

**Meridian Planning and Zoning Meeting**

**March 18, 2021.**

Meeting of the Meridian Planning and Zoning Commission of March 18, 2021, was called to order at 6:03 p.m. by Chairman Rhonda McCarvel.

Members Present: Chairman Rhonda McCarvel, Commissioner Lisa Holland, Commissioner Bill Cassinelli, Commissioner Nick Grove, Commissioner Maria Lorcher and Commissioner Steven Yearsley.

Members Absent: Commissioner Andrew Seal.

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

**ROLL-CALL ATTENDANCE**

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

McCarvel: Good evening and welcome to the Planning and Zoning Commission meeting for March -- Thursday, March 18th, 2021. The Commissioners who are present for this evening's meeting are at City Hall and on Zoom. We also have staff from the City Attorney and Clerk's offices, as well as City Planning Department. If you are joining us on Zoom this evening we can see that you are here. You may observe the meeting, however, your ability to be seen on the screen and talk will be muted. During the public testimony portion of the meeting you will be unmuted and, then, be able to comment. Please note that we cannot take questions until the public testimony portion. If you have a process question during the meeting, please, e-mail [cityclerk@meridiantcity.org](mailto:cityclerk@meridiantcity.org) and they will reply to you as quickly as possible. If you simply want to watch the meeting we encourage you to watch this streaming on the city's YouTube channel. You can access it at [meridiantcity.org/live](http://meridiantcity.org/live). And with that we will begin with roll call.

**ADOPTION OF AGENDA**

McCarvel: Thank you. Next item on the agenda is the adoption of the agenda. We have no changes this evening, so if I could get a motion to adopt the agenda as presented.

Cassinelli: So moved.

Holland: Second.

McCarvel: It has been moved and seconded to adopt the agenda. All those in favor say aye. Opposed? Motion carries.

MOTION CARRIED: SIX AYES. ONE ABSENT.

**CONSENT AGENDA [Action Item]**

- 1. Approve Minutes of the March 4, 2021 Planning and Zoning Commission Meeting**
- 2. Findings of Fact, Conclusions of Law for Kiddie Academy (H-2021-0003) by neUdesign Architecture, LLC, Located at 3335 E. Victory Rd.**
- 3. Findings of Fact, Conclusions of Law for Lost Rapids Drive-Through (H-2021-0001) by Lost Rapids Development, LLC, Located on the West Side of N. Ten Mile Rd., North of W. Lost Rapids Dr.**

McCarvel: The next item on -- is the Consent Agenda and we have no items on the Consent Agenda this evening -- oh, no. We do. Thank you. Approve the minutes for March 4th, Planning and Zoning, and Findings of Fact, Conclusions of Law for Kiddie Academy, H-21 -- 2021-0003 and Findings of Fact, Conclusions of Law for Lost Rapids Drive Through, H-2021-0001. Can I get a motion to accept the Consent Agenda?

Holland: So moved.

Grove: Second.

McCarvel: It has been moved and seconded to adopt the Consent Agenda. All those in favor say aye. Opposed? Motion carries.

MOTION CARRIED: SIX AYES. ONE ABSENT.

McCarvel: So, at this time I will briefly explain the public hearing process that we have this evening. We will open each item individually and begin with the staff report. Staff will report their findings on how the item adheres to our Comprehensive Plan and Unified Development Code. After staff has made their presentation the applicant will come forward to present their case and respond to staff comments. They will have 15 minutes to do so. After the applicant has finished we will open the floor to public testimony. Each person will be called on only once during public testimony. The Clerk will call the names individually of those who have signed up on our website in advance to testify. You will, then, be unmuted. Please state your name and address for the record and you will have three minutes to address the Commission. If you have previously sent pictures or a presentation for the meeting it will be displayed on the screen and our Clerk will run the presentation. If you have established that you are speaking on behalf of a larger group, like an HOA, where others from that group will not be speaking, you will have up to ten minutes. After all those who have signed up in advance have spoken we will invite any

others who may wish to testify. If you wish to speak on a topic you may press raise hand button on the Zoom app or if you are only listening on the phone press star nine and wait for your name to be called. If you are listening on multiple devices, a computer and a phone, for example, please be sure to mute those extra devices, so we don't experience feedback and we can hear you clearly. When you are finished, if the Commission does not have questions for you, you will be muted and no longer have the ability to speak. Please remember we will not call on you a second time. After all testimony has been heard the applicant will be given another ten minutes to come back and respond. When the applicant has finished responding to questions and concerns we will close the public hearing and the Commissioners will have the opportunity to discuss and, hopefully, be able to make a recommendation or final decision to City Council as needed.

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

### **ACTION ITEMS**

#### **4. Public Hearing for Sadie Creek Drive-Through (H-2021-0006) by The Land Group, Generally Located South of E. Ustick Rd. on the West Side of N. Eagle Rd.**

- A. Request: Conditional Use Permit for a drive-through establishment within 300-feet of another drive-through establishment on 1.18 acres of land in the C-G zoning district.

McCarvel: So, at this time we will open the public hearing for Sadie Creek, Item No. H-2021-0006, and we will begin with the staff report.

Allen: Thank you, Madam Chair, Members of the Commission. The first application before you tonight is a request for a conditional use permit. This site consists of 1.18 acres of land, zoned C-G, located south of East Ustick Road on the west side of North Eagle Road. Adjacent land use and zoning. To the north is vacant undeveloped land, zoned C-G. To the south is a drive through restaurant Jimmy Johns, zoned C-G. To the east is Eagle Road and across Eagle Road is commercial businesses, zoned C-G. To the west is vacant undeveloped land approved for Villa Sport, an indoor-outdoor recreation facility, zoned C-G. This property was annexed back in 2005 with the requirement of a development agreement, which was later amended in 2019 to exclude this property, which is now included in the Villa Sport development agreement. The Comprehensive Plan future land use map designation is mixed use regional for this site. A conditional use permit is requested for a drive through within 300 feet of another drive through facility Jimmy Johns directly to the south, which requires conditional use approval per the UDC. The use is a 2,250 square foot coffee shop and is subject to the specific use standards listed in UDC 11-4-3-11 for drive through establishments and 11-4-3-49 for restaurants. Staff has reviewed these standards and finds at over 400 feet the stacking lane should have sufficient capacity to serve the use without obstructing driveways and drive aisles by patrons and will hold approximately 21 vehicles. The stacking lane is a separate lane from the circulation lanes needed for access and parking

and does not conflict with drive through to the south and is not located adjacent to a residential district or a residence. An escape lane is proposed. The drive through window is visible from the public right of way for surveillance purposes as required. Parking is proposed in accord -- excuse me -- in excess, actually, of UDC standards. Restaurants require a minimum of one space per 250 square feet of gross floor area. Other commercial uses require one space per 500 square feet. To ensure adequate parking is provided in the event other tenant spaces are occupied by restaurants, staff recommends parking is provided at the standards for restaurants for the overall site, which would require a minimum of 30 spaces. Thirty-two spaces are proposed. The development agreement for Villa Sport project, which also governs this site, requires all of the frontage improvements, i.e., landscape street buffers, sidewalks, pedestrian lighting, pathways, et cetera, to be installed with the first phase of development. The Villa Sport project is anticipated to be the first phase. However, if this project ends up developing first it's responsible for these improvements, including those off site. Conceptual building elevations were submitted as shown for the multi-tenant building shell that incorporate a mix of materials consisting of formed metal wall panels with metal flashing, brick and glass storefront, with a flat roof. Final design is required to comply with the design standards in the architectural standards manual. Written testimony was received from Tamara Thompson, The Land Group, and she is in agreement with the staff report. Staff is recommending approval with the conditions in the report. Staff will stand for any questions.

McCarvel: Any questions for staff?

Cassinelli: Madam Chair?

McCarvel: Commissioner Cassinelli.

Cassinelli: Sonya, quick question on the drive through capacity. It seems pretty big, but I know there is -- there is some brands out there that seem to get way more traffic than others. Is that -- on this particular development is that a concern or is that -- it seems adequate, but I just wanted to get a feel for what staff thought on that.

Allen: Madam Chair, Commissioner Cassinelli, Commissioners, I did discuss that with the applicant, actually, and they -- they did assure me that this was not one of those users that creates an excessive amount of traffic, but you can certainly direct that question to them also if you would like.

Cassinelli: Okay. Thank you.

McCarvel: Any other questions for staff? Would the applicant like to come forward?

Thompson: Good afternoon. This is Tamara Thompson with The Land Group. Just want to make sure you can hear me.

McCarvel: Yes.

Thompson: Awesome. My address is 462 East Shore Drive in Eagle. I'm representing the property owner for this application. This is a conditional use permit for a drive through. We -- what you are seeing on the slide is the site plan and it is for a drive -- it's a multi-tenant building with drive through for a coffee user on the north side. Just to answer Commissioner Cassinelli's question, we did look at bringing the stacking lane through the parking area, but that would just cause conflicts with backing traffic and we had enough width on the -- on the property that we could keep that out of that -- out of the parking area. We don't anticipate that cars will stack further back than the escape lane, but it just channelizes them and keeps them away from the rear -- people backing up into that drive through area. It keeps those backing conflicts to a minimum. As Sonya said we do have adequate parking for the use. We are fine with taking the one per 200 -- 250 parking stalls across the entire building. We can provide that on what you are seeing here. We have read the staff report. We agree with the recommended conditions of approval and we respectfully request your approval tonight and I will stand for any questions you might have.

McCarvel: Thank you, Tamara. Any questions for the applicant? There being none, do we have any public testimony for this?

Weatherly: Madam Chair, we had one person sign in to testify. That's Jeffrey D'Andrea.

McCarvel: Okay.

Weatherly: Oh, I'm sorry. It's just a different sheet. Thank you. I will make note of that.

McCarvel: Okay. With no public testimony -- is there anybody that didn't sign up that would like to comment on this application? Okay. With there being no public testimony, Tamara, do you have anything you would like to add?

Thompson: No. I'm -- nothing to add. Thank you.

McCarvel: And if we don't have any other questions for the applicant, could I get a motion to close the public hearing on item H-2021-0006.

Holland: So moved.

Lorcher: I second.

Grove: Second.

McCarvel: It has been moved and seconded to close the public hearing on H-2021-0006. All those in favor say aye. Opposed? Motion carries.

**MOTION CARRIED: SIX AYES. ONE ABSENT.**

McCarvel: That's quite the drive aisle.

Cassinelli: Madam Chair? Madam Chair?

McCarvel: Commissioner Cassinelli.

Cassinelli: My concern was, you know, are there going to be 40 cars backed up in this thing, which I think there is a brand or two that does that. This doesn't appear to be that way. I'm in full support.

McCarvel: Okay.

Holland: Madam Chair?

McCarvel: Commissioner Holland.

Holland: I also appreciate that they didn't design the drive aisle through the parking lot, because I remember trying to back out many times out of a parking lot when there is a drive through lane behind you. So, I appreciate that they took the room do that. I think it's a pretty straightforward project, so no concerns on my side.

Yearsley: Madam Chair, this is Steve Yearsley.

McCarvel: Yes, Commissioner Yearsley.

Yearsley: I agree. I think it's actually a really good design. I like how they have got the drive aisle outside of the parking area. You get the clean and efficient design and I have no issues with it.

McCarvel: Okay.

Holland: Madam Chair?

McCarvel: Commissioner Holland.

Holland: I'm just going to go ahead. After considering all staff, applicant, and public testimony, I move to approve file number H-2021-0006 for the Sadie Creek Drive Through, with no modifications for the conditional use permit.

Grove: Second.

McCarvel: It has been moved and seconded -- seconded to approve H-2021-0006. All those in favor say aye. Opposed? Motion carries. Thank you.

MOTION CARRIED: SIX AYES. ONE ABSENT.

**5. Public Hearing Continued from January 21, 2021 for TM Center (H-2020-0074) by SCS Brighton, et al., Located East of S. Ten Mile Rd. and South of W. Franklin Rd.**

- A. Request: A Preliminary Plat consisting of 83 buildable lots and 2 common lots on 132.42 acres of land in the R-40 and C-G zoning districts.

**6. Public Hearing for Ten Mile Crossing (H-2020-0074) by SCS Brighton, et al., Located east of S. Ten Mile Rd. and south of W. Franklin Rd.**

- A. Request: A Development Agreement Modification to terminate all existing agreements in the Ten Mile Crossing development area in favor of one master agreement to govern future development of the overall area. The proposal includes a request for adoption of project-specific design guidelines to supersede those in the Ten Mile Interchange Specific Area Plan (TMISAP), which include deviations from certain goals and guidelines including decreased floor area ratios, different street and streetscape designs, landscape and architectural design elements and site development standards, including an increase in height of up to 100-feet to allow for 6-story buildings [i.e. TM Crossing – AZ-12-005 (Inst. #114002254, 1st Addendum #2016-062220, 2nd Addendum #2017-051907, TMC Expansion #2019-011700); TM Creek/TM Creek East – AZ-13-015/H-2015-0018 (Inst. #114045759, 1st Addendum #2016-073497, 2nd Addendum #2017-113747); Ten Mile Center – AZ-14-001 (Inst. #2014-065514); Calnon Properties – H-2015-0017 (Inst. 2016-030845); and Bainbridge Franklin – H-2018-0057 (Inst. #2019-077071)].
- B. Request: A Rezone of 40.98 acres from the R-40 and C-C zoning districts to the CG zoning district, 3.9-acres from the TN-C and C-G zoning districts to the R-40 zoning district, 0.65 acres from the R-8 and TN-C zoning districts to the C-G zoning district, and 0.53 acres from the TN-C zoning district to the C-G zoning district.

McCarvel: So, at this time we will open hearing item H-2020-0074, Ten Mile Crossing, and we will begin with the staff report.

Allen: Thank you, Madam Chair, Members of the Commission. The next applications before you are a request for a rezone and a preliminary plat. There is also a concurrent development agreement modification application submitted with these applications that is to be heard by City Council that does not require action by the Commission. The site for the proposed subdivision consists of 132.42 acres of land, zoned R-40 and C-G. It's located east of South Ten Mile Road and south of West Franklin Road. The proposed plat encompasses land that was annexed with the Ten Mile Center, TM Creek East,

Calnon and Bainbridge Franklin projects. The Comprehensive Plan future land use map designations are commercial, mixed use commercial, mixed use residential, high density residential and medium high density residential. The applicant requests a rezone of 40.98 acres of land from the R-40 and C-C to the C-G zoning district, 3.9 acres from TN-C and C-G to R-40, .65 acre from R-8 and TN-C to C-G, and .53 acre from TN-C to C-G. The smaller area proposed to be zoned C-G will clean up the zoning in this area where it's irregular and doesn't follow parcel lines and/or proposed streets. The area proposed to be rezoned to R-40 south of the Ten Mile Creek will be an extension of the R-40 zoning that exists to the west and will allow for the development of additional multi-family residential uses with conditional use approval. The proposed zoning and use is consistent with the underlying mixed use residential future land use map designation. The target density for this designation is eight to 12 units per acre. The future land use map designation of the abutting property to the west is high density residential, which allows multi-family residential uses at a target density of 16 to 25 units per acre. Future land use designations are not parcel specific and an adjacent abutting designation when appropriate and approved as part of a public hearing where the land development application may be used. Because the high density residential designation allows for a higher density, staff recommends this designation apply to future development of this property, since the density will be higher than 12 units per acre if apartments are developed on the site similar to those to the west, i.e., TM Creek East Apartments. Future development of this property is currently governed by the existing development agreements for Ten Mile Center and Calnon and Bainbridge Franklin. Conceptual development plans were not approved for Calnon or Ten Mile with these projects, other than a conceptual street layout for the Ten Mile Center property. The larger area to be rezoned to C-G between Franklin Road and the Ten Mile Creek is designated on the future land use map as mostly mixed use commercial with approximately a quarter of the area on the west end as high density residential. As noted, because the future land use map is not parcel specific and allows for abutting designations to govern, staff recommends the abutting mixed use commercial designation to the east apply to and govern future development of the western portion of this site as well. The proposed C-G zoning district is an appropriate zoning choice for the mixed use commercial designation, which allows for a variety of uses, including commercial vertically, integrated residential, live-work employment, entertainment, office and multi-family. Future development of this property is currently governed by the existing development agreements for TM Creek East and Calnon. Also Bainbridge Franklin. Conceptual development plans were not approved for these projects. In the absence of conceptual development plan to ensure a mix of uses from each major use category, i.e, commercial, residential and employment, are provided as set forth in the Ten Mile plan in accord with the provisions of the annexation. Staff recommends a conceptual use plan or a bubble plan is submitted and included in the new development agreement that demonstrates compliance with the existing development agreement provisions. This applicant did submit a conceptual use plan this afternoon as shown. Staff has not had adequate time to review this plan, however, to determine consistency with the plan. A preliminary plat is proposed consisting of 83 buildable lots and that consists of 74 commercial and nine high density residential, and two common lots on 132.42 acres of land in the R-40 and C-G zoning districts. The plat is proposed to develop in six phases as shown. Phase one consisting of multi-family residential



apartments in TM Creek East on Lot 16, Block 3, is currently under construction and almost completed. No development has occurred on the remainder of the site. Phase two commenced last year with the completion of Wayfinder from Vanguard to Cobalt between the existing roundabouts. The development of phases three through six may vary in area and sequence based on the product need and market demand. The proposed common lots will contain the Ten Mile Creek and this is just a diagram showing the road sections. The proposed common lots will contain the Ten Mile Creek corridor and that's this area right here, which includes a ten foot wide segment of the city's multi-use pathway and the relocated Vaughn Lateral, which will be deeded to Nampa-Meridian Irrigation District. There are no existing structures on this side. Wayfinder Avenue and the western portion of Cobalt in front of the TM Creek East Apartments has already been constructed outside of the subdivision process and are not consistent with the street section designated on the street section map in the Ten Mile plan. However, they do comply with ACHD standards and have been approved by ACHD. These street sections were constructed as standard street sections with two travel lanes, a center turn lane, bike lanes and no on-street parking. South Vanguard Way from Ten Mile Road to the roundabout at the southwest corner of the site was approved and constructed with the TM Crossing development to the south. The eastern portion of Cobalt to New Market and Benchmark and the extension of New Market, Benchmark, from Franklin Road to the southern boundary of the site is proposed with the subject plat and has not yet been constructed. Staff recommends New Market and Benchmark is constructed a -- as a residential collector street in accord with Street Section D in the plan, with on-street parking along both sides of the street. Staff did discuss this with ACHD and they are supportive of this design. Because Cobalt is already partially constructed staff did not recommend any changes to that street section beyond what was proposed. There are two driveway accesses proposed via Franklin Road with the plat, one to the east and one to the west of New Market-Benchmark and that is this location right here and here. These accesses do require a waiver to UDC 11-3A-3, which limits access points to arterial streets unless otherwise approved by Council. A cross-access and ingress-egress easement is required between all nonresidential lots within the subdivision. Written testimony was received from Mike Wardle, Brighton Corporation, the applicant, in response to the staff report. Staff is recommending approval per the provisions in the staff report. Staff will answer any questions that Commission may have.

McCarvel: Any questions for staff?

Cassinelli: Madam Chair?

McCarvel: Commissioner Cassinelli.

Cassinelli: Sonya, you mentioned staff hadn't had a chance to review that preliminary design. Is that -- does that change anything right now?

Allen: Madam Chair, Commissioner Cassinelli, not necessarily. Obviously, this still has to go to City Council and by that time staff will do a complete review and offer any comments we may have.

Cassinelli: So, that's not a concern at this point?

Allen: I -- I can't say whether it does or it does not meet the intent of the plan -- the guidelines in the plan. It does show a mix of uses as -- as recommended, but I'm -- I'm not sure about the percentages, so that's what staff needs to look at a little closer.

Cassinelli: Okay.

Lorcher: Madam Chair?

McCarvel: Commissioner Lorcher. Go ahead.

Cassinelli: You're muted. Madam Chair, you're muted.

McCarvel: Yeah. Commissioner Lorcher. I could hear me here.

Lorcher: I wasn't around for the original Ten Mile Crossing conceptual land use plan. Based on staff looking at this and I understand that they are trying to kind of just change some things around to fit things a little bit better. Is it a lot of changes or is it more subtle, compared to the original plat?

Allen: Madam Chair, Commissioner Lorcher, there -- there was not a previous plat for this area. There -- there was not a conceptual development plan for any of this area, except for the Bainbridge Franklin property at the northeast corner of the site and the applicant no longer plans to develop that property in accord with that concept plan, so that is changing. Really, the only plan that we have in effect for this area is the future land use map in the Ten Mile plan, so -- so, the concern is with this concern staff had in the absence of a conceptual development or use plan was once we grant zoning, then, that entitles the property to develop per that zoning district. So, that's -- that's the reason for staff's requesting the use plan to ensure that future development is consistent with the uses designated in the comp plan.

Lorcher: Thank you.

McCarvel: Any other questions for staff? Okay. If there is no other questions for staff, would the applicant like to come forward.

Wardle: Madam Chair, this is Jon Wardle with Brighton. Can you hear me?

McCarvel: Yes.

Wardle: Perfect. And I would like to share my screen if I could. It says while Sonya is sharing and I cannot share.

Allen: I will stop sharing, Jon, just for you. There we go.

Wardle: Perfect. Thank you. Get one second here to just type in a code here really quick. I just want to confirm that you can see my screen as well.

McCarvel: Yes.

Wardle: Perfect. Good evening, Commissioners. My name is Jon Wardle. My address is 2929 West Navigator Drive, Suite 400, Meridian, Idaho. 83642. And I am representing the combined entities of Brighton and FCS Development, who are the property owners or their affiliated entities out here at Ten Mile. We really appreciate the opportunity to be finally in front of you tonight. One -- on the surface the applications may appear to be just a rezone and preliminary plat applications. However, there is much more to these applications with the inclusion of the Ten Mile Crossing DA modification and design guidelines and which we have included in the applications. The design guidelines, the staff report and applicant responses all addressed those items. These applications now integrate a cohesive vision for 308 acres, which is more than just the preliminary plat area before you through the adoption of specific design guidelines concurrent with the Unified Development Agreement, instead of five as they currently exist right now. Before I get too deep into the details with the applications I wanted to note that there are a number of conditions that we have asked to be modified or eliminated in the staff recommended comments and conditions. To understand the context of those, however, I want -- I need to step back a little bit and provide an overview of what has occurred prior to tonight's hearing. The Ten Mile interchange specific -- the Ten Mile interchange specific area plan also the TMISAP, was created through a public process that included property owners, citizens, developers, design professionals, agencies and elected officials to provide input. I will note that in our opinion developer input, while provided, was not given adequate consideration based on actual market conditions. There -- these workshops, agency meetings, and public hearings were -- were established to create a vision for a major community asset around the Ten Mile interchange that at that time had been generally undeveloped. The TMISAP was adopted in June 2007 with practical and aspirational goals, as well as directive to implement the plan and achieve results. A couple highlights from the TMISAP. It said that the plan requires an entirely new way of doing business for private and public sectors. The plan calls for bold new actions as characterized through the plan development and its use of charrette in particular. The city encourages -- and key landowners to take initiative and begin the implementation process bringing forward detailed design guidelines, zoning, and infrastructure proposals. Making the changes will not necessarily be easy and it will require leadership on behalf of the city. And, finally, the TMISAP comprises many small and medium sized parcels held by many owners. None of the parcels of land within the study area is large enough to affect the type of development described as desirable. To achieve this vision, as well as critical mass for financial success, adjacent owners will need to collaborate on development efforts. In addition, implementation was also a notable topic within the TMISAP. In fact, there was much described about how the public and private would work together to see the vision. A couple of key points here. The city encourages developers and key landowners to take the initiative and begin the implementation process, bring forward design detailed guidelines and zoning. Zoning. The city could look beyond the existing development regulations to new development provisions. These regulations could be linked to the

design guidelines and should be written expressly to promote and guide the type of mixed use development. Development regulations. The plan implementation will be accomplished through the city's existing development codes, through amendments to these codes, or by the development of new provisions, such as new zoning districts, overlay districts, design guidelines and development standards. And, finally, achieving results here it will require leadership on behalf of the city and a willingness to innovate and collaborate with the players involved. And, finally, here one last item from the TMISAP, which is probably one of the areas of the -- of the document that's not renewed very much, because it is farther back in there. There are a few key statements here, both for developers and for the city. Developers are strongly encouraged to undertake these tasks and invite the city to the table as a means of advancing the plan more rapidly. The city should develop a side of -- a set of design guidelines for the interchange area or encourage the development community to work together to prepare a set of design guidelines and the city should develop an expedited review process for projects that embrace, incorporate, and where through cooperation developers have developed partnerships and specific integrated plans that cross property lines and advance necessary infrastructure construction. And, finally, the last statement was the city is ready to work as your partner. So, here we are today. Just a little bit more context. Since the adoption in 2007 the commercial real estate stalled and -- and user demand shifted dramatically. It required a close evaluation of the plan and how best to move forward to secure users, but create flexibility to adapt to more changes, including those to come, which we all know today as COVID. It also presented opportunities to work with adjoining property owners. This slide here is interesting. The first applications we brought to the city were TM Creek, which was on the corner of Franklin and Ten Mile Road, which was about 40 acres and, then, TM Crossing to the south, which was adjacent to Ten Mile Road and north of I-84, which was about 77 acres. For us development only can finally commence in 2014 with plats. So, seven years after the adoption of the TMISAP. We provided plats, construction plans, and improvements. But an item that kept coming up with each application was the ad hoc approach to planning a larger area outside of what we current -- what we owned at that time and interpretation of the TMISAP. There has been a lot of effort, discussion, and maybe even occasional frustration by both city staff and us, seemingly because site condition -- site specific actions were referencing back to general aspirational statements no longer applicable, achievable in the market, or not responsive to current conditions in the TMISAP. Additionally, we have now seen seismic changes and a need to be flexible given COVID. In collaboration we work closely with our adjoining property owners to address land use, specifically Calnon, which was all the property to the east of us, excluding the Bainbridge property. We worked with them on land use annexation and zoning within the plan. We also worked with Treasure Valley Investment Shakoori, which was between the Ten Mile Creek property, the TM Creek and TM Crossing properties, to implement long-term desired transportation elements, which was the extension of Wayfinder and the construction of two roundabouts. We ultimately purchased those properties, so that a cohesive vision and complete plan for 300 acres shown here bounded in red could be achieved. Of note we purchased all of Calnon, which is on both sides of TM Creek, south of Franklin. Treasure Valley Investments from Ten Mile Road all the way back to the future Benchmark, Market Street and the Bainbridge Franklin property, which is directly to the north -- northeast corner of the site.

