



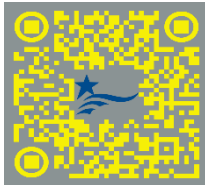
# PLANNING AND ZONING COMMISSION MEETING

City Council Chambers, 33 East Broadway Avenue Meridian, Idaho  
Thursday, May 19, 2022 at 6:00 PM

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## Agenda

Scan the QR Code to sign up in advance to provide testimony.



*Public Hearing process: Land use development applications begin with presentation of the project and analysis of the application by Planning Staff. The applicant is then allowed up to 15 minutes to present the project. Then, members of the public are allowed up to 3 minutes each to address Commissioners regarding the application. Any citizen acting as a representative of a Homeowner's Association may be allowed up to 10 minutes to speak on behalf of represented homeowners consenting to yield their time to speak. After all public testimony, the applicant is allowed up to 10 minutes to respond to questions and comments. Commissioners may ask questions throughout the public hearing process. The public hearing is then closed, and no further public comment is heard.*

### VIRTUAL MEETING INSTRUCTIONS

To join the meeting online: <https://us02web.zoom.us/j/89153921862>

Or join by phone: 1-253-215-8782

Webinar ID: 891 5392 1862

### ROLL-CALL ATTENDANCE

- Nate Wheeler     Mandi Stoddard     Patrick Grace
- Nick Grove     Maria Lorcher     Steven Yearsley
- Andrew Seal, Chairperson

### ADOPTION OF AGENDA

#### CONSENT AGENDA [Action Item]

1. [Approve Minutes of the April 28, 2022 Planning and Zoning Commission Meeting](#)
2. [Approve Minutes of the May 5, 2022 Planning and Zoning Commission Meeting](#)

#### ITEMS MOVED FROM THE CONSENT AGENDA [Action Item]

### ACTION ITEMS

3. **Public Hearing** Continued from May 5, 2022 for Amina’s Daycare (fka Mulonge Daycare) (H-2022-0012) by Godelieve Mulonge, Located at 4175 S. Leaning Tower Ave.
  - A. Request: A Conditional Use Permit for a group daycare of up to 12 children on 0.145 acres of land in the R-8 zoning district.
4. **Public Hearing** for Black Rock Coffee (H-2022-0019) by Tamara Thompson of The Land Group, Inc., Located at 3300 S. Eagle Rd.
  - A. Request: A Conditional Use Permit to allow a drive-through establishment within 300 feet of existing residential.
5. **Public Hearing** for Peak at Sawtooth Village (H-2022-0026) by JGT Architecture, Located at 4752 N. Linder Rd.
  - A. Request: A Conditional Use Permit for a drive-through establishment within 300 feet of another drive-through facility, a residential district and existing residences.
6. **Public Hearing** for Bountiful Commons East (H-2022-0015) by KM Engineering, LLP, Located at 5960 and 5984 N. Linder Rd.
  - A. Request: Modification to the Existing Development Agreement (Linder Mixed Use - Inst. #2018-052340) to update the conceptual development plan and building elevations.
  - B. Request: Combined Preliminary and Final Plat consisting of three (3) building lots on 2.20 acres of land in the C-C zoning district.

## **ADJOURNMENT**



## AGENDA ITEM

**ITEM TOPIC:** Approve Minutes of the April 28, 2022 Planning and Zoning Commission Meeting

**Meridian Planning and Zoning Meeting**

**April 28, 2022.**

Meeting of the Meridian Planning and Zoning Commission of April 28, 2022, was called to order at 6:00 p.m. by Vice-Chairman Nick Grove.

Members Present: Vice-Chairman Nick Grove, Commissioner Steven Yearsley, Commissioner Nate Wheeler, Commissioner Maria Lorcher and Commissioner Mandi Stoddard.

Members Absent: Commissioner Andrew Seal and Commissioner Patrick Grace.

Others Present: Chris Johnson, Kurt Starman, Bill Parsons, Sonya Allen, Joe Dodson and Brian McClure.

**ROLL-CALL ATTENDANCE**

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

Johnson: -- transcribing based on the recording, so I will be the person reminding you to speak in the microphone. I apologize in advance.

**ADOPTION OF AGENDA**

Grove: Thank you. All right. So, we will move on and do the adoption of the agenda and on tonight's agenda we have the Consent Agenda and we have five items on the action items. Could I get a motion to adopt the agenda?

Lorcher: So moved.

Wheeler: Second.

Grove: The motion has been moved and seconded. All those in favor say aye. All those opposed say nay. All right. Motion passed.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

**CONSENT AGENDA [Action Item]**

- 1. Approve Minutes of the April 21, 2022 Planning and Zoning Commission Meeting**

Grove: The Consent Agenda. We have one item on the Consent Agenda and that is to approve the minutes of the April 21st, 2022, Planning and Zoning Commission meeting. Could I get a motion to approve the Consent Agenda?

Yearsley: So moved.

Wheeler: Second.

Grove: Motion has been moved and seconded. All those in favor say aye. All those opposed say nay. All right. Motion passed.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

## **ACTION ITEMS**

- 2. Public Hearing Continued from April 21, 2022 for Alamar Subdivision (H-2022-0004) by Noble Rock Development, Inc., Located at 4380 W. Franklin Rd. (Parcel #S1210346603), Near the Northeast Corner of N. Black Cat Rd. and W. Franklin Rd.**
  - A. Request: Annexation and Zoning of approximately 7.23 acres of land with a request for the TN-R (Traditional Neighborhood Residential) zoning district.
  - B. Request: Preliminary Plat consisting of 42 building lots (22 single-family attached lots and 20 detached single-family lots) and 4 common lots on 4.63 acres in the requested TN-R zoning district.

Grove: All right. That takes us to the first item on our Action Items and we start with the public hearing for -- that was continued from April 21st, 2022, for Alamar Subdivision No. H-2022-0004 by Noble Rock Development and we will pass that over to Joe.

Dodson: Thank you, Mr. Grove. You got me for the first three projects, so let's hunker down and get through it. As noted, this first project before you tonight is Alamar Subdivision. The application before you is for annexation and zoning of approximately 8.23 acres of land of a request for the traditional neighborhood residential zoning district and a preliminary plat consisting of 51 building lots, six common lots and two other lots on 5.63 acres in the proposed zoning. The site currently consists of two parcels totaling -- totaling 5.6 acres. Currently zoned RUT in the county and located at 4380 West Franklin. So, the discrepancy between the annexation and the plat is that the applicant is annexing the Purdam Drain property west of the subject site, so that we don't have any county enclave. The site is designated as medium high density residential on the future land use map and it is within the Ten Mile Specific Area Plan. The MHDR designation allows for a mix of dwelling types, including townhouses, condos and apartments. Residential gross density should range from eight to 15 units per acre and is noted with a target density of 12 units per acre. The proposed plat again consists of 51 residential

units that have a mix of attached and detached homes, which has a gross density of 9.1 units per acre and is consistent with the comp plan. Of the 51 units, 30 of them are single family attached lots and 21 are detached single family lots. Access to the development is proposed via a new connection to West Franklin Road at the south property boundary, which is on the right-hand side here. Access to Franklin is intended to be temporary until such time a future connection is made to adjacent properties. Specifically future access should occur to the east via local street connection to West Atomic Street within the Ascent townhome project to the -- on the east side of Zimmerman Lane, which is not part of this project, and I can expand on that later and a future extension to West Aviator Street on the adjacent property to the north -- northeast. So, back to the bigger image here. It's kind of hard to see, but there is a road here that would align with the proposed stub street here and Aviator is proposed to continue on here and connect here. This application did receive approval from City Council a few weeks ago. I don't remember. It all blends together. Staff has conditions of approval associated with the future road connections. In response to the staff report, the applicant has requested a new or modified DA provision regarding the phasing of the project to include the homes along West Atomic Street within phase one instead of phase two. So, currently phase one stops here and here. Applicant is proposing that if they can get this connection across Zimmerman Lane with the property owner, which is viable at this time, that they would include this area in phase one as well and staff is amenable to that. The termination of the proposed north-south local street at the north boundary, which is again on the left side, deserves some flexibility due to ongoing conversations with the adjacent landowner -- landowner and developer. Staff has included a DA provision to allow this applicant flexibility to revise the road alignment and lot layout in this area only with the future phase two final plat, should they be able to work out a mutually beneficial agreement with the adjacent property owner. This recommended provision does not require that this applicant make any revisions to their plat, but its intent to provide flexibility to the applicant to make any necessary revisions to the plat without having to go through the hearing process for those minor changes that do not increase the number of building lots or drastically change the overall design, but should help with the overall road network within this area of the city. So, the issue is -- long story short, but the property owner to the north does not have an inclination to align the road here, they would like it bent here. Staff just wants the developers to work together, which is why I wanted to offer flexibility there, and because it's part of phase two, we have time to do that and it shouldn't affect much. The proposed plat has a minimum lot size of approximately 2,000 square feet, with an average lot size of approximately 2,762. Includes detached sidewalks and six foot parkways throughout the site. My staff report does note that there are eight foot parkways. That was my mistake. I forgot that they are doing a reduced parkway with route barriers in order to bring the porches of the homes closer to the street. So, I will correct that following the meeting. As noted, the plat is currently proposed to develop in two phases due to the available access. Phasing plan depicts currently 22 building lots that are in the southern half of the site with phase one and the remaining 30 -- no. Twenty-nine, I believe, lots in phase two. Yeah. Twenty-nine? With phase one the public roads terminate less than 150 feet from the internal infrastructure, which means that there is no temporary turnaround required. The Planning Department and the Fire do support the proposed phasing plan and include -- that includes the requested revision, because it would connect to another public road

to the east. A minimum of 15 percent qualified open space is required for projects over five acres within the traditional neighborhood residential districts per the UDC. Based on the plat of 5.6 acres, the minimum amount of open space required is approximately 36,786 square feet. According to staff's analysis of the submitted plans, the applicant is proposing approximately 32 and a half thousand of qualified open space. This area does not meet the minimum. There is potential for the entire common lot of Lot 12, Block 1, to be -- or yeah. Sorry. There is potential for the entire lot counting towards the qualified open space of pedestrian if additional pedestrian facilities are added, the area is improved per the UDC and Nampa-Meridian does not restrict access to their access road. So, again, that's this -- basically is brown area here. If that area is deemed to be compliant with the UDC, then, they will have more than their 15 percent by quite a few thousands of square feet. The issue is that this is a Nampa-Meridian access road, which is usually a minimum of 16'ish feet and it's just gravel or some type of road base, which is fine, but that does not account -- or allow any landscaping. Applicant could do alternative compliance, et cetera, but staff does want some additional pedestrian connection here to help access it here. The other issue, even though it is this property owner's properties, Nampa-Meridian has been known to restrict access to these areas at times. So, that's why staff is concerned with that and is not a hundred percent sure that that area can count. But staff and the applicant will continue to work through that and I do have a condition already in my staff report regarding this potential. So, there is -- staff has handled it and we are working with the applicant on it. With these cumulative revisions the easement area can count towards a qualified open space. So, if these revisions cannot occur, the applicant will need to add approximately 4,300 square feet of qualified open space, which will likely require the loss of a building lot or too. Specific to the Ten Mile Plan, front loaded dwellings are not preferred and if they are proposed, the garages should be set back from the living area facade to help create a more porch dominated streetscape, rather than garage dominated. According to the submitted elevations and floor plans, the applicant has proposed units with garages considerably behind the living area facades. This design provides for a more porch dominated street facade compared to traditional single family residential, which is desired within the Ten Mile Plan. Staff is including a DA provision to ensure this type of design is maintained for the project. Overall with the site design and the home design that supports street-oriented design, staff does very much support the proposed design of the project and specifically with the garages behind the living area. So, I do not have a specific provision regarding the minimum depth, but the applicant has requested that that be added, which is perfectly fine. So, that is, again, a provision that I am more than welcome to add to make sure it's clear moving forward. There was no written testimony on the project as of about 3:30 p.m. Staff does recommend approval of the project per the conditions in the staff report and I will stand for any questions from the Commission.

Grove: Okay. Thank you, Joe. Could we get the applicant to come forward, please?

Wrede: Hello. Name is Jeffrey Wrede with Noble Rock Development. My address is 12805 West Englemann in Boise and I'm here to present for Alamar Subdivision. I'm going to go through these slides. It will probably repeat a little bit of -- or, actually, most

of everything that Joseph just said, but I will go ahead and go through it quickly. Find the page of key --

Johnson: You can use -- the arrow keys work best.

Wrede: The Alamar Subdivision will provide the diversity that is key to Meridian's comprehensive and future use plans, as well as the Ten Mile Interchange Specific Area Plan. These plans stress mixed income, mixed family size and mixed age communities. To balance the surrounding developments in the area, which include three story townhomes and large apartment complexes, Alamar Subdivision will provide a mix of single family detached and attached duplex homes to provide a diversity of housing types in the area. To provide for a successful urban environment a street oriented design has been incorporated. Alamar Subdivision will consist of porch oriented homes, with tree lined streets and detached sidewalks. In front of the homes will be placed -- the front of the house will be placed close to the sidewalk, while the garages will be set back to the rear of the homes. This will provide a home fronting edge to the public space, which will make the streets more friendly and walkable. This slide shows the vicinity map and somewhat indicates the project site and shows the development that's going on in the area. The hatched area is either already developed properties or approved properties or properties that are owned by developers that have either submitted or are planning to submit in the near future. Our preliminary plat showed that we are requesting rezoning to traditional neighborhood residential, with street oriented designing, tree lined streets with the detached sidewalks. Our density is 9.1 units per acre and we have a total of 51 building lots. Twenty-one are single family detached homes and they mainly reside in the southern half of the development and they will mainly be those that are done in phase one. The other 30 lots are single family attached homes in the form of duplexes. The open space in the area consists of a centralized open grassy area. The parkway buffers. A linear open space along the Purdam Drain. Landscape buffer along Franklin Road in shallow drain areas. We have one site amenity which is a bicycle repair station that will be located at the central grassy area, which is, you know, right in the middle of the subdivision there. The lower central image shows a little expanded view of the central grassy area where we will -- we have added a walking path through that which connects to the sidewalk connections across the street and winds through there and connects to the linear open space. You might notice on the left -- it might be a little hard to see, but there is kind of a pinkish purple -- it shows the loops that are going around along the linear open space and back to the sidewalk and through the central grassy area, both to the north and the south, and, then, there is the image in the bottom right corner, which that's the image of -- from Heron River. They have been very successful there in using these linear open spaces with chip rock and it's still viable to the irrigation district there and we have actually seen -- we just finished a development in their last year and we connect to the same open space and we actually see that there is much more activity on this linear area than there are in the actual common spaces. A lot of people walking dogs and, you know, taking daily walks through there, so -- this slide shows the road connections. We have one main north-south road coming through the subdivision, which enters off Franklin Road. As Joseph mentioned, this is a temporary entry that will be closed and/or used as an emergency access only once the other connections to the north and the east are



completed. The road that runs to the east will eventually connect to the Ascent Subdivision and we are -- we have been speaking with the developer of -- that owns that property regarding the possibility of written agreement to allow right of way, so we can complete that ahead of -- ahead of phase two, which was originally planned. Then to the north we show this collector road that's going to be put in to connect from Black Cat to Franklin Road. The little clip in the upper right corner shows this Aviator Street is coming through Aviator Subdivision, which has been approved, and, then, connect down to the existing road -- I believe it's San Marco Way and, then, back out to Franklin Road. The northern exit of this road we originally had straight, but, then, we made it curve to the right per a request somewhat of the Planning Department, assuming that the road connection might be perpendicular to this road. As Joseph mentioned and has added in there, that he is allowing some flexibility in case that road needs to veer to the left instead of the right or meander slightly to help work with the neighboring developer. We are placing a stop sign at the intersection just for traffic calming and because this length of road is more than the 750 feet. As far as the sewer and water, that main are present already off Franklin Road at the south. We are bringing the utilities through the development and providing access to the neighboring lots that are there. Any of the lines that are in a landscaped area will have a 14 foot access area where there will be no permanent structures or plantings to allow access to the manholes and their entry points will only come from within the subdivision and not enter onto Franklin. Streetlights are 250 feet apart per code and one of them is placed right at the open space area in the central part of this subdivision. Fire hydrants are every 400 feet per code. Gravity and pressurized irrigation. Pressurized irrigation, we have had discussions with Nampa-Meridian Irrigation District and they are tentatively preliminarily allowing us to connect to a pump station that exists in the northwest corner off of our property, but they are allowing us to connect to that and, therefore, the irrigation system will be designed per their requirements and also the UDC, of course. There will be no irrigation placed in the right of way. That's an ACHD requirement also. As far as gravity irrigation at the very north boundary of the property there is a small stub drain that currently has a 12 inch culvert in it. We are going to tile that entire north boundary line there, for the road and also to allow more access and reduce the maintenance requirement on that. The easement that Nampa-Meridian Irrigation has is along the eastern boundary. We are going to provide them with a 17 foot wide access. The building pads are located outside of the hundred foot centerline easement and they are going to allow us an encroachment of ten feet into their easement. That was -- will allow us to have the fences and the backyards of the homes slightly into that easement. We have a lot of discussions. We have agreed not to have sheds and things like that placed in that area and, then, the fencing in that area will be -- it's going to be wrought iron open fencing. It will be removable through just sleeving basically, so if they ever have to access their easement they can easily pull that out of there without destroying anything. And, then, again, the -- the actual easement along there is going to be made with road base and, then, covered with 3/8ths chip rock similar to the perma bark. This just makes it more appealing and easier to walk through there. Phasing plan as Joseph mentioned. The lower section, again, which is mainly single family homes, will be completed first, pending road connections to the east or the north and at that point we will complete phase two and Franklin Road will be turned into emergency access only. Fire sprinklers won't be required for phase one. These are basic elevations. Possibilities.

You notice we have front porches on the homes. Garages as setback from the front facade. We are using a mixture of materials, colors, design elements, lap siding, stucco and brick and rock on the front. The single family homes will be three bedrooms and two and a half baths between 1,750 and 1,900 square feet and the attached duplex homes will be two bedrooms with two and a half baths at 1,250 to 1,300 square feet. These are the floor plans, just to show the single family will be -- the three bedroom and will provide the two car garage and two external parking spots. Whereas the attached homes will be two bedroom and so we, therefore, have the single garage space and single exterior parking space. Just in conclusion Alamar Subdivision provides an atmosphere needed for families to live and work in a steadily growing area the Ten Mile interchange, while providing an affordable mix of home types. Thank you.

Grove: Are there any questions for the applicant or staff?

Yearsley: Mr. Chair?

Grove: Yes, Commissioner Yearsley.

Yearsley: Can you -- the little side piece that you have got the -- the homes there? Can you go through how that's going to work? Because it looks like you have got homes along the front and, then, you have got setbacks in the back and I'm just not quite sure how well that's going to work with driveways and access and traffic and it seems to be a little congested back in there.

Wrede: Which portion of the --

Yearsley: Oh, the -- the little cross-street -- yeah. Those back lots in the very back. It just seems you have got four homes in the one and, then, two on the other. They are duplexes or --

Wrede: Yes. So, those are duplexes that come off of a common driveway --

Yearsley: Uh-huh.

Wrede: -- and so we had to meet the requirement of just a maximum of four units and two on each side of the drive. The reason there is only one duplex to the right is there is a possibility that the developer to the north that has the 20 acres is -- he wants to basically deed over -- or give us or not deal with the 50 foot easement that's Zimmerman Road right now. In that case in the future it's quite possible there will be another unit on that common driveway.

Yearsley: So, how -- how wide are your streets? I was trying to see that in the staff report, but it's kind of fuzzy. So, how wide is your --

Wrede: The streets are a standard 33 foot section --

Yearsley: Okay.

Wrede: -- with the detached sidewalks. So, it's a 47 foot overall -- no, I'm sorry.

Yearsley: So, there will be 40 -- there will be parking on both sides allowed?

Wrede: Yeah. Yes.

Yearsley: Okay. That's all I have for right now.

Grove: Okay. Any other questions?

Wheeler: Mr. Chair?

Grove: Commissioner Wheeler, go ahead.

Wheeler: Thank you, Chair -- Mr. Chair. Joe, I have a question. He is -- on this slide here he says that there is 16.5 open space -- 16.5 percent open space here. I thought we were at the 15 percent or less? Can you -- can you maybe add some light to that or --

Dodson: Yeah. Commissioner Wheeler, that's -- he is counting the easement along the drain, which is the area that if that can be counted, then, it will bump them up over. I don't -- because I have a condition in there and the applicant and I are going to continue working through it, I don't want to get too in the weeds -- no pun intended -- but I'm not exactly sure how we are going to get there with it just being an access road that doesn't comply with code as being qualified, but there is potential -- if we want an emergency access -- if we want a temporary access to become an emergency only access on the south boundary, that cul-de-sac can go away and that whole area that's not the road can become open space and I'm sure that's over 5,000 square feet and that would -- there is the required open space. So, that's where the discrepancy is.

Wheeler: Okay. Okay. I'm just double -- just double checking in my mind. And, then, Jeffrey, has -- are there other thoughts that you have had about how to possibly get there if that -- if that --

Wrede: Yes.

Wheeler: -- area and drainage -- how would you -- how would you do that to get to this?

Wrede: So, we originally interpreted the code that states that a linear open space along a waterway or ditch can be counted as qualified open space and so that's where our calculations had that in there and, actually, I think we are -- we are above 16.5, actually. If we can't get this to work, then, we are more than likely going to lose a lot somewhere.

Wheeler: Thought that that's how that might go --

Wrede: Possibly the farthest south eastern home, because we may, then, be able to make that area larger than 5,000 feet through there, which will qualify as another open grassy space in other words.

Wheeler: Okay.

Wrede: Else we may take, you know, one of the duplex lots at the top, which will increase that area to the northwest.

Wheeler: Okay. Thank you.

Grove: Any other questions from the Commissioners? All right. Thank you. We will open it up for public comment now. You are welcome to sit down. Mr. Clerk, do we have anybody signed up?

Johnson: Mr. Chair, nobody signed up in advance for this.

Grove: All right. Is there anyone online or in the audience that would like to testify on this application? All right. Seeing none, would the applicant like to have any closing remarks?

Wrede: No, I don't really have any closing remarks. I would just like to thank Joseph for his direction and support through this process. He's very learned of these codes and -- and has helped us a lot getting this put together. So, thank you, Commissioners.

Yearsley: Could I have one last question? You mentioned about this pathway in the right of way for the easement -- or the irrigation district. Have they agreed to allow that pathway then?

Wrede: Yeah. It's -- you know, pathway is kind of a word that we are -- we are not really using, because it's -- it's -- it kind of implies, you know, a small walking concrete with landscaping and things like that. But they have agreed and we have a separate, you know, communications and other drawings and documents that we have used within that specify all their requirements and they are open to this being used similar to -- like I said Heron River has this walking area. I mean it is owned by the subdivision, it will be maintained by the HOA and, you know, the -- the reality is the irrigation company has never accessed this ditch from that side. I doubt -- because it's pretty much inaccessible and so this is going to really help them out and, you know, the district -- drainage district number two up there in Star, which has this, they can now drive and they drive their trucks through there and spray -- easily spray the banks. We have had, you know, issues like with Hemlock growing, which some neighbors -- you know, some people are kind of worried about, so it's easy to have the county come through and spray it, they can just drive right along and take care of that. But it's really used quite a bit. It's amazing how many people walk their dogs down these paths and around, so --

Yearsley: And, then, one last question. So, you mentioned that the backyards -- I think it's on that side, they are going to have a ten foot easement for their part of their backyard in that easement.

Wrede: Yes.

Yearsley: I'm still not quite sure how that's going to work, because I mean are they removable fence -- you know, how is that going to work? And can you explain that a little bit more? I guess --

Wrede: Yeah.

Yearsley: And I guess if we don't have it how much -- do they actually have a backyard at all or what's the -- what's -- how much do they have and how much will they gain?

Wrede: So, the Nampa-Meridian Irrigation District is allowing us to, of course, landscape it and put shrubs -- they don't want trees in there, but they are allowing shrubs and patio slabs. We have already discussed this through e-mails and they have said that's not a problem and so we are -- in our floor plans we are designing covered patios built into the actual home, so they are slightly recessed into the home space, so there will be a rear patio -- covered patio. Plus, then, there can be additional slab space uncovered that goes into that easement and, then, grass and plantings along the fence.

Yearsley: Okay. It just seems kind of weird, because if you ever have to get in there and you are going to get a lot of complaints from homeowners that they are tearing up the backyard for something.

Wrede: Well, if they ever need to go in there it will be to fix the irrigation line, which they would have to do anywhere in the subdivision. That's, you know, the nature of that. The easements are all the way around the whole subdivision.

Yearsley: Oh, so it's actually more for the pipe underground no --

Wrede: I believe so. That -- it's mainly really just because it's their easement --

Yearsley: Right.

Wrede: -- I think and --

Dodson: Mr. Chair?

Grove: Yes, Joe.

Dodson: I just wanted to touch on that, too, because I agree with Jeff. For whatever reason, the drain easement is a hundred feet wide, as discussed with Aviation, so it just encroaches on everything in this area. Then only the nine feet of it is on the buildable

lots, which code allows ten, so it will be grassy area within the backyards and the building envelope that he shows on here is wholly outside of that easement. So, they will have some yard, they just can't plant trees in there, and the fence -- yeah. That would -- I don't know what removable necessarily means, but open vision fencing is required along there anyways, so it's going to have to be some type of removal fence like that, so staff has no concerns with that. What -- I wanted to touch on the -- I guess just to make sure we are all clear on the -- what would qualify for that easement area, if it's -- there is a couple of code sections involved here. If it's linear open space it has to be minimum 20 feet wide and it has to have -- be landscaped per the UDC 11-3-B-7, I believe. Or eight or something. And that can't be. One, it's not 20 feet wide. Two, you can't have landscaping in the easement, because it's the irrigation easement. Secondly, the code does allow linear open space along natural -- is the keyword their -- natural waterways to count and be left unimproved. The drain is not listed as one of those natural waterways. So, that's where I can't give Jeff that affordance there, even though it is big and it is natural, but it's not -- they -- the code has specific lists of which waterways, like the Ten Mile, the Ridenbaugh, and the Five Mile Creek and those types of things. So, that's where we are at with that, unfortunately. I just wanted to touch on those points.

Yearsley: I guess my -- my thing is is the pathway is going -- or the southside pathway is going to go in no matter what -- if it's considered an open space or not.

Dodson: Correct.

Yearsley: I figured you guys will take care of the open space. That's -- that's your guys' deal.

Dodson: Yes, sir. I was just curious about the path -- the pathway.

Wrede: If I could reply?

Yearsley: Yeah.

Wrede: To reply, there is a section of the code that -- when it speaks about the linear open space along waterways, it also says ditches in there. That's what we have been going on as far as that and it -- it only states that it needs to be ten feet wide of a buffer area in that section of code that we have read. So, we have got some work to do to find out. Either way we will be able to make this work.

Yearsley: Nope. I'm good about that.

Grove: Bill, did you have something?

Parsons: Yeah. Commission, I just wanted to chime in on the topic a little bit. You know, like anything this is annexation; right? So, it's whether or not it's in the best interest of the city. In this particular case I love the idea of a pathway there. I think that's great. I like to see waterways being left open. But there are safety concerns that go along with that

that have to be mitigated. There is also the -- the reason why staff likes to see the landscaping is because it differentiates it -- that from -- from the easement, the use area. So, how is that going to look when you have a gravel compacted road base and, then, there is another pathway next to it, just -- it doesn't delineate the difference between it and, then, you have somebody riding their bike next to an open vision fence and all of a sudden your handlebar hits the fence and you hit your neck on the fence and we have an accident along the pathway. There is a lot of things that I'm -- running through my head that says I think we need to just kind of work with the applicant and see if this thing works or not, but -- and also we have alternative compliance. So, there is -- there is ways to lessen the open space if this area doesn't count. So, I think we have enough tools in our tool belt to help and work with the applicant. But right now I think -- at least from my look at it I'm not comfortable having a pathway right up against fencing and that's -- to me that's not a wise idea. Just my two cents on it.

Yearsley: I guess going back to that comment, I didn't know how -- how wide is that, quote, walking way? Is it pretty narrow or is -- because I was --

Wrede: Seventeen -- 17 feet wide. So, it's -- it's quite wide --

Yearsley: Okay.

Wrede: -- as far as walking goes or riding a bike. I'm still working with Greg over at NMID. It's possible -- and I will bring it up to him -- if the road base and gravel section is actually -- you know, like perma bark section could be reduced in width and possibly, you know, some strip of some kind put along it. They -- for most times they would need to access if they are going to drive in a truck. So, you know, ten feet wide is probably enough, so we probably have room to do something on the sides and, then, if they need to repair something and bring in an excavator, well, we have some damage, but that's going to happen no matter what. So, that there is a possibility to maybe we can make something work there.

Dodson: To Bill's point, we -- we got some tools in the toolbox, so we can take care of this. Absolutely.

Yearsley: Okay.

Grove: All right. Any further questions? All right.

Wrede: Thank you.

Grove: All right. Thank you. All right. Could I get a motion to close the public hearing for Alamar Subdivision, file number H-2022-0004?

Wheeler: So moved.

Yearsley: Second.

Wheeler: So moved.

Yearsley: Oh.

Grove: All right. Motion to close the public hearing has been moved and seconded. All in favor say aye. All opposed say nay. All right. Motion passed.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Grove: All right. Anybody have thoughts and want to jump in?

Yearsley: Mr. Chair?

Grove: Commissioner Yearsley.

Yearsley: You know, I understand what they are trying to achieve and it's -- it's a difficult lot to deal with, but it feels like we are trying to shoehorn a lot of lots into a little space. I'm not quite a fan of the -- the duplexes by -- on a common drive back like they have it shown. I think it tends to lead to congestion problems, parking problems, and, you know, when you start getting garbage cans and stuff on the streets I think it's going to tend to be a little tight. I -- I -- there is a common drive near our house and every garbage day there is like 20, you know, right in the corner, so it's like -- it's kind of a pain, but -- I'm not a big fan, but not a -- it's not bad enough to not to -- not send it forward to City Council to address.

Grove: Thank you. Anybody else?

Lorcher: Mr. Chair?

Grove: Commissioner Lorcher.

Lorcher: Since this is in proximity to the Compass School campus around the corner and it seems like it's being surrounded by other subdivisions with similar style of housing, the common driveways are disappointing, but it still fits in within the overall scheme of the housing that seems to be going into that corner, so I don't have a problem with it.

Yearsley: So, before I make a motion -- Joe, is there -- you mentioned that -- do we need to include the phasing option in our -- in our motion? Because wasn't there -- if they can get the stub street to -- to allow that -- that side street into phase one, is that something that we need to make or is that --

Dodson: Mr. Chair, Commissioner Yearsley, yeah, I would say make that part of the motion just to say if -- whatever it is with the addition of modifying -- or including a provision about the -- you know, that one's a modification -- modifying the provision regarding the phasing.



Yearsley: Okay.

Wheeler: Mr. Chair? Mr. Yearsley, I think we also have to say something about the DA, like a modification, because he wanted to include phase one on that one section, too, is that correct?

Yearsley: But we don't -- we don't comment on the DA. That's actually through City Council --

Wheeler: Oh. Okay. All right.

Yearsley: -- for a motion.

Wheeler: All right.

Yearsley: The DA's.

Wheeler: All right. Thank you.

Yearsley: Mr. Chair?

Grove: Commissioner Yearsley.

Yearsley: After considering all staff, applicant, and public testimony, I move to recommend approval to City Council of file number H-2022-0004 as presented in the staff report, date for the hearing date of April 28th, 2022, with the following modifications: That -- to modify the phasing plan if the applicant is able to connect the stub street to the east to allow that section in this -- into phase one if he can get that connection.

Lorcher: Second.

Grove: Real quick, Joe. Was there a DA -- or a modification that we needed to put in in terms of the garage setback that you had mentioned? It wasn't brought up by the applicant, but you had mentioned it in your --

Dodson: Correct. Mr. Chair, there -- that can be handled between now and City Council. That's fine.

Grove: Okay.

Dodson: Or City Council can --

Grove: Just wanted to double check if --

Dodson: We are okay.

Grove: All right. So, motion has been moved and seconded. All those in favor say aye. All those opposed say nay. All right. Motion passes.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

**3. Public Hearing Continued from April 21, 2022 for Burnside Ridge Estates (H-2021-0070) by Kimley-Horn and Associates, Inc., Located Near the Southwest Corner of S. Linder Rd. and W. Victory Rd., Including 2365 W. Victory Rd., 3801 S. Linder Rd., and Parcels S1226142251, R0831430030, R0831430022, and R0831430010**

- A. Request: Annexation and Zoning of 121.29 acres of land from RUT to the R2 (11.76 acres) and R-4 (109.53) zoning districts.
- B. Request: A Preliminary Plat consisting of 299 total lots (275 single-family residential lots and 24 common lots) on 119.31 acres of land.

Grove: All right. On to our next item. We have public hearing for Burnside Ridge Estates, file number H-2021-0070, which was continued from April 21, 2022, and with that we will pass it over to Joe for the staff report.

Dodson: Thank you, Mr. Chair. Yes, this one is considerably larger, so bear with me, and the applicant does have quite an impressive presentation as well. So, some of the things I won't touch on, simply because I know that they will. Just want to let you know. The applications before you tonight are for annexation and zoning and a preliminary plat. Now, the site consists of six county parcels that total approximately 119 acres of land currently zoned RUT and located -- I say near the southwest corner of Linder and Victory, but it's more like completely surrounding the southwest corner of Victory and Linder. The future land use designations on the site are both low density residential and medium density residential. As noted it is a request for annexation and zoning that is for 121.3 acres, requesting zoning to the R-2 district of 11.7 and the R-4 zoning district 109.53 acres, with a preliminary plat that consists of 299 total lots, which is 275 single family detached residential lots and 24 common lots on the 119 acres. The proposed plat shows compliance with the UDC dimensional standards for the proposed R-2 and R-4 lots, with an average lot size of around 10,000 square feet, with five foot detached sidewalk and eight foot parkways throughout the entire development. Three new accesses are proposed to the adjacent arterial streets of Linder and Victory Road. Two of the new collector streets per the master street map, which is shown as South Farmyard, which is the north-south collector and the other one is East Holstein -- Holstein, one of the two, along the south boundary connects up to Linder. The other connection to Linder is via a local street here, which is East Pivot Drive. All other accesses to will be via the -- all the other internal local streets shown. The applicant is proposing to stub the new collector street of Holstein to the west boundary for future connectivity per the master street map. East Holstein is also proposed along the entire southern boundary for future connectivity to the property to the south. The proposed north-south collector street, South Farmyard, provides a stub street to the east property adjacent to -- sorry -- 1995 West Victory. No

other stub streets are proposed to the adjacent county parcels. Staff is recommending a new stub street from Pivot Drive to the north boundary proximately in this location for better connectivity, as well as to help with the block length on Pivot Drive. In addition, staff is recommending a cross-street from Red Angus, which is here, to South International Way in order to help with the block lengths here as well. It would go across the Calkins Lateral in alignment with East Draw Bar Street. Otherwise, the applicant will need to obtain a Council waiver for the proposed block lengths of Red Angus, which is approximately 1,400 feet long. When a -- when a street -- wow. Drew a blank there. When a street is longer than 1,200 feet in length, a pedestrian connection cannot count as the block length interrupter. That's not accurate at all. But it can't break up the block lengths, I'm sorry, if it's 1,200 feet or more. You have to get a Council waiver or you need to provide another stub street or cross-street. The project is proposed to be constructed in five phases as seen here. Two approved fire access points are proposed within phase one. So, throughout the whole project they will have their two access points required for fire, so there is no need to sprinkler or limit to 30 homes. Hence why phase one has 56 homes, phase two is 92, phase three has 84, phase four has 31, and phase five has 12. Phase -- sorry. Staff has recommended including the clubhouse and pool and it's open space lot within phase one, which would be this lot here. That's in the staff report. Staff and the applicant have worked together. We met yesterday. I'm amenable to -- well, I should say the applicant is requesting that we revise to phase two, instead of phase one, so that the burden of the clubhouse and pool and that open space is not wholly on the first 56 owners to pay in their HOA fees and, in general, 56 lots with that much open space, understandable, as well because they are providing an amenity here and approximately 40,000 square feet of open space with phase one. So, staff is amenable to amending that provision to say that the clubhouse and pool and open space lot are with phase two, instead of phase one. The Calkins Lateral currently bisects the south half of the project site and at the time of staff report writing I thought that the Calkins Lateral is going to remain open and I was wrong. Therefore, some of my conditions related to that are not accurate. Again, I will modify some of those because of that new information. The applicant and staff are awaiting confirmation from the irrigation district on the correct easement width with the lateral being piped, instead of being left open, because it does not -- what I have heard and what is written from Boise Project Board of Control is -- they do not match, so we are awaiting confirmation of that. The confirmation will help us determine if any of the building lots along this lateral are going to have an easement encroachment and if the required landscape along the multi-use pathway within this common space is going to be able to be constructed. So, along the lateral the applicant per the master pathways plan is required to propose a multi-use pathway all along the lateral and to the west boundary, as well as along the west side of this collector road. So, two very long segments of regional pathway are proposed and required with this. The application was submitted prior to the latest open space standard revisions. So, this application came in at about September, open space was revised in October, we waited to schedule it, again, those six, seven months ago because the TIS needed to be accepted and submitted to ACHD. But more than that we also had some other issues with legal parcels, et cetera. So, that's why it's been so long. But I did want to make that note to the Commission. This is -- was analyzed against the old open space standards. Because of that the proposed plat needs to meet a minimum of ten percent qualified open

space and based on the plat size of 100 acres is move the decimal over a couple of times and you got your 11.9 is the minimum amount that should be provided. According to the open space exhibit, total 12.19 acres of qualified open space is proposed, which is approximately 10.2 percent. However, this open space exhibit does not account for the parkways throughout the development at all. One, the parkways don't show the required number of trees, so they technically wouldn't count. Staff is recommending -- and I have included a condition of approval to include the required number of trees, therefore, the area can count and that's a lot of linear feet of parkways, so my assumption is that they will gain quite a bit of area of qualified open space with the addition of the parkways. A minimum of six qualified site amenities are required to be provided per the old open space standards, which is one amenity per 20 acres. According to the submitted plans, the applicant is proposing at least eight amenities to satisfy the requirements. A clubhouse, swimming pool, children's play structures, pickleball court, multi-use pathways, shaded picnic area, public art and outdoor fitness equipment. The proposed amenities exceed code requirements and if they were to be analyzed against the current open space standards they would exceed the minimum amount of amenity points required as well. I haven't done the math with the open space, but I assume they will exceed or be really close to the minimum required if they were analyzed against the current open space standards as well with the addition of the parkways. The subject area does contain two future land use designations as noted, low density and medium density residential. The medium density residential takes up a larger area of the project, about the 80 acres on the south -- wow -- south -- on the west half and, then, 39 acres. So, this quadrant is low. This is medium. Now, the future land use designations are not parcel specific, as I stated in every meeting, but the -- an adjacent abutting designation when appropriate and approved as part of a public hearing process may be used. So, that designation may not be used, however, across planned or existing collector or arterial roadways. It must not be used on a parcel not directly abutting the designation and may not apply to more than 50 percent of the land being developed. Based on this policy the low density designation can be floated, quote, unquote, beyond the area depicted on the future land use map up to the east side of the north-south collector street. So, that's how staff analyzed the project was to take the low density here and extend it to this side of the collector road. This side per that provision must meet the minimum density for medium density -- or must meet the minimum density for the medium density residential. Because the -- sorry. Subsequently that density on the west side of South Farmyard must be at least three units to the acre. However, the comp plan does allow rounding, so, really, the realistic number they need to hit is 2.5 units per acre west of the comp plan -- or sorry. Wow. West of the collector street. According to the submitted plans this area is approximately 54 acres, contains 126 units, which amounts to about 2.3 units per acre, so it does not meet that minimum density. Therefore, the applicant will need to add at least nine additional building lots in this area to meet the minimum requirements. However, to increase the number of lots in this area it would require the applicant to amend their plat and propose smaller lot sizes that would likely not meet the R-4 standard. Therefore, staff has recommended the applicant include an area of R-8 zoning in the north area of the plat. So, staff has recommended this block here and this block here, these two blocks, since they are somewhat grid patterned and can be buffered by R-2 here and the R-4 here. If the applicant does not wish to increase the number of lots period, no matter where, than

a Comprehensive Plan map amendment will be required and the project should be continued in order to allow the applicant to submit that concurrent application, which could be processed no earlier than June 15th, per our recent code changes. Meeting with the applicant they have proposed -- and in their formal response today that instead of R-8 being here -- sorry -- instead of R-8 being here, potentially surrounding the open space areas, which staff is also amenable to, but as far as tonight no specific condition or anything needs to be modified. The applicant and I will continue to work through that. Staff did receive one piece of public testimony -- written testimony prior to the hearing. It was on behalf of the Stetson Estates residents, which are the county subdivision to the west. They noted that the project does not comply with the comp plan or the vision of Meridian of keeping the rural characteristic of the city. They expressed a desire to keep the existing areas -- these outer areas of Meridian as more rural and less developed consisting -- consistent with the existing lifestyles in this area of the city. Staff has recommended approval of the subject application and will stand for any questions.

Grove: Thank you, Joe. Could we get the applicant to come forward, please? You will have 15 minutes and go ahead and state your name and address, please.

