

Meridian Planning and Zoning Meeting

October 17, 2024.

Meeting of the Meridian Planning and Zoning Commission of October 17, 2024, was called to order at 6:01 p.m. by Chairman Maria Lorcher.

Members Present: Commissioner Maria Lorcher, Commissioner Andrew Seal, Commissioner Jared Smith, Commissioner Brian Garrett and Commissioner Matthew Sandoval.

Members Absent: Commissioner Patrick Grace and Commissioner Sam Rust.

Others Present: Tina Lomeli, Kurt Starman, Bill Parsons, Sonya Allen, Linda Ritter, Nick Napoli and Dean Willis.

ROLL-CALL ATTENDANCE

<u> X </u> Brian Garrett	<u> X </u> Andrew Seal
<u> X </u> Matthew Sandoval	<u> </u> Patrick Grace
<u> </u> Sam Rust	<u> X </u> Jared Smith
<u> X </u> Maria Lorcher - Chairman	

Lorcher: Okay. Good evening. Welcome to the Planning and Zoning meeting for October 17th, 2024. At this time I would like to call the meeting to order. The Commissioners who are present for this meeting are here at City Hall and I don't think we have anybody on Zoom tonight. We also have staff from the City Attorney's and the City Clerk's office, as well as the City Planning Department. 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 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. If you have a process question during the meeting, please, e-mail cityclerk@meridiancity.org and they will reply as quickly as possible. If you simply want to watch the meeting we encourage you to watch it on the streaming -- streaming on our city's YouTube channel. You can access it at meridiancity.org/live. With that let's begin with roll call. Madam Clerk.

ADOPTION OF AGENDA

Lorcher: Okay. The first item on the agenda is the adoption of the agenda. There are no changes to tonight's agenda, but please keep in mind that Item No. 5 Pine 43 West will be open for the sole purpose of continuance. So, if there is anybody here tonight to testify for that application we will not be taking public testimony for this evening. Could I get a motion to adopt tonight's agenda.

Seal: So moved.

Smith: Second.

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

MOTION CARRIED: FIVE AYES. TWO ABSENT.

CONSENT AGENDA [Action Item]

1. **Approve Minutes of the October 3, 2024 Planning and Zoning Commission Meeting**
2. **Findings of Fact, Conclusions of Law for Cedar Springs Animal Care Facility, by Sandee Transtrum, Biltmore Co., located at 4759 N. Summit Way**
3. **Findings of Fact, Conclusions of Law for Meridian Oz (MCU-2024-0002) by Pivot North Design, located at 1475 E. Franklin Rd.**
4. **Findings of Fact, Conclusions of Law for Ziggi's Coffee (H-2024-0035) by KM Engineering, located at 4801 S. Tavistock Ave.**

Lorcher: The Consent Agenda. The next item on the agenda is the Consent Agenda and we have several items on it. To approve the minutes from October 3rd, Planning and Zoning. Facts, Findings and Conclusions of Law for Cedar Springs Animal Care Facility. Meridian OC Subdivision and Ziggy's Coffee. Could I get a motion to accept the Consent Agenda as presented?

Smith: So moved.

Seal: Second.

Lorcher: It's been moved and seconded to adopt the Consent Agenda. All those in favor say aye. Any opposed? Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

ITEMS MOVED FROM THE CONSENT AGENDA [Action Item]

Lorcher: At the time I would like to briefly explain the public hearing process. We will open each item individually and begin with the staff report. Staff will report their findings on how the item adheres to our Comprehensive Plan and our Unified Development Code. After staff has made their presentation the applicant will come forward to present their case and respond -- and respond to staff's 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 only once during public testimony. The clerk will call the names individually of those who have signed up on our website or in advance to testify. You may come to the microphones in Chambers or you will be unmuted in Zoom. Please

state your name and address for the record. You will have three minutes to address the Commission. If you have previously sent pictures or a presentation for the meeting it will be displayed on the screen and our clerk will help run the presentation. If you have established that you are speaking on behalf of HOA or another larger group where others from your group have allowed you to speak on your behalf, you will have up to ten minutes. After all those who have signed up in advance have spoken we will invite anyone else in Chambers or on Zoom to testify. If you wish to speak on a topic you may come forward or on Zoom press the raise hand button 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 devices, such as a computer and a phone, please, be sure to mute those extra devices so we don't experience feedback and we can hear you clearly. When you are finished the Commission does -- and the Commission does not have any questions for you, you will return to your seat in Chambers or be muted on Zoom and no longer have the ability to speak. And please remember we will not call on you 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 an opportunity to discuss and hopefully make a final decision or recommendation to City Council as needed.

ACTION ITEMS

5. Public Hearing for Pine 43 West (H-2024-0038) by CSHQA, located at SW Corner of N. Webb Ave. and E. Fairview Ave.

- A. Request: Conditional Use Permit for a drive-through establishment within 300' of a residential use.

Lorcher: So, to start today's applications I would like to open the public hearing for H-2024-0038, Pine 43 West, for the sole purpose of a continuance. Madam Clerk, what dates do we have available?

Lomeli: Madam Chair, November 7th.

Lorcher: May I get a motion to continue the application for November 7th?

Smith: So moved.

Seal: Second.

Lorcher: It's been moved and seconded to continue Pine 43 West for a conditional use permit for November 7th. All those in favor say aye. Any opposed? Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

6. Public Hearing for Treasure Valley Athletic Center (MCU-2024-0003) by Erik Hagen Architecture, located at 1250 & 1251 E. Piper Ct.

- A. Request: Modified Conditional Use Permit to modify the existing Conditional Use Permit (CUP-03-056 Meridian Soccer Center) to expand the indoor recreation facility use in the I-L zoning district.

7. Public Hearing for Treasure Valley Athletic Center (H-2024-0033) by Erik Hagen Architecture, located at 1250 & 1251 E. Piper Ct.

- A. Request: Modified Development Agreement to modify the existing development agreement for Medimont Subdivision (Inst. #97072405) to enter into a new agreement for the subject property and remove the requirement for a buffer to adjacent residential land uses and modify dimensional standards and any other applicable provisions.

Lorcher: So, tonight we are actually going to do something a little bit different in regard to the Treasure Valley Athletic Center. They have two applications, Item No. 0003 and 0033, and we are going to do both of those together, because I believe all of the information pertains to both at the same time. So, we will begin with the staff report for Treasure Valley Athletic Center.

Allen: Thank you, Madam Chair, Members of the Commission. The applications before you tonight are a request for a conditional use permit modification and a development agreement modification. This site consists of 2.12 acres of land. It's zoned I-L, light industrial, and is located at 1251 and the southern portion of 1250 East Piper Court, south of East Franklin Road and West of South Locust Grove Road. This property was annexed back in 1997 as part of the larger Medimont Subdivision with the requirement of a development agreement. A conditional use permit was later approved in 2003 for an indoor soccer recreation facility on the subject property in the I-L zoning district. A property boundary adjustment application was recently tentatively approved between the subject property and the abutting property to the north to shift the shared property line an additional 75 feet to the north to accommodate the proposed expansion. That is as shown on the record of survey before you there. The Comprehensive Plan future land use map designation is general industrial. The development agreement modification request is as shown. The applicant is proposing a modification to the existing development agreement to enter into a new agreement for the subject property. The following modifications are proposed to the existing DA provisions. Removal of provision number 4-E which requires a 20 foot wide landscape buffer easement to be provided adjacent to residential uses. At the time the development agreement was adopted the abutting property to the west was zoned R-40 and was planned to develop with residential uses. Subsequently the property was rezoned to C-G and developed with a mix of commercial and office nonresidential uses. Staff agrees with excluding this provision from the new agreement as there is no longer a need for the buffer. The next modification is to the special setback requirements in provision number 4-P to

reduce the minimum rear yard setback from 20 feet to ten feet as there is no longer a need for a buffer to residential uses. The ten foot buffer will ensure structures don't encroach in the irrigation pipe easement depicted on the plat. Staff recommends the minimum side yard building setback of five feet per story is also removed, because it's not required in the I-L district. All other setbacks shall be required as noted in the Unified Development Code. And, lastly, removal of provision 4-S pertaining to maximum lot coverage, which limits the building footprint to no more than 50 percent of the building lot. Staff agrees with excluding this provision from the new agreement as current code has no restriction on lot coverage. Staff has reviewed all other provisions in the development agreement and does not recommend any other provisions are carried over into the new development agreement. Staff recommends as a provision of the DA that future development generally complies with the site and the landscape plan and conceptual elevations submitted with the subject application and complies with the conditions contained herein. For the conditional use permit modification application a conditional use permit was approved in 2003, as I mentioned earlier, for an indoor soccer field with accessory uses in the I-L zoning district. A modification of the conditional use permit is proposed to expand the use to include a new 14,700 square foot building to the north of the existing building, which will contain sand courts for beach volleyball, with a weight and training room and eight additional parking spaces on the east side of the building. No changes are proposed to the existing building or the site. So, this is the existing site plan that was approved with the conditional use permit on the left and the proposed site plan on the right. The existing building is here at the south end of the site, if you can see my cursor. All of this parking area is existing. This is the new building proposed and the new parking area. The applicant estimates that on a typical day and evening there will be approximately 30 patrons and two employees within the primary building, the south end of the site, and 20 patrons and two employees in the secondary building. The primary users of the facility will be people of all ages and the facility will be used from 9:00 a.m. to 9:00 p.m. Monday through Friday and 9:00 a.m. to 7:00 p.m. Saturday and Sunday. The heaviest periods of use for the facility are anticipated to be evenings and weekends. Tournaments are held in the existing building, but will not be held in the new building. Off-street parking is required at a minimum of one space for every 2,000 square feet of gross floor area. Based on 37,700 square feet -- that's for the existing and the proposed building -- a minimum of 19 spaces are required for the overall site. A total of 65 spaces are proposed at a ratio of one per 580 square feet, exceeding the minimum standard by 46 spaces. The applicant is in the process of completing a shared access and parking easement agreement with the abutting property to the north, Dutchman Motorsports. This will allow cross-access between properties and provide more parking for the proposed use if needed during the heaviest periods of use in the evenings and weekends. Conceptual building elevations were submitted as shown for the proposed single story building. Building materials consist of vertical and horizontal metal panels, horizontal corrugated metal panels, fiber cement panel accents and glazing with metal standing seam roof. The final design is required to be consistent with the nonresidential design standards for the I-L zoning district listed in the Architectural Standards Manual. Written testimony has been received from Eric Hagen, the applicant's representative. He is in agreement with the provisions in the staff report. No other written testimony has been

received. The staff is recommending approval per the provisions in the staff report. Staff will stand for any questions. The applicant is here to present tonight.

Lorcher: Thank you. Would the applicant like to come forward? Hi.

Hagen: Hi.

Lorcher: If you can state your name and address for the record.

Hagen: Eric Hagen. 280 North 8th Street, No. 204, Boise, Idaho.

Lorcher: Thank you.

Hagen: Good evening, Madam Chair and fellow Commissioners. The client -- or the owner of the property is currently using the facility for volleyball -- indoor volleyball. There is a need in the valley for indoor beach volleyball. As you know, it gets cold in the winter and most people don't want to be on the beach. So, he's been wanting to build this facility and expand his facility for quite some time and the opportunity came up between him and his neighbor to the north to kind of do a trade and purchase the property. So, we have been working along those lines and trying to fit in three -- three beach volleyball sized courts within a pre-engineered metal building. The metal building would match in style to the existing building, creating a cohesiveness to the whole project and, then, we will be working through the design view process to fine tune the front facade, creating some undulation and staying within the -- the design guidelines for Meridian. Other than that I feel that Ms. Allen did an excellent job of summarizing the project. I don't really have anything else to add to that, but I will stand for questions.

Lorcher: Commissioners, do we have any questions for the applicant at this time? Thank you very much.

Hagen: Thank you.

Lorcher: Madam Clerk, do we have anyone to testify?

Lomeli: Madam Chair, no one has signed up.

Lorcher: So, no one has signed up. Did you want to add anything else or are you good? All right. May I have a motion to close the public hearing?

