

## **Meridian Planning and Zoning Meeting**

**May 18, 2023.**

Meeting of the Meridian Planning and Zoning Commission of May 18, 2023, was called to order at 6:00 p.m. by Chairman Andrew Seal.

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

Members Absent: Commissioner Enrique Rivera and Commissioner Mandi Stoddard.

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

### **ROLL-CALL ATTENDANCE**

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

Seal: Good evening, everybody. Thank you. We will go ahead and get things going here this morning. Welcome to the Planning and Zoning Commission meeting for May 18th, 2023. At this time I would like to call the meeting to order. The Commissioners who are present for this evening's meeting are at City Hall. We also have staff from the city attorney and clerk's offices, as well as City Planning Department. If you are joining us on Zoom this evening we can see that you are here. You may observe the meeting. However, your ability to be seen on screen and talk will be muted. During the public testimony portion of the meeting you will be unmuted and, then, be able to comment. Please note that we cannot take any questions until the public testimony portion. If you have a process question during the meeting, please, e-mail [cityclerk@meridiancity.org](mailto:cityclerk@meridiancity.org) and they will reply as quickly as possible. With that let's begin with roll call. Madam Clerk.

### **ADOPTION OF AGENDA**

Seal: Thank you very much. So, the first item on the agenda is the adoption of the agenda. The application for Julia Subdivision, which is File No. H-2023-0003, will be open for the sole purpose of continuing to a regularly scheduled meeting. It will open for that purpose only. So, if there is anybody here tonight to testify for that application we will be not taking testimony on it this evening. Can I get a motion to adopt the agenda as amended?

Smith: So moved.

Wheeler: Second.

Seal: It's been moved and seconded to adopt the agenda. All in favor, please, say aye.

Motion passes.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

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

- 1. Approve Minutes of the May 4, 2023 Planning and Zoning Commission Meeting**
- 2. Findings of Fact, Conclusions of Law for Hickory Warehouse (MCU-2023-0003) by Josh Shiverick, Cushing Terrell, located at 1135 N. Hickory Ave.**

Seal: All right. Next item on the agenda is Consent Agenda and we have two items on the Consent Agenda. First is to approve the minutes of the May 4th, 2023, Planning and Zoning Commission meeting. The second is the Findings of Fact and Conclusions of Law for Hickory Warehouse, File No. MCU-2023-0003. Can I get a motion to accept the Consent -- Consent Agenda as presented?

Smith: So moved.

Wheeler: Second.

Seal: It's been moved and seconded to adopt the Consent Agenda. All in favor, please, say aye. Opposed nay? Motion passes.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

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

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

ability to speak. Please remember we generally do not call people back up. After all testimony has been heard the applicant will be given another ten minutes to come back and respond. When the applicant has finished responding to questions and concerns, we will close the public hearing and the Commissioners will have the opportunity to discuss and, hopefully, be able to make final decisions or recommendations to City Council as needed.

## **ACTION ITEMS**

### **3. Public Hearing for Ringneck Place Subdivision (H-2023-0009) by RiveRidge Engineering Company, located at 2315 E. Ustick Rd. (Parcel No. S1105212448 and Parcel No. S1105212449)**

- A. Request: Annexation of 1.73 acres of land with an R-8 zoning district.
- B. Request: Preliminary Plat consisting of 9 residential single-family attached building lots and 2 common lots.

Seal: So, at this time I would like to open the public hearing for Item No. H-2023-0009 for Ringneck Place Subdivision. We will begin with the staff report.

Hersh: Good evening, Mr. Chair and Commissioners. The applicant is here to discuss their project proposal for Ringneck Place Subdivision. The applications submitted were annexation and zoning and preliminary plat. This site consists of 1.539 acres of land, zoned R-1 in Ada county, located at 2315 East Ustick Road and consists of two parcels. There is no history on the property. The Comprehensive Plan FLUM designation is medium density residential and the applicant proposes to annex in 1.73 acres of land within an R-8 zoning district. This property is within the city's area of impact boundary. A preliminary plat and conceptual building elevations were submitted showing how the property is proposed to be subdivided and developed with nine single family attached and detached dwelling units and two common lots at a gross density of 5.84 acres or units per acre. Proposed lots range -- range in size from 4,237 to 5,332 square feet. The proposed use and density of the development is consistent with the medium density residential FLUM designation. Single family detached and attached dwellings are listed as a principally permitted use in the R-8 zoning district for -- in the UDC. Future development is subject to the dimensional standards listed in the UDC for the R-8 zoning district. The proposed plat and subsequent development are required to comply with the dimensional standards and it appears that they do so. Access is proposed from East Ringneck Street from North Verado Avenue and East Ustick Road. Direct lot access from East Ustick Road is prohibited. The applicant is proposing to remove the existing curb cut to East Ustick Road on this site, as depicted on the preliminary plat. An emergency vehicle turnaround is depicted on the plat over Lot 3, Block 2. The attempt is to remove the turnaround to accommodate a single family residential home once North -- North Lapis Road is extended in the future. The applicant has proposed to landscape this parcel to be used as a common open space for the development until such time that Lapis Road

is extended. Off-street parking is required to be provided in accord with the standards listed in the UDC for single family dwellings based on the number of bedroom units. Staff will confirm compliance with these standards at the time of building permit submittal for each residence. A 25 foot landscape buffer is required along East Ustick Road in accordance with the UDC. The landscape plan submitted depicts a 35 foot landscape buffer along East Ustick Road due to the Milk Lateral easement. Staff finds that the landscape plan should depict less lawn and a wider planter bed, with an additional mix of variety of shrubs, mulch and other vegetative ground cover per the UDC. East Ustick Road is already approved with an existing five foot wide detached concrete sidewalk abutting the site in accordance with the UDC standards. Staff is not recommending that the sidewalk be replaced with a five foot detached sidewalk. The applicant is proposing five foot attached sidewalks on both sides of East Ringneck Street and North Lapis Avenue. Staff recommends that the applicant replace the gravel area in the parkway area with vegetation in accordance with the UDC and remove the driveway and replaced with curb, gutter and sidewalk per ACHD standards. There is an underground pressurized irrigation water required to be provided to each lot within the subdivision per the UDC. The second common lot proposed on the east side of the site is planned to serve the pump station for the proposed subdivision's pressure irrigation as depicted on the preliminary plat. The corridor for the southern user ditch is to be piped from the southeast corner of the existing exit location into the Verado Subdivision to the west. Conceptual building elevations were submitted that demonstrate what future homes in this development will look like. There are variations of single story homes with a two car garage that are proposed. The submitted elevations depict a number of different architectural and design styles with materials of lap siding, stucco, differing coloring accents and roof profiles. Staff recommends the applicant add additional stone or brick accents to the front of the homes to provide more of a variation in materials and a combination of various colors for each unit. The applicant shall submit elevations for the future single family detached home with the design review application. The final design of the structure is required to comply with the design standards in the architectural standards manual. Written testimony. There was Christie Mangel. Concerns regarding increased traffic safety and need for noise mitigation. And staff does recommend approval of the annexation and preliminary plat with the conditions listed in the staff report and the requirement of a development agreement and that concludes staff's presentation and I stand for any questions.

Seal: Thank you very much. Would the applicant like to come forward? You can say no. We did have that the other night. It was the first time in my time of doing this, so it kind of caught me off guard.

Gallagher: My name is Chip Gallagher. I'm sorry. My name is Chip Gallagher. I live at 3020 North Wingate Lane. And Stacy's done a fine job of explaining the project, so I will stand for any questions.

Seal: Commissioners, do we have any questions specifically for the staff or for the applicant?

Smith: Mr. Chair?

Seal: Commissioner Mr. Smith, go ahead.

Smith: Just a quick question. Do you -- is there anything in the staff report -- any of the recommendations from staff that you have any objections to or any concerns about?

Gallagher: No. Our engineers worked with Stacy and we have got it drilled down on all the details. We are fine with that.

Seal: The houses won't all be gray; right?

Gallagher: Pardon me?

Seal: The houses won't all be gray.

Gallagher: No. That's --

Seal: Sorry. Somebody who has lived on base housing I don't think --

Gallagher: Glancey Rockwell is the architect.

Seal: Okay. I figured that, but, you know, you got to ask. No more questions for the applicant? Real quick. Do we have anybody out here that has signed up to testify on this application?

Hall: There is no one, Mr. Chair.

Seal: Anybody in the audience want to come up and testify for this application? No. We are all holding out. Okay. With that, if the applicant has nothing further to add, I need a motion to close the public hearing for File No. H-2023-0009.

Smith: So moved.

Grace: Second.

Seal: It's been moved that we close the public hearing for File No. H-2023-0009 for Ringneck Place Subdivision. All in favor say aye. Any opposed? Motion passes.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Seal: All right. Who would like to go first?

Lorcher: Mr. Chair?

Seal: Go right ahead.

Lorcher: So, addressing the written comment that -- concerns regard increased traffic safety and the need for -- need for noise mitigation, if there are nine single family houses and each house has an average of two cars we are looking at about 20 extra cars in this particular area with no access to Ustick, which should keep the flow of traffic moving pretty steadily and it looks like everything's kind of internal streets. I don't think, you know, nine to ten to 15 car trips that -- you know, a day are really going to increase traffic too much. In regard to noise mitigation, I think the actually building of the houses will probably buffer some of the noise from Ustick as well. So, hopefully, that neighbor will actually hear less noise from Ustick, because there will be a buffer from the houses. And since they are all internal safety streets -- I'm not an expert, but I would think that there is no busy street to cross, since they are all internal streets. So, I'm in support of this project.

Seal: Other comments, Commissioners?

Smith: Mr. Chair?

Seal: Go right ahead.

Smith: I echo Commissioner Lorcher's thoughts. I think this is a very straightforward, well thought out, I think well-fitting project for the area. So, I have no objection to it. I strongly support it.

Seal: Anyone else?

Grace: Mr. Chairman?

Seal: Commissioner Grace.

Grace: If I could just get clarification. There was a statement in the -- in the summary that indicated an emergency turnaround was being removed in favor of a single family home and I was just wondering, given the -- what appears to be the location and the smaller parcel there, does that create any -- maybe this is a question for staff. Does that create any issues? Or was that originally there maybe and why is it being taken out?

Hersh: Mr. Chair, Commissioner Grace, so that is added in. So -- because of North Lapis running east-west is not fully developed for fire, for a turnaround for people coming into the subdivision.

Grace: So, it's being added then?

Hersh: Yes.

Grace: Okay.

Hersh: And, then, it will be removed eventually once the road extends.

Grace: Thank you for that clarification.

Seal: Anybody else? I will take a motion if anybody would like to take a stab at one.

Lorcher: Mr. Chair?

Seal: Go right ahead.

Lorcher: After considering all staff, applicant and public testimony, I move to recommend approval to City Council for the File No. H-2023-0009 as presented in the staff report for the hearing date of May 18th, 2023.

Wheeler: I think we need to add on there -- if we -- if you want to, Commissioners, about the annexation -- staff recommendations in the DA. If you want to add that in there on your recommendation -- on your motion.

Seal: I think that's included in the staff report already. The conditions are there.

Wheeler: Okay. All right. I just wanted to double check that that was included on that. Sorry, I didn't mean to interrupt you there. I apologize. And with that I will say second.

Seal: It's been moved and seconded to approve File No. H-2023-0009 for Ringneck Place Subdivision. All in favor say aye. Opposed nay? Motion carries. Thank you, sir.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

**4. Public Hearing for Fourth Street Books - Pearl House Collective (H-2023-0010) by EV Studio, located at 909 NE 4th St.**

- A. Request: Rezone of 0.080 acres of land from the R-15 zoning district to the O-T zoning district.
- B. Request: Conditional Use Permit for an outdoor arts, entertainment or recreation facility.

Seal: All right. At this time I would like to open the public hearing for Item No. H-2023-0010, Fourth Street Books - Pearl House Collective and we will begin with the staff report.

Hersh: Mr. Chair, Commissioners, the applicant has submitted a -- for a rezone for Fourth Street Books. The site consists of 0.157 acres of land and it's currently zoned R-15 and it's located at 909 Northeast Fourth Street. There is no current history on the property. Comprehensive Plan FLUM designation is Old Town. The applicant is requesting to rezone the 0.157 acres of land from R-15, to -- to Old Town to operate a retail use for a bookstore on the subject property with an ancillary outdoor patio space. Fourth Street Books will sell both new and used books and offers a micro cafe concept, which includes a small selection of coffee, tea, beer and wine with an outdoor patio space. The applicant

will also be promoting local authors and artists through their curated workshops and activities. The proposed 800 square foot bookstore will be located in the downtown area within the Meridian Urban Renewal District. The building, which is over a hundred years old, was renovated in 2004 and is slated for further improvements to meet city code requirements and enhance the customer experience. The front porch and patio area will be expanded to include an ADA ramp and more seating, with the outdoor patio predominantly utilized during the warmer months. The backyard area will be transformed into a community space encouraging customers to read, socialize and enjoy a picnic, with seating provided by picnic tables. The applicant is proposing to use the backyard space to host author signings, poetry readings, book clubs and other planned activity events that require online registration, including free events with limited tickets. For more significant events Fourth Street Books plans to collaborate with other local businesses with larger spaces. Furthermore, Fourth Street Books intends to participate in downtown Meridian activities, such as Art Week and Meridian Main Street Market, while promoting literary and creative programming throughout the Treasure Valley. Due to the close proximity of neighboring residential property, staff acknowledges the potential for noise to travel and also has received some public testimony regarding noise and use from adjacent neighbors. To host any outdoor events the applicant is required to obtain a temporary use permit from the clerk's office that is valid for 106 days per calendar year. Once the adjacent properties develop into commercial uses in the future, the applicant can apply for a conditional use permit for an outdoor entertainment activity space. The proposed hours of operation would be from Tuesday to Sunday, 10:00 to 10:00 p.m., with the bookstore likely opening with a reduced schedule from Thursday to Sunday from 12:00 to 9:00 p.m. for the first 12 to 16 months. Access is provided via public street on Northeast -- or Northeast Fourth Street and an alleyway to the west. The existing home has a driveway off the alleyway that contains one employee parking stall. There is currently no off- street parking on the site. Customers can walk, bike or ride the bus as another option to bypass parking availability. Parking is available to customers in nearby public parking lot to the Masonic Lodge located between Second and Third Street approximately two blocks away. There is also on-street parking available along Pine Avenue and Northeast Fourth Street. Staff recommends the applicant install no parking signs along the alley. The applicant has provided a parking plan, as you can see in the center, as a guide to helping address where people are able to park in red. The applicant is proposing additional landscaping, a small selection of shrubs and ground cover, around their proposed outdoor event activity space to reduce the noise in the adjacent residential district. In order to help alleviate any undue noise and light disturbances to the nearby residential uses, staff recommends the landscape plan be revised to include additional landscaping along the western, southern and eastern fence line. Staff recommends the applicant incorporate some columnar trees or taller shrubs around the fence line in addition to the shrubs and ground cover proposed on the landscape plan to help mitigate concerns raised by the adjacent neighbors. All fencing is existing and should meet UDC code. Building elevations. Conceptual building elevations and perspectives were submitted for the existing bookstore structure as shown. The building consists of siding, fascia trim, asphalt roof shingles and new composite deck with railing and ADA -- ADA ramp. As stated in the staff report the only new addition to the structure is the front entry and back patio for outdoor space. The proposed elevations are not approved with this



application and will be reviewed with the design review application for consistency for -- with our standards, but full compliance with the ASM standard is not required based on the limited scope of work for this project. There was written testimony -- one from Becky Logue. Parking concerns. Tom McGoldrick. Noise and traffic concerns. Kristen Roberts. There is a great need for a bookstore within walking distance of downtown. Looking forward to it. Empowered Chiropractic. Looking forward to having a quiet place to relax and read. Staff did recommend -- does recommend approval for the rezone from R-15 to Old Town per the findings and conditions in the staff report. And that concludes staff's presentation and I stand for any questions.

Seal: Thank you very much. Would the applicant like to come forward? Good evening. We will need your name and address for the record, please.

Buzzini: I'm Ashley Buzzini with EV Studio. The address is 725 East Second Street, Meridian.

Major: Hi. I'm Chelsea Major, owner and curator at Pearl House Collective slash hopefully Fourth Street Books. I live in downtown Meridian area and my address is 1029 Northeast Third Street.

Seal: Thanks very much.

Major: I'm going to kick it off and, then, I will pass it to Ashley as well. So, good evening, Mr. Chair and Commissioners. Thank you for taking the time to review this project today. I know this is how you spend a lot of your time and I know it takes a lot out from your other life and activities. So, thank you. I am Chelsea Major, as I mentioned. Daughter of an English teacher, a Meridian citizen living nearby, and with my husband Chase and I'm also a volunteer with the Meridian Library Alliance. I'm excited to be here today and representing my small business Pearl House Collective and what is hopefully to come -- become Fourth Street Books. If it doesn't go on this property that would be a little odd of a name. So, Stacy did a great job explaining the staff report and I just want to add some additional color about the vision and background for our bookstore. How do we switch the slide? There should be a PDF. But if not I can keep going. I will keep going while maybe you find them and, if not, that's fine. So, just a little background around the bookstore. We created Pearl House Collective in 2021 as a hybrid bookstore, so I have been hauling books around and selling them at markets, at breweries, basically anywhere anyone will have -- have me and we really focus on bringing community into local areas and supporting our local artists, writers and makers. We also host a monthly book club of various businesses, such as Truffles Etc. in downtown Meridian and The Roosevelt, Loose Screw and -- and other lovely venues as well and continue to partner with locally produced -- or local makers to share their goods and wares as well. We really love being a part of this community. The vision for this bookstore is to take that to the next phase of this project. You know, I think understanding what people really want in a community is really important and we have spent a lot of time out and actually in places where people already have been to -- to validate that this is a need and a want. The bookstore brick and mortar will serve as a gathering place where people can connect over their shared

love of reading and -- and of learning. So, the goal is to make it a bookstore first, but, then, have additional reasons why people will stick around, hang out, work on a business idea, find a good book, that sort of thing. This will hopefully help to foster a continued sense of community in our downtown area, bringing more people together to create a vibrant social atmosphere. Ashley is going to go in a little bit more addressing some of the comments that Stacy had mentioned in the staff report and, then, I will add additional color as well related to some of the concerns that were raised.

Buzzini: You guys -- as you kind of saw on the screen -- if we are unable to pull up our presentation -- maybe Stacy can share it again. Oh. Perfect. But we created a parking exhibit, because we acknowledge the concern and the worry about parking and traffic for that area. So, within our parking exhibit what we did was we tried to find near locations that could encourage people maybe to park in the public parking areas in downtown Meridian and, then, walk. There is also room for two parking spaces in front of the property and, then, one parking space for employees in the back of the property off of the alley. So, that way the employee can park behind and not take away parking from any of the neighbors or anyone who may want to park to come to the bookstore. Okay. Cool. Thanks. This is the history. We already talked about that. And this is the vision. This is kind of the backyard space as we envision it with the seating in the front as well. And in addition to some of these parking areas and using the public parking that downtown Meridian provides. Chelsea has also created some wonderful incentives for customers and I will let her dive into that as well.

Major: So, I think one of the things that was asked in the comments as well was, you know, how will we educate and inform our patrons on where to park. So, part of that is to make sure we have clear guidelines around what's available today and I know that downtown Meridian already has several areas that we have seen on the map as well. And, then, there is something that's not new here, but off of State and Third Street there is also the Meridian Gathering and Resource Center -- was previously a church and they came in last year. They are also willing to share their eight -- I believe eight parking spaces as well with us. So, we have additional options within, you know, two to three blocks of walking. In addition to that we had planned to use social media to share parking guidelines regularly, have clear signage within our lot and, then, we do put out a monthly e-mail newsletter. Today it's about 300 customers. This will be included in those communications, as well as having printed material on hand at our events, whether those are, you know, off site or when customers come in as well. Another piece would be training employees. Of course initially this is going to be me. I'm training myself at least for the first year, let's just be honest. But, then, as we hopefully bring in one or two additional staff members, those would be trained up as well around the policy and they would be adhering to that, setting a good example, as well as encouraging that every time a new patron comes in. We also talked about incentivizing, too. So, I don't know if you all have been to the botanical gardens and if you have carpooled or car shared there, they offer like a free ticket for the next time you come back. So, we would do reward programming for loyalty for doing alternative transportation and that would be included in the plan as well. And, then, I think, you know, continuing forward I -- as I mentioned I live in the downtown area. So, we would want to have a continued dialogue with our

neighbors as they have feedback, how are things going as we move through, you know, the first six, 12, 18 months.

