

Meridian Planning and Zoning Meeting

April 7, 2022.

Meeting of the Meridian Planning and Zoning Commission of April 7, 2022, was called to order at 6:00 p.m. by Chairman Andrew Seal.

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

Members Absent: Commissioner Patrick Grace and Commissioner Mandi Stoddard.

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

ROLL-CALL ATTENDANCE

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

Seal: Good evening. Welcome to Planning and Zoning Commission meeting for April 7th, 2022. At this time I would like to call the meeting to order. The Commissioners who are present at this evening's meeting are at City Hall and on Zoom. We also have staff from the city attorney and clerk's offices, as well as the City Planning Department. If you are joining us from -- if you are joining us on Zoom this evening we can see that you are here. You may observe the meeting. However, your ability to be seen in -- on screen and talk will be muted. During the public testimony portion of the meeting you will be unmuted and, then, be able to comment. Please note that we cannot take questions until the public testimony portion. If you have a process question during the meeting, please, e-mail cityclerk@meridiantcity.org and they will reply as quickly as possible. If you simply want to watch the meeting we encourage you to watch the streaming on the city's YouTube channel. You can access that at meridiantcity.org/live. With that let's begin with roll call. Madam Clerk.

ADOPTION OF AGENDA

Seal: The first item on the agenda is the adoption of the agenda. Amina's Daycare, which is file number H-2022-0012, will be opened for the sole purpose of continuing to a regular scheduled meeting. It will be open only for that purpose. So, if there is anybody here tonight to testify for that particular application we will not be taking any testimony on it this evening. Could I get a motion to adopt the agenda.

Lorcher: So moved.

Grove: Second.

Seal: It's been moved and seconded to adopt the agenda. All in favor say aye. Any opposed? Okay. Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

CONSENT AGENDA [Action Item]

- 1. Approve Minutes of the March 17, 2022 Planning and Zoning Commission Meeting**
- 2. Findings of Fact, Conclusions of Law for Faissy's Child Care (H-2022-0002) by Faissy Kwizera, Located at 1322 E. Grand Canyon St., Near the Southwest Corner of E. McMillan Rd. and N. Locust Grove Rd.**

Seal: Next item on the agenda is the Consent Agenda. We have one item on the agenda, which is to approve the -- actually have two items on the agenda. One is to approve the meeting minutes of the March 17th, 2022, Planning and Zoning Commission meeting. We also have the Finding of Fact, Conclusions of Law for the Faissy's Childcare, H-2022-0002. Can I get a motion to accept the Consent Agenda as presented?

Grove: So moved.

Yearsley: Second.

Seal: It's been moved and seconded to adopt -- adopt the Consent Agenda. All in favor say aye. Any opposed? Okay. That motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

ITEMS MOVED FROM THE CONSENT AGENDA [Action Item]

Seal: Usually I move into the public hearing process, but if anybody in here is in for just the community meetings, there are several going on tonight. So, this is Planning and Zoning Commission hearing. So, if anybody is here for just a public meeting, you're in the wrong place. If you are here for the Planning and Zoning Commission meeting you are in the correct place.

Weatherly: Mr. Chair, my apologies. I'm getting word from outside sources that the audio is not reaching our outside audience.

Seal: Okay.

Weatherly: I'm going to be pausing for a minute while I reset the system.

Seal: We can pause for a minute.

Weatherly: Thank you, sir.

(Brief pause.)

Seal: All right. Sorry about the technical difficulties. We will continue on now. So, at this time I will explain the public hearing process. We will open each item individually and begin with the staff report. Staff will report their findings on -- on how the item adheres to the Comprehensive Plan and Unified Development Code. After staff has made their presentation the applicant will come forward to present their case and respond to staff comments. They will have 15 minutes to do so. After the applicant is finished we will open the floor to public testimony. Each person will be called on only once during the public testimony. The Clerk will call the names individually of those who have signed up on our website in advance to testify. You will, then, be unmuted in Zoom or you can come to the microphones in Chambers. You will need to state your name and address for the record and you will have three minutes to address the Commission. If you have previously sent pictures or presentation for the meeting it will be displayed on the screen and our Clerk will run the presentation or you can run the presentation. You guys can work that out as it comes up. If you have established that you are speaking on behalf of a larger group, like an HOA, and others from that group will allow you to speak on their behalf, you will have up to ten minutes. After all those who have signed up in advance have spoken we will invite any others that may wish to testify. If you wish to speak on the topic you may come forward in Chambers or if on Zoom press the raise hand button in the Zoom app or if you are only listening on a phone please press star nine and wait for your name to be called. If you are listening on multiple -- multiple devices, such as a computer and a phone, please, be sure to mute the extra devices so we do not experience feedback and we can hear you clearly. When you are finished, if the Commission does not have questions for you you will be -- you will return to your seat in chambers or be muted on Zoom and you will no longer have the ability to speak. Please remember that you will -- you will not be called a second time. After all testimony has been heard, the applicant will be given another ten minutes to come back and respond. When the applicant is finished responding to questions and concerns we will close the public hearing and the Commissioners will have the opportunity to discuss and, hopefully, be able to make final decisions or recommendations to City Council as needed.

ACTION ITEMS

- 3. Public Hearing for Amina's Daycare (fka Mulonge Daycare) (H-2022-0012) by Godelieve Mulonge, Located at 4175 S. Leaning Tower Ave.**
 - A. Request: A Conditional Use Permit for a group daycare of up to 12 children on 0.145 acres of land in the R-8 zoning district.

Seal: So, at this time I would like to open the public hearing for Item No. H-2022-0012, Amina's Daycare for continuance and I believe the date that we were looking at is May 5th.

Grove: Mr. Chair?

Seal: Commissioner Grove, go ahead.

Grove: I move to continue File No. H-2022-0012 for Amina's Daycare to the hearing date of May 5th for them to be able to get the signage posted correctly.

Lorcher: Second.

Seal: It's been moved and seconded to continue File No. H-2022-0012 to the date of May 5th. All those in favor say aye. Any opposed? Okay. Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

4. Public Hearing Continued from March 17, 2022 for Pavilion at Windsong (H-2021-0102) by Kent Brown, Located at the Northwest Corner of W. Ustick Rd. and N. Linder Rd.

- A. Request: Rezone of 3.42 acres of the subject property from C-C to R-40.
- B. A Preliminary Plat on the entire 4.77-acre property to allow 33 townhouse lots, 2 lots for vertically-integrated buildings containing a total of 12 residential units, and one commercial lot.
- C. A Conditional Use Permit to allow townhouses in the R-40 zoning district.
- D. A Development Agreement Modification to allow the proposed development

Seal: All right. We will now continue the public hearing for Pavilion at Windsong, H-2021-0102, which was continued from March 17th. We will begin with the staff report.

Tiefenbach: Sorry about that. It looks like I was muted. Can you hear me?

Seal: Yes, we can.

Tiefenbach: Okay. Thank you. Let me -- I apologize I'm not there. I'm struggling with a cold, so probably better for me to be here than there. Okay. This is the Pavilion at Windsong. This is a proposal for a development agreement modification, a rezone, a preliminary plat and a conditional use. The subject property is about four and a half acres

and it's presently zoned C-C. It's located at the northwest corner of North Linder Road and West Ustick Road. The surrounding area is comprised of single family detached to the south, east and west. A commercial center directly across North Linder and a newly developing mixed density residential development at the southeast corner of North Linder and West Ustick. Just -- just a little bit of history on this property. The -- the property was annexed into the city in 2009. At the time of that annexation approval specific details for how the site was to develop were not provided. The recorded development agreement requires those -- those details to be provided when the property is subdivided. Excuse me. In 2019 the property was proposed for a development agreement modification and a conditional use to allow a mix of uses, including multi-family, a self storage facility, office and retail uses. During the City Council meeting there were concerns in regard to the multi-family component mostly about the -- the density and the height of the buildings, but there was also comments about overcrowding in schools and traffic. The Planning Commission did approve the storage, but they -- they strongly -- but they strongly recommended that retail uses be retained there and when it went to the Council the Council only approved it for the self storage. They did not approve multi-family on that site. This property is recommended by the Comprehensive Plan for a mixed-use community. There is the site plan. So, this proposal is to rezone about three and a half acres of the subject property from C-C to R-40. You can see that on the graphic there on the right. It would be a preliminary plat for 33 townhouse lots, two lots for two vertically integrated buildings, so that all of the -- the townhouses would be pretty much all of the buildings except for these buildings here on the south, the east and this commercial, all the rest of this is townhouses. The -- the buildings on the south and the east, those are two -- those are two lots with vertical -- vertically integrated structures, six -- each row has six units. That would be commercial on the bottom and residential above. Can you still hear me?

Seal: Yes, we can.

Tiefenbach: Okay. I just got a text from Bill, so I wasn't sure you could hear me. So, vertically integrated on the two lots on the bottom and, then, a commercial pad up there next to West Crosswinds. A conditional -- in addition to the rezoning, a conditional use is allowed -- is required for the townhouses in the R-40 and as I mentioned, because specific details weren't provided about the development at the time of annexation, the development agreement modification is required in order to move forward. It's a -- you should note that this proposal also includes a request for private streets, because some of these units front on a MEW and I will talk about that shortly. So, again, the -- the future land use map designates this property for mixed-use community. That -- for the purpose of that is for community serving uses to be seamlessly integrated into the urban fabric and there is a few different components of mixed use, usually three types of land uses, high density near employment, being centered around public spaces and accessible. Mixed use community in particular also says that 20 percent of it should be residential. It encourages vertically integrated structures and it limits the buildings -- the square footage to 30,000 square feet. This particular application reflects three types of uses with the majority of the residential portion of the development clustered around a central open space. That's what you can see right here. The rest of it is on a commercial arterial with

a combination of office, commercial, and residential. Staff does support the vertically integrated buildings, but is concerned about the loss of additional commercially -- commercial viable property if those structures do not build out as townhouses. Our concern would be the entire development would be built out as residential. It's all townhouses with just a drive-through there. As a condition of approval, staff recommends a requirement that at the time of the building permit the ground floors of all vertically integrated buildings meet occupancy class requirements for commercial structures. My understanding is that the applicant is amenable to this recommendation. Staff also noticed that we believe that the vertically integrated structure would be more appropriate on the north side of Crosswind. So, you can see my pointer here. We think this area would be better. This is -- would better -- would better integrate with the commercial and it would reduce the impact of traffic on the townhouse portion, so all the traffic isn't coming down into here to get to those down to the bottom. Staff has recommended this to the applicant, but I believe that the applicant -- this one they are not amenable to and I believe their concerns are about the -- how it would affect the community and -- and their -- so, I think they will talk about that more in detail. At the time of the staff report staff had concerns with the townhouse row shown as Building D. So, that is down here. At the time of the staff report that was one long wall. Because it was so close to the adjacent residences, we had concerns with this wall effect on the townhouses and we recommended that it be -- it be broken up. Since the time of the original staff report the applicant has broken them up so if you can see now that one of the houses that is sitting here is now looking down, so you can see now that one of the houses that's sitting here is now looking down through the middle of six of this. In regard to access, the subject property is located at the northwest corner of North Linder Road and Ustick Road, which are both arterials. There was an existing local road, which is Crosswind -- that's what you see here -- presently stubs at the property here. This development would close the existing access on North Linder, which is further down here to the south. It would push it to the north and it would connect Crosswinds Road. There is also a northern stub, which is proposed here. The property to the north is still unincorporated in the county. So, that would be in case it develops in the future. Except for Crosswind Street, which would be built to a local street to the typical section, all the other roads in this -- all to the south of this development and up here as well would all be private roads. The preliminary plat reflects the private roads south of Crosswinds, meets the 24 -- the minimum 24 -- 24 foot requirements. So, that's what our requirement is the minimum for private roads. Now at the time of the staff report staff mentioned that the alley -- this up here, if you could see all the way at the top, the northern road that's running east-west, this was shown as an alley on the staff report. When we -- when we wrote the staff report we mentioned that it didn't meet the requirements for an alley, because it dead ended. It also wouldn't work as a common drive, because there was more than six units on it and it also wouldn't work as a private road, because it was too narrow and they needed to redesign that. Now, since that time the applicant has redesigned this road again here to be 24 feet wide. Although we will mention that this road here is still indicated -- the one in the middle is still indicated to be only 23 feet wide. So, the applicant will have to revise that accordingly. All parking requirements have been met, although the applicant should submit a shared parking agreement between the commercial use and the vertically integrated structures. We have listed that as one of our conditional -- one of our conditions of approval. One --

one thing I want to mention is that the applicant has mentioned in their narrative that they are proposing a three-way stop sign at the intersection of Crosswinds and North Wafting. So, on this that would be down in this area. Now, this would be because of the concerns about traffic coming into the existing neighborhood. However, ACHD staff report does not mention that stop sign. ACHD commented that traffic calming should be provided in this area by a bulb out. So, it's not clear to me at this point whether it's going to be a stop sign or a bulb out. I would defer that to the applicant. But this should be addressed. The landscaping plan shows a 25 foot wide street buffer adjacent to North Linder and West Ustick, although at this point it doesn't appear that they meet the tree requirements of one tree per 35 feet, which would be easy enough for us to remedy at the time of final plat. Also at the time of the staff report, due to the adjacent residences, staff will make -- staff recommended a five foot wide landscape buffer to the north. That has since been provided. That's what you see here. Again, that wasn't provided when we wrote the staff report. There are seven foot wide attached sidewalks along North Linder and West Ustick. The Five Mile pathway parallels the creek at the west. This is the Five Mile pathway basically down here. It parallels the street on the west and it basically dead ends at -- where the property ends. Staff recommended the pathway along -- staff mentioned in the staff report that the configuration -- the configuration as proposed was redundant and unnecessary. So, if you saw the original plans, what it showed was it showed a pathway along Linder in addition to the seven foot sidewalk and the same thing along Ustick. It showed an additional pathway and you can still see that here and now. Staff mentioned that we thought it was redundant and unnecessary. We recommended that the pathway along Linder be removed, because it was already a seven foot wide sidewalk and the pathway shown on Ustick be removed and the sidewalk here be widened to ten feet and, then, eventually, connect on here to the west at the Ten Mile trail. One other comment we mentioned is that if you look at the way these vertically integrated structures are shown here, Building H and Building G, each one of these structures has a walkway going out to the pathway. So, there is 12 there. Parks commented that they had concerns with that many different little walkways connecting out of their pathways and one of staff's conditions is that all of those be -- that there would be no more than one pathway per building. Finally, in regard to elevations, the building elevations show townhouses comprised of materials consisting of rock, cement board, Hardie board, lap siding, pitched roofs, exposed timber frame and windows, including on the garage doors. We do believe that they demonstrate significant fenestration and it's high quality, but, again, if you look at the buildings on the bottom, these are the buildings that are fronting along Ustick and Linder and staff did not believe these look like vertically integrated structures, these look like townhouses. Our concern, again, was that what we would end up with would be a townhouse project with a drive-through facility. We have received one letter from Mike and Sandy Archibald. Their concern was, again, about the traffic calming along West Crosswinds and with that I would stand for any questions or comments.

Seal: Okay. Thank you, Alan. At this time would the applicant like to come forward?
Good evening. Please state your name and address for the record and the floor is yours.

Amar: Good evening, Mr. President, Commissioners. My name is Kevin Amar. My address is 1580 West Cayuse Creek Drive in Meridian. I'm here tonight to present

Pavilion at Windsong. Alan did a good job at giving some of the history on this project as far as -- since we have been working with him on it, but just to give a little more history that goes back a long way, I first started working in this area trying to purchase Windsong -- I think it was in 2002 from the Stubblefields and so we have got a lot of history in this area. I grew up just down the street from here, you know, five decades ago when we moved to the area from a really small town in Idaho to a little town in Meridian. Meridian has grown and changed. There has been a wide variety of change in this area and I'm very familiar with this property. So, as we finally acquired the Windsong project in 2019, right at the beginning of COVID, this is another piece of property that we looked at and identified and wanted to continue building that out, so we could make a project and a whole area integrate better with our vision for the neighborhood. What we did along with that also is as we worked with the neighbors and we built the homes in Windsong, they knew that we had acquired this property on the corner and we informed them at that time also what our plans were to do with this property and so we didn't want to come in and surprise any of our neighbors that we -- obviously we just built the home with and we wanted to make sure that this project built out in a form that we thought was beneficial and would be cohesive for the neighborhood. As we purchased the project and we purchased this in 2019 also, this property, we knew we could come in and do some things that were already an allowed use within the community, the C-C zone. It's zoned C-C. We looked at some of the different options that were available to us. We looked at the vertically integrated option that is an allowed use within the C-C zone, so as we place that there that's why we are not asking for a rezone on the -- the portion that has the vertically integrated or the retail space, but we did want to also provide additional options for home ownership and that's why we wanted to include the townhouse -- the townhouse project and portion. Again, we could -- we could go and do all this property as a vertically integrated property, but we didn't feel like that would be the best use of the property, but I also didn't feel like it would be the best representation of what is in the neighborhood. There are many neighbors, obviously, that own their homes in that -- in that area. It's near schools. It's near parks. We will be -- we will be adding the pathway to connect that pathway. I know parks and rec, we have worked with them on other properties in Linder. They are trying to get that pathway integration all up and down Linder and, then, down Ustick and -- and we see this as a continuation of that. There are a few things that the project itself -- again, we could increase density by simply doing more vertically integrated product that is an allowed use in the zone. We wanted to create more of an open space feel on an area -- that has limited access currently to Linder and Ustick. There are two access points currently on the property. One is on Linder. One is on Ustick. However, neither one of those would be allowed by ACHD standards for a subdivision development. For commercial. For retail. For multi-family. Both of them are too close to the intersection of Linder and Ustick. So, we have worked with ACHD. We are bringing Crosswinds out and connecting that to Linder Road and eliminating the other two access points currently. In our -- we have had a number of neighborhood meetings with the existing neighbors in Windsong. One of their concerns was traffic and access. We had told them we would try to get a three-way stop at Crosswinds and near the entrance of their neighborhood. That is something that ACHD would not allow. However, we were able to work with ACHD and get a bulb out at that location to provide some traffic calming and that was approved by ACHD. So, although we could not get a three-way stop there, we feel like a compromise

with ACHD was reached and that we could at least provide additional traffic calming at that intersection and help the neighbors with some of their concerns with traffic. As we -- as we speak to some of the other questions and ideas of what came about with this neighborhood and I will address why we feel like the location of the vertically integrated product is best where we have located it and I will also speak to how we will ensure that that is a vertically integrated unit in the -- in the project itself. We centered the park in the middle as a gathering place for this neighborhood. So, it's called Pavilion at Windsong because that area will have a gathering area, a pavilion in it. People can go gather and recreate. It's a MEW, so many of the homes will open right onto the park-like setting. We have done this in other locations and it's been very well received by those people that live there. The kids can go outside and play and enjoy that area right -- it's -- their front yard is huge. We could -- we have put -- there is 17 percent of qualified open space within the project, but we also foresee the retail space being a corner coffee shop and we are currently talking to a few people. It's not a drive-through specific coffee shop, although there is a drive-through there. We foresee also a -- and we will build it, so I guess we get a dictate what it's going to be -- a place you can go in and sit down and grab a -- you know, a -- maybe it's a breakfast sandwich or a place to go and just gather with your neighbors in that area. So, it becomes much more of a community centered retail space, rather than just a -- nothing against Dutch Brothers or the Starbucks drive-throughs, but that's not what we want or we want to put there. This needs to be more of a community type of center. With respect to the vertically integrated units -- and we have spoken with -- we have had a couple of application meetings with staff. We understand the need for the vertically integrated units. In some of those pre-application meetings with staff they were -- staff members were attending that from their home office, which looks like a bedroom, which I'm sure a lot of us have home offices that are a bedroom. As we see what clients are wanting, as what people are moving into the area need, it has changed drastically over the last few years. There was a time years ago that people really didn't want a home office, because everybody went to the office. They drove down the road and they went to the office. COVID changed all that and so many people are really looking for a place to be able to get away from the home, but still have their office and so we have built these projects -- we have built buildings like this in Boise and we incorporated it in a fashion that it wasn't going to detract from the neighborhood setting in that area. If you go and look at the type of architecture that is built in -- in and around this area, this is very cohesive with that type of architecture. So, as we designed the live-work units -- and if we could go to -- I don't know which slide it is, but I can -- oh, very good. Thank you. So, if we look at these live-work units, if you look on the bottom floor -- and I don't know here if -- well, here we go. So, there is a door on the right up to the stairs. That unit is the main house entrance for the door and so -- or for -- that is the main door for the house. That door will go directly upstairs into the second floor, which is the main living area and the third floor, which are the bedrooms. What we have also incorporated is a -- a main front floor entrance and that area goes directly into the office and so it works as that vertically integrated unit, because people don't -- if you have clients or customers coming over to meet with you, they don't have to go into your house, walk through your house and get into an office in your back bedroom. They can walk directly into your office and it's completely separate from your living space. What we also find with clients and what they want is they want that separation, because although their family may be upstairs and

the kids are playing or wife is working or they are living in their home otherwise, they can go down, shut that door and be totally independent in their workspace from the area in a quiet area. We understand that that needs to be built out to a commercial space at that time. We are fully in agreement with that, because we -- we feel like this is a high demand type product and we know that the other units that we have built like this in Boise, they -- they are used for a vertically integrated space and so although they don't visually look separated, that was by design. We wanted it to look like a -- like the area and what is built in that area and -- but we feel like with the addition of that door and that other entryway, the covered entryway, it will provide an area that people can come and go without getting into the home. So, I don't know if we didn't explain that to staff well enough, but that's -- that is what that -- that's why there is two doors on the main level. It's not a patio door, there is a step door that you go up to the main house entrance and, then, as those sidewalks come out those go to the office entrance, the commercial type entrance of the property. We do know that parks has a concern about the number of sidewalks entering to the pathways. We can adjust those. We will work with parks on how many they will allow. I would like two, just so there is one at either end of the building, but we will work with the Parks Department on -- on what will be allowed in that area. With respect to the pathway, we will also adjust the pathway on the Ustick side to just include a single pathway, so we are not being redundant with a pathway, as well as a -- as a sidewalk. So, if we look through the balance of the project there was -- and I don't know how many of you are familiar with the area, but this is a rapidly growing area. This was vacant for a long time, especially with Windsong being vacant. It was developed in 2004 and, finally, built out last year and no homes were built in there. So, with the high schools, the middle schools, we have Settlers Landing just down this -- sorry. Settlers Park just down the street. This whole corner is developing and growing and changing. There is all the addition of the commercial and Orchard Park and the public library just within a couple miles of here. This is -- this is an exciting time for this area and it's finally a in-fill piece that is going to be developed for something other than, you know, storage units or apartments or office buildings and mostly the office buildings -- we do build office buildings also. The limited access makes it very difficult to have an office building type product here because of our access off of Linder and off of Ustick. I want to make sure I had all the questions answered from Alan. On the -- on the roadways we will make sure all the private roads are 24 feet wide. It looks like we missed one area that's 23 feet. But there is room to revise that we have discussed the location of the vertically integrated area. Those buildings are three stories tall. One other thing I wanted to bring up is we wanted those larger three-story buildings to be big enough that you can still have a family or people that live there. They are three-bedroom units, which -- with an office space in the bottom, requires a three-story type building. We wanted to keep that three-story -- the larger taller buildings away from the existing neighborhood and out on the corner where you would traditionally see a commercial type product or a commercial type building and, then, we used all the Linder and Ustick frontage, along with the vertically integrated and the retail space will -- will follow that commercial frontage, minimizing the impact from the -- from the neighbors. The landscape tree requirements -- we will meet the landscape -- landscape tree requirements. Pathway versus sidewalk. I can't read my notes. So, I appreciate your -- your time. Again, this is a -- this is an exciting project for us. I think by the testament of the neighbors not being here it speaks to our work with the neighborhood

and what we have told them and what we directed them that would be here from the beginning. We would still like a three-way stop at that intersection. I guess that's up to you and ACHD and not up to me and what I get. We -- Bill earlier told me that everybody has opinions and not everybody's right. So, I -- I took some wisdom from Bill and I understand that we can all have opinions, but we don't get to make the rules. So, we appreciate your time this evening and we -- I would stand for any question.

Seal: Thank you. Are there any questions for the applicant or staff? Okay. Thank you.

Amar: Thank you very much.

Seal: Okay. At this time we will take public testimony. Madam Clerk, has anybody signed up?

Weatherly: Mr. Chair, we do have people signed in. Before we get started on that, I did want to note for the record Commissioner Grace joined us at 6:15. He's having a couple technical difficulties, so he's going to try to hang in there, but I did want it to be on the record that he is present --

Seal: Okay. Thank you.

Weatherly: -- online. The first person I have signed up is Kristen Schiller. Kristen, you should be able to talk.

Schiller: Can you hear me?

