

Meridian Planning and Zoning Meeting

July 21, 2022.

Meeting of the Meridian Planning and Zoning Commission of July 21, 2022, was called to order at 6:01 p.m. by Chairman Andrew Seal.

Members Present: Chairman Andrew Seal, Commissioner Steven Yearsley, Commissioner Patrick Grace, Commissioner Nick Grove and Commissioner Maria Lorcher.

Members Absent: Commissioner Nate Wheeler and Commissioner Mandi Stoddard.

Others Present: Chris Johnson, Kurt Starman, Joe Dodson, Alan Tiefenbach and Dean Willis.

ROLL-CALL ATTENDANCE

<input type="checkbox"/> Nate Wheeler	<input checked="" type="checkbox"/> Maria Lorcher
<input type="checkbox"/> Mandi Stoddard	<input checked="" type="checkbox"/> Nick Grove
<input checked="" type="checkbox"/> Steven Yearsley	<input checked="" type="checkbox"/> Patrick Grace
<input checked="" type="checkbox"/> Andrew Seal - Chairman	

Seal: Good evening. Welcome to the Planning and Zoning Commission meeting for July 21st, 2022, and at this time I would like to call the meeting to order. The Commissioners who are present for this evening's meeting are at City Hall and on Zoom. We also have staff from city attorney and clerk's offices, as well as the City Planning Department. If you are joining us on Zoom this evening we can see that you are here. You may observe the meeting. However, your ability to be seen on screen and talk will be muted. During the public testimony portion of the meeting you will be unmuted and, then, be able to comment. Please note that we cannot take questions until the public testimony portion. If you have a process question during the meeting, please, e-mail cityclerk@meridiacity.org and they will reply as quickly as possible. If you simply want to watch the meeting we encourage you to watch the streaming channel on the city's YouTube channel. You can access that at meridiacity.org/live. With that let's begin with the roll call. Mr. Clerk.

ADOPTION OF AGENDA

Seal: All right. Thanks very much. First item on the agenda is the adoption of the -- of the agenda. This evening Lavender Place Subdivision, H-2022-0036, and Slatestone Subdivision, H-2022-0039, will be opened for the sole purpose of continuing to a regularly -- regularly scheduled meeting. They will open -- be opened for that purpose alone. So, if there is anybody here tonight to testify for those particular applications, we will not be taking public testimony on that this evening. We will also be swapping Items No. 4 and No. 5 on the agenda. Could I get a motion to adopt the agenda as amended?

Grove: Mr. Chair?

Seal: Yes, go ahead.

Grove: Is that the right items that we are switching? To be clear. We are switching five and six; right?

Seal: Yeah. Let me look. We are swapping five and six. My notes are wrong. Thank you. So, with that can I get a motion to adopt the agenda as amended?

Grove: So moved.

Lorcher: Second.

Seal: It's been moved and seconded to adopt the agenda. All those in favor? Opposed? Okay. Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

CONSENT AGENDA [Action Item]

1. Approve Minutes from the June 30, 2022 Planning and Zoning Commission Meeting

Seal: Next item on the agenda is the Consent Agenda and we have one item on the Consent Agenda. We need to approve the minutes of the June 30th, 2022, Planning and Zoning Commission meeting. Can I get a motion to accept the Consent Agenda as presented?

Grove: So moved.

Lorcher: Second.

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

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Seal: At this time I would like to briefly explain the public hearing process. We will open each item individually and begin with the staff report. Staff will report their findings on how the item adheres to the Comprehensive Plan and Unified Development Code. After staff has made their presentation the applicant will come forward and present their case and respond to staff comments. They will have 15 minutes to do so. After the applicant is finished we will open the floor to public testimony. Each person will be called on only once during the public testimony. The clerk will call the names individually of those who have signed into our website in advance to testify. You will, then, be unmuted on Zoom

or you can come to the microphone in Chambers. Please state your name and address for the record and you will have three minutes to address the Commission. If you have previously sent pictures or presentations for the meeting they will be displayed on the screen and you or the clerk will run the presentation. If you have established that you are speaking on behalf of a larger group, like an HOA, where others from that group will allow you to speak on their behalf, you will have up to ten minutes. After all those who have signed in in advance have spoken, we will invite any others who may wish to testify. If you wish to speak on the topic you may come forward in Chambers or if on Zoom, please, press the raise hand button on the Zoom app. Or if you are only listening on a phone, please, press star nine and wait for your name to be called. If you are listening on multiple -- multiple devices, such as a computer and a phone, please, be sure to mute those extra devices, so we do not experience feedback and we can hear you very clearly. When you are finished, if the Commission does not have any questions for you, you will return to your seat in Chambers or be muted on Zoom -- Zoom and no longer have the ability to speak. And, please, remember we will not call on you a second time. After all testimony has been heard by the applicant, we will -- after all testimony has been heard, the applicant will be given another ten minutes to come back and respond. When the applicant is finished responding to questions and concerns, we will close the public hearing and the Commissioners will have the opportunity to discuss and, hopefully, be able to make final decisions or recommendations to City Council as needed.

ITEMS MOVED FROM THE CONSENT AGENDA [Action Item]

ACTION ITEMS

2. Public Hearing for Lavender Place Subdivision (H-2022-0036) by Breckon Land Design, Located at 2160 E. Lake Hazel Rd.

- A. Request: Preliminary Plat consisting of four (4) single-family attached building lots and 26 single-family townhome lots on approximately 3.79 acres of land in the R-40 zoning district.
- B. Request: Conditional Use Permit to construct the requested 26 townhome lots within the R-40 zoning district

Seal: So, at this time I would like to open hearing item H-2022-0036, Lavender Place Subdivision, for continuance and my understanding is they would like to have this continued to August 4th. Is that correct?

Johnson: Mr. Chair, that's correct.

Seal: Okay. If anybody would like to take a stab at that.

Grove: Mr. Chair?

Seal: Commissioner Grove, go ahead.

Grove: I move to continue file number H-2022-0036, Lavender Place Subdivision, to the hearing date of August 4th.

Lorcher: Second.

Seal: Okay. It's been moved and seconded to continue file number H-2022-0036 to the date of August 4th, 2022. All those in favor? Any opposed? Okay. Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

3. Public Hearing for Slatestone Subdivision (H-2022-0039) by T-O Engineers, Located at 2707 S Stoddard Rd.

- A. Request: Annexation and Zoning of 5.04 acres of land with a request for the R-8 zoning district
- B. Request: Preliminary Plat consisting of 15 single-family building lots and 4 common lots on 4.85 acres in the requested R-8 zoning district

Seal: Next I would like to open up file number H-2022-0039, Silverstone Subdivision, for continuance. My understanding is they would like to continue this to the date of August 18th.

Grove: That was Slatestone; correct?

Seal: That was Slatestone Subdivision. Yeah. Did I say it different? Sorry about that. So, I will take a motion on that.

Grove: Mr. Chair?

Seal: Commissioner Grove, go ahead.

Grove: I move to continue file number H-2022-0039, Slatestone Subdivision, to the hearing date of August 18th.

Lorcher: Second.

Seal: It's been moved and seconded to continue Silverstone Subdivision, H-2022-0039, to the date of August 18th, 2022. All those in favor say aye. Any opposed? Okay. Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

4. Public Hearing for Meridian Academy Play Field (H-2022-0031) by The Land Group, Inc., Located at 2311 E. Lanark St.

- A. Request: Rezone of 13.8 acres of land from the I-L to the C-G zoning district to allow a sports field expansion

Seal: All right. Next we will open the file for -- file H-2022-0031 for Meridian Academy Playfield. We will begin with the staff report.

Tiefenbach: Greetings, Mr. Chair, Members of the Commission. Alan Tiefenbach, planner with the City of Meridian. So, this is a rezoning. The site consists of 13.8 acres, zoned I-L. It's located north of East Franklin Road between North Locust Grove and North Eagle Road. Quick history. In 1992 a conditional use permit was approved to allow an educational facility. An alternative high school with playfield and a district maintenance facility have been subsequently constructed on the property. Directly adjacent and northwest of the property is a four and a half acre lot also owned by the same applicant and this also contains an additional maintenance facility. This is a proposal to rezone roughly half of this property from I-L to C-G to allow expansion, which would be the construction of a playfield and an existing educational facility on the left. Fortunately, north is not up -- well, north is up here and that's why you are seeing it sideways, because I don't operate well not looking at north up. So, on the left is the site plan that they provided to me. Sorry, again, about the labels being sideways. On the right is the exhibit for the rezoning. So, again, the applicant wants to construct a new playfield. Basically a grass softball field. Since the time of the original annexation and the conditional use permit, the I-L zoning has been changed. So, originally, it allowed educational institutions by conditional use, sometime after that original approval that was written out, so that you can no longer do educational institutions by primary use or by conditional use in industrial. However, there -- there is the option -- because this was already approved through a conditional use permit, the applicant did have the option of modifying the condition. The code allows you to do that. It's already approved. You can modify it. They don't want to do that, however. And the reason why is -- if you can see my pointer, this is the existing school here. Here is an existing district maintenance facility and -- and I keep emphasizing district, because this maintenance facility is not something that's customary -- customarily incidental just to this school. This is a primary use district facility for the whole school district. The reason why that's a problem is that -- or the reason why this is different is if that was just a little shop for the school we could say it was associated with the school. It would be allowed in this -- in the C-G zone district. But in this case because it's a separate use it's actually only allowed in I-L and that is the reason why -- if you look on the right you will see this exhibit and what they want to do is they want to carve out this area right here and that's going to be C-G and, then, all the rest of it is going to remain I-L. Again, that's because they want to -- they -- they want to make it a clean break, so they are going to do their sports field on the east side and, then, they are going to keep everything as it is on the west side. Access to the existing school occurs from East Lanark Street, which is an industrial collector. There is nothing here right now. Right now there is a master street map and it shows that this will be the future alignment of an industrial collector. However, it's -- it's a little undecided about what the exact alignment of it is. ACHD does not have the final design. I don't think they have the -- the -- the estimate about when it's going to be built. We talked to ACHD about whether or not they wanted to keep that collector and I might add that the master street map also shows a potential

