

stores usually hold them to a little higher standard than some of the neighborhood stores. So, I would support displaying some of their other products out in front as well.

Seal: Okay. Anybody else? Mr. Yearsley, go ahead.

Yearsley: Commissioner Chair. I'm kind of torn. I understand wanting to be able to display what you have, but -- but I think it comes back to the city comment of enforcement, you know, and -- and -- and getting too much stuff out front, you know. So, I -- I -- I kind of -- based on that I'm going to lean to leave it the way it is.

Seal: Commissioner Grove, go ahead.

Grove: I was just going to say I don't have very strong opinions on -- one way or the other, so I could go either way. But I -- when I get to that point I rely on staff's expertise and so I'm -- I'm good with going with staff's expertise on this one and keeping it how it is.

Seal: Okay. Commissioner Stoddard, anything to add?

Stoddard: Mr. Chair, I agree that -- because I feel either way as well. I agree with what the staff said.

Seal: Okay.

Yearsley: Mr. Chair?

Seal: Commissioner Yearsley, go ahead.

Yearsley: After considering all staff, applicant, and public testimony, I move to approve file number H-2021-0085 as presented in the staff report for the hearing date of March 3rd, 2022, with no modifications.

Grove: Second.

Seal: It has been moved and seconded to approve item number H-2020 -- H-2021-0085. For clarity you did say approve; correct?

Yearsley: I did. Approve.

Seal: Since it's a CUP, so -- with no modifications. All those in favor say aye. Any opposed? Okay. Motion carries. Thank you very much.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

3. Public Hearing for Eagle Road Daycare Facility (H-2022-0007) by 814 Development, LLC, Located at 3060 S. Eagle Rd.

- A. Request: A Conditional Use Permit for a daycare center providing childcare for up to 216 children in the C-C zoning district.

Seal: Okay. At this time I would like to open the public hearing for item number H-2022-0007, Eagle Road Daycare Facility. We will begin with the staff report.

Allen: Thank you, Mr. Chair, Members of the Commission. The next application before you is a request for a conditional use permit. This site consists of 1.15 acres of land. It's zoned C-C, community commercial district, and it's located at 3060 South Eagle Road on the east side of South Eagle Road, just north of East Victory Road. A little history on this property. A modification to the existing development agreement was recently approved by City Council to update the conceptual development plan approved for the site to allow for development of the proposed use and the site layout, but has not yet been recorded. The Comprehensive Plan future land use map designation is mixed use community. A conditional use permit is proposed for a 13,660 square foot day care center in the C-C zoning district to accommodate a maximum of 216 children and 24 staff members. Child care and early education is proposed to be provided for children ages six weeks to six years with after-school programs for children up to age 12. The proposed site plan is consistent with the updated conceptual development plan and uses approved with the recent development agreement modification. The amended development agreement and final plat for Inglewood Subdivision No. 2, within which this site is located, must be recorded prior to submittal of a certificate of zoning compliance application for the proposed use. Daycares are required to comply with the specific use standards listed in the UDC. Access is proposed via a right-in, right-out driveway from South Eagle Road and by an access easement through the adjacent properties to the south and east from Titanium Way from Victory Road. A minimum of 27 parking spaces are required for the size of building proposed. A total of 29 spaces are proposed. Although the proposed parking exceeds the minimum standards by two and the number of staff members on site at any one time will likely fluctuate, staff is concerned that if the facility is at full capacity and up to 24 staff members are on site at any one time, there may not be adequate parking or pick up and drop off area for the proposed use. Therefore, staff recommends a shared use agreement for parking is required with the property to the south. Conceptual building elevations were submitted as shown for a single story building that incorporates a mix of materials consisting of hardie panels, board and batten siding with stone veneer accents and metal roofing. Final design is required to incorporate some of the same or similar design elements and materials as those of the residential portion of the development per the development agreement and shall comply with the design standards listed in the architectural standards manual. Written -- written testimony was received from Samantha Kozlowski, the applicant's representative. They are in agreement with the staff report, except for a few items that I will run through. They can't comply with a few of these conditions due to site constraints associated with the proposed building size. Condition number 4-D, requirement for a minimum five foot wide pedestrian walkway to be provided from the perimeter sidewalk along Eagle Road to the main building entrance, this standard is eligible for a request for alternative compliance through our code. It's not a given that it will be approved, but it is something that the applicant can request should the director be able to make the findings to approve that. Conditions 4-E and 4-F, the

requirement for a 25 foot wide landscaped buffer to be provided adjacent to residential uses and that applies to the north and east boundaries of the site. This standard may be reduced by City Council at a public hearing with notice to surrounding property owners. The mechanism to do that would be for the applicant to request City Council review of the Commission's decision, which would enable them to get before Council for that request should they decide to do that. Then, lastly, they had noted that the outdoor -- excuse me. Condition number nine, requirement for the outdoor play equipment over six feet in height basically can't be located in a front yard or a required -- any required yard. They do have some play equipment that is over six feet in height proposed in the play area between the structure and the street buffer along Eagle Road. How that -- however, that is not considered a required yard area. Required yards are defined as the setback area and in the C-C district there are no required front setbacks. So, they would be okay with having play equipment over six feet in height in the area between the buffer and the building. So, I don't think there is an issue there. Staff is recommending approval of this application with the conditions in the staff report. Staff will stand for any questions.

