

**Public Hearing for Fairbourne Subdivision No. 4 (H-2025-0036) by
Rodney Evans + Partners, LLC., generally located at the northwest
corner of W. Chinden Blvd. and N. Black Cat Rd., at 4837 W.
Waverton Dr.**

- A. Request: Combined Preliminary/Final Plat consisting of one (1)
buildable lot on 5.2 acres of land in the C-G zoning district.

Smith: All that said, Item No. 3 on the agenda is H-2025-0036 for a preliminary and final plat for the Fairbourne Subdivision on Chinden and Black Cat. We will begin with the staff report.

Allen: Thank you, Mr. Chair, Members of the Commission. The first application before you tonight is a request for a combined preliminary and final plat. This site consists of 5.2 acres of land. It's zoned C-C and it's generally located at the northwest corner of North Black Cat Road and West Chinden Boulevard. In 2018 this property was included in a rezone, preliminary plat and a development agreement modification application for Fairbourne Subdivision, which included the adjacent residential subdivision to the north and west. A new development agreement was approved with the modification, which governs future development of the overall property. Final plat applications were approved for all of the property included in the preliminary plat, except for this last remaining area, which was intended to be included in the last phase. However, a final plat application was never submitted. A time extension was not requested and the preliminary plat has since expired. The Comprehensive Plan future land use map. designation for the property is mixed use community. A combined preliminary and final plat is proposed consisting of one building lot on 5.2 acres of land in the C-C zoning district. A conceptual development plan was submitted as shown there on the left that depicts three commercial building pads for retail office use. The largest Pad A is proposed to be a grocery store at 25,623 square feet. Pad B is 11,234 square feet and Pad C is 4,964 square feet. The proposed development is consistent with the provisions in the development agreement. Access is proposed via one existing access driveway from West Waverton Drive and one access driveway from North Black Cat Road. No access is proposed or allowed via Chinden Boulevard. An emergency access exists to this site through a blanket easement across Lot 17, Block 7, in the abutting Fairbourne Subdivision No. 2. And that is in this location right here where my cursor is. On the west side of the property detached five foot wide sidewalks exist on the side along Waverton and Black Cat. A ten foot wide detached sidewalk and pathway exists in the street buffer along Chinden. ITD submitted a letter requesting the developer contribute a proportionate share toward installation of a westbound right turn lane at Chinden and Black Cat. After a little more investigation on that that area for the right turn lane was off site. It's not part of this. This site is located on the northwest corner of Chinden and Black Cat. Where ITD is talking about is on the -- in front of the property on the northeast corner. So, that would be an off-site improvement and staff is not requesting that be a condition of approval of this application. The street buffers exist on this site along abutting streets that were installed with the adjacent subdivision improvements. Additional landscaping and design features are needed in the buffers to comply with the minimum UDC standards. Conceptual building

elevations were submitted as shown for the proposed grocery store. Final design is required to comply with the design standards in the Architectural Standards Manual. Loading docks are prohibited in commercial districts facing collector streets, such as Waverton and Black Cat, or arterial streets, such as Chinden per the Architectural Standards Manual. Written testimony has been received from the applicant's representative Ben Semple. He is in agreement with the conditions in the staff report. Staff is recommending approval. Staff will stand for any questions.

Smith: Would the applicant like to come -- actually, are there any questions for staff? Would the applicant like to come forward? And, then, please state your name and address for the record.

Semple: Good evening, Members of the Commission. Ben Semple with Rodney Evans and Partners. 1450 Bannock Street, Boise, Idaho. 83702. I want to thank Sonya for the presentation. She did a great job encapsulating what this portion of the project is, which is basically cleaning up an original or a previous preliminary plat and a subsequent phase development. The -- as stated the existing preliminary plat has expired. This was always intended to be a single lot for the final phase. A final plat was never filed by the previous developer. My client has since entered into a contract to purchase this property and that's when this came up that effectively it's not a developable parcel until this subdivision is approved. So, this will legalize the parcel for development. There aren't any frontage improvements required with the subdivision itself. We did submit a conceptual development plan for the site. The intent is for a grocery store to be on this site that will go back through a CZC process with the city and at that time the city staff, ACHD and ITD will be able to further evaluate the project based on the intensity of the use or -- so that they can determine what improvements may be required off site, as well as on site and on the adjacent roadways. So, we -- the property itself is within -- sorry, I can't see if my presentation was up. Is that up there?