Smith: So moved.

Seal: Second.

Lorcher: It has been moved and seconded to close the public hearing on both applications, 0003 and 0033. All those in favor say aye. Any opposed? All right. Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Lorcher: Kurt, I do have a quick question in regards to this. We are voting on a DA modification and a conditional use permit modification. Is this body the deciding factor or is the DA modification going to City Council?

Starman: Thank you, Madam Chair. Typically this body is the decision maker for conditional use permits, but in this instance our code is structured with the conditional use permit is being heard in concert with another application, in this case a modified development agreement. You are just a recommending body and the Council will make the final decision on both applications, both the conditional use permit and the DA modification. So, you will be recommending to the Council on both items.

Lorcher: Okay. Thank you very much. I went by here for the first time the other day. I didn't even know where Piper Street was, so that was kind of cool. Not a volleyball player, so I guess it's not in my purview, but there is plenty of space out there. That parcel is big enough to be able to accommodate your new building. There was plenty of parking as well and if it adds an opportunity for more people to get out and be active I support this project.

Seal: Madam Chair?

Lorcher: Commissioner Seal.

Seal: Just two quick questions. On the Dutchman Motorsports, is that a regular kind of 9:00 to 5:00, 8:00 to 5:00 type business? Do we know?

Allen: Commission, yes, that's what I understand.

Seal: Okay. And, then, on the -- I mean just from the literal picture that we have in front of us it looks like there is a lot of trees are going to be taken out and tree mitigation part of this application, that's all been taken care of?

Allen: With the conditions of approval.

Seal: Okay. Perfect. Thank you. Nothing further.

Smith: Madam Chair?

Lorcher: Mr. Smith.

Smith: After considering all staff, applicant and public testimony, I move to recommend approval to the City Council of File Nos. MCU-2024-0003 and H-2024-0033 as presented in the staff report.

Sandoval: Second.

Lorcher: It's been moved and seconded to approve two applications for Treasure Valley Athletic Center. All those in favor say aye. Any opposed? Motion carries. Thank you very much.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

- 8. Public Hearing for Skyranch (H-2024-0022) by Laren Bailey, Conger Group, located at in the S1/2 of the SW1/4 of Section 31, Township 3N, Range 1E**
 - A. Request: Annexation of 20.039 acres from RUT in Ada County to the R-15 zoning district.
 - B. Request: Rezone of 24.53 acres of land from R-4 to R-15 zoning district.
 - C. Request: Modified Development Agreement to create a new development agreement for the construction of the proposed single-family residential development.
 - D. Request: Preliminary Plat consisting of 285 (284 new and 1 existing) and 36 commons lots on 43.82 acres in the proposed R-15 zoning district.

Lorcher: Okay. The next application we have on the agenda is Skyranch Subdivision for annexation, rezone, modified development agreement and a preliminary plat. We will begin with the staff report.

Ritter: Thank you. Good evening, Commissioners. So, the applicant is requesting annexation of 20.039 acres of land with R-15 zoning. The rezoning of 24.53 acres of land from R-4 to R-15, modification of an existing development agreement to create a new one to develop -- to develop the proposed single family residential development and a preliminary plat consistent of 285 building lots -- that's 284 new and one existing, 28 common lots, six common drives on 43.82 acres of land, zoned R-15. These are the exhibits for the annexation and rezone. So, in 2015 the city, at the request and consent of the property owners, annexed the property, approximately 1,322 acres of land, with the R-4, R-8, R-15 and C-G zoning districts. It was envisioned that some of the subject properties will seek rezoning consistent with the future land use map designations in the future. At the time no development was proposed with the subject annexation request and, therefore, a vast majority of the property was proposed to be annexed as R-4. All of the subject property owners signed a development agreement that was executed upon approval. Within the DA is a requirement that any proposed development plan be reviewed and approved as an amendment to the executed development agreement. Upon development, redevelopment of all these properties in the future, adherence to the characteristics of their prospective land use designation described above will be required. So, the annexation of these properties -- it was basically a placeholder until

the properties came in for development. So, this is a portion that has been requested for annexation. This is a portion of the project that is requesting a rezone that is currently R-4 and this is the property boundary. The project boundary. So, access to this development -- it's proposed from East Lake Hazel Road. Per the Idaho Transportation Department no direct access to a state highway is approved. Due to the proximity of this development to a state highway, ITD is requesting a traffic impact study for the proposed development. Access is also proposed from the east side of the property via the future collector road. Again, as the property is within close proximity to State Highway 69, the applicant will be required to provide noise abatement. Noise abatement could include, but not limited to, a berm or a berm and a wall combination to help reduce traffic noise and, then, staff is also concerned that the entrance -- the length of the entrance off of East Lake Hazel Road is short and the potential for traffic to back up when trying to access the site. And this is the entrance off of East Lake Hazel Road. So, this is the preliminary plat that they are proposing. They have six phasing plans with this to develop this. Landscaping meets the requirement of the UDC. It requires 35 -- 35 foot wide buffer along entry corridors, North Meridian Road, and 25 foot along arterial roads Lake Hazel and a 20 foot wide buffer along all collector streets. They exceed the open space requirements. It is required for them to have -- they are at 17.1 percent, which we require 15 percent. They exceed the amenity points requirement. We required nine for the amount of property that they have and they provided 30. These are the amenities that they are proposing for their preliminary plat. They also provided some conceptual building elevations. The applicant states that the homes in Sky ranch will include -- will be a mix of different product type, two story and single story detached single family homes. So, the buildings will need to be designed with elevations that create interest through the use of broken plane windows and fenestration and produce a rhythm of materials and patterns. Design review is not required for single family detached structures, however, because rear and sides of the home facing East Lake Hazel Road will be highly visible, staff recommends a DA provision requiring elevations -- that those elevation incorporate articulation through change of two or more the following modulations. Projections, recess setbacks, pop out bay, abandoned porches, balconies, material types and other architectural elements to break up monotonous wall planes and roof lines that are visible from adjacent public streets. Single story homes are exempt from this requirement. Design review for single family attached and townhomes will be required to meet the city's architectural standards. If a subdivision is put here staff is asking that they put a mix of different housing types, like with townhomes and single family attached within the development. So, the Rawson Lateral resides on a portion of the property and the applicant is proposing to keep it open. The applicant has also provided a 50 foot ingress-egress easement to provide a future bridge crossing to connect the parcels to the south. Again with this current development agreement that they have there was a provision in the development agreement that said if a rezoning application is submitted in the future the city comprehensive plan and future land map designations for the subject property -- we will look at that and determine if the -- the rezone that they are requesting is appropriate. For the area that they are asking to rezone is within the mixed-use regional area. So, the applicant's current proposal has limited to single family residential development occupying the majority of the mixed-use designation area and

with no internal vehicle or connectivity between the two areas, which does not align with the intent of the Comprehensive Plan for this area. By focusing solely on an inward facing single family development the proposal fails to meet the goal of creating a mixed-use environment that would foster a vibrant self-sustaining community with neighborhood supportive uses, employment or retail options nearby. This lack of compliance with the Comprehensive Plan could raise concerns about whether development will contribute to traffic issues, support a balanced community, or meet long-term growth objectives. So, for the mixed-use development there is a max of 30 percent of residential units that -- residential that is allowed and the rest of it is supposed to be commercial. So, the applicant stated that their project will encompass 11 and a half percent of the 219 acres of mixed-use parcels. The parcel has no access to South Meridian Road. It's limited due to -- limited due to the Rawson Canal and the applicant is the person that -- proposing that the property to the south will be developed as commercial and make up the development -- which will make up the development for the mix -- make up the whole of the mixed-use development. But, again, for the mixed-use development to be consistent with the plan they need to demonstrate the following: Functional integration. Development must show that even undeveloped parts of the area can be functionally integrated, either immediately or conceptually. The project should prove that all planned components can work together cohesively. Local connectivity is required to limit local trip impacts to the regional network both for traditional single family homes and mixed-use areas. So, the current proposal lacks such connectivity and is located near a major regional intersection planned for expansion to seven lanes with additional access restrictions. Although the developer claims the proposal integrates with the surrounding commercial areas, no conceptual plans have been provided to support this claim. It is also supposed to have outward facing design. The development should not be insular to turn its back on the neighboring properties or streets. Instead, it should engage with the surrounding -- surroundings, promote an interaction in adjacent areas and development. The planned development does not set up or support any future physical -- visual connectivity with the remainder of the mixed-use area. It also has to have physical integration and shared features. There should be a tangible connection between the different parts of the development, such as shared amenity -- amenities, walkways or other spaces. This physical integration supports local connectivity making the area feel cohesive and accessible. It should support -- support for local services. Development must intentionally create opportunities for local services such as -- as office, gyms, retail, employment or public uses. The current single use proposal fails to support this objective as it does not include local services within the development. Design integration. There should be visual corridors or clear lines of sight connecting points of interest throughout the development. This creates a sense of openness, visual connectivity, making it easier for residents and visitors to navigate the space. The proposed development, however, is essentially isolated and does not provide connections to the property to the south. It is presented as a single use development without the commercial component required by the Comprehensive Plan. It should have purposeful open space. Open space should not be incidental, but purposely designed to enhance connectivity and functional integration. They should serve as common areas that bring people together and provide opportunities for interaction. The

open space provided is solely for the purpose of the single family resident and is not designed to integrate. The open space was not designed with integration with commercial -- to integrate with commercial. It should also provide pedestrian connectivity. Pedestrian pathways and connectivity must be prioritized. Mixed-use areas should encourage walkability, allow residents to move easily between home, services and public spaces without relying on vehicles. Pedestrian connectivity is crucial in mixed-use development to encourage walkability. The absence of such connectivity and the proposal would force residents to walk along busy arterial roads to reach services and public spaces or depends on vehicles to access them. The UDC requires pedestrians connections between residential and commercial areas. limited reliance on arterial roads -- vehicle connectivity should be designed so that local traffic does not depend entirely on material roads. Instead development should incorporate an internal street system that distribute traffic more efficiently -- effectively within the area. So, this proposal lacks connectivity to commercial areas without requiring residents to walk along or cross over a major arterial effectively isolating the development as a single use area. So, the applicant indicates that the residential uses comprise between ten and 30 percent of the development area, which gross densities range from six to 40 units per acre within the residential portion. The proposed Sky ranch neighborhood in the mixed-use area would occupy again 11 percent of the two point -- the 219 acres providing a density of 6.5 units per acre, aligning with the comprehensive -- Comprehensive Plan's vision. However, the applicant did not account for the Comprehensive Plan's requirement that mixed-use areas bisected by an arterial or highway are considered separate independent areas for use and design integration and will be evaluated as such. As a result the applicant's approach to using their property as a single use area does not align with the intent of the Comprehensive Plan for mixed-use development. To comply with the Comprehensive Plan the applicant needs to redesign the proposal and incorporate a mix of housing types, local services. It could be office, daycares and add public amenities, parks, plazas within the 24 acres of the mixed-use regional area. This would -- this would not only align with the future land use map destination, but also enhance the functionality and integration of the development within the surrounding area and, then, staff also recommends that the applicant provide a mix of dwelling types within the residential area, such as single family attached or townhomes within Block 8, Lots 2 through 17 and 19 through 34 and Block 9, Lots 2 through 17 and Lots 19 through 34 of the development as allowed by the Comprehensive Plan within the R-15 zoning district. So, the Comprehensive Plan policy to 01.01C encourages the applicant to maintain a range of residential houses -- residential land use designation that allows diverse lot sizes, housing types and density. To support this policy again the staff recommends that the applicant provide additional housing options in the development. So, staff finds that while the proposed lots comply with the dimensional standards for the R-15 zoning district, they do not meet the intent of the mixed-use development -- mixed-use design due to the single use nature proposal and we do have some block lengths within the residential development that exceed the 750 foot requirement that will necessitate a waiver from the Council. Additionally, the existing house that is proposed to remain as part of the proposed development abuts two streets, which is prohibited by the UDC. Further the lots to the north do not transition to align with the largest estate style lots that are zoned RUT

within Ada county. Therefore, the applicant need to revise their plat map to address the -- identify issues and demonstrate the necessary connections. Again these are the items that I went over for a mixed-use. This is where it talks about when it is bisected by an arterial that is reviewed independently. So, based on the application that came before us staff is recommending denial, because the current proposal does not in line with the intent of the Comprehensive Plan. The proposal is limited to single family residential development occupying the majority of the mixed-use designation area with no internal vehicle pedestrian connectivity between the areas, which by focusing solely on the inward facing single family home development the proposal fails to meet the goal of creating a mixed-use environment that would foster a vibrant, self-sustaining community with neighborhood supportive uses, employment and/or retail options nearby. The lack of this compliance with the Comprehensive Plan could raise concerns about whether development again contributes traffic issues, support the balance of the community or meet long-term growth objectives and as is application is -- the applicant is requesting an annexation and rezone, the Comprehensive Plan is the appropriate tool to analyze this proposal. If the applicant wants to develop the property as proposed, the applicant has the option of continuing the hearing and applying for a Comprehensive Plan map amendment before the December 15th deadline. So, at this point I will stand for any questions that the Commission may have.

