

Meridian Planning and Zoning Meeting

February 16, 2023.

Meeting of the Meridian Planning and Zoning Commission of February 16, 2023, was called to order at 6:00 p.m. by Chairman Andrew Seal.

Members Present: Chairman Andrew Seal, Commissioner Maria Lorcher, Commissioner Patrick Grace, Commissioner Enrique Rivera and Commissioner Jared Smith.

Members Absent: Commissioner Nate Wheeler and Commissioner Mandi Stoddard.

Others Present: Joy Hall, Kurt Starman, Bill Parsons, Stacy Hersh 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"/> Patrick Grace
<input checked="" type="checkbox"/> Enrique Rivera	<input checked="" type="checkbox"/> Jared Smith
<input checked="" type="checkbox"/> Andrew Seal - Chairman	

Seal: Good evening and welcome to the Planning and Zoning Commission meeting for February 16th, 2023. 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 the city attorney and clerk's offices, as well as the City Planning Department. If you are joining us on Zoom this evening we can see that you are here. You may observe 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.

COMMISSIONER INTRODUCTIONS

1. Introduction of newly appointed Commissioner Smith and Commissioner Rivera to the Planning and Zoning Commission

This evening we have some new faces that are joining us. We will welcome our new Commissioners, Enrique Rivera and Jared Smith. If either one of you would like to say anything?

Smith: Thank you, Mr. Chair. It's a pleasure being here. Having done a couple stints on Transportation Commission, it's a pleasure being able to see the other side. I'm -- I'm a firm believer that land use policy is transportation policy and -- and vice versa. So, it's going to be a pleasure to learn from you all and -- and help -- you know, help the city manage its growth.

Simison: Good. Welcome.

Rivera: Same here, Mr. Chair and Fellow Commissioners. It's an honor and a privilege to be here with you and serve on this Commission and our community. Thank you.

Simison: Welcome to both of you and I can't go too far without saying welcome back, Commissioner Grace.

Grace: Thank you, Mr. Chair. Good to be back.

Seal: All right. And with that we will have roll call. Madam Clerk.

ADOPTION OF AGENDA

Seal: Okay. First item on the agenda is the adoption of the agenda. This evening we have the file for the variance request from a department determination concerning a proposal address change from 2201 East Gala Street for the Orme Family and Implant Dentistry. That is a mouthful. And File No. H-2022-0088 for Newkirk Neighborhood. Those files will be opened for the sole purpose of continuing to our regularly scheduled meeting. They will be opened for that purpose only. So, if there is anybody here tonight to testify for those applications, we will not be taking testimony on them. Can I get a motion to adopt the agenda as amended?

Lorcher: So moved.

Grace: Second.

Seal: It's been moved and seconded -- seconded to adopt the agenda. All in favor say aye. None opposed. Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

CONSENT AGENDA [Action Item]

- 2. Approve Minutes of the February 2,2023 Planning and Zoning Meeting**
- 3. Findings of Fact and Conclusions of Law for the Conditional Use Permit for ESI Office Building (H-2023-0002)**

Seal: Next item on the agenda is the Consent Agenda and we have two items on the Consent Agenda. First item is to approve the minutes of the February 2nd, 2023, Planning and Zoning Commission meeting and we have Findings of Facts, Conclusions of Law for the conditional use permit for ESI Office Building, File No. H-2023-0002. Can I get a motion to accept the Consent Agenda as presented?

Grace: So moved.

Lorcher: Second.

Seal: It's been moved and seconded to adopt the Consent Agenda. All in favor say aye. None opposed? Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

ITEMS MOVED FROM THE CONSENT AGENDA [Action Item]

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 -- or how -- how the item adheres to Comprehensive Plan and Unified Development Code. After staff has made their presentation, the applicant will come forward to present their case and respond to staff comments. They will have 15 minutes to do so. After the applicant has finished we will open the floor to public testimony. Each person will be called on only once during the public testimony. The Clerk will call the names individually of those who have signed up on our website in advance to testify. You will, then, be unmuted in Zoom or you can come to the microphones 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 meetings, they will be displayed on the screen and you will be able to run the presentation from the stand. Oh. Lost my place. 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 up in advance have spoken we will invite any others who may wish to testify. If you wish to speak on the topic you may come forward in Chambers or in Zoom press raise hand button or -- in the Zoom app or if you are only listening on a phone, please, press star nine and wait for your name to be called. If you are listening on multiple devices, such as a computer and a phone, please, be sure to mute the extra devices, so we do not experience feedback and we can hear you clearly. When you are finished if the Commission does not have questions for you you will return to your seat in Chambers or be muted on Zoom and no longer have the ability to speak. And please remember you will not be called on a second time. After all, testimony is -- 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 the 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.

ACTION ITEMS

4. Public Hearing: Variance Request from a Department Determination Concerning a Proposed Addressing Change for 2201 E. Gala St. by Orme Family and Implant Dentistry

Seal: All right. So, at this time I would like to open -- or sorry -- continue the public hearing for a variance request from a department determination concerning a proposed address

change for 2201 East Gala by Orme Family and Implant Dentistry and that -- to continue that to the date of March 2nd, 2023. Can I get a motion on that?

Grace: Mr. Chairman, does that have a file number?

Seal: It does not have a file number that I'm aware of, but it has a really really long title.

Grace: Mr. Chairman, I would -- I would move to continue Item No. 4, variance requests from a department determination concerning a proposed address change for 2201 East Gala Street by Orme Family and Implant Dentistry to our next -- or to the regularly scheduled meeting on March 2nd.

Seal: Got a second?

Smith: Second.

Seal: it's been moved and seconded to continue the variance request from a department determination concerning proposed addressing change for 2201 East Gala Street by Orme Family and Implant Dentistry to March 2nd, 2023. All in favor, please, say aye. Opposed nay? Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

5. Public Hearing for Newkirk Neighborhood (H-2022-0088) by Conger Group, located at 4250 W. Franklin Rd.

- A. Request: Annexation of 23.67 acres of land with a TN-R (Traditional Neighborhood Residential) zoning district.
- B. Request: Preliminary Plat consisting of 63 building lots and 8 common/other lots on 21.11 acres of land in the TN-R zoning district.

Seal: At this time I would like to continue public hearing for Newkirk Neighborhood, File No. H-2022-0088, for continuance to March 2nd, 2023. I will take a motion on that.

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher, go ahead.

Lorcher: I motion that we continue File No. H-2022-0088, Newkirk Neighborhood, to the hearing date of March 2nd, 2023.

Seal: Do I have a second?

Rivera: Second.

Seal: It's been moved and seconded to continue File No. H-2022-0088, Newkirk Neighborhood, to the date of March 2nd, 2023. All in favor, please, say aye. Opposed nay? Motion carries. It is continued.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

6. Public Hearing for Alexanders Landing Subdivision (H-2022-0084) by Kent Brown Planning Services, located at the southeast corner of W. Pine St. and Black Cat Rd.

- A. Request: Annexation and Zoning of 5.2 acres of land from RUT in Ada County to the R-8 zoning district. B. Request: Preliminary Plat consisting of 24 building lots and 4 common lots .

Seal: All right. I would like to open File No. H-2022-0084, Alexanders Landing Subdivision and we will begin with the staff report.

Hersh: Good evening, Mr. Chair and Commissioners. The applicant is here to present their presentation for Alexanders Landing Subdivision. It's -- the applications are annexation and zoning and preliminary plat. The site consists of 5.2 acres of land, zoned RUT, located near the southeast corner of West Pine Avenue and Black Cat. The Comprehensive Plan FLUM designation is medium density residential. The subject 5.23 acres currently contains an existing home. The subject site abutting an R-8 development to the north, Horse Meadows Subdivision. To the east and west is county residential, not yet annexed into the City of Meridian. And to the south is the railroad and the Purdam Gulch Drain. The subject property is designated as medium density residential and the future land use map consistent with the approved development to the north. The applicant proposes a 24 lot subdivision and four common lots for single family residential detached homes at a gross density of 4.59 units per acre, which is in the -- within the desired density range of the medium density residential designation. An existing home on the property is proposed to remain on Lot 1, Block 2. The outbuilding located on Lot 3, Block 2, shall be removed with development of this property. The existing home does not meet the required number of off-street parking spaces per the UDC for a three bedroom home. Four parking spaces are required -- or at least two in an enclosed garage or other spaces may be enclosed or a minimum of ten foot by 20 foot parking pad. The existing home does not comprise of an enclosed garage and staff recommends that the nonconformity of the home be remedied to meet the off-street parking regulations prior to the city's -- city engineer's signature on the final plat. Access is proposed from Quarter Horse Lane from the north. Direct access to North Black Cat Road and Pine Avenue is prohibited. The subject property is dependent upon the development of the Horse Meadows Subdivision directly to the north to reconstruct a portion of -- this property is required to reconstruct a portion of Quarter Horse Lane, which is an existing private road as a public street, which would provide public street frontage and access to this site. So, due to access availability, development should not commence until a public road access is available to the site upon development of the Horse Meadow Subdivision prior to submitting a final plat for approval. A local stub street is proposed for interconnectivity between the two developments that is

stubbed at the east-west boundary on the site in accordance with the UDC. The street does exceed 150 feet, so, therefore, a temporary turnaround is required. The applicant is proposing to construct the temporary turnaround on a common lot, which decreases the usability of the area. Staff recommends that the applicant construct the temporary turnaround on Lots 5, 7, Block 3, in the southwest corner of the development to increase the open space for the development. The reason for this recommendation is to ensure open space for the development remains intact without placing a burden on the HOA to remediate the removal of the turnaround area, The applicant included a concept plan for the property on the west to show how that would develop in the future and it's currently zoned R-1 in the county. And that road also goes to the west to go through that property. This is potential. No street buffers are required per the UDC for internal local streets. Common open space landscaping is proposed as shown on the landscape plan. A minimum of 15 percent or 1.23 acres based on the 5.23 acres of qualified open space is required to be provided in this development per the standards in the UDC -- UDC. An open space exhibit was submitted that depicts 2.15 acres of common open space for development and .78 acres of this area is qualified open space. The amount of qualified open space required is 0.78 acres, approximately 33,977 square feet. There is -- a ten foot wide pathway is required per the master pathways plan in lieu of the proposed six foot pathway running along the southern border. The project size of 5.23 acres requires a minimum of one amenity point for every five acres and according to the plan submitted there are three amenities -- three amenity points. A picnic shelter -- shelter with tables and a pathway, according to the UDC. The proposed amenities and their point value is correct and exceed UDC requirements for this project of this size. Sidewalks are all five feet attached and proposed within the development in accordance with the UDC standards and the Purdam Gulch Drain runs along the southern border of the site and staff did not receive a response from Meridian-Nampa Irrigation District on whether or not an easement exists on the property for the lateral. If it does it should be depicted on the plat and no encroachments allowed within the easement and, then, per the UDC the applicant is requesting -- requesting a Council waiver to allow the Purdam Gulch Drain to remain open in a natural state. Elevation -- three conceptual elevations were submitted and floor plans that demonstrate what future homes in this development will look like. Variations of two-story homes with two car garages are proposed. The submitted elevations depict a number of architectural and design styles with field materials of lap siding, different coloring accents, roof purlines and varying of home styles. Staff recommends the applicant add additional stone or brick accents to the front of the homes to provide more of a variation of materials. There wasn't any written testimony on this project and staff recommends approval for this annexation with the requirement of a development agreement and a preliminary plat and with the conditions listed in the staff report. And that concludes the presentation and I stand for any questions.

Seal: All right. Thank you very much. Would the applicant like to come forward? Good evening. We thought our technical troubles were over, but we are going to get to it.

Brown: Can you hear me now?

Seal: We can hear you now. There we go.

Brown: I think we have heard that before. For the record Kent Brown. 3161 East Springwood, Meridian, Idaho. And I'm representing Quarter Horse Lane, LLC, on this project. I just click the presentation? I submitted some slides for my presentation, Joy. Only got two slides that we -- this is the part of my job that's the most difficult is the IT technical part, so --

Seal: Technology is wonderful when it works.

Brown: It is. What I want to show you is a vicinity map. One of the challenges of doing this kind of development as in-fill is keeping the existing that's there and -- and, then, at the same time being a part of, if you will, a master plan for the -- for the area. It's like the master plan pathway that we have along our southerly boundary, so -- yes. Can you make that vicinity map bigger for me? There we go. Thank you. As you can see our site, we are right adjacent to the railroad tracks and one home off of Black Cat Road. The Comprehensive Plan calls for a regional pathway to go along there. What's interesting is -- I did the developments there along Ten Mile, the Mile High Pines and Foxcroft, and we were able to put that pathway in. I did quite a bit of the developments that are to the -- to the east -- or to the west that -- which is the Chesterfield Subdivision that's there. There is approximately 2,500 feet of that that's in there that doesn't have any accommodations for a future path. So, you have a pathway that is coming from the east and off of Ten Mile and, then, you have the ability when the property between us and Ten Mile goes in that the pathway can be extended out to Black Cat and, then, when the property to the east of us goes in, then, the pathway can continue, but, then, it needs to get up to a street somehow and, then, get back up onto Pine, because there is no way for it to go through that 2,500 feet and so that's some of the challenges that you end up with. We can see the advantage in doing that -- that regional pathway in our development long term, but it is something that the HOA is going to have out there for quite some time and -- depending on what -- what takes place with our neighbors. If you look to the north of us, just above where I put Pine Street, there is an entrance into the Castlebrook Subdivision up there and, then, a common -- a vertical common area. Can you put a cursor right there? So, to the right of where it says Pine Street there is an entrance to that subdivision to the north and, then, right straight through that common area and, then, right there at that location is a bridge that enters into the park -- the City Park. So, that link, however that takes place when development goes around us, will actually make that pathway kind of work. Over here on the Ten Mile side I show what's in green, which we are building in those two developments and, then, we are putting in a bridge that takes us into the park and also provides a safe access into the school. So, then, it -- then it makes sense. But by itself it's kind of difficult at the -- at this point. Let's go to the next slide, which is the one of the plat. We chose to put the turnaround on the common area. We are doing a development agreement. In the development agreement we can put conditions that would ensure that the developer has put money aside to remove that common -- that -- that space. We really feel that it's a good location for that turnaround at that point versus having to basically put nonbuilds on the lots that staff is recommending to the south. We have no idea when the property to the west of us is going to develop and he can remain doing what he's doing currently and not be affected by either the Horse Meadows that's

to the north of us -- we have been working with them to get access and help them meet some of their ACHD requirements and, in turn, water and sewer comes through their development and helps get to us. So, we would like that as our -- I guess change to what staff asked. Everything else I think we are agreeable to. We have tried to do a development that fits in with what's existing and still meet what's going on around us. We have plenty of common area without -- we will increase it when our turnaround goes away, but currently we meet the -- the open space requirement by having that with a temporary turnaround on it for right now. I stand for any questions that you might have.