Seal: Thanks, Sonya.

Allen: And the applicant is here tonight to present their project.

Seal: Okay. Would the applicant like to come forward?

Kozlowski: Hi. My name is Samantha Kozlowski with 814 Development. I'm the development manager working on this project and, Sonya, thank you for your review and the staff report. It was very comprehensive. I think gave a lot of details and great discussion on our project. I know we were able to speak before the meeting. I actually was able to speak with the tenant regarding Item 4-D. So, we will be able to meet that requirement or that condition of approval regarding the five foot wide sidewalk. So, we will be able to extend the sidewalk from Eagle Road connecting to the future business to the south and the business to the east as well. So, just wanted to let you guys know that that would be one condition that we would be able to meet, but we would like to request a potential variance through City Council for the setback along the northern border of our site, just due to the existing parcel size. It's a little bit constricted, so we don't think with our building site we would be able to meet that buffer, but we do think that we would be able to meet the buffer to the east, which is the 12.5, I believe, is what's proposed. We currently have a ten. So, we should be able to meet that, but we would potentially need to seek City Council approval for a variance on the north buffer.

Seal: Thank you.

Yearsley: Mr. Chair?

Seal: Commissioner Yearsley, go ahead.

Yearsley: I have a couple of questions. So, the site plan you would -- the -- I'm a little concerned with over 200 children dropping off. I'm -- the plan doesn't show how well

circulation is going to be to -- for people to come in and out of here. Is there a way that we have a better site plan to show the overall site and -- and how we are going to get cars in and out of here without causing a traffic jam or can you speak to circulation, if you would.

Kozlowski: Absolutely. So, just kind of some background on the enrollment numbers for this one in general. This floor plan here -- or this building footprint is based off of a prototype floor plan that we use for this tenant all across the nation. So this is just kind of based on maximum enrollment numbers. It's not based on Idaho State Code just yet. So, once we get to the CZC submittal we will have the correct numbers for the state ratio for Idaho. So, that number may be reduced from the 216 students and the 24 staff members. That will just kind of be determined once we get to the CZC submittal. But just kind of -- to speak to our operation of the facility, all of the parents or guardians are required to actually park their car and walk the kids in. So, it's not like they have a drop-off lane or anything of that nature. So, you shouldn't have a lot of cars that are just coming in, dropping off, and zooming out. So, they do actually -- they are actually required to park. So, that kind of helps with the flow of the parking lot a little bit.

Yearsley: So, that speaks to the other question. If we have got 24 staff members and three extra spaces, I mean that's three parking spaces for how many ever parents to get in and out of here. I still see it becoming a big issue of access to this site getting in and out of here. So, can you speak to that. I mean how do you -- how do you park that many kids coming in and out of here?

Kozlowski: Absolutely. So, the way that we like to think of it is it kind of operates like a restaurant. When it opens up in the morning it opens with a couple of staff members on site. The max -- the average -- or the highest drop-off time is usually in the morning. So, the kids will come and get dropped off and as more kids are getting dropped off that's when the staff members kind of -- kind of fluctuate in. And, then, we see the opposite pattern in the afternoon. So, as a lot of the kids are leaving the staff will start to leave as well. So, the numbers do end up kind of balancing each other out. But we will be able to provide the final numbers again with that CZC submittal once we have everything updated per the Idaho state ratios.

Yearsley: Okay. Thank you.

Kozlowski: Uh-huh.

Grove: Mr. Chair?

Seal: Commissioner Grove, go ahead.

Grove: I have a few questions. Mostly similar to Commissioner Yearsley. We had -- I believe you -- you had spoken to us a few months back -- or this was one that we had similar in north Meridian; is that correct?

Kozlowski: Yes, it is.

Grove: And we had parking and other concerns related to that one as well. So, I -- I'm guessing this is not going to be a surprise that it's an issue here as well with the site constraints. So, do we have a shared parking agreement in place with your neighbors?

Kozlowski: It's currently being drafted at this point, so it's not in place or recorded at this point, but we are working with the seller or the master developer for the Inglewood Subdivision to get the shared parking agreement in place. Both shared parking and, then, cross-access as well.

