

Meridian Planning and Zoning Meeting

May 4, 2023.

Meeting of the Meridian Planning and Zoning Commission of May 4, 2023, was called to order at 6:00 p.m. by Chairman Andrew Seal.

Members Present: Chairman Andrew Seal, Commissioner Patrick Grace, Commissioner Maria Lorcher, Commissioner Enrique Rivera and Commissioner Jared Smith.

Members Absent: Commissioner Nate Wheeler and Commissioner Mandi Stoddard.

Others Present: Joy Hall, Kurt Starman, Bill Parsons, Sonya Allen, Stacy Hersh and Dean Willis.

ROLL-CALL ATTENDANCE

<input type="checkbox"/> Nate Wheeler	<input checked="" type="checkbox"/> Maria Lorcher
<input type="checkbox"/> Mandi Stoddard	<input checked="" type="checkbox"/> Patrick Grace
<input checked="" type="checkbox"/> Enrique Rivera	<input checked="" type="checkbox"/> Jared Smith
<input checked="" type="checkbox"/> Andrew Seal - Chairman	

Seal: Good evening. Welcome to the Planning and Zoning Commission meeting for May 4th, 2023. At this time I would like to call the meeting to order. The Commissioners who are present for this evening's meeting are at City Hall and on Zoom. We also have staff from the City Attorney and Clerk's offices, as well as the City Planning Department. If you are joining us on Zoom this evening we can see that you are here. You may observe the meeting, however, your ability to be seen on screen and talk will be muted. During the public testimony portion of the meeting you will be unmuted and, then, be able to comment. Please note that we cannot take questions until the public testimony portion. If you have a process question during the meeting, please, e-mail cityclerk@meridiacity.org and they will reply as quickly as possible. With that we will begin with roll call. Madam Clerk.

ADOPTION OF AGENDA

Seal: All right. Thank you very much. First item on the agenda is the adoption of the agenda. I need to remark that the Costco development, File No. H-2023-0007, will be opened for the sole purpose of continuing to a regularly scheduled meeting and so if there is anybody here to testify on that application we will not be taking testimony this evening. Can I get a motion to adopt the agenda as amended?

Smith: So moved.

Rivera: Second.

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

MOTION CARRIED: FIVE AYES. TWO ABSENT.

CONSENT AGENDA [Action Item]

- 1. Approve Minutes of the April 20, 2023 Planning and Zoning Commission Meeting**
- 2. Findings of Fact and Conclusions of Law for Noodles and Company at Ten Mile (H-2022-0087) by Chipman Design Architecture, Inc., located at 3103 W. Milano Dr., near the northeast corner of N. Ten Mile Rd and W. McMillan Rd.**

Seal: Next item on the -- on the agenda is the Consent Agenda and we have two items on the Consent Agenda. One is to approve the minutes of the April 20th, 2023, Planning and Zoning Commission meeting and Findings of Facts, Conclusions of Law for Noodles and Company at Ten Mile, File No. H-2022-0087. Can I get a motion to accept the Consent Agenda as presented?

Smith: So moved.

Rivera: Second.

Seal: It's been moved and seconded to adopt the Consent Agenda. All in favor say aye. None opposed. Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

ITEMS MOVED FROM THE CONSENT AGENDA [Action Item]

Seal: At this time I would like to briefly explain the public hearing process. We will open each item individually and begin with the staff report. Staff will report their findings on how the item adheres to the Comprehensive Plan and Unified Development Code. After staff has made their presentation the applicant will come forward to present their case and respond to staff comments. They will have 15 minutes to do so. After the applicant is finished we will open the floor to public testimony. Each person will be called on only once during the public testimony. The clerk will call the names individually of those who have signed up in advance to testify. 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 a presentation for the meeting it will be displayed on the screen and you will run the presentation with assistance from the clerk if needed. If you have established that you are speaking on behalf of a larger group, like an HOA where others from that group will allow you to speak on their behalf, you will have up to ten minutes. After all those who have signed up in advance have spoken we will invite any others who may wish to testify. When you are finished if the Commission does not have questions for you you will return to your seat in Chambers or be muted in Zoom and no longer have the

ability to speak. And please remember we generally do not call people back up. 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 Commissioners will have the opportunity to discuss and, hopefully, be able to make final decisions or recommendations to City Council as needed.

ACTION ITEMS

3. Public Hearing for Costco Development (H-2023-0007) by Barghausen Consulting Engineers, Inc., located at 3403 W. Chinden Blvd.

- A. Request: Development Agreement Modification to the existing Development Agreement [Inst. #2018-069276 (H-2018-0004), amended as Inst. #2018-114828 H-2018-0066)], which currently prohibits deliveries from occurring between the hours of 10:00 pm and 5:00 am to prohibit deliveries from occurring between the hours of 11:00 pm and 3:00 am.
- B. Request: Conditional use permit to allow extended business hours of operation from 6:00 am - 11:00 pm to 3:00 am - 11:00 pm.

Seal: With that I would like to open the public hearing for Item No. H-2023-0007 for Costco -- Costco Development. They would like a continuance to June 15th for the reasons stated at the top of the agenda.

Smith: Mr. Chair?

Seal: Go right ahead.

Smith: I move that we -- that the Commission continue File No. H-2023-007 to the June 15th meeting.

Seal: 0007? I think we missed a zero in there.

Smith: Yes.

Seal: Okay. Do I have a second?

Grace: Second.

Seal: It's been moved and seconded to continue File No. H-2023-0007 to the date of June 15th, 2023. All in favor, please, say aye. Opposed? Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

4. Public Hearing for Bordeaux Estates Subdivision (H-2022-0062) by

J.J. Howard, LLC., located at 5665 N. Meridian Rd.

- A. Request: Annexation of 2 acres of land with an R-8 zoning district.
- B. Request: Combined Preliminary and Final Plat consisting of 4 building lots and 1 common lot on 2 acres of land in the R-8 zoning district

Seal: All right. I would like to open File No. H-2022-0062 for the Bordeaux Estates Subdivision and we will begin with the staff report.

Allen: Thank you, Mr. Chair, Members of the Commission. The first applications before you tonight are a request for annexation and zoning and a preliminary plat. This site consists of two parcels of land totaling two acres, zoned RUT in Ada county and it's located at 5665 North Meridian Road at the northwest corner of Meridian Road and West Producer Drive. A record of survey was approved on this property back in 1980 on the northern parcel. The southern parcel was annexed in 2012 and included as a lot in Paramount North Subdivision. The Comprehensive Plan future land use map designation is medium density residential, which calls for three to eight units per acre. The applicant is proposing to annex two acres of land with an R-8 zoning district for the development of three single family residential detached dwellings with retention of the existing home for a total of four homes on the site at a gross density of 1.8 units per acre, which by itself is below the desired density of the medium density designation. Staff is supportive of the density proposed and deems that in general conformance with the Comprehensive Plan without an amendment to the future land use map for the following reasons -- and the property is part of a larger undeveloped enclave to the north also designated medium density residential that is anticipated to develop at a density within the desired range for the overall area and this property has limited access via a common driveway from West Producer Drive through an easement over land owned by the Paramount Owners Association. A maximum of four homes are allowed to have access through the easement and the UDC allows a maximum of four homes to have access via a common driveway, thus preventing a greater density on this site. A combined preliminary and final plat is proposed consisting of four building lots and one common lot on 2.22 acres of land in the R-8 zoning district. The southern portion of the site is a resubdivision of Lot 5, Block 49, Paramount Subdivision No. 21. Proposed lots range in size from .33 to .56 acre, with home sizes consisting of 2,500 to 5,558 square feet. The subdivision is proposed to develop in one phase. There is an existing home with an attached garage and several outbuildings on this property. The existing home is proposed to remain. The attached garage and other structures are proposed to be removed. A new detached garage will be constructed for the existing home accessible via the internal common driveway. The existing driveway via Meridian Road will be removed. As mentioned, access is proposed via a common driveway from West Producer Dive, a residential collector street, at the southern boundary of the site. A minimum 35 foot wide landscape street buffer, with a ten foot wide multi-use pathway, is required along Meridian Road. Because the site is below five acres in size common open space and site amenities are not required and this is a common driveway exhibit there on the left and the landscape plan that's proposed is

on the right. One conceptual building elevation for Lots 2, 3 and 5 and one conceptual elevation for the remodeled existing home on Lot 1 is proposed with a new addition and detached garage and a modern farmhouse design as shown. Building materials consist of Hardie or LP board and batten siding, mixed with eight inch lap siding, stone veneer and natural wood accents and architectural asphalt shingles with standing seam metal roof accents. Design review is not required for single family residential detached structures. However, because the rear and/or sides of homes facing North Meridian Road and West Producer Drive will be highly visible, those elevations should incorporate articulation through changes in two or more of the following. Modulation. For example, projections, recesses, step backs or pop outs, bays, banding, porches, balconies, material types or other integrated architectural elements to break up monotonous wall planes and roof lines that are visible from the adjacent public streets. There was no written testimony submitted on this application and staff is recommending approval with a development agreement per the provisions in the staff report. Staff will stand for any questions.

