

Meridian Planning and Zoning Meeting

April 15, 2021.

Meeting of the Meridian Planning and Zoning Commission of April 15, 2021, was called to order at 6:00 p.m. by Chairman Rhonda McCarvel.

Members Present: Chairman Rhonda McCarvel, Commissioner Lisa Holland, Commissioner Andrew Seal, and Commissioner Nick Grove.

Members Absent: Commissioner Steven Yearsley, Commissioner Bill Cassinelli and Commissioner Maria Lorcher.

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

ROLL-CALL ATTENDANCE

<input checked="" type="checkbox"/> Lisa Holland	<input type="checkbox"/> Maria Lorcher
<input checked="" type="checkbox"/> Andrew Seal	<input checked="" type="checkbox"/> Nick Grove
<input type="checkbox"/> Steven Yearsley	<input type="checkbox"/> Bill Cassinelli
<input checked="" type="checkbox"/> Rhonda McCarvel - Chairman	

McCarvel: Good evening. Welcome to the Planning and Zoning Commission meeting for April 15th, 2021. The Commissioners who are present for this evening's meeting are at City Hall and on Zoom. We have staff from the city attorney and clerk's offices, as well as 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@meridiantcity.org and they will reply as quickly as possible. If you simply want to watch the meeting this evening we encourage you to watch this on streaming the city's YouTube channel. You can access it at meridiantcity.org/live. So, with that let's begin with roll call.

Weatherly: Madam Chair, thank you very much. I would like to get your advice on proceeding. I just realized we do not currently have our legal counsel in attendance as of yet.

McCarvel: I do know she is running a few minutes behind. I guess that's a process question. Staff, how do you feel -- I guess if we have a legal question we could stop or do we --

Allen: I think that's fine with staff, Chairman McCarvel.

McCarvel: I'm okay with it. I think we -- I mean I'm aware that she is just -- could be five or ten minutes here, so -- she may have gotten stuck in traffic. But she will be on Zoom. I'm fine with it. I guess if we get to a point where we feel we have a legal question we will stop.

Weatherly: Okay. I sent a quick text as well --

McCarvel: Okay.

Weatherly: -- to see if she will get back to me. I think we will go ahead with roll call.

ADOPTION OF AGENDA

McCarvel: Thank you. First item on the agenda is the adoption of the agenda and we have no changes, so if I could get a motion to adopt the agenda as presented.

Seal: So moved.

Holland: Second.

McCarvel: It has 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 April 1, 2021 Planning and Zoning Commission Meeting

McCarvel: Next item is the Consent Agenda and we just have one item to approve, the minutes of the April 1st, 2021, Planning and Zoning Commission meeting. Can I get a motion to approve the Consent Agenda?

Grove: So moved.

Holland: Second.

McCarvel: It has been moved and seconded to approve 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]

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

ACTION ITEMS

2. Public Hearing Continued from April 1, 2021 for Jaker's Drive-Through Addition (H-2021-0012) by BRS Architects, Located at 3268 E. Pine Ave.

- A. Request: Conditional Use Permit for a drive-through in the C-G zoning district at an existing restaurant.

McCarvel: So, at this time we would like to open the public hearing for -- or continue the public hearing for H-2021-0012, Jaker's Drive-Through Addition and we will begin with the staff report.

Allen: Thank you, Madam Chair. Can you all see my presentation?

McCarvel: Yes.

Allen: Okay.

McCarvel: I think we have got a different one.

Allen: Okay. Hang on just a minute here. I was afraid that I might not have that right.

McCarvel: We have got Pine 43 up there right now.

Allen: Okay. Hang on a second here. Having a hard time seeing all my screens with my -- hang on. All right. Can you see Jaker's now?

McCarvel: Yes. Thank you.

Allen: Okay. Just a second. All righty. So, the first application before you tonight is a request for a conditional use permit. This site consists of 1.37 acres of land. It's zoned C-G and is located at 3268 East Pine Avenue. Adjacent land uses and zoning. Commercial uses to the north, south, and west zoned C-G and single family residential to the east zoned R-4. The Comprehensive Plan future land use map designation for this site is commercial. A conditional use permit for a drive-through establishment within 300 feet of a residential zoning district and residential uses to the east in Crossroads Subdivision in a C-G zoning district. Two 25 square foot, five by five foot structures are proposed for a drive-through menu, handout, and order placement and pickup along the south side of the existing Jaker's restaurant. No menu boards or speakers are proposed. Residential uses abut the east boundary of this site in Crossroads Subdivision, zoned R-4. The project complies with the specific use standards in the UDC for drive-throughs as noted in the staff report. The row of parking directly south of the drive-through is proposed to be restriped to accommodate a one way drive aisle to allow space for the drive-through, which will reduce the number of parking spaces in this area by three. Based on the building square footage of 5,900 square feet, a minimum of 23 parking spaces are required. A total of 87 are provided in excess of UDC standards. Conceptual building elevations were submitted as shown. They consist of stucco panels, with two inch wide recessed gold colored metal flashing accents, and asphalt roofing. The materials and colors coincide with that of the existing restaurant building. Design review of the structures has been approved by the director with this application. No written testimony has been received on this application and staff is recommending approval with the conditions in the staff report. Staff will stand for any questions.

McCarvel: Okay. Thank you. And just point of procedure, I see our attorney joined before Sonya started her presentation, so thank you. Would the applicant like to come forward? And just state your name and address for the record and it -- yeah, we almost got to eat that thing.

Anderson: Oh, sorry. Mark Anderson. BRS Architects. Address is 1010 South Allante Place.

McCarvel: Okay.

Anderson: Suite No. 100 in Boise.

McCarvel: Did you have anything to add to the staff report or anything you would like us to know about your project?

Anderson: Negative.

McCarvel: Okay. Oh. We are going to see if we have anybody signed in to testify then. Do we have any questions for the applicant or staff? I will take that as a no. Okay. If you would like to sit down we will open to public testimony. And, Madam Clerk, do we have anybody signed in to testify on this application?

Weatherly: Madam Chair, we do not.

McCarvel: Okay. That being said, is there anybody online or in the room that would like to testify that is not signed up? Okay. And I'm going to go by the body language and assume that our applicant does not want to come back up. So, if I could get a motion to close the public hearing on H-2021-0012.

Holland: So moved.

Seal: Second.

McCarvel: It has been moved and seconded to close the public testimony on -2021-0012. All those in favor say aye. Opposed? Motion carries.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

McCarvel: Any comments, discussion?

Holland: I think this is a fairly straightforward one. It doesn't have a lot of concerns to me. I think there is ample parking there. It will be nice for having a drive-up window and give them some more flexibility on how to continue operating as a restaurant. I don't see any concerns knowing where this is located.

McCarvel: Yeah. I agree. I think they have got more than ample space. Looks like a great use and probably continuing some things we learned in the restaurant business during COVID.

Seal: Madam Chair?

McCarvel: Commissioner Seal.

Seal: I agree with everything that's been said so far and hopefully I don't cut Commissioner Grove off, but I will go ahead and shoot a motion here. Okay. After considering all staff, applicant, and public testimony I approve -- move to approve file number H-2021-0012 as presented in the staff report for the hearing date of April 15th, 2021.

Grove: Second.

McCarvel: It has been moved and seconded to approve file H-2021-0012. All those in favor say aye. Opposed? Motion carries. Congratulations.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

3. Public Hearing for Pine 43 Apartments (MCU-2021-0002) by Pivot North Design, Located South of E. Fairview Ave., on the East Side of N. Webb Way and North of E. Pine Ave.

- A. Request: Modification to the Conditional Use Permit (H-2018-0001) to revise the site layout to include consolidation of common open space into more usable areas with a clubhouse, and a change to the mix of units/types.

McCarvel: Okay. Next on the agenda we will open MCU-2021-0002, Pine 43 Apartments, and we will begin with the staff report.

Allen: Thank you, Madam Chair, Members of the Commission. The next application before you is a request for a conditional use permit modification. This site consists of 11.22 acres of land. It's zoned R-40 and it's located south of East Fairview Avenue and north of East State Avenue on the east side of North Webb Way. A conditional use permit was approved in 2018 for a multi-family residential development that consisted of 480 units on 26.17 acres of land. The first phase consisting of 240 units is currently in the development process. The second phase also consisting of 240 units is the subject of this application. The Comprehensive Plan future land use map designation is mixed use community. Modification to the previously approved conditional use permit, file number H-2018-0001, is requested to revise the site layout for the northeast 11.22 acre portion of the development to include a consolidate -- consolidation of common open space into more usable areas. The addition of a 7,047 square foot clubhouse and other amenities and a change to the mix of unit types within the development. No changes are proposed to the number of residential units or structures. The proposed plan includes a mix of one, two and three bedroom units and an increase in one bedroom units from 60 to 80. A decrease -- decrease in two bedroom units from 120 to 110 and a decrease in three bedroom units from 60 to 50 for a better use -- excuse me -- better mix of unit types available for rent. The proposed plan includes a significant increase and reconfiguration of common open space from two acres to 2.7 acres, resulting in an increase of .71 of an acre in excess of UDC standards. Site amenities approved for this space consisted of a fitness building and/or sports court, play equipment and plaza and community grill areas, with park style charcoal grills with an optional shade structure or covered dispersed throughout the development. Proposed amenities consist of a clubhouse, swimming pool with recreation deck, and two spas. Barbecue deck, covered outdoor seating and beach volleyball court in the common area along Webb Way and a dog run and dog wash, playground structure and community garden on the eastern portion of the development resulting in a higher quality of amenities for the development. These amenities and

common areas will be shared with the first phase. Staff recommends both phases are under the same management company for consistent maintenance of the overall development. Parking is proposed in excess of UDC standards. A total of 454 spaces are required consisting of 440 vehicle spaces, with 200 of those being covered for the residential units and 14 spaces for the clubhouse. A total of 462 spaces. Two hundred and forty-eight of those in covered carports are proposed. Garages were originally proposed along the east boundary of the site, which provided a buffer between the residential structures and the adjacent industrial uses to the east that have now been changed to carports. This change should ultimately provide more needed parking for the development, since some garages are typically used for storage and not parking. However, it will not provide a needed buffer between the different land use types. The interface between the proposed residential uses and existing industrial uses was a topic of discussion and concern at the public hearing for the original conditional use permit. Therefore, staff recommends a six foot tall closed vision solid fence is installed along the east boundary, with a fairly dense landscape buffer as proposed. A ten foot wide multi-use pathway is proposed within the street buffer along North Webb Way in accord with the pathways master plan. Pedestrian connection should be provided between buildings and to the main building entrances along Webb Way from the multi-use pathway as noted in the staff report. Conceptual building elevations and perspective drawings were submitted for the proposed three story multi-family structures and the single story clubhouse as shown. Building materials for the residential structures consist of a mix of horizontal and vertical fiber cement board and batten siding with gable roofs and asphalt shingles. Three primary color schemes are proposed for variety. Building materials for the clubhouse consist of vertical metal siding with vertical wood cladding, glazing, dimensional wood slat accents, a gable roof and metal roofing. Prefabricated steel siding is only allowed to be used as an accent material per the development agreement. Compliance with the design standards in the architectural standards manual and the development agreement are required. The proposed elevations should be revised to comply with these standards and requirements. The elevations in the first phase of development directly to the southwest of this site, Jasper Apartments, are a different architectural style as shown there on the elevations on the right. Flat roofs with parapets and more of a modern style and color palette, but the proposed structures incorporate several orientations of fiber cement board siding, which assists in unifying the structures. The applicant anticipates the existing structures will be repainted in the future to coincide with the proposed color scheme. While different architecturally, staff feels a similar use of materials and colors will offer variety within the development. Written testimony was received from Brian Wenzel, the applicant. He is in agreement with the conditions of approval and staff is recommending approval per the conditions in the staff report. Staff will stand for any questions.

