

Seal: Thank you, Commissioner Wheeler. Now, it has been moved and seconded to approve Item No. H-2021-0087 as presented in the staff report for the hearing date of February 3rd, 2022. All those in favor say aye. Any opposed? Okay. Motion carries.

MOTION CARRIED: ALL AYES.

7. Public Hearing Continued from January 20, 2022 for Quartet South Subdivision (H-2021-0088) by Brighton Development, Inc., Located on Parcels S043432586 and S0434325410, at the Northeast Corner of W. Ustick Rd. and N. Black Cat Rd.

- A. Request: Annexation of 67.61 acres of land with the R-8 (48.83 acres) and R-15 (18.78 acres) zoning districts.
- B. Request: Preliminary Plat consisting of 229 single-family residential lots, 2 multi-family lots with 140 townhouse units, and 42 common lots.

Seal: All right. So, we will move on to Quartet South Subdivision, H-2021-0088, which was continued from January 20th, 2022, and we will begin with the staff report.

Cassinelli: Mr. Chair, can I jump in?

Tiefenbach: Greetings, Mr. Chair, Members of the Commission. Alan Tiefenbach, associate planner here with City of Meridian. Okay. This is a proposal for an annexation and rezoning and preliminary plat. The property is not quite 68 acres, zoned RUT, located at the northeast corner of North Black Cat, West Ustick Road intersection. In July of 2020 Quartet Northeast, obviously, to the north and Quartet Southeast were approved north of this property. This subdivision is a continuance of those subdivisions. Future land use map recommends medium density residential, three to eight dwelling units per acre. The applicant proposes to annex a total of -- again, just not quite 68 acres of land. Forty-nine acres on the northern portion of the property are proposed to be rezoned to R-8 to allow 229 single-family homes. The southern 18.7 acres is proposed for R-15. That would be to allow 140 single family attached or multi-family units, although the housing type has not been determined at this time by the applicant. Jamestown Ranch, the court -- I made a little map here. So, Jamestown Ranch, the Quartet Sub -- the Quartet -- sorry -- Quartet Northeast, Quartet Southeast, they are all north. The Klamath Basin, Staten Park and Geddes Subdivisions are to the south and the Birchstone Creek Subdivision is to the west. To the east is unincorporated property that's in the county. This I will be calling the Naomi parcel as I talk about that later. This is -- this is designated for a mixed-use non-residential. Further east here is the wastewater treatment facility. There is some self-storage. It's important to note that here -- this piece of property is currently under review with the Planning Commission -- or, sorry, with ACHD for a new maintenance facility. There are -- let's see. There is presently four accesses to this property off of North Black Cat and those accesses are going to be closed and, then, there will be new accesses. One will occur from West Aspenstone, which is down here, and the other will occur from

-- from Machado, which is up here -- which is around in the middle. Some of these accesses to the north have already been improved -- already been approved as part of the Quartet Southeast and Northeast. The internal streets will be built to ACHD standards. The applicant submitted a traffic study for this application. ACHD responded that the level of service at the North Black Cat and West McMillan intersection -- so, it will be up to the north here, that's level of service F, and that sections of North Black Cat Road and West Ustick Road also exceeded the ACHD acceptable level of service. Ustick Road is listed to be widened to five lanes between 2026 and 2030. North Black Cat Road is listed to be widened to five lanes between 2031 and 2035. The North Black Cat-West Ustick intersection was signalized with turn lanes in 2021. Eventually that's going to be widened as well between 2026 and 2030. Per ACHD, the applicant is going to be required to construct a dedicated eastbound turn lane on Ustick Road, which is down here. They will also be required to construct a dedicated northbound right turn and a southbound left turn at Aspen -- Aspenstone Drive, which is what you see here. The applicant's going to be required to construct ten foot wide pathways along North Black Cat. Originally in the staff report it talked about sidewalks. Since that time ACHD required ten foot wide multi-modal pathways. There is two common driveways proposed with this subdivision. On the right is the open space exhibit. A minimum of 15 percent qualified open space is required, 15.4 percent is shown. This includes two larger parks of roughly 114,000 and 55,000 square feet and some smaller open space areas as well. Based on the 48.83 acre area proposed on our new code ten amenity points are required. Because this project is more than 40 acres amenities are required from all of the separate categories. There is four different categories listed in the code and, then, there is a note of what qualifies for amenity points. The applicant proposes a community pool and changing rooms, children's play structure and clubhouse. Although the square footage is not indicated, staff scaled the clubhouse and it looks like it's greater than 5,000 square feet, which would qualify it for more than six amenity points and this would qualify in the quality of life category. A swimming pool and changing rooms are also shown, which would qualify -- qualify for six amenity points and a children's play structure and all this would end up being about 13 points. This is over the ten points that are required. But, again, as I mentioned, because this is larger than 40 acres they are actually required to provide amenities from all four categories and I don't under -- unless the applicant clarifies with us, I do not believe that amenities have been provided from all those categories. Easy enough for them to fix, but, again, they would have to meet all the categories. The subject property is adjacent to the Naomi Farms property. That's the one I talked about was to the east and that's designated for a mixed-use, non-residential. The purpose of this designation is to designate areas where new residential dwellings would not be permitted. What I have shown you here is the future land use map. Residential uses are confirmed to be -- or have been determined to not be compatible in these areas. Again, as I mentioned earlier, the wastewater treatment plant is about 1,200 feet to the east, which is what you see in green here. There is a future ACHD facility that will be built about a thousand feet here and both of these would -- or very potentially have highly intensive industrial usage, which could include noise, light, odor. The ACHD facility itself -- could also have some pretty significant traffic impacts. At present the Naomi Farms property could be annexed into the city and it would be designated for industrial. So, they could do industrial uses. Right now I think there is sort of an informal RV storage type facility

that's happening. It's covered RVs. Staff has recommended to the applicant that a better transition should be provided between the subject property and the destination -- and the Naomi parcel to the east. The applicant has responded that there may be a future request for a future land use amendment for additional residential uses to the east and that a buffer or transition via a road or something else could be provided as part of this request. The applicant also states that the mixed-use non-residential designation is intended to provide the transition to -- is intended for that reason, to provide the transition, which is why this project, as shown, shows houses backing directly to the Naomi Farms parcel. Staff has known that due to the increasing loss of industrial land and the impacts that I mentioned with the wastewater treatment plant and the ACHD facility, we thought that there actually should be a better transition. I might add that the applicant also has noted that there could be a future request for a future land use map change in that area to allow more residential there. Because of the -- the reasons that we listed, staff at this point -- we weren't sure if we would support that map amendment, but whether or not the Planning Commission or the City Council is inclined to support redesignating that area, it's important to notice that -- that unless the applicant gets that property or unless the current owner of the Naomi Farms are part of this application, we can't ascertain whether an appropriate transition is based upon somebody else and what they might do that aren't associated with this application. So, we certainly -- you know, the applicant contends that the app -- the adjacent property -- that that transition will be provided whenever that develops. Our position is, well, it's not developing, it's not part of this application and you are developing, so you should provide a better transition for the houses, rather than backing them directly onto the -- directly to the parcel. Certainly that's for the Planning Commission and the City Council to decide what is appropriate. So, staff does have concerns with higher density residentials, particularly maybe multi-family that would be right along Ustick. As I mentioned, Council and the Commission should decide if there is an adequate transition. The applicant has submitted elevations. These single family homes are depicted as one or two story structures with attached garages and a variety of architectural elements. They do seem to meet all of the requirements. However, we would note that, again, as we mentioned, there could be a potential multi-family that goes into the -- to the parcel to the south. Now, design review is required for that and also if that was -- if that was proposed it would have to come to you as a conditional use. Still staff would want to make sure that there was more -- that there was consistency throughout this development. So, one of our -- one of our recommendations in the staff report is that the architecture of any multi-family units would be generally consistent with the single-family elevations that you are seeing here. So, again, in summary, staff does believe that it meets most of the minimum requirements of the UDC and the future land use map. There is a few -- one in particular -- I think I noted in the staff report -- along the eastern boundary there is a very long block here. There -- there is some -- there are some restrictions on how long you can have a block without a break. I believe it's 750 square feet and, then, there is some additional allowances that the Council can allow, but this is a very long block. There is all -- they meet the density recommendations. They are right at the 15 percent required open space. They are meeting their 4,000 square foot minimums. Again, with a little tweaking that they would have to provide some additional amenities -- or some amenities that come out of the different categories, which is easy enough for them to do, but certainly as we mentioned we do have concerns with

