

**Meridian Planning and Zoning Meeting**

**June 16, 2021.**

Meeting of the Meridian Planning and Zoning Commission of June 16, 2021, was called to order at 6:02 p.m. by Chairman Andrew Seal.

Members Present: Chairman Andrew Seal, Commissioner Patrick Grace, Commissioner Maria Lorcher, and Commissioner Mandi Stoddard.

Members Absent: Commissioner Steven Yearsley, Commissioner Nick Grove and Commissioner Nate Wheeler.

Others Present: Chris Johnson, Joy Hall, Kurt Starman, Bill Parsons, Joe Dodson, and Dean Willis.

**ROLL-CALL ATTENDANCE**

_____ Nate Wheeler	___X___ Maria Lorcher
__X__ Mandi Stoddard	_____ Nick Grove
_____ Steven Yearsley	___X___ Patrick Grace
___X___ Andrew Seal - Chairman	

Seal: Good evening and welcome to the Planning and Zoning Commission meeting for June 16th, 2022. At this time I would like to call the meeting to order. The Commissioners who are present for this evening -- evening's meeting are at City Hall and on Zoom. We also have staff here from City Attorney and Clerk's offices, as well as the City Planning Department. If you are joining us on Zoom this evening, we can see that you are here. You may observe the meeting. However, your ability to be seen on screen and talk will be muted. During the public testimony portion of the meeting you will be unmuted and, then, be able to comment. Please note that we cannot take questions until the public testimony portion. If you have a process question during the meeting, please e-mail [cityclerk@meridiancity.org](mailto:cityclerk@meridiancity.org) and they will reply as quick as possible. If you simply want to watch the meeting, we encourage you to watch this streaming on the city's YouTube channel. You can access it at [meridiancity.org/live](http://meridiancity.org/live). With that, let's begin with roll call. Madam Clerk.

**ADOPTION OF AGENDA**

Seal: All right. The first item on the agenda is the adoption of the agenda. There are no modifications, so can I get a motion to adopt the agenda?

Lorcher: So moved.

Stoddard: Second.

Seal: It has been moved and seconded to adopt the agenda. All in favor say aye. Any opposed? Motion carries.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

### **CONSENT AGENDA [Action Item]**

#### **1. Approve Minutes of the June 2, 2022 Planning and Zoning Commission Meeting**

Seal: Next item on the agenda is the Consent Agenda. We just have one item on the Consent Agenda and that is to approve the minutes of the June 2nd, 2022, Planning and Zoning Commission. Can I get a motion to accept the Consent Agenda as presented?

Grace: So moved, Mr. Chairman.

Stoddard: Second.

Seal: It has been moved and seconded to adopt the Consent Agenda. All in favor say aye. Any opposed? Motion carries.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

Seal: All right. At this time I would like to briefly explain the public hearing process. We will open each item individually and begin with the staff report. Staff will report their findings on how the item adheres to the Comprehensive Plan and unify -- Unified Development Code. After staff has made their presentation, the applicant will come forward to present their case and respond to staff comments. They will have 15 minutes to do so. After the applicant has finished we will open the floor to public testimony. Each person will be called on only once during the public testimony. The Clerk will call the names individually of those who have signed up on our website in advance to testify. You will, then, be unmuted in Zoom or you can come to the microphones in Chambers. Please state your name and address for the record and you will have three minutes to address the Commission. If you have previously -- previously sent pictures or a presentation for the meeting, it will -- it can be displayed on screen and you or the clerk will run the presentation. If we have established that you are speaking on behalf of a larger group, like an HOA, where others from that group will allow you to speak on their behalf, you will have up to ten minutes. After all those who have finished -- after all those who have signed in in advance have spoken we will invite any others who may wish to testify. If you wish to speak on the topic you may come forward in Chambers or if on Zoom press the raise hand button in the Zoom app or if you are only listening on a phone, please, press Star 9 and wait for your name to be called. If you are listening on multiple devices, such as a computer and a phone, please be sure to mute the extra devices, so we do not experience feedback and we can hear you clearly. When you are finished if the Commission does not have questions for you, you will return to your seat in Chambers or you will be muted on Zoom. You will now no longer have the ability to speak and, please,

remember, we will not call on you a second time. After all testimony has been heard, the applicant will be given another ten minutes to come back and respond. When the applicant is finished responding to questions and concerns, we will close the public hearing and the Commissioners will have the opportunity to -- to discuss and hopefully be able to make final decisions or recommendations to City Council as needed.

## **ACTION ITEMS**

### **2. Public Hearing for Pickleball Court Subdivision (H-2022-0025) by The Land Group, Inc., Located at 4050 W. McMillan Rd. at the northeast corner of N. Joy Street and W. McMillan Rd.**

- A. Request: Annexation of 4.96 acres of land to be zoned from RUT in the County to the R-4 zoning district.
- B. Request: A Preliminary Plat consisting of 14 single-family residential building lots and 4 common lots on 4.58 acres of land in the requested R-4 zoning district.

Seal: And with that at this time I would like to open the public hearing for Item No. H-2022-0025 for Pickleball -- Pickleball Court Subdivision. We will begin with the staff report.

Dodson: Thank you, Mr. Chair. Just getting the presentation up for you. All right. So, as noted, the first one before us tonight is for Pickleball Court. The requests before you tonight are for annexation and zoning and preliminary plat. The request for annexation is for 4.96 acres of land to be zoned from RUT in the county to the R-4 zoning district and the preliminary plat consists of 14 single family residential building lots and four common lots on approximately four and a half acres of land in the requested R-4 zoning. The subject four and a half acres currently contains a barn or other agricultural building or two. The previous home appears to have been removed according to the latest aerial imagery. Subject site is abutted by two public roads, McMillan Road to the south and Joy Street to the west. Abutting the north and east property lines are existing R-4 developments, Vicenza Subdivision to the east and Summerwood to the north. The subject property is designated as medium density residential on the future land use map, which allows residential development at three to eight dwelling units per acre. The proposal for 14 building lots on four and a half acres constitutes a gross density of 3.06 units per acre, which is nearly at the bottom of the allowed density. The medium building -- the minimum building lot size proposed is 8,000 square feet, which is the minimum lot size for the R-4 zoning district as well. The adjacent developments to the east and north are of similar density and lot size, which make this project consistent with the existing development. With the existence of Joy Street along the entire west boundary, the subject property should act -- or I should say the subject project should act as a transition towards a higher density approved at the corner of Black Cat and McMillan further to the west. Access is proposed via a new local street connection to Joy Street, which is an existing local street that directly connects to West McMillan Road, which is an arterial street. Access to all

