

live there, so I guess if they can sell the product, then, I can support it.

Seal: Madam Chair?

McCarvel: Commissioner Seal.

Seal: If nobody else wants to jump in I can throw a motion out.

McCarvel: There you go.

Seal: After considering all staff, applicant, and public testimony, I move to recommend approval to City Council of file numbers H-2021-0044 and H-2021-0005 as presented in the staff report for the hearing date of October 7th, 2021, with no modifications.

Grove: Second.

McCarvel: It has been moved and seconded to recommend approval on H-2021-0044 and H-2021-0005. All those in favor say aye. Opposed? Motion carries.

MOTION CARRIED: ALL AYES.

9. Public Hearing Continued from October 7, 2021 for Pera Place Subdivision (H-2021-0056) by Leavitt & Associates Engineers, Located at 4600 W. Daphne St., 4546 W. Daphne St., and Parcel S0427325702, Near the Northeast Corner of N. Black Cat Rd. and W. McMillan Rd.

- A. Request: Annexation and Zoning of 10 acres of land with a request for the R-8 zoning district.
- B. Request: Rezone of 6.84 acres of land from the R-4 zoning district to the R-8 zoning district.
- C. Request: Preliminary Plat consisting of 65 single-family detached building lots and 7 common lots on 16.63 acres of land.

McCarvel: Next item on the agenda is also an application from -- being continued from October 7th, H-2021-0056, Pera Place Subdivision, and we will begin with staff comments.

Dodson: Thank you, Madam Chair. Give me one second just to get everything pulled up, please. Okay. So, as noted the application before you was continued from October 7th due to a site posting error. The site is correctly posted now, so we can move forward. The application is for Pera Place Subdivision. The requests are for annexation and zoning, rezone and preliminary plat. The entire site consists of three existing parcels, one of which is already zoned R-4 and the other two are currently zoned RUT or Rural Urban Transition in the county. History on the site is only for that R-4 parcel, which was

annexed and was approved for a preliminary plat in 2007. It has an existing DA. I -- I guess the other history -- before the two lots that are in the county currently it was part of a county subdivision. The future land use designation on this property is medium density residential, as seen on the screen to the left. This whole area is medium density, which allows residential uses from three to eight dwelling units per acre. The annexation and zoning of ten acres of land is before you tonight, with a request for R-8 zoning. There is also a rezone request for 6.84 acres of land from the R-4 zoning district to the R-8 zoning district and, finally, a preliminary plat consisting of 65 single family detached building lots and eight common lots on 16.63 acres of land. The property is approximately 16 and a half acres and includes three parcels as noted. The area to the north of this project is developed R-4 zoning with detached single family homes and an R-8 subdivision as approved to the west of this project, which would be these -- this property here and this property here. This is a separate property. That is Brody Square directly to the west. I guess this is better. And those are currently zoned R-8. The applicant is proposing Pera Place with 65 building lots, which equates to 3.91 units per acre. It's proposed use of detached single family is an allowed and anticipated use in the requested R-8 zoning district and as well in the medium density residential future land use designation. The area of R-4, as noted, created a county enclave in 2007 that is still owned by the same property owner and is referred to as the Poorman outparcel. This enclave is still not annexed and -- and was approved for a preliminary plat in 2007. The R-4 area. The plat has long expired, but the DA does still exist. Because the applicant is requesting to rezone this area to R-8 -- I'm sorry. The applicant is requesting to rezone this R-4 area to R-8 to match the requested zoning of the ten acres to the south, as well as that to the west. Because there is an existing DA tied to a plat that is no longer valid and the applicant is requesting to rezone this area, the applicant should submit a DA modification to replace the existing DA and incorporate its boundaries within the property included as the annexation request. The applicant did not submit that at this time, which was known. They need to submit that prior to going to the City Council hearing. That way it can run concurrently and it can be heard at the same time at Council. In general staff finds rezoning this area from R-4 to R-8 a logical expansion of existing zoning near the corner of Black Cat and McMillan. Staff finds the proposal to annex ten acres and rezone six and a half acres to R-8 offers an appropriate transitional density to the already developed R-4 to the north. There are two existing county residential single family homes on the ten acre site to the south -- or these two lots here. And both will be removed upon development of this project. The Poorman outparcel has a septic tank drain field on the small area just north of their property line near Black Cat Road, which is -- if you kind of see it's noted as a separate lot right here. The -- yeah. Again, the applicant has proposed a nonbuildable lot over this area. Staff does not support the inclusion of this nonbuildable lot for the shared use, but, instead, recommends the developer and the Poormans enter into a separate agreement that defines how this area is to be used and maintained. The proposed use of detached single family residential for the site, with an average lot size of 6,700 square feet and a minimum lot size of 5,300 square feet. The proposed use, lot sizes, and lot alignment should provide for a development that is cohesive with the adjacent development to the north and planned development to the west and southwest. All subdivision developments are also required to comply with subdivision design and improvement standards, which is UDC 11-6C-3. The -- only one of those standards that

