

Meridian Planning and Zoning Meeting

March 16, 2023.

Meeting of the Meridian Planning and Zoning Commission of March 16, 2023, was called to order at 6:27 p.m. by Chairman Andrew Seal.

Members Present: Chairman Andrew Seal, Commissioner Maria Lorcher, Commissioner Enrique Rivera and Commissioner Jared Smith.

Members Absent: Commissioner Mandi Stoddard, Commissioner Nate Wheeler and Commissioner Patrick Grace.

Others Present: Joy Hall, Kurt Starman, Bill Parsons, Stacy Hersh, Joe Bongiorno and Dean Willis.

ROLL-CALL ATTENDANCE

<input type="checkbox"/> Nate Wheeler	<input checked="" type="checkbox"/> Maria Lorcher
<input type="checkbox"/> Mandi Stoddard	<input type="checkbox"/> Patrick Grace
<input checked="" type="checkbox"/> Enrique Rivera	<input checked="" type="checkbox"/> Jared Smith
<input checked="" type="checkbox"/> Andrew Seal - Chairman	

Seal: Good evening and welcome to Planning and Zoning Commission meeting for March 16th, 2023. At this time I would like to call the meeting to order. Commissioners who are present for this evening's meeting are -- are at City Hall and on Zoom. We also have staff from the city attorney and clerk's offices, as well as the city Planning Department. If you are joining 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 know that we cannot take questions until the public testimony portion. If you have process questions during the meeting, please, e-mail cityclerk@meridiacity.org and they will reply as quickly as possible. With that let's begin with roll call. Madam Clerk.

ADOPTION OF AGENDA

Seal: Thank you very much. First on -- first item on the agenda is the adoption of the agenda. Noodles and Company at Ten Mile, File No. H-2022-0087, will be opened -- sorry about that. Will be opened for the sole purpose of continuing to a regularly scheduled meeting and will be opened for only that purpose. So, if you are here tonight to testify on that application we will not be taking testimony on them this evening. Can I get a motion to adopt the agenda as amended?

Smith: So moved.

Seal: Got a second?

Lorcher: Second.

Seal: It's been moved and seconded to adopt the agenda as amended. All in favor, please, say aye. Opposed nay? Okay. Motion carries.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

CONSENT AGENDA [Action Item]

- 1. Approve Minutes of the March 2, 2023, Planning and Zoning Commission Meeting**
- 2. Findings of Fact and Conclusions of Law for Paris In-Home Daycare (H-2022-0093) by Paris Brower, located at 2239 W Fairwood Dr.**

Seal: Next item on the Consent Agenda is -- or the next item on the agenda is the Consent Agenda and we have two items on the Consent Agenda. First is to approve the minutes of the March 2nd, 2023, Planning and Zoning Commission meeting. Second is the Findings of Fact, Conclusions of Law for Paris In-Home Daycare, File No. H-2022-0093. Can I get a motion to accept the Consent Agenda as presented?

Smith: So moved.

Rivera: Second.

Seal: It's been moved and seconded to accept the Consent Agenda. All in favor say aye. Opposed nay? Okay. Motion carries.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

ITEMS MOVED FROM THE CONSENT AGENDA [Action Item]

Seal: Okay. At this time I will 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 our Comprehensive Plan and Unified Development Code. And I usually don't read it this fast, so I apologize, but we are behind tonight. 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 is 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 sent pictures or a presentation for the meeting it will be displayed on the screen and you can run the presentation. If you have established that you are speaking on behalf of a larger group, like an HOA, where others from that group will yield their time to allow you to speak

on their behalf, you will have up to ten minutes. After all those who have signed up in advance have spoken, we will invite any others who may wish to testify. If you wish to speak on topic you may come forward in Chambers or in -- if on Zoom please press the raise hand button. If you are only listening on a phone, please, press star nine 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 those 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 be muted on Zoom. You will no longer have the ability to speak. And, please, remember we generally do not call on people 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 discuss and hopefully be able to make a final decision or recommendation to City Council as needed.

ACTION ITEMS

3. Public Hearing: Variance Request from a Department Determination Concerning a Proposed Addressing Change for 2201 E. Gala St. by Orme Family and Implant Dentistry

Seal: So, at this time I would like to continue the public hearing for -- for the item variance request from a department determination concerning a proposed addressing change for 2201 East Gala Street by the Orme Family and Implant Dentistry and we will begin with the staff report.

Amador: Chairman and Commissioners, my name is Mercedes Amador with Land Development. I know there is some new Commissioners, so I'm going to go ahead and give a quick synopsis of the background and the history of this variance. Planning and Zoning Commission held a hearing for this variance on February 2nd. Commission ultimately continued the hearing. Requested the staff to meet with Dr. Orme and Mountain View Point Dental to explore possible solutions. On Wednesday, February 15th, Joe Bongiorno, John Shane, Seth Oakes and I met with Dr. Orme and Sean Wasden with Mountain View Dental Point -- or excuse me. Mountain View Point Dental at 2201 East Gala. City staff presented options that would meet the requirements for assigning suite numbers to the building. The first option discussed was for both dentists that occupy the building to form a partnership. Both doctors expressed that they would prefer to maintain that autonomy that they have. The second option presented was doing a tenant -- tenant improvement, adding walls to separate both spaces, creating two suites in order for us to create those suite numbers. Unfortunately, they do not meet all seven of the findings in the Meridian City Code 8-2-11-A. There are two that I would like to point out directly. The first being the request will not grant a right or special privilege to the property owner. We have denied several other offices for this same request before and I believe accepting or approving this variance would provide or give the owner a special privilege over the others that we have denied. Second is the variance requested will not adversely affect the health, safety and welfare of the community. Joe Bongiorno, from the Fire

Department, has submitted a letter to Commission recommending the denial of this variance due to safety issues. City staff is still recommending the Commission deny the variance for the assignment of the two separate suites, 42201 East Gala.

Seal: Okay. Thank you very much. Would the applicant like to come forward?

Starman: Mr. Chairman, if I can interject just for a moment?

Seal: Yes.

Starman: I just want -- for -- for the record and also for the applicant in the audience -- so, this is a continued public hearing. The Commission has heard this issue once before. The matter was continued and we are now taking the matter back up. We have added two new Commissioners to the body since this was first heard. So, Commissioner Smith was not a member of Planning Zoning Commission at that time and, likewise, Enrique -- Commissioner Rivera also was not a member. So, I chatted with them in advance and gave them two choices. One is they can recuse if they don't feel comfortable participating. Because they missed the first meeting they could recuse from this item or, in the alternative, if they would review the minutes and the video -- and/or the video and be prepared to take action, that's fine as well, but for due process reasons we want to make sure that the Commissioners either recuse or make a comment on the record that they have reviewed the minutes from the previous public hearing and are prepared to take action tonight. So, perhaps Commissioners Smith and Rivera can comment on that and what they would like to do and, then, we can proceed.

Seal: Mr. Smith, go ahead.

Smith: Thank you. I'm aware that the original hearing for this took place before my appointment. I think in February. I have since reviewed that hearing, the video and minutes, and all relevant materials and I'm ready to proceed in an informed manner.

Seal: Okay. Thank you very much. Commissioner Rivera, how do you respond?

Rivera: I also have reviewed the video and minutes and all materials pertaining to this and I feel confident in moving forward with being part of this conversation.

Seal: Okay. Thank you very much. Thank you, Kurt. I appreciate it. Now would the applicant like come forward.

Bundy: Good evening -- good evening, Commissioners and Chairman. Thank you for having us here today. I'm Trisha Bundy. Do you want me to state my address?

Seal: Yes, please.

Bundy: Okay. 2773 North Rock Cliffs in Kuna, Idaho. I am employed at Orme Family and Implant Dentistry. I want to apologize that Dr. Orme was not able to make it tonight.

He had a last minute complication that prevented him from coming. However, I'm going to represent Orme Family and Implant Dentistry today. Just as Mercedes stated, they were able to come to our office and walk around and the Deputy Fire Chief was able to give his recommendations on where to place doors that would separate the two suites. So, we took those recommendations and found an architect who has provided a drawing for you and his name is Tim Grissom and he's going to kind of talk to you about what he -- he determined moving forward. Is it all right if I invite him?

Seal: Absolutely. Good evening, sir. Need your name and address for the record, please.

Grissom: Yeah. My name is Tim Grissom. Address 1606 West Hayes Street, Boise, Idaho. So, I also reviewed the staff report and the letter from the Deputy Fire Chief and everything that's in your packet tonight basically. I -- I do believe that the goal of the dentist office can be achieved without doing a tenant improvement. Those of you who are here got a letter that I wrote. Those of you who aren't here, I'm sorry, I don't believe you have access to that. But I will kind of run through it. So, basically, the staff report had two objections for the variance. One was health, safety and welfare. The other was special privilege. I -- in the letter from the Deputy Fire Chief he mentioned that when emergency crews show up on site they expect signage -- or I can even quote it directly here. Would like to see a clearly marked suite and door to enter into. I think the real issue there is wayfinding. They need to be able to find where they are going quickly to respond to the emergency. I don't -- I think clear signage could be just as effective as a -- a door, possibly more effective, since a door is just a hindrance to getting to where you need to go. So, as long as the entrance to the suite is clear a door is irrelevant. So, that kind of covers the -- the life safety aspect of it. The special privilege part -- I looked through the city code and where it states that separate tenant spaces can get suite numbers with the code -- what the code doesn't specify is that separate tenant spaces need to have physical barriers between them and a tenant space -- that term is not defined within the definitions of the city code. So, it's -- it doesn't seem like there is grounds to say that the two dentists operating in this building don't have separate tenant spaces, because there is nothing in the city code that says those spaces need to be -- to have physical barriers between them and there is no definition to say what a tenant space is and that's basically the gist of the letter that two of you have.

Seal: All right. Thank you. Would the applicant like to add anything beyond that? No? Commissioners, do we have any questions for the applicant or staff at this time?

Smith: Mr. Chair?

Seal: Commissioner Smith, go ahead.

