

Meridian Planning and Zoning Meeting

December 2, 2021.

Meeting of the Meridian Planning and Zoning Commission of December 2, 2021, was called to order at 6:02 p.m. by Chairman Rhonda McCarvel.

Members Present: Chairman Rhonda McCarvel, Commissioner Bill Cassinelli, Commissioner Andrew Seal, Commissioner Nick Grove and Commissioner Steven Yearsley.

Members Absent: Commissioner Maria Lorcher and Commissioner Nate Wheeler.

Others Present: Adrienne Weatherly, Kurt Starman, Bill Parsons, Sonya Allen, Joe Dodson, Alan Tiefenbach and Dean Willis.

ROLL-CALL ATTENDANCE

_____ Nate Wheeler	_____ Maria Lorcher
___X___ Andrew Seal	___X___ Nick Grove
___X___ Steven Yearsley	___X___ Bill Cassinelli
___X___ Rhonda McCarvel - Chairman	

McCarvel: Good evening. Welcome to the Planning and Zoning Commission meeting for December 2nd, 2021. If you are joining us on Zoom this evening you can see that we are here -- or 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 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 soon as possible. Let's begin with roll call.

ADOPTION OF AGENDA

McCarvel: Thank you. The first item on the agenda is the adoption of the agenda. There are no changes this evening, so could I get a motion to adopt the agenda as presented?

Seal: So moved.

Cassinelli: Second.

McCarvel: It has been moved and seconded to adopt the agenda. All those in favor say aye. Opposed? Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

CONSENT AGENDA [Action Item]

- 1. Findings of Fact, Conclusions of Law for K1 Speed (H-2021-0077) by Josh Shiverick of Cushing Terrell, Located at 1075 N. Hickory Ave. on the Northwest Corner of E. State Ave. and N. Hickory Ave**

McCarvel: We have just one item on the Consent Agenda this evening. Findings of Fact and Conclusions of Law for K1 Speed, H-2021-0077. Can I get a motion to accept the Consent Agenda as presented?

Seal: So moved.

Cassinelli: Second.

McCarvel: It has been moved and seconded to adopt the Consent Agenda. All those in favor say aye. Opposed? Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

ITEMS MOVED FROM THE CONSENT AGENDA [Action Item]

McCarvel: 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 to provide public testimony. The Clerk will call the names individually of those who have signed up on the website in advance to testify. If you are here in person, please, come forward. If you are on Zoom you will be unmuted. 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 for a presentation for the meeting it will be displayed on the screen and our Clerk will run the presentation. 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 a topic you may press raise hand button on the Zoom app or if you are listening on the phone, please, press star nine and wait for your name to be called. If you are listening on multiple devices, a computer and a phone -- computer and phone, for example, please, be sure and mute the extra devices, so we don't experience feedback and we can hear you clearly. When you are finished if the Commission does not have questions for you, you will no longer have the ability to speak. Please remember we cannot 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, be able to make final decisions or recommendations to the City Council as needed.

ACTION ITEMS

2. Public Hearing for Fire Station 8 and Police Substation (H-2021-0078) by City of Meridian, Located at 4250 N. Owyhee Storm Ave.

- A. Request: A Conditional Use Permit to develop the property with two (2) public/quasi-public uses, an 11,560 square-foot police station and an 11,637 square-foot fire station on approximately 3.60 acres of land in the R-8 zoning district.

McCarvel: So, at this time we will open public hearing for item number H-21-0078 and we will begin with the staff report.

Tiefenbach: Greeting, Madam Chair, Members of the Planning Commission. Alan Tiefenbach, associate planner with the City of Meridian. This is a proposal for Fire Station 8 and Police Substation and it's a conditional use permit. The site consists of about three and a half acres of land, zoned R-8, located on Owyhee Storm. Basically it's on the southwest corner. It's close to McMillan and McDermott, just north of the new high school. So, this property was transferred to the city as part of the Gander Creek South final plat in 2019 and this property is specifically designated for a fire station and the police substation by the future land use map. This property was actually transferred to the city for that reason. This use of quasi-public use is allowed by R-8 as a conditional use. So, again, the applicant proposes a conditional use for the construction of an 11,600 square foot fire station and an 11,500 square foot police substation. A significant -- a significant amount of land around this area has already been annexed and platted in the surrounding area. This includes the Owyhee High School, Gander Creek Subdivision, the Oaks North and South Subdivision, Chukar Ridge and Jump Creek Subdivisions. The proposed fire station and police substation will increase the response times and the tentative developments, they were approved during the -- during the analysis this fire station was taken into account as serving these subdivisions. The site plan that you see here -- I'm sorry, it's kind of tricky to see it, just because it's not very dark. The Gander Creek Subdivision contains a plat note which prohibits direct lot access to North Owyhee Storm Avenue. That's what you see here. That's a collector. But it does have an exception for this particular property. There is actually a specific note that says that this property can have direct access. This is to allow expeditious and unimpeded emergency access without having to travel through the adjacent neighborhoods. So, the site plan proposes one point of access for Grand Rapids Road, which is what you see here, and two points of access from North Owyhee Storm Drive. The southern northern Owyhee Storm access was what you see here, this would be the main access. This would provide access to both, as well as to the public. The northern accesses that you see here -- this is only access for the fire station. The access that you see here -- this is just for employee parking. The landscape plan indicates a buffer of at least 50 feet in width along North Owyhee Storm Avenue, which -- whereas 20 feet is required. There is several large landscaped areas at the north, which you see here and one of the east, which would serve for employee recreations -- will benefit the employees. This landscaping plan exceeds the minimum requirements. However, as noted in the staff report, the city

arborist had a comment that the maples and the ash trees, the types that were proposed, were actually an invasive species and he gave us a list of recommended trees that should be planted instead. That's one of our conditions of approval that you will see in the staff report is these two particular trees that were listed don't be planted. The Gander Creek Subdivision No. 1 provides a ten foot wide detached pathway that's already existing. That's what you see here. There is also a sidewalk already existing along the road to the north and to the east of the property. That would be West Black Butte and West Grand Rapids Drive. There is a wrought iron fencing of up to eight feet indicated on the site plan. That is shown along here and that fencing is to provide security for the police vehicles. Eight feet is actually higher than is allowed, it's actually restricted to six foot, so they would have to do alternative compliance. However, there was a discussion this morning -- the applicant called us and actually proposed instead of wrought iron fencing they wanted to do chain link fencing. Staff mentioned that this is not our preference, chain link fencing, but they could discuss this with the Planning Commission and at the very minimum we would recommend that if they did do chain link fencing it would at least be vinyl covered, maybe black and not galvanized type. The last thing would just be the building elevations in general. I don't want to get into the weeds on these, because this will be discussed -- this will be discussed with the CZC. This is very similar, if not exactly the same as the -- the plans that you saw for the Meridian South Fire Station at East Lake Hazel. The -- the fill materials that are shown here are showing smooth face CMU and metal paneling. It's important to mention that our ASM, our Architectural Standards Manual, actually says those can't be used as field materials, unless there is two other qualifying field materials. I only mentioned this just in the public hearing, so the -- so that it's known that there is probably going to have to be some additional work done to these buildings or they will have to apply for a design exception. With that we recommend approval with the conditions as listed in the staff report.

McCarvel: Thank you. Would the applicant like to come forward?

Gladics: Yes. Hi, Commissioners. Can you hear me?

McCarvel: Yes.

Gladics: Thank you to staff for the report and Commissioners. My name is Gunnar Gladics, I'm an architect with Rice Fergus Miller and my address is 11400 Olympus Way, Gig Harbor, Washington. And the design team and the fire department and the police department agree with nearly all of the conditions and, in part, really actually agree with Item 7 and thank you, Alan, for bringing that up. We actually have a discussion -- I would like to discuss the fencing a little further. We understand that chain link fencing is not desired and on the existing east side of the property the developer of the Gander Creek Subdivision already has a solid vinyl fence that is six feet in height and we actually are proposing to continue that fencing on the east and south side of the sites to match with what the development already has and, then, continue using the metal picket fence or wrought iron fences, as Alan put it, along the north and along the -- the east -- or, sorry, the west sides of the site and so that would be the only difference from what we have submitted in the report. Other than that we agree. And the building materials on the

outside, we are updating those to remove the smooth face block and comply with that on both this northwest side and south side, so -- for the CZC. With that I would take any questions that the Commissioners have.

McCarvel: I do have one question. The staff mentioned that you were considering a chain link fence, so that's no longer part of your request at all, no chain link?

Gladics: Correct.

McCarvel: Okay.

Gladics: We have -- we have talked with the Police Department and Public Works and we -- we don't think that's the right thing to do and we would like to try to match with what the developer is doing, as well as provide the higher quality level at the front part of the station and use the picket fence as -- as described.

McCarvel: Thank you. Any other questions for staff or the applicant? Okay. Madam Clerk, do we have anyone signed up to testify on this application?

Weatherly: Madam Chair, we do not.

McCarvel: Okay. That being said is there anyone in the room or on Zoom that wishes to testify on this application? Okay. And I'm assuming you don't have any further comment then?

Yearsley: Madam Chair?

McCarvel: Oh. Commissioner Yearsley.

Yearsley: Can I ask a question?

McCarvel: Sure.

Yearsley: So, how come you don't want to use the wrought iron fence along the sidewalk piece of your property? Can I ask?

Gladics: That's along the border on the east side with Gander Creek?

Yearsley: Yeah.

Gladics: We would -- the -- actually one of the intents that the police had when we were originally planning it was to try to block out views into the backside of the police station for safety reasons and so after talking with them about not doing chain link fencing, the solid vinyl fencing actually fulfilled that purpose in keeping people from having visibility into their kind of operations area and their workout area and that was -- that was what we landed on thinking -- and our thinking that the vinyl fencing matching that would be the

best option.

Yearsley: Okay. Thank you.

McCarvel: Any other questions? Okay. With that can I get a motion to close the public hearing on H-2021-0078?

Seal: So moved.

Grove: Second.

Cassinelli: Second.

McCarvel: It's been moved and seconded to close the public hearing on H-2021-0078. All those in favor say aye. Opposed? Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

McCarvel: Any other thoughts, comments, or motions to be made?

Yearsley: Madam Chair?

McCarvel: Commissioner Yearsley.

Yearsley: Who doesn't like a police station and a fire station? No. I guess my only concern -- and, you know, if we are trying to make the -- the back area secure, I'm a little concerned about a -- how secure the -- a vinyl fence would be. I would actually more lean to -- if they were trying to make it more secured, allowing -- I know it's not popular, but the chain link fence, the option, but I will concede to the vinyl fence, but that was my only thought.

McCarvel: I guess my thought on that is probably moving more towards either vinyl or the wrought iron, but I can see their desire to have that a little more private back there.

Yearsley: Yeah.

McCarvel: So, I'm good with their proposed vinyl.

Yearsley: Madam Chair?

McCarvel: Commissioner Yearsley.

Yearsley: After considering all staff, applicant, and public testimony, I move to approve -- approve file number H-2021-0078 as presented in the staff report for the hearing date of December 2nd, 2021, with the following modification: That we allow the vinyl fence along the east side of the property.

Seal: Second.

Grove: Second.

McCarvel: It's been moved and seconded to recommend approval for H-2021-0078 with modifications. All those in favor say aye. Opposed? Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

3. Public Hearing Continued from November 18, 2021 for Lennon Pointe Community (H-2021-0071) by DG Group Architecture, PLLC, Located at 1515 W. Ustick Rd.

- A. Request: Annexation of 10.41 acres of land with a request for C-C (2.01 acres) and R-15 (8.3 acres) zoning districts.
- B. Request: Preliminary Plat consisting of 44 building lots (43 single-family residential and 1 multi-family residential), 1 commercial building lot, and 2 common lots on 8.8 acres of land in the proposed C-C and R-15 zoning districts.
- C. Request: A Conditional Use Permit for a multi-family development consisting of a total of 18 units on 1.18 acres in the proposed R-15 zoning district.

McCarvel: Next item on the agenda is an item continued from November 18th, H-2021-0071, Lennon Pointe Community and we will begin with the staff report.

Dodson: Thank you, Madam Chair. Appreciate the time tonight and mine will be a little longer than the previous. I apologize. But that's just my luck here. As noted this was continued from two weeks ago, because I apparently can't count lots anymore. I just missed one. So, I do apologize for that, but we are here tonight and we will be getting this forward -- moving forward here. As noted, this is for Lennon Pointe Community. The request before you tonight are annexation and zoning, preliminary plat, and a conditional use permit. A private street application was also submitted, but that is an administrative approval. The site consists of 8.8 acres of land currently zoned RUT, located at the southeast corner of Linder and Ustick Roads. There is no permit history or hearing level history with the city at this time. The future land use map designates this property as mixed use community, which allows residential dwellings at the density of six to 15 units per acre. The annexation and zoning of this property is requested for 10.41 acres, which as you can tell is quite larger than 8.8, but that's because we require zoning to go to the centerline and when we have two arterial streets abutting your site you tend to add quite a bit of area of zoning that doesn't match the plat. So, just to let you guys know that's where the discrepancy is. It has a request for C-C zoning and that's two acres and a request for R-15, which is 8.3 acres. The preliminary plat consists of 44 residential building lots, 43 single family and one multi-family lot. One commercial lot and two

common lots on 8.8 acres of land within those proposed zoning districts. The conditional use permit for multi-family development consists of a total of 18 units on 1.18 acres in the proposed R-15 zoning district. Again, the applicant did request private street approval. The director slash staff gave approval of this application, so there is no need for Commission to act on that. The subject site does have existing -- existing City of Meridian zoning in all directions as you can see on the map on the left-hand side here. The site is directly bordered to its north and west by arterial streets, Ustick and Linder to be specific. Development of the surrounding areas are still ongoing with detached single family to the east and south, which is part of the Creason Creek Subdivision. Multiple office buildings are being constructed to the north and the C-C parcel north of Ustick and there is existing C-C zoning and an ambulance service in the C-C zoning directly to the west and across Linder Road. In addition to the existing land uses around the property, the subject site contains two major waterways, which you can see a little better on this right-hand side map. We got this Kellogg Drain here and, then, I believe this is the Creason Lateral here. The -- almost the entire site is within some form of a floodplain. Flood way, floodplain, and flood zone. There is different ones. So, it is important that the applicant deal with the waterways on the site. The applicant is proposing to pipe the Kellogg Drain and reroute it along the south boundary or near the south boundary in order to make more area of the site usable, as well as provide adequate open space and pathways in the southwest corner of the site. The proposed land uses are attached single family, townhomes, multi-family residential, and commercial. So, you have attached single family, which is here. You have the multi-family and, then, you have townhomes, which are going to be three or more, which is these here and these here and, then, you also have -- I can't count again. I said three detached single family in my staff report, but I forgot that there is a fourth detached right here. It actually has multiple residential land uses on the proposed project. These land uses are consistent with those outlined in the mixed use community future land use designation definitions when they are properly integrated, both internally and externally to the site. Overall staff does find that the proposed site integrates with -- integrates the proposed uses in appropriate manners. Specifically, the applicant has proposed multi-family residential along Ustick, as well as the commercial buildings at the hard corner at Ustick and Linder. This, therefore, places the most intense uses closest to the arterial, which the comp plan talks about in multiple ways. Therefore, the single family uses are proposed on the remaining area of the site and makes up approximately 70 percent of the site area. The applicant is proposing the single family portion of the site as all two story, except for the six unit townhomes here and here. So, nine units of the 43 are three story, the others are all proposed as two story. In addition to the site design and proposed uses, a certain density is required to be met for the residential projects within the future land use designation and, again, that is six to 15 dwelling units per acre. The proposed project is shown -- or -- with the total units as proposed originally is shown as approximately 7.35 units per acre. So, it's a very low end of the MUC designation. Therefore, it meets this requirement. Overall staff does find the project is consistent with the comp plan and the future land use designation of mixed use community. However, staff does find that some revisions to the site plan should occur to offer a better transition from the existing single family to the east into the site. Specifically the height disparity between the proposed four story multi-family along Ustick and the proposal to have alley loaded homes along the east boundary. The

existing detached single family home in Creason Creek directly adjacent to the multi-family units is a single story home with a bonus room. Obviously, that next to four stories is a big disparity. Staff has called this out. Despite the separation and has proposed that the applicant basically take the top two units off directly adjacent to Creason Creek. Therefore, there would be -- it would be two story here and two story here and, then, jump up to four story for these. In response the applicant provided revised elevations that showed the loss of one unit adjacent to the east boundary, which makes between the four story and the property line approximately 46 feet of separation between the fence line and four stories. I will leave it to the Commission to determine if they want to stick with staff's recommendation and request that they take another unit or if they are okay with that or whatever you need to do with the multi-family. Staff does recommend that the units along the east boundary -- I guess my next point these units here, staff does recommend that these become front loaded, rather than alley loaded. Staff recommends -- I did not call this out in my staff report specifically in a condition, I called it out saying that I did not think they were going to meet the setbacks and they don't currently for an alley loaded property. They are not getting the, quote, unquote, front setback on the east side of the lots. I have discussed it with the applicant and we are in agreement that we should change these two front loaded and, then, move the property lines, because they technically are ending right up along the sidewalk back here. We would remove the sidewalk and extend the property lines to this boundary and this would become the rear yard and they have the front doors on the front side as normal, which would actually -- you know, they don't have to move the homes. They can if they need to, but they will be able to maintain the rear setback of R-15, which is 12 feet. Staff made this recommendation -- or is making this recommendation, because I believe that having it front loaded will have less of a nuisance and less noise than what is being proposed currently. Having that additional foot traffic on the east boundary I think would be more of an issue for existing residents to the east than having rear yards of single family homes. And, again, to note the applicant and I are in agreement with that change. At least we were yesterday, so -- the proposed residential uses are allowed uses within the R-15 zoning district. So, again, that's -- all of the different proposed uses for residential are allowed. The caveat to that is the multi-family, which is a conditional use, which is why we have a conditional use permit before you tonight. Future commercial uses will be analyzed with future applications submitted for that area. In regards to dimensional standards, the commercial lot meets all the required dimensional standards. But, again, when we get a certificate of zoning compliance and design review in at a later date staff will analyze that in more detail. Multi-family buildings meet all of these standards, except for the height. At least originally. The applicant did revise the elevations of these buildings and they now show compliance with the 40 foot height limit of the R-15 zoning district. The single family area of the site meets all dimensional standards, except for as I noted the east setback for those homes, as well as the center lot and the three-plex is not the minimum 2,000 square foot lot. I do have a condition of approval to correct that prior to Council in my staff report already. Multi-family conditional use is -- has specific use standards that they must comply with. Each multi-family unit is proposed as a two story, with the units on levels one and two differing from those on levels three and four. So, again, it's kind of a stacked product. That's why they are four stories. The lower units provide at least 132 square feet of private open space in the form of patios and the upper

