

5. Public Hearing continued from January 18, 2024 for Pathways (H-2023-0061) by Mussell Construction, Inc., located at 965 E. Ustick Rd.

- A. Request: Annexation of 1.11 acres of land with an L-O zoning district.
- B. Request: Conditional Use Permit for an education institution that takes access from an arterial street without a safe, separate pedestrian and bikeway access between the neighborhood and the school site.

Seal: I would like to open File No. H-2023-0061, Pathways, and we will begin with the staff report.

Allen: Thank you, Mr. Chair, Members of the Commission. A little recap from the last hearing. This application was continued from the previous hearing on January 18th in order to obtain the ACHD report for consideration in a motion to consider the impacts of a one-way driveway along the eastern boundary of the site on the buffer to residential use to the east and the internal site circulation. Since that time the applicant has submitted a revised site plan, as shown there on the right, that shows two accesses via Ustick Road, with a one-way driveway through the site, which provides better traffic flow through the site, with queuing for up to 18 vehicles and a safe drop-off area for students. With the revisions to the site plan the buffer to residential uses along the west boundary now meets the minimum width standard of 20 feet. A reduced buffer width of six foot eight inches to eight feet, approximately, is now requested from Council for the buffer along the eastern boundary. The traffic study associated with the public school checklist is in the process of being updated and should be submitted to ACHD for review first of next week. ACHD did provide an update for their review of the school site checklist as follows: The new site plan with the enter and exit only driveways, on-site vehicle queuing storage and a dedicated student drop off and pick up area is a significant improvement. ACHD is still waiting for the applicant's engineer to provide an updated school site checklist, which includes an on-site cueing analysis, but does feel that they are making progress in a positive manner. The applicant is here to speak tonight and that's all staff has, unless you have any questions.

Seal: None so far. Would the applicant like to come forward?

Mussell: Good evening.

Seal: Good evening.

Mussell: I will state my name and address again.

Seal: Thank you.

Mussell: It's Kent Mussell. I'm with Mussell Construction and my address is 3516 South Bartlett Way here in Meridian. When I was here two weeks ago I presented a different version of the site plan for this project. Emphasize the importance of the work that Pathways in Education is doing and expressed why we think their campus is a good fit for the area. I explained Pathways operating model and how it involves assisted homeschooling and that the students come to the campus for testing and tutoring, which makes it a very different operation from other schools. We listened carefully to your feedback, as well as the feedback from the neighbors, and we have returned with what I think is a greatly improved plan. We have addressed the suggestion that we improve on-site circulation and the impact that would have on the area's traffic. Our efforts since then have targeted those concerns and we are very pleased with the result. You can see the differences between the two plans on the screen. In our original design we had a single access to the site. Vehicles were to enter along the west drive aisle, park for drop offs, then, leave via a three point turn. Our new design improves this in a number of ways. We now have -- we are now proposing two accesses from Ustick Road, with one way circulation through the site. Vehicles enter on the east and circle clockwise through the property, exiting on the west. This provides 31 parking spaces and enough queuing space for at least 15 vehicles, plus loading space for four vehicles. For the safety of students and efficiency of drop offs, signage is proposed to require vehicles to complete drop offs along the west sidewalk. I realized that part of the reason for continuing this vote was to wait for ACHD's report. After our last hearing we revised our traffic study and submitted it to them. They requested additional information from us and, accordingly, we still do not have a report from them. However, we have made significant progress with ACHD. The report that Sonya just listed from them was at my request, because I wanted to get a sense of their feeling for the project in advance of this meeting. I'm going to read it again with the highlights. It says: I just wanted to give you an update on where ACHD is with the review of the application for Pathways Charter School. The new site plan with the enter and exit driveways is a significant improvement. We are still waiting for the applicant's engineer to provide on-site queuing analysis, but we are making progress in a positive manner. Working with ACHD's requests for additional information has taken time, but it has resulted in a much stronger traffic study and has led to improvements to our plans. Their e-mail to our planner identified their core consideration and alludes to how it is being resolved. Their core question is this. How do we know that drop-offs -- that the drop-off queue won't extend into Ustick Road and they want a specific kind of answer to that question. They want statistical modeling predicting the length of the drop-off queues during peak hours. We now have that information, but we have not had time to submit it to ACHD and I think you will find the information that we obtained reassuring. ACHD is aware of the approach that we have taken, which is why they were willing to write the positive message that we just reviewed. I would like to review our queueing analysis now and explain why it is likely to satisfy ACHD. We hired a second traffic engineer to complete the queueing analysis, Kittelson and Associates. We hired them to complete this analysis, because they have worked with ACHD on a number of local school projects and ACHD has found Kittelson's modeling methods to be helpful and accurate. I believe ACHD's positivity regarding our progress is largely because we hired Kittelson, whose work they appear to trust and be familiar with. Let's review what these graphs show. The red line represents our site's processing ability. This is how many cars can