proposed homes is from within the new local street in the subdivision. No opportunity exists for a future stub street to the existing development, because there are no existing stub streets. This would also be the case for any pedestrian connectivity as well, since it is only the rear lot lines of homes abutting the property. The applicant is required to dedicate additional right of way from McMillan Road along the south, as well as widen the paved surface area adjacent to the site. The applicant is also required to reconstruct Joy Street as half of a 33 foot wide local street section abutting the site, which includes curb, gutter and sidewalk. The applicant has proposed both of these and is showing the correct right of way, as well as the correct improvements. ACHD has approved the proposed road connections and layout. Staff also supports the proposed road layout. Because the project is less than five acres in size, UDC minimum for open space amenities does not apply. However, the applicant is proposing some open space, which staff has analyzed. The applicant is showing three main areas of open space. The required street buffer along McMillan, an open space lot along the north boundary of the project, which is Lot 12, and an additional grassy area in the southeast corner of the site, which is noted to be a future gravity irrigation pond. The applicant should add an exhibit in more detail to the landscape line that shows how this pond will be constructed and what it will look like to ensure compliance with CDC standards. Specifically, staff wants to ensure it will not be a mosquito breeding ground, which is outlined in our code. The applicant -- sorry. Within the Lot 12 open space lot, the preliminary plot has the notation that a pickleball court will be present. The applicant should revise the landscape plans to depict the proposed amenity and its location, but the applicant has requested flexibility and the type of sports court to be installed. Therefore, the applicant has requested a modification to staff's recommended DA provisions regarding the proposed amenity and staff does support that flexibility. As of -- well, as of this morning there was no public testimony on this application and pretty sure that's still the case. Staff does recommend approval of this annexation and project is generally consistent with the comprehensive plan and is a logical expansion of city zoning. The requested revisions, after speaking with the applicant that I noted are before you here with ~~strikeout~~ and underline. 1-A is a DA provision and, then, the bottom two are actually site specific conditions. The applicant has also -- and I believe they have a specific slide in their presentation regarding the placement of the sidewalk along McMillan and the applicant would like that provision or that condition modified as well. I have read that and I am fine with their proposed language or some variation of it in order to ensure that the sidewalk is either within the right of way or within the -- the common lot. Either way they have the minimum amount of landscaping, so I'm fine with their revisions. And after that I will stand for any questions.

Seal: Okay. Thank you, Joe. At this time would the applicant like to come forward? Good evening. Please state your name and address for the record.

Gardner: Sure. Matthew Gardner. Gardner Homes. Our address is 2078 West Everest Lane in Meridian, Idaho. 83646. As stated earlier, this project is located on the northeast corner of North Joy Street and West McMillan. You know, the project consists of one parcel. The property is currently zoned RUT in Ada county and is in the City of Meridian area of impact. The Comprehensive Plan map -- future land use map designation is medium density residential. The designation allows for the dwellings as discussed earlier.

The development will take access from North Joy Street as explained earlier and feed itself. In total, the Pickleball Court Subdivision includes 4.58 acres with 18 total lots. Sorry. Getting behind. Eighteen total lots. Three of those are common lots and 14 are single home dwellings. The Pickle -- Pickleball Court Subdivision -- it kind of hard to read and do this at the same time. Sorry. Get back to this side. Okay. These homes are planned as one and two story single family homes of similar size and styles. We have built these homes in the surrounding subdivision in Summerwood and in Vicenza and BridgeTower West. So, they are conducive with -- with the homes surrounding. The common areas, including the centrally located common open space lot, are designated to be easily accessible to the subdivision homeowners. Sidewalks are proposed throughout the project to promote walkability and easy access to the amenities. The public street frontage improvements will be constructed with the development. We did remove the home as stated earlier for safety reasons. We kept finding the doors broken down and -- and clothing and shoes and all sorts of things inside, so we did remove that, because it was a safety hazard and have that permit. But the barn and the outbuilding will be removed with the construction of the development. The stormwater from the project will be collected, managed, and retained on site as stated on the landscaping plan in -- I think it's a lot -- I can't remember. Sixteen is it? I believe. And we do have that being drawn up, so we can provide that when it's available. The -- the platting -- we are fine with everything, other than the -- the notes that we requested, as you have already stated. And we have read the staff report and agree with the staff's analysis and recommendations with just those few exceptions and we are grateful for you and we appreciate all you do. Thank you.

Seal: Okay. Thanks very much. Are there any questions for the applicant or staff? All right. Seeing none, we will go ahead and move on to the public testimony portion. Madam Clerk, is there anybody signed up?

Hall: Theodore A. Lye.

Seal: All right. Come on up and give us your name and address and --

Lye: It's Theodore Lye. Ted Lye. 4945 North Bolsena Avenue, Meridian, Idaho. 83646. And my home is directly to the north -- or to the east. So, it would be the -- their backyard would be right in my backyard and we have had other development just north of their development that they just finished here last year and the fugitive dust is one of the big concerns I have and I would just like to find out about their fugitive dust control, because the dust was terrible in our backyards and we weren't even close to that development there and now it's going to be right in my backyard. So, I'm curious about the fugitive dust. And, then, the -- the gentleman that spoke earlier talked about the single level and two story homes and we would like to see behind our home, you know, some single level homes, because, you know, just the big two story homes looking right down into our home and I don't know if I would address you or the City Council, Planning and Zoning, about that issue, but that's another one of my concerns and if I got that correct, the developer is Gardner Homes. Is that correct?