Allen: I'm sorry. Just a moment.

Semple: No. You're okay.

Allen: You are ready to go.

Semple: It's not on.

Allen: No, it's not.

Semple: Thank you. Didn't realize it was a touch screen. So, yeah, thanks. Again this is Fairbourne Subdivision No. 4. Again, it's the final plat to clean up this final phase of the Fairbourne Subdivision. So, the northwest corner of Chinden and Black Cat. As Sonya stated, here is the vicinity map. The current zoning is C-C. We are not asking to rezone it. The future land use is that MUC and the use of the -- this -- as a commercial lot within that -- or within the subdivision is allowed. We -- this is the original preliminary plat. The lot in question is highlighted in red. We have not proposed any changes to what was originally proposed with this lot. As you can see just reoriented, the current

preliminary plat and final plat are in conformance with that. We have reviewed the development agreement that was recorded with the overall subdivision and this does fall within the provisions within that for the use, as well as the proposed subdivision to be a single lot. Here is an aerial photo on the right of the existing frontage improvements. The buffer along Black Cat will be improved with existing -- or additional trees, as well as the frontage along Chinden to ensure -- excuse me -- that the -- those buffers meet the current UDC standards. I believe that they have been updated since 2018, so there is some additional stuff that needs to go in there. The emergency access will remain an emergency access. That won't be opened to any vehicular traffic. It's currently ballarded. It will remain that way. These are the conceptual building elevations that Sonya showed you. Again, the architect is working on this. They are going back and forth with their client to determine what they want their building to look like. That will come back in with a CZC application. There will be a full landscape plan that is developed with that and is, then, evaluated again by staff. We are in agreement with all the conditions of approval that are in the staff report. As Sonya stated, access to Chinden is prohibited. There was a note on the final plat that stated direct access to Black Cat was prohibited and that was an error that the surveyor had on that plat, so that will get removed. There will be direct access to Black Cat as well. That is in conformance with the provisions within that recorded DA as well. We will add the DA provision -- or the instrument numbers and the license agreements, as well as updating the landscape plan as I stated. I would stand for any additional questions you might have. Thank you.

Smith: Thank you. Commissioners, are there any questions for the applicant or staff? Commissioner Stoll.

Stoll: I do. So, ITD submitted a comment regarding the right turn lane and that there is a previous agreement with the applicant for that to be built prior to occupancy being granted for any of the buildings. Is that tied to the previous phases or this current phase?

Semple: Mr. Chair, Commissioner Stoll, my understanding is that it was a provision in the previous development agreement and that prior to any occupancy within maybe this lot it was supposed to be built. I was not part of and neither was my client currently part of that previous development team. We received the letter yesterday from ITD and in conversations with Sonya it was determined that this development will pay its share of improvements required by ITD for off-site here, including a right turn lane, when they have the opportunity to review a development plan and a use and not just a conceptual plan, because at this point, until the subdivision is recorded, we can't submit any plans for a use and so they can't give us formal feedback or determine what that -- those offset improvements might be, including a right turn lane off Chinden, which we do anticipate.

Smith: Okay. Any other questions?

Stoll: No. That's it.

Smith: All right. Thank you.

Semple: Thank you.

Smith: At this time we will take public testimony. Madam Clerk, is there anyone signed up to testify?

Lomeli: Thank you Mr. Chair. Yes. I have Paul McLaughlin. He has some pictures he is going to share with you as well.

Smith: Thank you. And, please, state your name and address for the record.

McLaughlin: Good evening. Paul McLaughlin. I live at 6811 North Maple Stone, which is in the Fairbourne community. I'm the -- I'm here representing that the HOA as well. Okay. So, several months ago we met with Mr. Semple. He met with a limited group of people that were within the immediate vicinity of the proposed development and he addressed concerns with us and told us what the development was. You know, what they were planning on doing. A lot of the questions that night revolved around three particular areas and that was traffic, noise and lighting. Mr. Semple was able to provide pretty reasonable responses regarding the noise and lighting and what was going to be done to mitigate that and what the requirements of the city were. He could not answer any questions regarding traffic mitigation or roadway improvements, because that didn't fall within his purview and he was deferring us to ACHD, ITD and the city regarding what was going to be done for road improvements. I'm going to say I'm generally not in favor of outright opposing a project that meets the zoning requirements of the land and in this case it's no different. My concern is that we just want to address some of the, you know, problems that are likely to come up as a result of this -- this property, you know, and what's being done. Are we -- is this -- we got the first photo?

