

ACTION ITEMS

3. **Public Hearing for Blayden Subdivision (H-2023-0043) by Bailey Engineering, located at the south side of W. Chinden Blvd. and west side of N. Black Cat Rd.**
 - A. Request: Annexation of 38.58-acres of land with R-8 (5.90), R-15 (1.83-acres), R-40 (16.71-acres) and C-G (14.15-acres) zoning districts.
 - B. Request: Conditional Use Permit for a multi-family development consisting of 312 dwelling units on 16.71-acres of land in the R-40 zoning district.
 - C. Preliminary Plat consisting of 15 building lots, 7 common lots, 1 drive/parking lot and 3 other lots for future development on 35.29-acres of land in the R-8, R-15, R-40 and C-G zoning districts.

Seal: So, at this time I would like to open the public hearing for Item No. H-2023-0043 for Blayden Subdivision. We will begin with the staff report.

Allen: Thank you, Mr. Chair, Members of the Commission. Give me just a moment here and I will get the presentation up. Alrighty. The applications before you tonight are a request for annexation and zoning, preliminary plat and a conditional use permit. The property consists of 35.29 acres of land, zoned RUT in Ada county, and is located off the southwest corner of North Black Cat Road and West Chinden Boulevard, State Highway 20-26. The Comprehensive Plan future land use map designation for this property is mixed-use regional on the northern 25 acres and medium density residential on the southern 20 acres. The applicant -- okay. So, the applicant is requesting to be allowed - - are we good, Dean? Okay. I normally talk loud. That usually isn't an issue. I don't want to blast your ears out and everybody else in the room. The applicant is requesting to be allowed to use the abutting mixed-use regional future land use map designation on 50 percent of the medium density residential designated area and you can see by the diagram right here, the 50 percent the applicant is wanting to be applied to this bottom portion right here. The comp plan does allow for such requests when determined appropriate and approved as part of a public hearing with a land development application. The applicant believes this extension of the mixed-use regional designation on five of the ten acres of the medium density residential designated area will allow for an ideal and suitable mix of commercial uses near major transportation arterials. The applicant is requesting annexation of 38.58 acres of land with 5.9 acres of R-8, 1.83 acres of R-15, 16.71 acres of R-40 and 14.15 acres of C-G zoning for the development of 312 multi-family apartment units, ten townhome units and four commercial lots. A holding area is proposed on the southern portion of the annexation area for future development. A portion of this area is where the applicant requests the MUR future land use map designation is extended with C-G zoning for future development of a mid-box retail building and an office park as shown on the proposed concept plan. Staff is requesting

the applicant revise the concept plan for the holding area to swap places with the mid box retail store and the office use and I don't know if you can see -- it's kind of faint on this -- this drawing, but the mid box is right here and staff is asking him to put it over here in the office use over here instead, so that the retail store is situated along Black Cat Road and the office use is located internal adjacent to the future single family residential uses for a better transition and land uses and consistency with the concept diagram in Figure 3D of the Comprehensive Plan. Staff also recommends a change to the zoning in this area from C-G to L-O for the office park, which will provide a better transition and zoning and result in a development that's more compatible with adjacent residential uses form wise, as well as with the hours of business operation. Staff is also recommending changes to the concept plan to include the following: The relocation of the plaza area on the south side of Ramblin further to the south in a more central location for the future office park away from the collector street for better integration and access. Details for the plaza and open space areas in the commercial portion of the development on the north side of Ramblin to demonstrate consistency with the mixed-use guidelines in the comp plan that require such areas to be centers of activity and be activated with permanent design elements and amenities integrated into overall development, interconnected with meaningful points of interest, prioritization of pedestrian infrastructure, highly visible and accessible and designed to enhance both the adjacent uses and the larger mixed-use area. That's a little better picture of the concept plan. I should have had that up a moment ago. A preliminary plat is proposed for 15 building lots consisting of one multi-family lot, ten house -- ten townhome lots and four commercial lots, seven common lots, one driveway parking lot and three other lots for future re-subdivision and development consisting of one commercial and two single family residential lots on 35.29 acres of land in the R-8, R-15, R-40 and C-G zoning districts. The subdivision is proposed to develop in five phases with the multi-family residential development and townhomes in the first two phases. The commercial on the north side of Ramblin in the third phase. The commercial in the holding area on the south side of Ramblin in the fourth phase and the single family residential in the holding area in the last phase. In order to ensure some services are available for the proposed residents in this area prior to full build out of the residential area staff is recommending a change to the phasing plan to swap phases two and three and that is the residential right here and the commercial right here. All of the existing homes and accessory structures and access driveways to Chinden, Black Cat and Larry Lane, will be removed prior to development of the phase in which they are located. Access is proposed via one new collector street, Ramblin Drive, in accord with the master street map. Ramblin will run parallel with Chinden and eventually connect to Rustic Oak to the west with development of Prescott Ridge Subdivision and the school to the south. Ramblin will function as a backage road providing connectivity and access to all properties fronting the state highway in this area. ACHD is requiring a southbound right turn lane on Black Cat at the Ramblin-Black Cat Road intersection. A traffic signal is planned at the Rustic Oak-Chinden intersection for safe access from the state highway. A temporary emergency access only is proposed via Chinden Boulevard until such time as Ramblin is extended to Rustic Oak in the future. Permanent access is prohibited. Staff is recommending the emergency access is relocated to the west boundary of the site in order to comply with the noise abatement standards in the UDC, which prohibit breaks in the berm and wall along the state highway. Cross-access, ingress-egress easements,

are required to be granted to the out parcel at the northeast corner of the site for future access and interconnectivity. A 35 foot wide street buffer is required along Chinden and Black Cat, both entryway corridors, and a 20 foot wide buffer is required along Ramblin, landscaped in accord with UDC standards. Noise abatement in the form of a four foot tall berm with a six foot tall concrete modulated wall on top of the berm is proposed at the back edge of the street buffer along Chinden as required for residential uses adjoining a state highway. A ten foot wide detached multi-use pathway exists within the buffer along Chinden Boulevard. A ten foot wide detached pathway is required within the buffer along Black Cat as proposed in accord with the path -- pathways master plan and a ten foot wide pathway is proposed along the collector street for pedestrian safety. The existing trees that will be removed from the site require mitigation in accord with UDC standards. Concept elevations were submitted for the proposed townhomes as shown. Concept plans were not included for the future commercial buildings. All structures, except for single family residential detached homes, are required to comply with the design standards in the Architectural Standards Manual. A conditional use permit is proposed for a multi-family development consisting of 312 dwelling units on 16.7 acres of land in the R-40 zoning district. A mix of one, two and three bedroom units are proposed in three story structures. Three different types of building floor plans are proposed as follows. There are four of the Type A building, which contains a total of 30 units each, four of the Type B building, which contains a total of 24 units each and eight of the Type C building, which contains a total of 12 units each. As previously mentioned the multi-family development is proposed to be constructed in two phases. The UDC requires common open space to be provided in each phase of development consistent with the requirements for the size and number of dwelling units. Two driveway accesses via Ramblin are proposed along the southern boundary of the site with an emergency access via Chinden. Internal private streets are required to be provided for addressing purposes. And let me go back to the site plan real quick. The emergency access is proposed right here where my arrow is if you can see that and as I mentioned earlier staff is just requesting that it be moved over here to the west boundary. Compliance with the specific use standards in the UDC for multi-family residential developments is required, which includes private open space, common open space, site amenities, parking and landscaping among other things. A minimum of 80 square feet of private usable open space is required for each unit. Eighty-two square feet is proposed exceeding the standard. Based on the area of the site and the square footage of the proposed units, a minimum of 3.46 acres of common open space is required to be provided within the development. A total of 3.58 acres is proposed exceeding the standard consisting of half of the street buffer along Chinden, a dog park, common area where clubhouse, swimming pool and tot lot are proposed and linear open space that meets and exceeds the minimum area standards. Staff is recommending revisions to the site plan prior to the Council hearing for the common areas proposed along the southern boundary where the dog park, clubhouse and swimming pool and tot lot are located along the collector street to be relocated to a more central location within the development accessible by pathways for convenient access and for more visibility of these areas from the multi-family units in accord with open space and CPTED standards. A number of site amenities are required for a development based on the size and number of units in the multi-family developments. For developments more than one hundred units, such as this, the decision

