

Meridian Planning and Zoning Meeting

February 6, 2025.

Meeting of the Meridian Planning and Zoning Commission of February 6, 2025, was called to order at 6:05 p.m. by Vice-Chairman Jared Smith.

Members Present: Commissioner Jared Smith, Commissioner Patrick Grace, Commissioner Matthew Sandoval and Commissioner Sam Rust.

Commissioners Absent: Commissioner Maria Lorcher and Commissioner Brian Garrett.

Others Present: Chris Johnson, Tina Lomeli, Bill Parsons, Linda Ritter, Nick Napoli and Dean Willis.

ROLL-CALL ATTENDANCE

_____	Brian Garrett	_____	(Vacant)
___X___	Matthew Sandoval	___X___	Patrick Grace
___X___	Sam Rust	___X___	Jared Smith
	_____		Maria Lorcher - Chairman

Smith: Thank you for your patience. Good evening. Welcome to the Planning and Zoning Commission meeting for February 6th, 2025. At this time I would like to call the meeting to order. The Commissioners who are present for this evening's meeting are here in City Council -- or City Hall. We also have staff from the city attorney and city clerk's office, 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 know that we cannot take questions until the public testimony portion. If you have a process question during the meeting, please, e-mail cityclerk@meridiancity.org and they will reply as quickly as possible. If you would simply like to watch the meeting online we encourage you to do this streaming on the city's YouTube channel. You can access it at meridiancity.org/live. With that let begin with the roll call. Madam Clerk.

ADOPTION OF AGENDA

Smith: Thank you. The first item on the agenda is the adoption of the agenda. Please note Item No. 3 tonight, Jackson's Food Store, will be open for the sole purpose of continuance. So, if there is anyone here tonight to testify for this application we will not be taking public testimony on it this evening. Can I get a motion to adopt tonight's agenda?

Sandoval: So moved.

Rust: Second.

Smith: It's been moved and seconded to adopt the agenda. All in favor say aye. Opposed? Motion carries.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

CONSENT AGENDA [Action Item]

- 1. Approve Minutes of the January 16, 2025 Planning and Zoning Commission Meeting**
- 2. Findings of Fact, Conclusions of Law for Street Name Change from N. Cooper Lane to N. Cooper Avenue, by City of Meridian, located north of Ustick Rd., between N. Linder Road and N. Meridian Road.**

Smith: The next item on the agenda is the Consent Agenda, which includes two items, one to approve the meeting minutes of the January 16th, 2025, commission meeting and, two, Findings of Fact, Conclusions of Law for street name change from North Cooper Lane to North Cooper Avenue by City of Meridian. Can I get a motion to adopt the Consent Agenda as presented?

Sandoval: So moved.

Rust: Second.

Smith: It's been moved and seconded to adopt the Consent Agenda. All in favor say aye. Opposed? Motion carries.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

ITEMS MOVED FROM THE CONSENT AGENDA [Action Item]

Smith: At this time I would like to briefly explain the public hearing process. We will open each item individually and begin with the staff report. Staff will report their findings on how the item adheres to our 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 period. The clerk will call the names individually of those who signed up on our website in advance to testify. You may come to the microphones in Chambers or you will be unmuted on Zoom. 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 presentation to the meeting it will be displayed on the screen and our clerk will run the presentation. If you have established that you are speaking on behalf of a larger group, like an HOA, where others from that group will allow you to speak on their behalf you will have up to ten minutes. After all of those who have signed up in advance of spoken we will invite any

others who may wish to testify. If you wish to speak on the topic you may come forward in Chambers or if on Zoom press the raise hand button 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 those 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 we will not call on you a second time. After all testimony has been heard the applicant will be given another ten minutes to come back and respond. When the applicant has finished responding to questions and concerns we will close the public hearing and the Commissioners will have the opportunity to discuss and hopefully make a final decision or recommendation to City Council as needed.