Seal: Thank you, Sonya. Would the applicant like to come forward? Good evening, sir. We will just need your name and address for the record and the floor is yours.

Jobs: Good evening. Michael Jobs. 2 North Homes. 5120 North Backwater Avenue, Boise. 83714.

Seal: Thank you, sir.

Jobs: Well, first off, thank you for considering our application, Commission Members, and just kind of wanted to give a little background on this project. It has constraints because we are surrounded by Paramount on the one side. We had limited access off Meridian Road. So, our -- our really crush to the whole thing was getting approval through Paramount to have access off West Producer and through negotiations we were able to secure getting four homes for that. So, that's how this kind of transpired. Any questions?

Seal: Does Commission have any questions for the applicant or staff at this point? No? None? I will just ask real quick. Do we have anybody signed up to testify?

Hall: Mr. Chair, we do not.

Seal: Anybody in the audience here to testify on this application? Okay. With that if you have nothing further to add, then, we thank you for your application and --

Jobs: Okay.

Seal: -- we will close the public hearing and move on with it.

Jobs: Thank you.

Seal: Thank you, sir. One more time. Anybody in the audience if you want to testify?

We don't have anybody online do we? Okay. I didn't think so. All right. If somebody would like to make a motion to close the public hearing on File No. H-2022-0062.

Smith: So moved.

Lorcher: Second.

Seal: It's been moved and seconded to close the public -- public testimony for File No. H-2022-0062 for the Bordeaux Estates Subdivision. All in favor say aye. None opposed. Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Seal: Who would like to go first?

Grace: Mr. Chairman?

Seal: Go right ahead.

Grace: I just want to declare to the Commission and to the -- the members of the public that I'm actually a board member on the Paramount Owners Association, so I have been kind of privy to some information regarding some of the easements and the negotiations with this applicant. So, I think out of just -- just some caution I'm going to recuse myself from this -- this application. This agenda item I should say.

Seal: Thank you, Commissioner Grace. Appreciate that.

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher, go ahead.

Lorcher: This seems pretty straight forward. I mean we appreciate -- or I appreciate that -- seeing lot -- lot sizes between a third and a half acre. It looks like everybody's got enough space in here, but it also is a good in-fill project as well. It sounds like that the developer worked with the homeowners association to come with an agreement for easements and did everything that he needed to do to be able to fill in the space with what looks like will be some very nice homes. Commissioner Smith, I see you reaching.

Smith: I agree. It seems to be the Commission is generally happy with this. I will --

Seal: Before a motion just real quick, Sonya. Was there anything that was not in an agreement? I'm pretty sure that everything was agreed upon and we were good to go on that, but I just want to verify.

Allen: I did not get a response from the applicant in agreement with the staff report, but I -- they didn't mention anything that they were not in agreement with, so --

Seal: I understood.

Allen: Thank you.

Seal: Go right ahead.

Smith: So after considering all staff, applicant, and public testimony, I move to recommend approval to the City Council of File No. H-2022-0062 as presented in the staff report for the hearing of May 4th, 2023. Do I need to include the inclusion of a DA mod to that or is that -- as presented in the staff report.

Seal: Do I have a second?

Rivera: I will second.

Seal: It's been moved and seconded to approve File No. H-2022-0062 for Bordeaux Estates Subdivision. All in favor, please, say aye. And no opposed? Motion carries. Thank you very much.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

5. Public Hearing for Linder Storage Condos (H-2022-0091) by EVstudio, located at 300 N. Linder Rd.

- A. Request: Annexation of 0.98 acre of land with an I-L (Light Industrial) zoning district.
- B. Request: Vacation of the 30-foot wide easement along the east boundary of the property.

Seal: And with that we will open File No. H-2022-0091 for Linder Storage Condos and we will begin with the staff report.

Allen: Thank you, Mr. Chair, Members of the Commission. The next applications before you -- or, actually, there is only one -- annexation and zoning. There is a concurrent vacation application, but that will only be heard by the City Council. It does not require Commission action. This site consists of .98 of an acre of land. It's zoned R-1 in Ada county and is located at 300 North Linder Road. This property was previously included in the Hepper's Acre Subdivision as Lot 4. The Comprehensive Plan future land use map designation is general industrial. The applicant is proposing to annex the .98 acre piece of land with an I-L, light industrial zoning district, for the development of a self-service storage facility consisting of two structures containing a total of eight storage units. These units will be designed to accommodate RVs, boats, cars, et cetera, with large overhead doors and separate man doors to each unit. The proposed zoning and use is consistent with the general Industrial future land use map designation. The subject property is one of a few lots in a larger enclave area surrounded by city annexed property. Annexation

of this land will provide more efficient provision of city services. Industrial uses, zoned I-L, exists to the west across North Linder Road and to the east. A single family residential home exists to the north, zoned R-1 in Ada county, and a commercial birthing center exists to the south in the C-C zoning district. There is an existing home and accessory buildings on this site that are proposed to be removed with development. There is also a 30 foot wide easement depicted on the Hepper's Acre Subdivision along the east boundary of the property that is proposed to be vacated with this application, shown there on the plan on the right. The type of easement is not identified on the plat. This application does not require action from the Commission, as I mentioned. Only City Council. A conceptual development plan was submitted that depicts the location of the structures, drive aisles, parking, access and landscaping. Access is proposed via a driveway from North Linder Road, an arterial street, to the south of the existing driveway. ACHD recommends the driveway is shifted further to the south in alignment with the driveway on the west side of Linder Road. In accord with the UDC, in an effort to combine and limit access points via the arterial street, staff recommends driveway stubs and cross-access easements are provided to the properties to the north and south for future interconnectivity. The property to the south was required to provide an access easement to the subject property at the time of future construction on the site and/or expansion of the existing parking lot, which has not occurred. A fire department turnaround is proposed as shown on the site plan. Off-street parking is proposed in excess of UDC standards. No parking is required if there isn't an office associated with the use, which there is not with this development. A total of nine parallel parking spaces are proposed. A 25 foot wide landscape street buffer is required along Linder Road. A 25 foot wide landscape buffer is required along the north property line abutting the residential use to the north. The applicant is requesting approval from City Council of a reduced buffer width of five feet. A letter was submitted from the affected property owner Ronald Hatch agreeing to the reduced buffer. A portion of the site is within the Meridian Floodplain Overlay District. A floodplain development permit with base flood elevations and flood protection elevations will be required with development. Conceptual building elevations were submitted for the proposed structures as shown. The structures are proposed to be pre-engineered metal frame buildings, which will be designed with large overhead doors and man doors for each unit. Building materials are proposed to consist of stucco in two different colors with reveals, fenestration and stone veneer wainscot. The design of the structures is required to comply with the design standards in the Architectural Standards Manual. Staff is recommending the design is required to comply with the design standards for commercial buildings, so rather than industrial buildings, because the property fronts on an arterial street Linder Road and will be highly visible. Detailed review will take place with the designer view application submitted with the certificate of zoning compliance application. No written testimony was received on this application. Staff is recommending approval with the requirement of a development agreement per the provisions in the staff report. Staff will stand for any questions.

