

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-adjoin 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