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

Weatherly: Gary Sorensen, one moment, please.

Sorensen: Good evening, Commission. Gary Sorensen. Pivot North Architecture, Boise Idaho. 1101 West Grove Street. I'm located in downtown Boise. As -- as noted Brian could not make it tonight, so I'm filling in and will do the best I can to field any questions.

McCarvel: Okay. Did you have any presentation for us?

Sorensen: I think -- I think Sonya had covered all the -- all the bases and we don't have -- as stated by Brian we don't have any objections to the recommendations from staff. If there are any specific questions regarding any of the materials that you see in front of you, we can -- we can certainly address any of those. But the presentation basically outlines the -- the same pieces of information that Sonya had previously went over. So, we think that the approach here is -- is a much enhanced version of phase one of the Jasper Apartments and offers quite a bit -- quite -- a better approach to the amenities and consolidation of open space and so it will feel better, I think, from a residential standpoint.

McCarvel: Okay. Yeah. As far as the additional buffers, then, between residential and the commercial over there where the carports were going to be, I think that's all outlined and you are totally in agreement with that then?

Sorensen: Yes, we are. Just for clarification previously there were garages and we still have carports and that -- along that edge, but I think adding a six foot solid fence as outlined by Sonya's recommendations is -- is not an issue at all.

McCarvel: Okay. Any other questions for the applicant or staff? Not seeing anybody jump off mute, so with that we will open to public testimony. Madam Clerk, do we have anybody signed up to testify on this application?

Weatherly: Madam Chair, we do not.

McCarvel: Okay. Is there anybody in the room or online that would like to testify on this application? Okay. So, Gary, do you have any other comments you would like to make? Any other questions?

Sorensen: I do not.

McCarvel: Okay. With that, then, could I get a motion to close the public hearing on H -- or MCU-2021-0002?

Seal: So moved.

Holland: Second.

McCarvel: It has been moved and seconded to close public hearing on H -- or MCU-2021-0002. All those in favor say aye. Opposed? Motion carries.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

McCarvel: So, when is the last time we have seen an applicant come back and want to give us more open space? Yeah. I'm good with the new design. The open space where it's gotten moved to seems to be much more usable. Any other thoughts or concerns?

Grove: Madam Chair?

McCarvel: Commissioner Grove.

Grove: I just would say adding more open space probably, you know, as -- as pointed out by staff, better utilization of parking to ensure parking and that the applicant is in full agreement with the staff's recommendation, it makes it pretty easy to get on board with this I think.

McCarvel: Commissioner Holland or --

Seal: Madam Chair?

McCarvel: Commissioner Seal.

Seal: Yeah. I just -- I mean part of it is they are giving more open space, but part of it is renumbering of some of the apartments that are in there. So, just want to make sure that that's -- according to what I read anyway, so -- they have a lot more one bedrooms that are in there, so that kind of reduces what they are required. That said they are providing ample space in there. I like the new layout. I think the walkability of it and the accessibility of it overall is going to be improved, just by how -- I drive by this every day or at least three times a week on my way to work, so I think the way that they have it laid out is just going to work better with what's being built already, as well as what -- what they have to go in next to there. So, overall it's very nice. I mean it's for -- for multi-family this is probably the first time I have ever seen multi-family go in without a line of people out the door to talk about it, so -- so far so good. I'm in favor of it.

Holland: Yeah. Madam Chair, I would echo the same comments. It's nice that they want to add some additional open space, add some amenities like a clubhouse and also reduce some of the units that were three -- three bedrooms down to more of the one bedrooms. That's -- that's not common either. So, I appreciate that. That will certainly help with the parking, if there is any challenges there at all. But I also appreciate the -- not including the carport, because I think that is what we are -- or including the carports, instead of the garages, we think that is true. People like to store stuff, not cars, in garages. We all know that from our neighborhoods. So, I'm not going to cut anybody off, hopefully, but I'm going to say after considering all staff, applicant, and public testimony, I move to approve file number MCU-2021-0002 as presented in the staff report for the hearing date of April 15th, 2021, with no modifications.

Seal: Second.

McCarvel: Okay. It has been moved and seconded to approve file MCU-2021-0002. All those in favor say aye. Opposed. Motion carries.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

4. Public Hearing for Artemisia Subdivision (H-2021-0014) by Engineering Solutions, LLP, Located at 1690 W. Overland Rd.

- A. Request: Annexation of 25.67-acres of land with a C-G (General Retail and Service Commercial) zoning district.
- B. Request: Preliminary Plat consisting of 9 commercial buildable lots on 19.26-acres of land in the C-G zoning district

McCarvel: So, on to H-2021-0014. Okay. So, I pronounce it -- or Artemisia Subdivision. I know I butchered that. I'm sorry. But we will begin with the staff report.

Allen: Thank you, Madam Chair, Members of the Commission. The next application before you is a request for annexation and zoning and a preliminary plat. This site consists of 19.26 acres of land. It's zoned RUT in Ada county and is located at 1690 West Overland Road at the northwest corner of Overland and Linder Roads. Adjacent land use and zoning. To the east is Camping World and Bish's RV, zoned I-L. To the south is vacant undeveloped land and office zoned C-C and apartments zoned TN-C. To the west is single family rural agricultural properties, zoned RUT in Ada county and to the north is Interstate 84. There has been no previous land use applications on this property. The Comprehensive Plan future land use map designation for the northern 13.4 acres is mixed employment and for the southern 5.9 acres. Annexation of 25.67 acres of land, which includes the Idaho Transportation Department storm drainage area at the northeast corner of the site and adjacent right of way to the section and centerline of adjacent streets, with a C-G, general retail and service commercial zoning district, consistent with the associated future land use map designations. The proposed use of the property will include sales and service for commercial fleet operations for large commercial trucks and motorhomes, vehicle accessory sales, an installation facility for customizing vehicles, parts department and reconditioning facility for used cars for Kendall Ford Auto Center. The applicant anticipates the future uses on the six lots located along West Overland Road and adjacent to South Spanish Sun Way to be retail and office space. As a provision of annexation staff is recommending a development agreement is required to ensure future development is consistent with the Comprehensive Plan and the Ten Mile Interchange Specific Area Plan. Because a conceptual development plan was not submitted for the commercial and office uses on the southern portion of the property, staff recommends the agreement is modified prior to development of that area to include a concept plan that is consistent with the Comprehensive Plan per for the provisions in the development agreement and the Ten Mile Plan. A preliminary plat is proposed as shown consisting of nine commercial buildable lots on 19.26 acres of land in the proposed C-G zoning district. Lots range in size from .51 of an acre to 9.7 acres, with an average lot size of 2.01 acres. The plat is proposed to develop in one phase. One public street,

South Spanish Sun Way, is proposed via West Overland Road in alignment with that to the south. Direct lot access via West Overland Road and South Linder Road is prohibited. One stub street, West Tasa Street, is proposed to the west boundary for future extension in accord with the transportation system map in the Ten Mile Interchange Specific Area Plan. A temporary cul-de-sac is required to be constructed at the terminus of Tasa Street until the street is expanded in the future. Cross-access ingress-egress easements are required to be granted between all lots in the subdivision. Per the ACHD report Linder Road is scheduled in the integrated five year work plan to be constructed as a new four lane I-84 overpass and widened to five lanes on each side of I-84 with a level three bike facility from Franklin Road to Overland Road in the future. The intersection of Overland -- Overland Road and Linder Road is listed in the capital improvement plan to be widened to six lanes on the north and south legs and seven lanes on the east-west legs and signalized between 2036 and 2040. A future traffic signal is planned at the Linder and Overland Road intersection and scheduled for 2031 to 2035, but may be accelerated if the Linder Road overpass becomes a priority. For this reason and because Overland Road is fully built out, a traffic impact study was not required by ACHD for this application. Landscaped street buffers are proposed as required adjacent to public streets per UDC. That is proposed as required within the street buffers along South Linder Road in accord with the pathways master plan. Detached sidewalks are required along all streets with street trees. The Hardin Drain crosses the northeast corner of the site and is proposed to be piped. Conceptual building elevations were submitted for the Kendall Ford site as shown. Two single story structures are proposed on Lot 1, Block 1, with building materials consisting of ACM panels, which are aluminum composite, corrugated horizontal metal panels, CMU in two different colors, metal sun screens and canopies are proposed over some windows. Overhead doors are proposed on the north, east, and west sides of the building. Final design must comply with the design standards in the Ten Mile Interchange Specific Area Plan and the design standards in the architectural standards manual. Written testimony was received on this application from Becky McKay, the applicant's representative Engineering Solutions. She is in agreement with the staff report. Staff is recommending approval with the requirement of a development agreement per the provisions in the staff report. Staff will stand for any questions.

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

McKay: Thank you, Madam Chair. Good evening, Members of the Commission. I am Becky McKay with Engineering Solutions, 1029 North Rosario in Meridian. I'm representing Idaho Auto Mall, LLC, on this particular application that's before you, which is annexation and rezone, as Sonya indicated, to C-G or general retail service commercial. It looks like -- Bill, are you having trouble? Oh. Okay.

McCarvel: Are we hearing Becky okay, Dean?

McKay: Can you hear me?

McCarvel: Okay.

