

**Meridian Planning and Zoning Meeting**

**March 17, 2022.**

Meeting of the Meridian Planning and Zoning Commission of March 17, 2022, was called to order at 6:00 p.m. by Chairman Andrew Seal.

Members Present: Chairman Andrew Seal, Commissioner Steven Yearsley, Commissioner Patrick Grace, Commissioner Maria Lorcher, Commissioner Nate Wheeler and Commissioner Mandi Stoddard.

Members Absent: Commissioner Nick Grove.

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

**ROLL-CALL ATTENDANCE**

<input checked="" type="checkbox"/>	Nate Wheeler	<input checked="" type="checkbox"/>	Maria Lorcher
<input checked="" type="checkbox"/>	Mandi Stoddard	<input type="checkbox"/>	Nick Grove
<input checked="" type="checkbox"/>	Steven Yearsley	<input checked="" type="checkbox"/>	Patrick Grace
<input checked="" type="checkbox"/>	Andrew Seal - Chairman		

Seal: Good evening. Welcome to Planning and Zoning Commission meeting for the date of March 17th, 2022. At this time I would like to call the meeting to order. The Commissioners who are present for this evening meet -- this evening's meeting are at City Hall and on Zoom. We also have staff from the city attorney and clerk's offices, as well as the City Planning Department. If you are joining us on Zoom this evening we can see that you are here. You may observe the meeting. However, your ability to be seen on screen and talk will be muted. During the public testimony portion of the meeting you will be unmuted and, then, be able to comment. Please note that we cannot take questions until the public testimony portion. If you have a process question during the meeting, please, e-mail [cityclerk@meridiancity.org](mailto:cityclerk@meridiancity.org) and they will reply as quickly as possible. If you simply want to watch the meeting we encourage you to watch the streaming on the city's YouTube channel. You can access that at [meridiancity.org/live](http://meridiancity.org/live). With that let's begin with roll call. Madam Clerk. Oh. I got ahead of her.

**ADOPTION OF AGENDA**

Seal: Okay. And Commissioner Yearsley may show up? Okay. We will -- we will bring him in when that happens. Okay. So, the first item on the agenda is the adoption of the agenda. H-2021-0102 and H-2022-0004, which is the -- I will get the names here in case anybody wants them. That is going to be the Alamar Subdivision, as well as the Pavilion at Windsong. They will be opened for continuance only. So, if anybody is here to testify on those we will not be taking public testimony for those this evening. Alamar and -- and

Windsong. So, as a result we will also be bringing Windsong up to the number two in the -- in the agenda. With that can I get a motion to adopt the agenda?

Lorcher: So moved.

Wheeler: Second.

Seal: It's been moved and seconded to adopt the agenda. All in favor, please, say aye. Any opposed? Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

### **CONSENT AGENDA [Action Item]**

- 1. Approve Minutes of the March 3, 2022 Planning and Zoning Commission Meeting**
- 2. Findings of Fact, Conclusions of Law for Eagle Road Daycare Facility (H-2022-0007) by 814 Development, LLC, Located at 3060 S. Eagle Rd.**
- 3. Findings of Fact, Conclusions of Law for Meridian U-Haul Moving and Storage (H-2021-0085) by Gurnoor Kaur of Amerco Real Estate Company, Located on Parcel R8257510015 and at 1230 and 1270 E. Overland Rd., Near the Northwest Corner of E. Overland Rd. and S. Locust Grove Rd.**
- 4. Findings of Fact, Conclusions of Law for Verona Live/Work (H-2021-0080) by J-U-B Engineers, Inc., Located at 3020 & 3042 W. Milano Dr., Near the Northeast Corner of Ten Mile Rd. and McMillan Rd.**

Seal: Next is the Consent Agenda.

Weatherly: Mr. Chair?

Seal: Yes.

Weatherly: Pardon me. For the record I just wanted to note Commissioner Yearsley has joined us.

Seal: Okay. There he is. The next item on the agenda is the Consent Agenda. We have four items on the agenda. We need to approve the meeting minutes from the February 3rd Planning and Zoning Commission meeting, Finding of Facts, Conclusion of Law for Eagle Road Daycare Facility. Finding Facts and Conclusions of Law from Meridian U-Haul Moving and Storage, H-2021-0085. Finding of Facts, Conclusions of Law for Verona Live/Work, H-2021-0080. Actually, I got the -- approve the minutes of the last meeting,

which was February 17th. No. It was March 3rd. Sorry. My cut and paste didn't work. Okay. Can I get a motion to accept the Consent -- Consent Agenda as presented?

Lorcher: So moved.

Wheeler: Second.

Seal: It's been moved and seconded to adopt the Consent Agenda. All in favor say aye. Any opposed? Okay. Motion carries.

**MOTION CARRIED: SIX AYES. ONE ABSENT.**

Seal: Okay. Now, 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 the Comprehensive Plan and Unified Development Code. After staff has made their presentation the applicant will come forward to present their case and respond to staff comments. They will have 15 minutes to do so. After the applicant has finished we will open the floor to public testimony. Each person will be called on only once during the public testimony. The clerk will call the names individually of those who have signed up on the website in advance to testify. You will then -- you will then be unmuted in Zoom or you can come to the microphones in chambers. Please state your name and address for the record and you will have three minutes to address the Commission. If you have previously sent pictures or a presentation for the meeting it will be displayed on the screen and our clerk will run the presentation or you can run it right up here. If you have -- if you have -- it will be. Okay. If you have established that you are speaking on behalf of a larger group, like an HOA, where others from that group will allow you to speak on their behalf, you will have up to ten minutes. After all of those who have signed up in advance have spoken we will invite any others who may wish to testify. If you wish to speak on the topic you may come forward in chambers or if you are on Zoom, please, press the raise hand button in the Zoom app or if you are only listening on a phone, please, press star nine and wait for your name to be called. If you are listening on multiple devices, such as -- such as a computer and a phone, please, be sure to mute the extra devices, so we do not experience feedback and we can hear you clearly. When you are finished, if the Commission does not have questions for you, you will return to your seat in chambers or be muted on Zoom and you will no longer have the ability to speak and, please, remember we will not call on you a second time. After all testimony has been heard, the applicant will be given another ten minutes to come back to respond. When the applicant is finished responding to the questions and concerns we will close the public hearing and Commissioners will have the opportunity to discuss and hopefully be able to make a final -- make final decisions or recommendations to City Council as needed.

## **ACTION ITEMS**

- 5. Public Hearing for Alamar Subdivision (H-2022-0004) by Noble Rock Development, Inc., Located at 4380 W. Franklin Rd. (Parcel**

**#S1210346603), Near the Northeast Corner of N. Black Cat Rd. and W. Franklin Rd.**

- A. Request: Annexation and Zoning of approximately 7.23 acres of land with a request for the TN-R (Traditional Neighborhood Residential) zoning district.
- B. Request: Preliminary Plat consisting of 42 building lots (22 single-family attached lots and 20 detached single-family lots) and 4 common lots on 4.63 acres in the requested TN-R zoning district.

Seal: So, at this time I would like to open public hearing for Item No. H-2022-0004, Alamar Subdivision, for continuance.

Wheeler: So moved.

Seal: We just had --

Wheeler: Do we go with it or --

Seal: We are just going with it.

Wheeler: Okay.

Seal: I'm opening it for --

Wheeler: Opening it up for --

Seal: -- continuance. And, Madam Clerk, I believe we are going for the date of the 21st of April for this one.

Weatherly: Mr. Chair, just for your information at this time there are three hearings on the 21st.

Seal: Okay. Sounds like a good fit. So, I will take a motion at this time. Nick's not here, so you guys get to jump in.

Yearsley: Mr. Chair?

Seal: Commissioner Yearsley, go ahead. I make a motion that we continue file number H-2022-0004 to the hearing date of April 21st, 2021.

Lorcher: So moved.

Wheeler: Second.

Weatherly: Mr. Chair? Excuse me.

Seal: Go ahead.

Weatherly: Commissioner Yearsley, did you intend to say 2022?

Yearsley: Yes.

Weatherly: Thank you.

Seal: If I said '21, my apologies.

Weatherly: That's okay.

Seal: Okay. It's been moved and seconded to continue file number H-2022-0004 for Alamar Subdivision to the date of April 21st, 2022. All in favor say aye. Any opposed? Okay. The motion carries.

MOTION CARRIED: SIX AYES. ONE ABSENT.

**8. Public Hearing for Pavilion at Windsong (H-2021-0102) by Kent Brown, Located at the Northwest Corner of W. Ustick Rd. and N. Linder Rd.**

- A. Request: Rezone of 3.42 acres of the subject property from C-C to R-40.
- B. A Preliminary Plat on the entire 4.77-acre property to allow 33 townhouse lots, 2 lots for vertically-integrated buildings containing a total of 12 residential units, and one commercial lot.
- C. A Conditional Use Permit to allow townhouses in the R-40 zoning district.
- D. A Development Agreement Modification to allow the proposed development

Seal: Now, I would like to open File No. H-2021-0102, Pavilion at Windsong, for continuance, and I believe they would like the next available date, which is April 7th. Is that -- I don't know how many things are on that one.