drop students off without the need for a queue. The dotted green line predicts that -- the cars that will be arriving to the site. If you look at our 8:00 a.m. sight drop offs, you can see that the cars are processed as they arrive and no queuing is expected to occur. How is that reflected in the graph? The dotted green line remains below the red one and the blue line, which represents the drop-off queue stays zero throughout the peak hour of 8:00 a.m. Now, let's look at the other two graphs. As you can see, our peak activity happens at 9:40 a.m. That's because this period involves some late student pickups, at the same time that students are being dropped off for the second session. So, what happens at this peak time? For a brief ten minute interval, a queue will form behind the loading zone. At that time Kittelson predicts that at worst there will be four cars loading while five cars queue. This graph also shows why that won't be a problem. We have capacity for 15 cars to queue. This graphic shows our worst case queue. At 9:40 a.m. we predict at maximum there will be four vehicles loading and unloading, while five cars are queuing as shown. Kittelson's calculations are conservative and represent the worst case. It assumes the school is at max capacity with 120 students per day. This will not occur for several years. It assumes students will abruptly be dismissed at 9:45. In fact, they will end their sessions at various times between 8:45 and 9:45. I would now like to switch modes before I end. I think it's helpful to put the traffic load of this project into perspective. Yes, this project might in several years help 120 students per day. That produces about 170 vehicle trips per day. But we can understand that number in more helpful ways and I would like to illustrate that through a couple of comparisons. Here is a recently approved project in Meridian in 2021. It has a very similar -- similar footprint to ours at 7,900 square feet. It has two office spaces. One for a dentist's office and another shell space intended to be used as office space. I pulled ACHD's report on this project and there they estimated 177 vehicle trips per day. Recall our project creates about 170 trips. Here is another project I was able to find some data for. This has a smaller footprint and occupies only one half of an acre. The building is occupied by a Foot and Ankle Clinic, a dentist's office and an insurance company. In ACHD's report on this project they estimated traffic generation at 170 trips per day per acre. While this project is only half an acre. This gives us an indication that light office use on a typical day produces about 170 vehicle trips per acre. About the size of our project. That brings me to my final point. Compared to other uses, this project has some significant advantages. The project has no evening or weekend activity. It has no impact on the evening rush hour. More than two-thirds of the students arrive or leave at non-peak traffic hours and all student activities are indoors and for short durations. Thank you for allowing us the opportunity to make these improvements to our plans. I hope the information we presented has built confidence in our on-site circulation and that it's clear that we have adequately addressed ACHD's input on the project. It's important to us to be eager partners with the community and I hope that the progress we have made over the last couple of weeks shows that. Because this project is anticipated to be operational for fall 2024, I would like to request that the Commission vote on our application today. Although ACHD has yet to produce a final letter, my hope is that the information we presented just now will give you enough confidence to make a recommendation to Council. And I will take any questions that the Commissioners might have.

Seal: Thank you very much. Commissioners?

Smith: Mr. Chair?

Seal: Go ahead.

Smith: Thank you. One quick question. So, there are -- question and a follow up. There are three sessions throughout the day; is that correct?

Mussell: Yeah. That's correct.

Smith: So, follow up to that. I know we saw the pickup and drop off for session one and the pickup -- or drop off for session two. Is there analysis on -- I think -- I believe pickup for a session two, pick up and drop off per session three, specifically with the intention of are those -- or can we assume that there will be, you know, a lower impact? Is everything better off in those -- those timelines?

