

Meridian Planning and Zoning Meeting

October 7, 2021.

Meeting of the Meridian Planning and Zoning Commission of October 7, 2021, was called to order at 6:00 p.m. by Commissioner Andrew Seal.

Members Present: Commissioner Bill Cassinelli, Commissioner Andrew Seal, Commissioner Nick Grove and Commissioner Maria Lorcher.

Members Absent: Chairman Rhonda McCarvel, Commissioner Steven Yearsley and Commissioner Nate Wheeler.

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

ROLL-CALL ATTENDANCE

<input type="checkbox"/> Nate Wheeler	<input checked="" type="checkbox"/> Maria Lorcher
<input checked="" type="checkbox"/> Andrew Seal	<input checked="" type="checkbox"/> Nick Grove
<input type="checkbox"/> Steven Yearsley	<input checked="" type="checkbox"/> Bill Cassinelli
<input type="checkbox"/> Rhonda McCarvel - Chairman	

Seal: All right. Good evening. Welcome to the Planning and Zoning Commission meeting for October 7th, 2021. At this time I would like to call the meeting to order. The Commissioners who are present for this evening's meeting are at City Hall and I don't believe we have any on Zoom. We also have staff from the City Attorney and Clerk's offices, as well as the city Planning Department. If you are joining us on Zoom this evening we can see 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@meridiantcity.org and they will reply as quickly as possible. If you simply want to watch the meeting, we encourage you to watch the streaming on the city's YouTube channel. You can access it at meridiantcity.org/live. With that let's begin with a roll call. Madam Clerk.

ADOPTION OF AGENDA

Seal: Okay. Now, we will move on to adoption of the agenda. The first item on the agenda is the adoption of the agenda. We do have Pera Place Subdivision. It will be opened for the sole purpose of continuing the item to a date that we have not decided on yet. Could I get a motion to adopt the agenda?

Grove: So moved.

Cassinelli: Second.

Seal: It's been moved and seconded to adopt the agenda. All in favor say aye. Opposed? Okay. Motion carried.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

CONSENT AGENDA [Action Item]

- 1. Approve Minutes of the September 16, 2021 Planning and Zoning Commission Meeting**
- 2. Findings of Fact, Conclusions of Law for Fairview Row Townhomes (H-2021-0049) by Riley Planning Services, Located at 2065 E. Fairview Ave.**

Seal: For the Consent Agenda we have two items on the Consent Agenda. First one is to approve the -- approve the minutes of the September 16th, 2021, Planning and Zoning Commission meeting and the other is for the Finding of Facts, Conclusions of Law for Fairview Row Townhomes, H-2021-0049. Can I get a motion to accept the Consent Agenda as presented?

Grove: So moved.

Cassinelli: Second.

Seal: It's been moved and seconded to adopt the Consent Agenda. All in favor say aye. Any opposed? Okay. Motion carries.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

ITEMS MOVED FROM THE CONSENT AGENDA [Action Item]

Seal: All right. Now I will go on to explain the public hearing process. At this time -- well, that's redundant. I already said I was going to do that. 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 to present their case and respond to 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 on only once during the public testimony. The Clerk will call the names individually of those who have signed up on our website in advance to testify. You will, then, be unmuted in Zoom or you can come to the microphones in chamber. 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 allow you to speak on their

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

RESOLUTIONS [Action Item]

- 3. Resolution No. PZ-21-04: A Resolution of the Planning and Zoning Commission for the City of Meridian, Idaho, Validating Conformity of the (Option A) Urban Renewal Plan for the Northern Gateway District Urban Renewal Project with the City of Meridian's Comprehensive Plan**
- 4. Resolution No. PZ-21-05: A Resolution of the Planning and Zoning Commission for the City of Meridian, Idaho, Validating Conformity of the (Option B) Urban Renewal Plan for the Northern Gateway District Urban Renewal Project with the City of Meridian's Comprehensive Plan**
- 5. Resolution No. PZ-21-06: A Resolution of the Planning and Zoning Commission for the City of Meridian, Idaho, Validating Conformity of the First Amendment to the Urban Renewal Plan for the Union District Urban Renewal Project with the City of Meridian's Comprehensive Plan**

Seal: Okay. With all that at this time I would like to open the public hearing for items number -- and there are three resolutions. We will open all three of them so that they can be read and, then, we will act on all three of them individually and that's Resolution No. PZ-21-04, PZ-21-05, and PZ-21-06, and we will begin with the staff report.

Starman: Thank you, Mr. Chairman. I will -- I will take these three items and I will -- I will preface it by saying -- sorry about that. I will preface by saying this is not a public hearing in the sense we didn't notice it as a public hearing, but certainly the public as well are invited to comment if they would like. So, as you mentioned we have three resolutions for the Commission's consideration this evening. The first two resolutions -- both apply

to the proposed urban renewal district that the Meridian Development Corporation and the City of Meridian have been working on known as the Northern Gateway District Urban Renewal Project. So, I will talk about those in just a moment. And the third item pertains to an existing urban renewal project, known as the Union District. I will start with the first two. As I mentioned, the Meridian Development Corporation or MDC and the City of Meridian have been working on -- on this concept and this idea for many months at this point and this item was referred to the Commission by the City Council and Mayor. The item before the -- before the Commission side is fairly narrow in scope, what was required both by the referral from the City Council and Mayor, but also by state law is for the Commission to review the proposed plan for the new district and to find that that -- that it's in conformity with the City of Meridian's Comprehensive Plan. So, you have a fairly extensive analysis in your packet, I know you have all seen in advance, prepared by the Planning staff, Brian McClure and others, that do that analysis for you and the short version this evening is the recommendation from staff and the Planning staff that did that analysis is that that finding can be made and that its recommendation to the Commission this evening is that you pass the resolution or in this case resolutions plural making that determination. The reason you have two resolutions before you this evening is we have sort of a unique situation. The Commission may recall that some weeks ago that you considered and discussed a proposed annexation -- what's commonly referred to as the McFadden property and so that's a -- that's about a 17 acre parcel that's located at the intersection of Cherry and Meridian Road. That annexation is still in process and it's the desire of both the property owner and MDC that that property be included in this new urban renewal project. But there is also a possibility -- and the Council will be considering that in the near future. But there is also a possibility that might not happen for unexpected reasons and so the reason you have two resolutions before you this evening is that we have -- the first resolution is we have described it as Option A, which would include the entire proposed project area, including the McFadden property, and you have on your screen and as well as in the Chambers here, a map that shows that area that's bounded by the dashed red line and you can see that that McFadden property is up in the -- I will call it the northwest corner of the proposed project area. So, this Option A is resolution with -- that's been described as Option A includes the McFadden property, but because there is a slim possibility that annexation may not be complete before this project is approved, we also have for the Commission's consideration a second resolution, which we have called Option B, that really is the exact same project, except absent the McFadden property and so that's the reason you have two -- two resolutions before you this evening. The request of staff is that the Commission have deliberation and receive additional information as you need, but we would ask that you approve both resolutions, so that we have, literally in this sense, Option A and Option B and to the extent we need to do so. I would like to mention that we have some folks on Zoom that are available as resources if you have additional questions beyond, you know, what I can answer. We have the MDC administrator Ashley Squyres available if you have questions. Also an attorney with the law firm Elam Burke, Meghan Conrad, who is quite an expert in this area, also available if you have questions and, then, lastly I will mention that we have our comprehensive associate planner Brian McClure available as well that did a lot of the heavy lifting on the analysis that went into your staff report and into the packet you have tonight. So, I think I will stop there and ask if there are questions. In fact, Mr. Chair, I

might -- when you get to this point I might ask that you vote on those two resolutions and, then, maybe I will take up that third resolution as a separate item.

Seal: Okay. This is my first time dealing with a resolution, so I just want to make sure that we run this through correctly. So, my idea was to go ahead and speak about all three of them. We can open it up to public --

Starman: Okay.

Seal: -- and, then, I don't know that anybody will be here to talk about it, but if there are, then, they can and, then, we can come back and move on with our -- with our motions.

Starman: Thank you, Mr. Chairman. So, I will be happy to do that. Let me go ahead, then, and present information regarding your third item on the agenda relative to the Meridian Development Corporation. So, as I mentioned in my -- in a couple of my opening comments, the -- the third resolution pertains to an amendment to the plan for the Union District Urban Renewal Project. This is a project that exists today and the proposal that is before the Commission is a relatively small addition to the area and so that's, again, on your screen, as well as on the screens here in the chambers. So, the area that -- in question is that the existing project includes the area with the solid red line. The area proposed for annexation or inclusion is the area that includes the dashed red line and so the proposal before that -- is before the Commission for consideration -- again, it's a very narrow question -- is whether the amended plan for the Union District is in compliance or comports with the City of Meridian's Comprehensive Plan. Again, you have some fairly detailed analysis in your staff report -- in your packet and staff report that does that analysis and comes to the conclusion from a staff perspective that that finding can be made and for that reason we also recommend that the Commission approve that third resolution that's specific to the Union District and this proposed amendment to the plan for that district.

Seal: Okay. Thank you very much. At this point does the Commission have any -- I'm going to go a little bit out of order here. Does the Commission have any questions they would like to field at this time?

Lorcher: Commissioner -- Mr. Chairman?

Seal: Commissioner Lorcher, go ahead.

Lorcher: Since this is new to me, too, as far as resolutions and creating a zoning district, why are we not -- why are some parcels exempt and some are included in regard to the Union District, as Old Town was a district? An Old Town District label.

Starman: Mr. Chairman and Commissioner Lorcher, great question. So, this is different than a zoning district. This is known as a -- an urban renewal project. So, it's different than what you typically deal with on most evenings of zoning areas and Comprehensive Plan. There are -- there is a whole complete section of state law that deals with the

creation of urban renewal projects and what it needs to require, what findings need to be made and so when these project areas are first created and, then, when they are amended there are a number of -- a number of criteria that has to be satisfied to include them. I think also we try to be sensitive -- MDC, the city and others try to be sensitive as to which property owners have an interest in being in a renewal district and which may not and so all those factors come into play as the boundaries are drawn. But, really, it's a matter of making the appropriate findings under state law as to which properties can legally be included within that project under the state's urban renewal law.

Grove: Mr. Chair?

Seal: Commissioner Grove, go ahead.

Grove: Okay. I might ask a question that I know the answer to, but with this -- the reason that the properties that aren't included in this is because there is a -- a maximum of how much property can be added into a current district; is that correct?

Starman: Mr. Chairman, Commissioner, so that is correct. There are limitations, particularly with respect to -- there is overall limitations of how much land or property within a city can be included within urban renewal areas and, then, there also are limitations relative to subsequent additions or annexations. So, there are constraints and so that, too, is a factor. I would defer to others in terms of how much that came into play on these particular boundaries, but that is -- you are quite correct, there are limitations as to how much land within a city can be included within such a project.

Seal: Anybody else?

Grove: Mr. Chair?

Seal: Commissioner Grove.

Grove: Just one other thing for me is just want to disclose that I do work within this item -- in the urban renewal district for the Union District, just to put that out there that I do work in that area.

Starman: I'm going to do this a little bit on the fly and we may want to have a quick conversation if you think that necessary, but there are some limitations as to your ability or any Commissioner's ability or Council Member's ability to participate in deliberations if you have a financial interest that might impact you. So, I don't know the nature of your employment there or how this decision or this action tonight might impact that, but in order to be cautious I might advise you to recuse yourself just to be careful. But you are the best person to answer -- to answer that question, whether there are any pecuniary benefits to you from participating in this action, but if there is any remote possibility my advice to you would be to recuse yourself and allow your fellow Commissioners to press forward.

Grove: I stand to gain no financial gain whatsoever.

Starman: That's a great answer and so if that's the case, then, I think you are -- you are fine to participate, as long as there is no financial interest as -- that would result from your participation.

Seal: Okay. No more questions, we will go ahead and open it to public testimony, if there is any. Do we have anybody signed up for this, Madam Clerk, or --

Weatherly: Mr. Chair, as it was not noticed as a public hearing we did not put out a sign-up sheet.

Seal: Okay. Would anybody in Chamber like to come speak? Okay. No? We will go ahead and --

Starman: I will just say, Mr. Chairman, my recommendation would be if you want to just take each of the three items in turn as discrete actions, I would suggest you take -- you know, seek a motion and vote on each item independently.

Seal: Right. I understood. Okay. Since nobody is coming forward, can I get a motion to close the public hearing?

Grove: So moved.

Lorcher: Second.

Starman: So, no harm, no foul, but I just would remind you it wasn't -- it's not a public hearing, so no need to close. But we are fine.

Seal: Okay.

Starman: Feel free to proceed.

Cassinelli: Mr. Chair?

Seal: Commissioner Cassinelli, go ahead.

Cassinelli: I guess procedure. So, is this just -- is this like a CUP is it just like a normal item, just recommendation from us ultimately going to Council?

Starman: My apologies. So, the -- the gist of the action is, essentially, that you are making a -- making a determinant that we have the two districts -- the two projects that are the subject of the three resolutions. But you are, essentially, making a determination that the districts, the Northern Gateway District and the Union District modifications, that the -- the plan or in the case of the Union project, that the amended plan, you are making a determination and a recommendation to the City Council that the -- I will say a determination that the plan and revised plan are in conformity with the City of Meridian's

Comprehensive Plan. So, essentially, you are making a determination, which will be transmitted to the City Council and the City Council will have the final word, but, basically, it's the essence of the three resolutions before us that you are making specific determinations that will be transmitted to the City Council.

Cassinelli: And I have another question, too. With the Options A and B, Option A is, obviously, the preferred option. Why not just take up the Option A and if that parcel falls through, then, come back and -- and take up -- take it up as a separate item?

Starman: Thank you, Mr. Chairman and Commissioner Cassinelli. Excellent question. The -- the issue here is that time is somewhat of the essence. There are some timelines that are in play for the City Council and the Meridian Development Corporation to approve the ultimate -- in the case of Northern Gateway to approve the project or in the case of Union -- of the Union District to approve the plan amendment. That all needs to occur by the end of the calendar year. So, there is a concern that there would not be sufficient time to proceed, for example, with Option A and, then, find out the annexation did not proceed and have to come back to the Commission, we likely would not have sufficient time to do all that prior to the end of the calendar year, which is the timeline currently we are under.

Seal: And the way that I read it was, basically, they want to run those two concurrently, so that if -- whichever one, basically, is going to happen, they have those in front of them as far as -- we are going to recommend approval or denial of both of them, so that they have both of them in front of them and, then, one of them will, obviously, not go forward. That's how I'm reading it. So, that's -- that's our -- that's our lot here is to, essentially, recommend approval or denial of -- of all three of them and, then, as all three of them progress any one of them can be taken out or voted down as a process.

Starman: Particularly with respect to the Northern Gateway District that's an excellent summation. So, that's exactly what's being asked to the Commission. And I will just note -- this is in your material as well, but the findings are exactly the same whether the McFadden property is included at the end of the day or whether it's not included, the findings that are being asked of the Commission still follow regardless, that assuming the Commission concurs with the staff analysis and recommendation, but the -- the analysis you have before you concludes that whether the McFadden property is ultimately included or if it's not included, the plan for the Northern Gateway District still is in conformity with the Comprehensive Plan. So, it doesn't change the outcome under either scenario.

Seal: Does that satisfy everything, Commissioner Cassinelli? Okay. With that I'm looking for motions. Anybody want to take the first one?

Grove: Mr. Chair?

Seal: Commissioner Grove.

Grove: I move to approve to City Council Resolution No. PZ-21-04 as it conforms with

the City of Meridian's Comprehensive Plan.

Seal: Do I have a second?

Cassinelli: Second.

Seal: It's been moved and seconded to approve Resolution No. PZ-21-04. All in favor say aye. Any opposed? Motion carries.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

Seal: Okay. Resolution No. PZ-21-05.

Cassinelli: Mr. Chair?