collector running north-south. ACHD's response is that they no longer want that north-south collector, but they do still want to be this -- see this east-west collector at sometime built. Because the applicant is only doing a sports field as part of this application, planting grass really doesn't require a building permit. Staff has talked to the applicant about this. The applicant is amenable to having a development agreement which would say that prior to building permit, whenever that occurs, that the applicant would dedicate 54 feet of right of way and to construct East Lanark Street as a 40 foot wide collector with curb, gutter, and sidewalk. This is what ACHD asked for and the applicant is amenable to that. In addition, there was a couple of additional things that staff recommended be added to the development agreement. You can require a development -- there is not one now, but you can require a development agreement as part of a rezoning. The -- the school is right across the street from existing residential. It has been there for a while, but they are bringing a sports field now directly fronting Franklin. I talked to the applicant about this and this is not really like a standalone sports arena where they are going to have organized little league or something like that. This is a sports field just associated with this school -- with the events of the school. That said, we still were a little concerned about lights or any kind of activities happening and the people that -- or the residents across street being impacted by that, so we recommended that they restrict outdoor sports activities and the lighting to between 7:00 a.m. and 10:00 p.m. and the applicant is amenable to that and the other thing is that the comprehensive -- the future land use map designates this property as civic and the applicant is actually rezoning it to C-G. So, that doesn't exactly jive with the Comprehensive Plan. However, staff has recommended that there be a development agreement restriction that says this can only be used for an institutional facility. If they want to do anything other than a school they will have to come back in and do a development agreement modification. I understand that the applicant is also amenable to that. So, really, all we are doing -- my long winded explanation is that we are clipping out a little piece of C-G, so that they can put some grass in. With that I will stand for questions.

Seal: All right. Thank you very much. Would the applicant like to come forward? Good evening. If you can state your name and address for the record and the floor is yours.

Adams: Good evening. Matthew Adams. 462 East Shore Drive, Eagle, Idaho. And I do have a presentation. Do you have a -- sorry. So, thank you, Chairman, Commissioners. Everything Alan said we agree with. We are in agreement with the staff report. We are agreeable to the development agreement conditions that he listed. What I want to show you is what this playfield -- it's not a sports field, it's a playfield. When that roadway gets constructed they don't want to take the kids across a road for PE or activities. That's their only outdoor space. So, once that's constructed they need a play field on the same side and so that's really -- we are setting ourselves up so they can continue to maintain and operate that facility without going back for a CUP every single time and I guess because of the rewrite to the I-L zone this is an important update for the school district. This is the same map that Alan showed you. All right. So, future character, just in case we don't know what that playfield might look like, these are examples of what that could look like. So, it's open play field, seating, potentially some hardcore -- like foursquare, tetherball or basketball, for the students of the school itself. No lighting and no planned athletics. Now,

West Ada does have a long history of partnering with youth leagues for practices and things like that and I would assume those would occur on this site, but with no lighting they would certainly be limited to accommodate the development agreement conditions and so, really, we are here to say we have no objections to the conditions of the development agreement. We are really pleased with the work that Alan did and the fact that any roadway construction would be dependent on a building permit application. We are in full agreement with that. Mostly because the ACHD does not know where that road needs to align, so there would be -- it would be very challenging to try to construct that and our request is a recommendation for approval of the rezone being sent to Council. Thank you.

Seal: Thank you very much. Is there any questions for the applicant or staff?

Grove: Mr. Chair?

Seal: Commissioner Grove, go ahead.

Grove: Mr. Adams, question with the grading. From the top, which would be the south side, I guess, of Franklin -- the north side of Franklin, which would be the south side of this project, down to where the school is, is -- I mean I'm not real great at elevations, but it looks like a significant amount. What does that look like and how does that impact this project?

Adams: Chairman and Commissioner Grove, great question. You are a hundred percent right. So, we show on this drawing there is a -- we would do -- so, this application is for the rezone. We are going to come in after this with a CZC and work with staff to do a play field. To do that we would need to do a street buffer. The required street buffer. We would need to do a buffer to the existing residential and there is -- there is also those high -- the -- the overhead power lines. So, we would need to stay level as we come away from Franklin and, then, we need to dive it down pretty quick. We have been talking to the district like do they want the students to have to come up some sort of a stair ramp or do we take the field way down? I'm not sure we know yet. It's -- it's greater than a 30 foot drop from Franklin down to that school, so there will -- there will be some major earth moving activity on this field. We don't have that solution determined quite yet.

Grace: Thank you.

Adams: You are welcome.

Seal: Commissioner Grace, go ahead.

Grace: Thanks. Thank you, Mr. Chairman. Mr. Adams, I noticed in the staff report there didn't appear to be any change in parking. Initially I thought it was an athletic field and that was going to be a major concern of mine, but I guess I would just ask do you see any issue with parking? Is there -- is there adequate parking for the intended use?

Adams: Chairman, Commissioner Grace, thank you. So, right now -- so correct. Playfield intended for school use. Clearly youth sports are going to come use this for practices and things; right? Now, that is currently occurring on the baseball field, which is to the north of the property, and I think, Alan, your map probably showed that better. Well, actually, this map shows it. So, on the left side of the screen you can see the baseball field; right? That is there. The -- the turf is horrible over there. They are doing their best, but they have no irrigation. You know, they got gophers. Terrible things. So, there are some very brave coaches that do practices on that and because it's outside of school hours the parking has not been a concern to where West Ada has ever had to take any action. There is only 140 students at this facility, so there is very limited staff during the day and, then, the maintenance office is empty after hours as well and there is a significant amount of parking there as well. So, we do not anticipate under -- having unorganized type use that there be any kind of parking impact.

Seal: Any other questions? Okay. Thank you very much. Appreciate it.

Adams: Thank you. Appreciate it.

Seal: And, Mr. Clerk, do we have anybody signed up to testify?

Johnson: Mr. Chair, we did not.

Seal: Anybody in chambers like to come up and testify? Have anybody online? I don't know if we even have anybody -- I don't see anybody raising their hand. All right. With that, have nothing -- I was going to say it doesn't sound like there is anything to rebut or speak to, so we will -- we will continue on with it. If somebody would like to give me a motion to close the public hearing portion for file number H-2022-0031, Meridian Play Academy Field.

Lorcher: So moved.

Grace: Second.

Seal: It's been moved and seconded to close the public hearing for file number H-2022-0031. All -- all those in favor say aye. Any opposed?

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Seal: All right. This one seems to be pretty straightforward. If there is any -- anybody would like to discuss it or make a motion, please, feel free.

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher, go ahead.

Lorcher: Anytime we can add green space to our city I think is a good thing. I'm prepared to make a motion, unless anybody else has something to say.

Seal: Feel free. Thank you.

Lorcher: Mr. Chair, after considering all staff, applicant and public testimony, I move and recommend approval to City Council of file number H-2022-0031 as presented in the staff report for the hearing date of July 21st, 2022, with no modifications.

Seal: All right. It's been moved and seconded to approve Item No. H-2022-0031. No modifications. All those in favor say aye. Any opposed? Okay. Motion carries. Thank you very much.

Johnson: Mr. Chair, sorry, I didn't catch who seconded that.

Grace: I can second it.

Johnson: Okay.

Seal: I thought Commissioner Grace did second it, so --

MOTION CARRIED: FIVE AYES. TWO ABSENT.

6. Public Hearing for Ten Mile Public Storage (H-2022-0016) by Kimley-Horn and Associates, Inc., Located at 4065 N. Ten Mile Rd.

- A. Request: Annexation of 5.797 acres of land with the I-L zone district, and request for elimination of required 25 ft. residential landscape buffer, to allow two self-storage buildings, by Kimley-Horn.

Seal: All right. And we will now move to Agenda Item No. 6, which is Ten Mile Public Storage, and we will begin with the staff report.

Tiefenbach: Let me get this cued up. Sorry. Are you looking at that? You are not seeing that, are you?

Seal: We are not, no.

