

**Meridian Planning and Zoning Meeting**

**March 4, 2021.**

Meeting of the Meridian Planning and Zoning Commission of March 4, 2021, was called to order at 6:00 p.m. by Vice-Chairman Andrew Seal.

Members Present: Commissioner Andrew Seal, Commissioner Lisa Holland, Commissioner Nick Grove, Commissioner Maria Lorcher and Commissioner Steven Yearsley.

Members Absent: Chairman Rhonda McCarvel and Commissioner Bill Cassinelli.

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

**ROLL-CALL ATTENDANCE**

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

Seal: Good evening and welcome to the Planning and Zoning Commission meeting for March 4th, 2021. At this time I would like to call the meeting to order. The Commissioners who are present for this evening's meeting are at City Hall and on Zoom. We also have staff from the city attorney and clerk's offices, as well as the city planning department. If you are joining us on Zoom this evening we can see that you are here. You may observe this meeting. However, your ability to be seen on screen and talk will be muted. During the public testimony portion of the meeting you will be unmuted and, then, be able to comment. Please note that we cannot take questions until the public testimony portion. If you have process questions during the meeting please e-mail the city clerk at meridiancity.org and they will reply as quickly as possible. If you simply want to watch the meeting we encourage you to watch the streaming on the city's YouTube channel. You can access that at meridiancity.org/live. Madam Clerk, we will begin with roll call.

Weatherly: Commissioner Yearsley, I believe you are on mute. I will come back. Commissioner Yearsley is present, but he is currently on mute. Absent are Commissioners Cassinelli and McCarvel.

Seal: Do we want to give Commissioner Yearsley a minute to chime in? We are going to wait just a minute so we can get Commissioner Yearsley audible.

Weatherly: Commissioner Yearsley, are you present? Commissioner Yearsley, can you hear us? Commissioner Yearsley, we cannot hear you.

Holland: Mr. Chair, one suggestion for Commissioner Yearsley. Sometimes when I have had trouble with my audio -- if you go down to where it says mute in the bottom left corner and click the up arrow you can switch to phone audio, if that's not working for you, and, then, we will give you a call in number instead.

Seal: Thank you.

Weatherly: Andrea, just want to do a quick legal check. Without Commissioner Yearsley we do have four Commissioners still, which is technically half plus one. Are we okay to proceed with quorum?

Pogue: Yes. That's a quorum. We don't -- he's here; right? We just can't hear him or see him? We don't know if he can hear or see us.

Weatherly: Correct.

Yearsley: So, who is the vice-chair?

Pogue: There we go. Was that him?

Weatherly: Yes.

Pogue: Okay. I think we can get started, because we do have a quorum.

Seal: Okay.

Weatherly: And we have now established Commissioner Yearsley is present. Thank you.

## **ADOPTION OF AGENDA**

Seal: Very good. Okay. First item on the agenda is adoption of the agenda. Could I get a motion to adopt the agenda?

Holland: Mr. Chair, so moved.

Grove: Second.

Seal: It has been moved and seconded to adopt -- it has been moved and seconded to adopt the agenda. All in favor say aye. Any opposed? Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

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

**1. Approve Minutes of the February 18, 2021 Planning and Zoning Commission Meeting**

Seal: Next item on the agenda -- agenda is the Consent Agenda. We have one item on the Consent Agenda, which is approval of the minutes for the February 18th, 2021, Planning and Zoning meeting. Could I get a motion to accept the Consent -- Consent Agenda as presented?

Holland: Mr. Chair, so moved.

Grove: Second.

Seal: It has been moved and seconded to adopt the Consent Agenda. All in favor say aye. Any opposed? Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

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

Seal: Okay. At this time I would like to briefly explain the public hearing process. We will open each item individually and begin with the staff report. Staff will report their findings on how the item adheres to our Comprehensive Plan and Unified Development Code. After staff has made their presentation the applicant will come forward to present their case and respond to staff comments. They will have 15 minutes to do so. After the applicant has finished we will open the floor to public testimony. Each person will -- will be called on only once during the public testimony. The clerk will call the names individually and those who have signed up on our website in advanced testify. You will, then, be unmuted in Zoom or you can come to the microphones in chamber. Please state your name and address for the record. 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 your group will allow you to speak on their behalf, you will have up to ten minutes to speak. 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 the topic you may come forward in chambers or if on Zoom press raise hand button in the Zoom app or if you are only listening on a phone please 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 do not experience feedback and we can hear you clearly. When you are finished, if the Commission does not have questions for you, you will return to your seat in chambers or be muted on Zoom and no longer have the ability to speak and please -- and please remember we will not call on you a second time. After all testimony has been heard, the applicant will be given another ten minutes to come back and 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 final decision or recommendation to City Council as needed.

## **ACTION ITEMS**

### **2. Public Hearing 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.**

- A. Request: A Conditional Use Permit for a drive-through establishment within 300 feet of a residential use and zoning district on 1.61 acres of land in the C-G zoning district.

Seal: At this time I would like to open the public hearing item for Lost Rapids Drive Through, H-2021-0001. We will begin with the staff report.

Allen: Thank you, Mr. Chair. I seem to be having a little bit of trouble sharing my screen. Can you see my presentation?

Seal: Yes, we can, Sonya.

Allen: You can? Okay. All right. I will go ahead then. I am not seeing it on my end for some reason. So, I'm not sure how to advance my slides. I'm not sure what's going on.

Seal: We do see the Lost Rapids --

Allen: Sorry about that.

Seal: We see Item No. 2, Lost Rapids Drive Through CUP. So, it is up there.

Allen: Are you looking at my hearing outline or are you looking at the PowerPoint presentation?

Seal: It is the PowerPoint presentation.

Allen: Okay.

Dodson: Sonya, I can run it if you would like, if that's easier for you.

Allen: I would like that. Thanks, Joe. I'm not real sure what's going on, but that would be great. All right. This is a conditional use permit for Lost Rapids Drive Through. This site consists of 1.61 acres of land. It's zoned C-G and is located on the west side of North Ten Mile Road north of West Lost Rapids Drive. Yes.

Dodson: You have to quit sharing your screen first. Thank you.

Allen: Okay. Should I go ahead, Joe?

Dodson: There you go.

Allen: Okay. If you would do me a favor to advance the slides I would sure appreciate it.

Seal: Joe, I'm not seeing the presentation. That's interesting.

Dodson: Correct. That's correct.

Allen: Yeah. I'm not either for some reason. All righty. Everybody see it now?

Seal: Yes.

Allen: Okay. Alrighty. So, again, this site consists of 1.61 acres of land. It's zoned C-G and is located on the west side of North Ten Mile Road north of West Lost Rapids Drive. Adjacent land use and zoning. To the north and south is vacant undeveloped land, zoned C-G. To the west is a drive aisle and Costco and future multi-family residential, zoned C-G and R-40. And to the east is Ten Mile Road and across Ten Mile are single family residential properties zoned R-8. This property was annexed back in 2018 as part of the Lost Rapids project. The Comprehensive Plan future land use map designation is commercial. A conditional use permit is requested for a drive-through establishment within 300 feet of a residential zoning district on 1.61 acres of land in the C-G zoning district. The residential zoning district that constitutes the conditional use requirement is located to the southwest of this site where Lost Rapids Apartments are approved and in the development process. There are also residential uses and zoning to the east, as I mentioned, across Ten Mile, but because the uses are separated by an arterial street, a conditional use permit is not required for that reason. There are specific use standards in the UDC that apply to drive-through establishments. Staff has reviewed these standards and finds the following: At approximately 259 feet in length the stacking lane for the drive-through has sufficient capacity to prevent obstruction of driveways and drive aisles by patrons. The stacking lane is a separate lane from the circulation lanes needed for access and parking. The stacking -- the stacking lane isn't within ten feet of any residential district or residence. An escape lane is provided, because the stack -- stacking lane is greater than one hundred feet in length and the drive-through window is visible from Ten Mile Road and an adjacent internal driveway for surveillance purposes. Joe, can you go to the landscape plan, please. Thank you. Access is proposed via a north-south driveway along the west boundary of the site from West Lost Rapids Drive to the south and a driveway via Ten Mile Road exists along the northern boundary of this site. Direct access via Ten Mile Road is prohibited. Parking is proposed in excess of UDC -- UDC standards. A minimum of 23 spaces are required. Seventy-seven are proposed. This lot does have a shared parking agreement with the two lots to the south, which are currently undeveloped. Staff is recommending a pedestrian walkway, a minimum of five feet in width, is provided to the sidewalk in front of the building from the sidewalk proposed along the west boundary of this site, as shown on the landscape plan, and along the north boundary of the site between the sidewalk along Ten Mile Road and the sidewalk along

the west boundary of the site for safe pedestrian access. Next slide, please. Conceptual building elevations were submitted as shown that incorporate a mix of materials consisting of wood siding on the top portion and stone veneer on the lower portion of the building, with glass store fronts and a combination of flat and pitched roof lines. Final design is required to be consistent with the design standards listed in the Architectural Standards Manual. Written testimony has been received from Derek Gasser. BFG Development is the applicant. He is requesting to not be required to provide a sidewalk along the west and north boundaries of the site, consistent with the pedestrian circulation plan approved with the development agreement. Next slide, please. So, this -- this is a copy of the pedestrian connections that were approved as part of the pedestrian plan in the development agreement. It does not show a pedestrian sidewalk along the west or north boundaries of this site. That is an added condition of approval that staff recommends as a provision of the requested conditional use permit. Staff is recommending approval with the conditions in the staff report. Staff -- staff will stand for any questions.

Seal: Thank you. Is there any questions for the Commissioners for staff?

Holland: Mr. Chair?

Seal: Commissioner Holland.

Holland: Their request of waiver on the sidewalk, is there some sort of a site plan design that they are -- they are wanting to waive that for? We can certainly ask the applicant, too. I just wasn't sure if they expressed why they would like to waive the sidewalk.

Allen: Yeah. I would defer to the applicant on their request --

Holland: Sounds good.

Allen: -- Commissioner Holland. Thank you.

Holland: Thanks, Sonya.

Seal: Are there any other questions? Okay. Would the applicant like to come forward?

Gasser: Good evening.

Seal: Please state your name and address for the record and you will have 15 minutes.

Gasser: Good evening and thank you. Derek Gasser. 74 East 500 South, Suite 200, Bountiful, Utah. 84010. Thank you, Commissioner. Thank you, Sonya, for your time and your help on this. As Sonya went through that, you know, we -- we have agreed to -- we feel like we have got a great product here that's been consistent with what we originally had looked at in 2018 when we came through with our initial zoning. We feel like that's going to add benefit to the community, to the established shopping center, and to the

patrons who are in the area. With regards to staff comments, we have -- we will -- we were adding additional landscape screening to the landscape plan. Sonya had called out in her staff notes to have additional screening where the drive through goes through. So, we have made those adjustments. We have submitted those to Sonya and we will include those with the CZC. We also agree with the recommendation for a bicycle rack and have a new site plan that shows that bicycle rack on the property, which will be submitted with the CZC as well. With regard to the sidewalk on the west side of the pad and on the north side, we refer -- go back to what the approved pedestrian connectivity map showed when we did the initial zoning April of 2018. I don't know if -- Joe, if you can pull that up. One back. So, this is what we came through in April of 2018, which shows along all of the perimeters the pedestrian walkway and, then, there is a connection to Costco in those two areas and, then, we also have that pedestrian walkway that goes around along the east side of the drive aisle coming in off of Lost Rapids. Joe, can you go one forward. So, in addition to that what we are proposing is on Ten Mile, the only public road that this fronts, that we would have a pedestrian walkway from Ten Mile, the public road, into the site. In addition to that, we -- we have no cross-parking with Costco. So, in our agreement with Costco as we went through, for reasons we don't want Costco patrons parking in our pad sites and vice-versa, Costco didn't want pad users parking in their site, so we don't have -- we are hoping to not have people park in Costco and, then, walk over to the site. The intent is that that would all be separate. We feel when we look at this on the screen on the left we feel like this provides a safe mode of pedestrian access to the site. The safest way by not having to cross any drive aisles -- excuse me -- by staying along the perimeter on Lost Rapids going up Ten Mile and, then, coming in. I'm trying to think. I think that's -- maybe it would be best just to ask for any questions and, then, I can comment -- comment on any questions.

Seal: Okay. Thank you very much. Commissioners, are there any questions for the applicant? All right. Hearing, then, none, at this time we will take public testimony. Madam Clerk, do we have anybody signed up?

Weatherly: Mr. Chair, we do not.

Seal: Okay. If anybody in the audience would like to testify you can raise your hand and come on up or anybody on Zoom please raise your hand and we will try and recognize you and bring you over so you can speak. Don't see anybody raising their hand. Nobody in chambers is raising their hand. So, if the applicant would like to come back up if you have anything further to say. Commissioners, if you have any other questions you would like to ask.

Gasser: Yes, Commissioner. You know, one last item that we would comment on as we went through this we were basing this off of that approved connection -- pathway connection from 2018 and as we made our site as we went through the preliminary application process and working with staff, we did not anticipate or provide space for a sidewalk along the north side. We are fairly constrained. Currently we have a five foot landscape buffer and we don't have the ability to shift the building to the south to provide that sidewalk there. I guess that's, you know, the only other thing we would add in that.

We -- we don't feel like it's needed. When we look at who is coming into the building we really feel like people are driving to the location and we feel like if they are coming off of the public roads we have great access coming straight off of Ten Mile right into the site. Any other questions?

Holland: Mr. Chair?

Seal: Commissioner Holland.

Holland: In the landscaping buffer that you have proposed on the west and north boundary in lieu of the sidewalk, are there any breaks in the landscaping? If someone was to be walking let's say from the Costco parking lot over through to your site or would they have to access pretty much through that drive aisle walking it?

Gasser: Commissioner Seal and Commissioner, I believe, you know, we have room to do breaks in there. I'm looking at the -- the plan that we have now and I would have to look and see what's been called out on the bushes that are going in there to meet the requirement, but I can't imagine there wouldn't be a way for us to create natural breaks within that landscape barrier.

Holland: I'm sure we will -- we will deliberate on that. And, Mr. Chair, if I can follow up. I'm sure we will deliberate about the sidewalk, but I would say in my opinion if we didn't have a sidewalk I would at least want to see some designated crossing points across those landscape buffers, so that way pedestrians could still access the site without having to drag through, you know, crushed -- crushed rock or bark or whatever kind of landscaping material is there. I know a lot of people will just jump over it anyway, but it's better to prevent that when we can and have easy connectivity for pedestrians, because they will walk over from Costco if they get their groceries there and, then, they decide to come over for a sandwich or whatever it is after they are done shopping.

Seal: Thank you, Commissioner Holland. And I do have a question. Joe, can you back up one slide. I just -- in looking at this I understand where this is a pedestrian connection path here, but I don't think in any way, shape or form this shows that there are no sidewalks anywhere else. So, hopefully, that was not the inference that was -- was going on here. I mean, otherwise, the subdivision to the left would have no sidewalks.

Gasser: When you -- Commissioner Seal, when you say no sidewalks -- so, we have the sidewalk going along -- and I apologize. When we brought this in -- so, this does not show any of the interior site work for the apartment project. There are sidewalks within that community. As far as sidewalks between the uses, there is the sidewalk on the north end that comes all the way around and, then, that east side as well as of the apartments. And did I misunderstand that or is that --

Seal: No. I just -- I'm just hoping that the -- that it's understood that, you know, what's shown in red for pedestrian connections is not the only sidewalks that are supposed to be there and around.



Gasser: And we anticipate, Commissioner Seal, as we go forward on -- on each of the pads that each of those pads will have a connection from the public roadway into the pad as well.

Seal: Understood. Okay. Thank you. Okay. If there is no additional questions can I get a motion to close the public hearing for Lost Rapids Drive Through, H-2021-0001.

Holland: So moved.

Grove: Second.

Seal: It's been moved and seconded to close the public hearing for Lost Rapids Drive, H-2021-0001. All those in favor say aye. Any opposed? Okay. Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Seal: Okay. Who wants to start us out?

Grove: Mr. Chair?

Seal: Commissioner Grove, go ahead.

Grove: I guess I don't have super strong opinions on this in terms of the -- the sidewalks. I understand both sides of why the staff would want it, but also how the applicant has described the -- the noncross-access agreement with Costco, essentially, where they aren't wanting a bunch of pedestrian crossing. So, I would be inclined to agree with the applicant as long as we had something in there about what Commissioner Holland was alluding to with a natural break on that west side for the center sidewalk.

Holland: Mr. Chair?

Seal: Commissioner Holland, go ahead.

Holland: You know, when possible I like seeing sidewalks, too. I can see why staff made that recommendation. Where they are a little bit site constrained with their layout I don't have a big challenge with the way that their -- their lot is laid out with the way that building is going to interface and the drive through. I think that that's fine. I would say at a minimum they need to have some sort of break in the landscaping on the west and the north boundaries and it could just be something where they have a couple of those paver stones for people to walk on to get through whatever it is. I don't think they necessarily have to be ADA compliant or anything like that if we did that. But I would be interested to hear what the other Commissioners' thoughts are on whether or not we allow them to waive that sidewalk.

Seal: Commissioner Yearsley or Commissioner Lorcher?

