

Meeting of the Meridian Planning and Zoning Commission of September 19, 2024, was called to order at 6:00 p.m. by Chairman Maria Lorcher.

Members Present: Commissioner Maria Lorcher, Commissioner Jared Smith, Commissioner Brian Garrett and Commissioner Matthew Sandoval.

Members Absent: Commissioner Andrew Seal, Commissioner Patrick Grace and Commissioner Sam Rust.

Others Present: Tina Lomeli, Kurt Starman, Bill Parsons, Sonya Allen, Linda Ritter, Nick Napoli and Dean Willis.

ROLL-CALL ATTENDANCE

<input checked="" type="checkbox"/>	Brian Garrett	<input checked="" type="checkbox"/>	Andrew Seal
<input checked="" type="checkbox"/>	Matthew Sandoval	<input type="checkbox"/>	Patrick Grace
<input type="checkbox"/>	Sam Rust	<input checked="" type="checkbox"/>	Jared Smith
	<input checked="" type="checkbox"/>		Maria Lorcher - Chairman

Lorcher: Good evening. Welcome to the Planning and Zoning meeting for September 19th, 2024. At this time I would like to call the meeting to order. The Commissioners who are present for this evening's meeting are at -- at City Hall and on Zoom. We also have staff from the city attorney's and the city clerk's office, as well as the City Planning Department. If you are joining us on Zoom this evening we can see that you are here. You may observe the meeting, however, your ability to be seen on screen and talk will be muted. During the public testimony portion of the meeting you will be unmuted and, then, be able to comment. Please 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 and they will reply as quickly as possible. If you simply want to watch the meeting we encourage you to watch it streaming on the city's YouTube channel. You can access it at meridiancity.org/live. With that let us begin with roll call. Madam Clerk.

ADOPTION OF AGENDA

Lorcher: The first item on the agenda is the adoption of the agenda. There are no changes to tonight's agenda. Can I get a motion to adopt tonight's agenda, please?

Smith: So moved.

Garrett: Second.

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

MOTION CARRIED: FOUR AYES. THREE ABSENT.

CONSENT AGENDA [Action Item]

1. **Approve Minutes of the September 5, 2024 Meeting of the Planning and Zoning Commission**
2. **Findings of Fact, Conclusions of Law for Raising Canes (H-2024-0021) by Michael O'Reilly, located at 2700 N. Eagle Rd.**
3. **Findings of Fact, Conclusions of Law for Treasure Valley Law Enforcement Childcare Center (H-2024-0030) by Ball Ventures Ahlquist, located at 1085 Ten Mile Rd.**

Lorcher: Next is the Consent Agenda. There are three items on the Consent Agenda tonight. The approval of the minutes from the September 5th Planning and Zoning meeting. Facts and Findings and Conclusions of Law for Raising Cane's Restaurant and Facts and Findings and Conclusions of Law for the Treasure Valley Law Enforcement Childcare Center. Could I get a -- may I get a -- let me try it again. May I get a motion to accept the Consent Agenda as presented?

Smith: So moved.

Garrett: Second.

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

MOTION CARRIED: FOUR AYES. THREE ABSENT.

ITEMS MOVED FROM THE CONSENT AGENDA [Action Item]

Lorcher: At this time I would like to briefly explain the public hearing process. We will open each item individually and begin with the staff report. Staff will report their findings on how the item adheres to our Comprehensive Plan and our Unified Development Code. After staff has made their presentation the applicant will come forward to present their case and respond to staff's comments. They will have 15 minutes to do so. After the applicant is finished we will open the floor to public testimony. Each person will be called only once during public testimony. The Clerk will call the names individually of those who signed up on our website in advance to testify. You can come to the microphone in Chambers or you will be unmuted on Zoom. Please state your name and address for the record and you will have three minutes to address the Commission. If you have previously sent pictures or -- or a presentation for the meeting it will be displayed on the screen and our Clerk will help run the presentation. If you have established that you are speaking on behalf of a larger group, like an HOA, where others from that group allow you to speak on their behalf you will have up to ten

minutes. After all those who have signed up in advance have spoken we will invite anybody else in Chambers who wish to testify. If you wish to speak on a topic you may come forward in Chambers or if on Zoom press the raise hand button in the Zoom app or if you are listening on a phone please press star nine -- star nine and wait for your name to be called. If you are listening on multiple devices, such as a computer and a phone, please, be sure to mute those extra devices so we don't experience feedback and we can hear you clearly. When you have finished the Commission -- and the Commission doesn't have any more questions for you you will return to your seat in Chambers or be muted on Zoom and no longer have the ability to speak and please remember we will not call on you a second time. After all testimony has been heard the applicant will be given another ten minutes to come back and respond. When the applicant has finished responding to the questions or concerns we will close the public hearing and the Commissioners will have an opportunity to discuss and hopefully make final decisions or recommendations to City Council as needed.

ACTION ITEMS

- 4. Public Hearing continued from September 5, 2024 for Life Church (H-2024-0024) by Ella Passey, Land Group, located at 3323 E. Commercial Court**
 - A. Request: CPAM to amend the Comprehensive Plan Future Land Use Map (CPAM) to change the future land use designation on 6.72 acres of land from Industrial to Commercial.
 - B. Request: Rezone of 6.72 acres of land from Light Industrial (I-L) to General Retail and Service Commercial District (C-G) zoning district for the expansion of Life Church and the operation of Life Bible College.

Lorcher: With that I would like to open Item No. H-2024-0024. Life Church has filed for an amendment for the future land use map and a rezone from light industrial to general retail for the expansion of the church and the operation of the Life Bible College. We will begin with the staff report.

Ritter: Good evening, Chair and Commissioners. So, the applicant is requesting an amendment to the future land use map in the comp plan to change the designation from light industrial to general retail service commercial district to allow for the uses of the Life Church and the Bible college, which would be principally permitted uses. The project site is located at the southeast corner of Eagle Road and East Commerce Court. There are two parcels consisting of 6.72 acres of land that are currently zoned light industrial. The parcels are lots in the Commerce Park Subdivision that was recorded in 1979. In 2011 Life Church requested approval of a conditional use permit for the operation of a church in an existing warehouse building. Although a church is not listed in the Comprehensive Plan as a preferred use in the light industrial areas, it is designated as a conditional use in the Unified Development Code. Because the

proposed use will be offset of most of the industrial activity that were occurring in the area and there were staging hours of operation, staff believes the church activities would not interfere with the adjacent uses and, furthermore, the building was currently vacant and being underutilized and the Comprehensive Plan -- excuse me. Wasn't showing my slideshow. Encourage the adaptive reuses of vacant -- of existing developed sites. For these reasons staff found the request generally confirmed -- conformed to the Comprehensive Plan. As a Comprehensive Plan map amendment is needed to rezone the property from industrial to commercial, staff is recommending the applicant enter into a development agreement with the city. The current future land use map designation for the property is general industrial and the zoning is light industrial. The applicant is requesting, again, a Comprehensive Plan map amendment to change this in the future land use map to accommodate the rezone to C-G to allow for the uses of the church and the Bible -- again, which would be principally permitted. Mixed-use regional is adjacent to the property to the west and commercial is adjacent to the south, as you can see on the -- on the document on the screen. So, after reviewing the Comprehensive Plan and the nearby properties, staff believes the requested commercial designation is appropriate given the proximity to the railroad and the surrounding industrial uses. Additionally, the commercial FLUM designation, which already exists to the south of the property, further supports this recommendation. The Comprehensive -- for industrial the Comprehensive Plan identify industrial land uses and designation that allows for a range of uses that support industrial and commercial activities. Industrial uses may include warehouses, storage units, light manufacturing, flex and incidental retail and office uses. So -- and, again, in addition to that is like light industrial and heavy industrial. For commercial it uses -- the land uses are identified as a designation that will provide a full range of commercial uses to serve area residents and visitors. Desired uses may include retail, restaurants, personal and professional services and office uses, as well as appropriate public and quasi-public uses. Multi-family residential may be allowed in some cases, but should be carefully -- careful to promote a high quality of life through -- through thoughtful site design, connectivity and amenities. And, again, sample zonings are the C-G, the C-C and the C-N. So, the C-G zone is defined as the largest scale and broad mix of retail, office, service, light industrial uses, which close -- with close approximate -- proximity to interstates or arterial intersections. Staff's analysis of the requests are as follows: Alignment with the existing use of the current use. The church fits better with the commercial destination where such uses are principally permitted. Under the general industrial designations. educational institution -- under the general industrial destination industrial -- educational institutions are prohibited and churches require a CUP. So, compatibility and planning goes under the C-G zone suitable for the larger scale. Again, broad mix of retail, office, service, light industrial uses near Interstate and arterial. Surroundings zones. The properties to the south and northwest are zoned C-G, indicating the change to C-G would be consistent, again, with the land use patterns and zoning designations. So, the commercial designation will facilitate the continued operation and potential expansion of the church and the Bible school, promoting a more coherent and compatible land use pattern. Changing the future land use designation to C-G supports the existing uses on the property and aligns with the surrounding commercial and mixed-use areas. So, this is their map for the rezone. It includes both properties. This is a picture of the

extension they would like to do on the church. It is this portion right here. And these are pictures of the existing landscaping along. We did note in looking at this property back when it was approved that there were trees that were supposed to be not removed during construction that were not -- that were -- as you can see taken out. So, with their certificate of zoning compliance we will ask that those trees be replanted. These are the proposed elevations. These are just some existing pictures of the property. The city did receive one written testimony and it was from Tim Wallace and he owns the property that is adjacent to the vacant lot. He wants assurance that after the -- if the map amendment is approved that his property will not be affected and will maintain the same rights they had with the current zoning. He wants to make sure they would not be subject to any new limitations of being next door to the C-G zoned property. The -- the rezoning will allow the church to continue operating as it currently is. There -- from what I understand there won't be any changes to the current operation, so I -- staff does not feel that it would have any effect on the adjacent property. And with that staff recommends approval of the proposed amendment to the future land use map and rezone per the provisions in Section 5 in accordance with the findings in Section 6. And at this time I will stand for any questions you might have.

Lorcher: Thank you very much. Would the applicant like to come forward? Hi.

Thompson: Hi there. Tamara Thompson. I'm with The Land Group. Our offices are at 462 East Shore Drive in Eagle. I'm here tonight representing the Life Church and also with me is Pastor Wade Moore should you have any questions for him. Just know that that he is here. So, before you tonight is a comp plan map amendment from general industrial to commercial for -- and a rezone from light industrial to C-G on two parcels. There are 4.22 acres and 2.5 acres for a total of 6.72 acres. Staff gave you a great overview, so I'm not going to -- to rehash all of that. I just want to reiterate that the church is flourishing in their current location and they wish to expand to the vacant lot that they own to the east of their current site and this will be an additional building for the church. The school has 85 students and they are not expanding the school. The school will stay as is and they -- they attend classes ten and a half hours a week, so it's not -- not a -- you know, it's -- it's not every day and -- and that kind of thing. It's -- it's Tuesday, Wednesday and Thursday from the hours of 9:00 to 11:50 a.m. and, then, one evening they do from 6:30 to 9:20 p.m. So, it's off of the -- the peak hours and it's -- it's a very short time. But just reiterate that the Bible college is not expanding. The expansion is for the church, because it's flourishing. Changing the future land use map and the rezone to C-G supports the existing uses on the property and aligns with the surrounding commercial and mixed-use areas. We have read the staff report and agree with staff's analysis and recommended conditions of approval and we respectfully request your approval tonight and we are here for questions.

Lorcher: Thank you. Commissioners, are there any questions for the applicant before we take --

Garrett: No, I don't.

Lorcher: Okay. Thank you.

Thompson: Thank you.

Lorcher: Madam Clerk, are there -- are there anybody on Zoom or in Chambers that would like to testify?

Lomeli: Madam Chair, Wade Moore signed up.

Lorcher: Pastor, would you like to speak? Okay. Did you have anything else to add? Can I get a motion to close the public hearing?

Smith: So moved.

Garrett: Second.

Lorcher: It's been moved and seconded to close the public hearing -- hearing. All those in favor say aye. Opposed? Okay. The public hearing is closed.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

Lorcher: Well, I for one been very happy with the fact that you took a very vacant building and turned it into something that's thriving. So, you know, I have been here since 1995 and there was a business there a long time ago and it was vacant for a long time and the care and the time that you have taken for that land has -- has absolutely flourished. It looks like the only thing you really need to do is add a few trees. So, that should -- and I think they are all on sale right now, so you should be good. Commissioners, any other comments? Or a motion?

Garrett: I will move. After considering all staff and applicant and public testimony I move to recommend the approval to the City Council of File No. H-2024-0024 as presented in the staff report for the hearing date of September 19th, 2024.

Smith: Second.

Lorcher: It has been moved and a second to approve Life Church rezone. All those in favor say aye. Any opposed? All right. Motion carries. Thank you very much.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

5. Public Hearing continued from September 5, 2024 for Calvary Chapel (H-2024-0020) by Calvary Chapel Meridian, located at 2600 W. Nelis Dr.