Buzzini: So, this image kind of shows those two front parking spots that I spoke about, along with the employee parking stall in back. These images are just to show kind of the parking options on a mid-day Saturday along Pine near Fourth.

Major: And even from the third photo -- the photo on the right you can see from kind of Third Street where the parking lot is across Pine, which is a lot that you could park in for public parking as well.

Buzzini: So, this is kind of moving into the area of experience and how people will interact with the site and the building and Fourth Street Books. So, as Stacy mentioned in her report, we are showing our ADA ramp coming up to that extended portion of the deck to allow for clearance and accessibility to that portion and to the front door as well. The back area we are showing our patio tables and seating options, along with that landscaping, and we do agree with the plantings request and to include more planting and maybe higher planting taller stuff, so -- to help mitigate the noise and control that there. And then -- oh. We have string lights that would go across that back patio area, just to help with the ambiance and the fun environment, you know, as you are enjoying your book in the evening. So, this is kind of a schematic design of the floor plan and how it would be now. So, we are showing some of the furniture, the bookcases, some seating options and we have a little pop-up room there in the back, which would be for local artists and merchandise. So, people can come, enjoy that, purchase things and support those people. The cafe area is very small. There will be no cooking or baking in this area. It will all be outsourced.

Major: You wouldn't want me cooking that for you.

Buzzini: Chelsea will not be cooking. So, just -- that is another item to address. Another -- just to kind of conclude. I got a fun phone call this morning from a resident who used to live across the street. He grew up and knew the original owner of the home. Her name was Nancy Mary Sage and she was actually Meridian's librarian for 70 years and she was also awarded Woman of the Year -- I want to get it right. 1972. And she had a really big passion for books and literature and I just thought it was a super fun thing to share, since Chelsea's bringing it kind of back to her original home, so --

Major: Thank you so much for your time and we will be here for any questions.

Seal: Commissioners, do we have any questions for the applicant or staff? Commissioner Grace, go ahead.

Grace: I have a couple of questions and they are a little eclectic. They don't really go with each other, so --

Major: That's okay.

Grace: -- if you could just bear with me. Do you know when it's -- it's completely up and running what the occupancy limit would be?

Buzzini: Yeah. So, I did a rough occupancy count under mercantile occupancy and I have 12 people for the interior occupancy load. For the exterior backyard I have it calculated by table, with six to eight people per table. I'm calculating 25 to 30 under occupancy of assembly. And, then, for the front porch I also calculated it by assembly occupancy and I have ten to 12 per with table.

Grace: So, in total, if my math is correct, roughly 30'ish?

Buzzini: Yeah.

Grace: Or did I miss -- I might have missed -- when taking notes I might have missed --

Buzzini: Like 30 total.

Grace: Yeah.

Buzzini: Oh. It would be probably closer to 30, 50 -- 40, 50 on like a large event day.

Grace: Yeah. I must have missed something there. I apologize.

Buzzini: Oh. Sorry.

Grace: No. That's on me. In the -- Mr. Chairman, follow up. In the backyard activities, once they get up and running, do you anticipate any -- it says planned activities, events. Any like live music or anything like that?

Major: So, what we had really envisioned was more like literary readings. So, poetry readings. When we said open mic I think there was a little confusion, too, as is it an open mic music show and open mic was actually open mic for like literary events. So, authors coming and reading their work. We really do a lot of work with the younger artists and maker scene. There is a local nonprofit that focuses on that and they actually do a lot with our authors that haven't been published yet. So, that's more of what we would be envisioning. If we did do music it would be like in pairing with like a yoga class. So, like acoustic guitar is kind of more of line of thought we are thinking.

Grace: Mr. Chairman, just -- last question.

Seal: Go ahead.

Grace: Given that many people do you think, just looking at the map of Pine Street, if it's a pretty active evening, do you think that that is enough parking on Pine Street?

Major: And that's why we would be leveraging not just Pine, but the public lots across from Pine where it's about a three to four minute walk, as well as partnering with Meridian gathering and community space, which has additional spots as well.

Grace: Okay. Thank you.

Smith: Mr. Chair?

Seal: Commissioner Smith, go ahead.

Smith: I also have a couple of eclectic question. Seems like we are in an eclectic mood tonight. First questions for staff. So, for temporary use permits are those events specific? I don't know -- it's 160 days. I want to make sure it's not -- they get --

Hersh: Mr. Chair, Commissioner Smith, so, yes, it's specific for events and you get it for that total time period of that many days per year and so they are wanting to use it in the warmer months and not in the winter months.

Smith: Okay. Thank you. That is helpful. Another question. If you could go back a slide or two. I just -- yeah. The internal layout. I just want to make sure I'm getting a good understanding of this. It looks like there is a lot of seating internally. I'm just -- at full disclosure I'm a huge book lover and so I'm just curious where the books are intended to actually go in the space. It looks like there is --

Major: Yeah. So some of this design doesn't have as many bookshelves as would actually be there. I think that's part of the -- just like the design platform. But, basically, books would align -- line up on all of the walls. So, right where you see the couch today, that would actually just be more of a window seat and, then, we would have like floating shelves next to it and above. And, then, we also do really have -- since it is an older home -- taller ceilings. I want to say they are ten foot. So, they would be floor to ceiling, too, as well. One of the interesting things when we were talking to Kenneth who lived across the street and actually mowed the lawn for Nancy Sage was that you would be surprised how many bookshelves -- she had every bookshelf on every wall. So, kind of trying to really replicate that as well. But giving a little bit of space if you are wanting to take your coffee and read a book.

Buzzini: And those little squares are bookshelves along the wall.

Smith: Yeah.

Buzzini: I don't know if --

Major: We would -- we would expand them out from what you see here.

Smith: That's helpful. Thank you. Last question. And I think it's kind of something that we are getting at is I don't -- it seems like on -- in a given day -- you know, day to day there is -- there might be some parking friction, but it seems like, obviously, this isn't a

huge space and it's not concerned about necessarily massive parking issues, but it's specifically the events; right? And so if we are calculating say 50 -- 50 people or so, that's -- let's say two people a car and let's say worst case scenario no one rides a bike at 25 cars. So, that's where I get a little concerned and so my -- my main question is --especially with, you know, the downtown still kind of beginning this shift in this kind of -- kind of awkward growing phase. You know, what are the -- I guess what are the mitigation effects beyond -- obviously, there is communication in working, but are there any -- are there any plans for say an event that has significant interest? Is there opportunities to move it to a different location? I know you just --

Major: Definitely so. I know Hidden Gem Events actually recently has really started up doing a lot of other events as well and they have that full backyard space and additional area kind of closer to Carlton and Main Street. So, there is definitely opportunities to do other locations as well and I don't -- I don't think we will stop doing that. We actually really love going into other local businesses. So, I don't think that would change. I think it would just be based on the event, why we are ticketing in advance, so we get that head count so we have an idea of when do we need to plan to, when do we need to shift.

Smith: Thank you.

Wheeler: Mr. Chair?

Seal: Go right ahead.

Wheeler: Just a quick question here to -- Chelsea; right?

Major: Yes.

Wheeler: Okay. So, on the -- have you already gone to like some of these -- like the Masonic lodge, the Gathering, these other places --

Major: Yes.

Wheeler: -- you have permission to go ahead and park here and let them know your hours and all that kind of stuff.

Major: Yeah. So, we just got confirmation from the Meridian Gathering Place today. I believe the Masonic Lodge is public parking.

Buzzini: Yeah. On weekdays up to 6:00 p.m.

Wheeler: Okay. All right. So, if there was any gatherings that were after 6:00 p.m. then that parking space there -- that parking area wouldn't be there, but there will be other ones there.

Major: Correct.

Wheeler: Okay. All right. And, then, you said that you would also be able to -- or be able to somehow advertise, hey, come, park in these locations, maps and things like that for some of these other events that might be coming up in the evenings or what have you; right?

Major: Yes. Definitely. And how I think about it as well is we really want to promote people going to the other businesses, not just ours, so part of that is coming into downtown Meridian or if you are living in the downtown Meridian area, taking, you know, your bike or walking down. I mean I walked here today.

Wheeler: Yeah. Yeah. And that's where I kind of see it as like on days like this, be able to enjoy a walk through town, so -- thank you.

Seal: Anything further?

Lorcher: Mr. Chair?

Seal: Go right ahead.

Lorcher: Did -- what was the reaction to your next door neighbor to this property?

Major: There was definitely some frustration around the location of it being a bookstore and having beer and wine, as well as coffee and tea. And, then, the noise -- there was feedback around the alleyway and the alleyway people rushing down it today and that being a concern for grandchildren and -- and I do understand that, which is why we are putting signs in the alleyway and also, you know, I try to live and walk in this area as well and be sensitive to those concerns as well.

Lorcher: Thank you.

Seal: Anything further? All right.

Hall: Mr. Chair, we can start with Tom McGoldrick. Oh, I'm sorry.

Seal: We will come back to you here in just a minute. Thank you. Good evening, sir. Need your name and address for the record and, please, speak right into one of the microphones there if you would.

McGoldrick: My name is Tom McGoldrick. 330 East State Avenue just around the corner from this -- this property. So, just dive in?

Seal: Absolutely.

McGoldrick: Okay. I'm recently retired from 30 years of business management. That's what I did. I went into businesses that were failing, turned them around. That's what I

did and that's where I retired from. So, I do have a little bit of business experience and I do a little bit of research. I have done research on used bookstores. High volume. Very low profit. Bankruptcy level for one person's business is 20 customers per hour. So, that's going to kind of give you an idea of how many books that you need to sell. Approximately, you know, what, a couple thousand books a week or somewhere in that range. Now you're going to have to have parking for a truck. Uber. Amazon is not going to be able to deliver the books just for the book sales. They are talking about alcohol here. Where are you going to park the truck? You have parking for two cars out front. Are you willing to make special parking permits for alcohol, Coors Light trucks, Budweiser trucks, to deliver to stay in the middle of the road to block people's driveways, to park in the alley. What kind of concessions are we going to take about that? While we are talking about alcohol here, I challenge you to go to any bar in town and ask them what they do for security. Every single one of them know the issues, the problems when you have alcohol and public. So, they have hired people to take care of issues that may come up in case they can take care of it before the police get there. I haven't heard any provisions about this. Most of the talks about this have been somebody playing a guitar and somebody reading the book. You got ten bookshelves. They don't have enough bookshelves to even handle the sales that they are talking about. So, now we are relying on the alcohol. What are we going to do for us that are living there with alcohol, with the noise, the issues, the problems? Because this is a residential area. This is our house. I have been here over 20 years and I really hate to move to another town that's more residential friendly because somebody wants to move a -- a bar into my backyard. So, I'm sorry, I seem a little bit heated about this, but I am. I would like to ask for 150,000 dollar cash bond for a ten year term to be placed under my address for the fact that if this comes in I can no longer live here because of the noise, the alcohol or the troubles that may come around and I'm unable to sell for market value, even if it's ten dollars, whatever the current market value is, I should be able to sell for market value and not have to go at a loss, because I'm not accepting of business here. They are accepting it. So, they should be putting up the 150,000 dollar bond. If nothing happens after ten years they can have their money back. If I have to sell at a reduced cost I should be reimbursed, because it's not my business. So, these are pretty much my -- my quick -- short quick feelings here. I know a lot of people want to speak, so --

Seal: Okay. Thank you, sir. Appreciate it.

Hall: Becky Logue.

Logue: Can you hear me?

Seal: Yeah. Yeah. Speak right into the microphone. And we will take your name and address and you can adjust it if you need to there.

Logue: My name is Becky Logue and I live across the street from the proposed bookstore.

Seal: What's the address?



Logue: I don't live there. I own the property across the street. 404 East Pine Avenue.

Seal: Okay.

Logue: And I did e-mail, obviously. My main concern is parking. There is the two spots in front and one behind. That neighborhood is all the old houses where they don't have garages, so we all park on the street. That's your only spots. You know, there is -- and this is a -- it's a half of a lot of what those -- all those houses are down there. So, it's a very small postage stamp. Definitely not meant for even 20 people to be in. It's 800 square foot. It's -- it's very tiny. The backyard is very small and it also backs up to a couple empty lots that -- there is kids that play through there and I know the way people drive down those alleys and through those empty lots, it's -- it won't be pretty at all for safety wise for any of those kids. This is four blocks from downtown. It's not in downtown. This is a neighborhood and it definitely will lower the value of all of our homes. I'm just -- the safety is a big concern for me. The parking is huge, because we all need to come home and have a place to park and it's really -- it's really bothered that there is not going to be that. So, that's -- that's my main concern and I guess that's all I have to say.

Seal: Thanks very much.

Hall: We have Mr. Logue.

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

M.Logue: Merton Logue. 404 East Pine. Just across from where the proposed bookstore wine bar is at. My concern primarily is very much on the same page as everybody you have already heard testimony from so far and I'm also in business, I can empathize with young entrepreneurs that want to, you know, do something like this, the passion and everything behind that. The issue I have is I don't think this fits the Old Town zoning deal. It's four blocks from downtown. It's surrounded by residential all around it. The parking displacement. I feel that if we have a business in play it needs to be able to support itself. It shouldn't be relying on cannibalizing other parking or the potential to cannibalize other parking or rely on parking that they have no control over. As we know this -- a lot changed in our area in the growth, things are going to change, and that parking may be here today, but it might be gone tomorrow and, then, what are we going to do? So, once we have zoned something there is no unzoning it. There is no going back. There -- there is -- there is look at this thing from the proper standpoint and view and make sure that whatever decision we are making today is not just for the people that are going to be there today. These folks might go in there with great intentions. I have to say there is no business plan that was presented. I asked how is the money going to -- you know, where is it going to come to support what you are going to do here? You got to pay people. You got to pay the rent. You got to pay the light bill. And it was, well, we are going to do books and we will sell wine and beer and -- and we think we will have an open mic and we might do some yoga and -- there was just no plan and if you don't have a plan in business you are going to fail and I get the hopes and dreams part of it, the passion, the emotion. That sounds wonderful. I also have some pictures -- and I didn't know if you

guys accept that for -- with testimony support, but all those pictures we saw presented are all really nice pictures. They are beautiful. They have things taken care of. The landscape looks good. You should go drive by that property today. There is no care there. It's overgrown. The weeds have already started. If their intent is to be a good neighbor they are not demonstrating that now and if you are not demonstrating it now you are not going to demonstrate it down the future and to me personally I don't think this is about a bookstore. I think this is about getting the property rezoned and, then, once that's done then they -- then they will take the next step. So, I hope you guys take everything into consideration of what we are talking about and not just now, but what's coming down the road in the future, which is what I think is important and I didn't hear anything in -- in staff's report on the fire marshal and fire chief and his input on what this was and -- and the fire lanes and stuff to access this, because the -- the alleyway itself -- and what it has for access, we all know we can put signs up, people are always going to go the path of least resistance. I heard a comment, yeah, on a day like today it's nice to take a walk. Absolutely. But not all days are like today. We got four seasons here and we got a pretty severe winter and people aren't going to want to walk there. They are going to want to park right there. So, I just think we need to be reasonable. This -- we are trying to do the wrong -- the wrong type of business in the wrong place and that's that -- at the end of the day that's -- it's real simple here. I'm not in favor of this. It should not be approved. Thank you very much.

Seal: Thanks. Appreciate it.

Hall: Leonard Cunnington.

Seal: Good evening, sir. Need your name and address for the record and the floor is yours.

Cunnington: My name is Leonard Cunnington. I live at 834 Northeast Fourth Street. It's kind of kitty corner across from where the bookstore is going to be and been there about 40 years and we have experienced pretty much very little theft or crime at my property, but I feel that with the increase of people and -- that things are probably going to start disappearing and -- especially when it gets close to dark. I also have a concern about -- a lot of us have grown old there and some of our wives are not in good health. We need to live in a peaceful, quiet neighborhood. I also have concerns that have already been mentioned by all of the other testimony tonight. The parking. The noise. Child safety. I have a grandchild that stays at my house. Traffic safety. When vending trucks come and go that was mentioned earlier and also delivery trucks, like UPS and FedEx and pretty much I think with the testimony that's already been given, the -- kind of painting a fairly clear picture that this area really isn't appropriate for what -- what -- what they want to do there and that's all I have to say. Thank you.

Seal: Thank you, sir. Appreciate it.

Hall: Melissa Baker.

Baker: Good evening. Can you hear me?

Seal: Yes, ma'am.

Baker: My name is Melissa Baker. I live at 225 South Linder Road, unit L-103. I wrote up a little something, but real quick before I get started, I just would like to counter some things -- some concerns that I have heard so far and hopefully alleviate some of those concerns. Not parking necessarily, but more so the noise. I understand the concern with maybe beer and wine being associated with rowdiness. I have heard wine bar. I have heard bar. I love to party and also I like to read books separately. You can't be drunk and you can't appreciate a book. It's not that kind of atmosphere. That might be what's in your head and what's making some people nervous, but it is very possible to sit quietly and enjoy a glass of wine and maybe some light music is playing, maybe it's not. It's very possible that it can be both. It can be peaceful and -- and have a small selection of beer and wine for profit purposes I would say mostly. So, for the -- turning it hopefully to a positive note. The first time I encountered Fourth Street Books it was Pearl House Collective as it still is. I was new in town and I came home from a local maker's market one weekend and I -- I remember telling my boyfriend how I met this cool, kind bookstore owner and I picked up a book from her. That was Chelsea. And I'm not saying that she should have a bookstore, because she's cool and kind, but she did make me feel welcome here and it was probably the first time that I felt part of the community. Had books. Talking about books. Having a place to enjoy and appreciate books does bring people together like that and what I bought that day was a powerful work of poetry, it's called I Am The Rage. I don't remember everywhere I took that book and I don't remember every poem, but I guarantee you some of my time was spent at a coffee shop or a brewery. I think that's why I can so vividly picture myself and others spending time and money. Drinking a coffee while browsing the shelves, reading in this quaint, locally owned, house-shaped independent bookstore. We don't have anything like that right now and I think it would be a perfect addition to that area. Thank you.

Seal: Thank you very much.

Hall: Neily Larsen.

Larsen: My name is Neily Larsen and I live at 318 East Pine Avenue, which is basically the backyard of the Fourth Street Bookstore. My kids play in the empty lot that faces there that I imagine a lot of these people that are using this will use as an entryway to probably either try to park or use as a shortcut to drive through. My kids run and play in this alleyway and kids -- I mean people use the alleyway now as a raceway. If we add more parking to it it's only going to get worse. I also -- they play -- we park our cars along Pine. My neighbor parks their cars along Pine. The picture that was referenced -- I don't know when they took that picture, because there is cars constantly parked on Pine. The noise. I have two small children, are -- it's literally in our backyard. Our -- their bedroom is right there. I don't know if you can see this -- oh, you can't see it in this picture, but I mean there is plenty of concerns that I'm just not -- I also like to read a good book, but I don't want the noise and the extra people in my backyard. That's all I have.

Seal: Okay. Thank you very much.

Hall: Judy Larsen.

Seal: Good evening, ma'am. I just need your name and address.

Larsen: Judy Larsen. 331 East State Avenue, Meridian. We only have -- this bookstore is in the alley and we live right next to it. So, we are going to get it all. The noise, the cars and everything. We own three pieces of property around it and there just isn't any parking and there is at least 12 or more children that live in the neighborhood. I just -- it's not the right place. It's not a safe place for the kids with all the extra cars. Anything else. Plus the wine and the beer and that -- it's just -- it's our home and it's just not right. She has a place on Third. Put the bookstore there. There is plenty of room. I just don't want it in my backyard. Thank you.

Seal: Thank you, ma'am.

Hall: Shelby -- I'm going to try your last name. Ugarriza. I apologize.

Seal: We will know how close you got here in just a second.

Ugarriza: Either one?

Seal: Either one. Just step up to the microphone. Need your name and address and the floor is yours.

Ugarriza: Shelby Ugarriza. 412 East Pine. I know. She nailed it.

Seal: There you go.

