

**Meridian Planning and Zoning Meeting**

**November 7, 2024.**

Meeting of the Meridian Planning and Zoning Commission of November 7, 2024, was called to order at 6:00 p.m. by Chairman Maria Lorcher.

Members Present: Commissioner Maria Lorcher, Commissioner Andrew Seal, Commissioner Jared Smith, Commissioner Brian Garrett and Commissioner Sam Rust.

Members Absent: Commissioner Patrick Grace and Commissioner Matthew Sandoval.

Others Present: Tina Lomeli, Kurt Starman, Bill Parsons, Linda Ritter and Nick Napoli.

**ROLL-CALL ATTENDANCE**

<u>  X  </u> Brian Garrett	<u>  X  </u> Andrew Seal
<u>      </u> Matthew Sandoval	<u>      </u> Patrick Grace
<u>  X  </u> Sam Rust	<u>  X  </u> Jared Smith
<u>  X  </u> Maria Lorcher - Chairman	

Lorcher: All right. Welcome to the Planning and Zoning meeting for November 7th, 2024. At this time I would like to call the meeting to order. The Commissioners who are present for this evening's meeting are here at City Hall. We also have staff from the City Attorney and City Clerk's office, as well as the Planning Department. If you are joining us on Zoom this evening we can see that you are here. You may be observed -- 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 of the meeting. If you have a process question during the meeting please e-mail [cityclerk@meridiacity.org](mailto:cityclerk@meridiacity.org) and they will reply as quickly as possible. If you simply wish to watch the meeting we encourage you to watch on -- watch the streaming on the city's YouTube channel. You can access it at [meridiacity.org/live](http://meridiacity.org/live). With that let us begin with roll call. Madam Clerk.

**ADOPTION OF AGENDA**

Lorcher: The next item -- or the first item is the adoption of the agenda. There are no changes to tonight's agenda. Could I get a motion to adopt tonight's agenda?

Smith: So moved.

Seal: Second.

Lorcher: It's been moved and seconded to adopt tonight's agenda. All those in favor say aye. Any opposed? Motion carries.

**MOTION CARRIED: FIVE AYES. TWO ABSENT.**

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

- 1. Approve Minutes of the October 17, 2024 Planning and Zoning Commission Meeting**
- 2. Findings of Fact, Conclusions of Law for McDonalds at Firenze Plaza, by Kimley Horn, located at 3058 Amity Rd.**
- 3. Findings of Fact, Conclusions of Law for Touchmark Office Building A, by Conger Group, located at 3526 E. Louise Dr.**
- 4. Findings of Fact, Conclusions of Law for Touchmark Office Building B, by Conger Group, located at 3512 E. Louise Dr.**

Lorcher: Next is the Consent Agenda. We have several items on the Consent Agenda, including to approve the minutes of the October 17th Planning and Zoning meeting, facts and findings and conclusions of law for McDonald's at Forensic Plaza and Touchmark Office Buildings A and B. Could I get a motion to accept the Consent Agenda as presented?

Rust: So moved.

Smith: Second.

Lorcher: It's been moved and seconded to approve the Consent Agenda. All those in favor say aye. Any opposed? Motion carries.

**MOTION CARRIED: FIVE AYES. TWO ABSENT.**

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

Lorcher: At this time I would briefly like to explain the public hearing process. We will open each item individually and begin with the staff report. Staff will report their findings on how the item adheres to our Comprehensive Plan and our Unified Development Code. After staff has made their presentation the applicant will come forward to present their case and respond to staff's 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 only once during the public testimony portion. The clerk will call the names individually of those who have signed up on our website in advance to testify. You may come to the microphone in Chambers or you will be unmuted on Zoom. 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 our clerk will help you run the presentation. If you have established that you are speaking on the 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 -- ten minutes. After all those who have signed up in advance have spoken we will invite any others who wish to testify. If you wish to speak on a topic you may come forward in Chambers or if on Zoom press the raise hand button in the Zoom app or if you are only listening on a telephone please press star nine and wait for your name to be called. If you are listening on multiple devices, such as a computer and a phone, please be sure to mute those extra devices so we don't experience feedback and we can hear you clearly. When you are finished if the Commission does not have any questions for you you will return to your seat in Chambers or be muted on Zoom and no longer have the ability to speak. And please remember we will not call on you a second time. After all testimony has been heard the applicant will be given another ten minutes to come back and to respond to any concerns. When the applicant has finished responding to the questions and concerns we will close the public hearing and Commissioners will have the opportunity to discuss and hopefully they can make a final decision or recommendations to City Council as needed.

## **ACTION ITEMS**

### **5. Public Hearing for Tone Fitness Studio (H-2024-0050) by Taylor Clausen, located at 3064 Milano Dr.**

- A. Request: Conditional Use Permit to operate an indoor recreation facility (Indoor Gym) In a suite from an existing 3,887 square foot multi-tenant building on 0.648 acre of land in the L-O zoning district.

Lorcher: So, tonight I would like to open the first public hearing for Item 2024-0050 Tone Fitness Studio for a conditional use permit and we will begin with the staff report.

Napoli: Good evening, Madam Chair, Members of the Commission. So, the first item on the agenda is a conditional use permit for Tone Fitness Studio. So, the applicant is requesting a conditional use permit to operate an indoor recreation facility in a suite from an existing 3,887 square foot multi-tenant building. The site consists of .65 of an acre and -- and is located at 3064 West Milano Drive as shown on the screen. The existing zoning is L-O, which is our limited office district -- our limited office zoning and the FLUM designation is office. The proposed use of an indoor recreation facility is a conditional use in the L-O zoning. The L-O zoning and FLUM designation is meant to provide opportunities for low impact business -- business in areas which typically include professional offices, research and development, and -- and et cetera. This use adheres to the Policy 3.07.02B, which promotes locating smaller scale neighborhood serving commercial and office uses in close proximity to residential for convenient access. While an indoor recreation facility can create a large impact on an area, this indoor rec facility is more specialized, allowing for only 12 clients at any one time. Additionally, there will be no outside activity. The proposed indoor recreation facility provides a unique neighbor -- neighborhood serving use that can be essential for residents in the area. The L-O zoning district restricts the hours of operation at 6:00 a.m. to 10:00 p.m., which the applicant is in compliance with and agrees to. The site has already been approved and constructed, so it's ready just to have a tenant

improvement for the applicant to move in. Staff is recommending approval with conditions and has not received any written testimony at this time and I will stand for any questions.

Lorcher: Would the applicant like to come forward? No? You are good. Okay. Madam Clerk, do we have any -- anyone who would wish to testify?

Lomeli: Thank you, Madam Chair. No one has indicated they wish to testify.

Lorcher: Okay. And if you are comfortable with what staff had to say, I guess I will take a motion to close the public hearing.

Rust: So moved.

Smith: Second.

Lorcher: It's been moved and seconded to close the public hearing for Tone Fitness Studio for a conditional use permit. All those in favor say aye. Any opposed? All right. The motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Lorcher: That seems pretty straightforward and a location that already has a building and they are in agreement with all the conditions that staff has put forward. Any other comments from Commissioners or a motion?

Seal: Madam Chair?

Lorcher: Commissioner Seal.

Seal: Yeah. I mean the only thing I saw on this was just the 12 clients at a time, so definitely a small area that there -- or a building that we are dealing with. So, I can see that that might get overrun at times, depending on their business model, so -- but parking and everything is adequate, so --

Lorcher: Yeah. They only accept 12 clients at any one time. I don't know if there are specific classes or it's -- it's kind of an app type of thing, but they already have a parking lot agreement, so I think everything should be fine. Any other comments?

Rust: Madam Chair?

Lorcher: Commissioner Rust.

Rust: I move to approve File No. H-2024-0050 as presented in the staff report for the hearing date of November 7th, 2024.

Smith: Second.

Lorcher: It's been moved and seconded to approve Tone Fitness Studio for a conditional use permit. All those in favor say aye. Any opposed? Motion carries. Thank you very much.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

**6. Public Hearing for Black Cat East (H-2024-0047) by Sawtooth Development, located at 935 S. Black Cat Rd. Recommend Approval to City Council**

- A. Request: Annexation of 3.62 acres of land with the I-L zoning district to allow industrial development.
- B. Request: Modified Development Agreement to include this property in the development agreement for Black Cat Industrial (H-2021-0064).

Lorcher: The next item on the agenda is Black Cat -- Black Cat East for annexation and a modified development agreement. We will begin with the staff report.

Napoli: Thanks, Madam Chair, Members of the Commission. So, the next item on the agenda is annexation and development agreement modification for Black Cat East. The applicant is requesting annexation and development agreement modification for 3.62 acres of land with the I-L Zoning District to construct approximately 74,365 square feet of an industrial building. The site consists of 3.62 acres of land located 935 South Black Cat Road. As shown on the screen the existing zoning is RUT in Ada county and FLUM designation is mixed employment. This property was part of the initial application for Black Cat East industrial as shown on the screen and it's going to be this area down here where Building M is represented. The applicant is now seeking annexation to integrate this property into the surrounding development and align it with the broader planning efforts in the area. While I-L is not the preferred zone in the mixed employment designation, the City Council previously approved a request for the I-L zone in the surrounding development. Due to this the applicant requests the same zoning granted by City Council with the previous application to ensure a cohesive and consistent development. In 2022 a traffic study was completed with the previous application and was not required with this one. However, the TIS addressed concerns regarding traffic for this development and it was found that the infrastructure will be able to manage the 2.2 million square feet that will be developed within the broader project. This property was included within the scope of that traffic impact study. Additionally, there were thresholds placed on occupied square footage that will trigger roadway and infrastructure improvements as the development continues to be built out. The surrounding developments have similar requirements and restrictions on development until certain road -- road improvements are completed. According to the concept plan the predominant use appears to be warehousing and distribution, which is consistent

with the surrounding area and aligns with the City Council's previous approval. Access is proposed off an existing curb cut on Grand Mogul, which is consistent with the original concept plan. Additionally the applicant has provided ten foot detached sidewalks on both sides of West Grand Mogul Drive consistent with the Pathways Master Plan. The building elevations and landscape plan will be analyzed with a submittal of the Certificate of Zoning Compliance and design review. However, the applicant is proposing a change to one of the development agreement provisions. Staff has talked with the applicant and I think that we are going to move forward with trying to find a solution or some common ground before the City Council hearing. These are the proposed elevations that we were shown and really the provision that they were in question was the 30 percent fenestration to be measured by square footage along the northern half of the eastern facade facing Black Cat. However, the applicant wants it to be measured by linear feet instead of square footage of the building. So, instead of the overall area they want it to be measured by linear feet. So, 30 percent fenestration. We did talk with the applicant. We are willing to work with them to find a compromise to find a solution that is both common ground for both of us prior to the City Council hearing, but that is going to be something that we will review at the administrative design review, so it's not pertinent to this application really. So, you guys are the recommending body, though, with this, so you may choose to change our position. If you choose to do so within that development agreement you can change it tonight. It's something that we will work with the applicant on prior to City Council. So, it's -- but you guys have the authority to change that. So, given the previous approval staff is recommending approval and has received written testimony from Clay Sammis, who is the applicant and developer, in opposition of the condition requiring 30 -- 30 percent fenestration measured by square footage, but as I stated staff has talked with the applicant and we are willing to work with them on that. So, I will stand for questions at this time.

Lorcher: Would the applicant like to come forward?

Koeckeritz: Good evening.

Lorcher: Good evening.

Koeckeritz: Good evening, Commissioners. My name is Elizabeth Koeckeritz. I'm with Givens Pursley. 601 Bannock Street, Boise, Idaho. I'm here on behalf of the development team, which is Sawtooth Development Group. With me today if there is any questions that I'm unable to answer we also have Clay Sammis with the development team and Brandon Swanson. I think Nick really -- hopefully that this is pretty short. Nick really did cover everything today and so we are here for the annexation and zoning for the final piece of this development. I went too far. Okay. This was the original -- these are so touchy. Okay. This was the original site plan. It did originally include the 3.62 acre parcel. This happened back in 2022, 2023 was the final approval. At that time for various reasons it did not go forward. Now it's not going forward here. Might want to try the arrows. There we go. Okay. And so ultimately this is the site plan that was approved and it did take out this building that we are now proposing. At that time both staff, council and the applicant wished that they could have

included this building, but they just did not have the site control that was necessary at the time. Since, then, fast forward another year and here we are and this is the current site plan that was originally intended to be included. It's now here we are asking just that this be annexed and zoned and developed really in substantial conformance with everything else that's been going on within this development. We have the site plan here. It does allow that hard corner to finally be developed. If you look at the various -- I believe they are in your packet -- we are doing additional fenestration, doing a big sort of front entryway appearance area to really make that corner stand up. There is additional parking over what's required and we are meeting all requirements of the development code. As Nick mentioned we are not in one hundred percent agreement yet on what the fenestration along Black Cat will be. We have been working with them closely. We proposed some language today. They have come back with other language. And so at this point in time just continue to -- we ask to continue to work with them to come up with some language that will work for all parties in the future. It is really a design review issue, but at the same time if it's in the development agreement we want to make sure we have it right right from the start and so with that we would ask approval of the annexation and zoning of this parcel.

Lorcher: Thank you. Commissioners, do we have any questions for the applicant?

Rust: None at this time.

Lorcher: All right. Thank you very much.

Koeckeritz: Thank you.

Lorcher: Madam Clerk, do we have anyone to testify?

Lomeli: Madam Chair, no one has signed up.

Lorcher: Anything else that you would like to add or are you good? Okay. Then I will take a motion to close the public hearing.

Smith: So moved.

Seal: Second.

Lorcher: It's been moved and seconded to close a public hearing on Black Cat -- Black -- why can't I say that -- Black Cat East. All those in favor say aye. Any opposed? Motion carries.

**MOTION CARRIED: FIVE AYES. TWO ABSENT.**

Lorcher: It appears that this was not available at the time that they had made the Black Cat industrial, but it has always been planned for it, so it just kind of continues on.

Smith: Madam Chair?

Lorcher: Commissioner Smith.

Smith: I guess just a question for -- for staff, because it seems like this is whatever the language kind of is at it seems like the idea is that it's kind of going to be tweaked probably a little bit. So, from my perspective I think the question is what is -- I guess best for the -- the kind of agreement -- or the cooperation going forward. Is it -- should we just kind of set what staff's recommending and, then, work back from there or tailor down? Does -- does it really matter all that much regarding kind of the final product I guess is -- is the guidance I'm looking for here.

Napoli: Madam Chair, Commissioner Smith, as far as with that, correct, if you guys were to just approve the staff report as staff has presented it today, it is something that we can work with the applicant on to modify before City Council. As far as with that if you guys did like their provision change more than staff's, you guys could condition it to do that as well to where we will change it and we can still work with them to find a solution there. It's just a matter of really what you guys would like to do. But either way it's something that we will probably work with them on and it will probably change a little bit before the -- the City Council hearing.

Lorcher: I think as long as it looks like it belongs there and it's not an afterthought, whether, you know, it comes from linear feet or square feet or -- or whatever the language ends up being, so that it -- it seems like it's always been a part of it I'm sure you can come to some kind of wording and discussion on how that would be. I mean if this is the rendering, it looks like, you know, the buildings are a little bit -- several different directions. This one seems to be the smallest of all of them, even at 76,000 square feet, but I think the goal is just to make sure that they all belong together.

Smith: Madam Chair, I will make a motion.

Lorcher: Commissioner Smith.

