



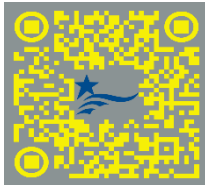
# PLANNING AND ZONING COMMISSION MEETING

City Council Chambers, 33 East Broadway Avenue Meridian, Idaho  
Thursday, April 01, 2021 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

Limited seating is available at City Hall. Consider joining the meeting virtually:

<https://us02web.zoom.us/j/81354748110>

Or join by phone: 1-669-900-6833

Webinar ID: 813 5474 8110

### ROLL-CALL ATTENDANCE

- Lisa Holland                       Steven Yearsley                       Andrew Seal
- Nick Grove                               Maria Lorcher                       Bill Cassinelli
- Rhonda McCarvel, Chairperson

### ADOPTION OF AGENDA

#### CONSENT AGENDA [Action Item]

1. [Approve Minutes of the March 18, 2021 Planning and Zoning Commission Meeting](#)
2. [Findings of Fact, Conclusions of Law for Sadie Creek Drive-Through \(H-2021-0006\) by The Land Group, Generally Located South of E. Ustick Rd. on the West Side of N. Eagle Rd.](#)

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

### DEPARTMENT REPORTS

3. Fire Department: Introduction of Meridian Fire Chief Kris Blume and Department Update

### ACTION ITEMS

4. **Public Hearing** for [Jaker's Drive-Through Addition \(H-2021-0012\)](#) by BRS Architects, Located at 3268 E. Pine Ave.

#### ***Application Requires Continuance***

[A. Request: Conditional Use Permit for a drive-through in the C-G zoning district at an existing restaurant.](#)

5. **Public Hearing** Continued from March 18, 2021 for [Skybreak Neighborhood \(H-2020-0127\)](#) by Laren Bailey of Conger Group, Located at 3487 E. Adler Hoff Ln. and 7020 S. Eagle Rd.

[A. Request: Annexation of 80.46 acres of land with an R-8 and R-15 zoning districts.](#)

[B. Request: A Preliminary Plat consisting of 329 building lots, 40 common lots and 14 other lots \(i.e. 12 common driveway lots, 1 private street lot and 1 lot for the existing home\) on 79.69 acres of land in the R-8 and R-15 zoning districts.](#)

6. **Public Hearing** for [Meridian South Fire Station & Police Substation \(H-2021-0008\)](#) by City of Meridian, Located at 2385 E. Lake Hazel

[A. Request: Annexation of 4 acres of land with the R-8 zoning district to develop the property with a fire station and police station.](#)

7. **Public Hearing** for [3175 N. Ten Mile \(H-2020-0122\)](#) by Mason & Associates, Located at 3175 N. Ten Mile Rd.

[A. Request: Rezone of a 1.16-acre property from R-4 to the L-O zoning district commensurate with a provision within the Meridian Comprehensive Plan for the purpose of constructing an approximate 10,000 square-foot office building in lieu of residential development.](#)

8. **Public Hearing** for [Seasons at Meridian/Winco Wells Subdivision \(H-2021-0007\)](#) by The Land Group, Located at 2600 and 2700 E. Overland Rd.

[A. Request: Conditional Use Permit for a multi-family development consisting of 360 dwelling units on 15.89 acres of land in the C-G zoning district, located at 2700 E. Overland Rd](#)

[B. Request: Preliminary Plat consisting of 3 buildable lots on 34.62 acres of land in the C-G zoning district located at 2600 and 2700 E. Overland Rd.](#)

### ADJOURNMENT



## AGENDA ITEM

**ITEM TOPIC:** Approve Minutes of the March 18, 2021 Planning and Zoning Commission Meeting

**Meridian Planning and Zoning Meeting**

**March 18, 2021.**

Meeting of the Meridian Planning and Zoning Commission of March 18, 2021, was called to order at 6:03 p.m. by Chairman Rhonda McCarvel.

Members Present: Chairman Rhonda McCarvel, Commissioner Lisa Holland, Commissioner Bill Cassinelli, Commissioner Nick Grove, Commissioner Maria Lorcher and Commissioner Steven Yearsley.

Members Absent: Commissioner Andrew Seal.

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

**ROLL-CALL ATTENDANCE**

<input checked="" type="checkbox"/> Lisa Holland	<input checked="" type="checkbox"/> Maria Lorcher
<input type="checkbox"/> Andrew Seal	<input checked="" type="checkbox"/> Nick Grove
<input checked="" type="checkbox"/> Steven Yearsley	<input checked="" type="checkbox"/> Bill Cassinelli
<input checked="" type="checkbox"/> Rhonda McCarvel - Chairman	

McCarvel: Good evening and welcome to the Planning and Zoning Commission meeting for March -- Thursday, March 18th, 2021. The Commissioners who are present for this evening's meeting are at City Hall and on Zoom. We also have staff from the City Attorney and Clerk's offices, as well as City Planning Department. If you are joining us on Zoom this evening we can see that you are here. You may observe the meeting, however, your ability to be seen on the screen and talk will be muted. During the public testimony portion of the meeting you will be unmuted and, then, be able to comment. Please note that we cannot take questions until the public testimony portion. If you have a process question during the meeting, please, e-mail [cityclerk@meridiantcity.org](mailto:cityclerk@meridiantcity.org) and they will reply to you as quickly as possible. If you simply want to watch the meeting we encourage you to watch this streaming on the city's YouTube channel. You can access it at [meridiantcity.org/live](http://meridiantcity.org/live). And with that we will begin with roll call.

**ADOPTION OF AGENDA**

McCarvel: Thank you. Next item on the agenda is the adoption of the agenda. We have no changes this evening, so if I could get a motion to adopt the agenda as presented.

Cassinelli: So moved.

Holland: Second.

McCarvel: It has been moved and seconded to adopt the agenda. All those in favor say aye. Opposed? Motion carries.

MOTION CARRIED: SIX AYES. ONE ABSENT.

### **CONSENT AGENDA [Action Item]**

- 1. Approve Minutes of the March 4, 2021 Planning and Zoning Commission Meeting**
- 2. Findings of Fact, Conclusions of Law for Kiddie Academy (H-2021-0003) by neUdesign Architecture, LLC, Located at 3335 E. Victory Rd.**
- 3. Findings of Fact, Conclusions of Law for Lost Rapids Drive-Through (H-2021-0001) by Lost Rapids Development, LLC, Located on the West Side of N. Ten Mile Rd., North of W. Lost Rapids Dr.**

McCarvel: The next item on -- is the Consent Agenda and we have no items on the Consent Agenda this evening -- oh, no. We do. Thank you. Approve the minutes for March 4th, Planning and Zoning, and Findings of Fact, Conclusions of Law for Kiddie Academy, H-21 -- 2021-0003 and Findings of Fact, Conclusions of Law for Lost Rapids Drive Through, H-2021-0001. Can I get a motion to accept the Consent Agenda?

Holland: So moved.

Grove: Second.

McCarvel: It has been moved and seconded to adopt the Consent Agenda. All those in favor say aye. Opposed? Motion carries.

MOTION CARRIED: SIX AYES. ONE ABSENT.

McCarvel: So, at this time I will briefly explain the public hearing process that we have this evening. We will open each item individually and begin with the staff report. Staff will report their findings on how the item adheres to our Comprehensive Plan and 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 has finished we will open the floor to public testimony. Each person will be called on only once during 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. 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 a presentation for the meeting it will be displayed on the screen and our Clerk will run the presentation. If you have established that you are speaking on behalf of a larger group, like an HOA, where others from that group will not be speaking, you will have up to ten minutes. After all those who have signed up in advance have spoken we will invite any

others who may wish to testify. If you wish to speak on a topic you may press raise hand button on the Zoom app or if you are only listening on the phone press star nine and wait for your name to be called. If you are listening on multiple devices, a computer and a phone, for example, please be sure to mute those extra devices, so we don't experience feedback and we can hear you clearly. When you are finished, if the Commission does not have questions for you, you will be muted and no longer have the ability to speak. 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 questions and concerns we will close the public hearing and the Commissioners will have the opportunity to discuss and, hopefully, be able to make a recommendation or final decision to City Council as needed.

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

### **ACTION ITEMS**

#### **4. Public Hearing for Sadie Creek Drive-Through (H-2021-0006) by The Land Group, Generally Located South of E. Ustick Rd. on the West Side of N. Eagle Rd.**

- A. Request: Conditional Use Permit for a drive-through establishment within 300-feet of another drive-through establishment on 1.18 acres of land in the C-G zoning district.

McCarvel: So, at this time we will open the public hearing for Sadie Creek, Item No. H-2021-0006, and we will begin with the staff report.

Allen: Thank you, Madam Chair, Members of the Commission. The first application before you tonight is a request for a conditional use permit. This site consists of 1.18 acres of land, zoned C-G, located south of East Ustick Road on the west side of North Eagle Road. Adjacent land use and zoning. To the north is vacant undeveloped land, zoned C-G. To the south is a drive through restaurant Jimmy Johns, zoned C-G. To the east is Eagle Road and across Eagle Road is commercial businesses, zoned C-G. To the west is vacant undeveloped land approved for Villa Sport, an indoor-outdoor recreation facility, zoned C-G. This property was annexed back in 2005 with the requirement of a development agreement, which was later amended in 2019 to exclude this property, which is now included in the Villa Sport development agreement. The Comprehensive Plan future land use map designation is mixed use regional for this site. A conditional use permit is requested for a drive through within 300 feet of another drive through facility Jimmy Johns directly to the south, which requires conditional use approval per the UDC. The use is a 2,250 square foot coffee shop and is subject to the specific use standards listed in UDC 11-4-3-11 for drive through establishments and 11-4-3-49 for restaurants. Staff has reviewed these standards and finds at over 400 feet the stacking lane should have sufficient capacity to serve the use without obstructing driveways and drive aisles by patrons and will hold approximately 21 vehicles. The stacking lane is a separate lane from the circulation lanes needed for access and parking

and does not conflict with drive through to the south and is not located adjacent to a residential district or a residence. An escape lane is proposed. The drive through window is visible from the public right of way for surveillance purposes as required. Parking is proposed in accord -- excuse me -- in excess, actually, of UDC standards. Restaurants require a minimum of one space per 250 square feet of gross floor area. Other commercial uses require one space per 500 square feet. To ensure adequate parking is provided in the event other tenant spaces are occupied by restaurants, staff recommends parking is provided at the standards for restaurants for the overall site, which would require a minimum of 30 spaces. Thirty-two spaces are proposed. The development agreement for Villa Sport project, which also governs this site, requires all of the frontage improvements, i.e., landscape street buffers, sidewalks, pedestrian lighting, pathways, et cetera, to be installed with the first phase of development. The Villa Sport project is anticipated to be the first phase. However, if this project ends up developing first it's responsible for these improvements, including those off site. Conceptual building elevations were submitted as shown for the multi-tenant building shell that incorporate a mix of materials consisting of formed metal wall panels with metal flashing, brick and glass storefront, with a flat roof. Final design is required to comply with the design standards in the architectural standards manual. Written testimony was received from Tamara Thompson, The Land Group, and she is in agreement with the staff report. Staff is recommending approval with the conditions in the report. Staff will stand for any questions.

McCarvel: Any questions for staff?

Cassinelli: Madam Chair?

McCarvel: Commissioner Cassinelli.

Cassinelli: Sonya, quick question on the drive through capacity. It seems pretty big, but I know there is -- there is some brands out there that seem to get way more traffic than others. Is that -- on this particular development is that a concern or is that -- it seems adequate, but I just wanted to get a feel for what staff thought on that.

Allen: Madam Chair, Commissioner Cassinelli, Commissioners, I did discuss that with the applicant, actually, and they -- they did assure me that this was not one of those users that creates an excessive amount of traffic, but you can certainly direct that question to them also if you would like.

Cassinelli: Okay. Thank you.

McCarvel: Any other questions for staff? Would the applicant like to come forward?

Thompson: Good afternoon. This is Tamara Thompson with The Land Group. Just want to make sure you can hear me.

McCarvel: Yes.

Thompson: Awesome. My address is 462 East Shore Drive in Eagle. I'm representing the property owner for this application. This is a conditional use permit for a drive through. We -- what you are seeing on the slide is the site plan and it is for a drive -- it's a multi-tenant building with drive through for a coffee user on the north side. Just to answer Commissioner Cassinelli's question, we did look at bringing the stacking lane through the parking area, but that would just cause conflicts with backing traffic and we had enough width on the -- on the property that we could keep that out of that -- out of the parking area. We don't anticipate that cars will stack further back than the escape lane, but it just channelizes them and keeps them away from the rear -- people backing up into that drive through area. It keeps those backing conflicts to a minimum. As Sonya said we do have adequate parking for the use. We are fine with taking the one per 200 -- 250 parking stalls across the entire building. We can provide that on what you are seeing here. We have read the staff report. We agree with the recommended conditions of approval and we respectfully request your approval tonight and I will stand for any questions you might have.

McCarvel: Thank you, Tamara. Any questions for the applicant? There being none, do we have any public testimony for this?

Weatherly: Madam Chair, we had one person sign in to testify. That's Jeffrey D'Andrea.

McCarvel: Okay.

Weatherly: Oh, I'm sorry. It's just a different sheet. Thank you. I will make note of that.

McCarvel: Okay. With no public testimony -- is there anybody that didn't sign up that would like to comment on this application? Okay. With there being no public testimony, Tamara, do you have anything you would like to add?

Thompson: No. I'm -- nothing to add. Thank you.

McCarvel: And if we don't have any other questions for the applicant, could I get a motion to close the public hearing on item H-2021-0006.

Holland: So moved.

Lorcher: I second.

Grove: Second.

McCarvel: It has been moved and seconded to close the public hearing on H-2021-0006. All those in favor say aye. Opposed? Motion carries.

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

McCarvel: That's quite the drive aisle.



Cassinelli: Madam Chair? Madam Chair?

McCarvel: Commissioner Cassinelli.

Cassinelli: My concern was, you know, are there going to be 40 cars backed up in this thing, which I think there is a brand or two that does that. This doesn't appear to be that way. I'm in full support.

McCarvel: Okay.

Holland: Madam Chair?

McCarvel: Commissioner Holland.

Holland: I also appreciate that they didn't design the drive aisle through the parking lot, because I remember trying to back out many times out of a parking lot when there is a drive through lane behind you. So, I appreciate that they took the room do that. I think it's a pretty straightforward project, so no concerns on my side.

Yearsley: Madam Chair, this is Steve Yearsley.

McCarvel: Yes, Commissioner Yearsley.

Yearsley: I agree. I think it's actually a really good design. I like how they have got the drive aisle outside of the parking area. You get the clean and efficient design and I have no issues with it.

McCarvel: Okay.

Holland: Madam Chair?

McCarvel: Commissioner Holland.

Holland: I'm just going to go ahead. After considering all staff, applicant, and public testimony, I move to approve file number H-2021-0006 for the Sadie Creek Drive Through, with no modifications for the conditional use permit.

Grove: Second.

McCarvel: It has been moved and seconded -- seconded to approve H-2021-0006. All those in favor say aye. Opposed? Motion carries. Thank you.

MOTION CARRIED: SIX AYES. ONE ABSENT.

**5. Public Hearing Continued from January 21, 2021 for TM Center (H-2020-0074) by SCS Brighton, et al., Located East of S. Ten Mile Rd. and South of W. Franklin Rd.**

- A. Request: A Preliminary Plat consisting of 83 buildable lots and 2 common lots on 132.42 acres of land in the R-40 and C-G zoning districts.

**6. Public Hearing for Ten Mile Crossing (H-2020-0074) by SCS Brighton, et al., Located east of S. Ten Mile Rd. and south of W. Franklin Rd.**

- A. Request: A Development Agreement Modification to terminate all existing agreements in the Ten Mile Crossing development area in favor of one master agreement to govern future development of the overall area. The proposal includes a request for adoption of project-specific design guidelines to supersede those in the Ten Mile Interchange Specific Area Plan (TMISAP), which include deviations from certain goals and guidelines including decreased floor area ratios, different street and streetscape designs, landscape and architectural design elements and site development standards, including an increase in height of up to 100-feet to allow for 6-story buildings [i.e. TM Crossing – AZ-12-005 (Inst. #114002254, 1st Addendum #2016-062220, 2nd Addendum #2017-051907, TMC Expansion #2019-011700); TM Creek/TM Creek East – AZ-13-015/H-2015-0018 (Inst. #114045759, 1st Addendum #2016-073497, 2nd Addendum #2017-113747); Ten Mile Center – AZ-14-001 (Inst. #2014-065514); Calnon Properties – H-2015-0017 (Inst. 2016-030845); and Bainbridge Franklin – H-2018-0057 (Inst. #2019-077071)].
- B. Request: A Rezone of 40.98 acres from the R-40 and C-C zoning districts to the CG zoning district, 3.9-acres from the TN-C and C-G zoning districts to the R-40 zoning district, 0.65 acres from the R-8 and TN-C zoning districts to the C-G zoning district, and 0.53 acres from the TN-C zoning district to the C-G zoning district.

McCarvel: So, at this time we will open hearing item H-2020-0074, Ten Mile Crossing, and we will begin with the staff report.

Allen: Thank you, Madam Chair, Members of the Commission. The next applications before you are a request for a rezone and a preliminary plat. There is also a concurrent development agreement modification application submitted with these applications that is to be heard by City Council that does not require action by the Commission. The site for the proposed subdivision consists of 132.42 acres of land, zoned R-40 and C-G. It's located east of South Ten Mile Road and south of West Franklin Road. The proposed plat encompasses land that was annexed with the Ten Mile Center, TM Creek East,

Calnon and Bainbridge Franklin projects. The Comprehensive Plan future land use map designations are commercial, mixed use commercial, mixed use residential, high density residential and medium high density residential. The applicant requests a rezone of 40.98 acres of land from the R-40 and C-C to the C-G zoning district, 3.9 acres from TN-C and C-G to R-40, .65 acre from R-8 and TN-C to C-G, and .53 acre from TN-C to C-G. The smaller area proposed to be zoned C-G will clean up the zoning in this area where it's irregular and doesn't follow parcel lines and/or proposed streets. The area proposed to be rezoned to R-40 south of the Ten Mile Creek will be an extension of the R-40 zoning that exists to the west and will allow for the development of additional multi-family residential uses with conditional use approval. The proposed zoning and use is consistent with the underlying mixed use residential future land use map designation. The target density for this designation is eight to 12 units per acre. The future land use map designation of the abutting property to the west is high density residential, which allows multi-family residential uses at a target density of 16 to 25 units per acre. Future land use designations are not parcel specific and an adjacent abutting designation when appropriate and approved as part of a public hearing where the land development application may be used. Because the high density residential designation allows for a higher density, staff recommends this designation apply to future development of this property, since the density will be higher than 12 units per acre if apartments are developed on the site similar to those to the west, i.e., TM Creek East Apartments. Future development of this property is currently governed by the existing development agreements for Ten Mile Center and Calnon and Bainbridge Franklin. Conceptual development plans were not approved for Calnon or Ten Mile with these projects, other than a conceptual street layout for the Ten Mile Center property. The larger area to be rezoned to C-G between Franklin Road and the Ten Mile Creek is designated on the future land use map as mostly mixed use commercial with approximately a quarter of the area on the west end as high density residential. As noted, because the future land use map is not parcel specific and allows for abutting designations to govern, staff recommends the abutting mixed use commercial designation to the east apply to and govern future development of the western portion of this site as well. The proposed C-G zoning district is an appropriate zoning choice for the mixed use commercial designation, which allows for a variety of uses, including commercial vertically, integrated residential, live-work employment, entertainment, office and multi-family. Future development of this property is currently governed by the existing development agreements for TM Creek East and Calnon. Also Bainbridge Franklin. Conceptual development plans were not approved for these projects. In the absence of conceptual development plan to ensure a mix of uses from each major use category, i.e, commercial, residential and employment, are provided as set forth in the Ten Mile plan in accord with the provisions of the annexation. Staff recommends a conceptual use plan or a bubble plan is submitted and included in the new development agreement that demonstrates compliance with the existing development agreement provisions. This applicant did submit a conceptual use plan this afternoon as shown. Staff has not had adequate time to review this plan, however, to determine consistency with the plan. A preliminary plat is proposed consisting of 83 buildable lots and that consists of 74 commercial and nine high density residential, and two common lots on 132.42 acres of land in the R-40 and C-G zoning districts. The plat is proposed to develop in six phases as shown. Phase one consisting of multi-family residential

apartments in TM Creek East on Lot 16, Block 3, is currently under construction and almost completed. No development has occurred on the remainder of the site. Phase two commenced last year with the completion of Wayfinder from Vanguard to Cobalt between the existing roundabouts. The development of phases three through six may vary in area and sequence based on the product need and market demand. The proposed common lots will contain the Ten Mile Creek and this is just a diagram showing the road sections. The proposed common lots will contain the Ten Mile Creek corridor and that's this area right here, which includes a ten foot wide segment of the city's multi-use pathway and the relocated Vaughn Lateral, which will be deeded to Nampa-Meridian Irrigation District. There are no existing structures on this side. Wayfinder Avenue and the western portion of Cobalt in front of the TM Creek East Apartments has already been constructed outside of the subdivision process and are not consistent with the street section designated on the street section map in the Ten Mile plan. However, they do comply with ACHD standards and have been approved by ACHD. These street sections were constructed as standard street sections with two travel lanes, a center turn lane, bike lanes and no on-street parking. South Vanguard Way from Ten Mile Road to the roundabout at the southwest corner of the site was approved and constructed with the TM Crossing development to the south. The eastern portion of Cobalt to New Market and Benchmark and the extension of New Market, Benchmark, from Franklin Road to the southern boundary of the site is proposed with the subject plat and has not yet been constructed. Staff recommends New Market and Benchmark is constructed a -- as a residential collector street in accord with Street Section D in the plan, with on-street parking along both sides of the street. Staff did discuss this with ACHD and they are supportive of this design. Because Cobalt is already partially constructed staff did not recommend any changes to that street section beyond what was proposed. There are two driveway accesses proposed via Franklin Road with the plat, one to the east and one to the west of New Market-Benchmark and that is this location right here and here. These accesses do require a waiver to UDC 11-3A-3, which limits access points to arterial streets unless otherwise approved by Council. A cross-access and ingress-egress easement is required between all nonresidential lots within the subdivision. Written testimony was received from Mike Wardle, Brighton Corporation, the applicant, in response to the staff report. Staff is recommending approval per the provisions in the staff report. Staff will answer any questions that Commission may have.

McCarvel: Any questions for staff?

Cassinelli: Madam Chair?

McCarvel: Commissioner Cassinelli.

Cassinelli: Sonya, you mentioned staff hadn't had a chance to review that preliminary design. Is that -- does that change anything right now?

Allen: Madam Chair, Commissioner Cassinelli, not necessarily. Obviously, this still has to go to City Council and by that time staff will do a complete review and offer any comments we may have.

Cassinelli: So, that's not a concern at this point?

Allen: I -- I can't say whether it does or it does not meet the intent of the plan -- the guidelines in the plan. It does show a mix of uses as -- as recommended, but I'm -- I'm not sure about the percentages, so that's what staff needs to look at a little closer.

Cassinelli: Okay.

Lorcher: Madam Chair?

McCarvel: Commissioner Lorcher. Go ahead.

Cassinelli: You're muted. Madam Chair, you're muted.

McCarvel: Yeah. Commissioner Lorcher. I could hear me here.

Lorcher: I wasn't around for the original Ten Mile Crossing conceptual land use plan. Based on staff looking at this and I understand that they are trying to kind of just change some things around to fit things a little bit better. Is it a lot of changes or is it more subtle, compared to the original plat?

Allen: Madam Chair, Commissioner Lorcher, there -- there was not a previous plat for this area. There -- there was not a conceptual development plan for any of this area, except for the Bainbridge Franklin property at the northeast corner of the site and the applicant no longer plans to develop that property in accord with that concept plan, so that is changing. Really, the only plan that we have in effect for this area is the future land use map in the Ten Mile plan, so -- so, the concern is with this concern staff had in the absence of a conceptual development or use plan was once we grant zoning, then, that entitles the property to develop per that zoning district. So, that's -- that's the reason for staff's requesting the use plan to ensure that future development is consistent with the uses designated in the comp plan.

Lorcher: Thank you.

McCarvel: Any other questions for staff? Okay. If there is no other questions for staff, would the applicant like to come forward.

Wardle: Madam Chair, this is Jon Wardle with Brighton. Can you hear me?

McCarvel: Yes.

Wardle: Perfect. And I would like to share my screen if I could. It says while Sonya is sharing and I cannot share.

Allen: I will stop sharing, Jon, just for you. There we go.

Wardle: Perfect. Thank you. Get one second here to just type in a code here really quick. I just want to confirm that you can see my screen as well.

McCarvel: Yes.

Wardle: Perfect. Good evening, Commissioners. My name is Jon Wardle. My address is 2929 West Navigator Drive, Suite 400, Meridian, Idaho. 83642. And I am representing the combined entities of Brighton and FCS Development, who are the property owners or their affiliated entities out here at Ten Mile. We really appreciate the opportunity to be finally in front of you tonight. One -- on the surface the applications may appear to be just a rezone and preliminary plat applications. However, there is much more to these applications with the inclusion of the Ten Mile Crossing DA modification and design guidelines and which we have included in the applications. The design guidelines, the staff report and applicant responses all addressed those items. These applications now integrate a cohesive vision for 308 acres, which is more than just the preliminary plat area before you through the adoption of specific design guidelines concurrent with the Unified Development Agreement, instead of five as they currently exist right now. Before I get too deep into the details with the applications I wanted to note that there are a number of conditions that we have asked to be modified or eliminated in the staff recommended comments and conditions. To understand the context of those, however, I want -- I need to step back a little bit and provide an overview of what has occurred prior to tonight's hearing. The Ten Mile interchange specific -- the Ten Mile interchange specific area plan also the TMISAP, was created through a public process that included property owners, citizens, developers, design professionals, agencies and elected officials to provide input. I will note that in our opinion developer input, while provided, was not given adequate consideration based on actual market conditions. There -- these workshops, agency meetings, and public hearings were -- were established to create a vision for a major community asset around the Ten Mile interchange that at that time had been generally undeveloped. The TMISAP was adopted in June 2007 with practical and aspirational goals, as well as directive to implement the plan and achieve results. A couple highlights from the TMISAP. It said that the plan requires an entirely new way of doing business for private and public sectors. The plan calls for bold new actions as characterized through the plan development and its use of charrette in particular. The city encourages -- and key landowners to take initiative and begin the implementation process bringing forward detailed design guidelines, zoning, and infrastructure proposals. Making the changes will not necessarily be easy and it will require leadership on behalf of the city. And, finally, the TMISAP comprises many small and medium sized parcels held by many owners. None of the parcels of land within the study area is large enough to affect the type of development described as desirable. To achieve this vision, as well as critical mass for financial success, adjacent owners will need to collaborate on development efforts. In addition, implementation was also a notable topic within the TMISAP. In fact, there was much described about how the public and private would work together to see the vision. A couple of key points here. The city encourages developers and key landowners to take the initiative and begin the implementation process, bring forward design detailed guidelines and zoning. Zoning. The city could look beyond the existing development regulations to new development provisions. These regulations could be linked to the

design guidelines and should be written expressly to promote and guide the type of mixed use development. Development regulations. The plan implementation will be accomplished through the city's existing development codes, through amendments to these codes, or by the development of new provisions, such as new zoning districts, overlay districts, design guidelines and development standards. And, finally, achieving results here it will require leadership on behalf of the city and a willingness to innovate and collaborate with the players involved. And, finally, here one last item from the TMISAP, which is probably one of the areas of the -- of the document that's not renewed very much, because it is farther back in there. There are a few key statements here, both for developers and for the city. Developers are strongly encouraged to undertake these tasks and invite the city to the table as a means of advancing the plan more rapidly. The city should develop a side of -- a set of design guidelines for the interchange area or encourage the development community to work together to prepare a set of design guidelines and the city should develop an expedited review process for projects that embrace, incorporate, and where through cooperation developers have developed partnerships and specific integrated plans that cross property lines and advance necessary infrastructure construction. And, finally, the last statement was the city is ready to work as your partner. So, here we are today. Just a little bit more context. Since the adoption in 2007 the commercial real estate stalled and -- and user demand shifted dramatically. It required a close evaluation of the plan and how best to move forward to secure users, but create flexibility to adapt to more changes, including those to come, which we all know today as COVID. It also presented opportunities to work with adjoining property owners. This slide here is interesting. The first applications we brought to the city were TM Creek, which was on the corner of Franklin and Ten Mile Road, which was about 40 acres and, then, TM Crossing to the south, which was adjacent to Ten Mile Road and north of I-84, which was about 77 acres. For us development only can finally commence in 2014 with plats. So, seven years after the adoption of the TMISAP. We provided plats, construction plans, and improvements. But an item that kept coming up with each application was the ad hoc approach to planning a larger area outside of what we current -- what we owned at that time and interpretation of the TMISAP. There has been a lot of effort, discussion, and maybe even occasional frustration by both city staff and us, seemingly because site condition -- site specific actions were referencing back to general aspirational statements no longer applicable, achievable in the market, or not responsive to current conditions in the TMISAP. Additionally, we have now seen seismic changes and a need to be flexible given COVID. In collaboration we work closely with our adjoining property owners to address land use, specifically Calnon, which was all the property to the east of us, excluding the Bainbridge property. We worked with them on land use annexation and zoning within the plan. We also worked with Treasure Valley Investment Shakoori, which was between the Ten Mile Creek property, the TM Creek and TM Crossing properties, to implement long-term desired transportation elements, which was the extension of Wayfinder and the construction of two roundabouts. We ultimately purchased those properties, so that a cohesive vision and complete plan for 300 acres shown here bounded in red could be achieved. Of note we purchased all of Calnon, which is on both sides of TM Creek, south of Franklin. Treasure Valley Investments from Ten Mile Road all the way back to the future Benchmark, Market Street and the Bainbridge Franklin property, which is directly to the north -- northeast corner of the site.