Of note, each of these, including TM Creek and TM Crossing, all had individual development agreements. So, we are dealing with five separate development agreements. However, by assembling all these parcels we were able to achieve one of the TMISAP goals to work across property lines in a collaborative way. So, here we are today. We did wait for some time, even though we had acquired these properties, to come together with a plan. It -- to provide you with a preliminary plat so we could understand the planning considerations, such as roadway connections, pathway pedestrian access, and land use and provide flexibility to be able to adjust to market conditions. Here before you outlined in red is the TM Center Subdivision, which is before you tonight, which is inset in the TM Crossing 308 acres. We submitted application on May 29th, 2020. The first hearing was scheduled for August 6th, which was continued. Then 9/3, which was continued. Then 9/17, which was continued. Then 12/3 which was then tabled to tonight. However, the most important discussion that was needed was to establish a set of design guidelines and a cohesive development agreement for all the properties within Ten Mile Crossing and not just the TM Center plat. We determined the best approach was to establish the design document and hired Cushing Terrell to research, review, and create a draft study. For the Ten Mile Crossing DA modern design guidelines, which is the area bounded in red here, we engaged Meridian staff one year ago and when I looked at that date today I was surprised, it was one year ago when we had our first conversation with staff on this issue to discuss the sub area plan and project specific guidelines. On July 15th we had a pre-application meeting and presented a draft sub area plan. On November 5th we had a second pre-app meeting. And, then, on November 19th we submitted applications. At the time of our application submittals they were a Comprehensive Plan text amendment, combining five development agreements, a planned unit development overlay to incorporate design guidelines and zoning modifications. Following redirection by staff in early January, a revised Ten Mile Crossing application was submitted on February 16th, which included DA modification to combine the five projects into a single master DA and design guidelines and zoning modifications, which we previously have talked about. All these applications are before you tonight. These two applications are. One of the items that is mentioned in the staff report, however briefly, but there is not a lot of context and I want to spend a little bit of time to review this document. So, if you will indulge me for a few minutes, like I said, we hired Cushing Terrell to prepare for us design guidelines for all Ten Mile Crossing, which applies to all 308 acres across the property. Our intent is that these design guidelines become the base and the governing guide for all development within Ten Mile Crossing and would be attached to and included in the development agreement. So, what do the guidelines contain? Well, there is, obviously, purpose and applicability. Those things are pretty common that you would find in -- in most zoning and guidelines. But more specifically there is design review process. There are design guidelines for site landscape. Typical street sections. The creek and pathway systems. Architecture and signage. Then, finally, we also provide some specific use standards on things that always come up that we wanted to incorporate into this document. And, then, there is a fairly extensive appendix photo library of buildings that are proposed or built within Ten Mile Crossing to provide a flair and flavor for the type of development that we want to see. Like I said, there is purpose and flexible -- purpose, applicability, and intent. Ideally the purpose of this is to encourage flexibility, innovation, and creativity and to eliminate some of that

rigidity which could be found in strict interpretation of zoning code or architectural guidelines. We want them to apply to the entire Ten Mile Crossing project, so that there is a unified approach to design and implementation. We also want to provide a simplified administrative procedure for all future submittals -- architectural submittals through a design review board. We have discussed having and have presented in these guidelines a design review board. That would be the first step that would approve all exterior improvements, both the site, building, and structure for every building out here in Ten Mile. That Ten Mile design review board would be comprised of three or four independent architects from the application. We wouldn't have any architect reviewing our own plans. And the content of that would still have to include the information required by UDC. The one difference here is that that design review board becomes the -- it basically takes a step out of the city's process to provide them with more time. It would be presented to the city with an approval letter. The city would review for conformance with the guidelines and, then, it would move directly onto the certificate zoning compliance and, then, the city would issue the CZC, so that the building permit process could begin. Obviously, there is design exceptions and there is an allowance for that by the Planning director. A few of the high level things which are detailed within this. We have site and landscape, architectural and signage. I'm going to get into those details on the next slides. Also on the left-hand side this is very similar to the conceptual land uses plan you saw tonight. We provided more detail to that. But it shows what has been built or under construction and what is forthcoming. Also the open space plan on the right-hand side here shows all the pathway corridors. It does show the detached sidewalks throughout and the -- and the Ten Mile Creek and the Purdam Drain. We have provided four design considerations where additional architectural review needs to occur on key corners, on the frontage area between the creek and Franklin Road on Wayfinder. We have also identified an area that multi-story structures should be -- should occur. We have -- we have a number of five story, four story buildings already out here, and in this document we have asked for approval of a hundred foot, which would allow us to get to six levels or six stories on these buildings should that need arise. One of the items that Sonya had mentioned and had detailed quite a bit in her guidelines were roadways. Within this plan we have created a transportation circulation map, have also detailed the type of roadway system, the standards which would be there. We have reviewed these with ACHD. These all comply with their standards. We do know that there are different guidelines in the TMISAP, but we are requesting that these roadway standards carry through the balance of the project. We have also provided the city with an overall comprehensive pathway plan. Of course there are detached sidewalks throughout the entire community. But, more importantly, we have a variety of eight foot and ten foot pathways designated here on this map. We have the Ten Mile Creek regional pathway. We have a parallel pathway to future Benchmark which would be ten feet. We have a ten foot Purdam drainage regional pathway. We have an eight foot pathway connecting between the two roundabouts on Vanguard and Cobalt. We also are building a six foot parallel pedestrian boulevard shown there at F, kind of an east-west connection from Vanguard over to Benchmark. And, finally, we have a very specific detailed Main Street on Wayfinder north of the creek up to Franklin Boulevard. The elements in the design guidelines are site and landscape. We provide specifics for site amenities, fixtures, pavers, all of the tree planting elements. We also have standards in there for parking lots that would be required throughout and there

is a whole set of actual implemented plans and pictures in the document itself. And I will go through this quickly. We have architectural guidelines for commercial. The important thing here is to identify form, scale, proportion, height, elements and details, materials and styles. How to screen mechanical equipment and lighting throughout. So, we have done this for commercial, for mixed use and flexspaces, flex buildings, for retail and residential in the multi-family side. I will note that we will in the future, on the part that is held out to the east, come back with more guidelines for single family residential, which will be appended to this document. Finally, one of the things that's important is the unification of signage. We have spent a lot of time creating a signage plan throughout Ten Mile, which is required at key locations, as well as the tenants in front of their buildings if they are going to have monument signs and this, too, is laid out in the design guidelines. And, like I said, there is an extensive photo library. Here is just a snapshot of a few of those, but if you get into the documentation it will show elements of all the things which I have already discussed tonight. So, going forward, you know, we find ourselves tonight needing to restate the -- restate and effectively defend -- essentially defend the importance of Ten Mile Crossing design guidelines. The TMISAP itself states that it wants developers to take the initiative and undertake these design guideline activities, to work a lot collaboratively across ownership and boundaries and bring forward detailed design guidelines to the city. Also it states that the city should develop an expedited review process for projects that embrace this collaborative approach, provide leadership, and be ready to work as a partner with developers. I will say that we have had very good support from staff on many issues, but on the issue of the TMISAP needing more specific guidelines, that's why this set of guidelines is before you tonight and that's why we are asking for your consideration. We are at a loss, however, why staff has either ignored or rejected the design guidelines that had been submitted. It -- staff does state in the staff report that they are not supportive for the different design guidelines and it's to have -- the purpose is to have a unified design for overall area. However, the TMISAP states that the city encourages developers and key landowners to take the initiative to bring forward the detailed design guidelines and zoning and infrastructure financing proposals. Finally, there are a few items that we just wanted to highlight and discuss just to be clear. The first is the conceptual land use map, which has been talked about. We have provided here additional context for the type of uses. We haven't got down to the specificity simply because there are changes that will and could occur and staff knows that as DA -- this prior DA mod had been modified to address changes in the market and new plans. We are asking for that flexibility, but also to give the city some certainty as to where certain uses will occur and the type of intensities we could expect. We provided, like I mentioned, a complete set of design guidelines to cover 308 acres out here at Ten Mile Crossing. We provided a process by which we would have a design review board and provide approval to the city, so that the CZC process could continue, as noted in our design guidelines. We have also provided a comprehensive roadway plan. I have identified what has been built, what will be built, and to what standards those will be built. I will note, however, that there -- there is a lot of conversation or staff time to talk about roadways. The Ten Mile Crossing design guidelines provide a comprehensive roadway plan for both circulation and standards. However, our details do differ from the TMISAP, but we are fully compliant with ACHD standards. Some of the TMISAP plans are aspirational, but are not necessarily applicable given the future land use pattern. There

is the proverbial chicken and egg. What comes first. Without roads buildings can't happen. Buildings can't happen without roads and we have to make a commitment and that's what we have done. We have made a commitment, created key areas where some of those ideas could be accomplished, like Wayfinder Road north of the creek going up to Franklin Boulevard, where we can create that Main Street fill. We have established a guideline for all Ten Mile Crossing, so that there is a cohesive roadway plan that provides cross-access and connectivity. As mentioned, although it's not before you tonight, we have asked for two connections to Franklin Boulevard shown here. We know that it is a City Council item, but it's important to note that they are consolidated accesses that purport to provide joint use for the users of the sites. I will note that there is a cross-access to 12 Oaks. However, it is both deficient and poorly designed when you look at the cross-access between multi-family and the future commercial that's here. Will we use it yet, but it doesn't accomplish the need for access to the site. Pathways. I think this is something that's super unique. We know that the city has a master pathway plan and we have been able to not only embrace it, but enhance it. Originally there was a pathway just for Ten Mile Creek, which was to the north. We have also added in the Purdam Drain and we have taken the initiative to add ten foot and eight foot pathways and sidewalks, detached, throughout the entire project, so that we have connectivity. You will also note on this exhibit there is a red circle in certain locations, which are amenity sites. Those amenity sites provide connections where the people will be able to stop, we will have enhanced seating areas, there will be opportunities to go point to point and not just have a pathway system without a place to rest or visit with people, especially given that we have a large demographic of office workers out here. So, this will benefit them, as well as the residents -- residential uses which are already on site and will be in the site in the future. Arrival. One of the things that we have -- have worked on and we have presented both for -- to the north on the ICCU site and we will do here at Vanguard is a dramatically enhanced arrival at these entries in the project. We are going to create a sense of arrival. There is going to be definite identification. Here is an opportunity as well to provide that art element that the city has identified in a very prominent location. You will note here that one of the unique things about the site is if you drive it it -- we are directly adjacent to a not so pretty detention basin that's surrounded by chain link fence. We do have a license agreement from ACHD to enhance that area and to expand the area. Just to give you a frame of reference, this intersection -- that represents at least 60 feet highlighted here that will be enhanced directly at this intersection on both sides. Not just on the south side, but we will do the same -- it will mirror on both sides, provide an opportunity for signage, as well as public art. We have noted, however, that there is a condition in the -- in the staff report that the buffer along Ten Mile going between Vanguard and Cobalt be expanded to 50 feet. The UDC for gateway areas is 35 feet. One thing to note is in this area it drops down significantly from Ten Mile Road. There is a slope there already and the 35 foot landscape buffer, just as we have done to the north in previous plats, is -- is more than adequate to provide that separation from the street for pedestrians and provide landscaping on the backside of that as well. We have provided you with all of these items noted in our requested changes that was submitted by Mike Wardle earlier. We are anxious to move the process forward, to have you approve the preliminary plat, which has been before you since August, with a unified master development agreement and accompanying specific guidelines for Ten Mile Crossing, so that Ten Mile Crossing



can be planned, developed in a complete and cohesive way that sets the standard for all the Ten Mile interchange area. In conclusion, we do concur with staff's recommendation for approval and request your approval of the Ten Mile Crossing DA modifications, which we know that is a City Council item with their proposed design guidelines, of the proposed rezones which are before you and of the TM Center Subdivision plat, including the requested of modifications which we have made and submitted to the conditions of approval. The proposed modifications achieve the direction of staff leadership for a master DA design guidelines to supersede the TMISAP and to provide for better -- a guide for development for all Ten Mile Crossing. We respectfully request your approval of the pre-plat and Ten Mile Crossing development agreements and design guidelines and I stand for any questions that you might have.

McCarvel: Thank you, Mr. Wardle. We -- I did allow -- we went over quite a bit, but it was a large -- a large request here and a lot to get through. So, at this time do we have any questions for the applicant?

Cassinelli: Madam Chair?

McCarvel: Yes, Commissioner Cassinelli.

Cassinelli: Yeah. I was going to give you a hint there who it was. Yeah. There was a lot of information here and I have several questions, but I will take turns. First of all, Jon, can you -- if you can summarize your conclusion there. You are saying that you are in agreement with all staff conditions, is that accurate?

Wardle: We are in agreement with staff's conditions. We have, however, made some modifications as it continues to revert back to references to the TMISAP and we are asking that the design guidelines be those that we have presented -- included in our application and are before you tonight. Those are noted -- go ahead.

Cassinelli: I was going to say -- so, those modifications you made are just -- just with regards to the design guidelines.

Wardle: Primarily that is correct. We went through -- sorry, Commissioner Cassinelli, Madam Chair. We went through the condition. We did strike out all the references to the TMISAP. We included reference to the Ten Mile Crossing design guidelines. We did make a couple of notes in here regarding some of the -- the streetlights and we also made some notes based on, you know, the location of the pedestrian trails based on the current pathway plans. These -- a lot of this relates to development agreements and stitching together those five development agreements. So, we have made a lot of those notes based on that. One of the items that -- Commissioner Cassinelli, that you will note in there that we have struck, there -- there is a common reference found in the TMISAP regarding pedestrian scale of streetlights. We have made a very strong effort to create that pedestrian scale on Wayfinder between Franklin and Ten Mile Creek and we have -- we have provided pedestrian scale lighting, but there is also the other issue of the requirements to light the roads. So, throughout the document there are locations -- like

on Ten Mile Road, on Franklin where it talks about creating pedestrian scale streetlights or lights at a lower level, we are just simply striking that and saying that the streetlights that are -- that still need to be installed, that they should meet city -- or city standards and should be acceptable as -- as requested. We have also made a note in here -- there -- there is a -- we have done this before, it's been picked up on previous DAs, but some of the existing DAs do not have the language about the certificate of zoning compliance and submittal process to go forward. But certificates of occupancy would have to wait until a plat has been recorded. But those other steps could occur prior to a subdivided lot.

McCarvel: Other questions for staff? Or, I'm sorry, for the applicant.

Holland: Madam Chair?

McCarvel: Commissioner Holland.

Holland: I think you said Commissioner Holland, so I will just keep moving forward. You are hard to hear, but that's okay. Jon, I wanted to say, first of all, thank you, it looks like you guys have done a significant amount of work. It's not -- we can definitely see how many pages of documents and how many months of planning have gone into this. So, I want to take a second and just recognize how much work you have put into this process. I know before us tonight we really have three applications at this point to go through that with the Commission. The three applications we have is the preliminary plat for the 83 buildable lots and two common lots. Then we have got the request for the development agreement modification, which we can make a recommendation on, but that's really Council. And, then, we have got the request for the rezone to the C-G and, then, the other requests that are in there as well. Just making note of that. One -- one comment -- we never really had a chance to talk about the Ten Mile Center area. I appreciate that you have some amenity sites along the pathway network, but I'm curious if you have plans for a future open space that's more than, you know, an amenity site here and there. If there is -- if there is a plan at some point for a public plaza type style place or a -- you know, I think it would be amazing to have a five to ten acre park somewhere in this development when you have got so much residential and so much mixed use. I'm certainly a fan of mixed use and I think, you know, Ten Mile is a great opportunity for Meridian to compete and bring some jobs a little bit closer to home for residents, but I certainly would love to make sure that we have elements of open space beyond maybe just the pathways in there and I was just curious if you could talk about it a little bit.

Wardle: Madam Chair, Commissioner Holland, thank you, again, for clarifying what is before the Commission this evening. Yes, parks are a key aspect to -- to our community and I think Meridian has done a very good job of -- of parks in and around the area. We also have access to public schools. But one of the things that we really keyed in on -- on this plan, Commissioner Holland, was the importance of not just a creek, but an enhanced creek. Not just a drain, but an enhanced drain. And not just a pathway, but a series of connected pathways. I think we would -- while having a dedicated five acre area would be nice to have and there are dedicated landscape areas within the residential pieces, so I want to be clear about that, that the residents that are out here both within the multi-

family and future residential will have dedicated landscape areas and those will be site specific development items. But the key I think for -- not even think. The key to all of this is how do we connect both a daytime population and an evening population and the best way to do that is through pathways. Like I mentioned, just the pathways themselves we have three and a half miles. We clearly have at least that much, if not more, in sidewalks and we made a very concerted effort to provide passage or pathways across those in a safe way as well. So, I will be clear, we haven't provided a five acre park out here, but we have spent a lot of time with city staff on creating a pathway system and adding to that pathway system in a very meaningful way and that's why we also want to create these little amenity areas throughout. They are not small. Some of them are very linear; right? But the idea is that we are giving people a place that they can go and be social or rest or just make their way on a circuit as well.

Holland: Thank you, Jon, I appreciate that, and I know your team always does a great job with -- with planning and I have seen a number of your subdivisions and normally you guys do a great job. I would just ask that as you kind of consider what uses come through here in the future that having some sort of central amenity area, like a park or like a plaza space, would certainly be something I would love to see, because I think it would tie the whole development together fairly well when you have got 308 acres that you are looking at. So, just -- just a request, a recommendation, but that's just one comment for now.

Wardle: Madam Chair, if I might just make one comment there.

McCarvel: Sure.

Wardle: We do agree that plaza spaces are very important and we -- as you will note in front of our building -- and this is part of the -- maybe the beauty of us having some control is that we are able to dictate and ensure that these buildings are providing that positive space that's directly associated with the buildings. So, we agree with that.

McCarvel: Thank you. Other questions for the applicant?

Cassinelli: Madam Chair, if nobody else -- this is Commissioner Cassinelli.

McCarvel: Yes, Commissioner Cassinelli.

Cassinelli: Jon, can you address -- you're -- you're wanting a -- a change to the height to a hundred feet. Can you -- can you kind of highlight where -- where those -- where that change would be?

Wardle: Madam Chair, Commissioner Cassinelli, I just want to -- can you see my little hand cursor on the screen?

Cassinelli: Yes.

Wardle: Okay. So, down here in Ten Mile Crossing in particular -- but it may happen a little bit to the north, it really would be user driven, but down here, that's where we really see that that hundred foot comes into play. With -- some of those buildings we have built already are five story and we have had to ask for alternative compliance, which I know that there -- that comes up at times, because it exceeded the height. It was within a percentage, but it exceeded the height. As we have talked to certain users and the opportunity to provide space, it has come up that maybe we would do a six story building here or there. I don't see that we would do a lot of them, but by making hundred foot allowed that gives us the flexibility without having to go through alternative compliance or any additional review for that.

Cassinelli: And would that -- does that apply to the entire plat or --

Wardle: It's -- well --

Cassinelli: Go ahead.

Wardle: No, I interrupted you. I apologize. Go ahead.

Cassinelli: Well, I was -- I was -- I think you -- you understood what I'm saying. Does that apply to the entire -- the entire -- the entire area here or -- or just specific zones within this?

Wardle: I'm going to let David Turnbull address that.

Turnbull: Madam Chair, Commissioner Cassinelli, I think that in general you could say it would apply. We don't anticipate it happening anywhere north of Cobalt Drive. As you know, we have got a fairly major medical user out here with potential to expand. So, that's one potential area in the D or E areas, that's probably where you might see it. We are not saying it's going to happen, but it does follow some of the aspirational aspects of the area that the city has always requested us to go as dense as we possibly can. You do run into some building code issues the higher you go, it gets more expensive, so there is always that balance and that calculation we have to run through, but this, as Jon mentioned, would help us to avoid future alternative compliance requests, which the city seems to suggest we -- we promote, but, then, we have to go through this alternative compliance. So, we are just trying to do away with that -- probably annoyance for everybody.

Wardle: This E -- D, E, that's Cobalt right there. That's what David had referenced. That would be the -- the northern line.

Cassinelli: Okay. Another quick question, if none of the other Commissioners have one.

McCarvel: Go ahead.

Cassinelli: There were -- there were a couple of additional access points off of Franklin. Can you highlight those? Are those -- so, they would be in those -- where the arrows are?

Wardle: Madam Chair, Commissioner Cassinelli, that is correct. Those -- those would be the locations where we have discussed with ACHD about having those. ACHD does have a process that requires us to -- to get their approval for that. They are not granted outright. But of note they do align with uses across the street and we are able to consolidate -- particularly on the count on Banbridge piece, multiple access points into a single. We still have the -- the -- the collector system that will be there and internal backage roads, but being able to provide access directly out to Franklin Road from those locations is important.

Turnbull: And, Madam Chair and Commissioner Cassinelli, I just want to emphasize what Jon mentioned before about the cross-access that's already provided through the 12 Oaks apartment complex. If any of you had an opportunity to drive through there you would see that it comes right in and, then, directly into the property through an apartment parking lot and we don't think that that's really much of a beneficial use for the property that we own, nor -- you know, it's most likely just going to create conflicts with the residential use to the -- to the east. So, we will take that through the process with ACHD and the city for the waiver process that's required. I don't think you are granting it here through this process. That's not on the table.

Cassinelli: No. I was just curious where those -- where those were located.

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

Cassinelli: Madam Chair, I have one more.

McCarvel: Okay.

Cassinelli: Do you have -- Jon, do you have an overlay of -- of the before and after in terms of the rezones?

Wardle: I do. So, this is -- this -- Madam Chair, Commissioner Cassinelli, this is the current zoning on the site out here and you will note that there is -- there are a variety of zones that are already designated on the site. So, that's the current zoning base. This will be the new rezone area. To the north along Franklin and down to the Ten Mile Creek, that will all be zoned C-G. So, the R-40, the C-C, will convert to C-G. South of the creek we are changing a little bit of the TN-C to R-40 to continue that along Cobalt and those are the changes that are -- and there is a little bit of a cleanup south of Cobalt as well. But that's -- those are the changes there. So, kind of the existing and the proposed modifications.

Lorcher: Madam Chair?

McCarvel: Yes, Commissioner Lorcher. There we go.

Lorcher: The -- the reasoning for C-C to C-G along Franklin Road, so would that all be accessed from inside the complex or -- I know you had requests to have driveways or accesses from Franklin. What kind of businesses were you looking at or is it going to be more retail or is it going to be more office space? Franklin's very busy already right now and I don't know what was proposed there before, but I mean there is -- so, I think there is a Valvoline Oil shop right now and you can access that when you come into the complex. Is that what you are thinking that's going to continue to be for Franklin Road for commercial?

Wardle: Madam Chair, Commissioner Lorcher, let me talk first, then, I will let David jump in as well. Along Franklin Road we do -- we do envision, starting with Wayfinder -- so, that's the -- that's the western collector that's north-south, we do anticipate that there will be a variety of retail uses that will be on that main street that will approach the street, have a great relationship with it, including some live-work units. It is very likely that as we work our way down Franklin Road that you will have other support services, whether they be financial, food -- even probably some small retail along there on key corners. We do have also that we have built -- this exhibit doesn't show it very well, but where the -- you reference the Valvoline. There is also a backage road or an internal drive aisle that provides access east-west that parallels Franklin and allows you to get to the light. What we are asking for, Commissioner Lorcher, is just a -- another single point of access that would allow people to turn into the site, get out of the site at that location and this location over here. But we also provide significant internal circulation. So, that that's not the single point. We have these collector roadways.

Lorcher: Thank you.

McCarvel: Okay. Any other questions for the applicant?

Holland: Madam Chair?

McCarvel: Commissioner Holland.

Holland: One more follow-up question. I know -- this area is also in an urban renewal area for Meridian. I'm going back to my public plaza and parks comment just for a second, but just making one -- one note and hopeful that perhaps that could be something where the urban renewal agency might be able to step in and help with some of those other central amenities if that is something to move forward for considering in the future. I just wanted to make that comment and see if you had any other thoughts around that.

Wardle: Madam Chair, Commissioner Holland, it's a good point. I will note that it's my understanding that there are not any city designated park sites out here and so because it's not, quote, a public asset or designated, it wouldn't be able to be done as part of the urban renewal. Again, I do want to restate, however, that we are providing for substantial site specific open space with the residential uses and, again, we still are very high on the

connectivity of the pathway system. But with that I appreciate the comment. And we will --

Turnbull: We can explore it.

Wardle: -- we can explore it for sure.

Holland: Thanks, Jon. Appreciate it.

McCarvel: Okay. If there is no other questions for the applicant, we will move on to public testimony. Madam Clerk, do we have anyone signed up to speak on this application?

Weatherly: Madam Chair, we have one person online with their hand raised. That's Lori. Lori, give me one moment, please, to move you over to permission to talk. Lori, you have permission now to unmute yourself.

McCarvel: And, please, state your name and address for the record and the floor is yours. Do we have Lori still there?

Weatherly: Lori, I sent you a memo to ask you to unmute.

McCarvel: Yes. Lori, I think you need to unmute on your end. There you go.

Lori: Sorry, I was trying to log onto another device, so I apologize.

