

Meeting of the Meridian Planning and Zoning Commission of March 3, 2022, was called to order at 6:00 p.m. by Chairman Andrew Seal.

Members Present: Chairman Andrew Seal, Commissioner Steven Yearsley, Commissioner Nick Grove, Commissioner Maria Lorcher, and Commissioner Mandi Stoddard.

Members Absent: Commissioner Nate Wheeler and Commissioner Patrick Grace.

Others Present: Adrienne Weatherly, Kurt Starman, Bill Parsons, Sonya Alan, Joe Dodson, Alan Tiefenbach and Dean Willis.

ROLL-CALL ATTENDANCE

<input type="checkbox"/> Nate Wheeler	<input checked="" type="checkbox"/> Maria Lorcher
<input checked="" type="checkbox"/> Mandi Stoddard	<input checked="" type="checkbox"/> Nick Grove
<input checked="" type="checkbox"/> Steven Yearsley	<input type="checkbox"/> Patrick Grace
<input checked="" type="checkbox"/> Andrew Seal - Chairman	

6. Public Hearing for Aviation Subdivision (H-2021-0096) by Jadon Schneider of Bronze Bow Land, Located at Parcel #S1210325951, near the northeast corner of N. Black Cat Rd. and W. Franklin Rd., north of Compass Charter School

- A. Request: Preliminary Plat or 48 building lots (37 single family attached lots, 2 detached single-family, and 9 multi-family lots), 8 common lots, and 1 other lot.
- B. Request: Conditional Use Permit for 36 multi-family units on 9 lots on 9.8 acres in the R-15 zoning district.

Seal: All right. We will go ahead and get things going here again and it looks like we are down to the Aviation Subdivision, H-2021-0096 and if we are ready we can go ahead and start with the staff report.

Dodson: Thank you, Mr. Chair. This one will be a bit of a lengthy presentation, but -- I mean I apologize, but it's a small site, complex site, but complex project, so I apologize. The applications before you tonight for Aviation Subdivision are a preliminary plan and a conditional use permit. The site consists of 9.8 acres, currently zoned R-15, located near the northeast corner of Black Cat and Franklin and directly -- well north -- northeast of the Compass Charter School. The map shows ME for the zoning. And I apologize, it's not an old map, it's the -- there was an issue internally that we didn't send out the zoning

ordinance to the county when we approved it, so it just hasn't been updated on the maps, but it is R-15 zoning. The site does have history with the city, starting in 2018 where it was actually annexed with the Compass Charter School and they changed the comp plan and the zoning, then, to ME and mixed employment in general. Still wrapping my mind around why, but they did that. 2020 we came in and rezoned it, DA modification, and a comp plan map amendment, again, to change it back to what it was, which was medium high density residential. So, currently, the future land use designation on the site is medium high density residential, which expects residential densities at eight to 12 dwelling units per acre. The plat before you tonight is for 48 building lots, eight common lots and one other lot and a conditional use permit for 36 multi-family units within the R-15 zoning district. The other lot is an irrigation pump house lot, I believe for Nampa-Meridian, which is this little random square in the corner. That's the other lot. The building lots are delineated as follow: There is six single family attached lots, 31 townhome lots, two detached single-family lots and nine multi-family lots. So, there is an array of residential uses. The total residential unit count, therefore, is 73 currently. The subject 9.8 acres were annexed into the city in 2018 as noted. Well, I will just skip all that. In addition to the medium-high density residential future land use designation that is on the site, it is also within the Ten Mile interchange specific area plan or as planning likes to call it just the Ten Mile plan. It recommends a mix of housing types within this MHDR designation. It specifically notes row houses, townhouses, condominiums, alley loaded homes and apartments. Within this designation and noted within the existing DA residential gross densities should range from eight to 12 units per acre. With the applicant's proposal of 73 units on the subject 9.8 acres the gross density is 7.44, which does not currently meet the minimum density required. This density needs to be increased and can -- as long as it's over 7.5, which would only be one additional unit, we can use the Comprehensive Plan and we can round up to eight and, then, they meet the plan. Staff has a condition of approval that the applicant should revise the plat to include at least one more dwelling unit to meet the minimum density requirement. In general this site is part of a larger area of medium-high density residential that is slowly redeveloping from both the west and the east and development of the subject site is a logical direction for development to occur in terms of both density and the road improvements. However, the transportation element of this area of the Ten Mile plan is important and there are known traffic issues within this area caused by the Compass Charter School, most notably at pick up and drop off times. The congestion associated with the school and this area creates traffic along the entire Black Cat corridor between Franklin and Cherry and significantly impedes the intersections of Aviator and Black Cat and Black Cat and Franklin during the peak times noted. Staff notes that applications for the site to the east are likely forthcoming. Granted they have not been submitted yet, but they are forthcoming or expected to be forthcoming, which would connect Aviator from Black Cat to North San Marco Way within the Entrada Farm Subdivision to the southeast and I will get into that more later. This east-west connection would create the needed secondary access for the -- for fire, as well as provide a different connection to Franklin Road for this entire area. To help mitigate the issue associated with the future expansion of the road network, staff is recommending conditions of approval around the phasing of the project in relation to the extension of West Aviator Street. In addition to the general comp plan, the applicant is expected to meet certain design criteria found within the Ten Mile plan as

