

McCarvel: It has been moved and seconded to continue H-2020-0113, Foxcroft Subdivision. All those in favor say aye. Opposed. Motion carries.

MOTION CARRIED: ALL AYES.

- 4. Public Hearing Continued from January 21, 2021 for Aviator Subdivision (H-2020-0111) by The Land Group, Inc., Located Near the Northeast Corner of N. Black Cat Rd. and W. Franklin Rd.**
 - A. A Comprehensive Plan Map Amendment to return the subject site back to the future land use designation of Medium-High Density Residential (MHDR) for the purpose of developing the site with residential instead of a school site as previously approved.
 - B. A Rezone of a total of 9.8 acres of land from the M-E zoning district to the R-15 zoning district to align with the proposed map amendment.
 - C. A Modification to the Existing Development Agreement (Inst. #2018-079763) for the purpose of removing the subject property from the boundaries and terms of the previous agreement and enter into a new one, consistent with the proposed residential concept plan.

McCarvel: Next item on the agenda is H-2020-0111, Aviator Subdivision, and I would like to thank the applicants for coming back this evening, as we ran a very late meeting last time, so -- but we will begin with the staff report.

Dodson: Thank you, Madam Chair. I second that. Thanks to the applicants. Appreciate that very much working with this. As noted the subject application before you now is Aviator Subdivision. It's not really a subdivision, unfortunately. I guess it's just Aviator. The size of the property is 9.8 acres. It's currently zoned M-E and it is located near the northeast corner at Black Cat and Franklin, as seen on the maps on the screen. It is the hashed parcel here north of the Compass Charter School and to the east of the Hensley Station. So, to the north is the railroad. North of that is some county residential land. To the east is also county residential. As noted south of the property is Compass Charter School and to the west is R-15 zoning with an approved attached single family residential project. The property was annexed in 2018 as part of the Compass Charter School annexation and comp plan map amendment. It is in the mixed employment future land use designation of the Ten Mile interchange specific area plan and does have an existing DA. Hence, the summary for this request is three parts and all of it hinges on the first one. The applicant is requesting a Comprehensive Plan map amendment to return the subject site back to the future land use designation of medium high density residential for the purpose of developing the site with a residential use and after that there is a request to rezone the property from M-E to R-15 to match the existing residential property nearby and, finally, to modify the existing development agreement for the purpose of removing the subject property from the boundaries and terms of that agreement and to enter into a

new one consistent with this proposed residential development. Sorry. I was going to click and -- there we go. This is the existing concept plan and the development agreement when Compass Charter School owned the property. In short, if the map amendment is not approved the associated rezone and development agreement modification are not applicable, because they are both contingent upon the future land use changing back to the residential designation. The applicant is requesting to modify the comp plan map for the subject parcel in order to allow for residential zoning and uses, instead of mixed employment or other industrial uses. The current future land use is mixed employment, as noted, which encourages research and development office, light industrial, information and other ancillary commercial uses. Instead, the applicant is requesting to return the property to its original future land use of medium high density residential. This designation allows for a mix of dwelling types, including townhouses, condominiums and apartments. So, with the 2018 annexation Compass Charter School -- when they annexed into the city this was their path of annexation and they also requested a comp plan map amendment at the time, so that they could -- well, to be more specific, they received the approval for the Comprehensive Plan map amendment at the time to change the underlying land use from the medium high density residential to mixed employment. This request and subsequent approval to change the future land use was so that the new school could be constructed and an adjacent county landscaping business could also be annexed into the city and still comply with code. At the time it was determined that the map change was applicable, because the subject parcel was conceptually shown the sports field track and stadium and was the school's avenue for annexation. However, in 2020 Compass Charter received approval to modify their concept plan and DA to move their sports field to the parcel directly adjacent to their east. Therefore, this 9.8 acres is no longer part of their long-term plan and was subsequently sold to its current owners. Because the applicant is proposing to return the parcel back to its original future land use designation and becoming more compatible land use to its neighbors, staff supports this requested map amendment. Thus the subsequent MDA is to modify the concept plan and incorporate new provisions based on the new plat. The same can be said for the rezone request of R-15, which would allow future development of the property with the residential use in line with the proposed concept. To be clear, the applicant is not proposing a plat at this time. Future development will be driven by the development agreement and the provisions associated with this concept plan. Specifically it is important to discuss access for this project in a separate section, regardless of the fact that no preliminary plat is being proposed. Access is proposed to be extension of the collector street West Aviator and a subsequent local street off of said collector. Plus Aviator currently provides access -- one access for Compass Charter School to the south and will provide access to Hensley Station directly west. Due to the pattern of development Aviator would only be extended to the east boundary of this subject site, not connect to any other road until such time that more parcels to the east develop and annex into the city. This is one more reason why the applicant is not choosing to submit a plat at this time. Because of this it is imperative that the conceptual layout of Aviator is well thought out and shown in a position that allows for fair and convenient extension in the future. Staff shared these concerns with the applicant and they revised the concept plan to show a more appropriate extension. Staff is appreciative of the applicant's ability to work with staff and revise the layout for these above reasons. The revised concept plans now show Aviator heading northeast into the