Ugarriza: 412 East Pine Avenue. We live across the street and down one house. We have been there almost 30 years. Lived here 45 years. When we met with Chelsea at the meet and greet she had mentioned so many plans. She had six slashes in this plan. It was a bookshop slash coffee shop slash bar slash open mic night slash and, then, she threw yoga studio in there. The open mic night got a little on edge with that just because of the microphone out there. Noise ordinance is to 11:00. She says she will stop at 10:00. Noise ordinances is until 11:00 though. The gal on Linder that just was up, she said that it was a quaint house shaped business and we have had nothing like that in Meridian. We did. It was the library coffee shop and bookstore and it was the busiest place in Meridian and you could not find parking. So, we have had that. Only a couple of us have driveways. Everyone jockeys for the street parking. The pictures that they showed they took when everybody was gone. Those are all parking spots for the residents. Let's see. A couple of the technical things that I kind of thought of when I first heard about this was she wants to transfer it to Old Town -- or rezone it to Old Town. There are certain things that are allowed in Old Town zone under an accessory use permit. Easy peasy. Because

she wants to get a conditional use permit that concerns me that this is going to be something that is so much high profile -- or so high profile that it doesn't fit under an accessory use permit. That -- that's what's scary to all of the residents. I think that somebody mentioned, you know, hijacking the parking spots of all of the other parking lots out there. I don't think that's a resolution. I think it's an act of desperation. Trees aren't going to mitigate our concerns. The concerns aren't something that a tree can mitigate. It's the parking. It's the wrong business, wrong place, wrong time. It's the alcohol in a neighborhood. We are not downtown. The closest bar is two blocks down and two blocks over, not across the street from all of us and our children and our grandchildren. They mentioned they have an occupancy of 40 to 50 is what they have been calculating. With -- she told us she had one parking space when we met with the neighborhood meeting and now that they have got two. Occupancy 50 possible. I made it just by the hair. Okay. That's all I have got. Thank you.

Seal: Thank you very much. Appreciate it.

Hall: Josh Cummings.

Seal: Good evening. Give us your address and the floor is yours.

Cummings: Great. Josh Cummings. 5945 North Senita Hills in Meridian. About three miles north of here. So, I did not walk or ride my bike. Mr. Chair and Fellow Commissioners, I would like to pose one question to you. How many applicants come to you and face zero opposition? Probably not very many; right? Ultimately it comes down to the not in my backyard crowd, which is a viable, you know, concern for a lot of people. I am a real estate broker and owner of Crossroads Realty, as well as a small business owner. I own a carwash in town. And I would like to pose to the neighbors. Would you prefer a small bookstore or would you prefer a convicted felon sex offender moving into the house as Class C property? Because I can guarantee you highest and best use is not going to be as a rental property. It's going to be as a small, quaint neighborhood shop and if you don't like a bookstore next door, imagine what your life would look like if your meth dealing, ex-con moves in, because this is a fairly low rent district and that's potentially what could happen with this property. I would like to say that culturally Meridian needs shops like this and it will greatly enhance the downtown area. You know, I live a few miles away, but I can envision bringing my children here. You know, I have got a 15 year old and a 12 year old and I would love to drive down and park at Generations Plaza and walk over to support a local business, because I'm a small business owner myself. It's challenging. Yes, there are challenges. It's tough to make a buck. But I guarantee you the applicant is not doing this to make a quick buck. The Major family is invested in our community and that's reflected by the fact that she single handedly started the Meridian Library Alliance, which recently gathered a lot of attention based on some contentious issues and some folks that wanted to basically shut down the library district, which we all know that's probably not the best course of action for our community. So, I would just like to conclude by saying I support this rezone and I think it will add to the flavor of downtown Meridian and potentially enhance property values, as opposed to the alternative. Thank you.

Seal: Thank you, sir. Appreciate it.

Hall: Rene Yerby.

Seal: Good evening, sir.

Yerby: Rene Yerby. 404 East State Avenue. So, we are -- from our front porch we just look kitty corner and see the front of this business. So, one of our biggest concerns -- well, we have lived there for 20 years, my wife and I, and we have got grandkids that come and play. Concerned about the traffic. Getting run over. Kids. Concerned about security. We have got -- you know, right now it's a fairly safe neighborhood. A lot of the neighbors don't lock their cars. They will leave their bicycle out front. Whatever. That's -- that's gone. That's going to be gone. And, then, being realistic about this parking, I mean this is -- this is crazy. If there is 50 -- well 50 possible people, even if you say there is only 25 cars, whatever, what people do realistically is they go to the business to look for that one good parking spot. Oh, it's full. Okay. So, now they are going to take the very next empty spot. I mean they can legally take it. It's a street parking. So, everybody, starting from that house, every legal parking spot will be taken guaranteed. That's the way people are. I have dealt with customers 17 years with our -- our small business. You can make all the, you know, guidelines and please do this, but customers ultimately are going to do -- a lot of them are going to do what they are going to do and they go for convenience and they are going to fill up all those spots. So, the parking thing is totally crazy. Security is going to be bad. You know, we don't know what the noise is going to be, but it's not going to be good. It's just -- it's just a bad idea. This is -- this is crazy. I - - and I hope you guys weigh the local people's testimony more than people that live on Linder or three miles away or wherever. I mean we have -- we have a dog in the fight. What -- what do these other people have? Well, it would be nice. That's all we got.

Seal: Thanks, sir.

Hal: Sharon Taylor.

Taylor: Good evening.

Seal: Good evening.

Taylor: Hi. I'm nervous. This is the first time I have ever done this, but I live at 930 Northeast Fourth Street. I live kitty corner across the street from this house. Like she said, you might be able to park two cars in front of her house. I can park two cars in front of my front -- you know, front of my house and my front door. My granddaughter is at my house. She's five years old. She's there four days a week. My daughter -- I live next door to my daughter on State and so she's also there. We have approximately probably 20 children in that facility, right around between Fifth and Fourth and, then, across the street and we already have the police that come and patrol our street off and on, because we have people driving so fast on that street, you know, cutting through or even people

directly across the street from us. They drive really fast and my -- one of my biggest fears is a child's going to run out in the street and we do have a lady that lives down on Fourth -- on Fifth on the corner. She has five children and those children play in their front yard. There is no fence. They are out in the street sometimes and somebody's going to get hurt and like it's already been said, it's our neighborhood. And the picture of their backyard is a great picture, but I really don't think that that backyard is that big, you know, to be honest with you. It's a very small house and she says there is other parking, but on Idaho parking in front of Truffles -- you can't find a parking space during the day with the businesses that are there. So, I don't see how she thinks that people are going to be able to park in these other parking spaces and like the whole -- sorry. The whole neighborhood has -- like was told we don't have garages. We -- if we have a second person that comes and visits us we have no parking and when they have like the parade and stuff our street is packed. You know, you can't even park in front of your own house, let alone having all these people come and go. And the alcohol bothers me. I'm sorry. I don't care if you are reading a book and you are drinking and you are in a good mood, you might drink one or two many -- many drinks. And the alley itself is -- my -- my biggest concern -- oh. And one other thing I wanted to mention. She said that she was bringing outside food. But she didn't say how she's bringing outside food. If she's having trucks drop it off. Is she having -- is she having food trucks parking or -- you know, park outside for certain times that she's going to serve food, you know? And so there is so much that isn't being told of what's going to happen and if this house is rezoned and she doesn't make it, then, what other type of business can come in that's going to affect our neighborhood, you know? And the fact that, you know, a sex offender could move into -- into the -- that house. But a very nice family could move into that house also and -- you know. So, my biggest concern is we are going to end up with a dead kid. We are going to end up with theft. We are going to end up with a lot. We have a very family neighborhood right now. Everybody's really friendly. Everybody knows every -- well, not everybody, but everybody is concerned for everybody. We watch out for our neighbors. If we see anything happen we are on top of it. I have called the police two or three times for the -- I had one guy do like 65 down in front of my house the other day and he thought it was funny, you know, and -- I don't know. I don't -- I feel like I'm just rattling on, but you guys have to realize this is our neighborhood. This is our home, you know, and the pizza parlor that is on Main Street that has the -- the upper, when they have their nights and they have their mics on and they have their music, I can hear it and I'm, what, two or three blocks away. Thank you.

Seal: Thank you.

Hall: Marshall Major.

Seal: Good evening, Marshall. Long time no see.

M.Major: Yeah. My name is Marshall Major and I live at 3107 South Tagish Place in Meridian. Chase is my son. Chelsea is my daughter-in-law. And I wanted to bring up two things. First of all, I'm a lifelong Idahoan and I get the fear of the change, but in the City of Meridian's future land use map this is Old Town and it's hard being the first and I

hear the concerns, but I also know the character of Chase and Chelsea Major and I just want to speak on their behalf, because I -- I hear the concerns of the neighbors, but I know that Chelsea in her business will care about the neighborhood, will be part of the neighborhood. She is part of the neighborhood. She lives a half a block away. And it will make it a better place and a fun place to just hang out with -- but it takes a willingness to try and a willingness to trust and a willingness to step past the fear of change that is coming. So, at the end of the day I think what I want to share is that I recognize the fears and the concerns and that change is hard, but it's hard to be the first and I appreciate the willingness for everybody to listen to the story. Thanks.

Seal: Thanks a lot. Appreciate it.

Hall: Mr. Nick Grove.

Seal: I don't know if we can let him speak. He -- he deserted us. Name and address for the record and the floor is yours, sir.

Grove: All right. I have some handouts that I am going to give to you all. It's also been e-mailed to you, so it is in the public record already, but rather than trying to get this pulled up I will show it to you now. All right. So, my name is Nick Grove. My address is 1536 Northwest 1st Street. I'm here as a downtown resident, not in any of my other capacities that I hold. I have lived and worked in downtown for several years and there are a lot of what ifs being thrown out here tonight. That is not what you all are making a decision on. You are making a decision on what is in the city's code and what is in the best interest of the city long term. Looking at the documents that are the guiding principles of the city, the Comprehensive Plan that outlines what Old Town is and why it is and that is to make a mixed use environment that is conducive to a vibrant city and has economic development and historic vitality in and of its nature and so looking at what this business will bring to downtown is a -- an important aspect of understanding what you need to be making a decision on tonight. It's not about the what ifs of what if kids are playing in the street. That is not what you are making the decision on. You are not making a decision on what if -- the home value. So, I know a lot of people here tonight are maybe new to this process, but you are not here to dictate that -- a lot of the things that are brought up tonight. What is in front of you is not the concerns that are being made. The concerns that are being made are the same on almost every single project that you will hear tonight and what you will hear two weeks from now and two weeks from then, no matter what part of the city you are in it's the exact same concerns and it comes down to -- as a few people have said -- not in my backyard. I have sat on a lot of committees that are representative of downtown from the Downtown Business Association, to the Chamber, to the comprehensive steering committee for the city and this is exactly the type of stuff that we need in downtown. Hopefully you can look at the document and it shows the parking and the idea of why it is important to have foot traffic, which is what this business will help create throughout. So, thank you all.

Seal: Thank you, sir.



Hall: Mr. Chair, that is the end of online signups now.

Seal: Okay. Anybody else in the audience that would like to come up and testify? Ma'am, go right ahead. Get you right up to the microphone and we will need your name and address for the record, please.

Miles: Nikki Miles. 505 East Pine. Corner of Fifth and Pine. Initially when we met as a neighborhood about this business endeavor it makes sense. It's a very small building bookstore. But because of the small volume of books that would be available for purchase, other than her online business, she has to make money some other way. So, beer and wine has been equated to bar, has been equated to a -- a great concern for the locals. I have only been here in -- on that home for two years. A lot of these people have lived here for decades. But I think it's being blown out of proportion as far as her -- the number. I think she's actually blown this out of proportion for the neighbors. I don't think her backyard can accommodate as many people as -- and as many tables comfortably for a venue that she's hosting. I don't think the number of people interior is what she's going to be able to achieve. I don't think your fire department would allow that. But I do think conceptually if she stays focused on books and she has her espressos and perhaps beer and wine for her guests for cultural events or literary events and not walk in off the street customers, is the -- excuse me. The walk in off the street, which is a great concern for these folks and children do play -- they don't play in -- they may play up on Idaho, but certainly not on Pine.

Seal: Please don't. Folks, please, keep it down. The person at the microphone has the microphone. Thank you.

Miles: So, now I'm going to throw a real curve before my time is up. What struck me was when I received -- I'm not against this, but she -- the individuals have to tame this in and give some level of comfort to the city and to the neighbors that this is not all doom and gloom, but what concerned me was when I received the postcard and I turned it over and I started asking my neighbors what does planned commercial arterial mean and -- and what little time I gave myself to try to figure this out, I'm more concerned about that and I'm concerned that while they are trying to preserve their investment and trying to preserve their quality of life -- or we all are. I will speak for myself as well. That Harbor Freight at 8:45 p.m. hauling three trailers and other commercial companies hauling two trailers is not going to be unusual in the future. That Pine Avenue with those pretty little lanterns for night lighting is connecting Emerald with Cherry. It's commercial. It's no longer residential. The Mayor, the Transportation Department and other stakeholders at the city, in cooperation with ACHD, is turning Pine into an Emerald and a Cherry for cross -- cross-town traffic taking an easier route for commercial trucking and commercial businesses. It's just an easier route, rather than going up to Franklin or Overland. So, their quality of life is -- I'm selling. I can't handle the traffic as it is. I -- it's too emotional for me to watch children trying to cross, people running buses -- and this isn't -- this isn't their problem, but the quality of life for residents in this area is already disrupted and has come from very unconscionable decisions made at ACHD in Meridian's level. But I do believe that a bookstore and a nice little entertainment venue for literary projects I think is very

appropriate.

Seal: Thank you much. Anybody else? Ma'am. Good evening.

Marino: Good evening. My name is Anna Marino. I'm at 6700 West Ustick. I had the thought of in Boise there is Hyde Park. I'm sure -- have you guys all been over to Hyde Park? It is in the middle of a residential area and I think if you use that as a model you have to look at our kids getting run over on 13th Street. I believe it's 13th Street. Is parking -- is it tight? Yeah. Is that part of the experience of going down there to the businesses? Yeah. It's part of it, but it -- because it's great you find a parking spot. I would also say these businesses in Hyde Park, they also sell beer and wine and the last time I was down there I didn't see people starving on the streets. The types of people that a bookstore is going to bring in, they are not hardcore partiers and, again, they are not coming to party at a bookstore. The parking I can understand for the residents. So, I would -- I don't know -- a thought I had. Is it possible to put no parking signs within a one or two block vicinity for residents that want that? I don't know. I don't know the city code if that's possible. But if there is a way to protect their parking spaces and add to the richness of Meridian -- and, by the way, I'm -- I'm a native Idahoan. My grandma lived on Pine. I'm very familiar with the area. And part of -- part of making Meridian great is growth and growth is hard, but it's necessary. So, that's all I want to say.

Seal: Okay. Thank you. Ma'am, if you want to come up.

Black: Lisa Black. I live at 1867 Charolais Drive in Meridian, but I also own Truffles Etc. in downtown Boise on Idaho Avenue and I just -- I'm here on behalf of Chelsea and her character and just what she would bring to the downtown area. I'm excited about having the foot traffic that -- you know, you have got the parking garage that's coming in. I know it's kind of at a standstill right now, but we are going to have that additional parking, which will help, that will regenerate people walking in downtown Meridian. We would love the - more traffic, more customers to bring that down and I think that's a great idea. We have collaborated together over the last year on her bookstore and she's a woman of character, she does what she says. She gets the job done. She does it well. And I just hope you guys decide that this is a great fit for downtown Meridian and it is great to not have another bar or another vape shop or things along that area. We need some more culture in downtown Meridian. Thank you.

Seal: Thank you. Anybody else? Go ahead and come up.

Yerby: Hello. My name is Vonda Yerby. I live at 404 East State Avenue, right on the corner of State and Fourth. So, I look out my front door and I see this property and I want to start with saying I have nothing against them personally. I think they are nice people. I hope that, you know, they can do all the things that they want to do to make themselves happy, but at the same time I have lived in that neighborhood over 20 years and I would like to be happy where I live, where I invested my money in my home, that I want to stay at, you know, until I'm no longer alive and I don't want to have to look out my door and see a bar and I know she said it's a bookstore and -- and that's wonderful. I love to read

and I have nothing against a bookstore. But reality is I don't think she's going to be able to sell enough books to keep the lights on, you know. How are you going to sell enough books -- you have got to have something else there and so she's going to bring in food. She's not going to cook it there. Well, she's going to bring it in. Food trucks or, you know, catering or whatever, you know, that takes a lot of traffic. Then she's, you know, going to have to have the beer and wine to help supplement things. You know, I -- I understand that she doesn't want it to be a bar, she wants it to be a bookstore. However, if you are not making money selling books and you are making money selling beer and wine, let's sell some beer and wine and 10:00 o'clock is when she wants to close. Well, that's good for right now, but what if in a few months she decides she wants to be open later, beer and wine you can be open until 2:00, you know, and that -- we live there. That's our home. And I know it's -- there is change and everything, but, you know, what, everybody that's spoke for this doesn't live there. Those of us who live there that are going to have to deal with the traffic, a lot of elderly people that live there that can't walk for very far to carry their groceries in, because they don't have a parking spot in front of their house anymore. You know, that -- those are problems that when you go into trying to open a business you are so excited about your business that you don't necessarily see the effect of the neighborhood and who lives there and, you know, we have got several friends that are elderly on oxygen that live right there that can't even hardly make it to their car that's parked in front of their house. What are they going to do when all the parking right in front of their house is gone? How are they going to get where they need to go, you know, and, yeah, there is a lot of little kids in the neighborhood and, no, they shouldn't be playing in the road, but, you know what, kids are kids and they play on the road. They play on the sidewalk. They -- you know, they run around, they ride their bikes and, no, we don't want anybody to hurt them, but, you know, if you have got somebody in their drinking, whether they were -- started out reading a book or not, if they have had a few too many drinks and they take off and not -- don't pay attention, you know, we got kids hurt and it's -- it's very concerning.

Seal: Thank you. Anybody else? Good evening.

Klaner: Hi. My name is Sarah Klaner. 418 East Pine Avenue. I have three things that are concerns of ours at our property. We are directly impacted by the proposed parking areas along Pine. We don't have -- as some of our neighbors have said, we don't have a garage. We park one vehicle in our small driveway and one on the street. Most of our neighbors do park at least one vehicle on the street as well and so that is a concern that when we come home we are not going to have anywhere to park. When we come home are we going to have to park by the Masonic Lodge and walk home for one. For two, was the other concern -- I have heard as well about once we change the zoning, if this isn't a bookstore what comes next in our neighborhood with our children and our families. The other concern that I haven't heard quite yet is how many restrooms does this property have. If we are going to be having say 50 people and events, what are we doing for -- to accommodate restrooms? Are we bringing in a bunch of porta potties and putting them in an alley or putting them in the backyard? You know that was another concern is, you know, how are we mitigating the possibility of people being on the alleyway peeing because of a line of ten, 15 people to use the restroom. So, those were just some of our concerns.

Seal: Thank you. Anyone else like to come up? No one? All right. Would the applicant like to come back up?

Major: All right. Nothing like civil dialogue, eh? So, again, thank you for taking the time to hear us today. I did want to call out just a couple clarifications. In terms of trucks, for example, the volume of beer and wine that we would actually be expected to have would not be large trucks, like not an 18 wheeler. While not big trucks it would be really getting them from the local breweries directly and bringing them over, which can be done with a truck, like a normal -- we have a truck. A Jeep. And, then, in terms of food being brought in, I just wanted to clarify that would not be food trucks, that would be potentially some local baked goods. Bread to go with the beer or to go with their croissant; right? So, I'm going to come in the morning, get food from a local bakery, have that brought in, but that wouldn't be a delivery truck size. And then -- I mean I just wanted to say again, you know, I do live in the area. I live off of Third. I am right by Cole Valley today and I have people who park near me, park on my street. I have only had once or twice where someone's accidentally parked in front of my driveway, but it does happen and so I think, you know, part of that is understanding where downtown Meridian is growing. But, hopefully, we are looking forward to what we want downtown Meridian to be and what we want to bring to our community. So, I thank you for your time and I don't know if Ashley wanted to add any additional comment.

Buzzini: Yes. I just want to address the restroom comment. I will -- we will work with the building department if it gets there, but in the 2018 IBC under the mercantile occupancies there is an exception that if there is under a hundred occupants that one single restroom facility, ADA, could be an option as well.

Major: And one -- one other just comment in terms of the business details around this. I have spent a decade in corporate finance. I left corporate finance because I really wanted to pursue something that I thought was meaningful for our community. I still do part-time consulting. That's how I'm actually funding this bookstore. It's not something that's going to be making a ton of profit, which we generally don't. The margins are very small. I'm not ignorant or unaware of those things. That's why I still do part-time consulting. But I do understand that in order to bring a community together we have to have things that are challenging and we have to do things that are tough and I generally thrive on both of these things. So, thank you.

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

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher, go right ahead.

Lorcher: Chelsea, I'm just curious on how you acquired or decided on this location for your concept.