Seal: Commissioner Cassinelli.

Cassinelli: I move to recommend approval of Resolution PZ-21-05 in compliance with the City of Meridian's Comprehensive Plan.

Grove: Second.

Seal: It's been moved and seconded to recommend approval of Resolution No. PZ-21-05. All in favor say aye. Any opposed? Okay. Motion carries.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

Seal: Who is going to take the last one? You want to do it?

Lorcher: No. Go ahead.

Cassinelli: Mr. Chair?

Seal: Commissioner Cassinelli.

Cassinelli: I move to recommend for approval Resolution PZ-21-06.

Grove: Second.

Seal: It's been recommended to approve Resolution No. PZ-21-06. All in favor say aye. Any opposed? Motion carries.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

ACTION ITEMS

6. Public Hearing for Pera Place Subdivision (H-2021-0056) by Leavitt &

Associates Engineers, Located at 4600 W. Daphne St., 4546 W. Daphne St., and Parcel S0427325702, Near the Northeast Corner of N. Black Cat Rd. and W. McMillan Rd.

- A. Request: Annexation and Zoning of 10 acres of land with a request for the R-8 zoning district.
- B. Request: Rezone of 6.84 acres of land from the R-4 zoning district to the R-8 zoning district.
- C. Request: Preliminary Plat consisting of 65 single-family detached building lots and 7 common lots on 16.63 acres of land.

Seal: All right. Now we will go ahead and move directly into Pera Place Subdivision. We are going to open that one for continuance and I think we just need to know what date.

Dodson: Mr. Chair, thank you. Yeah. I just wanted to confirm you did open it for that reason. Okay. The Pera Place Subdivision is requesting continuance -- or I should say they need to be continued, because they did not post the site per code. Unfortunately, they -- they only posted two out of the three signs. Just unfortunate. But the applicant is requesting the next hearing, which is October 21st. My understanding that hearing is extremely full. It's up to the Commission on what date they would like to place it on, either the 21st or -- the next one after that is November 4th, I believe.

Seal: Madam Clerk, how many do we have for that?

Weatherly: Mr. Chair, for October 21st you currently have seven hearings. For November 4th there are currently four hearings. Of note November 4th is still open for noticing. So, Planning Staff -- I don't know what's coming down their pipeline, but they would still have the opportunity to use that date for additional hearings coming down the pipeline. And, then, on November 18th, in case you want to go out that far, there is only one on the docket so far.

Seal: Okay. For this one, since there is already four on that first meeting in November, do we want to carry it out further in November to -- I mean I hate to do that to anybody, but at the same time if it's full it's full. I mean seven of them on the next one is -- that's -- that's -- that's -- that's a no.

Grove: Mr. Chair, I would -- I would say the 4th would be my recommendation.

Cassinelli: I think we could squeeze five.

Seal: Okay.

Cassinelli: But no more.

Dodson: Mr. Chair, I would say that for -- personally I won't be adding anymore for the 4th, because we are a month out. We are good.

Seal: Okay. If anybody would like to make motion on that I'm open for it. I don't know that we need to hear from the applicant on this, do we?

Dodson: It's up to -- up to the Commission's purview. I don't know if they are in attendance virtually or in person. I don't see the applicant's engineer in the audience.

Seal: Well, I was going to say if the applicant's here and you want to raise your hand on Zoom or if you are in the room --

Weatherly: Mr. Chair, it appears Dan Lardie is online.

Seal: Okay. Let's go ahead and hear from the applicant.

Weatherly: Dan, you should have the ability to unmute yourself.

Lardie: Good evening, Mr. Chair, Commissioners. We apologize about not getting the site posted correctly, but November 4th -- since we can't do October 21st, it sounds like it's a pretty full docket, the November 4th will be perfectly satisfactory. We appreciate your time.

Seal: Okay. Thank you very much.

Grove: Mr. Chair?

Seal: Commissioner Grove.

Grove: I move to continue file number H-2021-0056 Pera Place Subdivision to the date of November 4th.

Cassinelli: Second.

Seal: It's been moved and seconded to continue Pera Place Subdivision, H-2021-0056. All in favor say aye. Any opposed? Motion carries.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

- 7. Public Hearing Continued from September 16, 2021 for Burger King Drive-Through (H-2021-0051) by Legend Engineering, Located at 6211 N. Ten Mile Rd.**
 - A. Request: Conditional Use Permit for a dual-ordering drive-through establishment within 300 feet of another approved drive-through establishment and within 300 feet of a residential district for a 2,910

square-foot Burger King with 37 parking spaces on 0.877 acres of land in the C-G zoning district.

Seal: Okay. With that we will go ahead and move on to Burger King -- Burger King drive-through, H-2021-0051. This was continued from the 9/16 meeting. We will go ahead and begin with the staff report.

Dodson: Thank you, Mr. Chair. Yes, the project was continued for site posting issues the first time around. They posted the site correctly this time, so we are good to go. The application before you tonight is for a restaurant with a dual ordering drive-through that is within 300 feet of a financial institution drive-through that is directly to the south that was already approved by the Commission in the past few months. The Mountain America Credit Union, if you remember that. So that, therefore, per the specific use standards, they are required to apply for a conditional use permit. The site consists .88 acres of land currently zoned C-G, located at 6211 North Ten Mile, which is Lot 11 of the Lost Rapids Subdivision. To the north is a parking lot. To the east is Ten Mile Road. And, then, further to the east of that would be some single family residential and R-8 zoning. To the south is C-G and the approved credit union and, then, to the west is more C-G with Costco. That's the Costco site there. The specific use standards require compliance with very specific standards for the proposed use of a drive-through. Staff has reviewed these standards and has deemed the project in compliance with each of these specific use standards. The proposed drive-through has two ordering menu boards located here and here. Each one is approximately 60 feet deep from the edge, which should accommodate approximately three vehicles per lane. It is -- yeah. The northern drive aisle is actually wider than required. It's 30 feet wide. We only require 25. So, we do appreciate that extra space there for cars to turn in. In addition, the northern drive aisle is proposed as the main access, because it is the main access to the drive-through. In addition, there is the shared access here, which is a shared access between the credit union site and this site. In total, the stacking length is approximately 128 feet from the edge of the drive aisle -- so, from here around to the pickup window, which is along the south side of the building -- should allow for at least seven vehicles to stack according to this site plan. The stacking lane does exceed one hundred feet in length. Therefore, the applicant is required to provide an escape lane. As you can see this is proposed as 24 feet wide, which does provide an escape lane here, goes back down to the 12 feet here, because after the pickup window you should be able to exit easily. This escape lane does meet the minimum UDC requirements. Staff is recommending a revision to the landscape plan, which is one of only two revisions, in this area here, just open up some of this landscaping area here so that there is a better line of sight for police and any life safety issues for the pick-up window. The proposed project is 2,910 square feet, the building size. It requires a minimum of 12 parking spaces, which is rounded up from 11.6. The minimum of one per 250 square feet for the restaurant use. The submitted site plan shows 37 parking spaces, which is three times the minimum amount. In addition, this site and the Mountain America Credit Union site to the south is required to have cross-access. That's been recorded. It's included. So, they can have cross-access -- cross-parking as well. CZC and design review will be required following any CUP approval. They did not submit for design review approval with this, which is fine. They can do that with the CZC. These are just some

conceptual elevations that they have proposed and I will analyze those more fully at a future date should they get -- receive the approval. However, glancing at it and doing a quick review with the staff report, they do appear to meet our standards and this is my understanding of Burger King's new corporate I guess colors and look. But after looking at all the UDC, the comp plan, and the proposed site, staff does recommend approval of the subject CUP. And there was no written testimony for or against the project and that -- that's it. I will stand for any questions.

Seal: Okay. At this time would the applicant like to come forward? Please state your name and address for the record and you will have 15 minutes.

Reed: Thank you. My name is Lonny Reed with Legend Engineering, 52 West 100 North in Heber City, Utah. First I would like to thank Joe for helping us to get the site posted correctly. He has been very patient and very accommodating with that. So, we appreciate that. We are here to answer any questions you have. We have got the owner, architect, and contractor here. So, hopefully, we can answer any questions you might have about the project.

Seal: Well, usually we have a -- what we will do as part of the process here is we will let you do any kind of presentation that you want to do and, then, we will have -- we will take public question afterwards. I mean at this point are there any specific questions that Commission has of the application?

Cassinelli: Mr. Chair?

Seal: Commissioner Cassinelli.

Cassinelli: Is there a -- oh, we have got -- okay. We have got the site plan up. Can you just give me some perspective on -- on how that's sitting. Where is -- I'm trying to find it on some other maps. Where is -- where is Ten Mile?

Reed: Ten Mile is --

Cassinelli: And where is the main access -- that one access into Costco.

Reed: It's on the right side of the -- Ten Mile is on the right side of the --

Cassinelli: Oh, there it is.

Reed: -- drawing there and the access is to the south of the -- lower down on the page.

Cassinelli: Okay.

Dodson: Yes, Commissioner Cassinelli, there is this lot, the Mountain America, and there is -- I guess a right-in, right-out access from Ten Mile and, then, one or two lots south of that is the Lost Rapids -- the light.

Cassinelli: Okay. So, this is just to the north side of that -- of the credit union that we approved?

Dodson: Yes, sir.

Cassinelli: Okay.

Seal: Any other questions? Okay. At this time we are going to take public testimony and, then, we will let you come back up and answer any questions that come out of that. Madam Chair, has anybody signed up to testify?

Weatherly: Mr. Chair, there is not.

Seal: Okay. If anybody in the room or on Zoom wants to testify -- if you are in Zoom, please, press the raise your hand button. If you are in the room just raise your hand. I'm not seeing anybody raise their hand on Zoom or in the room, so at this time would the applicant like to -- to come back up? I do have one question for you and that's -- I mean you have plenty of room for the escape lane, but in the design of a lot of these new ones -- because sometimes it takes longer to get the orders ready, there is parking that happens as a result of that. You know, you are told to go ahead and go around the side of the building or anything. How will you accommodate that?

Reed: I'm going to let Gary answer that question.

Moore: My name is Gary Moore. My address is 9100 South 300 West in Sandy, Utah. I'm the Burger King operator that will be operating that Burger King there and probably will -- if we park cars it will be in those spaces that are right as you exit out of the drive-through. There is still spaces along that. We try not to do that. That's one of the reasons for that escape lane is being able to get a car out and around the side there. But if we do have to park cars it would be in those -- those spaces at the top of the drawing.

Seal: Okay. Thank you. Any other questions for the applicant? Thank you very much. Okay. Can I get a motion to close the public hearing for Item No. H-2021-0051?

Lorcher: So moved.

Grove: Second.

Seal: Okay. It's been moved and seconded to close the public hearing for H-2021-0051. All in favor? Any opposed? Okay. Motion carries.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

Seal: Any other deliberations that we would like to have on that?

Cassinelli: Mr. Chair?

Seal: Commissioner Cassinelli.

Cassinelli: I probably should have asked the applicant -- maybe we can just look for a head nod, but maybe joking, but are they in agreement on the one change on the landscaping?

Dodson: Commissioner Cassinelli, I have actually not received formal confirmation, but they didn't tell me no, so --

Cassinelli: And I see some heads moving, so it looks like a yes. And, then, Joe, do you have the operating hours of the -- particularly the drive-through?

Dodson: I do not, Commissioner Cassinelli. I assume, technically, because they do not abut a residential district or use, they can go 24/7. It is not my understanding that Burger King does that. So, generally speaking, it's probably going to be midnight at the latest would be my guess. Probably 11:00 p.m.

Cassinelli: Okay. So, that leads me to a question. You have -- you have knocked down some of the landscaping there that the -- it looks like, what I can see on a map and whatnot, we get headlights, then, going in directly pointing to residential across Ten Mile. Is that -- was that addressed?

Dodson: Commissioner Cassinelli, that was not directly addressed, really, because Ten Mile is five lanes wide now and they have pretty mature landscaping and those are all backyards directly to the east, so they have lush landscaping, as well as a six foot fence all along the east boundary of Ten Mile, which is 25 feet outside of the right of way even further, so you are looking at over 120 feet, probably, separation between just the curb and, then, the other back fence, so I don't see lights being a major issue there. I do understand that under -- that qualm there, but it did not come up specifically just because of the distance.

Cassinelli: Okay.

Seal: Anybody else have any questions, concerns? Okay. I will entertain a motion if anybody has one.

Grove: Mr. Chair?

Seal: Commissioner Grove.

Grove: After considering all staff, applicant, and public testimony, I move to approve file number H-2021-0051 as presented in the staff report for the hearing date of October 7th, 2021, with no modifications.

Seal: Is there a second?

Lorcher: Second.

Seal: It's been moved and seconded to recommend approval for -- or, actually, to approve Burger King Drive-through, H-2021-0051. All in favor say aye. Any opposed? Okay. Motion carries.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

8. Public Hearing for Elderberry Estates Subdivision (H-2021-0044 and H-2021-0005) by Angie Cuellar of Mason and Associates, Located at 1332 N. Meridian Rd.

- A. Request: Rezone of 0.66 acres of land with the O-T zoning district.
- B. Request: Short Plat consisting of 4 buildable lots.

Seal: Okay. We will move on to Elderberry Estates Subdivision. It looks like this is H-2021-0044 and H-2021-0005 and we will begin with the staff report.

Tiefenbach: Good evening, Commissioners. Alan Tiefenbach, associate planner at the City of Meridian. Looking and feeling much better this evening than the last time you saw me. Okay. This is a rezoning to O-T, Old Town, and a short plat for four lots. The property is about a half acre. A little bit larger. Zoned C-C. Located at 1332 North Meridian Road, which is the east side of Meridian, south of East Fairview. To the north -- it's all -- all of it is right now presently zoned O-T. To the north is single family and office. To the east single family, multi-family, and office. To the south is a couple of salons and, then, to the west across the street is also single family and some office. The property was platted in 1920s. That's the only history there. Very old plat. Comprehensive Plan map recommends it for Old Town. So, again, as I said, this is a request to rezone from C-C to O-T and a short plat for three lots and I'm going to come back and revisit that. For three lots to allow three duplexes. That was what it was at the time of the staff report and, again, I will come back and revisit that. The property -- let's see here. The property is a flag lot, so the access comes from North Meridian Road, again, surrounded by office, salons, and multi-family. Is it not -- is my -- oh, sorry. Is my presentation not sharing? Okay. Hold on here. My apologies. I thought you were looking at this. Got it? I hope. Okay. So, the property is a flag lot. That's what you see in the darker lines. The only access that is their property comes from the southern axis off of Meridian. They also have a northern access. Both of these are easements that are easements that are shared by all the property owners surrounding. The southern most driveway to North Meridian provides access also to the parking lot down here for the salon. The northern most access, which is up here, provides a connection shared to the lot to the west of the property, which is here. The applicant also additionally proposes to stub to here. This is all common access easements that are shared between these properties and this one. So, this is not a public road, it's basically a drive aisle. Both -- both ACHD and Fire have looked at this. They don't have any comments. One thing to

mention -- the only -- the only part of the sidewalk that is on this applicant's property is the north side of this southern driveway. The reason why I say that is the UDC requires a minimum width of five foot for sidewalks. One of the conditions of approval staff is recommending is that the applicant reconstruct this sidewalk to be five feet wide. There is also a requirement in our code that you can't just stripe to cross a parking lot, you actually have to use something like pavers or something like that or decorative concrete. So, that's another one of the -- one of the recommendations of the staff report. In regard to the other sidewalks on the north and south side here and on the south down here, staff is just recommending that the applicant try to work with the property owners and see if they can actually widen those sidewalks as well. But, again, that's an offsite improvement. The applicant really doesn't have any control over that. So, it's just hoping that they can cooperate with them. There is also an Idaho Power easement, which you can see here, and that's hatched. The applicant knows that they have to relinquish that. That's one of the requirements of conditions of approval. At the time of the staff report staff mentioned to the applicant that all -- though the plans that were submitted met all of the parking requirements per the code, in this case because there are three bedroom duplexes, four parking spaces each, because -- because they met the requirements, we really didn't have any additional comment in regard to their parking, but we did mention that, because all of the rest -- all of the access was a drive aisle and fire lane, that the -- that the issue could come up about what if they need additional parking for some kind of gathering or football game or whatever, where are they going to park, because there really wasn't anywhere else. We -- about a week later we heard back from the applicant, just recently, last couple of days, and he said he had talked to the adjacent neighbors and to be a better neighbor he is going to reduce the proposal down to three duplexes, which is what you see here. So, the most recent version of this that comes to the Planning Commission tonight, the only difference, really, is that the short plat is going to be three lots versus four. What this would do -- and this is just -- this is only just a -- to demonstrate -- it gives them about eight parking spaces per duplex. So, that's twice what they are required to have. I believe the applicant does have a most recent version of a three lot short plat with them tonight. Again, we haven't seen it, but we don't have any comments with that. We didn't have any comments on this and if the short plat is exactly what we saw before, but with three lots, really, the only difference would be one less duplex and a little more parking, if that's the case, then, we would just recommend that the most recent short plat of three lots go -- be submitted and go to Council. We listed some of the conditions of approval in the staff report, but other than that I would entertain any questions.