Smith: After considering all staff, applicant, and public testimony, I move to recommend approval to the City Council File No. H-2024-0047 as presented in the staff report with no modifications.

Seal: Second.

Lorcher: It's been moved and seconded to apply -- to approve File No. 2024-0047 with no modifications. All those in favor say aye. Any opposed? All right. Motion carries. Thank you very much.

MOTION CARRIED: FIVE AYES. TWO ABSENT.



**7. Public Hearing for Summerlin West (H-2024-0023) by Laren Bailey, Conger Group, located on the east side of S. Locust Grove Road, between E. Lake Hazel and E. Columbia Roads in the SW 1/4 of Section 5, Township 2N, Range 1E**

- A. Request: Annexation of 63.965 acres of land From the RUT zone in Ada County to the R-8 (medium density), 17.27 acres and R-15 (medium high-density) 46.69 acres.
- B. Request: Preliminary Plat consisting of 339 building lots and 28 common lots on 63.17 acres of land zoned R-8 and R-15 zoning districts.

Lorcher: All right. Moving right along. The next item is Summerlin West for annexation and preliminary plat on Locust Grove between Lake Hazel and Columbia Roads. We will begin with the staff report when they you are ready.

Ritter: Good evening, Commissioners. So, tonight we are here for a -- an annexation with zoning to R-8 and R-15. The project is -- it's -- so, it's an annexation with zoning from rural urban transition to R-8 medium density and R-15 medium high density and a preliminary plat application to allow for the development of a 367 lot subdivision consisting of 330 residential lots and 28 common lots on 63.17 acres. The site is located between -- it's on Locust Grove just before Columbia Road. Sorry. This will be the R-15 portion that they are proposing and this is the R-8 portion that they are proposing and they are proposing to do this in six phases. So, the proposed density for the 17.274 acres of land for the R-8 district equates to 2.95 dwelling units per acre and 6.12 dwelling units per acre for the 46.691 acres proposed for the R-15. So, the applicant states that the proposed project has an overall gross density of 5.37 dwelling units per acre, meeting the density range listed above. So, staff finds the proposed preliminary plat and the requested R-8 and R-15 zone to be generally consistent with the future land use map designation medium and low density residential. So, although the R-8 zone meets the requirements of three or less dwelling units per acre, it does not meet the intent of the low density residential FLUM designation as outlined in our Comprehensive Plan. So, low density residential allows for the development of single family homes on large estate lots. So, these are often transitions between the existing rural residential and urban properties. Development needs to respect agricultural heritage and resources, recognize view shares, open spaces and maintain or improve the overall atmosphere of the area. The use of open spaces, parks, trails and other appropriate means should enhance the character of the area. Density bonus may be considered with provisions of additional public amenities, such as a park, school or land dedicated for the public service. So, this is how our comp plan identifies this. So, staff recommends that there is a shift from the R-8 designation to the R-2. That slide real quick. Oops. So, we recommend a shift from the R-8 designation to an R-2 and R-4 zoning with larger lots that are 8,000 to 12,000 square feet, which aligns with the goal of creating a smoother transition between the rural and urban properties and, again, the emphasis on larger estate lots in the transition serves -- area serves several important

purposes. Again, preserving the rural character by opting for larger lots the development can offer a buffer that respects the rural and agricultural heritage of the area and maintaining a sense of openness, recognizing the scenic view shares and open space, larger lots allow for more open space, which can help with key -- key views and create less dense, more spacious environment. This approach is particularly valuable if the area has a scenic or historic value that residents and communities wish to preserve. Ensuring compatibility, transitioning with larger lots prevent a -- prevents a stark contrast between high density urban properties and low density in rural areas, helping to avoid potential issues with traffic, noise and visual impacts for existing rural properties. Enhancing quality of life, maintain an open space and respecting the area's agricultural routes can contribute to a more cohesive community atmosphere, balancing growth and preservation of the area's heritage. The recommendation supports the balance of growth approach that will be more sensitive to the area's unique character and appeal. So, access to this property is proposed from Summerlin Drive via Locust Grove, which is this road right here. A secondary access is proposed via the north-south collector roadway, which is over here, which is Barchetta Avenue, which abuts the southeast property line. Ada County Highway District -- not too limited -- for Ada County Highway District not to limit this development to one thousand trips per day or -- or a final plat of a hundred building lots, they have to provide a secondary access. The applicant is proposing to construct an emergency access on Locust Grove approximately 430 feet south of Summerlin Drive and in alignment with Ambervale Street. So, they are propose -- proposing a secondary access on this slide, which is not showing on this site map. The applicant may have a better slide that shows the secondary access. There is a proposed stub street as part of the Hadler Subdivision, so located on the north side of the site. There is a -- an existing private road, which is Cavalli Lane, which is separating the site in Hadler Subdivision. ACHD is requiring that that private road be closed at the intersection of Locust Grove when the parcels to the east being served by this roadway develop to allow for the stub street that was approved as the Handler Subdivision to be extended into the future and allow for site circulation. So, again, the applicant was required to provide a stub street in the site's north property boundary and then -- and in alignment with the stub street approved with Hadler. So, there is a stub street that goes up to -- to this alignment road here. So, staff has concerns regarding the access management and impacts due to the close proximity of the private road to the proposed public roads from Summerlin Drive. Staff feels the applicant and the adjacent property owner should coordinate to develop a shared access solution. A shared access point could potentially reduce traffic congestion and simplify entry-exit points, particularly for larger developments and not leave 50 feet of undeveloped land. The applicant needs to provide a stub street -- again we are asking that the applicant provided a stub street to the property -- from here to the property to the south, parcel R831520030 over the Rawson Canal. For ACHD, other than access specifically approved with this application, direct access to Locust Grove is prohibited. Sorry for the back and forth. So, it appears that several blocks may exceed the 750, but the applicant has provided a pedestrian connection as allowed by the UDC. However, Crimson Clover Drive exceeds the maximum length of 1,200 feet by approximately 665 feet. The applicant needs to request a waiver from Council for the exceeded block length. So, the -- this is the landscape plan for the subdivision. It

appears to meet the requirements of the UDC. They may need to add -- actually they need to add pathway landscaping on the south side of this pathway along the Rawson Canal. That is part of the conditions for their landscape plan that they need to provide that. They do meet their open space requirement. They -- but they are missing one of the requirements, which is the multi-modal, so they need to either add like a -- something from that category. So, they were missing that when we reviewed our open space requirements. They had something from all the other categories. That's just the one category that they are missing something from. These are the amenities that they are proposing for this development, which are similar to the ones that they normally do. Pickleball courts, dog park, pathways and tot lot. One of the things that staff has requested as part of this as -- within the R-15 zone designation. So, again, that allows for reduced lots down to 2,000 square feet and -- and it provides flexibility for a developer to support a diversity and variety of housing types. This can create a dynamic multi-generational community where residents can transition through different stages of life, kind of known as aging in place, while remaining in the same neighborhood. This type of zoning, in conjunction with other designations should be used to support diverse housing mix that supports long-term residency and continuity with the community, promoting stability and a sense of place for residents throughout different stages of life. Comprehensive Plan Policy 2.01.01, it encourages diversion housing options suitable for various income levels, household size and lifestyle preferences. Comprehensive Plan Policy 2.01.01-G states development should avoid the concentration of any one housing type or lot size in a geographical area, provide for diverse housing types throughout the city. So, staff is recommending that the applicant provide a mix of dwelling types, such as single family attached or townhomes within Block 2, Lots 2 through 12, Block 3 Lots 2 through 20 and Block 4 Lots 2 through 20 of the proposed development as supported by the Comprehensive Plan within the R-15 Zoning District. So, the applicant did provide three conceptual building elevations for the proposed subdivision. The applicant states that the homes in the Summerlin West Subdivision will include a mix of different product type, two story and single story detached single family homes. So, buildings should be designed with elevations that create interest for the use of broken planes, windows, and fenestration that provide a rhythm of materials and patterns. Design review is not required for a single family detached structure. However, because the rear and sides of the homes facing Locust Grove Road or Barchetta Avenue and the collector portion for Summerlin Drive will be highly visible, staff recommends a DA provision requiring that these elevations incorporate articulation through changes in two or more of the following: Modulation, bays, banding, porches, balconies, material type or other integrated architectural elements to break up the monotonous wall planes and roof lines that are visible from adjacent public street. Single story homes are exempt from this requirement. Design review is required for single family attached and townhomes. The design review will have to meet requirements outlined in the city's architectural standards. So, there were some issues and waivers that were -- staff was aware of during this process. Again, the access management that I talked about with the Summerlin Drive, the proposed public road being in close proximity to the private road Cavalli Lane. They will be required to ask for a waiver to keep the canal open. They are not proposing to tile it. Again, the waiver for the block face length for East Crimson Drive -- Clover Drive and, then, we

also received something from the Kuna School District saying that they cannot serve the proposed development, because the proposed plat in this zone are beyond the district's capacity. The proposed development will impact Silvertrail Elementary, Fremont Middle School, Kuna High School and Swan Falls High School, which are already at or over capacity with the current enrollment. We did receive testimony from Anna Canning from Centurion Engineering talking about the treatment of Cavalli Lane, the phasing of stub streets and utilities and the sizing of the sewer line in the project and also we see -- we received a written comment from Tony and Jeanie Mayer expressing that the neighborhood meeting did not meet the city's requirement. The zoning density is more than recently approved with the Centennial Park Subdivision to the immediate north and, then, along the canal do not meet the intended buffer requirement and also no safety measures on the south side of the Rawson Canal. At this -- with that -- well, staff -- we do have some concerns about if the public meeting wasn't held to city standards that is a concern and about the private road and the public road being in safe -- in close proximity to one another. But staff did recommend approval of this with the findings and the conditions outlined in the report and at this time I will stand for any questions that you have.

Lorcher: Would the applicant like to come forward?

Clark: Hi, everybody. How's it going?

Lorcher: Good.

Clark: Hethe Clark. 251 East Front Street in Boise, representing the applicant, and I would just like to point out that after all that we do have a recommendation for approval and so let's just try to figure out the -- the elements that need to be figured out here. We think we have a good project. Commissioner Smith, I think we have an easy one, frankly, on this one to go back to the check-in that you and I had at the beginning of these hearings. So, as soon as that presentation's up I will kind of dive in. The -- the project, as you guys know, while she's getting that put together, is in south Meridian; right? We are near Discovery Park. You can almost hit it with a good Frisbee throw. It's really well located near the new fire station. The property that was previously platted is the Hadler Subdivision is what's immediately to the north of us. That's a project that we did a couple years ago and so that will come up as we -- as we do the discussion here tonight, just some reminders of that. The other unique element of the project is that we do have the Rawson on the south and so that's a design constraint that led specifically to the waivers that we are -- we are doing tonight, but these are the good waivers. These are the waivers that Commissioner Seal really likes, because we are keeping the Rawson open for the pathway. So, this is the -- what I just described a second ago a picture of the Rawson and this is from further up, but this is, essentially, what it looks like in this area. Comprehensive Plan. So, the comprehensive planning shows the majority of the site is as MDR and the lower quarter is LDR against the Rawson. Remember that under the comp plan you have the ability to stretch designations. We haven't asked to do that. The reason for that is that we have zoning, R-15 and R-8, that is consistent with the Comprehensive Plan, but as you guys know

the Comprehensive Plan doesn't really tie specifically to a particular zone. Instead it ties to a particular density. Our densities -- so for the MDR the density should be between three to eight units per acre per the Comprehensive Plan. Our MDR density is 6.12. The LDR density should be less than three. We are at 2.95. So, we are within the densities that are prescribed by the Comprehensive Plan. Staff agrees with that, though, there is some additional conversation later on in terms of some of staff's preferences that we will -- we will get back to you. With regard to the site plan, overall we are blended to the five units per acre. It's a very nicely designed project. Significant open space. Harmonious with the Rawson Canal on the south -- south. We have a ton of amenities. Someday I will get Linda to actually say the number of amenity points that we got, but we tripled the amenity points. Another point I -- I guess maybe this might be a good time to show you this, if the mouse will keep up with me. Linda was pointing out the question of secondary access. So, our project -- the first phase would be to build this through here. The second phase connects out to the east with this collector. So, that would be our secondary access assuming that the rest of the collector is built north to south. Meridian -- excuse me -- ACHD doesn't want us to build an island of collector against our property, so if the rest of it's not connected we have provided secondary access, emergency access on the west side of the property. So, that's what Linda was describing to you before. We are of the opinion that that secondary access probably won't be needed, but we have the contingency plan in place in case we do. So, we are well in excess of the open space requirements. City requires 15 percent or nine and a half acres. We are at 24 percent. So, that's in -- we are in excess of the city requirements by six acres. It's a very well connected project. In addition to the internal paths and sidewalks we are doing over one mile of regional pathways, much of which is along the Rawson Canal and as I mentioned we are doing a Commissioner Seal type pathway with the Rawson open, about 75 feet of space there along the Rawson. We are doing landscaping on both sides of the Rawson. We are at the preliminary plat stage, so those plans are not going to be specifically detailed just yet, but it will be landscaped on both sides. Fencing is required so that safety question will be addressed. As is typical of the developer we are going to provide amenities that, again, blow those requirements out of the water. We have a community pool on this one. The play structures, soccer fields, pickleball fields, dog parks, pathways -- it all adds up to a 38 and a half amenity points. The requirement's 13. So, that's why I say we nearly have all the amenity points on this one. The question on the multi-modal -- we will talk to staff about that. We don't have an issue with adding a multi-modal amenity. I tend to think that a regional pathway is a multi-modal amenity, but we will work that out with staff and -- and we don't have an issue with the -- the requirement for an additional multi-modal. These are the elevations and the homes that we are proposing. It is a mix of single family detached. That's what the market wants. Here you can see our single story elevations, two story elevations and here are the elevations for the R-8 areas that will include some two-story and I want to talk about the way that these are mixed. So, we -- we have this -- these mixed through the project in a very thoughtful way. So, it will be single story against the -- only against -- let me say this -- not get myself all tied up here. Single story only against the collectors on each side and then -- so, the -- the issue is -- that Linda was mentioning about the -- you know, being concerned about what things look on the backside up against the collectors is not an -- is not an issue.