they do not comply with is the length of the cul-de-sac shown as West Philomena Court. The -- because it is greater than 500 feet. It is approximately 550 feet in length. The original plat did meet this requirement and included an access easement to the Poorman -- to the Poorman outparcel. However, I recommended that the applicant extend Philomena Court further to the west, so that actual right of way will touch the property line of the Poormans. The reason for this is because easements are more difficult to track and maintain than right of way being up against the property line. So, because of that the applicant understood, they extended the cul-de-sac there, so all it requires is a Council waiver by Council to extend it over 500 feet and, again, it's only 50 feet longer than what the permitted by right length is. Access to the site is proposed via multiple local street connections and there are no arterial or collector street connections. You have the North Sepino Access, which is an existing stub street at the north property line. Then you have two new north-south local street connections to Daphne. So, the only existing streets right now are Daphne Street here and the North Sepino, as well as Black Cat, I guess, but there is no access to there. Direct access at least. So, they are proposing to extend North Sepino Avenue and provide two new local streets here and also provide an east-west street here, because Brody Square will construct Avilla Drive at this location. The applicant is proposing a common drive off of North Sepino Avenue, which is this here. By glancing it looks like there is five lots, which does not comply with code. However, only the rear three are taking access off of the common drive. These two are taking access off the North Sepino, so, therefore, the common drive meets our common drive standards. All local streets are proposed as 33 foot wide street sections, with a five foot attached sidewalk, within 47 feet of right of way meeting ACHD policy. As noted, the applicant is proposing to construct or extend West Avilla Drive and, then, stub it to the east property line in order to provide future connectivity to the east. Five foot attached sidewalks are proposed along all local streets and there is five foot detached sidewalk proposed along Black Cat within the required street buffer. As proposed this project and the existing conditions of the Poorman outparcel not being annexed into the city would create a sidewalk gap along the east side of Black Cat. This gap would be approximately 190 feet in length and equates to the Poorman outparcel's frontage along Black Cat. The sidewalk gap that is -- that would persist is why the project did require ACHD commission approval, rather than just staff level approval. The ACHD commission did approve the proposed layout without this additional sidewalk connection, but instructed the applicant to try and obtain additional right of way and buffer and sidewalk along the outparcel frontage. It is my understanding that did not occur, but ACHD has approved it. Staff has recommended a condition of approval along the same lines, because this sidewalk gap is going to persist as a major issue for safe access to Pleasant View to the northeast here. Consistent with other approvals in the area, staff does recommend an interim sidewalk along the outparcel frontage for pedestrian safety and to eliminate the sidewalk gap until frontage improvements are required and that would be when the Poorman outparcel is either annexed and redeveloped or if Commission and Council decided that needs to be part of it now. The applicant is proposing approximately 2.84 acres of qualified open space, which amounts to approximately 17 percent, which exceeds our minimum requirements by quite a lot. Their three qualified amenities are a shade structure with a picnic table, the tot lot, and, then, 20,000 square feet of open space in excess of the required code levels. Staff finds that the proposed open space and amenities are thoughtfully designed

and placed for appropriate recreation and use. The applicant has stated they are in agreement with the staff report and, therefore, staff recommends approval of the subject applications and I will stand for any and all questions.

McCarvel: Would the applicant like to come forward?

Dodson: He will be online tonight.

Weatherly: Mr. Lardie, you have the authority to unmute yourself and turn on your camera.

Lardie: Thank you, Madam Clerk. I did. Is that -- is that getting you any feedback? Madam Clerk?

McCarvel: Pardon me?

Weatherly: No, it is not.

Lardie: Thank you. Madam Chair, Commissioners, thank you this evening. Dan Lardie. Leavitt & Associates. 1324 1st Street South, Nampa, Idaho. Again, before -- before you tonight the Pera Place, it's -- glad -- glad to be here. Is my PowerPoint available, Madam Clerk?

Weatherly: You do have permission to share your screen, Mr. Lardie, if you would like.

Lardie: Oh. I do not have it.

Weatherly: You should have a share screen button at the bottom of your -- or, excuse me, at the bottom of your Zoom screen. It's a green share screen.

Lardie: I do have that. I do not have the -- I do not have the PowerPoint handy. So, can I -- can I go back to -- can I borrow some of -- some of Joe's presentation, please? I apologize. I -- it's not on this computer and I wasn't -- I sent it into the clerk's office this morning.

Dodson: Dan, give us a second. We got to find it. I didn't save it to our file, because I thought you would have it.

Lardie: I'm sorry, I -- thank you, Joe.

Dodson: We got it, Dan. Hold on. Just tell me when to click and I will be your hands.

Lardie: Thank you. So, again, I want to say thank you for -- to staff. We really do appreciate it. Joe -- Joe and Bill has been great to work with this -- this -- this time and it's been -- it's been kind of an interesting -- it's a nice project. I think we have -- they -- with working together with staff I think we have come up with something that's pretty nice.

