

**Public Hearing for Modern Craftsman Franklin (H-2022-0079) by  
Horrocks Engineers, Inc., located at 4540, 4490 & 4420 W. Franklin  
Rd., approximately 1/4 mile east of the northeast corner of W.  
Franklin Rd. and N. Black Cat Rd.**

- A. Request: Development Agreement Modification to the existing Development Agreement (Inst.#2020-117678) to remove the property at 4540 W. Franklin Rd. from the agreement for the purpose of including it in the proposed multifamily development.
- B. Request: Annexation of 10.29 acres of land with an R-15 (medium high density residential) zoning district. C. Request: Preliminary Plat consisting of one (1) building lot and (1) one other lot on 11.47 acres of land in the R-15 zoning district. D. Request: Conditional Use Permit for a multi-family development consisting of 122 dwelling units on 11.47 acres of land in the R-15 zoning district.

Seal: And with that I would like to -- do you want a second to work on that, Bill? No? Okay. Got you. So, I would like to -- or I would like to open the public hearing for Item No. H-2022-0079 for Modern Craftsman at Franklin and we will begin with the staff report.

Allen: Thank you, Mr. Chair, Members of the Commission. The next applications before you are request for annexation and zoning, conditional use permit, and preliminary plat. There are also concurrent development agreement modification and private street applications, which do not require Commission action. This site consists of 11.47 acres of land. It's zoned RUT in Ada county and R-15 in the city, located at 4540, 4490 and 4420 West Franklin Road. The western portion of the site at 4540 West Franklin Road was previously annexed into the city with the Compass Charter School East expansion project and zoned R-15. The Comprehensive Plan future land use map designation is medium high density residential in the Ten Mile Interchange Specific Area Plan. The applicant is requesting a modification to the existing development agreement to remove the property at 4540 West Franklin Road from the agreement for the purpose including it in the proposed multi-family residential development and the new development agreement associated with the proposed annexation. Again, this application does not require action from the Commission, only City Council. The applicant is proposing to annex the eastern two acre parcels shown on the plan on the east there, consisting of 10.29 acres of land with an R-15 medium high density residential zoning district. A medium -- excuse me. A multi-family residential development with a mix of housing types is proposed with a gross density of 10.6 units per acre, consistent with the medium high density residential future land use designation in the Comprehensive Plan. A development agreement is recommended as a provision of annexation that includes the west parcel proposed to be removed from the existing development agreement for the charter school. The plan shown there on the left is the concept plan that's included in the existing development agreement that was approved with the Compass Charter School. A preliminary plat is proposed shown there on the left consisting of one building lot and one other lot on 11.47 acres of land in the R-15 zoning district. Right of way is proposed

to be dedicated with the plat for the extension of West Aviator Street, a collector street, across the northwest corner of the site in accord with the master street map. Access is proposed via the collector street, Aviator, with a driveway access via Franklin Road, an arterial street, along the southern boundary of the site. The driveway is required to be located along the west property line for shared access with the property to the west. Private streets are proposed for internal access and for addressing purposes. Street buffer landscaping is required along the collector and arterial streets in accord with UDC standards. The Purdam Drain allies off site along the east boundary of the property within a one hundred foot wide easement on land owned by Nampa-Meridian Irrigation District. The easement encroaches on this property at the northeast corner of the site. You can see the little easement line right here. A conditional use permit is proposed for a multi-family residential development consisting of 122 dwelling units in the R-15 zoning district. A mix of housing types with one, two and three bedroom units is proposed consisting of single family residential detached, attached duplex and townhomes. Because all units will be on a single lot, rather than individual lots, it is considered a multi-family residential development. All units will be for rent, rather than individually owned. A minimum of 1.85 acres of qualified open space and five site amenities are required to meet the minimum standards. The common open space exhibit submitted with this application included some areas that don't qualify per UDC standards for multi-family residential development. Staff has requested the exhibit be revised prior to the City Council hearing in order to determine compliance with the minimum standards. The applicant has noted in their response letter that they are below the minimum standards for qualified open space and that they intend to request alternative compliance to those standards. So, that will be submitted prior to the Council hearing. Site amenities are proposed as follows from each of the required categories. Quality of life. They are proposing a clubhouse and a dog park. A way station is required to be provided with a dog park. Open space category. They are proposing a community garden. From the recreation category they are proposing a swimming pool and internal walking trails and a children's play structure. And, finally, the multi-modal category and they are providing charging stations for electric vehicles, which meet and exceed UDC standards. Off street parking is proposed for the development that meets and exceeds UDC standards. A minimum of 248 parking spaces are required. A total of 260 are proposed for an extra 12 spaces. Conceptual building elevations were submitted for the proposed structures within the development as shown. Building materials appear to consist of a stucco-like material with wood-like -- wood look lap siding and stone accents with asphalt shingle roofs. Final design should comply with the multi-family design standards listed in the Architectural Standards Manual and the traditional neighborhood design guidelines in the Ten Mile Interchange Specific Area Plan for the medium high density residential future land use designation. Written testimony was submitted from Shannon Ely, Baron Properties, the applicant's representative. She requests the following changes to the conditions in the staff report. Condition A-2-1-C she requests the proposed private streets are allowed to be in an easement, rather in a common lot, due to the nature of the project and the civil complexities associated with it and concerns pertaining to spacing and easements. The city code states the preference is that the private streets is in a common lot if the property is being subdivided. It's also staff's and the Ada County Street Name Committee's preference for clarity and accuracy in determining the street alignment and for approval of the street names that are -- excuse