parcel from its terminus in front of the Compass Charter expansion, crossing the drain once in this site and, then, stubbing to the east property line north of the irrigation pump station in the southeast corner of the site. This new configuration allows for future extension of Aviator to occur without a need to cross the drain again and not require this applicant to acquire land from either of the two county parcels directly to the south. This new layout generally depicts the same internal layout with some shifting of the site to the east to accommodate easements and some loss of the internal green space that is replaced with other green space. With the future preliminary plat staff will analyze the open space for the property and make sure it conforms with the UDC requirements. There is only one piece of public testimony provided in -- at least as of this afternoon and that was with the property owner directly to the south boundary parcel. Because the original concept plan showed Aviator continuing straight across and across her parcel. There has not been any agreement to acquire any land between the two owners, so that, in conjunction with my comment to the applicant, the applicant revised the layout and understands that this is a more appropriate layout for that. Once Mrs. Valerie spoke with the applicant and understood what was happening she voiced to me that she had no other concerns. The applicant has stated that they are in agreement with the staff report and staff does recommend approval of the subject applications. After that I will stand for questions.

Yearsley: Madam Chair?

Dodson: You are muted, Madam Chair.

McCarvel: Yeah. Yeah. It wouldn't unmute for me. Commissioner Yearsley.

Yearsley: So, the drain runs through the middle of the property. Are they going to relocate that drain or what's -- or -- because the -- the -- what they were showing concept wise looked like they were having houses on top of the drain.

Dodson: Commissioner Yearsley, yes, sir, the -- you can kind of see it here.

Yearsley: Okay.

Dodson: If you can see my pointer.

Yearsley: Yeah.

Dodson: This black line is what they are kind of showing us, the gravity irrigation, and, then, you can kind of see that they are going to reroute it, so they can utilize --

Yearsley: Okay.

Dodson: -- more of the site. That is the plan, yes.

Yearsley: But this is just a concept plan, not a -- an actual plat; correct?

Dodson: Yes, sir. And the DA would be absolutely tied to this.

Yearsley: Okay.

McCarvel: Any other questions for staff?

Cassinelli: Madam Chair?

McCarvel: Commissioner Cassinelli.

Cassinelli: I just -- I want to just bring up a point of -- a point of order. I just want to let everybody know -- my fellow Commissioners know that I serve on the board at Compass Charter School, so I have got a relatively close tie here, but I do feel I can be objective on this and impartial, so -- but I just wanted to let my fellow Commissioners know if they had a concern.

McCarvel: Okay. Thank you, Commissioner Cassinelli. Any concerns from the other Commissioners?

Seal: No. Not here.

McCarvel: No? Okay. Okay. Any other questions for staff? Okay. Would the applicant like to come forward?

McNeill: Yes. Thank you, Madam Chair, and thank you, Joe, for a great review of the project. I do have a few slides to share and I'm not sure if they are going to get -- is the clerk going to post them or should I share my screen?

Weatherly: Madam Chair. Kristen, if you could go ahead and share your screen. I have changed it so you should be able to bring your screen up on -- on your computer now and share.

McCarvel: And thank you, again, Kristen, for coming back this evening.

McNeill: No problem. It's going to take me just a minute to make sure I'm sharing the right screen. Okay. This is sharing a little bit differently. It shares a little differently than --

McCarvel: There we go.

McNeill: Okay. That's not showing presentation mode though. Oh, there we go. Okay. Are you seeing the full screen of this slide?

McCarvel: Yes.