well. The applicant is in compliance with these criteria, except for the street oriented design outlined on Page 3-33 was in the Ten Mile plan. This criteria discusses that front loaded units should be located no less -- I should say the garages should be located no less than 20 feet behind the primary facade of the residential structure. As noted in the staff report, the existing site constraints of extending the collector street along the south boundary, as well as the hundred foot easement of the Purdam Drain on the site make full compliance with the standard unlikely. Therefore, staff recommends the applicant explore alternate design options to be more consistent with this requirement, while maintaining a gross density of at least eight units per acre or 7.5 to roundup and consistent with an alternate floor plan -- or sorry. An alternate floor plan should be submitted, as well as revised elevations that show compliance with the recorded DA. Because in the DA there is existing floor plans -- conceptual floor plans that are vastly different than what is proposed. The proposed plat complies with all UDC dimensional standards, road widths, and the proposed single family uses are principally permitted -- permitted within the R-15 zoning district. The applicant is proposing detached sidewalks and parkways throughout the single family portion of the project to help activate the street and provide more compliance with the Ten Mile plan and the street oriented design. The proposed plat meets all the landscape requirements, except for the required 20 foot buffer along the south side of Aviator extension, which would be here. Sorry. However, staff does recommend that the applicant coordinate with the irrigation district to see if trees can be added within the easement area of the Purdam Drain, specifically on the interior side of it. Due to the proposal of two types of residential uses in the same project, meaning single-family and multi-family, the open space requirements vary for each. The single-family area is approximately five acres and the multi-family area is approximately 4.8. Total property size 9.8. So, one of them has to be less; right? Therefore, the minimum amount of qualified open space required to meet our general open space standards, 11-3G-3, for the single family portion of the site is three quarters of an acre or approximately 32,700 square feet. The minimum amount of qualified open space that is needed for the multi-family standards, which are in the specific use standards, 11-4-3-27, is an amount per unit based on the size of the units. This provision -- the -- there is a section in that -- in the specific use standards that requires a minimum ten percent, but the area of multi-family is not over five acres, so that's not required. With the 36 units proposed the minimum amount of qualified open space for the multi-family development is 12,600 square feet. So, in total, the total amount of open space for the project should be at least 45,300 square feet or just over an acre. According to the submitted plans the applicant is proposing three and a half acres of common open space within common lots, of which approximately two and a half acres is qualified open space. Therefore, they are vastly exceeding the minimum amount of open space required. However, this area is actually still not fully accurate, as the Purdam Drain easement area is located on buildable lots and not in the common lot, so there is additional area that could be qualified and it does -- the open space does not include the parkways, which are also a qualifying open space where no driveways exist. So, this shows that the actual open space is even greater than what is currently listed as the two and a half acres. Again, the proposed open space vastly exceeds the minimum requirements. The applicant is required to provide a qualifying amenity worth at least one amenity point for the single-family portion of the site. The submitted plans do not show compliance with this requirement, but staff

has included a recommendation of approval -- or sorry -- a condition of approval and a recommendation of approval. I will spoil the ending there. But a condition of approval to include an amenity that counts as one point for the single-family portion of the site. Specific to the multi-family portion of the site the applicant complies with all the requirements, except as follows: There is no property management office or maintenance storage area shown on the plans, which is required for all multi-family developments with 20 units or more. They are required to propose three amenities and they are only showing one, which is the children's play structures, which I appreciate that it's not just one playground, they actually have multiple things. I definitely appreciate that. Lastly, they do not comply with the number of off-street parking spaces required. They meet the minimum for the per unit, but they do not meet the minimum per unit plus the required guest spaces. So, they need to add, I believe it was four spaces total. In response to that I have included conditions of approval to reduce the bedroom count of some of the units, because they are all two or three bedroom, which requires the same amount, but if they go to one bedroom reduces the requirement. I also am proposing that they revise the plans to add the required spaces in some of the areas noted. So, they have some areas here -- like they can add at least one more here. I believe they can fit a few here as well. In addition to what's within the site, I did not put this in the staff report as a condition, but code allows alternative compliance to allow other areas of parking to count and, in general, all of this north side and the east side of this street where there isn't these drive aisles on-street parking is going to be available, because there is no driveways. So, in short, I do not anticipate parking be a major issue in this development. Now, to the meats and potatoes here. The applicant is required and proposing to extend West Aviator Street along the southern boundary. It is a collector street that currently exists -- I believe it ends right about here with a temporary cul-de-sac here and connects out to West Aviator. That is the only access for the site currently. According to the plat the applicant is showing a small portion of this road extension on a property to the south, which would be right here. I will go to the next -- this is a property that they do not own and they are showing a portion of the extension on that site. That -- that site is not annexed into the City of Meridian. It is not typical of road extensions to utilize area not on the subject property, but it allows the applicant to have more usable land area that is significantly reduced already to the existence of the Purdam Gulch Drain easement. The placement of Aviator extension requires a formal agreement with the adjacent property owner. If the applicant cannot reach an agreement with that property owner, the submitted plat will have to be revised to show Aviator wholly on the subject site. To ensure this occurs prior to development, staff has included a condition of approval that a final plat for this project will not be accepted until an agreement has been formalized and the right-of-way has been dedicated to ACHD for this portion of Aviator Street. Vehicular access for the single family, which I will go back to this, is via construction of a new local street that loops through this site. In addition, access to the multi-family is via two 25 foot wide drive aisle connections to that eastern local street. ACHD has noted Aviator will need to be one foot wider than currently shown, which the applicant has agreed to. There is no secondary access to the site, because Aviator will be a dead-end street after -- dead-end street after its extension with this project. As noted above, the fire department requires a secondary access for each access that has more than 30 units taking access from it. The development to the west, Hensley Station, already has more than that and they have two