Weatherly: Mr. Chair, there are currently four hearings scheduled for April 7th.

Seal: Okay. So, this would be the fifth one.

Weatherly: Correct.

Seal: So -- and nothing else can notice in that time, so that's probably it. Okay.

Weatherly: That's correct.

Seal: So, can I get a motion on continuance for H-2021-0102 to the date of 4/7/2022?

Lorcher: Mr. Chair?

Seal: Go ahead, Commissioner Lorcher.

Lorcher: Motion that Pavilion at Windsong, Item No. H-2020 -- H-2021-0102 for a continuance on April 7th, 2022.

Wheeler: Second.

Seal: It's been moved and seconded to continue File No. H-2021-0102, Pavilion at Windsong, to the date of April 7, 2022. All in favor say aye. Any opposed?

MOTION CARRIED: SIX AYES. ONE ABSENT.

**6. Public Hearing Continued from February 17, 2022 for Vanguard Village (H-2021-0081) by Meridian 118, LLC, Generally Located 1/4 Mile South of W. Franklin Rd. and S. Ten Mile Rd.**

- A. Request: Modification to the Existing Development Agreement (Inst. #110115738) to replace it with a new agreement for the proposed development.
- B. Request: Rezone of 7.06 acres from the C-C to the H-E zoning district, 17.38 acres from the C-C and H-E zoning districts to the M-E zoning district, 40.33 acres from the R-40 and C-C and M-E zoning districts to the R-15 zoning district, and 1.10 acres from the H-E to the C-C zoning district.
- C. Request: A Preliminary Plat consisting of 8 building lots and 6 common lots on 115.26 acres of land in the R-15, C-C, H-E and M-E zoning districts.
- D. Request: A Conditional Use Permit for a multi-family development consisting of 552 dwelling units on 40.33-acres of land in the R-15 zoning district.

Seal: Okay. Now, we have all heard me talk long enough. I would like to open -- or I would like to continue the public hearing for Item No. H-2021-0081, Vanguard Village, and we will begin with the staff report.

Allen: Thank you, Mr. Chair, Members of the Commission. The application before you tonight is a request for a rezone, a preliminary plat, and a conditional use permit. A development agreement modification is also proposed, but it does not require action from the Commission tonight, only City Council. This site consists of 115.26 acres of land. It's zoned C-C, H-E, M-E and R-40 and is generally located a quarter mile south of West Franklin Road and South Ten Mile Road. This property was annexed back in 2010 with a development agreement that included a conceptual development plan for the overall property that consisted of a mix of high density residential, commercial, mixed employment and high density employment uses. The Comprehensive Plan future land use designation is shown there on the left map. It's mixed use commercial, medium high density residential, mixed employment and high density employment. A modification is requested to the existing development agreement to replace it with a new agreement for the proposed development. The original agreement included a conceptual development plan as shown that depicts a mix of uses consisting of flex office, condos, and townhomes, ground level retail with residential and offices above, research and development, restaurants, offices, parking structures, an amphitheater and park areas with lakes. The proposed concept plan also depicts a mix of uses, including a multi-family development with garden style apartments and townhome style units on the north portion of the development at a gross density of 13.63 units per acre. Flex uses of approximately 410,000 square feet, which may include office, light industrial and other uses, such as distribution and light manufacturing and that is on the southwest portion of the development there. Vertically integrated residential commercial retail uses -- and that is on the -- this area right here and nonresidential uses, such as corporate campus, business and professional office space, research and development and limited retail and service uses of approximately 380,000 square feet and that is this area along the southern boundary of the property. Conceptual elevations were submitted for these uses and this is the four story vertically integrated residential and retail office that I mentioned and, then, this is the mixed employment at the southwest corner. The C-C product along the northern portion of the west half of the development. Mixed use commercial and high density employment along the southern boundary on the east end. The applicant is proposing a rezone of 7.06 acres of land from the C-C to the H-E zoning district, 17.38 acres from the C-C and H-E zoning districts to the M-E district and 40.33 acres from the R-40, C-C and M-E zoning districts to the R-15 zoning district and 1.1 acres from the H-E to the C-C zoning district. All of these zoning districts currently exist on this site, except for the R-15 district, which is proposed to replace the R-40 district on the northern portion of the property right here, which staff does believe will provide a better transition to the existing single family dwellings to the north. This rezone proposes to reconfigure the boundaries of these zoning districts into more developable areas consistent with the proposed road layout and concept plan. A preliminary plat is proposed as shown consisting of eight building lots and six common lots on 115.26 acres of land in the R-15, C-C, H-E and M-E zoning districts for Vanguard Village Subdivision. This subdivision is proposed to develop in five phases. Further revised phasing plan shown on the right. The first phase of the multi-family development on the north end of the site, zoned R-15, is proposed to develop first with the M-E zone portion second. The second phase of the multi-family development third, the H-E zoned portion fourth and the C-C zoned portion last. Access is proposed to be provided from the northern boundary of this site from West

Franklin Road via South Sunset Point Way and South Baraya Way and from the east from South Ten Mile Road via the extension of Vanguard Way. Coral Reef Way, Sunset Point Way, Umbria Hills and Vanguard Way are all designed as collector streets in accord with the master street map and the transportation system map in the Ten Mile plan. Stub streets are proposed to adjacent properties for future extension. Due to the unacceptable level of service projected at the Baraya Way and Franklin Road intersection and the cut-through traffic projected on Baraya Way and Sunset Point Way north of the site, ACHD is restricting development to the first phase with 136 multi-family units or a combination of commercial and residential development that generates approximately 75 p.m. peak hour trips until alternative access is available to Umbria Hills Way, Franklin Road, or Black Cat Road or wait to extend Sunset Point Way into the site and Coral Reef Way to connect Baraya Way until there is an alternative access available to Umbria Hills Way, Franklin Road or Black Cat Road. The development is restricted to the first phase that generates 3,000 trips in this scenario or approximately 366 multi-family units in the M-E zone, which -- until alternative access is available to the site. Ten foot wide multi-use pathways are proposed on the site in accord with the pathways map -- excuse me -- master plan. This is just a map real quick showing how the proposed development integrates with the existing Baraya Subdivision and the street layout to the north. This is the landscape plan. Then back to the pathways. One of the multi-use pathway segments follow the Williams Pipeline easement diagonally across the site and that is the -- the green area right here. Another segment runs along the southern boundary within the street buffer along I-84. The Parks Department has requested a pathway connection be provided between the pipeline pathway and the nearby sidewalk along Coral Reef Way. A pedestrian circulation plan is proposed as shown that depicts all sidewalks and pedestrian pathways planned throughout the site in accord with the Ten Mile plan for mixed use areas. A conditional use permit is proposed for a multi-family development consisting of 552 dwelling units with a mix of three story apartments and two story flats and townhome style buildings, ranging from 758 to 1,693 square feet on 40.33 acres of land in the R-15 zoning district. A 9,368 square foot single story clubhouse is proposed with amenities, along with two other amenity buildings. Nine garden style apartment buildings containing a total of 216 units and 51 flats and townhome style buildings are proposed containing a total of 336 units with a mix of one, two and three bedroom units. Common open space and site amenities are proposed in accord with UDC standards. A total of 7.5 acres of common open space is required. A total of 8.99 acres is proposed. A minimum of four amenities are required. Amenities from all the required categories are proposed as follows: A clubhouse with a swimming pool, hot tub, and cabanas. An outdoor kitchen and dining area. Fitness lounge. Lawn games and a fire -- fire pit lounge. Pickleball court. Children's play area. Dog parks. Smaller swimming pool. Picnic shelter and fire pit lounge. Art. Pedestrian walkways. Ten foot wide sidewalks along the collector street Vanguard and an amenity area with a barbecue lounge. Conceptual building elevations were submitted for the proposed apartment, flat, and townhome style units and the clubhouse building. So, I will just go through those real quick. These are the garden style apartments. These are the townhomes. More townhomes. And this is the clubhouse. Updated building materials consist of vertical and horizontal Hardie plank siding in light gray, green, and wood colors. Stucco in dark gray and off white colors and vertical western red cedar siding with cedar posts and beams and asphalt shingles. These



elevations are not approved. Final design is required to comply with the design guidelines in the Ten Mile plan and the design standards in the Architectural Standards Manual. Written testimony was received from the applicant. They submitted comments in response to the staff report, which staff responded to. The applicant found the response acceptable and noted that after tonight's hearing a few clarifications may be needed, but nothing of significance. No other testimony has been submitted on this application. Staff is recommending approval with the amended development agreement provisions and conditions in the staff report. Staff will stand for any questions.

Seal: Thank you, Sonya. At this time would the applicant like to come forward. Go ahead. And if you want to lift the microphones up and state your name and address for the record.

