity. You don't get any -- like if they were -- if they were given points and stuff, you are not given a point for just a large grassy area to be an amenity, but they are counted towards open space. So, they are -- they are still there, they are just not incentivized to be an amenity, so -- just trying to limit the amount of times those are just put in, you know, because you get -- in a subdivision you get two or three of those and there is nothing there with it or, you know, there is very little there with it and it's -- oh, it's an amenity. Well, no, it's just a great big place that the HOA now has to pay to mow.

Parsons: Well, you can -- you can -- one of the things that I was -- that I wanted to make sure we could give you the ability to look at these is, one, we have that area of 50 by 100, but you can see in the second sentence here, if you can see my cursor here, it says the area shall increase proportionately as the number of units increase and shall be commensurate to the size of the development as determined by the decision making body. So, even if they have 50 by 100, you guys can be like, you have 300 apartments here, you need a bigger grassy area. We want that thing a 100 by 100 or whatever that number is and that gives us all the flexibility to say, no, you know, you have got a lot of density here, we want to see more and that gives you that purview -- because I -- again, I don't know what the magic number is. You know, open space means different things to different people. It really does. There is no fine science to this. Again, I have been dealing with this for five years trying to find ways to increase open space, but still be, you know, equitable and do a common sense approach to it, not just saying we want flexibility, we don't want every development to be cookie cutter or the same.

Seal: Well, I think, you know, part of the hope is -- especially with the alternative compliance really be -- to really be emphasized in here was making sure that we leave the door open for things to come in. I mean they are -- a little fun was made of the amphitheater that was put in, but that -- I mean that one really knocked my socks off. We had a subdivision going with an amphitheater that was part of the multi-family mixed use. I mean it was a really cool integration of that product -- project and they had to go

through alternative compliance in order to get that to go in there. I mean the comment is, you know, we can't all afford to put an amphitheater in there, but at the same time it was like, you know, wow, that kind of knocked my socks off. Wasn't expecting that at all. So, you know, really emphasizing alternative compliance is there. If you want to come in and knock our socks off, feel free. I mean, yeah, you may not -- you may end up with no grass in your subdivision, but something that makes us all go, oh, that's cool. I wish I lived there.

Parsons: All right. Well, that concludes my presentation, unless you guys have any other questions. Again, only comments we received so far on the application was from the BCA highlighting a couple of those -- their concerns in here. But, again, they want to continue to be a good partner to the city and appreciate us keeping them involved in the process and overall in the staff report -- and I think in large part we do have a lot of consensus with these changes. It wasn't really a lot of, no, I don't want to do that. So, overall I think these -- these changes will be supported. I anticipate that, you know, Council is the decision making body, so I anticipate there will probably be more public testimony at the City Council from various groups. But, again, I just want to thank all of you for what you do. I know -- thank you for staying late this evening and I will just conclude my presentation and stand for any additional questions you might have.

McCarvel: Any additional questions for staff? Any additional discussion or are we open for a motion?

Seal: Do we have to -- do we still have to close public testimony officially?

Parsons: Is there anyone here --

McCarvel: Yeah. Do we -- okay.

Weatherly: Madam Chair, no one has indicated a wish to testify on this matter.

McCarvel: Given that, does the applicant have any additional comments?

Parsons: I do not.

McCarvel: Can I get a motion to close the public hearing on ZOA-2021-0002?

Seal: So moved.

Cassinelli: Second.

Lorcher: Second.

McCarvel: It has been moved and seconded to close the public hearing ZOA-2021-0002. All those in favor say aye. Opposed? Motion carries.

MOTION CARRIED: ALL AYES.

Cassinelli: Madam Chair?

McCarvel: Yes.

Cassinelli: I have a lot of questions here for -- for Bill. I'm going to put my glasses on. I'm going to make a motion.

McCarvel: Please do.

Seal: You have to read the staff recommendation when you -- before you do it, though.

McCarvel: Yeah.

Cassinelli: What's that?

Seal: Make sure to read the staff recommendation part.

Cassinelli: Yeah. With the trees?

Seal: Yep.

Cassinelli: Yeah. Madam Chair, after considering all staff, applicant, and public testimony, which there was a lot of, I move to recommend approval of file number ZOA-2021-0002 as presented in the staff report for the hearing date of May 6, 2021, to include the two tree species tables provided by the city arborist.

Seal: Second.

McCarvel: It has been moved and seconded to recommend approval of ZOA-2021-0002, with recommend -- with modifications. All those in favor say aye. Opposed. Motion carries.

MOTION CARRIES: ALL AYES.

McCarvel: Who would like the honors? One more --

Seal: Madam Chair, I move we adjourn.

Wheeler: Second.

McCarvel: It has been moved and seconded that we adjourn. All those in favor say aye. Opposed? Motion carries.

MOTION CARRIED: ALL AYES.

MEETING ADJOURNED AT 11:16 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS.)

APPROVED

\_\_\_\_\_  
RHONDA MCCARVEL - CHAIRMAN

\_\_\_\_\_|\_\_\_\_\_|\_\_\_\_\_  
DATE APPROVED

ATTEST:

\_\_\_\_\_  
CHRIS JOHNSON - CITY CLERK