Young: All right. Dave Young. Linder Holdings. 849 East State Street, Suite 104, Eagle, Idaho. 83616. First of all, the first slide that's up right -- right now I just want to clarify. This is coming forward as Burnside Estates on the -- on the legal plat, but this project will be marketed and known as Jackson Ridge Estates. So, when we go throughout this presentation that's what we are going to be referring to is as Jackson Ridge, but on the legal documents it will be known as Burnside. A little bit about -- about us. This is a family taking this project on. This isn't -- I think it's important that you know that -- that, you know, when -- when somebody like CBH comes before you or Hubble, Brighton, you know who those guys are. You don't know who we are. So, this family -- you know, we are local Meridian people. The family members involved in this project all went to Meridian High School. You know, we are invested in Meridian. We have invested in southwest Idaho with -- with several assisted living facilities scattered among the smaller towns with -- with four of those facilities located within the City of Meridian and one of our most recent projects was the -- of note was the Vertical View climbing wall that is on I-84. This project is a little bit different than what we have done before with more commercial projects, but taking on a big residential project, and I want to give a little history of the reason to that, how we got involved. Being longtime Meridian residents you know everybody and -- and my wife, my brother-in-law, we are real good friends with the Jackson family. This is the Jackson family farm -- was one of the last operating dairies within the Meridian area and so our family spent a lot of time on that property. I have known Brent Jackson for over 30 years and Brent has seen the handwriting on the wall that at some point he is going to have to deal with all the encroachment that's coming around him and that he would have to decide that when is the time to depart and in 2019 he approached several different developers and did have that under contract and decided to change his operation from -- from dairy cattle to beef cattle and move his operation to central Oregon. For various reasons that deal fell apart at the last minute. Mr. Jackson's son knew our family and called and said, hey, here is an opportunity, would you like to step in and take a look at it and we did and we thought it would be a great opportunity,

especially knowing the history of the -- history of the property and with that, that being said, you know, growing up in Meridian it was a very agricultural based community. I'm going to be 50 here in a week and a half and there is a lot that has changed in my 50 years of living in this area and -- and I hate to see, you know, our -- our goal isn't to come in and wipe the property clean of -- of this farm history. We want to preserve some of that history and reflect that in this project and I think that starts with the name Jackson Ridge. So, part of that preservation is using some of the existing -- existing elements that are on the property, like the Harvestore blue and white silo, the grain bins, the tractors and implements that are -- that around the property to reflect that and -- and preserve some of that history and you will see that as we get more into our design presentation. I want to talk just a little bit about the -- the road to getting to this point. This has been a -- that's been a tough project, starting with the acquisition in early 2019, pre-application hearings -- we have had three pre-application hearings, part of -- part of that reason why as we -- when Toll Brothers approached the city about the property to the south of us, they kind of beat us to the -- beat us to the punch, so we had to align with them on a lot of the roads, we had to deal with -- work with them on the alignment of utilities and -- and some -- trying to share some of the costs of the utilities and when I got denied by the city we had to kind of restart and COVID hit and that -- that really affected the process. But it was a good experience to be able to see that -- see that process and see what was going on with the neighbors, because this is a big change for that -- for that area. It's primarily five and ten acre parcels out there, people that have moved out there to enjoy the countryside and -- and at the same time they know that development is coming, they know that there is going to be a project there, and so we have really been trying to be in tune to the neighbors and we have spent a lot of time -- not just in -- in the neighborhood meetings, but in kitchens and living rooms of the neighbors talking about -- talking to them about their concerns and that's how our design really has come forward, especially with the -- from one acre to half acre lots -- nothing's under half acre lot along that western perimeter up against Stetson. With that I'm going to turn the time over to our design and engineering team from Kimley-Horn.

Dodson: Nicolette, just to let you know you have about eight and a half minutes.

Womack: Thank you. Nicolette Womack, Kimley-Horn, 1100 West Idaho Street in Boise, Idaho. 83702. So, before you tonight, as was mentioned by Joe, is annexation and zoning to annex into Meridian and zone the property R-4 and R-2. Staff recommended we add R-8 and based on the memo you saw that seemed to be the best path forward for us, as the comp plan amendment can take quite some time and as you can see our development has been under review for a while. So, the preliminary plat will plot the parcels and the right of way and, then, staff is recommending a development agreement, which we agree to finalize together as well. So, the project area, as staff mentioned, Victory Road and Linder. Won't spend time there. This is the lot layout that was shown to you earlier and, then, here is the zoning map. So, when we approached this project we saw that in the area R-4 is consistent with the east side of Linder. We felt that R-2 would be consistent with the larger lots to the west, and you can see our minimum lot size at the time that this was submitted is 8,750, average lot size 10,125 and, like Joe said, we are at 2.35 dwelling units an acre and he's requesting for -- go closer 2.5. So, taking

the feedback from Joe and talking with him about the kinds of things that they were looking for in the staff report, need to find a location for R-8 zoning and we felt like the most natural place to put that in in most developments is against the amenities and open space. So, we are proposing it in this area. It's important to note that we already planned on these typical -- larger than typical R-2 and R-4 sizes and so I'm sure there is quite a surprise that we are going -- we have to add R-8 now. We didn't feel like the typical R-8 is consistent with what we are doing everywhere else in this development and so we are going slightly larger than the typical R-8. Access and connectivity was already covered, so we can circle back on that if there is any questions. Phasing was covered. So, like you said, we propose to move the pool into phase two as a compromise. Green space was already covered and I will turn it over to Chris.

Rose: Good evening. Chris Rose with Kimley-Horn and Associates. Address is 1100 West Idaho Street in Boise. 83702. Just wanted to take a minute to kind of highlight some of the design sensitivities that we are taking based on what Mr. Young was explaining, trying to stay true to the heritage of the site and bring that in and maintain some of that heritage with what we are doing in the development, starting with the pathways and access for residents to the open space and amenities, that the regional pathways, including the Calkins Lateral, up the primary street, up to Victory, through some of those and that easement with -- like Joe mentioned, will be resolved before we get to Council. Carrying through some of those design considerations, even get into the signage and the frontage landscaping, some of the patterns, the forms, the materials that are used at the entry and along the streetscape on the perimeter to suggest some of the agricultural heritage, some of the plantings and some of those forms and the way those are laid out. Even within the community all the different open spaces are kind of themed to try to tie into the heritage of the site. As -- as Dave mentioned, trying to really focus on the heritage with the Jackson family, some of their equipment, and we are even calling these areas -- not like we would normal amenities, but we are calling them the corral, instead of a playground, the field, the meadow, the garden and the barnyard where these amenities will be focused. Some of those areas -- just real quick the garden is that primary open space that will be included in phase one. This is like a heritage garden where we will actually tell the story of the Jackson family. Use that Harvestore silo as kind of an entry feature, paying homage to the history of the site. The field and the meadow is the large open space for play areas. Also shaded picnic features and the outdoor fitness trail. The corral is the play area. Instead of traditional play equipment, we want to use more nature play, having climbing features for kids and logs and boulders and waterplay and some of those features for the kids. The barnyard is the primary clubhouse and pool area, bringing in some of the architectural features that suggest farm heritage and having outdoor gathering areas and a community garden. So, generally, everything that works together we are trying to create an open space that feels like a remnant of the farm or pays homage to the Jackson family and the heritage of the site and so it feels like a part of old Meridian even as it moves forward. With that I think Dave is going to carry on a little bit more.

Young: Dave Young again. I want to talk about the clubhouse concepts, just trying to work in that barn feel, that -- that look at what was existing on the -- on the property and, then, I want to talk a little bit about -- we have got picnic shelters as well, trying to

repurpose some of the -- the grain bins on that site for -- for picnic areas and shaded areas. And, then, housing. This is something we are going to do a little bit different. We are not home builders. We are not -- we may build, we have built in the past, but what we are looking to do is provide an avenue for the custom home builder, come into a premier subdivision and to put together a build team of top end builders within the valley and provide them some place to -- to build custom homes. That's -- that's almost gone right now in this market. We have got all kinds of national builders coming in and taking up big swaths of land and -- and nothing against that, but -- but it's pick -- pick things from your -- from the website and plug it in and this is the house you are going to end up with. We are going to -- we are going to be working with several different builders and it's not been hard to get volunteers to -- to say that they want to be a part of that -- that project. So, just an example of these homes. They will be kind of more the traditional craftsman or farm -- modern farmhouse sort of style. So, have Nicolette talk about the staff comment.

Womack: Nicolette Womack. So, these are just here for discussion if there is any questions. So, I think Joe covered a lot of them very well. So, I won't spend any additional time there and I would recommend if there is any questions on which we agree with and which we need -- or we are hoping for modifications on, that response letter covers our position and if it's not in that letter, then, we agree to it, so -- ACHD comments came in, super exciting, and we will work with them on some minor edits to some information they just needed to catch up on. So, again, we are requesting your recommendation for approval of annexation, zoning, development agreement, preliminary plat and that's with the modifications proposed in our response letter. Thanks so much.

Grove: All right. Thank you. All right. At this time we will -- do we have questions from Commissioners for the applicant or staff?

Lorcher: Commissioner Grove?

Grove: Commissioner Lorcher.

Lorcher: Mr. Young, you mentioned that the project trying to keep with history. Are you keeping any of the original farm buildings that were -- or that were on that property or are you just recycling some of the farm silos and such?

Young: Our -- with -- with Brent on -- on -- does she need to repeat that or does that -- okay.

Lorcher: Do I need to repeat that? Okay.

Young: Okay. Metal barns and metal structures, some of the things we told Mr. Jackson he could take to his new ranch, they are kind of the '80s metal building style, so they are not really something that architecturally we would want in our project. The homes are -- are really rundown. They are beyond really saving. The original farm house was actually a home that was built underground with just like maybe two feet of the upper portion of



the home and, then, a roofline and, then, it was later added on to above that. It's just not -- there is just no way to repurpose that home and the rest of the homes are just -- are in fairly poor condition. Mr. Jackson didn't -- he retained his home on a separate parcel adjacent to this one. So, those older homes were more for the farmworkers and that's kind of why the condition is what they are.

Lorcher: Okay. Thank you.

Grove: Any additional questions for staff or applicant at this time? All right. All right. At this time we will open the public testimony portion for the application Burnside Jackson Ridge Estates, file number H-2021-0070. Mr. Clerk, do we have anybody signed up?

Johnson: Mr. Chair, no one signed up in advance, but we do have Clair Manning online. If it's okay with you I will allow -- I will unmute her.

Grove: All right. And, Clair, you will have three minutes. Please give your name and your address.

Manning: Hi. My name is Clair Manning and I live at 650 West Waltman Lane. I was actually here for a different application, but, you know, as I looked at this and I felt compelled to like chime in. You know, I just felt like Meridian is kind of being destroyed by, you know, high density, cookie cutter kind of developments and I was just, you know, amazed at like what this guy has done here. I kind of like the larger lots. You know, I really really like that he's leaving a legacy to the past and, you know, what I saw on the common areas. It was just amazing. It's -- you know, it's what I would like to see in our community. So, I just wanted to really compliment him and, you know, put my support into this. Thank you.

Grove: Thank you. All right. Mr. Clerk, any additional --

Johnson: Mr. Clerk, that was everyone.

Grove: All right. It looks like we have three hands in the audience.

Johnson: Mr. Chair, I apologize, I have the wrong list. I do have people. My apologies to everyone here. The HVAC went off and my mind went off as well. So, I believe first we have Tina Dean.

Grove: All right. And, please, state your -- your name and address and you will have three minutes.

Dean: Tina Dean. 3262 South Rustler, Meridian, Idaho. 83642. I signed up thinking I wasn't going to speak, but, then, I just wanted to clarify. Mr. Dodson, all due respect, -- I have an issue. You misrepresented the letter from the neighborhood and I want Mr. Young and the developers to know that Stetson Estates appreciates how well you have been working with us and they have been very agreeable, very amendable. They make

time for us, take our concerns into account. They are working very hard to keep the neighborhood and its historic appeal part of the Meridian that we have all loved for many decades. The City of Meridian representatives have said numerous times that they wanted to develop within the city boundaries first before they developed outside, that they wanted growth to move out naturally. What our letter said is that we were surprised that the City of Meridian was not living up to what they had stated and you were allowing development to occur outside of city boundaries and be annexed. But we also said if you are going to allow this neighborhood to be developed we want Mr. Young and his associates to develop it and not only do we want them to develop that land, but we would love if they could have the land to the south as well, instead of Cory Barton or Hubble, who just tried to put as many properties on an acre as possible for out-of-state investors. So, that's all I want to say. Please take all their hard work into account. I am also upset about the change to the R-8 zoning. They have worked very hard to make sure that we would have a smooth transition, a longer acreage property on the back where many of us have cattle and raise grain, and if you could make an amendment for them to change that zoning somewhere else or put, you know, plaques outside for an outdoor museum to reflect the history of Jackson ranch, we would really appreciate that and approve their -- their plot as they have originally submitted it and the last thing I will say is we just found out about changes at 2:00 p.m. this afternoon. So, that also doesn't give the neighbors a lot of time to review what you were proposing and it doesn't give Mr. Young and his associates a lot of time to respond to as well and if -- if it's possible could we get the P&Z preliminary plat number two on the screen, because we could not see that. Do you have that? Is that the one we needed? We can ask for it later in hardcopy. Thank you guys very much.

Grove: Thank you.

Dodson: Mr. Chair?

Grove: Yes.

Dodson: I did just want to respond real quick. I apologize for misrepresenting the letter from Stetson. Admittedly I'm a little jaded from the 99 percent negative comments associated with applications, so I think I kind of read it through that lens. So, I do apologize. If you are on board that's even -- that's great. So, I did appreciate that. But I do apologize for misrepresenting anything.

Johnson: Mr. Chair, I'm not sure Darcie Dille, were you with the -- okay.

Dille: I'm nervous. Darcie Dille at 205 North Sun Shimmer Way, Meridian. 83642. My name is Darcie Dille. I'm a real estate professional with Keller Williams Realty Boise and I was born and raised in the Treasure Valley. I have lived here in Idaho for nearly 50 years. I was brought in as a real estate professional to be a consultant and a representative of the project. I have also known Dave my whole life. We were raised back to our neighbors and I don't remember a time in my life that I didn't know him. Know what kind of man he is and that he is looking to bring something to the city that he can be

proud of. I was asked -- along with being a consultant I was asked to meet with the surrounding neighbors of the project and from April to October of 2021 I met with any and all neighbors that were willing and able to meet and I met them with a few representatives of Kimley-Horne when they were available and when they weren't my team owner Barbara Dopp. We met them in their homes. We sat at their kitchen tables. We walked the perimeters of their properties. We met their donkeys and chickens and we asked them what was most important to them regarding the development of the property. In meeting with them we met people who were curious, cautious, thoughtful, but most importantly open to having a discussion about the development. Not putting any words in anybody's mouth, but many told us that they knew the property would be developed, that it was not a matter of if but when. But what was most important to them was who and how. I feel like we have done a good job of implementing their thoughts and feedback and creating a community which takes into account their concerns as best we can. Really they just would like to see their lifestyle preserved. This has been a great process and I have been honored to have been a part of it. Being an Idaho native this is a community in which I feel proud to be a part and I believe it will be a beautiful addition to the south Meridian housing community. I know there are many who would love nothing more than to see the Treasure Valley remain as it is and I remember when I was growing up and all you could see were beautiful lush fields and I know that was when it was truly at its most beautiful, because that's my childhood. Unfortunately, when you have something wonderful it doesn't stay a secret for long and I can't blame others for wanting what we have here. We can't shut the gate. People will still want to bring their families here and experience our amazing valley. If development is in our future, then, let's build beautiful, upscale and well thought out communities and I believe that this is one such community. Thank you.

Grove: Thank you.

Johnson: Mr. Chair, next is Tina -- Tina Dean. No. Tina, I'm sorry. I'm having a day. Paula Connelly. Mr. Chair, Paula is representing Stetson Estates.

Grove: Sorry. You are representing a group of homeowners; is that correct?

Connelly: Yes. Stetson Estates.

Grove: Okay. So, please, state your name and your address and you will be given ten minutes.

Connelly: Paula Connelly. 3878 South Rustler Lane, Meridian, Idaho. 83642. We in Rustler -- in Stetson Estates community, we are on that western border that is up against the development that's being proposed. There are six homes that will -- and only six homes that will go in next to this community of 275. For us that seems like a lot, but we do respect what they have done and what they are proposing. We feel like they have done a fabulous job working with us and although we support the plan in an overall manner, one of our biggest -- well, we have -- we have two items that really we would like to see not have to be amended on the plan that they have proposed and that be the R-8 zoning. We have -- I'm going to back up a little bit here. To begin with, let's go back to

the Comprehensive Plan. When that was put together in 2019 there was a huge debate. The Planning Department knew that the Rustler community existed and they knew the problem of putting large lots as transitional lots up against our five and ten acre parcels and that we were not going to go away. We are still a fairly young community of -- of 20 years. So, even though we have estate houses and we have acreage, there are several of us that we do have cows, we have chickens, we have farm animals, we do things like kill our cows in our pastures to have them dressed down and it is a concern to have small lots up against us. We feel like we have -- we have given in. We originally wanted one acre lots and we realized that one acre will not fit into something as dense as a medium density, so we -- we backed off and we said, okay, we would be okay with half acre lots. But we -- we are concerned. We farm our land. There is going to be dust from us. There is going to be other things. So, to have them crowd in even more R-8 just to meet a density -- back when the comp plan was put together the whole debate surrounded having one acre parcels codified and put up against large existing lots and City Council and the Planning Department ultimately decided they could not do that, because every piece of land that would be developed would be unique and they would not always have that opportunity to need to put in one acre lots. So, they said they wanted to do it on a case-by-case basis. Well, here is that case. We have six homes that directly butt up against these homes here and to crowd that R-8 is going to, in my opinion, not look right. It's not just a transition of size, but visually. When you visually look at something that has ten acres and has all of the space or five acres and has all of this space, what happens when all of a sudden you have got one row of a half acre and, then, pretty soon you have five homes per acre? Visually that -- there is something that breaks down there. The other issue that we have is the micro path from South Agronomy to the eastern border. This section there are literally two ten acre parcels that parallel South Agronomy. Where are you going to run that path to? You want to run it right up so that they can watch my cows being killed? Okay. I don't want anyone complaining to me. But it's just -- it makes no sense. It's illogical to force a micro path into one of two ten acre parcel lots when those homes are only 20 years. It's not like we are disposable, like a washing machine that's only going to last ten years. We are not going away. I promise you I'm probably going to be leaving my land to my children, who both love the land and that's what it's about for us and we truly appreciate Dave and the work that their team has put in to leave a legacy and to leave the silos and to leave all of the stuff that is going to remind people that this was at one point a farm. I will stand for any questions.

Grove: All right. Thank you. Appreciate it.

Johnson: Mr. Chair, next -- and I apologize if I mispronounce this -- Melinda Yamada Stave? Okay. Thank you. And then Patrick Connor.

Conner: Good evening. Good evening. My name is Patrick Connor. Address is 701 South Elm Street, Meridian, Idaho . I will -- I will be brief. So, again, I want to applaud Dave and their team for everything that they have presented tonight and what they are presenting for the City of Meridian. I represent the developer south of this project and we have talked with Dave and his team as they plan this to ensure that we are coordinating appropriately on roadway network, utilities, making sure that we are working together as

this area of Meridian comes before the public for -- for change and so they have done a good job of coordinating with us and we are trying to work as best we can with them and also it's helpful that we also share the same engineer -- engineering group. So, we are constantly talking about how we are going to finish out the collector street on the southern end of their property as we share that section line, as well as utility connections. So, again, I thought that was a great presentation. It's obvious they have spent a lot of time and effort trying to make a really special project for the city and we look forward to working with them in the future. Thank you.

Grove: Thank you. Mr. Clerk, do we have anyone else signed up?

Johnson: Mr. Chair, the Langlois -- it looks like they weren't wanting to speak but -- no? Okay. That was everyone.

Grove: All right. Do we have anyone else online or in house that would like to speak on this application? All right. Seeing none, could I get the applicant to come back up? You will have ten minutes to respond.

Young: We did send in a response to the city that Nicolette mentioned that you can refer to some of these points, but I do want to -- as Mr. Connelly brought up the micro path from Agronomy to -- to her property, we just don't -- we just don't see the point of that. I understand that maybe for -- for future development, but -- but our estate lots, they are going to be there for a long time and we have already -- we do have Holstein on the south that connects to that property and the pathway at Calkins that connects to that western boundary as well already. So, we feel like that -- that need is met. We are going to work with the city to try and figure out how this R-8 request is going to be -- be met and, again, according to our proposed drawing is to try and put that up against the open space area, because that will be open fencing. It's not our preference to add this -- this R-8, it's not something we want to do, but we want to try and do it. It -- it changes -- it's going to be tough to market on that side of the collector to go from one acre, half acre lots, to quarter acre lots and, then, down to the 50 foot wide lot. So, it's -- it doesn't really fit the space and I understand that it's -- I guess I didn't understand until tonight that there was more about the collector than it was about the entire -- entire space, but we understand code. We want to move forward with this project if -- with all the speed that we can and by our calculations it would be nine lots that we would need to add that we would be willing to continue those talks with -- with staff trying to figure those situations out. That's all I need to add.

Grove: All right. And let's -- do you have some questions?

Yearsley: So, Mr. Chair?

Grove: Yes.

Yearsley: Trying to go through -- I was just reading your response letter. I haven't had a chance to look at it until just now as they were talking. Have you had a chance -- I mean

I'm trying to figure out how do I mesh those two together and how do we come to a direct motion I guess what I'm looking for with -- with these comments and I wouldn't mind having an opportunity -- I don't know what the other staff is asking is how to -- is what do we accept, what do we not accept.

Dodson: Mr. Chair? Sorry. There -- on that -- whoa, what happened? I'm trying to get to that as well. I have had a chance to look at it and read it. We did get it today, so I didn't -- I wasn't -- I didn't have a chance to write a -- not necessarily a memo, but even a slide that showed what I recommended, considered -- you know, in consideration of theirs, et cetera. So, there is two avenues we can go down. One -- most of them are going to have to be ended up being decided by Council anyways. You can put on the record potentially which ones you agree with, don't agree with, et cetera, or we can do -- which we have done in the past, but it will add time, which, you know, we all got time I guess -- to just go line by line through them if you would like. We have done in the past, but, again, there are a number of these. So, that's your choice. Some of them I do agree with and some of them I don't. However, the ones that have been requested be modified, the specific language is not in this, so what does that look like? I would have to do that, which would not -- I haven't done that, obviously. That's why I would prefer just to say -- to, you know, continue work with staff and the applicant work together and we will hammer those out between now and commission. If you want to put on the record specific ones that commission wants to change. I do recommend doing that on the record tonight.

Yearsley: Okay. So, I -- I wouldn't -- before we close the public hearing I would like to be asking what the other applicant -- or staff is thinking regards to this comment. Is it something -- I know you probably don't want another continuance to -- to have a chance to digest your comments, but I'm wondering if that might be something that we would want to consider to better understand, because, like I said, I'm just trying to read it and, okay, where is this, where is that, so it's kind of hard for me to make that decision. I'm not quite sure what your preference would be or --

Young: Our preference would be not to continue, but I think in our response -- and we had a one hour phone call -- or a Zoom call with Joe yesterday and he's been very helpful, you know, and we understand where he's coming from, he understands where we are coming from. I think we can work most of this out in between this meeting and -- and Council.

Yearsley: Okay.

Young: And I -- really I think we knocked off a lot of that in our response and our reasoning why for certain things. I think we would be fine with Council making a decision on anything that's left over.

Yearsley: I appreciate that.

Parsons: Mr. Chair, if you would like you can also pause the public hearing and take -- take the time to read the applicant's response and get familiar with what they are requesting and, then, come back and deliberate on those as well.

Grove: Commissioners, would you like to do that or where are you at on that? I would -- I would say we will take a five minute recess. Is that sufficient for everybody to read through that? Is that -- is that okay? All right. So, we will take a five minute recess. We will leave the public testimony open and we will resume in five minutes.

(Recess: 7:36 p.m. to 7:41 p.m.)

Grove: All right. So, if we get back to our seats and we will resume the -- the public testimony portion before we close it for deliberation. So, Commissioners, are there any additional questions for staff or applicant upon reading the applicant's response letter? Commissioner Lorcher.

Lorcher: If they remove the micro path as drawn to the one property per Lot 7, Block 12, and Lot 10, does that change -- do they still meet the minimum requirements for open space and amenities?

Dodson: Mr. Chair? Sorry. Let me get back to what I'm doing here. You are talking the one on the west boundary?

Lorcher: The one that Stetson Estates commented --

Dodson: It does not -- yeah. That would be a new one approximately in this location. So, the nexus behind that is just in the future if Stetson Subdivision ever requests annexation, because somebody's well fails or their septic fails or whatever, we are going to want some pedestrian connection between the subdivisions as part of our comp plan. That's just what we look for. I'm not going to fall on the sword for it, because I do agree you got a multi-use pathway and posting -- however, you got to provide -- this as a scale. This is 120 acres. This isn't normal size of a development. So, there is some separation between those access points for pedestrians typically we don't want them that far apart. But I do understand the neighbors' concerns. It's just that do it in a fence -- it would not be an open vision fence, it's only one lot deep, so it would just be an open -- just a pathway to nothing for now, yes. However, it would not affect any of the open space at all, because that would be new.

Grove: I will get into with deliberations, but there is some pieces there that I would like us to cover. Any additional questions, Commissioners, for applicant or staff?

Dodson: Mr. Chair?

Grove: Yes, Joe.

Dodson: I did just want to comment quickly to the -- the density with the request to say like look on it on a case-by-case basis and things like that I understand, but the densities in the comp plan we can't do anything about it, except for the applicant to do a comp plan map amendment. So, meet the density or change the map. That's the two options. There is no -- Council doesn't have a leeway to just waive that requirement. However, the proposal to do R-8 was just because it made sense within those blocks and you -- you can go below 8,000 square feet. However, I don't really care where it is. The applicant put that where ever they want west to the collector. Further -- they can probably do it even with all R-4, but they are going to have to modify probably every single R-4 lot on the west side and make them smaller in order to get those nine lots. So, it's kind of pick your poison there, unfortunately, when it comes to the neighbors. It's just R-8 makes it simpler, because they get more flexibility with the lot size, but they don't -- they are not going to construct them to the minimum, which we don't recommend either, we want the lots to be as wide as they can make them, they just got to get the nine lots. That's just the crux of it. And staff is fine with it being around the open space. That's perfectly fine. I think that's actually -- that's good planning as well, to increase the density around an open space area.

Parsons: Mr. Chair --

Grove: Yes.

Parsons: -- Members of the Commission, let me -- I'm going to just expand upon that a little bit. So, keep in mind the Comprehensive Plan is a guide and the zoning is the law: right? So, it's -- essentially, the Comprehensive Plan we look at density. So, if -- as staff we are charged to adhere to the Comprehensive Plan and the city code and that's what you -- that's what this body is charged with doing, ensuring that. So, keep in mind if you or the Council feels like public testimony sways you to say that this is consistent or it is providing that transition or that case-by-case basis, you could potentially make that finding that they are honoring what the surrounding properties are and what they want to do and so if that's your purview tonight you could ask -- strike that condition or at least have Council take that under consideration as they deliberate on the application. But as staff, Joe and I, we can't -- we can't do that, we have to say we need -- we need to hold you to the density of three to eight dwelling units to the acre.

Grove: Thank you. Any additional questions for staff or applicants? Mr. Young, I have a question for you. In regards to the Modification D, which is the removal of the house, that is in phase five as marked by your modification and the connection piece and whatnot. I have concerns with that being in phase five and, namely, because I don't want an accidental enclave in the future, just in terms of how everything out here is situated. I would -- I would have some concerns with everything else getting done and, then, that being left and so that would be my -- my major concern. Do you have any safeguards against that, other than saying, yes, we will do it?

Young: I would like to explain that -- that portion a little bit more. So, we don't own that portion. That -- that is owned by Colleen Kelly. He has given us the permission to put



that into this -- this project. Colleen owned the entire ten acres that went back to the Calkins Lateral and we purchased another property to the south of that to try and bring some more connectivity, but we have this gap between two pieces of property, the property we own to the north and the property owner to the south. She was willing to sell us the six acres now, so we could have some connectivity on that side of the -- the Calkins and connect those two sections of the neighborhood now, but, you know, Colleen is a -- she has been a longtime Meridian resident. She's from Montana. Her plans are to retire and move back to Montana, rather than -- and I have seen -- I know what you are talking about in and leaving these enclaves lots. It drives me crazy, too, seeing -- and seeing these and we have got neighborhood -- no -- no driveways for a quarter mile and, then, just a house all of a sudden that -- that appears and I think what we are trying to do is to get this platted, so that when she is ready to retire -- she is a few years from retirement. She's going to sell her home, she's going to sell her business here in Meridian and she's going to move back to Montana. So, this isn't somebody that -- that -- who bought the back half of the property from and is sticking their feet in the ground saying I'm not moving, I'm not going. She has a plan to leave and we are making her property -- we are taking on the expense and the time to divide her property and to make it ready and sellable for when -- when she's ready to go. I don't want to talk about her personally and that kind of stuff about that timeline, but that's why that is that phase, because it meets her expectation. Sorry, the question to guarantee, I --

Grove: Yeah. I know that you can't guarantee it in terms of -- so, that's why I'm concerned about leaving it until phase five versus having it in phase three, because if it's on -- in the last phase it's very easy to just stop and not finish that out and so that's my concern with having it be completely at the end is -- is that it's easy to leave it off and so knowing a little bit of what you explained, you know, helps, it's still a concern, but just wanted to kind of get some clarification on that.

Young: I think that having it platted for those 12 lots it's going to make it attractive. It's not going to be -- somebody's going to move into the existing home and live in that on four acres as is. It's going to be -- it's valuable to another developer -- to us we have first right of refusal to purchase that property. Just take it on sooner rather than later, so --

Lorcher: Mr. Chair? Do you have that guarantee in writing? The first right of refusal?

Young: Yes, we do. We do. There is -- there is a timeline on it, but we do have that.

Yearsley: So, as following on with that, you are talking about the roadway improvements along Linder. Is that the right house? Am I --

Young: Correct.

Yearsley: I don't understand why we are interfering with the horse corrals. You are talking about the front pasture; is that not correct?

Young: Yeah. So, we have taken -- you know, Colleen's lived there for almost 20 years and she's had horses -- she has horses on the property.

Yearsley: Uh-huh.

Young: She had been growing hay on the front of the property and, then, had the horses in the -- on the back. Well, we have acquired the back. She's now going to shift the horses -- we left enough room behind the barn for the horses to go around the barn and out to the front of the property that front is -- that front's on -- on Linder. You know, she's got her daughter and her grandbaby living with her. She really wants to keep the horses and give her -- her children or grandchildren the same experience that she had raising children with -- with animals there while she's living there.

Yearsley: But that doesn't -- we are not talking -- we are not taking a significant amount of right-of-way through there to do that, so she would still have enough pasture to -- to have her horses there, wouldn't she?

Young: She -- she would have -- we are already -- for the amount of horses she has we are -- we are cutting it pretty tight. I mean I -- I -- I understand what you are saying, but we have -- it's a unique situation for us and that she wants to continue her lifestyle there with her horses.

Yearsley: Right. I understand that. Okay.

Grove: All right. Any other follow-up questions? All right. Thank you. All right. At this time I would entertain a motion to close the public hearing for Burnside Jackson Ridge Estates, file number H-2021-0070.

Wheeler: So moved.

Lorcher: Second.

Grove: It's been and seconded to close the public hearing. All in favor say aye. All opposed say nay? All right. Motion passed.

**MOTION CARRIED: FIVE AYES. TWO ABSENT.**

Grove: And does anybody want to jump in with thoughts? I would like to just give a quick two cents on one piece just related to the pathway. I -- I know it's not ideal to have it do -- you know, dead end there, but less ideal is the situation that we see in other developments throughout the city, 20 years after something goes in, 30 years after something goes in and trying to have a connection that we -- we did -- we would force, you know, the next person to have that connection, but there is nothing to -- it to connect to, because we failed to include that connection point previously. So, that would be my -- my concern with not having that connection point is that we -- we can't go back when a new application comes in and force this current application to install something that we

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didn't have them do at the time. So, that would be my -- my -- my biggest concern with taking a connection point out. This is a very large property. You know, when we see pictures like this it's usually at a much smaller scale, even if it -- if the picture looks the same and so that -- that's a major concern for me. But I will let -- I will be quiet and let other people jump in.

Yearsley: Mr. Chair? So, I have been on Planning and Zoning for quite a long time and when I started out this was the norm, R-4s, and over time we have gone down to the R-8s and the R-15s, so my heart skipped a beat when I saw the R-4, so great job on that. So, it's unfortunate that the -- that they are talking about wanting to muddy this up with R-8s. I -- I believe it fits the intent and the style and would recommend we not require the -- the R-8 -- or adding additional lots to this. It just detracts, my opinion, from the overall look and feel of the subdivision. So, I would recommend not having the additional nine lots if -- if possible. I know that will be more of a Council discussion, but I would highly recommend that that be considered. On most of the conditions I -- I understand the one about not connecting the water and sewer to that -- that one house, knowing it's going to get demolished in phase five, I don't know if I have an issue with that. I do struggle with not wanting to do those landscape improvements in the right of way in the first phase. I just -- I know that's going to, you know, impact her issues, but it's -- it's -- it's hard not to get that done in front, especially if you have one piece of blank spot and enough -- I have -- I have lived in enough blank spots to not want that connection. So, I will struggle with that one. Trying to go through some of the other items. The pathway. I -- I'm -- I can probably go either way. The -- the -- the only concern that I do have is we are talking five and ten acres and I understand you are not going away, but I tell you I have seen a lot of five acre parcels go and -- and -- and I -- I hate it every time when they come in, but development pressures, you know, come in and -- and so that one I -- I don't know. That one I struggle with. The connection with the other roads on those -- adding instead of having the bike path versus connections, again, that one -- I don't know if -- I understand what the staff's concern is and -- and we see it in a lot of our subdivision, we actually have areas that we have got long straight streets that we -- we are having problems with speeding and, hopefully, if you would put in intersections some of that might actually help slow the traffic down. I don't know. But it is an issue with speeding on those long block lengths. So, I could go either way on that if someone has issues. Trying to go back and through. There is just -- there is enough -- I think those were the big ones that I had. I think the rest of them -- honestly, the staff and the applicant can go work through the rest of them and I would be interested to hear other comments.

Wheeler: Mr. Chair?

Grove: Yes.

Wheeler: I -- I only have really just two or three comments here. First of all, I'm excited about seeing this -- this subdivision all come together and keeping that rustic farm feel using some of the buildings. I was actually smiling and laughing at some of them and just seeing how it was all coming together and you might get me to move. So, it's a pretty nice spot there and so I like those kind of niche subdivisions like this. This would be --

this would be a nice little boutique feel. I like that. The -- I'm with Commissioner Yearsley on this, too. I would like to be able to strike that R-8 zoning requirement on here somehow, some way, or have a strong recommendation for that. I'm -- I'm -- I'm -- I'm okay with having less cars on those interior path -- on those interior drive aisles and it keeps also just that feel that they are -- they are trying to get, but I also understand that there is some guidance there with the -- the comp plan, but if there is a way that we can require -- or request that to be stricken that would be -- I would be in very -- very big support of that. The other thing is I -- with that pathway, the north-south pathway on the western side, I understand the concerns on the neighbors on that. Normally a pathway is going to be abutting up against our typical, you know, R-8 zoning where you are in the backyard of somebody for, you know, 20 paces, 70 paces, 60 paces and, then, you are done. Here you have got a five acre parcel where it's -- it's going to feel like you are on a treadmill before you get to the next backyard and, you know, it's a farm feel and so you get farm fresh smells sometimes and -- and also just the experience of all that and it's a little different having a pathway run on the back lot of that. I'm also looking to the south and even if the pathway was to continue all the way down along this property line, just -- just the -- the most -- the next southern property where the subdivision ends, the house is actually butted up right next to where that pathway would -- would go if -- unless it, you know, redirected, but if it was to go due south it would go right next to where the trees were at and right next to a gentleman's house, so -- or the person's house I mean. Excuse me. So, I'm just -- I'm okay with -- with taking that pathway out as a requirement just because of just those -- those items there, so -- but I -- I'm excited to see this come together.

Grove: Commissioner Lorcher? Commissioner Stoddard?

Stoddard: Mr. Chair?

Grove: Yes.

Stoddard: Just make a couple comments. I agree with what everybody has said, but I also really like the feel of this subdivision a lot. It seems really nice. I am excited about it. I, too, was like -- oh, this would be a great place to go move; right? Although I love my place. But I just wanted to state, too, that I also am in support of striking the R-8 zoning if possible.

Grove: I will say on -- on the R-8 I understand the concern. I think with the size of this entire development and the -- the desire of the applicant to -- to meet the spirit of their overall design, I'm not as concerned with the R-8 being put in strategically. It's going to be very close to that collector street, which feeds into an arterial street, so the traffic concern internally is not -- is not there. You are -- you are not looking at a substantial change in the overall aesthetic of the 119 acres that are going to be developed here, but it would help meet the code. I think that finding ways to do that within what they already have is the -- if I were to be doing it the better of the two choices and versus coming back and going through the Comprehensive Plan change and waiting until, you know, the end of the year to be able to redo some of the -- this application pieces. So, I think, you know,

there is going to be a challenge there, but it's easily doable with what they have with some adjustments that they have shown and -- they have shown and it looks like they are capable of making those adjustments. Just because the minimums of -- on R-8 are set at a certain piece doesn't mean that they can't get much closer to that R-4, as long as they are meeting the overall density that is required and, you know, they are -- for the first time in a very long time we are talking about trying to get somebody to inch up to the minimums versus trying to sneak in under the maximum, so this is the best problem that, you know, we face up here in terms of -- like, hey, just one more -- like -- we don't get that a lot. So, I -- I applaud this overall project and I think there is some adjustments. You know, the pathway, the road pieces, but those are things that I feel competent the -- the applicant and staff can work out prior to the -- prior to this going to Council. There is a lot to like about this and the work that the applicant has shown to work with neighbors and the overall thought is quite -- quite good in this. Also, Commissioner Yearsley, no shared driveways. Always appreciated; right? So, Commissioner Lorcher, do you have any additional feedback?

Lorcher: No. Commissioner Yearsley, were you drafting a motion to be able to address the R-8 or do we need to ask staff on how to do that?

Yearsley: I was going to draft the motion that we recommend that the R-8 not be required and let Council make that decision.

Grove: That -- that will have to -- and we can make a recommendation to it, but --

Yearsley: That would be more of my motion is not to -- to strike that, but just that we would like to not see the R-8 be included and let Council -- you know, make a recommendation to Council that be included or required.

Grove: I will put at least on the record that that be part of the motion, that if the R-8 stays in that we recommend hitting the -- the bare minimum to meet the density requirements.

Yearsley: Yeah. I --

Grove: I think that's obvious, but --

Yearsley: To be honest with you, I -- I personally I don't know if I want to go to that -- I will let them decide how they would do or -- you know, that latitude is up to them. You know, I'm sure they don't want the R-8 the way it sounds, so they are going to do the bare minimum anyway. So, I was just going to let that happen to them. So, I'm just trying to go through the response and write down which ones I -- I would like to comment on and the other ones I'm just going to let staff and the applicant decide how they want to proceed to City Council with, if that's okay with you, and -- so, I'm -- I'm still confused about this one pathway. If you guys could help me. Where is this pathway that -- that nobody wants? I -- I can't figure out where it's at on the --

Dodson: Mr. Chair?

Yearsley: Okay. Hold on. Let me get to there. Okay.

Dodson: I believe if I -- again, I wrote three staff reports last week, so bear with me as my brain has melted. I believe I recommended it here, just because it aligns closely with that shared property line --

Yearsley: Okay.

Dodson: -- which, again, if they were to annex in the future that would be a nice place, you wouldn't take up much land of the two parcels. If they stayed completely as they are and they just had to annex because of the water-sewer issues, that's why I recommended it there.

Yearsley: Okay.

Dodson: But, again, I'm not going to fall on the sword for a 15 foot wide micro path lot.

Yearsley: Okay. Because I -- I'm sitting there trying to -- I -- is it like going up and down on the property?

Dodson: Yeah.

Yearsley: So -- okay. I'm -- yeah. Trying to -- to read the staff report and trying to look at the map and see what that's at, so -- okay. I'm going to recommend that one be removed. I'm going to let you figure out how -- I'm just going to say to remove that pathway, because I'm not sure which one it is, so --

Dodson: You got it.

Yearsley: And, then, the other one I had was to not have the house on Linder be connected to water and sewer. If they are going to tear it down and at the end of the phase five it just -- for me it doesn't make sense. I'm going to let this -- the applicant and staff work out the street frontages, so I'm not going to comment on that one, because, again, that one -- it can go either way.

Grove: Staff, are we able to recommend removing that 60 day piece or is that -- because isn't that something that --

Dodson: Mr. Chair?

Grove: -- is a waiver?

Dodson: Yes. So, the 60 day timeline thing has to be done by Council, but you can recommend that you agree with the applicant. Again I have to put it in because it's code, so I -- that's why I had to say it. Commission can recommend that it doesn't happen and, then, Commission will have -- or Council will have to make the final call with their waiver.

Grove: Commissioner Yearsley, the other one would be the pool.

Yearsley: Oh, yes. The pool in between phase two. I -- I think that makes perfect sense and I think -- I like that. I agree that having it in phase three was not a good -- good option, but having it in phase two is a good option, so --

Grove: Also, Commissioner Yearsley, just having the wording in there I think we can probably fall under the working with staff, but the modifications related to the open lateral, if the agreement with the irrigation district is reached.

Yearsley: Okay. Because -- do we need to make that change to -- they are -- they are going to recommend that be -- or they are going to tile that. Is that base -- do I need to change the motion to have that be tiled or -- or how does --

Dodson: Hold on. I'm reading. Sorry.

Yearsley: Motion is requiring -- you talk about you were going to change the staff report to make it that it was going to be tiled.