Butler: I will just wait until the presentation comes up. Great. Thank you. So, good evening to the Commission. Sonya has done such a great job that I hope I don't bore you here. JoAnn Butler. 967 East Parkcenter Boulevard representing the applicant. With me tonight on Zoom our Jim Zeiter and Airalea Newman for the applicant. Denton Kelley and his colleagues for LDK Ventures is here, along with their attorney Deb Nelson and Deb is going to take the floor in just a few minutes to address the Commission in connection with the north 40 that Sonya just mentioned, the conditional use request. John Carpenter from TO Engineers is here to answer any technical questions. We did really appreciate working with staff going through the staff report. We also appreciated that the Commission deferred this last month for a month. We had just gotten the ACHD report and we needed to review that and that -- that allowed us to address that report and adjust our phasing to minimize any kind of traffic impact. We will be making significant improvements to the road system, especially in the first phase with the development of Vanguard Way all the way from Ten Mile to the west boundary of the property and our phasing ensures that the land development is not built in advance of the transportation system. By the way, the applicant is working with the property owner immediately north and to the east of this property to jointly develop Vanguard Way. If I can just -- I'm not sure exactly how to move -- they don't seem to -- okay. As Sonya mentioned, this property was annexed and zoned in 2009, 2010 was when the development agreement was recorded. The concept plan proposed was consistent with the Ten Mile plan objective to ensure that Meridian in this area of town didn't close down at the end of the work day, with a wide diversity of housing types and mix of residential, commercial, and employment opportunities. In 2010 the Ten Mile interchange was not actually finished and the east side of Ten Mile was completely a gleam in somebody's eye. In 2020 -- in 2010 the city recognized that these unusual zoning boundaries would change as the street system was modified when we came through with a conceptual plan like we are today. Those streets have been modified and the city recognized that the land use and the zoning boundaries would again be modified accordingly. Thanks, Sonya. If you could -- one more. Other way. Okay. No. Thank you. Okay. So, with this slide we are showing both the -- the streets and the land use boundaries actually have been modified and the -- the zoning is actually the same as it was in 2020 with the boundaries modified to be much less fragmented and to flow with the overall circulation plan. You have got the R-15 -- we actually were approved with an R-40, as Sonya mentioned, but the development

agreement required us to only develop accord -- in accord with R-15 standards. So, rather than do it that way we said let's just go with R-15, it makes it clearer for everybody to understand. Next. So, on this phase we are showing the overall site plan and the phasing. As Sonya went over we have got -- phase one will include all of Vanguard Way coming from Ten Mile going west and 366 units within the first phase of the multi-family. Although it's not shown on here, there will be a secondary access going north. You will require us to extend a water line up that way and we will be putting a road over there so there will be secondary access going to the north. Next, Sonya. Thanks. Or maybe I should -- okay. There is the overall landscape plan. As Sonya mentioned, the remarkable line that cuts through project Vanguard is the Williams or Northwest Pipeline. The landscape pathways, the open space, the fitness areas planned for this -- for this pipeline easement assist the applicant meet the Ten Mile plan goal of connecting land uses through the pathways, through the sidewalks, through the open spaces. The goals of the master pathway plan is also addressed with this concept plan, both with the Northwest Pipeline pathway, but also along I-84. The master pathways plan calls for the Meridian pathway loop to continue in that area and that will be continued as well -- as well. So, both those pathway components provide walkable routes for the project Vanguard internally, but also to -- for our neighbors to the north, to the west and also to the east as we head towards Ten Mile. I'm not going to go -- oh, yes. Street sections. The only thing I'm going to say about street sections is that staff and ACHD staff and John worked really hard to get street sections in place that both governmental agencies, ACHD and Meridian, found acceptable. Slides -- this slide and the next several slides show the design elements and the land uses. I'm not going to go into any detail there. I'm going to -- these are all the design elements and the details for the -- the development south of Vanguard Way. So, with that I'm going to turn the podium over to Deb Nelson to describe the area north of Vanguard Way and, then, she and I and our team will be available for any questions.

Nelson: Good evening, Chairman, Members of the Commission. Deborah Nelson. 601 West Bannock Street. As JoAnn mentioned, I'm going to focus in on the conditional use permit. I get to show you some pretty pictures of buildings and amenities. That's the fun part. So, Vanguard Crossing is the residential community that's within this larger mixed use area. We appreciate staff's support of the -- of the use as proposed and we are in agreement with their conditions. I guess -- excuse me. We will stay on that one for a minute. It includes this range of -- of housing types with one and two bedrooms in the apartments, one, two and three bedroom flats and townhome style and buildings that are arranged with four to eight units creating quite the variety. There will be only 366 of these in the first phase to comply with the phasing plan provided by ACHD. We will also have extensive open space taking full advantage of the pipeline that runs through that JoAnn and staff have mentioned and we will have pathways throughout, as well as extensive amenities. As Sonya mentioned four amenities are required. We have over 18 here. Just want to briefly show the layout of the heights that you can see. Most of the buildings here are two story townhome style buildings, with the three story apartments on the southwest and south, providing a great transition from the R-8 residential to the north and the mixed employment to the south. Again just -- here just to show you a little variety of the townhome type -- building types that are dispersed throughout. Sonya showed you

our elevations. I just want to highlight -- there is a variety of colors and materials, with architectural variation in the facades and the building roof heights. The interiors of the units will have a high end modern finish, with stainless steel appliances and kitchen islands and other finishes that you would expect from a nicer residential product. Similarly, the apartment buildings have complementary colors and materials, architectural variation in the facades, varying roof peak heights and well defined and welcoming patios and balconies. The clubhouse presents a striking look in the central amenity space with classic materials, including Ashlar stone at the chimneys, a dramatic three foot overhanging eaves with cedar post support and large windows. Roll up glass doors face the pool and the amenity area, bringing the outside in. The clubhouse is going to serve as the community center for residents to provide opportunities for gathering, for meeting, using the remote workspaces, the fitness center, outdoor barbecues, indoor and outdoor lounges with fireplaces and extensive recreation areas. Turning now to the site plan and the amenity features. You can see here the central amenity area with its location within the larger site plan. The central amenity area has that clubhouse I just described. A pool, pickleball courts, play structure, pathways, picnic and barbecue areas and a game lawn. You can see that here in this rendering as well. The central spine amenity provides the multi-use pathways, extensive landscaping, and gathering nodes and seating throughout the development and the amenities are dispersed. So, you have got amenity areas in each area, not just in the large central amenity area. Up here in the northwest we have additional landscaped pathways and one of the dog parks. In the northeast we have a second pool and pool house. In the southwest we have another play structure and the barbeque area. In the southeast a second dog park. You have the extensive network of pathways that provides recreation opportunities for not only our residents, but the adjoining neighborhoods as well and provides safe pedestrian and bike commuting opportunities to connect residential areas with the employment areas. Here is just some concept images of some of our amenities. Then I just have a couple of design standards to address with you. This development is within and designed in accordance with the Ten Mile plan. We have just a couple of areas that we ask for flexibility within your detailed design standards for buildings. As you know, our buildings are going to be subject to a design review process that will follow this, but this is our opportunity to ask the city decision makers for guidance on that towards staff to provide them some direction on just a couple of areas where we plan to seek some changes from the standards. The first area involves the roof pitch for certain architectural features. The Ten Mile plan provides as a general guidance that these roof pitches fall within a range of 4-12 to 12-12. The vast majority of our buildings do that. We ask for two exceptions to be recognized. One is for our amenity buildings and this includes the clubhouse and the two smaller amenity buildings that are purposely designed with a lower pitch roof. This 2-12 pitch and that striking three foot overhang, to create an attractive and unique element that is set apart from the remainder of the residential community and really identifies it as this distinct gathering place. The clubhouse is a modern interpretation of the shed roof style, which is seen on barns and traditional farmhouses that are part of the history of Meridian. So, it's an intentional and important gesture to make this clubhouse this marquee architectural statement within the development, bringing in that history with also a nod to the new. The townhome garage roof has a similar slope with a 3-12 pitch also proportional and looking to that shed style. It not only creates dimensional interest, but it's also very functional in

this location as we have tried to show you here with this lower left image, because it allows the larger windows and lower sills. If it's steeper you block that opportunity for the second story to have that room for that feature. The second design standard we ask for some direction on involves the Ten Mile plan's guidance to provide front stoops that face public streets at 18 to 24 inches above grade. This creates a problem for ADA compliance, for accessibility to the front entrances of these residences. We also note that you have many places in the Ten Mile plan that promotes human scale accessibility, bringing the front entries closer to the sidewalk and really creating that feel of a pedestrian friendly environment. We feel that the design that we are proposing accomplishes that. We also appreciate the idea -- the architectural idea in this design element with promoting that, you know, elevated stoop. It's really to create a dramatic feel to the entrance and we feel like we accomplish that through having our adjacent patio railings that really frame off that entrance and the balconies that cover it that also frame in that door. You have got places in your Ten Mile plan, again, that talk about the importance of having -- where you have homes that front streets that are accessible by garages and parking in the back that you really give both facades fair treatment and usable entries and that's exactly what we are trying to do. In the rear you access through the garage and in the front you have this main entry and we would like it to not just be decorative, but to truly be a usable entry that meets the building code for ADA compliance and the Fair Housing Act for accessibility. So, with -- with those requests I will stand for questions with the team.