accesses. So, that's why if they are not sprinklered that would be why. Therefore, as currently designed and proposed, if it was all to be built at the same time every unit would need to be sprinklered. Single-family and multi-family in this. Thus, the construction phasing of the project plays a key role in how staff must address this issue, as all the structures would need to be sprinklered again. Multi-family is already going to be sprinklered because of the International Building Code that they will have to fall under for that. The applicant has stated that their plan is to extend Aviator into the site to the point of no more than 150 feet past the eastern local street. So, instead of all the way to the east boundary, stop it about here so that there is no need for a temporary turnaround. This does comply with the technical requirements of the UDC and fire code, but it is not consistent with our general practice of requiring public streets to be extended to and through sites with the first phase of development or prior to and in timing with the first buildings being constructed. However, the applicant is continuing to work with ACHD on a plan to construct Aviator as noted, again, with a short -- not all the way to the east, but with the temporary -- with 150 feet of pavement here. This plan to do this has been noted and they would road trust for the remaining portion of Aviator, so it can be extended with any future road project that occurs on the parcel to the east. Staff is supportive of this option, as the road would be a dead-end street and constructing a temporary turnaround would be both wasteful of space and would need to be located on top of the Purdam Drain, which could significantly -- I can't read. Sorry. Which could further hinder the applicant's ability to develop the site due to complications with the irrigation district. In conversations with ACHD they have noted an openness to this option, because they have done it previously. However, they did not include it in their staff report as a specific condition. So, staff has included a condition of approval to include -- or to encompass both potential outcomes for Aviator Street. I will go to my last thing here. So, as noted with the future extension of Aviator, this is the -- the plan for the master street map, which is the colored line here. This is the North San Marco Way and Entrada Farms. Obviously, Aviator stops right about here with the expansion of Compass Charter School. They are proposing to come here. The plan that I have seen as a preliminary plan for the site to the east shows Aviator continuing on and extending along their south boundary and connecting here and that would allow another access to Franklin for both entry and exit for the school, as well as any future residences out here. So, really, this extension of Aviator is very integral to getting it. It's a timing issue as discussed. There was some written testimony on the project, but all of it was concerning piping the Purdam Drain. There was a desire by -- I assume neighbors to keep the drain open and use it as a water amenity. Staff does recommend approval of the project if all the conditions of approval are met and after that I will stand for any questions.

Seal: Thank you very much. At this time would the applicant like to come forward? Good evening. Go ahead and state your name and address for the record and the floor is yours.

Schneider: Jadon Schneider. 412 South 3rd Street, Boise, Idaho. Mr. Chair, Members of the Commission, I just want to thank you for your time tonight and, first off, I just want to thank Joseph so much for all his work on this. We have -- we have gone to four pre-application meetings and Joseph's been diligent to sit through all of them and answer all our questions and help us with all that. So, I -- just as Joseph said, it might be a little