McCarvel: So, did you want to speak?

Lori: No. Thank you.

McCarvel: Okay. Thank you. Any other comments? Anyone else wish to speak on this application in person or online? Okay. All right. We will move back to the applicant then. With no questions from the public, does the applicant have any closing remarks?

Turnbull: Madam Chair, David Turnbull. I will just finish up with thanking Jon for doing a pretty comprehensive -- and we understand it's a lot of information, but he gave a pretty comprehensive look at it. In fact, he went so a long my daughter had a baby while he was speaking.

McCarvel: Congratulations.

Turnbull: I just got that -- I just got that text, yes. You know, I think I want to highlight what our intent is here. This -- this goes back to over a year ago with discussions with the city about, you know, mutual frustrations with how we have worked through these applications and -- and we came up with -- I thought -- I think should be a mutual understanding that we are following the plan which asks us to come up with specific design guidelines and we commissioned an architect and spent quite a bit of money to

come up with these design guidelines to give us consistency in architecture, consistency in landscaping, consistency in everything down to the kind of, you know, ground cover you can use and the benches and trash enclosures and all of those elements, because we want to see this be a cohesive development and we also want to alleviate some of the burden from the staff and also take it away from -- take it out of our hands by hiring professionals and we will pay those fees and I hope we can demonstrate to you that we have got -- we have -- we have tried to do the most innovative, high density commercial, high employment, which was the goal of the city. There are -- there are changes that came about through the last dozen or so years. There used to be a lifestyle center designation on this property. Well, guess what, that got built at The Village at Meridian and Anna Canning, who was the planning director at the time, commented to me, well, there is only going to be one of those probably that are supportable in this city. So, that's probably not going to happen at Ten Mile now -- and we concur. So, we have not -- we don't have a heavy retail focus out here. We have a heavy high density employment, medical -- the medical component is going to be substantial and, then, we have been able to do some things with high density multi-family that hasn't been done in the Meridian market and those things have come about -- probably weren't practical even to do 12 years ago. The market changes, though, and one of the things that COVID brought us was a realization of the need for -- that the companies that actually survived and thrived through this environment have been the ones that had drive throughs, for example, and so we have incorporated all of these things into these design guidelines that will be reviewed by third party architects, so that when they come to you you have the -- you know, architectural review is not a check the box kind of science. There is as much art to it as there is engineering and that's what we hope to bring to the table. That's why we spent a great deal of effort working on these design guidelines to provide the city the product that it wants and deserves. So, you know, we could -- we could go over some additional items, but I think you have what you need. I know you know what the applications are before you. The City Council is going to have to be the final decision maker on some of these, but I hope you can see the intent of what we are trying to do here to accomplish something great for the city. So, I will close with that. Thank you.

McCarvel: Thank you. If there is no more questions for the applicant or for staff, could I get a motion to close the public hearing on H-2020-0074, items No. 5 and 6 on the agenda.

Grove: So moved.

Cassinelli: Second.

McCarvel: It has been moved and seconded to close the public hearing on Items 5 and 6, H-2020-0074. All those in favor say aye. Opposed? Motion carries.

**MOTION CARRIED: SIX AYES. ONE ABSENT.**

McCarvel: I have got --



Cassinelli: Madam Chair?

McCarvel: -- Commissioner Holland and Commissioner Cassinelli unmuted. Go ahead, Commissioner Cassinelli.

Cassinelli: I will just start with some comments and we will probably have -- have lots of comments and thoughts and stuff. I -- I really agree with Commissioner Holland's suggestion on some sort of park open space. I don't know that it needs to necessarily be five acres and -- something to where -- and I -- you know, I understand what the applicant said as far as it's not being a lifestyle center, but still somewhere where those coming from the outside that don't live or work there that are coming there to -- you know, to grab a bite of food or -- or whatever they may be -- they might be doing, can -- can go there and take that -- you know, take the sandwich from the deli and go eat maybe off site and just enjoy it. So, just something -- and maybe in that. I guess it would be the northwest corner or something that I could just kind of envision. So, that's -- that's one thought. And, then, personally, the -- the -- the pedestrian scale lighting that -- that staff has required, I'm definitely in support of. Comment on the height aspect is I don't necessarily think we should approve that sitewide, because, then, they could potentially take it and put a six story building right up against Franklin. I'm not saying that they would, but if that -- you know, if we give them that -- that leeway, that latitude, they could. So, I would like to somehow see us only allow that in a specific area within this plat or just leave as is and have them -- I mean if they can -- they have got an alternative compliance at least on one building I think to go -- to go up high enough, I -- I think, you know, I would -- I would rather have -- have that be the case, honestly, to -- to do it item by item. So, that's my -- my thought on that. Those are my -- those are my main thoughts right now. I would like to hear -- maybe after some questions, if Sonya could comment a little bit more on the -- on the design guidelines and just get a better understanding of where staff is at as opposed to where the applicant is at on -- on the design and that's it for now.

McCarvel: Commissioner Holland.

Holland: Do we want to pause and let Sonya answer that question first before we get too --

McCarvel: Yeah. Go ahead, Sonya. Sonya, would you like to unmute.

Parsons: Commission, I'm happy to answer that question.

McCarvel: Okay. Thanks, Bill.

Parsons: You are welcome. And I think it -- I think those are the -- the applicant's done a very good job of explaining where we -- where we started and where we are at now, because as they have pointed out in tonight's presentation, it is very clear -- or at least the intent is that this is a partnership. This body, staff, applicant, property owners, we set out on this vision to make sure that we got something innovative, while still being flexible for applicants and that's probably the -- a lot of the time that we spent with the applicant

on this process is from -- from our standpoint, from city staff standpoint, having to look at five different development agreements to regulate a development -- or try to manage a cohesive design and theme over 300 acres is -- can be a challenge, particularly with different team members looking at different applications. Each one of us are going to have a different interpretation and that's why we really started out on this adventure with them. And I will call it an adventure, because I think we have all learned and grown from it. We know -- at least from my perspective I think some of our codes need to change to support what the applicant wants to do. For so many years the city has used the development agreement as the tool to kind of regulate development and I'm one team member, but I think that the PUD process is what we should be using to regulate developments, especially these larger master planned communities, and as we sat down with the applicant and worked through all of these design challenges that we were faced, we looked at it as -- as internally and we looked at it with them -- we were under the impression that our current PUD standards don't allow for that flexibility that they want under these current standards that they are presenting to you tonight. But what we did realize is that through the development agreement process we could at least add some flexibility or change some of the design guidelines in the -- in the comp plan, because the comp plan really is a guide, whereas the zoning ordinance is law and that's the discussion that we had with the applicant and came up with this concept of doing one master DA to govern the 308 acres and eliminate the five into one and that's where we ended. We -- we certainly shared our concern with how do we implement these guidelines. Is it appropriate to allow them to propose different guidelines that are different than what's intended for the Ten Mile area? And as staff that's -- that's what we are tasked with. We are tasked with ensuring that the development complies with the plan and that's why Sonya laid out in her staff report some of those elements that she thought should be kept as part of our recommendation. Now, ultimately, you as a recommending body and City Council, they will have to determine whether or not this is the right avenue to take. You have to -- if you think this is the right way to move forward, then, I would encourage you to set forth your recommendation that Council take this under consideration or at least provide staff some direction as we move forward with some future code changes, because as you know I'm one to say I think the Ten Mile Plan is pretty aspirational. It has some things -- and kind of going back to Cassinelli's height comment, the reason why we supported it as part of this process is because the Ten Mile Plan encourages higher floor area ratios, which, basically, means you are going to intensify the property and go vertical and a lot of those employment areas -- or a lot of the buildings they have built out there we have done alternative compliance and we have gotten those plaza areas because of doing that alternative compliance process. We have also talked with them about incorporating some plazas into their commercial space, too, so -- and public art as well and we have gotten the same responses you have gotten tonight, that they are willing to look at that and take that into consideration. The one component that you are not seeing as part of their design guidelines is really the residential component that they have highlighted and that's where you are going to start seeing some of the innovative open space and some different residential uses that they will come back and eventually amend their DA and include those design guidelines as part of that project. So, I don't want you to think you are not getting the full picture tonight. Right now the applicant's really trying to meet the intent of the plan, but do it differently than what we have done it -- the way we

have done it before and that's really coming up with an 80 page document is saying, city, please, endorse this, so that we can give your staff the tools to review this 308 acres under one specific guideline, rather than having them look at multiple documents. I don't know if I helped the conversation or hurt it, but I guess just giving you staff's perspective, that's -- that's really why we got to where we are and I'm hoping out of this that we get some clear direction from this body and City Council, because I -- I tend to agree with the applicant, we just need to be more flexible and we need to be innovative and if this is the tool to do that, then, I think at some point we should really think about it and think about changing our codes to align and move in this direction.

McCarvel: Thank you, Bill.

Holland: Madam Chair?

McCarvel: Commissioner Holland.

Holland: Bill, a couple of follow-up questions to that. How integrated was staff in the creation of the design guideline document that the applicant proposed? Were you sitting at the table with them while they were trying to develop most of that document?

Parsons: I wouldn't say we were sitting at the table. I think they really took the lead. To be -- to be frank with you, I was the one that encouraged them to do it, because it's my planning experience from other -- another -- a previous life I guess I should say -- that's what they -- that was their main tool. They had zoning ordinances from 1976. They didn't ever get into the code. They controlled everything through the PUD process. Whereas when you come to Idaho you have a different set of rules to follow and you look at the land use laws and, really, the DA is where you kind of -- once you get zoning out you -- you kind of typically get what you get and that's why we are -- we scrutinize applicants so much at the annexation process, because we want to -- if we are going to give away zoning we want to make sure we have clear direction and clear plans moving forward. So, no, we weren't at the table, but the applicant was always willing to share the information with us and ask us for our feedback. Now, were we as -- as responsive as we should have been? I would probably say no, just given the workload and what we were dealing with we could not give them a full comprehensive review of this document. I have read through it and looking through -- they have taken out a lot of the -- some of the things they had in it they did remove it, because we felt it was unnecessary and so looking at it today do I feel comfortable with what they are proposing? I -- again, I can't say that I have gone through our code and compared that to what -- the Ten Mile guidelines compared to what they are proposing here, but what they are showing here and what Sonya alluded to in her presentation tonight was the plan encourages that mix of uses they gave you a bubble plan that showed that. So, do I know what the percentages are? No. Do I feel confident that they are going to meet the spirit and the intent of the plan? Yes. And that's -- that's always been their intent and in our communications with them that's what they have always conveyed to us, that they recognize what the plan is and they plan on meeting the intent of that plan as closely as possible. And I -- and, you know, from our time constraints as far as design review, I like

-- I like the aspect of having a third party review. Currently we don't have -- we have -- currently all of the design review is at our staff level and, then, if the applicant doesn't agree or make the changes, then, we have to convene a design review committee to look at that, which is basically our third party review to say yes or no, we agree with staff or don't. So, them putting that extra level of scrutiny on themselves is probably making them as much accountable as the city doing the review for them. So, I do like that aspect that they are proposing, because I think that will help expedite some of the review for staff. So, again, I go back to my closing remarks. It's -- it's really more of a philosophical discussion tonight whether or not this is the right approach we should take. And to be curious -- it's going to be interesting to see what Council does on it.

Holland: Thank you, Bill. So, I guess I can jump in with my comments, if that's all right, Madam Chair.

McCarvel: Go ahead.

Holland: So, again, I go back to -- we have three different applications in front of us, so -- and the way that we deliberate I just want to make sure we -- we talk about them in that order. So, the first item we have is the preliminary plat of the 83 buildable lots and the two common lots for the 132 acres of land in the R-40 and the C-G zoning districts and, then, the second application we have is the development agreement modification and the rezone request. So, speaking just high level about the request for the preliminary plat and for the rezone, I don't see big concerns. I think they have done a good job of explaining why they want to make those rezone requests. I think it fits well with the way that they have shown the bubble concepts. So, I think those ones are fairly straightforward, with the additions of what the staff report has. Talking about, you know, the concept we have been talking about, whether they have a design guideline, I -- I'm not opposed to it either. I think it's really nice to have a smart focused area. This is a really unique spot in Meridian and it does have -- I mentioned it has an urban renewal district with it, which is one of the few tools that cities have to be able to use to fund public infrastructure. So, I know that all of these new buildings that are going up -- the increment from all of these additions is going into a pool that can be used to help with infrastructure needs. So, I know that there -- there is some assistance in helping with roadways and helping with these pathways and I think they have -- they have done a fabulous job with the pathways. I have walked some of the projects. I have driven around some of the projects. Just previously looking at some of the -- I mean I have had a couple of business visits out at the new buildings that are up there. So, I think they have done a great job of comprehensive planning and design. I still would push for wanting to see more of a central amenity site somewhere in the plaza and I do really like that they have got the amenity areas. I understand and appreciate that they don't want to seek being a lifestyle center, because The Village exists, but The Village is several miles away and I think we have got so much density that we have approved within a one mile radius of where the site is that it would be nice to have a walkable amenity where multiple people could gather and have a little bit bigger open space beyond just what's in the residential neighborhoods connecting to it. So, I think that that would still be fairly strong in my recommendations, is that they consider having an element of public space, whether that's a plaza, whether

that's green space, whether -- whatever that is. I know I keep going back to that, but once the ground is developed there is no way to go back and add more ground back to it and when you have got a 308 acre space, hopefully, they can carve out five -- five to ten acres somewhere in there for a nice central amenity. So, I'm going to get off my soapbox with that. I would also say I -- I appreciate that these developers have been so transparent in their process that they have certainly gone above and beyond in the way that they have come back to the city with a really nice looking document and suggestions, so I'm not opposed to making a recommendation to Council that they consider, you know, a different way of doing business when it comes to this specific project area, because it's part of the urban renewal area, because it's part of an employment center and a focus for Meridian, and, you know, I know that they are well known developers and they have done a great job with other projects. I'm not saying that we should approve it because they are a good developer, I'm saying it because it's nice to have a thoughtful plan that's laid out well. On a couple of the other issues that we have talked about, I would agree with Commissioner Cassinelli on the streetlights, I would follow staff's recommendation on that. I don't see any challenge with the hundred feet height, as long as we limit it to being on the side that's closer to the Interstate, because I would agree that a hundred foot building right off of the corner of Franklin and Ten Mile might stand out a little bit and that, you know, they would follow the intent of the bubble plan concept. I would hope that they would have some additional retail uses, even though it's an employment and high density focus. I think having that many employment centers and those many residents nearby they are going to want restaurants to go to, they are going to want somewhere to go for their break. Certainly would be a nice amenity and while retail certainly changed with COVID, I don't want to plan the future of our city on a one to two year pandemic, because I know that retail will come back in a different way in the future. So, that was a lot of comments for me. Sorry. I'm done now.

McCarvel: Commissioner Yearsley -- or Commissioner Grove.

Grove: Thank you, Madam Chair. Sorry, my internet has been fluctuating, so I'm going to leave my video off, so I can attempt to not cut out. I would say that I agree with Commissioner Holland on just about everything that she said. I think for me that the height restriction being lifted I'm okay with them lift -- having it lifted and would go along with the rest of this body if they wanted to, you know, say where. I'm not as concerned about it I guess in this general area with limiting it, but I'm okay taking the limit off in terms of height. I'm very impressed with the level of detail that they have put towards the combining all of these different elements to make a cohesive plan and I like where they have gone with this. And I was a little confused trying to like read through all of the documentation leading up to this, but hearing all of the explanations tonight and getting a little bit more familiar with it, it's something I can get on board with.

Lorcher: Madam Chair?

McCarvel: Commissioner Lorcher.

Lorcher: Madam Chair, I don't really have much more to add that -- that the other Commissioners haven't really added. The fact that the developer has taken the time to really put a Comprehensive Plan for such a huge parcel that's very unique to our community and, really, the Treasure Valley. They are the first ones to, you know, set the bar for this type of project. So, it -- from the beginnings of what they are proposing seems very viable and it would be a good space.

McCarvel: Commissioner Yearsley?

Yearsley: Madam Chair. So, I was actually involved with Planning and Zoning when this and the other application came in to develop all of this and I'm actually excited to see that that centerpiece actually has some momentum to move forward -- they actually start developing that piece as well. This was always meant to be kind of a showcase area with the Ten Mile corridor study that was done and I think so far they have done a really good job, especially as -- how would you say it? How the market has driven different things. Initially they were looking at more retail space, now it's more office space. People actually like that look a lot better. I think it plays better to the diversity for a live-work-play type stuff. So, I -- I'm in favor of what -- what they are proposing. I do agree with allowing the hundred foot height -- height restriction on there. Have a little height on this, this is the area to put that. So, you know, it's not like we are setting it off. I think this is a good location. So, I -- I'm a favor of this proposal.

McCarvel: Okay. I think we have got all the comments. I would agree especially with Commissioner Grove. It was a lot to read and it makes a lot more sense. I appreciate the presentation. I have to admit when I saw he had 56 slides up there I was a little nervous, but I appreciate all the effort that went into the presentation tonight. It helped a lot. Yeah. I would -- the height sitewide, I think we might want to take a look at that, just so, you know, who knows what happens in the future and, you know, once we give that away it's gone, so -- and, yeah, the central amenity, I'm sure whoever makes the motion, will get that in there.

Cassinelli: Madam Chair?

McCarvel: Commissioner Cassinelli.

Cassinelli: Is there -- if -- if Sonya or Bill could comment, because I'm still very concerned about just giving a wide open approval on the -- on the height limitation. I think we should rein it in a little bit and if they need to go outside of what we put up as a boundary, then, the alternative compliance is still an avenue, but it's kind of a check and balance. But Sonya or Bill, is there -- is there something that you could say to put my mind at ease on that, that it wouldn't get out of control?

Allen: Chairman, Commissioner Cassinelli, all I can add really is that current code does allow for the height to extend above that. I believe it's 20 percent in the code through alternative compliance through a conditional use permit. The applicant is trying to avoid doing that every time and going through the lengthy hearing process every time they have

that happen. Other than that, you know, that's -- that's under your purview. If you want to specify locations that they can or cannot go up to a hundred feet, that's -- that's really your decision. I don't really have any other ideas, unless Bill does.

Parsons: No. I think you said it well, Sonya. It's really to, again, keep with the spirit of the plans. Again, the idea for this area was intensification and have taller buildings. That's -- and the C-G zone itself allows up to 65 feet in height. As Sonya mentioned, I think the tallest building out there is about 79 feet, if I remember correctly. Somewhere in that realm. So, we did alternative compliance and they did plat the area and we moved on. So, certainly, if -- if you want to self impose a specific area you can certainly add that in -- in your motion, Commissioner Cassinelli. Probably anything south of Cobalt and east of West -- I think it's Benchmark Street, if I'm not mistaken, which is basically -- and the Interstate there, it's -- pretty much all of that's C-G and the center of the project is probably I think where you guys -- based on the discussion leaving the -- the height limitation in that area.

McCarvel: Yeah. I think that's exactly the borders that the applicant actually referred to as well is where they wanted to put them. South of Cobalt.

Holland: Where was that again?

McCarvel: South of Cobalt.

Parsons: Yeah. Between Cobalt, the Interstate, and east of -- or, excuse me, west of Benchmark. See if I can zoom in on my map here and get the exact name of the -- it's South Benchmark Avenue is what I'm showing.

Holland: Thanks, Bill.

Parsons: Which is that eastern most -- eastern most north-south collector road where Jon's cursor is going up and down.

Cassinelli: Is there a way to --

Parsons: It's a retail, office, entertainment, medical area.

Cassinelli: Yeah. I wouldn't want to see a hundred -- I wouldn't want to see a hundred feet right at the border -- right at the edge of Ten Mile. I don't know that they would ever do that, but if -- if they could, you know, if we gave them the green light to do it now and that's where they could squeeze something in, then, you have got a six story building right at the -- you know, right at the edge of Ten Mile that, you know, winds up creating a -- you would wind up creating kind of a tunnel feel going through Ten Mile and I -- that's not -- you know, if we could even -- I'm great with -- personally, the benchmark I think on the east, Cobalt on the -- on the north, but if there is some way we can -- whoever is -- you know, our -- we have a professional motion maker when it gets this detailed. You know, if there is a way that they --

Holland: Commissioner Yearsley?

Cassinelli: Exactly. If there is a way, too, to keep it a little bit in from -- from Ten Mile I would be -- I would be fine with -- with -- as long as we are keeping it -- keeping it in a confined area I'm fine with going to that height limit. I don't know --

Holland: Madam Chair?

McCarvel: Commissioner Holland.

Holland: I'm not sure what the foot requirement could be, but we could say that we would be allow -- willing to allow hundred foot height buildings as long as they had more than a hundred foot buffer or whatever number we decided is the arbitrary number between the -- a hundred foot buffer between Franklin Road, Ten Mile Road, or adjacent residential. Whatever the buffering is. If we could do something like that, instead of using roadways.

Grove: Madam Chair?

McCarvel: Commissioner Grove.

Grove: One thing to kind of keep in mind as we are making these suggestions is the -- the road -- Ten Mile especially here is higher up than the property in a lot of places and so when we start saying a hundred feet or whatever, it might be -- it's going to be very different from the road than it is for the property itself and so I would -- I would caution us in making very detailed conditions on some of this, I think -- I think that the developer, you know, is going to do what is going to draw people into their development, right, and walking views and not allowing people to, you know, be welcomed into their space and welcomed into the city is not their intention, especially seeing how they own this entire development. So, I'm in favor of not putting a ton of restrictions in terms of the boundary for the height restriction.

Yearsley: Madam Chair?

McCarvel: Commissioner Yearsley.

Yearsley: I agree. I think -- I don't know if I have an issue with trying to put a condition on this.

McCarvel: Okay. Thank you.

Holland: Madam Chair?

McCarvel: Commissioner Holland.

Holland: I think I would also agree. I think it's tough when we put too many conditions on it and measuring out a number. I was just trying to find a solution that might work for



the Commission, but I think I would be okay saying that we would allow the hundred foot height south of Cobalt and west of Benchmark Avenue, because I think that's the area that they are proposing that for and just -- I would agree that Ten Mile is kind of an elevated road coming in and if you are going to have that density that's the area that's designed for it. So, I don't really have a concern having a hundred feet high along Ten Mile, because I don't think they are going to block them all adjacent to each other.

McCarvel: Is there a motion in the near future or do we have more discussion?

Grove: Madam Chair, can I throw in one more thing?

McCarvel: Absolutely. Commissioner Grove.

Grove: So, just -- I guess maybe a question to Commissioner Holland. With the plaza open space piece that you have been pitching for -- for this, I think one of the other maybe wording that we can run there -- I think amphitheater is something that has had success in some of these types of places. So, just kind of throwing that out for consideration for the -- not necessarily for the motion itself, but just throwing up the development idea.

McCarvel: Okay.

Lorcher: Madam Chair, are we going to try to combine several of these public hearing numbers together in one motion or are they going to be separate?

McCarvel: That's up to the motion maker. But I think -- I will pose that question to staff, since we have the No. 5 and 6 listed separately, do you need two separate motions?

Allen: No. You can include it. They -- they are all open together, so --

McCarvel: It's all under one item number, so --

Holland: All right. I will try taking a stab.

Yearsley: Before we do that, can we have the applicant go to the conditions that they wanted to see on the screen.

Cassinelli: We would have to open it back up.

Yearsley: No. No. Just have to display that list of conditions, so at least we something to refer to when they are looking at it.

Holland: I don't think we have to make the specific conditions today, because I think they are tied to the development agreement. I think -- we are not approving the development agreement modification, we are just a recommendation to it.

Yearsley: Okay.

Holland: I know in the staff report they mentioned it's pages 48 through 56, there is a number of highlighted items that are in there. I have the staff report open, I can pull it up in here really quick. It's 48 to 56. There is a few highlighted items. One of them was around their conceptual use plan being submitted. Let's see. The bubble chart -- I'm not seeing all the highlight items. Another one was related to the TMISAP for complete streets. Talking about the starting point for each street. Sidewalks. Bike lanes. White shoulders. Crosswalks. Medians. Et cetera. The applicant shall address at the public hearing or in writing prior to the hearing what additional design features are planned for internal public streets within the development aside from those proposed. That was one of the items highlighted. So, I really only see a couple items highlighted, unless I'm missing something.

McCarvel: Yeah.

Holland: You help us out if there is specific things we need to address in that.

McCarvel: Yeah. Commissioner Holland, I'm only seeing on page 48, Item A, and on page 56 it would be number four.

Holland: Staff was it -- either Sonya or Bill, did they not want to include the bubble chart? Was that one of the challenges?

Yearsley: Oh, I don't think the Council has had a chance to review that. So, I don't think we want to include that yet.

Allen: Madam Chair, just to clarify that staff did not have the use plan, so -- initially. So, that's -- that was the request that they submit one, which they have done.

McCarvel: You indicated you --

Allen: But generally it looks good, but the staff will take a closer look at it before the Council hearing.

Holland: Is there any other items we need to make sure we note, Sonya?

Cassinelli: This is my -- this is Commissioner Cassinelli. This is my last pitch for a little restriction on -- on -- on the height. Where ever a motion is going.

Holland: Did you have a specific request, Commissioner Cassinelli?

Cassinelli: I just -- I mean I like -- because I would have -- by -- by the time you hit Vanguard, Ten Mile is pretty much flush with property there, so -- I mean I would like to see -- and I'm not -- I don't have a map that specifically shows the C-G, but I would like to stay south of Cobalt and within -- you threw out a number of a hundred feet of major arterials. I think -- although we would eliminate Franklin if we kept it south of Cobalt, but -- and I think that's their intent anyway would be to keep it south of Cobalt, but if that's

their intent then -- then, you know, just to specify that in a motion for Council to review I think would be -- I think is adequate and, then, a hundred feet it keeps it back to -- to keep it more -- more inviting. I mean I -- I have seen -- you know, been around the country, you see a lot of projects where you get a lot of height right by the main roads and it doesn't mean that -- you know, I mean that -- people will still -- you know, you can still go in. It doesn't make it less inviting I guess, but it sure makes for a -- kind of a closed internal feel as you are -- when you are out -- when you are on the outside. So, a hundred feet?