Seal: Okay. Thank you. At this point do we have questions for the applicant or staff?

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher, go ahead.

Lorcher: For staff. The pathway that goes along I-84, it shows it on this parcel. Is the idea that that is going to kind of continue as development goes between Ten Mile and Black Cat?

Allen: Mr. Chair, Council Woman Lorcher, yes, that is the intent.

Lorcher: Thank you.

Yearsley: Mr. Chairman?

Seal: Commissioner Yearsley, go ahead.

Yearsley: Can you go back to the slide that you had two and three stories? It went through pretty fast and I wanted to make sure I understood which ones were two and three story.

Nelson: Commissioner Yearsley, this one?

Yearsley: Yeah. I was -- I was kind of making sure that we didn't have the three story up against the residential to the north, so thank you.

Seal: Commissioner Grave, go ahead.

Grace: Thank you, Mr. Chair. I'm not sure who this question is for. Maybe the applicant. But do you -- and forgive me if this is an obvious question that -- that -- that doesn't need to be an issue for me. Do you happen to know how deep that 24 inch pipeline is?

Nelson: Chairman, Commissioner Grace, I don't, but we have our engineering team with us.

Grace: Yeah.

Nelson: They probably have the -- six feet? Six feet.

Grace: Okay. And I assume that's probably some federal regulation that it has to be a certain depth. But I only ask the question, because it looks like it's in a -- it's in that pathway common area and, obviously, that's an item that would be very important to keep safe and I'm wondering if -- six feet sounds sufficient to me, but I'm wondering if there is any comment you might have about the ability, potential likelihood, or anything that it could get damaged, that people would be digging in that area or anything like that, because, again, it is a common area.

Nelson: Chairman, Commissioner Grace, we will certainly comply with all the city standards for depth and for separation between the water and the sewer.

Grace: Thank you.

Seal: Couple questions I have got here. So, I will just start out with the -- the first one and you mentioned a secondary access to the north. Can you add a little flavor to that? I just want to make sure we are talking about something that's going to be like an emergency access, not regular access here, or like a cut through.

Nelson: Chairman, that's correct. We will only provide emergency access at this time until as authorized by ACHD and incorporated as conditions here until there is alternate access up to -- to Franklin or to Black Cat. So, at this time it will only be bollarded emergency access to the north.

Seal: Okay. And this one between you and Sonya -- Sonya, I have heard a lot of different numbers thrown out. We have got 136 -- limited to 136 units, 550 -- 552 total units. But you said you would be limited to 366 units. So, what are we limited to by ACHD?

Nelson: Chairman, I could jump in and, then, Sonya can -- can answer as well. I think, Sonya, you mistakenly did say 136. So, we were correcting that in our presentation to say 366, which is the number that ACHD has authorized there.

Allen: Sorry. Thank you. I was reading the options straight out of the ACHD report. One of the options was for the 136 and the other was for the 336, so --

Nelson: Three sixty-six.

Allen: Excuse me. Yes. Whatever. It's in your hearing outline.

Seal: Okay. Okay. Yeah. I just --

Allen: Or you can reference the ACHD report. It's -- it's site specific condition number one.

Seal: Got you.

Allen: They left the applicant some options to comply.

Seal: Okay. Thank you. Third question is on the -- the variation of the roof pitch and the front porch elevation. Is that something that's going to be, essentially, handled by City Council as part of the CZC or --

Allen: Chairman, Members of the Commission, that is part of the design review process. There is design guidelines in the Ten Mile Interchange Specific Area Plan that are subject to buildings within this area, as well as the Architectural Standards Manual design guidelines. The applicant is requesting that Commission -- Council approve a -- an alternative roof pitch for certain buildings out there and they would like that memorialized in the development agreement or direction given to staff on preference. Or if that's amenable to them.

Seal: Thank you. Does anybody else have questions?

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher, go ahead.

Lorcher: For staff. In regard to the roof pitch request in the Ten Mile interchange building plans have any waivers or alternatives already been approved or would this be the first?

Allen: Mr. Chair, Commissioner -- Commission -- Commissioner Lorcher. Excuse me. Are you -- are you referring to this development or just in general? In the Ten Mile area?

Lorcher: Right. Have we done waivers before?

Allen: I'm unsure, to be honest with you. There is -- there is no real waiver in the Ten Mile plan. They are design guidelines. They are not standards.

Lorcher: Okay. So, guidelines.

Allen: So, where -- I believe the Ten Mile plan says where at all possible or -- or something to that effect, that all -- all roof pitches should be between those pitches specified.

Lorcher: Okay.

Seal: Other questions? Comments? All right. Thank you very much.

Nelson: Thank you.

Seal: All right. At this time we will take public -- public testimony. Madam Clerk, do we have anybody signed up?

Weatherly: Mr. Chair, we do. The first of which is Garrett Scott, who is online. Garrett, you should have the ability to unmute yourself.

Scott: Hi. I'm just here as part of the Vanguard team to answer any questions if necessary. Thank you.

Seal: Can you give us your name and address for the record, please?

Scott: Yes. I apologize. Garrett Scott. And my address is 507 18th Street in Cody, Wyoming.

Seal: Okay. Thank you. Does anybody have any questions for Mr. Scott? Okay. Thank you, sir.

Weatherly: Mr. Chair, next is TJ Winger also online. TJ, you should be able to unmute yourself.

Winger: Can you hear me?

Weatherly: Yes, sir.

Seal: Yes, we can. Go ahead and give us your name and address for the record and --

Winger: Thank you. TJ Winger. 800 West Main, Boise, Idaho. Part of the architecture team on the project. Just wanted to say thank you for your time and give a brief mention on the roof slope and the ADA requirements. We have probably got 5,000 units in design right now in various scales of projects and sizes and done quite an extensive amount of studying these project types similar to you guys. In trying to make these projects successful we often see that the amenity portion of the project is something that's set apart and different, identifiable and adds excitement to the project and with this particular request for the roof slopes we feel that that's -- that's the intent and the goal there is to make a sense of place within the community that access the -- the gathering place. It's identifiable by children. It's identified -- identifiable by the neighbors and surrounding community users. So, we -- we do think that that's an exciting element that could really

strengthen the project as a whole and give that sense of place within the community. Regarding the ADA requirements, we are helping other clients that have this problem in lawsuits currently, because they -- they check a box rather than following through in depth study of ADA, ICC, FHA requirements for their projects and so knowing that, we just wanted to bring that to the attention of the city, so that we could have this discussion to make sure we are designing projects that are in accordance with the ICC and FHA. The stoops are very nice. We love that. It creates that front porch feel. Neighborhood streets. It activates the streets. Really gives a sense of place and scale and so we tried to accommodate that in the design with the railings at the front porch, the coverings of the front porch, so that all of the elements and concepts behind the stoop are in place. The only item that is missing is the steps so that we can make those ADA compliant. But you will notice on the design that every -- every front door is covered, every front door has a porch and every front door has the elements that are desired from what a stoop brings, but we just are -- are asking for consideration on the steps that come along with that and thank you for your time. Thank you. Does anybody have any questions? Okay.

Weatherly: Mr. Chair, that's all that I have indicating a wish to testify.

Seal: Would anybody in chambers like to come up and testify? If so would you raise your hand. No one? Anybody online? Do we have anybody raising hand online?

Weatherly: Not at this time, Mr. Chair.

Seal: Okay. With that would the applicant like to come back up?

Yearsley: Mr. Chair?

Seal: Oh.

Yearsley: Before we --

Seal: Commissioner Yearsley, go ahead.

Yearsley: Can I just ask if there is anybody from Williams Pipeline in the audience today? Most times they usually have someone come in for these type of deals, so I wasn't sure if anybody was here. Sounds like no. Thank you.

Seal: All right. If the applicant would like to come back.

Nelson: Mr. Chairman, Members of the Commission, thank you for your consideration of this project. I know there was a lot of materials in the record. We appreciate your careful review of it. Especially appreciate Sonya and her team, because I know she did a ton of work on this and through that effort we have really been able to come to a project that I think we can be proud of and hopefully you can, too. We -- we have been coordinating -- Commissioner Yearsley, to your question just then, we have been coordinating extensively with the Williams Pipeline folks, as we will continue to do with the service



providers here and just a little bit of reminder for context, this is a -- a rezone and change to an existing approved development here and the uses that are being proposed with this development are all cumulatively less intense than what is already approved here. So, we think for all the reasons that JoAnn laid out so well in her presentation, you have got increased connectivity and ability to take advantage of the pipeline here and the roads and so we think it's going to be a great opportunity to improve upon what you guys have already approved in the past. So, we thank you for your consideration. We ask for your support and your approval. We do ask for your comments to staff if you are so inclined on the design standards we addressed and -- but we are in support of the staff report and the conditions of approval. Thank you very much.

Yearsley: Madam Chair or --

Seal: Commissioner Yearsley, go ahead.

Yearsley: Sorry.

