

includes those revisions within the memo, dated March 1st. In addition to those in the staff report. Just so we cover all of our bases.

Grove: I can't find the right piece of paper, so I'm just going to take a wild stab at this.

Yearsley: I can take a stab at it.

Grove: You want to do it? Thanks.

Yearsley: Yes.

Grove: Thanks.

Yearsley: So, Mr. Chairman, after considering all staff, applicant and public testimony, I move to recommend --

Seal: Commissioner Yearsley, I can't -- we are having trouble hearing you.

Yearsley: Sorry. I'm looking on -- talking into one computer and looking at the screen on the other.

Seal: Understood.

Yearsley: After considering all staff, applicant, and public testimony, I move to recommend approval to City Council of file number H-2020-0113 as presented for the hearing date of March 4th, 2021, with the following modifications: That we add the -- to include the revisions in the staff memo dated March 1st, 2021, and that in the R-15 area an additional amenity, such as a tot lot, shall be included into that phase.

Grove: Second.

Seal: Okay. It's been moved and seconded to recommend approval of item number H-2020-0113, Foxcroft Subdivision, with the aforementioned modifications. All those in favor say aye. Any opposed? Okay. Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

5. Public Hearing for Movado Mixed Use (H-2020-0123) by FlexSpace, LLC, Located on the South Side of E. Overland Rd. Between S. Eagle Road and S. Cloverdale Rd.

- A. Request: Conditional Use Permit for a multi-family development consisting of 66 attached units (56 units on 4225 E. Overland and 10 units on Parcel S1121121011) on 6.8 acres of land in the C-G zoning district

- B. Request: A Development Agreement Modification to modify the concept plan approved with the existing agreements (Inst. #2017-12608 & #2018-012456) to include a mix of multi-family and commercial uses on the remaining 6.8 acres of the Movado development.

Seal: All right. Commissioners, then, does anybody need a quick break before we move on to our last item or -- speak now. No? Power through? Okay. I will take the silence as power through. Okay. At this time I would like to open the public hearing for item number H-2020-0123 for Movado Mixed Use and we will begin with the staff report.

Dodson: Thank you, Mr. Chair. Before I get started I did want to note that the applicant did respond to my staff report yesterday, I believe. Today's Thursday. So, I think it was yesterday. I do agree with their recommended revisions to my staff report. I just want to note that some of the recommendations I made -- how do I put this? I don't have an economics commercial background, so some of them might have been ill informed. So, after meeting with the applicant and, then, getting their specific outline and response, I do agree with what they are requesting within that memo. With that I do think that any motion tonight should include a recommendation to revise some of the staff report analysis in order to accommodate some of that conversation, too.

Seal: Okay. Thank you.

Dodson: So, as noted next and last project for the night is Movado Mixed Use. The site consists of 6.8 acres of land, currently zoned C-G and is located on two parcels. One -- the western parcel is 4225 East Overland and, then, it has the adjacent parcel to the east as noted here. Parcel on the west. Parcel to the east. It is along the eastern edge of the city limits on the south side of Overland Road east of Eagle and roughly half a mile or so west of Cloverdale. To the north is RUT zoning and county single family residential. To the east is city of Boise, which -- with some undeveloped land, but it is approved for mini storage from my understanding. To the south is R-15 zoning and detached single family and to the west is C-G zoning with approved and currently under construction multi-family. There is an extensive history on the site all the way back to 2016 with the Movado Estates and it was, then, modified and rezoned with the Movado Greens and Silverstone Apartments, which are the apartments to the west and, then, in 2019 a different MDA and modification to the approved conditional use permit for those apartments were applied for, but, then, later withdrawn following the Commission meeting and those comments at that point. There are two existing development agreements from 2017 and 2018 that are relevant. The MDA request before you tonight -- or with City Council doesn't include many changes to those provisions as they are still applicable. The Comprehensive Plan designation on the site is mixed use regional as noted in the picture to the left. The applications before you are for a conditional use permit for multi-family development consisting of 66 attached units, 56 on the west parcel and ten on the east near the southeast corner of the site within this C-G zoning district and it is -- includes a development agreement modification to modify the concept plan approved with the existing agreements to include a mix of multi-family and commercial uses. The DA mod

is requested for the purpose of including a new development plan for this area of the Movado Greens development, to consist of both commercial and residential, instead of just commercial. The existing DA includes a concept plan for this area from 2017 when the property received DA modification approval to change the number and layout of the apartment units along Overland, now known as the Silverstone Apartments, and is currently under construction. The existing concept plan depicts a number of office, retail and commercial buildings. The applicant believes the existing concept plan for this area of this agreement is not feasible. The applicant states that the separation from Eagle and Overland intersection by the residential is too far and is too far to accommodate the approximate 56,000 square feet of commercial space shown on the existing concept plan. Therefore, the applicant is proposing a new concept plan depicting three commercial pad sites and 66 multi-family dwellings in the form of townhome style dwellings. Those being eight-plexes. Staff supports this change to this area of the Movado Greens development. The commercial area is now proposed at approximately 27,500 square feet across three buildings and is shown along Overland to increase its visibility and viability being a commercial use along a busy arterial. In the western half of the site it is separated from 56 of the multi-family units by a shared drive aisle that is the access to the public street network for both of these proposed uses and it connects to the drive aisle in the Silverstone Apartments to the west. In the eastern half of the site the applicant also shows a commercial building, a larger one, along Overland with the remaining area of the parking lot -- or remaining area of the lot as parking until you get down to the very southeast corner where you have ten more of the multi-family townhome style units. The applicant presented a thorough case for this area of the mixed use regional designation to lack true viability as a premier location for 56,000 square feet of commercial uses due to its location being more than a half mile from the Eagle-Overland intersection and the central hub of the mixed use regional designation. Some commercial should remain on these parcels. Absolutely. But staff agrees with the applicant that the proposed amount with the incorporation of multi-family is adequate to meet the mixed use regional mixed use policies. Access is proposed via driveways that connect to South Movado Way, the existing collector street that bisects the project. The driveway within the northwest section of the project will connect to the driveway stub from Silverstone as noted. This driveway acts as the border, as well as the integration between the commercial and the multi-family development. South of this driveway are the drive aisles for the 60 -- 56 of the multi-family townhomes with their required parking. The southeast portion of this area right here specifically -- sorry, I lost my place. Sorry. It contains a segment of the drive aisle that is over 150 feet in length, which would require a fire turnaround. Because of this staff recommends that segment -- this segment just be reduced by a few parking spaces in order to reduce this area to being less than 150 feet. Overall residential portion of the site proposes 139 parking stalls, which exceed the 132, which would be required, which is two per unit, approximately. The east side of the development proposes an additional commercial building, as well as ten more family multi-family units with driveway access to Movado Way in alignment with the rest of the site, as well as the existing local street here. The submitted site plan shows more than the minimum parking required and drive aisles that meet UDC and fire department requirements for the commercial portion of the site. The proposed dwellings at the very southeast corner of the project are placed with minimal room to spare surrounding the buildings, but do appear to show compliance with