Seal: Okay. Thank you. At this time would the applicant like to come forward? If you could give us your name and address for the record and we will let you fire away.

Mason: William Mason with Mason and Associates. Our address is 924 3rd Street South. We have reviewed the staff report and with that change of going from four lots to three, we think that we have a better project with the extra parking. After we started looking at the drive aisles and the fact that Meridian Road is a really busy road, we don't want people parking where they shouldn't be, that's why we reduced the lot count and reduced that unit count. So, that last picture that you saw with the three parcels is what we would like to work with. Again we didn't have a chance with the time of this hearing to get all of that

finalized to staff and we would work with staff to finalize all that. We have no problems with the conditions in the staff report.

Seal: Okay. Thank you.

Mason: With that I stand for any questions.

Seal: Okay. Do we have any questions for the applicant or staff? I just have a quick one. On the parking that was detailed there where there is two spots on either side of what is traditionally the driveway there, would both of those be paved or what -- what would the plan be for that?

Mason: That's correct. They would both be paved. That's the plan. So, there would be the apron in front of the garage and, then, alongside of that there would be a paved parking area for that tandem parking.

Seal: Interesting. Okay.

Grove: Mr. Chair?

Seal: Commissioner Grove, go ahead.

Grove: I have a question. As this is currently zoned commercial and you are moving to Old Town for designation, what is the -- I guess purpose for going residential, rather than maintaining a commercial designation here?

Mason: Part of it is the fact that it's set back a ways from Meridian Road and we only have those flag openings that are about 25 feet wide and there is buildings in the front of -- of this parcel, so that there is no visibility from Meridian Road.

Grove: Thank you.

Seal: Any other questions? Okay. Thank you very much. I appreciate it. Okay. At this time we will take public testimony. Madam Chair, is there anyone signed up for this one specifically?

Weatherly: Mr. Chair, we do not have anybody signed in.

Seal: Okay. If anybody on Zoom would like to raise their hand or anybody in the audience wants to testify, please, raise your hand. Okay. Not a lively house tonight so far, so -- at this time would the applicant like to come back forward? I do actually just -- I have got a concern over the -- the double parking spots there. I'm just thinking that that is very well intended, but may have consequences, such as people trying to park trailers there, things like that. So, how -- I guess are there going to be -- is there going to be like an HOA, covenants, rental agreements where things could be written into make sure we don't have those kind of issues there or -- or is that something that you might even try to attract?

Mason: You know, my client is here tonight. He might be able to better answer whether he wants to do CC&Rs to try to limit what -- what would be parked in that area.

Seal: Okay. That would be great. If he wants to come up. Please -- name and address for the record and then --

Long: Jonathan long. 1859 South Topaz Avenue in Meridian.

Seal: Okay.

Long: And so as far as the parking goes, the tandem, those are -- those are adjacent to the finished driveway as you pointed out and those parking spaces are going to be specific to that particular unit that they are in front of and adjacent to. They are paved, like we said. We are going to have CC&Rs. We desire to be good neighbors and have this be a good project for everybody around us and so there is going to be CC&Rs. There is also going to be really tight leases for anything that happens to be rented out for folks that have to sign a commitment acknowledging that there is to be no cars on blocks. There is to be no trailers of any kind. The duplexes that we are looking at are actually more on the executive -- executive style and Craftsman style duplexes and so they are going to be finished out nicely. We want these duplexes to be attractive. We want to keep the area attractive to folks and so CC&Rs would definitely be in place, as well as the leases to reinforce, you know, the proper appearance of how these duplexes are kept.

Seal: Thank you.

Grove: Mr. Chair, I have a question.

Seal: Go ahead.

Grove: Sir, with -- with your development -- and I'm assuming you have talked with your neighbors. Do you have any idea on how this will fit in with any future plans that they are expressing or have they expressed any indications of what they would be doing surrounding your property?

Long: So, we have talked about that. As far as their future use, to my knowledge, Expressions Salon that Kenny and Darlene own, there is no changes or no -- there is no plans for changes to what they are doing in the future. The Gibbs, who own the bookkeeping and CPA business just the west of us, at some point they would like -- they have got a small little empty lot there and they would be interested in developing that with commercial, because there is road frontage. In speaking with them they saw no conflict with what we were doing and what they were doing. They actually saw it as -- as value added, because they are going to have future client -- potentially future clients that are living in their, you know, backyard now. So, no conflict of -- or issues that have been brought up with present use or future use.

Cassinelli: Mr. Chair?

Seal: Commissioner Cassinelli, go ahead.

Cassinelli: Joe, when you -- when you went down to the three -- the three units, the three duplex units, to accommodate the parking there, did you consider any kind of a -- because that's come up a couple times now -- any kind of a common area to park -- maybe on one end put additional parking, as opposed to doing it this way? That way people couldn't put trailers and things like that and it would be -- you know, it would be specifically designated for -- for parking.

Long: Sure. And we entertained that as far as trying to squish the three duplexes together and keep a four lot approach and pretty much using that fourth lot for overflow parking. There is pros and cons, you know. I don't know that it would change what people are going to try and park there versus what they would try and park on their individual lot. In the end our desire was to try to make the project more comfortable for those residents by providing more space in between units and, then, trying to keep overflow parking confined to those specific lots. So, those residents on that lot would be parking only on their lot and I think minimum requirements are four parking spaces, two of which are enclosed, for a three to four bedroom unit. So, we have got every one of them -- every one of the units has its own closed garage along with the finished driveway plus and so that puts our total number of parking at 12 per duplex now and we are hoping that's going to be sufficient. We have talked to neighbors just as far as -- particularly the CPA if ever there was a need for overflow parking, would -- would the adjacent parking lot be available after hours. They are very open to that. Not to the point necessarily that we are looking at formalizing a parking easement or what have you, but working with the neighbors we seem to have a pretty good understanding that we are going to try to do what's necessary to keep all parking on those lots. But should there be any necessity for overflow after hours it would be available.

Cassinelli: Thank you.

Seal: Any other questions? Okay. Thank you very much. At this time -- go ahead and state your name and address for the record.

Sass: Hi. Kelly Sass. 1414 North Meridian Road. That is the northwest plot attached to this situation. A couple of things we just wanted to note. One of the areas that was recommended for that wider sidewalk currently has access to all of the lots surrounding -- not only further to the north toward Meridian Road and Fairview intersection, but also ours and to the south. Our mailbox area is all there. There has already been with existing businesses issues with blockage of that area. That's not something we think is anyway exclusively their responsibility, but any proposed reconstruction of that sidewalk we would ask also include a fire lane or no parking marker in order to prevent future issues with that space. Additionally, when we purchased our area we were not informed that there was a shared easement of our driveway beyond the immediate CPA office to ourself. That is our only parking. Your current visuals for your -- for your plat with the three divisions includes our backyard. The actual visuals that you had of those spaces does not include

our backyard being fenced. I don't know if that's currently in alignment with their plans or not, but that was plans made before the new platting for that rear area had been recorded. So, those are some issues we had had at time of purchasing with the previous ownership of the lot in question and now we just want to make sure that those records are really clear and that plans are made very clear regarding our space and also the use of our necessary accommodations being our mailbox and the only parking we have for our lot being that shared driveway with the CPA's office directly to our south.

Seal: Okay. Alex, quick question on that. So, the -- as far as the shared lane and where the mailboxes are as she is describing, that's -- that's off site, essentially, for the purposes of this?

Tiefenbach: Yes, sir. The only lane that belongs to this -- belongs to this applicant is that 14 feet, I think it is, wide little sliver here. Everything else are access easements. So, basically, a civil issue between applicants. Whether or not they can park in these access easements -- I don't believe that the -- the language speaks to that. I do know that these are going to be fire lanes. So, I'm really not prepared to answer sort of a civil issue in regard to whether or not they can park in a private easement. Maybe the applicant can. But this here is owned by the applicant down to the south. That's really the only thing the applicant has control over as far as this case goes.

Sass: Specifically, Commissioners, that south lane to which you speak, that 14 foot, that is for the mailboxes. If you will draw your attention -- it's about 15 feet setback from the front curb of Meridian Road and it does supply -- I think it's something like 16. So, that is just something to consider, as it's already been an issue of existing. We had previously talked before this had started with the owners of the CPA's office and -- we have all had issues with our mail not coming in a timely fashion, because people have parked in front of our mailbox and made it inaccessible for our mail carrier. So, that's our concern, not necessarily anything, except that in moving that five foot wider area that we had heard about in the staff report. We want to make sure that if at all possible that works in service to all of the businesses existing and the new residential spaces, that everyone gets their mail on time.

Seal: I understood. Thank you. Anything else?

Sass: Just clarifying that that north driveway -- we are concerned is that calling it a fire lane -- it is our only residential parking for both our business and our residents. So, it can't be exclusively a fire lane. It's not three units wide. You can get parking on one and a car, but not parking, parking, and a vehicle. So, given that we were given to assume and told in our purchase that it was shared only with the plot directly to the south, our concern is if it is zoned as a fire lane do we lose all access to parking for our property. So, whether that's now or later, that's something we wanted to voice today.

Seal: Alex, I will let you take that one.

Tiefenbach: So, I knew access was going to be an issue with this case and I looked at

the easements on this. The easements, basically, just talk about nonexclusive access easements. It calls -- it basically identifies the properties A, B, C and D and the access easement says that access is to be shared between property A, B, C and D. I don't know about what it says about parking. Again, this is not on -- on the -- not on the subject property, but the access easements, the documents do say that A, B, C and D all have access to these easements.

Seal: Okay.

Cassinelli: Mr. Chair?

Seal: Commissioner Cassinelli, go ahead.

Seal: Yeah. Question. What -- what is -- which property is yours?

Sass: So, looking at the currently displayed documentation we would be the plot top and left. So, they are 1414 North Meridian Road.

Cassinelli: Okay. And -- and right now you have -- on that property there is -- you have got no -- no parking on every -- every -- where ever you park is -- is on that access lane?

Sass: In the driveway. As we were informed at time of purchase. Yes.

Seal: Alan, can you go back to the aerial view?

Tiefenbach: Are you talking about this one?

Seal: Yes.

Sass: Yeah. So, what you see here is several years old. In this photo, looking at 1414 North Meridian Road, you not only see that blue tarp -- temporary carports, but also the side of a two car garage that was present and under demolition at the time that we went under construction. Our current property has a six foot privacy fence to our property line, enclosing what is our space. We park in the alignment with that sidewalk and set in further from the sidewalk to the fence line.

Cassinelli: The fence being on the south of your property or --

Sass: No. That would be northeast.

Cassinelli: Okay. And where is the mailbox?

Sass: The mailbox -- south driveway. So, beyond the CPA's office, one lot, two lots, south driveway. That's where the mailbox is.

Cassinelli: Okay.

Sass: And that is, if I am not mistaken, paving wise, a narrower access point, actually, than what is between our lot and the lot directly to our south.

Seal: Can you scroll that down just a little bit, Alan?

Cassinelli: I think I see it there with a shadow.

Sass: Yeah. That -- that shadow is the -- the mailbox, yes.

Cassinelli: Okay.

Seal: Okay. Any other questions? All right. Thank you very much. We will let the applicant come back up and speak their -- speak to the concerns, if the applicant would like to come back up.

Mason: William Mason. Mason and Associates. 824 3rd Street South in Nampa.

Seal: Thank you, sir.

Mason: So, the mailbox -- I actually looked at that this afternoon. I'm glad I did, because I didn't realize that would have been her mailbox, but it looks like it's going to have to be relocated anyway, because a five foot sidewalk in there I don't think is going to allow that mailbox cluster to stay right where it's at. With our project we are going to have to get the postal service to agree to a location for our mailboxes, so we certainly would talk to them about potentially putting all of the mailboxes in one cluster location or if the commercial area up front wants -- and the post office wants that mailbox to be separate from the residential, we can do two. But I don't see that being an issue for us to move back. I can't tell you why parking is occurring in the access easements, because as -- as I see the access easements, they are for cross-access -- access and through traffic. I don't see anything about parking and the concern that we have with that is, obviously, the Fire Department can't get back to other properties if there is people parked in those -- those accesses. To the parking area that they are using currently, I believe that parking area is in that access easement on the east side of their property. If we could find another place for them to -- to have parking on their property, it looks like it would have to be up front toward Meridian Road. It doesn't look like there is much room for them to do anything there. I don't really know what to say about the -- the parking in that area, other than that we can work with them on trying to figure out a proper location, but currently that -- that parking that they have fenced off is actually in an access easement.

Seal: Understood. And that's -- yeah. I think the concern is just they have parking that's there currently and that's going to remain, because it's -- it's not -- Alex, do you want to go ahead and --

Tiefenbach: So, I just put this up. This is the exhibit here that you are seeing that's referred to in the cross-access easement. This is the language here. It says grantor

hereby -- blah, blah, blah -- cross-access and through access easements, as depicted on the site plan, of parcels A, B, C and D and here is parcels A, B, C and D. So, it says you are allowed to have access, but there is nothing here that says parking. Again, I don't want to get all caught up in the civil issues, but these are access easements, these aren't parking spaces.

Seal: Who owns the -- the roads? Is it ACHD or is it the city or are they private?

Tiefenbach: Oh, talking about these? These are private easements --

Seal: Okay.

Tiefenbach: -- that are on the property for the purpose of access.

Seal: Okay. Any questions as to -- on all of this?

Grove: Mr. Chair?

Seal: Commissioner Grove.

Grove: With the access that you have as part of your property, is that to be marked no parking? Is that -- is that something that I saw?

Mason: Commissioner, that is correct. All of our access roadways will be -- our driveways will be fire lanes. So, our parking will be outside of that easement on the -- the individual parking spaces that we are showing.

Grove: And will it be marked that way, though?

Mason: No parking?

Grove: Yes.

Mason: Yes.

Grove: Okay. Thank you.

Seal: Okay. Any other questions? No?

Cassinelli: I have got a question for Alan. Can you -- on this one that you have up right now, if I'm looking at the -- make sure I'm looking at the presentation. The -- all the gray is the easement?

Tiefenbach: Yes, sir.

Cassinelli: Correct?

Tiefenbach: Correct. There is two separate easements. This is one exhibit. The second easement exhibit is for this portion here. I don't have that on the screen right now.

Cassinelli: Okay. And I don't know if you can -- can you -- are you able to zoom in on -- on this?

Tiefenbach: Sure. What do you want to see?

Cassinelli: That top. I want to see the -- the easement in relation to the property line on it -- on 1414.

Tiefenbach: Does that work for you?

Cassinelli: Yeah. So, that -- that easement there -- and that's all to be labeled no parking where it's 24 feet in the rear?