Lomeli: Right now it's playing through a slide show, but you can use arrows if you want to reference a certain picture.

McLaughlin: All right. So, is there a way to stop the scrolling, so I can address these?

Lomeli: Try it now.

McLaughlin: Oops. Yeah. That's not doing anything. Anyway. So, Black Cat between Chinden and Waverton, which is the -- the access street that you are going to have to use to get in there, which is this section -- well, it was right there. Currently I heard there was some discussion about whether or not there was going to be access allowed onto Black Cat, which is going to be this driveway to left up here -- right -- right -- well, above that arrow. That's not so much the concern. It can -- you can see that this was developed with the idea of putting in a right turn lane off of southbound Black Cat onto Chinden. The bigger concern for me is the northbound traffic. This section that has the -- the red square around it is a median that's currently in there now and the primary purpose is to prevent people coming out of the modern craftsman development from turning left onto the street because of its proximity I'm assuming to Chinden and the potential traffic concerns, so they have to exit from the next farther north driveway. The -- the issue this proposes, you know, that brings up is that there is not going to be any access off of Black Cat into that

development. There will be access out of it, unless they remove this. Both of those alternatives create problems. If they take it out, then, we are going to have big backups along Black Cat going north. If they leave it in, then, I think that's still going to propose, you know, a problem when you get up to Waverton. Can we go to the next slide? These arrows aren't working. So, if you see where the end of that red box is that starts the left turn lane to get onto Waverton. You have to turn onto Waverton and, then, again, turn left into this property. I have looked all over. I have looked at maps, I have -- it may not be -- I wouldn't say that it's -- it's unprecedented to have -- to access -- to make two left turns on residential collector roads to get into a development -- commercial development, but from what I can see and what I have researched for a project this size and requiring two left turns, which, you know, causes traffic problems more than what a right turn would be, this is rare if not unique. This left turn lane that would allow people to turn on -- onto Waverton at most is going to accommodate about four cars before the -- you start backing up and stopping traffic northbound on -- on Black Cat. The -- if we go to the next photo. Okay. So, this is a photo I took on Sunday, which is pretty much all Rock Harbor Church traffic coming out. I didn't sit around waiting for traffic to get bad. I launched the drone. Took this within three minutes and, you know, it was just what it was and this was a half hour after their -- one of their later morning services let out. They have currently I think five services on Sundays. On holidays they have up to ten services on Saturdays and Sundays and sometimes even on Fridays and there is a great deal of traffic comes out of that and a lot of it comes out from Waverton onto Black Cat -- southbound on Black Cat. Additionally they have a satellite parking a little farther down Black Cat that they are constantly driving people to and from on. As you can see the left turn lane at some point if you are -- you can see that little red car there, I mean he is already maneuvering to get into the left turn lane, that's going to become the left turn lane to go into this development. So, you know, traffic is going to be concerned generally just because of the two left turns on this residential narrow collector road. The other problem is there is no markings or left turn lanes on Waverton right now, which I think would have to be incorporated into this as well. If we -- the -- I'm sorry -- you know -- and as this starts to impact people coming out of there and not being able to turn left and, then, the Rock Harbor traffic going south, what's going to eventually happen here is you are either going to have so much traffic going in and out of there that people are going to resort to going farther down and coming back around off of Chinden farther west and onto Waverton and coming east on Waverton, which we have already got people doing during rush hour. We got people cutting through an undeveloped piece of property, because it's a straight shot and, actually, if -- can you pull up the next photo? Okay. So, you can -- that -- that street -- the main street cutting through there is Waverton. It's going to produce quite a bit of traffic there when people start circumventing the Black Cat access trying to come around from eastbound on Waverton. That circle there is of concern, because we have approximately 60 homes in the southern part of the subdivision and many children living down there and that street -- crossing that street where that circle is is how they get to the park and the pool and it's, you know, already getting to the point where we got people speeding down that street. We talked to Mr. Semple about, you know, what could be done to mitigate that and he did -- we did talk about speed bumps, which apparently is not a real popular thing with the city or the fire department and I get that. The other thing is he brought up -- he said, well, speed bumps statistically, you know, people tend to go -- slow down to