the dimensional standards. According to ACHD the proposed driveway connections closest to Overland meet their offset policies because they are 220 feet from the intersection. However, they -- the two northern most driveways will not meet offset requirements for full accesses should the Overland or Movado intersection ever be signalized, which it is planned to be eventually. I do not have a date on that, but usually, as noted with the previous application, usually takes rooftops in order to warrant a signal. In this case these accesses would be limited to right-in and right-out and the applicant is aware of this potential for the reduced level of access for the northern most driveways. The proposed site plan appears to show compliance with all UDC requirements in both the commercial and residential, except for the area of the drive aisle as noted. The multi-family development is required to provide common and private open space based on the specific use standards, which is the size of the bedrooms. The applicant's -- or size of the units I should say. The applicant's open space shows only -- incorporates only 56 units on the western parcel and they show approximately 135 square feet of private open space per unit, exceeding the 80 square foot minimum. Prior to the Council meeting the applicant should show the other ten units on the eastern parcel on the -- and with the revised open space exhibit. The common on open space is to be shared between all 66 units and the submitted site plan shows 19,561 square feet of common open space being provided, which exceeds the minimum requirement of 16 and a half thousand. The open space exhibit does not show an area of land on the east parcel, which is approximately 2,000 square feet, and can be seen here, which would also be qualifying. The noted revised exhibit should also show this area. The proposed open space consists of a buffer between the multi-family residential and the existing residential to the south which is here. A MEW between two of the eight-plex units, a plaza along Movado Way that contains the proposed amenities and other small areas of open space that meet the minimum dimensional standards. Despite the proposed open space exceeding the minimum required by code, the only area large enough for a more active open space is the green space south of the plaza, which is approximately 3,000 square feet in area. The additional seating area proposed by the applicant and shown on their revised site plan should provide an additional area for the commercial users to sit and relax. Furthermore, the developer -- the developer of the subject parcels is the same as those for the rest of Movado Estates and Movado Greens directly south of the development. It can be assumed that these residents will have the opportunity to utilize the existing pedestrian network to access the larger open spaces within those developments based on -- well, with that the applicant should -- I hope they can -- clarify whether or not that will be occurring with this development when they present tonight. Based on the 66 proposed units, a minimum of three amenities are required. The applicant has proposed three meeting the minimum code requirements. The applicant has proposed an enclosed bike storage, a plaza, and a coffee kiosk. The applicant submitted conceptual elevations of the eight-plex units and since the staff report publication has submitted conceptual elevations for the units on the east parcel. All the elevations show two story structures of varying roof profiles along the roof lines and mostly lap siding exteriors. Staff will analyze the elevations for further compliance with the architectural standards manual at the time of design review submittal, which is required for multi-family development, as well as certificate of zoning compliance. Furthermore, staff has recommended a condition of approval that the same design elements are incorporated in the -- well, between the

commercial and multi-family development to ensure integration and congruency and design. Future commercial buildings also require design review, which is, again, when staff will be able to analyze those further. The elevation in the bottom right here is the proposed coffee kiosk that's in the shared plaza for the multi-family and, then, the one on the left is more of the four-plex or six-plex style that would be on the east parcel. As of 4:00 p.m. six pieces -- well, 4:30 there was seven pieces of testimony were submitted in disapproval of the project. The main concerns were dealing with the increase of traffic at the Overland and Movado intersection with the approval of additional units and, then, there being no signal proposed and overall issues with the addition of more residential units, instead of commercial, which is tied to the MDA request and the CUP. After that I will stand for any questions.

Seal: All right. Thanks, Joe. Do we have any questions for staff? Hearing none, would the applicant like to come forward, please. Or is the applicant online?

Clark: Hi, everyone. Can you hear me? Hethe Clark.

Seal: Yeah. Go ahead and state your name and address for the record and you have got your 15 minutes.

Clark: You bet. Hethe Clark. 251 East Front Street in Boise, representing the applicant, and I'm going to get my screen share up here. The applicant being the Conger Group. This is an application that helps get a very successful mixed use project over the finish line. I think that's the way that I would -- I would characterize this and in addition to that I think something else that's very important about this one is that it helps add another kind of housing type in the City of Meridian. So, as you might know, Movado has been a very successful project. It's on about a hundred acres off Overland Road and what we are talking about is this commercial area, this kind of the last piece to develop. It's 6.8 acres and it's in -- like I say, it's been slow to develop so far. This group as a result decided -- decided to revisit those plans and come up with a proposal that honors the larger project and provides an additional housing type and we believe allow this commercial to get underway. So, let's talk a little bit about the proposal. Joe's shown it to you on your screen before. Under this proposal a portion of the area that was previously designated as commercial would be converted to multi-family, but I want to be clear when we say multi-family what it is exactly that's being proposed. So, this is not your typical stack apartments, three plus stories of multi-family. We are -- what we are talking about here is for rent townhomes and we are also talking about a developer that made a commitment early on that they would only be limited to two stories in order to allow it to be very consistent with the properties to the south. So, what I -- what I personally really liked about this is that -- is this townhouse rentals piece of it. It's unique in the market and it's the -- you know, a little personal bit. That's exactly what I lived in during my three years of law school was -- was a townhome rental. This still preserves 27,500 square feet of commercial on Overland Road. So, the commercial will still be there, but we think it's in an amount and in a configuration and with a footprint that this kind of second tier market will actually find attractive. Again, these are not normal apartments. They are townhome -- townhouse rentals with a commitment to two stories. As Joe mentioned they are fully

parked with carports and guest parking that's accessible. The project -- so, if we kind of think of it as the commercial area and the multi-family area, there are amenities for both that are proposed. We have the small plaza that Joe showed you that's in the commercial area and I will show you another picture of that here in a minute and in the multi-family area there is going to be a barbecue and a picnic area and, then, a coffee bistro cafe and sitting area that I have shown here on the screen and, then, as well as a bicycle barn for residents. Now, that coffee bistro cafe area -- so, this is going to be single ownership. So, this isn't going to be a matter of an HOA being dependent on volunteers to operate the thing or trying to find the third party, this is going to be an amenity that the owner is going to be providing for the residents. So, it will have -- what we expect is that it will have a keycard system and, then, facilities on the inside that will allow people to come get a cup of coffee or come get some quick service and, then, move on with their day. In terms of agency review, focus on ACHD I think in light of some of the comments that we have seen this week from the neighbors. I want to be really clear that with the change that we have proposed from the 56,000 square feet of commercial to 27,566 multi-family units, this reduces the anticipated daily trips by 330 from the original approval. So, with the original approval no light was required at Overland and Movado. ACHD since, in connection with this application, has indicated that no TI -- or traffic impact study is required, again, because the impacts are lower than what was originally approved and studied. And, then, I would just state that we are in agreement with all of the other agency conditions that have been submitted. So, as Joe mentioned, the staff report was issued late last week. We had an opportunity to review it and, then, immediately wanted to chat with staff about it and the reason for that was because we believe that some of the conditions were just not justified by code. We were able to have a very good discussion about the staff report with -- with Joe and with Bill Parsons and, again, as always we appreciated the time that they spent with us. As a result of those discussions, the common ground that we have landed on was that we would, per staff's suggestion, one thing that we would do is to add a raised paved connection between the multi-family area and the commercial area here. That's going to be part of the overall traffic calming. We are going to -- we will have speed bumps on the west side here as well to try to just make sure that people aren't going through that at too high a speed. We also think that the parking on the south side of the commercial will also aid in -- in that traffic calming. And, then, in addition to that what we decided -- and this has been proposed and -- and staff is in agreement with -- would be that there would be a plaza area in -- that would be added here. We have room to do it. We have about 35 feet of a landscape buffer and so what we would have is a seating area that's surrounded by a buffer of trees, you know, there would be benches there and that would be a nice way of connecting these commercial areas. With that I will start to wrap up. I just want to emphasize a few things. You know, one, you know, the -- the commercial hasn't gotten -- gotten traction today and we think that this reconfiguration is going to help get it underway. We also -- you know, I think something that's really important about this is that Movado has four housing types in it already and this adds a fifth housing type. So, that's important from the perspective of the Comprehensive Plan that looks for a wide variety of housing types and it's pretty unusual that you would get actually five different housing types within one larger development with estate lots, single tenant -- single family detached, single family attached, apartments and now townhomes and, then, also I just want to emphasize that

