

staff has made their presentation the applicant will come forward to present their case and respond to staff comments. They will have 15 minutes to do so. After the applicant is finished we will open the floor to public testimony. Each person will be called on only once during the public testimony. The clerk will call the names individually of those who have signed up on our website in advance to testify. You will, then, be unmuted in Zoom or you can come to the microphone in chambers. You will need to state your name and address for the record and you will have three minutes to address the Commission. If you have previously sent pictures or a presentation for the meeting it will be displayed on the screen and our Clerk will run the presentation. If we establish that you are speaking on behalf of a larger group, like an HOA, where others from that group will allow you to speak on their behalf, you will have up to ten minutes. After all those who have signed in advance have spoken we will invite any others who wish -- may wish to testify. If you wish to speak on the topic you may come forward in chambers or if on Zoom press the raise hand button in the Zoom app. Or if you are listening on a phone, please, press star nine and wait for your name to be called. If you are listening on multiple devices, a computer and a phone, for example, please, be sure to mute those extra devices, so we do not experience feedback and we can hear you clearly. When you are finished, if the Commission does not have questions for you, you will return to your seat in chambers or be muted on Zoom and you will 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 by the applicant -- 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 Commissioners will have the opportunity to discuss and, hopefully, be able to make a final decision or recommendations to City Council as needed.

ACTION ITEMS

- 6. Public Hearing for Prevail North Subdivision (H-2021-0021) by Schultz Development, LLC, Located at 5150 S. Meridian Rd.**
 - A. Request: Annexation and Zoning of 5.63 acres of land with an R-8 zoning district.
 - B. Request: A Preliminary Plat consisting of 19 single-family residential lots and 4 common lots on 5.25 acres of land.

Seal: At this time I would like to open the public hearing for Prevail North Subdivision, H-2021-0021. We will begin with the staff report.

Dodson: Thank you, Mr. Chair. Can everybody hear me all right?

Seal: We can, Joe. Go ahead.

Dodson: Perfect. Thank you, guys. As noted, the first item on the Action Items for tonight is Prevail North Subdivision. It is a request for annexation and zoning and a preliminary plat. The site consists of 5.6 acres of land, currently zoned C-2 in the county and is

located at 5150 South Meridian, which is approximately a quarter mile south of Amity. I will go ahead and share my screen now. To the north is R-4 zoning and an undeveloped city property. There is also -- it's kind of a weird triangle shape that you can kind of see. It's actually a county dispatch tower, which is also north of the subject site. To the east is R-8 zoning and undeveloped land. To the south is R-8 zoning and the Prevail Subdivision, which was approved under the Percy name a couple of years ago. To the west is Meridian Road and further west of that is RUT or some additional R-4 zoning. There is no history with the city on this property until now. The future land use designation out here is medium density residential, which allows three to eight dwelling units per acre. This map here -- I don't know if I have presented it to Commission before, but I use it for Council, but I just wanted to give you guys a bigger overview of the site and what's around it and any improvements that might be there. Currently there aren't any, except for the Amity and -- I believe that's Locust Grove intersection in 2023. As noted, the subject site is 5.63 acres that's being annexed, but the plat is 5.25 acres. It's between multiple parcels -- parcels that are already annexed into the city and the site -- the north is a city-owned property reserved for a future well site and only -- that site currently only has access to Meridian Road. To the south is the 113 lot Prevail Subdivision, which was approved in 2019. It is zoned R-8 and has a future access to Meridian Road via a collector street, which will be constructed along the boundary here. That is both -- that would be this phase -- or I should say Prevail North and the regular Prevail. That would be their only access out to Meridian Road, other than an emergency access. The applicant for this application is the same as that for Prevail, making Prevail North a continuation of that subdivision. Consistent with the future land use designation of medium density residential, the applicant is proposing a density of 3.3 -- .4 acres -- sorry -- 3.4 units per acre. Because this is an extension of the Prevail Subdivision, the applicant is aligning the proposed lots of this phase, Prevail North, with those of the lots to the south to ensure compatible -- compatibility in lot sizes. Furthermore, due to the constraints of the site being deep, but relatively narrow, and having a waterway along the north boundary, the applicant is only proposing homes along the south side of the site. The proposed use is detached single family, with an average lot size of 6,677 square feet and a minimum lot size of 5,362 square feet. The use is permitted within the R-8 zoning district by right. The project is proposed as one phase, but will, essentially, be phase three of the Prevail Subdivision to the south. The revised plat is proposed as 18 building lots and three common lots on 5.25 acres and appears to meet all UDC dimensional standards for the requested zoning district. The applicant has submitted conceptual elevations of the proposed detached single family. Detached single family does not require design review, but the elevations depict a majority of two story homes with two -- two car garages and varying home styles that are noted as traditional, craftsmen, and contemporary. The elevations depict differing layouts of the same field materials of lap siding and stone and varying roof profiles, which overall offer an array of potential home facades. The subject site contains a large section of the Carlson Lateral, which you can see here, and this. The site plan shown before you now has the original position, which would be all this topography here, and, then, the new location here. The proposed location. It is an irrigation lateral that is maintained by the Boise Project Board of Control. The applicant is proposing to both reroute and pipe this lateral consistent with desires of the city engineer for the purpose of benefiting both this applicant and the city-owned property