Tiefenbach: Twenty-four feet wide. My understanding per Joe Bongiorno is that there is supposed to be no parking, fire lane.

Lorcher: Mr. Chairman?

Seal: Commissioner Lorcher, go ahead.

Lorcher: So, in regard to this fire lane or easement, there is currently parking there now for 1414?

Tiefenbach: Was that directed to me, Commissioner?

Lorcher: Sure.

Tiefenbach: I guess I would defer to 1414. It sounds like they have parking there. This is the easement. These -- what you see here in gray is what they are allowed to access on and I don't think it's meant for parking. Whether or not they are parking outside of here is -- on their property is purely their concern. But this is an access easement. This isn't a parking easement.

Lorcher: Okay. So, going forward 1414 would have no access for parking on this lane; correct?

Tiefenbach: There -- they would -- they would not -- they are not supposed to be parking in this access easement.

Lorcher: Now or --

Tiefenbach: Now or ever.

Lorcher: Okay.

Tiefenbach: And whether they are is a whole other story and, again, if they have room back here -- I don't know what they have got here, if they have got -- if you have got room back here they can still park here. It's their property.

Lorcher: Got you. Thank you.

Seal: Yeah. I'm -- since we are still in the public hearing portion of it, I will have -- I'm going to have you come back up, because you didn't use your three minutes and I'm interested to see what we are going to do here. So, for -- for explanation purposes, right now it looks like you have parking on what is considered your property; is that correct?

Sass: As per what we were told and documentation we were provided at time of purchase of this property 14 months ago, we park to the south side of our property, not the east. To the east border of our property is a six foot existing fence, which was approved for purchase at the time that we were under contract. The build was done by the previous ownership, who, to my understanding, was the one who approved this replotting after we had closed. What we were told is that we had an easement of access shared to the south of our property to the plot directly to the south. So, 1402 and 1414 shared access of the middle third of that driveway, with parking available to each of us in that space. We were told the only use for that to the east, after time of contract, we were told that we might be required to expressly allow for emergency access for a turnaround of a fire truck, which is permissible and spaced accordingly with our existing parking to the south side of our property. We are not parking to the east. There is a fence on our property line to the east.

Seal: Understood. Thank you for the clarification. Anybody -- other questions?

Lorcher: Mr. Chairman. Is this a business or a residential house?

Sass: Both. Both. We live and operate two businesses out of that property.

Lorcher: Okay.

Cassinelli And do you have -- do you have visitors to the business?

Sass: We do.

Cassinelli: So, that's typically where they park?

Sass: Minimal numbers, yes. One to three a day for less than an hour apiece. But, yes, they park to the south side of our property.

Cassinelli: Okay.

Seal: Okay. Thank you very much. Appreciate you coming back up.

Cassinelli: Mr. Chair?

Seal: Commissioner Cassinelli.

Cassinelli: Alan, in that 24 feet is that -- is that allowable to have parking on one side? Is there space on that? Bill is shaking his head no.

Tiefenbach: I see a 24 -- so, what we are looking -- what we are looking at here is a 24 foot wide easement and all it says here is purpose of ingress-egress, a cross-access and through access easement. That's -- that's what -- all of these properties here are allowed to access this. It doesn't say anything about parking. If they figure out -- you know, they want to work out an issue with -- if they want to work something out with their neighbors, that's fine. If they want to park on their property that's fine, but per the legal agreement I'm -- I'm going to have our city attorney stop me. These are only allowed to be used for ingress and egress and not for parking.

Starman: Mr. Chairman, Members of the Commission, I'm reluctant to provide legal advice to the owners of 1414 or to others here this evening, but I think the -- or what Alan described to the Commission is accurate. I'm seeing this document for the first time. The intent of the easement is provide easement -- or to provide access, ingress and egress, and it's for 24 feet of width. So, my interpretation of the language, looking at it for the first time this evening and just providing advice to you, not to others, I think Alan's description is accurate and the intent of the easement is provide access.

Seal: Understood and thank you for that. Okay. Are there any other questions at this time? Okay. If not, can I get a motion to close the public hearing? Yeah. Yes, you may. Please -- please state your name and address for the record.

Smith: Scott Smith. 1321 North Main Street, Meridian, Idaho. 83642. So, the question I got is a couple things. A question and, then, a comment. How close on that back fence will the -- will the properties be, the three duplexes? Okay? And, then, the comment that I would make is that this is a very clustered little property down there. I went down and looked at it today. So, my suggestion is it's a half a mile from where we are sitting right now. It wouldn't -- it wouldn't be that big of a deal for everybody to go out there and take a look at it before you made your decisions, because some of the points that are brought up here tonight are very valid and you got lots of people coming and going and one driveway there and, then, when you got these duplexes there to boot, it's going to -- for the businesses that are on Meridian Road, the salon, the CPA and, then, the 1414 North Meridian Road there -- the North Meridian Road, yeah, it's going to leave a lot of congestion there. So, my question is, one, can you guys go take a look at it before you make the decision and, then, make the proper decision and, then, two, how close to that back fence line on the east border will these properties be, as far as what will be made as far as the fence line to separate the properties behind the duplexes?

Seal: Thank you. Okay. I will call one more time. If anybody would like to come up and testify or anybody online, please, raise your hand. Okay. Seeing none, if the applicant would like to return one last time to address that last question that would be great.

Mason: William Mason with Mason and Associates. 924 3rd Street South in Nampa. So, this property is kind of unique, because there is a 15 foot Meridian sewer easement on the east side. So, our fencing would be on our east boundary, but the buildings could be no closer than 15 feet from that boundary in order to stay out of the sewer easement. But you can see from this detail that we are not planning on building right up against that 15 foot easement. So, I would say there is another eight or nine feet behind the houses to the easement. So, you are -- you are looking at 22, 23 feet from the property line to the back of the house roughly. Our fence line would be actually on the property.

Seal: Okay. Thank you. Any questions? Okay. Can I get a motion to -- thank you, sir. Appreciate it. Can I get a motion to close the public hearing for Item No. H-2021-0044 and H-2021-0005?

Cassinelli: So moved.

Lorcher: Second.

Seal: It's been moved and seconded to close public hearing on H-2021-0044 and H-2021-0005. All in favor? Any opposed? Okay. Motion carries.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

Cassinelli: Mr. Chair?

Seal: Commissioner Cassinelli, go ahead.

Cassinelli: Well, in-fills are always tricky.

Seal: Absolutely.

Cassinelli: I -- you know, when I was reading this ahead of time I thought this was going to be fairly simple and straightforward. The -- and I don't want to -- I don't want to sound -- sound cold and not caring about the -- the owner in 1414, because I do, but the -- that -- that issue of the parking and access to that is kind of something that they were -- they weren't informed properly by -- by the seller of that property it sounds like. I mean they -- you know, they have got -- we have got to follow the easements for access here and I think even if they open it up -- even if we could put parking there, which we can't, but if you could put parking on one side, nothing is to say that -- that parking won't be -- not by visitors and residents of these, because it would be -- you know, it would be on a -- be perceived as public parking. So, it would be a huge issue there. I don't know -- unless the applicant and the owner of that property can get together and if we can make a

conditioned that they -- that they get together before -- you know, before things go to Council to -- to try and come up with a solution that -- that serves all. I don't know -- I think our hands are kind of tied as far as what we can do on the parking issue. Other than that I think it -- you know, I think it fits. I haven't seen any -- you know, other than that one elevation of the garages, I haven't seen any other elevations here. I would have liked to have, but -- I mean it meets the -- you know, we are meeting the requirements in there. I think it's difficult to try and book businesses in there, just because of access and visibility. You could probably go with some sort of offices, because you don't need the -- like retail would need visibility, but office space may not, but I'm inclined to -- to move forward on this is my thoughts.

Grove: Mr. Chair?

Seal: Commissioner Grove, go ahead.

Grove: As far as park -- as far as parking for the development itself, there is more than ample parking for the number of units that are going in there. Especially with the rezone to Old Town where the parking requirements are a lot tighter just in general and as far as like setbacks, they are a lot closer than any other zoning. So, I'm not worried about any of those issues. The problem that I have with -- with this -- and this is not on the applicant per se, but -- is I feel like we are giving up a piece of development area that could be looked at a lot more strategically from a broader perspective and I am hesitant to give up the commercial zoning on this to add in the -- the residential, just seeing as how the development that is starting in the core of downtown is going to be spreading outward towards that northern gateway that we were talking about earlier tonight. I am very hesitant to add something new to this space, especially as it is an empty lot and I know that the development of this would require other properties or other coordination, but I'm -- I'm not in favor of giving up that commercial zoning to move to Old Town to have this put in right now. I think that for me it's premature from a long term perspective for us as a community development. I think for the -- for the owner this makes sense, but for -- for me it doesn't looking at this from a longer standpoint.

Seal: Okay. Commissioner Lorcher, do you have any thoughts?

Lorcher: Oh, Commissioner Grove just added a whole new level --

Seal: You want to --

Lorcher: Commissioner Grove added a whole new level of thought process on this. I mean it -- like Mr. Cassinelli said, it's really hard to get something in between other things. You have got old retail in front of it and, then, trying to put in new residential behind it, where -- whereas Commissioner Grove said maybe a few years from now the old commercial would change, but that would be a bigger parcel for a different kind of business. What are we voting on today? Whether or not to be changed from commercial to residential or the whole project?

Seal: It's -- yeah. It's got rezone from C-C to Old Town. Short plat for the three lots to allow the duplexes.

Lorcher: Yeah.

Seal: So, essentially, it's the rezone is the -- the major portion of it.

Lorcher: The rezone is our -- our task.

Seal: Correct.

Lorcher: This really is my first kind of big in-fill project, so I don't really know our history. I mean I have seen projects like around 3rd Street where there was residential and, then, there is a long driveway and there was four or five duplexes behind there. It seemed kind of a strange place to put them and other are parts of the city. This is a very busy road, Meridian Road is, so I guess I'm on the fence with the whole thing. I mean it would be up to the developer if they could sell the product to residential, knowing that there is commercial in front of it. You are right, butting up against Main Street where you have other commercial, you are going to hear the -- the bangs of the garbage trucks at early in the morning. You know, I mean -- I don't know. I'm kind of on the fence on this one.

Seal: Commissioner Grove, do you have something else?

Grove: I will jump in. I mean I live across the street from this, so I'm very familiar with this area. I walk this all the time. I -- I just have a -- I have a hard time -- I like in-fill. I like that it's tricky. I like all the nuance that goes to it -- into it. Normally I would be in favor of this, but having this in between Main Street and Meridian Road I think that we have -- we have a lot of potential here and I feel like by doing this that is available to us right now, that we are going to have a harder time doing anything around this in the future. I know nobody is necessarily, you know, coming forward and wanting to do a redevelopment of the parcels that are directly close to this, but I think that we are not looking at the longer view on this and I would -- I would prefer a pause just in general to get a better sense of what else is possible here that is a little more ambitious with what is possible in downtown.

Seal: And I will throw in here a little bit. For clarification. First, if we -- if there is a recommendation for approval, the layout that you see right here actually is not the layout that's in the staff report. So, you would have to amend to want to move forward with the three duplex layout, not the one that was originally in the staff report. So, just so everybody's aware of that, if it was -- if you do move to approve, because I can't make motions. The one advantage to sitting in this seat. And I agree that -- I mean I agree on all fronts. In-fill is tricky. It's really tough. I'm glad to see the applicant has taken great strides in doing what they needed to do in order to fit this in here appropriately. Still a little concerned -- I mean it's interesting, because there is turmoil over the parking piece of it and there is more than ample parking being provided, you know, within the duplexes in there, so, you know, as to whether or not this can develop in the future, I kind of look

at things as far as how they fit for what's in there right now. I am a little concerned -- I'm concerned about the parking overall in this situation where things will be marked as -- as no parking where folks have, obviously, been parking, whether that's legal or not, you know, it's better to beg forgiveness -- beg forgiveness than ask permission, so -- and I agree with Commissioner Cassinelli, that was probably not handed over correctly as far as the expectation of being able to park in that -- in that lane. So, this is a tough one. I mean if this were to develop commercially I think it would serve the city better. That said, if we decided not to do this tonight and it doesn't develop as anything else, then, you know, we have missed that opportunity as well to provide some in-fill. This seems to fit pretty well. I mean there are some constraints, but that's -- that's every in-fill property that we have. You know, I have seen some stuff come in for in-fill that didn't go through and now we have empty spaces sitting there that are getting harder and harder to fill. Luckily this isn't a hard corner. So, I have mixed feelings about it all around for sure. That said I think it's -- just looking at the layout that they have here again, I think it's a good layout. I think it does fit appropriately within the space as provided. So, it's tough for in-fill to do that well and I think this one does. But, again, there are some concerns about it.

Grove: Mr. Chair?

Seal: Commissioner Grove, go ahead.

Grove: I don't disagree. I think the product fits the -- the layout, I just have concerns with the product in its location.

Seal: Understood. Okay. At some point -- at some point somebody's got to make this into a motion and it's okay if -- whatever your recommendation is we have to vote on it. So, that's -- that's the good thing about it. We are not all going to agree every time or should we.

Starman: Mr. Chairman, I guess I would give you a third option -- I'm just surmising from comments that we may have a two to vote. I'm not -- I don't want to predict that, but that's a possibility. So, another option -- you know, the Commission could vote to continue this item and wait until you have, you know, more Commissioners present. That's a possibility as well. I just put that out there as a potential.

Seal: And I appreciate that. It's something that I was thinking about. Give them time to go back and take a look at things, work with neighbors, try and figure some things out for parking, you know, how the -- the mailbox situation is really going to lay out. It sounds like there is some work to do on that and the layout that you see in front of you right now was not the layout that was in the staff report. So, it would -- it would provide some opportunity for those things to happen. That said, it's going to delay things I would say at least a month at this point in time. But, again, I don't get to make the motions, so --

Lorcher: Mr. Chairman?

Seal: Commissioner Lorcher, go ahead.

Lorcher: I like the idea from Legal to get some more input than just the four of us.

Seal: Okay. If you would like to make a motion on that.

Starman: If I can interject just real quickly, if the Commission does go that direction -- you may or may not wish to, but I would also likely recommend that you reopen the public hearing and continue that, so you can receive additional feedback at your next meeting as well.

Seal: Understood. Thank you. So, if we are going to continue it we do have to reopen the public hearing. Glad that was stated, because that is something that we need to do.

Grove: Mr. Chair?

Seal: Commissioner Grove.

Grove: If we do open it up we need to be very specific on what we are opening it up for and why we are continuing it, so --

Seal: Okay.

Grove: -- whoever makes that motion. I'm not making that motion.

Seal: Commissioner Cassinelli.

Cassinelli: Well, right now I will make a motion to reopen the public hearing to consider a date and to consider -- I mean we are just making a motion to open the public hearing right now, but to talk about to -- to address this to -- to get more resolution on going from the four to the three and also communication with the neighbors at 1414 Meridian Road. So, that's my motion.

Seal: Is there a second on that?

Lorcher: Second.

Seal: Okay. A motion to reopen the public hearing for Elderberry Estates, H-2021-0044 and H-2021-0005. All in favor? Any opposed? Okay.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

Seal: Would the applicant like to come forward, since -- since we reopened it for -- for continuance, like a little bit of input from you. I mean there is, obviously, some concerns, a little cleanup that could be done. Is that -- are those things that you are willing to consider and follow through on?

Mason: William Mason. Mason and Associates. 924 3rd Street South. I think the parking issue is -- is something that -- from a fire standpoint we are not going to be able to not post the -- the accesses as -- not -- as parking stalls. The Fire Department is going to require a 25 foot open area -- or 20 foot open area for them to pass through. So, right now that parking in that 24 foot drive aisle on the north side of the -- the project out to Meridian Road wouldn't meet Fire Department standard right now for emergency services to get past. So, I don't really think there is anything we can do for parking in that area and the -- the post office -- certainly we can work with the post office to determine where they want the mailbox clusters to be located and we would do that.