McKay: So, the -- I will go ahead and -- we have, along with our annexation and rezone application, we have a preliminary plat for nine commercial lots on 19.26 acres. The reason that the acreage for the annexation or rezone is 25.67 is because the city had requested that we include the ITD storm drainage pond that is not a part of our project in our northeast corner and, obviously, include any right of way that adjoins us, so that there is no gaps in the city limits. The principal primary use on the property will be for a Kendall Ford Auto Center. This center, as Sonya indicated, includes sales and service of commercial fleet operations for large commercial trucks and, then, a lot of the motorhomes nowadays have a Ford like pickup on the front or van on the front, so they will be doing warranty work on that or service work and, then, they have vehicle accessory sales and installation facility for customizing vehicles. At this time they have, I have been told, multiple facilities throughout the valley where they have different uses and so what they are trying to do at this site is consolidate those uses and have them at one location. They will have a parts department, they will have a reconditioning facility for their used cars. They picked this particular property because of its close proximity to an interchange there at Ten Mile. Visibility along I-84 and the fact that it was located on the west side of Camping World, which sells a lot of motorhomes, which have the Ford chassis and so that they can do the work. We have six additional lots in addition to the ones that will be utilized for the Ford Auto Center, whether it will be retail or office uses we don't have any particular users at this time, but we, obviously, have designed the development to be in compliance with the Ten Mile Specific Area Plan where we have a mixture of uses, which would include a -- kind of the light industrial, the retail and the office. As Sonya stated earlier, Camping World is designated -- or zoned I-L, light industrial. South Ridge that is just south of us has a community business district, traditional neighborhood center and, then, to the west we have an agricultural parcel that also has a residence on it, but it will eventually redevelop. We did hold two neighborhood meetings on the property. Representatives from Camping World and the owner of the property to the west, Mr. Blomberg, did attend our neighborhood meetings. They had no objections to the project. They were supportive of it. They thought it was a good use and thought it would complement that area. The property has two designations on it under the Ten Mile Interchange Specific Area Plan, a mixed employment and mixed use commercial. The C-G zoning -- we debated that with the staff in the multiple pre-application conferences that we had and it was determined that the C-G would be the most appropriate zoning designation over a light industrial, since we would not have any uses that would -- would fall within that light industrial zone. One of the questions that came up about the Kendall Ford Center was, obviously, the architecture. The architect Adam Garcia has been working diligently with the staff and the design guidelines and the Ten Mile Specific Area Plan to make sure that the architecture meets those guidelines. Initially they had one large building. They did break that into two buildings. They kind of reoriented it so the bulk of that building was not so massive from I-84 and so we have two buildings with a combined square footage of about 92,307 square feet. In there there will be approximately 85 to 100 employees. But, like I said, will be relocated from other -- other sites throughout the Treasure Valley. So, they are trying to consolidate their -- their facility here in Meridian. The cost of this -- this building and the infrastructure to support it will be approximately 20 million dollars. So, it is -- it is a big facility. It will be a big boost for the City of Meridian and they are glad to be a part of Meridian. They have -- their

headquarters were initially out of state. They relocated those to Boise and they have since bought a building at Silverstone development off Eagle Road and did tenant improvements and so their corporate headquarters are now in the City of Meridian, along with this facility, and so, obviously, they want to be a part of this community and -- and they are excited about building this and getting going as soon as possible. One of the things on the Ten Mile Specific Area Plan was that it has provisions where it requires that the project not take direct access to Overland or Linder. We have a public commercial street that lines up with Spanish Sun located to the south and, then, we have a public commercial street that, then, as it comes in on -- on Spanish Sun will turn westward and stub to the adjoining property. That is in compliance with the transportation plan of the Ten Mile plan and we did work with staff on -- on locating that. We -- the -- the lot sizes in here range from about 9.7 acres to around -- I think they go to two acres. So, we have a variety of lot sizes and -- and the -- the reasoning between that was to provide different lots for different uses, so that we could attract other -- other retail or office within our particular development. The staff required that we provide 20 foot of landscaping along the Overland Road frontage. We will be installing detached sidewalks. Overland Road is built out to its five lanes and, then, Linder is an unimproved public right of way. It's intended that there will be an overpass there. Ada County Highway District did notify us that they needed additional right of way for that overpass and to accommodate that Linder Road signalized intersection at Overland. We did modify our preliminary plat from the original submittal to accommodate that and we did resubmit that to the City of Meridian. Along the west boundary, even though that may redevelop to some type of commercial usage, we are required to have a 20 foot wide landscape buffer based on the fact that it is currently a residential ag use and so that is incorporated into our plan. We did respectfully request within our application that we be allowed one building permit for the Kendall Ford Auto Center prior to recording the plat, because they are anxious to get going on their construction. The staff has been so kind as to allow that, which is consistent with some of the other commercial developments where the parcel is entitled for one building permit. Obviously, we will have to meet the Fire Department fire code as far as access and fire flow. As far as utilities, this particular project is in the water zone three. There is an existing 12 inch water main in Overland and the Linder right of way. In my conversations with the fire -- or with the water department there is adequate fire flow in order to serve this particular site. There is a 30 inch sewer main that runs along Overland Road. The depth of that is about 20 -- almost 24 feet. We did run our sewer profiles, because the Public Works Department wanted me to verify that we could sewer our Kendall Auto Center into that line and we did substantiate that that -- that is doable. In addition -- oh, I'm sorry. That's my phone. It might be my child. I apologize. In addition to that, the Meridian Public Works sewer master plan shows an eight inch sewer main that will run parallel with I-84 to serve additional properties to the east. They will -- the Public Works Department has asked us to trust fund for our 335 linear feet of that eight inch future sewer line and to provide that easement, so that sewer can be provided beyond our boundary, because some of those parcels that are to the east of us cannot sewer into Overland Road, because the properties drop off to the north. I think one of the things that was brought up in Sonya's staff report -- she did request that we have five foot wide detached sidewalks with eight foot landscaping on all of our interior roadways. I did not show those as -- as detached, I show them as attached, but we are in agreement with

her requirement to make those detached. We have the Hardin Drain, which traverses our northeast corner. We did get plan approval from Nampa-Meridian, a license agreement, and prior to irrigation coming into the waterways. We have already piped the Hardin Drain with a 36 inch RCP. We have also coordinated with the property owner to the west and we have piped their delivery along Overland Road and down our west boundary to accommodate them. One of the big things within the Ten Mile Specific Area Plan is pathways. In your pathway plan there is a ten foot wide multi-use pathway shown along Linder outside that right of way. Our site plan does incorporate the ten foot wide multi-use pathway and, then, in addition to that we included a five foot pathway that loops all the way around our site and, then, there is discussions in that Ten Mile plan about creating focal points at the intersections. So, we do show on our landscape plan that we will have masonry signage and some type of sculpture. So, we do create a focal point at the -- the newly Overland-Linder intersection. Staff has asked us to provide some plazas, benches, interior pathways for the employees consistent with the Ten Mile plan. We are in agreement with the staff's recommendations. We ask that the Planning and Zoning Commission support the project. We are excited to get started. We think it will, obviously, benefit the city, benefit this area, and I stand for any questions.

McCarvel: Thank you, Becky. Any questions for the applicant or staff? Seeing none, we will move on to public testimony. Madam Clerk --

Holland: Madam Chair, I do have a question.

McCarvel: Okay. I -- I thought I saw your -- your facial -- was trying to get off mute.

Holland: Sorry. Just a quick question for staff. In the C-G zoning, if somebody came through and they had some sort of a light industrial use that was still more commercialized in nature, maybe that kind of commercial-industrial flexspace, would that be allowed within the C-G zoning?

Allen: Madam Chair, Commissioners, flexspace is a principle permitted use in the C-G district. There are other light industrial uses -- or I should say not industrial -- light industry uses as defined in the code that are conditional use permit in the C-G district.

Holland: Perfect. That answered my question. Thanks, Sonya.

Allen: Uh-huh.

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

Weatherly: Madam Chair, we do not.

McCarvel: Becky, do you have any other thoughts? I do have one question. How do you pronounce it? I'm going to make you walk all the way back up here for that.

McKay: My -- my client kept providing names that we -- obviously had already been used and the architect came up with Artemisia.

McCarvel: Artemisia.

McKay: Artemisia. I had a difficult time pronouncing it and every time I spell it I spell it differently. So, I -- I have the same struggle you have.

McCarvel: All right. Artemisia. I have forgot it already. All right. With that could I get a motion to close the public hearing on H-2021-0014.

Seal: So moved.

Holland: Second.

Grove: Second.

McCarvel: It has been moved and seconded and thirded to close the public hearing on H-2021-0014. All those in favor say aye. Opposed? Motion carries.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

Seal: Madam Chair?

McCarvel: Yeah. Commissioner Seal.

Seal: I like where this is going in at. I mean it seems like a pretty good use of the property. I mean the fact that they are going to have the overpass right next to them, you know, where people are going to be able to come down in there is -- is probably going to be great for business, especially with the neighbors that they have and the use that they are looking at for this property here, so -- I like the layout of it. Obviously they want to have that -- that freeway frontage in there, but I like the layout that it leaves for the other buildings that can go in there. It will be interesting to see what does go in there. So, I'm just happy to see that that's in there. Parking looks like it's not going to be an issue in there, although it always is. It doesn't matter how many parking spots you put in it's always an issue, so -- but overall I like it. I think -- I think it will be a good fit for the community and for the business and allow them to continue to grow.

McCarvel: Commissioner Grove.

Holland: Madam Chair?

McCarvel: Commissioner Holland.

Holland: I -- I really like where this is located as well. I think it's smart planning with where the freeway is, what's kind of surrounding it, and I also like the size dimensions of the

other lots that are proposed on the frontage, because they are in the category that's kind of missing in the market. So, it's nice to have a few more shovel ready properties for future flexspace tenants, future other commercial buildings. I think it gives a lot of variability for some of these small to mid sized projects that could be a really good fit here as well.

McCarvel: Yeah. I agree. I think between those two interchanges and, then, you will have the overpass and all the other businesses surrounding and it looks like it's going to be a beautiful building. Appreciate the thought that's gone into it. Yeah. I'm in support of it as well. Commissioner Grove, would you like to do the honors?

Grove: Sure.

McCarvel: Or give other thoughts?

Grove: It looks good. I'm always in favor of anything that can continue to increase the employment opportunities in Meridian and this looks like a good opportunity here. So, after considering all staff, applicant, and public testimony, I move to recommend approval to the City Council of file number H-2021-0014 as presented in the staff report for the hearing date of April 15th, 2021, with no modifications? Or was -- did I miss a modification?

Seal: I will second that.

McCarvel: It's been moved and seconded to recommend approval on H-2021-0014. All those in favor say aye. Opposed? Motion carries. Thanks, Becky.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

5. Public Hearing for Roberts Annexation (H-2021-0013) by Rodney Evans + Partners, PLLC, Located at 1630 E. Paradise Ln.

- A. Request: Annexation of 2.15 acres of land with the R-2 zoning district.

McCarvel: All right. Moving right along. Next item on the agenda is H-2021-0013, and much simpler name, Roberts Annexation. We will begin with the staff report.