Smith: I have a question for -- for -- I guess both the applicant and staff. Partially to -- to jog my memory, make sure I'm -- I'm -- I understood the -- the proper conversation in the original hearing and the second for clarity, if -- if that understanding is correct. So, I believe in the original hearing when the applicant came forward they were mentioning --

this is something that I have heard. This insurance issue was something they have heard of other businesses struggling with and, then, there was response from staff and, again, like -- I'm -- this is my memory of -- of reviewing this, but there was response from staff that this wasn't an issue that they had seen commonly, but now I'm seeing that this is a - a request that staff routinely denies. One, can -- can we confirm that this -- that my understanding of what was on video maybe it got mixed up in the audio feed or something -- that that's a correct understanding. And, then, second, if that was the case could you -- Mercedes, could you provide a little bit of clarity around kind of what I'm mixed up on?

Amadon: Of course. Yes. So, we have not denied anybody else -- or we have denied people that wanted separate suite numbers, yes, When there is no two separate, you know, suites or several other suites. I have not seen it come up where it's an insurance purpose. So, there -- I mean --

Smith: Okay. That makes -- that makes more sense.

Amadon: Okay. Okay.

Smith: Okay. The -- the insurance specifically is the issue that you haven't seen.

Amadon: Correct.

Smith: Not the -- okay. Thank you.

Seal: Any follow up on that?

Smith: No. I do have some more, but I think I will wait for additional testimony.

Seal: Okay. Commissioners Lorcher or Rivera, do you have anything -- any questions for applicant or staff at this time?

Lorcher: This is Commissioner Lorcher. No, I do not.

Seal: Okay.

Rivera: This is Commissioner Rivera. Not at this -- not at this time.

Seal: Sorry, I didn't -- we didn't catch all that. Can you repeat, please?

Rivera: This is Commissioner Rivera. I don't have any questions at this time.

Seal: Okay. Thank you. Mercedes, go ahead.

Amadon: Joe Bongiorno is online via Zoom. I'm going to go ahead and give him a chance to comment if you would like.

Seal: Okay. Thank you. Good evening, Chief Bongiorno. We will need your name and address for the record, please.

Bongiorno: You bet you. Deputy Chief Joe Bongiorno. Meridian Fire Department. 33 East Broadway, Meridian, Idaho. 83642. I just wanted to add a little more. So, I'm here to support Mercedes and after I met with the applicant I did go back through my inspection program to see what -- what's going on with the rest of the dentists that I have in my system and what I found was we had dentists offices with anywhere from one to five dentists with one address. So -- so, I am with Mercedes that this is granting a special privilege for these people, because I have them all over the city that do the same thing, that have multiple dentists in one office with one address or it's Suite 101 is Dr. Jones and Suite 102 is Dr. Smith and Suite 103 -- and they are separate suites with walls and everything. So, you can't get from 101 to 102. So -- now, as far as the life safety part goes, I just wanted to reiterate for -- for me and my fire crews, It's -- it's life safety because we are simple people, we are simple thinkers. If someone says you are going to 2021 East Gala Street, Suite 101, I'm going to expect to walk into Suite 101, go back to whatever room and not end up in a big circle, because now it's -- where am I? You know, picture the building full of smoke, whatever, because if the building is full of smoke, I'm not going to be able to see the signs hanging on the wall letting me know that, you know, hey, there is -- you can go all the way around and not know it. So, for me we met with them -- it was only one wall and, then, some additional changes up at the front to separate 101 from 102 and so that way for us it's clear and distinct -- I can't say that word -- as to where we are going and it's very obvious where we are going and it -- we are not going to end up in a big circle -- running around the building in a -- in a giant circle. So, for us it's keep it simple and this is not simple, it's confusing, and for the Fire Department, Police, EMS, it's going to -- it will cause problems and so that's why I recommended denial, because we have tons of other occupancies in this city where this happens all the time and this is the first one that's ever come forward and said, well, it doesn't work for us. So, that's -- that's my thoughts, so --

Seal: Okay. Thank you very much, Chief Bongiorno. Is there anybody else that would like to come up and testify on this? Nobody in Chambers? Does the applicant have anything else to add? Sir, come on. Please wait until you get up in front of the microphone. We got to record everything. Thank you.

Grissom: I don't think I have fully completed my thought before on the special privilege part. I realize this would be a different decision than the city has made before, but I think the decisions the city has made before were not correct or fully based on what the code says, so I think we are not granting special privilege to this applicant, it's just that we are understanding what the code says in a new way for this applicant and going forward hopefully.

Seal: Okay. Thank you. Commissioners, is there any further questions or anything before we close the public testimony?

Smith: Mr. Chair?

Seal: Commissioner Smith, go ahead.

Smith: I have a few questions.

Seal: Yep.

Smith: So, humor me. Question for -- for counsel around the idea of a special privilege in -- in code, if -- if -- trying to wrap my head around this. My understanding of special privilege is that the city makes a determination in similar fact patterns and makes different determinations for perhaps arbitrary reasons, for example. Would the fact that this applicant has asked for a continue -- or not continuance -- for a variance significantly alter that fact pattern to where that special privilege would no longer be an issue? What I'm -- what I'm getting at is this is apparently the -- so, as we have heard, this is the first time that this has been brought up as an issue. It seems like the fact, at least at first glance, that this process that's being engaged would render that not a special privilege as they went -- underwent a different process. They sought a variance from the city and the body in a way weighed the applicants -- the other applicants have not done. Is that a correct understanding? Am I wrong? Am I misunderstanding something about the law here?

Starman: Chairman Seal, Commissioner Smith, I think that's a good description. I mean in some ways a variance is, by definition, a special privilege. We are deviating from the standard code. I like your description a moment ago in terms of really we want to be consistent in terms of how we interpret the code and how we apply the code and that we are not being capricious or arbitrary in our interpretations and applications. So, I think that's a good guiding star for the -- the Commission this evening is to -- you know, we want to adhere to -- will it be consistent with our interpretation of the code and treat each applicant in a similar manner, not that we do it one way today and do it another way tomorrow.

Smith: Mr. Chair?

Seal: Go ahead.

Smith: Another question for you. Now, on the specific -- on the idea of tenant suites. I know there is -- the applicant has discussion of the code about there is nothing stating that the tenant suites must be physically divided by a wall or door. You know, I am not an expert in the code by any means, but I imagine that you are, so does that -- does that in your eyes comply with the -- out of the spirit of the text of the city code in a way that is -- has legal standing? Is -- you know, is there -- are there any legal issues with that? Is that perhaps not an accurate -- I'm just trying to make sure I understand the code fully from all angles as well.

Starman: Thank you, Chairman Seal and Commissioner Smith. So, I would offer a couple of thoughts with regard to that topic. You know, first, as the applicant mentioned, there is -- there is not a definition of the term tenant suite and, you know, we -- we include many definitions in the code, but we don't define every term and so that very well may be -- may

be the case. When that's the case two things come into play. One is we apply -- this is true in the context of the UDC, but also just more broadly in terms of interpretation of law and statute. We apply the common meaning of the term or the plain meaning of that term as it's commonly understood in that context and -- and the next thought I would offer is that courts are very deferential to -- and interpretations of zoning codes very deferential to the approving body or the -- the -- the body that -- that implemented the code in terms of interpretation and so courts typically will defer, unless the body is being arbitrary or capricious, courts will typically defer to that entity's -- the body's interpretation of its code. So, in an ideal world we -- we like it when definitions are clear and everybody is on the same page. I think staff's interpretation of the term tenant suite is well reasoned and sound and is being applied correctly in this context.

Smith: Mr. Chair?

Seal: Go right ahead.

Smith: I have another question for either staff or perhaps Deputy Chief Bongiorno. Again, this is -- I'm trying to approach this as -- as a layman, which is easy, because I am one. But I -- you know, I was -- I was sitting in Costco the other day getting an eye exam and I was thinking I couldn't get this -- this -- this issue out of my mind and I'm thinking of a case in which say someone -- there is a medical emergency at a Costco, does -- and whether the fact that -- say someone says it's in the dairy section. You know, someone calls 911 says there is a fire or someone has collapsed in the dairy section in Costco. Does the fact that there is a retaining wall around that section change anything in terms of the navigation for -- for fire, EMS, versus if it were in an aisle that doesn't have -- have a wall or, for example, say someone calls 911 and there is -- there is a fire here at City Hall and they say it's in the conference room. Regardless, you know, that could be the -- well, I can see 12 conference rooms, community development, that could be this conference room here. I think the idea of -- of wayfinding -- I think there is -- there is something here that I'm missing that I would like to be educated about on -- on the emergency response side. I'm not fully understanding how -- how that significantly impedes understanding of where the issue is. I feel like if you are in the -- an open space where you are otherwise not expecting an open space, it should be in my mind easier to locate the issue and as for the signage issue, I imagine that if -- if smoke is obscuring your vision of a sign it would probably obscure your vision of a label of a door that would say, hey, this is where Suite 101 is as well. So, I'm just trying to understand, you know, from -- from the best legal man this -- this position on -- on the firefighter's side. You know, if you could just walk me through that decision making progress of -- process of, you know, if you walk in this -- if you walk into this area and you are expecting perhaps a wall or a door and there is not one, how does -- how does that -- how does the lack of a door impede you in a way that you know that the signs wouldn't assist. I imagine those signs could be theoretically the same way an exit sign is illuminated. I imagine there could be -- and I'm not going to get into specifics there, but I imagine there are these things that the applicant could likely do to assist in the wayfinding aspect. So, I'm just -- I'm -- I'm missing something and I'm wondering if you have any -- any thoughts or -- about that admittedly long --

