

Meridian Planning and Zoning Meeting

June 17, 2021.

Meeting of the Meridian Planning and Zoning Commission of June 17, 2021, was called to order at 6:00 p.m. by Chairman Rhonda McCarvel.

Members Present: Chairman Rhonda McCarvel, Commissioner Andrew Seal, Commissioner Nick Grove, Commissioner Maria Lorcher and Commissioner Nate Wheeler.

Members Absent: Commissioner Bill Cassinelli and Commissioner Steven Yearsley.

Others Present: Adrienne Weatherly, Ted Baird, Caleb Hood, Sonya Allen, Joe Dodson, and Dean Willis.

ROLL-CALL ATTENDANCE

<input checked="" type="checkbox"/> Nate Wheeler	<input checked="" type="checkbox"/> Maria Lorcher
<input checked="" type="checkbox"/> Andrew Seal	<input checked="" type="checkbox"/> Nick Grove
<input type="checkbox"/> Steven Yearsley	<input type="checkbox"/> Bill Cassinelli
<input checked="" type="checkbox"/> Rhonda McCarvel - Chairman	

McCarvel: Good evening and welcome to the Planning and Zoning Commission for June 17th, 2021. The Commissioners who are present this evening are at City Hall. Period. We also have staff from the City Attorney and Clerk's Offices, as well as city Planning Department. If you are joining us on Zoom this evening we can see that you are here. You may observe the meeting. However, your ability to be seen on screen and talk will be muted. During the public testimony portion of the meeting you will be unmuted and, then, be able to comment. Please note that we cannot take questions until the public testimony portion. If you have a process question during the meeting, please, e-mail cityclerk@meridiacity.org and they will be able to help you as soon as possible. If you simply want to watch the meeting this evening, we encourage you to watch the streaming on the city's YouTube channel. You can access it on meridiacity.org/live and with that let's begin with roll call.

ADOPTION OF AGENDA

McCarvel: Thank you. First item on the agenda is the adoption of the agenda. Could I get a motion -- and we have everything on the agenda as presented. Could I get a motion to adopt the agenda?

Seal: So moved.

Grove: Second.

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

MOTION CARRIED: SIX AYES. TWO ABSENT.

CONSENT AGENDA [Action Item]

- 1. Approve Minutes of the June 3, 2021 Planning and Zoning Commission Meeting**
- 2. Findings of Fact, Conclusions of Law for Gramercy Commons (H-2021-0023) by Intermountain Pacific, LLC, Located at 1873, 1925, and 2069 S. Wells Ave.**
- 3. Findings of Fact, Conclusions of Law for Meridian Middle School Cafeteria Addition (H-2021-0032) by Lombard Conrad Architects, Located at 1507 W. 8th St.**

McCarvel: The Consent Agenda this evening, we have approve the minutes for the June 3rd, 2021, Planning and Zoning Commission and Findings of Fact, Conclusions of Law for Gramercy Commons, H-2021-2023 and Findings of Fact, Conclusions of Law for Meridian Middle School Cafeteria Addition, H-2021-0032. Could I get a motion to accept the Consent Agenda?

Seal: So moved.

Grove: Second.

McCarvel: It has been moved and seconded to accept the Consent Agenda. All those in favor say aye. Opposed? Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

ITEMS MOVED FROM THE CONSENT AGENDA [Action Item]

McCarvel: And so at this time we will briefly explain the public hearing process. We will open each item individually and, then, begin with the staff report. Staff will report their findings in how the item adheres to our Comprehensive Plan and Unified Development Code. After staff has made their presentation the applicant will come forward and be present and -- to present their case and respond to staff comments. They will have 15 minutes to do so. After the applicant has finished we will open the floor to public testimony. Each person will be called on only once during 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. Please state your name and address for the record. 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 our Clerk

will run the presentation. All those who have signed up in advance, once -- after all of those who have signed up in advance have spoken we will invite others who may wish to testify. If you wish to speak on a topic you may press the raise hand button on the Zoom app or if you are listening on the phone, please, press star nine and wait for your name to be called. If you are listening on multiple devices, a computer and a phone, for example, please, be sure to mute those extra devices so we do not experience feedback and can hear you clearly. When you are finished, if the Commission does not have questions for you, you will be muted and no longer have the ability to speak. Please remember we will not call on you a second time. After all testimony has been heard, the applicant will be given another ten minutes to come back and respond. When the applicant has 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

4. Public Hearing Continued from June 3, 2021 for Topgolf (H-2021-0033) by Arco/Murray, Located at 948 S. Silverstone Way

- A. Request: Conditional Use Permit for an outdoor recreation facility on 11.56 acres of land in a C-G zoning district to include extended hours of operation from 8:00 a.m. to 2:00 a.m., seven days a week, abutting a residential zoning

McCarvel: At this time we will -- the first item on the Action Items is continuing the public hearing for H-2021-0033, Topgolf, and we will begin with the staff report.

Allen: Thank you, Madam Chair. Give me just a moment here to get the presentation up. The first application before you tonight is a request for a conditional use permit. This site consists of 11.56 acres of land. It's zoned C-G. Located at 948 South Silverstone Way. The Comprehensive Plan future land use map designation is mixed use regional. A conditional use permit for an outdoor entertainment recreation facility with a nonpermanent outdoor stage and music venue on 11.56 acres of land in a C-G zoning district, to include extended hours of operation from 8:00 a.m. to 2:00 a.m., seven days a week, abutting a residential zoning district. Although the subject property abuts a residential zoning district to the east, the residential homes have been removed by the -- by the developer for future expansion of the mixed use development to the west, Rackham Subdivision. Therefore, the extension on the hours of operation will not adversely affect abutting residential uses as there are none. In fact, the closest residence is approximately 918 feet to the south of the driving range. As you can see from the map here, you can see the site. All of these properties to the east that are selected have been cleared of residential homes. So, this is now vacant property that will eventually be part of this commercial development. If you can see my pointer here, this is the nearest residential lot to the site. The outdoor stage is proposed to be located in the patio space and that is the area here with the star on it, which will seat 71 people and will be fully enclosed by an eight foot tall fence. During the summer months the stage is anticipated

to be used about once a week in the afternoons until the venue closes. Performances will be limited to small musical acts and no additional sound equipment will be used for any performances. All music will be channeled through the building's integrated sound system. If an extension of the hours of operation is approved, the use is still subject to the city's noise ordinance. Access is proposed from East Talons View Lane, a private street along the southern boundary of the site from, Silverstone Way, a collector street, from Overland Road. East Talons View Lane ends approximately 200 feet west of the east property line and is not proposed to be extended at this time. There is a public street, South Rolling Hill Drive, just off site from the subject property to the east that is constructed as a local rural street, with 24 feet of pavement, and does not have curb, gutter, sidewalk or streetlights. That -- I will just go back to this. That shows the street a little better. This north-south street is what we are talking about here, Rolling Hill, and that comes out to Overland Road on the south end. It provides access to the remaining homes in Rolling Hill Subdivision and dead ends in a cul-de-sac at the north end. Because South Rolling Hill Drive currently serves residences and is not improved to urban standards, i.e., there is no sidewalk, curb, gutter or streetlights, it has a narrow pavement width, staff recommends access be prohibited to the Topgolf site via South Rolling Hill Drive, until such time as improvements are made that are deemed appropriate by ACHD and the city. All vehicular access, including construction access, should be taken by the private street, Street A, from South Silverstone Way until such time. Parking is proposed in excess of UDC standards. A minimum of 74 spaces are required. A total of 275 spaces are proposed. Conceptual building elevations were submitted as shown for the proposed structure. Building materials consist of EFIS and metal in a variety of colors, glazing, and composite paneling. Final design is required to comply with the design standards in the architectural standards manual. Written testimony has been received from Amy Wattles and Michael Bowers. They are both against any access to the site from Rolling Hill Drive. Again there is no access proposed to the site from Rolling Hill Drive and the staff report does prohibit access until improvements are made to the street Rolling Hill that are acceptable by the city and ACHD. So, that's a non-issue. Written testimony was also received from Paul Straits, Arco/Murray. He is the applicant and he is in agreement with the conditions in the staff report. Staff will stand for any questions.

McCarvel: We will go ahead and move on to the applicant. If they would like to come forward.

Allen: They are on the phone.

McCarvel: On Zoom?

Allen: Yes.

Straits: I'm Paul Straits with Acro/Murray.

McCarvel: Please state -- name and address for the record and the floor is yours.

Straits: My name is Paul Straits and I'm at 3201 North Seminary Avenue, No. 211, in Chicago, Illinois. 60657. And so, as I said, I'm Paul Straits, I'm with Arco/Murray and we are a Topgolf partner in development in general contracting and on behalf of Topgolf I would like to thank you all for the opportunity to discuss this project with you tonight and express how excited we are to be entering Boise -- in the Boise market here in Meridian. Honestly, Boise is one of the top most requested markets that Topgolf gets from all of its fans, so we are glad to finally be here and we are excited to share this with you. A little bit of background. Topgolf started in the UK and -- oh, I apologize. Am I able to share my -- my -- my screen with you?