Yearsley: I could do 50 feet.

Grove: Madam Chair, I -- I don't want to put those restrictions on, because then -- I don't know what those parcels are going to look like, how they need to develop. I'm really hesitant to put those restrictions, especially -- I mean I want to encourage the height and I think -- I mean there is not a lot of places in our city where we can encourage that amount of height and so I think for me I don't see those -- I hear your concerns, I guess, but I don't share them.

Holland: Can I help out in the motion, that we make a note that just says for any properties that are adjacent to Ten Mile, if they are going to -- if there is a hope to go with a hundred foot building that they would work with staff to find where that's appropriate and, then, give staff that level of approval.

Cassinelli: Well -- and that's what an alternative compliance says and that's why even if we set a hundred feet or 50 feet or whatever that number is, they can still get an alternative compliance. I just -- I'm just -- my thought is -- again, it's just a check and balance on that, so that once we -- I mean if we go a hundred feet everywhere then -- then they have got the ability to do that anywhere on the property without -- without anybody having a -- you know, be -- without -- without a check on that. So, I just -- that's why -- that's my thought. I'm not saying that I wouldn't be in favor of it, I'm just saying that, you know, I think we need to keep a little bit of control here on it and have a -- have a -- you know, have a final look at it before it's -- before it goes up.

Parsons: Yeah. Mr. -- Madam Chair, Members of the Commission, if I may try to help move this conversation along. I hear you what you are saying on the highest. Is it possible that maybe in your motion tonight that you say that the applicant work with staff prior to City Council to kind of designate an area to where they were -- at least in the plan. If these design guidelines come into play or that DA gets signed, at least there would be an exhibit as part of that DA that showed where it's appropriate to have hundred foot tall buildings and, then, the applicant can -- can work with us and, then, we can take that up to City Council.

Holland: I think that's a great suggestion.

McCarvel: Commissioner Holland?

Cassinelli: I think I would be -- I would be good with that.

Holland: Madam Chair?

McCarvel: Commissioner Holland.

Holland: After considering all staff, applicant, and public testimony, I move to recommend approval to City Council for the hearing date of March 18th, 2021, several items. For H-2020-0074, for TM Center with the preliminary plat request, for H-2020-0074 for the development agreement modification that the applicant would work with staff on identifying prior to the City Council hearing the specific areas that the applicant would like to see hundred foot buildings and provide a conceptual diagram for Council to consider, but that they would provide significant buffering between future residential uses, neighborhood roadways, and that they would consider the area south of Cobalt and west to Benchmark Avenue for those higher height buildings. That the applicant would follow the bubble plan concept that was proposed in this evening's meeting as they move forward with their concept plans. That the applicant might also consider a significant central amenity for the project, whether it be an amphitheater, a plaza, a park and that they might seek assistance from the urban renewal agency or work with Council on what that amenity might look like, but that the commission would like to see some sort of significant central amenity added into the concept plan. And that we would also recommend approval of the request for the rezone of the 40.9 acres from R-40 and C-C zoning districts to the C-G zoning district. The 3.9 acres from the TN-C and C-G zoning districts to the R-40 zoning districts. The .65 five acres from the R-8 and the TN-C zoning districts to the C-G zoning district. And the .53 acres from the TN-C zoning districts to the C-G zoning district. Did I miss anything?

McCarvel: A second?

Yearsley: I will second that.

McCarvel: We have a motion and a second to recommend approval for Items No. 5 and 6, H-2020-0074, with recommendations and modifications. All those in favor say aye. Opposed? Motion carries.

**MOTION CARRIED: SIX AYES. ONE ABSENT.**

Cassinelli: Madam Chair?

McCarvel: Commissioner Cassinelli.

Cassinelli: I think we may be in for a bit of time on the next one. Can we take a --

McCarvel: Yeah. That's -- that's exactly where I was going. Let's take a five minute break. We will reconvene shortly after 8:10. Five, six minute break. Thanks.

Cassinelli: Thank you.

(Recess: 8:06 p.m. to 8:16 p.m.)

**7. Public Hearing for The Oasis (H-2021-0004) by Brian Tsai of Balboa Ventures, Located at 3185 E. Ustick Rd.**

- A. Request: Conditional Use Permit request for an approximate 7,000 square foot drinking establishment, music venue, and nightclub on a portion of 3.26 acres of land in the C-G zoning district.

McCarvel: Okay. So, back to it. We will open at this time Item No. 7, the Oasis, H-2021-0004, and we will begin with the staff report.

Dodson: Thank you, Madam Chair. Hold on. This is not working the way I want it to. There we go. Can you see my screen?

McCarvel: Yes.

Dodson: Awesome. Thank you. Now, onto the fun one. Let the fun begin. This is Item No. 7, as noted, for The Oasis. It is for a conditional use permit. The site -- or the specific site is a portion of the three acre parcel shown on the screen. It is currently zoned C-G and is located generally at the southwest corner of Ustick and Eagle. There is a couple of things I want to note before we get going. One is the public testimony that was submitted, there was -- as of 4:00 p.m. there was 225 pieces. So, appreciate the -- the involvement of the community, honestly, whether it's good or bad. It's always good to have that. So, thank you. So, I would say probably 25 percent were in support, 75 percent were against it. Those that were in supportive of it noted a desire to have a music venue for entertainment here within the city, instead of in other cities nearby. Now, those who opposed the project note concerns over increased traffic, overall safety of having this kind of use near a residential development, drunk driving, parking count and how it would degrade the moral character of the city. That came up a lot. There are a couple of instances -- and I want to touch on this just for the clarity of the processing about how -- how could the city even entertain this by allowing it to be applied for it. That's not how development works. It's not how code works. We don't get to dictate those types of things. Even if it -- frankly, even if it's prohibited by the code an applicant could still ask for it and go to hearing and get denied. But they could still technically ask. So, we have to go through the process, we have to do our due diligence for that. Second to that, there were a lot of people -- I got some angry e-mails about -- you know, related to that, but also about how there is site work going on currently. That has some to do with this and absolutely nothing to do with this. That doesn't mean that this has been approved at all. That's why we are here tonight. The site work out there is from previous approvals, all the way back dating to 2019 that have been approved. I approved the overall site improvements. I also approved the building to the east of this and the building that this is proposed within. So, all of the dirt being moved out there has very little to do with this use. This is a use within a building that is not yet constructed, but has been recently approved as of three weeks ago. But the building -- again, nothing to do with the use. The use is being requested for the conditional use permit. So, just to make those items

clear. Now we get to the actual presentation. The subject property -- again, this is a little bit of history here -- was annexed in 2003 as part of a larger annexation area. There was a development agreement associated with this annexation and it was modified in 2019 to remove this property from that DA and enter into a new one serving just this site. In December of 2020 the landowner, which is not the applicant, received preliminary plat approval to subdivide the property into five lots for future ownership purposes. The subject property is proposed within a new multi-tenant building in the very southwest corner of the overall three acre site. It is part of a larger mixed use regional area that includes the commercial developments to the north, the northeast, east, and the Villa Sport site to the west, which would be the remaining area here. And even the Sadie Creek, which was the first application up tonight. A project of this small size, meaning one use within a -- one building on a small site, cannot and is not intended to comply with all of the mixed use regional Comprehensive Plan policies and goals. However, in conjunction with the existing and approved uses in the general area, the mixed use policies have been met for the regional area. A few of the Comprehensive Plan policies that staff did find relevant are as follows: The proposed use can diversify Meridian's economic base to establish and maintain a self-sustaining, full service economy. Require pedestrian circulation plans to ensure safety and convenient access large commercial and mixed use developments. Enhance crime prevention awareness to the education of neighborhood watch groups, multi-family property management companies, homeowners associations and other organizations. In this case it would be the other organizations and the applicant and police working together. Require appropriate building design and landscaping elements to buffer, screen, beautify and integrate commercial multi-family and parking lots into existing neighborhoods. In regards to the last policy noted, there is no neighborhood directly adjacent. So, meaning that there is no residential zoning directly adjacent to the property line of this subject application. But the closest home is approximately 330 feet from the southern property line. Future commercial buildings and parking lots will separate this project from the existing -- sorry -- from the approved multi-tenant building. With the recently approved CDC and design review, the approved landscaping meets all code requirements and helps to beautify the property, while offering an appropriate visual landscape buffer to the closest neighborhood to the southwest. Likely the subject site will not be directly viewable from the neighborhood directly to the southwest once other properties redevelop. The parking is located on the interior of the overall property, which will be largely screened by the buildings and landscaping from the adjacent properties, which is a benefit. Usually the parking is one of the most noise inducing elements of a commercial site. Other general Comprehensive Plan policies were discussed and analyzed within the staff report. But the ones noted even within this staff report is in no way an exhaustive list of the applicable policies, either in support or against the project. The approved building that would hold the proposed use is constructed with a modern and urban design that should integrate with the overall design of the other commercial buildings within this commercial development and with those adjacent to the site. However, according to the applicant, the real buffering of the proposed use comes from within the building, where there is proposed soundproofing materials, techniques and technologies. When it comes to the screening and buffering of the building and use, staff does find that the proposed landscaping and the internal building materials to be sufficient. This does not mean issues like parking and capacity are just by landscaping

and sound proofing. Just to be clear. The administratively approved building, Eagle View Retail Center, will be approximately 8,300 square feet in size, with two tenants suites as seen. The Oasis is the larger tenant suite and is approximate -- approximately 7,000 square feet in size and the building and use meet all of the code required dimensional standards, meaning setbacks, height, et cetera. The proposed business is a combination of a nightclub and music venue, which falls under the drinking establishment and indoor recreation facility uses within our development code respectively. The indoor recreation facility is a principally permitted use within the C-G zoning district, unless it incorporates a music venue and is located within a thousand feet of any existing residence, which, then, requires a conditional use permit, as is the case with this application. The drinking establishment is a conditional use within the C-G zoning district outright. Therefore, the applicant is requesting this conditional use permit for these two uses to reside within one building and one business, The Oasis. I already showed this, but for this point it is anticipated that directly south of the approved building there will be additional landscaping, a larger parking lot, and a drive aisle. This parking lot and landscaping received preliminary approval with the Villa Sport application. The main access to and for this development will be via a shared driveway connection to Ustick Road, which would be a continuation of this further up and it will be limited to a right-in, right-out access regardless of this use. The landowner is currently constructing this shared driveway across -- or this driveway access for their development, because this site is developing before the Villa Sport project and this also ensures there is more than one way to get to the entrance of the site. This drive aisle will connect to North Cajun Lane, which is this portion here to the south. There are no public streets as part of this commercial development and therefore -- and, therefore, no stub streets. Instead, there are private drive aisles as our standard for commercial developments. The applicant does have an existing cross-access agreement with the adjacent commercial property, so the Villa Sport property, but this agreement does not currently include a cross-parking agreement. In addition to the shared drive aisle that abuts the property to the west, the Villa Sport site improvements and recorded cross-access agreement will include an additional Ustick access road -- access point further to the west, which would be the North Centrepoint Way -- I guess -- yeah. This road. These access points to the arterial are approved for the site. Staff finds they are adequate and safe access to the site at full build out and also at the time with only the most adjacent Ustick access in conjunction with the drive aisle connection to Cajun Lane, which, then, goes onto -- I believe it's Seville and goes out to Eagle Road. However, to help mitigate any residential cut-through traffic, meaning accessing the drive aisle here and, then, cutting through here, to help mitigate that the applicant and landowner should work with the Villa Sport applicant to construct a driveway through the Villa Sport site in line with where ever that was approved previously. So, I believe there is a drive aisle approximately here. This driveway will provide a more direct means of accessing North Centrepoint Way and, again, help mitigate any cut-through traffic adjacent to the homes and it would get them to the existing traffic signal on North Centrepoint Way without having to use the roads adjacent to the subdivision. ACHD is the leading agency on access points and traffic mitigation for the City of Meridian and Boise, for that matter, and other adjacent cities to the east. Because peak traffic times should not be drastically affected by the proposed use on any access point, ACHD did not require a traffic impact study for this application. Even with the assumed capacity of

a thousand persons in the initial submittal, this was not required and restricting the capacity to 500 people should help with traffic concerns of this type of use. Further analysis regarding access should be addressed to ACHD, as they are the defending limiting body there. Staff also agrees that at peak hours of -- of business, which would be after 8:00 p.m. more than likely, access to the site should be improved as adjacent traffic levels on Ustick and Eagle should be much less than when it is at 5:00 or 6:00. With the proposed uses of a music venue nightclub, capacity and hours of operation are, obviously, integral factors in determining the compatibility of the uses with the neighboring and employment development, both commercial and residential. The applicant proposes hours of operation for The Oasis on the weekdays, which I labeled as Sunday through Thursday, as 4:00 p.m. to 1:00 a.m. On the weekdays -- sorry. Those are the weekdays. 4:00 p.m. to 1:00 a.m. and 4:00 p.m. to 2:00 a.m. on the weekends, Friday, Saturday. For reference the Villa Sport site is approved to remain open until 12:00 a.m. midnight, which would cover a majority of the same operating hours. The Oasis is further away from the existing residential than Villa Sport, but this does not mean any negative impacts are automatically alleviated. Therefore, staff recommends the weekday hours be limited from 4:00 p.m. to midnight to match the Villa Sport and, then, the weekend hours be limited to 4:00 p.m. to 1:00 a.m. These hours of operation match or, again, one more hour than the Villa Sport closing time, which makes it more compatible with that use and nearby residential development. These limitations as noted are one less hour than what the applicant originally requested. In order to meet UDC minimum parking requirements, the suite size of 7,000 square feet would require a total of 28 parking spaces and this is based on the restaurant use, which is one space per 250 square feet of gross floor area. The -- our development code does not specify parking standards beyond that -- for specific uses beyond that. That is our most restrictive parking ratio. With the approved CZC, which was for reference a certificate of zoning compliance, which is a site plan review, this is from that approval. The overall site improvements, the -- and the additional spaces, which are on the site specific one, 102 parking spaces are proposed on site and would likely be all used, because there is an existing cross-access and cross-parking agreement for this site in place. Both the landowner and the applicant understand the entire site will likely be used for parking for this business. The approved plans do not show any parking along the future northern commercial lots here and the landlord has agreed that those spaces will be built prior to this use commencing. Depending on how the parking is configured on the north side of the site, there is actually physical room for approximately 37 additional parking spaces, which includes the required width of nine feet and including for landscape planters, which is in line with code requirements as well. Again, this is a maximum, but does -- but does show additional parking will be provided and can be provided on site beyond what is currently being shown. Because of the anticipated parking issues for the proposed use, staff has recommended the applicant-landowner obtain a cross-parking agreement with the adjacent properties to the south and to the west and increase the amount of available parking for this use. In addition, a minimum of 125 total parking spaces shall be constructed. That's an additional recommendation. Which would obtain a parking ratio of one to four in accord with previous approvals. In the applicant's original narrative an estimated capacity of approximately a thousand patrons for the 7,000 square foot tenant suite was proposed. After receiving a conceptual floorplan as already shown, preliminary discussions with fire plan review discuss a



maximum capacity closer to 700, but the exact number for the map -- the building occupancy -- so fire occupancy and building occupancy -- cannot be known until architectural plans are submitted with building permit submittal at a later date. However, through the CUP process, which we are currently in, capacity can be limited further. Because of the issues outlined, staff recommends that -- that the capacity be limited to no more than 500 people, including the employees. Staff made this distinction because employees will likely take up parking spaces for the entire hours of operation, not just a portion of -- and, then, therefore, they should be included in the maximum capacity. Staff arrived at this number because it is the same ratio as the minimum parking for the proposed use. Again, one to four, which one space for 250 square feet is not one to four, I do understand math to that point, but most commercial developments are based off of thousand square feet of gross floor area. So, 250 square feet of a thousand would be one space for every -- four spaces for every thousand square feet. So, that's why 500 persons and 125 parking spaces equate to one space for every four people, based on the maximum capacity. However, it should be noted that enforcement of any of these capacity limits will be difficult for the city to enforce. The applicant should discuss how they intend on enforcing these limits without requiring constant fire or police presence on site. Staff does recommend approval of the requested CUP, because the proposed use meets or exceeds the minimum code requirements as outlined in the staff report and after that I will stand for any questions.

McCarvel: Any questions for staff?

Cassinelli: Madam Chair?

McCarvel: Commissioner Cassinelli.

Cassinelli: Joe, a couple quick questions. The capacity that you -- you are recommending capacity at 500 persons?

Dodson: Yes, sir.

Cassinelli: And if that's less than fire code and whatnot, how is that enforceable?

Dodson: Commissioner Cassinelli, Madam Chair, that -- through the CUP process. That happens quite often. We do it more often with daycares to limit the number of children being served, but through the CUP process and this entitlement process we can limit that beyond the building requirements.

Cassinelli: But how is that -- how would that be enforced on a nightly basis?

Dodson: That is a good question and that is something I -- frankly should be left up to the applicant to -- as part of the CUP process to show us how that can be and should be enforced. I understand those concerns, which is why I noted that at the end of my presentation.

Cassinelli: And then -- although I thought you were referring to parking, but you were referring to indoor capacity as well?

Dodson: Correct. Not just the parking. I -- they are tied together, so I imagine that if we can enforce the actual capacity, including the employees, the parking issue should be somewhat mitigated.

Cassinelli: Okay. But there wouldn't be a -- if they are under the fire -- if they are within fire code, but over the 500, is there a -- does the city have a mechanism to enforce that and whatnot?

Dodson: Commissioner Cassinelli, my understanding would be that they could have their CUP revoked. Other than that it would probably be code enforcement citations and things like that, which is how we would track that and -- and, no, my assumption is that if this were to get approved with the behemoth opposition to it, that there would be many residents who might actually count people and report that, which the previous city I worked at that's how code enforcement worked. They did not do drive-bys and drive-throughs through the cities, they just operated off of complaints. So, it can be rather efficient.

Cassinelli: Okay. I have another question if -- if I'm okay. If anyone else has a question first.

Bongiorno: Madam Chair?

McCarvel: Yes. Officer --

Bongiorno: Chief Bongiorno.

McCarvel: Bongiorno.

Bongiorno: Bongiorno. How is everybody tonight?

McCarvel: Good. And you?

Bongiorno: So, to kind of go along with what Commissioner Cassinelli was saying and -- and Joe was one hundred percent correct, we -- we can't be everywhere all the time. Obviously I don't have the staffing for it to track how many people are in the building. You know, there has been some tragic -- tragedies throughout the United States where we have had buildings over capacity where hundreds of people have lost their lives in buildings similar to this. So, in this case this building is going to be sprinklered. It's going to have fire sprinklers on it. And so it should have the latest and greatest of everything life safety wise. But Joe is one hundred percent correct, the bulk of it would be done off complaints of people using their gut and just saying, man, there is too many people here and, then, we can send PD or whatever to take a look at the building and make sure that

they are not overcapacity and if they are, then, we tell them they either have to shut down and everybody out or they have to remove people from the building.

McCarvel: Okay. Thank you. Commissioner Cassinelli, did you have another question?

Cassinelli: I did. Thank you. Joe -- and I seem to have picked this up from a couple of the comments. I wasn't able to read all 455. I think that's what the number was. But there were -- there were several and I know you kind of alluded to it up front as far as previous approvals and whatnot just on the buildings themselves. But can you address -- from what I have picked up there were a lot of -- there were several complaints about noticing and that sort of thing. Can you just reiterate or talk to that, that everything was -- you know, all proper noticing, mailing, those sorts of things were done?

Dodson: Commissioner Cassinelli, Madam Chair, my understanding, yes, the noticing part, that's done from the city. So, I hope we didn't mess that up. Adrienne never does, so I'm not pointing any fingers. Those are mailings that we mail out to -- within 500 feet. The signposting I believe was one thing that had come up. I had -- I had driven by randomly and it did look like the sign was a little off of it being adjacent directly to the site, but, nonetheless, it was adjacent to Eagle, which is where it should be and there was one adjacent to Ustick and the reason for that was -- well, the reason why it was a little off site is because of the construction that is going on and there was an opening where probably the sign should have been where the construction workers were accessing the site in and out. So, as far as I know -- as far as I have been told and understand that it was all noticed correctly, including the neighborhood meeting. There were -- I know there were a couple issues with some changes in code and I will take a little bit of brunt of that, I did not let the applicant know that that had been changed from Monday to Thursday, because, frankly, I wasn't aware of it at the time. And, then, it -- he did correct and change it to the correct hours and we -- we move forward with that. But it's my understanding that everything was code compliant.

Cassinelli: Thank you.

McCarvel: Thank you.

Grove: Madam Chair?

McCarvel: Commissioner Grove.

Grove: Joe, do you know is there an outdoor component of this use that's being proposed?

Dodson: Commissioner Grove, no, there is not. Obviously people congregate on the sidewalks, but nothing is formally being proposed with that and I wouldn't -- through the narrative and no discussions with the applicant has that come up.

Grove: Okay. And I can ask the applicant about that. My main concern there is the nature of this type of business, but assuming they don't allow smoking indoors when -- when you start drinking there is typically a congregation point, so making sure that they have some contingency plan in place. And, then, I had a second question, just so that -- by the time we get to the deliberation and discussion point I am more certain than not that we will have a lot to undertake, but just kind of from the outset could you very clearly define what our parameters are in terms of what we are ruling on and what we are not litigating.

Dodson: Commissioner Grove, that's a good question. Yes, if Mr. Baird wants to weigh in at all that would be wonderful as well, but from Planning's perspective the -- you stick to the findings. Those are what we have to base these things off of when we -- when we do this. Some of the comments in the public were talking about location. We can't necessarily deny something just because we say we don't like where it's being proposed. That can be a component of the denial, if this is -- if that happens. It can be a component of the approval. It just can't be arbitrary. It can't be we don't like the number of parking spaces for any unknown reason. It has to be a little bit more based in code, which is, again, why I could not recommend denial. I do not think that I had enough gumption or power within code to do that. So, you guys kind of -- I don't envy you tonight -- have that authority to do that tonight and recommend basing it in the findings of the conditional use permit, which are at the end of my staff report.

Baird: Madam Chair?

McCarvel: Yes, sir.

Baird: I concur with what's been said. This is a conditional use permit and the way I look at that is -- and you, as the Planning and Zoning Commission, find appropriate conditions to place on this such that it will fit within -- within the rules. You have got a little bit more leeway than the staff does as far as, you know, he's -- he's come up with a -- with an arithmetic way to limit the number of people. If you don't think that that's appropriate and it needs additional conditions, the Commission can certainly do that. So, that's the way I would -- I would approach it as the Commission.

McCarvel: Okay. Thank you. And with that, if there is no more questions, I will ask the applicant to begin their presentation.

Cassinelli: Madam Chair?

McCarvel: Commissioner Cassinelli.

Cassinelli: Sorry. I'm going to ask this question at some point, so I may as well throw it out there now. This is actually to -- is it -- is it Chief Bongiorno or Deputy Chief? I'm sorry. He's muted.

Bongiorno: No. I'm here. So, it -- either one works.

Cassinelli: Well, I want to give you proper respect there.

Bongiorno: Deputy Chief is my official title, but --

Cassinelli: Okay.

Bongiorno: -- a lot of people call me chief.

Cassinelli: All right. Chief, I will -- there wasn't an actual report in there from the Fire Department that I -- unless I completely missed it. There were comments in the staff report, but what I'm -- what I would like to know is just your overall -- and I don't know how much flexibility you have with -- with giving an opinion, but I wanted to -- just want to be real comfortable, because, obviously, with this -- I think, you know, fire safety is an enormous component, as you mentioned yourself there. You know, we have heard stories over the years -- obviously, sprinklers are a big issue, but heard stories over the years where a place like this, you know, where there has been terrible tragedies. So, I just want to make sure that the Fire Department is -- is comfortable with the -- the layout, the access, capacity, and all that.

Bongiorno: Madam Chair, Commissioner Cassinelli, yes, the way this sits -- so, my -- the things I potentially -- I initially look at is access, water supply, and just kind of the overall layout to make sure that we have full access to everything that we are looking at. So, as far as the internals of the building, I didn't have any comments on it, because that will all be handled through the plans process when they submit their -- their plans. So, our -- our plans reviewers through the building department we will go through the interior to make sure that everything meets building codes, everything meets fire code, you know, it's got the proper number of exits, we have got proper exiting for up on the mezzanine, you know, they are not putting flammable materials on the walls. That's all the kinds of things that they will be looking at as far as the interior of the building and the capacity of the building as well. Because depending on how they lay out the building with either standing room only or if there is tables and chairs or if there is just chairs, that capacity is going to change depending on how it's laid out. So, that 500 number that -- that Joe threw out could change and it most likely will, depending on how they present the plans to the city and how the layout and seating is going to be, because that dictates capacity, the occupant load of the building.

Cassinelli: I guess with all that said and as -- you know, as you are involved in the process of all that, are you fairly comfortable with -- with the Fire Department's ability to respond to any emergency, as long as you have your input when they are laying out the proper exits and all that, are you -- are you and the department comfortable with response to them and availability to get there and deal with any situation?

Bongiorno: Yeah. Commissioner Cassinelli, honestly, the -- the only thing that I brought up as a concern to Joe and the owner was the parking situation, because, you know, we didn't know at the time what the occupancy load of this building was going to be, we weren't sure how many parking spaces were going to get used. There is other

businesses, obviously, in this complex and so that's why we were looking at do they have a parking -- a cross-parking agreement with the people next door to make sure that the overflow parking is allowed to be, you know, captured in the next parking lot over, so we are not blocking fire lanes and anything like that. That was my biggest concern.

Cassinelli: Thank you.

Bongiorno: You bet.

McCarvel: Thank you. And we have the applicant present. Would you like to begin your presentation?

