

parking. So, I think you allowing us to have that month to not only work with the applicant on coming up with some sort of shared parking in the area, providing some mailbox locations that both -- all parties can agree to and, then, also seeing if we can work on this access issue and try to determine where -- because as I look at this graphic it looks like a portion of this driveway is actually going in their backyard because of that easement and it sounds like that's something they don't want. So, is there an opportunity to look at that or maybe push some of these units back and correct some of the -- the wrongs that have been done under the previous approvals. You know, back in 2007 when this was approved for assisted living and it was -- the property was under one ownership and now that you see what's happened over time when you consolidate property, but you don't develop it and, then, that person goes ahead and sells each individual piece off and, then, the city -- and we are here at the hearing talking about what previous owners committed to doing and now we can't solve that problem unless we add people to the table. So, I think that the appropriate step, in my opinion, would be to continue to -- it sounds like you are and, then, give us some time to -- to work back, work on this and, then, see what your recommendation is at that point. But, you are right, your purview tonight is really just the rezone. Council will be taking action on that short plat.

Seal: Thank you, Bill. Appreciate that. So, really, we want to narrow this down to, essentially, parking issues and the mailbox relocation as far as the continuance. So, with that -- it looks like the 4th would be the date that we would want to shoot for with it, so -- Commissioner Cassinelli.

Cassinelli: I'm going to move to continue file numbers H-2021-0044 and 0005 to the hearing date of November 4th, 2021, and have the applicants work with both the neighbors there at 1414 and the CPA to the south and with staff to try and come up with a parking solution there that's going to work, especially for the existing property owners. Return on the 4th with -- with the three -- three plats and, then, also work on the mailbox configuration.

Lorcher: Second.

Seal: Okay. It's been moved and seconded into continue item number -- or items number H-2021-0044 and H-2021-0005 with -- with the modifications listed -- or noted. Spoken. All in favor say aye. Any opposed? Okay. Motion continued.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

**9. Public Hearing for Intermountain Wood Products Expansion (H-2021-0042) by Kent Brown Planning Services, Located at 255, 335, 381, and 385 S. Locust Grove Rd. and 300 and 330 S. Adkins Way**

A. Request: To expand existing wood products business located at 220, 300 and 330 S. Adkins Way by

a. Annexing 255 and 335 S. Locust Grove Rd. with the I-L zoning

- district.
- b. Modification of the Medimont Development Agreement for the purpose of creating a new development agreement for the subject properties and removing the requirement for an internal landscape buffer.
  - c. A Future Land Use Map Amendment to designate 355 and 255 S. Locust Grove from Mixed-Use Community to Industrial, and 385 and 381 S. Locust Grove from Mixed-Use Community to Commercial

Seal: All right. It's coming up on 8:00 o'clock. Does -- would anybody like to take a quick bio break or do we want to go ahead and drive through the next one? Okay. All right. Next one up is Intermountain Wood Products Expansion, H-2021-0042, and we will start with the staff report.

Tiefenbach: Commission, Alan Tiefenbach, associate planner. It's a little complicated, so I'm going to try to run through all this piece by piece. This is a proposal for an annexation of three acres with the I-L zoning district, a modification to an existing DA to create a new DA and two future land use map amendments. So, the property is six -- the subject property is actually six different properties. These are located near the East Franklin Road, South Locust Grove intersection. Two of these properties, which are here, are already zoned I-L. Two properties over here are currently R-1, which you can see here, in the county and, then, there is two more properties to the south here that are zoned C-C and it's important to mention -- I'm going to say this a few times that these properties zoned C-C are not -- are only part of this application in regard to the comp plan amendment, they are not part of this development and they are actually not owned by this applicant. So, the three lots -- I'm going to run on to the next -- the three lots contain an existing business, which is here, Intermountain Wood Products, like a wood manufacturing and distribution type company. These were annexed in 1996 and platted under what was called the Medimont Subdivision No. 2. There was a conditional use that was approved for this wholesaling business materials and in 2001 there was a CZC that was approved. The two parcels to be proposed to be annexed, which are here, again, are -- these would be to allow for expansion of this existing business and, again, these are presently unplatted. So, what you see here is to show the existing business, the properties that are going to be annexed and this is showing what the plan recommendations are and I will talk more about that. This is the proposed concept plan. I'm going to run through the summary of the request again, because it's a little complicated. So, the first thing is to annex the two properties into the city with the I-L zoning to construct a 59,300 square foot warehouse. That's what you see here and that, again, would be these properties here. The second proposal would be to remove a DA requirement for -- that requires a 20 foot wide landscape planting strip along the east boundary and I will talk more about that later and kind of show you that and, then, there is three future land use map amendments. The first one would be to -- or sorry. Two future land use map amendments. The first one would be to change the designation here from mixed use community to I-L. All of this is also recommended as I-L and I will go