me -- that they are depicted on the final plat and recorded. Condition A-3-6-M she requested the street names be updated in the condition to reflect those on the most recent plans. Staff has made that change. And, then, finally, Condition 2.9 in Section B, they request that condition -- it's a Public Works condition -- be replaced. I can read through this if you would like. Otherwise, I will just let you view it in -- in the staff report and the hearing outline, but they have a proposal for replacement of that condition with alternate language and Public Works has agreed to that alternate language. So, staff is on board with that change. Staff is recommending approval with the requirement of a development agreement per the provisions in the staff report and staff is requesting one condition be added to require a sidewalk along the south side of West Fresh Powder Lane on the north side of the common area where the community center is located for pedestrian connectivity and safety. Staff will stand for any questions.

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

Koeckeritz: I think Penelope was right. Is it working or no? She was right. Okay.

Allen: Are the -- the arrows on the keyboard aren't working?

Koeckeritz: No.

Allen: I can -- I can forward them for you if you like.

Koeckeritz: All right. Thank you.

Allen: Apologize for that.

Koeckeritz: We are good right now. Okay. Good evening, Planning and Zoning Commissioners. My name is Elizabeth Koeckeritz. I am with Givens Pursley. My address is 601 Bannock, Boise, Idaho. With me tonight are Jeff Riggs, Matt Riggs, Greg Hector, as well as members of our local planning development team. I want to start by saying thank you to Sonya and Bill and really everyone in the Planning Department. This project has been a long time coming. We have gone through numerous iterations. We feel like we have worked with every planner, even ones that aren't here now, and we are really excited with where we have landed and how this is going forward and how we comply with the Ten Mile Interchange Special Area Plan. Baron Properties, just by way of background, because they haven't been here for probably a year or two, they were founded in 1983 by Jeff Riggs and they have developed and operated over 125 residential communities in the Mountain West. One of the things that's really unique about their properties is they provide high end amenities in a community. It's owned, operated, maintained by Baron and residents -- and there is a lot of different types of multi-family units within their projects, which allow residents to enjoy the community without -- and live really like they are in a single family detached home without worrying about the maintenance or upkeep associated with home ownership. Most recently they have developed two projects in Meridian, including the Black Cat one, which was the first development of its type really in the Treasure Valley area and it provided with its attached

and detached residential units, its provided Meridian residents with a living opportunity that was previously unavailable. That one is currently -- it's still partially under construction, but it has started having tenants move in and they are giving it really rave reviews as you can see here. The other one that they have just recently -- it's been entitled, it's under construction, is the Modern Craftsman at Ten Mile. Next one. One thing since Baron came to this community they have become really involved in the Idaho Apartment Association and with the local chapter of the National Apartment Association. They recently had an annual event and Baron brought home four awards for its developments here in Meridian and what's really cool about this is these awards are voted on by the membership, which includes many of our most recognizable multi-family owners and developers in the valley and so their Black Cap project received the Property of Excellence in Meridian Award. Moving on. So, vicinity map. Sonya did a really nice job of covering this. We are right north of Franklin right at sort of the northern end of the Ten Mile Area Specific Plan. We are requesting annexation, zoning, a UPE, and a DA amendment and we are in full agreement with all but two recommended conditions of approval and looking at -- it's not super easy to see, but this R-15 -- we are really looking at offering a mix of housing types. You can kind of see different colored dots on here, like you see some lime green ones, some purple ones, some blue ones and each one of those is a different housing type. The lime green ones are townhomes. There are six units together. They are two-story townhomes. The purple are one bedroom, one bath duplexes. So, each side there is one bedroom, one bath. The bright green are two bedroom, two bath bungalows and, then, there are six three bedroom, two bath, bungalows. All the buildings use quality materials, including stone, stucco, wood tone siding. There is a variety of roof lines and facades, some with single slope roofs, some with hip roofs. There is -- some have attached garages, tuck under garages, detached open parking carports. There is just a wide variety for the residents that will be living here, including what's -- actually, let's go back one. I think -- we didn't get these slides for you. Is what's -- one of the things that makes these -- the Baron projects really unique is that they really focus on providing private open space. The Meridian City code requires 80 square feet of private square -- private usable open space per unit and what Baron really focuses on is all of these units have their own private usable open space that far exceeds the 80 -- the 80 square feet. The bedrooms have 138 square foot patios and 126 square foot yards, for an average of 264 square feet. The two bedrooms they are combined at 578 square feet. The three bedrooms have 386 square feet. The six bedroom -- the six-plexes, the townhomes, they don't -- we have not included the yards. Their patios are 94 square feet. But as I will show you in a minute, they do also have their own sort of private green grassy area, it's just not individually fenced for them. So, going on -- let's go one more. One of the things we really looked at in trying to get this to comply -- to fit into the neighborhood was with the Ten Mile Plan, which focuses on three primary elements, land use, transportation and design. I will talk about each briefly in turn. Sonya did a really good job of pointing out where this is located and what's right around it. There -- while there is residential in the immediate vicinity, this really takes advantage of the fact that within one mile there is also property designated mixed employment, high density employment, industrial, commercial. We are not very far from the new Paylocity, the Saltzer Health, the Alquist project. There is just a lot going on right in this neighborhood, which makes this ideally situated for a neighborhood where