Bongiorno: Sure. Mr. Chairman and Commissioner Smith, so, again, we -- what -- what Mr. Starman explained is what, you know, we take a suite as it's a -- it's a single space. Suite 101 is a single space. Costco is a large building and if someone said we are in the photo -- or we are in the vision area of Costco, okay, yeah, that's -- that's easy to find, because we know where that is. We -- we all know what -- when you say Costco you know TVs, you know the snacks, meat, wine, food. We know -- we all know what a Costco looks like and so for us it's the same thing with a suite. When I walk in somewhere and I walk in the front door and I'm looking for Suite 101 or 102, I'm going to look to the left and I'm going to look to the right -- or it may have those wayfinding signs to find that suite. But when I get to that suite my anticipation and my crew's anticipation is this is the space we are going into to get to this issue, whatever it is, either -- whether it be a fire or whether it be grandma's having a heart attack or whatever. So, when we go into a -- a space and we are expecting a single space and, then, it turns into a big circle and we are like, okay, where the heck are we, because maybe staff is back tending to grandma doing CPR on her and there is nobody there to meet us, we don't know what -- you know, we are walking in circles now hitting all the doors trying to find out where we are going. So, it's -- it's wasted time. Time is important for CPR as you all know. The golden hour. Time -- trying to remember what Chief Blume always says. Time is tissue. As time goes on the tissue dies and we have problems. So, for us that's why we looked at their space, found the -- the dividing spot and I said you don't even have to build a wall here, I mean hire a glazer or a glass company to come in and put mullion around here and just put sheeting in it to separate the spaces. Now, when we go in and if we are running around and we hit a wall we are like, oh, we must have missed it, let's go back. But in their case it's -- we are in a giant circle. So, we are walking around and around. Plus now you throw the basement in and that just makes it even more difficult. So, that makes it even harder for us. So, again, the -- the expectation is for a room with barriers. Mercedes and I just met with somebody yesterday, they have 30 -- 30-ish suites in one space. But, again, you go in, there is a wayfinding sign and each one is its own little space. It has a door. It has, you know, whatever in it, so it makes sense. This does -- this application does not make sense to me, because it leaves it open for giant circles and, again, when we are in that time crunch we are trying to get in there, find the patient, and get going and we don't always have somebody there to meet us. Sometimes we have to get the Knox keys in, you know, I have fallen, I'm in the building. Okay. We will get the Knox keys out, we will open the door, we will go in and we will come find you. Where are you? Well, I'm in Suite 101. Now, we are in a big circle trying to hello, hello, hello, hello. Or I'm down in the basement, you know. They had a dance studio down there for a while. I broke my ankle. I'm down in the dance studio by myself. Okay. Well -- so, again, it's -- it's the expectation I think is -- is what the issue is.

Smith: Mr. Chair?

Seal: Go ahead.

Smith: Thank you. I think that -- it seems to me that it's the idea of accidentally exiting the suite, rather than entering the suite, is -- is the main -- main issue.

Bongiorno: For me it is. Yes.

Smith: Thank you. Mr. Chair, question of the applicant.

Seal: Yep.

Smith: So -- so, looking at this -- and I know you have met with Deputy Chief and the applicant, but I am looking at this -- this item that -- that we received of this kind of signed area and I'm seeing in my head -- I know there was discussion of -- of a wall or -- or a sheet or pane or -- or something in the original -- maybe not the original meeting, but in the -- the documentation of your meeting and follow up with the deputy chief. But I'm looking at here -- and I'm imagining -- I'm seeing maybe three spots where a door could be put in and to -- to the deputy chief's testimony, I imagine that that doesn't have to be a full -- you know, a door with a full floor to ceiling wall with the door breaking in. I imagine it could be something simpler. But, basically, on the perimeter of that -- that green zone of -- of the common area, I'm imagining there is -- there is probably -- there is two doors -- there is three spots for a door. The one where there already exists going to the stairwell and, then, you know, on the -- I'm assuming this is cardinal directions on this -- the north and -- and the -- the west side there could be doors there as well and, then, one between, you know, the -- the two suites on that far north end where the -- where the sterilization area kind of is above that. It seems like that -- to my mind that -- that doesn't seem to be that complex of an improvement. It seems it could be something pretty -- pretty simple. I guess I'm kind of inclined to agree with deputy chief there, but just to the applicant, is -- is there anything that is -- is concerning about putting an improvement there or -- or putting some -- some doors or something that's relatively minor, but adds, you know, definition and clarity for EMS around -- you know, preventing them from accidentally exiting a suite, because as we have heard that seems to be the main issue.

Bundy: That was -- that was directed to me; correct?

Smith: Yes.

Bundy: So, like I said, we took our recommendations to the architect and he thought the signage would suffice as that, but, yes, we definitely could -- could do those doors in those three locations.

Smith: Mr. Chair?

Seal: Go ahead.

Smith: Question for -- for staff. Would -- I know there is discussion of -- of a wall or a significant improvement. Would -- would something like that meet a similar kind of standard and expectation, even if it's not a floor to ceiling wall, if it's something that is substantial to -- to delineate the multiple suites or the multiple areas, but isn't necessarily within that -- that original recommendation, would that still kind of meet the staff's expectation?

Amadon: It would.

Seal: Okay. Commissioners, do we have anybody else with comments or questions before we close the public hearing? This is Commissioner Lorcher. I'm good.

Seal: Okay. Thank you. So, with that I will take a motion to close the public hearing for the variance request from a department determination concerning a proposed address change for 2201 East Gala Street by Orme Family and Implant Dentistry.

Smith: So moved.

Lorcher: So moved.

Smith: Second.

Seal: It's been moved and seconded that we close the public hearing for the variance request from a department determination concerning a proposed addressing change for 2201 East Gala Street by Orme Family and Implant Dentistry. All in favor say aye. Opposed nay? Okay. Motion passes. The public hearing is closed.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

Starman: Mr. Chairman, can interject just for a second?

Seal: Okay.

Starman: For the record I just want to make note that Commissioner Rivera has joined us in the Chambers and is no longer online. So, he is here on the dais.

Seal: Thank you very much. Okay. So, who wants to go first? Anybody? I will -- I will -- I can throw my two cents in here quickly as -- and, full disclosure, I was a shipboard firefighter, so I understand what Chief Bongiorno is explaining. There are times when you are in a -- you know, a panicked situation, basically for most -- most people you don't know how people are going to react or what's going to go on, if the building is going to be full of smoke, flames, or anything else. So, it's difficult to say what's going to happen and when it's going to happen. But from the perspective that Chief Bongiorno is describing I completely understand that and I can sympathize with it, because I have been in those positions before. City staff does have a precedent that's been set, you know, of denying applications like this. So, I -- I think we are to the point now where if the applicant would -- would like to get an approval on this, they will have to -- in my opinion that you are going to have to submit a plan that shows that you are going to split the suites. We have already continued it once in -- in hopes that that would happen and we are kind of back to the same spot. So, my -- my preference would be to recommend denial, let it go to City Council. If the improvements are made, City Council can deal with that or not. The applicant can appeal to the City Council the same way they have done here.

Starman: Mr. Chairman, if I could interject quickly --

Seal: Yes, sir.

Starman: -- just for clarity. Actually, the -- the Commission is the decision making body on this. So, the Commission will either approve or deny the variance request. I will mention parenthetically, which is what chair still may be thinking of, is that there is an appeal process to the City Council, but just for clarity, the Commission is the decision maker as to whether to grant or deny the variance request.

Seal: Okay. Thank you for straightening me out on that.

Smith: Mr. Chair?

Seal: Go right ahead.

Smith: At risk of sucking all the oxygen out of the room, you know, I -- all the questions that I have been asking in this is because I honestly came into this hearing just genuinely not understanding some of the -- some of the safety concerns and was -- was -- was trying to rack my brain and I really thank Deputy Chief Bongiorno for -- for clarifying some of that, because that makes -- makes a lot more sense to me now. And I -- I have just -- I have been struggling with this. It -- you know, my -- my initial demeanor and position when -- when someone comes before the Commission saying, hey, there is this issue we are having and we need help is just to say, okay, absent something that's -- that's compelling, I'm -- I'm inclined -- you know, my inclination is, okay, what -- what can we do to help and -- and I'm -- I'm seeing that compelling issue coming up now where -- where I wasn't before and so in light of that, you know, I really do feel for you, I -- I understand this is a tough decision and also working with insurance companies, which there is plenty that could be said about the business model. I -- I -- I feel like that -- I agree with -- Mr. Chair, I agree with you that I think that there is something that could be, you know, a really simple solution to divide these suites in a way that still allows movement between them for -- into the common space between one another suite for common usage, for access to the sterilization area, you know, it -- it's -- it's -- it's a bit of a -- probably a frustrating point to have to construct improvements to deal with something that really shouldn't be an issue from a business perspective to begin with. But I -- I think that's probably the -- the -- the -- the -- the area -- the way forward that makes the most sense, creates the least risk, yeah, in response time and still allows, you know, the business to function as, you know, it seems that both the -- the owners want to remain separate and not be one entity. It seems like this is kind of the best -- best solution -- or, you know, the least bad option going forward and so for that I'm -- I'm inclined to -- with -- with sympathy and -- and wishes that there was a different case, I'm inclined to recommend deny -- to deny as well.

Seal: Commissioner Rivera, do you have anything to add?

Rivera: Yes, Mr. Chair. I -- I can see both sides of this. I have been in -- in -- in my profession I have worked with many commercial buildings similar where they have multiple tenants inside and some of -- whether it's law or here in this case dentistry or -- or -- or other practices and -- and I have seen this before in the commercial world, but it's not always easy, because you have a flowing system and a system that works that was put together, but in every case that I -- that I worked and I -- and I -- and I have met with these owners, there is always that comes back to the safety and -- and building a wall or some kind of a -- a -- to differentiate the suites has always been the first case for safety for -- for -- for them, for their patients, and for the fire department as well, along with -- with police. So, I have seen it, I have seen it come through where -- where they work together and -- and they -- they meet and -- and build -- whether it's a wall or something to differentiate the suites and it's always worked out well and -- at the end. I know it's not easy, because you have a flowing system, but I think at the end a priority is the safety of everybody and so with that being said I -- I -- I also am leaning to denial on this case.

Seal: Thank you. Commissioner Lorcher, do you have anything to add?

Lorcher: No. I agree with the other Commissioners.

Seal: Okay. Somebody like to make a motion on this, please?

Smith: Mr. Chair?

Seal: Go right ahead.

Smith: After hearing staff recommendations and all public testimony, I move to deny the variance request from a department determination concerning the proposed addressing change for 2201 East Gala Street by Orme Family and Implant Dentistry.

Seal: Is there a second?

Rivera: I will second.

Seal: It's been moved and seconded to deny the application for the variance request from a department determination concerning proposed address change to 2201 East Gala Street by Orme Family and Implant Dentistry. All in favor of the denial, please, say aye. Opposed nay? Motion carries.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

4. Public, Hearing for Noodles and Company at Ten Mile (H-2022-0087) by Chipman Design Architecture, Inc., located at 3103 W. Milano Dr., near the northeast corner of N. Ten Mile Rd and W. McMillan Rd.

- A. Request: Conditional Use Permit for a new approximate 2,200 square foot quick serve restaurant with a drive-through, located

within 300 feet of an existing drive-through facility, residential district and existing residence.