Lorcher: Would the applicant like to come forward?

Clark: Hi, everybody.

Lorcher: Good evening.

Clark: Hethe Clark. 251 East Front Street in Boise representing the applicant and, Commissioner Smith, last time I was here you said something about it seems like it's always hard when I come. So, here we go.

Lorcher: There we go.

Clark: This one we definitely feel a little beat up by the staff report, but I also want to explain why we are not crazy in the reasoning that we have for why we think this does satisfy the staff report, because we don't think that you have been given the complete picture. So, let me walk you through this a little bit and, then, by the end hopefully we can get a little closer to being level set. So, this is our project. We are discussing the 43 acres near the intersection of Lake Hazel and Meridian. A portion of the property is already annexed. It's an area that the city's focused development on over the past few years. Linda did mention that this was part of the big 1,300 acre annexation. It's less than a mile from this project to the Discovery Park. We are very close to the new fire station and Brighton's Apex development is on the east and the south sides of this project. So, this is an area that's anticipated to develop and it is developing with a number of uses in the very immediate vicinity. I'm going to return to this when I focus on the staff report, but with regard to the Comprehensive Plan we do have the two designations. We are medium high density residential on the east, while the rest is

mixed-use regional. I do want to point out that the property is divided from the rest of the mixed-use regional area, that node that's along the hard corner by the Rawson Canal. Given where the Rawson connects, the -- any access onto Meridian is going to be south of the canal. In other words, on the other side, not against our property. So, no access to Meridian Road. In addition, we have low density residential immediately to our north, which means that -- and Linda mentioned that they would like to see a transition. So, this is a very difficult piece. The city has comprehensive planned low density residential against mixed-use -- mixed-use regional that is constrained by the Rawson on the south and constrained by Meridian Road on the west. Now, in addition to being planned and close to city resources, the western half of the property has already been annexed. As I mentioned it was part of that large annexation that -- the western portion has an existing R-4 zone, so we have to keep that in mind when we are discussing the comp plan designation of mixed-use. It's very important to note that the transportation network has been improved. You -- you all know Meridian Road is all built out, but Lake Hazel is almost complete. I expect it will be complete in the next couple of weeks. So, it's going to be built to its -- its ultimate condition all the way to Locust Grove and, then, it's being extended to Eagle Road, which is why my commute now takes 45 minutes instead of 20, because I live just south of that intersection. Commissioner Garrett knows exactly what I'm talking about. And, then, on the weekends I can sneak over, though, and use the ten foot pathways that go all the way from my house on Eagle all the way to Meridian Road and all of that is in and we participated in the construction of the ten foot pathway through a cooperative development agreement with ACHD. So, we paid for the ten foot pathway in front of our project. It's already there. I think that's a very important piece to keep in mind when we say that there isn't any pedestrian connectivity over here. I don't think that's accurate. Our plan includes the 284 single family homes in the R-15 zone. Minimum density is six units per acre or just above that at 6.5. As Linda mentioned, all the open space requirements are met. We are above those minimums. But I would also remind the -- the Commission that we are less than a mile from Discovery Park, so it's a very good place to have a project just like this. Pedestrian connectivity. So, pedestrian connectivity is throughout the project. It will connect to the larger pedestrian network. As I mentioned, the regional pathways have already been put in on Meridian Road. There will also be additional regional pathways on our west side at Meridian -- excuse me. When I said they are already in on Lake Hazel, not already in on Meridian. So, we will be putting it in on Meridian, but we will also be putting it in on the collector on the east side that -- that is already under construction by Brighton. I also want to point out -- and I think that you didn't quite get a complete picture from staff. So, with regard to the access point -- if I can get the cursor to wake up here. So, you can see -- it's not working very well there, but you can see this is our primary access down at Lake Hazel. That will have a light and that will have a very easy ability for pedestrians to be able to cross the street to go into the -- the massive development that Brighton is bringing forth with the several hundred thousand square feet of commercial. So, our folks will not have to get in a car to go to any of those projects and they are going to have ten foot pathways to get to all of them. With regard to the amenities we are at 30 amenity points, rather than nine allowed. We have dog parks, pickle ball, pool -- it's going to be a very well amenities project. Housing mix. These are some updated elevations. It's a

mix of single and -- and two-story detached. Now, this comes up quite a bit, so we decided to start putting a slide together for this in terms of the -- the timeline. So, given where we are today, if we were to be approved we would be doing final platting and site improvements in 2025 to be ready for the our first phase of homes in 2026. The project is expected to develop in six phases. So, we would have those phases going through 2031, then, the last few houses coming online in 2033. So, let's talk about the staff report and why we are not crazy. The -- it's never staff's obligation to make the case for the applicant. Like I -- I fully agree with that. It is not their job to -- to -- to make the argument for me. But I think that the staff report was unrealistic in some of the ways that it depicted this property as being a property that is just easy to turn into a mixed-use paradise. From our view there is two questions that have to be asked. So, what does the comp plan actually require and what impact do site constraints have on what we ultimately are proposing for the property? So, let me start with a depiction on what those site restraints include. I will get into each in more detail. So, on our south we have the Rawson that separates this property from the ability to be able to connect to the property to our south. On the north, as I mentioned, we have the low density residential that requires a transition while we are trying to hit the density minimums for that area and on the west we have no access to Meridian Road, meaning that there is neither the visibility nor the access that is required for you to have a viable commercial project on the property. Now, the comp plan -- and this is part of what didn't make it into the report. The comp plan is not a rigid document. The -- the -- the comp plan is a policy document. It is intended to set the stage for the zoning code requirements with -- that would then set the various details. It's not a zoning code. It's policy. And so the -- it speaks specifically that it is intended in a general way to describe how the community should develop. That concept's of flexibility occurs throughout the comp plan, including in the discussion of the mixed-use areas, which is where this is from. So, with regard to the mixed-use areas within that area some projects may not warrant a mix of uses. This is, again, directly from the comp plan. The comp plan also says that conditions may exist within some mixed-use areas that influence these matrix and access limitations is specifically one of the items that addresses that concern. So, talking about the site. So, this -- the Rawson, just to give you a little bit of reference, the truck that's in these pictures is 22 feet long, gives you a sense of scale. The canal is about 30 feet wide in places. This isn't a small like drainage ditch that's easily overcome. The -- the bridge divides our site from our neighbor and our neighbor is the one that has the hard corner where commercial services are likely to be viable. The big issue, again, is access. With the -- the mixed-use area is on the west; right? So, the -- the west side of our project that's the area that is divided separated from Meridian Road. No access -- and it's going to be hiding behind the Rawson Canal. So, you have no visibility and no access. In addition, that's not -- that's not just ITD that says that we are not going to have access on Meridian Road, that's -- that is Meridian city code that there would be no new approaches on a state highway. So, Meridian says we can't have access there, which -- which, in turn, makes that commercial development more difficult. But it's not just that we can't have the access, you heard staff say that in addition we have to have sound and buffer requirements against Meridian Road. So, we have to build a berm, put up a fence -- there is no -- no visibility anymore at that point. It makes this very undesirable for a commercial property. Again, the comp plan says that if there are access

limitations it supports reduced intensities. So, what we have provided in order to try to be consistent with -- with the -- with the Comprehensive Plan -- we have provided internal gathering spaces throughout. One thing that I don't think was really addressed here is that this concept of what is the integration with our neighbor. Again we have the Rawson Canal that separates us 30 feet. But we took our open space and we have this area that's down near our main area that is open, that faces and addresses our neighbor, that does provide for an opportunity for an integration of those areas to allow for folks to get into that easily and to make some enjoyment of that. I -- I want to be clear, though, the staff report states that we have to -- in order to satisfy the Comprehensive Plan we have to share amenities with our neighbor. That's an unconstitutional requirement. You can't force folks to share amenities with their neighbors. But what we can do is try to integrate it, look at it, make sure that when things come along that they can work together in an appropriate way. We -- to be clear we don't know what's going to develop on the property to our south. I can't control that. I can't control that timing and the city can't force me to control that timing, because, obviously, that would be an impossible condition. Anytime you throw a plan on your neighbor's property you are in dangerous ground, especially if that plan ends up somehow in -- being incorporated in -- in your own approvals. But we have provided that open space in that area and, then, in addition -- and this is something that Linda mentioned at the beginning, but later when we said that there is no -- no connection is inaccurate. Where you see there is a blue box there, we provided an access easement in that location that could be converted later in the future into a connection across the Rawson. Now, again, that incorporates significant costs and expense. If that's a public bridge, then, that is public expense and I just want to give the -- you folks something to think about is that the distance from that blue square to the main intersection is about 250 feet. Down to the main street is 150 feet. And back over is another 250 feet. So, we would be putting in a bridge in order to save 600 feet of travel distance. So, it's -- the bang for the buck in terms of -- in public expense for having an additional connection there across a significant canal is questionable in our view. Let's see. And, again, the -- you know, we think that need is limited and, then, from a pedestrian perspective you can walk just around there, you are going to have the traffic light, you are going to be able to make it down to your -- to the neighboring -- or excuse me -- to the development across the street. All of this is going to give pedestrians a low stress, easy crossing to go down to all that new commercial development and that development, if you look at the area -- I don't think it's appropriate to leave that conversation out, because you can see that there is going to be significant commercial development just across the street and we are providing a very easy way for our pedestrians to get there. So, to conclude, we are proposing the 284 single family homes. The area that's being criticized is already annexed and in the city with an R-4 designation. We are trying to do something that gets it into the type of zoning that actually is approved for mixed-use. Keep in mind mixed-use -- one of the approved zoning designations is R-15 and the remainder of it fits the medium high density residential designation perfectly. We have to keep in mind those constraints, though, and when we say that we can just do Bown Crossing, that Bown Crossing is not behind the Rawson. Bown Crossing is not behind a berm and a soundproof fence at Meridian Road. Bown Crossing is at Boise Ave in Park Center with one hundred percent access.

So, this is -- that's not an appropriate evaluation here. We think that this straddles the various issues and we ask that it be approved. So, I will stop talking and answer any questions that you have.

Lorcher: I do have a question. So, you are -- one of the suggestions that you said across the lateral was to potentially build a bridge, even though your entrance to your subdivision is -- what did you say 600 feet to the --

Clark: Something like that.

Lorcher: -- east of that. Does the -- will the irrigation company even allow you to do that?

Clark: So, that's been an interesting conversation. The irrigation company is basically at this point starting to take the lead from ACHD, but we don't think that it's going to be a bridge that the public wants. ACHD is not requiring it of us now. I -- my personal opinion is that under the -- the prior, you know, regime they would have said -- they would have just said no. I -- I can't say that at this point, but -- but I certainly think there is questionable public benefit to putting a bridge across the Rawson under these circumstances.

Lorcher: And the ITD traffic study, has that been -- that has been requested by your group or --

Clark: Madam Chair. So, this is a -- an area that's been heavily studied with ACHD. We provided traffic counts in order to prove up the COMPASS model, which is kind of where things are trending in areas that have been heavily studied and built out. We have provided all of that data to ITD and we think that's all taken care of.