go over the bump and, then, they go even faster to get to the next speed bump. So, I don't know what we can do. One of the things that we have talked about since then is possibly up there at the driveway that exits onto Waverton prohibiting left turns out of there. That might at least affect the egress, but not the ingress. You know, we got some issues here that I'm hoping we can address more than anything the traffic ones I think -- there is -- there is four things that I think need to be done to address future traffic concerns. One of them is, again, prohibiting left turns onto Waverton out of that north driveway. The second one is installing a right turn lane from southbound Black Cat onto westbound Chinden, which I think is a no brainer. I think that's probably going to be incorporated into this. Another right turn lane installed from westbound Chinden to North Black Cat, which is the discussion that we had before and, then, the last one is how do we keep that northbound traffic going up Black Cat from Chinden towards Waverton from backing up or coming to a complete stop, particularly when you have all that southbound traffic coming out of Rock Harbor and out of that -- this subdivision and I'm -- the only thing I could think of -- I try not to come with problems. I want to have solutions if I can. The only thing I can think of would be if we could -- if there is a way to widen that street that would allow for a through lane on Black Cat so that anybody getting to the subdivision is not going to get stuck waiting for people that are backed up in that left turn lane. Again, I think our biggest concern is the speed of traffic on Waverton and I don't know what, if anything, can be done to affect that, but, again, we got a lot of kids that are crossing that street, especially during the summer to get to the park and the pool and, you know, I just -- again, I don't want to say this shouldn't be done, but these are issues that I'm hoping we can address in the planning and perhaps if it's -- if it's feasible the only thing I can think of would be widening Black Cat a little bit more to the point where it would have to encroach on -- on what they have already designed to put in there, because there would have to be at least one more lane going northbound. But that's all I have. Do you have any questions for me?

Smith: Commissioners, are there any questions? I have a question for staff. I'm looking at the site plan and my understanding of the site plan and of the discussion was that the road, which is the emergency access road, is only bollarded off heading into the actual neighborhood. Is that -- is that -- my understanding incorrect? My -- when I looked at this it looks as -- as though they will be able to take access off of Black Cat directly -- not going through Waverton, but directly onto that road into the parking lot. Is that wrong?

McLaughlin: I can tell you there are no bollards there now, but, again, there is that center divider. So, it would only allow for you to exit there, not enter from for the majority of traffic which is going to be coming off of Chinden.

Smith: Is that -- is that -- double checking. Is that kind of --

Allen: I didn't quite catch that. There is no access proposed or approved from Chinden, but there is one access from Waverton and one access from Black Cat.

Smith: Yes, there is one access from Black Cat. It's just constrained by the median.

Allen: Right here is the Black Cat access and, then, right here is the Waverton access.

Smith: Okay. Thank you

McLaughlin: The other thing I would ask is there any reason why you might consider even removing that barrier? Again, that would prove -- you know, it would come up with its own problems, but other than that, like I said, there is no ingress from Black Cat, you would have to go to Waverton.

Smith: Staff can correct me. I think that's -- since that's on Black Cat that's ACHD's purview, is that --

Allen: It is ACHD, yes.

Smith: What I will say is a lot of the times things like this -- I have the fortune of being able to sit on the Transportation Commission as well and a lot of the times things like traffic calming ideas on Waverton or this discussion on Black Cat, a lot of the times ACHD will consider some of these things depending on input from the neighbors and input from the community and so sometimes what they will do is if -- if a certain neighborhood is concerned about speeds they will do a speed study. They can -- they can commission a speed study and, then, determine if it falls within their criteria for ACHD to finance traffic calming. They also have methods for -- if the HOA wants to finance traffic calming and things like that. So, I think those are some things that may not be resolved tonight, but might be avenues to be able to resolve that going forward.

