

**Public Hearing Continued from April 21, 2022 for I-84 and Meridian Rd.
(H-2021-0099) by Hawkins Companies, Generally Located at the
Northwest Corner of S. Meridian Rd. and Interstate 84.**

- A. Request: Annexation of 18.30 acres of land with a C-G zoning district.
- B. Request: A Comprehensive Plan Future Land Use Map Amendment to change the future land use designation on 33.13 acres of land from Mixed Use – Community (MU-C) to Mixed Use – Regional (MU-R)

Grove: All right. All right. So, we will now open the public hearing for file number H-2021-0099 for -- for I-84 and Meridian Road, continued from April 21st, 2022, and with that we will pass it over to Sonya for the staff report.

Allen: Thank you, Mr. Chair, Members of the Commission. The next application before you is a request for annexation and zoning and a Comprehensive Plan map amendment. The -- the Comprehensive Plan map amendment portion of this site consists of 33.13 acres of land and the annexation portion consists of 18.3 acres of land, zoned C-G and RUT in Ada county, generally located at the northwest corner of South Meridian Road and I-84. The northern portion of this site was previously annexed in 1984 and 2002. No development agreements were required with those annexations. The Comprehensive Plan future land use map designation is mixed use community for the overall site. The applicant is requesting an amendment to the Comprehensive Plan future land use map to change the future land use designation on 33.13 acres of land from the mixed use community to the mixed use regional designation. Get my map to capture my -- presentation to catch up here. Excuse me just a moment. Oops. Don't know what happened there, but going again here. So, the -- the exhibit there on the left is the map amendment request and the annexation is requested of 18.3 acres of land with the C-G, general retail and service commercial zoning district, and the annexation area is shown on the exhibit on the right. A conceptual development plan was submitted as shown that depicts how this property is proposed to be -- excuse me -- that depicts how the property proposed to be annexed, as well as the area currently zoned C-G, is planned to develop with two big box retail stores and a junior anchor retail space, which is called out as retail one, consisting of 130 to 150 thousand square feet, retail two, which is approximately 80,000 square feet and retail three, lot two, which is 20 to 30 thousand square feet. Three out pads with two drive-throughs and a four-story 80,000 square foot office building. The northern portion of the site, already zoned C-G, is entitled to develop subject to UDC Table 11-2-B-2, allowed uses in the commercial districts, regardless of whether or not the annexation is approved, as there is no development agreement that is in place that governs future development of that property. A vehicular connection and stub is depicted on the concept plan to the property to the west for future extension across the Ten Mile Creek and for interconnectivity. The applicant has submitted an emergency access easement agreement with the property owner to the west for access to Ruddy Drive and Waltman Lane. Per the Comprehensive Plan mixed use designated areas should include at least three types of land uses. The proposed concept plan only includes two land use

types, commercial retail and office. Although residential land uses are still planned to develop on the adjacent property to the west, the property is currently entitled to develop solely with commercial uses. The previous residential development proposed for that property, Tanner Creek, was denied. Reasons for denial included Council's determination that the sole residential use of the property was not consistent with the mixed-use community designation, because a mix of uses wasn't proposed and they didn't want to burden this property with providing only the non-residential component of the mix of uses desired for this area. For this reason staff recommended this property and adjacent property to the west come in for review concurrently in order to ensure the overall development is consistent with the development guidelines in the Comprehensive Plan for the mixed use designation. Because the traffic impact study for that development is in the queue for review at ACHD and isn't anticipated to be reviewed until at least June, the applicant declined to wait and chose to move forward on their own. In accord with staff's analysis in the report, the proposed development is not consistent with the general mixed-use development guidelines, the existing mixed-use community, or the proposed mixed-use regional guidelines. The project as proposed is a commercial development, not mixed use. There are no significant attempts to integrate any of the on-site uses or with any of the adjacent uses. There are no community serving uses for existing and future residents. Pedestrian connections are proposed through vehicular use areas, which could result in vehicle and pedestrian conflicts and safety issues. No public, quasi-public uses are proposed, except an open space area located in the middle of the parking area with unsafe access and at the periphery of the development. Staff is also concerned with the ability of the existing transportation network being able to support the proposed development as a traffic impact study hasn't been submitted for the proposed development. For these reasons staff does not support -- is not in support of the requested annexation with the conceptual development plan proposed due to its inconsistency with the Comprehensive Plan. As recommended in the pre-application meetings for this property and the adjacent property to the west, staff recommends development applications are submitted concurrently for those properties with a master plan for the overall area that demonstrates consistency with the guidelines in the Comprehensive Plan for mixed-use developments and specifically the mixed-use community designation or an alternate designation if proposed. Alternatively, if submitted separately, the development plan for each property should demonstrate consistency with the plan on its own merits. The traffic impact study should also be updated to take into consideration the development impacts of both properties in the overall mixed use designated area and the necessary road and intersection improvements needed in this area in order for the street network to function sufficiently with the intensity of development proposed. There has been no written testimony submitted on this application. Staff is recommending denial per the analysis and findings in the staff report. Staff will stand for any questions.

Grove: Thanks, Sonya. And could we get the applicant to come up, please?

Mansfield: Good evening, Commissioners. Thanks for hanging out so late tonight. I really appreciate it.

Grove: Need to get your name and address, please.