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

Schiller: Sure. Kristen Schiller. 3441 North Tradewind Avenue, Meridian. I'm a current resident of the Windsong Subdivision and I would like to tell you how this proposed Pavilion at Windsong is going to negatively impact the existing community. First, the builder is planning on jamming in 33 townhomes, 12 residential units and one commercial lot on, truthfully, a very small piece of land. In order to get all these buildings jammed in there the builder is planning to put in far narrower streets than normally allowed for a neighborhood. So, I ask you where are all the guests and patrons of the commercial lot and the live-work unit supposed to park, since they, obviously, will not be able to park on narrow streets without blocking traffic. I will tell you they are going to park in the residential streets of the existing Windsong community on the streets where our children play every single day. We are a small subdivision with no current outlet to a main road and our streets are quiet and not heavily trafficked, so we allow our children to play out front. Second, the builder has mentioned that the commercial lot will likely be made into a drive-through coffee shop. Again, where are you planning on all the cars that traffic a drive through supposed to line up? There is no space for them to line up within the Pavilion neighborhood, so is the plan to have them back up on Linder Road or will they simply back up into the Windsong Subdivision? You do realize that this particular intersection at Linder and Ustick is already a very busy intersection and directly across

the street on the northeast corner of the intersection they are currently building tens of thousands of square feet of office space, which will only drive even more traffic through the area. Third, the builder is only given this Pavilion with 46 proposed buildings, a single outlet onto a main road on Linder, which is extremely close to the intersection of Linder and Ustick. So, people leaving the Pavilion will only have the option of turning right and heading south down Linder Road, they won't have the time or the space to get over to the left-hand turning lane on Linder to have the option of turning left on Ustick or making a U-turn to head north on Linder. So, where are these folks going to go if they need to head in any other direction but south on Linder? They are going to drive through the current Windsong community to exit out of the subdivision to the north. The northern outlet onto Linder Road also happens to be a highly dangerous crossing with no light at the intersection. Directly across the street is the Sawtooth Middle School, which causes major traffic twice a day during school pick-ups and drop-offs. I'm asking this committee to not allow the builder to create the Pavilion which will cause a huge traffic issue on the streets of Linder Road and within the current Windsong community. At the very least I beg you not to allow the continuation of Crosswind Street from the Pavilion into the Windsong community. Please leave us closed off from Linder Road and leave that single outlet onto Linder Road to the residents of the Pavilion and if the residents of the Pavilion need an additional way in and out of their community, then, give them one on Ustick Road, since we don't seem to care how close to an intersection we are putting in our outlet roads. Thank you.

Seal: Thank you.

Weatherly: Mr. Chair, next is Melinda Akhbari.

Akhbari: Hi.

Seal: Melinda, go ahead and state your name and address for the record, please.

Akhbari: Yeah. It's Melinda Akhbari. 3441 North Tradewinds Avenue, Meridian. I have basically the same concerns that she has, especially with the coffee shop and especially with the street going through -- Crosswinds going through into the community and also, too, once that other piece of property north of that is bought and turned into houses, then, that's going to -- or condos. That's going to create an even bigger problem, because everybody's going to use the Tradewinds as a -- basically it's going to be a u-shape, a drive-through, and also, too, like they need to -- you know, if it's a coffee shop, then, the trucks are going to drive down Tradewinds and, then, go out the other exit. So, I just think that's a real problem. These houses were very expensive and I think you need to take more consideration of the people that purchased these houses and how it's going to affect them, so -- and, then, also, too, I'm concerned about the -- the fact that there is no nice restaurants in the area. There is no -- there is no shopping and also, too, the streets are just already overloaded with cars and a lot of these streets can't be widened to accommodate anymore cars. It seems like it's just all about the houses and no consideration to how people actually live and what they need, especially when you go onto McMillan, that can't be widened, and from Walmart all the way out it's just -- there is

nothing. There is absolutely nothing but house after house after house and I just am concerned after all the farms are built -- sold and built up, that it's just going to end up being a few strip malls here and there, but it's going to be -- overall the whole community is going to be like a concrete jungle in the end and I just thought that this was a much nicer community. I expected it to stay -- to be a nicer community. I just feel like the houses are -- should be secondary to the -- to the roads being widened first if you are going to allow houses and I feel like you should -- if you are going to allow houses you shouldn't let them all be so crammed together. Give it a little bit more space. Beautify the area more. Thank you.

Seal: Okay. Thank you very much.

Weatherly: Mr. Chair, next is Kevin Amar.

Seal: Kevin, go ahead. Oh.

Amar: I know I'm going to talk about, but I will do it at rebuttal.

Seal: That's -- that's what we will have. We will call you back up when we are all done with public testimony. Thank you.

Weatherly: Mr. Chair, that's the only -- or the last of who has signed in.

Seal: Okay. If anybody in Chambers would like to come up. Please raise your hand or if you are online please hit the raise your hand button and we will get you up here. Okay. Oh. Do we have somebody? No. Okay. Would the applicant like to come forward.

Amar: Thank you, Mr. Chairman, Commissioners. I -- a couple of things that I heard from some of the -- the neighbors that were there and they are specifically related to traffic and commercial. With respect to Crosswinds, again, that's a -- that's a requirement and has been a requirement for connection. That's not something that we want to do. That will connect whether -- no matter what this project is developed as. I think the addition of the bulb out will definitely help and deter some of the traffic through there. Our access point onto Crosswinds is an unrestricted access, meaning it's not a right-in, right-out. We can turn left, we can turn right and people can get there in both directions. It is far enough away from the stoplight that it will also allow people to have time to turn left because of that stoplight and stop control intersection. With respect to the coffee shop and the stacking of that coffee shop, we have designed that specifically so the stacking does have room around the coffee shop. The drive-through would be on the side. But people can stack and park to get -- to go through the drive-through without being on Crosswinds. They are certainly not going to get onto Linder Road. It's at the entrance in that main area of a less traffic area for the residents of the Pavilion of Windsong and so that was designed with thought and care to make sure that we would have less stacking for that commercial type building. We, obviously, don't want people stacking out onto Linder Road. With respect to parking, each of these units meet the required parking, not only the garage parking for the property itself and the -- and the homes that we will be building

in there, all of them are a minimum of a two-car garage or all of them are a two-car garage. But the majority of them, other than just the two bedroom units, also have room to park two additional guests in front of -- on the driveway of that townhouse. In addition to that, we provided an additional 21 guest parking spaces. Most of those are centered around the vertically integrated units, because we know they are going to -- they are going to be the ones that need people to come over and meet with them at their office, unless they are meeting virtually. In addition to the 21 spaces there is another 17 spaces that are designated just for the commercial property. So, we looked at the parking. We know the parking is going to be a question and a concern. We don't want it to be a problem for the neighbors that are living in Pavilion of Windsong and we feel like we have addressed those with this -- with this project. One of the questions that came up has to do with shopping and restaurants and amenities in the area. Again, we have Settlers Park that's not far from here, but a lot of the other commercial type amenities that are growing very rapidly are at the corner of Linder and Chinden. We have got -- here we have a -- just spreading rumors, but there is Olive Garden going in. That's there. There is the tavern. There is a number of eateries in that area that aren't just fast food type eateries and it's developing in a fashion that that major intersection should develop. We have got Costco not far from here. Walmart not far from here. So, there is shopping and other retail type components that are -- that are near this project. In addition, it's -- this is an in-fill type property. If we -- our sole goal was just to maximize the number of units on a property we would -- we would build those vertically integrated units that we could actually maximize the number of units on the property. That is in the current development agreement and as allowed within the current zoning. We feel like this will be more cohesive with the area. We did make a number of changes as requested by staff, just to make sure that we meet what their vision is for the property also and I think the only question has to do with where that vertically integrated product should be and my opinion is -- you are right. Bill's opinion is something else. But -- but I think overall we have worked really hard with staff to make sure that this project will develop out in a way that is good for the community and good for the neighborhood. I would ask for your recommendation for approval this evening and I would stand for any questions.

Seal: Anybody have questions here they would like to field before we close the public hearing process?

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher, go ahead.

Lorcher: You mentioned that you built a couple of these same concepts in Boise. Was it the same -- about acre size, about three and a half acres?

Amar: No. They -- they -- Mr. President, Commissioner Lorcher, Boise asked for more density. So, we built 27 units on 1.2 acres on that project.

Lorcher: And -- and you said that that was kind of like the vertically integrated work living? How long ago did you build it?

Amar: We completed that last year.

Lorcher: And what's your occupancy rate for the businesses?

Amar: Occupant -- they are a hundred percent.

Lorcher: Okay. Thank you.

Grove: Mr. Chair?

Seal: Commissioner Grove, go ahead.

Grove: With the sidewalk and landscaping on the east side of the project, would you be open to helping widen that sidewalk from the seven foot sidewalk to a ten foot sidewalk along the Linder side of the project to be able to tie in with the pathway that is to the north of this property?

Amar: Mr. President, Commissioner Grove, yes, we would and I believe -- and Bill maybe help me. We had initially talked about ten feet, but -- but, then, parks asked to be reduced down to seven feet. So, I think what we were trying to do is make sure this project aligns with the requests of parks and rec.

Grove: I think my question here would be if -- if it was ten feet, but not having the direct access to the pathway, so that those -- I can't count, but six -- instead of having those six go in directly, but having those six go in as one pathway, but leaving the ten foot versus the seven foot. Does that --

Amar: Yes.

Grove: Does that make sense?

Amar: Yes. I believe so.

Grove: Tying -- tying those six together before they get to the --

Amar: Yeah. We are in agreement with that. We will tie those six together. With the two locations, one at either end, but, again, it will be a -- maybe a conversation with parks, unless the Commission has a recommendation for it, then, we will follow that recommendation.

Seal: And I will weigh in on that, too. I -- I ride these paths a lot, so -- especially the one there off Ustick. I have no issues with the redundant ten foot path personally. So, we use it that way right now. So, if parks and rec is looking for any feedback on that, that's my feedback on it is that it's -- well -- and to add to that, the -- the parcel that we recommended approval on that is on the southeast corner, they also did a ten foot pathway that is, you know, somewhat redundant in that, but that's the reasoning behind

it, is so that there is ample bike riding space -- lanes available for people to get around, because there is several parks that are in the area and there is some really nice pathways that are just north of this as well. So, question that I had on this specifically is how large exactly is the office space?

Amar: The office space is -- it's about 550 square feet on the main floor.

Seal: Okay.

Amar: That includes a restroom area as well.

Seal: And, then, it has direct access into the house; correct?

Amar: It does through a -- there is a door that separates it. But, yes, it does have direct access.

Seal: Okay. And it's probably mentioned in here, but are these for sale or for rent product?

Amar: They are so the vertically integrated -- we would have to put a condo in just based on the zoning. So, we may come back and do that. The other ones are a for sale product and that's why we are asking for the rezone, so we can have a townhouse -- individual lot for sale units.

Seal: Okay. So, for the vertically integrated those are currently for rent, but you are looking at making them for sale?

Amar: Correct.

Seal: Okay. Anybody else? Mr. Yearsley? No? All right. Is Commissioner Grace still online? I was going to say if you have anything to add let us know.

Weatherly: Mr. Chair, unfortunately, Mr. Grace had to leave the meeting at 6:00 -- excuse me -- 6:45.

Seal: Okay.

Weatherly: He couldn't establish a secure connection.

Seal: Understood. Thank you. Okay. If nobody else has any questions, thanks for your time.

Amar: Thank you.

Seal: Okay. Can I get a motion to close the public hearing for Item No. H-2021-0102 with Pavilion at Windsong?

Grove: So moved.

Wheeler: Second.

Seal: It's been moved and seconded to close the public hearing for Item No. H-2021-0102. All in favor say aye. Any opposed? Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Grove: Mr. Chair?

Seal: Commissioner Grove, go ahead.

Grove: I will just jump in with a few quick thoughts. I -- I disagree with the recommendation to move the vertically integrated to the north side, simply because I -- I believe just looking at the -- the height and the -- the use, I would much rather see it where the applicant has -- has it situated with on the -- within the site. I think some small revisions to the pathway sidewalk pieces could easily be done to meet both the applicant's desire and the park's recommendations. The traffic calming looks about as good as we are going to be able to get with ACHD and, you know, the -- the public testimony tonight with the access, essentially, to Linder, there -- I mean that's always -- that's a master street map plan for streets to connect, so that -- as soon as a project goes in, no matter what the project is, it's going to connect and there is going to be that access. That's in the ACHD master street map. So, there is nothing that we could do if -- whenever something does come in for that. I don't see anything major with this. I think the delineation between commercial and residential would be nice, but considering how these are being designed to be more office -- home office type use versus a true commercial space, I am not -- I don't have super strong opinions with the strong delineation from outside appearance sake.

Seal: Thank you. Comments from anybody else?

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher, go ahead.

Lorcher: I think it's always hard to do in-fill as the -- as the gentleman said and when people live in an area you don't know what you are going to get. Like it would be nice to see less density in that area, but if the picture matches what's going to be there I think -- I like the fact that the items are going to be for sale and not for rent. So, I think people will take better care of their properties and living community that will enhance the subdivision that's right there.

Seal: I will jump -- jump in on it. I already said my piece about the pathway. Yeah. I mean the density is a little concerning on this. I mean for the folks that testified tonight as far as the roads and everything. Unfortunately, most folks get to this hearing and they

think the roads are controlled by the city. They are not. They belong to ACHD. They will let us know whether or not they can handle it and we generally have to live with that, so -- whether we agree with it or not in some -- in some instances. So, unfortunately, that's where it's at. Like Commissioner -- Commissioner Grove has said is they -- that's in their plan and this was the plan for this lot, so it doesn't really matter what goes in here, that connection will -- will be made. So the traffic calming that's in there is all that the applicant could get. I mean they tried for a three-way stop. ACHD wouldn't allow it, so their hands are tied as well. It's unfortunate, but it is what it is. On the project itself, I do like -- the one thing I don't like about it is the elimination of commercial space. I will just say that first and foremost, that some commercial space goes away as a result of this. Considering that it's a hard corner and there is limited access, I understand why that is. I mean it's pretty hard to find businesses that are going to want to go in there with that really limited -- the really limited ability to -- to, you know, get traffic in and out of there. So, the vertically integrated generally I'm a pretty big fan of that. When it's connected to the inside of the house I'm less of a fan. I have got to say -- I mean we already had an applicant come through where we went back and forth several times on that and it ended up to where they closed that off from the rest of the house to me. That's -- that is vertically integrated. Your business is your business. Your home is your home. Period. End of story. So, when you connect it to the rest of the house, even if it's commercially viable, there is nothing to prevent somebody from turning that into a bedroom. Absolutely nothing. Or renting it out, you know, as a matter of purpose. So, I have concerns about that, to be perfectly honest, so -- I mean there is some vertically integrated structures that are in Meridian that I think are -- are very nice. I mean when you look at the bottom level of them it has a business name hanging over the door, it's obviously a professional building, there is, obviously, people living upstairs in it, but at the same time it's a business at the -- on the ground floor, so -- you know, I understand that there is a lot of people that are probably maybe going into the retirement side of their career, maybe an attorney, maybe a physician, you know, something along those lines that wants just a small space in order to live out the rest of their days, get to retirement, you know, move on type of thing or there is somebody out there that's trying to make their side hustle their hustle, their job, and that's, you know, obviously, where some of these come into play. So, I would like to see it, you know, closed off. I would like to see it more presented as a commercial space, instead of a residential space, especially the way that the -- it's facing the two major roads. To me that needs to look like commercial property. So, we are giving up some commercial property to have this, you know, possibly go in there. So, to me it needs to look more commercial and, then, have people live in it, instead of the other way around. I would also like to see that -- those be for sale personally. So, again, I think if they are rented -- you know, if you are trying to turn your side hustle into your job and it doesn't work out, well, then, you are just renting some place and there is no reason to have that as a business, so -- trying to satisfy everything with this is pretty tough, so the -- basically, the code for live-work in Meridian is a little vague and allows for a lot of latitude for what can be presented as live-work. So, we are just trying to make sure that it doesn't just end up being live for a space we are already giving up commercial space in. Sorry, that was very long. Anybody else?

Grove: Mr. Chair, can I get like two seconds real quick?

Seal: Two seconds, Commissioner Grove.

Grove: I will say the loss of commercial, if it means that we are losing storage units on a hard corner, I am happy about that, so --

Seal: I -- I will concur with the. Commissioner Yearsley, go ahead.

Yearsley: I -- I agree. I -- it just feels like we are just trying to cram something in there just to get a lot of homes in there. The only positive part in my opinion is it's for sale instead of for rent. That's mine. I -- I am not a big fan of private roads. You are putting a huge expense on the homeowners association down the road to have to maintain that road. I live in a subdivision that we have several private roads and it is a fairly significant expense to maintain those roads, you know, ten, 15 years down the road. So, I think they are sacrificing roads, access, parking for more space and -- and -- and I just -- I struggle with that, so --

Seal: Okay. Commissioner Wheeler, go ahead.

Wheeler: Yes. My -- my bigger concern is I'm trying to picture here on this corner where the commercial part is -- is set apart, I'm -- I'm imagining coming in, going around, looping back out and around and to me it looks like there is just a -- that's just going to be a traffic issue moving forward, figure-eighting into a residential multi-family complex here. If there was a way to put that on the corner on the opposite end, that would make a lot of sense, because, then, you got a right-in or even a left end, but, then, you got a right turn out and you don't have to cross lanes of traffic to get into the commercial spot there where it's abundant next to the residential development on it. The other thought I had is I do like the idea of the live-work space getting closer to that corner than not. But I know that you spent a lot of time, you're -- you're problem solving on this corner here and -- and trying to figure out a way to make this work here and also be a benefit to the community on it and I'm a fan of these live-work places. I like these kind of unique solutions a lot, because it is where things are going and it is where things are. It's just going to get more and more like that. But that -- that -- that -- that corner there is -- the commercial side is what's concerning to me is how that might move forward on something. So, with that being said, I can see the applicant would like to make some comments on this. Is there a way to open back up public testimony and have some comments back on that? Would he be willing to work with staff on that kind of thing to have those kind of questions?

Seal: We can go that direction, but that would -- I mean I would want to do that for a continuance.

Wheeler: Okay.

Seal: If that's where you are heading with it. Sure.

Wheeler: Okay.

Seal: If that's not where we are heading with it --

Wheeler: Okay.

Seal: -- I think we live with what we got.

Wheeler: Okay. We will -- so we can bring him up here and ask him if you would be willing for a continuance to rework on that, is that what you are saying, chairman?

Grove: Mr. Chair?

Seal: Commissioner Grove.

Grove: So, it depends on what -- what I think we would be asking or telling, because we can make recommendations that -- because this does go to Council, so those recommendations could be addressed at Council level as well.

Seal: Okay.

Grover: Depending on -- depending on what direction you are thinking.

Seal: Yeah. And real quick, Bill, the -- I mean the CUP portion of this really speaks to the vertically integrated piece of it or is that more on the commercial property piece?

Parsons: Mr. Chair and Members of the Commission, it speaks to the townhome piece.

Seal: It is the townhome --

Parsons: The CU --

Seal: Okay.

Parsons: Yes. Vertically integrated is principally permitted in the C-C zone.

Seal: Okay. Thank you. I'm amenable to bringing them back up and talking about a continuance, but we -- there has got to be some good -- we have had good feedback I think at this point in time, so if we want to move in that direction we can.

Grove: Mr. Chair? What -- I guess, Commissioner Wheeler, what is it that in particular -- I guess like specifics would we be looking at, because I -- I don't know that I'm on the same page, but I would like to understand where you are kind of thinking.

Wheeler: Yeah. I understand, Commissioner Grove. I'm thinking of more or less moving that commercial piece over to the north, to see if he could work with that. Obviously, there is a 23-foot access aisle has to be added on, which he's already said that he would do;

right? Enlarging that area toward the drive aisle would be 24 feet and, then, I'm interested in putting that live-work space closer to that corner on that side.

Grove: Mr. Chair? The -- I understand what you are saying, Mr. Wheeler. I think, though, that would exacerbate the concerns of the neighbors, because if you moved something like that up there you will immediately have stacking that would go into the existing neighborhoods versus where it's at now. The stacking with where an entrance to the commercial space would be in the subdivision that is being proposed tonight versus out into anything that is already there or that would be coming with the stub street to the north. So, I think that some of the concerns that you would have might get flipped, but it would -- it would actually -- I think we would end up in a worse situation because of it. That would be -- that would be how I would kind of view some of that. I think also keeping, you know, the vertically integrated further away from the traditional neighborhood areas allows it to have that three-story without it being an imposing structure close to. So, that would be my other concern with moving it anywhere from where it currently is situated and so I -- I don't disagree with some of the points, but I think that we really need to be cognizant of what the ripple effect would be if we were to make those suggestions.

Seal: And I'm -- I'm on the same page as Commissioner Grove on the -- moving the commercial piece of it, just because of what they want to do and how they want to provide the stacking that will occur in there. I mean if this is a highly successful -- you know, a lot of coffee shops when they first open there is, you know, a billion people want to go there. So, I -- I go to coffee shops and I mean I can tell you the one that's over there by Walmart that thing stacks clear back out onto the -- onto the road when you go through it sometimes, so -- those are the times that I just drive by and I don't bother getting a coffee, but other people will wait in lines for a long time, so -- I mean, if anything, to maybe the drive-through window can be brought even further around the building, instead of presenting right by the -- the street there. Maybe could bring it over to even to the east side -- or, sorry, the west side of the building, just so there is just further -- you know, a few more cars can fit around that building, so -- as you can tell we are hoping that the coffee shop is wildly successful here, so -- I mean that's -- and I mean, honestly, it always amazes me -- it can be 2:00 o'clock in the afternoon and there is a couple coffee shops that are, you know, right in the area there that are -- they have lines that -- they have stacking, so it is -- it is an issue. But I do agree that moving that north is going to, number one, cause issues with the neighbor to the north. Number two, I don't think the stacking would be any better and I think it would actually be worse and it would come out onto the -- the road there personally.

Grove: Mr. Chair? Bill, could you pull the -- the colored map up from the concept plan, please.

Parsons: Mr. Chair, Members of the Commission, just a couple -- as Joe's helping me out here this evening assisting with that, I just wanted to at least go on the record and clarify a couple things. As Commissioner Grove mentioned, it does get complicated when you start shifting the uses around and that's why it was noted in the staff report that if those vertically integrated were -- were moved to the north boundary it would require the

rezone boundary to change, because vertically integrated uses are a conditional use in the R-40 zone, so now we are changing zoning boundaries and we are having a completely different site plan, which would facilitate a different continuation, like you said, and bring back a plan that you guys could look at. The other reason why staff was recommending that change or potentially suggesting that change -- I don't think we conditioned it, we just suggested that it might be an option, was the fact that the applicant wasn't meeting the dimensional standards up in that section of -- per city code. So, we are like, well, it looked like the footprint of the vertically integrated projects were smaller than the townhome footprint, so it looked like it could fit there very nicely and still integrate with that commercial pad on the corner. The other reason for that was the fact that that's a lesser classified street. Typically when you have vertically integrated you want to activate the streetscape; right? You want people walking to the business, too, not only driving to a business, so when you have local streets you can allow on-street parking, you can get buildings closer to the street, you can have patios, you can have all those types of things occurring and that's why we had recommended that change as well. But as far as where it goes and how it situates, that's really up to you tonight as part of your review. But, certainly, with the applicant addressing staff's concerns, we are fine with the townhomes remaining the way they are. Now, as far as the widening that north-south private street in between the two units on the north side, that could be simply addressed by just making it 20 feet wide and bollards -- and placing a bollard and calling it emergency access. I mean there is many ways that we could probably address this and work with the applicant as we head to City Council and make a lot of these changes, but there is -- in my mind I think they want to move forward with what you are seeing tonight. The other thing that I wanted to point out on the record is that the conditional use permit for that drive-through will come back to this body, so this is really just -- just -- right now it's all conceptual, they are showing you that they are wanting to have a commercial component and it may have a drive -- may or may not have a drive-through, we just don't know. But if one is proposed if it's within 300 feet of a residential district, then, I can guarantee it's going to be back in front of this body and having another neighborhood meeting, so the residents have a say and input in that design. So, with that I will -- I will let you go ahead and continue with your deliberations. Thank you.

Seal: Thanks, Bill.

Grove: With that I won't belabor the point too much, but just looking at where the drive aisle is and how it was presented, the -- the pick-up window I believe would be on the north side closest to that northeast corner. That means this -- beginning of the drive-through would be on that south side of the parking to the commercial, which means that if there is stacking it would go south first before it went north and west. So, just looking at how people would pull in, you know, if it was really packed they are going to go down and around all the town homes and stack up in around. I don't think it will get to that point, but I'm just -- just kind of pointing out the directional flow of things. Like I don't see how it would back up out of the subdivision entrance off of Crosswind and down west of Crosswind. So, I think the concerns would be slightly overblown in terms of coffee shop stacking for the drive-thru.

