

Seal: Second.

Grove: Second.

McCarvel: It's been moved and seconded to recommend approval for H-2021-0078 with modifications. All those in favor say aye. Opposed? Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

**3. Public Hearing Continued from November 18, 2021 for Lennon Pointe Community (H-2021-0071) by DG Group Architecture, PLLC, Located at 1515 W. Ustick Rd.**

- A. Request: Annexation of 10.41 acres of land with a request for C-C (2.01 acres) and R-15 (8.3 acres) zoning districts.
- B. Request: Preliminary Plat consisting of 44 building lots (43 single-family residential and 1 multi-family residential), 1 commercial building lot, and 2 common lots on 8.8 acres of land in the proposed C-C and R-15 zoning districts.
- C. Request: A Conditional Use Permit for a multi-family development consisting of a total of 18 units on 1.18 acres in the proposed R-15 zoning district.

McCarvel: Next item on the agenda is an item continued from November 18th, H-2021-0071, Lennon Pointe Community and we will begin with the staff report.

Dodson: Thank you, Madam Chair. Appreciate the time tonight and mine will be a little longer than the previous. I apologize. But that's just my luck here. As noted this was continued from two weeks ago, because I apparently can't count lots anymore. I just missed one. So, I do apologize for that, but we are here tonight and we will be getting this forward -- moving forward here. As noted, this is for Lennon Pointe Community. The request before you tonight are annexation and zoning, preliminary plat, and a conditional use permit. A private street application was also submitted, but that is an administrative approval. The site consists of 8.8 acres of land currently zoned RUT, located at the southeast corner of Linder and Ustick Roads. There is no permit history or hearing level history with the city at this time. The future land use map designates this property as mixed use community, which allows residential dwellings at the density of six to 15 units per acre. The annexation and zoning of this property is requested for 10.41 acres, which as you can tell is quite larger than 8.8, but that's because we require zoning to go to the centerline and when we have two arterial streets abutting your site you tend to add quite a bit of area of zoning that doesn't match the plat. So, just to let you guys know that's where the discrepancy is. It has a request for C-C zoning and that's two acres and a request for R-15, which is 8.3 acres. The preliminary plat consists of 44 residential building lots, 43 single family and one multi-family lot. One commercial lot and two

common lots on 8.8 acres of land within those proposed zoning districts. The conditional use permit for multi-family development consists of a total of 18 units on 1.18 acres in the proposed R-15 zoning district. Again, the applicant did request private street approval. The director slash staff gave approval of this application, so there is no need for Commission to act on that. The subject site does have existing -- existing City of Meridian zoning in all directions as you can see on the map on the left-hand side here. The site is directly bordered to its north and west by arterial streets, Ustick and Linder to be specific. Development of the surrounding areas are still ongoing with detached single family to the east and south, which is part of the Creason Creek Subdivision. Multiple office buildings are being constructed to the north and the C-C parcel north of Ustick and there is existing C-C zoning and an ambulance service in the C-C zoning directly to the west and across Linder Road. In addition to the existing land uses around the property, the subject site contains two major waterways, which you can see a little better on this right-hand side map. We got this Kellogg Drain here and, then, I believe this is the Creason Lateral here. The -- almost the entire site is within some form of a floodplain. Flood way, floodplain, and flood zone. There is different ones. So, it is important that the applicant deal with the waterways on the site. The applicant is proposing to pipe the Kellogg Drain and reroute it along the south boundary or near the south boundary in order to make more area of the site usable, as well as provide adequate open space and pathways in the southwest corner of the site. The proposed land uses are attached single family, townhomes, multi-family residential, and commercial. So, you have attached single family, which is here. You have the multi-family and, then, you have townhomes, which are going to be three or more, which is these here and these here and, then, you also have -- I can't count again. I said three detached single family in my staff report, but I forgot that there is a fourth detached right here. It actually has multiple residential land uses on the proposed project. These land uses are consistent with those outlined in the mixed use community future land use designation definitions when they are properly integrated, both internally and externally to the site. Overall staff does find that the proposed site integrates with -- integrates the proposed uses in appropriate manners. Specifically, the applicant has proposed multi-family residential along Ustick, as well as the commercial buildings at the hard corner at Ustick and Linder. This, therefore, places the most intense uses closest to the arterial, which the comp plan talks about in multiple ways. Therefore, the single family uses are proposed on the remaining area of the site and makes up approximately 70 percent of the site area. The applicant is proposing the single family portion of the site as all two story, except for the six unit townhomes here and here. So, nine units of the 43 are three story, the others are all proposed as two story. In addition to the site design and proposed uses, a certain density is required to be met for the residential projects within the future land use designation and, again, that is six to 15 dwelling units per acre. The proposed project is shown -- or -- with the total units as proposed originally is shown as approximately 7.35 units per acre. So, it's a very low end of the MUC designation. Therefore, it meets this requirement. Overall staff does find the project is consistent with the comp plan and the future land use designation of mixed use community. However, staff does find that some revisions to the site plan should occur to offer a better transition from the existing single family to the east into the site. Specifically the height disparity between the proposed four story multi-family along Ustick and the proposal to have alley loaded homes along the east boundary. The

existing detached single family home in Creason Creek directly adjacent to the multi-family units is a single story home with a bonus room. Obviously, that next to four stories is a big disparity. Staff has called this out. Despite the separation and has proposed that the applicant basically take the top two units off directly adjacent to Creason Creek. Therefore, there would be -- it would be two story here and two story here and, then, jump up to four story for these. In response the applicant provided revised elevations that showed the loss of one unit adjacent to the east boundary, which makes between the four story and the property line approximately 46 feet of separation between the fence line and four stories. I will leave it to the Commission to determine if they want to stick with staff's recommendation and request that they take another unit or if they are okay with that or whatever you need to do with the multi-family. Staff does recommend that the units along the east boundary -- I guess my next point these units here, staff does recommend that these become front loaded, rather than alley loaded. Staff recommends -- I did not call this out in my staff report specifically in a condition, I called it out saying that I did not think they were going to meet the setbacks and they don't currently for an alley loaded property. They are not getting the, quote, unquote, front setback on the east side of the lots. I have discussed it with the applicant and we are in agreement that we should change these two front loaded and, then, move the property lines, because they technically are ending right up along the sidewalk back here. We would remove the sidewalk and extend the property lines to this boundary and this would become the rear yard and they have the front doors on the front side as normal, which would actually -- you know, they don't have to move the homes. They can if they need to, but they will be able to maintain the rear setback of R-15, which is 12 feet. Staff made this recommendation -- or is making this recommendation, because I believe that having it front loaded will have less of a nuisance and less noise than what is being proposed currently. Having that additional foot traffic on the east boundary I think would be more of an issue for existing residents to the east than having rear yards of single family homes. And, again, to note the applicant and I are in agreement with that change. At least we were yesterday, so -- the proposed residential uses are allowed uses within the R-15 zoning district. So, again, that's -- all of the different proposed uses for residential are allowed. The caveat to that is the multi-family, which is a conditional use, which is why we have a conditional use permit before you tonight. Future commercial uses will be analyzed with future applications submitted for that area. In regards to dimensional standards, the commercial lot meets all the required dimensional standards. But, again, when we get a certificate of zoning compliance and design review in at a later date staff will analyze that in more detail. Multi-family buildings meet all of these standards, except for the height. At least originally. The applicant did revise the elevations of these buildings and they now show compliance with the 40 foot height limit of the R-15 zoning district. The single family area of the site meets all dimensional standards, except for as I noted the east setback for those homes, as well as the center lot and the three-plex is not the minimum 2,000 square foot lot. I do have a condition of approval to correct that prior to Council in my staff report already. Multi-family conditional use is -- has specific use standards that they must comply with. Each multi-family unit is proposed as a two story, with the units on levels one and two differing from those on levels three and four. So, again, it's kind of a stacked product. That's why they are four stories. The lower units provide at least 132 square feet of private open space in the form of patios and the upper