Seal: Okay. Thank you. Let me see. Okay. And with that I would like to open File No. H-2022-0087, Noodles and Company at Ten Mile for a continuance to April 20th, 2023.

Smith: Mr. Chair?

Seal: Yep. Go right ahead, Mr. Smith.

Smith: I move to continue File No. H-2022-0087 to be heard on April 20th, 2023.

Rivera: I will second.

Seal: It's been moved and seconded to continue File No. H-2022-0087 for Noodles and Company at Ten Mile to April 20th, 2023. All in favor, please, say aye. Opposed nay? Motion carries.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

5. Public Hearing for Chipotle (H-2022-0094) by ALC Architecture, located at 1737 S. Meridian Rd.

- A. Request: Conditional Use Permit for a drive-through establishment within 300 feet of another drive-through establishment, a residential zoning district and existing residences on 1.38 acres of land in the C-G zoning district.

Seal: Now we would like to open File No. H-2022-0094 for Chipotle and we will begin with the staff report.

Allen: Thank you, Mr. Chair, Members of the Commission. The next request before you is a request for a conditional use permit. This site consists of 1.38 acres of land. It's zoned C-G and it's located at 1737 South Meridian Road. This site was part of a larger development that was annexed back in 2004 with a development agreement and included as a lot in Medina Subdivision. A property boundary adjustment is also in process to reconfigure the boundary of the lot. The Comprehensive Plan future land use map designation is commercial. The applicant is requesting a conditional use permit for a drive-through pick-up window only for a Chipotle restaurant. Orders will be placed online through their app and picked up through the drive through. A conditional use permit is required because the drive through is within 300 feet of another drive through establishment, a residential zoning district, and existing residences. The proposed development complies with the provisions of the existing development agreement and subsequent addendums. Access is proposed via an existing east-west right-in, right-out driveway from State Highway 69 and South Meridian Road that runs along the southern boundary of the site at the east and provides access to the lots in Medina Subdivision.

Off street vehicle parking is proposed in excess of UDC standards for a restaurant use. Street buffer landscaping and a ten foot wide pathway was installed along staff -- excuse me -- along south -- along State Highway 69 -- I can't speak -- Meridian Road with the subdivision improvements. Parking lot and perimeter landscaping will be installed with development of this site. Conceptual building elevations were submitted as shown for a single story building that consists of stucco and EIFS finish with metal canopies and accents and glazing. The trash enclosure is proposed to be constructed of smooth faced CMU and split face CMU color matched to the building. The final design of the building is required to comply with the design standards listed in the architectural standards manual. Written testimony has been received from the applicant Jeff Likes, AOC Architecture, in agreement with the staff report and he is available online Tonight to provide testimony. Staff is recommending approval with the conditions in the staff report. Staff will stand for any questions.

Seal: Thank you, Sonya. Would the applicant like to come forward, please?

Likes: I will be online. But thanks for hearing me tonight, Mr. Commissioner and Chair -- or Chairman and the Commissioners. I'm sorry due to some circumstances I couldn't be there to present, so we are going to hopefully do it online. So, is there a way I can have my -- have the screen share?

Allen: Yes.

Seal: We will need you to state your name and address for the record, please, before we get too -- too far down the road here.

Likes: Yeah. Perfect. Jeff Likes. 1119 East State Street, Eagle, Idaho. 83616. Hopefully -- can you guys see the screen?

Seal: We had it in a second ago, but now it's gone.

Likes: Yeah. That's what I thought.

Allen: I had it up, Mr. Chair, and I stopped sharing --

Seal: Oh. Okay.

Allen: -- because that was keeping him from sharing his screen.

Seal: Got you.

Allen: If you would like me to put it up I can, Jeff, if --

Likes: Yeah. Yeah. Sonya, go ahead and put it up. I mean I -- you know, we are -- we are in agreeance with the staff report. I think you have seen the packet. I just kind of

wanted to explain a few things with this -- it looks like, Sonya, you -- if you can just take control, I can just take a flip forward to the --

Allen: Yes.

Likes: -- through the slides if you don't mind. Again, we are here to talk about this drive through -- considered a drive through. A little different than a drive through though. There is no speaker and there is no order board, as Sonya pointed out. It is a pick-up only drive through pick-up window. They order on their app and they show up and they pick it up. They just opened one of these in east Boise and people have tried to order and they have told them to go back and order on their app and when it -- when it's time to come pick it up. So -- next slide, please. So, the proposed I guess zoning is a C-G, 1.38 acres. Currently it's vacant land and, as Sonya said, they are going through a property boundary adjustment, which the current sellers need to wrap a few things up to make that finalized. Next slide. So, this is a larger project we have there. We have two projects that we will be doing. If we receive approval on the Chipotle drive through we will be submitting that for design review, CZC approval, as well as AFC, which stands for American Family Care. You have seen them around town. They are a quick doc in the box type place, along with about 1,100 square foot lease space next to that. We have 44 parking spaces, which gives us a one per 158 ratio. Next slide, please. As you know, our site location, southwest corner of Meridian and Overland Road, in between the Walgreens to the north and the existing Carl's Jr. to the south and as Sonya pointed out, we take access -- a couple of points of access. The main access in is South Meridian Road there with a right-in, right-out, but there is cross access all across the side, all the way over to Lowe's and back out to Overland. Next slide, please. Great. Just to give you a -- this is our proposed site. We have aligned our western -- most west driveway with the existing Walgreens driveways that goes through there to maintain a nice easy flow there. Some things to point out here. We did work with staff and their concerns with the -- there used to be a full access there where our drive through exits. There was an in and out. Currently it exists today. Staff was concerned about people so close to the corner -- or so close to the entrance there at the right-in, right-out. We agreed. So, we have proposed to turn that to a one way -- one way in and, then, the drive through has to go north to exit towards the Walgreens. At the north there by Walgreens is a -- it is a two way lane to enter that and exit that way. So, everybody exits on that east side out the north. All the west parking, again, exits towards the north and it -- this project is -- is a larger project, like I said, the AFC, the retail, they share a patio and, then, the Chipotle building there on the most southern part of it. Next slide. So, like we have said, there was a couple things in the packet. The PBA is being -- property boundary adjustment is being finalized by the seller. Again, we are not a drive through, just more of a pick-up at this point. And I spoke about the one way traffic to avoid conflicts with that main south drive aisle. Next slide. This is our landscape plan. But, you know, the landscaping all across Meridian is already existing. Meridian Road exists, so we are just meeting code standards there, making it a nice place, especially on the patio to sit and, you know, eat and hang out. Next slide. Here is just some renderings. The last two slides are just some renderings of the overall project and how it will look. Next slide, please. And, then, just our last slide there is just an overall, again, rendering of that and I will stand for any questions.

Seal: Okay. Thank you very much. Commissioners, do we have any questions of the applicant or staff?

Smith: Mr. Chair?

Seal: Commissioner Smith, go ahead.

Smith: Thank you. I'm just looking at something really quickly on this application and I want to confirm that I'm looking at this and understanding this correctly. Is there a -- I want to say right between Chipotle and the north space is -- is there -- is that a crosswalk that I'm looking at in that parking lot? That diagonally striped area?

Likes: Yeah. So, Commissioner -- Mr. -- Mr. Smith; correct? Is that who is talking?

Seal: That's correct.

Likes: Yes. Thank you. Yeah. So, that is -- part of every development is to get back to the public right of way and that is our way back to the public right of way along Meridian Road. That is -- will be stripped with a different material than the rest of the -- than the drive aisle. These are -- about every project you see is just that striping to get back to the public right of way.

Smith: Thank you. Mr. Chair?

Seal: Yep.

Smith: One other question -- and I'm glad that there is -- this has been implemented in Boise, so, hopefully, you can speak to this. In terms of parking space -- so, this parking is adequate for the restaurant usage. One thing that -- I don't know if I'm concerned about, but it's just something -- some food for thought, if you have any -- any thoughts about customer behavior, if someone drives up, wants to order something, is told they need to order online and much like a Culver's or a McDonald's or something, that they are told, you know, there is -- there are certain spaces set aside for -- for those places for -- for delivery and bringing it out. Are you at all worried or have you seen anything about like customer behavior, for example, some -- you know, sitting and idling in parking spots. Has that impacted parking, for example, peak hours? Just thinking from a parking space, also from an air quality space, if there is confusion that results in people idling in parking spots, taking up those spaces and idling their cars. I'm just curious if you have seen that behavior anywhere else since this has been implemented and/or if there are any steps being taken in terms of number of parking spots or location of -- of parking spots to ameliorate that.

Likes: Yeah. Commissioner -- Mr. Smith. We are not -- I guess we haven't been given any of that information, how it is being received across -- you know, where they are implementing this and I just know they opened up one in east Boise -- not even that long

ago. You know, whether they put up, you know, pick-up or whatever, I -- I can't say to that. Or if they will sit in a parking space to -- to wait.

Smith: Thank you.

Seal: Okay. Commissioner Rivera?

Rivera: Thank you. Just to piggyback on Mr. -- Commissioner Smith, on the existing -- you said there is already an existing location similar to this one. Do you get -- is there enough -- is there signage? I'm afraid -- you have an urgent care next door and, as Commissioner Smith said, you have people that are going to come up assuming or thinking they are going to order there and are going to come through there. I'm just afraid they are either going to be parked or take up all these parking spots to order or be going in circles across the one way where you have patients next door coming -- crossing through the parking lot and so you have these cars just going in circles or trying to order on their app and, then, coming back around and coming back around. Can you speak to that or, you know, from -- from the existing building or -- or -- or is there adequate -- is -- what kind of signage is there to make people aware that show up that they didn't know they had to order on an app?

Likes: Right. Commissioner -- Mr. Rivera. I -- we cannot speak to that again. But I would assume they put up signage, you know, pick up only, order on your app. As we all know -- I think people -- people are used to it now since 2020 going there. You know, like -- like Mr. Smith said, there -- there may be spots and they may say, hey, these -- especially in that back area where it's mainly going to be employee parking, you know, hey, we have designated -- we have designated a few of these for waiting while you order and, then, you get in line. I don't think it would last. I don't think people would be confused too long. I think once through and they realize that, oh, this is, you know, a pick-up -- I'm going to order and I'm not going to leave my house until it's close to being done or pick it up at lunch hour type of deal. And, then, the urgent care, I mean I -- I'm not -- we are not overly concerned with those people and we have enough parking spaces really as -- as a whole for -- for plenty of parking for both of those uses.