Seal: Okay, Kent. Commissioners, do we have any questions for -- Commissioner Grace, I see you reaching for the microphone. Go right ahead.

Grace: Thank you, Mr. Chairman. Mr. Brown, with regard to the existing structure that's there, there is a comment in the report that they are going to have to update their off-street parking. Is that something there -- so, is the existing homeowner is going to continue to live there?

Brown: Yes.

Grace: Is that something they are going to have to pay for?

Brown: They -- they will be a part of it, but the -- basically what we are talking about is that you -- you need parking pads. Right now in front of their house they have a circle driveway and people park on that circle driveway, because it's been at the end -- or near the end of, basically, a private lane that was gravel to begin with. So, we are sure that we can provide some parking pads and meet those requirements that the city has.

Grace: Okay. Thank you, Mr. Chairman.

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher, go ahead.

Lorcher: For new Newland Drive where you have the turnaround as it exists right now, is the -- if the parcel to the west becomes developed is that intentioned that would go out as an access road to Black Cat then?

Brown: No. The highway district and -- and city staff don't want any further connections to -- to Black Cat. So, what would end up happening -- and we provided staff with, you know, a possible scenario. So, what it would tie in is that basically you would have that - - what's Horse Meadows with the cul-de-sac, that that street would stub down and it would connect there and that would provide a means of resubdividing that property someday in the future. So, we kind of anticipate that. It is also on the -- the east end of that property we have aligned the -- our stub that goes to the east with what's in Chesterfield that's a property away also. So, we have tried to put those in locations and staff has been a part of that review to make sure that we are not putting a road -- it's like saying you put the

bridge to nowhere. Well, we are -- we are trying to put a bridge -- a road and the stub in a location that is beneficial for the -- the future property, as well as us.

Lorcher: Mr. Chair, one more question.

Seal: Yes. Go ahead.

Lorcher: Are -- is your group involved in the Horse Meadow Subdivision?

Brown: We are not a part of it, but our -- our developer has been in very close contact with them about that. They are supposed to start construction soon. So, we -- obviously, we -- we didn't want to really move forward until we knew that that was taking place, because -- I mean that's going to be our access. We could not access off of Black Cat, we need to access off of Pine that's to the north.

Lorcher: Okay. Thank you.

Seal: Any further questions?

Smith: Mr. Chair?

Seal: Oh. Go ahead.

Smith: More of a -- a newbie question, if you will, for maybe staff or other Commissioners. Reading through the Fire Department comments it looks like -- and it looks like this is the same case for the other application they commented in the packet. They state that they are able to service the area, but not within the five minute goal. I don't know that I have seen any applications where they are confident they have been able to hit the five minute goal. Do they ever comment on what the estimated time would be? Obviously there is a difference in my mind between six minutes and 15 minutes theoretically. Do we -- do we know that at all and, you know, I guess any clarification around that would be helpful.

Seal: We have had a couple of different meetings with the -- with the Fire Department and that's pretty common for them to not be able to make a five minute goal, unless it's right, you know, in real close proximity. That said, there -- I was kind of hoping to see more of a time estimate instead of, you know, we don't make the five minutes, but we expect to make it in eight. You know, like you said, and -- and I'm not seeing that at this point yet, so, hopefully, that's to come, but generally speaking if there is a large issue with it that they -- they will definitely point that out if they are opposed to it for -- for whatever reason or they think it's going to create an unsafe condition or if it's really outside of a time limit they will, you know, require places to be -- you know, have sprinkler in them and things like that, So -- good question though.

Smith: Thank you.

Seal: Commissioner Grace?

Brown: If I could comment about that.

Seal: Okay.

Brown: We look back at the vicinity map. So, the two developments that I'm working on off of Ten Mile, Foxcroft is the one that's right next to the canal. Currently everybody that's on Pine that lives there has to go to the west back to Black Cat, even though they might be wanting to go to the east. We are in the process -- we just had the pre-con put that bridge in and have that bridge installed. The road will continue to the -- to the west and what's to take place over there -- actually it's right along the railroad tracks that road extends and that area is industrial, but this road will help improve the timeline that they are talking, because right now they have to drive around and by having this road cut through and that being created, it's viewed by the highway district that most of that traffic is going to go to the east to Ten Mile, then the interchange and so forth. So, that's taking place and being done. Most of that Pine Street has been constructed, except for the bridge. So, as soon as we can get that bridge in before water enters the ditch, then, that will change the traffic patterns there, so --

Seal: Which is going to be good news all around I think. Commissioner Grace.

Grace: Thank you, Mr. Chairman. This question is probably for staff. Can I just get some clarity on the open space requirement? I was a little confused maybe on the -- on the staff report as to -- it looked like 15 percent or 1.23 acres was needed to qualify -- for qualified open space and, then, below it -- it talks about .788 acres. I was just looking for some clarity on that. Either way it looks like they have met it, but --

Hersh: Mr. Chair, Commissioner Grace, we are going to pull up the staff report and double check, but they did provide 2.15 acres of open space, but we are double checking the staff report right now.

Seal: Okay. We will go back to that answer. Any other questions from staff -- for staff or the applicant?

Smith: Mr. Chair?

Seal: Yep. Go ahead.

Smith: Another process question if you will. So, with the potential -- if we were to approve this with the requirement of a development agreement, I know there was discussion about in that development agreement being the need for setting aside funds for remedying -- the event -- eventual remedying of that turnaround. Would that be something that we include in this approval condition or is that just for a future -- like will that be discussed in the future with the development agreement?

Seal: For -- for Planning and Zoning -- and since we are a recommending body we can -
- we can ask to have that be a provision -- a provision of our recommendation, but it's
something that we would have to have stated in our motion.

Smith: Okay. Thank you.

Seal: Any others? All right.

Brown: The one comment I will make is as we worked with the engineers that was our
goal was to make sure that even though we were doing the turnaround we didn't view that
we could count that as open space and so I'm pretty confident that we -- the open space
outside of that that's required and we will have more open space as soon as the
turnaround goes away, so --

Seal: Okay. Madam Clerk, do we have anybody signed up to testify on this? Will that
make this quick for you?

Hall: We have Lindsey Nikki or Nikki? Okay.

Seal: The lady in the back. Thank you. Ma'am, do you want to go ahead and come on
up? Sorry, there is somebody sitting right behind you that -- oh. Okay. Is there anybody
else that would like to come up and testify on this? I don't think we have anybody online
that's going to be doing anything. Nobody's raising their hand.

Hall: I do not have anybody signed up online, Mr. Chairman.

Seal: Okay. Mr. Brown, do you have anything else to add? All right. Thank you very
much. Well, I will take a -- unless there is any other discussion I will take a motion to
close the public hearing for Item No. H-2022-0084, Alexanders Landing Subdivision.

Smith: So moved.

Rivera: Second.

Seal: It's been moved and seconded to close the public hearing for File No. H-2022-
0084. All in favor, please, say aye. Opposed nay? Okay. The public hearing is closed.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Seal: I will take any discussion.

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher, go ahead.

Lorcher: I live near Black Cat and Cherry, so I'm familiar with this site. I'm also familiar with the site -- the homestead in front of this development and it's the Roosevelt Elementary School that was used in 1910. So, it's a part of our Meridian history and it's a little presumptuous to say that there will be development. It would be a catastrophe for the City of Meridian to lose that as a historical building with a road possibly going through it in the future. So, I'm not part of the historical committee, but I would fight pretty hard to make sure that that school slash home now stays part of our history. The fact that there is so much going on here right now with everything happening at Ten Mile with Pine coming through, but it hasn't happened yet. Horse Meadow being developed, but it hasn't happened yet. ACHD is not planning to widen Black Cat yet. I believe they have the right product for the site, but in the best interest of the city I think a few things need to happen before the site can be developed.

Seal: Anybody else have comments?

Grace: Mr. Chairman, I would only make the comment that I was really curious about the -- the open space. It's not critical to me. It's only the annexation stage and I'm sure that's subject to some change in the future. So, I don't want staff to get too wrapped around the axle about it. But, yeah, I was just a little confused on that piece.

Seal: Okay. Stacy, do you have anything to contribute on there?

Hersh: Mr. Chair, Commissioner Grace, so, yes, we just were double checking the numbers and they are only required to have 34,000 square foot open space, so they exceed it. It maybe wasn't explained. It was a little bit thrown off. The 2.15 -- it's actually all of the open space they proposed, not the qualified. So, it was broken down.

Grace: Thank you.

Seal: Thank you very much. Any other comments?

Smith: Mr. Chair?

Seal: Go right ahead.

Smith: Just to put some thoughts out there around the -- the -- the timing. I agree there is a lot going on in that area and -- and Black Cat seems to be one of those areas that will be hopefully worked on at some point maybe. That being said, I think that Horse Meadows -- the requirement that Horse Meadows be developed prior to this I -- I do think alleviates some of my concerns around that -- around that -- that access and the -- kind of the things up in the air. I do -- I appreciate the information around that historical site and that does certainly factor in. I -- I wonder, though, if there are certain possibilities for these to be worked out, not -- not necessarily all the additional external factors, but, you know, to be considered during the development process, because, otherwise, you know, like my fellow Commissioner said, it does seem like it's the right product for the area. It does seem like it's a good fit for the area. So, those are just some thoughts. I think it's -

- it's -- it's a tough balancing act at the moment, but I -- I think it -- I am generally more amenable to letting them work on those -- those historical site considerations and those kind of externalities on that end as development progresses, given the Horse Meadows requirement and the development agreement, that I would probably -- I would support requiring as well.

Seal: I will -- a couple thoughts on this. In-fill is tough, so -- you know, I mean I'm generally a little critical of some of these -- I call them -- call them that have your cake and eat them too developments where the property owner wants to maintain their house. So, sometimes that makes for good transitions, sometimes it doesn't, so this seems to me it's not outlandish in this case for sure. One of the concerns that I have that was addressed is that, you know, basically the funding to take care of the turnaround that's there. One of the concerns I have about it, just being that turnaround, is it's somewhat unusable. Another -- we have had other circumstances like this where, you know, other Commissioners have talked about putting up a basketball hoop or something like that just to make it a usable space basically. It's not qualified open space, so something along those lines. But the -- the private road dimensions of this are a little concerning, because there is not a lot of homes here to support the private road as far as the funding for that in the future. So, that to me is probably the bigger concern I have of this. I mean, I -- you know, my comments about the ACHD report is maybe they haven't been there when I have been there, so -- but that seems to happen a lot with the ACHD reports saying that Black Cat is okay. When Pine Street opens up I think that's going to eliminate a lot of the problems that we are seeing on the Black Cat area there. It's going to create a whole new set of problems for Ten Mile and that intersection there, but it's being built to handle it. But, again, I think the -- the private road and just the funding of that is probably more -- that's a concern for me just for the -- the people that live there in the -- in the future and their -- their ability to fund, you know, maintenance and care on those roads, so that -- that is all private, correct; Bill? No. Oh, I thought it was all private. Just the -- just the extension? Sorry. I may be speaking out of turn.

Parsons: Mr. Chairman, Members of the Commission, currently the -- the property only has private street access, but as part of this project they are dedicating right of way to ACHD, contingent upon Horse Meadows happening and --

Seal: Got you.

Parsons: -- public street being provided to this property.

Seal: Okay.

Parsons: And, then, the applicant will have to relinquish their rights to use their current access to Black Cat --

Seal: Okay.

Parsons: -- which is Quarter Horse Lane, which is that easement that we discussed when Horse Meadows came through.

Seal: Right.

Parsons: So whatever they do out here -- and Kent Brown -- Kent -- Kent Brown. Kent knows very well that they can't just remove somebody's easement, they have to maintain access in perpetuity or provide other means of access and that's what they are doing here. So, just for the record, to clear it up, this is intended to be public streets, not private.

Seal: Got it. Okay. That makes a lot more sense, so -- never mind everything I said about the public streets -- or the private streets then, so -- interpreted that incorrectly,

Lorcher: Mr. Chair?

Seal: Yes, Commissioner Lorcher, go right ahead.

Lorcher: But currently Quarter Horse is a private street, so --

Seal: Right.

Lorcher: -- as everything gets developed it will become a public street and ACHD will manage it; correct?

Seal: Yeah. Okay. Anymore discussion? Motions?

Grace: Mr. Chair, I -- I was talking about the open space and I probably didn't comment generally about it. I -- I don't necessarily know that I have too many issues with the -- with the proposal, but I -- I do agree -- I guess I didn't pick up on the -- the historical school aspect of it and I would agree that whatever is in our purview to try to preserve that -- and I don't know what is in our purview, but I would agree that we should try to do that. We -- we don't probably have a tremendous amount of those kind of historical sites in Meridian and to the extent we do have them I think we should try to preserve them. So, that would be the only caveat to my -- to my support.

Seal: Okay. Yeah. And I -- I mean I have similar feelings to that piece of property myself, but I'm also looking at the application that's in hand and the rules we have to follow, and the code that's there in order to provide for this application. So, myself, I'm trying not to get too wrapped up in that, but good comments. Anymore discussion or a motion? I'm open to --

Smith: Mr. Chair?

Seal: Go right ahead.

Smith: I -- I do have a potential motion. I -- looking over to counsel to hopefully help me ensure that this is proper. But I would like to make a motion to approve -- recommend approval to City Council for File No. H-2020 -- sorry. That's not the right. That is right. H-2022-0088 as presented in the staff report for the hearing date of February 16th, 2023,

with the following modifications -- and that would be the modifications laid out by staff in section -- I believe Sections 9 and 10, with the exception of the requirement to move the turnaround. Instead I'm asking for requiring a development agreement and requesting that that be part of that development agreement, that funds be set aside for future remediation of that turnaround, as well as a recommendation or request in an advisory capacity to work with the city on preserving that historic site in the future. I hope that's kosher.

Seal: Do I have a second?

Grace: Second.

Seal: Okay.

Starman: And, Mr. Chair, just for the record -- great first motion. Well done.

Smith: Thank you.

Starman: And just for clarity, we both heard on this end that we may have misstated the file numbers. I just wanted to clarify for the record the -- the file before the -- that you are voting on right now, which is H-2022-0084. This will get that for the record, and you are -- Mr. Chairman, you are -- feel free to proceed with your vote.

Hall: And, Mr. Chair, who made the second, please?

Seal: Commissioner Grace. So, it has been moved and seconded to approve File No. H-2022-0084 for Alexanders Landing Subdivision, with the aforementioned modifications. All in favor, please, say aye. Opposed nay?

Lorcher: Nay,

Parsons: Mr. -- Mr. Chair, just before -- I'm sorry, I should have caught you a little sooner. Is the motion also currently -- and Stacy can correct me if I'm wrong, but currently we have a condition of approval that states that they relocate that turnaround on those buildable lots. So, we probably -- if it's your intention to allow the turnaround to stay on the common lot through the surety process, then, we probably should strike that condition as well.

Seal: Okay. That --

Parsons: Was that your intention for the motion?

Smith: Yes. Mr. Chair, yes, that was my intention. Apologies.