bordering the site on the north. On further discussions with Boise Project Board of Control and in coordination with Public Works, the applicant is proposing to pipe the entire segment of the lateral on both properties from Meridian Road, which would be the culvert here, almost all the way to the eastern property boundary. Piping this lateral will allow for more buildable area of the subject site and will help fix some of the topography issues for the city-owned property to the north and allow for easier maintenance by Boise Project Board of Control. Staff supports the piping of this irrigation lateral and the proposed plan complies with city code. The proposed public streets are proposed as 33 foot street sections with attached and detached five foot sidewalks, allowing for on-street parking where no driveways exist, including the entire north side of the new east-west street, minus the bulb out, which is right in the center. Attached sidewalks are proposed along the new street, except for along the north where a detached sidewalk and parkway is proposed. Access is proposed via extension of Keyport Avenue, which is currently stubbed to the southern property boundary in Prevail No. 2. The submitted plans show Keyport extending into the site and, then, heading both east and west as shown as Liberator Street and ends in permanent cul-de-sacs at both ends of the site, which is in alignment with ACHD policy. Liberator Street is approximately 908 feet in length from the center of the western cul-de-sac to the east property line. Although the length of the street from east to west is greater than 750 feet in length when you measure it that way, South Keyport intersects this street approximately halfway, which breaks up the block length so there are no code issues with the proposed block length. In addition, UDC 11-6-C3, which is our subdivision design standards, notes that a dead end street cannot be greater than 500 feet in length with an intersecting street or by requesting Council waiver. Because South Keyport Avenue intersects Liberator Street as shown, neither the west, nor the east cul-de-sac is greater than 500 feet when measured from the nearest edge of right of way as code notes. It is -- therefore, it does not require any waiver by Council. It is admittedly an unusual road design, but staff does consider it to be the most efficient design for livability and access when considering the site constraints of the irrigation facility along the -- almost the entire northern boundary and the overall topography throughout the site. Furthermore, there are no homes fronting along the north side of the proposal of the street, which -- which further mitigates any staff concern regarding the length on the north side of the proposed street. The applicant is also proposing two sub streets to the adjacent properties, one to the north property out of the west cul-de-sac, and one to the east out of the east cul-de-sac. The original plat proposed both of these stub streets in the east quarter, which was basically one here and, then, a stub street to the east. But following conversations with Public Works the applicant moved the stub street that is proposed to the north to be out of the west cul-de-sac, which would help with future plans for the city well site and also help mitigate some of the topography issues, because there is a lot of topography on the city site in this quadrant over here. Staff supports the overall road layout and the stub street locations as proposed on the revised preliminary plat. Though there is potential for topography to complicate the future road -- future road extension to the east, staff highly recommends maintaining the stub street to the east for added future connectivity through the Brighton parcel. This recommendation is based both in code and from recommendations of the Meridian Fire Department for better neighborhood connectivity and emergency response access when properties to the southeast develop and, frankly, even as the city property develops to the