Grove: Okay. And does this facility have a set of vehicles for the facility for transportation of the -- the children to schools or activities that it would have parked on site?

Kozlowski: They do not. Nope. They don't have any kind of bus or anything like that for the school.

Grove: Okay. All right. I think that's my questions for right now.

Seal: I got a couple questions. So, Sonya, for condition nine, essentially, that can stay in there, but it really has no effect; is that correct? Or does that need to be stricken?

Allen: Mr. Chair, that -- that is correct. I will provide a clarification in the findings document to avoid future issues.

Seal: And, then, as far as the site constraints, it sounds like they will be able to comply with 4-D, possibly with 4-F and, then, not at all with 4-E; is that correct?

Kozlowski: That's correct.

Seal: The 4-E is the -- is that the northern site boundary?

Kozlowski: Yes, it is.

Seal: Okay.

Yearsley: Can I ask one more beyond that, Commissioner? So -- so, with the way the condition's written we don't need to change anything with that, because we won't act upon that, that will be a City Council decision to waive that, so -- okay.

Seal: That -- yeah. Good question, Sonya and Bill. So, if we feel strongly on the site constraint pieces of it, I mean in order to get a review at City Council, does that have to be a recommended denial for us or -- I mean because if we approve, but they -- I mean I guess I'm asking logistical questions here -- process questions to figure this part of it out.

Allen: Yeah. Mr. Chair, Commissioners, the applicant is able to request City Council review of the Commission's decision in any matter, whether it's a recommendation -- or, excuse me, a decision of denial or whether it's a certain condition or conditions that are included in the approval. If Commission feels those should be conditions then -- and the applicant has the ability to request Council review of any of those things.

Seal: Okay. Thank you. Do we have any other questions for the applicant? No? Okay. Thank you very much.

Kozlowski: Thank you.

Seal: Okay. At this time we will take public testimony. Do we have anybody signed up?

Weatherly: Mr. Chair, we do not.

Seal: Do not? Anybody online raising a hand at all or --

Weatherly: I don't see anybody.

Seal: Anybody in the chambers want to come up? All right. Last chance. Unless the applicant has anything else to add -- nothing else? Okay. So, at this time I would like to get a motion to close public testimony for H-2022-0007.

Grove: So moved.

Lorcher: Second.

Seal: It's been motioned and seconded to close the public hearing for item number H-2022-0007. All those in favor say aye. Any opposed? Okay. Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Seal: Who would like to go first? Commissioner Lorcher, go ahead.

Lorcher: It seems like we have had a couple of these over in the past. I think I would feel more comfortable with it -- that we had an official shared parking agreement and cross-access. In order for daycares I think to work in communities such as this, it's important to have that. I do know that when I worked for a tow company -- there is a daycare by the water tower and they did not have any shared parking and if anybody parked in their lot, you know, we ended up towing them. So, being a good neighbor is going to be I think important for not only this location, but for the P&Z. So, I am in support of just seeing possibly an official agreement before we say yes or no.

Seal: Okay. So -- and I was going to say, Sonya, that's -- that is one of the conditions of approval.

Allen: It is, Mr. Chair. So, they cannot move forward without submitting proof of a recorded cross-parking agreement.

Seal: Okay. Commissioner Lorcher, does that solve that for you? Okay. Thank you very much. Anybody else? Commissioner Grove, go ahead.

Grove: I was just going to go ahead with a motion, if --

Yearsley: Can I speak really quick?

Seal: You can, Commissioner Yearsley.

Yearsley: So, I struggle with this one, because we have got two facilities that are high capacity uses in the morning. We have got the Starbucks to the south of this property that's -- that just got approved and, then, we are trying to approve this one as well and I'm trying to resolve, me personally, you know, at 27 spaces, you know, even at a hundred kids, assuming you have two people coming in, you are looking at 50 vehicles in the morning trying to get in and out of here at some point during the day -- during the morning. My -- and, then, you have got Starbucks with people through drive-throughs on this -- I am just -- I -- I can't get around the -- for better words -- the disaster that might could happen and I -- I just -- I don't have a good feeling that we have enough parking here, just because of the use and, you know, with the two uses together we are cramming that spot in the mornings really bad is my concern and I don't know anybody else's thoughts on that or not.

Grove: Mr. Chair?

Seal: Commissioner Grove, go ahead.