We have a mix of 32 foot lots internal to the project and on the northeast those 32 lots range all the way up to the 70 foot lots -- 60 and 70 foot lots in the R-8 area. In terms of timeline, we would anticipate bringing on about 40 homes per year. The first final plat sometime in 2025. First homes in 2026. From there it's likely an eight year build out with, again, approximately 40 homes per year. So, let's go to the -- the staff report and really there is only three items to discuss. The first -- and, again, we do have a recommendation of approval. We are in -- we are consistent with the code and the -- those waivers that we are talking about are all related to the existence of the Rawson and we would want to keep the Rawson open and, then, when you have a block length -- a road that meanders along the Rawson it's going to be a little bit long. So, that's why we have the -- the waiver there. But we do have concerns with a couple of the staff conditions. So, I'm going to hit those in turn. So, condition two -- this was a condition that dictates -- that we changed the housing from detached to attached or townhomes in three specific blocks. Those are the ones that staff prefers and we do not see a requirement for that in the comp plan or the code. Condition 3-C is the second bullet. That condition dictates that we change the R-8 zoning on the south to R-4 or R-2. This despite the fact that we do meet the densities that are identified in the comp plan. And, then, finally Condition 3-D dictates that we include a stub to the south across the Rawson despite ACHD having removed that requirement from their report. So, with regard to the mix of housing types, Condition 2 says that staff wants us to replace the housing we have shown with attached or townhomes in Blocks 2, 3 or 4, in quote, as allowed by the Comprehensive Plan within the R-15 zoning district. Close quote. Note staff doesn't say as required, but, instead, says as allowed and that's appropriate. The Comprehensive Plan does encourage housing types, but it -- it -- it encourages it across the city at large. There is no -- there is nothing in the Comprehensive Plan that says residential FLUM project has to have a mix of housing types within that residential FLUM designation. So, we do that -- we contribute to the mix of housing types by -- in the comp plan, quote, the city identifies the diverse housing types throughout the city by providing a mix of future land use designations, which on page 2-3 of the Comprehensive -- Comprehensive Plan says, quote, that allows the city to integrate a range of residential unit densities. So, keep in mind what our project -- product is. You have all seen our applications before. These are high end, high quality, small footprint homes. They are more accessible than a lot of what's built in the city, but there -- and we -- but they cater to the empty nester, the divorcee, the young professional that doesn't want to have a large yard. Given our unique lot size, price point and target market, we are providing diversity of housing in the city by our existence. Again, staff's condition is that we change from the market that we know and the market that we know exists and the type of housing that we know folks want, to what staff prefers in these three different blocks. The problem is that there is no requirement in the Comprehensive Plan to have a mix of housing types within each project in a residential FLUM, but beyond that this is, essentially, some -- a type of -- call it a social engineering approach. We meet the code and we should be able to build what we understand the market wants. But also keep in mind that this just isn't a monolith of the same homes. We have 32 foot lots, 38 foot lots, 41 foot lots, 70 foot lots -- mix of single and two story. So, there is plenty of variation of size and price point to give you that kind of mix through the -- the -- through the course of their project. So, there is no reason for this condition

and we would ask that condition two be removed. Next one was replacing R-8 with R-4, I guess, or also R-2. I will start with a little bit of explanation, because I think, you know, Commissioners, you all know that R-4, R-8, R-15 that doesn't correlate to density, that's just a -- that's a shorthand that we are -- that we are -- that we use in the -- in the city. While this is only R-8, the dimensional standards are more similar to an R-4. So, we have 60 feet of street frontage on those lots. The minimum in the R-4 is 60 feet. The problem for us is in using an R-4 is that R-4 kind of is a unique outcome in all of this, has a minimum lot size of 8,000 square feet. Our lots are going to be a little bit smaller than that. So, we needed to do the R-8, because of the way the code is written, but this lives just like an R-4 because of the -- your front -- your frontage on each street is going to be just like an R-4 project. But here is a more important point. What we are dealing with in R-8 is consistent with a Comprehensive Plan. As noted before the R-8 zones -- or, excuse me, the -- I should have said the LDR density requirement is 2.95 units per acre, which matches the comp -- and -- or, excuse me, is below three. We have 2.95. Our R-8 area matches the Comprehensive Plan designation requirements. So, let's talk a little bit, too, about that transition in general. So, we have the Comprehensive Plan that says that -- where we think that we are consistent with it, but how does it transition to the south? It still transitions very well. So, again, we have the Rawson between our project and the properties to the south, but if you look at the existing development -- and this is looking from the -- like toward the southwest from our project towards Columbia Road, we have well in excess of 300 feet between these properties in the irrigation easement and an additional 76 feet of irrigation easement, ten feet of regional pathway and 20 feet of easement. So, there is more than adequate buffer here for anything that would be proposed. That's -- that's a monster buffer. But I would also keep in mind that if this area redevelops you would be talking about collecting the larger parcels, putting -- you know, scraping the houses, doing all of that work and that is going to come at significant cost. So, we think it's very unlikely that those -- if that area were to redevelop it would redevelop in anything less than an R-4. An R-8 to an R-4 is a very good transition zone anyway. And, then, finally, the stub to the south. Excuse me. On the left you can see another bridge that was just constructed across the Rawson and a little bit further up. Kind of gives you an idea of what's going to happen at our two collectors. So, as this is moving forward there are two bridges that are going in on either side of our property at the two -- at -- at Locust Grove and at the new collector on the east side. We are going to be either road trusting or contributing to the building of each of those. So, we will be active participants in each. This is what was left out of the staff report, though, is that ACHD did an initial draft that included a stub to the south. Discussions ensued with ACHD, staff and us. We pointed out that that would be the third bridge within a very short distance and it would be crossing property that's planned for low density residential that already has frontage on Columbia and already has two -- has frontage on two sides with collectors. So, the -- consideration was whether it would be a good use of public funds to add yet another bridge just to go into that LDR property and ACHD ultimately agreed, took that out, that is not in ACHD's final report. You know, our position is that we don't see why staff or the city would rule it -- overrule ACHD on that point. So, I will wrap up just by saying that we have a great project. We think we provide a mix of single family detached project -- product in a highly amenitized neighborhood. We blow away the

amenity requirements. We have -- we blow away the open space requirements. We are in compliance with the code and the comp plan and we would ask for your approval with the following modifications -- and these are the three conditions that I mentioned. So, delete Condition 2, which requires attached or townhomes two, three and four, despite that not being a requirement. Condition 3-C, which requires us to replace the R-8 with R-4, despite the density requirements being satisfied and despite the transitions that we showed that largely involved that Rawson and the -- and the landscape and pathway areas and, then, delete Condition 3-D, which include -- requires the new stub road despite the ACHD decision. So, I think I'm out. Any questions?

Lorcher: Commissioners, do we have any questions for the applicant at this time?

Smith: Madam Chair?

Lorcher: Commissioner Smith.

Smith: This is an easy project. Props to you, if I could -- I couldn't do your job then. My question is -- one thing that I don't think was touched on or if it was I missed it -- was the Kuna School District. That feedback. I mean I know that -- I know the target market is retirees and professionals, et cetera, but that's not to say families aren't going to move into the area and so I guess the -- the things that I look at is in the staff report they have fewer options regarding busing and they are already at or over capacity. I -- I would tend to agree with most of your comments about you meet the code, et cetera. If it weren't an annexation and it's kind of more of a broad discussion of what's in the best interest of the city and so I -- I guess what -- how -- how do you respond to that and -- and how do you plan to work on that?

Clark: Commissioner Smith, thanks. So, I -- I mentioned before the Hadler project that we did just north of this and this is the first time that that question of Kuna School District came up and I think it's relevant and I will get back to that in just a moment. So, of course, we are always sympathetic to the school districts. We are supportive of the school districts. We want to help make sure that they get the resources that they need. The school districts are in a tough spot, because our legislature doesn't fund them very well and makes everything reliant on -- on property taxes. But this is -- this letter is pretty tough for a number of reasons and I would note that it doesn't give us actual numbers. It says they can't serve the students, quote, because the proposed plats in this zone are beyond the district capacity. But the biggest problem is that the letter sets up a pay-to-play scenario, just as they did when we -- when we brought the Hadler project before the City Council and before you all. So, quote, to be able to serve this development the Kuna School District Board of Trustee -- Trustees requests -- in other words, if you make the payment we can serve your kids, which is problematic. You know, it's -- of course, it's actually illegal. Idaho Code 67-6513 says that if you are going to charge a fee you have to do it in accordance with the Impact Fee Act. The Impact Fee Act, obviously, that's not in place right now. So, this is the same place we were in with Hadler. Kuna School District's sent a very similar letter with regard to Hadler. Meridian -- City Council said, no, we are not doing a pay-to-play scenario in



Meridian in that case and so from our perspective we think that that's largely asked and answered. It's also a policy question I think that's, you know, appropriate for the -- for the -- the City Council to decide. I -- I would also note one other thing, you know, for -- this is the enroll -- current enrollment in the Kuna School District as of October 2024 per the numbers that we got with the public records request to the Idaho State Board of Education. What's interesting is that there is a spike in the high school right now with a glut that's following. So, you can see when the 8th graders are seniors there is going to be something like 450 students that are no longer in the system. You know, the football team is going to maybe have a hard time hitting the division status if it's -- if you have that many students coming out of the system by the time the 8th graders are seniors. The enrollment figures are also tracking well lower than what was in the TischlerBise document as referenced in the -- in the letter. The red is based on a five percent increase. The blue on a two percent increase. Those are the top and the bottom based on the TischlerBise document. The actuals are in black and they are coming in significantly lower. And, then, another element that I would point out is that the student generation numbers that are used in Kuna is about .513. We do track our project -- projects. We know how many students come out of this type of -- of product type. It's -- it's .124 at the Verado project, which is pretty similar to this one. Not exactly the same, but very similar. And so we think that that impact is -- is much more manageable. This kind of talks about how many students would be coming on -- on online if that is, in fact, the case that the .124 being the trip generation and, then, I just point out that there are other options as -- in addition to being able to open roll into West Ada. West Ada, it -- actually, the West Ada schools are closer. This is kind of an interesting spot of the city where you have this Kuna School District overlap with property that's actually in -- in the city -- where, you know, we are kind of used to talking to West Ada on these sorts of things and, then, in addition there are a couple of different public charter school options. So, to wrap all of that up, Commissioner Smith, it's that we don't agree with the pay-to-play scenario. We do think that this is something that was asked and answered with Hadler. We think it's a policy question that's ultimately up for the City Council to decide.

Smith: Madam Chair?

Lorcher: Commissioner Smith.

Smith: I -- I think broadly regarding pay to play, I think everyone has a right to their opinion regardless of -- okay. So, I think you are -- you are spot on there. I think my question -- I guess to give you a -- a scenario that I'm specifically interested in and have or might be able to speak to this -- some example. I'm a parent of a child in school and I guess what does the impact for that child look like, what does it look like for Hadler? What does busing look like? Are we creating any concerns there, because that's -- that's just something that's noted by staff in the staff report, not just the -- in the Kuna School District letter. So, that's something I want to make sure is that there is -- at the very least there are consistent, safe and manageable for the parents routes to school for the kids that do end up living here.

Clark: Commissioner Smith, I'm -- I'm not sure I understand your question. So, like the -- are -- are you saying that if -- if the students attend Kuna School District -- schools that there would be safe routes or are you saying under some of these other alternatives that we proposed --

Smith: Yeah. I think -- so -- so, specific lead to busing to other routes from the staff report says Kuna School District does not have a lot of options when it comes to busing students to different schools or to redrawing the school boundaries, drawing the distinction against West Ada.

Clark: Yeah.

Smith: So, I guess just -- if you can speak to that.

Clark: I think I know -- I think I understand where that comment came from. So, the -- think back to -- and -- and, Linda, tell me if I'm getting this wrong. But think back to the West Ada letters. Whenever we are in West Ada, West Ada sends a letter -- they actually give you the capacities and, then, they say here are the strategies that we are going to use if we -- if we meet the threshold of how many students can be accommodated at each school and those strategies include -- we are going to use portables, we are going to bus, we are going to move boundaries and, then, we are eventually going to build a school; right? And I think that the comment was is that while West Ada might have more flexibility in terms of the numbers of schools, West -- Kuna might not have that -- as many schools is that -- I think that's where that's coming from. But I would just say two things. One, again, the letter says will serve your students if you pay us money and it also says it -- so, it doesn't -- I mean I have concerns about the -- the conclusion that it has. But regardless of that, even if you take it at -- at face value, those students can still open enroll into West Ada, they can still go less than a mile to Gem Prep, which is open and has capacity just up on Lake Hazel right now. Like there are other options besides just the -- the Kuna schools themselves.

Smith: Thank you.

Clark: You're welcome.

Lorcher: Commissioners, any other questions for the applicants before we open the public testimony?

Rust: Madam Chair?

Lorcher: Commissioner Rust.

Rust: I have a question for you regarding the public hearings. Staff kind of said at the end that there was some concerns around that. Did you guys comply with the public meetings?

Clark: Yeah. Thank you, Commissioner Rust. So, there -- we held a neighborhood meeting on -- I believe it was May 23rd. I went and checked the sign-in reports, because we did it -- we do it with via Zoom with the webinar option. So, I can, then, go in and I can pull down my recording, I can pull down who attended, I can pull down when they logged in and when they logged off. The individual who claims that we didn't hold the meeting logged on at 6:07 that night, logged off at 6:19, same as the other participant who was there. I have provided that sign-in log from Zoom to staff. We also have a recording -- video recording and audio recording of the neighborhood meeting that we are happy to provide to staff as well. In addition, Mr. Bailey, who is here in the room with us, took a letter and a business card and put it in the door of the individual who -- who made the complaint in the letter today. So, yes, we did hold a neighborhood meeting that satisfies the city requirements and we are happy to provide whatever evidence of that and we did further reach out to those folks.

Rust: Thank you.

Lorcher: Okay. Thank you very much.

Clark: Okay. Thank you.

Lorcher: Madam Clerk, do we have anyone to testify?

Lomeli: Madam Chair, I have Tony Mayer online that signed up.

Lorcher: On Zoom?

Lomeli: Correct.

Lorcher: Okay. Hi, Tony Mayer. If you can state your name and address for the record, please.

Mayer: Yes. It's Tony Mayer and I have my wife here Jeanie Mayer. We live at 7850 Gearhard Lane, which is just south of this proposed project.

Lorcher: Okay. Thank you.

Mayer: Should I go?

Lorcher: Yep. Go ahead.

Mayer: Oh. Okay. Well, first one I would like to address this public meeting. I would request that video recording that he talks about, because we -- we were informed by postcard of this meeting -- of a public meeting and the -- the night of the 23rd when it was scheduled we -- we did log in. However, they had their own software program and we could not hear -- or they could not hear our responses or our questions and we -- they tried multiple times to get their audio system to work and -- and eventually just

gave up and, then, they rushed through the -- the presentation and ended the meeting and we had no -- really no opportunity to discuss their proposal and -- and we were -- we were pretty much stymied by the whole process. The next day I did call the Planning and Zoning Department in -- in the -- in City of Meridian, talked to a gentleman there, explained to him what happened. He says, look, I can't -- I can't talk to you; right? I can't look at it, because they haven't applied yet and so he says they -- if they didn't -- didn't conduct the proper meeting they will probably go ahead and -- and have another meeting and -- and which they never did do. There was no face-to-face meeting, no effort to ever reach back out to us. So, it's my contention -- and my wife is right here, she will corroborate what I'm saying, they did not give us an opportunity to really discuss this as -- as is required. So, I would like to -- so, I would like that -- that evidence that -- that he says he has and I think you will see what I'm talking about. There was no two-way communication, it was all one way and it was very rushed and -- and ended abruptly, so -- so, I will -- I -- I submitted a -- an e-mail to the -- the staff. So, that, basically, is number one of my letter. Second one is the zoning he requested is a high density -- basically a very high density in -- in my mind and if I look at the plat -- if you look at immediately to the north -- and I said Centennial Park. It's the Hadler Subdivision. I would like to correct that. It looks to me like it's a lot less density, probably somewhere around R -- R-8 and -- and possibly R-4, I don't know, but it is a different density and I don't understand that rationale how the Zoning Commission can -- can require -- or would require that -- that lower density in that subdivision and yet right -- right next to it to the south they are allowing this R-15, which to me is just packing a bunch of sardines in a can and just going to have a lot of congestion as a result. So, I would -- I would like to propose that to the -- to the Commission, the zoning board here, that it is much higher than what's allowed for the Hadler Subdivision and I think they should go back to the same requirement and -- and require the R-8 for the whole thing, except for the -- the buffer area.

Lorcher: Okay. Mr. Mayer, any final thoughts? Your time is almost -- your time is up.

Mayer: Okay. Well --

J.Mayer: Final thoughts. Go ahead. You are on.