making body shall require additional amenities beyond the four required for developments with 75 units or more, commensurate with the size of the proposed development, with at least one from each category, i.e., the quality of life, open space, recreation and multi-modal categories. The following amenities are proposed from each of the following categories: Quality of Life. A clubhouse, which includes a fitness facility and a dog wash station and a dog park with a waste station is proposed. From the open space category, four community garden areas, plazas and five picnic areas, including tables, benches and landscaping and a shade structure are proposed. From the recreation category a swimming pool, children's play structure, tot lot, walking trails, pathways are proposed and, lastly, from the multi-modal category, a bicycle repair station and enclosed bicycle storage in the clubhouse. Staff is of the opinion the proposed amenities meet and exceed the standards. Off-street parking is proposed in excess of UDC standards. A minimum of 679 spaces are required, including guest parking and covered spaces. A total of 693 spaces are proposed. Bicycle parking is also proposed for each building and clubhouse in excess of the minimum standards. Conceptual elevations and perspective drawings of views from Chinden were submitted for the multi-family structures as shown. Written testimony has been received from the following folks. Matt and Ashley Neukom and John Bartlett, the third, and Vicki Bartlett. They are requesting denial of the project based on the development requirements in the CC&Rs for Compton Subdivision No. 2, which require minimum one acre lot sizes within the subdivision among other things. Brooke Neilson requests denial of the proposed multi-family development due to the overcapacity of various schools and traffic flow in this area not able to accommodate so much housing. Wade Ramsey, the HOA president of Bainbridge Subdivision to the east, concern pertaining to traffic cut through -- through Bainbridge to the commercial uses to the east on Ten Mile Road. Southbound traffic on Black Cat Road and congestion during peak hours. Request for a traffic signal or roundabout to alleviate congestion. Concern pertaining to safety of children traveling to the nearby elementary school with construction of sidewalks on this property, but no sidewalks along Black Cat for approximately 500 feet in between the subject property and the school. The Bainbridge HOA board representing its owners opposes this project until infrastructure improvements are made to accommodate the proposed development and, lastly, Stephanie -- I'm going to pronounce this wrong, probably, but Labastida -- opposed to the development due to the negative impacts on the quality of life of residents in the Trilogy Subdivision to the east due to increased traffic volumes and speeds and associated safety hazards for children who live in that area. Noise congestion and increased activity in the area. Preference for this area to develop with solely residential uses rather than mixed-use with commercial and desire for commercial uses to be provided further to the west. Staff is recommending approval with the requirement of a development agreement per the conditions and revisions noted in the staff report. The applicant is here tonight to present. Thank you.

Seal: Thank you very much. Would the applicant like to come forward? Good evening, sir. Need your name and address for the record, please.

Bailey: Thank you, Mr. Chairman, Commissioners. My name is David Bailey with Bailey Engineering. Office address is 1119 East State Street in Eagle representing Trilogy Development for the Blayden Subdivision. Thanks for the time tonight and thanks, Sonya,

for the complete thorough staff report on this and then -- can I use this to advance this? Use the keyboard or use the mouse? I'm not really technologically challenged, but these always beat me up. There. It works. Okay. So, we are here for the Blayden Subdivision tonight and just give a little back history on this, as we actually started working on this project in 2020 -- in the beginning of 2020 and you will notice that it has a 2023 number with the city, but in my office it has a 2020 number associated with it. In that three years in between we were trying to get a layout that worked. We worked with the staff, we made several submittals to the city, we have been through -- I couldn't tell you how many pre-applications and meetings and reversals on this with the city trying to figure out how we are going to make this happen. So, we got to this point, you know, last year and here we are a year out, we had a few setbacks in between and I think we have a great product here that's ready for the city to look at. I would point out that in the meantime -- did we lose something there? Can we -- so, on this slide here we can see there is a general area. The green area is stuff that's annexed into the city already and so this and the Compton Subdivision to our south form -- and the nursery, which is to our west, forms the -- an enclave now within the city limits, completely developed around this with the Trilogy Subdivision, Bainbridge, the Church and the -- and the Baron multi-family project to the northeast, the single family and commercial to the northwest or to the north of the site here and, then, we have the school site to the southwest -- southwest there with the project. So, we are zoned mixed-use regional and we -- so, we -- most of what we have been going back and forth with the city on is how do we develop this site to conform with the mixed-use regional plan on this and make sure that we have enough reserved for the regional needs of the area and comply with the other restrictions we have with the site and the biggest problem we have -- if you want to say that -- is -- is Ramblin, which is a backage road. It's -- it's a really great road that -- that needs to be in there. It provides access between Levi Lane and -- and Black Cat, so we don't have to have any other accesses on Chinden, which is a great thing we need there. But it does split the site in half and make it so that there is no piece of this site that is remaining that we could put a big box use on. So, we have evaluated Lowe's and Home Depot and, of course, there is already Winco, Costco, Walmart within the area around here, but we have looked at those two as well. Target is actually a big box, the same size as a Home Depot, to put on this and so the -- the -- the uses that are available to us are the mid box, which would be Walgreens or a Bi-Mart or there is other stores. Grocery stores don't really fit here and we have, in fact -- we have -- with the developer and the realtors talked to a bunch of these folks as well. So, how are we going to fulfill the need for this mixed-use regional and we are also struggling with the idea that we don't have the northeast corner of the property to plan. So, we do have a conceptual plan for that and we have had discussions with the owner of that property as well, but it's not something that -- that we see as near future, but we do want to make sure we are reserving the area within this thing. So, the area and the developer feels it's appropriate and we feel it's appropriate to -- to have a -- a significant multi-family use within the site and the area that we are proposing that multi-family use is the most appropriate for this site. We cannot put a big box there, because the commercial road, Ramblin, as stated by ACHD, will never be signalized. So, we cannot get access to that that we could actually -- we could leave it open, but it will never be built with that kind of use on it in the future. In addition, it's across from the school on this site, so we feel that the residential multi-family use is the best use for the site. We

are reserving over half of the site for -- or approximately half of the site for the commercial uses that -- that we need -- we know need to go there. We are totally in favor of moving that mid box adjacent to Black Cat and moving that office space to the west and that area there and that looks -- looks like the city's cut sheets for this where we have the -- the C-G use and the L-O use and, then, the single family use to the southwest of the project. So, with that -- I won't go over all the numbers again. I think -- I think that -- that -- that Sonya did a -- did a great job of that and -- but I will -- do want to cover a few other things. So, the city agency comments and conditions -- I don't know what I got for time here.

Seal: About ten minutes.

Bailey: Excuse me?

Seal: About ten minutes.