Tsai: Can you hear me okay?

McCarvel: Yes. And, please, state your name and address for the record.

Tsai: My name is Brian Tsai at 3085 East Ustick Road here in Meridian, Idaho. That's the project site. I thought for a long time about how I would start this presentation until recently I received this fortune cookie that said your contributions to your community can be felt near and far. I'm Brian Tsai, I'm the owner of The Oasis, and the reason I'm here tonight is after pouring my heart and soul and every penny I have had into this project, I was very disheartened to see the letters of opposition for something I have spent almost my entire life putting together as something for the entire community to enjoy. This project is a culmination of over a decade worth of ideas and that includes every penny I have made in those last ten years and, then, some. Half of that time I spent as a state trooper near the United States and Mexico border. I lost count of how many bodies I have moved or how many times I have heard bullets zipping past my head, knowing it was full well probably meant to end my life. It's a sound that you will never forget. So, I left that life behind in pursuit of a lifelong passion for music, to turn a bunch of ideas sketched across the endless napkins into something tangible and real. A multi-purpose venue that can be enjoyed by all ages, family uses, walks of life and the community as a whole. Just to reach this point in development I have already taken a second position lien on my house, received high interest net leases on equipment and, then, additionally, signed that collateral just in order to secure this lease for the building. They say nothing great comes without great sacrifice. Having been born and raised in Boise, like Commissioner Holland, Commissioner Cassinelli, Commissioner Grove, I, myself, am an Idaho native. So, when I say I grew up in this valley, I saw and experienced everything it had to offer for music, arts, entertainment and nightlife. As far as Commissioner Holland, your role as the city of Kuna's director of economic development, as well as the Boise Valley's Economic Partnership and a Boise native yourself, you understand first how -- firsthand how much a benefit a music event alone can bring to both a city and the surrounding community. As you would say in your mantra, you never stop learning, you never stopped doing, and you never stop giving. Now, why did I think this belonged in Meridian? I could have easily paid in rent half as much and put it in another city. I believed that was because Meridian was the most premier and upscale area that could accommodate a venue that was intended to be just as nice. When I met with an advisor from the Small Business

Administration, it turns out he was well connected in the music industry and had e-mails from the city -- then City Council of Meridian all the way back to 2010 asking if he knew anyone who was interested in building a venue in Meridian. These lead up to the recent years -- for example, when former Meridian Arts Commission Member Hilary Blackstone, advisory board of the City Council, and now who works at the Idaho State Department of Education, wrote a letter to the coordinators of the Tree Fort Music Festival and asked them what it would take for a company to build a venue in Meridian, because it had the potential to bring millions of dollars of revenue on top of coverage for arts and entertainment of all forms. Now, Commissioner McCarvel, your role in the Boise Convention and Visitor's Bureau, I'm sure you understand how much attraction would come to the Treasure Valley and Meridian specifically to have a truly world class facility in the area. In these folders are letters of opposition that I have -- been sent to the city regarding our application. I have read every single letter twice. It appears the majority of them were copied and pasted messages from the same three people. I sorted them into several folders here just for the reference. This yellow folder here represents all the addressable concerns that have been posed by members of the community and I'm here to assure the community that a project will have no detriment to the community in which it belongs. Is a concern -- these are addressable concerns such as noise, crime increase, drunk drivers and, of course, traffic and parking as we have heard throughout the staff report. In our noise analysis we assume that the walls will be made of nothing but a single sheet of plywood, which is, obviously, impossible as far as building construction goes. The chart in our analysis shows that the outside noise will at all times be lower than the ambient sound of highway traffic coming from Eagle Road. Regarding crime for the sake of comparison, in a five year period from 2015 to 2019, which is the most recent FBI crime statistics under the Uniform Crime Reporting report, which is the UCR report, shows in comparison 2,217 incidents of aggravated assault occurred in Boise over that time period. These are incidents which resulted in significantly bodily harm or death, including a fourth multiplier, such as an implement with a knife or a gun. Of those 2,217 only exactly one occurred as a direct result of a bar or club in downtown Boise, where dozens of such facilities exist. This means compared to the incident rate per capita you are six times more likely to be stabbed or shot going about your daily life in Boise versus attending an alcohol serving establishment in downtown. Crime occurs where it's naturally drawn. That's the reason why Beverly Hills has a lower violent crime rate than in midtown Los Angeles. If one incident occurs once every 2,217, that's an anomaly, not a trend. By that same logic we can look at the several armed robberies that occurred in the past month at gas stations and banks here in the Treasure Valley. Does that mean we remove all the banks and gas stations because a violent crime occurred at their premises? Commissioner Lorcher, I believe you are the most recent addition to the Commission, but before -- before coming here you have worked at three different alcoholic beverage brokers. So, you know the alcohol industry. Well, you have also attended events at a number of venues around town, including the Morrison Center. You have stated in your application to the Commission that you encouraged smart growth, which will benefit both existing and new residents, for the business and the community. Having both of those in mind, I'm sure you recognize the immense benefit a multi-purpose venue of this type can provide for the entire community. Regarding DUI crime in my law enforcement career, I personally arrested over 200 DUI drivers. Of those, since we actually track where those

drivers are coming from as part of our interview process, only two or three of those originated from bars or clubs of any kind. The other 198 or so, rounded for the sake of estimation, came from private residences. The reason for this is because those who visit establishments to consume alcohol -- almost all of them have already made arrangements in advance to get home safely, either through a designated driver or a ride sharing service of some kind. This, however, is not the case when they are forced to leave a private residence. And, lastly, of the traffic concerns, which were mostly resolved by reducing our planning capacity by half, the city planning staff, as well as the fire marshal and the Meridian Police Department, agreed in consultation that this would alleviate, if not significantly remove any issues with the parking or traffic. As noted in the staff report we have provided over 450 percent more parking spaces than what is required by code. So, four and a half times the required amount. At this intersection with two major arterials, even if all one hundred vehicles left the exact same time, it could be possibly cleared out in a single cycle of the traffic control signals. Now, we are certainly not the first. There are several bars on this mine drag of Eagle Road that are close -- then close at the same times as our project, if not later. A drive down Eagle Road shows the commercial use as far as the eye can see. There are approximately a dozen licensed liquor establishments within less than a mile of our location, including at least five to ten more that were added in the City of Meridian in 2020, with no marked increase of DUIs by percentage and in total there are already 61 other liquor licenses that are currently in operation in Meridian. We are just asking to be number 62. This red folder, approximately 80 to 90 percent of the opposition's letters were letters that didn't address any particular concern, but stated they were opposed to the project because it went against their family or moral values. Now, if I don't like vanilla ice cream I don't go out and try and get everyone else to hate vanilla ice cream, I just try -- or I don't try and go get companies to stop making it, I just don't eat it. Similarly, if not perhaps, but when somebody wants to build a strip club in Meridian, as they have in Boise, in no way would it affect my family values or my personal moral stance, because I don't allow them to. Personally I don't morally agree with strip clubs. It doesn't reflect on my personal values, because I don't attend them. And, finally, this folder here I labeled within radius, because this is the radius defined by law as the area of potential impact. The state law designates as 300 feet. The City of Meridian has increased that and designated that to be 500 feet. These are the letters that were received within that radius. Which means when I cross referenced the letters of objection from the list of owners and their residents on file with the city, I discovered that not only did not a single one of the opposition actually live within the lawful zone of impact, a smear campaign was presented by several of those opponents, intentionally spreading fear and rumors regarding our facility. Some of the residents that are living in the area that support the project, including five of which who were -- live within this radius, said that they had received flyers on their doorstep claiming that our facility was intended to operate as a strip club, including outdoor music and lights that would be distracting, and others that claimed that we had paid to promote prostitution from our facility. None of which could be further from the truth. When I reached out to some of the citizens who had written letters of opposition, they were surprised to discover the real practices of our business and responded to me saying that they didn't actually oppose our project, but only wrote the letter because they were instructed to. The fact that our opposition would go to such great lengths to spread misinformation to demonstrate the



character of their intentions. The bottom line is this. Idaho Code Section 67-6512(a) of the Idaho Local Land Use and Planning Act states that the permit may be issued provided if conditionally permitted by the ordinance, which it is, and submitted to the -- subject to the conditions of the ordinance in which Meridian Unified Development Code 11-4-3-10 meets all the requirements of not being located within a church or educational institution and, in fact, absolutely nothing is located within 300 feet. Over a four full football field away, which is the radius designated by the Idaho law for potential impact regarding conditional use permits. Now, several dozen experts and consultants at the city's planning staff wrote their staff report that this permit approval would be in compliance with over eight different requirements for that approval. That appears at the end of the staff report and added that the project -- and I quote will add to the city's commercial base and will likely be a higher benefit to the users of future Villa Sport and residents to the southwest of this site. The proposed business offers a new commercial use, not only to this area of Meridian, but to Meridian as a whole. End of quote. They added in conversation that much of the city staff, including the planners, love the proposed use and, indeed, sincerely want it in the City of Meridian. In addition, the project promotes the Action Item 6.01.02(d) in the Comprehensive Plan to develop indoor or outdoor multiple use facilities for a variety of recreational, educational and cultural sports purposes and uses. Commissioner Holland, I watched the previous Planning and Zoning meeting. You stated in the last hearing that the determination of conditional use should primarily include if the use fits the Comprehensive Plan. You have heard how the staff report demonstrates that it does and, additionally, promotes the intended action items by the city as a whole. The report goes on to state that our project -- and I quote: Gives Meridian residents more opportunity to share in music and art and potentially bring new cultural experiences to Meridian through this business and value. Also in the last hearing I believe it was Commissioner Seal, who is not in attendance with us today, has stated as a city we are trying to grow up and we need more businesses and we need more places of employment to exist. We are starting with the addition of at least 30 jobs supporting all local businesses and musicians as a whole. I'm not sure who would be against a minority owned business trying to open during a pandemic when the global music industry has lost over a trillion dollars in revenue at a time when over 150,000 bars and restaurants have permanently closed their doors as a result of COVID. Now, having been a minority business owner for nearly a decade, I experienced discrimination in seeking loans, filing applications, securing leases. These are all occurrences that are well documented nationwide. I refuse to sit back and be stepped on by opposition whose personal or business beliefs perhaps might stand on businesses being owned solely by white two parent nuclear households. Statistically speaking Idaho has one of the lowest rates of minority owned businesses in the entire country. It appears at the bottom five of the entire 50 states. All I'm asking for here is a chance to start a business. Of the few people who chase a dream of something they have always wanted to do to bring something to Meridian that has been missing for decades and provides a massively positive community opportunity, but financial and economic growth as well. This provides growth for both citizens and government, which, in turn, increases available funds for school, education, and other community programs. In addition to the letters of support that have been sent in, we have received several hundred messages, each with a unique reason for each individual of the importance of such a venue and why music is important to them. I

included them here. It's over 16 pages with at least ten or 12 messages per page of those supporters. Our Facebook page, despite having no advertising done, has already amassed over 600 followers based on the excited word of mouth alone from local residents. Now, in reality, less than 20 percent of our operations can be considered nightclub use. That's where we dispel a lot of the problems and the stigma surrounding facilities that are purely nightclubs. In fact, we have booked over ten couples, many free of charge, to have their weddings and receptions at our facility. We are putting both the Idaho Humane Society and the Meridian Canine Rescue on our calendars, opening the venue to pet adoption events, welcoming all ages, including kids and family events. A representative of the Meridian Canine Rescue, just a couple miles away from our site, stated -- and I quote: They are very grateful for the opportunity to use our venue space. The Idaho Humane Society stated they appreciated us bringing such an important and much needed space to the Boise-Meridian area, since they were not able to reach out to Meridian due to the lack of Meridian's venue spaces. We have several local dance clubs to be featured at our space and excited to bring dance styles, including hip hop, ballroom, and country western. These groups span all ages, including a local swing dancing group comprised primarily of age 60 and over members. We are even working with some local high school cheerleading groups, so they can host their seminars and meets at our venue as well. We have also reached out to the Meridian Arts Commission and offered them the use of our space completely free of charge for any of their future uses. As Commissioner Yearsley said in an October 7th, 2013, introduction, he called Meridian -- and I quote: One of the greatest cities in Idaho. The number one in Treasure Valley and we are not going to be a bedroom community anymore. End of quote. And you can't be the greatest without having a single venue of any kind for the arts. In total, based on our estimated expenditures, labor, and operating costs, we have already pledged over 20,000 dollars of free venue use to the City of Meridian, several nonprofit organizations and community uses that include both child and teenage programs due to the multiple use nature of the building. Almost done. A developer once told me that many groups interested in booking before you even open is a sign that the community as a whole is highly supportive of your project. I would like to thank the Commission for their time and I would ask the Commission member make a motion for approval, including, in closing, only to point out that there would be no outstanding reason, lawful or otherwise, not to approve the permit at this time.

McCarvel: Thank you. Any questions for the applicant?

Holland: Madam Chair?

McCarvel: Commissioner Holland, you have come off mute.

Holland: Was it Brian is your first name?

Tsai: Yes, Commissioner.

Holland: I'm sorry, I didn't catch your last name, but I -- I appreciate you taking some time to give an overview for us. I am curious if you can talk a little bit more about safety for

us. That's probably one of the biggest concerns we have seen. But what are some of the safety protocols you are proposing that might help mitigate some of the concerns the community is going to be bringing forward tonight?

Tsai: First thing I will address is the issue with capacity, just as that was posed as a question just kind of right off the bat. We use a system that's created by a company called Token Works. They are the same company that makes the identification authentication programs and the machines that they use -- that the TSA uses at the airport. So, they scan the ID from top to bottom, they verify the age and that the ID is actually authentic using a number of different techniques that are forensic based on certain states. That system as a whole, then, links to a network of other known -- like potentially known offenders that exist within the system. So, if you -- if this person -- typically people who create violence, people who have inappropriate conduct, people who are -- who commonly drink too often, these are people who have not done that for the very first time. They have typically been to other venues before, therefore, if they get kicked out or if they get flagged for follow up or they get blacklisted from a venue, we will know that immediately upon entering of their attempted entry into our facility and we could deny them entry into the facility prior to that point. As far as the other safety issues are concerned, we have -- and it's posted on our website, we have absolutely zero tolerance for any type of inappropriate behavior, overconsumption of alcohol, or any of these other things that are typically associated with somebody going to a facility that's just a nightclub and, then, getting a little too out of hand. Among these things, for example -- well, let's say -- well, how would you do this versus a regular bar and I believe I have this in my follow up rebuttal as well, which is that a normal bar their only way to prevent overconsumption is by not over serving. That falls onto the bartender and their training to recognize the signs and symptoms of potential intoxication and, then, stop it before that actually happens. However, the bartenders they are attending the bar, they are not there to tend to the rest of the business. So, it can very -- very easily slip through their observation that this person might go out into the parking lot and drive away drunk. The way we have mitigated that is through our plan not only having the security staff posted at the entrances and the exits, but to have our actual bartenders and service staff trained above and beyond what the City of Meridian requires in order to recognize the signs and symptoms prior to them even leaving the building and if need be they -- we can arrange for them to have safe transportation versus just letting them out of the parking lot and, you know, whatever happens from there. I hope that answers most of the things. I know there is a -- there is a whole lot of things that can go around the concept of safety and just as a -- as a base principle I suppose I would say that during any of the times where typically more incidents happen, which is admittedly, you know, later in the evenings, more towards the night times, we do intend to have our security staff at the doors screening every person that comes in for any potential weapons or alcohol that they would like to bring in.

Holland: Thanks, Brian. That's it for now for me.

McCarvel: Okay.

Lorcher: Madam Chair?

McCarvel: Commissioner Lorcher.

Lorcher: I'm just curious on -- there is lots of three acre parcels throughout the City of Meridian that can be developed. What drew you to the corner of Ustick and Eagle?

Tsai: I have actually been looking at sites for over two years before we had ended up picking this one. There was a selection of about eight different sites that were available for commercial use. Unfortunately, based on us being a startup business in this particular realm, a lot of those weren't able to cater to being built to suit buildings, so to speak. We were able to find this particular developer that was very open to our concept. My -- my broker is actually here in the room today. He -- he basically beared with me over two years of picking -- trying to pick through these different sites. Six of them were rejected immediately based on incorrect zoning. As you know, the City of Meridian has 15 different zones, only four of which require alcohol and this use of any kind, and, then, the largest scale of them being the C-G or the general commercial. So, based on those restrictions we were able to narrow it down to this particular site, which was to us an ideal location, because it was situated just north of The Village where it was this up and coming prominent entertainment corridor that's recognized across the entire valley, but at the same time maintains that kind of buffered zone between any type of residential impact and is only -- only buffered -- I should say only abutted on other -- all sides by only other commercial zones.

Lorcher: Thank you.

Cassinelli: Madam Chair?

McCarvel: Commissioner Cassinelli.

Cassinelli: Brian, first of all, I appreciate your passion and your preparation. It blows me away and I think probably the -- the rest of the Commission as well. I want to say up front something I'm going to say here, that if I misinterpreted what you said I'm going to apologize up front, but I'm a little bit offended that you would come out and -- and possibly indicate that we might reject this based on race or minority status. That's -- that -- that got me and I want to tell you that's not how I view things. I think you know that this is just the nature of the business, it's probably a bit of a hot topic, and -- and has nothing to do with -- with anything else. That said I have got a couple of quick questions for you. Are you okay with the recommendation of the reduced hours?

Tsai: Yes. I almost said yes, Your Honor, but that's just a habit.

Cassinelli: Are you okay with the -- with the reduction in -- with the capacity recommendation by staff of 500?

Tsai: Yes. That was actually our recommend -- or our kind of agreement with the actual planning staff that -- as a -- kind of working together we came down to -- to that number.

Cassinelli: Okay. And, Madam Chair, I have got a couple of other quick questions if I might as well.

McCarvel: Sure.

Cassinelli: Parking. Have you talked with the -- with the Villa Sport people? Because I'm guessing that overflow parking might go into their parking lot. Have you had a conversation with them and can you elaborate on that if so?

Tsai: I'm actually not entirely familiar with that, just because I'm only dealing with our project as a -- as a specific, but I understand that our developers are working with them with that. There are just a handful of issues, because some of those permits have -- or -- or may have already expired, but I believe they are working on that in order to work on some type of cross-parking agreement.

Cassinelli: Okay. And, then, finally, if you can -- can you kind of give me a little bit better understanding, because I didn't go to the Facebook page or anything like that, of the -- the overall -- you mentioned some of the people that you might want to -- that you have invited to utilize the club and I think that's great as far as opening it up to different groups in the community. You mentioned all ages. But can you kind of give a little bit -- a little bit better -- you have already ruled out the strip club aspect, but can you give me a good understanding of what the club will be?

Tsai: Sure. So, to me -- I mean oasis, frankly, is a very common name. I found it to be immensely appropriate for this area, because a typical oasis is a -- kind of like a desert setting where water is congregated and, then, subsequently palm trees and animals and even people have gathered in that area as kind of like a watering hole. I felt that to be very appropriate since Idaho here we are in the middle of a desert and, then, we are building this kind of beach theme facility right in the middle of it and that's what I imagined as our -- as our facility, the reason we -- you know, we are -- I have poured the millions of dollars into this facility and, then, the lease and all the obligations that go along with it. It's just because, you know, I want people to walk in -- you know, there is very few people in this world who don't like the beach. I want people to walk in, I want -- I want them to be amazed that -- you know, the amount of technology and lighting that we have installed in this facility to make it truly multi-purpose. The kind of floor-to-ceiling palm trees. The mezzanine areas. The type of the multi-use from that. To give you one example of how that could apply to all ages would be to say -- for example, I work with one of the owners of Dirt Road Dancing. They are -- they are the guys who kind of host all the local dance classes at various facilities around town. In fact, he's actually teaching a class tonight, which is the reason he wasn't able to attend. But when they teach those classes they are typically situated at places that are 21 and up. For example, like the Buffalo Club, they are not going to invite kids in there to join in those classes. However, if you are endorsed under the Idaho State -- the liquor license as a multi-purpose venue that allows us to

designate certain 21 and up locations. You -- either within the facility or as hours as a whole and that allows us to bring those instructors in, not only for just 21 and up crowds, but also for all ages, including kids and children -- or kids and teenagers as well.

McCarvel: Okay.

Cassinelli: Thank you.

McCarvel: Commissioner Grove.

Grove: Madam Chair, thank you. Question for you, Brian. With what I posed to the city staff was what is the plan for outdoor gathering for patrons of the establishment?

Tsai: Okay. Sorry. I forgot to address that as part of that portion. But as -- at this time we have no plans for any type of outdoor music or patio space -- at this time I should say of any kind. As far as the concern regarding, you know, a smoking area we have intended to designate kind of like that -- I believe it's the west end of that building where they have left us a pad that could be potentially used as patio space in the future, that's right next to that kind of roll-up door structure there is a set of double doors there. Starting out for our intended uses we don't have -- plan to have any outdoor activities, lights, music of any kind, but we may designate that area as kind of like a smoking area, so they are not kind of, you know, just loose and running around in the parking lot and, then, have to get back in.

Grove: Okay. Thank you. That's one of my concerns just in terms of, you know, that -- people are going to be out there doing that and so if they don't have, you know, lines and places to follow, it makes it a lot harder to keep that noise abatement in control. Also just in -- I -- I understand -- it's a little off topic I guess, but Commissioner Cassinelli's comment, I understand what he's saying. I personally did not hear it that way. So, know that there is multiple ways that people heard the -- the response that you had in your opening piece.

Tsai: Yeah. And I apologize. That was in no way directed towards the Commission itself. That was more of a response to the smear campaign that we were up against.

McCarvel: Okay. I think I did have a question. You have got -- it wasn't -- this -- staff has recommended that you and the landowner obtained cross-agreements with the adjacent properties for more available parking. Has that been successful or where are -- where are we at on that?

Tsai: I'm going to be honest with you, I'm not -- I'm -- you know, a lot of the reason that a lot of this stuff got kind of done out of order, just because I'm not a land planner and we weren't able to hire one for this project, so as far as I understand that, they are -- they are currently working on it. I'm just -- I'm so far on the -- so far down on the totem pole, so to speak, of what the developer has as far as agreements that I'm not sure where they are on top of that. It was my understanding that the parking ratio itself would be adequate in conjunction with our operating hours and the extra parking spaces, that four-to-one ratio

would be adequate based on maximum capacity events. The reason that would be a lesser concern, so to speak, is that the majority of our operations will be far below the maximum capacity. These are things like private events, small wedding receptions, that type of thing. It would be on the rarity that we would have a maximum capacity event that strains the limits of the available parking.

McCarvel: Okay. And I think staff had also asked that you address how do you intend on enforcing the limits without requiring the fire and police constant presence.

Tsai: So, that Token Work system, the one that integrates with all the other facilities of a similar type and that will store with a list of blacklisted names or anything like that, that keeps a very specific and tight count on the actual ingress, because every person that enters the facility is -- passes through that -- that station as part of the screening process and, additionally, that's where we check for weapons, illegal drugs, illicit materials, anything like that and it's for that reason that we can constantly track and monitor how many people are in the facility at any time.

McCarvel: Yeah. Because in just reading the reports and everything, the capacity -- your original narrative you had almost -- you were anticipating a thousand patrons and quickly agreed down -- all the way down to 500, so -- and now you are saying that it probably rarely will even be at 500. So, I'm just trying to get a grip on where you are really at on --

Tsai: The reason I originally picked that one thousand capacity number is just because, you know, a lot of this information is second or third hand to me. A lot of it I just have to learn on the fly. So, for example, I took comparisons of the actual capacity versus parking space versus occupancy numbers of -- for example, like the Revolution Concert House, the Knitting Factory downtown, the Buffalo Club, various, you know, venues spread across the Treasure Valley. Based on there standing room only regulations a maximum capacity events, there is really a cap off on some of those, I assumed a number of about one per -- or, sorry, one person per every eight square feet, which was, you know, threshold of standing room only and I would base that figure based on that number of our available floor capacity versus square footage, but when I realized that that number wasn't congruent with the other approved uses of those facilities in town, that's when I agreed to cut that capacity down significantly in order to accommodate the actual size and space of use.

McCarvel: Okay. Any other questions for the applicant?

Cassinelli: Madam Chair?

McCarvel: Commissioner Cassinelli.

Cassinelli: Brian, can you address -- I think in -- in a situation like this one of the concerns out there is -- it's -- it's noise, it's drunk behavior, it's fights, those sorts of things. A lot of

that doesn't necessarily tend to happen inside and if it does usually those people are bounced. What kind of security would you have in the parking lot area?

Tsai: And that's an excellent question. Thank you for bringing that up as well, Commissioner. I did have that in my original narrative, as well as the revision. That's part of our security plan is we do intend to have staff not only within the facility, but also conducting periodic checks of the parking lot, as well as the perimeter of the facility as a whole. That came up very early on in our planning process as a concern of, hey, there is going to be people who have -- are at various levels of alcohol consumption congregating in your parking lot specifically after you have closed for business. How are you -- how do you intend to address those concerns and we addressed that using those security staff that not only checks inside, but also outside the facility and -- and mitigate -- I guess mitigate those circumstances to prevent any type of excessive noise or potential for violence and that -- at the same time they can also check for any -- anybody who intends to drive after they have had too much.

Cassinelli: Okay. Thank you.

McCarvel: It looks like we have no more questions for the applicant, so I will turn it over -- we will start the public testimony.

Tsai: Thank you.

Weatherly: Thank you, Madam Chair. First is Jeffrey D'Andrea.

McCarvel: And please state your name and address for the record.

D'Andrea: Thank you, Madam Chair. My name is Jeffrey D'Andrea. 2347 East Wigle Drive, Meridian. 83646.

McCarvel: Thank you.