residents can truly live and work within the same area. This is also recommended by the zoning. In the R-15 it talks about single family detached townhomes, two family duplexes, apartments, things of that nature and although ours are all on one lot, they still live and work like detached single family housing. Moving on to transportation. A big issue in the Ten Mile Plan is focusing on traffic and interconnected streets and here we have this unique rather narrow property. So, we worked with staff to create what you see here. We worked -- to start we worked with the property owner to the north. Aviator Street just cuts the very corner of this property and so they worked closely with him, with the Aviation Subdivision, over the last year and a half to make sure that this property would be included to make sure that it would be developed with that street Section C as envisioned in the TMISAP. Also when you look to the south, it was also really important that the properties to the west have also access, because you are getting close to the intersection of Black Cat and they are trying to -- ACHD is trying to minimize connections onto Franklin and so that's why the entrance is pushed so far to the west and, then, it has to curve back around to get into the bulk of it, because we are trying to work and collaborate with the neighbors to the west to make sure they have that access. The street design focusing on the complete streets. Because this is kind of a narrow unique property shape, we really tried to work with staff on creating this main boulevard on drive through the developer -- through the development and you can see on this main street you have townhomes on one side that front up to the street and on the other side you have our duplexes, which also front up to the street. The TMISAP stresses that it's really important to look at the design beyond the edge of the roadway bed and so that's what we did here and we really tried to copy the design standards in the TMISAP with a narrower drive aisle for keeping traffic speeds down. The drive lane is 24 feet, with nine feet of parallel parking on each side, which also parallel parking is encouraged in the TMISAP, followed by eight foot carriage streets, which are wide enough and we do intend to have trees in those. Then five foot sidewalks and, then, it's just another five feet to the home entrances. All of the garages along the street were moved to the rear as it's mentioned multiple times in the TMISAP about sort of hiding the garages behind -- putting them on alleys, making them further back. We also have agreed to incorporate more traffic calming at the crossroads through pavers, bricks, colors, concrete, that sort of thing at ACHD's and staff's recommendations. The design elements -- here is a picture of the townhomes and you can see there is a small grassy area in front of them and the way this is set up it's really not likely that other people are going to be using that and so although we are not calling it their private usable open space, it really is. They do have a nice little grassy area that they can sit on fronting onto this main boulevard street. Our building details are really high quality lap siding, cultured stone, stucco. We have three separate color schemes that are all different, but really cohesive when you view them as a whole. All the units they are only -- most of them are one story. The townhomes are two story. There is a variety of roof lines for diversity and all the mechanical units are screened, as also recommended in the TMISAP. We have usable porches on the front. We have our walkways entering to the front. Let's see. This diversity of residential type, styles and densities we think does appeal to a wide range of lifestyles who want this sort of upscale living environment without the responsibility of lawn and other maintenance. Moving on to the one bedroom, one bath. This is what those units look like. They have an open floor plan with an emphasis on natural light. Every unit has a small private fenced