Bailey: About ten minutes -- ten more minutes. Great. Thank you. I talk too much and run out of time and I don't want that. So, of the city agency comments and conditions -- so, the conditions that -- that the staff is suggesting that we do on here, the -- shifting the mid box and retail we are totally in agreement with that requirement and we submitted a revised zoning map to support that. The -- the footprint that we are showing there now is a Walgreens -- is the last one I put in there and that certainly works in the other location as well and, then, office around that. Relocate the plaza in the holding area on the south side of Ramblin further to the south and we are totally in favor of that. That is actually a parcel that has an existing house on it, so that's where we -- we put it. But we fully intend to come in with a complete plan for all of the commercial at a later date and we will move that to be a more central -- centrally located -- I think that's -- it's not actually showing on this -- on this map here. Will it actually show up when I touch that? What's that? Where? I am. Yeah. Okay. Thank you. Okay. So, we do have a -- I guess I will get into that that right now is there -- there is a -- on the open space on this we have met all the requirements for the open space. We have been very intentional about the open space within the multi-family and on preserving it for the future and so we are showing here adjacent to the multi-family there is two -- on the east side of that there are two office lots and a coffee shop on the southeast side and in between there there is a plaza and on this big site plan that may look kind of small -- it's sitting on there, but I would point out that that is actually 20 percent bigger than Generations Plaza across from -- across from the city here in the northeast corner and the -- the landscape plan we have drawn here, it will be a similar type improvement to the Generations Plaza that's right in the city -- city -- center of Meridian. This is intended with the office buildings there to set the tone to tie the residential to the -- to the multi-family. Excuse me. The -- the commercial to the multi-family as is specified by the Comprehensive Plan and the cut sheets for this area. So, we want to set that precedent that that's there and, then, we do want to provide for two more open spaces -- gathering spaces within the commercial area that are a gathering space and, then, another one to the south of this adjacent, probably closer to the -- to the -- to the office space that -- that's on there in that end. But we would have to come in with a different plan for that. So, that's relocate. We are -- we are okay with that. Submit the details for the plaza as open space areas in the commercial portions, demonstrate they

will be integrated centers of activity and we are in agreement to do that, it's just we are not in a place to do that now, with the exception of the plaza, which we are -- have detailed and actually it gets built in the first phase of this project. So, that plaza and the two office buildings -- and I think we have an error in our phasing plan, because the -- the coffee shop is intended to be in the -- in the first phase. So, we would have those amenities there and the plaza area fully constructed in the first phase of the project. Next one is relocate the common areas in the multi-family portion of the development where dog park, clubhouse, swimming pool are located -- to be more centrally located and, again, we were very intentional about how this is set up to have these central to that, but away from Chinden and to provide a separation. We do have a 20 foot buffer from the commercial collector street to be landscaped. We don't think it's a safety hazard. And, then, we are across from the school in this area here. So, we feel that a separation from school to the apartments and the apartments to the school, this is a great spot to do that and as far as centrally located, we would be talking about 150 or 200 feet difference if we just move this to the north and that does not provide a barrier to movement by our residents to go to the -- to the common area. Also provides that -- since that will be the leasing center and the center of business at the -- at the apartment complex, that we have less traffic through the subdivision for that purpose, having it here. So, we would like to keep that where it is. We think that's a great spot -- great spot for it and on the west end we tie into that linear space with the dog park, which -- which makes both of those more useful in that area. Revised legal description and exhibit maps for the L-O and C-G zone. We are in agreement with that and, then, revise the preliminary phasing plan to reflect phases two and three being swapped and -- and we are opposed to that condition. We will build a significant chunk, including the plaza of the commercial with the first phase. We don't feel that there is going to be a demand for any of the commercial -- anymore of the commercial for some time after that and we are actively searching for tenants -- possible tenants for that and -- and looking what we will do. We will probably come back with a significantly different plan at some point. May include the corner on this, but we have reserved all that, so that it will be the commercial in the future. But we would like to get the apartments built. We think this -- this is the final use of this area and -- and we would like to move forward with that as we go along. Talk through a few more of these. Oh. She talked about the layout of the multi-family and that's the phasing plan we talked about. The holding area here -- and I guess this is a good time as any to talk about the Compton Subdivision. So, within the Compton Subdivision there are, in fact, five lots and this developer has these two lots and owns another lot within the Compton Subdivision. The Bartletts own the six acres to the south of Larry Lane and Mr. Neukom to the west of this five acres here. We are fully aware that there is a restriction in the CC&Rs. We have talked to them about it before. We messed it up one time and re-adjusted some lots for the purpose of keeping existing homes there while we are working on the development, which we have since corrected. We believe that this plan -- and we have consulted with the -- with the attorney -- the developer's attorney on this. We believe that this plan is not in violation of the CC&Rs and we believe that the appropriate forum to determine that is in a court and certainly they have that. But we don't think that it's appropriate to say that we can't make plans for the future of this property and that we can't propose something that's consistent with the laws and conditions -- ordinances of the -- of the city to do that. We are subdividing this into lots that are greater than one acre. We probably would not -

- we have phase four and phase five on here. So, we would probably not even move forward with any of those -- those plats until such time as this condition was resolved with the -- with the neighbors in this area. And -- and so we -- we think this is fully consistent with -- with what they are doing there and they -- they have a different opinion on that and, as I said, we -- we -- we feel that the -- the proper place to adjudicate that is in court and that we are presenting a plan that is very consistent with what the city is asking us to do in this area and -- and we will either get there eventually or we won't with that piece of it. In the meantime we think it's reasonable to develop this in accordance with the -- with the plan we have proposed for the -- for the residential portion of this and, then, for the commercial as well to the north and we can see better things for this, but this is -- this is a good plan as is, if we could move forward with this and we have users for this -- definitely would move forward in that direction. Let's see. Again, this switching the mid box and office park we are fine with. So, traffic on this -- so we do have a traffic study. We have comments from ITD and from ACHD on this. Improvements to Black Cat Road are certainly necessary. We are required by ACHD to do a southbound right turn lane into the project at Ramblin for this. We also connect to the west on this, which gets to the -- to the point of Mr. Ramsey I think on there is that a lot of this traffic that wants to go east out of these apartments on to Chinden would go out to Levi Lane and out to -- out to Chinden in -- in the long run and, then could go south on Black Cat. That said, the improvements on Black Cat at the intersection of Black Cat and Chinden and the roundabout at McMillan and Black Cat are in the -- in the ACHD's five year work plans -- or at least portions of all of those are in the -- in the five year work plan for -- so, we expect those improvements be done. If they were required of this development we would do them. We will do the right turn lane. But we expect the other improvements to get done to provide that connectivity, the sidewalks and everything working properly on -- on Black Cat for this project. We do have a letter from the school district. They do have slight overcapacity and overcapacity in one of the elementary schools that they have there, that they do have some capacity in the middle school and -- and the site on here -- middle and high schools, the site that's shown on here is owned by the school district. They don't have any specific plans on it yet, but that will be a middle school at some point in the future. So, we have been in contact with them on that. We have also talked to them about road -- sharing the cost of building that road in front of the school, so -- and providing proper access to the property there, so that they can get into that when there is time -- time to do that. I did want to get into some of these renderings. The townhouses are a small component of this, but we feel they should be consistent and match with what we have there. This is the apartments as seen from Chinden and the staff did have some concern about the proximity of the -- of the project from Chinden. We do have quite a big buffer in there. We will build another buffer with a berm. Then we have the sidewalks -- or, excuse me, our parking lot in between that's hidden from Chinden. So, we feel that - - that this will be a really great view from Chinden. We have the buildings -- you know, some of them end on -- into that -- into that look there, so you are not looking straight out onto -- onto Chinden from the windows of those. We feel it will be a good thing. We are fine with moving that emergency access to --

Seal: Okay. Mr. Bailey, your -- your time is up, so if you could wrap up pretty quick we would appreciate that.

Bailey: Just a couple quick more is the apartments. So, these are -- these are really neat apartments and -- and we have shown -- shown these areas where we have these plazas that are mixed in with the buildings, garden areas within that, you know, walking and circulation throughout the apartments we really feel is -- is a really nice look and some really nice looking buildings we have here. Large pool and -- and clubhouse --interior workout center, clubhouse, amenities are significant with the project and that's what I have. So, thank you much for your time. I would be glad to answer any questions.