Parsons: Thank you. I just wanted to make sure we still had that condition.

Seal: I was going to say that's how I understood it, so I just wanted to make sure. No opposed, so motion carries. Thanks for --

Lorcher: I opposed.

Seal: Oh. Sorry. One opposed, but motion carries.

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

7. Public Hearing for Meridian OZ Apartments (H-2022-0073) by Realm Venture Group, located at 1475 E. Franklin Rd.

- A. Request: Development Agreement Modification to the existing Development Agreement (Inst.#99121334 AZ-99-005 Cobblestone Village) to remove the subject property from the agreement and enter into a new agreement for the proposed multi-family development.
- B. Request: Conditional Use Permit for a multi-family development consisting of 60 dwelling units on 2.39 acres of land in the R-40 zoning district.

Seal: We will get there tonight, I promise. All right. Thank you very much. And with that we will open the public hearing for File No. H-2022-0073 for Meridian OZ Apartments and we will begin with the staff report. As long as you can make all the technology work for the rest of the evening, Bill.

Parsons: I think I can do that. All right. Perfect. Thank you, Mr. Chair, Members of the Commission. I think we are up and running now. So, here I am tonight presenting to you the Meridian OZ project. This was continued from the last hearing in order for the applicant to massage the plan -- modify the plan so that it could address some of staff's comments and, then, also ACHD's comments in their staff report. So, you can see here on the first slide tonight that the future land use map on this property is mixed-use community. Current zoning is R-40 and, then, the property is located on the northwest - or, excuse me, southwest corner of Franklin and Locust Grove. In 1999 this property was actually annexed in as part of the Cobblefield Village project -- or Cobblestone Village project, excuse me, and received conditional use permit approval to develop 96 multi-family units on the site. You can see here in this particular graphic at the time that this came in -- here is a graphic here for you, it showed what was approved officially in '99 when it was annexed. When that intersection was improved and that road was widened ACHD went in and took a portion of that property and developed their storm retention facility on it and, then, also put up chain link fencing around it, so, again, it's part of a natural riparian area for the File Mile Creek, so it's -- it's a little bit more enhanced in that area, but what it did was actually leave this particular property in the current configuration that you see in the graphic to your right. So, the applicant is here to talk with you about - submit an application for a conditional use permit and also a development agreement modification and, again, you can see the reason for the DA modification is because the -

- the property has just changed and so they need to modify the concept plan and the density that was approved with that plan. So, staff also dug deep into our history of what was the Comprehensive Plan designation on this property back in '99. It was actually a mixed -- mixed-use plan development, which basically allowed for apartments and the project at the time that it was approved was 15 dwelling units to the acre. In this current configuration and what the application is proposing this evening is 60 multi-family units at a density of 25 dwelling units to the acre. Now as -- as this body knows, a mixed-use community designation, we anticipate densities between six and dwelling -- six and 15 -- between six to 15 dwellings to the acre. So, again, it is on the higher density type side, but, again, the property is zoned R-40 and if you look at the purpose statement in the -- the zoning ordinance, it does anticipate higher densities occurring on that. So, again, Council will take action on the development agreement modification and determine whether or not density is appropriate for this site, if 25 is the right number, or if -- if something should change. But as far as what we are showing with you tonight, we feel like -- whether it's four buildings at 40 units to the -- eight units to the acre -- or eight units to -- per structure or 12 units per structure, it's pretty much going to be a similar design as you are seeing. So, it's really whether or not three stories is appropriate, two stories is appropriate, as -- as we move forward through the development process. As I mentioned to you, this application was condition -- was continued because ACHD actually required the applicant -- the applicant to relocate their access. When they originally submitted their application to the city the primary access was from Franklin and ACHD actually required the applicant to reconfigure their site plan and require that their access to this development come off of Locust Grove, because it's the lesser classified arterial roadway and so that's why we reached out to the applicant and said, hey, are you aware of this? They indicated they were and they realized they had to redesign, so they did accommodate our request to continue, so they could make those modifications. I will also mention to you -- if you had a chance to look at the staff report, staff wasn't confident that the site met the open space requirements of the code and so the applicant revised the plan, submitted in that revised plan today, and that's why you see that -- that word revised in parentheses on the graphic to the left. So, we are confident that what the applicant is proposing now meets the minimum open space requirements for the multi-family development. As I mentioned to you, the conditional use permit is for 60 dwelling units. There is -- it's a mix of 30 one bedroom and 30 two bedroom units, again, at a gross density of 25 dwelling units to the acre. Access, again, is Locust Grove, and that is the only access that they will have. I know typically we would like to have more accesses for these types of developments, but because this is a multi-family development and it's under 200 units, the code does not require an additional access point. So, the -- the fire code allows you -- I'm putting my -- my Chief Bongiorno hat on for you this evening, so we don't go down that discussion for another access to Franklin, because it's not going to happen. But, essentially, you can have a multi-family development, you can have up to 200 units before you need a secondary access. So, this is well under what's required by code. But just to make -- because the -- the property owner -- property to the south of this project is also part of that mixed-use designation, we are recommending cross-access to that piece, so that it could integrate or potentially a new access point could be provided or readjusted in the future if something were to happen on that property. We want to make sure we limit those access points in the near future. Amenities for the -- for

this site -- we are looking at -- you have to have three qualifying amenities, one from quality of life, open space and recreation, and the applicant is proposing enclosed bike storage, a community garden and, then, a children's place structure. If you had a chance to review the staff report as well, originally the applicant was proposing an interconnected pathway along Locust Grove that ran -- ran along the south side of the detention facility and ran up the east side of this development to -- to add it as a recreational amenity. Because of site constraints that was removed and they elected to go with the tot lot, which we think is a better amenity for this site, as there is -- there is limited parks in this area. They are about, what, a mile, two miles down the road to Storey Park, if I -- if I remember correctly. And, then, the applicant also provided revised open space to show how they are meeting the intent of the code and, then, here are the conceptual building elevations that you guys look at as well. Again, it looks like it's a mix of fiber cement panels, window stuccos, synthetic wood cladding and, then, all done in neutral color. So, again, more of a modern aesthetic on the site. Keep in mind that this -- this site will screen somewhat that ACHD facility. There are some topographies on this site as well,, so the site is built up a little bit compared to what that -- that -- from the detention pond as well. But a lot of that parking will be skewed from the adjacent streets. I had a chance to look at the public record before the hearing tonight. It looked like we did -- did receive written testimony from Travis Perrin. He is actually -- represents the Intermountain Wood Products property, which is just directly -- a couple lots south of this. If you remember they came through and annexed in a piece of property with the I-L zoning district to develop a warehouse, so he is concerned with that access to Locust Grove and how that will impact some of the -- he is fearful that the -- the additional traffic -- it's a dangerous situation with the amount of truck traffic that will be coming in and out of that roadway to serve their facility. So, again, staff is recommending with the conditions in the staff report and we are -- I will conclude my presentation and stand for any questions you may have.

Seal: Okay. Thank you very much, Bill. Would the applicant like to come forward?

Parsons: I believe she's online.

Seal: Online? Okay.

Parsons: It should be Jorre. Jorre.

Hall: Jorre, you can speak now.

Delgado: Hello. Are you guys able to hear me?

Seal: Yes, we are. Need your name and address for the record and the floor is yours.

Delgado: Good evening, Commissioners. My name is Jorre Delgado. I'm here with Realm Venture Group, located at 1109 West Main Street, Boise, Idaho. 83702. And I'm here to discuss the Meridian OZ Apartments located at 1475 East Franklin Road in Meridian, Idaho. Bill did a great job of reiterating that staff report and Sonya did a great job of writing that staff report. I appreciate her help on getting me some of those comments early on and helping me make these adjustments, so that I could come back

and, hopefully, get an approval on this quickly. A couple items that I would like to just make a note of is that our property is in -- within one mile of a Valley Regional Transit of Route 30 Pine. Our development agreement modifications -- we do agree with all of your guys' provisions that are being requested to be carried over from the previous development agreement. We plan to keep outside lighting, perimeter fencing and drainage sections of the previous DA agreement and carried it over to our new one. Also the access point, we do plan to provide a cross-access, ingress-egress easement and driveway with a pedestrian walkway to the property to the south for future connectivity, which we hope that there can be some connectivity on that and I know that we have had a little bit of discussion about that, but nothing too extensive, but we do plan to have that easement there just in case that there is that potential of having a future development there and, then, another item that popped up was the trash enclosure. We are more than happy to relocate our trash enclosures to where ever is needed. I know in the staff report it said that it was -- that they wanted us to relocate it to the east boundary and add a recycling receptacle, which we are totally okay with adding the recycling, which we anticipated adding the recycling in there anyways, but the location of it is also going to be up to Republic Services and where they feel it is best that they can pick up the trash on a daily basis or whatever their schedule is for our development. And, then, bike parking also came up. We have already added a bike rack for every building, so every building has their own bike rack, along with we also have a covered bike rack parking that's one of our amenities. I have not submitted one of our bike parking -- our covered bike parking plan yet, just because we don't know what it actually is going to be built out as, but it will be a fully enclosed bike storage facility for the residents. And, then, our -- as Bill noted, our common open space has been revised and we do now meet the minimum standards for common open space and as well as our landscape plan. Our landscape plan has also been modified to meet all of those comments that have been made in the staff report. And, then, I'm open for questions.

Seal: Okay. Thank you, Jorre. Questions for the applicant or staff?

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher, go ahead.

Lorcher: For the applicant is the 60 units or five buildings with 12 units a make or break deal for this project to go forward? This is pretty high density for this small L-shaped space, which would -- if we were to discuss it would any consideration be to lessen the density of the number of units?

Delgado: I would say that 60 units would be what we are set at. It would be hard for us to go any lower than that and I feel that we have been pretty code compliant with the 60 units in meeting the common open space and the amenity requirements and the ACHD recommends. So, I think 60 units is probably our -- our minimum that we are willing to hit.

Lorcher: Okay. Thank you.

Seal: I have a question real quick on the -- this is going to be a right-in, right-out onto Locust Grove; is that correct, Bill? I'm fairly certain it would have to be, but --

Delgado: Yeah. That's correct.

Seal: Okay. And, then, as far as the right-in, right-out, is that going to be just painted or is that going to be enforced by some -- like a curb -- curbing? I don't know if we do that, but --

Parsons: Mr. Chair, Members of the Commission, yeah, it's -- I don't think they use curbing -- or striping anymore. They are going to use a curb.

Seal: Okay.

Parsons: They like to put curbing --

Delgado: Yeah.

Parsons: -- out there and make sure it works. It functions.

Seal: Right. Okay.

Delgado: Yeah. It would be curbing.

Seal: Anyone else?

Smith: Mr. Chair?

Seal: Commissioner Smith, go ahead.

Smith: Another question about the Fire Department. I -- I noticed a conspicuous absence of comment here and -- and if -- and if there are any developments that I would especially like to see consideration of Fire Department response times it's those that are especially dense and just curious, again, to -- to -- Mr. Chair or other Commissioners or staff, about any potential reasons that we know that that might not -- those comments might not be there and if any discussion around fire response times and -- and -- and safety.

Seal: Sure. Bill, I will let you take that. You know the Fire Department.

Parsons: Mr. Chair, Commissioner Smith, this may be one where everything works right and so Fire is like it's good. Fire station is just a mile down the road, so I think we are good on fire response times. Two, multi-families require sprinklers. So, they are going to have a fire sprinkler system. So, I think -- and, then, access -- again, as I mentioned, it meets the fire code for access and, then, all of the other requirements as far as code compliance with building codes, that will happen at the time that they submit for a building permit. So, again, if -- if I had to guess why you didn't see a lot of that information, it's

just because we -- we still get comments from Fire Department, they just may not raise to the level of where you are typically seeing it. So, Fire does provide comments as part of the -- the packet in laserfiche, and -- but in this particular case it was in line with what they anticipated with their goals.

Smith: Good to hear. Thank you very much.

Seal: Commissioner Grace, go ahead.

Grace: Mr. Chair, probably a question for staff. The -- the single ingress and egress on Locust, that's -- that's a highway district decision; is that accurate? Yeah. What happens if the property owner doesn't want to give an easement to the south? The city has no -- no control on that transaction; right?

Parsons: Mr. Chair, Members of the Commission, we do. That -- that would happen at the time of annexation. So, that property to the south is currently in the county. So, whenever they came in and requested annexation, we are -- we are going to -- we are going to pre-app with them.

Grace: Okay.

Parsons: We are going to let them know that the development of the north reciprocated an easement to them and that we expect them to -- to work with them on that. But to your -- because we anticipate other properties to the south also doing that or providing that access in the future, too -- so, if I can go back to that aerial real quick. So, you can see here there is still a -- a few properties that are in the county there. That's what that white is in the center graphic here. So, that RUT. So, that's where it's going to be critical for us to make sure that we look at the current -- the current accesses to the -- the county properties and, then, through redevelopment in the city that we -- we -- our code does speak to cross-access when you don't have the local street access and we are -- we are working with legal currently to tweak some of that language, but in this particular case, yes, we -- we have every right as part of our code requirements to do that when it's annexed into the city. We can't require them to do anything now, because they are not under our rules.

Grace: That's good to know. Thank you. I -- I, too, think that's a -- it is only one direction to go when you exit the -- the property and there is three other highly probably sought after directions from those people, so -- good to know. Thank you.

Smith: Mr. Chair?

Seal: Mr. Smith, go ahead.

Smith: Question for the applicant. Curious to know -- have you heard -- have they heard any feedback from Mr. Perrin or other local community members and -- and, if so, have

they taken any efforts to -- to work to accommodate concerns slash would they be willing to work with community members, like Mr. Perrin, to ameliorate concerns going forward?

Delgado: I have not heard from anybody, but we are willing to work with any comments or concerns that we do have from anybody in the surrounding areas.

Seal: Real quick question on the -- one of the comments in the staff report was on -- there -- there are no sidewalks that kind of -- that go from the parking area into the entrances. Is that something that -- how -- how will that be mitigated or remedied?

Delgado: We -- we do have sidewalks. So, we do have a pathway that goes down this side. I don't know if you guys are able to see my -- my mouse on the screen.

Seal: No, we are not.

Delgado: Okay. We are -- we do have sidewalks and walkways that are attached to each building and around each building. Around each parking area there is a walkway and, then, when it does cross the road there is a crossing path there that will be noted with either some striping or a different type of material. But there is some type of walkway that surrounds each building.

Seal: Okay. Any other comments? Any other questions for applicant or staff? Okay. Madam Clerk, do we have anybody signed up for public testimony?

Hall: We do, Mr. Chair. Ann Witherall. Or Witherell.

Seal: Okay. Thank you, Jorre. We will be back to you shortly.

Delgado: Thank you.

Seal: Good evening. Just grab that microphone. We will need your name and address for the record, please.