- A. Request: Rezone of 8.41 acres of land from the I-L to the C-C zoning district

Lorcher: The next item on the agenda is Calvary Chapel has filed for a rezone from light industrial to community business. We will begin with the staff report.

Allen: Thank you, Madam Chair. The next application before you is a request for a rezone. This site consists of 8.41 acres of land, zoned I-L, located at 3600 West Nelis Drive. This property is part of the larger McNelis Subdivision that was annexed back in 2004 with a development agreement and a preliminary plat. A final plat was later approved and recorded that included this property as Lot 4, Block 2, McNelis Subdivision. The development agreement was later amended in 2011. A conditional use permit was approved in 2018 for a church use in the I-L, light industrial zoning district on the subject property. A certificate of zoning compliance and design review application was approved in 2020 for a two story church on this site, as approved with the conditional use permit. A subsequent certificate of zoning compliance and design review application was approved earlier this year for additional structures on the east side of the church to be used for youth and adult ministry and an office and a storage building at the northwest corner of the site. The Comprehensive Plan future land use map designation is mixed-use nonresidential. The applicant is requesting a rezone of 8.41 acres of land from the I-L, light industrial, to the C-C, community business zoning district as shown in the exhibit on the left. No new development is proposed with this application. The applicant has been operating a private education institution, i.e., a Christian school for pre-kindergarten through 11th grade out of the existing church and plans to move it to the new buildings east of the church in the future once they are constructed. Eventually once funds are raised a new school is planned for construction in the area to the west of the existing church. The existing I-L zoning district prohibits private education institutions. The proposed C-C zoning district will accommodate the church use, as well as the private education institution and is consistent with the underlying future land use map designation of mixed-use nonresidential for the property. As a provision of the proposed rezone staff recommends a new development agreement for the subject property that accommodates the proposed C-C zoning and the church and private education institution uses. The new development agreement will only be for this property and the property will no longer be subject to the existing development agreement and addendum for McNelis Subdivision. No written testimony has been received from the public on this application. The applicant did submit a letter saying that they are in agreement with the staff report provisions. Staff is recommending approval. Staff will stand for any questions.

Lorcher: Okay. Thank you very much. Would the applicant like to come forward?
Good evening.

Drake: Hello there. I'm Troy Drake, the lead pastor of Calvary Chapel.

Lorcher: Okay.

Drake: And I just came up because I felt like I had to. I don't really have anything to add, just -- I was just going to concur with the staff analysis and the -- you know, the --

the thorough work that they did. So, I'm just here for questions -- answer questions or -- and just to acknowledge that we agree with it.

Lorcher: Okay. Thank you. Commissioners, do we have any questions for the applicant at this time?

Garrett: No.

Lorcher: Okay. Thank you.

Drake: All right.

Lorcher: Madam Clerk, do we have anybody here to testify?

Lomeli: Thank you, Madam Chair. No one has indicated they wish to testify.

Lorcher: All right. And, the applicant, you are -- you are good? No other comments that you would like to make? All right. May I have a motion to close the public hearing?

Smith: So moved.

Garrett: Second.

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

MOTION CARRIED: FOUR AYES. THREE ABSENT.

Lorcher: Commissioners, anything to say on Calvary Chapel?

Garrett: No.

Lorcher: It looks like it's really more of an administrative function than anything, so that you can continue to carry on the work that you are doing there since you have been there and possible expansion in the future. Any opportunity for a motion?

Smith: Madam Chair?

Lorcher: Commissioner Smith.

Smith: After considering -- after considering all staff, applicant and public testimony I move to recommend approval to the City Council File No. H-2024-20 -- sorry. 2024-0020 as presented in the staff report.

Lorcher: Do I have a second?

Garrett: Second.

Lorcher: It's been moved and seconded to approve Calvary Chapel. All those in favor say aye. Any opposed? All right. Motion carries. Thank you very much.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

6. Public Hearing for Baldcypress Multi-Family (H-2024-0028) by Pivot North Design, located at 3570 N. Eagle Rd.

- A. Request: Conditional Use Permit for a multi-family development consisting of 115 residential units on 3.76 acres of land in the C-G zoning District

Lorcher: All right. We are clipping right along here. The next item for the agenda is the Baldcypress multi-family for a conditional use permit for a development of 115 residential units. We will start with the staff report.

Allen: Thank you, Madam Chair, Members of the Commission. The next application before you is a request for a conditional use permit. This site consists of 3.76 acres of land, zoned C-G. It's located at 3570 North Eagle Road. This property was annexed with C-G zoning back in 2004 with the Market Square application. A development agreement was required as a provision of annexation and governs future development of the property. The Comprehensive Plan future land use map designation is mixed-use regional. The applicant is requesting approval of a conditional use permit for a multi-family development consisting of 115 residential units on 3.76 acres of land in the C-G zoning district. The proposed development including the density of 30.58 units per acre is consistent with the mixed-use regional designation in the Comprehensive Plan. One four story building is proposed which will contain a mix of studio, one bedroom and two-bedroom units. The proposed structure encroaches in an existing easement along the northern boundary of the site, which the applicant plans to vacate. The vacation application should be submitted and approved prior to submittal of a certificate of zoning compliance application for the site. Access is proposed via three entrances from the existing driveway along the west boundary of the site, which connects to West Baldcypress Street, a commercial collector street along the northern boundary of the site. A 20 foot wide landscape street buffer is proposed along the northern boundary line adjacent to Baldcypress Street, a collector street, in accord with UDC standards. Parking lot and perimeter landscaping is required in accord with UDC standards. An existing easement runs along the western boundary of the southern boundary -- excuse me -- western portion of the southern boundary of the site, which prohibits trees within the easement. An alternative compliance application should be submitted to vary from the landscape standards in this area. Because this site is surrounded by commercial uses staff is recommending dense landscaping is provided in perimeter buffers to assist in screening the site and provide a buffer to commercial uses. Each unit will contain a minimum of 80 square feet of private usable open space consisting of patios and decks. A minimum of .66 of an acre of outdoor common open space is required to be provided

within the development. A total of .86 of an acre is proposed as shown in the yellow, consisting of the street buffer along Baldcypress Street, linear open space along the east side of the building where a dog run is proposed, two landscaped areas along the southern boundary of the site at the west and east ends and an open grassy area and outdoor amenity area on the south side of the building. All multi-family developments are required to provide at least one common grassy area integrated into the site design allowing for general activities by all ages. The minimum size of the grassy area is 5,000 square feet in area. This area shall increase proportionately as the number of units increase and shall be commensurate with the size of the development as determined by the Commission. Where this area cannot be increased due to site constraints it may be included elsewhere in the development. A 5,010 square foot common grassy area is proposed on the south side of the building and a linear open space is proposed on the east side of the building for a dog run. The Commission should determine if this is commensurate with the size of the proposed development or if additional area should be required. Amenities are required to be provided before the development based on the number of units proposed. For multi-family developments between 20 and 75 units or more four amenities are required with at least one from each category. For developments with more than one hundred units, such as this, the Commission shall require additional amenities commensurate with the size of the proposed development. The applicant proposes the following amenities from each category. From the quality of life category a clubhouse with a swimming pool, fitness facilities, enclosed bike storage and repair station, a dog park with weigh station and an outdoor barbecue area and enclosed storage is proposed. From the open space category picnic areas, including tables, benches and landscaping and a shade structure is proposed. From the recreation category a swimming pool and spa is proposed and, lastly, from the multi-modal category a bicycle repair station is proposed. Staff is of the opinion the proposed amenities are commensurate with the number of units proposed. However, the Commission may require more if determined these aren't sufficient. Off-street parking is proposed in accord with UDC standards. Based on the number of bedrooms per unit a minimum of 189 spaces are required, which includes 12 guest parking spaces and 93 covered spaces. A total of 190 spaces are proposed, one more than required, with 115 of those covered. There are an additional 20 on-street parallel parking spaces available along the south side of Baldcypress Street for overflow parking if needed. Bicycle parking is proposed in accord with UDC standards. Conceptual building elevations were submitted for the proposed four story multi-family structures as shown. Building materials consist of plaster or EFIS and brick cladding in a mix of neutral colors and vinyl or composite windows with metal railing and canopies. Final design is required to comply with the design standards in the Architectural Standards Manual. Written testimony was received from Danielle Stehman, the applicant's representative. Staff is recommending approval with the conditions in the report. Staff will stand for any questions.

Lorcher: Commissioners, do we have any questions for staff at this time?

Garrett: No.

Lorcher: Would the applicant like to come forward?

Stehman: Good evening. Danielle Stehman of Pivot North Design. I'm the representative for the applicant, who is Specific Partners Residential.

Lorcher: Can you also give your address for the record, please?

Stehman: Yes. Our offices are located at 116 South 6th Street in Boise.

Lorcher: Thank you.

Stehman: I submitted a presentation. Can you instruct me how I -- okay. Great. Trying to get to full screen and, then, the mouse is really delayed. There we go. Okay. Great. Thank you for considering this proposal tonight. I will go quickly. I think in general we are in agreement with the staff report and willing to accept the conditions as stated. Okay. A quick overview. It's 115 units as stated. A mix of studio one and two-bedroom apartments and, then, residential amenities that go along with that. I wanted to emphasize that we are fitting nicely within the Comprehensive Plan intentions, linking into an existing vehicular and pedestrian network. There is also a transit stop nearby to the site, which is in walking distance. So, here you see different uses represented and in green that's a high density residential use. So, we feel that this does help give a mix of uses as intended in the future land use map for this area. It's helping to balance out what's otherwise a very commercial and retail dominated neighborhood. I have some ideas of what -- what's to come. Across the street, across Baldcypress, is actually City of Boise jurisdiction. Our client previously did this project. It's Meritage West. So, the Baldcypress project is intended to have a similar look and feel. Similar amenities. This project has also a pool, outdoor barbecue area, bike parking and really nicely integrated ground level units with the -- the pedestrian sidewalk network. A site plan -- so our property we are looking to provide a very nice enhanced landscape buffer to the north and we do feel that we are -- we are meeting the criteria for that enhanced landscape buffer to add to the total open space area for the site. In the center, as Sonya mentioned, a number of different amenities that offer residents four seasons of different recreational uses with the pool, the barbecue area, covered lounge seating and, then, open grassy areas first for -- both for people and, then, their furry friends to the east. This is what we think it may end up looking like from the north boundary. This is a view from the entrance, which would be closest to Eagle Road on Baldcypress and, then, another view from the Meritage West property, which is closer to North Records Ave. I wanted to point out the existing streetscape. There are some nice trees that we would like to integrate. Appreciate the opportunity to leave the trees as is, because they are -- they are quite nice. On the right here we see Meritage West, which provides a similar enhanced landscape buffer that we intend to provide. Ours is an attached sidewalk on the other side of Baldcypress Street, but similarly we are tying in those entry level units and some native landscaping, patios and just kind of a softer edge from public to private realm. A similar idea of about landscaping native plants, a mix of varieties of species, create some nice textures and -- and color. On the left you see those existing street trees which we would like to keep on the Baldcypress site. Okay. I just wanted to

emphasize the north area. So, that is something that we will work with planning staff in the CZC phase to -- to provide that enhanced buffer and, then, we are also looking to submit alternative compliance for the area Sonya highlighted on the south where we do have an existing easement, so we can't provide trees in that area. Any questions?

Lorcher: Commissioners, any questions for the applicant at this time?

Garrett: Yeah. Just a question that might seem silly, but what does a bike repair station look like?

Stehman: Sure. Commonly -- so, there is -- there is different types, but commonly it's -- it's like a tall bollard and, then, it has a wrench, something to pump your tire with and often it has a kind of a rail that you can put your bike up on, change a tire, et cetera. So, that's normally provided where we have the bike parking and that's the intention here. Yeah. Good question.

Lorcher: Okay. Thank you very much.

Stehman: Thank you.

Lorcher: Madam Clerk, do we have anybody signed up or in Chambers to testify?

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

Lorcher: Did you have any other comments from the applicant before we close the public hearing? Are you good? Okay. Can I get a motion to close the public hearing?

Smith: So moved.

Garrett: Second.

Lorcher: It's been moved and closed -- second to close the public hearing. All those in favor say aye. Opposed? Motion carries.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

Lorcher: Commissioners, any comments about this application?

Smith: Madam Chair?

Lorcher: Commissioner Smith.

Smith: Yes. This -- actually, I have a couple comments and, then, just I guess one quick question for staff just to make sure I'm reading something right. This seems pretty straightforward and this seems in line with kind of some of the other developments about it. My -- my question for staff is -- is really just about that 5,010 square foot

grassy area. It seems like that complies with the minimum, but, obviously, it's in here for a reason to -- to point out. So, I'm just curious other developments of the size is -- is it still usually -- does it hit around 5,000 or is this below standard? I just wanted to get an idea of why that was. Why that specifically.