Seal: I'm -- I'm not Rhonda.

Yearsley: I know I have been so used to Rhonda, so -- just -- just with that with the Williams Pipeline. Have you been in contact with them regarding the landscaping? Have they had a chance to review that and are okay with the landscaping?

Nelson: Chairman, Commissioner Yearsley, yes, they are in -- in support of the landscaping, which, as you may note, doesn't include trees within their easement area.

Yearsley: Yeah. I noticed it was pretty intense with the landscaping, so I wanted to make sure that they had a chance to review that. So, thank you.

Seal: I have a quick question on the -- it seemed like there was two different options given by ACHD, one with 156 units, the other with 366 units. The one with 156 sounds like they were trying -- they -- that included more commercial development at the time. Can you speak to that?

Nelson: I may need to grab the staff report to look at the exact language, but, chairman, the short answer is that the -- that ACHD was trying to provide options that would have the same impact in productivity of -- of traffic specifically to keep our trip generation within the 3,000 trips that Vanguard Way, as a single access for the first phase, could support and so they provided options that would accomplish that and the option that we have selected to move forward with the phasing that we have proposed includes 366 units of the multi-family and the mixed employment area to our south, so that you get a combination of the -- of the mixed use elements here.

Seal: Okay. Thank you.

Yearsley: And then with that --

Seal: Commissioner Yearsley, go ahead.

Yearsley: They are planning to do a signal at that intersection, too; correct? At Ten Mile and Vanguard Way?

Nelson: Chairman, Commissioner Yearsley, yes.

Yearsley: Okay.

Lorcher: Chairman?

Seal: Commissioner Lorcher.

Lorcher: Isn't there already a light there? At Vanguard?

Nelson: Chairman, Commissioners, we will be adding the extension and turn lanes associated with the Vanguard improvements at that light. Improving the signal that's there.

Lorcher: Okay.

Seal: Anybody else? All right. Thank you very much.

Nelson: Thank you. Okay. At this time can I get a motion to close the public hearing for Item No. H-2021-0081?

Wheeler: So moved.

Lorcher: Second.

Seal: It's been moved and seconded to close the public hearing for Item No. H-2021-0081. All in favor, please, say aye. Any opposed? Okay. Motion carries.

MOTION CARRIED: SIX AYES. ONE ABSENT.

Seal: Who would like to comment first?

Wheeler: Mr. Chair?

Seal: Go right -- go right ahead.

Wheeler: Yes. I have -- I personally like this plan, mainly because there is -- I think there is a lot of features, too, but one of them is that they are -- when they went from an R-40 to an R-15 use on this, I'm liking to see more properties not carry as much density on them. I like the street -- I like the -- the landscaping plan that's here. I like the extra amenities that are there. The pickleball courts. I have a good friend that's a pickleball

player. He's going to be excited about that, more and more of that in the area. I think we have seen plans before or concepts before that have -- that have carried much greater density than these and so that's nice to see and when it's speaking to the pitch -- the pitch on the roof and the ADA compliance on not having the steps on there, I'm in support of -- of both of that from what they have put forward. It makes sense to go ahead and have a flat access up to the front onto the ground level floors -- or, excuse me, to the ground level apartment -- apartments and the pitch on the roof I'm -- I'm -- maybe I'm missing something here on what the big to do about having a certain rise and pitch on the roof and things, but to me being within those kind of standards or within those guidelines I'm not seeing -- I'm not seeing a bigger issue here, so --

Seal: Thank you. Anyone else?

Yearsley: Mr. Chair?

Seal: Commissioner Yearsley, go ahead.

Yearsley: I actually like the revised phasing on this and to try to minimize the amount of access to Franklin. My initial look at this was very concerning that they would have a lot of cut-through traffic through that residential area. So, I like the -- the updated phasing regarding that. I also -- when I initially looked at the staff report I was concerned that they had had more three stories in that area as well. So, I like the fact that they have -- they have staggered that and had more of the two stories. So, it gives me a little bit more -- better level of comfort where that's going in, so -- and I -- with the -- with the roof pitch variation, where it's only a small portion of the structures that's the smaller pitch, I think that's very appropriate to do that, to kind of give it a different feel or a different look. And the -- requiring the 18 to 24, I'm -- I'm sure they could make it work with the ADA compliance, but I don't know if that to me is a big issue either, so I -- I would be okay with both of those variations.

Seal: Okay. Thank you. Any other comments? I will jump in here a little bit and say I really really like this product. I like the way that it's -- it's got good spacing, it integrates well. I think the R-15 over the R-40 is going to transition a lot better. The -- the -- the pathways and the ride ability, walkability, run ability of it, especially if you kind of live/work in that area where you can do just about anything you want in that area is -- I find that to be very nice for sure. So, as far as the variation on the roof pitch, I'm kind of in the same camp as others that have spoken so far, so I don't mind that, especially since it is a central amenity. It's designed to be different. It's designed to look different. You know, as long as that doesn't get us too far out of the Ten Mile plan I think that that's acceptable as, you know, essentially, a one off in the -- in the place as a central structure. The front porch elevations, I -- I will leave that up to staff. I mean, obviously, we want to be ADA compliant, so if there is something in -- if there is something in the Ten Mile plan that makes that, you know, nonattainable then, obviously, that's something that we will want to take a look at within the guidelines of it. Having a zero threshold on there, if -- if that's kind of where they are going with it, I have some reservations about that, just because when we get snow and we get rain and if that sinks in a little bit towards the front door you got a great

big icy puddle there. So, hopefully, that's not where we are going with it. But I wouldn't think that that would be the case. One of the concerns I have here is just with the three stories on the west side of the property, just talking about transitions and how we are going to transition to the property that gets developed to the west of that when it develops. I think maybe pulling those three stories inward and putting the two stories on the west side would help to transition better when that happens, instead of forcing somebody to come up with something that's going to help transition into a three story wall, you know, right at their border, I think that maybe moving those three stories in would be helpful for sure. As far as the phasing plan, I share Commissioner -- Commissioner Yearsley's sentiments on that. I would actually like to see less of the residential develop and more of the commercial develop. I know there is a gold rush on to buy houses here, but the thing that we need more than a place to go is a place to go to, meaning that, you know, we have got plenty of people here that need a place to work. So, it would be nice to see more emphasis on the work portion, less than the -- the live portion. But I do like that they are going to develop together.

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher.

Lorcher: Since we are voting tonight on the development agreement modification -- well, it has no action required from commission. A rezone, a preliminary plat, and a conditional use permit, in regard to the front porch elevations and the roof pitch, is that part of our -- our motion or -- or we are not -- we are not really voting on that, we are voting on the rezone, plat and conditional use permit; correct?

Seal: That's correct. But like Sonya had said earlier, that's part of the Ten Mile plan, so it's part of the design standards.

Lorcher: So, when we make a motion we need to address the variations of the roof pitch and the front porch elevations or no?

Seal: Well, Sonya, you can speak to this, but my understanding is it's already in the -- it's already in --

Lorcher: The staff report.

Seal: -- the staff report or the applicant's response to the staff report and your response to them as far as where we stand on it. Is that correct?

Sonya: Chairman, that's pretty much correct. It is part of the development agreement modification that is acted on by City Council, which is not before you. However, you are free to make any recommendations to Council you wish with the application.

Seal: Anyone else?

Yearsley: Mr. Chairman?

Seal: Commissioner Yearsley.

Yearsley: After considering all staff, applicant, and public testimony, I move to recommend approval to City Council of file number H-2021-0081 as presented in the staff report for the hearing date of March 17th, 2022, with the following recommendations: That the requested design standard changes be approved.

Wheeler: Second.

Seal: It's been moved and seconded to approve Item No. H-2021-0081, Vanguard Village, with the aforementioned modifications. All in favor, please, say aye. Any opposed? Motion carries. Thank you.

MOTION CARRIED: SIX AYES. ONE ABSENT.

**7. Public Hearing for Faissy's Child Care (H-2022-0002) by Faissy Kwizera, Located at 1322 E. Grand Canyon St., Near the Southwest Corner of E. McMillan Rd. and N. Locust Grove Rd.**

- A. Request: Conditional Use Permit for conditional use on 0.17 acre of land in the R-4 zoning district to allow group daycare of more than 6 children.

Seal: All right. So, at this time I would like to open the public hearing for Item No. H-2022-0002, Faissy's Child Care. Hopefully I said that name right. And we will begin with the staff report.