Of note, each of these, including TM Creek and TM Crossing, all had individual development agreements. So, we are dealing with five separate development agreements. However, by assembling all these parcels we were able to achieve one of the TMISAP goals to work across property lines in a collaborative way. So, here we are today. We did wait for some time, even though we had acquired these properties, to come together with a plan. It -- to provide you with a preliminary plat so we could understand the planning considerations, such as roadway connections, pathway pedestrian access, and land use and provide flexibility to be able to adjust to market conditions. Here before you outlined in red is the TM Center Subdivision, which is before you tonight, which is inset in the TM Crossing 308 acres. We submitted application on May 29th, 2020. The first hearing was scheduled for August 6th, which was continued. Then 9/3, which was continued. Then 9/17, which was continued. Then 12/3 which was then tabled to tonight. However, the most important discussion that was needed was to establish a set of design guidelines and a cohesive development agreement for all the properties within Ten Mile Crossing and not just the TM Center plat. We determined the best approach was to establish the design document and hired Cushing Terrell to research, review, and create a draft study. For the Ten Mile Crossing DA modern design guidelines, which is the area bounded in red here, we engaged Meridian staff one year ago and when I looked at that date today I was surprised, it was one year ago when we had our first conversation with staff on this issue to discuss the sub area plan and project specific guidelines. On July 15th we had a pre-application meeting and presented a draft sub area plan. On November 5th we had a second pre-app meeting. And, then, on November 19th we submitted applications. At the time of our application submittals they were a Comprehensive Plan text amendment, combining five development agreements, a planned unit development overlay to incorporate design guidelines and zoning modifications. Following redirection by staff in early January, a revised Ten Mile Crossing application was submitted on February 16th, which included DA modification to combine the five projects into a single master DA and design guidelines and zoning modifications, which we previously have talked about. All these applications are before you tonight. These two applications are. One of the items that is mentioned in the staff report, however briefly, but there is not a lot of context and I want to spend a little bit of time to review this document. So, if you will indulge me for a few minutes, like I said, we hired Cushing Terrell to prepare for us design guidelines for all Ten Mile Crossing, which applies to all 308 acres across the property. Our intent is that these design guidelines become the base and the governing guide for all development within Ten Mile Crossing and would be attached to and included in the development agreement. So, what do the guidelines contain? Well, there is, obviously, purpose and applicability. Those things are pretty common that you would find in -- in most zoning and guidelines. But more specifically there is design review process. There are design guidelines for site landscape. Typical street sections. The creek and pathway systems. Architecture and signage. Then, finally, we also provide some specific use standards on things that always come up that we wanted to incorporate into this document. And, then, there is a fairly extensive appendix photo library of buildings that are proposed or built within Ten Mile Crossing to provide a flair and flavor for the type of development that we want to see. Like I said, there is purpose and flexible -- purpose, applicability, and intent. Ideally the purpose of this is to encourage flexibility, innovation, and creativity and to eliminate some of that



rigidity which could be found in strict interpretation of zoning code or architectural guidelines. We want them to apply to the entire Ten Mile Crossing project, so that there is a unified approach to design and implementation. We also want to provide a simplified administrative procedure for all future submittals -- architectural submittals through a design review board. We have discussed having and have presented in these guidelines a design review board. That would be the first step that would approve all exterior improvements, both the site, building, and structure for every building out here in Ten Mile. That Ten Mile design review board would be comprised of three or four independent architects from the application. We wouldn't have any architect reviewing our own plans. And the content of that would still have to include the information required by UDC. The one difference here is that that design review board becomes the -- it basically takes a step out of the city's process to provide them with more time. It would be presented to the city with an approval letter. The city would review for conformance with the guidelines and, then, it would move directly onto the certificate zoning compliance and, then, the city would issue the CZC, so that the building permit process could begin. Obviously, there is design exceptions and there is an allowance for that by the Planning director. A few of the high level things which are detailed within this. We have site and landscape, architectural and signage. I'm going to get into those details on the next slides. Also on the left-hand side this is very similar to the conceptual land uses plan you saw tonight. We provided more detail to that. But it shows what has been built or under construction and what is forthcoming. Also the open space plan on the right-hand side here shows all the pathway corridors. It does show the detached sidewalks throughout and the -- and the Ten Mile Creek and the Purdam Drain. We have provided four design considerations where additional architectural review needs to occur on key corners, on the frontage area between the creek and Franklin Road on Wayfinder. We have also identified an area that multi-story structures should be -- should occur. We have -- we have a number of five story, four story buildings already out here, and in this document we have asked for approval of a hundred foot, which would allow us to get to six levels or six stories on these buildings should that need arise. One of the items that Sonya had mentioned and had detailed quite a bit in her guidelines were roadways. Within this plan we have created a transportation circulation map, have also detailed the type of roadway system, the standards which would be there. We have reviewed these with ACHD. These all comply with their standards. We do know that there are different guidelines in the TMISAP, but we are requesting that these roadway standards carry through the balance of the project. We have also provided the city with an overall comprehensive pathway plan. Of course there are detached sidewalks throughout the entire community. But, more importantly, we have a variety of eight foot and ten foot pathways designated here on this map. We have the Ten Mile Creek regional pathway. We have a parallel pathway to future Benchmark which would be ten feet. We have a ten foot Purdam drainage regional pathway. We have an eight foot pathway connecting between the two roundabouts on Vanguard and Cobalt. We also are building a six foot parallel pedestrian boulevard shown there at F, kind of an east-west connection from Vanguard over to Benchmark. And, finally, we have a very specific detailed Main Street on Wayfinder north of the creek up to Franklin Boulevard. The elements in the design guidelines are site and landscape. We provide specifics for site amenities, fixtures, pavers, all of the tree planting elements. We also have standards in there for parking lots that would be required throughout and there

is a whole set of actual implemented plans and pictures in the document itself. And I will go through this quickly. We have architectural guidelines for commercial. The important thing here is to identify form, scale, proportion, height, elements and details, materials and styles. How to screen mechanical equipment and lighting throughout. So, we have done this for commercial, for mixed use and flexspaces, flex buildings, for retail and residential in the multi-family side. I will note that we will in the future, on the part that is held out to the east, come back with more guidelines for single family residential, which will be appended to this document. Finally, one of the things that's important is the unification of signage. We have spent a lot of time creating a signage plan throughout Ten Mile, which is required at key locations, as well as the tenants in front of their buildings if they are going to have monument signs and this, too, is laid out in the design guidelines. And, like I said, there is an extensive photo library. Here is just a snapshot of a few of those, but if you get into the documentation it will show elements of all the things which I have already discussed tonight. So, going forward, you know, we find ourselves tonight needing to restate the -- restate and effectively defend -- essentially defend the importance of Ten Mile Crossing design guidelines. The TMISAP itself states that it wants developers to take the initiative and undertake these design guideline activities, to work a lot collaboratively across ownership and boundaries and bring forward detailed design guidelines to the city. Also it states that the city should develop an expedited review process for projects that embrace this collaborative approach, provide leadership, and be ready to work as a partner with developers. I will say that we have had very good support from staff on many issues, but on the issue of the TMISAP needing more specific guidelines, that's why this set of guidelines is before you tonight and that's why we are asking for your consideration. We are at a loss, however, why staff has either ignored or rejected the design guidelines that had been submitted. It -- staff does state in the staff report that they are not supportive for the different design guidelines and it's to have -- the purpose is to have a unified design for overall area. However, the TMISAP states that the city encourages developers and key landowners to take the initiative to bring forward the detailed design guidelines and zoning and infrastructure financing proposals. Finally, there are a few items that we just wanted to highlight and discuss just to be clear. The first is the conceptual land use map, which has been talked about. We have provided here additional context for the type of uses. We haven't got down to the specificity simply because there are changes that will and could occur and staff knows that as DA -- this prior DA mod had been modified to address changes in the market and new plans. We are asking for that flexibility, but also to give the city some certainty as to where certain uses will occur and the type of intensities we could expect. We provided, like I mentioned, a complete set of design guidelines to cover 308 acres out here at Ten Mile Crossing. We provided a process by which we would have a design review board and provide approval to the city, so that the CZC process could continue, as noted in our design guidelines. We have also provided a comprehensive roadway plan. I have identified what has been built, what will be built, and to what standards those will be built. I will note, however, that there -- there is a lot of conversation or staff time to talk about roadways. The Ten Mile Crossing design guidelines provide a comprehensive roadway plan for both circulation and standards. However, our details do differ from the TMISAP, but we are fully compliant with ACHD standards. Some of the TMISAP plans are aspirational, but are not necessarily applicable given the future land use pattern. There

is the proverbial chicken and egg. What comes first. Without roads buildings can't happen. Buildings can't happen without roads and we have to make a commitment and that's what we have done. We have made a commitment, created key areas where some of those ideas could be accomplished, like Wayfinder Road north of the creek going up to Franklin Boulevard, where we can create that Main Street fill. We have established a guideline for all Ten Mile Crossing, so that there is a cohesive roadway plan that provides cross-access and connectivity. As mentioned, although it's not before you tonight, we have asked for two connections to Franklin Boulevard shown here. We know that it is a City Council item, but it's important to note that they are consolidated accesses that purport to provide joint use for the users of the sites. I will note that there is a cross-access to 12 Oaks. However, it is both deficient and poorly designed when you look at the cross-access between multi-family and the future commercial that's here. Will we use it yet, but it doesn't accomplish the need for access to the site. Pathways. I think this is something that's super unique. We know that the city has a master pathway plan and we have been able to not only embrace it, but enhance it. Originally there was a pathway just for Ten Mile Creek, which was to the north. We have also added in the Purdam Drain and we have taken the initiative to add ten foot and eight foot pathways and sidewalks, detached, throughout the entire project, so that we have connectivity. You will also note on this exhibit there is a red circle in certain locations, which are amenity sites. Those amenity sites provide connections where the people will be able to stop, we will have enhanced seating areas, there will be opportunities to go point to point and not just have a pathway system without a place to rest or visit with people, especially given that we have a large demographic of office workers out here. So, this will benefit them, as well as the residents -- residential uses which are already on site and will be in the site in the future. Arrival. One of the things that we have -- have worked on and we have presented both for -- to the north on the ICCU site and we will do here at Vanguard is a dramatically enhanced arrival at these entries in the project. We are going to create a sense of arrival. There is going to be definite identification. Here is an opportunity as well to provide that art element that the city has identified in a very prominent location. You will note here that one of the unique things about the site is if you drive it it -- we are directly adjacent to a not so pretty detention basin that's surrounded by chain link fence. We do have a license agreement from ACHD to enhance that area and to expand the area. Just to give you a frame of reference, this intersection -- that represents at least 60 feet highlighted here that will be enhanced directly at this intersection on both sides. Not just on the south side, but we will do the same -- it will mirror on both sides, provide an opportunity for signage, as well as public art. We have noted, however, that there is a condition in the -- in the staff report that the buffer along Ten Mile going between Vanguard and Cobalt be expanded to 50 feet. The UDC for gateway areas is 35 feet. One thing to note is in this area it drops down significantly from Ten Mile Road. There is a slope there already and the 35 foot landscape buffer, just as we have done to the north in previous plats, is -- is more than adequate to provide that separation from the street for pedestrians and provide landscaping on the backside of that as well. We have provided you with all of these items noted in our requested changes that was submitted by Mike Wardle earlier. We are anxious to move the process forward, to have you approve the preliminary plat, which has been before you since August, with a unified master development agreement and accompanying specific guidelines for Ten Mile Crossing, so that Ten Mile Crossing

can be planned, developed in a complete and cohesive way that sets the standard for all the Ten Mile interchange area. In conclusion, we do concur with staff's recommendation for approval and request your approval of the Ten Mile Crossing DA modifications, which we know that is a City Council item with their proposed design guidelines, of the proposed rezones which are before you and of the TM Center Subdivision plat, including the requested of modifications which we have made and submitted to the conditions of approval. The proposed modifications achieve the direction of staff leadership for a master DA design guidelines to supersede the TMISAP and to provide for better -- a guide for development for all Ten Mile Crossing. We respectfully request your approval of the pre-plat and Ten Mile Crossing development agreements and design guidelines and I stand for any questions that you might have.

McCarvel: Thank you, Mr. Wardle. We -- I did allow -- we went over quite a bit, but it was a large -- a large request here and a lot to get through. So, at this time do we have any questions for the applicant?

Cassinelli: Madam Chair?

McCarvel: Yes, Commissioner Cassinelli.

Cassinelli: Yeah. I was going to give you a hint there who it was. Yeah. There was a lot of information here and I have several questions, but I will take turns. First of all, Jon, can you -- if you can summarize your conclusion there. You are saying that you are in agreement with all staff conditions, is that accurate?

Wardle: We are in agreement with staff's conditions. We have, however, made some modifications as it continues to revert back to references to the TMISAP and we are asking that the design guidelines be those that we have presented -- included in our application and are before you tonight. Those are noted -- go ahead.

Cassinelli: I was going to say -- so, those modifications you made are just -- just with regards to the design guidelines.

Wardle: Primarily that is correct. We went through -- sorry, Commissioner Cassinelli, Madam Chair. We went through the condition. We did strike out all the references to the TMISAP. We included reference to the Ten Mile Crossing design guidelines. We did make a couple of notes in here regarding some of the -- the streetlights and we also made some notes based on, you know, the location of the pedestrian trails based on the current pathway plans. These -- a lot of this relates to development agreements and stitching together those five development agreements. So, we have made a lot of those notes based on that. One of the items that -- Commissioner Cassinelli, that you will note in there that we have struck, there -- there is a common reference found in the TMISAP regarding pedestrian scale of streetlights. We have made a very strong effort to create that pedestrian scale on Wayfinder between Franklin and Ten Mile Creek and we have -- we have provided pedestrian scale lighting, but there is also the other issue of the requirements to light the roads. So, throughout the document there are locations -- like

on Ten Mile Road, on Franklin where it talks about creating pedestrian scale streetlights or lights at a lower level, we are just simply striking that and saying that the streetlights that are -- that still need to be installed, that they should meet city -- or city standards and should be acceptable as -- as requested. We have also made a note in here -- there -- there is a -- we have done this before, it's been picked up on previous DAs, but some of the existing DAs do not have the language about the certificate of zoning compliance and submittal process to go forward. But certificates of occupancy would have to wait until a plat has been recorded. But those other steps could occur prior to a subdivided lot.

McCarvel: Other questions for staff? Or, I'm sorry, for the applicant.

Holland: Madam Chair?

McCarvel: Commissioner Holland.

Holland: I think you said Commissioner Holland, so I will just keep moving forward. You are hard to hear, but that's okay. Jon, I wanted to say, first of all, thank you, it looks like you guys have done a significant amount of work. It's not -- we can definitely see how many pages of documents and how many months of planning have gone into this. So, I want to take a second and just recognize how much work you have put into this process. I know before us tonight we really have three applications at this point to go through that with the Commission. The three applications we have is the preliminary plat for the 83 buildable lots and two common lots. Then we have got the request for the development agreement modification, which we can make a recommendation on, but that's really Council. And, then, we have got the request for the rezone to the C-G and, then, the other requests that are in there as well. Just making note of that. One -- one comment -- we never really had a chance to talk about the Ten Mile Center area. I appreciate that you have some amenity sites along the pathway network, but I'm curious if you have plans for a future open space that's more than, you know, an amenity site here and there. If there is -- if there is a plan at some point for a public plaza type style place or a -- you know, I think it would be amazing to have a five to ten acre park somewhere in this development when you have got so much residential and so much mixed use. I'm certainly a fan of mixed use and I think, you know, Ten Mile is a great opportunity for Meridian to compete and bring some jobs a little bit closer to home for residents, but I certainly would love to make sure that we have elements of open space beyond maybe just the pathways in there and I was just curious if you could talk about it a little bit.

Wardle: Madam Chair, Commissioner Holland, thank you, again, for clarifying what is before the Commission this evening. Yes, parks are a key aspect to -- to our community and I think Meridian has done a very good job of -- of parks in and around the area. We also have access to public schools. But one of the things that we really keyed in on -- on this plan, Commissioner Holland, was the importance of not just a creek, but an enhanced creek. Not just a drain, but an enhanced drain. And not just a pathway, but a series of connected pathways. I think we would -- while having a dedicated five acre area would be nice to have and there are dedicated landscape areas within the residential pieces, so I want to be clear about that, that the residents that are out here both within the multi-

family and future residential will have dedicated landscape areas and those will be site specific development items. But the key I think for -- not even think. The key to all of this is how do we connect both a daytime population and an evening population and the best way to do that is through pathways. Like I mentioned, just the pathways themselves we have three and a half miles. We clearly have at least that much, if not more, in sidewalks and we made a very concerted effort to provide passage or pathways across those in a safe way as well. So, I will be clear, we haven't provided a five acre park out here, but we have spent a lot of time with city staff on creating a pathway system and adding to that pathway system in a very meaningful way and that's why we also want to create these little amenity areas throughout. They are not small. Some of them are very linear; right? But the idea is that we are giving people a place that they can go and be social or rest or just make their way on a circuit as well.

Holland: Thank you, Jon, I appreciate that, and I know your team always does a great job with -- with planning and I have seen a number of your subdivisions and normally you guys do a great job. I would just ask that as you kind of consider what uses come through here in the future that having some sort of central amenity area, like a park or like a plaza space, would certainly be something I would love to see, because I think it would tie the whole development together fairly well when you have got 308 acres that you are looking at. So, just -- just a request, a recommendation, but that's just one comment for now.

Wardle: Madam Chair, if I might just make one comment there.

McCarvel: Sure.

Wardle: We do agree that plaza spaces are very important and we -- as you will note in front of our building -- and this is part of the -- maybe the beauty of us having some control is that we are able to dictate and ensure that these buildings are providing that positive space that's directly associated with the buildings. So, we agree with that.

McCarvel: Thank you. Other questions for the applicant?

Cassinelli: Madam Chair, if nobody else -- this is Commissioner Cassinelli.

McCarvel: Yes, Commissioner Cassinelli.

Cassinelli: Jon, can you address -- you're -- you're wanting a -- a change to the height to a hundred feet. Can you -- can you kind of highlight where -- where those -- where that change would be?

Wardle: Madam Chair, Commissioner Cassinelli, I just want to -- can you see my little hand cursor on the screen?

Cassinelli: Yes.

Wardle: Okay. So, down here in Ten Mile Crossing in particular -- but it may happen a little bit to the north, it really would be user driven, but down here, that's where we really see that that hundred foot comes into play. With -- some of those buildings we have built already are five story and we have had to ask for alternative compliance, which I know that there -- that comes up at times, because it exceeded the height. It was within a percentage, but it exceeded the height. As we have talked to certain users and the opportunity to provide space, it has come up that maybe we would do a six story building here or there. I don't see that we would do a lot of them, but by making hundred foot allowed that gives us the flexibility without having to go through alternative compliance or any additional review for that.

Cassinelli: And would that -- does that apply to the entire plat or --

Wardle: It's -- well --

Cassinelli: Go ahead.

Wardle: No, I interrupted you. I apologize. Go ahead.

Cassinelli: Well, I was -- I was -- I think you -- you understood what I'm saying. Does that apply to the entire -- the entire -- the entire area here or -- or just specific zones within this?

Wardle: I'm going to let David Turnbull address that.

Turnbull: Madam Chair, Commissioner Cassinelli, I think that in general you could say it would apply. We don't anticipate it happening anywhere north of Cobalt Drive. As you know, we have got a fairly major medical user out here with potential to expand. So, that's one potential area in the D or E areas, that's probably where you might see it. We are not saying it's going to happen, but it does follow some of the aspirational aspects of the area that the city has always requested us to go as dense as we possibly can. You do run into some building code issues the higher you go, it gets more expensive, so there is always that balance and that calculation we have to run through, but this, as Jon mentioned, would help us to avoid future alternative compliance requests, which the city seems to suggest we -- we promote, but, then, we have to go through this alternative compliance. So, we are just trying to do away with that -- probably annoyance for everybody.

Wardle: This E -- D, E, that's Cobalt right there. That's what David had referenced. That would be the -- the northern line.

Cassinelli: Okay. Another quick question, if none of the other Commissioners have one.

McCarvel: Go ahead.

Cassinelli: There were -- there were a couple of additional access points off of Franklin. Can you highlight those? Are those -- so, they would be in those -- where the arrows are?

Wardle: Madam Chair, Commissioner Cassinelli, that is correct. Those -- those would be the locations where we have discussed with ACHD about having those. ACHD does have a process that requires us to -- to get their approval for that. They are not granted outright. But of note they do align with uses across the street and we are able to consolidate -- particularly on the count on Banbridge piece, multiple access points into a single. We still have the -- the -- the collector system that will be there and internal backage roads, but being able to provide access directly out to Franklin Road from those locations is important.

Turnbull: And, Madam Chair and Commissioner Cassinelli, I just want to emphasize what Jon mentioned before about the cross-access that's already provided through the 12 Oaks apartment complex. If any of you had an opportunity to drive through there you would see that it comes right in and, then, directly into the property through an apartment parking lot and we don't think that that's really much of a beneficial use for the property that we own, nor -- you know, it's most likely just going to create conflicts with the residential use to the -- to the east. So, we will take that through the process with ACHD and the city for the waiver process that's required. I don't think you are granting it here through this process. That's not on the table.

Cassinelli: No. I was just curious where those -- where those were located.

McCarvel: Okay. Any other questions for the applicant? Okay.

Cassinelli: Madam Chair, I have one more.

McCarvel: Okay.

Cassinelli: Do you have -- Jon, do you have an overlay of -- of the before and after in terms of the rezones?

Wardle: I do. So, this is -- this -- Madam Chair, Commissioner Cassinelli, this is the current zoning on the site out here and you will note that there is -- there are a variety of zones that are already designated on the site. So, that's the current zoning base. This will be the new rezone area. To the north along Franklin and down to the Ten Mile Creek, that will all be zoned C-G. So, the R-40, the C-C, will convert to C-G. South of the creek we are changing a little bit of the TN-C to R-40 to continue that along Cobalt and those are the changes that are -- and there is a little bit of a cleanup south of Cobalt as well. But that's -- those are the changes there. So, kind of the existing and the proposed modifications.

Lorcher: Madam Chair?



McCarvel: Yes, Commissioner Lorcher. There we go.

Lorcher: The -- the reasoning for C-C to C-G along Franklin Road, so would that all be accessed from inside the complex or -- I know you had requests to have driveways or accesses from Franklin. What kind of businesses were you looking at or is it going to be more retail or is it going to be more office space? Franklin's very busy already right now and I don't know what was proposed there before, but I mean there is -- so, I think there is a Valvoline Oil shop right now and you can access that when you come into the complex. Is that what you are thinking that's going to continue to be for Franklin Road for commercial?

Wardle: Madam Chair, Commissioner Lorcher, let me talk first, then, I will let David jump in as well. Along Franklin Road we do -- we do envision, starting with Wayfinder -- so, that's the -- that's the western collector that's north-south, we do anticipate that there will be a variety of retail uses that will be on that main street that will approach the street, have a great relationship with it, including some live-work units. It is very likely that as we work our way down Franklin Road that you will have other support services, whether they be financial, food -- even probably some small retail along there on key corners. We do have also that we have built -- this exhibit doesn't show it very well, but where the -- you reference the Valvoline. There is also a backage road or an internal drive aisle that provides access east-west that parallels Franklin and allows you to get to the light. What we are asking for, Commissioner Lorcher, is just a -- another single point of access that would allow people to turn into the site, get out of the site at that location and this location over here. But we also provide significant internal circulation. So, that that's not the single point. We have these collector roadways.

Lorcher: Thank you.

McCarvel: Okay. Any other questions for the applicant?

Holland: Madam Chair?

McCarvel: Commissioner Holland.

Holland: One more follow-up question. I know -- this area is also in an urban renewal area for Meridian. I'm going back to my public plaza and parks comment just for a second, but just making one -- one note and hopeful that perhaps that could be something where the urban renewal agency might be able to step in and help with some of those other central amenities if that is something to move forward for considering in the future. I just wanted to make that comment and see if you had any other thoughts around that.

Wardle: Madam Chair, Commissioner Holland, it's a good point. I will note that it's my understanding that there are not any city designated park sites out here and so because it's not, quote, a public asset or designated, it wouldn't be able to be done as part of the urban renewal. Again, I do want to restate, however, that we are providing for substantial site specific open space with the residential uses and, again, we still are very high on the

connectivity of the pathway system. But with that I appreciate the comment. And we will --

Turnbull: We can explore it.

Wardle: -- we can explore it for sure.

Holland: Thanks, Jon. Appreciate it.

McCarvel: Okay. If there is no other questions for the applicant, we will move on to public testimony. Madam Clerk, do we have anyone signed up to speak on this application?

Weatherly: Madam Chair, we have one person online with their hand raised. That's Lori. Lori, give me one moment, please, to move you over to permission to talk. Lori, you have permission now to unmute yourself.

McCarvel: And, please, state your name and address for the record and the floor is yours. Do we have Lori still there?

Weatherly: Lori, I sent you a memo to ask you to unmute.

McCarvel: Yes. Lori, I think you need to unmute on your end. There you go.

Lori: Sorry, I was trying to log onto another device, so I apologize.

McCarvel: So, did you want to speak?

Lori: No. Thank you.

McCarvel: Okay. Thank you. Any other comments? Anyone else wish to speak on this application in person or online? Okay. All right. We will move back to the applicant then. With no questions from the public, does the applicant have any closing remarks?

Turnbull: Madam Chair, David Turnbull. I will just finish up with thanking Jon for doing a pretty comprehensive -- and we understand it's a lot of information, but he gave a pretty comprehensive look at it. In fact, he went so a long my daughter had a baby while he was speaking.

McCarvel: Congratulations.

Turnbull: I just got that -- I just got that text, yes. You know, I think I want to highlight what our intent is here. This -- this goes back to over a year ago with discussions with the city about, you know, mutual frustrations with how we have worked through these applications and -- and we came up with -- I thought -- I think should be a mutual understanding that we are following the plan which asks us to come up with specific design guidelines and we commissioned an architect and spent quite a bit of money to

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come up with these design guidelines to give us consistency in architecture, consistency in landscaping, consistency in everything down to the kind of, you know, ground cover you can use and the benches and trash enclosures and all of those elements, because we want to see this be a cohesive development and we also want to alleviate some of the burden from the staff and also take it away from -- take it out of our hands by hiring professionals and we will pay those fees and I hope we can demonstrate to you that we have got -- we have -- we have tried to do the most innovative, high density commercial, high employment, which was the goal of the city. There are -- there are changes that came about through the last dozen or so years. There used to be a lifestyle center designation on this property. Well, guess what, that got built at The Village at Meridian and Anna Canning, who was the planning director at the time, commented to me, well, there is only going to be one of those probably that are supportable in this city. So, that's probably not going to happen at Ten Mile now -- and we concur. So, we have not -- we don't have a heavy retail focus out here. We have a heavy high density employment, medical -- the medical component is going to be substantial and, then, we have been able to do some things with high density multi-family that hasn't been done in the Meridian market and those things have come about -- probably weren't practical even to do 12 years ago. The market changes, though, and one of the things that COVID brought us was a realization of the need for -- that the companies that actually survived and thrived through this environment have been the ones that had drive throughs, for example, and so we have incorporated all of these things into these design guidelines that will be reviewed by third party architects, so that when they come to you you have the -- you know, architectural review is not a check the box kind of science. There is as much art to it as there is engineering and that's what we hope to bring to the table. That's why we spent a great deal of effort working on these design guidelines to provide the city the product that it wants and deserves. So, you know, we could -- we could go over some additional items, but I think you have what you need. I know you know what the applications are before you. The City Council is going to have to be the final decision maker on some of these, but I hope you can see the intent of what we are trying to do here to accomplish something great for the city. So, I will close with that. Thank you.

McCarvel: Thank you. If there is no more questions for the applicant or for staff, could I get a motion to close the public hearing on H-2020-0074, items No. 5 and 6 on the agenda.

Grove: So moved.

Cassinelli: Second.

McCarvel: It has been moved and seconded to close the public hearing on Items 5 and 6, H-2020-0074. All those in favor say aye. Opposed? Motion carries.

MOTION CARRIED: SIX AYES. ONE ABSENT.

McCarvel: I have got --

Cassinelli: Madam Chair?

McCarvel: -- Commissioner Holland and Commissioner Cassinelli unmuted. Go ahead, Commissioner Cassinelli.

Cassinelli: I will just start with some comments and we will probably have -- have lots of comments and thoughts and stuff. I -- I really agree with Commissioner Holland's suggestion on some sort of park open space. I don't know that it needs to necessarily be five acres and -- something to where -- and I -- you know, I understand what the applicant said as far as it's not being a lifestyle center, but still somewhere where those coming from the outside that don't live or work there that are coming there to -- you know, to grab a bite of food or -- or whatever they may be -- they might be doing, can -- can go there and take that -- you know, take the sandwich from the deli and go eat maybe off site and just enjoy it. So, just something -- and maybe in that. I guess it would be the northwest corner or something that I could just kind of envision. So, that's -- that's one thought. And, then, personally, the -- the -- the pedestrian scale lighting that -- that staff has required, I'm definitely in support of. Comment on the height aspect is I don't necessarily think we should approve that sitewide, because, then, they could potentially take it and put a six story building right up against Franklin. I'm not saying that they would, but if that -- you know, if we give them that -- that leeway, that latitude, they could. So, I would like to somehow see us only allow that in a specific area within this plat or just leave as is and have them -- I mean if they can -- they have got an alternative compliance at least on one building I think to go -- to go up high enough, I -- I think, you know, I would -- I would rather have -- have that be the case, honestly, to -- to do it item by item. So, that's my -- my thought on that. Those are my -- those are my main thoughts right now. I would like to hear -- maybe after some questions, if Sonya could comment a little bit more on the -- on the design guidelines and just get a better understanding of where staff is at as opposed to where the applicant is at on -- on the design and that's it for now.

McCarvel: Commissioner Holland.

Holland: Do we want to pause and let Sonya answer that question first before we get too --

McCarvel: Yeah. Go ahead, Sonya. Sonya, would you like to unmute.

Parsons: Commission, I'm happy to answer that question.

McCarvel: Okay. Thanks, Bill.

Parsons: You are welcome. And I think it -- I think those are the -- the applicant's done a very good job of explaining where we -- where we started and where we are at now, because as they have pointed out in tonight's presentation, it is very clear -- or at least the intent is that this is a partnership. This body, staff, applicant, property owners, we set out on this vision to make sure that we got something innovative, while still being flexible for applicants and that's probably the -- a lot of the time that we spent with the applicant

on this process is from -- from our standpoint, from city staff standpoint, having to look at five different development agreements to regulate a development -- or try to manage a cohesive design and theme over 300 acres is -- can be a challenge, particularly with different team members looking at different applications. Each one of us are going to have a different interpretation and that's why we really started out on this adventure with them. And I will call it an adventure, because I think we have all learned and grown from it. We know -- at least from my perspective I think some of our codes need to change to support what the applicant wants to do. For so many years the city has used the development agreement as the tool to kind of regulate development and I'm one team member, but I think that the PUD process is what we should be using to regulate developments, especially these larger master planned communities, and as we sat down with the applicant and worked through all of these design challenges that we were faced, we looked at it as -- as internally and we looked at it with them -- we were under the impression that our current PUD standards don't allow for that flexibility that they want under these current standards that they are presenting to you tonight. But what we did realize is that through the development agreement process we could at least add some flexibility or change some of the design guidelines in the -- in the comp plan, because the comp plan really is a guide, whereas the zoning ordinance is law and that's the discussion that we had with the applicant and came up with this concept of doing one master DA to govern the 308 acres and eliminate the five into one and that's where we ended. We -- we certainly shared our concern with how do we implement these guidelines. Is it appropriate to allow them to propose different guidelines that are different than what's intended for the Ten Mile area? And as staff that's -- that's what we are tasked with. We are tasked with ensuring that the development complies with the plan and that's why Sonya laid out in her staff report some of those elements that she thought should be kept as part of our recommendation. Now, ultimately, you as a recommending body and City Council, they will have to determine whether or not this is the right avenue to take. You have to -- if you think this is the right way to move forward, then, I would encourage you to set forth your recommendation that Council take this under consideration or at least provide staff some direction as we move forward with some future code changes, because as you know I'm one to say I think the Ten Mile Plan is pretty aspirational. It has some things -- and kind of going back to Cassinelli's height comment, the reason why we supported it as part of this process is because the Ten Mile Plan encourages higher floor area ratios, which, basically, means you are going to intensify the property and go vertical and a lot of those employment areas -- or a lot of the buildings they have built out there we have done alternative compliance and we have gotten those plaza areas because of doing that alternative compliance process. We have also talked with them about incorporating some plazas into their commercial space, too, so -- and public art as well and we have gotten the same responses you have gotten tonight, that they are willing to look at that and take that into consideration. The one component that you are not seeing as part of their design guidelines is really the residential component that they have highlighted and that's where you are going to start seeing some of the innovative open space and some different residential uses that they will come back and eventually amend their DA and include those design guidelines as part of that project. So, I don't want you to think you are not getting the full picture tonight. Right now the applicant's really trying to meet the intent of the plan, but do it differently than what we have done it -- the way we

have done it before and that's really coming up with an 80 page document is saying, city, please, endorse this, so that we can give your staff the tools to review this 308 acres under one specific guideline, rather than having them look at multiple documents. I don't know if I helped the conversation or hurt it, but I guess just giving you staff's perspective, that's -- that's really why we got to where we are and I'm hoping out of this that we get some clear direction from this body and City Council, because I -- I tend to agree with the applicant, we just need to be more flexible and we need to be innovative and if this is the tool to do that, then, I think at some point we should really think about it and think about changing our codes to align and move in this direction.