through that. The second amendment would be to redesignate these right now, which are designated for mixed use commercial -- or, sorry, mixed use community to commercial. So, this is the -- this is a demonstration of what the DA requirement for the landscape buffer is. If you see this long sliver of land here, when this property was planted under the Medimont Subdivision, the Medimont Subdivision -- the extent of the subdivision is basically to the east here and when this subdivision was approved there was a DA requirement that said that there needed to be a landscape buffer to the east and the reason why is it at one time all of this was residential. The -- if you look at the -- if you look at the map here, that landscape buffer basically runs right through the middle here where they have their parking. So, in order for them to be able to do the development they want to do they would have to remove that landscape buffer requirement. Let me run through this. Okay. So, I'm going to talk first about the land use, then, I will talk about the buffer and, then, I will talk -- or, yeah, I will talk about the land use first, the DA mod and, then, I will talk about the future land use map designation. Okay. So, again, this -- this area is presently designated for mixed use commercial under the future land use map. To the east of the subject property across Locust Grove here is single family attached and detached, which is the Bellabrook Subdivision, and there is also a religious institution, which is here. There are commercial and office uses to the south. Actually, right here is what was known as the Learning Tree Daycare. I'm not sure if they are still in business. And directly adjacent to the west is a large industrial park, including the applicant's development, which is here. Adjacent to the north here is two existing single family residences. This strange L-shaped property right now is entitled R-40 for 90 multi-family units, although probably not at this point are going to happen with that many and the reason why is since that time this has now become an ACHD drainage pond. So, nothing's happening there other than drainage. Given the existing development in this vicinity as it is now, the size of the remaining undeveloped parcels -- and the UDC requires circulation to occur from a local street and not directly from an arterial if there is an option to take access from a local street, staff does not believe these have the accessibility and are viable for the integrated, walkable, synergistic development that's anticipated by the plan for mixed use community. Again, we are only talking about these properties here and this one that's already zoned R -- or sorry. This one here that's already zoned R-40, which now that they have R-4 zoning -- R-40, I would be surprised if anybody would ask to go back from something that would allow multi-family. Staff does believe a plan amendment is appropriate to allow a change to the industrial designation for the subject properties -- and a little bit about the one to the south. The -- the -- well, I will come back to that. We -- we do have reservations, though, and I will say this, about how this proposed development would interface with these -- rest of these lots. These are two existing residential lots. These are recommended for mixed use community. These would be basically the last remaining lots that are right now in the county and recommend for mixed use community. So, we don't know -- you know, we are a little concerned about how this would impact that. That said, we still do think that what they are proposing to do makes sense. Okay. Here is the DA modification. Again, the -- the existing businesses within the Medimont DA -- or the whole subdivision is basically over here. The DA requires a permanent 20 foot wide landscape planting strip. That's what you see in this long thing here. This was required to provide a screen for what was these adjacent properties over here. This proposal would create a new development agreement. So, it

come out of the Medimont development agreement, it would create a new development agreement for some new requirements, which I have listed as conditions of approval, but what is driving this is to remove that requirement for this landscape screen, so that you can build across it. At one point this buffer was in a common lot and it was owned by the Stonebridge Owners Association. In February of 2021 the portions of this common lot, basically starting from this property line down to this property line, were sold off and deeded to this applicant. However, this was done improperly. There wasn't really a subdivision plat to legitimize this, it was just done. Also when the staff went out on a site visit for the pre-ap there were pretty thick trees there along the whole buffer. All of the trees adjacent to this lot have -- were removed, sitting basically in the middle of the lot. Staff requested, because this was a DA requirement, these trees in this location, staff requested that the applicant account for all the trees that have been removed and the applicant responded that 11 trees had been removed with a total caliper of about 169 inches and as I -- was mentioned in the conditions of approval, one of our requirements is because these trees were required and were removed, we are recommending that in addition to the required landscaping that has to happen per the code, that there would be an additional 169 inches of trees somewhere planted out on this site to make up for what was removed. The last thing I want to talk about real quickly is the land use map amendments. Again, one of the things that the applicant is proposing to do is to go from mixed-use community, which is here, to industrial -- industrial, which is here. There are two more little pieces of property here and this is the Learning Tree Daycare, which I'm not sure is still in business. Our concern was that if these were redesignated to industrial we would have this little island here of these two residential parcels of mixed use community, which really didn't make sense. We suggested the applicant work with the adjacent property owner and see if they would be amenable to having them designated to commercial, because all the properties to the south are commercial. So, it would make more sense to have this designated commercial if the Planning Commission were inclined to go this way, than to have a little island of mixed use community here. Does that make sense? Other than that, those two bottom parcels have no part to do with this development, other than just to clean up the land use map. Okay. In the staff report staff noted that although -- although we supported the use, we said, yeah, we overall support what they want to do here in this warehouse and we overall support the changing of the designation of the comp plan, we had issues with the site plan. What you see on the left was the site plan that you saw in the staff report. What you see on the right is the concept plan that we got today. So, the issues that we had in the staff report were access. There was direct access according to South Locust Grove. Our code says that when there is -- when there is access off an arterial and there is also the possibility of having access off of a lesser street, whether it's a collector or a local, that the property should be designed to take access off of that lesser street and not off of an arterial. The other thing is that we have a code that says that you are -- especially when you are on a -- when you are on an arterial you are supposed to provide cross-access to all properties, meaning they were supposed to provide access to the north and the south. So, that was our first issue was the access issues, taking direct access off of South Locust Grove, especially for the big trucks that you would see and, secondly, that there wasn't cross-access provided to the north and the south. The other issue was a pretty small issue that could be fixed that this residential buffer wasn't wide enough. This loading bay here -- and there is a requirement