Seal: Quick question for staff. On this just -- is there -- because of the situation that they are in as far as it being pick-up only, is there -- what else would be required in order to make this just a regular drive through or is -- have they satisfied all those requirements?

Allen: Chairman Seal, Commissioners, if it was a regular drive through they would be required to depict a menu board and speaker location on their plan. So, those are the only two items that are different on this.

Seal: Okay.

Allen: They are still providing a -- a stacking lane and escape lane as is typically required.

Seal: Okay. Yeah. I asked that just for, you know, ten years in the future if this is no longer a Chipotle if it has this lane there -- they would want to put a drive through.

Allen: If I may add to that, Chairman Seal.

Seal: Uh-huh.

Allen: Staff did include a condition of approval in there that if the use changes to a regular drive through that they would have to apply for either a new conditional use permit or a modification to this one, so --

Seal: Okay.

Allen: -- that does provide a little safety net if something changes in the future for us.

Seal: Okay. Perfect. Anything else? No? Okay. Would anybody like to testify on this application? Anybody in Chambers?

Hall: We have signed up a Tim Grissom to speak. Okay. And there was no one online.

Seal: Okay. So, seeing nobody would like to testify, would the applicant like to add anything?

Likes: Mr. Commissioner, I -- or Mr. Chair. I -- I have nothing else to add to this application.

Seal: Okay. Any questions from our Commissioners before we close the public hearing? Can I get a motion to close the public hearing? Thank you, Jeff. I appreciate that. Can I get a motion to close file number H -- close the public hearing for File No. H- 2022-0094 for Chipotle.

Smith: So moved.

Rivera: Second.

Seal: It's been moved and seconded to close the public hearing for File No. H-2022-0094 for Chipotle. All in favor, please, say aye. Commissioner Lorcher? Did we lose --

Lorcher: Aye. Sorry about that.

Seal: Okay. No problem just wanted to make sure you weighed in. Any opposed nay? All right. Public hearing is closed.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

Seal: I will -- I will just start off. This seems pretty straightforward to me. I understand the -- I understand the concern about the parking and -- and how, you know, people might

be confused by this. Go around, park, load the app, you know, come around and that might require its own stacking. But at the same time they do have an exit lane or an escape lane there that -- that could possibly be used for that as well, so as -- as much as I would like to try and figure out all the human behavior that's involved in all this stuff, it's nearly impossible until you actually see it in a location. So, I -- I don't have any issues with this and there is already a drive through that's just south of this. It's kind of a funky corner in there. So, you know, getting in and out -- getting in and out of there is a little tough, especially if you are looking at somebody that's just coming from the free -- from the freeway looking to get back on the freeway that could be a little troublesome. But if they want their Chipotle that's what they are going to do.

Smith: Mr. Chair?

Seal: Go ahead.

Smith: I agree. I don't think there is -- there is really too many issues with it and -- and the one concern I -- if you call it a concern is a minor one. Like you said, there is no way to know consumer behaviors. The only thing I would probably like to see just added is -- is some language asking that they work with staff and consider the -- you know, what we are seeing in that Boise location, to see if it's an issue and if it's not that's fine. But just for -- for that to be a consideration and -- and discussed and -- and if there is any issues there that they be factored in. But beyond that I don't have any issues with this.

Seal: Okay. And -- and for this one we are the approving body, so the buck stops here. Commissioner Rivera, would you like -- like to add something or --

Rivera: Again I think it's just part of our growth, right, and our -- where our future is going and I'm assuming in a way I -- I do appreciate the -- the exit lane and, you know, the -- for the consumers going to take some time to -- to understand that you just can't -- order is going to be different. I believe it -- you know, for -- I think Chipotle uses Uber Eats and Grubhub. So, it might even be beneficial if they can pick up through the -- orders through the drive through instead of, you know, having to park and go in and out in and out maybe. I don't know. But that might be something that could help the business as well. But, yeah, I feel comfortable having the escape lane there for -- for those consumers that are going to go through the adjustment of learning this new drive through style. But, yeah, I really don't see any other concerns.

Seal: Okay. Commissioner Lorcher, do you have anything to add or possibly a motion?

Lorcher: I agree with the other Commissioners.

Seal: Okay. I will take a motion, if somebody wants to try. Go right ahead.

Smith: After hearing all -- after considering all staff, applicant, and public testimony, I move to approve File No. H-2022-0094 as presented in the staff report for the hearing date of March 16th, 2023, with the following modifications. Just to add a condition that

the applicant continues to work with staff to address -- to consider potential changes to driver behavior at other locations where this has been implemented and continue to work with staff to address that driver -- driver behavior change if it does exist prior to completion.

Seal: Well, Bill, I will ask, I mean when we approve this there is no more working with staff; correct. Okay.

Smith: Okay.

Seal: So --

Smith: Would I be able to make that contingent upon the applicant's agreement to -- all right. Well, then, I will -- I will -- I recant my additional modifications and, then, just add a -- a request that that be considered by the developer on an -- in a nonbinding fashion.

Seal: Okay. Do I have a second on that?

Rivera: I will second.

Seal: Okay. It's been moved and seconded to approve File No. H-2022-0094 for Chipotle with no modifications. All those in favor, please, say aye. No opposed. Motion carries. Thank you.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

6. Public Hearing for Delano Apartments (H-2022-0082) by Challenger Development, Inc., located at 3850 N. Centrepoint Way

- A. Request: Conditional Use Permit for a multi-family development consisting of 84 dwelling units on 3.49 acres of land in the R-40 zoning district.

Seal: Okay. And with that I would like to open File No. H-2022-0082 for Delano Apartments and we will begin with the staff report.

Allen: Thank you, Mr. Chair. Give me just a moment to switch gears here and get my presentation up. All right. The next application before you is a request for a conditional use permit. This site consists of 3.49 acres of land. It's zoned R-40 and it's located at 3850 North Centrepoint Way. This property was annexed back in 2020 with the requirement of a development agreement and a final plat was approved and recorded to subdivide the property. The Comprehensive Plan future land use map designation is mixed-use regional. A conditional use permit is proposed for a multi-family residential development consisting of 84 apartment units and four three-story structures on 3.49 acres of land in the R-40 zoning district. The gross density of the development is 24 units per acre, which is consistent with the density desired in the MUR designation and the

conceptual development plan included in the development agreement. This property was entitled to develop with four three-story structures with up to 96 apartment units and that was entitled with the annexation and the development agreement. Access is proposed at the west boundary of the site via North Centrepoint Way, a collector street. A cross-access ingress-egress easement exists through this property that provides access to the undeveloped parcel to the east from Centrepoint and will also provide an emergency access to the site from Eagle Road. The proposed development complies with and exceeds the qualified open space, site amenity, and parking standards. A total of .65 acre of common open space is proposed consisting of a 5,000 square foot central common open space area and common areas of at least 20 feet by 20 feet in area, which exceeds the minimum standards by .17 of an acre. Some of the area is located adjacent to a collector street and buffer, which isn't allowed unless approved by the Commission with a conditional use permit. So, that is something that is under your consideration tonight specifically. A clubhouse with a fitness facility, a covered patio with a barbecue and covered seating at the clubhouse, a pickleball court, and internal pedestrian walkways and charging stations for electric vehicles are proposed as amenities. A minimum of 158 off-street parking spaces are required, including guest parking. A total of 168 spaces are proposed, which exceeds the minimum standard by ten spaces. Conceptual building elevations were submitted as shown that depict pitched roofs with architectural asphalt shingles, vertical fiber cement board and batten siding, fiber cement horizontal lap siding with stone wainscot accents. Final design is required to comply with the design standards in the architectural standards manual. These do differ a little bit in style from those conceptually approved in the development agreement, but staff is in favor of the proposed elevations as they are more consistent with the surrounding residential development. Written testimony has been received from Becky McKay, Engineering Solutions, in agreement with the staff report and she is here to testify tonight. There have been several letters of testimony received on this application that are in the public record for your review. Some of the -- some of the items of discussion from the public request the structures along the north and west boundaries of the site to be limited at two stories in height to better transition to the existing single family home to the north and future uses on that property, which is designated as mixed-use along with the property to the east. Other testimony notes that the development is too dense and doesn't have enough parking to adequately serve the development. These things as I -- as I mentioned, the number of units is actually reduced from -- from that that the property was entitled to develop with and it was also entitled to develop with three story structures as is proposed. So, there is not a lot of changes we can make there. They do have those entitlements in place. Staff is recommending approval with the conditions in the staff report. Staff will stand for any questions.

Seal: Thank you, Sonya. Appreciate that. Would the applicant like to come up? Good evening. Name and address for the record and the floor is all yours.

McKay: Thank you, Mr. Chairman, Members of the Commission. I'm Becky McKay with Engineering Solutions. Business address 1029 North Rosario in Meridian. I'm representing Challenger Development on this particular application. As Sonya indicated, we are requesting a conditional use permit for 84 multi-family residential units on

approximately 3.49 acres. The property is already zoned R-40, which is a high density residential zone. It's located -- let's see. You got my -- is it up? Oh, how come it's not turning.

Allen: I don't know. I'm happy to advance the slides if you need me to.

McKay: Technical difficulties.

Seal: That's -- that's been our theme tonight.