Major: Yeah. Definitely. So, part of this comes from inspiration in, you know, Hyde Park as well as other bookstores you have seen across the U.S., really building on the concept of a bookstore, but I did not want it to just feel like a cold leased space, I wanted it to be a space that people could sit and enjoy and really thrive in. So, we did look for, basically, under 1500 square feet. That was part of the actual requirement when we did our analysis and we were looking at properties nearby. So, that was part of the decision making process.

Seal: I got a quick question for staff. On the -- the operating hours as far as code in this district. What -- what -- what's the code around that?

Hersh: Mr. Chair, so code -- when a business is next to residential is 6:00 a.m. to 11:00 p.m.

Seal: Okay.

Hersh: It's restricted.

Seal: Okay.

Hersh: And conditions are in the staff report that state such.

Seal: Okay. Then on the delivery truck portion of it, is there a possibility that you can -- and I don't even know how this would work in this area. I apologize for not knowing this. But is there a way to have an area designated for deliveries? And I'm thinking more along the lines of Amazon, UPS and things like that, because they ignore all rules all the time everywhere. So, I just -- if there was some -- someplace that was designated for deliveries that would probably help for sure and I can't see a large beverage truck pulling up and, you know, taking up space and things like that, so I can definitely see that it would be something -- you know, Amazon delivery truck or smaller.

Major: So, today, Amazon, I order quarterly, because of the smaller volume of events that I do in terms of bringing my books to venues that exist and I get Amazon shipments probably every quarter. Comes in a normal Amazon truck. It comes to my house on Third. I could continue doing that and haul them over to Fourth Street. I'm actually okay with that. It's not that far. Of course, then, I would have to probably drive or get some sort of vehicle, because I cannot crate that many books over by myself. In addition to that, I would look to more likely ordering on a monthly basis. So, it would be a once-a-month delivery. It would probably be set, you know, today, my -- my deliveries are all Monday through Friday just based on the distributor and that's how that works.

Seal: Okay.

Wheeler: Mr. Chair?

Seal: Go right ahead.

Wheeler: Chelsea, just a couple of questions here. One is do you have a liquor license?

Major: No. So, we would not be getting a liquor license. We would just be going for a beer and wine license and we won't kick off that process until the rezone is approved.

Wheeler: Okay. So, you are not a bar?

Major: No.

Wheeler: Okay. Secondly, are you -- or do you have any sort of, you know, safety plan or anything like that, like some of the customers -- or customers. Sorry. Some of the citizens here went ahead and talked about, like, you know, sometimes people do take one to many or sometimes, you know, you get a lot of people that's there, you know, some sort of emergency happens. Do you have any sort of mitigating factors on that?

Major: Yeah. So, I know some businesses offer options as well. If -- if someone needs a ride home or it needs a carpool option, so those can be incorporated into our plan as well. In addition to that, you know, I know a lot of the venues today have like the -- I clearly don't drink enough, but the little drinking tests. It's called --

Wheeler: Oh, yeah. Breathalyzer?

Major: Yeah. Thank you. Breathalyzers. And we could have something like that, but, again, that's also why we are not planning to serve liquor. We really want to just keep it to beer and wine and canned beers and wine. I don't want to have tap lines. I don't want to have large volumes of alcohol. I want it to just be supplementary.

Wheeler: Perfect. Okay. And the books -- okay. Yeah. That's it. Thank you.

Major: Thank you very much.

Smith: Mr. Chair?

Seal: Commissioner Smith, go ahead.

Smith: Thank you. Just a little bit more detail on some logistic stuff, especially around books, is most of the volume that the books get there -- Amazon deliveries, is that, you know, I guess what share of that is you kind of just -- as you come to work that day, you know, ferrying some books with you that you picked up somewhere else. How much of it is Amazon deliveries kind of the cadence and --

Major: Yeah. So, today I'm close to a 70-30 split probably will stay close to that in terms of new versus used. I know used bookstores actually struggle a little bit more. So, used bookstores -- I acquire those books by hand going to thrift stores and -- I can't tell you all of my sources. And, then, new books we do get through the distributor, which would be sent primarily through Amazon. So, that would be the -- the breakdown today.

Smith: Thank you.

Seal: Commissioner Grace, go ahead.

Grace: Thanks, Mr. Chairman. Chelsea, I appreciate your background and your business background you mentioned and so this question comes sort of from that perspective. Would you say that the -- you're a bookstore that's augmented by some beer and wine or would you say that your business primarily will be -- financially your business will primarily be the service of the food and -- and drinks, but with a little bit of ability to read books?

Major: So, I would say the goal is to make it a bookstore in terms of what we are focusing on, what we are staffing, what we are promoting. We would have a financial component from the micro cafe as we are calling it, which would really just be beverage. Like I mentioned there would be some baked goods, but I would say it's probably more of a 60-40 split. Hopefully moving more books are on top of that. The piece that I actually didn't call out in the neighborhood meeting and I thought about later -- we covered a lot about parking -- is that I also have an online model. So, I do get online revenue, both from audiobook sales, as well as digital purchases, both within people buying locally and across the U.S. So, that would continue to factor into our -- our business plan.

Grace: Thanks.

Seal: So, will this have a digital component to it? Technology wise. I mean instead of coming in and grabbing a paperback book, people have the opportunity to digitally download that content from -- right from the store; correct?

Major: So, those are different things. So, there is digital content, which is more like e-reader content. I don't actually dabble in that today. It's primarily managed by Amazon. So, what I'm talking about is actually ordering books -- physical books digitally. So, you can go to my online site and order any book that I don't have on my shelves, as well as anything I do carry and that would be sent directly from our distributor. That doesn't even come out of my door, so I'm not warehousing it. There is really great and independent organizations that partner with independent bookstores, including Libro FM for audiobooks and bookshop.org to support any bookstore. So, I basically get commission from those platforms.

Seal: As far as the -- kind of a community gathering place is there going to be opportunity for kind of community games, game night type things? I -- in -- in my mind I have seen a lot of places that are starting to pop up that literally are just -- you just go there to play games. So, is that something that would be part of this? And just trying to think of the community involvement and, you know, how to get more of that.

Major: I mean I like -- what's the one with the -- cornhole. Cornhole, something like that. I don't think we have a lot of space to do much more complex games, if you will.

Seal: Okay. It's more like Monopoly, card games --

Major: Oh, yeah. Card games.

Seal: Okay.

Major: Yeah. Old fashion board games. Yeah.

Seal: Okay. Any other questions? Anything else for the -- for staff? No. All right. Do you have anything further for us or -- no?

Major: Thank you so much for your time.

Seal: Thank you. Appreciate it. With that I will take a motion to close the public hearing for file H-2023-0010, Fourth Street Books-Pearl House Collective.

Grace: So moved.

Smith: Second.

Seal: It's been moved and seconded to close the public hearing for File No. H-2023-0010. All in favor say aye. Opposed? Public hearing is closed.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Seal: Who would like to go first?

Wheeler: I will, Mr. -- Mr. Chair, if you will still allow me.

Seal: I will -- I will allow it this time.

Wheeler: Just one time. Okay. So, I think it's really a neat idea to see this and put in a vision of just a gathering place where people can come, enjoy, look, read a book, have a little glass of wine or beer and just be there socially as a place of escape from -- whether it be their house, which maybe is not as organized and so here is a little respite or to come and travel and meet up with friends in a central location like this. I see this -- this vision and that's why I think it's not as defined as -- yeah, sure, maybe cornhole. Yeah, sure, maybe yoga. It's this idea of let's just make this a place where people can come and meet and I just so happen to have it and that's what I see here. So, it's kind of like a lot of heart lead -- you know, as a Commission we don't validate business plans, insurance, equity portions, stakeholders, shareholders. We are looking at a rezone. That's something that's already marked on the FLUM. So, those kinds of things are not our risk on those things with the business plans and there is many business plans that were looked at lock solid that next thing you know they are foreclosed. So, those aren't our ideas to look through. I have been in bars before. I have never seen shelves for books. So, I don't -- I don't think this is the avenue or the direction it is trying to go. I'm kind of interested to see how this will play out. I know that there are definitely parking and traffic



issues that's there. That's not unique to Pine Street. To State. It's not unique to anywhere here. But the mitigation of that and the protection of that and how to look at it is something that needs to be factored in and one of the things that struck me as we listened to the -- to our citizens talk and this vision that the applicant brought forward, is that what was laid out also are all the obstacles why this should fail. All the problems why it shouldn't succeed. And those issues of the noisy -- of the neighbors and the kids and the night time and the troubles to parking and everything like that could be all the reasons why she could also say, yeah, let's not do it. But she wants to move forward and try to bring something nice into the community and there is a -- there is a risk-reward with that, too, and someone that actually lives close in proximity. So, to me that I see this, I see it as someone that just kind of has a heart for the downtown Meridian and a different avenue than Josh Evarts, but still have somebody that has a heart for it and wants to do something that can bring it up, so --

Seal: Thank you. Commissioner Lorcher?

Lorcher: Mr. Chair.

Seal: Go right ahead.

Lorcher: Just so everybody knows that when we vote on this tonight it is a recommendation to City Council. We are not the deciding body here tonight. We weigh in based on what is in the best interest of the city and what is in the best interest of our community and our long-term growth that fits into our Comprehensive Plan. A precedent has been set on that side of the community. There have been antique stores, hair salons, real estate offices. A law office that's at Carleton and 2nd used to be a convenience store and my husband said that, you know, when he was younger that the kids that were -- used to be at the middle -- the mid high, which is now Cole Christian, you know, would go over there during the day to be able to get little things. If you are anywhere between 2nd and Carlton or 3rd and State, the parking between the post office and the school is just crazy already. I go to the post office daily for my business and I have given up on trying to pull into the parking lot. You know, I will park on Main Street and it's the effect of people who love Meridian and want to live here. We are over, what, 110,000 in our community and Old Town is definitely taking some of those effects. With that in mind, to be able to diversify and offer different types of Independent businesses, not corporate box stores, is something that rarely happens in our community. We continue to get big box stores and chains that are put all over our community and the opportunity for independent people to have a business are far and few between and if using the example of Hyde Park as a vision of what Old Town could look like to become a vibrant, walkable, independent place to be able to live and work and not everything be on Eagle Road or everything on Overland Road, so that we see Old Town vibrant, I would be in favor of this. Understanding that the community and the people who live there and the open lots that are there belong to someone else and that can become someone else's house, it could become someone else's business. So, unless you own it we -- you don't have control of it. It just happens to be there. Working with the fire department and the police department to make sure that people are following the speed limits will continue to be important. I

don't -- I drive that area daily. I'm very thoughtful, because it's small side streets and small homes and I don't see the people racing, but I only come, you know, maybe a half hour each day and that's probably not the time that that happens. But, you know, she -- she seems to be a good -- wants to be a good neighbor and wants to be part of your community and support your community and I can't think of a better business for small children than a bookstore.

Smith: Mr. Chair?

Seal: Commissioner Smith.

Smith: Thank you. I think -- you know, I'm going to have a lot of thoughts. I'm going to try to keep in mind that -- you know, try and -- try not to go too long. I just want to read really quickly from the staff report -- and I assume this comes from the Comprehensive Plan, but feel free to correct me if I'm wrong. The property is designated Old Town on the future land use map designation. I'm going to skip a couple lines. But sample uses include offices, retail, lodging, theaters, restaurants and service retail for surrounding residents and visitors. A variety of residential uses are also envisioned and could include reuse of existing buildings, new construction of multi-family residential, over ground floor retail or office uses. So, that pretty much seems -- this seems to fit that definition to a tee and this -- I know there is concern about a rezone. It's not currently Old Town, but in the future land use map it is Old Town. It's designed to be part of -- it's meant to be part of this downtown Meridian and -- and I get it, it's really tough sometimes with change and I know there is a lot of what ifs, but those what ifs go both ways. I know there has been talk of what if -- what if it stays residential and, you know, some unsavory character moves in. What if a really nice family moves in? Also heard what if this fails and it gets replaced by something else? Or what if someone is drunk driving in this area? What if it becomes a really nice area for the community to get together? What if it becomes not a risk for children in the area, but their favorite place to read a book? So, I think -- we can't dabble in what ifs. Those are all theoretically possible. But we have to understand the intention for this area being part of the Old Town part of -- just downtown Meridian and understand the reality that there is a lot of discussion around transportation in this area, public transit, parking, growth, businesses and there is kind of this cold start problem where, well, people aren't going to use public transit unless they have places to go and they are not going to have places to go unless there is people to -- you know, there is not going to be places to go unless there is adequate foot traffic and we have someone who, based on their involvement in the community, clearly cares about the area and is willing to -- you know, willing to be a first mover in this area and willing to help support this vision for a walkable Old Town and I think it's commendable. Yes, it's tough. It's -- this growth is -- it's like walking in a busy crowd. There is -- there is sometimes -- there is jostling and sometimes there is discomfort and overwhelmed, but a city that does not change over time dies. So, with that I understand the concerns. I'm empathetic. I have had similar things in areas where I have lived where there is concerns over growth and how that impacts me as a resident. I get it. But I think this is the right fit for this community, for this area of Meridian and what it's intended to be for the long run growth of the city and I really commend the applicant. I commend also the residents for speaking up. It is great

that you are here. This is valuable and commendable. But I -- in the end I do think this is a really valuable asset for this community.

Seal: Yeah. I will -- yeah. And I think -- I mean, you know, it's kind of been laid out that this is going to be -- if any of you remember, if it's even still there, the -- like the Busted Shovel downtown where, you know, people are going to go and hoot and holler and drink it up all night and there is going to be, you know, issues with alcohol and things like that. I just -- I don't get the sense that that's what this is. I think it's more designed to be something like Hyde Park, you know, and I -- I like Hyde Park, so -- my grandchildren come to town, we go down there and we get ice cream, we ride bikes, we do all that stuff. So, I -- you know, because it is Old Town feel, it's -- you know, even in a place like Hyde Park it's -- it's a little bit concerning sometimes to ride around down there, but it -- it is done safely by a lot of people and, you know, that's actually brought in a lot more. Basically you see the opposite down there where -- I mean if -- I wish I could afford to live in the Hyde Park District, so -- because I mean it's -- the value of housing down there has gone nothing but up, so -- you know, I don't have any fears as far as what something like this could do for property values. So, it's a risk. And as far as -- if this business fails -- and I'm sorry, you know, my -- what I was told by a mentor early on in technology is you always know the pioneers. They are the ones with the arrows in their back. So, you know, a lot of them fail. That's the -- that's kind of the -- the truth behind some of these endeavors. So, I don't hope that on any business. I hope to see, you know, that it is successful in some way. But that's -- if another bid -- if this business does fail and another business wants to come in there, it will have to go through the same process. So, I can guarantee you as somebody on this Commission where we are not -- we are just a recommending body. The City Council will decide this. But I mean I wouldn't recommend -- if I thought this was going to be something that was going to be, you know, loud music and people partying and things like that, I definitely wouldn't want to have this. I more equate this to -- like we have large gatherings in our backyard. I have a son that plays music. Our neighbors come over and enjoy it. So, hopefully, it's something more along those lines. Hopefully it becomes a gathering place. That's why I asked the question about the games and things like that. I mean is it a place where people are going to have to be careful that children are running around? Yes. I don't think there is anybody here that lives in a neighborhood -- I know I don't -- where people don't speed. People are not paying attention and there is just more and more and more of us. So, it becomes more frequent. It's a problem with growth. It's not necessarily a problem with the business, so -- as far as parking, I sympathize for you. I really do. I wish there was a solution to this, but they have a right to operate this business, you know, within our city code, within our future land use map. They are not doing anything outside of that. They are not asking for any special conditions to do so and they are public streets. You know, when we buy homes and we move into them we have to be aware. So, I was aware that I live next to a public golf course. I wasn't aware of all the traffic that would be generated by it. So, you know, I mean you want to talk about people that drink too much and drive -- drive home, live next to a golf course. You will see it. So, I mean -- I mean outside of the parking issues that this has the possibility to -- to make -- you know, I think that it's a good fit for the community. I mean -- I know there are people in my family that will flock to this. This is exactly what they are looking for, because they have lost their bookstores. You

know, if you can't buy it online you can't get it anymore. There is places where -- places like this where you can go and have an experience like you used to have are something that I think we need in our community, so -- sorry. And I think I have rambled on long enough. So, if anybody else would like to comment. Commissioner Grace.

Grace: Thanks, Mr. Chairman. I do applaud the small business effort. I think that's always a good thing and I want to support that and stand behind that. It seems like when I first read through the material, a quieter activity, it's certainly a positive activity; right? Reading in a bookstore. And it's consistent with what the downtown area is being designed to do, increase the foot traffic. With that said, though, I think Mr. Major said it the best when he said that the first one in is always the hardest and I know there is probably some other type of -- of activities there that are -- that are not just residential and so it is difficult to take -- you know, to see what this is going to become. I have no doubt Chelsea and -- and Ashley, you are people of character and quality people and you care about your neighbors. I'm just concerned it's a coffee, beer, wine bar masquerading as a bookstore and it's easy for me to say, living up in the north part of -- of Meridian that I would -- you know, that I would vote for this. I would -- I think it's a great activity. I would love to patronize it myself -- myself. But it seems like it's still just a resident -- has a residential flavor to it still. It hasn't quite turned the corner into that Old Town. I know what it's -- I know what the FLUM says. I know what it's -- what it's zoned as. But it doesn't seem like it's there yet. The parking, the noise, the -- the security issues, I guess, and the fact that -- that residents don't have garages is a big concern for me. I would say this. I can't disagree with what my -- my fellow Commissioners have said. I can't. I -- no one said anything I disagreed with. But there is something about this that just doesn't sit right with me and I do think it's worth considering for all the neighbors. It's coming. It is coming. And if it's -- this is probably the least intrusive type of activity that might fill a spot like that. So, if it seems like that I have been a little bit back and forth on this, I really have. I have gone back and forth about twice in the course of this meeting alone, so -- but I have to -- I have to consider that if I was a resident there I probably would feel the same way and I would say, Nick, I -- I respectfully -- I respect the heck out of Nick. We were colleagues at one time. But I do think this is exactly the kind of thing this Commission is meant to consider, these concerns from the citizens, and so not that it appears it would make much difference, but I probably will be voting against this.

Seal: Thank you.

Wheeler: Mr. Chair?

Seal: Go ahead.

Wheeler: One of the things, too, I just realized we didn't talk about either, just real quickly, was the reason why they are asking for a -- let me see if I can find it here real quickly. A permit. And it's just because it's an outdoor activity, just like anytime there is a drive up they have to get a conditional use permit no matter what. So, this permit is because it's an outdoor activity. Is that -- staff, am I correct on that? Is that the reason why they have to ask for it, because there will be outdoor activities held?

Seal: But the CUP's actually been pulled from it. So, that -- so, they are not going to be doing that at all, then, is that what you are saying? Is that what I'm understanding?

Hersh: Mr. Chair, Commissioner Wheeler, so the CUP is pulled, because staff can't support approving an outdoor entertainment next to residential. It's not allowed within 50 feet. However, they are allowed to pull a temporary use permit through the clerk's office for events for 160 days a year and, then, that's all they get.

Wheeler: Right. And that's what I was referencing.

Hersh: And we have limited the time for that, too, so --

Wheeler: Okay. So, that's what I was referencing. I was saying the permit.

Hersh: Oh. So, it's -- it's the temporary use permit.

Wheeler: Temporary use permit, not the conditional use permit.

Hersh: Correct.

Wheeler: Right? Okay. So, I was saying the same thing.

Hersh: Oh. Okay.

Wheeler: We are just getting crossed in the way that that was said then. And that's just because it's an outdoor activity; correct?

Hersh: That is correct.

Wheeler: Okay. All right. Okay. I just wanted to make sure, then, on that, so -- well, I'm ready to make a motion.

Parsons: Mr. Chair, if I can just elaborate on a couple things that I heard.

Seal: Absolutely.