McCarvel: Thank you, Bill.

Holland: Madam Chair?

McCarvel: Commissioner Holland.

Holland: Bill, a couple of follow-up questions to that. How integrated was staff in the creation of the design guideline document that the applicant proposed? Were you sitting at the table with them while they were trying to develop most of that document?

Parsons: I wouldn't say we were sitting at the table. I think they really took the lead. To be -- to be frank with you, I was the one that encouraged them to do it, because it's my planning experience from other -- another -- a previous life I guess I should say -- that's what they -- that was their main tool. They had zoning ordinances from 1976. They didn't ever get into the code. They controlled everything through the PUD process. Whereas when you come to Idaho you have a different set of rules to follow and you look at the land use laws and, really, the DA is where you kind of -- once you get zoning out you -- you kind of typically get what you get and that's why we are -- we scrutinize applicants so much at the annexation process, because we want to -- if we are going to give away zoning we want to make sure we have clear direction and clear plans moving forward. So, no, we weren't at the table, but the applicant was always willing to share the information with us and ask us for our feedback. Now, were we as -- as responsive as we should have been? I would probably say no, just given the workload and what we were dealing with we could not give them a full comprehensive review of this document. I have read through it and looking through -- they have taken out a lot of the -- some of the things they had in it they did remove it, because we felt it was unnecessary and so looking at it today do I feel comfortable with what they are proposing? I -- again, I can't say that I have gone through our code and compared that to what -- the Ten Mile guidelines compared to what they are proposing here, but what they are showing here and what Sonya alluded to in her presentation tonight was the plan encourages that mix of uses they gave you a bubble plan that showed that. So, do I know what the percentages are? No. Do I feel confident that they are going to meet the spirit and the intent of the plan? Yes. And that's -- that's always been their intent and in our communications with them that's what they have always conveyed to us, that they recognize what the plan is and they plan on meeting the intent of that plan as closely as possible. And I -- and, you know, from our time constraints as far as design review, I like

-- I like the aspect of having a third party review. Currently we don't have -- we have -- currently all of the design review is at our staff level and, then, if the applicant doesn't agree or make the changes, then, we have to convene a design review committee to look at that, which is basically our third party review to say yes or no, we agree with staff or don't. So, them putting that extra level of scrutiny on themselves is probably making them as much accountable as the city doing the review for them. So, I do like that aspect that they are proposing, because I think that will help expedite some of the review for staff. So, again, I go back to my closing remarks. It's -- it's really more of a philosophical discussion tonight whether or not this is the right approach we should take. And to be curious -- it's going to be interesting to see what Council does on it.

Holland: Thank you, Bill. So, I guess I can jump in with my comments, if that's all right, Madam Chair.

McCarvel: Go ahead.

Holland: So, again, I go back to -- we have three different applications in front of us, so -- and the way that we deliberate I just want to make sure we -- we talk about them in that order. So, the first item we have is the preliminary plat of the 83 buildable lots and the two common lots for the 132 acres of land in the R-40 and the C-G zoning districts and, then, the second application we have is the development agreement modification and the rezone request. So, speaking just high level about the request for the preliminary plat and for the rezone, I don't see big concerns. I think they have done a good job of explaining why they want to make those rezone requests. I think it fits well with the way that they have shown the bubble concepts. So, I think those ones are fairly straightforward, with the additions of what the staff report has. Talking about, you know, the concept we have been talking about, whether they have a design guideline, I -- I'm not opposed to it either. I think it's really nice to have a smart focused area. This is a really unique spot in Meridian and it does have -- I mentioned it has an urban renewal district with it, which is one of the few tools that cities have to be able to use to fund public infrastructure. So, I know that all of these new buildings that are going up -- the increment from all of these additions is going into a pool that can be used to help with infrastructure needs. So, I know that there -- there is some assistance in helping with roadways and helping with these pathways and I think they have -- they have done a fabulous job with the pathways. I have walked some of the projects. I have driven around some of the projects. Just previously looking at some of the -- I mean I have had a couple of business visits out at the new buildings that are up there. So, I think they have done a great job of comprehensive planning and design. I still would push for wanting to see more of a central amenity site somewhere in the plaza and I do really like that they have got the amenity areas. I understand and appreciate that they don't want to seek being a lifestyle center, because The Village exists, but The Village is several miles away and I think we have got so much density that we have approved within a one mile radius of where the site is that it would be nice to have a walkable amenity where multiple people could gather and have a little bit bigger open space beyond just what's in the residential neighborhoods connecting to it. So, I think that that would still be fairly strong in my recommendations, is that they consider having an element of public space, whether that's a plaza, whether

that's green space, whether -- whatever that is. I know I keep going back to that, but once the ground is developed there is no way to go back and add more ground back to it and when you have got a 308 acre space, hopefully, they can carve out five -- five to ten acres somewhere in there for a nice central amenity. So, I'm going to get off my soapbox with that. I would also say I -- I appreciate that these developers have been so transparent in their process that they have certainly gone above and beyond in the way that they have come back to the city with a really nice looking document and suggestions, so I'm not opposed to making a recommendation to Council that they consider, you know, a different way of doing business when it comes to this specific project area, because it's part of the urban renewal area, because it's part of an employment center and a focus for Meridian, and, you know, I know that they are well known developers and they have done a great job with other projects. I'm not saying that we should approve it because they are a good developer, I'm saying it because it's nice to have a thoughtful plan that's laid out well. On a couple of the other issues that we have talked about, I would agree with Commissioner Cassinelli on the streetlights, I would follow staff's recommendation on that. I don't see any challenge with the hundred feet height, as long as we limit it to being on the side that's closer to the Interstate, because I would agree that a hundred foot building right off of the corner of Franklin and Ten Mile might stand out a little bit and that, you know, they would follow the intent of the bubble plan concept. I would hope that they would have some additional retail uses, even though it's an employment and high density focus. I think having that many employment centers and those many residents nearby they are going to want restaurants to go to, they are going to want somewhere to go for their break. Certainly would be a nice amenity and while retail certainly changed with COVID, I don't want to plan the future of our city on a one to two year pandemic, because I know that retail will come back in a different way in the future. So, that was a lot of comments for me. Sorry. I'm done now.

McCarvel: Commissioner Yearsley -- or Commissioner Grove.

Grove: Thank you, Madam Chair. Sorry, my internet has been fluctuating, so I'm going to leave my video off, so I can attempt to not cut out. I would say that I agree with Commissioner Holland on just about everything that she said. I think for me that the height restriction being lifted I'm okay with them lift -- having it lifted and would go along with the rest of this body if they wanted to, you know, say where. I'm not as concerned about it I guess in this general area with limiting it, but I'm okay taking the limit off in terms of height. I'm very impressed with the level of detail that they have put towards the combining all of these different elements to make a cohesive plan and I like where they have gone with this. And I was a little confused trying to like read through all of the documentation leading up to this, but hearing all of the explanations tonight and getting a little bit more familiar with it, it's something I can get on board with.

Lorcher: Madam Chair?

McCarvel: Commissioner Lorcher.



Lorcher: Madam Chair, I don't really have much more to add that -- that the other Commissioners haven't really added. The fact that the developer has taken the time to really put a Comprehensive Plan for such a huge parcel that's very unique to our community and, really, the Treasure Valley. They are the first ones to, you know, set the bar for this type of project. So, it -- from the beginnings of what they are proposing seems very viable and it would be a good space.

McCarvel: Commissioner Yearsley?

Yearsley: Madam Chair. So, I was actually involved with Planning and Zoning when this and the other application came in to develop all of this and I'm actually excited to see that that centerpiece actually has some momentum to move forward -- they actually start developing that piece as well. This was always meant to be kind of a showcase area with the Ten Mile corridor study that was done and I think so far they have done a really good job, especially as -- how would you say it? How the market has driven different things. Initially they were looking at more retail space, now it's more office space. People actually like that look a lot better. I think it plays better to the diversity for a live-work-play type stuff. So, I -- I'm in favor of what -- what they are proposing. I do agree with allowing the hundred foot height -- height restriction on there. Have a little height on this, this is the area to put that. So, you know, it's not like we are setting it off. I think this is a good location. So, I -- I'm a favor of this proposal.

McCarvel: Okay. I think we have got all the comments. I would agree especially with Commissioner Grove. It was a lot to read and it makes a lot more sense. I appreciate the presentation. I have to admit when I saw he had 56 slides up there I was a little nervous, but I appreciate all the effort that went into the presentation tonight. It helped a lot. Yeah. I would -- the height sitewide, I think we might want to take a look at that, just so, you know, who knows what happens in the future and, you know, once we give that away it's gone, so -- and, yeah, the central amenity, I'm sure whoever makes the motion, will get that in there.

Cassinelli: Madam Chair?

McCarvel: Commissioner Cassinelli.

Cassinelli: Is there -- if -- if Sonya or Bill could comment, because I'm still very concerned about just giving a wide open approval on the -- on the height limitation. I think we should rein it in a little bit and if they need to go outside of what we put up as a boundary, then, the alternative compliance is still an avenue, but it's kind of a check and balance. But Sonya or Bill, is there -- is there something that you could say to put my mind at ease on that, that it wouldn't get out of control?

Allen: Chairman, Commissioner Cassinelli, all I can add really is that current code does allow for the height to extend above that. I believe it's 20 percent in the code through alternative compliance through a conditional use permit. The applicant is trying to avoid doing that every time and going through the lengthy hearing process every time they have

that happen. Other than that, you know, that's -- that's under your purview. If you want to specify locations that they can or cannot go up to a hundred feet, that's -- that's really your decision. I don't really have any other ideas, unless Bill does.

Parsons: No. I think you said it well, Sonya. It's really to, again, keep with the spirit of the plans. Again, the idea for this area was intensification and have taller buildings. That's -- and the C-G zone itself allows up to 65 feet in height. As Sonya mentioned, I think the tallest building out there is about 79 feet, if I remember correctly. Somewhere in that realm. So, we did alternative compliance and they did plat the area and we moved on. So, certainly, if -- if you want to self impose a specific area you can certainly add that in -- in your motion, Commissioner Cassinelli. Probably anything south of Cobalt and east of West -- I think it's Benchmark Street, if I'm not mistaken, which is basically -- and the Interstate there, it's -- pretty much all of that's C-G and the center of the project is probably I think where you guys -- based on the discussion leaving the -- the height limitation in that area.

McCarvel: Yeah. I think that's exactly the borders that the applicant actually referred to as well is where they wanted to put them. South of Cobalt.

Holland: Where was that again?

McCarvel: South of Cobalt.

Parsons: Yeah. Between Cobalt, the Interstate, and east of -- or, excuse me, west of Benchmark. See if I can zoom in on my map here and get the exact name of the -- it's South Benchmark Avenue is what I'm showing.

Holland: Thanks, Bill.

Parsons: Which is that eastern most -- eastern most north-south collector road where Jon's cursor is going up and down.

Cassinelli: Is there a way to --

Parsons: It's a retail, office, entertainment, medical area.

Cassinelli: Yeah. I wouldn't want to see a hundred -- I wouldn't want to see a hundred feet right at the border -- right at the edge of Ten Mile. I don't know that they would ever do that, but if -- if they could, you know, if we gave them the green light to do it now and that's where they could squeeze something in, then, you have got a six story building right at the -- you know, right at the edge of Ten Mile that, you know, winds up creating a -- you would wind up creating kind of a tunnel feel going through Ten Mile and I -- that's not -- you know, if we could even -- I'm great with -- personally, the benchmark I think on the east, Cobalt on the -- on the north, but if there is some way we can -- whoever is -- you know, our -- we have a professional motion maker when it gets this detailed. You know, if there is a way that they --

Holland: Commissioner Yearsley?

Cassinelli: Exactly. If there is a way, too, to keep it a little bit in from -- from Ten Mile I would be -- I would be fine with -- with -- as long as we are keeping it -- keeping it in a confined area I'm fine with going to that height limit. I don't know --

Holland: Madam Chair?

McCarvel: Commissioner Holland.

Holland: I'm not sure what the foot requirement could be, but we could say that we would be allow -- willing to allow hundred foot height buildings as long as they had more than a hundred foot buffer or whatever number we decided is the arbitrary number between the -- a hundred foot buffer between Franklin Road, Ten Mile Road, or adjacent residential. Whatever the buffering is. If we could do something like that, instead of using roadways.

Grove: Madam Chair?

McCarvel: Commissioner Grove.

Grove: One thing to kind of keep in mind as we are making these suggestions is the -- the road -- Ten Mile especially here is higher up than the property in a lot of places and so when we start saying a hundred feet or whatever, it might be -- it's going to be very different from the road than it is for the property itself and so I would -- I would caution us in making very detailed conditions on some of this, I think -- I think that the developer, you know, is going to do what is going to draw people into their development, right, and walking views and not allowing people to, you know, be welcomed into their space and welcomed into the city is not their intention, especially seeing how they own this entire development. So, I'm in favor of not putting a ton of restrictions in terms of the boundary for the height restriction.

Yearsley: Madam Chair?

McCarvel: Commissioner Yearsley.

Yearsley: I agree. I think -- I don't know if I have an issue with trying to put a condition on this.

McCarvel: Okay. Thank you.

Holland: Madam Chair?

McCarvel: Commissioner Holland.

Holland: I think I would also agree. I think it's tough when we put too many conditions on it and measuring out a number. I was just trying to find a solution that might work for

the Commission, but I think I would be okay saying that we would allow the hundred foot height south of Cobalt and west of Benchmark Avenue, because I think that's the area that they are proposing that for and just -- I would agree that Ten Mile is kind of an elevated road coming in and if you are going to have that density that's the area that's designed for it. So, I don't really have a concern having a hundred feet high along Ten Mile, because I don't think they are going to block them all adjacent to each other.

McCarvel: Is there a motion in the near future or do we have more discussion?

Grove: Madam Chair, can I throw in one more thing?

McCarvel: Absolutely. Commissioner Grove.

Grove: So, just -- I guess maybe a question to Commissioner Holland. With the plaza open space piece that you have been pitching for -- for this, I think one of the other maybe wording that we can run there -- I think amphitheater is something that has had success in some of these types of places. So, just kind of throwing that out for consideration for the -- not necessarily for the motion itself, but just throwing up the development idea.

McCarvel: Okay.

Lorcher: Madam Chair, are we going to try to combine several of these public hearing numbers together in one motion or are they going to be separate?

McCarvel: That's up to the motion maker. But I think -- I will pose that question to staff, since we have the No. 5 and 6 listed separately, do you need two separate motions?

Allen: No. You can include it. They -- they are all open together, so --

McCarvel: It's all under one item number, so --

Holland: All right. I will try taking a stab.

Yearsley: Before we do that, can we have the applicant go to the conditions that they wanted to see on the screen.

Cassinelli: We would have to open it back up.

Yearsley: No. No. Just have to display that list of conditions, so at least we something to refer to when they are looking at it.

Holland: I don't think we have to make the specific conditions today, because I think they are tied to the development agreement. I think -- we are not approving the development agreement modification, we are just a recommendation to it.

Yearsley: Okay.

Holland: I know in the staff report they mentioned it's pages 48 through 56, there is a number of highlighted items that are in there. I have the staff report open, I can pull it up in here really quick. It's 48 to 56. There is a few highlighted items. One of them was around their conceptual use plan being submitted. Let's see. The bubble chart -- I'm not seeing all the highlight items. Another one was related to the TMISAP for complete streets. Talking about the starting point for each street. Sidewalks. Bike lanes. White shoulders. Crosswalks. Medians. Et cetera. The applicant shall address at the public hearing or in writing prior to the hearing what additional design features are planned for internal public streets within the development aside from those proposed. That was one of the items highlighted. So, I really only see a couple items highlighted, unless I'm missing something.

McCarvel: Yeah.

Holland: You help us out if there is specific things we need to address in that.

McCarvel: Yeah. Commissioner Holland, I'm only seeing on page 48, Item A, and on page 56 it would be number four.

Holland: Staff was it -- either Sonya or Bill, did they not want to include the bubble chart? Was that one of the challenges?

Yearsley: Oh, I don't think the Council has had a chance to review that. So, I don't think we want to include that yet.

Allen: Madam Chair, just to clarify that staff did not have the use plan, so -- initially. So, that's -- that was the request that they submit one, which they have done.

McCarvel: You indicated you --

Allen: But generally it looks good, but the staff will take a closer look at it before the Council hearing.

Holland: Is there any other items we need to make sure we note, Sonya?

Cassinelli: This is my -- this is Commissioner Cassinelli. This is my last pitch for a little restriction on -- on -- on the height. Where ever a motion is going.

Holland: Did you have a specific request, Commissioner Cassinelli?

Cassinelli: I just -- I mean I like -- because I would have -- by -- by the time you hit Vanguard, Ten Mile is pretty much flush with property there, so -- I mean I would like to see -- and I'm not -- I don't have a map that specifically shows the C-G, but I would like to stay south of Cobalt and within -- you threw out a number of a hundred feet of major arterials. I think -- although we would eliminate Franklin if we kept it south of Cobalt, but -- and I think that's their intent anyway would be to keep it south of Cobalt, but if that's

their intent then -- then, you know, just to specify that in a motion for Council to review I think would be -- I think is adequate and, then, a hundred feet it keeps it back to -- to keep it more -- more inviting. I mean I -- I have seen -- you know, been around the country, you see a lot of projects where you get a lot of height right by the main roads and it doesn't mean that -- you know, I mean that -- people will still -- you know, you can still go in. It doesn't make it less inviting I guess, but it sure makes for a -- kind of a closed internal feel as you are -- when you are out -- when you are on the outside. So, a hundred feet?

Yearsley: I could do 50 feet.

Grove: Madam Chair, I -- I don't want to put those restrictions on, because then -- I don't know what those parcels are going to look like, how they need to develop. I'm really hesitant to put those restrictions, especially -- I mean I want to encourage the height and I think -- I mean there is not a lot of places in our city where we can encourage that amount of height and so I think for me I don't see those -- I hear your concerns, I guess, but I don't share them.

Holland: Can I help out in the motion, that we make a note that just says for any properties that are adjacent to Ten Mile, if they are going to -- if there is a hope to go with a hundred foot building that they would work with staff to find where that's appropriate and, then, give staff that level of approval.

Cassinelli: Well -- and that's what an alternative compliance says and that's why even if we set a hundred feet or 50 feet or whatever that number is, they can still get an alternative compliance. I just -- I'm just -- my thought is -- again, it's just a check and balance on that, so that once we -- I mean if we go a hundred feet everywhere then -- then they have got the ability to do that anywhere on the property without -- without anybody having a -- you know, be -- without -- without a check on that. So, I just -- that's why -- that's my thought. I'm not saying that I wouldn't be in favor of it, I'm just saying that, you know, I think we need to keep a little bit of control here on it and have a -- have a -- you know, have a final look at it before it's -- before it goes up.

Parsons: Yeah. Mr. -- Madam Chair, Members of the Commission, if I may try to help move this conversation along. I hear you what you are saying on the highest. Is it possible that maybe in your motion tonight that you say that the applicant work with staff prior to City Council to kind of designate an area to where they were -- at least in the plan. If these design guidelines come into play or that DA gets signed, at least there would be an exhibit as part of that DA that showed where it's appropriate to have hundred foot tall buildings and, then, the applicant can -- can work with us and, then, we can take that up to City Council.

Holland: I think that's a great suggestion.

McCarvel: Commissioner Holland?

Cassinelli: I think I would be -- I would be good with that.

Holland: Madam Chair?

McCarvel: Commissioner Holland.

Holland: After considering all staff, applicant, and public testimony, I move to recommend approval to City Council for the hearing date of March 18th, 2021, several items. For H-2020-0074, for TM Center with the preliminary plat request, for H-2020-0074 for the development agreement modification that the applicant would work with staff on identifying prior to the City Council hearing the specific areas that the applicant would like to see hundred foot buildings and provide a conceptual diagram for Council to consider, but that they would provide significant buffering between future residential uses, neighborhood roadways, and that they would consider the area south of Cobalt and west to Benchmark Avenue for those higher height buildings. That the applicant would follow the bubble plan concept that was proposed in this evening's meeting as they move forward with their concept plans. That the applicant might also consider a significant central amenity for the project, whether it be an amphitheater, a plaza, a park and that they might seek assistance from the urban renewal agency or work with Council on what that amenity might look like, but that the commission would like to see some sort of significant central amenity added into the concept plan. And that we would also recommend approval of the request for the rezone of the 40.9 acres from R-40 and C-C zoning districts to the C-G zoning district. The 3.9 acres from the TN-C and C-G zoning districts to the R-40 zoning districts. The .65 five acres from the R-8 and the TN-C zoning districts to the C-G zoning district. And the .53 acres from the TN-C zoning districts to the C-G zoning district. Did I miss anything?

McCarvel: A second?

Yearsley: I will second that.

McCarvel: We have a motion and a second to recommend approval for Items No. 5 and 6, H-2020-0074, with recommendations and modifications. All those in favor say aye. Opposed? Motion carries.

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

Cassinelli: Madam Chair?

McCarvel: Commissioner Cassinelli.

Cassinelli: I think we may be in for a bit of time on the next one. Can we take a --

McCarvel: Yeah. That's -- that's exactly where I was going. Let's take a five minute break. We will reconvene shortly after 8:10. Five, six minute break. Thanks.

Cassinelli: Thank you.

(Recess: 8:06 p.m. to 8:16 p.m.)

**7. Public Hearing for The Oasis (H-2021-0004) by Brian Tsai of Balboa Ventures, Located at 3185 E. Ustick Rd.**

- A. Request: Conditional Use Permit request for an approximate 7,000 square foot drinking establishment, music venue, and nightclub on a portion of 3.26 acres of land in the C-G zoning district.

McCarvel: Okay. So, back to it. We will open at this time Item No. 7, the Oasis, H-2021-0004, and we will begin with the staff report.

Dodson: Thank you, Madam Chair. Hold on. This is not working the way I want it to. There we go. Can you see my screen?

McCarvel: Yes.

Dodson: Awesome. Thank you. Now, onto the fun one. Let the fun begin. This is Item No. 7, as noted, for The Oasis. It is for a conditional use permit. The site -- or the specific site is a portion of the three acre parcel shown on the screen. It is currently zoned C-G and is located generally at the southwest corner of Ustick and Eagle. There is a couple of things I want to note before we get going. One is the public testimony that was submitted, there was -- as of 4:00 p.m. there was 225 pieces. So, appreciate the -- the involvement of the community, honestly, whether it's good or bad. It's always good to have that. So, thank you. So, I would say probably 25 percent were in support, 75 percent were against it. Those that were in supportive of it noted a desire to have a music venue for entertainment here within the city, instead of in other cities nearby. Now, those who opposed the project note concerns over increased traffic, overall safety of having this kind of use near a residential development, drunk driving, parking count and how it would degrade the moral character of the city. That came up a lot. There are a couple of instances -- and I want to touch on this just for the clarity of the processing about how -- how could the city even entertain this by allowing it to be applied for it. That's not how development works. It's not how code works. We don't get to dictate those types of things. Even if it -- frankly, even if it's prohibited by the code an applicant could still ask for it and go to hearing and get denied. But they could still technically ask. So, we have to go through the process, we have to do our due diligence for that. Second to that, there were a lot of people -- I got some angry e-mails about -- you know, related to that, but also about how there is site work going on currently. That has some to do with this and absolutely nothing to do with this. That doesn't mean that this has been approved at all. That's why we are here tonight. The site work out there is from previous approvals, all the way back dating to 2019 that have been approved. I approved the overall site improvements. I also approved the building to the east of this and the building that this is proposed within. So, all of the dirt being moved out there has very little to do with this use. This is a use within a building that is not yet constructed, but has been recently approved as of three weeks ago. But the building -- again, nothing to do with the use. The use is being requested for the conditional use permit. So, just to make those items



clear. Now we get to the actual presentation. The subject property -- again, this is a little bit of history here -- was annexed in 2003 as part of a larger annexation area. There was a development agreement associated with this annexation and it was modified in 2019 to remove this property from that DA and enter into a new one serving just this site. In December of 2020 the landowner, which is not the applicant, received preliminary plat approval to subdivide the property into five lots for future ownership purposes. The subject property is proposed within a new multi-tenant building in the very southwest corner of the overall three acre site. It is part of a larger mixed use regional area that includes the commercial developments to the north, the northeast, east, and the Villa Sport site to the west, which would be the remaining area here. And even the Sadie Creek, which was the first application up tonight. A project of this small size, meaning one use within a -- one building on a small site, cannot and is not intended to comply with all of the mixed use regional Comprehensive Plan policies and goals. However, in conjunction with the existing and approved uses in the general area, the mixed use policies have been met for the regional area. A few of the Comprehensive Plan policies that staff did find relevant are as follows: The proposed use can diversify Meridian's economic base to establish and maintain a self-sustaining, full service economy. Require pedestrian circulation plans to ensure safety and convenient access large commercial and mixed use developments. Enhance crime prevention awareness to the education of neighborhood watch groups, multi-family property management companies, homeowners associations and other organizations. In this case it would be the other organizations and the applicant and police working together. Require appropriate building design and landscaping elements to buffer, screen, beautify and integrate commercial multi-family and parking lots into existing neighborhoods. In regards to the last policy noted, there is no neighborhood directly adjacent. So, meaning that there is no residential zoning directly adjacent to the property line of this subject application. But the closest home is approximately 330 feet from the southern property line. Future commercial buildings and parking lots will separate this project from the existing -- sorry -- from the approved multi-tenant building. With the recently approved CDC and design review, the approved landscaping meets all code requirements and helps to beautify the property, while offering an appropriate visual landscape buffer to the closest neighborhood to the southwest. Likely the subject site will not be directly viewable from the neighborhood directly to the southwest once other properties redevelop. The parking is located on the interior of the overall property, which will be largely screened by the buildings and landscaping from the adjacent properties, which is a benefit. Usually the parking is one of the most noise inducing elements of a commercial site. Other general Comprehensive Plan policies were discussed and analyzed within the staff report. But the ones noted even within this staff report is in no way an exhaustive list of the applicable policies, either in support or against the project. The approved building that would hold the proposed use is constructed with a modern and urban design that should integrate with the overall design of the other commercial buildings within this commercial development and with those adjacent to the site. However, according to the applicant, the real buffering of the proposed use comes from within the building, where there is proposed soundproofing materials, techniques and technologies. When it comes to the screening and buffering of the building and use, staff does find that the proposed landscaping and the internal building materials to be sufficient. This does not mean issues like parking and capacity are just by landscaping

and sound proofing. Just to be clear. The administratively approved building, Eagle View Retail Center, will be approximately 8,300 square feet in size, with two tenants suites as seen. The Oasis is the larger tenant suite and is approximate -- approximately 7,000 square feet in size and the building and use meet all of the code required dimensional standards, meaning setbacks, height, et cetera. The proposed business is a combination of a nightclub and music venue, which falls under the drinking establishment and indoor recreation facility uses within our development code respectively. The indoor recreation facility is a principally permitted use within the C-G zoning district, unless it incorporates a music venue and is located within a thousand feet of any existing residence, which, then, requires a conditional use permit, as is the case with this application. The drinking establishment is a conditional use within the C-G zoning district outright. Therefore, the applicant is requesting this conditional use permit for these two uses to reside within one building and one business, The Oasis. I already showed this, but for this point it is anticipated that directly south of the approved building there will be additional landscaping, a larger parking lot, and a drive aisle. This parking lot and landscaping received preliminary approval with the Villa Sport application. The main access to and for this development will be via a shared driveway connection to Ustick Road, which would be a continuation of this further up and it will be limited to a right-in, right-out access regardless of this use. The landowner is currently constructing this shared driveway across -- or this driveway access for their development, because this site is developing before the Villa Sport project and this also ensures there is more than one way to get to the entrance of the site. This drive aisle will connect to North Cajun Lane, which is this portion here to the south. There are no public streets as part of this commercial development and therefore -- and, therefore, no stub streets. Instead, there are private drive aisles as our standard for commercial developments. The applicant does have an existing cross-access agreement with the adjacent commercial property, so the Villa Sport property, but this agreement does not currently include a cross-parking agreement. In addition to the shared drive aisle that abuts the property to the west, the Villa Sport site improvements and recorded cross-access agreement will include an additional Ustick access road -- access point further to the west, which would be the North Centrepoint Way -- I guess -- yeah. This road. These access points to the arterial are approved for the site. Staff finds they are adequate and safe access to the site at full build out and also at the time with only the most adjacent Ustick access in conjunction with the drive aisle connection to Cajun Lane, which, then, goes onto -- I believe it's Seville and goes out to Eagle Road. However, to help mitigate any residential cut-through traffic, meaning accessing the drive aisle here and, then, cutting through here, to help mitigate that the applicant and landowner should work with the Villa Sport applicant to construct a driveway through the Villa Sport site in line with where ever that was approved previously. So, I believe there is a drive aisle approximately here. This driveway will provide a more direct means of accessing North Centrepoint Way and, again, help mitigate any cut-through traffic adjacent to the homes and it would get them to the existing traffic signal on North Centrepoint Way without having to use the roads adjacent to the subdivision. ACHD is the leading agency on access points and traffic mitigation for the City of Meridian and Boise, for that matter, and other adjacent cities to the east. Because peak traffic times should not be drastically affected by the proposed use on any access point, ACHD did not require a traffic impact study for this application. Even with the assumed capacity of

a thousand persons in the initial submittal, this was not required and restricting the capacity to 500 people should help with traffic concerns of this type of use. Further analysis regarding access should be addressed to ACHD, as they are the defending limiting body there. Staff also agrees that at peak hours of -- of business, which would be after 8:00 p.m. more than likely, access to the site should be improved as adjacent traffic levels on Ustick and Eagle should be much less than when it is at 5:00 or 6:00. With the proposed uses of a music venue nightclub, capacity and hours of operation are, obviously, integral factors in determining the compatibility of the uses with the neighboring and employment development, both commercial and residential. The applicant proposes hours of operation for The Oasis on the weekdays, which I labeled as Sunday through Thursday, as 4:00 p.m. to 1:00 a.m. On the weekdays -- sorry. Those are the weekdays. 4:00 p.m. to 1:00 a.m. and 4:00 p.m. to 2:00 a.m. on the weekends, Friday, Saturday. For reference the Villa Sport site is approved to remain open until 12:00 a.m. midnight, which would cover a majority of the same operating hours. The Oasis is further away from the existing residential than Villa Sport, but this does not mean any negative impacts are automatically alleviated. Therefore, staff recommends the weekday hours be limited from 4:00 p.m. to midnight to match the Villa Sport and, then, the weekend hours be limited to 4:00 p.m. to 1:00 a.m. These hours of operation match or, again, one more hour than the Villa Sport closing time, which makes it more compatible with that use and nearby residential development. These limitations as noted are one less hour than what the applicant originally requested. In order to meet UDC minimum parking requirements, the suite size of 7,000 square feet would require a total of 28 parking spaces and this is based on the restaurant use, which is one space per 250 square feet of gross floor area. The -- our development code does not specify parking standards beyond that -- for specific uses beyond that. That is our most restrictive parking ratio. With the approved CZC, which was for reference a certificate of zoning compliance, which is a site plan review, this is from that approval. The overall site improvements, the -- and the additional spaces, which are on the site specific one, 102 parking spaces are proposed on site and would likely be all used, because there is an existing cross-access and cross-parking agreement for this site in place. Both the landowner and the applicant understand the entire site will likely be used for parking for this business. The approved plans do not show any parking along the future northern commercial lots here and the landlord has agreed that those spaces will be built prior to this use commencing. Depending on how the parking is configured on the north side of the site, there is actually physical room for approximately 37 additional parking spaces, which includes the required width of nine feet and including for landscape planters, which is in line with code requirements as well. Again, this is a maximum, but does -- but does show additional parking will be provided and can be provided on site beyond what is currently being shown. Because of the anticipated parking issues for the proposed use, staff has recommended the applicant-landowner obtain a cross-parking agreement with the adjacent properties to the south and to the west and increase the amount of available parking for this use. In addition, a minimum of 125 total parking spaces shall be constructed. That's an additional recommendation. Which would obtain a parking ratio of one to four in accord with previous approvals. In the applicant's original narrative an estimated capacity of approximately a thousand patrons for the 7,000 square foot tenant suite was proposed. After receiving a conceptual floorplan as already shown, preliminary discussions with fire plan review discuss a

maximum capacity closer to 700, but the exact number for the map -- the building occupancy -- so fire occupancy and building occupancy -- cannot be known until architectural plans are submitted with building permit submittal at a later date. However, through the CUP process, which we are currently in, capacity can be limited further. Because of the issues outlined, staff recommends that -- that the capacity be limited to no more than 500 people, including the employees. Staff made this distinction because employees will likely take up parking spaces for the entire hours of operation, not just a portion of -- and, then, therefore, they should be included in the maximum capacity. Staff arrived at this number because it is the same ratio as the minimum parking for the proposed use. Again, one to four, which one space for 250 square feet is not one to four, I do understand math to that point, but most commercial developments are based off of thousand square feet of gross floor area. So, 250 square feet of a thousand would be one space for every -- four spaces for every thousand square feet. So, that's why 500 persons and 125 parking spaces equate to one space for every four people, based on the maximum capacity. However, it should be noted that enforcement of any of these capacity limits will be difficult for the city to enforce. The applicant should discuss how they intend on enforcing these limits without requiring constant fire or police presence on site. Staff does recommend approval of the requested CUP, because the proposed use meets or exceeds the minimum code requirements as outlined in the staff report and after that I will stand for any questions.