Yearsley: Mr. Chairman, I -- I agree with both Commissioner Grove and Commissioner Holland. I -- yeah. I agree with both of them on the removal of the sidewalk, as long as we have access.

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher, go ahead.

Lorcher: I don't have a problem with there not being a sidewalk. It's going to be mostly parking lot where there will be plenty of space for people to walk safely.

Seal: Okay. Thank you. My only comment on this is I -- the sidewalks to me, if we allow that to happen here, then, we are going to be missing it along the entire stretch, so -- and I do go to this Costco and I know that people do walk up from Lost Rapids on there and I have seen them walking in the road, not on the sidewalk already. So, that's -- that's my only concern with this, is that the interpretation is going to be that, you know, since there is already a walking path diagram out there that nobody has to supply sidewalks in here for this. So, my question would probably be to staff on that as far as what do we have in place to ensure that when sidewalk is more appropriate that we can enforce something to put that in.

Allen: Chairman, Commissioners, the UDC only requires sidewalks adjacent to public streets. The driveway along the west side and along the north side of the property are not public streets. There will be a lot of pedestrian traffic I anticipate from Lost Rapids Drive to the south. Lost Rapids Apartments is kitty-corner southwest of this site that's currently in the application process. There is a sidewalk that is required along the east boundary of the apartment complex, which is the west side of the north-south drive aisle. But there is nothing on the east side. None of those lots are developed yet. This is the first lot that's coming in. There is a pedestrian connection from Lost Rapids along the east side of the multi-family development and, then, it goes up to the Costco site. But nothing to the east.

Seal: And, Sonya, there is no other pedestrian crossways on Ten Mile from Lost Rapids to -- up to Chinden; correct?

Allen: I'm sorry, I'm not understanding your question. There is a -- there is a sidewalk along the west side of Ten Mile to Chinden.

Seal: Right. But there is no like a -- pedestrian crosswalks or anything. I know there is one through there somewhere, but I think it's south of Lost -- of Lost Rapids. Just trying to make sure that we are not going to short side somebody that's coming across Ten Mile on a bike or, you know, walking or something like that from one of the subdivisions to the -- to the east.

Allen: Yeah. The pedestrian circulation plan is as shown.

Seal: Okay. Thank you. Anymore discussion or would somebody like to take a stab at a motion here?

Holland: Mr. Chair, I'm still struggling a little bit with the sidewalk, because the way that it's set up the sidewalk that's on the west boundary coming up, it will end right where this lot begins and so you will have a lot of people taking that -- walking crossing over that drive aisle to get into this on pedestrian or bikes and so I do worry a little bit about the safety of that in the long run. Sonya, will there be a sidewalk or anything that divides this specific pad site from the pad sites to the south of it?

Allen: Chairman, Commissioner Holland, no, there will not be.

Holland: Sonya, do they have room on their site plan that they could put one on the south side?

Allen: Chairman, Commissioner Holland, not really. They -- they made a modification to the site plan to shift the trash enclosure. You can see it at the southeast corner of the site, basically just a little bit off the property line, enable to -- in order to enable the trash service to pull in and service the dumpster and not have conflicts with the drive through lane. So, we have scooped that as far as we could to the south.

Holland: And I'm worried, too, that if we require them to do sidewalk they don't have enough room to do that right now without getting rid of completely all of the landscaping.

Allen: Yeah. I -- I'm not real sure why the applicant doesn't want to do it on the west side. They originally showed that on the landscape plan. Joe, if you will scroll up a couple slides. It appeared to have enough room. You can see it there. But -- but the one along the north boundary only has five feet for landscaping. So, adding a -- you would either need to remove the landscaping and put in a pathway or a walkway. It is a code requirement next to vehicular driving surfaces that they have a perimeter buffer, that -- that could be waived through alternative compliance, but, really, the -- it would just require the site to shift or remove a parking stall or so and the -- part of the patio area if it was -- if a walkway was put in along the north.

Holland: So, a follow-up question. Could we require a pathway on the western boundary and, then, just ask for breaks in landscaping on the northern boundary? Would that be a fair compromise?

Allen: You can. I'm not sure you want to promote pedestrians walking through the drive aisle to access the site that way though.

Holland: Sure.

Allen: You know, there is a pedestrian connection near the southeast corner from the sidewalk along Ten Mile that would come in to this building, but other than that there is

not one that's going to be put in until further to the north for the pedestrian circulation plan for the site from Ten Mile.

Holland: Would it make staff feel better if we recommended at least a minimum of doing a sidewalk just on the western boundary and, then, left the northern boundary as a landscape berm or buffer?

Allen: I think anything helps. You know, it's -- it's a safety issue is the basis for staff's recommendation, but it's -- it's under your purview with the conditional use permit.

Holland: Mr. Chair?

Seal: Commissioner Holland, go ahead.

Holland: I will throw out a motion and see if it sticks.

Seal: Thank you.

Holland: After considering all staff, applicant, and public testimony, I move to approve file number H-2021-0001, as presented in the staff report for the hearing date of March 4th, 2021, with the following modifications: That they would be required to construct the sidewalk on the western boundary, but that they would be allowed to maintain having the landscape buffer instead of sidewalk on the northern boundary.

Seal: Is there a second?

Yearsley: I will second.

Seal: Okay. It is moved and seconded to approve item number H-2021-0001 with the modifications. All those in favor say aye. Any opposed? Okay. Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

**3. Public Hearing for Kiddie Academy (H-2021-0003) by neUdesign Architecture, LLC, Located at 3335 E. Victory Rd.**

- A. Request: A Conditional Use Permit to construct a new 8,436 square-foot, single-story daycare facility on approximately 1 acre of land on Lot 3 of The Shops at Victory plat in the C-C zoning district.

Seal: Okay. Next item. I would like to open the public hearing for item number H-2021-0003 for Kiddie Academy.

Dodson: Thank you, Mr. Chair. Give me a couple of seconds here to get the presentation up.

Seal: Thank, Joe.

Dodson: Thank you. Before I start I do want to note on the outline when I was writing it I forgot to change the possible motions. There is a CUP request, so if you make a motion to approve or deny, not recommend, since you are the acting body. Just to let Commission know.

Seal: Understood. Thank you for the clarification.

Dodson: First item by me before you tonight is the Kiddie Academy conditional use permit. The site is located at 3335 East Victory Road, which is near the southeast corner of Victory and Eagle Roads. It is approximately one acre of land and currently zoned C-C as noted in the central picture here. To the north is C-C and R-15 zoning with future multi-family that is approved there and undeveloped commercial land. To the east is R-4 zoning and existing single family residential. To the south is a large RUT parcel that is a county residential parcel and to the west is C-C zoning and Rite-Aid existing commercial property. The applicant is requesting a conditional use permit for a new 7,926 square foot single story daycare facility. The applicant has noted a maximum child capacity of 158 children and no more than 21 staff members on the property at peak hours. Staff has recommended a condition of approval to limit the number of children served to this number of 158. The applicant did not apply for a design review with this application, but have provided staff with conceptual elevations as seen. These elevation show adequate facade modulation, a number of field materials, and appropriate scale and finish materials for the proposed use. Prior to obtaining building permits the applicant will be required to obtain certificate of zoning compliance and administrative design review approval. Access into the site is proposed via driveway connections from Victory and Eagle as seen here, here, and two driveway accesses on Eagle, which are existing. In addition to the access points, the parking abutting Victory is also existing. Following initial review by staff the applicant revised the site plan to provide a better circulation plan and better circulation pattern. The revised site plan shows 30 total parking stalls, of which 18 are new, and additional parking on the north side of the building to the west -- and to the west. Between these western spaces the applicant is constructing a drop-off and pick-up area here. This drive aisle is shown as a one way drive aisle for parents that goes from the south to the north adjacent to the west facing center. The applicant has proposed a one way drive aisle in this direction with the anticipation of a majority of the future children coming from subdivisions to the south, because it has an easier access from those existing subdivisions and the adjacent, as noted in the other picture, the existing driveway connections along Eagle. Staff finds that the site plan provides adequate safety and circulation to meet the required specific use standards. In addition to the future building itself, the applicant is also proposing three outdoor play areas noted on the plan with the three colors. These play areas are shown to be fenced for safety and the fencing is supposed to be six foot nonscalable, which is being proposed and meets code. The subject property has an existing sidewalk connection to the subdivision directly to the east and this sidewalk connection will also be maintained with this new use. Maintaining this pedestrian connection makes this a truly walkable commercial use and offers adjacent

parents and extremely safe access to the daycare. Staff does recommend approval of the requested CUP application and I will stand for any questions.

Seal: Thank you. Are there any questions that the Commissioners have for staff? Okay. Seeing none, would the applicant like to come forward. Good evening. Please state your name and address for the record.

Bidwell: Thank you, Mr. Chairman and Commissioners. And thank you, Joe. I'm Amanda Bidwell with neUdesign --

Seal: Get just a little bit closer to the microphone.

Bidwell: Amanda Bidwell with neUdesign Architecture. 725 East 2nd Street in Meridian, Idaho. So, I'm here on behalf of Kiddie Academy today. As you can see on the screen -- yeah -- we have proposed some preliminary elevations that kind of tie in with the existing Rite-Aid that's over there, using some stucco and complimentary awnings. Go to the next slide. The buildings located next to the Rite-Aid off of Eagle and Victory on an existing pad site -- Joe has already talked about the access points from Eagle and Victory and we have adequate access to our building. If you can go to the next slide. So, as mentioned it's on about an acre parcel. The building is roughly 7,950 square feet and we are proposing three separate play areas to add variety for different ages of children on the site and, then, we are also offering 30 parking stalls on the site and there is a pedestrian connection currently shown on the site plan to the east. Staff has recommended we also provide one out to Victory Road, continuing that same sidewalk to the north, and we agree with that, so we will provide that in the CZC application. Next slide, please. One of the most important parts of the circulation on our site is that drop-off and pick-up lane. Vijay, the owner, has experienced in his other daycare facilities that he has an average of a maximum of four parents dropping off at any one time. So, with that drive aisle and the provided parking stalls we have plenty of space to prevent queuing out onto either Victory or Eagle with our site circulation. Next slide. So, the landscaping is shown all around the building. It does meet code there. And another feature that we have is a fence surrounding the building. That's for -- you will see on the next slide there are doors exiting from each classroom and that they exit out inside the fence to direct children around to the back and just promote safety that way. The floor plan has a variety of classrooms. We are requesting a maximum of 158 children. There will be an average of 15 employees on staff with 21 during peak hours in the middle of the day and we are proposing operating hours between 6:30 a.m. and 6:00 o'clock p.m. Next slide. So, just a closer look at our elevations. Like I said, stucco and awnings to tie into the Rite-Aid with some of our own materials as well to give it a unique look. So, with that I will stand for any questions.

Seal: Thank you. Are there any questions for the applicant?

Holland: Mr. Chair?

Seal: Was that Commissioner Holland?

Holland: I know that we are just reviewing the -- the site plan here and the conditional use request. I'm just curious about the staff-to-kids ratio. I believe the state has a requirement of six to one. Is the applicant planning to meet that state requirement?

Bidwell: Yes, we are.

Lorcher: Mr. Chairman?

Seal: Go ahead, Commissioner Lorcher.

Lorcher: You mentioned that Kiddie Academy has other locations. Are they here in the Treasure Valley?

Bidwell: No. They are in Portland and Vancouver.

Lorcher: And how long have they been established?

Bidwell: I don't know that information off the top my head, but I know my client has had his facilities well established for the last several years.

Lorcher: Okay. Thank you.

Dodson: Mr. Chair?

Seal: Go ahead, Joe.

Dodson: I did forget to mention that the -- in addition to the parking provided on site, the applicant and this property does have cross-access and cross-parking agreements with the Rite-Aid and the future third commercial lot south of Rite-Aid as well. So, they will have opportunities to park beyond the 30 and beyond the site.

Seal: Okay. Thank you. Anymore questions from the Commissioners? Okay. At this time we will take public testimony. Madam Clerk, do we have anybody signed up?

Weatherly: Mr. Chair, we didn't have anybody signed up. There was one person online that raised their hand, but subsequently lowered their hand. There they are again. Vijay, one moment.

Llavarasan: Hi. Thank you. I just wanted to answer that one question that came up. We have been operating for the past four years and during our fifth year of operation --

Seal: Sorry, sir. Can you go ahead and state your name and address for the record.

Llavarasan: Sure. This is Vijay Llavarasan and my address is 2219 Northwest Sierra Way, Camas, Washington.

Seal: Okay. Thank you. Go ahead.

Llavarasan: Yeah. My wife and I we have been operating a childcare center for the past four years and that's -- just wanted to make sure -- I think a question came up for how long we have been operating. So, just wanted to share that information, that it's for the past four years and, then, Kiddie Academy itself is a nationwide system and they have been for 35 years -- operating for 35 years.

Seal: Okay. Thank you very much. Any questions for the applicant?

Lorcher: Mr. Chair?

Seal: Go ahead, Commissioner Lorcher.

Lorcher: So, to the gentleman that was on the telephone, so this is more of a franchise concept, as opposed to grassroots starting new?

Llavarasan: Yes, ma'am, it is a franchise, but each location is independently owned and operated. So, it would be me and my wife that will be fully owning and operating it.

Lorcher: Okay. Thank you.

Seal: Okay. Do we have anybody else that would like to come up? Anybody online? No? Would the applicant like to come up and close?

Bidwell: Thank you. We think this is a really great opportunity for the surrounding neighborhoods to have a daycare facility located very close to them, so we are excited about this project and I'm here for any additional questions.

Seal: Are there any further questions from the Commission? All right. Hearing none, at this time can I get a motion to close the public hearing for item number H-2021-0003, Kiddie Academy.

Grove: So moved.

Yearsley: Second.

Seal: Okay. It has been moved and seconded to close the public hearing on item number H-2021-0003. All those in favor say aye. Any opposed? Motion carries.

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

Seal: All right, Commissioners. Who wants to lead off?

Grove: Mr. Chair?



Seal: Commissioner Grove.

Grove: I don't see any issues that jump out at me. Definitely need additional daycare, childcare facilities in the area and this would be a good addition.

Seal: All right. Thank you. Anybody else? Shy bunch this evening.

Holland: Mr. Chair?

Seal: Commissioner Holland.

Holland: I don't see any concerns, so since nobody else was jumping up, I will just make a motion and see if it goes somewhere. After considering all staff, applicant, and public testimony, I move to approve file number H-2021-0003 as presented in the staff report for the hearing date of March 4th, 2021, with no modifications.

Grove: Second.

Seal: It has been moved and seconded to approve item number H-2021-0003 for Kiddie Academy with no modifications. All those in favor say aye. Any opposed? Okay. Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

**4. Public Hearing Continued from February 18, 2021 for Foxcroft Subdivision (H-2020-0113) by Gem State Planning, LLC, Located Directly West of Ten Mile Road, on Both Sides of the Proposed Pine Avenue Extension and East of the Ten Mile Creek**

- A. Request: Annexation of 23 acres of land with a request for the R-8 zoning district.
- B. Request: A Preliminary Plat consisting of 85 building lots and 31 common lots on 35.7 acres of land in the proposed R-8 zoning district and existing R-15 zoning district.
- C. Request: A Conditional Use Permit for a multi-family development consisting of a total of 216 residential units on 12.74 acres in the existing R-15 zoning district.

Seal: All right. Are we ready for the next one? Okay. At this time I would like to open the public hearing for item number H-2020-0113, which has been continued from February 18th, for Foxcroft Subdivision. We will begin with the staff report.

Dodson: Thank you, Mr. Chair. Now we are on to the fun ones. As noted, this is for the Foxcroft Subdivision. This project consists of multiple properties totaling 35.7 acres of

land, which is -- the majority of it is currently zoned RUT, but 12.7 acres of it are already zoned R-15 from an older approval. The site is located directly west of Ten Mile Road and is on both sides of the proposed Pine Avenue extension and it is east of the Ten Mile Creek, which abuts the property entirely on its west boundary. This project is surrounds --

Grove: Mr. Chair?

Seal: Go ahead, Commissioner.

Grove: Joe, did you want to switch slides before --

Seal: Yeah. We are not seeing the slides on Zoom. Sorry. I could see them in chambers.

Dodson: Interesting. That is odd.

Seal: There it is. Thank you.