backyard. It's desirable, because there is only one shared wall on these. Ample storage. And these are sort of really popular units. All of these are with young professionals sort of starting out who want more than that really multi-family three story walk-up experience who are ready to have more of their own space, but aren't ready for full home ownership and for empty nesters, retirees, who want to just be able to lock it, walk away, and not have to worry about all of the upkeep that comes with home ownership. On our next -- here is a picture -- another picture zoomed in a little bit more on our townhomes. It's 34 percent of the mix. There is -- the two car garage is tucked under there and so our parking counts -- what they don't also include is the fact that there is also additional parking available on that driveway apron, but we are not counting that in those. So, that does help with the overall parking. Let's see. They have upper balconies and lower. Both -- they both have upper balconies and the lower porches and that private green space -- space that I mentioned. Interior amenities. It's really tall ceilings. They are open floor plans. Modern finishes. Stainless steel. Everyone has their own in-unit washers and dryers. They are smart security systems. Smart thermostats. All of those sort of new app enabled amenities that people are really looking for. Within the community there is - - the clubhouse includes a lounge, a coffee bar, conference room, Zoom room, state-of-the-art fitness center. As you walk through the pool -- through the clubhouse you end up in the pool area with a pool, a hot tub, and attached grill area. There is the adjacent tot lot that's next to the pool. If you go sort of up towards the northern boundary there is a dog park up there. There is a community garden. We have learned over time that residents really do like having the option to still just dig in the dirt and although it's not listed within code, most of these units do have the private yards. Lots of parking. Lots of connectivity. We will be submitting an application for our common open spaces for alternative compliance for that. We have been working through it. We are going to continue to work with staff and figure out what we can do to make it best work and so that is something that will be coming and we have talked to them about providing that within 15 days -- at least 15 days prior to the City Council meeting. It looks right now like we are about one-third acre short, but we are two-thirds acres over on private open space, if not more, and so we are going to try to figure out if there is just other options for us for that. The clubhouse. Next one. You can see this one I think actually has a super cool looking round swimming pool, something you don't see every day, and it leads out to that swimming pool, hot tub and spa area. These units also include detached garages that have storage. They are not. There are -- so, the garages come in blocks of -- I'm just about done -- six and, then, they also have additional storage units within them that individuals can also use. So, each garage bank has six -- 17 storage units also attached. We have confirmed that all services are available to the site. We are in compliance that Meridian and police -- fire and police are both able to serve the site. That we are meeting with all of the requirements for annexation and zoning. We meet all the setbacks. We are in compliance with all of those -- just with all of those standards and, then, finally we are just asking for these two small conditions of approval and it sounds like we are already in agreement -- or that staff supports one of our conditions of approval on the platting and the timing for the platting and that Public Works has signed off on that. The other one is that we are requesting that our public -- our private streets remain in easements. That's how we have worked it on the last two developments. It's worked out really well, because there do become various setback issues there become -- when you have to put the pins

in at lot corners, there just become a lot more issues when you put this into separate -- when it has to be individually platted or when the streets have to be in separate lots, then, all of your setbacks and everything kind of gets set off from there and it be creates a lot more issues going forward. So, we are asking for that one change in condition. And the code does allow you to do it either way. It specifically says or.

Seal: Okay.

Koeckeritz: With these I will stand for any questions.

Seal: All right. Thank you very much. Commissioners, do we have questions for the applicant or staff?

Smith: Mr. Chair?

Seal: Thank you. Question for the applicant regarding the alternate conditions of approval -- or -- around the open space. Yeah. You mentioned you are looking for additional options and things like that. Are -- are they -- I guess what I'm trying to make sure I'm on the right page around this is are you trying to come into compliance or are you looking to find an alternate condition or somewhere in between? You know, the -- the staff reports says, yeah, you are looking for -- you know, alternate condition, but it sounds like you are trying to work on something. I'm just trying to -- to make sure it's not something like, hey, you know, we are -- we are close enough, you know, if you round up we are almost there or in the open space, especially considering the closeness to the school -- the other -- other development projects in -- in, you know, in the area. There are certain things that I think it's important to ensure that there -- there is adequate open space in this neighborhood. So, I just want to ensure that that's something that's being taken into account.

Koeckeritz: Good question, Commission -- Commissioner Smith. We actually are looking at probably a both and -- in that we are going back, we are looking at what our open space is. Are there different areas where we could include more. Just really working through the open space really closely and carefully to see other places where we can add more open space where we already have it and maybe we are not counting it right or we are not looking at it quite right. But, then, I do think that we will also be looking at applying for alternative compliance for a portion of the number.

Smith: Okay. Thank you.

Seal: Go right ahead.

Grace: Mr. Chairman. Can you help me understand -- I was trying to follow your description of why you prefer the easement over the common lots, but it may -- it may be me. I'm just not tracking with you.

Koeckeritz: All right, Commissioner Grace. So, within the R-15 zoning district there are certain setbacks for every single lot and once you put this -- and so right now everything

-- we only have -- I believe it's two lots. But if everything -- yes. Two lots. But if we were to have a third lot and that lot comes down as a road, then, we have to also count setbacks off of that road and right now we have things that are closer and so we would be having to look for waivers of distances and things of that nature and off the top of my head I can't tell you what -- which ones create an issue and which ones don't or what those exact setbacks are.

Grace: That helps. Thank you.

Seal: Anybody else? I have got a couple here. So -- and -- so some of the things that you have done in your other developments I don't see here is live-work. Will there be any kind of live-work arrangement here or commercial?

Koeckeritz: There will not be, because this site was zoned -- has a future land use map designation of straight medium density residential -- medium high density residential.

Seal: Okay. In the backyards is that for the -- is that going to be like your other developments where it's going to be kind of an indoor-outdoor type grass, where it doesn't have to be mowed or cared for?

Koeckeritz: I believe so. Yes, it will be.

Seal: Okay. So, the storage that's provided that is -- that is going to be for the residents only and it will be allocated by a resident or is it something they have to rent or --

Koeckeritz: It's something that you can -- there is not quite enough storage for everyone and so it's something where you can lease an extra storage unit.

Seal: Okay. And it will be for the residents of --

Koeckeritz: It's for the residents. Yes.