D'Andea: While I appreciate Brian's drive and desire and all of his work that he's put into this project and his background -- and his background in the music, I, too, have a background in music. I'm a drummer. Played in many bands. I love the music and everything else. I don't think some of our opposition to this is about that and for him to actually say that some of us had low moral character and nefarious agendas towards him -- I haven't seen that and I live in the neighborhood. So, if those flyers went out to somebody, I didn't see that and I actually take offence, because I have some actual, you know, opposition. I don't understand why a traffic study was not done when it's a right-in and right-out and we know that Meridian --

McCarvel: You can't -- just --

D'Andrea: With a right-in and right-out, we know that Eagle and Meridian -- excuse me -- Eagle and Ustick Road are very busy and I know the hours are late, but if you have



come by there, you live in that neighborhood, there is many a times where the Ustick light at Eagle is backed up past the other light that's at that next road, even up to 8:00, 9:00, 10:00 o'clock at night. Now you are going to have more people turning off of Eagle to go into -- because there is not going to be an -- an entrance off of Eagle from the northbound traffic, they are going to have to turn onto Ustick and, then, turn down into the -- you know, that street and, then, hopefully, with that egress that they mentioned coming in, yeah, that will be there, but still I don't understand why a traffic study wasn't actually part of this. Also with the parking he mentioned that, you know, with the four -- one-to-four ratio, that's four parking spaces -- or, excuse me, the 500 people with a hundred parking spaces -- you know, 125 parking spaces, you know, that's four, when we look at that where are the rest going to park. He hasn't looked into have they gotten the agreement from those people that are just south of them to have overflow parking and, if not, are they going to be parking in that high density residential area on the side streets and stuff like that. How is a -- how are they going to stop that from happening. I'm sorry, I wrote down a lot of notes during his talk and I'm just trying to go over most of them. So, I will say I appreciate Commissioner Cassinelli's response to him using race, creed, and marital status -- is kind of -- you know. And I know it's not important, but it's just playing to the times and it has bearing -- no bearing on this proposal whatsoever. I believe the Meridian Council and the Meridian Planning and Zoning will take everything into consideration as they need to for the project and he mentioned that at this time we do not have outdoor music planned. Well, can this be mandated, that they don't have outdoor music planned. Also in the proposal at the beginning when they said you won't be able to see it from the neighborhoods, well, with outdoor people it's not the seeing so much, it's the hearing and the noise that the traffic and those in the parking lot make that can be disturbing. What is going to change that? Also his last comment was on -- that they would have people monitor the parking lots for behavior that they don't want inside the club or outside the club. How often will that be, you know. And, then, to have -- early on when they gave the proposal -- when staff gave the proposal it was mentioned that mostly the citizens would have part of the obligation to contact police and stuff like that, while we work very closely with our law enforcement in our community, I'm not sure that setting up a new building and a new -- whatever you want to call it -- place that automatically puts the citizen in -- kind of in a proper position to say, hey, we have got to be in charge of enforcing law around here by calling is an appropriate thing to do.

McCarvel: Thank you.

D'Andrea: Is that my -- my time is up?

McCarvel: Yeah. That was your bell before.

D'Andrea: Okay. I didn't hear a bell. I'm sorry. Thank you very much, Madam Chair. I appreciate your time.

McCarvel: Thank you for staying.

Weatherly: Madam Chair, next up is Darien Renee Gustafson. Okay. Next up is Michael Ebeling -- Ebeling. Sorry.

Ebeling: My name is Michael Ebling. 884 North Quartzsite Avenue, Kuna, Idaho. 83635. So, I would like to thank him for his community service as an officer. That's really awesome. And, you know, we all heard about all these different -- the studies about what can happen with nightclubs and stuff, the crime rates. People will say all the different stuff and there is arguments both ways. You know, it's sad to see, you know, there is going to be like so much increase in police patrols, prostitution, drunkenness, drug addiction, fights, gangs, vandalism, rape -- like these are all things no matter what side of the political aisle you are on you should be concerned about, but I mean this is just a study -- it kind of -- it's easy to -- you know, that's not me, that's not going to be us, but I can speak for myself, I grew up in Portland and I got addicted to drugs and alcohol and the nightlife and I spent all my money all the time in nightclubs and bars and that scene and had it not been from my work about nine years ago moving to Meridian where I got off of drugs and alcohol, I found a church instead of a nightclub, I got saved. I'm sober for nine years, roughly, and I think had it not been for that I would have just been stuck in that lifestyle forever, you know, in Portland and I was able to save up and I was able to buy my first house in Kuna. I got married and now I'm looking forward to my children and what are they going to have to deal with and I just see Meridian turning into Portland and Portland is renowned for all the things that Meridian is not known for and, you know, okay, it's only number 63 for the alcohol permit and, you know, it's only one more. But we need to draw the line. You know, there is enough options for people who want to drink. That's great if you want to do that, you know, but where do you draw the line at, you know, so that's all I have to say. Thanks.

McCarvel: Thank you.

Weatherly: Madam Chair, next up is Kyle Scheffler -- Scheffler.

Scheffler: Hello.

McCarvel: Name and address for the record and the floor is yours.

Scheffler: Yeah. Sure. My name is Kyle Scheffler. My address is 2003 North Ninth Street, Boise, Idaho. So, I am in support of Oasis. I'm in strong support of this. I'm actually the owner and operator of the Treasure Valley's newest community radio station 103.1 KFFI FM and the reason you haven't heard of us is because we are not on the air yet. We hope to be on the air within six months. Our station will be located in Boise, but we will reach the entire Treasure Valley. So, I believe that I am a person in the community with a strong interest in supporting people like Brian who are trying to bring art centers to where I believe it's sorely needed. It doesn't really exist that much outside of Boise and it seems like 20 percent of the activities or less is going to be considered -- this is not really just a nightclub, it sounded more like in community events center. Now, for a nonprofit, I -- we don't get any of our funding from the city, we don't get funding from the state or anybody, we pretty much fundraise, so by the community for the community, you

know, that's what that means when I hear of -- in a proposed venue owner offering their venue to nonprofits to the city for free, that's pretty -- that's -- I think that's pretty remarkable. Not to compare Big Al's to what this is going to be, but when Big Al's was coming were they offering, you know, free space to nonprofits and things like that? I doubt it. Maybe a discount at most. And I know firsthand how expensive it is to rent out event space and it cuts into the overhead of the causes that charities are trying to promote and just to address the gentleman before me with all due respect, if preventing a nightclub from opening is going to be the make or break of you using drugs or drinking, why not stop at nightclubs. We should be, you know, well, why don't we close liquor stores, too, and any stores that sell tobacco, which is also going to kill life. Thank you.

McCarvel: Before we go on, I think let's keep comments to the proposal and not the personal feelings. Let's move on.

Weatherly: Thank you, Madam Chair. Next is Kelli Russell.

Russell: Hello. My name is Kelli Russell. I live at 1530 West Ann Taylor Street, Meridian. 83646. Madam Commissioner -- Madam Chair and Commissioners, thank you for this opportunity just to make public statement. I also agree that I appreciate Mr. Tsai's service as a public -- as a police officer. I know that's a hard job. I appreciate what he's done there. I live in Meridian. I'm in the events industry and I can very much appreciate the need for event locations in Meridian and how the industry itself has taken such a hard hit and I appreciate Mr. Tsai's risk that he is taking and the way that he wants to bring some space -- some event space to this -- this city. I do have a few concerns that are logistical, as well as what has been said already. Apparently it's ACHD that does the traffic and those kinds of things, so I can take it up with them, but I do agree that Meridian tends to throw up buildings and think about traffic later. So, I just wanted to make that statement. I drive twice a day past this area and it's always bottlenecked and even at night it does have quite a bit of traffic still. I also just wanted to speak to the housing concern, the noise abatement. An event center I believe could be different than a nightclub situation and I -- if I'm understanding correctly, this is about a conditional use permit that goes more towards a nightclub. If I lived in that neighborhood I would definitely be concerned about safety, about noise, about people wandering into my neighborhood. I know that that's not the only neighborhood, that there is several popping up all around. That's just the nature of the city. So, specific -- specifically to the conditional use permit, just with the -- the understanding of that, if other venues like Boise State's Stueckle Center that's very much towards events and weddings and those kinds of things in nature have really served a great purpose and brought a lot of great things to our community, if this location is also something that can be used in that way, I believe that would be a great addition to our community. However, the nightclub model that it is leaning towards does concern me a little bit just due to the nature of the lateness and the traffic and being out mixing with alcohol and those things and so I just wanted to make those points known and, like I said, I will be contacting ACHD about my other traffic concerns. Thank you. And thank you, Mr. Tsai, for what you are doing to bring business to the city and I just appreciate what you said tonight.

Weatherly: Madam Chair, next is Joyce Mauck.

Mauck: I'm Joyce Mauck and I live in a close by neighborhood at 4031 East Conklin Drive, Meridian, Idaho. 83646. And good evening, Madam Chair and the Commissioners -- the Commissioner here. I have some concerns about this. I love music. I love going out and having a good time, but I have serious concerns with it so close to so many residential areas. The traffic -- Eagle and Ustick is one of the most dangerous and -- and heavily trafficked intersections in our area and -- and the fact tonight when I heard there was no traffic study done, that really shocked me. So, that's a huge concern. There is very serious accidents that happen there and I do believe it is one of the most dangerous intersections. Parking concerns is another one and, then, when I heard the four-to-one ratio that was another concern of mine. Safety issues. I heard him say that they were going to work -- or in the statement in the beginning when he was outlining everything on it that they will work with the police and the neighborhood watches. So, to me if they already know they have to work with them so closely that that's concerning to me, too, because I think a venue like this could increase DUIs, things like that, the drunken driving, the violence and things like that. So, that's a concern for me and I'm an Idaho native and I -- like I said, I -- I love the music and the arts and all that, but I don't want to see this going so close to our neighborhood and other neighborhoods. I think there is better places for a venue like this and I do think people that wrote in their concerns I think they -- they need to be valued for what they wrote in and although a lot of them are probably sounding a lot alike, it sounds like up here, too, we all have a lot of the same concerns. So, I don't think you can dismiss those and I think one thing when I have come to these City Council meetings I have always thought Meridian does a really good job of looking at what is best for our community and I really appreciate that. So, thank you for taking the time to really look at everything on what's truly best for our city. Thank you.

McCarvel: Thank you. And I think I will segue right off of that, because we have looked at all of the public testimony that was sent in and we do acknowledge that most of the concerns revolve around the traffic and the parking and the noise and so if you -- we are happy to hear everybody, but if we -- if you have new concerns other than those, I think the Commission is prepared to discuss those issues, so if you have new concerns, please, step forward, but if we are at the point where we are repeating those same concepts I think we understand those and as well the people who are for it that are loving having the potential of event space and a music venue in Meridian, I think we understand those. So, we will go forward with anybody else who wants to comment on anything else.

Weatherly: Thank you, Madam Chair. Next is Terry Silsby.

McCarvel: Name and address for the record, please.

Silsby: Yes. Terry Silsby. Address -- dwelling or business? It doesn't matter?

McCarvel: It doesn't matter.

Silsby: So, mailing address in Meridian is 104 East Fairview. 83642.

McCarvel: Okay.

Silsby: I have had -- I have grown up here in Meridian and I have spent a lot of years traveling up and down Eagle Road. I understand the area and I had a great deal of pleasure in working with Brian in finding that location and in working out the lease and working with him in the business plan and as you can tell from your visit with Brian about what a big pleasure it is to be involved in a business planning environment with him. He has got a great scientific mind and he is a great addition to our community. I do want to say I spent some time in right of way working in various corridors with the State Transportation Department and the Ada County Highway District as a -- working right-of-way projects. I do understand the issues of traffic in and out and ingress-egress. You have got the highway -- state highway issues, the -- the Ada County Highway District with its transportation department itself, you have got several different entities dealing with -- with the thoroughfare there. So, that is an issue that I think can easily be addressed, but what people don't realize is a lot of the traffic patterns that they are seeing here now is as a result of traffic being redirected onto the road from other areas that have been under construction and, then, on top of that they are adding different access to the freeway and things like that, so that -- and widening roads, so it's taking the burden off of Eagle Road. So, over time I see long term that there is going to be a change in traffic patterns and, then, relief of some of the pressure, but on top of that I think it's important to realize that -- and for everybody to look at this, that area was designated commercial long before the residential areas came in. So, while I agree some of the traffic issues need to be addressed and will be and I think are already being addressed, albeit fairly slowly. There is another thing I would like to make a point. If -- if -- if it was Barbacoa or the Yard House or other well known restaurants that also serve alcohol that were wanting to locate to this position and add a music venue, I don't know that we would have had exactly the same opposition to this, because those are well known names and people understand that they are a very high quality event. Brian has worked hard to look at having a professional chef involved, a very high quality event both for restaurant and to have the clientele appreciate and experience something that is going to be a quality and become something that they want to have their family members involved in as well. I have no problem planning in the future to bring my family to this environment when my daughter is 16, when she's old enough I'm planning to bring her there. I'm a member of the country swing dance community, if you will, and those are some of the friendliest, most agreeable people that you will ever meet, and he is going to be bringing those people to that environment. A lot of us travel great distances so that we can practice what we call the art form of swing dance and it's fun and I think a lot of the people here would also eventually participate as well. So, you know, that I'm in favor of this, but I also wanted to mention some of those points and -- and I think that there is already seven -- five or seven alcohol serving businesses in The Village and we haven't seen a lot of the problems that people have been bringing up. And one more point. I did talk to someone who is in a subdivision roughly a mile away and they have had someone put in their subdivision newsletter and broadcast that trying to create opposition for this event and so there does appear to be an organized attempt to try to suppress something that I think is a great addition to our community. Thank you.

Weatherly: Madam Chair, next is Zach Yates.

McCarvel: Please state your name and address for the record and the floor is yours.

Yates: All right. My name is Zach Yates. 814 Sage Creek Road, Nampa, Idaho. I'm in support of my friend Brian here and I would also like to -- as far as music goes, like I'm a really big fanatic for it as well, but I'm also wanting to venture out and -- and also expand my abilities to -- I guess maybe like DJ'ing, for example, but also get more of a taste for other artists as well. So, I think this -- I think this venue that he is developing and putting under construction is a really big influence for a lot of smaller artists to help get their name out. It is really hard to -- unless you are like really well known on major radio stations it can be really hard to get your name out there. But also as far as like the alcohol side of things, I was like he -- the gentleman earlier mentioned his restaurants, they serve it anyways. They have to have a license for it. Even event center areas or places that hosts events, they got to have that license anyways, because people are going to have that option. I mean it's like -- it's no different than any other event center around that would cater to maybe like parties, charitable programs, or even weddings. So, I just wanted to share that and show my support for my friend Brian here as well. So, thank you.

Weatherly: Dave Sattler, would you like to testify?

Sattler: Hi. I'm Dave Sattler. 2060 East Lobelia Street. 83646. So, as a small business owner myself I think it's important to be clear here that though there may be some time and space given to community organizations and nonprofit entities, that is not your business. I know as a small business owner you cannot operate for free. So, I think to say that you will be rarely at capacity, I think that's a little misleading, because your profit generating activity is your nightclub and I think it's a little mischaracterization to say that this is a music and arts venue when all of that is done under community engagement and free use of space, which is a nice gesture to get the conditional use permit, but is not driving any revenue for you, which, in my opinion as a small business owner, means that will go away. I think that friends and business partners as your supporters is also I think a little illustrative of the lack of support that those who live within any proximity to your business is lack of a support. I think that free is not an expression of community support. So, in my opinion, Council or Commission I think -- although that's awfully nice of him, that is -- that is a kind of gesture that does not generate any profit and thereby I wouldn't be surprised if it goes away. Knitting Factory parking is all over Boise. I think that the staff's opinion of four to one as an acceptable parking ratio for a nightclub I think is maybe a little bit inaccurate, as most people that attend to restaurants, which is what that ratio is based on, come together in a vehicle and it is my concern that that will be inaccurate or inadequate for the 500 plus individuals they plan on having there between the hours of 4:00 and 1:00. Also based on a -- also I would -- I am one of those 200 letters that was submitted. It was not a form letter. It was as though shared concerns do not mean form letters or copied letters. I do not feel that this fits the bill of a mixed use regional use. Based on surveys that I have provided in my testimony that I submitted, it is abnormal for mixed use regional designation to provide a nightclub establishment to fulfill that criteria.

In fact, in that survey, which, again, you can find in my provided testimony, it is common among major cities for there to be a distinctive designation for nightclubs because of the noise, their proximity to schools, public places, congested traffic and drunken behavior. So, there is also a correlation in nightclub drinking versus restaurant drinking. Restaurant -- or drinking is allowed in a mixed use regional, but I will note that research has indicated that nightclub drinking leads to more criminal behavior and an Oregon State Patrol study in 2006 said that ten -- their top ten locations for drunken behavior were those who had just recently visited a nightclub. That's, again, in my testimony. You can see that. They actually ended up conducting a sting that summer to address six of those in particular. So, while we are making the distinctions between restaurants providing alcohol and nightclubs providing alcohol, there is a researched, well documented basis for difference in behavior from those coming from those two establishments.

McCarvel: Okay. Can you wrap up your thoughts. That was your bell a few minutes -- a minute ago.

Sattler:: Sure. I think that the other -- the other thing that I would say is -- which has been noted here, Eagle Road is, obviously, already a very busy place. I think that there would be a better location for this business to actually do better than within two miles of seven elementary schools, four middle schools, and one high school. My children are pedestrians on that street and 42 percent of Meridian fatalities happen on that stretch of road within two miles of the proposed location of this nightclub and I'm concerned that with almost half of our fatalities coming from that stretch of land, increasing that type of behavior and that level of attendance puts my children and all the other thousands of children within two miles -- just two miles of the proposed location puts -- increases greater -- greater risk to our community. Thank you.

McCarvel: Thank you.

Weatherly: Eric Sherman.

Sherman: Hello to the Commission. My name is Eric Sherman. I am a local business owner in Meridian and I'm at 3340 North Eagle Road, which is directly adjacent to this proposed venue and I am not, for the record, Brian's friend, although I have met him when he came to my business to let me know about the proposed business that he was making. I actually started my company because of music. I have been a concert goer myself since I was 14. I can tell you I have been to hundreds and hundreds of concerts, I have been to a concert on a cruise, I have been to so many concerts and -- and just music is a big part of my life and a big part of my life with my wife and I am a father of three. I am a Christian. I live a good life. I work hard for my family. I moved to Meridian because of the slogan. I'm not sure if it's still the slogan, but I believe it was built for business, designed for living was what drew me to Meridian and the key word there is living. Not existing, but living. And I think that we do have a lack of places that can house the right type of scene, but local music is important. It's important to a lot of people. I actually employ someone that is in a local band that opens up for really really big bands. He opened up for a large band in Boise's just before COVID and the -- the passion that these

people have for their art is insane and if you are -- I'm not a musician, but these -- they -- they work so hard and they do all these things and if they don't have the right platform they cannot go anywhere and that -- Kyle there that I just met a few minutes ago, he said that when he was here at the stand and a lot of the things he said were awesome and he took a lot of steam out of what I was going to say and, then, also Terry, he touched on pretty much all the other things. I do want to talk about the traffic. Okay. So, I think I have a little bit of a unique platform, because, guess what, I have been there for six years on that intersection. Every single day, day in and day out -- you can ask my wife. She doesn't like it. But, anyhow, yes, there is traffic there. There is a lot of traffic there and I can name about three or four more spots where the traffic's worse in Meridian and the traffic is bad. However, my store until COVID closed at 7:00 p.m. and so I would literally leave at 7:05, 7:10, and by then it was pretty clear. Okay? So, now that we have changed our hours to 6:00 o'clock, I do hit a little bit of traffic. I was actually late for this meeting because of that -- that said traffic. It's there. It exists. I think that it needs to be talked about and I think that -- I think that Brian -- I have met him literally one time and, then, I saw what he proposed here today and I think that with the preparedness that he's shown I would -- based on just that alone I would want to -- I would want to be a patron of his business, understanding that I would be safe and that I would have a great experience in whatever he's doing, because he's that passionate and that -- that prepared.

McCarvel: Okay.

Sherman: So, thank you for hearing me out.

McCarvel: Thank you.

Weatherly: Christen French, would you like to speak? Josia Savino, would you like to speak?

Savino: Hello. My name is Josiah Savino. My address is 8598 West Wall Drive, Boise, Idaho. I have been in Boise nine, almost ten years now, and I'm a musician, singer, songwriter and when I moved to Boise the first thing I did was look for the most talented artists and collabed with them and I have been doing that nonstop sense. What I found was people would say, well, why don't you perform more and I would say, well, where would I perform. There wasn't any venues that actually had space for audiences that people were showing up for and, obviously, the marketing wasn't great here, great promoting, so I was pretty excited when -- unlike the other 600 people online when I heard, oh, there is going to be an event center, there will be a nightclub, and an event center, where I can do both and everything in life has a balance. I actually don't drink. I don't support drinking. But I still love to dance and like this last two weekends ago I went downtown, had the time in my life. I didn't touch alcohol. I -- I danced and had a great time with friends. So, I just think it's important to understand that you can have an environment, but everything in life has a balance; right? So, this event center can do remarkable things. You guys heard some of his visions and, obviously, he's passionate, he is going to be creating, working, you know, giving everything he can to create the most amazing experience, which sounds like no one else has done here, which is exciting for



me and also I spent the last two years of my life making an app. What is the app's vision? Is to create community. How do you do that? What do you like to do is the question of the app and you have a map and it shows activities in your area and I think that an event center like this would be great opportunity for -- for places to meet, even outside the club.

McCarvel: Okay. Thank you.

Weatherly: Madam Chair, we are ready to move to our online persons. Randy Black, I see you are on the telephone. I'm going to go ahead and unmute you here.

Black: Can you hear me?

McCarvel: Yes.

Black: This is Randy Black. Can you hear me?

McCarvel: Yes. Go ahead. State your full name and address, please.

Black: Randy Black, Jr. Address is 10789 West Twain, Las Vegas, Nevada. 89134. I'm the managing partner of the Villa Sport property on the adjoining site and, Brian, I would love to commend you on your presentation. I have done this for 30 years. That's one of the best most thought out presentations that I have heard. So, you are clearly a great business operator and take this seriously. I think that this event and the venue is a warranted benefit to the city. Still a lot of concerns. I can tell you that we have been kind of half talking to the Wadsworth guys. Our big concern is traffic circulation, late night policing, parking lot cleanup, bottles, trash, et cetera, and I think that site on the corner with the amount of square footage that's planned on the 3.4, I believe it is, acres is a very serious parking constraint that can be mitigated through hours of operation, et cetera. We do not have any agreement for any overflow parking, nor has one been proposed. We -- we would certainly entertain the thought of that concept. We would have to clear it with our tenant and make sure that they are A-OK with the use. We have a fairly detailed lease/policing cleanup maintenance agreement, et cetera. So, while we are not opposed to it, there is a lot of hurdles to get through to clear that part in the event there is a capacity event that occurs on site, so that we can accommodate all of those patrons. So, I would tell you that we are music lovers as well. I can see the need for this. Event space is at a premium. There is nothing available when you look in Meridian. So, while it's a warranted need, there is still a fair amount of those type of related items that would have to be addressed for us to be able to support it as adjoining property owners. But I think the use is compatible with an intersection of that type and volume. There is very limited access on Eagle, so a traffic study would without question be needed to determine how to address all of those issues and we would be willing to work with Brian on at least discussions on how we can handle this overflow portion, but I'm here to tell you as of now we don't have any proposals on the table and have had only passing conversation with Wadsworth, which I wouldn't put that on Brian, because if it meets code I could see the user here and the business owner thinking that was potentially sufficient, but the reality is we know for bigger events you have got to have something organized where --we have

495 parking spaces next door, but a fiercely protective tenant of their use of that. So, we would be happy to work with the applicant in this, so that we could potentially address that portion of the requirement, so that that box could be checked and, then, the rest of them could be addressed as Council sees fit on the balance of those questions. And I hear the bell, so that's -- that's all I have.

McCarvel: Thank you, Mr. Black.

Black: Thank you.

Weatherly: Madam Chair, next is Jon Hastings. Jon, one moment, please.

Hastings: Good evening. Can you hear me okay?

McCarvel: Yes. State your name and address for the record and the floor is yours.

Hastings: I will show you my video just for the fun of it. My name is Jon Hastings. 2973 North Eagle Road, Suite 110, Meridian, Idaho. 83646. I wasn't planning on testifying tonight, but I did see the applicant's presentation. I will echo the previous caller that I felt that it was a -- a well thought-out presentation that Brian had. He did show an empty folder for the vicinity properties and I -- I own the commercial building that's about 350 feet away to the south of the project and I did write a letter in there. I just felt like I should be in the blue folder, Brian. But, anyway, I had a few concerns that I wanted to bring up as a fairly close business owner and commercial -- commercial property. One, I know parking has already been talked about. I feel like people, when they park, will take the path of least resistance and so I certainly think that people coming from Ustick will enter the project and park in the designated parking spots. I have concerns that the people coming in from Eagle Road through the roundabout and, then, between the residential properties and -- and my property off of Cajun there will kind of park in the path of least resistance and not in the parking spots designated for the project. I also have a concern about just late night traffic and -- and loitering in general. I understand the applicant's desire that that will be kind of policed from sweeps of the parking lot and things like that. I just don't know how that's enforceable and kind of what the plan would be to enforce that in the long term. Things like outdoor security, drunk driving, how do we -- what assurances do we have beyond we have a plan to mitigate that. And, then, lastly, just as we have talked about Eagle Road access is difficult and so people leaving the venue will lots of them go to Ustick via various methods, but I have a concern that they will exit via Cajun Drive between the residential property and -- and our property there and, then, try to navigate the roundabout in the residential area to get to Eagle Road and do that after having had some alcoholic beverages and -- and I think that the idea that it's not a big deal to the residents in that area -- I just don't see that, because I think that you are going to have late night traffic navigating that space in the residential area and so those are my concerns. You know, I also agree that I think that this would be a great thing for our city, I just don't know that -- this location doesn't make a lot of sense to me for it based on those concerns and some of the other concerns that I have heard today and so I wanted to express my opposition. Thank you.