with the modifications that we have proposed here traffic production is actually less than the original entitlement. So, less than what is actually approved already for this site and I wanted to put this up last. So, this reflects the letter that Joe mentioned from earlier this week and these are the modifications to the conditions of approval in the staff report that we suggest and that staff is in agreement with. So, the first would be deletion of condition 1-A, Roman I, and that was a condition that required elimination of one of the commercial lots and replacement with a two story commercial structure and, then, we would also request deletion of condition 1-A, Roman II, which required removal of parking on the northern drive aisle and, then, this last one goes to one of the points that was just made kind of in passing by Joe, but I think it helps explain some context. So, just to the east of this site there is self storage that's been approved and so one of the thoughts that we had was -- the staff had indicated a -- kind of a menu of proposed -- or allowed uses for the east commercial building and our suggestion is that we add flex space to that. The flex space use has been a -- I would say a highly successful thing in the -- in the City of Meridian and we think that that -- given that there is -- there is self storage just on the other side, it would make for a good transition if there was a flex space user that was interested. So, with that I would be happy to answer any questions and, otherwise, we would ask for your recommendation of approval on the DA modification and approval on the conditional use permit.

Seal: Great. Thank you, Hethe. Commissioners, do we have any questions for the applicant?

Holland: Mr. Chair?

Seal: Commissioner Holland, go ahead.

Holland: Hi, Hethe, how are you?

Clark: I'm great, Lisa. Thanks.

Holland: Hey, I -- I always have challenges whenever commercial gets reduced in size and I know we -- we have had conversations -- yeah. I'm just curious, how -- how did you try to market that commercial originally and -- I was just curious if, you know, if you had conversations with economic development staff at Meridian and if they tried to assist you with any of those things.

Clark: Mr. Chair, Commissioner Holland, thanks for the question and, yeah, that was -- that was one that I had on my notes that we will be answering a question about reduction in commercial from Commissioner Holland and so we -- we -- I appreciate the question. This has been on the market for the better part of five years. Mark Bottles has been trying to get the thing sold. We have worked with -- with private consultants on this to try to come up with some different alternatives and, you know, one of the issues there with -- that we have with the existing layout is that a lot of that 56,000 is set back from -- from Overland and it's -- and, then, the other point that I'm just being reminded of is that it's second tier -- it's a second tier office location. So, what we need to be looking for is a

user that's looking for something like a 7,000 square foot single story building that's the kind of thing that they can afford in a -- in a second tier location such as this. We think that that is what's going to be more likely to be successful. But, again, we have been marketing it for five years with -- with -- you know, obviously, Mark Bottles is the best -- if not the best, he is one of the best.

Holland: Just a follow-up question. Did you guys consider doing maybe more flex space instead of doing the office style product?

Clark: I don't know that we have decided -- thought about doing more. The -- the -- as we look at the -- at this space -- let me speak to this a little bit more philosophically and, then, I will dive into the flex space piece of it. You know, the -- the applicant here, Conger Group, we have -- there is a lot of investment that's been made in the overall project in everything that's gone on in the -- I think nine phases behind it and hundreds of lots and we want to make sure that this front area is developed in a way that it protects all the investment that's been made and so, you know, we think that a carefully selected user, you know, with these two 7,000 foot pads on the west makes the most sense there. I don't think you would be looking for a flex space user in -- in either of those, but the building on the other side, that's got -- I think it's 13,000 square feet in it, that's a -- that's a more likely candidate for the flex space. So, that's why we suggested that that condition of approval be modified just for the -- the parcel on the east.

Holland: Okay. I'm always a fan of mixed use developments, I think they can work really well, so I'm not necessarily going to challenge you too hard, but I -- it's always tough to me when we have a master planned community that comes in and there is a promise of a certain amount of commercial and I know that in the valley in general we only have so much land designated for commercial, especially on the comp plan, so when we look at any sort of reduction it's always challenging to me, because we -- we don't get the ability to make it up later. We won't be able to remove houses later to add more commercial pads. And so even though it may not be a prime corner for, you know, a Walgreens or a large retail kind of user, it's always tough for me when I see commercial disappear when it's something that was part of a master plan. So, that's just a comment. I figured I would make that now and I appreciate the dialogue and the conversation. Thanks, Hethe.

Clark: And thanks, Commissioner Holland, and maybe just one thing that I would say is just that it was not for lack of trying, you know, that there has -- there has been work to try to make that work. The configuration just doesn't make sense for this location and the kind of second tier user that we would be looking for and I also -- just keep in mind that what kind of competition you have got just, you know, a half mile to the west. You know, we are talking about the Silverstone development and, then, we are also going to be having the -- what, the Eagle View Commons there that will be coming in the future, the VBA project. So, you know, we -- we think that what we are proposing here is -- is an appropriate niche that would actually, you know, after five years allow that commercial to get going.

Holland: Thanks, Hethe.

Clark: Yeah.

Seal: Okay. Do we have any other questions? I will throw one out there for myself here. Can you dive into the coffee kiosk a little bit more and exactly what that's going to be. Is that going to be like a branch of an existing coffee vendor out there or is it going to be more like a break room style coffee situation?

Clark: Thanks, Mr. Chair. That's a good question and I may not have done a good job of explaining it. So, the -- the idea here -- and it's unique. You know, I have not seen this proposed before. But what we are talking about here is a self service type of a system where the -- the owner would be replenishing, but folks would be coming in with their keycard and keypad and, then, be taking advantage of the -- of those facilities. You know, and a couple other things it will -- it will have -- and what I like about it, too, is -- here is this picture of it up again. It will have Wi-Fi in the seating area and, you know, one thing that we are finding is -- in kind of the post-COVID era is what do you do with club houses and like these enclosed facilities and we are finding that the market is really liking these kind of open space type uses and so with the -- we think with the Wi-Fi in the seating area and, then, this security that allows people to come in and do the self serve, that we think it will be a cool amenity.

Seal: Okay. Thank you. Any questions from the other Commissioners? All right. Seeing none, at this time we will open it up to take public testimony.

Weatherly: Mr. Chair, we have several people signed in, the first of which is online, that's Christy Decker. Christy, give me just a moment, please. Christy, go ahead and unmute yourself and state your name and address for the record when you are ready.

Decker: Hi. My name is Christy Decker. My address is 4235 East Silverking Lane.

Seal: Okay. Thank you. You have three minutes. Go ahead.