units provide at least 251 square feet of private open space per unit in the form of private patios. This vastly exceeds the requirement in code for 80 square feet per unit of private open space. Each unit is proposed as being greater than 1,200 square feet. So, per the specific use standards 350 square feet per unit of common open space is also required to be provided. Based on the original number of 18 units that equates to 6,300 square feet of common open space that should be provided to meet the specific use standards for the multi-family product. Open space for the project overall is being shared and with that -- I will discuss that very shortly, but overall the proposed open space is in excess of code requirements for both portions of the project. Staff does not have any concern with that. For 18 units a minimum of two amenities from two categories within specific standards are required as well. That applicant is proposing a shared plaza here that has some public art, which meets both amenity requirements from the quality of life and open space categories. Therefore, staff does find that the proposed multi-family project meets the specific use standards outlined in the UDC. Now, to the open space for the project. A minimum of ten percent qualified open space meeting the standards in UDC 11-3G-3 is required for the -- for the single family and the multi-family at this point. Based on the proposed plat area of 8.75 acres, a minimum of .88 acres of qualified open space should be provided. According to the applicant the revised open space exhibit, approximately 1.64 acres of qualified open space is proposed, which is approximately 18.7 percent. The majority of this open space -- this qualified open space consists of this large open space area here, as well as the large MEW in the center of the development and half of the arterial street buffer, which is allowed to count per code. Staff finds that the proposed open space is adequate, both in the amounts and its placement to satisfy all code requirements. Based on the area of the plat a minimum of one qualified amenity is also required to be provided. The applicant has proposed three qualified amenities, which I would like to note is -- the applicant corrected being they were right. I stated in my staff report that the dog park is not qualifying, but it is, in fact, qualifying. I read code wrong and they are providing waste disposal stations, so they are allowed to have that qualify as an amenity. So, the three amenities that are being proposed are the dog park area, which is located here, a ten foot multi-use pathway segment and a children's play structure, which is shown here, and those are all qualifying amenities and exceed the minimum amount. The applicant is proposing pedestrian facilities throughout the entire site that include attached sidewalks along the public road here, micro paths and the multi-use pathway segment as discussed. All these facilities connect and integrate throughout the site as seen through the landscape plan here and going through the MEW along all the private streets, which are not required per the privacy standards. It will connect to the sidewalk along Linder and Ustick, which is existing, and, again, throughout the entire site. Overall staff is very appreciative of the proposed pedestrian circulation system within the site. The project also meets all off-street parking requirements per the submitted plans. However, future building permits for the single family will verify compliance with off-street parking standards based on the number of bedrooms per unit. So, each of those single family is shown with a two car garage and a parking pad, which will meet the parking requirements if they are four bedrooms or less. So, it is assumed that that's what they will have to do. Access for the site is a little complicated, so bear with me here. There is -- again there are arterial streets adjacent to the site. So, Linder Road on the west, Ustick Road in the north. Access from those sites are proposed via two driveway connections,

one to each. They have a driveway connection here and drive a connection here. The Ustick Road driveway connection will be limited to a right-in, right-out for ACHD. This one will be a full access as I -- the staff report notes a temporary full access because the access on the west side is a full access and if ACHD limits one they have to limit the other, so they have decided to leave this as a full access at this time. Sorry. ACHD did approve both of these access points through a review of a driveway analysis made by the applicant's traffic engineer. A TIS was not required because less than one hundred units were proposed with the project. The other public access points to the site are proposed at the -- this is a little easier -- at the northeast corner and the south, because they are extending the existing public roads. You have North Zion Park Avenue, I believe, from the south, which will, then, connect to West Pebblestone, if I'm not mistaken here. And this is a public road through the site. The applicant is proposing a private street through the west portion of the site, as noted, and has received administrative approval for that, so that starts here, winds around and goes here. So, this is also private, because it's -- technically a driveway access with the drive aisle for the multi-family and drive aisle for the commercial. This is all private slash commercial or multi-family drive aisle. But the official private street, which will be an easement, is -- starts here, winds through, and ends here. That -- the private street is proposed to be at least 26 feet wide, which exceeds minimum UDC requirements and it will be within a 30 foot easement on the plat. They -- the private street and the local street are acting as alleys for a majority of the units to make them a majority of alley loaded, which presents a new product type in the area of the city. Again, the private street meets all UDC requirements. The three detached homes in the southeast corner of the site are proposed with -- I'm sorry. The detached single family are proposed off of a common drive -- or at least two of them are and per code you cannot have more than four, so this, therefore, meets UDC standards as well. There was two at least as of probably 2:00 p.m. this afternoon there were a couple pieces of public testimony. One from John and Caryn Bitler. There is concerns of the type of residential units being proposed and the fact that they differ from Creason Creek to the east. Concerns over the inclusion of multi-family, especially considering the height, and overall just the high disparity of the proposed units proposed with those to the east and as usual development there was some concern with the increase of noise and traffic with additional units in the area. Olena and Eder Santana also stated very similar concerns regarding the proposed project. I will note there was also some discussion in the public comments about what was discussed by staff a few months ago and what was discussed at the neighborhood meeting does not align with what's being proposed and that does tend to happen. Some of the discussions I had with the applicant -- I have been working with the applicant on this probably all of 2021. I can't remember at this point. We had five pre-apps on this. We have worked very diligently on this project. So, the plan has definitely changed over the last ten months or so. So, it does happen. I just don't want the Commission or the public to think that there is any kind of bait and switch or anything changing, but those kinds of things do happen. But staff does recommend approval of the subject application per the conditions in my staff report and, again, I would like to ask that the Commission add one -- one more -- recommend one more recommendation, which would be for the -- to change the units on the east boundary. I noted it right before my bullet points on my outline. It should read similar to the applicant shall revise the site plan to show those units along the east boundary, Lots 1 through 12, Block 2, to be front

loaded units and remove the shared pedestrian access along the east boundary and revise the plat to show the property lines of these lots going and touching the east boundary of the site for the rear yards of the zone. So, along that I can make it prettier for the staff, but I need -- that would have to be part of the motion if you guys would like that and agree with staff, because I did not have a condition. After that I will stand for any questions.

McCarvel: Thank you. Would the applicant like to come forward?

Wheeler: Madam Chair, Members of the Commission, I will just upload my presentation here.

Dodson: I got it.

Wheeler: Oh, you got it?

Dodson: Yeah. You can't -- you can't do that. Just use the arrows. The mouse is real finicky, so I would just use the --

Wheeler: Got it.

Dodson: -- the arrow buttons.

Wheeler: Andrew Wheeler. 2923 North Arthur Circle, Boise, Idaho. 83702. Representing DG Group Architecture. And first I would like to thank staff for their diligence and efforts over the last year and a half. As Joe said, we have had five pre-apps and this has been a pretty complicated project and site to come to quality design solution and thank you all for your time and attention here to review the proposal. The site currently, as Joe mentioned, is a mixed use community zone, which is the -- which has the purpose of allocating areas where community serving uses and dwellings are seamlessly integrated into the urban fabric. As noted in the staff report comments, this site is proposed as a transitional density from the existing single family to the main arterial streets. It's a -- it's a prime opportunity to have that transition that culminates at that hard corner, which is surrounded by commercial currently. Is this picking up? Am I loud enough here?

McCarvel: Yeah. You got to get real close to it.

Wheeler: Okay. There we go. Over the past year and a half we have worked closely with staff to come up with a quality solution to the many development problems that this site has and we are excited to present with you -- to you Lennon Pointe, a mixed use community. This image is a site entrance. This would be coming into the site from West Pebblestone. This is the demarcation between the public road and the private. So, existing conditions. So, looking at the site overall at an aerial view of the site from the southeast corner at Linder and Ustick and this shows the network of local streets that connect to the site. You can see there is two connections to Ustick through this local

street network, as well as one in -- on Claire Street in the south there to Linder. So, there are other opportunities for traffic to reach those arterials, other than the ones directly adjacent to the site. North Zion to the south intersects the site and, then, West Pebblestone to the east. So, here is a survey of the site and this kind of shows the -- the challenges that Joe mentioned. So, the one main challenge is the Kellogg Drain. It really limited the development potential of this site. The site's sat there for a long time because no one's wanted to take on the challenge of how to figure it out. So, we were up for that. It also has the floodway on the southwest corner, which eats up a big portion of the site and, then, as well as the flood zone, which is about half to three-quarters of the site, so we plan on raising those pads to one foot above base flood elevation. Access to the site, as Joe went through with -- on Linder and Ustick is a little complicated to make sure that, you know, we were in compliance with ACHD. We are utilizing the existing curb cuts to provide that access and as well as bringing through that local road, which was a big design factor. The single family to the east is a critical part of this project and so we took steps to mitigate that and provide a lifetime product adjacent to the current two story and one story plus bonus on that eastern side. There is some imagery -- imagery of the existing site. This is the existing curb cut on Linder looking north. The site is to the right. Here is the connection from the Creason Lateral to the Five Mile Drain and another vision of that. That's the Creason Lateral. So, this is looking southeast. This is the Five Mile Drain culvert. This is looking south and that's the existing single family in the far distance and this is on North Zion Park Avenue looking north and, then, looking -- looking east and you can see there are two story and one and bonus room single family and also to note - - we will get into this -- the grade elevation is three foot higher on the existing single family than our proposed pads. Here is what that community current look -- currently looks like on Tumble Creek and Northwest 13th Street and this is West Pebblestone looking west that dead ends into the site currently. Here is a vision -- or an image showing that discrepancy of grade elevation of three feet higher. This is the existing single family on the northeast corner adjacent to that multi-family project and, then, this is the curb cut on Ustick looking east as well. So, site design. So, to dive into this, you know, the requirement for mixed use community and three product types, so we are proposing -- proposing the community commercial on the upper left, the multi-family upper right and the single family in the -- the main part of the site. A lot of the challenges that really drove the site -- one was extending the public road and, you know, that dictated where our driveways needed to be in and part and parcel to, you know, where the homes would be and how much distance we had between lots, as well as the floodway and flood zone areas. So, the floodway in the southwest -- so, you can see that area marked there and, then, the Kellogg Drain. So, the red is showing where we would reroute that drain underneath the hard pipe with the same outlet discharge location that it currently is at. So, we are utilizing the nonbuildable land to move that -- that drain and provide a pedestrian amenity in that same location. Arterial street access utilizing the existing curb cuts as mentioned earlier on Ustick and Linder. And let me go back into this. So, the community building -- or the commercial, excuse me, is, you know, pushing that building to the hard corner to buffer the views of the parking, as well as provide two driveways -- drive-throughs for that future use and, then, the other commercial building is adjacent to the hardscape and public art to provide that additional revenue for a commercial use and residents. The amenities, as Joe mentioned, are the public plaza and the art and, then,

that ten foot pathway in the lower left and the tot lot, as well as the dog park. The MEW throughout the center was critical to -- and we went through alley -- two alley load designs to have, you know, porches on the front, eyes on the street, have that community feel and be able to not just have -- be driveways and cars, you know, all throughout the whole site. It's unavoidable to have a complete -- it's unavoidable to have it completely throughout the site, but we did our best to, you know, try to provide that front porch feel. This shows the public -- shows the public road. Everything else would be private. And, then, the pathway plan -- this shows it a little clearer without the Kellogg Drain, the pathways throughout the entire site, so there is great connectivity through the hardscape plaza to the lower southwest path -- ten foot pathway required by the Parks Department that would connect to the existing Creason Creek pathway of Creason Creek Subdivision Two to the south. That needs to shift over west a little bit, which is a detail that we are working out. Here is the open space exhibit that highlights what we are counting as open space. 44,415 square feet required and we are providing 71,458. Here is a parking plan. This shows that in the upper left, the commercial, there is -- for 500 square foot per stall. Requires 24 stalls. We are providing 25. In the upper right on site B the orange would be surface parking, as well as three on-street parking stalls and, then, the blue is two car garages. Required are 30 -- 36 required and we are -- we are providing 44. In the single family there is 177 required and we are providing 201 and the yellow is on-street guest parking with -- the driveways that are in dark grey would be two car driveways and, then, two car garages. So, four cars per lot. This is a rendered vision of the top down view of that. So, building design, the commercial -- commercial buildings are modern in nature. We don't have a tenant for those yet, but the intent is that they have a modern aesthetic, CMU block, metal panel, concrete. This would be building the larger one on the corner and, then, this is the smaller one, which possibly a sandwich shop, something that's going to serve a use adjacent to that hardscape plaza. Similar materials. And you can see those on the right here with the TPO roofs and, then, again, a view here and there is a few other views. So, this is showing that plaza with the public art and a future commercial use and, then, that MEW to the left. Building A, the multi-family building, so this would be -- this is level one and two. This would be one unit. Stairs are not shown in here. They should be. But it would be accessed from the garage direct into the unit and, then, this would be levels three and four and due to the height limit we have more of a loft situation to that fourth level and, then, you can see on the right we are dropping -- we are losing a unit to address the single family to the east. Here are a couple of elevations of those. On that bottom left image you can see that step. And here is a section kind of showing the design of that and those stacked units and as well as -- you know, it opened up an opportunity to bring in daylight to that upper unit, provide higher ceilings, more robust unit, and a quality of space and that -- those upper units. So, here is showing an example of the two story versus the four story. You can see that it's about 43, 44 feet from the property line to the four story is what we are proposing. The 22 foot -- the small portion of the stair tower is 22 foot tall. But, again, the grade is three foot taller on the residential side existing, so that's actual 19 feet from relative to the adjacent single family and, then, we are 19 foot four to the two story from the property line of a majority part of that -- our eastern unit. So, here is the -- that shows those grades. We are 2,572 for our finished floor and the existing of that homes at 2,575. And that's what that looks like currently -- in the current design. The same -- same look and feel, just stepping it down to address

that two story unit to the east. Here is another view. This is heading into -- in -- heading west on Pebblestone -- West Pebblestone. That was Building A to your right. And, then, another view looking at that right-in, right-out on Ustick. This building is Building B on the site, which is located facing outward onto Linder facing west. Again, we wanted porches and front doors to face Linder, rather than having garages face Linder and having that aesthetic as you are driving down there. It is a three story product, level -- one story is the garage level adjacent to the street and, then, stepping up with board batten, traditional gable and horizontal siding and stone. That's what that looks like there facing Linder. This is the other three story product of a three unit building. Same materials, same design aesthetic, and this is looking at that pedestrian path connection and that's the Building C to the right and you can see it -- kind of the right middle there as well. Yeah. So, the main majority of the two unit single families -- we wanted to have some variety, so we did a D-1 and a D-2. This is calling it Building D. The main differences in those -- and you can look at the top two images. We have a shed dormer on the -- this thing skipped over. So, the D-1 we have a gable on the -- the main center portion and, then, a hip roof on the garage portion and, then, that flips to a shed dormer and a gable. So, what that ends up looking like is a variety of housing types through the area and this is that -- a view through the MEW and this is a view at that ground level with four foot vinyl fences, wrought iron gates to kind of provide privacy, but keep eyes over the fence and provide connection with neighbors and people living in the area. Here is a view looking at the hip roof of the garages versus the gable. That, again, provides a differentiation between that street. So, they are all -- they are all not the same and, then, we have a single family product, the three units to the southeast corner, which is there on the right and that's the dog park straight ahead. So, there would be the dog park stepping out of one of those single family units and that shows the single family units to the left. At the neighborhood meeting a couple concerns that were brought up that Joe mentioned. Mostly it's the four story unit at the -- four story Building A and, then, the two story adjacent townhomes and, you know, when you -- we have a similar issue here as we do on Building A with the grade differential. There is 2,575 at the grade and that's not even at the building pad of the existing home. So, likely the pad is another foot higher or a little bit higher, about 2,575. Our finished floor pads are 2,572. So, when you look at that in section -- this is a section through one of the dormer -- shed dormer models, the grade raises at the -- the right side and -- so, the overall height is of, you know, 19 feet to the -- the eave would actually be 16 feet relative to the eastern homes. So, that's what that looks like in the east side of the property and this is a view on the south looking north. This is the west side looking east. And, finally, the north side looking south. And with that I will open it for questions.

McCarvel: Okay. Thank you. Do you have any questions for staff or the applicant?

Cassinelli: Madam Chair?

McCarvel: Commissioner Cassinelli.

Cassinelli: Is the -- Andrew, the commercial, is that all single level?

Wheeler: Yeah. Ten, 12 foot. I mean it's going to be -- you know, depending on the user

that goes in there, but, you know, possibly 15 feet. No more than -- not -- not a two story.

Cassinelli: Did you -- and another question is did you look at putting similar three story product on the north side there against -- against Ustick that's over to Linder?

Wheeler: We did. The original intent was to have a larger two -- two story and, then, a step back fourth story and have a larger patio, you know, enhanced views of the mountains out there and, then, having a nice community area or private open space. With the 40 foot height limit that became a challenge to be able to make that work and so we ended up going with the -- with the square footage of the units needing to be at a certain mark. That's why we have the two stacked. So, if we do two stacked and two stacked you get to the fourth. We didn't explore a three story option in detail.