that the loading bays have to be at least 300 feet from residential properties, which is here, which it's not here. All of the parking right now in this particular plan, the one you saw, all of the parking is located between the building and the street and our code says that when -- when a property is more than two acres, no more than 50 percent of the parking can be in the front of the building and the street, basically to try to keep from having a sea of parking as you are driving down the road. And, then, the last thing was that we weren't sure that the building met the modulation requirements or elevations -- you have to have walls inset or outset. Looking at the elevations and looking at the site plan we weren't super clear on that, so our recommendation to you in the staff report was that although we recommended approval on the overall idea, we did -- we wanted to make clear that -- that we did not support the concept plan as it was. Since that time, meaning today, there is a new concept plan that has been submitted. All of staff's issues have been resolved, except they are still taking access from South Locust Grove and this particular cross-access has not been provided. If you look all of the parking has now been distributed here. They have moved the parking -- or excuse me -- the loading bay down here. You can see how the building demonstrates that they have modulation. One thing they are missing is there is supposed to be a five foot perimeter drive aisle buffer here. Easy enough for them to fix. Other than that, staff would support this concept plan as it is and I will talk about this when we get to the conditions of approval, but where we are at with this is that we would support this concept plan, but the Planning Commission should make a recommendation -- the Council has the ability to waive this requirement to close this access and they also have the ability to waive whether or not they have to provide the cross-access to the north. We look to the Planning Commission to make a recommendation about whether they think this access should be closed and whether access to the north would be provided. I have included that in my updated recommendation and I will read that when I finish, because I know there is a lot to remember here. The last thing is the architecture. The first version that we saw at the pre-app was a large metal corrugated building and we said no way. The next version that we saw is what you saw on the top and we think it got closer, but it still doesn't meet a lot of the architectural standards manual. It didn't look like it's modulated. There wasn't a band of materials at the bottom. There wasn't more than one field material and particularly what we were concerned about is that we have a requirement that -- that you can't have a lot of metal paneling on the building. If you have metal as a predominant material you have to have at least two other field materials. So, it wasn't meaning that -- I don't want to get all caught in the weeds on that, but, basically, said we have an issue with these elevations. We are not going to -- we recommend, again, the use, the comp plan change, the modification to the DA, but we want to be clear, we don't support these elevations and, then, today we got the one on the bottom, which we think is -- is much better. It's a big improvement over what we have seen. We are still not sure -- we haven't seen all of the elevations and had time to assess them, because we just saw this today. We think this is significantly better. Our recommendation with that -- and, again, I will talk about it in a second here -- is just that we continue to work with the applicant on the elevations. Really most of the time what you are going to see and what the Council is going to see is going to be very conceptual elevations anyway, because this is stuff that we work out at the time of the certificate of zoning compliance. But -- but we had enough issues with the first elevations that we wanted to make it very clear that we were not

supporting those. So, here is staff's recommendations. Staff recommends that the PC recommend approval of the annexation, the zoning to I-L, the DA modification to remove this property from the Medimont development agreement and have a new development agreement with the conditions that we listed, in addition to removing that requirement for the buffer and that we recommend approval on the changes, which would be to the future land use map designations, which would be all of it mixed use community going to light industrial or, sorry, industrial for the subject property and commercial to the two properties to the south and the two changes that we are making to the recommendation that you got on the staff report is that we are making -- recommending approval to the site plan with the changes that the PC should discuss whether primary access should be allowed at South Locust Grove and that the PC should discuss whether cross-access should occur to the north and, again, in continuing -- in regard to the elevations, we think they have made huge strides, so we think we can work it out with them in regard to the way the elevations will work. With that that concludes my presentation and I will answer any questions.

Seal: Okay. At this point I would like to ask the applicant to come forward.

Brown: For the record, Kent Brown, 3161 East Springwood. I actually live less than a mile from this site. I drive by it all the time. Like Commissioner Grove, I guess like the other site that we just recently talked about. So, when the industrial subdivision was done and those single family houses -- or single family houses sitting on acreage were there, Locust Grove didn't go through, it just went up another half a mile and dead ended and there was no connections to go any further. It tied into another rural subdivision that is on the east side of Locust Grove and so it was pretty rural and the -- from the record when that went in, obviously, the neighbors showed up and said, hey, they are going to be doing a big industrial use over here and we are concerned and so they asked for that buffer to be there. The conditions of approval in the DA say that they are to buffer along their easterly boundary where there is residential. So, technically, we wouldn't have to do a DA, because if we become industrial, then, we are not and we propose that we would like to be under a development agreement, so that you can make sure that we are doing everything correctly on the entire site. You -- you had a development agreement that really didn't do anything else to the existing uses. Intermountain Woods is a wholesaler that they sell flooring and stuff to wholesale contractors that are doing installations. It's not private. All of the interaction with the customers is off of Adkins at the existing. It will remain that way. This facility is just to provide them with more storage. There will be employees that will be assigned to that building and there will be some paperwork and so forth. Recently doing the Amazon building and a few other things here in the -- in Meridian, things are becoming more automated, so they might have less and less employees. I think Commissioner Cassinelli was the only one that was here when we did the subdivision to the south, which is the two parcels that we are talking about changing the comp plan designation on. That site plan shows landscaping in the front, 25 feet, then, has a drive aisle and parking and a flex space building that will have three units facing the street and, then, on the backside they will have garage doors. That plat I will show you in just a minute. It's here and, then, there is a daycare, it's still located there. But when that daycare goes away, then, there will be a flex building back there. Because