Mussell: Sure. So, yeah, I think to help explain that particular issue, the engineer focused their analysis on the worst case time. So, the first question is what happens during 8:00 a.m. where we have, you know, peak traffic, and, then, we have the kind of highest site activity where we have a slight overlap. We are staggering the sessions. So, the students are asked to finish their on-site session by 9:45. That gives a 15 minute delay before session two begins, but some students are going to get picked up late and some students are going to arrive early and so that's how you get a little bit of overlap. These graphs take that into consideration. So, that's why we -- while we have an identical drop off load at 10:00 a.m., we expect to have a queue at that time, because of the late students leaving at that time. But to answer whether we would have maybe potentially a worse issue between sessions two and three, there is a lunch hour in between those two, so the -- the 10:00 a.m. session will end around lunchtime and, then, the next session would not begin until 1:00 o'clock and so we would expect it to be very similar to the 8:00 a.m. drop off period.

Smith: I do have --

Seal: Commissioner Smith.

Smith: While we obviously don't have ACHD written back or anything else, I don't want to lean too much on kind of my own -- some of the way that -- let's get to this kind of as maybe a middle ground. Does this kind of align with what you have seen from similar projects of -- with footprints with this kind of model. Obviously, nothing is the one to one, but does this -- I guess it's a sanity check, does this kind of check out.

Allen: Mr. Chair, Commissioner Smith, Commissioners, you know, this is kind of a unique project. I don't know that there is any really similar ones that we have reviewed, to be honest with you. I feel pretty good with the revised site plan. I feel it -- you know, it's probably the best design that this site can get. One thing to keep in mind is Council cannot and will not approve this project unless it meets the requirements of state code as -- as determined by ACHD.

Mussell: Can I chime in on that?

Seal: Go ahead.

Mussell: Perfect. If -- if the question is about like confidence in Kittelson's analysis, I think it might help to kind of say how we got here. So, we were working with a different traffic engineer and we had done a few rounds with ACHD. ACHD sent me an example of a traffic study for INCA. That's another charter school. And I read that traffic study and I found Kittelson's analysis in there and I saw that there was coordination between ACHD and Kittelson in the creation of that analysis and that's why we ended up hiring them to do this for our project.

Seal: Commissioners, any other questions? Madam Clerk, do we have anybody signed up to testify?

Lomeli: Yes. Thank you, Chairperson Seal. We have Nancy Wilson signed in.

Seal: Good evening, ma'am. Need your name -- oh.

Wilson: Nancy Wilson and I live at 3299 North Boulder Creek Avenue in Meridian. I listened last time to the testimony and, then, went back and listened again. So, the -- what was testified to at that point in time is how I got my figures and at one point in time I remember there was a lady that testified and she said that their goal was to have 250 students and it kind of sounded to me like maybe that wasn't correct. I do believe in charter schools and I think they are important in the right situation. According to their numbers 50 percent of the students will be dropped off -- dropped off by parents. I don't know if you have ever been over when Compass Charter School was over off of Cherry Lane. The stacking of traffic was a block long and, granted, they have more students. So, then, what starts happening is the parents get impatient in waiting and they start picking them off and dropping them -- picking them -- picking them up and dropping them off on the side of the road. It happens -- if you drive by any of the schools around here that happens. So, the stacking -- and especially concerned about the left-hand turns across the two lanes of traffic. It would be nice to have statistics about how many accidents are in Meridian anymore. It sure seems like there is a lot where there is turning -- left-hand turns across two lanes of traffic. It says that they said that ten percent of their students will be walking or biking to school. There is no crosswalk there. It's a ways down the street to the crosswalk and there is a light there. I don't know if you remember that there was a student from Meridian Middle School that was hit and killed by a car, because the kids were running across the street. I was by there just the other day and they have two crosswalks and the kids are still running across the street and that -- that scares me. The speed limit on Ustick Road is 40 miles an hour. Rarely does anybody go 40 miles an hour. There is a lot of drag racing up and down that road. We call it the Ustick International Speedway, because it is just the -- traffic is just out of control. So, with all of this I total -- I totaled that this -- these are from what I had statistically from their testimony last time and I figured that there would be 276 trips a day. That's with the

parents going in and out to pick up and in and out to drop off and, then, if they went to 250 students that would be close to 600. There has been no talk -- and I don't know if there is plans for a 20 mile an hour speed limit through there, since it is a school. I'm not sure. And, then, my other concern was emergency vehicles. Is there room to get emergency vehicles in and out of there in case there is a fire or medical emergency. Thank you.