Tiefenbach: Okay. Hang on a second. Try it again. Sometimes I'm Zoom challenged.

Seal: Now we see it.

Tiefenbach: All right. Good. Thank you. Okay. This is an annexation and a zoning to I-L. The site consists of 5.8 acres, zoned RUT in the county, located at 4065 North Ten Mile, which is between Ustick and West McMillan Road. There is no history on the project, obviously, because it's not in the city, but if you look at the map on the right you will see

that this is almost adjacent to the existing self storage. The comprehensive land use map for this designates this as mixed-use nonresidential, which would be this kind of use. If you -- to the south and west is the city's wastewater treatment facility. I prepared this, because it's -- this is complicated, but very simple and it's easier I think to demonstrate with graphics than it is to try to explain this to you. So, the subject property is an elongated parcel presently containing a single family residence and that's what you see here. It is north of an existing self storage facility. So, this right now is in the city and this is zoned -- zoned I-L. It's called the Citadel -- Citadel For Storage Ten Mile. Between the existing self storage, which is here, and the subject property, which is a little tricky to see, is a flag lot that's owned by the city. So, this big square here is part of it and, then, there is this little sliver right here. Hopefully you can see that. The flagpole type serves as access. The city owns it. It serves as access to this piece here. It gives a farmer that's in this area access and it also serves as access to the wastewater treatment plant. In September of 2021 the applicant requested a pre-app with the city to discuss expanding their existing self storage, which, again, is down here. Same owner owns both properties. As we talked about it, because of this flagpole lot, it was complicated trying to figure out how are we going to make this work, because we wanted to make sure we provided connectivity and the city had some reservations with people crossing over their -- their property and how difficult that would be. After a series of meetings the solution that arrived was that they were going to reconfigure this access through a property boundary adjustment. So, basically, just a shifting of property lines and that's what I'm showing on this graphic. So, again, what you see down here is the existing flagpole parcel. What I have shown here in the red, if you can imagine is what we are doing is we are basically doing a little parcel boundary adjustment to move it -- same width, still 25 feet wide, but we are basically taking it from here and moving it up to here. Now, that's going to serve a few purposes. This is the graphic here, again, that I have annotated to try to describe this. The first thing that it will do is it will make this a cohesive development. They can fence the whole thing in. They can put their two buildings here. It's all within the same development. It will still provide access for the city. Public Works has been working with us on this, so the Public Works director is okay with this. She's been on board. It will still provide access to all of the people that are presently giving access. But the more important thing is -- the thing that we really have -- because we wanted to make sure happened, is that the properties to the north are in the county. Now, how long will they be in the county? We don't know. But Ten Mile is an arterial road and as you probably know our code says that if you are taking access from an arterial road, what we want you to do is eventually try to reduce the amount of direct accesses off of that road, particularly if you can reconfigure access internally. In this particular case those northern properties, if we align the road like it is now, now we just created access for those if they -- or at least -- at least a secondary access for those if they redevelop in the future. So, what would happen is now where this existing driveway is here, this will share with the existing. So, it's all still going to be one driveway with the existing self storage. The access that is occurring right now for the road -- for the existing house will be closed and this new access road will be created to the south. Again, all of it's going to be done by -- administratively by a parcel boundary adjustment and the city would, then, again take the same amount of land, just different location. One thing that was a little complicated was that both the subject property and the adjacent city property are not in unincorporated -- or -- or sorry

-- are not in the city right now. So, the city property is not in the city. We talked about that. The city at this point doesn't want to annex it. However, of course, the applicant does. Now, that poses a problem, because when you are doing a parcel boundary adjustment you can't -- can't do a parcel boundary adjustment for two properties, one of them is in the city and one of them isn't. It was a bit of a perplexing dilemma, but the city attorney had a great idea and what that was was that we would make a condition of approval that they would have to do this parcel boundary adjustment before the annexation ordinance was recorded. So, if the Council were to approve it, then, before they actually recorded it they would go through -- they would be -- the applicant would go through -- they would do this parcel boundary adjustment to see exactly what we have -- I have just shown you and, then, once that was done, then, they would record the annexation agreement. That would work. One of the conditions of approval that you see in your staff report is that the applicant is going to be on the hook to do all that surveying stuff. This is all being driven by the applicant at this point and one of the reasons why the city doesn't want to annex is there is still a lot of property discussions going on with some property that we own over to the west, which I don't want to get into, but there is still a lot of discussions that there might be some property stuff going on -- not this applicant, another applicant, so we are not sure yet what that alignment is going to look like. However -- so, the applicant is going to be on the hook to do all the surveying, to make sure that it's surveyed correctly. The applicant -- the conditions of approval say that the applicant will have to build this road to I believe 20 feet wide with gravel and the Public Works put as much as specified standards in there if you want to read it. There were two other things that -- that staff wanted to see. There is still properties that are going to be directly to the north. Under our current code the way that it works if you are directly adjacent to a residential property you have to put in a 25 foot residential buffer. Well, this doesn't really work, because they are not really more adjacent to properties to the north, because we have got this piece of land in between them and the -- the new mini storage. Staff still thought that you probably should have some kind of mitigation, just because of the possible visibility and that people have to look at this. So, we are recommending as a condition of approval a reduced buffer. So, basically, a five foot buffer. That's what you have to put on a parking lot. Five foot landscape with trees. I think it's one every 30 feet or something like that with shrubs. The other thing is if you -- if you look at the elevations they weren't super thrilled about this. Now, that said, the existing facility basically looks like this -- and if you go out there and you look this is exactly what you see, but just because that was there, then, doesn't mean that -- that we want to continue doing that. So, we thought there should be some kind of minimal level of design. We didn't want to make it super difficult for him, but we do want to make sure that there was -- there was a good design level. So, the other condition of approval that you see in the staff report is that there is at least two different materials, there has to be some modulation and some undulation and some accent materials on the east facing building, which would be the one on Ten Mile, as well as the north facing building, which would be the one that's going to be visible to all the people that right now are residential to the north. Hopefully I explained that whole thing, which is really simple, but not, and I will stand for any questions.

Seal: Thank you very much. At this time would the applicant like to come forward? Good evening. If you want to give us your name and address for the record and the floor is yours.

Anderson: Good evening, Chairman, Members of the Commission, staff and residents. Aaron Anderson representing Public Storage. I'm not touching anything. Great. All right. Well, I wanted to start out by saying thank you to the Commission for taking the time to hear our case tonight and a special thank you to staff, particularly Alan for all the hard work that he's put in on this project. You know, first some quick team introduction. So, on our applicant team we have our entitlement expert, which is Nicolette Womack. She's here with me tonight in the gallery. Our project architect is Stephanie Masee and our civil engineers are Brandon McDougald and Connor Candrian and, then, that person, that face up in the top left corner, is me, which is apparently what I look like without facial hair. So, now a quick introduction to Public Storage. So, our company was founded back in 1972. So, we have 50 years in business as of this year. So, if you believe Wikipedia we are the founders of the modern self storage industry as you know it today. We are the largest owner-operator of self storage in the world with locations domestically, as well as I believe in five European countries. We have nearly 3,000 locations in our portfolio and you can imagine that number grows every month and we grow our business in the following ways, through acquisition where we buy functioning properties and rebrand them in our image. Third-party management and new development. The third-party management piece would be the smallest chunk of that pie chart. We are also one of the few, if not the only self storage operators, with a full in-house development team, which includes acquisitions, developers like me, architects and civil engineers, all under the Public Storage umbrella. We operate in 39 out of 50 states and at present we have six locations in the state of Idaho. Three of those are in the City of Meridian. So, it's important to highlight that the proposal that's before you guys tonight is considered an expansion, so it's not going to -- once complete it's not going to add to that total of three, it's just going to make that third property larger than it is today. So, I don't want to rehash too much of what Alan went into, because his presentation was fantastic, but you may see some of the same kind of slides here. By taking a look at the project we can see the five acre property, which we purchased in October of last year, so we closed escrow and we own this -- this piece of land located along North Ten Mile Road. It's currently developed with the single family home, which has been recently vacated by the former owner. Today this property sits within the jurisdiction of Ada county as you know. Directly south is one of our newest facilities, which was acquired in 2021, and you can clearly see that to the south of that red line in the aerial. So, a quick timeline here. We started our formal process with staff back in October of last year. Following the pre-app we ended up redesigning this facility as a single story building. Our original proposal was a three story building. It was huge. So, we held the neighborhood meeting in February where we did present the single story option. Those who showed up, which some may be here tonight, seemed largely supportive of that single story design, which remains fundamentally the same as it did back then tonight. Since we reduced the scale of the building going from three stories to one we felt it prudent to go through another pre-app with staff to give them a chance to weigh in on that new design. Following that meeting we made a formal application and ultimately ending up here before you tonight. So, for the context you can