Seal: Okay. Yeah. And, then, I had a similar question on the open space part, because you are calling it private open space. Generally we just call that a yard. So, I'm kind of - - that might have missed a little bit for me. So, I mean generally speaking you have a yard and, then, you have common open space. So, the two of them don't really interact very well. Common open space serves a different purpose.

Koeckeritz: Yes.

Seal: With that does anybody else -- Commissioner Wheeler?

Wheeler: Yes. Thank you, Mr. Chair. So, yeah, that was one of my questions, too, was about the real grass. So, on the -- it looked like there might be in the front of the house, too. Not just the back, but in the front. Those little grassy spaces I'm assuming that's going to be like artificial grass, too?



Koeckeritz: Commissioner Wheeler, we have some members of the development team here who could answer that for certain.

Wheeler: Okay. Perfect. Okay. Yeah. That was it. And then --

Koeckeritz: Okay. I can repeat it. Put it on the record. It is actual turf in the front yards. The only -- the only not real grass is in the fenced backyard areas.

Wheeler: Fenced backyard. Okay. Great. And, then, similarly -- I mean looking at this development you can tell that there is a lot of thought and a lot of craftsmanship for sure and a lot of pride in this development in the way that it's moving that -- the way that's developed and that's really good, because, you know, that the -- the development carries that developer's name and he is -- and -- or they are making sure that this is a high quality, nice development for sure. One of the questions, though, too, is on the -- on the open space use. It seems like it's -- it's below that. Usually in multi-family it's -- it's good to try to at least hit that as a benchmark as at least the minimum requirements, if not more, and so have you thought about ways to re-adjust the -- the layout on this to allow for some more open space?

Koeckeritz: Commissioner -- Commissioner Wheeler, great question. Yes, those discussions are ongoing right now and so we are trying to -- that's where we are at, we are trying to figure things out. Can we make small adjustments here or there to really come up with more of that open space.

Wheeler: Okay.

Seal: Okay. Any further questions? None? All right. Thank you very much.

Koeckeritz: Thank you.

Seal: Madam Clerk, do we have anybody signed up to testify for this application?

Hall: There is no one signed up online, but we do have a David Bailey that signed up to speak.

Bailey: Good evening, Mr. Chairman, Commissioners. My name is David Bailey. I'm with Bailey Engineering. My office address is 1119 East State Street in Eagle. And I am the engineer and the -- and -- and worked on this project for the developer, so I'm, obviously, in favor of it. But I have some insight that can -- that can talk about the -- the two issues that you are talking about here -- is -- the first one is on the private road, we do these often, you know, in the -- in the City of Meridian and we have worked on them for some time and we have done them in easements and we have done them in common lots. When we have -- where we are going to subdivide the individual lots, buildings, within the property for separate ownership we need to have that frontage on a private road and we need to have pins and those people to be able to locate their properties

when they own them individually. But when they are -- when they are rental units it really doesn't add any value to the -- to the tenants within the property. So, it becomes an administrative requirement. The bottom line is if -- if the city decides they are going to make that happen I can make it work; right? It's -- it just doesn't add anything to it. We agreed to put these drive aisles as -- as private roads mostly for the condition of Joe Bongiorno, the fire department, so we could provide much better addressing for emergency services within the site, because if we just have a Franklin Road address for 122 units it makes -- it's a big problem for -- for them and so the only reason they are private roads is -- is really to provide that addressing for them and not to provide frontage. We do also have, in the same area, easements for the city utilities, sewer and water services that go in there, and we have worked extensively with your department as you might imagine getting all those services stuck in between the buildings and making them all work right. Meeting your -- your Public Works Department requirements are -- are -- are pretty tricky. Luckily I have got some really good engineers working on that piece and we figured it out. So, I don't think it's necessary for that to be in a common lot, you know, to provide any -- anything more than what we are providing for the project already. That said, if the city decides that's what you want, I can make it work and wouldn't affect anything. The second issue is on the open space for this and the -- the issue on it is is that -- for example, all of the green space we show on both sides of our boulevard in the center and the islands in the middle and the landscape that goes with that and those sidewalks, that has a boulevard on this that looks exactly like what you have in your Ten Mile specific plan; right? We really wanted to copy that look and -- and follow that look within there. All of that open space up through there and those boulevard strips and all that doesn't technically qualify as open space under your code. So, we have plenty of open space in this project. It's just how we measure it, whether it's wide enough in order to qualify for -- for that -- that position there. On the other hand, we do have probably -- I think it's over four times as much private open space within the project as required by the code. So, we could take those yards away from people and put that into common open space and we could actually do that -- I can't say I can trade it all one for one, because of configuration, but I could probably get most of it back just by taking away these private yards, which are a significant amount of amenity to the project. So, as far as the quality of the total open space for the project, we are going to ask for alternative compliance -- compliance, because we think we are -- we are way over that, what's -- what's required in that end. So, at that point I would -- I would -- I would stand for any questions you might have.

Seal: Any questions from the Commissioners? Commissioner Lorcher?

Lorcher: I have a question for staff. In regard to the private roads being either on a common lot or easement when it comes to a full rental property, has there been a precedent set for this -- the City of Meridian?