Seal: Thank you, Sonya. Would the applicant like to come forward? No? Okay. That's the first time that's happened to me, so kind of caught me off guard with that one. Is there anybody in the audience that would -- would like to testify on the application?

Hall: I have a Tim O'Donnell signed up to speak.

Seal: Come right up. Good evening, sir. Just need your name and address for the record.

O'Donnell: Yeah. Tim O'Donnell. 4877 West Grand Rapids Drive, Meridian. So, this may be a little bit different testimony than you are probably accustomed to. I'm not against this proposal, but not informed enough either to say I'm for it. However, I wanted to make some comments about the process as a citizen looking at it from the outside, with little knowledge of the lingo or the legalities involved. Number one, I found it very helpful that most, if not all, of the documents related to this matter are all online. I could see drawings and maps, other entities weighing in on impacts from road, traffic, digging concerns, that type of thing. Second -- and, again, found it very helpful. Second, I spoke with somebody in the clerk's office and I found them very helpful and cordial. Most important to me -- number three, most important was how this impacts the people in that area and I -- I had learned from the county -- or the city website that anyone within 300 feet gets notified and I didn't see any concerns or objections posted on the -- on the -- the portal, so -- and, in fact, the person who I would think would be most impacted is the neighbor to the north -- immediate north of the property and I saw that on one of the documents online that they had signed off on the project. So, in summary, I'm pleased with the transparency in the process and the availability of information for citizens to investigate. I may disagree with the overall speed with which development is going on in Meridian, but I will save that for another time. Thank you.

Seal: Thank you, sir. Appreciate the feedback. Do we have anybody else that would like to testify? The applicant does not want to add anything? Just give -- give you one more chance before we close it out here.

Miller: Julie Miller. EVstudio. 725 East 2nd Street in Meridian. One thing that we are still trying to work out is the driveway approach. When we initially met with staff they preferred it to be at the north side of the property. However, ACHD wants it to align with the driveway on the other side of Linder. So I have contacted ACHD and I'm going to try to negotiate with them to get the approval for the driveway to be in its proposed location.

Seal: Okay. Great. Thank you very much for that. Appreciate it.

Miller: Thanks.

Seal: Council -- sorry. Commissioners, do we have any questions for the applicant? Oh. Sorry. It looks like we got a question.

Grace: Mr. Chairman, maybe more of a question for staff, if -- if I could.

Seal: Yeah.

Grace: You mentioned that you were going to require that the design standards be in accordance with commercial rather than industrial. Just generally what's the difference?

Allen: Chairman, Commissioners, basically the difference is the buildings have a little higher quality of design on commercial buildings than industrial. There will be some requirements for modulation in the building. They -- they already do show some different textures, some -- some nicer wainscoting and some architectural features on this building, but there are -- there is just a higher quality of design on commercial buildings. I'm not sure if the applicant's looked at those standards to make sure they don't have any issues with those, but --

Miller: I -- I am aware of those standards and if they only apply to the elevation facing Linder I think we will not have any issue achieving those standards.

Allen: I believe the way it reads, just in response, Mr. Chair, correct me if I'm wrong, Bill, but it's the -- it's the elevations that are visible from public right of way or public space. You are probably going to see a little bit of -- you are going to see a little bit more than just the west end of the building, but we can -- we can work with you on that.

Miller: Okay. So, maybe just the first building on Linder. Maybe. We could -- we could work that out. I don't see any issues with making that comply with your standards.

Allen: If the applicant has an issue with it, it -- it would be good to bring it up now as a -- as an issue.

Miller: No, I don't think so. From my previous experience with another design package, as long as we have some modulation in the building I think we can definitely achieve those standards.

Seal: Okay. Question just for my sanity. Would -- do the design standards or anything about that make it possible for -- like if somebody wanted to run a business out of one of these, instead of storage? Let's say a detail shop. Wouldn't be able to do that? Okay. Just wanted to make sure.

Allen: The specific use standards prohibit that.

Seal: Okay. All right. Any other questions? No? Thank you very much. Appreciate it. One more time. Anybody else want to testify? No. Okay. So, with that I will take a motion to close the public hearing for File No. H-2022-0091 for Linder -- Linder Storage Condos.

Smith: So moved.

Grace: Second.

Seal: It's been moved and seconded to close the public hearing for File No. H-2022-0091. All in favor please say aye. None opposed. Motion carries. The public hearing is closed.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Seal: This one looks pretty straightforward to me, so if anybody has anything additional to add or anything along those lines or I will take a motion.

Grace: Mr. Chairman, I can provide a motion.

Seal: Go right ahead.

Grace: After considering all staff, applicant, and public testimony, I move to recommend approval to the City Council of File No. H-2022-0091 as presented in the staff report for the hearing date of May 4th, 2023.

Smith: Second.

Seal: It's been moved and seconded to approve File No. H-2022-0091 for Linder Storage Condos. All in favor, please, say aye. None opposed. Motion carries. Thank you very much.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

6. Public Hearing for Hickory Warehouse (MCU-2023-0003) by Cushing Terrell, located at 1135 N. Hickory Ave.

- A. Request: Modification to the previously approved CUP (H-2022-0040) to modify the requirements for an 8-foot fence along the west property line to an opaque 6-foot fence to be installed north of the pedestrian pathway with additional landscaping along the west side for screening; modification to the hours of operation to be from 6:00 am - 12:00 am seven (7) days a week; and approval for Suite 110 to include an indoor recreation facility (indoor pickleball court) on 9.877 acres of land in the I-L zoning district.

Seal: All right. And with that we will open -- we will move on to application MCU-2023-0003 for Hickory Warehouse. We will begin with the staff report.

Hersh: Good evening, Mr. Chair and Commissioners. The application -- or the applicant has submitted an application for a conditional use permit modification. The site consists of 9.88 acres of land, zoned I-L, located at 1135 North Hickory Avenue. History on the property was -- there was a CUP approval in 1991 for a PUD in that general area for Gem Tone, Inc., and a recent CUP in 2022 for this actual building. The Comprehensive Plan FLUM designation is mixed-use nonresidential and the applicant is requesting to modify the existing conditional use permit to amend the fencing requirement, adjust the hours of operation for all uses within the building and to operate a 51,750 square foot indoor recreation facility for a pickleball court in Suite 110. The applicant is requesting to modify the following conditions in the conditional use permit and so under -- in the staff report

under the Conditions A-2 the applicant -- it says -- currently says the applicant shall install a combination of an eight foot high opaque fencing and additional evergreen landscaping, including trees or shrubs, in the vicinity of the pathway along the western building elevation and northwest property corner. Such screening shall be sufficient to provide visual screening of the equipment and loading bays as viewed from the pathway and adjacent residential fencing. Landscaping may have breaks and be clustered and grouped to maximize screening efficiency and producing more natural appearance. The applicant is requesting to modify the CUP by proposing a six foot black polymer coated chain link fence and additional evergreen trees and bushes along the northwest property boundary, only between the building and the multi-family residential and, therefore, not to obstruct access to the pathway for the residents living in the multi-family residential development. Staff finds that the above mentioned screening shall be sufficient to provide visual screening of the equipment and loading bays as viewed from the pathway and adjacent residential. A detail of the fencing is included in the site plan that was submitted that demonstrates compliance with the UDC and the next condition that the applicant would like to modify are the hours of operation for industrial uses shall be limited to 7:00 a.m. to 5:00 p.m. Hours of operation for indoor recreation facility shall be limited to 12:00 p.m. to 10:00 p.m. Monday through Thursday and 10:00 a.m. to 10:00 p.m. on Sundays and 10:00 a.m. to 11:00 p.m. Fridays and Saturdays. The applicant's narrative states that they would like to modify the planned hours operated with this CUP for all proposed uses within the warehouse building that vary throughout the week, but do not exceed 6:00 a.m. to 12:00 a.m. seven days a week. Because of the nature of the proposed use and existing multi-family residential to the west, staff is recommending a condition of approval consistent with these hours of operation. The tenant space for the pickleball court facility will be approximately 51,750 square feet within the warehouse with no exterior modifications proposed to the building. The applicant submitted a site plan showing tenant spaces that includes additional parking stalls that were added to -- on the west side of the units to the north of Suites 1 and 110. Based on the proposed tenant space for approximately the 51,750 square feet of gross floor area, a minimum of 104 off-street parking spaces are required. As noted throughout the staff report, the building and other site improvements are existing and include the off-street parking for the entire warehouse building. According to the site plan submitted showing the existing site conditions, a total of 235 parking spaces are provided, which exceed the UDC standards. Based on the 104 parking spaces provided for this use, a minimum of four bicycle parking spaces are required to be provided. The applicant is proposing an additional 29 parking spaces to be added to the site to accommodate the proposed pickleball court and the applicant -- or staff recommends the applicant submit -- provide plans that clarify where the bike parking is going to be and a detail of the bike parking for these uses on site. Because of the vast majority of the area proposed for the pickleball courts has a limited capacity of courts in the facility, staff does not have concerns on the number of parking spaces available for the proposed use. Landscaping for the applicant is proposing additional evergreen trees and bushes to be added to the existing landscape buffer along the northwest property boundary to provide further screening as you can see on the screen on the right. Due to the underground ACHD drainage facility under the pathway all required landscaping has been proposed and approved with the previous approvals. Staff -- Staff's analysis of the approved landscape plan shows compliance with the applicable