McCarvel: Any questions for staff?

Cassinelli: Madam Chair?

McCarvel: Commissioner Cassinelli.

Cassinelli: Joe, a couple quick questions. The capacity that you -- you are recommending capacity at 500 persons?

Dodson: Yes, sir.

Cassinelli: And if that's less than fire code and whatnot, how is that enforceable?

Dodson: Commissioner Cassinelli, Madam Chair, that -- through the CUP process. That happens quite often. We do it more often with daycares to limit the number of children being served, but through the CUP process and this entitlement process we can limit that beyond the building requirements.

Cassinelli: But how is that -- how would that be enforced on a nightly basis?

Dodson: That is a good question and that is something I -- frankly should be left up to the applicant to -- as part of the CUP process to show us how that can be and should be enforced. I understand those concerns, which is why I noted that at the end of my presentation.

Cassinelli: And then -- although I thought you were referring to parking, but you were referring to indoor capacity as well?

Dodson: Correct. Not just the parking. I -- they are tied together, so I imagine that if we can enforce the actual capacity, including the employees, the parking issue should be somewhat mitigated.

Cassinelli: Okay. But there wouldn't be a -- if they are under the fire -- if they are within fire code, but over the 500, is there a -- does the city have a mechanism to enforce that and whatnot?

Dodson: Commissioner Cassinelli, my understanding would be that they could have their CUP revoked. Other than that it would probably be code enforcement citations and things like that, which is how we would track that and -- and, no, my assumption is that if this were to get approved with the behemoth opposition to it, that there would be many residents who might actually count people and report that, which the previous city I worked at that's how code enforcement worked. They did not do drive-bys and drive-throughs through the cities, they just operated off of complaints. So, it can be rather efficient.

Cassinelli: Okay. I have another question if -- if I'm okay. If anyone else has a question first.

Bongiorno: Madam Chair?

McCarvel: Yes. Officer --

Bongiorno: Chief Bongiorno.

McCarvel: Bongiorno.

Bongiorno: Bongiorno. How is everybody tonight?

McCarvel: Good. And you?

Bongiorno: So, to kind of go along with what Commissioner Cassinelli was saying and -- and Joe was one hundred percent correct, we -- we can't be everywhere all the time. Obviously I don't have the staffing for it to track how many people are in the building. You know, there has been some tragic -- tragedies throughout the United States where we have had buildings over capacity where hundreds of people have lost their lives in buildings similar to this. So, in this case this building is going to be sprinklered. It's going to have fire sprinklers on it. And so it should have the latest and greatest of everything life safety wise. But Joe is one hundred percent correct, the bulk of it would be done off complaints of people using their gut and just saying, man, there is too many people here and, then, we can send PD or whatever to take a look at the building and make sure that

they are not overcapacity and if they are, then, we tell them they either have to shut down and everybody out or they have to remove people from the building.

McCarvel: Okay. Thank you. Commissioner Cassinelli, did you have another question?

Cassinelli: I did. Thank you. Joe -- and I seem to have picked this up from a couple of the comments. I wasn't able to read all 455. I think that's what the number was. But there were -- there were several and I know you kind of alluded to it up front as far as previous approvals and whatnot just on the buildings themselves. But can you address -- from what I have picked up there were a lot of -- there were several complaints about noticing and that sort of thing. Can you just reiterate or talk to that, that everything was -- you know, all proper noticing, mailing, those sorts of things were done?

Dodson: Commissioner Cassinelli, Madam Chair, my understanding, yes, the noticing part, that's done from the city. So, I hope we didn't mess that up. Adrienne never does, so I'm not pointing any fingers. Those are mailings that we mail out to -- within 500 feet. The signposting I believe was one thing that had come up. I had -- I had driven by randomly and it did look like the sign was a little off of it being adjacent directly to the site, but, nonetheless, it was adjacent to Eagle, which is where it should be and there was one adjacent to Ustick and the reason for that was -- well, the reason why it was a little off site is because of the construction that is going on and there was an opening where probably the sign should have been where the construction workers were accessing the site in and out. So, as far as I know -- as far as I have been told and understand that it was all noticed correctly, including the neighborhood meeting. There were -- I know there were a couple issues with some changes in code and I will take a little bit of brunt of that, I did not let the applicant know that that had been changed from Monday to Thursday, because, frankly, I wasn't aware of it at the time. And, then, it -- he did correct and change it to the correct hours and we -- we move forward with that. But it's my understanding that everything was code compliant.

Cassinelli: Thank you.

McCarvel: Thank you.

Grove: Madam Chair?

McCarvel: Commissioner Grove.

Grove: Joe, do you know is there an outdoor component of this use that's being proposed?

Dodson: Commissioner Grove, no, there is not. Obviously people congregate on the sidewalks, but nothing is formally being proposed with that and I wouldn't -- through the narrative and no discussions with the applicant has that come up.

Grove: Okay. And I can ask the applicant about that. My main concern there is the nature of this type of business, but assuming they don't allow smoking indoors when -- when you start drinking there is typically a congregation point, so making sure that they have some contingency plan in place. And, then, I had a second question, just so that -- by the time we get to the deliberation and discussion point I am more certain than not that we will have a lot to undertake, but just kind of from the outset could you very clearly define what our parameters are in terms of what we are ruling on and what we are not litigating.

Dodson: Commissioner Grove, that's a good question. Yes, if Mr. Baird wants to weigh in at all that would be wonderful as well, but from Planning's perspective the -- you stick to the findings. Those are what we have to base these things off of when we -- when we do this. Some of the comments in the public were talking about location. We can't necessarily deny something just because we say we don't like where it's being proposed. That can be a component of the denial, if this is -- if that happens. It can be a component of the approval. It just can't be arbitrary. It can't be we don't like the number of parking spaces for any unknown reason. It has to be a little bit more based in code, which is, again, why I could not recommend denial. I do not think that I had enough gumption or power within code to do that. So, you guys kind of -- I don't envy you tonight -- have that authority to do that tonight and recommend basing it in the findings of the conditional use permit, which are at the end of my staff report.

Baird: Madam Chair?

McCarvel: Yes, sir.

Baird: I concur with what's been said. This is a conditional use permit and the way I look at that is -- and you, as the Planning and Zoning Commission, find appropriate conditions to place on this such that it will fit within -- within the rules. You have got a little bit more leeway than the staff does as far as, you know, he's -- he's come up with a -- with an arithmetic way to limit the number of people. If you don't think that that's appropriate and it needs additional conditions, the Commission can certainly do that. So, that's the way I would -- I would approach it as the Commission.

McCarvel: Okay. Thank you. And with that, if there is no more questions, I will ask the applicant to begin their presentation.

Cassinelli: Madam Chair?

McCarvel: Commissioner Cassinelli.

Cassinelli: Sorry. I'm going to ask this question at some point, so I may as well throw it out there now. This is actually to -- is it -- is it Chief Bongiorno or Deputy Chief? I'm sorry. He's muted.

Bongiorno: No. I'm here. So, it -- either one works.

Cassinelli: Well, I want to give you proper respect there.

Bongiorno: Deputy Chief is my official title, but --

Cassinelli: Okay.

Bongiorno: -- a lot of people call me chief.

Cassinelli: All right. Chief, I will -- there wasn't an actual report in there from the Fire Department that I -- unless I completely missed it. There were comments in the staff report, but what I'm -- what I would like to know is just your overall -- and I don't know how much flexibility you have with -- with giving an opinion, but I wanted to -- just want to be real comfortable, because, obviously, with this -- I think, you know, fire safety is an enormous component, as you mentioned yourself there. You know, we have heard stories over the years -- obviously, sprinklers are a big issue, but heard stories over the years where a place like this, you know, where there has been terrible tragedies. So, I just want to make sure that the Fire Department is -- is comfortable with the -- the layout, the access, capacity, and all that.

Bongiorno: Madam Chair, Commissioner Cassinelli, yes, the way this sits -- so, my -- the things I potentially -- I initially look at is access, water supply, and just kind of the overall layout to make sure that we have full access to everything that we are looking at. So, as far as the internals of the building, I didn't have any comments on it, because that will all be handled through the plans process when they submit their -- their plans. So, our -- our plans reviewers through the building department we will go through the interior to make sure that everything meets building codes, everything meets fire code, you know, it's got the proper number of exits, we have got proper exiting for up on the mezzanine, you know, they are not putting flammable materials on the walls. That's all the kinds of things that they will be looking at as far as the interior of the building and the capacity of the building as well. Because depending on how they lay out the building with either standing room only or if there is tables and chairs or if there is just chairs, that capacity is going to change depending on how it's laid out. So, that 500 number that -- that Joe threw out could change and it most likely will, depending on how they present the plans to the city and how the layout and seating is going to be, because that dictates capacity, the occupant load of the building.

Cassinelli: I guess with all that said and as -- you know, as you are involved in the process of all that, are you fairly comfortable with -- with the Fire Department's ability to respond to any emergency, as long as you have your input when they are laying out the proper exits and all that, are you -- are you and the department comfortable with response to them and availability to get there and deal with any situation?

Bongiorno: Yeah. Commissioner Cassinelli, honestly, the -- the only thing that I brought up as a concern to Joe and the owner was the parking situation, because, you know, we didn't know at the time what the occupancy load of this building was going to be, we weren't sure how many parking spaces were going to get used. There is other



businesses, obviously, in this complex and so that's why we were looking at do they have a parking -- a cross-parking agreement with the people next door to make sure that the overflow parking is allowed to be, you know, captured in the next parking lot over, so we are not blocking fire lanes and anything like that. That was my biggest concern.

Cassinelli: Thank you.

Bongiorno: You bet.

McCarvel: Thank you. And we have the applicant present. Would you like to begin your presentation?

Tsai: Can you hear me okay?

McCarvel: Yes. And, please, state your name and address for the record.

Tsai: My name is Brian Tsai at 3085 East Ustick Road here in Meridian, Idaho. That's the project site. I thought for a long time about how I would start this presentation until recently I received this fortune cookie that said your contributions to your community can be felt near and far. I'm Brian Tsai, I'm the owner of The Oasis, and the reason I'm here tonight is after pouring my heart and soul and every penny I have had into this project, I was very disheartened to see the letters of opposition for something I have spent almost my entire life putting together as something for the entire community to enjoy. This project is a culmination of over a decade worth of ideas and that includes every penny I have made in those last ten years and, then, some. Half of that time I spent as a state trooper near the United States and Mexico border. I lost count of how many bodies I have moved or how many times I have heard bullets zipping past my head, knowing it was full well probably meant to end my life. It's a sound that you will never forget. So, I left that life behind in pursuit of a lifelong passion for music, to turn a bunch of ideas sketched across the endless napkins into something tangible and real. A multi-purpose venue that can be enjoyed by all ages, family uses, walks of life and the community as a whole. Just to reach this point in development I have already taken a second position lien on my house, received high interest net leases on equipment and, then, additionally, signed that collateral just in order to secure this lease for the building. They say nothing great comes without great sacrifice. Having been born and raised in Boise, like Commissioner Holland, Commissioner Cassinelli, Commissioner Grove, I, myself, am an Idaho native. So, when I say I grew up in this valley, I saw and experienced everything it had to offer for music, arts, entertainment and nightlife. As far as Commissioner Holland, your role as the city of Kuna's director of economic development, as well as the Boise Valley's Economic Partnership and a Boise native yourself, you understand first how -- firsthand how much a benefit a music event alone can bring to both a city and the surrounding community. As you would say in your mantra, you never stop learning, you never stopped doing, and you never stop giving. Now, why did I think this belonged in Meridian? I could have easily paid in rent half as much and put it in another city. I believed that was because Meridian was the most premier and upscale area that could accommodate a venue that was intended to be just as nice. When I met with an advisor from the Small Business

Administration, it turns out he was well connected in the music industry and had e-mails from the city -- then City Council of Meridian all the way back to 2010 asking if he knew anyone who was interested in building a venue in Meridian. These lead up to the recent years -- for example, when former Meridian Arts Commission Member Hilary Blackstone, advisory board of the City Council, and now who works at the Idaho State Department of Education, wrote a letter to the coordinators of the Tree Fort Music Festival and asked them what it would take for a company to build a venue in Meridian, because it had the potential to bring millions of dollars of revenue on top of coverage for arts and entertainment of all forms. Now, Commissioner McCarvel, your role in the Boise Convention and Visitor's Bureau, I'm sure you understand how much attraction would come to the Treasure Valley and Meridian specifically to have a truly world class facility in the area. In these folders are letters of opposition that I have -- been sent to the city regarding our application. I have read every single letter twice. It appears the majority of them were copied and pasted messages from the same three people. I sorted them into several folders here just for the reference. This yellow folder here represents all the addressable concerns that have been posed by members of the community and I'm here to assure the community that a project will have no detriment to the community in which it belongs. Is a concern -- these are addressable concerns such as noise, crime increase, drunk drivers and, of course, traffic and parking as we have heard throughout the staff report. In our noise analysis we assume that the walls will be made of nothing but a single sheet of plywood, which is, obviously, impossible as far as building construction goes. The chart in our analysis shows that the outside noise will at all times be lower than the ambient sound of highway traffic coming from Eagle Road. Regarding crime for the sake of comparison, in a five year period from 2015 to 2019, which is the most recent FBI crime statistics under the Uniform Crime Reporting report, which is the UCR report, shows in comparison 2,217 incidents of aggravated assault occurred in Boise over that time period. These are incidents which resulted in significantly bodily harm or death, including a fourth multiplier, such as an implement with a knife or a gun. Of those 2,217 only exactly one occurred as a direct result of a bar or club in downtown Boise, where dozens of such facilities exist. This means compared to the incident rate per capita you are six times more likely to be stabbed or shot going about your daily life in Boise versus attending an alcohol serving establishment in downtown. Crime occurs where it's naturally drawn. That's the reason why Beverly Hills has a lower violent crime rate than in midtown Los Angeles. If one incident occurs once every 2,217, that's an anomaly, not a trend. By that same logic we can look at the several armed robberies that occurred in the past month at gas stations and banks here in the Treasure Valley. Does that mean we remove all the banks and gas stations because a violent crime occurred at their premises? Commissioner Lorcher, I believe you are the most recent addition to the Commission, but before -- before coming here you have worked at three different alcoholic beverage brokers. So, you know the alcohol industry. Well, you have also attended events at a number of venues around town, including the Morrison Center. You have stated in your application to the Commission that you encouraged smart growth, which will benefit both existing and new residents, for the business and the community. Having both of those in mind, I'm sure you recognize the immense benefit a multi-purpose venue of this type can provide for the entire community. Regarding DUI crime in my law enforcement career, I personally arrested over 200 DUI drivers. Of those, since we actually track where those

drivers are coming from as part of our interview process, only two or three of those originated from bars or clubs of any kind. The other 198 or so, rounded for the sake of estimation, came from private residences. The reason for this is because those who visit establishments to consume alcohol -- almost all of them have already made arrangements in advance to get home safely, either through a designated driver or a ride sharing service of some kind. This, however, is not the case when they are forced to leave a private residence. And, lastly, of the traffic concerns, which were mostly resolved by reducing our planning capacity by half, the city planning staff, as well as the fire marshal and the Meridian Police Department, agreed in consultation that this would alleviate, if not significantly remove any issues with the parking or traffic. As noted in the staff report we have provided over 450 percent more parking spaces than what is required by code. So, four and a half times the required amount. At this intersection with two major arterials, even if all one hundred vehicles left the exact same time, it could be possibly cleared out in a single cycle of the traffic control signals. Now, we are certainly not the first. There are several bars on this mine drag of Eagle Road that are close -- then close at the same times as our project, if not later. A drive down Eagle Road shows the commercial use as far as the eye can see. There are approximately a dozen licensed liquor establishments within less than a mile of our location, including at least five to ten more that were added in the City of Meridian in 2020, with no marked increase of DUIs by percentage and in total there are already 61 other liquor licenses that are currently in operation in Meridian. We are just asking to be number 62. This red folder, approximately 80 to 90 percent of the opposition's letters were letters that didn't address any particular concern, but stated they were opposed to the project because it went against their family or moral values. Now, if I don't like vanilla ice cream I don't go out and try and get everyone else to hate vanilla ice cream, I just try -- or I don't try and go get companies to stop making it, I just don't eat it. Similarly, if not perhaps, but when somebody wants to build a strip club in Meridian, as they have in Boise, in no way would it affect my family values or my personal moral stance, because I don't allow them to. Personally I don't morally agree with strip clubs. It doesn't reflect on my personal values, because I don't attend them. And, finally, this folder here I labeled within radius, because this is the radius defined by law as the area of potential impact. The state law designates as 300 feet. The City of Meridian has increased that and designated that to be 500 feet. These are the letters that were received within that radius. Which means when I cross referenced the letters of objection from the list of owners and their residents on file with the city, I discovered that not only did not a single one of the opposition actually live within the lawful zone of impact, a smear campaign was presented by several of those opponents, intentionally spreading fear and rumors regarding our facility. Some of the residents that are living in the area that support the project, including five of which who were -- live within this radius, said that they had received flyers on their doorstep claiming that our facility was intended to operate as a strip club, including outdoor music and lights that would be distracting, and others that claimed that we had paid to promote prostitution from our facility. None of which could be further from the truth. When I reached out to some of the citizens who had written letters of opposition, they were surprised to discover the real practices of our business and responded to me saying that they didn't actually oppose our project, but only wrote the letter because they were instructed to. The fact that our opposition would go to such great lengths to spread misinformation to demonstrate the

character of their intentions. The bottom line is this. Idaho Code Section 67-6512(a) of the Idaho Local Land Use and Planning Act states that the permit may be issued provided if conditionally permitted by the ordinance, which it is, and submitted to the -- subject to the conditions of the ordinance in which Meridian Unified Development Code 11-4-3-10 meets all the requirements of not being located within a church or educational institution and, in fact, absolutely nothing is located within 300 feet. Over a four full football field away, which is the radius designated by the Idaho law for potential impact regarding conditional use permits. Now, several dozen experts and consultants at the city's planning staff wrote their staff report that this permit approval would be in compliance with over eight different requirements for that approval. That appears at the end of the staff report and added that the project -- and I quote will add to the city's commercial base and will likely be a higher benefit to the users of future Villa Sport and residents to the southwest of this site. The proposed business offers a new commercial use, not only to this area of Meridian, but to Meridian as a whole. End of quote. They added in conversation that much of the city staff, including the planners, love the proposed use and, indeed, sincerely want it in the City of Meridian. In addition, the project promotes the Action Item 6.01.02(d) in the Comprehensive Plan to develop indoor or outdoor multiple use facilities for a variety of recreational, educational and cultural sports purposes and uses. Commissioner Holland, I watched the previous Planning and Zoning meeting. You stated in the last hearing that the determination of conditional use should primarily include if the use fits the Comprehensive Plan. You have heard how the staff report demonstrates that it does and, additionally, promotes the intended action items by the city as a whole. The report goes on to state that our project -- and I quote: Gives Meridian residents more opportunity to share in music and art and potentially bring new cultural experiences to Meridian through this business and value. Also in the last hearing I believe it was Commissioner Seal, who is not in attendance with us today, has stated as a city we are trying to grow up and we need more businesses and we need more places of employment to exist. We are starting with the addition of at least 30 jobs supporting all local businesses and musicians as a whole. I'm not sure who would be against a minority owned business trying to open during a pandemic when the global music industry has lost over a trillion dollars in revenue at a time when over 150,000 bars and restaurants have permanently closed their doors as a result of COVID. Now, having been a minority business owner for nearly a decade, I experienced discrimination in seeking loans, filing applications, securing leases. These are all occurrences that are well documented nationwide. I refuse to sit back and be stepped on by opposition whose personal or business beliefs perhaps might stand on businesses being owned solely by white two parent nuclear households. Statistically speaking Idaho has one of the lowest rates of minority owned businesses in the entire country. It appears at the bottom five of the entire 50 states. All I'm asking for here is a chance to start a business. Of the few people who chase a dream of something they have always wanted to do to bring something to Meridian that has been missing for decades and provides a massively positive community opportunity, but financial and economic growth as well. This provides growth for both citizens and government, which, in turn, increases available funds for school, education, and other community programs. In addition to the letters of support that have been sent in, we have received several hundred messages, each with a unique reason for each individual of the importance of such a venue and why music is important to them. I

included them here. It's over 16 pages with at least ten or 12 messages per page of those supporters. Our Facebook page, despite having no advertising done, has already amassed over 600 followers based on the excited word of mouth alone from local residents. Now, in reality, less than 20 percent of our operations can be considered nightclub use. That's where we dispel a lot of the problems and the stigma surrounding facilities that are purely nightclubs. In fact, we have booked over ten couples, many free of charge, to have their weddings and receptions at our facility. We are putting both the Idaho Humane Society and the Meridian Canine Rescue on our calendars, opening the venue to pet adoption events, welcoming all ages, including kids and family events. A representative of the Meridian Canine Rescue, just a couple miles away from our site, stated -- and I quote: They are very grateful for the opportunity to use our venue space. The Idaho Humane Society stated they appreciated us bringing such an important and much needed space to the Boise-Meridian area, since they were not able to reach out to Meridian due to the lack of Meridian's venue spaces. We have several local dance clubs to be featured at our space and excited to bring dance styles, including hip hop, ballroom, and country western. These groups span all ages, including a local swing dancing group comprised primarily of age 60 and over members. We are even working with some local high school cheerleading groups, so they can host their seminars and meets at our venue as well. We have also reached out to the Meridian Arts Commission and offered them the use of our space completely free of charge for any of their future uses. As Commissioner Yearsley said in an October 7th, 2013, introduction, he called Meridian -- and I quote: One of the greatest cities in Idaho. The number one in Treasure Valley and we are not going to be a bedroom community anymore. End of quote. And you can't be the greatest without having a single venue of any kind for the arts. In total, based on our estimated expenditures, labor, and operating costs, we have already pledged over 20,000 dollars of free venue use to the City of Meridian, several nonprofit organizations and community uses that include both child and teenage programs due to the multiple use nature of the building. Almost done. A developer once told me that many groups interested in booking before you even open is a sign that the community as a whole is highly supportive of your project. I would like to thank the Commission for their time and I would ask the Commission member make a motion for approval, including, in closing, only to point out that there would be no outstanding reason, lawful or otherwise, not to approve the permit at this time.

McCarvel: Thank you. Any questions for the applicant?

Holland: Madam Chair?

McCarvel: Commissioner Holland, you have come off mute.

Holland: Was it Brian is your first name?

Tsai: Yes, Commissioner.

Holland: I'm sorry, I didn't catch your last name, but I -- I appreciate you taking some time to give an overview for us. I am curious if you can talk a little bit more about safety for

us. That's probably one of the biggest concerns we have seen. But what are some of the safety protocols you are proposing that might help mitigate some of the concerns the community is going to be bringing forward tonight?

Tsai: First thing I will address is the issue with capacity, just as that was posed as a question just kind of right off the bat. We use a system that's created by a company called Token Works. They are the same company that makes the identification authentication programs and the machines that they use -- that the TSA uses at the airport. So, they scan the ID from top to bottom, they verify the age and that the ID is actually authentic using a number of different techniques that are forensic based on certain states. That system as a whole, then, links to a network of other known -- like potentially known offenders that exist within the system. So, if you -- if this person -- typically people who create violence, people who have inappropriate conduct, people who are -- who commonly drink too often, these are people who have not done that for the very first time. They have typically been to other venues before, therefore, if they get kicked out or if they get flagged for follow up or they get blacklisted from a venue, we will know that immediately upon entering of their attempted entry into our facility and we could deny them entry into the facility prior to that point. As far as the other safety issues are concerned, we have -- and it's posted on our website, we have absolutely zero tolerance for any type of inappropriate behavior, overconsumption of alcohol, or any of these other things that are typically associated with somebody going to a facility that's just a nightclub and, then, getting a little too out of hand. Among these things, for example -- well, let's say -- well, how would you do this versus a regular bar and I believe I have this in my follow up rebuttal as well, which is that a normal bar their only way to prevent overconsumption is by not over serving. That falls onto the bartender and their training to recognize the signs and symptoms of potential intoxication and, then, stop it before that actually happens. However, the bartenders they are attending the bar, they are not there to tend to the rest of the business. So, it can very -- very easily slip through their observation that this person might go out into the parking lot and drive away drunk. The way we have mitigated that is through our plan not only having the security staff posted at the entrances and the exits, but to have our actual bartenders and service staff trained above and beyond what the City of Meridian requires in order to recognize the signs and symptoms prior to them even leaving the building and if need be they -- we can arrange for them to have safe transportation versus just letting them out of the parking lot and, you know, whatever happens from there. I hope that answers most of the things. I know there is a -- there is a whole lot of things that can go around the concept of safety and just as a -- as a base principle I suppose I would say that during any of the times where typically more incidents happen, which is admittedly, you know, later in the evenings, more towards the night times, we do intend to have our security staff at the doors screening every person that comes in for any potential weapons or alcohol that they would like to bring in.

Holland: Thanks, Brian. That's it for now for me.

McCarvel: Okay.

Lorcher: Madam Chair?

McCarvel: Commissioner Lorcher.

Lorcher: I'm just curious on -- there is lots of three acre parcels throughout the City of Meridian that can be developed. What drew you to the corner of Ustick and Eagle?

Tsai: I have actually been looking at sites for over two years before we had ended up picking this one. There was a selection of about eight different sites that were available for commercial use. Unfortunately, based on us being a startup business in this particular realm, a lot of those weren't able to cater to being built to suit buildings, so to speak. We were able to find this particular developer that was very open to our concept. My -- my broker is actually here in the room today. He -- he basically beared with me over two years of picking -- trying to pick through these different sites. Six of them were rejected immediately based on incorrect zoning. As you know, the City of Meridian has 15 different zones, only four of which require alcohol and this use of any kind, and, then, the largest scale of them being the C-G or the general commercial. So, based on those restrictions we were able to narrow it down to this particular site, which was to us an ideal location, because it was situated just north of The Village where it was this up and coming prominent entertainment corridor that's recognized across the entire valley, but at the same time maintains that kind of buffered zone between any type of residential impact and is only -- only buffered -- I should say only abutted on other -- all sides by only other commercial zones.

Lorcher: Thank you.

Cassinelli: Madam Chair?

McCarvel: Commissioner Cassinelli.

Cassinelli: Brian, first of all, I appreciate your passion and your preparation. It blows me away and I think probably the -- the rest of the Commission as well. I want to say up front something I'm going to say here, that if I misinterpreted what you said I'm going to apologize up front, but I'm a little bit offended that you would come out and -- and possibly indicate that we might reject this based on race or minority status. That's -- that -- that got me and I want to tell you that's not how I view things. I think you know that this is just the nature of the business, it's probably a bit of a hot topic, and -- and has nothing to do with -- with anything else. That said I have got a couple of quick questions for you. Are you okay with the recommendation of the reduced hours?

Tsai: Yes. I almost said yes, Your Honor, but that's just a habit.

Cassinelli: Are you okay with the -- with the reduction in -- with the capacity recommendation by staff of 500?

Tsai: Yes. That was actually our recommend -- or our kind of agreement with the actual planning staff that -- as a -- kind of working together we came down to -- to that number.

Cassinelli: Okay. And, Madam Chair, I have got a couple of other quick questions if I might as well.

McCarvel: Sure.

Cassinelli: Parking. Have you talked with the -- with the Villa Sport people? Because I'm guessing that overflow parking might go into their parking lot. Have you had a conversation with them and can you elaborate on that if so?

Tsai: I'm actually not entirely familiar with that, just because I'm only dealing with our project as a -- as a specific, but I understand that our developers are working with them with that. There are just a handful of issues, because some of those permits have -- or -- or may have already expired, but I believe they are working on that in order to work on some type of cross-parking agreement.

Cassinelli: Okay. And, then, finally, if you can -- can you kind of give me a little bit better understanding, because I didn't go to the Facebook page or anything like that, of the -- the overall -- you mentioned some of the people that you might want to -- that you have invited to utilize the club and I think that's great as far as opening it up to different groups in the community. You mentioned all ages. But can you kind of give a little bit -- a little bit better -- you have already ruled out the strip club aspect, but can you give me a good understanding of what the club will be?