McCarvel: Yes. Our clerk will fix it here for you. There you go.

Straits: Got it. Okay. Apologize.

McCarvel: Okay. Paul, we can see your screen.

Straits: Wonderful. Thanks for that confirmation. So, Topgolf started in the UK back in 2000 with a simple idea of being able to track your golf ball with an implanted microchip and/or 20 years later it has become a go to for families and friends to socialize around an active outdoor game all year round. Topgolf technology allows technology -- in the way that it's constructed it allows the game to be played all year long, rain or shine, and so anytime you have a craving to hit some balls, Topgolf is going to be open for you. It's self driven, as you know, and there are various different games that you can play beyond just hitting balls to the target to keep kids and everybody entertained all day. So, Topgolf provides -- prides itself, excuse me, on being -- on establishing itself with a -- as a local in the community with many community forward -- forward initiatives, such as free access to high school golf teams during the day, themed spirit nights for families, discounts and specials for military heroes and partnerships with -- with charities, like Make -- Make A Wish, Hope of Honor and more. Economically Topgolf is also excited to bring 200 -- approximately 200 positions to Meridian once the venue is open and about 150 construction jobs while the venue is being constructed. Beyond that it expects to bring about a hundred -- up to a hundred million in economic output over the first ten years of the venue being open in Meridian as well. Been ranked as one of the top workplaces nationally and it is a -- an absolute magnet for other businesses in the area. So, we are excited to be a part of this BVA development here. As you -- as you saw earlier, the site plan looks like this. We have parking for up to 275 vehicles and the building here is comprised of the -- the back of house area and the dining and bar area here. A patio space to the front and, then, along this curve we have all of the -- what will be called the tee line, all of the golf bays. Out here, obviously, is the outfield with all of the targets that you aim for, as well as a couple of screens out in the outfield that shows some Topgolf specific imagery and are angled directly towards the building and are not particularly visible from -- from anywhere else outside of the outfield. Additionally, we have a lighting system that is integrated into the building itself and shines only into the outfield from the building. There is no outfield lighting that -- that lights up from beyond the building, which we will take a look at in a second, as well as the sound system was mentioned to be only from the building itself. So, it's fully integrated. Any bands or musical artists that come

in and have their small concerts on the patio are channeled through the building and that is all designed to be contained within the building itself. Also saw this a little bit earlier and this shows a little bit about what these net poles look like. They have been designed to withstand various degrees of wind and can be taken down in the event of emergency. If ever winds get too heavy, as well as being designed to be as transparent as possible, so they are really not going to be as noticeable as a -- as a -- as a big white net that you would expect. Here is a quick look at the floor plan. Probably a little too small to tell, but, as I said, this is your bar and dining area. Back of house areas with kitchen and, then, the tee line here with some VIP bays at the end. Second level similar. Back of house, office spaces, and tee line there. As I mentioned, this lighting system is very specific and has been honed over the years of the Topgolf development and we always strive to meet every condition that the community puts forward and the lighting is designed specifically to each -- each venue to reduce the glare and the spill off of the site. This image here shows how large these LED lights are. There are about four or five of them at this venue. So, it would not be -- we don't -- like I said, we are not using metal halide lights out in the outfield like it would be -- like a high school football field. It's very specific and channeled just to see as far as you need to. Similarly, here is a map of what the noise looks like coming from the venue. Again, very concentrated just to this area and beyond the net poles is -- is really not at all discernible. No -- no more so than -- than typical city -- city sounds. And, of course, we always comply with local ordinances and requirements and the sound levels are always able to be controlled at all times by -- by venue management. Then beyond that, alcohol safety is a big -- a big thing for Topgolf. The -- the associates are all trained to deal with any customers that have overserved themselves and are trained to refuse service to anyone that has been and they also provide plenty of security services during the peak times as well. So, everything is -- is controlled very -- very closely and -- and everyone is trained to be very -- very attentive to all of the hitting bays and anybody that's been served. So, that's a quick rundown of the Topgolf concept and project that we are excited to bring here to Meridian. At this point I think Sonya has covered much of the specifics here. We are looking to have our business hours extended to 2:00 a.m. That's typical for all Topgolf and allows a variety of different customers to visit throughout the day and really keep the entertainment going and give a place for -- for community members to come and -- and have that act of socializing, you know, later at night versus going to a nightclub or -- or the like. And as well as the -- you know, the noise ordinance and all of those things, we are, again, butting up to a residential district, but those will all be rezoned here in the future with BVA developments to add to their -- their subdivision development here. So, we expect to not be in anyone's way in any way, shape, or form. So, I appreciate the time today and I would love to entertain any questions that you may have.

McCarvel: Do -- do we have any questions for staff or the applicant at this time?

Seal: Madam Chair?

McCarvel: Commissioner Seal.

Seal: Just real quick. The light pattern in there is -- it seems like it's directed towards the freeway. Is that something that staff took a look at or is that something that -- I mean I know they have a system that's supposed to mitigate that, but it seems like it's kind of pointing right at the freeway.

Straits: Yeah. So, the -- the -- the lights are mounted on this curved tee line and shine out into this -- into the outfield here, but, really, as you can tell from that map they are only -- they are angled down towards the -- towards the ground and are only lighting up about this far into the outfield. So, the lights -- obviously, you will see them from the freeway, but they are designed specifically for this venue and any venue that is along a roadway to reduce glare and, again, focus down towards the ground versus anywhere else.

Seal: Okay. Thank you.

McCarvel: Our westbound traffic shouldn't have issue.

Seal: I hope not.

McCarvel: Yeah. I'm -- I'm asking, I'm not --

Straits: Oh, yeah. No. No. Excuse me. No. Westbound traffic will have no issue. Again, the lights, of course, will be visible, you will see that the venue is lit up, but it is not shining anywhere outside of the venue.

McCarvel: Any other questions? Okay. At this time, then, we will take public testimony. Madam Clerk, do we have anybody signed up to testify on this application?

Weatherly: Madam Chair, we have a couple people signed in. Lynette Adsitt.

McCarvel: If -- you will -- you will need to come to the microphone to -- yeah. You can certainly ask questions. You can -- but you need to come to the microphone. And state your name and address for the record.

Adsitt: Hi. I am Lynette Adsitt. Live at 1360 South Topaz Avenue. I did have a couple questions. They mentioned that the music is only going to be once a week. Is that for how long? I mean that's, obviously, probably going to change. Have an answer on that. And also what is the capacity. How many people?

McCarvel: We will let the applicant address questions. Is that all you have?

Adsitt: For now.

McCarvel: Well, you can't come back, so --

Adsitt: I think so. I did have a question -- well, on the noise ordinance. So, what -- can you enlighten me on what -- is it 10:00 o'clock at night?

McCarvel: We will let staff address that in a minute, too.

Adsitt: And does that mean -- does that mean the music's got to stop?

McCarvel: She will address it after you are done. Yeah. So, you have three minutes to ask or say whatever you want to say. That's it? Okay.

Weatherly: Madam Chair, the same with Donna McDonald. You had a question mark, too.

McCarvel: All right.

Weatherly: Madam Chair, that's all we had signed in.

McCarvel: Okay. If that's everybody that signed in, is there anybody else in the room or on Zoom that would -- that did not sign in that would like to testify on this application? Certainly. Some forward. State your name and address for the record, please.

Blowers: My name is Michael Blowers. I live at 1285 South Rolling Hill. I don't want to misquote anything. I do find it a little insulting that -- that it's an irrelevant issue that Rolling Hill is not part of this plan. I think -- hopefully everyone here is aware that the development -- the future use is that Rolling Hill will connect to the development, which will, obviously, then, connect to Topgolf and it becomes extremely relevant for us, because we will be dealing with 2:00 a.m. liquor license traffic coming in front of our house, along with, you know, reduced easement -- well, the easement will be taken over. So, I mean as close as 30 feet to our front door to aim traffic. That's very relevant to me and the other people on Rolling Hill. So, I would like to know -- I mean I'm glad Topgolf is coming. I will probably be their number one customer and I'm excited for it, but what I'm hoping for is some answers as to why can we not make Rolling Hill an emergency access only. Are there any other solutions available for this? Is there anything that we can do to mitigate speed? I don't know if anyone's been on Rolling Hill Drive. It's a third of a mile straightaway with zero mitigation and while it may not be relevant right now, it is going to become an issue in the future when it does connect and I have lived there a year and I have seen people going in excess of 60 miles an hour down our street, especially people who are not aware of -- they are just not thinking. They -- they don't necessarily have, you know, ill intentions or anything. I mean speed signs aren't, obviously, going to fix this, but I mean safety has already been mentioned once. It's, obviously, an issue for us, as well as noise. Is there any alternative? This is a question for anyone. An alternative for, you know, wasting city resources calling for speed traps every single day, because I guarantee that's going to happen. We have already had to do it with the development that BVA has put forth. We have all made several calls, both to the contractor and everything, and -- I mean just some other things to think about. It's -- I know personally I'm raising four cows and it's an agriculture -- there is a goat farm across the way. I mean trailers pulling in and out all the time. It's a very odd entrance. I know people don't seem to think that it will be used, but if you are coming east to west on Overland I can't imagine

that you wouldn't use Rolling Hill Drive quite a bit to access Topgolf once it's available. So, thank you.