McKay: Yeah. Kind of been the thing. You are right. So, the property is just located west of North Eagle Road and south of Wainwright Drive. As Sonya indicated earlier, it was part of the Delano Subdivision, which was basically within that mixed-use regional and medium density residential area. So, that original plan that was approved had what we call a layered zoning that had the R-40 adjacent to the commercial component that's existing. Then it transitioned to R-15, then, it transitioned to R-8 as you got up to Alpine Point. We have -- we have -- so, R-15 that is located to the west. We have an RUT parcel between the subject site and the Alpine Point parcel and, then, to the east is Boise city limits and that is zoned general commercial with the design review overlay. And, then, to the south we have the Brickyard Apartments, which has a zoning designation of C-G. This property obviously was -- was annexed and zoned. There was significant discussion on transitioning and mixed-use and compliance with the Comprehensive Plan and it was determined by the Planning and Zoning Commission, the City Council, back in 2020 that this layered effect with the zoning as the intensity goes the -- or as you go north the intensity of the development declines and the zoning intensity declines. This particular subject site is Lot 2, Block 6, within the Delano Subdivision. It will take primary access off of Centrepont Way, which is a commercial collector roadway. We did hold two neighborhood meetings on this particular project. One of the primary concerns was vehicular connection in the future to Wainwright Drive and -- as development moves forward, because we do not have direct connection to Wainwright. Secondary concern was brought up the fact that the R-4 zoning -- R-40 zoning -- would that potentially set a precedent for the undeveloped property that's to the north of our subject site. My comment to the neighbors when -- when they brought up that concern was the City of Meridian is always supportive of some type of a transitioning, so that we don't have three story -- what's going on? So, that we don't end up with three story apartments next to low density single family dwellings. Oh, you had it up. Yep. It came up and, then, it disappeared. There it is. I got too many microphones. So, as you can see the subject right here, the .49 acres --

Starman: Joy, when you have an opportunity could you put the clock back to about 11 minutes, please. Thank you.

McKay: Thank you, Mr. -- Mr. Chairman, Members of the Commission. Becky McKay. As you can see this is a -- this is a vicinity map of this particular area. The subject site is located here. There is the Brickyard Apartments here. The R-15 of the Delano and the R-8 is located to the north of it. This mixed-use regional area was intended with

Centrepont Way, obviously, to be a collector roadway. Wainwright is the mid mile collector. To the east is Cameron Park, which that was a subdivision that I did all the planning and project management. Madison Park, I did that subdivision, so that's R-1-B. I did Zebulon No. 1, which is in Boise city. That was designated L-O for limited office and it was determined that Wainwright would be the mid mile collector with a future signalization. I did Milford Creek here, which is an R-8 designation. And, then, I did Alpine Point, which is R-4. And, then, I also designed Champion Park. So, I have done quite a bit in this vicinity. One of the issues that we encountered when doing Alpine Point and Zebulon office portion was interconnectivity to the south. At the time these were five acre RUT lots under Ada county jurisdiction with estate homes on them. So, these residents were extremely reluctant to allow me to stub to their properties. They testified at my hearing that they had no intention of ever developing their properties and they did not want any stub streets. They did not want any sewer or water stubs. When we went through the city of Boise, Boise city required that we provide an easement here for potential interconnection in the event that the five acre parcels were to develop in the future. ACHD has purchased that easement and, then, when I did Alpine Point as you can see I did a landscape buffer in the event that that ever became a public street connection. The City of Meridian, when I did Alpine Point here, required that we stub Dashwood and it -- what this gentleman here -- he even hired an attorney, threatened to sue the city, sue us for providing that stub street and the utilities there. So, it -- it was quite difficult to, you know, try to plan for the interconnectivity, but it was always intended and still is on the master street map that Wainwright is the collector and I worked with ITD to get that signalized. I fought for years to get that a signalized intersection, since we had a daycare, we had significant residential development and an outlet to Ustick and, then, the office development. Let me switch here. This kind of shows you what's transpired out there with the rest of the Delano project. So, obviously, they put in the streets, they have extended -- extended Centrepont Way. They have platted this particular lot here. There is an emergency vehicle access out here to Jasmine Lane as our secondary access. All the multi-family buildings that are proposed are three story consistent with the development agreement that was approved by the City of Meridian in 2020. It also indicated that there would be approximately four buildings with three stories. They were approved for 96 -- a maximum of 96 units and what's before you this evening is 84. We have building type one, which is the larger buildings that you see, and they have 24 units per building and, then, the smaller building right here is Building C, which houses 12 units. In the particular site plan the clubhouse is located -- it's just -- there we go. This is the clubhouse here. So, the entrance is off of Centrepont Way, which is a collector. You come in and, then, the clubhouse, the office, the management and the amenities are located at this location here. We have a pickleball court here. We have internal pathways and a patio plaza area with an outdoor barbecue. The amenities in -- or I'm sorry. Excuse me. The total open space in this project is 40,438 square feet or just shy of an acre. Our qualified open space is about 28,300 square feet at .65 or 18.6 percent. The proposed amenities that are required under the code, based on the multi-family development, include the clubhouse, a game room within the clubhouse, a community gathering area in the clubhouse, an exercise room, an office and a covered patio and, then, a barbecue and kitchen area on the exterior, along as I indicated with the pickleball court and grassed open areas. Kind of scroll -- there we go. This is the -- this shows you the elevations of

the building. It says front elevations, but these are also the rear elevations as you can see that there is modulation, you know, in the building utilizing different materials. The roof lines are varied, so on the ends and across the entire elevation of the structure. Here we go. This is the clubhouse. As you can see it's kind of a new urban type look. It has masonry, different vertical lines, a mixture of different textures and different roof lines to add diversity. You can see that these are the different elevations of that structure. We have outdoor patio area and you can see -- it's kind of tough on this one, but you can see that there is -- there is area -- seating areas, there is a barbecue kitchen area outside. This shows you -- can I get rid of that? There we go. This shows you the floor plan of the clubhouse. So, the clubhouse has a game room. It has a gathering room. There is a two sided fireplace. There is also the exterior here. We have a barbecue kitchen area and, then, covered patio, gathering area on the exterior with restrooms. The management office. Maintenance. So, here we just list the -- the amenities. As I indicated each unit will have a private deck or balcony and, then, we have our centrally located clubhouse with the internal amenities and the pickleball court. This is the utility plan. One of the things that we -- we worked with Public Works diligently to make sure that we got a redundant source of water. So, we are bringing in -- there is water stubbed here. We are bringing water in here, which we will loop through the site and, then, sewer is stubbed. So, all utilities to this particular lot are available and capacity does exist. We have provided the 30 foot easement as required for any sewer and water located within the drive aisles. We are not allowed to have any of our water meters or any of your utility easements encroach in the carports and we have complied with all the requests of Public Works. We have worked with Tyson Glock to make sure that everything met their requirements. This shows you the landscape plan. So, that kind of gives you a better idea. We have landscape buffering along the north. Trees. We have two trash enclosures, one on the north, one on the south. And, then, as you can see this is the clubhouse and the patio area and, then, there are internal pathways that basically provide linkage to that amenity and, then, we have the pickleball court over here. There is a separate 20 foot wide collector landscape lot there and, then, we do meet the setbacks. We have reviewed the staff report and have sent responses to Sonya. I was out of town and had difficulty flying back in and so they did come in late. They probably didn't get into your packet, but Sonya I'm sure has reviewed them. They basically indicate that we concur with all the staff recommendations and conditions of approval. This particular project is, obviously, providing that multi-family component that is required in those mixed-use regional areas where we have employment centers. We have Eagle Road as -- as a major state highway and a transit corridor. So, you know, based on good planning, based on your Comprehensive Plan, the city is looking for, obviously, a mixture of uses, which would include retail, office, small commercial, townhomes, single family and multi-family and we are meeting that multi-family component. Do you have any questions?

Seal: Thank you very much. Commissioners, do we have any questions for the applicant or staff?

Smith: Mr. Chair?

Seal: Commissioner Smith, go ahead.

Smith: One question out of curiosity and -- and also I think this might play into some discussion in the public comment. Looking at the development agreement with kind of that additional initial layout, is there a reason that kind of that clubhouse was moved more central to the development, rather than on the outside in light of comments about potentially a more gradual transition in -- in elevation, et cetera.

McKay: Mr. Chairman, Councilman Smith, that's a good question. Initially in our original submittal we had the clubhouse located right here at this corner. The problem that we encountered was with Public Works and meeting the design standards where we had to provide 30 foot clear easement width if we had sewer and water both located within the drive aisle even though your drive aisle width, according to the zoning ordinance, is 26 feet for a three story buildings. Due to that issue where we had to meet Public Works' requirements, we relocated the clubhouse to this location, then, that allowed us to widen this area and meet the easement and separation of sewer and water. We did explore trying to connect the clubhouse to the end of the building. We looked at every available option and sent multiple examples over to Tyson Glock at Public Works and he commented -- and this is where we ended up in order to meet Public Works standards.

Smith: Thank you.

McKay: You are welcome.

Seal: Do we have any other questions for the applicant or staff?

Parsons: Mr. Chair, Members of the Commission, if I could just add on to what Becky said. That was one component of it. The other component is the multi-family standards -- open space standards changed and this particular project has to provide a 50 by 100 - 5,000 square foot area and so by keeping that clubhouse there it was going to be more difficult for her to get that. So, I think that kind of drove the design as well. Just wanted to put that on the record as well.

Seal: Okay. Thanks, Bill. Okay.

Hall: We have Laura Trairatnobhas or I -- I apologize now.

Seal: I will just say Laura come on up. If you could talk into the microphone. Can we get the -- can we turn the display off and, then, turn the microphones back on?

Trairatnobhas: Commissioners and Chairman and staff, I am Laura Trairatnobhas from 4621 North Camas Creek Way in Alpine Point and, first of all, thank you to Ms. McKay for her excellent presentation. It was very clear. The only thing I feel unsure about right now is the parking. If you go just south of this proposed location you will find the Brickyards Apartments, another three story apartment complex that was approved a couple of years ago. I'm sure it was approved with whatever the code says is adequate parking. However, if you take your bicycle, like I do, and ride through there on weekends you will

find that the overflow parking is everywhere. People simply do not have two adults per apartment with two cars. People are living together with roommates. You have got three, four cars for one apartment and my concern is that we are going to have the same mess outside this apartment complex as we do with the Brickyards. The Statesman ran a story about two weeks ago about parking violations in Meridian and how they have gone up and one of the hotspots was, guess what, the Brickyard Apartments. People are parking in the fire lanes. They are parking -- they are on both sides of the street, so that only one car can get through. So, I really want you to take a good look at the parking issue, especially with this three story apartment, which is going to be very dense. The other issue, of course, is Wainwright. No one in Alpine Point when we bought our homes was told or knew or had any way of finding out that this was going to be a collector street going directly into our subdivision. Now, if I thought that everyone from Centrepont was simply going to take a right and go east to the light a block, it wouldn't bother me. But I'm pretty sure half of those people are going to take a left, cut through Alpine Point at high speeds in order to get to McMillan. McMillan is a major road nowadays with a lot of traffic on it. A lot of the schools in that area are to the west and so McMillan is the natural place to go. So, I don't want to overrun my time, I just want to say please think carefully, because the decisions that you folks made -- make, as you know, are going to affect the quality of life in our valley long after all of us in this room are gone. Thank you.