McLaughlin: Well -- and, again, these are kind of unique challenges. You don't see those -- those center barriers frequently around the city and, again, I can't find another example of a project this large that requires you to have two left turns, you know, possibly backing up traffic to get into a property, you know, located where this one is or like this, so -- thank you.

Smith: Thank you very much. Madam Clerk, is there anyone else signed up to testify?

Lomeli: Thank you, Mr. Chair. We have Larry Walker.

Walker: Good evening. My name is Larry Walker. I live at 4569 West Sugar Tree Drive. That's in the Spur Wing Subdivision, which is off of North Black Cat and I -- I would try not to repeat what that gentleman just said, but he gave you a lot of information. Most of it was fairly well done and accurate. I would only give you a little better picture of it. One of the things that I -- that strikes me about the church traffic he spoke about, to let you know they are paying for security in the neighborhood to get the people out of the parking lot there. We get stopped by traffic guards. They are stopping residential traffic to let people out of that parking lot. I understand they are going to move, but I don't know if that's going to happen. That's not going to reduce them much. But they have tremendous amount of traffic in that neighborhood. The other thing that -- so -- so, I would say traffic on Black Cat is -- is the biggest concern, but -- but I have a bigger thought about the intersection of Chinden and Black Cat and that is you need to rebuild the intersection. It's

not -- it's not adequate. If you send a traffic engineer out there to look at it he will tell you that intersection is going to fail the way it is right now and it needs to be rebuilt. For six years we have been driving down Chinden at 55 miles an hour trying to make a right turn with no right turn lane and that -- the northbound traffic lane there on Black Cat is not hardly wide enough to make the turn. Big pickup trucks have a hard time even making that turn and when they have to slow down when traffic is coming up behind you 55 miles an hour, it's -- I'm surprised nobody's gotten killed there yet and I have -- we have worked with Congress -- or Councilman Whitlock and I have told him about this. There is skid marks out there where near collisions have happened. So, I believe the entire intersection needs to be rebuilt. Black Cat needs to be widened. The access to that grocery store on Black Cat is going to do nothing but cause problems, because it's between Waverton and Chinden and there is no room for there to be backup, because traffic going in and out of that grocery store right there is just going to back up the signal light. So, the whole intersection needs to be redone, a right turn lane is installed to get onto Chinden and a right turn lane to get everybody off of Chinden without getting killed coming onto Black Cat. That's what needs to be done. Waverton, you may know, has been put all the way through to the west -- all the way over to Highway 16. Traffic can come from there and there is a signal light down there, I think it's called Levi, and traffic can come in there and come down Waverton onto Black Cat or they can go all the way out Waverton as that development grows west over towards Highway 16, the traffic is just going to get more intense and if you see the room there you know what's going to happen to Waverton Drive at Black Cat. So, those are our concerns and I'm talking on behalf of a lot of people in my neighborhood. So, that's about all I had to clarify some of that for you. Thank you.

Smith: Thank you. Madam Clerk?

Lomeli: Mr. Chair, the next person is Bob Misko. Misko.

Smith: And please state your name and address for the record.

Misko: Hello. I'm Bob Misko. 6548 North Oakstone. Our house backs up to the lot. These previous gentlemen stole a lot of my -- my notes, so I'm going to just abbreviate this if I -- if I may. I guess the first point would be, you know, putting a grocery store -- when -- when -- when we bought our house my wife and I were, you know, looking for a house, the realtor said, oh, this is commercial, but it's 9:00 to 5:00. I said, oh, okay. Well, maybe a dentist office or a nail salon or something like that. That -- I guess that's okay. But, you know, there is nothing -- there is no commercial property within really a -- the closest one is Costco and that's a mile away. This is a residential area, the whole area, and with the new development coming in towards the freeway that's huge. I don't know how many homes are going to go in there, but that -- the traffic on Waverton is going to be insurmountable. I don't know if I'm off base with this, but was talking to a couple of people and they said, well, if -- if you -- if you rezone this back to residential single family, everybody would win. We would have new neighbors to greet and -- and the developer I believe could actually make more money if it was residential, turning it into highest and best use. So, I would suggest that maybe that -- I know we are quite a ways down the road, but I have seen this happen a couple of times in Arizona where they have had big

master plans and, of course, they set aside some property for schools and parks and -- and commercial, but oftentimes that land lays vacant and that eventually is rezoned in a residential one. So, I would -- I would just throw that out for food for thought. Thank you.