units provide at least 251 square feet of private open space per unit in the form of private patios. This vastly exceeds the requirement in code for 80 square feet per unit of private open space. Each unit is proposed as being greater than 1,200 square feet. So, per the specific use standards 350 square feet per unit of common open space is also required to be provided. Based on the original number of 18 units that equates to 6,300 square feet of common open space that should be provided to meet the specific use standards for the multi-family product. Open space for the project overall is being shared and with that -- I will discuss that very shortly, but overall the proposed open space is in excess of code requirements for both portions of the project. Staff does not have any concern with that. For 18 units a minimum of two amenities from two categories within specific standards are required as well. That applicant is proposing a shared plaza here that has some public art, which meets both amenity requirements from the quality of life and open space categories. Therefore, staff does find that the proposed multi-family project meets the specific use standards outlined in the UDC. Now, to the open space for the project. A minimum of ten percent qualified open space meeting the standards in UDC 11-3G-3 is required for the -- for the single family and the multi-family at this point. Based on the proposed plat area of 8.75 acres, a minimum of .88 acres of qualified open space should be provided. According to the applicant the revised open space exhibit, approximately 1.64 acres of qualified open space is proposed, which is approximately 18.7 percent. The majority of this open space -- this qualified open space consists of this large open space area here, as well as the large MEW in the center of the development and half of the arterial street buffer, which is allowed to count per code. Staff finds that the proposed open space is adequate, both in the amounts and its placement to satisfy all code requirements. Based on the area of the plat a minimum of one qualified amenity is also required to be provided. The applicant has proposed three qualified amenities, which I would like to note is -- the applicant corrected being they were right. I stated in my staff report that the dog park is not qualifying, but it is, in fact, qualifying. I read code wrong and they are providing waste disposal stations, so they are allowed to have that qualify as an amenity. So, the three amenities that are being proposed are the dog park area, which is located here, a ten foot multi-use pathway segment and a children's play structure, which is shown here, and those are all qualifying amenities and exceed the minimum amount. The applicant is proposing pedestrian facilities throughout the entire site that include attached sidewalks along the public road here, micro paths and the multi-use pathway segment as discussed. All these facilities connect and integrate throughout the site as seen through the landscape plan here and going through the MEW along all the private streets, which are not required per the privacy standards. It will connect to the sidewalk along Linder and Ustick, which is existing, and, again, throughout the entire site. Overall staff is very appreciative of the proposed pedestrian circulation system within the site. The project also meets all off-street parking requirements per the submitted plans. However, future building permits for the single family will verify compliance with off-street parking standards based on the number of bedrooms per unit. So, each of those single family is shown with a two car garage and a parking pad, which will meet the parking requirements if they are four bedrooms or less. So, it is assumed that that's what they will have to do. Access for the site is a little complicated, so bear with me here. There is -- again there are arterial streets adjacent to the site. So, Linder Road on the west, Ustick Road in the north. Access from those sites are proposed via two driveway connections,

one to each. They have a driveway connection here and drive a connection here. The Ustick Road driveway connection will be limited to a right-in, right-out for ACHD. This one will be a full access as I -- the staff report notes a temporary full access because the access on the west side is a full access and if ACHD limits one they have to limit the other, so they have decided to leave this as a full access at this time. Sorry. ACHD did approve both of these access points through a review of a driveway analysis made by the applicant's traffic engineer. A TIS was not required because less than one hundred units were proposed with the project. The other public access points to the site are proposed at the -- this is a little easier -- at the northeast corner and the south, because they are extending the existing public roads. You have North Zion Park Avenue, I believe, from the south, which will, then, connect to West Pebblestone, if I'm not mistaken here. And this is a public road through the site. The applicant is proposing a private street through the west portion of the site, as noted, and has received administrative approval for that, so that starts here, winds around and goes here. So, this is also private, because it's -- technically a driveway access with the drive aisle for the multi-family and drive aisle for the commercial. This is all private slash commercial or multi-family drive aisle. But the official private street, which will be an easement, is -- starts here, winds through, and ends here. That -- the private street is proposed to be at least 26 feet wide, which exceeds minimum UDC requirements and it will be within a 30 foot easement on the plat. They -- the private street and the local street are acting as alleys for a majority of the units to make them a majority of alley loaded, which presents a new product type in the area of the city. Again, the private street meets all UDC requirements. The three detached homes in the southeast corner of the site are proposed with -- I'm sorry. The detached single family are proposed off of a common drive -- or at least two of them are and per code you cannot have more than four, so this, therefore, meets UDC standards as well. There was two at least as of probably 2:00 p.m. this afternoon there were a couple pieces of public testimony. One from John and Caryn Bitler. There is concerns of the type of residential units being proposed and the fact that they differ from Creason Creek to the east. Concerns over the inclusion of multi-family, especially considering the height, and overall just the high disparity of the proposed units proposed with those to the east and as usual development there was some concern with the increase of noise and traffic with additional units in the area. Olena and Eder Santana also stated very similar concerns regarding the proposed project. I will note there was also some discussion in the public comments about what was discussed by staff a few months ago and what was discussed at the neighborhood meeting does not align with what's being proposed and that does tend to happen. Some of the discussions I had with the applicant -- I have been working with the applicant on this probably all of 2021. I can't remember at this point. We had five pre-apps on this. We have worked very diligently on this project. So, the plan has definitely changed over the last ten months or so. So, it does happen. I just don't want the Commission or the public to think that there is any kind of bait and switch or anything changing, but those kinds of things do happen. But staff does recommend approval of the subject application per the conditions in my staff report and, again, I would like to ask that the Commission add one -- one more -- recommend one more recommendation, which would be for the -- to change the units on the east boundary. I noted it right before my bullet points on my outline. It should read similar to the applicant shall revise the site plan to show those units along the east boundary, Lots 1 through 12, Block 2, to be front

loaded units and remove the shared pedestrian access along the east boundary and revise the plat to show the property lines of these lots going and touching the east boundary of the site for the rear yards of the zone. So, along that I can make it prettier for the staff, but I need -- that would have to be part of the motion if you guys would like that and agree with staff, because I did not have a condition. After that I will stand for any questions.

McCarvel: Thank you. Would the applicant like to come forward?

Wheeler: Madam Chair, Members of the Commission, I will just upload my presentation here.

Dodson: I got it.

Wheeler: Oh, you got it?

Dodson: Yeah. You can't -- you can't do that. Just use the arrows. The mouse is real finicky, so I would just use the --

Wheeler: Got it.

Dodson: -- the arrow buttons.

Wheeler: Andrew Wheeler. 2923 North Arthur Circle, Boise, Idaho. 83702. Representing DG Group Architecture. And first I would like to thank staff for their diligence and efforts over the last year and a half. As Joe said, we have had five pre-apps and this has been a pretty complicated project and site to come to quality design solution and thank you all for your time and attention here to review the proposal. The site currently, as Joe mentioned, is a mixed use community zone, which is the -- which has the purpose of allocating areas where community serving uses and dwellings are seamlessly integrated into the urban fabric. As noted in the staff report comments, this site is proposed as a transitional density from the existing single family to the main arterial streets. It's a -- it's a prime opportunity to have that transition that culminates at that hard corner, which is surrounded by commercial currently. Is this picking up? Am I loud enough here?

McCarvel: Yeah. You got to get real close to it.

Wheeler: Okay. There we go. Over the past year and a half we have worked closely with staff to come up with a quality solution to the many development problems that this site has and we are excited to present with you -- to you Lennon Pointe, a mixed use community. This image is a site entrance. This would be coming into the site from West Pebblestone. This is the demarcation between the public road and the private. So, existing conditions. So, looking at the site overall at an aerial view of the site from the southeast corner at Linder and Ustick and this shows the network of local streets that connect to the site. You can see there is two connections to Ustick through this local

street network, as well as one in -- on Claire Street in the south there to Linder. So, there are other opportunities for traffic to reach those arterials, other than the ones directly adjacent to the site. North Zion to the south intersects the site and, then, West Pebblestone to the east. So, here is a survey of the site and this kind of shows the -- the challenges that Joe mentioned. So, the one main challenge is the Kellogg Drain. It really limited the development potential of this site. The site's sat there for a long time because no one's wanted to take on the challenge of how to figure it out. So, we were up for that. It also has the floodway on the southwest corner, which eats up a big portion of the site and, then, as well as the flood zone, which is about half to three-quarters of the site, so we plan on raising those pads to one foot above base flood elevation. Access to the site, as Joe went through with -- on Linder and Ustick is a little complicated to make sure that, you know, we were in compliance with ACHD. We are utilizing the existing curb cuts to provide that access and as well as bringing through that local road, which was a big design factor. The single family to the east is a critical part of this project and so we took steps to mitigate that and provide a lifetime product adjacent to the current two story and one story plus bonus on that eastern side. There is some imagery -- imagery of the existing site. This is the existing curb cut on Linder looking north. The site is to the right. Here is the connection from the Creason Lateral to the Five Mile Drain and another vision of that. That's the Creason Lateral. So, this is looking southeast. This is the Five Mile Drain culvert. This is looking south and that's the existing single family in the far distance and this is on North Zion Park Avenue looking north and, then, looking -- looking east and you can see there are two story and one and bonus room single family and also to note - - we will get into this -- the grade elevation is three foot higher on the existing single family than our proposed pads. Here is what that community current look -- currently looks like on Tumble Creek and Northwest 13th Street and this is West Pebblestone looking west that dead ends into the site currently. Here is a vision -- or an image showing that discrepancy of grade elevation of three feet higher. This is the existing single family on the northeast corner adjacent to that multi-family project and, then, this is the curb cut on Ustick looking east as well. So, site design. So, to dive into this, you know, the requirement for mixed use community and three product types, so we are proposing -- proposing the community commercial on the upper left, the multi-family upper right and the single family in the -- the main part of the site. A lot of the challenges that really drove the site -- one was extending the public road and, you know, that dictated where our driveways needed to be in and part and parcel to, you know, where the homes would be and how much distance we had between lots, as well as the floodway and flood zone areas. So, the floodway in the southwest -- so, you can see that area marked there and, then, the Kellogg Drain. So, the red is showing where we would reroute that drain underneath the hard pipe with the same outlet discharge location that it currently is at. So, we are utilizing the nonbuildable land to move that -- that drain and provide a pedestrian amenity in that same location. Arterial street access utilizing the existing curb cuts as mentioned earlier on Ustick and Linder. And let me go back into this. So, the community building -- or the commercial, excuse me, is, you know, pushing that building to the hard corner to buffer the views of the parking, as well as provide two driveways -- drive-throughs for that future use and, then, the other commercial building is adjacent to the hardscape and public art to provide that additional revenue for a commercial use and residents. The amenities, as Joe mentioned, are the public plaza and the art and, then,