McNeill: Okay. Great. Thank you. So, thank you, again, Madam Chair, Members of the Commission. I am Kristen McNeill with The Land Group, located at 462 East Shore Drive in Eagle. 83616. As Joe -- as mentioned by staff, we are going for a Comprehensive Plan amendment, rezone, and subsequently a -- one second. And, then, a modification to the existing development agreement. This is another view of the project site. You can see Compass Charter School here and the project site is dashed in white. This is a new diagram that we added. This was not submitted with the original application. This graphic kind of shows a little bit more, as we are not submitting a pre-plat, as Joe mentioned, this graphic really highlights some of the more important parts of this application, which is, as Joe mentioned, a collector road going up through the -- through the parcel, as well as the general open space plan and blocking for residential areas and showing some pedestrian connections as well and as Joe mentioned, we originally anticipated that Aviator Street would continue directly along the southern part of the parcel, but after the meetings with staff, ACHD, as well as conversations with the neighbors, including Ms. Bowery, who I spoke with on the phone, the neighbor -- she's the neighbor to the south here, based on that feedback we were able to resolve those concerns by moving the collector road up through the parcel, as well as there is a pump station in this corner here, so that way that -- it routes around that as well. Because of this, though, this site offers -- definitely offers some challenges for development with the Purdam Gulch stream running through the center and this pump station in the corner. But we actually feel that this offer is a great opportunity to stretch the creative imagination and explore dynamic solutions for site planning, housing type, and distinctive open space plans and here we have the concept plan that was submitted with the original application. This shows the townhouse -- townhouse style product on this parcel and it -- you can see it's -- what we are showing here is how it -- how it speaks to the development -- the future development on -- for Hensley Sub and the existing Compass Charter School, as well as the new parking lot that Compass Charter School is working on right now. So, we -- what we are showing here is just how this will fit in with that residential character of the neighborhood. These parcels down in the southeast corridor are not annexed yet. While this application does not formally include a preliminary plat, we have evaluated appropriate options to create a premier Meridian neighborhood that supports the Ten Mile interchange and specific area plan. This includes exploring a variety of products suggested for medium high density residential districts in the Ten Mile area, including townhouses, duplexes, four-plexes, et cetera. The area plan envisions residential lots of future walkable neighborhoods and a community feel with the intent to compliment existing and planned neighborhood developments nearby. With the site constraints mentioned before, this site offers unique and exciting opportunities for creating a dynamic and very original open space plan that will be unlike others in the area due to the layout of the site. We anticipate further exploration of integrating pathways and amenities to maximize open space, as well as opportunities for unique walking and gathering spaces involving natural play or potentially sport areas, all to encourage an interconnected community. In addition we would be exploring architectural characteristics, such as various facades and materials to create greater architectural variety and interest. So, in summary, the application, again, includes the Comprehensive Plan map amendment to medium high density residential, which will be bringing it back to its original -- original designation. A rezone to R-15 and -- from M-U and development agreement modification just subsequent to leaving the existing

development agreement and as well as -- as for the staff report we are in agreement with the staff report. That one diagram that we -- that we included we think kind of further clarifies since the -- since it was not originally included in the documentation. So, we do think that that would be a -- beneficial to include in the staff -- along with the development agreement documentation, but -- but we are in full agreement with the staff report. So, with that we respectfully request your approval tonight and will stand for questions. Thank you.

McCarvel: Any questions for the applicant?

Seal: Madam Chair?

McCarvel: Okay. Commissioner Seal.

Seal: Just quickly. Just the diagram that was up there -- and I know it's a -- you know, not a plat, but it still looked like it was kind of going in on the corner of the -- of that lot -- the private property where that comes through there. Is that going to swing through there like that or is it going to be completely on -- I mean is it not going to breach that property line at all?

McNeill: You are referring to this -- can you see my --

Seal: Yes, I can.

McNeill: -- my mouse? Okay. So, you are referring to this corner right here?

Seal: Correct.

McNeill: Yes. No, I guess in -- this looks like it -- the way that it's drawn here it looks like it could be kind of going over that, but, ultimately, no, it would not. It will be routed so that -- so it will not go into that property line. There has not -- not been an agreement between that property owner and the owners of this parcel. So, that's why this -- this will be routing up through the -- through our site completely. Which also, as Joe mentioned, helps out with an area further east where it would ultimately -- the original -- if it would just go straight across it would have had to cross the drain twice and this way we kind of skipped over and are able to continue it a little bit more cleanly further on. Not we. Future developers of those parcels.

Seal: Thank you.

McCarvel: Any other questions for the applicant? Okay. Adrienne, do we have any public testimony signed up?

Weatherly: Madam Chair, we do not.