Next slide, please. So, some of the particulars from Joe's staff report are up there in the upper -- upper left. I'm not going to regurgitate the information to bore you to death, but -- and, then, the general location over here on the left, the -- the piece on the north that is that R-4 parcel currently zoned, we do know we need to get a DA agreement or a DA modification application into Joe. I have it prepared, I just haven't submitted it just yet. It will probably be on his desk -- or at least in the Planning and Zoning Department tomorrow and so we are aware of that. Next slide, please. So, over off to the left there, this is that sidewalk gap that Joe had mentioned in his staff report. This is also mentioned in the ACHD staff report. They didn't make it a requirement for us to construct this. They did ask us to try and work with the landowner to come up with a solution of that and possibly gain that right of way. We have had some discussions with the Poormans. They are concerned and hesitant about being forced to annex and -- and losing their access off of Black Cat with the construction of that, so they are not quite ready to participate. I think as time goes on we still will attempt to work with the Poormans to the best we can. Next slide, please. So, this just -- just an overall of the -- the open space. That open space up in the upper corner, the large mature area, it is full of mature trees. We are going to work with an arborist to try and groom this for homeowners use and we provided a pathway out to the Black Cat sidewalk extension and in Joe's staff report they asked for some lighting and I think that's -- we are all agreeing -- in agreement on that for public safety. There is that existing septic. This -- this existing septic was kind of an interesting situation. It cropped up and we thought that maybe putting it on its own separate lot was the right way to go, but it sounds like an agreement would be easier and more palatable to the city and I think we are all in agreement with that. We might need some help with the city with some -- some of that language that they might be agreeable to. Next slide, please. Just an overall set of the landscape plan that we have, showing -- showing the mature landscaping up on the left and some of the ponds and just trying to give an overall so you could piece it all together as I go through the next few slides. Next slide, please. Again this is that area with a -- with mature trees. We are going to work with an arborist to try and preserve those trees and groom them to make that area suitable for the homeowners use and keep it for public safety. The neighbors to our north, they really enjoy this area and it was a -- it was a -- in our neighborhood meeting it came up that they really wanted to try and preserve those areas -- this area. We thought it was beneficial to both us, to them, to the city and to the future homeowners. Next slide, please. So, this one -- we have these ponds here and people might be scratching their head going why are all the ponds there and the ponds are there for irrigation supply for our pump station. Our pump station is at the north end of that lot right -- just south of Avilla Drive. Those ponds need to be aerated in order to make -- so we are not creating a bunch of places for mosquitoes to breed. There is a pathway along there to provide a scenic route from Daphne up to Avilla, along with a pergola and a picnic structure about lot -- between Lots 13 and 14 there on the -- on the right. Next slide, please. This is the -- the existing sidewalk coming down from Black Cat. This is our northern connection. It also shows that area of trees that will definitely need to be groomed and maybe even a little bit of thinning to try and gain it to make it -- to make it safe for the public and for just general enjoyment. Next slide, please. And, then, this is -- this is a hard picture to look at. This is -- this is the Poorman's frontage road. This is their frontage right along -- right along Black Cat and with the mature landscaping and it's -- and it's pretty well groomed, they are -- that -- it's

one of the reasons why they are hesitant about putting a sidewalk in. That sidewalk will probably take out -- if it goes in at its regular location it will probably take out the majority of those trees. If we try and do something temporary, if we can get that approved through the city, we might be closer out here to the -- the hedge up front closer to us. Next slide, please. So, with that thank you all and I appreciate your time and I look forward for your approval and I will stand for any questions.

McCarvel: Any questions for the applicant or staff?

Cassinelli: Madam Chair?

McCarvel: Commissioner Cassinelli.

Cassinelli: Dan, those ponds for irrigation, will they be dry in the winter?

Lardie: Madam Chair, Commissioner, more than likely they will be dry and they are -- they are to be -- we have had -- we are showing some landscaping to them, so they don't look -- so, they are not just big dry basins. So, that, hopefully, they will be aesthetically pleasing. That's our goal.

McCarvel: Okay.

Seal: Madam Chair?

McCarvel: Commissioner Seal.

Seal: The Poormans, they own this entire R-4 piece; is that correct?

Lardie: Madam Chair, Commissioner Seal, yes, they do.

Seal: Okay. Thank you.

Lorcher: Madam Chair?

McCarvel: Commissioner Lorcher.

Lorcher: So, it was my understanding when -- as this is all county land, these were all five acre parcels; is that correct? And so two of them, plus a little extra, have been proposed for the Pera Subdivision; is that correct?

Dodson: Commissioner Lorcher, this parcel up here, if you can see my cursor.

Lorcher: Yes.

Dodson: This is already existing R-4. It was zoned in 2007. These are five acre parcels, yes. From -- they are currently in the county.

Lorcher: So -- but the rest of Daphne going along to Joy, they are additional five acre parcels; correct?

Dodson: Yes, ma'am. Yes, ma'am.

Lorcher: And so have developers bought the -- are there single family homes?

Dodson: They are -- I believe it's one single family home to the east that takes up -- it's the same owner for both five acre parcels.

Lorcher: So, the transition between a five acre parcel, low density to R-4 -- I know it's county versus city, because we are -- we are annexing this. Isn't that what we are trying to do tonight?

Dodson: Yes, ma'am.

Lorcher: Is -- is that the right transition for this area?

Dodson: As this gets built out, yes, same as it was when Brody Square got approved to the west when there were these two existing homes next to -- almost the exact same number of lots, if not the same number of lots. It's anticipated for all of this. These are the dominoes that are falling. It's coming from this side, as well as from the east with some of the Vicenza Commons. So, it's happening.

Lorcher: And has the single family residents to the east objected or they -- did they make any comments one way or another?

Dodson: There is no written testimony on this.

Lorcher: Okay. Thank you.

Dodson: You are welcome.

McCarvel: Any other questions for staff or the applicant?

Dodson: Madam Chair, I did want to make one comment about the ponds that -- Brody Square had to do the same thing, because there is apparently an issue with pressurized irrigation out here, so they need the ponds in order to provide what we require for pressurized irrigation. It's not something that they just decided to throw in there to have a water feature. So, that's -- that's why we are not counting any of that as an amenity.