ACTION ITEMS

- 3. Public Hearing continued from January 16, 2025, for Jackson's Food Stores Ten Mile and Overland (H-2024-0054) by KM Engineering, located at 2275 S. Ten Mile Rd.**
 - A. Request: Annexation of 5.24 acres of land with a C-C zoning district.
 - B. Request: Preliminary Plat consisting of two (2) building lots on 4.88 acres of land in the C-C zoning district.
 - C. Request: Conditional Use Permit to extend the business hours of operation in the C-C zoning district (when abutting a residential use and district) from 6:00am to 11:00pm to 12:00am seven (7) days a week for the convenience store and 24 hours per day, seven (7) days a week, for the fuel facility

Smith: That being said tonight I would like to open the public hearing for Item No. 3, Jackson's Food Store request for annexation, preliminary plat, and conditional use permit -- has asked for a continuance. May I get a motion to continue the application to the hearing date of June 5, 2025, with a requirement to re-notice due to time.

Sandoval: So moved.

Rust: Second.

Smith: It has been moved and seconded. All those in favor say aye. Opposed? Motion carries.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

4. Public Hearing for 965 E. Ustick Rd. (H-2024-0063) by Mussell Construction, Inc., located at 965 E. Ustick Rd.

- A. Request: Annexation of 1.11 acres of land with an L-O zoning district with a request for City Council approval of a reduced buffer to residential uses from 20 ft. to 8 ft. 10 inches.

Smith: Next I would like to open the public hearing for Item No. 4, 965 East Ustick Road request for annexation. We will begin with the staff report.

Parsons: Thank you, Mr. Chair, Members of the Commission. First item on your agenda tonight is the annexation of the property located at 965 East Ustick Road. The site consists of 0.90 acres, currently zoned R-1 in Ada county. Previous application was in front of you in 2023, but was later withdrawn as it moved forward to City Council. If you recall that application was for annexation with the -- with the L-O zoning district for the ability to develop a public education facility on the site or a private education. Excuse me. The Comprehensive Plan designation for this site is medium density residential. In the Comprehensive Plan, though, there is a provision in the -- a statement in the Comprehensive Plan I should say that gives the City Council the discretion to allow an applicant to request an office designation on the property when the property is located on arterial with no other access and is two acres or less in size. In this particular case this parcel does meet that criteria to ask for that request. So, the annexation request for you this evening is to again -- once again request the L-O zoning on this property with Council's approval on the annexation request. As part of that, as this Commission knows, we typically require a development agreement with annexations of property. Because the Comprehensive Plan is very specific as to office uses occurring on this property staff is recommending a provision in the DA that restricts the use of this property to professional services and health services only. So, essentially, a professional office or a medical office. No other uses in the L-O zone will be allowed to develop on this site as presented by staff this evening. Also with the annexation request the applicant is required to provide a concept plan for your consideration this evening. So, there is an existing 2,279 square foot home on the site that will be left intact and the applicant's also proposing to add on another -- an additional 8,000 square foot -- square feet for approximately 10,000 square feet of office on the site. Last time this was before you there was discussion of access from Ustick Road. This is the case again. No other cross access or streets are provided to the site. So, the primary access is from Ustick Road, which is a principal arterial and this site plan -- concept plan does show the required landscaping and parking requirements per UDC standards. As noted in the staff report staff is not recommending cross-access with the adjacent properties, because it just would stub to the rear of somebody's lot. Also as part of the requirement for the UDC and the zoning code for the L-O zoning standards an applicant is required to provide a 20 foot landscape buffer when L-O zoning abuts a residential district. In this particular case there is residential surrounding this property on three sides of it. The applicant can meet the 20 foot separation on the east boundary and, then, south boundary. However, on the west boundary they cannot make that work because of the required parking that's needed and the access to Ustick

and so the applicant is requesting City Council reduction of that buffer from 20 feet down to approximately eight feet. So, again, that would be City Council's action when they may -- have this application before them. The applicant also provided some renderings for you to see how the existing home would integrate with the building addition here. As you all know this will require design review after annexation is completed. Staff did receive written testimony from the applicant on this application. They are in agreement with the conditions -- or the DA provisions in the staff report and I had a chance to look at the public record and there was no public testimony provided on this item. With that again staff is recommending approval with a DA with those restricted uses on the site and staff will stand for any questions you may have.

Smith: Thank you. Would the applicant like to come forward? And please state your name and address for the record.