Seal: Thank you very much. Commissioners, do we have any questions for the applicant or staff? Commissioner Smith, uh-huh.

Smith: Yeah. So -- so curious about the discussion of -- of open space integrated within the -- within the development -- within that multi-family. Looking at some of the renderings, even some of the -- kind of just at first glance some of those apartments feel a little bit close together. So, I'm curious have you -- what other plans, if any, have you considered over these years -- apologies -- over these years to maybe do things like remove that -- reduce that buffer on the south side and integrate that open space closer and inside of -- with what staff is recommending, have you tried rendering any site plans with that? Have you looked into that -- expanding that internal open space?

Bailey: Mr. Chairman, Commissioner Smith, I think -- just to repeat, you are talking about moving the pool and clubhouse into the middle of the apartments?

Smith: Either that or perhaps reducing their size and in using that -- that area to expand open space inside of the -- inside of the development as well. Removing some of the apartments further apart with the additional square footage that you have.

Bailey: Having fewer apartments.

Smith: Not necessarily fewer, but potentially you have -- you have a square footage on the south side that is current amenities and is open space. Rather than having that -- reducing that square footage and, then, using that extra square footage that you have to, then, create additional open space between the apartments, expanding out the footprint, creating additional space between the units. Not necessarily reducing the number of units, but creating additional space between them, rather than having that buffer on the south side. Does that make sense what I'm --

Bailey: Yes. So, as I said before, we have had -- I couldn't tell you how many layouts we have had. We have had different buildings on here, different units, different unit mixes. We have had to try to -- we have tried to do some single family residential on the west end of this. We tried to do some commercial mixed on either end of this. We have had fewer units. We have had some with more units. So, we -- we have had quite a few pieces on this and -- and these particular units we -- they are separated, they are -- they are -- they are not the minimum distance from each other back-to-back, so that we can provide those -- those walkable, lighted corridors with those -- with those open spaces

and, then, within each of those blocks that -- that garden space that's within those. So, it's -- it's not totally accurate to say that all of our open space is in the dog park and -- and the -- and the community center to the south. So, probably -- you know, I will throw out a number I will probably be wrong -- so, I would say over 40 percent of our open space is within the apartment units and not within that dog park open space in the south. But we do feel strongly that we necessary -- that -- that we separate the apartments from the school area to the south and not have the -- the -- the clubhouse in the middle and it does affect the -- the -- the layout of the project as far as the flow of traffic and -- and parking within the project to do that as well. So, we -- we feel that this is the best use. We have evaluated other -- other options as well.

Smith: Thank you.

Seal: Commissioner Lorcher.

Lorcher: I'm just curious why do you feel like you don't want to have apartments where the pool and the dog park are? So, there is a school across the street; right?

Bailey: Yes.

Lorcher: So, you don't want to have apartments abutting that street that are near -- closer to the school? Is that correct?

Bailey: Correct. And I'm just curious on the reasoning behind that.

Bailey: There -- there is a lot of traffic on that collector street for the school during morning and afternoon hours that will be moving in and moving slow and -- and just a lot of noise associated with that that we would rather have close to our clubhouse than close to the apartments.

Lorcher: Okay. I do have another question. So, Ramblin -- Ramblin is the street that comes off a Black Cat; correct?

Bailey: Correct.

Lorcher: And you -- you mentioned or Sonya mentioned that ACHD said there is not going to be a signal there?

Bailey: Mr. Chairman, Commissioner Lorcher, yes, we specifically asked that in the -- in the meetings with the city and asked that of Mindy with ACHD and they said that it's not eligible for a traffic signal. The traffic signal has to be at a half mile.

Lorcher: So, if I'm traveling south on Black Cat and I want to turn west into that subdivision, I need to wait for traffic to slow down in order for me to do that; correct? I mean there is going to be no light and there is -- it's only a two lane road at this point in time.

Bailey: Correct. Yeah. And so we are -- we are certainly limited on the traffic there, but that -- that will -- there will be a center turn lane at that point, because we will actually be five lanes and, then, seven lanes at some point with -- with Black Cat in the long -- very long term it will be seven lanes wide. It will be three --

Lorcher: So, according to the notes in the staff report Black Cat and McMillan -- excuse me -- Black Cat and McMillan -- or Chinden is 2036 to 2040; is that correct or no? And, then, the roundabout is 2028 for Black Cat and McMillan. I don't know when Black Cat and Chinden are supposed to be. I mean there is already a signal there, but are they building it more out than it is right now?

Bailey: They would be widening the improvements is what I understand is we have -- what year; do you know? Can you look that up? I was understanding -- you are -- you are correct that the -- there were 2028, which is in the five year work plan for the -- the roundabout at McMillan and -- and Black Cat.

Lorcher: Right.

Bailey: And, then, the road is improved on the west side -- or widen some right on the west side there by Jump Creek and the other projects to the south of this and, then, we would widen our side of it there. But I believe there is in -- within the five year work plan work on the intersection so -- to make sure that the turn lanes are there, so it's not a new signal. So, it's ACHD work, not ITD work on that intersection. Right now there is a -- there is a signal there and it kind of widens out kind of quick, but there is a left turn straight through, right turn, and a -- and a -- and a left -- left turn and they are -- they are just not to standards.

Lorcher: Okay.

Bailey: And a road in there. But that -- we understand that that will be widened -- what I understood is that is scheduled to be widened all the way down Black Cat for support for -- in support of that in that five year time frame also.

Lorcher: Okay. And West Ada has no plans right now to build a school, they just reserve the site, is that what you are saying?

Bailey: Yeah. They own the site --

Lorcher: Right.

Bailey: -- but they don't have specific drawn up plans. I saw a sketch that they had when they first got it, you know, that they have, but we have reached out to them and they don't have -- they won't share with us any current plans for a site plan for the site, but -- but it will be a middle school at some point is what they told us.

Lorcher: Okay. Yeah. I mean West Ada owned a parcel behind Settlers Park and, then, recently they sold it to the City of Meridian for a community center, so just because the West Ada owns a piece of property doesn't mean they are always going to keep it based on the needs of the community and as it grows. So, it's good to know that they have it, but whether they keep it or not, you know, who is to say in -- in the future. I guess my only concern at this point is the road construction, but we could talk about that during comments. So, thank you.

Bailey: Thank you.

Seal: Commissioner Smith, you have a follow up?

Smith: Yeah. I do have one additional question. So, it looks like you are 14 spaces exceeding parking -- UDC standards. Is there a certain spot, like portion of the development that you are anticipating that excessive -- like that -- those extra spots to be or are they dispersed throughout the development, an extra spot here and there?

Bailey: So, Mr. Chairman, Commissioner Smith, to understand -- we exceed the minimum parking. That's what you said.

Smith: Yeah. And I'm just curious -- if you are -- if you know where that -- those 14 extra spots beyond what you need are expected to be within the development. Are they for the multi-family? Are they for the commercial? Are they a little bit of everywhere?

Bailey: We split up the counts for the multi-family and the -- and the commercial. They are -- they are counted differently. So, those extra spots that we have for the multi-family are for the multi-family is what I understand. We like more than the minimum -- or the developer does.

Smith: Thank you.

Seal: Commissioner Sandoval, do you have anything?

Sandoval: No.

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

Bailey: Thank you.

Seal: Do we have anybody signed up to testify?

Lomeli: Mr. Chair, we have one person. Wade Ramsey.

Seal: Good evening.

Ramey: Good evening.

Seal: Your name and address for the record.