Seal: I believe so, yes.

Lye: And I would like to compliment Gardner Homes. You know, they have several of them in Bridgetower West and -- and they are nice homes and I know people that live in them and like them, but that's -- that's the questions I have is -- and I would also like to see the plot and they said that Lot 12 is going to have the pickleball court, so I'm kind of curious if we are going to have people playing pickleball in our backyard. So, that's the only questions I have.

Seal: All right. Thank you very much, sir. Madam Clerk, do we have anybody else?

Hall: No, we do not.

Seal: All right. Is there anybody in Chambers that would like to come up and testify? I haven't looked on -- do we have anybody on -- we have nobody online. Okay. Would the applicant like to come back up and answer those questions and anymore that we may have, please.

Gardner: Sure. Mr. Lye, thank you. I appreciate the compliments. In our online meeting you stated those same -- same issues you -- you were suffering. For the north I apologize, I wasn't involved in that, but we have built homes in there. We can only mitigate the fugitive dust by watering it down as per the regulations that we will be held to by the city and the government and watering those down at certain intervals. The good news, I believe is this will be done in a more wetter climate in the fall and the winter, so -- at least that's what we are hoping, so dust should be kept at a minimum I would believe. As for two story and single story, not sure which ones will go where, but as the homeowners we are just following suit with what's already recommended there and -- and what's surrounding which are two story and single story. Thank you.

Seal: Okay. Thanks. And a question on the height of the homes real quick is -- is your aim to kind of match as close as you can lot for lot? You know, if there is a two story on the other side of the fence, two story and single story, kind of try and match that up?

Gardner: As we are able, yes. The lot sizes are pretty close to the same square footages, but some are -- have a smaller building envelope, so we -- it will be hard to -- to try to do that, but we will do that where we can.

Seal: Are there any other questions?

Grace: Mr. Chairman?

Seal: Go right ahead.

Grace: As it relates to the -- I guess it's the pickleball courts or other -- otherwise recreational courts, is that something that will be used? Will it be lighted? Will it be used late into the night to your knowledge?

Gardner: So, our intention, as we were talking earlier, not to put lights, just to prohibit -- and, obviously, the HOA can design the CC&Rs in a way to -- you know, obviously, quiet hours. I believe Meridian City starts at 10:00 p.m. and so we are hoping by not allowing lights -- or us not installing lights will prohibit noise past 10:00 o'clock if there is such. But we plan on landscaping to try to minimize whatever noise may be caused.

Seal: Okay. Any other questions?

Dodson: Mr. Chair?

Seal: Go right ahead.

Dodson: I just wanted to point out to the president's question that the court is proposed at this here, sir. This lot here. Yes, sir. So if you are to the east, you will have some homes in between. But I just wanted to -- even for the Commissioners I wanted to point that out, so that everybody is clear where a Lot 12 is. I realize I said it, but you probably can't read the numbers on your screen, so --

Gardner: Sorry.

Dodson: -- be the northernmost lot there.

Gardner: The one showing the three trees.

Dodson: Yep.

Seal: Okay. Awesome. Thanks, Joe.

Gardner: Thank you.

Seal: All right. Thank you very much. Okay. Can I get a motion to close the public -- public hearing?

Grace: So moved, Mr. Chairman.

Stoddard: Second.

Seal: Okay. It's been moved and seconded to close the public hearing for Item No. H-2022-0025, Pickleball Court Subdivision. All in favor say aye. Any opposed? Okay. Motion carries.

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

Seal: Okay. Who would like to go first?

Grace: Mr. Chairman, it seems pretty straightforward from my perspective. I don't have a lot of comment.

Seal: Okay. I tend to agree with that. So, Commissioner Lorcher, if you have anything to add or if anybody would like to throw a motion out there I'm all ears.

Lorcher: Mr. Chair, I like the fact that it's R-4, so that -- that five acre parcel is not overly constricted with buildings. So, that's good, too.

Seal: Okay. The only comment that I will make that caused me a little pause on this is just where we are at with the road situation there and that the road report is fairly old. We did recommend a denial for, you know, obviously, a large -- much larger subdivision that was there in the McMillan area. So, this one being small and only being a few homes I think is just a different beast altogether. So, that's the only -- like I said, that's the only thing that kind of gave me a little -- a little bit of pause on here, but I just don't think it's the same thing. With that anybody want to take a stab at it? And, please, make sure to include -- if -- if you do make sure to include the -- what would we call in, Joe? It's your agreement with the applicant's proposed amendments?

Dodson: Mr. Chair, I did add the one -- the fourth bullet point I added from the applicant's slide, just to make it easier for you guys. But a simple motion stating per staff's presentation is --

Seal: Okay.

Dodson: -- fine with me and I will know the language to change.

Seal: Okay. Perfect.

Grace: Mr. Chairman, would you be looking for a separate motion on that, then, or to incorporate it into the --

Seal: Just integrate it into the original motion.

Grace: Okay. I will try.

Seal: Excellent.

Grace: Mr. Chairman, after considering all staff, applicant and public testimony, I move to recommend approval to the City Council of file number H-2022-0025 as presented in the staff report for hearing date of June 16th, 2022, and including the staff presentation --

Seal: Recommendation?

Grace: -- recommendations without any modifications.



Seal: Okay. Can I get a second?

Stoddard: Second.

Seal: Okay. It has been moved and seconded to recommend approval of Item No. H-2022-0025, Pickleball Court Subdivision. All in favor, please, say aye. Any opposed? Okay. Motion carries. Thank you very much.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

- 3. Public Hearing for Pinedale Subdivision (H-2022-0001) by Pine Project, LLC, Located at 3275 W. Pine Ave. (Parcel #S1210417400)**
  - A. Request: Annexation and Zoning of 1.22 acres of land with a request for the R-15 zoning district.
  - B. Request: A Preliminary Plat for 12 building lots and 2 common lots on 1.22 acres in the requested R-15 zoning district.

Seal: All right. And at this time I would like to open H-2022-0001, Pinedale Subdivision, and we will begin with the staff report.

