

Seal: So, at this time I would like to open the public hearing for Item No. H-2022-0012, Amina's Daycare for continuance and I believe the date that we were looking at is May 5th.

Grove: Mr. Chair?

Seal: Commissioner Grove, go ahead.

Grove: I move to continue File No. H-2022-0012 for Amina's Daycare to the hearing date of May 5th for them to be able to get the signage posted correctly.

Lorcher: Second.

Seal: It's been moved and seconded to continue File No. H-2022-0012 to the date of May 5th. All those in favor say aye. Any opposed? Okay. Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

**4. Public Hearing Continued from March 17, 2022 for Pavilion at Windsong (H-2021-0102) by Kent Brown, Located at the Northwest Corner of W. Ustick Rd. and N. Linder Rd.**

- A. Request: Rezone of 3.42 acres of the subject property from C-C to R-40.
- B. A Preliminary Plat on the entire 4.77-acre property to allow 33 townhouse lots, 2 lots for vertically-integrated buildings containing a total of 12 residential units, and one commercial lot.
- C. A Conditional Use Permit to allow townhouses in the R-40 zoning district.
- D. A Development Agreement Modification to allow the proposed development

Seal: All right. We will now continue the public hearing for Pavilion at Windsong, H-2021-0102, which was continued from March 17th. We will begin with the staff report.

Tiefenbach: Sorry about that. It looks like I was muted. Can you hear me?

Seal: Yes, we can.

Tiefenbach: Okay. Thank you. Let me -- I apologize I'm not there. I'm struggling with a cold, so probably better for me to be here than there. Okay. This is the Pavilion at Windsong. This is a proposal for a development agreement modification, a rezone, a preliminary plat and a conditional use. The subject property is about four and a half acres

and it's presently zoned C-C. It's located at the northwest corner of North Linder Road and West Ustick Road. The surrounding area is comprised of single family detached to the south, east and west. A commercial center directly across North Linder and a newly developing mixed density residential development at the southeast corner of North Linder and West Ustick. Just -- just a little bit of history on this property. The -- the property was annexed into the city in 2009. At the time of that annexation approval specific details for how the site was to develop were not provided. The recorded development agreement requires those -- those details to be provided when the property is subdivided. Excuse me. In 2019 the property was proposed for a development agreement modification and a conditional use to allow a mix of uses, including multi-family, a self storage facility, office and retail uses. During the City Council meeting there were concerns in regard to the multi-family component mostly about the -- the density and the height of the buildings, but there was also comments about overcrowding in schools and traffic. The Planning Commission did approve the storage, but they -- they strongly -- but they strongly recommended that retail uses be retained there and when it went to the Council the Council only approved it for the self storage. They did not approve multi-family on that site. This property is recommended by the Comprehensive Plan for a mixed-use community. There is the site plan. So, this proposal is to rezone about three and a half acres of the subject property from C-C to R-40. You can see that on the graphic there on the right. It would be a preliminary plat for 33 townhouse lots, two lots for two vertically integrated buildings, so that all of the -- the townhouses would be pretty much all of the buildings except for these buildings here on the south, the east and this commercial, all the rest of this is townhouses. The -- the buildings on the south and the east, those are two -- those are two lots with vertical -- vertically integrated structures, six -- each row has six units. That would be commercial on the bottom and residential above. Can you still hear me?

Seal: Yes, we can.

Tiefenbach: Okay. I just got a text from Bill, so I wasn't sure you could hear me. So, vertically integrated on the two lots on the bottom and, then, a commercial pad up there next to West Crosswinds. A conditional -- in addition to the rezoning, a conditional use is allowed -- is required for the townhouses in the R-40 and as I mentioned, because specific details weren't provided about the development at the time of annexation, the development agreement modification is required in order to move forward. It's a -- you should note that this proposal also includes a request for private streets, because some of these units front on a MEW and I will talk about that shortly. So, again, the -- the future land use map designates this property for mixed-use community. That -- for the purpose of that is for community serving uses to be seamlessly integrated into the urban fabric and there is a few different components of mixed use, usually three types of land uses, high density near employment, being centered around public spaces and accessible. Mixed use community in particular also says that 20 percent of it should be residential. It encourages vertically integrated structures and it limits the buildings -- the square footage to 30,000 square feet. This particular application reflects three types of uses with the majority of the residential portion of the development clustered around a central open space. That's what you can see right here. The rest of it is on a commercial arterial with

a combination of office, commercial, and residential. Staff does support the vertically integrated buildings, but is concerned about the loss of additional commercially -- commercial viable property if those structures do not build out as townhouses. Our concern would be the entire development would be built out as residential. It's all townhouses with just a drive-through there. As a condition of approval, staff recommends a requirement that at the time of the building permit the ground floors of all vertically integrated buildings meet occupancy class requirements for commercial structures. My understanding is that the applicant is amenable to this recommendation. Staff also noticed that we believe that the vertically integrated structure would be more appropriate on the north side of Crosswind. So, you can see my pointer here. We think this area would be better. This is -- would better -- would better integrate with the commercial and it would reduce the impact of traffic on the townhouse portion, so all the traffic isn't coming down into here to get to those down to the bottom. Staff has recommended this to the applicant, but I believe that the applicant -- this one they are not amenable to and I believe their concerns are about the -- how it would affect the community and -- and their -- so, I think they will talk about that more in detail. At the time of the staff report staff had concerns with the townhouse row shown as Building D. So, that is down here. At the time of the staff report that was one long wall. Because it was so close to the adjacent residences, we had concerns with this wall effect on the townhouses and we recommended that it be -- it be broken up. Since the time of the original staff report the applicant has broken them up so if you can see now that one of the houses that is sitting here is now looking down, so you can see now that one of the houses that's sitting here is now looking down through the middle of six of this. In regard to access, the subject property is located at the northwest corner of North Linder Road and Ustick Road, which are both arterials. There was an existing local road, which is Crosswind -- that's what you see here -- presently stubs at the property here. This development would close the existing access on North Linder, which is further down here to the south. It would push it to the north and it would connect Crosswinds Road. There is also a northern stub, which is proposed here. The property to the north is still unincorporated in the county. So, that would be in case it develops in the future. Except for Crosswind Street, which would be built to a local street to the typical section, all the other roads in this -- all to the south of this development and up here as well would all be private roads. The preliminary plat reflects the private roads south of Crosswinds, meets the 24 -- the minimum 24 -- 24 foot requirements. So, that's what our requirement is the minimum for private roads. Now at the time of the staff report staff mentioned that the alley -- this up here, if you could see all the way at the top, the northern road that's running east-west, this was shown as an alley on the staff report. When we -- when we wrote the staff report we mentioned that it didn't meet the requirements for an alley, because it dead ended. It also wouldn't work as a common drive, because there was more than six units on it and it also wouldn't work as a private road, because it was too narrow and they needed to redesign that. Now, since that time the applicant has redesigned this road again here to be 24 feet wide. Although we will mention that this road here is still indicated -- the one in the middle is still indicated to be only 23 feet wide. So, the applicant will have to revise that accordingly. All parking requirements have been met, although the applicant should submit a shared parking agreement between the commercial use and the vertically integrated structures. We have listed that as one of our conditional -- one of our conditions of approval. One --