when that was approved they were required to have a landscape buffer along their boundary to the residential and so the -- they haven't installed it yet, but they have a requirement for that. The property to the south also has a cross-access easement with this piece of property and kind of comes in the middle of the site. I'm sure we can work with the owner and maybe move it a little closer to the front, but we could even -- I'm sure work with them in the middle. I know that Mr. Belville that owns that property, probably doesn't really care where the cross-access is. As you look at this property and the properties to the north of us -- if I can blow it up -- the concern about our cross-access with our neighbor to the north, we have one of those deeded ones like the last one that you saw with our neighbor. There you go, Alan. Yes. So -- Ann Witherell owns the -- the little tiny sliver, the little strip that you can see there. Yes, Alan. And that's a cross-access easement between these two properties. The reason I picked this drawing is that it shows the existing house that's on the industrial site here and, then, her house sits to the north. Currently there is a dirt driveway that kind of aligns with the LDS church that is to the east on the other side. That dirt driveway goes back and, then, went to both houses. We have removed all the buildings on this site. When we -- prior to removing the bushes, the trees, we removed the houses. So they are gone. We do have that cross-access that is an existing agreement. But we can also provide one at a location and kind of work that out with staff as to where we put it. We are not opposed to putting it and I understand the purpose of it is that you are going to have limited access points and ACHD -- we tried to move it further north where we have our cross-access with our neighbor and ACHD said, no, you need it -- needed to move it in alignment with Kalispell, which is that neighborhood -- Bellabrook. So, the Kalispell -- so, our entrance lines up with that and that's what ACHD had asked us to do. Those existing improvements were there. We have tried to address the concerns. We got the staff report sometime Monday from Planning and when we became aware of the concern about where the loading dock was, the architect got busy and -- and tried to address those concerns and that's why we have a new site plan at this late hour. They have been in this site for -- since -- as Alan kind of alluded to, they did their zoning certificate back in 2001. So, 20 -- 20 years they have been in the site. They have become very successful and subcontractors like to use them and they are -- they are very busy. Intermountain Woods has a number of sites. This is the only one in the Treasure Valley. They have one in -- in Idaho Falls and they have many others scattered about. But this is the one that they have here. If you look from my vicinity map -- if we can make that go -- yeah. Where the Murdock Sub is, that -- that's existing commercial zoning and commercial in the comp plan. On the south side, Watertower and that location, is where the police station is located at. It's in the commercial zone. So, when we were talking in our pre-app meeting Brian is the one that brought up -- he said we want to try to preserve any industrial that we can get and so that made us feel encouraged, specifically when this is a business that's been successful and has been here in Meridian for quite some time. To help you just understand, the trucks that are to come and unload in that location at the west side of this new warehouse and those are the only people that will be using that driveway or entrance onto Locust Grove. The customers are all coming and they are receiving all of their delivery -- all of their products up on Adkins. So, they will cross their site and take things from this warehouse and the other two warehouses and fill the customer's orders. They have a whole series of hardwoods and different kinds of things. Kind of a fun place to go. Look at what's

available. So, I will stand for any questions that you might have.

Lorcher: Mr. Chairman?

Seal: Commissioner Lorcher, go ahead.

Lorcher: Do you represent the Belville Subdivision or do you represent the Intermountain Wood Products?

Brown: So, I did the Belville Subdivision for Brent Belville and -- back in 2018. We recorded that. Split that property. So, I understand the site very well. Because I live a mile away and because I did the Bellville site, I was willing to take this on and have enjoyed working with the Banks Group and find them to be a great company and a great people to work with. So that's -- yes.

Lorcher: Okay. Thank you.

Brown: I didn't go twist Brent's arm to do the comp plan amendment, but I told him that -- and he told me -- he says if you say I'm supposed to do it, then, I will do it. If it doesn't hurt -- hurt what I'm doing and it doesn't. He has C-C zoning, which is allowed in -- obviously in the comp plan designation.

Cassinelli: Mr. Chair?

Seal: Commissioner Cassinelli, go ahead.

Cassinelli: If the access to Locust Grove were to go away would that -- we also have that to come back -- would all the truck access have to come in through Adkins?

Brown: Yes, it would.

Cassinelli: And -- and what's the -- what's the objection on that?

Brown: They can coordinate having the trucks. It's in a great location in the fact of, you know, where -- where are your exits off of the freeway and they can stack trucks up off site and, then, have them come in, unload. They have to do that, because they only have so much unloading that they can do. It would maybe make it a little more congested between their two warehouses to drive to the back, but overall that access -- I mean I would have to have an emergency access over there someplace anyway to make the fire department happy, because we are going to be beyond any distance and they didn't want to be around that building. I think by us limiting that it's not a customer access, I think that that really reduces -- and that's why the highway district didn't have a problem with it either.

Cassinelli: How could you stop -- if I'm -- if I'm a customer I might come in that way, as opposed to on Watertower coming in off of -- coming in off of Franklin to go up Adkins or something like that. I mean it's -- how are you going to -- how are they going to discourage



customers from -- from coming in that way and driving around to the front?

Brown: Yeah. I guess -- I did a cabinet shop off of Franklin Road and they had an access in the back where they -- they brought deliveries. That's not where the customers go. I mean is there occasionally going to be one? Maybe -- maybe someone would. I know of all the ways in and out of there, because I live close to there. Locust Grove is busy, but it is, you know, not -- I mean it's a 9:00 to 5:00 type of scenario when the -- when the people are going to be there dropping off and -- and when customers are there. It's the access that they know. That's where they go to do business with this company.