Tiefenbach: Good evening, Planning Commission. Alan Tiefenbach, planner with the City of Meridian. Can everybody hear me and see my screen? Thumbs up? Thank you very much. All right. This is an annexation of a little more than one and a half acres of land with an R-2 zoning district. The property -- so, the property is zoned R1 in Ada county. It's surrounded by an unincorporated rural and an R-8 zoned land in the City of Meridian. The Comprehensive Plan recommended this for low density residential. Again, this is an annexation of 1.7 acres with the R-2 zoning district. So, just a quick background on the property. So, the property is -- right now is comprised of two lots and these lots

are presumably zoned R1 in -- in unincorporated Ada county. The southern lot, until just recently, had contained a 4,000 square foot residence. The applicant demolished his single family residence in anticipation of building a bigger one, a 6,000 square foot house, with a detached garage. When the applicant went to the county to get a building permit the county told the applicant that they needed to annex it into the city and they wouldn't issue a building permit. Here is a site plan that shows what they want to build now. That's on the left. That's a 6,000 square foot house. On the right there is just to give you a -- sort of a concept of where the project site is to see the Heritage Subdivision that is surrounding it. It's important to notice -- to note that the -- the nearest available sewer main is located in Locust Grove about 1,400 feet north of the subject property. The applicant has requested and asked for the city engineer and the Public Works director for a waiver and -- because they did not want to have to -- when you annex into the city you have to hook up to water and sewer. Obviously, 1,400 feet is quite a -- quite a ways for one applicant for one house to have to run a sewer main and it's very costly. They have asked for a waiver from that. That waiver has been approved. What that means -- and there is a condition now in the development agreement that when -- if -- if the surrounding area does annex in the future and/or if the city or somebody else expands that water main from the north to the south, that 1,400 feet, then, at that time the applicant will have to tie into that sewer -- or, excuse me, that sewer main, but until that time the applicant can -- can remain on well. Now, in regard to water, there is this kind of a different story. So, the problem -- when you hook up to city water all you have to do is you have to extend the water main to the property -- to the property line, so that adjacent properties can eventually hook up. So, the UDC requires this applicant to extend the water main from the intersection of Locust Grove and Paradise east along the property line to the eastern property line and that, again, according to the applicant is rather costly. What the applicant wants to do is to be able to run a service line directly from the shortest point A to point B from the house to the intersection and not have to extend that whole water main and that one they also applied for a waiver. The city engineer did deny that waiver. My understanding at this point is that the applicant is going to appeal this waiver to the Council. That's something that you could discuss if you would like, Planning Commission, but ultimately it would be the City Council that would decide if the applicant would do that. The last thing I want to talk about quickly is right now there is existing sidewalk on the east side of North Locust Grove, which runs along the property. Otherwise, the Heritage Subdivision, which is that whole subdivision where this property is -- so, there is several different streets -- East Paradise Lane, East Star Lane, North Spangle Drive and Freedom Lane, all these roads right now do not have sidewalks. These are just rural roads with -- that are dirt and have gravel on either side. Now, per our regulations you are technically -- the applicant is technically required to install sidewalk along the property, but, again, this would be the only property in this whole subdivision that would do that. But the staff does not have strong opinions about this. The Planning and Zoning Commission can certainly discuss whether they think it would be necessary to require the sidewalk of this one applicant and the one thing I wanted -- the last thing I want to say before I shut this down, just because there has been a little confusion in the community, is that the -- again, the only reason that this annexation is happening is because the applicant was not able to obtain a building permit in order to build a single family home. All that is proposed on this lot is one single family residence. There is no desire to subdivide this or build any

more houses and just because this applicant is annexing also does not mean that any of the adjacent properties are going to be annexed and there has been some concern that I have heard from the community and with that, Commissioners, I will stand for any questions if you have any.

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

Semple: Hi, Madam Chair and Members of the Planning and Zoning Commission, Ben Semple with Rodney Evans & Partner. 1014 South La Pointe Street, Suite 3, Boise, Idaho. 83706. Everyone hear me all right?

McCarvel: Yes.

Semple: Excellent. Yeah. I want to thank Alan for his presentation. I think you did a great job encapsulating what this application entails. As stated, the property owner did purchase these parcels with the intention of building his own single family home for his family with an accessory structure on the site. When he approached Ada county, you know, initially they don't have a mechanism for a lot consolidation, because both of these -- these lots are within a current Ada county subdivision. So, they were going to require a subdivision process to consolidate the parcels. When we submitted our subdivision application within the county, the northwest corner of this property, when it extended to the centerline of Locust Grove, touches the southeast corner of the southern boundary of Alexandria Subdivision. You can see those smaller kind of skinnier townhomes to the west of Locust Grove. So, there is a single point that touches. There is no other path for annexation other than that point in the centerline of the road. So, when they transmitted it to the city it was determined that we needed to annex. So, this has been going on for about a year and a half or so. The applicant really is trying to build a house for himself and his family. I do want to reinforce, just like Alan did, we did receive some feedback from the neighbors that they are concerned about the precedent of annexing this property and whether there was some sort of redevelopment plan for the future and that is one hundred percent not happening. He wants to live here. That was the intent. He likes this area. He really wanted to just build this in the county. That being stated, he understands the process now and so we are going through the annexation and is in agreement with the majority of the staff report and the back and forth we had with the -- the staff, as well as Public Works. There is a couple items that we are a little concerned about the economic ramifications to a single homeowner needing to, one, extend an eight inch water main approximately -- sorry. Excuse me for a quick second. Approximately 285 feet down Paradise Lane in order to provide a single service line to his property. No other properties in this area have annexed or have indicated their desire to annex. I understand that that's, you know, maybe not the case in the future, because all of these other properties are on wells, they will not be connecting to that service or that water main in Paradise. That's kind of the reasoning behind why we are going to request a review of that denial of our waiver request for the water main extension. We are glad that Public Works has determined that they can waive a 1,400 linear foot extension of a sewer main to the property to service one home and allow the property owner to continue to use an existing septic system or develop a new septic system, obviously, going through all the

channels that we need to get that approved. Part of the development agreement that the owner is willing to enter into with the city, as stated in the staff report, would be to connect to a future sewer main if it is extended past the property at that -- because there is nothing in Locust Grove or Paradise for sewer mains right now. So, we are -- we are okay with -- with that condition with the connect -- the future connection to that sewer main. One of the other items that Alan brought up is a sidewalk. Again, about 285 linear feet of curb, gutter, and sidewalk along the current rural road section that does not include stormwater systems. It is an ACHD road, but currently a rural road section that allows for sheet drainage off to both sides of the road and, then, infiltration into roadside swales. The road is paved with gravel shoulders and, then, the aforementioned roadside swales or areas where the water can infiltrate. If he was to install curb, gutter, and sidewalk, as I'm sure the Commission is aware of, ACHD, then, requires the installation of a stormwater system to handle that additional runoff. We can't just let it run off the back of the sidewalk and into the lot. That combined with the cost of the curb, gutter, and sidewalks we feel, again, is very cost prohibitive for the construction of a single family home. That being said, we are, you know, in agreement. We have had some back and forth with the Fire Department about constructing the driveway on this home to comply with the weight requirements for apparatus, so that a fire truck can drive into the driveway to get their distances from the shop buildings in the northeast corner of the property, as well as get all the way around the property for adequate fire protection if that still happens. I guess that's really the -- the majority of what I wanted to discuss tonight. We do have a couple other questions regarding some -- some just sort of general conditions in the staff report from Public Works. The -- the reimbursement for infrastructure enhancement that was under B2.2.2, we are kind of unsure about how that happens, but I think that that's a conversation with Public Works if we are required to extend that water main and don't receive a granting of a waiver at City Council for the water main extension and with that I think I would stand for questions from the Commission if you have any for me. Thank you.

McCarvel: Any questions for the applicant or staff?

Seal: Madam Chair?

McCarvel: Commissioner Seal.

Seal: I have -- question is more for staff -- generally speaking when something like this happens that sidewalks don't go in -- and I'm talking about a development, obviously, and not individual homes, but looking at the potential of the area. Does ACHD usually require some kind of deposit to be put in for that, so that they -- when that road gets improved they pay their part?

Semple: They do. ACHD didn't have any comments on that, but, yes, what has traditionally been is that in the cases when ACH -- and this has usually been with bigger subdivisions, this usually has not been with a single family one lot, but they usually had, yes, required some kind of reimbursement, but in this particular case they did not have any comments one way or the other.

Seal: Okay. Thank you.

McCarvel: Okay. Any other questions for staff or the applicant? With that we will open to public testimony. Madam Clerk, did we have anybody signed up to testify on this application?

Weatherly: Madam Chair, we had one citizen sign up to testify. That's Eric Reece.

McCarvel: You want to get that mic real close and state your name and address.

Reece: Thank you, Madam Chair and Commission. This is my first time at one of these meetings, so I'm -- I don't know exactly what's going on with the meeting, but --

McCarvel: If you would state your name and address for the record.

Reece: Eric Reece. 1850 East Paradise Lane.

McCarvel: Okay. Thanks.

Reece: We live in one of the most beautiful undisturbed by city neighborhoods in this county. No sidewalks. We have our own water. We have our own septic. That's how we want to keep it. Now, I'm curious if there -- because there was a well on that property, why did the homeowner have to hook the new -- the applicant, why does he have to hook to city water? Why can't he just use that existing well and septic as well?

McCarvel: Okay. And we will have the applicant address your questions when he comes back.

Reece: Okay.

McCarvel: Yeah. If that's all you have, that's -- that's great. Okay. Thank you. Anyone else signed up to testify?

Weatherly: Madam Chair, there is not.

McCarvel: Okay. Anybody else in the room or online that would like to testify on this application?

Weatherly: Madam Chair, I see a Nicole Carr. Nicole, one moment, please.

Carr: Hi. Nicole Carr. 2105 East Freedom Lane. Can everyone hear me okay?

McCarvel: Yes, we can hear you.

Carr: I have just a few questions as far as what zoning R-2 means for the City of Meridian, because, I'm not familiar --

McCarvel: I guess --

Carr: -- with the zoning, as we are currently R1 with the county.

McCarvel: You are kind of muffled. If -- if you could repeat that.

Carr: Sure. My question is --

McCarvel: Oh, that's better.

Carr: -- as far as R-2 zoning for the City of Meridian, what -- what is allowed in R-2 zoning for the city?

McCarvel: Okay. Is that all you have?

Carr: No. I had another question with zoning, if it can be changed in the future at the owner's request and that should be it.

McCarvel: Okay. Thank you. Anyone else want to testify on this application? Okay. Seeing none, would the applicant like to re-address -- oh, did you have one more?

Weatherly: Madam Chair, Chris is indicating a wish of testify. Chris, one moment, please. Chris, you should have the ability to unmute yourself. Go ahead and state your name and address for the record.

Ilgenfritz: Hello. Can everybody hear me okay?

McCarvel: Yes. Thank you. State your name and address for the record, please.

Ilgenfritz: Thanks for taking my comment. My name is Chris Ilgenfritz. I'm at 2290 East Freedom Lane. Just wanted to quickly comment that I'm sensitive to the frustrations and the challenges that the homeowner has faced in trying to build his home on the property. I do not, as a nearby neighbor, support the concept of annexation into the City of Meridian. I understand that it's been frustrating for him to try and figure out how to build his house on that site without crossing the boundary line down the middle and I'm sure that's very frustrating. Unfortunately, his lack of planning doesn't necessarily -- or understanding of the process doesn't necessarily fuel the need to suddenly annexed part of this historic neighborhood into the City of Meridian and it would be my preference that this would remain a part of the county, as the rest of our neighborhood is, and that well -- I'm sure he would like to work through these frustrations and perhaps a redesign or some other way to address the county's problem will be a more appropriate approach and that's all I have to say. Thank you.

McCarvel: Thank you. Any other comments -- any other --

Weatherly: Madam Chair, I see no other hands raised.

McCarvel: Okay. Oh. Certainly. Come forward.