McCarvel: Thank you. Madam Clerk, do we have anybody signed up to testify on this application?

Weatherly: Madam Chair, we do. We have a few people signed in. One -- or excuse me. The first one is Paul Poorman.

Poorman: Madam Chairman and Members of the Commission, my name is Paul Poorman and I live at 6230 North Black Car Road in Meridian and I realize I don't have a lot of time, so let me just say that I'm hoping that the P&Z will vote to approve the Pera Place Subdivision development agreement and let me tell you why. Several months ago we got a notice that there was a neighborhood meeting to discuss a proposed subdivision on the land that we are selling to Applied Media Corporation and, of course, we went to the meeting. We saw the plan and had several issues that we brought up. Many of our neighbors also brought their own concerns and voiced them. Having been to many of these meetings I wasn't expecting much. Well, a few of us noticed -- but there was a young man seated in the back of the room who didn't say a word. He just listened and a month or so later we got notice that there was going to be a second neighborhood meeting and this was a surprise, since usually they only have one meeting. Well, it turns out that the gentleman in the back of the room at the first meeting was Tony Tseng, who is their primary developer for Applied Media, and contrary to most of our expectation, his engineer showed a completely different plan than the first one and, lo and behold, he had incorporated most, if not all of the suggestions that myself and our neighbors had voiced at the first meeting. Instead of trying to ram a subdivision down our throats that would make him and his company the most money, he actually had a plan that his company would take a hit on, but for the surrounding community was going to be a much more inviting neighborhood and so the only suggestion I have is that the required lights along the path through the existing forest be pointed down and away from our house, which is to the south of this, if that's at all possible. So, I said at the beginning here I hope that P&Z will approve the plan. Tony is a first class guy who is working to build a community that will be a desirable home for generations to come. Meridian needs to encourage more developers like Tony to build our future here. Thank you.

Weatherly: Madam Chair, next is Gayle Poorman.

G.Poorman: Good evening, Madam Chairman, Members of the Planning and Zoning Committee. My name is Gayle Poorman and I live with my husband at 5230 North Black Cat Road in Meridian. In an effort to support this Pera plan -- development plan, but not repeat too much of what my husband just testified, I would like to provide you with a little background regarding our property, if you would humor me for a little short story here. Almost 40 years ago when we bought our property that area was open farmland. Excuse me. Our acreage was open field grass. Paul decided to plant spruce trees, some 500 of them. In the middle of the desert I asked. And the -- and the endeavor became lovingly known as Poorman's Folly. Over the years as we watered, nurtured, and planted hundreds of more trees of different varieties, such as Scotch Pine, Ponderosa Pine Norway Spruce, Ash, Willow and Birch, people would come to us wanting to purchase our young trees for landscaping around their homes. So, we purchased a tree digger and thus began our small business. As we kept many of our trees for our own enjoyment, our little forest grew into the haven -- into the haven that it is today for all those quails, pheasants and migratory birds of all kinds. What remains is a little island of habitat in the sea of subdivisions and our new neighbors love our little forest. What inspires me about the Pera Place development -- and I would like to also thank Tony Tseng -- is that he has found a way to preserve some of our forest by making it into a community park. My hope

is that this park will be a place where families can enjoy a little bit of nature in their own backyards. As older trees die or are thinned perhaps young children, students, can come and plant new seedlings and learn about trees and the animals that thrive there. Thank you for listening to my story and I hope you will approve the Pera Place development.. Thank you.

Weatherly: Madam Chair, next is Joel Tague.

Tague: Good evening, Commission and Madam Commissioner. My name is Joel Tague. 4625 West Twisted Creek Drive. Might I get you to put that map up, the very last one that you had, those green ones. Let me echo some of what the Poormans said. Grateful for the efforts the developer has put in place in terms of maintaining that green space. Mrs. Poorman failed to mention that in addition to the -- to the birds that she stated, there is also a family of -- call it a family of hawks -- a nest and hawks were raised there, as well as owls you can see and -- kind of a rare sight. So, we are grateful that they have kept that. There is a -- a couple of changes or concerns that I have and they are generally minor, especially this cul-de-sac -- I guess I have to say how grateful we are for the way they have moved that around. It does show a path and I know this may not be the way that it actually turns out, but on the record I would at least like to point out that that path being up next to a fence line -- and I live there to the north. Maybe like that more in the middle of the -- out more exposed than up next to a fence where at least half the residents could see what's going on behind that fence might make sense. A general concern -- and I don't know how it can really be addressed. The -- the transition between R-4 and R-8 really kind of happens along our fence, as opposed to within the development. We would like that change, but if we had to choose -- if I had to choose between having R-8 homes next to R-4 subdivision and -- but not be able to keep the green space, I think I would -- I would rather have that green space, because it is so nice and invaluable I think, especially in what will become evermore a sea of homes and less natural space. That's all. Thank you.

McCarvel: Thank you.

Weatherly: Madam Chair, next is Gabi Harter. Madam Chair, that's the last we have indicating a wish to testify tonight.

McCarvel: Okay. That being said, is there anybody else on Zoom or in the room that would like to testify on this application? Okay. Would the applicant like to respond?