Decker: I have a few questions. I'm a little concerned about the requirements for the -- I guess the coffee bistro, et cetera. I saw it as a last ditch effort to just meet the requirements. I don't see that serving the neighborhood at all if you are relying on an outside entity to maintain it. I don't know if it would be utilized enough to make it worthwhile for -- from a business perspective, if you are asking a business to come in. The other thing regarding the traffic study, I am very disappointed, because the last traffic study they did supposedly was in 2020 and they did it on a weekend, if I recall correctly, or Friday -- either that or a Friday early morning. I passed a guy and I said, oh, what are you doing. Oh, we are doing a traffic study. And I looked at my watch, you know, at 8:00 o'clock in the morning and the development is not even completed. So, I don't know how it can be okay for it not to be done, because the kind of development -- I'm part of Movado -- that that development is still not completely built out and, then, they are going to start across the way from us, too, and that's not even built out either. So, I don't know if somebody can explain to me the justification of not having a traffic study when they want more development to come in, when the existing is not even done. And, then, finally, my

concern and most of my neighbors about the only one egress out of South Movado Way. It sounds like everything is going to filter out onto that main drive and everybody and the developer is saying, oh, well, it was designed for all that and my concern is that -- I don't think so and without a valid traffic study how could they say that's okay. That's it. Thank you.

Seal: Okay. Thank you. Any questions? No. Okay. Who is up next?

Weatherly: It's Kevin Johnson, Mr. Chair. Kevin, one moment, please.

Johnson: Hi. Can you hear me?

Seal: Yeah. Go ahead and state your name and address for the record and you will have three minutes.

Johnson: Kevin Johnson. 4171 East Divide Pass Street, Movado Subdivision. So, this is the second time that we have done this. I have been -- I have lived here for two years. The last time the application was withdrawn. I think we had about 30 -- 30 plus people in that room. Most of them commented against the -- the additional apartments, because, again, it wasn't zoned for that and so just -- these are my observations, the stuff and the research that I have done. The application is a little -- a little suspicious to me. Okay. Flex Space, LLC, was possibly started in 2018 and it's either out of Washington or Oregon. Not sure. Maybe both. The other thing is if you look at their address it's basically a flex space -- I mean it's a rented desk and phone number off Fairview and that's a company called Red Barrel Real Estate out of Woodstock, Georgia. And, then, what professional company puts on an application a gmail address? They are going to spend millions of dollars and they are using gmail. Okay. So, here is -- here is my question for everybody. And, obviously, it's rhetorical. How many rental properties are enough? Right? We are talking about rental properties. And as noted there are 112 rental properties directly to the west of this particular proposal. Directly to the west. Now, if you go south 700 meters, right, and in line of sight, you can see both sides. Depending on where you are standing you can see the apartments. There are 144 apartments in the Harper Ridge apartment complex. Okay. So, right now -- I'm doing the math. That's 256 apartments, rentals, in -- in -- at least apartments, right, on top of like was stated, there are multiple types of homes. Those different types of homes are -- there are duplex -- duplexes in Movado. There is all kinds of other rental property. So, what we have done is we have built out a -- a highly -- just a large area that has just a ton of rentals. Now I want to highlight something. I did a little research on that and if you go to realtor.com and there is an article and it's those things that drive down the value of your home. Now, I might sound like David Letterman, but, thankfully, there only nine and I'm -- I'm going to do eight. So, no top ten. Hospitals drag down the value of a home 3.2 percent. Shooting ranges 3.7. Powerplants 5.3. Funeral Homes 6.5. Cemeteries 12.3. Homeless shelters 12.7. High renter concentration 13.8. So -- so, think about that. Taking 13.8 percent of my home value away because we need to figure out how to accommodate commercial and -- and some more rentals and only worse than high rental concentration are strip clubs. This is realtor.com. It's not a fly-by-night site. It is a well known site and you can

look it up. But on top of that just so you guys know, I have been in Meridian -- on the southside of Meridian for 18 years. I am five miles away. And the reason why I did it was because I love this area. You have great quality of life. I, myself, for -- with my wife probably the first 15 years of my life we were in rentals, so I'm very thankful for them. I have nothing against them. What I do have a problem with is -- is the -- the ability to reduce the value of my home and -- and -- okay. There is going to be a lot of folks that complain about traffic. Traffic is the least of our problems. It's already nuts. It's already --

Seal: Sir? Sir? You will need to wrap up here pretty quick. Your three minutes is -- is up.

Johnson: Thank you. Traffic has already been horrible. In fact, Chief Lavey last -- the last time said it's horrible and that was his comment and now that -- that proposal was withdrawn after all of our neighbors got together and we got together in like -- I just -- I'm against it and I want to thank you guys and thank you so much for listening to me and I'm not ranting at you, I'm ranting with you.

Seal: Okay. Thank you.

Weatherly: Mr. Chair, next we will have Clarence Orton. Clarence, one moment, please. Clarence, feel free to unmute and state your name and address for the record when you are ready.

Orton: Thank you. Can you hear me now?

Seal: Yes, we can. Go ahead, Clarence. State your name and address for the record.

Orton: My name is Clarence Orton. 4090 East Le Coultre Street, Meridian, Idaho. I live in the estates in Movado. I do agree with everything Kevin Johnson stated there concerning the last applicant. I did submit a statement earlier today with regards to the traffic that in our last public hearings was on another proposal that -- as he stated the Police Department at that time said it was already miserable and, like I said, the Movado development of the estates and the greens haven't been completed and -- and, in fact, the -- the greens over there is going to be a lot higher density to be dumping onto the Movado Drive. So, the traffic light is a definite -- definitely a big concern. There is already people that are traveling through the estates to get over into Silverstone to get to a traffic light over there, because they don't want to go out Movado -- Movado Drive. The other question I had is one quickly for staff. They were talking about a right-in and a right-out and I was wondering where exactly the right-in and the right-out was. I may have missed that. And while he's thinking about that, in the last project you considered for Meridian with -- with the development over there, there were a lot of amenities, but there wasn't any amenities for a children's play deal and this project doesn't have one either and so I wonder if they don't plan on children living there or whether they just don't want to put up a children's playground or they want them all to be funneled into the greens or over into the Movado Estates, their playgrounds over there. So, I guess I have a question with

regards to that, why there is no children playground with these -- with these town -- or rentals. And I would go back to the question about what we were talking about, a right-in and a right-out. The exit from this project onto Movado is fairly close to the intersection with Overland and where -- where a light should be. So, where is the right-in and right-out that he was talking about?

Seal: Okay. Is that everything, sir? We will try and address that question.

Orton: Thank you very much.

Seal: Thank you.

Weatherly: Mr. Chair, we are moving to our folks that are joining us here in chambers. I have a couple of questionable desires to wish to testify, so I'm going to go to the yeses and, then, if you do choose to testify we will just have you raise your hand. So, first would be James Preuss. James Preuss. That's okay.

Seal: Go ahead and state your name and address for the record. Please speak right into the microphone there.

Preuss: My name is Jim Preuss and I live at 4297 East Vacheron Street in Movado Greens.

Seal: Okay. Thank you.