Dodson: Thank you, Mr. Chair. Hopefully this looks familiar to those of you who are here -- I believe the first hearing in April is -- was before you guys at that night. So, long story short, on -- I believe it was April 7th, applicant submitted a plan. We went to hearing here. Planning and Zoning Commission recommended denial to City Council of that plan. Applicant went to City Council, asked for a remand from City Council, back to P&Z with revisions to the plan and City Council approved it. The request for remand I should say. And that's why we are here again tonight. So, the applicant did revise the plan. So, I will get into that now. So, as with the previous discussion or previous request, it is a request for annexation and zoning of 1.22 acres of land with a request for the R-8 zoning district. It was previously for the R-15 zoning district. So, that's one major change. Secondly, it includes a preliminary plat for seven detached single family building lots and one common lot, when previously it was nine lots with two common lots, including a common driveway. So, as I will note again, the applicant has revised the plan multiple times to address concerns noted by staff, as well as the Commission. So, when we originally met with them we were at 15 lots, then, we were at 12 and, then, we were at ten and, then, nine and now we are at seven. So, from a planning perspective and just working with the applicant, the applicant is clearly responsive to discussion. The applicant is proposing to construct detached single family dwellings within this proposed layout, which is seven lots. At a gross density of 5.74 units per acre and average lot size of approximately 4,400 square feet. It was previously 3,200. And the minimum lot size is just over 4,000 square feet, where previously the minimum lot size was approximately 2,250. The proposed use of detached single family within the R-8 zoning district is a permitted use and the proposed plat meets all UDC requirements. Access is proposed via extension of West Newland, which is an existing -- existing local street at the west boundary. It is proposed to

terminate within the site as a full cul-de-sac per ACHD standards and requirements. The existing access comes from a private access across the Ten Mile Creek, which is this. This is a vehicular bridge right now that kind of snakes in here. That access will be closed upon development and in addition it's off site and will be utilized as a pedestrian, bridge and multi-use pathway with the Foxcroft Subdivision to the northeast. Staff has included a DA provision regarding that. Sorry. Let me see. The Newland Street cul-de-sac is depicted with a 48 foot radius. According to the ACHD staff report, they have approved this, but have noted that the condition -- there is a condition that the cul-de-sac is -- should be widened to a 50 foot radius. This may reduce the lot size of Lot 6, which is along the boundary here and maybe even Lot 5 to less than the 4,000 square foot lot size. Staff finds that if this is the case, there should be room within these five lots to move some lot lines around and -- and ensure continued compliance with the minimum lot size. The Ten Mile Creek runs along the entire east property line and requires a hundred foot easement, which is depicted here. A hundred feet here. It's 50 feet on each side from the center line. It covers the buildable area of this plot even more. So, yes, the encumbrances of the cul-de-sac and the creek easement. Staff has included a DA provision requiring side loaded garages where possible in order to help with these encumbrances and reduce the amount of curb cuts onto the cul-de-sac. This type of design can force longer driveways that go deeper into each site, which allow for more off-street parking. The design also creates an opportunity for the living area of each home to be closer to the street, because the living -- living area setback is ten feet, whereas the garage setback is 20 feet. So, essentially, that allows for more building area than which is shown on the site plan currently. However, staff does note that the lots may not be wide enough to accommodate the required parking pad for side loaded garages. The applicant should continue working to mitigate these issues and revise the plat accordingly, unless Commission or Council removes staff's recommended DA provision and just go with front loaded garages. There were previously 13 pieces of public testimony for the previous approval. There was one additional piece for the remand, but it discussed objection to 12 lots, which is not being proposed and hasn't been proposed for many, many months. So, maybe they like seven. But they have responded to 12. Staff does recommend approval with the conditions noted for this small county enclave. To be frank, I think this is probably one of the best things we are just going to get here. When you have seven lots on a cul-de-sac, it's just not a lot of room, so should Commission have questions I will answer them.

Seal: Okay. Thanks very much. Would the applicant like to come forward, please? Good evening and welcome back. Please give us your name and address for the record and the floor is yours.

Conti: Good evening. I'm Antonio Conti. 7661 West Riverside Drive in Garden City. 83714. First I want to apologize, I missed the last meeting. I was visiting my elderly parents in Switzerland, so I tried to do the offline thing, but that didn't work well. What we are proposing here it's another iteration of this project. We are coming down to seven lots. Seven lots, it's -- you know, they are averaging 4,000 square feet. We are at total -- we are proposing an R-8 zoning versus the R-15 that we had originally, which matches with the zoning of the parcel adjacent to the site. We are proposing -- how do we move -- arrows? Thank you. There we go. The site 1.2 acres. Single family residential about

58 percent worth of the lots will be able to have a house. We are about 20 -- 19 percent with the open space and 22 percent is the cul-de-sac. We tried several ways to get rid of the cul-de-sac, doing hammerhead, private roads, but there as no way around it. Including the size to 50 feet as mentioned, we can make that work. We have plenty of space and some have bigger lots to fit an additional two feet. Not too concerned about that portion of it. The gross residential density is about 5.7 dwelling units per acre, which is pretty much in line with what we are asking for. We have -- you know, this is just a picture of the site. The site right now -- it's -- you know, it's a mess. There is an abandoned house and is -- is moving everything out, just clean it up, trying to get a little bit more pleasant. As we showed, the common area is going to be along the canal. We are going to have a sidewalk all along the common area connecting the foot bridge that connects to the Foxcroft Subdivision to the northeast and, then, it's going to tie into the Union Pacific Railroad, which my understanding is going to be a future path in the long range plan of the City of Meridian. Here is some -- just some elevations. We have done this elevation in other places. We understand we are trying to make some side load garage. That's beyond my understanding. I don't do houses. Don't understand houses. I'm sure that the architect may be able to come up with some solution. There is some really creative solutions out there. May not be all of them side loaded, but I'm sure we can get someone in there as requested. Just more picture of what they are proposing. It just -- the smaller houses designed for, you know, older gentleman like me that have no kids. So, that's -- that's the plan. Any questions?