one thing I want to mention is that the applicant has mentioned in their narrative that they are proposing a three-way stop sign at the intersection of Crosswinds and North Wafting. So, on this that would be down in this area. Now, this would be because of the concerns about traffic coming into the existing neighborhood. However, ACHD staff report does not mention that stop sign. ACHD commented that traffic calming should be provided in this area by a bulb out. So, it's not clear to me at this point whether it's going to be a stop sign or a bulb out. I would defer that to the applicant. But this should be addressed. The landscaping plan shows a 25 foot wide street buffer adjacent to North Linder and West Ustick, although at this point it doesn't appear that they meet the tree requirements of one tree per 35 feet, which would be easy enough for us to remedy at the time of final plat. Also at the time of the staff report, due to the adjacent residences, staff will make -- staff recommended a five foot wide landscape buffer to the north. That has since been provided. That's what you see here. Again, that wasn't provided when we wrote the staff report. There are seven foot wide attached sidewalks along North Linder and West Ustick. The Five Mile pathway parallels the creek at the west. This is the Five Mile pathway basically down here. It parallels the street on the west and it basically dead ends at -- where the property ends. Staff recommended the pathway along -- staff mentioned in the staff report that the configuration -- the configuration as proposed was redundant and unnecessary. So, if you saw the original plans, what it showed was it showed a pathway along Linder in addition to the seven foot sidewalk and the same thing along Ustick. It showed an additional pathway and you can still see that here and now. Staff mentioned that we thought it was redundant and unnecessary. We recommended that the pathway along Linder be removed, because it was already a seven foot wide sidewalk and the pathway shown on Ustick be removed and the sidewalk here be widened to ten feet and, then, eventually, connect on here to the west at the Ten Mile trail. One other comment we mentioned is that if you look at the way these vertically integrated structures are shown here, Building H and Building G, each one of these structures has a walkway going out to the pathway. So, there is 12 there. Parks commented that they had concerns with that many different little walkways connecting out of their pathways and one of staff's conditions is that all of those be -- that there would be no more than one pathway per building. Finally, in regard to elevations, the building elevations show townhouses comprised of materials consisting of rock, cement board, Hardie board, lap siding, pitched roofs, exposed timber frame and windows, including on the garage doors. We do believe that they demonstrate significant fenestration and it's high quality, but, again, if you look at the buildings on the bottom, these are the buildings that are fronting along Ustick and Linder and staff did not believe these look like vertically integrated structures, these look like townhouses. Our concern, again, was that what we would end up with would be a townhouse project with a drive-through facility. We have received one letter from Mike and Sandy Archibald. Their concern was, again, about the traffic calming along West Crosswinds and with that I would stand for any questions or comments.

Seal: Okay. Thank you, Alan. At this time would the applicant like to come forward? Good evening. Please state your name and address for the record and the floor is yours.

Amar: Good evening, Mr. President, Commissioners. My name is Kevin Amar. My address is 1580 West Cayuse Creek Drive in Meridian. I'm here tonight to present

Pavilion at Windsong. Alan did a good job at giving some of the history on this project as far as -- since we have been working with him on it, but just to give a little more history that goes back a long way, I first started working in this area trying to purchase Windsong -- I think it was in 2002 from the Stubblefields and so we have got a lot of history in this area. I grew up just down the street from here, you know, five decades ago when we moved to the area from a really small town in Idaho to a little town in Meridian. Meridian has grown and changed. There has been a wide variety of change in this area and I'm very familiar with this property. So, as we finally acquired the Windsong project in 2019, right at the beginning of COVID, this is another piece of property that we looked at and identified and wanted to continue building that out, so we could make a project and a whole area integrate better with our vision for the neighborhood. What we did along with that also is as we worked with the neighbors and we built the homes in Windsong, they knew that we had acquired this property on the corner and we informed them at that time also what our plans were to do with this property and so we didn't want to come in and surprise any of our neighbors that we -- obviously we just built the home with and we wanted to make sure that this project built out in a form that we thought was beneficial and would be cohesive for the neighborhood. As we purchased the project and we purchased this in 2019 also, this property, we knew we could come in and do some things that were already an allowed use within the community, the C-C zone. It's zoned C-C. We looked at some of the different options that were available to us. We looked at the vertically integrated option that is an allowed use within the C-C zone, so as we place that there that's why we are not asking for a rezone on the -- the portion that has the vertically integrated or the retail space, but we did want to also provide additional options for home ownership and that's why we wanted to include the townhouse -- the townhouse project and portion. Again, we could -- we could go and do all this property as a vertically integrated property, but we didn't feel like that would be the best use of the property, but I also didn't feel like it would be the best representation of what is in the neighborhood. There are many neighbors, obviously, that own their homes in that -- in that area. It's near schools. It's near parks. We will be -- we will be adding the pathway to connect that pathway. I know parks and rec, we have worked with them on other properties in Linder. They are trying to get that pathway integration all up and down Linder and, then, down Ustick and -- and we see this as a continuation of that. There are a few things that the project itself -- again, we could increase density by simply doing more vertically integrated product that is an allowed use in the zone. We wanted to create more of an open space feel on an area -- that has limited access currently to Linder and Ustick. There are two access points currently on the property. One is on Linder. One is on Ustick. However, neither one of those would be allowed by ACHD standards for a subdivision development. For commercial. For retail. For multi-family. Both of them are too close to the intersection of Linder and Ustick. So, we have worked with ACHD. We are bringing Crosswinds out and connecting that to Linder Road and eliminating the other two access points currently. In our -- we have had a number of neighborhood meetings with the existing neighbors in Windsong. One of their concerns was traffic and access. We had told them we would try to get a three-way stop at Crosswinds and near the entrance of their neighborhood. That is something that ACHD would not allow. However, we were able to work with ACHD and get a bulb out at that location to provide some traffic calming and that was approved by ACHD. So, although we could not get a three-way stop there, we feel like a compromise

with ACHD was reached and that we could at least provide additional traffic calming at that intersection and help the neighbors with some of their concerns with traffic. As we -- as we speak to some of the other questions and ideas of what came about with this neighborhood and I will address why we feel like the location of the vertically integrated product is best where we have located it and I will also speak to how we will ensure that that is a vertically integrated unit in the -- in the project itself. We centered the park in the middle as a gathering place for this neighborhood. So, it's called Pavilion at Windsong because that area will have a gathering area, a pavilion in it. People can go gather and recreate. It's a MEW, so many of the homes will open right onto the park-like setting. We have done this in other locations and it's been very well received by those people that live there. The kids can go outside and play and enjoy that area right -- it's -- their front yard is huge. We could -- we have put -- there is 17 percent of qualified open space within the project, but we also foresee the retail space being a corner coffee shop and we are currently talking to a few people. It's not a drive-through specific coffee shop, although there is a drive-through there. We foresee also a -- and we will build it, so I guess we get a dictate what it's going to be -- a place you can go in and sit down and grab a -- you know, a -- maybe it's a breakfast sandwich or a place to go and just gather with your neighbors in that area. So, it becomes much more of a community centered retail space, rather than just a -- nothing against Dutch Brothers or the Starbucks drive-throughs, but that's not what we want or we want to put there. This needs to be more of a community type of center. With respect to the vertically integrated units -- and we have spoken with -- we have had a couple of application meetings with staff. We understand the need for the vertically integrated units. In some of those pre-application meetings with staff they were -- staff members were attending that from their home office, which looks like a bedroom, which I'm sure a lot of us have home offices that are a bedroom. As we see what clients are wanting, as what people are moving into the area need, it has changed drastically over the last few years. There was a time years ago that people really didn't want a home office, because everybody went to the office. They drove down the road and they went to the office. COVID changed all that and so many people are really looking for a place to be able to get away from the home, but still have their office and so we have built these projects -- we have built buildings like this in Boise and we incorporated it in a fashion that it wasn't going to detract from the neighborhood setting in that area. If you go and look at the type of architecture that is built in -- in and around this area, this is very cohesive with that type of architecture. So, as we designed the live-work units -- and if we could go to -- I don't know which slide it is, but I can -- oh, very good. Thank you. So, if we look at these live-work units, if you look on the bottom floor -- and I don't know here if -- well, here we go. So, there is a door on the right up to the stairs. That unit is the main house entrance for the door and so -- or for -- that is the main door for the house. That door will go directly upstairs into the second floor, which is the main living area and the third floor, which are the bedrooms. What we have also incorporated is a -- a main front floor entrance and that area goes directly into the office and so it works as that vertically integrated unit, because people don't -- if you have clients or customers coming over to meet with you, they don't have to go into your house, walk through your house and get into an office in your back bedroom. They can walk directly into your office and it's completely separate from your living space. What we also find with clients and what they want is they want that separation, because although their family may be upstairs and