Dodson: Yeah. Mr. Chair, Condition 16 -- what is it -- A-16 I guess is what this falls under. That can be stricken, because they are going to pipe it. The other one regarding -- sorry. 2 -- A-2-B, you guys can leave that in. There is no motion, because they -- we will correct the plans or verify those between now and then. So, we will be okay. No motion required for that.

Yearsley: Okay. Any -- any other things that you guys want to see changed I'm open to suggestions, comments. Okay. All right. Let's try this. So, I can see -- Mr. Chair, after considering all staff, applicant, and public testimony I move to recommend approval to City Council file number H-2021-0070 as presented in the hearing date for April 28, 2022, with the following modifications: That the pool and clubhouse amenity be moved to phase two. That the home at -- at 30 -- or recommend that the home at 308 -- 3801, holy cow, South Linder not be connected to water-sewer. We recommend that that not be happen to City Council for that waiver and remove that -- we recommend that Condition 16 be stricken and that the pathway between the two lots on the southwest corner of the property being removed. Hope that's clear enough.

Lorcher: Did you get --

Yearsley: Oh. And -- sorry. The most important one. Holy cow. That -- that we -- we recommend that the R-8 -- to City Council that the R-8 not be required and to leave the -- the -- the street number -- or the -- the density or the zoning as -- as -- as recommended -- or as shown.

Wheeler: Second.

Grove: All right. Motion has been made and seconded. All those in favor say aye. All those opposed say nay. All right. Motion passed.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Grove: Good job. We will go ahead and take a five minute bio break and we will see you back here in just a minute.

(Recess: 8:12 p.m. to 8:18 p.m.)

**4. Public Hearing Continued from April 21, 2022 for Grayson Subdivision (H-2022-0014) by Schultz Development, LLC, Located at 1710 E. Amity Rd., Near the Northeast Corner of E. Amity Rd. and S. Locust Grove Rd.**

- A. Request: Annexation and Zoning of 3.39 acres from RUT to the R-8 zoning district.
- B. Request: A Preliminary Plat consisting of 15 single-family residential building lots and 3 common lots on 3.1 acres of land in the requested R-8 zoning district.

Grove: Okay. We will go ahead and jump back in with our next public hearing. So, we will be moving on to public hearing for Grayson Subdivision, file number H-2022-0014, continued from April 21st, 2022, and with that we will pass it back over to Joe for his final one for tonight. Take it away, Joe.

Dodson: Thank you, Commissioner Grove. The application before you for Grayson Subdivision is for annexation and zoning and a preliminary plat. The site consists of 3.1 acres currently zoned RUT in the county, located near the northeast corner of Amity and Locust Grove and actually near the corner, unlike the last one. The annexation and zoning request before you tonight is for 3.39 acres from RUT to the R-8 zoning district and a preliminary plat consisting of 15 single family residential building lots and three common lots on 3.1 acres. The proposed plat for the 15 units on 3.1 acres constitutes a gross density of 4.84 dwelling units per acre, which is consistent with the medium density residential designation located on the property. The minimum building lot size is about 5,500 square feet, with an average lot size near 6,200 square feet. The minimum lot size is nearly 1,500 square feet above the minimum lot size for the R-8 zoning district. The adjacent Estancia Subdivision of lower density and -- is of lower density and has larger building lots than what is proposed with this project. However, there are no more than two building lots for proposed adjacent to any single existing lot along the north boundary and the applicant has placed their drainage lot in the northeast corner of the project adjacent to two Estancia lots, which the point of me calling that out is if he put a building lot there and moved the drainage -- drainage lot somewhere else, then, that one owner would have two lots adjacent to them. So, the applicant was thoughtful on their placement of that. Furthermore, there are six building lots within the Estancia Subdivision along the



north boundary and the applicant has proposed seven building lots and one common lot. So, the difference between the two, despite different zoning and smaller lots, is not substantial, at least in staff's opinion. Consistent with the existing subdivision around Estancia, the applicant is proposing to continue parkways and detached sidewalks into the development along Grayson Street to match that design characteristic. The applicant is also proposing a micro path connection in the southwest corner of the property to add a pedestrian connection to their required multi-use pathway along Amity. Per the pathways coordinator and the master pathways plan, a ten foot multi-use pathway is required along Amity. It is required to be located within the landscape buffer and completely outside of the ACHD right-of-way. The applicant is showing a five foot detached sidewalk instead, so staff has included a condition of approval to include that pathway with -- prior to final plat submittal. The plat does comply with all UDC dimensional standards, except for the block length of Grayson. The proposed block length is approximately 550 feet per the way that we measure it, so we measure it from here until where ever it ends. It's approximately 550 feet after it gets to here, because we measure at the center of the cul-de-sac, which is -- this is just a preliminary that the applicant did as a potential redevelopment of the corner property. It will be I think just over 600. So, still under the maximum 750 period, but it does require a Council waiver to exceed the 500 foot, which the applicant is seeking, because they can't connect to Amity and they are not going to connect the Locust Grove to the west, so it is basically required. Access is proposed via extension of the existing stub street East Grayson, stubbed to the east property. It's proposed to be extended into the site and terminate in a hammerhead type turnaround by encumbering building lot number seven, which is here. That's how it was originally proposed. ACHD did not approve this. They are requiring a temporary cul-de-sac and so we have the revised primary plat that now shows building Lots 7 and 8 encumbered by this. Staff already has an existing condition regarding this potential outcome, so there is no need to have any motion addressing that. I just wanted to note that for you. As of about 4:00 there was no written testimony for the application and staff does recommend approval. I will stand for any questions.

Grove: All right. Thank you. Could we get the applicant to come up, please.

Schultz: Hello. Matt Schultz. 4914 South Colusa in Meridian. It's good to be here. It's been a while. Good to see some faces I know and some good to meet. I have been out here in south Meridian forever, about 20 years, doing developments for different people over the years, like Tuscany and Bear Creek and Reflection Ridge, Kings Bridge, Wells and -- and Calistoga and it's -- it's -- it's home for me and I'm excited about Albertson's. I just live just off Amity just down the road a little bit and an associate came to me and asked me to help him with this little in-fill that he found and I went, cool, it's in the neighborhood and I like to fill in these little blanks and I think this little blank -- there wasn't a whole lot of options that we could do with it, other than we could do R-4 lots or R-8 lots. So, that was pretty much it. So, what we are doing is kind of an R-8 light and that we are not going for 40 foot lots, we are not going to -- to the low-end of R-4, but we feel like that 50 foot minimum, single story on the north, to be more compatible, even though it could be argued that we are compatible anyways, we are adding that -- that single story in the north as a development agreement condition with them and if you look at the home sizes

north of us we are proposing the same size. They are in that 1,500 square foot range north of us and that's what we are -- 15 to 17 hundred is what we are proposing. The issues that were kind of unknowns originally is how much the proposed roundabout might impact our site. We did a preliminary drop-in of a template to see how that would -- we were confident that we were just going to squeeze on by, hopefully, and nothing was going to hit us and that we got to dedicate two more feet of right of way, so instead of 48 we are giving 50 on our side, which is not a big change, and this revised preliminary plat does indicate that. We just did that yesterday and ACHD did want a no build on two of the lots, instead of one. Okay. Do that. And, then, the city would like us to expand the five foot pathway from a five to a ten, like you see on the newly rebuilt Eagle Road, Victory and Amity, those nice little yellow lines down the middle. You know, it's -- it's cool and so we will be the only one on Amity now that has that, but whenever ACHD does go through and widen out Amity they will continue the ten foot on the other side. So, we have -- we have got the room to do that. So, we do agree with all staff and ACHD's conditions of approval. We have added our own. We have offered some development agreement conditions in our -- in our narrative about the homes in the single story and we think we have a piece that fits and it's going to be good to kind of further -- not that what's there is too trashy, but it's going to clean up the neighborhood a little bit. It's -- it's going to be better. So, we appreciate the opportunity and I'm really excited about that roundabout. I had to come in on the way here tonight at 5:30, it's really backed up all the way to the entrance of Estancia, you know, going -- going west on -- on Amity, so that roundabout is going to be nice. So, thank you.

Grove: All right. Thank you. Commissioners, any questions for applicant or staff?

Yearsley: Mr. Chair?

Grove: Yes.

Yearsley: Isn't there a cell tower? Is that what your one lot is at your drainage lot? Isn't there a cell tower on there as well?

Schultz: Commissioner Yearsley, Commissioner Grove, it's that -- it's that very corner lot that dash, dash, dash, on the corner of -- I think it's even in the right of way that's shown here. What we show as the future expanded right of way, I think that thing's closer to Locust Grove. It's off our property, but it is right there on that corner --

Yearsley: Okay.

Schultz: -- and that roundabout is going to, obviously, have to take that into account. That's why I think that roundabout is going to shift a little bit to the west to clear that -- that cell tower is my guess. That's why I was even more confident we weren't going to get clipped by whatever went east.

Yearsley: Right.

Schultz: So -- but, yeah, it's -- it's nearby, but not on our property.

Yearsley: Okay. I -- I knew it was there, but I -- I wasn't sure where it --

Schultz: It's Victory I think.

Yearsley: Couldn't get that last corner piece, huh.

Schultz: Well, now that this has utilities it's obviously -- I think it's going to become available and I wouldn't be surprised if ACHD might buy the whole thing. You don't know. They might need some drainage there. But they are I hear about the 50 percent stage on their drawings right now and I'm sure they are negotiating for right of way right now of with all those owners on the four corners. So, we will see what comes of it in terms of how much ACHD needs out of it.

Yearsley: Okay. That makes sense, because -- yeah, if I was that owner I don't know if I would want what's left.

Schultz: Yeah. There is -- there will be utilities right to it with us.

Yearsley: Okay.

Schultz: So -- and access.

Wheeler: Mr. Chair?

Grove: Commissioner Wheeler.

Wheeler: I have got a question here, Matt. So, that -- that's a little park area there, right, that northeast spot; right? Okay. And is there -- is that going to be -- are you going to be kind of like, hey, this is only for us 16 people here or is it going to be like -- I'm sure there is going to be some people are going to trickle over from the other, but --

Schultz: Yeah. Commissioner Grove, Commissioner Wheeler, it was going to be an open space lot, depressed, grassed. It would never hold water, except for when it rained a really bunch and, then, staff recommended we put a bench in there, a little passive sitting area, which that's a good idea. That would be cool. But, you know, the enforcement of -- of -- of that I -- I doubt it. You guys couldn't be that overkill. You stay off this. This is for these 15 people only. Do you have a pass? You know, I -- I just don't see that happening.

Wheeler: Good. Okay. Just -- I was just double checking on that then.

Schultz: I -- I think it was a great idea to put something in there. You know, a little sitting area and people walking the dog and just hang out.

Wheeler: Yeah. And, then, this is -- this doesn't have a gate or anything, it's just straight open road; right? All the way --

Schultz: Open road. We are continuing the detached parkway, park strips. The geometry works to where our lots are appropriate. They get a little bit shallow abutting Victory, but they are deep enough to meet all setbacks and get what we need in there, so --

Yearsley: There is no modifications to the deal, so I'm looking for -- at the -- who is making a motion that there is no modifications to this, you are okay with all the --

Schultz: I'm okay with everything.

Yearsley: Okay. Perfect.

Schultz: Thanks.

Grove: All right. Thank you. All right. At this time we will take public testimony. Mr. Clerk, do we have anyone signed in for this application?

Johnson: Mr. Chair, we did not.

Grove: All right. Is there anyone online or in the audience that would like to testify on this application? All right. Seeing none, would the applicant like to have any closing? All right. Making it easier. So, can I get a motion to close the hearing for file number -- I'm going to mess it up. H-2021-0099 -- nope. Wrong one. Let's try that again. Can I get a motion to close the public hearing for Grayson Subdivision, file number H-2022-0014?

Wheeler: So moved.

Yearsley: Second.

Grove: All right. All those in favor aye. All those opposed? All right. Motion passed.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Grove: Any prevailing thoughts?

Lorcher: Commissioner Grove. It's pretty straightforward, so -- they came up with a thoughtful plan to be able to use that space. They are following ACHD rules. Their connectivity. No modifications. So, I'm good with it.

Yearsley: Mr. Chair?

Wheeler: Commissioners, is there any significant discussion or do you guys just want to me to pitch this one through?

Yearsley: I'm good.

Wheeler: Okay. All right. After considering all staff, applicant, and public testimony I move we recommend approval to the City Council of file number H-2022-0014 as presented in the staff report for the hearing date of April 28, 2022, without any modifications.

Yearsley: Second.

Grove: Motion has been moved and seconded. All those in favor say aye. All those opposed say nay. All right. Motion passes.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

**5. Public Hearing Continued from April 21, 2022 for I-84 and Meridian Rd. (H-2021-0099) by Hawkins Companies, Generally Located at the Northwest Corner of S. Meridian Rd. and Interstate 84.**

- A. Request: Annexation of 18.30 acres of land with a C-G zoning district.
- B. Request: A Comprehensive Plan Future Land Use Map Amendment to change the future land use designation on 33.13 acres of land from Mixed Use – Community (MU-C) to Mixed Use – Regional (MU-R)

Grove: All right. All right. So, we will now open the public hearing for file number H-2021-0099 for -- for I-84 and Meridian Road, continued from April 21st, 2022, and with that we will pass it over to Sonya for the staff report.

Allen: Thank you, Mr. Chair, Members of the Commission. The next application before you is a request for annexation and zoning and a Comprehensive Plan map amendment. The -- the Comprehensive Plan map amendment portion of this site consists of 33.13 acres of land and the annexation portion consists of 18.3 acres of land, zoned C-G and RUT in Ada county, generally located at the northwest corner of South Meridian Road and I-84. The northern portion of this site was previously annexed in 1984 and 2002. No development agreements were required with those annexations. The Comprehensive Plan future land use map designation is mixed use community for the overall site. The applicant is requesting an amendment to the Comprehensive Plan future land use map to change the future land use designation on 33.13 acres of land from the mixed use community to the mixed use regional designation. Get my map to capture my -- presentation to catch up here. Excuse me just a moment. Oops. Don't know what happened there, but going again here. So, the -- the exhibit there on the left is the map amendment request and the annexation is requested of 18.3 acres of land with the C-G, general retail and service commercial zoning district, and the annexation area is shown on the exhibit on the right. A conceptual development plan was submitted as shown that depicts how this property is proposed to be -- excuse me -- that depicts how the property

proposed to be annexed, as well as the area currently zoned C-G, is planned to develop with two big box retail stores and a junior anchor retail space, which is called out as retail one, consisting of 130 to 150 thousand square feet, retail two, which is approximately 80,000 square feet and retail three, lot two, which is 20 to 30 thousand square feet. Three out pads with two drive-throughs and a four-story 80,000 square foot office building. The northern portion of the site, already zoned C-G, is entitled to develop subject to UDC Table 11-2-B-2, allowed uses in the commercial districts, regardless of whether or not the annexation is approved, as there is no development agreement that is in place that governs future development of that property. A vehicular connection and stub is depicted on the concept plan to the property to the west for future extension across the Ten Mile Creek and for interconnectivity. The applicant has submitted an emergency access easement agreement with the property owner to the west for access to Ruddy Drive and Waltman Lane. Per the Comprehensive Plan mixed use designated areas should include at least three types of land uses. The proposed concept plan only includes two land use types, commercial retail and office. Although residential land uses are still planned to develop on the adjacent property to the west, the property is currently entitled to develop solely with commercial uses. The previous residential development proposed for that property, Tanner Creek, was denied. Reasons for denial included Council's determination that the sole residential use of the property was not consistent with the mixed-use community designation, because a mix of uses wasn't proposed and they didn't want to burden this property with providing only the non-residential component of the mix of uses desired for this area. For this reason staff recommended this property and adjacent property to the west come in for review concurrently in order to ensure the overall development is consistent with the development guidelines in the Comprehensive Plan for the mixed use designation. Because the traffic impact study for that development is in the queue for review at ACHD and isn't anticipated to be reviewed until at least June, the applicant declined to wait and chose to move forward on their own. In accord with staff's analysis in the report, the proposed development is not consistent with the general mixed-use development guidelines, the existing mixed-use community, or the proposed mixed-use regional guidelines. The project as proposed is a commercial development, not mixed use. There are no significant attempts to integrate any of the on-site uses or with any of the adjacent uses. There are no community serving uses for existing and future residents. Pedestrian connections are proposed through vehicular use areas, which could result in vehicle and pedestrian conflicts and safety issues. No public, quasi-public uses are proposed, except an open space area located in the middle of the parking area with unsafe access and at the periphery of the development. Staff is also concerned with the ability of the existing transportation network being able to support the proposed development as a traffic impact study hasn't been submitted for the proposed development. For these reasons staff does not support -- is not in support of the requested annexation with the conceptual development plan proposed due to its inconsistency with the Comprehensive Plan. As recommended in the pre-application meetings for this property and the adjacent property to the west, staff recommends development applications are submitted concurrently for those properties with a master plan for the overall area that demonstrates consistency with the guidelines in the Comprehensive Plan for mixed-use developments and specifically the mixed-use community designation or an alternate designation if proposed. Alternatively, if submitted

separately, the development plan for each property should demonstrate consistency with the plan on its own merits. The traffic impact study should also be updated to take into consideration the development impacts of both properties in the overall mixed use designated area and the necessary road and intersection improvements needed in this area in order for the street network to function sufficiently with the intensity of development proposed. There has been no written testimony submitted on this application. Staff is recommending denial per the analysis and findings in the staff report. Staff will stand for any questions.

Grove: Thanks, Sonya. And could we get the applicant to come up, please?

Mansfield: Good evening, Commissioners. Thanks for hanging out so late tonight. I really appreciate it.

Grove: Need to get your name and address, please.

Mansfield: Yeah. I'm Ethan Mansfield with Hawkins Companies. We are the developers on the project and we are located at 855 West Broad Street in Boise, Idaho. I'm just waiting for our presentation to be pulled up, if that's okay. Thanks, Sonya. Yeah. So, first I would like to thank you all for your time this evening, your service to the community is much appreciated and -- and thanks for -- thanks for hearing this. So, our request tonight -- let's see if I can get this thing to change. Do I need to press a special button? All right. Our request tonight is for a Comprehensive Plan amendment to regional mixed use for about 33 acres and an annexation and rezone to general retail and service commercial for about 18 acres on the northwestern corner of Meridian Road and I-84. The 18 acres includes about an acre of ITD drainage facility, so I will be talking about 17 acres for actually -- that actually applies to the project. So, before I dig in I think it's extremely important to acknowledge that about 16 acres of this site is already entitled and zoned C-G, as Sonya mentioned. As you all understand, the zoning of a certain piece of land governs the specific uses allowed and the design criteria of those uses. The land use map or Comprehensive Plan, on the other hand, helps define and guide the general character of future development. So, it helps you make decisions about annexations, rezones, and conditional use permits. In this case the 17 acres on the south side of the site are what requires this sort of action, not the northern 16 acres. So, the northern land is entitled and only a site plan approval is required to develop that piece of land. The southern 17 acres are funky, there is no doubt about it. First they sit about 20 feet below the on ramp to the interstate. There is a steep grade going down to our site from that corner of the interstate and Meridian Road. Next. The only way to access the southern portion of this site is directly through the northern portion of the site, so as such, regardless of zoning or land use, the character of the development on the southern parts of land will largely reflect what is developed on the 16 acres of entitled property to the north, simply because that's where all the connectivity comes from, that -- it's kind of like a neighborhood on that whole piece, so, please, consider that through this discussion tonight. Now, let's chat about the overall plan for the site. Hawkins proposes to develop a mix of retail, food service, and office uses. Anchoring the development is a 145,000 square foot national retailer and here are the renderings of this user. In addition, we are

proposing another large format retailer, as well as a junior anchor. I guess I can let you hang out and look at these renderings for a second. In addition, we are proposing another large format retailer, as well as a junior anchor shown here in the red box. Several -- several food users and shop space and a four story 80,000 square foot office building in the southeast corner of the site. Linking these uses is a network of pathways that extends throughout the site and provides connectivity to the west and north. We propose a ten foot multi-use pathway along Waltman Street to provide connectivity to the east and west and a pedestrian and bicycle access to Tanner Creek, the residential development to the west. A sidewalk currently exists along Meridian Road to provide connectivity to the south and I should notice that Sonya -- or note that Sonya was referring to this as a vehicular access point. This is proposed for emergency vehicle access, but it's not proposed for open vehicle access between the two sites, only emergency vehicles, and we do plan to put bollards there, just so you understand it -- it is designed as a pedestrian connectivity primarily with -- with fire and emergency access points. The development includes a one acre parklet positioned to provide a transition from the apartments proposed to the west in Tanner Creek to our commercial development. It also includes a one-third acre urban plaza located near the office development. While we understand that outdoor patio seating does not officially qualify as an amenity, it's tough to argue that outdoor patios suck and so we have included space for two next to our shops building and here is some renderings of those features. You can see the bollards here that would kind of protect that as a bike and ped connection to Tanner Creek. Here is the urban plaza and, then, the patio dining. So, Tanner Creek, a residential project from Schultz development, with 264 multi-family units and 128 single-family homes, is proposed immediately west of our project. Last June City Council denied this exact proposal. Why? Because it didn't have commercial uses associated with it. As Matt Schultz will share with you later this evening, here are our commercial uses. Council specifically directed him to wait until commercial uses develop to the east. Well, here we are. Our application fulfills City Council's request. It provides open space, retail, restaurants within walking distance and thoughtfully connected to Tanner Creek. Tanner Creek has been required by the -- by the Ada County Highway District to update their traffic impact study, as Sonya noted, which is why it has not yet been submitted to the city for review. So, here is a little play-by-play of why Tanner Creek is still on the bench. So, first, comp plan amendments, as you heard earlier, are only processed by the city twice a year, December 15th and June 15th. Tanner Creek had proposed to submit in early January, concurrent with our December 15th deadline. However, ACHD required an updated TIS. These take a while, as I think we all know or have seen, and Tanner Creek submitted their updated TIS in March. It will likely be July before it is approved. Could be late June optimistically. To require Tanner Creek to come in concurrently with us would, at a minimum, require an eight month hold until next December. As we need housing and services to serve the intense growth Meridian is experiencing, we believe this is a risky and potentially costly move. It's also one that could be avoided by simply acknowledging the reality of the situation. The Tanner Creek and our development will complement each other and create a desirable regional commercial and residential hub. Staff is also concerned about the current development rights on the Tanner Creek site. Let's talk a little bit about the existing development that could occur on the site without going through an entitlement process. There is an existing development agreement on the site that governs the development of the site. This



development agreement limits the site to commercial uses, as Sonya noted. However, it also limits it to one of two site plans without the City Council approval to modify. So, here are the site plans. Here is site plan number one. We are not quite sure what all these boxes are and there is some flexibility there, but, you know, you can kind of see a big box on the bottom right-hand corner, some smaller commercial uses here. You know, significant commercial use abutting the single family neighborhood here or this one, which provides the big box immediately adjacent to the single family homes next door and a giant parking lot. So, anything other than these two site plans would require a trip back to City Council. I think it's important to understand that. So, the question is what's the likelihood that if our site is approved for retail, food, and office uses, that the contiguous landowner would scrap a residential project and sell the land and, then, that another owner would pick it up and develop a 37 acre development with the same uses that we will develop in our project. Right now I think that's a relatively non-existent likelihood and I think Matt, when he shares later this evening, can confirm this, as he is the developer of the adjacent site. So, next let's talk a little bit about the comp plan amendment and the subsequent rezone. Here is a description of the mixed use and regional mixed-use land uses from the comp plan. In general, the purpose of the mixed-use designation is to provide for a combination of compatible land uses within a close geographic area that allows for easily accessible and convenient services for residents and workers. The purpose of the mixed use regional designation is to provide a mix of employment, retail, and residential dwellings and public uses near major arterial intersections and developments should be anchored by uses that have a regional draw with the appropriate supporting uses. Here is a map showing the general location of our development over the comp plan map. The surrounding development is already a regional destination. Several big box stores and hotels are located on the east side of Meridian Road and two regional entertainment uses and an event center exist across the freeway to the south. The interchange is also the gateway to downtown Meridian. Meridian Road in front of the site is the third busiest roadway segment in the state of Idaho. That's after Eagle Road in case you were wondering. In other words, the already entitled portion of our site is begging to be developed into a regional hub. In that spirit, we are proposing a retail center with a regional draw. A regional employment hub, restaurants, and amenities that are complementary to Tanner Creek, which will provide 400 households within walking or biking distance to our site. Put simply, our development will serve the residents of the entire region, while maintaining walkability and bike ability to residents of the adjacent multi-family and single-family housing developments. The mixed-use regional designation is also the only mixed use land use designation that supports general retail and service commercial zone. This zone appears to be expressly designed for the subject parcel. Commercial uses, in quote, close proximity and/or access to interstate or arterial intersections, end quote. It is logical to continue that zone to the south closer to the interstate and the mixed use regional designation supports this, while the mixed use community designation does not. Based on the comments we heard from staff at the pre-application meeting last fall, the entire reason that this site was designated community, rather than regional mixed use, was that the transportation infrastructure serving the site was insufficient to support a regional draw. This is an extremely reasonable point. However, it seems that rather than limiting the use of the land on this very visible regional corner, it might work better for the city if we simply increase the capacity of the

transportation network, which is what we propose to do with this development. Here is how we are going to do this. First we propose to work with ACHD to extend Corporate Drive across Ten Mile Creek to Waltman and I should say not just ACHD, but Tanner Creek as well. We have been discussing this intimately, let's just say. Next we will improve Waltman to a collector roadway with a center turn lane throughout the entire project. We will also install infrastructure for a future transit stop on the corner of Waltman and Meridian Road and, finally, we will install an additional northbound left-turn lane on Meridian Road to accommodate traffic turning into the site from the interstate. Here is a cross-section of the proposed roadway improvements. There will be two lanes heading west from the Waltman-Meridian Road intersection, then a center turn lane and a lane heading eastbound, which will split into various turning movements near the intersection. You can also see where we are proposing to install the infrastructure to accommodate the transit stop. That's that little star there that says future transit stop. In sum, we are beefing up the transportation infrastructure to keep pace with the mix of uses that want to be on this corner. Our proposed mix of uses is of a similar scale and fits appropriately within the surrounding development, with roadway improvements and enhanced connectivity delivered by this project and Tanner Creek to the west. In tandem we propose to capitalize on the location of the site to deliver homes, jobs, goods and services to the population epicenter of the Treasure Valley. We look forward to your recommendation of approval to City Council and thanks so much. I'm happy to stand for any questions.

Grove: All right. Commissioners, any questions for the applicant or staff?

Yearsley: Mr. Chair?

Grove: Commissioner Yearsley.

Yearsley: So, I'm going to just be blunt. Sonya, is -- was the main reason for -- for recommending denial at this point is because you don't have the ACHD traffic impact study and having the two applications come together as one? I'm not quite sure why it did not -- I apologize, it may have been clear, but I -- I didn't catch it.

Allen: Mr. Chair, Commissioner Yearsley, transportation issue is huge and, yes, we feel that the TIS needs to contemplate the overall development for the master plan for this area, but the proposed concept plan is -- is not consistent with the mixed use designation and specifically the mixed use community, which is the existing designation, or the proposed mixed use regional designation.

Yearsley: Okay. Well, if they -- if they had both applications come into one that would meet that requirement; is that correct?

Allen: Not necessarily saying that --

Yearsley: Or --

Allen: That the -- the concept plan for this site, even -- even if it's -- the development to the west comes in with the -- with the multi-family, they -- they aren't integrated well. They -- they aren't interconnected as they should be in a mixed-use designation.

Yearsley: Okay.

Allen: The uses -- there is no community serving uses. It's -- it just doesn't meet our mixed-use guidelines --

Yearsley: Okay.

Allen: -- overall.

Yearsley: Okay. Like I said, there is -- there is a lot of nuances within that, so I wasn't quite sure exactly, so -- and -- and I agree that this is a big enough development that the traffic impact study is a big concern, so --

Grove: I have a question directly piggy backing off that. So, you mentioned it, but I -- I'm very unclear as to why you did not wait until you had the traffic impact study and an ACHD -- you know, this is -- you know, sometimes we can be like, okay, like we can move forward without something like this, but this is probably the most messed up intersection next to a giant parcel of land that is going to be extremely intensified. It's already hard to get around that area. You are -- you are -- you have mentioned making improvements, but those are fairly minor in comparison to the level of intensification that you are proposing specifically with this, let alone anything to the west of you. I mean I'm just really wondering why now and not -- I know that there is -- with the comp plan piece there is an additional piece, but this is -- I mean just to be very blunt, it's going to be very hard to properly evaluate this without having a much clearer understanding of what that impact study is, what those recommendations are, how do we mitigate the extreme mess that this could have. I have a few other questions, but I will let you tackle that first.

Mansfield: Thanks, Chairman Grove. That was a great question and it is a mess. Thanks for recognizing that and I think I just need to be a little more clear on where we both are in the process. So, we have completed a traffic impact study. TIS'es are not required to be approved prior to rezones and annexations. They are with preliminary plats, which is why we typically see a preliminary plat come in with an annexation and a rezone. In this case we are not pursuing a preliminary plat at this time, so we are just doing the annexation rezone. However, these transportation improvements that we are recommending are taken straight from the recommendations from our TIS and I have spoken with our traffic engineer a multitude of times to make sure I have got all those incorporated into this, because I understand that it is a big deal and so my job is to make sure that we are not missing something the TIS would recommend that's going to come in later, blindside us, blindside you guys, blindside Council, blindside ACHD and what I have done is thoroughly read through it, talked to our engineer about it and said am I missing anything and, actually, he is the one who came up with this improvements drawing for us. So, we have not been approved by ACHD yet. However, we have

submitted and it's under review and, as you guys understand, you know, ACHD is four, five, six months out for their review times right now and I think Matt can speak to that, too. He is just behind us in the queue. We are right ahead of him. And so given the nature of these staggered comp plan amendment time frames, we thought that we could submit right now and, then, when future development happens on the site, you know, we -- you know, anything from a zoning certificate, a CZC site plan review, that that will absolutely -- or preliminary plat or whatever we end up with, that will absolutely require an approved ACHD site plan -- or traffic impact study and we are confident that what we produced and what we are recommending to be improved will end up being the final approval of the ACHD site plan.

Grove: I -- I appreciate that. I -- I guess some feedback is this has been empty for a very long time, understanding that there is a traffic problem and that we are going to want to understand those parameters, along with this and have a lot better information, even if it's not required. It -- it's a -- it's something that is extremely important to this project and how we -- we look at it as a holistic approach and so knowing that it's just really concerning that it's not coming in at the same time. I understand that there is timeline pieces, but this is not something that came out of the blue for this project as -- as a concern. So, I -- I have some misgivings on that. I -- I guess my other question is in terms of how you view this overall project and being, essentially, at the gateway into Meridian, for all intents and purposes, how does that stack up with being a -- the proper visual in terms of -- you know, we already have one box store on the other side, like how does that -- how are we -- I'm having a hard time getting my head around what that overall concept looks like or what we want our community to look like to people coming into our city.

Mansfield: Yeah. Chairman Grove, that's another great question and I think there is a -- there is a couple different answers to that. You know, we are proposing a large format retailer. There is no doubt about it. It's a big box. It's a large box. However, you know, this is a major regional intersection and that's where large boxes want to be. That is why we have secured this particular tenant and we are providing right on the corner, you know, an 80,000 square foot office building, just like you see at every other intersection -- or, sorry, interchange in Meridian, to kind of, you know, provide -- and, you know what, it's -- it's -- if you look at our project it is only two mix of uses. You know, I'm not going to beat around the bush there. Tanner Creek provides the third and we have been working with them, but, you know, you do provide -- we do have 80,000 square feet of office. So, 50 percent of the stuff that's getting annexed into the city is office and 50 percent is going to be retail. The other stuff on the north that's already zoned, so that's already something where, you know, we are experiencing this intense demand for this aux user and we could put them there, you know. So -- so, we are trying to -- we are -- anyway, I will -- I will let -- I will leave it there.

Grove: Yeah, I get what you are saying. It -- it feels to a certain extent with -- with how it's positioned that that southern portion is landlocked and being held hostage here in terms of how we have to think about this. So, having a hard time feeling good about that. So, just giving you some pieces there. I can jump off my soap boxes for a minute, but if anybody wants to jump in with questions. I have another. So, you -- you said you did

have your traffic identity -- or traffic study and you have a general idea at least of -- what is your -- you know, trip count look like per day coming out of the overall development?

Mansfield: Sure. That's actually displayed right here on the screen.

Grove: Okay.

Mansfield: So, we can definitely talk a little bit about that. The total daily trips with the -- you know, sophisticated modeling of the reduction in pass-by trips, you know, that's -- that's, you know, captured by people driving by -- is nearly 11,000 primary trips. That's 740 in the a.m. and 950 in the peak period. Again, the recommendations in the TIS are reflected in our transportation kind of analysis of the site and our proposed improvements. So, based on this, our engineer proposed the improvements that we are proposing to make and I should say that there is actually one additional re-striping of Franklin Road as it -- or on 5th Street as it goes north to Franklin Road to provide a left and a right turn, where currently there is just one lane. There is no widening. It's only a restriping. So, I didn't want to confuse the conversation, you know, of these bigger changes by including that, but that is also included in our proposal.

Grove: Well, if we don't have any other questions, we will go ahead and open it up to public testimony. Mr. Clerk.

Johnson: Thank you, Mr. Chair. First is Kelsee Lorcher. Kelsee, you should be able to unmute yourself.

K.Lorcher: Hi. Kelsee Lorcher. 2099 -- oh, sorry. Can you hear me?

Grove: Yes.

K.Lorcher: Okay. Kelsee Lorcher. 2099 West Snyder, Meridian, Idaho. 83642. I do not agree with this -- this proposal at all. I actually agree with the staff report. This application does not have a master plan with Tanner Creek development to the west. The City Council last year said that they needed to do it together to get both sides approved and Hawkins has not done that. He has moved forward without Tanner Creek, but yet his proposal relies heavily on Tanner Creek development to be mixed use zoning and also for his emergency access as well and also for Corporate Drive. Tanner Creek's the one who is going to be building Corporate Drive, not Hawkins. We do not have both Hawkins or Tanner's traffic impact study, so without having both of those developments traffic impact studies we do not know the true impact this will have to Waltman Lane and to the gateway of our city and to that intersection of Meridian Road and Waltman. This development is way too high traffic for Waltman Lane and to the gateway of our city and even according to the Fire Department staff report on this application, it stated that the current resources would not be adequate to supply service to this proposed project, which entails greater risk for the occupants, as well as the first responders. In addition, the intersection at Waltman Lane and Meridian is already, as you said, a mess and a -- it's a burden with high traffic and there is -- it's landlocked. There is no wiggle room for

improvement or any major improvement. It's landlocked. It is what it is and we are already high traffic and we do not want to become an Eagle Road and this project is just too big for the area. You know, the -- the comp plan it -- it said that this needed to be mixed use community for a reason, not a mixed use regional. And, lastly, the parking lot is not designed well or safe for pedestrians or bicyclists and that's basically all I have to say tonight. Thank you.

Grove: Thank you. Mr. Clerk?

K.Lorcher: Also -- I'm so sorry. I have Joe Lorcher here with me.

Johnson: Mr. Chair, I was going to say, Kelsee, if Joe is with you, but, Joe, you are up next.

J.Lorcher: Can you hear me?

Grove: Yes.

J.Lorcher: Joe Lorcher. 740 West Walton Lane, Meridian, Idaho. 83642. My family and -- and I have worked in -- on Waltman Lane and lived on Waltman Lane since 1976. I understand that this is being considered the gateway into the City of Meridian, but I'm hoping that we don't turn it into, like my daughter said, an Eagle Road where it just becomes a standstill. Certain times of the day the intersection -- you literally watch the light change three times before you can get to the light to even turn left onto Waltman Lane and if this traffic study that was up there a second ago shows another 10,000 more cars, the intersection just can't handle it. The proposal of Tanner Creek to punch Corporate Road through to Waltman Lane will help, but first Tanner Creek has to pass and it's already been denied three times or two times --

K.Lorcher: Two times.

J.Lorcher: Two times. And the whole idea last time was for them to produce Tanner Creek and Hawkins together and that's what the City Council wanted and it's not happening, so -- and go back to the traffic study, we -- we need to wait until we learn more about the traffic that's going to happen for this intersection, so that it just does not become a complete parking lot all the time. Ethan was talking about using Tanner Creek to help with the mixed use qualification. He's assuming that Tanner Creek is going to get passed. That's why both of them need to come in together to see if they work together and will get passed and presented together. Overall the applicant should wait until the traffic study is complete and also should stay away from the MUR to keep it so it's not so dense and keep the traffic down. And, finally, do work with Tanner Creek and come together, so that both proposals are presented together and Council and Planning and Zoning can listen to both sides and decide what's best for the Waltman Lane area. So, hopefully, we can postpone this and let them wait until traffic's done -- traffic studies are done and they come together and work it together. That's all.

Grove: Thank you.

Johnson: Mr. Chair, Clair Manning is next. Mr. Manning, you are going to see yourself rejoin the meeting. He has a presentation to share.

Manning: Good morning, Council. Clair Manning at 650 West Walton Lane. I'm going to go ahead and share my screen. Oh, it's blocking me from sharing my screen.

Johnson: You can do that now, Mr. Manning.

Manning: Oh. Thank you. Okay. So, first off, I would like to thank the planning staff for their detailed analysis of -- of their -- of this application. I think their conclusions make it evident that you have no other choice but to deny this application. Are you seeing my PowerPoint right now?

Grove: Yes, we are.

Manning: Okay. So, this city has spent a lot of time and resources developing a Comprehensive Plan. There is a good reason. This was a designated mixed use community and not mixed use regional. The simple fact of the matter is there is not access -- there is not access to this area. It's not well suited to high traffic that these kind of commercial buildings will provide. So, I have a couple quick pictures just to illustrate that point. I think you guys are all familiar with the intersection, but as you can tell from this right picture here, there is a very short runway where you can stack up cars here and it's very very easy for them to back up and block the entire artery into the city here on one lane. Second off, it's extremely problematic once you also get onto Walmart, because it's very easy to back this up, because there is such a short runway before you need to start turning into this intersection. So, it would be very easy for cars to back up and just block that all together. So, let me direct you to that picture on the lower right. You can see I'm parked there right where you need to turn and I'm causing a really dangerous situation just for cars trying to get out. So, now imagine that you have semi trucks coming in and out to stock that big box store and imagine the kind of a mess that you are going to have with that. So, you know, overall this plan doesn't integrate very well with the overall area. The developer to the west is proposing high density apartments right across from Ten Mile Creek that look right into the back of the big box commercial area. So, you mix that kind of low cost housing with that environment and you have all the perfect makings for a slum and, you know, as staff points out, this area needs a Comprehensive Plan considered together, so -- and you must have that detailed traffic study combining both project to make a good decision. You cannot ignore that. This is a critical area. The 2018 traffic study on Tanner Creek already estimated 2,928 trips per day on Waltman, which clearly demonstrates -- you will see the 3,000 trip guideline for a collector. So, I can't really say any better than your staff did when they said this could cause irreparable harm to the flagship entrance to the city. So, I think you have a responsibility to deny this application. Thank you.

Grove: Thank you. All right. Mr. Clerk, do we have anyone else signed up?

Johnson: Mr. Chair, that was everyone.

Grove: All right. And it looks like we have someone in the audience who would like to come forward. So come join us again, please.

Schultz: Good evening. Matt Schultz. 4914 South Colusa in Meridian and before I dive into this application let's say just as a resident I'm excited that something is planned for this corner. Something. Because it has been sitting there vacant and we have done the big interchange work. It's just sitting there and what really triggered this is -- I brought a little exhibit. Put on my reading glasses -- that I did back in 2018. That corner was actually 14 parcels back in 2018. One of those being the ITD parcel that Hawkins bought first, which is the one that you called the hostage parcel -- that needed to be re-comp planned, but they have since -- and kudos to them for assembling all the other parcels, including the last two. They got all but one acre up there in Waltman to do a master plan, instead of having several little trials. So, it's a positive that they have taken that on. They have assembled it all to the Comprehensive Plan. I speak for -- I'm the owner's representative for the -- the nine parcels under one ownership to the west that we have called Tanner Creek in the past. P&Z approved it twice. ACHD approved it. Staff approved it twice. And we got to Council and the first time in 2018 City Council said, you know, Matt, they are all tired from their budget meeting that day, he says, you know what, you know, the comp plan is going through right now; right? The area comp plan; right? Yep. Well, okay, well, you are going to have to wait until that goes through. So, that's where that dead ended and, then, we waited -- I think I met Mr. Grove through that process of the comp plan meetings and steering committee and with Tanner Creek we were previously approved for commercial before our time. They had about 10,000 trips approved and that's what's approved on Tanner Creek right now is a commercial zone with about 10,000 trips and a big box, which, ironically, I think it might be the same big box user that now wants the better piece, which we have always said is the front 30, not the back 30, for commercial. So, with Tanner Creek we asked for a rezone to go to -- go to residential to be a better transition on the west side of Ten Mile Creek, which is a division between the two properties. The only reason we haven't submitted is traffic studies take forever to get run through ACHD right now and we -- ours was approved previously. The results of that one in 2018 were extend Corporate Drive, connect Ruddy and make Waltman a collector and nothing had to be done to that intersection out there, even though everybody couldn't believe nothing had to be done to that intersection, because we had two 2,500 trips or whatever it is. Well, obviously, when a big box commercial, like 10,000 trips, something has to be done to that intersection. We did -- we redid our traffic study, because it was four years old. That's what ACHD has. They did their traffic study. We both used each other's numbers. We both coordinated with two different engineers. Came to the same conclusion. So, one last thing. They are already approved. They could do -- probably go do their big box right now under the entitlements. I know you feel like it's hostage, but I do feel like they are producing a Comprehensive Plan and we are excited, because Council told us come back when we know for sure that commercial is going out there before we change your commercial to residential, so we can have one big mixed use project. We would be here today if not for the traffic study, but we do think it's a great project and we think it's something that would be great for this -- this corner. Thank you.