Cassinelli: So, you didn't look at putting a similar -- similar units that are on the -- that are fronting Linder to the north side?

Wheeler: We did not. You know, in the -- in the spirit of mixed use community and density, being that this is the arterial of Ustick and close to Linder, the whole area being community commercial zoned, we felt it was appropriate to have a different aesthetic that kind of matches the modern aesthetic of the commercial that transitions into the residential.

Cassinelli: Okay. Thank you.

McCarvel: Any other questions for staff or the applicant? Okay. Madam Clerk, do we have anybody signed up to testify on this application?

Weatherly: Madam Chair, we had one person sign in, but not indicating a wish to testify.

McCarvel: And with that I'm assuming the applicant has no further comments, since there is -- oh, sorry. Forgot about that. Anybody in the room that wishes to testify that did not sign up? Come forward. Pardon me? That's fine. You are here. Come on up. Okay. Please state your name and address for the record and you have -- the timer is on the screen there. You have three minutes.

Bitler: My name is Caryn Bitler. My address is 3055 Northwest 13th Street, Meridian, Idaho. 83646.

Yearsley: Can you pull the mic -- there you go.

Bitler: I don't know why I thought I should do that. Okay. So, to keep me focused and centered, I'm just going to read my e-mail, because I can go off on tangents and I don't want to do that. Okay? So, what I wrote to you guys was: Dear Planning Commission and city staff. We are concerned with the proposed development at 1515 West Ustick Road in Meridian. We understand the land consisting of eight acres has been slated for multi-use development since 2005 with designated commercial area, road entrances and

exits, having already been discussed with Fire and Police Departments for their use. We ask that you consider multi-use development in the form of designating single family detached homes for the housing portion of the development, which will best blend with our Creason Creek and surrounding communities. We are California transplants -- from New York originally, so don't hold it against me. So, we followed our family members that moved up here and they are longtime residents of the area to Boise and Meridian. Decide -- we decided to invest our hard earned money for a very nice, comfortable home in the community of Creason Creek. We were very involved with politics in California and now we are proudly registered voters with our new community of Meridian. We are very concerned about the property along Ustick Road being transferred into multi-family dwellings that will decrease our home values, thus impacting our family wealth and retirement. We request that you consider your decision to support the housing portion of this development for construction of only single family detached homes. This provides a more unified, seamless corridor and environment consistent with our community and the surrounding communities. Even as you consider density requirements for this development, it could be achieved with a proposal of six detached single family homes per acre. There is 43 by 60 square feet in an acre. So, you figure if you have six that's a little over 7,000 square foot lots for the homes. This compromise seems reasonably doable for our community. We request -- as we discuss with our community this pending development several families have decided to sell their homes instead of fight and we believe this will change our community forever. We are losing good neighbors. The proposed units we were told were ten feet from our backyard with the front doors facing us. That's not good. The builder said they would plant numerous trees -- my only question is how many acres are they building on? I know that's like an eight and a half to ten foot acre, because when I figured out what townhomes are going for now, new ones, they are going maybe in the high three hundreds and that's an overestimate. So, if you do 43 townhomes and also the apartments, the condos that they are proposing -- so, it would be more and times -- times 400,000 that's 17.2 million. If you are going to do houses -- our house is -- I mean houses are going for like 700,000 now and so if they do like 25, 30 houses instead, they are going to make more money. Thank you.

McCarvel: Thank you. Anyone else wish to testify? Certainly. Please state your name and address for the record.

Stinette: Pamela Stinette and it's 3036 Northwest 13th Street. Meridian.

McCarvel: Okay. You need to step close to the mic. You can push it up.

Stinette: Oh, I can. Okay. I'm taller than she is. It's Pamela Stinette and my address is 3036 Northwest 13th Street, Meridian, Idaho. 83646. And along with their concerns, I'm not directly impacted by neighbors looking into my backyard, so I don't have that same issue personally, although I understand for all the people that live across the street from me they are having -- going to have to deal with the same thing and I think that's a horrible thing for them. But my issues are not only is this development going in, but on the other side of Linder there is another development going in and so the traffic is going to be horrible. People trying to get out of the new neighborhood that you proposed, one of the

problems is that there is going to be a lot of people -- fast food and everything that's going in there, too, and also people trying to get out of that little development coming out on Pebblestone, driving 55 miles an hour to get to work. Already it takes me often where I -- where I use to be able to get out on the street right away, I have to sit there and so it slows me down, so I have to leave 15 minutes earlier every day. So, I'm just worried about the amount of traffic. Also the houses that are on Pebblestone have a lot of little children and so if people are hurrying trying to get to work, trying to compete with our traffic already, that is going to be dangerous. So, at least they should have speed bumps, if nothing else. If -- you know, overall I think there is way too much of a population going into that small segment, because it really isn't that big of a space and I think it's going to impact us terribly traffic wise, people walking to the park in larger numbers because of that many people there and so it's really going to impact us as far as getting in and out of the community. Also as Caryn mentioned, it really will also impact our home pricing. Even the construction of it, because nobody's going to be able to really sell their house for what it's worth during the construction phase with the trucks and everything and, you know, knowing it's going to be a combination of housing that -- you know, it's -- it's a mixed use you have different levels of housing and I think that's really going to impact the sales anyway. But even from the time of the -- you know, the -- the building portion is -- because that doesn't happen very quickly either. So, I'm concerned about the value of our homes, the quality of our lives, and the amount of people driving fast in the whole area, making it more difficult for us to go use the parks or for us to drive to go to work or for us to pick up our children easily from the schools and the impact it's going to have on the schools, too, because there is going to be a lot of children that they are going to need to put into the schools that they can't seem to build the schools fast enough to accommodate everybody. So, that's basically the main points that I have.

McCarvel: Okay. Thank you.

Stinette: Thank you.

McCarvel: Anyone else wish to testify?

Santana: Hello.

McCarvel: Hi.

Santana: My name is Olena Santana and my address is 3075 Northwest 13th Street. My concerns is -- actually is the biggest question even for you. Would you -- would like to lose the privacy of your backyard and somebody -- it's like that when we bought that property we were told never going to be developed to anything from a backyard. We have right now a beautiful view and our trees are basically our privacy. So, my concern is, you know, the amount of people in that corner and you just basically never will have your little oasis. So, that's the biggest concern I have and the traffic is going to be out of control, because development is across the street, down the street, and, you know, if we have a single family development there it will be maybe more manageable, but multi-family it's really a huge concern for me. Thank you.

McCarvel: Thank you.

Shanaberger: Hi. I'm Shelby Shanaberger. The address 3072 Northwest 13th Street. I guess the -- going last is going to sound kind of like an echo, but, basically, our concern was the same as everybody else's is. We are just worried about the traffic. I have my little one there and we see the speeders and we see the people coming through and I see the construction and it's just concerning to us. Getting out on Ustick alone right now is horrible. So, I was just wondering if there is going to be consideration of a light going in there at all just to get out. Also if they punch through there it's just going to be -- the people that live there, people are going to be driving through there -- basically for driveways, just -- and for my neighbors across the street, just having people constantly looking in their backyard. I think that the -- the proposed single family to be a better option and I just would be concerned about the traffic very much for the kids, because we already are dealing with speeders. So, if there is a way to get around that I think that that should be considered for the safety of our neighborhood, as well that we came into and proposed as someone else's oasis and someone else's neighborhood. Well, this is ours that we live in now and we don't really want people looking in on our backyards and looking in and having their wonderful views and ours is taken away from us. Thank you.

Simison: Thank you.

J.Bitler: Good evening. My name is John Bitler. I live at 3055 Northwest 13th Street. As a homeowner that has a backyard directly facing the proposed townhomes, we are concerned that the townhomes are going to be right on top of us with a setback of only 12 feet. That's from here -- from me to you. They are going to be right on top of our backyards. It's going to affect our privacy, view, and property value. We just landscaped our backyard and I don't want to go outside and sit outside and have somebody, you know, look into our yard. I propose for the townhomes facing all the homes on 13th Street west, maybe do a one story townhome. A lot of people don't want to have a two story townhome, they just want single family -- or single floor living. So, maybe that can be taken into consideration. With the traffic, just with our four homes on our side there is ten children living there. They are always playing in the street, riding bikes. You know, just don't want to see anyone get hit. We just urge you to consider maybe putting some single family homes in there just to go with the neighborhood. I know they have done a lot of work to add townhomes, but as a citizen -- sorry. It's just -- it's a lot. At least -- if you are proposing townhomes at least on our side of 13th Street just maybe make them single family -- or single level townhomes and that won't impact the homeowners on 13th Street as much. So, thank you.

McCarvel: Thank you. Anyone else in the room that would like to --

Reams: My name is Patrick Reams. 11844 Chinden Ridge Drive, Boise, Idaho. These are tough projects. I understand the position that you guys are in, especially what we just heard and I'm -- I'm for the applicant. I represent descendants of the landowners. I just want you to see a different perspective and maybe others. The descendants have had this property in their family for quite some time. They came to us about three or four years

ago with a challenge that nothing can get done. They have just been working with developers, it's fell out of contract multiple times since the last downturn. It's been going on for about 12 years. So, it's been a rough -- this gentleman over here has been working with the planner Andrew and the builder that's putting, you know, his interest on this thing and trying to get it to where -- something that would fit. It's -- I have seen multi-family lock up. I have seen all kinds of different mixed use, which has been a lot of ideas. I will have to tell you that -- that drain, that open -- you know, the Creason Lateral, all that, is a big problem. They resolved it. We are happy about that. It seems like ACHD is, you know, behind the traffic situation. I think the setbacks are -- I heard 15 feet. I think it's actually 18 to the building, but with two story and three story across the street. That's all been discussed. But if there is something that we can compromise, I think that there is some -- there is some areas that could still be worked out, but it -- the biggest issue for the seller and for the -- the developer that's moving in is to make it fit and that's the challenge and I have -- I have seen a lot of guys walk from this project. I just want to see something happen and I think the Simmons deserve that and it's a long time coming. So, with that, you know, I hope you guys make the decision here.

McCarvel: Thank you. Anybody else wish to testify?

Leach: Hi. I'm Jordan Leach. I live at 3039 Northwest 13th. I do think it's sad that we have to feel like we have to develop all of our rural farming areas just because they are there, but some of my concerns -- the traffic studies are from 2018, which doesn't reflect the amount of traffic that we have now, because there has been a lot of development since then and the other traffic study was done during 2020, which we know people were commuting less, not -- we don't have the school traffic as much during that time. The two roads going out of the community onto Ustick Road are already used by many houses. I don't know how many rental -- residential houses there, but it's kind of a mix of like three or four different neighborhoods already using those roads. Also I think that the idea that a three bedroom apartment only needs two parking spaces and one guest spot for every ten apartments just isn't realistic with our current rental market. I think the way that rental prices are compared to wages -- a lot of people have multiple families living in one apartment, maybe three or four adults. So, I think that's something that needs to be taken into account and that's it. Thanks so much.

McCarvel: Anybody else? Would the applicant like to come back?

Wheeler: Well, thank you for all -- everyone speaking. It's good to hear everyone's perspective and, you know, it is a challenging situation and so -- and we are very mindful, hence, why we have gone through five pre-apps to find a solution that fits -- that fits this site. To kind of piggyback off of what Pat was saying, you know, we did look at three story walk up and multiple different iterations, locations. The City of Meridian was opposed to that for -- out -- out of the gate and wanted to see a lower dense product, which is what we provide and also mentioned the density at 7.15, I believe between a range of six and eight, so we are -- we are not pushing the density of the site. A lot of that, obviously, has to do with the Kellogg Drain, the floodway, and those kind of requirements. Now, to mention a couple things that were talked about and kind of dive

into those. There was a lot of talk of existing single family and this only being single family one level, there is existing two story that we saw in those images that are in that Creason Creek Subdivision and plus single story plus a bonus room. So, it's -- we are not building up against a bunch of existing single family one story homes, there is two story homes already there. In the request for a single family detached, our community -- our community needs housing. In the last -- first that we heard providing detached single family everywhere -- I mean this is where development should go. It's where the services are. I mean if we put detached single family and spread it all over that's a burden on the city, it's a burden on police, it's a burden on fire. I mean development needs to go somewhere and on the hard corner that's already zoned community commercial all around it, to me as an urban planner and an urban plan designer, it makes sense that this is where that goes. On -- as far as losing good neighbors, well, there is also a lot more great neighbors that could come in. So, I would like to just make that point. In regards to the 17 million in profit and, you know, some of the numbers that were spoken about, I mean we -- there -- that doesn't even take into consideration any cost of the land, any cost of the construction. That's not -- this isn't a money grab. I mean, yes, people are in this industry to make a living and we are not hiding that, but it's not to just pack as many units and I hope that the Commission can see that by the efforts and the year and a half we have taken to plan a quality project. It was also mentioned out of state. I, myself, am a local here in Boise and, you know, my personal mission is to design quality spaces, to make sure that land like this gets developed in a proper way and talking on the traffic increase -- and I can pull up my slide if I need to, but I showed that slide that had the interconnected local streets. There are two access points onto Ustick and there is one access on McClaire Avenue onto Linder, so it's not that every car in this development is going to be coming out onto the nearest Northwest 12th onto Ustick. There is multiple ways to get around that. Not to mention the private drive by the multi-family directly right-in, right-out onto Ustick, as well as the access point that we are providing onto Linder. School capacity. I would like to note that in the school's staff report they approved this project. They said that they -- while it is tight there is capacity at some of the middle schools and elementary schools. I believe the middle school was at capacity, but they are -- they approved that knowing that they can meet the demand of -- I believe it was 32 students is what that staff report said. Privacy on the eastern backyards. That's certainly a big issue and one that most people here are concerned about. We do provide currently a 40 foot minimum height shade -- shade with Honeylocust. That was something that's in the landscape plan now. Originally in the current design we had that pathway with a ten foot wide utility easement that has an irrigation line to provide adequate maintenance for the -- for that landscaping for that purpose. We are open to doing an HOA requirement or something to have minimum amount of landscaping or a type of landscaping to provide additional trees and buffers on that eastern side, which I think could be a good solution to -- to make sure that people are protected and they are screening there, because I -- and I also agree with that. I also note, too, in the design there is -- it's got patios on each side and, then, there is a gable roof in the middle. So, the corners of those buildings are at a two story deck. There is not a roof or windows, you know, over there, so the overall mass is reduced and that was one of the reasons why it's designed that way. Setbacks that were mentioned. They were 12 feet. That would be the actual setback to an invisible line that doesn't mean anything, other than to the plat and planners, but the actual building

is 18 feet setback. So, that is much greater than 12 feet and, again, just to reiterate the developing rural areas. I mean development is coming and we need to provide housing and I think we all know that and can appreciate that and we are trying to put that in a quality area that's going to put the least amount of burden on the city and provide the most interactive community that we can that supports the City of Meridian planning goals and provides a quality design. That's all I got.

McCarvel: Okay. Any questions for the applicant?

Seal: Madam Chair?

McCarvel: Oh, sir. Come back. Commissioner Seal.

Seal: Yeah. Just -- so, multi-family there is -- you have garages at the lower level; is that correct?

Wheeler: Correct.

Seal: That -- we seem to be having issues with that and especially as it pertains to parking, so we ask this question to everybody that has multi-family with garages is how are you going to ensure that people are parking their cars in there and not using it for storage and parking elsewhere?

Wheeler: Yeah. And that has certainly come up on other projects I have worked on. One, having windows in the garages for one, so there can be a maintenance officer on the site that can inspect those garages and make sure that there aren't -- you know, looking in there to make sure there aren't just, you know, boxes, that people are actually parking there that is part of the HOA. You know, not an invasion of privacy, but, you know, a maintenance to have the site function as its intended to function.

Seal: Okay. Next question is the -- the ten foot path that you have running up by the lateral there, would -- would you be amenable to extending that up to the corner of Linder and Ustick to kind of match up what's on the -- kind of kitty corner from that? There is a really nice bike path that runs through there and, then, that can be crossed and provide really good access to the park without having to hit a roadway, other than going across the sidewalks.

Wheeler: Yeah. Can we pull up that presentation again, Joe? We need to look at a visual here to better understand. Okay. So, we are looking at the ten foot path and you are -- you are asking if we could extend it on the west side of that private drive parallel with Linder?

Seal: Correct. It would just basically follow Linder up to the corner, because, again, on a -- I mean on the opposite corner Linder and Ustick there is a pathway that starts there, a ten foot pathway that carries you through and it's really a nice amenity and to have it extend over here would, basically, allow people to drop right down into the park and stay

off the roads.

Wheeler: Separate from the sidewalks existing --

Seal: Correct.

Wheeler: Yeah. I don't see an issue with that. I mean currently that's the Kellogg Drain easement as it is. That would impact a little bit the landscape buffer there, but a good tradeoff I would say.

Seal: On the -- sorry. I got a lot of questions.

Wheeler: That's why I walked away so soon.

Seal: That's okay. The -- the dog park I noticed that's on the common drive right in front of one of the properties that's on that common drive. You might want to consider moving that somewhere. Even with clean -- clean-up facilities and things like that it still smells like a dog park, so I think the -- the resident that's going to be in that place off the common drive right by the dog park is -- unless they are really really dog people are probably not going to be very happy with having that right in front of them and I'm not against dog parks, I love dogs, but just might want to consider putting that somewhere where it's not as close to a residence, especially one that's kind of boxed in right there on that common drive.

Wheeler: Yeah. And we are working with Nampa-Meridian Irrigation District on, you know, their approvals and they are on board with this plan. They had a couple comments about moving landscaping that was in some of their easements, so possibly we could put that into that -- those easements and make that a part -- because we need to fence off that Creason Lateral with a wrought iron fence anyways and so if we could incorporate that somehow and I think that could be a good solution to move it to the southwest.

