

other lots that are proposed on the frontage, because they are in the category that's kind of missing in the market. So, it's nice to have a few more shovel ready properties for future flexspace tenants, future other commercial buildings. I think it gives a lot of variability for some of these small to mid sized projects that could be a really good fit here as well.

McCarvel: Yeah. I agree. I think between those two interchanges and, then, you will have the overpass and all the other businesses surrounding and it looks like it's going to be a beautiful building. Appreciate the thought that's gone into it. Yeah. I'm in support of it as well. Commissioner Grove, would you like to do the honors?

Grove: Sure.

McCarvel: Or give other thoughts?

Grove: It looks good. I'm always in favor of anything that can continue to increase the employment opportunities in Meridian and this looks like a good opportunity here. So, after considering all staff, applicant, and public testimony, I move to recommend approval to the City Council of file number H-2021-0014 as presented in the staff report for the hearing date of April 15th, 2021, with no modifications? Or was -- did I miss a modification?

Seal: I will second that.

McCarvel: It's been moved and seconded to recommend approval on H-2021-0014. All those in favor say aye. Opposed? Motion carries. Thanks, Becky.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

5. Public Hearing for Roberts Annexation (H-2021-0013) by Rodney Evans + Partners, PLLC, Located at 1630 E. Paradise Ln.

- A. Request: Annexation of 2.15 acres of land with the R-2 zoning district.

McCarvel: All right. Moving right along. Next item on the agenda is H-2021-0013, and much simpler name, Roberts Annexation. We will begin with the staff report.

Tiefenbach: Good evening, Planning Commission. Alan Tiefenbach, planner with the City of Meridian. Can everybody hear me and see my screen? Thumbs up? Thank you very much. All right. This is an annexation of a little more than one and a half acres of land with an R-2 zoning district. The property -- so, the property is zoned R1 in Ada county. It's surrounded by an unincorporated rural and an R-8 zoned land in the City of Meridian. The Comprehensive Plan recommended this for low density residential. Again, this is an annexation of 1.7 acres with the R-2 zoning district. So, just a quick background on the property. So, the property is -- right now is comprised of two lots and these lots

are presumably zoned R1 in -- in unincorporated Ada county. The southern lot, until just recently, had contained a 4,000 square foot residence. The applicant demolished his single family residence in anticipation of building a bigger one, a 6,000 square foot house, with a detached garage. When the applicant went to the county to get a building permit the county told the applicant that they needed to annex it into the city and they wouldn't issue a building permit. Here is a site plan that shows what they want to build now. That's on the left. That's a 6,000 square foot house. On the right there is just to give you a -- sort of a concept of where the project site is to see the Heritage Subdivision that is surrounding it. It's important to notice -- to note that the -- the nearest available sewer main is located in Locust Grove about 1,400 feet north of the subject property. The applicant has requested and asked for the city engineer and the Public Works director for a waiver and -- because they did not want to have to -- when you annex into the city you have to hook up to water and sewer. Obviously, 1,400 feet is quite a -- quite a ways for one applicant for one house to have to run a sewer main and it's very costly. They have asked for a waiver from that. That waiver has been approved. What that means -- and there is a condition now in the development agreement that when -- if -- if the surrounding area does annex in the future and/or if the city or somebody else expands that water main from the north to the south, that 1,400 feet, then, at that time the applicant will have to tie into that sewer -- or, excuse me, that sewer main, but until that time the applicant can -- can remain on well. Now, in regard to water, there is this kind of a different story. So, the problem -- when you hook up to city water all you have to do is you have to extend the water main to the property -- to the property line, so that adjacent properties can eventually hook up. So, the UDC requires this applicant to extend the water main from the intersection of Locust Grove and Paradise east along the property line to the eastern property line and that, again, according to the applicant is rather costly. What the applicant wants to do is to be able to run a service line directly from the shortest point A to point B from the house to the intersection and not have to extend that whole water main and that one they also applied for a waiver. The city engineer did deny that waiver. My understanding at this point is that the applicant is going to appeal this waiver to the Council. That's something that you could discuss if you would like, Planning Commission, but ultimately it would be the City Council that would decide if the applicant would do that. The last thing I want to talk about quickly is right now there is existing sidewalk on the east side of North Locust Grove, which runs along the property. Otherwise, the Heritage Subdivision, which is that whole subdivision where this property is -- so, there is several different streets -- East Paradise Lane, East Star Lane, North Spangle Drive and Freedom Lane, all these roads right now do not have sidewalks. These are just rural roads with -- that are dirt and have gravel on either side. Now, per our regulations you are technically -- the applicant is technically required to install sidewalk along the property, but, again, this would be the only property in this whole subdivision that would do that. But the staff does not have strong opinions about this. The Planning and Zoning Commission can certainly discuss whether they think it would be necessary to require the sidewalk of this one applicant and the one thing I wanted -- the last thing I want to say before I shut this down, just because there has been a little confusion in the community, is that the -- again, the only reason that this annexation is happening is because the applicant was not able to obtain a building permit in order to build a single family home. All that is proposed on this lot is one single family residence. There is no desire to subdivide this or build any

more houses and just because this applicant is annexing also does not mean that any of the adjacent properties are going to be annexed and there has been some concern that I have heard from the community and with that, Commissioners, I will stand for any questions if you have any.