Seal: Okay. And, then, essentially, when you come back you will have a formal -- the formal submittal for the property is going to be the layout that we see on the screen here; correct?

Mason: Correct.

Seal: Okay. Would somebody like to get a motion? Thanks. I appreciate it.

Cassinelli: Do we want to talk about a date right now?

Seal: That's -- yeah. I was going to say, do we -- do we want to get a date for this? The 4th was the last one that --

Parsons: Mr. Chair, Members of the Commission, certainly want to add a little bit of context to this conversation, so you can have a narrow focus on your -- your continuance request. So, I think the applicant -- from what I'm hearing tonight, too, I kind of concur with Legal, there is -- there is some -- several issues that need to get addressed tonight. One is -- I would even encourage the applicant not only work with these owners, but also the CPA owners, because if you look at this graphic that's before you, there may be an opportunity to provide some parallel parking on the south side of their lot. This 24 foot wide access easement is actually wider in that particular area in front of those two duplexes there. So, there may be an opportunity to still meet the fire code and provide some parking. But that's going to require a shared parking agreement and other -- bring the other property owners into the discussion. So, I think we can solve some of that. I think we can solve the mailbox location, because our code requires the applicant to work with the post office and give us a letter and determine where to place those mailboxes. That's part of their short plat approval. So, I think that works well. The -- the other thing -- so, I think -- I think we can solve some of that. So, in your motion that's what I would encourage you to do is we would want it to, obviously, go to November, because we know the 21st is going to be a busy hearing. So, I would recommend that at least we go to November 4th to allow us to look at those revisions, possibly update the staff report if required. The other option is if the 20 -- you know, our code is going to require 25 feet. That's what a typical drive aisle is when you are adjacent to parking. In this particular case the parking is the parking pads of the units. The applicant could also go through the alternative compliance with staff and try to shrink that -- not going below the Fire Department's requirement, but try to gain some additional width there to provide that

parking. So, I think you allowing us to have that month to not only work with the applicant on coming up with some sort of shared parking in the area, providing some mailbox locations that both -- all parties can agree to and, then, also seeing if we can work on this access issue and try to determine where -- because as I look at this graphic it looks like a portion of this driveway is actually going in their backyard because of that easement and it sounds like that's something they don't want. So, is there an opportunity to look at that or maybe push some of these units back and correct some of the -- the wrongs that have been done under the previous approvals. You know, back in 2007 when this was approved for assisted living and it was -- the property was under one ownership and now that you see what's happened over time when you consolidate property, but you don't develop it and, then, that person goes ahead and sells each individual piece off and, then, the city -- and we are here at the hearing talking about what previous owners committed to doing and now we can't solve that problem unless we add people to the table. So, I think that the appropriate step, in my opinion, would be to continue to -- it sounds like you are and, then, give us some time to -- to work back, work on this and, then, see what your recommendation is at that point. But, you are right, your purview tonight is really just the rezone. Council will be taking action on that short plat.

Seal: Thank you, Bill. Appreciate that. So, really, we want to narrow this down to, essentially, parking issues and the mailbox relocation as far as the continuance. So, with that -- it looks like the 4th would be the date that we would want to shoot for with it, so -- Commissioner Cassinelli.

Cassinelli: I'm going to move to continue file numbers H-2021-0044 and 0005 to the hearing date of November 4th, 2021, and have the applicants work with both the neighbors there at 1414 and the CPA to the south and with staff to try and come up with a parking solution there that's going to work, especially for the existing property owners. Return on the 4th with -- with the three -- three plats and, then, also work on the mailbox configuration.

Lorcher: Second.

Seal: Okay. It's been moved and seconded into continue item number -- or items number H-2021-0044 and H-2021-0005 with -- with the modifications listed -- or noted. Spoken. All in favor say aye. Any opposed? Okay. Motion continued.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

9. Public Hearing for Intermountain Wood Products Expansion (H-2021-0042) by Kent Brown Planning Services, Located at 255, 335, 381, and 385 S. Locust Grove Rd. and 300 and 330 S. Adkins Way

A. Request: To expand existing wood products business located at 220, 300 and 330 S. Adkins Way by

a. Annexing 255 and 335 S. Locust Grove Rd. with the I-L zoning

- district.
- b. Modification of the Medimont Development Agreement for the purpose of creating a new development agreement for the subject properties and removing the requirement for an internal landscape buffer.
 - c. A Future Land Use Map Amendment to designate 355 and 255 S. Locust Grove from Mixed-Use Community to Industrial, and 385 and 381 S. Locust Grove from Mixed-Use Community to Commercial

Seal: All right. It's coming up on 8:00 o'clock. Does -- would anybody like to take a quick bio break or do we want to go ahead and drive through the next one? Okay. All right. Next one up is Intermountain Wood Products Expansion, H-2021-0042, and we will start with the staff report.

Tiefenbach: Commission, Alan Tiefenbach, associate planner. It's a little complicated, so I'm going to try to run through all this piece by piece. This is a proposal for an annexation of three acres with the I-L zoning district, a modification to an existing DA to create a new DA and two future land use map amendments. So, the property is six -- the subject property is actually six different properties. These are located near the East Franklin Road, South Locust Grove intersection. Two of these properties, which are here, are already zoned I-L. Two properties over here are currently R-1, which you can see here, in the county and, then, there is two more properties to the south here that are zoned C-C and it's important to mention -- I'm going to say this a few times that these properties zoned C-C are not -- are only part of this application in regard to the comp plan amendment, they are not part of this development and they are actually not owned by this applicant. So, the three lots -- I'm going to run on to the next -- the three lots contain an existing business, which is here, Intermountain Wood Products, like a wood manufacturing and distribution type company. These were annexed in 1996 and platted under what was called the Medimont Subdivision No. 2. There was a conditional use that was approved for this wholesaling business materials and in 2001 there was a CZC that was approved. The two parcels to be proposed to be annexed, which are here, again, are -- these would be to allow for expansion of this existing business and, again, these are presently unplatted. So, what you see here is to show the existing business, the properties that are going to be annexed and this is showing what the plan recommendations are and I will talk more about that. This is the proposed concept plan. I'm going to run through the summary of the request again, because it's a little complicated. So, the first thing is to annex the two properties into the city with the I-L zoning to construct a 59,300 square foot warehouse. That's what you see here and that, again, would be these properties here. The second proposal would be to remove a DA requirement for -- that requires a 20 foot wide landscape planting strip along the east boundary and I will talk more about that later and kind of show you that and, then, there is three future land use map amendments. The first one would be to -- or sorry. Two future land use map amendments. The first one would be to change the designation here from mixed use community to I-L. All of this is also recommended as I-L and I will go

through that. The second amendment would be to redesignate these right now, which are designated for mixed use commercial -- or, sorry, mixed use community to commercial. So, this is the -- this is a demonstration of what the DA requirement for the landscape buffer is. If you see this long sliver of land here, when this property was planted under the Medimont Subdivision, the Medimont Subdivision -- the extent of the subdivision is basically to the east here and when this subdivision was approved there was a DA requirement that said that there needed to be a landscape buffer to the east and the reason why is it at one time all of this was residential. The -- if you look at the -- if you look at the map here, that landscape buffer basically runs right through the middle here where they have their parking. So, in order for them to be able to do the development they want to do they would have to remove that landscape buffer requirement. Let me run through this. Okay. So, I'm going to talk first about the land use, then, I will talk about the buffer and, then, I will talk -- or, yeah, I will talk about the land use first, the DA mod and, then, I will talk about the future land use map designation. Okay. So, again, this -- this area is presently designated for mixed use commercial under the future land use map. To the east of the subject property across Locust Grove here is single family attached and detached, which is the Bellabrook Subdivision, and there is also a religious institution, which is here. There are commercial and office uses to the south. Actually, right here is what was known as the Learning Tree Daycare. I'm not sure if they are still in business. And directly adjacent to the west is a large industrial park, including the applicant's development, which is here. Adjacent to the north here is two existing single family residences. This strange L-shaped property right now is entitled R-40 for 90 multi-family units, although probably not at this point are going to happen with that many and the reason why is since that time this has now become an ACHD drainage pond. So, nothing's happening there other than drainage. Given the existing development in this vicinity as it is now, the size of the remaining undeveloped parcels -- and the UDC requires circulation to occur from a local street and not directly from an arterial if there is an option to take access from a local street, staff does not believe these have the accessibility and are viable for the integrated, walkable, synergistic development that's anticipated by the plan for mixed use community. Again, we are only talking about these properties here and this one that's already zoned R -- or sorry. This one here that's already zoned R-40, which now that they have R-4 zoning -- R-40, I would be surprised if anybody would ask to go back from something that would allow multi-family. Staff does believe a plan amendment is appropriate to allow a change to the industrial designation for the subject properties -- and a little bit about the one to the south. The -- the -- well, I will come back to that. We -- we do have reservations, though, and I will say this, about how this proposed development would interface with these -- rest of these lots. These are two existing residential lots. These are recommended for mixed use community. These would be basically the last remaining lots that are right now in the county and recommend for mixed use community. So, we don't know -- you know, we are a little concerned about how this would impact that. That said, we still do think that what they are proposing to do makes sense. Okay. Here is the DA modification. Again, the -- the existing businesses within the Medimont DA -- or the whole subdivision is basically over here. The DA requires a permanent 20 foot wide landscape planting strip. That's what you see in this long thing here. This was required to provide a screen for what was these adjacent properties over here. This proposal would create a new development agreement. So, it

come out of the Medimont development agreement, it would create a new development agreement for some new requirements, which I have listed as conditions of approval, but what is driving this is to remove that requirement for this landscape screen, so that you can build across it. At one point this buffer was in a common lot and it was owned by the Stonebridge Owners Association. In February of 2021 the portions of this common lot, basically starting from this property line down to this property line, were sold off and deeded to this applicant. However, this was done improperly. There wasn't really a subdivision plat to legitimize this, it was just done. Also when the staff went out on a site visit for the pre-ap there were pretty thick trees there along the whole buffer. All of the trees adjacent to this lot have -- were removed, sitting basically in the middle of the lot. Staff requested, because this was a DA requirement, these trees in this location, staff requested that the applicant account for all the trees that have been removed and the applicant responded that 11 trees had been removed with a total caliper of about 169 inches and as I -- was mentioned in the conditions of approval, one of our requirements is because these trees were required and were removed, we are recommending that in addition to the required landscaping that has to happen per the code, that there would be an additional 169 inches of trees somewhere planted out on this site to make up for what was removed. The last thing I want to talk about real quickly is the land use map amendments. Again, one of the things that the applicant is proposing to do is to go from mixed-use community, which is here, to industrial -- industrial, which is here. There are two more little pieces of property here and this is the Learning Tree Daycare, which I'm not sure is still in business. Our concern was that if these were redesignated to industrial we would have this little island here of these two residential parcels of mixed use community, which really didn't make sense. We suggested the applicant work with the adjacent property owner and see if they would be amenable to having them designated to commercial, because all the properties to the south are commercial. So, it would make more sense to have this designated commercial if the Planning Commission were inclined to go this way, than to have a little island of mixed use community here. Does that make sense? Other than that, those two bottom parcels have no part to do with this development, other than just to clean up the land use map. Okay. In the staff report staff noted that although -- although we supported the use, we said, yeah, we overall support what they want to do here in this warehouse and we overall support the changing of the designation of the comp plan, we had issues with the site plan. What you see on the left was the site plan that you saw in the staff report. What you see on the right is the concept plan that we got today. So, the issues that we had in the staff report were access. There was direct access according to South Locust Grove. Our code says that when there is -- when there is access off an arterial and there is also the possibility of having access off of a lesser street, whether it's a collector or a local, that the property should be designed to take access off of that lesser street and not off of an arterial. The other thing is that we have a code that says that you are -- especially when you are on a -- when you are on an arterial you are supposed to provide cross-access to all properties, meaning they were supposed to provide access to the north and the south. So, that was our first issue was the access issues, taking direct access off of South Locust Grove, especially for the big trucks that you would see and, secondly, that there wasn't cross-access provided to the north and the south. The other issue was a pretty small issue that could be fixed that this residential buffer wasn't wide enough. This loading bay here -- and there is a requirement

that the loading bays have to be at least 300 feet from residential properties, which is here, which it's not here. All of the parking right now in this particular plan, the one you saw, all of the parking is located between the building and the street and our code says that when -- when a property is more than two acres, no more than 50 percent of the parking can be in the front of the building and the street, basically to try to keep from having a sea of parking as you are driving down the road. And, then, the last thing was that we weren't sure that the building met the modulation requirements or elevations -- you have to have walls inset or outset. Looking at the elevations and looking at the site plan we weren't super clear on that, so our recommendation to you in the staff report was that although we recommended approval on the overall idea, we did -- we wanted to make clear that -- that we did not support the concept plan as it was. Since that time, meaning today, there is a new concept plan that has been submitted. All of staff's issues have been resolved, except they are still taking access from South Locust Grove and this particular cross-access has not been provided. If you look all of the parking has now been distributed here. They have moved the parking -- or excuse me -- the loading bay down here. You can see how the building demonstrates that they have modulation. One thing they are missing is there is supposed to be a five foot perimeter drive aisle buffer here. Easy enough for them to fix. Other than that, staff would support this concept plan as it is and I will talk about this when we get to the conditions of approval, but where we are at with this is that we would support this concept plan, but the Planning Commission should make a recommendation -- the Council has the ability to waive this requirement to close this access and they also have the ability to waive whether or not they have to provide the cross-access to the north. We look to the Planning Commission to make a recommendation about whether they think this access should be closed and whether access to the north would be provided. I have included that in my updated recommendation and I will read that when I finish, because I know there is a lot to remember here. The last thing is the architecture. The first version that we saw at the pre-app was a large metal corrugated building and we said no way. The next version that we saw is what you saw on the top and we think it got closer, but it still doesn't meet a lot of the architectural standards manual. It didn't look like it's modulated. There wasn't a band of materials at the bottom. There wasn't more than one field material and particularly what we were concerned about is that we have a requirement that -- that you can't have a lot of metal paneling on the building. If you have metal as a predominant material you have to have at least two other field materials. So, it wasn't meaning that -- I don't want to get all caught in the weeds on that, but, basically, said we have an issue with these elevations. We are not going to -- we recommend, again, the use, the comp plan change, the modification to the DA, but we want to be clear, we don't support these elevations and, then, today we got the one on the bottom, which we think is -- is much better. It's a big improvement over what we have seen. We are still not sure -- we haven't seen all of the elevations and had time to assess them, because we just saw this today. We think this is significantly better. Our recommendation with that -- and, again, I will talk about it in a second here -- is just that we continue to work with the applicant on the elevations. Really most of the time what you are going to see and what the Council is going to see is going to be very conceptual elevations anyway, because this is stuff that we work out at the time of the certificate of zoning compliance. But -- but we had enough issues with the first elevations that we wanted to make it very clear that we were not

supporting those. So, here is staff's recommendations. Staff recommends that the PC recommend approval of the annexation, the zoning to I-L, the DA modification to remove this property from the Medimont development agreement and have a new development agreement with the conditions that we listed, in addition to removing that requirement for the buffer and that we recommend approval on the changes, which would be to the future land use map designations, which would be all of it mixed use community going to light industrial or, sorry, industrial for the subject property and commercial to the two properties to the south and the two changes that we are making to the recommendation that you got on the staff report is that we are making -- recommending approval to the site plan with the changes that the PC should discuss whether primary access should be allowed at South Locust Grove and that the PC should discuss whether cross-access should occur to the north and, again, in continuing -- in regard to the elevations, we think they have made huge strides, so we think we can work it out with them in regard to the way the elevations will work. With that that concludes my presentation and I will answer any questions.

Seal: Okay. At this point I would like to ask the applicant to come forward.