Parsons: And I have to say I applaud the neighborhood for coming out, because that's what this process is about. It's good to see you guys here and caring about your neighborhood and the community, because that's how all of us feel about Meridian as well. So, we take your -- your comments very seriously as we deliberate and we work on these projects. But there are a couple things that I want to clear up. One, I'm glad you touched on the permit, because one of the residents had brought up that conditional use permit and there is still some miscommunication behind that. So, essentially, we need you to acknowledge the withdrawal of the conditional use permit tonight. So, as it transitions from you to City Council, Council -- the agenda will be amended to exclude the CUP and only include the rezone. So, please, include that in your motion tonight. The

other thing is to -- some of the testimony you heard tonight is, yes, there is a Comprehensive Plan and there is a FLUM designation and you rezone, then, the plan supports what the applicant wants to do with the rezone. But there is also other companion documents that go along with that and one of those documents is what we call Destination Downtown and the only reason why I'm bringing this up is because this neighborhood is part of the neighborhood preservation area as part of that plan and so the idea behind that designation was to preserve neighborhoods and keep that identity. So, although this may seem like it's added character, the plan still does support neighborhood retail and when you look at the size of this building, the size of the lot and what she's actually going to do with the property, she's going to rehabilitate it, make it better and make it neighborhood serving. I think we can get to the -- at least let the neighbors know that, yes, we hear you, we understand, but it's still fitting in not only with the Comprehensive Plan, but also the vision in the Destination Downtown plan. I have sat through a lot of these hearings and parking and traffic continue to be topics of discussion at almost every hearing and because this is a rezone and staff is not recommending a development agreement as part of that rezone, there really are no conditions for you to take under consideration tonight. We are not recommending a development agreement to go along with such a small property. So, really, we are talking tonight about whether or not rezoning this from a residential district to a commercial zone -- or a mixed use zone works for this business owner and we find it does and we have heard a lot of terms like eclectic. Well, Old Town is an eclectic zoning district. It allows a mix of residential, it allows a mix of commercial uses. So, that's the vision for this area. So, anyways, I just wanted to go on the record just to clarify some of those points that, again, we want to preserve the neighborhood. I want the neighbors to know that, that is part of the plan, the vision, is to preserve your area, but we also recognize that the area is transitioning and one of those -- the first step in that transition is this first property owner. The other step was when we improved Pine and added on-street parking and put in the bulb outs and made that investment to improve that transportation corridor, so that we could have a nice entry into downtown and help spur some of this redevelopment in our downtown area, because to your point a vibrant downtown is an important downtown for our city.

Seal: Thank you, Bill. Appreciate it. Anything else, Commissioners? So, you heard Bill's instruction if you are going to make a motion.

Wheeler: Yes.

Seal: Okay,

Wheeler: Yes. I would like to go ahead and make a motion here then. After considering all staff, applicant, and public testimony, I move to recommend approval to the City Council File No. H-2023-0010 as presented in the staff report for the hearing date of May 18th, 2023, with the following modification: That the CUP for outdoor events will be withdrawn.

Smith: Second.

Seal: It's been moved and seconded to approve File No. H-2023-0010 with the aforementioned modifications. All in favor, please, say aye. Opposed?

Grace: Nay.

Seal: Madam Clerk, do you have that?

Hall: Yes.

Seal: All right.

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

Seal: Thank you all. We really do appreciate the feedback and I know it doesn't always go one -- it always goes one way or another and some will be happy and some won't, but you also have to go through City Council. So, part two. And with that we will take a five minute bio break. Thanks, everyone.

(Recess: 8:09 p.m. to 8:19 p.m.)

**5. Public Hearing for Dutch Bros at Ten Mile (H-2023-0020) by  
Barghausen Consulting Engineers, Inc., located at 320 S. Ten Mile  
Rd.**

- A. Request: Conditional Use Permit for a new approximate 5,825-foot multitenant building with a drive-through located within 300 feet of an existing drive-through facility, residential district and existing residence.

Seal: All right, everybody. We will go ahead and reconvene here and we will open up the file for H-2023-0020 for Dutch Bros at Ten Mile and we will begin with the staff report.

Hersh: Thank you, Commission. The applicant is here and submitted -- is going to present their project for Dutch Brothers at Ten Mile and they submitted a conditional use permit. The site consists of 1.5 acres of land, zoned C-G, located at 320 and 330 South Ten Mile Road. History on the property is it was annexed in 2013 and -- and there is a recent development agreement in 2021. The Comprehensive Plan FLUM designation is mixed use commercial and the summary of the request -- request is a conditional use permit for a new 5,825 square foot multi-tenant building with a dual drive thru for Dutch Brothers coffee restaurant on approximately 1.5 acres of land in the C-G zoning district to allow the requested drive through use within 300 feet of another drive through facility residential district and existing residence. The proposed multi-tenant building will include space to accommodate the Dutch Brothers coffee and up to three additional tenants upon project completion. The proposed site layout for the Dutch Brothers coffee facility includes a separate stacking lane that provides a queuing space for up to 27 vehicles, which is located behind the drive through window. The drive through itself starts at the

north side of the building and exits at the southeast side facing South Innovation Lane. At this location the company has proposed implementing a runner system where employees will take orders and charge customers in person while walking alongside vehicles in the stacking lane and customers may also place their orders at the window when there are no cars in line. If there is excessive overflow from the drive through lane it will be stacking into the parking lot from the east, rather than spilling into South Innovation Lane or West Cobalt -- Cobalt Drive. The concept plan also shows that stacking lane is separate from the drive aisles and parking, which allows for easy access to the rest of the development. Access is proposed on the site from South Innovation Lane, a private street on the west side of the property, and the collector road to the south, West Cobalt Drive. Vehicles will enter the site from the east and will either park in the lot in front of the drive through or continue to the west along one of the 12 --12 feet drive through lanes merging to the coffee kiosk and exiting back to the drive aisle to the south. There is an escape lane provided just south of the coffee kiosk that exits to the drive aisle to the south. Direct access to South Ten Mile Road is prohibited. A minimum of one parking space is required per 250 square feet of gross floor area based on the square footage of the multi-tenant building. A minimum of 23 parking spaces are required and the applicant has proposed 35 parking space exceeding the UDC standards. Landscaping. The street buffer along Ten Mile Road and West Cobalt Road was constructed with the improvements for the Ten Mile Creek Subdivision No. 1 for the common open area and site improvements. Staff recommends the existing landscape buffers along South Ten Mile Road and West Cobalt Drive remain in place and shall be protected during construction on the site per the UDC. According to the UDC table a 25 foot wide landscape buffer is required adjacent to residential uses. However, in this case the property lines meet in the middle of the drive aisles, meaning that the use is not contiguous to the residential property. And that is on the west side. Additionally, the adjacent residential use has already incorporated a landscape buffer, sidewalk, and garages aligning the private drive, which provides additional screening and buffering. Parking lot landscaping is required in the parking lot per the UDC standard. Staff recommends that a landscape strip be added on the east side of the parking lot in front of the parking stalls with a width of three to four feet and that would be on the east next to the entrance. This will prevent vehicles from cutting through the parking lot. To accommodate the landscaped strip the parking stalls adjacent to the building can be reduced to 17 feet in length and the drive aisles can be reduced to 25 feet in width. The perimeter landscape buffer around the building drive aisles should be five feet in width and per the UDC each planter that serves a double row of parking spaces shall have at least two trees and shall be covered with low shrubs, lawn or other vegetative cover to meet the UDC requirements. Mentioned above, the landscape plan should be updated in the CZC submittal to show an additional tree in the two planters that serve the double row of parking stalls. Conceptual building elevations were submitted for the proposed project. Building materials consist of fiber cement siding, stucco, metal roofing, stone veneer and Eldorado stone. Canopy soffit and natural northwestern spruce and glazing. Final design is required to comply with the adopted Ten Mile Crossing design guidelines. There is no written testimony for this project and staff is recommending approval of the conditional use permit with the provisions listed in the staff report in accordance with the findings and that concludes staff's report and if you have any questions I will stand to hear



them.

Seal: Okay. Thanks very much. Would the applicant like to come forward?

Uy: Hi. My name is Brianna Uy. I am a project planner with Barghausen Consulting Engineers representing Shayna Randall on this project and along with me I have Dustin, who is our architect from Connect Architecture Studios. And if you guys have any questions we are here and happy to answer them for you, but that was a great presentation of our project and covered all the details. We have also read the staff report and agree with the things that need to be updated.

Seal: Okay. And did we get your address?

Uy: Oh. My address. Yeah. Washington address. 18215 72nd Avenue, South Kent, Washington. 98032.

Seal: Great. Thank you very much. Commissioners, do we have any questions for the applicant?

Smith: Mr. Chair?

Seal: Go right ahead.

Smith: A couple of questions. One, I just want to make sure I'm looking at the elevations right. It looks like there is a walk up for Dutch Bros. Is that -- am I looking at that correctly?

Randall: That is correct. Yes.

Smith: Got it. Awesome. And, then, out of curiosity what kind of other tenants do you expect to kind of be filling these other three locations? Specifically in respect to the parking availability in that lot?

Randall: You know, I -- we haven't had specific conversations on specific tenants, but they are meant to be kind of small retail uses, whether it be clothing or, you know, along that nature. But nothing as far as large commercial kitchens and restaurants, if you will.

Smith: Okay. Thank you. And, then, last question -- if we go back to the view -- the bird's eye view with the layout -- that works. So, it looks like there are -- if I'm looking at this correctly, it looks like there is a -- you know, the one drive from the business. There is one drive aisle, a set of parking stalls, another drive aisle or -- you know. And, then, another handful of parking stalls. I'm just curious one thought -- and I'm putting on the hat, you know, I have seen worn at some city council meeting, so I'm just trying to, you know, get ahead of some of these. If I'm -- first of all, I want to confirm -- am I looking at that correctly? Those are parking spots and that -- after that second drive aisle?

Randall: Yes.

Smith: Okay.

Randall: You have a row of parking as you will enter in. That's the first row you see a single row of parking and, then, the -- a drive aisle, then, you have a double stack and, then, you have parking and, then, you have a small area of parking in front of the building as well.

Smith: Yeah. So, with that, especially from that -- the aisle right when you come in, you know, the furthest from -- from the building, is there -- I don't see any kind of walking path either, you know, kind of displayed -- visually marked or kind of designed from -- if I'm parking in that -- that lot. Is there -- is there kind of something that's been contemplated for how -- if you are parking in that -- that row, right, as you come in further away from the buildings, you know, the route that someone would take to avoid -- specifically to avoid the sides of the drive aisle. I'm assuming -- I'm imagining I guess in my head.

Randall: It would -- it is basic commercial parking, if you will. So, there are -- you know, you would provide all your ADA access and areas for people that have issues with walking, but it would be much like any commercial parking lot where you were parking out on a lot and you would make your way to the store.

Smith: Yeah.

Randall: Typically you are not going to see a whole lot, unless you have a major development with multi large box stores and, then, you probably are going to see a little bit more of a walking route from -- from and to other box stores. But because we are a single commercial building there was not the additional need for additional walks. We do provide an access from the public right of way for any walking individuals. Most people that will be using Dutch Bros -- Dutch Bros is kind of 90 percent drive through and ten percent walk up. So, most of the uses would be -- you know, would be -- those would be the car -- the additional parking spots.

Smith: Yeah. That makes sense. I guess my thought is -- and this is -- I understand this is an exaggeration, but this is the closest analogy that I can think of. It's -- it's imagining parking and you are kind of in this eye of a storm, if you will, where there is drive -- you drive through and there is cars queuing and coming in and out around you and if that -- if that -- those parking stalls -- that longest set of parking stalls in the middle -- the kind of middle section, if those are filled, the only way for someone to get around is either you have to, you know, shimmy your way through the parked cars or go around in -- kind of adjacent to traffic. So, it might literally -- it could be as simple as, you know, maybe do I have the dimensions wrong? Would there be space maybe alongside that landscaping that separates the parking stalls from the drive aisle that someone could walk without getting into the drive aisle specifically.

Randall: No. There is not. You -- it's all designed as typical parking spaces. An access would be no different if you were parking at a grocery store -- at the back line of the

grocery store and making your way to the front of the store. I just -- it is not a large enough site to allow for additional walking. We provided, you know, as many parking spaces as we could for -- for the additional tenants as they come in and allow for their growth, but an internal pathway and walkway just is not kind of -- it's an additional cost that is not really conducive to promoting the rest of the businesses. I could see it if we had separate multi-tenant buildings. That would be a location where we would want to provide internal walkways to other stores and other locations as they try to move throughout a very busy area, but because the tenants are in one location and that direction is, you know, a straightforward direction to walk to, we would not provide internal pathways. If it's something that is going to deny us here, we would take a look at that, but it just would not be a good use of internal space as we see it.

Smith: Yeah. So, to be clear, I'm -- I'm not concerned about necessarily denying this based on this. This is a -- this is a question that has -- I have seen come up in past City Council hearings, especially with other Dutch Bros and other drive through.

Randall: And that's kind of why we provided the space for the drive throughs at the perimeter of the -- of the use. As you can see, you know, all of our drive aisles and drive through spaces are utilizing the exterior or the outside circle of our development and not necessarily at the interior. We paid special attention to that to keep all vehicular main traffic driving away from the parking area. So, that is the reason why we have entered in our drive through on the furthest side away from that, so that if there is extra cars that stuck out that they can stick out onto the property and they can stay away from the parking areas, as well as on the other side where the cars are leaving, we keep them on the outside of the property and circle them back out onto the main street so that they are -- that we do not have a bunch of traffic trying to cross through the parking areas for drive through, because people get antsy and try to get into those drive throughs and get their cup of coffee and so we keep that circulation away from the center parking area.

Smith: One last thing -- one last comment and it's more of a comment than a question. I understand those. The difference here between say a grocery store is usually the grocery store the -- the parking drive aisles you can -- you can walk along the rears of cars and not -- if -- they are perpendicular or they are -- yeah, they are perpendicular to the building not parallel to the building and so what here is happening is you are basically just -- in order to ensure that traffic stays away from pedestrians and vice versa, you are hoping that at least maybe two of those stalls that are in line with one another are able to be passed through -- pass through easily or else someone has to walk in the drive aisle that kind of negates the benefit of keeping things on the periphery. So, that's -- that's all my comment and, you know, I don't know that it's enough to for me to vote against this, I just think that's -- that's an issue that --

Randall: Our parking -- our parking stalls are 20 feet here, so your typical cars are not that long. I would say that you are going to be able to walk along the backside of cars just as you would any other parking lot. You can walk in between cars, because we are still maintaining the standard parking size spaces as you would any other development in the City of Meridian and being able to walk through from one parking area to the next as

you make it to a store is not going to be hindered by -- it's not tight compact parking. It's -- it's meant to be a development standard that follows city standards for parking and so there is plenty of room in between cars. You have to allow cars to be able to have access to -- for people to get in and out of those vehicles and safely transfer from car to the store. So, all of it has been designed on civil standards that meet all those requirements.

Wheeler: Mr. Chair -- okay. So, I have a question, too, then, based upon that. Are you going to put like marking arrows or like exit here on the -- on the asphalt or signage?

Randall: Yes. It's kind of hard to see on the exhibit that's up on the screen now, but there are arrows -- we do like at the escape lane that was spoke about, as you are leaving that escape lane you can see there is a public access that comes across from the city sidewalk. That says stop there. We have many directional signage items that go around the site as well that direct cars where they are to leave and where they are to come to. So, that is one thing that Dutch Bros does very well is traffic mitigation, because they are very well aware of the amount of traffic that they get at their drive throughs. So, on top of the directional signage, both painted on the ground and physical signage, you also have what are called line busters that work for Dutch Bros. and they are kind of schooled in being able to help direct traffic, as you will, as -- as the business gets busy they help people leave and escape. They help direct people and provide direction as individuals and the -- the Andrews typically have about three line busters out there, because their stores are very busy, so --

Wheeler: Perfect. Thank you.

Randall: Yeah. You're welcome.

Seal: Is this the first of this concept where you have other businesses in the same -- same building?

Randall: Not -- not for Dutch Bros themselves. In your area it is going to be one of the first Dutch Bros as an endcap unit. I do know that they have one other location in an adjacent town that is also an endcap unit and it's quite busy and people use -- use it quite a bit. So, it's not a new venture for Dutch Bros or -- or the tenants that are building this, it is a current business model that they are actually running, so --

Seal: Okay. Thank you. Commissioners, any other questions? Do we have anybody --

Hall: Mr. Chair, we do not.

Seal: Anybody in the audience want to testify? I will give you a free coffee. I'm just kidding.

Randall: I would like to say that Dutch Bros is very active in their community and they do give out quite a bit. They have days where they will hand out -- they have special days

where they hand out stickers and -- and they do give free drinks and they are actively -- they give one percent of -- one percent of their profits back to community efforts. So, whether it be with the local police force or community drives for the homeless and the hungry, they do pitch back into their community quite a bit and I know the Randalls do quite a bit around their community as well.

Wheeler: Mr. Chair?

Seal: Yes, sir. Go ahead.

Wheeler: With that I think tomorrow is drink one for Dane; right?

Randall: I think you are correct. Yes.

Wheeler: Yeah. I think so. So, like I said, you guys make an impact on this community. Or at least this guy.

Randall: I hope that's a good way. I see the smile. It is a good thing.

Wheeler: It is.

Randall: Yes, they are -- they are a good group of people and since I have been working with the Andrews here they -- they do quite a bit of business in the area and they are active and making sure that their businesses make a good impact on the community.

Seal: All right. Thank you very much. If we have nobody that wants to testify, I will -- and the applicant has nothing further to add, I will ask for a motion to close the public hearing for H-2023-0020.

Grace: So moved.

Lorcher: Second.

Seal: It's been moved and seconded to close the public hearing for H-2023-0020. All in favor, please, say aye. Opposed? Motion carries.

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

Seal: I will -- the only thing that -- and, you know, darn them for being so busy. Just the way that they have the two lanes now, instead of the opposing lanes where the escape lane kind of troubled me a little bit on this, because I can see that you are still probably going to have to wade through a pretty big line to get to that escape lane, but, you know -- I don't know. That's about the only thing that I have struggled with. I'm glad that staff made the recommendation to basically put the landscaping in at the entrance there, because I think that will definitely help to eliminate, you know, kind of cut through traffic as it tries to -- you know, instead of going the way that it's supposed to, it's going to make

people slow down, take the corner, go around and avoid just cutting through all the parking spaces in there. So, that was a good option in there. And outside of that there is a lot of Dutch Bros in the community and they all seem to be pretty successful. They seem to be right on with picking their spots to put the -- you know, the businesses and everything, so, you know, happy to see businesses growing here. Anybody else? I can't make a motion, so if anybody wants to throw in one.

Smith: Mr. Chair?

Seal: Absolutely.

Smith: Yeah. Just wanted to -- I think this is good. I'm going to support this. I just wanted to voice some of that heartburn around. I appreciate the intention to keep cars on the perimeter away from pedestrians, but if you are not able to find an easy way through the parked cars and, then, depending on the other tenants that are present in that building, that could be a relatively full parking area. If you are not able to find a route through those parking stalls, you are going to have to go around, which puts you directly into the drive aisle that we are trying to kind of keep cars away from pedestrians. So, I'm going to support this. I think this is good. I just think that there should probably be some additional consideration, especially, you know, before this makes its way to City Council to at least, you know, contemplate that a little bit more.

Randall: I would be happy, as well as I'm sure Brianna --

Seal: Oh.

Randall: I would be happy to take that comment back to the owners as well and review that with them. I appreciate the comment.

Seal: Okay. Thank you. We are actually closed for public comment, but we forgot to mute you there, so I appreciate the feedback.

Smith: Mr. Chair, Commissioner Lorcher just also reminded me this is a CUP, so I retract my before City Council.

Seal: Okay. Yeah. That's --

Smith: That's a request from -- from me for you --

Seal: Got you.

Smith: To help me sleep better at night.

Starman: Mr. Chairman, just for clarity, I would remind the Commission this is a conditional use permit, so you will be the deciding body. It will not be going to the Council.

Seal: Right. So, it should weigh heavily on --

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher, go right ahead.

Lorcher: After considering all staff, applicant, and public testimony, I move to recommend approval of File No. H-2023-0020 as presented in the staff report for the hearing date of May 18th, 2023.

Wheeler: Second.

Seal: It's been moved and seconded to approve File No. H-2023-0020 for Dutch Bros at Ten Mile with no modifications. All in favor, please, say aye. Any opposed? Motion carries. Thank you very much.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

**6. Public Hearing for Cole Valley Christian School Pre-K-12 (H-2023-0011) by LKV Architects, located at 7080 W. McMillan Rd.**

- A. Request: Annexation of 71.28 acres of land with an R-15 zoning district.
- B. Request: Conditional Use Permit for a 259,000 square foot private education institution for pre-kindergarten through 12th grade on 48.48 acres of land in the R-15 zoning district.

Seal: Okay. And with that we will open File No. H-2023-0011 for Cole Valley Christian School. We will begin with the staff report.