Tiefenbach: Thank you, Mr. Chair, Members of the Commission. Hopefully I also say this one right. Okay. This is a proposal for a conditional use -- Alan Tiefenbach, associate planner with the City of Meridian. Sorry. The site consists of just about .17 acres of land. It's zoned R-4. It's located at 1322 East Grand Canyon Street, which is southwest of East McMillan and North Locust Grove Road. The property -- so, the history of this property is that in 2021 there was an accessory use permit that was issued to this property to allow a family daycare. A family daycare is categorized as a daycare of six children and less -- or six children and less. Since that time the applicant has had another child and because the applicant has had another child and several of the child's that they are watching are actually not part of their family, this kicks them up to being what is called a group daycare, which is more than six, less than 12. Because of that a conditional use permit is required. My understanding from talking to the applicant is that that is the only change to what is presently occurring there. They don't plan on at this point having anymore children, except the one that they had. The -- the way that it works right now, they pick up and deliver the children. So, although they don't typically have people coming there, of course once in a while I'm sure that happens, but the -- the -- the -- the usual operation is that they pick up the children and they bring their children home. It

operates from 7:00 a.m. to 7:00 p.m. They said that the play time is limited to one hour after 9:00 a.m. and one hour after 1:00 p.m. in a fenced backyard and there is an additional parking space in front of the house and several along the curb if they needed to for pick up and delivery. We did receive two letters this week in opposition. The concerns expressed include traffic, whether or not there are going to be safety issues parking. There was also a comment about the CC&Rs from the HOA and whether or not this kind of business would be allowed in the subdivision. If -- if that gets too far to that discussion I will defer to Kurt, our city attorney, but in general we don't get involved in the civil matters between an HOA and the applicant, they are just requesting to us whether or not the city would allow them to do this use. With that I would stand for any questions or if the applicant is online and wants to speak further.

Seal: At this time would the applicant like to come forward?

Tiefenbach: The applicant may be online.

Weatherly: Sorry, Mr. Chair. Faissy, you should have the ability to mute yourself.

Kwizera: Yeah, we hear?

Weatherly: Yes, we can hear you.

Seal: Please state your name and address for the record and the floor is yours.

Kwizera: This is Eric and I'm the husband of Faissy and the address is 1322 East Grand Canyon Street, Meridian, Idaho. 83646.

Seal: Okay. Go ahead and tell us about your project, please.

Kwizera: So, our project like -- yeah, like -- like what -- like what you said. I think he mentioned everything that we wrote in there and for people whose concerning about the parking and traffic, most of the kids we get it from ICC -- ICCP, it means most of the parents -- we have to pick up the kids and normally we just go and pick up the kids with our own cars, so I do the driving or my wife does the driving. So, with the traffic it won't be a problem for parking, because we are using our own car and if a parent wants to pick up the kid we -- they can just use our driveway to pick up and drop off. Yeah. So, honestly, we did have same like license of 12 in Boise and we were like on Moonridge Place in -- in the south. We never had any problem with that, because kids don't make -- they usually play in our background and we limit -- like he mentioned, we usually limit an hour and we tried our best -- we always do our best to keeping the neighbors -- like to be keeping quiet as possible for the neighbors, so that won't be a problem and as in CC&Rs, like actually HOA, I asked them and they say as long as we don't put a sign or we don't -- we don't -- we don't mess up the traffic, we don't cause any jam anywhere, it shouldn't be a problem, or if we tend to have that kind of traffic problem, then -- then they would have to talk to us. So, I believe it won't be a problem on that. Yeah. As my wife is saying, most of those people they are -- they don't have cars and so for them to drive

-- and that's why they are getting help from their health and welfare, for the ICCP to help them pay for the child care and we -- we do provide the -- the transportation.

Seal: Okay. Thank you. Do you have anything else to -- to add?

Kwizera: Yes. Like my wife, she just said, yeah, if we -- if we get an approval we really appreciate it, because that's the only thing she does, that we do -- we have been doing that for six years and we haven't faced any kind of problem and for those who are concerned with -- like the issue that they mentioned, the letter, that won't be a problem. They won't even know anything about -- like we have anybody in the house. They won't know, because it's programmed, we have enough play -- play inside for them and if it goes one hour to play outside it won't be a problem, there is -- there is somebody there to watch so they don't make noise. Thank you so much.

Seal: Thank you. Do we have any questions for the applicant? Commissioner Wheeler, go ahead.

Wheeler: Hello. Eric, this is Commissioner Wheeler. How are you doing?

Kwizera: I'm doing good, sir,

Wheeler: Good. I just have just some kind of quick clarifying questions, because I just wanted to make sure that I'm understanding it here correctly. So, you guys already have a daycare license that you have been using for six years; is that right?

Kwizera: So, yeah, we -- okay. We -- we lived in Boise. We were in Boise and we were doing -- we -- we were doing a license of 12 with the city of Boise and because of the house had like most of the bedroom upstairs and -- and my wife she -- she wasn't -- like she wasn't able to keep going up and down to check on the kids and at that time when she got pregnant we decided to sell, so we can move to Meridian and we found a good house here that we love and we -- we are doing the license of 12 and once we got here they told us like we have to do six for now and we did apply for six. Right now we have -- we have six that we were approved and we have been doing for the 12 for the last -- we started since 2016.

Wheeler: Okay. All right. And so -- and, then, from what I also understood that it is your -- your wife being pregnant that is moving you into this new category and why you have to come through for a conditional use permit; is that what I understand?

Kwizera: Yes. So, whenever -- whenever we -- because they -- they -- if they give us a license of 12. I'm sorry. A license of six and my wife being pregnant that means that we cannot go -- and now she already have a baby anyway. She had a baby in December now. She had a baby in December. We have a couple months old baby here and this will really help moving. So, whenever we have -- we have another kid it means that we cannot watch the six kids there now, because it becomes seven we can't -- we are not allowed to watch according to -- to the license that we have we are only approved to

watch six and if we -- if we watch more than that it's -- it's illegal. We can't do that. We have to have six with ours. So, her having this baby it pushes the limit. That means we have to take some of my kids -- I have to take them to my -- to -- to my dad's house -- to grandpa, so we don't watch -- so we don't -- we don't mess up the numbers.

Wheeler: Okay. And then -- and, then, one last question. Are you -- are you looking to try to add more children to watch, like, you know, eight, nine, ten, start moving that up more?

Kwizera: So, that is -- if it's -- if it's possible. If not, but we still like that, because the reason -- the reason why we say that is -- let's say -- let's say she gets again, pregnant we going to need it again. We going to need it again to come back and ask for that and that's the reason why we need -- we need that room. We need that more room if it's possible we get those kids. So, I don't know how I can --

Wheeler: Okay. That's -- yeah, that's -- that's fine for my -- for my understanding on it. And, then, I was also reading some of the documents here and it sounds like you drive and go pick up the children and bring them back to the house. Is that how I understand it?

Kwizera: Yes. I do drive most -- most of the parents don't drive, so I do drive or my wife will drive. I will go pick up the kid and -- and -- and -- and they drop and bring them inside and there is only one -- one of the things that she comes and drop in that -- Dora and, then, she will pick her up and she usually use our driveway, because we park inside.

Wheeler: Very good. And, then, on a personal note, how is your baby doing? Doing well?

Kwizera: She's doing good, but we are still trying to get some sleep and that. But other than that she's doing -- she's good. She's doing fantastic.

Wheeler: Very good.

Kwizera; There is no problem. Yeah.

Wheeler: Very good. Well, congratulations and thank you for answering my questions.

Kwizera: Thank you.

Grace: Mr. Chairman?

Seal: Go ahead, Commissioner Grace.

Grace: Good evening, Eric. This is Commissioner Grace. I just have a quick question about your transportation. Do you pick up all the children at the same time or -- and/or bring them home at the same time or do you do that in multiple trips?



Kwizera: So, like -- that's a good one. So, like picking them up I will go and pick them up, because they live different places; right? So, I will go and pick them up and, then, come in and some parents will get home earlier than another one, so I will go drop off that one and -- and, then, come drop off the other one later and so we usually just do that in the -- in my -- because I have one that has more space, I usually just get in the garage and put them in there in the car seat and then -- and take off. So, it depends of the days, the schedule. Sometimes the parents might get earlier before the other one, so I will have to go drop off one and, then, come and drop off the other.

Grace: Okay. Thank you.

Kwizera: Thank you, sir.

Seal: Anybody else? All right. So, at this time, if there is no further questions for the applicant or staff, we would like to take public testimony. Is there anybody signed up?

Weatherly: Mr. Chair, we have a couple people signed in. The first is Louis P.

Seal: Good evening, sir. Just give us your name and address for the record and the floor is yours.