the kids are playing or wife is working or they are living in their home otherwise, they can go down, shut that door and be totally independent in their workspace from the area in a quiet area. We understand that that needs to be built out to a commercial space at that time. We are fully in agreement with that, because we -- we feel like this is a high demand type product and we know that the other units that we have built like this in Boise, they -- they are used for a vertically integrated space and so although they don't visually look separated, that was by design. We wanted it to look like a -- like the area and what is built in that area and -- but we feel like with the addition of that door and that other entryway, the covered entryway, it will provide an area that people can come and go without getting into the home. So, I don't know if we didn't explain that to staff well enough, but that's -- that is what that -- that's why there is two doors on the main level. It's not a patio door, there is a step door that you go up to the main house entrance and, then, as those sidewalks come out those go to the office entrance, the commercial type entrance of the property. We do know that parks has a concern about the number of sidewalks entering to the pathways. We can adjust those. We will work with parks on how many they will allow. I would like two, just so there is one at either end of the building, but we will work with the Parks Department on -- on what will be allowed in that area. With respect to the pathway, we will also adjust the pathway on the Ustick side to just include a single pathway, so we are not being redundant with a pathway, as well as a -- as a sidewalk. So, if we look through the balance of the project there was -- and I don't know how many of you are familiar with the area, but this is a rapidly growing area. This was vacant for a long time, especially with Windsong being vacant. It was developed in 2004 and, finally, built out last year and no homes were built in there. So, with the high schools, the middle schools, we have Settlers Landing just down this -- sorry. Settlers Park just down the street. This whole corner is developing and growing and changing. There is all the addition of the commercial and Orchard Park and the public library just within a couple miles of here. This is -- this is an exciting time for this area and it's finally a in-fill piece that is going to be developed for something other than, you know, storage units or apartments or office buildings and mostly the office buildings -- we do build office buildings also. The limited access makes it very difficult to have an office building type product here because of our access off of Linder and off of Ustick. I want to make sure I had all the questions answered from Alan. On the -- on the roadways we will make sure all the private roads are 24 feet wide. It looks like we missed one area that's 23 feet. But there is room to revise that we have discussed the location of the vertically integrated area. Those buildings are three stories tall. One other thing I wanted to bring up is we wanted those larger three-story buildings to be big enough that you can still have a family or people that live there. They are three-bedroom units, which -- with an office space in the bottom, requires a three-story type building. We wanted to keep that three-story -- the larger taller buildings away from the existing neighborhood and out on the corner where you would traditionally see a commercial type product or a commercial type building and, then, we used all the Linder and Ustick frontage, along with the vertically integrated and the retail space will -- will follow that commercial frontage, minimizing the impact from the -- from the neighbors. The landscape tree requirements -- we will meet the landscape -- landscape tree requirements. Pathway versus sidewalk. I can't read my notes. So, I appreciate your -- your time. Again, this is a -- this is an exciting project for us. I think by the testament of the neighbors not being here it speaks to our work with the neighborhood

and what we have told them and what we directed them that would be here from the beginning. We would still like a three-way stop at that intersection. I guess that's up to you and ACHD and not up to me and what I get. We -- Bill earlier told me that everybody has opinions and not everybody's right. So, I -- I took some wisdom from Bill and I understand that we can all have opinions, but we don't get to make the rules. So, we appreciate your time this evening and we -- I would stand for any question.

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

Amar: Thank you very much.

Seal: Okay. At this time we will take public testimony. Madam Clerk, has anybody signed up?

Weatherly: Mr. Chair, we do have people signed in. Before we get started on that, I did want to note for the record Commissioner Grace joined us at 6:15. He's having a couple technical difficulties, so he's going to try to hang in there, but I did want it to be on the record that he is present --

Seal: Okay. Thank you.

Weatherly: -- online. The first person I have signed up is Kristen Schiller. Kristen, you should be able to talk.

Schiller: Can you hear me?

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

Schiller: Sure. Kristen Schiller. 3441 North Tradewind Avenue, Meridian. I'm a current resident of the Windsong Subdivision and I would like to tell you how this proposed Pavilion at Windsong is going to negatively impact the existing community. First, the builder is planning on jamming in 33 townhomes, 12 residential units and one commercial lot on, truthfully, a very small piece of land. In order to get all these buildings jammed in there the builder is planning to put in far narrower streets than normally allowed for a neighborhood. So, I ask you where are all the guests and patrons of the commercial lot and the live-work unit supposed to park, since they, obviously, will not be able to park on narrow streets without blocking traffic. I will tell you they are going to park in the residential streets of the existing Windsong community on the streets where our children play every single day. We are a small subdivision with no current outlet to a main road and our streets are quiet and not heavily trafficked, so we allow our children to play out front. Second, the builder has mentioned that the commercial lot will likely be made into a drive-through coffee shop. Again, where are you planning on all the cars that traffic a drive through supposed to line up? There is no space for them to line up within the Pavilion neighborhood, so is the plan to have them back up on Linder Road or will they simply back up into the Windsong Subdivision? You do realize that this particular intersection at Linder and Ustick is already a very busy intersection and directly across

the street on the northeast corner of the intersection they are currently building tens of thousands of square feet of office space, which will only drive even more traffic through the area. Third, the builder is only given this Pavilion with 46 proposed buildings, a single outlet onto a main road on Linder, which is extremely close to the intersection of Linder and Ustick. So, people leaving the Pavilion will only have the option of turning right and heading south down Linder Road, they won't have the time or the space to get over to the left-hand turning lane on Linder to have the option of turning left on Ustick or making a U-turn to head north on Linder. So, where are these folks going to go if they need to head in any other direction but south on Linder? They are going to drive through the current Windsong community to exit out of the subdivision to the north. The northern outlet onto Linder Road also happens to be a highly dangerous crossing with no light at the intersection. Directly across the street is the Sawtooth Middle School, which causes major traffic twice a day during school pick-ups and drop-offs. I'm asking this committee to not allow the builder to create the Pavilion which will cause a huge traffic issue on the streets of Linder Road and within the current Windsong community. At the very least I beg you not to allow the continuation of Crosswind Street from the Pavilion into the Windsong community. Please leave us closed off from Linder Road and leave that single outlet onto Linder Road to the residents of the Pavilion and if the residents of the Pavilion need an additional way in and out of their community, then, give them one on Ustick Road, since we don't seem to care how close to an intersection we are putting in our outlet roads. Thank you.

Seal: Thank you.

Weatherly: Mr. Chair, next is Melinda Akhbari.

Akhbari: Hi.

Seal: Melinda, go ahead and state your name and address for the record, please.

Akhbari: Yeah. It's Melinda Akhbari. 3441 North Tradewinds Avenue, Meridian. I have basically the same concerns that she has, especially with the coffee shop and especially with the street going through -- Crosswinds going through into the community and also, too, once that other piece of property north of that is bought and turned into houses, then, that's going to -- or condos. That's going to create an even bigger problem, because everybody's going to use the Tradewinds as a -- basically it's going to be a u-shape, a drive-through, and also, too, like they need to -- you know, if it's a coffee shop, then, the trucks are going to drive down Tradewinds and, then, go out the other exit. So, I just think that's a real problem. These houses were very expensive and I think you need to take more consideration of the people that purchased these houses and how it's going to affect them, so -- and, then, also, too, I'm concerned about the -- the fact that there is no nice restaurants in the area. There is no -- there is no shopping and also, too, the streets are just already overloaded with cars and a lot of these streets can't be widened to accommodate anymore cars. It seems like it's just all about the houses and no consideration to how people actually live and what they need, especially when you go onto McMillan, that can't be widened, and from Walmart all the way out it's just -- there is

nothing. There is absolutely nothing but house after house after house and I just am concerned after all the farms are built -- sold and built up, that it's just going to end up being a few strip malls here and there, but it's going to be -- overall the whole community is going to be like a concrete jungle in the end and I just thought that this was a much nicer community. I expected it to stay -- to be a nicer community. I just feel like the houses are -- should be secondary to the -- to the roads being widened first if you are going to allow houses and I feel like you should -- if you are going to allow houses you shouldn't let them all be so crammed together. Give it a little bit more space. Beautify the area more. Thank you.

Seal: Okay. Thank you very much.

Weatherly: Mr. Chair, next is Kevin Amar.

Seal: Kevin, go ahead. Oh.

Amar: I know I'm going to talk about, but I will do it at rebuttal.

Seal: That's -- that's what we will have. We will call you back up when we are all done with public testimony. Thank you.

Weatherly: Mr. Chair, that's the only -- or the last of who has signed in.

Seal: Okay. If anybody in Chambers would like to come up. Please raise your hand or if you are online please hit the raise your hand button and we will get you up here. Okay. Oh. Do we have somebody? No. Okay. Would the applicant like to come forward.