Mayer: Am I still on?

Lorcher: You are. You just have just a few more seconds to go.

Mayer: I'm sorry, I didn't know.

Lorcher: I know it's hard to do when you are not looking at each other.

Mayer: Anyway, I don't think they have met the requirement for the transition zoning. You know, I -- I listened to this guy and, man, I can see how he can sell homes. You guys have to just sit back -- you require zoning, you require things, you do it. You can't let some slick salesman like this come in there and bully and basically a high density

project and guess who -- if he gets the money out of it and you guys -- we end up with overcrowded, congested roads, just a -- a mess, that the -- that the county can't deal with and have constant problems and yet they are happy, because they made all this money off this subdivision. I think it's -- it's -- it's crazy. That's going on all over and --

Lorcher: All right. Mr. Mayer, thank you very much. We will have to -- we will have to stop at this time.

Mayer: Okay. My wife has a conversation, too.

Lomeli: Madam Chair, Jeanie Mayer has signed up as well.

Lorcher: All right. Mrs. Mayer, you have three minutes.

J.Mayer: Okay. When we first were looking at buying the property we went to Ada county and before we purchased the property we asked them what was the risk. At the time there was no development on that mile section and -- of development and they told us that whole area was zoned so the maximum density that they could have would be one house per five acres and we went back after we purchased the property a couple years later, we were considering making some improvement, but didn't want to put up a lot of money if there was going to be the risk of a subdivision going in anytime soon and they assured us once again, no, that that whole area was zoned --

Mayer: Agriculture.

J.Mayer: -- agriculture. So, with the -- the maximum density being one per five acres. So, we feel very betrayed by Ada county that -- that this has happened and we -- I -- I have personally very much agree with your recommendation that it be no less than R-2 or four, especially on Rawson Canal and it's -- it's very apparent to me that if you were to allow the developer to do what he wants to do, not only would you have a -- a tremendously clogged traffic problem on -- on the surrounding one mile roads, but also within that subdivision itself, especially with only one access point. But even with two access points during rush hour or before and after school you are going to have irate residents. This to my mind is -- it should go under the category of the very definition of unadulterated greed, because that's what you have got going on here without any consideration for the quality of life for the residents in the community or the surrounding acreages. It's unbelievable. This is exactly how we got into the traffic congestion problem that we have in Ada county. It's because we have uncontrolled, uncoordinated development. I lived in California for three years and I never lived through the kind of traffic issues that we have here the whole time I lived in California, because they didn't allow this kind of high density to go unchecked and uncontrolled and I have a question for the Council. You mentioned something about in your recommendations about allowing an access across Rawson Canal. Where would that be, the proposed access?

Lorcher: Finish your testimony and, then, we will -- we will revisit that when the Commissioners speak.

J.Mayer: So, my -- my conclusion is that you not allow the applicant to go high density, that you stick to your guns on the proposal to be a lower density solution for this development.

Lorcher: Okay. Thank you very much. Madam Clerk, do we have anyone else to testify?

Lomeli: Madam Chair, I have Anna Canning.

Lorcher: Good evening.

Canning: Good evening, Commissioners. My name is Anna Canning and I am with Centurion Engineers, 2323 South Vista, Suite 206.

Lorcher: Thank you.

Canning: And tonight I am representing Jack Jack, LLC. The name I love to say. So, I might say it a lot tonight. But the owner of Jack Jack, LLC, hired us specifically to comment on this application. Ms. Ritter highlighted one of the very key issues we have and that's the entrance road. So, in my three minutes I'm going to try and hit the entrance road and the phasing. So, hopefully, I can get to both of them and I will talk fast. So, the entrance road -- Jack Jack, LLC, properties are along the entire northern boundary of Summerlin Subdivision and the private road Cavalli Lane was approved as a private road in Ada county with specifically a 50 foot right of way. Ada county requires that 50 feet of lot for the private road so that it can be turned from a private road into a public road. Urban densities come forward exactly like this. The Summerlin Drive is not close to Cavalli Lane. It is -- exactly butts up to it. The two kind of turn lanes coming out will meet. So, they are right on top of each other, creating a very unsafe situation. I am not sure how or why ACHD felt like it met their offset policy. There is no offset policy. Even more disturbing is that ACHD, without a public hearing or anything, has decided that our client's property will be turned into a common lot in the future for open space. They don't have the authority to decide that outside of a public hearing with no application before them. So, we are a little concerned that they are taking that kind of action in advance of -- of what's appropriate. My client is willing to work with the Summerlin development folks, so that they can work on a shared access. We think that that's very important. Critically important really. Regarding the phasing, the applicant has structured the phasing so that the stub streets that were originally proposed are in, you know, a very minor -- so they leave one road so that -- to the very end on the north so that those stub streets can be delayed along with the public utilities. We do ask that the stub streets adjoining the Jack Jack properties be in a first or second phase, so that we can move forward of -- of kind of completing that urban fabric so that we don't have a horse farm in the middle of urban densities and so that also we can continue some of the other plans for that area, like the -- the sewer extension, the water extension, to -- to kind of complete the traffic loops and water loops in the area. Look at that three minutes. And with that I will answer any questions you may have and I really appreciate the opportunity to speak to you tonight.

Lorcher: Thank you very much.

Canning: Thank you.

Smith: Madam Chair?

Lorcher: Commissioner Smith, yes.

Smith: -- I guess my -- my question regarding the shared access -- has there been any discussion up to this point regarding that shared access? Is this the result of a disagreement or has there not been in communication there?

Canning: There was a -- there was an offer. I will be honest my client described it as -- that he was given a limited amount of time to make a really very important decision. He felt a little bit bullied and so he decided not to go forward at that time. But regardless of that, Commissioner Smith, is -- that road is still there. It doesn't meet the offset. Whether or not there was an offer to purchase it it's still there. If it were a public road we -- they would have dropped that offset to an appropriate entrance point. They didn't do that. They just ignored its existence kind of. I'm -- I'm really not -- I'm really befuddled as to how that happened.

Lorcher: Thank you. Madam Clerk, do we have anyone else to testify?

Lomeli: Madam Chair, no one has signed up -- or no one else.

Lorcher: Would the applicant like to come forward?

Clark: Hey, everybody. Hethe Clark. 251 East Front Street in Boise. So, I will address the two sets of comments that we have here. So, with regard to the Mayers' comments -- so I think we kind of got to the bottom of what the concern was about the neighborhood meeting and it was the two way audio question. So, let me give you a little background on how we conduct webinars. So, if you -- if you can imagine that if you have a project that has a lot of interest in it and you have a webinar and everybody has their mic turned on we have experienced this -- it's similar here -- it gets very chaotic very quickly and so when we do these webinars what we typically do is rely on the Q&A function and we say, okay, please -- if you have a question, please, put it in the Q&A function and we will answer it live and that way we have a checklist to go through, everybody gets to get their questions put up, we go through all of that and that's what we found to be the most productive use of time in connection with the webinar. So, there was no glitch. That was how we intended to run it. That's how we have always done the webinars, so -- and, like I say, we are -- we are glad to provide the -- the video. We typically offer to the folks who attend that if you want a copy of the video let us know. So, this is -- and we find that the Zoom webinars are really good for that, because, you know, if you are just standing out in a -- in a windswept, you know, field there is typically not a recording for people to go back to and refer to if they want to see what happened. So, with regard to the second point there was a suggestion that the

Hadler Subdivision was at a significantly low zoning and density. Again we did Hadler. Hadler is R-15. Hadler's density is 7.25 units per acre. Ours is in the five range. So, it is more dense than this project. It does step down. The one thing that I think we might be allies on with the Mayers is the bridge, because as I understand it I think the stub, it -- per staff's recommendation is that it would go into the Mayer's property. We don't want the stub. So, you know, for the reasons that we mentioned before, you know, I think everybody -- you know, it seems like everybody can have common ground on something. We have common ground on that. With regard to the requests from Ms. Canning, so we have -- we have had meetings with this property owner multiple times over the course of the years. So, again, Hadler -- when we were developing Hadler we reached out and said, hey, we would like to -- you know, we think it makes sense to maybe acquire that piece, coordinate it, whatever. Could not arrive in an agreement. Had multiple conversations after that, including up -- within the last couple of weeks the offer we received was exorbitant, so the way that this has moved forward, then, is that it's a private road. So, there is not a -- it's a private drive, there is no spacing requirement from a public road to a private drive, but because we don't control it, ACHD and -- and the others that have reviewed this have looked at it and said, okay, we will deal with it the best we can then. You are coming in with the development application, you are first through the door, you are proposing the road network, you can only build the road network on property that you control and so we will do this, we will require you to stub and, then, that area will not have access when it develops and I think that's an important point to make that ACHD is not cutting off that access now, it's cutting off that access when it develops and there is not -- as I understand it there is not a home on there, it's a -- it's a horse operation and so we are not talking about cutting off, you know, somebody's domestic access here and we are certainly not cutting off anything until the -- the development occurs and everything that ACHD has done has been consistent with ACHD standard practices. You guys know this, like when ACHD gets a development application they review it, they submit the report, that report gets reviewed and, then, if it's not appealed to the Commission that is -- that is the final piece. There is no public hearing process in connection with an ACHD application unless somebody challenges it. So, we think that what ACHD has done is appropriate, you know, given that we don't control that area and we have never made any headway in being able to -- to coordinate that. With regard to the re-phasing, I -- I think it's important to note that the ACHD report doesn't come off, but it does require us to stub to their property in three different locations from this project. In addition from the Hadler project there is two stubs as well. In addition to that this project will ultimately have the east-west collector that goes on the south side of Discovery Park that will be immediately adjacent to it. It will also have the north-south collector that will be immediately adjacent to it. So, the -- the property owner can either go build those and have access or wait for others to build those for him and have access, but we don't restrict their ability to move forward on any of it. With regard to sewer, our sewer that's being referenced, the -- the connection that -- the flow over to Locust Grove, that only applies to the western portion of our property up to about the park. That comes from Hadler and part of that project development. That pipe's already in. So, the oversizing doesn't happen as a result of that. The rest of it's going the other direction, which is being treated just like everybody else, but I think maybe the -- I would just make two points to -- to -- to close that off.



One is that I don't think it's fair for that property owner to come to you and say, hey, we want you to demand this requirement with regard to sewer when you guys don't even have an application in front of you to know what the oversizing is or what it would look like and, then, the other point that I would make is that it shouldn't be -- this -- this hearing process shouldn't be a tool to be leveraged for purposes of a private negotiation. So, I think I will just leave it at that. So, any follow-up questions for Commission?

Lorcher: Commissioners, do we have any questions for Hethe?

Smith: Madam Chair?

Lorcher: Commissioner Smith.

Smith: I -- I think I have a question for staff, but I want to -- so you can elaborate I want to ask it during the public hearing. Regarding that private road, you know, if -- in the eventuality that this kind of pocket between Hadler and -- and Summerlin gets developed, where -- where does the connection -- where is the connection anticipated to come from? I see Hadler is stubbed to the south onto that private road. Is that going to be the main -- is that intended to be the main point of access or is there a future in which Summerlin Drive forks into that kind of subdivision. I guess my question is regarding making sure we are future proofing here and we are not accidentally creating this maze that's an emergency hazard.

Parsons: Commissioners, I will try to answer that question, because I have been -- a lot of -- excuse me -- a lot of the discussions on that particular property and we have pre-app'd on this -- this -- on the Jack Jack property -- I will use your term, Anna -- many times to try to figure out a possible solution and Anna was right, basically, you know, our vision for it -- if -- if there wasn't going to be a solution and that -- essentially that 50 foot strip becomes a linear open space between the two developments and that the Jack Jack property would take access from the additional stuff streets that are currently being provided and that collector street along the east boundary. That's how we -- and the north boundaries. It's off of this map a little bit more, but there is an east-west collector road that runs along the south side of the park that this property will also be part of. So, it's not a -- it's not an issue of whether or not there is adequate connectivity, it's just from our standpoint is how do you integrate it and make it be functional as part of these projects so it's seamless and I have seen -- I have seen versions where it was a 50 foot linear open space and it worked well. It could have been an emergency access at one point as -- we talked about that. It could be dual purpose. We did meet with ACHD. We -- we tried to find a solution. I think everyone in this room agrees that it -- it would be beneficial for both property owners to come together and work on that solution, but we are at this -- we kind of agree with the applicant at this time it's -- it's challenging for us. We have ACHD that says this meets our requirements, but at the same time I think, Commissioner Smith, you brought up a good point. It's annexation and, again, that -- that gives you the most discretion to determine whether or not it's the right time. I don't know if that's the appropriate decision tonight, but it's one that certainly you as a body

can determine whether or not you want to continue this out to allow the applicant to work on a solution and come back or do you feel what ACHD has in the staff report and that -- I think the importance is -- the reason why we brought it up in the staff report, because we do think it is an issue or something that should be resolved and that's -- although we didn't have a condition of approval that said work with the applicant or postpone this or do anything, we still believe it -- it -- it does leave it open to interpretation and, like I said, in a perfect world I would love for them to work this out and figure out a road connect -- the connectivity in here, but it -- keep in mind if that is the case, then, that could be require a redesign by the applicant to try to figure out how that works and now we are going backwards, costing everyone time and money to try to figure out a possible solution. So, just some things to think about as you deliberate on this one issue.

Smith: Thank you.

Clark: Madam Chair, could I --

Lorcher: Yes. Go ahead.

Clark: Yeah. I -- so, this -- I -- I think Bill hit two points that I agree with and one maybe that I don't. So, the two points that I agree with -- one is that it would require a redesign. I think that the important thing, though, to remember is that we have tried on this for years to try -- to try to come to a resolution and we can't. We haven't been able to. Given that, what we have, then, is that if the city were to say you have to go strike a deal with that with your neighboring property owner you are holding us hostage and there is very good reason why that is not something that cities do. Cities don't say you have to go strike a deal with a third party, because you are putting your fingers on the scale of that negotiation at that point. So, if you can't get the negotiation done, then, you have to deal with the -- with the facts they currently exist. The facts as they currently exist is that this is an off site that we don't control. ACHD's come up with a good solution here and it's something that allows us to move forward with our application and we think that it's appropriate. So, we are trying to avoid the impossible condition I guess is -- is where I would leave that.

Seal: Madam Chair?

Smith: Madam Chair? Oh.

Seal: A couple questions. Kurt, I'm going to lean on you for this, so -- as far as the public hearing being in contention, what -- what are your thoughts on that, I mean as far as, you know, the legal standing of that with the city and -- and how we should approach that?

Starman: Thank you. Madam Chair, Members of the Commission. So, out -- number one, that's not a state requirement. It's not a state code issue. The neighborhood meeting is something that the City of Meridian requires to its UDC. The -- we don't

provide a lot specifics and, really, the city intentionally does not jump into the middle or the detail of that. We require the applicant to meet with neighbors. We don't have staff in attendance. We don't police those or monitor those and so we rely upon, you know, the applicant to meet with neighbors in good faith. Essentially what our language or what our code requires is a -- a meet -- you know, to provide an opportunity to meet with the neighbors and to provide some exchange of information. So, what I heard was two different versions, which I don't really think are incompatible with one another. I heard one version from some neighbors that indicated they didn't think they had an opportunity to engage in terms of being heard or -- from the audio perspective. I heard Mr. Clark described how they run their Zoom meetings, which is not uncommon, to have speakers on mute until they are recognized, to allow Q&A and so forth. So, there is no bright line answer for that. I don't think that's -- I don't think that what Mr. Clark described is contrary to what the code requires, but to the extent the Commission feels like more information -- or more dialogue needs to occur that that didn't meet the intent, I think you -- you know, there is some discretion on the Commission's part to require -- or at least request the applicant to reach out in -- in more -- you know, more in earnest. But it would be difficult for me to say that -- that the applicant failed to comply with the city code.