that ten foot pathway in the lower left and the tot lot, as well as the dog park. The MEW throughout the center was critical to -- and we went through alley -- two alley load designs to have, you know, porches on the front, eyes on the street, have that community feel and be able to not just have -- be driveways and cars, you know, all throughout the whole site. It's unavoidable to have a complete -- it's unavoidable to have it completely throughout the site, but we did our best to, you know, try to provide that front porch feel. This shows the public -- shows the public road. Everything else would be private. And, then, the pathway plan -- this shows it a little clearer without the Kellogg Drain, the pathways throughout the entire site, so there is great connectivity through the hardscape plaza to the lower southwest path -- ten foot pathway required by the Parks Department that would connect to the existing Creason Creek pathway of Creason Creek Subdivision Two to the south. That needs to shift over west a little bit, which is a detail that we are working out. Here is the open space exhibit that highlights what we are counting as open space. 44,415 square feet required and we are providing 71,458. Here is a parking plan. This shows that in the upper left, the commercial, there is -- for 500 square foot per stall. Requires 24 stalls. We are providing 25. In the upper right on site B the orange would be surface parking, as well as three on-street parking stalls and, then, the blue is two car garages. Required are 30 -- 36 required and we are -- we are providing 44. In the single family there is 177 required and we are providing 201 and the yellow is on-street guest parking with -- the driveways that are in dark grey would be two car driveways and, then, two car garages. So, four cars per lot. This is a rendered vision of the top down view of that. So, building design, the commercial -- commercial buildings are modern in nature. We don't have a tenant for those yet, but the intent is that they have a modern aesthetic, CMU block, metal panel, concrete. This would be building the larger one on the corner and, then, this is the smaller one, which possibly a sandwich shop, something that's going to serve a use adjacent to that hardscape plaza. Similar materials. And you can see those on the right here with the TPO roofs and, then, again, a view here and there is a few other views. So, this is showing that plaza with the public art and a future commercial use and, then, that MEW to the left. Building A, the multi-family building, so this would be -- this is level one and two. This would be one unit. Stairs are not shown in here. They should be. But it would be accessed from the garage direct into the unit and, then, this would be levels three and four and due to the height limit we have more of a loft situation to that fourth level and, then, you can see on the right we are dropping -- we are losing a unit to address the single family to the east. Here are a couple of elevations of those. On that bottom left image you can see that step. And here is a section kind of showing the design of that and those stacked units and as well as -- you know, it opened up an opportunity to bring in daylight to that upper unit, provide higher ceilings, more robust unit, and a quality of space and that -- those upper units. So, here is showing an example of the two story versus the four story. You can see that it's about 43, 44 feet from the property line to the four story is what we are proposing. The 22 foot -- the small portion of the stair tower is 22 foot tall. But, again, the grade is three foot taller on the residential side existing, so that's actual 19 feet from relative to the adjacent single family and, then, we are 19 foot four to the two story from the property line of a majority part of that -- our eastern unit. So, here is the -- that shows those grades. We are 2,572 for our finished floor and the existing of that homes at 2,575. And that's what that looks like currently -- in the current design. The same -- same look and feel, just stepping it down to address



that two story unit to the east. Here is another view. This is heading into -- in -- heading west on Pebblestone -- West Pebblestone. That was Building A to your right. And, then, another view looking at that right-in, right-out on Ustick. This building is Building B on the site, which is located facing outward onto Linder facing west. Again, we wanted porches and front doors to face Linder, rather than having garages face Linder and having that aesthetic as you are driving down there. It is a three story product, level -- one story is the garage level adjacent to the street and, then, stepping up with board batten, traditional gable and horizontal siding and stone. That's what that looks like there facing Linder. This is the other three story product of a three unit building. Same materials, same design aesthetic, and this is looking at that pedestrian path connection and that's the Building C to the right and you can see it -- kind of the right middle there as well. Yeah. So, the main majority of the two unit single families -- we wanted to have some variety, so we did a D-1 and a D-2. This is calling it Building D. The main differences in those -- and you can look at the top two images. We have a shed dormer on the -- this thing skipped over. So, the D-1 we have a gable on the -- the main center portion and, then, a hip roof on the garage portion and, then, that flips to a shed dormer and a gable. So, what that ends up looking like is a variety of housing types through the area and this is that -- a view through the MEW and this is a view at that ground level with four foot vinyl fences, wrought iron gates to kind of provide privacy, but keep eyes over the fence and provide connection with neighbors and people living in the area. Here is a view looking at the hip roof of the garages versus the gable. That, again, provides a differentiation between that street. So, they are all -- they are all not the same and, then, we have a single family product, the three units to the southeast corner, which is there on the right and that's the dog park straight ahead. So, there would be the dog park stepping out of one of those single family units and that shows the single family units to the left. At the neighborhood meeting a couple concerns that were brought up that Joe mentioned. Mostly it's the four story unit at the -- four story Building A and, then, the two story adjacent townhomes and, you know, when you -- we have a similar issue here as we do on Building A with the grade differential. There is 2,575 at the grade and that's not even at the building pad of the existing home. So, likely the pad is another foot higher or a little bit higher, about 2,575. Our finished floor pads are 2,572. So, when you look at that in section -- this is a section through one of the dormer -- shed dormer models, the grade raises at the -- the right side and -- so, the overall height is of, you know, 19 feet to the -- the eave would actually be 16 feet relative to the eastern homes. So, that's what that looks like in the east side of the property and this is a view on the south looking north. This is the west side looking east. And, finally, the north side looking south. And with that I will open it for questions.

McCarvel: Okay. Thank you. Do you have any questions for staff or the applicant?

Cassinelli: Madam Chair?

McCarvel: Commissioner Cassinelli.

Cassinelli: Is the -- Andrew, the commercial, is that all single level?

Wheeler: Yeah. Ten, 12 foot. I mean it's going to be -- you know, depending on the user

that goes in there, but, you know, possibly 15 feet. No more than -- not -- not a two story.

Cassinelli: Did you -- and another question is did you look at putting similar three story product on the north side there against -- against Ustick that's over to Linder?

Wheeler: We did. The original intent was to have a larger two -- two story and, then, a step back fourth story and have a larger patio, you know, enhanced views of the mountains out there and, then, having a nice community area or private open space. With the 40 foot height limit that became a challenge to be able to make that work and so we ended up going with the -- with the square footage of the units needing to be at a certain mark. That's why we have the two stacked. So, if we do two stacked and two stacked you get to the fourth. We didn't explore a three story option in detail.

Cassinelli: So, you didn't look at putting a similar -- similar units that are on the -- that are fronting Linder to the north side?

Wheeler: We did not. You know, in the -- in the spirit of mixed use community and density, being that this is the arterial of Ustick and close to Linder, the whole area being community commercial zoned, we felt it was appropriate to have a different aesthetic that kind of matches the modern aesthetic of the commercial that transitions into the residential.

Cassinelli: Okay. Thank you.

McCarvel: Any other questions for staff or the applicant? Okay. Madam Clerk, do we have anybody signed up to testify on this application?

Weatherly: Madam Chair, we had one person sign in, but not indicating a wish to testify.

McCarvel: And with that I'm assuming the applicant has no further comments, since there is -- oh, sorry. Forgot about that. Anybody in the room that wishes to testify that did not sign up? Come forward. Pardon me? That's fine. You are here. Come on up. Okay. Please state your name and address for the record and you have -- the timer is on the screen there. You have three minutes.

Bitler: My name is Caryn Bitler. My address is 3055 Northwest 13th Street, Meridian, Idaho. 83646.

Yearsley: Can you pull the mic -- there you go.