Amar: Thank you, Mr. Chairman, Commissioners. I -- a couple of things that I heard from some of the -- the neighbors that were there and they are specifically related to traffic and commercial. With respect to Crosswinds, again, that's a -- that's a requirement and has been a requirement for connection. That's not something that we want to do. That will connect whether -- no matter what this project is developed as. I think the addition of the bulb out will definitely help and deter some of the traffic through there. Our access point onto Crosswinds is an unrestricted access, meaning it's not a right-in, right-out. We can turn left, we can turn right and people can get there in both directions. It is far enough away from the stoplight that it will also allow people to have time to turn left because of that stoplight and stop control intersection. With respect to the coffee shop and the stacking of that coffee shop, we have designed that specifically so the stacking does have room around the coffee shop. The drive-through would be on the side. But people can stack and park to get -- to go through the drive-through without being on Crosswinds. They are certainly not going to get onto Linder Road. It's at the entrance in that main area of a less traffic area for the residents of the Pavilion of Windsong and so that was designed with thought and care to make sure that we would have less stacking for that commercial type building. We, obviously, don't want people stacking out onto Linder Road. With respect to parking, each of these units meet the required parking, not only the garage parking for the property itself and the -- and the homes that we will be building

in there, all of them are a minimum of a two-car garage or all of them are a two-car garage. But the majority of them, other than just the two bedroom units, also have room to park two additional guests in front of -- on the driveway of that townhouse. In addition to that, we provided an additional 21 guest parking spaces. Most of those are centered around the vertically integrated units, because we know they are going to -- they are going to be the ones that need people to come over and meet with them at their office, unless they are meeting virtually. In addition to the 21 spaces there is another 17 spaces that are designated just for the commercial property. So, we looked at the parking. We know the parking is going to be a question and a concern. We don't want it to be a problem for the neighbors that are living in Pavilion of Windsong and we feel like we have addressed those with this -- with this project. One of the questions that came up has to do with shopping and restaurants and amenities in the area. Again, we have Settlers Park that's not far from here, but a lot of the other commercial type amenities that are growing very rapidly are at the corner of Linder and Chinden. We have got -- here we have a -- just spreading rumors, but there is Olive Garden going in. That's there. There is the tavern. There is a number of eateries in that area that aren't just fast food type eateries and it's developing in a fashion that that major intersection should develop. We have got Costco not far from here. Walmart not far from here. So, there is shopping and other retail type components that are -- that are near this project. In addition, it's -- this is an in-fill type property. If we -- our sole goal was just to maximize the number of units on a property we would -- we would build those vertically integrated units that we could actually maximize the number of units on the property. That is in the current development agreement and as allowed within the current zoning. We feel like this will be more cohesive with the area. We did make a number of changes as requested by staff, just to make sure that we meet what their vision is for the property also and I think the only question has to do with where that vertically integrated product should be and my opinion is -- you are right. Bill's opinion is something else. But -- but I think overall we have worked really hard with staff to make sure that this project will develop out in a way that is good for the community and good for the neighborhood. I would ask for your recommendation for approval this evening and I would stand for any questions.

Seal: Anybody have questions here they would like to field before we close the public hearing process?

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher, go ahead.

Lorcher: You mentioned that you built a couple of these same concepts in Boise. Was it the same -- about acre size, about three and a half acres?

Amar: No. They -- they -- Mr. President, Commissioner Lorcher, Boise asked for more density. So, we built 27 units on 1.2 acres on that project.

Lorcher: And -- and you said that that was kind of like the vertically integrated work living? How long ago did you build it?

Amar: We completed that last year.

Lorcher: And what's your occupancy rate for the businesses?

Amar: Occupant -- they are a hundred percent.

Lorcher: Okay. Thank you.

Grove: Mr. Chair?

Seal: Commissioner Grove, go ahead.

Grove: With the sidewalk and landscaping on the east side of the project, would you be open to helping widen that sidewalk from the seven foot sidewalk to a ten foot sidewalk along the Linder side of the project to be able to tie in with the pathway that is to the north of this property?

Amar: Mr. President, Commissioner Grove, yes, we would and I believe -- and Bill maybe help me. We had initially talked about ten feet, but -- but, then, parks asked to be reduced down to seven feet. So, I think what we were trying to do is make sure this project aligns with the requests of parks and rec.

Grove: I think my question here would be if -- if it was ten feet, but not having the direct access to the pathway, so that those -- I can't count, but six -- instead of having those six go in directly, but having those six go in as one pathway, but leaving the ten foot versus the seven foot. Does that --

Amar: Yes.

Grove: Does that make sense?

Amar: Yes. I believe so.

Grove: Tying -- tying those six together before they get to the --

Amar: Yeah. We are in agreement with that. We will tie those six together. With the two locations, one at either end, but, again, it will be a -- maybe a conversation with parks, unless the Commission has a recommendation for it, then, we will follow that recommendation.

Seal: And I will weigh in on that, too. I -- I ride these paths a lot, so -- especially the one there off Ustick. I have no issues with the redundant ten foot path personally. So, we use it that way right now. So, if parks and rec is looking for any feedback on that, that's my feedback on it is that it's -- well -- and to add to that, the -- the parcel that we recommended approval on that is on the southeast corner, they also did a ten foot pathway that is, you know, somewhat redundant in that, but that's the reasoning behind

it, is so that there is ample bike riding space -- lanes available for people to get around, because there is several parks that are in the area and there is some really nice pathways that are just north of this as well. So, question that I had on this specifically is how large exactly is the office space?

Amar: The office space is -- it's about 550 square feet on the main floor.

Seal: Okay.

Amar: That includes a restroom area as well.

Seal: And, then, it has direct access into the house; correct?

Amar: It does through a -- there is a door that separates it. But, yes, it does have direct access.

Seal: Okay. And it's probably mentioned in here, but are these for sale or for rent product?

Amar: They are so the vertically integrated -- we would have to put a condo in just based on the zoning. So, we may come back and do that. The other ones are a for sale product and that's why we are asking for the rezone, so we can have a townhouse -- individual lot for sale units.

Seal: Okay. So, for the vertically integrated those are currently for rent, but you are looking at making them for sale?

Amar: Correct.

Seal: Okay. Anybody else? Mr. Yearsley? No? All right. Is Commissioner Grace still online? I was going to say if you have anything to add let us know.

Weatherly: Mr. Chair, unfortunately, Mr. Grace had to leave the meeting at 6:00 -- excuse me -- 6:45.

Seal: Okay.

Weatherly: He couldn't establish a secure connection.

Seal: Understood. Thank you. Okay. If nobody else has any questions, thanks for your time.

Amar: Thank you.

Seal: Okay. Can I get a motion to close the public hearing for Item No. H-2021-0102 with Pavilion at Windsong?

Grove: So moved.

Wheeler: Second.

Seal: It's been moved and seconded to close the public hearing for Item No. H-2021-0102. All in favor say aye. Any opposed? Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Grove: Mr. Chair?

Seal: Commissioner Grove, go ahead.

Grove: I will just jump in with a few quick thoughts. I -- I disagree with the recommendation to move the vertically integrated to the north side, simply because I -- I believe just looking at the -- the height and the -- the use, I would much rather see it where the applicant has -- has it situated with on the -- within the site. I think some small revisions to the pathway sidewalk pieces could easily be done to meet both the applicant's desire and the park's recommendations. The traffic calming looks about as good as we are going to be able to get with ACHD and, you know, the -- the public testimony tonight with the access, essentially, to Linder, there -- I mean that's always -- that's a master street map plan for streets to connect, so that -- as soon as a project goes in, no matter what the project is, it's going to connect and there is going to be that access. That's in the ACHD master street map. So, there is nothing that we could do if -- whenever something does come in for that. I don't see anything major with this. I think the delineation between commercial and residential would be nice, but considering how these are being designed to be more office -- home office type use versus a true commercial space, I am not -- I don't have super strong opinions with the strong delineation from outside appearance sake.

Seal: Thank you. Comments from anybody else?

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher, go ahead.

Lorcher: I think it's always hard to do in-fill as the -- as the gentleman said and when people live in an area you don't know what you are going to get. Like it would be nice to see less density in that area, but if the picture matches what's going to be there I think -- I like the fact that the items are going to be for sale and not for rent. So, I think people will take better care of their properties and living community that will enhance the subdivision that's right there.