Allen: Madam Chair, Commissioner Smith, it was pointed out specifically because it's in code, but it's up to the Commission to determine if they feel it's adequate for the proposed development.

Smith: Okay.

Allen: So, along with this 5,010 square feet they are proposing the linear open space on the east side of the building, too, so -- thank you.

Smith: Thank you.

Lorcher: I mean it's interesting that the same developer built a very similar complex across the street, which happens to be in Boise city limits, so, really, it's more of an extension of what's already happening over there.

Smith: Madam Chair?

Lorcher: Commissioner Smith.

Smith: I would like to make a motion. After considering all staff, applicant and public testimony I move to approve File No. H-2024-0028 as presented in the staff report for the hearing date of September 19th, 2024.

Lorcher: Do I have a second?

Garrett: Second.

Lorcher: It's been moved and seconded to approve Baldcypress Multi-family for a conditional use permit. All those in favor say aye. Opposed. All right. Thank you very much. Motion carries.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

7. Public Hearing for Outer Banks (H-2024-0026) by J-U-B Engineers, Inc., generally located off the southwest corner of W. Franklin Rd. and S. Ten Mile Rd.

- A. Request: Conditional Use Permit for a multi-family development consisting of 549 residential units {364 Apartments, 126 flats, 26 townhomes and 33 vertically integrated} on 36.07 acres of land in the R-40 and C-C zoning district

Lorcher: All right. We good to keep going? I guess we are kind of going along here. The next item is Outer Banks for a conditional use permit for a multi-family development of 549 residential units. We will start with the staff report.

Allen: Thank you, Madam Chair, Members of the Commission. The next application before you is a conditional use permit. This site consists of -- excuse me -- 19.34 acres of land. It's zoned R-40 and C-C and it's located off of the southwest corner of West Franklin Road and South Ten Mile Road. This property is part of the larger Outer Banks Subdivision that was approved in 2021 with a development agreement. A preliminary plat and a conditional use permit for a multi-family residential development was also approved at that time. A final plat was later approved and recorded that included this property. The conditional use permit was for a multi-family development that has since expired. The Comprehensive Plan future land use map designation for this property is mixed-use commercial and high density residential, with a small sliver of mixed-use residential along the southern boundary. It is within the Ten Mile Interchange Specific Area Plan. A conditional use permit is requested for a multi-family residential development consisting of 516 residential units, which consist of 364 apartments, 126 flats and 26 townhome style units on 19.34 acres of land in the R-40 and C-C zoning districts. I would just like to make a note that there are also 33 vertically integrated residential units proposed. However, conditional use approval is not required for those as the use is principally permitted in the district. The proposed conditional use permit maintains all elements of the previously approved project and updates those areas impacted by zoning code changes that have occurred since the original approval. It's essentially the same project. The proposed development plan is in substantial compliance with the conceptual development plan and building elevations included in the development agreement as required. The proposed gross density of the development is 26.7 units per acre, which is consistent with that desired in the Comprehensive Plan for this area. Access to this site is provided via West Franklin Road and South Ten Mile Road, existing five lane arterial streets that run along the northern and eastern boundaries and West Cobalt Drive, an existing three lane collector street that runs along the southern boundary of the development. The Kennedy Lateral bisects this site within a 55 foot wide easement and is proposed to be piped throughout the development and that is this area right here if you can see my cursor. The street buffer along Cobalt Drive is existing and was installed with the subdivision improvements. Internal parking lot and open space landscaping is required with development in accord with UDC standards. Open space is proposed within the development in excess of the minimum standards. A minimum of 4.95 acres of qualified open space is required. A total of 5.45 acres is proposed consisting of the street buffer along Cobalt Drive, linear open space within the Kennedy Lateral easement and other areas and internal common areas integrated into the site design where amenities are proposed, several of which are over 5,000 square feet in area. Each unit will contain a minimum of 80 square feet of private usable open space consisting of patios and balconies as required. Site amenities are proposed within the development from each of the required categories as follows: From the quality of life category clubhouse with the fitness facilities, dog washing facilities, Internet cafe, co-working center, game room and a dog park, with a waste station is proposed. From the open space category two

plazas, a fire pit and six barbecues are proposed. From the recreation category a swimming pool, walking trails, two sports courts, i.e., bocce ball and pickle ball and children's play structures are proposed. From the multi-modal category four bicycle repair stations are proposed, which include stands, repair tools and tire pump. Staff is of the opinion the proposed amenities are appropriate for the development proposed and doesn't recommend any additional amenities are provided. Similar with the last application, if the Commission feels that more or different amenities should be provided that is in your purview, as well as the open grassy areas. Off-street vehicle parking and bicycle parking is proposed in excess of UDC standards. A minimum of 950 spaces are required, including guest spaces with 516 of those being in a covered carport or garage. A total of 1,022 spaces are proposed, including 520 covered spaces and 30 compact spaces. Eight of the spaces are substandard and will need to be revised. Conceptual building elevations were submitted as shown and these are the flats. These are the tri-level apartments or the townhome style units. These are the high density apartments. And the clubhouse. The design of the proposed structures appears to be of high quality and are generally consistent in style, materials and colors. Final design of the site and structures is required to comply with the design elements of the Ten Mile Plan and the design standards in the Architectural Standards Manual, in accord with the development agreement. No written testimony has been received on this application and staff is recommending approval with the conditions in the report. Staff will stand for any questions.

Lorcher: Would the applicant like to come forward?

Clark: Hi, everybody.

Lorcher: Hi.

Clark: Hethe Clark. 251 East Front Street. Representing the applicant. And, Sonya, do you have that presentation for me? So, I will be brief on this one as well. Just maybe -- I thought I would just give you a little bit of background as to why we are here. You don't usually see a project this big have to come back and get another conditional use permit. Oftentimes when conditional use permits lapse it's because, you know, project's not moving, people aren't doing anything. The ground still looks the same as it did the day that the application was approved. That's not the case on this one. This application has been hard at work for the last several years since we got our approval. The -- the commercial area that I'm sure you guys have all driven by it, you have seen the new stores going in, very successful already. On the residential side, since we -- the -- the work has been going on that for the last couple of years in fact. So, back in 2022 -- and let me just give you here a list back in '22, in fact, we had already installed the entire length of Cobalt Drive and if you ever want to have lunch with me and experience PTSD, we can talk about the process of building Cobalt Drive and getting all that approved back in the day. Bill knows what I mean by that. But at that point we had -- we had tiled the Kennedy Lateral. We had sewer mains and hydrants in, so -- and I can show you a couple of pictures here as well. We had the roads and the residential areas cut earlier this year. So, this is not a situation where nothing's gone on out there,

it's a situation where Meridian has a very restrictive code and one that if you are not used to it you wouldn't expect that -- if you have done this much work that you need to go renew your conditional use permit and Meridian's code is unique. So, Boise's code says that you have to initiate construction of the improvements, including installation of utilities, which is a -- I think a more reasonable standard. Nampa's you have to have a permit for alteration of the site, whereas Meridian says you have got to have a building permit and start construction of the footings. So, at the point this came up we already had our building permits in. Staff was under review of our building permits. The two year issue got flagged. Kurt and I arm wrestled for like two weeks over whether we really actually had to do this or not, but we ultimately decided to go ahead and follow staff's direction on this. So, we did resubmit. It is the same project with updates to match your updates to the multi-family codes. There is really -- we have no concerns with the staff report. So, I just wanted to give you guys a little background as to -- as to why we are here. Any other questions?

Lorcher: Commissioners, do we have any questions for the applicant?

Smith: Madam Chair?

Lorcher: Commissioner Smith.

Smith: Yeah. I guess the question for staff regarding to that. First of all, I was going to say surprising seeing you for something that's so simple, but I guess it's not. You know, all the complex stuff is already happening.

Clark: It's usually hard when I'm like --

Smith: Yeah. Usually it's got be thorny -- something to wrestle with here.

Clark: My reputation proceeds me.

Smith: It just -- it just means they trust you with the -- with the hard ones.

Clark: Yeah.

Smith: Now, my question, I guess, is -- is for Bill -- or for staff, just -- I guess speaking to just for curiosity sake, is there -- is that an intention for how the code is operating or is that more of -- maybe for Kurt as well. Or is that a byproduct of, you know, the footing specific -- or versus improvements? Is that maybe something in the language that wasn't intended to be marked out like so specifically? I guess could you talk to -- to why the code is a little different in Meridian versus other surrounding cities?

Parsons: Chair, Members of the Commission, it's -- it's like anything. You have ten jurisdictions, you have ten different interpretations or ten different codes. It's -- I didn't know that was the case. I mean Hethe and I arm wrestled over the topic, too, so it wasn't just Kurt, but, essentially, in our world we want to see progress. I don't disagree

with the applicant that when you commence with the subdivision it makes sense that you are commencing with development, but in this particular case the CUP was for a very specific use and that's -- and when you go to the code and you look up the requirements for -- and in the code there is very specific time requirements for a plat and a conditional use permit and so this was the case where we kind of drew the line and said, well, yes, we understand what you are saying, but one relates to the plat and the other one relates to the conditional use permit. So, in our minds the CUP set the standard for the use and, therefore, you had to have an active building permit and have permanent footings in the ground -- meaning a foundation for at least one of those structures and that's where we landed. So, really, it wasn't an oversight or anything, it's always been like that ever since I have been with the city and the code was enacted in 2005. So, it's nothing new to staff. We understand it, but not everyone knows that requirement, especially when it's concurrent with a plat.

Clark: And I agree that that is the language for the conditional use permit. The reason I pointed out Boise and Nampa was just to explain that if you are not used to that kind of technicality in the Meridian language you could get tripped on it pretty easily, especially if you do work in other jurisdictions.

Smith: Thank you. Just curiosity. Thank you.

Lorcher: Thank you very much -- oh.

Starman: Madam Chair and Commissioner Smith, I would just had two -- two additional thoughts. Both are in concert with this, but the first is as you are aware, you know, from time to time -- usually about twice per year, but sometimes once per year Planning staff in particular will look at code changes. So, if this is a topic of interest to you, it's something that could be evaluated as we look at UDC updates, where we just completed one, so we are not going to do it now for another six to 12 months, but it's something you can consider -- or staff can consider as well next time you do so. The other thing I was going to mention is that -- and I understand Mr. -- Mr. Clark's comments one hundred percent. One thing I would mention, though, is that really the -- if you are not aware of the deadline, this is not very helpful, but if you are aware of the deadline the process for an extension is -- is pretty streamlined and straightforward. It's a director determination. It's a very quick and easy process to have the CUP extended. So, it's not difficult to extend, but if you are not aware of the deadline that's a whole different issue and I'm empathetic with the -- with the applicant's situation here. I think this was an -- you know, it's an innocent mistake and oversight and certainly it's a high quality project and deserves your consideration.

Lorcher: Thank you. Okay. We will see if there is any public testimony. Thank you.

Clark: Thank you.

Lorcher: Madam Clerk, is there anybody signed up for testimony?

Lomeli: Madam Chair, no one signed up for testimony. We did receive an e-mail at about 4:56 that has been handed out to each of the Commissioners for review.

Lorcher: Has the applicant -- are you aware of this? A concerned citizen. The comments are: In addition to the overwhelming strain to our existing infrastructure, particularly on Ten Mile, this development will also place a heavy burden on our local parks and schools. These facilities are already at capacity. The influx of residents from 500 plus unit development will further exasperate overcrowding and limit access for current residents. I'm not going to read this whole thing. They believe that there is a more reasonable sustainable approach that would reduce the number of units proposed for Outer Banks. Having the number of units significantly mitigate the negative impacts on traffic infrastructure, parks, schools while still providing much needed boost to our local economy and the citizen would like us to consider those concerns when we make our decision. Are there any other -- anybody else signed up? Would you like to address that at all?

Starman: Madam Chair, as Mr. Clark comes to the podium, I just -- we have had this discussion for other applications. I will just mention briefly that this project has most of its entitlements in place, including a development agreement. So, this is not really a question of whether or not this project will move forward or not, it's -- it's what conditions might be appropriate given the size and magnitude and the particular nuances of the project. But this project is -- is -- has most of its entitlements already.

Clark: Madam Chair, Hethe Clark. 251 East Front Street. I agree with Mr. Starman and won't belabor that point, other than just to say that the traffic impacts were studied at the time. We had -- speaking of arm wrestling, we had a lot of arm wrestling at that point with -- with ACHD to make sure that this was designed appropriately and had the appropriate accesses. You have updated letters from the school district and I would just also point out that with your multi-family standards, the changes that you have made, the additional open space, all these things that you have required, we have bumped everything up beyond what was already an above and beyond application. So, we -- we anticipate that most of those things are going to be handled on site and I think that when folks see this thing built -- especially with the pathway along the Kennedy Lateral, it's just going to be a really cool amenity, very nice mixed-use project that's very consistent with the -- with what the Ten Mile Plan envisioned and with that I would just remind you of what Mr. Starman said, so --

Lorcher: All right. Thank you very much.