Allen: Thank you, Mr. Chair, Members of the Commission. The next application before you is a request for annexation and zoning and a conditional use permit. This site consists of 71.28 acres of land. It's zoned RUT in Ada county and it's located at 7080 West McMillan Road on the north side of McMillan, a quarter mile west of North McDermott Road. A property boundary adjustment has been tentatively approved by the county for this property for a land swap with the adjacent property owner at the southwest corner of the site, which will allow for the extension of Owyhee Storm Avenue along the project's west boundary. Final approval of the property boundary adjustment is required prior to City Council approval of the annexation ordinance. The Comprehensive Plan future land use map designation for this property is medium density residential, which typically calls for three to eight units per acre residential development. This property -- or this general vicinity has a school designation on them as well. This site is within the area governed by The Fields sub area plan. Annexation and zoning of 71.28 acres of land with an R-15, medium high density residential zoning district, is requested. The applicant proposes to develop 48.48 acres of the site with a private education institution in accord with the future

land use map and the Comprehensive Plan. The remaining approximate 23 acre portion of the site is anticipated to be used for future expansion of the school. Because the R-8 zoning district is the most appropriate district for the medium density residential designation and accommodates the proposed use, staff is recommending an R-8 zoning district instead of the proposed R-15 district for the subject property. A development agreement is recommended as a provision of annexation. If the future development area changes to a use other than an education institution staff recommends an amendment to the agreement is required to include an updated conceptual development plan. The annexation boundary does reflect the boundary of the proposed property boundary adjustment just for clarification. A conditional use permit is proposed for a private education institution on 48.48 acres of land in the -- it's required in the R-8 and the R-15 district, so we are good either way on that between what the applicant is proposing and what staff's recommending. The use requires a conditional use permit approval because it exceeds 250,000 square feet within a residential district. The square footage is 259,919 square feet. It includes lighted fields adjoining and within a residential district. It will generate an excess of 1,500 vehicle trips per day at approximately 4,132 trips per day. It takes access from a collector street, Owyhee Storm Avenue, and there is not a safe separate pedestrian and bike way access between the neighborhood and the school site. The only real neighborhood in this general area is directly to the south across McMillan Road. We do anticipate future residential developments surrounding the property, but that area is yet to develop. Cole Valley currently has two existing campuses that will be relocated and consolidated into the proposed building on the subject property. The proposed school will be for pre- kindergarten through 12th grade and the developed -- development area will include parking, access drives, open space for student play areas and outside athletic venues. The new facility will service approximately 1,825 students, with a potential to add 12 additional classrooms with future building additions on the south, east and west wings, totaling another 15,300 square feet to serve an additional 300 students. Four future portable classrooms are also planned on the site totaling another 8,400 square feet. Development of the school site will likely occur in two phases, but may occur in one. If phased, phase one is proposed to consist of all of the outside athletic venues, except the tennis courts. A portion of the southeast parking lot, public restroom, outbuilding, partial construction of Ersatz Road, partial extension of Owyhee Storm Avenue and the adjustment and piping of the Creason Lateral. Phase two is proposed to consist of building construction, remaining site development of parking lots, access points, play structures, extension of streets to the northern boundary of the school campus and the public utility connections. The gray areas on the plan are future development areas for the school. Owyhee Storm Avenue, a collector street planned along the west boundary of the site at the half mile and Ersatz Road, a local road planned by ITD along the east boundary of the site at the quarter mile providing access to properties adjacent to future State Highway 16 are proposed to be constructed from the southern boundary at McMillan Road to the northern boundary of the school campus with development. Just for clarification, the school campus -- if you can see my pointer ends right here. This is all one property. It has not been subdivided. So, there is an area here on the northern portion of the property that -- like I said is not proposed to develop at this time, but is planned for future expansion of the school. The extension of these streets is proposed to be phased as shown on the revised phasing plan there. To ensure timely



extension of these streets for future development in the area, staff is recommending these streets and associated detached sidewalks and multi-use pathways are constructed in their entirety with the first phase of development if ITD can obtain the right of way necessary for construction of Ersatz, which they are in the process of doing. Two driveway accesses are proposed via Owyhee Storm Avenue and two driveway accesses are proposed via Ersatz Place Road. No access is proposed or allowed via McMillan Road. Off-street parking is depicted on the site plan in excess of the minimum standards. A minimum of 742 spaces are required at full build out. That's including the possible classroom additions to the building and the portable classrooms. A total of 843 spaces are proposed, resulting in 101 extra spaces overall. A ten foot wide detached sidewalk and multi-use pathway is proposed within the street buffer along Owyhee Storm Avenue in accord with the pathways master plan and five foot wide detached sidewalks are proposed along McMillan Road and Ersatz Road. Because ACHD is changing policy to require ten foot wide multiple use pathways along arterial streets in lieu of on-street bike lanes and because school children will be using this sidewalk to bike and walk to school, staff is recommending a ten foot wide multi-use pathway is required along McMillan as a provision of the development agreement. All utilities, except for city sewer, are available to the site or in close proximity. Sewer will be provided from the Can-Ada lift station, which is planned to be completed towards the end of fiscal year 2025. The city plans to install a trunk sewer from the lift station to be located near McMillan Road and Can-Ada Road one mile to the east near the intersection of McMillan Road and Star Road as part of the project. The school will need to extend sewer down McMillan Road and Owyhee Storm Avenue to the school campus in accord with the sewer master plan. The city is amenable to allowing a temporary lift station for the sports field concession and restroom building only, which shall be taken offline as part of the construction of the school. Building elevations were submitted as shown for the proposed two story school building. Building materials consist of a combination of smooth face and split face masonry in two colors and deep ribbed and smooth metal with large expansions of glazing, which should be low maintenance. Raised parapets are proposed for modulation and screening of rooftop mechanical equipment. Because the property is located within the area governed by The Fields sub area plan, the general character, design, and identity of development within this area is required to have cohesive modern rural design theme. Because the proposed school doesn't front on McMillan and isn't oriented toward Owyhee Storm and because it's not residential or retail commercial, staff does not recommend the building is required to have a modern rural design theme. However, some of the other thematic design elements that contribute to the desired character of the area should be adhered to, such as lighting, fencing, for example, split -- excuse me -- split rail, landscaping -- examples tall fescues, dry creek materials, wildflowers, street trees, et cetera. Public art. On-street bike lanes. And off-street multi-use pathways. Signage. For example, maybe a metal roof on the sign, et cetera, as outlined in the plan. In accord with the plan. The applicant proposes to develop some of the areas adjacent to building entrances with dry stream beds, with a mix of rock types, boulders and plantings. In the portions of the site that will not be developed with phase one, a meadow seed mix is proposed to be planted for wildflowers and grass. An off-street detached ten foot wide multi-use pathway is proposed along Owyhee Storm and recommended by staff along McMillan. And a detached five foot wide sidewalk is proposed along Ersatz to provide safe access to the

school from adjacent future developments. Prior to the City Council hearing the applicant should provide more details on how perimeter fencing, signage, public art, et cetera, planned for the site incorporates the modern rural design theme in accord with the plan for inclusion in the development agreement. No public comments have been received on this application. Written testimony was received from Amber Van Ocker, the applicant's representative. She requests that they not be required to extend Owyhee Storm and Ersatz and the associated sidewalks, pathways and street buffers to the northern property boundary of the annexation area, just to the northern boundary of the school site as I showed you earlier, consistent with the revised phasing plan. Staff is recommending approval of the proposed annexation with an R-8 zoning district as I mentioned, instead of R-15 as requested, with the requirement of a development agreement and approval of a conditional use permit per the provisions in the staff report. Staff is recommending Commission include an amendment to the DA provision number 1.1D to clarify that all street buffers shall be constructed with the first phase of development, along with the street and the -- and the walkway requirements. Staff will stand for any questions the Commission has.

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

Van Ocker: Good evening, Mr. Chairman, Members of the Commission. Amber Van Ocker, LKV Architects. 2400 East Riverwalk Drive in Boise. Representing Cole Valley Christian. And I want to just start out by saying thank you. This is a year and a half of work to finally come and be able to speak with you all tonight. A lot of effort has already gone into this -- this design process. We have had multiple meetings with city staff to try to get to the point where we are right now and not have a whole bunch of things that you have to deliberate over. So, there has been a lot of effort put forth to get to this point. I do want to -- we have got the room it looks like. I do want to introduce a number of our team members. First of all Allen Howlett, who is the superintendent of Cole Valley Christian. We have got some LKV Design team members that are present. ESI Construction, which will be our construction manager that will ultimately build this project is also present. Members of The Land Group, which is our landscape architecture and civil engineering team. And, then, Kittelson and Associates, which is our traffic engineer, is also present. So, we brought the whole team to be able to answer any questions that you may have. Sonya and I have been back and forth over the last couple of weeks, you know, kind of going through the staff report. There is a handful of things that I want to discuss with you this evening, but 98 percent of the report that's been written we are in full agreement with the conditions of the staff report. We do want to discuss some of the extension of the roadways, which the city staff has already kind of mentioned that we would like to have a nice discussion about at the actual timing of when those extensions would be done to the northern boundaries. I think from the perspective of the layout of the site plan, what we are really trying to design here is a pre-K through 12 grade facility in a very large facility, you know, 260,000 square feet, two floors. It's the combination of all Cole Valley Christian schools. They will be relocating to this campus, so they can all be in underneath the same house. So, from a design perspective it was quite a challenge to make sure that we are laying out this facility correctly, laying out the site correctly.

Obviously, access issues are a huge component to a facility of this size. My firm primarily does educational facility design, so we have taken all of our experience and our resources into this -- this site layout and we feel very confident of the -- you know, how its flowing. There was quite a bit of effort put into working with the property owner to the south to be able to acquire the property to extend Owyhee Storm Avenue to the north, which we knew would be of utmost importance to the circulation of the site. We have also spent -- you know, had a handful of meetings with the fire marshal discussing access onto the site and his -- his report is also in the staff report and, you know, we are all in agreement with everything that he is recommending and over the course of the design process we have spent quite a bit of time with him making sure that he's comfortable in how the site has been designed. Maybe the phasing plan, if we can look at that. I think the one thing that I do want to focus on just a little bit is -- is the phasing plan. So, everything in the peachy color, the pink color, would be what we would consider phase one. That's not to say that this entire facility is not going to be built all in the same phase. What we are looking at, obviously, is this facility is very large and we know that we are going to be going through at least a two year construction process just on the building alone. So, we are reserving the right that if -- if phase one and the athletic facilities could be completed and opened and constructed prior to the building and that's the reason why we are -- we are recommending the phase one, phase two approach, it's entirely possible that we will be building both phases at the exact same time. So, I mentioned that only from the perspective that, you know, when we were meeting with the fire marshal we wanted to make sure we had an understanding of what we could possibly open early, you know, whether the football stadium could become operational prior to anything else, what he would actually require of us on site from a parking perspective, access perspective. The restroom facility we know that city services from a sewer perspective won't be operational until the end of '25. So, that's why we were -- we were also requesting that temporary lift station off of a separate restroom facility. So, that's a lot of information to show why it is that that first phase is kind of developed like it is. The blue color would be what we would consider phase two, which would be the entire educational facility, remaining parking, and, then, the extension of both Owyhee Storm and Ersatz to the east to the northern developed portion of the site. What we are requesting, which is a deviation from the staff report, is to not do that remaining 19 or so acres to the actual northern property line and the reason for that is really quite simple, it's just economics. We know that that's going to be a pretty expensive piece. We would like to reserve the right to do that work once that -- that acreage is developed. These initial phase one and phase two, the school is not looking to develop that acreage at this time, so we want to wait and shift those dollars into phase one and phase two. Everything will be written into that development agreement. You know, we understand that we will eventually have to develop that work, it's just more the timing of that. The other component is the work along McMillan, which also we are not completing that. It's about four acres that fronts on McMillan, that's going to be left -- left vacant. There is a requirement of the pathway and a fairly substantial landscape buffer that is required along McMillan for that stretch. We would also request that that -- that construction be deferred to when that portion of the site would be developed and that -- that is really where -- the only items in the staff report that, you know, we are asking for a discussion about and -- and relief from at this point. I don't want to jump into too much without you guys just asking us questions and all -- what I will

-- what I would like to do is the questions that come, whoever is the most appropriate team member I will probably invite up and we will kind of tag team things. So, thank you so much for -- for your efforts and your time and I will stand for any questions.

Seal: All right. Well, I will start with a couple of questions here on this one. So, the property to the north, as far as what will develop there, can you tell us what -- I mean what's -- what's that look like for the future?

Van Ocker: Sure. There has been a lot of discussions. Early on the school did consider about parceling that off and selling that and their administration has decided that at this time they did not want to do that and it -- so, the current position is that the school will retain that and it would become future school use for the time being or it could potentially be parceled off later at some time. That -- that decision really is kind of 50-50 and Allen could speak more to that, but right now the decision was made to keep everything under the ownership of Cole Valley and that includes that four acre piece that's up front also. So, the whole parcel is -- is under one ownership and it's not parceled off at this time.

Seal: Okay. Just on the timing and things, the end of 2025 is what it sounds like the sewer's going to be available; is that correct?

Van Ocker: That's correct. Right?

Seal: Before that -- I mean the verbiage in the staff report would allow a pump station -- or a lift station in order to allow that. When is the -- what would the timing be on this? Because there is -- there is a lot of activity out there going on as far as roadways and everything. So, obviously, the -- you know, you are going to want to get it done as soon as you can, but at the same time the longer it waits the better at this point.

Van Ocker: So, right now as far as our overall construction schedule and the -- the design, we are still in that whole design phase right now. So, best case scenario, if everything aligned and approvals went as we hope, we wouldn't be breaking ground until, you know, probably mid to late spring of '24 and, then, would go through a full two years, if not two and a half years of construction. The only thing that we are going to be doing on site in '23 will be -- the Creason Lateral runs east-west and pretty much divides the site. It's an open irrigation lateral. So, during this season, once irrigation water is out in October, we will be on site and we will be burying that lateral and that has already gone through all approvals and we are just waiting for some final legal documents from the irrigation district on that and the city has all those documents already. So, that work would occur in '23.

Seal: Commissioner Grace.

Grace: Thanks, Mr. Chairman. Amber, can you just -- I'm a little confused. Is the Owyhee Storm Road just to the west? Is that what -- I'm just having a hard time. Maybe it's my eyes or maybe I'm tired. Reading the map. And you are saying you just would prefer for now to have that go to the northern boundary of the current site and not all the way to the northern boundary of the entire parcel also?

Van Ocker: That's correct. We are requesting that those road extensions would stop at the developed area of the campus.

Grace: Okay. Do you -- there was some talk about possibly portable classrooms and forgive me if this is an uneducated question, but I always -- I'm always curious as to why schools don't seem to build enough classrooms to fit everyone and, then, they bring in modulars later and -- and I get it, it's just growth that maybe that's just the answer, but can you speak to that a little bit?

Van Ocker: Yeah. Absolutely. We hate portables and so do schools. It's -- it's not what we want to design. What we are doing right now -- because we are coming into you for a full request on basically a master plan. So, we are hedging our bets. We are asking for the ability to put those in at a later date if they are needed. The reality is is that this facility -- we have designed this with additional classroom spaces, so those would, in theory, come prior to any relocatable class -- classroom. But, unfortunately, you know, we do have campuses, we do a tremendous amount of work for West Ada and every facility that we design, you know, there is always a relocatable that ends up showing up and we have just learned over the years that if we are able to plan it now and plan it correctly, it ends up being in a location that makes the most sense. But to answer your question directly, Cole Valley Christian does not want relocatable classrooms on their campus.

Grace: Yeah. It tends to sometimes just be a reality and I get that. Final question, Mr. Chairman. Are you amenable to the recommendation of modern rural design themes with regard to some of the elements?

Van Ocker: Yes. So, the way the staff report is written right now -- and we spent quite a bit of time with the city talking about the design of the facility itself, the actual architecture, and that is not part of -- of this review as far as incorporating some of those design elements. But we are agreeable to incorporate some of those elements throughout the site, primarily on the perimeter where we do have large ten foot wide walking paths that are going to be, you know, stretching ultimately this entire 70 acres and so the staff report is written that we will be incorporating some of the fencing, some of the lighting, some of the landscape treatments that have been identified in that plan. What those exact details are we have not narrowed down and that's the requirement -- the staff report has -- has noted that, that we need to come back prior to this going to City Council with a little bit more detail for that.

Grace: Great. Thank you.

Smith: Mr. Chair?

Seal: Commissioner Smith, go ahead.

Smith: So, a couple questions. First, just want to make sure I'm looking at this right. The high school side would be the parking lot on the east side; correct? With the roundabout?

Van Ocker: That's correct.

Smith: Okay. So, one of -- one of the thoughts, having been in plenty high school parking lots, is the faster that you can get student drivers away from each other the safer things tend to be. So, with that thought, one -- one thing I'm curious -- curious about is -- is that extension of Ersatz Road done; right?

Van Ocker: Yes. Ersatz is on the east side.

Smith: So, would you be amenable perhaps to, you know, extending Ersatz -- or extending one of the roads earlier rather than when the time is fully developed just for a - - you know, reducing -- you know, you have kind of a shorter distance down southbound to the intersection and reducing kind of the stacking of students, things like that, to kind of keep transportation flowing, especially among student drivers. Would that be something that you would be willing to consider or do or is amenable -- kind of economically workable?

Van Ocker: Well, right now with phase one we are -- we are recommending that Ersatz would be extended north to the first entry point to that parking lot area, which would really -- we are only going to be developing that southern parking area that's associated with the football stadium and the play area. Once phase two happens, yes, then, we will be extending it all the way to, you know, where the future tennis courts would be.

Smith: Yeah. So, my -- specifically I'm talking about that purple road. That's the area you want to wait to develop -- wait to extend until it develops; right?

Van Ocker: Correct.

Smith: So, yeah, my -- my question is more that purple line or Ersatz, would it be possible to extend that, you know, before that land has developed to ensure easier exit points for --

Van Ocker: Well, right now those roads will go to nowhere.

Smith: There is plenty -- I guess that's --

Van Ocker: So, as you are traveling north on both Owyhee and on Ersatz to the end of the northern boundary of this parcel they stop.

Smith: So, I guess it's a question of timing; right? Because those are -- there is a planned connection right there on the northbound side, if I'm looking at this map correctly. Do you anticipate -- I guess what -- what's the crystal ball? What do you anticipate being kind of the timeline to develop that area and extend that? Because what I -- I guess, obviously, the three year -- there is no connection currently, but when there is a connection available. What I don't want to see this potential connection available, but because the school is just

deciding, hey, we will develop something in five more years, that that kind of doesn't get made -- that path -- you know, that -- that connection isn't completed. The concern.

Van Ocker: I understand -- yes, I understand your question now and I think ultimately if anything was to come -- let's say from the north down and want to be connected to this roadway, that would be a relationship that the school would, then, enter into with whatever developer was driving that development and that work would probably happen on its own.

Smith: Okay. Thank you.

Van Ocker: Is that safe to say Shawn or Sonia?

Smith: That's fair. That makes sense. The other question -- I don't love feeling like I need to ask this question. I'm looking -- I think if I'm looking at this correctly I see three entrances from the parking lot and, I don't know, maybe five to ten from elsewhere on the campus and this is K through -- or pre-K through 12. So, anticipating a lot of students here. Is there any concern about the ability to secure that many entrances to prevent unwanted cross-access between the campuses, things like that?

Van Ocker: That's probably going to be something that happens regardless. The fire marshal does want to have those connections just from an emergency perspective. We have -- we have necked down that entrance that makes the connections between those two parking lots, so that it's not as easy just to tear through that -- that entire parking area, but to -- to limit access to where the elementary would only be able to be accessed from Owyhee Storm or the high school only from Ersatz. You know, that, from a traffic perspective, I think would even make things more complicated.

Smith: Yeah. To be clear, I'm not -- I'm not talking about eliminating all interconnection, I'm specifically talking about in the case someone shows up with ill intent to the school.

Van Ocker: Sure.

Smith: You know, do -- are there ways to ensure that -- that it doesn't happen or happens to a small extent as possible?

Van Ocker: Safety and security policies and -- on any campus certainly is something that all designers right now are dealing with, all school districts and school facilities are dealing with. You know, I think it's very difficult to control the perimeter of a campus of this size and if we control it too much, then, you know, we limit our ability for emergency personnel to also be able to respond to the site. It's a tough one. I mean the last thing we want is to be able to -- is to design a facility where we are putting, you know, a razor wire fence around the whole -- the whole facility. You know, we don't -- we don't want that. So, there is a lot of control that does happen just from the administrative personnel and how they manage a campus of this size. It's a tough -- tough question. I wish there was an easy answer for that.

Smith: Don't we all.

Lorcher: Mr. Chairman?

Seal: Go ahead, Commissioner Lorcher.