Tsai: Sure. So, to me -- I mean oasis, frankly, is a very common name. I found it to be immensely appropriate for this area, because a typical oasis is a -- kind of like a desert setting where water is congregated and, then, subsequently palm trees and animals and even people have gathered in that area as kind of like a watering hole. I felt that to be very appropriate since Idaho here we are in the middle of a desert and, then, we are building this kind of beach theme facility right in the middle of it and that's what I imagined as our -- as our facility, the reason we -- you know, we are -- I have poured the millions of dollars into this facility and, then, the lease and all the obligations that go along with it. It's just because, you know, I want people to walk in -- you know, there is very few people in this world who don't like the beach. I want people to walk in, I want -- I want them to be amazed that -- you know, the amount of technology and lighting that we have installed in this facility to make it truly multi-purpose. The kind of floor-to-ceiling palm trees. The mezzanine areas. The type of the multi-use from that. To give you one example of how that could apply to all ages would be to say -- for example, I work with one of the owners of Dirt Road Dancing. They are -- they are the guys who kind of host all the local dance classes at various facilities around town. In fact, he's actually teaching a class tonight, which is the reason he wasn't able to attend. But when they teach those classes they are typically situated at places that are 21 and up. For example, like the Buffalo Club, they are not going to invite kids in there to join in those classes. However, if you are endorsed under the Idaho State -- the liquor license as a multi-purpose venue that allows us to



designate certain 21 and up locations. You -- either within the facility or as hours as a whole and that allows us to bring those instructors in, not only for just 21 and up crowds, but also for all ages, including kids and children -- or kids and teenagers as well.

McCarvel: Okay.

Cassinelli: Thank you.

McCarvel: Commissioner Grove.

Grove: Madam Chair, thank you. Question for you, Brian. With what I posed to the city staff was what is the plan for outdoor gathering for patrons of the establishment?

Tsai: Okay. Sorry. I forgot to address that as part of that portion. But as -- at this time we have no plans for any type of outdoor music or patio space -- at this time I should say of any kind. As far as the concern regarding, you know, a smoking area we have intended to designate kind of like that -- I believe it's the west end of that building where they have left us a pad that could be potentially used as patio space in the future, that's right next to that kind of roll-up door structure there is a set of double doors there. Starting out for our intended uses we don't have -- plan to have any outdoor activities, lights, music of any kind, but we may designate that area as kind of like a smoking area, so they are not kind of, you know, just loose and running around in the parking lot and, then, have to get back in.

Grove: Okay. Thank you. That's one of my concerns just in terms of, you know, that -- people are going to be out there doing that and so if they don't have, you know, lines and places to follow, it makes it a lot harder to keep that noise abatement in control. Also just in -- I -- I understand -- it's a little off topic I guess, but Commissioner Cassinelli's comment, I understand what he's saying. I personally did not hear it that way. So, know that there is multiple ways that people heard the -- the response that you had in your opening piece.

Tsai: Yeah. And I apologize. That was in no way directed towards the Commission itself. That was more of a response to the smear campaign that we were up against.

McCarvel: Okay. I think I did have a question. You have got -- it wasn't -- this -- staff has recommended that you and the landowner obtained cross-agreements with the adjacent properties for more available parking. Has that been successful or where are -- where are we at on that?

Tsai: I'm going to be honest with you, I'm not -- I'm -- you know, a lot of the reason that a lot of this stuff got kind of done out of order, just because I'm not a land planner and we weren't able to hire one for this project, so as far as I understand that, they are -- they are currently working on it. I'm just -- I'm so far on the -- so far down on the totem pole, so to speak, of what the developer has as far as agreements that I'm not sure where they are on top of that. It was my understanding that the parking ratio itself would be adequate in conjunction with our operating hours and the extra parking spaces, that four-to-one ratio

would be adequate based on maximum capacity events. The reason that would be a lesser concern, so to speak, is that the majority of our operations will be far below the maximum capacity. These are things like private events, small wedding receptions, that type of thing. It would be on the rarity that we would have a maximum capacity event that strains the limits of the available parking.

McCarvel: Okay. And I think staff had also asked that you address how do you intend on enforcing the limits without requiring the fire and police constant presence.

Tsai: So, that Token Work system, the one that integrates with all the other facilities of a similar type and that will store with a list of blacklisted names or anything like that, that keeps a very specific and tight count on the actual ingress, because every person that enters the facility is -- passes through that -- that station as part of the screening process and, additionally, that's where we check for weapons, illegal drugs, illicit materials, anything like that and it's for that reason that we can constantly track and monitor how many people are in the facility at any time.

McCarvel: Yeah. Because in just reading the reports and everything, the capacity -- your original narrative you had almost -- you were anticipating a thousand patrons and quickly agreed down -- all the way down to 500, so -- and now you are saying that it probably rarely will even be at 500. So, I'm just trying to get a grip on where you are really at on --

Tsai: The reason I originally picked that one thousand capacity number is just because, you know, a lot of this information is second or third hand to me. A lot of it I just have to learn on the fly. So, for example, I took comparisons of the actual capacity versus parking space versus occupancy numbers of -- for example, like the Revolution Concert House, the Knitting Factory downtown, the Buffalo Club, various, you know, venues spread across the Treasure Valley. Based on there standing room only regulations a maximum capacity events, there is really a cap off on some of those, I assumed a number of about one per -- or, sorry, one person per every eight square feet, which was, you know, threshold of standing room only and I would base that figure based on that number of our available floor capacity versus square footage, but when I realized that that number wasn't congruent with the other approved uses of those facilities in town, that's when I agreed to cut that capacity down significantly in order to accommodate the actual size and space of use.

McCarvel: Okay. Any other questions for the applicant?

Cassinelli: Madam Chair?

McCarvel: Commissioner Cassinelli.

Cassinelli: Brian, can you address -- I think in -- in a situation like this one of the concerns out there is -- it's -- it's noise, it's drunk behavior, it's fights, those sorts of things. A lot of

that doesn't necessarily tend to happen inside and if it does usually those people are bounced. What kind of security would you have in the parking lot area?

Tsai: And that's an excellent question. Thank you for bringing that up as well, Commissioner. I did have that in my original narrative, as well as the revision. That's part of our security plan is we do intend to have staff not only within the facility, but also conducting periodic checks of the parking lot, as well as the perimeter of the facility as a whole. That came up very early on in our planning process as a concern of, hey, there is going to be people who have -- are at various levels of alcohol consumption congregating in your parking lot specifically after you have closed for business. How are you -- how do you intend to address those concerns and we addressed that using those security staff that not only checks inside, but also outside the facility and -- and mitigate -- I guess mitigate those circumstances to prevent any type of excessive noise or potential for violence and that -- at the same time they can also check for any -- anybody who intends to drive after they have had too much.

Cassinelli: Okay. Thank you.

McCarvel: It looks like we have no more questions for the applicant, so I will turn it over -- we will start the public testimony.

Tsai: Thank you.

Weatherly: Thank you, Madam Chair. First is Jeffrey D'Andrea.

McCarvel: And please state your name and address for the record.

D'Andrea: Thank you, Madam Chair. My name is Jeffrey D'Andrea. 2347 East Wigle Drive, Meridian. 83646.

McCarvel: Thank you.

D'Andea: While I appreciate Brian's drive and desire and all of his work that he's put into this project and his background -- and his background in the music, I, too, have a background in music. I'm a drummer. Played in many bands. I love the music and everything else. I don't think some of our opposition to this is about that and for him to actually say that some of us had low moral character and nefarious agendas towards him -- I haven't seen that and I live in the neighborhood. So, if those flyers went out to somebody, I didn't see that and I actually take offence, because I have some actual, you know, opposition. I don't understand why a traffic study was not done when it's a right-in and right-out and we know that Meridian --

McCarvel: You can't -- just --

D'Andrea: With a right-in and right-out, we know that Eagle and Meridian -- excuse me -- Eagle and Ustick Road are very busy and I know the hours are late, but if you have

come by there, you live in that neighborhood, there is many a times where the Ustick light at Eagle is backed up past the other light that's at that next road, even up to 8:00, 9:00, 10:00 o'clock at night. Now you are going to have more people turning off of Eagle to go into -- because there is not going to be an -- an entrance off of Eagle from the northbound traffic, they are going to have to turn onto Ustick and, then, turn down into the -- you know, that street and, then, hopefully, with that egress that they mentioned coming in, yeah, that will be there, but still I don't understand why a traffic study wasn't actually part of this. Also with the parking he mentioned that, you know, with the four -- one-to-four ratio, that's four parking spaces -- or, excuse me, the 500 people with a hundred parking spaces -- you know, 125 parking spaces, you know, that's four, when we look at that where are the rest going to park. He hasn't looked into have they gotten the agreement from those people that are just south of them to have overflow parking and, if not, are they going to be parking in that high density residential area on the side streets and stuff like that. How is a -- how are they going to stop that from happening. I'm sorry, I wrote down a lot of notes during his talk and I'm just trying to go over most of them. So, I will say I appreciate Commissioner Cassinelli's response to him using race, creed, and marital status -- is kind of -- you know. And I know it's not important, but it's just playing to the times and it has bearing -- no bearing on this proposal whatsoever. I believe the Meridian Council and the Meridian Planning and Zoning will take everything into consideration as they need to for the project and he mentioned that at this time we do not have outdoor music planned. Well, can this be mandated, that they don't have outdoor music planned. Also in the proposal at the beginning when they said you won't be able to see it from the neighborhoods, well, with outdoor people it's not the seeing so much, it's the hearing and the noise that the traffic and those in the parking lot make that can be disturbing. What is going to change that? Also his last comment was on -- that they would have people monitor the parking lots for behavior that they don't want inside the club or outside the club. How often will that be, you know. And, then, to have -- early on when they gave the proposal -- when staff gave the proposal it was mentioned that mostly the citizens would have part of the obligation to contact police and stuff like that, while we work very closely with our law enforcement in our community, I'm not sure that setting up a new building and a new -- whatever you want to call it -- place that automatically puts the citizen in -- kind of in a proper position to say, hey, we have got to be in charge of enforcing law around here by calling is an appropriate thing to do.

McCarvel: Thank you.

D'Andrea: Is that my -- my time is up?

McCarvel: Yeah. That was your bell before.

D'Andrea: Okay. I didn't hear a bell. I'm sorry. Thank you very much, Madam Chair. I appreciate your time.

McCarvel: Thank you for staying.

Weatherly: Madam Chair, next up is Darien Renee Gustafson. Okay. Next up is Michael Ebeling -- Ebeling. Sorry.

Ebeling: My name is Michael Ebling. 884 North Quartzsite Avenue, Kuna, Idaho. 83635. So, I would like to thank him for his community service as an officer. That's really awesome. And, you know, we all heard about all these different -- the studies about what can happen with nightclubs and stuff, the crime rates. People will say all the different stuff and there is arguments both ways. You know, it's sad to see, you know, there is going to be like so much increase in police patrols, prostitution, drunkenness, drug addiction, fights, gangs, vandalism, rape -- like these are all things no matter what side of the political aisle you are on you should be concerned about, but I mean this is just a study -- it kind of -- it's easy to -- you know, that's not me, that's not going to be us, but I can speak for myself, I grew up in Portland and I got addicted to drugs and alcohol and the nightlife and I spent all my money all the time in nightclubs and bars and that scene and had it not been from my work about nine years ago moving to Meridian where I got off of drugs and alcohol, I found a church instead of a nightclub, I got saved. I'm sober for nine years, roughly, and I think had it not been for that I would have just been stuck in that lifestyle forever, you know, in Portland and I was able to save up and I was able to buy my first house in Kuna. I got married and now I'm looking forward to my children and what are they going to have to deal with and I just see Meridian turning into Portland and Portland is renowned for all the things that Meridian is not known for and, you know, okay, it's only number 63 for the alcohol permit and, you know, it's only one more. But we need to draw the line. You know, there is enough options for people who want to drink. That's great if you want to do that, you know, but where do you draw the line at, you know, so that's all I have to say. Thanks.

McCarvel: Thank you.

Weatherly: Madam Chair, next up is Kyle Scheffler -- Scheffler.

Scheffler: Hello.

McCarvel: Name and address for the record and the floor is yours.

Scheffler: Yeah. Sure. My name is Kyle Scheffler. My address is 2003 North Ninth Street, Boise, Idaho. So, I am in support of Oasis. I'm in strong support of this. I'm actually the owner and operator of the Treasure Valley's newest community radio station 103.1 KFFI FM and the reason you haven't heard of us is because we are not on the air yet. We hope to be on the air within six months. Our station will be located in Boise, but we will reach the entire Treasure Valley. So, I believe that I am a person in the community with a strong interest in supporting people like Brian who are trying to bring art centers to where I believe it's sorely needed. It doesn't really exist that much outside of Boise and it seems like 20 percent of the activities or less is going to be considered -- this is not really just a nightclub, it sounded more like in community events center. Now, for a nonprofit, I -- we don't get any of our funding from the city, we don't get funding from the state or anybody, we pretty much fundraise, so by the community for the community, you

know, that's what that means when I hear of -- in a proposed venue owner offering their venue to nonprofits to the city for free, that's pretty -- that's -- I think that's pretty remarkable. Not to compare Big Al's to what this is going to be, but when Big Al's was coming were they offering, you know, free space to nonprofits and things like that? I doubt it. Maybe a discount at most. And I know firsthand how expensive it is to rent out event space and it cuts into the overhead of the causes that charities are trying to promote and just to address the gentleman before me with all due respect, if preventing a nightclub from opening is going to be the make or break of you using drugs or drinking, why not stop at nightclubs. We should be, you know, well, why don't we close liquor stores, too, and any stores that sell tobacco, which is also going to kill life. Thank you.

McCarvel: Before we go on, I think let's keep comments to the proposal and not the personal feelings. Let's move on.

Weatherly: Thank you, Madam Chair. Next is Kelli Russell.

Russell: Hello. My name is Kelli Russell. I live at 1530 West Ann Taylor Street, Meridian. 83646. Madam Commissioner -- Madam Chair and Commissioners, thank you for this opportunity just to make public statement. I also agree that I appreciate Mr. Tsai's service as a public -- as a police officer. I know that's a hard job. I appreciate what he's done there. I live in Meridian. I'm in the events industry and I can very much appreciate the need for event locations in Meridian and how the industry itself has taken such a hard hit and I appreciate Mr. Tsai's risk that he is taking and the way that he wants to bring some space -- some event space to this -- this city. I do have a few concerns that are logistical, as well as what has been said already. Apparently it's ACHD that does the traffic and those kinds of things, so I can take it up with them, but I do agree that Meridian tends to throw up buildings and think about traffic later. So, I just wanted to make that statement. I drive twice a day past this area and it's always bottlenecked and even at night it does have quite a bit of traffic still. I also just wanted to speak to the housing concern, the noise abatement. An event center I believe could be different than a nightclub situation and I -- if I'm understanding correctly, this is about a conditional use permit that goes more towards a nightclub. If I lived in that neighborhood I would definitely be concerned about safety, about noise, about people wandering into my neighborhood. I know that that's not the only neighborhood, that there is several popping up all around. That's just the nature of the city. So, specific -- specifically to the conditional use permit, just with the -- the understanding of that, if other venues like Boise State's Stueckle Center that's very much towards events and weddings and those kinds of things in nature have really served a great purpose and brought a lot of great things to our community, if this location is also something that can be used in that way, I believe that would be a great addition to our community. However, the nightclub model that it is leaning towards does concern me a little bit just due to the nature of the lateness and the traffic and being out mixing with alcohol and those things and so I just wanted to make those points known and, like I said, I will be contacting ACHD about my other traffic concerns. Thank you. And thank you, Mr. Tsai, for what you are doing to bring business to the city and I just appreciate what you said tonight.

Weatherly: Madam Chair, next is Joyce Mauck.

Mauck: I'm Joyce Mauck and I live in a close by neighborhood at 4031 East Conklin Drive, Meridian, Idaho. 83646. And good evening, Madam Chair and the Commissioners -- the Commissioner here. I have some concerns about this. I love music. I love going out and having a good time, but I have serious concerns with it so close to so many residential areas. The traffic -- Eagle and Ustick is one of the most dangerous and -- and heavily trafficked intersections in our area and -- and the fact tonight when I heard there was no traffic study done, that really shocked me. So, that's a huge concern. There is very serious accidents that happen there and I do believe it is one of the most dangerous intersections. Parking concerns is another one and, then, when I heard the four-to-one ratio that was another concern of mine. Safety issues. I heard him say that they were going to work -- or in the statement in the beginning when he was outlining everything on it that they will work with the police and the neighborhood watches. So, to me if they already know they have to work with them so closely that that's concerning to me, too, because I think a venue like this could increase DUIs, things like that, the drunken driving, the violence and things like that. So, that's a concern for me and I'm an Idaho native and I -- like I said, I -- I love the music and the arts and all that, but I don't want to see this going so close to our neighborhood and other neighborhoods. I think there is better places for a venue like this and I do think people that wrote in their concerns I think they -- they need to be valued for what they wrote in and although a lot of them are probably sounding a lot alike, it sounds like up here, too, we all have a lot of the same concerns. So, I don't think you can dismiss those and I think one thing when I have come to these City Council meetings I have always thought Meridian does a really good job of looking at what is best for our community and I really appreciate that. So, thank you for taking the time to really look at everything on what's truly best for our city. Thank you.

McCarvel: Thank you. And I think I will segue right off of that, because we have looked at all of the public testimony that was sent in and we do acknowledge that most of the concerns revolve around the traffic and the parking and the noise and so if you -- we are happy to hear everybody, but if we -- if you have new concerns other than those, I think the Commission is prepared to discuss those issues, so if you have new concerns, please, step forward, but if we are at the point where we are repeating those same concepts I think we understand those and as well the people who are for it that are loving having the potential of event space and a music venue in Meridian, I think we understand those. So, we will go forward with anybody else who wants to comment on anything else.

Weatherly: Thank you, Madam Chair. Next is Terry Silsby.

McCarvel: Name and address for the record, please.

Silsby: Yes. Terry Silsby. Address -- dwelling or business? It doesn't matter?

McCarvel: It doesn't matter.

Silsby: So, mailing address in Meridian is 104 East Fairview. 83642.

McCarvel: Okay.

Silsby: I have had -- I have grown up here in Meridian and I have spent a lot of years traveling up and down Eagle Road. I understand the area and I had a great deal of pleasure in working with Brian in finding that location and in working out the lease and working with him in the business plan and as you can tell from your visit with Brian about what a big pleasure it is to be involved in a business planning environment with him. He has got a great scientific mind and he is a great addition to our community. I do want to say I spent some time in right of way working in various corridors with the State Transportation Department and the Ada County Highway District as a -- working right-of-way projects. I do understand the issues of traffic in and out and ingress-egress. You have got the highway -- state highway issues, the -- the Ada County Highway District with its transportation department itself, you have got several different entities dealing with -- with the thoroughfare there. So, that is an issue that I think can easily be addressed, but what people don't realize is a lot of the traffic patterns that they are seeing here now is as a result of traffic being redirected onto the road from other areas that have been under construction and, then, on top of that they are adding different access to the freeway and things like that, so that -- and widening roads, so it's taking the burden off of Eagle Road. So, over time I see long term that there is going to be a change in traffic patterns and, then, relief of some of the pressure, but on top of that I think it's important to realize that -- and for everybody to look at this, that area was designated commercial long before the residential areas came in. So, while I agree some of the traffic issues need to be addressed and will be and I think are already being addressed, albeit fairly slowly. There is another thing I would like to make a point. If -- if -- if it was Barbacoa or the Yard House or other well known restaurants that also serve alcohol that were wanting to locate to this position and add a music venue, I don't know that we would have had exactly the same opposition to this, because those are well known names and people understand that they are a very high quality event. Brian has worked hard to look at having a professional chef involved, a very high quality event both for restaurant and to have the clientele appreciate and experience something that is going to be a quality and become something that they want to have their family members involved in as well. I have no problem planning in the future to bring my family to this environment when my daughter is 16, when she's old enough I'm planning to bring her there. I'm a member of the country swing dance community, if you will, and those are some of the friendliest, most agreeable people that you will ever meet, and he is going to be bringing those people to that environment. A lot of us travel great distances so that we can practice what we call the art form of swing dance and it's fun and I think a lot of the people here would also eventually participate as well. So, you know, that I'm in favor of this, but I also wanted to mention some of those points and -- and I think that there is already seven -- five or seven alcohol serving businesses in The Village and we haven't seen a lot of the problems that people have been bringing up. And one more point. I did talk to someone who is in a subdivision roughly a mile away and they have had someone put in their subdivision newsletter and broadcast that trying to create opposition for this event and so there does appear to be an organized attempt to try to suppress something that I think is a great addition to our community. Thank you.



Weatherly: Madam Chair, next is Zach Yates.

McCarvel: Please state your name and address for the record and the floor is yours.

Yates: All right. My name is Zach Yates. 814 Sage Creek Road, Nampa, Idaho. I'm in support of my friend Brian here and I would also like to -- as far as music goes, like I'm a really big fanatic for it as well, but I'm also wanting to venture out and -- and also expand my abilities to -- I guess maybe like DJ'ing, for example, but also get more of a taste for other artists as well. So, I think this -- I think this venue that he is developing and putting under construction is a really big influence for a lot of smaller artists to help get their name out. It is really hard to -- unless you are like really well known on major radio stations it can be really hard to get your name out there. But also as far as like the alcohol side of things, I was like he -- the gentleman earlier mentioned his restaurants, they serve it anyways. They have to have a license for it. Even event center areas or places that hosts events, they got to have that license anyways, because people are going to have that option. I mean it's like -- it's no different than any other event center around that would cater to maybe like parties, charitable programs, or even weddings. So, I just wanted to share that and show my support for my friend Brian here as well. So, thank you.

Weatherly: Dave Sattler, would you like to testify?

Sattler: Hi. I'm Dave Sattler. 2060 East Lobelia Street. 83646. So, as a small business owner myself I think it's important to be clear here that though there may be some time and space given to community organizations and nonprofit entities, that is not your business. I know as a small business owner you cannot operate for free. So, I think to say that you will be rarely at capacity, I think that's a little misleading, because your profit generating activity is your nightclub and I think it's a little mischaracterization to say that this is a music and arts venue when all of that is done under community engagement and free use of space, which is a nice gesture to get the conditional use permit, but is not driving any revenue for you, which, in my opinion as a small business owner, means that will go away. I think that friends and business partners as your supporters is also I think a little illustrative of the lack of support that those who live within any proximity to your business is lack of a support. I think that free is not an expression of community support. So, in my opinion, Council or Commission I think -- although that's awfully nice of him, that is -- that is a kind of gesture that does not generate any profit and thereby I wouldn't be surprised if it goes away. Knitting Factory parking is all over Boise. I think that the staff's opinion of four to one as an acceptable parking ratio for a nightclub I think is maybe a little bit inaccurate, as most people that attend to restaurants, which is what that ratio is based on, come together in a vehicle and it is my concern that that will be inaccurate or inadequate for the 500 plus individuals they plan on having there between the hours of 4:00 and 1:00. Also based on a -- also I would -- I am one of those 200 letters that was submitted. It was not a form letter. It was as though shared concerns do not mean form letters or copied letters. I do not feel that this fits the bill of a mixed use regional use. Based on surveys that I have provided in my testimony that I submitted, it is abnormal for mixed use regional designation to provide a nightclub establishment to fulfill that criteria.

In fact, in that survey, which, again, you can find in my provided testimony, it is common among major cities for there to be a distinctive designation for nightclubs because of the noise, their proximity to schools, public places, congested traffic and drunken behavior. So, there is also a correlation in nightclub drinking versus restaurant drinking. Restaurant -- or drinking is allowed in a mixed use regional, but I will note that research has indicated that nightclub drinking leads to more criminal behavior and an Oregon State Patrol study in 2006 said that ten -- their top ten locations for drunken behavior were those who had just recently visited a nightclub. That's, again, in my testimony. You can see that. They actually ended up conducting a sting that summer to address six of those in particular. So, while we are making the distinctions between restaurants providing alcohol and nightclubs providing alcohol, there is a researched, well documented basis for difference in behavior from those coming from those two establishments.

McCarvel: Okay. Can you wrap up your thoughts. That was your bell a few minutes -- a minute ago.

Sattler:: Sure. I think that the other -- the other thing that I would say is -- which has been noted here, Eagle Road is, obviously, already a very busy place. I think that there would be a better location for this business to actually do better than within two miles of seven elementary schools, four middle schools, and one high school. My children are pedestrians on that street and 42 percent of Meridian fatalities happen on that stretch of road within two miles of the proposed location of this nightclub and I'm concerned that with almost half of our fatalities coming from that stretch of land, increasing that type of behavior and that level of attendance puts my children and all the other thousands of children within two miles -- just two miles of the proposed location puts -- increases greater -- greater risk to our community. Thank you.

McCarvel: Thank you.

Weatherly: Eric Sherman.

Sherman: Hello to the Commission. My name is Eric Sherman. I am a local business owner in Meridian and I'm at 3340 North Eagle Road, which is directly adjacent to this proposed venue and I am not, for the record, Brian's friend, although I have met him when he came to my business to let me know about the proposed business that he was making. I actually started my company because of music. I have been a concert goer myself since I was 14. I can tell you I have been to hundreds and hundreds of concerts, I have been to a concert on a cruise, I have been to so many concerts and -- and just music is a big part of my life and a big part of my life with my wife and I am a father of three. I am a Christian. I live a good life. I work hard for my family. I moved to Meridian because of the slogan. I'm not sure if it's still the slogan, but I believe it was built for business, designed for living was what drew me to Meridian and the key word there is living. Not existing, but living. And I think that we do have a lack of places that can house the right type of scene, but local music is important. It's important to a lot of people. I actually employ someone that is in a local band that opens up for really really big bands. He opened up for a large band in Boise's just before COVID and the -- the passion that these

people have for their art is insane and if you are -- I'm not a musician, but these -- they -- they work so hard and they do all these things and if they don't have the right platform they cannot go anywhere and that -- Kyle there that I just met a few minutes ago, he said that when he was here at the stand and a lot of the things he said were awesome and he took a lot of steam out of what I was going to say and, then, also Terry, he touched on pretty much all the other things. I do want to talk about the traffic. Okay. So, I think I have a little bit of a unique platform, because, guess what, I have been there for six years on that intersection. Every single day, day in and day out -- you can ask my wife. She doesn't like it. But, anyhow, yes, there is traffic there. There is a lot of traffic there and I can name about three or four more spots where the traffic's worse in Meridian and the traffic is bad. However, my store until COVID closed at 7:00 p.m. and so I would literally leave at 7:05, 7:10, and by then it was pretty clear. Okay? So, now that we have changed our hours to 6:00 o'clock, I do hit a little bit of traffic. I was actually late for this meeting because of that -- that said traffic. It's there. It exists. I think that it needs to be talked about and I think that -- I think that Brian -- I have met him literally one time and, then, I saw what he proposed here today and I think that with the preparedness that he's shown I would -- based on just that alone I would want to -- I would want to be a patron of his business, understanding that I would be safe and that I would have a great experience in whatever he's doing, because he's that passionate and that -- that prepared.

McCarvel: Okay.

Sherman: So, thank you for hearing me out.

McCarvel: Thank you.

Weatherly: Christen French, would you like to speak? Josia Savino, would you like to speak?

Savino: Hello. My name is Josiah Savino. My address is 8598 West Wall Drive, Boise, Idaho. I have been in Boise nine, almost ten years now, and I'm a musician, singer, songwriter and when I moved to Boise the first thing I did was look for the most talented artists and collabed with them and I have been doing that nonstop sense. What I found was people would say, well, why don't you perform more and I would say, well, where would I perform. There wasn't any venues that actually had space for audiences that people were showing up for and, obviously, the marketing wasn't great here, great promoting, so I was pretty excited when -- unlike the other 600 people online when I heard, oh, there is going to be an event center, there will be a nightclub, and an event center, where I can do both and everything in life has a balance. I actually don't drink. I don't support drinking. But I still love to dance and like this last two weekends ago I went downtown, had the time in my life. I didn't touch alcohol. I -- I danced and had a great time with friends. So, I just think it's important to understand that you can have an environment, but everything in life has a balance; right? So, this event center can do remarkable things. You guys heard some of his visions and, obviously, he's passionate, he is going to be creating, working, you know, giving everything he can to create the most amazing experience, which sounds like no one else has done here, which is exciting for

me and also I spent the last two years of my life making an app. What is the app's vision? Is to create community. How do you do that? What do you like to do is the question of the app and you have a map and it shows activities in your area and I think that an event center like this would be great opportunity for -- for places to meet, even outside the club.

McCarvel: Okay. Thank you.

Weatherly: Madam Chair, we are ready to move to our online persons. Randy Black, I see you are on the telephone. I'm going to go ahead and unmute you here.

Black: Can you hear me?

McCarvel: Yes.

Black: This is Randy Black. Can you hear me?

McCarvel: Yes. Go ahead. State your full name and address, please.

Black: Randy Black, Jr. Address is 10789 West Twain, Las Vegas, Nevada. 89134. I'm the managing partner of the Villa Sport property on the adjoining site and, Brian, I would love to commend you on your presentation. I have done this for 30 years. That's one of the best most thought out presentations that I have heard. So, you are clearly a great business operator and take this seriously. I think that this event and the venue is a warranted benefit to the city. Still a lot of concerns. I can tell you that we have been kind of half talking to the Wadsworth guys. Our big concern is traffic circulation, late night policing, parking lot cleanup, bottles, trash, et cetera, and I think that site on the corner with the amount of square footage that's planned on the 3.4, I believe it is, acres is a very serious parking constraint that can be mitigated through hours of operation, et cetera. We do not have any agreement for any overflow parking, nor has one been proposed. We -- we would certainly entertain the thought of that concept. We would have to clear it with our tenant and make sure that they are A-OK with the use. We have a fairly detailed lease/policing cleanup maintenance agreement, et cetera. So, while we are not opposed to it, there is a lot of hurdles to get through to clear that part in the event there is a capacity event that occurs on site, so that we can accommodate all of those patrons. So, I would tell you that we are music lovers as well. I can see the need for this. Event space is at a premium. There is nothing available when you look in Meridian. So, while it's a warranted need, there is still a fair amount of those type of related items that would have to be addressed for us to be able to support it as adjoining property owners. But I think the use is compatible with an intersection of that type and volume. There is very limited access on Eagle, so a traffic study would without question be needed to determine how to address all of those issues and we would be willing to work with Brian on at least discussions on how we can handle this overflow portion, but I'm here to tell you as of now we don't have any proposals on the table and have had only passing conversation with Wadsworth, which I wouldn't put that on Brian, because if it meets code I could see the user here and the business owner thinking that was potentially sufficient, but the reality is we know for bigger events you have got to have something organized where --we have

495 parking spaces next door, but a fiercely protective tenant of their use of that. So, we would be happy to work with the applicant in this, so that we could potentially address that portion of the requirement, so that that box could be checked and, then, the rest of them could be addressed as Council sees fit on the balance of those questions. And I hear the bell, so that's -- that's all I have.

McCarvel: Thank you, Mr. Black.

Black: Thank you.