longer about my chatting about this project, but I think it's important that you hear a little bit more of the backstory and a little bit of where we have come from and -- and where we are at now with it. Just to start off here, I would like to show you the -- sorry. So, the preliminary platform, basically, just as Joseph was saying, 9.8 acres. One comment that I had from Joseph's report -- or his comments earlier was he had said 73 units. The -- the total units that we have proposed are 75 units on there, which matches the report and the numbers that you said. I added it up really quick. It's 75 units on 9.8 acres, which is -- 75 by 9.8 is about 7.6 units per acre. So, just a point of clarification and Joseph can chat with that later. I just wanted to bring that one up just from that conversation right away. Just to look at the site as it is right now, I wanted to point out the Purdam Gulch Drain and you can see what's going on here. So, the Purdam Gulch Drain runs east-west through the site and it's a -- it's a pretty sizable drain through there. So, two of the key components that I wanted to bring up for this site specifically -- sorry about this -- is the westerly boundary has an existing stormwater facility that was put in place by Compass Charter School. So, the stormwater facility services the Compass Charter School's current needs and because of this existing stormwater facility the site is further constrained. So, I just have some pictures of the site as it looks at the moment. This would be the area that is currently used by the stormwater facility. Just a shallow swale. They didn't do anything underground for what's going on through here. And, then, you can see that this is the northern end of it, it kind of bulbs out here at the side. I just wanted to point out, again, the Purdam Gulch Drain easement that runs through here. It's a hundred foot wide easement and it's owned and maintained by the Nampa-Meridian Irrigation District, as well as here in the southeast corner of the site there is the Nampa-Meridian Irrigation District pump house lot. So, the pump house lot was created as a part of the Compass Charter School portion. The portion of our subdivision requires that we include it in our subdivision in order to bring it up to code and Nampa-Meridian Irrigation District has -- has been forthcoming with us and has signed an affidavit of legal interest and -- and they are -- they are happy to -- to be a part of this subdivision and work with us on this. So, the irrigation district drain that runs through the site right now -- you can see it's a pretty sizable drain. Again, it's a hundred feet wide. There is a pretty sizable berm on the north side and the south side of it and it's -- it's fairly deep right now. So, it's -- it's not just a -- a lateral that's a user lateral, it's -- it's a full drain and it's a full main vein for Nampa-Meridian Irrigation District and it is important for them to have. So, one of the components of it that Joseph touched on here is the rerouting of the irrigation district drain. So, we have got the approval from the irrigation district and the developer is fronting all the costs that are involved with this and, like I said, it's a sizable drain and it's a 48 inch diameter RCP pipe, which is a reinforced concrete pipe, so it's -- it's not -- it's not just somebody getting out there with their backhoe and doing it, this is a sizeable project that is underway with the Nampa-Meridian Irrigation District and there is a -- there is a large financial investment that's being made by the developer at this time just to get the site up to a point where it can work for this project and the main point that this has come up with is the fact that Nampa-Meridian Irrigation District has been very clear with us that they will not allow us to cross their drain more than one time on this site. Like I had mentioned earlier, Joseph and I had gone through a number of pre-application meetings. We had come to agreement on one specific site that we both quite liked. We sent it to Nampa-Meridian Irrigation District. We were ready to make our pre-application

district and the response back was we won't approve or we will not allow you to cross over our easement twice and -- and that is what we had been previously approving. So, it was disappointing and meant that now we had to reroute this drain, go through a vacation of an easement and everything involved with it, but that is how we came to this site, which is now reduced basically to a rectangle with the easterly and northerly boundary as Nampa-Meridian Irrigation District easements. So, just wanted to look at the site and talk about the specifics of a couple of the lots. There are front loaded attached product involved at this site and an eight foot wide landscape buffer that is in front of a detached sidewalk. So, the local road right here has that eight foot wide landscape buffer and detached sidewalk. Some of the elevations that we had sent to Joseph, but further require some modifications just to come up with the Ten Mile specific plan would look something like this. This is an idea where it's a -- it's involving pitched roofs, it's involving setbacks, and -- and at different sizes and we will continue to work with staff to try to find some elevations that are really appropriate for this site. The standard for this would be a livable space on the ground floor or the first level, with bedroom and bathroom -- or, sorry, a bathroom -- half bath on the first floor, with two bedroom and two -- and a bath on the second story of these units. And, then, just to kind of talk again. So, the street section for the local right -- or the local road has the back of curb and eight foot landscape buffer and, then, the detached sidewalk and, basically, just to give some examples of what we are thinking it would be -- it would -- it can be tastefully done and this is what we would like to be doing. We would like to have lots of greenery and a landscape plan that looks really well for this. And just some ideas of having that detached sidewalk and something that we really like in this type of area. And, then, further to that we have the -- we will call it the alley loaded garage. However, this isn't alley load -- an alley between here. It's a -- it's an ACHD street section. It's just a reduced width -- width section. So, it's not 20 feet wide, I believe it's 28 feet from right-of-way to right-of-way. So, it's not a small tight alleyway back there, it is a full street section. Now, there is no parking specifically on the street section through here, but it is still foreseen to be rear loaded and have front doors opening to this usable open space. So, there is some in Block 2, Lot 8, which is that corridor that connects the loop road and, then, usable open space in that 20 foot landscape buffer along the north side of Aviator there. Just some elevations of things that we -- we have seen, other products and the developer has -- has proven to us that -- that they really like. This is some of that attached product with the front doors opening onto usable open space. Again, the layouts for this would involve a livable first floor and two stories with bedrooms upstairs. So, this one was a three bedroom unit upstairs with two baths upstairs and a half bath downstairs. So, three and a half bath. So, this is a project in Garden City, which we have drawn a lot of ideas from. I have fallen on the word. Sorry there. But, basically, you can see how this attached product here in the middle would look with that common space in the middle. So, what I would refer to here would be the Lot 8 of Block 2, where you have two -- the homes fronting onto an open space and you have a usable area out in the middle that can also be utilized for things like storm water management. This is what it can look like when it's in -- even a tight spot, so it can take -- it can be done very tastefully and not look, you know, like a -- like as if it's a small corridor or walled in on either side, it can -- it can look like a nice thoroughfare for the -- for the pedestrian pathways. The last part of the site here that we want a dimension on was the CUP portion of the site, which is the multi-family here. There is a number of