Mansfield: Yeah. I'm Ethan Mansfield with Hawkins Companies. We are the developers on the project and we are located at 855 West Broad Street in Boise, Idaho. I'm just waiting for our presentation to be pulled up, if that's okay. Thanks, Sonya. Yeah. So, first I would like to thank you all for your time this evening, your service to the community is much appreciated and -- and thanks for -- thanks for hearing this. So, our request tonight -- let's see if I can get this thing to change. Do I need to press a special button? All right. Our request tonight is for a Comprehensive Plan amendment to regional mixed use for about 33 acres and an annexation and rezone to general retail and service commercial for about 18 acres on the northwestern corner of Meridian Road and I-84. The 18 acres includes about an acre of ITD drainage facility, so I will be talking about 17 acres for actually -- that actually applies to the project. So, before I dig in I think it's extremely important to acknowledge that about 16 acres of this site is already entitled and zoned C-G, as Sonya mentioned. As you all understand, the zoning of a certain piece of land governs the specific uses allowed and the design criteria of those uses. The land use map or Comprehensive Plan, on the other hand, helps define and guide the general character of future development. So, it helps you make decisions about annexations, rezones, and conditional use permits. In this case the 17 acres on the south side of the site are what requires this sort of action, not the northern 16 acres. So, the northern land is entitled and only a site plan approval is required to develop that piece of land. The southern 17 acres are funky, there is no doubt about it. First they sit about 20 feet below the on ramp to the interstate. There is a steep grade going down to our site from that corner of the interstate and Meridian Road. Next. The only way to access the southern portion of this site is directly through the northern portion of the site, so as such, regardless of zoning or land use, the character of the development on the southern parts of land will largely reflect what is developed on the 16 acres of entitled property to the north, simply because that's where all the connectivity comes from, that -- it's kind of like a neighborhood on that whole piece, so, please, consider that through this discussion tonight. Now, let's chat about the overall plan for the site. Hawkins proposes to develop a mix of retail, food service, and office uses. Anchoring the development is a 145,000 square foot national retailer and here are the renderings of this user. In addition, we are proposing another large format retailer, as well as a junior anchor. I guess I can let you hang out and look at these renderings for a second. In addition, we are proposing another large format retailer, as well as a junior anchor shown here in the red box. Several -- several food users and shop space and a four story 80,000 square foot office building in the southeast corner of the site. Linking these uses is a network of pathways that extends throughout the site and provides connectivity to the west and north. We propose a ten foot multi-use pathway along Waltman Street to provide connectivity to the east and west and a pedestrian and bicycle access to Tanner Creek, the residential development to the west. A sidewalk currently exists along Meridian Road to provide connectivity to the south and I should notice that Sonya -- or note that Sonya was referring to this as a vehicular access point. This is proposed for emergency vehicle access, but it's not proposed for open vehicle access between the two sites, only emergency vehicles, and we do plan to put bollards there, just so you understand it -- it is designed as a pedestrian connectivity primarily with -- with fire and emergency access points. The development includes a one

acre parklet positioned to provide a transition from the apartments proposed to the west in Tanner Creek to our commercial development. It also includes a one-third acre urban plaza located near the office development. While we understand that outdoor patio seating does not officially qualify as an amenity, it's tough to argue that outdoor patios suck and so we have included space for two next to our shops building and here is some renderings of those features. You can see the bollards here that would kind of protect that as a bike and ped connection to Tanner Creek. Here is the urban plaza and, then, the patio dining. So, Tanner Creek, a residential project from Schultz development, with 264 multi-family units and 128 single-family homes, is proposed immediately west of our project. Last June City Council denied this exact proposal. Why? Because it didn't have commercial uses associated with it. As Matt Schultz will share with you later this evening, here are our commercial uses. Council specifically directed him to wait until commercial uses develop to the east. Well, here we are. Our application fulfills City Council's request. It provides open space, retail, restaurants within walking distance and thoughtfully connected to Tanner Creek. Tanner Creek has been required by the -- by the Ada County Highway District to update their traffic impact study, as Sonya noted, which is why it has not yet been submitted to the city for review. So, here is a little play-by-play of why Tanner Creek is still on the bench. So, first, comp plan amendments, as you heard earlier, are only processed by the city twice a year, December 15th and June 15th. Tanner Creek had proposed to submit in early January, concurrent with our December 15th deadline. However, ACHD required an updated TIS. These take a while, as I think we all know or have seen, and Tanner Creek submitted their updated TIS in March. It will likely be July before it is approved. Could be late June optimistically. To require Tanner Creek to come in concurrently with us would, at a minimum, require an eight month hold until next December. As we need housing and services to serve the intense growth Meridian is experiencing, we believe this is a risky and potentially costly move. It's also one that could be avoided by simply acknowledging the reality of the situation. The Tanner Creek and our development will complement each other and create a desirable regional commercial and residential hub. Staff is also concerned about the current development rights on the Tanner Creek site. Let's talk a little bit about the existing development that could occur on the site without going through an entitlement process. There is an existing development agreement on the site that governs the development of the site. This development agreement limits the site to commercial uses, as Sonya noted. However, it also limits it to one of two site plans without the City Council approval to modify. So, here are the site plans. Here is site plan number one. We are not quite sure what all these boxes are and there is some flexibility there, but, you know, you can kind of see a big box on the bottom right-hand corner, some smaller commercial uses here. You know, significant commercial use abutting the single family neighborhood here or this one, which provides the big box immediately adjacent to the single family homes next door and a giant parking lot. So, anything other than these two site plans would require a trip back to City Council. I think it's important to understand that. So, the question is what's the likelihood that if our site is approved for retail, food, and office uses, that the contiguous landowner would scrap a residential project and sell the land and, then, that another owner would pick it up and develop a 37 acre development with the same uses that we will develop in our project. Right now I think that's a relatively non-existent likelihood and I think Matt, when he shares later this evening, can confirm this, as he is the developer of