Seal: I think -- hi, guys. That's okay.

Allen: Apologize. Sorry. Can you, please, repeat that?

Lorcher: That was absolutely fine. And so the conversations been going around this common lot for the private roads -- or the easement.

Allen: Yes.

Lorcher: So, these are all rentals, so there is no home ownership like the engineer had just -- what David had just said. Has there been a precedent set in the City of Meridian for easements on rental properties versus the other or is it just a case-by-case basis? And I mean, obviously, it's already been approved on occasion, but --

Allen: Mr. Chair, Commissioner Lorcher, so two things. This property is being subdivided and that's -- that's where our code specifically says if it's part of a subdivision the preference is that it be in a common lot.

Lorcher: Okay.

Allen: Or another lot. Whatever. Not a buildable lot and not an easement, so -- and the other thing is -- since some of the previous approvals the Ada County Street Name Committee has requested that these be in a separate lot recorded on the plat.

Lorcher: Did they say why?

Allen: Yeah. Excuse me. I will refer to my notes here. I ran through it in my intro, but let me reference that again here. Just a second. Yeah. So, their preference was for clarity and accuracy in determining the street alignment and for approval of the street names that they are depicted on the plat and recorded.

Lorcher: Okay. Thank you.

Starman: Mr. Chairman, can I inject some procedural or --

Seal: You bet.

Starman: Yeah, I guess that's a process question or topic and I will ask my planning colleagues to help me out here, but we have kind of an odd -- this is an odd topic in the sense that in the UDC decisions relative to private streets are delegated to the director of the department. So, those are director decisions and an applicant can ask for City Council review, but absent that those are the decisions of the director. So, that's topic one. But topic two is it a kind of gets blurred, because now we have some proposed conditions that are attached to the preliminary plat that reference the private streets and, hence, we have a discussion tonight about that. But the odd issue from a process perspective is that technically issues relative to private streets are delegated to the department director and if the applicant isn't satisfied with that answer, the recourse is to ask for City Council review. So, I don't -- we can talk about that more as you deliberate, but I think, really, if the applicant is not satisfied with the director's decision they probably ought to consider asking for Council review between now and the time this reaches the City Council and

they should take that up concurrently. But I'm going to look at Bill and see if you have any additional thoughts on that.

Parsons: Mr. Chair, Members of the Commission, we have -- we have talked about this before as staff and, yes, we have had instances where the director has made a determination and, then, the applicant has submitted a companion City Council review application to catch up with it, just like you would with the alternative compliance that you are working. Now, I don't -- I'm going to punt it back to you a little bit, Kurt, because in this instance technically this application is going before City Council. So, is it really necessary to do that City Council review when it's already going to be in front of the City Council, because they are -- they are actually the ones that are acting on the annexation and the CUP and the plat. So, that's where we have had those internal debates about whether or not a City Council review application is necessary, because this is landing in their court and at that point the applicant has that ability to address the Council and say we think the director has erred and we think it should be in an easement and not a common lot. But that's typically how we have handled it.

Starman: So, Mr. Chair, with your indulgence I will make one additional comment or respond to Bill's thought there, but I don't want to get too far into the weeds tonight. That's kind of a technical esoteric issue and I would like you to deliberate first, because it may be academic. But what I would say with regard to what Bill was inquiring about is my view is that the code is pretty specific that decisions relative to private streets are the director's determination and there is a very specific process in code that says if an applicant doesn't agree this is what you do and that -- what you do is not talking about preliminary plats and things of that nature, you ask the Council to review the director's decision and that is a discrete action. There is a separate processing code. And I think for the integrity of the process and to adhere to the code we should probably follow that sort of a parallel concurrent process. So, I will leave it at that, because that's really more than you need to know right now and it may be academic depending on your deliberations this evening regardless. So, I will be happy to answer questions, but I will leave it at that for now.

Seal: Okay. Question on that. I mean that leads us to the -- to the -- sir, you can sit down. I think we are -- I think we are through this part of it. If you want --

Bailey: I had one more question, since I'm here, in the middle of it.

Seal: Absolutely. You filled us in on a lot, so I will allow that. Go right ahead.

Bailey: Okay. In -- in regard to that, I see his point on that end and, as I have said, it can go either way and we can live with it. It's just our preference compared to the city's preference on that. So, I would appreciate that if -- if you think that the easement's okay that you forward that recommendation to the Council and we will take it up with them.

Seal: Okay. Excellent. Thank you.

Starman: I -- I think that's -- that's a -- that's a fair comment and I would say -- I don't have a dog in the hunt either. I don't have a strong preference either. I'm just saying from a process perspective the code's pretty specific about here is how it works and so, you know, part of my job is to make sure we play by the rules, right, and so I just want to bring that to the -- to the Commission's attention.

Seal: Okay. And so for -- for our choices on this -- I mean as -- as we go down the road is that essentially takes it out of our purview is -- is what you are speaking about; correct?