Weatherly: Madam Chair, next is Jon Hastings. Jon, one moment, please.

Hastings: Good evening. Can you hear me okay?

McCarvel: Yes. State your name and address for the record and the floor is yours.

Hastings: I will show you my video just for the fun of it. My name is Jon Hastings. 2973 North Eagle Road, Suite 110, Meridian, Idaho. 83646. I wasn't planning on testifying tonight, but I did see the applicant's presentation. I will echo the previous caller that I felt that it was a -- a well thought-out presentation that Brian had. He did show an empty folder for the vicinity properties and I -- I own the commercial building that's about 350 feet away to the south of the project and I did write a letter in there. I just felt like I should be in the blue folder, Brian. But, anyway, I had a few concerns that I wanted to bring up as a fairly close business owner and commercial -- commercial property. One, I know parking has already been talked about. I feel like people, when they park, will take the path of least resistance and so I certainly think that people coming from Ustick will enter the project and park in the designated parking spots. I have concerns that the people coming in from Eagle Road through the roundabout and, then, between the residential properties and -- and my property off of Cajun there will kind of park in the path of least resistance and not in the parking spots designated for the project. I also have a concern about just late night traffic and -- and loitering in general. I understand the applicant's desire that that will be kind of policed from sweeps of the parking lot and things like that. I just don't know how that's enforceable and kind of what the plan would be to enforce that in the long term. Things like outdoor security, drunk driving, how do we -- what assurances do we have beyond we have a plan to mitigate that. And, then, lastly, just as we have talked about Eagle Road access is difficult and so people leaving the venue will lots of them go to Ustick via various methods, but I have a concern that they will exit via Cajun Drive between the residential property and -- and our property there and, then, try to navigate the roundabout in the residential area to get to Eagle Road and do that after having had some alcoholic beverages and -- and I think that the idea that it's not a big deal to the residents in that area -- I just don't see that, because I think that you are going to have late night traffic navigating that space in the residential area and so those are my concerns. You know, I also agree that I think that this would be a great thing for our city, I just don't know that -- this location doesn't make a lot of sense to me for it based on those concerns and some of the other concerns that I have heard today and so I wanted to express my opposition. Thank you.

McCarvel: Thank you, Mr. Hasting.

Weatherly: Madam Chair, next is Jon Hoeger. John, one moment.

Hoeger: Madam Chair and Commissioners, can you hear me okay?

McCarvel: Yes. State your name and address for the record.

Hoeger: My name is Jon Hager. I live at 3664 North Summerpark Place in Meridian, Idaho. About a half mile from the site. I agree with Commissioner Cassinelli that race has nothing to do with this. I was born in Venezuela. I have married an Argentine American. We run a woman-owned business together that employs 46 people in a very similar square footage and we pay good salary. While race is irrelevant to the conversation, I believe that employment is. The applicant has made claims about who he is going to bring. You know, any other business is going to add jobs to the economy. Any other business is going to be able to probably provide more jobs. Thirty jobs in 7,000 square feet isn't a lot of job density. What any other business as well, but what we missed from discussion tonight is objectifying and demeaning women. I'm also concerned about the inconsistent marketing and this should be a concern to the Commission as well. My letter to the Council that I submitted before this meeting included screenshots encouraging men to be dressed in business attire, while women were encouraged to wear sun dresses or their best beach attire. I have five daughters and the objectification of women and inconsistency of the business model stated and they are against the stated mission and the objectives of the City of Meridian. Again, I will refer to my letter, which is part of public opinion. Charging 15 dollars for men and five dollars for women to enter is a common tactic that nightclub uses to attract more females whose sexual parameters are loosened through alcohol consumption. The recipe is a notoriously predatory environment with increased sexual assault, rape, and substance abuse. One of my five daughters catches the bus less than a thousand feet from the site and this marketing element has been changed since some of the opposing views have been voiced in the community. So, my question to the Council and to the Commission is what does the deliberate change of marketing say? What about the website now -- the website that now claims that there is going to be free weddings or that it's saving puppy dogs, which are things that it didn't say before. The weddings are free because he's going to be serving alcohol. What do the themes on the applicant's Facebook page when he said that the actuality was that he had 15 letters in support for every one that was against, when the actual count is 165 against to 34 that is for. What else is being misrepresented by the applicant? We have seen some other examples of this with the blue folder that was just mentioned by Mr. Hastings, who owns a business so close. So, when the applicant says that our questions -- those of us who are in opposition, that it should question the character of our intentions, I ask the Commission to stand up and question the intentions of the business model. On the same Facebook page he has also been deleting comments that were in opposition. He has been trying to silence the opposition. So, let's be clear. This is not an event center, it's a nightclub. It's not a restaurant. I will note that restaurants, like Barbacoa and Yard House, do not charge their female patrons less than the male customers. So, let's call a spade a spade. And, yes, there has been an

organized effort against something. That point should resonate with the Commission. An organized effort is not a bad thing. Organized efforts and grassroots politics are what this country is founded on. Frankly, it should raise a warning flag to the Commission that the community is not generally in supportive of this and I call on the commission to represent the communities that they serve. I'm also concerned about the thousand people that's now down to 500 people and no problem, now it's rarely going to be 500 people. I would say that either the applicant doesn't understand what the business model is or he is not telling the truth. Those are two major concerns I think that the Commission has a responsibility to look at and try to understand what the ultimate goal is of this. Thank you.

McCarvel: Thank you.

Weatherly: Madam Chair, next is Camille Schildan. Camille, one moment, please.

Schildan: Hello.

McCarvel: Camille, state your name and address for the record and the floor is yours.

Schildan: Hi. I'm Camille Schildan. I currently reside at 13963 West Hartford Drive, right off of Eagle Road, and I have to say The Oasis sounds fantastic. I think it sounds like a great place to have an enjoyable time. But my opposition in for that -- in previous statements this evening where it was stated that only 20 percent of the night -- that the center would only be 20 percent nightclub and all the rest of these other events that, you know, were mentioned to be free, how is the applicant going to be able to receive a return on investment if you are only using the space 20 percent of the time for what you intended it and the rest of it. And so it -- it kind of seems a little masked over, the statements as to what the real use is. I do think it would be a great place to have an event center. If it could -- I have been on the website, The Oasis website, and it does talk about doing some -- you can have dance recitals, just great things on there that I think would be great for the community and a great place, but the location I feel is completely inappropriate due to all of the reasons stated beforehand and I would also like to acknowledge that there are inconsistencies on the website. I have been watching it a couple times and it has now changed again to list like the free weddings, which wasn't on there before, and it was mentioned that we were hiring a -- that they were planning on hiring a chef. Nowhere on here on the -- does it mention anything about serving food. It does talk about serving five different cocktails each week, which could be fun, but nothing about being like a restaurant area and, then, I guess my other thing is if this place is so great and we are only using 20 percent of a nightclub, why don't we just take away the nightclub portion still allow it to be designated as the art museum and event center, something to promote music, but, then, just say, okay, well, alcohol consumption is maxed out at this and, you know, closing hours are midnight every night or something in agreeance to try and come to a compromise anyway. So, greatly appreciate all of your time and especially how late this is going. That's my comments.

McCarvel: Thank you. Is that it?

Weatherly: Madam Chair, that's all I see.

McCarvel: Okay. With that -- you know, I think we are about ready to move forward. I think the Commission has a good grip on the items that have been mentioned and I see a couple more hands being raised, so if you have something new to contribute we would welcome hearing that, but if you are agreeing with people that have already spoken, I think we can move on.

Weatherly: Madam Chair, I apologize. Jeff Vrba, I see you online. I apologize, I missed that you had signed up earlier. One moment. My apologies, Madam Chair.

McCarvel: Jeff, if you would unmute and state your name and address for the record, the floor is yours.

Vrba: Hello, Madam Chair and Commission. This is Jeff Vrba. Address is 3005 North LeBlanc Way in Meridian, Idaho. I live in the Jackson Square Subdivision. I'm the vice-president of the HOA here. We are located directly southwest of this facility that's going in. A couple things other than what most of the other people mentioned that I wanted to bring up was we had that meeting earlier this year here with them over at the pizza place. It was discussed at that time about their restaurant that they had in their facility and it was mentioned to us that it really wasn't a restaurant per se, it was -- they were going to be serving little fast foods for like your taco night -- or a little taco night if they are having a taco thing going on, rather than a sit down restaurant in there. I asked about if I could bring my family over there would I have to be a cover charge to get into the restaurant to eat and they said -- that's when they mentioned it was not full fledged restaurant, a sit down type restaurant to eat in. So, between that and what's going on here -- also in their conception floor plan, the one we saw earlier in the year where the Jamba Juice is at on the west side of the building, he said that was going to be a parking area, so -- for the Uber and ride share cars to come in to be able to haul the patrons out. Now, I see with the new floor plan there that's where they are going to have the smoking area. That's where they are going to have all this. So, the ride shares that he was saying they were going to be using -- that most people would be using going there, there is no place for them to park. Where are they going to be parking at now? The other item that they brought up during that other meeting was that they interviewed a bunch of the homes and areas around here and the people were so excited about that facility going in, because they could walk there. Okay. Most of the places around you got to cross Ustick Road, which is 45 miles per hour if the lights are green. You got to cross Eagle Road, which is 55 in that area if the lights are green. Do you want somebody under the influence of alcohol waiting for the stoplight to turn so they can walk across the road if they are crossing at the intersection, instead of jaywalking, and all of a sudden I'm just going to run across, I don't want to wait. Someone's going to get hit in that intersection. We have already had one death there within the last couple of years where somebody's standing on the corner and was run over and killed and they weren't under the influence, neither was the driver that hit them by accident. They also mentioned that they were going to have security outside all the time, not just randomly throughout the day checking stuff. My concern with that is is once -- if they are not making the money they are expecting,



who is going to get cut? Those security people that are going to be out watching that parking lot to make sure that the people are leaving -- making sure that the people aren't raising a ruckus out there or getting in a fight, the ones that they threw out. I live right around the corner. I do not want to see the extra traffic coming through my subdivision and items like that. And I agree with everything else that's been said earlier, too. Thank you.

McCarvel: Thank you.

Weatherly: Madam Chair, next we have Joe. Joe, one moment, please.

White: Can you hear me okay?

McCarvel: Yes. Please state your name and address for the record.

Weigt: My name is Joe Weigt. I live in 1598 North Leslie Way in Meridian, Idaho. Madam Chair and Commission, I appreciate your time this evening. I know it's getting late. I will be brief. I live directly west of the proposed facility and I do also find it offensive that my letter was not in that blue folder. I know all of my neighbors. I know where Mr. Vrba lives. I have not found anybody within that vicinity who is in support of this. I own a small business in the city and recently a dance company was put in next to us and when they ran out of parking space for their facilities they would try to park in our facility, making it difficult for my -- my business to function. I don't see how this can -- how logistically this can work. The reality is as the -- as his business model changes and his needs change, there are going to be some serious traffic concerns and serious parking concerns and the community around him is going to have to bear the brunt of that punishment. It's not fair to the citizens to have to police that and also put undue load on our Police Department, who already has to deal with the other things they are doing to keep our community safe, and now they are going to be driving around having to issue parking citations and trespassing and all these other things that -- that really we should not have to deal with around here. I'm not opposed to his idea. I think he is a -- he has got a good head on his shoulders, I think he is going to do well where ever he puts his business. I just think this is the completely wrong location for it. I thank you for your time and that's all I have.

McCarvel: Thank you.

Weatherly: Madam Chair, next is C. Kynaston. One moment, please.

McCarvel: Ms. Kynaston, if you would unmute yourself and state your name and address for the record, the floor is yours. There you go. Please state your name and address for the record. We can see you have unmuted, but we cannot hear you. I apologize, I don't think your microphone is working on the device you are using. You are unmuted, but we cannot hear you. If you would like to type your concern. Okay.

Kynaston: Hello? Can you guys hear me?

McCarvel: There you go.

Kynaston: I can't tell if anyone can hear me, hon.

McCarvel: Yes, we can hear you. Please state your name and address for the record.

Kynaston: Can you hear me?

McCarvel: Yes. Yes, we can hear.

Kynaston: Anybody?

McCarvel: We can hear you.

Kynaston: I can't figure out if they can hear me or not.

McCarvel: Okay. We can hear you.

Kynaston: Hello? Can you guys hear me?

McCarvel: Yes.

Kynaston: Oh. Okay.

McCarvel: Please state your name and address for the record, but I don't know what you guys heard and didn't hear.

Kynaston: All right. I guess I will start over. So, my name is Carolyn Kynaston. 3725 North Neith Avenue, Meridian, Idaho. 83646. Joe Dodson in his presentation of this in the very beginning made the comment that there is a ratio in support of this plan of 25 percent when you are counting the public participation and 75 percent is against and I just want to be clear that the numbers are exactly 154 are against this project, to the 32 who have written in as public testimony and that percentage is 80 percent against and 20 percent for. There is a lot of us who do not want this coming into our neighborhood and we are concerned with not just the business model or the business practice, but the business owner. He has shown repeatedly self interest and a lack of concern for our neighborhood and a lack of concern for the truth and he is constantly changing what he has to say about his business to meet the requirements that will just get it approved by the city. If you follow his Facebook page he made the claim of 115, when at that moment when he made that claim, it was actually 42-24, a ratio of two to one against his business, not in favor of it, and now the ratio is substantially larger, about five to one. His website changed from being objectification of women to totally removing that section, as Jon Hoeger spoke of earlier. We feel like he is doing all of this just to get the CUP approved and, then, it will be back to the business how he originally intended as soon as he has that CUP approved. He has declared that our property values will raise, when in actuality it will lower our property values significantly, and he claims it's a benefit to our schools

and it is not a benefit to our schools. He claims it will be a boon to our city and the people who live here definitely do not feel that way and it's going to be bringing in outside clientele, people who don't live here, who don't care about our neighborhoods, coming in and trashing our neighborhoods as they attend this place, get drunk, and go home and he claims his family values are the same as ours and we completely disagree. His family values are nothing like ours. He said to people who are opposed to him that our decisions to be against him were made in haste and that if we were against him and his nightclub that we haven't formed our own opinions. He also claimed that there were letters sent out to the neighborhoods that talked about prostitution and strip clubs. I received one of those letters and it didn't have either of those words in there. So, based on his track record of not telling the truth I can see him making up these things to support himself. And -- oh. As well as the testimony that is in his -- his folder of all the people who have written in to support him. Where is that support on the actual website? Where is the actual data? Because the actual data shows only 32 people have written in support of his project. I'm really --

McCarvel: If you could wrap up.

Kynaston: -- really upset about the idea of citizen enforcement of compliance. You are giving me a full-time job without pay to go to -- to this establishment and make sure that they only have 500 people --

McCarvel: If you can wrap up your thoughts. Your three minutes are --

Kynaston: -- and an EDM drug culture. Do you guys understand what an EDM drug culture is? This isn't just a --

McCarvel: Okay. Are there anymore people who would like to speak on this application? If not, I will ask the applicant to come forward and you have -- is it ten minutes to address the concerns of the public before we move -- before we have any questions or move to deliberations.

Dodson: Madam Chair, I had a couple of points I wanted to make in response to that -- that the applicant can't, just because he doesn't know the code like I do.

McCarvel: Yes.

Dodson: Okay. First was there were some questions, even from the Commissioners, regarding outdoor activity for the outdoor entertainment. Our -- the same code section that's referenced for the indoor activities in the music venue is applicable for the outdoor. That has specific hours as well, which is limited from 6:00 a.m. to 11:00 p.m. Obviously through the CUP if future outdoor services or uses were to be proposed those could be limited further than that, but I just wanted to note that it already was limited within the code if it were to happen in the future. But, again, he is not proposing that now. Secondly, I completely understand the traffic concerns there and if I -- you have no idea how much I would wish that the city had more control over the roads here, but, unfortunately, that's

not the way it goes. I did want to share my screen real quick. Just to reiterate, there were some concerns about only having one access point in and out and with -- that would be the right-in, right-out access to Ustick, but with the construction of the access point to Cajun Lane they will have another access out to Eagle Road. I know that there was a comment about only having one. Second to that I do have a condition that they work with the Villa Sport applicant, which apparently one of them was on the call tonight, and they would also help work with them to get a cross-access here, which they already have the agreement, but the driveway itself is not constructed yet. So, to get the driveway constructed earlier, sooner rather than later. And, then, I also didn't reiterate where the ride share was. I wasn't sure if the applicant was going to speak to that, but it's hard for staff to enforce that, so I didn't find it necessary to put that on the site plan, but the applicant has stated that these uses -- these spaces on the west side of the building would be used for the ride share, the pickup area, that they could restrict on site for that. Secondly, with the outdoor area that, has to be -- it can't be located within 50 feet of any property line. There they would have like ten feet right here that would be allowed to have it at all. So, they are going to run out of room to be -- and it is prohibited at all within 50 feet. So, I just wanted to touch on those few points that are related to code that the applicant wouldn't be able to touch on.

McCarvel: Okay. Thank you. Go ahead.

Tsai: Okay. All right. I know it's late, so I will be as quick as I can. As it's said, Socrates gave long speeches and his friends killed him, so -- these are just some graphics that I have printed off regarding some of the points that -- of the concerns. When we did our noise analysis I actually went out there with a spectral meter and stood along Eagle Road to compare the sound of the Eagle Road traffic in order to get these numbers. What I had mentioned earlier, the actual STC sound rating of just a single piece of plywood is what I base it off of, because there is a lot more to commercial building walls than just a single piece of plywood. That would yield our exterior sound pressure -- pressure as they designate in what's called Decibel A weighted, at one feet from the building about 75 decibels and, then, that is what this diagram shows, it's called the inverse square law and how that works is sound dissipates as a square of the ratio of this doubling of distance from the actual source. So, what that represents is here in the graph, the doubling of the distances, out to the closest property line you could show about 256 feet the pressure would be about 43 A weighed to decibels. What does that actually mean? Here is another graph. Forty-three A weighed decibels will put up just about here and that's just above what would be the volume of a very quiet whisper and above -- and just below that is the rustling of leaves will be the perceived sound effect at -- even before the actual first house and, keep in mind, there is -- you know, if -- and this is assuming even the Villa Sport never comes to fruition. Regarding the property values, this is actually handy, because a gentleman presented this on the last Planning and Zoning hearing and I printed it off, which is things that drag down the value of your home and you will notice that neither crime nor any of those make an appearance on here. Most of the things are like hospitals, power plants, cemeteries, homeless shelters, that type of thing. The biggest -- biggest difference I noticed about our overwhelming number of supporters -- and the reason I say that, those numbers exist in the opposition, because many of them have actually written

into the city multiple times. That's where those counts come from. In fact, there -- if you were to look through them line by line -- how I did it is I took an iPad and I just went through and I circled and numbered every person that had submitted multiple times. Some people have actually submitted eight times by the same person and, then, they are using those as counts of opposition. The biggest thing I noticed amongst the difference between the supporters versus the opposition is their reasoning. We estimate now that we have at least 25 to 30 supporters for every one person that's opposing it. Those are based on the numbers that we received off of our Facebook page, coordination, and, then, just word of mouth. Now, of course, I don't have any actual numbers to document these, an actual study. On top of the -- those are on top of the dozens of various businesses, groups, nonprofit organizations, wedding couples, associations and musicians that were excited to use our facility. These are things I believe in as a core concept to our business. We are not doing these just as a facade in order to obtain a business. That's just not how I operate my business practices. But as you know with your experience here on the Commission, supporters rarely promote their voice. The person standing on the corner with a megaphone usually isn't the one yelling, boy, we really want another Walmart here. People have been pent up with COVID restrictions for over a year now and they just want a place to let their hair down and dance and socialize again. The letters that both the city and I received were from people who were unique stories of why music was so important to them. They talked about that time that they had lost a family member and it was this song that they had remembered that pulled them out of a very dark place. They talked about the time that they got engaged and realize that this song was playing on the radio. They talked about the time that they were in a grocery store and randomly bumped into the person that turned out to be the love of their life and this song was playing on the speakers inside the store. Every one of their stories were unique and they support our project because they wanted to and not because somebody told them to. While those opposed to our project have very real concerns that have the potential to impact the community, such as drunk driving or traffic, you can see with our comprehensive analysis in both the original narrative and what we presented here today that we have worked diligently to ensure that none of these concerns have an impact to the families of Meridian when compared to the massive benefit in both economics and overall need this community as a whole has asked for for over a decade. We expect to pay over 6,000 dollars a month for insurance to operate as a multi-purpose venue. So, we are not here just to serve alcohol and let them leave. When compared to over a dozen licensed establishments in the area our insurance would never allow us to operate in a recklessly or an unsafe manner. The only way a bar would prevent real concern such as drunk driving to occur would be to prevent overserving. This is something I mentioned earlier in my -- it seems like a while ago now. On the other hand, we have the ability to post staff at the doors, seeing patrons as they enter and exit, training bartenders and staff above and beyond what is required by law and the combination of all those circumstances will allow us to effectively present -- prevent nearly all incidents of drunk driving should they occur from our facility and this hearing is to really discuss the potential impact of an alcohol establishment to our neighbors in the immediate area. Somehow this wasn't a concern to all -- to those opposed to our project when this very same committee approved the permit for the Villa Sport with an outdoor pool, a swim up bar, outdoor speakers, all less than 30 feet from the closest house. Our facility is ten times further, 1/12 the size,

and has zero outdoor activities of any kind. Now, when I met our neighbors by handing out the neighborhood meeting invitations in person, many of them spent time to ask me about the project, because they were excited to have a place not only to attend to event and socialize without having to go downtown, but also a place to get good food later at night. Most of them told me flat out they would not be attending our neighborhood meeting, because they supported the project. Now, many of our supporters tonight weren't able to attend because they are still at work. Now, we don't have the same noise concerns as the complaints some have pointed out, like the Revolution Concert House, because our sound system is not engineered to be as loud as possible. It's designed for clarity, while still allowing patrons at the rear of the building to carry on a conversation. We demonstrated that using sound scientific principles that even with zero soundproofing the outside noise of our facility when measured to the closest house would always be less than the sound of the ambient traffic from Eagle Road and even if the Villa Sport never comes to fruition, which would act as a massive steel and concrete sound barrier, our neighbors would never realize our facility in an operation unless they constantly thought about it. Now, at the end of the day this project is about one thing. The music. The rare thing in this world that doesn't care what age, race, gender or religion that you are and unlike those categories, music only serves to unite people and not to divide them in any way. Thank you, again, for your time and we ask for your approval for the project.

McCarvel: Any other questions from the Commission for this applicant? Mr. Yearsley, you came off mute. Did you have a question or a motion?

Yearsley: Now, I don't have any questions.

McCarvel: Okay. If there is no other questions for the applicant or staff, I would entertain a motion to close the public hearing for item H-2021-0004.

Holland: So moved.

Cassinelli: So moved.

Grove: Second.

Cassinelli: Second.

McCarvel: It's been moved and seconded to close the public hearing for H-2021-0004. All those in favor say aye. Opposed. Motion carries.

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

McCarvel: Mr. Yearsley, were you wanting to start us off?

Yearsley: Sure. I -- I have to admit I'm a little conflicted on this one. I understand what he wants to do and I don't think it's a bad thing to do. I am concerned about how close it is to residential. He -- he keeps stating that it won't be -- the noise won't be greater than

the road, which the road noise is pretty bad by itself and, you know, I have never been to a concert that -- let's turn the volume down. So, I'm still concerned that the noise from the music will be loud and even if there is a concrete block in front -- to block that noise, still -- you will still hear that noise. We lived over off of Eagle and -- and Victory and we still hear the noise from the speedway. So, sound does travel well. So, I am concerned. My two big concerns are the sound and the parking. Where he doesn't have the other agreements in place I'm a little concerned about that. I would prefer to see those agreements in place. First a cross-access easement on the other properties as well before considering approval. And that's all I have for now.

McCarvel: Commissioner Holland, you are off mute.

Holland: I am off mute. I am the same. I am a little bit conflicted on this one. So, in general I think we all like music. I don't think that's the question. I think the challenge is location and making sure that this specific spot meets the needs of the Comprehensive Plan. You know, I think to places where music venues work really well -- I have been to Nashville many times, it's one of my favorite cities. Part of the reason that the venues there work for their nightclub atmosphere where they have lots of dancing and lots of music is that it's mostly in their urban core where it's very walkable and they have got easy access to get kind of in and out of places. The challenge I think with this specific site is its proximity to Eagle and Ustick. I think if it was a proposal within The Village I would feel differently about it than I do where it's at on Eagle and Ustick. If it was somewhere downtown I would feel different about it. Maybe even different in Ten Mile Crossing, because there is more walkability and connected pathways. So, if I was in the applicant's shoes I would say -- I certainly see Brian's enthusiasm and I appreciate and -- and encourage him to continue exploring this project. You know, I think he's put a lot of effort and a lot of really good comprehensive thought into it. I -- I think he definitely did some research when he was putting together his presentation to us, but for me it really comes down to the challenges of the location itself and making sure that we make that in the right spot. If it was just a restaurant being proposed that had alcohol being served and it was a place that happened to play music, I don't think I would have the same concerns. I think it's the nightclub atmosphere, which, again, I'm not opposed to having in Meridian, I think nightclubs are a great option for people who want to go out and dance and I don't think that we are opposed to dancing, we are not opposed to music, it's about finding the right location and I have concerns with the right-in, right-out and the way that traffic would flow in and out of this complex, that there could be some impacts on the residential community nearby. So, I would encourage the applicant to look towards maybe talking with the folks at Brighton who put in a request tonight for 83 commercial lots in the Ten Mile area or maybe looking at The Village or maybe looking at potentially a downtown property if they wanted to find an option and that's my initial thoughts. But, again, I -- I could be swayed hearing other thoughts from the Commission, because I -- I am torn. I don't want to say no to -- to new music venues and business opportunity, I just want to make sure it's the right place for the Comprehensive Plan and in the best interest of the city.

McCarvel: Commissioner Grove.

Grove: Madam Chair. I think Commissioner Holland summed up a lot of how I feel about this as well. Definitely torn. Personally I would love to see this downtown, but that's just a -- a personal preference probably on some of that. But looking at the criteria and the staff report for what we are to base this decision on, just kind of going through the eight points starting on page 18 of the report, and, you know, as I tick down the list, you know, for the most part it's coming up yes in terms of meeting those criteria. There is a few that I think deserve a lot of discussion, but there is going to have to be some very clear basis of what we are looking at I guess in terms of how we are making our decision and that's a little bit different than something that's coming in and asking for a rezone and -- and platting and all those types of things and so the -- the challenge -- and that's why I kind of asked Joe at the beginning what is the criteria that we are judging this against. I think taking the fact of what's been presented versus the -- a motion of what's been presented, is going to be key to coming to a good resolution on this application. So, I'm torn and I don't necessarily have a set vote yes or no yet, but I just kind of wanted to throw that out there as we started discussing.

McCarvel: Commissioner Cassinelli.

Cassinelli: Okay. Concerns. I -- I don't know if I'm -- the internal noise I don't see as a -- as a huge issue. To me it would be -- it would be issues out in the parking lot. That's why I did ask the applicant about what they were going to do, you know, for that and the plan might be to have security out in the parking lot, but is that going to happen. I think the parking lot and out behind the building are where issues might happen at, you know, 1:00 in the morning and some of this stuff I'm speaking from personal experience way back in the day. Traffic. My concern there is is -- it's Cajun Way. I think if this were -- if this were -- were in an area that wasn't so constrained, it wouldn't be -- it wouldn't be a big deal, I -- but this is a very -- again, I mean every time we get one of these in-fill things they are difficult. Throw us an in-fill deal like this that -- that has the use that it is, with a nightclub, makes it even a hundred fold. But if there were a real easy way in and out -- I'm not worried about the traffic at 1:00 in the morning, people leaving. I don't think that -- you know, that's not going to be an issue. There won't be cars on Ustick or Eagle. That's not the issue. So, I'm not super concerned about that. It's the -- it's -- it's how they are getting in and out of this space and using Cajun is -- that's a tough one, because, then, it -- that funnels people into that neighborhood behind there. If you have had a couple to drink you may not know which way Eagle Road is when you go through a roundabout and get twisted around, into the neighborhood and wind up hitting a parked car. Those are -- those are not -- those are -- there are narrow roads, narrow streets through there, so they are not -- they are not the normal -- normal width there. So, that's a concern. My other concern -- I don't think there is enough parking personally. I think the -- I think the numbers that we are looking at are -- are -- are a little bit under I would say. I think -- you know, I mean you look at employees there is -- on a Friday, Saturday night, 20, 25 employees based on everything they will have going on there, that -- then they will all come in one car -- in their own car. I don't see people piling in four and five to a car to go to a nightclub. It's going to be -- it's going to be three, probably, on -- on average going in there and certainly, you know, on the way home maybe you will utilize ride share, but -- but I don't know if there is enough parking. My two biggest concerns



would be the traffic that this would funnel out through the neighborhood and parking and right now they don't -- without -- if there were an agreement with Villa Sport -- but Villa Sport is going to be open until midnight on these nights, too. So, I don't know how open Villa Sport would be to allow parking. So, those are my -- my concerns and I just think it's maybe in this situation trying to stick a square peg in a round hole. I would love to see it. So, let me get back to that. I would -- you know, it may not be my -- my cup of tea, but -- but I think it would be a great -- a great asset to Meridian. I just don't think it's the best location. Maybe if they came in first and other things were built around it, it's -- again, trying to get it into this in-fill project just doesn't fit with the traffic. To me with the traffic and the -- and the parking are the big stickers I have.

McCarvel: Commissioner Lorcher.

Lorcher: I do, Madam Chair. I mentioned this at another Planning and Zoning meeting. Where there is a piece of dirt in front of your subdivision, unless you own that piece of dirt we don't always get a say of what it's going to be. We know it's going to be commercial, but it could be anything -- it could be anything and just because we might not be the patrons of it, is it our judgment to say that it belongs there, it doesn't belong there. So, I think because there is not a good neighbor agreement between the other businesses at this point in time and where there is going to be overflow parking in order for all of these businesses to work together, if that could be resolved I would support a conditional use permit. I don't -- I'm not worried about the noise. He is going to build a building that's got to be airtight and there is not going to be children walking around at 1:00 o'clock in the morning or even midnight and traffic will be -- can be negotiated. But unless he is a good neighbor and has that agreement -- I used to own a tow truck company. We used to pull people off of other people's parking lots all the time. You are looking at a minimum of anywhere from 125 to 300 dollars. If you walk out of your club and your car's not parked where it's not supposed to be and that's a huge, you know, financial concern, because you are just creating enemies instead of having good neighbors from whomever you are going to be. So, that would be my concern at this point in time.

McCarvel: Yeah. I think I will chime in. I -- I love the idea of this. I think, again, the applicant has, obviously, done a well thought out plan. I think it's something that would be beneficial in the City of Meridian. I am concerned that this exact spot is the right spot for it and I guess I'm looking at the reason it is -- it requires a conditional use permit is -- was given to us by staff in their narrative -- it's the indoor recreation facility is principally permitted in the C-G zone, unless it incorporates a music venue and is located within a thousand feet of an existing residence. It, then, requires a conditional use permit and that's just for -- because, then, you have got to lay some common sense eyes on it and say is -- is this a fit and at just a little over 300 feet, instead of a thousand, I think that's a concern. And the bigger concern in my mind is the parking. The math just doesn't work on that and I would agree with Commissioner Lorcher, that, you know, if there was an agreement in place for the parking that there weren't going to be constant issues, I think we are -- we are setting up, you know, creating bad neighbors amongst the business owners if that can't be resolved before this goes in and I agree. Unfortunately, this is the last thing in. You know, the building has already been approved. This is a conditional

use for the building. You know, if it's not this it will -- you know, it will be something else. It will be more stuff, like the Jamba Juice. But I think we are setting ourselves up for bad business neighbors if they don't -- if we allow this to go through without the parking being resolved. Commissioner Yearsley.