Ramsey: Wade Ramsey. I'm the president of the Bainbridge HOA. I live at 44013 West Lost Rapids Drive in Meridian. We are the subdivision directly east of Black Cat across from here. Ramblin would -- our concerns -- well, we are -- one of the neighborhoods directly to the east of the Bainbridge Subdivision across Black Cat Road, while we are mindful and supportive of progress and development, we do have some concerns listed below. I will articulate those. They largely have to do with 700 cars that are forced to go south on Black Cat. It is the case as they outlined that ultimately years down the road some traffic will be able to go west to get out of the subdivision and ultimately there will be a roundabout at Black Cat and McMillan. That's years off after this is finished. In the meantime those 700 cars -- 650 cars are theoretically only going south on Black Cat. Northbound access to Chinden Boulevard related to that -- as we understand there is no northbound access onto Black Cat from Ramblin. While there was some discussion about a turn lane, that's not our understanding from ACHD. There will be a median that comes through is what we have -- we have been led to believe and that's a concern for us, because it will push all the traffic south on Black Cat. That is as you are -- as you ask that's a two lane road currently. That will force a lot of traffic onto eastbound Vanderbilt. We are very concerned about that. That will become the main route of Blayden residents wishing to travel to Costco, Walmart, eastbound on -- on Chinden and the multitude of shops, restaurants, fuel stations, et cetera, along that Ten Mile corridor. Vanderbilt is a residential street with a lot of pedestrian, bicycle traffic, specifically children going to Pleasant View Elementary. We have lots of concerns that there is no signal on Black Cat that is planned and, in theory, those kids aren't walking to -- you know, they are not busing someplace else. They may be walking to Pleasant View Elementary across that Black Cat Road and we have a lot of concerns about that. Vanderbilt is not a direct road route to Chinden or Ten Mile. There is several twists and turns to get north onto Tree Farm Way, West Lost Rapids Drive, and several common areas, pools and parks are along the way. We have concerns about that and where that traffic cuts through. Southbound on -- traffic on Black Cat is articulated. Currently during peak hours there is substantial backups at the four way stop at Black Cat and McMillan. It's four stop signs is what it is right now. There ultimately is a plan for a roundabout there, but that may or may not be in the five year plan. Stoplights at least completed -- at a completed -- or at least a completed roundabout would help alleviate the issue somewhat. Sidewalk is interpreted in the plans. The sidewalk will only extend north to Chinden and south to Larry Lane. Southbound this leaves only roadside -- roadside pedestrian travel, meaning school children specifically for approximately 500 feet with a current 45 mile an hour speed limit that is a substantial hazard obviously. Those are our concerns. As the five members of the -- of the Bainbridge HOA board representing 572 homes and over a thousand voters, we are opposed to the Blayden Subdivision being approved until the infrastructure shortcomings noted above are addressed. Thank you.

Seal: Thank you, sir. And I guess being president of the HOA if you have anything else to add you have more time.

Ramsey: Okay. No. That's fine.

Seal: All right.

Ramsey: Our concerns are around the traffic piece and the --

Seal: Commissioners, any questions? All right. Thank you very much.

Ramsey: Thank you.

Lomeli: Mr. Chair, we have a Matt Neukom online that's raising his hand. If you would like for me to allow him to speak.

Seal: Absolutely. Mr. Neukom, looks like you are -- you are muted right now, so I will need you to unmute.

Neukom: Good evening, everyone. Can you hear me?

Seal: If you can speak up a little bit. I'm having a little trouble hearing you.

Neukom: Is this better?

Seal: Not really. Can we turn that up a little bit on our side?

Neukom: Let's try again.

Seal: Okay. Go ahead and we will listen the best we can.

Neukom: Okay. I'm doing my best. I'm happy to call in if there is a number that I could call in at.

Seal: Actually, I can hear you pretty good right now.

Neukom: Okay. Thank you. My name is Matt Neukom. I live at 1520 West Larry Lane. It's the parcel immediately west of phases four and five as shown in yellow on the plan that I think is on your screen right now. I can't be there tonight, because I'm in Oregon having a family vacation, but I did want to speak with the Commission about the importance of this project to us. The gentleman from Bailey Engineering mentioned that he has been on this project since 2020. We have also and we have provided the Commission a letter from us, as well as some previous documentation regarding development in our subdivision. In 2019 and 2020 the subdivision was planned for Tara's Landing and we asked the Planning and Zoning Commission to have the developer agree with us on the terms to -- to ensure that they met the CC&Rs. At that time the Planning and Zoning Commission directed the developer back to us to agree on terms. Now, we are asking the Commission the same thing with this development. The gentleman from Bailey Engineering essentially said that he -- he wanted the courts to decide if the development, not the CC&Rs -- it seems like they are forcing a lawsuit and as private

property owners and as individuals that really feels like the -- the developer is strong arming us into a legal battle and we know the developer is -- there is open arms -- or excuse me -- I think it's open door rentals and Corey Barton is the owner of that. So, as property owners we don't know who else to ask for help, other than the Commission. We -- I don't want to be in a legal battle with Corey Barton. We have met with him a couple of times to discuss the terms of the CC&Rs and when we met with him he wasn't in favor of it. We have included that documentation in the -- in the Commission's -- the letter that we sent to the Commission. You can see it there. We met with him in 2022 and they agreed with us at the time to conform with the CC&Rs. So, we are -- we are really asking for your help to uphold legal rights that are ours, that -- that we -- we need help upholding. We think the City of Meridian respects legal rights and we are not opposed to development, but we are opposed to development this way. I haven't heard any questions on the CC&Rs or on the letter that we provided. In the letter we provided there was a copy of two letters from attorneys that address the CC&Rs and their validity. So, again, we are asking for your help with this and we are asking you to deny it. If you have any questions I'm happy to answer them. The Bartletts are in attendance tonight.

Seal: Okay. Appreciate your testimony tonight. Commissioners, any questions? Okay. No questions from us. Thank you, Mr. Neukom. Appreciate it.

Neukom: Thank you.

Seal: Madam Clerk.

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

Seal: Is there anybody in Chambers that would like to testify? I thought I saw somebody earlier. Come on up. If you would address the Commission, please. Thank you. Need your name and address for the record, please.

Blocovich: I am Mark Blocovich. I live at 4585 West Everest Street. The reason me and a lot of these people out here moved into that spot was because it was out on the fringe and I do heating and cooling, I have done a lot of multi-families, and as soon as the multi-families moved in, then, traffic starts and it's very terrible. I also will not say umm as much as the gentleman -- well, before me. My joke. Sorry. Bad joke. Bad joke; right? I think everybody here is opposed to this a hundred percent and that's why we are here. This is a terrible, terrible, terrible idea. Unless -- and, then, they say they are going to make Black Cat five lanes. We didn't move out there to have Black Cat a main thoroughfare and -- umm. Actually, I actually don't even know what to say. This is a travesty in Meridian. We moved to Meridian to get away from this type of stuff. This type of stuff keeps following us back, back, back. So, I hope you will listen to my plea and not let this happen. Everybody in this room who is here does not want this happen, except for that guy who says umm.

Seal: Thank you. Any questions? All right. Thank you, sir. Appreciate it. Anybody else in Chambers? Madam, come on up.

Chidester: Thank you.

Seal: Need your name and address, please.

Chidester: I'm Kirsten Chidester. I'm on 4685 West Ramblin Court. My biggest concern is I have been serving on the PTA board of my kids elementary school and we are -- we are over -- overbooked -- oversized. I don't know how to say it. And we are three years into the school. So, my understanding if the school districts own this land -- owns this land their goal is to build a middle school, what about an elementary? That's where we are overcrowded right now and also I'm -- I'm confused about the traffic from Ramblin Court. I understand it -- it won't have a signal, but even at this point we can't get out during the busy times of the day, so something to, please, consider.

Seal: Okay.

Chidester: Thank you.

Seal: All right. Thank you very much. Anyone else in Chambers? No? If there is anybody online that wants to testify, please, hit the raise hand button. Not seeing anybody else. Oh, see a Don Brown.