Brown: For the record, Kent Brown, 3161 East Springwood. I actually live less than a mile from this site. I drive by it all the time. Like Commissioner Grove, I guess like the other site that we just recently talked about. So, when the industrial subdivision was done and those single family houses -- or single family houses sitting on acreage were there, Locust Grove didn't go through, it just went up another half a mile and dead ended and there was no connections to go any further. It tied into another rural subdivision that is on the east side of Locust Grove and so it was pretty rural and the -- from the record when that went in, obviously, the neighbors showed up and said, hey, they are going to be doing a big industrial use over here and we are concerned and so they asked for that buffer to be there. The conditions of approval in the DA say that they are to buffer along their easterly boundary where there is residential. So, technically, we wouldn't have to do a DA, because if we become industrial, then, we are not and we propose that we would like to be under a development agreement, so that you can make sure that we are doing everything correctly on the entire site. You -- you had a development agreement that really didn't do anything else to the existing uses. Intermountain Woods is a wholesaler that they sell flooring and stuff to wholesale contractors that are doing installations. It's not private. All of the interaction with the customers is off of Adkins at the existing. It will remain that way. This facility is just to provide them with more storage. There will be employees that will be assigned to that building and there will be some paperwork and so forth. Recently doing the Amazon building and a few other things here in the -- in Meridian, things are becoming more automated, so they might have less and less employees. I think Commissioner Cassinelli was the only one that was here when we did the subdivision to the south, which is the two parcels that we are talking about changing the comp plan designation on. That site plan shows landscaping in the front, 25 feet, then, has a drive aisle and parking and a flex space building that will have three units facing the street and, then, on the backside they will have garage doors. That plat I will show you in just a minute. It's here and, then, there is a daycare, it's still located there. But when that daycare goes away, then, there will be a flex building back there. Because

when that was approved they were required to have a landscape buffer along their boundary to the residential and so the -- they haven't installed it yet, but they have a requirement for that. The property to the south also has a cross-access easement with this piece of property and kind of comes in the middle of the site. I'm sure we can work with the owner and maybe move it a little closer to the front, but we could even -- I'm sure work with them in the middle. I know that Mr. Belville that owns that property, probably doesn't really care where the cross-access is. As you look at this property and the properties to the north of us -- if I can blow it up -- the concern about our cross-access with our neighbor to the north, we have one of those deeded ones like the last one that you saw with our neighbor. There you go, Alan. Yes. So -- Ann Witherell owns the -- the little tiny sliver, the little strip that you can see there. Yes, Alan. And that's a cross-access easement between these two properties. The reason I picked this drawing is that it shows the existing house that's on the industrial site here and, then, her house sits to the north. Currently there is a dirt driveway that kind of aligns with the LDS church that is to the east on the other side. That dirt driveway goes back and, then, went to both houses. We have removed all the buildings on this site. When we -- prior to removing the bushes, the trees, we removed the houses. So they are gone. We do have that cross-access that is an existing agreement. But we can also provide one at a location and kind of work that out with staff as to where we put it. We are not opposed to putting it and I understand the purpose of it is that you are going to have limited access points and ACHD -- we tried to move it further north where we have our cross-access with our neighbor and ACHD said, no, you need it -- needed to move it in alignment with Kalispell, which is that neighborhood -- Bellabrook. So, the Kalispell -- so, our entrance lines up with that and that's what ACHD had asked us to do. Those existing improvements were there. We have tried to address the concerns. We got the staff report sometime Monday from Planning and when we became aware of the concern about where the loading dock was, the architect got busy and -- and tried to address those concerns and that's why we have a new site plan at this late hour. They have been in this site for -- since -- as Alan kind of alluded to, they did their zoning certificate back in 2001. So, 20 -- 20 years they have been in the site. They have become very successful and subcontractors like to use them and they are -- they are very busy. Intermountain Woods has a number of sites. This is the only one in the Treasure Valley. They have one in -- in Idaho Falls and they have many others scattered about. But this is the one that they have here. If you look from my vicinity map -- if we can make that go -- yeah. Where the Murdock Sub is, that -- that's existing commercial zoning and commercial in the comp plan. On the south side, Watertower and that location, is where the police station is located at. It's in the commercial zone. So, when we were talking in our pre-app meeting Brian is the one that brought up -- he said we want to try to preserve any industrial that we can get and so that made us feel encouraged, specifically when this is a business that's been successful and has been here in Meridian for quite some time. To help you just understand, the trucks that are to come and unload in that location at the west side of this new warehouse and those are the only people that will be using that driveway or entrance onto Locust Grove. The customers are all coming and they are receiving all of their delivery -- all of their products up on Adkins. So, they will cross their site and take things from this warehouse and the other two warehouses and fill the customer's orders. They have a whole series of hardwoods and different kinds of things. Kind of a fun place to go. Look at what's

available. So, I will stand for any questions that you might have.

Lorcher: Mr. Chairman?

Seal: Commissioner Lorcher, go ahead.

Lorcher: Do you represent the Belville Subdivision or do you represent the Intermountain Wood Products?

Brown: So, I did the Belville Subdivision for Brent Belville and -- back in 2018. We recorded that. Split that property. So, I understand the site very well. Because I live a mile away and because I did the Bellville site, I was willing to take this on and have enjoyed working with the Banks Group and find them to be a great company and a great people to work with. So that's -- yes.

Lorcher: Okay. Thank you.

Brown: I didn't go twist Brent's arm to do the comp plan amendment, but I told him that -- and he told me -- he says if you say I'm supposed to do it, then, I will do it. If it doesn't hurt -- hurt what I'm doing and it doesn't. He has C-C zoning, which is allowed in -- obviously in the comp plan designation.

Cassinelli: Mr. Chair?

Seal: Commissioner Cassinelli, go ahead.

Cassinelli: If the access to Locust Grove were to go away would that -- we also have that to come back -- would all the truck access have to come in through Adkins?

Brown: Yes, it would.

Cassinelli: And -- and what's the -- what's the objection on that?

Brown: They can coordinate having the trucks. It's in a great location in the fact of, you know, where -- where are your exits off of the freeway and they can stack trucks up off site and, then, have them come in, unload. They have to do that, because they only have so much unloading that they can do. It would maybe make it a little more congested between their two warehouses to drive to the back, but overall that access -- I mean I would have to have an emergency access over there someplace anyway to make the fire department happy, because we are going to be beyond any distance and they didn't want to be around that building. I think by us limiting that it's not a customer access, I think that that really reduces -- and that's why the highway district didn't have a problem with it either.

Cassinelli: How could you stop -- if I'm -- if I'm a customer I might come in that way, as opposed to on Watertower coming in off of -- coming in off of Franklin to go up Adkins or something like that. I mean it's -- how are you going to -- how are they going to discourage

customers from -- from coming in that way and driving around to the front?

Brown: Yeah. I guess -- I did a cabinet shop off of Franklin Road and they had an access in the back where they -- they brought deliveries. That's not where the customers go. I mean is there occasionally going to be one? Maybe -- maybe someone would. I know of all the ways in and out of there, because I live close to there. Locust Grove is busy, but it is, you know, not -- I mean it's a 9:00 to 5:00 type of scenario when the -- when the people are going to be there dropping off and -- and when customers are there. It's the access that they know. That's where they go to do business with this company.

Grove: Mr. Chair?

Seal: Commissioner Grove, go ahead.

Grove: With the Locust Grove access would you be willing to sign it as right-in, right-out and also make it no truck access?

Brown: Well, the truck access is what we are looking to have. That's --

Grove: I understand.

Brown: Yeah. We --

Grove: But in lieu of -- in lieu of closing the access altogether. So, the staff report is -- the staff recommendation is to close that Locust Grove access. So, in lieu of losing the access all together --

Brown: There is no reason to have the access if you don't have truck access, so --

Lorcher: Mr. Chairman?

Seal: Commissioner Lorcher, go ahead.

Lorcher: Watertower Street is a secret special way that residents get through from Locust Grove to Meridian Road, so there is a -- there is a fair amount of resident traffic coming through. I would -- I would support the big trucks coming off of Locust Grove, especially if they are truly 18 wheelers, to be able to navigate going around Watertower and, then, to Adkins, doing those turns with -- with their -- the way they are connected with the tractor and trailer would be challenging for some of those drivers. It would be safer to have them come off Locust Grove than they would the smaller streets, just because of the turn radius of the 18 wheelers and maybe accommodating, you know, right-in, right-out, so that they are only making right-hand turns and the time to take a left that could be something that can be discussed. But I disagree with removing access to Locust Grove with big trucks. They need the room to be able to maneuver.

Seal: Well, no -- I was going to say I'm going to chime in on this one a little bit here. But -- I mean right now they -- they come through an industrial park and the roads are

supposed to be accommodating for that and everything that they have is being delivered off of those roads right now. So, this is supposed to provide more access. So, I don't -- I guess I don't see the -- I don't see that big of an issue with it. Especially with them removing the -- all the trees and everything in between, they can make that more accommodating all together for sure. The Locust Grove piece of it is -- it's interesting. I understand why you want that. But at the same time you are expanding a business that hasn't currently done any business off of it. So, that's interesting.

Brown: The developer is here if you want to ask him some questions, too.

Seal: Absolutely. If you would like to take the --

Banks: Brad Banks. 1940 Southwest Temple, Salt Lake City. The purpose of this larger -- larger building, as we refer to it, as central purchasing. I send my truck to the northwest and it will bring in a load of plywood and I will unload it in this warehouse. Another truck will bring in a load of pine from the Pacific Northwest. Another load -- truck will bring in a load of oak from the east and, then, those trucks will take out partial orders and leave and go to another distribution center in Salt Lake or Spokane or Idaho Falls. Small portions of that material will go over to this Boise -- or Meridian distribution center to address the needs of the Meridian customers. So, this building will not be used for customer activity, other than internal customers. It will be a central purchasing warehouse. What does Amazon -- Amazon call their collection center? Anyway, it's a -- it's a distribution hub. It's a distribution hub for my ten other distribution centers, Meridian being one of them. So, those trucks would come in with a full load of product A and leave with a full load of product A, B and C going to other locations. And, then, at the same time serving this Meridian location, which, then, local cabinet shops and flooring contractors would come into the Meridian location to get their material. There would be nothing in this larger distribution hub that would service any customer, other than our internal customers in the different locations. So, that's what the value of the Locust Grove access is. To bring that in through Adkins Way and trying to bring it down through here would just congest the Meridian customer base and the Meridian activity at the expense of the local population.

Cassinelli: Mr. Chair?

Seal: Commissioner Cassinelli, go ahead.

Cassinelli: So, this is -- this is really more independent, if you will, of the existing -- the existing business.

Banks: Correct.

Cassinelli: Okay. So, customers -- I mean it -- it's virtually stand alone, except for a little product that will make its way over --

Banks: To the -- or the Meridian distribution center.

Cassinelli: Okay.

Banks: In this Meridian distribution center the building on the north is hardwood flooring. It would serve all of the hardwood flooring contractors in -- in this geographical area. The building to the south is industrial wood products, which services all the cabinet shops in this area and, then, both those products would be fed from the bigger distribution center here on the east that would feed them. No customer would be coming to or getting any product out of the larger distribution -- distribution building.

Seal: What time would you be accepting shipments into that new building?

Banks: Please repeat the question.

Seal: What are the times you would be accepting shipments into that building? What time would the trucks be in and out of there?

Banks: It's an 8:00 to 5:00 business.

Seal: So, there wouldn't be anything -- they wouldn't open up something to allow shipping at night or anything along those lines?

Banks: No. We are not very good looking, so we need lots of beauty sleep.

Seal: You and I both.

Cassinelli: Is -- the intent is to only to have one loading dock?

Banks: That one loading dock you see is for van trucks that need to be loaded out of the tailgate. So, a forklift would go into and bring material out of and to the side of it. We would unload flatbed trucks that would come into the building that are not required to load from the tailgate.

Cassinelli: Okay. So, you would have forklift activity out there?

Banks: Correct.

Seal: Okay. Anymore questions for the applicant or staff? All right. Okay. At this time we will take public testimony.

Brown: I wanted to make one other comment. ACHD was very specific in -- in how they, you know, looked at this and they -- they had similar concerns. I would say that they looked at it -- I mean we have three drive approaches and two drive approaches and a cross-access that are out there that they put in when they widened the road. They widened the road when J-Build went in, which is where the school facility and ICOM are at now and they punched the overpass over and so they completed the improvements along Locust Grove at that time and so they provided drive approaches for each one of these properties and this northern portion of this site had that shared driveway with -- with

-- and Witherell that's the property owner to the north of us. She's our only person that showed up to our neighborhood meeting and every single one of these properties in the last three years have had for sale signs on them. They have been approached by multi-family developers to buy all of them, which is not what staff would want to see in a mixed use. I have heard those words come out of your -- your mouths that that's not what you are looking for. We -- we don't expect that. I think I was on the Planning and Zoning Commission in Meridian when the R-40 went in and they had apartments and I think the developer knew that ACHD was going to need a storm drain pond and by getting it approved he got a little higher value. But there has been a number of people that have looked at that and it's tough to make it -- make it work and so access is -- is a big issue. We are not opposed to providing a cross-access north-south and working with our neighbors to do that. Thanks.

Seal: All right. Now we will take public testimony. Do we have anybody signed up?

Weatherly: Mr. Chair, we have no one signed in.

Seal: Okay. It looks like we have one person that would like come on up. Yep. If you can state your name and address for the record and just grab one of those microphones and speak right into it, please.

Witherell: Okay. I am the infamous Ann Witherell. I live at 215 South Locust Grove Road. I'm the neighbor to the north. I was going to just sit and say nothing, but you have got my attention now with the access to the north. That cuts right across my driveway. That's the only way I have in and out. So, that -- that does have me concerned. And the only other thing that I would care to address would be the -- lots of shades on his -- on his lights, because that's shining right into our bedroom windows. But so far they have been excellent neighbors and they have worked with us on just about any little thing that's come up, including the peach tree they left me. It's delicious. And it's in my freezer and lots of little things and the -- that's in the other freezer. So, they are that kind of neighbor and I think that -- that they will be quite willing to work with me on any little thing that comes up. That's about all I had to say, is I -- what is this about a northern access that the fire trucks are going to come and -- because I live there with my -- in my home with my daughter, son-in-law and two special need kids, because of the rent situation. I can't move until they -- when they do I do intend to. But that's not for the foreseeable future, as you can tell by the housing situation and they can't afford to move, so I will be there for as long as I'm there and that's what I can say and if you are worried about the turnarounds, please, take a look and see what is there now, because I assure you there is plenty of room and I have seen it. So, anyway, that's all I got to say. Thank you.

Seal: Thank you. Alan, go ahead.

Tiefenbach: I just wanted to mention -- I'm sure you already know this, but out of respect for the neighbor we are not proposing that they put access into their property, we are just proposing that they provide an easement, so if that lot in ten years redevelops, then, they will have access. So, we would not force access onto your lot. We would just give them

the legal -- give the legal right for someone eventually when that redevelops and in regard to the lights they would have to downcast them and shield, they can't have light spill on the adjacent property. So, we would be very -- very cognizant of that.

Seal: Thank you. Sir, go ahead. Come on up and give us your name and address for the record.