Seal: Okay. Last question is just on the four story, especially where it's right up against that house. I mean for good or bad just it -- that part just doesn't mesh very well where you have the -- the four story up there against it in my mind anyway. I mean have you looked into -- I think Commissioner Cassinelli asked early on if there is -- like a three story option or an option to basically drop that down over there, because it's -- to me four stories seems too high in general, especially when we are right up against that house over there. I mean if this were positioned somewhere else, you know, even over off of Linder or something like that, I think it would be less of an issue, but that's a -- that's a pretty hard transition right there. I mean as a for instance, if you flip that sideways, run it north to south, basically, we would be saying that's not a good transition, but the fact that there is only one house there is probably why staff, I would imagine, is even willing to work with it.

Wheeler: Yeah. It -- actually that neighbor came out to the neighborhood meeting and he wasn't as opposed as I assumed he would be. He wanted larger trees and there is an

existing willow that he wanted to maintain. I talked with our landscape architect on that is -- is that the right, you know, type of tree for screening and longevity, but -- so, he -- he just wants to be screened, you know, from it and to me this solves his problem and where -- with the three foot grade differential and we are at 22 feet, so we are really at 19 feet when -- you know, his roof is higher than that. Also mentioned that windows could be removed on that taller four story unit, those two windows, to provide no windows on that side if that would be a -- help to -- from a visual privacy perspective. We can certainly explore other options. I do believe that an urban core wants more density and wants to feel more urban, which is, again, kind of why we went with this design aesthetic and going with the four stories, but we are open to exploring options.

Seal: Okay. Thank you.

McCarvel: Any other questions for the applicant?

Dodson: Madam Chair?

McCarvel: Yes, Joe.

Dodson: I just did -- I want to note about the -- Commissioner Seal, your question about the pathway. There is existing sidewalk, which is shown on the master pathways plan as a -- what do they call it -- an alternative -- like -- it's in purple. I can't remember what the pathways coordinator calls it, but it's -- it's -- it's an on-street, you know, pathway technically. I don't know how ACHD and the pathways coordinator would feel about extending the ten foot in addition to it? I don't know how they would feel about that. So, if you make a motion to do that, to have that revision, just, please, give us some flexibility to work with ACHD and our pathways coordinator to work that out.

Seal: Appreciate that. And it's more of a suggestion and in -- I don't think it's anything that I would put in a motion, it's just something that I know of the area, I live in that area, I ride that bike path all the time. I go to the park there. So, to me that's just a -- you know, would be a good transition if that was something that could happen and there is kind of a template for it right on the other side of the road, because they provide the sidewalk and the ten foot path already.

Dodson: Understood.

Seal: More of a suggestion.

Wheeler: Yeah. I would agree.

Dodson: Thank you.

McCarvel: Any other questions?

Grove: Madam Chair?

McCarvel: Commissioner Grove.

Grove: With the commercial that's in the northwest corner, what is the primary purpose of that in terms of what type of commercial are you going to be targeting for that space?

Wheeler: For a while, you know, in the pre-app meeting, one through three, it was a gas station is what we were looking at putting in there, but that idea has been revoked for floodplain issues and also something that is a little more community based. So, possibly could be providing two drive-through lanes. I mean it could be a pharmacy, it could be a bank, it could be, you know, ICC credit union. I'm not going to name -- we are not -- yeah. It could be anything of that nature, I guess, that -- that has the drive-through requirement and then -- which is why the 9,000 square foot building has that and, then, the 3,000 square foot, you know, we vision more of a Jimmy John's, a sandwich shop, I mean it could be any kind of -- something that's -- an ice cream parlor or -- or that could also be to 1,500 square foot units that's, you know, tenant improvements and adjacent to that plaza.

Grove: Okay. Thanks. I was just curious if it was going to end up leaning more like office or retail and that answered my question, so thank you.

McCarvel: Okay. And I have a question while this picture is up here. This is the -- the sidewalk there that's going between -- right by the fence and that row of trees there, that's the sidewalk that you are thinking about losing -- no?

Wheeler: Oh, yeah. Yeah. To the left. Yeah. Yes.

McCarvel: Yeah. That -- right along there. So, that sidewalk will no longer be there and, then, those townhomes are going to be loaded the other way; right?

Wheeler: Right. So, the design of those will change to provide more of an entry point. You know, as they are now there is not really a front door that kind of shows front door. I mean you are still going to have a garage and, then, a front door around -- around the garage.

McCarvel: Right.

Wheeler: But there will be some design changes. That was done in order to provide a little bit -- that same community feel and having people -- a feeling of walking up to your front door --

McCarvel: Right.

Wheeler: -- and connected throughout -- that path connected to the dog park and throughout the whole site, but I --

McCarvel: It would be more backdoor kind of atmosphere now.

Wheeler: It would be private backyard.

McCarvel: Right.

Wheeler: Yeah.

McCarvel: Backyards meeting up to backyards for the single family homes.

Wheeler: Correct.

McCarvel: Okay.

Wheeler: With the building staying in the same location, so that it provides that --

McCarvel: Okay.

Wheeler: If I could go to that section real quick just to verify the distances there. Yeah. So, if the -- you know, we are at 17 foot ten to the front wall and, then, the patio is inset over 20 foot to that deck. So, you are 20 foot ten inches -- almost 21 feet if you are standing on that level two deck from the property line.

McCarvel: Okay. And I think -- one other question -- I think staff had recommended on that multi-family unit doing two units, instead of the one, as a -- as a transition, losing that second -- the third and fourth story on more than just the one unit; correct?

Wheeler: Yeah. That was a great recommendation as we were -- originally it was, you know -- yeah, we lost the one unit. They are recommending two. In conversation with Joe, their recommendation was to lose the other four story units. So, you would have two two stories. I would almost advocate for losing the ground floor unit here and putting in some type of additional community amenity or a public open space plaza type areas, some benches, that type of thing. I think from -- rather than having two flats -- and I think just aesthetically the backs of the building would -- would be better and provide a -- a community asset, rather than looking over TPO roof or, you know, that kind of thing when you are in that other unit that pops up to the fourth floor. Oh. Sorry. Yeah. So, rather than looking at TPO roofing, if you are in that unit that pops up to the fourth floor and, you know, you have 50 feet of roofing that you are -- it's not that aesthetically pleasing.

McCarvel: Okay. Any other questions for staff or the applicant? Okay.

Cassinelli: Madam Chair?

McCarvel: Oh. Commissioner Seal -- or, sorry, Commissioner Cassinelli.

Cassinelli: Either Andrew or -- or Joe, if you can take a crack at this one. On the -- the commercial -- if we can -- I don't know if we can get a slide up of the -- just that commercial.

Wheeler: The site plan?

Cassinelli: The -- so, right now the -- the entry off of Linder is open right now, but in the future that will be right-in, right-out; is that correct?

Dodson: Per ACHD it is a temporary full access, so I think -- because of the use on the west side I don't think there is a timeline for ACHD to restrict it, but, yes, eventually, it probably will be limited to right-in, right-out.

Cassinelli: So, I'm -- my question, concern is -- is having that -- you know, from -- with regards to the commercial up there, in looking at the traffic flow that's going to -- that's going to force -- I guess that's going to force things through that other private drive into that commercial. It's going to -- it's going to impact that commercial -- not positively down the road when that is -- you know, looking at that, did you look at the potential impacts to that commercial when that -- and that may not happen for ten years, 15 years, who knows when ACHD does that, but at some point in time they will do that and what is that going to do to the commercial, is that going to wind up being -- nobody's going to want that and it's going to be vacant forever, because you just can't access it?

Dodson: Commissioner Cassinelli, that's a great question and, unfortunately, that is driven vastly more by ACHD and part of why we and ACHD especially said no to a gas station and convenience store was access -- is the -- the requirement to have access points closer to that busy intersection and it's already fully improved to its width was just a no go. It just is not going to happen. The existing curb cut on Linder is 360 feet from that intersection already, so they are meeting all the requirements that they can meet. I don't think ACHD will allow anything closer, to be honest. Maybe the one on Linder a little closer, but I believe there is a right-hand turn lane pretty soon you can see kind of on here. You have the edge of pavement. I think that's because there is a right-hand turn lane here. I -- I would hope it wouldn't limit the viability. I think that that's why they have proposed the uses -- or the building types that they have. You know, if you put a bank on the corner it would be nice to hold the corner and generally you don't need a ton of in and out traffic for that, you know, you use it when you need it and, then, they propose the smaller commercial building to have more of a presence for the existing residences. So, hopefully, it will pick up trips from internal to this community, as well as Creason Creek and those others to the east, which I didn't discuss that as much in my staff report, but that is something I do really appreciate, because it really meets a lot of the mixed use points. I know it's a long winded answer there, but I -- I'm not too concerned with it, because you have that access off of Ustick and you have the access off of Linder both with pretty straight access into those commercial areas and I just don't see ACHD allowing anything else. If we remove the commercial altogether, which I do not recommend, I think you are going to get more residential, which, technically, has usually more trips than commercial and for most uses and, then, it's going to be harder for them to meet their mixed use policies, because you only have office across the street and ambulance to the west and the northwest corner is residential, so --

Cassinelli: Again, my concern is -- is -- when I'm looking at this layout is the access to that commercial coming in off of -- coming in off of Ustick. You have either got to go

through -- you are accessing it through a private drive or through the -- basically, the -- the driveway parking lot of -- as it stands now those apartments there.

Dodson: Right. I see what you are saying.

Cassinelli: And I -- I get the issues, I just don't know how you could replace one of the apartment units with more commercial and, then, you have less of the residential commercial flow, you know, discrepancy there. I understand that. I don't -- from a planning perspective that would be very difficult to mitigate, but I do understand the concern. I don't know if Andrew has any potential answers. You could do vertically integrated on that building. But, again, you are going to have a mix of residential and commercial traffic through there. I do know that ACHD is not allowing that curb cut on Ustick to be moved. That -- that was -- that was a hard line that they draw.

Cassinelli: On Ustick?

Dodson: Correct.

Wheeler: Yeah. I don't have anything additional to add. I think you covered it pretty well.

McCarvel: Any other questions? Okay. Thank you.

Wheeler: Thank you.

Seal: Madam Chair?

McCarvel: Commissioner Seal.

Seal: Move we close the public hearing on H-2021-0071.

Cassinelli: Second.

McCarvel: It's been moved and seconded to close the public hearing on H-2021-0071. All those in favor say aye. Opposed? Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

McCarvel: Further thoughts? Discussion?

Grove: Madam Chair?

McCarvel: Yes.

Grove: I will jump in if you want. I think this is always going to be -- it's always difficult when you do in-fill. I remember not too long ago we were doing the other side of Ustick and Linder and the challenges that we ran into with -- with that parcel, just -- this is an

area that has been ready to be developed for a long time and there is going to be challenges when you have in-fill. You have limitations on access. You have limitations on just how you can orient different things. I like the different housing types that they have included. It matches what we were looking for in the Comprehensive Plan for the mixed use aspect and being able to integrate multiple housing types along with the commercial. I think this is a good fit in terms of helping the overall area have different options. We don't want a sea of the exact same house throughout a single area and that's one of the big reasons for a mixed use designation. I think that they have done a good job of, you know, adding in the amenities and I think the -- the challenges that, you know, were discussed in terms of multi-family, I think I would be open to the suggestions that I'm sure a few of you are going to bring up, but I'm pretty okay with whatever direction the rest of the Commission thinks on going with that. I think changing the back yard from a sidewalk and an alley load product to a front load product will improve that -- the -- those eastern boundary units overall. Maybe not a perfect application to meet all of, you know, the neighbors' concerns, but overall I'm -- I'm in favor with how this has been laid out and presented.

Yearsley: Madam Chair?

McCarvel: Commissioner Yearsley.

Yearsley: I feel like we are trying to shoehorn something in here to meet a designation that we have set back in 2005. I personally am not sure if I'm in agreement with the plan using the -- the -- oh, what am I looking for -- the mixed use code in this area. I think the -- the commercial -- I think you are going to struggle to have anybody want to go in on that corner. As Commissioner Cassinelli said, you have no access and the access that's there is horrible. So, I think that corner is going to be a dead corner, because no one is going to want to build there. The other concern that I have is I don't like the transition from the single family to -- to this. It just seemed like it's just like, you know, a single family to a larger development. I would prefer to see on the eastern boundary single family development and, then, go to attached unit. I would almost just nuke the -- my recommendation would be to nuke the commercial, move the apartments to the corner and put some attached townhomes on that one corner next to the house. I think that gives it a better transition to the single family. I understand your -- your -- your concern and your loss of your views. That's a sad thing to lose. However, you know, it's -- it's -- it's unfortunate that -- you know, I do believe in property rights and that this developer -- this farmer at the time has the opportunity to develop this property and so seeing that go away is sad, but yet it's -- it's understandable, but I think there is things that we can do to help mitigate the property owners next door to it and actually make it a better development. So, those are my comments.

McCarvel: Okay.

Seal: Madam Chair?

McCarvel: Commissioner Seal.

Seal: Yeah. The property owners to the east there, you know, I understand you -- you want to be able to look out your -- you know, your backyard and see something other than a house. I have lost that view myself. So, it's the reason I'm in the house that we are in, because I don't have to worry about losing that view. That said I mean property rights are property rights. This is well within what's going to be developed and, unfortunately, this is the way things line up. So, the transition -- especially with moving things -- I mean they have conceded to make these front load. So, now you are going to be backyard to backyard, which is, you know, 90 percent of the developments that we have out there. So, hopefully, you will get good neighbors. So, yeah, the other part of it is -- I mean overall things seem tall in here. Even the three story stuff on the Linder side, it just seems like it's -- it's pretty tall for this area. It hasn't developed widely yet. It's definitely coming. This will help fill that in. I look at this kind of as -- it's a hard corner and an in-fill because of everything that's going on with the waterways that are in there. You know, I would hate to give up the commercial just because I hate to give up commercial anywhere. I think it's going to be difficult to get a business in there. I don't think it's going to be impossible and I think when the right business comes in it will -- it will be okay. I mean I would love to see a little -- something go in like the -- like what they have up in Eagle Crossing up there where they have multiple businesses that share one space. Boise Fry Company, Waffle Love is the first one that comes to my mind. You walk into one space and you can get either one of them. Something like that that's -- you know, kind of depends more on -- on foot traffic and -- and local folks coming than it does on anything else would be probably a pretty good fit in there. It would be nice to see something like that down a little closer to the park system that we have there. The -- I like the amenities, the walkways and the way that all that stuff fits in. Again, even without a ten foot pathway that goes up to the corner it's going to be a really good way to get to the park system without having to stay completely on the road, especially on the bridge on Linder Road there. But this, basically, intersects in there. That's a really dangerous place to cross, unless you are on the other side of the road. When it gets to the multi-family part of this I think four stories is probably too tall in my mind and it seems to blend well with the exception of, you know, that one house that's on the corner there, right on the eastern side of the property next to it. I kind of agree with the applicant, if they do something with it it would almost be nicer to see them remove that whole -- instead of going over another unit, just completely eliminate that and make it into a -- you know, some kind of residential use or even more parking, to be honest. Just provide a little bit more privacy for the -- for the homeowner there. I mean the fact that that homeowner isn't here to testify and has had conversations with the applicant is good. So, that's kind of where I'm at on stuff. I mean there is a whole bunch of things going on with access and everything, but, again, I look at it -- this is kind of in-fill and it's a hard corner, which are tough anyway. So, I'm -- you know, I just hate to give up that commercial to do something else with it. Without doing that you really can't move the multi-family. So, I'm a little bit stuck on that. But as far as the project, I think it's viable and something that we can take forward.

Cassinelli: Is it my turn?

McCarvel: Commissioner Cassinelli.

Cassinelli: I have got -- I have got several challenges, issues with it, and I know it's tough -- you know, I mean if they -- if the developer had 40 acres to work with on this corner, you know, we -- I don't know how many iterations we -- we went through on that property to the -- to the north. Four or five at least. And, unfortunately, I wasn't here when we finally approved that, but -- so, it's tough. And this one is even -- even harder with the laterals there and so what's happening that I'm seeing, because of that is everything is getting pushed to the -- it's like shoved up into the -- to the northeast and because I don't know how many acres are down at that -- down the southwest corner -- a couple almost. At least one and a half. So, it really limits what can be done on this -- on this property. I like the idea of having commercial, but I think it's -- it's tough to do on this. I would -- I -- I would maybe like to see it moved around a little bit. The four story unit I'm -- I can't get behind those at all. We went through mid -- mid mile down across from the Chevron station down on Ustick, what's going in there now. We had discussed -- I think the -- I can't remember exactly if we eliminated all -- the four stories in there and went all to three, but that was a big issue down there and there was more space to work with. Sightlines weren't as bad and just the fact that there is only a small handful of units there -- these will be the only four story units all along Ustick there. You are going to have a few three story apartment buildings down there across from the Chevron and, then, you have got some two stories and you get single family, one and two story all along Ustick and, then, all of a sudden you have got -- you got ten four story units and, then, back down to single story commercial. It's just -- it's out of place. That's why I asked about three story. You have got -- there is -- there is more distance, more setback off of Ustick because of the -- of the -- the -- the laterals over there. I would like to see maybe the -- more of that higher density moved over to there to where it's set back a little bit and it's -- it's not up against the -- the single family directly to the east and, then, my other comment there -- what seems really really out of place are those three three story units up against the -- the two story ones. So, I'm -- that are down in the -- at the bottom on the south end of that. So, to me it just seems like -- when I look at this -- there is a lot of aspects I like about it and don't get me wrong, I like the MEWs, I like -- you know, they have -- they have answered the requirement of having three different product types in the mixed use community and I think for the most part they have done a good job. The restrictions on this property -- I drive by there all the time and I have always wondered what is somebody going to be able to do with this, because it's -- it's -- it's a difficult -- it's really limited what can be done with it. So, you know, I -- I applaud them for the attempt, but it's just -- it's pushing everything up and -- and there is not that -- there is not a good transition and I would like to see -- not necessarily just because of having lower density, but I think it needs to be brought down a little bit, so it -- it fits a little bit better. You can still have the different property types in there, but it -- it would be a better transition to -- to what's to the east. Those are my comments. I just -- right now I'm -- I'm not -- I am not in favor of it. The four story ones that's -- that's a killer for me. I think we have got to -- we have got to eliminate those and I don't know if -- maybe it's -- that becomes the commercial on Ustick, move some of that over. Commissioner Yearsley suggested moving -- moving some of those apartments over to the corner. If it can move around I think they can keep a lot of what's in there and just move it around somehow. It may -- it may require moving some, but right now with where it's at I can't get behind the project as it sits.