McCarvel: Thank you. Would the applicant like to come forward.

Semple: Hi, Madam Chair and Members of the Planning and Zoning Commission, Ben Semple with Rodney Evans & Partner. 1014 South La Pointe Street, Suite 3, Boise, Idaho. 83706. Everyone hear me all right?

McCarvel: Yes.

Semple: Excellent. Yeah. I want to thank Alan for his presentation. I think you did a great job encapsulating what this application entails. As stated, the property owner did purchase these parcels with the intention of building his own single family home for his family with an accessory structure on the site. When he approached Ada county, you know, initially they don't have a mechanism for a lot consolidation, because both of these -- these lots are within a current Ada county subdivision. So, they were going to require a subdivision process to consolidate the parcels. When we submitted our subdivision application within the county, the northwest corner of this property, when it extended to the centerline of Locust Grove, touches the southeast corner of the southern boundary of Alexandria Subdivision. You can see those smaller kind of skinnier townhomes to the west of Locust Grove. So, there is a single point that touches. There is no other path for annexation other than that point in the centerline of the road. So, when they transmitted it to the city it was determined that we needed to annex. So, this has been going on for about a year and a half or so. The applicant really is trying to build a house for himself and his family. I do want to reinforce, just like Alan did, we did receive some feedback from the neighbors that they are concerned about the precedent of annexing this property and whether there was some sort of redevelopment plan for the future and that is one hundred percent not happening. He wants to live here. That was the intent. He likes this area. He really wanted to just build this in the county. That being stated, he understands the process now and so we are going through the annexation and is in agreement with the majority of the staff report and the back and forth we had with the -- the staff, as well as Public Works. There is a couple items that we are a little concerned about the economic ramifications to a single homeowner needing to, one, extend an eight inch water main approximately -- sorry. Excuse me for a quick second. Approximately 285 feet down Paradise Lane in order to provide a single service line to his property. No other properties in this area have annexed or have indicated their desire to annex. I understand that that's, you know, maybe not the case in the future, because all of these other properties are on wells, they will not be connecting to that service or that water main in Paradise. That's kind of the reasoning behind why we are going to request a review of that denial of our waiver request for the water main extension. We are glad that Public Works has determined that they can waive a 1,400 linear foot extension of a sewer main to the property to service one home and allow the property owner to continue to use an existing septic system or develop a new septic system, obviously, going through all the

channels that we need to get that approved. Part of the development agreement that the owner is willing to enter into with the city, as stated in the staff report, would be to connect to a future sewer main if it is extended past the property at that -- because there is nothing in Locust Grove or Paradise for sewer mains right now. So, we are -- we are okay with -- with that condition with the connect -- the future connection to that sewer main. One of the other items that Alan brought up is a sidewalk. Again, about 285 linear feet of curb, gutter, and sidewalk along the current rural road section that does not include stormwater systems. It is an ACHD road, but currently a rural road section that allows for sheet drainage off to both sides of the road and, then, infiltration into roadside swales. The road is paved with gravel shoulders and, then, the aforementioned roadside swales or areas where the water can infiltrate. If he was to install curb, gutter, and sidewalk, as I'm sure the Commission is aware of, ACHD, then, requires the installation of a stormwater system to handle that additional runoff. We can't just let it run off the back of the sidewalk and into the lot. That combined with the cost of the curb, gutter, and sidewalks we feel, again, is very cost prohibitive for the construction of a single family home. That being said, we are, you know, in agreement. We have had some back and forth with the Fire Department about constructing the driveway on this home to comply with the weight requirements for apparatus, so that a fire truck can drive into the driveway to get their distances from the shop buildings in the northeast corner of the property, as well as get all the way around the property for adequate fire protection if that still happens. I guess that's really the -- the majority of what I wanted to discuss tonight. We do have a couple other questions regarding some -- some just sort of general conditions in the staff report from Public Works. The -- the reimbursement for infrastructure enhancement that was under B2.2.2, we are kind of unsure about how that happens, but I think that that's a conversation with Public Works if we are required to extend that water main and don't receive a granting of a waiver at City Council for the water main extension and with that I think I would stand for questions from the Commission if you have any for me. Thank you.

McCarvel: Any questions for the applicant or staff?

Seal: Madam Chair?