see how this parcel fits into the city's future land use map. Wait. I'm sorry. Looking at the zoning map you can see this site currently sits in Ada county, zoned RUT. The entire block is essentially surrounded by City of Meridian, so it makes sense to absorb this particular parcel into your jurisdiction and this is one step towards filling in the missing puzzle pieces, so to speak. So, for the context to see how this parcel fits into the city's future land use map, it remains consistent with the current uses, because we have an operating storage facility directly to the south and another one adjacent to that and this is consistent with the city's long-term vision for this particular area. So, looking more closely you can see, you know, what the present state of the property looks like and how it relates to our existing facility. That black dashed line, of course, represents that access road that Alan went into great detail about. Here is the site plan. This was the original proposal with the access road bifurcating the two properties and, then, the updated proposal, which we are presenting tonight, which is where we are pulling that property line down south, so we have one contiguous parcel. This -- this configuration has many benefits for the city and for Public Storage. Alan highlighted many of them, but I will go through the list here. So, number one it eliminates a curb cut from Ten Mile. It also allows for future access to the northern -- as those northern parcels develop. It provides a path for public utilities that will benefit our project, as well as future and current uses. It allows for uninterrupted access to the farmer, who currently leases that farmland to the west and, again, it creates that contiguous boundary, which really makes this a true expansion of our existing facility. So, it's worth noting -- Alan mentioned a bit of this, but I will go through the list again. That Public Storage has agreed to shoulder the cost burden for all this work. That includes the legal descriptions and survey, that curb cut removal and relocation. Providing all the paving required to meet ACHD standards and the grading of the access drive and the construction work that will take place along that entire length of road all the way to that western property line boundary. I mean, again, we are also going to bring in a water main as a part of our project. We are going to tap that off of Ten Mile and ultimately we are going to leave that in that access road, so future uses that develop to the north can grab utilities and not have to tap in the Ten Mile right of way again. So, here is a quick look again at the current building elevations. This is a single story design. As Alan stated, we started with architectural features to match what we currently have existing to the south and we are totally open to making adjustments to meet the conditions. The building will be fully enclosed, climate controlled, and no doors will be visible to the general public. This thing is completely enclosed. So, those typical roll up doors that -- you are not going to see them on this kind of facility. So, in closing, we have reviewed the staff report and the conditions and we accept them as presented and with that we are requesting the Commission vote to recommend approval to the City Council of our project tonight. We are here to answer any questions you may have and thank you very much for your time.

Seal: All right. Thank you very much. Do we have any questions for the applicant or staff at this time?

Grove: Mr. Chair?

Seal: Commissioner Grove, go ahead.

Grove: Always have questions.

Seal: That's okay. That's why we are here.

Grove: Mr. Anderson, question for you. With the architectural elements on the east side and the north side, would -- I believe is what Alan had said. Would you be open to continuing that on the west side as well?

Anderson: Yeah. Oh, absolutely. Sure. Yeah.

Grove: Thank you.

Seal: Commissioner Grace, go ahead.

Grace: Mr. Chairman. Mr. Anderson, with regard to the access road that will be now on the north side of the newly developed property, is there intended any access to the facility from that access road?

Anderson: Absolutely not. No. So, the whole intent was to -- you know, we -- we had conversation with ACHD and with Alan and, you know, limiting access points along Ten Mile is the goal. So, there is a current -- there is an existing access point to that road as it exists today and, you know, this is not the greatest shaped parcel. You know, as a developer getting this kind of geometry it's not ideal. So, there had to be an access point to serve this. I think it's a benefit that Public Storage is developing this piece, because we have two access points that already -- are already there. If we pull that parcel down we can use those two access points to get throughout the property. The new part, the old part, and not need any new curb cuts along Ten Mile. So, we will be able to serve that whole facility from the two access points we have and, yeah, it works -- it works great operationally for us.

Grace: And, then, just to confirm, I think I heard what you say. So, there is no -- people don't drive up and there is no doors in maybe the traditional way I'm thinking about storage facilities, it's all interior?

Anderson: Correct. Yeah. This is sort of that modern facility where, you know, the -- the drive-up use, which is what's out there today, this is all fully enclosed. There will be a couple of lobby doors. People pull up, they grab a cart, they put their stuff on the cart and they wheel it inside. All those roll-up doors are still there, they are just hidden behind the exterior walls.

Grace: Okay.

Seal: Any further questions? All right. Mr. Clerk, do we have anybody signed up for public testimony?

Johnson: Mr. Chair, some people signed in, but nobody marked that they wanted to testify.

Seal: Anybody in Chambers want to come up and testify? Anybody online raising their hand? I don't think so. No. Yes, sir. Come on up. Good evening. Please give us your name and address for the record and just speak right into the microphone there and the floor is yours.

Wiskus: Yes. I'm John Wiskus and I live at --

Seal: Yep. Either one.

Wiskus: Okay. All right. I'm John Wiskus and I live at 4255 North Ten Mile Road and I'm supportive of the project, but I'm not up to speed on all the details as this continues to move forward. But a couple of questions I -- I wanted to just throw out. One would be there is an existing drainage that Nampa-Meridian Irrigation has there that's contiguous to the city's access road. What -- what's the disposition of that? That would be one question. On the north side of the proposed road and -- and I'm not sure it -- it's a 20 foot access road that's going to get basically put on the north side of the property and I'm thinking about the access. I know the farmer goes up and down that -- his access requirements. There is a little bit of a jog there. The farmer's probably a short-term user of that road, but thinking about that and wondering if -- if a 20 foot fence on that is going to allow access, particularly when you get to the jog and trying to understand the five foot setback. So, as I think about my neighbor, who abuts this, is that fence on the north side of that city access road going to be right on the property line or is it going to be set back and, then, you will have the 20 foot access road and, then, a five foot landscape buffer. Trying to just get the feel for that. The details are kind of hard to see on that -- that drawing. And I guess -- now, that -- that's kind of -- trying to understand the access road and the irrigation issues that are going on there now. There is like a water line that's going to go down that, which is great for future development, so -- just some questions, so --

Seal: Okay.

Wiskus: Don't necessarily need answers here, but take them offline, too.

Seal: We will try and get them -- we will try and get them answered this evening for you.

Wiskus: Okay. From tonight -- now, this will go to City Council for final approval; correct?

Seal: Correct.

Wiskus: Okay. All right.

Seal: Okay. Thank you very much. Anybody else like to come up and testify? No? All right. Alan, would you like to --

Tiefenbach: I can answer -- Alan Tiefenbach. I can answer at least a couple of them. As far as the drainage, yeah, there was a question about that. There is a ditch that is running in between -- where the existing access road is now there is a ditch. They are going to pipe it. We already had that discussion. As far as the five foot setback, the -- the five foot setback is a landscape buffer. There is going to be a requirement for a buffer. That buffer would be on the -- the landscape buffer would be on the outside -- the direct outside of the building, because the -- the road strip will be city property. So, on the inside of the city property will -- directly adjacent to the building would be the landscaping. Public Works -- sorry. Popping. Public Works is requiring a fence along the -- the -- is requiring a fence along the road and they also want a gate on either side, because they don't want the wrong people using it. I have the feeling that Connor is going to be able to do a better -- answering maneuverability for a farmer. I -- I don't know. I don't know if you know about the jog and tractors or --

Seal: Thank you, Alan. Aaron, go ahead.

Anderson: Yeah. Sure. Can I go back to the -- just to reference the site plan, Alan. Just so we are all looking --

Tiefenbach: Yeah. Sorry, let me -- I'm sorry. I called you Connor. My apologies, Aaron. Give me a second here and I will get you back up.

Anderson: He is the engineer, so he is the --

Tiefenbach: Yeah.

Seal: It is -- it's a 25 foot easement, but, then, there is a road within the easement or is that the way that that's designed or is the 25 foot --

Anderson: Well, it's 25 overall; right? Because so as the -- as the road exists today it's 25 feet. So, it's a like for like; right? If we are getting 25, we are giving up 25 on the north side. So, the road functions today. Now, a large part of that 25 feet is taken up by that irrigation ditch. So, the farmer does not have 20 feet of total width -- or 25 feet of total width to drive. So, this area north -- and I'm just trying to make sure I understand the question correctly. Is it that the turning radius for the tractor may not be able to function? Well, I will put it to you like this. We believe that the road at 20 feet is -- is plenty wide, even with the jogs. But what we could do is demonstrate through a diagram; right? So, we can have our civil engineer go back to the office, run a simulation where that tractor goes down the road and if for any reason we see it not being able to make the turn movements, then, we can make adjustments. As far as the fence location, I mean, yeah, it will be right on the property line, but the road is intended to be gravel. It's only a temporary solution. So, there is going to be no curbs, gutters. In the future when that develops and -- and development does move north I'm sure it will look a whole lot different; right? Somebody is going to have it. They are going to put gutters in. They are going to put asphalt down. This is just sort of a temporary solution to kind of fix the muddy condition that's out there today and make it traversable by the farmer and only the farmer,

because that gate on the Ten Mile site is going to prevent anybody from accessing that road. So, it's really just a one way road for that tractor. It's not going to be two way traffic and you are not going to have traffic jams on that -- that gravel road, so --

Seal: Thanks for the explanation and if there is anybody else that would like to testify? Sir, if you want to come on up.