Seal: I will jump -- jump in on it. I already said my piece about the pathway. Yeah. I mean the density is a little concerning on this. I mean for the folks that testified tonight as far as the roads and everything. Unfortunately, most folks get to this hearing and they

think the roads are controlled by the city. They are not. They belong to ACHD. They will let us know whether or not they can handle it and we generally have to live with that, so -- whether we agree with it or not in some -- in some instances. So, unfortunately, that's where it's at. Like Commissioner -- Commissioner Grove has said is they -- that's in their plan and this was the plan for this lot, so it doesn't really matter what goes in here, that connection will -- will be made. So the traffic calming that's in there is all that the applicant could get. I mean they tried for a three-way stop. ACHD wouldn't allow it, so their hands are tied as well. It's unfortunate, but it is what it is. On the project itself, I do like -- the one thing I don't like about it is the elimination of commercial space. I will just say that first and foremost, that some commercial space goes away as a result of this. Considering that it's a hard corner and there is limited access, I understand why that is. I mean it's pretty hard to find businesses that are going to want to go in there with that really limited -- the really limited ability to -- to, you know, get traffic in and out of there. So, the vertically integrated generally I'm a pretty big fan of that. When it's connected to the inside of the house I'm less of a fan. I have got to say -- I mean we already had an applicant come through where we went back and forth several times on that and it ended up to where they closed that off from the rest of the house to me. That's -- that is vertically integrated. Your business is your business. Your home is your home. Period. End of story. So, when you connect it to the rest of the house, even if it's commercially viable, there is nothing to prevent somebody from turning that into a bedroom. Absolutely nothing. Or renting it out, you know, as a matter of purpose. So, I have concerns about that, to be perfectly honest, so -- I mean there is some vertically integrated structures that are in Meridian that I think are -- are very nice. I mean when you look at the bottom level of them it has a business name hanging over the door, it's obviously a professional building, there is, obviously, people living upstairs in it, but at the same time it's a business at the -- on the ground floor, so -- you know, I understand that there is a lot of people that are probably maybe going into the retirement side of their career, maybe an attorney, maybe a physician, you know, something along those lines that wants just a small space in order to live out the rest of their days, get to retirement, you know, move on type of thing or there is somebody out there that's trying to make their side hustle their hustle, their job, and that's, you know, obviously, where some of these come into play. So, I would like to see it, you know, closed off. I would like to see it more presented as a commercial space, instead of a residential space, especially the way that the -- it's facing the two major roads. To me that needs to look like commercial property. So, we are giving up some commercial property to have this, you know, possibly go in there. So, to me it needs to look more commercial and, then, have people live in it, instead of the other way around. I would also like to see that -- those be for sale personally. So, again, I think if they are rented -- you know, if you are trying to turn your side hustle into your job and it doesn't work out, well, then, you are just renting some place and there is no reason to have that as a business, so -- trying to satisfy everything with this is pretty tough, so the -- basically, the code for live-work in Meridian is a little vague and allows for a lot of latitude for what can be presented as live-work. So, we are just trying to make sure that it doesn't just end up being live for a space we are already giving up commercial space in. Sorry, that was very long. Anybody else?

Grove: Mr. Chair, can I get like two seconds real quick?

Seal: Two seconds, Commissioner Grove.

Grove: I will say the loss of commercial, if it means that we are losing storage units on a hard corner, I am happy about that, so --

Seal: I -- I will concur with the. Commissioner Yearsley, go ahead.

Yearsley: I -- I agree. I -- it just feels like we are just trying to cram something in there just to get a lot of homes in there. The only positive part in my opinion is it's for sale instead of for rent. That's mine. I -- I am not a big fan of private roads. You are putting a huge expense on the homeowners association down the road to have to maintain that road. I live in a subdivision that we have several private roads and it is a fairly significant expense to maintain those roads, you know, ten, 15 years down the road. So, I think they are sacrificing roads, access, parking for more space and -- and -- and I just -- I struggle with that, so --

Seal: Okay. Commissioner Wheeler, go ahead.

Wheeler: Yes. My -- my bigger concern is I'm trying to picture here on this corner where the commercial part is -- is set apart, I'm -- I'm imagining coming in, going around, looping back out and around and to me it looks like there is just a -- that's just going to be a traffic issue moving forward, figure-eighting into a residential multi-family complex here. If there was a way to put that on the corner on the opposite end, that would make a lot of sense, because, then, you got a right-in or even a left end, but, then, you got a right turn out and you don't have to cross lanes of traffic to get into the commercial spot there where it's abundant next to the residential development on it. The other thought I had is I do like the idea of the live-work space getting closer to that corner than not. But I know that you spent a lot of time, you're -- you're problem solving on this corner here and -- and trying to figure out a way to make this work here and also be a benefit to the community on it and I'm a fan of these live-work places. I like these kind of unique solutions a lot, because it is where things are going and it is where things are. It's just going to get more and more like that. But that -- that -- that -- that corner there is -- the commercial side is what's concerning to me is how that might move forward on something. So, with that being said, I can see the applicant would like to make some comments on this. Is there a way to open back up public testimony and have some comments back on that? Would he be willing to work with staff on that kind of thing to have those kind of questions?

Seal: We can go that direction, but that would -- I mean I would want to do that for a continuance.

Wheeler: Okay.

Seal: If that's where you are heading with it. Sure.

Wheeler: Okay.

Seal: If that's not where we are heading with it --

Wheeler: Okay.

Seal: -- I think we live with what we got.

Wheeler: Okay. We will -- so we can bring him up here and ask him if you would be willing for a continuance to rework on that, is that what you are saying, chairman?

Grove: Mr. Chair?

Seal: Commissioner Grove.

Grove: So, it depends on what -- what I think we would be asking or telling, because we can make recommendations that -- because this does go to Council, so those recommendations could be addressed at Council level as well.

Seal: Okay.

Grover: Depending on -- depending on what direction you are thinking.

Seal: Yeah. And real quick, Bill, the -- I mean the CUP portion of this really speaks to the vertically integrated piece of it or is that more on the commercial property piece?

Parsons: Mr. Chair and Members of the Commission, it speaks to the townhome piece.

Seal: It is the townhome --

Parsons: The CU --

Seal: Okay.

Parsons: Yes. Vertically integrated is principally permitted in the C-C zone.

Seal: Okay. Thank you. I'm amenable to bringing them back up and talking about a continuance, but we -- there has got to be some good -- we have had good feedback I think at this point in time, so if we want to move in that direction we can.

Grove: Mr. Chair? What -- I guess, Commissioner Wheeler, what is it that in particular -- I guess like specifics would we be looking at, because I -- I don't know that I'm on the same page, but I would like to understand where you are kind of thinking.

Wheeler: Yeah. I understand, Commissioner Grove. I'm thinking of more or less moving that commercial piece over to the north, to see if he could work with that. Obviously, there is a 23-foot access aisle has to be added on, which he's already said that he would do;

right? Enlarging that area toward the drive aisle would be 24 feet and, then, I'm interested in putting that live-work space closer to that corner on that side.

Grove: Mr. Chair? The -- I understand what you are saying, Mr. Wheeler. I think, though, that would exacerbate the concerns of the neighbors, because if you moved something like that up there you will immediately have stacking that would go into the existing neighborhoods versus where it's at now. The stacking with where an entrance to the commercial space would be in the subdivision that is being proposed tonight versus out into anything that is already there or that would be coming with the stub street to the north. So, I think that some of the concerns that you would have might get flipped, but it would -- it would actually -- I think we would end up in a worse situation because of it. That would be -- that would be how I would kind of view some of that. I think also keeping, you know, the vertically integrated further away from the traditional neighborhood areas allows it to have that three-story without it being an imposing structure close to. So, that would be my other concern with moving it anywhere from where it currently is situated and so I -- I don't disagree with some of the points, but I think that we really need to be cognizant of what the ripple effect would be if we were to make those suggestions.

Seal: And I'm -- I'm on the same page as Commissioner Grove on the -- moving the commercial piece of it, just because of what they want to do and how they want to provide the stacking that will occur in there. I mean if this is a highly successful -- you know, a lot of coffee shops when they first open there is, you know, a billion people want to go there. So, I -- I go to coffee shops and I mean I can tell you the one that's over there by Walmart that thing stacks clear back out onto the -- onto the road when you go through it sometimes, so -- those are the times that I just drive by and I don't bother getting a coffee, but other people will wait in lines for a long time, so -- I mean, if anything, to maybe the drive-through window can be brought even further around the building, instead of presenting right by the -- the street there. Maybe could bring it over to even to the east side -- or, sorry, the west side of the building, just so there is just further -- you know, a few more cars can fit around that building, so -- as you can tell we are hoping that the coffee shop is wildly successful here, so -- I mean that's -- and I mean, honestly, it always amazes me -- it can be 2:00 o'clock in the afternoon and there is a couple coffee shops that are, you know, right in the area there that are -- they have lines that -- they have stacking, so it is -- it is an issue. But I do agree that moving that north is going to, number one, cause issues with the neighbor to the north. Number two, I don't think the stacking would be any better and I think it would actually be worse and it would come out onto the -- the road there personally.

Grove: Mr. Chair? Bill, could you pull the -- the colored map up from the concept plan, please.