Lardie: Madam Chair, Commissioners, thank you. For -- just to address a couple of comments that were made. The Poormans are concerned about the lighting and we all agree that the lighting needs to be ambient enough to provide for safety, but not overbearing to -- to kill off the light -- the -- the nature or even disturb the neighbors. I think something can be worked with on -- on that particular case. Mr. Tague, the pathway being up against the fence, yes, we drew it in that way. I think we can certainly pull it away from the -- away from his fence line a little bit and -- and maybe even a lot, we will have to determine with the field and, then, some of the trees that are there and, then, of

course, trying to protect the trees as we go around with the pathway. We don't want to try -- we want to try and preserve as many trees as possible, but we can certainly pull that pathway off away from that fence line. With that I can stand for any questions and look forward to your approval. Thanks.

McCarvel: I do you have one question. Are you in agreement with everything that's in the staff report at this point?

Lardie: We are in agreement with the staff report.

Dodson: Madam Chair? It's Joe.

McCarvel: Oh. Yeah.

Dodson: Sorry. Every time. It wasn't Andy this time. I just wanted to address those same things. The lights -- I didn't put a specific example in my staff report, but I'm thinking more of those -- they almost look like bollards with a little like -- the ones that you see on like a college campus pathway kind of thing. Just ambient lighting, nothing to really keep it wide open spaces like a ball field or anything, just -- just to help with being able to see through it. That's all. And, then, the lot sizes between the R-4 and R-8, I knew that was going to come up, so I -- I understand the desire if it was similar zoning or lot sizes. Usually a way to mitigate that would be to line up the lot lines as much as possible. They clearly have space where they can adjust some of those lots and push them a little further west and line those up a little bit more and that would probably help I think with that concern a little bit. They have ample open space, so I think they -- they could easily make that accommodation. And the interim sidewalk issue, I -- the way that I have seen it done and understood -- hopefully you can do it within the existing right of way along Black Cat. The interim is usually where ACHD allows an extruded curb, a vertical curb on the edge of the right of way or on the edge of the driving surface. That way people can, then, walk on the shoulder almost as a sidewalk as an added form of safety to be able to traverse that area, because there will be sidewalk along this entire eastern corridor, except for that gap. So, it is an important gap. It is not intended, based upon my conditions, to remove any of those -- the lush vegetation, et cetera, there. At least not with the interim. And it would not have to align with what would be required otherwise. That's just why it's an interim. If Commission and Council determines, as I discussed in my staff report, that there should be further improvements to that frontage, that is a separate conversation and I do understand that as well. If that includes recommending denial for this or approval with the proposal to annex the Poorman outparcel, understood as well if it doesn't, but there is a requirement to get the frontage improvements. That also makes sense. Both of those things were discussed in my staff report, but I could not find that I had the authority within code to require it. But with annexation and rezones there is vast discretion by our elected officials. So, I leave that up to you.

McCarvel: Thank you. Any other --

Cassinelli: Madam Chair?

McCarvel: Commissioner Cassinelli.

Cassinelli: I have a question for Dan, but in the meantime, Joe, do you have a plat map of -- is it Brody Square and how that would fit into this? But, Dan, can you comment -- the -- the -- that shared driveway, those lots -- and I'm not looking at it now, but the lots off that shared driveway are larger than all the rest. How did you come to that configuration, as opposed to kind of following the lot sizes across -- across that one street on the -- off the cul-de-sac?

Lardie: Madam Chair, Commissioner Cassinelli, the -- those lots -- that area seemed to be -- seemed to fit okay with some of the -- the one we had the R-4 to the north and there was the -- the Peras themselves, who own the five acres to the south, they are looking to relocate to those and they requested specific -- specifically larger lots in this -- and, then, so -- between us, them, our developer -- and that's where they decided that they would like to put those. It did provide a little bit of a buffer for the R-4 on that side, since we have all that green space on the west side for buffer. It kind of balanced out. And as far as Joe's question -- or not question, but his discussion about maybe widening those lots up on that R-4 side, maybe providing a little bit wider of a lot and lining those up, I believe that can be done and I think everyone would be fine with that -- on our side at least.

Cassinelli: Does that mean you would remove a lot in there?

Lardie: We probably wouldn't lose a lot. I believe we have enough room -- we would lose a little bit of open space, but since we are so -- we have so much open space.

Dodson: Commissioner Cassinelli, I have -- the best I can do for you to kind of line it up is just zoom in on this wonderful map we have here. Well, that's all it's letting me zoom in. But you can kind of see -- they -- they lined up in that center where the -- the west boundary of this and, then, Brody Square, they lined up the lots line to line. So, it's the same density along the shared boundary. And, then, they have the same lot depth on the north side of West Avilla Drive.

Cassinelli: Thank you.

Dodson: You are welcome.

McCarvel: Any other questions or are we ready to close the public hearing? Sorry.

Seal: Madam Chair?

McCarvel: Commissioner Seal.

Seal: I move we close the public testimony for File No. H-2021-0056.

Grove: Second.

McCarvel: It has been moved and seconded to close the public hearing on H-2021-0056. All those in favor say aye. Opposed? Motion carries.

MOTION CARRIED: ALL AYES.

Seal: Madam Chair?

McCarvel: Commissioner Seal.