Madison: My name is Danny Madison. I'm at 4115 North Ten Mile. I'm the property just north of -- of this development here. So, the only thing I wanted to -- similar to John's, you know, sort of just a comment and possibly a question. Is in the staff report it states that there is a 20 foot wide access road and, then, it has some requirements on what it would be constructed of and, then, it says on page 12, section J, it says the north and south sides of the new access -- access road shall be fenced and a gate should be installed. So, the question was if you are looking at the -- what they refer to, which is -- let's see, what is it? 11 -- UDC 11-38-7, which is the fence guideline from Meridian, it has a few examples of what the fence, you know, might be, but I was curious if -- if we could get any illustration that shows what that fence might look -- look like or if it's going to be closed or open picket style and the height, too.

Seal: Okay.

Madison: That's it.

Seal: All right. Thanks very much, sir. Alan, do you want to try and --

Tiefenbach: I have to double check real quick the staff report and let me see if it gives a -- Aaron might be able to answer quicker than me. I'm looking to see if the staff report actually -- if Public Works required -- I think they required a specific common fence. I'm double checking.

Anderson: Okay. I do not know your code as well as you, Alan. I'm sorry.

Tiefenbach: But code is what Public Works said to do.

Anderson: Well, you know, the question is this is going to remain at Ada county. So, is there a different fence standard for Ada county that we could adhere to? I mean it seems like a question that we could certainly answer post-hearing, but I'm not sure if I would be able to tell you.

Seal: So, it's my understanding that there will be a fence on both sides of the road.

Anderson: Correct. Yeah. And our property we are going to -- the building sort of acts as a natural barrier; right? We are going to back right up to that landscape buffer and, then, where it's open -- I mean the nature of storage is we want to keep people's stuff safe. So, the fence really helps us secure the property and sort of serves the purpose of putting the fence on both sides of the road. It's the north side I think that's still in question.

Seal: Okay.

Anderson: But we are open to putting in whatever is allowed that sort of satisfies the concerns. Public Storage is.

Tiefenbach: It just says fencing. I mean generally six foot, but I don't know the requirements.

Anderson: Sure. Like a six foot wrought iron fence. That would be my best first guess, but we would have to confirm that with Ada county.

Seal: Okay.

Starman: Mr. Chairman, I would just add, I don't think it's going to be a -- a code requirement. This is going to be a -- a condition in the development agreement and it's what the Department of Public Works will require from the city. It won't be an Ada county requirement, it's going to be a city requirement via the development agreement. So, you know, between now and the time the City Council considers this, if we want to provide more clarity on the type of fencing or height of fencing we can do so, but it will be a contractual obligation, not a code requirement.

Seal: Thank you.

Tiefenbach: Not sure if the -- if the -- the neighbor had a preference, if they are right directly next door about what kind of fencing they would prefer to see there.

Seal: Sir -- sir, if you want to come back -- go ahead and come back up. Generally don't do that, but come on up. And -- and, again, the question was if there is, you know, some sort of reference to this. I mean --

Madison: Yeah.

Seal: Chain link. Wrought iron.

Madison: Sure. I have no desire to see the road or anything like that. So, as -- as tall and closed as anyone, you know, agreeing to would be -- would be okay. There is another neighbor west of my property that was here initially and then -- and then left. So, I could kind of loop him in and suggest that he shows up and just -- you know. Because I don't know what his preference is. I can't speak on his -- but my preference -- and -- and didn't you hear Larry mention before he left that he wanted a taller fence if possible. Yeah. So --

Seal: Okay.

Madison: Just depends on what's allowed and what's -- what's doable; right?

Seal: Alan, go ahead.

Tiefenbach: My only comment on that would be right now there is a require -- requirement for a five foot wide perimeter landscape strip with the trees and shrubs. The trees would still work, but it wouldn't make sense to put shrubs in if we are going to have a six foot fence there. But if we were going to just go with a solid fence I might suggest, then, we keep with the trees, but I don't see the need for shrubs if you are not going to see them.

Madison: You are referring to the south?

Tiefenbach: Well, they are -- they are required -- the requirement of the -- requirement is -- is that along the outside of that building, Building B or Building A, they have to put in a five foot wide landscape strip, which would have one per 35 and some shrubs; right? If we were putting up a fence all the people to the north are no longer seeing those shrubs. They are only seeing the trees. So, I'm not sure -- it's certainly up to the purview of the Planning Commission, but I don't know how super helpful it would be to put a bunch of shrubs behind a fence.

Madison: Well, I don't have a preference on what the south fence should be, but the north side, which is on my property, is the only one I'm concerned with.

Tiefenbach: That's what I mean. If I -- I mean on the -- on the --

Madison: Okay.

Tiefenbach: -- the build -- the -- the building --

Madison: Yeah.

Tiefenbach: -- the building is -- because the building is going to be on their property. So -- so the building on the outside of that building would have to have a five foot landscape strip with trees and shrubs. But if there is going to be a fence in front of that, between you and them, you are not seeing the shrubs. Might just be a better idea -- whether or not there is any use for the landscape strip. I don't know.

Seal: Yeah. And I mean knowing that this is kind of farm access, the -- the least amount of stuff that you can put on either side of that is going to help farm equipment. I -- I mean I'm an old farm boy myself, so I can see, you know, if you are trying to get in there with a one ton baler or something that's going to be a little tricky.

Tiefenbach: Putting in a fence may not make that -- that wasn't -- that solid fence wasn't a requirement. I originally was thinking they were going to be doing chain link fencing, which is why I was more concerned about the landscaping. But if they are going to do the architecture on the buildings, I don't know what the purpose is, then, of having the fence put into -- sorry. I don't know what the purpose is of having the landscape strip if we are going to put a solid fence in front of it.

Seal: I would agree with that, too. And that's -- I -- I mean I -- if -- if there is a preference to anything I would recommend -- you can e-mail about this particular case to, you know, clerk@meridiantcity.org and, then, just note what you are -- you know, what it is that you are e-mailing about and they will make sure to forward that onto the city planning staff as well and make it part of the public record.

Madison: All right. Thank you.

Seal: Yeah. Thank you very much.

Grace: Mr. Chairman?

Seal: Go ahead.

Grace: The latest -- I'm sorry. You can come on up, because you might answer the question.

Anderson: I don't mean to interrupt. I just wanted to interject before we close the public hearing. To make sure I'm clear, you know, Public Storage -- you know, we are going to work -- we can work with the neighbors between now and City Council and really resolve this and by the time we are ready for the City Council staff report we can have that baked into the -- into the report. That would be our goal, so -- after tonight we are giving them our contact info and -- thank you.

Seal: Thank you. Mr. Grace, go ahead.

Grace: Yeah. Mr. Anderson, I was just going to ask -- the latest discussion raised a question in my mind about the gate on the Ten Mile side of this parcel of land. Is that something that the farmer is going to have to open and does that mean that farming equipment is out there on Ten Mile Road while he does that?

Seal: I was going to say I can -- I can field that one, because I have seen it happen. Yes, there is -- right now they -- there is actually a gate that they have to open to get into that facility. Currently it -- it does sit back a little ways from the road, but there are -- there is farm equipment that has to turn into there, so -- I mean we are still kind of a farming community, but the answer to that is yes.

Grace: Yeah.

Seal: Now, whether or not they keep it locked, they keep it open, closed, or whatever, that's completely up to them. But there will be a gate installed, so -- Alan, go ahead.

Tiefenbach: Public Works' condition of approval says to offset the gate 50 feet from Ten Mile Road right of way.

Seal: There you go. Perfect.

Grace: I just want to make sure the farmer is safe, so --

Seal: Yeah. That's a good question, so -- and, like I said, I mean I have actually seen equipment on Ten Mile going into that, so -- all right. Is there anybody else that would like to testify? Nobody online raising their hand? Would the applicant like to come back up and -- signifying no. So, with that if somebody would like to give a motion to close the public hearing for file number H-2022-0016.

Grace: So moved.

Lorcher: Second.

Seal: It's been moved and seconded to close the public hearing portion for file number H-2022-0016. All in favor, please, say aye. Any opposed? Okay.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Seal: With that who would like to go first?

Lorcher: I will, Mr. Chair.

Seal: Commissioner Lorcher, go ahead.

Lorcher: So, both the applicant and city said that this road is a temporary solution to other things that may happen going towards the north and so I actually support what Alan said. The -- the applicant should have his fence, because they want their security, but to add some unnecessary landscaping when it's all just going to change in the near future anyway seems like an extraordinary expense to go to, especially if you are going to have a fence on the north portion of it and the south portion of it and the neighbors on the other side don't even enjoy that part of it. Most likely it's going to be developed within the next five to ten years and all that is going to be changed and once you put a tree in sometimes it's really hard to get a tree out. So, I would definitely -- so, I don't know if it's in the approval portion of it, but I would support having no landscaping buffer, just the 25 foot road. Or if you have to make it 25 feet and whomever is responsible just to make sure the weeds are down and I would assume Public Works would have a high interest in that.