Grove: A question for you, Mr. Schultz.

Schultz: Yeah.

Grove: Are you -- I'm -- I'm going to take a guess and say you are, but are you open to working with the applicant to make a more comprehensive integrated multi or -- I'm going to get -- been doing this too long tonight. To get a more integrated overall feel for that entire Waltman property?

Schultz: Commissioner Grove, we feel that we -- we have the transitional portion on the west side of the Ten Mile Creek, which is a hundred foot natural barrier that's going to divide it. That's -- that's the tran -- that's the transitional buffer between commercial and residential, instead of putting the previously approved commercial right up against existing residential. We are connected. We have the use that complements their use and vice-versa. Are we all integrated, all mixed up together? No, because we have separate properties. But we are connected. We are working together on a flood study. We are working together on a traffic -- we coordinated our traffic studies and we are working together on it. As far as -- you are saying more integrated. I don't know if you are like mixing residential on theirs with commercial on ours. The commercial all needs to be up front and the residential needs to be on back and that's what we have always said and we are kind of sticking with that.

Grove: Yeah. My -- my question there is not to move one or the other, it just feels like there is a very -- it's such a clear delineation between the two that it doesn't feel -- I -- I would like to see, as you know, staff had -- what Council had said before, what the public had said just a minute ago in terms of looking at those more holistically, because of how that's going to be coming in and the prominence of where it's at in our city, so --

Schultz: And I understand completely and that front 35 is very important to get right. I'm not saying the back 35 is not important to get right. It's all important to get it right and we have -- our application is not in front of you, so I don't want to go off in the weeds with ours, but I would just say that it has been approved twice by P&Z and, if not, for the fact that theirs was in for commercial already, we probably would have already had it half built out as a residential with a pathway along the Ten Mile Creek and a good project, so --

Grove: Thank you.

Schultz: Thanks.

Grove: Any other public testimony? All right. If we could get the applicant to come back up, please.

Mansfield: Thank you, Mr. Grove, Commissioners. I would like to talk about four things that I just heard in testimony, so -- and it more -- more than anything else it's just clarifications to make sure we are all on the same page. So, the first thing I would like to

chat about tonight is that I want to make it clear that Corporate Drive will be extended regardless of whether Tanner Creek comes in. It's not their responsibility. It's the first developer's responsibility to construct the Corporate Drive extension. So, whether -- I mean we are assuming Tanner Creek is coming in, because of everything you have heard tonight, but if it doesn't, Corporate will still be extended. Second, I want to just also kind of talk about the coordination and collaboration that Matt and I have had in the past six, eight, ten months. It's been overwhelmingly extreme and that's a good thing, but it's like we are talking two or three times a week, half hour, hour long conversations. How are you guys? Where are you guys? Hey, what are you doing here with this zone? What are you doing with that zone? What -- what's the status of your TIS? Can you share your TIS data with us, so that we can actually provide a comprehensive package to our respective engineers and because -- you know, because we have separate developments they are coming in at two different times, there is no doubt about it. We have two TIS'es, but they are using the same data and we have ensured that. So, I think it's important to understand that we are actually very heavily incorporating that TIS into our TIS and vice-versa. We submitted within a week of each other to ACHD. Finally -- well, number three, I would like to point out that, you know, there is a lot of traffic on Meridian Road. Like I said, it's a regional draw already. So, it -- it makes sense to put regional uses with other regional uses, because, then, you don't have regional uses on, you know, Linder and Chinden, you have community uses on Linder and Chinden, you know, you don't have regional uses down on like Amity and, you know, way, way -- you know, like in no man's land. You have community uses there. You have regional uses right on the interstate. In addition, the traffic volumes, you know, they are going to come right off the interstate and they are not -- I guess what I'm trying to say is it's not like we are trying to send a regional use out to the hinterlands where we are like annexing and rezoning something way out there. This is an in-fill project and we are proposing to upgrade the utility -- the street -- the streets that are already there, so, you know, this concern about the transportation network, it can still remain a concern, certainly, but it's not going to look like it does right now. We are not just dumping a bunch of cars onto this existing network where Waltman's not even built out at all, it's like this little farm road; right? We are -- we are putting that on a four lane collect -- collector roadway, two -- two lanes in one direction, center turn lane, one lane the other direction goes into a bunch of different turning movements. It's probably going to be better, if anything else. I counted the p.m. peaks in a per minute basis -- or I'm sorry -- yeah. Per minute basis and this is the worst it's expected to get, 13 cars per minute. You know, I mean like 13 cars per minute -- I guess doesn't seem like a lot to me. It's a lot, it's not a lot a lot. And, then, finally, I just want to talk about the integration of our two projects together. So, I think if we had come in in the same application, we would have split it up the same way. Ten Mile Creek is a perfect natural buffer to buffer residential and commercial uses. It just works and we are providing a bridge over the creek and we are redoing the bridge on Waltman over the creek, with a ten foot multi-use pathway and so it's tough to say how do we get more integration over that creek, because it's like, well, we -- it doesn't make sense to tile the creek, because it's a nice amenity and Tanner Creek is actually constructing a sidewalk, a pathway all along it, to connect to the ten foot -- the regional multi-use pathway and we are providing a park right on our side, which is, just to be clear, not actually -- our parcel does not touch the creek at all. It's all on the Tanner Creek parcel. But we are

constructing a park -- a one-acre park right on the creek there and we did that instead of putting it in the middle of a parking lot, which we realized -- you know, I think even Sonya -- Sonya mentioned this, it doesn't make sense to put a one acre park in the middle of a parking lot. It makes sense to put it kind of adjacent to where the people who are walking and biking from are actually going to use it and it also allows, you know -- you know, visitors to our shopping center to use it as well and -- and workers who work there. So, I think I hit everything. Thanks, again, for letting me present and I appreciate your time.

Grove: Thank you. Appreciate it.

Johnson: Mr. Chair, I know the applicant's closed. I do want to point out as soon as you went to the applicant there was a hand raised in Zoom. So, it's -- it's up to you with the advice of Legal, if you want to hear that, then, have the applicant speak again. Completely your call.

Starman: I think -- I think it's a Chairman's discretion. I would recommend that you allow the person to testify.

Grove: All right.

Johnson: Nona Haddock. You should be --

Haddock: Can you -- can you hear me now?

Johnson: We can hear you.

Haddock: Okay. Thank you. What I remember from the last time that we had this meeting -- the main thing that we were concerned about was the traffic and coming out of Ruddy, all of the traffic in that subdivision to the west, will be a tremendous amount, because people will not want to go down Linder Road and down Franklin Road to get to the freeway. Of course they, will pick the easiest route. The way it's designed now that would take all those people through the Tanner Creek Subdivision and I strongly request that a road be made where Ruddy connects that goes over against the freeway and follows the freeway up to the intersection, so all the development happens on the north side of that road. That road can be abutting along the side of the freeway and it will give more length for traffic than Walmart Lane ever will and it will give better access. That way you don't have people going through Tanner Creek coming and going from work. It will divert that traffic into a safer zone. Thank you.

Grove: Thank you. All right. And we will have the applicant come back up if you would like.

Mansfield: Mr. Chairman, Commissioners, I don't have much. I -- I do think that, you know, if there was a collector roadway that was placed along the freeway we would certainly use that. ACHD has not acquired right-of-way there. So, you know, we are using the existing right-of-way to construct a collector roadway, which is designed to carry

the number of vehicles that ACHD predicts will be, you know, generated through this Tanner Creek and other developments who might use the collector roadway that exist now. Thank you. Appreciate it.

Grove: All right. At this time we can take a motion to close the public hearing or if we are leaning towards doing a continuance maybe it's more prudent -- sorry. I keep turning. Maybe it's more prudent that we keep it open for that purpose. But wanted to have that conversation with you all now before we close it in case you want to close and, then, discuss and open back up or close and -- and continue on, but --

Yearsley: Mr. Chair?

Grove: Yes, Mr. Yearsley.

Yearsley: I'm just going to speak openly, like I always do. I -- I like the project. I -- I think it's an appropriate fit. I -- I think your -- your -- your -- your improvements are appropriate for the area. There is not much else you can do to make the traffic better and everything and I think -- I actually approved the Schultz development when it came to the first time as well. So, overall I think it's good. However, at this juncture I don't know if I can feel comfortable going against staff's recommended denial at this point, based on the concerns that they have and especially with the TIS and I understand that the issues that -- my guess is they are trying to get it going, so they can get locked in with their tenants and stuff like that, but I don't know if I'm comfortable making a motion to proceed forward with this and -- and my guess is he would prefer a denial versus a continuance, so he can go before Council, instead of just waiting. And so I would recommend we close public hearing and just proceed forward.

Wheeler: Mr. Chair?

Grove: Mr. Wheeler.

Wheeler: I would like to go ahead and make a motion that we close public testimony on H-2021-0099.

Yearsley: Second.

Grove: Motion has been moved and seconded to close the public hearing. All those in favor say aye. All right. Motion passes.

**MOTION CARRIED: FIVE AYES. TWO ABSENT.**

Lorcher: Mr. Chair?

Grove: Commissioner Lorcher.

Lorcher: I need to give full disclosure. A couple of people who testified tonight are family members. Kelsee Lorcher and Joe Lorcher -- Joe is my brother-in-law and Kelsee is his daughter. I do not have any invested interest in the property. I don't live in that area. I consulted with Legal to see if I needed to recuse myself and because I have no financial interest he didn't say I had to, but I did want to let you know that I did have some family members testify tonight.

Grove: Thank you.

Yearsley: I wondered if that was the case.

Wheeler: Mr. Chair?

Grove: Mr. Wheeler.

Wheeler: I -- I have -- I'm trying to just get things sorted out in my head, maybe it's just because it's a little bit late and part of it's because what I'm reading here and what I'm hearing being taught, discussed, or somehow -- I'm -- maybe I'm not picking it up together, so I was wondering if -- Sonya, if you can help me, just get some parameters on what we are actually approving today here. So, from what I understand all we are doing is that we are -- we are approving and if -- if we were what they are -- what they have been coming before us is they are requesting approval for an annexation to have that rezoned to C-G for that 18 acres, is that what I understand?

Allen: Mr. Chair, Commissioner, yes, that's correct.

Wheeler: Okay. And, then, the other part is they are asking for just a re-zone in the bottom 33 and some change acres from MU-C to MU-R. Is that what I understand?

Allen: No. It's -- it's not a re-zone, it's an amendment to our future land use map in the Comprehensive Plan.

Wheeler: Okay.

Allen: The land use designation -- the future land use designation from mixed use community to mixed use regional.

Wheeler: Okay. So, that being the case, their site plan that they put up there with all the stuff, we are not approving that at all.

Allen: That concept plan is associated with the annexation request.

Wheeler: Okay. But not what's going on --

Allen: So, it's two separate applications. The concept plan is for the overall site and it does include the portion that's already annexed in the city and is zoned C-G. So, that

portion is actually entitled to develop per the uses allowed in the C-G zoning district. It is not -- future development will not be tied -- if you -- if you recommend approval of the annexation tonight and if Council actually approves the annexation, that northern portion, although it's part of the concept plan, will not be part of the development agreement.

Wheeler: Okay.

Allen: Only the southern portion that's subject to the annexation request will be subject to the concept plan if it's approved.

Wheeler: Okay.

Grove: Sonya, I have a question regarding how that would work out. So, if the C-G continued, they built that, but, then, sold the property below, how -- because there is no DA with the C-G, how would we guarantee access to that property that would be south of the C-G property, but east of the canal and north of the freeway and west of the on-ramp, essentially?

Allen: Well, the parcel configuration isn't changing, Mr. Chair. It's -- it's the same.

Grove: My -- I think my question is where would you -- like where would you get access -- like -- because there -- if there is not a cross-parking lot agreement and -- for the DA, is that a concern?

Allen: No. It's all under the same developer.

Grove: For now. I guess that the -- I mean I -- like I would just be -- I don't know. I'm nervous about that I guess and -- I don't know -- I don't know if I'm -- I know that I'm not clearly expressing that, so -- Bill, can bail me out?

Parsons: Mr. Chair, I think I'm following your logic. So, essentially, if Hawkins developed the C-G portion of the property and sold off the property that's currently in the county, then, we would require a cross-access agreement with the development of the C-G portion and they would have to provide that executed agreement with us in the future and, then, when that property to the south were to annex or develop, they would reciprocate and make sure. We can't -- we can't approve a development and close off their access. I would let the Commission know that there was a street stubbed to that property and the applicant did go through the vacation process with ACHD to change that from being a public road access to a future cross-access as you see on the concept plan.

Grove: Okay. Thanks. I will go ahead and jump in with a few pieces, if it's not already evident, that I have some major concerns with this moving forward, either through denial or approval, just without having additional information. I feel like this is one of those ones where it would be really easy for Council to send it back to us, because we are sending it up without good information, so I -- I would have a hard time doing anything other than a continuance, but I will -- I'm not making motions, so that's on you all.

Lorcher: Mr. Chair?

Grove: Yes.

Lorcher: So, the ACHD study comes out in June; correct? That's what he alluded to?

Grove: That's the best --

Lorcher: So, if we were going to do a continuance, can we continue out that far? I mean we are only -- it's May 1st on Monday, so we are at least possibly eight to ten weeks away.

Grove: We would -- we would conceivably have to push it beyond that, because we would need to have time for staff to look at it and analyze it with -- through July 4th right there I would probably be more inclined to say at the beginning of August.

Lorcher: So, are we allowed to push it out that far?

Starman: Mr. Chairman, Commissioner Lorcher, yeah, I think in this instance, because the traffic impact study is such a critical piece of your decision-making and your deliberations, there is no legal prohibition in terms of continuing the public hearing until you have adequate information to make your decision. That's my first part of the answer. But the short answer to that is, yes, you may continue this to July or August. The next part of my comment is really for the Commission to decide is because of that lengthy -- if you go that direction you may want to consider re-noticing the hearing in the interest of transparency to make sure the public's aware of what's happening. That's a pretty lengthy period of time. I don't -- I wouldn't go as far as to say a legal requirement, but it would be in the interest of transparency.

Yearsley: Mr. Chair? I think -- as Sonya stated I think there is two aspects with this is one is the traffic impact study. The other one is -- is analyzing -- you know, as she says in her staff report, the -- the proposed development is not consistent with the general mixed use development guidelines as the existing MU-C or the proposed MU-R guidelines and that's why they are not in support of this annexation. That has nothing to do with the traffic impact study. So, I mean even if we continue it out there is still that other aspect that we -- we don't have enough information to -- to analyze and so with that being said the -- the applicant is -- is willing to take his chance in front of City Council, hoping that, you know, they can, you know, talk to, you know, for -- for me I -- I'm -- my rec -- my -- my thing on the Council is -- on Planning and Zoning is does it adhere to the code and stuff like that. Council gets a little bit better -- I think a little more leeway on some of these decisions, but based on this information I -- I can't -- I don't see a reason to continue it based on staff's comment.

Wheeler: Mr. Chair?

Grove: Commissioner Wheeler.

Wheeler: I had another thought on this here, too, is -- yeah, I see that the -- you know, the traffic study, but also like what Commissioner Yearsley was saying; right? It had to do more with like the uses on it, but I mean I'm looking around at just even like aerial photos, aerial views, you know, which is Google and there -- there is no other residential that's on any of these corners or even on the other side or across from it and so I can see why that would be just a very natural thing for the applicant to say, hey, the highest and best use and what seems to be concurrent with surrounding is -- is office, mixed use -- excuse me -- office, retail, because that's what's around in those side of things and so I'm -- I'm in support of the -- of the rezoning aspect to mixed use regional, but as staff also said, there is -- the components even in that side of it aren't -- well, on the site plan aren't even -- don't even work out with what's there.

Grove: Yeah. You still need three products --

Wheeler: Right.

Grove: -- three types. Pretty sure we build residential as one of those for mixed use regional; is that correct?

Allen: Chairman, yes. Residential is one component you could have. There is -- there is several in the Comprehensive Plan.

Wheeler: So -- so, it might be something where they even -- could even put in like a multi-family function on that -- or even just like a hotel, motel, kind of thing, might be able to function on this, too. Definitely they are going to want to have an anchor tenant and that one at that size would be enough to be able to draw the traffic into it, but I mean I -- I'm just -- I'm just thinking of the concurrency with everything else that's around there, except for to the west with the residential subdivision, to me it makes a lot of sense to not -- at least have that residential component on there.

Lorcher: Mr. Chair?

Grove: Legal --

Starman: Let me just put something on the table very quickly and I can pause for a moment, so with the chairman's indulgence. Yeah, because we are in a quasi-judicial type setting it's important that everybody has the same information before them, so when, you know, comments are made, like I'm looking at a Google screen or I'm looking at -- I'm looking at aerial photographs, that not everybody has -- is privy to, that creates a potential problem for the record. So, I wonder if I could ask Commissioner Wheeler would it be possible for you just to share your screen for a few seconds, so that everybody can see what you were talking about and that way the record is preserved and we have got a nice clean record of what transpired.



Lorcher: And Mr. Chair?

Wheeler: You bet.

Lorcher: In regard to the west side -- or the north side of Waltman Lane, Commissioner Wheeler, there are residences over there. They are farms and there is five to ten acre parcels and, then, the subdivision. So, there are people who live on the -- that side of the street.

Starman: Perfect. Thank you, Commissioner. I appreciate that. And thank you for indulging me.

Wheeler: Chairman -- Mr. Chairman? Commissioner Lorcher, what I'm saying is that on the other three sides is what I'm saying on my -- on my view; right? You have got -- it's just this area over here nothing residential; right? This whole area here nothing residential. This area over here nothing residential. It's only on this side where there is that factor that they have to be coming into and so what I'm just saying is I can see from the applicant's side that this part right here that's got a high traffic on-off ramp -- on-ramp here and the -- and the heavy use here, that there is not a residential component on the side that's -- that's where the -- the on-ramp doesn't even fully merge into I-84 at that juncture and I see that it's all -- you know, it's still very high trafficked area that there is nothing that's there that has a residential component. That's all that I'm saying is I see why they would say why don't we push that a little bit further west or farther west. Excuse me.

Grove: All right. So, Commissioner Yearsley, you were getting close to making a motion at one point of denial. Is that where you still want to take that?

Yearsley: That's where I'm proposing. I guess I can make the motion and see where it falls. So, Mr. Chair, after considering all staff, applicant, and public testimony, I move to recommend denial to City Council of file number H-2021-0099 as presented in the hearing date of April 28th, 2022, for the following reasons: That the requested use is not consistent with the general mixed-use development guidelines and the existing -- the existing MU-C or the proposed MU-R guidelines and we -- and needing a traffic impact study.

Stoddard: Second.

Grove: All right. So, we have a motion and a second for denial. All those in favor say aye. All those opposed say nay. All right. Denial passes.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

**6. Public Hearing Continued from April 21, 2022 for Future Land Use Map Ada County Area of City Impact Cleanup (H-2021-0098) by City of Meridian Planning Division, Located Citywide**

- A. Request: Comprehensive Plan Map Amendment to clean up the map to better align with the adopted Ada County Area of City Impact (AOCI) boundary AND removing Civic designations and areas that will be serviced by other jurisdictions (Boise).

Grove: All right. Last agenda item for the night and we have Brian joining us to discuss public hearing for Future Land Use Map Ada County Area City Impact Cleanup, which is file H-2021-0098, and we will pass it over to Brian.

McClure: Sorry. I'm finding the PowerPoint. Oops. Good evening, Commission. I'm here tonight to discuss a Comprehensive Plan future land use map amendment. This application has no associated entitlements, no annexations, no anything else with it. Briefly some background. The genesis of this application goes back to December of 2019, like some other things tonight, and it's focused on the area of city impact boundary. After the new Comprehensive Plan was submitted Ada county staff led some coordination efforts to work with the other cities and Ada county and as part of that ultimately the Board of County Commissioners adopted our Comprehensive Plan with some minor tweaks to the area of city impact. This amendment aligns with those changes. There is also an additional AOCl, Area of City Impact, change to -- at the request of ACHD. They are developing a project on Franklin Road east of Eagle. That project falls in both Meridian and Boise boundaries and they are moving forward in Boise. Both Ada county and the city of Boise have coordinated with us on that application. As stated, a key element of this amendment is the continued coordination with other agencies. It's also intended to better reflect our service planning efforts, to improve transparency, to reduce efforts -- errors and to maintain a plan that is a living document. Broadly, the changes before you tonight can be categorized into two areas. One is map changes. Those include both area of city impact revisions and also future land use map designation revisions. The other one are graphic changes. These are generally other things on the map and include the legend. The graphic changes includes a new special area designation. Previously that was just for the Ten Mile Area Plan. That now includes The Fields Sub Area Plan, which was previously approved, but is not shown on the map. I will briefly walk through some of these changes. But on the right you can sort of see the areas where the land use designations and area of city impact boundary revisions are taking place. For area one here on the left, the only change is to remove a section of the -- of the area of city impact from our future land use map. That's on the northwest corner of US 20-26 and Highway 16. That area is no longer being planned for services in the City of Meridian. You have no access to it from the City of Meridian and Star has already taken that into their -- their area of city impact and the county has already approved that. The change on the right is an exceptionally minor change. It would be a scrivener's error, except I wanted to just sort of daylight why it's there. Generally when we make land use map changes we like them to be consistent with other -- with other boundaries, so follow a center line, follow a parcel line, whatever that one is. This one just sort of floated by itself and didn't follow what other map designations were doing and so in the future when you have a map amendment that's kind of what I would like to see happen. So, no significance there, other than just looking for some consistency. For area three on the left here, this is -- as previously -- previously mentioned is just removing the ACHD property from our

area of city impact. They do own several parcels -- more area, actually, in the city of Boise. Area four on the right looks complicated. It's not. There are no impacts in Meridian. All the properties in Meridian have already had entitlements handled. They have already had zoning done. This is just sort of modifying the future land use designation to align with our city limits. The other properties being removed are either already annexed into the city of Boise or are planned to be serviced by the city of Boise. Area five here on the left is another removal from the area of city impact. You are probably familiar with this site. It's the old barn on Fairview east of Kleiner Park. That area has been annexed into the city of Boise and so we are just removing it from our boundary. Area six here includes some -- what I consider to be cleanup changes. Those are actual future land use designate -- future land use designation changes that aren't associated with some of the other things I have mentioned previously. Both of these have civic designations currently and neither one of these properties are owned by a public agency or quasi-public agency. The one on the right along Meridian Road is what's happening across the street. That used to be old city hall, is now in private hands, and the proposal here is to change the designation to Old Town to match the Old Town zoning and what's already around it. The one on the left further down Pine is actually a bit of a mystery. It has had a civic designation for decades. I'm not -- I haven't been able to figure out why, but it is an R-4 property with a residential use on it and so the proposal here is just to clean that up and make it R-4, the rest of it. Area seven. These changes are a little less clean up. The one on Franklin is currently medium high density residential. That actually covers nothing but commercial uses, though. That includes a commercial development within the City of Meridian. It's been building out for a while and, then, it also includes a commercial use in the county. It's right by the cemetery and it's surrounded by industrial uses. You probably notice the old ranch style home there being operated as a business, is basically what that area is. And, then, also the office park next door. And, then, the last one down at the bottom is -- used to be commercial, we are proposing it to go to civic, because West Ada and ISU own that property. It is an ISU parking lot and fields that are currently used by both the school and the city. Next up are some of the graphic changes. This is the new symbology for the future land use map. You have probably actually seen this in some of the staff reports if you didn't notice. We have been using these for a while on our internal and unofficial maps. This was an effort to really just sort of improve the visibility of some of these. A lot of the colors, particularly the yellows and the browns, bled together. We added some hatching to some of them to differentiate the -- the extremes. We could add hatching to all of them, but it makes your eyes bleed and we don't want it to be too busy. So, we -- we try to take a minor touch to that. We did -- I have talked with some staff that have some color deficiencies and they seem to like this a lot more. So, hopefully, you find some benefit, but we are always willing to take feedback. Here you can just see the new special sub area planning boundary and you can just see that it's both the Ten Mile and The Fields area now it's really just renaming the legend item. We will note that all the interactive maps when you click anywhere in here, it not only pulls up the -- the land use designation, but it will also give you a link to the relevant sub area plan. On March 4th staff did send out letters to all property owners falling within -- under these areas of changes. I did receive several phone calls from people who were interested, but no one seemed concerned and as of this afternoon I did

not see any written public testimony. With that staff is recommending the changes as proposed and I'm happy to take questions.

Grove: All right. Do we have questions?

Yearsley: Mr. Chair? So, are we making a motion to approve or recommending approval to City Council?

McClure: Recommend approval to the City Council.

Yearsley: I don't see any problem with it. It just seems pretty -- pretty clear.

Grove: All right. So, it is a public hearing. So, do we have anybody signed up to testify on this application?

Johnson: Mr. Chair, we have nobody signed up and nobody online or in the room.

Grove: All right. Well, that makes it easy. So, can we get a motion to close the public hearing for file number H-2021-0098 for the Future Land Use Map Ada County Area of City Impact Cleanup.

Lorcher: So moved.

Wheeler: Second.

Grove: All right. We have a motion and a second to close public hearing. All in favor say aye. All right. All opposed nay? All right.

**MOTION CARRIED: FIVE AYES. TWO ABSENT.**

Wheeler: Any comment or -- or I will -- I will let you make the motion. Go for it. Want to do it? You haven't done one yet. Do you want to do it? No, not yet? Okay. All right. All right. This is a pretty easy one, so that's why I was like, hey, I will give you a little softball pitch if you want to make a run at it. No public and -- you want to make a run at it? She's thinking.

Yearsley: The only problem is there is nothing to read, so that's --

Wheeler: Okay. Okay. All righty. So -- so, Mr. Chair, after considering all staff, applicant and public testimony, I move that we recommend approval to the City Council on file number H-2021-0098 as presented in the staff report for the hearing date of April 28th, 2022, with no modifications.

Stoddard: Second.

Grove: All right. It's been moved and seconded. All those in favor say aye. All those opposed to say nay. The ayes have it.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Grove: Thank you, Brian, for presenting that and good job on all the clean up. The -- the Eagle Road one, that was a fun one to look through. It -- you say it's not confusing, but it was. It looks confusing with all the colors. There is a lot of colors going on. So, thank you for making it better.

Yearsley: Mr. Chair, I recommend we adjourn.

Lorcher: Second.

Grove: Motion and second to adjourn. All those in agreement say aye. All those opposed? All right. Thanks, everybody.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

MEETING ADJOURNED AT 10:00 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS.)

APPROVED

\_\_\_\_\_  
NICK GROVE - VICE-CHAIRMAN

\_\_\_\_\_|\_\_\_\_\_|\_\_\_\_\_  
DATE APPROVED

ATTEST:

\_\_\_\_\_  
CHRIS JOHNSON - CITY CLERK



## AGENDA ITEM

**ITEM TOPIC:** Approve Minutes of the May 5, 2022 Planning and Zoning Commission Meeting

**Meridian Planning and Zoning Meeting**

**May 5, 2022.**

Meeting of the Meridian Planning and Zoning Commission of May 5, 2022, was called to order at 6:00 p.m. by Chairman Andrew Seal.

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

Members Absent: Commissioner Mandi Stoddard.

Others Present: Chris Johnson, Jaime Del Barrio, Kurt Starman, Bill Parsons, Joe Dodson, and Dean Willis.

**ROLL-CALL ATTENDANCE**

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

Seal: Good evening. Welcome to the Planning and Zoning Commission meeting for May 5th, 2022. At this time I would like to call the meeting to order. The Commissioners who are present for this evening's meeting are at City Hall. We also have staff from City Attorney and Clerk's offices, as well as City Planning Department. If you are joining us on Zoom this evening, we can see you and 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 portion. If you have a process question during the meeting, please, e-mail [cityclerk@meridiacity.org](mailto:cityclerk@meridiacity.org) and they will reply as quickly as possible. If you simply want to watch the meeting we encourage you to watch the streaming on the city's YouTube channel. You can access it at [Meridiacity.org/live](http://Meridiacity.org/live). With that let's begin with the roll call. Mr. Clerk.

**ADOPTION OF AGENDA**

Seal: The first item -- excuse me. The first item on the agenda is the adoption of the agenda. For this evening Amina's Daycare, File No. H-2022-0012, will be open for the sole purpose of continuing to the -- a regularly scheduled meeting. They will -- it will open for that purpose only. So, if there is anybody here tonight to testify for this particular application we will not be taking public testimony on it. Can I get a motion to adopt the agenda as amended?

Lorcher: So moved.

Wheeler: Second.

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

**MOTION CARRIED: SIX AYES. ONE ABSENT.**

Seal: No department reports this week. So, right now I would like to -- excuse me. At this 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 the Comprehensive Plan and Unified Development Code. After staff has made their presentation the applicant will come forward to present their case and respond to staff comments. They will have 15 minutes to do so. After the applicant is finished we will open the floor to public testimony. Each person will be called on only once during the public testimony. The Clerk will call the names individually of those who have signed up on our website in advance to testify. You will, then, be unmuted on -- in Zoom or you can come to the microphones in Chamber. Please 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 -- or a presentation for the meeting it will be displayed on the screen and our Clerk will run the presentation or you can run the presentation, depending on your preference. If you have established 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 up in advance have spoken, we will invite any others who wish -- may wish to testify. If you wish to speak on topic you may come forward in Chambers or if on Zoom press the raise hand button in the Zoom app or if you are only listening on a phone, please, press star nine and wait for your name to be called. If you are listening on multiple -- multiple devices, such as a computer and a phone, please, be sure to mute the extra devices, so we do not experience feedback and we can hear you clearly. When you are finished the Commission does -- and the Commission does not have questions for you, you will return to your seat in Chambers or be muted on Zoom or phone 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 has finished responding to the questions and concerns, we will close the public hearing and the Commissioners will have the opportunity to discuss and, hopefully, be able to make final decisions or recommendations to City Council as needed.

## **ACTION ITEMS**

- 1. Public Hearing Continued from April 7, 2022 for Amina's Daycare (fka Mulonge Daycare) (H-2022-0012) by Godelieve Mulonge, Located at 4175 S. Leaning Tower Ave.**



- A. Request: A Conditional Use Permit for a group daycare of up to 12 children on 0.145 acres of land in the R-8 zoning district.

Seal: So, at this time I would like to open the public hearing for Item No. H-2022-0012, Amina's Daycare, for a continuance.

Yearsley: Do we have a date to be continued to?

Seal: I believe the next date is --

Johnson: Yeah. Mr. Chair, the next available date is May 19th. The applicant has time to meet that noticing deadline and they have been informed by the planner.

Seal: Okay. Thank you.

Yearsley: Mr. Chair?

Seal: Commissioner Yearsley, go ahead.

Yearsley: I move we continue public hearing on File No. H-2022-0012 to the hearing date of May 19th, 2022.

Grove: Second.

Seal: It has been moved and seconded to continue Item No. H-2022-0012 to the date of May 19th. All in favor say aye. Any opposed? Okay. Motion carries.

MOTION CARRIED: SIX AYES. ONE ABSENT.

**2. Public Hearing for Ferney Subdivision (H-2021-0103) by Engineering Solutions, LLP, Located at Parcel #S1109438871, Near the Half-Mile Mark on the North Side of E. Franklin Rd., Between S. Eagle Rd. and S. Cloverdale Rd.**

- A. Request: Annexation and Zoning of 5.64 acres with a request for the I-L zoning district.

Seal: Now, I would like to open the public hearing for Item No. H-2021-0103 for Ferney Subdivision and we will begin with the staff report.

Dodson: Thank you, Mr. Chair, Members of the Commission and the public. Sorry. First application before you tonight is for Ferney Subdivision, H-2021-0103. It is for an annexation and zoning and preliminary plat. The annexation and zoning area consists of 5.64 acres, because it includes right of way for both the railroad to the north, as well as along Franklin Road. It is a request for an annexation with the I-L zoning district and a preliminary plat consisting of two building lots on 4.93 acres of land in the requested

zoning. In addition, the applicant is seeking a Council waiver to reduce a required landscape use buffer per the specific use standards for the proposed use of the self storage -- self service storage facility. Here is the plat/site plan. The applicant is proposing to annex the property with the I-L zoning district as noted. Proposed two different uses on the site, a self-service storage facility and flex space. Both of these uses are listed as anticipated uses in the designation of industrial for the future land use, as well as the requested I-L zoning district. Both uses are subject to specific use standards as well. According to the submitted plan, staff finds the proposed self-service storage facility complies with all specific use standards, except for the requirement to -- to screen the property and the requirement of the minimum 25 foot buffer to any residential use. It is unclear in the submitted plans whether any fencing is proposed and what type it might be. The applicant should clarify this and provide an exhibit showing the type of fencing or wall proposed to satisfy this requirement and screen the use as noted in the specific use standards. As noted, the applicant is proposing a -- or requesting a Council waiver to reduce the buffer along the east boundary. They are proposing a 15 foot buffer, rather than a 25 foot buffer, adjacent to the residential use along the east boundary. So, this is east here. Reducing a landscape use buffer requires a City Council waiver and is not eligible for alternative compliance. According to the resident's child to the east, at least from what I have heard, I don't want to speak for anybody necessarily, but I have heard that it is not anticipated for the parents to reside there in perpetuity and that it, too, is designated as industrial on the future land use map, as well as on the -- directly to the east of that property is an ACHD site of sorts that is also going to be an industrial use. So, there is -- this whole area is supposed to be industrial is my point. Because of this the applicant is requesting to reduce that buffer, rather than -- and to help utilize more of the site, because if it was industrial now there would be no buffer at all. It would be zero lot line if you wanted to. To help with this screening with the reduced buffer, staff is recommending denser landscaping along the first 150 feet measured from the back of the street buffer. So, from the first 185 feet from the back of curb. Or back of sidewalk. Sorry. Further, the applicant is required to provide a solid fence or wall to satisfy the specific use standard. Again, plans didn't necessarily depict what kind of fencing, but they will have to provide privacy fencing, minimum six foot in height. They could go to eight feet if they wanted to, because of the I-L zoning district. With staff's recommendations, the specific use standards, and the fact that the property to the east is planned to be an industrial zoned property, staff is supportive of the reduced buffer, but City Council will be the determining factor on that. The proposed building lots meet all UDC dimensional standards for the requested I-L zoning district for setbacks, building height, and the proposed use and they comply with the UDC subdivision standards. Main access to the property is proposed via two driveway connections to the extension of East Lanark from the west. It's an industrial collector street. Lanark is stubbed to the subject property's west boundary and is required to be extended to and through the site and terminate at its east boundary. Lanark is not able to be extended further than the subject property line, because of the existing residents on the east side as noted. So, the applicant is required to terminate the Lanark Street in a temporary cul-de-sac, at least according to ACHD. According to the submitted plat each property is proposed to have one driveway connection to Lanark in alignment with each other located approximately 45 feet west of the east property line. No other access is proposed for the flex building

on the north property as seen here. The south property containing the self-service storage use is proposed to have an emergency only access to Franklin, which is here, and will have a gate. So, one access, second access there. Emergency only. A secondary access is required with the specific use standards for a self-service storage facility. The applicant has proposed an alternative temporary turnaround by incorporating the needed space for -- for a hammerhead type turnaround within the Lanark right of way and the driveways proposed. So, you can kind of see the outline here. This was submitted to me showing this after the ACHD staff report was actually issued. So, I'm not a hundred percent aware that ACHD has seen this. However, between Commission and Council I will verify that they are okay with this or the applicant will have to show a cul-de-sac at the terminus of this instead. The applicant will have to continue working with ACHD and that, unless they already have done that. And, in addition, Meridian Deputy Fire Chief have given their approval of this alternative, as well as planning staff as well. So, hopefully, ACHD helps comply. We can reduce some asphalt, because this road should get extended in the future. Buffers are required along Franklin and on both sides of the Lanark Street extension. Plans depict the required landscape buffer width, but do not show the correct amount of landscaping within the Franklin buffer. Per UDC 11-3B-7C.3 no more than 65 percent of the buffer area shall be comprised of grasses. An additional landscape design is required along entry -- entryway corridors, which is adjacent to the this site. Therefore, additional vegetative ground cover beyond that of grasses and additional landscape features are required to meet UDC standards. For example, a berm, decorative walls, or a dry creek design are specifically listed in the UDC as examples to comply with this standard. Staff has already included a condition of approval for this. As of 2:00 p.m. there was no written testimony and staff does recommend approval of the subject annexation and plat, as well as the proposed uses, and I will stand for any questions.

Seal: All right. Thank you very much. Would the applicant like to come forward?

McKay: Thank you, Mr. Chairman, Members of the Commission. I'm Becky McKay with Engineering Solutions. Business address 1029 North Rosario in Meridian. I'm representing the Franklin Storage, LLC, on this particular property. As Joe indicated we are requesting annexation and rezone to light industrial. This property is along Franklin Road and just west of North Cloverdale. We propose a future flex space and mini storage facility on the lot. It's approximately 4.93 acres in size. The history behind this project is in 2020 the applicant did submit an annexation request to the City of Meridian. They had a sole use on there, which was mini storage. They didn't submit elevations. They didn't submit a preliminary plat. So, the City Council said, you know, we just really don't have enough information to make a positive approval of this and we would recommend that you come back with more information and incorporate some type of a flex space and -- with your mini storage, so that we have two different types of uses. So, prior to the adoption of the findings they did withdraw the application and, then, came to us and -- and we kind of took a look at it, worked with the architect and the -- and the applicant to kind of come up with the site plan that's before you. I mean, obviously, you know, the property is only 216 feet wide and it's very very deep and they -- there are multiple parcels along that Franklin corridor that are like this and most of them were acquired by Van

Auker, who, then, sold them to Adler and so to the west of the property it's already platted, already zoned I-L. We have the Lanark Street that's already constructed. Utilities are there. And they did approach -- my clients did approach the other 218 foot wide parcel to the -- to the east and -- to see if they would be willing to sell and they spoke with the son and he indicated that his parents reside in the home, they have cattle in the pasture and that, you know, eventually they will sell the property after the parents have to relocate due to health issues. But at this time they just want to be left alone. We did ask them if they would consent to us reducing that landscape buffer adjacent to them, because, technically, even with the I-L land use designation on your land use map, they do have a residential home on the property and the son indicated that that -- that was fine. They -- he did not see that that was problematic. We have provided for a 30 foot landscape -- 35 foot landscape buffer along Franklin Road. As Joe indicated, we have no direct lot access to Franklin, which is an arterial. It's built out to its full five lanes with attached walk. We only show an emergency vehicle access. We will be extending, like I said, Lanark Street to our eastern boundary. We did work with the highway district and with Chief Bongiorno on what would be an alternative access. There was an alternative temporary access that was built just to the west of us in the adjoining subdivision and so we -- we basically asked for the same option, because of the width of the property to put a full blown cul-de-sac is -- would just take up an immense amount of room. We did talk to the adjoining neighbor, you know, would you let us build a temporary cul-de-sac on your property. They said, no, we have cattle there. We have fencing. We prefer you not. So, we basically exhausted all of our options and, then, we submitted to Mr. Bongiorno our proposed temporary access and he did approve it. So, I do have his approval in writing. I sent his approval over to Ada County Highway District and our planner said as long as the Fire Department buys off ACHD will buy off. We are good with it, because it's -- it's a temporary situation. With the preliminary plat we just have two lots that are shown. We will be platting the street and, Joe, if you can put up the vicinity map. So -- where am I? I'm lost here. Is that the right -- oh, there we are. Okay. Sorry, Joe. I didn't see that. So, you can see the subject parcel right here at the end of Lanark where it has a temporary dead end, with kind of a T turn around, which is identical to what we are proposing. Then here is the one parcel that separates us from the property that Ada County Highway District has purchased that is located right on the east boundary of this adjoining parcel. I was the planner for Ada County Highway District. I took that before the city of Boise as a traffic operations center. We did get the property annexed and zoned into Boise City as M-1 and we provided a site plan and what's going to happen is ACHD is going to connect to Franklin with the public street. That public street will go down its east boundary and, then, it's going to come across that parcel and, then, it will link up to Lanark. So, it will end up being a loop. So, Lanark, as far as a dead end street, is just a temporary situation and this traffic operations center is intended to be built. I think they are going to start moving on the construction this year. I think it's -- it's a -- kind of a phased facility, but they have kind of outgrown their traffic ops center that they have on Adams Street, so everything's going to -- you know, we will have a nice loop in that comes off of Franklin Road, then, that will go on over and, obviously, match up to Eagle Road and we will have a commercial collector, which was intended for this area, like a backage road, so we don't have all these direct from -- our industrial lots fronting on Franklin Road. As far as the landscape plan, Joe did indicate in his conditions of approval that there are some deficiencies that he

noticed. I have sent his comments over to the architect, who has forwarded those to the landscape architect and we will make the necessary adjustments to the landscape plan, add the fencing prior to going to -- before the City Council. So, do you have any questions?

Seal: Any questions for the applicant or staff? Anyone? Okay. Thank you.

McKay: Thank you.

Seal: All right. At this time we will take public testimony. Got anybody signed up?

Johnson: Mr. Chair, we had one person. They are online. Jeff Hatch. And, Mr. Hatch, in a moment you will be able to unmute yourself.