McCarvel: Okay. Is there anybody on Zoom or in chambers that would like to testify on this application? Okay. I don't see any hand raises and I -- Commissioner Seal doesn't see anybody there, so we will move on. So, Kristen, did you have any other comments, since we don't have any public testimony?

McNeill: No.

McCarvel: Okay. One last chance at questions for the applicant, then, before we close public testimony.

Seal: Madam Chair?

McCarvel: Commissioner Seal.

Seal: Just quickly, has there been any kind of engineering review on the modification to reroute the -- the drain or is this just completely conceptual?

McNeill: I -- at this point I believe it's completely conceptual. If -- I think Matt is on here as well from The Land Group and if he has anything to add he can add, but I don't -- I don't -- I believe at this point we have -- we have just been doing conceptual.

Seal: Okay. And the reason I ask that question is just the -- the concern that if that isn't going to meet engineering requirements for that reroute, then, is there a Plan B?

Adams: Madam Chair, this is Matt Adams. Can I address that question?

McCarvel: Sure. Go ahead.

Adams: Thank you, Madam Chair and Commissioners. So, we have done analysis on three specific things. One is sewer and we have confirmed that the sewer stub from Hensley does, in fact, allow us to service the furthest lots to the east with adequate depth. So, we are good on sewer and that is -- it's shown in this conceptual plan. We have confirmed with Public Works that water service is adequate and will work just fine, which is also good for fire protection and drinking. And, then, we did do a grade analysis, because we do have a full topographic survey of this parcel and there is enough fall in the Purdam Drain that we can do what is clearly a little bit longer length than a pipe and we have -- we have met with Nampa-Meridian Irrigation District and they are in agreement with piping this section, as it's very challenging for them to keep it clean from silt and things like that. So, Nampa-Meridian has seen this and is in favor and we have, in fact, confirmed the engineering on it. That's an excellent question. Thank you.

Seal: Thank you.

McCarvel: Thank you, Matt. Okay. Any other questions for the applicant? Okay. Can I get a motion to close the public hearing on H-2020-0111?

Seal: So move.

Cassinelli: So moved.

Holland: Second.

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

MOTION CARRIED: ALL AYES.

McCarvel: Yeah. I think -- you know, I appreciate the question being asked about the drain, because that's certainly a concern seeing all that building going on on top of that, so -- and other than that I think they have done well to, you know, push that road to the north just a little and it does kind of solve some of those issues. But any other -- be happy to hear everybody else's comments.

Holland: Madam Chair?

McCarvel: Commissioner Holland.

Holland: My only heartburn when I first read this was -- I remember when the project to the west of this came into us, we were excited about this being a sport field, because it allowed for more open space for kind of that neighborhood and for the -- the charter school. So, I was a little bit bummed to see it not stay a field and I always hate seeing houses right up against the rail line, but I know our Comprehensive Plan calls for houses to be right up against the rail line. So, I don't know that we have much -- much play there. But I would make the suggestion that when the applicant comes back to bring this forward that they would be cognizant of -- of how those houses against the -- the back of a lot interacts with the rail, because I know houses against the rail can be very noisy when rail is going through and right now we are lucky that that's kind of a quiet rail line, but it does still see some service that comes through there. I work in an office that's right next to a rail and I can just say that it's -- it's noisy and interruptive a lot of the day. So those were a couple of my comments. Otherwise, if -- if the Commission decides they want to allow this applicant to change the Comprehensive Plan map, I don't see a huge concern, because everything around it is already planned for that medium high density. I appreciate that they are trying to add some extra open space in there and be a little bit creative with it, but I would prefer to see more open space than less when we look at this project, especially because it was originally proposed that this was going to be an open field that was going to kind of help provide some green space for the surrounding community. So, it's always sad when the green space goes away. But those are my comments.

Seal: Madam Chair?

McCarvel: Commissioner Seal.

Seal: I completely agree with Commissioner Holland on the -- you know, trying to do something different with, you know, the property that lines up there with the rail. The only other comment I would make is the -- the shared driveway, hopefully, before that comes back before us that is a whole lot less than six lots sharing that -- that shared drive. I know that that -- I know code right now allows six, but that's really -- it really doesn't do our -- our services departments any -- any great favors to have that many there. Other than that I think everything is well in line.

McCarvel: Yeah. I would -- I was actually surprised Commissioner Holland didn't mention that, because shared drives are usually her --

Holland: I was glad that you said it, because I remembered that after I stopped talking, so I was going to --

McCarvel: Yeah.

Holland: Thank you.