Preuss: I -- we have already gone over some of my concerns. Of course, my major concern is the effect that all these rental units are going to have on our property values and I would like to point out that we have playgrounds throughout the Movado development, the residential part, and there are not secured, they are maintained by the HOAs of the areas that they are in and I didn't see any playgrounds for children in the apartment complexes in their development plan. They have been very vague about allowing us any insight into what they want to do. They have had meetings in which they made promises unkept. I think the closest they came to element one of their comment -- promises was withdrawing their last application and all they have done is basically reduced the number of rental units. They are calling them different type of rental units, but, nonetheless, they are rental units, which would put in front of -- on the north side of our development 178 rental units if they get this. Now, nobody had said how many adults that's going to equate to and I'm not in that research or how many children those adults are going to bring with them. All of that is going to have an impact on the rest of the development and our development is doing very well. I have seen since I moved in -- I'm one of the first in Movado Greens, the estates in the back are going from somewhere around 400,000 up over almost to 700,000 in value. Who knows what all these rental units are going to have on that value. Therefore, I'm against it for that purpose and, of course, as everybody's pointed out, the traffic is already bad enough coming in and out of Movado, because there is only the one major large access coming out to Overland. The only other way out of the development is through two story houses and narrow streets

into the Silverstone development -- commercial development. I will take a hint from the time and hope that some of our comments can be listened to. Thank you.

Seal: Thank you, sir. Appreciate it.

Weatherly: Mr. Chair, next we have Joann Gormley.

Seal: Good evening, Joann. Go ahead and step up and speak -- speak right into the microphone and -- yeah. Just give us your name and address.

Gormley: Joann Gormley. I live at 4372 East Vacheron and I back right up to what's happening. I was one of the first houses there and when we bought we knew it was commercial. We were fine with that. And now all these changes want to happen. We lived in our other house for over 50 years. So, it's quite a change for us. And the problem I have -- two of them. One, if you put a two story building anywhere close to the fence our yard is ten feet, so you are basically living in our yard and the other thing is the traffic. If you have commercial you have people kind of coming and going all day. When you have that many families they are all leaving at once or coming home at one. So, I am very much against this. Thank you.

Seal: Thank you. Appreciate it.

Weatherly: Mr. Chair, next is Dee Dee Toschi. Toschi.

Seal: Good evening, ma'am. Go ahead and step up and give us your name and address and speak right into the microphone, please.

Toschi: My name is Dee Dee Toschi. I live at 1970 South Gedalia Lane in Meridian and when I first purchased my house I did a very qualified search and I very much liked it that it was going to be commercial and not apartments of any kind and I was very disappointed when I found out that it's been changed. As I understood, when Dave Evans came in, which I appreciated them, they were very honest, and I thought it was settled and now I found out, no, you can have townhouses, which is like apartments and my property is now going to be devalued. Also I'm concerned with the kids coming to the play areas that we have and it is maintained by our HOAs and you are going to have kids running up and down, up and down that busy thoroughfare. There was no Cloverdale exit made, which I think was ridiculous, because there is all that other Movado -- hundreds of homes going in and they are going to all funnel out into Movado and I'm against it. I really did a qualified study to find out a house that I would live in forever and now this. Very disappointed. Thank you.

Seal: Thank you.

Weatherly: Mr. Chair, that's all I have with definitive desires to speak.

Seal: Okay. If there is anybody else that would like to come up and testify. Sir, go ahead and come on up. Please state your name and address for the record and speak right into the microphone.

Nye: My name is Walter Nye. I live at -- my wife and I live at 4300 East Vacheron in the Greens of Movado and mine's kind of short and sweet. I'm not here to complain about the devaluation of property, although that's always a consideration, but when we decided to purchase our home we looked all over and decided on this location and the first question that I have asked when we bought was what's going to be built behind us, as was a lot of the other residents when they purchased their home and we were told light commercial, which I wasn't against, and it just seems like there has been a switcheroo here on development plans and I'm very much against the project, because we were not told upfront what was going to go in there at a later time. So, I'm against the project. Thank you.

Seal: Thank you, sir. Anybody else like to come up? Ma'am, go ahead and come on up. Name and address and speak right into the mic, please.

Gottesman: Sandi Gottesman. 4061 East Esperanto Street, which is right off Vacheron where a lot of those guys are living. I wasn't planning on speaking, but as I was really looking at all the inlets and stuff, the Google map here, coming out -- this is a traffic thing. Coming out on Vacheron we, of course, turn left to get to Overland. Lots more traffic just -- and they haven't even developed on the east side of Movado Way. I mean it's being prepared for building on. So, there is that issue. I went to the meeting -- I want to say it was last fall where the developer-purchaser guy was talking about the light commercial and I said, yeah, that would be good. I don't want anymore of these apartments encroaching our nice elegant little Movado Way with our neighborhood sign in. But as I look here -- I don't know where they break in the fence to even get to that east parcel, the skinny one. Would they come around the Movado Subdivision sign? Because that's even more traffic if they come in and cross Vacheron and I believe Vacheron is going to go all the way across, which is just a nightmare. So -- but, again, the property value -- I just bought a year ago and I'm loving watching the property values climb every 30 days up nine percent, and I guarantee you if you have these other townhomes or more rentals like that it does decrease the value, which is very upsetting and I was so pleased last fall when the guy had said -- the developer said it was going to be light commercial. Thanks for your time.

Seal: Thank you. Appreciate it. Ma'am, if you would like to come up. Good evening. Go ahead and state your name and address and, please, speak right into the microphone.

Quick: My name is Jane Quick. I live at 4312 East Vacheron and if you build these new apartments or townhomes right smack behind me will be the parking garage, which I don't want noise at night coming and going parking and working on cars and people yelling and all that sort of thing and the traffic will be unreal if you put in more apartments. It's already pretty difficult even in the middle of the day and there is no -- you know, there is no plan for a traffic -- traffic light any longer. They did do a study I guess early on when they

wanted to put all apartments in there and I would be very dissatisfied with the concept. Thank you very much.

Seal: Thank you very much. Do we have anybody else that would like to come up? Good evening, sir. Go ahead and state your name and address for the record.

Bromley: Dave Bromley. 4291 East Blueberry Lane. I'm right across the fence to the south of Vacheron and these people. You can see by the color of our hair there is a lot of us who are a little older than some that would probably be in those apartments. I learned a term when I moved into that subdivision. I'm in the Village. Gated community. I heard a term forever home and a couple of neighbors said, yep, we moved here because this is going to be our forever home. We don't never want to have to move. We don't want to have to pack it all up, we will just give it onto our kids or whatever, and it doesn't sound like it's going to be a forever home if we got that much traffic and -- which is mainly what you are going to have from the apartments, townhomes, whatever they are. So, it was mentioned earlier that the chief of police was at the last -- the final meeting of the -- of the one last year and if I remember him correctly he said he drives through that area every day and it was -- it was leaning, yeah, well, maybe we ought to approve it, maybe we ought to not. After he gave his little talk it was almost instantly -- and I think it may have been unanimous that they disapproved it, because he said people tend to drive where ever is the easiest way they can go. Well, all we have is Movado Drive -- Movado Boulevard, whatever it's called. We can get out the backside of the Village through the gate and we end up having to go around to Silverstone light out there on Overland or we can go on down Movado and we can go through the estates and, then, we can go on into the Southerland Farm and go through their streets and get out to Eagle on -- I can't remember what the cross-street is there. About halfway down, though, just passed the fire station and, otherwise, we don't have any way to get in and out, except Overland really, going out Movado onto Overland and I lived in Kuna for, I don't know, 20 years and I know all the -- the way the highway was -- stoplights were put in and, basically, everybody out in Kuna had the same story, how many people do you have to kill at this intersection before you put in a stoplight and over the years more people got killed, more people, more -- they ended up putting this up. But down the road a mile they ended up finally putting in a stoplight, because it's dangerous and when you are trying to get in and out of Overland -- onto Overland -- if you are going right, well, right turn is -- you know, works, unless you have people coming out of those other two subdivisions and they are trying to get out and you end up with a line of traffic in there. Of course that happens first thing in the morning when people go to work. It happens late in the day when people are coming home. But you -- unless you are coming from Eagle direction and turning right into Movado or if you are leaving out Movado and turning right and going down Overland, that's the only reasonably safe ways to get in and out of our subdivision. If you are turning -- trying to turn and go across two lanes of traffic, going in or out, plus the center lane where, you know, oftentimes there is people waiting there to turn in and out.