the existing issues with traffic, how long it's going to take for future improvements and whether or not there is a good enough transition from this development to the industrial uses to the east. With that if the Planning Commission is inclined to support this proposal, staff has listed conditions of approval in the staff report and with that I would take any questions or comments.

Seal: All right. Thank you. At this time would the applicant like to come forward.

J.Wardle: Alan, can I share my screen?

Tiefenbach: Yeah. Sure. Let me -- let me shut mine off. Let's see if I can do this. I think I have to just turn mine off. You should be able to.

J.Wardle: You have to unshare your --

Tiefenbach: Oh. You're right. My bad. There you go. Give it a try now.

J.Wardle: Thank you. Commissioners, good evening. My name is Jon Wardle. My address is 2929 West Navigator, Meridian, Idaho. 83642. Just share my screen with you tonight. Appreciate staff taking an opportunity to go through and describe some of the details here on the project and I want to get into some of them as well, so that we get a full picture of what -- what we are looking at tonight in the application that's before you. As Alan mentioned, we previously had approved last year or two years ago now a Quartet Northeast, which was north of the Five Mile, Quartet Southeast, which was south of the Five Mile and we are asking for annexation, rezone, and preliminary plat approval for Quartet South, which would be south of what's now Machado. If it's confusing to you, it's to us as well. That name's changed several times based on other approvals, but this is Machado up here. This is Black Cat Road here and, then, this is Ustick down to the south. We are requesting annexation, like I said, of nearly 68 acres and asking also for that to be broken up into two different zones, R-8 on 48.83 acres, and R-15 on 18.78 acres. In addition, just the details here for the project, we are asking for 229 single family detached and alley loaded homes in the R-8 section and up to 140 single-family attached or multi-family homes on the R-15 parcel highlighted in yellow. The overall density for the project, when you combine both of those together, we are about 5.46 units per acre. The split between the R-8 is 4.69 units per acre and R-15 is 7.45. But the blended density is 5.45 units per acre. We have also tried -- and this is important to note. We have also tried to bring together a -- a variety of residential home options with a standard front load is all -- as well as the alley loaded surrounding a central park. One of the things that we -- as we have developed now three age-restricted communities, we have put in the core of those very large amenities where it creates a social connection. We feel really strongly about that now as in all ages as well and so that's what's represented here is that there is a large community center. Alan is correct, it will be over 5,000 square feet where there will be an opportunity for a number of different programs in there to provide year around socialization. Clearly, you know, people do like swimming pools as well and that will be available here as we have been doing up in the northern part of the project as well. So, I just wanted to let you know that that central park area is designed to be a social hub for

this community. So, even though these lots in some regard are smaller, we are offsetting that with a very large community center that will mimic what we are doing in our Cadence communities, but this will be for all ages. This, again, highlights the amenities that are here with the clubhouse, community pool, a large playground structure. The -- the overall combined open space here is 15.4 percent or ten -- ten acres of the entire site and I want to split these apart. The R-8 area which, is the area to the north, which is denoted here, has 18.3 open space. When we bring back the R-15 we are going to be adding more open space to that. We haven't defined what that is currently, but we do need to comply with those open space requirements for that R-15 designation. There will be a little bit of a nuance, whether it's attached -- single family attached for sale or multi-family, but that open space calculation for the R-15 will increase, as well as will the amenities for that area. Pretty hard to zoom in on this, but Alan noted that because we are over 40 acres that we need to get additional amenities from each of the categories and we are proposing that those will be included as well. We have a number of non-required pathways and sidewalks throughout the project. We will also, given the essential amenity area here, we will be adding some features for the bicyclists, repair stations, that type of thing and so we will be able to comply with all of the categories and all of the amenities for the project. We did provide, prior to the hearing this -- a few weeks ago we did provide an update to the overall preliminary plat. There were -- we eliminated some areas that were of concern to staff and made sure that we were complying with all the dimensional standards for the project and that's what's reflected in the preliminary plat that was provided to you by staff and also here in this exhibit. There are four items -- I -- I wish I could say that, like the previous hearing where we were in complete agreement with staff conditions, we aren't, but I would like to walk through those with you today. The four items are arterial frontage improvements for Black Cat and Ustick. A future residential in the R-15. A question about the alleys. And, then, the future land use map designations. We have talked about that transition or buffer with the MUNR designation. So, the first one is the arterial frontages. As -- as is typical when we develop an adjacent phase of those we make those improvements. Staff has requested that we actually make the roadway improvements right from the very beginning. I am the first to tell you that we -- we also are -- we want to get roadway improvements done. This is problematic in this project at this point at the very beginning. There is a couple reasons. I mean it does add some additional costs up front, but more specifically we have a number of -- and you can see them diagonally -- some drains that come through the property. There is a large amount of piping that needs to happen across the frontage and we also have the Quenzer family home, which is still here, and their accesses and those type of things. Their home is very close to it. The home will go away, but the timing of that is not at this point in time. That's why we have phased this project the way we have, with the red area first and, then, green coming down, making the connection to Ustick and, then, we would move over. Our hope is that we can get in there earlier, but it's not feasible for us to do all of those roadway improvements at the very beginning of this project and so we are asking that condition 1-B be deleted as a requirement. It's not required by ACHD, but it is noted here and staff has made that request and we are asking respectfully that that condition be deleted. I will note that we -- when we originally proposed the -- the roadway improvements we did show those as a five foot sidewalk. Their -- ACHD is in the process of transitioning their requirements for the pathway accesses on arterial roadways. We are doing this right now in south Meridian