Seal: Okay. Any questions for the applicant or staff at this point? Okay. One -- one quick thing, Joe, for you. The 4,000 square foot lot that is -- that's nothing that could be an alternative compliance. I mean that is code; correct?

Dodson: Yeah. That is correct. Mr. Chair, yeah. That's code. Can't get around the minimum lot size.

Seal: Okay. And, then, the -- the side load garages that was -- I mean is that, essentially, a best effort statement, more or less in the staff report, or is it more mandatory than that?

Dodson: Mr. Chair, I actually made it a DA provision. So, if Commission wants to recommend that it be removed as a DA provision and more of a best effort, that -- I understand. We are just trying to help with the off street parking issues and -- I mean you can't park in the cul-de-sac in general, but people tend to, so I was just trying to find a creative way to help get some longer driveways to have some more off-street parking for the residents and help maybe mitigate some of those issues that Chesterfield has stated that they already have. But, space permitting, it may or may not be allowed. So, if a DA provision isn't appropriate because it is so hard and fast, then, I could understand softening that.

Seal: Thank you. Anybody else have questions for the applicant? Commissioner Lorcher? All right. Thank you very much.

Conti: Thank you very much.

Seal: Okay. At this time we will move to the public testimony portion. Has anybody signed up?

Hall: There is not.

Seal: Nobody signed up and still nobody online I would imagine. Nope. Okay. With that if there is no other questions, applicant, do you have anything else to add it all? If not that's okay. And come back up and -- more than welcome to come back up.

Conti: The only item, if I can request, is that the garage -- to make it look flexible. Just because it's that difficult lot, a difficult parcel. If you can make some flexibility and leave it up to staff to work out the final detail that would be appreciated.

Seal: Okay.

Conti: Thank you very much.

Seal: Thank you, sir. Appreciate it. And with that can I get a motion to close the public testimony portion of file number H-2021-0001, Pinedale Subdivision.

Stoddard: So moved.

Grace: Second.

Seal: It's been moved and seconded to close the public hearing for Item No. H-2022-0001. All in favor say aye. Any opposed? Okay. Motion carries.

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

Seal: Who would like to chime in first?

Grace: Mr. Chairman, just a discussion point. About the side loaded garages, are we being asked to put in a -- to approve the recommended DA provision which would preclude the ability to do that?

Dodson: Mr. Chair?

Seal: Go right ahead.

Dodson: Sure. I will answer that for you, Commissioner Grace. That's right. I just want to make sure. It's currently a DA provision, so if -- if Commission agrees with it -- whoever makes the motion agrees with that you would just say I recommend approval to City Council as presented in the staff report. If you want to modify that you would say I agree -- recommend approval with the following modifications and, then, you could state you recommend removing it as a DA provision or recommend being more specific that says four lots or only two lots or where applicable, something like that to soften it. We could

recommend removing it as a DA provision altogether and adding it as more of a plat condition, which is usually, in general, a little more flexible and, then, offer some of that flexibility in there as well. But it's already in the staff report as a recommendation, so if you don't want to offer flexibility you would have to modify it.

Grace: Mr. Chairman. Right. I understand that piece. I'm just -- it's already in the staff report, but what does it do? What does it say?

Dodson: Oh. It specifically states that the applicant shall include side loaded garages.

Grace: Shall include them.

Dodson: Yes. As a provision. Correct,

Grace: Okay.

Dodson: So, seven lots you -- you know, math -- you can't get all sideloaded garages there, but you -- if you wanted to further soften it you could just -- I think even adding where applicable would -- and per the discussion, myself and the applicant would work together to figure out where we can or cannot do that.

Seal: And that -- that's where we -- generally speaking in the past when something like this comes up, if it's -- if there is a -- because there is a lot of moving parts to it where there -- the cul-de-sac's actually going to get bigger, the lot lines are going to be adjusted, so -- I mean generally speaking, what we -- the way that we have worded it in the past is that the applicant continue -- continue to work with staff on the provision for, you know, whatever it happens to be. So, that way if -- that's -- when I have done that in the past that's my way of supporting staff, but understanding that -- that they understand that that might need to change just because of the amount of change that's coming forward.

Grace: Right. And I think that's probably, Mr. Chairman, where I would fall is to not go toward the rigidity of including it, but giving some flexibility that they could work it out as needed. Personally that's where I am on it.

Seal: Good.

Parsons: Mr. Chair?

Seal: Yes, sir.

Parsons: This is Bill. Joe and I were having a sidebar conversation, too, and you certainly can strike that condition all together and just add a provision that they get design review approval for their homes prior to getting a building permit. We -- we have that authority in the code to do that. Typically we don't want to do that with single family homes, because it's not required, but this is annexation -- or a rezone annexation, so you have that ability for staff to work with the applicant on those home designs before they get to a

building permit and that way we can massage those elevations, make sure they are compatible with the surrounding developments and maybe curtailing some of those issues you may be having, whether or not homes fit on these lots or not. It's kind of that second chance of getting -- making sure something fits here. It's -- we will leave it up to how you want to proceed tonight, but just throwing out another option for you.

Seal: Okay. Thank you. Commissioner Stoddard? Commissioner Lorcher, is -- anything to add?

Lorcher: Mr. -- Mr. Chair?

Seal: Commissioner Lorcher, go ahead.

Lorcher: I appreciate the builder continuing to revise to make best use of the space. It's so tiny at one, 2.2 acres, taking out the shared driveway is a big improvement and having all of the units on the cul-de-sac where they have individual access I think is key. I lived in a -- on a cul-de-sac in Parkside Creek previously and the more driveway space you could have the better, because all those driveways spill on to each other with no landscaping in between many times and so if there is multiple cars, having a bigger driveway will be key to keeping that cul-de-sac clear.

Seal: I would one hundred percent agree with that. That -- that is the one concern that I have is I always think of the, you know, Super Bowl weekend parties and things like that where you get two or three of those houses that decide to have an event like that and the next thing you know parking is a big issue where generally speaking on any given night it's not necessarily going to be. So, that and the service vehicles that have to go through there, if there is anything -- one vehicle on the street in a cul-de-sac can cause that to become less than fun for the service vehicles that need to get in there. Thank you. Anybody else? I will take a motion. Anybody?