north. With a revised landscape plan received following publication of the staff report, their proposed landscaping complies with all UDC requirements and, therefore, staff will strike some of the conditions of approval noted in the staff report following the hearing tonight. This includes landscaping within the common open space lot within the proposed parkway and the landscaping along Meridian Road. Along Meridian Road the applicant is required to construct a ten foot multi-use pathway within the street buffer and construct noise abatement, which requires a berm combination that is at least ten feet in height and -- ten feet in height above the centerline elevation of Meridian Road. The proposed landscape plan shows the multi-use pathway, adequate landscaping, and the required berm allowing noise abatement, therefore complying with all of the code requirements. As noted, the subject site is greater than five acres in size, requiring at least ten percent qualified open space and one amenity. The applicant is continuing the segment of the multi-use pathway as noted and that is going to be within the landscape buffer along Meridian Road and qualifies as a required amenity. Because this plat would be an extension of the already approved Prevail to the south, the applicant has indicated these future residents will be able to use the other amenities and open space within that subdivision. The closest amenity to this phase is an open site with a playground that is south of Keyport Avenue, which for reference this is Keyport and, then, you have the micro path and, then, you have the tot lot with more open space. That is the closest amenity to the proposed subdivision. The minimum amount of qualified open space that should be provided is .53 acres based on the plat size of 5.25 acres. For the revised landscape plan, the numbers discussed within the staff report are not accurate. The applicant is proposing approximately 1.15 acres of overall open space, which is approximately 22 percent, but .74 acres of that area is actually qualifying open space, which is approximately 14 percent. The change that occurred is this fencing along the irrigation. So, now per code and the irrigation district we need to fence off the irrigation easement, which makes that area nonqualifying. That -- that's why the numbers do not match and I will make those adjustments in my staff report following the Commission hearing. Despite being less than previously throughout the proposed -- previously thought -- the proposed open space still exceeds the minimum requirements and staff is still in support of the proposed open space and open space landscaping. There was no written testimony and I made this slide for you guys, just to have a quick little overview. Staff does recommend approval of the requested project with the conditions of approval noted in the staff report. After that I will stand for any questions you may have. Thank you.

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

Schultz: Good evening, Commissioners.

Seal: Go ahead and state your name and address for the record.

Schultz: Matt Schultz. 8421 South Ten Mile. Glad to be here instead of on a Zoom meeting. Kind of flipped a coin and decided to come down and be social. So, good to be here after all that time. It's been a while. So, yeah, this is an interesting -- interesting piece of property. It's a little sliver of property north of the Prevail Subdivision, which we

are -- we just recorded phase one and we are getting ready to pave phase two pretty soon and it's moving right along and got the berm -- not quite landscaped, but built along Meridian Road and we originally looked at this piece a couple of years ago, because it was pretty obvious why not buy it when it was for sale and, to be honest with you, it didn't make sense given the -- the constrained geometry, the topography. There is about 20 feet of fall from the -- from the north in -- down to the lower end of Prevail, so it drops about ten feet from the city property down to the Prevail North and another ten feet down to Prevail. So, if you can picture there is a third dimension in here as well -- as well as the extensive piping and single loaded lots on one side of the road. It didn't make much sense. Well, about six months ago it was still for sale and we thought, well, maybe it makes sense now with things escalated as they have and what that does is, obviously, it's -- it's a positive enterprise we think right now to move forward on it, but also lets us control -- I was a little bit scared of who was going to build in there potentially if it would have sold in that year that we didn't buy it and who was going to build there and if I would have to come down and protest them and if they were going to do something quirky or whatever, but this kind of solves that problem as well. We know what's going to go there. It fits in and it's going to be in our HOA and we are going to share the -- the PI system and just -- just be one big happy subdivision and kind of clean up what is kind of an odd challenge piece and really clean up that property in line with the city property. We will put in the full fence. We are going to pipe the whole length in exchange for shifting a little bit of that easement onto the city property. We are going to put it right on the property line, the pipe itself. Boise Project Board of Control wants 25 feet either side, flat and graveled, and that's why that fence moved 25 feet into ours and I just sent the Public Works an e-mail tonight that we would like to deed them that extra 25 feet that -- that's shown as that -- that tan area there to the city, because we have no use out of it and if they could park on it or drive on it. It's just an option, you know. Don't have to, but they could, you know. So, that tan area there could -- could be usable by the city later, because it's on the other side of our fence that we don't care about anymore. So, it fits because we have made it fit. We have got the proper bermage, which is an extension along Meridian Road. ITD actually -- the right of way pops out an extra 20 feet from the south end of Prevail to the north, because there used to be a slope down to the fields and they had the right of way out there to catch the slope. Well, we ended up filling it up 15 feet and putting a berm and taking away the need for the extra right away, but ITD wasn't giving it back. In fact, our sidewalk have to wow out, you know, an extra 20 feet to stay out of that right of way. But we are going to landscape the whole thing all the way to the borrow ditch and so in front of this Prevail North there is actually going to be 30 -- I just looked at it tonight and it's not accurately shown. It's actually more I think that's shown here even. I think it's like an extra 30 feet in front of it. So, it will be 55 feet of buffer from our fence of grass and shrubs and trees, 30 feet within the right of way that we don't think ever will be taken away and, then, 25 feet behind it with the ten foot pathway. So, we think it works. Appreciate Joseph's very thorough staff report. We have worked with staff, we have worked with ACHD to get these details finalized for you tonight from what we submitted and we think this reflects a -- an accurate representation of what we are going to build. It's tight, there is a lot of fill, there is a lot of piping, but as an engineer -- or an ex-engineer it's -- it's just good to clean these things up instead of having this awkward little sliver piece that people think they can put a mini storage on it, because that's what it got approved for originally.