Tiefenbach: Staff doesn't have any opposition to that. We were actually doing it for the benefit of the neighbor that's here tonight.

Seal: Okay. Yeah. And I -- I'm on the same page as you. I mean if we have got fence on both sides and, essentially, we want to make sure that that farm equipment can get through there without any issues, I would say that, you know, having the least amount in there as possible would be good, you know, to say the least, so -- especially if the fence can be something other than chain link or something like that to cut down dust or anything that's going to drift over into the northern parcels and stuff like that, so -- I can't imagine that there is going to be a lot of traffic on there, but at the same time, you know, I mean if

they are planting, weeding, or something like that and you get a lot of trucks that are going to be up and down that road for a small period of time. Same with hay or anything else, so -- anything we can do to help cut down on that piece of it would probably be good. So, if anybody wants to throw that in with their motion that would be great. Anything else?

Grove: Mr. Chair?

Seal: Go right ahead.

Grove: The only thing that I think I would want to have added would be the -- the additional architectural standard on the west, just in case, you know, it's visible from whatever happens with that city parcel in the future that we don't have to have an eyesore there. I know it has no purpose right now, but just long term. So, that would be the only piece that I would want to have added in. I think this actually cleans up some of the Ten Mile piece -- what you were talking about with the farm equipment and now having the setback a little bit different, I think this actually solves multiple current and long-term issues. So, it looks good to me.

Seal: Anybody else? Always take a motion.

Grace: Mr. Chairman, I was going to defer to Commissioner Lorcher based on her -- maybe amendment. But I do support it.

Seal: Okay.

Grace: I couldn't say it, but I support it.

Seal: Okay. Good. So, Commissioner Lorcher, you want to take a stab at a motion, so --

Lorcher: I'm almost there. Commissioner Grove, what did you say about the -- what did you say? Architectural --

Grace: Extend the architectural elements around to the west side, in addition to the north and east side.

Lorcher: Of the property?

Grove: Correct. So, it's in -- it's already in the condition of approval from staff to do the east and north.

Lorcher: Okay. I think I'm ready.

Seal: Feel free. Thank you.

Lorcher: All right. After considering all staff and applicant and public testimony, I move to recommend approval of City Council file number H-2022-0016 as presented in the staff report for the hearing date of July 21st, 2022, with the following modifications: No landscaping buffer, since the road is temporary and graveled. And extend the architectural elements to the west side of the property.

Seal: Real quick. The no landscaping buffer only pertains to the north side of the gravel road; correct?

Lorcher: Correct.

Seal: Okay.

Lorcher: Do I need to say it again?

Seal: I don't think so. As long as you agree with that.

Lorcher: Okay.

Seal: Do I have a second?

Grove: Second.

Seal: Okay. It's been moved and seconded to approve file number H-2022-0016 for Ten Mile Public Storage with the aforementioned modifications. All those in favor say aye. Any opposed? All right. Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

5. Public Hearing for Hickory Warehouse (H-2022-0040) by Cushing Terrell, Located at 1135 N. Hickory Ave.

- A. Request: Conditional Use Permit to allow mechanical equipment emissions, shipping and/or delivery or other outdoor activity areas within 300 feet from an abutting residential district in the I-L zoning district.

Seal: All right. And the next item that we have -- thank you all very much. Next item that we have is file number H-2022-0040 for Hickory Warehouse and I will need to recuse myself, because my employer owns the building, and I will turn it over to Commissioner Grove.

Grove: All right. So, we will go ahead and continue with the staff report for file number H-2022-0040 for Hickory Warehouse

Tiefenbach: Thank you, Mr. Vice-Chair, Members of the Commission. This is an application for a conditional use permit. The site consists of ten acres of land, zoned I-L -- this must be I-L night I just thought about. Located at 1135 North Hickory Avenue at the northwest corner of East -- East State Street and North Hickory Avenue, right across the street from the Scentsy campus. So, there is a boundary adjustment to combine four lots into one that happened that included a vacation of an -- of easements that ran on either side of the internal lines. Then there was a certificate of zoning compliance for a 207,00 square foot multi-tenant building. There was also a conditional use permit approved in 2021 to approve an indoor recreation facility. This is the approved site plan. This is a conditional use permit to allow mechanical equipment emissions, shipping, and/or delivery or other outdoor activities within 300 feet from abutting residential district. So, in 2022 the applicant requested final inspections on this completed CZC. During the inspection staff discovered that the building architecture differed from the approved CZC elevations. That's something that we are going to deal with separately, not part of this. However, we also noticed that there was a large mechanical dust collector on the west side of the building that was not reflected on the CZC site plan. It was shown on the mechanical plans, but when staff reviews CZCs we don't look at mechanical plans. We don't look at them -- really building permits either. So, that's how it got built. While discussing the discrepancies between some of the issues with the architecture that was built and what was actually done, staff also discovered that there was an error in the CZC approval. Loading bays are not allowed to be pointing with -- are not allowed to be within 300 feet of residential. It talks about outdoor activity. Staff at the time, which I will vouch was me, did not interpret indoor like those indoor kind of loading pods as outdoor activity. However, I was wrong and that does mean outdoor activity. So, again, I will cop to my mistake, which is why we are doing this CUP. Later determined, yep, Alan made a mistake, so now I'm trying to fix this and they are working with us -- very effectively to do this. The applicant submitted a narrative, which said that there was a noise study that was done with the mechanical equipment running full bore. You can see that here. So, on the top left there is that mechanical equipment. Bottom left is what you are looking at with the little loading pods where you back the trucks in and, then, the east there that's just a picture of what you are seeing in between the apartments and the building, which clearly is less than 300 feet. The applicant submitted a narrative, said they ran a noise -- noise study while they were running this equipment and it registered at 62 decibels from the property line. Just to give you that in context, City of Meridian Park says that if you are having amplified equipment in the parks it has to be less than 62 decibels from the property line. Sixty decibels is roughly the sound of a normal conversation. That's -- and the apartments are -- I think I -- I figured they are about 30 feet beyond that. The applicant is going to install eight foot high steel columns, which you see on this -- on the bottom here. You can still see the equipment. They are also putting in a metal acoustic decking, which I'm assuming helps to reduce probably the vibrations, but the applicant can probably correct me. Applicant notes business hours are 7:00 a.m. to 5:00 p.m. Staff definitely supports this. It supports the mechanical enclosure. We do think it will help, but if you look, again, here you will see there is a -- so, this -- this -- what you see here is a city pathway. You do have trees there, but you can see they are not super thick and they don't really do anything to not see the loading bays that I allowed, so staff is recommending that the applicant put in a combination of eight foot high opaque fencing

and additional evergreen landscaping, including trees and shrubs. This is worded kind of specifically, so this will be installed in the vicinity of the pathway along the western building elevation and northwest property corner sufficient to provide visual screening of the equipment and loading bays. Fencing and landscaping may have breaks and be clustered in groups to maximize screening efficiency and produced a more natural appearance. So -- so, what -- what that was all doing was saying the applicant, if they want to, can put a fence all along the property line, which could be costly. We would still want to have at least one break there for the pathway or they could break it up to make it most efficient just so that the apartments and all that sort of offset screening of those doors. Again -- and we are trying to work with the applicant, so they can do the whole thing or they can break it up and put in some natural plantings just to try to soften that down a little more. With that I will take any questions.

Lorcher: Mr. Chair, can I ask a question? Mr. Vice-Chair, may I ask a question?

Grove: Let's wait until after the applicant.

Lorcher: After the applicant.

Hersel: My name is Josh Hersel with Cushing Terrell. 800 West Main Street, Ste. 800, Boise, Idaho. As Alan mentioned it's already constructed, a building that was allowed in an industrial zone. We met all the CZC requirements at the time. Just to note a little bit, when the owner purchased this property it was C-G next to him and this would have been allowed with the C-G zone, but it got rezoned to residential after they had purchased this project. So, that changed during the time of when they purchased it and when they built the building. We are in full agreement. The owner is in full agreement with the staff report and recommendations. Willing to either do a fence, landscape buffer. We are going to do the enclosure on the dust collector. We have had it balanced again and we keep monitoring -- the testing of the noise to make sure it does not get over to the property line as well and that is on the property line, that's not to the residence. We didn't walk on their property to test the noise decibels. So, stand for any questions. But we agree with the staff report. Owner agrees with fencing or landscaping along the west side as well and the screen wall around the dust collector will be installed very soon.

Seal: All right. Thank you. And, Commissioner Lorcher, you had a question.

Lorcher: I do. I'm looking at this picture here where I see the -- the loading bays and, then, the apartments to the left-hand side and, then, the -- the trees, which are immature right now, which will eventually mature and get bigger. Where are you suggesting a fence based on this picture? On the -- on the concrete and asphalt of the warehouse or on the grassy area by the bike path?

Tiefenbach: Alan Tiefenbach. The -- the language reads a little more vague, because we didn't give them a specificity reason why, is because we wanted to make sure the landscape architect could make sure the trees weren't going to die if they put a fence in, because, then, it would be on the north side -- or on the other side of the fence. But,

basically, it would be in the vicinity of that landscape strip on the inside part of the pathway. So, we want people that are walking down the pathways to also not be looking at an entire building full of loading bays and mechanical screening.