Seal: Other comments? Motion? I'm open to whatever. I mean we have -- one of the reservations is just there is -- there is a lot in here, so -- I mean I share that concern as well. The -- even though we have the MEWs in the middle and I -- I do like that approach to the townhomes in there, I -- I think that's a -- a good design, it's a very smart design. I agree it makes everybody's front yard really big. It makes for a community setting where, you know -- especially, if you have kids and things like that, everybody can be out there. There is eyes on everybody. I personally like that. That said, it would be nice if there were a few less in there. You know, I especially see where the vertically integrated is, you know, to provide a little bit more parking for that if needed. I do like that the parking is concentrated around that, but at the same time it would be nice to see more. So, that said, this is -- you know, I will be honest, this is the third time I have seen this piece of property come in front of me, so -- personally, in this capacity, so -- it's a tough corner. It's -- it's going to be tough to put something in there that's going to make everybody happy, so -- not sure -- I'm glad I don't have to make the motion tonight. How is that? Commissioner Wheeler, do you have something to add?

Wheeler: The only thing I was going to say is I really would like to bring the -- the applicant back up here just to have a -- just to see what his plans are for the next move on this. We have done this with other ones in the past -- on other ones. Just to kind of see what he would prefer and also, Commissioner Grove, just to kind of see would he prefer to -- if we can -- if we just denied it or would he prefer a continuance on it, too, just to see if you could do some rework on it, too, so -- we have done that in the past, but I would like to see if the Commission at least would like to be able to do that.

Grove: Mr. Chair? Before we do that I just want to kind of clarify what we would be wanting to have continued, so that we kind of had some direction with the -- what types of questions that we would ask the applicant. I'm of the mindset of -- of approving and moving it forward. That's where my head space is with this. But I'm open to opening it up and, then, you know, entertaining a continuance. But I don't know that I have a full grasp of still why we would want -- or need to do that. Like what we would be asking to have changed.

Wheeler: Okay. Well, I will -- I will back off on that and I will let you make the motion then.

Seal: Well, I mean one thing I would definitely like to see in here, I -- and -- and I don't know -- and, Bill, maybe you can help out on this one is the -- I mean the ability to offer those vertically integrated as a for sale product instead of a for rent. Is that something that we can condition in this or is that something that's just -- I mean I know that's just -- it's a road I would like to see us go down. I just think that a vertically integrated product, if you are -- it's something you are having to purchase, then, it is something you are going to definitely want to purchase for a specific reason and you are going to care for it in that manner. So, it's going to -- it's going to be your business with, you know, obviously, the ability to live above it, so your cost is down overall.

Parsons: Yeah. Mr. Chair, Members of the Commission, certainly this is a re-zone and a new development agreement. In the past I have worked on projects where we have required people to short plat their buildings, so that they, essentially, turn them into condos and have that done prior to getting occupancy or even any building permit. Well, they have to have a building permit in order to construct the building, so that's one of the criterias to condo -- condominiumize the building is you have to have a valid building permit. So, it's something that you can add as -- or a recommended DA provision and, then, the applicant can take that up with Council if they don't agree with it. Or they may agree with it and sign the DA and do it, so -- again, if you want to have that conversation with the applicant, you are more than happy to open up the public hearing. But, again, there is an avenue to do that.

Lorcher: Mr. Chair, didn't the applicant say they were for sale? They weren't going to be for rent?

Seal: The vertically integrated are for rent. They are not for sale. Everything else is for sale. Maybe -- maybe I misunderstood that. I was going to say, it's -- okay. At this point let's get a motion to bring the applicant back up.

Wheeler: Yeah. I would like to make a motion to open back up the public testimony --

Seal: Of H-2020 --

Wheeler: H-2020 -- sorry. H-2021-0102

Seal: Do I have a second? No one else? Okay. Then I will look for a motion so we can move on.

Grove: Mr. Chair?

Seal: Commissioner Grove, go ahead.

Grove: All right. After considering all staff, applicant, and public testimony, I move to recommend approval to the City Council of file number H-2021-0102 as presented in the staff report for the hearing date of April 7th, 2022, with the following modifications: That the vertically integrated units be condoed with the recommendation that they not have access to the residential from the commercial space.

Seal: Did you also want to -- there was a recommendation in the -- or I think there was a stipulation in the staff report about moving the vertically integrated north.

Grove: Oh. Oh. And to remove the condition to move the vertically integrated from the south to the north.

Seal: Okay. Do you have a second?

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher.

Lorcher: Can I get clarification, Commissioner Grove?

Grove: Yes.

Lorcher: So, the vertically integrated condoed. Access to the residential to commercial space eliminated. Is that what you said?

Grove: The internal access.

Lorcher: We really didn't talk about that.

Yearsley: I didn't think they said they weren't -- there was no access between the houses and the business.

Seal: Unless I heard that wrong, too.

Lorcher: And, then, what was the third one? Remove what?

Grove: To remove the condition in the staff report of the recommendation in the staff report to move the vertically integrated unit from the south position to the -- to swap spots, basically, with the townhomes in the north.

Lorcher: Oh. Okay.

Seal: Do I have a second?

Lorcher: I have another question.

Seal: Commissioner Lorcher, go ahead.

Lorcher: We really didn't talk about the elimination of the internal door with the applicant at all. So, is he being blindsided whether we go through this motion or not?

Yearsley: The applicant testified that there was no internal access for the -- from the residential to the office space.

Lorcher: It's the opposite. He said there is.

Yearsley: Oh. I thought he said no.

Grove: Again this is a recommendation to go to Council.

Yearsley: No, I -- like I said I -- I misheard. So, I apologize for that comment.

Lorcher: All right. Well, then, I will give a second.

Seal: Okay. It's been moved and seconded to approve File No. H-2021-0102, Pavilion at Windsong, with the aforementioned recommendations. All in favor say aye.

Grove: Aye.

Seal: All those opposed?

Wheeler: Nay.

Yearsley: Nay.

Lorcher: I didn't vote.

Seal: Madam Clerk, can we -- can we -- can we get a roll call on that?

Roll call: Wheeler, nay; Grove, yea; Lorcher, nay; Grace, absent; Yearsley, nay.

Weatherly: Commissioner Seal.

Seal: Well, the nays have it at that point, so --

MOTION FAILED: ONE AYE. THREE NAY.

Seal: I'm not sure what that means, to be perfectly honest, so -- so, the motion failed, so we are in the same spot.

Starman: Mr. Chairman, I recommend that -- the motion fails. I would recommend that those that voted against the motion that you invite one of those commissioners to offer an alternative motion.

Seal: That's a -- perfect.

Yearsley: So, I guess for me -- I guess my reason for denial is not associated with most, is mine's more concerned about the density and the private roads and I don't know if anybody else has that same concern or not or -- or what -- what their thought is or if I made that motion if it would be I guess seen as what everyone else is thinking. I would be interested to hear.

Grove: Mr. Chair?

Seal: Commissioner Grove, go ahead. Personally I'm -- I'm good with the density. It's a -- at the corner. It doesn't go into a subdivision in and of itself. It's relatively isolated.

This corner in general on all sides, except for the southwest corner, have some type of intensification planned or are in progress. I -- I see this as a good way forward. Again, it's not storage units, so I'm happy.

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher, go ahead.

Lorcher: The reason I said deny is because we really didn't talk about the elimination of the residential door to the commercial space, so for me if we remove that portion of it, the rest of what Commissioner Grove said was fine. Only because we didn't -- we really didn't even address it, except the fact that it was mentioned.

Wheeler: Mr. Chair?

Seal: Mr. Wheeler.

Wheeler: I'm -- I'm going to tell you I just have a -- I do have a big problem with where that commercial space is at. I'm just seeing -- you are crossing one exit in, you are taking another left, you are getting whatever needs to be done and, then, you are backing back out in this figure eight and if -- are we assuming that that's where the drive-through is supposed to be at is on that -- is on that corner right there that's vacant? So, now we have a drive-through access that someone is going to either have to go back through where the parking area is at to come back up around, back through, and, then, out again and I -- I find that not beneficial to the -- to the community that's there and I do think that the best part for that would be on that northern portion, whether it has to be on the hard corner, which is where most of them are going to want it, which means that your queuing line you can actually bring it down to where that westerly access is at and bring them around and have them queue out different and, then, have them pick up their drive through and, then, come back down and around. But that -- you know, one, two, three, four, five, six, seven, eight turns to get in and out is just -- doesn't seem beneficial and that's -- that's going to be a hang up on -- on my side of things. So, whether that -- that commercial -- and the commercial requirement needs to be here in some way, but -- but where? And I don't know if we can just, you know, recommend that there could -- either that commercial requirement there or some more live-work space. Could we go there? Maybe that's just a better use on that or some -- some L-O, some light office, something along those lines. But I'm -- I'm just not seeing that as a -- as a really good commercial space just for access.

Grove: Mr. Chair?

Seal: Commissioner Grove.

Grove: I guess two points for -- to that. Is -- it will have -- since it will have to come in front of us again for a CUP to address the driveway -- drive-through specifically, I'm not too concerned with the absolute specifics. I think in general, yes, we can -- you know, if

long term, you know, we don't think we will be able to find a solution, but my -- my guess, based on -- on this is -- you know, you are getting ten to 15 vehicles that can queue in in the parking lot of that commercial space in and of itself, so -- I mean that's a pretty big queue just in general. But, again, we don't have to get into the specifics of that, since it will -- you know, any drive-through like this would have to come back again, because we don't have that CUP in front of us tonight. So, I think if -- you know, we don't think we can get to a working spot with it and, then, yes, but if we think that there is ways that it can be addressed in a future CUP where it is and, then, I don't think that we need to get caught up in the specifics. But what you are saying would be to move it, which is something that would need to be addressed tonight, so just kind of throwing out a couple different thinking points I guess.

Yearsley: And -- and -- Mr. Chair? And given that I'm against the overall project, but as the commercial side I -- I agree, because we don't even know if there is going to be -- expecting to be a drive through. You could actually have a commercial piece there that has no drive through and trying to design it now without even knowing what's going to be there I think is putting the -- it's -- it's under -- you know, it's hard to -- to -- to make those decisions now. If there is a drive-through it has to come back before us and we can address those concerns there and so that -- that would be my -- my recommendation.

Wheeler: Mr. Chair?

Seal: Commissioner Wheeler, go ahead.

Wheeler: I just know that that's what's been talked about all night and so I was just addressing that concern, since it was public up front. But if it's something that we can punt on, I just want to be able to manage expectations to the developer, because these aren't cheap undertakings.

Seal: Understood. So, I -- I mean personally I -- the live-work part of it is -- is the part that I'm kind of struggling with, so -- and I mean we have -- we are at an impasse here with -- we don't want to blindside them with closing off the internal. Personally I think it needs to look more like commercial. So, to me it just looks like a bunch of townhomes. I think they need to be for sale, not for rent, in order to kind of cement that in. So, I mean to me if we are going to give up a lot of commercial space in order to provide for this to come in, I think that it needs to have more done in order to make sure that that is a commercially viable space, it's something that looks like commercial property, it is street front property, so I think it should have that look and appeal. I one hundred percent agree with that in the staff report, that it's -- it's a little lackluster in that. So, I don't agree with having, you know, work-live that, you know, is connected. So, again, with this, especially if it's a for rent product, I mean we can provision it to where it's not going to be a for rent product by having them condo would, but at the same time I just, you know, live-work is -- you have a business, not a home office. You know, live-work is you have a business. So, that's kind of where I'm at with it personally. I -- I'm -- I'm open to having the applicant come back up, throw some of that stuff at them, see what we can do, see if they are okay with it. See if they want to continue to come back, possibly redesign, do something

different with the corner, do something different with the density. You know, I mean -- I think that there is probably enough on the -- you know, I would rather give them that opportunity than just deny it at this point. But I would like to move it along. So, if -- if we think that bringing the applicant back in is going to help do that, then, I'm all for it and I would stand for that motion.

Wheeler: Mr. Chair?

Seal: Commissioner Wheeler.

Wheeler: Give it another go. I would like to open up public testimony for H-2021-0102.

Yearsley: Second.

Seal: It's been moved and seconded to reopen the public hearing for Pavilion at Windsong, H-2021-0102. All in favor say aye. Any opposed? Okay. Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Seal: Would the applicant like to come back forward, please. Go ahead and state your name and address for the record one more time. Thank you.

Amar: Kevin Amar. 1580 West Cayuse Creek Drive in Meridian. I'm the developer. I'm here to answer questions. Let -- let me start just by -- I think addressing some of the concerns I have -- I have heard. If I miss any just start shooting questions my way. With respect to the design, that was purely done in an effort on our side to -- to make a project look the way we thought a project should look. So, we could -- we could easily redesign the bottom floor with a different material type of a brick or a rock or a some other facade, so it would be a different type of -- obviously a different type of unit down below versus the live space up above. We already have fenestrations and areas that move in and out to differentiate that area, but we can use a different material on the bottom floor on the commercial space from the upper floor and it would -- that would easily change the look of the units. So, I would be happy with that condition and we can move forward with that. With respect to the closing off the access, again, it's -- it's -- as I think of how I -- if I'm going to use this space as an office, I would rather be able to go in and out from inside my office building than have to go outside my front door to go back inside my office door, especially when there is a -- there is already an easy hallway there that is there. So, again, it's -- maybe it's more opinion and I understand the concern of what it's going to be used for, but that is why we agreed to staff's condition that that will be built out as a commercial space. Again, these live-work units are an allowed use in this zone. So, I understand we are focusing on that, but we are happy to make concessions and changes to -- to get through this with the Commission, because we would like to move forward and we would like to get to City Council. So, I think with those concessions, hopefully, that answers some questions. As far as the actual retail corner, whatever it may be, we envision a coffee shop. We understand it's going to have to come back for its own CUP. So, we believe that we have provided enough stacking if and when we get a coffee shop

there, but we can illustrate that stacking at that time and show how that works. We have felt -- because we did look at the other corner to the north for that. It -- it really put more traffic right at an intersection that's already we feel like it's going to be a little bit busier anyway, just due to the fact that that's where these residents, plus all the residents from Windsong -- you know, they are worried about people driving through Windsong. The reality is most likely all the Windsong residents or the majority of them are going to drive back out, because it's easy to get out to Linder at that location. So, having another commercial stacking potential problem there we felt like was just not as good of a location as we designed these items. With respect to some of the private streets, private streets are pretty normal in a commercial type development. If it's office buildings, if it's condos, if it's -- if it's whatever, you are going to have private streets and we set up the HOA with a budget in -- in such a fashion -- I know in my current office building and in our current setup we have an escrow account within that to take care of the private streets as -- as time goes on. So, I think that's something that we can set up as we -- as we set up the HOA and we -- we already would do that, because we don't want to burden those -- whether it's a retail user, an office user, whoever, a homeowner, they need to have the funds to spend that money when the time is -- when the time comes to spend the money. And, finally, with respect to the sale of those units, there are steps that we have to take in order to get to a condo plan. So, we have to -- as Bill said, we have to have an approved project, we have to pull a building permit and, then, we can come back and ask for a condo portion of that. We are happy to put that in that we come back and ask for a condo, but we can't ask for that tonight, if I understood that correctly, Bill. That is just -- it's out of order and so we can put it in the development agreement that we will come back prior to, you know, certificate of occupancy that we will ask for a condo plat. That was already our intention. Currently in the existing zoning the way those are under the allowed use for the vertically integrated, we just -- we just can't do it that way. You can't have individual for sale vertically integrated units. I wish we could. It would make it so much easier. But that zone with the -- again, that's an allowed use within that zone, so we are just trying to play within the rules of that zone. I don't know what other questions you have, but I'm happy to answer them.

Seal: We just had a question on density. Would you be willing to reduce the density of the -- the homes that are in there?

Amar: We would rather not. Again, in the allowed zone we can actually increase the density. So, we feel like we have already reduced the density just in the fact that we are -- we are proposing what we have proposed, because we could come in with a vertically integrated unit on the entire project and get a number of more units and it's -- and it's allowed and so it's not a -- it's not a question of if we can do it, it's -- we just don't feel like it's the right use for that area. So, we feel like we have already reduced the density to get to the -- get to what we have now with a better -- with a better product. As we look at what we have designed and when we built the homes in Windsong, those homes that we were bordering are all two-story homes and we did that intentionally, because we knew these -- these homes are going to be two-story homes and we didn't want to run into that question of we have got a single-story home and we have a two-story home next to us, so we have been planning this for a while. Again, if we go back and do a vertically

integrated product most likely that's going to be a three-story unit and, then, we do run into some of those questions. So, we feel like we have already reduced density, although you have not seen that. But that's based on the allowed use we can increase the density from what currently is proposed.

Wheeler: Mr. Chair?

Seal: Commissioner Wheeler, go ahead.

Wheeler: Kevin, had a question -- also the staff report talked about moving the -- the vertically integrated units over to the north side. What's your feelings on that?

Amar: Again, that's -- that's where Bill and I had our conversation of everybody has opinions and we find out who is right or wrong. Again, it was done in an effort to keep the traffic off of Crosswind, as people are coming to those offices and those businesses in the vertically integrated units, they are not parking right on Crosswind's road. They are coming into the project where we have provided additional parking and they are coming into an area where the people that live there already know that that is happening. As we -- as we have CC&Rs, those CC&Rs have to address that not only these are townhomes, but there is also offices and vertically integrated units in that project. So, we can address those questions of neighbors that are moving into the Pavilion at Windsong much easier than we can tell the neighbors that already live in other areas, well, now you have parking on -- on a road that -- that is there and could potentially impact them more. So, that was -- that was largely the reason that we -- between that and the height of those buildings why we didn't want to push that further into the neighborhood. That's our thoughts.

Wheeler: Thank you.

Seal: Other questions? Everybody's got all their questions out?

Amar: And if you have other questions -- I mean one of the -- I'm back there twitching, because there is things that come up. I'm happy to ask -- answer questions. It's just hard to answer questions after the hearing is closed.

Seal: Okay. Thank you very much.

Amar: Thank you.

Seal: Can I get a motion to go ahead -- oh, does -- would anybody else like to testify? So, please, raise your hand on Zoom or come forward in chambers. All right. Seeing none, get a motion to close the public hearing for H-2021-0102.

Wheeler: So moved.

Grove: Second.

Seal: It's been moved and seconded to close the public hearing for Pavilion at Windsong, H-2021-0102. All in favor please say aye. Any opposed? Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Seal: I will take a motion. Sorry to be abrupt, but we have got a lot of stuff on tonight.

Wheeler: I will make a -- I will make a motion then. After considering all staff, applicant, and public testimony, I move to recommend approval for the City Council of file number H-2021-0102 as presented in the staff report for the hearing date of March 17th, 2022, with the following modifications --

Grove: Sorry. That -- it's printed wrong. Wrong date.

Wheeler: I got to remember what month I'm in, man. Thank you for catching me, man. Appreciate it. April 7th. Thank you. All day. Thank you. All right. Let me start that motion over. After considering all staff and applicant and public testimony, I move to recommend approval of the City Council file -- to the City Council of file number H-2021-0102 as presented in the staff report for the hearing date of April 7th, 2022, with the following modifications: That the facade on the live-work space be -- have some integrated brick or stone on the bottom level and also that a condo plat be -- be done when that time comes on this -- on the work -- on the work-live space --

Seal: In the DA --

Wheeler: In the DA agreement.

Seal: Thank you. Did you want to have the internal connection and there is also the -- we wanted to nix the -- moving the commercial space to the north or the live-work space to the north.

Wheeler: And -- and not have the live-work space moved to the north as said in the staff report.

Seal: Can I get a second?

Grove: Second.

Seal: All right. It has been moved and seconded to approve Item No. H-2021-0102, Pavilion at Windsong, with the aforementioned modifications. All those in favor say aye. Opposed?

Yearsley: Nay.

Seal: Got that?

Weatherly: Mr. Chair, for the record, Commissioner Yearsley, was that a nay?

Yearsley: That was a nay.

Weatherly: Thank you, sir.

Seal: Okay. The ayes have it. Motion passes.

MOTION CARRIED: FOUR AYES. ONE NAY. TWO ABSENT.

Seal: We can take a breath. Thanks, everyone. We will go ahead and take a five minute bio break and we will be right back. Thank you.

(Recess: 7:44 p.m. to 7:51 p.m.)

5. Public Hearing for Oaks North Rezone (H-2022-0010) by Toll Southwest, LLC, Generally Located Northwest of 5151 N. Rustic Oak Way

- A. Request: Rezone of 12.02 acres of land from the R-4 to the R-8 zoning district for the purpose of recouping five (5) building lots in a future final plat phase of the Oaks North Subdivision.

Seal: Okay. We will go ahead and call the meeting to order again. Everybody want to take their seats. All right. So, we have Oaks North Rezone, H-2022-0010, and we will begin with the staff report.

Dodson: Thank you, Mr. Chair, Members of the Commission. This, hopefully, will be simpler, but mine never are, so we will go with that. The application before you is for a rezone for a portion of Oaks North. The property, as you can see, is a little bit wonky, because it hasn't been final platted yet or at least not all of it. The property consists of 37.5 acres, but the rezone area is actually only 12 acres. This area of Oaks North only has the original rezoning and preliminary plat from 2013 on it and that existing DA from 2013 is still applicable to this area. Future land use out here is medium density residential, as is the case for all of Oaks North. The request for a rezone of 12 acres of land from the existing R-4 to the R-8 zoning district is for the purpose of including five additional building lots that were lost over the course of the previous 11 final plat phases of the Oaks North Subdivision. Staff has confirmed the addition of five building lots within this phase will keep the project consistent with the approved preliminary plat from 2013. Because of this there is no need for a new plat to be submitted. Code allows for later phases of a project to include lost lots with previous phases, so long as the total number of lots approved with the pre-plat is not increased. However, adding these additional lots within the existing R-4 zoning district is not possible, as the minimum dimensional standards could not be met, meaning street frontages and minimum lot sizes. Therefore, the applicant has requested to upzone from the R-4 to the R-8 for this portion. These 12 acres. A better view would be this. This would be the final phase of Oaks North. This is Oaks 10, I believe, which

has already been -- the final plat's already been approved. It continues to the south as well and this area is already zoned R-8. This is R-4. This is to remain R-4. So, this is the -- what's applicable to this rezone before you tonight. The applicant is not proposing any change to the previously approved road network. The proposed local streets and the stub streets along the north boundary are shown in the same locations as is shown on the approved preliminary plat. The applicant is proposing to increase the open space in this phase of the development compared to the existing approvals in order to meet the current open space standards, which would require a minimum of 15 percent. According to the revised concept plan and narrative, the applicant is showing a little over 180,000 square feet of qualified open space, which accounts for approximately 15 percent. So, they are right there. It does comply with the minimum required within the UDC. There was four pieces of public testimony submitted. There -- there is -- within all four there was a desire for the rezone area to include more open space and include an additional pool for the subdivision. There is additional questions and concerns regarding the HOA and issues there that the city doesn't have any purview over. There is also some very specific discussion about Oak Winds, which is not associated with this site, and this would not be the forum to voice concerns about those build-to-rent things, so I did want to make that clear for both the public and the Commission, that that is going to be on the Council agenda next week, I believe, but it is a final plat. So, that approval's already done. You can voice your opinion to Council in the public forum that's prior to the meeting, but other than that this would not be the avenue to do that, because it's already done and has nothing to do with this rezone application. Staff does recommend approval of the rezone of these 12 acres per the comments in the staff report and I will stand for any questions.

Seal: Thanks, Joe. Would the applicant like to come forward.