Parsons: Mr. Chair, Members of the Commission, just a couple -- as Joe's helping me out here this evening assisting with that, I just wanted to at least go on the record and clarify a couple things. As Commissioner Grove mentioned, it does get complicated when you start shifting the uses around and that's why it was noted in the staff report that if those vertically integrated were -- were moved to the north boundary it would require the

rezone boundary to change, because vertically integrated uses are a conditional use in the R-40 zone, so now we are changing zoning boundaries and we are having a completely different site plan, which would facilitate a different continuation, like you said, and bring back a plan that you guys could look at. The other reason why staff was recommending that change or potentially suggesting that change -- I don't think we conditioned it, we just suggested that it might be an option, was the fact that the applicant wasn't meeting the dimensional standards up in that section of -- per city code. So, we are like, well, it looked like the footprint of the vertically integrated projects were smaller than the townhome footprint, so it looked like it could fit there very nicely and still integrate with that commercial pad on the corner. The other reason for that was the fact that that's a lesser classified street. Typically when you have vertically integrated you want to activate the streetscape; right? You want people walking to the business, too, not only driving to a business, so when you have local streets you can allow on-street parking, you can get buildings closer to the street, you can have patios, you can have all those types of things occurring and that's why we had recommended that change as well. But as far as where it goes and how it situates, that's really up to you tonight as part of your review. But, certainly, with the applicant addressing staff's concerns, we are fine with the townhomes remaining the way they are. Now, as far as the widening that north-south private street in between the two units on the north side, that could be simply addressed by just making it 20 feet wide and bollards -- and placing a bollard and calling it emergency access. I mean there is many ways that we could probably address this and work with the applicant as we head to City Council and make a lot of these changes, but there is -- in my mind I think they want to move forward with what you are seeing tonight. The other thing that I wanted to point out on the record is that the conditional use permit for that drive-through will come back to this body, so this is really just -- just -- right now it's all conceptual, they are showing you that they are wanting to have a commercial component and it may have a drive -- may or may not have a drive-through, we just don't know. But if one is proposed if it's within 300 feet of a residential district, then, I can guarantee it's going to be back in front of this body and having another neighborhood meeting, so the residents have a say and input in that design. So, with that I will -- I will let you go ahead and continue with your deliberations. Thank you.

Seal: Thanks, Bill.

Grove: With that I won't belabor the point too much, but just looking at where the drive aisle is and how it was presented, the -- the pick-up window I believe would be on the north side closest to that northeast corner. That means this -- beginning of the drive-through would be on that south side of the parking to the commercial, which means that if there is stacking it would go south first before it went north and west. So, just looking at how people would pull in, you know, if it was really packed they are going to go down and around all the town homes and stack up in around. I don't think it will get to that point, but I'm just -- just kind of pointing out the directional flow of things. Like I don't see how it would back up out of the subdivision entrance off of Crosswind and down west of Crosswind. So, I think the concerns would be slightly overblown in terms of coffee shop stacking for the drive-thru.

Seal: Other comments? Motion? I'm open to whatever. I mean we have -- one of the reservations is just there is -- there is a lot in here, so -- I mean I share that concern as well. The -- even though we have the MEWs in the middle and I -- I do like that approach to the townhomes in there, I -- I think that's a -- a good design, it's a very smart design. I agree it makes everybody's front yard really big. It makes for a community setting where, you know -- especially, if you have kids and things like that, everybody can be out there. There is eyes on everybody. I personally like that. That said, it would be nice if there were a few less in there. You know, I especially see where the vertically integrated is, you know, to provide a little bit more parking for that if needed. I do like that the parking is concentrated around that, but at the same time it would be nice to see more. So, that said, this is -- you know, I will be honest, this is the third time I have seen this piece of property come in front of me, so -- personally, in this capacity, so -- it's a tough corner. It's -- it's going to be tough to put something in there that's going to make everybody happy, so -- not sure -- I'm glad I don't have to make the motion tonight. How is that? Commissioner Wheeler, do you have something to add?

Wheeler: The only thing I was going to say is I really would like to bring the -- the applicant back up here just to have a -- just to see what his plans are for the next move on this. We have done this with other ones in the past -- on other ones. Just to kind of see what he would prefer and also, Commissioner Grove, just to kind of see would he prefer to -- if we can -- if we just denied it or would he prefer a continuance on it, too, just to see if you could do some rework on it, too, so -- we have done that in the past, but I would like to see if the Commission at least would like to be able to do that.

Grove: Mr. Chair? Before we do that I just want to kind of clarify what we would be wanting to have continued, so that we kind of had some direction with the -- what types of questions that we would ask the applicant. I'm of the mindset of -- of approving and moving it forward. That's where my head space is with this. But I'm open to opening it up and, then, you know, entertaining a continuance. But I don't know that I have a full grasp of still why we would want -- or need to do that. Like what we would be asking to have changed.

Wheeler: Okay. Well, I will -- I will back off on that and I will let you make the motion then.

Seal: Well, I mean one thing I would definitely like to see in here, I -- and -- and I don't know -- and, Bill, maybe you can help out on this one is the -- I mean the ability to offer those vertically integrated as a for sale product instead of a for rent. Is that something that we can condition in this or is that something that's just -- I mean I know that's just -- it's a road I would like to see us go down. I just think that a vertically integrated product, if you are -- it's something you are having to purchase, then, it is something you are going to definitely want to purchase for a specific reason and you are going to care for it in that manner. So, it's going to -- it's going to be your business with, you know, obviously, the ability to live above it, so your cost is down overall.

Parsons: Yeah. Mr. Chair, Members of the Commission, certainly this is a re-zone and a new development agreement. In the past I have worked on projects where we have required people to short plat their buildings, so that they, essentially, turn them into condos and have that done prior to getting occupancy or even any building permit. Well, they have to have a building permit in order to construct the building, so that's one of the criterias to condo -- condominiumize the building is you have to have a valid building permit. So, it's something that you can add as -- or a recommended DA provision and, then, the applicant can take that up with Council if they don't agree with it. Or they may agree with it and sign the DA and do it, so -- again, if you want to have that conversation with the applicant, you are more than happy to open up the public hearing. But, again, there is an avenue to do that.

Lorcher: Mr. Chair, didn't the applicant say they were for sale? They weren't going to be for rent?

Seal: The vertically integrated are for rent. They are not for sale. Everything else is for sale. Maybe -- maybe I misunderstood that. I was going to say, it's -- okay. At this point let's get a motion to bring the applicant back up.

Wheeler: Yeah. I would like to make a motion to open back up the public testimony --

Seal: Of H-2020 --

Wheeler: H-2020 -- sorry. H-2021-0102

Seal: Do I have a second? No one else? Okay. Then I will look for a motion so we can move on.

Grove: Mr. Chair?

Seal: Commissioner Grove, go ahead.

Grove: All right. After considering all staff, applicant, and public testimony, I move to recommend approval to the City Council of file number H-2021-0102 as presented in the staff report for the hearing date of April 7th, 2022, with the following modifications: That the vertically integrated units be condoed with the recommendation that they not have access to the residential from the commercial space.

Seal: Did you also want to -- there was a recommendation in the -- or I think there was a stipulation in the staff report about moving the vertically integrated north.

Grove: Oh. Oh. And to remove the condition to move the vertically integrated from the south to the north.

Seal: Okay. Do you have a second?

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher.

Lorcher: Can I get clarification, Commissioner Grove?

Grove: Yes.

Lorcher: So, the vertically integrated condoed. Access to the residential to commercial space eliminated. Is that what you said?

Grove: The internal access.

Lorcher: We really didn't talk about that.

Yearsley: I didn't think they said they weren't -- there was no access between the houses and the business.

Seal: Unless I heard that wrong, too.

Lorcher: And, then, what was the third one? Remove what?

Grove: To remove the condition in the staff report of the recommendation in the staff report to move the vertically integrated unit from the south position to the -- to swap spots, basically, with the townhomes in the north.

Lorcher: Oh. Okay.

Seal: Do I have a second?

Lorcher: I have another question.

Seal: Commissioner Lorcher, go ahead.

Lorcher: We really didn't talk about the elimination of the internal door with the applicant at all. So, is he being blindsided whether we go through this motion or not?

Yearsley: The applicant testified that there was no internal access for the -- from the residential to the office space.

Lorcher: It's the opposite. He said there is.

Yearsley: Oh. I thought he said no.

Grove: Again this is a recommendation to go to Council.