Rand: My name is Gil Rand. I'm the architect on the project. My address is 962 West 800 North, Orem, Utah. There has been a lot of discussion about the right-in and right-out and originally we had it designed that way. If you look at the drawing up there we had it designed so that a truck coming southbound could come right-in and, then, go around the building and the dock, but, unfortunately, that's facing the wrong way. But, then, the trucks would continue on out and they have a right-out. So, not being able to have the dock facing the neighbor means now I have to change the directions of the traffic and it makes the -- the getting into and out of the property very difficult, because you have to make a U-turn coming in if you are coming south and, then, if you are going out you have to make a U-turn onto the -- onto Locust Road. So, we can put a whole bunch of trees and a fence on that north property line, which blocks the view of a dock that might be exposed. If we could just change the dock location, then, we can resolve or -- and at least take care of an issue of a right-in and right-out with the trucks and make it actually flow very well that way. That's how originally we had it designed and that was kind of my own project. The other -- another common idea I do want you to be aware of is that this lot is very -- has a -- quite a slope to it going out to Locust, going down, and so our intent here is that we would drop the property probably about four feet below the property -- the adjacent property to the west and so we will have a ramp that comes down to it. So, the ramp can be used to get back and forth between the properties, but having a lot of truck traffic going through that could be a little more difficult to deal with that, but if that's what we have to do we will figure out a way to make it work. Thank you.

Seal: Thank you. Okay. Is there anybody else signed up or would like to testify? All right. So, with that would the applicant like to come back up to close? Nothing further? Okay.

Grove: Mr. Chair, I have a question for the applicant.

Seal: Okay. Commissioner Grove, go ahead.

Grove: Sorry, Kent. Having been over there quite a bit, the -- north and south of the building are highly visible driving on Locust Grove. I see where you have the east facing front of the building having modulation. Do you have modulation on the north and south sides as well?

Brown: That's -- that's what they are going to work with staff to do.

Grove: Okay.

Brown: And if I understand, we have to do a zoning -- zoning certificate and we also have to do design review. So, there is -- if -- if you understand the process -- Alan kind of beat us up the first time you saw a drawing. Well, years ago when you would have a pre-app you kind of come in with a napkin sketch and now Alan's getting a little more fussy that he wants a finished product when he might tell us just to throw it all away. We -- we came in with something better than a sketch like that, but, yes, we are trying to do everything and under -- just understanding the rules and making those changes. Our architect and owner are willing to do that to make -- make that happen.

Grove: Thank you.

Seal: All right. Any other questions? All right. Thank you, sir. Appreciate it.

Brown: Thanks.

Seal: Can I get a motion to close the public hearing?

Cassinelli: Mr. Chair?

Seal: Commissioner Cassinelli.

Cassinelli: I move we close the public hearing of file number H-2021-0042.

Lorcher: Second.

Seal: It's been moved and seconded to close the public hearing for file number H-2021-0042. All in favor say aye. Any opposed? Okay. Motion carries.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

Cassinelli: Mr. Chair?

Seal: Commissioner Cassinelli, go ahead.

Cassinelli: I have got a question for staff on those two commercial -- is it one or two to the south that we are looking at? Two parcels.

Tiefenbach: Two.

Cassinelli: How are those accessed right now? Well, I guess right now there is a driveway coming off a Locust Grove.

Tiefenbach: I do not believe -- let me -- let me look at that. I can give you an accurate answer.

Cassinelli: Are we -- are we going to landlock those two?

Tiefenbach: Give me a second. Let me find it.

Seal: I was going to say when I looked at it earlier that comes off of Locust Grove, so -- I think they do have cross-access to get to the other commercial though.

Tiefenbach: I'm pulling up the GIS. Still working on it here.

Cassinelli: What I'm seeing right now is they do pull -- they pull access off Locust Grove. That's going to have to go away.

Tiefenbach: I think you removed the zip drive. That's why I couldn't find it. All right. Let's run through this. Let's see. Here is the plat. It looks like there is an access easement to the north. It looks like there is an access easement to South Locust Grove here.

Cassinelli: Will ACHD continue to allow that access onto the Locust Grove?

Tiefenbach: ACHD isn't going to tell them they have to close this or assess that access until the time comes that they are proposing to develop something. This is off site. So, they are not going to tell somebody else next door to close their access.

Cassinelli: No. I know. But I just want to -- I mean I want to make sure that when we get there that we are not trying to shove a round peg into a square hole three years from now.

Tiefenbach: Yeah. So, ACHD's position on this -- because I actually asked them specifically about the truck traffic and they said it meets all requirements. That was their statement.

Seal: Well, I understand what you are saying, but I think that the cross-access agreement that they have here with the property to the south, they also have the ability to come out on the arterial to the south, as well as the shared access that they are going to be provided with Intermountain Woodwork here.

Cassinelli: So, is there going to be -- is -- does that, then, have cross-access -- cross-access to that parcel -- that -- that commercial that we are looking at? Will that -- that will have -- that already has cross-access into the subject property --

Tiefenbach: Yes, sir.

Cassinelli: -- to the north? Okay.

Tiefenbach: Correct.

Cassinelli: And will they have it to the south?

Tiefenbach: This property one into there. I do not know if this adjacent lot here has an

access easement.

Cassinelli: Okay. I'm just concerned that -- I have a feeling that, you know, three years from now when that gets developed, ACHD is going to try and -- and close off that access.

Tiefenbach: I do not have the Murdock Subdivision No. 2 plat with me. I don't know if Kent can answer that. It sounds like Kent can answer that.

Seal: Come on up to the microphone then. Put this all on record here.

Brown: Kent Brown. 3161 East Springwood. So, when the Belville Subdivision was done, the condition was the same as what you are trying to place on us is that you had an access to the south and an access to the north. So, there is already an existing access to the Murdock stuff that's to the south, from the Belville. The highway district looked at this project with being fully built out with the flex buildings and so they granted that access that was already existing. It was one of the first pieces of property -- it was the annexation path for the Snorting Bull Subdivision or Woodbridge, whichever you want to call it, and -- so, it was probably the oldest thing annexed there, but that access has always been there on the Belville property.

Cassinelli: Okay.

Brown: And so it's not to go away. It wouldn't be affected by our development.

Cassinelli: And part of the -- part of the application that we are seeing, though, is to -- is to change that and I want to make sure that we don't -- you know, that we don't --

Brown: The only -- only thing that we are changing is the Comprehensive Plan that called it out for mixed use community. That's the only part that the -- the reason that Belville is even involved was so that there was consistency. They asked us to do it to clean up the map and not leave something that's mixed use community with an industrial in the middle of it and it made sense, because everything to the south of that was commercial Comprehensive Plan. So, that cleans up the map. That's -- that's why that was done.

Cassinelli: Okay.

Seal: All right. Thank you. Okay. Anybody else have questions? Comments?

Cassinelli: I have got another question for staff. The current mixed use community, the maximum building size there is 30,000 square feet it looks like; is that correct?

Tiefenbach: Correct.

Cassinelli: So, is that the main reason to go to the industrial, because of the building size?

Tiefenbach: Well, mixed use community doesn't allow industrial. We wouldn't be able to

rezone it to industrial off the mixed -- if the comp plan designation wasn't changed.
Cassinelli: So, that's not even an allowable use?

Tiefenbach: No. It's not an allowable use.

Cassinelli: Okay. Just wanted to get that straight. As long as I'm -- my microphone is on here and I'm talking -- I think it fits there. I -- I would prefer to see the access to Locust Grove go away in agreement with staff. But given the fact that this is -- it's really a standalone business. It's -- I mean it could, essentially, go in under a whole different business name it's so separate from -- kind of the retail side or the contractor side -- that I think it's -- I think it's necessary and it's only going to be -- it's going to be employees coming in and out and, you know, at 8:00 in the morning and leaving at 5:00 and, I don't know, four or five trucks a day. I mean I don't know what the -- what the number would be, but -- so, I don't think it's going to be a huge impediment to traffic, Locust Grove. I think it's going to be a minimal impact. So, I would be in favor of keeping -- keeping that. I do -- you know, I'm -- staff's going to work with them on the building design. I would definitely want to see the cross-access easement to the north and definitely lots of trees going in there. They are a wood company. They want trees anyway.

Grove: Mr. Chair?

Seal: Commissioner Grove, go ahead.

Grove: Initially I was against the Locust Grove access. The -- the explanations given tonight I don't have that reservation. I think that kind of as Commissioner Cassinelli mentioned, it's a great way of looking at this. One question I might have for staff would be -- would -- if we are looking at it kind of through that lens a little bit, is there any reason that we would want to have a cross-access agreement with the -- the two properties that -- that Intermountain has in terms of going east to west, in case those were at any point, you know, 20 years from now separated into two separate businesses?

Tiefenbach: Are you referring to right where I have got -- I don't think I'm sharing. Hang on a second. Are you referring to right here?

Grove: Correct.

Tiefenbach: Well, this hasn't been platted, so I don't believe that there is an access agreement here, but, absolutely, that -- that -- if -- yes.

Grove: Okay. Just in case, you know, they did separate, it -- they are connected now, but I mean it did -- it does look like it could at some point. So, just so that --

Tiefenbach: A hundred percent.

Grove: -- it doesn't -- it doesn't hurt anything it doesn't look like, so I would be happy -- happier with that. I'm in favor of adding industrial. This is a great place to do it. I think

they are going to find even if we don't put in the right-in, right-out, that that's going to be pretty much what has to happen most of the time driving on that stretch of road, just from a logistic standpoint, even if we don't enforce it that way. I mean that's -- trying to get in and out of that area sometimes is hard enough going right-in or right-out, so I would prefer it to be marked that way, but it's not a deal breaker for me if we don't have that there.

Tiefenbach: That would be something we would require anyway with the certificate of zoning compliance, but duly noted. I will make sure that that is done. I don't think they are going to have an issue with providing an access to themselves.

Seal: Question for staff on the -- the dock placement, how far out of compliance was it when the dock was on the other side?

Tiefenbach: It was -- I think it was about a hundred feet. It says it has to be at least 300 feet from an adjacent residential property. The original version was up in here. I measured it to be give or take about a hundred feet. So, they had to move it another 200 feet or they had to totally enclose it and this is the option that they chose.

Seal: Is that something they can apply for alternative compliance for?

Tiefenbach: I do not believe so, because that is a site and design standard. That's code and I don't think that can be waived. I'm looking at Bill, because he is the code meister. Code Yoda.

Parsons: Yeah. Mr. Chair, Members of the Commission, yeah, that's a specific use standard for warehousing. So, there is no mechanism to waive that requirement for code. You know, I was looking at Alan's staff report and I got a little bit of a concern when the gentleman said they are going to offload trailers with forklifts, because the code says outdoor activity needs to be 300 feet. So, they can't just load trucks on that driveway and unload there. They are going to have to maintain unloading as close as possible to that loading dock as possible and not park along that north boundary and offload trucks there. They are just going to -- they are not going to meet -- the requirements of code. So, when we -- we work with them on their certificate of zoning compliance, we are going to be very specific on that and they need to provide us details on how they plan on doing -- using their outdoor activity area, because now they are opening it up even with the -- the other site farther to the -- on the east boundary with sharing the two properties. So, it does get a little tricky here for us, unfortunately.

Seal: Okay. Thank you. Do we have anymore comments? Suggestions? Anything along those lines? A motion. Always entertained.

Grove: Mr. Chair?

Seal: Commissioner Grove.

Grover: I will take a shot at it. All right. After considering all staff, applicant, and public

testimony, I move to recommend approval to the City Council of file number H-2021-0042 as presented in the staff report for the hearing date of October 7th, 2021, with the following modifications. Sorry if I get this wrong, but I'm going to try. That cross-access -- cross-access easements be required for the north, west and south portions of the site. That the access to Locust Grove is maintained and that the renderings -- or the -- the layout that was presented by the applicant in tonight's presentation is recorded as the drawings for which to proceed.

Seal: Is there a second?

Cassinelli: If I could make one little add to the --

Grove: The drawings that we saw tonight, since they were different from what was in our packets.

Cassinelli: Could we just add in there -- I think they are going to work on it. I think Alan said he would, but the lighting, that they work out --

Grove: In which -- in which sense?

Cassinelli: To direct the lighting away from the residential.

Grove: I think that's already part of -- that's part of code.

Cassinelli: It's code.

Grove: We don't have to do anything.

Cassinelli: Then I will second that.

Seal: Okay. It's been moved and seconded to approve item number H-2021-0042, Intermountain Wood Products. All in favor say aye. Any opposed? Motion carries.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

Seal: All right. We will go ahead and take a five minute break.

(Recess: 8:44 p.m. to 8:50 p.m.)

10. Public Hearing for Southridge Apartments Phase 3 (H-2021-0055) by The Land Group, Inc., Generally Located South of W. Overland Rd. and East of S. Ten Mile Rd.

- A. Request: Conditional Use Permit for a multi-family development consisting of 164 units on 9.07 acres of land in the R-15 zoning district.

Seal: Okay. I think we are all back, so -- let me see. We are moving on to Southridge Apartments Phase 3, H-2021-0055, and we will begin with the staff report.

Parsons: Get through Alan's 50 slides here this evening.

Seal: That's very informative.

Parsons: And we will get on to the next item here. So, I'm here filling in for Sonya this evening. So, the next application on your agenda this evening is the Southridge Apartments Phase 3. The subject property is currently zoned R-15 in the city. It's located on the south side of Overland Road, midway between Ten Mile and Linder Road, as you can see here. Currently there is two phases that have already been approved for the northern lots that are also part of the R-15 and this particular property is governed by a development agreement and this is the third phase, which is also covered under that same development agreement. So, essentially, the applicant's here tonight basically going through the process to say, hey, we have already got this in the development agreement with the concept plan, now are bringing forward a detailed plan for this body to review and approve. So, staff has analyzed this proposal against the specific use standards, UDC 4-3-27, which is our multi-family standards. The conditional use before you this evening consist of 164 residential units on approximately 9.07 acres of land, again, in the R-15 zone here. This has always been considered part of the Southridge development and you can see here that there is some additional single family lots that will be developing in the area and additional roadwork as well, which final plats have been approved to allow the connections of these roads to occur. So, that should provide additional access to this proposed development. As you can see here on the proposed plan as well, there is two accesses to the adjacent roadway on the east and, again, that was consistent with the concept plan approved in that development agreement and this specific road is a local street, so there are no -- no access issues with this particular application this evening. It is consistent with -- with code and the development agreement. Here is the open space that was provided. You can see here the applicant is required to provide approximately two acres of open space per the UDC. They have in excess of 22.9 percent open space. So, meeting in excess of UDC standards. The applicant is also proposing another clubhouse with a fitness facility as part of this third phase and this particular development will share all the open space and the additional amenities that were approved with phase one and phase two. So, overall this site is consistent with the high density residential designation for this property. The applicant's application this evening is proposing approximately 18 dwelling units to the acre. Here is some the conceptual elevations -- or at least the elevations that were presented -- or provided with the conditional use application. Again, these mirror what is currently being under construction out there on the site and consistent to what is in the development agreement. Staff had a chance to look at the public record and did not see that any public comments were provided on this application. So, with that staff is recommending approval with the conditions in the staff report and I will stand for any questions you may have.

Seal: All right. Thank you. At this point I would like to invite the applicant to come forward. Please state your name and address for the record.

Densmer: Mr. Chair, Members of the Commission, my name is Jason Densmer. I'm with The Land Group. We are at 462 East Shore Drive in Eagle. How is the microphone? Is it working? Thank you. It's a pleasure to be here tonight. We have been working with the city on the Southridge Apartments project since 2011 when it was originally zoned. Since then it's been in front of this board and the City Council a few times before as we have worked to develop the prior two phases and, then, in the last two years or so modify the development agreement to incorporate this phase three area, which in the original development agreement did not have a detailed land plan and, therefore, needed to come back through to modify the development agreement and incorporate one. The conditional use permit application in front of you tonight is entirely consistent with the master site plan that was included in that development agreement modification. So, we think that we are really here tonight to fulfill the overall process and the development vision that the city has been working with for about ten years now. We are in agreement with the staff's report and their conditions of approval and don't have any concerns. We are happy to answer questions if you have them for us.

Grove: Mr. Chair?

Seal: Commissioner Grove, go ahead.

Grove: I was curious to see a -- an overview of all three phases, because the open space and the amenities are being, you know, alluded to in -- you know, in partnership with what's already been approved, but I want to -- I just -- I'm having some difficulties with what is provided for the open space and so if there is greater open space. That is part of the other phases I would like to be able to see that I guess.