the adjacent site. So, next let's talk a little bit about the comp plan amendment and the subsequent rezone. Here is a description of the mixed use and regional mixed-use land uses from the comp plan. In general, the purpose of the mixed-use designation is to provide for a combination of compatible land uses within a close geographic area that allows for easily accessible and convenient services for residents and workers. The purpose of the mixed use regional designation is to provide a mix of employment, retail, and residential dwellings and public uses near major arterial intersections and developments should be anchored by uses that have a regional draw with the appropriate supporting uses. Here is a map showing the general location of our development over the comp plan map. The surrounding development is already a regional destination. Several big box stores and hotels are located on the east side of Meridian Road and two regional entertainment uses and an event center exist across the freeway to the south. The interchange is also the gateway to downtown Meridian. Meridian Road in front of the site is the third busiest roadway segment in the state of Idaho. That's after Eagle Road in case you were wondering. In other words, the already entitled portion of our site is begging to be developed into a regional hub. In that spirit, we are proposing a retail center with a regional draw. A regional employment hub, restaurants, and amenities that are complementary to Tanner Creek, which will provide 400 households within walking or biking distance to our site. Put simply, our development will serve the residents of the entire region, while maintaining walkability and bike ability to residents of the adjacent multi-family and single-family housing developments. The mixed-use regional designation is also the only mixed use land use designation that supports general retail and service commercial zone. This zone appears to be expressly designed for the subject parcel. Commercial uses, in quote, close proximity and/or access to interstate or arterial intersections, end quote. It is logical to continue that zone to the south closer to the interstate and the mixed use regional designation supports this, while the mixed use community designation does not. Based on the comments we heard from staff at the pre-application meeting last fall, the entire reason that this site was designated community, rather than regional mixed use, was that the transportation infrastructure serving the site was insufficient to support a regional draw. This is an extremely reasonable point. However, it seems that rather than limiting the use of the land on this very visible regional corner, it might work better for the city if we simply increase the capacity of the transportation network, which is what we propose to do with this development. Here is how we are going to do this. First we propose to work with ACHD to extend Corporate Drive across Ten Mile Creek to Waltman and I should say not just ACHD, but Tanner Creek as well. We have been discussing this intimately, let's just say. Next we will improve Waltman to a collector roadway with a center turn lane throughout the entire project. We will also install infrastructure for a future transit stop on the corner of Waltman and Meridian Road and, finally, we will install an additional northbound left-turn lane on Meridian Road to accommodate traffic turning into the site from the interstate. Here is a cross-section of the proposed roadway improvements. There will be two lanes heading west from the Waltman-Meridian Road intersection, then a center turn lane and a lane heading eastbound, which will split into various turning movements near the intersection. You can also see where we are proposing to install the infrastructure to accommodate the transit stop. That's that little star there that says future transit stop. In sum, we are beefing up the transportation infrastructure to keep pace with the mix of uses that want to

be on this corner. Our proposed mix of uses is of a similar scale and fits appropriately within the surrounding development, with roadway improvements and enhanced connectivity delivered by this project and Tanner Creek to the west. In tandem we propose to capitalize on the location of the site to deliver homes, jobs, goods and services to the population epicenter of the Treasure Valley. We look forward to your recommendation of approval to City Council and thanks so much. I'm happy to stand for any questions.

Grove: All right. Commissioners, any questions for the applicant or staff?

Yearsley: Mr. Chair?

Grove: Commissioner Yearsley.

Yearsley: So, I'm going to just be blunt. Sonya, is -- was the main reason for -- for recommending denial at this point is because you don't have the ACHD traffic impact study and having the two applications come together as one? I'm not quite sure why it did not -- I apologize, it may have been clear, but I -- I didn't catch it.

Allen: Mr. Chair, Commissioner Yearsley, transportation issue is huge and, yes, we feel that the TIS needs to contemplate the overall development for the master plan for this area, but the proposed concept plan is -- is not consistent with the mixed use designation and specifically the mixed use community, which is the existing designation, or the proposed mixed use regional designation.

Yearsley: Okay. Well, if they -- if they had both applications come into one that would meet that requirement; is that correct?

Allen: Not necessarily saying that --

Yearsley: Or --

Allen: That the -- the concept plan for this site, even -- even if it's -- the development to the west comes in with the -- with the multi-family, they -- they aren't integrated well. They -- they aren't interconnected as they should be in a mixed-use designation.

Yearsley: Okay.

Allen: The uses -- there is no community serving uses. It's -- it just doesn't meet our mixed-use guidelines --

Yearsley: Okay.

Allen: -- overall.

Yearsley: Okay. Like I said, there is -- there is a lot of nuances within that, so I wasn't quite sure exactly, so -- and -- and I agree that this is a big enough development that the traffic impact study is a big concern, so --

Grove: I have a question directly piggy backing off that. So, you mentioned it, but I -- I'm very unclear as to why you did not wait until you had the traffic impact study and an ACHD -- you know, this is -- you know, sometimes we can be like, okay, like we can move forward without something like this, but this is probably the most messed up intersection next to a giant parcel of land that is going to be extremely intensified. It's already hard to get around that area. You are -- you are -- you have mentioned making improvements, but those are fairly minor in comparison to the level of intensification that you are proposing specifically with this, let alone anything to the west of you. I mean I'm just really wondering why now and not -- I know that there is -- with the comp plan piece there is an additional piece, but this is -- I mean just to be very blunt, it's going to be very hard to properly evaluate this without having a much clearer understanding of what that impact study is, what those recommendations are, how do we mitigate the extreme mess that this could have. I have a few other questions, but I will let you tackle that first.

Mansfield: Thanks, Chairman Grove. That was a great question and it is a mess. Thanks for recognizing that and I think I just need to be a little more clear on where we both are in the process. So, we have completed a traffic impact study. TIS'es are not required to be approved prior to rezones and annexations. They are with preliminary plats, which is why we typically see a preliminary plat come in with an annexation and a rezone. In this case we are not pursuing a preliminary plat at this time, so we are just doing the annexation rezone. However, these transportation improvements that we are recommending are taken straight from the recommendations from our TIS and I have spoken with our traffic engineer a multitude of times to make sure I have got all those incorporated into this, because I understand that it is a big deal and so my job is to make sure that we are not missing something the TIS would recommend that's going to come in later, blindside us, blindside you guys, blindside Council, blindside ACHD and what I have done is thoroughly read through it, talked to our engineer about it and said am I missing anything and, actually, he is the one who came up with this improvements drawing for us. So, we have not been approved by ACHD yet. However, we have submitted and it's under review and, as you guys understand, you know, ACHD is four, five, six months out for their review times right now and I think Matt can speak to that, too. He is just behind us in the queue. We are right ahead of him. And so given the nature of these staggered comp plan amendment time frames, we thought that we could submit right now and, then, when future development happens on the site, you know, we -- you know, anything from a zoning certificate, a CZC site plan review, that that will absolutely -- or preliminary plat or whatever we end up with, that will absolutely require an approved ACHD site plan -- or traffic impact study and we are confident that what we produced and what we are recommending to be improved will end up being the final approval of the ACHD site plan.