So, they can still keep thinking that, but it's access challenged, because you can't get access to it from Meridian Road any longer and so we have provided that down on the south end of Prevail and that road is now in. We are getting ready to put in a turn bay out in the median to -- to make it a left-in only and a right-in, right-out down there at that intersection, so -- and there is that emergency access you can see in phase two going out to Meridian Road just south of the site. That provides a secondary access until Brighton's world continues to develop to the east and connect over to Locust Grove and Lake Hazel and all that. It's the only access you -- we are the first people in and have the only access at the mid mile right now. So, with that I will stand for any questions and I don't think we have anybody protesting us tonight. So, hopefully it goes pretty quick. Thanks.

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

Cassinelli: Mr. Chair, this is Bill. I don't know if you can hear me and if I have got a bunch of background noise or not.

Seal: Go ahead, Bill.

Cassinelli: Matt, what -- what's the fence material that's on top of the berm?

Schultz: It's just -- it's a -- it's a Simtech -- about three times the cost of vinyl. It is plasticky, but it's a -- it's a -- it's filled -- it's filled with foam and it has some -- some noise reduction capability, but the berm that we have that that sits on provides a lot of noise reduction as well. But it's a Simtech composite fence is what it is.

Cassinelli: Okay. So, it does -- it's got a lot more sound than -- sound deadening than a -- than a vinyl fence or something?

Schultz: It does. In fact, I was out there before we built the berm and it's quite loud off Meridian Road, as you can imagine.

Cassinelli: Yeah.

Schultz: When the berm and the fence went in -- I mean, obviously, you could still hear that -- that white noise, but it's -- it was a huge reduction on site in terms of blocking that noise.

Cassinelli: Thank you.

Schultz: Yeah.

Seal: Commissioner Lorcher.

Lorcher: The only question I had was if the lateral -- irrigation lateral is going to be behind your fence why did you discuss to pipe it in?

Schultz: Good question. It's very large and it's on the -- on the top of a hill above us, so every once in a while if it's large and not on top of a hill we will ask for a waiver to not pip it, you just have to leave the easement. In this case it kind of meanders across our site in its existing condition and we wanted to straighten it out, so we could actually -- you could kind of see it in the contours there and we want to straighten it out so we could actually get our road in and some other things. So, in order to do that and to make it safe. It's 48 inches. It's quite large and quite expensive, but it's -- it needs to be done up on top of that hill.

Lorcher: Thank you.

Seal: Any other questions? Okay. At this time we will take public testimony. Madam Clerk, do we have anybody signed up?

Weatherly: Mr. Chair, we do not.

Seal: Anybody on Zoom would like to raise their hand or anybody in chambers would like to come forward? Okay. Seeing none, would the applicant like to come back and close or are we good? Okay. Good -- good move. At this time can I get a motion to close the public hearing for Item No. H-2021-0021, Prevail North Subdivision.

Lorcher: Motion.

Yearsley: Second.

Seal: It's been moved and seconded to close the public hearing on Item No. H-2021-0021. All those in favor say aye. Any opposed? Okay. Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Seal: Okay. Who wants to start us off?

Cassinelli: Mr. Chair, this is Bill.

Seal: Go ahead, Commissioner Cassinelli.