Clark: Thanks.

Lorcher: Can I get any other comments or close -- a motion to close the public hearing?

Smith: So moved.

Garrett: Second.

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

MOTION CARRIED: FOUR AYES. THREE ABSENT.

Sandoval: Madam Chair?

Lorcher: Commissioner Sandoval.

Sandoval: So, Mr. Clark, I'm actually at the PMI Global Summit right now in LA, so I can't be there in person, but you will be happy to know there is a new measure of success for projects officially. It's no longer the typical three constraints of budget, schedule and scope, but, rather, a successful project is one that is worth the effort expended and I hope that's a yes for you. As far as the CUP, it was already approved. This seems to be more of a formality to keep it moving forward. Things look great. I think we should approve.

Lorcher: Okay. Thank you very much.

Smith: Madam Chair?

Lorcher: Commissioner Smith.

Smith: I will echo the sentiments. I think, you know, the -- the public comment to me -- to me reads as someone who might be learning about this development recently and seeing it as something that is new, but this is -- is progressing along and when I first looked at it my first comment before realizing that this had already been progressing as well, this -- this looks really great. So, I'm excited to see this keep going forward and I fully support it as presented in the staff report.

Lorcher: Okay. You want to put a motion with that?

Smith: Sure. Yeah. After hearing all -- or after considering all staff, applicant and public testimony I move to approve File No. H-2024-0026 as presented in the staff report for the hearing date of September 19th, 2024, with no modifications.

Sandoval: Second.

Lorcher: It's been moved and second to approve Outer Banks conditional use permit. All those in favor say aye. Any opposed? All right. Motion carries. Thank you very much.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

Parsons: Madam Chair, before we -- we move on to the next item I just want to let the Commission know that the applicant for Pivot Point is stuck on the freeway and so we

are asking if we could potentially swap Pivot Point project with the Meridian OZ project tonight.

8. Public Hearing for Meridian OZ (MCU-2024-0002) by Pivot North Design, located at 1475 E. Franklin Rd.

- A. Request: Conditional Use Permit Modification for a multi-family development consisting of 36 residential units on 2.39 acres of land in the R-40 zoning district.

Lorcher: Is Meridian OZ here? That's you? Any objections from anyone? All right. Let's -- we can just switch; right? Okay. Well, then, we will go forward with Meridian -- I don't know if you pronounce it as OZ or O-Z -- for a conditional use permit modification for a multi-family development. We will begin with the staff report.

Napoli: Sorry about that. Good evening, Madam Chair and Members of the Commission. Item No. 9 on the agenda is a modification to the conditional use permit for Meridian OZ. The applicant is requesting a modification to the approved conditional use permit to amend the bedroom counts, building elevations and site design for a multi-family development consisting of 36 dwelling units. The site consists of 2.39 acres of land, zoned R-40, located at 1475 East Franklin Road. As shown on the screen the current zoning is R-40, high density residential, and the FLUM designation is mixed-use community. Some brief history about the site. The first modification to the development agreement and CUP applications were approved for six -- were for a 60 unit multi-family development at a density of 25 units per acre. This project was denied by City Council due to the density not aligning with the existing DA and the proposed sole access via Locust Grove presenting significant traffic safety concerns. However, the applicant came back in the previous year, he was approved for a 36 unit multi-family development at a density of 15 units per acre. Access is proposed via South Locust Grove. No access is proposed or allowed via East Franklin Road. The applicant is proposing a change from the approved CUP, which allowed for 16 -- 36 two-bedroom apartments. The modification is proposing the bedroom count to be reduced to 18 one bedroom and 18 two-bedroom units. Additionally, the site was redesigned to reduce the building count from eight garden style apartments to three climate controlled apartment buildings. A total of 16,664 square feet of common open space is proposed when only 9,000 square feet is required. The redesign of the site has created more open space for the resident -- residents creating a more integrated project. The applicant is proposing the following amenities. An outdoor clubhouse, an enclosed bike storage, picnic area, pathway and bike repair station. The proposed amenities meet the minimum standards ensuring the development supports the quality of life, open space and recreational needs of the residents. The applicant has altered the building elevations to incorporate a mix of EFIS siding, mixed metal access -- mixed metals accents with a neutral color scheme throughout. The final design -- the final design for all structures are required to comply with the design standards in the Architectural Standards Manual. Staff is recommending approval with conditions. We did receive written testimony from the applicant Danielle Stehman and I will stand for questions.

Lorcher: Would the applicant like to come forward? If you can state your name and address, again, for the record.

Stehman: Yes. Danielle Stehman. Pivot North Design. 116 South 6th Street, Boise.

Lorcher: Thank you.

Stehman: And I had submitted a presentation for this one as well. Just some clarity of the design that Nick placed on the left was the previous proposal. The design you saw on the right is the current proposal. Thank you. Okay. So, thanks again for considering this application. Just some three dimensional views that were not submitted as -- as part of the application, but this is what we are thinking it would look like. You can see that it's a really challenging site to design. So, the original design was 60 units. The CUP modification application requests for a 36 unit and an even split of one and two-bedroom units. So, each of these three buildings has 12 units four per floor. Part of the modification that we would like to request is an increase in the maximum height. We are still within the maximum height per the UDC, but per the previous CUP that was capped and -- or a two story development. Okay. Just going through the site plan quickly. As Nick pointed out, we have the amenity building there in the center, a centralized common open space and, then, planting throughout. Ample parking, including guests and additional parking spaces beyond the guest parking. I think we would like to work with staff to understand where these future cross-access easements would be located and just understand the viability of neighboring sites that we can't control and, then, kind of their appetite for those easements. The main chunk that you see taken out of the site is an ACHD stormwater site. Quite well maintained I would say. Very nice to look at. Pleasant. That is fenced in. So, there is some stipulations where we would provide a more aesthetic fence at that boundary and, then, we are providing a pedestrian pathway that goes through the site and connects Locust Grove to Franklin Road. And some three dimensional renderings of the three buildings and, then, the proposed amenity space. This just highlights some of the areas that we will need to work with staff through for CZC, which includes some alternate compliance for some areas that are tough to place trees. As you can imagine the site has a lot of overlapping easements, building footprints, buffers. There is about eight property lines to -- to react to. So, we will work through that with Nick and we are in agreement with the conditions of the staff report. Okay. I wanted to point out that to the west there actually is already a buffer that's in the form of a very narrow parcel between our site and -- and the neighboring commercial site. So, that's something we can work through. Any questions?

Lorcher: I have one. So, the ACHD storm drain. So, you had mentioned that you -- you were going to create a pathway through that or around it?

Stehman: Around. So, that pathway would be on our site. That site is actually it's -- it's fenced in a way that suggests that ACHD does not want anyone in there; right? A liability. So, the -- the fence would be I think the goal is a replacement of that fence with a more aesthetic fence. I believe it's chain link right now. Right. With barbed wire at

the top and -- yeah. So, we will have to work with ACHD and understand their security concerns and, then, aesthetic concerns of the city and our development.

Lorcher: Okay. Thank you.

Stehman: Yes.

Lorcher: Commissioners, any other questions for the applicant?

Smith: Madam Chair?

Garrett: No.

Lorcher: Commissioner Smith.

Smith: One quick question for the applicant and/or staff. There was a letter submitted -- I believe looking at the map from the neighbor on the southern boundary. He is talking about the entrance would potentially block the infiltration ditch that helps storm water runoff from their property into the collection -- storm water collection. Just curious how that's being mitigated. Is that -- is that -- what's the standard practice? And I'm far from a storm water mitigation expert. I'm just curious about that.

Stehman: Yeah. That's interesting. There is some challenging grading at that location. I will pull up the aerial. So, I think -- I can grab that cursor. The cursor reacts to my movement about five seconds after I move it. So, basically, where our parcel touches South Locust Grove Road there -- I think you are saying the owner to the south -- their drainage goes over that part of the site to get to the ACHD parcel.

Smith: That is my understanding.

Stehman: That's what it sounds like. So, we do have some proposed grading that keeps our drive aisle at a somewhat accessible slope. So, I would have to get with the civil engineers and convey that concern and we can certainly reach out to that property owner.

Smith: Okay.

Lorcher: Also -- and Fire was okay with only having one entrance off of Locust Grove or would they have access off of Franklin?

Stehman: So, they would not have access off of Franklin. It would be through the site and we have a Fire -- a turnaround at that topmost inset for parking -- second from the top. You can see those --

Lorcher: Okay.

Stehman: Yeah. I believe the Fire Department was -- was happy with the plan.

Lorcher: It's a challenging site that is for sure.

Stehman: It is.

Lorcher: Especially with ACHD, you know, taking the middle; right? All right. Commissioners, any other questions for the applicant at this time?

Garrett: Nope.

Lorcher: All right. Thank you.

Stehman: Thank you.

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

Lomeli: Madam Chair, we have a Lindsay Uachi signed up. I did see a Lindsay online. However -- oh, she is. Okay. She is here.

Lorcher: Come on up. Hi. If you can state your name and address for the record, please.

Uachi: Hi. I'm Lindsay Uachi and I live at 185 South Locust Grove. That's the property directly south.

Lorcher: Okay.

Uachi: So, I'm speaking first and foremost to ask why the planning staff has required the applicant to depict a cross-access walkway onto my private property. In the previous ones they required a closed vision fence, which was not required to be depicted at this time. I live steps away in that home alone by myself and now there will be a walkway going from the apartments to my home. Also it's flood irrigated and the irrigation will have nowhere to go once there is a driveway there. It's just going to puddle at the front end of the driveway. I could understand leaving space for cross-access in the future -- leaving the space for it, but depicting a walkway that literally walks onto my property feels very unsafe and intimidating. I read the conditions for approval and I do note that they say that they are required to have a fence and to put in trees every 25 feet. However, I have no reason to believe that's actually going to happen. Based on the property to myself, the industrial building being built and they were required to put up a closed vision fence. Instead of doing that they built -- they purchased the residential property that was between us, they ripped down all of the trees and the fencing that was on our property line and now it's fully exposed. So, right now I'm between a dirt lot and an industrial building and a vacant lot that will be apartments with a crosswalk to my house. So, none of the concerns that I had about these apartments the last four times that I have spoke have been addressed. There is

still -- the -- even making it into my driveway, which is about 150 feet further south, it's -- it's a hard turn to make and I signal early and I slow as soon as I pass the light and still traffic will nearly rear end me a lot of the time. So, it's very dangerous. And now we are moving that up 150 feet and for all the residents of these apartment buildings it feels very unsafe. That was a point that I brought up and it's also the reason that the City Council had not approved this in the beginning. Now, I suppose it's just the same, but taller. We also have families surrounding a pond that's fenced in by barbed wire, so those are my concerns. So, if you do feel that -- and I understand that this corner needs to be developed. This is not the way though. But if you do feel that this is the way to move forward, if there is some way to at least ensure my safety during this. I have had the property on the market for a long time. I -- I see the writing on the wall, but right now it's not feasible to just leave.

Lorcher: Okay.

Uachi: Thank you.

Lorcher: Thank you very much. Madam Clerk, anybody else signed up to testify?

Lomeli: Madam Chair, no one else has signed up.

Lorcher: Can the applicant come forward and address the concerns of your neighbor?

Stehman: Thank you for -- for expressing those concerns. Our development team was not aware of those concerns. But I -- I do agree and, actually, the property to the south is technically I believe not incorporated into the City of Meridian. It's an Ada county jurisdiction. It's an RUT zone. So, I would question -- we are putting the cross-access easement in at the request of planning. I would question whether that's applicable when a property in the City of Meridian is adjacent to a non-city of Meridian parcel. So, perhaps that requirement could be removed from the south property line. Give some assurance, you know, for those comments. I think they are very valid comments.

Lorcher: And, then, I think the other concern was the flooding.

Stehman: Right. I think what we would like to do is exchange information and work with our civil engineers on how we can address that, because, obviously, that -- that will be a problem for our site as well. That will need to be addressed in terms of drainage.

Lorcher: Okay. I think those were the two. The cross-access. The flooding.

Garrett: The trees.

Lorcher: And the -- well, the trees are on the south side of the property on the industrial. So, it's actually at the other end. But you have a landscape plan that would create a buffer for the south -- for the parcel south of you; correct?

Stehman: Right. And my understanding is that the planting requirements are a condition of the CUP modification. So, I think we can all be assured that we will be required to comply with the trees.

Lorcher: Okay. Commissioners, do you have any other questions for the applicant before we close the public hearing?

Garrett: No. I think the other person's comments were very valid and I think they have to be addressed. I think you are going to have to go back and look at that flooding issue and also that crosswalk onto her property.

Stehman: My understanding is we are removing the crosswalk requirement. Is that the consensus?