Pifher: Chairman Seal, Members of the committee. Good evening. For the record my name is Louis Pifher. I reside at 4562 North Heritage View Avenue, Meridian, Idaho. 83646. And I stand opposed to the applicant's request for a conditional use permit to operate a child care facility at 1322 East Grand Canyon in Havasu Creek Subdivision. I live two houses from this property and have lived in my residence since 2000 -- June of 2004. On the closing of the purchase of my home I received and agreed to the declaration of Conditions and Restrictions of Havasu Creek Subdivision, recorded on 8/26 of 2003, as have all current and future owners. Article 3, Section 1, states: Each lot shall be used for residential purposes. As used herein residential shall mean the use of the dwelling unit on the lot for living accommodations not for more than two unrelated persons, excluding guests of the principle occupant, which guests may reside therein on a temporary basis. Residential is not intended, nor shall the same be construed to include the use of the lot for the occupation of a shelter home for persons unrelated to each other or unrelated to the owner or occupant. Article 3, Section 7, states: Commercial use prohibited. Unless specifically admitted in a supplemental declaration, no lot shall be used at anytime for commercial or business activity, provided, however, that the declarant -- declarant or other persons authorized by the declarant may use lot for development and sales activity related to subject property. Any owner shall be permitted to rent the -- rent the owner's lot and improvements thereon for residential purposes, provided the use is limited to Section 3.1 herein and, otherwise, in compliance with this declaration. Any lease allowing occupancy or residency of the lot or use of any portion of the lot within the subject property shall be subject in all respects to this declaration. I am unaware of any attempts to amend the CC&R's of Havasu Creek Subdivision to allow for this exception. Also in the application it is stated that the neighborhood -- a neighborhood informational meeting was noticed and held on December 27th, 2021, with no attendees. I can tell you

I live two doors away and we did not receive any notice of this meeting and as I am -- as far as I'm aware there has never been an application for a daycare center at that site in Meridian. They declared that they had a license to do this in Boise, but this is not Boise. This is Meridian. I thank you for your consideration on this matter.

Seal: Thank you. Does anybody have any questions? All right. Thank you, sir.

Pifher: Thank you.

Seal: Madam Clerk?

Weatherly: Mr. Chair, Siegfried Sendig.

Seal: Good evening, sir.

Sendig: Chairman and Commissioners.

Seal: If you could state your name and address for the record.

Sendig: My name is Ziegfried Sendig and I live at 44 -- 4499 North Heritage Wood Way in Meridian, Idaho. Just around the corner from where the applicants are. I know I have a three minute limit and I definitely will abide by that. I don't know if somebody left a thing here or -- it was here. Probably all of us have kids. I have got a lot of grandkids and -- I don't know, is this on or -- something's changed. Okay. So, we all love kids. We love kids. I love my grandkids. When I hear something like this -- this is awesome. But as pointed out, somebody moving an existing business into our environment, they knew what they were facing. If they are trying to bend the rules and trying to squeeze in, I'm sorry, I have lived here for 16 -- over 16 years and I love the neighborhood and I love the things that people that are riding their bicycles at 11:00 o'clock at night, it's just such a wonderful community -- community. You know, I mean I voted three times for the previous mayor and so I just love this area. We have got voted twice, I think, for the best city in the country to raise kids in. But we have rules and regulations what makes us so good and trying to bend them -- I don't think it's a good thing to change from R-4 to something else. Now there is six. Well, maybe some other kids might come on along besides that aren't their own. Well, then, we have to bend the rules again. Not to take too much of my time. I will like to finish reading what I wrote. I request that any daycare in the Havasu Creek Subdivision be denied, including the request at 1322 East Grand Canyon Street in Meridian in the Havasu Creek Subdivision. The Havasu Creek Subdivision is 19 years old. I bought my house over 16 years ago. I knew my subdivision had CC&Rs in place that I have lived by all these years. Our CC&Rs do not allow zoning changes simply for the reason that zoning changes could be exploited for many reasons and diminish the quality of life that we have been able to experience over these years. Sorry. I'm a little bit dry. Our street traffic has already been recently increased. We are now through traffic for two recently added subdivisions off McMillan Road. East Red Rock Road is the main entrance for our subdivision off Locust Grove and is a major township road, as is McMillan Road. East Star Road, which is only four houses away from East Red Rock Road, which

our -- which is our main access to Locust Grove, is now reduced to a one way road. Now, a year and a half ago in this chamber I witnessed the thing is that that road cannot handle the traffic. The existing --

Seal: That's -- that's your time, sir.

Sendig: Oh.

Seal: If you -- if you want to go ahead and finish up I will listen.

Sendig: Yeah. And the -- the HOA guide thing has contradicted me. Well, he's now wrong, because the thing is that is a one way road with cars parked on both sides, five subdivisions -- that is the two new ones, ours, Raspberry Crossing, Heritage Common, Copper Basin and the Bernie Glen Subdivision, because when I talk -- I turn off McMillan -- Meridian Road I ended up behind a resident who pulled out of his driveway and I followed him down to my house, but the thing is before that he turned off on East -- East Star Road to access Locust Grove. So, five subdivisions are squeezing through our subdivision onto Locust Grove. We just can't have it. I mean, please, I'm pleading with you guys, please consider the things what we have. We don't want to lose anymore. We know the things -- the overcrowdedness that's coming to our area. We love growth, but at the same time we don't want to feel like rats in a cage. Please consider that.

Seal: Okay. Thank you, sir. Madam Chair?

Weatherly: Mr. Chair, that's all I have -- that's all I have signed up. But thank you for that.

Seal: Thank you. If anybody else in Chambers would like to come up and testify or anybody online, please, press the raise hand button. No takers? All right. If the applicant would like to come forward again, I would give you ten minutes to speak.

Grace: Mr. Chairman, is it possible at this point to ask a question of one of the gentlemen who spoke?

Seal: Absolutely. If they would like to come back up.

Grace: Louis -- I think that's your first name. Just because you maybe live a little closer I had a quick question for you. Do you have any specific concerns, whether it's safety or noise or traffic or -- I -- I don't know that I heard you indicate any specific concerns you have about the potential for more --

Pifher: Well, the most specific concern I have, as a past homeowners association president, everybody wants to make an exception to the rule. The person that moves in two doors down that decided to run a muffler shop out of his garage. The person that was four doors down that decided he was going to run a meth lab out of his house. All of these things I -- I wouldn't expect you to -- them to come here and ask you for an exception, but we, as residents, are expected -- when I moved in, like I said, and

everybody else that's moved in and the people that are here applying for this, moved in less than six months ago, they had those set of covenants given to them. They had an opportunity to find a subdivision or to find a location that would allow the -- the daycare center in their-- in their subdivision. We have a daycare center less than one mile away on Star Lane that is zoned for that. Ours is not zoned for that. They are asking for an exception. It is not -- I didn't come here asking for an exception, I came here to ask you not to put an exception. This also does not -- the thing they didn't mention is it also puts more school buses into the neighborhood, because these are exceptional kids and they have to be bused from the house. So, they stop in front of the house to pick up and as a school board member I don't mind that, you know, coming into the neighborhood to get it, but to increase -- if it's my -- if it's my student, if it's your student, that's fine. But if you are bringing in six or seven students that are going to be bused from your location, then, I kind of have a -- start to have a little problem about it. Thank you.

Grace: Thank you.

Seal: Commissioner Wheeler, go ahead.

Wheeler: Mr. Chair, I would like to ask him some more questions, too, since he's posted here. Hello. It's Louis; is that right?

Pifher: Yes.

Wheeler: Louis. So -- so, the -- the school bus situation that you just brought up here, so you are saying that there was already a stop that was there?

Pifher: No.

Wheeler: Okay. So, there is an additional stop that's made.

Pifher: Correct.

Wheeler: Okay. So, from my understanding of -- I have had three kids all gone through the Meridian School District. School bus routes just change based upon density of population of kids that are in there; right?

Pifher: Correct.

Wheeler: Okay.

Pifher: And there are school bus stops at the front of the neighborhood, but exceptional kids are bused on special -- special buses and they are picked up and dropped off at their home.

Wheeler: Okay. So, what you are saying is you don't like the extra special bus that swings by their house to pick up the kids?

Pifher: I'm just saying it does create more traffic in the neighborhood --

Wheeler: Okay.

Pifher: -- in the front of their house. Even if they are going to pick up all of these children and bringing them home, they are not making the trips to the school.

Wheeler: By exceptional kids you mean kids with special needs, is that what you are getting at?

Pifher: Kids with special needs.

Wheeler: Okay. So, my question is that somebody that's a city -- you know, resident of Meridian, as you are, too; right? We want to take care of our neighborhood and everything like this -- where do we draw the line, then, on where we start to say it's okay for a bus to come through with special needs or not?

Pifher: I have no qualms about the bus coming through. I have qualms about the exception to the rule that the daycare enter is allowed where it's not supposed to be.

Wheeler: No, I -- I head that, but you also brought up the issue of the school bus and that's why I wanted to address that.

Pifher: Well, I only brought up the issue of the school bus to say that there is more traffic in front of that house.

Wheeler: Okay. But if there was a neighbor that moved into the subdivision that also had a special needs kid and they needed to have a bus that was a swing by there, too --

Pifher: That would be perfect. And it is perfectly fine to have the kids picked up that they have there on a special needs bus. Yes. I am all for busing. That takes more traffic off of the highways that we have.

Wheeler: And that's what's happening here.

Pifher: Yes.

Wheeler: Okay. That's all I -- that's all I needed to know. Thank you.

Seal: Thanks, sir.

Pifher: Thank you.

Seal: Okay. Anybody else? No.

Kwizera: It's Eric. I have a question -- I have something to say about that. Is that okay?

Seal: Yeah. Absolutely. I was going to have you go ahead and come back up and -- and speak again if you would.