Hatch: Good evening. Jeff Hatch with Hatch Design Architect. The project architect for this project. Address is 200 West 36th Street Boise, Idaho. 83714. Thank you, Becky, for a great presentation. Just wanted to -- you know, a couple that the Planning and Zoning Commission -- some -- some of the Commission members were part of the process that we went through back in 2020 and just wanted to kind of echo what Becky had indicated as far as taking both Planning and Zoning considerations, as well as City Council's comments to heart with the redesign and re-request of this application. I feel that this is -- or, you know, resonates quite a bit better with what those requests and indications and expectations are for the city, but also it opens up a nice opportunity for a range of different industrial uses, which is a valuable asset to Meridian. So, I just wanted to thank you again for the consideration.

Seal: Okay. Thank you, Mr. Hatch. Appreciate it. Do we have anybody else signed up? Oh, sorry.

Johnson: Mr. Chair, that was everyone.

Seal: Would anybody in Chambers like to testify? Okay. I don't see a raised hand online. Becky, is there anything you would like to add or -- none at all? So, at -- if nobody else has any questions, then, I would take a motion to close the public hearing for Ferney Subdivision, H-2021-0103.

Yearsley: So moved.

Lorcher: Second.

Seal: It's been moved and seconded to close the public hearing for H-2021-0103. All those in favor say aye. Any opposed? Okay. Motion carries.

**MOTION CARRIED: SIX AYES. ONE ABSENT.**

Seal: Anybody like to chat about this or make a motion?

Wheeler: Mr. Chair?

Seal: Commissioner Wheeler, go ahead.

Wheeler: I am -- I'm fine with the landscape buffer to the east being reduced down to 15 feet, because it is just all in an industrial area. My bigger concern has to do with the landscaping buffer up on Franklin, so it seems like the applicant and staff are saying that they are going to work together to -- in order to bring that up to -- to the recommendations or to the code. To me that's -- that's fine with it. That's just me. Pretty simple. I don't see a need to have a larger landscape buffer on the east if all it's going to be is another sort of an industrial building next to another sort of industrial building and so on.

Seal: Okay. Anybody else? Commissioner Lorcher, go ahead.

Lorcher: I will make a motion.

Seal: Feel free. Please do.

Lorcher: After considering all staff, applicant, and public testimony, I move to recommend approval for City Council of file number H-2021-0103 as presented in the staff report for the hearing date of May 5th, 2022 -- 2022 with no modifications.

Yearsley: Second.

Seal: It is moved -- moved and seconded to approve Item No. H-2021-0103 for Ferney Subdivision with no modifications. All those in favor say aye. Any opposed? Okay. Motion carries.

MOTION CARRIED: SIX AYES. ONE ABSENT.

**3. Public Hearing for Timberline North (Timberline Sub. No. 2) (H-2022-0024) by Riley Planning Services, LLC, Located at 655 and 735 W. Victory Rd.**

- A. Request: Combined Preliminary and Final Plat for 33 single-family residential building lots and 4 common lots on 9.8 acres of land in the R-8 zoning district for the purpose of subdividing phase 2 of the Timberline Subdivision (H-2017-0140, DA# 114007668) that has since expired.

Seal: All right. At this time I would like to open the public hearing for Item No. H-2022-0024, Timberline North, and we will begin with the staff report.

Dodson: Thank you, Mr. Chair. Skipped over the last one. I forgot to change the maps again. I'm -- fail for Joe today. Apologize. The application before you tonight is for a combined preliminary and final plat for Timberline North, also known as Timberline No. 2.

And I will get into that. The site consists of 9.8 acres of land, currently zoned R-8, located at 655 and 735 West Victory Road. It's pretty much at the south terminus of Stoddard Road about a half mile west of Meridian off of Victory. The property was annexed in 2013 as part of Timberline -- or sorry. Annexed in 2013, zoned R-8, then, it was platted in 2017 as Timberline Subdivision. Received final plat approval in 2020. It does have a medium density residential future land use designation, which is three to eight units per acre. The subject property, again, approximately ten acres was originally platted in 2017 under Timberline Subdivision. Annexed in 2013 as part of a city initiated annexation from RUT to the R-8 district as an existing development agreement that was carried through from the annexation through the platting and is still current. The approved preliminary plat in 2017 was to be completed in two phases. Phase one consists of 24 single family residential building lots and has been recorded and fully constructed with homes, open space, amenities, et cetera. Phase two received final plat approval for 33 single family residential building lots and four common lots in March of 2020 and was set to expire on May 1st, 2021. Due to unfortunate timing and circumstances, phase two plat expired. It did not receive the city engineer's signature by the deadline and no time extension was submitted. Therefore, it expired both phase two and subsequently makes the original preliminary plat expire as well. Therefore, the applicant is required to replat the phase two area under a new preliminary plat and record a second phase of the preliminary plat. Currently phase two of the development is constructed per the previous approvals, including the open space, fencing, utilities, sidewalks and the public roads. So, everything is in already, except homes. Everything. Because the subdivision improvements are constructed the applicant has submitted the previously approved final plat documents from the previous application and an alternative compliance application to allow the existing open space approved with the original submittal to remain as is and not meet the current open space and amenity standards. Due to the unique circumstances behind the expiration of the plat and the fact that the improvements are all done, staff believes that additional open space and amenities are not necessary and has subsequently approved the alternative compliance request associated with this. So, to be clear, the current open space amenity wise -- I -- I'm pretty sure it would be the same. Probably end up being -- and we have a point system now. Not too concerned there. Open space it would require more, 15 percent versus ten, in the overall development. However, again, phase one is already constructed, has open space and amenities in that. Phase two is basically constructed. All the important -- important stuff are there, minus the homes again. It just needs -- and the lot lines on a piece of paper and subsequently in the dirt. There was one piece of written testimony as of about 2:30 this afternoon from Mr. Bell. He said he was not supportive of a change from R-4 to R-8 due to the additional traffic, but the property is already zoned R-8, so I'm not sure if they were referring to another project in the area, but it is not associated with this. Staff does recommend approval of the combined preliminary/final plat. Staff finds the proposed plat meets all UDC dimensional standards and is consistent with the Comprehensive Plan as previously approved and I will stand for any questions.

Seal: Okay. Would the applicant like to come forward? Good evening. Either one. Your choice.

Constantikes: Is this the right one?

Seal: Either one? There is no wrong microphone.

Constantikes: Thank you, Mr. Chairman. For the record, Penelope Constantikes. Riley Planning Services. Post Office Box 405, Boise, Idaho. 83701. I would like to begin by thanking staff. This is a very unusual circumstance and it took coordinated effort by everyone to get us to this point. I just wanted to mention, along with what Joe was talking about, that the neighbors apparently have the impression that this is a fresh piece of land that doesn't have anything on it. The zone of R-8 was assigned in 2013 and I think Joe might have misspoke. It was probably part of the Kentucky Subdivision group and, then, Timberline came along later. Yeah. Which -- no big deal. So, the -- the annexation, zoning, and rezone occurred in 2013. For the benefit of the neighbors that are here this evening, I -- I just wanted to go over that in particular and to just mention to the neighbors that are here this evening that nothing is any different than it was when our preliminary plat was approved in 2017 and 2018. It's, essentially, identical. Per the staff report we have submitted an updated landscape plan with the corrections that were requested. We have also updated the final plat as requested by staff and that has also been provided. ACHD did issue -- or they -- they sent the same staff report. There was a question about two feet of additional right of way along Victory Road, so their standards changed. It's somewhat in between when we were originally approved and now and they are forgoing that two feet. They are not going to come ask for that now. I did want to point out we have a 25 foot wide landscape buffer along the frontage on Victory Road and so in the future when ACHD is ready to redevelop that road and rebuild it, they can get an additional two feet. It would -- it would make the landscape buffer slightly smaller, but it's not like that option will disappear entirely, it's just out there when they are ready to need it. There was an e-mail -- a previous e-mail from Justin Bell and I did respond to him initially and explain that this is an existing -- everything's built. There is nothing changing, but it's good that when people pay attention. That should be complemented. The post office letter is mentioned in the conditions of approval and that letter is in process and we will have it to staff before our final plat goes before the City Council. Although the alternative compliance application has already been approved by the director I did want to briefly outline the open space and amenities that were constructed with the subdivision. So, we needed to -- what we have there now is originally the -- the open space down in the southeast corner was smaller. We expanded it and ran it over all the way to the street that comes northward into our subdivision. So, there is a micro path that sweeps through that open space and connects two areas of the subdivision. There is a children's play structure that's in that area and it's rather large, so there is a lot of open grassy area. Immediately adjacent is the Jocelyn Park Subdivision and I believe that their open space is right there as well, so there is a combination and that was the one -- that was something that Bill Parsons brought up when we originally came in with the subdivision was that there seemed to be a clustering of open space down in that corner for all the adjacent subdivisions. So, there is actually quite a bit down there. It's very nice. We have a micro path, as I mentioned. The picnic area that's in phase one and it's about midway on the east property line, that was a custom built cover. It's a shelter area with tables and it's very nice. And, then, we have a regional path connection and there are two open space



lots in phase two that go along with that. Let's see. So, as Joe said, the lots are ready for homes whenever we can get that plat recorded and the neighborhood meeting that I had in March, some of the neighbors came and asked about the puncture weed and I just wanted to report that it's been cleaned up and the developer has arranged for regular spraying to keep the puncture weed down so it doesn't show up again. With that the development team is present if you have any questions that you would like to ask them specifically. Other than that, I would be happy to answer any questions you might have for me.

Seal: Okay. Thank you. Do we have any questions for the applicant or staff? No? Okay.

Constantikes: Thank you.

Seal: Thank you. Okay. At this time we would like to take public testimony. Do we have anybody signed up?

Johnson: Mr. Chair, one person signed up. They didn't mark they want to speak, but they are here. Sandy Smith.

Seal: If you would like to speak come on up.

Johnson: Okay. Thank you.

Seal: Anybody else in Chambers like to come up and testify? All right. I think we only had one other person online. No raised hands. So, I will take that as a -- as a negative and if there is no other questions --

Johnson: Sorry. Jaime's mom was watching at some point. She was the only viewer.

Seal: Okay.

Johnson: He was not a camera, so she left.

Seal: All right. Do we have any other questions for the applicant? None?

Wheeler: Mr. Chair, I have a question for staff if that's okay.

Seal: Please feel free.

Wheeler: Okay. So, Joe, just a question. Penelope mentioned that they expanded a lot and I think it was phase two, but that still doesn't get to the 15 percent for the open space requirements or anything.

Dodson: Commissioner Wheeler, it was in phase one and, no, they are not going to meet the -- the 15. I believe -- I had to do the math on my own, because I was looking at the old final plat, because that was different than the pre-plat and et cetera. I think it came to

about just under 12 percent. So, it was more than what was approved with the pre-plat, but not at the 15 percent, no.

Wheeler: Okay. Thank you.

Dodson: You are welcome.

Seal: Any other questions? All right. Then I will take a motion to close the public hearing for Item No. H-2022-0024.

Lorcher: So moved.

Grove: Second.

Seal: It's been moved and seconded to close the public hearing for Item No. H-2022-0024. All in favor say aye. Any opposed? Motion carries.

**MOTION CARRIED: SIX AYES. ONE ABSENT.**

Seal: Who would like to start? Who would like to give a motion? Sorry. Was that a little pushy?

Grove: Mr. Chair?

Seal: Go ahead.

Grove: So, there -- there is not a lot to -- to pick apart on this. I mean it's essentially something that was previously approved, but coming back to us with the exact same thing, so there is -- it's not an annexation. There is not a lot to pick apart. I will say I applaud having the cul-de-sac versus shared drives, so kudos to you for going that direction, because we don't get enough of those in my opinion. So, good job. I mean with the open space, the requirements changed from when the original went through until now, so -- I mean in terms of how we are looking at this. It's relatively straightforward in my opinion.

Seal: I would tend to agree. Would anybody else like to comment?

Wheeler: Mr. Chair, are we ready for a motion then?

Seal: I think we are ready for a motion if you want to --

Wheeler: Okay.

Seal: -- take a shot.

Wheeler: There it is. After considering all staff, applicant, and public testimony, I move to recommend approval of the City Council of File No. H-2022-0024 as presented in the staff report for the hearing date of May 5th, 2022, with no modifications.

Yearsley: Second.

Seal: It's been moved and seconded to approve Item No. H-2022-0024, Timberline North, with no modifications. All in favor say aye. Any opposed? Okay. Motion carries. Thank you.

MOTION CARRIED: SIX AYES. ONE ABSENT.

Seal: All right. Can I get one more motion, please?

Yearsley: Mr. Chair?

Seal: Commissioner Yearsley, go ahead.

Yearsley: I move we adjourn.

Wheeler: Second.

Seal: It's been moved and seconded that we adjourn. All in favor say aye. Any opposed? Motion carries. Thank you very much.

MEETING ADJOURNED AT 6:39 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS.)

APPROVED

\_\_\_\_\_  
ANDREW SEAL - CHAIRMAN

\_\_\_\_\_|\_\_\_\_\_|\_\_\_\_\_  
DATE APPROVED

ATTEST:

\_\_\_\_\_  
CHRIS JOHNSON - CITY CLERK



## AGENDA ITEM

**ITEM TOPIC:** Public Hearing Continued from May 5, 2022 for Amina's Daycare (fka Mulonge Daycare) (H-2022-0012) by Godelieve Mulonge, Located at 4175 S. Leaning Tower Ave. A. Request: A Conditional Use Permit for a group daycare of up to 12 children on 0.145 acres of land in the R-8 zoning district.



# PUBLIC HEARING INFORMATION

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**Staff Contact:** Alan Tiefenbach

**Meeting Date:** May 5, 2022

**Topic:** **Public Hearing** Continued from April 7, 2022 for Amina's Daycare (fka Mulonge Daycare) (H-2022-0012) by Godelieve Mulonge, Located at 4175 S. Leaning Tower Ave.

- A. Request: A Conditional Use Permit for a group daycare of up to 12 children on 0.145 acres of land in the R-8 zoning district.
- 

## Information Resources:

[Click Here for Application Materials](#)

[Click Here to Sign Up to Testify at the Planning and Zoning Commission Public Hearing](#)

# STAFF REPORT COMMUNITY DEVELOPMENT DEPARTMENT



HEARING DATE: 4/7/2022  
 TO: Planning & Zoning Commission  
 FROM: Alan Tiefenbach, Associate Planner  
 208-884-5533  
 SUBJECT: H-2022-0012  
 Amina’s Daycare  
 LOCATION: 4175 S. Leaning Tower Ave.



## I. PROJECT DESCRIPTION

Conditional use permit to operate a group daycare for up to 12 children on 0.14 acre of land in the R-8 zoning district.

## II. SUMMARY OF REPORT

### A. Project Summary

Description	Details	Page
Acreage	0.14 acres	
Future Land Use Designation	Medium Density Residential	
Existing Land Use(s)	SFR home	
Proposed Land Use(s)	SFR home with group daycare	
Neighborhood meeting date; # of attendees:	January 20, 2022, no attendees	
History (previous approvals)	AUP A-2020-0064 to allow for family daycare of up to 6 children	

### B. Community Metrics

Description	Details	Page
Ada County Highway District		
• Staff report (yes/no)	No	
• Requires ACHD Commission Action (yes/no)	No	
Access (Arterial/Collectors/State Hwy/Local)(Existing and Proposed)	One access from S. Leaning Tower Ave. via. S. Locust Grove Rd.	

C. Project Area Maps

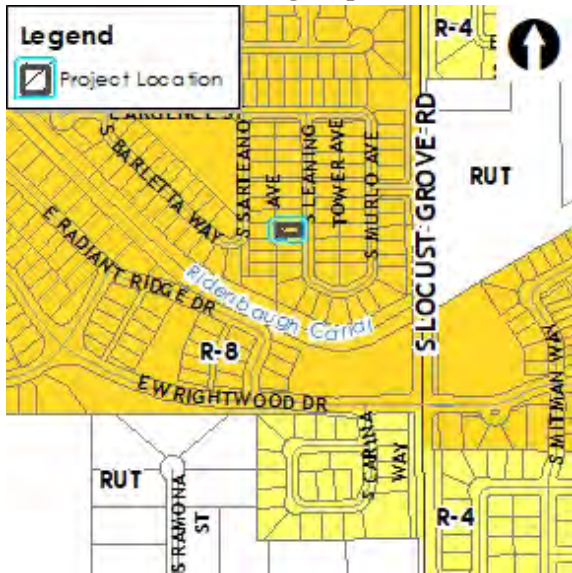
Future Land Use Map



Aerial Map



Zoning Map



Planned Development Map



III. APPLICANT INFORMATION

A. Applicant/Owner:

Godelieve Mulonge – 4175 S. Leaning Tower Ave, ID 83642

B. Representative:

Same as Applicant/Owner

IV. NOTICING

	<b>Planning &amp; Zoning Posting Date</b>
Newspaper notification published	03/22/22
Radius notification mailed to property owners within 300 feet	03/21/22
Public hearing notice sign posted on site	3/28/2022
Nextdoor posting	3/21/2022

V. STAFF ANALYSIS

A. Future Land Use Map Designation (<https://www.meridiancity.org/compplan>)

MDR (Medium Density Residential) – This designation allows for dwelling units at gross densities of three to eight dwelling units per acre.

B. Comprehensive Plan Policies (<https://www.meridiancity.org/compplan>):

- “Plan for and encourage services like health care, daycare, grocery stores and recreational areas to be built within walking distance of residential dwellings.” (2.01.01C)

*The existing and proposed daycare expansion is within walking distance of adjacent residential homes.*

C. Existing Structures/Site Improvements:

There is an existing home and associated improvements on this property.

D. Proposed Use Analysis:

The applicant is presently operating under an approved accessory use permit to run a family daycare (6 or less children, AUP 2020-0064). A group daycare (7-12 children) is listed in UDC Table 11-2A-2 as a conditional use in the R-8 zoning district. The applicant states the daycare will operate from 6:30 AM to 7 PM on weekdays with outdoor playtime limited to one hour after 9AM and one hour after 1PM.

E. Specific Use Standards (*UDC 11-4-3*):

The specific use standards listed in UDC 11-4-3-9, Daycare Facility, applicable to the proposed use are as follows:

A. General standards for all child daycare and adult care uses, including the classifications of daycare center; daycare, family; and daycare, group:

1. In determining the type of daycare facility, the total number of children at the facility at one time, including the operator's children, is the determining factor.

*The Applicant’s narrative states the plan is to have up to 12 children. The applicant is already operating a family daycare (6 children or less, which is allowed as an accessory use in the R-8 zoning district.), but wants to expand the use to allow up to 12 children.*

2. On site vehicle pick up, parking and turnaround areas shall be provided to ensure safe discharge and pick up of clients.



*The applicant states they presently provide and will continue to provide the transportation for the children. However, the subject house does have a parking pad which is approximately 30 feet wide which could provide an additional parking space for pick up or drop off. Parking spaces are also available along the curb in front of the house if needed.*

*Staff has received several letters from adjacent property owners stating there has been parking, traffic and safety issues from the existing daycare. Staff visited the site in the afternoon on a weekday. At that time, staff only observed two cars in front of the house and no other cars parked on the public street. Pictures have been included as part of the exhibit.*

3. The decision-making body shall specify the maximum number of allowable clients and hours of operation as conditions of approval.

*The Applicant proposes an in-home group daycare for up to 12 children. The applicant proposes to operate between 6:30 AM to 7PM.*

4. The applicant or owner shall provide proof of criminal background checks and fire inspection certificates as required by title 39, chapter 11, Idaho Code. Said proof shall be provided prior to issuance of certificate of occupancy. The applicant or owner shall comply with all State of Idaho and Department of Health and Welfare requirements for daycare facilities.

*This has been listed as a condition of approval.*

5. In residential districts or uses adjoining an adjacent residence, the hours of operation shall be between six o'clock (6:00) A.M. and eleven o'clock (11:00) P.M. This standard may be modified through approval of a conditional use permit.

*As mentioned above, the Applicant presently operates the family daycare between 6:30 AM and 7:00 PM on weekdays and this is not proposed to change.*

6. All outdoor play areas shall be completely enclosed by minimum six foot (6') non-scalable fences to secure against exit/entry by small children and to screen abutting properties.

*The outdoor play area will be in the backyard, which is surrounded by a 6 ft. tall fence.*

7. Outdoor play equipment over six feet (6') high shall not be located in a front yard or within any required yard.

*All outdoor play activities will occur in a fenced backyard.*

8. Outdoor play areas in residential districts adjacent to an existing residence shall not be used after dusk.

*As mentioned, the daycare will operate from 6:30 AM to 7:00 PM. Outdoor play will occur one hour after 9AM and one hour after 1PM.*

F. Dimensional Standards (*UDC 11-2*):

Not Applicable

G. Access (*UDC 11-3A-3, 11-3H-4*):

Access is provided from S. Leaning Tower Ave. via S. Locust Grove Rd. According to the applicant, they generally pick up and deliver the children, although occasionally it would be the individual parent or guardian doing this. According to letters provided by residents, there are

ongoing traffic, parking and safety issues associated with the daycare. As mentioned above, staff did not observe these issues during a site visit.

H. Parking (*UDC 11-3C*):

Parking exists on the site in accord with the standards listed in UDC Table 11-3C-6 for a 4-bedroom single-family dwelling. A total of three (3) garage spaces and a 30 ft. x 20 ft. parking pad exist which exceeds UDC standards. On-street parking is also available (see exhibit in Section VII.A). As mentioned above, citizens have commented there are ongoing parking issues associated with the existing daycare.

I. Building Elevations (*UDC 11-3A-19* | *Architectural Standards Manual*):

A photo of the existing home on this property is included in Section VIII.C; no additions are proposed with this application.

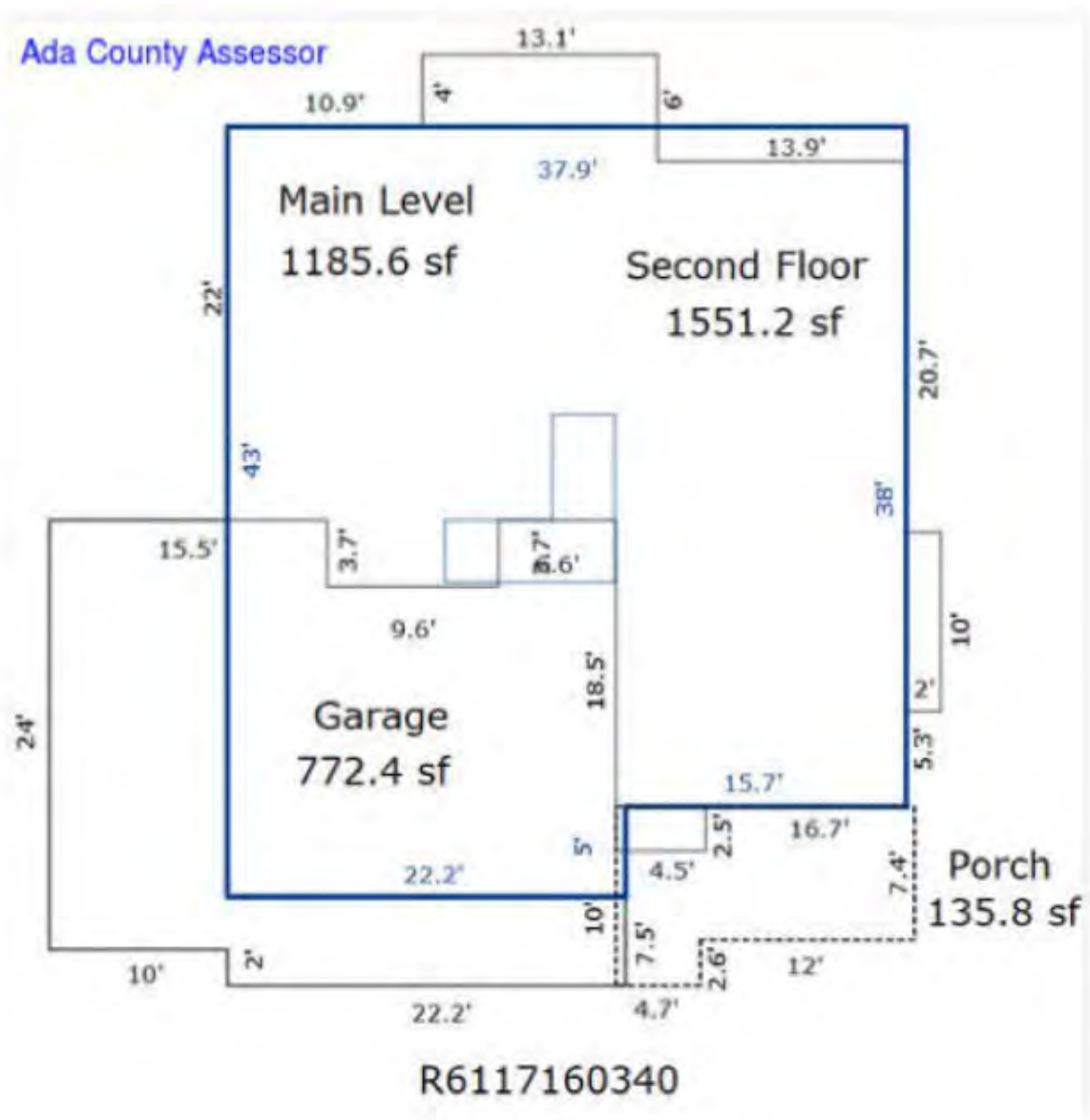
## VI. DECISION

A. Staff:

Staff recommends approval of the proposed conditional use permit with the conditions in Section VIII per the Findings in Section IX.

**VII. EXHIBITS**

A. Site Plan (dated: 2/18/2022)





B. Existing Residence Pictures



**VIII. CITY/AGENCY COMMENTS & CONDITIONS**

**A. Planning**

1. The Applicant shall comply with the specific use standards listed in UDC 11-4-3-9 Daycare Facilities, including but not limited to the following:
  - a. All outdoor play areas shall be completely enclosed by minimum six foot (6') non-scalable fences to secure against exit/entry by small children and to screen abutting properties.
  - b. Outdoor play equipment over six feet (6') high shall not be located in a front yard or within any required yard.
  - c. Outdoor play areas in residential districts adjacent to an existing residence shall not be used after dusk.
2. The maximum number of allowable clients at the facility at *one time* shall be limited to twelve (12).
3. The daycare/pre-school shall not operate beyond the hours of 6:30 AM to 7:00 PM on weekdays.
4. The applicant or owner shall provide proof of criminal background checks and fire inspection certificates as required by title 39, chapter 11, Idaho Code prior to issuance of Certificate of Occupancy. The applicant or owner shall comply with all State of Idaho and Department of Health and Welfare requirements for daycare facilities.

**B. Ada County Highway District (ACHD)**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=254157&dbid=0&repo=MeridianCity>

**C. NMID**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=255745&dbid=0&repo=MeridianCity>

**IX. FINDINGS**

**A. Conditional Use Permit**

The Commission shall base its determination on the conditional use permit request upon the following:

1. That the site is large enough to accommodate the proposed use and meet all the dimensional and development regulations in the district in which the use is located.

*Staff finds the site is large enough to accommodate the proposed use and meet all the dimensional and development regulations in the R-8 zoning district.*

2. That the proposed use will be harmonious with the Meridian comprehensive plan and in accord with the requirements of this title.

*Staff finds the proposed in-home group daycare will be harmonious with the Comprehensive Plan in that it will provide a much-needed service for area residents within walking distance of homes within the neighborhood.*

3. That the design, construction, operation and maintenance will be compatible with other uses in the general neighborhood and with the existing or intended character of the general vicinity and that such use will not adversely change the essential character of the same area.

*This is a small in-home day-care in which the single-family home is the primary residence of the applicant. Staff finds the operation of the proposed in-home daycare should be compatible with the residential uses in the neighborhood and the existing and intended character of the neighborhood and not adversely affect such.*

4. That the proposed use, if it complies with all conditions of the approval imposed, will not adversely affect other property in the vicinity.

*If the proposed in-home daycare complies with the condition of approval in Section VII as required, Staff finds the proposed use should not adversely affect other properties in the vicinity.*

5. That the proposed use will be served adequately by essential public facilities and services such as highways, streets, schools, parks, police and fire protection, drainage structures, refuse disposal, water, and sewer.

*Because the site is within the City's Area of City Impact boundary and has been annexed into the City and these services are already being provided to the existing home, Staff finds the public facilities mentioned will be provided to the proposed use as well.*

6. That the proposed use will not create excessive additional costs for public facilities and services and will not be detrimental to the economic welfare of the community.

*Staff finds the proposed use should not create any additional costs for public facilities and services and will not be detrimental to the economic welfare of the community.*

7. That the proposed use will not involve activities or processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.

*The present operation picks up and delivers children, and this will remain the same. There could be occasional onsite pick up / drop off, but there is sufficient parking and staff finds it would not be detrimental to the general welfare.*

8. That the proposed use will not result in the destruction, loss or damage of a natural, scenic or historic feature considered to be of major importance. (Ord. 05-1170, 8-30-2005, eff. 9-15-2005)

*Staff is unaware of any natural, scenic or historic features in this area; however, finds the proposed use should not result in damage of any such features.*



## AGENDA ITEM

**ITEM TOPIC:** Public Hearing for Black Rock Coffee (H-2022-0019) by Tamara Thompson of The Land Group, Inc., Located at 3300 S. Eagle Rd.

A. Request: A Conditional Use Permit to allow a drive-through establishment within 300 feet of existing residential.





# PUBLIC HEARING INFORMATION

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**Staff Contact:** Alan Tiefenbach

**Meeting Date:** May 19, 2022

**Topic:** **Public Hearing** for Black Rock Coffee (H-2022-0019) by Tamara Thompson of The Land Group, Inc., Located at 3300 S. Eagle Rd.

A. Request: A Conditional Use Permit to allow a drive-through establishment within 300 feet of existing residential.

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## Information Resources:

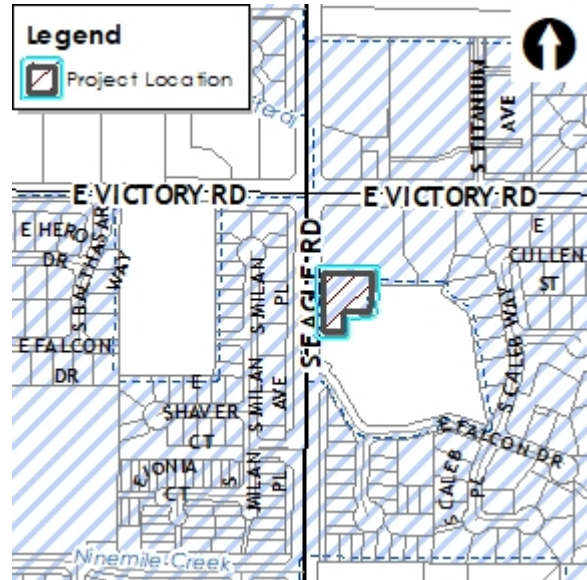
[Click Here for Application Materials](#)

[Click Here to Sign Up to Testify at the Planning and Zoning Commission Public Hearing](#)

# STAFF REPORT COMMUNITY DEVELOPMENT DEPARTMENT



HEARING DATE: 5/19/2022  
 TO: Planning & Zoning Commission  
 FROM: Alan Tiefenbach, Associate Planner  
 208-884-5533  
 SUBJECT: H-2022-0019  
 Black Rock Coffee CUP  
 LOCATION: 3300 S. Eagle Rd  
 At the southeast corner of S. Eagle Rd  
 and E. Victory Rd.



## I. PROJECT DESCRIPTION

This is a request for a Conditional Use Permit to allow a drive through establishment within 300 feet of an existing residence and another drive through facility on 0.84 acres in the C-C zoning district.

## II. SUMMARY OF REPORT

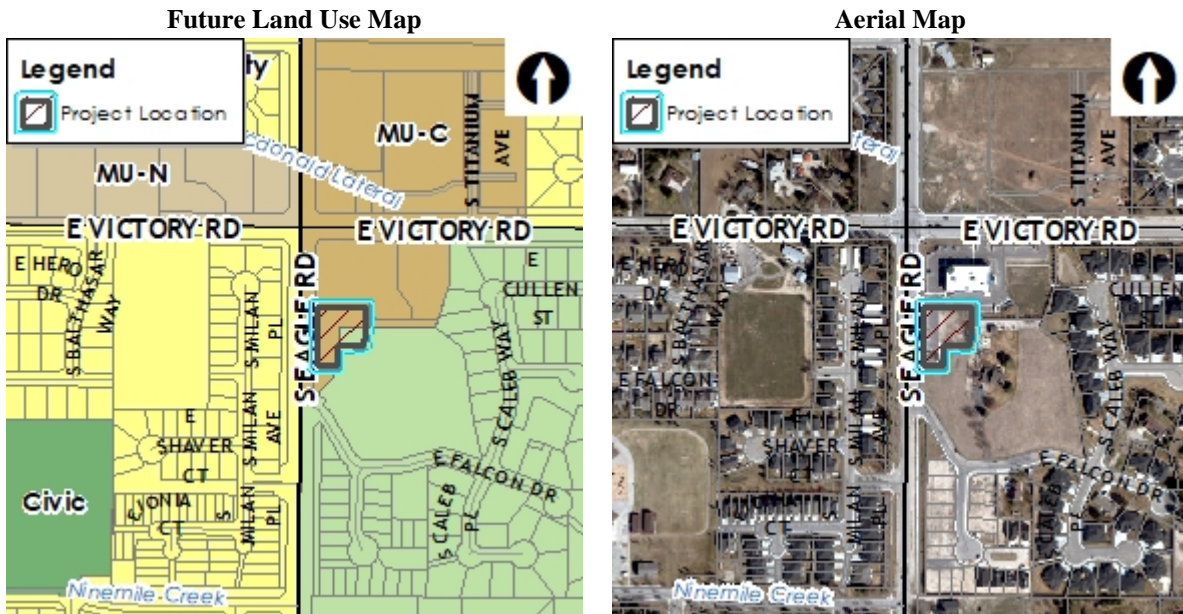
### A. Project Summary

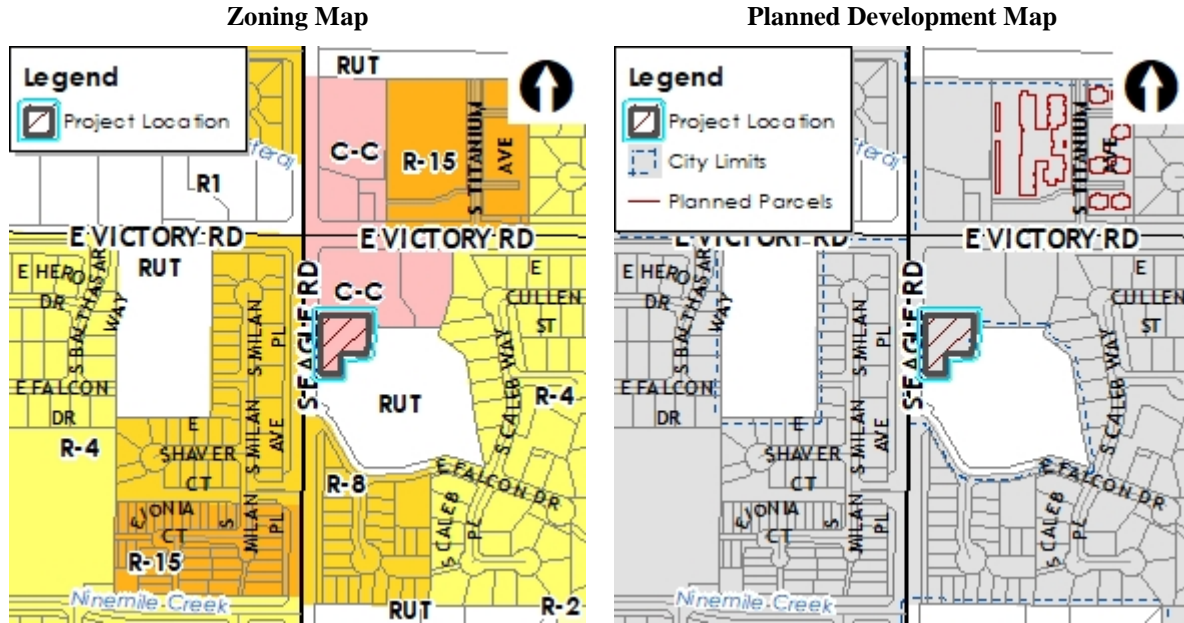
Description	Details	Page
Acreage	0.84 acres	
Future Land Use Designation	Mixed Use Community	
Existing Land Use(s)	Vacant	
Proposed Land Use(s)	Drive through establishment (coffee shop)	
Lots (# and type; bldg./common)	1	
Phasing Plan (# of phases)	1	
Physical Features (waterways, hazards, flood plain, hillside)	None	
Neighborhood meeting date; # of attendees:	1/26/22 – 4 in attendance	
History (previous approvals)	AZ-008-007, PP-08-006, ALT-08-012, H-2016-0029	

B. Community Metrics

Description	Details	Page
Ada County Highway District		
<ul style="list-style-type: none"> <li>• Staff report (yes/no)</li> </ul>	No	
<ul style="list-style-type: none"> <li>• Requires ACHD Commission Action (yes/no)</li> </ul>	No	
<ul style="list-style-type: none"> <li>• Traffic Impact Study (yes/no)</li> </ul>	No	
Access (Arterial/Collectors/State Hwy/Local)(Existing and Proposed)	S. Eagle Rd and E. Victory Rd	
Stub Street/Interconnectivity/Cross Access	Cross access is provided with the remainder of the Shops at Victory Center to the north	
Existing Road Network	S. Eagle Rd and E. Victory Rd	
Existing Arterial Sidewalks / Buffers	There are existing 5 ft sidewalks and 25 ft. wide buffers along S. Eagle Rd and E. Victory Rd.	
Proposed Road Improvements	None	
Fire Service		
<ul style="list-style-type: none"> <li>• No comments</li> </ul>		
Police Service		
<ul style="list-style-type: none"> <li>• No comments</li> </ul>		
Wastewater		
<ul style="list-style-type: none"> <li>• Flow is committed</li> <li>• Site is subject to a reimbursement agreement with the City for water and sewer that was installed.</li> </ul>		
Water		
<ul style="list-style-type: none"> <li>• Site is subject to a reimbursement agreement with the City for water and sewer that was installed.</li> </ul>		

C. Project Area Maps





**III. APPLICANT INFORMATION**

**A. Applicant / Representative:**

Tamara Thompson, the Land Group – 462 E. Shore Dr, Ste 110, Eagle, ID 83616

**B. Owner:**

Ken Lenz, WL Victory Crossing, LLC – PO Box 1277, Boise, ID 83701

**IV. NOTICING**

	<b>Planning &amp; Zoning Posting Date</b>	<b>City Council Posting Date</b>
Notification published in newspaper	5/3/2022	
Notification mailed to property owners within 500'	4/27/2022	
Applicant posted public hearing notice sign on site	5/9/2022	
Nextdoor posting	4/27/2022	

**V. STAFF ANALYSIS**

This is a proposal for a conditional use to allow a drive through coffee shop within 300 feet of an existing residence and within 300 feet of another drive through establishment.

The property is 0.84 acres in area, is zoned C-C and is one of the three commercial lots comprising the Shops at Victory Development which was annexed in 2008 (AZ-008-007, PP-08-006, DA instr. 111032845). The Development Agreement allows all uses allowed in the C-C zoning district, with hours of operation limited to 6am to 10pm. A conditional use permit was also approved with the annexation to allow a Rite-Aid with a drive through establishment within 300 feet of a residential zone district on Lot 2 (northernmost lot adjacent to the S. Eagle Rd / E. Victory Rd intersection).

Alternative Compliance was approved as part of the annexation to allow a residential buffer with widths as little as 10 feet where 25 feet is required along the south and eastern property line, with a condition that a 6 ft tall verti-crete wall be constructed within the reduced buffer. The final plat for this property was completed in 2016 after four time-extensions were approved (H-2016-0029). The CZC for the Rite Aid was approved in 2015 (A-2015-0061) with construction occurring in 2016.

The present proposal is to allow a 1,975 sq. ft. drive through coffee shop on Lot 1 (southernmost lot). Because the proposed drive-through is within 300 feet of both the existing Rite Aid drive through establishment and an existing residence, a conditional use permit is required per UDC 11-4-3-11.

A. Future Land Use Map Designation (<https://www.meridiancity.org/compplan>)

This site is designated as "Mixed Use -Community" on the Comprehensive Plan Future Land Use Map. The purpose of this designation is to allocate areas where community-serving uses and dwellings are seamlessly integrated into the urban fabric. The intent is to integrate a variety of uses, including residential, and to avoid mainly single-use and strip commercial type buildings. Non-residential buildings in these areas tend to be larger than in Mixed Use Neighborhood (MU-N) areas, but not as large as in Mixed Use Regional (MU-R) areas. Goods and services in these areas tend to be of the variety that people will mainly travel by car to, but also walk or bike to (up to three or four miles).

During the annexation of the Shops at Victory development it was determined the C-C zoning and the types of uses allowed would generally conform to this designation. The property is within a small-scale commercial center which presently includes a Rite Aid and one additional commercial lot, adjacent to existing residential on two sides, and across the street (south) of the Inglewood Place Senior Housing Development and another drive through coffee shop (Inglewood Coffee Shop Drive through, CUP H-2021-0073). A drive-through coffee shop and restaurant is a use determined to be appropriate in this zone district as well as the existing Development Agreement, subject to the specific use standards listed in UDC 11-4-3-11 and restaurant specific use standards in UDC 11-4-3-49.