McCarvel: And go ahead and start -- but I will have Sonya chime in on this, but my understanding is -- I don't think it meant to be insulting, I think it meant to be that Rolling Hill Drive will not be part of this until it is improved at such time -- I mean they wouldn't use it as anything -- even construction traffic while it's in the current state. I will let Sonya address your questions.

Allen: Thank you, Chairman, Commissioners. Yes, it's -- it's not a hard -- or it's not an access or construction access for this development. However, when the property to the east comes in for development, then, that is the time when this discussion should take place. More so. Sir, we can't testify from the -- from the audience, but it's -- it's not a part of this application, so it's not something that we can deal with or condition with this application. It will be with the next application. So, please be a part of that process. In response, if I could real quick, Madam Chair, to the hours of -- or the -- excuse me. The hours of the noise ordinance -- the city's noise ordinance.

McCarvel: Yeah.

Allen: That is between the hours of 6:00 a.m. and 11:00 p.m. and there are certain specifications within that ordinance that they have to comply with, just as -- as any business or any residence within the city. So, it's not necessarily that they have to stop their music at 11:00, but it can't cause a disturbance as defined.

Weatherly: Madam Chair, we have one person online. A Tonn Petersen.

McCarvel: Okay.

Petersen: Yeah. Hi. Thank you, Madam Commissioner. Tonn Petersen with BVA Development at 2775 West Navigator Drive in Meridian, Idaho. Just wanted to express our support, of course, from BVA and, actually, Sonya really just -- I raised my hand virtually and, then, Sonya really just addressed what I had intended to -- to testify. As far as Eagleview Landing, phase two, which is the -- the houses -- the 13 most northern houses that were previously part of Rolling Hill Avenue, those have been purchased and, then, demolished by BVA and phase two will be coming through on a separate application for annexation and rezone and as part of that process right now we are conducting the traffic study, which, of course, will be submitted and -- to ACHD and -- and the ingress and egress issues that were raised by the -- the gentleman there, those -- those are all being worked through ACHD now and we will be -- we will be happy to bring that application in to the city I think within -- well, certainly within 30 days. So, I had raised my hand to provide that commentary and we are certainly in support of Topgolf's application here today.

McCarvel: Thank you. Any other question -- or anybody else wish to testify on this application?

Seal: Madam Chair, just a quick question for the applicant that he's talking about, when that's noticed that will be noticed directly on Rolling Hill Drive? Okay. Thank you.

McCarvel: With that would the applicant like to come back and address the questions that have been raised -- or back -- or on Zoom.

Straits: Yep. Yeah. Thank you for all of the questions and comments. In terms of the music venue stage on the patio, the intention is that it would be used likely once a week, maybe a couple times more than that when the weather is good, but I would like to point out that the -- the patio area has seating for roughly 70 people and there is no intention to increase that. So, the -- so, you know, that's sort of just to give you an example, that this patio area and the -- the stage will be very small and will host very small acts that will not be creating very large scenes and very large performance and, again, all of that music is -- is channeled through the -- through the building system itself, which is designed to be very contained within the property, so you are not going to have anybody -- any of these crazy rockers bringing in any sort of amps or anything of their own. It will be very contained no matter -- no matter what's playing. So, I think -- I don't remember there being any other questions and Sonya answered the noise ordinance and that is something that, obviously, we will take very seriously, as Topgolf does at all of their venues, any -- any reports and complaints are handled as -- as is needed and, you know, the music will continue beyond that 11:00 o'clock hour and being next to the freeway and fairly -- fairly far away from -- from anything else at this point I anticipate that it will be fairly agreeable for everybody when the time comes.

McCarvel: Thank you.

Straits: And I really appreciate your time and for allowing me to discuss this project with you and, as I said, we are very excited to be a part of the community and looking forward to working with you all very soon.

McCarvel: Paul, I think we had another question -- one of the questions brought up was about capacity. I know you mentioned it for the patio, but if you could expand on the capacities a little bit.

Straits: Sure. The capacity at this point is -- there are 16 hitting bays and we anticipate there being six people at each bay and so we have yet to have a full set of architectural drawings done for this -- let me do my quick math. Likely about 500 people.

McCarvel: Okay. And that's at the golfing tees, not in the restaurant, bar, patio areas; right?

Straits: No. That's all. I did math for -- for all of that. So, that would be 360 at the tees.

McCarvel: Okay. Any other questions for the applicant or staff from the Commission? Okay. So, then, at this time could I get a motion to close the public hearing for item H-2021-0033?

Seal: So moved.

Grove: Second.

McCarvel: It has been moved and seconded to close the public hearing for H-2021-0033. All those in favor say aye. Opposed? Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

McCarvel: Who would like to open the comments on this one? Who is going to be there --

Seal: Madam Chair?

McCarvel: Yeah. Go ahead, Commissioner Seal.

Seal: Just looking at the plan and the concept and everything I really like it. It's tucked in -- you know, in a place that's probably a good place for it. A good placement of it anyway. A little concerned on the lighting part of it. I mean even though the lights aren't going to be shining out to the freeway, they are still visible, so it's probably more like a ballpark where you can see the lights, but they are not impacting any of the drive -- your driving conditions. The -- I mean it seems like it's going to be a good venue. I have been to a Topgolf before and they are -- it's -- it's pretty good entertainment for sure. I know there is a lot of people that golf in our community. To be able to do activities year around would probably be something that would be good for our community. You know, again, it seems like it's in a place that's going to be good as far as not interrupting or, you know, displacing anything that's -- already hasn't been displaced. As far as the Rolling Hill Drive, it's -- that's -- I understand that it's going to be brought up in a separate meeting, but it is -- you know, understand that that is a -- that is a road that's controlled by ACHD. So, make sure to go to their hearings on it, so you can get more information on it, because they -- unfortunately, the City of Meridian doesn't control the roads, ACHD does. So, we have to operate with them in partnership in order to make sure that the roads are designed in such a way to handle the traffic that's going to be going on them and by the time it gets to us it's -- they have often spoken, unfortunately, so -- but, again, as far as this application goes, I think it's going to be a good addition to our community. I think there is a lot of people that definitely want to go there. I will be one of them, if it does come in and it goes to fruition. Other than that I have no other comments.

McCarvel: Okay. Commissioner Wheeler, you had your --

Wheeler: Yes. Thank you. Thank you, Madam Chair. I have a question for staff. If we can go to that one slide that -- I think you said that it was 900 feet from the Topgolf to that corner. I think that's what you said the distance was on that.

Allen: It's almost a thousand. It's just a little under.

Wheeler: Okay. And it was to that --

Allen: To -- oh.

Wheeler: Somehow I can't see that. Okay.

Allen: So, from this point right here is the nearest residence to -- right up around in here.

Wheeler: Okay. What about the -- the residential houses off of Onyx that's just due south of that site? Yes. Are those --

Allen: It's about the same distance.

Wheeler: Okay. And are those also occupied by -- have those been demolished or anything like that or --

Allen: No, they are residential homes.

Wheeler: Okay. Okay. My only -- my only concern is the 2:00 a.m. time frame, especially next to where there is some rural residents and we could -- we could make a -- Paul, are you still there? Or is this the time not to bring that in? Oh, sorry. Okay. So, we could -- we could still do something along the line of approving this, but limiting the hours; correct? Is that correct, Madam Chair?

McCarvel: We can make that recommendation -- well, it's a CUP, so that would be the -- yeah. But I mean regardless of their hours they would still have to abide by the noise ordinance regardless of how long they are open.

Wheeler: Okay. I'm just thinking more than, though, just the proximity to other rural and -- like one of the gentlemen here mentioned that there is -- he has got some cattle and there is a goat farm and things of that nature, just the -- just the noise coming up or just the activity there until through 2:00 a.m., so -- those are just my only thoughts. But I'm also -- I'm also really concerned more about the fact that I live only a mile away from this site and that means that I'm probably going to be able to get there after dinner and spend a lot of hours there and I'm probably going to get your platinum membership and, then, I probably will get a better golf score, but I am just a little bit concerned on those aspects of it.