landscape code sections. Staff anticipates the proposed use to be less noxious or detrimental to the existing residential, so no additional landscaping is recommended by staff. Staff does recommend that Commission -- so, in the staff report under Section XA.3 there is an existing commission -- or condition that requires hours of operation for all uses permitted on the property shall be limited to 6:00 to 12:00 a.m. seven days a week. Staff would like Commission to also agree with adding the loading area located on the east side of the building shall not operate between the hours of 10:00 p.m. and 7:00 a.m. So, that would be on the northeast side is where the industrial is proposed for this building. Written testimony is none. Staff recommends approval of the proposed modification to the existing CUP with the conditions listed in the staff report. That concludes staff's presentation and I stand for any questions.

Seal: Thank you very much, Stacy. Would the applicant like to come forward? Good evening. Just need your name and address for the record and floor is yours.

Shiverick: Josh Shiverick. At 1177 East Whitbeck Drive, Kuna, Idaho. 83634. I want to say thank you all for taking time to review our application. Really want to thank Stacy. She helped me out a lot and so I just want to say thank you. She kept me on my toes and made sure I had all my stuff in. We agree with all the staff comments, but would you mind repeating that last section you talked about on the receiving side of the hours of operation?

Hersh: Sure. Mr. Chair and Commissioners, so staff just wanted to add to an existing condition in the staff report. So, for the loading -- the loading area located on the east side of the building shall not operate between the hours of 10:00 p.m. and 7:00 a.m. just because of the -- the people in the apartments to the west of this. It's -- it's in the UDC code and there is a lot of noise -- that would cause a lot of noise to those neighbors during that time period.

Shiverick: That makes sense.

Hersh: Otherwise the industrial uses can operate from 6:00 a.m. to 12:00 a.m. in the building, it's just that loading trucks couldn't come between that time period.

Shiverick: Yes. Currently the two tenants there are a millwork cabinetry facility that typically can come in and work inside between 6:00 -- so, wouldn't anticipate any deliveries being before 7:00 a.m. in the morning and, then, the others is the St. Luke's storage facility, which will actually typically be bringing the trucks in on the east side of the building, not on the residential side.

Seal: Okay. Do we have any questions for the applicant?

Smith: Mr. Chair?

Seal: Go right ahead.

Smith: Could I just get some clarification on which side -- this says shall not operate on the east side of the building and I think it sounds like from conversation the west side is the residential side.

Hersh: Mr. Chair and Commissioner, so the apartments are on the west side. However -- so, the two units on the west are what -- are the recreation facilities and there aren't the loading trucks. So, we are saying that the loading trucks shall not come to the buildings on the east side between the hours of operation of 10:00 p.m. and 7:00 a.m. for those industrial uses.

Parsons: Mr. Chair, Members of the Commission, yeah, the -- Stacy's slide here is a little skewed. North is to the right. So, you are right, if you turned it it would be west side of the building to your point. So, we can clean up the condition. The loading docks are on the west side of the building.

Seal: Okay.

Smith: Mr. Chair?

Seal: Go right ahead.

Smith: Would it just -- would it make more sense just to not -- and I don't know how this works in code, but it seems like this would, then, allow theoretically -- and I don't know what kind of activity -- yeah, what kind of materials you would need to load in a pickleball court, for example, but reading this it seems like it would allow for loading activity in the areas that aren't, you know, used by St. Luke's and the millwork. Would it not make more sense to just say, you know, limit loading activity for the entire building to the -- to the hours not between 10:00 p.m. and 7:00 a.m? Would that make sense or would that be feasible?

Parsons: Mr. Chair, Members of the Commission, that's certainly within your purview. That's what a CUP is for. So, if that's something you want something more restrictive than what code requires, we just ask that you make it clear on the record and we will -- we will add that to -- to the conditions.

Seal: Okay.

Shiverick: I -- I can say for the pickleball facility, the courts are actually -- the doors won't be operable anyway, because the courts back all the way up to them. So, they are not going to be using those for anything.

Seal: Okay. Any further questions?

Grace: Mr. Chairman?

Seal: Go ahead.

Grace: Mr. Shiverick, you are requesting to go from an eight foot high opaque fencing to six foot coated chain link. I'm just wondering is the -- well, with regard to both I guess, is one sort of solid where -- and whereas now the chain link is more open? Can you just describe if it's sort of the same level of privacy I guess?

Shiverick: Yes. So, the fence is originally an eight foot one was going to be a chain link fence with slats. Color wasn't defined at that time when that was agreed upon and design was not. So, when we went back and resubmitted for the six foot it is going to be the black power coated with black slats to aesthetically match the building itself. The eight foot to six foot, since it will not be along a path and aren't -- isn't blocking from eye level, we would be more concerned about distance viewing. So, the six foot is adequate to block from anything from the receiving area. Anybody that is inside of the residential building is going to be above eight feet anyway. So, we anticipated a six foot would be adequate.

Seal: I remember when the application first came through as well there is -- the pathway and the easement on it and all that stuff make that a little sticky back there. So, it's an interesting configuration that -- that happened with it. So, doing the fence differently would kind of make it to where the residents wouldn't have visibility and access to it as well. So, it's -- it's an interesting configuration.

Grace: Just to follow up if I could. And, then, you -- you are requesting a change whereby you would only have the fence along the multi-family property border and you wouldn't otherwise have it throughout the -- surrounding the whole property; correct?

Shiverick: Correct. And it would only be on the north side of the pathway. There is the ACHD easement with the seepage drain that we can't put anything inside their seepage drain. Seepage bed. Sorry.

Seal: Any other questions? Make this real quick. Does anybody in the audience want to come up for this application? That's a no? Applicant have anything additional to add?

Shiverick: No. Thank you very much.

Seal: All right. Thank you, sir. Appreciate it. All right. With that I will take a motion to close the public testimony portion for File No. MCU-2023-0003.

Smith: So moved.

Rivera: Second.

Seal: It's been moved and seconded to close the public hearing for File No. MCU-2023-0003. All in favor, please, say aye. None opposed. Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Seal: Who would like to go first? Nobody's jumping up.

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher, go ahead.

Lorcher: I -- I seem to recall we having a long discussion about the landscaping on this before, but it had gotten missed or something like that from the -- from the millwork tenant, but that's not the application in front of us. So, adding indoor pickleball ball is I think good for the city. It allows people to be able to play indoors when the weather is not cooperative or if, like me, I don't play pickleball, but I don't have that opportunity in my subdivision, because we don't have that amenity. So, as the sport continues to get more popular I think that this is a good place for it to be. It's a wide place in the road. It's centrally located in the city and it sounds like they have all the landscaping issues worked out with the city planners and so I'm in support of this project.