where those are ten foot. We, in talking with staff -- with ACHD staff -- and it was noted that, you know, we not be allowed to do five foot and we agree. We are going to do the ten foot regional pathways on both -- on our side of the road. In fact, we are doing that to the north with our existing projects as well, so we have a consistent ten foot along there. At some point ACHD is going to be updating their policy manual for that, they are just not there yet, but this will allow us to do that in the very beginning. The future R-15 residential -- like I said, we aren't quite sure what direction we are going to go, whether these will be for sale or whether they will be a multi-family under complete rentals, but a CUP is going to be required. We do need to come back to you to bring this back, so you can review both elevations, compatibility as Alan mentioned, with residential styles, which we will do and also the additional open space requirements. The one nuance here that we are asking for -- staff had noted -- noted that a DA modification be required prior to submitting the CU. We are just simply asking that that be modified so they can run concurrent. There is a little bit of a timing sequence there, but we want the DA mod and the CUP to run concurrent, knowing that you will review the CUP and City Council will review the DA mod. But it's just kind of a chicken and egg on that. There was a comment made about alleys not complying. You know, we have been over this a few times with different projects with alley projects here in the city. What -- what the concern is is when that alley makes a turn and it -- you can't view from one end as -- there would be like a blind corner, but where these alleys you can view from a public street to the end and, then, you can view the other way as well, we do believe we actually comply with city code. The city actually has approved these for us in at least four projects. You know, we -- we also agree that you don't want to have these L-shaped where, you know, you can't see all the way through, but the fact that these intersect and you have an opportunity to look from the other roads as well -- it's an item we have worked with the police on safety and given that they have been approved before we are not quite sure why at this point those are not viewed as acceptable. So, we are asking that condition 2-B be deleted as a requirement. We believe they actually comply. And, then, the last issue is the -- the future land use map and the -- a little typo there, but it should say mixed use MUNR, the proximity to the Wastewater Recovery Resource Facility transitions, that type of thing. You know, this mixed-use NR designation has a very long history. We are talking 20 years now that goes all the way back to the 2002 Comprehensive Plan and, believe it or not, I actually had worked on a couple projects in this area in 2002 as we were working through this prior to the city doing their first odor ordinance -- or odor study and so I -- I do have history with this. The -- the -- the thing that is important to note in the city's Comprehensive Plan is they do talk specifically about the mixed-use non-residential and encouraging transitions, but the city is pretty specific about how that transition does occur. When you look at the mixed use non-residential, there is two things that they note in -- in your Comprehensive Plan. One is no new residential. Existing residential can stay. It has a historic use. It can stay. But no new residential can be approved in the mixed use non-residential. That's very clear. That's been -- the city's been consistent on that. What hasn't really happened around this area in terms of developing up against it is how the transition occurs. We -- the staff has asked us to create that transition, but, in fact, the -- the mixed use non-residential provides for that transition to occur in that designation. When you look at this little rendering right here -- and I just put them side by side. The area on the outside shows residential butting right up against the mixed use non-

residential zone and the way that the city had described this -- and this goes back to 2011. So, this is the -- this is a graphic that has been consistent in all the comp plans from 2011 -- is that there are transitional uses on the mixed-use non-residential and, then, the more intensive uses are moved away from it. So, this says -- you know, this is showing existing industrial or it could be new industrial, flex, light industrial, transitioning to office or uses that would be of a size and scale, as well as landscape buffers on there butting up to residential. The mixed use non-residential is the transition between the intensive use of the wastewater treatment facility and the residential around. The comp plan clearly shows how that transition should occur and when an MUNR application does come forward the city has the guide. It's in your Comprehensive Plan on how that should occur. Our issue is staff has asked that we provide, for example, another road north to south. That's -- we don't believe that that is needed. We believe that the transition really can occur back to back as shown here where you could have offices and you could have a landscape buffer. If the city abides by the Comprehensive Plan and your own guide there will not be heavy industrial up against residential. The intention is that the transitional uses as stated here and shown here would be -- would provide the transition. I also want to show up here that industrial -- very small, but industrial up here in the corner is one of many zones that could be appropriate within the mixed use non-residential zone. So, it's not -- I don't want to, you know, preclude the option for somebody to do industrial, but this area has been there for 20 years and it has not taken root. Maybe it will at some point, but the city has the tools in their tool belt on how to deal with the transition. So, in summary, we request the following conditions be deleted or modified: 1-B, which relates to the frontages, us improving the roadways with our very first phase. 2-A, which is the -- I think 2-A relates to a requirement for a road adjacent to our property and the mixed use non-residential and 2-B would be the -- the alleys. And to modify condition 1-C, which clearly -- which just states that instead of having prior to submitting, that the concept plan development agreement could run concurrent with the CUP. We concur with the staff recommendations for approval, including the city and agency comments, including our modifications and we request that the Planning and Zoning Commission support and transmit this to the City Council for their review and approval. Thank you.

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

Lorcher: Commissioner Seal, I do have a question.

Seal: Go ahead, Commissioner Lorcher.

Lorcher: So, if everything went your way where the land was annexed into the city -- that's what we are voting on tonight; right? Whether we are annexing in and the preliminary plat. And, then, you go to City Council and you get that approved. What is the time frame for Quartet South Subdivision phases to incorporate -- to actually have a product for sale? What's your time frame?

J.Wardle: Commissioner -- Chairman Seal, Commissioner Lorcher, our time frame for this is -- I don't believe that we would have any development that we would be able to do in this first area, which is shown as red, until, you know, a year from now. We have, you

know, a few things that we need to work through in terms of design. So, my best case scenario would be that we would have lots that would be available to be built on probably May or June of 2023 at this point in time.

Lorcher: Okay. Thank you.

Seal: I have one question on the -- phase one, what's the secondary access that you would have -- that will be provided for that?

J.Wardle: Chairman Seal, a great question. So, we have worked with Mr. Bongiorno on this. It's kind of hard to see, but up here in the right corner there is a stub street that will go into the Naomi Farms property. In the short term we actually will improve this over to that access point to get the access out and Joe has reviewed that and he's approved that. So, that would be the short-term emergency access with phase one. And, then, once we get phase two done it's natural going down to -- to Ustick.

Seal: Okay.

J.Wardle: We also, just to note, we have -- with Quartet Southeast No. 1, which is on the north side of Machado, we are building this roadway. This roadway will be finished this spring. We are also building the bridge across the Five Mile Creek, which connects with Quartet Northeast No. 1, which will also go out to Black Cat. So, we are starting to fill in multiple directions where people can move through the site in case of an emergency.

Seal: Okay. Thank you.

Grove: Mr. Chair?

Seal: Commissioner Grove, go ahead.

Grove: All right. Let's see if I can get started here. Can you go back a slide, please. Thank you. So, this is a little bit different than what we had. Can you explain the mid line section on east and west it looks like -- in particular on the east side where, by my count, there were 41 homes in a straight line more or less and I just have some general concerns with how long of an uninterrupted street that -- or uninterrupted row of houses. I see this as a little bit different, but can you kind of explain how and why and all of the particulars for that section.

J.Wardle: Commissioner -- or Chairman Seal, Commissioner Grove, it's a great question. We -- we are aware of the city's requirement for, you know, these long blocks. When you look at just the right side or the east side of the road there is very few breaks, but if you look on the west side of the road we do have one, two, three roads that are coming into it and at each one of those intersections we are actually going to be constructing chokers, so they will be -- the curbs will come out, so that they create a -- you know, a natural slowing, so it's not just a straight through. We also wanted to create a little bit of curvilinear to that road, so it wasn't a direct shot through that. So, with the traffic calming

as we have talked with ACHD in these locations, we believe that we actually are able to break up that long section. Even though we have a large block on one side, we have three roads coming into it on the other side.