McCarvel: Any other question from the Commission? Commissioner Grove?

Grove: I'm not as concerned with the time aspect. I personally live a lot closer than 918 feet to the nearest 2:00 a.m. place and I don't see issues with it. I think that they have a good reputation of being able to handle the layout and should be able to adhere to what they have proposed. I don't see anything in this that negates or necessitates changes. So, I'm in favor of moving forward with this.

McCarvel: Okay.

Grove: If anybody else doesn't mind, I will just go and make a motion. Is that okay? All right. After considering all staff, applicant, and public testimony, I move to approve file number H-2021-0033 as presented in the staff report for the hearing date of June 17th, 2021, with no modifications.

Seal: Second.

McCarvel: It has been moved and seconded to approve H-2021-0033. All those in favor say aye. Opposed? Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

5. Public Hearing Continued from June 3, 2021 for Popeyes Drive-Through (H-2021-0030) by Erik Wylie of JRW Construction, LLC, Located at 6343 N. Linder Rd.

- A. Request: Conditional Use Permit for a drive-through establishment within 300-feet of an existing drive-through on 1.0 acres of land in the C-G zoning district.

McCarvel: Next item on the agenda -- we will continue with H-2021-0030, continued from June 3rd of 2021, Popeye's Drive-Through, and we will begin with the staff report.

Dodson: Sorry. Give me a second to pull everything up, please. There we go. All right. Thank you. The application before you is for a Popeye's drive-through. It is for a conditional use permit request. The site consists of one acre of land currently zoned C-G. It's located at 6343 North Linder, which is the southwest corner of Chinden and Linder. There is existing C-C zoning to the north and east. A commercial development already exists to the north and the Winco exists to the east, not yet open. Very close from my understanding, but -- the whole Orchard Park, also known as Linder Village project, is under construction to the east. C-G zoning is to the south and the west and there is already existing buildings there, except for the lot directly to the west, which is under the same ownership as this property, but has not yet developed. The proposed drive through is for a 2,325 square foot Popeye's Louisiana Kitchen Restaurant. It is within 300 feet of a separate drive-through, which is to the south. Therefore, requiring the conditional use permit. It is also subject to the specific use standards 11-4-3-11 -- or dash four dash three dash 11. The subject site is located within the mixed use community future land use, which contemplates generally at least three land uses for every project. However, with a site that's only one acre in size it's generally not feasible. Mixed use community also discusses looking beyond the site and within the whole mixed use community area in order to meet many of the policies as it is a mixed use designation. So, when you look to the south, the west, across Chinden and Linder, there is plenty of uses within the area that are both existing and planned and with the proposed use of another restaurant staff does find that it meets the mixed use community future land use designation. Originally

the site plan on the left was proposed. Staff had some recommendations to change that and we did not initially support that. Therefore, the applicant requested continuance so that we could discuss the revisions that was recommended and since, then, the applicant has revised the site plan as per the memo that was addressed to the Commission late last week. The site plan has been revised as seen on the right. With the revisions made staff does support the site plan and finds that the project and proposed drive-through meet the specific use standards. In general, the -- the site plan was basically flipped north-south and east-west to make it as simple as possible, still keeping the double drive through and minimizing some of the conflicts that were shown on the original site plan. Largely the original site plan contemplated the north drive aisle, which is here, basically, and they will be constructing across the shared ownership lot here. It contemplated this being as the main. Staff finds that the southern one will likely be more utilized and, therefore, people will come in from the south and, then, around and utilize both this here as an escape lane and to the south as they pick up their food and getting it out, as noted here. Like I said, essentially, the site was just flipped east-west and north-south. There have been no written testimony for this and staff does recommend approval of the subject CUP and I will stand for any questions.

McCarvel: Okay. At this time would the applicant like to make their presentation?

Wylie: My name is Eric Wylie. I live at 3584 South Bear Claw Avenue in Meridian. Madam Chair, Members of the Commission, thank you for meeting with us tonight. We are excited to bring this CUP project before you. We think it's a good fit for the land. Good use of that hard corner at Chinden and Linder. Not much I can say that Joe didn't say already. We met with staff after our original plan and changed it to meet their conditions. One thing I would like to add is that the lot is currently one acre. The plan is shown at .8 acres. So, given your approval we will do a lot line adjustment to make it that .8 acres and I stand for any questions.

McCarvel: Okay. Any questions for staff or the applicant? Okay. Thank you. Madam Clerk, do we have anybody signed up to testify on this application?

Weatherly: Madam Chair, we do not.

McCarvel: With that being said, is there anybody in the room or on Zoom that has not signed in that would like to testify? And I'm assuming, then, you have no more comments. Okay. Therefore, could I get a motion to close the public hearing on H-2021-0030?

Wheeler: So moved.

Seal: Second.

McCarvel: It has been moved and seconded to close the public hearing on H-2021-0030. All those in favor say aye. Opposed? Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

McCarvel: We get a straightforward one and I think -- since they have worked with staff and made the adjustments to better flow I think this is pretty straightforward and -- unless anybody has any other comments or objections, we would stand for a motion.

Seal: Madam Chair?

McCarvel: Commissioner Seal.

Seal: After considering all staff, applicant, and public testimony, I move to approve file number H-2021-0030 as presented in the staff report for the hearing date of June 17th, 2021, with no modifications.

Grove: It has been moved and seconded to approve H-2021-0030. All those in favor say aye. Opposed? Motion carries. Congratulations.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

6. Public Hearing for ACHD Ustick Maintenance Facility (H-2021-0029) by Engineering Solutions, LLP, Located at 3764 W. Ustick Rd.

- A. Request: Annexation and Zoning of 30.27 acres of land with a request for the I-L zoning district for the purpose of constructing an Ada County Highway District (ACHD) maintenance facility on 23.7 acres.

McCarvel: And now we get to open one. We will open -- find out which one we are going to open here. Item No. H-2021-0029, ACHD Ustick Maintenance Facility, and we will begin with the staff report.

Dodson: Thank you, Madam Chair. This item before you tonight is for an annexation and zoning tied to the development plan. The site consists of 23.7 acres of land, currently zoned RUT, located at 3764 West Ustick Road, which as you can see is approximately a half mile west Ten Mile on the north side of Ustick. To the north is the Five Mile Creek and north of that and, more importantly, is the wastewater recovery facility, city owned, and is I-L zone. To the east is a segment of Nine Mile Creek, which -- let me go ahead and just show you that one. To the east is Nine Mile Creek, as well as a C-C zone -- or C-N zoned property, which is actually a city owned property, and is a future well and water site -- water tank site. South -- to the south is Ustick Road and, then, obviously, the existing R-4 and single family detached residential. To the west is RUT and county agriculture residential. The Comprehensive Plan designates this property as mixed use nonresidential. I would like to note out of the gate that the request for annexation and zoning is with the I-L zoning district. It is for 30.27 acres, but as noted, this other site is only 23.7. The applicant is doing the city of favor and annexing the irrigation area of the Nine Mile and Five Mile Creek, so that we do not have county enclaves in those areas. So, we do appreciate that. The proposed use for this ACHD maintenance facility falls under the public utility major within our development code. The project is proposed over

multiple phases from this year through 2028 and includes a number of different elements of the site, that just to be general, include a -- decant wash out area, broom shed, salt shed, truck washing scales, admin building, sleep building, and covered and uncovered storage areas. Since the publication of the staff report the applicant has provided staff an updated phasing plan, consistent with the analysis within the staff report and discussions between staff and the applicant. The major changes were moving the decant and washout area, which is noted here. It was originally within the floodplain. Moved it out of the floodplain, which is appreciated as well, and there is an existing home on site that was going to be used as a temporary office. That is no longer the case. No longer the plan. Before I get into the site plan in more detail, I did want to talk about the future land use designation, because it's very important for this site. Mixed use nonresidential is the future land use. The purpose of this designation is to designate areas where new residential -- nonresidential. Sorry. Yeah. New residential dwellings will not be permitted, as residential users are not compatible with the planned or existing uses in the area. Specifically for this site this mixed use nonresidential areas adjacent to the city's wastewater recovery facility as noted, which is a heavy industrial use and should be buffered from residential. Appropriate uses in this designation would include employment centers, professional offices, flex buildings, warehousing, industry, storage facilities and retail and other appropriate nonresidential uses. The proposed use of this maintenance facility falls into these nonresidential uses that are noted and are ideal for this future land use designation, because it will act as a buffer between the existing residential lot on the south side of Ustick and the wastewater recovery facility. The applicant is proposing to install solid fencing and the required landscape buffers adjacent to Ustick and the existing county residents directly to the west, in addition to a new public collector street segment. If the property to the west develops in the future as a nonresidential use, which is called for on the future land use map, that also includes that property. The buffer proposed for this application along the west boundary should act as an adequate transition between the uses. Despite the problem with noise associated -- associated with a maintenance facility such as this, adequate landscaping and separation from existing residences by Ustick Road, as well as the landscape buffers, they do offer appropriate separation and should mitigate the noise from trucks and machinery. In addition to the project itself, the hours of operation are an important factor in determining if it fits in this location. The applicant has stated the plan uses -- or planned hours of operation are Monday through Friday, 7:00 a.m. to 5:30, like a normal site. There will likely be occasional late nights during emergency situations. During the summer the applicant has also stated that chip seal operations require some weekend hours, but should be within the normal daytime operating hours as well. Staff, nor the applicant -- applicant can foresee emergency situations, so it is not feasible to mitigate every possibility associated with this use. Due to the likely minimal late night operation staff believes the proposed development agreement provisions and screening methods will be sufficient in mitigating any noxious consequences of the proposed use. Therefore, staff finds the proposed maintenance facility to be generally consistent with the comp plan. There is an existing county residence on the property as noted. The applicant -- and that is no longer occupied. The applicant has noted that it is going to be sold and removed from the site, instead of being used as a temporary office. Therefore, the existing driveway access to Ustick will be closed. The proposed use is a permitted use within the requested I-L zoning district, but