Seal: Anybody else? Commissioner Smith, go ahead.

Smith: Thank you, Mr. Chair. I would just -- you know, I -- I think it's a great -- great plan. I would just add -- I would probably like to see that coverage on the time restriction for loading activity just covering the whole building, just to -- you know, sound does travel beyond, you know, immediate proximity and also just kind of on that initial -- you know, initial setup or any major changes beyond the, you know, the day operation, just limiting loading activity just a little bit more to be sure that we are not, you know, unnecessarily disturbing neighbors. But, yeah, I think that's a really minor change I would like to see. Beyond that this looks great and I'm excited to see it.

Seal: Okay. Just for clarity for -- and -- and industrial as far as our code and limiting hours -- I mean right now the code is 7:00 a.m. to 10:00 p.m. Is that correct?

Hersh: Mr. Chair and Commissioners, that is correct.

Seal: Okay. I just wanted to clarify that, so -- any other questions? Comments? Motions?

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher.

Lorcher: Commissioner Smith, are -- the application before us is only for the pickleball court, so the St. Luke's facility -- storage facility and the millworks already have their -- their conditional use permit and the way they do operation, it's -- it's really not -- it's really not appropriate for us to be able to dictate what the whole building does because of those other tenants. They already have their ways that they work. We only have the pickleball in front of us. Am I correct.

Seal: I don't think so. I think it's a modification of the conditional use permit for the entire

building.

Lorcher: For the entire building?

Hersh: Mr. Chair, Commissioners, yes, the applicant is requesting to modify the hours for all users.

Lorcher: And do the millworks and St. Luke's agree with the changes of hours of operations for the loading docks?

Hersh: I would refer to the applicant on that question.

Seal: Oh, hold on. Hold on a second. Let's go ahead and open the public hearing for -- need a motion to reopen the public hearing for File No. MCU-2023-0003.

Rivera: So moved.

Grace: Second.

Seal: Been moved and seconded to reopen the public hearing for File No. MCU-2023-0003. All in favor say aye. None opposed. Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Seal: If the applicant would like to come forward. Thank you for letting me cut that red tape.

Shiverick: Got excited on that one. Do I need to state my name or anything again?

Seal: If you would, please.

Shiverick: Josh Shiverick. 1177 East Whitbeck Drive, Kuna, Idaho. 83634. To the additional comment on -- we haven't had an opportunity to talk to St. Luke's or Sawtooth Concepts about the change to the loading dock, so -- and based off of my knowledge of their current existing facility and how it runs and also our previous applications, but I'm not aware of any early morning deliveries, but I wouldn't know that for sure until we were able to speak of them.

Seal: Okay. And you were operating before -- there is a large detail of all the hours and they were more restrictive than that; correct?

Shiverick: Correct.

Seal: So --

Shiverick: So, we were operating on that same -- our previous time that we are asking to

modify, that was for the full building, yes.

Seal: Okay.

Hersh: Mr. Chair, Commissioners. So, the previous -- the original CZC limited the industrial uses to 7:00 a.m. to 5:00 p.m. So, this is actually extending it.

Seal: Okay. But it's not earlier, it's just going to go a little bit later, so -- okay. It's not going to go beyond my bedtime and I -- I'm a -- I'm a sleeper, so --

Shiverick: I do -- if that's okay if I continue? I do just want to say the neighbor that is just to the north of the Hickory building is a truck-trailer company and they are operating at hours earlier than 7:00 o'clock and they have much heavier and their trucks run for much longer and we would be nowhere near that type of capacity or commotion in the morning.

Seal: Okay. Thank you.

Shiverick: Thank you.

Seal: Commissioner Smith?

Smith: Yeah. Just -- no. More questions for staff. I just want to make sure that I'm correct, because I want to make sure I didn't accidentally misspeak or something. So, to be clear, the limitation that I would be asking to place on the building would be less restrictive than the older -- or I guess current time, but more restrictive than what they are asking for; correct?

Hersh: Mr. Chair, Commissioner. So, it would be, yes, less restrictive compared to what they originally had, that they had to stop at 5:00 p.m., and less -- and more restrictive with what they are asking for to go to 12:00 a.m.

Smith: So --

Seal: Need a motion to close the public hearing for File No. MCU-2023-0003.

Lorcher: So moved.

Grace: Second.

Seal: It's been moved and seconded to close the public hearing for File No. MCU-2023-0003. All in favor, please, say aye. None opposed. Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Seal: And with that if you would like to go for a motion I'm all ears.

Smith: Sure. Yeah. Yeah. Yeah, I appreciate that this activity is going to be less noisy than is north, but, you know, with noise being additive I think just if -- when possible to limit unnecessary noise. You know, it makes a little bit better neighbors. So, with that, after considering all staff, applicant, and public testimony, I move to approve File No. MCU-2023-0003 as presented in the staff report for the hearing date of May 4th, 2023, with the modification to read -- or read similar to hours of operation for all uses, industrial and recreational permitted on the property, shall be limited to 6:00 a.m. to 12:00 a.m., seven days a week, but loading activity shall not operate between the hours of 10:00 p.m. and 7:00 a.m.

Seal: Okay. Do I have a second?

Grace: Second.

Seal: It has been moved and seconded to approve File No. MCU-2023-0003 with the aforementioned modifications. All in favor say aye. None opposed. Motion carries. Thank you very much.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

7. Public Hearing for Compass Pointe Subdivision (H-2023-0004) by A Team Land Consultants, located at 3245 and 3247 S. Locust Grove Rd.

- A. Request: Annexation of 7.69 acres of land with an R-8 zoning district.
- B. Request: Preliminary Plat consisting of 21 residential building lots and 6 common lots.

Seal: All right. With that we will open File No. H-2023-0004 and we will begin with the staff report.

Hersh: Thank you, Mr. Chair and Commissioners. The applicant has submitted an application for Compass Pointe Subdivision, annexation and zoning, preliminary plat, private streets application and alternative compliance, which doesn't require Commission action. The site consists of 7.69 acres of land, currently zoned RUT in Ada county. It's located at 3245 and 3247 South Locust Grove Road. History on the property is there was a previous annexation, a pre-plat, alternative compliance and a private street for this site that was denied by Council. The comprehensive FLUM designation is medium density residential. The preliminary plat consists of 21 residential building lots and six common lots with a proposed R-8 zoning district -- district, with private streets are proposed for internal access within the development. Alternative compliance is requested to the UDC to allow the proposed private street to connect to Locust Grove, an arterial street. Proposed lots range in size from 5,000 to 7,529 square feet. The proposed gross density of the subdivision is 2.96 units per acre. There is an existing home and an outbuilding on