Bower: Thank you, Mr. Chair, Commissioners. My name is Jeff Bower. My address is 601 West Bannock in Boise. Here tonight on behalf of the applicant Toll Brothers. Also with me from Toll Brothers tonight is Adam Capell. He can answer any development-related questions at the Oaks North site. Madam Clerk, thank you for pulling my presentation up. Thank you, Joe. We have reviewed Mr. Dodson's staff report, as well as the conditions of approval. We agree with his analysis, as well as all the conditions of approval in the staff report. Real quick some background on Toll Brothers. I know we have been here before you before, but just a quick reminder. Toll Brothers owns and develops Oaks North. They are an award-winning Fortune 500 development company and they have developed a strong connection here in Meridian. They have -- their Idaho division of Toll Brothers is located in the city where they employ about 180 Idahoans locally and they have been developing homes in Meridian since 2017. We are here tonight hopefully on a very simple -- much simpler than item number one on your agenda -- rezone. We are asking to rezone 12 acres of property in the Oaks North project from R-4 to R-8 and on my slide here the red is phase 12 of Oaks North. It's the final phase in the project and the green highlighted area are those 12 acres we are asking to rezone. We are asking for this rezone for -- for two main reasons. The first primarily is to recoup five lots that have been lost over the course of this project. So, obviously, Oaks North is a very large project. For various reasons over the last five, six years we have lost five lots due to open space and engineering issues. We are trying to recoup those now in the

final phase. The -- the second reason we are doing this, as Mr. Dodson mentioned, is to improve -- improve open space, as well as do some density transition to a new project that's been approved to our north. Just, again, to step back briefly. Oaks North as a -- as a whole was approved by the city in 2013. It approved the -- the preliminary plat approved 653 single-family lots. We have gone through 11 phases to date and platted 570 lots. So, again, the final phase 12 plat would bring in 83 as we are proposing, which would get us to the 653 total as originally approved. No increase in overall density. Again, just trying to recoup those five lots. We have put together a concept plan for phase 12 final plat. This is not -- there is no plat application before you tonight, though, just to be clear. This is solely a rezone. That final plat application will come to the Council only as it's in conformity with the preliminary plat. We just need to final plat at this point. We are hoping to file that application shortly. So, phase 12 concept plan, 83 single family lots on 23.5 acres. This is a little overlay map. It gets a little busy, but I wanted to provide this to -- to the Commission to see the changes we are making. The greenish blue lines and numbers are the underlying preliminary plat. The white lines and numbers are the concept plan and the -- the purple is added open space and so you can see down there in the table this area originally approved 78 lots at a density of 3.31. With the rezone and adding the five lots we get 83 units and 3.54 acres. So, only a minor -- modest increase in density of two tenths. And just to put a pin on it, as Mr. Dodson mentioned, no -- no material changes to the lot layout or street network. This is purely a lot size change and -- and real quick, touching on the open space, this rezone and the smaller lot sizes we can offer in the R-8 do allow us to provide the housing originally conceived that's needed in the -- in the city, while still increasing the open space and in our -- our open space plan for -- for phase 12 is the figure towards the bottom of the page and, then, the preliminary plat towards the top of the page. We will match the open space from phase 12 up with phase 10 to create one large approximately 1.78 -- 1.7 acre park there that you are seeing. Lastly, this rezone makes sense. This land is designated in the FLUM as medium density residential. So, the R-8 zoning we are asking for fits within the comp plan and the open space as we mentioned fulfills the comp plan as well, with 15 percent. In addition to the FLUM supporting the rezone here, you can see the -- the portion of phase 12 to the west is already zoned R-8 and in the last couple years the city's annexed the area to the north and zoned it at R-8 as well. So, we have contiguity with R-8 to the -- to the west and north and, finally, the reason makes sense in this case because of that Prescott Ridge project to the north, which is R-8. We are going to be transitioning densities really well here with our R-8 project, with nearly identical lot sizes on that shared border. That's all I have for the Commission. We are asking for your approval on this rezone from R-4 to R-8 of 12 acres and I would stand for any questions.

Seal: Okay. Thank you. Do you have questions for the applicant or our staff? Commissioner Yearsley?

Yearsley: So, with the extra open space are you going to add any amenities in there or is it just grass? I'm just curious to what -- because I have to tell you, R-4 is my holy grail. So, it's going to take a lot for me to go to R -- R-8, so --

Bower: Mr. Chairman, Commissioner Yearsley, to answer the first question, we will provide amenities in there. It will have a tot lot, seating area, and -- and pathways that provide connectivity throughout the project. And R-4 is your holy grail. Our overall density is below four. So, we are right there. Again, this is -- this is more of a design rezone, as opposed to an overall density rezone.

Seal: Commissioner Grove, go ahead.

Grove: Thanks, Mr. Chair. My question is kind of in line with the overall theme of the public testimony. I don't know if you had a chance to read through those or not, but there seems to be a lot of communication questions or concerns or failures that have led to the public comments. Can you address like how -- you know, some of the -- the public concerns and what we can expect with this project as -- as it continues through, I guess, in terms of how -- how are we addressing the concerns that have been addressed and will probably be readdressed tonight?

Bower: Mr. Chairman, Commissioner Grove, that's a great question and -- and, of course, we have read all the public comments and -- and take them very seriously. So, as Mr. Dodson mentioned, I think a lot of those comments were generated from -- well, that's a great slide, actually. We are generated from the Oak Winds project down here at the northeast corner of McMillan and McDermott and if I were to flip back to the preliminary plat for Oaks North approved in 2013, that area was zoned R-15 and designated as multi-family, with a minimum density of R-8. The Council actually wanted R-8 to R-15. So, the Oak Winds project is actually less dense than was originally approved. That piece of property has always been part of The Oaks project and it's always been conceived that the single family uses to the east would have mutually beneficial common area and open space. So, we feel that it's been very clearly communicated since 2013 what areas were in this project and we think our amenities are great and -- and often -- in most cases oversized compared to the market.

Grove: Thank you. Just to make sure that you take the -- you know, to heart, I guess, because their -- perception and reality might be not lining up there.

Bower: Absolutely. And I -- and I could just chime in on that real quick, Chairman and Commissioner Grove. Phase 12 of a nearly 700 unit project -- of course, there is going to be growing pains when you get to the end and I think that's what this is. Teamed with COVID I think we all recognize had an impact on local amenities, whether they be neighborhood pools or parks, people are using them more. So, I think that will -- that will equilibrate as we move forward and we are offering more open space in this space as well, so --

Seal: Okay. Commissioner Wheeler? Commissioner Lorcher? Thank you very much.

Bower: Thank you.

Seal: Madam Clerk?

Weatherly: Mr. Chair, for the public hearing we do have a few people signed up to -- indicating a wish to testify. The first of which is Miranda Kennebrew.

Seal: Good evening. Go ahead and state your name and address for the record and if you could speak directly into the microphone there so everybody can hear well.

Kennebrew: Sure. Good evening. Thank you for letting me speak. My name is Miranda Kennebrew. I live at 5916 West Daphne Drive in Meridian. So, I'm here tonight on behalf of The Oaks homeowners. A little background I think will benefit in you understanding our concerns. It's a very large subdivision. We have -- we have Oaks North. We have Oaks South. We have Oaks West. And we have Oak Creek. And recently in our annual HOA meeting we learned about Oakwind and although I'm not here to argue Oak Wind, it needs to be noted that we just learned that they will be using our amenities and this is on top of the new phase, of course, and also it's not taking into consideration closer to McMillan and Black Cat we have Jump Creek and we have Hayden Homes that were put in. Those -- those areas do not have pools. We have a pool in Oaks South and we have a pool in Oaks North. So, that's kind of the background. Just to put some numbers here. In total between the two pools there would be over 1,200 residences without them expanding to R-8. So, as it stands there would be over 1,200 homes having access to two pools. Then if they move that phase from R-8 to -- or from R-4 to R-8 it basically doubles however many we are supposed to be in that phase of the subdivision. That's residences, not people. So, if you were to average 2.5 persons per household that would mean over 3,000 people would be using two pools and that's without expanding to R-8. Furthermore, allowing the builder to double the number of homes that they add to our community is a big concern for us. The builder has made it clear that they have no intentions to scale the community amenities, such as adding a pool or park to accommodate the additional homes and residents. Our community amenities that we, the residents, pay to maintain are already too crowded and the community is only half complete. While we understand that this meeting is not about the amenities, we can speak up against allowing the builder to add more homes and residents to our community causing further crowding and restrictions in usability of these amenities. There are capacity limits and the community as a whole will absolutely force the HOA to impose restrictions on homeowners ability to use the amenities. So, I think, to summarize, we would like a redesign and we would like a third pool to be considered in this new phase.

Seal: Thank you.

Kennebrew: All right. Thank you.

Weatherly: Mr. Chair, next is Daniel Kwok.

Seal: Good evening. Just state your name and address for the record.

Kwok: Yep. My name is Daniel Kwok. I live at 5100 North Trident Way, Meridian. She said most of what I was planning on saying. I think a lot of it comes down to what we heard in our most recent HOA meeting about the amenities, the lack of kind of ability to

scale it. The Toll Brothers, Coleman Homes, whoever it is at this point, is the -- kind of drives the HOA and have made kind of unilateral decisions about amenities that were planned and presented to us as buyers and over the time that it took for the community to be built some of those were changed, so I am here with a lot of my neighbors to express those concerns that as we kind of see these changes made there may or may not be additional changes that are made that we can't foresee and may or may not have a chance to address. So, having those amenities added here I think would be great, as well as the -- some of the creep that has been happening with the HOA fees and the cost of landscaping and -- and all of that understandably we want the green spaces to look good, but if we are now not only zoning to R-8, adding green space that adds additional cost there, while we also don't get a lot of the benefits from the amenities that we pay for and, then, we run into capacity issues and things like that where if we do add, as we discussed, you know, 1,200 homes, any number of folks to the -- the community, it just adds that type of strain where eventually, you know, we end up with having to sign up to use the pool and -- and things like that and no one wants that, so thank you.

Seal: Okay. Thank you very much. Madam Chair?

Weatherly: Mr. Chair, online we have a Mr. Joe Bongiorno.

Seal: Go ahead, Joe. Go ahead give us your name and address and the floor is yours.

Bongiorno: Sure. Can you guys hear me?

Seal: Yes, sir.

Bongiorno: Awesome. Joe Bongiorno. 5144 North Cunard Way in Meridian, Idaho. And for a little clarity, I am the fire marshal for the city, but at this point I am not acting in that capacity, I'm -- I'm here as a resident of The Oaks to give my testimony on this application. So, I believe one of the commissioners mentioned something -- sorry. Mr. Chair and Commissioners, somebody mentioned the reality versus what's on paper and the reality is they -- Toll Brothers has created a successful subdivision. It's -- it's very popular. It is -- it is booming here and we are getting to the point -- so, my house backs up to the public open area with the fishing pond and the pool and the pickleball courts and everything and during the summer the pool is packed and we are not even at full build out. So, I just wanted to agree with -- with everything that -- that the two previous people have brought up, that the reality is -- is, yes, this is a successful subdivision and we love what we have here, but we need another pool. So, we would like to see the amenities expand along with the subdivision as things are being built, because the pool is becoming full to where it's concerning and having to kick people out of there, you know, at midnight is not any fun. So, anyway, as it stands the -- the homeowners don't have any say, because the builder is still running the HOA, so this is kind of our only chance to give our two cents worth. So, talking with the people in the neighborhood we all are kind of in agreement that we would like to see another pool added to the next phase if it would be possible. So, that's -- that's all I had. Thank you.

Seal: Thank you, Joe.

Weatherly: Mr. Chair, that's all I show signed up and online with their hands raised.

Seal: If anybody else in chambers would like to testify, please, raise your hand. Sir, come on up. Good evening. Please state your name and address for the record.

Owens: Hi. My name is Brendon Owens. I live at 5800 West Milano Drive in the Oaks North and the biggest thing is is we -- we understand that -- I mean it -- it is truly a great subdivision that we live in. All of us love it and cherish it. But the problem is is when we first moved in my wife and I, when we bought our house, it was originally called Coleman at the time and found out -- and Coleman had a great reputation. It's like, oh, okay. Great. Great. Then I found out that Coleman is being taken over by Toll Brothers, which is wonderful. I worked with Toll Brothers before down in southern California in their great thing they were building up -- forgive me, I'm not good at speaking in front of people. So, I apologize.

Seal: No problem.

Owens: Porter Ranch. I work -- I actually worked side by side with them as an inspector there and they do great work. So, it's just like, okay, yeah, well great. Great. Glad -- glad I'm buying a Coleman slash Toll Brothers and, then, it came to complete Toll Brothers by the time we closed, which is beautiful. The problem with the whole rezoning thing is when we were buying our house we were told -- the models were down in -- they were in The Oaks, not -- the south side of McMillan and the salesman took us to -- and showed us a couple houses being built, because they didn't have our model, so he -- he showed us a couple and there was some construction going on. I said, oh, is that another phase and he says, no, that's a Hayden and I said, oh, okay. So, Hayden is building here, too, and -- and -- which I don't have a problem there either, but what I was told at that point is that's Hayden, they are not even connected to you, you don't even need to worry about any of that and come to find out that those Hayden Homes are part of our amenities, too. So, the thing is -- is -- is every time it gets denser they are throwing more people to use our amenities and that's where the issue is coming up. It's -- we know and understand that, you know, a lot of the building -- and it's -- it's a great wonderful place to live. It really and truly is and that's why we are all there. But every time it gets more dense and every time this -- it's getting worse and worse. The -- the amenities are -- are getting worse and we were told -- I think it was two weeks ago, maybe three, I forget the exact date, at our yearly HOA meeting that had to be held online again this year, which was fine, but we were specifically told by the Toll Brothers people that no more amenities are being built, nothing extra is being done. Live with it, it's already all been passed. If you have a problem with it you should have been at the -- at the meetings before. Guess what, we found out there is a meeting here about the zoning and we found out there is a meeting next week that we are all going to be attending, too, and there is going to be more of us at actually next week's meeting. But the problem is is once again by being able to rezone it they are -- you are going to get -- you are just compiling and compiling more people into

-- more density into it and that's -- that's -- that's where our big problem is and that's what all of us have an issue with.

Seal: Thank you, sir.

Owens: Thank you very much for listening and have a wonderful day. Or evening.

Seal: Okay. If anybody else in Chambers would like to testify, please, raise your hand. Ma'am, go ahead and come up. All right. Go ahead, ma'am, and state your name and address for the record.

Jones: My name is Elaira Jones. Address is 5989 West Avilla Drive in Meridian. I am part of the Oaks North community. My -- my neighbors have all shared our concerns. I just -- the one thing I want to add to it is that there are already four communities here. Like he said, it's only half built and -- and there is no space for those of us who are already here. By the time they are done we are going to have to start taking turns for the pools while paying full HOA -- HOA dues for it and we are going to have to start taking turns, right, like odd houses get on Mondays and Wednesdays and so on and so forth and that that doesn't seem fair. Not only are we paying for these amenities, we are going to have restricted access to them. As it's been stated, Toll Brothers is completely in control of what all is being added at this point and they continue to add and add and add. If this final phase is not through final plat we request that it be redesigned to scale and accommodate the final number of residents that will be part of our community. Thank you.

Seal: Thank you very much.

Weatherly: Mr. Chair, we do have one person with their hand raised online. That's April.

Seal: April, go ahead and give us your name and address for the record.

Bishop: I'm here with Sabrina Johnson. I'm also -- oh. 5261 North Cunard Way, Meridian. In Oaks North. And I'm also here with another neighbor Sabrina Johnson, who will give you hers and we speak together as two people. We are just logged in on her Zoom.

Johnson: So, hi there. I wish I could be there in person, but I had to host dinner at my house tonight for my family and I wanted to mention something that Mr. Owens had said. So, it's really important that big communities like this disclose information to their new potential buyers and in 2020 I became one of those people. I provided a deposit and -- I forgot to mention my address. Sorry about that. 5215 North Cunard Way in Meridian. 83646. Sorry about that.

Seal: That's okay. Thank you.

Johnson: So sorry. Sabrina Johnson. Sorry about that. I couldn't hear from my iPhone and so I went over to my neighbor's house and it was quieter here, so -- just wanted to

mention that it's important that Toll Brothers lets us know about certain changes, information. I remember asking my sales representative about, well, what's going to go on behind over here and they basically, deer in headlights, we just don't know and it turns out that in the purchasing world with that -- I mean sales does know some of that information. Whether or not they purposely don't disclose it to us -- it's just how it is. But I think that when the HOA had told us at our annual meeting, well, you guys need to speak up and -- and go to those annual meetings with the city -- well, if you had disclosed it to us, because we weren't homeowners yet in the community, so we didn't have anything -- we had no idea that there were meetings of these -- so, if the -- if the community that we were potentially moving into had hearings I think that they should have disclosed that to us, so we could have come up in numbers and that builders with mega money just doesn't come in and have an open floor and, you know, get their way in. So, our community is huge. I did not know that prior to moving into it, that -- how big it was going to, essentially, be and how even The Oaks across the street from us, the south, has access to our pool. I was like what do you mean they get access to our pool. That's all they are doing is living it up in the new pool and so we -- we will address our HOA when we can finally get to that point and -- and divide and conquer in that area. But right now I don't think that this rezoning is going to serve our community any justice right now.

Seal: Okay. Thank you. Madam Clark, is there anybody else raising their hand?

Weatherly: Mr. Chair, I don't see anybody.

Seal: Anybody else in Chambers? All right. Oh, sir, go ahead. Come on up.

Dubois: Thank you, Mr. Chairman. My name is Jess Dubois. I'm at 5231 North Cunard Way, Meridian. I pretty much agree with everything that's been said already as far as the -- the density of the housing and the -- the impacts on the -- the pools. I would like to point out, though, that the pool -- it's not just a pool. It's actually a park. There is a recreation area that's incorporated along with the pool. There is -- there is a fishing pond on our side -- on the north side. There is also a basketball court, pickleball courts, whatnot. So, if there is a consideration on placing another pool into the community, then, it needs to be understood that it needs to be a recreation area, like the park that we have -- we have already. That's all I had. Thank you.

Seal: Okay. Thank you, sir. Anybody else in Chambers like to testify?

Dodson: Mr. Chair, before the applicant comes up I would like to respond as well.

Seal: Go ahead, Joe.

Dodson: Thank you. And I apologize to the homeowners if I come off preachy. I do not mean to be a jerk. I promise. I just want to be very clear about the purview of what's before us tonight and I definitely sympathize with you, I really do. Somewhat of what you have heard from Toll Brothers is true. However, the timing was way outside of what you probably could have done. Meaning -- well, I will go ahead and show my screen just to

give you guys a -- what I'm talking about here. The -- what's on the screen here is the approved preliminary plat, which includes all of the open space and amenities and everything that you guys are discussing now. We cannot change any of that at this point. You would have had to be here in 2013 to testify to get those comments into the record to make those changes. We -- with the rezone before you tonight it has absolutely nothing to do with that. We can't require that as a city, because the preliminary plat's already done. I apologize for that, but that is just how it is right now. What's before us tonight is just for an addition of five lots. That would be the end purpose of the rezone of only 12 acres, not the rezone of all of it. That would be preposterous and would require a development agreement modification, which is not part of this, because they are compliant with their preliminary plat with the proposal. Now, again, I sympathize with what you guys are talking about, but the city is handcuffed in this and that these approvals are, you know, eight years old plus. So, with this rezone we can't do that. With the final plat before Council next week they can't do anything about it. I hope Toll Brothers is listening and understands and will take these things into consideration and that's going to be your power there is to discuss it with Toll Brothers and get them to add other things that you may want. But, unfortunately, the city -- we just -- we can't -- we don't have that capacity with the existing approvals and I do want to say that we sympathize with you, but the purview of this application is just for these five lots and I apologize for that, but it is what it is at this point and I -- I hear you.

Seal: Thank you, Joe. Okay. Would the applicant like to come back up?

Bower: Thank you, Mr. Chair. Jeff Bower, 601 West Bannock. Just a few things in rebuttal. Appreciate Mr. Dodson's comments and we are listening. As we mentioned earlier we take these concerns very seriously. I -- I do just want to make a couple things clear. We are not adding density. The re-zone that we are requesting tonight gets us exactly to the 653 lots that were originally proposed, so -- so, no additional density. The comments with respect to the reciprocity of open space, it goes both ways; right? Although the Oaks South folks can come up and use the Oaks North pool, it goes vice-versa as well and we have been talking about Oak Winds down here in the south corner, they have 20 percent open space and great amenities. Those are also available to the Oaks North residents and the Oaks South residents. It's -- it's to create that interconnected environment that I know Meridian likes with the pathways and the different amenities. So, it is all reciprocal. It's not one way. Again, I know we are not here to talk about amenities, but I just want to remind our residents, as well as the Commission, that this amenity package was approved by the City Council in 2013. Toll Brothers always builds its primary -- primary amenity first, so that it's there. That's that pool area. We are going to continue to build more open space, more amenities as these phases build out. As we mentioned tonight, this rezone gets us more open space. So, if we were just to go under the original preliminary plat we would have about one -- I want to say 1.7 acres of open space. With the rezone and -- and getting the density that was approved, we bumped that up to 3.2. So, this is a win-win. It's getting us to the original density number, as well as providing more open space. I don't have anymore comments for the Commission, unless there are questions.

Seal: Questions? Comments? Commissioner Lorcher.

Lorcher: Mr. Chair. So, with the rest of your -- this is the last space, so there is nothing after this?

Owen: Mr. Chair, Commissioner Lorcher, that's correct. Phase 12.

Lorcher: And so there -- and there is -- your plans for amenities are tot lots, extended pathways and sitting areas; correct?

Owen: Mr. Chair, Commissioner Lorcher, that's correct.

Lorcher: Okay. Thank you.

Yearsley: Mr. Chair?

Seal: Commissioner Yearsley, go ahead.

Yearsley: So, I'm hearing no pool; correct?

Owen: Mr. Chair, Commissioner Yearsley, that's correct. This amenity package, as we mentioned, met and exceeded the city's standards at the time. Toll has voluntarily added more open space to -- to prior phases. I believe a basketball court. The other thing to take into consideration -- and I think we heard it from the majority of -- of the residents tonight are the costs. You know, it's not just the cost on Toll to build a pool, it's -- it's in a -- a large cost as a -- as an ongoing concern -- you mentioned your HOA fees earlier. Those type of amenities are what drive those -- those HOA fees up exponentially. So, no, no additional pool.

Yearsley: So, I will -- I will just let you know my subdivision has four pools and less homes So -- so, I actually have a tendency to side with the homeowners for that, because if you lost --

Seal: Let's not have that anymore, please. Thank you.

Yearsley: -- you lost five lots just because of what happened and now you are asking for more or to get back to what you want. You know, I guess for the homeowners they wanted a fourth -- a third pool, which they are not going to get. I understand that. And I don't know -- I have to think about if the more open space is -- is worth the rezone, so -- and it's my understanding that a rezone is where we are up sizing, so it's -- it's more of a -- we have the option to decide if it's worth it or not, so -- thank you.

Seal: Anyone else? Commissioner Wheeler, do you have anything? Mr. Grove? All right.

Owen: Mr. Chair, if I just could real quick.

Seal: Sure.

Owen: Certainly a rezone -- we are here tonight -- we are, obviously, here asking you something for Mr. -- Mr. Yearsley, but there are criteria to be applied. The staff report applied those. You know, primarily do we comply with the comp plan. We do. And so, you know, I think the reason is appropriate here and the alternative to not rezoning is, yeah, maybe Toll Brothers doesn't get the five lots, but there is less open space and less homes in Meridian, which I think we all agree is needed.

Seal: Thank you.

Owen: Thank you.

Dodson: Mr. Chair? Mr. Chair?

Seal: Joe, go ahead.

Dodson: Sorry. Thank you. I just want to clarify one additional thing with the rezone. Staff cannot condition rezones. We cannot condition rezones. So, my conditions in the staff report are actually just comments. The only way to condition a rezone is with a development agreement and we can't do a DA mod, because they are compliant with the existing DA and they are not changing the layout, they are just meeting the approved density. So, I did want to make that very clear, that any motion or anything we -- that we can't condition something.

Seal: Okay.

Dodson: Or could Council either. It would just be a yes or a no.

Seal: Got you. Okay. Thank you.

Grove: Mr. Chair?

Seal: Go ahead.

Grove: I move to close the public testimony to file number H-2022-0010, Oaks North.

Wheeler: Second.

Lorcher: Second.

Seal: Okay. It's been moved and seconded to close the public hearing for file number H-2022-0010, Oaks North rezone. All in favor? Any opposed? Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Grove: Mr. Chair?

Seal: Commissioner Grove, go ahead.

Grove: I will jump in. So, with the applicant -- I will start off by saying you are not wrong, but it doesn't mean that you are right in terms of some of the -- the ways that you positioned the things tonight. I -- under the code and under our preview I have a hard time finding a way that we can say no, but that doesn't change the feedback that you are hearing very loudly from the people in your subdivision. So, that's just kind of where I'm starting. Don't want to sit up here and lecture, but I have a second to state my opinion, I guess, and I -- I don't see how I can say no for what is in front of us, but that doesn't mean that there shouldn't be some other things that can be addressed on your end that -- that could address the concerns that are not directly related to what was in front of us tonight.

Seal: Anyone else? Commissioner Wheeler, go ahead.

Wheeler: Thank you. Thank you, Mr. Chair. I -- I -- I'm in the similar boat of where Commissioner Grove is at on it. I mean there is no density being added. They are doing an adjustment here on the lots and they are adding more open space to it. So, there is not an increase of -- of homes here than what they have said before. They are just a little bit tighter together in this one phase and it's only just a few lots that that's happening with. The other thing is I see this actually as a -- as a good problem. You have got people that are living in your homes or in your subdivisions -- speaking directly here to the applicant -- that want to enjoy their neighborhoods a lot and they want to have fun in there a lot and they want to enjoy their neighbors a lot and I think that this is something to definitely take forward as you continue to build more and more subdivisions in this area. There is a lot of competing developers -- residential developers, more are coming to this area it seems like a lot and I think one of the factors that will be a determining factor for where people choose to live moving forward will be the amenities offered there and the breadth of those and so that's just something to think in this highly competitive area here in the Treasure Valley and specifically Meridian and at the same time it would be great to have another pool, because the demand is that high and -- but that's -- that's going to add exponentially more cost to HOA fees, too, at the same time. But to me I kind of see it as a little bit of a as a good problem that people are saying we would -- we would like to enjoy our neighborhood more and that's a good thing.