Lorcher: All right. So --

Tiefenbach: It would be in that landscape strip that you are looking at. Somewhere like right about -- so, if you see more where that tree is --

Lorcher: Yes.

Tiefenbach: I'm sorry. The tree. Where you are seeing that truck --

Lorcher: Yes.

Tiefenbach: It would be somewhere placed within that landscaping strip. Again, it's sort of at their discretion to make sure that they get the most natural appearance and be able to preserve the landscaping.

Lorcher: Has anybody asked the tenants?

Tiefenbach: Of the apartment complex?

Lorcher: Yeah.

Tiefenbach: I have not asked the tenants of the apartment complex.

Hersel: And the owners were notified. They -- nobody showed up to the neighborhood meeting or anything. Our preference -- and I'm speaking for the ownership side -- would be to put it close to the pathway as possible, just to help secure their piece, too, so that people from the apartments are already having them walk their dogs over on the grass and leaving dog stuff. So, their preference would be to be more close to the pathway to help screen that from the apartments next door.

Lorcher: So, you are suggesting that the -- so, the white truck and the -- the --

Hersel: Yeah. So --

Lorcher: Then the trees, then a fence --

Hersel: And a fence and --

Lorcher: Then the -- then the path and, then, they would have kind of their grassy landscape by the apartment?

Hersel: Yes. And to be truthfully honest, we will have to work with ACHD, because there is a drainage easement through there and there is a canal through there. So, we have to make sure that we can build the fence on top of that. We can do evergreens and other stuff to help screen it as well, but there is other stuff that runs underneath that pathway right there, too, that we have no control over, because it's an easement through for a drainage and canal.

Tiefenbach: That's why we didn't want to say only fence. We wanted to make sure they had some options to work with.

Lorcher: So, I'm assuming if you are looking at a fence you are looking at a solid vinyl fence, as opposed to chain -- chain link or --

Hersel: It could be chain link with slats. Alan actually didn't recommend vinyl, just because they are ugly. So, it might be a chain link with a black slat in it.

Lorcher: Chain link fence with black slats is not ugly?

Hersel: He didn't specify what the fence would be. So, it's options. It could be evergreens. It could be heavier landscape.

Lorcher: Can I ask another one? Sorry.

Grove: Commissioner Lorcher, go ahead.

Lorcher: How long have you been operating this business as it is right now?

Hersel: So, there is only currently one tenant in the building. It's Sawtooth Concepts. They are a cabinet shop and they are on the very north end where the dust collector is that you can see and they have been in there for four or five months now. I would have to double check and we have not heard any complaints from the neighbors.

Lorcher: And we don't know that -- the occupancy of those apartments; right?

Hersel: We don't. There are two other tenants that are getting ready to move into this space and, as Alan mentioned, one is K1 Speed. It's an indoor go kart track that's already been approved by your Commission through a different CUP and, then, there is another warehouse user that is only going to maybe bring one or two trucks in a week.

Lorcher: Okay. Thank you.

Hersel: And, technically, the way you read the code is that if you are unloading trucks -- not if you are backed up to a dock door. So, if you have an enclosed semi that's backed up to the dock door, that's not 300 -- that doesn't have to meet the 300 feet. It's if you have a forklift outside unloading a flatbed and that's the 300 feet. So, that's kind of the

kicker on this is if there are dock shelters, which they are going to install when each tenant comes, you meet the current code for the offset to residential.

Tiefenbach: Alan Tiefenbach --

Hersel: The way I read it.

Tiefenbach: That was my interpretation, but my interpretation was not deemed to be the correct one by somebody with a whole lot more experience than me.

Grove: Commissioner Grace.

Grace: Mr. Chairman, just going off some of the questions that were asked, what's the primary purpose of the fence? Is it -- is it a visual barrier or -- or a noise barrier?

Tiefenbach: I don't think it would do -- I don't think it would do much for noise. I mean some would make the argument that landscaping does help somewhat. It's more visual for the people in the apartments, for people walking on the pathways, that they are not seeing trucks parked in -- again, the code says you are not supposed to have that pointed at apartments, so it's more visual.

Grace: Okay. Thank you. And I ask because it may be moot at this point, but I mean what's the fence going to do for people on the third floor of the apartment? But we are past -- that ship has sailed probably.

Tiefenbach: Unfortunately, the loading bays have already been approved and I can't recommend a 30 foot high fence.

Grace: Okay. Just -- just wondering. Thank you.

Tiefenbach: So, I'm trying to protect the pathways as best as I can.

Grove: I have a question for you real quick. So, in Alan's report he has stated that the requirement for the fence is that it does not have to go all around the entire property. What is your intention with that?

Hersel: So, I can't speak fully on, because I'm the architect of it. I can't speak for the owner and spend their money, but they want to comply. You know, they are a huge landowner. Lots of campus, you know, everything and it's -- it's not a Scentsy project. It's not that. It's complete different ownership than Scentsy. But they want to comply with the code. They want to be good stewards of the city. So, most likely they would be willing to put the fence all the way down if it needed to be, more from a security standpoint and to keep people off from wandering into the loading dock area from the residence, just because they don't want people walking their dogs and everything else with truck traffic right next to it. But I can't speak a hundred percent to the extent that they are willing to do, so --

Grove: So, I guess my question -- more to Alan than to you -- is if their intent is not to have a fence for the sake of security for their property, would dense landscape along the pathway be sufficient, instead of a fence? I feel like with the explanation of where the fence is going to be located in relationship to the pathway, it detracts from the pathway and it -- it essentially dilutes what is -- is there and has a -- an unintended consequence of improving, but also detracting from what is installed. I think -- I mean the screening around the dust collector, I think that's great. I think you could probably find a way to make it look attractive, even with whatever, you know, final design you put on it. I think that you can get creative and make it visually -- maybe not appealing, but at least not an eyesore for anyone, not only who lives there, but anyone using that pathway system. You know, you know what you are doing. You know that you are going to be a part of the community and you want people to look at it nicely. So, I'm not worried about that. I -- I'm just concerned with the fence and if they are not going to do a full fence, can we work with them to do different I guess.

Tiefenbach: Alan Tiefenbach. Staff was somewhat meek on this condition, because the condition was being imposed because we approved something that we shouldn't have.

Hersel: Yeah.

Tiefenbach: I was trying to not make a condition that was going to be too cumbersome on the applicant and -- and fencing is expensive. Ideally I think that evergreen screening and landscaping there would be probably better. I was trying to give the applicant some options to be convenient for the applicant.

Hersel: Knowing the owner of it, they would probably go for the landscaping side of it, just -- but I can't -- again can't speak for the ownership group of it. I know Sam Johnson is on that's part of the ownership group. If he wants to talk during public testimony he can, but that's kind of the best route I could go on that one.

Grace: Mr. Chairman, just a follow up.

Grove: Commissioner Grace.

Grace: Is that pathway exclusive to the apartment complex or is that part of a larger --

Tiefenbach: No, sir. That is a regional pathway for the city.

Grace: All right. Well, I will save my comment to when we maybe discuss it.

Lorcher: I have one more question, Mr. Vice-Chair. Who is responsible for the maintenance of the green space from the apartment to the curb? Are -- is your tenant? Is your building ownership responsible up to the pathway?

Hersel: I would have to --

Lorcher: And, then, the apartments on the other side?

Hersel: I would have to look at exactly where our property line is. I think it's -- I don't know if you remember, Alan, if --

Tiefenbach: I can't remember if there -- if it's an easement or a property line. I'm sorry. In general if there is an easement in a pathway is in the applicant's property, then, they are responsible for the pathway within the easement. If the pathway is off of the property lines somewhere else, then, unless there is an actual -- some kind of development agreement generally the city is going to maintain the pathway. But it's sort of like sidewalks in front of your house --

Lorcher: Right.

Tiefenbach: -- you have to sweep your own sidewalks.

Lorcher: And didn't you say there was a utility easement in -- in this greenway -- green space?

Hersel: There is -- there is a drainage canal that goes down and, then, there is part of an ACHD drainage, too, that goes in. They have been maintaining everything that we have planted to date, so --

Lorcher: So, with that stuff that's underneath are -- are you allowed to plant more trees?

Hersel: There is a certain amount of stuff you can plant and as you can see there is actually light poles and they are pretty close. They are right off the edge of it. The pathway is almost right down that easement. I wish I had a better site plan that I could show you. Sorry. But this applicant will maintain anything that's on their property and they already -- doing it -- you know. And so -- and it's all irrigated, everything else. So, drip lines. Like I said, if Sam is still on and wants to talk during public testimony as the applicant he can, too.

Lorcher: Thank you.

Grove: Mr. Clerk, we do have a hand raised from Sam Johnson online.

Johnson: Mr. Vice-Chair, are you taking public testimony now?

Grove: We will go ahead and jump to public testimony. Yes. Sorry.

Johnson: Mr. Johnson, you can unmute.