Seal: Appreciate that. Follow up on that. For -- and -- and so my -- my understanding of this -- and I have seen meetings run like this. Do they have the opportunity to actually speak or they have to type it all out?

Clark: We typically require folks to type it out and -- because that works better. We have a -- a recording of what happens. We are able to, you know, work down the list. You know, if -- if somebody has a question or -- and they have to jump off, you know, they can, then, you know, get it answered and, then, see the recording later. So, it's -- that's how we have typically done it.

Seal: What do you do for people that cannot type?

Clark: That's a good question. We have not encountered that before. If someone couldn't type, then, we would make an accommodation for sure. But I don't believe that was the case here, Commissioner Seal.

Seal: How would you know?

Clark: I think -- I think Mr. Mayer would have indicated that on the -- while he was here on the thing and -- and, like I said, we have spent time -- we have -- we have reached out to these folks, we left a letter and a business card as well within the past couple weeks at the house in the door. So, you know, we take public outreach very seriously. This is not a matter of hiding out from folks. We do a lot of neighborhood meetings. You know, we put the -- the Kevlar and take the Xanax on, you know, and go do the neighborhood meeting. It's not something that we are concerned about. It's a matter of trying to have a productive meeting, so --

Seal: I can appreciate that. Follow up on the question -- question for you, again, Kurt. So, as far as -- as far as the school and -- and I ask this of you just to see what our purview is here. I think West Ada School District does us a disservice by saying that they basically can never turn anybody away. So, I do like the fact that Kuna has just come up and said we can't do it. We can't service these kids. I don't like what they are doing in the verbiage that they are using and the way they are going about it. I wish they would just strike that completely. But that puts us in a peculiar spot where now we have to determine the legality of this before we can determine that. If West Ada School District came out with something like Kuna School District did and simply said we cannot service these kids, I can't speak for the other Commissioners here, but I would be a hard no, absolutely not. So, Kurt, where does that put us in this standing? I mean the applicant's brought up a -- you know, a good point that basically they are kind of being held hostage where, you know, a school district is saying if you pay us enough money we will go ahead and let the kids in, but at the same time they are expressing that they cannot service the kids. So, I mean how -- how do we -- help me navigate that.

Starman: Yeah. Thank you, Madam Chair, Members of the Commission. So, there is a couple thoughts. One is I think that -- that is part of your deliberation as you make a recommendation to the City Council. So, I think that is fair game, part of the findings for annexation is, you know, the impact on public services, so -- and whether annexation is in the best interest of the city altogether. So, I think that's fair to consider. I will leave about the comment -- maybe sort of an editorial comment on for the strategy Kuna School District are using and I think I will just leave it at what's already been said. It's a bit distasteful. I recall the issue the way Mr. Clark describes it. I think it was distasteful to the City Council and to others as well. It's kind of an interesting approach, but I will just leave it at that and you all make your own judgment. My recommendation is that you have -- this is part of your deliberation. You have information you received from the Kuna School District in the form of a letter. We didn't have anybody testify tonight, but you would have -- at least have the written comments. You had testimony from the applicant, Mr. Clark in particular, that provided a different viewpoint, including alternatives to the Kuna School District. I think you as a Commission -- you weigh that evidence as to whether or not there are adequate resources for school age children and impacts and whether -- you heard sort of conflicting arguments as to whether there are adequate services or will be or not, both today and going forward and, then, you -- you consider that evidence and you make your own determination what you conclude based upon the evidence you have received here tonight and in prior and written form and you use that evidence to make your best recommendation for Council.

Seal: Thank you.

Lorcher: Are you good?

Seal: I am good for now.

Lorcher: Commissioner Smith.

Smith: Yeah. Madam Chair, I just -- I did have a quick question. I just want to absolutely confirm. There is no other property other than this Rescue Ranch or -- or Jack Jack that is taking access off of this private road; is that right?

Clark: That's my understanding, Commissioner.

Smith: Okay. Thank you. Just want to double check.

Seal: Madam Chair?

Lorcher: Commissioner Seal.

Seal: Sorry --

Lorcher: That's fine.

Seal: -- to go on and on on this one. So, on the -- the access road where there is -- it sounds like there is not going to be a shared access, would you be willing to fence that?

Clark: Again -- against our property?

Seal: Yes.

Clark: Yeah. I don't see why -- yeah, I don't see why we wouldn't. Yeah. I mean I think we would have to.

Seal: Okay. I mean to me if it's -- if -- if you are not going to share, it -- it's just -- it's going to look ridiculous to have those two side by side I personally think. So, I think fencing would help.

Clark: We are going to do what we need to do to make sure our project's marketable. So, yeah, we are going to make our -- we are going to make it look good and -- yeah. Absolutely.

Seal: Okay. Cool. I mean for the -- the folks that are representing Jack -- if I might. That are representing their -- I'm -- I -- I find it hard to believe that an agreement can't be made to -- to be perfectly honest, so -- I mean I can see that as -- you know, that's a gold mine there. Yeah, you want to get your money out of it, I get it, but I think the property owner there is doing the folks that live there are disservice by not helping to come to an agreement on it. So, I can't imagine they are offering nothing, but, you know, like either side, one -- you know, you want to get all you can and you want to spend the least amount to do it. So, hopefully, some kind of agreement can come out of that in order to serve the community instead of serve the individuals involved in this, so -- and, then, as far as the -- the -- the stub across the -- the Rawson Canal, if that's not vehicular traffic, could that be something that can -- a -- a small bridge that could be made for, you know, foot traffic, bike traffic, just interconnectivity along those lines? It's,

obviously, blocked or not fully connected for the time being, so that when that does develop in the future decades from now maybe that -- that -- that's not an issue.

Clark: Commissioner Seal, it's my understanding that Boise Project does not allow pedestrian crossings on -- on their canals.

Seal: Okay.

Clark: That -- the only option there would be if it was a vehicular crossing and ACHD mandated it, then, as I understand it Boise Project will go along with it at that point, but they won't do a ped -- a ped crossing.

Seal: Okay. And that's -- yeah. And I -- I -- I can appreciate that, so -- I mean if it's not within the law -- or not within, you know, the law that's there in order to provide for, then, that's -- that's the way it is. Just trying to -- you know me, anywhere you can bike or walk I -- I love that, so --

Clark: That's why I made sure to flag that it's your type of --

Seal: Yes. I was going to say, though, they might -- you might just start calling that the Commissioner Seal -- I guess I have made my mark somewhere. That is all I have for now. Thank you.

Lorcher: Commissioner Rust. Oh. Commissioner Garrett, any other comments?

Garrett: No. I would just like to thank you. I appreciate the comments about the school and, you know, I -- I would like to see more from Kuna, but, obviously, that limited amount of information that we just can't make a comment on.

Clark: Thank you.

Lorcher: Any other final thoughts?

Clark: None from me. I think I have worn everybody out.

Lorcher: All right. Thank you very much. Can I get a motion to close the public hearing, please?

Seal: So moved.

Smith: Second.

Lorcher: It's been moved and seconded to close the public hearing on Summerlin West. All those in favor say aye. Any opposed? All right. Motion carries. Thank you.

**MOTION CARRIED: FIVE AYES. TWO ABSENT.**

Lorcher: I don't even know where to start.

Smith: Madam Chair?

Lorcher: Commissioner Smith.

Smith: I can soapbox for a second if you want to --

Lorcher: Okay.

Smith: So, I guess -- I guess one -- one thing I want to head off before I get into specifics is I think we can all agree that we benefit when our politics have a little bit more decorum. So, I -- I want to -- this is going to tie into something that I'm going to -- I'm going to speak to, but the name calling, the -- the criticizing character of -- of an applicant or -- or anyone testifying I think is something that I really -- I really don't appreciate and I would like to see less of and I will say I do think, regardless of how many attempts have been made to get in touch, I do think it's going to be in your best interest, regardless of how this goes to City Council, I think it's going to be in your best interest to try to get in touch with the Mayers and to the Mayers if you are still on, I -- I think it's going to be in your best interest to try to, you know, get in touch -- or to connect with the applicant. I -- I appreciate -- same with -- with the Jack Jack owner, I would appreciate some more dialogue here. I think there are some issues that are -- are present development that are not the fault of the applicant themselves. I think there is some debate whether that's rent seeking, which I think is -- is kind of a detestable practice or whether there is just good faith -- faith disagreement regarding negotiation. But I think there is to -- to the -- the point that Kurt made I think there is genuine questions regardless of who is at fault whether this project itself is in the best interest of the city at this -- at this time. I -- I think -- I don't love the -- the view of -- if Kuna is not able to service, you know, students from -- from this area that -- I don't love the approach that, well, they can just go to West Ada or whether they can just do something else. The default really should be adequate -- is the kind of thinking that I have here. So, I -- I really don't -- to be honest know where I stand on this. I -- I think I -- I -- I think that's usually a better sign than some of the other projects that I have seen, Mr. Clark, that -- that you have brought forward. So, I think I -- I'm leaning towards supporting this, but I think there are a lot of issues that -- regardless of who is -- who is at fault, to use quotes, I -- I -- I have some -- some issues with this and there is some heartburn associated. I think I'm -- I'm in support of this, but -- but I -- I -- I don't know if I can champion it necessarily.

Lorcher: Commissioner Rust.

Rust: Madam Chair, a couple of things. I think that -- I don't see very many issues with this application, to be perfectly honest. This matches the area. It matches the step down from R-15 to the north down to R-8. I tend to agree with the applicant in wanting to strike those three conditions. I think the stub -- I just don't see a purpose that is served there. As regards the schools, I think Kuna School District would have come out

with stronger language if they didn't have room. This to me feels heavier on the rent seeking and -- and the pay-to-play than on actually telling us what they can and cannot do. It kind of feels like a blanket open hand from a smaller school district and so I don't -- I don't give that a lot of credence and I agree with everyone that said it would be great if property owners Jack Jack and Summerlin could have come together. That's -- that hasn't happened. It seems like it's been ongoing for multiple years, which is more than enough time for good faith negotiations to occur and the applicant -- I would hate to see my property rights abrogated because somebody was trying to hold my feet to the fire. So, I appreciate what you are saying as well, Commissioner Smith. On the whole I -- I like -- I like the -- the project. I think it matches where we are headed in south Meridian, specifically that area around Discovery Park. There is a lot of development happening there and -- and I lean strongly towards passing it with the applicant's recommend -- or request to remove 2, 3-C 3 and 3-D.

Garrett: Madam Chair?

Lorcher: Commissioner Garrett.

Garrett: Yeah. I just want to say that's exactly my feelings right there. I would second that and I won't go into it anymore, because it's -- no more time spent.

Lorcher: I guess my feelings on this are twofold. I know that the city wanted some more diversity as far as style of products are involved and -- and -- and I understand that you want to invite all demographics to be able to live into a project, so if you can't afford a single family home it could be a townhome. But they are also offering smaller lots to really emulate a townhome that is just a smaller house with a smaller footprint. Not a big fan of the shared driveways and there is quite a few of those in here. You came up with a blank slate and yet there is at least four to six that I see in here. In regards to the R-4, the R-8, the R-15, I think those are semantics. You do meet the low density requirement but barely. I mean you are at 2.95 and the -- the -- it's -- it's a three is what is the maximum. So, you are -- you are right there. So, yes, you do fit the code, but just because it fits doesn't mean it's always in the best interest of the community. Like the other Commissioners I also support, you know, it would be nice to be able to have a shared access agreement to be able to come up with that, but you shouldn't be responsible if somebody is -- is not willing to work with you in a -- in a way that is in everybody's best interest. There should be common ground there. So, I'm also on the fence on this. I -- I don't know if continuing it would actually benefit anyone. I'm also in agreement with Commissioner Smith that reaching out to the Mayers to be able to answer their concerns and, you know, maybe trying once more with -- with Jack Jack to see if -- if that can work. But ACHD has given you their blessings.

Seal: Madam Chair?

Lorcher: Commissioner Seal.



Seal: So, I'm -- yeah, I'm -- I'm conditioned to -- I'm with everybody else on that. I -- I think there is enough variation in here to -- to allow for that to -- to be stricken. So, as -- as far as the -- I mean as far as the transition I can see why they want to do an R-4 and R-2, instead of the R-8 abutting those large properties. I mean that's -- this is annexation. So, we -- we get one chance to get this right and those are large properties and they are part of, you know, the community that's out there. So, I can definitely see where that will make a difference, depending on how it was going to be implemented. 3-D -- I mean, obviously, you know, the -- the property owners don't want it. It's costly to put it in there and it's costly to maintain. So, if it can't be something that's just for foot traffic, then, I wouldn't -- wouldn't mind that going away. As far as the school is concerned, I mean I have -- I have -- I have worked with the Kuna School District in the past and they are just small. They -- they don't quite have their footing yet. They are not ready for this rapid growth. So, I don't think they are trying to grab money, I think they are just trying to figure this out until they can get something on the books that is lawful, to be perfectly honest. That's my opinion. So, they are small, they don't have a lot of schools, but they have a lot of kids, you know, and they are -- they have been vocal and they have come here and they have presented and they have given up, because, basically, we just ignore them every time and we let it go through. So, I sympathize for that. Again, I -- I think if West Ada School District came in and their viewpoint was we cannot support this subdivision, if they put it in black and white and said that, I would be a hard no. A hundred percent. Absolute hard no, so that -- as far as a continuance, you know, I would like to see a continuance personally so that they can work -- you know, give it one more try with Jack Jack properties. I'm not going to hold anybody hostage. If they can't get along that's just detrimental to, you know, all the community members on both sides. So, that's -- that's kind of ridiculous in my mind that some kind of agreement can't be sought, that -- you know. I mean the applicant needs to understand that, yeah, they got a piece of property there, it's pretty valuable in the right context, but the Jack Jack property owners need to understand that -- I mean they are either going to have this fenced in a 50 foot thing that doesn't make any sense to anybody in that community either, so can we just kind of get along and, you know, make a little money off that and move this thing forward? It just seems like that should be able to happen. But the other part -- as far as the public meeting, knowing that people don't actually have the ability to speak in your meetings I find that kind of shocking, to be -- honestly. You know, what if you have laryngitis, you know -- you know, what if -- what if you have something that -- sorry, I said that wrong. But what do you -- if you have something that, you know, prevents you from typing accurately or something or you don't understand it? I mean technology is intimidating to a lot of people. Speaking is not. I can talk to you with a microphone. I can talk out loud. I don't need a keyboard to do it. So, I -- I find that to be less than adequate as far as a public meeting goes. So, it would be nice to open that door again. So, if -- you know, in -- in those two contexts I think that a continuance would allow for some things to happen. Possibly. I don't know. Maybe the same outcome is going to happen, but if it were up to me I would -- I would move for a continuance, so those two things can happen and, then, they can reconsider some other things as well as they work through this process.

Smith: Madam Chair?

Lorcher: Commissioner Smith.