Smith: Thank you. Madam Clerk.

Lomeli: Mr. Chair, I have Jessica Pirc.

Smith: Please state your name and address for the record.

Pirc: My name is Jessica Pirc and I'm at 6560 North Oakstone Avenue. I back up to this development. My fence is the backside of this property. My biggest concern is landscaping. Our fence, if we walk out onto our patio we will see a parking lot and so I am wondering what they are going to do to make sure there is not a lot of sound or I feel like I -- when I'm in my backyard that I am sitting inside of a parking lot. I would like to second Paul on traffic. He did an amazing presentation on traffic flow, which is a huge concern. I have an eight year old son that rides the bus to school at Pleasant View and he has to cross Waverton to get to the bus stop. I know when we talked with the lawyer previously at the meeting we talked about maybe putting in a crosswalk in between the neighbor -- in between the two neighborhoods. I don't know if that's something we can do and, obviously, this is an ACHD issue. Noise is a big concern, which I know they kind of have addressed, but that's my two cents and what I'm worried about with that going right behind my house. Any questions?

Smith: Commissioners, any questions?

Pirc: Thank you.

Smith: Thank you very much. Madam Clerk.

Lomeli: Mr. Chair, no one else has indicated they wish to testify.

Smith: Is there anyone in the audience who would like to testify or on Zoom? All right. Would the applicant like to come back forward then?

Semple: Thank you, Mr. Chair. Again, Ben Semple with Rodney Evans and Partners. 1450 West Bannock Street, Boise. 83702. Yeah, to address -- we did discuss -- you know, I think there is -- there is some stuff that does need to be addressed with the future development of this property. A lot of this that the neighbors have concerns about we share concerns about. The traffic, the parking, the speeds on Waverton and that will all be addressed when we have the opportunity to submit a development plan that addresses an actual use. We have talked to ACHD and ITD, they have said, yeah, we will have some improvements that you need to do to submit an application, so we can evaluate the use, because that drives their parking counts and their parking studies. We anticipate a right turn off of Chinden onto Black Cat as part of the ITD off site and I anticipate that ACHD and ITD could require a right turn off of Black Cat onto Chinden as well. We are

very supportive of working with the neighborhood. This is part of the neighborhood to address, you know, speed mitigation, traffic mitigation with the overall neighborhood. I think we are -- we are very supportive of that. We can't really do much about the parking from the church that is, you know, a little ways away. It sounds like there is a lot of people that do park in this area or walk and there is a lot of traffic that comes out of there on Sundays. We will do our part in figuring out how to mitigate traffic, again, after we get through this subdivision process. I want to reinforce this is a conceptual plan right now. We are doing the subdivision. We are not proposing this building or this use, it -- you know, there are two other pads that probably will be something more like an office use that isn't, you know, after hours. This grocery store, the user that my client is working with, they use primarily smaller sprinter van style delivery trucks, so there is not a lot of semis that pull in here. They have also committed to making sure that those delivery hours are midday and not mornings and evenings and, then, as -- as was discussed at the neighborhood meeting all of the lighting will be full cut off shielded that's installed here and they want to be really great neighbors, so enhancing that landscape buffer to prevent sound as much as possible bleeding over into the residential area. This site was planned and is zoned C-C for commercial use. The development agreement includes this type of use as an allowed use with -- on this lot and the land use -- it's my understanding that a single family residential use on here wouldn't be supported by staff. This was planned to be a commercial use. This will help with some trip capture where people could walk to a store. If you live in a large neighborhood that has -- where you have to get in a car to drive, it can be frustrating, because you are dealing with a lot of traffic. If you had that benefit of having a place where you could walk to, I -- we see this as a benefit for the neighborhood in the long run. I would stand for any additional questions.

Smith: Thank you. I have one question and I just want to make sure that I'm clear on this access from Black Cat. Is -- is the intention the staff, applicant -- is the intention for those barriers to be removed, so that access can be taken from Black Cat from northbound drivers, not just southbound?