conditions that Joseph mentioned in his staff report that generally we are -- we are all in favor of and -- and the small updates to the -- to the site plan here in order to receive approval for the cup should not be any problem for the developer moving forward. These are proposed right now as four-plexes. As Joseph mentioned we had proposed them all as two bedroom, two bathroom four-plexes. They would follow the two story idea where, basically, you would have your first story entryway with a livable space and, again, a second story bedrooms in order to allow access for each individual unit and instead of having a four-plex stacked with two units on the bottom, two units on the top, and -- and this is just a general idea of what we would be proposing for this site. Lastly, there was a condition -- and I -- Joseph and I chatted about it and I just wanted to bring it up anyways. Basically a condition involved with Aviator that had mentioned that there was going to be the requirement of a detached sidewalk on the south side of Aviator and due to the site constraints involved with that, the condition was going to -- or I fear will push the unit density even lower. I -- I don't want to talk at nauseam about it. Joseph's made it clear to me that it was a condition that was put in place, because it's written in code, it cannot be variance requested out of it. I would just like to still bring that up that this is something that we struggle with. Everything else in the staff report we can approve and everything else in the staff report we are very happy with. There was just that condition of adding in the detached sidewalk. Compass Charter School, as it stands right now, has a seven foot wide detached sidewalk with a bike lane. So, it is in here as a seven foot wide attached sidewalk and that's what we had proposed. ACHD is okay with it. Again, Joseph's made it clear to us that it was a code issue and it wasn't something along there. The only reason, like I said, that I bring this up specifically is as you can see we are constrained by the fact that they are -- we are currently trying to work with the neighbors here to take some of this portion of their property and the Nampa-Meridian Irrigation District pump house lot. So, our fear is that by extending this seven foot attached sidewalk into a five foot detached sidewalk with a landscape buffer attached to it, would mean that we would have to push the right-of-way -- the northern portion of Aviator to the north, which, would, then, further constrains any of these lots here in Block 3, or the lots here in Block 1 and since we already are very close to being below the -- the minimum density allowed, that was our main concern with it. So, that -- that's all I will say about it here. And, then, with that, just to touch on, again, with what Joseph said about the neighboring parcel, the reason that we went ahead and are including this portion of the neighboring parcel was originally the developer to the south had a proposal in place and he had connection issues and so we had worked out an agreement with them that we would work with them to try to connect Aviator through their parcel, to allow them a future connection, due to the fact that if we came north on our portion of the property it would allow a non -- or it would create a non-conforming connection intersection by ACHD standards. So, the idea was, hey, we will come in with you, we will work together, we will take some portion of your lot. That project has since been removed, the portion to the south. Our project was put into motion when they were put onto the agenda, at which point they had been taken off. Anyways, to the point now there is a new developer that is currently in their due diligence period and is purchasing the land and we have been working with them to get that and Joseph's condition about anything to do with getting -- getting an approval from the developer to the south or the landowner to the south, we feel that is totally

justified and -- and we are on our way to -- to getting that and that is our plan. And with that I will stand for any questions.

Seal: Thank you. Anybody have any questions for the applicant or staff? No? Okay. Thank you very much. Madam Clerk, has anybody signed up to testify?

Weatherly: Mr. Chair, we have two people signed up, but neither one indicating a wish to testify. So, Chad Palmer, did you want to speak? Okay. And, Larry, do you want to speak or no? Thank you. That's all I have, Mr. Chair. No worries. Thank you.

Seal: Nobody online?

Weatherly: Not raising their hand, sir.

Seal: Okay. Is there anybody else in chambers that would like to testify, now is your chance or forever hold your peace. No? Was going to say, you get an opportunity to come back up and speak again, but if you have nothing to -- nothing to add, we will go ahead and move on. Do we have any questions to --

Grove: Mr. Chair?

Seal: Go ahead.

Grove: I do have a question. Question for you if you could -- with -- in regards to the Ten Mile area specific plan -- I think I got those letters in the right order. Will the revisions to the -- to the west side of -- will that change the layout? Will those -- will the design aspects of the Ten Mile area specific plan in any way alter just the layout, the concept or anything else with regards to how you have it now?

Schneider: Are you speaking specifically to the lot layout or to individual unit --

Grove: Either way. Just in terms of -- I mean I know that there is certain design aspects. Will -- will that -- will those design aspects change what -- what the product looks like I guess?

Schneider: Sure. I -- I believe that if we are specifically talking about the lot layout themselves, I -- I believe that we have worked with staff and we have found a plan that fits the Ten Mile specific plan as best we can at this time. Again, the plan is strong guidelines. It's not written in code. It's something that we are trying to follow as best we can and so I believe -- maybe it's a question Joseph can follow up with, but I believe a lot layout wise in -- in regards to where individual parcels are located, I do not believe that we will need to make any revisions specifically to meet -- or further meet the Ten Mile specific plan. However, Joseph's made it clear to us about the elevations of individual units and trying to find something that can fit well and that's something that we are fine to work with.