Seal: I'm going to let other people go first to get -- see what other folks are thinking. The R-8s -- I have got no issues with at all. It's the R-4 that really -- that's the rub for me with that. The outparcel there that's not going to be annexed, I -- we have just run into problems with -- with when that has happened in the past where now all of a sudden you have this really small piece of land and, then, when it sells you have to figure out how to develop it, you have to figure out what to put on it, how it's going to fit in. We always feel sorry, because now they are a really small piece of land and how do you get them to get into city services and things like that. So, I can see a lot of problems from that. That and their septic drainfield is -- is -- I mean they are going to have their septic drainfield is moving into this as part of another piece of property that's wholly owned by someone else or response -- you know, the HOA would be responsible for that, so I see that being problematic as well. I just -- I can't wrap my head around the R-4 part of this moving forward. Again, the R-8 pieces of it -- I mean that seems to blend in well. It works well. It's laid out well. It has a common area. I mean the ponds are in there because they are going to need them. But even the back end -- or the east end of the R-4 with that common drive, I mean it's going to be an allowed common drive basically because of a technicality, because they are going to face those other houses to the west and I would have much rather seen the -- I think it's Litchfield -- go up and connect in and get rid of that common drive, because the common drive -- I mean if you have got trash cans and services and things like that, you have a Super Bowl party back there or whatever, it's just going to be crammed full of cars. It's going to be hard to get in and out. I just see that as nothing but problematic. Understand why they want to do it, if they are trying to accommodate the homeowners so they can still have their little piece of heaven back there and -- I would probably want the same thing, but from my perspective it just makes it even -- makes something that's problematic even more problematic in my mind. I just -- I mean, again, if we were just looking at the R-8s I would have no issues with this, but as a whole I can't support this.

Cassinelli: Madam Chair?

McCarvel: Commissioner Cassinelli.

Cassinelli: And I realize we are -- we are working -- that R-4 piece is such a -- an odd piece of land, the shape of it, and, then, those two five acre parcels, it really combines to be -- it's -- it's pretty tricky. But I would -- I would like to -- I would like to see some other configurations here. I -- one of the things that gets me is the way that -- with Brody Square -- and Joe's comment was the dominoes are falling. What's going to be -- what -- what's

going to happen here was the additional five acre parcels, as they do fall, this is just going to be square blocks from Black Cat to Joy with the same lot lines, the same configuration. I wouldn't mind having that kind of configuration south of Daphne, but north of Daphne I think it's -- there needs to be -- I don't know what the word I'm looking for is, but there -- there needs to be a little bit more undulation in the -- in the lots and in the streets here to match the -- what's to the north of it. It's -- it's a tough one. I have got -- I have got an issue with that private drive, too. It's -- the forest over there is fantastic. You know, that's kind of a unique feature. It's just a -- it's a tough one to try and figure out how to get everything to fit. But I would like to -- I would like to see at least better transition throughout that whole northern thing. They did it with those lots off the private drive. They put the private drive in there to keep some big lots at the request of -- of the seller. I would like to see that somehow incorporated all along there and -- which would require -- I'm scratching my head looking at this, trying to figure out how you -- how you fit it, because it is such a -- such a unique lot -- it's such a unique shape there. But I have got issues with it. I don't like the square layouts, the square blocks that are going to wind up going from Black Cat all the way down to Joy. I don't like the private drive. I would -- I would -- I would love to see some other iterations of how this is laid out.

Grove: Madam Chair?

McCarvel: Commissioner Grove.

Grove: I understand the concerns that have been brought up by the -- my fellow Commissioners, but I think one of the things that I'm looking at is, you know, the Brody Square that's already in, it's already been approved, and where those streets line up and just the configuration that, you know, we are left with here there is -- there is going to be limited options as we go forward with this. I typically am not a fan of shared drives, but having these lots be a lot bigger I'm not as concerned and if we look at the other parcels that are around it, the lot lines line up really well, which is not always something we are going to see, especially when we are having different transitions. I think one of the things that stands out to me for this project is the -- the public testimony that we did receive tonight was all positive for the developer, which is -- I would say uncommon for most of the projects that we see. You know, most people don't want to see things that are -- any development that comes next to them and I appreciate the comments that we got and the applicant working with those neighbors to address the concerns before they came here tonight. With that I'm -- I'm in favor of the project and would be happy moving forward with it.

McCarvel: Any other comments? I would -- I'm not as opposed to the way -- I think it's a decent layout for what's around it, but I do have an issue with that small piece being left out of everything and remaining not in the city, because it's developed all around and it's -- I know we have had similar things in front of us before and it's kind of -- you want -- I'm sorry, but the owners -- and I don't blame them. They want their cake and they want to eat it, too. They want to keep their little spot in the county, but they want to sell off and develop everything around them, but, then, that leaves that piece that doesn't get incorporated into anything. At the very minimum I would say it's got to be -- you know,

the sidewalk and everything has to go through. I am with Commissioner Seal, I hate leaving that little piece out.

Yearsley: Madam Chair?

McCarvel: Commissioner Yearsley.

Yearsley: I agree. I don't think we should be -- if we are going to do this we are all in or we are out, in my opinion. We need to clean this up and -- and get it -- making those sidewalks is going to be a critical path and I have lived in areas in the city that were finally starting to get sidewalks out there after 15 years for access and so I don't think we should allow that.

Wheeler: Madam Chair?

McCarvel: Commissioner Wheeler.

Wheeler: Yeah. I would like to just see it cleaned up just a little bit. I like the idea. I like the use of it. But you only have one time to do it right and I think it would be best if we put that little bit of effort into making that just a little cleaner.

Lorcher: Madam Chair?

