

Lorcher: Second.

Seal: It's been moved and seconded to recommend approval for -- or, actually, to approve Burger King Drive-through, H-2021-0051. All in favor say aye. Any opposed? Okay. Motion carries.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

8. Public Hearing for Elderberry Estates Subdivision (H-2021-0044 and H-2021-0005) by Angie Cuellar of Mason and Associates, Located at 1332 N. Meridian Rd.

- A. Request: Rezone of 0.66 acres of land with the O-T zoning district.
- B. Request: Short Plat consisting of 4 buildable lots.

Seal: Okay. We will move on to Elderberry Estates Subdivision. It looks like this is H-2021-0044 and H-2021-0005 and we will begin with the staff report.

Tiefenbach: Good evening, Commissioners. Alan Tiefenbach, associate planner at the City of Meridian. Looking and feeling much better this evening than the last time you saw me. Okay. This is a rezoning to O-T, Old Town, and a short plat for four lots. The property is about a half acre. A little bit larger. Zoned C-C. Located at 1332 North Meridian Road, which is the east side of Meridian, south of East Fairview. To the north -- it's all -- all of it is right now presently zoned O-T. To the north is single family and office. To the east single family, multi-family, and office. To the south is a couple of salons and, then, to the west across the street is also single family and some office. The property was platted in 1920s. That's the only history there. Very old plat. Comprehensive Plan map recommends it for Old Town. So, again, as I said, this is a request to rezone from C-C to O-T and a short plat for three lots and I'm going to come back and revisit that. For three lots to allow three duplexes. That was what it was at the time of the staff report and, again, I will come back and revisit that. The property -- let's see here. The property is a flag lot, so the access comes from North Meridian Road, again, surrounded by office, salons, and multi-family. Is it not -- is my -- oh, sorry. Is my presentation not sharing? Okay. Hold on here. My apologies. I thought you were looking at this. Got it? I hope. Okay. So, the property is a flag lot. That's what you see in the darker lines. The only access that is their property comes from the southern axis off of Meridian. They also have a northern access. Both of these are easements that are easements that are shared by all the property owners surrounding. The southern most driveway to North Meridian provides access also to the parking lot down here for the salon. The northern most access, which is up here, provides a connection shared to the lot to the west of the property, which is here. The applicant also additionally proposes to stub to here. This is all common access easements that are shared between these properties and this one. So, this is not a public road, it's basically a drive aisle. Both -- both ACHD and Fire have looked at this. They don't have any comments. One thing to

mention -- the only -- the only part of the sidewalk that is on this applicant's property is the north side of this southern driveway. The reason why I say that is the UDC requires a minimum width of five foot for sidewalks. One of the conditions of approval staff is recommending is that the applicant reconstruct this sidewalk to be five feet wide. There is also a requirement in our code that you can't just stripe to cross a parking lot, you actually have to use something like pavers or something like that or decorative concrete. So, that's another one of the -- one of the recommendations of the staff report. In regard to the other sidewalks on the north and south side here and on the south down here, staff is just recommending that the applicant try to work with the property owners and see if they can actually widen those sidewalks as well. But, again, that's an offsite improvement. The applicant really doesn't have any control over that. So, it's just hoping that they can cooperate with them. There is also an Idaho Power easement, which you can see here, and that's hatched. The applicant knows that they have to relinquish that. That's one of the requirements of conditions of approval. At the time of the staff report staff mentioned to the applicant that all -- though the plans that were submitted met all of the parking requirements per the code, in this case because there are three bedroom duplexes, four parking spaces each, because -- because they met the requirements, we really didn't have any additional comment in regard to their parking, but we did mention that, because all of the rest -- all of the access was a drive aisle and fire lane, that the -- that the issue could come up about what if they need additional parking for some kind of gathering or football game or whatever, where are they going to park, because there really wasn't anywhere else. We -- about a week later we heard back from the applicant, just recently, last couple of days, and he said he had talked to the adjacent neighbors and to be a better neighbor he is going to reduce the proposal down to three duplexes, which is what you see here. So, the most recent version of this that comes to the Planning Commission tonight, the only difference, really, is that the short plat is going to be three lots versus four. What this would do -- and this is just -- this is only just a -- to demonstrate -- it gives them about eight parking spaces per duplex. So, that's twice what they are required to have. I believe the applicant does have a most recent version of a three lot short plat with them tonight. Again, we haven't seen it, but we don't have any comments with that. We didn't have any comments on this and if the short plat is exactly what we saw before, but with three lots, really, the only difference would be one less duplex and a little more parking, if that's the case, then, we would just recommend that the most recent short plat of three lots go -- be submitted and go to Council. We listed some of the conditions of approval in the staff report, but other than that I would entertain any questions.

Seal: Okay. Thank you. At this time would the applicant like to come forward? If you could give us your name and address for the record and we will let you fire away.