Grove: I -- I see it from both the traffic's perspective, but also just from a visual. That's a really really long stretch visually, even if -- if it is, you know, calming traffic, I have some -- some hesitation with how that will visually look. You know, if you are at one end of the cul-de-sac and looking down the other it looks a little different than what you would typically see in a subdivision in Meridian and, then, with that on the slide previous it's different than the slide current in terms of how that mid section has an alley or something. Which -- which way are we looking and what are we supposed -- which one of those is current I guess?

J.Wardle: Commissioner Seal -- yeah. Let me just go to this one right here. Commissioner Grove, the application we originally submitted showed what we would call these U-shaped alleys. I mean in working with staff that is not a solution that is -- that we can do. I mean it's not -- it's not appropriate for -- for this. We -- we talked to -- even though we have done it in some other places, those are private roads. We had some more allowance. With the public roads we just felt like, you know, we needed to make that modification. So, there was a revised preliminary plat and it was in Allen's application, which is this one, it actually removes those U-shaped lots, it makes them wider and so, you know, there are the same number of homes. We did actually add a common lot with a pathway that would go out to the pathway system out onto Black Cat. One of the -- one of the advantages -- and this goes to your question just a moment ago about the long road. When we were going to do the alley we could be -- we could pull those homes out closer to the street and so that would also visually kind of block that road up. But with a front load they get pushed back some. So, that's kind of a trade-off there. But that's -- this is the correct one. Those U-shaped alleys are not -- are not proposed, but this plan right here is. The -- the open space exhibit that was provided -- and Alan provided it your packet -- is correct for this. These -- the pretty color rendering we didn't -- weren't able in time to get that one updated for this meeting.

Grove: Thank you.

J.Wardle: Thank you.

Seal: Okay. Any other question? Oh, Commissioner Grove, go ahead.

Grove: I have more questions. I was just waiting to see if anybody else -- can you, please, kind of address for me probably the -- outside of the 41 homes in a row, the -- the biggest piece for me is probably ACHD's timeline for the arterial roads and what that looks like. I mean the soonest it looked like was something like four years out and, then, the -- the worst case is 13 years out from today when they would have some of those roadways upgraded to -- yeah. The full build out. With this many homes in addition to the other ones that are coming on and already having some major issues out there in terms of the service level, how -- how can you address this or how -- it's going to be a concern for you

in selling the product or renting any of the product. So, how are you looking at that problem?

J.Wardle: Chairman Seal, Commissioner Grove, as I mentioned we are strong advocates to getting roadway improvements done and when I say strong advocates, we currently are undertaking four different CDAs in south Meridian around the Pinnacle project. One of those was at the request of the city for the city park. The other three are projects that in working with the highway district we have been able to move those projects forward and beyond -- way ahead of their schedule to do those things. We haven't been able to get to that level of conversation with them. As I mentioned, our -- our short-term issue is we have a wide variety of storm -- or not storm drainage, but surface water constraints that we need to deal with before we can get really serious about the roadways out here. It is a positive thing that the majority of the right-of-way has already been dedicated on the west side of Ustick, at least south of Machado. We control or will be able to develop the piece north of that and Ustick also is in a similar position. I am not committing today that we will be able to accelerate those dramatically, but we do want to make those things happen sooner than later. The nice thing when we do a cooperative development agreement there is two time frames. ACHD has in their programs certain times when they can allocate dollars, but they can also move those dollars forward if they can come into a development agreement like we have done in south Meridian. So, we will pursue that with them, but as you noted if we allow them to make the improvements, you know, those full build-outs will -- will take some time. I do think that there will be some acceleration or at least some interest in moving Ustick forward given some of those connections that are going to happen farther to the west, but clearly Black Cat is in need of some improvements as well.

Seal: Okay. Anybody else have any questions that would like to float to staff or the applicant? All right. Seeing there is none, at this time thank you. Appreciate it.

J.Wardle: Thank you.

Seal: We will take some public testimony. Maybe.

Weatherly: Mr. Chair, no one has signed up online in advance.

Seal: Okay. Anybody in chambers like to testify? Anybody online raising their hand? No? Okay. Unless there is additional -- any additional questions or anything -- all right. I will take a -- would the applicant like to say anything in closing? I will give you the opportunity, so -- you know.

J.Wardle: Commissioner Seal, Commissioners, again, we -- Jon Wardle for the record. Again, appreciate the opportunity to -- to give this project to you, so you can evaluate it. We are very interested in doing -- doing projects which will last and part of that is also addressing the -- the infrastructure and we are committed to -- to making that happen. Our -- my only closing comment was -- tonight is we just request that you evaluate the modifications that we put before you on those roadway improvements, on timing of those.

Also that the transition for the mixed use non-residential is safe. It's -- it exists. The city has the mechanism for that and just give us an opportunity to work through some of those transportation issues without it being a -- a requirement. Again, we -- we appreciate the city working with us and reviewing this. Also with Alan. I will tell you that Alan spent a lot of time on this application. I think we started our conversations -- you know, we are the 3rd of February today and I think we started e-mailing back and forth in mid December on questions. While I don't necessarily agree with some of the conditions that are there, I do want to applaud him for taking the time to get into the details on this project. He spent a lot of time on it and was also looking for our input and feedback on questions that he had. So, I think we were able to resolve some of those and make the project better. There is still a couple items that we are asking for your consideration on. So, thank you.

Seal: Thank you.

Grove: Mr. Chair?

Seal: Oh.

Grove: I'm sorry. Can I ask two questions?

Seal: Absolutely. Go ahead, Commissioner Grove.

Grove: Two questions. First one is probably easy, just in terms of the -- all the Quartets, are they the same in terms of how the Apex were connected? Are they all one? Okay.

J.Wardle: Yes. Commissioner Seal, Commissioner Grove, yes. Again, it's this -- this naming deal on the plats. But this is all designed to be a single community, the community of Quartet, and we will be developing across Black Cat in the future as well. So, that will all be one full community and everybody will share in the amenities.

Grove: Okay. Thank you. Second is probably harder. With this, if we get to a point in our deliberation, just so that we kind of have a heads up, are you in favor of continuance or denial if we get to that point? I just have some major questions that -- I don't know if everyone else will feel the same way, but just so we know what direction we are going with some of our deliberations. Kind of giving you a heads up of where I'm at I guess.

J.Wardle: Mr. Chair, Commissioner Grove, it's a great question. Obviously, we -- we would like to proceed in the process, but if the Commission has questions they want to pose to us that we can answer or -- I mean we are open to that as well. But I mean, obviously, we -- we would prefer not to come out of this Commission with a denial. We feel like the -- the project isn't just a -- going to be just a subdivision. This will be an asset for northwest Meridian and we feel like that there is an opportunity to -- to do something great here. So, our -- our ultimate goal is not to leave this Commission meeting with a denial, so if there were questions we would like to have those answered. If we could do that tonight, great. So --

Grove: Last question. I promise.

Seal: Go -- go right ahead. You -- you just asked a good one there, so --

Grove: With the parcel in the farthest southeast corner of the project, what is that -- and I guess what is -- what are we looking at there, because it has not been addressed very clearly?