Yearsley: Just looking at -- from what I'm hearing from everybody else, there are some items that we have concerns about. You know, the two things that I see with it is we give him a continuance for a month and have him, you know, try to identify parking and try to get those agreements in place and other conditions or I'm hearing a denial is kind of what I'm hearing and so I'm kind of curious to where people -- really, I'm -- I would actually lean to a continuance for a month to give -- you know, give him an opportunity to work through some of that if he can.

Grove: Madam Chair?

McCarvel: Commissioner Grove.

Grove: I would -- I would be in favor of doing a continuance versus a denial. I think that we can definitely set some very set pieces of what -- what we need to see different on this.

Cassinelli: Madam Chair?

McCarvel: Commissioner Cassinelli.

Cassinelli: One other thing that just -- that just kind of popped into my mind that came up in the very beginning of this with regards to parking. If -- you know, even if it's -- the capacity is limited to 500, if fire code caps at it 700, if some of those numbers have been through there, you know, I mean how do you stop it at five and that -- not that the capacity inside would be an issue if there is room, but that goes to the parking. So, even -- I think if we -- if we continue it based on parking being one of the issues, I think we really need to see -- we need to see some real rock solid agreements, because, obviously, if that's what we are going to do we have got to give the applicant some guidance here. Some just rock solid, you know, that he can come back and say I have got -- you know, I have got double the amount of spaces available to me in this -- in this area or whatever the number -- whatever the number might be. I just -- because I could easily see the capacity going above 500 if the Fire Department has 750 and, again, one of the questions I asked early on is how do we -- how do we control that and -- and whatnot. So, it's -- that's a difficult thing to do. I think the applicant will probably say with the -- with the technology they are using at the door with scanning, you know, you cut the number off, but who is to say if there is a line outside and people want to come in you don't let him in if you -- if you are still under the fire code, because who is going to -- who is going to walk through there and try and count people that are moving. I think we just got -- he has got to plan for more than ample parking. I don't think it's near enough. So, the thought there on that capacity number.

Holland: Madam Chair?

McCarvel: Commissioner Holland.

Holland: I'm still a little bit worried about the traffic flow in and out, especially with the residential streets that's there. The -- just the proximity of this to that residential and I wish that I could pick up this project and move it to The Village or move it downtown or move it to Ten Mile, because I think it wouldn't be a question for me at all if that was the case. So, I'm still worried that if we extend it another month we give maybe some false hope that we might be able to accomplish what we are hoping to, but I don't know that finding enough parking is really going to fix some of the challenges of the way traffic is going to flow in and out of this site. So, that's still a concern of mine. I -- I want to reiterate I like Brian's enthusiasm. I like his energy. I like the concept of having a music venue in writing. I think it would be a nice amenity to have. I'm just -- this is not the place I would pick to put it. I -- if it was a restaurant that had music that would be a different story. But when it's a nightclub and you have got later operating hours and we do have Villa Sport that's got similar operating hours, I don't know that you are going to be able to work out a parking agreement that makes us all feel comfortable. So, I would hate to give false hope, but if the Commission would like to -- to move to continue it, I'm more than happy to give the applicant a chance to try and come up with coming back to us and I would say -- there would be three things I would ask him to do is, one, work out a parking agreement, make sure that they can show that he can meet their demands. Two, maybe come up with some sort of circulation plan of how they advise their patrons to come in and out of the site and, three, that they would maybe work with the Meridian Police Department on kind of a safety plan and protocol. I think that that was certainly a concern we heard from a lot of people, that when -- when they think of nightclubs, just making sure that they feel comfortable. I know from personal experience -- we have a nightclub we have worked with in Kuna and when the police department has a good relationship with the bouncers that work for the facility and they work collaboratively on coming up with a safety plan, it works much better for the community, so --

Lorcher: Madam Chair?

Holland: I hope that helps us, but --

McCarvel: Commissioner Lorcher.

Lorcher: I would agree with a lot of the things that Chairman Holland said. I would like to see a -- a solid good neighbor propose -- you know, plan in place and would, you know, support a continuance so that he would have time to be able to consult with Villa Sport and the other businesses around there, so that they have good neighbor relationships. Because that would kill the business right then and there.

Grove: What -- what parking totals would we be looking at?

Lorcher: Commissioner Grove, I don't know if it's so much as the totals as people just figuring -- if it's a continuous parking lot, they can go wherever they want. For example, when I had the tow company we worked out of Garden City and people would go to the Revolution Nightclub, but park in the Dairy Queen. Well, the Dairy Queen didn't want them. So, as soon as they would park there we would tow them. Like I said, at 300 dollars a pop every time. So, I think the -- the lines aren't really specifically drawn if they are all connected, especially with streets on either side. But if there is a good neighbor agreement between all the different businesses, then, you don't have to worry about that and that's going to save a ton of people a ton of money if you hire a tow company or security to be able to do that every night. I mean -- and that just -- that just makes everybody mad. I mean I can't tell you -- we never towed anybody and they came away happy, so -- especially after a night of drinking and they are like where the heck is my car. So, if to have an event like this where it's going to be a music venue and people are just going to go where they need to go, having a good neighbor policy for parking is going to be imperative for him to be successful.

Grove: Madam Chair?

Holland: Madam Chair?

McCarvel: Commissioner Grove.

Grove: I don't necessarily disagree with that. I think, though, in terms of telling the applicant, you know, not just saying you need to have an agreement in place, but give him some target numbers for him to say like, yes, we have an agreement, but we only got five spots, that doesn't really go to what the nature of the need is here. So, I think we need to probably put some parameters around that just --

Holland: Madam --

Grove: -- so that we have something to gauge against and the applicant has something to, you know, work towards.

McCarvel: Commissioner Holland.

Holland: Madam Chair. Right now I believe they have 125 stalls available; is that what we heard? Four to one?

McCarvel: Yes.

Holland: So, if that's the case and we feel like a three-to-one ratio would be better, that would be 166. I think if we could say that they could meet 166 available parking stalls maybe that would meet that ratio or we could say 150. But maybe that gets us a little closer.

Cassinelli: I think that's a good target.

Parson: Madam Chair?

McCarvel: Yes, Bill.

Parsons: This is Bill. So, if you look -- if you look at the conditions of approval that we have in place, we are asking the applicant to establish a shared parking agreement with Villa Sport. I'm looking at their approved site plan and they had over 500 stalls and that's why when you are talking -- that's the concern that we had as staff is, yes, although the code requires one per 250, the code allows you to put more restrictive requirements on a conditional use permit and so in our -- when we were analyzing this -- I have dealt with that residential portion of that subdivision throughout the -- my tenure with the city and we put in speed humps -- or speed cushions in that private street because of the cut-through traffic from Jimmy Johns. There has -- there has been a lot of -- a lot of history that's gone on with that residential development just with the commercial along Eagle there and so that's why when Joe and I analyzed this project it was -- to me what makes it work is that this area is just underdeveloped right now. If Villa Sport was in and that drive-through that you acted on this evening was in, all of a sudden we are talking five or six hundred parking stalls and we have different -- multiple ways of getting in and out of here and that's really what Joe and I tried to lay out for you in the staff report. The only way this business is going to work is if there is cross-parking, because, you're right, you are going to create that situation where you are going to have business owners fighting against one another or having private property and no parking signs going up in the parking lot and we are just going to create a code enforcement nightmare for ourselves and all due respect, I love the -- the passion that the applicant has had, too. It's just sometimes -- you know, we are tasked with providing safeguards on the conditional use permit. So, don't think -- you know, even continuance out, I think that's a great idea to do that and try to get some -- see if we can solidify some of those shared parking agreements. I think that's really -- really critical. Him addressing the police and getting that safety plan, I like that suggestion. And also have him share with us how we plans to incentivize that Uber and Lyft drivers to come use patrons -- or people want to get discounted if they carpool and we just don't have a lot of these details. So, continuation is one avenue. The other thing is if you just don't think you can get there, you can again -- it's your -- it's your purview to deny it, but giving him directions on how to gain an approval. But he has the ability to appeal it to City Council. That's an option in the code. If -- if he doesn't agree with your -- your conditions or your decision, the applicant has the right to appeal that or go through City Council review, just like Villa Sport did. So, there is some options for you. But certainly from -- from my perspective this Villas Sport project needs to happen in order for this -- this area to work. A hundred and twenty-five parking stalls is just going to be pretty light. So, let's give him some time. At least I was happy to see the landowner for Villa Sport was on the line tonight saying that he's willing to work with Brian. I think that was a small sliver of hope to help him get some additional parking to help what he's trying to achieve here. But to me that's really -- we have got to have all these property owners working together and as you know that can be difficult sometimes.

Cassinelli: Madam Chair?

McCarvel: Commissioner Cassinelli.

Cassinelli: Bill, if -- what would -- what would the applicant need in terms of an agreement with these other property owners that would -- that would really make sense. I mean it just -- I mean I'm not talking -- yeah, you know, you can use our parking spot on a -- on a cocktail napkin. That's, obviously, not good enough. How much detail are we -- are we talking about here? Is it -- would he get a number of spots from a -- from one of the neighboring locations? What would -- you know, from your experience what -- what exactly would he need.

Parsons: Well, anytime we get a -- get a written agreement for a project I always send them up to Ted in Legal, because I want him to make sure we are on solid ground, because I want them -- a lot of times these agreements have language in there that they can terminate at anytime and we want to make sure whatever we are agreeing to or whatever they are agreeing to, that it kind of stays in place for that business owner. But typically we can't always control a private contract between property owners. So, that's why we have tried to structure this approval to say, you know, coordinate or work with that property owner, establish a shared parking agreement. I don't have a site plan to share with you. I have the Villa Sport site plans pulled up, but to the south of this building in this multi-tenant building that we are talking about this evening, there is probably a hundred stalls to the south of them that I would think realistically the applicant should -- could or possibly negotiate use of that parking and, then, also that multi-tenant building with the drive-through this evening had an additional 32 stalls. So, we are looking at potentially doubling the parking just near the vicinity of this -- this building would I think help -- help this applicant tremendously to just provide some additional parking. I don't think he needs to go -- that drive aisle that comes off Ustick and ties into Cajun, anything kind of west of that, you know, Villa Sport, I think it probably preserves their interests there. It's just everything kind of south of this existing site that -- I think the negotiations need to happen and try to figure out how -- how they can come up with a game plan to get a shared parking agreement in place and a month may allow the applicant time to do that. I don't have a magical number for you. That's -- that's why we said work out an agreement and let's see if that's a good compromise. But I think at least getting more than what's out there is probably a good compromise.

Baird: Madam Chair?

Cassinelli: Madam Chair? A concern that that just brought up is -- you know, you -- Bill, are you saying it's a private agreement between two individuals. If --

McCarvel: Commissioner Cassinelli, our legal is ready to advise here for a second. I think he might answer your question.

Cassinelli: Okay.

McCarvel: Thanks.

Baird: Thank you, Madam Chair. That's what I was hoping to do. We look at cross-parking agreements the same way we look at cross-access agreements and in a cross-access it's like you can use my property, I can use your property, we can -- you know, free access in and out. Most cross-parking agreements just say this is my lot, this is your lot, people -- your people can park in mine, my people can park on yours. So, if you are going to do that you are going to need -- the Commission needs to identify which lots. Is it just to the south or does it include Villa Sport. Do you want everything -- I mean this is what a shopping center does is that every single business shares all that parking and I think that might be what you are looking for. As to the form of the agreement, they are recorded documents against the land. We would look to make sure that it runs with the land. So, if the owners change the property -- or the cross-parking stays in place. So, yeah, those are the type of things that we would -- we would review for and we are happy to provide. I can't draft it for him, because I can't be his legal counsel, but I can show him what we have approved in the past.

McCarvel: Okay.

Parsons: Yeah. Can the Commission see my screen?

McCarvel: Yes.

Parsons: So, this is -- so, here is where The Oasis or the building that Oasis is looking to locate on. So, here is what I'm talking about and there is -- here is all that parking to the south and, then, here is the drive aisle that comes off of Ustick. So, I think -- I don't -- I don't imagine Villa Sport is going to have too many people late night working out that will be using this parking and probably be more in this area here and they also have this out lot over here. But, again, if Villa Sport is willing to allow cross-access and -- or shared parking across all of this area, then, that works as well, too. But we don't know until at least Brian has that conversation -- the applicant has that conversation with the gentleman that spoke this evening and what they can get worked out.

Cassinelli: I would be willing to -- to give them that opportunity. My concern would be on a -- on a -- on a parking agreement would be if -- you know, if the -- if it was Villa Sport, just -- I don't know the name of the other development there, but if it was Villa Sport and every -- you know, every Friday morning, Saturday morning, Sunday morning that Villa Sport comes out, the parking lot is -- is a mess, it's got trash all over it, they may terminate -- decide to terminate that agreement and then -- and, then, we are in a bad spot. Now we have really got a -- then we really have parking issues. And, again, I would be willing to give the applicant a try on it, but I look at this -- I mean if you -- if -- you know, I know it's tough to find a spot in Meridian right now, but if -- you know, if he found a spot with better access, better parking, he can even up his capacity, then, to 700, a thousand, in a different location and -- not that I'm saying I'm not going to try and talk him out of this location necessarily, but, you know, I see almost more positives somewhere else. But I would be willing to certainly continue it to see if -- if they can get some -- get some agreements. I would want to see the agreements. I think we -- not just a verbal, yeah,

we got an agreement, I think it would be something that we would need to review and see how rock solid it is.

Holland: Madam Chair?

McCarvel: Commissioner Holland.

Holland: I think that there is enough voices that I have heard of people wanting to give them a chance to come back to us that I'm going to make a motion that we reopen the public hearing for H-2021-0004 for The Oasis for the purpose of setting a date to continue this application to make some requests.

Cassinelli: Second.

McCarvel: It has been moved and seconded to open -- reopen the public hearing for H-2021-0004. All those in favor say aye. Opposed? Motion carries.

MOTION CARRIED: SIX AYES. ONE ABSENT.

McCarvel: While we have got the hearing open, do we want to just set a date or do we want to ask the applicant what date he thinks he needs?

Holland: Madam Chair, I was thinking May 6th might give them enough time, because if we do the date before that it might be too tight to work out a parking agreement like that. But I wanted to see what staff thought and see if the applicant might be open to doing May 6th.

McCarvel: I'm getting a nod from the applicant.

Dodson: Madam Chair, staff would agree with that as well.

McCarvel: Okay. May 6th.

Holland: Madam Chair?

McCarvel: What -- if you are going to speak you need to come up to the microphone. And just to the date.

Tsai: Oh. Okay. That should be adequate. Sorry.

McCarvel: That's okay.

Tsai: I was going to point out something that was -- a lot of the parking was covered in the narrative with the analysis that we did, regarding ride share ratios and the comparison of another --



McCarvel: And I think the Commission has decided that --

Tsai: Okay.

McCarvel: -- it's not adequate.

Tsai: Okay. I'm sorry. I didn't know if that was -- that was --

McCarvel: Yeah. Okay. Yeah. No, we have decided it's not adequate -- adequate and we want to -- I think we are at either denial or continuing to see if you can resolve the parking issue.

Tsai: I certainly appreciate the chance to be able to try and work that out.

McCarvel: Okay.

Tsai: Thank you.

McCarvel: Thank you.

Holland: Madam Chair?

McCarvel: Commissioner Holland.

Holland: You want me to make a stab at it?

McCarvel: Sure.

Grove: Madam Chair, real quick.

McCarvel: Sure. Go ahead.

Grove: Commissioner Holland, could you maybe in the parking piece of it make sure that -- I know it's been talked about, but just since we are going to have it brought back, make sure that the ride share parking or ride share access piece is very clearly addressed. Thanks.

Holland: I will try my best. I'm going to go slowly so you can all correct me if I miss something. After considering all staff, applicant, and public testimony, I move to continue application for The Oasis, H-2021-0004, for the hearing date of March 18th, 2021, to the hearing date of May 6th, 2021, for the purpose of allowing the applicant to help resolve a few issues for the Commission, which include, one, working with the Meridian Police Department on creating a safety plan and protocol and helping to follow any advanced guidelines that they might like to see for this establishment. Two. That the applicant would work on a circulation plan and a ride share promotion plan to help enhance safety of the development, making sure that there is dedicated space for ride share parking and

that they would come back with some enhanced notes for us on what that could look like. That they would put together a -- work towards establishing a shared parking agreement with their neighboring business owners and that we would be seeking to see a minimum of at least 170 stalls -- I'm going to throw a number out there -- that could help service this establishment and that -- that they would provide a copy of that agreement to the Commission for our review. And that they would come back with a visual of how that parking agreement looks and what their suggested circulation plan looks like for the facility for customers coming and leaving.

Grove: Second.

McCarvel: It has been moved and seconded to --

Holland: Oh, can I make a modification?

McCarvel: Sure.

Holland: I forgot one note. I would also move that we are not reopening the conditional use permit for public testimony, but that we are specifically opening it for the items discussed in that motion made.

Grove: Second stands.

Cassinelli: Can we do that?

Baird: Madam Chair?

Cassinelli: The second part of that?

Baird: I was going to chime in. I understand the intent of what was just stated by Commissioner Holland. When you reopen the hearing for specific issues and new information is provided to you and there will be new information on the safety protocol, the circulation plan, the ride share parking, and the shared parking agreement, those four issues the public would be allowed to comment only on those. No -- no repetition of what you have heard tonight. You have narrowed it down to these things and the applicant gets a chance to present what he's found and the Commission and the public get a chance to comment and he will get to rebut just like tonight. Those issues only.

Holland: I apologize and thank you for that clarification. I meant to say that we would limit it to discussion around those specific items -- that we would limit public testimony to those specific items. So, I would modify my motion to say that, again, we would limit public testimony to be related to the four items that we asked them to come back to us with.

McCarvel: Okay.

Grove: Second still stands.

McCarvel: It has been moved and seconded to continue The Oasis, H-2021-0004, to the hearing date of May 6th for the items stated in the motion. All those in favor say aye. Opposed? Motion carries. We will see you on May 6th.

MOTION CARRIED: SIX AYES. ONE ABSENT.

**8. Public Hearing for Skybreak Neighborhood (H-2020-0127) by Laren Bailey of Conger Group, Located at 3487 E. Adler Hoff Ln. and 7020 S. Eagle Rd.**

- A. Request: Annexation of 80.46 acres of land with an R-8 and R-15 zoning districts.
- B. Request: A Preliminary Plat consisting of 329 building lots, 40 common lots and 14 other lots (i.e. 12 common driveway lots, 1 private street lot and 1 lot for the existing home) on 79.69 acres of land in the R-8 and R-15 zoning districts.

Holland: Madam Chair?

McCarvel: Oh, Commissioner Holland, I know exactly what you are going to say. How does the rest of the -- I will say it for you. How does the rest of the Commission feel about opening the next item or are we out of gas? And I guess I -- before we have that discussion, I will open it up to Madam Clerk to tell us what's on the next agenda before we make that decision.

Weatherly: Thank you, Madam Chair. Our next meeting is April 1st. On that meeting there are currently three hearings scheduled. One is a conditional use permit for an drive-through. The other is Meridian South Fire Station and Police Substation Annexation. And the other one is a conditional use permit for multi-family development, as well as a preliminary plat. The second -- oh, my apologies. Mr. Johnson just pointed out we actually have an additional hearing that night on 3175 North Ten Mile, which is a rezone. On April 15th there are currently three hearings. One is for annexation and a preliminary plat. Another one is a modification to the conditional use permit for Pine 43 Apartments. And the third is Roberts Annexation for annexation of two acres.

McCarvel: Given that what would the Commission prefer to do this evening?

Yearsley: I say April 1st.

McCarvel: Okay.

Holland: Agreed.

McCarvel: Okay. I think all it would take would be a motion. We would need to continue item -- where did we go? Lost --

Cassinelli: Madam Chair, do we need to check with the applicant on that -- on those dates?

McCarvel: Who do we have her tonight for Skybreak? Madam Clerk? Yeah. I don't -- yeah. If the applicant is online, please, raise your hand. Otherwise, we are going to assume you are not here anyway. So, could I get a motion to continue item H-2020-0127, Skybreak Neighborhood to the meeting date of April 1st.

Yearsley: So moved.

Cassinelli: I would make that motion if we are able to put them first on the agenda for new business.

McCarvel: Absolutely.

Holland: I will second that.

McCarvel: It has been moved and seconded to continue item H-2021 -- or, I'm sorry, 2022-0127 to the hearing date of April 1st and be the first item on the agenda. All those in favor say aye. Opposed. Motion carries.

MOTION CARRIED: SIX AYES. ONE ABSENT.

McCarvel: One other --

Yearsley: Madam Chair?

McCarvel: Commissioner Yearsley.

Yearsley: I move we adjourn.

Holland: Second.

Cassinelli: I got a question -- I got a comment before we do that.

McCarvel: Are you serious?

Cassinelli: Do we want it -- it's just a quick one. Should we make a time limit of going into a new item?

McCarvel: I think we have kind of done that on the fly. I think it will depend on what's -- you know, at the end. But I think we have kind of established that this last couple of times. Yeah. I don't think -- I mean I don't think we want to get into that. We never know what

-- I mean the next week's going to get even worse. So, I think we have kind of established a routine here that if it gets starting a new one past 11:00 we kind of take a look at it.

Cassinelli: All right. Then we have a motion on the floor.

Holland: It still stands.

McCarvel: It has been move -- moved and seconded to adjourn. All those in favor say aye. Opposed? Motion carries.

MOTION CARRIED: SIX AYES. ONE ABSENT.

MEETING ADJOURNED AT 11:29 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS.)

APPROVED

\_\_\_\_\_  
RHONDA MCCARVEL - CHAIRMAN

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

ATTEST:

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



## AGENDA ITEM

**ITEM TOPIC:** Findings of Fact, Conclusions of Law for Sadie Creek Drive-Through (H-2021-0006) by The Land Group, Generally Located South of E. Ustick Rd. on the West Side of N. Eagle Rd.

**CITY OF MERIDIAN  
FINDINGS OF FACT, CONCLUSIONS OF LAW  
AND  
DECISION & ORDER**



**In the Matter of the Request for Conditional Use Permit for a Drive-Through Establishment within 300-Feet of another Drive-Through Establishment on 1.18 Acres of Land in the C-G Zoning District for Sadie Creek Drive-Through, Located South of E. Ustick Rd. on the West Side of N. Eagle Rd., by The Land Group.**

**Case No(s). H-2021-0006**

**For the Planning & Zoning Commission Hearing Date of: March 18, 2021 (Findings on April 1, 2021)**

**A. Findings of Fact**

1. Hearing Facts (see attached Staff Report for the hearing date of March 18, 2021, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of March 18, 2021, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of March 18, 2021, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of March 18, 2021, incorporated by reference)

**B. Conclusions of Law**

1. The City of Meridian shall exercise the powers conferred upon it by the “Local Land Use Planning Act of 1975,” codified at Chapter 65, Title 67, Idaho Code (I.C. §67-6503).
2. The Meridian Planning & Zoning Commission takes judicial notice of its Unified Development Code codified at Title 11 Meridian City Code, and all current zoning maps thereof. The City of Meridian has, by ordinance, established the Impact Area and the Amended Comprehensive Plan of the City of Meridian, which was adopted April 19, 2011, Resolution No. 11-784 and Maps.
3. The conditions shall be reviewable by the City Council pursuant to Meridian City Code § 11-5A.
4. Due consideration has been given to the comment(s) received from the governmental subdivisions providing services in the City of Meridian planning jurisdiction.
5. It is found public facilities and services required by the proposed development will not impose expense upon the public if the attached conditions of approval are imposed.
6. That the City has granted an order of approval in accordance with this decision, which shall be signed by the Chairman of the Commission and City Clerk and then a copy served by the Clerk

CITY OF MERIDIAN FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION & ORDER  
CASE NO(S). SADIE CREEK DRIVE-THROUGH CUP H-2021-0006

upon the applicant, the Planning Department, the Public Works Department and any affected party requesting notice.

7. That this approval is subject to the conditions of approval in the attached staff report for the hearing date of March 18, 2021, incorporated by reference. The conditions are concluded to be reasonable and the applicant shall meet such requirements as a condition of approval of the application.

#### C. Decision and Order

Pursuant to the Planning & Zoning Commission's authority as provided in Meridian City Code § 11-5A and based upon the above and foregoing Findings of Fact which are herein adopted, it is hereby ordered that:

1. The applicant's request for conditional use permit is hereby approved in accord with the conditions of approval in the staff report for the hearing date of March 18, 2021, attached as Exhibit A.

#### D. Notice of Applicable Time Limits

##### Notice of Two (2) Year Conditional Use Permit Duration

Please take notice that the conditional use permit, when granted, shall be valid for a maximum period of two (2) years unless otherwise approved by the City in accord with UDC 11-5B-6F.1. 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. For conditional use permits that also require platting, the final plat must be signed by the City Engineer within this two (2) year period in accord with UDC 11-5B-6F.2.

Upon written request and filed by the applicant prior to the termination of the period in accord with 11-5B-6.F.1, the Director may authorize a single extension of the time to commence the use not to exceed one (1) two (2) year period. Additional time extensions up to two (2) years as determined and approved by the Commission may be granted. With all extensions, the Director or Commission may require the conditional use comply with the current provisions of Meridian City Code Title 11.

#### E. Notice of Final Action and Right to Regulatory Takings Analysis

1. **Please take notice** that this is a final action of the governing body of the City of Meridian. When applicable and pursuant to Idaho Code § 67-6521, any affected person being a person who has an interest in real property which may be adversely affected by the final action of the governing board may within twenty-eight (28) days after the date of this decision and order seek a judicial review as provided by Chapter 52, Title 67, Idaho Code.

#### F. Attached: Staff report for the hearing date of March 18, 2021



By action of the Planning & Zoning Commission at its regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

COMMISSIONER RHONDA MCCARVEL, CHAIRMAN VOTED\_\_\_\_\_

COMMISSIONER ANDREW SEAL, VICE CHAIRMAN VOTED\_\_\_\_\_

COMMISSIONER LISA HOLLAND VOTED\_\_\_\_\_

COMMISSIONER STEVEN YEARSLEY VOTED\_\_\_\_\_

COMMISSIONER WILLIAM CASSINELLI VOTED\_\_\_\_\_

COMMISSIONER NICK GROVE VOTED\_\_\_\_\_

COMMISSIONER MARIA LORCHER VOTED\_\_\_\_\_

\_\_\_\_\_  
Rhonda McCarvel, Chairman

Attest:

\_\_\_\_\_  
Chris Johnson, City Clerk

Copy served upon the Applicant, the Planning and Development Services divisions of the Community Development Department, the Public Works Department and the City Attorney.

By:\_\_\_\_\_ Dated:\_\_\_\_\_  
City Clerk's Office

# EXHIBIT A



## STAFF REPORT

### COMMUNITY DEVELOPMENT DEPARTMENT

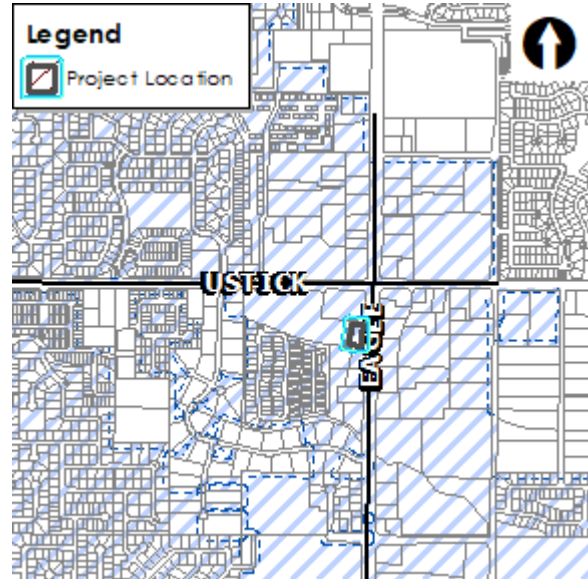
HEARING DATE: 3/18/2021

TO: Planning & Zoning Commission

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

SUBJECT: H-2021-0006  
Sadie Creek Drive-Through – CUP

LOCATION: South of E. Ustick Rd. on the west side of N. Eagle Rd., in the NE ¼ of Section 5, Township 3N., Range 1E.



#### I. PROJECT DESCRIPTION

Conditional use permit for a drive-through establishment within 300-feet of another drive-through establishment on 1.18-acres of land in the C-G zoning district.