Witherell: My name is Ann Witherell. 215 South Locust Grove Road. I live just south of the proposed development and I just had a conversation with the other owner. I guess I am now the homeowners association, so -- most of my concerns I would like to have taken up with the developer at a neighborhood meeting. One was proposed -- I think it was back in August or July. I showed up at the meeting. We did 20, 30 minutes. Nobody showed up, except the owner from -- operations manager from Basalight up around the pumice factory around the road on Franklin. We had a nice chat for about 20 minutes. Nobody showed up, so we went home. It was a thousand degrees. It was rescheduled for a month later. I went. Same story. Except Mr. Murphy, the operations manager, didn't show. I have his card. He is a witness. Nobody showed at those meetings. I would have concerned -- shared these concerns with them then. So, since we were not contacted about any further meetings or notified about anything, other than the initial Planning and Zoning meeting, which was rescheduled, and not notified about any other meeting, I'm here to say that I guess I do share the concern with the one in and out on

Locust Grove. I have no plans to sell my home. The -- there is another issue that -- the dumpsters. I'm glad that those will possibly be moved, but they are very noisy on -- when they collect them. There is safety of the pond on the corner. How do I draw on this thing? There.

Seal: What do you need, ma'am?

Witherell: Right there is that big -- big pond. It's a beautiful -- it's full of cattails, marshes, beautiful birds in the summer. Fall. It's also a nice attraction for children to get in and play in and drown in. That's a safety hazard. I hope they can address that. The transition between the developer or the development and the property immediately to the south, I don't see any significant transition there at all. Mitigation for sound. White noise. Foot traffic, for example, there is a -- well, it's supposed to be 20 feet. It's not. Transition between my property and the -- the development behind me, the light industrial. I don't want ten thousand children -- people of -- I don't know who they are -- traipsing behind my property. What kind of foot traffic mitigation will there be? I don't know. It's also the -- the minor problem of the irrigation. The irrigation pipe goes behind the property here. It's never on any plats ever and I have been dealing with the City Council now for 20 years. It's even a -- part of this irrigation pipe that's under a parking lot. Not a good place to maintain it, but when we address it at this point there is not that problem. The irrigation pipe is where we get our irrigation -- irrigation water that's very important to us. Especially my neighbor who has an acre field. I have a neighbor field. It's for watering down plants and pasture and our kids like to play on them. Without it we -- we would be using well water, which is a great expense on the pump especially. So, that needs to be addressed and maintained. The -- the -- the flow -- overflow water, the -- the drainage is fine. It drains down into this area here and into Five Mile Creek and also into the decorative pond at the -- at the entrance to the light industrial subdivision behind me.

Seal: Ma'am, I will need you to wrap up real quick if you would.

Witherell: Oh, I would love to. I could also go on for a few dozen things. But those are the main ones. Safety especially. I have two grandsons that live with me. One of them catches a bus and with all the traffic making right-hand turns onto Locust Grove Road, which is no longer a small side road, it's a five lane highway, there are safety concerns about children catching school buses. Anyway, for now I will -- I will be quiet and sit down for now.

Seal: All right.

Witherell: Thank you for listening.

Seal: Thank you very much. Appreciate your testimony. Madam Clerk?

Hall: Okay. We have Lynzey Uechi.

Seal: Good evening. Just need your name and address for the record and the floor is yours.

Uechi: My name is Lynzey Uechi.

Seal: Can you speak right into the microphone there?

Uechi: Can you hear me?

Seal: Yep.

Uechi: Okay. I live at 1376 West Whitehall Drive and I also own the property directly south of this -- of this application. So, before I begin what I was going to say today, I do want to mention that Ms. Delgado said that she has not received any public comments and we have e-mailed back and forth with my concerns. Okay. So, good evening. I would like to begin by thanking the Commission for information on the ongoing development of Meridian accessible and transparent for its residents. Without this service my input tonight would not have been possible. I'm also thankful to the Commission for upholding the Unified Development Code by requiring cross-access easement, lighting restrictions and enforcing a standard width and landscaping in the buffer zones and also acknowledge my appreciation for the developmental agreement modifications, which requires the continuance of accepting drainage and requiring a dividing fence. I would request an addition to the fence on the property line -- the Commission consider implementing an additional fence through the industrial zoned buffer on the western edge. Without such provisions, residents of the apartment complex can easily access the neighboring single family lots through their backyards. There is a high concern for the proposed location of the trash receptacle in the southwest corner. Because of the odor and noise caused by this I requested it be relocated or at minimum moved at least five feet away from the property line. The final and largest concern for the proposed development, which I'm sure has been a concern for the Commission as well, is the safety for motorists on Locust Grove. The proposed property has low visibility due to its unique L shape, which is wedged behind a retention pond. The only proposed entrance and exit comes after a very quick turn on a very busy intersection. If one of the up to 180 residents of the complex was not prepared for this turn, they may stop short, creating a traffic and safety concern. If the turn is missed, the subsequent driveway 30 meters to the south is likely to be misused as a turnaround point. This unpaved driveway proceeds for over 300 feet towards a single family home. The single lane driveway can only safely accommodate one direction of traffic and into the garage where the turnaround area is very limited. Please also consider the impact of all motorists proceeding on Locust Grove, as many citizens of Meridian choose to travel on Locust Grove as an alternative to facing the traffic on Eagle Road. The impact of this poorly visible and quick turn will remove this alternative route option. I requested the Commission -- if the Commission still finds this to be a reasonable design that you would require traffic slowing measures in addition to a solution for protecting the right to private use of a private driveway on a private property. For the benefit of the Commission I would also like to add that the house depicted on the survey submitted for the proposed development is not of concern, as it was demolished

in August of 2022. I sincerely appreciate you for all your services that you have provided to ensure a safe and flourishing city for myself, my family and my neighbors. Thank you for your time.

Seal: Thank you very much. Any questions? All right. Thanks.

Hall: There is no one else, Mr. Chair.

Seal: Anybody else like to testify and you raise your hand? I don't see anybody online. All right. With that would the applicant like to come back up for -- and discuss what's been discussed with the open -- or the public comments.

Delgado: I just have a couple of comments. It appears that the dumpsters were mentioned in both public comments and, again, we are more than happy to move the dumpsters to where ever necessary. But, again, that is going to be in Republic Services -- it's going to be up to them as to where we locate and where they are able to easily access them day in and day out. So, we are able to move those where ever they would like. But, again, it's going to be at the discretion of Republic Services and, then, it appears the safety of their right-in, right-out of Locust Grove came up a couple times. Again, we are totally open to making whatever safety measures need to happen at that right-in and right-out happen, whether that is a curb cut or some type of striping or whatever it is, we are totally open to that, as well as the pond. We do plan to have a safety measure as to a larger fence on that back, which, if you guys have seen that fence, there is already a fence with some barbed wire on the top. If that needs to change we are happy to change that to something safer, but we are open to any safety measures that need to happen and that that is all I have.

Seal: A quick question for you on the -- the fencing portion of it. I -- I was under the impression that the fencing would be not only in the south, but it would be on the west. Is that not correct? So, all the fencing that is currently on that property we plan to keep. Again, I don't know if you can see my -- my mouse, but every fencing that is currently already there we plan to keep, unless advised by the city that we need to change, we are more than happy to change the fencing on any side of this property to make it better for any of the tenants, any of the safety of the public. But we are open to changing any of that fencing if that is an issue.

Seal: Commissioner Lorcher, go ahead.

Lorcher: Mr. Chair, to the applicant. What kind of fencing is currently there?

Delgado: There is currently just the typical chain link fence.

Lorcher: On all -- on both sides?

Delgado: That's correct.

Lorcher: And is it the standard six feet or does it also have barbed wire like around the retention pond?

Delgado: Around the retention pond there is barbed wire on the top of it. Around the exterior of the lot it is just regular chain link fencing.

Seal: Commissioner Grace, go ahead.

Grace: And that was -- how high is it?

Delgado: I believe it is six feet, but I'm not certain. I can go out there and measure that just to be exact, but I believe it is six feet.

Seal: Okay. Anything else? All right. Jorre, if there is nothing else, thank you for your time.

Delgado: Thank you.

Seal: And with that I will take a motion to close the public hearing for H-2022-0073 for the Meridian OZ Apartments.

Lorcher: So moved.

Smith: Second.

Seal: It's been moved and seconded to close the public hearing for File No. H-2022-0073 for the Meridian OZ Apartments. All in favor, please, say aye. Opposed nay? Okay. The public hearing is closed.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Seal: Discussion?

Lorcher: I will start, Mr. Chair.

Seal: Go right ahead.

Lorcher: What -- what does a Commission do when an applicant dots all the I's and crosses the T, yet it still feels like they are putting everything in that they possibly can for the sake of putting it in? This is a very strange project because of the retention pond in front of it and ACHD's requirements. Sixty units on this L-shaped parcel with a very narrow in and out seems very compact and looking at the aerial views of the area there are townhouses, there are single family houses, there is an LDS church. There are businesses. So, the product fits, right, but it's just -- I -- I'm uncomfortable with the number of people within this very small space going in and out of Locust Grove. I think the product is right. It should be multi-family housing. There are -- as far as I know there are no three stories within the current vicinity. There is industrial behind it. I would like to see

something with maybe two stories or townhouses that would be less dense, but the applicant says that that's not financially feasible. So, I'm struggling with this, because even though they have followed code of R-40, they have done their amenities, they have done everything that, you know, the city has asked, but it doesn't mean it's the right density for this space. So, I would be actually in favor of denial.

Seal: Commissioner Grace?

Grace: Mr. Chair, I would echo -- echo some of those comments from Commissioner Lorcher. The density is what's giving me some concern. It is a tough piece of property for sure and whatever they do, I -- I would hope there is ability to -- particularly since there is no access from Franklin to move the dumpsters as far away from the homes to the south as possible and I do think they need to address the fence on the west side and make sure it's adequate for the pond. I think the public comments were dead on that there is a potential safety concern there for kids and whatnot if -- if there is an ability to get to the pond. So, those are the things I would like to see them address. It is a tough piece of property. The traffic is -- I already asked the question about that earlier. I don't know that I would go -- I'm going as far as denial. I -- I guess I would like to see what the other commissioners have to say. There is bike storage, though, Mr. Chairman, which I'm sure makes you happy.

Seal: I like the bike storage idea. Absolutely. Commissioner Rivera.

Rivera: Mr. Chairman. I'm in agreement it's a tough property. I think they are trying to do everything they can to accommodate and I want to see -- I would like to see more of that to work with what was stated today by the public, especially with that -- with that fence and also, you know, it's tough just that one in and out on Locust Grove, especially, you know, if, you know, you have Republic Services big trucks coming in and -- you know, coming in around and all the traffic of having 60 units, we can -- can be a safety concern as well. But just -- I guess I want to see a little bit more clarity on how that's going to be, you know, worked out, where -- where the -- the dumpsters are going to end up and, then, you know, and the fence, what -- what other fence options are there that they are willing to accommodate to -- for more of a -- you know, less noise and safety from the other adjacent properties.

Smith: Mr. Chair?

Seal: Commissioner Smith, feel free.

Smith: At risk of turning this horse into glue, I agree this is a very difficult -- difficult location and I do want to comment that there is two sides to this coin. I do want to comment I appreciate the proximity to the VRT stop and I think that, you know, given -- given the -- the Comprehensive Plan and the need for a diverse mix of -- of housing and a diverse mix of density, you know, I think there is a place for -- for housing that is dense and perhaps this dense. I do think that there needs to be some consideration beyond the other concerns raised about, you know, if -- if we are -- if one of the benefits of this

property being dense and being, quote, you know, close to housing -- or close to -- apologies -- close to public transit and if that's being presented as a benefit, I -- I would like to see some more commitment to encouraging residents to use public transit when possible. You know, like I said, one of the first things out of my mouth this evening was land use planning is transportation planning, in my opinion, and I think that is -- it's tough, because, to be frank, there is -- there is not as much infrastructure -- public transit infrastructure as some might like related to this -- this housing and this -- this dense of housing, but it's kind of a chicken and the egg problem of you have to have enough customers to make the -- the public transit worthwhile, but you also have to have public transit to serve a relatively dense area. So, those are some of my concerns. I -- I think hearing -- having heard some of this testimony and giving the -- the benefit of the doubt seems to be there is -- there has been some miscommunication and confusion. Okay. My time is up. I'm waiting for the -- it seems to be -- you know, with a good faith position it seems to be that there has been some miscommunication or some confusion about communication between -- opportunities to communicate between residents and local stakeholders and the developer. I -- to give Commissioner Grace some -- some insight to where I'm at, I don't think I'm -- I also don't think I'm at the -- the spot of preferring a denial. Having been new here I do -- I would like to express that I don't know how much good a continuance would do, given kind of -- some of the heavy lifting of some of these or what standard practices are, but just wanted to throw out kind of where I'm at. I -- I think, if anything, a continuance might be preferable to my position, but I also don't know how much is accomplishable within the limits of that.

Rivera: Mr. Chair?

Seal: Go right ahead.

Rivera: And it's probably been discussed before, but is there a reason why the properties don't start further closer to Franklin and not as close to Locust Grove where that's going to be your access point. I know it's a weird shaped L, but just seems like that first building is really close to Locust Grove.

Seal: Well, I will -- I will -- I will weigh in here. So, I -- this is the be careful what you wish for speech here, so -- and I mean in looking at this if we were to, you know, request that they do two stories, instead of three, I -- I would imagine that's, you know, what -- what - - what we would end up with is we would probably end up with another building. You know, they are going to take the adequate space that they have and try to, you know, eliminate some of the parking that they have or some of the features that they have in order to, you know, fit this -- as many of the units in there that they possibly can. Townhomes and things like that seem like a good idea, but now all of a sudden you are going to have, you know, buildings right on the property lines, which I think in the future will actually inhibit, you know, traffic flow or the ability for them to use another -- use another road in order to get out to Franklin or, you know, another way to even get out to Locust Grove. So, I do share the heartburn with Locust Grove, that being the only in and out and it being a right-in -- right-in, right-out only. So, that's going to make it difficult for folks that live there. They are going to have to go -- you know, essentially, they are going

to have to wind around, you know, cross the freeway, go over to Eagle Road and go over to, you know, Meridian Road or whatever to come out on the freeway. So, hopefully, we don't see a lot of illegal U-turns out of here, but I would imagine that will be par for the course. Yeah. It's -- I -- where this is at -- there is actually a lot of light industrial, a lot of jobs in this area, so, you know, with the bike storage that they have there, hopefully, that, you know, will help to motivate people to, you know, use that kind of transportation. I'm a person that does that myself, so I -- yeah. I -- do I wish it could be something else? Yes. Does it check all the boxes? Does it meet everything? Yes. Could it be something else? Possibly, but I don't know that we would get any better than this as far as what we can do with it in the future. So, that's my thoughts, helpful or not.

Grace: Mr. Chairman, could I ask one question of staff?

Seal: Absolutely.

Grace: It looks like he's busy right now, so I will --

Seal: Bill, we got a question for you when you are ready.