Kwizera: Yes. Mr. Louis, the school bus that you see, my son has -- my son is the -- is the disabled -- he got diagnosis with something called HO something and the bus comes there to pick up my son. His name is Isaiah. He goes to Discovery Elementary. So, we have -- with that I feel -- I'm very sorry if we offended you somehow, but that's not how -- we give -- we give to kids, but we don't choose how they come, you know, and that's our kid. So, that really hurts our feelings and -- but, again, we appreciate -- we really apologize for that concern. But that bus does not pick up anybody for -- for a daycare. You can -- you can go and ask Discovery Elementary, that's where our son goes to school. So, we have -- we have -- anybody that gets pick -- the bus that comes to our house for our son, it's not for anybody else. Discovery Elementary knows and so they can -- it's -- it's like -- it's a way of training for him to get in the bus and feel like he's going to school, because we try -- that's our -- I don't know what I can add and so I -- I really apologize for that. That does not create any traffic and in that bus goes down there, but if that -- that stop was added for our kid -- for our son. Thank you. But he -- he mentioned that the letter. The letter was sent to everybody. Before I send the letter about the meeting I did send it and, then, I gave them more than ten days -- for at least ten days for that letter before -- when I send the letter I give them ten more days and, then, I send them on the letter I -- I left in the -- if anybody won't be able to attend I will be hosting a Zoom meeting. I put my -- I put my -- my e-mail there. If anybody want to join via Zoom, e-mail me or call me, I will give you the link. Nobody showed up.

Seal: Okay.

Kwizera: That's all I can say.

Seal: Okay. If that's all they have to add, are there any other questions for the applicant or staff? No? Okay. Thank you, sir. I appreciate it. And at this time I would like to get a motion to close the public hearing.

Lorcher: So moved.

Wheeler: Second.

Seal: It's been moved and seconded to close the public hearing for Item No. H-2022-0002. All in favor say aye. Any opposed? Motion carries.

**MOTION CARRIED: SIX AYES. ONE ABSENT.**

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher, go ahead.

Lorcher: I have a question for staff. So, if -- if they still only had six children and because she had a baby now there is seven -- if she had six children would they even need a conditional use permit? Are they allowed to run a family daycare without any other additional licensing in the City of Meridian?

Tiefenbach: Mr. Chair, Members of the Planning Commission, they would be able to do it under an administer -- accessory use permit, which is administrative and would not go to a public hearing. It's really them having a baby that triggered this.

Lorcher: Right. So, did they already have the --

Tiefenbach: Correct. They already had an accessory use permit to run the business. It was having the baby that made them CU.

Lorcher: They already had the accessory use permit.

Tiefenbach: That is correct. For six children.

Lorcher: And I didn't hear how -- they have the baby and they have their son. Of the two children -- there are just two for them? Are you still --

Tiefenbach: I didn't catch how many were there -- theirs. I'm sorry.

Lorcher: Okay.

Parsons: So, Mr. Chair, Members of the Commission, if I could just expand upon the rules a little bit more and so clear up the confusion tonight. So, the way the code is written is you can watch up to six children or more -- or six or fewer in your home and that includes your own. So, for example, if -- if you had four of your own kids and you applied for an AUP, the city could only allow you to watch two more for a total of six. In this particular case they are probably -- they have two children, they are probably watching -- they probably had more than that, they probably had five and they added this second child and it put them to seven. So, I want to make it clear on the record, too, that a daycare group is not a daycare center. It's not a commercial business. That's not what we are here discussing tonight. What we are discussing is allowing him to use his home for a community service for residents that live in the area and allow -- his home -- his occupancy of his home remains a residence and that's how the building code treats it as well. So, all we are doing this evening is -- your purview this evening is how many children are you willing to allow him to watch out of his home. That's really what the purpose of the conditional use is tonight. We are not a party to those CC&Rs. We can't enforce CC&Rs, that's something that's going to have to be taken -- taken up out of consideration from this body here. Right now before you is whether or not you want to allow this gentleman to expand his day -- in-home daycare from six to -- to seven or allow him to go to 12. Again, that's within your purview. You can -- in this process you can allow him to watch up to 12 based on the public testimony. That -- that's your purview this evening, is

whether or not 12, eight, nine, ten, 11 -- or between seven and 12 is appropriate for him to use his home.

Seal: Okay. Thank you, Bill.

Grace: Mr. Chairman?

Seal: Go ahead.

Grace: Question for staff. If -- if the application is denied and the family has had a child, what would be the -- what's -- what's the enforcement mechanism if they are in violation of their current zoning I guess.

Tiefenbach: Members of the Commission, it would be a zoning complaint. Zoning enforcement. How do -- how do we enforce that? It's -- it's whack a mole. We would go out and they would have a code -- code compliance officer investigate to see if there were more than six children there. If this was denied, then, they would have to tell one of the families of the children that they were watching that they could only have six.

Grace: Thank you.

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher, go ahead.

Lorcher: For staff. Did the family say that they were really only looking for seven or did they want to increase it to 12?

Tiefenbach: I would leave that to Eric. My understanding is this whole thing is being triggered because they had another kid.

Lorcher: Correct. So, do they want to expand their business to 12 or they just want to accommodate the seven, because they had the baby?

Tiefenbach: I would have to defer that to Eric. If you wanted to limit this to the number that they are now representing.

Parsons: Mr. Chairman, I believe he testified he would like to go up to 12. I remember hearing that in his public testimony.

Seal: I agree.

Lorcher: Because he said if they choose to have another child he doesn't want to go through this again.

Seal: Anyone else want to chime in?



Wheeler: Mr. Chair?

Seal: Commissioner Wheeler, go ahead.

Wheeler: I -- I think it's actually very considerate that they are even coming before the body personally. So, a lot of these -- there is a lot of people that just watch an extra two kids here and there, kind of push up to this, kind of do like a quasi-home daycare thing and don't even get licensed through the state for these things. My wife ran a home daycare thing and -- for several years and it's just -- it's nice to see people being this genuine in this process here and to -- to realize that they are even coming forward saying, hey, we have another kid and that's the only reason why they are coming forward at this juncture, that just shows -- to me that shows, you know, good ethics and wanting to be a good citizen. I -- I'm hesitant and this isn't saying anything bad or rude, but I don't want to get involved with family planning decisions based upon permitting for businesses. So, with all that being said, after considering all staff, applicant, and public testimony, I move to recommend approval for the City Council to file number H-2022-0002, as presented in the staff report for the hearing date of March 17th, 2022, with no modifications.

Yearsley: Second.

Lorcher: Second.

Seal: Okay. It's been moved and seconded to close the public hearing -- or sorry. It's been moved and seconded to approve Item No. H-2022-0002, with no modifications. All in favor please say aye. Any opposed? Oh.

Starman: Maybe before can I ask --

Seal: Go ahead.

Starman: I just want to ask staff a quick question. Does this require a recommendation to the Council or is this an action item for the Commission?

Seal: This is approval.

Tiefenbach: This is approval. Conditional use.

Starman: So, the maker of the motion is okay with that? I think -- I think we -- maybe I missed -- I thought he said recommendation. Are we okay with approval?

Seal: Sorry, I didn't catch that. I think that's correct. So, this is for approval.

Yearsley: Yeah.

Wheeler: Correct. You're right, it does say recommendation here, instead of approval. Do I need to re-speak the --

Starman: As long as the maker of the motion and the second is okay with that clarification were fine. But I just wanted to make sure it's approval, not recommendation.

Wheeler: Okay. I move for approval on that -- recommend approval -- excuse me. Then I move that we approve --

Lorcher: And the second --

Wheeler: -- file number.

Lorcher: Second.

Seal: Second stands? Okay.

Parsons: Mr. Chair, clarification.

Seal: Go ahead, Bill.

Parsons: Part of the daycare requirements for group -- you have to state the number of children you want them to -- to watch. So, I would encourage you to include that as part of the motion as well.

Wheeler: Rewind.

Parsons: Thank you.

Wheeler: Okay. Let me rewind and re-run this again. Okay. After considering all staff, applicant, and public testimony, I move to approve File No. H-2022-0002 as presented in the staff report for the hearing date of March 17th, 2022, for a daycare license up to 12 children.

Yearsley: Second.

Seal: It's been moved and seconded -- moved and seconded to approve Item No. H-2022-0002 with the aforementioned modifications. All in favor say aye. Any opposed? Okay. Motion carries.

**MOTION CARRIED: SIX AYES. ONE ABSENT.**

Yearsley: Mr. Chair?

Seal: Commissioner Yearsley, go ahead.

Yearsley: I move we adjourn.

Seal: Do I have a second?

Grace: I will second that.

Seal: It's been moved -- it's been motioned and seconded to adjourn. All those in favor say aye. Any opposed? Motion carries. Thank you all.

MOTION CARRIED: SIX AYES. ONE ABSENT.

MEETING ADJOURNED AT 7:39 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS.)

APPROVED

\_\_\_\_\_  
ANDREW SEAL - CHAIRMAN

\_\_\_\_\_|\_\_\_\_\_|\_\_\_\_\_  
DATE APPROVED

ATTEST:

\_\_\_\_\_  
CHRIS JOHNSON - CITY CLERK