Lorcher: Okay. But the results haven't been given back is that what you are saying?

Clark: No. We -- we do know the results. We know that the -- the road improvements that have been made along that corridor and the timing for them has been -- continues to be proved up in accordance with the COMPASS model and the traffic counts that we provided didn't contradict that. So, that -- it's -- it's a little different than the create from scratch traffic impact study model that we might be used to.

Lorcher: Right.

Clark: But where we have this kind of big data it helps us to be able to just prove things up, rather than spending a lot more money to create it from scratch.

Lorcher: Okay. Commissioners do you have any questions for the applicant at this time?

Garrett: Yeah. I have a question.

Lorcher: Commissioner Garrett.

Garrett: Yeah. It's -- as Mr. Clark indicated, he and I have a lot in common on this corner. I go by it daily -- three times a day. Today as a matter of fact. So, I'm very familiar with it. What -- there are developments that are north of this that to the best of my knowledge those are somewhat bound, aren't they, by Meridian Road constraints? I mean they have those exits and entrances, but they are extremely dangerous.

Clark: Oh, yes. Commissioner Garrett, I see -- I was thinking you were going to ask a different question, so I was going for a different slide, but I don't have a good one for that one. Yeah. That's correct. So, what -- what we have on -- on these major highways is these access limitations and ITD does try to ensure that the fewest amount of accesses that can be there as possible would be there. There are limitations on that; right? So, if, you know, a property is going to be landlocked, that sort of thing, then, they -- they would give typically a limited access. So, you know, we would anticipate that the hard corner just to the south of us is probably going to get a right-in, right-out on -- on it on -- on Meridian Road. That -- we don't know that, but that -- you know, given our experience we think that's likely to be the case. But overall up and down that corridor ITD policy and city code would both try as a -- as a safety matter to reduce the number of accesses, if that answers your question.

Garrett: Right. I -- I mean I just look at that and I -- I think, you know, you -- you just don't have any opportunity on Meridian Road and if you did it would be dangerous.

Clark: Uh-huh.

Garrett: But I compliment you on this plan. I personally thought it was a good idea and it is close to the fire station as you indicated and the big new development at Discovery Park and the expansion, they have got dog parks, they have got little league fields, they have got soccer fields, they have got any number of things within a short walking distance, so --

Clark: Thank you, Commissioner.

Sandoval: Madam Chair?

Lorcher: Commissioner Sandoval.

Sandoval: For the applicant. So, you are talking a lot -- or you mentioned your neighbors to the south. Is this just a presumption that they want to do fully commercial? Have you had any conversations? Because that's a big assumption in my opinion. Have you had any talks? Have you asked them?

Clark: Commissioner Sandoval, yes, we have spoken with them and they have indicated that their intention is to develop commercial. Obviously, that's not a binding thing. We can't say that that absolutely is going to be the case, but that's what they

have instructed us and that certainly would be the highest and best use for the hard corner of Meridian Road and Lake Hazel, which everyone knows, for better for worse, Lake Hazel is supposed to be the next Chinden; right? So, there is going to be a lot of traffic coming along that hard corner. So, I would be shocked if it was used for anything other than that.

Sandoval: Thanks.

Lorcher: Mr. Smith.

Smith: Madam Chair. Thank you. Like I said, I can appreciate the difficult type of applications that you tend to represent. Someone's got to do them and I'm glad that every inch of Meridian is being looked at for its best and highest use. That being said -- so, I have -- I just have a couple of questions. Could you walk me through I guess how this -- these property boundaries came to be with this -- this western portion, including the hard corner? Was this at one point its own parcel?

Clark: Commissioner Smith, I don't know the answer to that. I -- all I know is it's in separate -- it was in separate ownership at the time we acquired it and the -- the person to the south is intending to hold and, then, ultimately develop. So, I don't know exactly what the -- the genesis of the property -- properties were, though. The -- the Rawson being the -- the natural divide, I would expect that they have been in separate ownership for a while, but I don't know that for sure.

Smith: Madam Chair?

Lorcher: Commissioner Smith.

Smith: Thank you. An additional question about the easement. Trying to just kind of imagine what that could be built out to be as a crossing, that location, and its location on that kind of curved street doesn't quite make sense to me. I guess my question is in an alternate configuration, one that maybe looks -- looks different than this, do you anticipate that easement could be positioned somewhere else along the Rawson perhaps in a way that might facilitate better kind of cross-access? You know, I guess it -- what I'm asking is if you have the entire property to -- to go in one would that easement potentially live somewhere else?

Clark: Yeah. That's a -- that's a good question, Commissioner Smith. So, there is a couple of different things going on there. So, the -- the reason we picked that location was because of sight distances to try to meet ACHD policy. So, we put it at the location where you are not going to have those 90 degree turns that make it difficult to get an access. The other issue is that -- and you guys know we have had -- I have probably had five or six applications in front of you guys that have been along canals and one of the things we deal with when we are developing along canals is block length and having 45 degree angles streets, all that sort of thing, and, then, the other thing that drives this is that we have this kind of short distance north to south, which means that we have got

to have some east-west roads coming down and so between the block length limitations and the need for those east-west roads, it makes it very difficult to put that connection really anywhere else. The other issue, Commissioner Smith, that I would foresee is that if this develops to the south of us -- you call it a -- if it's a big box or a -- or a large convenience store or something like that, if you put that bridge in the middle it's probably going into the back of the employee parking. Whereas we were thinking that if you have it over here to the side near the -- near the open space that that probably helps to integrate into something that could be more functional for that kind of mixed-use concept. Dropping it into the back of the building didn't make sense to us.

Smith: Madam Chair?

Lorcher: Commissioner Smith.

Smith: One other question. I think there was one slide that you had that talked about the future allocation for other parcels of what residential could be within the mixed-use. Yeah. Right here. So, if I'm reading this correctly, basically, in regards to the percentage of the area that can be residential, is this essentially stating that we are almost limiting the rest of the mixed-use to 44 acres of residential or, you know, basically 20 percent of their area. It would -- not -- not per code. But is that the idea that we are allocating additional residential here, so that we would have less residential of these other properties?

Clark: Commissioner Smith, what we were trying to do with this drawing -- and, yeah, I should note that I think staff doesn't agree with our interpretation of this, you know, with the idea of the arterial bisecting and now suddenly we have a mixed-use area that lives unto itself and you can't consider anything else. Frankly, I don't think that's a realistic way to consider a mixed-use area that covers all four sides of this -- of the -- of these major intersections, but I will -- I will set that aside for now. But what we were trying to do was try to provide folks with some assurance that this is a relatively small portion of the mixed-use area that is not ideal for commercial development, but yet you still have significant areas that could be devoted to commercial and -- and still achieve the -- the overall goals. So, like I would note that across the street from us that property that's north of the Rawson probably is going to end up with having some of the same conversations we are having here, because it's probably not going to -- it's also going to probably be access constrained. So, there is going to be these kind of flexibility type conversations that are going to be coming as you look at applications within this area and we just kind of wanted to give you the larger context, because we think it's too myopic to just look at those two properties in isolation.

Smith: Madam Chair?

Lorcher: Commissioner Smith.

Smith: Yeah. I -- I appreciate that. I think, you know, even if -- even if I'm taking the dispute with the staff around the arterial bisecting out of the picture, I'm just imagining a

future hearing where say that site on -- on the southwest and we are full -- Full Gospel Slavic Church is, coming and saying, hey, we have a lot of residential near us, more right across from this big box, for whatever reason we want to have a higher ratio of residential in our mixed-use, but look at this northern property there is 79 acres here. We can put more commercial and less residential there. I -- I guess my concern -- and I'm hoping you can speak to this -- is that we are looking at, okay, increasing the residential here for a reason and if they come to us -- you know, this future developer down here comes to us and says, okay, we actually want to increase the residential here for a reason, it's kind of putting it all either on the back burner of -- the final applicant either has to have a lot more commercial or we have to accept that our residential to commercial ratio is just going to be out of whack for the area and I think neither of those two outcomes are ideal and so that's the concern. If you could speak to that, how is this not just putting that on the back burner.

Clark: I get that. So, Commissioner Smith, I -- I understand the concern. The -- the point of this drawing was to try to give everybody context as to what the outcome is and where the -- you know, where the residential would be, where -- where we expect the commercial would be. Two points in response to your question. One is, first, the Comprehensive Plan is a general guide and, second, that needs to be evaluated on a case by case basis for each property and so in this case we are not asking you to kick the can and move the commercial to some other property just because that's our basic preference. We are asking you to look at this and say, okay, we think that this satisfies the Comprehensive Plan, because you have got site constraints, but you still have done the X, Y and Z, including, you know, the pedestrian connections and orienting the open space next to your neighbor and so under these, you know, facts, you -- we think that you have done enough to -- to satisfy our inquiry. The -- and -- and anybody, you know, at the -- at the Full Gospel Slavic Church -- if that property were to go they would have to jump through those exact same hoops. This isn't a precedent for anyone else.

Smith: All right. Thank you.

Seal: Madam Chair?

Lorcher: Commissioner Seal.

Seal: Yeah. The -- I mean -- I mean what we have been presented here -- I appreciate how this is locked in here. So, I mean I don't want that to get lost on here. I like the fact that of all the amenities you have, the open space leaves a little bit of -- a little to be desired as far as the placement of it in -- in my opinion. The bridge location as far as using that as an argument, because it's so close, I mean it can be moved. Does it make sense to move it to where it might be in the back of a business? I don't know. But like you said, we don't know what's going to go there and what's the best use of this property as a whole without taking anything else into consideration for the mixed-use regional portion of this. I mean the mixed-use piece of it doesn't have to be commercial and I think that's kind of what is being missed here. It doesn't have to be commercial, it just has to be different. It has to be something else. So, why is it just exactly the same

as the rest of the property that's -- that's in this application. Why can't it be different in such a way that it actually blends in with the property that is going to be to the north and has a better use of, you know, overall for other types of uses.

Clark: Commissioner Seal, I'm not sure I understand the last part of your -- of your question. Like at the -- but let me give a shot at it and see how it goes. So, yeah, commercial is definitely a shorthand. You know, when I -- when I say commercial I also think, you know, if I have three quarters of a million to invest in a -- in an office -- a small office, I don't want to put it up behind a soundproof wall and a berm over on Meridian Road and it is over at Meridian that we are talking about that is the -- the area that's subject to this mixed-use regional conversation. So, I -- I think that's a -- probably a distinction without a difference in terms of commercial versus office versus whatever. With regard to the mix of housing types, we have single -- single family detached and two story, one story. We have considered whether additional types of single family would make sense. As you guys know, this development group does a lot of this across the -- across the city. So, for example, a townhome -- you know, in our view a townhome doesn't really create a -- you know, a significant difference in terms of the look and feel of the neighborhood. It's going to cost just as much to build and it's not going to sell in the same way, because folks are going to prefer to -- if they are going to spend that much they are probably going to go somewhere else or they are going to go for the house that costs the same, but has its own detached yard. And so in our view it's -- it's -- it's a marketability question to go with it. Just trying to be realistic in terms of trying to get something that could go to the market and be successful. So, I hope that got to the various elements there.

Seal: Yeah. Madam Chair, it's -- and -- and he -- yes. Kind of. I mean -- I mean it -- it just seems like you are -- you guys are very very rigid about what you are going to put in there. Period. Whether it's based on money or trends or whatever that looks like it just -- it seems like that this is it and you guys you are just unwilling to budge on that. So, it's going to be this type of housing and that's it. And, then, there are no other alternatives. I mean there is, you know, work-live, you know, opportunities that could take place in here for people that don't necessarily need that road front, you know, signage and exposure and things like that, that there is there -- there are other opportunities that could be had in here. So, to just have the argument be as rigid as it is to have this kind of density and mixed-use just doesn't make sense to me.

Clark: I understand. And, you know, certainly as the -- as the recommending body if you would like to make a recommendation along those lines we are happy to consider it. We kind of have to live in both worlds; right? We have to live in the world of -- of -- the kind of theoretical comprehensive plan and we also have to live in the world of what can be sold and that's where we live.