the subject property and they are proposed to be removed with the development of this property. The proposed plat and subsequent development are required to comply with the dimensional standards listed in the UDC for the R-8 zoning district. The proposed plat appears to comply with the dimensional standards of the district. Access for this development is proposed to be a gated private street connection to South Locust Grove in the southeast corner of the site, aligning with East Coastline Street on the east side of Locust Grove Road. All private streets appear to meet UDC dimensional standards for width, number of units, and turnarounds. However, the private street standards prohibit connections to arterial roadways unless approved through alternative compliance. The applicant is requesting alternative compliance due to the triangular shape bordered on two sides of this lot by arterial streets on one side and by the Ten Mile Creek on the other side. There is no opportunity for connectivity to any adjacent site lot and so ACHD prefers private streets within this development. Consequently, because private streets take less right of way than public streets and most notably because of the constraints just noted, the applicant agrees with this assessment and has proposed private streets throughout the development. Based on the analysis, the director is supportive of the request for alternative compliance proposed for private streets within this development taking access from arterial street. City code does require that private streets are to be used in either a new or gated development and so the applicant has proposed to construct a gated entry into the development. The proposed gate looks to meet the setback standard of 50 feet from the ultimate edge of the right of way per the UDC. However, a turnaround should be depicted on the plat prior to the proposed gate to allow for vehicles to turn around with having -- without having to back out on Locust Grove Road. Off-street parking is required to be provided in accordance with the UDC standards for single family dwellings based on the number of bedrooms per unit. Staff will confirm compliance with these standards at the time of building permit submittal for each residence. The proposed street sections of the private streets within the development shown on the submitted preliminary plat cannot accommodate parking on either side of the street. The entirety of the private streets will be required to be labeled as no parking per the Meridian Fire recommendations. Each unit will be required to meet the off- street parking standards and staff encourages the developer of the site to include provisions within their HOA bylaws that prohibit garages being used as storage. This would help alleviate some of the parking issues seen throughout the city, especially in areas where no on-street parking is allowed. The applicant is also showing guest parking along the Compass Lane totaling 13 parking spaces. Lot 6, Block 3, is proposing six guest spaces. Lot 2, Block 2, is proposing seven guest spaces. Both are within a common lot. However, staff is not qualifying these areas as open space. Sidewalks -- five foot attached sidewalks are proposed along both sides of the main entrance and on one of the internal private streets. Sidewalks are not required when construction -- constructing private streets. There is no existing sidewalk along Victory Road or Locust Grove, only a portion of the five foot sidewalk along the southeast corner of South Locust Grove Road is proposed with this project, because both arterial streets are currently under construction to be widened as part of a roundabout project, that -- at this intersection by ACHD. As stated above -- or as stated in the staff report, staff recommends the applicant construct a ten foot wide sidewalk along their entire portion of Locust Grove Road consistent with the improvements ACHD is constructing. A 25 foot wide street buffer is required adjacent to

East Victory and South Locust Grove Roads. Both are designated as arterial streets. This buffer should be landscaped per the standards in the UDC and placed into a common lot that is at least 25 feet wide. In most cases the common lot should also contain the detached sidewalk required along all arterial roadways, but in this case a portion of the sidewalk abutting the site will be built with the ACHD roundabout project. The applicant is constructing the remaining portion of the sidewalk on the southeast -- southeast property boundary adjacent to South Locust Grove Road. The landscape plan depicts a five foot sidewalk connecting to the ten foot to be constructed by ACHD. And, again, staff does recommend that the applicant depict a ten foot sidewalk connecting to ACHD sidewalk's along South Locust Grove Road. But it also looks like this -- by doing so that the ten foot sidewalk could diminish the 25 foot landscape buffer. Staff suggests that the applicant detach the ten foot sidewalk, meandering it between the required landscape buffer and modifying the private street layout to meet the landscape buffer requirements and the 15 days prior to City Council hearing.

Common open space and amenities. A minimum of 15 percent or 1.06 acres based on the 7.08 acres qualified open space is required to be provided within this development per the UDC standards. An open space exhibit was submitted that depicts 2.22 acres of common open space for the development, with 1.06 acres of this as qualified. And the minimum amount of open space required again is 1.06 acres. So, approximately 46,174 square feet. There are four main open space areas proposed within Compass Pointe. The centralized open space includes a sitting area and pickleball court. A pocket park near the entrance will have a gazebo, with a picnic area, plaza and sitting area. A dog park with sitting area and wrought iron fencing and a linear open space along the northern boundary next to the Ten Mile Creek. The open space for this development is vastly made up of the Ten Mile Creek, which is 2.12 acres and the arterial street buffers. All of this area is qualifying, but the Ten Mile Creek will be left open and natural and will be a buffer and more of a visual amenity rather than a usable open space for the development. Due to the peculiar shape of the lot staff finds the proposed open space meets the UDC requirements. However, staff recommends the applicant submitted revised open space exhibit due to the modifications noted above about the vehicle turnaround and realigning the road to accommodate the 25 foot landscape buffer prior -- 15 days prior to the City Council hearing. Based on the area of the proposed plat, a minimum of one qualified site amenity is required to be provided per the standards listed in the UDC and the applicant has provided three qualifying amenities in multiple locations -- locations. Gazebos, a picnic area seating and small plazas, pickleball court with a seating area and a dog park. And the proposed amenities exceed the minimum UDC requirements.

Building elevations. One conceptual building elevation was submitted according to the submitted land -- or sorry. To demonstrate the future homes in this development and what they will look like. A two-story home that includes a variation of materials with a two car garage are proposed. The submitted elevations depict a number of architectural and design styles with field materials of lap siding, shake, different -- differing color accent roof profiles and distinct window styles. Staff recommends that the applicant add additional stone or brick accents to the front of the homes to provide more of a variation materials and provide additional elevations for two story and single story homes. Staff is recommending a condition of approval that the applicant vary the build to lines along the northern property boundary within the development to eliminate any monotonous wall plain. This should

occur with every third structure showing a different wall plain. The applicant shall also be required to submit revised and additional elevations in an exhibit demonstrating build to lines along the northern property boundary that occur with every third structure within 15 days prior to the City Council hearing. There was no written testimony for this and staff does recommend approval of the proposed annexation with the requirement of a development agreement with the conditions listed in the staff report. This concludes the presentation and staff stands for any questions you have.

Seal: Thank you, Stacy. Would the applicant like to come forward? Good evening, sir. Just need your name and address for the record.

Arnold: For the record my name is Steve Arnold. I'm with A Team Land Consultants. 1785 Whisper Cove Avenue, Boise. 83709. Can you pull up my -- do a quick presentation. Keep me on task.

Seal: Sure.

Arnold: Give you an idea -- this has been before you -- this will be the third time. So, we are hoping three is the charm. We -- we -- we first met with the Planning and Zoning Commission I believe early 2020 and, then, the P&Z -- we had quite a bit more units. We had about 60 townhome units. The Commission at that time thought that was too dense, so we forwarded to the Council with a recommendation for denial. When we went to Council we asked for a recommendation to come back to the Planning and Zoning Commission, so that we could work through some of the concerns that the Commission had. Well, we worked through all of those. We got a recommendation for approval. The Council chewed over it a few times and, then, just finally decided, you know, townhomes weren't appropriate for that site. When -- you know, after your time lapse has occurred come back and see us, make sure you bring single family. So, that's where we are at now. We started out in that -- oh, the 48 units and 37. Now we are at 21. We are down to the -- as Stacy stated, the 2.96 units per acre. One thing that we were coming in with before -- we were asking for an R-15 zoning. It wasn't for the density, but it was so that we could have reduced setbacks on the smaller lots. Right now we are not asking for the R-15, but just the straight R-8 and we can comply with all those setbacks. We also at the same time had a PUD application requesting a bunch of variances from standards and setbacks and right now, like I said, we are just a -- a straight R-8 with a preliminary plat. As Stacy stated earlier, we have got quite a bit of open space. Three pocket parks. We have read through all the conditions of approval or recommendations by staff and we have agreed to basically provide them the additional ten foot sidewalk on Locust Grove and on Victory. The turnaround, which I don't know how I lost that. We used to have a turnaround in the old drawings that was right before the gate, so that's an easy add. And the encroachment that -- and I will show you in the next slide where that is. But there is only an area that's about, oh, three feet wide that we encroach within that 25 foot common lot. So, there is ways that I can easily shift our private road around, so that we can maintain 25 foot unobstructed to the common lot. We are currently working with the city. We have got a sewer design into the city, so that we are hopefully getting our sewer taps prior to ACHD paving the road and we think we will be able to get that this year easily