Napoli: So, you know, as far as with -- on the site, what we had originally liked to see is actually have the cross-access moved closer to Locust Grove and not where it is shown on this current site plan. Danielle actually did send me an updated plan this afternoon that is actually showing it moved closer to Locust Grove. It's not quite exactly where staff would like to see it, but we do know that there is some grading issues out here. So, staff is definitely amenable to working with the applicant to make some changes to the site. You know, as far as the sidewalk itself there is no actual sidewalk going on to the southern property. It's just stubbed to it for future development, because that property will redevelop in the future. But I totally understand the concerns and I definitely think staff would be amenable to moving it closer to Locust Grove or at this time just, you know, not requiring it. I think that if that's the way that the Commission would like the rule, I think staff would be in favor of that.

Lorcher: Okay. All right. Thank you very much.

Stehman: Thank you.

Lorcher: May I have a motion to close the public hearing, please?

Smith: So moved.

Garrett: Second.

Lorcher: It's been moved and second to close the public hearing for File No. H-2024-0002. All those in favor say aye. Any opposed? Motion carries.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

Smith: Madam Chair?

Lorcher: Commissioner Smith.

Smith: First off, I want to say -- so, I remember this last time this development came up and I believe I voted to approve it with a lot of heartburn. This looks so much better. I think it -- there are some things we need to iron out, but -- but I -- I -- I'm very happy about this. Regarding the crosswalk, question for staff, regarding language -- or regarding kind of I guess what would -- what we would do -- would the preferable approach to be if we wanted to not require the crosswalk at this time would it be to not require that, but still require some easement for a future crosswalk once that property is developed or what would be the best way to protect the current resident to the south while still maintaining that optionality for future development?

Napoli: So, yeah, you know, as far as with that -- the reason we are requiring it now is because if we don't get it now there is no point in the future that we could require it to be reciprocated. I think that staff -- you know, as far as the crosswalk, the actual walkway I don't think is, you know, something that is as important as vehicular cross-access to the south -- is really what we would like to see, because if -- when that property to the south does redevelop they are probably going to share an access ideally in a perfect world, that's what we would like to see and that's probably what Ada County Highway District would like to see. You know, as far as where it's located on the site, like I said earlier, you know, I think that we could potentially require an easement and not actually have the crosswalk. I think that's something we can work with the applicant on, if the applicant's willing to, you know, make those changes and if that's something that the Commission would like to see I definitely think we can work on an easement or something along those lines moving it closer to Locust Grove to create, you know, what the request of the citizen is. I definitely think that that would be a way to -- if that's the way to make her feel safer and all of that, I think that that's a great solution here and staff would definitely be able to work with the applicant to make that happen.

Parsons: So, Madam Chair, Members of the Commission, just put a finer point on some of the -- the concerns that I heard. So, the resident that testified is accurate, the property -- both the applicant and the -- the resident is accurate. So, the adjacent property is currently in the county, but has a mixed-use community designation. So, if and when it comes into the city it will have to come in with some kind of nonresidential use on it. The current owner is the owner of the industrial property to the -- to the south and they -- they built their big warehouse a few years ago and they had met with staff a year or so ago to do a flex space building on that site. So, that's why the trees in the buffer -- they were eliminated, because they own the property now and so they didn't have to buffer themselves from the residential use, because now they control the use. So, that's where -- why that change had occurred. The other thing is the residence property is also mixed-use community and we tried to integrate those uses per the Comprehensive Plan. Understanding there is some challenges here, don't know what the vision is for her property in the future. That's kind of the chicken and the egg; right? What comes first. We are dealt with R-40 -- R-40 zoning that was put in in 1999 and we are trying to work -- and ACHD bought a majority of the property and left this weird odd-shaped piece, but I think there is some valid points here tonight. I think the applicant should work with the adjacent property owner. That water is going to have to go somewhere and they need to work that out. That's just state law. She is going to have

to have water go to her. She is going to have to have water leave her property. So, that's going to be well documented and protected by state law. So, I think that's in their best interest to do that, but we don't really have flexibility as to cross-access with the adjacent property. No one is going to encroach on her property it's just stubbing to her property. So, if and when that property is sold, bought or she decides to develop it with a commercial use, they will limit access or try to have a better -- you know, consolidate accesses to Locust Grove because it -- it is a major arterial. So, we are trying to get all of those properties to integrate with one another in the future. We are not there yet, we still have two missing pieces, but we have to do something with this piece to facilitate something in the future. Again if that property to the south redevelops from the multi-family and they can work out another agreement and build a different access in the future, I think that's a -- that's an amenable situation long term, but right now ACHD has said the only access to this property is Locust Grove and it's going to be right-in, right-out and nothing else on Franklin. So, we are kind of dealt with the cards that we have. We did assure that the fencing got put in. I remember that being part of the topic of discussion last hearing. So, I made sure -- Nick and I included that requirement and have that landscaping, because we -- and make sure the trash enclosure was not there either. So, we will ensure a lot of those things, but in order to minimize our impact to the adjacent neighbors we really do want that access closer to Locust Grove, at least that cross-access away from that -- or even the pedestrian connection in the future in that location farther away from the residence until a later date -- or until she decides to do what she wants to do and maybe the new owners can work with the apartment owner and they can figure out a better situation. But right now we have what we have in front of us tonight. We have an active application and we have someone that has some concerns and I think they are valid as well. So, whatever we can do to try to improve those things I think it -- it's a good idea. But we can't just eliminate them.

Lorcher: Correct. Okay. So, I guess I -- I need a better definition of what cross-access is, because I'm kind of envisioning -- you come in off of Locust Grove, you can turn left into her place or you turn right into the apartment complex. So, how is there going to be a barrier so that she has access to be able to get back on Locust Grove, but the people within that community don't? Is there like a big red and white sign that says for future land -- or for future expansion? I mean as a homeowner the last thing you want to feel is like you are being kicked out of your house; right? And with the property south of you being industrial and now you have got a multi-family on the other side, you are like a little guy right in between and I don't know your situation, this could be a family home, you might -- you know, your grandmother had it or you plan to keep in the family, you are going to be an island among all of these things and you want to keep your space the way it is until you are ready to go. So, for the city's portion of it when you say cross-access and -- and limiting that, what does that look like?

Parsons: Yeah. Chair, Members of the Commission, the goal is -- if Nick can pull up the site plan. The perfect scenario is they would split an access right on the property line, but we don't have that situation here unless they can reach that agreement with this property owner. So, again, the resident won't lose their access to her property until she comes in and annexes in and we evaluate her development for her property, her

development they -- they bring forward. So, really, the intent is whoever in the future -- the apartments will have a right-in, right-out on Locust Grove and, then, basically, right where their -- their first parking area is, that driveway will stub right to her property. That's it. That's all that's going to be required.

Lorcher: But there will be a barrier, so nobody can go through.

Parsons: Correct. That won't be -- no one's accessing it or using it until such time as it's reciprocated and that property comes in and annexes into the city and, then, at that point maybe both of these property owners say we don't like this, we need to get full access to these apartments and maybe they go farther -- they go deeper -- farther east -- south on Locust Grove and -- and build another access that everybody else is more beneficial to all of the properties along Locust Grove there. We just don't know at this point. But setting it up and minimizing the impact for the residents in the future makes a lot of sense. So, the closer we could get that access than that shared access to this property -- or to her property makes a lot of sense, because that way we won't have potential commercial or flex space traffic driving through an apartment complex.

Lorcher: Right. Yeah.

Parsons: We don't want that.

Lorcher: Driving through her driveway just to cut through.

Parsons: Yes. Exactly.

Lorcher: Okay. All right. Thank you. Commissioners, any other comments? Did we close the public hearing? Where -- I don't know. Where am I at? Do you remember?

Starman: I will defer to Madam Clerk. I believe we did close the hearing, but --

Lorcher: We closed the public hearing? Okay. All right. So, we are deliberating. That's where we are at. Okay. Sorry about that. Got caught up in the weeds there for a second.

Smith: Madam Chair?

Lorcher: Commissioner Smith.

Smith: I guess -- I guess the -- I like the -- the approach of ensuring there is a barrier that no one's going to be turning on -- onto that southern lot. I'm still a little stuck on the crosswalk. It's -- it seems like we are at a spot where -- like it would be nice to have it, but we don't really need it right now, but we -- you know, in order to make sure it happens it's got to happen, I just -- I guess I'm struggling with the idea of like -- I don't really love the idea of putting it directly next to Locust Grove where there is a crosswalk where people feel protected when you are right next to a turn. You know, maybe it

would be nicer to move it further toward Locust Grove, but not immediately adjacent. But that still I think doesn't address the issue of people feel like they can now walk south onto the property. So, I -- I -- I guess I'm at a bit of a stuck spot. I guess what would be helpful to me here -- because I -- from my perspective I -- I don't think I can support that crosswalk right there. So, the question is what is the least damaging thing we can do here? Is it not requiring that crosswalk? Is it -- you know, we -- we can't -- we can't ask for them to do it in five years. You know, what -- what is the -- I guess if you have any thoughts this is -- I know there is no real like code based thing, but I guess in your professional experience what -- is there something we can do here to try to provide for that crosswalk access in the future without, you know, making this southern resident feel unsafe and it seems like the answer might not be what I want it to be, but -- just throwing up a prayer right now.

Starman: So, Madam Chair and Members of the Commission, just a little bit outside of my area of expertise, but I guess I just -- maybe a similar comment to what we are talking about with regard to the cross-access easement for vehicular traffic, you know, a similar solution might be -- might be applicable to the -- the walkway as well where you -- because as already mentioned, if we don't -- if we don't obtain the easement and the improvements now we don't have a tool to obtain that walkway later, but you could -- just as we talked about for cross-access for vehicles, you can put a barrier at the end of the sidewalk as well to make it very clear to anybody that, you know, the sidewalk ends at this point and, you know, do not proceed past this point. So, there is probably some visual barriers that could be installed that would give visual clues to people that they should not proceed past that point. That's a thought. Madam Chair and Members, as you kind of contemplate this and deliberate, also two other thoughts out there just as you consider this topic. One is you may want to consider maybe a ten minute break and allow the applicant to chat with the neighbor and they may be able to, you know, bring back something in ten minutes or -- would be one thought. Another thought was if you don't feel like you have enough information or you need to -- you need to think about this more to craft an appropriate condition, it's your prerogative to continue the hearing as well. If you need two more weeks to allow the applicant and others to -- and staff to give more thought to this that's an option is to reopen the public hearing, continue it for two weeks and take it up when additional information is available.

Garrett: I would like to ask a question. Do you think it's possible tonight if you had any exchange of information that it might be helpful or would two weeks be better?

Starman: And so Madam -- Madam Chair, I think if we are going to ask the applicant and perhaps the adjoining property owner for input like that you -- I'm going to recommend that you reopen the public hearing just to get that on the record. So, if we are going to have a dialogue we ought to reopen the public hearing and -- and put that on the record as such.

Smith: Madam Chair?

Lorcher: Commissioner Smith.

Smith: Move to reopen a public hearing. Move to reopen the public hearing.

Garrett: Second.

Lorcher: It's been moved and second to reopen the public hearing. All those in favor say aye. Any opposed? All right. Motion carries.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

Lorcher: Would the applicant, please, come forward again.

Stehman: Do you need me to state name and --

Lorcher: No. I think we are -- we are good. So, the concerns from the neighbor is flooding and cross-access for both pedestrian and vehicle. The city wants those stubbed in, because the entire street is going to have cross-access someday and maybe never if she decides not to move, but, you know, to have that infrastructure and now. So, what I -- you might not be in a position to be able to answer some of these, because you mentioned that you have to talk to a civil engineer, but any quick thoughts about how you might be able to be a good neighbor to the property owner to the south?

Stehman: Yeah. I do. I think -- I think there are mutual concerns from both. I -- I don't want residents from this property encroaching or -- or even providing a threatening presence, anything like that. I think what we would like to do if -- if the neighbor is amenable -- is to work to understand how do we provide an appropriate degree of security with a fence, with plantings per the -- the perimeter buffer requirements that are in that condition anyway. We -- honestly, as a design team the cross-access easement doesn't make sense to us, so I would love that requirement removed honestly. I think if it helps in the future to promote the neighboring site as far as access and developability, because it is on the market, I think we can work together to move the vehicular cross-access easement closer to Locust Grove, but we need to look at that in combination with the grading. So, I don't have a solution that I can tell you one hundred percent would work with grading and drainage and vehicular movement, but I think if you can craft a condition that's where both -- I don't want to speak on behalf of someone else, but I think that's where both parties would be okay and we can certainly work on -- on what the fence and what the screening is. I'm not sure how you condition, you know, a mutual working together with a neighbor, you know, in your report, but it's -- it's my intention to -- to do that.

Lorcher: Okay. Commissioners, any other questions for the applicant?

Garrett: No.

Smith: Madam Chair?

Lorcher: Commissioner Smith.