McCarvel: Commissioner Seal.

Seal: I have -- question is more for staff -- generally speaking when something like this happens that sidewalks don't go in -- and I'm talking about a development, obviously, and not individual homes, but looking at the potential of the area. Does ACHD usually require some kind of deposit to be put in for that, so that they -- when that road gets improved they pay their part?

Semple: They do. ACHD didn't have any comments on that, but, yes, what has traditionally been is that in the cases when ACH -- and this has usually been with bigger subdivisions, this usually has not been with a single family one lot, but they usually had, yes, required some kind of reimbursement, but in this particular case they did not have any comments one way or the other.

Seal: Okay. Thank you.

McCarvel: Okay. Any other questions for staff or the applicant? With that we will open to public testimony. Madam Clerk, did we have anybody signed up to testify on this application?

Weatherly: Madam Chair, we had one citizen sign up to testify. That's Eric Reece.

McCarvel: You want to get that mic real close and state your name and address.

Reece: Thank you, Madam Chair and Commission. This is my first time at one of these meetings, so I'm -- I don't know exactly what's going on with the meeting, but --

McCarvel: If you would state your name and address for the record.

Reece: Eric Reece. 1850 East Paradise Lane.

McCarvel: Okay. Thanks.

Reece: We live in one of the most beautiful undisturbed by city neighborhoods in this county. No sidewalks. We have our own water. We have our own septic. That's how we want to keep it. Now, I'm curious if there -- because there was a well on that property, why did the homeowner have to hook the new -- the applicant, why does he have to hook to city water? Why can't he just use that existing well and septic as well?

McCarvel: Okay. And we will have the applicant address your questions when he comes back.

Reece: Okay.

McCarvel: Yeah. If that's all you have, that's -- that's great. Okay. Thank you. Anyone else signed up to testify?

Weatherly: Madam Chair, there is not.

McCarvel: Okay. Anybody else in the room or online that would like to testify on this application?

Weatherly: Madam Chair, I see a Nicole Carr. Nicole, one moment, please.

Carr: Hi. Nicole Carr. 2105 East Freedom Lane. Can everyone hear me okay?

McCarvel: Yes, we can hear you.

Carr: I have just a few questions as far as what zoning R-2 means for the City of Meridian, because, I'm not familiar --

McCarvel: I guess --

Carr: -- with the zoning, as we are currently R1 with the county.

McCarvel: You are kind of muffled. If -- if you could repeat that.

Carr: Sure. My question is --

McCarvel: Oh, that's better.

Carr: -- as far as R-2 zoning for the City of Meridian, what -- what is allowed in R-2 zoning for the city?

McCarvel: Okay. Is that all you have?

Carr: No. I had another question with zoning, if it can be changed in the future at the owner's request and that should be it.

McCarvel: Okay. Thank you. Anyone else want to testify on this application? Okay. Seeing none, would the applicant like to re-address -- oh, did you have one more?

Weatherly: Madam Chair, Chris is indicating a wish of testify. Chris, one moment, please. Chris, you should have the ability to unmute yourself. Go ahead and state your name and address for the record.

Ilgenfritz: Hello. Can everybody hear me okay?

McCarvel: Yes. Thank you. State your name and address for the record, please.

Ilgenfritz: Thanks for taking my comment. My name is Chris Ilgenfritz. I'm at 2290 East Freedom Lane. Just wanted to quickly comment that I'm sensitive to the frustrations and the challenges that the homeowner has faced in trying to build his home on the property. I do not, as a nearby neighbor, support the concept of annexation into the City of Meridian. I understand that it's been frustrating for him to try and figure out how to build his house on that site without crossing the boundary line down the middle and I'm sure that's very frustrating. Unfortunately, his lack of planning doesn't necessarily -- or understanding of the process doesn't necessarily fuel the need to suddenly annexed part of this historic neighborhood into the City of Meridian and it would be my preference that this would remain a part of the county, as the rest of our neighborhood is, and that well -- I'm sure he would like to work through these frustrations and perhaps a redesign or some other way to address the county's problem will be a more appropriate approach and that's all I have to say. Thank you.

McCarvel: Thank you. Any other comments -- any other --

Weatherly: Madam Chair, I see no other hands raised.

McCarvel: Okay. Oh. Certainly. Come forward.

Wilmock: Good evening. My name is Silvia Wilmock. I will at 2305 East Paradise Lane and like this gentleman before mention, yes, we are -- we understand the frustration that these owner -- I mean this landowner is facing. However, like many people, this area -- it's very secluded, it's all protected, and it's very important for the people in his community who live in this area to the desire to keep and protect this area, which, as you know, Meridian is expanding and we are keeping this real rural sense of community, which is very important for us. So, our next thing even the gentleman who will represent the owner -- I mean the landowner was mentioning he has no desire to build something bigger or it can be a low density development also I believe through R-2. What make that in the future, because it's been annexed it can be turned into something which is low density residence. So, that is a concern. Everything can be changed as to its impact. Thank you very much.