Smith: I think the more Commissioner Seal spoke on that issue I think I'm beginning to -- to kind of come to that view as well. I think regarding Kuna School District having come before -- I have -- I have never seen them here and what -- that was before my time on the Commission. It's a different Commission now. The city council is different now. So, I can't speak to what happened in the past, but when -- there are a lot of things about this application that make me think of potential code changes or potential comp plan changes or policy use, but when -- when I see something that, you know, looks like a duck, quacks like a duck, kind of sounds like rent seeking and there is no one here to explain, that -- that that kind of is the -- the perception that I get and I almost wonder if -- if there is a way for the city to take a policy stance and, again, I know the city wants to kind of avoid getting into the arguments and negotiations between people, but I -- I wonder if there is value in -- in kind of saying, hey, there -- there needs to be good faith negotiation and -- and whether you are, you know, kind of trying to -- to -- to put the screws to someone regardless of whether you are the applicant or the neighbor, I think it's -- it -- it's -- it just is not in line with kind of our -- our good neighbor rule and so I -- I can't speak to the negotiations that have been happened -- happening, whether they have been happening over years or a couple weeks, whether someone's trying to, you know, charge an exorbitant cost or whether there is an insultingly low offer. I can't speak to that. But the fact that there is clearly -- one or both sides of this feel like they have the -- they have the -- the -- the backing to just do as they please or to strong arm the other, I -- I think it's -- it really is resulting in a suboptimal application and I think that that's something that -- I think Commissioner Seal is -- is right on the money, I think it -- maybe this -- this doesn't change and if nothing can -- if nothing can happen and if Kuna School District doesn't -- doesn't want to show up and -- and kind of explain their side or if, you know, discussions with -- with the Mayers or with Jack Jack don't yield anything I think that's a conversation we can have and I don't think we can hold the developer hostage, but I -- I would really like to see an attempt being made to improve the outcome here, knowing that the Commission -- and, honestly, probably City Council based on what I have heard of past applications is kind of fed up with this approach. So, that's -- that's my take. That's my second soapbox. I will try to be more soft and quiet in the rest of this discussion, but --

Garrett: Madam Chair?

Lorcher: Commissioner Garrett.

Garrett: Yeah. I'm not in agreement with that. I have been on a lot of calls -- Zoom calls where typing is the only way you can do it, because there have been a lot of participants. You know, 20, 30, 40 participants and it's the only way to keep a documentation and to keep the meeting going in a coherent manner. As far as continuation, I think that puts the applicant at a disadvantage. I see if he's made an honest attempt to reach out to these people, I -- I -- I don't know why -- or what a continuation would do, just -- it would, you know, further the cost of the development.

Lorcher: And, remember, our purview is what's in the best interest of the city and, you know -- or at this time. I mean it might be a great development, but is it a great development now when there is -- it seems like there is quite a few questions not answered. Commissioner Rust.

Rust: Yeah. Just to point out that if we go for a continuance, even if they can come to a negotiation with Jack Jack, they are still going to have to go forward in this whole project as staff pointed out. I -- I'm -- I'm right with Brian, Commissioner Garrett, I -- I think that this is a good development and that a continuation doesn't really serve anybody in this situation.

Lorcher: I mean I would think that they -- you wouldn't come to Council, whether it's Planning and Zoning or -- or City if -- if you haven't done your homework; right? But I -- you know, I don't know. I mean there -- there is some things here that some of us are not clearly comfortable with, so I don't -- I don't know the answer to that question.

Smith: Madam Chair?

Lorcher: Commissioner Smith.

Smith: I'm breaking what I just -- what I just promised to do, but just I guess to give some view to that, I think if -- you know, if -- if we were to -- to have to vote at this very moment and -- and we were to say we are not continuing, I think I would come in favor of -- of recommending approval. So, I guess in that sense the value of the continuation given that, I think there is some -- and I guess if this came back after continuation, nothing happened, I think I still would err on the side of -- of approval, unless I heard something from, you know, in -- in the intervening weeks that -- that was raised -- I think there is potential value in a continuation of -- of being able to approach those conversations with that in mind and ones that, hey, for the most part there is not much wrong with this in erring on the side of recommending approval. I think that might give some -- maybe not urgency, but give some -- some new purpose to come back to the table and to sort something out that might not have been there in the past. Again, whether it happens when it's a continuance or if this gets moved forward and -- and before this gets to Council that discussion happens, I -- I don't know if it's going to make a massive difference, but I think it's more of just a comfort level to what Madam Chair you -- you were speaking to. I come down on the side of the applicant in -- in kind of some of these discussions, but I -- I -- I'm not -- like I said, I'm not championing it and I -- I -- I think there is a comfort level issue of -- of I would recommend it, but I -- I would have some heartburn about it.

Lorcher: But also in regard to Commissioner Seal's point that we have -- we have -- we have one chance to kind of get it right with annexation and, you know, the build out is 2034. So, I mean -- I know we are not the deciding body, but we are the recommending body to City Council. If we don't get it right now, then, the consequences are -- are going to be, you know, long-term issues, as opposed to short-term decisions. In regard to these three modifications that are in front of us on the screen right now, you know,

the first one I -- I addressed it. I don't think townhomes are necessary. I think the R-8, R-4, R-2 is semantics and the stub road across the bridge, they are already putting -- they already have two, but the school district and the surrounding subdivisions with private access to public access I think are the two issues that I -- I'm not comfortable with and I don't know if a continuation would help that. I mean all you can do is try; right? So, we can -- we -- it's better than -- I don't -- it's better -- I guess we can deny it as -- I don't know. I'm torn on this one, because there is so many moving parts to it to make that recommendation to City Council. Commissioner Rust.

Rust: Madam Chair. I think that this application -- probably the best path forward is an up or down, because if a continuation is to try to resolve the private-public access, then, they are going to have to go redesign this whole thing anyways --

Lorcher: Correct.

Rust: -- and so I would be pretty strongly against a continuance in that. I just think that's the fairest thing. Either we don't think this is the right thing because of the public-private access or we are not concerned and we are -- we don't want to handcuff them, kind of putting it in two opposite camps there, but I -- I would push strongly for a yes-no vote on this.

Smith: Madam Chair?

Lorcher: Commissioner Smith.

Smith: I have a thought and I think a motion to -- to -- if it fails we can try something else.

Lorcher: Okay.

Smith: I understand -- I think that -- I understand Commissioner Rust's and Commissioner Garrett's concerns, but I think I'm also kind of -- think to the purpose of the Commission on things like annexation -- and really it's to help do some homework for City Council and I think as the recommending body I -- I think there is value in -- I would rather see this pushed out two weeks and if nothing happens it gets moved on, than, we recommend up or down, this goes to City Council. There is work that could have been done in research and -- and conversations that could have happened that might make City Council deny this and I think, you know, we have seen some up or down votes go to City Council that are denied on the basis -- or continued there on the basis of unresolved questions and so I think there is value in continuing it here and saying -- I don't know if it's two weeks, depending on the schedule, but I guess that's a question that I have is will we be able to continue this two weeks and if -- if there is a resolution that happens and they have to redesign it I think that's for the best for the city and regarding annexation and that's -- that's really the priority here. So, I think -- I guess my question before I make a motion is -- is are we able to continue it two weeks? Is that possible?

Lomeli: Madam Chair, Commission, we would be able to schedule it for November 21st.

Smith: With that in mind, then, I'm going to throw this out and I won't -- my feelings won't be hurt if it's ruled down.

Seal: Real quick, Madam Chair?

Lorcher: Commissioner Seal.

Seal: If -- if you do -- if -- if you are going to go for the continuance, please, manner -- do it in such a way that we are not going to open the floor to everything that we have already hashed out, just to what the concerns are, please. Thank you.

Starman: Madam Chair, may I interject before -- it sounds like we are getting ready for a motion here, so just as a reminder if you do choose to continue we need to reopen the public hearing first, then, continue, so -- because there are two motions. This other piece is probably unsolicited advice by this -- well, maybe give a thought. You know, typically for a continuance is you need additional time to deliberate or to understand or you need additional facts, not so much that -- to provide time for others to negotiate deals and so forth. So, I think in particular if you can -- you know, if there are specific facts you need, for example -- this is just hypothetical -- that if you are still not clear on the school district issue, you know, perhaps you want more information about that or maybe you want to invite a representative from the Kuna School District to be here in two weeks, those are legitimate reasons for a continuance and so I would just encourage you to kind of latch on to concrete things like that where these are facts or additional information you need to make an informed decision. I will leave it at that. That's just sort of some unsolicited advice.

Smith: Thank you. Yes.

Lorcher: All right. So, when I make a motion to open the public hearing that's inviting the applicant back up or no? Just to have a continuance?

Starman: So, Madam Chair, you are not required to invite the applicant up. You are -- certainly that's within your purview if you wish to, but it doesn't require that. So, basically, it would be two motions. The first motion would be to reopen the public hearing. That requires, obviously, sufficient affirmative votes. If that passes, then, you would have a second motion to continue and, as I suggested, if you can find -- whatever concrete information you are looking for in two weeks would be helpful.

Lorcher: All right. Well, let's take the pulse of the Commission. I motion to -- or can I -- can I take a motion to open the public hearing?

Smith: So moved.

Seal: Second.

Lorcher: It's been moved and seconded to open the public hearing.

Starman: Madam Chair, I think because there is some disagreement amongst you -- it sounds like there might be some different viewpoints amongst the Commissioners, this might be appropriate for roll call vote.

Lorcher: Okay. For --

Starman: Well, we have a motion on the floor that's been made and seconded to reopen the public hearing. Because there is some differing views I think I would recommend that you ask the -- Madam Clerk to do roll call, just so we know exactly where our base stands.

Lorcher: Okay. Madam Clerk. Taking advice from Kurt to do a roll call, if we were to do a continuance what is the feelings from this Commission.

Roll Call: Garrett, nay; Seal, yea; Rust, nay; Smith, yea; Lorcher, yea; Grace, absent; Sandoval, absent.

Starman: Madam Chair, the motion passes, the public hearing has been reopened and so you now can entertain a motion for a continuance for two weeks if you choose.

MOTION CARRIED: THREE AYES. TWO NAYS. TWO ABSENT.

Smith: Madam Chair?

Lorcher: Commissioner Smith. Okay.

Smith: After considering -- sorry, actually. I move to continue -- apologies. Try that a third time. Madam Chair, I move to continue File No. H-20 -- oh, that's the wrong -- I move to continue File No. H-2024-0023 to two weeks -- so, that would be the -- November the 21st in order to allow testimony from a representative from Kuna School District. To allow for additional fact finding and testimony regarding the disputed account of the -- of the public hearing -- or of the community public meeting and to allow for additional fact finding and testimony regarding the disputed private road to the immediate north of the property. If I got that right.

Seal: Second.

Lorcher: It's been moved and second to continue File 20-0023 for the aforementioned items. All those in favor say aye. All those opposed?

Rust: Nay.

Lorcher: And I will say aye. So, the motion carries.

Starman: Madam Clerk, you -- Madam Clerk, you have all the votes registered? Did you hear --

Lomeli: Yes, we do.

Starman: Okay. Thank you.

MOTION CARRIED: FOUR AYES. ONE NAY. TWO ABSENT.

Lorcher: All right. Commissioners, it's 8:15. Does anybody need a break or should we carry on? You want to take a break? All right. We will take five minutes until 8:20.

(Recess: 8:15 p.m. to 8:20 p.m.)

**8. Public Hearing for Pine 43 West (H-2024-0038) by CSHQA, located at SW Corner of N. Webb Ave. and E. Fairview Ave.**

- A. Request: Conditional Use Permit for a drive-through establishment within 300' of a residential use.

Lorcher: All right. Thank you, everyone. To continue on we are going to open Item No. 2024-0038 Pine 43 West for a conditional use permit for a drive-thru near a residential area at Webb and Fairview and we will begin with the staff report.

Parsons: Thank you, Madam Chair, Members of the Commission. As you mentioned this is a conditional use permit for a drive-thru within 300 feet of an existing residential use, which is located on the west boundary of this particular property. The site consists of 2.18 acres of land, currently zoned C-G in the city and it's located on the southwest corner of North Webb and East Fairview Avenue. This property was annexed in 2017 as part of the Pine 43 development. As part of that annexation request there was a development agreement that currently runs with development of this property. So, the site plan that's shown tonight is consistent with the concept plan that is in that DA. You can see here on the future land use map that the Comprehensive Plan designates this property as mixed-use community and staff finds that the proposed commercial uses that have already developed to the east of the site and proposed for this particular property is consistent with that land use designation. Access to this development will come off of North Webb Avenue -- Webb I should say in this location here, which aligns with the existing access to the east with the other commercial portion of this development and, then, the drive-thru itself is actually for Pad B or the southern portion of the site on this building that you see here. The applicant has gone ahead and showed you the additional building on this site, but there is no drive-thru plan or -- proposed for that area, it's just roughly showing staff how it could potentially develop in the future and that site owner requires CZC and design review. So, for tonight's purposes we are only discussing the southern portion here along with the drive-thru.

One unique thing this particular drive-thru is the applicant has indicated in their narrative that it is for pick up only. So, you, basically, order on your -- your app and you drive in and get it and pick up your food at the window. So, there is -- it's not anticipated to have a menu board or I guess speakers to disrupt the adjacent residential to the west. Staff did raise -- pose that question to Commission in the staff report that if you feel that you want this to continue functioning that way that -- or if you think it may go the other way with a menu board and a speaker, that you may consider requiring additional queuing on the site, but for all intents and purposes of conversation staff finds that this drive-thru does meet the requirements of UDC standards. The applicant does not have a specific user in mind for this tenant space, but they have indicated that they anticipate a restaurant going in here and so, therefore, they have based their parking ratio based on a restaurant use occurring in this area. So, the site plan does depict 43 parking stalls, which is in excess of UDC standards and also the proposed landscaping that you see here on the site does comply with UDC standards as well. So, essentially, the code requires a 25 foot buffer along Fairview, 20 foot -- 20 foot buffer along Webb and, then, also along the south boundary is Wilson Street, which was originally a local street when this project was approved, but has since been reclassified as a collector roadway. The applicant has provided some elevations as part of their application submittal tonight. Again I have looked at the public record. I did not see anyone providing a written testimony. One unique factor with this site and going back to the site plan I would just mention to the Commission that the applicant will be seeking City Council waiver to reduce the buffer along the west boundary to that residential use. I think this body recalls that whenever we have commercial zoning adjacent to a residential use you have to put a 25 foot land use buffer in and, again, as you can see the way they have Pad A designed they are asking for a reduction and that buffer does vary anywhere from five feet to ten feet. As part of the application submittal we did receive a -- some -- a written -- some written verification that the applicant -- or the owner of that multi-family is in agreement with the reduced buffer. So, again, if -- after you make your determination on this CUP tonight, then, the applicant will have the ability to seek Council review of this -- basically appeal your decision to City Council and have them take action on that buffer. Also looking at the hearing outline this evening, it looks like staff inadvertently said you guys were the recommending body, but you are actually the approving body on this conditional use permit tonight. So, when you make your motion if you would just clarify that on the record that you are, indeed, approving the CU -- or making a decision on -- on this application tonight. With that I will go ahead and conclude my presentation and stand for any questions you may have.

Lorcher: Would the applicant like to come forward? Good evening.