Grove: I -- I appreciate that. I -- I guess some feedback is this has been empty for a very long time, understanding that there is a traffic problem and that we are going to want to

understand those parameters, along with this and have a lot better information, even if it's not required. It -- it's a -- it's something that is extremely important to this project and how we -- we look at it as a holistic approach and so knowing that it's just really concerning that it's not coming in at the same time. I understand that there is timeline pieces, but this is not something that came out of the blue for this project as -- as a concern. So, I -- I have some misgivings on that. I -- I guess my other question is in terms of how you view this overall project and being, essentially, at the gateway into Meridian, for all intents and purposes, how does that stack up with being a -- the proper visual in terms of -- you know, we already have one box store on the other side, like how does that -- how are we -- I'm having a hard time getting my head around what that overall concept looks like or what we want our community to look like to people coming into our city.

Mansfield: Yeah. Chairman Grove, that's another great question and I think there is a -- there is a couple different answers to that. You know, we are proposing a large format retailer. There is no doubt about it. It's a big box. It's a large box. However, you know, this is a major regional intersection and that's where large boxes want to be. That is why we have secured this particular tenant and we are providing right on the corner, you know, an 80,000 square foot office building, just like you see at every other intersection -- or, sorry, interchange in Meridian, to kind of, you know, provide -- and, you know what, it's -- it's -- if you look at our project it is only two mix of uses. You know, I'm not going to beat around the bush there. Tanner Creek provides the third and we have been working with them, but, you know, you do provide -- we do have 80,000 square feet of office. So, 50 percent of the stuff that's getting annexed into the city is office and 50 percent is going to be retail. The other stuff on the north that's already zoned, so that's already something where, you know, we are experiencing this intense demand for this aux user and we could put them there, you know. So -- so, we are trying to -- we are -- anyway, I will -- I will let -- I will leave it there.

Grove: Yeah, I get what you are saying. It -- it feels to a certain extent with -- with how it's positioned that that southern portion is landlocked and being held hostage here in terms of how we have to think about this. So, having a hard time feeling good about that. So, just giving you some pieces there. I can jump off my soap boxes for a minute, but if anybody wants to jump in with questions. I have another. So, you -- you said you did have your traffic identity -- or traffic study and you have a general idea at least of -- what is your -- you know, trip count look like per day coming out of the overall development?

Mansfield: Sure. That's actually displayed right here on the screen.

Grove: Okay.

Mansfield: So, we can definitely talk a little bit about that. The total daily trips with the -- you know, sophisticated modeling of the reduction in pass-by trips, you know, that's -- that's, you know, captured by people driving by -- is nearly 11,000 primary trips. That's 740 in the a.m. and 950 in the peak period. Again, the recommendations in the TIS are reflected in our transportation kind of analysis of the site and our proposed improvements. So, based on this, our engineer proposed the improvements that we are proposing to

make and I should say that there is actually one additional re-striping of Franklin Road as it -- or on 5th Street as it goes north to Franklin Road to provide a left and a right turn, where currently there is just one lane. There is no widening. It's only a restriping. So, I didn't want to confuse the conversation, you know, of these bigger changes by including that, but that is also included in our proposal.

Grove: Well, if we don't have any other questions, we will go ahead and open it up to public testimony. Mr. Clerk.

Johnson: Thank you, Mr. Chair. First is Kelsee Lorcher. Kelsee, you should be able to unmute yourself.

K.Lorcher: Hi. Kelsee Lorcher. 2099 -- oh, sorry. Can you hear me?

Grove: Yes.

K.Lorcher: Okay. Kelsee Lorcher. 2099 West Snyder, Meridian, Idaho. 83642. I do not agree with this -- this proposal at all. I actually agree with the staff report. This application does not have a master plan with Tanner Creek development to the west. The City Council last year said that they needed to do it together to get both sides approved and Hawkins has not done that. He has moved forward without Tanner Creek, but yet his proposal relies heavily on Tanner Creek development to be mixed use zoning and also for his emergency access as well and also for Corporate Drive. Tanner Creek's the one who is going to be building Corporate Drive, not Hawkins. We do not have both Hawkins or Tanner's traffic impact study, so without having both of those developments traffic impact studies we do not know the true impact this will have to Waltman Lane and to the gateway of our city and to that intersection of Meridian Road and Waltman. This development is way too high traffic for Waltman Lane and to the gateway of our city and even according to the Fire Department staff report on this application, it stated that the current resources would not be adequate to supply service to this proposed project, which entails greater risk for the occupants, as well as the first responders. In addition, the intersection at Waltman Lane and Meridian is already, as you said, a mess and a -- it's a burden with high traffic and there is -- it's landlocked. There is no wiggle room for improvement or any major improvement. It's landlocked. It is what it is and we are already high traffic and we do not want to become an Eagle Road and this project is just too big for the area. You know, the -- the comp plan it -- it said that this needed to be mixed use community for a reason, not a mixed use regional. And, lastly, the parking lot is not designed well or safe for pedestrians or bicyclists and that's basically all I have to say tonight. Thank you.

Grove: Thank you. Mr. Clerk?

K.Lorcher: Also -- I'm so sorry. I have Joe Lorcher here with me.

Johnson: Mr. Chair, I was going to say, Kelsee, if Joe is with you, but, Joe, you are up next.

J.Lorcher: Can you hear me?

Grove: Yes.

J.Lorcher: Joe Lorcher. 740 West Walton Lane, Meridian, Idaho. 83642. My family and -- and I have worked in -- on Waltman Lane and lived on Waltman Lane since 1976. I understand that this is being considered the gateway into the City of Meridian, but I'm hoping that we don't turn it into, like my daughter said, an Eagle Road where it just becomes a standstill. Certain times of the day the intersection -- you literally watch the light change three times before you can get to the light to even turn left onto Waltman Lane and if this traffic study that was up there a second ago shows another 10,000 more cars, the intersection just can't handle it. The proposal of Tanner Creek to punch Corporate Road through to Waltman Lane will help, but first Tanner Creek has to pass and it's already been denied three times or two times --

K.Lorcher: Two times.

J.Lorcher: Two times. And the whole idea last time was for them to produce Tanner Creek and Hawkins together and that's what the City Council wanted and it's not happening, so -- and go back to the traffic study, we -- we need to wait until we learn more about the traffic that's going to happen for this intersection, so that it just does not become a complete parking lot all the time. Ethan was talking about using Tanner Creek to help with the mixed use qualification. He's assuming that Tanner Creek is going to get passed. That's why both of them need to come in together to see if they work together and will get passed and presented together. Overall the applicant should wait until the traffic study is complete and also should stay away from the MUR to keep it so it's not so dense and keep the traffic down. And, finally, do work with Tanner Creek and come together, so that both proposals are presented together and Council and Planning and Zoning can listen to both sides and decide what's best for the Waltman Lane area. So, hopefully, we can postpone this and let them wait until traffic's done -- traffic studies are done and they come together and work it together. That's all.