Seal: Thank you.

Trairatnobhas: Any questions?

Seal: No. Thank you very much. Madam Clerk.

Hall: Jim, come on up. I'm going to save your last name. If you could, please, step over there.

Austin: Chairman, Commissioners, thank you for having us this evening and lending your time to this. For the record, Jim Austin, 4019 North Brooksburg Place, Alpine Point. Eight years. I guess it's time to --

Seal: Not quite.

Austin: We will -- we will proceed then. Eight years in Alpine and 28 in Meridian. Have enjoyed it. Thank you for your consideration tonight. I echo a lot of the -- the comments from Laura on this as well. A little context on this that she hit on a little bit right now was the Brickyard to the south is three stories. Delano, the subdivision, had twice the distance to resolve three stories down to one where Alpine is. My house butts right up against that. So, we go from an R-40 down to an R-4 in that amount of distance. Okay. We fought for three years to try to get a decent plan to do so under that. Now, we are proposing three stories to take up half that distance and, then, leave the rest of the half of that distance now to resolve the rest of it. So, we are going to go from R-40 down to one story in half that distance. That's going to represent a serious problem in the future when the Wong property, which is the one that's represented on the north of this piece,

eventually sells. As we see, nope, nobody will ever sell, nobody will ever do that. Yes, they do. We know this has to happen. I know development is part of it. We all have to make room in the best way possible and that's what we are after on this, too. Have a little more graceful transition from one thing to the other. Parking was the other parts that Laura hit on. We all have the newspaper ad that came out on that. Centrepoint was the highlight of that. It is a commercial connector as was pointed out here. That's incredible to see on that and this will only add to the congestion of that -- of that street. We are going to make a bad situation worse by introducing even more with that. We are going to have right now two cars per unit, which is allowed, is -- is scheduled on that. I understand. That's fine. But, again, it's not reasonable to think that everybody -- every American owns one and a half cars. So, that's what's going to be happening there. We all have other friends, et cetera, roommates and all of that stuff. It's not going to be one person per bedroom in those units. It's pretty naive to think so on that. So, my proposal is that the project is limited on the stories -- on the number of stories that border, of course, the north and the west if possible. I don't know if that is possible or not. It would be nice to see that. The parking, of course, is a major issue on this. The other eventuality to the north of that with Alpine is that we are now the de facto octopus of this whole thing. When Centrepoint finally is broken through and it will at some point, that will make five connection points to our subdivision. So, if we add even more congestion to that it's going to make the problem worse. Thank you for your time.

Seal: Thank you. Appreciate it.

Hall: Paul Miller.

Seal: Okay. Oh, if you -- sir, if you want to speak go ahead and come on up and grab a microphone, please. We need to have it on public record. Thank you. We will have you -- yep. We will give everybody a comfortable chair this evening. Just need your name and address for the record and --

Miller: My name is Paul Miller. I live at 4294 North Linwood Way, Meridian, Idaho. I'm on the HOA board for Alpine Point. I think my biggest question is -- is with this centerline project that -- and I want to find out when they thought about putting centerline through there did they put -- think about it when it was zoned R-4 or did they think about, you know, this is probably going to be R-40 and so did they do all the statistics on how much traffic was going to run through Centrepoint when it was R-4 only or did they run -- do all the numbers when it was R-40, because if you look at that you only got maybe 50 yards to the stoplight and, then, on the other side of the street you have Wainwright and there is like eight huge apartment complexes -- plexes there that run on Records Road. I'm sure they didn't think about all those apartment complexes either. So, during the day everything backs up on Wainwright now on -- on the east side, because everybody's trying to get to Eagle Road and, then, they come over from our subdivision, which is 211 homes, which is draining into Wainwright and getting off of there. Now we are going to have 84 more homes and as he said nobody has one point -- one car and the way everyone's living with everybody now, because they can't afford homes, they are all shacking up and sharing homes, they are going to have a lot more cars there as well. So, where I'm going

with this is how many cars -- I'm not sure what the lady's name is. What's your name, ma'am?

McKay: Becky.

Miller: Becky. When you were doing this whole thing back in the day what were your traffic studies for that? How many cars -- do you know how many cars are going to go through all those five roads that we have through Alpine Point to McMillan and many are going to come back in? Because right now we have got a raceway on a couple of them and we still don't have -- help me out with the other subdivision that just got put in. It's going to go through -- Kingston that goes through Rogue River -- Rogue River Way, which is going to come through and go out through Alpine Point as well. So, do you have any idea how many cars that is?

Parsons: Sir, we will finish the testimony and, then, the applicant will have a chance to address your questions. She's -- she's taking notes over here.

Miller: Okay. Perfect.

Seal: Thank you, Bill, for --

Miller: I don't know how it works. So, anyway, that's kind of all I have to say, except -- and, you know, I don't know how many more apartment complexes we need there around there. Drive down Records Street. Have you guys driven down Records Street at all?

Seal: Uh-huh.

Miller: Yeah. It's all apartments down there. I know. Where are you guys going to put the -- thank you very much, gentlemen, for letting me bend your ear and I appreciate it.

Seal: Thank you. Appreciate it.

Hall: Mr. Chair, I have no one signed up online or -- that was -- Mr. Miller was the last.

Seal: Okay. I don't have anybody on -- sir, come on up. Out of habit I was almost going to steer you back towards the podium, not -- forgetting what we were doing tonight.

Hartley: Thanks for the comfortable chairs. We appreciate that.

Seal: You are very welcome.

Hartley: My name is Robert Hartley. 4084 North Brooksburg Place, Meridian, Idaho. 83646. Our house is on the east side of Brooksburg, of course. Our backyard will be against the extension -- the eventual extension of CentrePoint Way. It's -- it's been indicated by our neighborhood outreach committee that maybe there is not enough right of way width available right now for adequate construction of Centrepoint Way and I would appreciate it if -- if Becky could -- could address this as far as the adequate width and if

more width is needed, if that would come out of the commercial area or out of the -- the buffer against our back fence. Plus the fact I think that going from R-4 to R-40 in a couple hundred feet is a bit tight. It's basically all that --

Seal: Okay. Thank you very much. I appreciate it. Any questions for -- no?

Hartley: Lived there since -- we were the 30th house in Alpine Point. So, we have been there a while.

Seal: Okay. Thank you very much.

Hartley: You bet. Thank you.

Seal: Is there anybody else that would like to testify? Seeing none, would the applicant like to -- I won't say come back up, so -- you are right there in your comfortable chair, so --

McKay: Mr. Chairman, Members of the Commission, Becky McKay. I will address -- Laura had the comment concerning the -- the Brickyard parking and you guys, since that particular project has been constructed -- that was under the older parking standards. So, now the new parking standards do require a guest parking and so we -- we do have guest parking that's provided. Obviously, anytime we do the multi-family projects parking is always a hot button discussion and we have some projects where, you know, the -- the city of Boise claims they are overparked. We have some projects that -- you know, other municipalities believe they are underparked. And so everybody's been working diligently to try to find that balance and -- and Meridian has -- has done a good job. Your staff is - - you know, has been obviously in the forefront of figuring that out. Obviously, as we move forward through time, you know, if -- if parking continues to become an issue I'm sure those parking requirements may even go higher. I'm happy that a lot of these people live in Alpine Point. They are proud that they live there and when we -- when we did Alpine Point we provided stub streets based on the Ada County Highway District and the City of Meridian and we did do a traffic impact study for Alpine Point that evaluated the adjoining properties and at the time they looked at what the comp plan designations were on the map. Now, over time, since we did that in 2004, comp plan designations have changed over time and that's -- that's not unusual. Now, as each project comes in lots, such as the Brickyard, such as Delano Subdivision, they were required to do a traffic impact study based on current standards, taking into consideration the existing traffic, the projected traffic based on the COMPASS growth models and, then, any approved projects that had not been constructed and I did review the Ada County Highway District report for the Delano Subdivision when it initially came through showing the 96 units within this parcel and they indicated that there was capacity to handle the traffic. An acceptable level -- level of service for a collector roadway is a level of service D and this project -- you know, it indicated did not have frontage on Wainwright. As far as making that connection to Wainwright, will that happen? ACHD, obviously, purchased that property from Todd Amyx, who was the original developer, and as far as the right-of-way width -- right-of-way widths can vary and sometimes they are smaller than is typical. You know,

a collector can be 50 foot in width. A collector can be 60. But we also have collectors that are -- are less. The improved width is, you know, what's important. Thirty-three foot residential collectors are typically what we see or a 36 foot wide residential collector, but when they have a constrained area to work within, sometimes the highway district will have a -- a narrower right-of-way width. I don't anticipate them taking out that landscape buffer that we provided between that -- that easement that now is right of way, because it was solely intended to buffer your lots that could potentially in the future back up to either a private interconnection drive or a public street and they would have to purchase that and, obviously, you know, get you guys to agree. I wouldn't -- and I don't see them doing that. They are -- what I -- in my discussions with them they are going to work within the width that they have already acquired, but -- but they have modeled the traffic all throughout this area and, you know, they are -- they are trying to disperse that traffic to the best of their ability and one of the things with that mixed-use regional is trying to keep the traffic so that it's not traveling as -- as long a distance, that maybe the people that live in these apartments will work at Kohl's or work at the sporting goods store or the C-store and won't be driving out on Eagle Road. I mean that's -- or that people will be able to walk over, bike and shop there without creating vehicle trips. That's -- you know, that's kind of the model of mixing those uses in together. But you are on a transit corridor and, like I said, it took me years and years to fight with Idaho Department of Transportation to get that signal and -- and we were so happy when we finally accomplished it and we basically, you know, told them that -- that due to the number of homes that have been built and the daycare especially, that safety was a critical issue and there were significant wrecks out there when there was no light. So, the problem is when you got the light and you got the collector, then, you know, other traffic will come that direction, because that's the safest exit out to Eagle Road. But they do look at the overall transportation in the area. Does the Commission have any questions?