Lorcher: I believe on the south side of Owyhee Storm there is a fire station and a police station going in; correct? So, having access to McMillan on Owyhee Storm will give better access to Cole Christian. So, that's important that there is connectivity. From a rivalry standpoint Cole Christian and Owyhee not in the same districts, so, you know -- 2A? Correct? Three -- 3A? And Owyhee is either in four or 5A. So, you know, as far as the rivalry for the schools for them to have ill intent on Cole Christian, they don't play in the same league. So, it would just -- it's not like they are rivals because they are playing against -- they would never play against each other. So, I don't know if that alleviates some of your concerns about bad behavior, but, you know, we have had bad use of -- like between Rocky and Meridian, but -- because they were in the same district, so --

Seal: Commissioner Smith.

Smith: So, just -- just to clarify that -- and I guess I was trying to be gentle about it, but I'm less concerned about rivalries and more just active shooter scenarios specifically and just thinking out loud, less of any specific comment, just understanding where we are at from a broader social perspective and wanting to make sure that that's -- I don't doubt that's already considered, I just want to make sure that --

Van Ocker: And there -- there is also emergency access that's provided, you know, all the way around the entire facility. You know, we are not encouraging -- so, as you -- as you travel north on Ersatz up to where the future tennis courts and a future maintenance facility would be, there is another entry point and that -- that entry point will also connect to emergency access roads, which -- which loop the building itself. Those will be controlled. You know, we will not be -- there will be gated and controlled points that only administration and emergency personnel will have access to those access points.

Wheeler: Mr. Chair?

Seal: Commissioner Wheeler, go ahead.

Wheeler: Hello, Amber. Just a quick question here for you. On that phasing plan, again, if we can just take a quick look at that. So, is your client okay with on -- on Ersatz to go ahead and just extend that road up to where the pink ends over there north of the football field, that way giving access at least up to that part? Not all the way up to the purple line, but just right there where the -- south of where that -- it looks like there -- some -- some sort of parking or some sort of play area, whatever that is. Just south of the tennis courts. But at least running that line up next to the side of the football field.

Van Ocker: I think from -- from our perspective if we were going to run it to that point, you



know, we would probably want to run it to that -- to the next entry point, which would make the connection to that parking area, because just running it to the end of the football field doesn't really do much for us.

Smith: Sure. But it -- I remember you said that you wanted to be able to stop at the development area of the campus on the expansion on these -- on these -- on the phasing and that would be to at least some sort of a development lease on the far eastern boundary side and so whether it be to that entry point on there or whether it be to there - - at least getting some sort of access on that point all the way up on that --

Van Ocker: As part of phase one or part of phase two?

Wheeler: Phase one.

Van Ocker: Okay. What we are more concerned about is -- is the development of the roadways past the phase two scenario.

Wheeler: Understood. And I'm okay with it stopping, like I said, right there.

Van Ocker: Okay.

Wheeler: Not going beyond that and the western boundary I'm personally fine with that -- of where that ends. I'm just saying that that way we can match that and mirror that with where the --

Van Ocker: On the other -- where Owyhee Storm is?

Wheeler: Yeah. On the east side. At least that way it matches it up on the development phase side. It's something to consider on that side. That's all on that. And, then, on the landscape buffering along McMillan, you guys were wanting to hold off until that southern portion of that land is developed, is that what the client wanted?

Van Ocker: Yes. That's correct. And we were not developing that frontage as part of this -- this application. So, the idea of going in and developing a ten foot pathway and 25 feet of landscaping that really doesn't connect to anything, we just didn't see the point of that in this phase.

Wheeler: Would it --

Van Ocker: That --

Wheeler: I'm sorry. Go ahead, Amber.

Van Ocker: Because we only have that front -- I don't know, does my mouse work? Oh. Looky there.

Wheeler: Barely -- it barely works. It's a little touchy.

Van Ocker: So, this is the only portion of that frontage along McMillan that is part of the Cole Valley Christian parcel, so -- and this is privately owned here. This parcel. And, then, there is no development occurring east of that. So, to go in and do this landscape buffer and a ten foot wide pathway, it doesn't connect to anything. It doesn't go anywhere. So, why spend the money now and what we are requesting is that it gets written into the development agreement and when that parcel -- or that section of the parcel gets developed that work will occur.

Wheeler: Yeah. I think part of the reason maybe the city's requiring that -- or at least -- is just the optics, just that it looks nice as people are driving and you are going to be having over 4,000 vehicles, according to ACHD. At least they get to see something nice with the landscaping buffer on that side. That matters on that side on -- from the city's perspective I think. And I know that also a school sometimes land can sit vacant for a long time before they are developed and not that it's bad or wrong, it's just those needs and concerns.

Van Ocker: Yeah. I mean I one hundred percent understand why it is that the -- the -- the staff report was written that way. You know, we are just looking for, you know, some areas where we could potentially save some money now, rather than a little bit later.

Wheeler: Understood. Understood. Thank you.

Seal: A couple of questions -- and staff on -- is -- will parking be allowed on Ersatz and Owyhee Streets? Or are those no parking?

Van Ocker: No parking. No parking would be allowed.

Seal: No parking on those streets? Okay. What's the relationship with the owners of the parcel that's on the south part of the property?

Van Ocker: Good. He agreed to do a land swap with us. So, that's -- that's how --

Seal: Okay. But you have no idea how long they are going to stay there or anything along those lines? Okay. So --

Van Ocker: He's -- he's a -- he's an elderly gentleman that's been there for a very very long time and --

Seal: Okay.

Van Ocker: -- it's his farm, so --

Seal: Same question with the properties to the north of this.

Van Ocker: To the north it's vacant land now and I'm not aware of the owner and we

have not had a lot of communications -- yeah. It's still just vacant land.

Seal: Okay. And I guess -- and the reason I'm asking these questions is we see applications come in and people ask for things like this. We will just develop it later. But what that does is -- let's say the elderly gentleman wins the lottery and moves away, we will be nice about it, and in that somebody buys that tomorrow and they can -- they can now develop this. They don't have to wait until 2024 or 2025. Now, they are waiting for that portion to be developed in order to, you know, join into theirs. There is also pieces of land out there -- on McMillan is one of them where there is a piece of land that -- there is a bike path on one side of the property and there is a bike path on the other side of the property and you get to go out to McMillan Road, which is really sketchy and ride along this little piece of property and so there are places like that that don't seem to make sense. They don't seem to go anywhere right now. But with not knowing when or how anything else can -- can develop, I think that's why staff is probably trying to get us to -- they want that to go all the way through. That way if anything comes in and develops it can just develop. There is no waiting on anything. There is no working out a relationship or anything along those lines, because if it happens tomorrow it happens tomorrow. So, that's -- that's something that -- you know. And me as somebody that, you know, thinking financially, I would rather just know we are going to do it now, we are not going to have to go, you know, in the middle of 2025 when you guys are like, yes, we are going to go do this, oh, my gosh, we have to develop this part now though. We didn't have to before, so --

Van Ocker: Would there be an opportunity in the development agreement to -- and I'm -- I have not, of course, spoken to my client about this, but in the development agreement have some sort of language that it states that when adjacent parcels are developed that, then, this -- this extension would also occur?

Seal: That's a question for Bill. I can't answer that. He will fire me.

Parsons: Mr. Chairman, Members of the Commission, give you a little background here before I give you a definitive answer, because I think context is key here. One thing we don't have tonight is we don't have the ACHD staff report. Two, typically when there is one parcel we require all those improvements be done, because there is only one parcel, there is not a subdivision to phase anything. Three, typically local roads and collector roads are built with development, not postponed until a later date or an impact fee paid to widen in the future, like an arterial roadway. So, that's where -- to the applicant's credit they have spent a lot of time working with us and I think they understood all of those requirements when we met. So, what they are doing is -- these are things that are out of staff's hands and probably out of the Commission's hands. It's going to come down to probably what -- what the City Council wants to do, to be honest with you, because right now we have policies that are to and through. It's going to be the same thing with sewer and water extension. If they are required to bring that into the site, we need to get the water and sewer all the way to their north boundary as well, to your point, so we are not road blocking anyone else from developing once we move forward on extension of sewer in this area. Water is not an issue. It's really sewer. And that's why it's so critical that

we, as staff, have to plan for the future and not try to delay those things happening. Now, what I can say is the applicant can work with the city, get the necessary easements to make sure that those things can happen. If it's -- if the city engineer is amenable to that and also maybe if -- if we had ACHD here or comments from them, it may be possible that they don't build a portion of that roadway, but they would still dedicate the right of way, so that somebody else can. And, then, part three of that is that ITD is required to construct some of that local road on the east side of the boundary. So, understanding the timing for when they need the roadway and when ITD plans the roadway, we need to understand that timing when all of that comes in, because it may be a moot point on the east boundary, because ITD may be building it. So, that's what I mean, this thing is -- like to your point, there is so many things happening in this area that we want to make sure we get it right and so whenever we want to make sure things get done right we always ask for everything during the first phase.

Seal: Right. Understood. Yeah. And that's --

Allen: Mr. Chair, if I may, there is no mechanism for the applicant -- for the city to make the applicant do that in the future either. Once they have their occupancy there is -- there is nothing that we can require them to do.

Starman: Mr. Chairman, maybe just to kind of answer the question more specifically about a development agreement -- I think all that was right on the mark and well described by the planning staff. So, I would say from a technical perspective, you know, a development agreement can be crafted in that way. That would be a City Council decision where, you know, an improvement could be deferred and there will be a trigger built into the development agreement that would require the property owner to build the improvement, you know, when a certain event happened on a date certain. The problem with that, however, I would advise the Council, is the concern we would have with that is that that assumes there is financial resources to do so at that time and so when that trigger gets -- when we get to that trigger event really to do it properly we would probably want to have some kind of surety or some kind of money in the bank, knowing that those improvements could be constructed at that point in time. Otherwise, there is no financial guarantee behind the development agreement provision and so that would be a concern that -- as the planners had mentioned, that it really kind of boils down to a City Council type decision as to -- if they want to entertain those types of ideas. But I think Bill did an excellent job describing, you know, why the city would typically require these improvements now and not defer them.

Seal: Kurt, you are -- what you are speaking of is kind of like the way they will do a road trust for an intersection or something along those lines. Okay.

Starman: Yeah. It would be somewhat analogous to that model. In this case we are -- we are not necessarily involved. ACHD -- I guess what I had in mind was a development agreement is a two party agreement between the city and the property owner and so it would be an agreement between the city and the school in this instance and my point just being that -- it's one thing to have contractual language that says something has to -

- you know, construction has to occur, the road has to be extended, utilities have to be extended at a certain point in time. It's another thing to enforce that and to know there is money available when that event occurs.

Seal: Okay. Thank you. Appreciate that.

Parsons: Mr. Chair, Members of the Commission, I was reflecting on Owyhee High School and I do remember that project and some of the details and there were timing -- specific things needed to happen prior to them getting occupancy. So, that's probably our best mechanism at this point. If Council were to entertain a -- or you were to recommend a DA provision to City Council as part of your motion tonight, that's really the hammer that we have. So, to the applicant's credit, construction may not start for a while, a year or more and, then, at that point two -- two and a half years to build out. So, again, if access was provided per the fire department if they were to provide the adequate secondary access, build those sections as they are showing in phase one and, then, phase two this section had to be completed prior to occupancy of the structure and that may give the city a little bit more of a hammer to hold up something -- or at least to that point if they need a temporary or something, then, they could work with us. We don't take surety for roads. I mean that's really ACHD's call and I don't know if they road trust for collector roads and local -- and I know ITD won't do that. So, that's what I mean. I don't have all the answers to kind of let you know where ACHD would stand on that issue. I wish I did. But --

Seal: Okay.

Parsons: -- that's -- that's something within your purview that X, Y and Z needs to happen prior to them getting occupancy and, then, if that didn't work out, then, we have the mechanism, hey, we got to come back and talk to the city or do something else. At least we get them back and having that discussion.

Seal: Okay. Appreciate that.

Van Ocker: Mr. Chairman, if it's acceptable my traffic engineer, Sonia, is dying to say something.

Seal: Absolutely. Come on up and give us your name and address for the record and --

Daleiden: Thank you Sonia Daleiden with Kittelson and Associates. The address is 101 South Capitol Boulevard, Suite 600, in Boise. I will just shed a little light on this question from what I understand and I do not want to stand here and speak for ACHD or ITD, because I do not represent them. But there -- there is more certainty to what is going to happen with Ersatz than I think has been discussed tonight. ITD must build that road and they must build that road to a portion that's much further north than what is shown on this diagram -- much further north than the northern boundary of the site and that is because these properties -- you are right about this mouse, it is not great. Sorry. I'm giving it my

best. These properties on the east side of Ersatz, right now all of their access comes from McDermott and ITD has money, is -- has designed, it is going to construction for the State Highway 16 extension in this area and that will remove McDermott Road from this area. So, those properties will be left without any access when State Highway 16 -- the highway alignment goes in and so ITD is required to build that road in order to provide access to those properties once the Highway 16 goes in. So, that will be there with or without Cole Valley developing. So, I think from Ersatz's standpoint that provides some certainty for when that roadway is going to be built. That alignment is scheduled to be complete -- the construction is scheduled to be complete by the end of 2024, which would be before occupancy of the school. For the extension of Owyhee Storm -- so, that would be an ACHD collector roadway, that, as Mr. Parsons explained, that is done through development. Did I get your name wrong? Thank you. You moved it. That would be done through development and so that is something the school would be completing along their frontage with development when their access is required. So, hopefully, that answers some of those questions.

Seal: So, I want to get this right. So, Ersatz, essentially, is going to be built by ITD?

Daleiden: They are going to have to build that when the Highway 16 extension alignment goes in. It is on their design plans for the Highway 16 extension. That's one of the local road connections that has to go away in order for the highway to remove access to McDermott.

Seal: Okay. And you are saying that's the end of 2024?

Daleiden: The ITD's current -- ITD is going to build it to a local road standard.

Seal: Okay. I'm pondering the local road standard. To me -- I'm like -- I grew up in Baker, Oregon. That's like a gravel road. Sorry.

Wheeler: No, it's not gravel. It's dirt.

Seal: Yeah.

Wheeler: No. Just kidding. Can you, please, go ahead and repeat what you were saying again about the frontage off of McMillan and the landscaping there? Or the discussion on that with the access point. Or were you saying anything about that?

Daleiden: I did not say anything about --

Wheeler: Okay. You were just saying something about the --

Daleiden: I was talking about the Ersatz roadway.

Wheeler: Perfect. Okay. I just wanted -- sorry. I was contemplating two and, then, I came back into your discussion and I went did you say something.

Daleiden: I did not. Sorry.

Wheeler: So, that's what happened with me. So, thank you.

Grace: Mr. Chairman?

Seal: Go ahead.

Grace: I actually did have a question about that, Bill, and I can't recall having been out there in a little while, but I know there is limitations on the ability to widen McMillan further east because of the -- the irrigation and the canal and whatnot. I'm wondering does that -- do you know if that -- that limitation extends as far out as McDermott and -- there is an awful lot of cars it seems like going into that high school and I'm just wondering what load McMillan can handle?

Daleiden: Yeah. So, McMillan in this area -- the ultimate plan -- and this is on ACHD's CIP -- would be a three lane section. So, one lane in each direction and, then, a center turn lane in the middle and the recommendation of our traffic study -- so, that was a condition of the residential development to the south here. Gander Creek I believe it's called. And our recommendation was if that has not been done by the time the high school wants to take occupancy that this center turn lane would have to be extended in order to provide the capacity necessary.

Grace: Okay. And I probably misspoke. I don't think there is a limitation forever, it's just that it's not any time soon I don't think that they can do -- they can widen McMillan further east, so -- okay. Thank you.

Lorcher: Mr. Chair?

Seal: Yes.

Lorcher: I know in -- at Ustick and McDermott, which is a quarter mile east of Owyhee Storm, ACHD put in turn lanes in all four directions and a light, because of the high school. So, because of their safe school policy with ACHD -- and you're on the transportation, you should have answered this question before I did. But in order to do their high school they will have to improve those intersections for the school, even if it's just a short bit and, then, if they plan the five lanes later they would do that. Did I get it right?

Smith: Mr. Chair?

Seal: Yeah. Absolutely.

Smith: I believe so. I will also note that I am the resident layman on the Transportation Commission, so I am far from a subject matter expert.

Seal: Do you have more? No? Any other questions? Thank you for the information, too. That's -- all of that is very very helpful. With that do we have anybody signed up to testify?

Hall: We have a hand raised online. We have a Liz Nichols. Ask to unmute. Liz, go ahead and unmute.

Nichols: Good evening. My name is Patrick Nichols. I'm the husband of Liz Nichols. I live at 6846 West Los Flores Drive and that's -- I mean our backyard actually looks across McMillan to the development that's in question and the farmer there. Currently we feel like McMillan is already really under serving us. There is concerns that we have, like when the school is getting out -- I'm talking about Owyhee that's already there and there is also Gem Prep that would be across the street from this school that's being proposed on the new road there. It's one of the properties that were being discussed to the east and I have seen the city plan. There is also a plan to have an elementary school next to Owyhee being developed. So, within like three intersections we are going to have four schools and McMillan is already choked whenever school is getting in or out and sometimes that choking can go all the way to Black Cat to the east. So, this is really concerning and I'm grateful that you guys were really concerned about the road that goes north on the east side of this property, but that was an aesthetics thing. This is a functional thing for us. There needs to be at the intersection with McMillan and McDermott consideration to something beyond a stop sign, for example, which is all there is now. At least to the next intersection east there is a roundabout, which keeps things flowing a little better. But between these two roads to the east and west Owyhee Storm -- and I can't remember the name of the new road that's being proposed -- these two intersections don't get any relief from congestion currently and that's before this project starts and I realize the school is a ways out, but the construction is going to start as early as October. So, we are -- you know, this was already described as a medium density area earlier in the conversation, but the neighborhood, like the one of the creeks that were mentioned a moment ago, that it's doubling in size just in this year. So, this is -- this is rapidly growing not just from schools, neighborhoods, traffic, everything is rapidly coming to a head and I don't really hear very much being proposed to alleviate any of the congestion at these intersections or widening the roads. So, that's all I have to say.

Seal: Okay. Thank you very much. Appreciate it. Anybody else online or in Chambers that would like to testify on the application?

Hall: Mr. Chair, I have no one else.

Seal: Okay. Does the applicant have anything else to add? Do we have any other questions for the applicant?

Daleiden: I will just -- if I can, Chair, just respond to the public. It's a very important question that he identifies. There are many schools, as he says, and we do know this area has several projects that are identified in either the ACHD integrated five year work plan as being needed to increase capacity or in their long term CIP. The traffic study --



we haven't talked about it today, because the city doesn't condition roadway improvements, that's ACHD's responsibility, but the traffic study completed for this -- for the school did identify the need for traffic mitigation, either to mitigate existing or background traffic growth or the specific growth from the school and I -- we anticipate -- it's unfortunate that we do not have the ACHD staff report today, but we anticipate that they will be conditioning traffic mitigations either for the background conditions or for the school. We do know one example is the McMillan Owyhee Storm intersection will be a four leg signal and, then, we do anticipate also a signal at some point in the future at Ersatz and McMillan, maybe not just when the school develops, but as other properties around here develop and to the north of the school develop, that will likely warrant a signal as well. But the specific conditions will be outlined in the ACHD staff report about what mitigations will need to go in.

Seal: Okay. That's -- yeah. I mean all of this is really good information. Do we know when to -- we will -- do we know when we are expecting the ACHD report to come through?

Allen: I don't have a date. He's finalizing it with his supervisor at ACHD. So, I'm hoping for next week.

Seal: Yeah. That's a tough one. And generally speaking when stuff comes through and we don't have reports like that and there is so much about this that focuses around traffic it's kind of hard to pass something through to City Council with a recommendation when we are based on we hope ACHD does this or that or something else. So, you know, and even as it comes through -- I mean we are, you know, looking at signaling those intersections, especially for a school. I mean personally I would rather see a roundabout. So, you know, as part -- half of the reason that we have some of the congestion we have is signals -- signal after signal after -- I mean I live off of Ustick between Black Cat and Ten Mile and I can tell you that there are times of the day when I can't take a left onto Ustick, so -- I mean it's just not possible.

Van Ocker: Well -- and, Mr. Chairman, I -- we completely understand that and the traffic study was developed in conjunction with ACHD through that whole process and, you know, we recognize that the city, you know, unfortunately does not have control over the roadways and we are beholden to whatever requirements ACHD does ask of us. The traffic study was written with the recommendations that we are fairly certain are going to be imposed upon these -- as far as traffic improvements occur on all these roadways, not just adjacent to the parcel, but in other intersections there will be requirements of this development and if I could just add one other clarifying comment to the gentleman that was on the phone, Gem Prep is -- it does not border Cole Valley Christian's property, it's actually on McDermott, which is further east. And when, you know, the Highway 16 extension is completed, you know, there is going to be vast changes all along this whole corridor after that gets completed, which will affect, you know, in a -- in a positive fashion will affect all traffic majors in this whole region, so --

Lorcher: Mr. Chair?