Wilmock: Good evening. My name is Silvia Wilmock. I will at 2305 East Paradise Lane and like this gentleman before mention, yes, we are -- we understand the frustration that these owner -- I mean this landowner is facing. However, like many people, this area -- it's very secluded, it's all protected, and it's very important for the people in his community who live in this area to the desire to keep and protect this area, which, as you know, Meridian is expanding and we are keeping this real rural sense of community, which is very important for us. So, our next thing even the gentleman who will represent the owner -- I mean the landowner was mentioning he has no desire to build something bigger or it can be a low density development also I believe through R-2. What make that in the future, because it's been annexed it can be turned into something which is low density residence. So, that is a concern. Everything can be changed as to its impact. Thank you very much.

McCarvel: Thank you. Anyone else wish to testify on this application? Madam Clerk, anyone?

Weatherly: Madam Chair, I see no one.

McCarvel: Ben, would you like to address these questions?

Semple: Madam Chair, Members of the Commission and Members of the public, yes, please. So, again, I'm representing the property owner, who is also the person that's going to build the house on this property. He does not want to annex, to be totally honest. This was required because the county has no way for him to consolidate those parcels. We can't build a single family home on one parcel and a -- an accessory structure on another parcel. It's not allowed either. Which requires the removal of the property line that's between the two parcels. This -- again, the property owner and builder and the person that will be living there wants to be part of this county subdivision and community. I have no doubt that a condition of approval could be put in the development agreement that restricts this property to contain a single family home and the accessory structure that he has on there that is intended for an RV garage and a shop for his personal use and storage. Again, the property owner is not here tonight, but at no point in time in this process was his desire to annex and if there was a mechanism to do it another way and to get a building permit he would be doing that. There is no mechanism in the county or the city that allows him to build a home that would be over that property line without annexation. Again, he does not -- he is trying to get a waiver of the water main extension. There is a current well on the site that is still operational. He is intending to utilize that for irrigation if he can't use it for potable water and so I completely understand the concerns of the neighborhood here, but with a development agreement they could place on this annexation that would restrict the redevelopment of this property. Again, he wants to build his own family home and live next to these people and be a good neighbor. So, I think that that addresses it. I mean we were -- we went -- when we had our pre-app we were told to come in at R-2. It's -- you know, one -- the lowest residential density zone in the City of Meridian that would allow for this construction and this type of project. So, I

don't know how else he can -- I guess ease the fears of the residents around there, other than going through this process and creating a development agreement that very much outlines what his intent is and that he intends to live there for the rest of his life. So, with that I guess I would stand for any additional questions or if anyone who needs anymore clarification I'm happy to provide that. Thank you.

McCarvel: Thank you. I guess I will just jump off here in -- in the simplest layman's terms -- and I'm going to defer here to Bill in a second, because we had a question on the R-2 zoning and can it be changed in the future. I guess in the simplest layman's terms R-2 in general means no more than two houses to an acre and so at most, even if this person totally changed their mind after it came in and was annexed, at most you would have three, maybe four houses there; correct, Bill? I mean that would -- without changing anything. But I mean, obviously, the intent of this person is much different.

Tiefenbach: Commissioner, can I answer that one? This is Alan with the city.

McCarvel: Okay. Sure.

Tiefenbach: First of all, R-2 -- so, R-2 is the lowest zone district that we have. Twelve thousand square foot lots. We can't -- we can't go any lower than R-2. The applicant didn't have any options through the county, other than to annex. The development agreement -- if the development agreement includes a site plan that shows one house, the applicant would not be able to build anymore than one house, exactly the house as it's shown, without going back to the City Council and having to amend the development agreement. The reason why that well is having to be capped is because that's a requirement of the city for annexation. If you -- if you annex to the city you have to go on public sewer and public water. That is certainly -- I could -- you could say that as an argument the -- in the favor of the applicant going to the Council for the service lines if the neighbors are nervous about extending water infrastructure there and whether that's going to be a precedent for more annexations, that would certainly be in the applicant's favor of why they would argue to Council that they should only have to require a service line which would only be adequate for the one house. So, yeah. And in order to build more houses they would first -- A, they would have to amend -- they would have to amend the development agreement, which would be a public process again. So -- and if it goes anymore dense than R-2 they would have to rezone it. So, hopefully, that answered the question. If -- if this was denied I don't know if they would go -- if they could go back to the county and tell the county that the city wouldn't annex it and now they have to let them build it or it's a complete loss. I'm not sure.

Semple: Madam Chair, if I could add something. This is Ben, the applicant again. If can add something real quick. There is currently two parcels there right now, which I guess technically could have a home on each one. So, the applicant is trying to consolidate these, which would, then, again, remove that ability. I mean he could go pull two building permits in the county right now and build two homes. So, he's trying to do what's right for this area again. That's all.

McCarvel: Any other questions for the applicant? Okay. Ben, any idea what -- you mentioned reference of an item you wanted looking at -- and I think most of the things we have that are discussion items as far as the water and sewer mains, that's items for Council, but there was -- what was 8-B-2-2, did -- did any other Commissioners write that one down? What was that one you were wanting to --

Semple: Madam Chair, it was just in the -- in the general conditions of approval from the Public Works Department. B2.2. So, Boy 2.2.2 states that the applicant shall be responsible to install sewer and water mains to and through this development. Applicant may be eligible for a reimbursement agreement for infrastructure enhancements for MGC-865.

McCarvel: Okay.

Semple: That's just a general condition and I feel like most of these are typically applied to a larger, you know, true development or subdivision. I just am not familiar with that process for being -- determining eligibility if we don't get a water main extension waiver granted, obviously, he would like to look into how he could get reimbursed for a little bit of that cost, knowing that an eight inch water main could service a lot more properties than his and, again, if this was a true development of the property I would be understanding of this as well, because I do this a lot for a lot of different people, that typically water and sewer and all those would have to be to and through. Just a very unique situation here. So, we are just trying to get a little bit more information on that, which we don't -- I don't need that answer tonight, I just wanted to have it on the record that we were curious about that. The main one that we wanted some feedback on was item J of the sidewalks, because -- because it states that the Planning Commission and City Council should determine whether requiring sidewalks along with frontage should be required in the development agreement. We would like to not have that included for the reasons stated in the -- in my presentation that it could create some drainage issues, as well as the extremely cost prohibitive to building one home if they have to build almost 300 feet of curb, gutter, and sidewalk, as well as it sounds like the neighbors don't want it there either, which, again, we are trying to be sensitive to the neighbors and do what we can for my client and the builder and property owner to build his residence for he and his family.

McCarvel: Okay. Any other questions for the applicant before -- and, if not, if I could get a motion to close the public hearing on H-2021-0013?

Holland: So moved.

Seal: So moved. Oh. Second.

McCarvel: It has been moved and seconded to close the public hearing on H-2021-0013. All those in favor say aye. Opposed? Motion carries.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

McCarvel: Commissioner Holland and Commissioner Seal, you are both off mute. Anybody waive and see who want to go first. Commissioner Seal, you got a big grin.

Seal: I don't know that I'm grinning, as much as --

Holland: Madam Chair?

Seal: Oh, who was that?

McCarvel: Commissioner Holland, go ahead.

Seal: Oh, go ahead.

Holland: My internet connection is unstable. Commissioner Seal, why don't you go first.

Seal: Okay. The whole time I'm sitting here I'm rewinding back to when we got rid of the rural designation in Meridian where this would fit. Not perfectly, but it would definitely make things a little bit easier on the -- make something like this go. There is a lot of stuff that's in the Comprehensive Plan about preserving the rural feel of Idaho -- or Meridian and things like that and I understand that's what we should probably try to do with this site. The only rub to me is where it's at. I mean this thing is right on Locust Grove. We got to be careful the precedent we set here, because as these develop and they will and they will get annexed into the city at some point -- I mean it might be when we are all dust, but at some point in time it will -- that will happen for the majority of these. Not all of them. So, I want to make sure where ever we go with this that we are very very careful with it. I understand the need to put in the infrastructure, so as far as the water main I completely understand that. It would be nice to be able to work with the applicant to see if there is some kind of reimbursement, because that is the first leg into this that will make it to where if somebody else wants to annex, then, it's not such a stretch in order to get by that. That -- you know, the property that's there right by the road. So, I think that that definitely is something that needs to be held in there, but, hopefully, we can work -- you know, hopefully, some more can be done with the applicant in order to help alleviate some of the costs associated with it I guess. The -- as far as the sidewalks, generally speaking, with a development, you know, big or small, I have seen -- and I mean I have seen some five acre ones that have come in like this where, essentially, ACHD holds out a certain amount of money for sidewalks in the future. To me that's a lot more fair than make them put it in right now. That way as the road develops it can just be part of what develops, instead of putting the entire cost on the homeowner in order to provide that right now as is, especially when it doesn't connect to anything else. I mean this area is definitely one of the little gems in Meridian. There is a couple right in this -- in this area that had I had the money to live there I would be right now, because I think they are -- you know, they are just magical little places that you drive into and it's driving into another city. So, you don't have -- you know, you have the illusion of being a little bit more rural while you are in there. It would be nice to keep that -- these guys are at a rock and a hard place at this point in time. Personally it would be -- if it was in our purview to push back on the county to let this gentleman subdivide that, I would much rather go about doing that. That way,

you know, we don't have to do what the city needs to do, which is cost prohibitive for this, but as it -- coming into the city as an annexation, we have to protect it for the future as well. So, that's about all I got for now. I'm just kind of rambling, because this one -- this one's got me reeling a little bit.

Holland: Madam Chair?

McCarvel: Commissioner Holland.

Holland: So, to answer a couple of concerns neighbors had -- and I know we already kind of addressed this, but R-2 is the lowest designation unit and as Alan stated, if they wanted to do anything other than build just one home with this they would have to go back through an entire differently -- different public process. So, I think that should hopefully ease their concerns. Also just want to note and remind folks that the city doesn't force annex anybody into the city. They are not going to be coming and telling you you need to annex your property just because you are adjacent city limits. I -- unless you decide to come forward and ask to be a part of the city for some reason, they are not going to be coming and pursuing you. So, I just want to give that assurance, too. On this specific landowner, I would -- I would support their request for not requiring them to do the water main extension. I know in my experience right now it costs about a million dollars a mile to extend water or sewer on major arterials, because of the road work that's required to go along with that and it's very expensive, so if you are looking at 1,400 square feet, that's over 250,000 dollars worth of investment for -- for the amount of length they would have to do. So, I think that's unreasonable to ask of one property owner. So, I would support their request for that, that they would just have to tie into the main line or do a mainline extension to the roadway, just from their property to connect in. I think that that's a fair request. I know that's not up to our approval there, but we can certainly make our comment and recommendation to Council on that. I also think it's fair that they can remain on their own septic, because they are not really creating a burden to the system, it's -- it's just one house that was already existing before, they just remove the structure and rebuild a new one. I don't see any other challenges really with them annexing into the city, being in that low density designation. I think it fits with the surrounding area. We are not looking to make a change or -- major change or add a new subdivision here, it's really just helping them accomplish their goal so they can build a single house. So, on the sidewalk side of things while I would love to see sidewalks on Locust Grove, I know that there is kind of a buffered bicycle lane walking path on Locust Grove on that side of the road that connects to the property. So, I'm not too worried about it, because there is a significant link that would need to have sidewalks and just having a piece of sidewalk on Locust Grove in front of this property might not be -- might not fit very well. So, I don't see a need to require them to do that at this point in time either and it would look weird to have a part of a sidewalk going down Paradise Lane, too, when the rest of the road doesn't really fit that. So, to summarize, I would -- I would -- I would encourage approval of -- or I'm in favor of approval of the application and also recommending to Council to consider waiving the requirement for a water main extension and waiving the requirement for sidewalks.