Yearsley: Mr. Chair?

Seal: Commissioner Yearsley, go ahead.

Yearsley: So, I -- I don't know, I -- I struggle -- you know, like I said, I -- I will admit R-4 is -- we never see it anymore. The problem with this is where we are adding five more lots, we are re -- reducing the number of square footage in the individual lot, which, then, increases the demand for the open space and so, you know, I -- you know, that's -- that's my concern is that the R-4 you have a bigger lot. You actually can put some amenities in your lot to actually not utilize everything else. So, I -- I struggle with approving this just

because the homeowners are already feeling overwhelmed, even though this is only five lots, I mean -- but -- you know. So, I -- I don't know. I -- I like the R-4. I like the bigger lot that the -- the -- those people who are buying those may not use the open space as much as -- as the rest. So, I -- I can't support this based on the homeowners' testimony.

Seal: I -- I mean I'm just looking at this, I mean I -- personally I see there can be some win-win here. So, I mean there has been a lot of testimony that there needs to be more space. I -- I think where the open space is being provided, honestly, isn't going to provide much value compared to the cost. So, there is going to be a lot of, you know, greens that are going to have to be maintained, shrubs, trees, you name it, all that stuff -- pathways that are going to be put in or connectivity and it's not providing a lot of value. I mean I could see eliminating -- on the map that's shown up here in the phase 12 rezone, getting rid of one, two, three and four and opening that all up in five and making something more grand there. There is a reason I hate pools. This is it. Because they cost a lot of money. They break down over time and everybody argues over them. So, maybe a water park, maybe something that doesn't cost a lot of money, maybe something like that could be a great happy medium in there. It's not going to cost you a lot of money to put in there. You regain the amount of homes that you want to put in there. You still get the five. You still get the zoning. You just got to put a little extra money into that great big open space and make it bigger, make it something that more people can go enjoy. Just don't make it a pool. That -- that's -- I mean basically where I stand with it. I mean you -- you have the -- I mean just looking at this and I -- you know, I'm not an -- I'm not a real engineer, I'm an IT engineer, but -- I mean I can look at this and see a lot of opportunity for a win-win here, so -- I mean take that for what you will. To me if you were willing to do something along those lines, then, yeah, let's give you the five homes, have you spend a little additional money in here to make that open space a little bit more usable for everybody.

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher, go ahead.

Lorcher: Based on everything that we have seen tonight and I guess, Joe, this goes back to you, what -- what Commissioner Seal said, can they -- can they sort around the open space and collectively put it in all one space or --

Dodson: Commissioner Lorcher, again, we can't really condition a rezone, so --

Lorcher: Okay.

Dodson: -- it -- it -- unfortunately, it's either we recommend approval or you don't. The applicant has the option to make those revisions if they want. I wanted to make some of those revisions as well in my staff report, but I can't. So, I did make that comment in my analysis about, you know, some of these areas I would prefer to be more consolidated. With the final plat I can't condition it necessarily, but I -- I can work with the applicant on that for sure, so -- Toll Brothers and I have done -- I don't know. This would be I think the seventh phase that I have reviewed for Oaks North. So, I'm pretty consistent with them.

Seal: Okay.

Lorcher: Commissioner Seal?

Seal: Go ahead.

Lorcher: So, based on our restrictions of what we can and cannot do as far as a rezone is concerned, I understand Commissioner Yearsley's concern about changing it from R-4 to R-8, but based on what we see here, even with the five houses we do get more open space at 3.2 versus 1.7. I mean if we don't do it they will find another way to -- to get the five houses that they want to get back. So, if -- hopefully the applicant will work with the city planners and, you know, re-design some of that space so that they can accommodate their current homeowners and be good stewards to their neighborhood, but if we can't condition it our hands are tied.

Seal: I would agree. So, hopefully, everybody that's listening -- this means make sure to show up to the next meeting and, hopefully, there is more meetings to be held and there is a willingness to work with staff in order to improve the -- basically the capacity of the open space that's going to be provided, instead of just these little slices that are out there that are just going to cost more money and not really provide a lot of what the community is asking for. With that I will quit lecturing.

Wheeler: Mr. Chair?

Seal: Commissioner Wheeler, go ahead.

Wheeler: I would like to make a motion here then.

Seal: Go ahead.

Wheeler: After considering all staff, applicant, and public testimony, I move that we recommend approval to the City Council of file number H-2022-0010 as presenting the staff report for the hearing date of April 7th, 2022.

Grove: Second.

Seal: It's been moved and seconded to approve Item No. H-2022-0010, Oaks North rezone with no modifications. All in favor say aye Any opposed?

Yearsley: Nay.

Seal: Was Commissioner Yearsley.

Weatherly: Thank you.

Seal: Okay. The ayes have it. Motion passes.

MOTION CARRIED: FOUR AYES. ONE NAY. TWO ABSENT.

6. Public Hearing Continued from March 3, 2022 for Pinedale Subdivision (H-2022-0001) by Pine Project, LLC, Located at 3275 W. Pine Avenue (Parcel #S1210417400)

- A. Request: Annexation and Zoning of 1.22 acres of land with a request for the R-15 zoning district.
- B. Request: A Preliminary Plat for 12 building lots and 2 common lots on 1.22 acres in the requested R-15 zoning district.

Seal: Okay. And so now we have a file number H-2022-0001, Pinedale Subdivision, which was continued from March 3rd. We will begin with the staff report.

Dodson: Thank you, Mr. Chair. Stole my thunder with the March 3rd. Now I can't do it. No. I'm just kidding. The applications before you tonight for this application are annexation, zoning, and a preliminary plat. The site consists of 1.2 acres of land, currently is on RUT. As you can tell on the map on the left it's essentially a county enclave with zoned property all around it. It's located along the railroad corridor west of Ten Mile and is directly at the terminus of West Newland Street at the southeast corner of the Chesterfield No. 2 Subdivision. It does not have any application history with the city. It's -- Comprehensive Plan is mixed-use community for some reason. However, in my analysis I did analyze it against the medium density residential future land use designation to the -- to the west, because that's where its access comes from. The request before you tonight is annexation and zoning of the 1.2 acres, with a request for the R-15 zoning district and a preliminary plat for nine detached single-family building lots and two common lots. The applicant has revised the plat multiple times to address concerns noted within the staff report. The staff report is -- contemplates ten units, because that's what -- at the time prior to the March 3rd hearing that's what was proposed. Since publication of that staff report the applicant and I have worked together to make some revisions and you get the plat before you tonight. I did write a memo based on this new plat to the Commission dated March 24th that has specific recommended revisions to the conditions of approval based on this plat. The applicant is proposing to construct detached single-family dwellings with a gross density of 7.4 units per acre and an average lot size of about 3,200 square feet, with a minimum lot size of about 2,250. The proposed use is a permitted use within the requested R-15 zoning district and although the lots appear to meet UDC dimensional standards. Access is proposed via extension of West Newland Street as noted, which currently terminates on the west boundary of the site. It is required to terminate within the site as a full cul-de-sac per ACHD. The existing access is from a private access that crosses Ten Mile Creek right here and actually goes up to Pine, which we are glad to get rid of that, hopefully. This access will be terminated upon development of this site and with other approvals to the east it's only going to be a pedestrian access. A multi-use pathway on the east side of the creek for -- if you can see my mouse -- ten foot pathway here for Foxcroft and, then, it crosses where the bridge is and, then, continues to be a ten foot pathway here, which is why the applicant proposed a five foot

pathway here for added connectivity. The Ten Mile Creek as noted does run along the entire east property line and requires a hundred foot easement from its centerline, with 50 feet of it being -- well, almost 50 feet of it being on this site, which further encumbers the buildable area of the property. Some of the noted concerns in the staff report are regarding analyzing the project against the MDR versus the mixed use community as noted and staff decided to do that, because there is no connectivity to the east other than pedestrian connectivity and when you talk about mixed use, you talk about a mixing of uses and you can't do that -- I didn't see it was necessary to do that. So, I -- the comp plan does allow us -- it's not parcel specific, so it allows staff to analyze projects against adjacent designations when they are not separated by arterials. Staff discussed the amount of buildable area once the required cul-de-sac is placed on the site. As you can tell, it takes up a lot of land. So, overall it just -- it's a point of discussion. The difference between the proposed lot sizes and those within Chesterfield -- obviously these are going to be smaller than those lots to the west property. Chesterfield is R-8, so it's going to be a minimum of 4,000 square feet for R-8. These have an average of 3,200, which is below that. In addition, the number of driveways taking access from the cul-de-sac -- so, again, the -- the idea of having multiple driveways just eats up a lot of area right there in the cul-de-sac and you have driveway after driveway after driveway. The applicant is showing shared driveways, which staff does appreciate. Not always -- when staff discussed this in the staff report -- and we have discussed with the applicant sometimes that can be difficult to get the required setbacks for the garages and everything when that occurs. This would be preferred, but staff did not include a condition of approval to require it, because it can be very complicated with getting a building on the lot and at a future date. So, I don't want to mince words or make you guys think that that's what's going to be required. Finally, in general staff just wants to ensure that the proposed elevations can actually fit on the submitted lots. There were 13 pieces of testimony that all stated the same issues that they had with the proposed project just too much density that -- which will impact the traffic, safety, and that it doesn't match the existing development to the west. So, that's pretty much all 13 said the same thing. Some of it seemed like a form letter of kind, but, nonetheless, voiced their valid concerns. Staff does recommend approval of the subject application with the conditions noted in the staff report and I will stand for any questions.

Seal: Thanks, Joe. Would the applicant like come forward?

Hessing: My name is Bruce Hessing. 2338 West Boulder Bar Drive, Meridian. My family moved here in 1886. So, we have been here a while. I have developed probably 2,700 houses. I tried counting them all over a month or so period of time. I was bored during COVID and that's as many as I -- I could remember. So, I -- I enjoy the community. It is my home and I'm thoroughly impressed with you. I usually have my engineer or -- or a planner do this for me, but he's out of country, so I got the wonderful opportunity to -- to be here tonight. I have semi-retired, so what I like to do is I like to find little pieces of property like this one. These are difficult to develop. If you were to see pictures of this little property now, there is -- there is an old structure there that the neighbor kids use as their funhouse. My fun is taking that down and so I -- I have worked with -- Bill and Joe are amazing. I -- I -- I deal with a lot of planners. You got two of the best. And our idea

is to bat this around -- I think we designed it like six times. It's worth it to me to get -- get it right before it gets to you and this is what I have presented. I wanted 12 lots. That was the original application. We sell a lot of this product to retired people. We can get our product out on the market forty, fifty thousand dollars less than -- if compatible to -- to other projects. We like to do that. The -- these homes are narrow. The master bedroom is on the main floor. We like that. And usually people my age like that, too. And that's -- that's our concept. Any questions I'm -- I'm here for you.

Seal: Any questions? Maybe? No? All right. Thank you very much. Madam Clerk, do we have anybody signed up to testify?

Weatherly: Mr. Chair, we did have one person sign up online. It's Daniel Kwok. I think that might have been an error, because he came for the last one and I don't see him in house anymore and that's all.

Seal: Anybody in Chamber want to come up and testify on this? All right. Would the applicant like to come back up?

Dodson: Mr. Chair, I do believe the engineer of the project is online.

Hessing: Yes, he is. He is somewhere in Switzerland I think.

Seal: Would he like to speak or would you like to have him speak?

Hessing: He sent me a text that said, hey, only if you need and I -- I think we are going to be okay. He is a lot more into it than I am, but -- but I think we have got the gist here and --

Seal: Okay.

Hessing: -- he should enjoy his vacation.

Seal: Well, I was going to say is there -- if anybody has no questions --

Grove: Mr. Chair?

Seal: Oh.

Grove: I do.

Seal: Commissioner Grove, go ahead.

Grove: So, I have a few questions that I will kind of try and summarize I guess. This seems -- Commissioner Yearsley, you are going to like this. This seems incompatible with what the cul-de-sac does to this weird piece of property. It seems incompatible with the number of lots that we have here. I think that this is a much more suitable space for

two to five lots at most. I -- I -- I can't wrap my head around having this layout as presented.

Hessing: Okay. I appreciate that. The -- the cul-de-sac does take a tremendous amount of that property. It looks like to me like a third of it. We originally designed this with a private drive and we were going with the zoning to our east and to our south. I -- I get the fact that we would like to get less, because the neighbors to the west have less, but this -- to provide that cul-de-sac for -- for ACHD this was the best use for that property. It -- it doesn't make sense to have two or three lots there. It just doesn't. That's why it was redesigned and redesigned and came up with -- now they have got -- the neighbors to the west have got a cul-de-sac now that's ACHD standard. They could use it instead of a dead end like it's been for I don't know how many years. But that's why it was designed the way we did it.

Grove: Thank you. I appreciate that. I -- I just -- I -- I have some major concerns with the general layout and the amount of lots that are there. I don't -- I don't see it with how it's presented and so I have some general concerns with the number of lots and even the placement of the cul-de-sac. So, I was just wondering, you know, at the R-8, was the R-4 zoning considered for this instead?

Hessing: Because that's what it's zoned for.

Dodson: Mr. Chair?

Seal: Go ahead, Joe.

Dodson: It's requested for R-15 because it's under 4,000 and it is R-8 to the west, which would be a minimum of 4,000.

Hessing: Sorry. Wrong numbers, but --

Dodson: You got a four in there. It mattered.

Grove: So, I guess instead of R-15 did you look at a lower classification in general?

Hessing: No. We were just going with what was to the east of us and to the south of us. I -- I -- when we get to that amount of lot reduction -- I mean we came from 12 down to nine. Any lower than that it -- it just makes it inconceivable to do it.

Grove: I guess the reason I'm asking these questions is because you are not connected to the lots to the east or to the lots to the south, but you are connected really with the lots to the west. So, it's more congruent with the lots that you would be connected to and how I'm looking at the map. So, I was just wondering why that wasn't considered.

Hessing: Well, if I was to do that what I would do, then, would be put in a private drive and take -- and make it four lots and, then, ACHD had heartburn over that and all the

neighbors do, because they want a cul-de-sac and so they come to us, asked us to -- to build this cul-de-sac, which -- which really is the major part of that whole piece of ground is the cul-de-sac. So, we felt we were putting back into the community by providing a standard ACHD cul-de-sac that they really need and in -- in exchange for that we pick up another three to -- you know, three or four more lots, give us our nine that we need to make it pencil, so that it -- it works for the community and it works for us. That's why we did that.

Grove: All right. Thank you.

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher, go ahead.

Lorcher: Mr. Hessing, if you were to be R-4 or R-8 would ACHD reconsider a cul-de-sac to a street that just ended?

Hessing: Well, I -- no. Their -- their demand -- if I remember right --

Lorcher: Is that firm?

Dodson: Commissioner Lorcher, yeah, I have had discussions and reached out to ACHD and they have been extremely firm on the cul-de-sac, unfortunately.

Lorcher: Thank you.

Dodson: Because I had specifically asked if we could do an alternative termination. I was told no.

Hessing: But I think, to answer that, Commissioner, if -- if we were to go to the city standard four lots, we could use a private drive to terminate. Right, Joe?

Dodson: I would need to clarify with ACHD. I still think they want it to terminate in a cul-de-sac even if we use a common drive, which is what Mr. Hessing is referring to.

Hessing: Yeah.

Dodson: Which is the four lots --

Hessing: If we go to the neighbors -- I mean this works. This cul-de-sac works and -- and that's why we redesigned it five, six, seven times, got it to this point.

Lorcher: Thank you.

Hessing: You bet.

Weatherly: Mr. Chair, I do --

Seal: Go ahead.

Weatherly: -- show that Mr. Hessing's engineer is raising his hand.

Seal: Okay. Let's hear from him.

Conti: Good afternoon. Good evening. Afternoon. Evening. I hope you can hear me well.

Seal: Yeah. Go ahead and give us your name and address for the record, please.

Conti: Yep. Antonio Conti at 7661 West Riverside Drive, Garden City. One comment that came through was the design itself with the cul-de-sac and this is the only way we can fit a cul-de-sac on that property. Otherwise, we will have to take right of way from the neighboring parcel, which is not -- it won't be allowed. The overall point of the concerns on the overall density, I think we can map on less than eight units per acre. As it is right now we trim that down to about nine lots.

Seal: Okay. Does that answer the question kind of? No? Yeah?

Grove: Yeah. As good as it's going to be answered.

Seal: Okay. All right. Thank you, sir. Appreciate that.

Hessing: Just one comment.

Seal: Yes, sir.

Hessing: We are -- an R-8 is our neighbor; right? Well, this is 1.2 acres and so we would be fitting within that all right.

Dodson: Mr. Chair?

Seal: Go ahead, Joe.

Dodson: So, the -- we don't tie our density to our zoning anymore. So, the eight, four, 40 doesn't matter for the zoning. I guess that's a little facetious. But it matters in the sense of dimensional standards. But density, no. So, what would be the -- the key factor if you did R-8 would be the minimum 4,000 square feet, which you are going to have to lose lots to meet that.

Seal: Okay. Thank you.

Yearsley: Mr. Chair?

Seal: Commissioner Yearsley, go ahead.

Yearsley: I -- I'm sorry, the -- the -- the concept homes that you have provided, I don't know how you are going to fit those on those lots, to be honest with you. You -- you do show one photo in the staff report that shows an existing home that I think would be more realistic to it, because it doesn't have a front door or anything besides that. I mean there is -- it's home to home to home. I mean it's -- it's going to look like an apartment building, to be honest with you, in my opinion. And to me that just does not fit this -- this community. I mean, yes, I realize that it doesn't -- if we -- if we go smaller it doesn't pencil your -- your financials, but, man, I -- I'm struggling to -- to -- to allow something like this, just because we can make it fit. I mean -- so yeah.

Hessing: We can answer that. We -- we have the standard setbacks -- side -- side setbacks that -- those units are 24 to 26 feet wide and they are deep and -- and we build those and so, yes, they do -- they do fit. They -- they do have the standard size setbacks. We are meeting -- we are meeting code, obviously, if -- if we can get to that and so, yes, they are -- they are a unique product. You see them down in Boise. They are 22 to 26 feet wide. They are deeper. They are 1,500 square feet, 18, ten, a few of those and some of them -- like that Lot 2 and Lot -- but some of them are pretty wide lots, so they could almost take a standard size house.

Yearsley: Yeah. I -- I just don't see it. Sorry.

Seal: Any other comments? Okay. Thank you, sir. Okay. Can I get a motion to close the public hearing for H-2022-0001?

Yearsley: So moved.

Wheeler: Second.

Seal: It's been moved and seconded to close public hearing for file number H-2022-0001, Pinedale Subdivision. All in favor? Any opposed? Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Seal: I will jump in here. I'm -- I'm kind of with everybody else. I just -- I mean there is -- this being a little in-fill piece of property that I would love to see develop, I -- I just don't see this happening. I can see a lot of issues happening in here as far as the -- when you have the common drive -- I always go back to service vehicles and things like that to where, you know, trash day comes along and you have -- you know, how many trash cans out there, you can't have anybody parking on the street, I mean there is -- basically is no parking. So, somebody decided they were going to have a birthday party, something along those lines, there is just nowhere to do it. There is -- there is no parking in here, other than for the residents, so -- and that's a small amount of parking that's going to be there. So, I just -- you know, as much as I would like to see this happen, I don't see this as the solution, so -- I mean to me the solution with the cul-de-sac needing to be there,

you know -- and, again, I wish we had more control over what ACHD controls within the city boundaries. We don't. So, if they are going to insist on this -- on this cul-de-sac going in there, I mean it would have to be less dense in order for me to be enthused by it or to, you know, want to approve it.

Grove: Mr. Chair?

Seal: Commissioner Grove, go ahead.

Grove: I think if the cul-de-sac even like moved to more of the center of the project, you know, wrapped down, you know, there might be some other options, but I would have to kind of piggyback on what Commissioner Yearsley was saying with how the houses would actually fit. I don't see what -- I guess I don't see how that works and without a demonstration of what that looks like it -- it does not fit with this plat and it doesn't fit with the neighborhood that's actually connected to it. This is not the right product for this space in my opinion.

Seal: And I can see where -- I mean there is a few lots in here where I can see there is several houses that would fit that are kind of the Barber Park area, different places in Boise like that where those would fit pretty easily in here, so -- but the rest of the lots I don't see how you are going to fit something like that in there, so -- you know, again, I just -- I think it's too much for this little tiny piece of land and -- and I sympathize for ACHD holding their ground on, you know, taking up so much property with this -- with the cul-de-sac, but they control the roads, we don't, so if that's what they want in there, then, that's okay, but I just don't think that this density is going to work in there personally. Anyone else? I would love to hear a motion at this point.

Yearsley: Mr. Chair?

Seal: Commissioner Yearsley.

Yearsley: I will make a motion. Let me get to the page. After considering all staff, applicant and public testimony I move to recommend denial of -- to City Council of File No. H-2022-0001 as presented in the hearing report -- hearing on April 7th, 2022, for the following reasons: The -- the -- just the site is too dense for the -- the community that it's abutting up against and it just doesn't fit the -- that subdivision and it's -- it's just overall just too dense.

Wheeler: Second.

Seal: It's been moved and seconded to recommend denial of File No. H-2022-0001, Pinedale Subdivision, for the reasons mentioned. All in favor say aye. Opposed? Okay. Motion carries, which was a motion to deny, so --

MOTION CARRIED: FIVE AYES. TWO ABSENT.

7. Public Hearing for Summertown Subdivision (H-2022-0005) by Summertown, LLC, Located at 3104 N. Venable, at the Southeast Corner of N. Venable Ln. and W. Ustick Rd.

- A. Request: Preliminary Plat consisting of 23 residential building lots (9 singlefamily lots and 14 multi-family lots) and 3 common lots on approximately 13.8 acres of land in the TN-R zoning district (Traditional Neighborhood Residential).

Seal: Okay. All right. We will move on to Summertown Subdivision, H-2022-0005 and we will begin with the staff report.

Dodson: Thank you, Mr. Chair. Got me for one more. Again, this is for Summertown Subdivision. The application for this project is a -- yeah. That makes sense. This is a preliminary plat and a private street. Private streets are administrative approval only. Just to let the Commission know and the director did approve those. The site consists of 13.8 acres of land already zoned TN-R, which is the traditional neighborhood residential zoning district, located at 3104 North Venable, which is the southeast corner of Venable and Ustick. Has quite a bit of history with the site. Again it was annexed and zoned in 2017. Has an existing development agreement. Received administrative approvals in 2019 and, then, in 2021 to make sure they don't expire and it is a mixed-use community designation on the property. It's kind of a bubble in this area. The request before you tonight is for a preliminary plat consisting of 23 residential building lots, which are nine single-family lots along the south boundary and 14 multi-family lots, with three common lots on -- on this 13.8 acres. Within the existing TN-R zoning district. The request for private streets through the multi-family portion of the project was requested and approved. It was made for -- sorry. The private street request was made for addressing purposes and was actually requested by the city fire and addressing departments. So, we do appreciate the applicant doing that to help with addressing for life safety. The minimum lot size is 5,100 square feet for the single family lots and nearly 19,000 for the multi-family lots. The subject site was annexed into the City of Meridian in 2019 as noted with the Summertown annexation. It allows multi-family residential projects as a principally permitted use. So, again, they -- no CUP or anything like that, they only -- they got their zoning and they were allowed to do a certificate of zoning compliance and design review to establish that use and, then, submit for building permits, which have already been done and approved and they are building on the site already. Therefore, the applicant was -- I just said all that. The applicant did include a small single family component to the project along the south boundary as noted. This complies with the requirement of TN-R, which requires two different housing types within a project. Because of the inclusion of the single-family lots and the applicant's desire to place each multi-family building on their own lot, the applicant is required to subdivide the property prior to the release of the first occupant -- first certificate of occupancy. That is an existing development agreement provision, so to be very short, largely this preliminary plat is very administrative in that it's complying with the existing approvals. The expected development of the site, therefore -- it's already been outlined and conditioned via these previous approvals and so many of those requirements will actually be checked at the future final plat application. All of the

proposed lots do comply with the TN-R zoning district and the proposed road improvements comply with previous approvals, except one piece, which would be the Venable Lane street section and I will get into that. Access to the site is proposed via Venable from Ustick and West Wrangler Street here. The access to the multi-family is via the drive aisle connection in the northwest corner and, then, two off of West Wrangler Street and those are through the two private street connections. So, these are all private streets here. Hence why they are named -- we cannot name multi-family drive aisles, which is, again, why fire and addressing requested private streets. West Wrangler Street is also shown to be the access for the proposed nine single-family lots along the south boundary. The proposed street sections for both Wrangler and Venable do comply with all standards. However, in the original approvals Venable Lane was supposed to be a 36 foot wide street section, I believe, from Ustick down to this location and, then, a 29 foot street section here. However, as all of this has progressed over the years, ACHD has approved the 29 foot -- 29 feet wide street section all the way for the whole section of Venable. I did receive confirmation of that today as well. So, there is no qualms with that and staff would strike that condition moving forward. I don't know what that is though. I will tell you just -- you can broadly say strike that condition in any motion. The proposed master pathways plan, which, again, just the proposed master pathway plan, not what is adopted, does depict a pathway along the east side of North Venable. The submitted plat does not depict this pathway and instead depicts a five foot wide sidewalk. Staff has presented this issue during pre-application meetings and -- which it's unfortunate it's not shown, but staff is requiring that revision with this plat to be on the east side of Venable. Again, with the reduced street section and other requirements of ACHD for storm drainage, this buffer along Venable is larger than what it should be per the TN-R standards, so there is room. The applicant and I have discussed this quite a bit in the past couple days and we should be okay with that. Staff does have an existing condition to continue the pathway, not just on the east side of Venable here, but also down this pump lot -- pump house lot here. The applicant has told me there is no room to do it here, so I will let you and the applicant discuss that. If that cannot be accommodated I will go on the record and say we minimally need it here, so that we can have a connection here to continue this at a future date, to have a nice safe logical crossing for the multi-use pathway. This area is owned by somebody else and a county parcel that's not yet redeveloped. There was no written testimony for this, again, because this is largely administrative at this point. Staff does recommend approval of the plat and, again, the director has approved the private streets. I will stand for any questions.