Seal: Yes.

Lorcher: You are on the west side of Highway 16; correct?

Van Ocker: Correct.

Lorcher: Okay. So, anything that is on McDermott really doesn't affect you, because the highway is in between.

Van Ocker: That's correct.

Lorcher: And then Ersatz is also west of the freeway?

Van Ocker: Correct.

Lorcher: Okay. I know. I also live in the impact area of Highway 16. I'm at Ustick and McDermott and ITD is in control of all the roads and I talked to the project manager, they had an open house two weeks ago, and, then, once the roads are completed they are going to give them back to ACHD. So, even though ITD might be building Ersatz, because it's not a highway they will build it with the Garvey funds that they have, the federal funds, because it's required and, then, they will end up giving it back to ACHD as however they see fit that you will probably see in the report.

Van Ocker: Right.

Seal: Okay. It sounds like you have somebody you might want to invite to the Transportation Committee, but --

Smith: I will send a link to --

Seal: Yeah. I mean, again, it's difficult for me to see this, you know, pass through without having the ACHD information, even though we kind of know that -- I just like to see what they are going to say and how that's going to play out, because I do -- I mean I do have some other concerns. I mean to be perfectly honest when I first saw it I was like why McDermott? Of all the roads in Meridian why McDermott, just because everything that goes in on McDermott is just fiercely fiercely contested. It's a horrible road. It has severe limitations and it's just not built to handle a lot of traffic. So, anything that goes in there just compounds that, you know, and for me to be as far away as I am I feel the effects of Owyhee High School directly several miles away. So, that kind of speaks to what we are dealing with with roads like that. So, you know, luckily there is some relief coming for Ustick Road, but for McMillan Road there just isn't. There is no relief. I mean a turn lane -- center turn lane is going to help us a skosh, but it's not really going to build out to the point where it's going to really handle a lot of traffic. Having McDermott cut off is kind of a blessing and a curse out there where that's going to eliminate, you know, the ability to evacuate traffic out of there quickly. So, unless you have people -- you know, the other

concern is this is coming from downtown Meridian and moving out there, so where people are used to coming through Meridian, now they are going to have to come out through Ten Mile, you know, places like that depending on where they are coming from, you know, which is going to, again, use those -- those roads that are out there. So, sorry, I probably shared a little bit too much there. But I just -- you know, again McDermott -- or, sorry, McMillan is just -- it's just a road that is problematic for Meridian for sure, so -- and McMillan and Black Cat are just the two places where, you know, most people would just rather see those be -- you know, do what you are going to do with them now just so we can fix some of the issues that revolve around them. But that's not what's going to happen and we don't control the roads, so -- anything you want to add to that? I know you know -- you know more about how these are going to develop than I do. So, I just -- that's my biggest concern with it, to be perfectly honest.

Smith: Mr. Chair, honestly, I guess what I will say is this. If you look at the -- the city's request to ACHD for the five year plan there is a lot of Black Cat, McMillan and things in the surrounding areas that are higher on the priority list. So, I don't know that there is -- there is much that I can -- that can -- that can steer the conversation, but it -- other than echo -- you can -- what you said that's -- I see a lot of Black Cat specifically, but we are going to -- they are just problem areas. So, I mean -- I agree with you. I would like to see -- I mean it looks -- I feel like we got a lot of good discussion, but I would probably like to just see what ACHD has to say, because regardless -- again, my spot at the Transportation Commission has been referenced, when -- when there isn't that kind of discussion in the planning and zoning side we end up seeing a lot of the things over there that are the knock on effects, you know, two or three years after occupancy where there is contention that, you know, if only we had thought about before passing it along probably could have been, you know, remediated in the planning stage. So, I think, you know, that being said with -- with the ITD and with ACHD's control over these roads I don't know that there is much that we can do, but I still would probably like to see that to -- yeah.

Grace: Mr. Chairman, if we are heading down the path of saying we just want to wait until we get that report, is that something we can turn around really quickly as soon as the city gets it and then -- and, then, get it back up for some reconsideration? What's the timing on that?

Seal: Do we know -- I mean if we are expecting to have that next week what is our outlook on the next --

Hall: Mr. Chair, 6/1 is fairly open.

Seal: Okay.

Hall: And, then, 7/6 would be the next one.

Seal: Okay. We have got one in between. Is it full? Okay.

Hall: There is six hearings on it already.

Grace: I may be absent that day.

Seal: I was just thinking the same thing.

Daleiden: Mr. Chair?

Seal: Go right ahead.

Daleiden: Can -- if I may. Just to comment. So, this traffic study that we prepared for the school was submitted to ACHD in 2021. So, almost two years ago. I think it was October '22. And so a year and a half ago. ACHD has accepted the study. We have had multiple meetings with ACHD. They concur with the findings and the conclusions of the study. I don't want to give the impression that ACHD is still deciding what they want to do with traffic in this area. What we are missing is just their physical document, not their agreement or acceptance of the findings and the recommendations that have been put into the project. So, just wanted to make that clear. There is a significant list of mitigations and traffic improvements that would go along with this. There is a significant list, as was referred to, that ACHD is already planning to do in terms of traffic improvements in this area. We just don't have their -- for whatever reason ACHD -- I have a lot of sympathy for them, they are very short staffed right now. They have a lot of development applications that are coming through and they just haven't been able to get to their report. So, I wanted to clarify that there is not a lot of mystery with what's coming and there has been a lot of agreement there, we just don't have the -- unfortunately, the physical report in time for this meeting. I don't know if that helps the Commission at all, but I wanted to clarify that.

Seal: Okay. I guess I will ask the question -- I mean is there a timeline, time crunch thing that we are under that delaying this by two weeks is going to cause harm?

Van Ocker: Mr. Chairman, I mean, no, I mean two weeks, no. It's just, you know, we are trying to move the -- the application process forward.

Seal: Yeah. Completely understand. I just -- you know, we like to dot our I's and cross our T's and send something -- you know, a recommendation complete to City Council is what we are trying to accomplish here. So, luckily, we don't have to make the decision on this one, they do, but at the same time we like to make sure that whatever recommendation we send them is based on the information we have at hand where to me, you know -- and, again, considering how heavily the traffic and the roadways and everything are impacted in this area and, you know, how contentious it is, I would personally like to see the ACHD -- the ACHD report, the information they have in there, the findings that they have that are separate from the traffic study as well, because sometimes they do have a little more information as far as how -- their vision as far as interconnectivity and things like that in there. So, I personally think it's an important piece of this. So, fortunately, I don't get to make motions. So, my other Commissioners may -  
- may not feel that way.

Wheeler: Mr. Chair?

Seal: Uh-huh.

Wheeler: Can I ask them questions concerning that, because I'm hearing what the applicant's saying, I'm hearing what staff have said, I know what we have done in the past when we have come across roadway, you know, issues and things like that and we have had people testify, right, talking about how come you guys are putting this road here and stuff like that; right? So, if -- in the ACHD report it sounds like it's all there, it just hasn't hit the press and they haven't done -- they don't have it for -- for us to take a look at and we know that ITD -- they are slated to go ahead and extend the rest of Ersatz, so that's going to be taken care of on their site and on their time frame and I can see why would a, you know, parochial school want to go ahead and spend good donated dollars in order to go ahead and extend that, right, than just wait for ITD to get around to do that. Is there going to be anything that's going to show up in the report that's going to cause an approval or denial or something that's going to create something that city -- that City Council themselves won't be able to -- to handle with that. So, we could make either an approval or denial of this and, then, just have as -- as a condition on that, you know, with the following modifications, you know, that -- that the applicant agrees with what is in the report from ACHD and, then, that way they can get on the ACHD calendar a little more quickly. You know, it might be an extra two weeks or four weeks on that, but I'm just trying to think at our level if we were to see something on the traffic side we are not going to have much say on roadway extensions, on whether for a roundabout, you know, landscaping stuff, we can make that decision here with or without the report. Widening of roads. That's not going to be -- I mean I'm just -- I like to always have all the data, too, because then I get the fuller picture on it, but we can -- since we are not the deciding body I'm just wondering if we -- if we make that as a recommendation that we would agree with whatever's in the ACHD report, with that modification to that and that way they can be held accountable on that side and if it does delay more and more, then, that would be pushed out farther at City Council, but at least it gets it off of our docket. It's a -- an approach. I'm not saying it's the approach. It's an approach.

Seal: Yeah. I mean -- and the first part of what you said was questions and my answer to the questions is I don't know and that's -- that's what I stumble on a little bit is I don't know. I don't know if there would be anything in there that would sway my judgment one way or the other. But considering how hotly contested anything on this road is, I mean it's -- this road and Black Cat Road, anything that's on there it's just very hotly contested and where we don't have -- you know, we kind of know where this is going for development. A school going in here is just going to attract more and more people. So, you know, I mean if you have a school next door to you that's not a bad thing. So, you know, I just want to make sure that we have all the information before we pass a recommendation on to City Council. I agree that -- I mean some people on City Council aren't going to even pay attention to what we are saying or recommending and other people are going to take it to heart, but I would kind of like those that are looking for, you know, that feedback and input that we base it on something that's complete. And the ACHD report to me is -- it's a big report. So, to me it's kind of like the Ada County School

District report -- their reports, you know, I mean if there is something in there that's like, whoa, didn't think of that, you know, this is really going to make this school go through the roof or whatever that is, then, you know, that's just another factor to consider. So, again, luckily we are a recommending body on most stuff, so -- yeah. I do -- I do -- I do think in my opinion that it would -- I would sleep better at night if we based it on all of the information.

Smith: Mr. Chair?

Seal: Yes.

Smith: To that point, if there is an inclination to pass it forward, I agree, I would like to see it, but I guess, you know, the real concern is that we -- or assuming there is something in the ACHD report or there is -- we are assuming there is something there that's not and so what I would prefer if we did do something would be to kind of belt and suspenders it to essentially be recommending what we would want to see and if it's in the ACHD report, that ACHD is going to handle that or whatever, they can go to City Council and say this is covered, this is covered, et cetera. But I wouldn't want to say, you know, whatever's in the ACHD's report, et cetera, I would want to be overly inclusive of requirements, if anything.

Grace: Mr. Chairman, I appreciated what Amber said about the delay. I think we are going to quickly wake up and we will be right back here in two weeks. I don't think it's going to be -- I'm hoping that it's not going to be to your disadvantage. I would rather wait for the report myself, rather than start making some convoluted conditional recommendation to the City Council.

Wheeler: Mr. Chair?

Seal: Go right ahead.

Wheeler: Amber, do you have -- are we -- are we certain that you are going to have the report here in the next two to -- two weeks? One week? Are we certain?

Van Ocker: This is ACHD. We are never certain. I mean they have -- you know, they have had the application for many, many many, many months. We have every indication that they are working on it and they are asking all the right questions and that the report has been drafted, but --

Wheeler: Yeah.

Van Ocker: -- I can't say one way or the other. I'm hopeful. I mean just to follow up on - - on your dialogue, I just -- you know, I understand the position that you are in and I understand that it's hard to send something on that you don't have a full report on, but truly everything that is in our traffic study comes at the bequest of ACHD. I just -- we are hoping maybe they are light on a couple of things and that we don't have to do everything

that we have actually listed in our report. I'm just not so sure the reading of their findings is going to change, you know, any of your decision making here this evening. I mean we are requesting annexation and a conditional use permit to -- for this development for the school facility. I'm -- the -- what we do with the roadways really does fall under the purview of ACHD and, you know, I apologize for muddying the water by not wanting to extend our roadways to the -- to the northern parcel line, it really was a -- you know, a three point shot at the buzzer and was hoping that we could get some relief, but I -- I certainly do not want you to, you know, do something to this application that would prevent us from moving forward because of that request, so --

Mr. Smith: Mr. Chair? So, my question based on that is -- is really that -- and I don't necessarily know that it has to be too convoluted. My question I guess to the applicant and also to fellow Commissioners is whether I guess we continue this or, you know, what I would be willing to support would be, essentially, you know, requiring that these improvements all be made prior to occupancy, as well as, you know, any obvious -- obviously, anything that ACHD requires. So, I guess those are my two positions and neither are what you came in asking for, but I see value in both. I personally would -- I would say slightly prefer being able to see the report, but if it's going to be a huge issue or if it's going to be, you know, risking delay after delay, you know, I'm not married to it. So, I guess it's just food for thought and conversation and we could go the route of just saying, hey, require all this prior to occupancy and, you know, that's something that you can -- based on the ACHD report is something that's not necessary you can point it out to City Council. But, yeah, just thoughts for the applicant and for fellow Commissioners.

Seal: Commissioner Lorcher?

Lorcher: I agree with Commissioner Smith. Unless the ACHD report says that they have to extend it all the way up through their service area, the report is going to tell -- you know, just really clarify what it is. The conversation tonight really is to how we are going to deal with 1.1D is that to extend Ersatz and Owyhee Storm all the way through their -- their entire property or just phasing it with their project. They are asking us to phase it. The city planners, because that's within the way properties are developed, are asking that it happens all at the same time. So, really, that -- to me that's the question in front of us is that do we recommend to City Council saying, yeah, go ahead and do the whole road, because that's what we traditionally do in the City of Meridian when we annex properties or are we asking -- are we saying, yeah, let them just do the portions that they are going to occupy or use now and, then, like you said before -- before occupancy do the rest. Because at this point what I'm hearing is that, yes, they plan to develop the two purple areas, but it's not a guarantee. So, I mean I don't blame you you don't want to pay for -- really it's an improvement of something that you may or may not keep and even though you are not making this decision today and maybe not even making a decision five years from now, you are still paying the bill. So, I can appreciate both sides of this, getting the ACHD report, but unless the ACHD report is going to say you have to build the road all the way through, nothing's really going to change as far as our recommendation at the City Council.

Wheeler: Mr. Chair?

Seal: Yes.

Wheeler: Commissioner Lorcher, similar on that, as the traffic consultant -- I can't remember her name. I apologize. But, you know, her comment was that it wouldn't even be ACHD requiring, that it's already on ITD's plan, so they might even just come back and -- and -- and not even be, you know, the per ITD. And so we can make, you know, a conditional recommendation, you know, stating that, you know, we would -- we would like the road to go through, pending ACHD's recommendation or ITD's plans for this road and if they are already on those plans saying, no, we are going to go ahead and extend it anyway, you know, and they are not looking to break ground in the next -- I mean it's not going to be completed until 2025 that's some time frame there, too. So, it gives them the 20 -- you know, it could be as late as 2026. Hopefully not. Hopefully you guys get it in in 2025 for -- for -- for fall. But it could be a while and so that could give some time on that. So, that way we can do both what we are trying to -- think accomplish of what's the most salient issue that we have been talking about, but that's -- those are my thoughts.

Lorcher: I challenge ITD to get the job done by 2024.

Wheeler: Well, they are not going to, but if they say that it's on their plan -- if they say it's on their plan, then, that could be the reason to say, okay, there we don't have to, because ITD actually states we are going to build this road or vice -- or if ACHD recommend -- says that or if ACHD says we will punch this through, now all of a sudden, you know, we don't have to. But, then, we have that safety net of saying, well, we want it to go through, if that's kind of where the Commission is at.

Smith: Mr. Chair?

Seal: Yep.

Smith: Question for Council staff. Where relevant. Is there anything preventing us from saying that they need to -- prior to occupancy ensure that it is constructed, rather than do it themselves? And if ITD handles it in that time frame, great. If not, then, they could theoretically, you know, work with the city to have an extension on, you know, that requirement. If say ITD is constructing it six months after occupancy, you know, just -- just spitballing here -- is there anything that prevents that or would that be allowable? Obviously, the occupancy kind of thing removes some of the teeth, but questions around --

Allen: Mr. Chair, Commissioners, other than requiring a road trust -- and the city doesn't do that, ACHD only does that -- and I'm not sure if they still do that, but that's the only way to guarantee that there -- yes. Thank you.

Seal: So, again, I come back to the I don't know. I mean there is -- there is just a lot I don't know that's going on here. Ninety-nine percent sure that what you are saying is



probably going to happen. It's that one percent, you know, I mean I -- I have been on the bad end of somebody saying, you know, rubber stamp and things like that of, you know, things that we do up here. So, you know, I don't want to give people that impression. So, I want to make sure that we are basing decisions and recommendations on all of the information. So, it just puts us in a bad position if we don't. That's my opinion.

Starman: Mr. Chairman, if I could add two thoughts for you. Let me preface it by saying I don't have a dog in the hunt here, so whatever the Commission decides you want to press on, you want to continue, that's perfectly fine with me. But the two thoughts -- one is if the Commission as a whole feels you don't have all the information you need to make an informed decision tonight, it is certainly within your prerogative to continue the hearing and to have the information you need to make an intelligent recommendation. So, that's -- there is no doubt that you have the authority and if the Commission feels that way that's perfectly fine. The second piece I -- observation I would make is that one of the findings for the annexation in particular is that it's -- that the annexation is in the best interest of the city. I think there is an argument to be made is that we may not know the answer to that until you have the complete picture, including the ACHD traffic analysis in the report, but that's really for the Commission to decide, but that is one of the findings that you are advising the Council on, that this is in the best interest of the city as a whole and you may or may not have enough information to do that if you don't have the ACHD recommendations, which is two thoughts for you to contemplate.

Seal: Okay. Thank you, Kurt. Commissioner Grace.

Grace: Mr. Chairman, I appreciate that, because I was wondering the same thing, that it wasn't just about these two -- these two lateral roads, it was about the bigger picture of looking at the whole project. So, I appreciate that. And, then, I forgot my second point.

Seal: It's okay. It's getting late.

Grace: Yeah.

Smith: I personally -- yeah, I agree. It's probably -- we are probably -- we are probably all aligned here, but I would rather this be -- I would rather have a relatively quick hearing the next meeting than look back and say we missed that. I would rather be able to look over this -- look over ACHD comment and if everything looks -- looks good vote to approve it then, rather than, you know, basing it on probably and, you know, we wager so --

Seal: Yeah. That's -- I mean specifically with annexation that's -- I mean I have heard it in here and I hear it at the City Council meetings that, you know, you get one chance to get that right. That's it. You get one go at that. So, everything else has timelines on it, but once you are annexed, you are annexed, so --

Smith: Just to firm the question. So, a continuance does not need closing of the public hearing; correct?

Seal: Correct. That's -- that's why I haven't asked for it yet, so -- not to string you along, but --

Wheeler: Mr. Chair?

Seal: Yeah, go ahead.

Wheeler: Amber, is your client -- so, it looks like we have something open on -- would you say June --

Seal: 6/1. Next hearing.

Wheeler: 6/1? Is your client open to meeting on that Thursday?

Van Ocker: Absolutely.

Wheeler: Well, how about we just do this then. I move -- I would like to make a motion. I move to continue File No. H-2023-0011 to the hearing date of June 1st for the following reasons: To review ACHD staff report before recommending to City Council.

Lorcher: Second.

Seal: And thank you for doing it that way. That way that precludes any other conversations from popping up. Basically that puts us into the purview of that's what we are there to look at. So, I appreciate that. With that it has been moved and seconded to continue File No. H-2023-0011 to the date of June 1st, 2023. All in favor, please, say aye. Opposed nay? Motion carries. Thank you very much. We appreciate the time and effort and patience. Yes. Lots of patience. Yes.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

**7. Public Hearing for Julia Subdivision (H-2023-0003) by Hesscomm Corporation, located at 2435 N. Black Cat Rd.**

- A. Request: Annexation of 2.77 acres of land with an R-8 zoning district.
- B. Request: Preliminary Plat consisting of 10 buildable lots and 5 common lots on 2.77 acres of land in in the R-8 zoning district.

Lorcher: Mr. Chair?

Seal: Not yet. Are going to do the -- we got one more.

Lorcher: We do?

Seal: Yes. Can I get a motion to continue File No. H-2023-0003 for Julia Subdivision to the date of June 15th, 2023.

Smith: So moved.

Grace: Second.

Seal: It's been moved and seconded to continue File No. H-2023-0003 to date of June 15th. All in favor, please, say aye. Opposed nay? Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Seal: Now I will take one final motion.

Lorcher: Mr. Chair, I move that we adjourn.

Wheeler: Second.

Seal: It's been moved and seconded that we adjourn. All in favor, please, say aye.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Seal: We are adjourned. Thank you.

MEETING ADJOURNED AT 10:20 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS. )  
APPROVED

\_\_\_\_\_  
ANDREW SEAL - CHAIRMAN  
ATTEST:

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

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