Seal: Thank you very much. Appreciate that.

Parsons: Mr. Chair, before we go on with public testimony, I just want to remind the Commission that we actually continued this item to just to discuss revisions to the site plan and get ACHD's comments. So, if we can just keep that testimony to those two topics tonight I appreciate that. Thank you.

Seal: Okay. Thank you, Bill. I appreciate the reminder on that. Madam Clerk, do we have anybody else signed up?

Lomeli: No one else.

Seal: Does anybody else in Chambers want to come up and testify? We will call you back up. We will get you back up here and -- actually, if you want to come back up. Any closing comments that would be great.

Mussell: So, I just thought it would be helpful to address a couple things on that. So, to clarify the difference between the 200 and -- it's actually 240 students is -- is the maximum capacity of the school, but that is assuming that they are split into two groups that are Monday, Wednesday and Tuesday, Thursday. So, on a given day, the traffic load is 120 students. So, I just wanted to clarify that point. And -- and, then, to address the emergency vehicles, I did talk to fire consultants, that's Meridian's contractor for reviewing our fire plans, and what we have designed here is emergency vehicle access on both ends of the drive aisle. The requirement is just that we get -- that a 150 foot fire hose can reach any part of the building measured around the perimeter and we have -- we have actually got that displayed on the site plans here for you guys to review, so --

Seal: Commissioners, any other questions for the applicant? Commissioner Smith, you look like you were going to go for it there.

Smith: I was.

Seal: Go ahead.

Smith: But I guess I can ask regarding -- regarding the purpose of the continuance being about ACHD -- including ACHD's study. Is there a requirement that we have that study for moving forward with this given that?

Starman: Mr. Chairman, Commissioner Smith, so the short answer is no. So, it was the -- the hearing was continued for two weeks to allow for additional information from ACHD. You do have some additional information. Not their complete response, but a partial response and, of course, you have the update from the applicant here today as well. So, it's really the -- it's the Commission's prerogative -- if you feel the need to wait for the ACHD report I think that's within your purview. If you choose to vote on this issue tonight and make a recommendation to Council you are able to do that as well. So, you are not precluded from making a recommendation for Council tonight if you choose to.

Seal: Okay. Thank you. Go ahead.

Smith: I apologize, I did think of a question for the applicant. On my mind regarding -- I don't know how to phrase this as more of a layman, but the stacking that naturally occurs -- in cross-traffic, is there any study that's done actually -- or best practice, general estimate how long that process can take on a road like Ustick and what the stacking effect might be, even if -- even if the queue has plenty of capacity post entry, just do the waiting for approximately --

Mussell: I see. So -- I mean I have to qualify this with the -- I'm not a traffic engineer, but the -- sorry. I think the question involves like what happens if maybe the processing ability of the site is restricted, because Ustick Road is too busy to be able to make a turn. Is that --

Smith: More or less, yeah. There is oncoming traffic.

Mussell: So, Kittelson's analysis should, as a professional in this industry, should take into consideration those factors. I assume that it has. But it's important to remember that our 8:00 a.m. drop off profile looks really good. It has no queuing at all. And so our issue is really at a non-peak time. It's at 9:40 a.m. when we are passed the rush hour, and, then, at the evening rush hour, we have no -- well, the site is closed completely.

Smith: Thank you.

Seal: Thank you, sir. Appreciate it. I do have a quick question for staff and it was actually brought up by the financing. On -- as far as -- if this were to be -- to be determined a school zone and the lights and everything were put up for that, who makes that determination?

Allen: Mr. Chair, I believe ACHD does.

Seal: Okay. So, that might be part of what may be coming in the report. Okay. That was a -- that was a good question. Okay. And if there are no further questions, no -- no one else wants to testify that's in the audience? So, only one person online and I don't see him raising their hand. So, I will take a motion to close the public hearing for File No. H-2023-0061 for Pathways.