Smith: Thank you. So -- and I will -- I will -- I will let staff also comment on this. Correct me if I'm wrong. From the past I have been told that, you know, it's hard to condition working together on something and so to my mind what seems more appropriate and -- and this is a question if this is amenable or if we are -- yeah. If it's feasible is to continue to the next meeting for the explicit purpose of addressing that southern boundary. I feel like that could allow you -- that could allow you, the applicant, the southern neighbor, staff, to all kind of hopefully find time to work together to address those concerns ideally in the next two weeks and, then, come back and present just on that specific issue. Would that be amenable? Would that be -- is that feasible on your timelines? Does that seem like something that could be addressed in the two weeks?

Stehman: I would like to confer with a couple in the audience, is that acceptable?

Lorcher: Kurt, we invited the applicant to come forward again, but we traditionally do not allow public testimony again. Because we have opened the public hearing what's the protocol here?

Starman: And, Madam Chair, so we have reopened the public hearing. As you mentioned our typical process and we -- our notices say as much as we allow the applicant to testify first. We allow public testimony. We allow the applicant to provide final comments and rebuttal. That's our guidelines so to speak. But as chairperson you have some discretion, so if you wish to reopen or -- or speak or hear from the southern property owner that is your prerogative as chair. You are not required to do so, but you are -- you may as chairperson.

Lorcher: Would you like to come back up and make any other comments?

Uachi: Lindsay Uachi at 185 South Locust Grove. I don't think any amount of talking between me and the applicant is going to make a difference. Me and the applicant are both in agreement that we don't want the crosswalk there. So, the conversation that needs to happen is not between me and the applicant.

Smith: Madam Chair?

Lorcher: Commissioner Smith.

Smith: Do you believe that if this were continued that conversation potential between the applicant and staff could help resolve some of those concerns or address those concerns?

Uachi: I can't speak on behalf of the staff and the applicant.

Smith: That's -- I guess I will rephrase. Is that -- when you say the conversation doesn't need to happen between you and the applicant, is that the conversation that you imagined as the alternative likely happen -- and you don't have to --

Uachi: What I'm saying is me and the applicant are already in agreement that the crosswalk should not be there. I don't know if any of you have older children, but if you have a crosswalk that leads to a fence the kids will say, oh, yea, this is fun, let's try to jump the fence right here and putting just a visual boundary is a joke and it doesn't matter at what point you put it, I just have a pasture in front of my house. It does not provide any protection at any point.

Lorcher: Okay. Thank you.

Uachi: Thank you.

Starman: Madam Chair, Members of the Commission, I want to go back about five minutes in the conversation and ask Mr. Parsons to correct me if I misspeak, but there was some discussion amongst the Commissioners about -- it's difficult to Commission -- or to condition someone to say you -- you shall work with your neighbor and I would agree with that one hundred percent. This is a modified conditional use permit. I read the code as you are the decision making body. I think Mr. Parsons is in agreement. So, I would -- I would -- my recommendation to you is that, you know, try to make your conditions as clear and explicit as you can. I know it's a difficult task here, but, you know, a condition that says you will work with your neighbor and try to find a solution is really not enforceable and you really ought to make your conditions clear and so they can be easily understood and they can be complied with and, then, since you are the decision making body here, this won't -- there won't be an opportunity for the City Council to do something more with that. You will -- whatever you decide upon now or at a different meeting that will -- that will be the final outcome.

Lorcher: Okay. Can I get a motion to close the public hearing, please?

Smith: So moved.

Garrett: Second.

Lorcher: It's been moved and seconded to close the public hearing. I have a quick question for staff. So, let's pretend we are in the -- the way future and she mentioned that her parcel is up for sale and you have conditioned that to be cross-access and mostly -- most likely commercial. Can -- can you require that -- that developer or property owner to do the cross-access at that time at the future development, as opposed to the current development? Because you said you had no way of enforcing it if we don't do it now.

Napoli: That is correct. So, it has to be reciprocal between the two parties and since this is the property that's redeveloping currently they would need to establish that cross-access, so in the future we can enforce it on the property to the south as well to reciprocate that cross-access. So, there is a cross-access agreement between the two property owners. That is correct.

Parsons: Let me -- Madam Chair, Members of the Commission, let me look up code real quick and, then, circle back with you. I -- so for -- Nick is absolutely correct, if -- with this -- with this CUP we have to get cross-access from the applicant or that owner. When she develops or whoever develops the property adjacent reciprocates or it -- it's done that way. In this case I don't know how much reciprocation is going to, because all the access is on this property. So, basically, this property owner is giving them the right to use the -- or the multi-family property owners access point unless they work something out and they move it and they share it on the property line in the future, which is yet to be known yet. But in our landscape ordinance there is a requirement for commercial developments to provide access -- pedestrian access to residential developments. So, that's where I want to try to see if we can -- see how the -- the -- the code can work at least on the crosswalk here and see if we can get something from that property in the future. So, bear with me here as I look through code. So, yes, I did find it. So, under UDC 3B-9C-3 it states: Pedestrian access and so landscape buffers shall facilitate safe pedestrian access from residential development to abutting commercial districts and vice-versa. So, that's really where we are landing on this. It's -- one, it's mixed-use and, two, that could be commercial. It could be residential. It's mixed-use community. There is -- we just don't know what that is and I do want to be unsympathetic to the neighbor, but that's what we are doing, we are reciprocating it here now and, then, hopefully, in the future, if that is commercial or some other residential development, it can -- they can move back and forth between the adjacent properties and have that connectivity. I'm hoping something will go in there that can serve everything in the area. It would be kind of nice if we are doing that residential and have the industrial, be nice to get some employment there or some retail or something on that site for residents that are living there, but --

Lorcher: Do we have -- do we have a better visual of what that would look like? I guess that's where I'm kind of stuck. I mean I -- I know -- I know the area and I'm familiar with ACHD's storm drain on the corner and this is like a weird L, so I get that part, too. And your -- in your PowerPoint, Nick, do you have any other visuals of the overhead of an actual --

Parsons: Madam Chair, Members of the Commission, we will pull up Google Maps and maybe do street view and see -- so you can kind of see the lay of the land and the topography there. May be helpful. While Nick's pulling that up for you I would -- I dealt with a similar situation off of Fairview where there was a flex building that was constructed and right behind it was a county subdivision and staff had required the sidewalk to connect into the -- the neighborhood. In that particular situation we put up a gate and a lock and locked it off until such time as something happens in that residential development. So, just want you to know there are ways to try to minimize that or -- or -- I realize kids will be kids or people aren't always respectful, but, again, I think there is some latitude that the Commission can put some safeguards in place to at least hope minimize the impact of the adjacent residents.

Lorcher: Okay. So, based on this map that we are looking at I see the driveway for the property off of Locust Grove and, then, there is one to the south of it. So -- oh. Or is -- is your house the one all the way in the way back? The little gray one?

Starman: Madam Chair, I think if we are going to -- if we are going to like have a dialogue like that we will have to ask the -- you don't have to go back in time, but on a going forward basis if we are going to have, you know, questions of --

Lorcher: Right.

Starman: -- we should have the person to go to the podium.

Lorcher: Okay. So, there is already a sidewalk on Locust Grove that goes the extent of the street. So, regardless, that's public access anyway. What we are discussing here is making sure that nobody goes into this pasture area where the subdivision is. Is that right? But the driveway -- the -- the city is proposing is north of that driveway; correct?

Napoli: That is correct. Where my cursor is at is a rough proposed driveway for this multi-family development.

Lorcher: Okay. And, then, what was proposed on that southern border of the subdivision that abuts the property to the south? Was that landscaping?

Napoli: Madam Chair, yes, there was landscaping, as well as in my conditions of approval it does say depict a six foot closed vision fence on that southern border between the multi-family development and the current residence.

Smith: Madam Chair?

Lorcher: Commissioner Smith.

Smith: I wonder if some of this could be addressed by -- I don't know that the design -- is there a higher fence, like eight, ten? I know -- again, that's not -- I -- I don't want to over correct around -- like super small exception -- exceptional circumstances, but reducing the thought of, yeah, some -- some kid thinking I will just go climb over the fence. Why not? If there is things we can do without going to the extent that ACHD has done with barbed wire or things like that? Are there -- is there -- is there other fencing we could use -- or we could require that's aligned to the standards that could create a greater barrier that is more difficult to overcome?

Napoli: Madam Chair, Commissioner Smith, as far as -- because this property is zoned R-40, which is residential, six feet is the maximum height -- our fence height allowance in our residential districts. That's across all the residential districts. You know, as far as an alternative fencing, you know, I just -- I left it as a six foot closed vision fence on that southern boundary. You know, I think that there is potentially some additional barriers or additional landscaping that could be put into further deter that. I know that that

landscape -- landscaping between that drive aisle and that southern boundary I believe is only five feet. So, there is not a lot of room, you know, to put additional landscaping. I think that there is potential to put an additional barrier in front of the fence, you know, in the meantime until the southern property does redevelop at that time. You know, that -- but as far as going additional height or, you know, putting barbed wire or something on top of the fence, that is not something that our code would support, you know, for the residential use.

Smith: Madam Chair?

Lorcher: Commissioner Smith.

Smith: Is that the same maximum height for mixed-use as it is for residential?

Napoli: Madam Chair, Commissioner Smith, as far as -- for that is because the zoning is R-40 it's currently zoned R-40 on that multi-family property, it is still considered residential at this time, because some commercial users do allow for an eight foot fence, so, you know, if in the future that property to the south did redevelop there could be potential for allowance to allow for an eight -- a higher fence, but, you know, as it currently sits, because they are even -- though one of them is in Ada county it is residential. We can't allow for additional height on that fence. That's correct.

Smith: Madam Chair?

Lorcher: Commissioner Smith.

Smith: Kurt, again, I'm wish casting here -- is -- because -- it feels to me -- I guess her -- here is the dilemma that I have. It feels to me that we are saying on one hand, well, it's abutted to mixed use. So, we have to kind of act as if this kind of is a transitional space to the mixed use. On the other hand, it's in R-40, so we can't create barriers that might be more appropriate in some mixed-use areas, because it's still an R-40. Is -- is there any room in the code or -- or any room that you can imagine that could allow us to increase the size of that barrier, because we are effectively treating it as almost a sliver of mixed-use, because of the -- the code requirement to allow that -- that access southbound. It -- it seems like we are just -- there is a dissonance there that I'm trying to -- trying to solve for and I don't know if there is -- if there is any room in the code that can -- in -- any kind of situations where there is that disconnect.

Parsons: Madam Chair, I'm happy to take that question for you. So, yes, there is a mechanism in code to get a taller fence called alternative compliance. So, they could request -- you could add that as a condition for them to submit alternative compliance and go eight feet. The other idea that I had is -- I certainly want to respect connectivity -- vehicular and pedestrian connectivity per the comp plan and the code. But in speaking with the applicant there may be a win for both of us. Looking at the aerial there is an attached sidewalk on Locust Grove. Under new ACHD requirements we usually don't want applicants to rip out good sidewalks. Seems counterproductive;

right? It works. It functions. But in this case if we truly want mixed-use and the pedestrian connectivity is the issue, rather than having the pathway on the internal of the site, why not just have the applicant widen the sidewalk to ten feet on Locust Grove and make a nexus that they are integrating that way, because now they are kind of having dual -- dual facilities, like ACHD's allowed. So, I think that may be a way to go either ALT to allow for a taller fence or have the applicant replace the existing sidewalk on Locust Grove with a ten foot pathway slash sidewalk and that would be extended when the adjacent properties develop as well. Just a thought there for you. But I think that kind of gets you a win-win, not -- not necessarily internal and gives the resident some -- some hope that she doesn't have to have a pathway stubbed to a fence, but still have that facility along the road and still tie in at some future date. Just something to think about for you.

Lorcher: Yeah. That -- that's a huge expense for the applicant and it would be -- it wouldn't be consistent, because you would only have their portion of Locust Grove to be a ten foot pathway, then, we go back down to whatever it is, five or six feet. But -- I mean what the applicant is proposing is a six foot fence between the southern boundary of the property with landscaping, which would not only limit the -- it won't limit the visual completely, because it's a two-story building, but it would definitely be a buffer and, you know, honestly, if there is future -- like the signs that say, you know, future whatever. I mean you are creating -- you are creating -- what the applicant is suggesting is already creating a barrier, but planning for long-term future at the same time.

Smith: Madam Chair?

Lorcher: Commissioner Smith.

Smith: I think where -- where I get held up a little bit is in my mind -- and staff can correct me if I'm wrong -- an easement or a stub for a future cross-access would preclude landscaping, like a tree getting in the way, because you would naturally not want to have to dig up a tree.

Lorcher: But there would still be a fence.

Smith: Yeah. There would still be a fence. I think the -- the concern, though, is -- is the limitation that fence could provide given other indicators, like the crosswalk and things like that, that might indicate that there is passage to that side. So, I think we are -- we are at the end of the day -- I think where I'm at is it seems like there are a lot of solutions that get us kind of close, but a lot of them are mutually exclusive. Where I'm at is -- is I would -- I would honestly like to see this continued to give the applicant and staff time to to figure out what's best for them, whether that is widening to ten foot, if even if that is an expense that they -- that they want to take or if that's, you know, some alternative compliance or something like that. It feels like this is -- it seems like we are like 99 percent there, just this last one percent we just need a little extra time to consider options and decide what's the best. That's my perspective. I don't know if -- if the Commission wants to move on this I'm --

Lorcher: Well, we are the deciding body on this; correct, Kurt?