Dodson: Thanks, Commissioner Grove. So, as noted, this is 37 -- 35 and a half acres, 12 of which are already zoned R-15, located west of Ten Mile and on both sides of the proposed Pine extension and all the Ten Mile Creek borders it on the west boundary entirely. In addition, it surrounds the Mile High Pines Subdivision, which is the -- I guess the white area shown here -- has not yet done their rezone, but they have garnered approval from City Council. To the north is R-4 and R-8 zoning with detached single family, as well as to civic uses, Chaparral Elementary School and Fuller Park. To the east is Ten Mile Road as noted and across that is C-C. That's not right. No. C-C and RUT zoning as I noted, which will be the future Mile High Pines, which is R-15 zoning, as well as some C-G zoning. To the south is the railroad property and south of that is C-G zoning with some self storage. To the west is the Ten Mile Creek and further west of that is R-8 zoning and existing detached single family homes. As noted, the R-15 piece already -- is obviously zoned. It received approval and annexation in 2005. However, the development agreement and use and plat were never signed and never -- I guess fully issued. Therefore, the property did receive zoning however, but no development agreement, no concept plan, and no plat are currently approved or relevant on that site. It does have two future land use designations on the site, medium density residential and mixed use community. The formal requests for this are threefold. An annexation and zoning of 23 acres of land, with a request for R-8 zoning designation. A preliminary plat consisting of 85 building lots and 31 common lots on 35.7 acres of land in the proposed R-8 zoning and the existing R-15 zoning and a conditional use permit for multi-family development consisting of a total of 216 units on the 12.74 acre site in the existing R-8 -- R-15 zoning district. The total unit count between both areas of the project is 291 units, 75 single family, and 216 apartment units. The proposed uses as noted are multi-family and single family residential. The single family is proposed as mostly detached single family, but there are also some attached single family duplexes and alley loaded single family. I will let the applicant speak to a little bit more about where those are located. The project is proposed with a gross density of 8.17 dwelling units per acre, which according

to the provisions within the Comprehensive Plan is rounded down to eight dwelling units per acre, meeting the Comprehensive Plan designation of medium density residential, which allows three to eight dwelling units per acre. Again, this does fall at the maximum allowed within the medium density residential. The majority of this project contains medium density -- or the medium density residential designation, but there is an area in the southwest portion of the site that contains the mixed use community designation. Mile High Pines, as noted, already approved earlier this year just to the south and east of this project and contains -- they are entirely mixed use community and they also have the mixed use community elements within their site plan by having commercial along Ten Mile and some additional multi-family that are half single family -- or, sorry, half single story and half two story. In addition, the existing commercial to the east should be taken into account when discussing the overall area of mixed use community. I lost my place. Sorry. Future land use designations are not parcel specific and, therefore, when a project contains more than one designation applicants have the opportunity to float designations and a proposed project that may fit with both or only one of the designations. In this case the applicant has not chosen to include any commercial uses with the subject property and, instead, has proposed a project that is entirely residential corresponding with the medium density residential designation. Despite intentionally not proposing a project consistent with the MUC designation, the applicant understands that some integration of uses and incorporating adequate transition between users is still important. Thus the applicant and that of the project to the east, Mile High Pines, have worked together to allow cross-access between the projects located on the south side of Pine Avenue, so both vehicles and pedestrians can have easier access to the commercial approved on the west side of Ten Mile and that would be right here. As well as an emergency access here that more than likely I would walk through, because it's only going to be bollards, so that's another pedestrian connection. Much of -- much of staff's analysis within the staff report regarding the apartments was based on the transition between these units and the existing two story single family homes to the north. Following publication of the staff report, the applicant provided additional information and exhibit to show that the third floor of the three story buildings will only be approximately four feet higher than the second story of the adjacent single family homes. My other discussion and analysis regarding the density and the MUC designation were somewhat misplaced and should not remain in the staff report. Following review of this information staff is recommending that some of the conditions of approval and DA provisions be changed or removed in line with the provided staff memo submitted on Monday, March 1st. With the latest information provided to staff, staff finds the proposed project complies with the Comprehensive Plan. To dive into this exhibit a little bit more quickly, you can see the elevations of the existing and the proposed. There is a presumed approximate four feet of fill and/or foundation for the apartments and, then, you have the first, second, third floor, which as you can see not that much higher than the adjacent second story, which I was concerned with initially. It will also be more than 80 feet away from the abutting adjacent homes to the north. So, line of sight is going to be very difficult to see into their yards, which is preferred and I can understand that perspective, which is why I initially had them being reduced to two stories. As noted in my memo, Commission does have an -- well, with the CUP process Commission does have the authority to limit any part of the multi-family as well. The applicant submitted conceptual renderings for the proposed apartments and some photo

examples of the proposed single family homes. The submitted multi-family elevations show traditional walk-up garden style apartment buildings. The buildings appear to have at least three field materials of stucco, lap siding, and stone and they incorporate adequate roof plain variation. The -- the buildings do appear to share an identical color palette, which is not -- which does not meet the ASM, the Architectural Standards Manual. Multi-family and attached single family homes require design review prior to obtaining building permit approval. So, at that point staff will ensure compliance with the ASM. Here is some examples of the attached duplexes, the alley loaded, and, then, the standard home lots, the detached single family. Let's go back to this one. As shown on the master street map, the applicant is proposing to construct and extend Pine Avenue as a 36 foot wide collector street from Ten Mile Road to the Ten Mile Creek and construct a vehicle bridge over the creek. Mile High Pines is also required to construct their portion of the south side of the Pine extension to their western boundary. So, to be more clear, this applicant will construct half the roadway and this section on the full roadway segment of Pine here and construct the pedestrian -- or the vehicle bridge across the creek. All projects are required to construct this public road extension with the first phase of development to help with community infrastructure and overall site circulation -- or really road circulation through this area of the city. The multi-family portion of the site is proposed with two driveway access points to Pine, both being full access points. One here and one here. ACHD has approved these access points despite the eastern driveway not meeting their offset requirements for a full access and needing a 25 percent modification to their policy to be approved. Moving this access further west would significantly change how the triangle shaped R-15 piece could be developed, which aided in ACHD's determination to allow this access as proposed. In addition, it lines up with the access within Mile High Pines to the south. All of the streets within the single family portion of the site are proposed as public local streets at width of 33 feet wide, which allow on-street parking where no driveways exist. There is also a short segment of roadway in the south area of the site located here and labeled as alley on the site. It's not actually an alley, it is considered a minor local urban street. I might be mixing the words up. Minor urban local. To service five of the alley loaded homes along Pine. This road is a reduced street section of 24 feet and does not require sidewalks. There are plenty of other sidewalks adjacent to this area that serve these units, as well as the open space surrounding it. The revised preliminary plat shows 75 single family building lots and nine multi-family building lots, with 41 common lots, totaling 125. Of the 75 single family lots, three are proposed to contain homes that are to remain and be part of the new subdivision, two in the south and one in the north along Pine, which you can guess are three larger parcels here. All proposed building lots appear to meet UDC dimensional standards on the revised plat. The applicant proposes to construct the project in three phases, starting with the south -- southwest you could say and, then, move to the northwest and, then, finish with the multi-family project in phase three. The cul-de-sac in the south of the site is approximately 720 feet in length and it connects to an emergency access within the Mile High Pines project as noted. This length of cul-de-sac and/or dead-end street, according to code, is beyond the 500 feet allowed and require City Council approval to be longer than 500 feet. The single family homes are required to show compliance with the parking standards at the time of individual lot development, but as noted the local streets are wide enough to accommodate on-street parking. Based on

the number of bedrooms the minimum parking required for the multi-family is 411 spaces. The revised site plan shows 440 exceeding code requirements by 29 spaces and amounting to slightly over two spaces per unit, which is my understanding an industry standard for multi-family development. Staff believes the revised site plan with additional parking spaces provides adequate parking without producing a waste of land area. A minimum of ten percent qualified open space is required to meet UDC standards in the 11-3G-3 section. In addition, the applicant is required to meet the multi-family development common and private open space standards for the specific use standards for multi-family development. Combine the required -- required amount of minimum qualifying open space that should be provided is 4.81 acres. The applicant's revised open space exhibit shows a total of 7.3 acres of qualifying open space. The applicant is proposing 5.7 of this area to meet the minimum ten percent and it actually amounts to approximately 16 percent. The qualified open space consists of the required street buffers, a little area along Ten Mile, but mostly the ones adjacent to Pine, the Ten Mile Creek area, which is allowed to remain natural per code, and other open space areas throughout the site as noted in the darker green on the shown exhibit. This area exceeds the minimum UDC requirement. The remaining 1.6 acres, approximately, meets the common open space standards for the multi-family development and consists of the clubhouse, pool, with some -- that doesn't make sense. Consists of a clubhouse and pool and other open space areas that meet the required dimensional standards of 20 by 20. The single family portion of the site requires one amenity per code and the proposed multi-use pathway meets this requirement. The multi-family development proposes over one hundred units, so the decision making body shall require additional amenities above the minimum four noted within code. The applicant is proposing five qualifying amenities. A clubhouse, a swimming pool, fitness facilities, pedestrian and bicycle paths and open space that is at least 5,000 square feet in size. Because of the number of units staff is not in full support of the proposed five amenities can adequately serve the apartment units. The applicant and I have discussed additional possibilities and I assume that they will be discussing that with Commission tonight as well. A ten foot wide multi-use pathway is required and proposed along the property's western, northern and southern boundaries per the master pathways plan. The submitted plans show compliance with this master plan. Staff originally required that all pathways be constructed with the first phase of development, but with the Pine Avenue extension and the detached sidewalks along its -- its entire length, plus the first phase segment of pathway along the south and west boundaries, staff now finds that the pathway should be constructed along with each phase. So, to say that another way, their phasing plan already shows them starting here and, then, moving in a clockwise pattern. They will already be constructing the southern multi-use pathway and the western one, which will connect to the detached sidewalks along Pine, as well as an existing multi-use pathway segment here and, then, be able to get to Fuller Park and the school. With this they can get out to Ten Mile and the existing sidewalk there. So, there is not necessarily a need with phase one to have the multi-use pathway segment here or even this segment here, because there will be adequate ability to get to the adjacent open space and school with phase one and the Pine Street extension. The submitted memo outlines this revision as well. Overall this applicant is proposing to construct approximately 4,500 linear feet, which is .85 miles of pathway with this development and does not include the detached sidewalks along Pine Avenue. This

is an abnormally high number for one project to construct, so staff is very appreciative of the proposed pathways that are required, as well as those that are not required, but being proposed. The new pathways constructed in this development would offer multiple avenues for residents in the vicinity to safely get to Fuller Park and Chaparral Elementary. Staff is in full support of the proposed pathway plan for the subject development. This application did receive some public testimony prior to the hearing. As of this afternoon there were six pieces of testimony discussing disapproval of the project. The main issues outlined in those were regarding the extension of Pine and not wanting it to be extended. The density of the proposed project -- project and the safety of pedestrians going to and from Fuller Park and crossing the new extension of Pine or the existing area of Pine in the western subdivisions. Staff does recommend approval of the subject applications with the conditions contained in the staff report, as well as the DA provisions, but with the revisions noted in my memo dated Monday, March 1st, and after that I will stand for any questions.

Seal: Thanks, Joe. Are there any questions the Commissioners have for staff?

Grove: Mr. Chair?

Seal: Commissioner Grove, go ahead.

Grove: Joe, question for you, because I know it's going to be brought up and you have already mentioned it in the written testimony from the public, but can you speak to the connection for Pine and how that is aligned within the master street map?

Dodson: Absolutely, Commissioner Grove, Members of the Commission. On the master street map -- I don't know if it's -- I can't see it in these. Pine is shown as a future collector roadway, meaning it's supposed to help local streets of subdivisions get to the arterials, which would be Black Cat to the west and Ten Mile to the east. This was always going to be extended, it's always been part of the plan. Collector roadways are usually constructed by applicants and not ACHD, which is why this applicant, as well as the Mile High Pines applicant are required to construct it with these applications. They will be also constructing the bridge over the Ten Mile Creek, which is, obviously, one of the more expensive pieces -- pieces of the project for this required access. It will -- Pine will be extended from the west all the way to Ten Mile between the two projects. Should line up on -- on the section line between the south and the north and should align with the existing stub to the west. Does that answer your question, Commissioner Grove?

Grove: It does. And I guess a follow-up question, because it was brought up in the testimony, but could you speak to the -- I guess signalized lights on the east, but how -- I think a lot of the concerns were how it affects the nonsignalized intersection to the west, but since that's not part of this project how -- how this is addressed or not able to be addressed with this project.

Dodson: Great question, Commissioner Grove. So, yes, as noted the Black Cat and Pine intersection is an off-site thing and generally speaking very rarely does the city

require off-site improvements. This would be one of those cases where we are not going to require that. It's not just the city, but also ACHD noting that there are not yet enough vehicle trips at that intersection to trigger a signal. That doesn't mean that Black Cat is not going to be widened, which it is slated to be widened in the coming years, thankfully, from Franklin all the way to Cherry. Whether that includes a signal I am not aware of that. I am -- from what I have seen I have not known of a signal to be placed at Pine and Black Cat. However, with this extension the majority of people in the subdivisions that are to the west, if they need to get to the freeway likely they are going west to Black Cat and, then, down to Franklin, back out to Ten Mile. Now those trips would be heading directly east and not utilizing the Pine and Black Cat intersection, which should help alleviate some of that traffic. I can't speak to the traffic associated with the school site south of where all of this is at, but that's also why ACHD is planning to widen Black Cat hopefully sooner than later. My understanding is within the next five year work plan that they are including the widening of that road. But this extension should alleviate some of the issue, because people would logically go east to get to Ten Mile, rather than heading west and going around the subdivisions.

Grove: Thank you.

Dodson: You're welcome.

Seal: Any other questions for our staff?

Lorcher: Commissioner?

Seal: Go ahead. Commissioner Lorcher.

Lorcher: So, the -- ACHD signed off on it, even though all these homes are going in with the extended traffic that's going to be on Ten Mile?

Dodson: Commissioner Lorcher, that is correct. Yes. ACHD very much wants this extension to help alleviate some of the traffic issues further to the west off of Black Cat.

Lorcher: Off of Black Cat. Okay. Thank you.

Dodson: Yes, ma'am.

Seal: Any other questions? Okay. Would the applicant like to come forward? Go ahead and state your -- state your name and address for the record, please. You have 15 minutes.

Suggs: My name is Jane Suggs with Gem State Planning and I'm here representing Foxcroft Subdivision. Is it okay if I do this without my mask?

Seal: I think you are okay.

Suggs: It fogs my glasses up. And, then, Joe, do I just press down if I want to get -- or do I tell you? Okay. And I will move over here and --

Seal: Just make sure you are speaking into the microphone, so we can --

Suggs: Got it.

Seal: -- get everything recorded correctly. Thank you.

Suggs: Again, Jane Suggs, Gem State Planning. 9839 Cablecar Street. Representing Foxcroft Subdivision. Happy Idaho Day. Today's the day. We really appreciate working with the staff. We updated our plans. I want to very much thank Joe Dodson, who was very helpful. Bill Parsons. Bruce Freckleton. Joe B -- because I can't always pronounce his name. The fire marshal. And others. We are very happy to say that we agree with all the conditions of approval and those are the ones that are outlined in the March 1st memo. Right now Foxcroft is an in-fill community that is approvable as conditioned. So, everybody can breathe. We talked about this -- Joe talked about this a little bit. I'm going to tell you a little bit more about Foxcroft, but while I do keep in mind that with the approval of the Foxcroft as we proposed, this developer, single handedly, will construct the vehicular bridge over Ten Mile Creek and we are going to finally provide that much needed connection. That is something that ACHD has been wanting to happen. We are also going to make the connection on Pine Avenue and this is unusual that we are doing this in the first phase. Typically you would do this type of construction throughout and have it completed after you have completed your project, because there is a lot of cost involved in that. This is a little bit of a different thing to do this all during phase one, but I believe Mile High Pines also had a condition to do their work on Pine -- Pine Avenue at phase one. So, we are going to work together and make sure that when we get started you will have a connection, not only the bridge, but -- well, of course, it will take a while to build it, but curb, gutter, and sidewalk along Pine Avenue, which I think will be a wonderful connection for the folks who live in that area. I also want to put this project a little bit in -- since it's an in-fill project and put it in context. You can -- you can see -- I don't know if you -- if this works. Oh, there we can. Oh. So, here we are. This is the R-15. This is the Mile High Pines project and this is our project north and south of Pine. There has been a lot of activity south of this project at the Ten Mile interchange as you know and you will recall that the Mile High Pines development did include over 28,000 square feet of commercial property. That's how they finally got approved. The Foxcroft community can certainly support that commercial with rooftops and the pedestrian access that you will see. We have a lot of that. We believe that Foxcroft is a really great transition and it's between this commercial area that you see in this part of Meridian. Again, a little squirrely here, but -- there we go. All the commercial here and this is a nice transition with single family and multi-family housing. It also is adjacent, as Joe mentioned, to Fuller Park and Chaparral Elementary School. Schools and parks. That's where you want to put houses. That's where you want to put people. A lot of them. Foxcroft apartments are already annexed, as Joe mentioned, and zoned for high density residential. The apartments will offer a 3,000 square foot clubhouse with community room, fitness rooms, and a kitchenette, plus a swimming pool and I'm going to show you a couple of renderings



that for -- some of these were in your package. It shows you some of the apartments and the pool and other views of the apartments. Now, we have -- we are asking for a conditional use permit for that. We did not do design review on this particular application. So, we will be coming back for design review, as Joe mentioned. We will be looking at our palette of colors. So, this plan shows the different types of lots. This is a color-coded map showing the different housing types. The blue lots -- the grayish blue lots -- and they are the larger lots -- are the existing homes that are out on this Pine Avenue, which, really, is just a dirt road right now, it's not even a dedicated right of way at all. They will remain as part of the plat. The peach colored lots, the ones south of Pine, are single family detached homes. They will face Pine and they will have garages in the back and this makes for a really nice streetscape as you are going down Pine and that's one of those homes. Again, there are some yellow lots on the north side. These are the two unit townhomes that Joe had mentioned. I will show you what they look like. And these are two story townhomes. There you go. And the tan lots are the ones that are just standard single family detached homes and there is an example of one of those. Even though we are within walking distance of Fuller Park -- and Fuller Park -- if you haven't been out there it's incredible. Twenty-three acres, picnic shelters, restrooms, playgrounds, three baseball fields, volleyball court and there is even a pond to go fishing. We also want to have a couple of intimate spaces within the subdivision of Foxcroft for our residents to recreate and gather. So, here is something showing those amenities. You will see the gazebo, Pergola Park. You see a circle around the clubhouse and fitness facilities. In the apartment complex, the playground area, and, of course, we have community pathways around the entire project. Here is a picture of our -- I call it Pergola Park, because that's a cute pergola. Opportunity for people to gather in that location in the north part of the project. And, then, we have the playground that's in the south part. Again, they are -- the playground equipment and larger over in Fuller Park, but sometimes you got little ones and you just want to be able to walk across the street and this provides that opportunity with some seating around the park, so the kids can play. Again, a little more intimate setting for just the residents of that neighborhood. We do have extensive connectivity within the project. We are constructing, as Joe mentioned, several regional pathways. The ones on the north boundary, the pathway along Ten Mile Creek, and along the south boundary, which is next to the railroad track. This is in addition to all those yellow marked up sidewalks that you see throughout the project and, unfortunately, we didn't show, because every one of those apartment buildings also has sidewalks in front of it, too. So, there is lots of ways for residents to move around in a pedestrian way. Now, the way I look at it with the connections that we have here, you can get your steps in. We also appreciate the fact that we do have a path -- there is a pathway that runs along the Mile High Pines, along their west border, that we can access and get into the commercial areas pretty easily to support them in a pedestrian way, which is very nice. And, of course, we also have the easy access up to the school and to the park. I can stand for questions. But first let me say how much I appreciate, again, the staff working with us on these conditions. We are in agreement with all the conditions and we very respectfully request your recommendation of approval to City Council for the annexation and rezone, the preliminary plat, and the CUP for the apartments as conditioned in the March 1st memo and I will stand for some questions.