Mussell: Good evening. My name is Kent Mussell. My address 3516 South Bartlett Way, Meridian, Idaho. I represent Mussell Construction. We are the developer for this project that I will be discussing. Last year, as staff mentioned, we brought a similar version of this project before the Commission in preparation for occupancy by Pathways In Education, a local charter school. The Commission at that time unanimously recommended approval to City Council. However, before the Council could vote the project was canceled. The key difference in our current proposal is that Pathways is no longer the intended tenant. Despite the change our overall plan remains very similar. We intend to develop the existing home on the parcel. I want to clarify one thing on that. Our total expected size of this building is 8,000 square feet. So, we won't be adding 8,000 square feet. We are seeking annexation into the limited office zone and we are in agreement with the conditions put on the development agreement -- or we are in agreement to enter into a development agreement with all the conditions proposed by -- by staff. When I read the staff report the allowed uses here with the development agreement in place would be professional services and healthcare offices. Those are the two most likely outcomes for this parcel, but I understood we also had like a social services office has an option in there as well. We -- I don't know if you received a copy of the response to the original staff report. That's null and void. We worked that out with staff this morning and we are in total agreement about the conditions at this point.

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

Sandoval: Mr. Chair?

Smith: Commissioner Sandoval.

Sandoval: So, just a quick question. Was this approved for annexation with the last application or was it halfway through? What happened there?

Parsons: Commission Sandoval, essentially what happened was it got to City Council, Council wanted additional information, applicant was happy to do that and, then, eventually the school fell out and they just asked to withdraw that application.

Sandoval: Okay.

Parsons: They never made it all the way through the process to get a Council decision on it.

Sandoval: Okay. Thank you.

Grace: Mr. Chair?

Smith: Commissioner Grace.

Grace: I'm not sure if this is for staff or the applicant, but what is -- what's intended to be on the west side of the -- of this property? Is it residential or is that --

Mussell: Are we talking about the part -- so, there is -- are you talking about maybe the east side of it? Because we have another property over there, but that's going to remain residential.

Grace: Well, I'm wondering what's -- what's on the side of the request for the reduced buffer. What's going to be on that side?

Mussell: Oh. Yeah. The -- the adjacent subdivision is over there. There are -- I don't remember how many lots exactly. Our site plan might show. There is three or four lots.

Grace: Okay. So, it's already currently residential?

Mussell: Yeah. That's right now.

Grace: Oh, I know what it was. So, if there is a reduced buffer what -- what kind of fencing or barrier or what's going to be there?

Mussell: Yeah. This slide actually shows -- so, this -- this was what we discussed in our neighborhood being -- originally we actually only had one neighbor show up to our -- our second neighborhood meeting, but the -- we had a well-attended first neighborhood meeting like almost a year and a half ago and we talked about fencing at that time and this is what seemed to be acceptable to the neighbors in this photograph here and that's what we had planned to do.

Grace: Okay. It looks like a fixed metal vinyl, was that --

Mussell: Yeah. With -- or slightly more attractive vinyl slats within the frame.

Grace: Okay. Thank you.

Smith: Any other questions? At this time -- at this time we would take public testimony. Madam Clerk, is there anyone signed up to testify?

Lomeli: Thank you. We have Gordon Bower. Did you want to justify? No? And then -- is it Todd Powell?

Smith: Yeah. If you could come -- and just state your name and address for the record.

Powell: Yeah. My name is Todd Powell. I live at 3078 Timber Falls, which is the south property behind them. The eight foot buffer, is that -- that -- it was ten behind us. Is it now going to be reduced to eight or is it just going to be the eight along the west side of the property?

Parsons: Mr. Chair, Members of the Commission, sir, the buffer on the south boundary will be 20 feet.

Powell: Okay.

Parsons: So, you are -- the only -- the west side of the boundary will have the --

Powell: And, then, I have one more question. On the east side there they are working on another facility there. He said it was going to be residential, but they have cleared that whole field behind them. So my concern is that might be access to the back of that building as well.

Smith: I think the west side was the residential that was discussed.

Powell: Just another building -- if we are looking at that map it would be to the right of it.

Smith: Okay. Cool. So, we -- obviously we are asking questions as well. What we can do is we can -- when the applicant comes back up have him answer any of those questions and make sure that we are settled.

Lomeli: Commissioners, no one else has signed up.

Smith: Great. Thank you. Is there anyone else in the room who would like to come and speak? Great. Would the applicant like to come back up?

Mussell: I think it would be good for me to address Todd's questions. So, it's -- it's correct. We -- we did purchase 1001 East Ustick, which is to the east of this property. We are in the middle of basically flipping that house. We have no intention for it to be part of this development.

Smith: Thank you. Are there any other questions for the applicant? All right. Thank you very much. Can I get a motion to close the public hearing?