Grace: Bill, can you tell me what the proposed density is in relation to the -- the -- the density range that's allowable there?

Parsons: Yeah. As I -- Mr. Chair, Members of the Commission --

Grace: You probably already told us, Bill, but maybe just for my --

Parsons: Commissioner Grace, I did. So, before -- so, that's what I tried to describe to you in my presentation is the graphic on the right is what was approved in '99. Different comp plan designation than what we have on the books today. But that was approximately 15 dwelling units to the acre, the project on the right. So, let's fast forward. ACHD comes in and says we are redoing -- widening the road, we are redoing the intersection, we need a pond site. So, they come and they take two-thirds of the property and they develop that retention pond and we are left with this I-shaped 2.37 acre piece of property. So, the current Comprehensive Plan designation for this site is mixed-use community. Now -- and under that land use designation we anticipate densities between six and 15 dwelling units to the acre and this is at 25. So, you can see there is quite a range there. It's -- it's definitely up towards the higher spectrum, but keep in mind to -- to our point, at least in our analysis in the -- in the staff report, we realized it was a stretch. It is higher than what we anticipate. By giving the -- the circumstances of what's occurred on the property and that they were entitled to the somewhat 96 units and they were decreasing with this project, it made sense to support -- they didn't say that they are -- they are proposing here -- provided they meet all the dimensional standards of the code. Yeah. And that's why the -- to your point, by the time you look at the required open space, the required parking, and just how narrow this -- and the odd shape of this property, the only way you are probably going to get any kind of density on this side is to go vertical and that's -- that's the reality here. But I can tell you we have pre-apped on this property

for two or three years and we encouraged the applicants to go change it to industrial, as you -- as we mentioned to you back when Kent Brown was here in front of you, when we changed the comp plan on the Intermountain property to industrial we thought the same thing, we are -- we are slowly carving away at the mixed-use community designation in this area and when you do that you kind of just pinch everything into a -- a little corner that may not always make sense at the end of the day and that's -- whereas staff is -- we have -- we have got a balancing act. We know we have zoning in place, we have an entitlement there, and now we have to make the most out of an odd situation and that's where we are at today, I guess is the way to put it. And so keep in mind that the only way this is going to move forward is if Council approves that DA modification. So, that's kind of a -- the caveat. I -- again, your purview tonight is is it compatible. It's a conditional use permit. Is the density right? Is the open space right? Do you feel like the -- the parking is right for the site? They are three above minimum code requirements. So, again, there is no other places to park here. So, if you have a party, you have guests, you have three people renting one space, parking could be an issue. But, again, the project before you tonight does meet minimum code requirements.

Starman: Mr. Chairman, can I --

Seal: Go ahead.

Starman: -- add some additional advice for -- or some input for the Commission, but I want to ask a clarifying question first of Mr. Parsons. I just want to clarify, Bill, that -- we talked about the -- the current Comprehensive Plan is mixed-use. Current zoning allows, however, 40 units per acre; correct?

Parson: Mr. Chair, Council, not necessarily. There is nothing in the code that refers to density. Density is all driven by comp plan these days. So --

Starman: Let me ask the question differently. How -- what is the zoning district today for this L-shaped parcel?

Parsons: It is R-40, which, again, when you look at the purpose statement of the code, it -- of the zoning ordinance, it will say it's for apartments, you know, higher density, intensified residential uses. So, that's kind of where we have landed. It's -- it's not quite 40. I don't want to skew the discussion tonight talking too much about density, because density is not driven in code, density is all driven by comp plan and given the fact that, again, this was a larger piece, a piece of it taken by a government agency and reduced, it does make it a little unusual, if that's the best way to say it. So, again, your purview tonight if -- if you feel like -- I know Sonya and I talked about it when we were writing the staff report, about density and how to analyze that, and that's why we did go back and look at the research and look at the previous comp plan and try to understand the rationale of the body back in '99, 2000, to see how they felt this was right and, then, what happened with ACHD. So, at least we can put all the cards on the table for you and -- and make that decision. Again, if this Commission were to say no more than two stories, you are going to get 40 units, it's not going to change the design or -- unless they want to add that

additional building to -- to your point, Commissioner Seal, but you -- you lop off a story it's still the same design. And, again, it -- to your point, we have met with many different people told them do lay this out this way, move the buildings away from the detention pond, because we were concerned about the -- the barbed wire fencing and all of that -- to, you know, put the parking up against that area, that way you move the living space away from that and we just -- as you know, we try not to design on the fly here. So, I think, again, if this body -- you have the option tonight, you can move it forward with approval or denial or if you feel like you want to see changes to see if it can increase that compatibility, redesign it a little bit to add -- require more fencing or have a vinyl fencing or move some buildings differently on the site, but still meet the parking and the open space requirements, that's certainly within your purview tonight.

Starman: Mr. Chairman, I'm going to try to clarify from a legal perspective and I don't want to conflict with Bill from his planning -- or in his planning hat, but I wanted to just say that courts will interpret -- so, let me back up and say we have two different things at play. They both relate to one another. We have a Comprehensive Plan, which is an aspirational document and talks about how we want our community to grow on a going forward basis and we -- we have zoning districts and as Bill just mentioned, the zoning on this particular parcel is R-40. It has a Comprehensive Plan and our future land use map it has contemplated for mixed-use. Those are -- that's aspirational, it's not an entitlement. So, I guess I want to impress upon -- from a legal perspective the zoning is the entitlement and as R-40 zoning. The density being proposed here is consistent with that zoning district. So, if I -- from a legal perspective my advice to you is you focus from a -- what the entitlement is -- the entitlement is a zoning district and the Comprehensive Plan is informative, but not the driving factor. That's thought number one and Bill can help me out here if I'm misstating something. The second thing I will say, though, is that the city does have some discretion here, but this Commission, but ultimately the Council, because we have a development agreement that contemplated 15 units per acre and the applicant is seeking a modification to that development agreement that would increase that density considerably. So, that is a discretionary action on the part of the City Council. This Council is not required to amend the development agreement and certainly not required to amend it in such a way that would increase the density. So, I think really from the city's perspective, if the density is the concern both for the Commission and later for the Council, I would focus on the development agreement. For this body that's not really before you tonight. You certainly can make a recommendation to the Council that says, you know, from the Commission's perspective additional density is not desirable. We don't think the Council ought to amend the development agreement to allow for this additional density. I think that's all perfectly fine. But I was -- I guess back on that first topic, I really want to reiterate that the zoning district today is the entitlement for this property and that is R-40. So, we need to keep that in mind as you deliberate and as you make a recommendation to the City Council. So, that's my advice for the Commission this evening. Bill, if I missed the mark on that let me know.

Seal: Thank you.

Parsons: I -- I agree with -- with counsel. That makes a lot of sense.

Seal: Appreciate that. Always welcome your comments and your guidance to keep us on track for sure, so -- is there any discussion on that? Further comments?

Smith: Yeah. Mr. Chair?

Seal: Go right ahead.

Smith: I -- I'm thinking back and -- and I'm -- I'm trying to -- I'm trying to strike a balance here, because I know there -- there is two kind of disparate thoughts that I'm holding in my head at the moment and one of them is I don't -- Kurt, please, let me know if this is ex parte. Don't believe it is, since it was prior to my appointment. But I know in our conversations when I was interviewing for this Commissioner job something stuck out -- or Commissioner position. If only it were a job. When we were interviewing I -- one thing that stuck out to me was the Mayor expressing, hey, if there are questions that are less tangible and less code related, that that is something that, you know, Council should be able to grapple with as elected officials. At the same time I know there is kind of a desire for us to not send open questions to Council and load their plate up with things if we are able to -- to kind of answer those questions and find some solutions for them. To that point, I do think that this is -- now that I think about it more -- I don't -- I really don't know what a continuance would accomplish, so I -- I'm -- I'm actually in a position where -- I'm not making a motion here quite yet, because I would like to leave this open to some more discussion. But I'm -- I'm supportive of recommending this to Council, but also making clear some of the -- the issues that the developer is going to face if -- if they don't -- you know, if -- if residents and local stakeholders do show up and say we still haven't been able to communicate with them. They still haven't responded to us and answered our questions or we still haven't seen any -- any discussion around fencing and -- and right-in, right-out pedestrian traffic mitigation. But, as we said, I don't know that there is much that's going to benefit from -- from a continuance here and I don't think a denial is the answer. So, food for thought.

Seal: Yeah. That -- I mean to me on this, I'm -- you know, I -- I struggle with the right-in, right-out again, but I don't know -- you know, I mean if -- if somebody wants to, you know, go the way that Kurt had talked a little bit in here as far as, you know, recommending to Council that they -- they not allow the DA modification to go above the -- you know, the density that's -- that's in that existing agreement and that's -- that's perfectly -- you know, that's something that can be considered in the -- in the motion that you make. I mean for me it's -- you know, housing and population. You know, again, I -- if we limit these to two stories, instead of three, I think we get an additional building. If we try -- you know, if we try to scale it back, then, you know, it might just make this to where it's a very, very cramped location to live, where I think they -- you know, the -- the parking is close, but I can see that there is, you know, pretty adequate parking that's provided here. I mean they are not the only concern that I have, you know. Really, with the right-in, right-out is the -- you know, the -- where they show the giant trees right there by Locust Grove. It would be nice to have that wide open, nothing inhibiting your view of the traffic that's going to be coming your way. But other than that I -- you know, in-fill is tough. This is a really,

really -- this is a really tough piece of property right here, so I -- I'm not seeing anything that makes me, you know, really adamant about denying it and I just know that we have had stuff come in after we recommended denial, it gets denied, and, then, the next thing that comes in is like, boy, I wish we could have that project back, so that's -- that's where I'm at on it. I mean I'm -- I could definitely see it going to Council.

Grace: Mr. Chairman?

Seal: Yes, sir.

Grace: In sketching out a little bit of emotion here, I -- just drawing upon maybe some of your experience, is it -- are we just punting to the Council, which I'm sure they wouldn't appreciate, if we said, well, give that some thought, consider it, or should we say you should or shouldn't accept that density in the -- in the development agreement? So, just based on some of your experience. Because the way it kind of reads now is that they -- they should consider a lower density and -- but I don't know if that's helpful to them.

Seal: And that's -- you know, again, if -- whoever makes the motion, if you feel strongly about the density piece of it I would definitely recommend that's -- again, that's not in our purview to approve or disapprove, but we are a recommending body to Council. So, that can go into the motion if -- if somebody feels -- you know, if you feel strongly about it, then -- then we are going to vote on it and see if everybody else does and, if not, then, we will see where we go again.

Grace: Mr. Chairman, I would be ready to make a motion, but I don't want to jump in front of anyone else if there is further discussion to be had.

Seal: Anyone else?

Smith: Okay. I just have a quick -- quick -- two quick procedural questions. I guess one quick procedural question.

Seal: Go ahead.

Smith: And this is more of just kind of trying to fine tune some things. But there are two requests in this -- in this file number and the question is around -- is there any possibility to like divide the question or is there any willingness to do so and how that might impact, for example, approving the CUP, but denying -- but requesting a denial on the development agreement modification. Is that doable? Is that reasonable? Is that desired at all?

Seal: Well, I was going to say, I know Kurt was reaching for his microphone there, because -- but -- but I -- but I almost have an answer to this, but I will -- I will take a crack at it and you tell me how wrong I am. But I -- I think if we went that route -- number one, I don't know if it's something that we can do as part of process, but, number two, if we approve the CUP, the conditional use permit, but, then, recommend a denial on what the

entitlement is based on, I think that would probably put us in a legal bind, to be perfectly honest. But -- is that -- and, Kurt, feel free to jump in and correct me.

Starman: Thank you, Mr. Chairman. So, I think -- I will just say in general on this issue or other issues that, you know, the Commission can take -- take issues individually in terms of, you know, a motion on topic A, then topic B. In this instance I would recommend that you not do that for a couple reasons. One is really if you look at -- at our code, the Commission is not really a recommending body with respect to development agreements, it's actually the department director that recommends to the -- to the City Council. The reason it's in the discussion today, however, is because it sort of goes hand in glove with the CUP discussion. It's almost impossible to separate them. So, I think, you know, to the extent the Commission entertains a motion later that discusses the development agreement or the proposed modification to the development agreement, that would make some sense, because it's so closely interwoven with the CUP itself. But to try to break them apart I think wouldn't make as much sense, because, really, this body is not the recommending body with respect to modifications to development agreements. Does that makes sense? So, that would be a thought there. And, then, secondly, I -- along the lines of Chairman Seal, it does seem -- it would seem odd I think in the sense counterintuitive, I guess, to recommend approval for the CUP, knowing that, you know, the density is not a good fit for the Commission and you are not prepared to recommend that to the Council. It seems sort of Contradictory I guess in the sense that they -- they sort of cancel each other out. So, it seems to be inconsistent.

Seal: Okay. Thank you.

Smith: Thank you very much. Appreciate the --

Parsons: Mr. Chair, Members of the Commission, if I could just kind of tag onto Kurt's comments, too. Keep in mind we just amended the ordinance that when a CUP accompanies a DA mod you are a recommending body at that point. So, it -- it has to go up to -- you can't -- we shouldn't bifurcate -- to Kurt's point, we shouldn't bifurcate the application and looking at the development agreement in the staff report, it says they are allowed to develop up to 40 dwellings to the acre in it and so they have -- to Kurt's point -- and this really is more of a development agreement issue, more than whether or not you are making a finding it's consistent with the comp plan or not, it -- again, they are allowed to build up to 40 units to the acre currently and, then, with the modification and tying them to this site plan, it's, essentially, saying you are -- you are going to develop 25 units to the acre based on what they are proposing now. So, Council will have to look at that and determine whether or not they will allow that or not as part of that DA modification. Just wanted to clarify that, too. So, very good points tonight. It -- it is, again, a very, very odd situation that we are in this evening with this type of project where you have so many moving parts -- essentially, what, almost 30 years later or whatever. I mean it's -- it's -- it's mind boggling to me how we are here doing this, but it does get tricky when zoning gets in place and that's why when we do all of our training with you we try to make it very clear to you that zoning really kind of does trump comp plan and this is one of those cases where we have not only a DA and we have zoning in place, so we can have two -- two

things that we have to be very cognizant of as we deliberate on these types of applications.

Seal: Okay. Thanks, Bill. Thanks, Kurt. This is a good one this evening. I have learned a lot. Is there anymore discussion? Would anybody like to throw out a motion? Always happy to hear those.

Grace: Mr. Chairman, you are looking at me, so I --

Seal: Commissioner Grace, go right ahead. I wasn't trying to stare you down specifically.

Grace: And I invite anyone if -- if you feel like I get the -- the wording wrong on this to -- to correct me and we can -- we can redo it. After considering all staff, applicant, and public testimony, I move to recommend approval to the City Council of File No. H-2022-0073 as presented in the staff report for the hearing date of February 16th, 2023, with the following additional recommendations: One, that the applicant work to ensure adequate fencing around the entire property. Two. That the applicant work to ensure the appropriate placement of the trash receptacles. And, three, that a recommendation to City Council consider a low -- a lower allowable density in the development agreement.