Seal: Thank you, Joe. Would the applicant like to come forward.

Brown: For the record Kent Brown. 3161 East Springwood. I like Bill's comments more than my other client liked. He said you should have been number two out of number seven. Anyway, I think there is just a couple of you that were here before when this came through with annexation. There were numerous redesigns and to my knowledge this is the first TN-R neighborhood that was zoned in the city and it was trying to understand what that traditional neighborhood encompassed and what -- what needed to take place and it was kind of unique in that it was the mixed-use community and yet it was a bubble that was on both sides of the road and there were, you know, commercial posed on the

other side of the street, there is the park that's over there, so you have those elements that are taking place and -- and we were looking at doing apartments and there is apartments to the west of us for a portion of the site. I have some slides that I gave, but what's taken place is that as they started in the plan approval process, which has already taken place, both for the vertical buildings through -- we have got building permits going and there are buildings that are going up currently and all the underground has been completed for this site and there hasn't been any concrete poured yet, so many of these conditions kind of end up being kind of a challenge. Condition number 3-A-E is the one that -- that Joe was looking for providing him evidence that ACHD is happy with the 29 foot street section. What happened there is it was initially thought by both ACHD and us that storm drainage would go from the crown of the street and go each direction, like we traditionally do, but the apartments that went into the west of us did not have any of that requirement or did -- they didn't have an easement and so the highway district made us make a super, which, then, flows all the drainage over onto the east side and so we have all that storm drainage coming on our side and fitting that in with where our buildings and so forth are, required us to reduce the street section. There is a sidewalk that is in their common area on the west side of Venable. The road has always been planned to curve as it goes onto Wrangler. This drawing that's here on the screen is what was in the original DA showing how the vacant properties adjacent to us might develop and with the stub streets that we were proposing at the time. Venable -- Mr. Simunich owns that piece that's down here and he didn't want any roads stubbed to him and that's why our -- our internal road angles. He has a driveway that goes to his home back there. I know that he's passed away, but I know that his family still own that property today. So, that's an access to his house back there. Venable Lane -- ACHD has right-of-way that's adjacent to our pump house, so I have put in approximately where the south line of -- of -- are you moving that, Joe? Okay. So, this is the pump house lot and the properties to the south and the vehicle parked on the access that goes back to the Simunich's house is on ACHD right of way for the most part, but it is not a street, it is just a driveway access for that -- that one home back there. Joe was looking for us to be further to the east or to the left on this drawing. That manhole that's up next to the vinyl fence is where that sidewalk would be. There is a pressure irrigation line and if you think about it the neighbors to the south of us have pressure irrigation running in their backyard and, then, it comes to the north up to our property and so it does the same thing and this concrete vault and so forth that is sticking out of the ground is the pump station. So, putting that on our property becomes kind of difficult. I spoke to ACHD and they said we could enter into a license agreement and we could pave a ten foot path that probably is in a better location than what staff is talking about. It's outside the bounds of our plat, but it's in ACHD right of way. So, I don't know -- I have been told before you can't -- can't make me do things outside the plat. ACHD's staff report is very clear that there is not to be improvements, but this is a pathway improvement. So, I don't -- realistically my -- my client wants to be approved with the plat. I need to turn around and get the final plat, because he's got buildings that are already framed in and they can't get occupancy on those buildings until the plat's recorded. So, I need to get the preliminary approved and, then, turn around and submit the final. I didn't -- didn't include the drawing to the north, but they have not poured any of the concrete. We can put a ten foot sidewalk. It does make that really close. It's kind of interesting, after listening to the Pavilion at Ten Mile or -- Pavilion at

Windsong is all of those sidewalks come out of the units -- if you could go back to the overall site, Joe. Not my drawings, but your staff report. We will have all those sidewalks coming out onto that pathway, that -- because they are 13 feet. So, I have all these units that are here along this west side of our site and on the east side of Venable. If we put this ten foot sidewalk realistically from the east side of that pathway is 13 feet to the -- 14 feet maybe to the front of the unit. So, it -- they are going to be close and you want people accessing and coming out there. There is no parking, but it allows those to come out and I talked to Kim -- Joe and I were in discussions. This pathway isn't on any adopted plan, but parks wants it to go in. The purpose of it is is to connect to the south. They will have to get the Simunich's and any future development that goes to the south to be a part of that, but today -- I mean I know what you try to do is you try to get what you can get today. I guess we are not opposed to that. I would prefer not putting it on the ACHD right of way adjacent to -- that would cause people to think that they can walk south to the Simunich's property, because as soon as you get to that vinyl fence the ACHD right of way ends and it's their property. I don't think that -- they weren't real excited about having people go that way before and now it -- right now what's there is a driveway access to that house. I will just leave it at that. Do you have any questions for me?

Seal: Questions for the applicant?

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher, go ahead.

Lorcher: So, right now Verna -- is it -- how do you say it? Venerable?

Brown: Venable.

Lorcher: Venable is just a driveway to the family home and you are going to extend it --

Brown: Venable south of our proposed street is a driveway to their home. It's under construction right now. The road base has been hauled in. They have got string line up. They are getting ready to start pouring sidewalk and curb and gutter and so I need to get to them the plan to put a ten foot pathway at least in that northern portion north of Wrangler.

Lorcher: Okay. And that's how the family gets to their house, because right now --

Brown: Yeah. Currently. Yes.

Lorcher: Okay. And, then, the subdivision to the south of you where it says Ridgeberry and there is no access to Ustick from there; correct?

Brown: Currently. But they will be able to use Venable -- go north to a T intersection where they will be on Wrangler, then, they will turn left and go up to Venable.

Lorcher: Okay. Thank you.

Seal: Commissioner Grove?

Grove: Question about the -- and maybe this is staff first -- is with the pathway section that goes south of Wrangler, in lieu of having that built out, is there anything we could do in terms of requiring an escrow account or whatever the -- like something that would build later to build -- to pay for that 25 foot section or whatever that is when it -- it's ready to be developed or do we have any wiggle room I guess would be the question.

Dodson: Right. Yeah. Great question, Commissioner Grove. So, if -- if it's going to be in the ACHD right of way we can't require that. The applicant can go into a road trust with them. It might not be a road trust necessarily, but -- and do that. But as Kent described, it's very difficult for us to require something that's not on their property. I think the best we could do is condition -- add a condition that, basically, requests the applicant to work with ACHD to try to construct that short segment of ten foot pathway south of Venable. I don't want that to be a deal killer for all of this, because we really mostly need the segment on the east side of Venable and then -- because that property is owned by others we would be able to get it later. My point was they have the lot at this section, so at least you would have a clear connection across this curve and stub it to the west boundary. But I can see when you have pressure irrigation and everything under there already it's not going to happen, so thank you, applicant, for giving us that picture. That helps a lot. But I think a broad condition would probably best and Kent and I will continue to work with ACHD as we move forward through the final plat phases.

Brown: And I have already spoke to ACHD, the person that approved the plans and he's told me I can build it. I guess my concern is -- I build it, they will come and as soon as they step off of the end of where I pave they are on somebody else's property. They are on ACHD's property, which isn't the full width of that opening and so we are -- we are funneling people to an area that maybe isn't ready for visitors. That's -- to be honest, that's the only reason I don't want to build it. I mean can I build it? Does the government ask me to do the smartest thing all the time? No. So, I could put that in that box and say you asked me to do it and you guys deal with -- we will -- we will put Joe's phone number there and call Joe when they step off. Or Parks. We will put Parks.

Grove: Well, I think that's kind of my -- to the point of my question, though, is -- is there something -- a mechanism that you would be, you know, able to help fund your -- like if it was -- in half your portion of, you know, going forward, so that it's not built now, but there is a mechanism for it to be built late -- later.

Brown: It would have to be a trust with the Parks Department, wouldn't it? It wouldn't be something -- it is not something that the highway district -- the highway doesn't build pathways and that's truly what we are building there is a pathway.

Dodson: Mr. Chair? Yeah. Mr. Chair, Commissioner Grove, so, yeah, the best we would do is have him post a surety for it, but, then, we are just holding onto the surety for who

knows how long. I -- after seeing the pictures I think I would rather strike that portion of that condition and just keep the pathway on Venable and, then, as -- I assume that property will redevelop at some point and, then, we won't have the issue that the applicant proposed. You know, we don't want to promote people walking onto somebody's private property when there is no pathway down there for them to get to anyways at this point. There will be eventually, sooner rather than later, but, again, I would rather not create more of an issue than we need to.

Seal: Okay. And I mean just a quick question. You understand that they do want that pathway to go all the way to the end of that block row on Venable, just so it's more than obvious that that -- that should continue in the future. And I'm the bike rider of the bunch, so I use these paths all the time. Anywhere I can get on a bike I go on a bike, so --

Brown: So, explain that again, because I'm -- I'm --

Seal: What -- what Joe had said in the picture that's here -- it comes all the way down to Venable. Just extend that down to the end of the block, so that -- not -- not to the pump house, but down to the end of Venable where you are going to cross Wrangler, but you don't have to cross Wrangler. Just make sure it comes all the way down, so it's obvious that that -- that's meant to continue on.

Brown: Exactly. Yes.

Seal: Okay. I think -- I mean at that point I'm -- I'm comfortable with just striking that. Do we know what item number that is?

Dodson: Mr. Chair, I do not, no. I know it's a portion of a condition, so if you just were to say strike the requirement of the pathway being on the pump lot, I will know exactly what you are talking about.

Brown: 11-C.

Dodson: Oh. Okay. The applicant came more prepared than staff.

Brown: And it's only the -- it's only the last -- last half of that sentence.

Seal: Okay. So, 11-C dealing with the pathway on Venable. Okay. Thank you very much. Anybody else?

Yearsley: Mr. Chair?

Seal: Commissioner Yearsley, go ahead.

Yearsley: So, I -- I might be a little slow today. So, this came through before and you actually are already building the -- the townhomes and the apartments, is that my understanding? Is that --

Brown: That's correct. And then -- and that's -- that's always been the plan.

Yearsley: Okay.

Brown: So, as a part of the development agreement it was specific to that and the concern was that -- as us doing that that we would build that street and that they would get that. There was some concern that the nine detached homes might not ever happen and that we would only do the apartments and so -- sorry, I thought I was speaking loud enough. So, that -- that's the way that it was done. The zoning certificate, which has all the fine details, a bunch of this staff report is talking about the parking, you know, the number of units, well, that's all been looked at and addressed as a part of doing that and, basically, my job as I was looking at this is going what are you asking me to do that -- you are going to make me pull pipes out of the ground and move a building, what -- what is it that you are trying to -- and what can I still do that I haven't -- I mean I wouldn't be able to put in the ten foot pathway if I had the sidewalk in and they were -- I mean they are -- they are getting really close to getting there, so I -- I need to pass that on and make sure that that is a part of it. I have already talked to the highway district, they are okay with us entering into a license agreement, because we are going to go across a couple of feet of their property and, then, the rest is going to be on the lots that are adjacent to that. Does that help?

Yearsley: It does. Like I said, I'm -- yeah. I -- I -- it was -- once you said you were building I'm like -- I was a little confused, so I apologize for that confusion.

Brown: Realistically hard knocks of what I'm here for is I'm asking you to approve the lines that I have put on the drawing. Basically everything else has already been approved.

Yearsley: Okay.

Brown: And the only one that is kind of different is the pathway. Everything else has already been addressed. I mean we had Mr. Hessing, which I know very well, talks about five designs. I would say we had five designs before P&Z before we got to City Council and, then, it got changed again and so we have -- we have gone back and forth and I think -- I think it's going to be a nice neighborhood. They got a really nice clubhouse. They have one of those pools that everybody wants. I'm betting that your subdivision is Tuscany?

Yearsley: Absolutely.

Brown: And I did Tuscany years ago and there is not a drawing for Tuscany that has a pool shown on it. It is what we put in the open spaces. Messina that's to the south where those private streets are at that we talked about, they were shown there, but --

Yearsley: Right.

Brown: -- the northern portion was --

Yearsley: Okay. Thank you.

Brown: Thanks.

Seal: Madam Clerk, do we have anybody signed up to testify?

Weatherly: Mr. Chair, we do not.

Seal: Oh, sir, come on up. All right. If you can give us your name and address for the record and the floor is yours.

Simunich: Hello, sir. Commissioner, Mr. Brown, my name is Mike Simunich. My parents are the Simuniches that own the property at the south end of Venable Lane.

Seal: And your address was --

Simunich: 2715 North Venable Lane, Meridian. 83646.

Seal: Thank you.

Simunich: I'm here tonight to primarily make sure that we still have access through Venable Lane. I have had discussions a year ago with Shannon Robnett, which I believe is the developer of Summerwind. I have also had meetings with ACHD and maybe Mr. Brown could help me understand some of the plat map that's -- that's up here, but primarily I wanted to discuss that -- that photo with that vehicle in it if I could. Now, I did enter into negotiations with ACHD and Shannon Robnett and explained to them that -- the history of Venable Lane. My dad owned all of it. He did transfer -- I'm not exactly sure how -- half of it -- roughly half of it to ACHD and in negotiations with Shannon Robnett -- keep in mind that my parents have a trustee through a bank and they made negotiations with Shannon Robnett. Shannon Robnett has purchased part of Venable Lane that was privately owned by the Simuniches to be able to make that curve -- I believe it's called Wrangler to do what they need to do with the buffer houses between the apartments and the existing subdivision to the south. There was I think originally kind of an S curve planned there that stayed off the Simunich property, but to put that buffer row of houses in there they needed to buy just a smaller portion of Venable Lane from the Simuniches through the bank and I'm to understand that they have done that. So, A, I'm concerned about that we still have access and we will have access when this is finished, as this is our only access at this point in time. The second thing is we are very concerned about having people come through, being the only agricultural place, we are still in the county surrounded by city. I hate to use the word attractive nuisance, but we get a lot of visitors. We rent to a person with livestock. We don't want to see gates open. We don't want to see cattle ran, you know, so -- so, we have some -- some protections that we want to do to our property. So, Shannon Robnett purchased a small part of Venable Lane from the Simuniches to be able to make that Wrangler curve. We have a couple of agreements in -- in place and if -- if there is any way we could see that photo -- and I will try to -- try to keep up with what's going on here. I'm sorry if I'm overextending my time.

Seal: Okay. Yeah. If you could wrap it up real quick we would appreciate that.

Simunich: Okay. So, this is the south part of Venable Lane. Oops. Where this vehicle is parked and, essentially, from right here about this rough corner there is a 40 foot wide Venable Lane owned by the Simuniches and there is a little bit of grass right here, you can't hardly see it, right past the -- the vehicle, that's a common area for the subdivision to the west. From this point here that 40 feet is split 20 feet on the east to ACHD and 20 feet to the Simuniches as far as -- I can't remember the name of the road right now that comes in from the west, but it's just 150, 200 feet, I believe. That 20 feet grants us our access. Shannon Robnett needed to buy part of that to be able to meet the Meridian city requirements and from what I understand through the bank we have sold it to them. A couple of provisions. I'm to understand that this fence is going to be continued northbound approaching Wrangler -- that curve in Wrangler and at some point in time given just a little bit of access, so we can park a vehicle without being on the street, there is going to be a 40 foot wide fence and gate placed there to help keep people off the private property. Shannon Robnett has agreed to that and that 20 feet of what was ACHD, I'm to understand Shannon Robnett has given to us to square off that flag lot piece of property. I'm going to have to do a little bit of research through ACHD to make sure that's the case that he hasn't promised something that he can't give, but I really don't want to see any kind of a sidewalk leading past this pump lot or low spot that -- that incorporates all of this right here, because we really don't want to invite people in and right -- right now we have had people there at 5:30 in the morning and -- and as late as 10:30 and 11:00 o'clock at night. Dogs bark. Why are strangers on our property. We have had private property signs. They have been vandalized and removed.

Seal: Okay. And I -- I think we discussed that earlier. We are going to strike that condition and I think as far as the access to the road, there is nothing that would prevent access. So, I think that -- and -- and -- I mean I think the applicant would agree as well, as well as our staff from the City of Meridian that there is nothing in there that would prevent access.

Simunich: I don't have any negative comments to what's going on here at all, except I'm hoping that that east side of Venable Lane with that ten foot walkway or whatever walkway, you know, approaches Wrangler, yes, but really doesn't go any farther than Wrangler; right? And I have to verify whether Shannon Robnett was able to give that to us or if ACHD still has that 20 foot section. But I'm to understand we have access and that's primarily why I'm here tonight.

Seal: Okay. Thank you, sir.

Simunich: Thank you very much. Unless you have any questions.

Seal: Thank you. Okay. If anybody else would like to testify? Seeing none, anybody online? I don't think so, but --

Weatherly: No, Mr. Chair.

Seal: Okay. All right. If the applicant would like to come back up.

Brown: For the record Kent Brown. 3161 East Springwood. And, yes, I understood that to get our plans approved we had to purchase a piece of right-of-way from the Simuniches to finalize that. I am unaware from Mr. Robinette that -- about anything that would vacate that right of way is what it would have to be. He would have to purchase that to -- from the highway district, even though the Simuniches are the ones that gave it to the highway district, you would have to purchase it. So, that makes that kind of a challenge. But it -- it -- the right-of-way stops at the location that he was talking about where that final fence is, where I was saying that that's where staff was asking us to run that pathway and we should be able to put a gate at that location. I don't think ACHD wants that unimproved right of way, because it's not wide enough for them to put a street going south and that map that -- that I showed earlier there is a -- to the Simunich property, there is a stub street to the south and there is a stub street to the north that allows that property to have access in the future and be developed without the improvement or the extension of Venable. I know that the Parks Department, what their hope is is that this pathway eventually will continue south in the alignment of that and go all the way down to the Creason Lateral where they do have a pathway and hoping that, then, that provides a connection to the park that's on the north side of Ustick. That all makes sense, but it's whether the Simuniches and that out-parcel, that house, ever have to be subdivided and whether that ever comes into the jurisdiction in the city to make that happen or not. So, that could be some time. You want to look for properties around, Simuniches have some of these pieces all over. I think that answers the questions that he had and I -- I will talk to him outside after.

Seal: Okay. Any other questions? All right. Thank you very much. Appreciate that. Could I get a motion to close the public hearing for File No. H-2022-0005, Summertown Subdivision?

Lorcher: So moved.

Yearsley: Second.

Seal: I have a motion to close the public hearing for File No. H-2022-0005. All in favor say aye. Any opposed? Okay. Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Seal: I think this one is pretty straightforward, so if anybody has anything to add, let's do it quickly and, if not, then, we know we need to strike Condition A-3 and -- oh, yep. A-3 and, then, 11-C as it relates to the pathway on Venable. A-3. Alpha three.

Grove: Okay. After considering all staff, applicant, and public testimony, I move to recommend -- recommend approval to the City Council of File No. H-2022-0005 as presented in the staff report for the hearing date of April 7th, 2022, with the following

modifications: That we strike Condition A-3 and we modify Condition 11-C to not include any portion of the pathway south of Wrangler Street.

Yearsley: Second.

Seal: It's been moved and seconded to approve Item No. H-2022-0005 with the aforementioned modifications. All in favor say aye. Opposed? Okay. Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Seal: Would you like a quick bio break or do we want to go ahead and trudge through? Okay. We will take A five minute bio break and we will be right back.

(Recess: 9:46 p.m. to 9:54 p.m.)

8. Public Hearing for Records Apartments (H-2022-0008) by Brighton Development, Inc., Located at on the Northeast Corner of N. Records Way and E. Fairview Ave.

- A. Request: Conditional Use Permit for a multi-family development consisting of 472 dwelling units in two (2) 5-story buildings on 10-acres of land in the CG zoning district.

Seal: Okay. We will go ahead and re-adjourn and we have got Records Apartment, File No. H-2022-0008 and if Bill's ready we will start with the staff report. Sorry about that.

Parsons: Always ready. I hope the Commission's ready to finish the night strong. We are on the last one.

Seal: We are ready.