it's also subject to specific use standards. Staff's analysis finds that the proposal is consistent with the specific use standards, as well as the dimensional standards of the I-L zoning district, except for one element and that is the street setback for I-L zoning districts to roadways. It's 35 feet. The admin building shown in the southwest corner is shown at the 25 foot setback, so they will have to shift that east ten feet. Part of the screening methods used for this project is fencing. The applicant is proposing fencing -- eight foot tall chain link fence -- chain link fencing along the north and east boundaries, with two feet of barbed wire above that along -- and this fencing is also proposed to be coated in a colored and rubberized material. Along the west and south property boundaries the applicant is proposing an eight foot tall Trex fence, which is a solid fence. The proposed Trex fencing is being strategically proposed to offer the most screening and buffering to the existing residences to the south and to the west, for that matter. Eight foot tall fencing is allowed within the I-L zoning district and per the height definition of fencing, barbed wire is not included in the height measurement and is also allowed within the I-L zoning district. Access is proposed via construction of a new collector street that aligns the Naomi Avenue to the south, which is this here. The applicant is proposing to construct that as a three lane 52 foot wide street section within 74 feet of right of way, with five foot detached sidewalk on the east side, which is their site of Naomi. When the property to the west redevelops they will be expected and required to complete the street with sidewalk on their side. The submitted plan show this new road to terminate about halfway into the site and terminate in a temporary hammerhead type turnaround. ACHD has offered their approval of the proposed Naomi Avenue extension and termination on the north side of Ustick Road. Off of Naomi Avenue the applicant is proposing two driveway accesses for access into the facility and they both will be gated. Staff supports the proposed access and road improvements, which do include a deceleration lane along Ustick. Lastly, utilities for this site should be discussed. Sewer services are not currently available to the site. Therefore, the applicant is also requesting a Council waiver to delay connection to city sewer. Water is readily available. It is not entirely clear at what point utilities will be available or needed for this site, but due to the phasing and lack of sewer availability at this time, the applicant has not submitted any utility plans at this time. For future development the applicant will be required to submit these plans and continue coordinating with the city to connect to public utilities, including water, for irrigation purposes for the required landscape buffers. The applicant is having ongoing discussions with the city engineer to make a decision and come to an agreement on the best path forward for the sewer needs and timeline of this project. This is expected to be resolved prior to the City Council hearing. Staff is -- and -- staff is less worried about handling it right now, because there is the expectation this will be handled prior to City Council. The applicant and myself, we have had discussions with the city engineer, we just haven't quite made the final decision on what the alternatives will be at this time. Also within the staff report I already have DA provisions that will help the city maintain our -- I guess you could say power in the utility -- providing utility to the site. Therefore, staff does recommend approval of the requested annexation and zoning and the proposed use and I will stand for any questions.

McCarvel: At this time would the applicant to come forward.

McKay: Thank you, Madam Chair, Members of the Commission. I'm Becky McKay with Engineering Solutions. Business address 1029 North Rosario in Meridian. I'm here this evening representing Ada County Highway District and the application that's before you. Joe, do you want to cue up my --

McCarvel: It's up on our screens and it's up on --

McKay: Oh. Nobody turned it on? Okay. That's cool. I can go ahead. As Joe indicated, Ada County Highway District has purchased this particular piece of property. It's approximately 20.75 acres in size. When we did pre-app with the city, as Joe indicated, there were a couple of enclaves, which encompassed the Five Mile Creek to the north and Nine Mile Creek, which had not been annexed into the city, so they asked us to do the city a favor, include that in this annexation request and within our exhibits and legal description. So, that's why what you see before you is 30.27 acres. The primary use for this particular project will be for an ACHD maintenance facility. They will have administrative office, fleet maintenance, parts and weld shop, broom drainage, trucks storage buildings, salt and sand shed. Truck scales, truck wash building, decant area, fuel tanks, which will be above ground, covered storage, magnesium tanks and employee parking and, then, some open material storage at the site. Their plans for this particular site are eight phases, starting in 2021 and going until 2028. We have submitted to your staff a phasing plan, so the staff could look and see what those phases would look like. One of the key things that the district wanted to do was, obviously, start establishing that perimeter landscaping along Ustick Road, which is a minor arterial and get that vegetation growing and -- and meet all the requirements for adequate arterial buffering. North is your Meridian wastewater treatment plant. This particular piece of property is within the influence area where you have the wastewater treatment overlay zone, so no residential uses or any uses that may have problems coexisting with your wastewater treatment plant are allowed. So, ACHD looked at this particular site and said, you know, this -- this, obviously, is a good area for this type of use. The city has purchased the land just to the east of us. There will be a future water tank and well on that property and, then, in this particular area we have a mixture of uses, single family. Wilkins Ranch, and Dakota Ridge are to the south. I did both those subdivisions a long time ago. They are on the south side of Ustick outside of that radius. McNelis Sub is to the east of us. I did that one. That has a mixture of retail and it has a C-store and a variety of uses that can coexist. There is mini storage in the area. So, this is kind of a hodgepodge area, but north of Ustick everything needs to be compatible with that wastewater treatment plant. We did have a neighborhood meeting on this particular property. We had three people in attendance. All three of them were glad that this site's being utilized for this type of use. No one was opposed to the project. Primary concerns were landscaping and as far as adequate buffering and, then, they wanted to know when Ustick would be improved and widened. Here is the overall phasing plan that we provided to the staff. Kind of shows you what the site looks like. Obviously, we wanted to make sure that we oriented the building next to Ustick Road, consistent with your Comprehensive Plan and your commercial design guidelines, where it says, you know, put your -- put your buildings up next to the arterials, internalize your parking or -- and the uses that are more intensive are, obviously, further north into the site, closer to the treatment plant. There are two

existing maintenance facilities that Ada County Highway District has in the valley right now. One is, obviously, down on Garden -- at Garden City on Adams. The other one is over at Cloverdale Road and -- what is it -- Emerald and so there is a definite need in this valley for something out in the western portion in the Meridian area with the -- with the rapid growth, to provide adequate services and maintenance for ACHD facilities. As -- so, there is an aerial. You can see the wastewater treatment plant is, obviously, the predominant use. This kind of shows you -- it's turned on its side, so -- so north is to the left. You can see that we kind of did a colored site plan. That was to give the Commission and the staff kind of a better idea of this conceptual plan and I want to emphasize that this is a conceptual plan only for the benefit of this annexation. Obviously, the highway district will hire an architect who will, then, obviously, come in, do the actual design of the structures and this site plan is, obviously, subject to change, but we wanted to give the Commission an idea of what it would look like, so you can see that we kind of have an L storage structure, the administration building, and, then, the parts and shop are kind of along that Ustick corridor. We have two approaches. The highway district will build Naomi, which is a collector roadway to the north. It will terminate eventually. It will go on to the west serving the adjoining property. Right now the adjoining property on the west side is a residence. An elderly woman lives there. The district has talked to her, has talked to her son about the -- the use here. That property cannot develop as residential, it would have to be some type of a compatible light industrial or commercial use also if it were to redevelop in the future. Since that residential use does exist we were required by staff to provide a 25 foot landscaped buffer adjacent to Naomi and adjacent to that property to provide adequate buffering. One of the things that we did with this particular site is everything in here as far as parking is concerned is a pull through to minimize the backup beepers. This site, obviously, will operate, you know, kind of standard hours, starting around 7:00, 7:30 in the morning until 5:30. However, during the winter months the crews do the snow and maintenance of our roadway network. During the snowy season can be called out in the middle of the night to come and get these -- the -- the trucks, the plows, the -- the salt and -- and sand trucks and take them out and do their maintenance purposes. Also as Joe indicated, in the summer months the chip seal crews may be out on the weekends getting things done. One of the things that was brought up to us was your pathway committee indicated that they had retained TO Engineers to design a pedestrian multi-use pathway along Five Mile Creek. So, we did get a CAD file from the city's consultant. We did incorporate it into this site. The staff report indicates that ACHD will construct the ten foot wide multi-use pathway adjacent to Five Mile Creek, but it would only be for their frontage and there was some discussion in there about -- they would also construct the bridge. That is not the case. The bridge is off site. That's part of the city parks department project for making connection to the multi-use pathway that we designed and constructed in McNelis Subdivision and, then, connecting to this multi-use pathway. We would have some type of more -- we talked to the pathway committee about installing some trees and fescue, because we don't want to have like a manicured type five foot buffer adjacent to that multi-use pathway. We would have a chain link. It would be coated and colored, so it doesn't look -- you know, so I guess steel looking like chain link does and, then, for the district's safety of their -- of their equipment and the public safety, that fence would be eight feet and, then, it would have like a barbed wire top. We did provide some picture of some Trex fencing that would be built along the