Brown: Yeah. This is -- can you hear me?

Seal: Yes, sir. Name and address, please.

Brown: Don Brown. 4595 West Ramblin Court. And backing up what Kirsten just mentioned, I don't think any of the -- the studies that were done in anything that the engineer addressed that dealt with the folks that are not only coming off of the Ramblin -- our -- our existing road, but also that are coming from the Trilogy Subdivision and cutting into Ramblin Court and, then, attempting to make left turns onto Black Cat is nearly impossible and so you are forcing us to go to the right towards Chinden if we can even get out. The thing that's going to happen is you are going to have people coming from the -- excuse me -- coming from the apartment complex and making U-turns in the middle of Black Cat or going up to one of the other crossroads up there and flipping around to go back to Chinden, because they are, obviously, not going to want to drive clear up to McMillan to get to the Walmarts, to get to Costco, but I didn't hear anything from the engineer addressing the effects that that amount of cars and vehicles is going to have on the existing traffic flow. So, I would like to see some traffic counts done and actually some photos -- pictures of the traffic as it exists now, because there has been times when we haven't even been able to get out of our subdivisions and, then, that also is going to definitely affect the risks that the kids will take unknowingly with traffic and you have got drivers that are impatient and that's -- that's a bad formula. So, I don't think there is enough to address that portion of it and I would urge the Council to -- to take that into account.

Seal: Okay. Thank you very much. Appreciate that.

Brown: Thank you.

Seal: Is there anybody else online that would like to testify? Please hit the raise hand button. Not seeing anybody. Last call. Anybody in Chambers? Sir, come on up. Good evening. Need your name and address, please, sir.

Taylor: Greg Taylor. 4613 West Everest Street. Right now in the mornings there is so much school traffic. If you try to get off on Ramblin to make a right-hand turn so you can go west on Chinden you can't even get across. I come home when there is traffic. I come down -- I'm going east on Chinden, so I go south on Black Cat and I have to go east on Ramblin Court. I have to sit and block traffic right there, because there is a center divider for traffic to let me get across. I can't even get into my subdivision, which is Trilogy. There is so much traffic now that on any given day I can see cars 40, 45 miles an hour, since we don't have any stop signs in front of our house and we are in the middle of the block -- I am not kidding. They are doing 45, 50 and there is kids and they are cutting through our subdivision and that's just going to make it worse. It is -- it is horrible right now with -- during the -- you could -- I have invited the police department to come and sit and give tickets and they say they don't have time. That needs to stop. We have too much traffic going too fast down our street in Ramblin Court -- going in and out of Ramblin Court. You can hear them screeching their tires, all that trying to get ahead. I think the traffic is going to be too much. That's all I got to say.

Seal: Thank you, sir. Okay. Anybody else in Chambers want to come forward? Going once. Going twice. All right. Commissioners, anything else you want to add before we move on and close the public testimony portion?

Smith: Mr. Chair, does the applicant usually --

Seal: Oh. That's right. I was going to say we should probably ask the applicant to come back up, shouldn't we. Come on up, sir. Thank you.

Bailey: Thank you.

Seal: I was getting in a hurry tonight. Sorry about that.

Bailey: I get it. I would want to be, too. Mr. Chairman, Commissioners, David Bailey again. Okay. So, I will be brief, though, with that in mind, is that we looked that up and the roundabout is -- is 2028. So, it should be designed already down there and the Black Cat widening is 2036 to 2040 as you stated -- is what is in the ACHD staff report. So, back to that real -- real quickly is that we did, in fact, have a traffic study done by -- by Chhang Ream, CR Traffic Engineering, submitted to ACHD, submitted to Idaho Transportation Department. Reviewed by both of them. We have comment letters from both of them on the improvements that are required on this and the discussion behind that and we are willing to do all the improvements they are asking for. If they need more,

you know, we are willing to do what -- what's needed in accordance with what the highway district is -- is telling us we need to do. But right now that's the southbound right turn lane. ITD had a preference for a right turn lane on -- from Black Cat onto Chinden and ACHD said we don't want you to build that now, because we will improve this later and it doesn't meet our -- our standards there. That said, Black Cat is, in fact, a mile section line road that is an arterial street and has been planned for some time to be an arterial street and to handle that, you know, 12,000 trips per day in the -- in the long future of what's going to go on, you know, with that. So, there is no doubt that that's -- that's what it's planned for. This will add traffic to that and I disagree personally with the policy of not having the 660 feet. In fact, I got in trouble for getting in an argument with Mindy over a traffic signal at Ramblin -- Ramblin on this -- on this very project. But it is their policy and so they are not going to do that there. Levi Lane will be a reality -- reality and it will probably be a reality connected through -- you know, prior to us finishing the apartment complex on this is what I'm guessing it's going to be, because there is just a couple properties to the west there in Prescott and Levi Lane being constructed. We are not that far from the interchange there and -- and we believe that that -- you know, that's definitely going to be -- for our residents we are concerned that they can't get out and turn left on -- and get onto Black Cat. So, certainly is our concern as well. That said we have to deal with -- with the cards we are dealt for this project and this is an appropriate use and density considering the Comprehensive Plan and all the streets that are planned for this area in the long run from that end. As to -- as to the Compton Subdivision, I will just be really clear is that we -- we have looked at this very hard and we believe we are not in violation of the Compton Subdivision's CC&Rs either with the planning of this or with the showing of the one acre lots on this. We believe that's in strict compliance with them. We are not inviting a lawsuit from anybody. We are following the rules that are put out within the CC&R to the best of our ability on -- on that end of it and we have worked with -- with the neighbors and we will continue to work with them as we go through this project. So, we don't want to fight either and we don't believe that we are violating those -- those rules that are in the CC&Rs.

Seal: Okay.

Bailey: I would be glad to stand for any other questions you might have.

Smith: Mr. Chair?

Seal: Go ahead.

Smith: Regarding that Compton area, are there any subdivided lots that will be less than one acre?

Bailey: No.

Smith: Okay.

Bailey: So, we are showing three lots actually total within the ten acres that's in the Compton Subdivision and one of them will be the portion of the L-O and the -- and the C-G lot and, then, the two lots that are along Larry Lane there are -- we show a -- a future subdivision plan with lines in there, because your city staff requires that we submit that -- a redevelopment plan for that area. So, that's all we are showing is -- is a redevelopment plan for that area. Each of those lots is, in fact, greater than -- greater than one acre and, in fact, the houses that are there are going to stay there. They are -- they are meant to stay within those one acre lots. So, there is two houses there that will stay in those one acre lots until we get around to developing that or, you know, the CC&Rs may go on forever and they sure hope they do and we sure hope they don't, you know, so -- but -- but we are being respectful of what's written in the -- in the CC&Rs.

Smith: Mr. Chair?

Seal: Go ahead.

Smith: As a follow up, I'm just -- the -- I'm reading the letter that's in the public comment from -- that's attached from Perkins Coie. The reference is the CC&Rs and just for context as -- the section that they cite says the Compton Subdivision No. 2 is to be divided into residential areas of five acres or larger and any lots larger than one acre may be resubdivided by the owners thereof into parcels not less than one acre in size by compliance with the local and state regulations and laws. Is the -- so, what they are citing is that resubdivide -- can be resubdivided into parcels not less than one acre, which is what you are showing. Is the -- is the issue, then, whether that residential initial division -- subdivision carries over to that resubdivision or -- I guess what is the -- help me understand what the actual disagreement here then, because if -- even if the CC&Rs continue, this seems like it's not necessarily the one acre issue, it's the -- is it the residential issue then? Help me understand what the -- what the legal disagreement is.