Parsons: All right. Let's get to it. And no more quotes from Bill tonight. Let me stay silent here. All right. Next application before you tonight is the Records Apartment. It's a conditional use and concurrently submitted with the conditional use was an alternative compliance request by the applicant to, essentially, change the comp -- the private open space requirements. So, basically, allowing the units to either have no balcony space or a diminished balcony space from what the code currently requires of that 80 square feet. Director has approved that as part of this application submittal. So, tonight all you are looking at is a conditional use for a multi-family development on approximately 9.95 acres of land in the C-G zoning district. You can see here in the graphics before you this property is a mixed-use regional. In that specific designation we anticipate residential densities between six and 40 dwelling units to the acre. Back in 2007 this property was annexed in as part of The Village at Meridian project. As part of that project there was a development agreement and it had a concept plan on this particular property. However, the terms of that DA did not tie the concept plan to this particular property and the -- the DA was very flexible in allowing the applicant or the developer at that time or any

subsequent developer to relocate residential anywhere within that project, which this parcel is part of. You can see here that it is vacant ground and it's bound -- it has Kleiner Park to the north and, then, CarMax to the east as well, which was also part of that development agreement. So, the applicant is here tonight to discuss with you, again, a conditional use permit to develop 472 multi-family units in two phases. The -- the unit count includes 84 studios, 208 one bedroom, 168 two bedroom units and three -- or, excuse me, 12 three bedroom units. Gross density for this project in front of you tonight is 47.4 dwelling units to the acre. So, we will round it down to 47. As I mentioned to you, it is slightly above the target density in the Comprehensive Plan. However, based on its proximity and that it's located in a mixed use regional area and proximity to a park and to a lifestyle center, an entertainment -- entertainment district, so to speak, staff is supportive of the bump in density as presented to you this evening. Access to this development is from a couple different locations. The -- the main -- or one access is from North Records Way, which is along the west boundary here. The applicant is working with ACHD to obtain -- or I believe they have obtained approval of that access point and one of the requirements is to install a right-hand turn lane as part of those improvements. I think this Commission is well aware that the UDC requires the applicant to get a waiver from the Council for that -- for that access, because they do have access from a lesser classified street along the north boundary, which is a shared access with the CarMax. So, you can see here kind of in the upper north -- northeast corner here there is another access point into this development. So, they will -- they will need -- the other caveat to this is they really need two points of access per the fire code as well, so it's -- that's what's kind of driving the need for this additional access point. So, again, the applicant is working with the Fire Department, of course, working with ACHD and, then, ultimately, once you guys make your decision tonight they will recommend City Council action on the access point and any other conditions that they see fit as part of your -- your approval this evening. Off-street park -- if you had a chance to look at the staff report you know there are specific standards that go along with multi-family developments. Amenities. Open space. Parking. Staff did raise a couple concerns in the staff report regarding parking, the amount of open space. We were able to meet with the applicant at the beginning of the week to talk about some of those issues, so the site plan tonight does show additional parking along the east boundary and that's the graphic on the right here. They propose to add some additional parallel stalls here to mitigate the parking concerns. The other item that we talked about was open space and specifically common open space. In this particular case I think this body is aware back a year or so ago we did change our multi-family open space standards and what has happened is we have required a base line open space, which is basically any project over five acres has to provide a minimum of ten percent open space, plus a 5,000 square foot central open space in addition to a certain amount of open space based on the square footage of the residential units. In this particular case that has resulted in the applicant having to provide almost 37 percent of the site in open space and that -- again, the reason for that change was we wanted to make sure the denser you went the more open space and the more amenities you provided to go along with the number of units and density. So, we were trying to create a code that would correlate density with open space. We did do a good job, in my opinion. This is one of those cases where -- but what we also did as part of that revamp is we allowed the applicant to go through the alternative compliance in certain circumstances

and -- and, then, in staff's opinion this is one of those circumstances. Unfortunately, we do not have an alternative compliance tonight to discuss with you to -- to tell you whether or not it -- it warrants -- or if we would approve that application or not. So, essentially, what you see here tonight -- the applicant provided an open space exhibit. They had approximately 2.7 acres of open space as part of this exhibit that's in front of you. Based on the current code the applicant's required to provide 3.74 acres. So, they are almost an acre short on this particular site based on the current code. But as -- as I mentioned to you and in discussions with the applicant they do plan on pursuing alternative compliance with their certificate of zoning compliance application. But certainly it's typically not something that's part of your purview, but since this is a conditional use permit and you guys are the decision-making body on this application, you have the ability to weigh in on whether or not the density is appropriate as far as the number of units. Is the open space adequate. Is there adequate parking for the site and so on. Just like you always have on any other CUP that's come before you. So, I wanted to mention to you the -- the site needed a minimum parking of 822 stalls and it looks like, again, the applicant is meeting that. As far as amenities, I won't go into that, because you have had a long evening, but I can tell you the amenity package that the applicant is proposing is in excess of UDC standards. So, they need four or more based on the number of units. They are well in excess of that. And not to mention they have a regional park right across the street. I would mention to you that during the pre-application meeting with the applicant we were concerned with just pedestrian access in this area, because of the amount of vehicles coming into The Village and going to the park and that roundabout. Usually those aren't pedestrian friendly. However, we did reach out to ACHD to try to get input from them on that topic and they said that nothing really warranted any additional pedestrian enhancements. But as part of this project the applicant was nice enough to indulge the city and actually construct a multi-use pathway along the west boundary to help facilitate not only bicyclists, but also pedestrians and guide them closer to the park. So, we didn't get exactly what we had hoped from ACHD, but the applicant was willing to work with us on a safer pedestrian connection if you will, a wider sidewalk along that roadway to try to address someone of staff's concerns. One other item as far as the open space that -- that we have gone back and forth with the applicant is whether or not the landscape buffers along the collector roads and the arterial street should count towards the required open space. There is a provision of code in the multi-family standards that when open space is adjacent to a collector or an arterial you have the ability to allow that, make a recommendation of whether that's appropriate. In this particular case typically when we analyze a project staff will look at a project and say, okay, what's required as far as -- as part of development. Usually a street buffer along a collector. an arterial is a dimensional standard in the UDC. It's not an open space requirement. However, in the residential section of the code buffers -- residential buffers are allowed to count towards the open space. But in multi-family it's -- it's not explicitly spelled out to allow those, but it gives you the authority to determine whether or not it's appropriate. So, in this particular case we did work with the applicant. You can see on their exhibit here they are short of their buffer requirements in some of the areas and they know that and they are going to address that with -- with their site plan as they go through that CZC process, but they would like you to take that under consideration to include those buffers as part of their open space tonight. Again, I know it's kind of a moot point, because they are so deficient

from what the code requires and we don't have alternative compliance at this point, but it's something that needs to get analyzed and part of your purview this evening and, again, as I mentioned to the applicant, they could take up this conversation with City Council, too, as they take -- have them take -- take action on their access point to North Records Way. The applicant did submit alternative -- or, excuse me, conceptual elevations that you see here. So, anything that goes forward you can see it's a five story structure. It's really one structure kind of connected with a breezeway and, then, ties into the clubhouse here and the central amenities. I think the one thing unique about this project is just the -- the pockets of open space spread out between the units. I think it's a good way to -- because Fairview is such a modern -- or a busy arterial, it's a good way to kind of screen and quiet down that open space as people try to recreate on the site. So, I will go back to the elevations. Again, as you all know, it will come back through certificate of zoning compliance and administrative design review and anything that they propose to construct on the site would need to comply with our architectural standards manual. Looking at the public record this afternoon we did receive public testimony from Tom and Liz Anthony. Their primary concerns was with the amount of traffic that would be generated from the development and, then, staff also received written testimony from the applicant and they would like you to act on their -- on a couple of conditions of approval. I think that's in front of you now, but I will just -- in summary I will tell you what they are asking. Delete condition number two, which I think is in correlation with the density and staff is amenable with that being waived. They did acknowledge that they plan on seeking Council waiver on the access to Records Way and, then, we would have to modify a condition that all area -- that they are going to seek alternative compliance to the baseline open space standards that are currently in code. With that staff is recommending approval and I will stand for any questions you may have.

Seal: Would the applicant like to come forward?

Wardle: Commissioners, good evening. For the record my name is Jon Wardle. My address is 2929 West Navigator, Suite 400, in Meridian, Idaho. Pull this up really quick. I appreciate the opportunity to -- to be in front of you tonight. I know it's a long night and I will provide some input here and stand for any questions you have at the end of the discussion this evening. As mentioned, the project that we are proposing is within the master plan that's already been approved, which is The Village. As Bill mentioned that was approved back in 2007. Came in with a master plan with associated densities and uses and it's become really kind of the crown jewel of this part of Meridian, where you have a lifestyle center with a lot of entertainment, shopping and restaurants, but also probably the thing that I -- is -- is most iconic here is Kleiner Park, which is a 60 acre -- I don't know if we call it an urban park, a suburban park, but it is a well-designed, well-used facility, which is a key part of this part of Meridian. You know, when The Village was proposed there were a variety of uses for The Village. Shopping. Restaurants. Entertainment. Employment. City parks. And also this little element called living; right? If you go back and look at the master plan none of the living was identified, but it was part of the approval. Of note we actually brought in the very first living opportunity to The Village, which was Bri. A hundred and sixty-six residences on 2.44 acres and for those keeping score at home that's a density of 68.5 units per acre. Part of that is -- it's right

across from the city park and all the lifestyle elements and that's a CUP that we went through before here in the city. It is a mixed-use regional designation for the comp plan, which has some benchmarks. One of the benchmarks is 50 percent of that as a commercial benchmark, but also the benchmark in the mixed use regional is at least ten percent of it be residential in a desired range of anywhere from six to forty units per acre. The total acreage was 255 -- 258 acres with 60 of those being the Kleiner Park. Specifically we are -- we have 9.95 acres. Just to show you where we are, it's this little red area and we will zoom in here a little bit more. We are north of Fairview, east of Records, South of Elden Gray and west of the CarMax. The project does have 27 percent open space with a variety of different type of residences throughout the project of both studios, one bedroom, two bedroom and three bedroom. Access to -- go back here really quick. This is showing kind of a bird's-eye view -- if you were up above the intersection looking to the northeast, we are planning two residential buildings, as Bill mentioned, connected together by the community center clubhouse between the two. They are five story buildings. Something to note that the first level of each of these buildings is a parking garage and so you will come in underneath the structures off of the drive aisle, which I will show you in just a second. We have over 57 percent of the entire parking is within the parking structure and the rest of the parking is surface around the sides and internal between the two buildings. Both of the parking garages in or off of Elden Gray -- you could get there off of Records, but the -- the main access is where there are existing curb cuts into the CarMax. We have aligned the parking garages into those, so they both come in underneath and to the north on this one and to the south on this one. The northern building has 206 units and that's our phase one. We will also have a 9,500 square foot clubhouse. I will get into amenities here in a minute with a pool. That would be phase one. Then phase two would be the building that would be south adjacent to Fairview. I will note maybe -- I show you on a different slide. What is unique here about the parking that's outside of the parking structures is with the exception of that which is interior, it is just a single parking stall on each side of a drive aisle. So, we don't have the sea of parking that you would have in other uses and even when you look at The Village across the street where you can see right here where there is a huge parking field, sea of parking and, then, the building's interior we have actually been able to distribute the parking in a way around the building so it does not dominate the site and that's part of the -- the beauty of being able to do parking structures. In terms of open space and amenities, like Bill mentioned we have a lot here. If you were to look at the buildings from above, which we are doing here in this exhibit, there are some areas which are in the middle. Those would be on the second level. So, the parking structures below and these green areas in the middle, these buildings are on the second level deck, just like we did at Bri. So, if you go and you see Bri, the amenities are up above street level. We have a 9,500 square foot clubhouse with workout spaces, Zoom rooms, gaming rooms, entertainment lounge areas. There is a -- kind of a warming kitchen and an area where if you had a larger gathering you could do that. A pet spa. A place for kids. The entire complex will be wi-fi connected. The pool will be resort style, meaning there is lots of area to the outside in that pool area. Barbecue areas as well. In the courtyards -- and I can show you some examples if you want to know what these are, but snook ball, which is, basically, a billiards with your feet. Cornhole seating areas. Fire pits. Shade areas. And the south ping pong, some of the same with seating areas. Fire table. One of the things that -- to

note is we will be completing almost a quarter mile of regional pathway. Now, Fairview has a piece of that already, but there is a gap -- CarMax built a five foot sidewalk. We are building a ten foot sidewalk along our frontage on Fairview and, then, we will wrap the corner and come north to connect into Kleiner Park. If you read the ACHD staff report a five foot is required. If you look at the city's plans there actually is no pathway planned for this. It was a recommendation and we -- we thought that it made a lot of sense to make that connection where we have that area to come to the north. So, that's what the red represents here is that regional pathway that we are connecting. Here is just a quick picture if you were on Records looking into the site, this is the pool area with the clubhouse on the right, as well as clubhouse behind. It's a two-story clubhouse with some meeting rooms and things on the first floor and recreation fitness areas up on the second floor. You get access into the clubhouse both from the ground floor garages, as well as the second floor. So, you can get to the clubhouse without going outside if you don't want to. It doesn't show here very well, but there is corridors going into each of these buildings. One of the things that we -- we have done and it's noted in the ordinance for open space for multi-family is how do you treat these required landscape buffers. The city has always -- and required this and we have always tried to look at them as a way to give something back to the community and not just do the minimum and we have seen that. You know, you could just do grass and a few trees here and there. We are actually going above and beyond what that would be. Along Fairview we have a combination of a thick hedge, as well as what we are showing here, these decorative barriers. So, you really won't be seeing cars parked along Fairview, they will be screened behind. We also have that same combination coming north up Records. We have a little wider area to the north, but in areas along here. Bill did note that we were perhaps a little deficient on some buffers and I will show that to you here in just a second. But that -- the barrier will be a minimum of four and a half feet and, then, there will also be alternating hedges that will be evergreens, which will provide year around screening along those two roadways. There are really three items that we wanted to address with you quickly tonight. The first one is density. You know, this is a mixed use regional area. We have Fairview, which is a -- a principal arterial. You have Eagle, which is a principal arterial, as well as a state highway. These corridors were designed -- intended to carry a significant amount of traffic, but there is a lot of traffic that comes in and through the area, but as you know in these mixed use regional areas the desire for density allows that daytime population to actually stay a little bit longer. If you read some of the information that the developer of The Village has put out, there are 200,000 plus daytime visitors within this area. Meaning there is lots of people coming in and through using the area, but there aren't a lot that are staying later at night in the evening and so here is a housing opportunity, again, showing you -- this is Bri up to the north, which was approved. It's nearly 67 units to the acre and, then, this is Records here to the south and we are at about 47 units to the acre. It's also important to bring that density into projects like this, because they do support the commercial. In all of the -- The Village there is currently almost 900,000 square feet of commercial uses there today. If you look south -- just south on this side, there is another 700,000 square feet of commercial uses there today and here is an opportunity where we have the commercial uses and services, we have grocery, we have city park, we have transportation -- hopefully soon a Valley-Ride implements that bus system for this area. I know it's long programmed. It got a little delayed with COVID, but I think they are still

on track to do that at some point. This is the right area for projects like this, because the services are there, the amenities are there, it's also part of the transportation system. We are asking, as Bill noted, that we -- that the Commission delete condition number two. Access is pretty straightforward. This one we -- we are going to go to Council. It's a requirement based on the UDC and we also see these little nuances with UDC that sometimes there are conflicts with other important things, such as life safety. This connection to Records is important. It will be a right-in, right-out as you may know already. Records is divided. You cannot go back and forth across Records. If you want to go south on Records you will go to the roundabout and come back down. Same thing if you come out of The Village, you can't go north on that unless you want to go back and work through the site. So, this is really a right-in, right-out for us off of Records. It does provide access into the site for some of the parking, but it also provides that key corridor that we are showing here for life safety. This will go to Council. It's just -- it's a waiver requirement and any recommendations or approvals you have as well. I mean the Council is going to see this project, so I just wanted to let you know that. Then the last item is amenities and open space. Commissioner Seal, myself, and -- and Bill all participated in the open space discussion and it was a lengthy discussion. If you look at the prior open space requirements for multi-family in some cases they were deficient. There was a lot of discussion back and forth about what the right number or what right percentage, but ultimately when it came down to it was, you know, we do need to have a baseline. I think in this case that baseline shows that given the location here that baseline probably doesn't make sense. In our opinion doesn't make sense when you are across the street from a 60 acre park, but you are also providing residential uses in an area that can support the existing commercial uses that are there. We are providing currently 27 percent open space and our amenity package is fairly robust. We recognize the -- our residents that will live here and the services that they want, but I will tell you that they will be spending a lot of time in an asset that the city has prepared for the city residents as a whole, which is Kleiner Park. They will be able to walk across the street. Have dinner over at The Village and participate in entertainment, whether it be movies or a Big Al's bowling, whatever it might be. So, we are asking that condition 4-M be modified and I will bring that up here right now in just one second. Sorry. There is one little area right here that we showed that our buffer on record is less than ideal. The reason for that is anybody who has traveled here you do know that there -- there can be some traffic and so working with ACHD and providing a -- a turning pocket into the project, instead of backing that up into Records, it does cut into that to a little bit and so that's why we are a little bit less than the standard requirement there, but we also have that ten foot pathway coming up along Records that will tie into the city park. So, our request tonight before you is that we -- is that condition two be deleted, which is related to the density. Condition 4-K we are taking -- we will take to City Council and Condition 4-M we are asking that it be modified and that given the project's proximity to Kleiner Park the applicant shall submit alternative compliance application for the baseline open space requirement. We did have a lot of conversation with staff this week. We -- where it really landed was the staff felt like this conversation was going to go to Council anyways and so we didn't hurry -- we didn't get the alternate compliance in before the meeting tonight, but we are committing to do the alternative compliance, so that issue can be addressed and, again, I know that Council

will be looking at this as well. So, with that we just ask for your approval with our modifications on Records and stand for any questions you might have. Thank you.

Seal: Thank you. Do you have any questions for the applicant or staff?

Yearsley: Mr. Chair?

Seal: Commissioner Yearsley, go ahead.

Yearsley: So, I'm assuming you did a traffic study with this facility. What -- what came out of that with ACHD?

Wardle: Mr. Chair, Commissioner Yearsley, it's a great question. Yes, we did do -- let me back up. When this project was reviewed and the traffic was analyzed and there were improvements that were both the Fairview and Eagle Road, there was a target density or use on this already. So, there was 200,000 square feet of office space and another hundred units of residential. ACHD looked at these and said they are, basically, the same, there is no difference. The -- the main difference is there is probably a little bit more overall traffic with our residential piece, but the peak hours drop and so overall there might be a little bit more. I think it was within, you know, five percent of the overall traffic, but that was not -- ACHD determined that a traffic study was not needed because it was already captured in the original approval.

Yearsley: Okay. Because I -- I would assume that you would have a lot of trip capture with being so close to the other amenities that they would not need to travel, so that's why -- I was just kind of curious, because it was brought up in some of the other comments earlier, so --

Wardle: Mr. Chair, Commissioner Yearsley, you are correct. The -- short of doing a -- a specific study for residents who live here, they just base it off of, you know, what the trends say. I -- I believe that the trips will be less for that very point, because of all the services that are out here already. It's super unique to have a park, to have three grocery stores -- actually, four grocery stores within a mile of this and have all the entertainment as well. We don't have many of these opportunities in Meridian currently and so I believe that the trips will actually be less, but based on ITD -- or ITE numbers that's what it would be.

Yearsley: Okay. Thank you.

Wardle: Thank you.

Seal: Anyone else? All right. Thank you.

Wardle: Thank you very much.

Seal: Madam Clerk, do we have people signed up?

Weatherly: Mr. Chair, we do. First up is Scott Dykstra.

Seal: Good evening.

Dykstra: Good evening, everyone. It's so nice to see you all. Mr. Chair, Commissioners.

Seal: We will need your name and address for the record, please, and the floor is yours.

Dykstra: Scott Dykstra. My address is 4260 East Venture Circle, Meridian, Idaho. 83646.

Seal: Thank you, sir.

Dykstra: I'm, first of all, happy to say good evening and not good morning. We will be out of here before midnight. So, thank you for your service and your time. I live right next to Kleiner Park. We purchased our home there 18 years ago and at the time this was all a sod farm and -- and many of you remember those days and when The Village was developed, just an interesting timeline, this 24 acres that includes CarMax and -- and the project site we are looking at tonight, was not part of the original Village, it was actually a separate parcel that was owned by one of the Kleiner brothers, instead of both of the Kleiner brothers, and so that -- that piece got developed later and so when they came in and sold to the first half of this piece, they did notify the 14 neighbors that live in this little subdivision called Venture Sub and so we are all on a one acre lot. We are on Venture, which ties into Elden Gray, which is on the north side of this property. So, this property, when it gets developed, is going to feed on to Elden Gray, then, Elden Gray goes to the east and hits Venture and Venture comes out right there at Bright Bank -- between Bright Bank and CarMax and so we are a little tiny country road with 14 houses that have seen all of this growth and all of this development and when they sold the piece for CarMax we all showed up at the City Council meeting and the City Council told us, oh, don't worry, Ada County Highway District says you won't have any traffic on your road. Ada County Highway District -- and Bill remembers this, because we talked about it the other day -- Ada County Highway District said we will put up a sign on Venture that says don't come this way to go to CarMax, go down the road and go around the corner. That worked really well, because we all know people stop and read signs and say, oh, we are not going to turn there. They told CarMax you will put up a gate, so that people can't -- when they test drive their car, pull out of your lot and go onto Venture, which is the street next to CarMax, and drive down Venture and drive into our cul-de-sac and turn around and -- and test drive the car and sit in front of my house and turn on the radio and the headlights and figure out how everything works. Of course that didn't work either. But we were told as homeowners it's okay, you know, that's not what that lot was supposed to be. It was supposed to be professional office space five days a week, 9:00 to 5:00, doctor's offices, dentists offices. Don't worry, it's now a car lot, but -- but it's okay, you are not going to get any traffic and, then, we were told the next piece that they sold was just going to be office spaces. It wasn't going to be anything more than that. And now here we are and they are talking about putting 400 and some odd houses -- apartments there. So, I understand growth is coming. I totally appreciate that. But my concern is Ada County Highway District, when they did their review, said here is the traffic on Fairview, here is

the traffic on Records. They used numbers on Fairview back off of 2017. They used numbers on -- on Records based off of 2020 before Brighton even built Bri with that 166 residences and they actually gave no data on Elden Gray and didn't give us any traffic numbers for Elder Gray at all. So, I challenge you to go back to Ada County Highway District and say can we at least get some updated numbers and, then, my next request would be that you take Venture, our street, and you give us a dead end. So, right behind Bright Bank and the entrance to CarMax you put a fire truck access and you just close us off from anything that they want to do, which is fine with us, because we know the growth is coming, we know the traffic is going to be there, just don't put it on our street and, then, you can take that private lane between CarMax and this new development and if it's not a problem to have all that traffic, bring that lane out to Fairview and make that a right-in, right-out on Fairview. It meets Ada County Highway District guidelines and Ada County Highway District can go and approve that and say, yeah, that looks good to us. Does this go back to Ada County Highway District, just out of curiosity?

Seal: My understanding is, no, it does not. That time has past.

Dykstra: Also just know that we were never notified. So, when you look at your little notes there and it says, yeah, we had a neighborhood meeting and nobody showed up, that's because nobody told us, because we are just outside of that 300 foot requirement. So, there is 14 homeowners and there is a few more here tonight, they are all sitting there going, gosh, that would have been good to know about.

Seal: Okay.

Dykstra: Thank you for your time.

Seal: Thank you, sir. Madam Clerk.

Weatherly: Mr. Chair, Michelle Loechel? Sorry.

Seal: Fancy meeting you here. Go ahead and give us your name and address, Michelle.

Loechel: My name is Michelle Loechel. I live at 1405 East Venture Circle. Can you hear me now? Okay. Do I need to restate? Okay. I am one of the neighbors of Scott. As he mentioned, one of the concerns that we do have is while we do appreciate the beauty and the amount of work and effort and design that went into that, the question is is this the appropriate location for it for 472 housing units, as well as an additional thousand cars. If you guys have ever been through that area it is incredibly hard during those congestion times. I think the gentleman also mentioned, you know, 800,000 people go through that area during the day. The traffic congestion is just crazy. So, maybe one of the questions would be can we limit that down to 200. The concern would -- is also on Elden Gray. Elden Gray is barely a two lane road. We often have CarMax unloading their trucks on Elden Gray and if anybody is parked on the opposite side of the street that street is often down to less than one lane and you have to piggyback and get cars -- you have to zigzag through to get cars in and out of there. So, the concern is cars leaving

and taking that right to go out, there is just simply no space to do that. The other concern is as cars come out of Walmart that comes there, the other traffic concern is -- is that you can only take a right out of Walmart and so what often happens is that people do U-turns right there in front of that exact same area. So, this area is very heavily congested. As Scott mentioned, we also didn't receive any of the notifications. So, thank you very much for your beautifully designed website and all your resources that are there, because, otherwise, we would not have known about any of this. So, thank you. And, then, I think the last thing that we also had concerns is we would like an updated traffic study as he mentioned and, then, we would also like to understand a little bit more about how that's going to impact the wells in the area. Several of these older homes were in unincorporated Meridian, so we are all on wells and water and irrigation water there and several of us are running into issues where the wells are running dry in that area, so we would like to understand a little bit more about how that is going to be affected.

Seal: All right.

Loechel: Thank you.

Seal: Thank you very much.

Weatherly: Mr. Chair, that's all I have that signed up.

Seal: Okay. Anybody else in Chambers would like to come up and testify? Come right up. Good evening. Just give us your name and address for the record, please.

Allison: Toni Allison at 1108 Northwest 4th Street in Meridian. 83642. I am here to represent the Meridian Senior Center. I am president of the board and our concern, of course, is the traffic and the safety for our seniors. I would like to -- I don't need to point out, but I will that this beautiful new development -- it is gorgeous as Bri -- or Brighton always does, is as exhibited by their complex -- the Bri complex by the park, but what I would like to point out is that this is less than half a mile from the busiest intersection in the state of Idaho. The amenities that Jon mentioned that surround the development, The Village, the shopping across Fairview, would greatly be affected by traffic. I know that it's within walking distance, but the pedestrians would have a great deal of trouble getting across Fairview, getting across Records Way, because of all the traffic. So, I would think -- or make an assumption that they would choose to get in their cars to drive across this road and, of course, if you are shopping you need something to carry all those groceries in. So, I would still anticipate that there would be a lot of vehicle traffic, as opposed to pedestrian traffic, unless they were to put a walkway over Records Way into The Village. But the other thing that I would like to point out is that if you visited Kleiner Park it is a very popular park and it is very much used and this would greatly add to that population in the park, which would cause -- I don't know how to put it -- wear and tear on the park and in an exorbitant way, but, you know, I have nothing bad to say about Brighton, they do a beautiful job and -- and that facility is remarkable. But, again, at some point we have to say something about the traffic. I live in downtown Meridian in the old section of Meridian and travel to that area, because I do frequent the center and it's --

what used to take ten minutes now takes 30 minutes to just go down Fairview Avenue three miles. So, I can't imagine how much more traffic there would be with a facility such as is being considered tonight. So, thank you very much for your time.

Seal: Perfect timing. Look at that. Okay. Do we have anybody else in Chambers that would like to come up? Oh. Sir, if you want to come on up. Let's get you up to the microphone, please.

Koehmstedt: I'm Gary Koehmstedt. I'm with the Meridian Senior Center also.

Seal: Okay. And your address, please?

Koehmstedt: 1653 East Daulby Street in Meridian.

Seal: Thank you.

Koehmstedt: That's where I live.

Seal: Okay.