Mason: William Mason with Mason and Associates. Our address is 924 3rd Street South. We have reviewed the staff report and with that change of going from four lots to three, we think that we have a better project with the extra parking. After we started looking at the drive aisles and the fact that Meridian Road is a really busy road, we don't want people parking where they shouldn't be, that's why we reduced the lot count and reduced that unit count. So, that last picture that you saw with the three parcels is what we would like to work with. Again we didn't have a chance with the time of this hearing to get all of that

finalized to staff and we would work with staff to finalize all that. We have no problems with the conditions in the staff report.

Seal: Okay. Thank you.

Mason: With that I stand for any questions.

Seal: Okay. Do we have any questions for the applicant or staff? I just have a quick one. On the parking that was detailed there where there is two spots on either side of what is traditionally the driveway there, would both of those be paved or what -- what would the plan be for that?

Mason: That's correct. They would both be paved. That's the plan. So, there would be the apron in front of the garage and, then, alongside of that there would be a paved parking area for that tandem parking.

Seal: Interesting. Okay.

Grove: Mr. Chair?

Seal: Commissioner Grove, go ahead.

Grove: I have a question. As this is currently zoned commercial and you are moving to Old Town for designation, what is the -- I guess purpose for going residential, rather than maintaining a commercial designation here?

Mason: Part of it is the fact that it's set back a ways from Meridian Road and we only have those flag openings that are about 25 feet wide and there is buildings in the front of -- of this parcel, so that there is no visibility from Meridian Road.

Grove: Thank you.

Seal: Any other questions? Okay. Thank you very much. I appreciate it. Okay. At this time we will take public testimony. Madam Chair, is there anyone signed up for this one specifically?

Weatherly: Mr. Chair, we do not have anybody signed in.

Seal: Okay. If anybody on Zoom would like to raise their hand or anybody in the audience wants to testify, please, raise your hand. Okay. Not a lively house tonight so far, so -- at this time would the applicant like to come back forward? I do actually just -- I have got a concern over the -- the double parking spots there. I'm just thinking that that is very well intended, but may have consequences, such as people trying to park trailers there, things like that. So, how -- I guess are there going to be -- is there going to be like an HOA, covenants, rental agreements where things could be written into make sure we don't have those kind of issues there or -- or is that something that you might even try to attract?

Mason: You know, my client is here tonight. He might be able to better answer whether he wants to do CC&Rs to try to limit what -- what would be parked in that area.

Seal: Okay. That would be great. If he wants to come up. Please -- name and address for the record and then --

Long: Jonathan long. 1859 South Topaz Avenue in Meridian.

Seal: Okay.

Long: And so as far as the parking goes, the tandem, those are -- those are adjacent to the finished driveway as you pointed out and those parking spaces are going to be specific to that particular unit that they are in front of and adjacent to. They are paved, like we said. We are going to have CC&Rs. We desire to be good neighbors and have this be a good project for everybody around us and so there is going to be CC&Rs. There is also going to be really tight leases for anything that happens to be rented out for folks that have to sign a commitment acknowledging that there is to be no cars on blocks. There is to be no trailers of any kind. The duplexes that we are looking at are actually more on the executive -- executive style and Craftsman style duplexes and so they are going to be finished out nicely. We want these duplexes to be attractive. We want to keep the area attractive to folks and so CC&Rs would definitely be in place, as well as the leases to reinforce, you know, the proper appearance of how these duplexes are kept.

Seal: Thank you.

Grove: Mr. Chair, I have a question.

Seal: Go ahead.

Grove: Sir, with -- with your development -- and I'm assuming you have talked with your neighbors. Do you have any idea on how this will fit in with any future plans that they are expressing or have they expressed any indications of what they would be doing surrounding your property?

Long: So, we have talked about that. As far as their future use, to my knowledge, Expressions Salon that Kenny and Darlene own, there is no changes or no -- there is no plans for changes to what they are doing in the future. The Gibbs, who own the bookkeeping and CPA business just the west of us, at some point they would like -- they have got a small little empty lot there and they would be interested in developing that with commercial, because there is road frontage. In speaking with them they saw no conflict with what we were doing and what they were doing. They actually saw it as -- as value added, because they are going to have future client -- potentially future clients that are living in their, you know, backyard now. So, no conflict of -- or issues that have been brought up with present use or future use.

Cassinelli: Mr. Chair?

Seal: Commissioner Cassinelli, go ahead.

Cassinelli: Joe, when you -- when you went down to the three -- the three units, the three duplex units, to accommodate the parking there, did you consider any kind of a -- because that's come up a couple times now -- any kind of a common area to park -- maybe on one end put additional parking, as opposed to doing it this way? That way people couldn't put trailers and things like that and it would be -- you know, it would be specifically designated for -- for parking.