Sandoval: So moved.

Rust: Second.

Smith: It's been moved and seconded to close the public hearing. All those in favor say aye. Any opposed? Motion carries.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

Smith: All Right. Discussion?

Sandoval: Mr. Chairman?

Smith: Commissioner Sandoval.

Sandoval: Yeah. I don't like that eight foot, ten inch buffer in the residential, but it already came through planning and zoning and so I feel like that's kind of almost the territory of taking, which is probably not the right term, but -- excuse my terminology. I think that as presented it looks fine for the intended purpose.

Smith: Thank you. Any other discussions?

Grace: Yeah. Mr. Chairman, I would just -- I don't like that buffer either, but I do like the fact that the applicant talked to the -- the property owners to the west and looking at the -- well, the slide was up there, but it's not. But looking at that slide I can see why, you know, with the access to Ustick and the parking I can understand why given the kind of occupancy. That the city is going to have and the DA, I'm hoping it's not going to be a big deal for the residents on the -- on the west side, so I get it.

Smith: Yeah. I recall this kind of being on the list of discussions when it came around last time. I remember we have some discussions, obviously, of kind of drop off the drive aisle type stuff and, then, I remember kind of being -- kind of a bit of a thorny spot before, but, yeah, I think we -- we generally came to a pretty decent spot with that application and it seems like it's -- it's about the same here, so I'm -- I'm comfortable with it. It's not ideal, but you got to take access from somewhere, so -- with that is there a motion?

Grace: Mr. Chairman, I will make a motion.

Smith: All right.

Grace: After considering all staff, applicant and public testimony, I move to approve File No. H-2024-0063 as presented in the staff report for the hearing date of February 6, 2025.

Rust: Second.

Smith: It's been moved and seconded. All in favor? Any opposed? All right. Motion carries.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

5. Public Hearing for Meridian Foodbank (H-2024-0065) by Meridian Food Bank, located at 133 W. Broadway Ave.

- A. Request: Rezone of 1.72 acres of land from the I-L zoning district to the O-T zoning district to bring the existing food bank into conformance for future expansions.

Smith: Next I would like to open up the hearing for Item No. 5, Meridian Food Bank request for rezone. We will begin with the staff report.

Napoli: Good evening, Mr. Chair, Members of the Commission. Next item in the -- on the agenda is the rezone for the Meridian Food Bank. The applicant is requesting a rezone of 1.72 acres of land from the I-L zoning district to the OT zoning district to bring the existing Food Bank into conformance for future expansion. The site is located at 16 -- or 616 Northwest 2nd Street. I show on the screen the current zoning is I-L or light industrial, and the FLUM designation is Old Town. The subject site is among several industrial zoned properties along the rail corridor near Meridian Road. The proposed use of a social service or Food Bank is a permitted use in the Old Town zoning, which is assuming the applicant is requesting. The current use is nonconforming, which requires a conditional use permit for any proposed expansion. The rezone to Old Town will allow the continued use of the existing Food Bank, remove the nonconforming status and eliminate the need for future conditional approvals to expand the use. The Meridian Food Bank is open Monday, Wednesday and Thursday between 12:00 p.m. and 4:00 p.m. The main reason for the -- the rezone request is to allow for future expansion to provide additional space for the Meridian Food Bank to assemble food packs for students. The food packs allow students to have food over the weekends. The number of food packs has increased significantly since 2023 and the Meridian Food Bank no longer has sufficient room to service all the children in need of resources. The expansion will include approximately 940 square feet of space designated for the purpose of assembly and storage of these food packs. UDC 11-3B-2 allows for phased landscape improvements as cumulative expansions occur. The city will monitor these thresholds and enforce them as required. Staff is recommending approval without the requirement for a development agreement. Staff has not received any written testimony and I will stand for questions at this time.

Smith: Thank you. Would the applicant like to come forward? And please state your name and address for the record.