Seal: Okay. So, you need to wrap up real quick. Your three minutes is up.

Bromley: Which you're getting yourself killed. We don't want to get ourselves killed. We moved there because it's our forever homes and we want to live a reasonably peaceful rest of our life. Thank you.

Seal: Thanks, sir. Ma'am, go ahead and come on up. Go ahead and state your name and address for the record, please.

J.Nye: Hi. My name Jan Nye and I live at 4300 East Vacheron and we have lived there a year and I was excited to move in there and was told it was going to be commercial -- light commercial and I'm in favor of a little coffee shop, but self serve -- I mean not self serve, but go in there where you could bring in a couple of neighbors go in and have a sit down cup of coffee or whatever would be perfect and as the -- as the apartments go for around this way and they come up Vacheron, well, since they are almost all done on one side and over there, the traffic coming up Vacheron is like a freeway at 5:00 o'clock, 4:30, 8:00 o'clock, plus you have got the workers and they just fly by and, fortunately, I don't have any small children, but I have a little dog that once in a while runs out and they are just going way too fast and there is no other way for these people to get up, other than go down Vacheron and, then, go out to hit the streets. So, the traffic is -- in a year it's like tripled just going up our street and I live -- right now the -- there is an apartment complex and the light there shines right into my bedroom and it's down further, so if they are building directly behind me it will absolutely light up the back of my house so -- with their lights. So, I just wanted to say I'm not in favor of it. I'm in favor of some commercial in the front that we -- the subdivision could enjoy. We could go down there maybe for a pizza or something like that, but for more apartments I'm not in favor of it. Thank you.

Seal: Thank you. Okay. Do we have anybody else who would like to come up? Good evening. Go ahead and state your name and address for the record.

McConaughy: My name is Glenda McConaughy and I Live at 4309 East Vacheron Street and that is in The Greens there as well. So, first of all, I will speak as a grandma. I love to take my kids to the playgrounds in our development. Not hardly used at all. We are usually the only ones in the playground or if there is other kids, great, but, you know, what are all the children going to do -- the families -- they need playgrounds. Very important. So, they are going to come over to ours. I mean it just seems that way to me. Yeah. No big playgrounds in the area, other than in another development over on the other side of Cloverdale down a ways, so -- the Peppermint area, so that -- that's a -- the big concern. And, then, of course, all the other things have been mentioned. But, then, there is also -- a lot of people in the community love to walk and they have got wonderful walking paths in there. So, we can just have really pleasant walks. You pass a few people along the way, you know, say hi, it's really pleasant. You can ride your bike. You don't have any problems the better bikers being in the way -- nothing. Just really nice walking paths. We love that. So, just the concern is people in the apartments are going to need to get out. They are going to need to -- you know, there is walking paths nearby in our neighborhoods, so, hey, you know, if I was in an apartment I would take advantage of that and so that's a concern and that's all that I have. Just -- and agree with all the other people that have shared. So, thank you.

Seal: Thank you. Appreciate it. Okay. Do we have anybody else that would like to come up? Sir, you -- I was going to say, you have already had your three minutes. We can't have you come back up. If she would like to come up and comment she is more than welcome. Ma'am, go ahead and state your name and address for the record and --

P.Preuss: Patricia Preuss. 4297 East Vacheron, Movado -- Movado Road and we had the same question when we bought. It was supposed to be light commercial behind us and that's why we bought. We wanted to stay there. We are older. We don't want to keep having to move and it has been getting a lot more cars coming through and it's not right that our yards are low and they are going to be building two stories, which are going to be looking in and they are not that far away and we were told it was supposed to be commercial -- light commercial over there and the people that have had meetings, they say one thing and, then, next time it's another thing and we are not -- they don't give us a straight answer. It was supposed to be light commercial and there is already apartment buildings there down the street. They are building all the way down on the west and there is plenty -- plenty throughout Meridian and down to the apartments and there is property across Overland from us that's for sale. So, then, who knows if it's going to be more apartments over there. We don't want the apartments in there. That's our opinion. Thank you.

Seal: Thank you, ma'am. Appreciate it. Would anybody else like to come up? Come on up. Go ahead and state your name and address for the record.

McClay: Martha McClay. I live at 4286 East Silverking Lane in Meridian. And I think an up-to-date traffic study seems in order in this situation. I think it actually indicates what's really going on with the traffic in that particular area with Movado Way and Overland and we haven't lived in our residence for very long, just a couple of months, but it does seem really unfair that people who thought that it was going to be light commercial behind their homes are now looking at a two story rental unit that's going to really change their daily lives in a very dramatic way. So, those are my comments. I do not support the plan as it exists now.

Seal: Thank you very much. Anybody else like to come up? I think we have just about covered everyone, I believe. Do we have anybody else online? I don't see any hands up. Okay. All right. Seeing none, would the applicant like to come back and address some of the concerns.

Dodson: Mr. Chair?

Seal: Oh, go ahead, Joe.

Dodson: Can I address the -- one of the questions that was directed towards staff and then -- regarding the right-in, right-out?

Seal: Absolutely. Thank you.

Dodson: Sure. Sorry. The right-in, right-out is not the Movado and Overland intersection, just to be clear. I was referring to the driveway connections here for the multi-family and the commercial, because they are so close to the intersection. If this is signalized these will be limited to right-in, right-out and, then, that's just that and I -- in the public testimony and, then, tonight I have heard a lot of comments about light commercial. I don't really know what that's from. C-G is the least restrictive commercial zoning we have and so there is quite a few things that are allowed in that use and it doesn't always necessarily mean a light commercial use. So, I do want to be clear on that, that what could go here as currently proposed is not a light commercial use. It could be a more intensive commercial use. But I -- I understand your concerns.

Seal: Thanks, Joe. Hethe, do you want to go ahead?