Smith: So moved.

Lorcher: Second.

Seal: It's been moved and seconded to close the public hearing for File No. H-2023-0061. All in favor, please, say aye. Opposed nay. Public hearing is closed.
MOTION CARRIED: FOUR AYES. ONE ABSENT.

Seal: Who wants to go first?

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher, go ahead.

Lorcher: I know that the full ACHD report is not available as requested by this committee, but the changes that they have made for the in and out have been a good -- a good improvement and as long as ACHD proves both approaches I think you will be fine. I think there is an overestimated impact that -- this is an alternative school for high school students. It's a testing center with tutoring. It's not like they are in from 8:00 o'clock in the morning until 4:00 o'clock in the afternoon. It's not a traditional school. That's the whole point of having a small building for these students, because they are not acclimated towards the social requirements of other high schools; right? So, they need a quiet place to be able to take their tests, be able to graduate, be able to come into this building in a safe space, take their test, get instructions and move on. Having more than four in a queue I would be highly surprised even at full capacity. So, I think your site design is great and thank you for making those improvements. I would approve that -- I am going to motion that this gets approved based on your design and even though we don't have the ACHD report.

Seal: Commissioner Smith? Commissioner Rivera, go ahead.

Rivera: Just --

Seal: Hold on just a second.

Starman: Mr. Chairman, a point of clarification. So, the way you worded that. Commissioner Lorcher, was -- was that intended to be a motion or you intend to make a motion later?

Lorcher: Later.

Starman: Thank you.

Rivera: Just -- I'm in full agreement with Commissioner Lorcher. I appreciate the improvements that were made in the presentation today to the queue. I think it just makes it that much better. Like I stated before, I'm familiar with this impact that the school brings

in an existing school in Nampa and it's great for -- you know, for the community, but I think they have addressed -- done a good job of addressing the queue and the cars coming in to avoid traffic on -- off of Ustick. Again, Ustick it's -- it's a wide road, so that it helps with this as well. So, I am in agreement with Commissioner Lorcher to make the recommendation to go to City Council.

Seal: Okay. Commissioner, Mr. Smith, go ahead.

Smith: Mr. Chair. I'm generally the same agreement and I have no illusions that this is, you know, the perfect plan or the end all be all, zero things wrong, or zero things that my, you know, perfect location for this charters school, but I think this is -- this is probably -- especially when he is stating this is essentially an in-fill project. This is honestly probably one of the best pieces I think for both this location and for this charter school, just given a timeline, given the other -- the rest of how Meridian is developing and the problems that are going to be inherent really anywhere trying to fit this kind of parcel. Yeah, I think I would have probably liked to have seen the other session data just -- again, it -- that's especially in lieu of ACHD report -- the ACHD report, but I -- I imagine that that won't be as much of a problem for Council, just kind of -- as I do intend to vote for this, but just some -- some feedback around things that could potentially make this a little bit -- just more of a -- you know, more of theory. Yes, but I think this is a net good for the community, for the students. I think they have done a great job at taking the feedback from the previous hearing and incorporating a lot of the -- a lot really solid improvements to the site design. Yeah. And I think -- I think my only real like outline concern is a little bit of that cross-lane stacking that just kind of -- stacking that happens when you are able to cross the lane, but that's not relying on the site plan itself, that's just based off of where Ustick and how traffic on Ustick flows. So, all in all I think this is net positive and I fully intend on supporting this. Just for some feedback for -- if I try to put my City Council hat on.

Seal: Okay,

Lorcher: Mr. Chair?

Seal: Go ahead.

Lorcher: After considering all staff, applicant and public testimony, I move to recommend approval to City Council of File No. H-2023-0061 as presented in the staff report for the hearing date of February 1st, 2024, with no modifications.

Smith: Second.

Seal: Okay. It's been moved and seconded to approve file -- or recommend approval of File No. H-2023-0061 for Pathways. All in favor, please, say aye. Opposed nay? Motion passes. Thank you very much.

MOTION CARRIED: FOUR AYES. ONE ABSENT.