within time from when they pave. Again we will have CC&Rs that will dictate what goes on with all the landscaping and the buildings. One thing that we have worked with since our last submittal was the Valley Regional Transit authorities were -- we are working on a bus stop location and it's labeled on your preliminary plat, but we have got a bus stop location out on Locust Grove that we have coordinated with them. Another interesting area -- or not interesting, but we -- at one point we were proposing a pathway along the Ten Mile Creek. Because of all the headaches that we were having with the irrigation district we are completely staying out of their easement. So, the plan is we will put a four foot wrought iron fence back there and four foot along certain areas within the sub. Then we will have six foot wrought iron perimeter along Locust Grove and on Victory and, then, internal some privacy type fencing. One thing also to be noted is the -- in preparation for the construction is probably about a year ago -- there is nothing on the site. We have cleared all the buildings, all the trees, everything, so -- and ACHD actually bought an extra easement for storing equipment on the site while they are doing the construction. Show you real quick. This was what was originally submitted. It was in that 60 plus range. A little bit more busy. One thing I didn't touch on was the parking and I apologize for jumping back. But parking will -- each of these buildings will have a two car garage and, then, in front of the garage we have the 20 foot parking stall. So, each building will meet its minimum. So, the extra parking that we are providing along the private road, that's strictly guests. That's above and beyond what is required for just the subdivision as it stands. So, the pinch point, it's -- it's the -- it looks like the second curve as you come in. You can see where we pinch a little bit along Victory Road. That can be widened out and, then, again, I will easily have room to put a turnaround at the gated entry as you enter. Here was the -- one of the fence -- or one of the profiles of the buildings -- that's kind of your traditional. I -- if I can get the votes I -- externally. I kind of like the -- the modern look that we have done in other areas. So, here is another look that we can do. So, I won't keep you, but in conclusion, you know, we comply again with the comp plan. I think now we are even in more compliance. We have taken in all of the neighborhood concerns. Our last neighborhood meeting we had two people show up. It was virtual, but it didn't seem to have any major concerns and, actually, it was pretty welcome that we went to the single family version. We believe we have addressed all the Council concerns in this site plan. We fully anticipate that they will recommend approval once we get there. Again, we are going to be the builder for the sites. We are committed there for the long haul. We have finally got the intersection done and this is truly in-fill now. Sewer and water is all around us and other city services. It makes really good sense to annex this property at this time. With that said I will stand for any questions.

Seal: Thanks, sir. First question I have is can you show us where the gate and the turnaround will be.

Arnold: If you are looking at this first entrance as you come in -- right there.

Seal: Okay. And the turnaround -- it looks like there is a gazebo area and everything there. Is that going to impact that?

Arnold: So, what I will -- no. What I will do on that is -- we will push it to the north. I have

got five foot that's outside of the easement, but I will work with the irrigation district to provide them an area that they can pull off as well to do maintenance in there. If not, then, yeah, I will have to move the gazebo and scrunch it and, then, I will -- I do it on that east side of the road.

Seal: Okay.

Arnold: But previous drawings -- I think it was on the -- the north side. If you at look this one as you come in right below the gazebo and stuff is where we had it before. And that was -- -- actually, no. This is even an older drawing before we had to -- we put a gate in and, then, moved that parking to the south and used it as a turnaround.

Seal: Okay. Thank you. Commissioners, do we have questions for the applicant or staff? Commissioner Smith.

Smith: Mr. Chair, thank you. Sorry. The one thing -- and so I -- I recall the Council meeting on this and it was denied and the one thing I don't see -- and I know it's a question if it was possible at all -- was concerned about there only being that kind of -- if I'm going north, right, that there only being that left turn out onto Locust Grove, especially during peak hours. I know there are questions about ACHD, you know, having an exit out onto Victory and ACHD issues -- or, you know, not allowing that because of its proximity to the roundabout and I remember there being -- I don't remember which Council Member asked, but I remember there being a question posed if -- if you could work with ACHD and see if there was any possibility to maybe, you know, have that kind of chicane a little closer to the creek to potentially get out onto Victory. Was there ever any resolution or discussion of that? Was that kind of a no go from ACHD or -- or any feedback?

Arnold: Mr. Chairman, Commissioner Smith, yeah, it was a pretty good solid no.

Smith: Okay. Thank you.

Seal: Commissioner Grace?

Grace: Yeah. Thank you. So, you are -- you are requesting private streets, because it provides more room on the street -- or strike that. It would provide less room, so there could be no parking on the street. Is that accurate?

Arnold: Mr. Chairman, Commissioner Grace, the -- the main reason for private streets - - I'm not a big fan of private streets, because everyone pays taxes for them and the people that now live on them don't get the benefit of the taxes. The private street is strictly to comply with ACHD. ACHD, when they seen this, they -- the roads basically don't connect to anything else. So, I think their attempt is to not accept any additional roads that don't provide public benefit. I think what they are seeing here is this is -- provides a certain private property a benefit and not the public.

Grace: So, my -- I will just tell you. My concern is that -- now, you are going to have the HOA tell the homeowners that they can't put anything in the garage except for vehicles

and that's not going to be easily enforced and I don't know that they are required to maintain a requirement like that. So, I wonder if they could reverse it at some point. And I guess where I'm going with it is if they can't park on the street and invariably they are not going to be able to park in their garage because, let's face it, we all see that from -- from neighbors and whatnot, I'm just concerned about the parking, whether you think you have enough parking. But in particular -- I'm sorry. Particularly when people come -- come through with trailers and RVs and things like that.

Arnold: Mr. Chairman, Commissioner Grace, the -- the CC&Rs -- I mean we are not going to allow trailers and things to be parked there and -- and that's fairly easy to enforce. I have not been on any committee that has enforced the garage as storage. I'm hearing more and more about it and I have not seen it actually in action, but even if -- if they use their garage as storage units we still have the -- the parking in front of the garage that meets the city's parking requirements and, then, we also have the addition of the off-street parking on -- on the site. But I have never seen that application. I would like to try it and that's something that if -- if that's a condition we would certainly agree to the condition.

Grace: No. And I -- I know you are limited and I understand the -- the -- the configuration of this piece of property. I'm just here to tell you it's not that easy. People have teenagers and there is more than two cars and there is -- it's -- it's people's garages are full and it sounds like we are being asked -- correct me if I'm wrong -- but to approve a private street and not the alternative compliance necessarily, that goes to Council, but -- so, if we are being asked to do that I'm just -- these are things I'm just considering, so I appreciate your response.

Arnold: Mr. Chairman, if I could follow up --

Seal: Go right ahead.

Arnold: The alternative compliance, as I understand it, it's not for the parking per se, it's to connect a private street to an arterial, but staff there can answer it better than me.

Parsons: Mr. Chair, Members of the Commission, just for your clarification, private streets are approved by the director as well. So, it's -- the director has approved -- staff has approved the private streets and also the alternative compliance for it to connect to Locust Grove.

Seal: Okay.

Parsons: The applicant's just -- based on his previous experience with this he's adding the parking based on previous feedback that he received a few years back.

Seal: Yep. I was here for all that, so it was quite something for sure, so -- do we have any other questions for the applicant or staff? Madam Clerk, nobody signed up?

Hall: No, Mr. Chair, there is not.

Seal: Anybody in the audience want to come up and testify? Maybe? Going once. Going twice. No? Okay. Anything further to add?

Arnold: Nothing to add.

Seal: All right. Thank you very much, sir. Appreciate your time and your application. And with that I will take a motion to close the public hearing for File No. H-2023-0004 for Compass Pointe Subdivision.

Rivera: So moved.

Smith: Second.

Seal: It's been moved and seconded to close the public hearing for File No. H-2023-0004. All in favor, please, say aye.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Seal: I will just jump in first on this one. I remember this one coming through, the different iterations and the history that's been explained, so -- yeah. I mean -- and a lot of it has been to, you know, reduce the -- you know, the number of dwellings there down to something that fits that corner a little bit better. Mainly because, you know, it's a -- it's a very limited spot as far as access, so it's -- it's tough to have more -- you know, more dwellings on there than it can potentially handle, so -- and even with this I mean it's -- there is going to be some issues with people, you know, going right out here and coming down and having to turn around somewhere else and things like that. So, it does look a lot better with the roundabout now that it's completed in there. Before it was just kind of conceptual. Now we kind of know where that's going to go. Good to see the ten foot sidewalk is going to continue on, you know, as well. So, the -- the -- the parking is a concern for sure and the private street part of it I kind of -- I agree with what the applicant said honestly. I would almost rather see this not be a private street, just because I think there is going to be some issues with trying to maintain it over time with the community of folks that live in there, so -- but I understand why -- I kind of understand why ACHD wants it to be a private street, so we are -- you know, the city is a little bit at their mercy to do -- to do that portion of it. But, anyway, as far as the application itself, I like this a whole lot better than the previous applications that come in, because, again, it reduces the -- you know, the number of dwellings that's there. The parking is a little bit more evenly distributed, which I also like and, then, the circulation I think is going to be adequate for it as well. The only thing that I have some reservations on here is just the amount of changes that are going to have to happen. To me it's almost kind of like the application is not complete yet. There is a lot of statements in the -- you know, in staff's presentation that end in, you know, that they have to fill this requirement 15 days prior to City Council hearing. So, when I see more than a couple of those in a -- in a hearing, then, personally I would like to see it more complete when it comes to us, so that we can see everything as it's going to go to Council. But that's just my preference, so -- anybody

else has anything to add? Feel -- feel free.