McCarvel: Okay. Yeah. I appreciated the -- the sidewalk not being on that east side and being at least -- front load those instead -- instead of rear, so it was more backyard to backyard. But I hadn't thought about Commissioner Yearsley's point of just making those single family homes. But I would be willing to -- I think leave those as townhomes, but more address -- I agree that four story up there is a lot. Even though I -- I love the design and the thought of having those units on the top have more light and that -- that's attractive, just four story next to the residential is a problem and that commercial -- I know it's rough access, but there is -- I'm on the fence on that. I kind of agree with Commissioner Seal, I think there is something that will come in there that doesn't have to have tons of trips and that would be okay. I know -- I mean there is a lot of businesses that I go to that, yes, I can't take a left out of, but I go anyway and I figured out -- I mean it just takes a little longer getting around. But I think it would end up being something useful to the neighborhood. On the other hand, moving the condos over would maybe makes sense as well. I think the biggest point of contention for me is the four stories.

Grove: Madam Chair?

McCarvel: Commissioner Grove.

Grove: I understand the comments about access for the commercial, but I -- I don't think we can -- I wouldn't be in favor of losing that at all. I think people will figure out access just fine. I live next to a place -- my house is, you know, two doors down from a commercial spot that has right-in, right-out access and there is no problems there. It's constantly busy. And I think, you know, there is other types of options that they are going to probably be able to look at, you know. Daycares, for example. Huge on my mind these days, but, you know, those are things that don't take up as much constant traffic and you also help serve a community that's nearby. So I think there is lots of options that the -- the apartments maybe -- maybe we look at it, you know, suggesting that one of those becomes commercial. Maybe that helps with that cross-access piece across the top there. I don't know. I'm just kind of throwing that out there. But I would -- I would hate to lose any commercial.

Seal: Madam Chair?

McCarvel: Commissioner Seal.

Seal: I think they are close on this and I appreciate the work that's went into it and I think they have answered some of the concerns, you know, by -- by making these front load homes over on the east property, but I agree that -- I mean the -- the commercial and the multi-family almost need to swap and I would hate to lose a hard corner, you know. Advertising is easy that way, you don't have to put a lot of signs out when everybody drives right by you. That said it almost seems like that would be a better fit for the residents there. You are still on Ustick Road. You are going to get a lot of road traffic in there. But I mean I'm -- I'm kind of -- of the opinion of let's maybe continue this and have them work a little bit more with city staff, try to come up with a little bit better plan and even in swapping the commercial and residential you could actually bring the -- that multi-

family in in such a way that -- on that corner -- I mean nobody's necessarily going to care on the corner if there -- you see a -- I would say a three story building there, because I think the four stories is still too tall. But, then, if you put the commercial in on the other side with the road that comes in there you could actually bring that commercial back into the property and have it -- you know, more parking towards the Ustick Road or something along those lines, so people could get in there and you could actually expand it if you wanted to. You could actually have more commercial in that area instead of less. I don't know. It's close, it's just not there yet, and I would rather give them a continuance than recommended a denial, because I think they are close, but I would love to hear what anybody else thinks about that.

Yearsley: Madam Chair?

McCarvel: Commissioner Yearsley.

Yearsley: My -- my initial thought was the same thing is to swap the resident -- the apartments and the commercial. I think it provides better access for the commercial and can get -- I don't -- I don't ever expect to have a high use, but I think it gives it better access to that -- that site and at that point I don't know if I have an issue with the four story on the corner, you know, because it's far enough away from the rest of the -- the single family, it actually ties well into the three story next to it to kind of show some drops. I still like the idea of the detached along that east side, though, but I will -- I will concede that one.

Cassinelli: Madam Chair?

McCarvel: Commissioner Cassinelli.

Cassinelli: On the east side what I would even support -- maybe not necessarily detached, but a -- a -- more of a patio home feel if -- and even single story patio homes, because, then, you might get some retired folks in there that -- that don't want -- you know, don't want any two stories. You can get -- really get that good mix. I do -- I'm in big supportive of moving that commercial up along Ustick. I would still be highly opposed to four story if they are going to redraw that out, especially right on the corner. One of the things that -- that -- if you go to the intersection of Linder and McMillan, the buildings up there to me -- they are there two story -- I think they are just two story commercial, but right there on -- right there on the street they just -- it's overwhelming. When everything else around there is set back -- you got single story across the street with Fancy Freeze, you have got -- you have got Walgreens -- everything is single story and, then, all of a sudden you get these huge buildings that sort of just kind of take over things. So, it's not -- it's not a good feeling to me from the -- from the street and everything around it. So, I'm still -- I would still be really leery even if you put the apartments in a corner of going that -- it's the same height, we are talking 40 feet, but it's a -- you know, it's a -- it's a peaked roof versus windows are up top. I like the design of those, I just -- I think they would be cool in a lot of different places, especially The Lofts. That's -- that's my thought. I would still want to go -- I would still want to see max three story, but, again, I would want

to see some more rearranging in this to better transition on the east side and -- and better movements -- I don't want to lose the commercial either, but -- but better -- better access through there. I like Commissioner Grove's idea, I mean I think a -- I think this area is -- is definitely in need of -- of daycare and whatnot, so that would -- that would certainly work in there, but those are some of my thoughts. And I would -- I would be in full supportive continuing this as well.

McCarvel: Okay. It sounds like we are headed to the direction of continuance. Does anyone want to take a stab at the motion with the proper guidance?

Cassinelli: Dates?

McCarvel: Come back with some -- and a date.

Dodson: Dates. Date. Dates. Well, I'm busy all the time, so I don't know if I care. January 6th I think is pretty full already. Might be able to squeeze it on the 6th. If not, then, January 20th. That's pretty far out. We have a 5th Thursday this month, so, you know, it bumps everything another week.

McCarvel: Yeah. And I get we have been working on -- you guys have been working on it for a long time, I just think -- I mean and -- I think we all feel like it's close, it's just like --

Dodson: Yeah. But I'm sure the applicant prefers a continuance versus denial.

McCarvel: Yeah.

Dodson: It's -- I think any -- either of the dates in January probably work. Just with any continuance motion just, please, try to be as clear as you can on what you are wanting to be revised or looked at, so that Andrew and I can -- can exchange e-mails or have a meeting or something and figure it out.

McCarvel: Okay.

Starman: Madam Chair, if you are going in that direction --

McCarvel: Yeah. Reopen.

Starman: Reopen.

McCarvel: Yeah. Okay.

Yearsley: Madam Chair?

McCarvel: Commissioner Yearsley.

Yearsley: I think January 20th is probably a more adequate date. You know, with Christmas in the middle of all that I think giving them a little bit more time to -- to take a look at that and -- because that's -- that's a fairly significant configuration change, so --

McCarvel: Okay.

Grove: Madam Chair?

McCarvel: Could I get a motion to reopen the public hearing first before we --

Grove: Before we do that I have a question, just kind of -- in terms of what we are wanting to have them look at. I guess do we want to just specify the areas and -- where -- because I'm not on the same page as everyone, I guess, in terms of what to do on the -- the east lot, so I -- I don't know if I would be behind say like have to be this product type. So, I would be more in favor letting them make some of those -- having a little bit of leeway in how they decide -- decide some of that stuff.

McCarvel: I -- I agree, because I -- I think that's the lesser point for some of us is that -- so, some flexibility on just taking a look at those east sides -- I think it -- the fact that they are going to be front loaded, instead of rear, and that sidewalk is going away is a big step in the right direction. So, that may be it, but, yeah, definitely to -- at least that's what I'm kind of hearing here consensus wise, so -- so, before we reopen the public hearing does -- anymore discussion on -- did somebody have the points down for the motion for the continuance? Okay.

Yearsley: Madam Chair?

McCarvel: Commissioner Yearsley.

Yearsley: I make a motion we open the public hearing on file number H-2021-0071.

Seal: Second.

McCarvel: It has been moved and seconded to reopen the public hearing on H-2021-0071. All those in favor say aye. Opposed? Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Yearsley: Commissioner Seal, I will let you make that motion, because you may not like the one I make, so --

Seal: I always love motions that other people make. Madam Chair?

McCarvel: Commissioner Seal.

Seal: I move to continue File No. H-2021-0071 to the hearing date of January --

McCarvel: 20th.

Seal: -- 20th, 2022. That seems strange to say. For the following reasons. So, that the applicant and staff can work towards a better solution to the transitions between the multi-family and neighborhood to the east, including rearrangement of the commercial property and the multi-family property. That they also solidify the east side -- the east side properties to be front loaded to meet the setbacks and eliminate the walking path behind. That the plat is revised accordingly and that any work that they do together on those to revise the housing types is also included.

Yearsley: Do you want to limit it to three stories or are you okay with four?

Grove: They understand our concerns.

Seal: And to provide a different -- I can't say minimum height. I would say to provide something different than four stories for the multi-family.

Grove: Does that -- does that include if they -- no matter where they moved it?

Seal: Yes. Including where they are at.

Yearsley: I will second that one.

McCarvel: It has been moved and seconded to continue H-2021-00 -- oops. Seven one. I moved my page too quick. Sorry. With modifications. All those in favor -- so, January -- continue it to January 20th. All those in favor say aye. Opposed? Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

McCarvel: And I'm guessing before we start the next one we will take a five minute break.

(Recess: 8:05 p.m. to 8:13 p.m.)

4. Public Hearing for Inglewood Coffee Shop Drive-Through (H-2021-0073) by Gold Stream Holdings, LLC, Located at 3330 E. Victory Rd.

- A. Request: Conditional Use Permit for a drive-through establishment within 300 feet of a residential use and zoning district on 0.83 of an acre of land in the C-C zoning district.

McCarvel: Okay. We are ready to resume and we will open Item No. H-2021-0073, Inglewood Coffee Shop Drive-Through.

Allen: Thank you, Madam Chair, Members of the Commission. The application before you is a request for a conditional use permit. This site consists of .83 of an acre of land. It's zoned C-C, located at 3330 East Victory Road. A development agreement exists for this property. The Comprehensive Plan future land use map designation is mixed use

community.

Yearsley: Can you share your screen?

Allen: Oh, I'm so sorry. It apparently isn't shared. Yes -- 4A-2300 -- it's going to be one of those weeks, Commissioners. I will be really glad for this weekend. So, let me back up. So, a conditional use permit is proposed for a drive-through for 2,365 square foot Starbucks Coffee Shop within 300 feet of a residential use and zoning district, which requires approval of a conditional use permit. The proposed development plan is in substantial conformance with the provisions in the existing development agreement. The proposed use and development plan is consistent with the specific use standards in the UDC for drive-through establishments and restaurant uses with the conditions in the staff report. Off-street parking is proposed in excess of UDC standards. Nine spaces are required, 19 are provided, including six compact spaces. Street buffer landscaping along Eagle and Victory Roads will be installed with the subdivision improvements. ACHD is requiring the construction of a northbound right turn lane on Eagle Road. Conceptual building elevations were submitted for the proposed structure as shown. No written testimony has been received on this application. Staff is recommending approval with the conditions in the report. Staff will stand for any questions.

McCarvel: Would applicant like to come forward?

Peterson: Thank you, Sonya. Good evening, Commission. I'm Jim Peterson. Address is 6609 Old Mill Circle, Salt Lake City, Utah, and I don't have a lot to add. That -- what we are planning is a coffee shop on that corner. Once again, kind of like your last one, it is a tough site to fit in there with -- with a canal and other things. It seems like it's going to be a really good use there. We also developed the senior living community, retirement community, just to the east of that that we are just under construction right now. So, for this mixed use we feel like that's a really good fit. The senior community, they will have a coffee shop right -- right there. It will be really good.

McCarvel: Okay. Any questions for staff or the applicant? Okay. Madam Clerk, do we have anybody signed up to testify on this application?

Weatherly: Madam Chair, one moment. I wasn't prepared either. Sonya's contagious or something. That was not to throw her under the bus, it was bad joke.

McCarvel: It was in solidarity; right?

Weatherly: Madam Chair, no, there are no -- no people signed in to testify.

McCarvel: That being said, is there anybody in the room or online who wishes to testify on this application? All right. I'm assuming the applicant has no further comment. So, can I get a motion to close the public hearing on H-2021-0073?

Cassinelli: So moved.

Seal: Second.

McCarvel: It has been moved and seconded to close public hearing on H-2021-073. All those in favor say aye. Opposed? Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Cassinelli: Madam Chair?

McCarvel: Mr. Cassinelli.

Cassinelli: I like it. That's all I have to say.

McCarvel: You want to move forward with a motion?

Yearsley: Madam Chair?

McCarvel: Commissioner Yearsley.

Yearsley: I need to get this on the record. So, I live on that corner and I -- it's been only a matter of time before a coffee shop was coming in there. I kept thinking they would put it on the other side of the Rite Aid, but this is actually a pretty good location. So, I think it makes sense. It gets a pretty busy area and it's on the right side of the street, so -- I think it works.

McCarvel: You care to give your preferred order?

Yearsley: Sure. Madam Chair, after considering all staff, applicant, and public testimony, I move to approve File No. H-2021-0073 as presented in the staff report for the hearing date of December 22nd, 2021, with no modifications.

Seal: Second.

McCarvel: It has been moved and seconded to approve File No. H-2021-0073. All those in favor say aye. Opposed? Motion carries. Thank you.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

5. Public Hearing for Woodcrest Townhomes (H-2021-0082) by Andrew Newell of Blaine A. Womer Civil Engineering, Located at 1789 N. Hickory Way

- A. Request: Preliminary Plat consisting of 19 building lots and 4 common lots (including 1 lot for a private street) on 1.97 acres of land in the proposed R-15 zoning district.

McCarvel: See if we can get through the next two just as quick. Moving on to -- I would like to open H-2021-0082, Woodcrest Townhomes, and we will begin with the staff report.

Allen: Thank you, Madam Chair, Members of the Commission. The next application before you is a request for a preliminary plat. The Commission heard the associated comp plan map amendment and rezone requests on this property back in June and July and recommended approval of these applications to City Council. At the Council hearing Council directed the applicant to submit a preliminary plat application to be heard concurrently with the map amendment and rezone request. So, the preliminary plat is before you tonight. The site consists of 1.97 acres of land. It's zoned L-O, Limited Office, and it's located at 1789 North Hickory Way. The property was annexed in 1992 as part of the Angel Park Subdivision. There is no development agreement on the property. The Comprehensive Plan future land use map designation is currently commercial. A preliminary plat is proposed consisting of 19 building lots and four common lots, including one lot for a private street on 1.97 acres of land in the proposed R-15 zoning district. Proposed lots range in size from 3,789 to 2,000 square feet, with an average lot size of 2,701 square feet. The proposed gross density is 9.64 units per acre. The subdivision is proposed to develop in one phase. Access is proposed via a private street from North Hickory Way, a collector street. Street buffer landscaping and a sidewalk exist along Hickory Way. Because this site is below five acres in size, minimum open space and site amenity standards do not apply. No written testimony has been received on this application. Staff is recommending approval with the conditions in the report. Staff will stand for any questions.

McCarvel: Would the applicant like to come forward?

Womer: Good evening, Madam Chair, Members of the Commission. My name is Blaine Womer of Womer Engineering. We are located at 4355 West Emerald in Boise. We are representing the owner -- or the developer on the project and we appreciate the fact that we are here again after you approved our change of zone and the comp plan change and we are bringing this preliminary plat to you, which is substantially the same as the Comprehensive Plan that we showed you when we were processing the previous applications. Sonya did a good job of explaining where we are and the chronology and how we got here. I would like to make three quick points that -- of things pertaining to the -- the map during the preparation of the preliminary plat and that was we did take the neighbors and the City Council's concerns into account with respect to the four unit massing versus three unit massing on the northwest corner -- or northwest portion of the site where we are adjacent to the existing residential. We did change that to a three unit massing for that. Also we provided in this application a conceptual landscape plan that addresses some of the boundary conditions there to soften the boundary, if you will, between the neighbors and our proposed development and, finally, we -- parking was an issue during the City Council meeting and we had a parking study done and we provided an additional 20 spaces, which is -- far exceeds which -- the minimum parking that is required for the development. So, those are the three things we did to try to enhance the development to address the neighborhood concerns and City Council concerns at the meeting. So, we are here tonight -- well, I might add, too, we also are in total agreement

with the staff report and conditions of approval. So, just here tonight to answer any questions you might have.

McCarvel: Okay. Any questions for staff or the applicant?

Cassinelli: Madam Chair?

McCarvel: Commissioner Cassinelli.

Cassinelli: Can you just repeat the change that you made to -- on that -- I guess it's the northwest corner that abuts the residential?

Womer: Well, yes, it's actually along the northwest property line, because we have some -- that -- those are our closest neighbors -- residential neighbors and the concern we heard, both from Council, again, and the neighbors was that we had a four unit attached -- it has a massed four unit townhome and instead of four we reduced it to three. So, we reduced the mass that -- that they would see there.

Cassinelli: Okay. Thank you.

McCarvel: Any other questions? Okay. Thank you.

Womer: Okay. Thank you.

McCarvel: Madam Clerk, do we have anyone signed in that wishes to testify on this application?

Weatherly: Madam Chair, we have one signed in, a Dave McDonald.