Seal: Do I have a second?

Rivera: Second it.

Seal: Okay. It has been moved and seconded --

Parsons: Mr. Chair? Sorry. Before you --

Seal: Oh. Go ahead.

Parsons: -- deliberate -- didn't mean to inject. Now, I like -- I like the last part of that motion. I think -- but when you say consider a different density, are you saying that aligns with the current comp plan designation or do you want to put a number on it or do you just want to leave it open-ended? Typically we like specifics -- specifics I guess.

Grace: Yeah.

Parsons: Again, more -- they are allowed to do 40 dwellings to the acre. The plan is 25. Comp plan says 15. So, again, if it's your intention to have Council deliberate on something else, I will defer to Kurt, too, if he has any comments, but, again, to me tie it to something. Don't leave it arbitrary. Just think about density. Well, what -- what do you want Council to look at? That 15 is appropriate? Is -- what's the number for the body here? I don't know.

Grace: Well, Mr. Chairman and Bill, I guess I was --

Parsons: So, if Kurt even wants them to go that specific or not, but just -- just want to make sure Council knows what they are --

Grace: Yeah.

Parsons: -- referring to.

Grace: No. Thank you for that. That's -- that's a good point and that's why I sort of asked a question are we just punting if we say, well, consider this.

Seal: Right. And the only feedback I will give on that is that I -- I think if you attributed the comment to the original development agreement, maybe have -- look at density closer to the original development -- development agreement and that way it's -- it's understood. And -- and there is -- I mean there is a timing issue here, you know what I mean? In 1999 I was still young. So, it's been a while. So, you know, I mean we -- we do have a long spans of time here. So, that is -- that is definitely going to play into it. So, again, that's the only advice I would give on that.

Grace: Mr. Chairman, what if I modified my third recommendation to say that it's a recommendation to -- to -- to Council to consider a lower allowable density more in conformity with the original --

Seal: DA?

Grace: -- DA. When City Council considers the -- I guess the -- a modification to the development agreement that's currently on -- on this.

Seal: Does the second still stand?

Rivera: Yeah. I will second.

Seal: Okay. All right. Look around, making sure here. So, it has been moved and seconded to approve File No. H-2022-0073 for Meridian OZ Apartments, with the aforementioned modifications and suggestions. All in favor say aye.

Lorcher: Nay.

Seal: I hadn't even called for nay, but thank you. Motion passes.

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

Seal: All right. Thank you all very much.

Delgato: Thank you.

Grace: Mr. Chairman?

Seal: Yes, sir.

Grace: Would it be appropriate for a bio break?

Seal: Absolutely. We will be back in about five minutes. We will take a quick bio break. Thank you.

(Recess: 8:02 p.m. to 8:09 p.m.)

8. Public Hearing for Millwood Subdivision (H-2022-0089) by Epic Development, located at 1975 E. Victory Rd.

- A. Request: Annexation of 4.11 acres of land with a R-8 zoning district.
- B. Request: Preliminary Plat consisting of 17 building lots (including 1 for the existing home) and 2 common lots on 4.11 acres of land in the R-8 zoning district.

Seal: All right, we are back. Now I would like to open the public hearing for item number H-2022-0089 for the Millwood Subdivision and we will begin with the staff report.

Parsons: Thank you, Mr. Chair, Members of the Commission. The last item on the agenda tonight is the Millwood Subdivision. The request is for annexation and preliminary plat. The -- the site consists of 4.11 acres of land, currently zoned RUT in Ada county and is located at a physical property address at 1975 East Victory Road. As you can see here in the existing aerial map, there is an existing residence that is currently developed on this site and it was approved through the county. I would also mention to the Commission that this property does not have any street -- public street frontage or access. It has access, but no public street frontage to this property. They actually take access across somebody else's property through an access agreement and it ties into Victory Road and that will be part of the presentation tonight. But just wanted to make you aware of that unusual circumstance when you have a -- don't want to say it's landlocked, but when you go to further intensify or further develop a property we have to make sure that we have adequate street frontage. So, that you can also see here that the future land use map designates this property as medium density residential, in which we anticipate residential densities between three and eight dwelling units to the acre. So, as I mentioned to you, the annexation is going to be a little bit larger than the plat square footage, just because we require legal descriptions to go to the center line of the adjacent Eight Mile Lateral that runs along kind of the northwest portion of the project and, then, dives down along the east side as well. This -- the applicant is here tonight to discuss with you -- or, excuse me, I should say they are here to develop the site with a seven lot -- or 17 lot subdivision and four common lots. One -- again, one of -- the existing home will stay on one of the lots, so they are actually proposing to construct 16 new residential units on this particular property. There is also two common driveways that are proposed as part of the plat as well. Just like the -- the earlier residential subdivision, this -- this evening this property's access is contingent on the adjacent property to the west, the

Teakwood Subdivision that was approved. I have -- I did go drive by this site -- not recently, but I know that that construction -- that first phase of construction for that development is underway. So, I anticipate -- in this particular case they are a little bit farther along than the first project tonight. So, we do anticipate the public street frontage to be there sooner, rather than later. The other interesting part about this, if you had a chance to look at the ACHD staff report, is ACHD's actually requiring this segment of local street to be dedicated, but they are only requiring them to construct it to the intersection and this would just, again, be dedicated, but not constructed, because that way when the adjacent properties to the east redevelop and that road is extended, it allows that construction to happen more easily or alignments to happen without having to rip out existing roadways. So, it's unusual for me to -- at least for staff to see them to say dedicate, but don't construct. So, I just at least wanted to point out that nuance to you. So, essentially, the -- all of this cul-de-sac and everything will be built and just this will be left out and constructed at such time as the road is -- is extended in the future with the adjacent property. You can also see here how it ties in with the adjacent subdivision to the west, the Teakwood Subdivision. So, you can see how this is going to work. And, then, as I mentioned to you that current access that serves the existing home now, that will remain intact as an emergency access only. So, the applicant will have to build a 20 foot fire lane here and, then, bollard it, so no one can use that roadway and impact the adjacent property owner. So, I just want to be very clear on that and that is a provision in the development agreement that that is only to serve as an emergency access until such time as that road is extended and we get that -- that network created in the area. So, just FYI on that as well. Again, the existing home currently has an address to Victory. When we keep existing residences we have to make sure that the existing structures meet our R-8 dimensional standards. They hook up to city utilities when they become available and also the residents -- or future owners will also get a new address. So, they will no longer have a Victory Road address, they actually will have to get it -- they will be assigned a new address once this -- the subdivision records and the street names have been approved. So, that's a lot of work to keep an existing residence as part of a development, just for your information on that. I would also mention to you in the staff report staff wanted additional transitioning to occur along the south boundary. So, we are recommending that they lose one -- one lot. It looks like Sonya has recommended that one last one be removed between Lot 6 and 8 and, then, one lot -- another lot is removed along the south boundary between Lots 11 and 14. So, this density could slightly decrease from the 4.14, probably into the three -- 3.7 range or so, if I had to guess on that. I already touched on access for you. Because the site is below five acres in size and the site -- in size, excuse me, they are not required to have any open space. However, the applicant is proposing -- I was hoping we had something in here -- a color graphic for you, but you can see here there is open space planned, so up here in the northwest corner of the site adjacent to the Eight Mile Lateral there is a common lot. The applicant is working with the city to extend a multi-use pathway for our master -- master pathway plan. So, they will work with Parks Department on that. Where trans -- when it transcends through the site -- traverses through the site it will eventually cross in the location of where this bridge currently exists and, then, go -- transition to the other side of the creek. So, this portion - - segment of the pathway does cross through Teakwood. This site crosses the Eight Mile Lateral, goes on the east side of the creek and, then, ties into Tuscany in a future date

when that property to the east develops, just to let you know. You -- you probably see this graphic here that the Nampa-Meridian Irrigation district has a fee simple lot adjacent to this property, so that's why you see it on this graphic, but it's not part of the -- the plat itself, because it's not the applicant's property to control or include it as part of a -- a lot and block in the subdivision. The applicant did provide some sample home elevations for you to look at. Again, pretty consistent to what's already occurring in the area. So, again, staff is supportive of -- we like the mix of materials on it as well. Looking at the public record it looks like we did receive some public testimony on this from the represent -- a representative from the Tradewinds HOA, which is one subdivision west of Teakwood Place. So, there -- that subdivision located on the southeast corner of Locust Grove and Amity. Or Victory. Excuse me. They are concerned about the amount of traffic that's going to be generated, especially with the road construction starting in the area with the widening of Locust Grove and the roundabout extension at the intersection. So, with that -- oh. Staff is also -- if you had a look at your hearing outline, we are recommending that two conditions of approval be added to include it in your motion this evening and those are on the hearing outline. So, it looks like we want to make sure that no road construction traffic is using that existing access on Victory Road. It needs to come from the adjacent subdivision. So, we would like that added either in the conditions of approval -- more than likely the development agreement would be my preference, so that it's part of that contract and, then, it looks like we want -- it looks like we got some revised common drive exhibits and we want to make sure to amend the plat so it's consistent with the new configuration of those common driveways. So, with that staff is recommending approval and I will stand for any questions you may have.

Seal: Real quick, Bill. Just the -- the conditions that you talked about are documented and -- with staff comments in the public record; correct?

Parsons: That is correct.

Seal: Okay. That will -- that will be helpful when making a motion. All right. Would the applicant like to come forward, please? Good evening, sir. Need your name and address for the record, please.

Lakey: Thank you, Mr. Chairman. My name is Todd Lakey with Borton Lakey Law. Address 141 East Carlton Avenue, Meridian, Idaho. 83642. Thank you, Bill. Let me make sure I can up and down this. Okay. Good. Well, I will start out, Commissioners, by thanking staff for their analysis and their recommendation of approval. We appreciate that and -- and agree with the large majority of the conditions. I will mention a couple that we would like to see differently, if possible. And, then, we do have our civil engineer online if you really dig into the plat and have some questions outside the lawyer zone and -- or in the engineer zone. So, Commissioners, I want to emphasize -- Bill did a good job talking about this. The Comprehensive Plan does call this out for medium density. It is an in-fill project and that medium density is three to eight dwelling units per acre. We are at about 4.16 dwelling units per acre. So, we are at the low end. I know you have talked about density tonight being concerned sometimes and in this case we are at the low end. With that staff was recommending that we take a lot out on the southern boundary and

on the western boundary. Our preference would -- would be and our ask would be to leave those in, knowing that we are at the low end of the density for the comp plan as it stands. So, it does meet with the comp plan. It is in-fill, which is encouraged and staff did a good job as far as goals and policies of the Comprehensive Plan. We are compatible with the existing zoning and there is a lot of R-4 and R-8 in the area of the project that's being developed. Teakwood is R-8 and we are consistent with that R-8 zoning. So, let's see if I can -- does the pointer move on this? There it goes. So, this is the Teakwood project to the immediate west. You can see the kind of lot configuration there in the red to the west of our site and, then, this is the most current county assessors map. You can see the road kind of being constructed there. My Google Map actually had the pavement in. I didn't go out there and drive on it, but I think they are further along. So, that's where we will be connecting. There are 33 lots on 7.4 acres, so their -- their density is 4.6. So, we are a little bit lower, again, at 4.1 on our site. And we will connect to that Teakwood and dedicate that right of way that Bill described that runs the connection to the east. Talk just a little bit about the landscape plan. There is a really nice home that's left on the property that will have its own lot at about three-quarters of an acre. It has a fair number of mature trees that we will be leaving a number of those mature trees on the project and those that we do take out we have to mitigate under the landscaping ordinance and we will do that with the new landscaping that's put in. You saw some of the homes, Commissioners. They are kind of diverse as far as the materials, the elevations. They do fit with what's in the area as Bill described. We would like to add one condition. In our discussions with the folks that live to the south, they requested that we not have two-story lots on those southern parcels and we are willing and ask that you add that condition of approval that we not have two-story homes on those southern lots. So, just to -- Bill covered this pretty well, but we will be dedicating that right of way to ACHD here and, then, if we do incorporate landscape, then, we will have that license agreement with ACHD and they also want a sign that says this road to be extended. I have seen lots of friends live in subdivisions that has a nice -- you know, a nice kind of stop red and white sign and for some reason they don't think that that road might be extended in the future, so there will be a sign to that effect. The pathway -- or excuse me. Before I talk about the pathway -- the emergency access -- there will be that 20 foot wide emergency vehicle access for the fire district -- or excuse me -- Fire Department requirements. That will connect in with the existing driveway to that bridge that goes over the Eight Mile Canal and, then, out to Victory and I think the requirement in the staff report was to put the bollards about 30 feet back from Victory to make sure that there aren't cars coming in and out onto that Victory entrance. And that fire district access is next to the -- the common area open space -- one of our common areas and open space to the north of that access. And, then, the pathway will run on the northern portion of the property there along the canal. We stay out of the canal easement. They were concerned about that. We don't want to harm them and their operations. That pathway will be a ten foot with landscaping on either side, five foot of landscape on either side and, then, it stops -- this is at the city's request. They are, essentially, at that fire district -- or excuse me -- fire department access and the bridge and, then, the city does not require a pathway going further, because that's the terminus of the pathway. So, that can be incorporated into those lots that are there on that eastern boundary. Fencing on the pathway will be four foot open view fencing and, then, six foot privacy fencing around the perimeter of the project. There was a

request in the staff report regarding that bridge that goes over the canal, to either widen that bridge or install a separate pedestrian path bridge adjacent to that. Our preference would be not to do that. It can be a little challenging to get permission to have a bridge across an irrigation facility, but that bridge will now -- no longer be used for regular traffic coming and going, it will simply be for emergency vehicle use. So, it would -- when it's ultimately used, very open, very unused and I think could accommodate continuation of that pathway without any further improvement or widening. Then I will note here are the common lots there that abut the project to the west and that's where the tot lot will be located. There was also a request in the staff report that we not include the fencing on that one boundary and adjacent to the Teakwood Subdivision, so you kind of have open space between the two projects and we are amenable to that. Happy to do that. Not include the fencing along that boundary. And, then, just for your reference, the existing home -- the driveway access there will remain in place, but the access for that lot itself will go along the top of the lot there. That's how they will connect into the -- the road. So, with that, Commissioners, again, we ask that we would -- we not lose those two lots on those two sides based on our low end of the density and the Comprehensive Plan and that the bridge remain as is. With that, Commissioners, I would be happy to answer any questions if you have them.

Seal: Commissioners, do we have any questions, comments for staff or the applicant? Commissioner Grace, go ahead.