Seal: Understood. Thank you.

Lorcher: And with that in mind the current zoning of R-4 is not marketable?

Clark: Madam Chair, that's a very good question. The -- the development of the property that we are proposing is intending to try to make this consistent with the Comprehensive Plan designations, which is also consistent with the development agreement requirement to consider the Comprehensive Plan whenever you come in and suggest a rezone. So, with that in mind, given that it's a mixed-use regional Comprehensive Plan area, we propose the R-15 and -- and with -- with that we have a minimum density across with all the different machinations of six and we -- we stayed pretty close to that low end, because I think we are at six and a half. So, that's the thought processes is that we are trying to acknowledge and respect what -- both what's in the development agreement and what's in the Comprehensive Plan.

Lorcher: One more question. For Skyranch -- and I know this has nothing to do with you. What is to the north of you along Meridian Road? Is that another subdivision?

Clark: So, north of us there is vacant land that is comprehensive planned low density residential.

Lorcher: Okay.

Clark: So, that's part of -- you know, when I mentioned that we have these various site constraints on all sides --

Lorcher: Right.

Clark: -- it's a little bit out of place to have a mixed-use density comp plan designation next to a low density designation and so that's why we feel a little bit of whiplash when staff says, okay, put in lower density stuff up there, but hit the mixed-use, you know, numbers and it's -- it's tough.

Lorcher: So, is there any physical constraints on the north end of the Skyranch property? For example, you have the lateral on the south -- south part. Wasn't there actually some topographical -- like hills or is it just all flat land between you and the next parcel going north?

Clark: I don't think it's -- I don't think there is any hills and there is no significant topographical issues.

Lorcher: Okay. Thank you.

Smith: Madam Chair?

Lorcher: Commissioner Smith.

Smith: Question for staff, Kurt, applicant. I recall in -- in previous applications on other issues we had examples where say there was a development that was straddling say R-4 and R-8 in order for the sake of maybe transitional kind of space the code allowed for

developing of some of the R-8 and R-4 and vice-versa, it's like leading to some percentage. Is there anything in code or is there anything in the comp plan that would -- would limit the ability to do something similar with this R-15 and the mixed-use residential on this -- this -- this side? I'm -- because a lot of what we are talking about with the mixed-use residential is this is the Rawson kind of creating this -- this natural barrier and I'm just -- I'm seeing some -- some less disruption on that medium high density residential side. I'm just wondering if there is a feasible alternative to where you can incorporate some of that mixed use, shift it over into that R-15?

Parsons: Madam Chair, Member -- Members of the Commission, if I'm understanding your -- your question correctly, you are asking whether or not there is a possibility of floating in addition -- a designation across a different land use designation I think is what you are asking. So, yes, that -- that is possible. The comp plan allows you to float up to 50 percent, but it's -- it's the larger of the two and I believe the mixed-use regional is the larger of the two. Or is it about the same? Okay. Well, then -- then there is a potential to do that as well and that goes to some of the -- some of the other comments I want to share on some of the discussion that the applicants had with you. So, a couple -- couple clarifying remarks if I may. One is if -- if commercial was provided along Meridian Road there would not be a requirement for sound attenuation. That's -- that's only a requirement if you have a school, hospital or residential. So, again, if you were to pull up the plan there and let's say, for example, you see where that westernmost stub street is stubbed to the north there, if that were to stay office and L-O and, then, the residential transitioned, you wouldn't be looking at that sound attenuation. So, you are not blocking off the commercial business. The other -- so, I just wanted to provide that clarification. It's only required because the applicant is proposing a residential zone up against it. Whether it's R-15 or R-4 there has to be no sound attenuation, that's -- that is the code. That is accurate. And he is -- he is very -- he is correct that access is very limited on this roadway and it will be for the foreseeable future and we are processing an application on the southern portion of Lake Hazel, so I just -- can't go into too many details with you, because it is a pending application. So, as you mentioned that is accurate. What we are -- what we are working with them on. But as you all know, the other thing that I would like to share with the Commission is what's difficult and we hate -- I -- I agree with the applicant, he has some very valid points tonight, but the difficulty is is we just modified our mixed-use standards to make them hopefully easier to understand and incorporate them into these mixed-use areas. But, obviously, when you have a plan it doesn't always take into all the site constraints that could come with in-fill or these types of developments with canals, limited access. We try to do the best we can with goals and policies to give applicants flexibility. That's where staff in this particular case -- and I think we have had enough conversations with the applicant offline on this, but that's what we are really challenged here is with us being so rigid in the code saying you have to look -- we have to look at this 36 acre mixed-use regional area. We can't look at the other surrounding areas. This particular site, 24 acres of the 36 is residential. So it's already exceeding the -- the ratio of that residential use allowed by the comp plan. So, all of those -- and, then, just the integration with commercial and not giving us a concept plan, all the things -- of these things coming together, that's why it's difficult for staff to say, yes, this works and that's why we have made the

recommendation that we have. It's not that we don't disagree with the applicant and their points, because they are valid. This is a very limited site and that is a big canal, but ultimately staff has to look out for the public's interest and we have to make sure -- and that's why it was very critical when we modified those mixed-use standards. We had some general mixed-use policies and, then, we had what we wanted to see in a mixed-use regional area and so those two areas combined to give you the integration, the pedestrian -- it's -- it's more than vehicle connection, it's pedestrian integration, and when we are forcing people out onto an arterial at a signal to go off on Lake Hazel and turn back into a commercial development, that's not, integration, that's forcing more traffic on an arterial and that's what the mixed-use policies say don't do. That's why it's critical that we have the interconnected roadway. So, again, when we talk with the applicant I could see them -- the mixed-use is almost reversed on it. They should actually be Meridian Road the commercial and, then, transition to the -- to the east with your residential and, then, hopefully someone on the low density residential above will float the mixed-use designation on their front edge and get more office and, then, you do have another access to potentially Meridian Road through Shafer View Estates. So, there is ways to do it. We just don't have the plans or the information to show that proves to us that it does work and that's why we are taking a pause and we have recommended what we have.

Lorcher: Thank you.

Clark: Madam Chair, if I may.

Lorcher: Yes.

Clark: So, you know, part of the challenge that we are having is that some of the -- the things that staff is asking for don't make sense to us; right? So, like Bill's comment just now -- and -- and Bill and I get along great. We complement each other on our shoes all the time, so -- but when we say that something about our mixed-use development requires folks to drive across the street to get to other commercial developments just because we didn't do whatever doesn't make sense to me. We are providing the regional pathway on both sides. There is going to be an intersection. There is going to be a light. There is going to be a low stress crossing there. Another piece that I would just mention is that the standard I have got on the screen right now survived the update of the mixed-use requirements from earlier this year. It existed before. It exists now. So, even with the update to the mixed-use standards in the Comprehensive Plan, we always have considered access limitations in determining whether this makes sense and, then, the last when we talk about looking out for the public, looking out for the public also means that we take a reasonable and practical interpretation of the facts and circumstances at the time that recognizes the investments in the private property rights and balances that with what staff would like to see in terms of the kind of hypothetical planned community as it might turn out to be and so looking out for the public isn't just upholding a plan that, you know, I think has a -- as you guys know every Comprehensive Plan is Rorschach test, but looking out for the public is not just that, it's

looking out for the private property rights and making sure that we are taking that into account when we evaluate these things.

Lorcher: Okay. Thank you.

Clark: Thank you.

Lorcher: Madam Clerk, do we have anybody to testify on this application?

Lomeli: Madam Chair, you have Sean Lanahan.

Lorcher: Can you come up? Did you want to speak or no? No? Okay. All right. Did you have any other comments? Well, I guess I should ask is there anybody else on Zoom or in Chambers?

Lomeli: Madam Chair, I have an Emily Shavers that signed up. I'm not sure if she would like to testify.

Lorcher: Is Emily here? Okay.

Lomeli: Madam Chair, that is it.

Lorcher: Did you have any other comments before we close the public hearing? All right. Can I get a motion to close the public hearing, please?

Smith: So moved.

Seal: Second.

Lorcher: It's been moved and seconded to close the public hearing on Skyranch Subdivision. All those in favor say aye. Any opposed? Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Lorcher: Anybody like to start?

Smith: Madam Chair?

Lorcher: Commissioner Smith.

Smith: Yeah. I -- it's never an easy yes or an easy no when -- when Mr. Clark is the applicant -- you know, stating his case. I understand and I agree with a lot of the challenges of the location. One of the things that I -- I really struggle with is the concept of there being kind of crosswalks for pedestrian access. To me doesn't necessarily mean that there is always safe pedestrian access. I -- I'm -- I'm -- I -- I think back to -- I think it was a year ago on Ustick and Cloverdale where I believe a young mother was hit

and killed and I think there is some questions about, for example, I don't believe that -- I think that's actually in -- in Boise's jurisdiction, but there are some questions to me if intersections like that are safe and I think when I think about serving community, I'm thinking about things like that. I'm thinking about how we handle the future in-fill issue this might create on that southern -- southern boundary. I'm thinking about just the difficulty making this transition in any direction and I understand that this is something that the applicant has worked hard to -- to address. But I -- I think this is an issue for me where -- where I don't know if I can support -- I don't -- I don't think I'm there. I'm not enthusiastically opposed to it. I -- I see a lot of the effort and a lot of the care that -- that went into the application, but I just -- there are too many issues at the moment regarding easements, you know, potentially floating, you know, all kind of the -- well, the comp plan doesn't really mandate that kind of -- kind of issues that -- that I think it's just too much for me to support at the moment. I -- I do think something in -- in -- in the future that might look somewhat similar to this could -- could be a great application, but I think at the time with all of those kind of surrounding issues there is just too many of them at the moment for me to support.

Lorcher: Thank you.

Seal: Madam Chair?

Lorcher: Commissioner Seal.

Seal: Yeah. I appreciate this -- this is going to be a -- it's going to be a tough one to -- to develop for all the reasons that Mr. Clark brought up. So, it's going to be tough and -- and I don't know that it's fair necessarily that the connectivity portion with the canal being there -- I don't know that it's fair that we expect that of the applicant. That said that is what is required for this, so that's, you know, unfortunate for this piece of property. I would like to see -- I mean if there is -- you know, if the applicant were amenable, to be honest, I would like to see some kind of blending of, you know, mixed-use -- you know, switch some of that out in order to provide for, you know, more of a mixed-use type development to go in across the board. I mean the mechanism is there to do that, so that way we don't have -- you know, essentially, we are taking an R-4, we are going to an R-15 and we are just packing everything that we can in there possibly, you know, when -- when you have really long drive aisles and seven shared driveways you are packing everything in there you possibly can. So, that's tough for me to swallow. So, I -- I would like to see, you know, something happen at this location, simply because I think it is going to be hard to develop and I think this is close to something that we might want to see go in there, I just don't think this is what it needs to be at this point in time. I mean I can appreciate where it's -- where it's at and -- and -- but I just -- I'm -- I share Commissioner Smith's sentiment that I'm -- I'm just -- I'm not there with it. Thank you.

Garrett: Madam Chair? Yeah. I'm -- I'm contrary -- contrary to their opinions. I'm familiar -- as I said, I go by this at least once a day sometimes multiple. It's a tough intersection and it is -- Lake Hazel's being developed into five lanes and it will have a lot

of traffic. You know, whether someone is hit by a car I don't think we can hold Mr. Clark that -- that -- you know, that's fate. But the fact that this has many amenities already present -- I think it's suffices to do with what he is given on this and you have no access on Meridian. I mean the speed limit says 55 and I -- I think it's 20 percent of the people do that 80 percent far exceed that and so you are limited on Meridian and, then, Lake Hazel is going to be a five lane road, so it won't be -- have the exact constraints that it did when it was a two lane road. It will have traffic dispersed over a greater area and that should be finished any day now. I look at it and I think that this development is well conceived for -- given the constraints that you have, the physical constraints, and -- and I just don't know how you would ever put any type of business in there. You just -- there is no visibility. You would have to be a destination business that everybody knew -- knew about and there is no signage. Nothing. So, I think being a residence is about the only thing you can do.