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

Grove: Mr. Chair?

Seal: Go ahead, Commissioner Grove.

Grove: Yes. I have a question on the southern parcels. Are -- and how the access to those lots will work. Are those indicated as driveways? I was a little -- I couldn't really tell what those were intended as.

Suggs: Yeah. Thanks. Those are on the very bottom of the property. I mean against the railroad track. Those are shared common lots that are -- well, excuse me. They are single family homes that have a common driveway, so because we have such an odd shaped lot there, there wasn't any way to really get a street to wrap around, so they will access to the cul-de-sac and you will see several of those were there -- the lots on the very southern border will take their access to a common driveway and you will see that as they are shared there. So, those are single family, they are not multiple family lots, and they are pretty good size lots. They just have to share that common driveway and they are -- they are popular all over town when you have these odd shapes and that's a little bit about why we have to design this way and why we design for residential is because of the odd shape of this property. Does that help? Is that what you are talking about, Commissioner?

Grove: It is. Thank you. And if I can get one other question. Is there future plans for the three existing residential lots to be developed in the future or are those intended to stay as is in perpetuity?

Suggs: Well, it's hard to say. They are going to be part of the plat. They will be zoned R-8. We were asked by the staff to take a look at how the two on the south side, since they are larger, how they might redevelop and we wanted to make sure that there would be a possibility of doing that by making sure that we didn't landlock them and -- do you have that, Joe? Do you want me to see if I can -- I think I have it down here on -- way down. There it is. We did develop a little sketch. Now, this is not going to be property that we own after the property is finished, so it will belong to the people who actually sold the property to the developer and so this was just showing that those two homes could redevelop their property in the future, meet the zoning code. It is a condition of approval that we expect that they will build something similar to this. Again, we won't be in control of those, but we do think that really what the city wants to know is that we weren't setting up these guys to have an issue if they chose to redevelop. Again, we can't even tell these -- this drawing saves the homes and we don't know if they won't even do that. So, right now they are planning on living there. So, that -- and we have planned to provide the access that they need to get to the public streets. So, they will be larger lots -- and I think we used to do this back when we were doing other developments that had -- next to RUT, those five acre lots, sometimes we had to come up with a -- kind of a conceptual plan for doing future development. We really couldn't hold it to -- hold that -- someone to that, but we did want to know that the city wasn't letting someone approve something that

would keep that property from developing. So, I think that's really what this is all about, just to give a concept of that.

Grove: Thank you.

Seal: Any other questions for the applicant? I have one myself, actually. On the -- and you can just leave this up. Where the driveway is for that kind of southwest -- the bigger property, is there a reason that -- that Lot 11 isn't slid to the left to kind of close that off, instead of having a driveway in between two houses there?

Suggs: Because that's where the owner wanted to be able to access. So, that's Mr. Johnson, who has that southern larger lot, and he needed to have that access at a certain location, so that he could access his garage and get through his property and so we ended up having a driveway there and we added a lot there, because you can add a lot there and somebody can live there. It would force 12 -- we would love to develop that as well, but it wasn't large enough and didn't have the right configuration to put a house on it.

Seal: Okay. Thank you. Any other questions? Okay. Let's go ahead and open it up for public testimony. Madam Clerk, do we have anybody signed up? I'm guessing we do.

Weatherly: We had two people sign up, none of which indicated a wish to testify however.

Seal: Okay. If anybody in chambers would like to speak on this you can raise your hand, have you come up. Oh, we have got somebody online.

Weatherly: Jane, one moment, please. Jane, you should have the ability to unmute yourself and speak when you are ready to provide your name and address.

Byam: Okay. Are you looking for Jane Byam?

Weatherly: Yes. That's correct.

Byam: I got disconnected there for a minute, so -- I am -- my name is Jane Byam and I live at 6050 El Gato Lane, Meridian, Idaho.

Seal: Okay. Thank you. Go ahead.

Byam: Should I use my camera or not? I'm -- I have got that capability or you just want to hear me.

Seal: That's up to you. We don't have to -- we don't have to see you, we can just hear you if that's okay.

Byam: So, I would like to start my remarks with asking a question about the future land use map and current zoning on that northeast parcel where the apartments are going.

Several residents in -- in our neighborhood were involved in paying attention to participating in surveys and things when it came to the future land use map and protection of our neighborhood and the rural atmosphere that we have here and on the future land use map that parcel is designated as medium density, just like the other two parcels that are currently RUT within the county designation. I recognize that in 2005 that north -- northeast parcel was annexed into the city and zoned at the time R-15, but could you, please, explain to me why on the future land use map the city designated the use as being medium density, not high density?

Seal: Joe -- Joe, do you want to take a stab at that?

Dodson: I can, but usually we let the public testimony go first.

Seal: Okay. I was going to say if you --

Dodson: If she has another comment we can hear that and, then, if nobody else wants to answer, then, I will gladly answer that.

Byam: Okay. So, should I continue with my -- with my other remarks --

Seal: Yes.

Byam: -- and, then, we will come back to that? Okay. Thank you. So, being on El Gato, which is, essentially, directly across from Pine, we -- we have seen increased traffic on our quiet agricultural street over the past few years. When the school was being proposed, the Aviator Charter School was being proposed to the city, originally that property there was going to be high density, but when the school was approved that was changed to mixed -- mixed employment, I believe, and I know that a parcel of that property is now going back to high density. At the time a traffic study was done by Charter -- or by Compass Charter and said that at peak times there were only 200 cars coming down Black Cat. Well, anybody who lives on our street can tell you that there is certainly more than 200 cars going down Black Cat and so traffic is a concern at the time that school lets out and starts in the morning. People can't get out onto Black Cat because of traffic stopping to turn into the school. Having Pine extended, which we -- you know, everyone knew that it was eventual. Having Pine extended is going to cause even more problems there. I recognize the gentleman earlier said that most people will head west to Ten Mile if they are wanting to go to the freeway, but if anybody that's going to live in these homes or in the apartments have children that are going to be going to the charter school, they are going to be heading west and it's going to make that intersection there at Pine and Black Cat or El Gato and Black Cat that much more difficult and so that is a major concern for me and -- and I believe other people have expressed that in writing to the city. Another concern for me is that in the Comprehensive Plan it does make allowance for keeping areas of rural homes and agricultural properties and as time goes on and just really in just the last few years we are seeing more and more farmland becoming high density or medium density subdivisions. So, I am concerned about the fact that the applicant is requesting -- or going with the maximum density for the medium density area, rather than

giving -- giving those homes a little bit larger lots and leading to, you know, less congestion when it comes to people. We are seeing that rural atmosphere that used to exist here in Meridian disappearing very quickly. The Comprehensive Plan states housing introduction -- introduction communities for housing should be available for all income groups, with a diverse mix, including rural, modular, townhomes, apartments workforce housing, large lot subdivisions and single family homes. We are -- we are seeing a lot of cookie cutter homes crammed into small spaces with, you know, like ten feet or less in between homes and so the rural atmosphere is disappearing very quickly. Residential land uses, the purpose of this designation is to provide for a variety of housing. There is several things in the Comprehensive Plan that emphasize the need for maintaining some of that rural atmosphere and --

Seal: Ma'am, you will need to wrap up --

Byam: Okay.

Seal: -- your three minutes is up.

Byam: Okay. So, I -- I just wanted to -- wanted to express my concern for increased traffic coming to the intersection of Pine and Black Cat, which when it's -- when traffic is backed up on Black Cat there is the potential of people come -- going down El Gato, instead of waiting to get to the traffic light at Franklin and that causes a hazard on our street and so that -- that's a major concern for us is that increased traffic with Pine going through, especially if it's not going to be a controlled intersection. So, those -- that -- those are all the comments I have. Thank you.

Seal: Thank you, ma'am. Okay. Do we have anybody else that wishes to testify? Joe, do you want to go ahead and explain the zoning slash -- because it does get a little bit confusing in there.

Dodson: Yes, sir. Like I said last time, we are going to have to start an education series for Meridian on zoning versus comp plan. I will let the applicant speak to some of the other comments that she made, but as long -- for the Comprehensive Plan conversation, the -- as I noted in my presentation, the future land use designations are not parcel specific, unless -- unless the parcel only has one designation on it. However, when we work with projects we take in -- you know, and you are subdividing, now all these parcel lines are moving and you got to take into account all of the different designations on there to some degree, as I did in my analysis. But, then, again, you don't have to adhere to both or all three or four they are having. For example, there is properties off Overland that have half of the property is -- shows commercial and half of the property is residential. You are not going to develop the site as both more than likely, you will choose one. In this case there was mixed use community and also medium density residential and they are opting to go with the medium density residential designation and that can fit with the Comprehensive Plan. With the density that's the bigger conversation. They are meeting the density for the overall project, which is how we look at gross density. The medium density residential is, again, three to eight dwelling units per acre. The density is not tied

to the zoning. R-15 zoning does not equal 15 dwelling units per acre as it used to. It did prior to the new comp plan 2018, formally approved late last year. It used to mean so many dwelling units per acre maximum. That is not true anymore. It is only -- density is always tied to the future land use now, which is in this case three to eight dwelling units per acre. The R-15 zoning -- or any zoning that they request, it has more to do with the dimensional standards and the allowed uses within that zone. They could have requested R-40, which does not mean 40 units per acre, it just means that there is no minimum lot size. That's a higher height limit. That's pretty much the only differences. R-15 has a minimum lot size of 2,000 square feet and a maximum height I believe of 45 or 50 feet, roughly. So, there is -- that's the biggest difference between the comp plan and the zoning. But they are meeting their density per the Comprehensive Plan and if you have more questions regarding that you can review my staff report and I did more in-depth analysis than that. I hope that answered your question, ma'am.

Seal Thank you, Joe. Appreciate that. Would the applicant -- excuse me. Would the applicant like to come forward and close.

Suggs: Thank you again -- thank you, again, Commissioners and Mr. Seal. I do want to respond to a couple of the questions from Ms. Byam on El Gato Lane. If you know where that is, that's on the other side of Black Cat. So, that's about a half mile away. So, just kind of to show where it is. But I understand her concern, because that seemed to be the concern of many of the people who live -- who live on Pine Avenue on the west side of Ten Mile Creek and how they have kind of enjoyed living in -- on a dead end and so their traffic really is just the people that live there and the construction guys, who are building all those nice houses that are right there now, so -- so, yes, there -- I think there is some concern about the Black Cat and Pine, but we are imagining what it could be and I do think that one of the things that the neighbors likely will do when the projects are all completed and the traffic is all done -- and that could be several years from now -- is keep in touch with ACHD, because as a person who is in my neighborhood association in the east end of Boise, we spent a lot of time with ACHD asking them to do studies on some of our streets, especially our cut-through streets. So, we want to make sure that, you know, everyone has a safe access. That is not something this particular project can do. We are pretty far removed from that, but I do recommend that Ms. Byam -- Byam and her neighbors kind of keep in touch with ACHD, because there may be a need for additional studies when the project is completed. I mean we are just imagining it's going to be a lot worse, so -- and I do agree with Joe, there are some people now that are going to want to go east and this is the way to do that, instead of going out to Black Cat down Franklin and coming back -- to Black Cat and down to Franklin. I do -- I think I need to address the fact that I do think the Comprehensive Plan -- and this is one of the things that makes the Comprehensive Plan interesting for some of us. It does say things about maintaining rural lots, but we are in a very highly urbanized area right here. We are very -- we are on Ten Mile Road, which has access to the freeway, which is being improved -- of course it's already been improved with five lanes, curb, gutter, sidewalk, which is nice and bike lanes and we are close to the school and we are close to a park and, again, these are the places where you want to put in the lots that serve the most people. So, we want to get people closer to these recreation opportunities and to the schools, so that kids can walk and I --

I have spent some time talking to a property manager that manages apartments of this size and even larger and she talked a little bit about the fact that in this location where you are near a school, she said I will almost guarantee you you are going to have a lot of young children with single parents, because they have to go to work and they want to be a place where the kids can get to school without having to be bused or -- so, you will see a lot of that. She was really very specific about it, so -- but, again, just to -- just to share that I believe we are in a very -- more urban area of Meridian and we think that reserving -- setting aside land for rural, we do have the natural Ten Mile Creek, we have the pathways, we are leaving that as natural as possible and, again, we are close to a park that's open space. And I think we have a really good mix of homes. I think Jane mentioned that she thought that there should be a mix of homes and I think we do, we have the attached single family, we have the alley loaded or rear loaded single family and we have the standard single family and we have multi-family apartments and that's all within like our 35 acres. So, we think that that's a really nice mix of opportunities for people who want to live near Fuller Park, near Ten Mile, you have got lots of choices. So, I will stand for other questions if there is some more questions from the Commissioners. Again, I very respectfully request -- because we have done such good work with the staff, we are -- we are ready to get approved, move on to City Council as conditioned and -- and there are quite a few conditions and there are things we have to do, so -- but we appreciate the staff understanding how this will flow and we are doing all the extra things we can to make sure that we provide a really good opportunity for the city.

Seal: Okay. Thank you. Are there any other --

Holland: Mr. Chair?

Seal: Commissioner Holland, go ahead.

Holland: Hi, Jane. I have a one follow-up question. So, I'm sorry I missed -- if I missed this, but Lots 29 through 31 that are up on that northern section of it there where Aleppo comes in, there is Lot No. 28 to the north of it, is that the drive aisle access for those three lots?

Suggs: You are talking about along the north --

Holland: I was having a hard time understanding just from looking --

Suggs: You are here; right? You are talking these? Can you see my screen?

Holland: Sorry. Let me flip back --

Suggs: Oh, to the south.

Holland: So, down farther -- farther to the south. Right above where Pine comes through.

Suggs: Where Pine --

Holland: So, in that northern quadrant right above where Pine is.

Suggs: Okay.

Holland: As you are coming into that loop there is kind of that yellow --

Suggs: Oh, yeah.

Holland: -- triangular --

Suggs: Oh. Yeah. Yeah.

Holland: Those three lots there.

Suggs: Yes. That's a driveway to service the -- yeah. That's a driveway. They will actually be front-loaded, those three larger lot -- those three -- and that's a funny shaped lot for a driveway. But yes. I'm going to see if I can point to that. So, yes, there will be a fence along Pine at this location. These will not the -- face the street. This will be a fence and they will be front loaded and this is the driveway right here. That makes -- is that -- I think that's what you're talking about. Right?

Holland: Yeah. It was just trying to figure out how those lots had access, if it was off of -- I was hoping it wasn't off of Pine, I was hoping it was off that drive aisle there.

Suggs: Yes. It is off the drive aisle. And similarly on the north side of that same little loop you see a couple of houses with a -- with a driveway that they are accessed off of, too, and just below that is a pathway that carries you through. So, there is an opportunity. And, then, not shown very well, but along the boundary between the apartments and the single family in that north part, there is a pathway that runs all the way from the regional pathway on the north all the way down to Pine Street. So, there is a nice connectivity there, too. But you -- you have -- you have caught onto the fact that, yes, we have a couple -- so we have these lots that have common driveways and they are not accessing Pine, because that's a collector and we have the front-on housing, but they are not going to have their accesses, so that's the -- south of Pine. Those vehicles will be accessed from the south and they will not be connect -- driveway connections to Pine. We are trying to eliminate that -- that -- those turning movements.