Bailey: That might be a good question to ask of them, because I don't feel there is any conflict between what we are doing and that end of it and I think the comparison to the Tara's Landing Subdivision is -- is different, because they were actually proposing to subdivide those less than one acre and to go plat that as that. We are not proposing to do that. So, there is probably a legal question and I'm not an attorney, but I love to talk like I am, you know, but -- but I'm certainly not. But there -- there could be a question as to whether that a residential applies to the five acres or to the -- or to the one acres after you subdivide the way that's written. Maybe a court could -- you know. Or -- or someone wants to rule on what that means or maybe that's what they are proposing is they can't be other than residential. But it doesn't say anything about zoning, it says about the use; right? So, we aren't planning any use that's not residential on this property either with this subdivision. Okay? So, we are not asking for that use to be available. And, then, I -- I don't know, I would assume that that may be their -- their question, but we -- we -- we feel that we are in compliance with what -- the way we read the CC&Rs and -- and would be glad to -- again, I'm not the attorney.

Starman: So Mr. Chairman?

Seal: Kurt, go ahead.

Starman: Commissioners, I want to add a couple comments for the -- from the city's perspective. I don't want to encroach upon your response time, so, Madam -- Madam Clerk, will you pause the clock for a moment? I don't want to encroach upon the applicant's rebuttal time. I'm going to tackle this from a little bit different perspective and be happy to answer any specific questions you have. I guess from this -- I'm looking at this from the city's perspective as I advise you as the Planning and Zoning Commission is that the way the city looks at restrictive covenants of this nature, these are private contractual agreements between private parties and so the city is not involved, we are not a party to those agreements, we don't enforce CC&Rs. So, really, it's a private matter between the private property owners. So, from the city's perspective to the extent there is a dispute that really doesn't impact what we are doing in terms of eligibility for annexation or other entitlements. If there is a dispute it's not the city's role to adjudicate what the -- or to interpret what the restrictive covenant might mean. That really is the judicial process and so my advice and recommendation to the Commission is to get all the information you want to take in and consider, but at the end of the day when you look at it from the city's perspective, restrictive covenants of the nature we are talking about are really private contractual matters between private parties and we really ought not get too far into the weeds and I certainly would not want to -- in terms of some of the specific questions that were being asked earlier about what the dispute might mean or how the language should be interpretive -- Interpreted, the city would never provide advice to either party.

Smith: Mr. Chair?

Seal: Yes. Go ahead.

Smith: Actually, that does lead into kind of another question I had for you regarding, obviously, that the city's not adjudicating or enforcing or -- is it reasonable for the Commission to take into account the -- I guess -- I guess let me start with kind of where my head's at and, then, I will back that into the question. When I see, you know, there is something that is potentially a lawsuit required or legal action required to resolve an issue that could impact the future plan of the site, that kind of gives me some pause regarding -- like does this actually look anything like what we -- what the site end up -- might end up looking like, how that feeds in the development. Obviously, I -- you don't want to set a precedent to where you are encouraging people to threaten lawsuits to, you know, prevent something from getting passed, but I guess is there room for the Commission to take into effect -- or take into account that legal dispute and the impact it might have on the overall development and whether it's passed, continued, denied, et cetera.

Starman: Thank you, Mr. Chairman, Members of the Commission, Commissioner Smith. So, I guess two thoughts there. First is that I really don't think you want to get too far into the -- you know, an actual legal dispute or even the potential for such a dispute. So, I would advise some caution there. But I do think to your -- in terms of your general

comments and your general concerns, I would say that from just taking a step, back and looking at it from a public policy perspective, this is an annexation and we -- one of the findings that ultimately the City Council has to make is that this is in the best interest of the city. If you think this project is not likely to proceed timely and it's, therefore, not going to be in the city's best interest and you can articulate your reasoning for -- for that, I think that that could be brought into the discussion and could be part of the -- part of your deliberation. If you think the annexation is not timely, because there are impediments to development and it's going to lie fallow for some period of time and, therefore, it's not timely, that would probably be a legitimate discussion for deliberation.

Smith: Thank you.

Seal: Anything else?

Bailey: Mr. Chairman? Oh.

Seal: Oh. Okay. Go right ahead then.

Bailey: Thank you, Mr. Chairman, Commissioners. I really appreciate that. Thank -- thank you very much. And -- and we are not necessarily looking to, you know, push anybody in there. But one -- one of the -- the things that I do want to point out is that our -- our impression on you as are we good neighbors and good developers and it's something that we always strive to do and so I think it's a great issue to bring up and I don't -- I don't have a problem with the neighbors bringing this up or us discussing this at all in -- in that manner, because we are trying to be good neighbors and good neighbors look at the rules and we -- and we follow the rules, as well as cooperate and communicate with the neighbors and will continue to do that and I do think that we can, as presented tonight, build this project as presented; right? There is some questions about what will actually end up being there, you know, and -- and when, but the project as presented tonight is -- is what we intend to build.

Seal: Commissioner Lorcher, anything?

Smith: Mr. Chair?

Seal: Go right ahead.

Smith: So, this -- I guess this isn't quite necessarily public comment related -- I was saving some of this for the actual deliberation portion, but there is a question I want to ask you related to this -- is I still don't fully have confidence in kind of the -- the multi-family open space, just the -- the amount of -- looking at it looks like there is -- we are just barely clearing the minimum private usable open space by two square feet and it just feels with the density and the open space it -- it feels a little cramped to me and I'm thinking about the -- not necessarily the things that were testified about tonight, but I'm thinking about the quality of life for the residents at this -- at this parcel and I'm just curious if this were, you know, continued or -- or if there is a future timeline -- I know you guys have been

working on this for years. Is there any feasibility you think -- and, again, talking -- nothing about preference, but feasibility and potentially increasing some of that open space between those parcels -- between those units, those blocks of apartments for -- for -- you have to comply with some of those that -- the crime prevention standards, the open space standards that -- that the staff pointed out.

Bailey: So, Mr. Chairman, Commissioner Smith, we have worked this over quite a bit and -- and -- and we think this is the one that provides all the required open space and just a little extra. The -- the square footage you are just describing for the private open space is on the -- specifically on the balconies or balconies were a little small and we moved those up to 82 feet. I think there were a couple that were less than that for some reason. But the open space provided for the -- for the apartments is -- both meets the code and is -- and is really consistent with several of the other apartments that have been approved or that we have gotten approved, actually, in the City of Meridian in recent past. So, we are -- from my perspective -- our perspective we are not cramped and -- and, again, we have been very -- very intentional about the placement of those based on what the developer wants and needs for the quality of life of the residents, because he is going to be running it, the people who need that quality of life, so that -- that's very intentional on that end of it. Probably would not want to go back to pushing that into the middle of -- of the development and -- and we think that the open space between the buildings is -- is really a very good -- really a very good amenity for the project. So, if I could just summarize real quick. So, we are agreeing with all the conditions and asking you for a recommendation to the City Council for approval of the annexation and -- and for the preliminary plat for this and the two that we are asking to -- to not go forward with are the relocating the common areas within the -- this area and revising the phasing. So, we -- we do want to build all that -- although we will agree to revise the phasing to add the coffee shop into the first phase within this project. So, we intended to do that.

Seal: I can hear the wheels spinning.

Smith: I think that's it for -- that's all the questions I have. Thank you.

Seal: Okay. Commissioner Sandoval, do you have any further questions?

Sandoval: Mr. Chair?

Seal: Go right ahead.

Sandoval: I have a question for the applicant. So, you say that the street buffer is part of the open space. If that's correct, what -- what percentage of that open space is taken up by that street buffer?

Bailey: Mr. Chairman, Commissioner, I'm not sure I have that number off the top of my head. It's half of the street buffer along Chinden, which contains a berm and a fence in there. I don't know the number.

Sandoval: Thank you.

Seal: Anything further, Commissioner?

Sandoval: No. That's it, Mr. Chair.