Grove: Thank you.

Johnson: Mr. Chair, Clair Manning is next. Mr. Manning, you are going to see yourself rejoin the meeting. He has a presentation to share.

Manning: Good morning, Council. Clair Manning at 650 West Walton Lane. I'm going to go ahead and share my screen. Oh, it's blocking me from sharing my screen.

Johnson: You can do that now, Mr. Manning.

Manning: Oh. Thank you. Okay. So, first off, I would like to thank the planning staff for their detailed analysis of -- of their -- of this application. I think their conclusions make it

evident that you have no other choice but to deny this application. Are you seeing my PowerPoint right now?

Grove: Yes, we are.

Manning: Okay. So, this city has spent a lot of time and resources developing a Comprehensive Plan. There is a good reason. This was a designated mixed use community and not mixed use regional. The simple fact of the matter is there is not access -- there is not access to this area. It's not well suited to high traffic that these kind of commercial buildings will provide. So, I have a couple quick pictures just to illustrate that point. I think you guys are all familiar with the intersection, but as you can tell from this right picture here, there is a very short runway where you can stack up cars here and it's very very easy for them to back up and block the entire artery into the city here on one lane. Second off, it's extremely problematic once you also get onto Walmart, because it's very easy to back this up, because there is such a short runway before you need to start turning into this intersection. So, it would be very easy for cars to back up and just block that all together. So, let me direct you to that picture on the lower right. You can see I'm parked there right where you need to turn and I'm causing a really dangerous situation just for cars trying to get out. So, now imagine that you have semi trucks coming in and out to stock that big box store and imagine the kind of a mess that you are going to have with that. So, you know, overall this plan doesn't integrate very well with the overall area. The developer to the west is proposing high density apartments right across from Ten Mile Creek that look right into the back of the big box commercial area. So, you mix that kind of low cost housing with that environment and you have all the perfect makings for a slum and, you know, as staff points out, this area needs a Comprehensive Plan considered together, so -- and you must have that detailed traffic study combining both project to make a good decision. You cannot ignore that. This is a critical area. The 2018 traffic study on Tanner Creek already estimated 2,928 trips per day on Waltman, which clearly demonstrates -- you will see the 3,000 trip guideline for a collector. So, I can't really say any better than your staff did when they said this could cause irreparable harm to the flagship entrance to the city. So, I think you have a responsibility to deny this application. Thank you.

Grove: Thank you. All right. Mr. Clerk, do we have anyone else signed up?

Johnson: Mr. Chair, that was everyone.

Grove: All right. And it looks like we have someone in the audience who would like to come forward. So come join us again, please.

Schultz: Good evening. Matt Schultz. 4914 South Colusa in Meridian and before I dive into this application let's say just as a resident I'm excited that something is planned for this corner. Something. Because it has been sitting there vacant and we have done the big interchange work. It's just sitting there and what really triggered this is -- I brought a little exhibit. Put on my reading glasses -- that I did back in 2018. That corner was actually 14 parcels back in 2018. One of those being the ITD parcel that Hawkins bought first, which is the one that you called the hostage parcel -- that needed to be re-comp planned,

but they have since -- and kudos to them for assembling all the other parcels, including the last two. They got all but one acre up there in Waltman to do a master plan, instead of having several little trials. So, it's a positive that they have taken that on. They have assembled it all to the Comprehensive Plan. I speak for -- I'm the owner's representative for the -- the nine parcels under one ownership to the west that we have called Tanner Creek in the past. P&Z approved it twice. ACHD approved it. Staff approved it twice. And we got to Council and the first time in 2018 City Council said, you know, Matt, they are all tired from their budget meeting that day, he says, you know what, you know, the comp plan is going through right now; right? The area comp plan; right? Yep. Well, okay, well, you are going to have to wait until that goes through. So, that's where that dead ended and, then, we waited -- I think I met Mr. Grove through that process of the comp plan meetings and steering committee and with Tanner Creek we were previously approved for commercial before our time. They had about 10,000 trips approved and that's what's approved on Tanner Creek right now is a commercial zone with about 10,000 trips and a big box, which, ironically, I think it might be the same big box user that now wants the better piece, which we have always said is the front 30, not the back 30, for commercial. So, with Tanner Creek we asked for a rezone to go to -- go to residential to be a better transition on the west side of Ten Mile Creek, which is a division between the two properties. The only reason we haven't submitted is traffic studies take forever to get run through ACHD right now and we -- ours was approved previously. The results of that one in 2018 were extend Corporate Drive, connect Ruddy and make Waltman a collector and nothing had to be done to that intersection out there, even though everybody couldn't believe nothing had to be done to that intersection, because we had two 2,500 trips or whatever it is. Well, obviously, when a big box commercial, like 10,000 trips, something has to be done to that intersection. We did -- we redid our traffic study, because it was four years old. That's what ACHD has. They did their traffic study. We both used each other's numbers. We both coordinated with two different engineers. Came to the same conclusion. So, one last thing. They are already approved. They could do -- probably go do their big box right now under the entitlements. I know you feel like it's hostage, but I do feel like they are producing a Comprehensive Plan and we are excited, because Council told us come back when we know for sure that commercial is going out there before we change your commercial to residential, so we can have one big mixed use project. We would be here today if not for the traffic study, but we do think it's a great project and we think it's something that would be great for this -- this corner. Thank you.

Grove: A question for you, Mr. Schultz.

Schultz: Yeah.

Grove: Are you -- I'm -- I'm going to take a guess and say you are, but are you open to working with the applicant to make a more comprehensive integrated multi or -- I'm going to get -- been doing this too long tonight. To get a more integrated overall feel for that entire Waltman property?