Bitler: I don't know why I thought I should do that. Okay. So, to keep me focused and centered, I'm just going to read my e-mail, because I can go off on tangents and I don't want to do that. Okay? So, what I wrote to you guys was: Dear Planning Commission and city staff. We are concerned with the proposed development at 1515 West Ustick Road in Meridian. We understand the land consisting of eight acres has been slated for multi-use development since 2005 with designated commercial area, road entrances and

exits, having already been discussed with Fire and Police Departments for their use. We ask that you consider multi-use development in the form of designating single family detached homes for the housing portion of the development, which will best blend with our Creason Creek and surrounding communities. We are California transplants -- from New York originally, so don't hold it against me. So, we followed our family members that moved up here and they are longtime residents of the area to Boise and Meridian. Decide -- we decided to invest our hard earned money for a very nice, comfortable home in the community of Creason Creek. We were very involved with politics in California and now we are proudly registered voters with our new community of Meridian. We are very concerned about the property along Ustick Road being transferred into multi-family dwellings that will decrease our home values, thus impacting our family wealth and retirement. We request that you consider your decision to support the housing portion of this development for construction of only single family detached homes. This provides a more unified, seamless corridor and environment consistent with our community and the surrounding communities. Even as you consider density requirements for this development, it could be achieved with a proposal of six detached single family homes per acre. There is 43 by 60 square feet in an acre. So, you figure if you have six that's a little over 7,000 square foot lots for the homes. This compromise seems reasonably doable for our community. We request -- as we discuss with our community this pending development several families have decided to sell their homes instead of fight and we believe this will change our community forever. We are losing good neighbors. The proposed units we were told were ten feet from our backyard with the front doors facing us. That's not good. The builder said they would plant numerous trees -- my only question is how many acres are they building on? I know that's like an eight and a half to ten foot acre, because when I figured out what townhomes are going for now, new ones, they are going maybe in the high three hundreds and that's an overestimate. So, if you do 43 townhomes and also the apartments, the condos that they are proposing -- so, it would be more and times -- times 400,000 that's 17.2 million. If you are going to do houses -- our house is -- I mean houses are going for like 700,000 now and so if they do like 25, 30 houses instead, they are going to make more money. Thank you.

McCarvel: Thank you. Anyone else wish to testify? Certainly. Please state your name and address for the record.

Stinette: Pamela Stinette and it's 3036 Northwest 13th Street. Meridian.

McCarvel: Okay. You need to step close to the mic. You can push it up.

Stinette: Oh, I can. Okay. I'm taller than she is. It's Pamela Stinette and my address is 3036 Northwest 13th Street, Meridian, Idaho. 83646. And along with their concerns, I'm not directly impacted by neighbors looking into my backyard, so I don't have that same issue personally, although I understand for all the people that live across the street from me they are having -- going to have to deal with the same thing and I think that's a horrible thing for them. But my issues are not only is this development going in, but on the other side of Linder there is another development going in and so the traffic is going to be horrible. People trying to get out of the new neighborhood that you proposed, one of the

problems is that there is going to be a lot of people -- fast food and everything that's going in there, too, and also people trying to get out of that little development coming out on Pebblestone, driving 55 miles an hour to get to work. Already it takes me often where I -- where I use to be able to get out on the street right away, I have to sit there and so it slows me down, so I have to leave 15 minutes earlier every day. So, I'm just worried about the amount of traffic. Also the houses that are on Pebblestone have a lot of little children and so if people are hurrying trying to get to work, trying to compete with our traffic already, that is going to be dangerous. So, at least they should have speed bumps, if nothing else. If -- you know, overall I think there is way too much of a population going into that small segment, because it really isn't that big of a space and I think it's going to impact us terribly traffic wise, people walking to the park in larger numbers because of that many people there and so it's really going to impact us as far as getting in and out of the community. Also as Caryn mentioned, it really will also impact our home pricing. Even the construction of it, because nobody's going to be able to really sell their house for what it's worth during the construction phase with the trucks and everything and, you know, knowing it's going to be a combination of housing that -- you know, it's -- it's a mixed use you have different levels of housing and I think that's really going to impact the sales anyway. But even from the time of the -- you know, the -- the building portion is -- because that doesn't happen very quickly either. So, I'm concerned about the value of our homes, the quality of our lives, and the amount of people driving fast in the whole area, making it more difficult for us to go use the parks or for us to drive to go to work or for us to pick up our children easily from the schools and the impact it's going to have on the schools, too, because there is going to be a lot of children that they are going to need to put into the schools that they can't seem to build the schools fast enough to accommodate everybody. So, that's basically the main points that I have.

McCarvel: Okay. Thank you.

Stinette: Thank you.

McCarvel: Anyone else wish to testify?

Santana: Hello.

McCarvel: Hi.

Santana: My name is Olena Santana and my address is 3075 Northwest 13th Street. My concerns is -- actually is the biggest question even for you. Would you -- would like to lose the privacy of your backyard and somebody -- it's like that when we bought that property we were told never going to be developed to anything from a backyard. We have right now a beautiful view and our trees are basically our privacy. So, my concern is, you know, the amount of people in that corner and you just basically never will have your little oasis. So, that's the biggest concern I have and the traffic is going to be out of control, because development is across the street, down the street, and, you know, if we have a single family development there it will be maybe more manageable, but multi-family it's really a huge concern for me. Thank you.

McCarvel: Thank you.

Shanaberger: Hi. I'm Shelby Shanaberger. The address 3072 Northwest 13th Street. I guess the -- going last is going to sound kind of like an echo, but, basically, our concern was the same as everybody else's is. We are just worried about the traffic. I have my little one there and we see the speeders and we see the people coming through and I see the construction and it's just concerning to us. Getting out on Ustick alone right now is horrible. So, I was just wondering if there is going to be consideration of a light going in there at all just to get out. Also if they punch through there it's just going to be -- the people that live there, people are going to be driving through there -- basically for driveways, just -- and for my neighbors across the street, just having people constantly looking in their backyard. I think that the -- the proposed single family to be a better option and I just would be concerned about the traffic very much for the kids, because we already are dealing with speeders. So, if there is a way to get around that I think that that should be considered for the safety of our neighborhood, as well that we came into and proposed as someone else's oasis and someone else's neighborhood. Well, this is ours that we live in now and we don't really want people looking in on our backyards and looking in and having their wonderful views and ours is taken away from us. Thank you.

Simison: Thank you.

J.Bitler: Good evening. My name is John Bitler. I live at 3055 Northwest 13th Street. As a homeowner that has a backyard directly facing the proposed townhomes, we are concerned that the townhomes are going to be right on top of us with a setback of only 12 feet. That's from here -- from me to you. They are going to be right on top of our backyards. It's going to affect our privacy, view, and property value. We just landscaped our backyard and I don't want to go outside and sit outside and have somebody, you know, look into our yard. I propose for the townhomes facing all the homes on 13th Street west, maybe do a one story townhome. A lot of people don't want to have a two story townhome, they just want single family -- or single floor living. So, maybe that can be taken into consideration. With the traffic, just with our four homes on our side there is ten children living there. They are always playing in the street, riding bikes. You know, just don't want to see anyone get hit. We just urge you to consider maybe putting some single family homes in there just to go with the neighborhood. I know they have done a lot of work to add townhomes, but as a citizen -- sorry. It's just -- it's a lot. At least -- if you are proposing townhomes at least on our side of 13th Street just maybe make them single family -- or single level townhomes and that won't impact the homeowners on 13th Street as much. So, thank you.

McCarvel: Thank you. Anyone else in the room that would like to --

Reams: My name is Patrick Reams. 11844 Chinden Ridge Drive, Boise, Idaho. These are tough projects. I understand the position that you guys are in, especially what we just heard and I'm -- I'm for the applicant. I represent descendants of the landowners. I just want you to see a different perspective and maybe others. The descendants have had this property in their family for quite some time. They came to us about three or four years

ago with a challenge that nothing can get done. They have just been working with developers, it's fell out of contract multiple times since the last downturn. It's been going on for about 12 years. So, it's been a rough -- this gentleman over here has been working with the planner Andrew and the builder that's putting, you know, his interest on this thing and trying to get it to where -- something that would fit. It's -- I have seen multi-family lock up. I have seen all kinds of different mixed use, which has been a lot of ideas. I will have to tell you that -- that drain, that open -- you know, the Creason Lateral, all that, is a big problem. They resolved it. We are happy about that. It seems like ACHD is, you know, behind the traffic situation. I think the setbacks are -- I heard 15 feet. I think it's actually 18 to the building, but with two story and three story across the street. That's all been discussed. But if there is something that we can compromise, I think that there is some -- there is some areas that could still be worked out, but it -- the biggest issue for the seller and for the -- the developer that's moving in is to make it fit and that's the challenge and I have -- I have seen a lot of guys walk from this project. I just want to see something happen and I think the Simmons deserve that and it's a long time coming. So, with that, you know, I hope you guys make the decision here.

McCarvel: Thank you. Anybody else wish to testify?

Leach: Hi. I'm Jordan Leach. I live at 3039 Northwest 13th. I do think it's sad that we have to feel like we have to develop all of our rural farming areas just because they are there, but some of my concerns -- the traffic studies are from 2018, which doesn't reflect the amount of traffic that we have now, because there has been a lot of development since then and the other traffic study was done during 2020, which we know people were commuting less, not -- we don't have the school traffic as much during that time. The two roads going out of the community onto Ustick Road are already used by many houses. I don't know how many rental -- residential houses there, but it's kind of a mix of like three or four different neighborhoods already using those roads. Also I think that the idea that a three bedroom apartment only needs two parking spaces and one guest spot for every ten apartments just isn't realistic with our current rental market. I think the way that rental prices are compared to wages -- a lot of people have multiple families living in one apartment, maybe three or four adults. So, I think that's something that needs to be taken into account and that's it. Thanks so much.