Grove: Mr. Chair?

Seal: Commissioner Grove, go ahead.

Grove: With the Locust Grove access would you be willing to sign it as right-in, right-out and also make it no truck access?

Brown: Well, the truck access is what we are looking to have. That's --

Grove: I understand.

Brown: Yeah. We --

Grove: But in lieu of -- in lieu of closing the access altogether. So, the staff report is -- the staff recommendation is to close that Locust Grove access. So, in lieu of losing the access all together --

Brown: There is no reason to have the access if you don't have truck access, so --

Lorcher: Mr. Chairman?

Seal: Commissioner Lorcher, go ahead.

Lorcher: Watertower Street is a secret special way that residents get through from Locust Grove to Meridian Road, so there is a -- there is a fair amount of resident traffic coming through. I would -- I would support the big trucks coming off of Locust Grove, especially if they are truly 18 wheelers, to be able to navigate going around Watertower and, then, to Adkins, doing those turns with -- with their -- the way they are connected with the tractor and trailer would be challenging for some of those drivers. It would be safer to have them come off Locust Grove than they would the smaller streets, just because of the turn radius of the 18 wheelers and maybe accommodating, you know, right-in, right-out, so that they are only making right-hand turns and the time to take a left that could be something that can be discussed. But I disagree with removing access to Locust Grove with big trucks. They need the room to be able to maneuver.

Seal: Well, no -- I was going to say I'm going to chime in on this one a little bit here. But -- I mean right now they -- they come through an industrial park and the roads are

supposed to be accommodating for that and everything that they have is being delivered off of those roads right now. So, this is supposed to provide more access. So, I don't -- I guess I don't see the -- I don't see that big of an issue with it. Especially with them removing the -- all the trees and everything in between, they can make that more accommodating all together for sure. The Locust Grove piece of it is -- it's interesting. I understand why you want that. But at the same time you are expanding a business that hasn't currently done any business off of it. So, that's interesting.

Brown: The developer is here if you want to ask him some questions, too.

Seal: Absolutely. If you would like to take the --

Banks: Brad Banks. 1940 Southwest Temple, Salt Lake City. The purpose of this larger -- larger building, as we refer to it, as central purchasing. I send my truck to the northwest and it will bring in a load of plywood and I will unload it in this warehouse. Another truck will bring in a load of pine from the Pacific Northwest. Another load -- truck will bring in a load of oak from the east and, then, those trucks will take out partial orders and leave and go to another distribution center in Salt Lake or Spokane or Idaho Falls. Small portions of that material will go over to this Boise -- or Meridian distribution center to address the needs of the Meridian customers. So, this building will not be used for customer activity, other than internal customers. It will be a central purchasing warehouse. What does Amazon -- Amazon call their collection center? Anyway, it's a -- it's a distribution hub. It's a distribution hub for my ten other distribution centers, Meridian being one of them. So, those trucks would come in with a full load of product A and leave with a full load of product A, B and C going to other locations. And, then, at the same time serving this Meridian location, which, then, local cabinet shops and flooring contractors would come into the Meridian location to get their material. There would be nothing in this larger distribution hub that would service any customer, other than our internal customers in the different locations. So, that's what the value of the Locust Grove access is. To bring that in through Adkins Way and trying to bring it down through here would just congest the Meridian customer base and the Meridian activity at the expense of the local population.

Cassinelli: Mr. Chair?

Seal: Commissioner Cassinelli, go ahead.

Cassinelli: So, this is -- this is really more independent, if you will, of the existing -- the existing business.

Banks: Correct.

Cassinelli: Okay. So, customers -- I mean it -- it's virtually stand alone, except for a little product that will make its way over --

Banks: To the -- or the Meridian distribution center.

Cassinelli: Okay.

Banks: In this Meridian distribution center the building on the north is hardwood flooring. It would serve all of the hardwood flooring contractors in -- in this geographical area. The building to the south is industrial wood products, which services all the cabinet shops in this area and, then, both those products would be fed from the bigger distribution center here on the east that would feed them. No customer would be coming to or getting any product out of the larger distribution -- distribution building.

Seal: What time would you be accepting shipments into that new building?

Banks: Please repeat the question.

Seal: What are the times you would be accepting shipments into that building? What time would the trucks be in and out of there?

Banks: It's an 8:00 to 5:00 business.

Seal: So, there wouldn't be anything -- they wouldn't open up something to allow shipping at night or anything along those lines?

Banks: No. We are not very good looking, so we need lots of beauty sleep.

Seal: You and I both.

Cassinelli: Is -- the intent is to only to have one loading dock?

Banks: That one loading dock you see is for van trucks that need to be loaded out of the tailgate. So, a forklift would go into and bring material out of and to the side of it. We would unload flatbed trucks that would come into the building that are not required to load from the tailgate.

Cassinelli: Okay. So, you would have forklift activity out there?

Banks: Correct.

Seal: Okay. Anymore questions for the applicant or staff? All right. Okay. At this time we will take public testimony.