Cassinelli: Thank you. I have got a question and then -- well, I will do my comments first and, then, a question. Comments are I would say perfect -- perfect -- perfect application of a fill that are always difficult to do and, you know, I -- I couldn't have asked for it done better. Like the applicant was saying, we could have had a mini storage or something else that would have brought a lot of opposition to it, but I think this is the perfect use of -- of that little sliver. So, I'm definitely in favor of the project. I do have a -- I do have a question maybe towards staff and that is in a situation where the lateral is piped and the road -- the stub street to the north that would eventually go over that, is there -- is there an additional cost to putting in that road over a piped lateral, unlike a -- I mean if it's open it has to be bridged, which would be a cost to somebody down the road to finish that stub

street. But in this situation are there any kind of issues with putting in a street over a piped lateral?

Dodson: Commissioner Cassinelli, Members of the Commission, I honestly do not know the answer to that. You should ask Matt, he probably would know better than me. My assumption is there might be some kind of additional cost, but that will be incurred by the city and, frankly, the city's getting a deal out of how much piping this applicant is doing already. So, it's -- not to mention that site -- the city site is not going to get developed for probably quite some time. At least five years from what I understand. So, all those costs would be incurred at a later date. But I -- I assume there will be some additional cost on the standard road over no irrigation lateral.

Cassinelli: Okay. Thank you.

Dodson: You are welcome, sir.

Yearsley: Mr. Chair?

Seal: Go ahead.

Yearsley: So, for -- just to help you answer your question, Bill, more than likely they are going to have an appropriate cover over that pipe, so they wouldn't have any issue building a road over that pipe for the future stub out to this city's property. So, I don't see that being an issue. I have to echo Commissioner Cassinelli's comments. When I first looked at the property it looked kind of weird, you know, the way it was laid out, but as you put it with the rest of the subdivision it actually fits really well. So, I think they have done a great job with this and how -- and making that -- not a weird, but just a different size lot to fit in that space and so I think they have done a great job and I don't see any issues with it.

Wheeler: Mr. Chair?

Seal: Go ahead, Commissioner Wheeler.

Wheeler: Joe, I have got a question for -- for staff here. I'm just trying to make sure that the piping is -- is -- the whole canal is being put underground clear from Meridian Road and back underneath the -- or toward the property line of this and moving forward; is that right?

Dodson: Is that Commissioner Wheeler?

Wheeler: Yes.

Dodson: Got you. Thank you. Good to meet you virtually, sir. It -- my understanding is that that is true, because there are some irrigation facilities over here already and that's where it's going to end and, then, they are going to pipe it all the way to the culvert in

Meridian Road. It -- right now you can see it kind of goes along this road anyways, this route when it bends down to the thing, so it's -- it's going to go to there. That's where we have -- the city and say Public Works and the applicant decided that's the best place for it.

Wheeler: Okay. Thank you.

Dodson: You are welcome.

Seal: Would anybody like to take a stab at a motion on this?

Yearsley: Mr. Chairman?

Seal: Commissioner Yearsley.

Yearsley: After considering all staff, applicant, and public testimony, I move to recommend approval to City Council of file number H-2021-0021 as presented in the staff report for the hearing date of May 20th, 2019 -- or 2021 with no modification.

Wheeler: I second.

Seal: It's been moved and seconded to approve Item No. H-2021-0021 with no modifications. All those in favor say aye. Any opposed? Okay. Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

7. Public Hearing for Gem Prep South (H-2021-0020) by Paradigm Design, Located Approximately 1/8 of a Mile East of S. Locust Grove Rd., on the South Side of E. Lake Hazel Rd.

- A. Request: Conditional Use Permit for an educational institution on 5.95 acres of land in the C-C zoning district that proposes direct access via a collector street and where there is not a safe, separate pedestrian and bikeway access between the neighborhood and the school site.

Seal: Okay. Now, we will open the public hearing for Item No. H-2021-0020, Gem Prep South. We will begin with the staff report.

Allen: Thank you, Mr. Chair, Members of the Commission. The next application before you tonight is a request for a conditional use permit. This site consists of 5.95 acres of land. It's zoned C-C and is located approximately an eighth of a mile east of the South Locust Grove and East Lake Hazel Road intersection on the south side of Lake Hazel. The Comprehensive Plan future land use map designation is mixed use community. A conditional use permit is requested for an education institution in the C-C zoning district that proposes direct access via collector street and where there is not as safe, separate