Starman: Yes, Madam Chairman. That's correct.

Lorcher: So, it doesn't go forward to City Council. So, if we deny it, then, they don't get anything. If we approve it we can put conditions on it. I'm not sure if continuing it would change anything. I guess I would like to hear from other Commissioners of what you would like to do.

Garrett: I think maybe a continuance for two weeks.

Lorcher: Commissioner Sandoval?

Sandoval: Madam Chair, so they have already presented the applicant a more efficient design. They reduced the amount of buildings. Less shalls. That's just going to be good. They increased the open space. You know, pushing this another two weeks or forcing them to put a higher fence in or a wider sidewalk, I just -- I just don't think it's right. I think they have already come up in a lot of ways and made the space better than it was. So, putting more limitations on them I just don't feel it's appropriate. Now, my question for staff -- is that six foot fence -- are you talking about a vinyl fence or similar?

Napoli: Madam Chair, Commissioner Sandoval, I left it open six foot closed vision fence. It doesn't necessarily have to be vinyl, but -- and I can't speak on behalf of the applicant, but typically, correct, six feet and vinyl is probably what I would say is the most popular here in the City of Meridian. But, correct, I did not specify the material. It just needs to be a closed vision six foot fence.

Sandoval: Okay. My opinion is we should approve the CUP as it is -- or the modified -- maybe with some more appropriate signage at the end of that sidewalk that just says no trespassing, you know, private property beyond this point. I would be comfortable with that. And we have six foot tall vinyl and wood fences all over that have the exact same purpose and, yeah, they are not a hundred percent effective, but they generally are pretty effective at what they do.

Smith: Madam Chair?

Lorcher: Commissioner Smith.

Smith: I -- I think -- I think where I'm at is -- I guess what -- what I'm struggling to -- to understand is the idea that this isn't going to change much. Regarding the application as a whole, sure, it's not going to change much, but it seems like in our discussion we have identified half dozen different steps, whether that's moving the crosswalk, alternative compliance, widening the sidewalk, any of these other things that the applicant could do in some -- and seemed, based on public testimony, to be interested potentially in eliminating some of those cross-access requirements due to it making less

sense to them. So, it seems to me like in -- in -- on the whole I agree this is a great application and I would not be comfortable denying the application. However, it seems like we have some small changes that could go a very long way to ensuring that this development and this applicant is able to be the good neighbor that they clearly intend to be and so I guess that's where I'm -- I'm struggling with the idea that this wouldn't change much. In the past we have continued other applications for things like, you know, streamlining a -- a turnaround or an entrance-exit for -- for a driveway when the rest of the application seems very strong. So, I think that's where I'm at is, yeah, I don't think it's going to change much, but the small changes that it would make I think would go a long way to ensuring that southern property owner feels safe in her home, does not feel forced out of her home, while also ensuring that we have the ability to make this property connect with future developments as needed. So, I think that's just where I'm at. I ultimately support the overall application. I think there are just some -- some marginal issues that -- that need to be addressed before I'm comfortable casting an aye vote.

Garrett: I support that view.

Lorcher: So, Commissioner Smith, can you draw a motion?

Smith: Yes, Madam Chair. And -- and we will -- we will -- I will shoot this one out and we will see -- Madam Chair, after considering all staff, applicant and public testimony, I move to continue file number -- make sure this is correct.

Starman: Commissioner Smith, I'm sorry to interrupt, but I will have the -- have the Clerk correct me if I'm -- if I'm misremembering this, but I think we have closed the public hearing again. So, if the motion is going to be to continue we need to reopen the public hearing first, then, you can make your motion to continue. But I think we have closed the public hearing again. Yes?

Lorcher: We have closed the public hearing.

Starman: So, if you would make a motion first to reopen the public hearing and if you are -- if that motion is successful you, then, could entertain a continuance, but you need to reopen first, please.

Smith: Thank you.

Garrett: I move that we reopen the public hearing.

Smith: Second.

Lorcher: It's been moved and seconded to reopen the public hearing. All those in favor say aye.

Sandoval: Nay.

Lorcher: A no? Okay. So, we have opened the public hearing.

MOTION CARRIED: THREE AYES. ONE NAY. THREE ABSENT.

Lorcher: But don't we usually make motions during deliberation after the public hearing?

Starman: Madam Chair, that's correct for typically if you are going to take action. In this instance -- this will be the exception in the sense that in this instance you are -- the action would be to continue the hearing. So, if the hearing's already been closed you can't continue it. So, we have to reopen it to continue it. So, I guess it will be the exception to the rule.

Lorcher: All right. That's the rule.

Smith: Madam Chair?

Lorcher: Commissioner Smith.

Smith: After considering all staff, applicant, and public testimony I move to continue File No. MCU-2024-0001 to the hearing date -- apologies. That would --

Lorcher: Madam Clerk, do we have room on the next October.

Lomeli: Madam Chair, yes. October 3rd would be the next Thursday we could continue this to.

Smith: -- to the hearing date of October 3rd in order to allow the applicant, staff and the southern neighbor, as appropriate, to address whether a crosswalk is necessary at this time, to address other concerns regarding drainage and vehicular and pedestrian cross-access and to consider opportunities for alternative compliance or other means to address cross-access concerns as deemed appropriate by staff and the applicant.

Garrett: Second that.

Lorcher: It's been moved and seconded to continue the application for Item No. 2024-0002. All those in favor say aye. And any no's? All right. Motion carries to continue to October 3rd.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

Lorcher: Now, I close the public hearing; correct? So -- are we kind of done?

Starman: I think by the -- by the fact that the -- the motions --

Lorcher: The motion's been done.

Starman: -- the motion prevailed to continue the hearing, then, that is satisfactory. You can -- this item is concluded. You can move on to your last item tonight.

Lorcher: Okay. All right. We have one item left. Commissioners, do we need to take a little break or do you want to keep going? You guys good? All right. We got one more.

Garrett: Chair Woman, I would like to get up and just move around a little.

Lorcher: All right. Let's take a five minute break and we will resume at 8:07. Thanks.

(Recess: 8:02 p.m. to 8:07 p.m.)

9. Public Hearing for Pivot Point Subdivision (H-2024-0029) by KB Homes, generally located south of W. Pine Ave. and east of N. Black Cat Rd.

- A. Request: Annexation of 7.98 acres of land with R-8 zoning district
- B. Request: Preliminary Plat consisting of 41 building lots and, 10 common lots on 7.98 acres of land currently zoned RUT

Lorcher: Okay. All right. Last application for the evening is Pivot Point Subdivision for annexation and preliminary plat for 41 building lots and ten common lots. We will begin with the staff report.

Napoli: Thank you, Madam Chair and Commission. Item No. 8 on the agenda is an annexation, preliminary plat for Pivot Point Subdivision. The applicant is requesting annexation, zoning and preliminary plat to construct 41 single family homes with ten common lots on 7.9 acres at a gross density of three point -- 5.37 units per acre. The site consists of 7.98 acres of land, zoned -- currently zoned RUT in Ada county, located south of West Pine Avenue between North Black Cat Road and North Ten Mile Road. As shown on the screen, the current zoning is RUT and the FLUM designation is R-8 or medium density residential. Pivot Point currently neighbors three other R-8 developments, Chesterfield Subdivision to the east, Alexander Landing to the southwest and Horse Meadows Subdivision to the west. Alexander Landing and Horse Meadows Subdivision -- Subdivisions are both owned by KB Homes, which is the applicant on Pivot Point. Access is proposed via North Biltmore Avenue and West Quarter Horse Lane. Access off of West Pine Avenue via North Biltmore Avenue shall align with North Biltmore Avenue on the north side of Pine. ACHD found the alignment to not meet their policy and this shall be revised with the submission of the final plat. A minimum of 15 percent of qualified open space is required to be provided with this development. The applicant is proposing 1.24 acres of common open space for the development with 1.15 acres of this area as qualified open space, meeting the minimum requirements of 15 percent. There are two main open spaces proposed within Pivot Point. The linear open space along the Kennedy -- Kennedy Lateral and the open space located on Lot 19, Block 1. The largest central open space area is approximately 45,935 feet in size and is

the largest usable open space within the project. Staff is recommending that Lot 2 of Block 1 as shown with the cursor on the screen is removed to create more integrated open space. The placement of Lot 2, Block 1, creates an isolated parcel that abuts open space, a gravel road and street landscape buffers. Additionally, the lot creates possible conflict points when having -- when having ingress and egress from -- for the property owner. Due to these concerns staff finds that UDC 11-3G-3-2B open space shall be accessible and well connected throughout the development is not being met. Additionally, staff is recommending the applicant provide a five foot paved micro-pathway in Lot 19 of Block 1 to provide a convenient access and pedestrian connectivity to Pine for the people living in the western portion of the subdivision. The property size of 7.9 acres -- 7.98 acres requires a minimum of two points for the amenities. The applicant is proposing the following amenities worth one point. An outdoor fire ring and the applicant is also proposing a pathway. However, the pathway does not meet the minimum requirement to qualify for a point. In order for the pathway to count towards the amenity it shall be paved and landscaped in accord with the UDC and connect to North Biltmore Avenue and West Pine Avenue. If the irrigation district does not allow for these improvements within the easement the applicant shall provide an additional qualifying amenity equal to one point or more with the final -- final plat application. I did talk with the applicant earlier today and she did notify me that they -- if they cannot do the pathway that they do have a tot lot that they will implement with the final plat to meet that minimum amenity requirement. So, 12 conceptual building elevations and floor plans were submitted to demonstrate what the future homes in the development will look like. Variations in one and two-story homes with two car garages are proposed. The submittal -- the submitted elevations depict a number of different architectural and design styles with field materials of lap siding, different color accents, roof profiles and various home style -- varying home styles. Staff finds these elevations to meet our architectural standard and follow the city's standards. Staff is recommending approval of this project. We did receive written -- three written testimony today. One from Karla Ehlers with concerns about traffic congestion, the density of the project being too high and schools being at capacity in the area. Kathy Gallentine also had similar concerns with traffic and congestion on Pine and Black Cat. The density of this development being too high for the neighborhood and schools being over capacity. And, then, finally, Natalie Purcell had similar concerns about the density, traffic and congestion in the area. Fuller Park being overcrowded, which is the nearest park to this development and schools being over capacity. And I will stand for questions.

Lorcher: Would the applicant like to come forward?

Durtschi: Is it up full screen? Looks great. Thank you.

Lorcher: If you can state your name and address for the record that would be great.

Durtschi: Absolutely. Madam Chair, Members of the Commission, hello and good evening. For the record my name is Sabrina Durtschi. I am here on behalf of KB Home. My business address is 1299 North Orchard Street, Boise, Idaho. 83706. And this evening I'm so excited to present to our applications for Pivot Point Subdivision.