Schultz: Commissioner Grove, we feel that we -- we have the transitional portion on the west side of the Ten Mile Creek, which is a hundred foot natural barrier that's going to

divide it. That's -- that's the tran -- that's the transitional buffer between commercial and residential, instead of putting the previously approved commercial right up against existing residential. We are connected. We have the use that complements their use and vice-versa. Are we all integrated, all mixed up together? No, because we have separate properties. But we are connected. We are working together on a flood study. We are working together on a traffic -- we coordinated our traffic studies and we are working together on it. As far as -- you are saying more integrated. I don't know if you are like mixing residential on theirs with commercial on ours. The commercial all needs to be up front and the residential needs to be on back and that's what we have always said and we are kind of sticking with that.

Grove: Yeah. My -- my question there is not to move one or the other, it just feels like there is a very -- it's such a clear delineation between the two that it doesn't feel -- I -- I would like to see, as you know, staff had -- what Council had said before, what the public had said just a minute ago in terms of looking at those more holistically, because of how that's going to be coming in and the prominence of where it's at in our city, so --

Schultz: And I understand completely and that front 35 is very important to get right. I'm not saying the back 35 is not important to get right. It's all important to get it right and we have -- our application is not in front of you, so I don't want to go off in the weeds with ours, but I would just say that it has been approved twice by P&Z and, if not, for the fact that theirs was in for commercial already, we probably would have already had it half built out as a residential with a pathway along the Ten Mile Creek and a good project, so --

Grove: Thank you.

Schultz: Thanks.

Grove: Any other public testimony? All right. If we could get the applicant to come back up, please.

Mansfield: Thank you, Mr. Grove, Commissioners. I would like to talk about four things that I just heard in testimony, so -- and it more -- more than anything else it's just clarifications to make sure we are all on the same page. So, the first thing I would like to chat about tonight is that I want to make it clear that Corporate Drive will be extended regardless of whether Tanner Creek comes in. It's not their responsibility. It's the first developer's responsibility to construct the Corporate Drive extension. So, whether -- I mean we are assuming Tanner Creek is coming in, because of everything you have heard tonight, but if it doesn't, Corporate will still be extended. Second, I want to just also kind of talk about the coordination and collaboration that Matt and I have had in the past six, eight, ten months. It's been overwhelmingly extreme and that's a good thing, but it's like we are talking two or three times a week, half hour, hour long conversations. How are you guys? Where are you guys? Hey, what are you doing here with this zone? What are you doing with that zone? What -- what's the status of your TIS? Can you share your TIS data with us, so that we can actually provide a comprehensive package to our respective engineers and because -- you know, because we have separate developments

they are coming in at two different times, there is no doubt about it. We have two TIS'es, but they are using the same data and we have ensured that. So, I think it's important to understand that we are actually very heavily incorporating that TIS into our TIS and vice-versa. We submitted within a week of each other to ACHD. Finally -- well, number three, I would like to point out that, you know, there is a lot of traffic on Meridian Road. Like I said, it's a regional draw already. So, it -- it makes sense to put regional uses with other regional uses, because, then, you don't have regional uses on, you know, Linder and Chinden, you have community uses on Linder and Chinden, you know, you don't have regional uses down on like Amity and, you know, way, way -- you know, like in no man's land. You have community uses there. You have regional uses right on the interstate. In addition, the traffic volumes, you know, they are going to come right off the interstate and they are not -- I guess what I'm trying to say is it's not like we are trying to send a regional use out to the hinterlands where we are like annexing and rezoning something way out there. This is an in-fill project and we are proposing to upgrade the utility -- the street -- the streets that are already there, so, you know, this concern about the transportation network, it can still remain a concern, certainly, but it's not going to look like it does right now. We are not just dumping a bunch of cars onto this existing network where Waltman's not even built out at all, it's like this little farm road; right? We are -- we are putting that on a four lane collect -- collector roadway, two -- two lanes in one direction, center turn lane, one lane the other direction goes into a bunch of different turning movements. It's probably going to be better, if anything else. I counted the p.m. peaks in a per minute basis -- or I'm sorry -- yeah. Per minute basis and this is the worst it's expected to get, 13 cars per minute. You know, I mean like 13 cars per minute -- I guess doesn't seem like a lot to me. It's a lot, it's not a lot a lot. And, then, finally, I just want to talk about the integration of our two projects together. So, I think if we had come in in the same application, we would have split it up the same way. Ten Mile Creek is a perfect natural buffer to buffer residential and commercial uses. It just works and we are providing a bridge over the creek and we are redoing the bridge on Waltman over the creek, with a ten foot multi-use pathway and so it's tough to say how do we get more integration over that creek, because it's like, well, we -- it doesn't make sense to tile the creek, because it's a nice amenity and Tanner Creek is actually constructing a sidewalk, a pathway all along it, to connect to the ten foot -- the regional multi-use pathway and we are providing a park right on our side, which is, just to be clear, not actually -- our parcel does not touch the creek at all. It's all on the Tanner Creek parcel. But we are constructing a park -- a one-acre park right on the creek there and we did that instead of putting it in the middle of a parking lot, which we realized -- you know, I think even Sonya -- Sonya mentioned this, it doesn't make sense to put a one acre park in the middle of a parking lot. It makes sense to put it kind of adjacent to where the people who are walking and biking from are actually going to use it and it also allows, you know -- you know, visitors to our shopping center to use it as well and -- and workers who work there. So, I think I hit everything. Thanks, again, for letting me present and I appreciate your time.

Grove: Thank you. Appreciate it.

Johnson: Mr. Chair, I know the applicant's closed. I do want to point out as soon as you went to the applicant there was a hand raised in Zoom. So, it's -- it's up to you with the

advice of Legal, if you want to hear that, then, have the applicant speak again. Completely your call.

Starman: I think -- I think it's a Chairman's discretion. I would recommend that you allow the person to testify.

Grove: All right.

Johnson: Nona Haddock. You should be --

Haddock: Can you -- can you hear me now?

Johnson: We can hear you.

Haddock: Okay. Thank you. What I remember from the last time that we had this meeting -- the main thing that we were concerned about was the traffic and coming out of Ruddy, all of the traffic in that subdivision to the west, will be a tremendous amount, because people will not want to go down Linder Road and down Franklin Road to get to the freeway. Of course they, will pick the easiest route. The way it's designed now that would take all those people through the Tanner Creek Subdivision and I strongly request that a road be made where Ruddy connects that goes over against the freeway and follows the freeway up to the intersection, so all the development happens on the north side of that road. That road can be abutting along the side of the freeway and it will give more length for traffic than Walmart Lane ever will and it will give better access. That way you don't have people going through Tanner Creek coming and going from work. It will divert that traffic into a safer zone. Thank you.