Smith: Mr. Chair?

Seal: Commissioner Smith.

Smith: Yeah. I think with parking, public streets, and they are private -- private roads and a lot of this stuff, especially as it relates to transportation, a lot of it feels like a -- you know, you try, you try, you try and, then, you know, ACHD -- yeah, usually very good reasons it has to -- you know, kind of be the -- be the parent -- or be the bad cop and say no -- no way and so as much as I would, you know, like to see some sort of exit on Victory to prevent kind of that left out during peak hours or -- or stacking during -- during p.m. hours -- during p.m. hours. Sorry. To get in at -- you know, one of those things that at some point it's just not doable. I agree with you that I -- I would like to see more of that -- things like those -- those varied elevations and things like that as it's going to look -- be my preference. But, you know, it's not a -- a strong, you know, preference. I think that's something that staff -- have confidence that staff would be able to, you know, work with the applicant before Council to clear, but those are my thoughts as well. I think -- I think around the parking and around -- and that stuff is it's -- it's kind of as good as it's going to get with the -- the -- the strangeness of this -- strangeness of this site, so appreciate the -- the developer, you know, sticking to it. The third time is the charm hopefully. I agree. But, yeah, just --

Seal: Anybody else? Comments? Questions? Commissioner Grace.

Grace: Mr. Chair, yeah. I -- I -- I was struck, too, by the staff report and it -- it -- I guess it's the way you characterize it was as good as -- as I could and is that it -- you wondered if it was complete. I do seriously question the turn -- the turnaround and where that's going to go, how that's going to fit in. The parking -- I still think it's going to be an issue, but I understand it's probably a lot better than what it was and what you maybe have seen or others have seen in years past and that's great. That's -- but I don't know. There is a lot going on here. I guess I would leave it at that.

Seal: Anymore feedback? A motion? Anything along those lines? I mean if there is -- if other Commissioners kind of share the thought that it needs to be more complete, we would like to see it -- you know, a more complete version of this come before us, then, you know, we can talk about a continuance. We would open the public hearing back up to do that, but that's completely within your purview.

Smith: Mr. Chair?

Seal: Go ahead.

Smith: I move to reopen the public hearing to ask questions of the applicant around continuance.

Seal: So, can I get a motion to reopen the public hearing for File No. H-2023-0004?

Smith: So moved.

Grace: Second.

Seal: It's been moved and seconded to reopen the public hearing for File No. H-2023-0004. All in favor say aye. None opposed.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Seal: Would the applicant like to come back forward? Commissioner Smith, go ahead.

Smith: Thank you, Mr. Chair. Yeah. So, just curious your thoughts on this. It seems like there is a lot of desire to see a version of this -- that, you know, that is across the -- across the goal line, it seems like at least from my perspective, and from what I can see from other Commissioners -- I don't want to put any words in anyone's mouth, but I get the feeling that it seems like we are at the kind of the two yard line on what -- you know, it seems, you know, like what people are willing to support. So, I just -- just curious your thoughts around -- hearing that feedback, seeing what's in the staff report, the elevations, the turnaround and things like that, what are your thoughts on a continuance and is there a certain timeline if there were a continuance that you think that would be reasonable to, obviously, not delay too much, but to give you adequate time to revise the layout?

Arnold: Mr. Chairman, Commissioner Smith, the time that it would take for us to do that is really insignificant. You know, I'm -- I'm bending the -- the private road and picking up three foot to get 25 foot. I think that was one of the main things was to make sure I maintained 25 foot of buffer along Locust. The turnaround for the gate, we -- like I said, we used to have it in there with all these versions we dropped it, but it -- that doesn't take much to put in there at all either. Are you want -- the ten foot meandering sidewalk that's pretty easy to show. I mean I -- I don't know that that's critical, but if we are making changes we can definitely make that additional change. One point to add here. I know there is the desire to get a public street in there, even though ACHD wouldn't work with us. Even if they did allow a public street, the intersections coming in there don't meet some of their -- the highway district minimums. So, that -- that's another challenge that we had. But, you know, going back to the original question how much time do we need, we -- we kind of like the 15 days prior to City Council, but if -- if we can't do that or come to that tonight, just whatever your next available Commission meeting is. But ideally we just move it forward with conditions.

Seal: Okay. Well, question for clerk. Do we know how many -- how full are we in the next meeting or two, just so we have all the information in front of us?

Hall: On the -- Mr. Chair, on May 18th we have five public hearings. So, if we add it it would be a sixth.

Seal: How about beyond that?

Hall: June 1st we only have two.

Seal: Okay. I -- I would hate to add a sixth to a fifth on an already crowded agenda. So, usually we don't get through four this quickly, to be honest, so --

Arnold: As long as we are first I'm fine.

Seal: Okay. So, that -- that would be the first date that would accommodate that, so -- I mean we don't want to throw it out there too far, but I agree with what Commissioner Smith said and said that -- you know, reflected on that earlier where, you know, we are basically really close to the goal line with something that's gone back and forth and everything. I just -- I don't want to see something like that repeated. So, I would rather kind of pick this apart just a little bit more, make sure -- because we have got -- the -- the concern that I have is we have the ten foot sidewalk, as well as the turnaround to be accommodated all in a really small space there. So, I just want to make sure that that all works. If you can add a parking space anywhere that would probably be helpful as well, you know, and just the other conditions that were put in there, just to see it come back in complete form so we can, you know, have a go at it before, you know, we make a recommendation to be forwarded on to the City Council. If that makes sense to everybody. So, if -- if you are in agreement that -- that that would be something that you would be willing to work towards and that is likely the course that we will take. But do you have anything further to add on that, sir, or --

Arnold: We can definitely work with that.

Seal: Okay. So, we are --

Arnold: We are looking at the 1st?

Seal: June 1st. Yes, sir.

Arnold: Okay.

Seal: Okay.

Arnold: Do we get to be the first on the agenda?

Seal: Bill is shaking his head, so he's -- he's -- he's got his thumb on that. So absolutely.

Arnold: Perfect.

Seal: Well, we won't put you at the end of the night. All right. Thank you very much. I appreciate that. And with that if there is no other questions -- Kurt, you had something? No? Okay. Just want to make sure you keep me on -- in line.

Starman: Well, I wasn't sure where you were going to be, but we will need a motion to continue the hearing.

Seal: All right. So, with that, yes, we will need a motion to continue the hearing instead of closing the public hearing like I was going to do.

Smith: So moved.

Seal: Oh, I was going to say -- need a motion to continue File No. H-20203-0004 for Compass Pointe Subdivision to the date of June 1st, 2023.

Smith: So moved. Apologies.

Rivera: Second.

Seal: It's been moved and seconded to continue File No. H-2023-0004 to the date of June 1st, 2023. All in favor, please, say aye. None opposed. Motion carries. Thank you very much. Appreciate that.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Seal: And with that we don't have any other business tonight that I'm aware of, so with that I will take one final motion.

Grace: Mr. Chairman, I move to adjourn.

Seal: Do I have a second?

Smith: Second.

Seal: It's been moved to adjourn. All in favor say aye. We are adjourned. Thank you.

MEETING ADJOURNED AT 7:30 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS.)

APPROVED

ANDREW SEAL - CHAIRMAN

_____|_____|_____
DATE APPROVED

ATTEST:

CHRIS JOHNSON - CITY CLERK