S.Johnson: All right. Can you hear me okay?

Grove: Yes. If you could just give your name and address for the record, please.

S.Johnson: Yes. Sam Johnson at 2701 East Pine Avenue in Meridian, Idaho. 83642. I'm representing the owner --

Grove: Just a little bit -- you are a little quiet.

S.Johnson: Okay. How -- is that any better?

Grove: It's a little.

S.Johnson: Oh. My laptop. Somebody in my IT department needs to help me with that. I will speak up here. Hopefully -- hopefully you can hear me. I'm representing the Hot 2, LLC, who owns the property. So, yes, I guess they are -- this property was four -- it was -- is -- is four lots that we combined into one to build the -- the warehouse. It's been zoned light industrial for decades, even before we bought it 12 years ago. There is a separate lot that this pathway runs on top of now, but before the pathway was there and before we developed it there was a drainage swale for ACHD that contained -- that took the water and runoff from State Avenue and -- and that's how they dealt with some drainage issues there. There is also some irrigation pipes that run north -- north-south and about halfway through our property they -- they dump into a drainage ditch that's open in the apartment property and that -- that ditch runs west. So, we -- we with ACHD's blessing and a license agreement, they allowed us to pipe that and -- and put that drainage swale in an underground drainage facility. So, yes, there are some restrictions on what can and can't be put on top of that. I have to look at exactly where it is placed. That ten foot wide pathway was a requirement for this -- from the city. Part of the regional pathway plan and it is completely on -- on our property and I believe it's -- I believe the west boundary -- or the west side of that asphalt pathway is fairly close to the property line, between us and the apartments. One -- one question that I have never -- never really asked and we probably don't have an answer tonight is -- not quite sure why the apartment complex was not required to put up a fence along that property line, but we are completely willing to put up a fence, because we have had -- we have seen increased traffic of people using that loading dock area and that space behind the warehouse to walk -- whatever it is. So, we are completely willing to -- to fence that entire -- our western boundary, but we would jog it around -- around the pathway, so it -- the path -- we would prefer to have the fence on the east side of that pathway right along where those light poles are shown. Again, we are also willing to add some additional landscaping, but -- so, we are -- we are willing to work and we appreciate Alan's willingness to give us some flexibility to figure this out, but we don't have specifics as of today.

Grove: So, Mr. Johnson, question I guess would we -- is the intent -- or would your preference be to have a -- essentially a security fence that surrounded the entire property or to do minimal fencing or no fencing I guess would be the third option there.

S.Johnson: We would prefer to have some fencing, whether -- but I'm not necessarily worried about a solid fence. It's more of a security issue and -- and it would just be that western side of the property, not the entire property.

Grove: Okay. Thank you. All right. Is there any further public comments? I don't see anyone else online and I don't see anyone else in the room, so I guess we are able to have you come back up and close out before we close the -- the hearing.

Hersel: Commissioners, Vice-Chair, thank you for looking at this. Alan, thank you for all your support and helping us work through this. I don't think we have any other comments from what Sam just said. We are willing to work with the city and planning staff to make sure that it's right and everybody is happy and appease our neighbors. So, thank you.

Grove: Thank you. All right. At this time could I get a motion to close the public hearing for file number H-2022-0040 for Hickory Warehouse?

Lorcher: So moved.

Grace: Second.

Grove: It's been moved and seconded to closed the public hearing. All those in favor say aye. All those opposed say nay. All right. The public hearing is closed.

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

Grove: Anybody have comments that they would like to share?

Grace: Mr. Chairman, I -- it -- it seems like -- I -- I thought you made a really good comment and -- about the potential for a natural growth hedge or something like that. If we are at this point just trying to salvage the integrity of the path that would make some sense, but I was also concerned about the potential for security. It is a multi-use or multi-family apartment. Children. I think that there is a potential for security there. Probably a fence provides more security than hedges would, but not -- not entirely and so to some degree we are where we are and I think the Commission has to acknowledge that or recognize that, but I do like salvaging the integrity of the pathway with more of a natural growth type barrier, so long as it doesn't affect the security.

Lorcher: Mr. Vice-Chair?

Grove: Commissioner Lorcher, go ahead.

Lorcher: So, when the applicant got their permission to build the building the plot -- the -- the parcel to -- I don't know which direction we are looking in, but next to it where the apartments was C-G and they followed the rules and I appreciate that. Alan is, you know, working with them to fix things, but it feels a little like a bait and switch where it's all of a sudden everything is fine and now we have to add all this investment to kind of fix something that may or may not be broken. Nobody is complaining yet. The pathway to add either -- I mean I -- I would support more landscaping than a fence. I think a fence, especially a chain link fence with black stuff in it, is just as bad, if not worse than vinyl. It would kind of inhibit the whole openness of the whole point of having the pathway in the

first place by encumbering some like a tunnel and, then, there is -- it becomes a collector of possible dog excrement and garbage and who is going to take care of that and -- and the way it looks right now and having it open and having it once the trees get mature to be able to enjoy this pathway, even though there is a warehouse to the side, it's not your visual point, it's the pathway. So, I understand that the city is following the codes and the applicant -- thank you for, you know, working with them. I would not support a -- a physical fence, but more of a landscape fence to be able to blend in to the openness of the project that is there right now.

Grove: So, I think what I would recommend is allowing this to continue forward, but allowing the applicant and staff to find the -- the desired outcome, because, essentially, if it's going to come down to what the applicant wants to do with the fence and how they install that, Alan's comment -- sorry, I have turned into -- didn't see you there.

Tiefenbach: Sorry.

Grove: Go ahead.

Tiefenbach: Just to clarify, when you say moving forward, you are the decision maker on this. It's a conditional use.

Grove: Sorry. I did not phrase that correctly. But, yes, approve it and have the final details in terms of what -- how much fencing goes in or not go and -- because we are -- I mean that's how it's already worded is they get to make that decision, so I think just having that communication continue --

Tiefenbach: Purposely flexible like that. You could one -- depending on which way you argue it. It's purposely flexible. So, I think our intent here has been relayed to staff and the applicant and so I can't make a motion, but that's kind of where I'm hearing, you know, where we are at.

Grace: I don't, but I was going to take a stab at it, unless you feel like you got one.

Lorcher: Sorry. I -- I have -- I have one if you --

Grace: Okay. Yeah.

Grove: Sorry. We have a comment over here.

Starman: Mr. Vice-Chair and Commissioners, before we do that I just wanted to -- actually something that our planner just mentioned a moment ago. The alternatives you had before you, I just noticed a few minutes ago includes language about recommendations to the City Council. That's not accurate. This is a decision for the Commission. So, when you do make your motion, whether it's to approve or not, it's not a recommendation to the Council, it's an action to approve or deny. That's your -- your propagative tonight. Thank you.

Lorcher: Okay. Can I try this?

Grove: Yes, Commissioner Lorcher, go ahead.

Lorcher: After considering all staff and applicant testimony, I move to recommend approval to the city -- well, it's not to the City Council. Approval of the conditional use permit of file number H-2022 -- am I on the right one? 004?

Grove: Zero.

Lorcher: Zero. As presented in the staff report for the hearing date of July 21st, 2022, with the following modifications: Working with the City of Meridian and the applicant for the best landscaping buffer for both parties. Yes? No?

Grove: Do we have a second?

Grace: Mr. Chairman, I second.

Grove: Okay. We have a motion and a second. All those in favor say aye. All right. All those opposed say nay. And Commissioner Seal is abstaining from this and so that motion has passed.

MOTION CARRIED: FOUR AYES. ONE ABSTAIN, TWO ABSENT.

Grove: And we are almost ready to close out, but before we do I just wanted -- since -- I still have the -- the chair for a second here before I pass it back over. Just to let all of you know I will most likely be -- this will be my last night for the Commission, but I will be on call until my replacement is in place. I was recently promoted and will have a lot of time constraints moving forward, so I would just like to say thank you for having me on the Commission. I will still be around and possibly be around in the next few meetings, but would hopefully not be in attendance and unless we -- we are not able to hit quorum. So, with that I will hand it back over to Chairman Seal.

Seal: Yeah. Thank you very much. The -- the first comment I will make is to Mr. Johnson, who is hopefully still on the phone, that the audio problems were on our side, because I know you have a very Cracker Jack IT team working for you, which is kind of funny, because I am on the IT team, so -- which is why I had to recuse myself, so -- and as Commissioner Grove said, we will -- we will be looking for a new vice-chair, so that will be probably part of the next Commission meeting as we discuss that. So, we will let those that are absent know that as well and at this time I'm looking for one more motion.

Grace: Mr. Chairman, I would move to adjourn.

Grove: Second.

Lorcher: Second.

Seal: It's been moved and seconded to adjourn. All those in favor say aye. Opposed?
Meeting is adjourned. Thank you all.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

MEETING ADJOURNED AT 7:35 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS.)

APPROVED

ANDREW SEAL - CHAIRMAN

_____|_____|_____
DATE APPROVED

ATTEST:

CHRIS JOHNSON - CITY CLERK