McCarvel: Thank you. Anyone else wish to testify on this application? Madam Clerk, anyone?

Weatherly: Madam Chair, I see no one.

McCarvel: Ben, would you like to address these questions?

Semple: Madam Chair, Members of the Commission and Members of the public, yes, please. So, again, I'm representing the property owner, who is also the person that's going to build the house on this property. He does not want to annex, to be totally honest. This was required because the county has no way for him to consolidate those parcels. We can't build a single family home on one parcel and a -- an accessory structure on another parcel. It's not allowed either. Which requires the removal of the property line that's between the two parcels. This -- again, the property owner and builder and the person that will be living there wants to be part of this county subdivision and community. I have no doubt that a condition of approval could be put in the development agreement that restricts this property to contain a single family home and the accessory structure that he has on there that is intended for an RV garage and a shop for his personal use and storage. Again, the property owner is not here tonight, but at no point in time in this process was his desire to annex and if there was a mechanism to do it another way and to get a building permit he would be doing that. There is no mechanism in the county or the city that allows him to build a home that would be over that property line without annexation. Again, he does not -- he is trying to get a waiver of the water main extension. There is a current well on the site that is still operational. He is intending to utilize that for irrigation if he can't use it for potable water and so I completely understand the concerns of the neighborhood here, but with a development agreement they could place on this annexation that would restrict the redevelopment of this property. Again, he wants to build his own family home and live next to these people and be a good neighbor. So, I think that that addresses it. I mean we were -- we went -- when we had our pre-app we were told to come in at R-2. It's -- you know, one -- the lowest residential density zone in the City of Meridian that would allow for this construction and this type of project. So, I

don't know how else he can -- I guess ease the fears of the residents around there, other than going through this process and creating a development agreement that very much outlines what his intent is and that he intends to live there for the rest of his life. So, with that I guess I would stand for any additional questions or if anyone who needs anymore clarification I'm happy to provide that. Thank you.

McCarvel: Thank you. I guess I will just jump off here in -- in the simplest layman's terms -- and I'm going to defer here to Bill in a second, because we had a question on the R-2 zoning and can it be changed in the future. I guess in the simplest layman's terms R-2 in general means no more than two houses to an acre and so at most, even if this person totally changed their mind after it came in and was annexed, at most you would have three, maybe four houses there; correct, Bill? I mean that would -- without changing anything. But I mean, obviously, the intent of this person is much different.

Tiefenbach: Commissioner, can I answer that one? This is Alan with the city.

McCarvel: Okay. Sure.

Tiefenbach: First of all, R-2 -- so, R-2 is the lowest zone district that we have. Twelve thousand square foot lots. We can't -- we can't go any lower than R-2. The applicant didn't have any options through the county, other than to annex. The development agreement -- if the development agreement includes a site plan that shows one house, the applicant would not be able to build anymore than one house, exactly the house as it's shown, without going back to the City Council and having to amend the development agreement. The reason why that well is having to be capped is because that's a requirement of the city for annexation. If you -- if you annex to the city you have to go on public sewer and public water. That is certainly -- I could -- you could say that as an argument the -- in the favor of the applicant going to the Council for the service lines if the neighbors are nervous about extending water infrastructure there and whether that's going to be a precedent for more annexations, that would certainly be in the applicant's favor of why they would argue to Council that they should only have to require a service line which would only be adequate for the one house. So, yeah. And in order to build more houses they would first -- A, they would have to amend -- they would have to amend the development agreement, which would be a public process again. So -- and if it goes anymore dense than R-2 they would have to rezone it. So, hopefully, that answered the question. If -- if this was denied I don't know if they would go -- if they could go back to the county and tell the county that the city wouldn't annex it and now they have to let them build it or it's a complete loss. I'm not sure.

Semple: Madam Chair, if I could add something. This is Ben, the applicant again. If can add something real quick. There is currently two parcels there right now, which I guess technically could have a home on each one. So, the applicant is trying to consolidate these, which would, then, again, remove that ability. I mean he could go pull two building permits in the county right now and build two homes. So, he's trying to do what's right for this area again. That's all.

McCarvel: Any other questions for the applicant? Okay. Ben, any idea what -- you mentioned reference of an item you wanted looking at -- and I think most of the things we have that are discussion items as far as the water and sewer mains, that's items for Council, but there was -- what was 8-B-2-2, did -- did any other Commissioners write that one down? What was that one you were wanting to --

Semple: Madam Chair, it was just in the -- in the general conditions of approval from the Public Works Department. B2.2. So, Boy 2.2.2 states that the applicant shall be responsible to install sewer and water mains to and through this development. Applicant may be eligible for a reimbursement agreement for infrastructure enhancements for MGC-865.