Long: Sure. And we entertained that as far as trying to squish the three duplexes together and keep a four lot approach and pretty much using that fourth lot for overflow parking. There is pros and cons, you know. I don't know that it would change what people are going to try and park there versus what they would try and park on their individual lot. In the end our desire was to try to make the project more comfortable for those residents by providing more space in between units and, then, trying to keep overflow parking confined to those specific lots. So, those residents on that lot would be parking only on their lot and I think minimum requirements are four parking spaces, two of which are enclosed, for a three to four bedroom unit. So, we have got every one of them -- every one of the units has its own closed garage along with the finished driveway plus and so that puts our total number of parking at 12 per duplex now and we are hoping that's going to be sufficient. We have talked to neighbors just as far as -- particularly the CPA if ever there was a need for overflow parking, would -- would the adjacent parking lot be available after hours. They are very open to that. Not to the point necessarily that we are looking at formalizing a parking easement or what have you, but working with the neighbors we seem to have a pretty good understanding that we are going to try to do what's necessary to keep all parking on those lots. But should there be any necessity for overflow after hours it would be available.

Cassinelli: Thank you.

Seal: Any other questions? Okay. Thank you very much. At this time -- go ahead and state your name and address for the record.

Sass: Hi. Kelly Sass. 1414 North Meridian Road. That is the northwest plot attached to this situation. A couple of things we just wanted to note. One of the areas that was recommended for that wider sidewalk currently has access to all of the lots surrounding -- not only further to the north toward Meridian Road and Fairview intersection, but also ours and to the south. Our mailbox area is all there. There has already been with existing businesses issues with blockage of that area. That's not something we think is anyway exclusively their responsibility, but any proposed reconstruction of that sidewalk we would ask also include a fire lane or no parking marker in order to prevent future issues with that space. Additionally, when we purchased our area we were not informed that there was a shared easement of our driveway beyond the immediate CPA office to ourself. That is our only parking. Your current visuals for your -- for your plat with the three divisions includes our backyard. The actual visuals that you had of those spaces does not include

our backyard being fenced. I don't know if that's currently in alignment with their plans or not, but that was plans made before the new platting for that rear area had been recorded. So, those are some issues we had had at time of purchasing with the previous ownership of the lot in question and now we just want to make sure that those records are really clear and that plans are made very clear regarding our space and also the use of our necessary accommodations being our mailbox and the only parking we have for our lot being that shared driveway with the CPA's office directly to our south.

Seal: Okay. Alex, quick question on that. So, the -- as far as the shared lane and where the mailboxes are as she is describing, that's -- that's off site, essentially, for the purposes of this?

Tiefenbach: Yes, sir. The only lane that belongs to this -- belongs to this applicant is that 14 feet, I think it is, wide little sliver here. Everything else are access easements. So, basically, a civil issue between applicants. Whether or not they can park in these access easements -- I don't believe that the -- the language speaks to that. I do know that these are going to be fire lanes. So, I'm really not prepared to answer sort of a civil issue in regard to whether or not they can park in a private easement. Maybe the applicant can. But this here is owned by the applicant down to the south. That's really the only thing the applicant has control over as far as this case goes.

Sass: Specifically, Commissioners, that south lane to which you speak, that 14 foot, that is for the mailboxes. If you will draw your attention -- it's about 15 feet setback from the front curb of Meridian Road and it does supply -- I think it's something like 16. So, that is just something to consider, as it's already been an issue of existing. We had previously talked before this had started with the owners of the CPA's office and -- we have all had issues with our mail not coming in a timely fashion, because people have parked in front of our mailbox and made it inaccessible for our mail carrier. So, that's our concern, not necessarily anything, except that in moving that five foot wider area that we had heard about in the staff report. We want to make sure that if at all possible that works in service to all of the businesses existing and the new residential spaces, that everyone gets their mail on time.

Seal: I understood. Thank you. Anything else?

Sass: Just clarifying that that north driveway -- we are concerned is that calling it a fire lane -- it is our only residential parking for both our business and our residents. So, it can't be exclusively a fire lane. It's not three units wide. You can get parking on one and a car, but not parking, parking, and a vehicle. So, given that we were given to assume and told in our purchase that it was shared only with the plot directly to the south, our concern is if it is zoned as a fire lane do we lose all access to parking for our property. So, whether that's now or later, that's something we wanted to voice today.

Seal: Alex, I will let you take that one.

Tiefenbach: So, I knew access was going to be an issue with this case and I looked at

the easements on this. The easements, basically, just talk about nonexclusive access easements. It calls -- it basically identifies the properties A, B, C and D and the access easement says that access is to be shared between property A, B, C and D. I don't know about what it says about parking. Again, this is not on -- on the -- not on the subject property, but the access easements, the documents do say that A, B, C and D all have access to these easements.

Seal: Okay.

Cassinelli: Mr. Chair?

Seal: Commissioner Cassinelli, go ahead.

Seal: Yeah. Question. What -- what is -- which property is yours?

Sass: So, looking at the currently displayed documentation we would be the plot top and left. So, they are 1414 North Meridian Road.

Cassinelli: Okay. And -- and right now you have -- on that property there is -- you have got no -- no parking on every -- every -- where ever you park is -- is on that access lane?

Sass: In the driveway. As we were informed at time of purchase. Yes.

Seal: Alan, can you go back to the aerial view?

Tiefenbach: Are you talking about this one?

Seal: Yes.