McCarvel: Thank you, Mr. Hasting.

Weatherly: Madam Chair, next is Jon Hoeger. John, one moment.

Hoeger: Madam Chair and Commissioners, can you hear me okay?

McCarvel: Yes. State your name and address for the record.

Hoeger: My name is Jon Hager. I live at 3664 North Summerpark Place in Meridian, Idaho. About a half mile from the site. I agree with Commissioner Cassinelli that race has nothing to do with this. I was born in Venezuela. I have married an Argentine American. We run a woman-owned business together that employs 46 people in a very similar square footage and we pay good salary. While race is irrelevant to the conversation, I believe that employment is. The applicant has made claims about who he is going to bring. You know, any other business is going to add jobs to the economy. Any other business is going to be able to probably provide more jobs. Thirty jobs in 7,000 square feet isn't a lot of job density. What any other business as well, but what we missed from discussion tonight is objectifying and demeaning women. I'm also concerned about the inconsistent marketing and this should be a concern to the Commission as well. My letter to the Council that I submitted before this meeting included screenshots encouraging men to be dressed in business attire, while women were encouraged to wear sun dresses or their best beach attire. I have five daughters and the objectification of women and inconsistency of the business model stated and they are against the stated mission and the objectives of the City of Meridian. Again, I will refer to my letter, which is part of public opinion. Charging 15 dollars for men and five dollars for women to enter is a common tactic that nightclub uses to attract more females whose sexual parameters are loosened through alcohol consumption. The recipe is a notoriously predatory environment with increased sexual assault, rape, and substance abuse. One of my five daughters catches the bus less than a thousand feet from the site and this marketing element has been changed since some of the opposing views have been voiced in the community. So, my question to the Council and to the Commission is what does the deliberate change of marketing say? What about the website now -- the website that now claims that there is going to be free weddings or that it's saving puppy dogs, which are things that it didn't say before. The weddings are free because he's going to be serving alcohol. What do the themes on the applicant's Facebook page when he said that the actuality was that he had 15 letters in support for every one that was against, when the actual count is 165 against to 34 that is for. What else is being misrepresented by the applicant? We have seen some other examples of this with the blue folder that was just mentioned by Mr. Hastings, who owns a business so close. So, when the applicant says that our questions -- those of us who are in opposition, that it should question the character of our intentions, I ask the Commission to stand up and question the intentions of the business model. On the same Facebook page he has also been deleting comments that were in opposition. He has been trying to silence the opposition. So, let's be clear. This is not an event center, it's a nightclub. It's not a restaurant. I will note that restaurants, like Barbacoa and Yard House, do not charge their female patrons less than the male customers. So, let's call a spade a spade. And, yes, there has been an

organized effort against something. That point should resonate with the Commission. An organized effort is not a bad thing. Organized efforts and grassroots politics are what this country is founded on. Frankly, it should raise a warning flag to the Commission that the community is not generally in supportive of this and I call on the commission to represent the communities that they serve. I'm also concerned about the thousand people that's now down to 500 people and no problem, now it's rarely going to be 500 people. I would say that either the applicant doesn't understand what the business model is or he is not telling the truth. Those are two major concerns I think that the Commission has a responsibility to look at and try to understand what the ultimate goal is of this. Thank you.

McCarvel: Thank you.

Weatherly: Madam Chair, next is Camille Schildan. Camille, one moment, please.

Schildan: Hello.

McCarvel: Camille, state your name and address for the record and the floor is yours.

Schildan: Hi. I'm Camille Schildan. I currently reside at 13963 West Hartford Drive, right off of Eagle Road, and I have to say The Oasis sounds fantastic. I think it sounds like a great place to have an enjoyable time. But my opposition in for that -- in previous statements this evening where it was stated that only 20 percent of the night -- that the center would only be 20 percent nightclub and all the rest of these other events that, you know, were mentioned to be free, how is the applicant going to be able to receive a return on investment if you are only using the space 20 percent of the time for what you intended it and the rest of it. And so it -- it kind of seems a little masked over, the statements as to what the real use is. I do think it would be a great place to have an event center. If it could -- I have been on the website, The Oasis website, and it does talk about doing some -- you can have dance recitals, just great things on there that I think would be great for the community and a great place, but the location I feel is completely inappropriate due to all of the reasons stated beforehand and I would also like to acknowledge that there are inconsistencies on the website. I have been watching it a couple times and it has now changed again to list like the free weddings, which wasn't on there before, and it was mentioned that we were hiring a -- that they were planning on hiring a chef. Nowhere on here on the -- does it mention anything about serving food. It does talk about serving five different cocktails each week, which could be fun, but nothing about being like a restaurant area and, then, I guess my other thing is if this place is so great and we are only using 20 percent of a nightclub, why don't we just take away the nightclub portion still allow it to be designated as the art museum and event center, something to promote music, but, then, just say, okay, well, alcohol consumption is maxed out at this and, you know, closing hours are midnight every night or something in agreeance to try and come to a compromise anyway. So, greatly appreciate all of your time and especially how late this is going. That's my comments.

McCarvel: Thank you. Is that it?

Weatherly: Madam Chair, that's all I see.

McCarvel: Okay. With that -- you know, I think we are about ready to move forward. I think the Commission has a good grip on the items that have been mentioned and I see a couple more hands being raised, so if you have something new to contribute we would welcome hearing that, but if you are agreeing with people that have already spoken, I think we can move on.

Weatherly: Madam Chair, I apologize. Jeff Vrba, I see you online. I apologize, I missed that you had signed up earlier. One moment. My apologies, Madam Chair.

McCarvel: Jeff, if you would unmute and state your name and address for the record, the floor is yours.

Vrba: Hello, Madam Chair and Commission. This is Jeff Vrba. Address is 3005 North LeBlanc Way in Meridian, Idaho. I live in the Jackson Square Subdivision. I'm the vice-president of the HOA here. We are located directly southwest of this facility that's going in. A couple things other than what most of the other people mentioned that I wanted to bring up was we had that meeting earlier this year here with them over at the pizza place. It was discussed at that time about their restaurant that they had in their facility and it was mentioned to us that it really wasn't a restaurant per se, it was -- they were going to be serving little fast foods for like your taco night -- or a little taco night if they are having a taco thing going on, rather than a sit down restaurant in there. I asked about if I could bring my family over there would I have to be a cover charge to get into the restaurant to eat and they said -- that's when they mentioned it was not full fledged restaurant, a sit down type restaurant to eat in. So, between that and what's going on here -- also in their conception floor plan, the one we saw earlier in the year where the Jamba Juice is at on the west side of the building, he said that was going to be a parking area, so -- for the Uber and ride share cars to come in to be able to haul the patrons out. Now, I see with the new floor plan there that's where they are going to have the smoking area. That's where they are going to have all this. So, the ride shares that he was saying they were going to be using -- that most people would be using going there, there is no place for them to park. Where are they going to be parking at now? The other item that they brought up during that other meeting was that they interviewed a bunch of the homes and areas around here and the people were so excited about that facility going in, because they could walk there. Okay. Most of the places around you got to cross Ustick Road, which is 45 miles per hour if the lights are green. You got to cross Eagle Road, which is 55 in that area if the lights are green. Do you want somebody under the influence of alcohol waiting for the stoplight to turn so they can walk across the road if they are crossing at the intersection, instead of jaywalking, and all of a sudden I'm just going to run across, I don't want to wait. Someone's going to get hit in that intersection. We have already had one death there within the last couple of years where somebody's standing on the corner and was run over and killed and they weren't under the influence, neither was the driver that hit them by accident. They also mentioned that they were going to have security outside all the time, not just randomly throughout the day checking stuff. My concern with that is is once -- if they are not making the money they are expecting,

who is going to get cut? Those security people that are going to be out watching that parking lot to make sure that the people are leaving -- making sure that the people aren't raising a ruckus out there or getting in a fight, the ones that they threw out. I live right around the corner. I do not want to see the extra traffic coming through my subdivision and items like that. And I agree with everything else that's been said earlier, too. Thank you.

McCarvel: Thank you.

Weatherly: Madam Chair, next we have Joe. Joe, one moment, please.

White: Can you hear me okay?

McCarvel: Yes. Please state your name and address for the record.

Weigt: My name is Joe Weigt. I live in 1598 North Leslie Way in Meridian, Idaho. Madam Chair and Commission, I appreciate your time this evening. I know it's getting late. I will be brief. I live directly west of the proposed facility and I do also find it offensive that my letter was not in that blue folder. I know all of my neighbors. I know where Mr. Vrba lives. I have not found anybody within that vicinity who is in support of this. I own a small business in the city and recently a dance company was put in next to us and when they ran out of parking space for their facilities they would try to park in our facility, making it difficult for my -- my business to function. I don't see how this can -- how logistically this can work. The reality is as the -- as his business model changes and his needs change, there are going to be some serious traffic concerns and serious parking concerns and the community around him is going to have to bear the brunt of that punishment. It's not fair to the citizens to have to police that and also put undue load on our Police Department, who already has to deal with the other things they are doing to keep our community safe, and now they are going to be driving around having to issue parking citations and trespassing and all these other things that -- that really we should not have to deal with around here. I'm not opposed to his idea. I think he is a -- he has got a good head on his shoulders, I think he is going to do well where ever he puts his business. I just think this is the completely wrong location for it. I thank you for your time and that's all I have.

McCarvel: Thank you.

Weatherly: Madam Chair, next is C. Kynaston. One moment, please.

McCarvel: Ms. Kynaston, if you would unmute yourself and state your name and address for the record, the floor is yours. There you go. Please state your name and address for the record. We can see you have unmuted, but we cannot hear you. I apologize, I don't think your microphone is working on the device you are using. You are unmuted, but we cannot hear you. If you would like to type your concern. Okay.

Kynaston: Hello? Can you guys hear me?

McCarvel: There you go.

Kynaston: I can't tell if anyone can hear me, hon.

McCarvel: Yes, we can hear you. Please state your name and address for the record.

Kynaston: Can you hear me?

McCarvel: Yes. Yes, we can hear.

Kynaston: Anybody?

McCarvel: We can hear you.

Kynaston: I can't figure out if they can hear me or not.

McCarvel: Okay. We can hear you.

Kynaston: Hello? Can you guys hear me?

McCarvel: Yes.

Kynaston: Oh. Okay.

McCarvel: Please state your name and address for the record, but I don't know what you guys heard and didn't hear.

Kynaston: All right. I guess I will start over. So, my name is Carolyn Kynaston. 3725 North Neith Avenue, Meridian, Idaho. 83646. Joe Dodson in his presentation of this in the very beginning made the comment that there is a ratio in support of this plan of 25 percent when you are counting the public participation and 75 percent is against and I just want to be clear that the numbers are exactly 154 are against this project, to the 32 who have written in as public testimony and that percentage is 80 percent against and 20 percent for. There is a lot of us who do not want this coming into our neighborhood and we are concerned with not just the business model or the business practice, but the business owner. He has shown repeatedly self interest and a lack of concern for our neighborhood and a lack of concern for the truth and he is constantly changing what he has to say about his business to meet the requirements that will just get it approved by the city. If you follow his Facebook page he made the claim of 115, when at that moment when he made that claim, it was actually 42-24, a ratio of two to one against his business, not in favor of it, and now the ratio is substantially larger, about five to one. His website changed from being objectification of women to totally removing that section, as Jon Hoeger spoke of earlier. We feel like he is doing all of this just to get the CUP approved and, then, it will be back to the business how he originally intended as soon as he has that CUP approved. He has declared that our property values will raise, when in actuality it will lower our property values significantly, and he claims it's a benefit to our schools

and it is not a benefit to our schools. He claims it will be a boon to our city and the people who live here definitely do not feel that way and it's going to be bringing in outside clientele, people who don't live here, who don't care about our neighborhoods, coming in and trashing our neighborhoods as they attend this place, get drunk, and go home and he claims his family values are the same as ours and we completely disagree. His family values are nothing like ours. He said to people who are opposed to him that our decisions to be against him were made in haste and that if we were against him and his nightclub that we haven't formed our own opinions. He also claimed that there were letters sent out to the neighborhoods that talked about prostitution and strip clubs. I received one of those letters and it didn't have either of those words in there. So, based on his track record of not telling the truth I can see him making up these things to support himself. And -- oh. As well as the testimony that is in his -- his folder of all the people who have written in to support him. Where is that support on the actual website? Where is the actual data? Because the actual data shows only 32 people have written in support of his project. I'm really --

McCarvel: If you could wrap up.

Kynaston: -- really upset about the idea of citizen enforcement of compliance. You are giving me a full-time job without pay to go to -- to this establishment and make sure that they only have 500 people --

McCarvel: If you can wrap up your thoughts. Your three minutes are --

Kynaston: -- and an EDM drug culture. Do you guys understand what an EDM drug culture is? This isn't just a --

McCarvel: Okay. Are there anymore people who would like to speak on this application? If not, I will ask the applicant to come forward and you have -- is it ten minutes to address the concerns of the public before we move -- before we have any questions or move to deliberations.

Dodson: Madam Chair, I had a couple of points I wanted to make in response to that -- that the applicant can't, just because he doesn't know the code like I do.

McCarvel: Yes.

Dodson: Okay. First was there were some questions, even from the Commissioners, regarding outdoor activity for the outdoor entertainment. Our -- the same code section that's referenced for the indoor activities in the music venue is applicable for the outdoor. That has specific hours as well, which is limited from 6:00 a.m. to 11:00 p.m. Obviously through the CUP if future outdoor services or uses were to be proposed those could be limited further than that, but I just wanted to note that it already was limited within the code if it were to happen in the future. But, again, he is not proposing that now. Secondly, I completely understand the traffic concerns there and if I -- you have no idea how much I would wish that the city had more control over the roads here, but, unfortunately, that's



not the way it goes. I did want to share my screen real quick. Just to reiterate, there were some concerns about only having one access point in and out and with -- that would be the right-in, right-out access to Ustick, but with the construction of the access point to Cajun Lane they will have another access out to Eagle Road. I know that there was a comment about only having one. Second to that I do have a condition that they work with the Villa Sport applicant, which apparently one of them was on the call tonight, and they would also help work with them to get a cross-access here, which they already have the agreement, but the driveway itself is not constructed yet. So, to get the driveway constructed earlier, sooner rather than later. And, then, I also didn't reiterate where the ride share was. I wasn't sure if the applicant was going to speak to that, but it's hard for staff to enforce that, so I didn't find it necessary to put that on the site plan, but the applicant has stated that these uses -- these spaces on the west side of the building would be used for the ride share, the pickup area, that they could restrict on site for that. Secondly, with the outdoor area that, has to be -- it can't be located within 50 feet of any property line. There they would have like ten feet right here that would be allowed to have it at all. So, they are going to run out of room to be -- and it is prohibited at all within 50 feet. So, I just wanted to touch on those few points that are related to code that the applicant wouldn't be able to touch on.

McCarvel: Okay. Thank you. Go ahead.

Tsai: Okay. All right. I know it's late, so I will be as quick as I can. As it's said, Socrates gave long speeches and his friends killed him, so -- these are just some graphics that I have printed off regarding some of the points that -- of the concerns. When we did our noise analysis I actually went out there with a spectral meter and stood along Eagle Road to compare the sound of the Eagle Road traffic in order to get these numbers. What I had mentioned earlier, the actual STC sound rating of just a single piece of plywood is what I base it off of, because there is a lot more to commercial building walls than just a single piece of plywood. That would yield our exterior sound pressure -- pressure as they designate in what's called Decibel A weighted, at one foot from the building about 75 decibels and, then, that is what this diagram shows, it's called the inverse square law and how that works is sound dissipates as a square of the ratio of this doubling of distance from the actual source. So, what that represents is here in the graph, the doubling of the distances, out to the closest property line you could show about 256 feet the pressure would be about 43 A weighed to decibels. What does that actually mean? Here is another graph. Forty-three A weighed decibels will put up just about here and that's just above what would be the volume of a very quiet whisper and above -- and just below that is the rustling of leaves will be the perceived sound effect at -- even before the actual first house and, keep in mind, there is -- you know, if -- and this is assuming even the Villa Sport never comes to fruition. Regarding the property values, this is actually handy, because a gentleman presented this on the last Planning and Zoning hearing and I printed it off, which is things that drag down the value of your home and you will notice that neither crime nor any of those make an appearance on here. Most of the things are like hospitals, power plants, cemeteries, homeless shelters, that type of thing. The biggest -- biggest difference I noticed about our overwhelming number of supporters -- and the reason I say that, those numbers exist in the opposition, because many of them have actually written

into the city multiple times. That's where those counts come from. In fact, there -- if you were to look through them line by line -- how I did it is I took an iPad and I just went through and I circled and numbered every person that had submitted multiple times. Some people have actually submitted eight times by the same person and, then, they are using those as counts of opposition. The biggest thing I noticed amongst the difference between the supporters versus the opposition is their reasoning. We estimate now that we have at least 25 to 30 supporters for every one person that's opposing it. Those are based on the numbers that we received off of our Facebook page, coordination, and, then, just word of mouth. Now, of course, I don't have any actual numbers to document these, an actual study. On top of the -- those are on top of the dozens of various businesses, groups, nonprofit organizations, wedding couples, associations and musicians that were excited to use our facility. These are things I believe in as a core concept to our business. We are not doing these just as a facade in order to obtain a business. That's just not how I operate my business practices. But as you know with your experience here on the Commission, supporters rarely promote their voice. The person standing on the corner with a megaphone usually isn't the one yelling, boy, we really want another Walmart here. People have been pent up with COVID restrictions for over a year now and they just want a place to let their hair down and dance and socialize again. The letters that both the city and I received were from people who were unique stories of why music was so important to them. They talked about that time that they had lost a family member and it was this song that they had remembered that pulled them out of a very dark place. They talked about the time that they got engaged and realize that this song was playing on the radio. They talked about the time that they were in a grocery store and randomly bumped into the person that turned out to be the love of their life and this song was playing on the speakers inside the store. Every one of their stories were unique and they support our project because they wanted to and not because somebody told them to. While those opposed to our project have very real concerns that have the potential to impact the community, such as drunk driving or traffic, you can see with our comprehensive analysis in both the original narrative and what we presented here today that we have worked diligently to ensure that none of these concerns have an impact to the families of Meridian when compared to the massive benefit in both economics and overall need this community as a whole has asked for for over a decade. We expect to pay over 6,000 dollars a month for insurance to operate as a multi-purpose venue. So, we are not here just to serve alcohol and let them leave. When compared to over a dozen licensed establishments in the area our insurance would never allow us to operate in a recklessly or an unsafe manner. The only way a bar would prevent real concern such as drunk driving to occur would be to prevent overserving. This is something I mentioned earlier in my -- it seems like a while ago now. On the other hand, we have the ability to post staff at the doors, seeing patrons as they enter and exit, training bartenders and staff above and beyond what is required by law and the combination of all those circumstances will allow us to effectively present -- prevent nearly all incidents of drunk driving should they occur from our facility and this hearing is to really discuss the potential impact of an alcohol establishment to our neighbors in the immediate area. Somehow this wasn't a concern to all -- to those opposed to our project when this very same committee approved the permit for the Villa Sport with an outdoor pool, a swim up bar, outdoor speakers, all less than 30 feet from the closest house. Our facility is ten times further, 1/12 the size,

and has zero outdoor activities of any kind. Now, when I met our neighbors by handing out the neighborhood meeting invitations in person, many of them spent time to ask me about the project, because they were excited to have a place not only to attend to event and socialize without having to go downtown, but also a place to get good food later at night. Most of them told me flat out they would not be attending our neighborhood meeting, because they supported the project. Now, many of our supporters tonight weren't able to attend because they are still at work. Now, we don't have the same noise concerns as the complaints some have pointed out, like the Revolution Concert House, because our sound system is not engineered to be as loud as possible. It's designed for clarity, while still allowing patrons at the rear of the building to carry on a conversation. We demonstrated that using sound scientific principles that even with zero soundproofing the outside noise of our facility when measured to the closest house would always be less than the sound of the ambient traffic from Eagle Road and even if the Villa Sport never comes to fruition, which would act as a massive steel and concrete sound barrier, our neighbors would never realize our facility in an operation unless they constantly thought about it. Now, at the end of the day this project is about one thing. The music. The rare thing in this world that doesn't care what age, race, gender or religion that you are and unlike those categories, music only serves to unite people and not to divide them in any way. Thank you, again, for your time and we ask for your approval for the project.

McCarvel: Any other questions from the Commission for this applicant? Mr. Yearsley, you came off mute. Did you have a question or a motion?

Yearsley: Now, I don't have any questions.

McCarvel: Okay. If there is no other questions for the applicant or staff, I would entertain a motion to close the public hearing for item H-2021-0004.

Holland: So moved.

Cassinelli: So moved.

Grove: Second.

Cassinelli: Second.

McCarvel: It's been moved and seconded to close the public hearing for H-2021-0004. All those in favor say aye. Opposed. Motion carries.

**MOTION CARRIED: SIX AYES. ONE ABSENT.**

McCarvel: Mr. Yearsley, were you wanting to start us off?

Yearsley: Sure. I -- I have to admit I'm a little conflicted on this one. I understand what he wants to do and I don't think it's a bad thing to do. I am concerned about how close it is to residential. He -- he keeps stating that it won't be -- the noise won't be greater than

the road, which the road noise is pretty bad by itself and, you know, I have never been to a concert that -- let's turn the volume down. So, I'm still concerned that the noise from the music will be loud and even if there is a concrete block in front -- to block that noise, still -- you will still hear that noise. We lived over off of Eagle and -- and Victory and we still hear the noise from the speedway. So, sound does travel well. So, I am concerned. My two big concerns are the sound and the parking. Where he doesn't have the other agreements in place I'm a little concerned about that. I would prefer to see those agreements in place. First a cross-access easement on the other properties as well before considering approval. And that's all I have for now.

McCarvel: Commissioner Holland, you are off mute.

Holland: I am off mute. I am the same. I am a little bit conflicted on this one. So, in general I think we all like music. I don't think that's the question. I think the challenge is location and making sure that this specific spot meets the needs of the Comprehensive Plan. You know, I think to places where music venues work really well -- I have been to Nashville many times, it's one of my favorite cities. Part of the reason that the venues there work for their nightclub atmosphere where they have lots of dancing and lots of music is that it's mostly in their urban core where it's very walkable and they have got easy access to get kind of in and out of places. The challenge I think with this specific site is its proximity to Eagle and Ustick. I think if it was a proposal within The Village I would feel differently about it than I do where it's at on Eagle and Ustick. If it was somewhere downtown I would feel different about it. Maybe even different in Ten Mile Crossing, because there is more walkability and connected pathways. So, if I was in the applicant's shoes I would say -- I certainly see Brian's enthusiasm and I appreciate and -- and encourage him to continue exploring this project. You know, I think he's put a lot of effort and a lot of really good comprehensive thought into it. I -- I think he definitely did some research when he was putting together his presentation to us, but for me it really comes down to the challenges of the location itself and making sure that we make that in the right spot. If it was just a restaurant being proposed that had alcohol being served and it was a place that happened to play music, I don't think I would have the same concerns. I think it's the nightclub atmosphere, which, again, I'm not opposed to having in Meridian, I think nightclubs are a great option for people who want to go out and dance and I don't think that we are opposed to dancing, we are not opposed to music, it's about finding the right location and I have concerns with the right-in, right-out and the way that traffic would flow in and out of this complex, that there could be some impacts on the residential community nearby. So, I would encourage the applicant to look towards maybe talking with the folks at Brighton who put in a request tonight for 83 commercial lots in the Ten Mile area or maybe looking at The Village or maybe looking at potentially a downtown property if they wanted to find an option and that's my initial thoughts. But, again, I -- I could be swayed hearing other thoughts from the Commission, because I -- I am torn. I don't want to say no to -- to new music venues and business opportunity, I just want to make sure it's the right place for the Comprehensive Plan and in the best interest of the city.

McCarvel: Commissioner Grove.

Grove: Madam Chair. I think Commissioner Holland summed up a lot of how I feel about this as well. Definitely torn. Personally I would love to see this downtown, but that's just a -- a personal preference probably on some of that. But looking at the criteria and the staff report for what we are to base this decision on, just kind of going through the eight points starting on page 18 of the report, and, you know, as I tick down the list, you know, for the most part it's coming up yes in terms of meeting those criteria. There is a few that I think deserve a lot of discussion, but there is going to have to be some very clear basis of what we are looking at I guess in terms of how we are making our decision and that's a little bit different than something that's coming in and asking for a rezone and -- and platting and all those types of things and so the -- the challenge -- and that's why I kind of asked Joe at the beginning what is the criteria that we are judging this against. I think taking the fact of what's been presented versus the -- a motion of what's been presented, is going to be key to coming to a good resolution on this application. So, I'm torn and I don't necessarily have a set vote yes or no yet, but I just kind of wanted to throw that out there as we started discussing.

McCarvel: Commissioner Cassinelli.