McCarvel: Okay.

Semple: That's just a general condition and I feel like most of these are typically applied to a larger, you know, true development or subdivision. I just am not familiar with that process for being -- determining eligibility if we don't get a water main extension waiver granted, obviously, he would like to look into how he could get reimbursed for a little bit of that cost, knowing that an eight inch water main could service a lot more properties than his and, again, if this was a true development of the property I would be understanding of this as well, because I do this a lot for a lot of different people, that typically water and sewer and all those would have to be to and through. Just a very unique situation here. So, we are just trying to get a little bit more information on that, which we don't -- I don't need that answer tonight, I just wanted to have it on the record that we were curious about that. The main one that we wanted some feedback on was item J of the sidewalks, because -- because it states that the Planning Commission and City Council should determine whether requiring sidewalks along with frontage should be required in the development agreement. We would like to not have that included for the reasons stated in the -- in my presentation that it could create some drainage issues, as well as the extremely cost prohibitive to building one home if they have to build almost 300 feet of curb, gutter, and sidewalk, as well as it sounds like the neighbors don't want it there either, which, again, we are trying to be sensitive to the neighbors and do what we can for my client and the builder and property owner to build his residence for he and his family.

McCarvel: Okay. Any other questions for the applicant before -- and, if not, if I could get a motion to close the public hearing on H-2021-0013?

Holland: So moved.

Seal: So moved. Oh. Second.

McCarvel: It has been moved and seconded to close the public hearing on H-2021-0013. All those in favor say aye. Opposed? Motion carries.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

McCarvel: Commissioner Holland and Commissioner Seal, you are both off mute. Anybody waive and see who want to go first. Commissioner Seal, you got a big grin.

Seal: I don't know that I'm grinning, as much as --

Holland: Madam Chair?

Seal: Oh, who was that?

McCarvel: Commissioner Holland, go ahead.

Seal: Oh, go ahead.

Holland: My internet connection is unstable. Commissioner Seal, why don't you go first.

Seal: Okay. The whole time I'm sitting here I'm rewinding back to when we got rid of the rural designation in Meridian where this would fit. Not perfectly, but it would definitely make things a little bit easier on the -- make something like this go. There is a lot of stuff that's in the Comprehensive Plan about preserving the rural feel of Idaho -- or Meridian and things like that and I understand that's what we should probably try to do with this site. The only rub to me is where it's at. I mean this thing is right on Locust Grove. We got to be careful the precedent we set here, because as these develop and they will and they will get annexed into the city at some point -- I mean it might be when we are all dust, but at some point in time it will -- that will happen for the majority of these. Not all of them. So, I want to make sure where ever we go with this that we are very very careful with it. I understand the need to put in the infrastructure, so as far as the water main I completely understand that. It would be nice to be able to work with the applicant to see if there is some kind of reimbursement, because that is the first leg into this that will make it to where if somebody else wants to annex, then, it's not such a stretch in order to get by that. That -- you know, the property that's there right by the road. So, I think that that definitely is something that needs to be held in there, but, hopefully, we can work -- you know, hopefully, some more can be done with the applicant in order to help alleviate some of the costs associated with it I guess. The -- as far as the sidewalks, generally speaking, with a development, you know, big or small, I have seen -- and I mean I have seen some five acre ones that have come in like this where, essentially, ACHD holds out a certain amount of money for sidewalks in the future. To me that's a lot more fair than make them put it in right now. That way as the road develops it can just be part of what develops, instead of putting the entire cost on the homeowner in order to provide that right now as is, especially when it doesn't connect to anything else. I mean this area is definitely one of the little gems in Meridian. There is a couple right in this -- in this area that had I had the money to live there I would be right now, because I think they are -- you know, they are just magical little places that you drive into and it's driving into another city. So, you don't have -- you know, you have the illusion of being a little bit more rural while you are in there. It would be nice to keep that -- these guys are at a rock and a hard place at this point in time. Personally it would be -- if it was in our purview to push back on the county to let this gentleman subdivide that, I would much rather go about doing that. That way,

you know, we don't have to do what the city needs to do, which is cost prohibitive for this, but as it -- coming into the city as an annexation, we have to protect it for the future as well. So, that's about all I got for now. I'm just kind of rambling, because this one -- this one's got me reeling a little bit.

Holland: Madam Chair?

McCarvel: Commissioner Holland.