Grove: I -- I can see Commissioner Yearsley's point. Having to go to a daycare almost every day that has a large number of students and is in a busy parking lot, the -- the drop-off times and the drop-off congestion is -- in the even the pick up times is not as much of a concern for me, just because unlike -- at like an elementary school they are not all getting there at the same time. It's very staggered over the course of four hours typically. So, that congestion from the parental side is not as high. I think getting the cross -- or the shared use agreement for parking is really going to be beneficial from the staff side and as long as they can offset some of their staff parking needs with the shared use agreement I'm less concerned about it from that perspective. I think overall that -- that area is going to be highly traveled, but I don't see the congestion of the -- of the -- the parents dropping off as -- as -- as big of an issue. I would say that this is a very tight fit. It would make me a lot more comfortable if this lot size was -- was bigger or the building was smaller. I know with this one when we had it at Meridian and McMillan they were unable to change the building size at all. I don't know if rotating the building would change this for this parcel. Overall I'm going to be in favor of it, because we absolutely need more childcare facilities in Meridian. We are running at a very, very, very low number for families and so whatever we can do to bring those in right now is -- is very important to

me and so while I have some less than stellar feelings about how tight it is, I do -- I do feel okay overall moving forward with it.

Yearsley: Thank you.

Seal: Yeah. And I have also concern -- the business to the -- directly to the south of there doing the parking agreement, what is that business? Because Starbucks is on the corner and so is there something in between?

Allen: Mr. Chair, Members of the Commission, there is -- there is no business currently in between the -- the coffee shop and the -- and this business.

Seal: Okay.

Allen: It's a building pad.

Seal: A building pad? Got you. So, something -- something is on -- on its way. There -- there is an owner involved in that, so -- yeah. And I have had some similar concerns. The traffic coming through here is a concern, but I'm -- I'm kind of with Commissioner Grove on that, I'm a little less concerned with that. I mean we are -- we are all battling traffic where ever we go. The streets that are involved here are able to kind of help accommodate this and -- I mean if this were on the other side of the street I can see where it would be a bigger problem, but just where people are coming out of subdivisions and this is going to be a little bit more accessible as far as that goes and, then, dumping onto Eagle Road, I would hope that it would be less of a problem. The biggest issue that I have with it in general is this is the second time that the applicant's come forward with a building of this size that doesn't really fit the lot. So, I think we are starting to see, you know, something repeatable happen here. So, we have kind of got a 13,000 square foot building trying to be squeezed onto something that would be more appropriate for, you know, a 10,000 square foot, for instance. So, I mean if the building size was able to be smaller in this instance, as well as the last time that the applicant was here, there generally wouldn't be any problems. But the inability to change the building size seems -- I -- I think a request to change the building size to fit the lot is -- is in line with what is best for the city. So, the inability to change that building size seems like it's -- that -- that seems unreasonable to me in order to make it fit to the size and standards that are there for -- for Meridian. So, my opinion is that, you know, if -- if they want to have that reviewed by City Council, then, I would personally leave all -- all the stipulations in there that Sonya has in the staff report if we did approve it. And with that does anybody else have anything to add or would like to make a motion?

Grove: Mr. Chair?

Seal: Commissioner Grove.

Grove: Making sure -- this is a CUP, so we are approving and not -- or denying and not recommending; correct?

Seal: That's correct.

Grove: Okay. Just wanted to double check. All right. After considering all staff, applicant, and public testimony, I move to approve file number H-2022-007 -- did I get all the zeros? As presented in the staff report for the hearing date of March 3rd, 2022, with no modifications.

Seal: Do I have a second?

Lorcher: Second.

Seal: Okay. It's moved and seconded to -- moved and seconded to approve Eagle Road Daycare Facility, H-2022-0007, with no modifications. All in favor say aye. Any opposed?

Yearsley: Nay.

Seal: Did you get that, Madam Clerk?

Weatherly: Commissioner Yearsley, for the record that is a nay from you; correct?

Yearsley: It's a nay for me, yes.

Weatherly: Thank you, sir.

Seal: Okay. Motion passes.

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

4. Public Hearing Continued from February 3, 2022 for Verona Live/Work (H-2021-0080) by J-U-B Engineers, Inc., Located at 3020 & 3042 W. Milano Dr., Near the Northeast Corner of Ten Mile Rd. and McMillan Rd.

- A. Request: A Conditional Use Permit for 16 vertically integrated residential units within four (4) buildings on 1.75 acres in the L-O zoning district

Seal: All right. At this time I would like to reopen the public hearing for Verona Live-Work, H-2021-0080, and we will begin with the staff report.

Dodson: Thank you, Mr. Chair. This is -- I guess this is officially the second time we have heard this, but it's been continued multiple times. I'm not going to go through the whole project again, but just briefly it is for a conditional use permit for 14 vertically integrated residential units within the L-O zoning district. The 14 units are in three buildings on 1.75 acres. This would be the latest site plan. However, just to be clear again, the lot line is right here. This is shown for reference only. It's a future office building in the L-O zone,