B. Comprehensive Plan Policies (<https://www.meridiancity.org/compplan>):

Goals, Objectives, & Action Items: Staff finds the following Comprehensive Plan policies to be applicable to this application and apply to the proposed use of this property (staff analysis in italics):

- Encourage infill development. (3.03.01E)

*The Comprehensive Plan defines infill as “development on vacant parcels, or redevelopment of existing parcels to a higher and better use that is surrounded by developed property within the City of Meridian.” The subject property is a vacant lot in an existing commercial center which allows this use, surrounded by existing development on all sides. The property has available water and sewer. This project would be considered infill development.*

- Preserve private property rights and values by enforcing regulations that will prevent and mitigate against incompatible and detrimental neighboring uses. (3.05.01C)

*The conditional use is a process to ensure any impacts associated with a particular use are mitigated. Restaurants and drive-through establishments are principally permitted uses in the C-C zone district.*

*The applicant has proposed outdoor speakers located at the east portion of the site, approximately 200 feet from the existing residence at 3300 E. Falcon Dr. Staff did initially express concerns about this placement and requested the applicant submit information*

*regarding the decibel level that is anticipated from the property line. The applicant submitted information that indicated decibel level would be approximately 36 decibels at 16 feet from the speaker, whereas the speaker is approximately 50 ft. from the property line.*

*The property owner in the adjacent residence to the east submitted a letter in support stating the applicant had been very receptive to all their requests with the initial development, they had installed a verti-crete fence along their property line that was higher quality than would have been required, ensured lighting impacts were mitigated and expressed their faith that the applicant's choice of location was acceptable.*

- Require appropriate building design, and landscaping elements to buffer, screen, beautify, and integrate commercial, multifamily, and parking lots into existing neighborhoods. (5.01.02D)

*A landscape plan has been submitted with this application that appears to meet the requirements of UDC 11-3B. Building design and landscaping will be reviewed as part of the Certificate of Zoning Compliance (CZC) and administrative design review that would follow this proposal if it were approved.*

C. Existing Structures/Site Improvements:

The site is presently vacant. There is an existing Rite Aid on Lot 2 to the north.

D. Proposed Use Analysis:

The proposed use is a drive through coffee kiosk (restaurant) with the hours limited to 6AM to 10PM by the development agreement. This use is allowed by right within the C-C zone district subject to the specific use standards listed in UDC 11-4-3-11 and UDC 11-4-3-49. Because the drive through is within 300 feet of another drive through (Rite Aid) and an existing residential use, conditional use permit approval as required.

E. Specific Use Standards (UDC 11-4-3):

A "Drive-Through Establishment" is subject to specific use standards as outlined in UDC 11-4-3-11 as follows:

1. All establishments providing drive-through service shall identify the stacking lane, menu and speaker location (if applicable), and window location on the certificate of zoning compliance or the conditional use permit.

*The concept site plan submitted with this application identifies the location of the stacking lane, and window location.*

2. A site plan shall be submitted that demonstrates safe pedestrian and vehicular access and circulation on the site and between adjacent properties. At a minimum the plan shall demonstrate compliance with the following standards:

- a. Stacking lanes shall have sufficient capacity to prevent obstruction of driveways, drive aisles, and the public right-of-way by patrons.

*The concept plan shows the stacking lane is a separate lane from the drive aisles and parking which provides access to the rest of the development. If there was additional or excessive overflow from the drive through lane which does sometimes occur from drive-through establishments at peak times, it would stack into the parking lot to the west, not into S. Eagle. Rd.*

- b. The stacking lane shall be a separate lane from the circulation lanes needed for access and parking, except stacking lanes may provide access to designated employee parking.

*The stacking lane is a separate lane from the circulation lanes at the west needed for access and parking.*

- c. The stacking lane shall not be located within ten (10) feet of any residential district or existing residence.

*The stacking lane is approximately 20 ft. from the nearest residential district and more than 150 ft. from the closest residence.*

- d. Any stacking lane greater than one hundred 100 feet in length shall provide for an escape lane.

*The stacking lane provides an escape lane which parallels the stacking land and allows an exit into the drive aisles for the Rite Aid to the north.*

- e. The site should be designed so that the drive-through is visible from a public street for surveillance purposes.

*The drive-through window is oriented to the north, which allows visibility from S. Eagle Rd.*

- f. The applicant shall provide a six-foot sight obscuring fence where a stacking lane or window location adjoins a residential district or an existing residence.

*There is already a 6 ft. high verti-crete fence installed at the east of the stacking lane where the existing residence is located.*

The drive through establishment is also considered a restaurant. Per the specific use standards in UDC 11-4-3-49, a restaurant is required to provide a minimum of one (1) parking space for every two hundred fifty (250) square feet of gross floor area. As discussed below, adequate parking has been provided.

F. Dimensional Standards (*UDC 11-2*):

Dimensional standards in the Community Business District (C-C) include a 25' landscape buffer adjacent to arterial roads, 10' buffer adjacent to local roads and a maximum building height of 50'. There are no front, side or rear setbacks in this zone district. The proposed drive through facility meets these dimensional standards and the landscape buffers are already existing. Because this use is directly adjacent to residential uses, a 25 ft wide residential buffer is required. As mentioned above, alternative compliance was approved for lesser residential buffer with the annexation.

G. Access (*UDC 11-3A-3*):

The Shops at Victory development was approved with two access points from Eagle

Road and two access points from Victory Road. Each road has one right-in-right-out access and one full access. All accesses and associated road improvements have already been constructed, with two remaining vacant pad sites primed for development.

Access to this development will occur from S. Eagle Rd into an existing parking lot and drive aisle and run along a one-way drive-aisle in a counter-clockwise direction. Cars will enter the site and will either park in a lot or continue along a "u-shaped" 10' wide drive aisle to the coffee kiosk and exit back to the same parking lot / drive aisle. There is also an escape lane paralleling

the stacking lane for cars that have already entered the drive-through aisle. It does appear the drive aisle between the parking and the stacking lane is at least 25 ft. in width as required per UDC 11-3C-5, but this width is not dimensioned on the plans. Staff has added this as a recommended condition of approval.

H. Parking (*UDC 11-3C*):

The subject property is within the C-C Zone District. UDC 11-3C-6 requires one off-street vehicle parking space for every 500 square feet of gross floor area in commercial districts. The total building square footage which was depicted on the concept plan with the Shops at Victory annexation was 29,910. Based on this amount, 60 parking stalls would be required. 133 parking stalls have already been constructed, which significantly exceeded the parking requirements.

A drive through coffee establishment is considered a restaurant. Per the specific use standards for a restaurant per UDC 11-4-3-49, parking is based on one (1) parking space per 250 square feet of gross floor area. With a square footage of approximately 1,975 sq. ft. for the kiosk, eight parking spaces are required for this use. The site plan indicates 17 parking spaces on the subject property directly adjacent to the coffee kiosk as well as 2 bicycle spaces.

I. Sidewalks (*UDC 11-3A-17*):

8 ft. wide attached sidewalks exist along S. Eagle Rd and E. Victory Rd. There is an additional 8 ft. wide pedestrian walkway from the S. Eagle Rd sidewalk stubbing to the subject pad. The site plan and landscape plan show the coffee establishment connecting to this walkway. However, the pedestrian walkway shows striping where it crosses the stacking lane. Per the structure and site design standards of 11-3A-19, all internal pedestrian walkways shall be distinguished from the vehicular driving surfaces through the use of pavers, colored or scored concrete, or bricks.

J. Landscaping (*UDC 11-3B*):

Landscape buffers and a residential buffer were installed with the Shops at Victory Final Plat. This subject development proposes additional parking lot islands and drive aisle landscaping that exceeds the requirements of UDC 11-3B-8.

K. Fencing (*UDC 11-3A-6, 11-3A-7*):

There is an existing 6 ft high verti-crete wall installed along the south and west property line. This was required as a condition of approval with the Shops at Victory development to allow alternative compliance from the required 25 ft. residential buffer width to allow portions of the buffer to be reduced to as little as 10 ft. in width.

L. Utilities (*UDC 11-3A-21*):

All utilities for the proposed development are already in place. No additional services are needed.

M. Building Elevations (*UDC 11-3A-19 | Architectural Standards Manual*):

The applicant submitted conceptual elevations with this conditional use application. The elevations show architecture similar to most of the kiosks in this franchise, with materials consisting of brick, prefinished and corrugated metal and several types of stone veneer.

Overall, the proposed architecture is good quality, but additional treatment may be required to completely comply with the Architectural Standards Manual, such as at least two field materials (neither of which should not be metal paneling). Proposed elevations will be reviewed in detail at the time of Certificate of Zoning Compliance (CZC) and Design Review (DES) submittal.



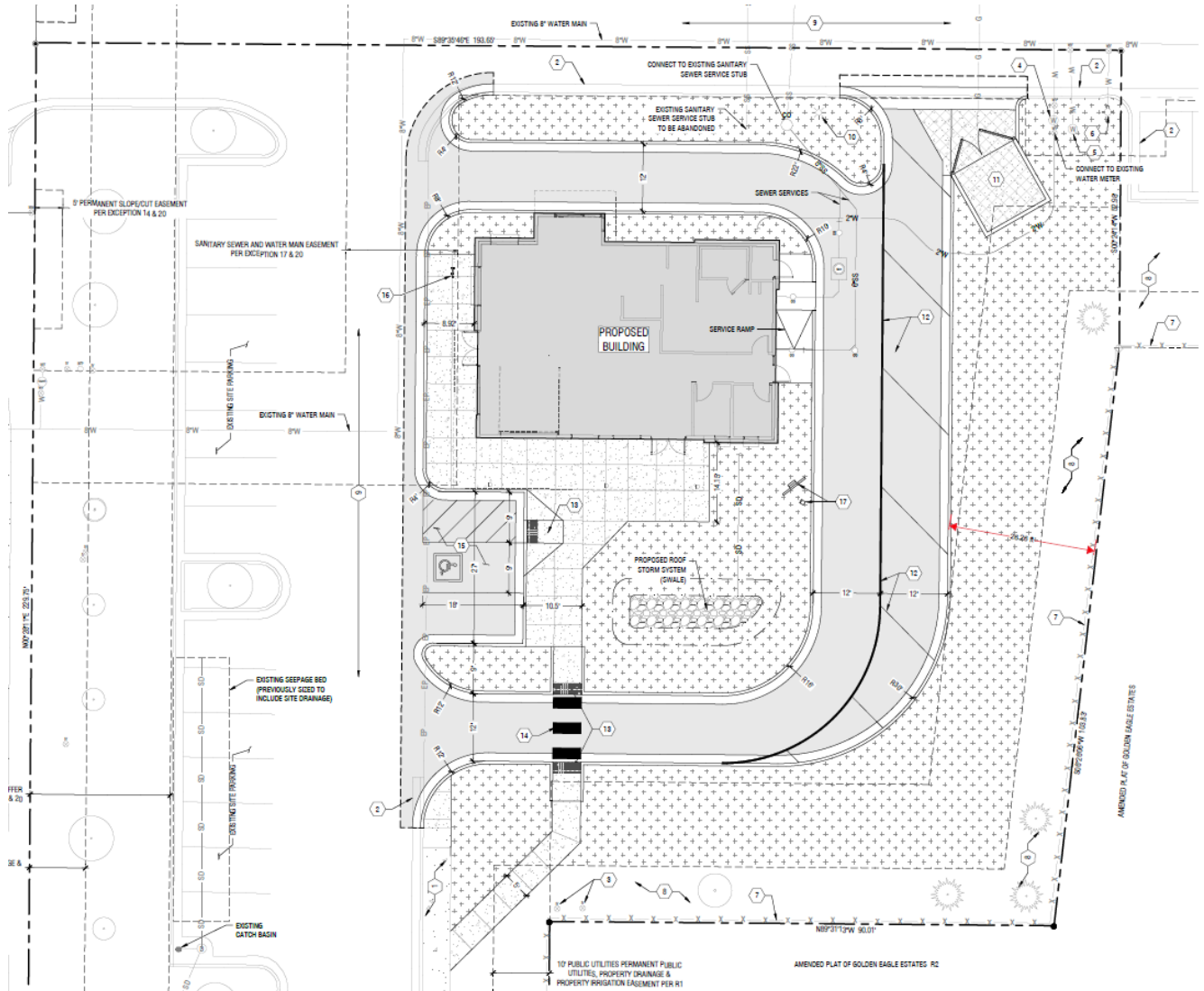
### VI. DECISION

#### A. Staff:

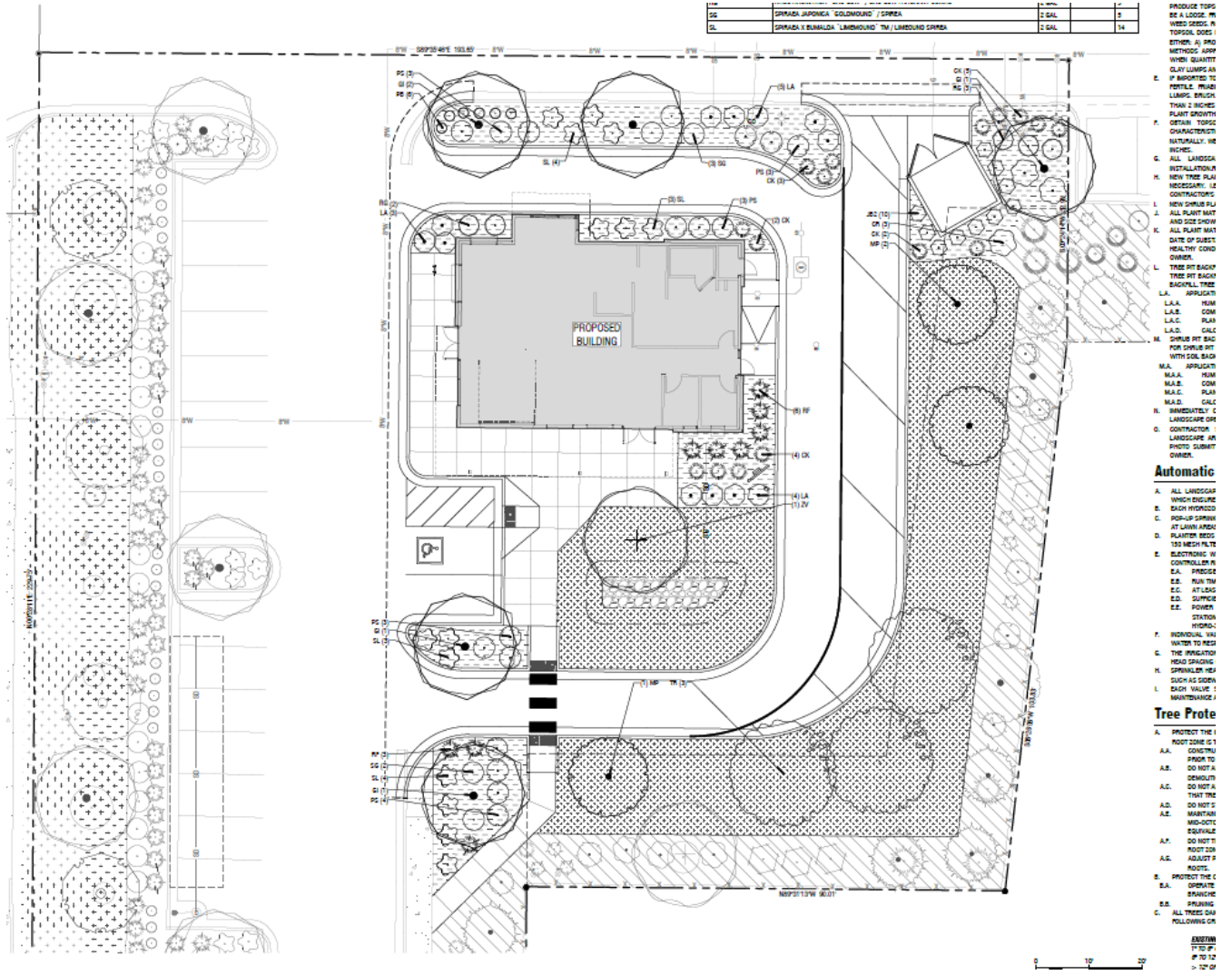
Staff recommends approval of the proposed conditional use permit with the conditions in Section VIII per the Findings in Section IX.

### VII. EXHIBITS

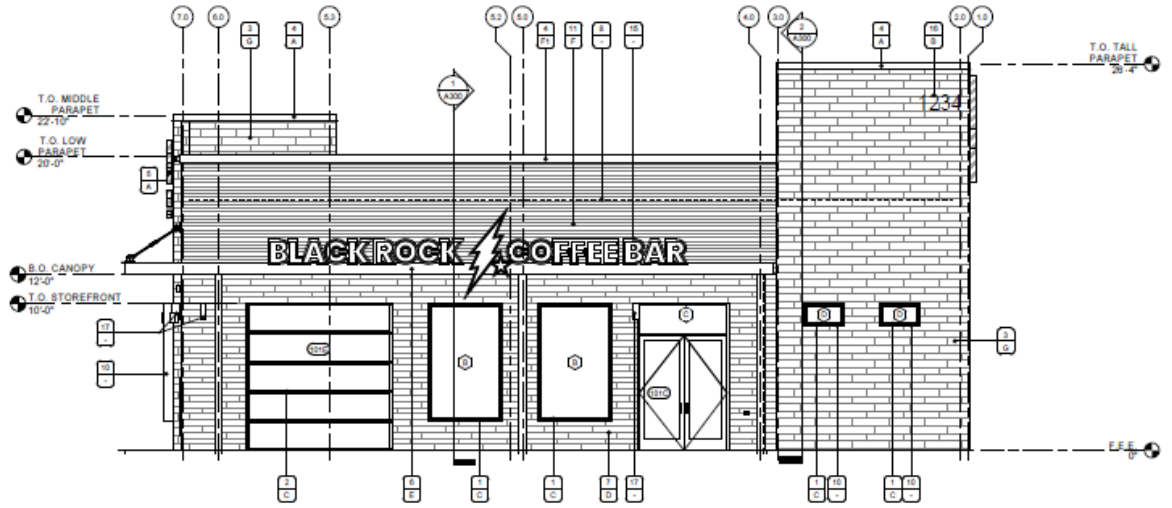
#### A. Site Plan (date: 5/9/2022)



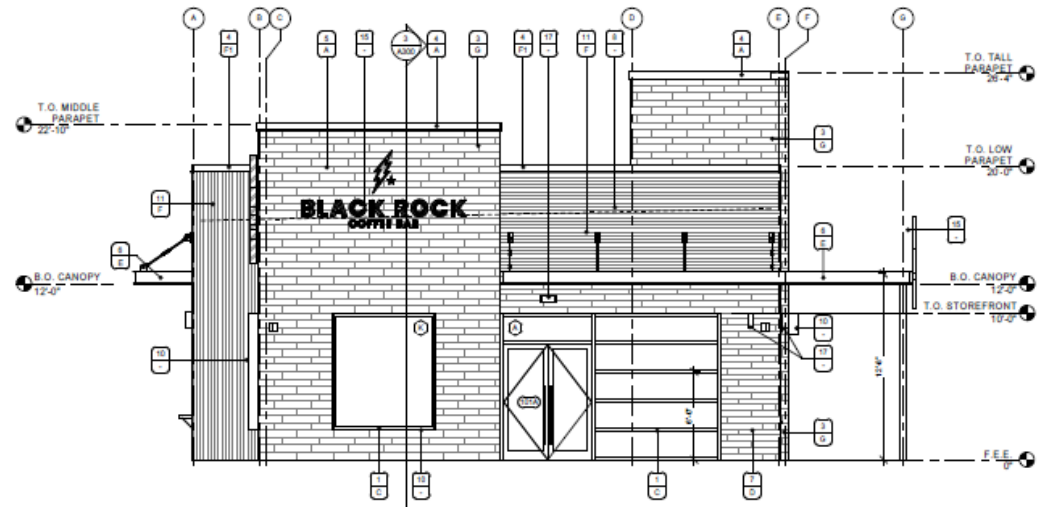
B. Landscape Plan (date: 5/9/2022)



C. Building Elevations (date: 3/4/2022)



2 SIDE ELEVATION  
1/8" = 1'-0"



1 FRONT ELEVATION  
1/8" = 1'-0"

## VII. CITY/AGENCY COMMENTS & CONDITIONS

### A. Planning

1. A Certificate of Zoning Compliance and administrative design review application is required to be submitted to the Planning Division and approved prior to submittal of building permit applications. The applicant will either meet all architectural requirements of the Architectural Standards Manual (ASM) or apply for a design exception as part of the CZC submittal.
2. The Applicant shall have a maximum of two (2) years to commence the use as permitted in accord with the conditions of approval listed above. If the use has not begun within two (2) years of approval, a new conditional use permit must be obtained prior to operation or a time extension must be requested in accord with UDC 11-5B-6F.
3. Hours of operation are limited from 6AM to 10PM per the recorded development agreement unless otherwise modified.
4. All drive aisles shall meet the requirements of UDC 11-3C-5.
5. The site plan prepared by the Land Group, dated May 9, 2022, is approved as submitted.
6. The landscape plan prepared by the Land Group, dated May 9, 2022, is approved as submitted.
7. The architectural elevations prepared by HFA Associates LTD, dated March 03, 2022, are generally approved as submitted but additional revisions may be necessary at time of CZC as described in Section V.M.
8. Parking requirements associated with the drive through coffee kiosk shall comply with the commercial parking standards; 1 per 250 square feet of gross floor area.
9. Per the site-specific standards of UDC 11-3A-19-B, all internal pedestrian walkways shall be distinguished from the vehicular driving surfaces through the use of pavers, colored or scored concrete, or bricks.
10. The Applicant shall comply with all bulk, use, and development standards of the applicable district listed in UDC Chapter 2 District regulations.
11. The Applicant shall comply with the outdoor service and equipment area standards as set forth in UDC 11-3A-12.
12. The Applicant shall comply with the structure and site design standards as set forth in UDC 11-3A-19 and the Architectural Standards Manual.
13. The applicant shall comply with standards and installation for landscaping as set forth in UDC 11-3B-5 and maintenance thereof as set forth in UDC 11-3B-13.
14. The applicant shall comply with the specific use standards for a drive through establishment and a restaurant as set forth in UDC 11-4-3-11 and 11-4-3-49.
15. The project is subject to all current City of Meridian ordinances and previous conditions of approval associated with this site (AZ 08-007, PP-08-006, ALT-08-012, DA Instr. #111032845, FP 2016-0029).

### B. Public Works

1. This site is subject to a reimbursement agreement with the city for the water and sewer mains that were previously installed.

### C. Boise Project Board of Control

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=257268&dbid=0&repo=MeridianCity>

### D. NMID

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=258432&dbid=0&repo=MeridianCity&cr=1>

## VIII. FINDINGS

### A. Conditional Use Permit

The Commission shall base its determination on the conditional use permit request upon the following:

1. That the site is large enough to accommodate the proposed use and meet all the dimensional and development regulations in the district in which the use is located.

*The site meets all dimensional and development regulations of the C-C zoning district. The site already contains landscape buffers, parking is adequate, and the parking area will be landscaped as required by UDC 11-3B-8. Staff finds the site is large enough to accommodate the proposed use.*

2. That the proposed use will be harmonious with the Meridian Comprehensive Plan and in accord with the requirements of this title.

*Staff finds the proposed drive through coffee kiosk will be harmonious with the Comprehensive Plan per the analysis in Section V of this staff report.*

3. That the design, construction, operation and maintenance will be compatible with other uses in the general neighborhood and with the existing or intended character of the general vicinity and that such use will not adversely change the essential character of the same area.

*The subject site is within a commercially zoned area. Directly north of the property is a Rite Aid, across E. Victory Rd to the north is another drive through coffee establishment, a daycare and senior housing complex is planned, and there are residential uses across S. Eagle Rd. to the west. Although there is an existing single family residential directly adjacent to the property at the south and east, the applicant worked with this property owner during the initial development of the Shops at Victory development, installed a verti-crete fence to mitigate impacts, and the owner of the residential property has written a letter in support of this project. There already existing landscape buffers along S. Eagle Rd., E. Victory Rd, there is a (reduced) residential buffer to the south and east, and internal parking lot landscaping meets the requirements of UDC 11-3B. Architecture will be required to meet the Architectural Design Manual (ASM) at time of Certificate of Zoning Compliance (CZC).*

4. That the proposed use, if it complies with all conditions of the approval imposed, will not adversely affect other property in the vicinity.

*As discussed above, the proposed use will not adversely affect other property in the vicinity.*

5. That the proposed use will be served adequately by essential public facilities and services such as highways, streets, schools, parks, police and fire protection, drainage structures, refuse disposal, water, and sewer.

*The proposed use will be served adequately by all public facilities and services.*

6. That the proposed use will not create excessive additional costs for public facilities and services and will not be detrimental to the economic welfare of the community.

*Staff finds the proposed use should not create any additional costs for public facilities and services and will not be detrimental to the economic welfare of the community.*

7. That the proposed use will not involve activities or processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.

*This proposal is for a drive through establishment that will operate between 6AM and 10PM in an area zoned for commercial uses, at a minimum of 200 feet from the nearest residence, on a high intensity commercial arterial intersection within an approved commercial development. The proposed facility is appropriate in this location.*

8. That the proposed use will not result in the destruction, loss or damage of a natural, scenic or historic feature considered to be of major importance. (Ord. 05-1170, 8-30-2005, eff. 9-15-2005)

*Staff is unaware of any natural, scenic, or historic features on this site; thus, Staff finds the proposed use should not result in damage of any such features.*



## AGENDA ITEM

**ITEM TOPIC:** Public Hearing for Peak at Sawtooth Village (H-2022-0026) by JGT Architecture, Located at 4752 N. Linder Rd.

A. Request: A Conditional Use Permit for a drive-through establishment within 300 feet of another drive-through facility, a residential district and existing residences.



# PUBLIC HEARING INFORMATION

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**Staff Contact:** Sonya Allen

**Meeting Date:** May 19, 2022

**Topic:** Peak at Sawtooth Village H-2022-0026

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**Request:**

**Conditional Use Permit** for a drive-through establishment within 300 feet of another drive-through facility, a residential district and existing residences.

**Information Resources:**

[Click Here for Application Materials](#)

[Click Here to Sign Up to Testify at the Planning and Zoning Commission Public Hearing](#)





# STAFF REPORT

## COMMUNITY DEVELOPMENT DEPARTMENT

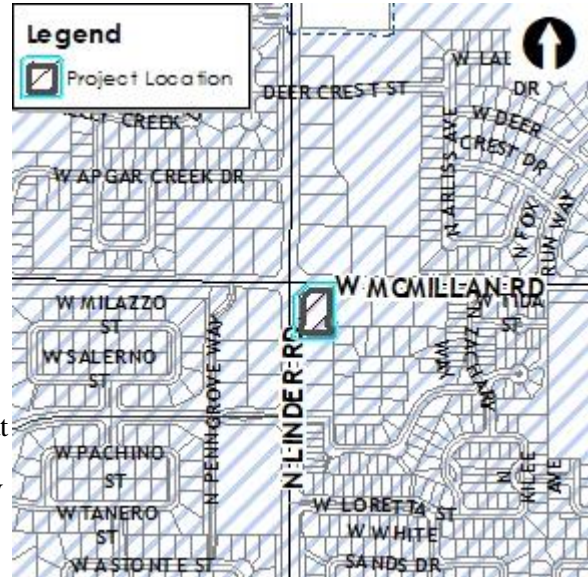
HEARING DATE: 5/19/2022

TO: Planning & Zoning Commission

FROM: Sonya Allen, Associate Planner  
208-884-5533

SUBJECT: H-2022-0026  
Peak at Sawtooth Village – CUP

LOCATION: Generally located at the southeast corner of N. Linder Rd. and W. McMillan Rd. at 4752 N. Linder Rd. (Lot 26, Block 1, McLinder Subdivision No. 2), in the NW 1/4 of Section 36, T.4N., R.1W.



### I. PROJECT DESCRIPTION

Conditional Use Permit (CUP) for a drive-through establishment within 300 feet of another drive-through facility, a residential district and existing residences on 0.93-acre of land in the C-N zoning district.

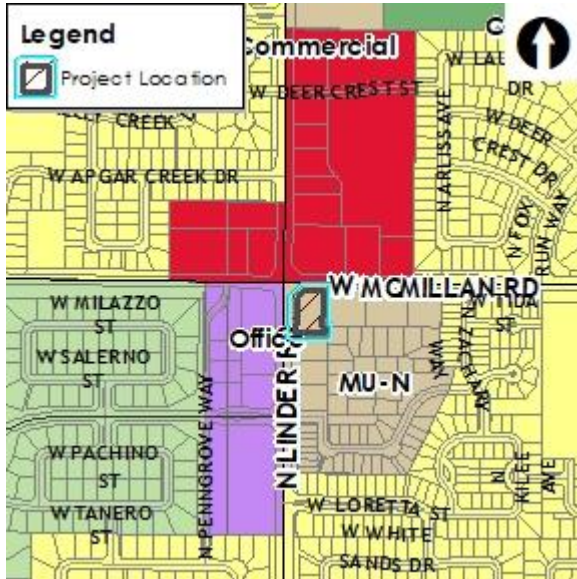
### II. SUMMARY OF REPORT

#### A. Project Summary

Description	Details	Page
Acreage	0.93-acre	
Future Land Use Designation	Mixed Use – Neighborhood (MU-N)	
Existing Land Use	Vacant/undeveloped land	
Proposed Land Use(s)	Restaurant with a drive-through	
Current Zoning	Neighborhood Business District (C-N)	
Physical Features (waterways, hazards, flood plain, hillside)	The Lemp Canal runs along the northern boundary of this site.	
Neighborhood meeting date; # of attendees:	4/11/22	
History (previous approvals)	AZ-13-010; PP-13-022; CUP-13-010 (McLinder Sub./Sawtooth Village – Development Agreement Inst. #114020372); FP-15-001	

A. Project Area Maps

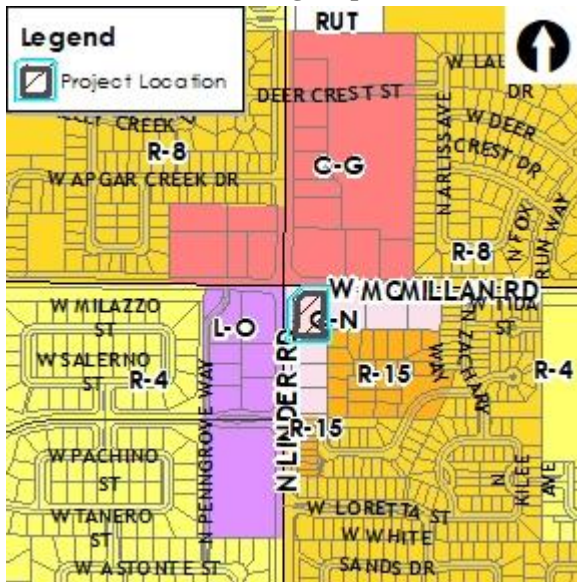
Future Land Use Map



Aerial Map



Zoning Map



Planned Development Map



III. APPLICANT INFORMATION

A. Applicant:

Greg Toolson, JGT Architecture – 1212 12<sup>th</sup> Ave. South, Nampa, ID 83651

B. Owner:

Mary Murphy, Grand Peak, LLC – 3030 Boulder Creek Pl., Meridian, ID 83646

C. Representative:  
Same as Applicant

**IV. NOTICING**

	<b>Planning &amp; Zoning Posting Date</b>
Newspaper Notification	5/3/2022
Radius notification mailed to properties within 300 feet	4/27/2022
Site Posting Date	5/9/2022
Next Door posting	4/27/2022

**V. STAFF ANALYSIS**

The Applicant proposes to construct a 4,846 square foot (s.f.) building with three (3) tenant spaces and a drive-through on the westerly 2,200 s.f. tenant space for a restaurant on a 0.93-acre property in the C-N zoning district. The proposed tenant intends for the drive-through to be more of a pick-up location where customers would order ahead through a mobile app rather than ordering from a speaker or window; no speaker or menu board is proposed at this time.

A restaurant is listed as a principal permitted use in the C-N zoning district per UDC [Table 11-2B-2](#), subject to the specific use standards listed in UDC [11-4-3-49](#). A drive-through requires approval of a conditional use permit when it's within 300-feet of another drive-through facility, an existing residence or a residential district per [11-4-3-11A.1](#). In this case, all three apply; a drive-through exists on the adjacent property to the south and residential uses exist kitty corner to this site to the southeast in the R-15 zoning district.

The proposed use and development plan is in substantial conformance with the provisions in the existing Development Agreement (Inst. #[114020372](#)).

**Specific Use Standards:**

**Drive-Through Establishment:** The proposed drive-through establishment is subject to the specific use standards listed in UDC [11-4-3-11](#), Drive-Through Establishment. All establishments providing drive-through service are required to identify the stacking lane, menu and speaker location (if applicable), and window location on the site plan. The site plan is also required to demonstrate safe pedestrian and vehicular access and circulation on the site and between adjacent properties. At a minimum, the plan is required to demonstrate compliance with the following standards: *Staff's analysis is in italics.*

**1) Stacking lanes have sufficient capacity to prevent obstruction of driveways, drive aisles and the public right-of-way by patrons;**

*The stacking lane will accommodate approximately five (5) vehicles, which the Applicant believes will be sufficient for their use/business model. Staff is concerned if the stacking lane backs up, the drive-aisle on the north side of the building may obstruct vehicles trying to enter or exit the parking spaces in that area. Also, while the proposed stacking lane may*

*accommodate the proposed user, it may not be able to accommodate future users that may be more intense without obstructing the drive aisle and parking on the north side of the building.*

2) The stacking lane shall be a separate lane from the circulation lanes needed for access and parking, except stacking lanes may provide access to designated employee parking.

*The stacking lane is a separate lane from the circulation lanes needed for access and parking on the west side of the building; however, if stacking backs up around the north side of the building it could obstruct parking in that area.*

3) The stacking lane shall not be located within ten (10) feet of any residential district or existing residence;

*The stacking lane is not located within 10' of any residential district or residence.*

4) Any stacking lane greater than one hundred (100) feet in length shall provide for an escape lane; and

*The stacking lane exceeds 100' in length and an escape lane is proposed.*

5) The site should be designed so that the drive-through is visible from a public street for surveillance purposes.

*The drive-through is visible from N. Linder Rd. and W. McMillan Rd., public streets along the west and north boundaries of the site, for surveillance purposes.*

**Based on the above analysis, Staff deems the proposed drive-through in general compliance with the specific use standards as required. If the Commission doesn't feel there is adequate stacking area to accommodate vehicles in the drive-through without obstructing the drive aisle needed for circulation and parking on the north side of the building, revisions may be required to the site design.**

**Restaurant:** The proposed use is also subject to the specific use standards listed in UDC [11-4-3-49](#) Restaurant, which requires at a minimum, one (1) parking space to be provided for every 250 square feet of gross floor area.

**Hours of Operation:** The hours of operation are restricted to 6:00 am to 10:00 pm in the C-N zoning district per UDC [11-2B-3B](#).

**Dimensional Standards:** Future development should be consistent with the dimensional standards listed in UDC Table [11-2B-3](#) for the C-N zoning district.

**Access:** Access is proposed via internal drive aisles in McLinder Subdivision from existing off-site accesses on Linder and McMillan Roads. Direct lot access via N. Linder Rd. and W. McMillan Rd. is not proposed and is prohibited.

**Parking:** As noted above, UDC 11-4-3-49 includes specific parking standards for restaurants of which the site plan demonstrates compliance. A minimum of 19 off-street parking spaces would be required if the entire structure were to be used as a restaurant; a total of 33 spaces are proposed, which exceeds the minimum standard.

A minimum of one (1) bicycle parking space is required to be provided for every 25 vehicle spaces or portion thereof per UDC [11-3C-6G](#); bicycle parking facilities are required to comply with the location and design standards listed in UDC [11-3C-5C](#). A bicycle rack is proposed on the north side of the building which can accommodate two (2) bicycles and complies with these standards.

**Pedestrian Walkways:** Where pathways cross vehicular driving surfaces, they're required to be distinguished from the vehicular driving surface through the use of pavers, colored or scored concrete, or bricks as set forth in UDC [11-3A-19B.4](#). The site/landscape plan submitted with the

**Certificate of Zoning Compliance application should reflect compliance with this standard – the proposed striping of the crosswalk is not allowed and should be revised to comply with this standard.**

**Landscaping:** Street buffer landscaping was installed within the street buffers along N. Linder Rd. and W. McMillan Rd. with the subdivision improvements.

Parking lot landscaping is required to be provided in accord with the standards listed in UDC 11-3B-8C. The plan reflects compliance with these standards.

**Sidewalks:** Sidewalks exist along N. Linder Rd. and W. McMillan Rd. on this site. An attached sidewalk exists along Linder and a detached sidewalk exists along McMillan. The UDC requires detached sidewalks to be constructed along all arterial streets; however, because the sidewalk along Linder was constructed with ACHD's road widening project and is in good condition, Staff does not recommend it's removed and reconstructed as a detached sidewalk.

**Waterways:** The Lemp Canal runs along the northern boundary of this site along W. McMillan Rd. and was piped with the subdivision improvements (Inst. #2015-010111). The building is proposed to be located outside of the easement.

**Easements:** There are several existing easements on this lot; see the subdivision plat for more information (i.e. McLinder Subdivision No. 2). **The site/landscape plan should be revised to depict all easements that exist on the.** Any encroachments within existing easements should be permitted through the easement holder.

**Mechanical Equipment:** All mechanical equipment on the back of the building and outdoor service and equipment should be incorporated into the overall design of buildings and landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets as set forth in UDC [11-3A-12](#).

**Building Elevations:** Conceptual building elevations were submitted as shown in Section VII.C that incorporate a mix of materials consisting of horizontal hardboard siding, stone veneer and glazing. The final design shall be consistent with the design standards listed in the [Architectural Standards Manual](#).

**Certificate of Zoning Compliance & Design Review:** A Certificate of Zoning Compliance and Design Review application is required to be submitted for the proposed use prior to submittal of a building permit application to ensure consistency with the conditions in Section VIII, UDC standards and design standards.

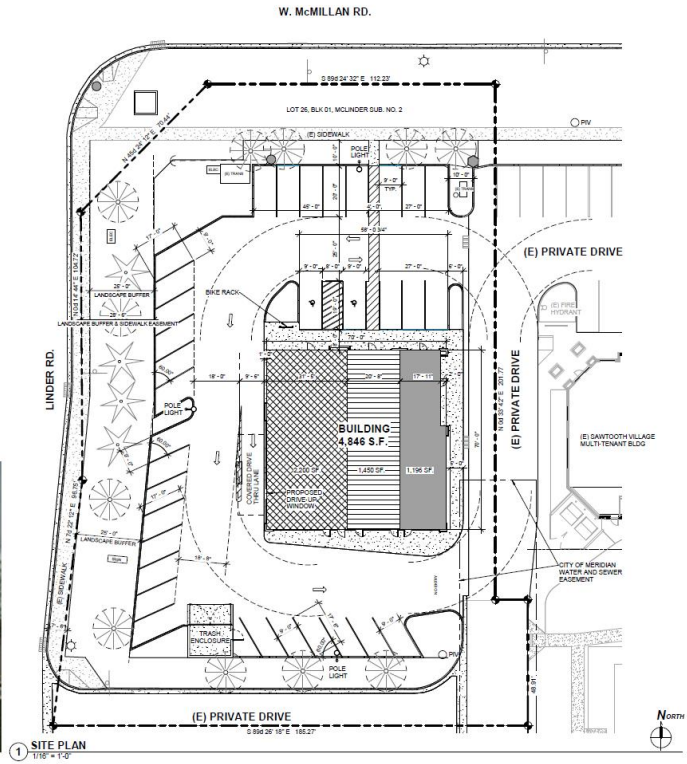
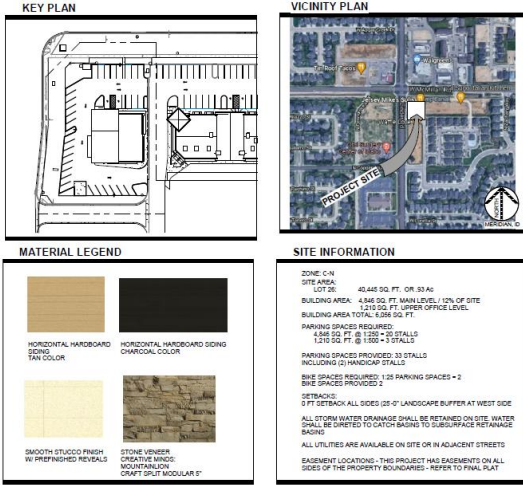
## VI. DECISION

### A. Staff:

Staff recommends approval of the proposed conditional use permit with the conditions included in Section VIII per the Findings in Section IX.