Green: Gil Green. 2512 East Garber in Meridian. It was pretty well covered in the staff report, but Meridian Food Bank is an all-volunteer organization that provides food for people that need food. One side of it is a food pantry where people come and get

approximately 50 to 60 pounds of food -- miscellaneous food twice -- twice a month. The other thing is we provide weekend food for students in the West Ada School District. Each food pack contains two breakfasts, two lunches, two dinners and two snacks. A couple years ago our director of the food program said that the room that they were working in could handle about 800 food packs a week. In December -- or in -- yeah -- December the weekly total was 885. In January lowest total was 878. The highest was 960. We have looked around for how to expand and there is about a 15 and a half foot open space between what used to be a house is now storage for that program and our main building. We wanted to fill that full of -- fill that in and so we started the process and we were told we were noncompliant with the existing zoning and the change to Old Town would help us smooth that process out. So, therefore, we applied for the zoning change. It came back that -- when we understand part of it is that our -- our parking lot needs to be restriped and the -- and parking blocks in. We tried to get on the schedule for a sealing and -- and striping our parking lot last fall and we were told we were too late, they didn't have time, so we are on the -- on the calendar for spring anyway and I think all of our entry ramps are at least five feet wide. There is one that -- that is in the back of the building where we unload the trucks and I had planned to change that one to a concrete ramp, so we can make it five feet wide as part of this project. We are just looking for an approval.

Smith: Thank you very much. Any questions for the applicant or staff? All right. Thank you. Is there anyone signed up to speak, Madam Clerk?

Lomeli: Thank you, Vice-Chair. I have Kent Christiansen. Would you like to speak? No one else has signed up.

Smith: Is there anyone in the room that would like to come up and speak? All right. Great. If you would like to come back forward -- if the applicant would like to come back forward and anything they would like to add.

Green: I really can't think of anything to add. So, I told my story.

Smith: Great. Can I get a motion to close the public hearing?

Sandoval: So moved.

Rust: Second.

Smith: It's been moved and seconded. All those in favor say aye. Any opposed? Motion carries.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

Smith: I will start. It seems pretty straight forward. I don't have really any concerns here. I think it's obviously good to get things into conformance and having people very near and dear to me who have at one point or another relied on that assistance, I'm very

grateful for the work you do and happy to see the expansion -- well, happy to see their people doing this good work and I'm in support of the expansion. Any Commissioners?

Sandoval: Mr. Chair?

Smith: Yeah.

Sandoval: Yeah. This seems strictly procedural to me. This is common sense. Really to come here to get a small expansion -- anyone, it's pretty much procedural and, yeah, what an incredible resource for the community. Really appreciative of everything you do and that's it.

Smith: Okay.

Rust: Mr. Chair?

Smith: Commissioner Rust.

Rust: After considering all staff, applicant and public testimony, I move to recommend approval of File No. H-2024-0065 as presented in the staff report for the hearing date of February 6th, 2025.

Sandoval: Second.

Smith: Moved and seconded. All those in favor say aye. Any opposed? Motion carries. Thank you very much.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

6. Public Hearing continued from January 16, 2025 Newkirk East (H-2024-0043) by Laren Bailey, Conger Group, located at in the SE 1/4 of the SW 1/4 of Section 10, Township 3N, Range 1W, parcel: S1210346850

- A. Request: Preliminary Plat for 95 single family lots on 10.08 acres of land zoned Traditional Neighborhood Residential (TN-R).
- B. Request: Development Agreement Modification to revise the concept plan to remove the 216 multi-family units and replace with 95 single-family attached homes.

Smith: And, then, last on the agenda I would like to open the public hearing for Item No. 6, Newkirk East, request for preliminary plat and development agreement modification. We will begin with the staff report.