Densmer: Mr. Chair, Commissioner Grove, I thought that might come up. I have a brief presentation which happens to have the master plan on it. Let me see if I can get Bill to help me with that.

Seal: Perfect. Thank you. Quick question. That was -- I'm glad you brought that up, Commissioner Grove, because I would like to see how it all ties together, because a lot of the open space is the -- what comes down from the Ridenbaugh Canal where that's very sloped and that's -- how does that incorporate into this? I mean is that actual usable space or is it just kind of there?

Densmer: Mr. Chair, it's -- it depends on what you think of as usable space. It wouldn't be suitable for a game of soccer, but it's open space in terms of its undeveloped and it provides -- I guess less density within the community and just a sense of greenness and openness.

Seal: So, it's undeveloped, there is no grass or trails or any -- anything along those lines on it?

Densmer: As part of the overall Southridge master plan there is a city pathway that would be on one side of the Ridenbaugh Canal. It happens to be on the south side. The north side of the canal is Nampa-Meridian Irrigation District's access road.

Seal: Okay.

Densmer: Thank you, Bill. So, Mr. Chair, Commissioner Grove, the portion of the overall development that is the phase three is the southeast corner and that's what tonight's conditional use permit application is -- is about. The prior two phases are the north section that is abutting Overland Road.

Grove: Okay. Thank you. That actually cleared up quite a bit for me by the -- the phase three that we are seeing tonight, the -- that's the one I guess. The northwest corner of that where it abuts the phase two was abbreviated and so it -- it made that open space look a lot smaller than what is shown here. So, that's very helpful. Thank you.

Densmer: I'm glad that that helped. I think you can see that the overall design of phase three is consistent with one and two and the -- and the orientation of the building and the way that things knit together, kind of almost like a zipper I suppose, is part of the overall feel of the building. I would point out that buildings are intentionally angled to one another, so that you get more presence, more visibility and more interest as you are driving down the streets and through the development.

Seal: Okay. Any other questions for applicant or staff?

Cassinelli: Mr. Chair?

Seal: Commissioner Cassinelli, go ahead.

Cassinelli: I see that there is more parking than is required by, what, almost -- almost 50 spaces, I think. Forty-nine spaces. I can't -- it's too late to do math. Is parking in the existing phases an issue at all?

Densmer: Mr. Chair and Commissioner Cassinelli, to my understanding the existing development is being very well accepted, to the extent that they are constructing about one building per month and within -- within a few days after occupancy is granted about half of the building is occupied and before the end of that month the rest of it is, so there is definitely a lot update. I say that in order to say that, no, parking has not been an issue within the portion of the development that's currently complete. Kind of as a rule across the board this project has provided two units -- I'm sorry -- two parking spaces per unit, regardless of what the code would have required. So, in the case of the Southridge Phase 3 portion, we are in excess of the city's minimum parking requirements. In fact, we are in excess of the two per unit kind of developers chosen standard by about ten spaces. So, we are exceeding both the city's minimum and his target for parking.

Cassinelli: Okay. Does that mean -- a good size development, so it's -- a lot of parking is -- is needed. Thank you.

Seal: Okay. Any other questions? All right. Thanks, sir. That will open it up to public testimony. Do we have anybody signed in?

Weatherly: Mr. Chair, we do not.

Seal: Okay. Anybody online, please, press the raise your hand button. Anybody here raise your hand. We have zero attendees on there, so nobody raising their hand. Nobody in -- in here, so -- did the applicant have anything else to add? Would like to close with anything or anything along those lines or -- okay. A head shake is perfectly fine, so -- okay. If there is no other questions, I will take a motion to close the public hearing.

Lorcher: So moved.

Grove: Second.

Seal: Okay. It's been moved and seconded to close the public hearing for H-2021-0055. All in favor? Any opposed? Okay. Motion carries.

MOTION CARRIED FOUR AYES. THREE ABSENT.

Lorcher: Mr. Chairman?

Seal: Commissioner Lorcher, go ahead.

Lorcher: Since this is more of a formality for phase three of two phases that have probably been looked at pretty strongly, I would move to do a motion for approval.

Seal: Feel free.

Lorcher: After consideration of all staff, applicant, and public testimony, I move to approve file number H-2021-0005 as presented in the staff report for the hearing date of October 7th, 2021.

Grove: Second.

Seal: Okay. It's been moved and seconded to approve Item H-2021-0055, with no modifications. All in favor say aye. Any opposed? Motion carries.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

- 11. Public Hearing for TM Creek Storage (H-2021-0054) by Brighton Development, Inc., Generally Located South of W. Franklin Rd., Midway Between S. Linder Rd. and S. Ten Mile Rd.**

- A. Request: Conditional Use Permit for a self-service storage facility on 7.8 acres of land in the C-G zoning district.

Seal: Okay. Okay. Looks like we are going to go on to Ten Mile Creek Storage, H-2021-0054, and we will begin with the staff report. I don't -- Bill might not have told you. We keep all the USB drives that come in, we don't --

Parsons: All right. Thank you, Mr. Chair, Members of the Commission. Appreciate your patience this evening. So, last item on the agenda tonight is the TM Creek storage project. It is, again, another conditional use permit. This is similar to the last application that you just acted on where the applicant received approval through a DA to allow for this use to occur on the subject property. This property consists of 7.8 acres of land, currently zoned C-G within the city limits. It's located on the west side of Franklin Road and bounded on the west and east -- west side by Ten Mile Road and, then, east side Linder Road. So, in between both of those roadways. Again, DA governs this specific property and the applicant is here to just kind of give you more specifics of that particular approval. So, recently the applicant did receive approval of a final plat as well. So, as you can see in the slide that I just transitioned from, this isn't really the current configuration -- or that's the current configuration of the property, but after the plat records there will be several commercial lots and one of those commercial lots after recordation of the plat will be the home of this new storage facility here that's being shared with you this evening. One thing that I did want to mention to the Commission is this existing street here, which is Benchmark, is not constructed at this time, but, again, it was approved as part of that final plat. So, that access will -- will be constructed and provided for access to the storage facility in conjunction with the access to Franklin Road as well. So, then, this is not specifically a public right of way road, but if you recall with the Ten Mile Crossing preliminary plat, the City Council did approve this access to Franklin Road and now the applicant will continue to work with ACHD with a traffic study to get their approval of that subject access point. So, the application is, again, a conditional use. It consists of 448 conditioned and unconditioned climate controlled structures and, then, there is some ancillary covered and uncovered RV storage. As I mentioned to you, this concept is generally consistent with the development agreement that's currently governing the site. Access has already been touched on and the applicant did provide conceptual elevations for you this evening. Again, as part of that DA modification the applicant did receive approval of their own design standards -- their own design guidelines that are enforced for this subject property. So, essentially, what will happen is the applicant will still have to come back before the city with a certificate of zoning compliance, but as part of that submittal process they have to provide documentation from the design review board that they have approved these elevations and meet the design standards that are governed and specified in that development agreement. I had a chance to look at the public record. Did not see where any public comment was provided on this application. Again, staff is recommending approval with conditions and with that I will stand for any questions you may have.

Seal: Okay. Thank you. At this point would the applicant like to come forward?

Beach: Evening Chair, Commissioners. My name is Josh Beach with Brighton Development. Address is 2929 West Navigator here in Meridian. Thanks, Bill. Appreciate that. So, a little -- a little presentation for you. Appreciate Bill's synopsis there of -- of the project. So, as Bill said, we have applied for a conditional use permit for Ten Mile -- Ten Mile Creek Storage there south of Franklin. This is kind of how it fits in the overall Ten Mile Crossing area. So, as Bill mentioned, Benchmark is -- is not constructed yet, but will be prior to, obviously, occupancy. Kind of coordinating all of that. But clearly we have got some work to do to get to the site before we can start building that. But this is the first step is getting the conditional use permit. So, there is a -- there is a mix of different types of storage there. Not to go into this in too much detail, but there are some indoor climate controlled, covered and uncovered RV spaces, as well as what we are calling our man cave units. None of my mouse works there, but you can kind of see on the northeast side of the project where those would be. So, again, indicating the -- the indoor storage units here, the red are the -- the open face. So, they are -- they are not enclosed completely, they have got a roof and at least one side open and, then, in the center here in the yellow is our uncovered RV parking and, then, the -- what we are calling the man caves, but it's, essentially, you know, individuals that have a classic car or something that they want to store and -- and, then, go tinker with, this is more geared towards that demographic and there is -- like I said, there is 22 of those units there that would be accessed off of that private street, as well as an emergency access there on the east side. That emergency access also serves the larger storage project as well and will get folks out to -- out to Franklin. So, we have provided some elevations and -- with our application and I know it's kind of a -- kind of a work in progress. We are tinkering with those a little bit, but they will meet the -- our design standards when we submit for the certificate of zoning compliance -- I mean if we receive a favorable recommendation from the Commission. And, then, again, just some additional elevations of those man cave structures, as well as -- I wanted to show you, the Commission, kind of what those look like in terms of the floor plan, as well as it's just a cross-section here. It's, essentially, just an open building with a bathroom and as an option some will be a loft put in there. These are not to be -- have businesses run out of them. No one's to live in these. It's simply a place to go -- you know, it's a man cave that's not in your backyard essentially. That's all I have. Thank you for your time tonight. Hopefully you can -- we don't have any -- any issues with the staff report and we would hope for a favorable recommendation this evening. Any questions?

Seal: Do we have any questions for the applicant or staff?

Lorcher: Mr. Chairman?

Seal: Commissioner Lorcher, go ahead.

Lorcher: The man cave units, are they going to be leased or owned?

Beach: They will be owned.

Lorcher: But the rest of the storage would be leased; correct?

Beach: Correct. Correct.

Seal: Out -- will there be somebody on site or something -- I mean how do you make sure nobody's living in there or --

Beach: Yeah. We have -- so, we have -- there is definitely a manager and we have also got -- in our CC&Rs for -- for -- that are OCCs. You know, they are a little different for commercial that, obviously, those things aren't allowed. No businesses can be run. No people living there and those things will be strictly enforced.

Seal: Okay. Mr. Cassinelli, you had a question?

Cassinelli: Yeah. I had a question. I like the fact that these are without -- a lot of comments right now, but I like the fact that it's totally back behind and off of Franklin. With that note, what -- what's the plan for those parcels out front?

Beach: I'm not a hundred percent sure. Obviously, they are going to be commercial. I don't have the exact details as to what those commercial lots are going to look like along Franklin.

Cassinelli: But that will be all -- I mean, essentially, all that storage will be hidden from view?

Beach: Correct. Yep. It will be back behind other -- other structures.

Cassinelli: Okay. That's it.

Grove: Mr. Chair?

Seal: Commissioner Grove.

Grove: I echo that. That was one of the things that I was cognizant of as I was reading. Really happy that it's off of the arterial, so -- my question, though, now that I have lost my train of thought -- well, it come back to me for just a second. I wrote it down. Let me look.

Seal: That's -- that's okay. I have got --

Cassinelli: Mr. Chair?

Seal: Yeah. Go ahead, Commissioner Cassinelli.

Cassinelli: I was just going to give Commissioner Grove a little time. I wanted to ask Bill what kind of zoning guidelines, regulations are there as far as businesses being run out of there? Obviously, somebody -- I mean that -- that's kind of a little bit of a -- if they are used the way they are intended to be used it's great. But if they are -- if they are used for

other purposes how do we -- you know, how is that enforceable and that sort of thing? What are the code -- what are the codes for that?

Parsons: Yeah. Mr. Chair, Members of the Commission, I think Josh hit it spot on. The code prohibits it for storage facilities. It's -- really what it's meant to be is storage. It speaks to no living quarters, unless you have a caretaker's unit. It doesn't allow you to operate a business out of there. If someone wanted to do that, more likely they would have to come back through to the city with a tenant improvement and, then, build up that space and that's going to kick in a bunch of building code requirements. We have similar units off of Pine right by Lewis and Clark High School. That -- they were built in 2007, 2008, and they were called storage condos, which are the same thing, that it had a mezzanine built inside of it. People were just storing their classic cars and their RVs and tinkering around using it, essentially, as what the applicant's explained, a man cave. Just going there and just having some private space. So, in this particular case the applicant is going to have to also come back -- if he wants to sell those units, come back and short plat the buildings, condominiumize them, essentially, which will take City Council action as well. So, there is some more work to be done here, but right now, yes, the code addresses that and prohibits that from occurring.

Seal: So, it's allowable for some of these to be she sheds as well?

Beach: Absolutely.

Grove: Mr. Chair?

Seal: Commissioner Grove, go ahead.

Grove: I remembered my question. Sorry about that. Because there are so many apartments and also single family homes that will be coming into that area, will these storage units be marketed to them first or is it going to be first come, first serve? I know there is -- I know we all kind of hate seeing lots of storage sheds all over town, but I know that they are also really hard to get, because people have a lot of stuff and so how -- what are you kind of planning with these ones?

Beach: Yeah. To my knowledge it's -- it's first come first serve in terms of availability. Yeah.

Seal: Any other questions? All right.

Beach: Thank you.

Seal: Thank you. I will just open it to -- excuse me -- open it to public testimony and I don't -- we don't have anybody signed in. Only one other person with us not raising their hand. We are good? We are clear?

Weatherly: Sorry, Mr. Chair. No one has signed in for this.

Seal: All right. With that, unless the applicant has something else, I will take a motion to close the public testimony.

Lorcher: So moved.

Cassinelli: Second.

Seal: It's been moved and seconded to close public testimony for TM Creek Storage, H-2021-0054. All in favor? Any opposed? Okay. Motion carries.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

Seal: Anybody else have anything to add?

Lorcher: Mr. Chairman?

Seal: Commissioner Lorcher.

Lorcher: Developers will stop making storage when there is no demand. So, as long as there is demand they will continue to build storage. Adding the -- this concept of a man cave or the -- the fancy garage off site is -- is gaining a lot of traction across the country. So, it's a very marketable product right now. So, I can see their -- their benefit. I guess my -- my only hesitation -- and this isn't an issue of people who rent from there. If I owned a unit with my fancy car and everything around me was rentable and I have, you know, whatever junk in there that and people can come and go, if I had a -- you know, a Lamborghini I might be a little concerned about a storage shed with just stuff in it, you know what I mean? As opposed to this being just a freestanding, you know, garage type thing. But that's up to the developer and the owners and how they will sell it, so --

Seal: This is my first time looking at a product like this. I'm glad to see that there is a precedence in -- in Meridian already for something like this and they have had success with it. So, I think the way that it was plotted in here, the man cave section of this is it's its own entrance-exit and you can't get there necessarily from the regular storage unit. Because I would have the same -- yeah, I mean the idea that you are going to put something in there that probably is costly for sure. So, you don't want to have that and it is, you know, separated off from everything else, so -- when I get my Lamborghini I will go looking.

Cassinelli: I'm keeping mine in my garage. Mr. Chair?

Seal: Commissioner Cassinelli.

Cassinelli: Are we ready for a motion?

Seal: Always.

Cassinelli: All right. After considering all staff, applicant, and public testimony -- testimony, I move to approve file number H-2021-0054 as presented in the staff report for the hearing date of October 7th, 2021, no modifications.

Grove: Second.

Seal: It's been moved and seconded to approve Item H-2021-0054, Ten Mile Creek Storage, with no modifications. All in favor say aye. Any opposed? Motion passes.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

Seal: Okay. Take one more motion, please.

Cassinelli: Mr. Chair, I move to adjourn.

Lorcher: Second.

Seal: Motion to -- motion and seconded to adjourn. All in favor say aye. Any opposed? Motion carries. Thanks, everyone.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

MEETING ADJOURNED AT 9:18 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS.)

APPROVED

RHONDA MCCARVEL - CHAIRMAN

_____|_____|_____
DATE APPROVED

ATTEST:

CHRIS JOHNSON - CITY CLERK