Marsh: Good evening. Jim Marsh. CSHQA Architects. 200 Broad Street. Also in attendance our representative from the developer and the landscape architect and we are pleased to bring forward to you today Pine 43 West. Just have a few things that will flip through rather quickly. See, if that goes down. Arrows working? Real quick, just -- this is an extension of the Pine 43 retail development that occurred to the east of this particular project. Project highlighted here in kind of this orange color. The east portion is just finishing the completion and we are kind of -- it -- the site is bisected by Webb



Street. This is the most current aerial that we could get that shows the multi-family to the west and some multi-family to the east. We did kind of ghost in a little bit of the site plan so we can kind of get a little bit of an orientation first to what's adjacent to our property. A little bit of history on the property as well. When the townhomes went in there is a long history of cooperation between this developer and the adjacent multi-family developer. They had challenges with stormwater space, also with -- challenges with pressurized irrigation. Our developer here with the Pine 43 West project gave them some access to additional storm drain on their site, as well as connections to pressurized irrigation. Like I say, a long history of cooperation between these two parcels. And one of the unique pieces is due to the alignment of Webb it takes a pretty good jog as you can see to the west aligned across the street, really pinches down the top of the site and so in order to get the -- the setbacks for the landscaping off of Webb, the parking and, then, have a sizable building that's -- that's viable, that's where we are asking to encroach slightly into the required setback for -- adjacent to a residential property, as -- if it's commercial property it would be fine. See the residential between is also sandwiched between another commercial property just further to the west. It's kind of a sliver of residential between two commercial properties. We do have a revised landscape plan. We believe this landscape plan addresses all the conditions that were in the staff report. We are in agreement with those conditions as well. We are providing a robust landscaping -- dense landscape screen, as well as a fence all along the western boundary. Coming out of the neighborhood meeting and some comments from ACHD, one of the items we did do was we adjusted the location of the drive-thru on the southern pad to align with the drive aisles. If I went back --

Lorcher: You might want to try the arrows.

Marsh: There we go. So, if you kind of look at where the L is in Wilson Lane, that's the alignment of the drive-thru directly above that. So, cars that are exiting the drive-thru are actually lined up with that drive aisle between the residential portions to the side. We have a couple of images here that just kind of give idea of kind of what is anticipated for the architecture style that we have. Again, it's a continuation of the architecture style that we have in the east with just a slightly warmer tone. Also doing architecture here with nicer materials on the backsides. Buildings are positioned to -- towards the residential areas so they can screen the noise and screen all the parking lots and stuff as well. So, the backsides of the buildings do have service doors, but they are very rarely used, so it is kind of the quiet side of the development. Again elevations on this are slightly smaller. We tried to be respectful to the neighbors. So, the buildings to the east are slightly taller. These came in -- our footprints shrank a little bit in order to get it on this tight site. We also brought the height of the buildings down slightly. So, in Building A, which is the closest to the residential, top of the regular parapets around 18, the top of some of the tower elements around 22. This particular building is about 20 to 24. So, still relatively short for commercial buildings. And, then, this kind of depicts a couple of pictures of that south and that drive-thru. Again we are looking kind of for a limited service drive-thru at this time. There is no tenant identified. The developer also has some drive-thrus on the Pine 43 regional. They have some that have a drive-thru window that they are very particular about their stacking and the type of use and so it

had been approached for people, but if they are not the right use they have not gone forward with those tenants. So, they are very particular about the tenants that they have. Again elevations as well. Enlarged robust, again, on the landscape side and if there is any questions concerning the landscaping our landscape architect here is, again, willing to answer any questions. Finally, you know, we have trash enclosures. These are consistent with the rest that's in the development with -- with stone on them, full six foot type of trash enclosures, as well as the lighting is going to be consistent with the lighting that's in the adjacent Pine 43, sharp cut-off LED and if we see that the photometrics feel like they have equal air, we are willing to put any kind of shielding towards neighbors. That kind of concludes a real quick flip through. If there is anything you would like me to re-address I would stand here for any questions you might have.

Smith: Madam Chair?

Lorcher: Commissioner Smith.

Smith: I have a kind of a double barrel question for the applicant and for -- for staff. So, I see that -- it says that your written testimony in agreement with staff report. I just want to make sure we are clear regarding the -- determining if redesign is necessary or if a restriction should be placed on the use and future uses to not allow ordering and queuing on site. Do you have any issues with a condition that prevents any future use for ordering and queuing on site and I guess my question to staff is have we done that elsewhere for consistency sake?

Marsh: I guess it would be kind of a touchy -- of exactly what that is. For example, literally across the lane it's just about on where the words are, Stella's Ice Cream is right there. They do have an ordering board, but they have fairly low -- they don't have a lot of stacking and there has not been any kind of issues with the drainage pieces. So, I think what we would rather have is leave it a little bit open and we will work with staff as those tenants come in to determine if they are the -- kind of the correct use and if we can have those tenants, then, bring in a use case of what they are stacking, what they are ordering, would be -- we would like to try to keep it as open as possible. It may not even be a food use. We did -- as -- as staff said we said we went with a restaurant. The only reason we said it was a restaurant is we wanted to calculate the parking to be sufficient for a restaurant. This is a different service use whether it's a financial one or others that are requiring a drive-thru, it would require even less. I think we were just kind of hedging our bets. History is -- just recent history going through the pandemic things, finding drive-thrus for all types of tenants is getting more and more critical. As some of these things occur there is fewer people -- people find that it's a health issue if they can pick some things up through a drive-thru and we are also finding a lot of order stuff is happening that I know in some like the Chipotle's and some of the other pieces that we have had, they -- all of the pick up is just through preordered by phone and you just pick it up at the window. So, you don't have a queue of people trying to figure out what they are trying to order. You don't have the ordering speakers and such like that. So, that's kind of where we are kind of strategizing this. I did forget to say, obviously,

earlier that we do have a support letter, too, from the adjacent multi-family developer that supports both the -- the setback and -- and the buffers.

Lorcher: Commissioner Smith, did you get your question answered?

Smith: One half I guess with a question for staff. Having kind of a restriction on maybe I guess to be more specific ordering -- made to order hot food or something similar. Have we have done something like that before elsewhere?

Parsons: Madam Chair, Members of the Commission, we have. If you recall the Chipotle off of --

Lorcher: Overland and Meridian.

Parsons: -- one of those -- Ten Mile -- it was one of those where we said -- you don't have that now, but in the future if you want to add that, then, you are coming back and modifying your CUP, so that we can get another bite at the apple and see how it will function in the future and see if we have to address that stacking. So, yes, there are options that we have done on occasion.

Smith: Thank you.

Lorcher: All right. Thank you very much.

Marsh: Thank you.

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

Lomeli: Thank you, Madam Chair. I have Eric Centers.

Lorcher: You are good? Okay.

Lomeli: No one else has signed up.

Lorcher: All right. Did you have anything else that you wanted to add or are you good? And you are as well? Okay. Can I get a motion to close the public hearing?

Smith: So moved.

Seal: Second.

Lorcher: It's been moved and seconded to close the public hearing on Pine 43. All those in favor say aye. Any opposed? Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Lorcher: I do enjoy Stella's Ice Cream over in that corner and, actually, they did it -- if it's a continuation of what you are doing, the outdoor patio between that and the -- the tall skinny apartment buildings going to the west, it's a nice open space and so if you are able to, you know, replicate that with these buildings, I think it would, you know, kind of fit into the area that -- that you are doing.

Smith: Madam Chair?

Lorcher: Commissioner Smith.

Smith: I -- I second a lot of that. I think just the -- the one thing I would -- I would like to maybe put some rail guards in is it seems like I -- I don't necessarily have an issue with Stella's or things that are -- are quick to kind of produce and I don't know what legal language to put in or you know, how to phrase the motion specifically, but I would like to put some potential rail guards or safeguards to -- to limit maybe the creep of Stella's and maybe a Jersey Mike's or -- I'm not saying this is what's going to happen, as the food is more complex the risk of stacking increases and so I -- I would like to try to find some way if we can kind of just put some safeguards on there and if they want to pursue that kind of opportunity, we just have a little bit extra ability to, you know, have a look at it and -- and kind of, then, open up rather than leaving things too open and vague and, then, going, oh, gosh --

Lorcher: There is a -- there is a full-on street between the two developments; right?

Smith: Yeah. It's regarding the -- the stacking as a whole and the design for stacking, not necessarily its relation to the other development, but I'm just saying as a type, you know, ice cream -- you order it, you put the scoop in, it's a very quick turnaround. But if you are ordering, for example, to -- to a further extent you are in hot food, you know, there is time to put, you know, a burger on the grill to cook, et cetera, I -- I don't know where the line is and maybe that's -- maybe it's at the hot food line, I don't -- I don't know, but there is -- there is an outcome of -- that I think increases the risk of stacking that would be better to try to avoid or to just to limit. It's not going to make or break the -- the -- the thing for me, I just think it might be in the benefit of the city to have some extra safeguards on that.

Lorcher: Bill, does that come into play with the certificate of occupancy at all as far as -- like we don't know what it's going to be; right? So, if it is a -- a multi-layered restaurant that, you know, cook to order type thing and it takes ten minutes for each one to come through, you decide based -- based on the application on the certificate of occupancy, does that have any play to, you know, what it ends up being as far as a business is concerned?

Parsons: Yeah. Madam Chair, Members of the -- the Commission, it -- it does. Like I said, there isn't a use here, so what you are acting on is the drive-thru and a drive-thru can mean a bank, a drive-thru can mean a dry cleaner, a drive-thru can mean a -- you know, a restaurant or it can be a restaurant that has sandwiches, that makes burgers,

that has ice cream, that serves coffee, it's -- all of those things fit into a restaurant. So, there is a full gamut of things in the code. Again, those uses are permitted in the zone. It's really the accessory drive-thru that goes along with the use. So, yes, whenever they have a tenant identified they will have to come to the city, design that space per that tenant, that occupant, and, then, yes, we will determine what that use will be in the future. So, it is difficult to say do this, but don't do that with the drive-thru in particular, because, again, your purview is the drive-thru. We don't know what the use that will be associated with the drive-thru is. So, that's why staff is kind of -- and think about this. Right now we are setting it up to be a rapid drive-thru lane. I was at Council last night for the Raising Cane's and they were explaining how they rapidly get people through the lane -- the line. Certainly I think when Chipotle was in front of you they explained the same thing. You order with your app, you get a -- a text saying your order is ready, go to the drive-thru, pick it up and you are on your way. Should not be hardly any wait time for that type of scenario and that's why we were very careful to say, well, if you are going to add a menu board and speakers in the future or somewhat change how this is to operate, then, you need to come back. So, that's really the -- the safeguard, the best way to proceed in staff's opinion. If that's how the rest of the Commission feels.

Lorcher: So, Commissioner Smith, we are really just approving the drive-thru, not the -- not the intended use.

Smith: Madam Chair, I guess just -- if I could get some clarity on -- my understanding is is we are approving the -- the drive-thru, but we can put conditions on a future use of the drive-thru, is that -- not the intended use of -- of the -- the building itself, but potentially the drive-thru, is that not --

Parsons: Yeah. Madam Chair, Members of the -- you are putting a condition on how it should operate.

Seal: Madam Chair?

Lorcher: Commissioner Seal.

Seal: And I think that's what you were talking about and that's what I remember is basically if you are going to put -- if you are going to put a menu board and a -- and a speaker to order, that's different than what we are talking about here and if they wanted to do that they are going to have to come back in, modify the conditional use permit. So, what we are -- what we would be approving is exactly what has been stated here, which is -- you have -- you have your app, you get a text, you go pick it up and so that's -- that's the quick part of it. You are not sitting in a drive aisle trying to figure out what's going on and you don't have people stacking and figuring out what's in there or not in their bag and stuff like that, so -- and if -- I actually when -- when I was down in Hurricane, Utah, there was a restaurant down there called the Pig's Ear that is almost identical to this. I mean just in the -- in the drawings and concepts that they have there and it worked really well. So, I mean -- and you can see we -- we went in to eat, but you could see people would pull up and park in different places and not get out of their car,

which we thought was strange, until we figured out that they were just parked there until they went and picked up their food, so -- I wish there were other restaurants in the valley that were like this, because like if you go to like Bardenay in Eagle it's crazy trying to get in the door because of the amount of people that are going in there to just grab a sack and walk out, so -- I -- I like the concept personally, so -- and I think that the direction of traffic and flow and the fact that it's going to be -- or the hope I should say that it's going to be a quick transaction lends itself well to the space.

Smith: Madam Chair?

Lorcher: Commissioner Smith.

Smith: I -- I think we are aligned regarding the -- the ideal use. I -- I -- I think my question is more just -- I guess some confusion over what the staff report currently recommends. If there is any modification necessary the language of -- and I will read this out and I guess explain what I meant. The Commission should determine if a redesign is necessary to accommodate more stacking or if a restriction should be placed on the use and future uses to not allow ordering and queuing on site. That implies to me that as presented in the staff report there is no recommendation either way to restrict the future use and I -- like many things in life maybe I'm overthinking this, but I just want to ensure that that is the case that is presented in the staff report and maybe I'm just misreading this.

Parsons: No, Madam -- Madam Chair, Members of the Commission, you are correct, that is not conditioned currently. We are putting it on you to determine if you want to put that safeguard in and so simply if you want to move forward with that, then, you can certainly just say applicant shall come back and modify the CUP if they add a menu board and speaker in the future. And, again, we can wordsmith and look at a different -- find that language in a previous staff report and include that as a condition of approval.

Smith: Okay.

Parsons: Just needs to be included in your motion if you feel like one is warranted.

Smith: Thank you. Okay. I think -- I think we are -- we are aligned then. We are good.

Rust: Madam Chair?

Lorcher: Commissioner Rust.

Rust: I would be -- I'm in favor of this. I like the design. I don't feel a need to put a restriction on it. I think if there is going to be something that changes that -- that ends up creating more queuing or stacking that it's going to have to come before us anyways. I think it would be difficult for us as a body to come up with a motion that would sufficiently differentiate between acceptable uses on acceptable uses and I would tend to defer to the wisdom marketplace. This is -- there is no way they can redesign this to

turn it into a Starbucks. It's just not happening. And so I think it's going to attract the kinds of uses that will fit in line with what we all hope goes in there that doesn't stack. So, that's where I come down on this application.

Lorcher: Okay. Very good. Thank you.

Smith: Madam -- Madam Chair?

Lorcher: Commissioner Smith.

Smith: Just to clarify from my understanding of what staff said is that if there was something that was changed -- that would increase stacking currently without putting the limit they would not have to come back before us. Correct me if I'm wrong, but that is -- I think -- what I think the discrepancy is I think some of us are assuming something is already in the staff report and some of us are assuming it's not. If they were to put a menu board and speaker up they would not have to -- without any -- any modification they would not have to come back before the Commissioners if --

Parsons: Commissioner Smith, you are correct.

Smith: Okay. Cool. All right. But I guess that's why I am in the position of putting a requirement. I think it's to ensure that it would have to come back if they put something that would significantly increase stacking and I think maybe just the menu board and speakers is the approach that has been taken in the past with Chipotle and other things like that. So, I guess that's just what I'm -- I'm looking for and hoping we can put that on. So, at the very least if they want to put a menu board up -- if Stella's wants to do it they can just come back and ask for it and we can, then, evaluate that on the merit.

Seal: Madam Chair?

Lorcher: Commissioner Seal.

Seal: Yeah. Madam Chair, this -- and -- and that's why I brought that up. I mean to me that's pretty easy to put in there. I mean I -- I could see somebody could come in and take advantage of this, because -- I mean, to be honest, I don't think it's set up and adequate for what I would, you know, say could -- you know, if a very popular place went in there and they made it a full blown drive-thru, number one, the circulation isn't there for it. Number two, the stacking would be a mess.

Lorcher: Right.