Semple: Mr. Chair, my understanding from just the standards of ACHD with development like this in proximity to a state highway, that barrier will not be removed. We wouldn't propose that being removed. We would not want traffic backing up to that intersection. But we will work with ACHD and ITD to figure out the solution as much as we can to mitigate what we can here. There aren't any improvements on -- other than the sidewalk and some grass -- kind of a grassy swale on the west side of Black Cat and even a little bit on the east side of Black Cat. So, I do think they are anticipating widening that road in both directions somehow.

Smith: Commissioner Perreault.

Perreault: Mr. Chair, thank you. Will there be traffic estimates put together before the CZC -- before the end user comes in -- the grocery store comes in and they get all of their conditions of approval, will there be any traffic counts done? I mean I'm assuming that -- that ACHD isn't requiring a traffic impact study, because they would have asked for one, but do you have any idea if there will be any numbers put together on peak hour use?

Semple: Sorry. Mr. Chair, Commissioner Perreault, we have had just some cursory conversations. I think they didn't provide anything this time, because they are looking at a one lot subdivision that's a commercial lot without a use. I don't think they will require a full traffic impact study, but I do think that they will require an analysis of that intersection -- of Waverton and Black Cat, as well as Black Cat and Chinden when we submit an application for this. My client is anticipating that as happening. Part of the development agreement talks about the improvement of this intersection. So, yeah.

Smith: Commissioner Stoll.

Stoll: Mr. Chair, this probably is targeted towards Sonya, maybe the applicant. The existing development agreement has requirements as far as transportation improvements, such as what ITD mentioned in their letter and I assume also ACHD -- ACHD does, too. Those requirements -- or that development agreement is in place until you come in -- until an actual application comes in with a proposed development -- not development, but use at a later date; is that correct?

Semple: Mr. Chair, Commissioner Stoll, yes, that's my understanding of the development agreement is they -- they don't want to require something at this point when they -- it could change -- you know, I mean the client could -- you know, a deal could fall through pretty easily. This has to happen as the subdivision before they can even close on the property at this point. So, they are kind of taking a risk here. But, again, they do -- we will see what has to happen here once we submit an application. We have been told that they are like -- yeah, anticipate road improvements when you apply. We will tell you what your proportionate share is or what you have to build.

Stoll: Appreciate that. Sonya, does that conform with your understanding?

Allen: Yeah. Mr. Chair, Commissioner Stoll, Commissioners, the development agreement that's in effect for the Fairbourne development is this property is also subject to that development agreement. It does not include any requirements from ITD or ACHD, other than dedication of -- preserving right of way for dedication for the widening of Chinden, which has occurred. And just a note. Prohibiting access to Chinden as well. So, there is -- there is nothing else in the development agreement.

Stoll: So, the -- sorry. Mr. Chair. Sonya, the agreement that's referenced by ITD in their letter that they submitted, is that a separate agreement that they have with --

Allen: I believe that's a separate agreement that ITD had with the developer of Fairbourne. It's not a city agreement.

Sandoval: Mr. Chair?

Smith: Commissioner Sandoval.

Sandoval: Yeah. My question is specific to the screening on the west boundary. Now, in your landscape plan it looks like the same as the satellite imagery, which is some shrubbery. Are -- are you going to build a more robust screening system in there or leave the shrubs as is?

Semple: Mr. Chair, Commissioner Sandoval, there is actually a pretty substantial amount of tree cover along that western boundary, both evergreen and deciduous. The southern part, south of the emergency access, actually has almost a solid screen of probably about a 16 foot tall evergreen row, but with the redevelopment when we come back in with CZC we have talked to the client, there is a 25 foot landscape buffer there, we are planning to enhance that buffer by planting, you know, stuff in between the existing plantings, because there is some space there and, again, they really want to be a good neighbor and we anticipate having that be a pretty substantial buffer, along with the fencing that's solid there.

Smith: Any other questions of the applicant or staff? All right. Is there a motion to close the public hearing?

Perreault: Mr. Chair?

Smith: Commissioner Perreault.

Perreault: I move that we close the public hearing for Fairbourne Subdivision No. 4, H-2025-0036.

Sandoval: Second.

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

MOTION CARRIED: FOUR AYES. THREE ABSENT.