Seal: Any other questions? No?

Dodson: Mr. Chair, I just had a couple comments. To -- to that -- to Mr. Grove's point, I agree with the applicant. I don't anticipate it changing any of the lot lines and I just recounted again and, apparently, I don't know, two months ago I couldn't count at all, because I swear I counted like six or seven times, but they have the 75. So, we are good on the density.

Seal: Eighth time is a charm.

Dodson: Yeah. I -- yeah. I -- yeah. The other comment I wanted to make was regarding the -- the sidewalk issue along Aviator. I completely understand the applicant's perspective. I get it. There is a couple things going on. One, what is currently constructed on the south side of Aviator does not currently meet our code and should not have been approved. So, doing it again does not make it better and because of that there is -- there is no alternative compliance and it doesn't meet our variance applicability standards to use either of those avenues in order to change what code is saying that it has to be five foot detached. ACHD in their policies allows for seven foot attached, but our code for collector streets does not. Further, I think once we dive into the site plan a little bit more with the applicant, I -- I noted in my staff report the buffer on the north side of Aviator is actually 30 feet wide to the lot lines, not 20, so they have ten feet of room that they could move the road up and that will be the four feet of landscaping from the edge of the back of curb and the five foot detached sidewalk on the south side and that's -- they got their space for that right there. At least doing preliminary math. Granted my track record's not good right now with that, but that I believe will work just fine and that way it avoids them having to go into the -- the pump house lot, because we do not want to deal with that. So, I -- I think we can make that work. I don't see any issues with that. Those are my main comments as of now.

Seal: Okay. Thank you very much.

Dodson: Yep.

Seal: I was going to say, does the applicant -- do they want to come back up? Is there anymore questions or are we ready to close the public hearing?

Lorcher: I have a question for staff.

Seal: Oh. Commissioner Lorcher, go ahead.

Lorcher: So, in regards to the sidewalk, Joe, where there is seven foot along Compass on Aviator and, then, you are requesting -- or requiring the applicant to change it to five foot detached, so if I'm a kid going to -- from school to home or even aesthetically is that going to be weird, where it's kind of connected and all of a sudden the juggernauts to a different whole thing or --

Dodson: I -- I -- I -- Commissioner Lorcher, I understand your point there. This does happen, unfortunately, when certain things get approved or, frankly, it happens most often when ACHD comes back and widens the road and tears things out and, then, all of a sudden you have a segment of attached sidewalk, when it is detached everywhere else along the corridor. They have -- they have to meet certain ADA standards for the curvature of it. They can't just 90 it and go.

Lorcher: Right.

Dodson: So, it will look better than just that. But it is a requirement of code, so I -- there is -- I can't do anything. There is no avenue in order to say, oh, you do that. The only caveat would be, as bossman just reiterated to me, if it's less than 300 feet I believe -- I don't know what the length is there, but if it's less than 300 feet the director can waive the requirement of the detached portion. However, it's not something staff necessarily wants, because the whole segment is going to be -- all the rest of it is going to be five foot detached. That's what we are going to require with the project to the east. That's what it is on the Entrada Farms, all that. So, to do it here doesn't make a lot of sense if they have the space, because it shouldn't have been done to begin with. So, it's just kind of like where do you draw the line of the -- the non-conformity.

Lorcher: Thank you.

Dodson: You're welcome.

Seal: Anybody else? Okay. Can I get a --

Grove: Mr. Chair?

Seal: Go ahead, Commissioner Grove.

Grove: Just thinking ahead on this. My personal preference on what -- where this might end up going would be to continue this to allow some of those changes to be made to make sure that it lines up. If we were going to do that could we check with the applicant first --

Seal: Sure.

Grove: -- before closing the public hearing, so that we don't have to yo-yo?

Seal: Got you. Yeah. Is there anybody else want to weigh in on that, continuance versus pass tonight? Okay. Sir, come back up. And I -- yeah, I think there is -- there is enough in here -- and I understand that, too, as -- as I read through it to me it was kind of -- there was a lot of things in here that kind of spoke to not quite ready to go through and I mean we have -- we have got to do our due diligence in order to make sure whatever gets passed on to City Council is something that they don't have to throw back our way and --

cause you more time and effort to be spent, so -- and outside of Joe's math, everything is still -- just lines up with that, so --

Schneider: Just to -- just to comment on that, we -- Joseph's comment about the -- the extra space to the north, if -- we can make that five foot detached work and -- and we will be more than willing to work with Joseph before then to continue this application along, as opposed to deferring it to a later date. But that -- that's just our comment at this time.