Holland: So, one more follow-up question just to confirm. So, that drive aisle -- that lot that connects over to the east there, is that a drive aisle that -- it's going to be open between the apartments and that residential for people to go between?

Suggs: The -- the lot will be and that particular -- the one on the south that you mentioned -- oh. Okay. Keep on going. Are you doing that, Joe? Okay. I'm trying to get to a plat.

Seal: Yeah. I was going to say, you had it there. That --



Suggs: Okay. Well, that -- you can see -- yes. On the three that -- that kind of backup to Pine, there will be a fence. So, people will not be walking there, because it's a driveway. On the north where there are two lots that -- that -- there are two lots that service -- you see there is one that's landscaped, that will be an opening in the fence, so people can cross over. Right there. And the -- and the gray area is going to be the drive aisle. So, we are trying to make sure that people aren't walking down somebody's driveway. So, there will be a fence along the pathway that runs between the multi-family and the single family. Is that -- I think that's what you are asking; right, Lisa?

Holland: Yeah. That makes sense. And thanks, Jane. I appreciate you clarifying.

Seal: Okay. Are there any other questions? I have one question that I would like to pose. So, the attached single family that's there, I think they are the ally-loaded ones, they do have a driveway or is that not correct? Do all of them have a driveway?

Suggs: They each have a driveway and they are not attached, they are actually detached single families.

Seal: Okay. Oh. Okay.

Suggs: So, yeah. And they each have a driveway, two car garage in the back, and they will have a little bit of a -- about a 20 foot apron that you have to -- have to park there, too. So, yeah, those are detached. Because you are getting the driveway in the back, those houses are all 36 foot wide lots, I think, and they are 26 foot wide houses. So, they are just wide enough to put a garage in the back, but since you don't have the garage up front they are really cute, because -- I mean I would prefer one if I could find one that I could afford.

Seal: Okay.

Suggs: I like the alley load look. I mean I guess it's -- it just makes for a really nice streetscape. You can't tell on this -- and we didn't blow it up enough for you to see, but we went in and had to change this -- we had to actually drop a lot. We had 13 and now we have 12, I think, and we -- because a couple of lots we had made less than 4,000 square feet, which is your requirement for that R-8 zone, and so we dropped a lot there, which was -- you know, we don't like to do that, but we did, and so now when you come out your front door towards Pine you will go a little -- kind of -- you will have connecting sidewalks -- two at a time and they will come out. So, you won't have a sidewalk every 20 feet, you will have one sidewalk every like 40 feet, so -- and it's really cute. I think we have done that in a couple of other projects, too, and we really like the look of the fact that, you know, you can get to the homes, but you don't have all those little sidewalks coming along Pine. Our landscape architect is really good at doing the connections.

Seal: All right. Thank you.

Suggs: Thank you.

Seal: Do we have any other questions? Commissioner Grove.

Grove: Mr. Chair, I have a question real quick.

Seal: Go ahead.

Grove: Jane, for the amenities for the apartment section, is there a play structure of any kind or is it primarily the clubhouse, fitness center, pool, for the amenities there?

Suggs: That is what we are planning right now is the clubhouse with amenities in the clubhouse and the pool and, of course, all the walking areas. We do have some green spaces. A couple of those are being used as drainage facilities, but we do have some just open areas. So, if you want to throw a frisbee you can. So, I guess in some of the areas like -- oh, gosh, I can't seem to find this very well. There we go. There is some just open areas here and here. This is a drainage area, but you could still probably have -- have some recreation in it if you just wanted to run around a little bit. Again, we were -- we were not putting in a lot of recreation, because we are so close to Fuller Park. I mean you can actually just -- I mean it's a stone's throw. You can walk down the pathway and get to Fuller Park and you are right there with all of those amenities. So, we had not been -- we have done what we were asked to do for the number of units, as Joe mentioned, that -- we had talked about a few others, but at this point we have not proposed any additional amenities over and above what were required by the code.

Grove: Would a tot lot fit in any of those open green spaces in that R-15 section?

Suggs: We could probably make something fit. We did talk -- I did talk to Joe a little bit about maybe some of these areas -- what we find are people with dogs and we might need to turn one of these little areas here -- which we think this would be a -- probably a good space for it -- into a dog park. I think that's something Joe said that he's finding that in apartment complexes people have dogs and, of course, we have a pathway -- again, taking -- you can walk your dogs on the path. But we could do that. I have found from talking to the other property management person that I have been dealing with, it -- either that or maybe at one of these locations near this -- a regional pathway along the north side we could put in a bicycle air pump and you can hang tools with it. You have to be kind of careful so they don't walk away, but there is a way that you can do that. I think I have seen those at some places along pathways in Boise. I haven't seen them along the regional pathways. So, we might choose to do that. We think that because we are close enough and with bike lanes to the Ten Mile interchange and all of that, maybe if you are willing and we are willing to put in maybe a bicycle station along the regional pathway along the north that would be adjacent to the -- the apartments we think it would be well used. Does that sound good, Commissioner? Add a bike station?

Grove: I'm just kind of going off of the comment that you made earlier in your initial presentation about the tot lot for the alley-loaded project and seeing the difference between the alley-loaded project on the south and, then, the R-15 in terms of how that's described.

Suggs: Okay. I'm not -- I didn't quite follow that. Tell me -- say that again another way.

Grove: You said how nice it is for that little playground area for people to walk across and be able to have that without having to go somewhere else and so just curious if that applied to the -- how that applied or did not apply to the R-15 section.

Suggs: Possibly. We just think that we have enough amenities there with the swimming pool, the plaza that's around the pool, and the areas that are inside the clubhouse and with all the other open spaces we feel like that's sufficient amenities.

Grove: Thank you.

Suggs: I'm not -- I'm not offering that up right away. I'm just thinking there are other things that -- instead of another tot lot there that might be more usable, like the bicycle station than a tot lot, since things are closer. And, then, it's -- again, one is on the other side of Pine, which is a collector and one is directly accessible to the -- to the playground at Fuller Park without crossing a street.

Seal: Okay. Do we have any other questions? Nobody come off mute. All right. Can I get a motion to close the public hearing for item number H-2020-0113, Foxcroft Subdivision.

Lorcher: I will motion that.

Holland: Second.

Seal: Okay. It's been moved and seconded to close the public hearing on item number H-2020-0113. All those in favor say aye. Any opposed? Motion carries.

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

Seal: All right. Who wants to start out?

Lorcher: Chairman, I will start out.

Seal: Go ahead, Commissioner Lorcher.

Lorcher: My primary residence is at Black Cat and Cherry, so I'm very familiar with this and I did have a house on Parkside Creek, which I was on for a park back in the way back days when it was a dirt path and farmland all over the place and the pond was little and it's gotten a lot bigger and it's beautiful. It's wonderful that the City of Meridian has taken over Fuller Park. They have done great things with their amenities and it was only a matter of time before developers come in to be able to take advantage of some of these green spaces that we already have in our community and build houses around them. I empathize with the homeowners on El Gato. I also have a small farm off of McDermott and Ustick and I do use El Gato to get through to Pine and if Pine kept going through I

would probably do that to avoid Cherry Lane or Franklin. So, those traffic concerns are real and it's going to happen, but it's not necessarily the developer's fault, it's -- as our community grows we all look for different ways to get to where we need to go. It sounds like this particular developer is doing everything that the city is asking them to do. They are following the rules, they are following the code, even though some of our old timers really kind of lament about losing some of our farm space, it is part of -- of what's happening. So, you know, they have addressed the concerns of the city. They are following the rules and it would be a great place to live to be able to access that park.

Seal: Okay. Thank you. Anyone else? Commissioner Holland, you are off mute I see.

Holland: I don't know that I was ready to talk either, but -- I mean is it exactly what I would draw on a map if I had this site plan, maybe not. But I don't know that I have any huge opposition to it. I think that -- I appreciate the pathways. I appreciate that they did provide a little bit more green space than required and they have worked closely with staff. I think that the roadway issue with Pine, even though it might seem like you are going to get more traffic on Pine going through, it could actually alleviate some of the issues that we are having at Black Cat and Pine, because people will be able to head towards the east to get Ten Mile to get towards the freeway. I -- I'm very familiar with this area, too, and I know that -- I know that that can be a really busy road, but I think this could potentially help offload some of those traffic challenges. So, I don't know that it will be necessarily used as a speedway to go through, but I think it could potentially help with some of those challenges in the future. That's all I got for now.

Seal: Okay. Thanks.

Grove: Mr. Chair?

Seal: Commissioner Grove, go ahead.

Grove: I would echo what's been said so far, especially with Commissioner Holland, and this might not be the exact layout that I would have gone with if I were, you know, thinking about it, but I don't have any strong objections other than I would like to see some additional amenity, you know, tot lot or something for the R-15 section. I do really like the amount of pathways that are in this project. It is very similar to the -- the project to the southeast of the pathway that it had and I think having all of those pathways between the two developments is going to be a big benefit for this -- this new development that's coming in and I think that -- that Pine needs to open up. It's going to create better access for everybody and it should help alleviate some of the pressure that is, you know, over on Pine and Black Cat and it's also one of those things where we don't get some of the improvements on Black Cat, you know, until 2031, until there is more rooftops that necessitate it to be bumped up sooner and so that's, you know, chicken and egg situation with some of the development for improvements on roads. So, I'm -- I'm mostly in favor of this project.

Seal: Okay. Thank you. And I will just chime in here. I don't have any major reservations about it either. I do -- having the driveway through to two properties there, that -- I see that becoming an issue when things try to redevelop on those lots or even an issue as having that a drive -- drive aisle between the two lots. So, I think it's going to limit that -- what they can there and how they can do things there or pose problems in the future. I do agree that, you know, some kind of tot lot or play structure up in that multi-family is to me going to be a little bit more relevant than -- than where it's at down south. Not that I would like to see that one go way, but an additional one, you know, play structure something like that just to let kids run around. Even, you know, kind of rock structures or something like that. Something for kids to play on and -- would be great to see there. But, yeah, I do like the pathways and all that, the way that they have constructed that, incorporated the creek into it and everything is very nice. So, I think it's going to be nice if it gets approved. Commissioner Yearsley?

Yearsley: Yeah. I wanted to -- I -- I think for most parts it's a fairly good layout. I do echo the idea of having an additional amenity for the R-15. You know, I -- in all my years I have been on the Commission I have never heard anyone come in and say I have got too many amenities in my subdivision. Typically everything is underbuilt, overutilized. In our subdivision that we have, the same thing, it's just -- you never have enough and so I think it is warranted for another amenity within the tot lot -- or in the R-15 area. The rest of it looks reasonable and makes more sense and so I would be in favor of that with that -- with that addition.

Seal: Okay. Do we have any other commentary or would somebody like to make a go at a motion here? Anybody?

Holland: I could probably take a stab. I was trying to let somebody else do it this time though.

Grove: I was getting my notes. I can -- I can do it if you would like.

Holland: Go for it, Commissioner Grove. I will let you do it.

Grove: Okay.

Seal: Commissioner Grove.

Grove: All right. Let's see. Make sure I got the right number. All right. Oh, no, I don't.

Dodson: Mr. Chair?

Seal: Go ahead, Joe.

Dodson: Just real quick, Commissioner Grove. On this one, because there was a staff memo following the staff report, just be sure to include any recommendation that it also

includes those revisions within the memo, dated March 1st. In addition to those in the staff report. Just so we cover all of our bases.

Grove: I can't find the right piece of paper, so I'm just going to take a wild stab at this.

Yearsley: I can take a stab at it.

Grove: You want to do it? Thanks.

Yearsley: Yes.

Grove: Thanks.

Yearsley: So, Mr. Chairman, after considering all staff, applicant and public testimony, I move to recommend --

Seal: Commissioner Yearsley, I can't -- we are having trouble hearing you.

Yearsley: Sorry. I'm looking on -- talking into one computer and looking at the screen on the other.

Seal: Understood.

Yearsley: After considering all staff, applicant, and public testimony, I move to recommend approval to City Council of file number H-2020-0113 as presented for the hearing date of March 4th, 2021, with the following modifications: That we add the -- to include the revisions in the staff memo dated March 1st, 2021, and that in the R-15 area an additional amenity, such as a tot lot, shall be included into that phase.

Grove: Second.

Seal: Okay. It's been moved and seconded to recommend approval of item number H-2020-0113, Foxcroft Subdivision, with the aforementioned modifications. All those in favor say aye. Any opposed? Okay. Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

- 5. Public Hearing for Movado Mixed Use (H-2020-0123) by FlexSpace, LLC, Located on the South Side of E. Overland Rd. Between S. Eagle Road and S. Cloverdale Rd.**
  - A. Request: Conditional Use Permit for a multi-family development consisting of 66 attached units (56 units on 4225 E. Overland and 10 units on Parcel S1121121011) on 6.8 acres of land in the C-G zoning district

- B. Request: A Development Agreement Modification to modify the concept plan approved with the existing agreements (Inst. #2017-12608 & #2018-012456) to include a mix of multi-family and commercial uses on the remaining 6.8 acres of the Movado development.

Seal: All right. Commissioners, then, does anybody need a quick break before we move on to our last item or -- speak now. No? Power through? Okay. I will take the silence as power through. Okay. At this time I would like to open the public hearing for item number H-2020-0123 for Movado Mixed Use and we will begin with the staff report.

Dodson: Thank you, Mr. Chair. Before I get started I did want to note that the applicant did respond to my staff report yesterday, I believe. Today's Thursday. So, I think it was yesterday. I do agree with their recommended revisions to my staff report. I just want to note that some of the recommendations I made -- how do I put this? I don't have an economics commercial background, so some of them might have been ill informed. So, after meeting with the applicant and, then, getting their specific outline and response, I do agree with what they are requesting within that memo. With that I do think that any motion tonight should include a recommendation to revise some of the staff report analysis in order to accommodate some of that conversation, too.

Seal: Okay. Thank you.

Dodson: So, as noted next and last project for the night is Movado Mixed Use. The site consists of 6.8 acres of land, currently zoned C-G and is located on two parcels. One -- the western parcel is 4225 East Overland and, then, it has the adjacent parcel to the east as noted here. Parcel on the west. Parcel to the east. It is along the eastern edge of the city limits on the south side of Overland Road east of Eagle and roughly half a mile or so west of Cloverdale. To the north is RUT zoning and county single family residential. To the east is city of Boise, which -- with some undeveloped land, but it is approved for mini storage from my understanding. To the south is R-15 zoning and detached single family and to the west is C-G zoning with approved and currently under construction multi-family. There is an extensive history on the site all the way back to 2016 with the Movado Estates and it was, then, modified and rezoned with the Movado Greens and Silverstone Apartments, which are the apartments to the west and, then, in 2019 a different MDA and modification to the approved conditional use permit for those apartments were applied for, but, then, later withdrawn following the Commission meeting and those comments at that point. There are two existing development agreements from 2017 and 2018 that are relevant. The MDA request before you tonight -- or with City Council doesn't include many changes to those provisions as they are still applicable. The Comprehensive Plan designation on the site is mixed use regional as noted in the picture to the left. The applications before you are for a conditional use permit for multi-family development consisting of 66 attached units, 56 on the west parcel and ten on the east near the southeast corner of the site within this C-G zoning district and it is -- includes a development agreement modification to modify the concept plan approved with the existing agreements to include a mix of multi-family and commercial uses. The DA mod

is requested for the purpose of including a new development plan for this area of the Movado Greens development, to consist of both commercial and residential, instead of just commercial. The existing DA includes a concept plan for this area from 2017 when the property received DA modification approval to change the number and layout of the apartment units along Overland, now known as the Silverstone Apartments, and is currently under construction. The existing concept plan depicts a number of office, retail and commercial buildings. The applicant believes the existing concept plan for this area of this agreement is not feasible. The applicant states that the separation from Eagle and Overland intersection by the residential is too far and is too far to accommodate the approximate 56,000 square feet of commercial space shown on the existing concept plan. Therefore, the applicant is proposing a new concept plan depicting three commercial pad sites and 66 multi-family dwellings in the form of townhome style dwellings. Those being eight-plexes. Staff supports this change to this area of the Movado Greens development. The commercial area is now proposed at approximately 27,500 square feet across three buildings and is shown along Overland to increase its visibility and viability being a commercial use along a busy arterial. In the western half of the site it is separated from 56 of the multi-family units by a shared drive aisle that is the access to the public street network for both of these proposed uses and it connects to the drive aisle in the Silverstone Apartments to the west. In the eastern half of the site the applicant also shows a commercial building, a larger one, along Overland with the remaining area of the parking lot -- or remaining area of the lot as parking until you get down to the very southeast corner where you have ten more of the multi-family townhome style units. The applicant presented a thorough case for this area of the mixed use regional designation to lack true viability as a premier location for 56,000 square feet of commercial uses due to its location being more than a half mile from the Eagle-Overland intersection and the central hub of the mixed use regional designation. Some commercial should remain on these parcels. Absolutely. But staff agrees with the applicant that the proposed amount with the incorporation of multi-family is adequate to meet the mixed use regional mixed use policies. Access is proposed via driveways that connect to South Movado Way, the existing collector street that bisects the project. The driveway within the northwest section of the project will connect to the driveway stub from Silverstone as noted. This driveway acts as the border, as well as the integration between the commercial and the multi-family development. South of this driveway are the drive aisles for the 60 -- 56 of the multi-family townhomes with their required parking. The southeast portion of this area right here specifically -- sorry, I lost my place. Sorry. It contains a segment of the drive aisle that is over 150 feet in length, which would require a fire turnaround. Because of this staff recommends that segment -- this segment just be reduced by a few parking spaces in order to reduce this area to being less than 150 feet. Overall residential portion of the site proposes 139 parking stalls, which exceed the 132, which would be required, which is two per unit, approximately. The east side of the development proposes an additional commercial building, as well as ten more family multi-family units with driveway access to Movado Way in alignment with the rest of the site, as well as the existing local street here. The submitted site plan shows more than the minimum parking required and drive aisles that meet UDC and fire department requirements for the commercial portion of the site. The proposed dwellings at the very southeast corner of the project are placed with minimal room to spare surrounding the buildings, but do appear to show compliance with