McCarvel: Anybody else? Would the applicant like to come back?

Wheeler: Well, thank you for all -- everyone speaking. It's good to hear everyone's perspective and, you know, it is a challenging situation and so -- and we are very mindful, hence, why we have gone through five pre-apps to find a solution that fits -- that fits this site. To kind of piggyback off of what Pat was saying, you know, we did look at three story walk up and multiple different iterations, locations. The City of Meridian was opposed to that for -- out -- out of the gate and wanted to see a lower dense product, which is what we provide and also mentioned the density at 7.15, I believe between a range of six and eight, so we are -- we are not pushing the density of the site. A lot of that, obviously, has to do with the Kellogg Drain, the floodway, and those kind of requirements. Now, to mention a couple things that were talked about and kind of dive

into those. There was a lot of talk of existing single family and this only being single family one level, there is existing two story that we saw in those images that are in that Creason Creek Subdivision and plus single story plus a bonus room. So, it's -- we are not building up against a bunch of existing single family one story homes, there is two story homes already there. In the request for a single family detached, our community -- our community needs housing. In the last -- first that we heard providing detached single family everywhere -- I mean this is where development should go. It's where the services are. I mean if we put detached single family and spread it all over that's a burden on the city, it's a burden on police, it's a burden on fire. I mean development needs to go somewhere and on the hard corner that's already zoned community commercial all around it, to me as an urban planner and an urban plan designer, it makes sense that this is where that goes. On -- as far as losing good neighbors, well, there is also a lot more great neighbors that could come in. So, I would like to just make that point. In regards to the 17 million in profit and, you know, some of the numbers that were spoken about, I mean we -- there -- that doesn't even take into consideration any cost of the land, any cost of the construction. That's not -- this isn't a money grab. I mean, yes, people are in this industry to make a living and we are not hiding that, but it's not to just pack as many units and I hope that the Commission can see that by the efforts and the year and a half we have taken to plan a quality project. It was also mentioned out of state. I, myself, am a local here in Boise and, you know, my personal mission is to design quality spaces, to make sure that land like this gets developed in a proper way and talking on the traffic increase -- and I can pull up my slide if I need to, but I showed that slide that had the interconnected local streets. There are two access points onto Ustick and there is one access on McClaire Avenue onto Linder, so it's not that every car in this development is going to be coming out onto the nearest Northwest 12th onto Ustick. There is multiple ways to get around that. Not to mention the private drive by the multi-family directly right-in, right-out onto Ustick, as well as the access point that we are providing onto Linder. School capacity. I would like to note that in the school's staff report they approved this project. They said that they -- while it is tight there is capacity at some of the middle schools and elementary schools. I believe the middle school was at capacity, but they are -- they approved that knowing that they can meet the demand of -- I believe it was 32 students is what that staff report said. Privacy on the eastern backyards. That's certainly a big issue and one that most people here are concerned about. We do provide currently a 40 foot minimum height shade -- shade with Honeylocust. That was something that's in the landscape plan now. Originally in the current design we had that pathway with a ten foot wide utility easement that has an irrigation line to provide adequate maintenance for the -- for that landscaping for that purpose. We are open to doing an HOA requirement or something to have minimum amount of landscaping or a type of landscaping to provide additional trees and buffers on that eastern side, which I think could be a good solution to -- to make sure that people are protected and they are screening there, because I -- and I also agree with that. I also note, too, in the design there is -- it's got patios on each side and, then, there is a gable roof in the middle. So, the corners of those buildings are at a two story deck. There is not a roof or windows, you know, over there, so the overall mass is reduced and that was one of the reasons why it's designed that way. Setbacks that were mentioned. They were 12 feet. That would be the actual setback to an invisible line that doesn't mean anything, other than to the plat and planners, but the actual building

is 18 feet setback. So, that is much greater than 12 feet and, again, just to reiterate the developing rural areas. I mean development is coming and we need to provide housing and I think we all know that and can appreciate that and we are trying to put that in a quality area that's going to put the least amount of burden on the city and provide the most interactive community that we can that supports the City of Meridian planning goals and provides a quality design. That's all I got.

McCarvel: Okay. Any questions for the applicant?

Seal: Madam Chair?

McCarvel: Oh, sir. Come back. Commissioner Seal.

Seal: Yeah. Just -- so, multi-family there is -- you have garages at the lower level; is that correct?

Wheeler: Correct.

Seal: That -- we seem to be having issues with that and especially as it pertains to parking, so we ask this question to everybody that has multi-family with garages is how are you going to ensure that people are parking their cars in there and not using it for storage and parking elsewhere?

Wheeler: Yeah. And that has certainly come up on other projects I have worked on. One, having windows in the garages for one, so there can be a maintenance officer on the site that can inspect those garages and make sure that there aren't -- you know, looking in there to make sure there aren't just, you know, boxes, that people are actually parking there that is part of the HOA. You know, not an invasion of privacy, but, you know, a maintenance to have the site function as its intended to function.

Seal: Okay. Next question is the -- the ten foot path that you have running up by the lateral there, would -- would you be amenable to extending that up to the corner of Linder and Ustick to kind of match up what's on the -- kind of kitty corner from that? There is a really nice bike path that runs through there and, then, that can be crossed and provide really good access to the park without having to hit a roadway, other than going across the sidewalks.

Wheeler: Yeah. Can we pull up that presentation again, Joe? We need to look at a visual here to better understand. Okay. So, we are looking at the ten foot path and you are -- you are asking if we could extend it on the west side of that private drive parallel with Linder?

Seal: Correct. It would just basically follow Linder up to the corner, because, again, on a -- I mean on the opposite corner Linder and Ustick there is a pathway that starts there, a ten foot pathway that carries you through and it's really a nice amenity and to have it extend over here would, basically, allow people to drop right down into the park and stay



off the roads.

Wheeler: Separate from the sidewalks existing --

Seal: Correct.

Wheeler: Yeah. I don't see an issue with that. I mean currently that's the Kellogg Drain easement as it is. That would impact a little bit the landscape buffer there, but a good tradeoff I would say.

Seal: On the -- sorry. I got a lot of questions.

Wheeler: That's why I walked away so soon.

Seal: That's okay. The -- the dog park I noticed that's on the common drive right in front of one of the properties that's on that common drive. You might want to consider moving that somewhere. Even with clean -- clean-up facilities and things like that it still smells like a dog park, so I think the -- the resident that's going to be in that place off the common drive right by the dog park is -- unless they are really really dog people are probably not going to be very happy with having that right in front of them and I'm not against dog parks, I love dogs, but just might want to consider putting that somewhere where it's not as close to a residence, especially one that's kind of boxed in right there on that common drive.

Wheeler: Yeah. And we are working with Nampa-Meridian Irrigation District on, you know, their approvals and they are on board with this plan. They had a couple comments about moving landscaping that was in some of their easements, so possibly we could put that into that -- those easements and make that a part -- because we need to fence off that Creason Lateral with a wrought iron fence anyways and so if we could incorporate that somehow and I think that could be a good solution to move it to the southwest.

Seal: Okay. Last question is just on the four story, especially where it's right up against that house. I mean for good or bad just it -- that part just doesn't mesh very well where you have the -- the four story up there against it in my mind anyway. I mean have you looked into -- I think Commissioner Cassinelli asked early on if there is -- like a three story option or an option to basically drop that down over there, because it's -- to me four stories seems too high in general, especially when we are right up against that house over there. I mean if this were positioned somewhere else, you know, even over off of Linder or something like that, I think it would be less of an issue, but that's a -- that's a pretty hard transition right there. I mean as a for instance, if you flip that sideways, run it north to south, basically, we would be saying that's not a good transition, but the fact that there is only one house there is probably why staff, I would imagine, is even willing to work with it.

Wheeler: Yeah. It -- actually that neighbor came out to the neighborhood meeting and he wasn't as opposed as I assumed he would be. He wanted larger trees and there is an

existing willow that he wanted to maintain. I talked with our landscape architect on that is -- is that the right, you know, type of tree for screening and longevity, but -- so, he -- he just wants to be screened, you know, from it and to me this solves his problem and where -- with the three foot grade differential and we are at 22 feet, so we are really at 19 feet when -- you know, his roof is higher than that. Also mentioned that windows could be removed on that taller four story unit, those two windows, to provide no windows on that side if that would be a -- help to -- from a visual privacy perspective. We can certainly explore other options. I do believe that an urban core wants more density and wants to feel more urban, which is, again, kind of why we went with this design aesthetic and going with the four stories, but we are open to exploring options.

Seal: Okay. Thank you.

McCarvel: Any other questions for the applicant?

Dodson: Madam Chair?

McCarvel: Yes, Joe.