western edge and, then, would be built along Ustick. We utilized that fencing to buffer the site, but, however, since these -- some of these buildings -- buildings will be under the commercial design guidelines, we don't want -- if the building looks aesthetically great we don't want it, obviously, fenced off and not visible to -- to that Ustick corridor. This -- this, like I said, is the phasing plan. You can see the district's going to kind of take steps as they go along, as their budget allows, to start developing this site. We broke it down into different sections, so they will be storing some materials on the northern boundary in 2021 and, then, you see they -- on 2022 they come in and they established that landscape buffer. They will be -- they are going to widen Ustick. They will put a 300 foot turn lane and, then, build the Naomi collector. Naomi to the south is also a collector. When I did those subdivisions there is an elementary school. So, it is anticipated that that will be a signalized intersection. ACHD will signalize that intersection. There are two approaches to Naomi. They have no direct lot access to Ustick. Those will be gated. We have enough room where we have inset the gates a significant amount, so that a semi truck or a large truck could pull in and they wouldn't block any traffic in Naomi when it finally connects and goes onward to the west. You can see they will have a decant center. They have -- as these different -- these colors change, those represent what they are going to be building, so they will have above ground fuel tanks. We are in a flood way, in a floodplain, so we did locate any of the uses that would conflict with the floodplain or the floodway, they will be required to, obviously, get a floodplain permit from the City of Meridian and meet all the FEMA requirements. So, this -- oops. This kind of shows you what the finished site looks like. One of the things that I wanted to address was the utilities. Right now there is a 12 inch water main in Ustick Road. In meeting with your staff they have indicated that there is adequate water supply to provide fire flow to this site. Right now this is in the North Black Cat sewer trunk shed and that Black Cat sewer is in a subdivision approximately 2,600 feet to the northeast. So, one of the -- the alternatives that we talked to the Public Works Department about -- I did chat with Warren Stewart about was the possibility -- there is sewer right down in Ustick at the intersection -- where is my pointer? There is sewer down in Ustick here, but there is not enough depth to sewer this property. So, one of the options that we have used -- that's the Ten Mile Trunk, so it goes over to the east to Ten Mile and, then, into the plant. One of the alternatives that we have used in other instances where we have encountered this situation -- if, by chance, the highway district phasing accelerates and they need to build that administrative building or build the shop, they need -- obviously, need central sewer and restrooms. We put in what we call a grinder pump with a small wet well. Falls under the plumbing code. And, then, we build a small pressure line and it runs back to the nearest manhole. That would just be an interim alternative way of sewerage back into Meridian, then, when that trunk becomes available, then, we will be able to make connection to it. So, we are going to try to work out some of the details with Warren. Obviously, we don't have any civil engineering plans on the site at this time, since this is conceptual in nature only. This is the existing home that's on the property. Initially when we submitted application they were going to use it as a temporary interim administrative building. That plan has since kind of gone by the wayside. It's difficult to convert single family into commercial use where you have got to meet ADA and bring it up to the commercial codes. So, my understanding is they will be selling the home and it will be moved off of the site. You can see the Ustick corridor currently. It's just two lanes. There

is no curb, gutter, or sidewalk. We will be installing a 35 foot landscape buffer -- or a 25 foot landscape buffer. The buildings will be set back 35 feet north and, then, a detached walk and, then, widening and a turn lane. This is -- this is a view to the west. The property -- the majority of it's in agricultural production. There is a small house -- or the home they are on a small little bit that -- with lawn and trees. This is the eastern boundary, the common boundary with the City of Meridian's property that they intend to put a water tank and a well. So, we feel that -- that this is a compatible use. It's consistent with your Comprehensive Plan. It's a public use. Will benefit the community of Meridian and ACHD is committed, like I said, with an eight year plan to start developing this site as their budget allows. This is the Trex fencing that -- that we talked about using aesthetically and be very pleasing, be compatible with that adjoining residence to the west and we would use it if -- in between buildings to, obviously, secure the site and to create a visual barrier. Here is the -- kind of architectural color coded fencing. They come in different colors, browns, greens. The greens I like better, because they kind of blend in with landscaping. The district is here this evening. I have three representatives, Heather, Lloyd and Jennifer, that if the Commission has any specific questions to ask of them they are here to answer those.

McCarvel: Any questions for staff or the applicant at this time?

Wheeler: Madam Chair?

McCarvel: Commissioner Wheeler.

Wheeler: Thank you for your presentation. I have one question. If we can go back to the slide we were talking about the phasing. If I saw that correctly, it looked like the decel lane off the road is not to happen until -- not scheduled to be phased in until 2024?

McKay: I think the rebuild of Ustick is scheduled for 2024 from Ten Mile to Linder.

Wheeler: Okay.

McKay: So, they would be making those improvements at -- instead of going in and just doing an interim improvement and scabbing onto the existing payment, they would be going in and doing a rebuild in 2024.

Wheeler: Okay. And, then, I'm also looking at the phasing on this. If we go back to phase one it looks like it's just going to be lightly used up to that point.

McKay: Yes.

Wheeler: It's just got a gravel area there that's --

McKay: Quarter -- some three-quarter piles that they may use out in the Meridian area.

Wheeler: Okay. And, then, if we go to phase two -- I'm just trying to make sure -- so, you -- I hope we can kind of put the pieces together. I'm just concerned that all of a sudden you are going to have larger trucks that are going to be blocking up a two way -- two lane country road that doesn't have a decel lane to get out of the way and, then, you are going to have problems with passing or even entering and stuff like that. So, with that being phased in for another three years after the site's developed and ready to use, that's just the -- that's kind of the concern here.

McKay: Madam Chair, Commissioner Wheeler, the -- the district in this phasing has always indicated to me that this is their best guess and so, obviously, when -- when they start utilizing the site where they are going to need a lot -- generate a considerable amount of truck traffic, that's, obviously, going to have to coincide with some improvements out there. I can have Lloyd -- Lloyd, do you want to address that?

Carnegie: Hello. Commission. Lloyd Carnegie. Maintenance manager of ACHD. Do I need to give my address?

McCarvel: Yes.

Carnegie: 3775 Adams Street, Garden City. 83714. So, the phasing strategy is the first couple phases is just kind of development of the site. We won't be basing our operations out of that site at first, because we still have to phase in equipment, manpower, and that will be -- will be housing out of Cloverdale shop until this site's developed enough that we have to start moving our operations to that, which would be once the Ustick Road has been developed and the lane and the intersection.

Wheeler: Okay. Thank you.

Seal: Madam Chair, while -- while he is up there --

McCarvel: Yes, Commissioner Seal. Come on back.

Seal: I was -- I was going to say, it was mentioned 2024. Just right from the ACHD report on this project it says 2026 to 2030 is when that road will be developed.

Carnegie: In the integrated five year plan --

Seal: And I -- and I live in this mess that is Ustick and Black Cat, so --

Carnegie: I believe that we are looking to accelerate it in our integrated five year work plan, which I believe is going to be going before our Commission, so our hopes is to get that accelerated, so that it would be designed in '22, with right of way in '23 and construction in '24.

Seal: Okay. Thank you. And I have -- share the similar -- and, again, I live right in this area, so I -- my son takes the bus on here. He doesn't actually go to Ponderosa, but I

can tell you that it is -- it's -- it's a mess. I mean -- but when you get buses and trucks and everything else in there it's -- it becomes kind of a nightmare. So, just a question for staff is is there -- can we condition it in any shape -- way, shape, or form that --

Dodson: Madam Chair?