Ritter: Good evening, Commissioners. So, tonight we are here before you for a development agreement modification and a preliminary plat. This is for a site that consists of ten acres of land. It's zone TN-R. It was -- there was a preliminary plat for this that was approved by City Council on April 25th, 2023, and it was 22.667 acres of land that was annexed in and zoned. The original plan included 63 building lots, 44 of those were single family attached homes, 18 townhomes and one multi-family development with 216 units. It had eight common lots. It was supposed to be developed in two phases. So, phase one has already been -- the final plat has been approved and it should be recorded here shortly. Already had the city's engineer signature and is at the county waiting to be recorded. So, what the applicant is proposing is for phase two, Newkirk East, is to remove the multi-family and provide 95 single family attached homes and I think seven of those will be townhomes with alley loaded and there were some things that occurred with this project that there was some issues or some waivers, but -- and working with the applicant we kind of got all these things worked out, but the Kennedy Lateral is on the northeast side of the property, which is not annexed into the city at this time and there is an out layer parcel that is not contiguous to this plat. It was part of the original preliminary plat, but it is not part of it this time around. The Kennedy Lateral portion is owned by the Nampa-Meridian Irrigation District and so this parcel that is bisected is owned by the developer, but it cannot be part of this plat because of the parcel -- the Kennedy Lateral parcel that has not been annexed, so it's not contiguous. And that is compliment -- we received confirmation from the county on that. And, then, although with the reduction of the number of units the Ten Mile Area Plan requires a target group of 12 units per acre, but the TN-R requires six units per acre. The applicant meets the TN-R requirements, but as you can see from this table not too many of the developments around this meet that requirement. So, we are okay with them having the density that they have for this development. So, staff is -- staff has no issues with that. Another thing that we had with this project is that a couple of the block lengths were exceeded and we have been working with the applicant. They have found a way to reduce this to meet the maximum 500 foot length in the TN-R district. It is a maximum of 500. They would have to get an acceptance from the City Council. So, they will be able to meet this -- the requirement on here. But this one they will be asking for an acceptance from the City Council for this one, because of the terrain here and staff did put in -- in our staff report Condition No. 3. We asked for some open space, pedestrian connection through here, but based on the terrain there are like four feet retaining walls along here and, then, the grade difference for some of the homes that will be there that's impossible, so staff has no issue with removing that condition, because they will be asking for an acceptance from the City Council. And another thing that we had were through streets, double block frontage, Lots 2 through 8. We have worked with the applicant on this and they will be revising their plan to show common open space over here. So, you won't have street frontage. This will become an open space and access to these lots will be taken from this side. So, that will meet our requirement for that. So, the design elements for the properties within the TN-R area, they -- the applicant submitted the same designs that they did with phase one. Council made some acceptance to some of the standards for the design. So, these plans -- since the designs were previously approved with phase one, staff has no issues with the design and they will meet the standards that they were

approved with with phase one. Because they are attached family homes they have to go through design review and meet the standards of our architectural manual. They provided open space with the phase one. The amount of open space was like 34 percent. They did add open space with this phase also and added two amenities with this. They were -- it was a dog park with a seating area and a waste station to this, but this phase will have access to the amenities within phase one, so the applicant has indeed exceeded their amount of open space required. And as you see there is plenty of pedestrian circulation throughout this application. They are looking for a modification of the development agreement to remove all the language that talked about the multi-family. Staff has no issue with that. They will be changing the language on one of the conditions, so it will be maximum 95 single family units, instead of 216 multi-family units and staff is asking the Commission to recommend another condition to the development agreement regarding that outparcel that's not contiguous. We are asking that that particular parcel be deed restricted as unbuildable and either be owned and maintained by the property owner, the homeowner's association, or transferred to the Nampa-Meridian District. We would like to have written documentation provided to -- prior to the city engineer's signature on the final plat. We did provide some revisions that will be needed on the plat before going to the City Council and we have been working with the applicant to get those revisions done. They did provide a letter responding to our staff report that was uploaded in the public portal. So, they are working on those. They have that ready prior to City Council public hearing. And with that I will stand for any questions that you may have.

Smith: Would the applicant like to come forward.

Clark: Hethe Clark. 251 East Front Street representing the applicant. So, I had a -- call it a six or seven minute presentation and I'm going to try and make it like a two minute presentation, because I think we are in pretty good shape here in terms of being on the same page as staff. I just kind of want to give you a little bit more background on a couple of items. So -- so, this is the project. As Linda mentioned this has a prior entitlement, but the area in general is under development. City services are all available. It's -- it's an area that's well underway. Our phase one is under construction and what we are talking about is modifying phase two, which is the east half of the property. This goes to one of the block face items. So, I think it's worth talking about for a little bit. So, as sites go it's a little bit of a complicated site. We have development on three sides, including apartments on the left -- on the west and on the east. Those apartments feed our collector in and that collector starts on the east at the bottom and works its way all the way up to the -- the other collector on the west side. So, that kind of eats up a big chunk of the project down there and then -- but that collector is already constructed and was done with the first phase. But also because it's tucked back there it means that it doesn't have good visibility for an apartment -- an apartment project and it's also got competing apartment projects on each side. So, I will talk about that in a little bit in terms of what -- why we are asking for these changes. So, as I mentioned the collector is in and this is the general location of it. This is the original plan. Linda already walked through all of that. I think the main thing is just that there was 216 apartment units on the east side and the challenges that we ran into is that there is not