McCarvel: Commissioner Grove.

Grove: So, this is a tough one. I -- I sympathize with the applicant and with the -- the public testimony tonight. I -- I have concerns when we -- I have long-term concerns when things are not built out as -- as written in the code and the plan for the simple fact that in five years as everything else around here could potentially change, we now have disjointed aspects of -- within our city limits and it -- it causes future problems for the city as development tries to tie into things and so if we don't address it as they become available, it's harder to go back and fix the problems retroactively. You know, in terms of connections and things like that. So, I'm -- I think the biggest one for me is the sidewalk. If it doesn't get put in now is there a mechanism that, you know, allows this to connect in the future? You know, I guess maybe a question to staff, like when Locust Grove gets expanded I'm assuming sidewalks go in, but -- I think that's my concern is not having a disjointed plan for the city as things develop and get built out. You know, not too far north of this is, you know, the McMillan and Locust Grove area that has commercial aspects to it. There is commercial pieces and schools relatively close to this area. So, having pathways and connections for the future, in addition to, you know, the short term, is something that I'm a little concerned with and to the same point, you know, with the -- the water and septic and whatnot, having those in, you know, just creates harder -- harder development -- in-fill projects or development as we go forward. So, I -- I'm in favor with whatever, you know, the group says tonight, but those are just some concerns I have.

Holland: Madam Chair?

McCarvel: Commissioner Holland.

Holland: One more thought to Commissioner Grove's comment. Commissioner Grove, would you feel better if -- if we asked the applicant to preserve the right of way for future sidewalks and that they wouldn't be required to construct them at this point in time, but when the roadway is expanded in the future and neighboring properties are developing that they would participate in adding sidewalks at that point in time? Potentially we could condition something like that. I know it's harder to maintain it and staff may not like that, but maybe staff can give us some guidance on what they would prefer there.

McCarvel: I was going to say, that's my question to staff right now is -- when there is not sidewalks there and ACHD goes in and puts -- improves the road, they put the sidewalk in anyway; right?

Tiefenbach: This is Alan Tiefenbach. Yeah. They -- if ACHD was widening the road -- it's one thing when you are building a large subdivision and you are requiring someone to put in a sidewalk. It's a whole other thing if there is one single family residence and ACHD is doing a large expansion and having to build the sidewalk. Bill, I don't know if you can lend anything more to this than what I have already said.

Parsons: Madam Chair, Members of the Commission, I think Alan hit it right on the head. I'm almost going back to Commissioner Holland's point. It's -- they had a single family home and that's what they are putting back. So, it really is -- are they intensifying the

land? No. They are just putting back something new -- a newer residence and removing an older one. So, that's -- that's the approach that we are taking as -- as a staff member.

McCarvel: I guess -- and my comments on this is I would -- there are always going to be these smaller areas in Meridian that will probably stay county, just because they were -- I mean you have got some nice homes and nice pieces of land that are just a find when you come into a city like this and somebody wants to sell one of those homes. I mean I just think they will be very sought after and I think whatever we can do to help preserve this little community within our city I think we should do and if -- if that means technically he's got to annex I think we should do whatever we can to help him also preserve the community he's trying desperately to stay in and improve and part of that is remaining part of the character of the existing community. So, I don't see the point in making him have sidewalk in front of the house. Linder I think will take care of itself when the road is built out and, you know, it's not in our purview to do the water and sewer mains I believe this evening, but my recommendation is if it was working, then, that should be fine. It's just that he was touching on that one corner and I think what he's got -- what this property owner has presented is keeping more with his community than going in and trying to subdivide -- subdivide in the midst of all this and probably a better option. I mean if we had -- we all crave these nice big lots and wish we would see more development coming with nice big lots like this. So, I think, you know, for those that -- you have got the wherewithal to do it I would like to support that.

Holland: Madam Chair?

McCarvel: Commissioner Holland.

Holland: I'm going to throw out a motion and see if it sticks.

Seal: Can I throw a couple things in here?

McCarvel: Of course.

Seal: Madam Chair?

McCarvel: Commissioner Seal.

Seal: I mean I know we are talking about this, but I mean it's -- it's not like he's putting in a -- you know, 1,500 square foot house. This is a 6,000 square foot house that's going in there with an RV garage and all kinds of stuff, so -- and I mean I guess I would ask the question if this was a business going in there would we require to do all these things on those exact two lots and one 6,000 square foot building? I mean I -- I think the answer would be, yeah, we would require them to do it. So, I mean, unfortunately, this person is in, you know, in a rock and a hard place and I do sympathize and I do want to see parts of the community stay rural. That said, we don't have a rural designation. We got rid of it. We have R-2 and that's it and I agree with some of the comments that Commissioner Grove said and I feel the same way. I think if we don't at least make some kind of

provisions for the infrastructure to be built or to be paid for it's going to make it incredibly difficult for somebody behind this to try and do what they want to do with it. I think this closes off the ability for anybody else to be able to try to annex into the city should it happen and as soon as this parcel touches other parcels they can annex into the city. So, before we -- you know. And, again, personally, I would love to own this piece of property. Personally I would love to build a big home and have it not have to have any of the things that we are talking about as far as sewer, water, sidewalks or anything along those lines. But I'm not going to be here forever and neither is the person building this home, but the city will be. So, hopefully, we can come up with some kind of provision in there that makes it to where the sidewalks can be built and they contribute their amount that they need to as well as the city and the sewer and I don't know if that's some kind of trust or something along those lines. That would certainly make things a little bit easier, although more cost to the owner, but, again, I'm -- like the one person that came up and talked, I mean not understanding the process is not an excuse for -- for things like this. So, before tearing down the home and trying to build across the property line there is definitely things that should have been done and they weren't and that's why we are here. So, personally, I would like to see more done in order to ensure that if anything needs to go in, that that is there for the next people down the line.

McCarvel: Did I misunderstand -- or I mean did we answer that -- the concern on the sidewalk on Linder, that it would be taken care of in the process of improving Linder Road, since it is just one house and not an entire subdivision they kind of look at it differently. Did I misunderstand that?

Seal: Well, I think that we can --

McCarvel: ACHD would -- it would just be done when the road improvement is done.

Seal: Right. But, again, the person does own this property, it does abut Locust Grove and it will be something that other people have to pay their fair share. I think it's fair that they would do as well and I -- again, if this was a business we would require them to do it. There wouldn't be any talk of this at all. Even if it was a 6,000 square foot business with a parking lot. That's what we would require them to do. Unfortunately, to me that's where they are at. They are going to annex into the City of Meridian and, again, we are not all going to be here in the future when something else happens with this piece of property or when -- even when the road might develop or anything along those lines. I just want to make sure there is some provisions in there that account for that, that this property, this person, will need to pay their fair share or they will need to have some provision in there that allows for these things to happen. I think what they are doing with the sewer is -- is appropriate, although I don't know how that's going to be enforced in the future. I mean can they leave the property if the person decides that they don't want to tap into the sewer at that point in time? If we do the same thing with water main, same question. If we ask them to build sidewalks at a later -- I mean these are things that are thousands, if not tens of thousands and leading into the hundreds of thousands of dollars to do and at a future time. So, how do we protect that now? Because if it were me and I were building on this piece of property and somebody came to me with here is a two or

three hundred thousand dollar bill in order for you to continue to live in your house, I wouldn't do it.

Holland: Madam Chair?

McCarvel: Commissioner Holland.

Holland: Hopefully I can help answer some of those questions that you raised and concerns. In the way I have seen it done in other areas when you have got a house like this that is not within 300 feet of city services, typically what they do is when they build the new house they put in stubs for the water and sewer and carry it to the street, so that way when it becomes available in the street they can just tie into it, so it's not as significant of an investment, so when they are doing roadway infrastructure it's easier for them to connect in, they just pay the connection fee and, then, they are on the city services. It's fairly easy if -- if the utilities are being worked on on that main road Locust Grove. At that point in time they would just connected it in. So, hopefully, if we put a condition in there that just requires them to stub and tie into city services when they become available adjacent to the site, that that would be an easy thing to take care of. On the sidewalk thing, I think I go back to Chairman McCarvel's comment that when ACHD re-does this roadway -- the entire section of it right now doesn't have sidewalks on this side of the road. Right now it's got a -- a buffered -- there is a -- there is a little bit of a median and, then, there is kind of right of way that's got asphalt pavement on it that they use as kind of a buffered bike lane that goes that whole length of Locust Grove. I'm familiar, because I have ridden my bike on it before. While I would certainly love to see sidewalks there, I think it's -- it's not a commercial user coming in, it's a -- it's a residential that's basically just replacing the existing residential house that was there. So, I -- I do see it differently than I would see it if it was a commercial project coming before us or even if it was a -- you know, somebody came in and they wanted to put two or three houses on that lot and create a plat, it would be a different story to me than it is just replacing the single family home that was there. I know it's a much bigger home, but just because it's a bigger home I don't think that means we should require them to do sidewalks and -- when it doesn't really connect anything and it doesn't really help anything. Locust Grove is slated to be expanded again in the future. So, hopefully, that helps a little bit. But I'm going to make a motion and see if it helps cover some of your concerns and comments and see if we can get somewhere. So, I'm going to say after considering all staff, applicant, and public testimony, I move to recommend approval to City Council of file number H-2021-0013 as presented in the staff report for the hearing date of April 15th, 2021, with the following conditions: That the applicant would not be required to provide sidewalk on Paradise Lane at this point in time, but that they would participate with ACHD in making sure that right of way is preserved for future sidewalks on Locust Grove when the roadway is expanded in the future and that the applicant -- would also recommend Council consider the applicant's request on waivers to sewer and water connections, that they would, instead, create stubs to tie into the city infrastructure when it becomes available to their property, but they wouldn't be required to extend the mains at this point in time. And I will pause for comments and see if anybody else wants something else thrown in there.

Grove: I will second that. It covered a lot of the concerns I had.

McCarvel: It has been moved and seconded to recommend approval with modifications on H-2021-0013. All those in favor say aye. Opposed? Motion carries.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

6. Public Hearing for UDC Text Amendment (H-2021-0001) by City of Meridian Planning Division, Located at 33 E. Broadway Ave.