Grove: Thank you. All right. And we will have the applicant come back up if you would like.

Mansfield: Mr. Chairman, Commissioners, I don't have much. I -- I do think that, you know, if there was a collector roadway that was placed along the freeway we would certainly use that. ACHD has not acquired right-of-way there. So, you know, we are using the existing right-of-way to construct a collector roadway, which is designed to carry the number of vehicles that ACHD predicts will be, you know, generated through this Tanner Creek and other developments who might use the collector roadway that exist now. Thank you. Appreciate it.

Grove: All right. At this time we can take a motion to close the public hearing or if we are leaning towards doing a continuance maybe it's more prudent -- sorry. I keep turning. Maybe it's more prudent that we keep it open for that purpose. But wanted to have that conversation with you all now before we close it in case you want to close and, then, discuss and open back up or close and -- and continue on, but --

Yearsley: Mr. Chair?

Grove: Yes, Mr. Yearsley.

Yearsley: I'm just going to speak openly, like I always do. I -- I like the project. I -- I think it's an appropriate fit. I -- I think your -- your -- your -- your improvements are appropriate for the area. There is not much else you can do to make the traffic better and everything and I think -- I actually approved the Schultz development when it came to the first time as well. So, overall I think it's good. However, at this juncture I don't know if I can feel comfortable going against staff's recommended denial at this point, based on the concerns that they have and especially with the TIS and I understand that the issues that -- my guess is they are trying to get it going, so they can get locked in with their tenants and stuff like that, but I don't know if I'm comfortable making a motion to proceed forward with this and -- and my guess is he would prefer a denial versus a continuance, so he can go before Council, instead of just waiting. And so I would recommend we close public hearing and just proceed forward.

Wheeler: Mr. Chair?

Grove: Mr. Wheeler.

Wheeler: I would like to go ahead and make a motion that we close public testimony on H-2021-0099.

Yearsley: Second.

Grove: Motion has been moved and seconded to close the public hearing. All those in favor say aye. All right. Motion passes.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Lorcher: Mr. Chair?

Grove: Commissioner Lorcher.

Lorcher: I need to give full disclosure. A couple of people who testified tonight are family members. Kelsee Lorcher and Joe Lorcher -- Joe is my brother-in-law and Kelsee is his daughter. I do not have any invested interest in the property. I don't live in that area. I consulted with Legal to see if I needed to recuse myself and because I have no financial interest he didn't say I had to, but I did want to let you know that I did have some family members testify tonight.

Grove: Thank you.

Yearsley: I wondered if that was the case.

Wheeler: Mr. Chair?

Grove: Mr. Wheeler.

Wheeler: I -- I have -- I'm trying to just get things sorted out in my head, maybe it's just because it's a little bit late and part of it's because what I'm reading here and what I'm hearing being taught, discussed, or somehow -- I'm -- maybe I'm not picking it up together, so I was wondering if -- Sonya, if you can help me, just get some parameters on what we are actually approving today here. So, from what I understand all we are doing is that we are -- we are approving and if -- if we were what they are -- what they have been coming before us is they are requesting approval for an annexation to have that rezoned to C-G for that 18 acres, is that what I understand?

Allen: Mr. Chair, Commissioner, yes, that's correct.

Wheeler: Okay. And, then, the other part is they are asking for just a re-zone in the bottom 33 and some change acres from MU-C to MU-R. Is that what I understand?

Allen: No. It's -- it's not a re-zone, it's an amendment to our future land use map in the Comprehensive Plan.

Wheeler: Okay.

Allen: The land use designation -- the future land use designation from mixed use community to mixed use regional.

Wheeler: Okay. So, that being the case, their site plan that they put up there with all the stuff, we are not approving that at all.

Allen: That concept plan is associated with the annexation request.

Wheeler: Okay. But not what's going on --

Allen: So, it's two separate applications. The concept plan is for the overall site and it does include the portion that's already annexed in the city and is zoned C-G. So, that portion is actually entitled to develop per the uses allowed in the C-G zoning district. It is not -- future development will not be tied -- if you -- if you recommend approval of the annexation tonight and if Council actually approves the annexation, that northern portion, although it's part of the concept plan, will not be part of the development agreement.

Wheeler: Okay.

Allen: Only the southern portion that's subject to the annexation request will be subject to the concept plan if it's approved.

Wheeler: Okay.

Grove: Sonya, I have a question regarding how that would work out. So, if the C-G continued, they built that, but, then, sold the property below, how -- because there is no DA with the C-G, how would we guarantee access to that property that would be south of the C-G property, but east of the canal and north of the freeway and west of the on-ramp, essentially?

Allen: Well, the parcel configuration isn't changing, Mr. Chair. It's -- it's the same.

Grove: My -- I think my question is where would you -- like where would you get access -- like -- because there -- if there is not a cross-parking lot agreement and -- for the DA, is that a concern?

Allen: No. It's all under the same developer.

Grove: For now. I guess that the -- I mean I -- like I would just be -- I don't know. I'm nervous about that I guess and -- I don't know -- I don't know if I'm -- I know that I'm not clearly expressing that, so -- Bill, can bail me out?

Parsons: Mr. Chair, I think I'm following your logic. So, essentially, if Hawkins developed the C-G portion of the property and sold off the property that's currently in the county, then, we would require a cross-access agreement with the development of the C-G portion and they would have to provide that executed agreement with us in the future and, then, when that property to the south were to annex or develop, they would reciprocate and make sure. We can't -- we can't approve a development and close off their access. I would let the Commission know that there was a street stubbed to that property and the applicant did go through the vacation process with ACHD to change that from being a public road access to a future cross-access as you see on the concept plan.

Grove: Okay. Thanks. I will go ahead and jump in with a few pieces, if it's not already evident, that I have some major concerns with this moving forward, either through denial or approval, just without having additional information. I feel like this is one of those ones where it would be really easy for Council to send it back to us, because we are sending it up without good information, so I -- I would have a hard time doing anything other than a continuance, but I will -- I'm not making motions, so that's on you all.