the dimensional standards. According to ACHD the proposed driveway connections closest to Overland meet their offset policies because they are 220 feet from the intersection. However, they -- the two northern most driveways will not meet offset requirements for full accesses should the Overland or Movado intersection ever be signalized, which it is planned to be eventually. I do not have a date on that, but usually, as noted with the previous application, usually takes rooftops in order to warrant a signal. In this case these accesses would be limited to right-in and right-out and the applicant is aware of this potential for the reduced level of access for the northern most driveways. The proposed site plan appears to show compliance with all UDC requirements in both the commercial and residential, except for the area of the drive aisle as noted. The multi-family development is required to provide common and private open space based on the specific use standards, which is the size of the bedrooms. The applicant's -- or size of the units I should say. The applicant's open space shows only -- incorporates only 56 units on the western parcel and they show approximately 135 square feet of private open space per unit, exceeding the 80 square foot minimum. Prior to the Council meeting the applicant should show the other ten units on the eastern parcel on the -- and with the revised open space exhibit. The common on open space is to be shared between all 66 units and the submitted site plan shows 19,561 square feet of common open space being provided, which exceeds the minimum requirement of 16 and a half thousand. The open space exhibit does not show an area of land on the east parcel, which is approximately 2,000 square feet, and can be seen here, which would also be qualifying. The noted revised exhibit should also show this area. The proposed open space consists of a buffer between the multi-family residential and the existing residential to the south which is here. A MEW between two of the eight-plex units, a plaza along Movado Way that contains the proposed amenities and other small areas of open space that meet the minimum dimensional standards. Despite the proposed open space exceeding the minimum required by code, the only area large enough for a more active open space is the green space south of the plaza, which is approximately 3,000 square feet in area. The additional seating area proposed by the applicant and shown on their revised site plan should provide an additional area for the commercial users to sit and relax. Furthermore, the developer -- the developer of the subject parcels is the same as those for the rest of Movado Estates and Movado Greens directly south of the development. It can be assumed that these residents will have the opportunity to utilize the existing pedestrian network to access the larger open spaces within those developments based on -- well, with that the applicant should -- I hope they can -- clarify whether or not that will be occurring with this development when they present tonight. Based on the 66 proposed units, a minimum of three amenities are required. The applicant has proposed three meeting the minimum code requirements. The applicant has proposed an enclosed bike storage, a plaza, and a coffee kiosk. The applicant submitted conceptual elevations of the eight-plex units and since the staff report publication has submitted conceptual elevations for the units on the east parcel. All the elevations show two story structures of varying roof profiles along the roof lines and mostly lap siding exteriors. Staff will analyze the elevations for further compliance with the architectural standards manual at the time of design review submittal, which is required for multi-family development, as well as certificate of zoning compliance. Furthermore, staff has recommended a condition of approval that the same design elements are incorporated in the -- well, between the

commercial and multi-family development to ensure integration and congruency and design. Future commercial buildings also require design review, which is, again, when staff will be able to analyze those further. The elevation in the bottom right here is the proposed coffee kiosk that's in the shared plaza for the multi-family and, then, the one on the left is more of the four-plex or six-plex style that would be on the east parcel. As of 4:00 p.m. six pieces -- well, 4:30 there was seven pieces of testimony were submitted in disapproval of the project. The main concerns were dealing with the increase of traffic at the Overland and Movado intersection with the approval of additional units and, then, there being no signal proposed and overall issues with the addition of more residential units, instead of commercial, which is tied to the MDA request and the CUP. After that I will stand for any questions.

Seal: All right. Thanks, Joe. Do we have any questions for staff? Hearing none, would the applicant like to come forward, please. Or is the applicant online?

Clark: Hi, everyone. Can you hear me? Hethe Clark.

Seal: Yeah. Go ahead and state your name and address for the record and you have got your 15 minutes.

Clark: You bet. Hethe Clark. 251 East Front Street in Boise, representing the applicant, and I'm going to get my screen share up here. The applicant being the Conger Group. This is an application that helps get a very successful mixed use project over the finish line. I think that's the way that I would -- I would characterize this and in addition to that I think something else that's very important about this one is that it helps add another kind of housing type in the City of Meridian. So, as you might know, Movado has been a very successful project. It's on about a hundred acres off Overland Road and what we are talking about is this commercial area, this kind of the last piece to develop. It's 6.8 acres and it's in -- like I say, it's been slow to develop so far. This group as a result decided -- decided to revisit those plans and come up with a proposal that honors the larger project and provides an additional housing type and we believe allow this commercial to get underway. So, let's talk a little bit about the proposal. Joe's shown it to you on your screen before. Under this proposal a portion of the area that was previously designated as commercial would be converted to multi-family, but I want to be clear when we say multi-family what it is exactly that's being proposed. So, this is not your typical stack apartments, three plus stories of multi-family. We are -- what we are talking about here is for rent townhomes and we are also talking about a developer that made a commitment early on that they would only be limited to two stories in order to allow it to be very consistent with the properties to the south. So, what I -- what I personally really liked about this is that -- is this townhouse rentals piece of it. It's unique in the market and it's the -- you know, a little personal bit. That's exactly what I lived in during my three years of law school was -- was a townhome rental. This still preserves 27,500 square feet of commercial on Overland Road. So, the commercial will still be there, but we think it's in an amount and in a configuration and with a footprint that this kind of second tier market will actually find attractive. Again, these are not normal apartments. They are townhome -- townhouse rentals with a commitment to two stories. As Joe mentioned they are fully

parked with carports and guest parking that's accessible. The project -- so, if we kind of think of it as the commercial area and the multi-family area, there are amenities for both that are proposed. We have the small plaza that Joe showed you that's in the commercial area and I will show you another picture of that here in a minute and in the multi-family area there is going to be a barbecue and a picnic area and, then, a coffee bistro cafe and sitting area that I have shown here on the screen and, then, as well as a bicycle barn for residents. Now, that coffee bistro cafe area -- so, this is going to be single ownership. So, this isn't going to be a matter of an HOA being dependent on volunteers to operate the thing or trying to find the third party, this is going to be an amenity that the owner is going to be providing for the residents. So, it will have -- what we expect is that it will have a keycard system and, then, facilities on the inside that will allow people to come get a cup of coffee or come get some quick service and, then, move on with their day. In terms of agency review, focus on ACHD I think in light of some of the comments that we have seen this week from the neighbors. I want to be really clear that with the change that we have proposed from the 56,000 square feet of commercial to 27,566 multi-family units, this reduces the anticipated daily trips by 330 from the original approval. So, with the original approval no light was required at Overland and Movado. ACHD since, in connection with this application, has indicated that no TI -- or traffic impact study is required, again, because the impacts are lower than what was originally approved and studied. And, then, I would just state that we are in agreement with all of the other agency conditions that have been submitted. So, as Joe mentioned, the staff report was issued late last week. We had an opportunity to review it and, then, immediately wanted to chat with staff about it and the reason for that was because we believe that some of the conditions were just not justified by code. We were able to have a very good discussion about the staff report with -- with Joe and with Bill Parsons and, again, as always we appreciated the time that they spent with us. As a result of those discussions, the common ground that we have landed on was that we would, per staff's suggestion, one thing that we would do is to add a raised paved connection between the multi-family area and the commercial area here. That's going to be part of the overall traffic calming. We are going to -- we will have speed bumps on the west side here as well to try to just make sure that people aren't going through that at too high a speed. We also think that the parking on the south side of the commercial will also aid in -- in that traffic calming. And, then, in addition to that what we decided -- and this has been proposed and -- and staff is in agreement with -- would be that there would be a plaza area in -- that would be added here. We have room to do it. We have about 35 feet of a landscape buffer and so what we would have is a seating area that's surrounded by a buffer of trees, you know, there would be benches there and that would be a nice way of connecting these commercial areas. With that I will start to wrap up. I just want to emphasize a few things. You know, one, you know, the -- the commercial hasn't gotten -- gotten traction today and we think that this reconfiguration is going to help get it underway. We also -- you know, I think something that's really important about this is that Movado has four housing types in it already and this adds a fifth housing type. So, that's important from the perspective of the Comprehensive Plan that looks for a wide variety of housing types and it's pretty unusual that you would get actually five different housing types within one larger development with estate lots, single tenant -- single family detached, single family attached, apartments and now townhomes and, then, also I just want to emphasize that

with the modifications that we have proposed here traffic production is actually less than the original entitlement. So, less than what is actually approved already for this site and I wanted to put this up last. So, this reflects the letter that Joe mentioned from earlier this week and these are the modifications to the conditions of approval in the staff report that we suggest and that staff is in agreement with. So, the first would be deletion of condition 1-A, Roman I, and that was a condition that required elimination of one of the commercial lots and replacement with a two story commercial structure and, then, we would also request deletion of condition 1-A, Roman II, which required removal of parking on the northern drive aisle and, then, this last one goes to one of the points that was just made kind of in passing by Joe, but I think it helps explain some context. So, just to the east of this site there is self storage that's been approved and so one of the thoughts that we had was -- the staff had indicated a -- kind of a menu of proposed -- or allowed uses for the east commercial building and our suggestion is that we add flex space to that. The flex space use has been a -- I would say a highly successful thing in the -- in the City of Meridian and we think that that -- given that there is -- there is self storage just on the other side, it would make for a good transition if there was a flex space user that was interested. So, with that I would be happy to answer any questions and, otherwise, we would ask for your recommendation of approval on the DA modification and approval on the conditional use permit.

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

Holland: Mr. Chair?

Seal: Commissioner Holland, go ahead.

Holland: Hi, Hethe, how are you?

Clark: I'm great, Lisa. Thanks.

Holland: Hey, I -- I always have challenges whenever commercial gets reduced in size and I know we -- we have had conversations -- yeah. I'm just curious, how -- how did you try to market that commercial originally and -- I was just curious if, you know, if you had conversations with economic development staff at Meridian and if they tried to assist you with any of those things.

Clark: Mr. Chair, Commissioner Holland, thanks for the question and, yeah, that was -- that was one that I had on my notes that we will be answering a question about reduction in commercial from Commissioner Holland and so we -- we -- I appreciate the question. This has been on the market for the better part of five years. Mark Bottles has been trying to get the thing sold. We have worked with -- with private consultants on this to try to come up with some different alternatives and, you know, one of the issues there with -- that we have with the existing layout is that a lot of that 56,000 is set back from -- from Overland and it's -- and, then, the other point that I'm just being reminded of is that it's second tier -- it's a second tier office location. So, what we need to be looking for is a

user that's looking for something like a 7,000 square foot single story building that's the kind of thing that they can afford in a -- in a second tier location such as this. We think that that is what's going to be more likely to be successful. But, again, we have been marketing it for five years with -- with -- you know, obviously, Mark Bottles is the best -- if not the best, he is one of the best.

Holland: Just a follow-up question. Did you guys consider doing maybe more flex space instead of doing the office style product?

Clark: I don't know that we have decided -- thought about doing more. The -- the -- as we look at the -- at this space -- let me speak to this a little bit more philosophically and, then, I will dive into the flex space piece of it. You know, the -- the applicant here, Conger Group, we have -- there is a lot of investment that's been made in the overall project in everything that's gone on in the -- I think nine phases behind it and hundreds of lots and we want to make sure that this front area is developed in a way that it protects all the investment that's been made and so, you know, we think that a carefully selected user, you know, with these two 7,000 foot pads on the west makes the most sense there. I don't think you would be looking for a flex space user in -- in either of those, but the building on the other side, that's got -- I think it's 13,000 square feet in it, that's a -- that's a more likely candidate for the flex space. So, that's why we suggested that that condition of approval be modified just for the -- the parcel on the east.

Holland: Okay. I'm always a fan of mixed use developments, I think they can work really well, so I'm not necessarily going to challenge you too hard, but I -- it's always tough to me when we have a master planned community that comes in and there is a promise of a certain amount of commercial and I know that in the valley in general we only have so much land designated for commercial, especially on the comp plan, so when we look at any sort of reduction it's always challenging to me, because we -- we don't get the ability to make it up later. We won't be able to remove houses later to add more commercial pads. And so even though it may not be a prime corner for, you know, a Walgreens or a large retail kind of user, it's always tough for me when I see commercial disappear when it's something that was part of a master plan. So, that's just a comment. I figured I would make that now and I appreciate the dialogue and the conversation. Thanks, Hethe.

Clark: And thanks, Commissioner Holland, and maybe just one thing that I would say is just that it was not for lack of trying, you know, that there has -- there has been work to try to make that work. The configuration just doesn't make sense for this location and the kind of second tier user that we would be looking for and I also -- just keep in mind that what kind of competition you have got just, you know, a half mile to the west. You know, we are talking about the Silverstone development and, then, we are also going to be having the -- what, the Eagle View Commons there that will be coming in the future, the VBA project. So, you know, we -- we think that what we are proposing here is -- is an appropriate niche that would actually, you know, after five years allow that commercial to get going.

Holland: Thanks, Hethe.

Clark: Yeah.

Seal: Okay. Do we have any other questions? I will throw one out there for myself here. Can you dive into the coffee kiosk a little bit more and exactly what that's going to be. Is that going to be like a branch of an existing coffee vendor out there or is it going to be more like a break room style coffee situation?

Clark: Thanks, Mr. Chair. That's a good question and I may not have done a good job of explaining it. So, the -- the idea here -- and it's unique. You know, I have not seen this proposed before. But what we are talking about here is a self service type of a system where the -- the owner would be replenishing, but folks would be coming in with their keycard and keypad and, then, be taking advantage of the -- of those facilities. You know, and a couple other things it will -- it will have -- and what I like about it, too, is -- here is this picture of it up again. It will have Wi-Fi in the seating area and, you know, one thing that we are finding is -- in kind of the post-COVID era is what do you do with club houses and like these enclosed facilities and we are finding that the market is really liking these kind of open space type uses and so with the -- we think with the Wi-Fi in the seating area and, then, this security that allows people to come in and do the self serve, that we think it will be a cool amenity.

Seal: Okay. Thank you. Any questions from the other Commissioners? All right. Seeing none, at this time we will open it up to take public testimony.

Weatherly: Mr. Chair, we have several people signed in, the first of which is online, that's Christy Decker. Christy, give me just a moment, please. Christy, go ahead and unmute yourself and state your name and address for the record when you are ready.

Decker: Hi. My name is Christy Decker. My address is 4235 East Silverking Lane.

Seal: Okay. Thank you. You have three minutes. Go ahead.

Decker: I have a few questions. I'm a little concerned about the requirements for the -- I guess the coffee bistro, et cetera. I saw it as a last ditch effort to just meet the requirements. I don't see that serving the neighborhood at all if you are relying on an outside entity to maintain it. I don't know if it would be utilized enough to make it worthwhile for -- from a business perspective, if you are asking a business to come in. The other thing regarding the traffic study, I am very disappointed, because the last traffic study they did supposedly was in 2020 and they did it on a weekend, if I recall correctly, or Friday -- either that or a Friday early morning. I passed a guy and I said, oh, what are you doing. Oh, we are doing a traffic study. And I looked at my watch, you know, at 8:00 o'clock in the morning and the development is not even completed. So, I don't know how it can be okay for it not to be done, because the kind of development -- I'm part of Movado -- that that development is still not completely built out and, then, they are going to start across the way from us, too, and that's not even built out either. So, I don't know if somebody can explain to me the justification of not having a traffic study when they want more development to come in, when the existing is not even done. And, then, finally, my

concern and most of my neighbors about the only one egress out of South Movado Way. It sounds like everything is going to filter out onto that main drive and everybody and the developer is saying, oh, well, it was designed for all that and my concern is that -- I don't think so and without a valid traffic study how could they say that's okay. That's it. Thank you.

Seal: Okay. Thank you. Any questions? No. Okay. Who is up next?

Weatherly: It's Kevin Johnson, Mr. Chair. Kevin, one moment, please.

Johnson: Hi. Can you hear me?

Seal: Yeah. Go ahead and state your name and address for the record and you will have three minutes.