Dodson: I just did -- I want to note about the -- Commissioner Seal, your question about the pathway. There is existing sidewalk, which is shown on the master pathways plan as a -- what do they call it -- an alternative -- like -- it's in purple. I can't remember what the pathways coordinator calls it, but it's -- it's -- it's an on-street, you know, pathway technically. I don't know how ACHD and the pathways coordinator would feel about extending the ten foot in addition to it? I don't know how they would feel about that. So, if you make a motion to do that, to have that revision, just, please, give us some flexibility to work with ACHD and our pathways coordinator to work that out.

Seal: Appreciate that. And it's more of a suggestion and in -- I don't think it's anything that I would put in a motion, it's just something that I know of the area, I live in that area, I ride that bike path all the time. I go to the park there. So, to me that's just a -- you know, would be a good transition if that was something that could happen and there is kind of a template for it right on the other side of the road, because they provide the sidewalk and the ten foot path already.

Dodson: Understood.

Seal: More of a suggestion.

Wheeler: Yeah. I would agree.

Dodson: Thank you.

McCarvel: Any other questions?

Grove: Madam Chair?

McCarvel: Commissioner Grove.

Grove: With the commercial that's in the northwest corner, what is the primary purpose of that in terms of what type of commercial are you going to be targeting for that space?

Wheeler: For a while, you know, in the pre-app meeting, one through three, it was a gas station is what we were looking at putting in there, but that idea has been revoked for floodplain issues and also something that is a little more community based. So, possibly could be providing two drive-through lanes. I mean it could be a pharmacy, it could be a bank, it could be, you know, ICC credit union. I'm not going to name -- we are not -- yeah. It could be anything of that nature, I guess, that -- that has the drive-through requirement and then -- which is why the 9,000 square foot building has that and, then, the 3,000 square foot, you know, we vision more of a Jimmy John's, a sandwich shop, I mean it could be any kind of -- something that's -- an ice cream parlor or -- or that could also be to 1,500 square foot units that's, you know, tenant improvements and adjacent to that plaza.

Grove: Okay. Thanks. I was just curious if it was going to end up leaning more like office or retail and that answered my question, so thank you.

McCarvel: Okay. And I have a question while this picture is up here. This is the -- the sidewalk there that's going between -- right by the fence and that row of trees there, that's the sidewalk that you are thinking about losing -- no?

Wheeler: Oh, yeah. Yeah. To the left. Yeah. Yes.

McCarvel: Yeah. That -- right along there. So, that sidewalk will no longer be there and, then, those townhomes are going to be loaded the other way; right?

Wheeler: Right. So, the design of those will change to provide more of an entry point. You know, as they are now there is not really a front door that kind of shows front door. I mean you are still going to have a garage and, then, a front door around -- around the garage.

McCarvel: Right.

Wheeler: But there will be some design changes. That was done in order to provide a little bit -- that same community feel and having people -- a feeling of walking up to your front door --

McCarvel: Right.

Wheeler: -- and connected throughout -- that path connected to the dog park and throughout the whole site, but I --

McCarvel: It would be more backdoor kind of atmosphere now.

Wheeler: It would be private backyard.

McCarvel: Right.

Wheeler: Yeah.

McCarvel: Backyards meeting up to backyards for the single family homes.

Wheeler: Correct.

McCarvel: Okay.

Wheeler: With the building staying in the same location, so that it provides that --

McCarvel: Okay.

Wheeler: If I could go to that section real quick just to verify the distances there. Yeah. So, if the -- you know, we are at 17 foot ten to the front wall and, then, the patio is inset over 20 foot to that deck. So, you are 20 foot ten inches -- almost 21 feet if you are standing on that level two deck from the property line.

McCarvel: Okay. And I think -- one other question -- I think staff had recommended on that multi-family unit doing two units, instead of the one, as a -- as a transition, losing that second -- the third and fourth story on more than just the one unit; correct?

Wheeler: Yeah. That was a great recommendation as we were -- originally it was, you know -- yeah, we lost the one unit. They are recommending two. In conversation with Joe, their recommendation was to lose the other four story units. So, you would have two two stories. I would almost advocate for losing the ground floor unit here and putting in some type of additional community amenity or a public open space plaza type areas, some benches, that type of thing. I think from -- rather than having two flats -- and I think just aesthetically the backs of the building would -- would be better and provide a -- a community asset, rather than looking over TPO roof or, you know, that kind of thing when you are in that other unit that pops up to the fourth floor. Oh. Sorry. Yeah. So, rather than looking at TPO roofing, if you are in that unit that pops up to the fourth floor and, you know, you have 50 feet of roofing that you are -- it's not that aesthetically pleasing.

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

Cassinelli: Madam Chair?

McCarvel: Oh. Commissioner Seal -- or, sorry, Commissioner Cassinelli.

Cassinelli: Either Andrew or -- or Joe, if you can take a crack at this one. On the -- the commercial -- if we can -- I don't know if we can get a slide up of the -- just that commercial.

Wheeler: The site plan?

Cassinelli: The -- so, right now the -- the entry off of Linder is open right now, but in the future that will be right-in, right-out; is that correct?

Dodson: Per ACHD it is a temporary full access, so I think -- because of the use on the west side I don't think there is a timeline for ACHD to restrict it, but, yes, eventually, it probably will be limited to right-in, right-out.

Cassinelli: So, I'm -- my question, concern is -- is having that -- you know, from -- with regards to the commercial up there, in looking at the traffic flow that's going to -- that's going to force -- I guess that's going to force things through that other private drive into that commercial. It's going to -- it's going to impact that commercial -- not positively down the road when that is -- you know, looking at that, did you look at the potential impacts to that commercial when that -- and that may not happen for ten years, 15 years, who knows when ACHD does that, but at some point in time they will do that and what is that going to do to the commercial, is that going to wind up being -- nobody's going to want that and it's going to be vacant forever, because you just can't access it?

Dodson: Commissioner Cassinelli, that's a great question and, unfortunately, that is driven vastly more by ACHD and part of why we and ACHD especially said no to a gas station and convenience store was access -- is the -- the requirement to have access points closer to that busy intersection and it's already fully improved to its width was just a no go. It just is not going to happen. The existing curb cut on Linder is 360 feet from that intersection already, so they are meeting all the requirements that they can meet. I don't think ACHD will allow anything closer, to be honest. Maybe the one on Linder a little closer, but I believe there is a right-hand turn lane pretty soon you can see kind of on here. You have the edge of pavement. I think that's because there is a right-hand turn lane here. I -- I would hope it wouldn't limit the viability. I think that that's why they have proposed the uses -- or the building types that they have. You know, if you put a bank on the corner it would be nice to hold the corner and generally you don't need a ton of in and out traffic for that, you know, you use it when you need it and, then, they propose the smaller commercial building to have more of a presence for the existing residences. So, hopefully, it will pick up trips from internal to this community, as well as Creason Creek and those others to the east, which I didn't discuss that as much in my staff report, but that is something I do really appreciate, because it really meets a lot of the mixed use points. I know it's a long winded answer there, but I -- I'm not too concerned with it, because you have that access off of Ustick and you have the access off of Linder both with pretty straight access into those commercial areas and I just don't see ACHD allowing anything else. If we remove the commercial altogether, which I do not recommend, I think you are going to get more residential, which, technically, has usually more trips than commercial and for most uses and, then, it's going to be harder for them to meet their mixed use policies, because you only have office across the street and ambulance to the west and the northwest corner is residential, so --

Cassinelli: Again, my concern is -- is -- when I'm looking at this layout is the access to that commercial coming in off of -- coming in off of Ustick. You have either got to go

through -- you are accessing it through a private drive or through the -- basically, the -- the driveway parking lot of -- as it stands now those apartments there.

Dodson: Right. I see what you are saying.

Cassinelli: And I -- I get the issues, I just don't know how you could replace one of the apartment units with more commercial and, then, you have less of the residential commercial flow, you know, discrepancy there. I understand that. I don't -- from a planning perspective that would be very difficult to mitigate, but I do understand the concern. I don't know if Andrew has any potential answers. You could do vertically integrated on that building. But, again, you are going to have a mix of residential and commercial traffic through there. I do know that ACHD is not allowing that curb cut on Ustick to be moved. That -- that was -- that was a hard line that they draw.

Cassinelli: On Ustick?

Dodson: Correct.

Wheeler: Yeah. I don't have anything additional to add. I think you covered it pretty well.

McCarvel: Any other questions? Okay. Thank you.

Wheeler: Thank you.

Seal: Madam Chair?

McCarvel: Commissioner Seal.

Seal: Move we close the public hearing on H-2021-0071.

Cassinelli: Second.

McCarvel: It's been moved and seconded to close the public hearing on H-2021-0071. All those in favor say aye. Opposed? Motion carries.

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

McCarvel: Further thoughts? Discussion?

Grove: Madam Chair?

McCarvel: Yes.