McCarvel: Commissioner Lorcher.

Lorcher: Instead of possibly doing a denial, do we want to offer a continuance so that the developer and the landowner can talk to them about possible incorporation of that parcel together and maybe a different design for the shared driveway?

Dodson: Madam Chair? Thank you. I -- I know that the applicant would appreciate a continuance versus a denial. However, it is my understanding that they have had multiple discussions with the -- the owners of the property already and I don't know if -- I don't know what a continuance would garner in -- in those kinds of -- getting to the outcome that we want, I guess. I don't know what that would do. I think a recommendation of approval with conditions or denial with some recommendations is going to garner the same kind of outcome. If there is going to be discussions they will occur anyways. I think if we -- because they have to wait for a DA mod to come through and we got to do all that anyways, this will probably be out in six weeks. So, I think there is time in that area, rather than a continuance, if Commission is comfortable doing that. Again, that's just from my understanding of previous conversations that have occurred. I don't know if anything will come from that.

McCarvel: I guess I would be comfortable with recommending approval with certain conditions, because I do -- I mean there is -- you know, you can tweak the layout forever, but I mean the fact that they are keeping this little forest there, the green area, I think is -- there is a lot of stuff right with this, but I do think leaving that one little section out of it

and having everything develop all around it without holding that piece of property to the same standards is making things difficult long term.

Seal: Madam Chair?

McCarvel: Commissioner Seal.

Seal: And I don't mean -- yeah. And I agree it's nice to see that they have given some thought to keeping that area wooded and nice and approachable. When I first looked at it I was kind of scratching my head like what in the heck is going on there, but, then, when you look at it, even on Google Earth or something like that, you understand that it's -- it would be appropriate to keep that there. It's nice to keep it there. That way I mean when you are driving along Black Cat Road, you know, which is going to be an endless sea of fences and garages, you see a nice little wooded area, it's -- it's nice for sure. That said I think without annexing the entire property it's just going to lend itself to problems that we don't want to have in the future and that we have experienced in the past with pieces of property like this, because they will -- it will come back in and it will be difficult to integrate and it's going to be -- you know, I mean we are already talking about jogging a sidewalk around or working around that and -- you know, I mean I -- I can see why, you know, folks would want to sell it and keep their piece of it, but at the same time it has to fit with what we are trying to do with the city and what our charge is in doing that and I just don't think it does that. I just don't know how we get to a recommend for approval with something in there that, you know, we can't require them to annex into the city. I don't see any way to do that. That said we can deny a project until they do do it. So, I don't know that we have any other choice at this point if a continuance isn't going to get us there.

Parsons: Madam Chair, Members of the Commission, if I could just add to some of the conversation to try to put things in a little more context for you. So, keep in mind, even with annexation there is -- there is other things we have to analyze here. It's -- sidewalk is important, but, then, we also have to look at the Poorman's access, because now they have access to an arterial roadway. Now do we want them part of the plat, because we need a common lot along the front edge of their property so that we have a consistent landscaping along the whole corridor. So, that's why when we were having many discussions with the Poormans and good to see you this evening. Glad you could join us. There are some challenges with hooking the home up to the city utilities. There is a great expense to do that and there is some typography issues. So, yes, I don't disagree with you, we don't want to create enclaves and that's why we brought it to your attention in the staff report, but you have to realize when this was annexed in 2007 I worked on the project. There was no other subdivisions around this property except to the north. So, at that time it made sense to just annex that piece in, because it was tying into Volterra North, which is a development to the north. Now that we have gradually increased development around them they have -- essentially we have created the enclave and they finally have the ability to sell their property. So, that's why we are here this evening. We have heard you loud and clear that both the Commission and Council they don't want enclaves; right? We want to grow in a logical manner. But this -- this project -- this property does have some challenges with it. I'm not trying to sway you one way or the

other, I'm just trying to give you some context as to why it's not been included and some of the conversations that we have had with the Poormans not only this year, but probably over the last several years as they have tried to do something with this piece. Because, like I said, it's been annexed in for quite a while and we have met with many different developers on this and from our perspective what we have -- we have had at those pre-application meetings we have discussed them acquiring more property to make this a more viable project and that's what this applicant has done. They have acquired ten more acres. They are trying to connect it with this piece and tie it into the property to the north, which allows people to get to the school. So, you know, in our opinion, yes. Is it -- is it a perfect situation? No. But what staff tried to do is, one, give you the ability to analyze that and talk about it this evening and see if it does make sense, but we are also providing a stub street, essentially, the cul-de-sac and utilities. So, if and when the Poormans are ready to move farther out in the country or change their lifestyle, this property more likely could develop with two or three more lots with a common drive off that cul-de-sac. Now if you would like you can certainly continue this and ask for the applicant to bring forth a redevelopment plan for their property, so that you can see how it could integrate with the rest of the surrounding developments. That's certainly within your purview as well. So, I will go ahead and quit rambling a little bit here, but I thought it's something you can at least consider as you deliberate this evening.

McCarvel: With that any other thoughts at this time?

Grove: Madam Chair, it sounds like we kind of have a split going here, so just trying to get an idea of -- if people's opinions have changed on any of this, like how our -- so, I guess we could just throw out motions, but maybe have some idea of --

McCarvel: Yeah. I think we have had several -- so, I think that's -- run through some more thoughts before and get a direction now that we have heard other comments.