- A. Request: UDC Text Amendment to update certain sections of the City's Unified Development Code (UDC) pertaining to Standards in the Old Town District in Chapter 2; Ditches, Laterals, Canals or Drainage Courses in Chapter 3; Comprehensive Plan Amendments in Chapter 5; and Common Driveways Standards in Chapter 6.

McCarvel: Okay. Next item on the agenda is public hearing for UDC Text Amendment H-2021-0001 and we will begin with the staff report.

Parsons: Thank you, Madam Chair, Members of the Commission. Pleasure to be with you this evening. This is the first of two UDC text amendments that will be coming before you here not only this month, but there is also one planned for next month. This one is being expedited at the request of the Mayor's Office and so I wanted to at least get some of these in front of you. I would also let you know that these have been shared with the UDC focus group and I actually present it to the BCA this Tuesday with the following changes. So, really, this first round of UDC text amendments for this year was really just a mini cleanup. If you recall here -- I think I only have one modification for you to take action on this evening and that's particularly in regards to the -- the first one that you see on your screen this evening. I realized after the print date of the staff report that I needed to -- to wordsmith the height requirements in the Old Town a little bit better and so I was able to do that this afternoon and so as I conclude my presentation I will give you that exact language to incorporate in your motion, but I just wanted to share that with you that as of the print date of my staff report there have been some tweaks to some of these modifications. You also know if you had a chance to look at the public record staff didn't really receive official comments on the proposed changes, but as I was getting ready to prepare the application I did send this out to the UDC focus group and let them know that I was asked to expedite the changes and if they had any comments to provide those back to me and so I did send those to the clerk's office today and now they are part of the record. A lot of the concern had to do with common drive standards that I will touch on a little bit in my presentation and, then, also defining natural waterways versus manmade waterways and I will also share some of that thinking of why staff had added that verbiage to that section of code as well. So, really, tonight there is really three or four areas that we need to focus on. One is increasing the height in our Old Town district. Two, we are making some improvements to Chapter 3 of our code, which pertains to ditches, laterals and drainage courses and the reason why I put those changes this evening is because

we were recently in front of City Council and realized that some of the standards that we had in that section conflicted with our irrigation district standards and requirements and I was asked to minimize those conflicts with those entities and that's what I'm proposing tonight. The other one is modifications to Chapter 5 of our code, which will limit Comprehensive Plan map text amendments to only twice a year and those dates would be June 15th and December 15th and, then, they -- probably the more contentious change tonight is the common drives and I know that the Commission -- not only does the Commission, but also the Council has an opinion on what that should look like moving forward and -- and I also want to let you know that you have -- definitely have input into the proposed changes to the language that I have before you this evening, so don't feel like you can't chime in and ask staff to make modifications to some of this text. So, I will proceed to the first change tonight. So, hopefully, all of you are seeing my screen here. If you recall back in 2019 I brought forward a conditional use permit to allow a height exception in our downtown area and I know the -- the Commission struggled with that. They -- some of the Commissioners felt that 75 was appropriate and some of you wanted to see more of that intensification in downtown that's what Old Town is, is to -- to go vertical and so what staff's trying to do with this particular change is allow for that height exception in a limited area. So, in Chapter 1 of our code we do define our urban core and -- and what we don't want to do is have a knee jerk and just approve a hundred feet all throughout the Old Town boundary, because it is a larger area than just the urban core and so this is our first attempt at allowing an increase in -- in height at the staff level without having to go through that conditional use permit and we are defining that. We are limiting it not only to the core, but we are also having a minimum height of 35 feet and, then, a maximum height of a hundred feet. Now, under the code they -- an applicant, if they wish to go taller than a hundred feet they still can going through that conditional use process. So, again, a hundred feet is allowed outright with staff level approval and anything over that would require action from this body. Again, the next change this evening is ditches and laterals. So, essentially, when we -- some of the changes we have going on here is -- has always been -- lack of a better word of conflict, but really a difference of terminology as what waterways are versus what the city considers a waterway and what the irrigation considers a waterway and a lot of times they don't like to use the word creeks -- creeks or our natural waterways, because in their mind all of the canals throughout the valley are basically just delivery systems for water to farmers and so in this attempt what I'm trying to say is the city does recognize these different terminologies. It's in our code, it's in our Comprehensive Plan, and we want to be sensitive to that, but we don't want to not use that in our -- in our language of our code. So, I tried to at least make it clear whether it's -- we consider it a natural water feature or natural waterway or a manmade water feature, we still want them to all be treated the same. You know, if there is an opportunity to enhance that as part of a development, we want that to continue. But we also want to be sensitive to the fact that if an applicant can't do that because of the irrigation district's rules, that we have to give you and the Council the ability to say, okay, we have the irrigation district doesn't want that, we have to allow -- we have to let those rules supersede what our code is and so in looking at these changes here, a year or so ago we added a definition of linear open space to our definition section of the code and we defined that, but what we didn't do was give the applicants or the -- the City Council the ability to waive fencing along linear open spaces. We gave

them the ability to waive fencing along water amenities, but not that verbiage. So, in working with the city attorney's office and some of that discussion that I heard at City Council, we just went ahead and defined -- we added water amenity and open -- and linear open space to the section of the code. So, that way it's clear that if development has an open waterway running through it and it is improved with landscaping and enhanced as part of the development and the irrigation district doesn't want fencing because of maintenance, that you and the City Council will have the ability to waive the fencing requirements. So, again, it's really just trying to minimize conflict with the irrigation district. The second piece of this has to do with irrigation easements on buildable lots versus common lots. So, we realized over a couple of years ago this -- this code went into effect where we really -- any irrigation easement that was wider than ten feet we really wanted it to be in a common lot and not on the buildable lot for maintenance purposes and we realized the way we wrote the code is we get granted all the authority to the City Council, but what -- what we were finding is a lot of times as an applicant goes through the -- the preliminary plat process they may not have all of those details to figure out how they are going to run the ditches to the property or something may pop up and the irrigation district requires them to run them along the back of the lot and so we get to final plat and if you notice this section of code, it says it has to be vetted through the Council through a public hearing process, where a final plat is not a public hearing, it's a public meeting, and so we realized this code was kind of conflicting or trying to -- was creating more public hearing processes for us, rather than just allowing the applicant to ask for that as -- as part of their final plat change as they move from preliminary plat to final plat I should say and so what we said -- we basically -- rather than requiring a public hearing, we have just said the applicant can seek that -- that waiver from the City Council as part of an application. So, it could happen at pre-plat with all of you or even a final plat without the need of that public hearing. So, we are just trying to clean that up and make it more of a waiver process than a public hearing process. Again, the -- the third change is Comprehensive Plan map amendments. All of you know we -- we updated our Comprehensive Plan about 18 months and we want to give that time -- that plan time to see if it works. If we -- you know, we had a huge public outreach process that we went through. That what the community says, this plan works and why should we change the plan once we adopt a new plan and that's what our Council heard and so they asked us to revert back to the way we used to do things and when we only accepted those applications to be submitted twice a year and you can see here that those dates are currently in code, we are just reinforcing that. So, if anyone wants to change our map, the only time we are going to accept any application is going to either be on June 15th or December 15th. So, what that means for all of you is it could mean a lot of applications or could mean no applications, we will just have to see how that plays out. A lot of this we seem to have gotten a lot of support from not only the UDC focus group, but also the BCA. So, I don't think any of the development community are really concerned with these changes. They understand that and they also want to be sensitive to the plan and, again, this is something that we did when I first started with the city back in 2007, we would bundle all of those applications up twice like a year and just hold onto them until those dates and, then, we would get them scheduled for a hearing throughout the summer and spring months typically. And, then, the last one for your consideration tonight is the changes to the common driveways. I know I have heard on a regular basis from this body

that you really wanted to limit the number of units taking access on those common driveways. The changes I have before you this evening do not do that. Instead, what I have done is -- I have heard what -- my original intent with the common driveways -- this was vetted through the UDC focus group and it was quite a bit of robust discussion over it and not all of us could -- I know a lot of the members of the UDC focus group were not in favor of reducing the number of common drives -- the number of lots taking access from a common drive. So, as part of that effort I actually removed this from the current UDC changes, because I wanted -- staff wanted more time to work with the development community and the UDC focus group on some -- I think study it a little bit more, try to really determine what we are trying to solve with the changes. Again, I was asked by the City Council and Mayor to bring this one forward, because, again, they had concerns, they have been pretty consistent in limiting the number of units as well off of common driveways and supporting your guys' recommendation to that effect. The other component of this is -- is the width of the common driveway appropriate. I know on several occasions we have gone through the public hearing process and we have learned that Public Works has had concerns with -- with these common driveways and how do we extend city mains through that. Typically our code wants -- anytime a project extends mains through a development, we don't want those easements through private property, we want those as dedicated common lots and so what I have tried to do here, rather than reduce the number of units, what I have tried to do is empower the city to allow for a greater width in the common driveways to address some of those Public Work concerns and some of your concerns with parking and the width of these driveways and how do we handle trash collection and all those items that we continually struggle to talk about during the public hearing. So, again, if something -- if the Commission feels that it should be reduced from six to four, that's certainly within your purview tonight. But, again, in talking through these changes, UDC focus group, again, you -- if you look at the public record, they don't really want to reduce the number. If they said we are trying to solve a Public Works issue they are in favor of that as well, but that's what they are trying to understand and we are trying to solve a Public Works, or we really trying to make this code change better and, to be honest with you, this addresses one aspect, but it still doesn't address whether or not six is appropriate or not and, again, in staff's opinion that should be studied more with the UDC focus group, but, again, I will defer to all of you and listen to your -- your commentary on this particular one, but I want to let you know on the public record we had Dave Bailey, Laren Bailey, Dave Yorgason and Cornel Larsen submit comments on these changes and as I mentioned at the beginning of my presentation this evening, I did wordsmith that first change this evening. So, basically, asking you to support staff's recommendation -- modifications after reading it in the area defined as the city core in Chapter 1, any new construction shall have a minimum height of 35 feet and a maximum height of one hundred feet. All other areas in the district the maximum height is 75 feet. So, that is the new language that I am proposing before you this evening. With that I will conclude my presentation and stand for any questions you may have.

McCarvel: Any questions for staff?

Grove: Madam Chair?

McCarvel: Commissioner Grove.

Grove: Bill, with the first one for Old Town, can you give me an idea, just so I'm not making it up in my own head I guess, in terms of what is a hundred feet in terms of stories typically?

Parsons: Yeah. Madam -- Madam Chair, Members of the Commission, it's interesting, we just -- you know, this week we were in front of City Council with the Ten Mile Crossing project and they asked for that height exception as part of their development agreement and that topic came up, too, as you guys spent time on that and it's my understanding that's typically a six story building.

Grove: And for that, as a follow up, what -- how was -- how was a hundred feet kind of arrived? Like is there -- I know we had, whatever, like four stories there roughly for awhile. How -- how did the -- I guess why it's 100 feet instead of like 150 feet, kind of the goal here?