Brown: I wanted to make one other comment. ACHD was very specific in -- in how they, you know, looked at this and they -- they had similar concerns. I would say that they looked at it -- I mean we have three drive approaches and two drive approaches and a cross-access that are out there that they put in when they widened the road. They widened the road when J-Build went in, which is where the school facility and ICOM are at now and they punched the overpass over and so they completed the improvements along Locust Grove at that time and so they provided drive approaches for each one of these properties and this northern portion of this site had that shared driveway with -- with

-- and Witherell that's the property owner to the north of us. She's our only person that showed up to our neighborhood meeting and every single one of these properties in the last three years have had for sale signs on them. They have been approached by multi-family developers to buy all of them, which is not what staff would want to see in a mixed use. I have heard those words come out of your -- your mouths that that's not what you are looking for. We -- we don't expect that. I think I was on the Planning and Zoning Commission in Meridian when the R-40 went in and they had apartments and I think the developer knew that ACHD was going to need a storm drain pond and by getting it approved he got a little higher value. But there has been a number of people that have looked at that and it's tough to make it -- make it work and so access is -- is a big issue. We are not opposed to providing a cross-access north-south and working with our neighbors to do that. Thanks.

Seal: All right. Now we will take public testimony. Do we have anybody signed up?

Weatherly: Mr. Chair, we have no one signed in.

Seal: Okay. It looks like we have one person that would like come on up. Yep. If you can state your name and address for the record and just grab one of those microphones and speak right into it, please.

Witherell: Okay. I am the infamous Ann Witherell. I live at 215 South Locust Grove Road. I'm the neighbor to the north. I was going to just sit and say nothing, but you have got my attention now with the access to the north. That cuts right across my driveway. That's the only way I have in and out. So, that -- that does have me concerned. And the only other thing that I would care to address would be the -- lots of shades on his -- on his lights, because that's shining right into our bedroom windows. But so far they have been excellent neighbors and they have worked with us on just about any little thing that's come up, including the peach tree they left me. It's delicious. And it's in my freezer and lots of little things and the -- that's in the other freezer. So, they are that kind of neighbor and I think that -- that they will be quite willing to work with me on any little thing that comes up. That's about all I had to say, is I -- what is this about a northern access that the fire trucks are going to come and -- because I live there with my -- in my home with my daughter, son-in-law and two special need kids, because of the rent situation. I can't move until they -- when they do I do intend to. But that's not for the foreseeable future, as you can tell by the housing situation and they can't afford to move, so I will be there for as long as I'm there and that's what I can say and if you are worried about the turnarounds, please, take a look and see what is there now, because I assure you there is plenty of room and I have seen it. So, anyway, that's all I got to say. Thank you.

Seal: Thank you. Alan, go ahead.

Tiefenbach: I just wanted to mention -- I'm sure you already know this, but out of respect for the neighbor we are not proposing that they put access into their property, we are just proposing that they provide an easement, so if that lot in ten years redevelops, then, they will have access. So, we would not force access onto your lot. We would just give them

the legal -- give the legal right for someone eventually when that redevelops and in regard to the lights they would have to downcast them and shield, they can't have light spill on the adjacent property. So, we would be very -- very cognizant of that.

Seal: Thank you. Sir, go ahead. Come on up and give us your name and address for the record.

Rand: My name is Gil Rand. I'm the architect on the project. My address is 962 West 800 North, Orem, Utah. There has been a lot of discussion about the right-in and right-out and originally we had it designed that way. If you look at the drawing up there we had it designed so that a truck coming southbound could come right-in and, then, go around the building and the dock, but, unfortunately, that's facing the wrong way. But, then, the trucks would continue on out and they have a right-out. So, not being able to have the dock facing the neighbor means now I have to change the directions of the traffic and it makes the -- the getting into and out of the property very difficult, because you have to make a U-turn coming in if you are coming south and, then, if you are going out you have to make a U-turn onto the -- onto Locust Road. So, we can put a whole bunch of trees and a fence on that north property line, which blocks the view of a dock that might be exposed. If we could just change the dock location, then, we can resolve or -- and at least take care of an issue of a right-in and right-out with the trucks and make it actually flow very well that way. That's how originally we had it designed and that was kind of my own project. The other -- another common idea I do want you to be aware of is that this lot is very -- has a -- quite a slope to it going out to Locust, going down, and so our intent here is that we would drop the property probably about four feet below the property -- the adjacent property to the west and so we will have a ramp that comes down to it. So, the ramp can be used to get back and forth between the properties, but having a lot of truck traffic going through that could be a little more difficult to deal with that, but if that's what we have to do we will figure out a way to make it work. Thank you.

Seal: Thank you. Okay. Is there anybody else signed up or would like to testify? All right. So, with that would the applicant like to come back up to close? Nothing further? Okay.

Grove: Mr. Chair, I have a question for the applicant.

Seal: Okay. Commissioner Grove, go ahead.

Grove: Sorry, Kent. Having been over there quite a bit, the -- north and south of the building are highly visible driving on Locust Grove. I see where you have the east facing front of the building having modulation. Do you have modulation on the north and south sides as well?

Brown: That's -- that's what they are going to work with staff to do.

Grove: Okay.

Brown: And if I understand, we have to do a zoning -- zoning certificate and we also have to do design review. So, there is -- if -- if you understand the process -- Alan kind of beat us up the first time you saw a drawing. Well, years ago when you would have a pre-app you kind of come in with a napkin sketch and now Alan's getting a little more fussy that he wants a finished product when he might tell us just to throw it all away. We -- we came in with something better than a sketch like that, but, yes, we are trying to do everything and under -- just understanding the rules and making those changes. Our architect and owner are willing to do that to make -- make that happen.

Grove: Thank you.

Seal: All right. Any other questions? All right. Thank you, sir. Appreciate it.