Lorcher: Madam Chair?

McCarvel: Commissioner Lorcher.

Lorcher: In the subdivision that I live in there is actually one parcel that is actually still Ada county and the rest of it is the City of Meridian and it's right smack dab in the middle where it's not on a main street, it's kind of stuck in the middle. It was the original farm house that was part of the subdivision and that particular homeowner chose to keep two to three lots for themselves and they also chose to stay in part of Ada county. The only thing that we notice -- I mean there is still sidewalks, because the subdivision kind of built around it and the only thing we noticed is that the trash company is different. So, different trash company comes for one person in our subdivision, compared to the rest of the city and it seems to have incorporated. The only difference with this one is that it happens to be on Black Cat. So, I think the conversation is among sidewalks and access to a busy street, as opposed to one parcel being part of a subdivision. I'm -- I'm inclined to approve this and deal with the homeowner -- homeowner's parcel that's in Ada county and incorporating into Meridian when the family feels that they no longer wish to be part of it.

Yearsley: Madam Chair?

McCarvel: Commissioner Yearsley.

Yearsley: I guess in light of wiser words, I will say, I -- ultimately I think the subdivision is actually a nice layout. I don't have a problem with the three lots on the private drive and the overall layout looks good. With that I would be in favor of approving this project. The only two conditions that I would recommend is realigning the lots up against the northern property to line up with the lots -- the adjacent lots and to move this pathway a little farther south away from the property.

Wheeler: Madam Chair?

McCarvel: Commissioner Wheeler.

Wheeler: Yeah. In light of what staff shared, I, too, have kind of changed my position on it and it's something that I would approve. Like I said, it's a good layout, it's a good use of the space. There is a lot of open space there. I do like the idea, too, that Commissioner Yearsley mentioned about moving that pathway down further to the south in order to make room for that property, but -- again, especially since he's saying this is kind of in the -- as we were growing we were annexing and we might have some culpability on kind of creating this as Meridian grew. So, yeah, to speak -- and there has been a lot of talk with the developer and staff over many meetings. It sounds like this is -- they are trying to do what they can in order to make this work. So, I would be in favor of this.

Grove: Madam Chair?

McCarvel: It sounds like we have the makings for a motion.

Grove: It does. All right. After considering all staff, applicant, and public testimony, I move to recommend approval to the City Council of File No. H-2021-0056 as presented in the staff report for the hearing date of November 4th, 2021, with the following modifications: That the pathway in the northwest portion is realigned and that the lot lines for the Block 1 of the northern portion be realigned with the lot lines to the neighbors to the north.

Yearsley: I will second that.

McCarvel: It has been moved and seconded to recommend approval for H-2021-0056, Pera Place Subdivision. All those in favor say aye. Opposed? Madam Clerk, would you do a roll call.

Roll call: Wheeler, yea; Grove, yea; Seal, nay; Lorcher, yea; Cassinelli, nay; Yearsley, yea; McCarvel, yea.

McCarvel: Motion carries. Congratulations.

MOTION CARRIED: FIVE AYES. TWO NAYS.

**10. Public Hearing for Meridian Swim School (H-2021-0069) by CSHQA,
Located at 2730 E. State Ave.**

- A. Request: Conditional Use Permit for an indoor recreation facility on 1.1 acres of land in the I-L zoning district.

McCarvel: Next on the agenda is H-2021-0069, Meridian Swim School. We will begin with the staff report.

Allen: Thank you, Madam Chair, Members of the Commission. The next application before you is a request for a conditional use permit. This site consists of 1.1 acres of land. It's zoned I-L, light industrial, and is located at 2730 East State Avenue. A little history on this project. A conditional use permit was approved back in 1991 for a planned unit development general, which included the subject property. Comprehensive Plan future land use map designation is mixed use nonresidential. A conditional use permit for an indoor recreation facility or a swim school as proposed on 1.1 acres of land in the I-L zoning district, consistent with the mixed use nonresidential future land use map designation and the previously approved planned unit development. Access is proposed via one driveway from East State Avenue and one driveway from North -- North Rosario Street, both existing local streets. ACHD has approved the location of both driveways. A ten foot wide landscape street buffer is proposed along these streets in accord with UDC standards. A revised site plan and landscape plan was submitted that complies with the conditions in the staff report. Parking is proposed in excess of the minimum UDC standards. Seventeen spaces are required, 48 are proposed. Conceptual building elevations were submitted as shown for the proposed structure. Building materials consists primarily of EIFS and stone with glazing and wood accents and trim and metal roofing. No public testimony was received. The applicant did submit a letter in agreement with the staff report. Staff is recommending approval with the conditions in the report.

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

Brozo: Mandie Brozo. CSHQA. 200 Broad Street, Boise, Idaho. 83702. I'm a little short. Sorry, guys. Thank you, Madam Commissioner, Members -- or Madam Chair, Members of the Commission. Tonight we are here to talk about the conditional use permit for a interior recreational facility, Adventures In Aquatics. Current zoning is light industrial. This is an approved use within the zoning with the conditional use. We feel that it is a great buffer between the office to the east and to the north and, then, the industrial to the west and, then, open space to the south. We do have the owners here tonight if you guys have any specific questions about operation. Otherwise, you know, we think that it would be a great addition to that neighborhood.

McCarvel: Okay. Any questions for the applicant or staff? Okay. Thank you.

Brozo: Yeah.