Sass: Yeah. So, what you see here is several years old. In this photo, looking at 1414 North Meridian Road, you not only see that blue tarp -- temporary carports, but also the side of a two car garage that was present and under demolition at the time that we went under construction. Our current property has a six foot privacy fence to our property line, enclosing what is our space. We park in the alignment with that sidewalk and set in further from the sidewalk to the fence line.

Cassinelli: The fence being on the south of your property or --

Sass: No. That would be northeast.

Cassinelli: Okay. And where is the mailbox?

Sass: The mailbox -- south driveway. So, beyond the CPA's office, one lot, two lots, south driveway. That's where the mailbox is.

Cassinelli: Okay.

Sass: And that is, if I am not mistaken, paving wise, a narrower access point, actually, than what is between our lot and the lot directly to our south.

Seal: Can you scroll that down just a little bit, Alan?

Cassinelli: I think I see it there with a shadow.

Sass: Yeah. That -- that shadow is the -- the mailbox, yes.

Cassinelli: Okay.

Seal: Okay. Any other questions? All right. Thank you very much. We will let the applicant come back up and speak their -- speak to the concerns, if the applicant would like to come back up.

Mason: William Mason. Mason and Associates. 824 3rd Street South in Nampa.

Seal: Thank you, sir.

Mason: So, the mailbox -- I actually looked at that this afternoon. I'm glad I did, because I didn't realize that would have been her mailbox, but it looks like it's going to have to be relocated anyway, because a five foot sidewalk in there I don't think is going to allow that mailbox cluster to stay right where it's at. With our project we are going to have to get the postal service to agree to a location for our mailboxes, so we certainly would talk to them about potentially putting all of the mailboxes in one cluster location or if the commercial area up front wants -- and the post office wants that mailbox to be separate from the residential, we can do two. But I don't see that being an issue for us to move back. I can't tell you why parking is occurring in the access easements, because as -- as I see the access easements, they are for cross-access -- access and through traffic. I don't see anything about parking and the concern that we have with that is, obviously, the Fire Department can't get back to other properties if there is people parked in those -- those accesses. To the parking area that they are using currently, I believe that parking area is in that access easement on the east side of their property. If we could find another place for them to -- to have parking on their property, it looks like it would have to be up front toward Meridian Road. It doesn't look like there is much room for them to do anything there. I don't really know what to say about the -- the parking in that area, other than that we can work with them on trying to figure out a proper location, but currently that -- that parking that they have fenced off is actually in an access easement.

Seal: Understood. And that's -- yeah. I think the concern is just they have parking that's there currently and that's going to remain, because it's -- it's not -- Alex, do you want to go ahead and --

Tiefenbach: So, I just put this up. This is the exhibit here that you are seeing that's referred to in the cross-access easement. This is the language here. It says grantor

hereby -- blah, blah, blah -- cross-access and through access easements, as depicted on the site plan, of parcels A, B, C and D and here is parcels A, B, C and D. So, it says you are allowed to have access, but there is nothing here that says parking. Again, I don't want to get all caught up in the civil issues, but these are access easements, these aren't parking spaces.

Seal: Who owns the -- the roads? Is it ACHD or is it the city or are they private?

Tiefenbach: Oh, talking about these? These are private easements --

Seal: Okay.

Tiefenbach: -- that are on the property for the purpose of access.

Seal: Okay. Any questions as to -- on all of this?

Grove: Mr. Chair?

Seal: Commissioner Grove.

Grove: With the access that you have as part of your property, is that to be marked no parking? Is that -- is that something that I saw?

Mason: Commissioner, that is correct. All of our access roadways will be -- our driveways will be fire lanes. So, our parking will be outside of that easement on the -- the individual parking spaces that we are showing.

Grove: And will it be marked that way, though?

Mason: No parking?

Grove: Yes.

Mason: Yes.

Grove: Okay. Thank you.

Seal: Okay. Any other questions? No?

Cassinelli: I have got a question for Alan. Can you -- on this one that you have up right now, if I'm looking at the -- make sure I'm looking at the presentation. The -- all the gray is the easement?

Tiefenbach: Yes, sir.

Cassinelli: Correct?

Tiefenbach: Correct. There is two separate easements. This is one exhibit. The second easement exhibit is for this portion here. I don't have that on the screen right now.

Cassinelli: Okay. And I don't know if you can -- can you -- are you able to zoom in on -- on this?

Tiefenbach: Sure. What do you want to see?

Cassinelli: That top. I want to see the -- the easement in relation to the property line on it -- on 1414.

Tiefenbach: Does that work for you?

Cassinelli: Yeah. So, that -- that easement there -- and that's all to be labeled no parking where it's 24 feet in the rear?

Tiefenbach: Twenty-four feet wide. My understanding per Joe Bongiorno is that there is supposed to be no parking, fire lane.

Lorcher: Mr. Chairman?

Seal: Commissioner Lorcher, go ahead.

Lorcher: So, in regard to this fire lane or easement, there is currently parking there now for 1414?

Tiefenbach: Was that directed to me, Commissioner?

Lorcher: Sure.