Seal: Because I'm concerned we have -- you know, we have heavy trucks that are going to be competing with buses and everything and -- I mean the section that you are building in Naomi is actually wider than Ustick is right now, so that's -- to me that's a huge concern.

Dodson: Madam Chair, Members of the Commission, Commissioner Seal, that -- you can recommend an additional condition or DA provision that limits -- I would say their -- I guess their initial build out when they can start utilizing the site. I will say that within the DA provisions already I do have that they will construct the multi-use pathway segment on the north, the detached sidewalks along Ustick and Naomi, the five foot micro path on the west side and the landscape buffers with the first phase. So, there is the expectation and a requirement for them to construction those improvements and buffering with the first phase. But I did not say that they couldn't do the gravel and paved open storage until the road was widened. So, if you -- Commission can recommend that, obviously, the applicant could, can, then ask Council to remove it or they may keep it, but Commission has the power to recommend an additional provision, yes.

Seal: Okay. Thank you.

McCarvel: I guess if that's the direction we are going do you want to have a little more conversation about phasing and how -- the traffic in the initial phase?

Seal: Yeah. Absolutely. I mean at what phase do you see large trucks coming in and operating in that area? I mean as far as -- and -- and -- yeah. And, again, the concern is just the competition of traffic there. It's already really crazy. I mean it's -- it's just the -- the road is a parking lot at certain times of the day. Most roads in our area are, but more -- you know, more so in this -- this particular area and with you sharing that, you know, the arterial street Naomi with -- you know, across the street, getting that signalized and getting that improved would definitely be something that I would want to see before any -- before we have competing traffic, especially with heavy trucks.

Carnegie: We take that account. Definitely. We wouldn't want our trucks having to try to get onto Ustick without that signalized intersection, because it would just be very difficult and unsafe. I believe our initial plan, if all goes well, is phase four is when we would start basing some operations out there, once we actually have the drainage shed, our broom shed where equipment actually can be stored, materials could be stored and that's also in line with when Ustick hopefully will be widened in that intersection.

Seal: Okay. Thank you. Appreciate that.

McCarvel: Okay.

Carnegie: Is that --

Seal: We want to make sure you get your steps in tonight, so --

McCarvel: Any other questions for staff?

Grove: Madam Chair, I don't know who would answer this, but was there consideration on using that Trex fencing along the northern boundary adjacent to the pathway?

Dodson: Commissioner Grove -- or Becky.

McKay: Madam Chair, Becky McKay. We have to have non-sight obscuring fencing next to the pathway for safety purposes, so we have visibility on the multi-use pathway. So, that's why they didn't want it.

McCarvel: Commissioner Wheeler?

Wheeler: Thank you, Madam Chair. Another question here for staff. On the decel lane does it always have to be paved? Is that something that's a requirement on that?

Dodson: That might be more of a question for ACHD, sir, but --

Wheeler: Okay. I was curious what you might see.

Dodson: In general we -- it has to be able to hold -- usually a fire truck is what it's always rated, so we would want it paved, yes. It's not something we would say, yeah, we are going to throw gravel on the shoulder and watch the trucks tip over. It might be fun to watch, but not very fun to clean up.

Wheeler: Well, obviously, that's not what I'm wanting, but it's about to that level, so --

Dodson: Yes, sir. No, it should be paved, yes. And graded correctly.

Wheeler: Okay. And, then, how -- I have a question for the applicant here. How high is that Trex fencing or the paneling going to be that's on the south side of the property?

McKay: Madam Chair, Commissioner Wheeler, it's eight feet.

Wheeler: Okay.

McKay: That's -- that's the -- the tallest fence you can have in an industrial zone.

Wheeler: Okay. Thank you.

McCarvel: Okay. I do have a question for you, Becky. I'm almost sure of the answer, but I just want to double check. You said there -- this is -- it could be revised after you

get the architects going, but the plan, obviously, would still be to have the buildings up by Ustick and the usage -- the storage usage in the back, obviously.

McKay: Yes. Madam Chair, we spent -- I spent multiple -- multiple months with the district going back and forth touring their -- their existing sites and, then, giving them my recommendations based on the fact that -- that the city likes to have those buildings oriented up toward this -- towards the arterials, so -- so, I don't -- I don't see that changing. They bought off on that as, yes, that makes sense to us. We want to have a -- our administrative building look good. We want the Ustick corridor to -- to be attractive, so, yeah, they bought into that. So, I don't -- I don't see that changing. It would just kind of be -- you know, the internal things might shift a little bit. But this -- this represented all of the uses they intend for the site.

McCarvel: Thanks. I just wanted to clear that on the record. Thanks.

Dodson: Madam Chair?

McCarvel: Yeah. Joe.

Dodson: Just to clarify that even further, the -- I did require in the DA that the -- because it's an I-L zone, have to go through design review for any non-residential uses; right? I required that they have the -- meet the commercial standards, rather than the industrial, which will help with that on Ustick, which the applicant -- they are fine with that.

McCarvel: Okay.

Seal: Madam Chair?

McCarvel: Yeah. Commissioner Seal.

Seal: Quick question for staff. The -- the pathway they are constructing, it does need a bridge. Is there an indication from parks when that bridge will be put in. Are they going to do it at the same time or will that be coordinated?

Dodson: Commissioner Seal, Members of the Commission, I have not been told their timing on that, but my -- my assumption is that because we will have this little segment missing that they will want to do that as quickly as possible, because it will create a nice loop from Ustick all the way around the property through the McNelis Subdivision to get up to Ten Mile. So, my assumption is that they will want to do that as soon as possible, as soon as this segment is in. But I have not been told specifics, no.

Seal: Okay. Thank you.

McKay: And, Madam Chair, Commissioner Seal, when -- when the district installs Naomi with the detached sidewalks here -- so, we will have detached walks along Ustick, detached walks along Naomi, then, I also included in our 25 foot buffer a five foot path --

micro path that runs down and connects to that ten foot multi-use pathway. So, we will, obviously -- when that is signalized, then, people south of Ustick can get safely to the multi-use pathway via the signalized intersection.

McCarvel: Okay. Thank you. Any other questions for staff or the applicant? Okay. Madam Clerk, do we have anybody signed in to testify on this application?

Weatherly: Madam Chair, we do not.

McCarvel: That being said, is there anybody who does wish to testify, please, raise your hand. With that, does the applicant have any further comment? Okay. Can I get a motion to close the public hearing on H-2021-0029?

Seal: So moved.

Lorcher: Second.

McCarvel: It has been moved and seconded to closed the public hearing on H-2021-0029. All those in favor say aye. Opposed? Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Seal: Madam Chair?

McCarvel: Commissioner Seal.

Seal: I will start out. I have already thrown my concerns out there. I do think we should provision this somehow to make sure that we are not getting truck traffic before the road is widened. It sounds like they want to accelerate that schedule, which I am more than happy to hear reported here, because it definitely means that -- that that region is -- that area road is -- is tough. So, I think we should probably provision something in there to make sure that -- make sure that the phase four coincides with the road widening. I am extremely happy that they are doing what they are doing with the pathways there. As somebody that rides that path three times a week, as I go to work and back, can tell you that that is an amazing addition, especially when that gets signalized, because there is no safe way to cross Ustick there. You have a -- it's a beautiful path that dead ends on one of the unsafest stretches of road imaginable. I'm less concerned about the noise and operation of it. I think enough people will understand -- and even if there is a little bit generated there, I think enough people -- myself included -- will understand, you know, what having that presence there means, you know, when we get inclement weather or snow -- we have another Snowmageddon, our road is going to be taken care of first. So, that's a very nice thing, considering that we were kind of in one of those little squeeze alleys where I don't think anybody liked to drive that road, so very good to know that that's -- that's there and, you know, the maintenance is going to be there and the growth of the city is going to be -- you know, help with services like this that are going to be readily available within -- within the areas that are having explosive growth right now. That is

about all I have. Like said, I'm -- I'm happy to see this come in, so my only -- only hesitation on it is just needing the road to be widened before we really get some heavy truck traffic in there.

McCarvel: I would -- I would tend to agree with that and I do want to mention -- I do appreciate the comment on the thought that went into making this more of a pull through, so you don't have the backing up. As much beeping. So, yeah, I think it's a great use for the space in this area and a nice transition with the office areas at the front. Any other thoughts? Commissioner Grove.

Grove: I don't see any issues with how it's been presented and the discussion that we have had so far. I think having that -- getting the landscaping there and kind of making, you know, something like this looks nice from the street as much as possible is great, but this is a good use of that space, especially if -- if you have toured the -- the wastewater treatment plant you don't want to be downwind of that too much, so I applaud you for taking that on. But this is a good use of that space.

Wheeler: Madam Chair?

McCarvel: Commissioner Wheeler.