enough visibility for an apartment project and, then, it's also competing with the apartment projects that are there that are highly amenitized and you need a critical mass of apartment units to compete with that and 216 just wasn't going to do it. So, as a result of that we asked to revise this to do single family. We are going to keep it at TN-R. We have a mix of types with the 88 attached homes and, then, the seven single family townhomes that are rear loaded that -- that Linda mentioned. Those are here in the -- in the top left side. One of the nice things about this is that before when we had the apartments and the single family they basically were going to act like two independent subdivisions. Now they will be combined. So, the original project had the large one acre park. Our residents will have access to that and, then, the phase one residents would have access to the large dog park that we are doing. Total amenity points are 14 and a half when four are required. Total open space is 24 percent. Fifteen percent is required in the TN-R as you know. We -- I know parking always seems to come up, so I wanted to give you the count of the additional on-street parking. That's the 48 spaces that would be beyond what code requires. Linda already showed you our housing examples and those were reviewed with the first phase by the City Council. So, in terms of our homework, the rear loaded access, we have updated that drawing to show the common strip that Linda mentioned, so that's already done ready to go to Council. We did provide the exhibit showing the location of the housing types. And, then, with regard to this block length on Wolfsburg, this is the one that we can -- we can get rid of five -- of eight feet that we are over on that one and that will be done before Council. This one I did want to talk to you a little bit more, add a little bit to what Linda said about why we are going to ask for the -- the exception on the block face here. So, part of our challenge with the site is that it slopes pretty hard as you go north to south and west to east and so as you look at this collector, the collector's already been constructed and it's been constructed with a four foot retaining wall and as you go down there you are going to have between eight and ten feet difference in grade between the collector level and the pad level, by the -- as you -- as you move along that roadway. So, as a result of pedestrian connection really doesn't work in that location. So, that's why we are asking for the exception on the block phase. So, with that I think the only thing that we would modify would be that condition A-3 and, again, this is something the Council's got to approve, but we would ask as part of your recommendation to give us some grace on that, adding that ped connection on Milford Way -- or Midford Way. With that we are otherwise in agreement with all the conditions of approval that staff has identified, including the new one dealing with the development agreement and the requirement for the triangle out piece to be deeded and so I think -- I think that covers it, so I'm happy to answer any questions.

Smith: Any questions for the applicant or staff?

Grace: Thanks, Mr. Chair. Can you just -- I'm just a little confused. Maybe you can provide some clarity.

Clark: Uh-huh.

Grace: So, in the -- in our kind of staff report notes with regard to the noncontiguous parcel it sort of indicates that we need to annex that first or --

Clark: Sorry, Commissioner Grace.

Grace: No. No. Go ahead. So, the straight -- yeah. So, this is -- is -- I think some of the confusion comes from the fact that we had an original application and now we are back doing this one. So, the original application included it as property that was going to be annexed. I think the issue was staff was trying to resolve what do we do with that property now in terms of the preliminary plat and in our investigations with the county -- and I think staff's investigations are revealed the same thing -- is that the county surveyor's preference is not to include it, because of its -- that triangle out piece is separated by the Nampa-Meridian Irrigation District property that they own in fee there. So, oftentimes Nampa-Meridian has an easement, so it's not as big of a deal, but when they have fee ownership, then, that does create a little bit of an issue for planning and the other point that I would make is that the purpose of planning is to create parcels for conveyance and that parcel is already created. It's on the outside of the Nampa-Meridian Irrigation District parcel. There is really no reason to include it in a plat. It's not going to be developed. So, the -- the approach that we took was to leave it out of this new preliminary plat. It will just be out there on its own, but it's not being divided up anyway and so -- but, again, it will be -- we will have a development agreement provision that applies to that triangle parcel even though it's outside of the plat that requires us to make sure that it gets deeded appropriately and taken care of.

Grace: Okay. Yeah. And that was my -- Mr. Chair. That was my follow up is that you are -- you are agreeable to that?

Clark: Yep.

Grace: Okay. Yeah. That was my question. Thank you.

Clark: Yep.

Smith: Other questions for the applicant or staff? I do have one question. It sounds like it's a yes, but I know there was some discussion near the beginning of the -- or just prior to the beginning of the hearing. You have discussed the updated, like deed -- the deed restriction and, then, the ownership maintaining potential transfer to NMID if they -- yeah.