Tiefenbach: I guess I would defer to 1414. It sounds like they have parking there. This is the easement. These -- what you see here in gray is what they are allowed to access on and I don't think it's meant for parking. Whether or not they are parking outside of here is -- on their property is purely their concern. But this is an access easement. This isn't a parking easement.

Lorcher: Okay. So, going forward 1414 would have no access for parking on this lane; correct?

Tiefenbach: There -- they would -- they would not -- they are not supposed to be parking in this access easement.

Lorcher: Now or --

Tiefenbach: Now or ever.

Lorcher: Okay.

Tiefenbach: And whether they are is a whole other story and, again, if they have room back here -- I don't know what they have got here, if they have got -- if you have got room back here they can still park here. It's their property.

Lorcher: Got you. Thank you.

Seal: Yeah. I'm -- since we are still in the public hearing portion of it, I will have -- I'm going to have you come back up, because you didn't use your three minutes and I'm interested to see what we are going to do here. So, for -- for explanation purposes, right now it looks like you have parking on what is considered your property; is that correct?

Sass: As per what we were told and documentation we were provided at time of purchase of this property 14 months ago, we park to the south side of our property, not the east. To the east border of our property is a six foot existing fence, which was approved for purchase at the time that we were under contract. The build was done by the previous ownership, who, to my understanding, was the one who approved this replotting after we had closed. What we were told is that we had an easement of access shared to the south of our property to the plot directly to the south. So, 1402 and 1414 shared access of the middle third of that driveway, with parking available to each of us in that space. We were told the only use for that to the east, after time of contract, we were told that we might be required to expressly allow for emergency access for a turnaround of a fire truck, which is permissible and spaced accordingly with our existing parking to the south side of our property. We are not parking to the east. There is a fence on our property line to the east.

Seal: Understood. Thank you for the clarification. Anybody -- other questions?

Lorcher: Mr. Chairman. Is this a business or a residential house?

Sass: Both. Both. We live and operate two businesses out of that property.

Lorcher: Okay.

Cassinelli: And do you have -- do you have visitors to the business?

Sass: We do.

Cassinelli: So, that's typically where they park?

Sass: Minimal numbers, yes. One to three a day for less than an hour apiece. But, yes, they park to the south side of our property.

Cassinelli: Okay.

Seal: Okay. Thank you very much. Appreciate you coming back up.

Cassinelli: Mr. Chair?

Seal: Commissioner Cassinelli.

Cassinelli: Alan, in that 24 feet is that -- is that allowable to have parking on one side? Is there space on that? Bill is shaking his head no.

Tiefenbach: I see a 24 -- so, what we are looking -- what we are looking at here is a 24 foot wide easement and all it says here is purpose of ingress-egress, a cross-access and through access easement. That's -- that's what -- all of these properties here are allowed to access this. It doesn't say anything about parking. If they figure out -- you know, they want to work out an issue with -- if they want to work something out with their neighbors, that's fine. If they want to park on their property that's fine, but per the legal agreement I'm -- I'm going to have our city attorney stop me. These are only allowed to be used for ingress and egress and not for parking.

Starman: Mr. Chairman, Members of the Commission, I'm reluctant to provide legal advice to the owners of 1414 or to others here this evening, but I think the -- or what Alan described to the Commission is accurate. I'm seeing this document for the first time. The intent of the easement is provide easement -- or to provide access, ingress and egress, and it's for 24 feet of width. So, my interpretation of the language, looking at it for the first time this evening and just providing advice to you, not to others, I think Alan's description is accurate and the intent of the easement is provide access.

Seal: Understood and thank you for that. Okay. Are there any other questions at this time? Okay. If not, can I get a motion to close the public hearing? Yeah. Yes, you may. Please -- please state your name and address for the record.

Smith: Scott Smith. 1321 North Main Street, Meridian, Idaho. 83642. So, the question I got is a couple things. A question and, then, a comment. How close on that back fence will the -- will the properties be, the three duplexes? Okay? And, then, the comment that I would make is that this is a very clustered little property down there. I went down and looked at it today. So, my suggestion is it's a half a mile from where we are sitting right now. It wouldn't -- it wouldn't be that big of a deal for everybody to go out there and take a look at it before you made your decisions, because some of the points that are brought up here tonight are very valid and you got lots of people coming and going and one driveway there and, then, when you got these duplexes there to boot, it's going to -- for the businesses that are on Meridian Road, the salon, the CPA and, then, the 1414 North Meridian Road there -- the North Meridian Road, yeah, it's going to leave a lot of congestion there. So, my question is, one, can you guys go take a look at it before you make the decision and, then, make the proper decision and, then, two, how close to that back fence line on the east border will these properties be, as far as what will be made as far as the fence line to separate the properties behind the duplexes?

Seal: Thank you. Okay. I will call one more time. If anybody would like to come up and testify or anybody online, please, raise your hand. Okay. Seeing none, if the applicant would like to return one last time to address that last question that would be great.