Lorcher: Thank you. Mr. Sandoval, do you have any comments?

Sandoval: Madam Chair, yeah. To me the biggest issues are the cross-access and I know you said the additional expense of having that extra bridge likely wouldn't be worth it, but in my mind I'm thinking, okay, so that area to the south -- say we -- we go with your plan. It's all residential R-15. Business to the south. So, a family's got to go -- that's 600 feet, that's not a big deal, then, than they are on Lake Hazel, which is, obviously, a very large arterial street. So, I think just safety wise that's a huge issue and I don't think there is any amount of money or resources really that would pay for even the possibility of an accident on a road like that. So, the interconnectivity to me is the biggest issue, not so much the residential, it's so hard to integrate other uses in there and I understand maybe a better way to go about this, as staff suggested, is to put an application to modify the comp plan. I think that's a reasonable accommodation, but as it sits, yeah, I can't support this.

Lorcher: Yeah. I -- I feel like the density for the south -- south Meridian is -- is -- is too high. The -- the private streets with all those houses kind of crammed in there, it just seems -- you know. And I understand that you want to be marketable and you have a product to sell and townhouses are going to cost the same as the other, but I think there has got to be a -- a good compromise for redesign to be able to have maybe -- if it is a commercial or office more on Lake Hazel side, since it's going to be -- or somebody pointed out the new Chinden and less density for the transition for the other subdivisions that are around it. So, the way it's designed right now I -- I won't -- I cannot support it either. Commissioner Smith, did you have any other thoughts?

Smith: Madam Chair, just a motion if --

Seal: Madam Chair?

Lorcher: Commissioner Seal.

Seal: Just real quick and -- and this -- just off of what Commissioner Garrett had said, I just -- I mean even in opposition you kind of help make my point and -- and that is there is a massive amount of connectivity that's going on as far as the major arterials here. So, if they were to switch up the mixed-use for some of the residential and redo that and bring that down onto Lake Hazel Road, that to me makes way more sense, because there is a lot of exposure there. As far as the ten foot pathways, I struggle with why we put those right on the major arterials here. So, I wish we would follow other communities and, you know, park them back a little bit, so that they are -- they are just a much safer way to go about that as -- as it would be, because I think that the -- I'm -- I'm glad to see that the ten foot pathways are coming in. They make a lot of sense. Especially for people like me that like to bike everywhere and I'm -- you know, hopefully they will continue to do that and make them more protected, especially on, you know, major arterials and intersections like this and, then, as -- as far as -- if they were to swap some of the mixed-use and residential areas, I think they could do it in such a way that the bridge, then, makes sense and ties in better to what may be commercial property on to the south of them, as well as allow them to have, you know, better lot alignment with the -- with the property that's to the north of them. So, again, I mean it's a really tough piece of property to develop, but I think being rigid in that it can only be this and it's because it's -- it can only be like this and it can only be because of our access limitations is not accurate. Thank you.

Lorcher: Thank you. Commissioner Smith.

Smith: Madam Chair, after considering all applicant -- all staff, applicant and public testimony, I move to recommend denial of File No. H-2024-0022 as presented during the hearing of October 17th, 2024, for the following reasons: A lack of mixed-use and compliant with the spirit of the Comprehensive Plan. Limited connectivity -- limited interconnectivity. Limited transition space from adjacent properties and pedestrian safety concerns.

Seal: Second.

Sandoval: Second.

Lorcher: It's been moved and seconded to deny application 2024-0022, Sky ranch Subdivision for the reasons mentioned. All those in favor say aye. Any opposed?

Garrett: Nay.

Lorcher: Motion passes. Thank you.

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

9. Public Hearing for Touchmark Office Building A (H-2024-0045) by Conger Group, located at 3526 E. Louise Dr.

- A. Request: Conditional Use Permit to construct an office building on 0.504 acre(s) in the L-O zoning district.

10. Public Hearing for Touchmark Office Building B (H-2024-0046) by Conger Group, located at 3512 E. Louise Dr.

- A. Request: Conditional Use Permit to construct an office building on 0.514 acre(s) in the L-O zoning district.

Lorcher: Commissioners, are we still good to go? Keep going? We are going to do a two'fer again. Applications 0045 and 0046 for Touchmark Office Buildings, A and B. We will begin with the staff report.

Napoli: Good evening, Madam Chair, Members of the Commission. Items No. 9 and 10 on the agenda are the conditional use permits for Touchmark Office Buildings A and B. The applicant is requesting two conditional use permits, one for each property, to construct two office buildings, one being 4,760 square feet and the other being 4,534 square feet in the L-O zoning district. So, as shown on the screen the existing zoning is L-O and the FLUM designation is mixed-use community. Office buildings are typically a permitted use in the L-O zoning. However, the subject properties have the conditional use permit that was approved in 2005 for the previous applicant to develop a property in a mixed-use retirement community consisting of residential dwellings, medical offices, commercial retail businesses and senior community center. The CUP requires all lots within the scope of this permit to receive a detailed CUP approval prior to developing the property. This is the reason why we are processing two CUPs tonight for otherwise a permitted use. To align with the current development staff conditioned the applicant to enhance landscaping between the building and along the eastern buffer. Goal 2.09.02E of the Comprehensive Plan emphasizes the importance of consistent landscaping standards for developments. Therefore, staff is invite -- advising these improvements to be included with the certificate of zoning compliance and design review applications. So, these are the two landscape plans. The original one is on the left that was submitted and this is the revised one. The yellow highlights are what was added. So, staff did talk with the applicant regarding the condition and the applicant did make a slight change. You guys are the -- the decision making body on both of these CUPs tonight, so if you think that that is an adequate change for landscaping you can approve it that way. If you want to ask for more or you want to strike the condition altogether you can do that. You know, staff is recommending approval with conditions and main condition being the one you see on the screen right here and, you know, we did receive written testimony from the applicant and I will stand for any questions you guys have at this time.

Lorcher: Would the applicant like to come forward? Good evening.

Lopez: Good evening. Marcel Lopez. 4824 West Fairview Avenue here for the applicant. I want to thank Nick and Bill for their assistance through this process. So, we had a little presentation here. If we can get that. Nick's working on that. So, Nick went

through the -- the details a little quick here, but just a little more background. So, as Nick indicated, these are two Lots 9 and 10 of the Touchmark Center Subdivision. The subdivision was platted back in 2007. These lots have been vacant for the duration of time that the plat was done. We are proposing to do, as Nick indicated, two separate detached buildings, one approximately 4,500 square feet and the other one 4,700 square feet and these are just samples of the elevations. We have provided a little bit of variation between the -- the two buildings just to add for the aesthetic value. There were actually three versions of the landscape plan that we went through and this is the revised one that was submitted to staff on October 15th. As Nick indicated we did add some additional plantings to the backside of these buildings on the east boundary based on their comments in the staff report. The challenge here is that even though we have set these buildings ten feet off the boundary line, the L-O allows for a zero lot line, but there is really not much room back here. In addition to the air conditioning units that are located on the back of the building, there is also existing pressure irrigation. There will likely be some power line utilities that run through that section there, as well as gas lines. So, we are requesting that the conditions be modified that -- the condition be removed or this plan be approved and accepted. Thank you.

Lorcher: Commissioners, do we have any questions for the applicant at this time?

Smith: Madam Chair?

Lorcher: Commissioner Smith.

Smith: Regarding the vegetation, help me understand a little bit. It looks like there is additional vegetation on the north and south ends in a similar kind of footprint. I understand pressure irrigation, power lines, maybe they preclude trees and things like that, but is there anything that is physically limiting, say similar inclusions of shrubs or perennials like you had included on the other slide? Could you just help me understand that a little bit better?

Lopez: Yeah. So, as I said very quickly, in addition to the AC units there is going to be additional utilities that are running along the backside. So, the full ten width -- ten feet area there is not really available and the recommendations for the AC units is to keep those areas clear about two feet around them. So, there is not much space. It looks quite open, but what we have included are these bunch grasses that will grow and they -- they will get about four feet in diameter -- about four feet to six feet tall. So, they will cover quite an area. They don't look great on the plan here, but you can see from the original submission, which is on the -- on the screen here on the -- the left side to the -- to the last revision that was submitted to the staff on the 15th, we have done quite a bit. Overall we have added about 16 perennials, shrubs, grasses and four additional trees based on those recommendations. So, we have tried to accommodate that. The east boundary just -- there is not a whole lot of room and once we accommodate the AC units, along with the additional utilities, there is not much more we can do.

Lorcher: What is on the other side of the back of this building? So, you are suggesting these tall grasses behind the building. There is parking in front of the building. What is -- what's the -- what goes east -- or what's -- what's next? What -- is that -- that's part of your complex as well; correct? Are those empty lots right now?

Lopez: It's a vacant lot. Correct. Let me see. Get back here real quick. Yes. So, Lot 11, which is behind us, currently is vacant. The likelihood is that if it does develop, you know, it would develop -- our back would be to their side. So, we wouldn't be adding anything visually necessarily because they wouldn't be looking out the front of their building.

Lorcher: And what's the one south of that? Is that number 13?

Lopez: Correct. Yes. And that one's also vacant.

Lorcher: And so you would propose that if that was to be developed it would be -- it would also be to the side of this building.

Lopez: More than likely yes, because their access would -- would come from the south there.

Lorcher: Okay. Okay. Thank you. Any questions -- anymore questions for the applicant before we look for public testimony?

Smith: Madam Chair?

Lorcher: Commissioner Smith.

Smith: One quick one. If we could go back to that landscape plan. Could you just help me understand where the AC units are supposed to be? Because I thought I understood where they were going to be, but I think I misunderstood.

Lopez: Yeah. So, let's see if I can. There -- there are the square units along the back of the building. The -- the shrubs -- or the grasses that we added are in between. So, there is three bunches in between. The four square units are the AC units. They are also screened so they will -- they won't be visible. They will have an attractive appealing screening to them.

Smith: Okay. So -- so, where those squares are, they were not included in the original plan, they were included in revision two and the grass between there or isn't -- or is -- they were -- they were included in revision one and the grass between is in revision two, is that --

Lopez: The -- the original -- it's hard to see, but there are -- that you can see the screenings there, the AC units aren't --

Smith: Got it.

Lopez: -- very visible.

Smit: Thank you.

Lopez: We did accommodate for them.

Lorcher: Okay. Thank you very much.

Lopez: Thank you.

Lorcher: Madam Clerk, do we have anyone to testify?

Lomeli: Thank you, Madam Chair. No one has signed up.

Lorcher: Okay. Did you have any other comments? Are you good? All right. Can I get a motion to close the public hearing, please?

Smith: So moved.

Seal: Second.

Lorcher: It's been moved and seconded to close the public hearings for application 0046 and 0045 for Touchmark Office Buildings A and B. All those in favor say aye. Any opposed? Okay. Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Smith: Madam Chair?

Lorcher: Commissioner Smith.

Smith: For staff could we get that language back up on the screen just to understand what we are addressing. And Madam Chair?

Lorcher: Commissioner Smith.

Smith: While that's getting pulled up, at a conceptual level I -- you know, I don't have too much of an issue with this. I think I probably would like to see -- attempt for a little bit more to understand that the space is -- is tough. At the end of the day there are additional CUPs that are going to be happening for the other properties in the area and those can be reviewed for -- for consistency sake. It doesn't seem like there is a ton that is -- is currently in place. I think from my perspective maybe trees and shrubs might -- might be too much for the area, but, you know, I don't know if that the tall grass -- it seems there is -- there is probably a happy medium somewhere in between those two

and maybe usage of perennials or maybe if there are some smaller shrubs that are a little bit less intrusive might -- might blend a little bit. But at the end of the day I think this is kind of all within the same development. I don't think it's going to massively alter the outcome regardless. That's just kind of some starting thoughts.

Lorcher: Okay.

Seal: Madam Chair?

Lorcher: Commissioner Seal.