Seal: Okay. Thank you.

Smith: Mr. Chair, I did have one --

Seal: Commissioner Smith, go ahead.

Smith: So, it seems like you implied this and I want to confirm. Is the developer planning on owning and operating this post, instead of selling this property?

Bailey: I don't know all the details of that, but that's my impression, yes.

Smith: Okay.

Bailey: That's what he is doing at this point with the apartment project.

Smith: Thank you.

Seal: Commissioner Lorcher, anything further? All right. Thank you very much. Appreciate it. And with that if there is nothing further I will take a motion to close the public hearing for File No. H-2023-0043, Blayden Subdivision.

Smith: So moved.

Lorcher: Second.

Seal: It's been moved and seconded to close the public hearing for File No. H-2023-0043. All in favor, please, say aye. Opposed nay? The public hearing is closed.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

Seal: Who would like to comment first?

Lorcher: He seems to be deep in thought, so I will go.

Seal: Okay.

Lorcher: Chinden is a major corridor in our community and as Meridian continues to grow west to offer different types of housing opportunities for people is going to be important for the overall portion of our city, but Black Cat is not ready for it. For those who moved out there for the fringe, I live in a community not too far from here thinking that we were

in the sticks as well and we are surrounded by other subdivisions because that's how our community is growing and since I don't own that land past my own property I have no say in what happens after -- unless I come to a meeting like this and just kind of acknowledge it. But with that said, the fact that Black Cat between Chinden and McMillan is not going to be built out until 2020 -- 2036 to 2040 and the roundabout is not even scheduled until 2028. With a two lane road with Pleasant View being on one side and everybody having to turn left or right onto Ramblin with no light to me seems too much for the size of this property with no other access. You can't get in on Chinden. You have to go on Ramblin. I don't know where the Levi Lane is or where that goes. I think this could be the right development for this area, but not now. I don't think the city is ready based on the infrastructure that we currently have in place. Whether West Ada builds a school there or not -- they bought the land, they probably bought it 20 years ago with anticipations and sometimes they do and sometimes they don't. So, holding them to building a school, a middle school, an elementary school, that's up for grabs based on the needs of our community and they will evaluate that on their time and the city is not in charge of the schools. So, I think overall the -- the diversity of the -- the apartments and the townhouses and the fact that you are willing to swap the office for the retail is appreciated. I don't even see retail being on Black Cat so close to Chinden. That doesn't make a lot of sense to me either. So, at this point in time today I am not in support of this project.

Seal: Okay.

Sandoval: Mr. Chair?

Seal: Commissioner Sandoval, go right ahead.

Sandoval: So, mixed-use areas should be centered as outlined in the staff report. The buffers as an open space in my opinion are dangerous or unusable. It's lacking the infrastructure right now as Commissioner Lorcher stated, roadways and schools. I understand the city doesn't have any control over these. I'm open to discussion, but I'm of the opinion that as the application lays now we should recommend denying annexation until the site plan is modified to align with the staff -- to align with the staff recommendations and/or the scope and scale are modified to meet the current infrastructure, because I'm in agreement 2036-2040 is a little too far out.

Seal: Okay. Thank you very much. Commissioner Smith.

Smith: Thank you, Mr. Chair. I -- it's funny, I think I will -- actually have him having issues for almost the exact opposite reason that Commissioner Lorcher. I think, you know, regarding the phasing and the timing of that, regarding the relative to the roundabout, one being one year off I think is not the end of the world. I would, obviously, that -- that 2036-2040 for Chinden is -- is a bit far off, but I think this -- there is a bit of a reality that we have to grapple with as we continue to grow that there is a need for greater housing and -- and with -- you know, the traffic that comes with that is -- is kind of a -- something that we are hoping to mitigate and we can hope to time right and time well, but there are a lot of different moving parts and that's -- that's always going to be an issue. I think with the

school capacities with how development fees are -- work in Idaho, I think that's -- you know, I would personally love if that wasn't the case, but this is what -- what funds those -- those schools. So, that -- that school capacity issue is kind of a -- it's kind of a self-creation issue. You need to create more capacity issues to solve them. My main issues are with -- and I know the developer has been at this for a long time and working hard to make this site. I just -- I don't think the site plan is -- is right for the area. I don't think the site plan aligns to the intentions of this -- of the city of the -- I think staff pointed out a lot of the issues, especially the one thing that we kind of didn't emphasize as much, but one of these standards discusses the CPTED standards, which is Crime Prevention Through Environmental Design I think. As we develop new housing I want to ensure that the housing is safe housing. I want to ensure it's livable housing and I don't think this fully meets up to those standards. So, I -- I genuinely do think in terms of -- of a lot of -- a lot of variables we are close and that -- that's one thing I want to say and I do want to say to a lot of people here tonight is that -- that at some point or another this kind of -- some development along these lines -- there is going to be something here and I -- I, obviously, don't think that this is the -- the exact right development at this time, but I encourage you -- I appreciate you showing up tonight and encourage you to remain involved, hopefully working with the developer to make that the right fit for the area going forward. So, that's kind of where I'm at. Thanks.

Seal: Thank you. I won't pile on too much, but I'm -- being someone that uses Black Cat frequently, I -- I share the concerns of -- of the folks that testified this evening, so I would like -- actually like how it's come together. I wish things were a little bit more complete as far as what was submitted tonight. There was -- there was a lot of changes that need to be discussed and talked about. I -- honestly, I kind of like the multi-family to be honest. I like, you know, the conceptual plan of it, the open space that's -- that's provided in there. I think that's a nice element to it. You know. And I try to be as optimistic as I can and, you know, think about people enjoying that shaded space that's in between the apartments and things like that. So, I try not to think about, you know, the nefarious back alleys, you know, element to it or anything like that. So, I mean for the people that live there it's actually -- would be very nice. So, it would be nice to see the -- the common areas more centrally integrated. There are -- there is reasoning before -- you know, on both sides of that. I understand why you would want to have that kind of buffer for the -- the noise and things like that that are -- that are on the street, but I also understand why you would want to centrally locate that. The biggest concern that I have is basically -- I mean you are -- you are going to take all the traffic that's here and you are going to force it right out onto Black Cat. From there people -- while they are waiting for the roundabout to hopefully maybe ease congestion, they are going to get impatient and they are going to cut through Bainbridge. That is what they are going to do. So, I see some traffic like that happening now and we are not -- you know, we are not fully built out with what's currently developing, much less, you know, a development this size. So, I really wish ACHD would speed the timeline for Black Cat. It's really a sore point for Meridian from basically one end to the other. So, we -- every time developments come up on Black Cat, it's -- it's a point of contention. It really is. But, you know, they own the roads, we don't, so -- and like the schools, we don't own the schools. So, if -- you know, if -- if ACHD says it's okay, then, it's okay. If the schools say it's okay, then it's okay. It's theirs to run. It's

theirs to operate. That said, we don't have to necessarily agree with it either. But I think that I share the same sentiments with my other commissioners where I think this is a good development. It's a -- I think it's a good fit for the land that it would be on, I just don't think that we have the infrastructure at this point in order to support it properly for the City of Meridian. So, luckily, I can't make a motion, so I will gladly take one though.

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher.

Lorcher: After considering all staff, applicant, and public testimony, I recommend -- I move to recommend denial to the City Council for File No. H-2023-0043 for the following reasons: The density of the project puts too much burden on the current infrastructure and the site plan does not support open space and common areas integrated inside the multi-family housing.

Smith: Second that.

Seal: Okay. It's been moved and seconded to recommend denial to City Council of File No. H-2023-0043 with the specific reasons. All in favor, please, say aye. Opposed nay? Recommendation for denial moving forward. Right? Thank you, everyone.

MOTION CARRIED: FOUR AYES. THREE ABSENT.