Brown: Thanks.

Seal: Can I get a motion to close the public hearing?

Cassinelli: Mr. Chair?

Seal: Commissioner Cassinelli.

Cassinelli: I move we close the public hearing of file number H-2021-0042.

Lorcher: Second.

Seal: It's been moved and seconded to close the public hearing for file number H-2021-0042. All in favor say aye. Any opposed? Okay. Motion carries.

**MOTION CARRIED: FOUR AYES. THREE ABSENT.**

Cassinelli: Mr. Chair?

Seal: Commissioner Cassinelli, go ahead.

Cassinelli: I have got a question for staff on those two commercial -- is it one or two to the south that we are looking at? Two parcels.

Tiefenbach: Two.

Cassinelli: How are those accessed right now? Well, I guess right now there is a driveway coming off a Locust Grove.

Tiefenbach: I do not believe -- let me -- let me look at that. I can give you an accurate answer.

Cassinelli: Are we -- are we going to landlock those two?

Tiefenbach: Give me a second. Let me find it.

Seal: I was going to say when I looked at it earlier that comes off of Locust Grove, so -- I think they do have cross-access to get to the other commercial though.

Tiefenbach: I'm pulling up the GIS. Still working on it here.

Cassinelli: What I'm seeing right now is they do pull -- they pull access off Locust Grove. That's going to have to go away.

Tiefenbach: I think you removed the zip drive. That's why I couldn't find it. All right. Let's run through this. Let's see. Here is the plat. It looks like there is an access easement to the north. It looks like there is an access easement to South Locust Grove here.

Cassinelli: Will ACHD continue to allow that access onto the Locust Grove?

Tiefenbach: ACHD isn't going to tell them they have to close this or assess that access until the time comes that they are proposing to develop something. This is off site. So, they are not going to tell somebody else next door to close their access.

Cassinelli: No. I know. But I just want to -- I mean I want to make sure that when we get there that we are not trying to shove a round peg into a square hole three years from now.

Tiefenbach: Yeah. So, ACHD's position on this -- because I actually asked them specifically about the truck traffic and they said it meets all requirements. That was their statement.

Seal: Well, I understand what you are saying, but I think that the cross-access agreement that they have here with the property to the south, they also have the ability to come out on the arterial to the south, as well as the shared access that they are going to be provided with Intermountain Woodwork here.

Cassinelli: So, is there going to be -- is -- does that, then, have cross-access -- cross-access to that parcel -- that -- that commercial that we are looking at? Will that -- that will have -- that already has cross-access into the subject property --

Tiefenbach: Yes, sir.

Cassinelli: -- to the north? Okay.

Tiefenbach: Correct.

Cassinelli: And will they have it to the south?

Tiefenbach: This property one into there. I do not know if this adjacent lot here has an

access easement.

Cassinelli: Okay. I'm just concerned that -- I have a feeling that, you know, three years from now when that gets developed, ACHD is going to try and -- and close off that access.

Tiefenbach: I do not have the Murdock Subdivision No. 2 plat with me. I don't know if Kent can answer that. It sounds like Kent can answer that.

Seal: Come on up to the microphone then. Put this all on record here.

Brown: Kent Brown. 3161 East Springwood. So, when the Belville Subdivision was done, the condition was the same as what you are trying to place on us is that you had an access to the south and an access to the north. So, there is already an existing access to the Murdock stuff that's to the south, from the Belville. The highway district looked at this project with being fully built out with the flex buildings and so they granted that access that was already existing. It was one of the first pieces of property -- it was the annexation path for the Snorting Bull Subdivision or Woodbridge, whichever you want to call it, and -- so, it was probably the oldest thing annexed there, but that access has always been there on the Belville property.

Cassinelli: Okay.

Brown: And so it's not to go away. It wouldn't be affected by our development.

Cassinelli: And part of the -- part of the application that we are seeing, though, is to -- is to change that and I want to make sure that we don't -- you know, that we don't --

Brown: The only -- only thing that we are changing is the Comprehensive Plan that called it out for mixed use community. That's the only part that the -- the reason that Belville is even involved was so that there was consistency. They asked us to do it to clean up the map and not leave something that's mixed use community with an industrial in the middle of it and it made sense, because everything to the south of that was commercial Comprehensive Plan. So, that cleans up the map. That's -- that's why that was done.

Cassinelli: Okay.

Seal: All right. Thank you. Okay. Anybody else have questions? Comments?

Cassinelli: I have got another question for staff. The current mixed use community, the maximum building size there is 30,000 square feet it looks like; is that correct?

Tiefenbach: Correct.

Cassinelli: So, is that the main reason to go to the industrial, because of the building size?

Tiefenbach: Well, mixed use community doesn't allow industrial. We wouldn't be able to



rezone it to industrial off the mixed -- if the comp plan designation wasn't changed.  
Cassinelli: So, that's not even an allowable use?

Tiefenbach: No. It's not an allowable use.