Mason: William Mason with Mason and Associates. 924 3rd Street South in Nampa. So, this property is kind of unique, because there is a 15 foot Meridian sewer easement on the east side. So, our fencing would be on our east boundary, but the buildings could be no closer than 15 feet from that boundary in order to stay out of the sewer easement. But you can see from this detail that we are not planning on building right up against that 15 foot easement. So, I would say there is another eight or nine feet behind the houses to the easement. So, you are -- you are looking at 22, 23 feet from the property line to the back of the house roughly. Our fence line would be actually on the property.

Seal: Okay. Thank you. Any questions? Okay. Can I get a motion to -- thank you, sir. Appreciate it. Can I get a motion to close the public hearing for Item No. H-2021-0044 and H-2021-0005?

Cassinelli: So moved.

Lorcher: Second.

Seal: It's been moved and seconded to close public hearing on H-2021-0044 and H-2021-0005. All in favor? Any opposed? Okay. Motion carries.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

Cassinelli: Mr. Chair?

Seal: Commissioner Cassinelli, go ahead.

Cassinelli: Well, in-fills are always tricky.

Seal: Absolutely.

Cassinelli: I -- you know, when I was reading this ahead of time I thought this was going to be fairly simple and straightforward. The -- and I don't want to -- I don't want to sound -- sound cold and not caring about the -- the owner in 1414, because I do, but the -- that -- that issue of the parking and access to that is kind of something that they were -- they weren't informed properly by -- by the seller of that property it sounds like. I mean they -- you know, they have got -- we have got to follow the easements for access here and I think even if they open it up -- even if we could put parking there, which we can't, but if you could put parking on one side, nothing is to say that -- that parking won't be -- not by visitors and residents of these, because it would be -- you know, it would be on a -- be perceived as public parking. So, it would be a huge issue there. I don't know -- unless the applicant and the owner of that property can get together and if we can make a

conditioned that they -- that they get together before -- you know, before things go to Council to -- to try and come up with a solution that -- that serves all. I don't know -- I think our hands are kind of tied as far as what we can do on the parking issue. Other than that I think it -- you know, I think it fits. I haven't seen any -- you know, other than that one elevation of the garages, I haven't seen any other elevations here. I would have liked to have, but -- I mean it meets the -- you know, we are meeting the requirements in there. I think it's difficult to try and book businesses in there, just because of access and visibility. You could probably go with some sort of offices, because you don't need the -- like retail would need visibility, but office space may not, but I'm inclined to -- to move forward on this is my thoughts.

Grove: Mr. Chair?

Seal: Commissioner Grove, go ahead.

Grove: As far as park -- as far as parking for the development itself, there is more than ample parking for the number of units that are going in there. Especially with the rezone to Old Town where the parking requirements are a lot tighter just in general and as far as like setbacks, they are a lot closer than any other zoning. So, I'm not worried about any of those issues. The problem that I have with -- with this -- and this is not on the applicant per se, but -- is I feel like we are giving up a piece of development area that could be looked at a lot more strategically from a broader perspective and I am hesitant to give up the commercial zoning on this to add in the -- the residential, just seeing as how the development that is starting in the core of downtown is going to be spreading outward towards that northern gateway that we were talking about earlier tonight. I am very hesitant to add something new to this space, especially as it is an empty lot and I know that the development of this would require other properties or other coordination, but I'm -- I'm not in favor of giving up that commercial zoning to move to Old Town to have this put in right now. I think that for me it's premature from a long term perspective for us as a community development. I think for the -- for the owner this makes sense, but for -- for me it doesn't looking at this from a longer standpoint.

Seal: Okay. Commissioner Lorcher, do you have any thoughts?

Lorcher: Oh, Commissioner Grove just added a whole new level --

Seal: You want to --

Lorcher: Commissioner Grove added a whole new level of thought process on this. I mean it -- like Mr. Cassinelli said, it's really hard to get something in between other things. You have got old retail in front of it and, then, trying to put in new residential behind it, where -- whereas Commissioner Grove said maybe a few years from now the old commercial would change, but that would be a bigger parcel for a different kind of business. What are we voting on today? Whether or not to be changed from commercial to residential or the whole project?

Seal: It's -- yeah. It's got rezone from C-C to Old Town. Short plat for the three lots to allow the duplexes.

Lorcher: Yeah.

Seal: So, essentially, it's the rezone is the -- the major portion of it.

Lorcher: The rezone is our -- our task.

Seal: Correct.

Lorcher: This really is my first kind of big in-fill project, so I don't really know our history. I mean I have seen projects like around 3rd Street where there was residential and, then, there is a long driveway and there was four or five duplexes behind there. It seemed kind of a strange place to put them and other are parts of the city. This is a very busy road, Meridian Road is, so I guess I'm on the fence with the whole thing. I mean it would be up to the developer if they could sell the product to residential, knowing that there is commercial in front of it. You are right, butting up against Main Street where you have other commercial, you are going to hear the -- the bangs of the garbage trucks at early in the morning. You know, I mean -- I don't know. I'm kind of on the fence on this one.

Seal: Commissioner Grove, do you have something else?