# VII. EXHIBITS

## A. Proposed Site Plan (dated: 4/12/2022)



igot architecture  
1122 E. DUBUQUE BLVD. SUITE 100  
MARIETTA, GA 30067  
PH: 770.962.8200  
WWW.IGOTARCHITECTURE.COM  
EMAIL: INFO@IGOTARCHITECTURE.COM

NOT FOR CONSTRUCTION

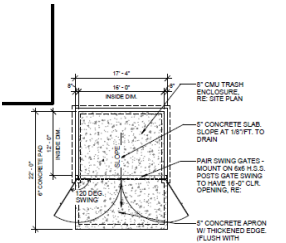
PEAK AT SAWTOOTH VILLAGE  
FOR  
GRAND PEAK, LLC  
McMILLAN AND LINDER - MERIDIAN, ID

DRAWN BY: DATE  
JST 4/12/22  
CHECKED BY: DATE  
JST 4/12/22

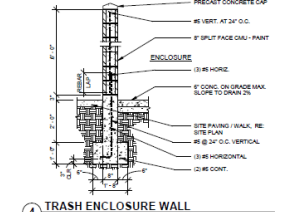
SITE PLAN

DR-1  
SHEET  
1 OF 1

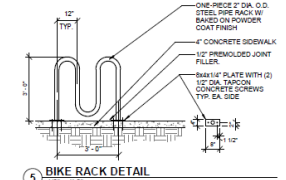
B. Proposed Landscape Plan (dated: 4/12/2022)



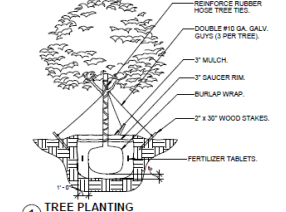
3. TRASH ENCLOSURE PLAN  
1/8" = 1'-0"



4. TRASH ENCLOSURE WALL  
1/2" = 1'-0"



5. BIKE RACK DETAIL  
1/2" = 1'-0"



6. TREE PLANTING  
1/4" = 1'-0"

**LANDSCAPE CALCULATIONS TABLE**

- STREET BUFFER**
  - McMILLAN RD. - ARTERIAL - 25 FT BUFFER REQ.
    - 48'-0" BUFFER PROVIDED
    - 112 LINEAL FEET OF FRONTAGE
    - 3 STREET TREES REQUIRED; 5 STREET TREES EXISTING
  - LINDER RD. - ARTERIAL - 25 FT BUFFER REQ.
    - 25'-0" BUFFER PROVIDED
    - 120 LINEAL FEET OF FRONTAGE
    - 5 STREET TREES REQUIRED; 5 STREET TREES EXISTING
  - STREET BUFFER LANDSCAPING IS ALREADY EXISTING. TREES AND TURF GRASS IS PROVIDED AND SPACED ACROSS THE DEVELOPMENT LOT PER FINAL PLAT APPROVAL.
- SITE SIZE AND OPEN SPACE (PER 11-30-2 OPEN SPACE REQUIREMENTS AND APPLICABLE TO ONLY RESIDENTIAL DEVELOPMENTS)**
  - SIZE: 63,446 S.F. OR 1.4 ACRES
  - LANDSCAPE AREA: 14,522 S.F. (EXISTING) / 36% OF SITE
  - PAVED AREA: 14,142 S.F. (NEW) + 5,084 S.F. EXISTING (INCLUDES EXISTING PAVED DRIVES WITHIN PROPERTY LINE) / 49% OF SITE
  - SIDEWALK AREA: 1,598 S.F. (NEW AROUND BUILDING)

**LANDSCAPE LEGEND**

QNTY	COMMON NAME	SCIENTIFIC NAME	SYM	SIZE AT PLANTING	CLASS
	EXISTING TREE	EVERGREEN			
	EXISTING TREE	DECIDUOUS			
5	SHADE MASTER HONEYLOCUST	<i>Gleditsia triacanthos</i>		2" CALIP. B 30 B	CLASS II
7	COLUMNAR SERGENT CHERRY	<i>P. sargentii 'columnaris'</i>		2" CALIP. B 30 B	CLASS II
12	PYRAMIDAL ARBORVITAE	<i>Thuja occidentalis 'pyramidalis'</i>		5 GAL.	CONIFER
7	VICARY GOLDEN PRIVET	<i>Ligustrum viciary</i>		5 GAL.	SHRUB
20	BLUE RUD JUMPER	<i>Juriphorus horizontalis</i>		2 GAL.	SHRUB
13	BURNING BUSH	<i>Elyonima staba</i>		2 GAL.	SHRUB
19	CRIMSON PYRAMY BARBERY	<i>Sorbaria barbata</i>		2 GAL.	SHRUB
25	KARL FOSTER GRASS	<i>Calamagrostis acutiflora</i>		1 GAL.	SHRUB

NOTES: ALL LANDSCAPE AREAS TO RECEIVE WOOD OR ROCK MULCH OVER LANDSCAPE FABRIC. IRRIGATION TO BE DESIGN BUILT BY LANDSCAPE CONTRACTOR

**TYPICAL TREE AND SHRUB PLANTING NOTES:**

- ALL TREES TO BE BALLED AND BURLAPPED. SEE DETAIL THIS SHEET TREE STAKING.
- 2" MINIMUM OF REGULAR GROUND SOIL TO BE PLACED ON SHRUB PLANTING AREAS.
- PROVIDE AND INSTALL 1/2" x 2" STAKES (BENK) SPACED AT EACH TREE. TIE ALL STAKES WITH COTTON WEBBING OR OTHER APPROVED METHOD.
- PROVIDE AND INSTALL SHOVEL MIX FOR ALL PLANTS. USE 1/2" APPROVED PLANTING MIX AND 1/2" EXISTING SOIL REMOVED FROM PLANTING PITS. DIG ALL PLANT PITS TWICE THE SIZE OF ROOT BALL.
- EXISTING SOIL REMOVED FROM PLANTING PITS. DIG ALL PLANT PITS TWICE THE SIZE OF ROOT BALL.
- FINISH GRADE TOP SOIL TO A UNIFORM AND SMOOTH SURFACE. REMOVE ALL ROCKS AND FOREIGN MATERIAL 1" AND LARGER PRIOR TO LAYING SOIL.
- PROVIDE AND INSTALL ONE APPLICATION OF APPROVED PLANTING TABLETS FOR ALL PLANTS. PROVIDE AND INSTALL ONE RETAIL APPLICATION OF STARTER FERTILIZER FOR SOIL AREAS. ALL FERTILIZERS TO BE APPROVED BY THE OWNER PRIOR TO APPLICATION AND APPLIED AT MANUFACTURERS RECOMMENDED RATE.
- ALL PLANTS AND LAWN SHALL BE GUARANTEED FOR ONE COMPLETE GROWING SEASON AFTER COMPLETION OF CONTRACT AND FINAL ACCEPTANCE.
- NEW LANDSCAPE AREAS TO BE PROVIDED WITH FULLY AUTOMATIC SPRINKLER SYSTEMS.

NOTE: ALL EXISTING TREES TO SHALL BE PROVIDED WITH TEMPORARY FENCING AROUND DRIP LINE FOR PROTECTION DURING CONSTRUCTION



2. LANDSCAPE PLAN  
1/8" = 1'-0"

REVISIONS

NO.	DATE	DESCRIPTION

igt architecture  
1000 W. 10th Street, Suite 100  
Grand Peak, CO 80401  
Phone: (303) 442-8200 | Fax: (303) 442-8209  
Email: info@igtarchitecture.com

NOT FOR CONSTRUCTION

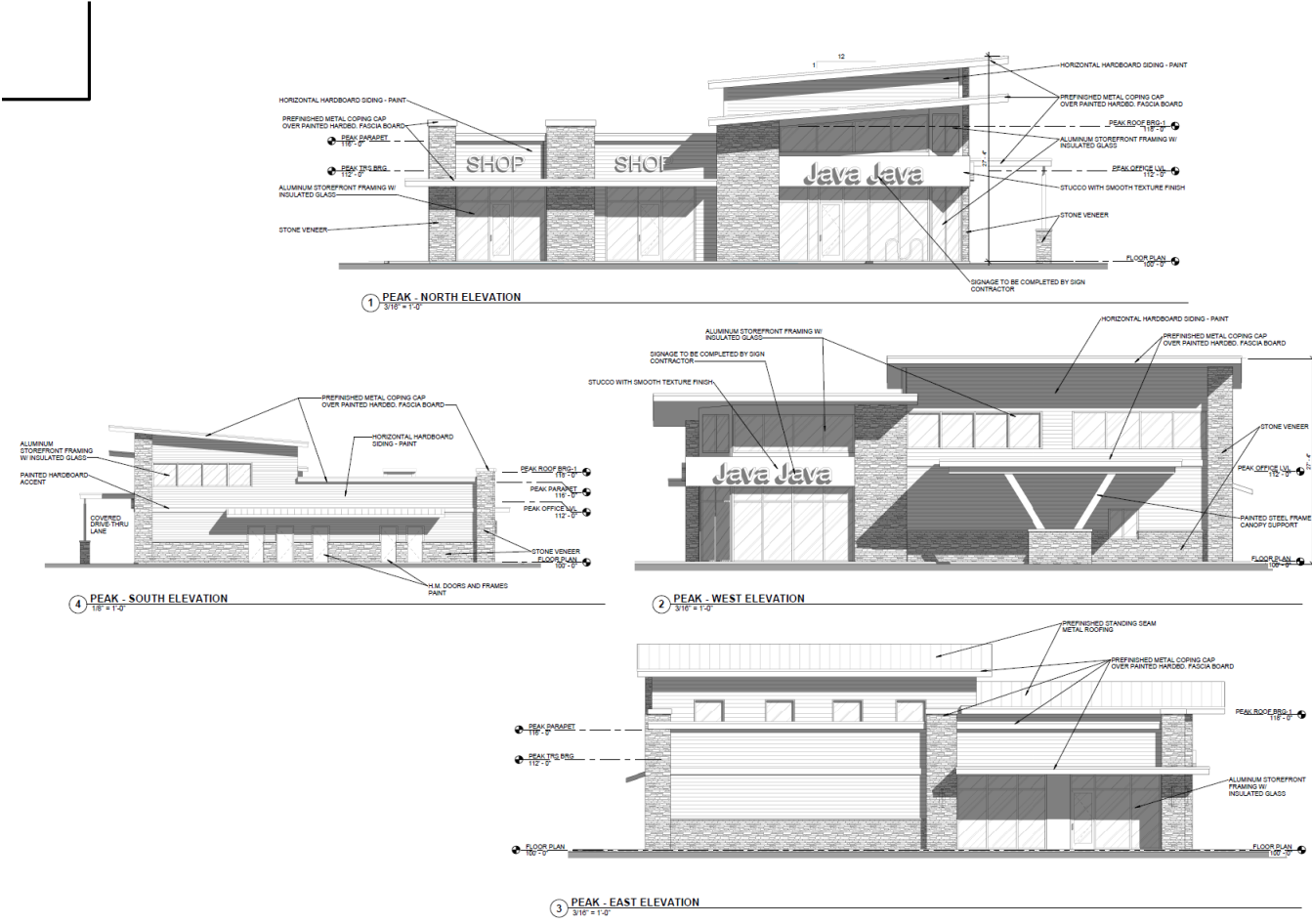
PEAK AT SAWTOOTH VILLAGE  
FOR  
GRAND PEAK, LLC  
McMILLAN AND LINDER - MERIDIAN, ID

DRAWN BY: DATE: 4/12/22  
CHECKED BY: DATE: 4/12/22  
DESIGNED BY: DATE: 4/12/22

LANDSCAPE PLAN

DR-2  
SHEET 2 OF 3

C. Building Elevations (dated: 4/12/22)



REVISIONS	
NO.	DESCRIPTION

  
 1212 20th Avenue South - Meridian, Idaho 83641  
 Phone: 208.388.3333  
 Email: info@igtarchitecture.com



PEAK AT SAWTOOTH VILLAGE  
 FOR  
 GRAND PEAK, LLC  
 McMILLAN AND LINDER - MERIDIAN, ID

DRAWN BY DATE:	
CHECKED / JOB NO.:	
EXTERIOR ELEVATIONS	
DR-3	
SHEET 3 OF 3	



## VIII. CITY/AGENCY COMMENTS & CONDITIONS

### A. PLANNING

1. Future development of this site shall comply with the previous conditions of approval and terms of the existing Development Agreement and the conditions contained herein [AZ-13-010; PP-13-022; CUP-13-010 (McLinder Sub./Sawtooth Village – Development Agreement Inst. #[114020372](#)); FP-15-001].
2. The site plan and landscape plan submitted with the Certificate of Zoning Compliance application shall be revised as follows:
  - a. The stacking lane, menu and speaker location(s), and window location shall be depicted in accord with UDC [11-4-3-11B](#).
  - b. All mechanical equipment on the back of the building and outdoor service and equipment areas should be incorporated into the overall design of buildings and landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets as set forth in UDC [11-3A-12](#).
  - c. The pathway from the perimeter sidewalk along W. McMillan Rd. to the main building entrance shall be distinguished from the vehicular driving surface through the use of pavers, colored or scored concrete, or bricks as set forth in UDC 11-3A-19B.4b.
  - d. Depict all easements that exist on the subject lot per the recorded plat (McLinder Subdivision No. 2). Any encroachments within existing easements should be permitted through the easement holder.
  - e. Depict signage at the southern driveway access on the east side of the site prohibiting entry in that location due to it being a one-way drive aisle and paint an arrow signifying one-way traffic on the drive-aisle.
3. Compliance with the standards listed in UDC [11-4-3-11](#) – Drive-Through Establishment and [11-4-3-49](#) – Restaurant is required.
4. Direct access via N. Linder Rd. and W. McMillan Rd. is prohibited.
5. The business hours of operation are restricted to 6:00 am to 10:00 pm in the C-N zoning district per UDC 11-2B-3B.
6. Install signage on the east side of the site at the entrance to the southern driveway prohibiting access at that location due to it being a one-way drive aisle.
7. A Certificate of Zoning Compliance and Design Review application shall be submitted and approved for the proposed use prior to submittal of a building permit application. The design of the site and structure shall comply with the standards listed in UDC [11-3A-19](#); the design standards listed in the *Architectural Standards Manual* and with the Development Agreement.
8. The conditional use permit is valid for a maximum period of two (2) years unless otherwise approved by the City. During this time, the Applicant shall commence the use as permitted in accord with the conditions of approval, satisfy the requirements set forth in the conditions of approval, and acquire building permits and commence construction of permanent footings or structures on or in the ground as set forth in UDC [11-5B-6](#). A time extension may be requested as set forth in UDC 11-5B-6F.

**B. ADA COUNTY HIGHWAY DISTRICT (ACHD)**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=259328&dbid=0&repo=MeridianCity>

**C. NAMPA & MERIDIAN IRRIGATION DISTRICT (NMID)**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=260475&dbid=0&repo=MeridianCity>

**IX. FINDINGS**

## Conditional Use (UDC 11-5B-6)

Findings: The commission shall base its determination on the conditional use permit request upon the following:

1. That the site is large enough to accommodate the proposed use and meet all the dimensional and development regulations in the district in which the use is located.

*Staff finds the site is large enough to accommodate the proposed development and meet all dimensional and development regulations of the C-N zoning district.*

2. That the proposed use will be harmonious with the Meridian comprehensive plan and in accord with the requirements of this title.

*Staff finds the proposed restaurant with a drive-through will be harmonious with the Comprehensive Plan and is consistent with applicable UDC standards with the conditions noted in Section VIII of this report.*

3. That the design, construction, operation and maintenance will be compatible with other uses in the general neighborhood and with the existing or intended character of the general vicinity and that such use will not adversely change the essential character of the same area.

*Staff finds the design, construction, operation and maintenance of the proposed use will be compatible with other uses in the general neighborhood, with the existing and intended character of the vicinity and will not adversely change the essential character of the area.*

4. That the proposed use, if it complies with all conditions of the approval imposed, will not adversely affect other property in the vicinity.

*Staff finds the proposed use will not adversely affect other properties in the vicinity if it complies with the conditions in Section VIII of this report.*

5. That the proposed use will be served adequately by essential public facilities and services such as highways, streets, schools, parks, police and fire protection, drainage structures, refuse disposal, water, and sewer.

*Staff finds the proposed use will be served by essential public facilities and services as required.*

6. That the proposed use will not create excessive additional costs for public facilities and services and will not be detrimental to the economic welfare of the community.

*Staff finds the proposed use will not create additional costs for public facilities and services and will not be detrimental to the economic welfare of the community.*

7. That the proposed use will not involve activities or processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.

*Staff finds the proposed use will not be detrimental to any persons, property or the general welfare by the reasons noted above.*

8. That the proposed use will not result in the destruction, loss or damage of a natural, scenic or historic feature considered to be of major importance. (Ord. 05-1170, 8-30-2005, eff. 9-15-2005)

*Staff finds the proposed use will not result in the destruction, loss or damage of any such features.*

9. Additional findings for the alteration or extension of a nonconforming use:

- a. That the proposed nonconforming use does not encourage or set a precedent for additional nonconforming uses within the area; and,

*This finding is not applicable.*

- b. That the proposed nonconforming use is developed to a similar or greater level of conformity with the development standards as set forth in this title as compared to the level of development of the surrounding properties.

*This finding is not applicable.*



## AGENDA ITEM

**ITEM TOPIC:** Public Hearing for Bountiful Commons East (H-2022-0015) by KM Engineering, LLP, Located at 5960 and 5984 N. Linder Rd.

A. Request: Modification to the Existing Development Agreement (Linder Mixed Use - Inst. #2018-052340) to update the conceptual development plan and building elevations.

B. Request: Combined Preliminary and Final Plat consisting of three (3) building lots on 2.20 acres of land in the C-C zoning district.



# PUBLIC HEARING INFORMATION

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**Staff Contact:** Sonya Allen

**Meeting Date:** May 19, 2022

**Topic:** **Public Hearing** for Bountiful Commons East (H-2022-0015) by KM Engineering, LLP, Located at 5960 and 5984 N. Linder Rd.

- A. Request: Modification to the Existing Development Agreement (Linder Mixed Use - Inst. #2018-052340) to update the conceptual development plan and building elevations.
  - B. Request: Combined Preliminary and Final Plat consisting of three (3) building lots on 2.20 acres of land in the C-C zoning district.
- 

## Information Resources:

[Click Here for Application Materials](#)

[Click Here to Sign Up to Testify at the Planning and Zoning Commission Public Hearing](#)

# STAFF REPORT COMMUNITY DEVELOPMENT DEPARTMENT



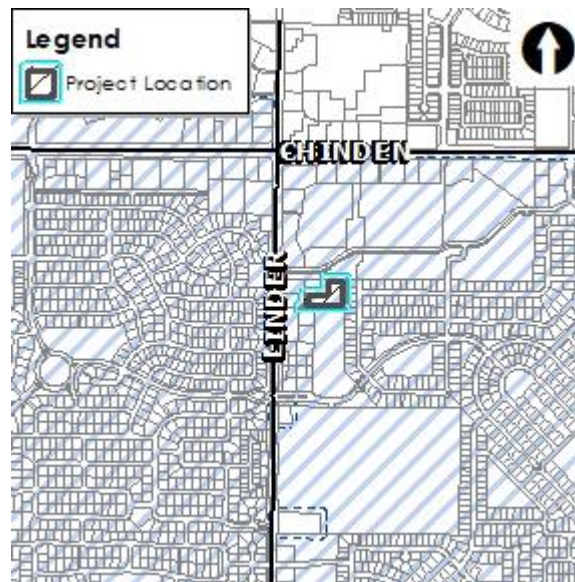
HEARING DATE: May 19, 2022

TO: Planning & Zoning Commission

FROM: Sonya Allen, Associate Planner  
208-884-5533

SUBJECT: H-2022-0015  
Bountiful Commons – MDA, PFP

LOCATION: 5960 N. Linder Rd., in the NW 1/4 of Section 25, T.4N., R.1W.



## I. PROJECT DESCRIPTION

Modification to the existing Development Agreement (Linder Mixed Use - Inst. #2018-052340) to update the conceptual development plan & building elevations; and combined preliminary and final plat consisting of three (3) building lots on 2.20 acres of land in the C-C (Community Business) zoning district.

## II. SUMMARY OF REPORT

### A. Project Summary

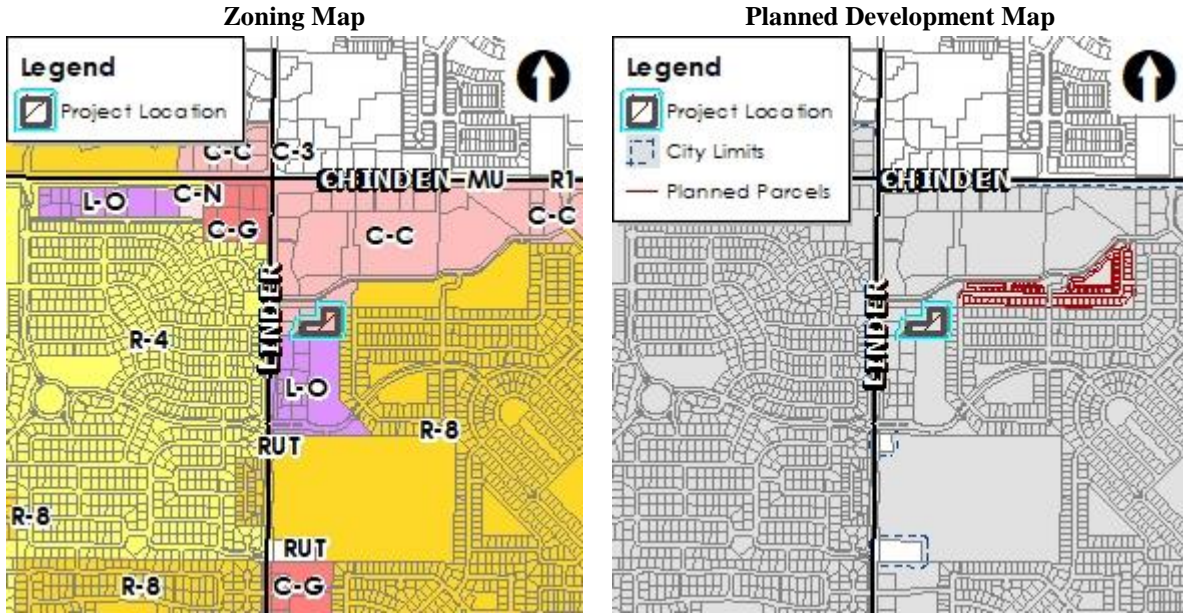
Description	Details	Page
Acreage	2.20	
Existing/Proposed Zoning	C-C (Community Business District)	
Future Land Use Designation	Mixed Use – Community (MU-C)	
Existing Land Use(s)	Vacant/undeveloped land	
Proposed Land Use(s)	Commercial (mixed use)	
Lots (# and type; bldg./common)	3 building/0 common	
Phasing Plan (# of phases)	1	
Number of Residential Units (type of units)	NA	
Physical Features (waterways, hazards, flood plain, hillside)	None	
Neighborhood meeting date; # of attendees:	2/1/22	
History (previous approvals)	<a href="#">H-2017-0095</a> (AZ, Development Agreement Inst. # <a href="#">2018-052340</a> ); <a href="#">H-2018-0067</a> (PP); <a href="#">H-2018-0084</a> (FP); <a href="#">PBA-2022-0004</a> ROS #1333	

B. Community Metrics

Description	Details	Pg
Ada County Highway District		
<ul style="list-style-type: none"> <li>• Staff report (yes/no)</li> <li>• Requires ACHD Commission Action (yes/no)</li> </ul>	<p>No</p> <p>No</p>	
Access (Arterial/Collectors/State Hwy/Local)(Existing and Proposed)	Access is proposed via a private backage road/driveway along the west boundary of the site.	
Traffic Level of Service	NA	
Stub Street/Interconnectivity/Cross Access	There are no stub streets that exist to this site and none are required to be provided to adjacent properties.	
Existing Road Network	A backage road/driveway exists along the west boundary of this site parallel to N. Linder Rd.	
Existing Arterial Sidewalks / Buffers	There are no existing arterial streets abutting this site.	
Proposed Road Improvements	NA	
West Ada School District	NA	
Police Service	No Comment	

C. Project Area Maps





- A. Applicant:  
Stephanie Hopkins, KM Engineering, LLP – 5725 N. Discovery Way, Boise, ID 83713
- B. Owners:  
TMEG Properties, LLC – 74 E 500 S, Ste. 200, Bountiful, UT 84010-0000
- C. Representative:  
Same as Applicant

**III. NOTICING**

	Planning & Zoning Posting Date	City Council Posting Date
Notification published in newspaper	5/3/2022	
Notification mailed to property owners within 300 feet	4/27/2022	
Applicant posted public hearing notice on site	5/7/2022	
Nextdoor posting	4/27/2022	

**IV. COMPREHENSIVE PLAN ANALYSIS ([Comprehensive Plan](#))**

**Land Use:** The Future Land Use Map (FLUM) contained in the [Comprehensive Plan](#) designates this property as Mixed Use – Community (MU-C). The purpose of this designation is to allocate areas where community-serving uses and dwellings are seamlessly integrated into the urban fabric. The intent is to integrate a variety of uses, including residential, and to avoid mainly single-use and strip commercial type buildings. Non-residential buildings in these areas have a tendency to be larger than in Mixed Use Neighborhood (MU-N) areas. Goods and services in these areas tend to be of the variety that people will mainly travel by car to, but also walk or bike to (up to 3 or 4 miles). Employment opportunities for those living in and around the neighborhood are encouraged.



Developments are encouraged to be designed according to the conceptual MU-C plan depicted in Figure 3C. (See pgs. 3-11 through 3-16 for more information.)

The Applicant proposes to develop the subject property with four (4) multi-tenant commercial/office buildings with associated outdoor plazas and surface parking. The existing development plan was reviewed and deemed to be generally consistent with the Comprehensive Plan with [H-2017-0095](#). Staff has reviewed the proposed conceptual development plan for consistency with the development guidelines in the Plan and recommends changes to the plan as noted below in Section V.A consistent with the following general guidelines for Mixed-Use and specifically MU-C developments:

- “In developments where multiple commercial and/or office buildings are proposed, the buildings should be arranged to create some form of common, usable area, such as a plaza or green space.” (Pg. 3-13)
- “Supportive and proportional public and/or quasi-public spaces and places including but not limited to parks, plazas, outdoor gathering areas, open space, libraries, and schools that comprise a minimum of 5% of the development area are required. Outdoor seating at restaurants do not count toward this requirement.” (Pg. 3-16)

The following Comprehensive Plan Policies are also applicable to this development: (*Staff’s analysis in italics*)

- “Permit new development only where it can be adequately served by critical public facilities and urban services at the time of final approval, and in accord with any adopted levels of service for public facilities and services.” (3.03.03F)

*City water and sewer service is available and can be extended by the developer with development in accord with UDC 11-3A-21. Urban services are available to be provided upon development.*

- “Encourage compatible uses and site design to minimize conflicts and maximize use of land.” (3.07.00)

*The proposed commercial/office uses should be compatible with existing residential and church uses to the east and south; and with future commercial uses to the west.*

- “Encourage and support mixed-use areas that provide the benefits of being able to live, shop, dine, play, and work in close proximity, thereby reducing vehicle trips, and enhancing overall livability and sustainability.” (3.06.02B)

*The proposed mix of commercial/office uses should provide needed services for nearby residents and employees.*

- “Ensure development is connected to City of Meridian water and sanitary sewer systems and the extension to and through said developments are constructed in conformance with the City of Meridian Water and Sewer System Master Plans in effect at the time of development.” (3.03.03A)

*The proposed development will connect to City water and sewer systems; services are required to be provided to and though this development in accord with current City plans.*

## V. UNIFIED DEVELOPMENT CODE ANALYSIS ([UDC](#))

### A. Development Agreement Modification (MDA):

The Applicant proposes a modification to the existing Development Agreement (DA) for Linder Mixed Use (Inst. #2018-052340) to update the conceptual development plan & building

elevations for this site to accommodate the proposed development; and remove the Chili's restaurant conceptual building elevations from the agreement. No changes are proposed to the text of the agreement. *Note: The overall DA is for a larger 5-acre area; the portion subject to the proposed modification is the northeastern 2.93 acres.*

The existing plan depicts a 7,000 square foot (s.f.) and 10,000 s.f. buildings with a shared outdoor plaza area in between the two buildings with surface parking around the perimeter of the buildings. A dance studio and event center for dance recitals and performances were originally anticipated to develop on this site but is no longer planned (see Section VII.A below). Conceptual elevations are included in the existing DA for a Chile's restaurant, a couple of multi-tenant buildings and an event center.

The proposed development plan includes four (4) multi-tenant commercial/office buildings with individual outdoor plazas at the rear of each building, a pedestrian walkway around each building with a connection in between the two northern buildings and two southern buildings, and surface parking internal to the site. Conceptual elevations for the proposed structures are also included (see Section VII.B below). As part of the modification, the Applicant proposes to remove the conceptual elevations for the Chili's restaurant and the event center.

**A north/south backage road exists along the west boundary of this site that provides an access from the collector street (W. Cayuse Creek Dr.) to the north to Linder Rd. at the south boundary of Bountiful Commons Subdivision. Staff is concerned the ten (10) parking spaces depicted on the site plan along the west boundary of the site will create a safety hazard by vehicles backing out into traffic; therefore, Staff recommends these spaces are removed from the plan.**

**An existing provision of the DA (#5.1b) requires a minimum of 5% of the development area to be developed with supportive and proportional public and/or quasi-public spaces and places. Based on 2.93 acres, a minimum area of 0.15-acre (or 6,382 square feet) would be required. In mixed use designated areas where multiple commercial and/or office buildings are proposed, the Comprehensive Plan also desires buildings to be arranged to create some form of common, usable area, such as a plaza or green space. To create more of a shared common usable area as desired, Staff recommends instead of individual outdoor plaza areas for each building, the parking areas in between Buildings A & B and C & D are removed and a plaza/green space is provided in these areas with seating, landscaping and shade structures.**

Note: The conceptual development plan depicts a total building square footage of 31,488+/- s.f. between four (4) buildings. For a commercial/office use in a commercial district, a minimum of 63 off-street parking spaces would be required; a total of 154 spaces are proposed. Even with removal of 34 spaces as recommended, a total of 120 spaces will still be provided, which Staff believes will meet the needs of the development.

Staff has reviewed the provisions of the existing DA and finds the proposed conceptual development plan to be in compliance with these provisions if the Applicant complies with the recommended changes to the plan.

**Staff is generally supportive of the proposed modification to the DA with the recommended changes to the conceptual development plan noted above. Staff recommends the Applicant revise the plans to incorporate these changes and submit a copy of the revised plan to the Planning Division at least 10 days prior to the City Council hearing.**

## B. Preliminary/Final Plat (PFP):

A combined preliminary and final plat is proposed to re-subdivide a portion of Lot 1 and all of Lot 4, Block 1, Bountiful Commons Subdivision. The current configuration of the property was created through Record of Survey #13333 associated with [PBA-2022-0004](#). The proposed plat consists of three (3) building lots on 2.20 acres of land in the C-C zoning district.

### **Existing Structures/Site Improvements:**

There are no existing structures on this site; the previous structures have been removed.

### **Dimensional Standards:**

Development of the proposed lots is required to comply with the dimensional standards of the C-C zoning district in UDC Table [11-2B-3](#).

### **Subdivision Design and Improvement Standards (UDC [11-6C-3](#)):**

Development of the subdivision is required to comply with the subdivision design and improvement standards listed in UDC 11-6C-3.

### **Access (UDC [11-3A-3](#))**

Access to the site exists via a private driveway/backage road that runs parallel to N. Linder Rd. depicted in an easement on the plat. No stub streets exist to the site and none are proposed or required to be provided to adjacent properties. A cross-access easement agreement (Inst. #2018-108834) exists between all lots in the subdivision that grants access over drive aisles and parking areas per plat note #12.

### **Pathways (UDC [11-3A-8](#)):**

There are no pathways depicted on the Pathways Master Plan for this site. **The existing DA (provision #5.1i) requires a pedestrian pathway connection to be provided to the church property (Parcel # R6905150070) at the south boundary of the site; the site/landscape plan shall be revised accordingly.**

The existing DA also requires a walkway to be provided along one side of the north/south backage driveway for safe pedestrian access and connectivity. Because a sidewalk was constructed on the Beehive Credit Union (A-2020-0032) site to the west of the proposed development along the west side of the driveway, Staff is not including a requirement for a walkway to be constructed on the east side of the driveway on the subject property.

### **Sidewalks (UDC [11-3A-17](#)):**

There are no public streets proposed within this site or that exist adjacent to the site; therefore, sidewalks are not required.

### **Landscaping (UDC [11-3B](#)):**

No streets are proposed with this application and none exist adjacent to this site; therefore, no street buffer landscaping is required. No pathways are proposed; therefore, no pathway landscaping is required.

A 25-foot wide buffer is required along the east boundary of Lots 7 and 8, Block 1 adjacent to existing residential uses as set forth in UDC [Table 11-2B-2](#); the buffer should be landscaped per the standards listed in UDC [11-3B-9C](#) and may be installed at the time of lot development. The landscape plan depicts the 25-foot wide buffer planted with a mix of deciduous and evergreen trees with a 3-foot tall berm in accord with UDC standards.

### **Storm Drainage:**

An adequate storm drainage system is required in all developments in accord with the City's adopted standards, specifications and ordinances. Design and construction is required to follow Best Management Practices as adopted by the City. The Applicant submitted a [Geotechnical](#)

[Engineering Report](#) for the proposed subdivision that was prepared in 2018 with the original subdivision. Stormwater integration is required in accord with the standards listed in UDC [11-3B-11C](#).

**Pressure Irrigation (UDC [11-3A-15](#)):**

Underground pressurized irrigation water is required to be provided for each and every lot in the subdivision as required in UDC 11-3A-15. This property lies within the boundary of Settler's Irrigation District.

**Utilities (UDC [11-3A-21](#)):**

Utilities are required to be provided to the subdivision as required in UDC 11-3A-21.

**Waterways (UDC [11-3A-6](#)):**

The North Slough runs along the project's north boundary and has been piped in accord with UDC 11-3A-6B. A portion of the easement (i.e. 10') lies on this property as depicted on the plat. This project is not within the flood plain.

**Fencing (UDC [11-3A-6](#) and [11-3A-7](#)):**

All fencing is required to comply with the standards listed in UDC 11-3A-7. Fencing exists along the north, east and west property boundaries; no new fencing is proposed with this application.

**Building Elevations (UDC [11-3A-19](#) | [Architectural Standards Manual](#)):**

Conceptual building elevations were submitted for the proposed single-story commercial/office buildings as shown in Section VII.B; these elevations may change with future applications but provide a general idea of the type of architecture planned. **Final design must comply with the design standards in the Architectural Standards Manual.**

## VI. DECISION

### A. Staff:

Staff recommends approval of the requested development agreement modification with recommended changes to the conceptual development plan as noted above in Section V.A; and combined preliminary and final plat with the provisions noted in Section VIII, per the Findings in Section IX.

## VII. EXHIBITS

### A. Existing Development Agreement Provisions, Conceptual Development Plan and Elevations

#### 5. **CONDITIONS GOVERNING DEVELOPMENT OF SUBJECT PROPERTY:**

5.1. Owners and/or Developer shall develop the Property in accordance with the following special conditions:

- a. Future development of the subject property shall be generally consistent with the conceptual site plan, building elevations, and provisions contained in the Staff Report that is attached to the Findings of Fact and Conclusions of Law attached hereto as Exhibit "B".
- b. Provide supportive and proportional public and/or quasi-public spaces and places including but not limited to parks, plazas, outdoor gathering areas, open space, libraries, and schools that comprise a minimum of 5% of the development area within the site development area.
- c. Non-residential buildings should be proportional to and blend in with adjacent residential buildings.
- d. The existing homes and associated outbuildings shall be removed from the site prior to issuance of any building permits.
- e. If access isn't available to this site at the time of development, a temporary access will be allowed via N. Linder Road with approval from the Ada County Highway District. At such time as access from the north and/or south is available, the temporary access shall be removed and the use discontinued.
- f. The developer shall grant a cross-access/ingress-egress easement to the properties to the north (parcel #S0425223010) and south (parcel #S0425233810) in accord with UDC 11-3A-3 and the Comprehensive Plan (action item #3.03.02N). A recorded copy of the easement agreement shall be submitted to the Planning Division with the first Certificate of Zoning Compliance application for the development.
- g. Future development shall comply with the structure and design standards listed in UDC 11-3A-19 and in the Architectural Standards Manual (ASM).
- h. A 10-foot wide segment of the City's multi-use pathway is required along N. Linder Road in accord with the Pathways Master Plan. Landscaping shall be installed in accord with the standards listed in UDC 11-3B-12C on either side of the pathway.
  - i. Provide a pedestrian pathway connection to the church property at the south boundary of the site.
  - j. Provide a walkway along one side of the north/south backage driveway for safe pedestrian access and connectivity.
  - k. Prior to removing *any* of the existing trees from the site, the developer/owner shall contact the City Arborist to determine mitigation requirements for any healthy trees 4" caliper and greater that are removed from the site in accord with UDC 11-3B-10C.5.
  - l. The applicant shall submit and obtain approval of a Certificate of Zoning Compliance and Design Review application from the Planning Division, prior to submittal of any building permit applications.
  - m. Prior to the application for any development on the subject site, sanitary sewer and water serviceability will need to be reviewed. This is due to the potential timing of development of adjacent properties and the ability or inability to create loops in the water system and to determine the routing of sanitary sewer.
  - n. Provide a pedestrian walkway from the sidewalk along the north/south backage driveway to the entrance of the building proposed on the east side of the site (i.e. the dance studio/event center).