Seal: Commissioners, any questions? I think you -- I think you answered everything that -- every -- every note that I had is now checked off, so -- and thank you for the description and -- of everything that you have done in there. I quit writing down all of it and my note is just -- Becky is to blame, so --

McKay: That's funny when you say that, because I -- I did have a traffic engineer that worked at the Ada County Highway District tell me that, you know, Eagle -- Eagle Road is your fault. When I did Madison Park it was a two lane rural road. No curb, gutter, sidewalk. Nothing. And it exploded.

Seal: Yeah. It has grown up for sure.

McKay: Yeah. It's -- it's big boy now.

Seal: Okay. All right. Thank you very much. Appreciate it. And with that I will take a motion to close the public hearing for File No. H-2022-0082.

Smith: So moved.

Rivera: Second.

Seal: It's been moved and seconded to close the public hearing for File No. H-2022-0082 for Delano Apartments. All in favor, please, indicate -- indicate by saying aye. Commissioner Lorcher, are you still with us? Commissioner Lorcher, we can't hear you if you are trying to speak. What about muted?

Smith: Mr. Chair, it's -- it's registering that she's talking, it's just not --

Seal: Yeah. We are not able to hear. Maria, you want to try and jump off and, then, jump back in. I just want to make sure that you are fully in for this.

Hall: Maria, can you hear us?

Seal: I was going to say, I just got a text from her with the same, so -- we will close the public hearing with that. But we do need to figure out our audio, so she can speak to this. Who would like to go first?

Smith: Mr. Chair, I will -- I can --

Seal: Commissioner Smith, go right ahead.

Starman: Mr. Chairman, can I recommend that we wait until Commissioner Lorcher returns?

Seal: Okay.

Starman: She's trying to sign on again and be best for her to participate.

Seal: Got you. Sorry. Didn't realize she had dropped off. Okay. We will give her just a minute.

Parsons: Mr. Chair, would you like to take a -- maybe a five or ten minute break to allow us to get this corrected and, then, maybe come back and --

Seal: That sounds like a perfectly good idea. So, yeah, we will take a five minute break and we will be right back.

Parson: All right. Perfect. Thank you.

(Recess: 8:25 p.m. to 8:33 p.m.)

Seal: All right. Who would like to go first? Maria, we will let you go first if you would like to.

Lorcher: Commissioner Seal, I have heard all of the testimony from the applicant and I have heard the comments from the neighborhood. I believe that Delano Subdivision was kind of in a master plan for a long time. As far as multi-family housing is concerned, this is the right place for it. I know traffic is always going to be an issue and it's going to give tow companies a great opportunity to make a lot of money once these people start parking illegally and once their cars are being taken it will stop relatively soon. I'm in support of this project.

Seal: Okay. Thank you very much.

Smith: Mr. Chair?

Seal: Commissioner Smith, go ahead.

Smith: Yeah. Thank you. Yeah. I'm sympathetic to a lot of the concerns. I think I'm -- I'm in a unique position as also a member of the Transportation Commission -- informed by some of the -- and I want to share some of my thinking around this. It does seem like there are some things that aren't, you know, ideal. I know that there is, for example, no existing transit connection, but -- if I read the staff report correctly, but COMPASS is optimistic about its -- its potential for future connectivity, things like that. But, you know, thinking about parking and -- and speed, your parking -- it sounds like there is an enforcement issue. It sounds like it. And I agree -- I agree with the comments that once -- once MPD has -- has people there and -- and people are getting tickets consistently, people don't like paying money unnecessarily from what I have -- I have seen and -- and that can -- can be abated over time. It's, obviously, a constant struggle and a constant effort, but if it's a hotspot I would wager MPD already is aware of it, but, if not, that's -- that's an avenue to -- to pursue. Additionally in terms of speeding, you know, thinking about the -- the concern about people speeding in the neighborhood because of additional development. I understand it. Fortunately there are things that ACHD can do. Traffic calming. If -- you know, they -- they can -- they can do studies. They can -- based on the results, based on speed studies, potentially, you know, in their policies they -- they can put in -- I think they are doing speed lumps now is what they are called. They can do things like that and -- and additionally looking at the agency comments, you know, interfacing with these people more frequently on the Transportation Commission, you know, ACHD having no concerns, ITD having no concerns, COMPASS having no concerns, these are -- these are really Intelligent, thoughtful people. John Wasson, for example, at ACHD is a wealth of knowledge on this kind of stuff and if these departments don't have these concerns and are confident in the ability of these streets to operate at service levels that are -- are adequate, you know, I -- there are things that we -- that can be ameliorated down the line and if you are facing that -- I don't know if this is -- I think this is okay to say, but let me know if it's not. I highly encourage you to come to the Transportation Commission meeting and voice these concerns if -- if you have them. But on the planning and zoning side and on the CUP side, it -- it seems like, you know, they are -- the DA entitles them to -- I think it was 96 units. They -- they -- they are backing down from this. This is in an area that's meant for, you know, high density housing. It's -- it's in the -- in the comp plan. That comp plan was already -- or that comp plan was --

was established -- this area with Alpine Village already existing. It seems like these things kind of line up and as much as I'm sensitive to other concerns, I think these are things that can over time be reduced. The one thing I -- I don't really see a way around the height concerns. North and west, that's -- that's four out of five buildings that -- that about the north and west end of the property. So, putting a limit on -- a two story limit, you know, not counting the clubhouse, that's three out of the four buildings that -- that seems like a massive cut to density in that area. So -- so, with that I'm -- I'm in support with just the -- the conditions that are in the staff report. No further modifications. I understand the concerns, but I think this is going to be a benefit to -- to our community and to the area and -- and, yeah, there are going to be some growing pains just with -- you know, with increased density in the area, but I think this is good for the community and I support it.

Seal: Commissioner Rivera, go right ahead.

Rivera: Chairman. Thank you. I'm in agreement with comments made by our fellow Commissioners. I appreciate Laura, Jim, Robert and everybody from Alpine Point for their -- for their concerns and their comments. With that being said, I -- I -- I also feel, based on the commentary tonight, that Ms. Becky is also doing everything she can to -- to accommodate and -- and -- and do the best that she can, staying within, you know, compliance to make it a win-win for everybody. The -- the traffic light on Wainwright was a -- you know, a big win for the community and for the safety to come in and out of Eagle Road. This -- like said -- like it was said before, the comp plan does call for the high density there, but, you know, with that I -- I stand to also approve this recommendation.

Seal: Okay. Yeah. Similar thoughts as my fellow Commissioners on this. It was good to have a better understanding of -- of how, you know, Centrepont Way does play into this and I -- I agree it's probably going to be very difficult to punch that through to Wainwright at some point in time. I think eventually it will happen. More than likely. Just -- eventually they will probably try and squeeze something through there, unless, you know, the other parcels sell and we are immediately offered some relief in -- in -- in regards to that instead. So, as far as the layout and everything, I actually like the fact that the clubhouse was moved a little bit. Instead of people driving in, immediately parking where there are, they have been able to disperse that a little bit. The fact that there is no sidewalk by the pickleball court -- when I first looked at this for some reason I thought there was a sidewalk that was going by the pickleball -- Pickleball court out to Centrepont Way, but there isn't one and I'm actually happy to see that, because that would promote people to park on Centrepont and go use the pickleball courts, which we don't want them to do. So, you know, ample parking, ample open space and I -- yeah, I have -- I have been here long enough to see that the parking standards have changed. So, hopefully, some of the problems that you are seeing in the Brickyard you are not going to see specifically with this piece of the development that's here. I do sympathize. I'm a loyal user of Fast Eddy's. I come in from Ustick, so I traverse down Centrepont Way to Bald Cypress Street and I can tell you even zooming in on the little -- on the Google Earth thing here that the same Volkswagen is parked on that corner that's been there for about three months. So, you know, parking and everything there is -- is -- it's an issue. You know, there is no other way to put it. But I -- I think the way that this came in and the fact that

it's already entitled to develop that way and it's being done in a responsible manner, you know, it's -- I think it's a fit for the -- for the community. You know, multi-family, large apartment complexes are not something that I'm familiar with, you know, as far as being my cup of tea or not. You know, I would definitely rather not live close to them. I don't currently, so -- but they are going to develop in areas like this. So, Eagle Road is a major corridor, so, you know, like Becky indicated, we are going to try and build these multi-family complexes and places where people can live-work. That's -- that's the idea. That's the -- the hope and the concept of it. So, you know, we don't have to bring other people in from, you know, a bedroom community, kind of like Meridian used to be when we were a sleepy little town. And with that I'm -- I -- I would stand in support of this as well. So, instead of rambling on, I will just let one of my fellow Commissioners continue on or make a motion.

Smith: Mr. Chair?

Seal: Commissioner Smith, go right ahead.

Smith: After considering all staff, applicant, and public testimony, I move to approve File No. H-2022-0082 as presented in the staff report for the hearing of March 16th, 2023, with no additional modifications.

Seal: Do I have a second?

Rivera: I will second.

Seal: Okay.

Lorcher: Second.

Seal: It's been moved and seconded to approve File No. H-2022-0082, Delano Apartments, with no modifications. All those in favor, please, indicate by saying aye. Opposed nay? Motion carries. Or motion passes I should say.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

Seal: Thank you very much, everyone.

Parsons: Mr. Chair, before we adjourn tonight I just wanted to make an announcement for the Commission. I wanted to let you know that next month is -- sorry. I'm -- I'm getting sleepy here. Appreciation for your volunteer work on the Commission and the city will be honoring you in that effect. So, I will be following up with an e-mail inviting you to join in that event. But I wanted to let you know that it is going to occur on April 20th starting at 11:30. So, if you are interested, again, I will send out an e-mail. RSVP with the Mayor's office if you are planning on attending.

Seal: Okay. Thank you very much.

Parsons: Thank you.

Seal: Are we all going to be -- hopefully I get a half a car, because, apparently, I'm missing half a car. I only have one. And with that I will take one more motion.

Smith: Mr. Chair?

Seal: Go right ahead.

Smith: Move to adjourn.

Seal: Do I have a second?

Rivera: Second.

Seal: It's been moved to adjourn. All in favor, please, say aye. No opposed. We are adjourned. Thanks, everyone.

MOTION CARRIED: FOUR AYES. THREE ABSENT

MEETING ADJOURNED AT 8:46 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS.)

APPROVED

ANDREW SEAL - CHAIRMAN

____|____|_____
DATE APPROVED

ATTEST:

CHRIS JOHNSON - CITY CLERK