Seal: Okay. So, I -- I mean I -- I just think there is some things that can be done, especially with the roadway. The property to the -- to the south, that's one of my bigger concerns. I have a child that goes to Compass Charter, so traffic there is a nightmare, so -- it really is. It has significant issues and there is -- even though it's marked no parking, people park along there and everything. So, anytime they have a cakewalk it's pandemonium. So, definitely want to make sure that we get that portion of the road right, you know, for now and into the future. So, just think there is some things that could probably be worked on and determined to -- you know, at a later date that will kind of firm this whole thing up and, you know, make the application a little bit more firm.

Schneider: As Joseph's staff report mentions, we are required to have that approval of the agreement with the neighboring parcel to the south prior to the City Council meeting and if that is a concern it -- I would -- I would argue that it's been met with the fact that we can't actually take it to Council until we have in writing an agreement that is -- that is agreed upon by both parties. Is there -- is there any other condition or any other worries that I could speak to at this time?

Seal: Commissioner Grove?

Grove: I think for me the road aspect, making sure that that agreement is in place and ready to go, the sidewalk is able to be integrated the way that it's required to be integrated and that, you know, the -- the piece coming in was the numbers piece and making sure that worked out and my concern was that there might be some -- if there was any change to meet the ten area -- Ten Mile area specific plan, if it had any changes, I wanted to make sure that that was in place prior to approval or denial -- or recommended approval or denial, so that it was a complete -- completed project that was fully recommended or fully denied to move forward and so that's -- that's why I was wanting to know if you were -- if we get to a point where we can't make that decision tonight, if -- if we cannot do that, if -- if you would be open to continuing or if you are asking us to -- if it gets to that point to deny, rather than continue, or where -- where you are at with that. So, it's more about where you are at in terms of that process.

Schneider: Obviously we -- we would much rather continue, as opposed to getting a denial -- or a recommendation of denial. So, we would be open to continuing in that regard and, like I said, I think that Joseph's made it clear that it seems like we can make something work, especially about the landscape buffer, but I completely understand, if you need more time we can work with that. Thank you.

Seal: Okay. So -- yeah. And I just -- I mean before we move to -- I mean it sounds like a continuance is kind of like where -- where we are moving, but I think --

Grove: Mr. Chair?

Seal: Yeah. Go ahead.

Grove: I think we could close the public hearing and have that discussion and, then, if a continuance is needed, then, open it back up for that sole purpose.

Seal: Okay. That's fine with me. So, can I get a motion to --

Grove: Mr. Chair?

Seal: Go ahead.

Grove: I move to close the public hearing for file number H-2021-0096.

Seal: So, a second?

Yearsley: Second.

Seal: It's been moved and seconded to close the public hearing for H-2021-0096. All those in favor? Any opposed? Okay. Motion carries. The public hearing is closed.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Seal: Joe, if you don't mind, I kind of want to go through -- I have kind of got mixed feelings on this. I mean as I initially read through it it just seemed like there was a lot of loose ends, a lot of things that were going on. It seems like we have tied up some of those loose ends tonight, so I just kind of want to go back through some of the conditions that were written in there, just to see what's -- we, obviously, have the -- the road. I mean -- and that's a big one. It would be nice to see that one done up, but if it's -- if there is a condition of approval in there already, it has to be buttoned up before it gets to Council, in my mind --

Dodson: Mr. Chair, yes, there is -- there is actually two different conditions. There is one regarding the dedication of the right-of-way and all that before final plat, but, then, there is also the agreement with the property owner that I did state that should be presented to me or planning staff in general before the Council meeting, yes.

Seal: Okay.

Dodson: And that's to your point exactly, that it -- that's such a big piece of it, that if that's not done, then, we got to kind of -- we got to go backwards anyways, so I understand your point there, if that's worth a continuance, but I do have that buttoned up and I would agree with you prior to the meeting I think it felt like death by a thousand cuts kind of thing,

at least towards a continuance, but now we have cleared some of that up, which is great. I love that. It seems less imperative to me than it did.

Seal: Okay. So, I mean we have got the -- essentially the density requirements are good. Does that also reconcile the parking requirements that were in there?

Dodson: The parking was only for the multi-family, so it does not reconcile those, no.

Seal: Okay.

Dodson: Because I assume they are not going to add multi-family units, they just -- the space isn't there. But the single family was where I was looking, but they are good.

Seal: Okay. So, essentially, we have got the -- yep. We got hung up on that. So, I forgot to ask the questions about the property management and off -- off-street parking. And, then, the condition that needs to have sprinklers in it throughout. So, generally speaking, with -- I mean, essentially, unless they want to stick to 30 units, they are going to have to have sprinklers in everything. That -- I mean is what it comes down to and that's generally what the fire department does, so --

Dodson: Right. Not necessarily. So, again, that -- it depends on the phasing.

Seal: Okay.