J.Wardle: Mr. Chair, Commissioner Grove, I'm glad you asked that. So, when we designed Quartet South there was an existing road to the south that we needed to align with. That was where -- oh, just lost the name of the subdivision. But to the south that exists. So, we needed to align with that. It just happens to be -- you know, normally, those points -- you like to get them at the quarter mile. So, 1,320 is the -- is the magic number. But also, you know, ownership doesn't always fall that way. So, my guess is when they developed that piece they got it, you know, where they could. So, we are aligning with it. Honestly it doesn't have any use. So, it's going to end up as open space. But we did include it with the R-15 designation. There is a potential, with that stated, that if there is a use to the east -- and we made reference to that and I want to be clear that we -- we have no ownership, we don't have any options or anything on the Naomi property, but when that property develops to the east and if it's an office or something that's compatible, there may be an opportunity for us to work with them and say, hey, here is some extra land that, you know, if you need some room for parking or move a building over there, but we can't develop it as it is. So, I'm glad you asked the question, because it is just kind of hanging out over there for us. We would end up just developing it as common area.

Grove: Thank you.

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

J.Wardle: Thank you.

Seal: Okay. At this time can I get a motion to close the public hearing for Item No. H-2021-0088?

Lorcher: So moved.

Wheeler: Second.

Seal: It's been moved and seconded to close the public hearing for Item No. H-2021-0088. All in favor? Any opposed? Okay. Motion carries.

MOTION CARRIED: ALL AYES.

Seal: Who wants to jump in first?

Cassinelli: Mr. Chair?

Seal: Oh, was that online?

Cassinelli: Yeah. It was Bill.

Seal: Okay.

Cassinelli: No one else was jumping in yet. Okay. So -- and, Commissioner Grove, thank you, you hit a lot of fantastic questions there. First of all, right out of the gate here, the traffic count on Ustick -- now, this is according to -- according to the -- the comments of the draft staff report we got from ACHD. This is west of Ten Mile. I don't see anything for -- well, I guess Ten Mile. I'm thinking Black Cat. Never mind. So, that works. That study was done -- that traffic count was done -- was four years ago. Since then they have built a rather large high school to the -- to the west there and -- and based on those numbers, these counts are exceeding the levels of service from -- from counts from four years ago. Those are still all two-lane country roads out there and they have -- you know, they indicated that -- that they want to have occupancy in about a year from now, maybe a few months after that, but it's already exceeding levels of service -- service on -- in the -- in the peak hours. There is other things with this project -- right now we all know -- we are all very familiar with Brighton and the work they do, but what this is going to do to the roadways, until these -- all these roadways get improved, is -- is not going to be a benefit to this part of town. It's going to make it miserable. It already is in the peak hours and this is only going to -- going to increase that. I have concerns with the overall density. Commissioner Grove brought up that -- he hadn't even paid attention to that row of homes on the east at minimum that has to be broken up. Maybe even in a couple of spots with some common lots, a couple of pocket parks or something and, then, just the -- I mean the goal is -- is to get as many as we can in -- in the -- what's allowable in terms of density and it's -- you know, I'm -- I'm just going to -- I will -- I will -- I will say it. This -- you know, the projects that we are going through and what we are doing here, especially before the roadways can handle it, is not making Meridian more livable. It's -- it's just -- it's -- it's not as pleasant. We got to -- I think we need to look to that. I'm not saying that this is a dead-in-the-water project, but I don't think this can go in until it's the -- this is the cart before the horse. We got to get these roads improved. They don't meet standards now and there is certainly not by the time some of these homes start getting occupied. So, I -- I a hundred cannot get behind it until -- until these roads can handle what this is going to bring.

Seal: Okay. Anybody else want to jump in?

Wheeler: Yeah.

Seal: Commissioner Wheeler, go ahead.

Wheeler: Thank you. Thank you, Chairman. For me I'm -- I'm similar to where Commissioner Cassinelli is at. I'm concerned about the development on the -- the road here. I know that that was also a concern of ours with the ACHD site that's a couple parcels over to the east on that. We were a little concerned about the development on

that, with that being a two-lane road access and things of that nature. I'm -- I would really like good transitional pieces and I -- I don't know if that -- that -- that row of -- of homes on the eastern side -- just doesn't seem like a good transitional piece to a non -- was it a mixed-use non-residential zoning and why there seems to be a little bit -- it's a little opaque in what can be used in that area to have it just the same kind of a density and same kind of homes that are also in the interior side, I'm not sure if that's a -- the kind of transitional piece that would be the -- would fit that area well and I just wonder if there is just another plan that might work there better than R-15, R-8 densities, given that it's next to a major -- to a major arterial and also next to the mixed used non-residential area. It's hard for me to support this as it is right now.

Grove: Mr. Chair?

Seal: Commissioner Grove, go ahead.

Grove: All right. I have probably made some of my feelings somewhat known through my questions, but I like large chunks of this. I think the open space, especially that central amenity, it's a great feature, it's a great way to do some of this design, tying this in with the -- the subdivision sections that have come through for -- from the north. Great. I think it's -- it gives -- I'm okay with the density. I'm okay with the product type. I think it's a great look, great feel. It adds housing diversity to this overall project. I think the alley load as demonstrated in the Apex project, you know, similar to here, looks great. I like the look. I have been in those neighborhoods. I think they look great. Adding -- upgrading the sidewalk on the arterial to -- to be a ten foot pathway, even though that's not yet required, kudos. I think -- you know, not to harp on it, the arterial road is a major concern, not something that you can immediately fix, but it's a major concern with this project, in particular because it's not the first project in this area. It's coming in on the heels of a whole bunch of other projects and so it -- it's getting weighted maybe a little harsher, because it's already at a low service level and adding to that low service level, you know, it's kind of -- it makes -- it makes it a lot harder for me. I think overall the -- the site -- it needs a redesign, mainly because of the 41 homes on that east side. The -- there is a couple of common drives. The one on the -- on the far west I'm not as concerned about. The one that's shown in the southeast corner, that one's much different than all of the other -- of the -- of this, what, five common drives that you have shown tonight that one's the worst just in terms of layout and accessibility and what it would do to the general flow of that section of the neighborhood. I -- I think that for me I would be in favor of suggesting or requesting a continuance to -- to see how we can have them re-do the -- the general site layout, so that it's more conducive to both traffic calming measures and general aesthetics within the neighborhood itself, with special regards to the -- the east side. But I think if you identify -- I'm guessing at this point, but I'm guessing if you identify that, it's probably going to have a ripple effect across other parts of the development, so I'm -- I don't have a quick fix on this one, you know, take out a lot and fix and it's better, I don't know that that's necessarily the case here. So, I'm open to a continuance, but definitely want to hear from everybody else on some of their general thoughts.