Seal: So, that would not be good for the community or the surrounding area, so -- but I do think that, you know, for the use that they have outlined here I think it's, you know, very adequate. So, I can -- at least a small amount of language in there for any changes that, again, I -- I think, you know, a speaker and a menu board, if they want to go that far, then, they need to come back in. That's all. But, you know, I don't think

that's a big ask, because, you know, again, I just -- I don't think it's adequate as a traditional drive-thru as you think about a -- you know, any kind of coffee establishment, you know, pick your flavor on that where they have lines that wrap around the block or God forbid an In-N-Out. Not that there is anything wrong with eating there, but, you know, something along those lines. It's just -- it's, obviously, not adequate for that. So, I think some small safeguards that prevent anything like that from going in are -- would be good.

Lorcher: Okay. I will try a motion then.

Seal: Okay.

Lorcher: After considering all staff, applicant and public testimony, I move to approve File No. 2024-0038 Pine 43 West conditional use permit for the hearing date of November 7th, 2024, with the following conditions: That the -- the current conditional use permit be pick up service only and if future tenant requires a speaker or menu board with additional stacking, that they come back and -- back to Council for a modification.

Seal: Second.

Lorcher: It's been moved and seconded to approve Pine 43 West with a condition on the pick up service and drive-thru lane. All those in favor say aye. Any opposed? All right. Motion carries. Thank you very much.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

**9. Public Hearing for Addison Circle Subdivision (H-2024-0040) by Centurion Engineers, Inc., located at 4535 N. Black Cat Rd.**

- A. Request: Annexation of 1.87 acres of land with an R-8 zoning district.
- B. Request: Preliminary Plat consisting of seven (7) building lots and one (1) common lot on 1.87 acres of land.

Lorcher: Next item on the agenda is Addison Circle Subdivision for an annexation of 1.87 acres and a preliminary plat off of Black Cat Road and we will begin with the staff report.

Parsons: Madam Chair, great segue. Thank you. The next item is Addison Circle. It's an annexation and a preliminary plat. I did want to go on the record to just let this body know that the address was incorrect on the agenda that went out. It was a scrivener's error. We had mistakenly noticed it as 4635 North Black Cat Road and, actually, the address is 4535. So, we have coordinated with legal and the clerk's office, so we will get that corrected as this transitions to City Council, but I just wanted to clarify on the



record that the -- the address was wrong. As I mentioned to you, this is 1.87 acres and it's currently RUT in Ada county here. You can see on the future land use map that it is currently medium density residential on the future land use map and in that particular land use we anticipate densities between three and eight dwelling units to the acre and this particular project comes in tonight at 3.74. So, definitely, on -- meets that threshold on -- on the low end. The applicant is here to -- so, you can see here there is some existing structures on the site and those will be removed upon development and the applicant will be scraping that and -- to develop the site with seven residential lots. Lot sizes range in size from anywhere -- approximately 4,000 square feet up to 7,000 square feet and home sizes are anticipated to be anywhere from 1,800 square feet to 2,200 square feet. I want to step back real quickly just to make mention that you can see here that this property does border an existing irrigation facility that -- it's actually an HOA lot within the Oaks -- Oak Creek Subdivision and you can see in this lower graphic here, aerial -- or photograph -- photograph here that the sidewalk is actually -- just doesn't extend across the frontage of that common lot. So, staff has placed a requirement on this developer to extend that 15 feet of sidewalk, so that there is continuity in the existing area. Also mention to the Commission that they -- you know, typically when we have frontages on arterials we try to get ten foot multi-use pathways along the frontage, but given the existing built environment out there to the south and the subdivision to the north, there is currently five foot detached sidewalks, so staff is only recommending that the applicant construct a five foot sidewalk as part of their development. Because the site is under five acres in size there is really no open space requirements per the city code, but the applicant is required to put in a 25 foot wide landscape buffer along their frontage improvements and dedicate the required right of way per ACHD. The applicant will also be seeking a City Council waiver because their cul-de-sac length exceeds 500 feet, so they -- and they are aware of that, so, essentially, their cul-de-sac is 45 feet over what code requires. So, it's pretty insignificant in staff's opinion and, then, also as part of that extension in granting that waiver we are recommending that they extend a -- basically a five foot sidewalk from the end of that cul-de-sac to the adjacent sidewalk along Black Cat Road to allow for that 45 foot extension as a mitigation. So, Council can approve that waiver. Again here you can see the landscape plan that they are proposing. Staff has conditioned them to meet all UDC requirements for those frontage improvements. Have looked at the public record, did not see any public testimony on this particular property and the applicant is in agreement with all conditions in the staff report. With that I will go ahead and conclude my presentation and stand for any questions you may have.

Lorcher: Would the applicant like to come forward? Good evening.

Renteria: Good evening, Madam Chairman. Thank you, Commissioners, for the opportunity to speak in front of you. My name is Robert Renteria. 4306 East Divide Pass, Meridian, Idaho. 83642. I will keep this brief. It's been a long night for everybody. We just -- I just want to thank you for the revision a little bit for this project. We wanted to make sure that the continuity around what we are developing is maintained. There is a significant need for what we are going to build, which is two on suites on the main floor for -- for older parent, adult children that can't afford to be out

somewhere else. So, it's going to be one family under one roof and it -- which makes it easy for financing when you get to the final stages of financing. So, we want to make sure that we are really supporting what's in the subdivision already, not over building, not modernizing too much, but continuing the continuity of what's already there and at our public meeting we had some really good support and comments. The main comments that they had was -- their concern was doing development construction through the subdivision, but we have the ability not to do that and so we definitely give our word that that's not going to happen. If you have any technical questions we do have Anna Canning from Centurion who has done all the work for us, so if you have any questions I would love to hear them.

Lorcher: Commissioners, do we have any questions for the applicant at this time? Thank -- thank you very much.

Renteria: Thank you.

Lorcher: Madam Clerk, do we have -- oh. Did you want her to speak as well? Okay. Come on up. You still have some time. Just state your name and address for the record.

Canning: Anna Canning. Centurion Engineers. 2323 South Vista Avenue, Suite 206, Boise. And I went from Jack Jack to Bear Hunter Holdings. I get great names today. But I did want to just point out one thing and it was already said, but this is basically continuing what's there. It's an in-fill subdivision on the west side of Black Cat. It really completes that fabric and I just wanted to say that time is right, chairman. So, the timing is right and as Mr. Parsons mentioned we are in agreement with the staff conditions. So, if you had any questions be happy to answer them as well.

Lorcher: Are we going to lose all the mature trees and the -- and the historical farmhouse?

Canning: I'm not aware it was an historical farmhouse.

Lorcher: Well, let's just say old.

Canning: I think that the existing home is going. We are going to do -- have an arborist go out to the site and look at the trees and see which ones we can save, which ones need to come out, because they are not good trees and, then, we will mitigate as code requires for the others.

Lorcher: Commissioners, do we have any questions for the applicant? Thank you very much. Madam Clerk, do we have anybody here to -- that would like to testify?

Lomeli: Madam Chair, no one else has signed up.

Lorcher: Robert, did you want to make any other comments this evening? Can I get a motion to close the public hearing?

Smith: So moved.

Garrett: Second.

Lorcher: It's been moved and seconded to close the public hearing for Addison Circle. All those in favor say aye. Any opposed? Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Lorcher: It -- it fits and, you know, I know it's just probably an old -- old farmhouse, but I'm privy -- I mean, you know, I hate to see those go away in some capacity, because that's what made Meridian Meridian and there -- that farmer probably had 40 acre -- 80 to 120 acres at one time and, you know, the subdivision behind it or, you know, to the side of it has -- has changed and get rid of all of our old little farmhouses, then, we are anywhere USA. So, that kind of bums me out, but, you know, it's -- it's not going to make me not approve this project. Also mature trees are kind of hard to find -- you know, hard to find and since I just bought little trees for big money, you know, that could have some value there. Any other comments from Commissioners? Motion?

Seal: Madam Chair?

Lorcher: Commissioner Seal.

Seal: Make sure I'm on the right one here. After considering all staff, applicant and public testimony, I move to recommend approve -- approval to the City Council on File No. H-2024-0040 as presented in the staff report for the hearing date of November 7th, 2024, with no modifications.

Rust: Second.

Lorcher: Can I clarify? Is it four zero or four one?

Seal: Four zero is what I have on the paper.

Lorcher: Can you confirm that, Bill?

Seal: It's also on the agenda. It's four zero.

Lorcher: Four zero? All right. Do I have a second on four zero?

Rust: Second.

Lorcher: It's been moved and seconded to approve -- oh, that's why, because I'm looking at the next one. Excuse me. File No. 0040, Addison Circle. All those in favor say aye. Any opposed? Motion carries. Thank you very much.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

**10. Public Hearing for Apex Phenomenal (H-2024-0041) by Brighton Corporation, generally located on the north side of E. Lake Hazel Rd. approximately 1/4 mile west of S. Locust Grove Rd.**

- A. Request: Preliminary Plat consisting of 64 building lots and 11 common lots and (1) other lot for future development on 16.15 acres of land in the R-15 zoning district.

Lorcher: All right. Now we are going to do four one. Apex Phenomenal for a preliminary plat near Lake Hazel and Locust Grove and we will start with the staff report.

Parsons: Thank you, Madam Chair, Members of the Commission. The last item on the agenda tonight is Apex Phenomenal. This project is for -- requested for a preliminary plat. Site consists of 16.15 acres of land currently zoned R-15 and as you mentioned it's located -- generally located on the north side of Lake Hazel Road, approximately a quarter mile west of South Locust Grove Road. This property was rezoned in 2020 from R-4 to R -- to the R-15 zone that you see today and it was also part of the overall Apex -- or we call it Pinnacle. There is many names out there, but we -- it did come in as Apex as part of the annexation and it -- it was required to enter into a development agreement. So, the applicant is just here with more specifics on how they intend to develop this R-15 piece. So, this is the first plat for it. Current Comprehensive Plan designation for this property is medium high density residential. In that designation we anticipate residential densities between eight and 12 dwelling units to the acre and this particular project this evening comes in at -- right at eight. So, we are right, again, on the low end, but still -- so, probably more dense than what we typically see that is in a multi-family project. So here -- again, here is the preliminary plat. Main access will be coming in from a private street to -- to serve the home. So, the 64 lots the applicant is proposing the homes are entered to be single family attached and detached. So, a mix of residential types here, which is consistent to what they actually have constructed on the east side of the site across from Apex Avenue that you see here on the screen. The -- the proposed plan also has 11 common lots. One thing I would like to mention to the Commission is this additional larger lot applicant doesn't have any details for that at this time. Maybe a continuation of this same product on that portion, but they are recording it as one lot currently and, then, they will come back with a future application when they decide how they want to further subdivide that. Because the development is over that five acre threshold the applicant is required to provide 15 percent open space and two amenity points per the UDC. The plat before you tonight shows 2.27 acres of qualified open space, which exceed UDC standards and they are also providing four amenity points as well. You can see some of the details of -- of what they are doing with the amenities in that central open space and, again, that mirrors what's happening on the

east side of the road. Also like to mention that the residents in this portion of Apex also have the benefit of additional open space and amenities that are currently planned or will be constructed in the near future. So, again, one cohesive design as the applicant moves forward. So, I wanted to -- here is the open space exhibit, along with some of the pedestrian connectivity that we can envision. Also like to mention that Lake Hazel is currently being improved or may be done at this time. So, those improvements along that frontage are completed already per cooperative development agreement with ACHD and those improvements do carry all the way to the Meridian Road intersection as well. Again more details of how they intend to use that -- that private open space and, then, here are the elevations, which, again, are consistent with what's being developed out there. Staff has looked at the public record and did not see any public testimony on this and the applicant, again, is in agreement with all staff's recommended conditions of approval. With that we are recommending approval and I will stand for any questions you may have.

Lorcher: Would the applicant like to come forward? Good evening.

McNutt: Good evening. Amanda McNutt. 2929 West Navigator Drive, Meridian, Idaho. 83642. Do you have our presentation? There we go. Okay. All right. So, the first thing I wanted to talk about is kind of what has already happened out at Pinnacle. I know you guys kind of have gotten a lot of updates on this recently because we keep coming back with more projects. As Bill mentioned, Lake Hazel is now complete and open, so that's really exciting. I know a lot of people out there have been waiting for that. Here we notice -- or we note that the roundabout there is open. We have the eighth mile at recreation and, then, Lake Hazel and Meridian is all the way through there. We have mentioned it a couple times as well that we have the Gem Prep Charter School out there complete and operational. Meridian Library just had their opening a while back and the Sony Amphitheater is also underway out there as well. Sublimity and the mini roundabout at Crescendo is shown here. It's also built. This is a -- a graphic that we actually took a drone footage of so you can kind of see the new beautiful pavement out there and, then, also that internal street connectivity is all complete as well. So, this is the latest development in the Pinnacle community, as Bill has already described, at 16.15 acres, 64 single family residential lots, which encompasses about 8.2 acres of this property, 11 common lots and, then, another future -- future lot that is just under eight acres. We do have almost 30 percent of qualified open space here and this is the location there of that multi-sport court. Bill also mentioned that we basically are mirroring the other side. On that other side they will have access to a gazebo and a little barbecue area, so we felt a sports thing over on this side kind of benefits both of them, kind of brings a little bit of variety there. So, this is that multi-court sports arena. You can do pickleball, tennis, soccer and some other things there, just to give variety and give options to the residents. Several sidewalks will be proposed with this development. We are very proud of how this is developing out there with lots of pedestrian accessibility and this is just another addition to that. These will be our Carriage Lane product, both paired and single family detached. Again Bill mentioned it for us, but this is kind of mirroring that other product on the other side. So, it's just a continuation. I think it's going to flow really nicely there. Everything's going to

be facing outward. So, you will see these frontages on all of those main roadways. It is in the medium high density future land use map area. We are not asking for a modification of the FLUM, nor are we asking for a modification of zoning, as it's already zoned R-15, and as Bill mentioned we do concur with the staff recommendation for approval. I will stand for any questions.

Lorcher: Commissioners, do we have any questions for the applicant at this time?

McNutt: Thank you.

Lorcher: Thank you. Madam Clerk, do we have anyone who would wish to testify?

Lomeli: Thank you, Madam Chair. No one has signed up.

Lorcher: Amanda, you good? Any other comments? All right. Can I get a motion to close the public hearing?

Smith: So moved.

Seal: Second.

Lorcher: It's been moved and seconded to close the public hearing for Apex. All those in favor say aye. Any opposed? Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Lorcher: Any comments, Commissioners? It just seems to be another phase of their project that they are doing. It's well laid out, especially if they can mirror later other amenities that would benefit the -- the homeowners.

Rust: Madam Chair?

Lorcher: Commissioner Rust.

Rust: After considering all staff, applicant and public testimony I move to recommend approval to the City Council of File No. H-2024-0041 as presented in the staff report for the hearing date of November 7th, 2024.

Smith: Second.

Lorcher: It's been moved and seconded to recommend File No. 0041 to City Council. All those in favor say aye. Any opposed? Motion carries. Thank you very much.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Lorcher: And I will take one more.

Seal: Madam Chair --

Lorcher: A second? Do I have a second?

Seal: I move -- I move we adjourn.

Lorcher: Oh. Okay. There it is. I'm already ahead of myself. It's been moved and seconded to adjourn. All those in favor say aye. Any opposed? Thank you very much.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

MEETING ADJOURNED AT 9:09 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS. )

APPROVED

\_\_\_\_\_  
MARIA LORCHER - CHAIRMAN

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

ATTEST:

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