McCarvel: I was waiting -- I was waiting for it. But, yeah, the applicant should know that that -- that will give us heartburn, the shared common drive with all those homes on there.

Cassinelli: Madam Chair?

McCarvel: Yeah. Commissioner Cassinelli.

Cassinelli: Well, as long as we are prepping the applicant, we might as well address parking, too, so when they come to us with -- with a concept plan they will want to have adequate parking in there, because that's -- that's another one of our hot buttons. So, I figured I would share that. Otherwise, the staff and the applicant are in agreement and it is being returned to its original, because I'm somewhat familiar, Commissioner Holland, I can say that the -- what Compass did was move their open field area adjacent, so that -- that neighborhood, if you will, still has some added green space because of that.

Yearsley: Madam Chair?

McCarvel: Commissioner Yearsley.

Yearsley: So, I also echo Commissioner Holland's comments. I have to admit, looking at the concept plan, I'm not very well -- as compared to what they presented in the -- in the -- the -- their comments today. I hope that they come back with what -- what they are proposing. I think the open space and trying to make this together into a community would be really nice. Given what they are showing it's kind of hard for me to see that open concept plan like they are showing on their -- their photos. So, that's my only concern. I guess I'm in favor of the rezone and the land use map.

McCarvel: Okay. Any other comments or motions?

Lorcher: I have one question. Does ACHD or I -- whoever owns the roads plan to make it a five lane?

Dodson: Madam Chair?

McCarvel: Yeah. Go ahead, Joe.

Dodson: Thank you. I'm sorry, Maria, what is your last name?

Lorcher: Lorcher.

Dodson: Lorcher?

Lorcher: Yes.

Dodson: Okay. Commissioner Lorcher. Good to meet you. This is going to be a collector road, which is not five lanes. Collector roads are going to be -- at most it's going to be a three lane collector, but I believe it's actually a two lane. Commissioner Cassinelli, if he has been out there more than I have he might know more of what Aviator is currently. But it -- I think it's a 36 foot wide street section for a collector street. So, it will not be five lanes. And, then, furthering that, east of this property line of the subject site, the master street map does not call for the collector roadway to continue. So, it actually will likely get downgraded to a local street and then -- which would just be more residential internal local streets.

Holland: Madam Chair?

McCarvel: Commissioner Holland.

Holland: I know one of the concerns that's come up with this Commission in the past, too, is about Black Cat, not necessarily Aviator. Because I think Black Cat is slated to be a five lane road. Commissioner Lorcher's comment there. But I'm not sure what the timing of that is with ACHD. So, it's always nerve-racking when you put a lot of higher density projects in and that road is not improved yet. But the roads don't get improved until there is enough density to demand the roads be improved. So, there is always that Catch 22.

Grove: Madam Chair?

McCarvel: Commissioner Grove.

Grove: If it's okay I will just go ahead and put a motion forward. After considering all staff, applicant, and public testimony, I move to recommend approval to City Council of file number H-2020-0111, as presented in the staff report for the hearing date of February 4th, 2021.

Seal: Second.

McCarvel: Do we have a second?

Seal: Second.

Holland: Madam Chair?

McCarvel: Commissioner Holland.

Holland: Commissioner Grove, I don't know if you want to add any comments in there with recommendations to the applicant to reconsider their concept plan when they bring it back for a couple of the items we discussed or -- I don't know that we need to necessarily, since it's just a concept plan, but I don't know if you want to note that to Council, so that way make sure it gets across.

Grove: I can do that.

McCarvel: You thought you were getting an easy one.

Grove: I know. I got one. Madam Chair, I would like to amend my motion to include Commission feedback on open space and shared -- or common drive recommendations as presented in this meeting. Is there another one? Commissioner Holland?

Holland: I think you could just reframe it to say that we would prefer the applicant go back to the drawing board on their conceptual site plan before it comes back for the pre-plan request. Maybe that's a good way to put it. And I will second that.

McCarvel: If you are okay with those words.

Grove: I like Commissioner Holland's wording.

McCarvel: It has been moved and seconded to recommend approval on H-2020-0111, Aviator Subdivision. All those in favor say aye. Opposed. Motion carries.

MOTION CARRIED: ALL AYES.

McCarvel: Thank you, Kristen.

McNeill: Thank you.

5. Public Hearing for Chewie Subdivision (H-2020-0120) by Kent Brown Planning, Located at 2490 W. Franklin Road and the Lot Directly North

- A. Request: Preliminary Plat for six (6) industrial lots on 43.87 acres of land in the I-L zoning district.