Grace: Mr. Chairman, I have been writing. I will make an attempt.

Seal: Commissioner Grace, go right ahead.

Grace: Mr. Chairman, after considering all the staff, applicant, and public testimony, I move to recommend approval of City Council -- to the City Council of file number H-2022-0001 as presented in the staff report for the hearing date of June 16th, 2022, with the following modification: That would be to relax the requirement of the DA provision regarding the side loaded garages in favor of allowing the applicant flexibility to work through those issues with staff.

Seal: Second from anyone?

Stoddard: Second.

Seal: It's been moved and seconded to approve Item No. H-2022-0001, Pine Pinedale Subdivision, with the aforementioned modification. All those in favor, please, say aye. Any opposed? Okay. Motion carries. Thank you very much.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

**4. Public Hearing for Lot 8 Retail Building (H-2022-0034) by Larson Architects, located at 3333 W. Chinden Blvd.**

- A. Request: Conditional Use Permit for a drive-through establishment within 300 feet of another drive-through facility on 0.9 acre of land in the C-G zoning district.

Seal: All right. At this time I would like go ahead -- like to open Item No. H-2022-0034 for Lot 8 Retail Building and we will begin with the staff report. I will slow down a little bit. No.

Parsons: Thank you, Mr. Chair.

Seal: Thanks, Bill.

Parsons: I'm -- I'm covering the next two items for Sonya this evening. She had some prior engagement, so I was happy to fill in for you this evening. So, both of these projects that you will be hearing are pretty much similar to one another. They are right next to each other in the same development, so in the interest of time and just making everything expeditious for us this evening I will go into a little bit more detail probably in this CUP, but just know some of that will carry over into the next presentation in a more brief version, so that we can have you act on both these applications this evening. So, the first CUP tonight is for Lot 8 Retail Building and the reason why this conditional use permit is in front of you this evening is because it's within 300 feet of another drive through. If you had a chance to read the staff report, we did note that with the -- this CUP and the one you will be listening to next hearing item, there will be a total of six in this Costco development. So, there is quite a few happening -- quite a few drive throughs happening in this development, which is kind of a common theme these days with what's been happening in the last several years. So, this particular site sits on 0.9 acres of land. It's currently zoned C-G and it's located at 333 West Chinden Boulevard. If you -- if some of you recall this property was annexed in 2018 with the Lost Rapid Subdivision annexation and the current comprehensive plan designation for the property is commercial, which that C-G zone is consistent with that designation. On the screen before you it does show you the revised landscape -- or site plan and the landscape rendering for the proposed lot. I would mention to the Commission that -- if you can see my cursor here and if you had a chance to look at the previous exhibit, the lot lines don't quite marry up to the current configuration of the property. We did note in the staff report that these two lots will have to go through what we call an administrative property boundary adjustment to change the configuration of the property. So, the way you see these lots -- or the way of these sites are designed tonight they are not actually the way they are configured now, but they will

go through that process if they get approval tonight to change the boundary of those lots in order to meet these new -- these configurations that you see. UDC does require that the applicant provide adequate stacking and comply with UDC 11-4-3-11. If you had a chance to look at the staff report we did -- the site -- this particular site does comply with those drive through standards. You will also note that there is a -- those lot lines are shared for -- have shared access, so there will be cross-access between both properties as well. The applicant does have to address some pedestrian connectivity. That's one of the requirements of our drive through standards is that they have safe pedestrian access and they need to demonstrate that on a site plan. Not only does this one have it, but so does the next one and so I have -- in earlier -- previous e-mails today I did -- we did get a correspondence that they are working those issues out and as they go through that certificate of zoning compliance with staff, they should address some of those concerns moving forward. So, we are pretty confident that that can be accomplished between the two properties here. You can see here that this particular lot will house a multi-tenant building and, then, the drive through is on the westernmost tenant space and it will be a -- a restaurant use. Staff did analyze the parking against UDC standards, because this is a -- a food service facility we are going to apply the more restrictive parking standards for restaurants, which is one per 250 square feet of gross floor area and this site, again, does exceed UDC standards. Here are the building elevations. I have -- I have worked with the applicant for many years, so I have no doubt as they go through the process with staff that they will meet the architectural standards manual and we will, again, verify that at staff level if they get approval tonight. I have had a chance to look at the public record. There was no public testimony on this application and we did receive a response from the applicant in agreement with the conditions of approval. With that I will conclude my presentation and stand for any questions.

Seal: All right. Thank you, Bill. Would the applicant like to come forward? Good evening, sir. If you could give us your name and address for the record and the floor is yours.

Larson: Yes. Good evening, Mr. Chairman, Members of the Planning and Zoning Commission. My name is Cornel Larson. My address is 210 Murray in Boise, Idaho, and I'm here tonight representing the applicant on the project. Bill did an excellent job of presenting the -- the staff report and we are in agreement with the staff report. We would be happy to answer any questions if you have those, but at this point in time we are okay to move forward. We do have the engineer working on the lot line adjustment that was mentioned and we have adjusted the site plan to most of the staff conditions. We have a few other ones with the adjacent lot we may need to address, but we can work through that.

Seal: Okay. Thank you very much. Is there any questions for the applicant? All right. Thank you very much. Appreciate it and we will see -- Madam Clerk, do we have anybody -- public -- anybody signed up for public testimony?

Hall: No, there is not.



Seal: All right. If anybody in Chambers would like to come up. I saw a hand. No? Okay. Waving Bill to come up, because he's already talked, so -- all right. Seeing none, if the applicant has nothing further to add you can signify no. Okay. Thank you, sir. Any questions for the applicant or staff from any of us before we close the public hearing portion?

Grace: Mr. Chairman, just a quick question for staff. The picture on the site plan revised that I'm looking at here, those -- it looks -- you said that the window -- the drive-through window is on the west end of that building. What's -- what's the remainder of the building going to be? Is it -- is it all the same establishment?