Holland: So, to answer a couple of concerns neighbors had -- and I know we already kind of addressed this, but R-2 is the lowest designation unit and as Alan stated, if they wanted to do anything other than build just one home with this they would have to go back through an entire differently -- different public process. So, I think that should hopefully ease their concerns. Also just want to note and remind folks that the city doesn't force annex anybody into the city. They are not going to be coming and telling you you need to annex your property just because you are adjacent city limits. I -- unless you decide to come forward and ask to be a part of the city for some reason, they are not going to be coming and pursuing you. So, I just want to give that assurance, too. On this specific landowner, I would -- I would support their request for not requiring them to do the water main extension. I know in my experience right now it costs about a million dollars a mile to extend water or sewer on major arterials, because of the road work that's required to go along with that and it's very expensive, so if you are looking at 1,400 square feet, that's over 250,000 dollars worth of investment for -- for the amount of length they would have to do. So, I think that's unreasonable to ask of one property owner. So, I would support their request for that, that they would just have to tie into the main line or do a mainline extension to the roadway, just from their property to connect in. I think that that's a fair request. I know that's not up to our approval there, but we can certainly make our comment and recommendation to Council on that. I also think it's fair that they can remain on their own septic, because they are not really creating a burden to the system, it's -- it's just one house that was already existing before, they just remove the structure and rebuild a new one. I don't see any other challenges really with them annexing into the city, being in that low density designation. I think it fits with the surrounding area. We are not looking to make a change or -- major change or add a new subdivision here, it's really just helping them accomplish their goal so they can build a single house. So, on the sidewalk side of things while I would love to see sidewalks on Locust Grove, I know that there is kind of a buffered bicycle lane walking path on Locust Grove on that side of the road that connects to the property. So, I'm not too worried about it, because there is a significant link that would need to have sidewalks and just having a piece of sidewalk on Locust Grove in front of this property might not be -- might not fit very well. So, I don't see a need to require them to do that at this point in time either and it would look weird to have a part of a sidewalk going down Paradise Lane, too, when the rest of the road doesn't really fit that. So, to summarize, I would -- I would -- I would encourage approval of -- or I'm in favor of approval of the application and also recommending to Council to consider waiving the requirement for a water main extension and waiving the requirement for sidewalks.

McCarvel: Commissioner Grove.

Grove: So, this is a tough one. I -- I sympathize with the applicant and with the -- the public testimony tonight. I -- I have concerns when we -- I have long-term concerns when things are not built out as -- as written in the code and the plan for the simple fact that in five years as everything else around here could potentially change, we now have disjointed aspects of -- within our city limits and it -- it causes future problems for the city as development tries to tie into things and so if we don't address it as they become available, it's harder to go back and fix the problems retroactively. You know, in terms of connections and things like that. So, I'm -- I think the biggest one for me is the sidewalk. If it doesn't get put in now is there a mechanism that, you know, allows this to connect in the future? You know, I guess maybe a question to staff, like when Locust Grove gets expanded I'm assuming sidewalks go in, but -- I think that's my concern is not having a disjointed plan for the city as things develop and get built out. You know, not too far north of this is, you know, the McMillan and Locust Grove area that has commercial aspects to it. There is commercial pieces and schools relatively close to this area. So, having pathways and connections for the future, in addition to, you know, the short term, is something that I'm a little concerned with and to the same point, you know, with the -- the water and septic and whatnot, having those in, you know, just creates harder -- harder development -- in-fill projects or development as we go forward. So, I -- I'm in favor with whatever, you know, the group says tonight, but those are just some concerns I have.

Holland: Madam Chair?

McCarvel: Commissioner Holland.

Holland: One more thought to Commissioner Grove's comment. Commissioner Grove, would you feel better if -- if we asked the applicant to preserve the right of way for future sidewalks and that they wouldn't be required to construct them at this point in time, but when the roadway is expanded in the future and neighboring properties are developing that they would participate in adding sidewalks at that point in time? Potentially we could condition something like that. I know it's harder to maintain it and staff may not like that, but maybe staff can give us some guidance on what they would prefer there.

McCarvel: I was going to say, that's my question to staff right now is -- when there is not sidewalks there and ACHD goes in and puts -- improves the road, they put the sidewalk in anyway; right?

Tiefenbach: This is Alan Tiefenbach. Yeah. They -- if ACHD was widening the road -- it's one thing when you are building a large subdivision and you are requiring someone to put in a sidewalk. It's a whole other thing if there is one single family residence and ACHD is doing a large expansion and having to build the sidewalk. Bill, I don't know if you can lend anything more to this than what I have already said.

Parsons: Madam Chair, Members of the Commission, I think Alan hit it right on the head. I'm almost going back to Commissioner Holland's point. It's -- they had a single family home and that's what they are putting back. So, it really is -- are they intensifying the

land? No. They are just putting back something new -- a newer residence and removing an older one. So, that's -- that's the approach that we are taking as -- as a staff member.