Smith: All right. Discussion. I think there are two items at play here. One I think is the - the merits of the application and the merits of the subdivision and, then, two, I think there is the constant kind of reliance on ACHD to move -- or desire for ACHD to move and I think we have to keep those kind of -- not entirely and always, but there has to be some separation between those two. I think what ACHD and what improvements are going to happen on Black Cat and on Waverton and on Cherry on -- going onto Black Cat I think are going to -- it's in the best interest of the applicant to make sure that that traffic pattern makes sense and I know that ACHD has widening Black Cat south of cherry on -- I think it's still on their TBD section of the work plan, but that is -- that is still something that's on their list and so I do see some space, some right of way on the north end. They don't anticipate this being a -- a permanent intractable problem. I think there, obviously, is always growing pains, especially with something -- I know this isn't residential, but it is still I guess in-fill kind of, but -- so, I think there is that. I think the other thing is -- this is probably the first time I have heard neighbors ask for residential, instead of commercial. Often I hear the inverse and I think there is a lack of commercial in this area. I think there

is more commercial slated to be -- you know, if you look at the -- the -- a future land use map west of the subdivision there is intended to be C-G zoned and commercial mixed use zoned areas. So, I think this is this -- this property on its own I think is -- is worth supporting from my perspective, but I also think it is potentially a valuable test case in helping kind of get this -- this conversation going with ACHD prior to some of these other maybe larger plats coming in. Any other -- I mean -- Commissioner Perreault.

Perreault: Mr. Chair, just stay on the commission long enough and you will see it. We had some folks that shared testimony. Unfortunately, they have left the Council Chambers, but I wanted to say that just for clarification that the Commission's decision this evening is really narrow and it's really just whether we approve this particular set of engineering plans for that specific individual lot and it doesn't include us adding any conditions to -- it doesn't include us adding any conditions that the applicant would have to follow really outside of our decision to approve this particular set of -- of plans. So, as far as traffic goes, as -- as the chair said that's not in our purview and we really can't add anything additional that would be reflective of -- of concerns outside of just really what the landscape buffer is and -- and these engineering plans. So, I just wanted to make that clear, because I -- I understand the -- the neighbors' concerns and I understand coming and hoping that we have the ability to change things that, unfortunately, we don't. So, I just wanted to clarify that, because we -- we really just have a fairly narrow decision to make this evening. So, I have watched the traffic come in and out of the Boise Co-op at The Village often -- been there quite a bit -- not to the Co-op per se, but just that area and it can get a little backed up, but it really isn't an overwhelming amount of -- of traffic coming in there and that's a much heavier commercial use than what will be here and having a second location I think in Meridian will actually probably make the traffic less, because there is two -- two options and so I'm not going to say I'm not concerned, because I do understand where the neighbors are coming from. At the same time the Fairbourne Subdivision was approved in 2018 and the use in the zoning for this lot have been the same since then. It hasn't changed. We are not proposing changing that this is going to be commercial use. So, for all of those who thought that might become residential at some point, I -- I'm very sorry to hear that. I think this is a good use for this. I think the applicant is trying to be aware of all of the different potential challenges and try to -- trying to address those, but we are not here tonight to consider whether a grocery store should go there. It's just whether we can -- we want to approve these set of plans essentially. So, I don't have an issue with it as it sits.

Smith: Other Commissioners?

Sandoval: Mr. Chair?

Smith: Commissioner Sandoval.

Sandoval: Yeah. I think it's a great use for this, whatever it's going to be, any commercial space that's going to mitigate some of the traffic. Hopefully people are using pedestrian pathways, walking; right? That would be -- that would be great to see. But, yeah, no issues with this.

Smith: Commissioners, also take a motion if there is -- Commissioner Stoll, do you have any --

Stoll: No.

Smith: Is there a motion then?

Stoll: Mr. Chair?

Smith: Commissioner Stoll.

Stoll: After considering all staff, applicant and public testimony, I move to recommend approval to the City Council of File No. H-2025-0036 as presented in the staff report for the hearing date of September 4th, 2025.

Perreault: Second.

Smith: Moved and seconded. All those in favor? Any opposed? Motion passes.

MOTION CARRIED: FOUR AYES. THREE ABSENT.