# LINDER MIXED-USE DEVELOPMENT



LINDER ROAD MERIDIAN, IDAHO

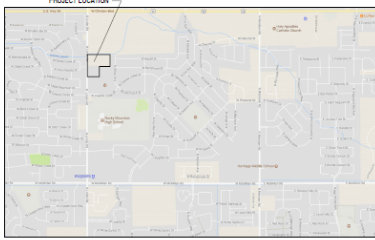
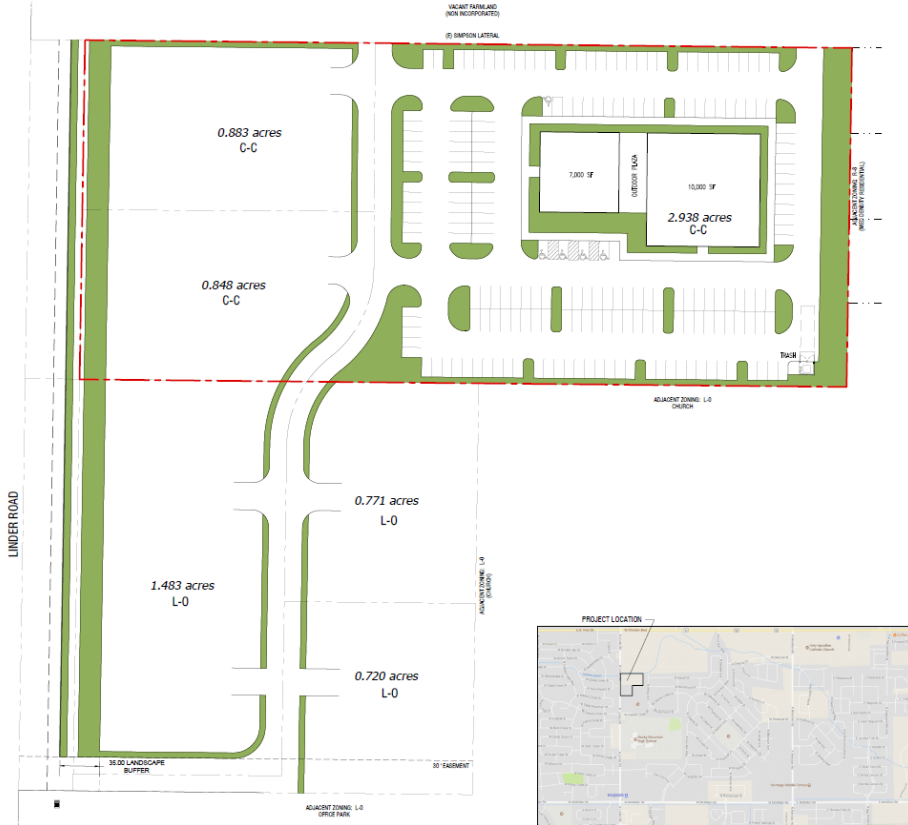
OVERALL GENERAL SITE NOTES  
SCALE: 1"=40'-0"  
ZONING (EXISTING): .RUT  
ZONING (PROPOSED): .C-C  
TOTAL AREA: 5.0 ACRES

COMMON OPEN SPACE REQUIRED: 10%

DEVELOPER: TGI CORP.  
74 EAST 500 SOUTH, STE. 200  
BOUNTIFUL, UT 84010  
801-292-5000

LANDSCAPE: TBD

CIVIL: TBD



1 SITE PLAN  
SCALE 1" = 40'-0"

2 VICINITY MAP  
NO SCALE

PROJECT:  
**LINDER MIXED-USE DEVELOPMENT**  
  
5960 N. LINDER ROAD  
  
MERIDIAN, IDAHO



FILE  
DATE: DECEMBER 07, 2017  
APP: 17-0211 A1.0  
DRAWN BY: DAVID RUBY, AIA

REVISIONS

ARCHITECT/  
PLANNER: **TAO** THE ARCHITECTS OFFICE #  
499 MAIN STREET  
BOISE, IDAHO 83702  
T (208) 343-2911 X6  
F (208) 343-1308  
WWW.TAODAHO.COM

SHEET  
**A1.0**  
ARCHITECTURAL CONCEPT  
SITE PLAN



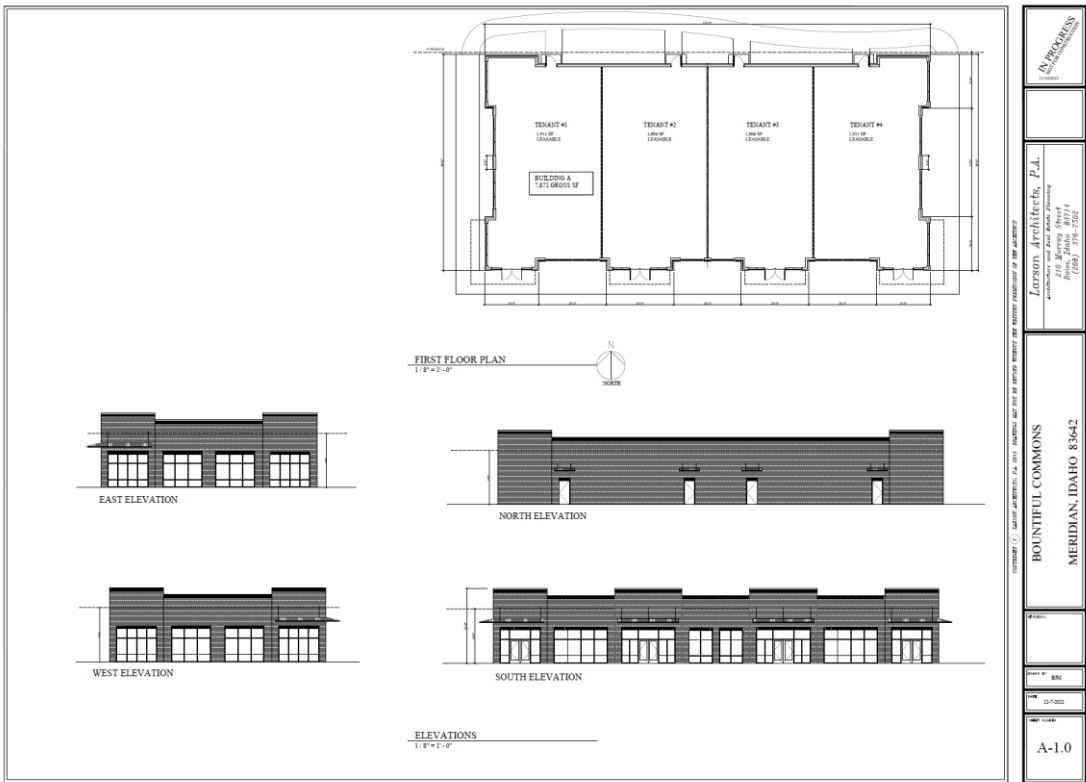
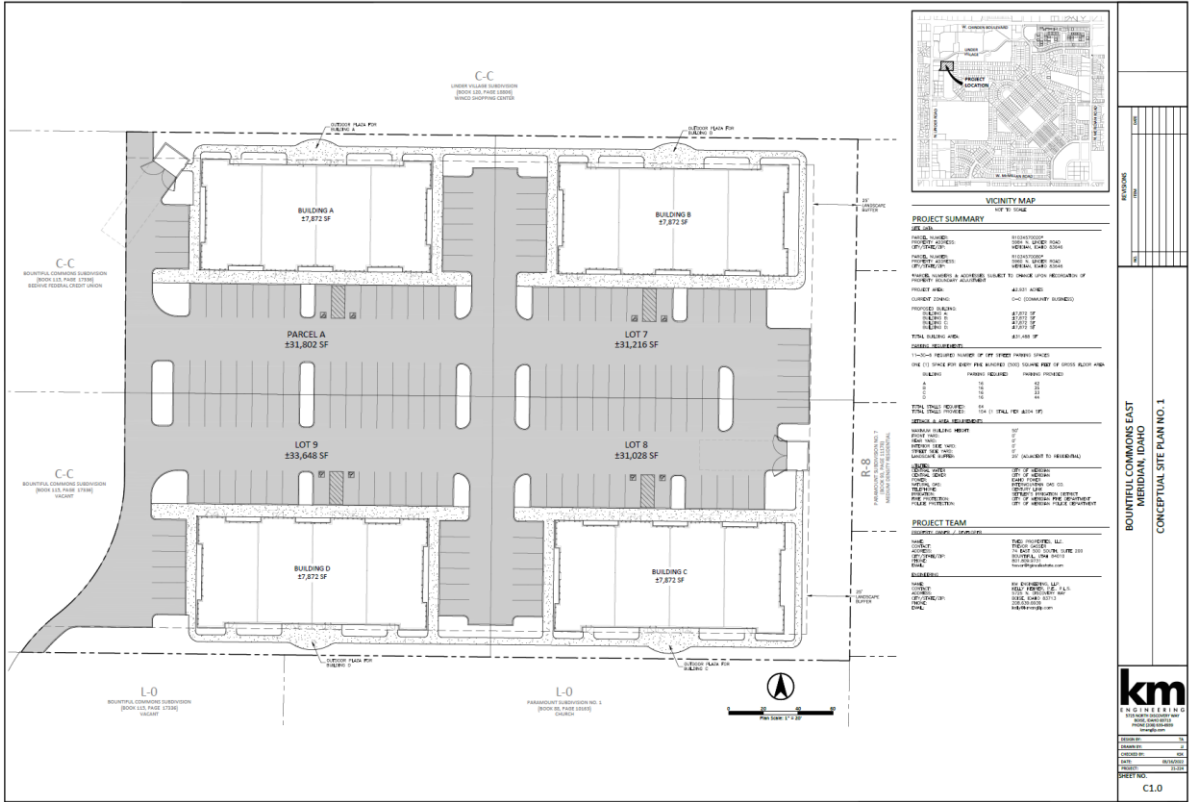
Commercial Buildings Fronting on Linder Road



Event Center

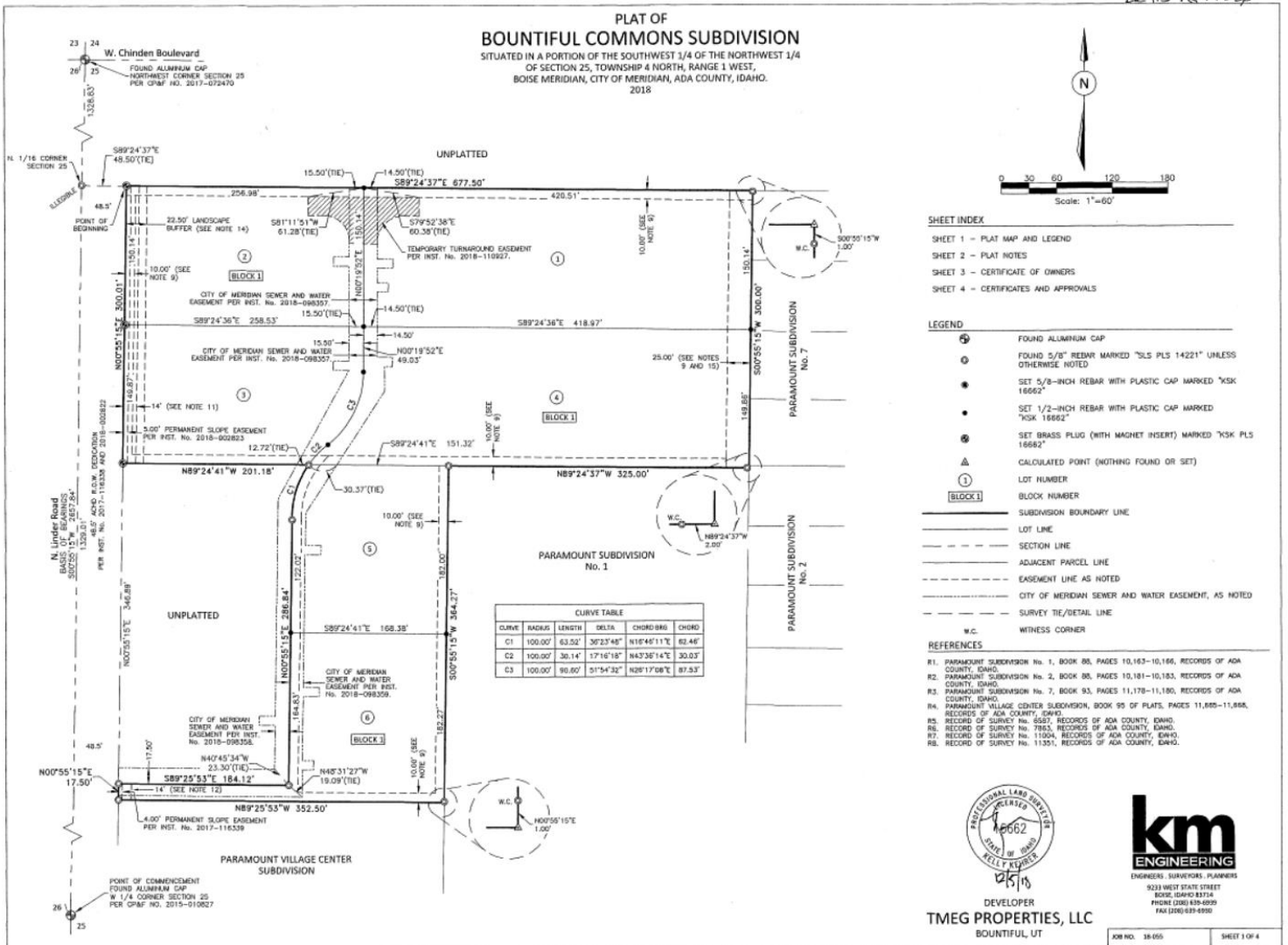


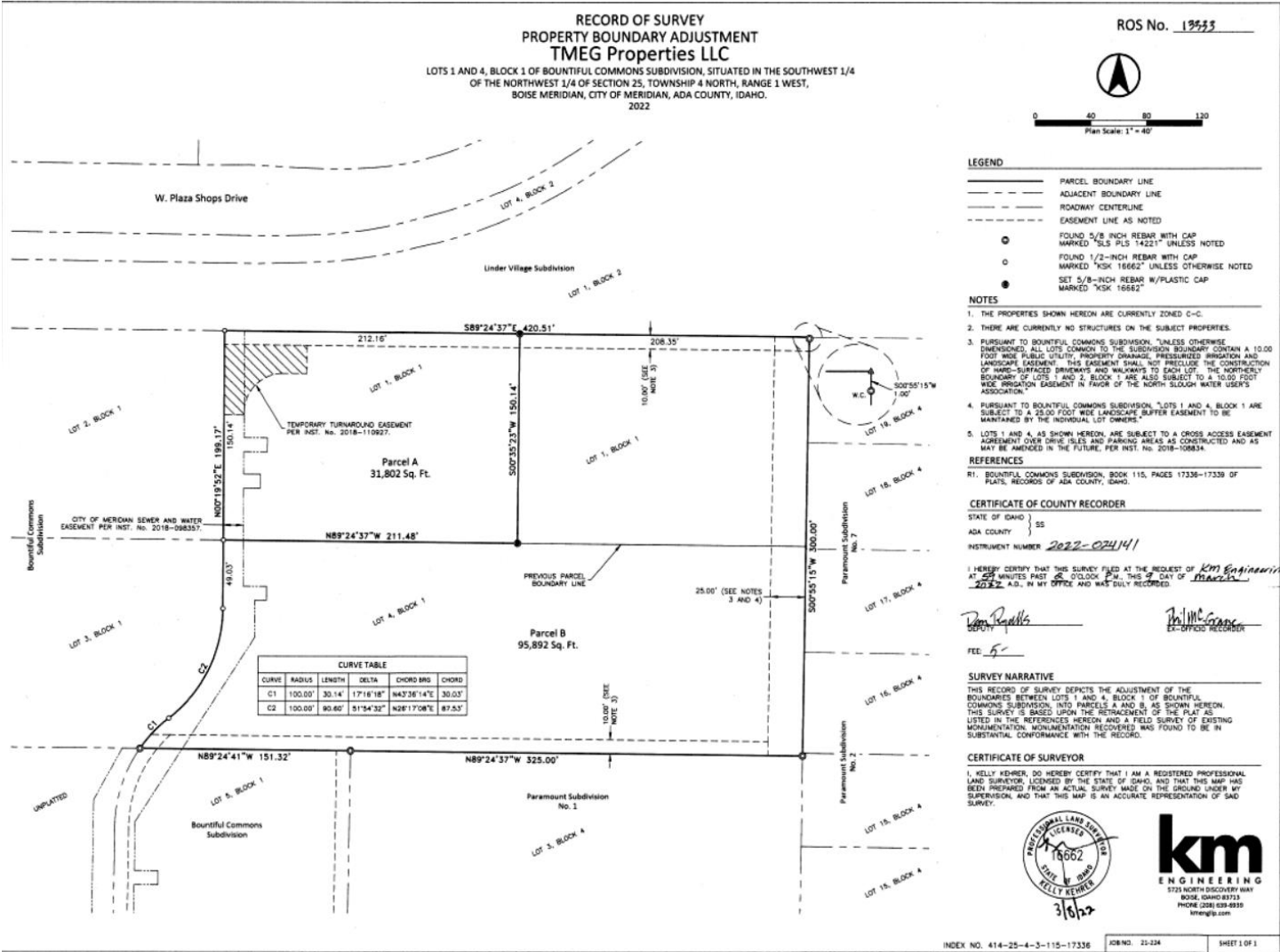
B. Proposed Conceptual Development Plan (NOT APPROVED) & Elevations to be Included in Amended Development Agreement



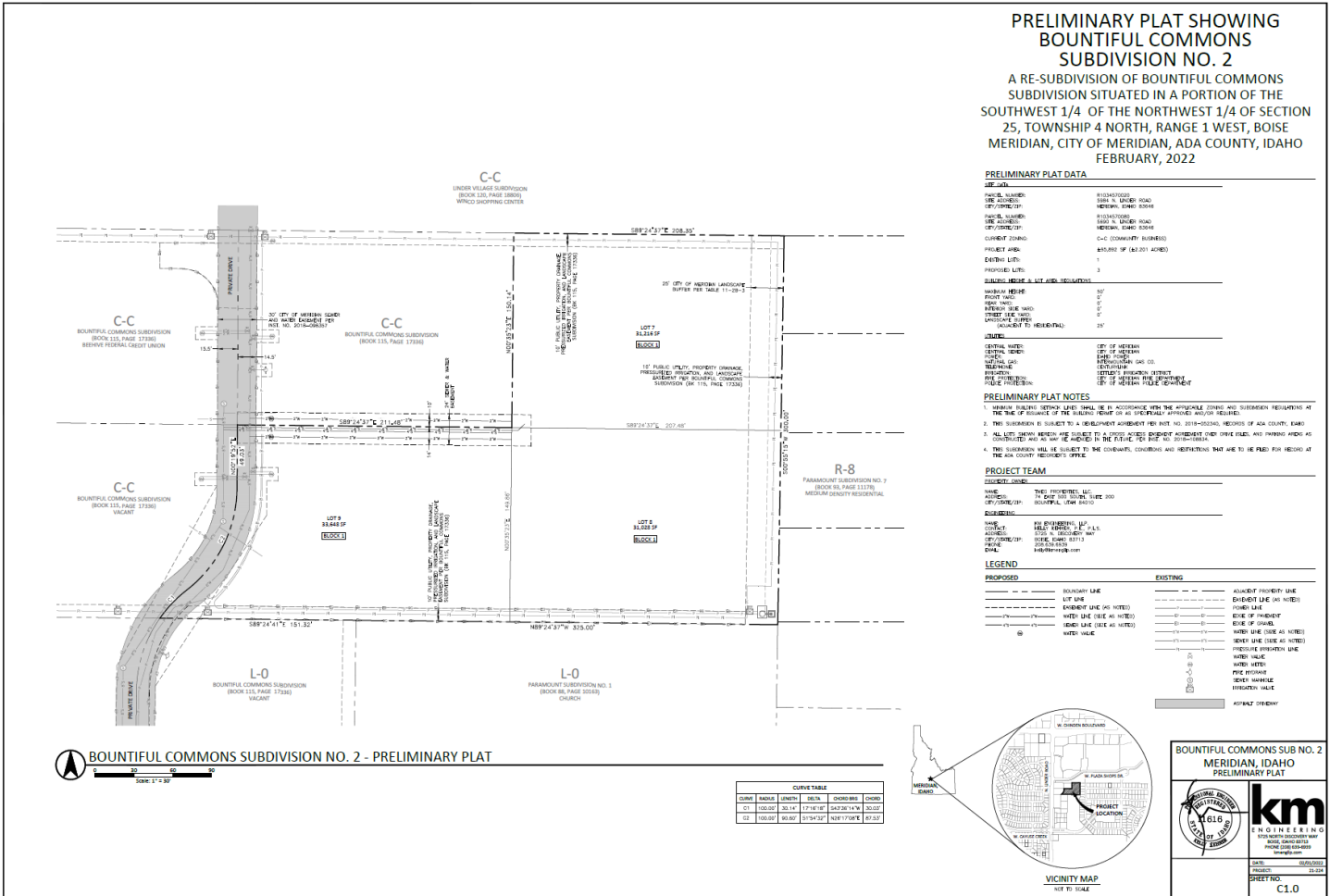


### C. Existing Recorded Plat & Record of Survey

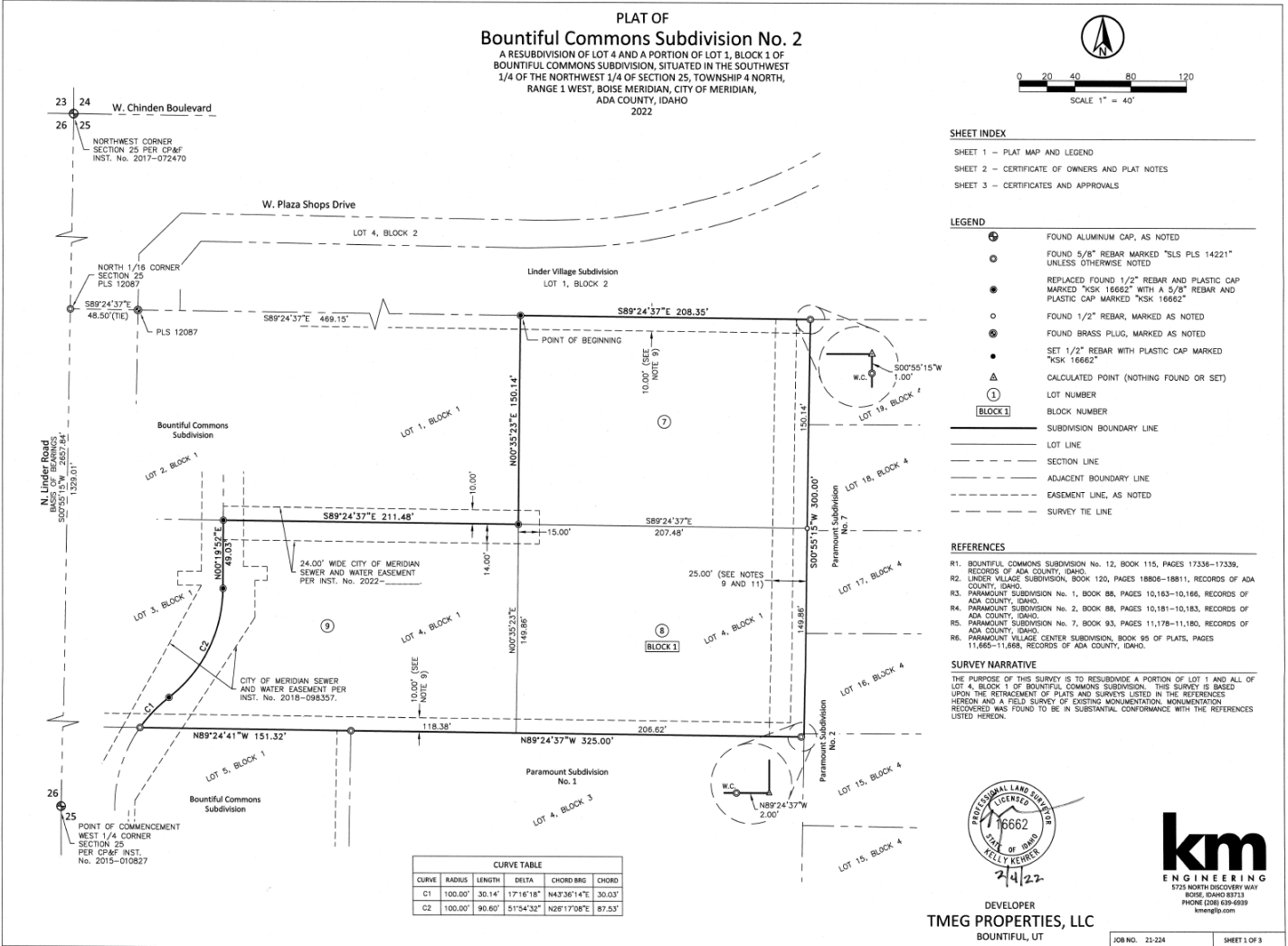




D. Proposed Preliminary Plat (date: 2/1/2022)



E. Proposed Final Plat (dated: 2/4/2022)



PLAT OF Bountiful Commons Subdivision No. 2

CERTIFICATE OF OWNERS

KNOW ALL MEN/WOMEN BY THESE PRESENTS: THAT THE UNDERSIGNED IS THE OWNER OF THE REAL PROPERTY HEREAFTER DESCRIBED. A RESUBDIVISION OF A PORTION OF LOT 1 AND ALL OF LOT 4, BLOCK 1 OF BOUNTIFUL COMMONS SUBDIVISION (BOOK 115 OF PLATS, PAGES 17336-17338), SITUATED IN THE SOUTHWEST 1/4 OF SECTION 25, TOWNSHIP 4 NORTH, RANGE 1 WEST, BOISE MERIDIAN, CITY OF MERIDIAN, ADA COUNTY, IDAHO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A FOUND ALUMINUM CAP MARKING THE WEST 1/4 CORNER OF SAID SECTION 25, WHICH BEARS S02°45'15"W A DISTANCE OF 2,657.84 FEET FROM A FOUND ALUMINUM CAP MARKING THE NORTHWEST CORNER OF SAID SECTION 25, THENCE FOLLOWING THE WESTERLY LINE OF SAID SECTION 25, N00°55'19"E A DISTANCE OF 1,329.01 FEET TO A FOUND 5/8-INCH REBAR MARKING THE NORTHWEST CORNER OF SAID SOUTHWEST 1/4 OF THE NORTHWEST 1/4 (NORTH 1/16); THENCE LEAVING SAID WESTERLY LINE AND FOLLOWING THE NORTHERLY LINE OF SAID SOUTHWEST 1/4 OF THE NORTHWEST 1/4, S89°24'37"E A DISTANCE OF 48.50 FEET TO A FOUND BRASS PEG MARKING THE NORTHWEST CORNER OF SAID BOUNTIFUL COMMONS SUBDIVISION; THENCE FOLLOWING THE NORTHERLY BOUNDARY LINE OF SAID BOUNTIFUL COMMONS SUBDIVISION, S89°24'37"E A DISTANCE OF 469.15 FEET TO THE POINT OF BEGINNING. THENCE FOLLOWING SAID NORTHERLY SUBDIVISION BOUNDARY LINE, S89°24'37"E A DISTANCE OF 208.35 FEET TO THE NORTHEAST CORNER OF SAID BOUNTIFUL COMMONS SUBDIVISION, BEING WITNESSED BY A FOUND 5/8-INCH REBAR, WHICH BEARS S00°55'15"W A DISTANCE OF 1.00 FEET; THENCE LEAVING SAID NORTHERLY SUBDIVISION BOUNDARY LINE AND FOLLOWING THE EASTERLY BOUNDARY LINE OF SAID BOUNTIFUL COMMONS SUBDIVISION, S00°55'15"W A DISTANCE OF 300.00 FEET TO THE SOUTHEAST CORNER OF SAID BOUNTIFUL COMMONS SUBDIVISION, BEING WITNESSED BY A FOUND 5/8-INCH REBAR, WHICH BEARS N89°24'37"W A DISTANCE OF 2.00 FEET; THENCE LEAVING SAID EASTERLY SUBDIVISION BOUNDARY LINE AND FOLLOWING THE SOUTHERLY BOUNDARY LINE OF SAID LOT 4 THE FOLLOWING TWO (2) COURSES: N89°24'37"W A DISTANCE OF 328.00 FEET TO A FOUND 5/8-INCH REBAR; N89°24'17"W A DISTANCE OF 151.32 FEET TO A FOUND 5/8-INCH REBAR MARKING THE SOUTHWEST CORNER OF SAID LOT 4; THENCE LEAVING THE SOUTHERLY BOUNDARY LINE OF SAID LOT 4 AND FOLLOWING THE WESTERLY BOUNDARY LINE OF SAID LOT 4 THE FOLLOWING THREE (3) COURSES: S01°14'18" A DISTANCE OF 100.00 FEET, A DELTA ANGLE OF 171°16'18", A CHORD BEARING OF N42°35'14"E AND A CHORD DISTANCE OF 30.03 FEET; S01°14'18" A CHORD BEARING OF N42°35'14"E AND A CHORD DISTANCE OF 30.03 FEET; S01°14'18" A CHORD BEARING OF N02°17'08"E AND A CHORD DISTANCE OF 87.53 FEET; N00°19'52"E A DISTANCE OF 49.03 FEET TO THE NORTHWEST CORNER OF SAID LOT 4; THENCE LEAVING SAID WESTERLY BOUNDARY LINE AND FOLLOWING THE NORTHERLY BOUNDARY LINE OF SAID LOT 4, S89°24'37"E A DISTANCE OF 211.48 FEET; THENCE LEAVING SAID NORTHERLY BOUNDARY LINE, N00°35'23"E A DISTANCE OF 50.14 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS 2.201 ACRES, MORE OR LESS. IT IS THE INTENTION OF THE UNDERSIGNED TO HEREBY INCLUDE SAID LAND IN THIS PLAT. THE EASEMENTS SHOWN ON THIS PLAT ARE NOT DEDICATED TO THE PUBLIC BUT THE RIGHTS TO USE SAID EASEMENTS ARE HEREBY PERPETUALLY RESERVED FOR PUBLIC UTILITIES AND SUCH OTHER USES AS SHOWN ON THIS PLAT. NO STRUCTURES OTHER THAN FOR SUCH UTILITY AND OTHER DESIGNATED PUBLIC USES ARE TO BE ERRECTED WITHIN THE LIMITS OF SAID EASEMENTS UNLESS NOTED OTHERWISE ON THIS PLAT. ALL LOTS WITHIN THIS PLAT WILL RECEIVE WATER SERVICE FROM THE CITY OF MERIDIAN AND SAID CITY HAS AGREED IN WRITING TO SERVE ALL OF THESE LOTS.

TREVOR GASSER, REGISTERED AGENT, IMEC PROPERTIES, LLC

ACKNOWLEDGMENT

STATE OF \_\_\_\_\_ } ss COUNTY OF \_\_\_\_\_ } ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ IN THE YEAR \_\_\_\_\_ A.D., BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED TREVOR GASSER, KNOWN OR IDENTIFIED TO ME TO BE THE REGISTERED AGENT OF IMEC PROPERTIES, A UTAH LIMITED LIABILITY COMPANY AND THE PERSON WHO EXECUTED THIS INSTRUMENT ON BEHALF OF SAID LLC AND ACKNOWLEDGED TO ME THAT SUCH LLC EXECUTED THE SAME. IN WITNESS WHEREOF, I HAVE HERETO SET MY HAND AND AFFIXED MY OFFICIAL SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN.

NOTARY PUBLIC FOR THE STATE OF \_\_\_\_\_ RESIDING AT \_\_\_\_\_ MY COMMISSION EXPIRES \_\_\_\_\_

NOTES

- 1. MINIMUM BUILDING SETBACK LINES SHALL CONFORM TO THE APPLICABLE ZONING REGULATIONS OF THE CITY OF MERIDIAN AT THE TIME OF ISSUANCE OF A BUILDING PERMIT. 2. ANY RESUBDIVISION OF THIS PLAT SHALL COMPLY WITH THE APPLICABLE ZONING REGULATIONS OF THE CITY OF MERIDIAN IN EFFECT AT THE TIME OF RESUBDIVISION. 3. IRRIGATION WATER HAS BEEN PROVIDED BY THE OWNER OF THIS SUBDIVISION IN COMPLIANCE WITH IDAHO CODE SECTION 31-3802(1)(a). LOTS WITHIN THIS SUBDIVISION WILL BE ENTITLED TO IRRIGATION WATER RIGHTS AND WILL BE OBLIGATED FOR ASSESSMENTS FROM SETTLER'S IRRIGATION DISTRICT. 4. THIS DEVELOPMENT RECOGNIZES SECTION 22-4503 OF THE IDAHO CODE, RIGHT TO FARM ACT, WHICH STATES "NO AGRICULTURAL OPERATION, AGRICULTURAL FACILITY OR EXPANSION THEREOF SHALL BE OR BECOME A NUISANCE, PRIVATE OR PUBLIC, BY ANY CHANGED CONDITIONS IN OR ABOUT THE SURROUNDING NONAGRICULTURAL ACTIVITIES AFTER IT HAS BEEN IN OPERATION FOR MORE THAN ONE (1) YEAR, WHEN THE OPERATION, FACILITY OR EXPANSION WAS NOT A NUISANCE AT THE TIME IT BEGAN OR WAS CONSTRUCTED, THE PROVISIONS OF THIS SECTION SHALL NOT APPLY WHEN A NUISANCE RESULTS FROM THE IMPROPER OR NEGLIGENT OPERATION OF AN AGRICULTURAL OPERATION, AGRICULTURAL FACILITY OR EXPANSION THEREOF". 5. LOTS SHALL NOT BE REDUCED IN SIZE WITHOUT PRIOR APPROVAL FROM THE HEALTH AUTHORITY AND THE CITY OF MERIDIAN. 6. NO ADDITIONAL DOMESTIC WATER SUPPLIES SHALL BE INSTALLED BEYOND THE WATER SYSTEM APPROVED IN THE SANITARY RESTRICTION RELEASE. 7. REFERENCE IS MADE TO THE PUBLIC HEALTH LETTER ON FILE REGARDING ADDITIONAL RESTRICTIONS. 8. THE BOTTOM OF STRUCTURAL FOOTINGS SHALL BE SET A MINIMUM OF 12-INCHES ABOVE THE HIGHEST ESTABLISHED NORMAL GROUND WATER ELEVATION. 9. PER THE PLAT OF BOUNTIFUL COMMONS SUBDIVISION, UNLESS OTHERWISE DIMENSIONED, ALL LOTS COMMON TO THE SUBDIVISION BOUNDARY CONTAIN A 10.00 FOOT WIDE PUBLIC UTILITY, PROPERTY DRAINAGE, PRESSURIZED IRRIGATION AND LANDSCAPE EASEMENT. THIS EASEMENT SHALL NOT PRECLUDE THE CONSTRUCTION OF HARD-SURFACED DRIVEWAYS AND WALKWAYS TO EACH LOT. THE NORTHERLY BOUNDARY OF LOT 7, BLOCK 1 IS ALSO SUBJECT TO A 10.00 FOOT WIDE IRRIGATION EASEMENT IN FAVOR OF THE NORTH SLOUGH WATER USER'S ASSOCIATION. 10. THIS SUBDIVISION IS SUBJECT TO A DEVELOPMENT AGREEMENT PER INST. No. 2018-052340, RECORDS OF ADA COUNTY, IDAHO. 11. PER THE PLAT OF BOUNTIFUL COMMONS SUBDIVISION, LOTS 7 AND 8, BLOCK 1 ARE SUBJECT TO A 25.00 FOOT WIDE LANDSCAPE BUFFER EASEMENT TO BE MAINTAINED BY THE INDIVIDUAL LOT OWNERS. 12. PER THE PLAT OF BOUNTIFUL COMMONS SUBDIVISION, ALL LOTS SHOWN HEREON ARE SUBJECT TO A CROSS ACCESS EASEMENT AGREEMENT OVER DRIVE, SLEES AND PARKING AREAS AS CONSTRUCTED PER INST. No. 2018-108834 AND AS MAY BE AMENDED IN THE FUTURE. 13. THIS SUBDIVISION IS SUBJECT TO COVENANTS, CONDITIONS AND RESTRICTIONS PER INST. No. 2018-120223, RECORDS OF ADA COUNTY, IDAHO, AND AS MAY BE AMENDED IN THE FUTURE.

CERTIFICATE OF SURVEYOR

I, KELLY KEHRER, DO HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR LICENSED BY THE STATE OF IDAHO, AND THAT THIS PLAT OF BOUNTIFUL COMMONS SUBDIVISION No. 2 AS DESCRIBED IN THE "CERTIFICATE OF OWNERS" AND AS SHOWN ON THE ATTACHED PLAT, WAS DRAWN FROM AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY DIRECT SUPERVISION AND ACCURATELY REPRESENTS THE POINTS PLATTED THEREON, AND IS IN CONFORMITY WITH THE STATE OF IDAHO CODE RELATING TO PLATS AND SURVEYS.

KELLY KEHRER P.L.S. 16662





## VIII. CITY/AGENCY COMMENTS & CONDITIONS

### A. PLANNING DIVISION

**Staff recommends the Applicant revise the conceptual development plan depicted in Section VII.B to incorporate the changes noted in Section V.A and submit a copy of the revised plan to the Planning Division at least 10 days prior to the City Council hearing.**

1. The existing Development Agreement (DA) (Inst. #[2018-052340](#), H-2017-0095) for Linder Mixed Use shall be amended as proposed by the Applicant with the changes to the conceptual development plan recommended by Staff. The amended DA shall be signed by the property owner and returned to the Planning Division within six (6) months of the City Council granting approval of the amendment. The specific provisions for the amended DA are as follows
2. The final plat shall include the following revisions:
  - a. Include the recorded instrument of the City of Meridian sewer and water easement graphically depicted on Sheet 1.
3. The landscape plan depicted in Section VII.F is approved as submitted.
4. Future development shall be consistent with the minimum dimensional standards listed in UDC Table [11-2B-3](#) for the C-C zoning district.
5. With development of Lots 7 and 8, Block 1, a 25-foot wide buffer shall be provided along the eastern boundary of those lots adjacent to residential uses as set forth in UDC Table 11-2B-2, landscaped per the standards listed in UDC [11-3B-9C](#). *Note: This buffer is not required to be constructed with the subdivision improvements.*
6. As approved with Bountiful Commons Subdivision No. 1 tree mitigation plan, each lot shall provide an additional 12.5 caliper inches of trees, above the minimum standards, when developed. These trees shall be depicted on the landscape plans submitted with the Certificate of Zoning Compliance application for development of each lot.
7. All waterways on this site shall be piped as set forth in UDC [11-3A-6B](#) unless otherwise waived by City Council.

### B. PUBLIC WORKS

#### Site Specific Conditions of Approval

1. Sewer mains must meet minimum separation requirements from other mains; which is 10 feet for parallel lines.
2. Sewer mains require a minimum 20-foot-wide easement whenever they're located outside of right-of-way.
3. Ensure no sewer services pass through infiltration trenches.
4. Ensure no permanent structures including, but not limited to trees, shrubs, buildings, carports, trash enclosures, fences, infiltration trenches, light poles, etc. are built within any City utility easement.
5. The applicant must ensure that fire requirements are met and no fire hydrants or fire services lines are required for the eastern parcels. If any hydrants or fire lines are required, then an 8-inch diameter water main must be run to the eastern properties instead of service lines; the services, hydrants, and fire lines will then be stubbed from that 8-inch main extension. If main is added, a 20-foot-wide easement will be required over the main.

6. A streetlight plan will be required, and must conform with the Meridian City Standards and Specifications.
7. Three (3) new streetlights will be required within the right-of-way of North Linder Road.

#### **General Conditions of Approval**

8. Applicant shall coordinate water and sewer main size and routing with the Public Works Department, and execute standard forms of easements for any mains that are required to provide service outside of a public right-of-way. Minimum cover over sewer mains is three feet, if cover from top of pipe to sub-grade is less than three feet than alternate materials shall be used in conformance of City of Meridian Public Works Departments Standard Specifications.
9. Per Meridian City Code (MCC), the applicant shall be responsible to install sewer and water mains to and through this development. Applicant may be eligible for a reimbursement agreement for infrastructure enhancement per MCC 8-6-5.
10. The applicant shall provide easement(s) for all public water/sewer mains outside of public right of way (include all water services and hydrants). The easement widths shall be 20-foot wide for a single utility, or 30-foot wide for two. The easements shall not be dedicated via the plat, but rather dedicated outside the plat process using the City of Meridian's standard forms. The easement shall be graphically depicted on the plat for reference purposes. Submit an executed easement (on the form available from Public Works), a legal description prepared by an Idaho Licensed Professional Land Surveyor, which must include the area of the easement (marked EXHIBIT A) and an 8 1/2" x 11" map with bearings and distances (marked EXHIBIT B) for review. Both exhibits must be sealed, signed and dated by a Professional Land Surveyor. DO NOT RECORD. Add a note to the plat referencing this document. All easements must be submitted, reviewed, and approved prior to development plan approval.
11. The City of Meridian requires that pressurized irrigation systems be supplied by a year-round source of water (MCC 9-1-28.C). The applicant should be required to use any existing surface or well water for the primary source. If a surface or well source is not available, a single-point connection to the culinary water system shall be required. If a single-point connection is utilized, the developer will be responsible for the payment of assessments for the common areas prior to receiving development plan approval.
12. All existing structures that are required to be removed shall be prior to signature on the final plat by the City Engineer. Any structures that are allowed to remain shall be subject to evaluation and possible reassignment of street addressing to be in compliance with MCC.
13. All irrigation ditches, canals, laterals, or drains, exclusive of natural waterways, intersecting, crossing or laying adjacent and contiguous to the area being subdivided shall be addressed per UDC 11-3A-6. In performing such work, the applicant shall comply with Idaho Code 42-1207 and any other applicable law or regulation.
14. Any wells that will not continue to be used must be properly abandoned according to Idaho Well Construction Standards Rules administered by the Idaho Department of Water Resources. The Developer's Engineer shall provide a statement addressing whether there are any existing wells in the development, and if so, how they will continue to be used, or provide record of their abandonment.
15. Any existing septic systems within this project shall be removed from service per City Ordinance Section 9-1-4 and 9 4 8. Contact Central District Health for abandonment procedures and inspections (208)375-5211.
16. Street signs are to be in place, sanitary sewer and water system shall be approved and activated, road base approved by the Ada County Highway District and the Final Plat for this subdivision shall be recorded, prior to applying for building permits.



17. A letter of credit or cash surety in the amount of 110% will be required for all uncompleted fencing, landscaping, amenities, etc., prior to signature on the final plat.
18. All improvements related to public life, safety and health shall be completed prior to occupancy of the structures. Where approved by the City Engineer, an owner may post a performance surety for such improvements in order to obtain City Engineer signature on the final plat as set forth in UDC 11-5C-3B.
19. Applicant shall be required to pay Public Works development plan review, and construction inspection fees, as determined during the plan review process, prior to the issuance of a plan approval letter.
20. It shall be the responsibility of the applicant to ensure that all development features comply with the Americans with Disabilities Act and the Fair Housing Act.
21. Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.
22. Developer shall coordinate mailbox locations with the Meridian Post Office.
23. Compaction test results shall be submitted to the Meridian Building Department for all building pads receiving engineered backfill, where footing would sit atop fill material.
24. The design engineer shall be required to certify that the street centerline elevations are set a minimum of 3-feet above the highest established peak groundwater elevation. This is to ensure that the bottom elevation of the crawl spaces of homes is at least 1-foot above.
25. The applicants design engineer shall be responsible for inspection of all irrigation and/or drainage facility within this project that do not fall under the jurisdiction of an irrigation district or ACHD. The design engineer shall provide certification that the facilities have been installed in accordance with the approved design plans. This certification will be required before a certificate of occupancy is issued for any structures within the project.
26. At the completion of the project, the applicant shall be responsible to submit record drawings per the City of Meridian AutoCAD standards. These record drawings must be received and approved prior to the issuance of a certification of occupancy for any structures within the project.
27. A street light plan will need to be included in the civil construction plans. Street light plan requirements are listed in section 6-5 of the Improvement Standards for Street Lighting. A copy of the standards can be found at [http://www.meridiancity.org/public\\_works.aspx?id=272](http://www.meridiancity.org/public_works.aspx?id=272).
28. The City of Meridian requires that the owner post to the City a performance surety in the amount of 125% of the total construction cost for all incomplete sewer, water and reuse infrastructure prior to final plat signature. This surety will be verified by a line item cost estimate provided by the owner to the City. The surety can be posted in the form of an irrevocable letter of credit, cash deposit or bond. Applicant must file an application for surety, which can be found on the Community Development Department website. Please contact Land Development Service for more information at 887-2211.
29. The City of Meridian requires that the owner post to the City a warranty surety in the amount of 20% of the total construction cost for all completed sewer, water and reuse infrastructure for duration of two years. This surety will be verified by a line item cost estimate provided by the owner to the City. The surety can be posted in the form of an irrevocable letter of credit, cash deposit or bond. Applicant must file an application for surety, which can be found on the Community Development Department website. Please contact Land Development Service for more information at 887-2211.

**C. DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ)**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=259544&dbid=0&repo=MeridianCity>

**D. NAMPA & MERIDIAN IRRIGATION DISTRICT (NMID)**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=259179&dbid=0&repo=MeridianCity>

**E. ADA COUNTY HIGHWAY DISTRICT (ACHD)**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=260310&dbid=0&repo=MeridianCity>

**IX. FINDINGS****A. Preliminary Plat:**

In consideration of a preliminary plat, combined preliminary and final plat, or short plat, the decision-making body shall make the following findings:

1. The plat is in conformance with the Comprehensive Plan;

*Staff finds that the proposed plat is in substantial compliance with the adopted Comprehensive Plan in regard to land use and transportation. (Please see Comprehensive Plan Policies in, Section IV of this report for more information.)*

2. Public services are available or can be made available and are adequate to accommodate the proposed development;

*Staff finds that public services will be provided to the subject property with development. (See Exhibit B of the Staff Report for more details from public service providers.)*

3. The plat is in conformance with scheduled public improvements in accord with the City's capital improvement program;

*Because City water and sewer and any other utilities will be provided by the development at their own cost, Staff finds that the subdivision will not require the expenditure of capital improvement funds.*

4. There is public financial capability of supporting services for the proposed development;

*Staff finds there is public financial capability of supporting services for the proposed development based upon comments from the public service providers (i.e., Police, Fire, ACHD, etc.). (See Section VIII for more information.)*

5. The development will not be detrimental to the public health, safety or general welfare; and,

*Staff is not aware of any health, safety, or environmental problems associated with the platting of this property. ACHD considers road safety issues in their analysis.*

6. The development preserves significant natural, scenic or historic features.

*Staff is unaware of any significant natural, scenic or historic features that exist on this site that require preserving.*