Dodson: And this is where they are working with the property owner to the south, as well as the property owner to the east, to try and set this up appropriately, so they don't have to do that. Obviously, development takes time. This isn't a final plat, et cetera. If they build the road 150 feet east of this local street it does not require a cul-de-sac; right? Or a temporary turnaround or anything. This remaining area would be road trusted. ACHD will take care of that. This application would have to get submitted and approved and, then, once that gets extended they -- they -- by that time they could have started the multi-family, which has to be sprinklered anyways. They are good to go on all that. They can construct the local road. They can do all of the site work. If that is all done and, then, this road gets extended or is dedicated and under construction, then, fire would not require these to be sprinklered. So, again, they are not phasing the project, there is no need, but the construction phasing will probably end up being that way and that's what the applicant and I have discussed and that's to avoid that. Now, if it comes down to the wire and they need to get these units done, I'm sure that that's just going to be what they do and they sprinkle them and move on.

Seal: Okay.

Dodson: But there -- I do have a condition about that already. So, that -- and that is something that's, frankly, not entirely pertinent to the public hearing and whether it's done now or later, it -- we got it taken care of. It's going to be a later issue.

Seal: Okay. And you do have a -- one of the conditions of approval is the property management office that in order to meet that that they need to have that and the amenities they are going to have to meet in order to move on as well.

Dodson: Correct. Yeah. All those things. The property management office and the maintenance area I would like to see before Council, but the amenities stuff and all that, I assume they can fix that really quickly.

Seal: Okay.

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher, go ahead.

Lorcher: So, in regard to the Aviation Street and ACHD making those improvements, what kind of attention can we get from ACHD? Is it something that's going to be pushed back, like Black Cat, until 2031 or is that something that they would do sooner than later?

Dodson: Commissioner Lorcher, if the applicant road trusts, which is basically just put up the money for it, as soon as it gets constructed or begins construction on the property to the east, ACHD will do it. They will do the work. It's not a CIP project, so there is no waiting around for public funds or anything, it will already be trusted in and ready to go.

Lorcher: Okay. Thank you.

Seal: Okay. I feel a lot better about the project. I think there is, you know, a few things that could be done, but I don't think there is anything -- I'm not seeing anything that's making me pause, you know, think that this is going to get to City Council and, then, they are going to, you know, try and remand it back to us to take a look at. So, I -- I sympathize for you on this piece of property. This was going to be the greatest soccer field ever, which is why the drainage goes out -- you know, all the different things about it. So, you know, the way this is having to be built, you know, I -- part of me looks at this as in-fill, just because of where it's at and how it has to be constructed, the way that the -- the ditch has to be rerouted and everything. I agree it would be nice to keep that open, but I just don't see that that's a possibility. If you have to reroute it I don't know that there is a way to do that efficiently without piping it, that would make the users of that irrigation water happy long term anyway. So, you know, I do like a lot of -- that you have a lot of different products in here. There is a lot going on. I like the road -- the way that the road comes in and goes around provides, you know, ample circulation for -- for this. So, I don't know. I -- I mean at this point I don't see anything that -- I'm not seeing anything that Joe hasn't already taken care of as far as the staff report that I wouldn't be able to support. Commissioner Grove, go ahead.

Grove: Mr. Chair. I would agree. I had some concerns. They have been largely addressed or at least addressed within the conditional -- conditions of approval. I think the site constraints are going to make this rather difficult to do a whole lot else with it. I

think that it fits and, you know, having the Ten Mile area specific plan to help guide some of the design gives it another piece to, you know, integrate with what's there. So, I'm on board. I think there is some work to be done before City Council, but it all seems doable and it's -- it's not something that should really stop or slow down the process at this point.

Seal: Okay. Anybody else?

Yearsley: I have no concerns.

Seal: Okay. At this point I'm looking for a motion.

Dodson: Mr. Chair, just real quick. Since I can count tonight, I would say with any motion that I recommend striking condition 12-A, because that's the unit one.

Grove: Mr. Chair?

Seal: Commissioner Grove, go ahead.

Grove: Okay. All right. After considering all staff, applicant, and public testimony, I move to recommend approval to the City Council of file number H-2021-0096 as presented in a staff report for the hearing date of March 3rd, 2022, with the following modification: That Condition 12-A be stricken.

Seal: Okay. Do I have a second?

Lorcher: Second.

Seal: It's been moved and seconded to recommend approval of Item No. H-2021-0096 with aforementioned modifications. All in favor? Any opposed? Motion -- motion carries. Gosh, I almost said that wrong. I'm reading -- reading ahead.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Grove: I have a question for staff real quick. Is that okay?

Seal: I don't know.

Grove: Do we need to do another motion, because there was a CUP also, on that or does that get --

Dodson: No. That's all part of the same deal when it -- when it's all together like that you are good.

Grove: Cool.

Seal: All right. Thank you very much. At this point I'm looking for one final motion.

Yearsley: Mr. Chair?

Seal: Commissioner Yearsley.

Yearsley: I move we adjourn.

Seal: Do I have a second?

Stoddard: I second.

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

MEETING ADJOURNED AT 8:11 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS.)

APPROVED

ANDREW SEAL - CHAIRMAN

_____|_____|_____
DATE APPROVED

ATTEST:

CHRIS JOHNSON - CITY CLERK