Seal: Well, I will -- I will jump in. The exceedingly long road in there is, you know, definitely a concern. I mean I live pretty close to this and -- and we have Moon Lake,

which is a raceway a lot of times. It's a really fairly straight piece of road and they have a lot of problems with cars racing up and down there. So, to the point of involving police officers in their endeavors. So, anytime I see a stretch of road like this in a subdivision that's like that I have major concerns about it. The biggest concern that I have is that it is right next to the mixed use non-residential and that we have had a lot of discussions in the past about that mixed use non-residential and the fact that they do want to keep it there. You know, we may be 20 years into it, it may be another 20 years before it develops, but I would really like something to go in there that -- that fits that and I -- and I think having that huge row of houses, you know, backed right up against it is not going to make that real palatable for anybody that wants to go in there in order to try -- they are going to have to put in a lot of different, you know, normal usage I guess, instead of the mixed use. It's going to cut down their -- their use of it considerably in my mind. That's the biggest concern I have with this is just the fit and the feel for that. I would -- I don't want to hinder the development of that mixed use non-residential, really, in any way and I just -- I feel that the transition that this provides is not adequate at all. I think there are things that could be done in order to make it fit. I do agree that that mixed -- or, sorry, the shared driveway at the -- at the cul -- in the cul-de-sac is just horrible. That is atrocious. So, I mean I can't imagine living in there, the -- the accidents that would happen, the congestion just in that cul-de-sac alone is -- I can't imagine living in there, so -- but, you know, again, the mixed use non-residential is the biggest concern that I have in here. So, how we make that piece more palatable for somebody to move in there -- and I just don't think this is it.

Lorcher: Commissioner Seal?

Seal: Commissioner Lorcher, go ahead.

Lorcher: A couple of things. I a hundred see a Brighton product at this corner and having residential is probably the highest and best use. I will respectfully disagree on the transition on the mixed-use non-residential. The applicant is applying for this parcel, not the one next to it, and a lot of times we complain -- or people complain saying, well, I lose my view or you don't have control of what happens on a parcel that you are not developing. They are developing this one, so I'm actually okay with their transition. They are fulfilling the needs of what the city is asking them to do and it would be the burden of the mixed-use non-residential to do the transition based on what I have heard on code today. But my highest concern about this is that the Black Cat and Ustick interchange -- the intersection is not to move to six to seven lanes between '26 -- 2026 and 2030. Ustick won't be five lanes from McDermott to Ten Mile from 2026 to 2030 and Black Cat not to five lanes from Cherry to McMillan from 2031 to 2035. Adding 800, 900 cars to a -- two country roads that can barely handle what's going on there right now would be irresponsible. So, I do think this is the right project for this area. Maybe in a different capacity, but I think we are too soon.

Seal: Okay. Thank you. Commissioner Yearsley, would you like to add anything?

Yearsley: I -- I come back to my previous comments on the previous application. I just -- I -- it seems like we are just trying to cram as many lots in as we can to meet a price

point that we can and so I -- I -- I just -- I just struggle with these type of projects for that reason.

Wheeler: Mr. Chairman?

Seal: Commissioner Wheeler, go ahead.

Wheeler: Would -- could we open up the hearing, just like we did with the other one, just to kind of get a feedback a little bit? Would people be okay with that? Would be open for that?

Seal: To open the public --

Wheeler: Open the public testimony again just to get some --

Grove: Mr. Chair, maybe a tiny bit more just discussion on --

Seal: You bet.

Grove: -- what we are opening it for and -- in terms of what some of our expectations are going to be before we get there.

Seal: You bet.

Grove: Just going through the list of four points that the applicant brought forward in terms of the staff recommendations, I think maybe we touched on -- on what those four are and if -- if there is anything that we need to -- you know, as we move forward are okay with those changes, not okay with those changes, things like that. I personally would kind of like to see where we are at with some of those. To me I'm okay with all of them, with the exception of 2-A. I don't -- I wouldn't want to address that one until a redesign is -- is done. I -- they might inadvertently fix 2-A by doing a site redesign, so I don't want to necessarily move away from that one. I'm okay with the other ones, though, so -- my two cents.

Seal: Anybody else like to address those?

Wheeler: I mean everybody --

Seal: Commissioner Wheeler, go ahead.

Wheeler: Yeah. I'm -- I'm okay with that, too. That's the way I kind of came down on it, too, Commissioner Grove. I -- I guess where I'm leaning at a little bit more with just kind of hearing some of our feedback here on the Commission and some of the concerns that are there on the majority side is if we -- if there is a -- if there is like a continuance that's given, there seems to be like there is going to be a lot of rework done on the site particularly, and there is a lot of just concern over just basically this is a -- in a four-way

intersection with two country lane roads anyway and so is a continuance just going to just push out more that -- to get the same thing or -- or not? And that's -- that's -- I don't want to -- I don't want to waste their good time on putting together something that's just going to come back and we are going to say, well, the roadway is not -- and infrastructure is not here and, then, it's -- it's not good timing on that and that's I guess where I'm kind of between where I wanted to chat with them a little bit or actually talk a little bit more with the Commission here to see -- I mean even if we were to do a continuous and they were to do a lot of stuff, but the majority of us talking about the transitional pieces or doing some things with that northeast -- or southeast corner, would it -- would pretty much hoping to getting the project approved on that?

Seal: I mean one of the things that we do have here is that ACHD -- I mean one of their conditions of approval, essentially, that we had put in was the fact that they have to accelerate the improvement for Ustick Road, so I -- I mean that hasn't -- that hasn't went in front of City Council yet for approval, but at the same time it was a long interesting night when that came across, because we had a lot of conversations with them about Black Cat and about Ustick and the fact that it is -- I mean most places are about five years behind where we are at with development, just because, you know, nobody saw this coming. So, that's kind of where we are with it. So, I think there are some opportunities to -- for Brighton -- you know, for the applicant to, basically, kind of do what they have done out in Pinnacle. You know, I -- I think for us to ask it is a big ask for sure. I -- you know, when the Pinnacle application came in, honestly, I was kind of -- I had to step back when I read through it, because it did some things that I have never seen done before. Number one, there was a piece of land in there designated for a school. Number two, they just said, yeah, that's fine, ACHD, we don't mind what you say here, we are going to go ahead and build this out. So, that kind of knocked me back a little bit. So -- you know. And the opportunity may exist for them to do that here as well. The mixed use non-residential I'm still stuck on that one. You know, I mean we are not preserving a view or anything along those lines, we are just making it some -- you know, that piece of land, really, it just isn't palatable for anything along those lines. It will either stay non-developed or we will end up just putting more residential in there. So, which we do not want to have in there. So, we are already encroaching on the wastewater treatment facility in there and I guarantee that there is going to be -- there is going to -- you know, there will probably come a lawsuit out of all that, because it's going to stink, so we are there, you know. I mean the houses are going to go in and we will see what happens with it. So, you know, I guess what I'm saying is I -- I don't know. I don't know if there is enough room in here for this to be approved. I mean we have had, you know, several people weigh in that were a no based on the traffic and a no based on the mixed use nonresidential and the way that it's laid out right now, the really long road -- you know, there is just -- there is a lot of no's with this. So, can the applicant fix it? I don't know.

Grove: Mr. Chair?

Seal: Commissioner Grove, go ahead.

Grove: With the -- with the roads I think -- I don't think we can -- as you put it -- or as you were saying, we can't condition them to do those fixes, but I think we could condition that they work with ACHD on -- on getting those talks jump started, essentially. We can condition that, but we can't condition that those agreements are -- that they come to fruition. So, I think we can condition that -- you know, something along those lines, but we can't -- we can't make them get an agreement that they have no control over. I personally think that we could -- you know, we can ask the applicant what they want to do, but my personal opinion would be to continue it to like March 17th at the earliest.