Johnson: Kevin Johnson. 4171 East Divide Pass Street, Movado Subdivision. So, this is the second time that we have done this. I have been -- I have lived here for two years. The last time the application was withdrawn. I think we had about 30 -- 30 plus people in that room. Most of them commented against the -- the additional apartments, because, again, it wasn't zoned for that and so just -- these are my observations, the stuff and the research that I have done. The application is a little -- a little suspicious to me. Okay. Flex Space, LLC, was possibly started in 2018 and it's either out of Washington or Oregon. Not sure. Maybe both. The other thing is if you look at their address it's basically a flex space -- I mean it's a rented desk and phone number off Fairview and that's a company called Red Barrel Real Estate out of Woodstock, Georgia. And, then, what professional company puts on an application a gmail address? They are going to spend millions of dollars and they are using gmail. Okay. So, here is -- here is my question for everybody. And, obviously, it's rhetorical. How many rental properties are enough? Right? We are talking about rental properties. And as noted there are 112 rental properties directly to the west of this particular proposal. Directly to the west. Now, if you go south 700 meters, right, and in line of sight, you can see both sides. Depending on where you are standing you can see the apartments. There are 144 apartments in the Harper Ridge apartment complex. Okay. So, right now -- I'm doing the math. That's 256 apartments, rentals, in -- in -- at least apartments, right, on top of like was stated, there are multiple types of homes. Those different types of homes are -- there are duplex -- duplexes in Movado. There is all kinds of other rental property. So, what we have done is we have built out a -- a highly -- just a large area that has just a ton of rentals. Now I want to highlight something. I did a little research on that and if you go to realtor.com and there is an article and it's those things that drive down the value of your home. Now, I might sound like David Letterman, but, thankfully, there only nine and I'm -- I'm going to do eight. So, no top ten. Hospitals drag down the value of a home 3.2 percent. Shooting ranges 3.7. Powerplants 5.3. Funeral Homes 6.5. Cemeteries 12.3. Homeless shelters 12.7. High renter concentration 13.8. So -- so, think about that. Taking 13.8 percent of my home value away because we need to figure out how to accommodate commercial and -- and some more rentals and only worse than high rental concentration are strip clubs. This is realtor.com. It's not a fly-by-night site. It is a well known site and you can

look it up. But on top of that just so you guys know, I have been in Meridian -- on the southside of Meridian for 18 years. I am five miles away. And the reason why I did it was because I love this area. You have great quality of life. I, myself, for -- with my wife probably the first 15 years of my life we were in rentals, so I'm very thankful for them. I have nothing against them. What I do have a problem with is -- is the -- the ability to reduce the value of my home and -- and -- okay. There is going to be a lot of folks that complain about traffic. Traffic is the least of our problems. It's already nuts. It's already --

Seal: Sir? Sir? You will need to wrap up here pretty quick. Your three minutes is -- is up.

Johnson: Thank you. Traffic has already been horrible. In fact, Chief Lavey last -- the last time said it's horrible and that was his comment and now that -- that proposal was withdrawn after all of our neighbors got together and we got together in like -- I just -- I'm against it and I want to thank you guys and thank you so much for listening to me and I'm not ranting at you, I'm ranting with you.

Seal: Okay. Thank you.

Weatherly: Mr. Chair, next we will have Clarence Orton. Clarence, one moment, please. Clarence, feel free to unmute and state your name and address for the record when you are ready.

Orton: Thank you. Can you hear me now?

Seal: Yes, we can. Go ahead, Clarence. State your name and address for the record.

Orton: My name is Clarence Orton. 4090 East Le Coultre Street, Meridian, Idaho. I live in the estates in Movado. I do agree with everything Kevin Johnson stated there concerning the last applicant. I did submit a statement earlier today with regards to the traffic that in our last public hearings was on another proposal that -- as he stated the Police Department at that time said it was already miserable and, like I said, the Movado development of the estates and the greens haven't been completed and -- and, in fact, the -- the greens over there is going to be a lot higher density to be dumping onto the Movado Drive. So, the traffic light is a definite -- definitely a big concern. There is already people that are traveling through the estates to get over into Silverstone to get to a traffic light over there, because they don't want to go out Movado -- Movado Drive. The other question I had is one quickly for staff. They were talking about a right-in and a right-out and I was wondering where exactly the right-in and the right-out was. I may have missed that. And while he's thinking about that, in the last project you considered for Meridian with -- with the development over there, there were a lot of amenities, but there wasn't any amenities for a children's play deal and this project doesn't have one either and so I wonder if they don't plan on children living there or whether they just don't want to put up a children's playground or they want them all to be funneled into the greens or over into the Movado Estates, their playgrounds over there. So, I guess I have a question with



regards to that, why there is no children playground with these -- with these town -- or rentals. And I would go back to the question about what we were talking about, a right-in and a right-out. The exit from this project onto Movado is fairly close to the intersection with Overland and where -- where a light should be. So, where is the right-in and right-out that he was talking about?

Seal: Okay. Is that everything, sir? We will try and address that question.

Orton: Thank you very much.

Seal: Thank you.

Weatherly: Mr. Chair, we are moving to our folks that are joining us here in chambers. I have a couple of questionable desires to wish to testify, so I'm going to go to the yeses and, then, if you do choose to testify we will just have you raise your hand. So, first would be James Preuss. James Preuss. That's okay.

Seal: Go ahead and state your name and address for the record. Please speak right into the microphone there.

Preuss: My name is Jim Preuss and I live at 4297 East Vacheron Street in Movado Greens.

Seal: Okay. Thank you.

Preuss: I -- we have already gone over some of my concerns. Of course, my major concern is the effect that all these rental units are going to have on our property values and I would like to point out that we have playgrounds throughout the Movado development, the residential part, and there are not secured, they are maintained by the HOAs of the areas that they are in and I didn't see any playgrounds for children in the apartment complexes in their development plan. They have been very vague about allowing us any insight into what they want to do. They have had meetings in which they made promises unkept. I think the closest they came to element one of their comment -- promises was withdrawing their last application and all they have done is basically reduced the number of rental units. They are calling them different type of rental units, but, nonetheless, they are rental units, which would put in front of -- on the north side of our development 178 rental units if they get this. Now, nobody had said how many adults that's going to equate to and I'm not in that research or how many children those adults are going to bring with them. All of that is going to have an impact on the rest of the development and our development is doing very well. I have seen since I moved in -- I'm one of the first in Movado Greens, the estates in the back are going from somewhere around 400,000 up over almost to 700,000 in value. Who knows what all these rental units are going to have on that value. Therefore, I'm against it for that purpose and, of course, as everybody's pointed out, the traffic is already bad enough coming in and out of Movado, because there is only the one major large access coming out to Overland. The only other way out of the development is through two story houses and narrow streets

into the Silverstone development -- commercial development. I will take a hint from the time and hope that some of our comments can be listened to. Thank you.

Seal: Thank you, sir. Appreciate it.

Weatherly: Mr. Chair, next we have Joann Gormley.

Seal: Good evening, Joann. Go ahead and step up and speak -- speak right into the microphone and -- yeah. Just give us your name and address.

Gormley: Joann Gormley. I live at 4372 East Vacheron and I back right up to what's happening. I was one of the first houses there and when we bought we knew it was commercial. We were fine with that. And now all these changes want to happen. We lived in our other house for over 50 years. So, it's quite a change for us. And the problem I have -- two of them. One, if you put a two story building anywhere close to the fence our yard is ten feet, so you are basically living in our yard and the other thing is the traffic. If you have commercial you have people kind of coming and going all day. When you have that many families they are all leaving at once or coming home at one. So, I am very much against this. Thank you.

Seal: Thank you. Appreciate it.

Weatherly: Mr. Chair, next is Dee Dee Toschi. Toschi.

Seal: Good evening, ma'am. Go ahead and step up and give us your name and address and speak right into the microphone, please.

Toschi: My name is Dee Dee Toschi. I live at 1970 South Gedalio Lane in Meridian and when I first purchased my house I did a very qualified search and I very much liked it that it was going to be commercial and not apartments of any kind and I was very disappointed when I found out that it's been changed. As I understood, when Dave Evans came in, which I appreciated them, they were very honest, and I thought it was settled and now I found out, no, you can have townhouses, which is like apartments and my property is now going to be devalued. Also I'm concerned with the kids coming to the play areas that we have and it is maintained by our HOAs and you are going to have kids running up and down, up and down that busy thoroughfare. There was no Cloverdale exit made, which I think was ridiculous, because there is all that other Movado -- hundreds of homes going in and they are going to all funnel out into Movado and I'm against it. I really did a qualified study to find out a house that I would live in forever and now this. Very disappointed. Thank you.

Seal: Thank you.

Weatherly: Mr. Chair, that's all I have with definitive desires to speak.

Seal: Okay. If there is anybody else that would like to come up and testify. Sir, go ahead and come on up. Please state your name and address for the record and speak right into the microphone.

Nye: My name is Walter Nye. I live at -- my wife and I live at 4300 East Vacheron in the Greens of Movado and mine's kind of short and sweet. I'm not here to complain about the devaluation of property, although that's always a consideration, but when we decided to purchase our home we looked all over and decided on this location and the first question that I have asked when we bought was what's going to be built behind us, as was a lot of the other residents when they purchased their home and we were told light commercial, which I wasn't against, and it just seems like there has been a switcheroo here on development plans and I'm very much against the project, because we were not told upfront what was going to go in there at a later time. So, I'm against the project. Thank you.

Seal: Thank you, sir. Anybody else like to come up? Ma'am, go ahead and come on up. Name and address and speak right into the mic, please.

Gottesman: Sandi Gottesman. 4061 East Esperanto Street, which is right off Vacheron where a lot of those guys are living. I wasn't planning on speaking, but as I was really looking at all the inlets and stuff, the Google map here, coming out -- this is a traffic thing. Coming out on Vacheron we, of course, turn left to get to Overland. Lots more traffic just -- and they haven't even developed on the east side of Movado Way. I mean it's being prepared for building on. So, there is that issue. I went to the meeting -- I want to say it was last fall where the developer-purchaser guy was talking about the light commercial and I said, yeah, that would be good. I don't want anymore of these apartments encroaching our nice elegant little Movado Way with our neighborhood sign in. But as I look here -- I don't know where they break in the fence to even get to that east parcel, the skinny one. Would they come around the Movado Subdivision sign? Because that's even more traffic if they come in and cross Vacheron and I believe Vacheron is going to go all the way across, which is just a nightmare. So -- but, again, the property value -- I just bought a year ago and I'm loving watching the property values climb every 30 days up nine percent, and I guarantee you if you have these other townhomes or more rentals like that it does decrease the value, which is very upsetting and I was so pleased last fall when the guy had said -- the developer said it was going to be light commercial. Thanks for your time.

Seal: Thank you. Appreciate it. Ma'am, if you would like to come up. Good evening. Go ahead and state your name and address and, please, speak right into the microphone.

Quick: My name is Jane Quick. I live at 4312 East Vacheron and if you build these new apartments or townhomes right smack behind me will be the parking garage, which I don't want noise at night coming and going parking and working on cars and people yelling and all that sort of thing and the traffic will be unreal if you put in more apartments. It's already pretty difficult even in the middle of the day and there is no -- you know, there is no plan for a traffic -- traffic light any longer. They did do a study I guess early on when they

wanted to put all apartments in there and I would be very dissatisfied with the concept. Thank you very much.

Seal: Thank you very much. Do we have anybody else that would like to come up? Good evening, sir. Go ahead and state your name and address for the record.

Bromley: Dave Bromley. 4291 East Blueberry Lane. I'm right across the fence to the south of Vacheron and these people. You can see by the color of our hair there is a lot of us who are a little older than some that would probably be in those apartments. I learned a term when I moved into that subdivision. I'm in the Village. Gated community. I heard a term forever home and a couple of neighbors said, yep, we moved here because this is going to be our forever home. We don't never want to have to move. We don't want to have to pack it all up, we will just give it onto our kids or whatever, and it doesn't sound like it's going to be a forever home if we got that much traffic and -- which is mainly what you are going to have from the apartments, townhomes, whatever they are. So, it was mentioned earlier that the chief of police was at the last -- the final meeting of the -- of the one last year and if I remember him correctly he said he drives through that area every day and it was -- it was leaning, yeah, well, maybe we ought to approve it, maybe we ought to not. After he gave his little talk it was almost instantly -- and I think it may have been unanimous that they disapproved it, because he said people tend to drive where ever is the easiest way they can go. Well, all we have is Movado Drive -- Movado Boulevard, whatever it's called. We can get out the backside of the Village through the gate and we end up having to go around to Silverstone light out there on Overland or we can go on down Movado and we can go through the estates and, then, we can go on into the Southerland Farm and go through their streets and get out to Eagle on -- I can't remember what the cross-street is there. About halfway down, though, just passed the fire station and, otherwise, we don't have any way to get in and out, except Overland really, going out Movado onto Overland and I lived in Kuna for, I don't know, 20 years and I know all the -- the way the highway was -- stoplights were put in and, basically, everybody out in Kuna had the same story, how many people do you have to kill at this intersection before you put in a stoplight and over the years more people got killed, more people, more -- they ended up putting this up. But down the road a mile they ended up finally putting in a stoplight, because it's dangerous and when you are trying to get in and out of Overland -- onto Overland -- if you are going right, well, right turn is -- you know, works, unless you have people coming out of those other two subdivisions and they are trying to get out and you end up with a line of traffic in there. Of course that happens first thing in the morning when people go to work. It happens late in the day when people are coming home. But you -- unless you are coming from Eagle direction and turning right into Movado or if you are leaving out Movado and turning right and going down Overland, that's the only reasonably safe ways to get in and out of our subdivision. If you are turning -- trying to turn and go across two lanes of traffic, going in or out, plus the center lane where, you know, oftentimes there is people waiting there to turn in and out.

Seal: Okay. So, you need to wrap up real quick. Your three minutes is up.

Bromley: Which you're getting yourself killed. We don't want to get ourselves killed. We moved there because it's our forever homes and we want to live a reasonably peaceful rest of our life. Thank you.

Seal: Thanks, sir. Ma'am, go ahead and come on up. Go ahead and state your name and address for the record, please.

J.Nye: Hi. My name Jan Nye and I live at 4300 East Vacheron and we have lived there a year and I was excited to move in there and was told it was going to be commercial -- light commercial and I'm in favor of a little coffee shop, but self serve -- I mean not self serve, but go in there where you could bring in a couple of neighbors go in and have a sit down cup of coffee or whatever would be perfect and as the -- as the apartments go for around this way and they come up Vacheron, well, since they are almost all done on one side and over there, the traffic coming up Vacheron is like a freeway at 5:00 o'clock, 4:30, 8:00 o'clock, plus you have got the workers and they just fly by and, fortunately, I don't have any small children, but I have a little dog that once in a while runs out and they are just going way too fast and there is no other way for these people to get up, other than go down Vacheron and, then, go out to hit the streets. So, the traffic is -- in a year it's like tripled just going up our street and I live -- right now the -- there is an apartment complex and the light there shines right into my bedroom and it's down further, so if they are building directly behind me it will absolutely light up the back of my house so -- with their lights. So, I just wanted to say I'm not in favor of it. I'm in favor of some commercial in the front that we -- the subdivision could enjoy. We could go down there maybe for a pizza or something like that, but for more apartments I'm not in favor of it. Thank you.

Seal: Thank you. Okay. Do we have anybody else who would like to come up? Good evening. Go ahead and state your name and address for the record.

McConaughey: My name is Glenda McConaughey and I Live at 4309 East Vacheron Street and that is in The Greens there as well. So, first of all, I will speak as a grandma. I love to take my kids to the playgrounds in our development. Not hardly used at all. We are usually the only ones in the playground or if there is other kids, great, but, you know, what are all the children going to do -- the families -- they need playgrounds. Very important. So, they are going to come over to ours. I mean it just seems that way to me. Yeah. No big playgrounds in the area, other than in another development over on the other side of Cloverdale down a ways, so -- the Peppermint area, so that -- that's a -- the big concern. And, then, of course, all the other things have been mentioned. But, then, there is also -- a lot of people in the community love to walk and they have got wonderful walking paths in there. So, we can just have really pleasant walks. You pass a few people along the way, you know, say hi, it's really pleasant. You can ride your bike. You don't have any problems the better bikers being in the way -- nothing. Just really nice walking paths. We love that. So, just the concern is people in the apartments are going to need to get out. They are going to need to -- you know, there is walking paths nearby in our neighborhoods, so, hey, you know, if I was in an apartment I would take advantage of that and so that's a concern and that's all that I have. Just -- and agree with all the other people that have shared. So, thank you.

Seal: Thank you. Appreciate it. Okay. Do we have anybody else that would like to come up? Sir, you -- I was going to say, you have already had your three minutes. We can't have you come back up. If she would like to come up and comment she is more than welcome. Ma'am, go ahead and state your name and address for the record and --

P.Preuss: Patricia Preuss. 4297 East Vacheron, Movado -- Movado Road and we had the same question when we bought. It was supposed to be light commercial behind us and that's why we bought. We wanted to stay there. We are older. We don't want to keep having to move and it has been getting a lot more cars coming through and it's not right that our yards are low and they are going to be building two stories, which are going to be looking in and they are not that far away and we were told it was supposed to be commercial -- light commercial over there and the people that have had meetings, they say one thing and, then, next time it's another thing and we are not -- they don't give us a straight answer. It was supposed to be light commercial and there is already apartment buildings there down the street. They are building all the way down on the west and there is plenty -- plenty throughout Meridian and down to the apartments and there is property across Overland from us that's for sale. So, then, who knows if it's going to be more apartments over there. We don't want the apartments in there. That's our opinion. Thank you.