Grove: I will jump in. I mean I live across the street from this, so I'm very familiar with this area. I walk this all the time. I -- I just have a -- I have a hard time -- I like in-fill. I like that it's tricky. I like all the nuance that goes to it -- into it. Normally I would be in favor of this, but having this in between Main Street and Meridian Road I think that we have -- we have a lot of potential here and I feel like by doing this that is available to us right now, that we are going to have a harder time doing anything around this in the future. I know nobody is necessarily, you know, coming forward and wanting to do a redevelopment of the parcels that are directly close to this, but I think that we are not looking at the longer view on this and I would -- I would prefer a pause just in general to get a better sense of what else is possible here that is a little more ambitious with what is possible in downtown.

Seal: And I will throw in here a little bit. For clarification. First, if we -- if there is a recommendation for approval, the layout that you see right here actually is not the layout that's in the staff report. So, you would have to amend to want to move forward with the three duplex layout, not the one that was originally in the staff report. So, just so everybody's aware of that, if it was -- if you do move to approve, because I can't make motions. The one advantage to sitting in this seat. And I agree that -- I mean I agree on all fronts. In-fill is tricky. It's really tough. I'm glad to see the applicant has taken great strides in doing what they needed to do in order to fit this in here appropriately. Still a little concerned -- I mean it's interesting, because there is turmoil over the parking piece of it and there is more than ample parking being provided, you know, within the duplexes in there, so, you know, as to whether or not this can develop in the future, I kind of look

at things as far as how they fit for what's in there right now. I am a little concerned -- I'm concerned about the parking overall in this situation where things will be marked as -- as no parking where folks have, obviously, been parking, whether that's legal or not, you know, it's better to beg forgiveness -- beg forgiveness than ask permission, so -- and I agree with Commissioner Cassinelli, that was probably not handed over correctly as far as the expectation of being able to park in that -- in that lane. So, this is a tough one. I mean if this were to develop commercially I think it would serve the city better. That said, if we decided not to do this tonight and it doesn't develop as anything else, then, you know, we have missed that opportunity as well to provide some in-fill. This seems to fit pretty well. I mean there are some constraints, but that's -- that's every in-fill property that we have. You know, I have seen some stuff come in for in-fill that didn't go through and now we have empty spaces sitting there that are getting harder and harder to fill. Luckily this isn't a hard corner. So, I have mixed feelings about it all around for sure. That said I think it's -- just looking at the layout that they have here again, I think it's a good layout. I think it does fit appropriately within the space as provided. So, it's tough for in-fill to do that well and I think this one does. But, again, there are some concerns about it.

Grove: Mr. Chair?

Seal: Commissioner Grove, go ahead.

Grove: I don't disagree. I think the product fits the -- the layout, I just have concerns with the product in its location.

Seal: Understood. Okay. At some point -- at some point somebody's got to make this into a motion and it's okay if -- whatever your recommendation is we have to vote on it. So, that's -- that's the good thing about it. We are not all going to agree every time or should we.

Starman: Mr. Chairman, I guess I would give you a third option -- I'm just surmising from comments that we may have a two to vote. I'm not -- I don't want to predict that, but that's a possibility. So, another option -- you know, the Commission could vote to continue this item and wait until you have, you know, more Commissioners present. That's a possibility as well. I just put that out there as a potential.

Seal: And I appreciate that. It's something that I was thinking about. Give them time to go back and take a look at things, work with neighbors, try and figure some things out for parking, you know, how the -- the mailbox situation is really going to lay out. It sounds like there is some work to do on that and the layout that you see in front of you right now was not the layout that was in the staff report. So, it would -- it would provide some opportunity for those things to happen. That said, it's going to delay things I would say at least a month at this point in time. But, again, I don't get to make the motions, so --

Lorcher: Mr. Chairman?

Seal: Commissioner Lorcher, go ahead.

Lorcher: I like the idea from Legal to get some more input than just the four of us.

Seal: Okay. If you would like to make a motion on that.

Starman: If I can interject just real quickly, if the Commission does go that direction -- you may or may not wish to, but I would also likely recommend that you reopen the public hearing and continue that, so you can receive additional feedback at your next meeting as well.

Seal: Understood. Thank you. So, if we are going to continue it we do have to reopen the public hearing. Glad that was stated, because that is something that we need to do.

Grove: Mr. Chair?

Seal: Commissioner Grove.

Grove: If we do open it up we need to be very specific on what we are opening it up for and why we are continuing it, so --

Seal: Okay.

Grove: -- whoever makes that motion. I'm not making that motion.

Seal: Commissioner Cassinelli.

Cassinelli: Well, right now I will make a motion to reopen the public hearing to consider a date and to consider -- I mean we are just making a motion to open the public hearing right now, but to talk about to -- to address this to -- to get more resolution on going from the four to the three and also communication with the neighbors at 1414 Meridian Road. So, that's my motion.

Seal: Is there a second on that?

Lorcher: Second.