Koehmstedt: Okay. The -- I visit the senior center a lot and it's getting busier and busier and busier, which is good for the senior center. We like that. However, Records is the problem. We have one lane going in and, basically, two lanes going out. One that can turn right and one that can go straight, but it's -- it's basically one lane that splits at the end and you are waiting all the time with a single circle go around and, then, when you come to the end of Records or where it splits to go to the center or to the park or where ever and the traffic on that, if this goes in, I would suggest a traffic count go on Records to find out whether that traffic is that much or not. But it's -- it's very busy. You wait at the light a long time to go down Records and there is a lot of people when you go down Records to go to the shopping center you got to go around the go around to go into the shopping center, so they got to go all the way down Records and if they have a place to turn in or people trying to come out they are going to have problems from -- from their building that they plan on putting an entrance into Records. Yeah. My objection is basically the traffic on Records. Either expand it or deny it. Thank you.

Seal: Thank you, sir. Ma'am, if you want to come up. Do you still want to come up? Come on up.

Johnson: Good evening.

Seal: Good evening.

Johnson: My name is Karen Johnson. I live at 4091 East Spearfish Drive in Meridian. It is two streets away from the proposed project and I would just like to point out what I'm hearing tonight is a project that is short on buffers, short on open space and over in units and I'm very charged about this. I have been there four years at our house. We bought

our house four years ago. We moved from California to get out of the high density, crazy traffic, crime riddled area and I feel like this is all playing out again here. In the four years that we have been here we have witnessed -- this will be the sixth project, if approved, that is a high density or multi-density project. Most of them are on Records. So, we have the Veraso, we have Bri, we have The Lofts at The Village. In the last month we have witnessed ourselves, my husband and I, a smash and grab at the Walmart. We have witnessed car accidents on Records. We have gotten caught in the middle of a standoff at The Lofts Apartments with the SWAT team there and, you know, this was a really great, nice cohesive neighborhood with amenities when we moved in and it's rapidly changing and all of these projects are less than a mile apart from each other. Probably closer to a half mile. When -- when is there enough high density housing? When is it -- when is there enough? When does it stop? There is one more open lot on Records. My guess is somebody's going to come in and ask for that space to -- to be -- to have 600 to 800 units. It's a big lot. Every street that would be impacted by this project is a two lane street. There is two lanes that go where Big Al's and Marshall's is. I can't remember the name of it. There is also one where the Boise Co-Op is. Records is a two-lane. The -- what is it called? East Eden Gray or whatever it is -- is a two lane. And the street that goes out to Fairview by CarMax is a two lane. So, if you have 472 units, that's got to be at least a thousand additional cars. There are times that you come toward Eagle on Fairview and I try to turn right and come down Records and because of the roundabout you can't even get off of Fairview as it stands. So, I can't imagine an entrance into this place on Records prior to the roundabout. It makes no sense. I was a city planner in California. Never have I ever seen anything like that. So, I really hope that you will either deny this project altogether or modify it. Thank you.

Seal: Thank you. Have anybody else in Chambers that would like come up and testify? I take it there is nobody online?

Weatherly: Not with their hand raised, sir.

Seal: All right. If the applicant would like to come back up.

Wardle: Can I -- yeah, can I share again? Commissioners, for the record Jon Wardle. 2929 West Navigator, Meridian, Idaho. 83642. Appreciate the comments that were brought tonight. We do spend a lot of time in public outreach and meetings and things like that. I -- all I can say is we sent notices out to the list that we were provided and I -- it was not our intention to exclude anyone. So, I don't want you to get the wrong impression like we tried to minimize the radius on this. We -- we spend a lot of time in these discussions and I -- you know, the -- we appreciate the neighbors coming out tonight and also respectful of -- of the things that they have said. With respect to -- to this project, as I, you know, mentioned before, you know, there is -- there is a lot of growth here. I can't -- I can't neglect that or -- or -- or push it off, but at the same time this growth was anticipated. There were decisions made many years ago and also improvements promised and that have been made based on the uses that are here. There continue to be improvements made and there will be other improvements made by ACHD in the future. I want to be clear that the traffic -- there was a traffic study that anticipated what

all the uses here would be and as I mentioned before, the use at this location was CarMax as well. It was all intended to be something other than what is there, but they had calculated what that traffic would be. ACHD has reviewed that. They -- we -- we sat down and we talked with them. We met with them on the use here and they -- they compared what was previously approved and what this was and was viewed as, basically, the same in terms of traffic. Whether it is this project or office uses or something else, there are already imputed uses -- implied uses in this area that will happen. I think one of the benefits here, you know, if it was an office type project, again, that's a daytime user. They come here during the day and they leave, whereas with this it's kind of reverse with the residential. It would be great and likely to be many of our residents who actually work nearby, but there will be some that will be driving out, but their commute will be a little bit different than that of those coming into The Village during the day. So, we -- we believe that this does complement the -- the uses that are at The Village currently, that are south in Crossroads in Meridian and that will continue to be out in this area. Yes, Eagle Road and Fairview are busy. But they -- those corridors were anticipated for that and there are traffic -- there is traffic and peak hour traffic and this -- this project -- the Records project is built into that model. Related to the other items that were mentioned or there was a question about water and things like that, we do have a water right in turn -- both surface, as well as groundwater right. We anticipate that the surface water right is sufficient, but we will also -- the area that will be irrigated will be much less and we will use the surface water rights to begin with for this project, just like we do with all the other projects. There -- there is a little history related to the open space and I'm at least one of three of us who have been part of that history and as I -- as discussed with staff and, you know, there were conversations this week and acknowledgments, as well as sometimes when you start actually looking or applying what the ordinance is or inferring what it might be, you know, there are going to be questions that come up. I do know with all the projects we have ever done, including multi-family projects, the landscape buffers on arterials and collector roads have always counted and there is an interpretation here by staff that maybe they don't count. We don't agree with that and at the same time there are -- I think you will be hard-pressed to find any other multi-family project that is -- with this amount of open space that we are showing even with the deficiency. We feel that this is the right place for multi-family. Will it change the -- the nature of the community? It will. It will be different. But we feel like the design, the way that the -- the project is, the way that it will reflect upon a growing part of Meridian and The Village is representative and appropriate for this location. We are excited to be able to bring some additional living opportunities to The Village and also support the commercial uses there already and not just a daytime use. We -- we are also respectful of the -- the Kleiner Park and the things that are going on there. In fact, we have made a commitment that we are building and will give to the city it's unrelated to this, but I think it's important to note, especially for those that have a certain interest is we are building pickleball courts at Kleiner Park and that should happen this summer and those will be available for the city and the residents here. So, we are not just trying to do something without being thoughtful. We have been thoughtful in the design, architecturally in the way that we have also been able to bring all the parking underneath these buildings, instead of having a sea of parking, which is pretty standard in multi-family projects. I mean this is a perfect example of what you would end up with with an office building or retail user with a big sea of parking and in this case we have

hidden the majority of the parking below the buildings. I think there is only probably one other project in Meridian right now that provides -- well, two other projects. One's finished and we built the first one, which is Bri, and there is one in downtown Meridian across the road where they are building structure parking as well. But it hasn't happened anywhere else and they aren't -- they aren't inexpensive, but it actually provides for a great design when it's all said and done, well, you are not seeing that parking, but you are able just to view a very nice building. Again, we are asking that condition to be deleted, noting that we will be taking this to the City Council and also noting that we will be working with staff on alternative compliance to address that baseline open space calculation and I stand for any questions you might have tonight.

Seal: All right. Thank you very much. Do you have questions?

Grove: I do have questions.

Seal: Commissioner Grove, go -- Commissioner Grove, go ahead. Commissioner Lorcher, you will be next.

Grove: Jon, couple of questions. First is safety fire related. Is -- with the size and scope of this project would it be using the -- I don't remember the name of the life safety thing that the Galena project is putting in with the -- where the water goes up, but also air. Is -- does the -- does this project have something like that or is it relying on sprinklers -- general question there I guess.

Wardle: Mr. Chair, Commissioner Grove, it's -- the Galena project is kind of that spot where you get over five stories and some of those change. This is a fully sprinklered project. It -- okay. I stand corrected. Yes, we are. So, I do know as well that some of our projects, depending on the water, there is a pump that could be used. So, yes, John just confirmed that we are doing that element.

Grove: Appreciate it. Second question is related to a big part of the conversation in terms of the open space and things like that. I'm just curious if the -- go back.

Wardle: Which one do you want?

Grove: One more. There you go. Just in between the yellow and the blue, the parking in the central section, if that was looked at for a second or third story open space covering in between the two buildings to increase that open space component and tie it in with some of the other pieces. I know that might not have been looked at, but I'm -- I'm just kind of curious.

Wardle: Mr. Chair, Commissioner Grove, we didn't look at adding a third parking structure on the project, which that -- that would be your requirement for that. The parking structure makes sense if we could add more density above it and, obviously, that's not a great conversation, but with the two podium structures we have already we didn't add a third one. So, no, we did not consider that.

Grove: Okay. Thank you.

Seal: Commissioner Lorcher, go ahead.

Lorcher: Are there -- are these all rentals or are there any home ownership?

Wardle: Mr. Chair, Commissioner Lorcher, these are all rentals. There is -- this is not a condominium -- condominium project. So, there will not be any ownership here.

Lorcher: Okay.

Seal: Commissioner Wheeler, go ahead.

Wheeler: Jon, I have a couple questions here. One is if you can go to the screen where it shows like the -- where the pool area is at there. That's fine right there. That one's fine. So, we have got the pool area there. We got the small little parking area here.

Wardle: Let me just go back to different ones. We can --

Wheeler: Yeah. You bet. You bet. Yeah. There we go. Or one of those. That's perfect. So, I'm seeing that -- are those parking spaces there -- I'm just seeing them -- those are going to be used by non-residents. They are going to pull in and just park and, you know, walk across the Records to go to The Village.

Wardle: Mr. Chair, Commissioner Wheeler, I mean it's a good question in terms of how those are monitored. In reality it's a very limited number of parking stalls. The leasing office is also here right in front and so if somebody is leasing they would come in here and they would park. Given that we have on-site management there, I mean those are going to be monitored as well, so I -- I don't envision that it will be a park here to walk across and the reason I say that is if you want to get to The Village you have to go up to the north, you got to cross -- cross the roundabout and come back down to get into The Village and that's a long ways to walk if you are just trying to find a place to park, whereas you have a lot of parking at The Village already. So, could we have a resident who parks here? Yeah. Very likely and walk across. It would be all -- the best scenario. But I don't see that too many people would come in here, park, get out of the car, walk across the street and, then, walk back when there is available parking much closer to those uses.

Wheeler: I think -- I think on -- on normal days that might be the case, but when you got something pretty exciting going on there I think you got some overflow parking that that might turn into, so I'm just -- I'm just suggesting to think about enforcement --

Wardle: Yeah.

Wheeler: -- or, hey, this is for our community members, hey, this is for people that are leasing, something along those lines. That's all.

Wardle: Mr. Chair, Commissioner Wheeler, great point. I mean we -- enforcement and we do -- we do that in our communities currently. There are notices that go up and I can't anticipate every event like those hundred year party events, whether it be, you know, who knows, some debut at The Village where we get a celebrity to come out and everybody who wants to be there. Those things are going to happen. But we will continue to monitor the parking.

Wheeler: Another question here is I'm -- I'm -- it's interesting that ACHD said that the same traffic for having 472 units -- or not -- yeah. Vehicular traffic is the same as if they had it for, you know, office spaces and buildings and things of that nature. I'm more concerned about the pedestrian traffic going across Records, as I'm sure you are, too. I mean you want your tenants and the patrons to enjoy themselves there, too. What about -- is there any thought about a lighted crossway -- walk there? Is there something about -- because people are going to come from that side and just walk straight over. They are going to go to the roundabout and go over. That's going to add extra congestion. What are some thoughts of to mitigate that?

Wardle: Mr. Chair, Commissioner Wheeler, I mean it's a great point. I mean we all know that people will take the path of least resistance. What the highway district doesn't want, however, is once you open up this concrete divider, then, you have cars as well and so the safe place for crossing are these two designated. The one that is down here at Fairview and, then, the other one that is up here just on the clear side of the roundabout. That's where the highway district wants that to be. I don't think they would ever approve a crossing down here in this location, even if it was lit, just given the roundabout and the traffic coming in and out. They want the pedestrians to cross in this safe pocket and down at the light.

Wheeler: So, on that note is my -- I'm a hundred in agreement on that. So, how do you guys mitigate that, then, so that doesn't happen? Is there ways where I'm assuming like the entrances and exits are both at the north and the south side and so that's just going to be a natural way for them as they exit that site or what?

Wardle: Part of it is the way directionally that the sidewalk points people. Sometimes -- and we spent a lot of time looking at this, just because we do lots of neighborhoods, but ACHD is very methodical in the way that they want to direct people on those sidewalks. There absolutely will be somebody who wants to cross Records and they are just going to run across. That's going to happen. But the way that these pedestrian ramps will be -- ACHD won't be encouraging them to do that. The motion will be going north and south and coming out of here we won't make a pedestrian connection over to Records. We are just going to try to keep people pointed north and south on there. But, Commissioner Wheeler, I can't -- you can't stop people from making poor decisions.

Wheeler: Right.

Wardle: So, it's going to happen, but we aren't of the mind that that makes sense to try to facilitate that, because it just will -- it will be problematic.

Wheeler: Okay. Yeah. I'm confident it's going to happen and I'm -- and that's just to what degree to what angle. And you can only do so much with it; right? With -- with people that have their own choices to make, you know, on that.

Wardle: I mean it's possible where we have some sidewalks internal here and it doesn't -- where we have some sidewalks here and a sidewalk coming out, that maybe we even put, you know, some signage there that just says pedestrians --

Wheeler: Yeah.

Wardle: -- and point them each way. A little bit of wayfinding to maybe encourage somebody to make a good choice, instead of playing frogger.

Wheeler: Yes. Yes. Exactly. You are seeing where that's going on it. Also one of the other concerns that was brought up from some of the other -- other people during the public testimony was blocking off some of the roads for access, because you know that these are going to be used for shortcuts; right? You know the people are going to try to swing over to -- I think it was Ventura and also the -- the road that's going to go between your proposed project and CarMax and try to try -- try to help mitigate, so that these people that are on these larger estate size properties can still enjoy them the way that they were hoping to.

Wardle: Mr. Chair, Commissioner Wheeler, you know, as we have been involved in one project and now another project here and have spent quite a bit of time looking at the analysis and one -- a comment was made as well regarding, well, why don't you just do a right-in, right-out. So, there actually was a negotiation with ACHD and the way that these roads laid out that the only points of access to Fairview would be Records and Venture. There is a reason why CarMax does not have an access onto Fairview. It's just not allowed. And so the way that that was to address how these two parcels would be accessed in the future was on Records, Elden Way, and, obviously, CarMax goes over to Venture. Whether this could be true -- I don't know how this would work in terms of shutting this down. They are all public roads. It's a question for ACHD on how they would do it, but as -- the way that they have reviewed it and looked at it, these public roads do provide access in and through. There is not -- I mean were -- I think it was mentioned there is 14 residents here and so there is not -- there is not many here and I can appreciate the impact that they would have from -- from CarMax and from other things like that, but shutting this down as well would push all this traffic as well, which is not much, but it would push it all down to Fairview anyways and not be able to come on Elden Gray into The Village.

Wheeler: Okay. And -- yeah. I think that's it. I do like the five -- the four over one project in its -- in its aesthetics and look and you are right, it's very expensive to -- to do a parking garage on a project like this. So, it's good use of the -- of the space in order to maximize your -- your residencies on there. Thanks a lot. Appreciate it. Thank you.

Seal: I have got a quick question on the -- the unit count, because we -- that was part of the staff report that we are over on unit count. Is that something that's going to be addressed? There is -- or was that addressed I guess I should say.

Wardle: So, Mr. Chair, it might have been the question in the staff report and the prior -- there was a question about parking stalls as related to the unit counts. We have since addressed -- addressed that, so the requirement for parking has been met on site. I don't think -- I mean I think the question on staff had made or the comment was, you know, if -- if there was a modification in unit counts that would modify or change the way the parking was or open space as well. But I don't think that they were saying that there was a -- a hard number there that they needed to be changed. It was a recommendation.

Seal: Okay. Thank you for clarifying that. It's getting late, so I just want to make sure I have got it straight in my head. Question for staff real quick. The -- my question is more on the -- the little private road that's going to join this property with CarMax, as well as Elden Gray. Is there parking allowed on those streets?

Parsons: Mr. Chair, Members of the Commission, absolutely. It's private property. It's -- it's not really a -- it's on there -- the parking's on their property. They just have cross-access with that. So, as long -- as long as they maintain 25 feet for two-way traffic per code, the applicant should be fine with that.

Seal: Okay. And that's the same with the Elden Gray, the one that runs above it? I'm not sure of the parking -- if there is any parking allowed on that, I just was trying to verify it.

Parsons: Mr. Chair, I'm not aware of any parking restrictions on the street either.

Seal: Okay.

Parsons: It's a local street, so -- and it's built to 50 foot right of way, so, typically, you would be allowed to have parking. But, again, it depends on -- if that roundabout -- if there is any signs that say don't park within a certain distance of that roundabout. I'm not sure, though. I can't answer that for you.

Seal: Okay.

Lorcher: Mr. Chair?

Seal: Commission Lorcher, go ahead.

Lorcher: Elden Gray gets a fair amount of towing and car hauling traffic to -- to load and unload cars. But that's, you know, once or twice a week. So, it does create a visual, because the car haulers are big, but they will unload and, then, they will leave and a couple days later another one will come.

Seal: Okay. Thank you.

Wardle: Mr. Chair, Bill is correct that it is a local street and I do not believe that there are restrictions on parking. I believe it is -- you know, meets ACHD standards for a local street and could accommodate parking. So, just to be clear with the record.

Seal: Okay. Thank you. Anybody else?

Wardle: Again, we appreciate your time tonight and just request your approval for the project. Thanks a lot.

Seal: Thank you. Can I get a motion to close the public hearing for Records Apartment, H-2022-0008?

Lorcher: So moved.

Yearsley: Second.

Seal: It's been moved and seconded to close public hearing for H-2022-0008, Records Apartments. All in favor say aye. Any opposed? Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Seal: Who wants to go first? Nobody?

Grove: I will go first. Mr. Chair, I think that this is the right place for a lot of the density just in terms of what we look at when we look at the community as a whole and the criteria that we have in place with the future land use map and just in general with what we look at for major arterial access and the access to other amenities outside of a project. So, everything that The Village and even across the street -- I have walked across that street before. It's not that bad to go cross Fairview if you are taking your time to go across the actual crosswalk. But I think that, you know, there is going to be some major traffic pattern changes, but that is inherent with this general intersection. The -- the biggest thing that I see, though, that will help this area -- and Mr. Wardle slightly addressed it, but is the public transportation that will be coming on board for Meridian with the fixed line and that fixed line will directly service this area and -- and it will go from the Ten Mile projects to -- through downtown and over to The Village. So, I think that some of the traffic parts of this can be offset through both the proximity of the other pieces that are around this and also with the -- with that public transportation in place. So, I think some of the -- those concerns can be alleviated. In general I -- I -- I'm in favor of this. I would normally have a much more critical look at the open space piece. However, looking at the wide breadth of options for the amenities and the close distance to, you know, the park system, the senior center, shopping, like there is enough other things right here that the open space piece is not as -- is not as pressing for me in terms of things that would stop me from wanting to move forward with this.

Seal: Anybody else?

Yearsley: Mr. Chair?

Seal: Commissioner Yearsley, go ahead.

Yearsley: You know, the whole time today I have been talking about density and --

Seal: It's a theme.

Yearsley: I -- this has been a thing. But I -- I think this is actually the spot to put the density. You have got a lot of amenities close by that can support this density. I like the product. I like the look. I like the fact that you are not seeing a sea of asphalt. My guess is the only thing that I'm a little sad about it wasn't an In & Out Burger when I saw the notice on the -- on the sign when I walked -- drove by the other day. I use Records a lot. Most times when we come down and go eat downtown in this area we will go down Eagle, but we will always come back through Records and I have never -- at this point have never had an issue getting out on Records. So, I like how they laid this area out with ACHD and I thought you couldn't top the -- your apartments to the north, but I think you have -- you have done it on this one, so good job.

Seal: You know I, mean there is, you know, like any project, there is things I -- I don't like, there is things I like, so I -- you know, this -- we do have a need for residences like this and if you are lucky enough to live in one of these, the amenities are pretty nice for sure, so -- I use Records a lot as well. I come in from the Ustick side of things, so that used to be the secret way to get, you know, in there. The secret is out for sure. I have a son that would argue that it's not just right-in, right-out, but he is wrong. So, there is different parts of this that -- sharing the access there with CarMax, I -- that's probably going to be problematic into the future, just because of the nature of it. I -- that's my personal feeling on it. I mean when I first looked at this and saw how short the open space was, you know, my first reaction, of course, was, well, there is no way that's going to happen. But like Jon said being involved in the same meetings that determine the criteria by which you meet that open space, I looked further into it and the open space is 27 percent. So, that's -- I mean if you look at a -- you know, anything else that's come through here tonight, 15 percent is the -- is the minimum. So, they are at 27 percent already and they are across the street from a park. Generally I'm not the person that's going to give you credit for that, but it's a really big park. So, at least they are not trying to take credit for being next to a school, which is my biggest pet peeve. You know, I mean the -- the density is -- is big, but the area can -- it's built for this kind of density. So, I mean as far as the folks that are in, you know, the one acre plus estates over there, I sympathize for that. My only comment is I wish that it was closer to this, because working with Brighton and other places, especially south of the freeway there off of Eagle, I mean they were actually able to go to ACHD and get bollards put in and, you know, help that -- help that community that was there that has very similar issues. Unfortunately, ACHD is not the best at, you know, putting these things together, but that's -- that's what we got at this point in that community. So, hopefully, there is some resolution to some of that. But the

project overall I think is a good project. I think it's well suited for the area and -- I mean it will have an impact on it, as well as the rest of the growth that's happening throughout the valley, but I mean Eagle Road and Fairview were built for this at this point, so I'm in favor.

Wheeler: Mr. Chair?

Seal: Commissioner Wheeler, go ahead.

Wheeler: Yes, I -- I -- I think it's a sharp looking project. It will be almost like a flagship project as is a lot of things around Fairview and Eagle; right? Everything from the Mountain West Bank, to The Village, to -- to this project in and of itself and like most developers they don't want to put their name on something unless it's going to be something that's going to be a good benefit and give a good positive impact, so -- and that shows everything from the design to like you are saying one or -- four over one project here with the parking and everything. My only -- my only concerns are just, once again, just the pedestrian traffic and how to mitigate that. Everything else looks -- and also the traffic that might happen to our -- to our friends over to the east side, would have the larger acreages there, the estates, figuring out how to mitigate that, but that's more of an ACHD thing saying, hey, this is what we have -- we have seen. That would be something to -- to talk with them about vacating or to be able to do a widening or something along those lines. This is outside of your guys' purview on it and I know that -- I know that this area -- it's different; right? It's where people live. So, this is where they are at in the evenings and they are gone usually in the morning, so to speak. So, you have different traffic patterns on that side of things. But that would be -- that's -- I just know that the Yard House and, you know, The Village in and of itself; right? Everything around there is -- is a magnet for the evening activity. So, it's just going to compound on -- on a lot of the activity there and around there, so -- and that's going to be night and that's just my only concern is that there might -- that's just going to be more congestion around that site and pedestrianwise at that. But beautiful project.

Seal: Anyone else? I will take a motion.

Grove: I got it. Mr. Chair?

Seal: Commissioner Grove, go ahead.

Grove: I guess before I make the motion, are the rest of Commissioners kind of on board with the recommendations of the applicant in addition to the conditions provided by staff?

Seal: As far as deleting condition two and, then, modifying 4-M for alternative compliance?

Grove: Correct.

Seal: Yep.

Grove: Okay. All right. Mr. Chair, after considering all staff, applicant, and public testimony, I move to approve file number H-2022-0008 as presented in the staff report for the hearing date of April 7th, 2022, with the following modifications: That condition A-2 be stricken and that condition A-4-M is modified to allow alternative compliance to meet the requirements.

Yearsley: Second.

Seal: It's been moved and seconded to approve File No. H-2022-0008 with the aforementioned modifications. All those in favor say aye. Any opposed?

Yearsley: Mr. Chair?

Seal: Motion carries.

Yearsley: Oh, I thought you were --

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Seal: Commissioner Yearsley.

Yearsley: I move we adjourn.

Seal: Is there a second?

Grove: Second.

Seal: It's been moved and seconded to adjourn. All in favor saying ayes. All right. We are adjourned. Thank you.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

MEETING ADJOURNED AT 11:18 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS.)

APPROVED

ANDREW SEAL - CHAIRMAN

_____|_____|_____
DATE APPROVED

ATTEST:

CHRIS JOHNSON - CITY CLERK