Seal: Thank you, ma'am. Appreciate it. Would anybody else like to come up? Come on up. Go ahead and state your name and address for the record.

McClay: Martha McClay. I live at 4286 East Silverking Lane in Meridian. And I think an up-to-date traffic study seems in order in this situation. I think it actually indicates what's really going on with the traffic in that particular area with Movado Way and Overland and we haven't lived in our residence for very long, just a couple of months, but it does seem really unfair that people who thought that it was going to be light commercial behind their homes are now looking at a two story rental unit that's going to really change their daily lives in a very dramatic way. So, those are my comments. I do not support the plan as it exists now.

Seal: Thank you very much. Anybody else like to come up? I think we have just about covered everyone, I believe. Do we have anybody else online? I don't see any hands up. Okay. All right. Seeing none, would the applicant like to come back and address some of the concerns.

Dodson: Mr. Chair?

Seal: Oh, go ahead, Joe.

Dodson: Can I address the -- one of the questions that was directed towards staff and then -- regarding the right-in, right-out?

Seal: Absolutely. Thank you.

Dodson: Sure. Sorry. The right-in, right-out is not the Movado and Overland intersection, just to be clear. I was referring to the driveway connections here for the multi-family and the commercial, because they are so close to the intersection. If this is signalized these will be limited to right-in, right-out and, then, that's just that and I -- in the public testimony and, then, tonight I have heard a lot of comments about light commercial. I don't really know what that's from. C-G is the least restrictive commercial zoning we have and so there is quite a few things that are allowed in that use and it doesn't always necessarily mean a light commercial use. So, I do want to be clear on that, that what could go here as currently proposed is not a light commercial use. It could be a more intensive commercial use. But I -- I understand your concerns.

Seal: Thanks, Joe. Hethe, do you want to go ahead?

Clark: Thank you, Mr. Chair. Hethe Clark. Again for the record 251 East Front Street in Boise. I think that I want to -- I wasn't going to address this, but I think there has been a little bit of -- call it confusion about who is this applicant and how they are related to the apartment application from late 2019. So, to answer Mr. Johnson's question about who is Flex Space, LLC, if you Google search Idaho Secretary and search businesses you can find the -- a lookup tool there. Flex Space, LLC, is an entity that I formed for the Conger Group in 2017 and has an address on Fairview Avenue. It's done -- you guys on the Planning and Zoning Commission know we are here all the time, we do projects throughout the valley. It's a quality developer, not a fly-by-night operation, and certainly not hiding and so the difference between Flex Space, LLC, Conger Group, is that this is our application and this -- and we did not bring the application in 2019 and 2020. That was Zach Evans, the construction -- excuse me -- construction group and there are very significant differences between what was proposed then and what's being proposed now. So, as we follow the timeline, you know, this was approved back in 2016, there was a full traffic impact study that was done at that time. A traffic impact study is done based on methodology that analyzes the entirety of the build out of the project with all of the uses that are proposed and approved. It also has a growth factor built into it, so it identifies what the impacts are going to be at the end of build out. So, that was done in 2016 and 2017 there was a slight modification to the project. It reduced the trips, so ACHD did not require an updated traffic impact study at that time, because that outside impact had been reduced. They identified the -- the required improvements at that time in 2016. This pulled back those impacts, so there is no reason to do another traffic impact study. The Zach Evans project was going to take out all of the commercial, the -- all of that 6.8 acres of commercial and it was going to add three story stacked apartments. It was going to add trips and so in that instance there would have had to have been an updated study, they would have looked at things like in the timing for the light, for example, at Overland. That application was recommended for approval, but it was ultimately withdrawn. That's a different group and they had a different application. This group has an application that preserves the commercial and instead of stacked three story apartments, what we are doing is -- is townhomes that are limited to two stories and to be clear those two story townhomes are separated by 20 feet, so a bigger setback than what's on the south and all of the parking is on the other side of the structures. So, that will provide for additional noise buffering. But the point I'm trying to get to with all of this is to say that no traffic

impact study was required with this one, because it was yet another reduction on the outside impacts that were associated with the original approval of this project. Again, this -- this is not an add on in terms of units to the original approval. This is a reduction on the number of units from the original approval. You know, in terms of other things that I would mention with regard to the amenities, you know, we refer to it as a coffee bistro. We are looking at that as a -- as a really unique thing. It's a self-contained project or a -- call it application that the owner of that -- of the apartment projects would be able to administer. Really, it's much like a community center with open space. So, I don't think we should get wrapped up around what exactly is proposed in it. It is going to be something that's going to be operated by the owner. You know, the question came up a few times about amenities for children. This is a project that is not anticipated to be marketed to that family that would be looking for tot lots. All of these various components of the development have the number of amenities to be able to stand alone. We don't think that a tot lot is marketable or works in this location, but if it's the recommendation of the committee -- and we have talked about -- and we have talked about this before with other applications, we think of far more appropriate use would be climbing boulders. We think that that type of outdoor play area makes a lot more sense and gets better usage, if that's the recommendation of the Planning and Zoning Commission. We think that what we have proposed here more than adequately satisfies code and certainly it meets what we believe is the market for these townhome units. You know, I think with that I will leave it and, you know, if there is any follow up I would be happy to hang on here.

Seal: Okay. Thank you, Commissioners, do we have any questions -- further questions for the applicant?

Grove: Mr. Chair?

Seal: Ma'am, you have -- yeah. I was going to say, you already had your three minutes. Ma'am, you have already had your three minutes. You will not be asked to come up again. Thank you. Commissioners, do we have any further questions for the applicant?

Grove: Mr. Chair?

Seal: Go ahead, Commissioner Grove.

Grove: Hethe, question for you, kind of in terms of the overall development of this area. Are any of the neighboring developments -- are they age restricted?

Clark: Mr. Chair, Commissioner Grove, no, it's -- it's -- I would say The Village is targeted, but certainly not age restricted.

Grove: Okay. Thank you.

Seal: Any other questions from the other Commissioners? The only question I have on this right here is I have -- is this portion of the Movado project the only portion that you have been involved in or have you been involved in the other pieces of the development?



Clark: Mr. Chair, if you are asking me personally, this is the first one I have been involved in. But Flex Space, Conger Group, has been involved in the other -- the other phases as well.

Seal: Does that include the property directly to the south?

Clerk: Yes. Yeah. Mr. Chair, the answer to that is yes.

Seal: Okay. Thank you. Okay. I got to get on with the rest of my job here. So, if there is no further questions from the Commissioners, can I get a motion to close the public hearing for Movado Mixed Use, H-2020-0123?

Yearsley: So moved.

Seal: Could I get a second?

Grove: Second.

Seal: It's been moved and seconded to close the public hearing on item number H-2020-0123, Movado Mixed Use. All those in favor say aye. Any opposed? All right. Motion carries.

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

Seal: Who would like to start this off? Don't everybody rush in at once here. Commissioner Holland, I see you are off mute.

Holland: Oh, I keep forgetting to mute myself after I say aye. I made some of my comments directly to Hethe earlier. I always have a challenge when you have got a master plan that shows something that doesn't end up staying that something. I know that was a concern of some of the people who testified tonight, too. If this was the first time I was seeing it it might be a different story, but it's always hard for me when someone comes back and changes the plan, especially when they are reducing commercial. So, I do have some heartburn about it. I appreciate some of the features that they have. I appreciate that it's not standard four-plexes, that they do have a couple seating areas and kind of -- they are -- they are willing to work with staff on doing a plaza space. I'm not opposed necessarily to mixed use projects, but where these townhome units are two story and they backup to the single family homes, there might be some challenges there with transition, too, and I don't know exactly how to condition that or how to help them. You know, maybe it's a requirement that they have to do a single story townhome product on that, or a duplex style product on that southern side backing up to those residential houses, maybe that would be a good compromise. I'm not really sure exactly what to recommend there, but I have some heartburn on it, so I will pause for now and I want to hear what the other Commissioners have to say.

Seal: Okay. Who wants to go next?

Yearsley: Commissioner Seal?

Seal: Commissioner Yearsley, go ahead.

Yearsley: You know, when I look at these, one of the things that I do my judgment on is the amount of public testimony on this and, you know, understanding their concerns, especially when they were told it was going to be one way and, then, it's going to go back to another, you know, for me I -- I struggle like Commissioner Holland, I -- I think this corner is going to be busy enough and at this point I don't know if I could support the conditional use permit for the apartments.

Seal: Okay. I will -- I will throw my two cents in here, so -- it might be five cents tonight. But just -- there is a lot of focus around the lack of a traffic impact study and things like that and, unfortunately, that's something that the City of Meridian does not have control over, so -- we have input into it, but if we are told that a traffic study isn't going to be recommended, then, there is literally nothing we can do about it, so -- I mean we can't stop that. That's something that we can't stop the process as a result of. The other thing that brought -- was brought up a couple times was how many rentals are enough. I mean if you look at the entire City of Meridian, the answer seems to be it will never stop, so -- I mean I know that there is a lot of rentals that are visible from everywhere. My question is how many of those are vacant. So, you know, I live in Meridian, too. I'm not opposed to seeing them come up. I definitely would not want one in my backyard, but at the same time if we have to ask how many are enough -- how many are vacant. If none are vacant, then, we don't have enough, unfortunately. That's the downside to the values of our house increasing by, you know, a hundred percent in the last seven years. So, you know, I very much enjoy that as well. So, I'm -- as a person living in Meridian as well I'm willing to help swallow some of that pill, as bitter as it may be sometimes. So, that said, I also agree with the other Commissioners in what they said, especially with the question that I asked as far as them being involved in the development to the south. I'm sure part of them developing that was knowing -- or, you know, relying on what that property to the north was going to be. So, knowing they had a hand in that and, then, now they are trying to switch that, I just -- I can't agree with that. I mean I appreciate the fact that they are trying to keep the commercial property on Overland and I think that's something that will probably, you know, have to stick in order to get through Planning and Zoning into -- into City Council in any way, shape, or form, just because as a city we are trying to grow up and we need more places, we need more commercial businesses, we need more places of employment to exist. That's about all I have for my comments on this. So, I will let my other Commissioners get back to it. Commissioner Lorcher?

Grove: Mr. Chair?

Seal: Oh. Commissioner Grove, go ahead.

Grove: Commissioner Lorcher, you can go ahead.

Lorcher: I don't have anything else to add. I -- I support what Commissioner Holland said and Commissioner Seal. It's very difficult when you have open space and the developer has an idea, but if it doesn't work, then, they are going to a plan B and I think there is always a risk of moving into an area where there is undeveloped area around you. There is no legal precedent, I don't think, for you as a homeowner to say -- you can dictate what happens to the piece of dirt that's in front of, you know, five or ten years down the road. But I also appreciate that you moved into a neighborhood that you thought was going to stay residential with light commercial and, then, all of a sudden it turns into apartments and maybe the developer -- like I don't know who mentioned it -- could consider a different product closer to the homeowners and, then, have the apartments be a little bit further out to kind of dilute some of the -- having those high density right in their backyard, but this is development in Meridian where you have open space and in-fill and the developer is trying to make a product that they can sell and, unfortunately, the one that they had proposed didn't work and now they are trying something else, but it doesn't fit into the neighborhood --

Seal: Commissioner Lorcher, we missed just the last couple words you said there, but --

Lorcher: I don't have anything else to add.

Seal: Thank you. Okay. Commissioner Grove, do you want to go ahead and jump in?

Grove: Sure. Thanks, Mr. Chair. I have a lot of conflicting thoughts probably on this a little bit, which is probably not that uncommon for my opinions on most things here. I -- I agree with the applicant in the sense that I don't think a tot lot fits on this project just because of its proximity to the type of structures that they are presenting. I have some issues with the general layout of this, however, and I don't feel -- it feels like it's mixed use in the sense that there is two different product pieces, but it's not integrated, in my opinion, and is lacking in taking on the spirit of what we would want in a mixed use setting to be able to tie the residential and the commercial aspects a little bit more. It feels like you are just really trying to get two things butted up next to each other, versus finding ways to integrate them and make it into a more cohesive community and I think if that were more of the case the neighbors that have testified tonight might feel like, you know, it's being tied into their development. I would like to -- I think Commissioner Lorcher summed up some of my feelings on the pain points that people have when moving into a place that is not completely developed. You can be promised a lot of things, but until a shovel hits the dirt, you know, you are not guaranteed anything essentially and it's frustrating, you know, especially when you have seen, you know, the plans and everything, what it's supposed to be, but until it's built you don't -- there is no guarantee that it's going to look and feel exactly how you have been promised, unless you own that land, but that means that I do think that there is a way that this can be developed in a way that creates a little bit more cohesion between what is wanted from flex from the developer and from the neighbors and from the city standpoint of having a mixed use. I don't think that, you know, having a heavy commercial use makes sense here, you know, with the corner that -- of Silverstone that's already there and what's going in across Overland with

the Eagle Landing, I think that the market has probably changed considerably from when this originally went forward and I think there is a middle ground, I don't know that we are there yet, and I would want to see a different approach to this.

Holland: Mr. Chair?

Seal: Commissioner Holland, go ahead.

Holland: The only other comment I would make is I agree that whenever there is, you know, dirt next to your house that it could become almost anything. In this specific case it's a little bit unique, because they -- they did already go through an entitlement process and had a development agreement in place. So, there was some sort of concept plan that was approved by the city that they -- they are still held to currently. Even if we approve the conditional use permit tonight they still have to go to Council to release them from that development agreement and form a new one. So, just wanted to make that note, too. Our conditional use permit is really just around the multi-family project. That's -- that's what we are deciding on this, whether that fits the Comprehensive Plan and this specific development project. So, that's kind of where we are -- where we are set at and I'm -- I'm leaning towards where Commissioner Yearsley is, is I have a hard time approving the conditional use permit for the apartments as it's shown here. I -- could this work potentially? Sure. Is it the best fit and the best possible layout for the City of Meridian and what we are trying to strive for, you know, excellence when we are looking at projects? I don't know that it's the perfect layout. I think it could use some more work. So, I'm leaning towards the nay as well. I know that this developer has a number of great successful products. I think we are all kind of in the same boat where it just doesn't check all the boxes for us right now.

Seal: Would anybody else like to chime in or take -- take a shot at a motion here or --

Holland: Mr. Chair, could I ask one question for staff?

Seal: Absolutely. Go ahead.

Holland: If we were to say no to their conditional use permit request, would they be able to come back forward to us with another site plan in the future or does it put the time clock on them of a year?

Dodson: Good question.

Parsons: Joe, I can take that if you want.

Dodson: Thank you, sir.

Parsons: You're welcome. So, Mr. Chairman, Members of the Commission, as you stated, they still have to go -- they still have another shot in front of City Council. So, they are going -- going before them, because it is concurrent applications. So, this is moving

up to them with that DA motivation. So, they have the option to plead their case to Council and potentially overturn your decision if that's what you choose to do. If they came back with something substantially different than that year time frame wouldn't -- wouldn't apply. They just couldn't come back with the same application that's before you tonight, the same layout. So, there is still some flexibility there under the requirements of the code.

Holland: Thanks, Bill. And I believe that we are not really a -- we can certainly make a recommendation on the development agreement, but we are not a deciding factor on the development, so --

Parsons: Correct. You are not the decision making body on that, but you hit it right on the head, Commissioner Holland, that your -- your job is to state whether or not this meets the code and if it's consistent with the Comprehensive Plan. So, that's still your purview this evening.

Holland: Thank you, Bill.

Seal: All right. Thanks, Bill. Appreciate that. Still willing to entertain a motion at this point, unless we want to have more discussion on it. I would help you with a motion, but I can't tonight, so --

Holland: I can make a motion. I was waiting for Commissioner Yearsley or Commissioner Grove --

Yearsley: I was just stepping up, so -- Mr. Chair, after considering all staff, applicant and public testimony, I move to deny file number H-2020-0123 as presented in the hearing date of March 4th, 2021, for -- we don't feel like it fits the Comprehensive Plan. Not liking how the apartments are so close to the residential and it just doesn't fit for the area.

Seal: Is there a second?

Holland: I will second that.

Seal: Okay. It has been moved and seconded to recommend denial of item number H-2020-0123, Movado Mixed Use, for the aforementioned reasons. All those in favor say aye. Any opposed? Okay. Motion carries. Motion for denial.

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

Seal: Okay. That was the last one on our record there, so I'm always ready to entertain that last motion.

Holland: Mr. Chair, I move we adjourn the Planning and Zoning Commission hearing for the date of March 4th, 2021.

Grove: Second.

Lorcher: I second.

Seal: Okay. It's been moved and seconded to adjourn. All in favor say aye. Any opposed? All right. Motion carries. Thank you, everyone.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

MEETING ADJOURNED AT 9:36 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS.)

APPROVED

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ANDREW SEAL - VICE-CHAIRMAN

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

ATTEST:

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