Seal: Yeah. I think what the applicant has in their revised landscape plan number two is more than adequate, so -- I mean the back of the building is the back of the building. I understand somebody might be looking at it out of a side window or something, but they continue to develop this as more of the commercial element of that -- office buildings and things like that and I don't think that that's going to weigh in on it at all, so -- and -- I mean it's -- because it was -- because it was conditioned as a CUP we are having to modify the CUPs on both properties in order to do this. So, to me it's more of a formality than anything.

Lorcher: Right.

Seal: When -- when Touchmark is putting more buildings on Touchmark Lane, then -- you know.

Lorcher: Right. Mr. Sandoval, do you have any other comments?

Sandoval: I have a motion, Madam Chair.

Lorcher: Okay.

Sandoval: If that's appropriate.

Lorcher: Yep.

Sandoval: After considering all staff, applicant and public testimony I move to approve File No. H-2024-0045 and H-2024-046 as presented in the staff report for the hearing date of October 17th, 2024, with the following modification -- modifications: Acceptance and use of the applicant's revision number two landscape plan.

Lorcher: Do I have a second?

Seal: Second.

Lorcher: It's been moved and seconded to approve Touchmark Office Buildings A and B, conditional use permit. All those in favor say aye. Any opposed? Motion carries. Thank you very much.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

11. Public Hearing for McDonalds at Firenze Plaza (H-2024-0044) by Kimley Horn, located at 3058 Amity Rd

- A. Request: Conditional Use Permit to construct and operate a 4,507 sq. ft. drive-through establishment and restaurant in the C-C zoning district.

Lorcher: All right. We have one more to go. Application 2024-0044, McDonald's, out at Firenze Plaza and we will begin with the staff report.

Napoli: Madam Chair, Members of the Commission, the next item on the agenda is the conditional use permit for McDonald's at Firenze Plaza. So, the applicant requests a conditional use permit to construct and operate a 4,507 square foot restaurant with a drive through within 300 feet of a residential district and another drive through in the C-C zoning district. The site consists of .90 -- .09 of an acre zoned C-C located at 3058 East Amity Road. As you are on the screen, the current zoning is C-C and the FLUM designation is mixed-use community. The original concept plan for Firenze Plaza was done in 2016 and this was the concept plan that was provided as you can see where the McDonald's is proposed currently. There was a drive through shown. So, that has been kind of the -- it's consistent with the original concept plan during the annexation of this property in 2016. The site features two access points on the north side of the property from internal drive aisles between the subject property and Albertson's. The internal drive connects to South Cubola Avenue on the western side of the property. The proposed restaurant features two drive-through lanes that merge into one with a space to queue a total of 16 vehicles, along with an escape lane located on the south side of the site -- outside of the drive through lane. Staff has some concerns about peak hour stacking as it may back onto the drive aisle during hours that may impact neighboring businesses. However staff has worked with the applicant to look at data from McDonald's drive throughs during peak hours and it has alleviated most of staff's concerns. The applicant provided data discussing peak hour traffic for McDonald's in Meridian, as well as explaining of the one hundred feet between the order kiosk and the pickup window is the most efficient layout for McDonald's. If needed McDonald's will direct patrons to park in parking stalls to prevent stacking from extending beyond the means of the site. The proposed hour of operations are 5:00 a.m. to 12:00 a.m. complying with the UDC. Conceptual billing -- building elevations were submitted for the proposed restaurant. The proposed building design includes the following materials: EFIS, brick, standing seam metal panels, parapet metal, wall caps and glazing. Staff recommends incorporation of additional fenestration glazing or banding on the north facade -- or on the south facade, as this is the primary facade visible from East Amity Road. Staff is recommending approval with conditions and has received 26 letters in

opposition now and two letters of support for the project, with the main concerns regarding the smell from the project, property values decreasing, safety, traffic and health of the neighborhood and I will stand for any questions at this time.

Lorcher: Would the applicant like to come forward? Good evening.

Zuzak: Good evening. Aaron Zuzak. 1556 Parkside Drive, Walnut Creek, California. with Broman Development Company. Good evening Madam Chair -- we have a presentation, don't we? A PowerPoint. Sorry. Good evening, Madam Chair and Members of the Planning Commission. Again my name is Aaron Zuzak and I'm with Broman Development Company and thank you very much for allowing me to be here before you guys again tonight. I'm here to request your approval of the Conditional Use Permit application for McDonald's at Firenze Plaza. I'm joined here with one of my business partners Vic DeMelo and he is also with Broman Development Company and he is responsible for organizing all our leasing efforts for this development. And tonight I'm also here with the team from McDonald's to help us with our presentation. We appreciate staff's thoughtful analysis of this project. The project is in full compliance of the conditional use permit criteria and we are in agreement with all of the conditions of approval. We are here tonight requesting this conditional use permit only because the drive through is within 300 feet of the Albertson's Pharmacy pickup window. Broman Development Company is a family-owned long-term operator of retail properties. We take pride in our developments. We are not a merchant transactional developer looking to build and sell our next project. We are here to invest in the community, to provide the best in class grocery anchored neighborhood center and McDonald's will complement the diversity of uses we have brought to Firenze Plaza and it's synergistic with our existing development. The development of Firenze Plaza -- the development of Firenze Plaza has been a long road of approvals and construction, with the Albertson's obtaining the master plan approvals for the development in 2017, with the initial preliminary plat and development agreement approvals in 2019 and Albertson's opening their doors in June of 2022. In 2019 the approved preliminary plat included the development of a fast food 5,000 square foot restaurant on this parcel. Our proposed development is substantially in compliance with a similar shaped building and a drive through layout but it actually is reducing the building size by almost ten -- ten percent. We started our involvement in Firenze Plaza over three years ago and we purchased the property from Albertson's in early 2022 and have since completed the construction of the Albertson's and four additional high quality retail and commercial buildings in the center. We have worked very hard to enhance the quality of the development by bringing the best in class tenants and setting a new standard by enhancing the architectural design of the project. I have spent a great deal of time ensuring that the -- the design theme and the architectural standards throughout the development of the highest quality and we believe you will see that with McDonald's elevations, which are a far adaptation from their prototypical design. We have been patiently working with a number of great tenants in the development whom we believe will provide a variety of options for the residents of south Meridian. We have introduced a diverse number of high quality food options, including a sit down restaurant which is currently under construction in one of our buildings. Take out options. And we are excited to present

McDonald's on this remaining parcel on Amity. We are excited to deliver to the community a high quality project that will serve a variety of needs and can be enjoyed by the neighborhood and community. In this category of use McDonald's is on a select list of tenants that meets our standards of providing impactful community support with the long-term owner-operators involved in this project. I respectfully request the Planning and Zoning's approval of the conditional use permit application. I'm here to address any comments or questions, concerns and Connor is here to finish the presentation for McDonald's.

Candrian: Hello. Connor Candrian. 1100 West Idaho Street, Boise, Idaho. I'm here on behalf of McDonald's and appreciate your time tonight. So, a little bit of timeline of how we got here. In April of this year we had a pre-app meeting with staff. We hosted a neighborhood meeting on August 2024 and, then, submitted our application shortly thereafter. Here we are tonight at the P&Z hearing. So, the site is located near the intersection of Amity and Eagle Road in the Firenze Plaza master planned development. The site is just shy of one acre and is proposing no direct access onto Cubola Avenue or Amity Road. It is within the mixed-use community FLUM designation and in the community business zoning, which a drive through restaurant is an allowed use. Again, the conditional use permit because of the pharmacy window on the Albertson's drive through within 300 feet. The site plan includes a 4,500 square foot one story building. We have three entrance drives proposed for the site. Two of them are two way drive aisles and one of them is a one way drive aisle. We have two drive through lanes with a full bypass lane. We have the landscape buffers along Amity and Cubola Avenue installed with the final plat the Firenze Plaza. The parking required is 18 spaces with one bicycle space. We are providing 21 spaces and one bicycle rack or two spaces. We wanted to add a slide to show the distances from the existing residential at this site and, then, the conceptual elevations that have been discussed to be harmonious with the rest of the materials and design in the development. We feel we are in compliance with the CUP criteria as noted by staff and we agree with the staff conditions and we are here requesting approval of the conditional use permit. We will stand for any questions.

Lorcher: Commissioners, do we have any questions for the applicant at this time?

Smith: Madam Chair?

Lorcher: Commissioner Smith.

Smith: Thank you. I'm just curious regarding the addressing of -- of stacking and things like that with the parking spaces being pulled out -- you know, customers pulling out in the parking space. How many are being intended to be set aside for those -- if it's similar to other McDonald's I assume there is dedicated spaces for those.

Candrian: Yeah. So, this location actually has all the bells and whistles of efficiency for McDonald's. They have -- if you can see the mouse here -- on the west -- or east side of the building you can see cars one and two are in their roll forward positions. That's

fairly new for McDonald's. This window -- this location also has a third window at car three that a vehicle can pull forward to and, then, car four is at the present window. As it was mentioned by staff, we have done studies on peaking at the other locations within Meridian and that peaking was found to be less than what would spill out of this site.

Smith: So, to be clear that the 21 is not including those -- 21 parking spaces that you have are not including those roll forward positions?

Candrian: No. The 21 spaces is just the actual parking spaces on the site.

Smith: Thank you.

Lorcher: All right. Thank you very much. Madam Clerk, do we have anybody that would like to testify?

Lomeli: Thank you, Madam Chair. Yes. The first person we have is LeAnn Hume. Okay. The next person will be Andrea Nilson.

Lorcher: Hi. If you can get your name and address for the record that would be great.
Nilson: My name is Andrea Nielsen. 1461 East Roanoke Drive, Boise, Idaho.

Lorcher: Okay.

Nilson: And I have a little bit of a cold, so, sorry, bear with me. I have been in the real estate industry for 23 years now, so I have worked on developments kind of all over the country. I was in-house with Albertson's for eight years, so I have worked on Albertson's developments across the country. In coming into tonight's meeting I read all of these e-mails. I read the article, too, that came out in Boise Dev that was titled The Stink in the south of Meridian and when you look across the country and you look at the developments there are McDonald's in several grocery anchored centers, not only in the Treasure Valley, but across the country and -- excuse me. Some of the letters indicated that they thought their property would be devalued by having a McDonald's as part of the project and I just think that's an interesting statement, because it's just not true. You go to Eagle, Idaho, there is a McDonald's in the Albertson's parking lot and I think you would be hard pressed to say that your property has been devalued in Eagle, Idaho. So, I just thought it was interesting, because I think in this project particularly we have turned down several tenants because we didn't think they were a good fit for the project. So, we have really put effort into making sure that we have services, nail salon, club pilates, a bank, a dentist. We wanted to make sure we have sit-down restaurants, which is why we have 2,800 square feet that are still vacant there. We are working hand in hand with Albertson's to try to get a few waivers that we need to allow that sit-down restaurant in the other end cap. We have Jersey Mike's, which I think is a healthier option for sandwiches. We have a dry cleaner, which is another service provider. So, I feel like we have turned away several tenants that we just did not think were a good fit for the project and so I just thought it was very interesting when people were so upset about McDonald's, because if you look at their menu they actually have

healthier options if you like to choose them. So, anyway, I just wanted to kind of give my two cents there based on development that I have done across the country. I think it's -- you are never going to make everybody happy, but I think we have done a really good job trying to do that in this development.

Lorcher: Thank you. Madam Clerk.

Lomeli: Madam Chair, the next person that signed up is Vic DeMelo, I believe.

Lorcher: Okay.

Lomeli: The next person is Julie Kissler.

Kissler: Julie Kissler. 1401 South Denver in Boise. And I don't know if we can go back to the slide that showed the distances between -- yep. That one. So, I just wanted to add my two cents to this, because I actually live less than a hundred feet from a McDonald's off of Broadway Avenue in Boise and McDonald's has done a great job with their landscaping and their barrier between the residences between my home and the McDonald's. I don't have any issues with sound stacking. I mean I live off of Broadway and I hear more of that than I do from the McDonald's and there is absolutely no smell and I have been there 24 hours a day -- I mean I have been there when there is football games and the traffic has had no impact on myself and other neighbors in the area that I have discussed with, so -- that was all.