Grove: I will jump in if you want. I think this is always going to be -- it's always difficult when you do in-fill. I remember not too long ago we were doing the other side of Ustick and Linder and the challenges that we ran into with -- with that parcel, just -- this is an

area that has been ready to be developed for a long time and there is going to be challenges when you have in-fill. You have limitations on access. You have limitations on just how you can orient different things. I like the different housing types that they have included. It matches what we were looking for in the Comprehensive Plan for the mixed use aspect and being able to integrate multiple housing types along with the commercial. I think this is a good fit in terms of helping the overall area have different options. We don't want a sea of the exact same house throughout a single area and that's one of the big reasons for a mixed use designation. I think that they have done a good job of, you know, adding in the amenities and I think the -- the challenges that, you know, were discussed in terms of multi-family, I think I would be open to the suggestions that I'm sure a few of you are going to bring up, but I'm pretty okay with whatever direction the rest of the Commission thinks on going with that. I think changing the back yard from a sidewalk and an alley load product to a front load product will improve that -- the -- those eastern boundary units overall. Maybe not a perfect application to meet all of, you know, the neighbors' concerns, but overall I'm -- I'm in favor with how this has been laid out and presented.

Yearsley: Madam Chair?

McCarvel: Commissioner Yearsley.

Yearsley: I feel like we are trying to shoehorn something in here to meet a designation that we have set back in 2005. I personally am not sure if I'm in agreement with the plan using the -- the -- oh, what am I looking for -- the mixed use code in this area. I think the -- the commercial -- I think you are going to struggle to have anybody want to go in on that corner. As Commissioner Cassinelli said, you have no access and the access that's there is horrible. So, I think that corner is going to be a dead corner, because no one is going to want to build there. The other concern that I have is I don't like the transition from the single family to -- to this. It just seemed like it's just like, you know, a single family to a larger development. I would prefer to see on the eastern boundary single family development and, then, go to attached unit. I would almost just nuke the -- my recommendation would be to nuke the commercial, move the apartments to the corner and put some attached townhomes on that one corner next to the house. I think that gives it a better transition to the single family. I understand your -- your -- your concern and your loss of your views. That's a sad thing to lose. However, you know, it's -- it's -- it's unfortunate that -- you know, I do believe in property rights and that this developer -- this farmer at the time has the opportunity to develop this property and so seeing that go away is sad, but yet it's -- it's understandable, but I think there is things that we can do to help mitigate the property owners next door to it and actually make it a better development. So, those are my comments.

McCarvel: Okay.

Seal: Madam Chair?

McCarvel: Commissioner Seal.

Seal: Yeah. The property owners to the east there, you know, I understand you -- you want to be able to look out your -- you know, your backyard and see something other than a house. I have lost that view myself. So, it's the reason I'm in the house that we are in, because I don't have to worry about losing that view. That said I mean property rights are property rights. This is well within what's going to be developed and, unfortunately, this is the way things line up. So, the transition -- especially with moving things -- I mean they have conceded to make these front load. So, now you are going to be backyard to backyard, which is, you know, 90 percent of the developments that we have out there. So, hopefully, you will get good neighbors. So, yeah, the other part of it is -- I mean overall things seem tall in here. Even the three story stuff on the Linder side, it just seems like it's -- it's pretty tall for this area. It hasn't developed widely yet. It's definitely coming. This will help fill that in. I look at this kind of as -- it's a hard corner and an in-fill because of everything that's going on with the waterways that are in there. You know, I would hate to give up the commercial just because I hate to give up commercial anywhere. I think it's going to be difficult to get a business in there. I don't think it's going to be impossible and I think when the right business comes in it will -- it will be okay. I mean I would love to see a little -- something go in like the -- like what they have up in Eagle Crossing up there where they have multiple businesses that share one space. Boise Fry Company, Waffle Love is the first one that comes to my mind. You walk into one space and you can get either one of them. Something like that that's -- you know, kind of depends more on -- on foot traffic and -- and local folks coming than it does on anything else would be probably a pretty good fit in there. It would be nice to see something like that down a little closer to the park system that we have there. The -- I like the amenities, the walkways and the way that all that stuff fits in. Again, even without a ten foot pathway that goes up to the corner it's going to be a really good way to get to the park system without having to stay completely on the road, especially on the bridge on Linder Road there. But this, basically, intersects in there. That's a really dangerous place to cross, unless you are on the other side of the road. When it gets to the multi-family part of this I think four stories is probably too tall in my mind and it seems to blend well with the exception of, you know, that one house that's on the corner there, right on the eastern side of the property next to it. I kind of agree with the applicant, if they do something with it it would almost be nicer to see them remove that whole -- instead of going over another unit, just completely eliminate that and make it into a -- you know, some kind of residential use or even more parking, to be honest. Just provide a little bit more privacy for the -- for the homeowner there. I mean the fact that that homeowner isn't here to testify and has had conversations with the applicant is good. So, that's kind of where I'm at on stuff. I mean there is a whole bunch of things going on with access and everything, but, again, I look at it -- this is kind of in-fill and it's a hard corner, which are tough anyway. So, I'm -- you know, I just hate to give up that commercial to do something else with it. Without doing that you really can't move the multi-family. So, I'm a little bit stuck on that. But as far as the project, I think it's viable and something that we can take forward.

Cassinelli: Is it my turn?

McCarvel: Commissioner Cassinelli.



Cassinelli: I have got -- I have got several challenges, issues with it, and I know it's tough -- you know, I mean if they -- if the developer had 40 acres to work with on this corner, you know, we -- I don't know how many iterations we -- we went through on that property to the -- to the north. Four or five at least. And, unfortunately, I wasn't here when we finally approved that, but -- so, it's tough. And this one is even -- even harder with the laterals there and so what's happening that I'm seeing, because of that is everything is getting pushed to the -- it's like shoved up into the -- to the northeast and because I don't know how many acres are down at that -- down the southwest corner -- a couple almost. At least one and a half. So, it really limits what can be done on this -- on this property. I like the idea of having commercial, but I think it's -- it's tough to do on this. I would -- I -- I would maybe like to see it moved around a little bit. The four story unit I'm -- I can't get behind those at all. We went through mid -- mid mile down across from the Chevron station down on Ustick, what's going in there now. We had discussed -- I think the -- I can't remember exactly if we eliminated all -- the four stories in there and went all to three, but that was a big issue down there and there was more space to work with. Sightlines weren't as bad and just the fact that there is only a small handful of units there -- these will be the only four story units all along Ustick there. You are going to have a few three story apartment buildings down there across from the Chevron and, then, you have got some two stories and you get single family, one and two story all along Ustick and, then, all of a sudden you have got -- you got ten four story units and, then, back down to single story commercial. It's just -- it's out of place. That's why I asked about three story. You have got -- there is -- there is more distance, more setback off of Ustick because of the -- of the -- the -- the laterals over there. I would like to see maybe the -- more of that higher density moved over to there to where it's set back a little bit and it's -- it's not up against the -- the single family directly to the east and, then, my other comment there -- what seems really really out of place are those three three story units up against the -- the two story ones. So, I'm -- that are down in the -- at the bottom on the south end of that. So, to me it just seems like -- when I look at this -- there is a lot of aspects I like about it and don't get me wrong, I like the MEWs, I like -- you know, they have -- they have answered the requirement of having three different product types in the mixed use community and I think for the most part they have done a good job. The restrictions on this property -- I drive by there all the time and I have always wondered what is somebody going to be able to do with this, because it's -- it's -- it's a difficult -- it's really limited what can be done with it. So, you know, I -- I applaud them for the attempt, but it's just -- it's pushing everything up and -- and there is not that -- there is not a good transition and I would like to see -- not necessarily just because of having lower density, but I think it needs to be brought down a little bit, so it -- it fits a little bit better. You can still have the different property types in there, but it -- it would be a better transition to -- to what's to the east. Those are my comments. I just -- right now I'm -- I'm not -- I am not in favor of it. The four story ones that's -- that's a killer for me. I think we have got to -- we have got to eliminate those and I don't know if -- maybe it's -- that becomes the commercial on Ustick, move some of that over. Commissioner Yearsley suggested moving -- moving some of those apartments over to the corner. If it can move around I think they can keep a lot of what's in there and just move it around somehow. It may -- it may require moving some, but right now with where it's at I can't get behind the project as it sits.

McCarvel: Okay. Yeah. I appreciated the -- the sidewalk not being on that east side and being at least -- front load those instead -- instead of rear, so it was more backyard to backyard. But I hadn't thought about Commissioner Yearsley's point of just making those single family homes. But I would be willing to -- I think leave those as townhomes, but more address -- I agree that four story up there is a lot. Even though I -- I love the design and the thought of having those units on the top have more light and that -- that's attractive, just four story next to the residential is a problem and that commercial -- I know it's rough access, but there is -- I'm on the fence on that. I kind of agree with Commissioner Seal, I think there is something that will come in there that doesn't have to have tons of trips and that would be okay. I know -- I mean there is a lot of businesses that I go to that, yes, I can't take a left out of, but I go anyway and I figured out -- I mean it just takes a little longer getting around. But I think it would end up being something useful to the neighborhood. On the other hand, moving the condos over would maybe makes sense as well. I think the biggest point of contention for me is the four stories.

Grove: Madam Chair?

McCarvel: Commissioner Grove.