Cassinelli: Okay. Just wanted to get that straight. As long as I'm -- my microphone is on here and I'm talking -- I think it fits there. I -- I would prefer to see the access to Locust Grove go away in agreement with staff. But given the fact that this is -- it's really a standalone business. It's -- I mean it could, essentially, go in under a whole different business name it's so separate from -- kind of the retail side or the contractor side -- that I think it's -- I think it's necessary and it's only going to be -- it's going to be employees coming in and out and, you know, at 8:00 in the morning and leaving at 5:00 and, I don't know, four or five trucks a day. I mean I don't know what the -- what the number would be, but -- so, I don't think it's going to be a huge impediment to traffic, Locust Grove. I think it's going to be a minimal impact. So, I would be in favor of keeping -- keeping that. I do -- you know, I'm -- staff's going to work with them on the building design. I would definitely want to see the cross-access easement to the north and definitely lots of trees going in there. They are a wood company. They want trees anyway.

Grove: Mr. Chair?

Seal: Commissioner Grove, go ahead.

Grove: Initially I was against the Locust Grove access. The -- the explanations given tonight I don't have that reservation. I think that kind of as Commissioner Cassinelli mentioned, it's a great way of looking at this. One question I might have for staff would be -- would -- if we are looking at it kind of through that lens a little bit, is there any reason that we would want to have a cross-access agreement with the -- the two properties that -- that Intermountain has in terms of going east to west, in case those were at any point, you know, 20 years from now separated into two separate businesses?

Tiefenbach: Are you referring to right where I have got -- I don't think I'm sharing. Hang on a second. Are you referring to right here?

Grove: Correct.

Tiefenbach: Well, this hasn't been platted, so I don't believe that there is an access agreement here, but, absolutely, that -- that -- if -- yes.

Grove: Okay. Just in case, you know, they did separate, it -- they are connected now, but I mean it did -- it does look like it could at some point. So, just so that --

Tiefenbach: A hundred percent.

Grove: -- it doesn't -- it doesn't hurt anything it doesn't look like, so I would be happy -- happier with that. I'm in favor of adding industrial. This is a great place to do it. I think

they are going to find even if we don't put in the right-in, right-out, that that's going to be pretty much what has to happen most of the time driving on that stretch of road, just from a logistic standpoint, even if we don't enforce it that way. I mean that's -- trying to get in and out of that area sometimes is hard enough going right-in or right-out, so I would prefer it to be marked that way, but it's not a deal breaker for me if we don't have that there.

Tiefenbach: That would be something we would require anyway with the certificate of zoning compliance, but duly noted. I will make sure that that is done. I don't think they are going to have an issue with providing an access to themselves.

Seal: Question for staff on the -- the dock placement, how far out of compliance was it when the dock was on the other side?

Tiefenbach: It was -- I think it was about a hundred feet. It says it has to be at least 300 feet from an adjacent residential property. The original version was up in here. I measured it to be give or take about a hundred feet. So, they had to move it another 200 feet or they had to totally enclose it and this is the option that they chose.

Seal: Is that something they can apply for alternative compliance for?

Tiefenbach: I do not believe so, because that is a site and design standard. That's code and I don't think that can be waived. I'm looking at Bill, because he is the code meister. Code Yoda.

Parsons: Yeah. Mr. Chair, Members of the Commission, yeah, that's a specific use standard for warehousing. So, there is no mechanism to waive that requirement for code. You know, I was looking at Alan's staff report and I got a little bit of a concern when the gentleman said they are going to offload trailers with forklifts, because the code says outdoor activity needs to be 300 feet. So, they can't just load trucks on that driveway and unload there. They are going to have to maintain unloading as close as possible to that loading dock as possible and not park along that north boundary and offload trucks there. They are just going to -- they are not going to meet -- the requirements of code. So, when we -- we work with them on their certificate of zoning compliance, we are going to be very specific on that and they need to provide us details on how they plan on doing -- using their outdoor activity area, because now they are opening it up even with the -- the other site farther to the -- on the east boundary with sharing the two properties. So, it does get a little tricky here for us, unfortunately.

Seal: Okay. Thank you. Do we have anymore comments? Suggestions? Anything along those lines? A motion. Always entertained.

Grove: Mr. Chair?

Seal: Commissioner Grove.

Grover: I will take a shot at it. All right. After considering all staff, applicant, and public

testimony, I move to recommend approval to the City Council of file number H-2021-0042 as presented in the staff report for the hearing date of October 7th, 2021, with the following modifications. Sorry if I get this wrong, but I'm going to try. That cross-access -- cross-access easements be required for the north, west and south portions of the site. That the access to Locust Grove is maintained and that the renderings -- or the -- the layout that was presented by the applicant in tonight's presentation is recorded as the drawings for which to proceed.

Seal: Is there a second?

Cassinelli: If I could make one little add to the --

Grove: The drawings that we saw tonight, since they were different from what was in our packets.

Cassinelli: Could we just add in there -- I think they are going to work on it. I think Alan said he would, but the lighting, that they work out --

Grove: In which -- in which sense?

Cassinelli: To direct the lighting away from the residential.

Grove: I think that's already part of -- that's part of code.

Cassinelli: It's code.

Grove: We don't have to do anything.

Cassinelli: Then I will second that.

Seal: Okay. It's been moved and seconded to approve item number H-2021-0042, Intermountain Wood Products. All in favor say aye. Any opposed? Motion carries.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

Seal: All right. We will go ahead and take a five minute break.

(Recess: 8:44 p.m. to 8:50 p.m.)

**10. Public Hearing for Southridge Apartments Phase 3 (H-2021-0055) by The Land Group, Inc., Generally Located South of W. Overland Rd. and East of S. Ten Mile Rd.**

- A. Request: Conditional Use Permit for a multi-family development consisting of 164 units on 9.07 acres of land in the R-15 zoning district.