McDonald: Madam Chair, Commissioners, Dave McDonald. 2579 East Grapewood. I'm one of those adjoining neighbors and you heard comments and I'm -- I appreciate the creativity that you guys bring to these -- even the small projects and that Mr. Womer has addressed with a four unit thing. There was one key component that is still a lingering issue. It doesn't feel like it's baked. It needs a little more baking time for me and that was the issue addressing parking on the collector and as -- as well as some questions I think Mr. Womer can clarify, because in a proposed landscape plan, which I think is the simpler issue, it's proposed for Skyrocket and Junipers to be right on top of those -- that utility easement between my property and -- and this development. There is a ton of utilities that run along that line there, the Nampa-Meridian Irrigation. All of our high speed internet -- it's all in there and they put Skyrocket and Junipers on the top of those. They grow very quickly. It might become an -- an access easement issue. You know, that's one thing that I want to point out. I'm not sure if the microphone is cutting out. The second issue --

McCarvel: You have to get close to it.

McDonald: Yeah. I will have to scootch down. The second issue -- and I appreciate your comments and similar -- similar issues. I have been watching the City Council and Planning and Zoning for weeks now and the one that stood out on Tuesday just this week are some of the same issues about parking. We are noticing people are having more and more -- and -- and sometimes doubling up in -- in a single unit, which is creating the demand for parking and how -- how can we address the issue with parking that really benefits the townhomes and not the adjacent restaurant as much. That's -- I'm a guy that's a big proponent of human factors and usability and common comments that came from Tuesday was backing -- backing out onto a common drive is a safety concern. That exists here. I would like to see comments from you and from -- from the developer on a possible solution to that. The other issue that stood out to me that also exists here is these parking spaces, according to the narrative that was presented, was intended to be shared for the adjacent businesses and the townhomes and to Louie's Restaurant is going to be a very heavy consumer of these 17 parking spaces that are in the common drive aisles and it seems like it's more easily accessed -- the path of least resistance for the Louie's Restaurant and the adjacent businesses for the 17 parking stalls. I think part of the solution may reside within the original concept plan, which I couldn't find anywhere in any of that documentation where the original three home -- three -- three unit townhome parking area was accessed from the -- the private drive. Now, if there is a reason why that had to be removed because of, you know, where the driveways -- but it still would isolate the parking to the townhomes and make the path of least resistance to those 17 parking stalls. Maybe they have to reduce the number of parking stalls by a few to accommodate, but I would like to see parking stalls interior to the townhomes and the path of least resistance to most of parking for the townhomes and not the restaurant.

McCarvel: Okay. Thank you.

Yearsley: Madam Chair?

McCarvel: Commissioner Yearsley.

Yearsley: You were talking about the utilities. On what street were you saying they had all the utilities with the landscaping?

McDonald: So, the adjoining border that goes along the property line by -- by my property in the northwest border --

Yearsley: Okay.

McDonald: That's loaded -- that's loaded with every utility you can think of.

Yearsley: Okay.

McDonald: So --

Yearsley: Because it appears -- oh. Okay. Thank you.

McDonald: Yeah.

McCarvel: I understand that's our only sign up, but is there anyone else in the room or online that wishes to testify on this application? Okay. Sir.

Evans: Hello. My name -- my name is Jerry Evans. 2059 North Justin Way. And I have some concerns about the traffic off of Fairview, as that road enters into -- either on Hickory or into the new entrance that they are going to be creating for this development and there has already been in the past the new subdivision that was added just to the north of the church parking lot and the business added to the south of the church and nothing was ever done since then to increase the traffic flow in and out of the area and right now as you are coming from Eagle Road it's three lanes as you are going west on Fairview and, then, it bottlenecks down to two lanes right before it gets to the -- to commuter section at Hickory and I would like to propose that somehow that we could get that third lane continued all way down to the intersection and maybe even past the intersection, so that would lessen the -- you know, the impact on the other two lanes that are transiting the area going into Meridian and I think that that would help smooth things out a little.

McCarvel: Okay.

Evans: And that was all I have.

McCarvel: Thank you. Anyone else wish to testify? Okay. Would the applicant like to come back.

Womer: Madam Chair, Members of the Commission, Blaine Womer again, Womer Engineering. Yes, regard to -- with regard to a couple of things that were brought up, the -- the -- the skyrocketing junipers that are proposed there, again, are -- we are trying to do some kind of landscape softening there at the border, which we thought that the adjacent neighbors would prefer and certainly we are not going to plant those in the middle of an easement. So, whatever offset we need to do to make that work that's what we will do to avoid any conflict with existing utilities and we are aware of the existing utilities that are out there. Second, with regard to parking, that was -- the City Council required that we provide a parking study, because they wanted to see how the interaction between the commercial and the proposed residential would work and it was two fold. It was, number one, let's see how the existing parking lot for the commercial, Louie's Restaurant, the bank and the commercial around there is working and what they found out through interviews -- they didn't just use numbers, they went out there and actually talked to the -- the biggest traffic generator out there, which was Louie's Restaurant, and they determined what their peak times were for the restaurant operation and they went out there and they actually did count two different times to make sure they were getting accurate counts and what they found was the parking lot, which has a cross-lot parking agreements, so everybody can park everywhere and utilize the entire parking lot of the commercial center, what they found was that the parking lot is only being utilized at it's peak 55 percent of the total parking. So, there is -- the center is significantly over parked and, then, the second part of the study was to evaluate what the impact of the townhome

project would be and I know -- I'm not going to get into the weeds of the study, because I know it's in your report, but I do want to mention a couple important things and that is the townhome project is -- generates a need for 27 parking spaces, but when you take the garages and you take the -- the parking in front of the garages and you add the spaces we have added, you come up with a total of 82 parking spaces provided by the townhome project alone and it only needs 27. So, even if you assume that everybody is going to be like everybody else and they are not going to park two cars in a two car garage and you can take 24 of those spaces away, you still have -- we are substantially overparked with the townhome project. So, the likelihood that any of that would bleed over into Hickory parking just isn't going to happen, because the parking is -- is beyond sufficient for this particular project. So, when you add those two things up, you are -- you are overparking the commercial already and, then, there is no -- there is not going to be any bleed over from the townhome project, because of what we are providing on site, I think it's pretty clear that -- that the parking is not going to be an issue. So, I hope that addresses those two issues to the Commission's satisfaction, but I'm still ready to stand for any questions.

McCarvel: Okay. Any questions for the applicant or staff? Okay.

Womer: Thank you.

McCarvel: Could I get a motion to close the public hearing on H-2021-0082?

Seal: So moved.

Cassinelli: Second.

Yearsley: Second.

McCarvel: It's been moved and seconded to close the public hearing on H-2021-0082. All those in favor say aye. Opposed? Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

McCarvel: And I apologize, we are -- it looks like we also have H-2021-0015 addressed in this application. Yeah. I looked at the parking study that they did and I -- I tend to agree, I think part of the parking problem with Louie's is they all want to park at the front door, instead of around the side and that will probably take care of itself once that dirt lot is no longer there and they will actually use the parking spots and I think they have addressed what Council has directed.

Cassinelli: Madam Chair?

McCarvel: Commissioner Cassinelli.

Cassinelli: I kind of -- I tend to agree. I also think that these are probably going to cater to a little quieter community maybe where we are -- and on the off occasion, you know,

there is a Super Bowl party or a Christmas party or something, there is -- there will be -- there is plenty of parking there. I think -- I don't think it's going to be as bad. So, I'm -- I like the final outcome. I like that they have downsized those -- those units from four to three.

Yearsley: Madam Chair?

McCarvel: Commissioner Yearsley.

Yearsley: No one else has any comments, I will make a motion.

Allen: Madam Chair? May I clarify something real quick? You mentioned another file number. There is actually only one file application file number before you tonight --

McCarvel: Okay.

Allen: -- and that is the one on your agenda, H-2021-0082. The other file number is one you have already acted on.

McCarvel: Okay. That's what I -- I wondered how did I miss that, but I glanced over at the staff report and it's still listed on there. Okay. So, just addressing H-2021-0082.

Yearsley: Okay. After considering all staff, applicant and public testimony, I move to recommend approval to the City Council of File No. H-2021-0082 as presented in the staff report for the hearing date of December 2nd, 2021, with no modifications.

Grove: Second.

McCarvel: It has been moved and seconded to recommend approval of H-2021-0082. All those in favor say aye. Opposed? Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

6. Public Hearing for Rackham East/Eagle View Apartments (H-2021-0075) by Brighton Development, Inc., Located on the south side of I-84, ¼ mile east of S. Eagle Rd.

- A. Request: Annexation of 25.76 acres of land with a C-G zoning district.
- B. Request: A Preliminary Plat consisting of two (2) multi-family residential building lots (i.e. Lots 1-2, Block 1) and six (6) commercial building lots (i.e. Lots 3-8, Block 1) on 29.7 acres of land.
- C. Request: A Conditional Use Permit for a multi-family development consisting of 396 units on 15.94 acres of land in the proposed C-G

zoning district.

McCarvel: Next item on the agenda is H-2021-0075, Rackham East and Eagle View Apartments. We will begin with the staff report.

Allen: Thank you, Madam Chair, Members of the Commission. The last application before you tonight is a request for annexation and zoning, preliminary plat, and a conditional use permit. This site is located on the south side of Interstate 84, approximately a quarter mile east of South Eagle Road and north of East Overland Road on the south side of 84. A small portion of the southwest portion of this site was previously annexed with the development to the west and zoned C-G. The Comprehensive Plan future land use map designation for the property is mixed use regional. Annexation of 25.76 acres of land is proposed with a C-G zoning district as shown. A preliminary plat consisting of two multi-family residential building lots and six commercial building lots on 29.7 acres of land and conditional use permit for a multi-family residential development consisting of 396 units on approximately 16 acres of land in the proposed C-G zoning district is proposed. There is a 14 foot wide sliver of land that exists to the north of the eastern portion of the site adjacent to I-84 that is not included in the proposed subdivision and that is depicted there in the blue on the left preliminary plat exhibit there at the top. It appears to previously have been part of ITD right of way for I-84 that was sold off as surplus right of way. Staff has determined it to be an original parcel of record, which deems this property eligible for development without that parcel. The applicant is attempting to obtain the parcel and include it in this development. However, if this doesn't happen there will be an undeveloped enclave with county zoning surrounded by city annexed land with no access and likely no maintenance of the property if this property around it is annexed. Access exists to the site via South Rolling Hill Drive, an existing local street that serves the rural residential properties to the south and via two driveway accesses from the west, which provide access to Silverstone Way, a collector street, through the adjacent commercial property. It will also provide access to the signalized intersection at Overland Road. Rolling Hill Drive is not improved to urban standards. It's narrow, lacks streetlights, and doesn't have curb, gutter, and sidewalk. We do not have the staff report from ACHD yet. They don't expect it to happen until hopefully later next week. ACHD did communicate to staff some of the things they may be looking at requiring, including some site improvements to Rolling Hill Drive, which may include widening of the street in certain areas, traffic calming, and pedestrian facilities. A sidewalk likely on one side of the street. City staff is recommending streetlights are also installed as off-site improvements. The Ridenbaugh Canal exists along the east boundary of the site. The applicant is requesting a Council waiver to allow the canal to remain open and not be piped. No connectivity to this property exists from the single family residential development to the east. The multi-family residential development contains a mix of studio, one and two bedroom units on 16 acres of land and this is an overall concept development plan for the site and a portion of that -- this area here on the left is part of the previous development plan on the adjacent site. Staff is recommending the multi-family property is annexed with R-4, rather than C-G zoning as proposed. The applicant is in agreement with staff's recommendation on that. The gross density of the development is 24.8 units per acre, which is consistent with that desired in the mixed use

regional designation. Common open space and site amenities are proposed in excess of the minimum UDC standards. Shown before you there is an open space exhibit for the site. The applicant has requested alternative compliance to the private usable open space standards as noted in the staff report. The director has approved a 20 percent reduction to the minimum standard. Shown before you are the site amenity exhibits submitted with this application. Off-street parking does not meet the minimum UDC standards. Six hundred and sixty standard parking spaces are required as a minimum, including 348 covered spaces and 14 spaces for the clubhouse. Six hundred and forty-nine spaces are proposed, with 391 of those being covered in garages or carports, which includes compact spaces. Compact spaces are discouraged, but may be used for parking above the minimum required. Additional parking is required to meet the minimum standards and compact spaces will be required to be removed for those that are required. They may be used for extra spaces, though, as I mentioned. This is a copy of that pedestrian circulation plan for the site. There is a pedestrian pathway around the perimeter of the site, as well as internally throughout the site for pedestrian circulation. Conceptual building elevations are proposed as shown. These are the four story multi-family residential buildings. The fitness building and the leasing building in the multi-family development. And these are the two five story office buildings proposed on the northern portion of the site along I-84. Final design is required to comply with the design standards in the architectural standards manual. Only one letter of testimony was received from Pam Haynes, an adjacent property owner in Rolling Hills Subdivision. She is concerned pertaining to the volume of the traffic this project will generate on Rolling Hill Drive. She requests the terminus of Rolling Hill Drive at the southern boundary of this site have bollards to block off traffic, but that would provide emergency access to the site. Staff is recommending approval of the proposed applications as noted in the staff report. Staff will stand for any questions.

McCarvel: Thank you. Would the applicant like to come forward?

Wardle: Good evening, Commissioners. My name is Jon Wardle. My address is 2929 West Navigator Drive, Suite 400, Meridian, Idaho. 83642. I am here representing Brighton and also BVA. We are partners on the property that's in front of you tonight and they -- our teammates are here if there is any questions that come up regarding the project and they will be available to answer questions if I cannot. Make sure I can -- so, tonight before you we have a request for annexation, rezone, and preliminary plat for the Rackham East Subdivision as well and a conditional use permit for the Eagle View Apartments. As Sonya noted, the location here -- the location in front of you is generally located north of Overland, south of I-84, and east of Eagle Road. The request before you tonight, like I said, is for annexation and zoning of -- to C-G and R-40 of about 25.76 acres and a preliminary plat for eight lots on 29.7 acres. The future land use map shown here on the left is designated as R-G. Of note the R-G designation, the regional designation, goes all the way from Eagle Road to the east to the Ridenbaugh Canal and, then, also goes all the way down to Overland -- actually, goes across Overland as well, the R-G regional designation there. On the far right exhibit here that's showing the current zoning that exists today, which is predominantly C-G on the part that is brought into the City of Meridian. There is still existing R-1 zoning, including the property that we own is R-1 and

RUT, as well as the property going south along Rolling Hills Drive down to Overland Road. This area right here is showing you the part that we are bringing in today. The Rackham East part, which is the 25.7 acres for annexation and zoning and this one shows you what was originally brought in. So, combined these two properties will equal about 90 acres in total. This also shows you the existing roadway circulation, which the public roads, which are to the south of the site and, then, dropping and here is the overall master plan, again, showing some internal circulation, as well as the public road connections going down to Overland Road. When we started looking at the overall project for Eagle View Landing and the uses that had been approved previously and the desire to also include residential living opportunities where we have a mix of uses, we -- we decided -- or we -- we started acquiring the property to the east all the way over to the Ridenbaugh Canal. In doing so we are able to bring to you a complete master plan for all the property, which is south of I-84 within the city's area of impact. The land uses in the original Rackham project are office, retail, hotel and entertainment and, then, we are bringing forward to you both office and multi-family on the Rackham East part of this. And here is a close up of the same exhibit, just showing, again, the internal circulation that has been planned for the site. There are two major east-west drive aisles on the property to collect the -- the automobile movements in and out of the site. We are intending to connect to both Silverstone. There would be a connection on the far west with Rackham Way, which ends up being a right-in, right-out and, then, to Rolling Hills as well. Those would be the public street connections going down to Overland. Everything north where the public streets end will all be private drive aisles internal to the site. As it relates to the comp plan -- and Sonya did a great job in the analysis in the staff report that the Rackham East project, which is before you, is consistent with the city's Comprehensive Plan, the future land use map, and policies and staff has noted that they believe the proposed development is generally consistent with the vision of the Comprehensive Plan for the area per the analysis within the staff report. Just to be clear as to what is happening here -- like I mentioned before, the annexation and zoning part of this is for 25.76 acres. The preliminary plat is slightly larger than that, because we are incorporating these lots -- these two lots, which were previously platted and incorporating that into the project and so the overall preliminary plat area is 29.7 acres. The original Rackham is shown in yellow. The blue is the new Rackham East and the red boundary is the preliminary plat area that Sonya provided to you in the staff report previously. One of the items on the -- within the staff report was a request to take the residential piece of that and make it R-40. When we made our request we requested all C-G. Multi-family uses, regardless of the zone, whether it's R-40 or a C zone requires a conditional use permit, so we viewed it as the same. The -- the C-G already exists out there and other projects we have done have also been done in the C-G designation, but staff has asked that we modify that residential area to R-40. So, the -- the split would be about 13.8 acres for commercial and, then, the balance of that would be for the multi-family. So, the commercial being green, the multi-family being blue. As it relates the annexation, rezone, and preliminary plat, we do concur with staff on the conditions of approval that are before you tonight. We do agree with modifying the rezone to R-40, like I indicated for the multi-family piece, with the balance of it being C-G and also amending the existing development agreement that was previously approved in 2019, so that these two projects, both Rackham original and Rackham East can be combined in a complete document with one single master plan and one development

agreement. Also before you tonight is this conditional use permit for the Eagle View Apartments. As I -- as I noted from the site plan, the -- the apartment part of the project is on the southern piece of the annexation area, which I show in blue there. It is approximately 15.94 acres. We are -- have about 24.8 units to the acre. There are a mix of unit types for a total 396. We are -- based on the required parking we show 648, but staff did a recalculation today and show 660, so we do need to look at that and evaluate it. We do have bike parking on site as well. For overall qualified open space we are about 3.5 acres and we do -- we will develop this property in two phases, 218 units on the west side of it, including the clubhouse, pool area amenities and, then, we would come back and do the other 178 at some point in the future. However, all of the roadway improvements that you see would all be part of the original project with phase one. In the staff report there were a variety of elevations shown for you, but I just wanted to highlight a couple. Here in the middle of the project is the -- the amenity core. We have two different buildings, which is the leasing building, as well as the residents' club and, then, on the backside of that there is a fitness facility and other resident facilities there and, then, the lower left this is the -- looking into the site, pointing the direction to be looking into the site into that building and these are all four story buildings, climate controlled with elevators throughout. Again, just a quick overview of amenities here. In the center we will have a variety of uses there as mentioned already. Entertainment area, game areas, fitness facility, swimming pools, year around internal spa area. There will also be outdoor gathering areas in the center area and Wi-Fi throughout the entire property and smart access into the units and into the community center. On the east and west, if I can just highlight this, internal to each of these buildings is an amenity core. So, the buildings surround this. There is a circulation system going east to west through the site and into the middle community center there. They are pretty similar in nature. There are some variations between them. For example, one side there is sand volleyball, outdoor ping pong table, cornhole, that type of thing. On the other side we would have Bocce ball, Snook ball, but, then, also there will be shade structures, outdoor barbecues, kitchen areas, benches, seating areas. So, there is a lot of outdoor space that is actually accessible very close to each set of buildings on the east and the west. As Sonya noted, we did ask for alternative compliance on a couple of items. We still need to work through a few of those with them, which will be a function of sitting back down through -- looking at the site plan, addressing the parking just to make sure we can make the parking work, as well as the calculation of the private open space and after this, but prior to the certificate of zoning compliance we would sit down with staff and talk through those issues one more time. In conclusion, we do concur with staff. The recommendations that are seen here in the staff report, including the city and agency comments and conditions. We respect -- we request that P&Z approve the conditional use permit for Eagle View Apartments, giving us also the latitude to go back and work with staff on the alternative compliance items and also request that Planning and Zoning Commission support the applications for annexation, zoning, and ultimately a modified development agreement for Rackham East and the preliminary plat. And I stand for any questions you might have.