Lorcher: Commissioner Seal?

Seal: Commissioner Lorcher, go ahead.

Lorcher: I work and live in that area of impact as well and I'm further west on Ustick, closer to McDermott, and I do know that ITD has every intention to start their construction project on Highway 16 starting the spring of 2022. Now, whether that's March or April or May, it's still up for debate, but it's going to happen and so congestion on that end going to the high school is going to be a huge impact of what's going to happen both at McMillan and Ustick between Black Cat and -- you know. And -- and McDermott and even Ten Mile. It's going to affect everything and so knowing that that's going to be a huge project to add that freeway in, it will be surface streets for now and, then, maybe ten, 15 years from now it will be an overpass, but all of those things tie in together in this three or four square mile radius that we need to take in account as well.

Seal: Okay.

Wheeler: Were you going to say something? Go ahead, Nick. Okay. Mr. -- Mr. Chairman?

Seal: Commissioner Wheeler, go ahead.

Wheeler: Would the -- what do you think about going ahead and just opening up the public testimony again and let's go ahead and talk to the applicant again. Are you guys --

Seal: Go ahead and put a motion out there.

Wheeler: Okay. All right. I would like to go ahead and make a motion that we open up the public testimony for H-2021-0088.

Grove: Second.

Seal: It's been moved and seconded to reopen the public hearing for file number H-2021-0088. All in favor? Any opposed?

Cassinelli: Nay.

Seal: Okay. Motion passes.

MOTION CARRIED: SIX AYES. ONE NAY.

Seal: Here we are again.

J.Wardle: Okay. For the record Jon Wardle with Brighton. Commissioners, I do appreciate the -- the deliberate approach on this. Two -- two things from our perspective is are there some opportunities for us to do some design on this to address those questions on transition, addressing that southeast corner where we have that fairly ugly common drive. I think we can -- I think we can do that. But I think Commissioner Wheeler's question was more prescient of even if we do make changes what is the Commission's attitude towards the transportation piece, which seems to be a very important piece and I -- again, I don't want to diminish that. There -- there is a -- a unique difference between what we were able to do at Pinnacle and what we are able to do here. I don't know that we have ever owned four corners of an intersection before. We have one-fourth of the intersection here and there may be some right-of-way constraints, you know, working up and down the roadway here, so I -- I just put that out there. That was probably the one reason we were able to go in there and say, yes, we are going to do this, because we control it. We controlled everything. There was not a right-of-way issue and when you do a CDA the opportunity for condemnation is not on the table. So, that's the one difference. So, can we address and can we bring back to you a design which we think will be better? I think so. But will that design get us over the hurdle what you are saying tonight about transportation and if we can't get over the hurdle I would like to have that conversation tonight, because if we can't get over the hurdle, then, I think we are better off denying the project and allowing us to figure out how we deal with transportation issues than coming back with a design in six weeks and still being hung up on that transportation question.

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher, go ahead.

Lorcher: Mr. Wardle, I -- I -- I would be in -- probably deny it because of the transportation factor. Now, the fact that ITD is going to be building Highway 16 puts more pressure on ACHD to speed up -- at least the McDermott to Ten Mile piece for Ustick. I don't know about the Black Cat portion of it. So, we may see some dates change because of that, especially with the development of The Fields Urban Renewal District that's going to be going out there, as well as -- you know. So, there is going to be more homes. McMillan between, what, Ten Mile and McDermott, is already filling in and they need different ways to be able to get around. I think this is the right project with the redesign based on the Commissioners, but until the ACHD piece, at least for me, it's too soon.

Wheeler: Mr. Chair?

Seal: Commissioner Wheeler, go ahead.

Wheeler: Mr. Wardle, yes, I -- I'm with you on that, too, and that's why I wanted to ask the Commissioners on that. Like I don't want you guys to go through time and energy and say, hey, here is some false hope, right, and be able to make sure that that's there. I kind of lean towards a very respectful denial because of the -- that -- I think it's just going to be a big rework on the side with -- the transitional side for me to make it feel comfortable and I think some of the other Commissioners and I think that that -- that traffic issue, without you guys having to approve large stretches of road to make that -- and, then, all of a sudden it becomes unfeasible and doesn't make sense in timelines. That would be hard. I'm also concerned, like with Chairman Seal about the -- the mixed use nonresidential piece that -- if there is a lot of residential that gets built up here we know that we are just adding -- we are going to be adding people that are going to protest whatever, sort of non -- nonresidential mixed use projects going to go in there or light office stuff, you know, a commercial type of use, possibly even light industrial use, we are going to be building, then, some people that are going to be difficult -- or not wanting that project to go there. So, I really like what you guys have done for this valley and your company itself, I just -- that's why it would be a very respectful denial for my side.

Seal: Commissioner Cassinelli or Commissioner Yearsley, would you like to weigh in on that? Or Commissioner Grove.

J.Wardle: Commissioner Seal, can I just make one comment?

Seal: Absolutely.

J.Wardle: Because Commissioner Yearsley had made this question -- posed this question about, you know, cramming lots in. We are looking at one little micro piece of land holding that we have, both in the Pinnacle project and in this project. Not -- the entire project isn't going to be like this. These are different types of living opportunities. So, I can guarantee you that our motivation when we put this plan in front of the city for review was not to try to put in every single home we possibly could. We were looking at the lifestyle, looking at the other phases we had developed to the north, which are larger lots, and when we move over to the other side of Black Cat Road they will be larger lots as well. It's just one different piece and I -- I know that Commissioner Yearsley appreciates that. I just want to be really clear that we weren't -- our motivation was not to get as many homes as possible, but we were looking at a lifestyle and also by adding the alley elements, removing those garages off the front of these homes where we can have a very livable community, so I just -- I think they understand -- everybody understands that, but this is just one small piece of a much larger project.

Yearsley: Mr. Chairman?

Seal: Commissioner Yearsley, go ahead.

Yearsley: And -- and, Mr. Wardle, I -- I -- I don't mean to pick on you for this project, it just seems like every subdivision that comes before us nowadays is -- you know, they are -- they are -- they are reducing the lot size, they are -- they are making it smaller -- I think

a lot to hit a price point that people can afford, which is not their fault or not even your fault, it's just a situation that I don't like and -- and so I apologize for taking my frustrations out on this project, you know. That being said, I -- traffic is bad everywhere. I -- I -- I personally don't think that the traffic issue will affect my decision. I -- I won't deny it based on traffic. I know -- it's kind of a Catch-22, you know. If -- if we don't approve this because of the traffic problems, do we deny all of the projects because we have got traffic problems in the -- in the -- in this -- in -- in the valley and -- and when do we stop. I know ACHD is working as best they can, the state's working to try to get more funding to the locals to help do improvements and growth is happening exponentially. So, we are kind of hit in a tough situation. So, I -- I wouldn't -- for me, personally, I wouldn't deny this project based on -- on traffic.

Seal: Okay. Thank you.

Grove: Mr. Chair?