Cassinelli: Okay. Concerns. I -- I don't know if I'm -- the internal noise I don't see as a -- as a huge issue. To me it would be -- it would be issues out in the parking lot. That's why I did ask the applicant about what they were going to do, you know, for that and the plan might be to have security out in the parking lot, but is that going to happen. I think the parking lot and out behind the building are where issues might happen at, you know, 1:00 in the morning and some of this stuff I'm speaking from personal experience way back in the day. Traffic. My concern there is is -- it's Cajun Way. I think if this were -- if this were -- were in an area that wasn't so constrained, it wouldn't be -- it wouldn't be a big deal, I -- but this is a very -- again, I mean every time we get one of these in-fill things they are difficult. Throw us an in-fill deal like this that -- that has the use that it is, with a nightclub, makes it even a hundred fold. But if there were a real easy way in and out -- I'm not worried about the traffic at 1:00 in the morning, people leaving. I don't think that -- you know, that's not going to be an issue. There won't be cars on Ustick or Eagle. That's not the issue. So, I'm not super concerned about that. It's the -- it's -- it's how they are getting in and out of this space and using Cajun is -- that's a tough one, because, then, it -- that funnels people into that neighborhood behind there. If you have had a couple to drink you may not know which way Eagle Road is when you go through a roundabout and get twisted around, into the neighborhood and wind up hitting a parked car. Those are -- those are not -- those are -- there are narrow roads, narrow streets through there, so they are not -- they are not the normal -- normal width there. So, that's a concern. My other concern -- I don't think there is enough parking personally. I think the -- I think the numbers that we are looking at are -- are -- are a little bit under I would say. I think -- you know, I mean you look at employees there is -- on a Friday, Saturday night, 20, 25 employees based on everything they will have going on there, that -- then they will all come in one car -- in their own car. I don't see people piling in four and five to a car to go to a nightclub. It's going to be -- it's going to be three, probably, on -- on average going in there and certainly, you know, on the way home maybe you will utilize ride share, but -- but I don't know if there is enough parking. My two biggest concerns

would be the traffic that this would funnel out through the neighborhood and parking and right now they don't -- without -- if there were an agreement with Villa Sport -- but Villa Sport is going to be open until midnight on these nights, too. So, I don't know how open Villa Sport would be to allow parking. So, those are my -- my concerns and I just think it's maybe in this situation trying to stick a square peg in a round hole. I would love to see it. So, let me get back to that. I would -- you know, it may not be my -- my cup of tea, but -- but I think it would be a great -- a great asset to Meridian. I just don't think it's the best location. Maybe if they came in first and other things were built around it, it's -- again, trying to get it into this in-fill project just doesn't fit with the traffic. To me with the traffic and the -- and the parking are the big stickers I have.

McCarvel: Commissioner Lorcher.

Lorcher: I do, Madam Chair. I mentioned this at another Planning and Zoning meeting. Where there is a piece of dirt in front of your subdivision, unless you own that piece of dirt we don't always get a say of what it's going to be. We know it's going to be commercial, but it could be anything -- it could be anything and just because we might not be the patrons of it, is it our judgment to say that it belongs there, it doesn't belong there. So, I think because there is not a good neighbor agreement between the other businesses at this point in time and where there is going to be overflow parking in order for all of these businesses to work together, if that could be resolved I would support a conditional use permit. I don't -- I'm not worried about the noise. He is going to build a building that's got to be airtight and there is not going to be children walking around at 1:00 o'clock in the morning or even midnight and traffic will be -- can be negotiated. But unless he is a good neighbor and has that agreement -- I used to own a tow truck company. We used to pull people off of other people's parking lots all the time. You are looking at a minimum of anywhere from 125 to 300 dollars. If you walk out of your club and your car's not parked where it's not supposed to be and that's a huge, you know, financial concern, because you are just creating enemies instead of having good neighbors from whomever you are going to be. So, that would be my concern at this point in time.

McCarvel: Yeah. I think I will chime in. I -- I love the idea of this. I think, again, the applicant has, obviously, done a well thought out plan. I think it's something that would be beneficial in the City of Meridian. I am concerned that this exact spot is the right spot for it and I guess I'm looking at the reason it is -- it requires a conditional use permit is -- was given to us by staff in their narrative -- it's the indoor recreation facility is principally permitted in the C-G zone, unless it incorporates a music venue and is located within a thousand feet of an existing residence. It, then, requires a conditional use permit and that's just for -- because, then, you have got to lay some common sense eyes on it and say is -- is this a fit and at just a little over 300 feet, instead of a thousand, I think that's a concern. And the bigger concern in my mind is the parking. The math just doesn't work on that and I would agree with Commissioner Lorcher, that, you know, if there was an agreement in place for the parking that there weren't going to be constant issues, I think we are -- we are setting up, you know, creating bad neighbors amongst the business owners if that can't be resolved before this goes in and I agree. Unfortunately, this is the last thing in. You know, the building has already been approved. This is a conditional

use for the building. You know, if it's not this it will -- you know, it will be something else. It will be more stuff, like the Jamba Juice. But I think we are setting ourselves up for bad business neighbors if they don't -- if we allow this to go through without the parking being resolved. Commissioner Yearsley.

Yearsley: Just looking at -- from what I'm hearing from everybody else, there are some items that we have concerns about. You know, the two things that I see with it is we give him a continuance for a month and have him, you know, try to identify parking and try to get those agreements in place and other conditions or I'm hearing a denial is kind of what I'm hearing and so I'm kind of curious to where people -- really, I'm -- I would actually lean to a continuance for a month to give -- you know, give him an opportunity to work through some of that if he can.

Grove: Madam Chair?

McCarvel: Commissioner Grove.

Grove: I would -- I would be in favor of doing a continuance versus a denial. I think that we can definitely set some very set pieces of what -- what we need to see different on this.

Cassinelli: Madam Chair?

McCarvel: Commissioner Cassinelli.

Cassinelli: One other thing that just -- that just kind of popped into my mind that came up in the very beginning of this with regards to parking. If -- you know, even if it's -- the capacity is limited to 500, if fire code caps at it 700, if some of those numbers have been through there, you know, I mean how do you stop it at five and that -- not that the capacity inside would be an issue if there is room, but that goes to the parking. So, even -- I think if we -- if we continue it based on parking being one of the issues, I think we really need to see -- we need to see some real rock solid agreements, because, obviously, if that's what we are going to do we have got to give the applicant some guidance here. Some just rock solid, you know, that he can come back and say I have got -- you know, I have got double the amount of spaces available to me in this -- in this area or whatever the number -- whatever the number might be. I just -- because I could easily see the capacity going above 500 if the Fire Department has 750 and, again, one of the questions I asked early on is how do we -- how do we control that and -- and whatnot. So, it's -- that's a difficult thing to do. I think the applicant will probably say with the -- with the technology they are using at the door with scanning, you know, you cut the number off, but who is to say if there is a line outside and people want to come in you don't let him in if you -- if you are still under the fire code, because who is going to -- who is going to walk through there and try and count people that are moving. I think we just got -- he has got to plan for more than ample parking. I don't think it's near enough. So, the thought there on that capacity number.

Holland: Madam Chair?

McCarvel: Commissioner Holland.

Holland: I'm still a little bit worried about the traffic flow in and out, especially with the residential streets that's there. The -- just the proximity of this to that residential and I wish that I could pick up this project and move it to The Village or move it downtown or move it to Ten Mile, because I think it wouldn't be a question for me at all if that was the case. So, I'm still worried that if we extend it another month we give maybe some false hope that we might be able to accomplish what we are hoping to, but I don't know that finding enough parking is really going to fix some of the challenges of the way traffic is going to flow in and out of this site. So, that's still a concern of mine. I -- I want to reiterate I like Brian's enthusiasm. I like his energy. I like the concept of having a music venue in writing. I think it would be a nice amenity to have. I'm just -- this is not the place I would pick to put it. I -- if it was a restaurant that had music that would be a different story. But when it's a nightclub and you have got later operating hours and we do have Villa Sport that's got similar operating hours, I don't know that you are going to be able to work out a parking agreement that makes us all feel comfortable. So, I would hate to give false hope, but if the Commission would like to -- to move to continue it, I'm more than happy to give the applicant a chance to try and come up with coming back to us and I would say -- there would be three things I would ask him to do is, one, work out a parking agreement, make sure that they can show that he can meet their demands. Two, maybe come up with some sort of circulation plan of how they advise their patrons to come in and out of the site and, three, that they would maybe work with the Meridian Police Department on kind of a safety plan and protocol. I think that that was certainly a concern we heard from a lot of people, that when -- when they think of nightclubs, just making sure that they feel comfortable. I know from personal experience -- we have a nightclub we have worked with in Kuna and when the police department has a good relationship with the bouncers that work for the facility and they work collaboratively on coming up with a safety plan, it works much better for the community, so --

Lorcher: Madam Chair?

Holland: I hope that helps us, but --

McCarvel: Commissioner Lorcher.

Lorcher: I would agree with a lot of the things that Chairman Holland said. I would like to see a -- a solid good neighbor propose -- you know, plan in place and would, you know, support a continuance so that he would have time to be able to consult with Villa Sport and the other businesses around there, so that they have good neighbor relationships. Because that would kill the business right then and there.

Grove: What -- what parking totals would we be looking at?



Lorcher: Commissioner Grove, I don't know if it's so much as the totals as people just figuring -- if it's a continuous parking lot, they can go wherever they want. For example, when I had the tow company we worked out of Garden City and people would go to the Revolution Nightclub, but park in the Dairy Queen. Well, the Dairy Queen didn't want them. So, as soon as they would park there we would tow them. Like I said, at 300 dollars a pop every time. So, I think the -- the lines aren't really specifically drawn if they are all connected, especially with streets on either side. But if there is a good neighbor agreement between all the different businesses, then, you don't have to worry about that and that's going to save a ton of people a ton of money if you hire a tow company or security to be able to do that every night. I mean -- and that just -- that just makes everybody mad. I mean I can't tell you -- we never towed anybody and they came away happy, so -- especially after a night of drinking and they are like where the heck is my car. So, if to have an event like this where it's going to be a music venue and people are just going to go where they need to go, having a good neighbor policy for parking is going to be imperative for him to be successful.

Grove: Madam Chair?

Holland: Madam Chair?

McCarvel: Commissioner Grove.

Grove: I don't necessarily disagree with that. I think, though, in terms of telling the applicant, you know, not just saying you need to have an agreement in place, but give him some target numbers for him to say like, yes, we have an agreement, but we only got five spots, that doesn't really go to what the nature of the need is here. So, I think we need to probably put some parameters around that just --

Holland: Madam --

Grove: -- so that we have something to gauge against and the applicant has something to, you know, work towards.

McCarvel: Commissioner Holland.

Holland: Madam Chair. Right now I believe they have 125 stalls available; is that what we heard? Four to one?

McCarvel: Yes.

Holland: So, if that's the case and we feel like a three-to-one ratio would be better, that would be 166. I think if we could say that they could meet 166 available parking stalls maybe that would meet that ratio or we could say 150. But maybe that gets us a little closer.

Cassinelli: I think that's a good target.

Parson: Madam Chair?

McCarvel: Yes, Bill.

Parsons: This is Bill. So, if you look -- if you look at the conditions of approval that we have in place, we are asking the applicant to establish a shared parking agreement with Villa Sport. I'm looking at their approved site plan and they had over 500 stalls and that's why when you are talking -- that's the concern that we had as staff is, yes, although the code requires one per 250, the code allows you to put more restrictive requirements on a conditional use permit and so in our -- when we were analyzing this -- I have dealt with that residential portion of that subdivision throughout the -- my tenure with the city and we put in speed humps -- or speed cushions in that private street because of the cut-through traffic from Jimmy Johns. There has -- there has been a lot of -- a lot of history that's gone on with that residential development just with the commercial along Eagle there and so that's why when Joe and I analyzed this project it was -- to me what makes it work is that this area is just underdeveloped right now. If Villa Sport was in and that drive-through that you acted on this evening was in, all of a sudden we are talking five or six hundred parking stalls and we have different -- multiple ways of getting in and out of here and that's really what Joe and I tried to lay out for you in the staff report. The only way this business is going to work is if there is cross-parking, because, you're right, you are going to create that situation where you are going to have business owners fighting against one another or having private property and no parking signs going up in the parking lot and we are just going to create a code enforcement nightmare for ourselves and all due respect, I love the -- the passion that the applicant has had, too. It's just sometimes -- you know, we are tasked with providing safeguards on the conditional use permit. So, don't think -- you know, even continuance out, I think that's a great idea to do that and try to get some -- see if we can solidify some of those shared parking agreements. I think that's really -- really critical. Him addressing the police and getting that safety plan, I like that suggestion. And also have him share with us how we plans to incentivize that Uber and Lyft drivers to come use patrons -- or people want to get discounted if they carpool and we just don't have a lot of these details. So, continuation is one avenue. The other thing is if you just don't think you can get there, you can again -- it's your -- it's your purview to deny it, but giving him directions on how to gain an approval. But he has the ability to appeal it to City Council. That's an option in the code. If -- if he doesn't agree with your -- your conditions or your decision, the applicant has the right to appeal that or go through City Council review, just like Villa Sport did. So, there is some options for you. But certainly from -- from my perspective this Villas Sport project needs to happen in order for this -- this area to work. A hundred and twenty-five parking stalls is just going to be pretty light. So, let's give him some time. At least I was happy to see the landowner for Villa Sport was on the line tonight saying that he's willing to work with Brian. I think that was a small sliver of hope to help him get some additional parking to help what he's trying to achieve here. But to me that's really -- we have got to have all these property owners working together and as you know that can be difficult sometimes.

Cassinelli: Madam Chair?

McCarvel: Commissioner Cassinelli.

Cassinelli: Bill, if -- what would -- what would the applicant need in terms of an agreement with these other property owners that would -- that would really make sense. I mean it just -- I mean I'm not talking -- yeah, you know, you can use our parking spot on a -- on a cocktail napkin. That's, obviously, not good enough. How much detail are we -- are we talking about here? Is it -- would he get a number of spots from a -- from one of the neighboring locations? What would -- you know, from your experience what -- what exactly would he need.

Parsons: Well, anytime we get a -- get a written agreement for a project I always send them up to Ted in Legal, because I want him to make sure we are on solid ground, because I want them -- a lot of times these agreements have language in there that they can terminate at anytime and we want to make sure whatever we are agreeing to or whatever they are agreeing to, that it kind of stays in place for that business owner. But typically we can't always control a private contract between property owners. So, that's why we have tried to structure this approval to say, you know, coordinate or work with that property owner, establish a shared parking agreement. I don't have a site plan to share with you. I have the Villa Sport site plans pulled up, but to the south of this building in this multi-tenant building that we are talking about this evening, there is probably a hundred stalls to the south of them that I would think realistically the applicant should -- could or possibly negotiate use of that parking and, then, also that multi-tenant building with the drive-through this evening had an additional 32 stalls. So, we are looking at potentially doubling the parking just near the vicinity of this -- this building would I think help -- help this applicant tremendously to just provide some additional parking. I don't think he needs to go -- that drive aisle that comes off Ustick and ties into Cajun, anything kind of west of that, you know, Villa Sport, I think it probably preserves their interests there. It's just everything kind of south of this existing site that -- I think the negotiations need to happen and try to figure out how -- how they can come up with a game plan to get a shared parking agreement in place and a month may allow the applicant time to do that. I don't have a magical number for you. That's -- that's why we said work out an agreement and let's see if that's a good compromise. But I think at least getting more than what's out there is probably a good compromise.

Baird: Madam Chair?

Cassinelli: Madam Chair? A concern that that just brought up is -- you know, you -- Bill, are you saying it's a private agreement between two individuals. If --

McCarvel: Commissioner Cassinelli, our legal is ready to advise here for a second. I think he might answer your question.

Cassinelli: Okay.

McCarvel: Thanks.

Baird: Thank you, Madam Chair. That's what I was hoping to do. We look at cross-parking agreements the same way we look at cross-access agreements and in a cross-access it's like you can use my property, I can use your property, we can -- you know, free access in and out. Most cross-parking agreements just say this is my lot, this is your lot, people -- your people can park in mine, my people can park on yours. So, if you are going to do that you are going to need -- the Commission needs to identify which lots. Is it just to the south or does it include Villa Sport. Do you want everything -- I mean this is what a shopping center does is that every single business shares all that parking and I think that might be what you are looking for. As to the form of the agreement, they are recorded documents against the land. We would look to make sure that it runs with the land. So, if the owners change the property -- or the cross-parking stays in place. So, yeah, those are the type of things that we would -- we would review for and we are happy to provide. I can't draft it for him, because I can't be his legal counsel, but I can show him what we have approved in the past.

McCarvel: Okay.

Parsons: Yeah. Can the Commission see my screen?

McCarvel: Yes.

Parsons: So, this is -- so, here is where The Oasis or the building that Oasis is looking to locate on. So, here is what I'm talking about and there is -- here is all that parking to the south and, then, here is the drive aisle that comes off of Ustick. So, I think -- I don't -- I don't imagine Villa Sport is going to have too many people late night working out that will be using this parking and probably be more in this area here and they also have this out lot over here. But, again, if Villa Sport is willing to allow cross-access and -- or shared parking across all of this area, then, that works as well, too. But we don't know until at least Brian has that conversation -- the applicant has that conversation with the gentleman that spoke this evening and what they can get worked out.

Cassinelli: I would be willing to -- to give them that opportunity. My concern would be on a -- on a -- on a parking agreement would be if -- you know, if the -- if it was Villa Sport, just -- I don't know the name of the other development there, but if it was Villa Sport and every -- you know, every Friday morning, Saturday morning, Sunday morning that Villa Sport comes out, the parking lot is -- is a mess, it's got trash all over it, they may terminate -- decide to terminate that agreement and then -- and, then, we are in a bad spot. Now we have really got a -- then we really have parking issues. And, again, I would be willing to give the applicant a try on it, but I look at this -- I mean if you -- if -- you know, I know it's tough to find a spot in Meridian right now, but if -- you know, if he found a spot with better access, better parking, he can even up his capacity, then, to 700, a thousand, in a different location and -- not that I'm saying I'm not going to try and talk him out of this location necessarily, but, you know, I see almost more positives somewhere else. But I would be willing to certainly continue it to see if -- if they can get some -- get some agreements. I would want to see the agreements. I think we -- not just a verbal, yeah,

we got an agreement, I think it would be something that we would need to review and see how rock solid it is.

Holland: Madam Chair?

McCarvel: Commissioner Holland.

Holland: I think that there is enough voices that I have heard of people wanting to give them a chance to come back to us that I'm going to make a motion that we reopen the public hearing for H-2021-0004 for The Oasis for the purpose of setting a date to continue this application to make some requests.

Cassinelli: Second.

McCarvel: It has been moved and seconded to open -- reopen the public hearing for H-2021-0004. All those in favor say aye. Opposed? Motion carries.

MOTION CARRIED: SIX AYES. ONE ABSENT.

McCarvel: While we have got the hearing open, do we want to just set a date or do we want to ask the applicant what date he thinks he needs?

Holland: Madam Chair, I was thinking May 6th might give them enough time, because if we do the date before that it might be too tight to work out a parking agreement like that. But I wanted to see what staff thought and see if the applicant might be open to doing May 6th.

McCarvel: I'm getting a nod from the applicant.

Dodson: Madam Chair, staff would agree with that as well.

McCarvel: Okay. May 6th.

Holland: Madam Chair?

McCarvel: What -- if you are going to speak you need to come up to the microphone. And just to the date.

Tsai: Oh. Okay. That should be adequate. Sorry.

McCarvel: That's okay.

Tsai: I was going to point out something that was -- a lot of the parking was covered in the narrative with the analysis that we did, regarding ride share ratios and the comparison of another --

McCarvel: And I think the Commission has decided that --

Tsai: Okay.

McCarvel: -- it's not adequate.

Tsai: Okay. I'm sorry. I didn't know if that was -- that was --

McCarvel: Yeah. Okay. Yeah. No, we have decided it's not adequate -- adequate and we want to -- I think we are at either denial or continuing to see if you can resolve the parking issue.

Tsai: I certainly appreciate the chance to be able to try and work that out.

McCarvel: Okay.

Tsai: Thank you.

McCarvel: Thank you.

Holland: Madam Chair?

McCarvel: Commissioner Holland.

Holland: You want me to make a stab at it?

McCarvel: Sure.

Grove: Madam Chair, real quick.

McCarvel: Sure. Go ahead.

Grove: Commissioner Holland, could you maybe in the parking piece of it make sure that -- I know it's been talked about, but just since we are going to have it brought back, make sure that the ride share parking or ride share access piece is very clearly addressed. Thanks.

Holland: I will try my best. I'm going to go slowly so you can all correct me if I miss something. After considering all staff, applicant, and public testimony, I move to continue application for The Oasis, H-2021-0004, for the hearing date of March 18th, 2021, to the hearing date of May 6th, 2021, for the purpose of allowing the applicant to help resolve a few issues for the Commission, which include, one, working with the Meridian Police Department on creating a safety plan and protocol and helping to follow any advanced guidelines that they might like to see for this establishment. Two. That the applicant would work on a circulation plan and a ride share promotion plan to help enhance safety of the development, making sure that there is dedicated space for ride share parking and

that they would come back with some enhanced notes for us on what that could look like. That they would put together a -- work towards establishing a shared parking agreement with their neighboring business owners and that we would be seeking to see a minimum of at least 170 stalls -- I'm going to throw a number out there -- that could help service this establishment and that -- that they would provide a copy of that agreement to the Commission for our review. And that they would come back with a visual of how that parking agreement looks and what their suggested circulation plan looks like for the facility for customers coming and leaving.

Grove: Second.

McCarvel: It has been moved and seconded to --

Holland: Oh, can I make a modification?

McCarvel: Sure.

Holland: I forgot one note. I would also move that we are not reopening the conditional use permit for public testimony, but that we are specifically opening it for the items discussed in that motion made.

Grove: Second stands.

Cassinelli: Can we do that?

Baird: Madam Chair?

Cassinelli: The second part of that?

Baird: I was going to chime in. I understand the intent of what was just stated by Commissioner Holland. When you reopen the hearing for specific issues and new information is provided to you and there will be new information on the safety protocol, the circulation plan, the ride share parking, and the shared parking agreement, those four issues the public would be allowed to comment only on those. No -- no repetition of what you have heard tonight. You have narrowed it down to these things and the applicant gets a chance to present what he's found and the Commission and the public get a chance to comment and he will get to rebut just like tonight. Those issues only.

Holland: I apologize and thank you for that clarification. I meant to say that we would limit it to discussion around those specific items -- that we would limit public testimony to those specific items. So, I would modify my motion to say that, again, we would limit public testimony to be related to the four items that we asked them to come back to us with.

McCarvel: Okay.

Grove: Second still stands.

McCarvel: It has been moved and seconded to continue The Oasis, H-2021-0004, to the hearing date of May 6th for the items stated in the motion. All those in favor say aye. Opposed? Motion carries. We will see you on May 6th.

MOTION CARRIED: SIX AYES. ONE ABSENT.

**8. Public Hearing for Skybreak Neighborhood (H-2020-0127) by Laren Bailey of Conger Group, Located at 3487 E. Adler Hoff Ln. and 7020 S. Eagle Rd.**

- A. Request: Annexation of 80.46 acres of land with an R-8 and R-15 zoning districts.
- B. Request: A Preliminary Plat consisting of 329 building lots, 40 common lots and 14 other lots (i.e. 12 common driveway lots, 1 private street lot and 1 lot for the existing home) on 79.69 acres of land in the R-8 and R-15 zoning districts.

Holland: Madam Chair?

McCarvel: Oh, Commissioner Holland, I know exactly what you are going to say. How does the rest of the -- I will say it for you. How does the rest of the Commission feel about opening the next item or are we out of gas? And I guess I -- before we have that discussion, I will open it up to Madam Clerk to tell us what's on the next agenda before we make that decision.

Weatherly: Thank you, Madam Chair. Our next meeting is April 1st. On that meeting there are currently three hearings scheduled. One is a conditional use permit for an drive-through. The other is Meridian South Fire Station and Police Substation Annexation. And the other one is a conditional use permit for multi-family development, as well as a preliminary plat. The second -- oh, my apologies. Mr. Johnson just pointed out we actually have an additional hearing that night on 3175 North Ten Mile, which is a rezone. On April 15th there are currently three hearings. One is for annexation and a preliminary plat. Another one is a modification to the conditional use permit for Pine 43 Apartments. And the third is Roberts Annexation for annexation of two acres.

McCarvel: Given that what would the Commission prefer to do this evening?

Yearsley: I say April 1st.

McCarvel: Okay.

Holland: Agreed.



McCarvel: Okay. I think all it would take would be a motion. We would need to continue item -- where did we go? Lost --

Cassinelli: Madam Chair, do we need to check with the applicant on that -- on those dates?

McCarvel: Who do we have her tonight for Skybreak? Madam Clerk? Yeah. I don't -- yeah. If the applicant is online, please, raise your hand. Otherwise, we are going to assume you are not here anyway. So, could I get a motion to continue item H-2020-0127, Skybreak Neighborhood to the meeting date of April 1st.

Yearsley: So moved.

Cassinelli: I would make that motion if we are able to put them first on the agenda for new business.

McCarvel: Absolutely.

Holland: I will second that.

McCarvel: It has been moved and seconded to continue item H-2021 -- or, I'm sorry, 2022-0127 to the hearing date of April 1st and be the first item on the agenda. All those in favor say aye. Opposed. Motion carries.

MOTION CARRIED: SIX AYES. ONE ABSENT.

McCarvel: One other --

Yearsley: Madam Chair?

McCarvel: Commissioner Yearsley.

Yearsley: I move we adjourn.

Holland: Second.

Cassinelli: I got a question -- I got a comment before we do that.

McCarvel: Are you serious?

Cassinelli: Do we want it -- it's just a quick one. Should we make a time limit of going into a new item?

McCarvel: I think we have kind of done that on the fly. I think it will depend on what's -- you know, at the end. But I think we have kind of established that this last couple of times. Yeah. I don't think -- I mean I don't think we want to get into that. We never know what

-- I mean the next week's going to get even worse. So, I think we have kind of established a routine here that if it gets starting a new one past 11:00 we kind of take a look at it.

Cassinelli: All right. Then we have a motion on the floor.

Holland: It still stands.

McCarvel: It has been move -- moved and seconded to adjourn. All those in favor say aye. Opposed? Motion carries.

MOTION CARRIED: SIX AYES. ONE ABSENT.

MEETING ADJOURNED AT 11:29 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS.)

APPROVED

\_\_\_\_\_  
RHONDA MCCARVEL - CHAIRMAN

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

ATTEST:

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