Parson: Mr. Chairman, Members of the Commission, we don't know at this point. All we know is that the one tenant is at this west side of the building. It could be anything from retail to whatever is allowed in the C-G zone and that's why when I was presenting to you I had mentioned that we used the more restrictive parking standards to make sure that there -- there are additional restaurant uses going in there that we have accounted for that additional parking.

Grace: Okay.

Parsons: So, we have taken the worst case scenario, but I think the applicant may be better suited to answer that question.

Seal: Go ahead.

Larson: This is Cornel Larson again. The tenant on the west end we have worked a lease on going with an ice cream facility, so we anticipate it being a little bit of a low traffic condition since it is ice cream. The other one would be a bulk furniture type of tenant that would be on -- on the east side of that -- or the three bays on the east side. In addition, we actually designed the parking and the layout so that if the whole building did go to a restaurant at one time we would have adequate parking for that and that's been an ongoing discussion in the City of Meridian about adequate parking for restaurants for a few years. So, we have tried to address conditions that we could at this point in time.

Seal: Okay. Thank you very much.

Grace: And, Mr. Chair, I was just trying to inquire that whoever does -- whatever tenant does move in there there that occupy, that they -- they take that subject to knowing that there is a -- a drive through around the building.

Seal: Right.

Grace: So, as long as they are aware, yeah.

Seal: Yeah. It looks pretty similar to the layout of one of the other establish -- or the buildings that are there that has drive through on the end and, then, other businesses that

are already there. So, it's -- there is already something like this established over there on the Ten Mile side of it. And it seems to work okay so far. As far as I know. Quick question for staff. The -- the pedestrian traffic study, I mean, essentially -- or pedestrian traffic safety, we don't have to do anything special in a motion to ensure that that's included, that's already included in the staff report as a recommendation and it will be handled? Okay.

Parsons: That is correct, Mr. Chairman.

Seal: Excellent. Just wanted to make sure of that.

Parsons: On this particular application, yes.

Seal: On this one. Okay. Good -- good note there. With that if I can -- and if there is no other questions, can I get a motion to close the public hearing for H-2022-0034.

Lorcher: So moved.

Stoddard: Second.

Seal: It's been moved and seconded to close the public hearing for File No. H-2022-0034. All those in favor say aye. Any opposed? Okay. Motion carries.

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

Seal: All right. If there is any -- anybody wants to add anything further or we can just move right to a motion for this one.

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher, go right ahead.

Lorcher: I'm going to go ahead with a motion.

Seal: Okay. Please do.

Lorcher: After -- after reviewing all staff report and public testimony, I motion to approve File No. H-2022-0034 as presented in the staff report with no modifications.

Stoddard: Second.

Seal: Okay. It's been moved and seconded to approve Item No. H-2022-0034. All those in favor, please, say aye. Any opposed? Okay. Motion carries. Thanks, sir.

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

**5. Public Hearing for Slim Chickens (H-2022-0028) by Larson Architects, located at 3369 Chinden Blvd.**

- A. Request: Conditional Use Permit for a drive-thru establishment within 300 feet of another drive-through facility on 1.13 acres of land in the C-G zoning district

Seal: All right. Bill, do you want to do -- I won't call it part two.

Parsons: Yeah. Let's do part two. CUP part two.

Seal: Excellent.

Parsons: So, the last item on the agenda tonight is the Slim Chickens conditional use permit. So, this is the parcel just directly to the west of the one you just acted on. This site will consist of 1.13 acres and it's again zoned C-G and it -- it's located -- the address is 3369 West Chinden Boulevard. Again, a lot of the -- the public testimony that I provided -- or at least the staff report I gave you on the last one applies here as well. You can see here where the property line is changing, so that they can accommodate some of that additional parking for this particular restaurant use. This building will be a single tenant, approximately 3,000 square feet and, again, it is a restaurant use, so we did apply that same parking ratio, one per 250 square feet, which this site will have 35 total parking spaces in excess of UDC standards. Probably the -- the biggest concern that staff had with this particular layout was just the pedestrian -- demonstrating that pedestrian safety. Sonya did note that in the staff report and asked you guys to weigh in on that topic, whether or not the applicant has done adequate pedestrian circulation on the site. As I mentioned to you, did receive an e-mail from the applicant today that they are, again, working with the adjacent property owner to mitigate some of that concern. I would mention to you that staff did recommend that we had some additional pedestrian signage going in this landscaping to help mediate some of that concern and let ongoing traffic -- that stacking in this lane to watch for pedestrians that may cross along the stacking lane here and, then, the applicant also changed their elevations and added this vestibule and, then, had a doorway on the north side and south side of that vestibule, so that they would facilitate pedestrians coming from the walkways that they are providing along -- along -- excuse me. Using those sidewalks that are along the east side of the building. So, I think from our perspective, as long as there is additional signage and the applicant's working with the owner to the -- to the east, I think we can probably get there. But, again, staff did ask that you weigh in on that and whether or not you felt there was adequate safe -- pedestrian safety happening on the site as well. The applicant is in agreement with the conditions of approval. They did reach out to staff and ask about some additional speakers within the patio area. We let them know that there was really no approval processes as part of tonight's deliberations and, then, they have some deficient landscaping that they can work with staff on through the alternative compliance process. So, they are -- they are aware of what they can do moving forward if they get an approval tonight. So, with that I will just conclude my presentation and stand for any additional questions.

Seal: Thank you. Applicant like come forward, please. Need your name and address for the record and the floor is yours. Thank you.