Grace: Mr. Chairman, I -- maybe this is for staff or maybe it's for the applicant. In the report it simply says that they are -- they are recommending one lot be removed for better transition to abutting future lots. Is -- can you -- can they -- can you explain or can staff explain what -- what's meant by that? Because I -- I do feel like they are under the density and I'm -- I'm questioning why -- why we are -- why that recommendation was there, so -
-

Lakey: I can respond and, then, let Bill respond. I think part of the thought was -- our lots are going to be a little bit smaller, because we have that larger lot with the existing home on it, but our density, again, is in conformance. We have a project that's slightly more dense than we are to the west. No request or comments from those folks to the west to eliminate a lot there. So, I think that was kind of the -- the basis is to have larger lots, but, again, we focused on that density being in conformance with the Comprehensive Plan.

Grace: Yeah. I mean I feel like this is hard enough to make -- probably maximize your -- so -- but I guess I -- yeah, I would be questioning why we are doing that.

Seal: I was going to say -- Bill, do you mind if I comment on this one?

Parsons: I think -- I think the applicant did a great job. I think that's right where staff was -- was landing on it. It's just compatibility with the -- the perimeter lots and make that a little better.

Seal: Yeah. Part of this, too, is you have one building on one huge lot, so if you took the density -- if you took all the remaining property and took that one out of it, that skews it, so -- and we have heard that argument before and that is correct. But there is no provision for it really. But, again, the Comprehensive Plan is not code, so -- I mean that's kind of for us to determine. But that -- that's one of the things that I see in -- in applications like this and I know in-fill is hard. I know people want to stay living in their house on a giant piece of land, you know, that doesn't transition very well with the -- with the land around it. So, yeah, you know, I'm -- I'm not Sonya and I wouldn't pretend to be a city planner, but I can see that, you know, in order to help with the transition with that one big lot some of the lot -- you know, if you increase the lot size across the other ones and made that more compatible with what's adjacent to it, that would be a better fit for the plan overall. That's the way I have come to look at it, just through listening to other Commissioners and some of the feedback that we have had on other applications that look very similar to this.

Lakey: If I might just expand a little more, Mr. Chairman.

Seal: Sure.

Lakey: Appreciate those comments and I guess the fact that we haven't had the adjacent developer say they -- they would like a transition or need some smaller lots on that western boundary -- I would think normally the -- the adjacent property owner might be the one that would drive that transition if there was a particular need and, then, our request from those folks to the south was really just not to have two-story houses on that southern boundary. So, we are trying to be responsive to them and address that concern.

Seal: Commissioner Lorcher?

Lorcher: Mr. Lakey, in regard to the common drive, is that going to be available for people to be able to park on it or is it just for access for those -- Lot 7 through -- 4 through 7? Four through -- yeah. Four through six.

Lakey: Mr. Chairman, Commissioner Lorcher, I'm not sure with that -- with -- I don't think -- and maybe Bill can correct me if I'm wrong, but it's designed to be parked on. So, it's - - it's a drive aisle to be used by those lots. Parking would be in their driveways and their garages.

Lorcher: Thank you.

Grace: Sorry.

Seal: Go right ahead.

Grace: I had this in my mind, but I -- I forgot the answer -- ask it. But, Mr. Lakey, so what -- I would tend to agree with you it's probably not easy putting bridges over canals. But what -- can you expound what -- what's involved in that?

Lakey: Mr. Chairman and Commissioner Grace, so that would require a license agreement with the Nampa Irrigation -- Nampa-Meridian Irrigation Company and I have worked with them on various things in the past, they are very protective of their easements and don't like to see things under or over them, unless absolutely necessary and in this case, you know, the -- the -- the bridge is there, it's -- it supported vehicular traffic to the home. It supports the emergency access traffic. We just don't feel that there is a need to pursue further approvals from the district when we have a bridge that will be rarely used by vehicles and now in the future it would be easily used by -- by those when the pathway is ultimately connected, because it will be simply emergency vehicles. You can see a fire truck coming with its lights on and -- and not have any concerns about conflict with pedestrian and use.

Grace: Thank you.

Parsons: Mr. -- Mr. Chairman, Members of the Commission, I can certainly elaborate on this topic a little bit more, because I'm right in the middle of one of these situations right now and I'm being educated on the process and so it's -- the -- the -- what the Parks Department wants is to make sure that any pedestrian facility that we have it mimics the width of the pathway. So, if that road is wider than ten feet -- at least ten feet or more -- or wider, then, we are good. If it were under that ten feet, then, we would certainly want them to build a new bridge to match the width of the pathway and, then, design it as such that it maintains pedestrian safety. Now, the other piece of that is, one, the irrigation district -- to the applicant's point, the irrigation district requires a license agreement, but there is also a step two process where they will only allow the bridge if it's assumed and owned by the city and so they don't want to take responsibility for it. So, once a bridge is constructed and meets the specifications of the city, then, we have to go back to City Council -- the applicant fills out the paperwork, transfers that asset to us and we put it on the City Council's agenda and they approve it and I'm in a situation right now where the applicant wants to put an eight foot wide cargo container as a pedestrian bridge and we are telling them we can't take ownership of that, because we want it a minimum ten feet wide. So, that's how I'm getting involved and learning the process that bridges are okay, they have to have rails, be designed a certain way to meet the specs, which we don't have specs, we have things we like to aspire to, so the condition was really mean to say we just want you to have a ten foot wide bridge and so I think the -- the existing bridge -- as long as the language that it's converted to meet the city's requirement -- meaning rails or some -- whatever we have to do to make sure there is safety rails on it, so you don't jump off -- off the bridge, although kids will do -- kids will be kids. I mean -- but minimize those concerns, still have a certain esthetic. Maybe the applicant as we transition from this body to City Council can maybe give us some renderings or something of what the bridge looks like now and, then, how we can maybe retro-fit it or use it in the future for a ped bridge and at least we can have something in a development agreement or have something on record as to what the expectation is for -- for that conversion.

Lakey: Mr. Chairman, I think we can do that -- do a little more. I can't tell you and I don't know if my clients know exactly how wide the bridge is -- ten feet? Twenty? Oh.

Nineteen. Okay. So, we are well -- 19, 20, pick your number, we are well over the ten foot when it comes to the bridge. So, I don't know that there is a -- a need for a condition there, but it sounds like as long as we can understand we can use that existing bridge when the time comes down the road, that -- that would be fine.

Seal: Okay. Yeah. That -- a question I was going to throw out on the bridge was what would be needed in order to transition it from vehicular to pedestrian, you know, bike access, so -- I mean a vehicle can go across a bridge and it will go across it no big deal and you get people walking across it or biking across it, it's a little bit different situation. So, you want to make sure it's something that can be applicable for the traffic that it would need to bear now and in the future, so --

Lakey: That makes sense, Mr. Chairman. We would certainly want to maintain its ability, if that is the -- it depends on how development goes right down the road and what -- what else is there for secondary access, but as long as that secondary access is still needed we want to make sure it's still usable by those emergency vehicles and appropriate, as you mentioned, for pedestrian use.

Lorcher: One other --

Seal: Commissioner Lorcher.

Lorcher: One other comment. Where you have the tot lot between Lot 5 and Lot 9, that seems like -- so, as a commission we have found that common driveways can be problematic in our city. Even though there is parking on it, they share the -- they share the driveway, but all the garbage cans need to go out to the cul-de-sac. So, Lot 4 would have to bring everything out all the way through, because I don't know if the -- who ever the recycling and garbage people will go down, they can't turn around, they have to back up. So, you have got, you know, a quarter of your cul-de-sac that's actually a perfect -- I don't know about size, but would be its own driveway and you can eliminate one of the -- one of the lots along the common drive to be able to kind of mitigate some of that potential issues among neighbors when it comes to sharing a common driveway. Would that be something under consideration?

Lakey: Mr. Chairman, Commissioner Lorcher, I just want to make sure -- I think we are seeing this the same. So, the tot lot is here. This is an additional common lot here. So, it's not -- that one isn't a residential lot. I'm not sure if that's what you were describing. And, then, that would be the pathway and the open area adjacent to the open area in the Teakwood. So, they are -- those are both common lots there.

Lorcher: They are both common lots. So, half of your -- almost half of your cul-de-sac is not designated to housing, but common lots; is that right?

Lakey: Yep.

Lorcher: And have you and the developers discussed the placement of those two as opposed to houses right there?

Lakey: Mr. Chairman and Commissioner Lorcher, I think we located that adjacent to the common area for Teakwood to have that kind of commonality, but we haven't really talked about making one of those a residential lot. I can ask about that if you would like.

Lorcher: Well, on the other side of this pathway when you go over to Teakwood, is that the open space as well?

Lakey: I believe that from -- not -- I haven't seen it, but from staff's description the fact that they want us to take the fence out, the Teakwood's common lot is in that location as well to help share that open space.

Lorcher: Okay. All right. Thank you.

Seal: Commissioners, anymore questions for the applicant or staff? Okay. Thank you very much.

Lakey: Thank you, Mr. Chairman.

Seal: Madam Clerk, do we have anybody signed up testify?

Hall: We do. Mary DeChambeau.

Seal: Good evening, ma'am. We will just need your name and address for the record, please.

DeChambeau: Mary DeChambeau. I live at 2015 East Victory Road and I am the farm. The big -- big little arrow -- we call it the arrow. I could have answered a lot of those questions. This -- this has been an -- an interesting 20 years. I have debated and debated to tell you my -- my story and I'm kind of glad there is not very many people here. The level of intimidation that I have experienced for 20 years from various developers and neighbors has been atrocious, but we are not here -- we are here to talk about this, but I had been encouraged by the Ada county code officer to tell you some of the stuff that has gone on. It has a lot to do with the access road. What they are not telling you is this lot up here -- yeah, it was approved, but the conditions of approval were never met for that road. So, there is an easement, but the conditions of approval for that road were never finished and I have been into Ada county developer services through the years and they just kind of don't do anything. So, let's talk about that the bridge is 19 feet. One of the reasons why I don't want access off my piece of property is because it's 30 feet with the utilities inside the easement road. Okay. And the bridge has only had to be 19 if you are scraping the sides. Okay. I measured it. They -- there is -- they want another road to butt out onto my parcel. Even though I have the larger parcel, the parcel that's next to it is barely -- I think it's under to two acres. It's not even, because of the easement road. So, now they want to bring another road out called Richardson. But if you go back there

it's actually called Spring Glory or something like that and if I had time I would tell you the reason why they wanted to change that name, but all of a sudden now it's called Richardson. I don't know if you are aware that Nampa-Meridian and I have been in talks about this very thing and they said that they -- they had no idea about all these bridges that they want to put up along this whole section. So, from Tuscany to Victory, if you put all these bridges in, there is going to be four bridges within a half mile on the Eight Mile. Okay. And how it's -- they want me to put a bridge to meet the road that they are building out, the Richardson Road you see the stub. That's why they don't know really what to do with it, because here is the deal. Nampa-Meridian has easements to other people's real property. Okay. But in 1910 when they split and -- am I supposed to stop or what?

Seal: Well, keep going, but you will need to wrap up pretty soon, please.

DeChambeau: Well, I'm actually speaking for four other -- three other owners, too.

Seal: Okay.

DeChambeau: So, anyway, they -- they actually own that parcel. So, there is actually a parcel between this subdivision that they are putting in, then, there is the Nampa-Meridian parcel and, then, there is my parcel. Okay. So, this is where it gets tricky. There is an Idaho statute law that says if Parcel A has an easement through it and it connects to Parcel B, they cannot piggyback to Parcel C. That's something they are not telling you. The other thing is we have been -- our -- there was conditions of approval that were put on -- or conditions on that 1975 lot and one of them was -- was the height of the buildings that could be built back there and when -- a resident of 1975 when they were building the houses back on Tuscany, he went back there and threw a fit. He wouldn't let them get their houses high, because there was restrictions in that area. Now, I don't know if that follows through, because I was not being annexed in. I'm still rural transition. Okay. So, I don't know how this works. Okay. So, the other thing is -- so, Nampa-Meridian is kind of surprised about all these bridges and, yeah, he is right, you don't want -- I don't want to have anything to do with building on anything Nampa-Meridian actually owns. That was sold -- you know, because usually they just do -- it's called a fee -- fee thing and it's very rare, but there is a few stretches -- well, when they went and brought the canal through the -- in the 1910s, there was a few landowners that said, no, you are going to buy my little strip. We are not going to just give you an easement. You have to buy it and that's -- this is one of the ones. And, then, it runs into my piece of property. Okay. So, let's talk about the pathway -- they are running it alongside, but they want to come and have it go over the bridge, which is going to run into a little area where my headgate is and where my irrigator and all of us kind of work and they -- then they want it to continue south on the east side of the canal, which is the Eight Mile, and to Tuscany. Okay. But we are still farming. I still have a headgate. I have had trouble in the past with kids opening my headgate and the reason they don't want to continue it on the backside of their eastern border on the south eastern corner is because I own a long strip along there. Okay. And Tuscany -- we actually own that corner. If you look at the back part of Tuscany you can kind of see where there is a corner that we -- our part -- if you draw a corner from my acreage you can kind of see where they used to -- you could see where it would even

out to a corner. We sold that to Tuscany for the purpose of -- well, yeah, you could put a pathway back there. What did they do? They dug a hole. There is a pond back there. And so they -- you know, because I actually had seen the plans. I have a plan thing here from way back almost -- let's see. 1998. And I -- I think this was printed in 2000 and the very plans that you are being presented tonight for these guys is on here. Over 25 years. And the reason why I'm a little -- bringing this up is because when Tuscany went in they had on here one out on the back of my property. Okay. But now I had to put in three. I'm sorry. Three of them and so I have always asked the City of Meridian why didn't you put an out in the back of Tuscany. This would have solved everybody's property -- problems and any of the terrorism that I have had to experience wouldn't have happened. I have been attacked by walking on my property. I have -- they sprayed me with water while I was checking ditches. Now, these gentlemen have bought it from the two that did all that stuff. Okay. But it went on for six years. Now, you are talking about a pathway and we are talking about that other lady and the safety about the little drainage thing. Well, I happen to know -- I'm surrounded completely. Okay. And I can't tell you how many households have taken the bolt off those black and -- you know, what do you call those fences? And they take them off and Tuscany is really notorious for doing that, because this house was the party house and they would take it off along that canal at night and, then, they would walk around and go into 1975. So, my question to you is why don't they approach Tuscany and have them shave down a little area and continue that pathway on this -- on their subdivision and continue it on down? You can't put it on my piece of property, because I own that little sliver. Now, here is the sad thing about it. If Ada county hadn't decided to throw me in jail while I was on that I might have like maybe donated it or maybe sold it for ten bucks or something. So, they could have continued the pathway. But, you know, when you get falsely arrested over and over again for being on your property, because simply you don't want to sell, you know, it's just gotten out of hand and I'm very concerned, so what --

Seal: Ma'am, we will need to wrap it up.