McCarvel: I guess -- and my comments on this is I would -- there are always going to be these smaller areas in Meridian that will probably stay county, just because they were -- I mean you have got some nice homes and nice pieces of land that are just a find when you come into a city like this and somebody wants to sell one of those homes. I mean I just think they will be very sought after and I think whatever we can do to help preserve this little community within our city I think we should do and if -- if that means technically he's got to annex I think we should do whatever we can to help him also preserve the community he's trying desperately to stay in and improve and part of that is remaining part of the character of the existing community. So, I don't see the point in making him have sidewalk in front of the house. Linder I think will take care of itself when the road is built out and, you know, it's not in our purview to do the water and sewer mains I believe this evening, but my recommendation is if it was working, then, that should be fine. It's just that he was touching on that one corner and I think what he's got -- what this property owner has presented is keeping more with his community than going in and trying to subdivide -- subdivide in the midst of all this and probably a better option. I mean if we had -- we all crave these nice big lots and wish we would see more development coming with nice big lots like this. So, I think, you know, for those that -- you have got the wherewithal to do it I would like to support that.

Holland: Madam Chair?

McCarvel: Commissioner Holland.

Holland: I'm going to throw out a motion and see if it sticks.

Seal: Can I throw a couple things in here?

McCarvel: Of course.

Seal: Madam Chair?

McCarvel: Commissioner Seal.

Seal: I mean I know we are talking about this, but I mean it's -- it's not like he's putting in a -- you know, 1,500 square foot house. This is a 6,000 square foot house that's going in there with an RV garage and all kinds of stuff, so -- and I mean I guess I would ask the question if this was a business going in there would we require to do all these things on those exact two lots and one 6,000 square foot building? I mean I -- I think the answer would be, yeah, we would require them to do it. So, I mean, unfortunately, this person is in, you know, in a rock and a hard place and I do sympathize and I do want to see parts of the community stay rural. That said, we don't have a rural designation. We got rid of it. We have R-2 and that's it and I agree with some of the comments that Commissioner Grove said and I feel the same way. I think if we don't at least make some kind of

provisions for the infrastructure to be built or to be paid for it's going to make it incredibly difficult for somebody behind this to try and do what they want to do with it. I think this closes off the ability for anybody else to be able to try to annex into the city should it happen and as soon as this parcel touches other parcels they can annex into the city. So, before we -- you know. And, again, personally, I would love to own this piece of property. Personally I would love to build a big home and have it not have to have any of the things that we are talking about as far as sewer, water, sidewalks or anything along those lines. But I'm not going to be here forever and neither is the person building this home, but the city will be. So, hopefully, we can come up with some kind of provision in there that makes it to where the sidewalks can be built and they contribute their amount that they need to as well as the city and the sewer and I don't know if that's some kind of trust or something along those lines. That would certainly make things a little bit easier, although more cost to the owner, but, again, I'm -- like the one person that came up and talked, I mean not understanding the process is not an excuse for -- for things like this. So, before tearing down the home and trying to build across the property line there is definitely things that should have been done and they weren't and that's why we are here. So, personally, I would like to see more done in order to ensure that if anything needs to go in, that that is there for the next people down the line.

McCarvel: Did I misunderstand -- or I mean did we answer that -- the concern on the sidewalk on Linder, that it would be taken care of in the process of improving Linder Road, since it is just one house and not an entire subdivision they kind of look at it differently. Did I misunderstand that?

Seal: Well, I think that we can --

McCarvel: ACHD would -- it would just be done when the road improvement is done.

Seal: Right. But, again, the person does own this property, it does abut Locust Grove and it will be something that other people have to pay their fair share. I think it's fair that they would do as well and I -- again, if this was a business we would require them to do it. There wouldn't be any talk of this at all. Even if it was a 6,000 square foot business with a parking lot. That's what we would require them to do. Unfortunately, to me that's where they are at. They are going to annex into the City of Meridian and, again, we are not all going to be here in the future when something else happens with this piece of property or when -- even when the road might develop or anything along those lines. I just want to make sure there is some provisions in there that account for that, that this property, this person, will need to pay their fair share or they will need to have some provision in there that allows for these things to happen. I think what they are doing with the sewer is -- is appropriate, although I don't know how that's going to be enforced in the future. I mean can they leave the property if the person decides that they don't want to tap into the sewer at that point in time? If we do the same thing with water main, same question. If we ask them to build sidewalks at a later -- I mean these are things that are thousands, if not tens of thousands and leading into the hundreds of thousands of dollars to do and at a future time. So, how do we protect that now? Because if it were me and I were building on this piece of property and somebody came to me with here is a two or

three hundred thousand dollar bill in order for you to continue to live in your house, I wouldn't do it.

Holland: Madam Chair?

McCarvel: Commissioner Holland.