Pengra: Certainly. Thank you, Planning Commission. My name is Chris Pengra, the applicant. I live at 9398 North Bell Street in Eagle Mountain, Utah. So, we came up here to be with you this evening. I'm a planning commissioner for the city that I live in, so I appreciate your time and also I understand that I am the only thing standing between you and getting back to your family, so I will keep it really brief. One, just -- since there was some correspondence going back and forth with staff today, we have been able to work through all of those items with our engineer and, essentially, we are in agreement with all of the conditions as presented in the staff report. So, we don't have anything. We can -- we can address any remaining issues that the staff identified. And, then, we have been working with the -- with the property owner next door to put in that pedestrian access. Then I had a -- a very few slides. Let's see. I don't know if those slides will be shown, but I will just tell you very briefly, Slim Chickens is a brand that's brand new to Idaho, so this -- this will be the first store in Idaho. It's a pretty rapidly growing brand. They are in quite a few other states. Have got about 200 stores right now and high quality chicken and southern hospitality. So, we focus on as friendly service as we can possibly give and we focus on really high quality chicken tenders. A little bit different than what you get with a lot of other restaurants that -- that are chicken based and we -- we try to build a really nice product. So, you will see from the -- from the elevations the architecture is a little bit unique. We try to build nice buildings that are aesthetically pleasing and offer an environment where families are happy to come and have a meal and, then, the last thing is we are a family run group, so we are a family restaurant holding company. You see pictures of us there. A couple of close friends that are nonmanaging partners and, then, my father-in-law and my brother-in-law and -- and we are excited to bring something new to the community. That's my -- that's my presentation. How do I do?

Seal: Perfect.

Pengra: Okay.

Seal: Thank you much. Do we have any questions for the applicant? Or staff I should say? Commissioner Lorcher, do you have anything?

Lorcher: I'm good.

Seal: Okay. Anybody in Chambers? No? Madam Clerk, do we have anybody signed up for public testimony?

Hall: We do.

Seal: Okay.

Hall: We have three people, but I do believe they are the applicants. I have a Christian Michaelson, Chris Pengra, okay, and Josh Richardson -- or Richards.

Seal: That's okay.

Hall: That's what I thought. Okay.

Seal: I did the same thing for my confirmation, so -- if anybody else in Chambers would like to testify raise your hand and come on up. No? All right. Seeing no public testimony, no questions -- applicant, was there anything further you would like to add? Signifying no. So, I will take a motion to close the public hearing for H-2022-0028.

Grace: So moved, Mr. Chairman.

Stoddard: Second.

Seal: It's been moved and seconded to close the public hearing -- public hearing for File No. H-2022-0028. All in favor, please, say aye. Any opposed?

MOTION CARRIED: FOUR AYES. THREE ABSENT.

Seal: Okay. Does anybody have anything to add on this? I mean the one thing that we have here is the pedestrian safety. It looks like they are -- to me it looks like they are complying with everything that's been recommended, so it is a little concerning in some respects. I mean if -- you know, if it gets really really busy there are going to be cars that are going to be stacking there and people will have to walk across that drive aisle in order to get there, but -- I don't know. I guess that just depends on how busy it is, so --

Grace: And -- and I apologize, Mr. Chairman, maybe I -- when you opened it up for questions to staff maybe I should have asked the question, but what -- it looks like it -- it says at a minimum staff recommended signage. What other options are available?

Seal: Bill, go -- feel free to -- feel free to answer that.

Parsons: Well, Mr. Chairman, Members of the Commission, I think that's what I tried to speak to is if you look at this -- and this is a quick plan that was put together, so it doesn't quite represent the elevations here, but you can see originally the doors had folks coming in straight into the site and that's where this applicant was able to change their design, put that vestibule on and, then, modify the entrances into the restaurant portion of the building so you are not having to enter straight on across the drive aisle, you can actually go around and, then, hit some pedestrian access -- walkways to get into the building. So, to me I felt like -- personally for me it sounds like they are meeting what I would look for as a planner and adding that signage saying watch for pedestrians makes a lot of sense to me. So, that's why staff -- we just wanted to pose that to you that we have -- we -- we feel like it's there, but we just want to make sure you understand where we are coming from with the additional signage and that we -- there is some concerns to have the two crossings as showing on this plan along here along the north, particularly in this area. I think some of -- to me I like this one a little bit better, because at least the cars are facing north and you can see the pedestrians coming down through the driveway. One's a little

bit more problematic to me. If I had another suggestion for the applicant I would ask them to be mindful of what they are doing with this landscape island. If they were to lose one parking stall and they would eliminate -- they wouldn't need that, because they wouldn't exceed 12 parking stalls in a row and, then, they wouldn't have that landscaping that could block visibility for people as well. So, again, there is -- there is little tweaks we could do to sit here and finesse that, but I think signage goes a long way and just by them addressing the building design I think helps quite a bit as well.

Seal: Okay. Thank you, Bill. Appreciate that. And with that does anybody else have anything to add? The only thing that I thought is this was going to be -- because it's called Slim Chickens that they would be -- the logo would be Slim Pickens dropping out of an airplane on a chicken. That's the first thing that came to my mind, so I will just apologize for that.

Grace: That changes everything, Mr. Chair.

Seal: It does change everything. Absolutely. So, if anybody would like to take a stab at a motion I'm all ears.

Lorcher: Mr. Chair, what is the -- what is the number of the --

Seal: This is H-2020-0028 and it is a conditional use permit, so we are approve or deny.

Lorcher: Mr. Chair, I will take a stab at a motion.

Seal: Feel free.

Lorcher: After reviewing staff report and all public testimony, I motion to approve file number H-2022-0028 as presented in the staff report, with no modifications.

Stoddard: Second.

Seal: It's been moved and approved to -- it's been moved and seconded to approve Item No. H-2022-0028 for Slim Chickens. All those in favor, please, say aye. Any opposed? Okay. Motion carries. Thank you very much. Appreciate it.

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

Seal: All right. That was the last thing on there, so can I, please, get one more motion.

Grace: Mr. Chairman, I would move to adjourn.

Stoddard: Second.

Seal: It's been moved and seconded to adjourn. All in favor say aye. Any opposed? Motion passes. Thank you very much.

MEETING ADJOURNED AT 7:04 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS.)

APPROVED

\_\_\_\_\_  
ANDREW SEAL - CHAIRMAN

\_\_\_\_\_|\_\_\_\_\_|\_\_\_\_\_  
DATE APPROVED

ATTEST:

\_\_\_\_\_  
CHRIS JOHNSON - CITY CLERK