Wheeler: Yes, I think this is a great use of this space here. I like the way that it all has the drive aisles moving forward, keeping things moving in a good direction and it does help out -- one of our Commissioners commutes here with this road there, so -- no, just kidding with that. But I do like the fact that there is not a lot of the backup and I like the way that it's phased, too. But, still, there is going to have to -- the way that I'm kind of seeing this even on the phasing side is there is still going to be larger vehicles that are going to have to come by that's going to -- that are going to have to, you know, grade, excavate, move, pave, things of this nature still on a two lane road and I just think it's good to get them off of the main flow before, you know, something happens and I know that they can, you know, patch up the street if they need to or make it -- you know, seam it into the next extension on it, but that would be some sort of discussion or talk about how to have a decel lane there, either before, you know, operations open or during even the -- some of the more major construction side of things and I don't know exactly how to phase -- or phrase that in a motion on this of what we have the parameters to do. Staff, do you have any input on that or --

Dodson: I'm thinking. I might be able to give you something. One thing Commissioners could use is you can just recommend that we work with the applicant on some verbiage, as well as, you know, applicable to the city as what we can and can't enforce. That's really the key point there is we are able to condition something, but how do we really enforce it when it comes to the improvements. They -- we don't do grading permits here, so for them to grade the site and move dirt around and start that, they are -- they can do that. There is nothing to stop them. Which, obviously, you get a grader out there, you are already going to have a truck -- going to have a big truck out there. So, I understand your concern. My point is just that it would have to be associated with something that

triggers a permit where, then, we can look at it, which I already have some discussion of that in my staff report within the provisions for when they have to do the first certificate of zoning compliance, which would be first site improvements, quote, unquote, which would be paving, that's an improvement. Anytime they are going to pave the site is going to trigger a certificate of zoning compliance, which, then, now the city has the ability to condition things or check that previous conditions have been met. So, the verbiage could -- could be worked out. I would say -- I would ask that you just leave it a little open for staff to have our ability to work with the applicant, as well as other staff to figure that out.

Wheeler: Sure. Okay.

McCarvel: Commissioner Lorcher?

Lorcher: I live in that area as well, Madam Chair, and we -- we actually have property at Ustick and McDermott. There is hundreds of large trucks going by Ustick every day between Owyhee High School, all the subdivisions that are going out on McDermott and McMillan, and ACHD is putting a traffic light in at Black Cat and Ustick. They are getting ready to put turn lanes in at Ustick and McDermott for anticipation of traffic for the high school. So, the fact that there are already big trucks enjoying their Jake brakes all day long up and down Ustick and those of us who work and live over there are very used to that and you just -- it's just a work around, you know, for Commissioner Seal and his family, you just kind of figure it out. I don't have a problem with the phasing in of the trucks. ACHD is not going to bring their traffic in until they are ready to do so. But to -- to expect that there is no big truck traffic on Ustick right now is -- it's there. It's already here and -- and it's -- and, then, I -- and, then, 2022 is when ITD is going to be starting Highway 16, so there will be more. So, this is just going to be part of this part of the community for the next eight years really. So, they know the roads better than anyone and how to move their equipment around and I -- I have no problem with how this is being presented, without any modifications. But I will support whatever you feel that you want to do.

Wheeler: Okay. Thank you.

McCarvel: Commissioner Seal.

Seal: There has been several times that we have had people submit applications and we have had to say if only the roads were better. So, now that we have ACHD submitting an application, I want to make sure that the roads are better before this goes in, because they are the deciding body on this. So, that's -- personally that's why I would like to provision something in there to make sure that their phase four hinges on the widening of Ustick Road. That's -- that's my personal opinion on it. So, I'm -- you know, I'm having to wear two hats today. As a commissioner -- you know, I mean I'm looking at this, I'm excited about it, there is a lot of things that are that are great about it. I also share the concerns about traffic, but living in the area I also have to wear that hat, too, having kids running around in the area, I have to wear that hat, too. So, there is a lot of really good things about it, but I just definitely want to make sure that the -- you know, the phase four

construction of this. I don't want to slow it down. I just want to make sure that the road's improvement piece of this hinges on their -- the phase -- phase four completion hinges on the widening of Ustick Road.

McCarvel: Yeah. I think you make the recommendation on the phase four. I think the -- the turnout -- I don't know. The decel lane, you know, while they are doing those first couple of phases I don't think it's going to be utilized -- the facility is not going to be utilized until they get to phase four. I mean in it's --

Seal: Absolutely.

McCarvel: -- work capacity, so --

Seal: And Commissioner Lorcher is right, I mean there -- there is -- there is trucks that -- I mean there is no getting away from construction any -- anywhere that we go, so I just -- again, we have the deciding body that can widen that road -- committing to widening the road. So, I just want to make sure that we -- we do that.

McCarvel: Yeah. Because how much are you still widening in --

Seal: Let's take that opportunity. Yeah. Because we have this discussion at every meeting, the traffic or the roads, so --

Wheeler: Madam Chair?

McCarvel: Commissioner Wheeler.

Wheeler: Commissioner Seal, what do you think about something along the lines of not just conditional on phase four, because sometimes those parts that go into it can change, because this is just a comp, right, and just kind of a target area. Maybe before operations start there or maybe it's being used or C of O -- I mean I don't know how you -- what -- what would be the trigger on this, but, you know, something like what staff was saying, something that could -- where they would also be able to work with the applicant and be able to have some latitude, too. Maybe buy a permit -- a certain permit or something.

Seal: Madam Chair?

McCarvel: Commissioner Seal.

Seal: Question more for Joe, you know, just in -- and you are right, this is a proposed plan that we have here, so I mean -- and that's what I was looking at is, basically, the proposed phase four completion is how I had it written, but what is the trigger for phase four that we would recognize that -- that when that comes to the city staff that this is phase four, this is when the road needs to be widened, is it widened, is it not. And I -- I struggle with that wording for a motion myself.

Dodson: Understood. Yes, sir. Commissioner Seal, Commissioners, they are going to trigger a CZC before phase four anyways because of the landscaping. At that point we would -- we could verify whether or not they have widened the road, but if you -- we will -- staff, as well as the city, we want the landscaping to be installed as close to the front of this as possible, so that the vegetation is at least close to maturity and growing by the time the actual use of the site gets done. I don't necessarily want to delay that, but I see your points. I do. You could add a condition in there that says, you know, they can't get their first CZC until the road has widened, but, again, that slows all of it down. So, I don't know if you necessarily want to do that. But my understanding is that they really won't be utilizing much of the site until 2024 because of the signal already, so I don't know if we are allowed to do actual timing, but, again, timing changes, so I don't know if putting a year on it is probably not a good idea. You could just say per the phasing they are not allowed to obtain a CZC for any building until the road is widened, because the phasing is showing that with the right turn lane they will also have additional buildings, which will require and be part of the CZC.

Seal: Is there something that triggers when that phase is complete or is it basically there is something in there that says, yes, you can start, but there is nothing in there that really says it's complete?

Dodson: The completeness part would be they are going to have to pull some kind of building permits for these.

Seal: Okay.

Dodson: So, whenever -- it won't be CO, because none of them have occupancy. They are just storage things. But there will be building permits and with -- to which we have to sign off.

Seal: Okay. And I think that's -- I don't want to delay anything, but I definitely want to hinge this on there, you know, somehow and I mean everybody is here, I think everybody -- I don't want to belabor the point, but I just want to make sure that we get the right verbiage in there. So, I think what I would propose is on their proposed phase four completion, that, you know, to include every -- the agency's heavy truck traffic will be dependent on widening the Ustick Road and signalizing. I mean I think that's probably enough to -- I think everybody will understand the intent.

Dodson: I think so. I think that's safe. I think that's what -- frankly, I think that's what ACHD is planning on doing anyways, so -- understood.

Seal: Okay. Thank you.

McCarvel: Commissioner Seal.

Seal: Okay. Madam Chair, after considering all staff, applicant, and public testimony, I move to recommend approval to the City Council of file number H-2021-0029 as

presented in the staff report for the hearing date of June 17th, 2021, with the following modifications: That the proposed -- proposed phase four completion to allow the agency's heavy truck traffic will be dependent upon widening Ustick Road and signaling Naomi Avenue.

Wheeler: Second.

McCarvel: It has been moved and seconded to recommend approval for H-2021-0029 with modifications. All those in favor say aye. Opposed? Motion carries.

MOTION CARRIED FIVE AYES. TWO ABSENT.

McCarvel: One more motion, please.

Wheeler: I move we adjourn.

Seal: Second.

McCarvel: It has been moved and seconded to adjourn the June 17th meeting Planning and Zoning Meeting. All those in favor say aye.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

MEETING ADJOURNED AT 7:44 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS.)

APPROVED

RHONDA MCCARVEL - CHAIRMAN

_____|_____|_____
DATE APPROVED

ATTEST:

CHRIS JOHNSON - CITY CLERK