Lorcher: Thank you. Madam Clerk.

Lomeli: Madam Chair, the next person is Kellie Elliott.

Lorcher: Good evening.

Elliott: Good evening. I'm going to move this down a little bit. Kellie Elliott. 4199 South Leonardo Avenue. I actually was quoted in that Boise Dev article that I just saw a week ago, so, yea for seeing that, because I didn't even know there was a public hearing because I did not see the sign until this week. So, yes, I am in opposition of this for several reasons and my comments have already been submitted. But as the young lady -- much respect to her for her experience, she lives off Broadway, we live in Meridian, surrounded by parks, walking paths, pocket parks, a neighborhood elementary school. All due respect to Albertson's and the owners of the development, and McDonald's does not fit in with our neighborhood. And the -- across the street from the site is zoned as residential. So, how does that work when the drive thru is, again, right by residential. That's R-8 designation. I sat in the Albertson's parking lot the other morning just to see what it would be like to visualize -- give an opportunity to see that, well, this drive through thing sounds interesting. I sat in a parking spot so I could see the pharmacy. There was a lady at the pharmacy drive through. It's a very busy drive through, because nobody wants to get out and get their medicine. If that's all they need to go through that drive through. So, Albertson's had a truck blocking the back portion

of the entrance. You could still get into it, but you had to go around the truck, because that's where they unload on that back lot. So, there was a truck blocking that. Car drove around it to get to the pharmacy and, then, another car was coming in, so because that truck was blocking they went down the street in front where those parked cars are, that little outlet street on the -- I don't -- on the other side of the site the same time the pharmacy lady was exiting and it's tight. It is extremely tight and I can't imagine a drive through going in on this corner even as bare as it is right now, just because of the pharmacy drive through, the buffer, the parking and that street that's minimal. Now, I also want to talk about -- I was very surprised to see that ACHD didn't have anything to say. ITD didn't have anything to say, because coming off this roundabout -- and, by the way, the whole C-C is supposed to be encouragement, support, benefit of living, shopping, dining and working nearby, thereby reducing vehicle trips. A drive through does not reduce vehicle trips, it draws more vehicles to that area. So, I thought that was interesting. Also the owners sell for these tenant spots is 23,000 cars a day through that roundabout. So, my time is done?

Lorcher: It is.

Elliott: Okay. I respectfully ask that it be denied. Thank you.

Lorcher: Thank you. Madam Clerk.

Lomeli: Madam Chair, the next person is Brett Shavers. Okay. Robert -- yeah. Sorry.

Lorcher: Okay.

Lomeli: Last on the list is Samantha Hall.

Lorcher: If you would like to testify you will have to come up. If you can give your name and address for the record, please.

Hall: Samantha Hall. 2979 East Ragusa Street. So, I live the closest to where this would be and there are tons of cars in there through the roundabout all the time. The lanes merge -- if you guys have driven -- I'm sure some of you have driven through that roundabout. So, it goes from -- I think it's three lanes, because there is like two coming from the roundabout and, then, they all merge right in that same spot where some of those exits would be. So, you have got -- you are going to have a lot more traffic coming out of the Albertson's area and this drive through area where all the lanes are merging right there as well. It's going to be incredibly chaotic and it's not a good fit for that neighborhood. Not whatsoever. I know you guys are trying to say that it looks classy, but a high quality McDonald's is not high quality, does not fit with that neighborhood. It does not fit with what you guys are trying to do in that whole section of Meridian. Right after that Lake Hazel, you guys are trying to do a lot of pretty stuff off of there. This does not fit. So, that is -- that -- and we actually live there, so that is why we are so concerned about it, because our kids drive through there -- our teenage drivers and our children walk through there and ride their bikes through there.

Lorcher: Thank you.

Hall: Thank you.

Lorcher: Madam Clerk?

Lomeli: Madam Chair, no one else has signed up.

Lorcher: Would the applicant like to come forward and address some of the concerns?

Candrian: Yeah. We would like to speak on behalf of -- maybe the concern on traffic and the concern on circulation within the development. Well -- so, with the circulation on the development, so I want to go back to the original plan and maybe point out the improvement of circulation that we are proposing on this site. Originally the site was proposed with the -- maybe. There we go. As you can see it was originally proposed with the drive through and the parking directly accessing off of that shared drive aisle for the overall development and the site plan now actually has a separation of nearly ten foot wide planter to create separation from that shared drive aisle and pull the McDonald's users into the site, rather than stacking in that shared drive aisle clogging up the rest of the development. In regards of the traffic study, because this was studied as an overall development the original traffic impact study for the site was analyzed as a 5,000 square foot building and now we are proposing a 4,500 square foot building. So, we wanted to show the traffic counts decreased based on that reduction in square footage and as it was noted ACHD did not have any comment on this project because all of the applicable improvements of the streets were done as part of the overall development at that 5,000 square foot. So, those -- those improvements that were already installed would be more than adequate for the reduction in building size.

Lorcher: Okay. Commissioners, do you have any other questions for the applicant before we close the public hearing?

Smith: Madam Chair?

Lorcher: Commissioner Smith.

Smith: Are -- are there any contingencies just generally speaking if say -- say McDonald's is having a really good day and the additional efficiency plans aren't enough, are there any contingencies in place regarding handling that -- that -- that overflow in that scenario?

Zuzak: Would you mind if we actually have the McDonald's folks come up and answer this question?

Lorcher: That's fine. Hi. If you could just state your name and address for the record.

Yagusosky: Sure. Robert Yagusosky. 7105 Fairway Avenue Southeast, Snoqualmie, Washington.

Lorcher: Okay.

Yagusosky: So, in terms of contingencies, I believe that we have already shown the pull forward lanes, which is -- which is what we have those for. We also can route people around to open parking stalls if need be to the point where if it ever got to that. But we have analyzed this and we don't anticipate getting anymore than three cars behind the order points. So, you know, one in -- one in one lane and two in the other, so -- and, then, I think we can fit actually an additional car without blocking the drive aisle on top of that. So, we have put a lot of thought into this, you know, and we believe we have the space to mitigate if we have a really great day like you are saying.

Lorcher: All right. Thank you very much. Can I get a motion to close the public hearing, please?

Smith: So moved.

Seal: Second.

Lorcher: It's been moved and seconded to close the public hearing for application H-2024-0044. All those in favor say aye. Any opposed?

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Lorcher: Before we go forward, Kurt or planners, I would just like to reiterate -- or have you reiterate what we are voting on tonight.

Starman: So, Madam Chair, Members of the Commission, I will start by starting at the ten thousand foot level, which is -- and it's already been alluded to, but this project is nearly fully entitled, you know, at the point of annexation and the concept plan and preliminary plat were part of the development agreement for this property. So, those entitlements are in place. I think it was mentioned in the staff report a restaurant is a permitted use in this zoning district. Really, the only issue before the Commission this evening is a very narrow issue, which is -- and has been discussed previously -- because this is a -- another drive through in close proximity to the drive through at Albertson's for their pharmacy and/or within 300 feet of a residential district, that's the issues before you and so the purpose of the conditional use permit before you tonight is what mitigations may be required -- conditions may be required to mitigate the impacts of this drive through because of its proximity to another drive through and so staff has developed a list of proposed conditions for your consideration. The applicant has indicated that the applicant is -- is in agreement with those conditions and so that's the issue before you. It's a conditional use permit that is very specific to this drive through and only because it's in close proximity to the Albertson's pharmacy drive through.

Lorcher: Nick, do you have anything else that you want to add as far as the conditional use permit?

Napoli: Madam Chair, Members of the Commission, no. I think Kurt did a great job. It's really restaurant is a permitted use in the C-C, so if McDonald's did not want a drive through here and just wanted to put a brick and mortar with no drive through they could have done that without going to the public hearing process. So, really, it is just for the drive through here tonight and, like Kurt said, for any mitigation to your concerns that you might have regarding traffic and those type of things for the drive through. Correct.

Lorcher: So, for those of you in attendance tonight and if you are also listening on Zoom, this could have been, you know, any restaurant, but they announced that it was going to be McDonald's. So, it could have been -- they could have not said what it was. They were good to say a drive through restaurant. And so the permitted use is already there. As a -- as a voting body for a conditional use permit it is not within our purview to say yes or no on the type of food that's going to be offered. Our job is to make sure that they are following the rules of the City of Meridian for the conditional use permit. That is what we have been asked to vote on tonight. It just happens to be a McDonald's. If you don't like McDonald's, if you don't like Taco Bell, if you don't like In-N-Out, then, it's been already approved to be a drive through restaurant. That's happening. So, it happened to be that the developer of this particular organization has decided that the tenant is going to be McDonald's. So, Commissioners, do we have any comments as in regard to this application of what's been put up in front of us to vote on this conditional use permit?

Smith: Madam Chair?

Sandoval: Madam Chair?

Smith: I will defer.

Lorcher: All right. Commissioner Sandoval.

Sandoval: Yeah. Just to address some of the -- the public testimony here, you know, I'm one of those nutty people who thinks that we should have 700 ingredients approved to eat. So, I'm all about health food, but fast food is not on trial here. It's really just that drive through to me and that barrier with that island I think is a great separation. So, as far as the CUP I don't see really any option other than to approve it.

Lorcher: Okay. Commissioner Smith.

Smith: Madam Chair, I echo a lot of that feedback. I also think that this kind of looks similar or all the concerns about Albertson's being near McDonald's, I -- I think immediately to Target on Chinden having a Starbucks. I believe the KFC or an AW there and that functions relatively, you know, adequately. I don't see any issues when I'm -- when I'm there and so -- I mean I'm sure there are growing pains as the

development gets settled, but the plan in place I think is great. I -- I -- I'm happy to see that they are -- they are -- the applicant is embracing technology and embracing kind of new developments with -- with these new kind of windows and these pull forward locations. I think that's -- that's an interesting approach and to know that there is additional fall backs in case, you know, there is a great day at -- at peak hours. I -- I feel happy in supporting this.

Lorcher: Commissioner Seal, any comments?

Seal: Yeah. Madam Chair, I echo what was just said about the -- the drive forward position and stuff and first time I really saw any of those is when I was on the East Coast in North Carolina and they work very very well, so it's good. I mean just to address some of the other comments that remain in public testimony -- on the written public testimony. I mean there is a million things that could have gone in here, so, you know, I mean there is a lot of restaurants that fit the same complaints that are there, so -- I mean I love Los Betos, but you can smell it from quite a ways away. It's a great local restaurant. Don't get me wrong. You know, Sid's Garage, a great place, but you want to talk about noise, holy moly, and God forbid we put an In-N-Out there. So, you know, there is -- there is a lot of things that could go in that might make things a whole lot worse than -- than a McDonald's that's there. So, you know, whether or not it's healthy, that's up to the people that want to inhabit that, so --

Lorcher: I think it works at Cherry Lane and Ten Mile. I think it works at Locust Grove and Fairview. I think it works well at State Street and Eagle Road. You know, it's -- the -- at the grocery stores seem to have a fast food component on the outside. That's not unusual for our community, whether you are on the south side of the freeway or the north side of the freeway. So, in regard to our purview to vote on the conditional use permit that they are following the rules of how it should be, because it's near another drive through, I think they do -- are doing what they have asked -- the city has asked them to do. So, with that in mind, after considering all staff, applicant and public testimony, I move to approve file No. 2024-0044 as presented in the staff report for the hearing date of October 17th, 2024, with no modifications.

Smith: Second.

Lorcher: It's been moved and seconded to approve File No. 0044. All those in favor say aye. Any opposed? Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Lorcher: I will take one more motion.

Smith: Madam Chair?

Lorcher: Commissioner Smith.

Smith: Move to adjourn.

Seal: Second.

Lorcher: It's been moved and seconded to adjourn. All those in favor say aye. Any opposed? Thank you very much.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

MEETING ADJOURNED AT 8:19 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS.)

APPROVED

MARIA LORCHER - CHAIRMAN

_____|_____|_____
DATE APPROVED

ATTEST:

CHRIS JOHNSON - CITY CLERK