Grove: I understand the comments about access for the commercial, but I -- I don't think we can -- I wouldn't be in favor of losing that at all. I think people will figure out access just fine. I live next to a place -- my house is, you know, two doors down from a commercial spot that has right-in, right-out access and there is no problems there. It's constantly busy. And I think, you know, there is other types of options that they are going to probably be able to look at, you know. Daycares, for example. Huge on my mind these days, but, you know, those are things that don't take up as much constant traffic and you also help serve a community that's nearby. So I think there is lots of options that the -- the apartments maybe -- maybe we look at it, you know, suggesting that one of those becomes commercial. Maybe that helps with that cross-access piece across the top there. I don't know. I'm just kind of throwing that out there. But I would -- I would hate to lose any commercial.

Seal: Madam Chair?

McCarvel: Commissioner Seal.

Seal: I think they are close on this and I appreciate the work that's went into it and I think they have answered some of the concerns, you know, by -- by making these front load homes over on the east property, but I agree that -- I mean the -- the commercial and the multi-family almost need to swap and I would hate to lose a hard corner, you know. Advertising is easy that way, you don't have to put a lot of signs out when everybody drives right by you. That said it almost seems like that would be a better fit for the residents there. You are still on Ustick Road. You are going to get a lot of road traffic in there. But I mean I'm -- I'm kind of -- of the opinion of let's maybe continue this and have them work a little bit more with city staff, try to come up with a little bit better plan and even in swapping the commercial and residential you could actually bring the -- that multi-

family in in such a way that -- on that corner -- I mean nobody's necessarily going to care on the corner if there -- you see a -- I would say a three story building there, because I think the four stories is still too tall. But, then, if you put the commercial in on the other side with the road that comes in there you could actually bring that commercial back into the property and have it -- you know, more parking towards the Ustick Road or something along those lines, so people could get in there and you could actually expand it if you wanted to. You could actually have more commercial in that area instead of less. I don't know. It's close, it's just not there yet, and I would rather give them a continuance than recommended a denial, because I think they are close, but I would love to hear what anybody else thinks about that.

Yearsley: Madam Chair?

McCarvel: Commissioner Yearsley.

Yearsley: My -- my initial thought was the same thing is to swap the resident -- the apartments and the commercial. I think it provides better access for the commercial and can get -- I don't -- I don't ever expect to have a high use, but I think it gives it better access to that -- that site and at that point I don't know if I have an issue with the four story on the corner, you know, because it's far enough away from the rest of the -- the single family, it actually ties well into the three story next to it to kind of show some drops. I still like the idea of the detached along that east side, though, but I will -- I will concede that one.

Cassinelli: Madam Chair?

McCarvel: Commissioner Cassinelli.

Cassinelli: On the east side what I would even support -- maybe not necessarily detached, but a -- a -- more of a patio home feel if -- and even single story patio homes, because, then, you might get some retired folks in there that -- that don't want -- you know, don't want any two stories. You can get -- really get that good mix. I do -- I'm in big supportive of moving that commercial up along Ustick. I would still be highly opposed to four story if they are going to redraw that out, especially right on the corner. One of the things that -- that -- if you go to the intersection of Linder and McMillan, the buildings up there to me -- they are there two story -- I think they are just two story commercial, but right there on -- right there on the street they just -- it's overwhelming. When everything else around there is set back -- you got single story across the street with Fancy Freeze, you have got -- you have got Walgreens -- everything is single story and, then, all of a sudden you get these huge buildings that sort of just kind of take over things. So, it's not -- it's not a good feeling to me from the -- from the street and everything around it. So, I'm still -- I would still be really leery even if you put the apartments in a corner of going that -- it's the same height, we are talking 40 feet, but it's a -- you know, it's a -- it's a peaked roof versus windows are up top. I like the design of those, I just -- I think they would be cool in a lot of different places, especially The Lofts. That's -- that's my thought. I would still want to go -- I would still want to see max three story, but, again, I would want

to see some more rearranging in this to better transition on the east side and -- and better movements -- I don't want to lose the commercial either, but -- but better -- better access through there. I like Commissioner Grove's idea, I mean I think a -- I think this area is -- is definitely in need of -- of daycare and whatnot, so that would -- that would certainly work in there, but those are some of my thoughts. And I would -- I would be in full supportive continuing this as well.

McCarvel: Okay. It sounds like we are headed to the direction of continuance. Does anyone want to take a stab at the motion with the proper guidance?

Cassinelli: Dates?

McCarvel: Come back with some -- and a date.

Dodson: Dates. Date. Dates. Well, I'm busy all the time, so I don't know if I care. January 6th I think is pretty full already. Might be able to squeeze it on the 6th. If not, then, January 20th. That's pretty far out. We have a 5th Thursday this month, so, you know, it bumps everything another week.

McCarvel: Yeah. And I get we have been working on -- you guys have been working on it for a long time, I just think -- I mean and -- I think we all feel like it's close, it's just like --

Dodson: Yeah. But I'm sure the applicant prefers a continuance versus denial.

McCarvel: Yeah.

Dodson: It's -- I think any -- either of the dates in January probably work. Just with any continuance motion just, please, try to be as clear as you can on what you are wanting to be revised or looked at, so that Andrew and I can -- can exchange e-mails or have a meeting or something and figure it out.

McCarvel: Okay.

Starman: Madam Chair, if you are going in that direction --

McCarvel: Yeah. Reopen.

Starman: Reopen.

McCarvel: Yeah. Okay.

Yearsley: Madam Chair?

McCarvel: Commissioner Yearsley.

Yearsley: I think January 20th is probably a more adequate date. You know, with Christmas in the middle of all that I think giving them a little bit more time to -- to take a look at that and -- because that's -- that's a fairly significant configuration change, so --

McCarvel: Okay.

Grove: Madam Chair?

McCarvel: Could I get a motion to reopen the public hearing first before we --

Grove: Before we do that I have a question, just kind of -- in terms of what we are wanting to have them look at. I guess do we want to just specify the areas and -- where -- because I'm not on the same page as everyone, I guess, in terms of what to do on the -- the east lot, so I -- I don't know if I would be behind say like have to be this product type. So, I would be more in favor letting them make some of those -- having a little bit of leeway in how they decide -- decide some of that stuff.

McCarvel: I -- I agree, because I -- I think that's the lesser point for some of us is that -- so, some flexibility on just taking a look at those east sides -- I think it -- the fact that they are going to be front loaded, instead of rear, and that sidewalk is going away is a big step in the right direction. So, that may be it, but, yeah, definitely to -- at least that's what I'm kind of hearing here consensus wise, so -- so, before we reopen the public hearing does -- anymore discussion on -- did somebody have the points down for the motion for the continuance? Okay.

Yearsley: Madam Chair?

McCarvel: Commissioner Yearsley.

Yearsley: I make a motion we open the public hearing on file number H-2021-0071.

Seal: Second.

McCarvel: It has been moved and seconded to reopen the public hearing on H-2021-0071. All those in favor say aye. Opposed? Motion carries.

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

Yearsley: Commissioner Seal, I will let you make that motion, because you may not like the one I make, so --

Seal: I always love motions that other people make. Madam Chair?

McCarvel: Commissioner Seal.

Seal: I move to continue File No. H-2021-0071 to the hearing date of January --

McCarvel: 20th.

Seal: -- 20th, 2022. That seems strange to say. For the following reasons. So, that the applicant and staff can work towards a better solution to the transitions between the multi-family and neighborhood to the east, including rearrangement of the commercial property and the multi-family property. That they also solidify the east side -- the east side properties to be front loaded to meet the setbacks and eliminate the walking path behind. That the plat is revised accordingly and that any work that they do together on those to revise the housing types is also included.

Yearsley: Do you want to limit it to three stories or are you okay with four?

Grove: They understand our concerns.

Seal: And to provide a different -- I can't say minimum height. I would say to provide something different than four stories for the multi-family.

Grove: Does that -- does that include if they -- no matter where they moved it?

Seal: Yes. Including where they are at.

Yearsley: I will second that one.

McCarvel: It has been moved and seconded to continue H-2021-00 -- oops. Seven one. I moved my page too quick. Sorry. With modifications. All those in favor -- so, January -- continue it to January 20th. All those in favor say aye. Opposed? Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

McCarvel: And I'm guessing before we start the next one we will take a five minute break.

(Recess: 8:05 p.m. to 8:13 p.m.)

**4. Public Hearing for Inglewood Coffee Shop Drive-Through (H-2021-0073) by Gold Stream Holdings, LLC, Located at 3330 E. Victory Rd.**

- A. Request: Conditional Use Permit for a drive-through establishment within 300 feet of a residential use and zoning district on 0.83 of an acre of land in the C-C zoning district.

McCarvel: Okay. We are ready to resume and we will open Item No. H-2021-0073, Inglewood Coffee Shop Drive-Through.

Allen: Thank you, Madam Chair, Members of the Commission. The application before you is a request for a conditional use permit. This site consists of .83 of an acre of land. It's zoned C-C, located at 3330 East Victory Road. A development agreement exists for this property. The Comprehensive Plan future land use map designation is mixed use