Parsons: Yeah. Madam Chair, Members of the Commission, there is no magic number between the one hundred. I mean, obviously, you guys can -- can do that. I think that's probably the reason why we landed on a hundred was just because we have had a couple of projects in the core that have come in with that height. I know when you look at our Ten Mile area we support taller buildings and higher FARs in those areas and typically when you go down -- most of your downtown areas do have height to them. I mean that's really where you want to see that intensification and you want to get those mix of uses and that walkability and you have to maximize your land use in smaller areas and that's why you -- you get that height increase. But there is no magic number between 100 and 150 feet. I think it's just more of -- that's what we probably envisioned for the city that we probably don't anticipate any buildings higher than a hundred feet all in downtown, but, again, the code still would allow that through a conditional use process.

McCarvel: I have a question for you, Bill. What is -- you said -- is it my understanding they had -- there used to be four houses on a common drive. Okay.

Parsons: Yeah. Madam Chair -- Members --

McCarvel: And that was --

Parsons: That is correct.

McCarvel: That was changed because --

Parsons: Yeah. Madam Chair, Members of the Commission that was changed at the request of a developer. We worked with Brighton Corporation -- during the downturn of the market they acquired the Spurwing Greens development, which is off of Chinden. At the time it was called Tree Farm, and as part of that pre-plat they went ahead and redesigned some of that and the way they designed their common driveways were U-

shaped and they were able to design six homes off of those common driveways and at that time we were like, yeah, if you want to propose a code change we would support that based on the design that they had at the time and we went forward with that and we supported that code change and now as this body has seen, it seems -- it seems to be more and more prevalently used in these developments, more so than I have seen in past years, and so I think that's probably some of the concern of why you guys have always been consistently limiting it to three or four. But, yes, the old code -- under the previous version of the code back in '9 or '10, I believe, it was no more than four.

McCarvel: Right. Okay.

Holland: Madam Chair?

McCarvel: Commissioner Holland.

Holland: Just a comment. I know that we have talked about this a lot. Every time we have a shared drive that all of us cringe when there is more than four homes on that shared drive. I would like to see it go back to four someday, but I agree that, you know, tonight might not be the night to do that and I would like to see the UDC committee discuss that and maybe have some on-site field trips to look at how these function in some of the developments that have been approved with -- with more homes on a shared driveway, because I just think that they -- they can be very clumsy on the way that they are designed, but I would like to be able to look at that and, you know, see where elements of -- of good shared drives work and where -- where they are challenging, so that we might be able to create better code guidelines in the future to help create the ones that work and restrict the ones that don't. I don't -- I think I'm okay with the changes you have proposed tonight, but I would still like to request that we study this further in the future.

Parsons: Yeah. Madam Chair, Members of the Commission, the other thing to consider, too, is if we get in-fill, right, and we are trying to hit a target density and all of a sudden maybe they can fit six units on there with a common driveway and we have capped ourselves before, because a rule said you can have no more than four. I know in speaking with some of the members of the UDC focus group they actually informed me that the city of Eagle removed common drives from their code and now they have re -- are going back and adding -- adding them back, because they are finding that it works better for in-fill to allow some standard of common driveway. What that looks like I don't know, but I just wanted to share that information with you as well.

Seal: Madam Chair?

McCarvel: Commissioner Seal.

Seal: For the -- I mean if it was -- if it was limited it's not capped, they can -- I mean there is still alternative compliance that can allow them to do more; is that correct?

Parsons: Yeah. Madam Chair, Members of the Commission, that is correct. They could -- they could go through the alternative compliance process.

Seal: Okay. Because that's kind of where I'm at, because it is, I mean when we see these things come in and it's -- when it's used -- and my mother-in-law lives over in -- in the Spurwing Subdivision you are talking about and I think that the way that they have done the common driveways there is actually very pretty and open, provides community, but it's off the street, so it's almost a different definition to it, although I understand it's still a common driveway, but where we are seeing it where people are using it -- and my personal opinion is abusing it just to shove as many things as they can into, you know, the space that they have, you know, we should -- I think leaving it at six leaves that there to where now it's on us to, you know, are you against or combat against the people that come in and, you know, swing heavy and say, well, it meets all your code, because personally I don't think that should meet code when we are seeing that. I mean it's something that I think we have all expressed concern about. I think it's expressed at City Council as well. So, I mean from a -- from that perspective I think some change is definitely in order, not that we shouldn't listen to the community input and focus groups and things like that, I just think it's something that's probably been lingering long enough at this point. I think it definitely needs to go back down to what the original was and, then, alternative compliance is always there. Somebody wants to come in and knock our socks off with something, especially for an in-fill project, I'm all for alternative compliance. We have seen a few things come in that have done that, so -- but if you are not willing to do that and you are coming in with the status quo and your only argument is, well, it meets code, then, it would be nice to have a bigger stick to combat that.

McCarvel: Yeah. I think I would agree with Commissioner Seal. I would rather see the standard be four, if not even three, but very much go with four, because that's exactly what we have been fighting lately is we see it used where we know it's going to be an issue instead of -- and I have not seen what was done in the Spurwing Greens area, but the descriptions I have heard that makes sense, where now developers have taken it to say, well, I can use this exactly to stick as many back in this corner, which normally would have been some of the nicer lots in the subdivision and, I agree, I mean I think we have spent way too much time hashing this out on every application that comes through that I would rather see the standard be a lower number and, then, apply for alternative compliance if you have something great in a unique space, because I think we have just spun our wheels on that very topic way too many times and the rest of it I -- I have no problem with all the other ones. I guess we are kind of at our discussion here without closing the public hearing, but I don't think we have anybody signed up to testify anyway.

Weatherly: Madam Chair, you are correct.

McCarvel: Okay. So, do we have more questions for staff? Would we like to close this as far as public hearing or do we just move on? And I guess point of record is I accidentally read directly off the agenda and it's listed as H-2021-0001 and on the staff report it's ZOA-2021-0001. So, for the record we are ZOA. Questions? Comments? Motions?

Holland: Madam Chair, I will make a motion that we close the public hearing for the UDC text amendment ZOA-2021-0001.

Grove: Second.

McCarvel: It has been moved and seconded to close the public hearing on ZOA-2021-0001. All in favor say aye. Opposed? Motion passes.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

Grove: Madam Chair?

McCarvel: Commissioner Grove.

Grove: All seems pretty good. I have -- my personal opinion on like the -- the first one, I'm in favor -- I'm -- I'm in favor of having minimums for sure and as we continue to develop downtown -- I'm down here all the time, obviously, but I would be in -- whatever increases those numbers to go up is always going to get my approval. So, if this is where we are at, I will take this. I would be in favor of going bigger, but I know that's not -- there is not usually an appetite for that, so -- and with common drives if anything -- we do drop that I would always be in favor. It feels like every time we have had one of those and we have complained and like sent it back to them with a continuance, they come back and take those out, it's a much better project overall anyway, so, obviously, on the same page as everyone else with the common drive.

McCarvel: Okay.

Seal: Madam Chair?

McCarvel: Commissioner Seal.

Seal: The -- I have mixed feelings on the -- the -- you know, adding the hundred foot maximum on there, so I -- you know, being an old country boy it's -- driving into downtown Boise sometimes it feels like the -- you know, the cityscape is going to fall on you when you are down there anymore, just because it's -- you know, it went from being a -- what seemed like a large throughfare there to what seems like now very small and very confined. So, it definitely will change the way -- the look and feel of things. So, that said I don't think we went crazy with it. We didn't have Commissioner Grove in charge of it. So, we have got -- I think it's a good starting place and I think it's a good place to show that, you know, we are willing to grow and we are willing to try new things as a city and bring things in and bring things up. I think if we want to make our downtown, you know, walkable and livable without it being all streets, that's the way we are going to get it done, so -- and, hopefully, that will actually help to encourage, you know, building out some more of the -- of the Old Town pieces of it. I'm actually very glad to see the -- the thought given to the waterways that are out there, because sometimes that does get contentious as far as what the irrigation districts want, what the city is calling it, what the builder is

calling it, what they think they should do with it, what they can't do with it, things like that. So, I think it will help clear up some of that when we go into -- into future meetings. At least that's -- I'm sure that's the hope. Yeah. And, then, on the common driveways I -- personally I think we should ask for three and if -- if City Council wants to give them four, then, great, but I just -- I think any chance we have to take a swing at that I think we should absolutely do it, because it's just something that people have been taking advantage of at that point and, again, alternative compliance is something that I look forward to. We have had a couple applications come in that have really knocked my socks off and it's been because of alternative compliance. So, I think that there is still plenty of room for people to do that and it allows us to, you know, let them come in and show us something that's going to help us to build that premier community.

Holland: Madam Chair?

McCarvel: Commissioner Holland.

Holland: Without cutting anyone off I'm happy to make a motion.

McCarvel: Go for it.

Holland: After considering all staff, applicant, and public testimony, I move to recommend approval of file number ZOA-2021-0001 as presented in the staff report for the hearing date of April 15th, 2021, with the following modifications: That on the UDC 11-2D-4 we would make the modification as staff recommended to say in area defined as the city core in Chapter 1 any new construction shall have a minimum height of 35 feet and a maximum height of 100 feet. All other areas in the district the maximum building height is 75 feet and that the Council might consider Item No. 4, UDC 11-6C-3B on common driveways, making an additional change to the maximum dwelling unit served, that there was a lot of discussion from the Commission that we would prefer to see no more than three dwellings, but we would at least request lowering that maximum to four dwellings and allowing alternative compliance if someone wanted to seek additional units.

Seal: Second.

McCarvel: Okay. It has been moved and seconded to recommend approval on ZOA-2021-0001 with modifications. All those in favor say aye. Opposed? Motion carries.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

McCarvel: Who would like the honors?

Seal: Madam Chair?

McCarvel: Commissioner -- oh. Wait a minute. One more item before we leave. I understand this is our attorney's last P&Z meeting with us.

Pogue: That is true, Chairman McCarvel. Thank you so much. I am retiring and heading east, so that I can assist my 96 year old mom with my two sisters and, then, get up to North Carolina and help my daughter and son-in-law with their -- with my precious granddaughter and ultimately we will have a house here and a house in North Carolina and it's just -- I got to go. So, I really enjoyed working with this commission. You guys just are awesome and your dedication and professionalism and knowledge is really just such a benefit to the city. I'm really proud of all of you and just like to say that I will miss you, but I know the city is in good hands. So, I'm signing off tonight from Planning and Zoning, but I will be here for a few more weeks and, then, I'm -- then I'm flying the coop. That's where I'm at.

Seal: Congratulations.

Holland: Thank you, Andrea, for all you have done for us. We appreciate you and we wish you the best.

Pogue: Thank you. Thank you, everybody. Good night.

McCarvel: Good night. Thank you so much. Okay. Back to Commissioner Seal.

Seal: Oh. Madam Chair, I move we adjourn.

Holland: Second.

McCarvel: It's been moved and seconded that we adjourn. All those in favor say aye. Opposed? Motion carries.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

MEETING ADJOURNED AT 8:17 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS.)

APPROVED

RHONDA MCCARVEL - CHAIRMAN

_____|_____|_____
DATE APPROVED

ATTEST:

CHRIS JOHNSON - CITY CLERK