Starman: I think it's out of your purview in the sense that the decision about the private street and whether it's an easement or a -- a common lot, that -- that decision either has been made by the director or it's going to be made and, then, if the applicant doesn't agree that wouldn't be something before this body, it would be reviewed by the City Council. So, I think the answer -- I would frame it that way. I do think the applicant -- or the applicant's engineer makes a good point. I certainly would not object. I think it's fine if you want to make a recommendation to the Council that if you go in this direction or we think this might make sense, I think that's fair game, but it really is not a decision point for the Commission.

Seal: Okay. Thank you. Appreciate the clarification on those -- on that item. Where -- where are we again? Was there any -- that's right. Was there anybody else that would like to testify? Please indicate by raising your hand. I see no one. If we have no further questions for the staff or applicant, I will take a motion to close the public hearing for File No. H-2022-0079. Come on up. Sorry. I'm -- I'm flustered at this point, so --

Grace: Mr. Chairman, though, I think we would close public comment and, then, you would let the applicant come up; right?

Seal: Beforehand?

Grace: Beforehand? Now I'm flustered.

Starman: As the Commissioner recalls, our typical process we ask -- we have the staff presentation first, then, we ask the applicant to present. We hear from the public and, then, we always provide opportunity for the applicant to sort of close the argument, so to speak, and answer questions. So, that's very appropriate before we close the public hearing. We will get all that on the record.

Seal: Okay. I'm sorry about that. Generally when another member of the staff comes up, then, there is not much more to add, but the floor is yours.

Koeckeritz: I will be very brief. Elizabeth Koeckeritz once again. Givens Pursley. I guess -- and I just want to reiterate one of the points about putting these streets into private roads, which I understand, there is a question as to process wise whether or not that's in front of you today or not, which I don't necessarily know is something to get into, but it is a recommended condition of approval within the staff report and so it's important from our perspective to make sure we address everything that's in that recommended conditions

of approval. However, the one thing that I just wanted to close with is that what makes this also unique and different when it comes to these private roads -- when it comes to this development as a whole, compared to almost all the other multi-family development complexes that are ever going to come before you, is that this is owned by the same family team, Baron Properties, from now through the construction, through to the operation, to the management, through to the very end and so a lot of the concerns that come with putting things in private -- in public roads versus private roads and a lot of these other concerns, they just simply don't exist in developments like this where it really is one cohesive unit and they are really looking at taking care of their own property for the long term. Thank you. And with that we would ask for a recommendation of approval for our applications.

Seal: Thank you very much. Okay. Now, if nobody has any further questions for the applicant or staff, I will ask for a motion to close the public hearing for File No. H-2022-0079.

Wheeler: So moved.

Rivera: Second.

Seal: It's been moved and seconded that we close the public hearing for File No. H-2022-0079. All in favor, please, say aye. Opposed nay? Motion carries. The public hearing is closed.

MOTION CARRIED: ALL AYES.

Seal: Who would like to go first? Everybody -- Commissioner Grace, go right ahead.

Grace: Sure. Mr. Chairman, I -- I really like the -- the design elements and the design concept. I like the variety of housing types. I think it fits the area, the proximity to other -- other activities in terms of jobs and schools. I really like the external site amenities. So, I'm -- you know, I'm -- I'm -- I'm in favor of the project. I -- I hesitate to wander off, because we probably don't need to based on counsel's -- well, I'm not going to then. Based on counsel's recommendation that it might not be before us. But if we do -- it turns out that we do want to make a recommendation as a group, then, yeah, I guess I have some thoughts on that.

Seal: Okay. Anybody else?

Smith: Mr. Chair?

Seal: Go ahead, Commissioner Smith.

Smith: Yeah. I just wanted to -- to come back on the open space question. I know there is -- you know, there is not a ton for us to look at right now in terms of what that -- what that looks like, but, you know, that -- I'm struggling a little bit with -- with some comments,

as I think you kind of referred to, of private open space being equated to similar statuses as public open space. I don't think that makes sense. I don't think it's reasonable. Theoretically you could give a handful of people massive backyards and -- and make the same argument. I just don't think it tracks, because, like you said, they are different purposes. I think that also follows suit with the strips on different part -- on sides of -- of streets. I think that the purpose of open space is pretty clear and there is a reason that the code is set out as it is, so I don't know if this looks like it -- a condition, since it's something that's going to come before the Council and we -- we haven't really looked at it, but I -- I sincerely would hope that the developer would make as much of an effort as possible to get into compliance. I understand that alternative compliance might be necessary regardless, but I think I personally would like to see a whole lot of the former than the latter is -- is my main kind of consideration. It just -- especially given just the general density in this area. The denser you get I think the -- the more important open space becomes, you know, in -- in -- in the long run -- in long term planning. So, those are some comments -- I don't know if that -- if -- if I would want that as a condition. I don't know if that really can be a condition, since it's still TBD regarding what the -- what the ultimate proposal to City Council looks like, but those are just some thoughts.