So, real quick before I start our application I really would like to introduce you to KB Home. We are a national home builder that was founded in 1957. Everything that KB Home does is focused around our customers and offering a superior home buying experience. For over 60 years we have operated from the belief that the best homes start with the people who live in them and the commitment to our customers can be seen by being ranked the number one national home builder when it comes to customer service and satisfaction and we at KB Home take this ranking extremely serious for our pledge to exceed all customers' expectations by having each home a hundred percent complete and our customers a hundred percent satisfied before they finalize the purchase of their home. We are the number one energy efficient national home builder as well and we are committed to sustainability and energy efficiencies with each home being Energy Star certified. This provides to our homeowners lower housing costs, promotes water conservation and helps preserve the environment and natural resources with each home we built. So, now let me welcome you to Pivot Point Subdivision. The subdivision is going to be a welcoming community and a special place for our future residents to call home in the Treasure Valley. Our site design hosts many creative features that will showcase a thoughtfully designed in-fill development for our proposed residential lots. Here is a picture of our main entrance point into our community. With Pivot Point we are requesting annexation and zoning of R-8 and a preliminary plat for a total of 41 single family residential lots. Our gross density will be 5.51 units per acre, with our residential lot sizes ranging from 4,000 square feet up to 5,595 square feet. Situated near the corner of Black Cat and Pine Avenue, Pivot Point will provide quick access and an easy commute to all the surrounding amenities. Don't do that. Hold on. It's getting out of hand. To the nearby schools and employment for its future residents, since it's really kind of in the heart of the Treasure Valley in its location. So, as Nick has mentioned, we already have two projects that KB Home already owns. To the northwest we have Horse Meadows that is zoned R-8. This site is currently under construction and consists of 26 lots. South of that is Alexander's Landing. This is zoned R-8 as well and has a total of 24 lots. We will begin construction on the site next spring of 2025 and our plan for Pivot Point, if approved, is to start late fall construction, so that the site will be ready in the spring of 2026. Here is a depiction of all the sites built out together. We really want them to seamlessly transition and blend in perfectly together. We will have one CC&Rs, one HOA management, and they will probably market it under one name. This is really just to create a community instead of three separate small developments. So, here is our utility plan and it -- as we -- I mentioned with Horse Meadows, we have begun construction. This will provide all of our public infrastructure needed for our site, such as sewer and water. We are also coordinating the upgrade with Nampa-Meridian Irrigation concerning the existing irrigation pump house to facilitate all three developments. This is great, since we will be not stretching any city services to the site since they will be available. Since Pivot Point is an in-fill development existing public services are nearby. Elementary, middle and Meridian High are all close and as stated in the staff report do have some capacity still left. I was told by your Captain Brandon Medica -- I could be saying that wrong. I apologize. That both Fire Station No. 2 located at Ten Mile and Station No. 6 on Overland will service this site. This area in the comp plan is slated for medium density residential. We feel that Pivot Point captures

the vision of the comp plan and the direction of the Mayor of wanting in-fill development to be a priority. Based on this information and input from staff we are requesting the R-8 zone. Our largest -- our largest customer segment is first time home buyers. The homes we build address the significant need in many of our markets, such as the Treasure Valley, to create additional housing that is affordable at median income levels. With each home we offer personalization and choices from the selection of the home site to the floor plan and construction options. This allows the homeowners a built to suit option that works with their budget and most importantly their lifestyle. KB Home's motto is that we are built on relationships and the most important relationship is with our customers. So, before the foundation is poured or the first nail is set, we get to know our home buyer on a personal level and together we design a personalized home around how they live day to day. Within Pivot Point we are offering a variety of housing options that will range in size from approximately 1,200 square feet up to 2,800 square feet and my marketing guys told me the house pricing is estimated, because it's in 2026, but we are going to be in the mid 300 range to the upper 500,000 dollar range. Within each community KB Home builds open usable space is extremely important, for it sets the foundation of our communities amenities, pathway and interconnectivity that really makes our communities special. Here in Pivot Point, as Nick told you earlier, we have designated a total of 1.15 acres -- that equates to 15 percent usable open space. Pathway connectivity and walkability is a priority within our community and can be seen within this pathway exhibit. Orange depicts our -- the regional pathway, blue depicts our community sidewalks and green illustrates our micro pathways. To create open space and provide safety for our future residents we have already coordinated and received approval from Nampa-Meridian Irrigation to tile the Kennedy Lateral. Within the tiling of this lateral we have been able to capture a great central open space feature for our future residents. For site amenities we will include a walking pathway and a gathering area for the neighbors to include a fire pit and a seating area and I just found out that one of our other communities in Nampa had a tot lot that we are not going to be using, so I'm like -- I know where to put that. We will put that in Pivot Point. So, I will try to get some of the renderings updated for City Council showing that. I just found that out yesterday, so I was pretty -- pretty excited. And I didn't have to spend any more extra money, so that I thought it was a win-win. The future residents will also be able to utilize the amenities in our other two developments. Within Horse Meadows there will be a picnic sheltered area and Alexander's Landing will have a playground for older children and a sitting area for the parents. I held a neighborhood meeting on June 17th of this year. I held it here at the City of Meridian's Conference Room A and we had nine people in attendance. The meeting went really well. The neighbors are very cordial and very respectful. They had questions concerning construction and timing of all the developments and one inquired on a possible four way stop at the new entrance where Biltmore and Pine is at. I did reach out to ACHD. They didn't have an answer for me yet. So, I'm kind of still vetting it to see if that's a possibility. And I also have been working really closely since we started construction at Horse Meadows with all the neighbors. They have my number. I'm like if you have any issues you call me immediately and I will hopefully take care of it, so -- while we are in complete agreement with the staff report we are requesting to retain Lot 2, Block 1. During our site design we wanted -- we -- first I needed to ensure that we were meeting all the R-8

requirements, which we are. I'm not asking for any variances. I'm not asking for any alternative compliance. Are -- we are meeting our R-8 requirements. Unfortunately, due to the easement of the lateral this is kind of created a -- kind of an odd area that we were able to fit one lot to meet the minimum standards. Now, is it ideal? No. But this is why in-fill sites are so tricky to develop. With the easement being a hundred feet wide at the Kennedy Lateral and really limited space, our options are very limited and also with these small sites one lot loss can make or break a project. We are not -- we don't have hundreds of lots to cover the cost of it. So, we are -- we are respectfully requesting that any conditions for the removal of Lot 2 on Block 1 be removed and we also feel as these renderings are showing that the lots proposed on both sides of the open space really create a great flow of usable open space for the neighbors and we feel like it provides great -- integrated great into the open space for the community. And with that I will summarize real quickly -- quickly. We strongly feel that Pivot Point Subdivision will be an excellent community for the City of Meridian. Every detail has been designed to create a community that residents will love to call home and really complements the City of Meridian's vision for this area. I would like to thank Nick and Bill and staff for their assistance with the application. Thank you, guys. And I would like to thank you all for the pleasure of your time, your thoughtful consideration and respectfully request a recommendation of approval this evening to City Council and I will stand for any questions you have. Thank you.

Lorcher: Commissioners, do we have any questions for the applicant at this time?

Sandoval: Madam Chair?

Garrett: Not from me.

Lorcher: Commissioner Sandoval, go ahead.

Sandoval: Yeah. Staff, so you mentioned 5.37 units per acre. The applicant said 5.51. Are you guys not in alignment? Was that a clerical error? Did I hear wrong? Was it because there is 1.24 acres of total space compared to 1.15 of usable open space? I was just curious.

Napoli: Madam Chair, Commissioner Sandoval, thank you for catching that. You know, I did catch that -- correct. It is 5.51. I -- I mis -- misspoke as far as with -- we actually did change the annexation exhibit part way through this to incorporate more acreage, because I had to go to the center line of Pine and with that is where I -- that is where the 5.37 came from, instead of 5.51. So, I apologize. Thank you for catching that.

Sandoval: Thank you.

Lorcher: Commissioner Garrett, did you have any comments?

Garrett: No.

Lorcher: Okay. Commissioner Smith.

Smith: Madam Chair. Your question I -- I think I misunderstood the staff briefing. So, we are not removing Lot 2, Block 1. Where do you anticipate the tot lot going specifically?

Durtschi: Oh. Madam Chair, Commissioner Smith, that's a great question. I -- well, I will take a look at it. I usually let my landscape architects, because they are way more creative than me. But probably -- when I create the amenities I really like for like the sitting area to be maybe more focused on adults area, more quiet area. So, probably the tot lot will be in the -- in the green space, but maybe in a different location. I will have to consider the road for public safety, so I will take some of those items into consideration. Commissioner Smith, do you have a suggestion for me that I can take into --

Smith: No. I was just curious. In my head I see -- I'm not a landscape designer. In my head I saw Lot 2, Block 1 as kind of the -- the natural spot for a tot lot. So, I was just curious. I think maybe you put my visual --

Durtschi: Sure.

Smith: -- references on top of what staff was saying.

Durtschi: And maybe I will maybe massage it and we will maybe move the tot lot where the fire pits is going to be and we can move it to a different area. I'm just really concerned about safety for the kids. I don't like them really up close to the road. So, we will just -- we will dial in a good spot that will look great as well, so --

Lorcher: I did have a question in regard to the lateral. So, you got permission to tile it in and what kind of coverage will be on top of it. Is that going to be a -- are they allowing you to do a paved path or is that going to be gravel?

Durtschi: Madam Chair, that's a great question. I actually was with Nampa-Meridian today at their shop and they said they would be happy if we paved it. So, whatever the standards that the city has will be -- I will ensure that we meet those.

Lorcher: And based on your renderings as well, all of the lots that face the open space, are they going to be open fences like we see on the rendering?

Durtschi: Yea. Madam Chair, correct. That is per your -- your code. So, we are required to do that.

Lorcher: Okay. So, a homeowner couldn't change it for whatever reason?

Durtschi: No. No. No. That -- yes. That's based on -- and Bill could correct me -- for public safety and kind of eyes on the area. So, yes, it will -- it will be disclosed to the homeowners that it has to be right of way.

Lorcher: Open.

Durtschi: Yes.

Lorcher: Okay. Thank you.

Durtschi: Yes.

Lorcher: All right. Thank you very much.

Durtschi: Thank you.

Lorcher: Madam Clerk, do we have anybody to testify?

Lomeli: Madam Chair, no one has signed up.

Lorcher: Anybody in Chambers? Nope? You are good? All right. Could I get a motion to close the public hearing.

Smith: So moved.

Garrett: Second.

Lorcher: It's been moved and second to close the public hearing. All those in favor say aye. There are no's, so motion carries.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

Lorcher: This one's -- this one's tough. This -- how this family whoever lives -- been there. My husband used to go to school with them. They were kind of like isolated behind a white vinyl fence. They have been there for a long time. So -- you know. But they have the right to sell to whomever they want to and -- and a developer bought them. So, I actually don't like Lot No. 2. I -- for the very reasons that the city mentioned. What -- is that -- it's just being kind of isolated. It's the -- the flow of the subdivision is lovely. Your renderings are amazing as far as their graphics are concerned. But that -- that one house just kind of sitting to the side -- I wonder if there is a way you can look at your preliminary plat and maybe, you know, where your fire pit is to put a house there and, then, move your fire pit to where Lot No. 2 is, so that your open space has more connectivity and -- and consistency for that whole area. I'm -- I'm not going to deny it just based on that, but I mean as far as aesthetics are concerned and what the city would like to see as far as that open space to have that whole area just open, instead of that one house I think would just make it more consistent. I

understand that the -- the people who have written in are concerned about density in that area, but it's always been slated for medium residential. I live at Black Car and Cherry. I'm right there. I'm in the Mill Iron Subdivision. We have 62 houses in our little circle. All about the same size. We go from about 1,200 square feet to about 3,800 square feet. So, it's not too much bigger or smaller. But it seems to be a right fit for that area. I do hope if -- when the time comes -- the Morrow family lives in the old Roosevelt schoolhouse that's in front of Horse Meadow. I think that's Horse Meadow. Right off of Quarter Horse. That school's been there since the late 1800s and it has been a school, of course, and now it's a personal residence and -- and they have an acre, maybe two, but you are surrounding them and original renderings I saw knock that building down and -- and just put more houses up and that would be a huge detriment to our community of Meridian, because if we lose the things that brought us to be Meridian, then, we lose our identity and we are just anywhere USA. But with that said, that's not your problem, because they are still living there and they are not selling at this point in time. I will have to give her a call and encourage her to keep it a single family home. So, with that I like your application, I'm just not a big fan of Lot No. 2.

Smith: Madam Chair?

Lorcher: Commissioner Smith.

Smith: I got to echo where you are at. I -- I don't think it's a deal breaker for me either way. In my head it almost feels like it should be on the other side of the pathway adjacent to the other houses that are there and that might make more sense, but, obviously, I'm sure there are reasons that it was intended -- like it was put on its own. I'm sure there are other restrictions that prevent that from being something that's feasible. I'm -- I'm kind of inclined to stick with the staff report, but -- but I don't -- again, if -- if that's -- that's some of the -- the other Commissioners want to change I don't -- I'm not going to suddenly oppose it. I -- I think it's a good project overall. I think it's just -- it's a small marginal kind of disagreement maybe -- maybe of taste, maybe of -- of -- of appropriateness. I'm not sure. But, yeah, I think overall it's great.

Sandoval: Madam Chair?

Lorcher: Commissioner Sandoval.

Sandoval: Yeah. I like the project overall. I do agree with staff on Lot 2, Block 1 and taking that out and making that open space just one block just makes a lot more sense. So, I'm in favor of moving forward with staff recommendation.

Lorcher: All right. Well, I can take a motion with that condition.

Smith: Madam Chair?

Lorcher: Commissioner Smith.

Smith: After considering all staff, applicant and public testimony I move to recommend approval to the City Council of File No. H-2024-0029 as presented in the staff report for the hearing date of September 19th, 2024, with no modifications.

Garrett: I second.

Lorcher: It has been moved and seconded to approve Pivot Point -- oh, I lost my notes. One second.

Smith: To approve -- the motion at least is to approve of Pivot Point -- or to recommend approval of Pivot Point --

Lorcher: Recommend Pivot Point --

Smith: -- with the removal of Block 2.

Lorcher: -- the removal of Block 2 to City Council.

Smith: Yeah.

Lorcher: All those in favor say aye. Any no's? Motion carries.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

Lorcher: Okay. I will take one more motion.

Smith: Madam Chair, move to adjourn.

Garrett: Second.

Lorcher: It has been moved and seconded to adjourn. All those in favor say aye. Opposed? The meeting -- meeting adjourned.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

MEETING ADJOURNED AT 8:33 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS.)

APPROVED

ANDREW SEAL - CHAIRMAN

ATTEST:

DATE APPROVED

CHRIS JOHNSON - CITY CLERK