Seal: Okay. A motion to reopen the public hearing for Elderberry Estates, H-2021-0044 and H-2021-0005. All in favor? Any opposed? Okay.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

Seal: Would the applicant like to come forward, since -- since we reopened it for -- for continuance, like a little bit of input from you. I mean there is, obviously, some concerns, a little cleanup that could be done. Is that -- are those things that you are willing to consider and follow through on?

Mason: William Mason. Mason and Associates. 924 3rd Street South. I think the parking issue is -- is something that -- from a fire standpoint we are not going to be able to not post the -- the accesses as -- not -- as parking stalls. The Fire Department is going to require a 25 foot open area -- or 20 foot open area for them to pass through. So, right now that parking in that 24 foot drive aisle on the north side of the -- the project out to Meridian Road wouldn't meet Fire Department standard right now for emergency services to get past. So, I don't really think there is anything we can do for parking in that area and the -- the post office -- certainly we can work with the post office to determine where they want the mailbox clusters to be located and we would do that.

Seal: Okay. And, then, essentially, when you come back you will have a formal -- the formal submittal for the property is going to be the layout that we see on the screen here; correct?

Mason: Correct.

Seal: Okay. Would somebody like to get a motion? Thanks. I appreciate it.

Cassinelli: Do we want to talk about a date right now?

Seal: That's -- yeah. I was going to say, do we -- do we want to get a date for this? The 4th was the last one that --

Parsons: Mr. Chair, Members of the Commission, certainly want to add a little bit of context to this conversation, so you can have a narrow focus on your -- your continuance request. So, I think the applicant -- from what I'm hearing tonight, too, I kind of concur with Legal, there is -- there is some -- several issues that need to get addressed tonight. One is -- I would even encourage the applicant not only work with these owners, but also the CPA owners, because if you look at this graphic that's before you, there may be an opportunity to provide some parallel parking on the south side of their lot. This 24 foot wide access easement is actually wider in that particular area in front of those two duplexes there. So, there may be an opportunity to still meet the fire code and provide some parking. But that's going to require a shared parking agreement and other -- bring the other property owners into the discussion. So, I think we can solve some of that. I think we can solve the mailbox location, because our code requires the applicant to work with the post office and give us a letter and determine where to place those mailboxes. That's part of their short plat approval. So, I think that works well. The -- the other thing -- so, I think -- I think we can solve some of that. So, in your motion that's what I would encourage you to do is we would want it to, obviously, go to November, because we know the 21st is going to be a busy hearing. So, I would recommend that at least we go to November 4th to allow us to look at those revisions, possibly update the staff report if required. The other option is if the 20 -- you know, our code is going to require 25 feet. That's what a typical drive aisle is when you are adjacent to parking. In this particular case the parking is the parking pads of the units. The applicant could also go through the alternative compliance with staff and try to shrink that -- not going below the Fire Department's requirement, but try to gain some additional width there to provide that

parking. So, I think you allowing us to have that month to not only work with the applicant on coming up with some sort of shared parking in the area, providing some mailbox locations that both -- all parties can agree to and, then, also seeing if we can work on this access issue and try to determine where -- because as I look at this graphic it looks like a portion of this driveway is actually going in their backyard because of that easement and it sounds like that's something they don't want. So, is there an opportunity to look at that or maybe push some of these units back and correct some of the -- the wrongs that have been done under the previous approvals. You know, back in 2007 when this was approved for assisted living and it was -- the property was under one ownership and now that you see what's happened over time when you consolidate property, but you don't develop it and, then, that person goes ahead and sells each individual piece off and, then, the city -- and we are here at the hearing talking about what previous owners committed to doing and now we can't solve that problem unless we add people to the table. So, I think that the appropriate step, in my opinion, would be to continue to -- it sounds like you are and, then, give us some time to -- to work back, work on this and, then, see what your recommendation is at that point. But, you are right, your purview tonight is really just the rezone. Council will be taking action on that short plat.

Seal: Thank you, Bill. Appreciate that. So, really, we want to narrow this down to, essentially, parking issues and the mailbox relocation as far as the continuance. So, with that -- it looks like the 4th would be the date that we would want to shoot for with it, so -- Commissioner Cassinelli.

Cassinelli: I'm going to move to continue file numbers H-2021-0044 and 0005 to the hearing date of November 4th, 2021, and have the applicants work with both the neighbors there at 1414 and the CPA to the south and with staff to try and come up with a parking solution there that's going to work, especially for the existing property owners. Return on the 4th with -- with the three -- three plats and, then, also work on the mailbox configuration.

Lorcher: Second.

Seal: Okay. It's been moved and seconded into continue item number -- or items number H-2021-0044 and H-2021-0005 with -- with the modifications listed -- or noted. Spoken. All in favor say aye. Any opposed? Okay. Motion continued.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

9. Public Hearing for Intermountain Wood Products Expansion (H-2021-0042) by Kent Brown Planning Services, Located at 255, 335, 381, and 385 S. Locust Grove Rd. and 300 and 330 S. Adkins Way

A. Request: To expand existing wood products business located at 220, 300 and 330 S. Adkins Way by

a. Annexing 255 and 335 S. Locust Grove Rd. with the I-L zoning