DeChambeau: Okay. Well, Kevin Horan said he wanted me to tell you that this is a potential spillway situation. Do you know what I'm referring to? The spillway situation where it went -- litigation went on for years and years and years because of all the trespassers. So, the pathway, by bringing it back over on mine -- you know, these people here have no open space, no free thing. They are going to have to walk around and do something -- and let me just tell you they are going to be falling in that canal unless we figure out fences. There is just a lot of things in here that I have questions about that I haven't had time to really even look at. You know, I have been -- I want you to know that I have really looked at all this stuff. Okay. But it just didn't get posted until last week and so there is a lot of contingents. The other thing about the -- the -- the use of the access for the fire engine -- he put in all the fire codes, but he left out one. I thought that was interesting. It's Section B is obstacles and you can't have power lines crossing a fire access road and not only does it have power lines running all the way down my access road, they also call a -- cross on the front and on the back. So, here is the thing, if you have Parcel A with an easement and it moves to Parcel B, it serves Parcel B. Idaho statute is that it cannot connect to Parcel C.

Seal: Okay. Thank you very much. Do we have anybody else signed up?

Hall: We have a hand raised online.

Seal: Okay.

Hall: Vicki, you can speak now. Vicki, can you hear me? Vicki, can you unmute your -- your mic? One last time. Vicki, can you unmute, please? It's your turn to speak.

Seal: Well --

Hall: I have no one else signed up, Mr. Chair.

Seal: Okay. Anybody else? One other person in here. So, unfortunately, Vicki, we are not able to hear you. So, we are going to go ahead and move on. Is there any other questions for the applicant or staff? Would the applicant like to come back up?

Lakey: Thank you, Mr. Chairman, Commissioners. Again for the record Todd Lakey. 141 East Carlton Avenue, Meridian, Idaho. 83642. Commissioners, we meet the requirements of the Comprehensive Plan. We are compatible with the existing zoning. We are at a lower density as was described in our adjacent and other -- the project adjacent to us. We are at the low end of that density. I think we have kind of discussed our requests regarding the two lots and the bridge I think with sufficient description of how that would work. We are okay with that. That can be utilized for that. Commissioners, I can't really comment on past history or the lady's criminal history or interaction. I can simply say my clients have been gentlemen in regards to their proposal. The reason we aren't using that access that exists now is it's -- it's an access that wouldn't be appropriate for us to utilize for the subdivision. We would be, essentially, intensifying that use and so we are tying into the adjacent subdivision as typically required by the city and the stub road to the east is required by ACHD and the city's planning. I can't really comment about the other bridges along Eight Mile, but when -- when we are talking about they or who wants those, it's part of the city's pathway plan and we are incorporating the desired pathway on our -- our property and it won't proceed beyond that until development occurs on -- on either end of that by those that are developing that property or property to the east if that happens at some point. We -- as was discussed, we are incorporating fencing. We are incorporating open space as was previously described. So, Mr. Chairman and Commissioners, I would ask for your approval. Again I would be happy to answer questions if you have them.

Seal: Okay. Thank you. Questions? Mr. Smith? No?

Smith: Mr. Chair?

Seal: Go ahead.

Smith: I do have a question kind of piggybacking on Commissioner Lorcher -- Lorcher's question about the common lots and you said that that wasn't something that was discussed, but I guess in thinking about it the -- really, the -- the main thing that I don't love about this, kind of as you mentioned, is that, really, that lack of frontage next to that common drive for things like trash bins, et cetera. It's -- having been near some of these -- live near some of these, I have seen ones that are fine, seem to be great and some that are crammed and packed and there is not really any area for a car maybe to park along kind of the adjacent areas because of that -- that kind of cramped frontage area. So, my question is -- comment and some question of just the consideration of repositioning those -- those -- one or both those common lots and I -- you probably don't have -- and maybe if you do have people who are willing to comment, but just -- I would love some clarification around how committed the position those common lots are and whether there is willingness to alter the -- the order of where those common lots are relative to the common drive to increase that frontage.

Lakey: Mr. Chairman and Commissioner Smith, so are we -- are we talking about these common lots?

Smith: Yes. So, specifically talking about those common lots and mostly probably common lot five is what I would imagine, which is right below the pathway and kind of the ordering relative to say -- say lot seven and eight, you know, going from that common drive into the cul-de-sac there seems to be some frontage to the right or some -- some ability for people to access, for example --- and garbage -- garbage can is a perfect example and that's top of mind right now. Yeah. There is some space to the right, but it -- you know, I worry about congestion of -- you know, especially in a recycling week of, you know, garbage cans. You have four to five houses potentially using garbage cans, recycling cans all in that area with kind of minimal area to disperse and so just curious about the common lot theoretically. If you were to flip common lot five's position with lot seven, then, making adjustments for square footage, et cetera, and other code requirements what that might look like and if that's a consideration or if you are -- you know, you guys are married to the use of those common lots in those specific areas.

Lakey: Mr. Chairman and Commissioner Smith, I could take a moment and visit with my client, but if we -- are we talking -- are you talking about switching a residential lot in relation to one of those common lots?

Smith: Theoretically as an option. I -- I am really just -- I guess I'm trying to drill down on potential solutions to that common drive issue that -- that we are talking about here and that's one of them that's just coming to mind of say switching lots, you know, making lot seven a common lot and lot five as, you know, a residential lot and that's -- I'm not a planner, so that's very spitball version of that, but yes.

Lakey: I could visit with my clients, Mr. Chairman and Commissioner Smith. I -- you know, I guess the way I look at it, if we are talking about putting more residential lots around the cul-de-sac, it seems like it would drive the garbage can issue to be more of a concern compared to having a common lot on that cul-de-sac.

Smith: I'm specifically referencing the -- the common lot would still be used in the cul-de-sac, it would just be within the cul-de-sac adjacent to the common drive, rather than adjacent to the pathway specifically.

Lakey: So, putting -- you are talking about putting the common lot over here next to the common drive?

Smith: Yes. Say, for example, you were to swap lot seven and common lot five and to increase the street space available for residents of that common drive.

Lakey: I'm not sure exactly how that -- Mr. Chairman and Commissioner Smith -- exactly how that lines up with the adjacent open space that we are trying to I guess maximize, but if you don't mind I could -- I could ask my client that if you would like.

Smith: Yeah. It's not, you know, make or break, it's just, you know, that's -- it's something that Commissioner Lorcher is correct that I have seen it done well and I have seen it done not so well of sometimes these common drives, especially in cul-de-sacs or a long curves or driveways -- there is one near my house where I think it's not too great where there is -- especially when it's icy there seems to be serious risk of things are backed up in that corner and there is a lot of garbage bins and because of that parking is offset and it just becomes this really tight area and there is not a lot of space to maneuver. That's really the concern here and, again, not make or break, but I think there is -- I wonder if there is opportunity to improve that. And if you to consult if that's something you wanted to -- you know.

Seal: If you don't mind I will jump in here a little bit. Usually I'm the person that's coming after you for common drives, so there is a -- there is a couple of things in play for me here with this particular application. So, one, you have the -- you know, you have the -- the existing lot that's there that opens up a lot of space to put anything in there. Two, there has already been a recommendation to reduce the lots by one on there. More than likely one of the lots that would be reduced is going to be along that common drive. There is also something that's becoming more prevalent in the neighborhoods and that is that they can actually pick up your garbage in a common lot. So, they will make it to where -- with an agreement -- and that was something that I was going to bring up is that basically that there should be an agreement with the trash collection company to pick those up in the common drive instead of having them out in -- in the cul-de-sac. So, I think there is a lot of different ways to solve the potential issues within this application right here. So, generally speaking, if there is, you know, five common drives in one application I'm vocal about it, but where there is one here and they have already been asked to reduce a lot, that's going to accommodate some of it. And, then, again, I think, you know, if that is an issue within the subdivision itself they can ask for common drive pickup. So, essentially, they put their trash cans out on the far side of the common drive and the trash truck backs in. It costs a little bit extra, but they can't accommodate it, so --

Smith: Thank you, Mr. Chair. One kind of follow up.

Seal: Sure.

Smith: So, the -- the spirit of that question, I'm trying to reduce some of these issues without potentially -- maybe preserving the amount of lots was the thought, but that, you know, if -- if reducing the lot -- the number of lots by one is kind of the -- the way that the winds are blowing that's -- that's totally fine as well. I think there is just -- it's just a little too much pressure in that corner. But that -- that information about the common lot is also very informative and helpful. Thank you.

Seal: Okay.

Lake: And, Mr. Chairman, if I might -- my light came on just as Commissioner -- light up here. Commissioner Smith was -- was finishing and, then, as you were commenting. One of the benefits of having this large lot here, the driveway access is up here at the top, so this is, essentially, a functional equivalent of like a common lot. With all of this open space we are not going to have additional access there from other lots. So, there is, as you mentioned, Mr. Chairman, quite a bit of room there that's not going to be used as it would for a typical residential lot in the cul-de-sac. So, thank you.

Seal: Uh-huh. So --

Lorcher: Yeah. Mr. --

Rivera: One of the -- oh, sorry.

Seal: Commissioner Rivera, go ahead.

Rivera: Sorry. I just wanted to clarify that -- that that easement is between lot two and the -- and the existing lot -- I mean lot three that the entry is going to be over there. So, it's going to be pretty much fenced all along that -- that cul-de-sac on the -- on the lot three; correct?

Lakey: I believe -- Mr. Chairman, Commissioner Rivera, I believe that's correct.

Seal: Commissioner Grace?

Grace: Is the applicant being required to put those common lots in that spot, so that they can back up against future common lots?

Lakey: Mr. Chairman and Commissioner Grace, my clients indicate that that's not the case. We are not being required to put them in there.

Grace: Okay. So, you are sort of doing it out of the good graces to -- yeah. They could put houses there. Okay. Thank you.

Seal: Anything further, Commissioners? All right. Thank you very much. Appreciate it.

Lakey: Thank you.

Seal: And with that I will take a motion to close the public hearing for File No. H-2022-0089 Millwood Subdivision.

Smith: So moved.

Lorcher: Second.

Seal: It's been moved and seconded to close the public hearing for File No. H-2022-0089. All in favor say aye. Any opposed?

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Seal: Okay. Conversation?

Lorcher: I will start.

Seal: Go right ahead.

Lorcher: I actually like this one for once tonight, with one exception, and because we are not the deciding factor on annexation and zoning, preliminary plat, so that will be something you will have to take up with City Council -- is in my -- I'm starting my third year of experience here on the Commission. Common driveways are a problem. A problem for the residents, a problem for selling your product, a problem for utilities, a problem for garbage collection. Even if you have them all up on the side of the road, if I was in lot four at the end of that common driveway and once or twice a week garbage or whomever else is coming down and beeping back and forth or if Republic or Hardin forces you to put all the cans up in front, then, you have got ten possible cans all sitting at the entrance and you may have to, you know, swerve around just to get to your property, because the arms of those garbage trucks are going to leave them where ever they are going to leave them. So, it doesn't make very good neighbors. I have lived on a cul-de-sac in Parkside Creek and our driveways were all big enough to be able to accommodate cans in front of our own driveways. But, then, a common lot they are either stacked up against that wall like you suggested where the garbage cans have to come back in and out or they are possibly going to butt up against the farms parcel of the cul-de-sac and, then, you are going to have cans all over the place. So, I'm not sure if it's a safety issue, it's maybe more of an aesthetic, but in our experience here at the Commission we have found that common lots are -- or, excuse me, common driveways are problematic, especially when you have two lots -- and I understand it abuts possible common lots in another subdivision when you have ample portion of your cul-de-sac that you could have individual driveways not marrying -- marrying up to that common driveway, eliminating that, especially with -- if you were to eliminate one parcel. So, all I'm suggesting is when -- before you go to City Council you may want to consider how those common lots fit compared to the driveways on the common driveway. It's not enough for me to deny it. I guess whoever buys parcel four needs to know what they are getting into when they purchase that home on that

common driveway. But overall I like the design and as long as all the code enforcements are met I feel for you with the farm, I have one of those as well, and I'm very familiar with Officer Horan and worked with him in the past and just be a good developer to a neighbor who has been there for a long time.

Seal: Commissioner Grace?

Grace: Yeah. Mr. Chairman, I am in favor of approval of this. I -- I actually feel like we are requiring several expensive modifications -- well, I mean I didn't hear for safety reasons or zoning reasons or -- I thought I heard more aesthetic or maybe just desirable type things. So, it sounds like the bridge may be resolvable, so that's -- that's good to know. But there is only -- it is kind of a little bit of a weird shaped property. There is not a lot of homes here relatively speaking to other things we have -- we have reviewed. I think that existing home does make it difficult. It takes up a lot of -- of the property and it's awkwardly shaped. The applicant's added common space where it wasn't required and the density is already on the lower end, so I'm in favor of it.

Smith: Yeah. Mr. Chair?

Seal: Go ahead.

Smith: I agree. I think -- I think in a perfect world if you can make that larger lot on the south side and have more space everything's perfect, but I'm not here to make the perfect the enemy of the good and -- and I think this is -- this is still a good application. So, with that being said --

Seal: Well, I will -- if you don't mind, there is a few things that I want to make sure that we remember. The applicant did ask to condition that the south property -- that there are no two story homes. We want to include the additional staff comments -- or sorry. We want to include the additional staff recommendations. If you would like to, I think usually a reference -- verbiage is like something like work with staff on bridge dimensions and requirements, just to kind of keep it open and, you know, that doesn't put any requirements on it, other than they work with staff in order to make sure that everybody's in agreement on what the bridge should be, can be and will be in the future.

Smith: Perfect. Thank you, Mr. Chair.

Parsons: Commission -- Commissioners. Last item was -- if you -- if this body want -- doesn't support staff's recommendation for losing lots, then, that would be condition 2-A to strike.

Seal: Okay.

Smith: So, I believe I have everything and I'm happy to amend if I miss something. So, I move that we -- after considering all staff, applicant, and public testimony and move to recommend approval to the City Council of File No. H-2022-0089 as presented in the staff

report for the hearing of date of -- hearing date of February 16th, 2023, with the following modifications: I would like to approve with the conditions in the staff report including the two additional staff recommendations. Striking the recommendation for losing lots. Adding a further condition of no two story homes on the southern face -- or the southern lots in the development. And, then, lastly, a request to work with staff on dimensions and requirements of the bridge. I believe that's all.

Seal: Do I have a second?

Grace: I will second that.

Seal: Okay. It's been moved and seconded to recommend approval of File No. H-2022-0089 Millwood Subdivision with the aforementioned modifications. All in favor, please, say aye. Opposed nay? Okay. Motion passes.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Seal: All right. Thank you very much.

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher, go ahead.

Lorcher: I motion we adjourn.

Seal: Do I have a second?

Grace: Second.

Seal: It's been moved and seconded that we adjourn. All in favor, please, say aye. Any opposed? All right. We are adjourned. Thank you, everyone.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

MEETING ADJOURNED AT 9:14 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS.)

APPROVED

ANDREW SEAL - CHAIRMAN

_____|_____|_____
DATE APPROVED

ATTEST:

CHRIS JOHNSON - CITY CLERK