Yearsley: No, I -- like I said I -- I misheard. So, I apologize for that comment.

Lorcher: All right. Well, then, I will give a second.

Seal: Okay. It's been moved and seconded to approve File No. H-2021-0102, Pavilion at Windsong, with the aforementioned recommendations. All in favor say aye.

Grove: Aye.

Seal: All those opposed?

Wheeler: Nay.

Yearsley: Nay.

Lorcher: I didn't vote.

Seal: Madam Clerk, can we -- can we -- can we get a roll call on that?

Roll call: Wheeler, nay; Grove, yea; Lorcher, nay; Grace, absent; Yearsley, nay.

Weatherly: Commissioner Seal.

Seal: Well, the nays have it at that point, so --

MOTION FAILED: ONE AYE. THREE NAY.

Seal: I'm not sure what that means, to be perfectly honest, so -- so, the motion failed, so we are in the same spot.

Starman: Mr. Chairman, I recommend that -- the motion fails. I would recommend that those that voted against the motion that you invite one of those commissioners to offer an alternative motion.

Seal: That's a -- perfect.

Yearsley: So, I guess for me -- I guess my reason for denial is not associated with most, is mine's more concerned about the density and the private roads and I don't know if anybody else has that same concern or not or -- or what -- what their thought is or if I made that motion if it would be I guess seen as what everyone else is thinking. I would be interested to hear.

Grove: Mr. Chair?

Seal: Commissioner Grove, go ahead. Personally I'm -- I'm good with the density. It's a -- at the corner. It doesn't go into a subdivision in and of itself. It's relatively isolated.

This corner in general on all sides, except for the southwest corner, have some type of intensification planned or are in progress. I -- I see this as a good way forward. Again, it's not storage units, so I'm happy.

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher, go ahead.

Lorcher: The reason I said deny is because we really didn't talk about the elimination of the residential door to the commercial space, so for me if we remove that portion of it, the rest of what Commissioner Grove said was fine. Only because we didn't -- we really didn't even address it, except the fact that it was mentioned.

Wheeler: Mr. Chair?

Seal: Mr. Wheeler.

Wheeler: I'm -- I'm going to tell you I just have a -- I do have a big problem with where that commercial space is at. I'm just seeing -- you are crossing one exit in, you are taking another left, you are getting whatever needs to be done and, then, you are backing back out in this figure eight and if -- are we assuming that that's where the drive-through is supposed to be at is on that -- is on that corner right there that's vacant? So, now we have a drive-through access that someone is going to either have to go back through where the parking area is at to come back up around, back through, and, then, out again and I -- I find that not beneficial to the -- to the community that's there and I do think that the best part for that would be on that northern portion, whether it has to be on the hard corner, which is where most of them are going to want it, which means that your queuing line you can actually bring it down to where that westerly access is at and bring them around and have them queue out different and, then, have them pick up their drive through and, then, come back down and around. But that -- you know, one, two, three, four, five, six, seven, eight turns to get in and out is just -- doesn't seem beneficial and that's -- that's going to be a hang up on -- on my side of things. So, whether that -- that commercial -- and the commercial requirement needs to be here in some way, but -- but where? And I don't know if we can just, you know, recommend that there could -- either that commercial requirement there or some more live-work space. Could we go there? Maybe that's just a better use on that or some -- some L-O, some light office, something along those lines. But I'm -- I'm just not seeing that as a -- as a really good commercial space just for access.

Grove: Mr. Chair?

Seal: Commissioner Grove.

Grove: I guess two points for -- to that. Is -- it will have -- since it will have to come in front of us again for a CUP to address the driveway -- drive-through specifically, I'm not too concerned with the absolute specifics. I think in general, yes, we can -- you know, if

long term, you know, we don't think we will be able to find a solution, but my -- my guess, based on -- on this is -- you know, you are getting ten to 15 vehicles that can queue in in the parking lot of that commercial space in and of itself, so -- I mean that's a pretty big queue just in general. But, again, we don't have to get into the specifics of that, since it will -- you know, any drive-through like this would have to come back again, because we don't have that CUP in front of us tonight. So, I think if -- you know, we don't think we can get to a working spot with it and, then, yes, but if we think that there is ways that it can be addressed in a future CUP where it is and, then, I don't think that we need to get caught up in the specifics. But what you are saying would be to move it, which is something that would need to be addressed tonight, so just kind of throwing out a couple different thinking points I guess.

Yearsley: And -- and -- Mr. Chair? And given that I'm against the overall project, but as the commercial side I -- I agree, because we don't even know if there is going to be -- expecting to be a drive through. You could actually have a commercial piece there that has no drive through and trying to design it now without even knowing what's going to be there I think is putting the -- it's -- it's under -- you know, it's hard to -- to -- to make those decisions now. If there is a drive-through it has to come back before us and we can address those concerns there and so that -- that would be my -- my recommendation.

Wheeler: Mr. Chair?

Seal: Commissioner Wheeler, go ahead.

Wheeler: I just know that that's what's been talked about all night and so I was just addressing that concern, since it was public up front. But if it's something that we can punt on, I just want to be able to manage expectations to the developer, because these aren't cheap undertakings.

Seal: Understood. So, I -- I mean personally I -- the live-work part of it is -- is the part that I'm kind of struggling with, so -- and I mean we have -- we are at an impasse here with -- we don't want to blindside them with closing off the internal. Personally I think it needs to look more like commercial. So, to me it just looks like a bunch of townhomes. I think they need to be for sale, not for rent, in order to kind of cement that in. So, I mean to me if we are going to give up a lot of commercial space in order to provide for this to come in, I think that it needs to have more done in order to make sure that that is a commercially viable space, it's something that looks like commercial property, it is street front property, so I think it should have that look and appeal. I one hundred percent agree with that in the staff report, that it's -- it's a little lackluster in that. So, I don't agree with having, you know, work-live that, you know, is connected. So, again, with this, especially if it's a for rent product, I mean we can provision it to where it's not going to be a for rent product by having them condo would, but at the same time I just, you know, live-work is -- you have a business, not a home office. You know, live-work is you have a business. So, that's kind of where I'm at with it personally. I -- I'm -- I'm open to having the applicant come back up, throw some of that stuff at them, see what we can do, see if they are okay with it. See if they want to continue to come back, possibly redesign, do something

different with the corner, do something different with the density. You know, I mean -- I think that there is probably enough on the -- you know, I would rather give them that opportunity than just deny it at this point. But I would like to move it along. So, if -- if we think that bringing the applicant back in is going to help do that, then, I'm all for it and I would stand for that motion.

Wheeler: Mr. Chair?

Seal: Commissioner Wheeler.

Wheeler: Give it another go. I would like to open up public testimony for H-2021-0102.

Yearsley: Second.

Seal: It's been moved and seconded to reopen the public hearing for Pavilion at Windsong, H-2021-0102. All in favor say aye. Any opposed? Okay. Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Seal: Would the applicant like to come back forward, please. Go ahead and state your name and address for the record one more time. Thank you.

Amar: Kevin Amar. 1580 West Cayuse Creek Drive in Meridian. I'm the developer. I'm here to answer questions. Let -- let me start just by -- I think addressing some of the concerns I have -- I have heard. If I miss any just start shooting questions my way. With respect to the design, that was purely done in an effort on our side to -- to make a project look the way we thought a project should look. So, we could -- we could easily redesign the bottom floor with a different material type of a brick or a rock or a some other facade, so it would be a different type of -- obviously a different type of unit down below versus the live space up above. We already have fenestrations and areas that move in and out to differentiate that area, but we can use a different material on the bottom floor on the commercial space from the upper floor and it would -- that would easily change the look of the units. So, I would be happy with that condition and we can move forward with that. With respect to the closing off the access, again, it's -- it's -- as I think of how I -- if I'm going to use this space as an office, I would rather be able to go in and out from inside my office building than have to go outside my front door to go back inside my office door, especially when there is a -- there is already an easy hallway there that is there. So, again, it's -- maybe it's more opinion and I understand the concern of what it's going to be used for, but that is why we agreed to staff's condition that that will be built out as a commercial space. Again, these live-work units are an allowed use in this zone. So, I understand we are focusing on that, but we are happy to make concessions and changes to -- to get through this with the Commission, because we would like to move forward and we would like to get to City Council. So, I think with those concessions, hopefully, that answers some questions. As far as the actual retail corner, whatever it may be, we envision a coffee shop. We understand it's going to have to come back for its own CUP. So, we believe that we have provided enough stacking if and when we get a coffee shop