McCarvel: Any questions for staff or the applicant?

Yearsley: Madam Chair?

McCarvel: Commissioner Yearsley.

Yearsley: So, I'm not sure -- I mean that -- that road that's just to the south of your clubhouse that's not yours, I actually share some concerns about a lot of people trying to drive down that road, instead of going around. Have you looked at any provisions on that -- that section of road that's -- I know it's not on your property, but it will be impacted by your property.

Wardle: Madam Chair, Commissioner Yearsley, that's a great question regarding the -- the road that we are talking about is Rolling Hills. Rolling Hills is a -- it's a rural road and we have had a couple of neighborhood meetings and I know that it's -- it is a -- it is a concern for all those residents that live on Rolling Hills and the -- the nature of the development and how things will change. While we don't have a current -- we have not received the staff report, we have been given indications as to some of those things that will be required to make that road both safer for pedestrians, but also some traffic calming on there. ACHD has noted passive traffic calming. We don't have an answer as to what that would be, but they are definitely looking at ways to make sure that the traffic that does move up and down Rolling Hills is appropriate in both speed and volume. There is also a requirement that we would install sidewalk on one side at a minimum and add streetlights, which are not on that road currently. So, those are some of the elements that would still need to be worked through with ACHD as they continue to work through their final recommendation, but that's what they have indicated thus far on those improvements on Rolling Hills Drive.

Yearsley: Thank you.

McCarvel: Any other questions for staff or the applicant? Thank you.

Wardle: Thank you.

McCarvel: Madam Clerk, do we have anybody signed up to testify on this application?

Yearsley: Madam Clerk, we have one signed in. Alicia Eastman.

McCarvel: Okay.

Eastman: Good evening. My name is Alicia Eastman and I live at 1485 Rolling Hill Drive. That's singular, not Hills, as is on their map. Which is Lot 3, Block 2, of Rolling Hill Subdivision. My concern is traffic and I believe that Rolling Hill should be blocked off at the end as a dead street where the current residential housing ends and we had a reply from Tonn Petersen of BVA to Gary Rainey on July -- or June 7th, 2001, that was shared with some of the neighbors. Tonn confirmed that the egress and ingress for this project would be Silverstone. I don't know what was going on today, but this afternoon there was some work being done and I counted two cement trucks and 14 huge dirt trucks, which was a total of 32 huge vehicles going back and forth past my house between like 1:00 p.m. and 5:00. When the -- just the -- not even the rest of the commercial lots in the

business, just the 396 units, when those are done and they have all residents living in there, I won't be able to back out of my driveway. If even -- there is one car from each of those -- or even half of the number I won't be able to back out of my driveway, let alone onto Overland Road. As was tonight when I left my home I left at 5:20 and I barely made the meeting at 6:00 and that's like Eagle and Overland is our intersection there. So, it's already difficult to access. I'm not really against development and I feel like eventually I'm probably going to have to move, because we are going to do some other phase of that, you know, and I'm -- and I'm even considering, well, maybe I should build on my property. I own an acre. Storage units. I would have some income producing property. But as it is right now if they are -- if they want to widen the road, Rolling Hill, where you have the access to the easement that you can -- that's already there that you can take to put a sidewalk there, that's going to be right on the edge of where my well is. If you widen the road anymore that's going to affect my well and I don't want to annex to Meridian. I like having a well and I like having my septic. So, I just think the anticipated traffic that's going to come with this project would really impact us and kind of -- I think that when they started this project -- they started at the wrong end of the street and it just -- it -- it is a lot of housing. It sounds like a wonderful place if you are going to teleport in and out, but how are those people going to get in and out, even if you do widen Rolling Hill or do something with that and do -- went with that project. So, I just think for us the impact would be too great of that traffic coming up and down if we didn't -- well, this space is done, just make that a dead end and go -- use the egress through Silverstone like they said they would. Thank you.

McCarvel: Thank you. That being the only one signed up, is there anyone else in the room or online that wishes to testify? Okay. Come forward.

Blowers: Try to be more calm this time. My name is Mike Blowers. I live at 1325 Rolling Hill Drive. I think you probably heard enough about traffic and stuff, but I think that's pretty obvious what's going to be happening. I hope everyone can appreciate that this is not a normal sort of traffic increase, so I would like to bring up some more -- some points we probably haven't talked about as much, but aesthetically -- and -- and I have tried to find this myself, but I'm struggling to understand why we think it's okay to have a residential neighborhood be a thoroughfare for commercial development. I mean, obviously, it's going to connect the TopGolf as well. Aesthetically I don't understand this -- the planning around that. It doesn't make any sense to me. I think it was by design that it's this way. I don't understand why we weren't given the opportunity -- I know no one ever approached us to say, hey, would you be interested in selling your property, anything like that, and I believe that's, you know, by design, but unless someone has information for me about plans to develop our properties -- I mean I know I don't plan on moving, so I don't -- I don't really understand why we are spending the money to develop this road. It's going to look weird. I just picture like the Villages at Eagle and Fairview, just picturing 15 one and a half acre 1960s homes, just -- it would look silly and I know we have been talking about aesthetics on these other projects. At the end of the day that -- and we have been in these talks for four years. No one has still answered the question why can this not be dead ended? Like what specific code, what specific law, what's preventing this from being a dead end -- a dead ended safety access only and if, for some reason, there is a law for

that -- I know I spoke with -- sorry if I got your name wrong, Jon, but spoke with him in the past about at bare minimum as part of the approval of this project can we at least say, you know, it's a no construction access thing. Some -- something beyond signs. Like contractual, something that can be fallen back on. Like this -- this is going to be a lifestyle change. This isn't, oh, it's going to be slightly noisier, because, you know, there is neighborhood being impact -- or built, you know, two streets down. I mean this is -- our home sits 20 feet from the road. This street was not designed for this sort of traffic. It may be legal, it doesn't make it right, but it's -- beyond all the obvious, like absurdities of what's about to happen with this, I don't understand how we want the city to look this way by design. It -- I encourage you to take the time to drive down the street and see exactly what we are talking about. But as a final point I also don't really know how we could come to a decision on something like this today without having those ACHD reports. I mean it's a big part of this thing. There is a lot that's going to go into it as part of this project and I just think at bare minimum it needs to wait for that information before a decision is made. Thank you.

McCarvel: Thank you. Anybody else in the room wishing to testify? Okay.

Wattles: My name is Amy Wattles. I'm a resident at 1360 Rolling Hill Drive. I do want to point out kind of what was already addressed, but the fact that they don't even know the street name is concerning. There is no S on it. There never has been. My comments tonight are less about this specific development. All neighbors are sharing the same concerns with the traffic -- the flow of traffic coming down and what that's going to do for our properties. Most of the residents -- or some of the residents have been in these properties long term and the position -- and so tonight is just a representation of one meeting out of 20 years since this plan has -- since the city planning took effect. Every time the residents have to come out and fight whatever the new development is, whatever the new idea is -- and we respect the fact -- we know where we live. We saw all the videos of what's coming and what's planned for our area of town. So, we are not living with any false realities as far as that goes. However, through the years it was, well, we will just annex you. Well, you are just going to get water. Oh, it's just going to be a fire lane. Oh, now it's just going to be an access road for some apartments down your street. It's always something. And when it comes down to it the -- that road, kind of like what Mike said, it's a want. It's not a need. I specifically asked that at one of our neighborhood meetings. Help me understand why you need that road coming down -- access down Rolling Hill. Do you need it or do you want it? We want it. It makes it convenient for the residents. It makes it convenient for the business owners, with a complete disregard for the existing homeowners. Through the years the prevailing message from the city has been development will -- will dictate what happens to our properties. So, when -- when we get a new business coming in, then, it would be annexed into the city. Then it would connect to city water. Our neighbors had that option and they chose to sell out. The developer bought the property, they want to develop it, that's their right. What we are asking is not to be impacted and forced to deal with the consequences of their plan. If they want they can -- they have indicated that in the future there is plans to potentially buy our properties out. Okay. We all know that. So, why the rush to get this road there now? Give us the opportunity to retain our lifestyle and our properties and why we all

chose to live there. It feels like we are being forced. The residents that are here tonight, there is -- while it's a small number, there is 50 percent of the residents here tonight. That's how strongly we feel. Whether or not they testify or not, that's their own decision. But we are all on the same page.

McCarvel: Thank you. Yes. Come on forward. Yeah. And if -- if everybody feels the same and just prefers to raise their hand and not testify, if it's been -- if what you intend to say has already been said, we can see that you are here and acknowledge that. You don't have to -- everybody testify if you have nothing new to add. Okay. Go ahead.

Majorca: Madam Chair, Commissioners, thank you so much. Amy just spoke and we live next to Amy and she has a -- oh, yes. My name is Chris Majorca and I live at 4160 East View Circle. Amy has a potbelly pig and her cow chases the pig and the pig squeals and I have four kids that just love that and we do feel like we have a shire and it's hard not to think of BVA and Brighton as Sauron and Saruman spreading the shadow of Mordor and destroying our way of life, but I know that sounds a bit dramatic. It does feel like that. Whenever I go to Home Depot I ask a question should I buy this apple tree, because I might not get to see the fruit of it. Leaving those analogies aside, 660 parking spaces, that is -- that is making our quiet residential road a freeway. We understand that -- that -- I know Tommy Ahlquist is on record saying that this is what progress looks like. Perhaps it is and that's fine. If this is what progress looks like in the modern day, we -- we acquiesce to that. We just ask that you would spare us and allow us to live our lives and just keep that road a country road. I can't fathom it being a thoroughway for all that traffic. This is a first world problem, but when I was coming from Overland to take a left onto -- onto Rolling Hills it took me about 90 seconds just to break through the traffic. That is your number one traffic problem in Meridian is Overland and Eagle and you are looking at increasing that traffic problem probably by ten fold with progress. Thank you.

McCarvel: Anyone else in the room wish to testify on this application? Thank you.

Adsitt: Hi. I'm Lynette Adsitt and I live at 1360 Topaz Avenue. Is there a way we can get that last picture of the presentation up? I wanted the one with the -- the overall picture where you have your -- the -- this -- Rolling Hill coming down and Topaz -- it was the last one that was up. Is that okay to request that?

McCarvel: Yeah. It's just going to take him a minute, because he was running it through Zoom. It was our presentation -- it wasn't the presentation that the clerk has.

Adsitt: That one. That one right there. Perfect. One thing that I would like to ask the Commissioners to look at is the rural area between Overland and the shaded areas. This is our wonderful little oasis. I have got livestock. I know there are several neighbors that have livestock. Increasing the traffic is detrimental to them. It stresses them out. I would just ask that the consideration be of our lifestyle and we would like to keep that lifestyle. I propose that we block off Rolling Hill. Anything that we can do to preserve this wonderful little rural area is open for suggestion. We do know progress is coming, but there has got to be a way to compromise, so that we can keep our lifestyle and the community can

grow. Thank you.

McCarvel: Thank you. Anybody else wishing to testify?

M.Adsitt: I am Matt Adsitt. I live at the same address, 1362 Topaz. If I would have known she was coming up I would have asked her to ask this question. So, one thing that -- that I have always wondered is on -- on Eagle and the light there, where the freeway on ramp goes -- the freeway on ramp goes east and, then, there is one coming from the west. If you would just make an access to all that commercial stuff in there, people don't have to come down Eagle, all the way down Overland and get into it from there, they could come in straight from the freeway and they could leave straight to the freeway and it would relieve a lot of congestion Eagle and Overland and that intersection, which is the worst in the county. So, that was my suggestion and I think -- I'm just surprised that -- I mean the light is already there, you just have to make it a four way light instead of threeway, which it is now.

McCarvel: Okay.

M.Adsitt: So, that's it. Thanks.

McCarvel: Thank you.

Weatherly: Madam Chair, point of order. Sir, could you state your name for the record.

McCarvel: Oh. Sorry. Yeah. It was kind of muffled. Come back to the microphone and just say it. It was kind of muffled at the beginning.

Adsitt. Adsitt.

McCarvel: Okay. Anybody else in the room wishing to testify or online? Okay. We can't have shout out. Everything's got to be in the microphone, but, yes, got you. Thanks. That being said, would the applicant like to come back?

Wardle: Madam Chair, for the record again Jon Wardle. 2929 West Navigator, Meridian, Idaho. 83642. The obvious point here is that traffic is going to increase dramatically on Rolling Hills -- Rolling Hill. I apologize, Amy. I did it again. No disrespect. Didn't intend to throw an S on there. But Rolling Hill. It is a public right of way. It is dedicated to ACHD and in talking with them they -- they do have ultimately the say on what Rolling Hill will be. There is enough room that it could expanded to a 36 foot wide road with two seven foot sidewalks on each side. That -- with that stated that doesn't mean that that won't impact all those residents. We know that. I want to, you know, acknowledge that right off. We have had conversations and that's -- that is, obviously, the theme tonight. I did want to address one thing. Mike Blowers mentioned -- and we did have this conversation in our last neighborhood meeting about trying to limit construction traffic in total through the build out of the project to Silverstone. We -- we have been somewhat successful in making that work, but I think that's something we could commit to and try to make that

work so Silverstone is the primary source of traffic for construction. I will tell you that that doesn't always trickle down to the last mile. There -- there is always a delivery, there is always a truck that is delivering, but may not know that, but we -- on other projects we have had we have been very quick to monitor that. I think signage can be helped as well. I do want to clarify Alicia's comment regarding the e-mail that Tonn Petersen did provide to them. We just reviewed that. It did talk about limiting traffic, but it was specific to construction traffic and so just to be consistent there we do feel like we can do -- make our internal roadway improvements and make Silverstone the primary source for construction traffic through. As it relates to long-term, need versus want, I -- we feel like with the public road there it does improve overall circulation. We -- we do intend to connect to it and would prefer to. Ultimately the highway district will make that call whether it would be limited to emergency only. But we feel like having it -- the connection there is important. In the -- you know, in the immediate we want to be good neighbors. We -- we understand that the residents live there and we do need to do our part to -- to make the improvements as -- as good as possible and -- and minimize the safety issues that would occur as well. Long term, as it relates to this, all of this property is mixed use regional. Not saying that it will change today. In fact, there is -- there is a lot of -- mention from the residents who live on Topaz that there is also, you know, in that rural designation, but long term it will all change and so we feel like, you know, at least establishing and being consistent with the connection to Rolling Hill is -- is important and we are committed to make the improvements both expanding it and enhancing pedestrian and life safety with streetlights as well. Pardon me. I'm losing my voice a little bit. We do feel like this project is -- is a complete project with the uses that are in front of you today and -- and by tying all of this together into a single project in a development agreement where we really can have all of the uses that are desired within a mixed use regional location, this -- this does it and over time some of these properties of the south will also change and enhance and address the additional or new regional needs. But we feel like this is one complete cohesive project. Like I mentioned, we are requesting tonight your approval for the annexation and rezone of the project, as well as a preliminary plat and at these recommendations of those to the City Council and your approval specifically for the conditional use permit and I stand for any questions you might have.

McCarvel: Any questions for the applicant?

Seal: Madam Chair?

McCarvel: Commissioner Seal.

Seal: Do you know is there a hearing date set for ACHD or are they just -- is that already past and they are now just going to report?

Wardle: Madam Chair, Commissioner Seal, it's my understanding that a staff report will be issued, but it will not go to commission unless there is something in the report that they feel like they need to. But it would be a staff level decision based on the review of the TIS.

Seal: Okay. Thank you.

Cassinelli: Madam Chair?

McCarvel: Commissioner Cassinelli.

Cassinelli: Jon, just curious. Did you look at having a traffic flow pattern through there that would direct all the traffic out Silverstone? I think it -- and I don't know if that Rackham Way, is that even an option in that property to the -- to the far west? Because, obviously, Silverstone was built to handle the majority of that traffic when the other -- so, you are -- you know -- yeah, everything's zoned there regional. It may never happen. Everybody -- if none of them -- but not the right ones anyway that sell to make that -- to make that happen. If that stays -- if those stay rural one acre parcels on Topaz and Rolling Hill indefinitely, what -- what alternative did you have as far as designing traffic flow through there to come out Silverstone, if any?