Clark: Thank you, Mr. Chair. Hethe Clark. Again for the record 251 East Front Street in Boise. I think that I want to -- I wasn't going to address this, but I think there has been a little bit of -- call it confusion about who is this applicant and how they are related to the apartment application from late 2019. So, to answer Mr. Johnson's question about who is Flex Space, LLC, if you Google search Idaho Secretary and search businesses you can find the -- a lookup tool there. Flex Space, LLC, is an entity that I formed for the Conger Group in 2017 and has an address on Fairview Avenue. It's done -- you guys on the Planning and Zoning Commission know we are here all the time, we do projects throughout the valley. It's a quality developer, not a fly-by-night operation, and certainly not hiding and so the difference between Flex Space, LLC, Conger Group, is that this is our application and this -- and we did not bring the application in 2019 and 2020. That was Zach Evans, the construction -- excuse me -- construction group and there are very significant differences between what was proposed then and what's being proposed now. So, as we follow the timeline, you know, this was approved back in 2016, there was a full traffic impact study that was done at that time. A traffic impact study is done based on methodology that analyzes the entirety of the build out of the project with all of the uses that are proposed and approved. It also has a growth factor built into it, so it identifies what the impacts are going to be at the end of build out. So, that was done in 2016 and 2017 there was a slight modification to the project. It reduced the trips, so ACHD did not require an updated traffic impact study at that time, because that outside impact had been reduced. They identified the -- the required improvements at that time in 2016. This pulled back those impacts, so there is no reason to do another traffic impact study. The Zach Evans project was going to take out all of the commercial, the -- all of that 6.8 acres of commercial and it was going to add three story stacked apartments. It was going to add trips and so in that instance there would have had to have been an updated study, they would have looked at things like in the timing for the light, for example, at Overland. That application was recommended for approval, but it was ultimately withdrawn. That's a different group and they had a different application. This group has an application that preserves the commercial and instead of stacked three story apartments, what we are doing is -- is townhomes that are limited to two stories and to be clear those two story townhomes are separated by 20 feet, so a bigger setback than what's on the south and all of the parking is on the other side of the structures. So, that will provide for additional noise buffering. But the point I'm trying to get to with all of this is to say that no traffic

impact study was required with this one, because it was yet another reduction on the outside impacts that were associated with the original approval of this project. Again, this -- this is not an add on in terms of units to the original approval. This is a reduction on the number of units from the original approval. You know, in terms of other things that I would mention with regard to the amenities, you know, we refer to it as a coffee bistro. We are looking at that as a -- as a really unique thing. It's a self-contained project or a -- call it application that the owner of that -- of the apartment projects would be able to administer. Really, it's much like a community center with open space. So, I don't think we should get wrapped up around what exactly is proposed in it. It is going to be something that's going to be operated by the owner. You know, the question came up a few times about amenities for children. This is a project that is not anticipated to be marketed to that family that would be looking for tot lots. All of these various components of the development have the number of amenities to be able to stand alone. We don't think that a tot lot is marketable or works in this location, but if it's the recommendation of the committee -- and we have talked about -- and we have talked about this before with other applications, we think of far more appropriate use would be climbing boulders. We think that that type of outdoor play area makes a lot more sense and gets better usage, if that's the recommendation of the Planning and Zoning Commission. We think that what we have proposed here more than adequately satisfies code and certainly it meets what we believe is the market for these townhome units. You know, I think with that I will leave it and, you know, if there is any follow up I would be happy to hang on here.

Seal: Okay. Thank you, Commissioners, do we have any questions -- further questions for the applicant?

Grove: Mr. Chair?

Seal: Ma'am, you have -- yeah. I was going to say, you already had your three minutes. Ma'am, you have already had your three minutes. You will not be asked to come up again. Thank you. Commissioners, do we have any further questions for the applicant?

Grove: Mr. Chair?

Seal: Go ahead, Commissioner Grove.

Grove: Hethe, question for you, kind of in terms of the overall development of this area. Are any of the neighboring developments -- are they age restricted?

Clark: Mr. Chair, Commissioner Grove, no, it's -- it's -- I would say The Village is targeted, but certainly not age restricted.

Grove: Okay. Thank you.

Seal: Any other questions from the other Commissioners? The only question I have on this right here is I have -- is this portion of the Movado project the only portion that you have been involved in or have you been involved in the other pieces of the development?

Clark: Mr. Chair, if you are asking me personally, this is the first one I have been involved in. But Flex Space, Conger Group, has been involved in the other -- the other phases as well.

Seal: Does that include the property directly to the south?

Clerk: Yes. Yeah. Mr. Chair, the answer to that is yes.

Seal: Okay. Thank you. Okay. I got to get on with the rest of my job here. So, if there is no further questions from the Commissioners, can I get a motion to close the public hearing for Movado Mixed Use, H-2020-0123?

Yearsley: So moved.

Seal: Could I get a second?

Grove: Second.

Seal: It's been moved and seconded to close the public hearing on item number H-2020-0123, Movado Mixed Use. All those in favor say aye. Any opposed? All right. Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Seal: Who would like to start this off? Don't everybody rush in at once here. Commissioner Holland, I see you are off mute.

Holland: Oh, I keep forgetting to mute myself after I say aye. I made some of my comments directly to Hethe earlier. I always have a challenge when you have got a master plan that shows something that doesn't end up staying that something. I know that was a concern of some of the people who testified tonight, too. If this was the first time I was seeing it it might be a different story, but it's always hard for me when someone comes back and changes the plan, especially when they are reducing commercial. So, I do have some heartburn about it. I appreciate some of the features that they have. I appreciate that it's not standard four-plexes, that they do have a couple seating areas and kind of -- they are -- they are willing to work with staff on doing a plaza space. I'm not opposed necessarily to mixed use projects, but where these townhome units are two story and they backup to the single family homes, there might be some challenges there with transition, too, and I don't know exactly how to condition that or how to help them. You know, maybe it's a requirement that they have to do a single story townhome product on that, or a duplex style product on that southern side backing up to those residential houses, maybe that would be a good compromise. I'm not really sure exactly what to recommend there, but I have some heartburn on it, so I will pause for now and I want to hear what the other Commissioners have to say.

Seal: Okay. Who wants to go next?

Yearsley: Commissioner Seal?

Seal: Commissioner Yearsley, go ahead.

Yearsley: You know, when I look at these, one of the things that I do my judgment on is the amount of public testimony on this and, you know, understanding their concerns, especially when they were told it was going to be one way and, then, it's going to go back to another, you know, for me I -- I struggle like Commissioner Holland, I -- I think this corner is going to be busy enough and at this point I don't know if I could support the conditional use permit for the apartments.

Seal: Okay. I will -- I will throw my two cents in here, so -- it might be five cents tonight. But just -- there is a lot of focus around the lack of a traffic impact study and things like that and, unfortunately, that's something that the City of Meridian does not have control over, so -- we have input into it, but if we are told that a traffic study isn't going to be recommended, then, there is literally nothing we can do about it, so -- I mean we can't stop that. That's something that we can't stop the process as a result of. The other thing that brought -- was brought up a couple times was how many rentals are enough. I mean if you look at the entire City of Meridian, the answer seems to be it will never stop, so -- I mean I know that there is a lot of rentals that are visible from everywhere. My question is how many of those are vacant. So, you know, I live in Meridian, too. I'm not opposed to seeing them come up. I definitely would not want one in my backyard, but at the same time if we have to ask how many are enough -- how many are vacant. If none are vacant, then, we don't have enough, unfortunately. That's the downside to the values of our house increasing by, you know, a hundred percent in the last seven years. So, you know, I very much enjoy that as well. So, I'm -- as a person living in Meridian as well I'm willing to help swallow some of that pill, as bitter as it may be sometimes. So, that said, I also agree with the other Commissioners in what they said, especially with the question that I asked as far as them being involved in the development to the south. I'm sure part of them developing that was knowing -- or, you know, relying on what that property to the north was going to be. So, knowing they had a hand in that and, then, now they are trying to switch that, I just -- I can't agree with that. I mean I appreciate the fact that they are trying to keep the commercial property on Overland and I think that's something that will probably, you know, have to stick in order to get through Planning and Zoning into -- into City Council in any way, shape, or form, just because as a city we are trying to grow up and we need more places, we need more commercial businesses, we need more places of employment to exist. That's about all I have for my comments on this. So, I will let my other Commissioners get back to it. Commissioner Lorcher?