Seal: Okay. And -- and I -- I agree with what you are saying and I mean the open space private space doesn't necessarily track with me. However, I -- I will say that I'm glad to see -- and -- and -- and I do like the design of these. I -- I have toured the one that's up on Black Cat and it's -- it's pretty impressive and it's not a whole bunch of four-plexes and it's not a massive apartment complex. So, personally I really, really appreciate that, that this is still considered multi-family, that it's livable. So, I would like to see the applicant come to at least the minimum. So, I know that might be a stretch, but I -- I think the minimum is -- is something that can be accomplished here. So, with -- without, you know, degrading the design or -- or the atmosphere of the -- of the subdivision that's -- that's -- or the development here. So, that is something that I would like to see happen with it personally. But I do appreciate the design of it for sure. Anybody else?

Wheeler: Mr. Chair?

Seal: Go ahead.

Wheeler: Yeah. So, I'm just going to mimic those same comments there. For me I -- like I said, there is a high quality here. There is a lot of pride in what's going on in the development on here. Good quality. It's a place that doesn't -- you know, just seem like they are trying to pack it in as deeply as they can. They have wider drive aisles. It's a -- it's -- it's a beautiful community concept. It really is. And -- and the -- the fact, though, that it's on -- I believe it's on one parcel -- is that what I heard correctly was that it was on one parcel?

Seal: I believe it's three different parcels.

Wheeler: Is it three parcels? Okay. So, it's on three parcels there, but it allows them to kind of combine a little bit of those open spaces without the -- without the lot lines there as being used for some of the -- some of the yards are being counted for as open space. So -- and even the buffer up there -- I look at more like open space, like where are the kids going to go play where somebody can throw a soccer ball -- or kick a soccer ball, you know, throw a ball around that and -- and while there are some of those spaces there that are for some of the duplexes and there is some down on the south end, it would make some of the utilization of where that can go, so that the community can -- can enjoy, that might be -- that's more of what I'm hoping that can be hit and, once again, just the minimum would be nice to see in some way or another. But this is a -- this is a great -- great concept in a -- in a great spot.

Seal: Okay. Thank you. As far as the -- kind of what -- what's not agreed upon, it -- I mean if -- whoever is going to make the motion it sounds like the staff and applicant are in agreement on the -- the last two, the A-3-6-M and the B-2-9. As far as the A-2-1-C, what I have seen in the past when it comes down to decisions like this when it's somewhat not necessarily in our purview and we make a recommendation generally speaking I have supported what staff has down and, then, I leave that to Council to deliberate, you know, or a decision to come in from somewhere else. So, if somebody else accepts that, then, that's something that, you know, again, it's basically out of our purview. But if you do have designs on whether or not you do support it or not, feel free to voice that in a -- in a motion. And with that I will take a motion. If anybody would like to throw one in. Commissioner Grace, I see you are reaching for the microphone.

Grace: Yeah. Mr. Chairman, after considering all staff, applicant, and public testimony I move to recommend approval to the City Council of File No. H-2022-0079 as presented in the staff report for the hearing date of April 6th, 2023, with the following additional recommendation: That with regard to the applicant's requested modification regarding A-2-1-C, that the -- that the private streets -- well, that we follow the director's initial, I guess, decision on that to call those common lot in lieu of -- of an easement.

Seal: Do you have any comment on the other two?

Grace: Oh. Well, I -- I would be in favor of the -- of the other two requested and that would be part of my motion as well. It sounds like those were already agreed upon.

Seal: Okay. I think they wanted those stricken, unless I'm --

Grace: Say again, Mr. Chairman.

Seal: I believe they want those stricken. They are -- they are conditions right now, so they would need to be stricken.

Grace: Right. And I would be in favor of -- and make in my motion to strike those -- those other two.



Seal: Okay. Can you list those out? And, then, there is one other one that Sonya has listed at the very end.

Grace: So, I'm looking at modification A.3.6M and, then, B.2.9; is that accurate?

Seal: That is correct. And, then, I believe Sonya wanted an additional one that's listed at the bottom.

Allen: Chairman Seal?

Seal: Go ahead.

Allen: May I interrupt? Condition B.2.9, the request was to strike it, but to replace it with new language as contained in the hearing outline and the applicant's response to the staff report. Thank you.

Grace: Did I do it? This got awfully complicated.

Seal: It does sometimes, so -- yeah. Essentially to --

Grace: Oh, the additional request. Okay. Okay. We didn't -- we didn't talk about that, necessarily, but I, too, would be in favor of it, if that's what staff has determined in their infinite wisdom.

Seal: You want to go ahead and read it out loud?

Grace: So, Mr. Chairman, I -- I -- I make the same motion with the same comments regarding the applicant's requested modifications and I would add the additional -- the additional recommendation of a condition to add a -- the required sidewalk along the south side of West Fresh Powder Lane. Oh. On the north side of the common area where the community center is located for pedestrian connectivity and safety.

Seal: Okay. Do I have a second?

Wheeler: Second.

Seal: Okay. It's been moved and seconded to recommend approval of File No. H-2022-0079 with the aforementioned modifications. All in favor, please, say aye. Any opposed? Motion carries.

MOTION CARRIED: ALL AYES.