Holland: Hopefully I can help answer some of those questions that you raised and concerns. In the way I have seen it done in other areas when you have got a house like this that is not within 300 feet of city services, typically what they do is when they build the new house they put in stubs for the water and sewer and carry it to the street, so that way when it becomes available in the street they can just tie into it, so it's not as significant of an investment, so when they are doing roadway infrastructure it's easier for them to connect in, they just pay the connection fee and, then, they are on the city services. It's fairly easy if -- if the utilities are being worked on on that main road Locust Grove. At that point in time they would just connected it in. So, hopefully, if we put a condition in there that just requires them to stub and tie into city services when they become available adjacent to the site, that that would be an easy thing to take care of. On the sidewalk thing, I think I go back to Chairman McCarvel's comment that when ACHD re-does this roadway -- the entire section of it right now doesn't have sidewalks on this side of the road. Right now it's got a -- a buffered -- there is a -- there is a little bit of a median and, then, there is kind of right of way that's got asphalt pavement on it that they use as kind of a buffered bike lane that goes that whole length of Locust Grove. I'm familiar, because I have ridden my bike on it before. While I would certainly love to see sidewalks there, I think it's -- it's not a commercial user coming in, it's a -- it's a residential that's basically just replacing the existing residential house that was there. So, I -- I do see it differently than I would see it if it was a commercial project coming before us or even if it was a -- you know, somebody came in and they wanted to put two or three houses on that lot and create a plat, it would be a different story to me than it is just replacing the single family home that was there. I know it's a much bigger home, but just because it's a bigger home I don't think that means we should require them to do sidewalks and -- when it doesn't really connect anything and it doesn't really help anything. Locust Grove is slated to be expanded again in the future. So, hopefully, that helps a little bit. But I'm going to make a motion and see if it helps cover some of your concerns and comments and see if we can get somewhere. So, I'm going to say after considering all staff, applicant, and public testimony, I move to recommend approval to City Council of file number H-2021-0013 as presented in the staff report for the hearing date of April 15th, 2021, with the following conditions: That the applicant would not be required to provide sidewalk on Paradise Lane at this point in time, but that they would participate with ACHD in making sure that right of way is preserved for future sidewalks on Locust Grove when the roadway is expanded in the future and that the applicant -- would also recommend Council consider the applicant's request on waivers to sewer and water connections, that they would, instead, create stubs to tie into the city infrastructure when it becomes available to their property, but they wouldn't be required to extend the mains at this point in time. And I will pause for comments and see if anybody else wants something else thrown in there.

Grove: I will second that. It covered a lot of the concerns I had.

McCarvel: It has been moved and seconded to recommend approval with modifications on H-2021-0013. All those in favor say aye. Opposed? Motion carries.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

6. Public Hearing for UDC Text Amendment (H-2021-0001) by City of Meridian Planning Division, Located at 33 E. Broadway Ave.

- A. Request: UDC Text Amendment to update certain sections of the City's Unified Development Code (UDC) pertaining to Standards in the Old Town District in Chapter 2; Ditches, Laterals, Canals or Drainage Courses in Chapter 3; Comprehensive Plan Amendments in Chapter 5; and Common Driveways Standards in Chapter 6.

McCarvel: Okay. Next item on the agenda is public hearing for UDC Text Amendment H-2021-0001 and we will begin with the staff report.

Parsons: Thank you, Madam Chair, Members of the Commission. Pleasure to be with you this evening. This is the first of two UDC text amendments that will be coming before you here not only this month, but there is also one planned for next month. This one is being expedited at the request of the Mayor's Office and so I wanted to at least get some of these in front of you. I would also let you know that these have been shared with the UDC focus group and I actually present it to the BCA this Tuesday with the following changes. So, really, this first round of UDC text amendments for this year was really just a mini cleanup. If you recall here -- I think I only have one modification for you to take action on this evening and that's particularly in regards to the -- the first one that you see on your screen this evening. I realized after the print date of the staff report that I needed to -- to wordsmith the height requirements in the Old Town a little bit better and so I was able to do that this afternoon and so as I conclude my presentation I will give you that exact language to incorporate in your motion, but I just wanted to share that with you that as of the print date of my staff report there have been some tweaks to some of these modifications. You also know if you had a chance to look at the public record staff didn't really receive official comments on the proposed changes, but as I was getting ready to prepare the application I did send this out to the UDC focus group and let them know that I was asked to expedite the changes and if they had any comments to provide those back to me and so I did send those to the clerk's office today and now they are part of the record. A lot of the concern had to do with common drive standards that I will touch on a little bit in my presentation and, then, also defining natural waterways versus manmade waterways and I will also share some of that thinking of why staff had added that verbiage to that section of code as well. So, really, tonight there is really three or four areas that we need to focus on. One is increasing the height in our Old Town district. Two, we are making some improvements to Chapter 3 of our code, which pertains to ditches, laterals and drainage courses and the reason why I put those changes this evening is because