Lorcher: Mr. Chair?

Grove: Yes.

Lorcher: So, the ACHD study comes out in June; correct? That's what he alluded to?

Grove: That's the best --

Lorcher: So, if we were going to do a continuance, can we continue out that far? I mean we are only -- it's May 1st on Monday, so we are at least possibly eight to ten weeks away.

Grove: We would -- we would conceivably have to push it beyond that, because we would need to have time for staff to look at it and analyze it with -- through July 4th right there I would probably be more inclined to say at the beginning of August.

Lorcher: So, are we allowed to push it out that far?

Starman: Mr. Chairman, Commissioner Lorcher, yeah, I think in this instance, because the traffic impact study is such a critical piece of your decision-making and your deliberations, there is no legal prohibition in terms of continuing the public hearing until you have adequate information to make your decision. That's my first part of the answer. But the short answer to that is, yes, you may continue this to July or August. The next part of my comment is really for the Commission to decide is because of that lengthy -- if you go that direction you may want to consider re-noticing the hearing in the interest of transparency to make sure the public's aware of what's happening. That's a pretty lengthy period of time. I don't -- I wouldn't go as far as to say a legal requirement, but it would be in the interest of transparency.

Yearsley: Mr. Chair? I think -- as Sonya stated I think there is two aspects with this is one is the traffic impact study. The other one is -- is analyzing -- you know, as she says in her staff report, the -- the proposed development is not consistent with the general mixed use development guidelines as the existing MU-C or the proposed MU-R guidelines and that's why they are not in support of this annexation. That has nothing to do with the traffic impact study. So, I mean even if we continue it out there is still that other aspect that we -- we don't have enough information to -- to analyze and so with that being said the -- the applicant is -- is willing to take his chance in front of City Council, hoping that, you know, they can, you know, talk to, you know, for -- for me I -- I'm -- my rec -- my -- my thing on the Council is -- on Planning and Zoning is does it adhere to the code and stuff like that. Council gets a little bit better -- I think a little more leeway on some of these decisions, but based on this information I -- I can't -- I don't see a reason to continue it based on staff's comment.

Wheeler: Mr. Chair?

Grove: Commissioner Wheeler.

Wheeler: I had another thought on this here, too, is -- yeah, I see that the -- you know, the traffic study, but also like what Commissioner Yearsley was saying; right? It had to do more with like the uses on it, but I mean I'm looking around at just even like aerial photos, aerial views, you know, which is Google and there -- there is no other residential that's on any of these corners or even on the other side or across from it and so I can see why that would be just a very natural thing for the applicant to say, hey, the highest and best use and what seems to be concurrent with surrounding is -- is office, mixed use -- excuse me -- office, retail, because that's what's around in those side of things and so I'm -- I'm in support of the -- of the rezoning aspect to mixed use regional, but as staff also

said, there is -- the components even in that side of it aren't -- well, on the site plan aren't even -- don't even work out with what's there.

Grove: Yeah. You still need three products --

Wheeler: Right.

Grove: -- three types. Pretty sure we build residential as one of those for mixed use regional; is that correct?

Allen: Chairman, yes. Residential is one component you could have. There is -- there is several in the Comprehensive Plan.

Wheeler: So -- so, it might be something where they even -- could even put in like a multi-family function on that -- or even just like a hotel, motel, kind of thing, might be able to function on this, too. Definitely they are going to want to have an anchor tenant and that one at that size would be enough to be able to draw the traffic into it, but I mean I -- I'm just -- I'm just thinking of the concurrency with everything else that's around there, except for to the west with the residential subdivision, to me it makes a lot of sense to not -- at least have that residential component on there.

Lorcher: Mr. Chair?

Grove: Legal --

Starman: Let me just put something on the table very quickly and I can pause for a moment, so with the chairman's indulgence. Yeah, because we are in a quasi-judicial type setting it's important that everybody has the same information before them, so when, you know, comments are made, like I'm looking at a Google screen or I'm looking at -- I'm looking at aerial photographs, that not everybody has -- is privy to, that creates a potential problem for the record. So, I wonder if I could ask Commissioner Wheeler would it be possible for you just to share your screen for a few seconds, so that everybody can see what you were talking about and that way the record is preserved and we have got a nice clean record of what transpired.

Lorcher: And Mr. Chair?

Wheeler: You bet.

Lorcher: In regard to the west side -- or the north side of Waltman Lane, Commissioner Wheeler, there are residences over there. They are farms and there is five to ten acre parcels and, then, the subdivision. So, there are people who live on the -- that side of the street.

Starman: Perfect. Thank you, Commissioner. I appreciate that. And thank you for indulging me.

Wheeler: Chairman -- Mr. Chairman? Commissioner Lorcher, what I'm saying is that on the other three sides is what I'm saying on my -- on my view; right? You have got -- it's just this area over here nothing residential; right? This whole area here nothing residential. This area over here nothing residential. It's only on this side where there is that factor that they have to be coming into and so what I'm just saying is I can see from the applicant's side that this part right here that's got a high traffic on-off ramp -- on-ramp here and the -- and the heavy use here, that there is not a residential component on the side that's -- that's where the -- the on-ramp doesn't even fully merge into I-84 at that juncture and I see that it's all -- you know, it's still very high trafficked area that there is nothing that's there that has a residential component. That's all that I'm saying is I see why they would say why don't we push that a little bit further west or farther west. Excuse me.

Grove: All right. So, Commissioner Yearsley, you were getting close to making a motion at one point of denial. Is that where you still want to take that?

Yearsley: That's where I'm proposing. I guess I can make the motion and see where it falls. So, Mr. Chair, after considering all staff, applicant, and public testimony, I move to recommend denial to City Council of file number H-2021-0099 as presented in the hearing date of April 28th, 2022, for the following reasons: That the requested use is not consistent with the general mixed-use development guidelines and the existing -- the existing MU-C or the proposed MU-R guidelines and we -- and needing a traffic impact study.

Stoddard: Second.

Grove: All right. So, we have a motion and a second for denial. All those in favor say aye. All those opposed say nay. All right. Denial passes.

MOTION CARRIED: FIVE AYES. TWO ABSENT