Grove: Mr. Chair?

Seal: Oh. Commissioner Grove, go ahead.

Grove: Commissioner Lorcher, you can go ahead.

Lorcher: I don't have anything else to add. I -- I support what Commissioner Holland said and Commissioner Seal. It's very difficult when you have open space and the developer has an idea, but if it doesn't work, then, they are going to a plan B and I think there is always a risk of moving into an area where there is undeveloped area around you. There is no legal precedent, I don't think, for you as a homeowner to say -- you can dictate what happens to the piece of dirt that's in front of, you know, five or ten years down the road. But I also appreciate that you moved into a neighborhood that you thought was going to stay residential with light commercial and, then, all of a sudden it turns into apartments and maybe the developer -- like I don't know who mentioned it -- could consider a different product closer to the homeowners and, then, have the apartments be a little bit further out to kind of dilute some of the -- having those high density right in their backyard, but this is development in Meridian where you have open space and in-fill and the developer is trying to make a product that they can sell and, unfortunately, the one that they had proposed didn't work and now they are trying something else, but it doesn't fit into the neighborhood --

Seal: Commissioner Lorcher, we missed just the last couple words you said there, but --

Lorcher: I don't have anything else to add.

Seal: Thank you. Okay. Commissioner Grove, do you want to go ahead and jump in?

Grove: Sure. Thanks, Mr. Chair. I have a lot of conflicting thoughts probably on this a little bit, which is probably not that uncommon for my opinions on most things here. I -- I agree with the applicant in the sense that I don't think a tot lot fits on this project just because of its proximity to the type of structures that they are presenting. I have some issues with the general layout of this, however, and I don't feel -- it feels like it's mixed use in the sense that there is two different product pieces, but it's not integrated, in my opinion, and is lacking in taking on the spirit of what we would want in a mixed use setting to be able to tie the residential and the commercial aspects a little bit more. It feels like you are just really trying to get two things butted up next to each other, versus finding ways to integrate them and make it into a more cohesive community and I think if that were more of the case the neighbors that have testified tonight might feel like, you know, it's being tied into their development. I would like to -- I think Commissioner Lorcher summed up some of my feelings on the pain points that people have when moving into a place that is not completely developed. You can be promised a lot of things, but until a shovel hits the dirt, you know, you are not guaranteed anything essentially and it's frustrating, you know, especially when you have seen, you know, the plans and everything, what it's supposed to be, but until it's built you don't -- there is no guarantee that it's going to look and feel exactly how you have been promised, unless you own that land, but that means that I do think that there is a way that this can be developed in a way that creates a little bit more cohesion between what is wanted from flex from the developer and from the neighbors and from the city standpoint of having a mixed use. I don't think that, you know, having a heavy commercial use makes sense here, you know, with the corner that -- of Silverstone that's already there and what's going in across Overland with

the Eagle Landing, I think that the market has probably changed considerably from when this originally went forward and I think there is a middle ground, I don't know that we are there yet, and I would want to see a different approach to this.

Holland: Mr. Chair?

Seal: Commissioner Holland, go ahead.

Holland: The only other comment I would make is I agree that whenever there is, you know, dirt next to your house that it could become almost anything. In this specific case it's a little bit unique, because they -- they did already go through an entitlement process and had a development agreement in place. So, there was some sort of concept plan that was approved by the city that they -- they are still held to currently. Even if we approve the conditional use permit tonight they still have to go to Council to release them from that development agreement and form a new one. So, just wanted to make that note, too. Our conditional use permit is really just around the multi-family project. That's -- that's what we are deciding on this, whether that fits the Comprehensive Plan and this specific development project. So, that's kind of where we are -- where we are set at and I'm -- I'm leaning towards where Commissioner Yearsley is, is I have a hard time approving the conditional use permit for the apartments as it's shown here. I -- could this work potentially? Sure. Is it the best fit and the best possible layout for the City of Meridian and what we are trying to strive for, you know, excellence when we are looking at projects? I don't know that it's the perfect layout. I think it could use some more work. So, I'm leaning towards the nay as well. I know that this developer has a number of great successful products. I think we are all kind of in the same boat where it just doesn't check all the boxes for us right now.

Seal: Would anybody else like to chime in or take -- take a shot at a motion here or --

Holland: Mr. Chair, could I ask one question for staff?

Seal: Absolutely. Go ahead.

Holland: If we were to say no to their conditional use permit request, would they be able to come back forward to us with another site plan in the future or does it put the time clock on them of a year?

Dodson: Good question.

Parsons: Joe, I can take that if you want.

Dodson: Thank you, sir.

Parsons: You're welcome. So, Mr. Chairman, Members of the Commission, as you stated, they still have to go -- they still have another shot in front of City Council. So, they are going -- going before them, because it is concurrent applications. So, this is moving

up to them with that DA motivation. So, they have the option to plead their case to Council and potentially overturn your decision if that's what you choose to do. If they came back with something substantially different than that year time frame wouldn't -- wouldn't apply. They just couldn't come back with the same application that's before you tonight, the same layout. So, there is still some flexibility there under the requirements of the code.

Holland: Thanks, Bill. And I believe that we are not really a -- we can certainly make a recommendation on the development agreement, but we are not a deciding factor on the development, so --

Parsons: Correct. You are not the decision making body on that, but you hit it right on the head, Commissioner Holland, that your -- your job is to state whether or not this meets the code and if it's consistent with the Comprehensive Plan. So, that's still your purview this evening.

Holland: Thank you, Bill.

Seal: All right. Thanks, Bill. Appreciate that. Still willing to entertain a motion at this point, unless we want to have more discussion on it. I would help you with a motion, but I can't tonight, so --

Holland: I can make a motion. I was waiting for Commissioner Yearsley or Commissioner Grove --

Yearsley: I was just stepping up, so -- Mr. Chair, after considering all staff, applicant and public testimony, I move to deny file number H-2020-0123 as presented in the hearing date of March 4th, 2021, for -- we don't feel like it fits the Comprehensive Plan. Not liking how the apartments are so close to the residential and it just doesn't fit for the area.

Seal: Is there a second?

Holland: I will second that.

Seal: Okay. It has been moved and seconded to recommend denial of item number H-2020-0123, Movado Mixed Use, for the aforementioned reasons. All those in favor say aye. Any opposed? Okay. Motion carries. Motion for denial.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Seal: Okay. That was the last one on our record there, so I'm always ready to entertain that last motion.

Holland: Mr. Chair, I move we adjourn the Planning and Zoning Commission hearing for the date of March 4th, 2021.

Grove: Second.