there, but we can illustrate that stacking at that time and show how that works. We have felt -- because we did look at the other corner to the north for that. It -- it really put more traffic right at an intersection that's already we feel like it's going to be a little bit busier anyway, just due to the fact that that's where these residents, plus all the residents from Windsong -- you know, they are worried about people driving through Windsong. The reality is most likely all the Windsong residents or the majority of them are going to drive back out, because it's easy to get out to Linder at that location. So, having another commercial stacking potential problem there we felt like was just not as good of a location as we designed these items. With respect to some of the private streets, private streets are pretty normal in a commercial type development. If it's office buildings, if it's condos, if it's -- if it's whatever, you are going to have private streets and we set up the HOA with a budget in -- in such a fashion -- I know in my current office building and in our current setup we have an escrow account within that to take care of the private streets as -- as time goes on. So, I think that's something that we can set up as we -- as we set up the HOA and we -- we already would do that, because we don't want to burden those -- whether it's a retail user, an office user, whoever, a homeowner, they need to have the funds to spend that money when the time is -- when the time comes to spend the money. And, finally, with respect to the sale of those units, there are steps that we have to take in order to get to a condo plan. So, we have to -- as Bill said, we have to have an approved project, we have to pull a building permit and, then, we can come back and ask for a condo portion of that. We are happy to put that in that we come back and ask for a condo, but we can't ask for that tonight, if I understood that correctly, Bill. That is just -- it's out of order and so we can put it in the development agreement that we will come back prior to, you know, certificate of occupancy that we will ask for a condo plat. That was already our intention. Currently in the existing zoning the way those are under the allowed use for the vertically integrated, we just -- we just can't do it that way. You can't have individual for sale vertically integrated units. I wish we could. It would make it so much easier. But that zone with the -- again, that's an allowed use within that zone, so we are just trying to play within the rules of that zone. I don't know what other questions you have, but I'm happy to answer them.

Seal: We just had a question on density. Would you be willing to reduce the density of the -- the homes that are in there?

Amar: We would rather not. Again, in the allowed zone we can actually increase the density. So, we feel like we have already reduced the density just in the fact that we are -- we are proposing what we have proposed, because we could come in with a vertically integrated unit on the entire project and get a number of more units and it's -- and it's allowed and so it's not a -- it's not a question of if we can do it, it's -- we just don't feel like it's the right use for that area. So, we feel like we have already reduced the density to get to the -- get to what we have now with a better -- with a better product. As we look at what we have designed and when we built the homes in Windsong, those homes that we were bordering are all two-story homes and we did that intentionally, because we knew these -- these homes are going to be two-story homes and we didn't want to run into that question of we have got a single-story home and we have a two-story home next to us, so we have been planning this for a while. Again, if we go back and do a vertically

integrated product most likely that's going to be a three-story unit and, then, we do run into some of those questions. So, we feel like we have already reduced density, although you have not seen that. But that's based on the allowed use we can increase the density from what currently is proposed.

Wheeler: Mr. Chair?

Seal: Commissioner Wheeler, go ahead.

Wheeler: Kevin, had a question -- also the staff report talked about moving the -- the vertically integrated units over to the north side. What's your feelings on that?

Amar: Again, that's -- that's where Bill and I had our conversation of everybody has opinions and we find out who is right or wrong. Again, it was done in an effort to keep the traffic off of Crosswind, as people are coming to those offices and those businesses in the vertically integrated units, they are not parking right on Crosswind's road. They are coming into the project where we have provided additional parking and they are coming into an area where the people that live there already know that that is happening. As we -- as we have CC&Rs, those CC&Rs have to address that not only these are townhomes, but there is also offices and vertically integrated units in that project. So, we can address those questions of neighbors that are moving into the Pavilion at Windsong much easier than we can tell the neighbors that already live in other areas, well, now you have parking on -- on a road that -- that is there and could potentially impact them more. So, that was -- that was largely the reason that we -- between that and the height of those buildings why we didn't want to push that further into the neighborhood. That's our thoughts.

Wheeler: Thank you.

Seal: Other questions? Everybody's got all their questions out?

Amar: And if you have other questions -- I mean one of the -- I'm back there twitching, because there is things that come up. I'm happy to ask -- answer questions. It's just hard to answer questions after the hearing is closed.

Seal: Okay. Thank you very much.

Amar: Thank you.

Seal: Can I get a motion to go ahead -- oh, does -- would anybody else like to testify? So, please, raise your hand on Zoom or come forward in chambers. All right. Seeing none, get a motion to close the public hearing for H-2021-0102.

Wheeler: So moved.

Grove: Second.

Seal: It's been moved and seconded to close the public hearing for Pavilion at Windsong, H-2021-0102. All in favor please say aye. Any opposed? Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Seal: I will take a motion. Sorry to be abrupt, but we have got a lot of stuff on tonight.

Wheeler: I will make a -- I will make a motion then. After considering all staff, applicant, and public testimony, I move to recommend approval for the City Council of file number H-2021-0102 as presented in the staff report for the hearing date of March 17th, 2022, with the following modifications --

Grove: Sorry. That -- it's printed wrong. Wrong date.

Wheeler: I got to remember what month I'm in, man. Thank you for catching me, man. Appreciate it. April 7th. Thank you. All day. Thank you. All right. Let me start that motion over. After considering all staff and applicant and public testimony, I move to recommend approval of the City Council file -- to the City Council of file number H-2021-0102 as presented in the staff report for the hearing date of April 7th, 2022, with the following modifications: That the facade on the live-work space be -- have some integrated brick or stone on the bottom level and also that a condo plat be -- be done when that time comes on this -- on the work -- on the work-live space --

Seal: In the DA --

Wheeler: In the DA agreement.

Seal: Thank you. Did you want to have the internal connection and there is also the -- we wanted to nix the -- moving the commercial space to the north or the live-work space to the north.

Wheeler: And -- and not have the live-work space moved to the north as said in the staff report.

Seal: Can I get a second?

Grove: Second.

Seal: All right. It has been moved and seconded to approve Item No. H-2021-0102, Pavilion at Windsong, with the aforementioned modifications. All those in favor say aye. Opposed?

Yearsley: Nay.

Seal: Got that?

Weatherly: Mr. Chair, for the record, Commissioner Yearsley, was that a nay?

Yearsley: That was a nay.

Weatherly: Thank you, sir.

Seal: Okay. The ayes have it. Motion passes.

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

Seal: We can take a breath. Thanks, everyone. We will go ahead and take a five minute bio break and we will be right back. Thank you.

(Recess: 7:44 p.m. to 7:51 p.m.)

**5. Public Hearing for Oaks North Rezone (H-2022-0010) by Toll Southwest, LLC, Generally Located Northwest of 5151 N. Rustic Oak Way**

- A. Request: Rezone of 12.02 acres of land from the R-4 to the R-8 zoning district for the purpose of recouping five (5) building lots in a future final plat phase of the Oaks North Subdivision.

Seal: Okay. We will go ahead and call the meeting to order again. Everybody want to take their seats. All right. So, we have Oaks North Rezone, H-2022-0010, and we will begin with the staff report.

Dodson: Thank you, Mr. Chair, Members of the Commission. This, hopefully, will be simpler, but mine never are, so we will go with that. The application before you is for a rezone for a portion of Oaks North. The property, as you can see, is a little bit wonky, because it hasn't been final platted yet or at least not all of it. The property consists of 37.5 acres, but the rezone area is actually only 12 acres. This area of Oaks North only has the original rezoning and preliminary plat from 2013 on it and that existing DA from 2013 is still applicable to this area. Future land use out here is medium density residential, as is the case for all of Oaks North. The request for a rezone of 12 acres of land from the existing R-4 to the R-8 zoning district is for the purpose of including five additional building lots that were lost over the course of the previous 11 final plat phases of the Oaks North Subdivision. Staff has confirmed the addition of five building lots within this phase will keep the project consistent with the approved preliminary plat from 2013. Because of this there is no need for a new plat to be submitted. Code allows for later phases of a project to include lost lots with previous phases, so long as the total number of lots approved with the pre-plat is not increased. However, adding these additional lots within the existing R-4 zoning district is not possible, as the minimum dimensional standards could not be met, meaning street frontages and minimum lot sizes. Therefore, the applicant has requested to upzone from the R-4 to the R-8 for this portion. These 12 acres. A better view would be this. This would be the final phase of Oaks North. This is Oaks 10, I believe, which