Wardle: Madam Chair, Commissioner Cassinelli, if -- if there is no access to Rolling Hill, then, it would be Silverstone. That's where the traffic would go. And, you know, I think if -- if the access a Rolling Hill eliminated it just -- you know, Silverstone in the -- in the near term would carry all of that, whereas Rolling Hill is a public road and it does get you access down to Overland Road. So, in our traffic study and in the scoping with ACHD we looked at all those public roadways actions to get down to Overland as access points for the project.

Cassinelli: If that didn't exist could you make it?

Wardle: Madam Chair, Commissioner Cassinelli, I think that becomes a question of -- kind of a life safety question. Could it -- could it work? Sure. But we feel like with the public road that's already dedicated and making enhancements there that that does provide also another connection to the overall development, so -- based on our conversations with ACHD, however, that was not part of the scope. They -- when -- when we look at these transportation plans they look at all the available public roads and look to see how the traffic would be dispersed and it was included in that review and application with them.

McCarvel: Any other questions for the applicant or staff?

Grove: Madam Chair?

McCarvel: Commissioner Grove.

Grove: Jon, since we don't have the ACHD report -- I mean a lot of what we have talked about tonight is really related to traffic and will have an impact with what -- what comes out on that report. Is there a reason why we should not postpone until we have that information?

Wardle: Madam Chair, Commissioner Grove, that's a good question. The indication that we are getting out of ACHD and also what you find in your staff report is that the -- anticipating the connection to Rolling Hill and they -- and they have looked at everything, they just haven't finalized the report, so it's not in front of -- in front of you tonight. The bullet points, which are in this staff report or the notes that are made in there do come from ACHD directly from their review, so that there was something on the record. So, I don't know that the staff report will vary much from the recommendation or notes which are in there currently.

McCarvel: Okay. Any other questions? Okay. Thank you.

Wardle: Thank you very much.

Seal: Madam Chair? Oh.

McCarvel: Do -- I have heard the word continuance roll around, so I'm wondering do we want to leave the hearing -- public hearing open or do you want to go ahead and close it?

Cassinelli: I would be in favor -- I would be in favor of keeping it open right now.

Seal: Agreed.

Yearsley: I agree.

McCarvel: Okay. All right.

Seal: Madam Chair?

McCarvel: Commissioner Seal.

Seal: I just -- yeah, for this -- without having the ACHD staff report I do have a question for staff. I mean there is a lot of people here that want to weigh in on this. They are weighing in with the city. We don't own the road. ACHD does. So, is there a way to give them the information that they need in order to interface with ACHD on this? Do we know the report number, the hearing number, the -- whatever that might be or do they just get a go through the calling tree at ACHD, like we all love to do?

Allen: Madam Chair, Commissioner Seal, Commissioners, the planner assigned to it is Paige Bankhead. The file number is the same as the file number in the staff report for this application. I believe they put on their prefix for ACHD. I think it's MER.

Seal: Okay.

Allen: Does that cover your question?

Seal: I think so.

Yearsley: They were asking if we could repeat that information so they could write it down.

McCarvel: Yeah. I think it cut out just a little bit on your mic.

Allen: Paige Bankhead.

McCarvel: Okay. And the project number would be the same as this -- the staff number on this application. I guess I have a question for staff or legal. Is it even in our purview to block that road to say that's not an access, it's emergency access only?

Starman: Madam Chair, I will start off and I would ask my planning colleagues to join me here, but I think it's already noted --

McCarvel: I don't think your mic's on.

Starman: My voice is also going. Is that any better?

Yearsley: Yes.

Starman: I will yell a little bit. As previously noted, the roads are owned and maintained and controlled by ACHD, so the city doesn't have the ability to close a road. I think you have some ability -- you and the Council through your conditioning process, particularly in a conditional use permit for the apartment complex or multi-family to place some conditions in terms of how the project is designed or how traffic flows, but I don't believe the city has the ability to close the road itself. That would be an ACHD decision and I invite the planning staff to chime in if they think differently.

Allen: Madam Chair, I would concur with that. However, I think the city does have some input on that. As long as emergency access is provided to the site I believe it would meet the life safety issues with the Fire Department, but they probably should weigh in on that.

Yearsley: Madam Chair?

McCarvel: Commissioner Yearsley.

Yearsley: I have been thinking about that and, you know, closing the road doesn't make really good sense, because there is no way to turn around for any vehicle or if you have larger vehicles, but I wondered if -- if you could actually make the last hundred feet or the last 50 feet a one way going north, that way if someone gets down to that road he could actually get out, but people couldn't come down that road. I think that might be a better option than having emergency access only point, you know. Because, I agree, I think it's -- it's going to be a huge amount of cars going to go down that road and disturb that neighborhood, so that would be my -- my recommendation.

McCarvel: I seem to remember a couple of projects where we have done something

similar.

Cassinelli: Madam Chair?

McCarvel: Commissioner Cassinelli.

Cassinelli: If I could -- just on that point, that -- all what -- all that is going to do, really, is cut half of that traffic, because you are going to get everybody going -- they know they can get in that way, they are going to go in that way, they will come out Silverstone, but they are going to go in that way, so that only cuts it -- and that cuts it to half. Half is better than all, I guess, if that -- if that's the option you have. But clearly that road was never designed to be -- to handle this level of traffic and if -- Silverstone was designed with this project in mind to handle the traffic, but I'm -- I'm definitely of the mindset right now that we need to at least continue this to see ACHD's -- what they come back with. We don't know what they are going to come back with. I don't want to assume.

Seal: Madam Chair?

McCarvel: Commissioner Seal.

Seal: I mean I would add to that. I know that if the city has some input on it -- I mean I have been involved in this in other committee meetings and things for a while and there has -- there has been a couple mistakes that I think Meridian has made. One was eliminating the rural designation altogether, which this kind of ties into a little bit in my mind. I mean this is a very small rural community that's right in the middle of a large area of -- of development. I think if we didn't have some input on this and how this is going to impact those folks it would be yet another mistake that we would be making as a city. I mean we -- you know, they aren't technically residents, because they are residents of the county, but, you know, here they are in the middle of this whole thing, so, you know, I -- as -- as I look at the development and how it's being put together I agree, it's kind of -- we are starting at the wrong end of the road. It would be nice to go from Overland out to the freeway, but that's not the way that this is happening. You know, I mean Brighton does -- they have brought some quality products that we have reviewed and that have also turned ACHD on their head a couple times in projects that I have had the ability to review. So, you know, hope maybe there can be something done here with ACHD that will help preserve that road and eliminate the traffic that's on it. I would imagine that -- that Brighton and their partners will probably definitely be policing that road a little bit more, hopefully in good faith to help this thing move forward at a future date, but I think there is a whole lot of things that can be done here for all -- all of us to be better neighbors and to bring this project in with a little bit more tact as it would be.

Allen: Madam Chair? If I may, I would just like to second Mr. Yearsley's point about if -- if the access from Rolling Hill was closed off a turnaround would be required and, you know, there is no place for that, except for on that adjacent property on the residential property, so --

McCarvel: Okay.

Allen I know ACHD is probably going to require a mini roundabout on this site at the terminus of Rolling Hill and, then, the remainder of the existing right of way will be vacated by the applicant. So, anyway, just wanted to second that.

Parsons: Yeah. Madam Chair, Members of the Commission, I would like to just kind of clarify some things for the record. One, going back to this gentleman's comment about access to the interchange. It's not going to happen and the reason why is it's ITD right of way. You know, you want to eliminate conflicts on those types of roadways, as you all know. So, I know this applicant has tried to approach ITD and allow for something like that to happen. Others have tried in the past as well. And that's why it's sat empty for so many years, C-G zone, since 1994, because no one could get adequate access to this site. It's constrained by the interstate on the west. On the north we have a canal that has a connect to the city of Boise on the other side and the only funnel outlet to this -- for this project is to Overland Road. So, yes, we have an issue that we have created because of the site constraints. So, what this applicant -- what we can't do, at least from -- from a planning perspective -- and I totally agree with these neighbors, their world is going to change if this road happens, because this is an intense land use on this property, including their property. Right now their -- their property is low density residential. It's rural residential county properties. But in the future -- and I know the city's had many conversations with a lot of the neighbors out there that we have this as mixed use regional and when you look at a mixed use regional designation we anticipate vehicles and trips going with a destination. You draw people to that place and that's what drew TopGolf to this area. So, yes, in instances where we have had challenges with access, the city's had the ability to restrict access to a road for a period of time and, then, at such time as something else occurs we open that road and make it happen and allow it to function the way it needs to function to get other people out of that area. So, I think from my perspective this Commission doesn't have everything it needs to make a decision tonight. That's what you are tasked to do. You are tasked to make the finding that this is consistent with the Comprehensive Plan and it meets the code. If you think you need ACHD staff report to -- to make the appropriate decision, then, by all means continue this and get that decision. If the neighbors have concerns with this project and the traffic, they should be contacting ACHD. That in itself may trigger a hearing at ACHD commission for them to take it under consideration, again, where they could have that ability to say, no, this is pedestrian access only or this is emergency access or whatever it may be. But I can tell you with my experience at the city we have -- so many times we have restricted access from things happening and one example is Woodbridge. I think you guys hear it every time, we had two stub streets to that property and we missed it and now we still have access issues and that's what we could potentially end up here. We have planned for this to be mixed use regional, we have a master street map that's going to have additional collector roadways to serve this area, but what we are not going to be able to do is get another access to any other property -- arterial except Overland and that's the challenge where ACHD is going to have to figure out how to fund that and widen that to seven lanes. It's planned to be a seven lane roadway to try to address some of those concerns -- those congestion issues. But, again, we are not going to solve that issue

tonight. It's -- it's whether or not you get ACHD's staff report, we fully understand those impacts and whether or not we can mitigate that through the public hearing process. So, that's all I wanted to contribute tonight, so something for your consideration. But certainly if -- if the neighbors reach out to ACHD and it gets set aside to hearing, two weeks isn't going to be enough. A staff -- you know, it may be four weeks before they get it on a docket. I don't know what ACHD's schedule is. But it could be some time before that happens. So, I just wanted you to be aware of that.

Grove: Madam Chair?

McCarvel: Commissioner Grove.

Grove: I just had a question real quick about Rolling Hill. Is -- what's its classification currently under ACHD and what is it projected to be? Like does it have a -- is it, you know, a collector or what -- like what's -- what's its classification?

Allen: Madam Chair, Commissioner Grove, it's classified as a local street and that's what it's planned to remain.

Yearsley: So, my guess is what -- what date do we want to continue this to? Because if it has to go to ACHD, you know, do we want to push it into February?

Cassinelli: That would be my thought.

McCarvel: Uh-huh.

Parsons: Madam Chair, Members of the Commission, I think we call the applicant up. We still have the public hearing open. Let's see what -- what they would prefer and, then, we can at least decide on what we should do.

Seal: Sure you want February?

McCarvel: Yes.

Wardle: Madam Chair, for the record Jon Wardle. 2929 West Navigator, Meridian, Idaho. 83642. Obviously, we would have preferred to have had a full staff report here and not just parts of that information. As I noted before, I don't know that the staff report will be different than what we have communicated or what we have been told, but, with that said, having that as a point of clarification, so that this Commission has that as information and we know where ACHD will land on that, we -- we don't disagree with that. We -- we are concerned about pushing out until February. We do feel like there will be a staff report that will be issued here shortly. So, our preference would be to not go that far out and we pick a date sometime in January.

Allen: Madam Chair, I would recommend January 6th if the Clerk's agenda is available for this project.

Cassinelli: Madam Chair?

McCarvel: I'm wondering with the holiday and everything -- I mean --

Cassinelli: Yeah. I was thinking -- I mean if we make it for the 6th or the 20th, but contingent upon having that. So, if -- if that report is not done and ready then -- then it moves to the -- it slides out from there.

Yearsley: Madam Chair, that would be my thought, too, is if we do January 6th we could -- then if the staff report -- if it gets held up we just continue it again would be my -- my thought until we actually get the staff report.

McCarvel: Okay. Anybody want to make a motion?

Yearsley: Madam Chair?

McCarvel: Commissioner Yearsley.

Yearsley: I move to continue file number H-2021-0075 to the hearing date of January 6th, 2022, for -- to wait for ACHD's traffic report to understand what's going to happen with Rolling Hills.

McCarvel: Hill.

Yearsley: Hill. Sorry.

Grove: Second.

Seal: Could we add a couple things to that? But give them time to deal with the sliver of land that we don't want to have to deal with at a later date.

McCarvel: Yeah.

Yearsley: Okay.

Seal: And --

McCarvel: Sorry, that was the other one.

Seal: Also to work on enforcement of no construction traffic on Rolling Hill Drive.

Yearsley: And that one I don't know -- that one there -- that was just more of an internal discussion I think with the construction guys, so --

McCarvel: Yeah. Let's pause the motion for a minute and we do want to address that sliver, because that -- I don't want to -- I don't think we want to move forward without

having that dealt with.

G.Wardle: Madam Chair, Commissioners, my name is Geoffrey Wardle. My address is 251 East Front, Suite 310, in Boise. I'm counsel to the applicant. I understand the concern with that strip, but there have been more spent in terms of professional fees for attorneys and title companies and others talking about a 40 foot wide strip that got created because ITD screwed up years ago than the property is worth. Staff raised this issue. We had evaluated this issue. BVA has been negotiating to acquire that property. That property was severed years ago and, then, conveyed to the Petersens and they lost it by tax deed. So, A, that property has never had access. The owner of that property acquired it via a tax deed. Has never asserted access and, ultimately, because of its configuration and shape, if and when we acquire it -- and BVA has been working in that regard -- it will be part of the buffer, because it's within 50 feet of the interstate and so under your code it is part of the landscaped buffer. I mean we -- if we can't acquire it we may go ahead and trespass anyway and landscape it. But I don't know what the condition would be that you would have us to come back and deal with it, because it is an enclave, but it is -- it is a conundrum that was created 50 years ago when ITD and that property owner decided to create it. And just to clarify from staff's presentation, it wasn't property that ITD acquired and, then, got rid of, they literally had a big piece of land that came down 40 feet south of the interstate. They dedicated the right of way through and it was created later when everything to the south was -- was conveyed. So, if that is a concern we understand it. It is something that we have been working on. Mr. Petersen and I have been working on that title issue for going on -- well, Tonn has been working on it for years. I first addressed that when Gardner Company had this property under contract seven years ago. So, it's -- it's one of those things that let's not let -- let's not strain at gnats here for something that isn't -- you know, isn't that big of a deal. Give us guidance, but we cannot hold up -- and we had this conversation with staff. You know, we cannot be held hostage to go get somebody else's property and included it in our plat. There is just -- there is no legal basis to do that. We have diligently tried, but I can honestly tell you that I have billed clients thousands of dollars to date over a piece of property that sold for a tax deed for approximately less than 500 dollars 15 years ago. So, give us guidance, but let's not overreach.

McCarvel: I am not an attorney, but I think to protect the city you would have to provide access to it if you don't acquire it.

G.Wardle: And if that's the concern, then, we will -- we will provide access. We can address that, because, again, it's within the commercial portion and it can only be used by your code --

McCarvel: Yeah.

G.Wardle: By your code it can only be utilized for a 50 foot wide buffer, because it's a nonconforming parcel. There -- there -- it's not developable.

McCarvel: I would say whatever you come back to with this has to be cleared by the city

attorney's, because we don't want to put the City of Meridian in a position of being then --

G.Wardle: But -- but, again, it's not the city's fault that there is not access to that property and there is nothing about creating this plat that -- that would create that. But I just -- I'm passionate about it, because, to be honest, I'm sick and tired of the Wood parcel, because every three years I have to go open the file, I have to go back to First American, I have to go back to staff, and I have to share with everybody the history of this parcel.

Wardle: We can do access, but it is -- it was deemed to be a parcel of record legally created through that ITD dedication. So, we will work through it, but it does not need to be included in the plat.

Yearsley: I don't think we need to include that in the motion. I -- personally.

Starman: Madam Chair, I was just going to add two thoughts there. So, I think there is two topics at play. First of all, I'm very sympathetic with the history of that -- that parcel and the ordeal to try to rectify that situation. I think there is two issues at play here. One is the issue of access and to the extent I think we had a concern earlier today that -- that if that sliver of parcel had legal access today and this project would block that access, that would be a concern. In other words, if this project was to land lock that parcel that would be a concern. If the parcel has never had legal access that's a different story. So, I think we could have that discussion. Part two, though, also part of the Commission's concern for sure and part of your consideration is just the public policy consideration of the annexation and do you -- is it in the city's best interest to approve or recommend the approval of annexation knowing that we are going to create a small little enclave that may never be annexed, that may not be maintained and it may be an issue for the community on a going forward basis. So, that would appear is a public policy question for you and ultimately for the City Council. So, there is two issues at play on that issue. One is the legal access issue and that may or may not be a concern if it doesn't have access today, but there is certainly a public policy issue for the Commission's consideration as well.

McCarvel: Okay. I guess we would like that wrapped up in a nice pretty little bow before -- before the next year anyway.

Yearsley: So, I don't want to include that in my motion. It stands.

Seal: Then I will second it.

McCarvel: Okay. It has been moved and seconded to continue File No. H-2021-0075. All those in -- to the hearing date of January 6th. All those in favor say aye. Opposed? Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

McCarvel: One more.

Seal: Madam Chair?

McCarvel: Commissioner Seal.

Seal: I move we adjourn.

Cassinelli: Second.

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

MEETING ADJOURNED AT 9:50 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS.)

APPROVED

RHONDA MCCARVEL - CHAIRMAN

DATE APPROVED

ATTEST:

CHRIS JOHNSON - CITY CLERK