Clark: Yeah. Mr. Chair, we are -- we are in agreement with -- yeah, I think it was the red language on staff's slide and they would have a new DA provision that requires that transfer of the triangle parcel and we are in agreement.

Smith: Wanted to note that. Thank you.

Clark: Yep.

Smith: We will move on to public testimony.

Clark: Thanks, everyone.

Smith: Madam Clerk, is there anyone signed up?

Lomeli: Thank you, Vice-Chair. No one has signed up.

Smith: Do we have anyone on Zoom or anyone in the room who would like to testify? Great. Would the applicant like to come back up at all? Okay. So, with that I will take a motion to close the public hearing.

Rust: So moved.

Grace: Seconded.

Smith: All those in favor say aye. Any opposed? Motion carries.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

Smith: Discussion?

Grace: Mr. Chairman? Sorry.

Rust: No. Go for it.

Smith: Commissioner Grace, go for it.

Grace: Yeah. No. I'm always -- I mean not always I should say, but I -- I'm -- I certainly favor the reduction from apartments to the single family that we are -- we are looking at now. Maybe for the record or for the benefit of the -- of the Council on a couple of these points that if they were interested to know my opinion or our opinion I guess, I'm okay with the explanation on the reduction of the block -- the block -- the block face length. Seemed reasonable to me. I have no issues with that. I was comfortable with the -- with the applicant indicating how they are going to, you know, handle that noncontiguous parcel. The modifications to the DA I -- some of them made a lot of sense given that the change from the multi-family to the -- the family units, the bike -- the bicycle rack and the off-street parking. I think that was -- that was sort of all the -- all the nuances to this. But, no, I -- I -- it looks like a -- kind of a strange little piece of land there that -- that I think will be -- this project will fit in there nicely and it's a continuation of the -- of the original on the east side. So, I support it.

Rust: Mr. Chair?

Smith: Commissioner Rust.

Rust: Yeah. It's very rare that you see stuff going this way. Normally we are talking about up zoning, but coming down -- it does make a lot of sense. Visibility is so important for apartment communities and the way that this is sandwiched between -- as I was doing my homework ahead of time it's -- like I think that's probably why -- why that's happening as confirmed during testimony. I agree with the conditions. I also agree with the applicant's request to delete A-3. I think that degree of grade difference is going to make it pretty challenging. A lot of the folks that are going to end up in these homes are going to be older. There is going to be some ADA issues potentially in navigating that grade and so I would agree with the applicant's request to delete condition A-3.

Sandoval: Mr. Chair, after considering all staff, applicant and public testimony, I move to recommend approval of File No. H-2024-0043 as presented in the staff report for the hearing date of February 6th, 2025, with the following addition to the development agreement. The parcel S1210346890 in the northeast corner of the development north of Kennedy Lateral shall be deed restricted as unbuildable and shall be neither owned -- or either owned and maintained by the property owner, homeowners association or transferred to the Nampa-Meridian Irrigation District. Written documentation shall be provided prior to the city engineer's signature on the final plat.

Grace: Second.

Smith: I have a motion and a second for discussion. I know there was a request for the deletion of Condition A-3. I wanted to see if that was an intention of the motion that we missed or if you didn't want to. We can include it or, Rust, you can modify it if the second stands. I think that's all we need is just for the second to agree.

Starman: I think if the maker of the motion is -- if you are receptive to the idea I would just -- I would probably suggest that you amend your motion and have the second concur.

Sandoval: Mr. Chair, motion and add the second comment --

Smith: Deletion of --

Sandoval: Deletion of A-3.

Smith: Cool.

Grace: Yeah. I will second as amended.

Smith: It's been moved and -- or moved and seconded. All those in favor say aye. Any opposed? Great. Motion carries.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

Smith: With that I will take one more motion.

Rust: Mr. Chair?

Smith: Yes.

Rust: I move that we adjourn.

Sandoval: Second.

Smith: Moved and seconded to adjourn. All those in favor say aye. Any opposed?
Motion carries. Thank you all.

MOTION CARRIED: ALL AYES.

MEETING ADJOURNED AT 6:55 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS.)

APPROVED

JARED SMITH - VICE-CHAIRMAN

DATE APPROVED

ATTEST:

CHRIS JOHNSON - CITY CLERK