Seal: Well, I -- I mean I think that touched on a good topic there, because I had the same -- you know, very similar thoughts, as, you know, if we deny this because of traffic do we deny everything in this area because of traffic. I mean you have already indicated you want to be south of Black Cat Road, you know, does that quell development in that area. You know, hopefully not. I mean there is a -- obviously a huge demand, but our infrastructure is lacking, you know, and if we stop it here because of traffic, are we going to stop it everywhere because of traffic. I can't say stop it or -- you know, do we recommend denial because of traffic concerns in other areas. This area -- and I mean maybe I am a little biased, because I do live close. I don't go to Black Cat and Ustick. I -- I drive around the block when I need to, because at certain points of the day it's impassable. It is -- it is really bad there. So, in order to get out of -- onto Ustick from my subdivision I sometimes have to wait for traffic to pass from the light that's at Black Cat and Ustick and, thankfully, there is a light there now, because it used to go from -- you know, clear to Ten Mile. It was bad to say the least. So, that I -- I just wanted to put my comment out there that that is a -- it's -- it's a bigger question. I mean at some point in time ACHD is either going to catch up or we are going to have to say enough is enough and I don't know if this is the point where we say that. That's the bigger question in my mind that's kind of being floated. So, I agree with what Commissioner Yearsley said that it is -- it is a bigger question and I don't know if that gets settled here tonight or not and I agree, I mean that -- you know, generally speaking you guys put together a very good product. You have done some things in the community that are amazing, you know, and I appreciate that. That said, at some point in time we either have to catch up or we just can't keep putting things in. Commissioner Grove, go ahead.

Grove: For me personally I -- the road piece would not stop me from saying yes to a redesigned project. I think it is a major concern and I would like, you know, some of the things that I said earlier to be moved forward in terms of making sure that whatever can be done is accelerated with the push of the applicant. But for me a site redesign would be enough for reconsideration and the roads would not prohibit me from saying yes if the site was correct.

Seal: Okay.

Cassinelli: Mr. Chair?

Seal: Commissioner Cassinelli, go ahead.

Cassinelli: I'm just going to kind of ask my fellow Commissioners to look at the traffic component. We are -- in a lot of -- a lot of proposals we look at people, you know, will bring up a traffic issue, but, you know, when that development still meets ACHD's levels -- levels of service we are within that and we approve those, despite the fact that we know that, yes, it's going to increase traffic in an area, but it still meets their levels of service. This already -- this -- this fails already without Quartet North and East I think are the other two, without any -- any build out there and -- you know. So, we are looking at -- at hundreds of homes and -- and -- and far more cars. And, then, the other issue is that that traffic study -- those numbers on Ustick are four years old, 2018 -- May of 2018. We are coming up almost on four years old. We don't have new numbers. We are just going to -- we are -- we are absolutely strangling these intersections and -- and I have got to say this is not -- this is not improving Meridian and I -- I think it's critical that we have got to look at this and we have got to -- I would like -- there are a lot of redesigns I would like on this project that Commissioner Grove is just talking about and I'm in agreement with him on those there. I just don't think that this area and particularly this intersection and that stretch of Black Cat is ready for this. I think that those roads need to get developed first and, then, this will fit in there. But right now to me it's a square peg in a round hole and so until we can get within the levels of service we are not there and it's going to make it far worse. Those are my -- so, I'm -- I'm a denial on that based on -- based on that. I do want to -- there are some other concerns I have, but that's my -- hands down my biggest one.

Seal: Okay.

Cassinelli: Thank you.

Seal: Thanks, Bill. Yeah. Is there any other questions for the applicant or -- have we belabored this -- all right. So, can I get a -- thank you again for the robust conversation. Can I get a motion to close the public hearing again for H-2021-0088?

Lorcher: So moved.

Grove: Mr. Chair?

Lorcher: Oh.

Grove: Should -- I guess before we close it, because we opened it in case we needed to continue, are we closing with the intent to deny or -- because if -- I don't want to close it, then, reopen it if we are going to continue. So, I feel like it's probably prudent if we have that conversation ahead of time, so we don't have to keep going back and forth.

Personally I'm on continue, but I -- it sounds like I might be in the minority on this one, so --

Cassinelli: Can we leave it open and vote? And make a motion and vote in an open session?

Seal: It's a great question, but I think we have to close the public hearing before we can vote.

Yearsley: I think if you vote as a -- make the motion to continue you can leave it open, but if you --

Seal: Correct.

Yearsley: -- make a motion to deny or approve --

Starman: Chairman and Commissioners, I would agree -- I would agree with that assessment. So, if you -- apologize for the echo, but I would make that assessment as well. So, if you go either direction.

Seal: Okay. Well, yeah, I mean if -- if we leave it open, then, we leave it open to continue, but I -- I mean I personally -- I think there is enough -- I just don't think it's going to fit here. That's where I'm at. I mean traffic concerns MDNR, there is just enough with it that I just don't think it's going to fit. I don't know that a redesign is -- a redesign definitely isn't going to address the traffic concerns. I mean, essentially, you have half of us right now saying no just based on that alone. So, me personally I would close -- if -- if it were me and I weren't chair I would close it and move to deny and let that be hashed out at City Council.

Wheeler: So, do we need to second the motion, since we just finished up some continuing discussion? Second? Okay. So, I will second the motion to close the hearing.

Seal: Okay. It's been moved and seconded to close the public hearing for H-2021-0088. All in favor? Any opposed? Okay. Motion carries.

MOTION CARRIED: ALL AYES.

Wheeler: I have another motion.

Seal: Go ahead, Commissioner Wheeler.

Wheeler: After considering all staff, applicant, and public testimony, I move to deny file number H-2021-0088 as presented during the hearing on February 3rd, 2022, for the following reasons: The -- the site plan layout and traffic concerns.

Seal: And we are recommending denial.

Wheeler: Yeah. I think I said denial.

Seal: Right. But we recommend denial on this.

Wheeler: Oh. And recommend denial on this, too.

Seal: So, a second?

Cassinelli: Second.

Seal: It's been moved and seconded to recommend denial of file number H-2021-0088 for the reasons presented. All in favor say aye. Any opposed?

Grove: Nay.

Yearsley: Aye.

Seal: Want to take that one for the record? We will -- we will do a roll call on that.

Roll Call: Wheeler, aye; Cassinelli, aye; Yearsley, nay; Lorcher, aye; Grove, nay; Seal, aye.

Seal: Which means that the motion passes for recommending denial.

MOTION CARRIED: FIVE AYES. TWO NAYS.

Seal: That was a tough one. Okay. At this time would everybody like a little bio break?

Cassinelli: I think this is the last one. It should be pretty quick.

Seal: Okay. So, we will -- we will take a five minute bio break. Thank you.

(Recess: 9:16 p.m. to 9:23 p.m.)

**8. Public Hearing for Moberly Rezone (H-2021-0089) by Carl Argon,
Located on Parcel R0406010125, South of W. Broadway Ave. Between
NW 2nd St. and NW 1st St.**

- A. Request: Rezone 0.159 acres of land from I-L to O-T to allow a duplex.

Seal: Okay. At this time I would like to open the public hearing for Item No. H-2021 -- wait -- H-2021-0089 and we will begin with the staff report.

Tiefenbach: Thank you, Mr. Chair, Members of the Commission. Alan Tiefenbach, again, associate planner. Okay. This is a proposal to rezone from I-L, which is industrial, to OT.