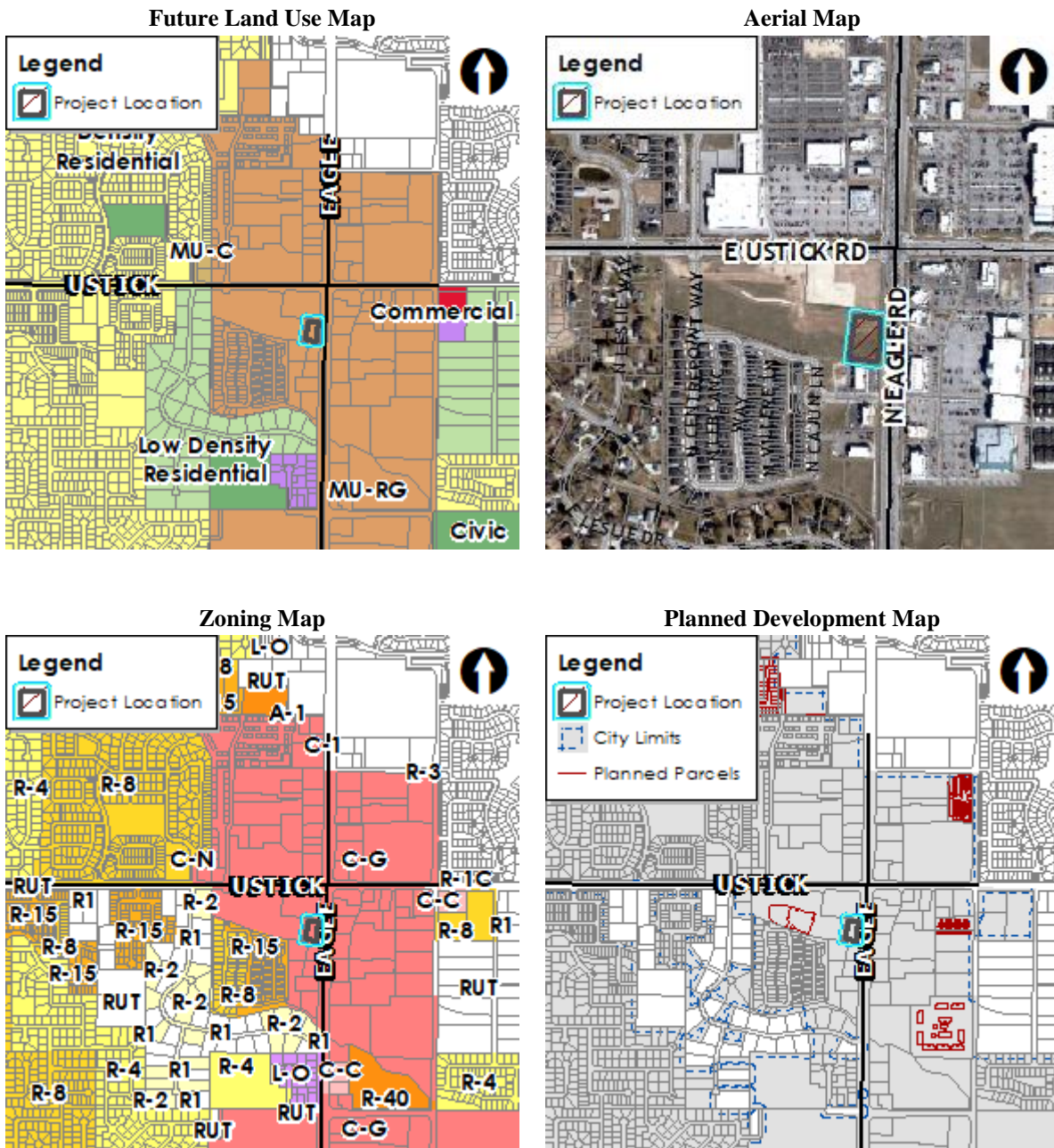
#### II. SUMMARY OF REPORT

##### A. Project Summary

Description	Details	Page
Acreage	1.18-acres	
Future Land Use Designation	Mixed Use – Regional (MU-R)	
Existing Land Use	Vacant/undeveloped land	
Proposed Land Use(s)	Restaurant (coffee shop) with a drive-through in a multi-tenant building	
Current Zoning	General Retail and Service Commercial District (C-G)	
Physical Features (waterways, hazards, flood plain, hillside)	None	
Neighborhood meeting date; # of attendees:	1/11/21; 3 attendees other than the Applicant	
History (previous approvals)	A-2018-0361 (ROS #11747, Parcel F); AZ-05-052 (DA #108008770, Sadie Creek Commons); H-2018-0121 (Villasport MDA, Inst. #2019-060877 – excludes property from previous DA)	

# EXHIBIT A

## A. Project Area Maps



### III. APPLICANT INFORMATION

#### A. Applicant:

Tamara Thompson, The Land Group, Inc. – 462 E. Shore Drive, Ste. 100, Eagle, ID 83616

#### B. Owner:

Sam Ryan, Sadie Creek Commons, LLC – 10789 W. Twain Ave., Ste. 200, Las Vegas, NV 89135

# EXHIBIT A

C. Representative:  
Same as Applicant

## IV. NOTICING

	<b>Planning &amp; Zoning Posting Date</b>
Newspaper Notification	2/26/2021
Radius notification mailed to properties within 300 feet	2/23/2021
Site Posting Date	3/4/2021
Next Door posting	2/25/2021

## V. STAFF ANALYSIS

The proposed drive-through is for a 2,250 square foot coffee shop (classified as a restaurant) within 300-feet of another drive-through establishment, which requires Conditional Use Permit approval (CUP) per UDC Table 11-2B-2. The other drive-through establishment (Jimmy John’s) that constitutes the CUP requirement is located directly to the south of this site.

**Specific Use Standards:** The proposed drive-through establishment is subject to the specific use standards listed in UDC [11-4-3-11](#), Drive-Through Establishment. A site plan is required to be submitted that demonstrates 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;

*At over 400’ from the drive-through window to the nearest drive-aisle that provides access to the parking area, the stacking lane should have sufficient capacity to serve the use without obstructing driveways and drive aisles by patrons. The stacking lane will hold approximately 21 vehicles.*

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 designed employee parking.

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

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. Eagle Rd./SH-55, a public street along the east boundary of*

## EXHIBIT A

*the site, for surveillance purposes.*

Based on the above analysis, Staff deems the proposed drive-through in compliance with the specific use standards as required.

The proposed restaurant is 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. Upon any change of use for an existing building or tenant space, a detailed parking plan is required to be submitted that identifies the available parking for the overall site that complies with UDC standards.

**Access:** Access is provided to this site from the west via N. Cajun Ln. and E. Picard Ln., both private streets, across the Villasport property to the west and via E. Ustick Rd., an arterial street, from the north. **A cross-access/ingress-egress easement is needed across the adjacent properties to the west and north (Parcels #S1105110111 and S1105110030) for access to this site. A copy of the recorded easements should be submitted with the Certificate of Zoning Compliance application for this project. Both access driveways should be constructed with development of this site along with all of the frontage improvements along E. Ustick Rd. and N. Eagle Rd./SH-55 in accord with the Development Agreement. All off-site driveways and site improvements should be depicted on the plans.**

**Parking:** A minimum of one (1) parking space is required to be provided for every 250 square feet of gross floor area for restaurant uses; a minimum of one (1) parking space is required for every 500 square feet of gross floor area for other non-residential commercial uses in the multi-tenant building. The restaurant space is proposed to consist of 2,250 square feet while the remainder of the multi-tenant building is proposed to consist of 5,304 square feet. Based on the requirement, a minimum of nine (9) spaces are required for the restaurant (i.e. coffee shop) and 10 spaces are required for the remainder of the multi-tenant building. A total of 32 spaces are proposed in *excess* of UDC standards on the west and south sides of the building. **To ensure adequate parking is provided in the event other tenant spaces are occupied by restaurants, Staff recommends a condition of approval requiring parking to comply with the more restrictive standards for restaurants listed in UDC 11-4-3-49.**

A minimum 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 minimum of one (1) bicycle space is required to be provided; two (2) spaces are proposed in *excess* of UDC standards.

**Pedestrian Walkways:** A 10-foot wide multi-use pathway with a public use easement and pedestrian lighting is required within the street buffer along S. Eagle Rd./SH-55 in accord with the standards listed in UDC [11-3H-4C](#). This pathway is required to be constructed with the first phase of development per the Development Agreement, which will be this phase unless the Villasport property to the west develops first.

A pedestrian walkway is depicted on the site plan from the perimeter sidewalk along N. Eagle Rd. to the main building entrance as required by UDC 11-3A-19B.4a. **Where pedestrian walkways cross vehicular driving surfaces, the walkways are required to be distinguished from the vehicular driving surfaces through the use of pavers, colored or scored concrete, or bricks as set forth in UDC 11-3A-19B.4. The site plan submitted with the Certificate of Zoning Compliance application should reflect compliance with this standard.**

**Landscaping:** Parking lot landscaping is required to be provided in accord with the standards listed in UDC 11-3B-8C. Landscaping is depicted on the landscape plan in Section VII.B in planter islands within the parking area as required. **A minimum 5-foot wide perimeter landscape buffer is required to be provided adjacent to parking, loading or other paved vehicular use areas as set**

## EXHIBIT A

**forth in UDC 11-3B-8C.1; landscaping should be provided adjacent to the drive-through lane along the north boundary of the site in accord with this requirement. The easement for the relocated Milk Lateral should be depicted on the plan to ensure no trees are placed within the easement.**

The landscape plan depicts the pathway and improvements east of the pathway along N. Eagle Rd./SH-55 as “not a part” to be constructed with the Villasport project. The Development Agreement requires all of the frontage improvements (i.e. street buffers, sidewalks, pedestrian lighting, etc.) on this site and the Villasport site to the west along N. Eagle Rd./SH-55 and E. Ustick Rd. to be installed with the first phase of development. **It was anticipated that Villasport would be the first phase of development; however, if this project ends up being the first phase, it’s responsible for these improvements, including those off-site – the plans should be revised to include these improvements.**

**Because the drive-through lane and back of the building (with mechanical equipment) will be highly visible from N. Eagle Rd./SH-55, Staff recommends additional landscaping (i.e. coniferous trees/bushes) is provided within the street buffer to screen this area and these functions while preserving a clear view of the drive-thru window for surveillance purposes.**

**Landscaping is required along each side of pathways per the standards listed in UDC [11-3B-12C](#); landscaping shall be provided adjacent to the multi-use pathway within the street buffer along N. Eagle Rd./SH-55 in accord with these standards.**

**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 PAC clad formed metal wall panels in slate gray with metal flashing and trim in light gray, a mix of white and onyx colored brick and with a glass storefront and a flat roof. **These elevations are *not* approved; final design shall be consistent with the design standards listed in the [Architectural Standards Manual](#).**

**The trash enclosure should be constructed with similar materials and colors to match the building.**

**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 VII, 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.

#### B. The Meridian Planning & Zoning Commission heard this item on March 18, 2021. At the public hearing, the Commission moved to approve the subject CUP request.

##### 1. Summary of the Commission public hearing:

- a. In favor: Tamara Thompson, The Land Group
- b. In opposition: None
- c. Commenting: None

**EXHIBIT A**

- d. Written testimony: Tamara Thompson, The Land Group
- e. Staff presenting application: Sonya Allen
- f. Other Staff commenting on application: None
- 2. Key issue(s) of public testimony:
  - a. None
- 3. Key issue(s) of discussion by Commission:
  - a. Concern that this could be a user that generates a huge amount of traffic – the Applicant has assured Staff that it’s not.
- 4. Commission change(s) to Staff recommendation:
  - a. None

Item 2.

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# EXHIBIT A

## VII. EXHIBITS

### A. Proposed Site Plan (dated: 1/27/2021)

**Project Information:**

**PROJECT:** PROPOSED MULTI-TENANT OFFICE BUILDING

**CLIENT:** THE LAND GROUP, INC.

**CONTACT:** TABARA THOMPSON

**ADDRESS:** 4612 SHORE DR., SUITE 100  
DALLAS, TEXAS 75249

**PHONE:** 214.592.4541

**LANDSCAPE ARCHITECT: DINA BISHOP**

**CONTACT:** DINA BISHOP, P.L.A. (PROFESSIONAL LANDSCAPE ARCHITECT)

**ADDRESS:** 4612 SHORE DR., SUITE 100  
DALLAS, TEXAS 75249

**PHONE:** 214.592.4541

**LAND SURVEYOR:**

**CONTACT:** THE LAND GROUP, INC.

**CONTACT:** JAMES A. HANDEWAL, P.L.S. (PROFESSIONAL LAND SURVEYOR)

**ADDRESS:** 4612 SHORE DR., SUITE 100  
DALLAS, TEXAS 75249

**PHONE:** 214.592.4541

PROPERTY SIZE:	0.7676 ACRES
PROPOSED BUILDING SIZE:	67,504 SF / 0.574 ACRES
<b>PARKING CALCULATIONS:</b>	
PARKING STALLS:	REQUIRED: 18 STALLS PER 1,000 SF OF FLOOR AREA
PROVIDED:	32 STALLS
ADDITIONAL:	14 STALLS
ACCESSIBLE PARKING STALLS:	2 (25% OF STALLS PROVIDED FOR ADA COMPLIANCE)
BIKE PARKING SPACES:	2 (1 SPACE PER 25 VEHICULAR PARKING STALLS)

PRIMARY ZONING:	O-6 (OFFICE)
PROPOSED ZONING:	O-6 (NO CHANGE)
HEIGHT RESTRICTION:	35 FT
MAXIMUM BUILDING HEIGHT:	35 FT
REQUIREMENTS:	SEE CITY CODE

**Material Legend**

- LANDSCAPE AREA - REFER TO L.L.P. FOR ADDITIONAL INFORMATION
- HEAVY DUTY CONCRETE CURB/STAIR
- STANDARD CONCRETE SLAB/STAIR
- ASPHALT FINISHMENT

**Keynotes:**

1. SEE PLAN - BY OTHER, REFER TO THE VILLAGEPORT - MERRIHAM PROJECT.
2. SEE PLAN - BY OTHER, REFER TO THE VILLAGEPORT - MERRIHAM PROJECT.
3. LANDSCAPE - BY OTHER, REFER TO THE VILLAGEPORT - MERRIHAM PROJECT.
4. ELECTRICAL UTILITY - BY OTHER, REFER TO THE VILLAGEPORT - MERRIHAM PROJECT.
5. EXISTING ELECTRICAL UTILITY - REFER AND PROTECT.
6. EXISTING SANITARY INFRASTRUCTURE UTILITY - REFER AND PROTECT.
7. EXISTING TELECOMMUNICATIONS UTILITY - REFER AND PROTECT.
8. BIKEWAY MARKING
9. TRAILER ENCLOSURE
10. ACCESSIBLE PARKING STALL AND LOADING AREA PER ADA GUIDELINES
11. SEATING/OUTDOOR DINING AREA
12. WHITE PAINTED TRAFFIC DELINEATION MARKING
13. WHITE PAINTED PROHIBITION CROSS WALK MARKING
14. SIGNAGE - PER ARCHITECTURAL PLANS
15. SIGNAGE - PER ARCHITECTURAL PLANS
16. DRIVE THROUGH OPERATOR - PER ARCHITECTURAL PLANS
17. DRIVE THROUGH CLEARANCE BAR - PER ARCHITECTURAL PLANS
18. DRIVE THROUGH PICK UP WINDOW

**NOT FOR CONSTRUCTION**

**DATE:** 1/27/21

**BY:** DINA BISHOP

**PROJECT:** Sadie Creek Commons, LLC

**Site Plan**

**Conditional Use Permit-Site Plan**

Graphic Scale: 1" = 20'

Page 7

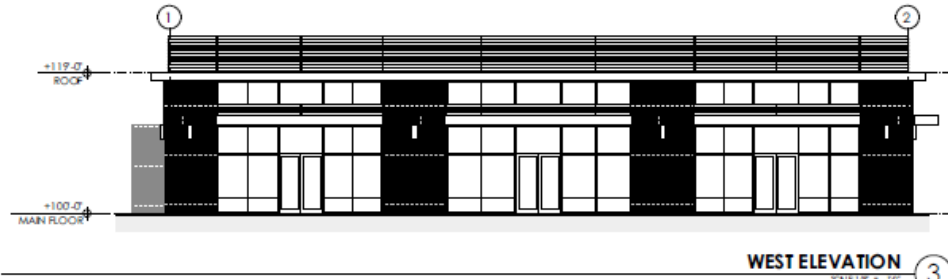




# EXHIBIT A

C. Conceptual Building Elevations & Perspectives (dated: 1/19/21 & 2/11/21) & Floor Plan (dated: 1/19/21) **NOT APPROVED**

**KEYED/REFERENCE NOTES:**  
J.G.B. ———— COORDINATE WITH OTHER NOTES



**ELEVATION GENERAL NOTES**

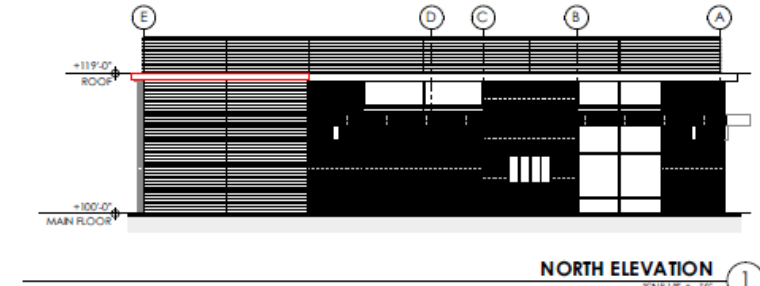
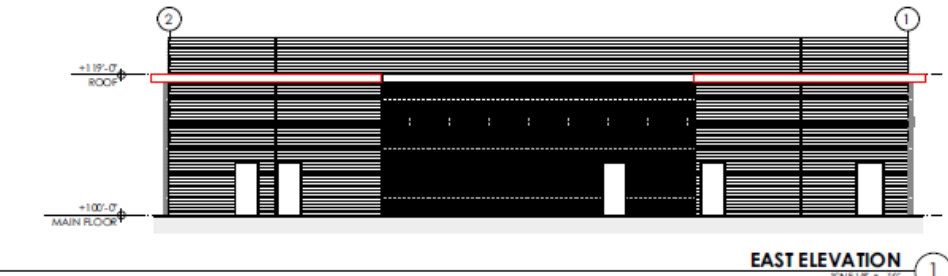
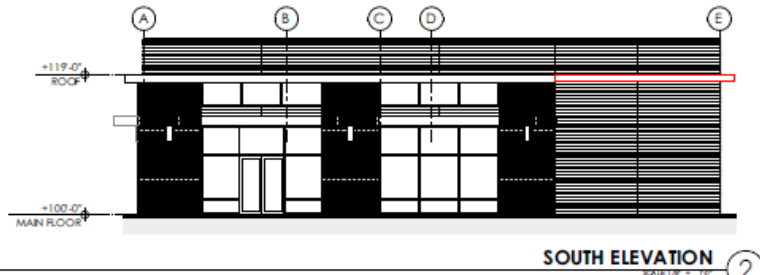
- REFERENCE THE FLOOR PLANS FOR EXTERIOR HOLLOW METAL AND ALUMINUM FINISHES.
- REFERENCE THE WALL SECTIONS FOR ADDITIONAL SURFACE CALLOUTS, MATERIAL CALLOUTS, MATERIAL TRANSITIONS AND DETAILS.
- REFERENCE THE ELECTRICAL DRAWINGS FOR RACEWAY LOCATIONS AND OTHER ELECTRICAL WORK AT THE NETWORK RISE LEVEL.
- REFERENCE THE CIVIL AND LANDSCAPE DRAWINGS FOR THE EXTERIOR MATERIALS, FINISHES, DETAILS, DRAINAGE FOR NETWORK CONCOURSE TERRACES AND DRIVEWAYS AND PAVING WORK.

DESIGN PLANNER + SUSTAINABILITY  
**S|U > ARCH.**  
 SLICKER | URBAN + ARCHITECTURE, INC.  
 415 S. 13TH ST., BOISE IDAHO 83702 208.638.1679

PROJECT: 21 AMP/250A  
 REMOVE EXISTING FRONT  
 RISE/W/ST/LOGO

COPY RIGHT © 2021 S|U > ARCHITECTURE, URBAN ARCHITECTURE

**DOCUMENTS PHASE**  
 Print Date: January 19, 2021



SADDIE CREEK COMMONS LLC  
 PARCEL 7 NORTH EAGLE ROAD, MERIDIAN, IDAHO 83446  
**MULTI-TENANT RETAIL BUILDING**



Issue Date:	Issue Date:
Drawn By:	Checked By:
Checked By:	Project Manager:
Project Manager:	Drawn:
Drawn:	Drawn:

Page of No. #P/n

**BUILDING ELEVATIONS**  
**A3.11**

# EXHIBIT A



DESIGN PLANNING & SUSTAINABILITY  
**SJU>ARCH.**  
 ARCHITECTURE | INTERIOR | ACQUISITION, INC.  
 400 S. 15TH ST. | BOZEMAN, MONTANA 59710 | 406.558.1979

PROJECT: STAMP AREA REMOVE BRICK FROM WINDOW INTERFACES  
 DOCUMENTS PHASE  
 Print Date: February 11, 2021

SADIE CREEK COMMONS LLC  
 3030 NORTH CALVIN ROAD, MERIDIAN, IDAHO 83646  
**MULTI-TENANT RETAIL BUILDING**

Issue Date	Issue Date
Drawn By	Checked By

Project No: #Pln

PERSPECTIVES

A3.12

NOTE: OFF STAMP AREAS REMOVE THREE BRICKS PER WINDOW INTERFACES

Item 2.

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# EXHIBIT A

**KEYED/REFERENCE NOTES:**  
 1. SEE ARCHITECTURAL NOTES

DESIGN PLANNING + SUSTAINABILITY  
**S|U > ARCH.**  
 SLUCHTER | URSCH | ARCHITECTURE, INC.  
 405 S. 10TH ST. BOISE, IDAHO 83702 208.638.9179

PROF. STAMP AND  
 BOISE ARCHITECTURE BOARD  
 AUGUST 1998 (1000)

DOCUMENTS PHASE  
 Print Date: January 19, 2021

**GROUND FLOOR PLAN**  
 SCALE: 1/8" = 1'-0"

**FLOOR PLAN GENERAL NOTES**

- UNLESS NOTED OTHERWISE, ALL DIMENSIONS ARE TO FINISH CENTER FOR OPEN WALLS AND TO FACE FOR PARTITION WALLS.
- UNLESS NOTED OTHERWISE, ALL DIMENSIONS ARE TO FINISH OF PRECAST MASONRY FOR CURB AND/or WALK.
- FOR FLOOR FINISH, REFER TO THE ARCHITECTURAL SCHEDULE, SHEET A-10, AND FLOOR FINISH PLAN, SHEET A-11.
- UNLESS NOTED OTHERWISE, ALL PARTITION WALLS AND 1/2" GYP PARTITION WALLS SHALL HAVE A 4" STICK-BUILT RETURN AT ALL DOOR AND WINDOW JAMB.
- FOR GYP OR MASONRY FINISH, SEE FACE SCHEDULE REFER TO THE INDICATED DIVISION 12 SECTION. STILES SHALL BE INSTALLED UNDER AND OVER EACH DOOR AND WINDOW JAMB AND SECURED HEREIN ON THE FINISH MATERIALS.
- AT 1/4" JACK-BOLT CATCHER, REFER TO FACE SCHEDULE FOR DOOR SWING LOCATION.
- FINISHES SHALL INCLUDE FINISHES INFORMATION AND SEE SCHEDULE A-10 AND ARCHITECTURAL PLAN.
- FINISHES SHALL BE FOR FINISH POSITION AND SHALL ACCURATELY AND REFER TO CONSTRUCTION REQUIREMENTS.
- SEE ARCHITECTURAL FLOOR PLAN FOR ADDITIONAL WALL TYPE.
- FOR GLASS PARTITION WINDOW SEE SCHEDULE C-1000 AND 1/2" W/ 3/8" SPACER BUSHING - 12 SECTION USE 1/2" BOLTER WINDOW SASH.
- FOR NEW WALL OPENING, FLOOR CUTTING, AND ALL OTHER OPENINGS, REFER TO THE DIMENSION PLAN, SHEET D-11 & D-11.1.
- ALL NEW FLOOR IN SLAB WITH FINISHES & GYP FINISHES COMPLETED FROM 10 MIN. JACKING REGULATION CODEBOOK 8 WITH DIVISION OF THE SPECIFICATIONS.

**FLOOR PLAN LEGEND**

WALL TYPE: WALL AND GYPSUM FINISHES TO THE WALL TYPE, SHEET A-10

TOILET AND BATH ACCESSORY FINISHES SHEET D-10

DOORS: DOOR, FINISHES TO DOOR SCHEDULE, SHEET A-10

FINISHES: FINISHES TO DOOR AND WINDOW PARTITION SHEET A-10 & A-11

WALL TYPE: FINISHES SHEET A-10

F.O.S.: FINISHES TO FACE

TO B / TO F: FACE BOARD - FINISH / FINISH BOARD - FINISH, FINISHES TO FACE TO FACE

TO B / TO F: DIMENSION TO FACE OF STUD

TO B / TO F: DIMENSION TO GYPSUM

TO B / TO F: REFER TO ARCHITECTURAL SHEET A-11 THROUGH A-11.1 THROUGH A-11.1.1

SADDIE CREEK COMMONS LLC  
 PARCEL 17 NORTH EAGLE ROAD, MERIDIAN, IDAHO 83446  
**MULTI-TENANT RETAIL BUILDING**

Issue Date: # Issue Date  
 Drawn By: # Drawn By  
 Checked By: # Checked By

NO.	DATE	REVISION	BY

Page of No. # Pln

**FLOOR PLAN**

**A2.11**

BOISE CITY ZONE AREAS  
 SHOW THESE ZONE PRINT  
 (SCHEDULE FOR CONSTRUCTION)

Page 11

## EXHIBIT A

### VIII. CITY/AGENCY COMMENTS & CONDITIONS

#### A. PLANNING

1. Future development of this site shall comply with the terms of the existing Development Agreement (Inst. #[2019-060877](#), Villasport MDA H-2018-0121) and the conditions contained herein.
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. Where pedestrian walkways cross vehicular driving surfaces, the walkways shall be distinguished from the vehicular driving surfaces through the use of pavers, colored or scored concrete, or bricks as set forth in UDC [11-3A-19B.4](#).
  - c. 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](#).
  - d. Include additional landscaping (i.e. coniferous trees/bushes) within the street buffer along N. Eagle Rd./SH-55 to screen the back side of the building and mechanical equipment while preserving a clear view of the drive-thru window for surveillance purposes.
  - e. Depict off-site improvements required by the Development Agreement, including a 35-foot wide street buffer along N. Eagle Rd./SH-55, an entryway corridor, and a 25-foot wide street buffer is required along E. Ustick Rd., landscaped per the standards listed in UDC [11-3B-7C](#) per UDC Table 11-2B-3. A 10-foot wide multi-use pathway is required within a public use easement and pedestrian lighting and landscaping is required to be provided within the street buffer along N. Eagle Rd./SH-55 in accordance with the standards listed in UDC [11-3H-4C.3](#) and [11-3B-12C](#).
  - f. A minimum 5-foot wide perimeter landscape buffer is required to be provided adjacent to parking, loading or other paved vehicular use areas as set forth in UDC 11-3B-8C.1; landscaping shall be provided adjacent to the drive-through lane along the north boundary of the site in accord with this requirement.
  - g. Graphically depict the easement for the Milk Lateral along the north and east boundaries of the site; no trees should be placed within the easement.
  - h. Depict both access driveways to this site via E. Ustick Rd. and E. Picard Ln./N. Cajun Ln.
3. Direct access via N. Eagle Rd./SH-55 is prohibited.
4. A recorded cross-access/ingress-egress easement shall be obtained across the adjacent properties to the west and north (Parcel #S1105110111 and #S1105110030) for access to this site; a copy of the easements shall be submitted to the Planning Division with the Certificate of Zoning Compliance application.
5. The driveway accesses from the north via E. Ustick Rd. and from the west via E. Picard Ln./N. Cajun Ln. shall be constructed with development of this site or with the development of the Villasport site to the west, whichever occurs first.
6. All of the frontage improvements (i.e. street buffers, sidewalks, pedestrian lighting, etc.) on

## EXHIBIT A

this site along E. Ustick Rd. and N. Eagle Rd./SH-55 shall be installed with the first phase of development as set forth in the Development Agreement (Villasport – Inst. #2019-060877). *If the Villasport site to the west develops prior to this site, these improvements will be required with that development.*

- 7. Compliance with the standards listed in UDC 11-4-3-11 – Drive-Through Establishment is required.
- 8. Compliance with the standards listed in UDC 11-4-3-49 – Restaurant is required.
- 9. Parking for the overall site shall be provided in accord with the standards listed in UDC 11-4-3-49 for restaurants.
- 10. 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 and the design standards listed in the Architectural Standards Manual.
- 11. 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. MERIDIAN FIRE DEPARTMENT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=222991&dbid=0&repo=MeridianCity>

### C. ADA COUNTY HIGHWAY DISTRICT (ACHD)

Staff Report:

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=223257&dbid=0&repo=MeridianCity>

TIS:

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=222928&dbid=0&repo=MeridianCity>

### D. DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=223265&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.

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

## EXHIBIT A

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

*The Commission finds the proposed restaurant (coffee shop) 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.

*The Commission 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.

*The Commission 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.

*The Commission 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.

*The Commission 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.

*The Commission 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)

*The Commission 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 Jaker's Drive-Through Addition (H-2021-0012) by BRS Architects, Located at 3268 E. Pine Ave.

*Application Requires Continuance*

A. Request: Conditional Use Permit for a drive-through in the C-G zoning district at an existing restaurant.





# PUBLIC HEARING INFORMATION

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**Staff Contact:** Sonya Allen

**Meeting Date:** April 1, 2021

**Topic:** **Public Hearing** for Jaker's Drive-Through Addition (H-2021-0012) by BRS Architects, Located at 3268 E. Pine Ave.  
A. Request: Conditional Use Permit for a drive-through in the C-G zoning district at an existing restaurant.

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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](#)



## AGENDA ITEM

**ITEM TOPIC:** Public Hearing Continued from March 18, 2021 for Skybreak Neighborhood (H-2020-0127) by Laren Bailey of Conger Group, Located at 3487 E. Adler Hoff Ln. and 7020 S. Eagle Rd.

A. Request: Annexation of 80.46 acres of land with an R-8 and R-15 zoning districts.

B. Request: A Preliminary Plat consisting of 329 building lots, 40 common lots and 14 other lots (i.e. 12 common driveway lots, 1 private street lot and 1 lot for the existing home) on 79.69 acres of land in the R-8 and R-15 zoning districts.



# PUBLIC HEARING INFORMATION

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**Staff Contact:** Alan Tiefenbach

**Meeting Date:** April 1, 2021

**Topic:** **Public Hearing** Continued from March 18, 2021 for Skybreak Neighborhood (H-2020-0127) by Laren Bailey of Conger Group, Located at 3487 E. Adler Hoff Ln. and 7020 S. Eagle Rd.

- A. Request: Annexation of 80.46 acres of land with an R-8 and R-15 zoning districts.
  - B. Request: A Preliminary Plat consisting of 329 building lots, 40 common lots and 14 other lots (i.e. 12 common driveway lots, 1 private street lot and 1 lot for the existing home) on 79.69 acres of land in the R-8 and R-15 zoning districts.
- 

## 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



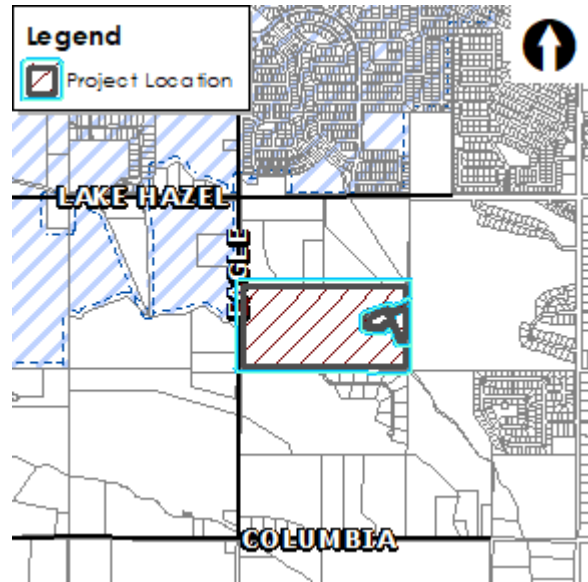
HEARING DATE: 3/18/2021

TO: Planning & Zoning Commission

FROM: Alan Tiefenbach, Associate Planner  
208-884-5533

SUBJECT: H-2020-0127  
Skybreak Subdivision

LOCATION: 7020 S. Eagle Rd. & 3487 E. Adler Hof Ln., in the south 1/2 of the NW 1/4 of Section 4, T.2N., R.1E. (Parcels # S1404244250 & S1404233650)



### I. PROJECT DESCRIPTION

The Applicant has submitted the following applications:

- Annexation of 80.46 acres of land with an R-8 and R-15 zoning district;
- Preliminary plat consisting of 328 building lots, 40 common lots and 14 other lots (i.e. 12 common driveway lots, one (1) private street lot and one (1) lot for the existing home).
- Private streets in the gated portion of the development serving 112 residential units with two (2) gates; and,
- Alternative Compliance to UDC 11-3F-4A.6, which prohibits common driveways off private streets, to allow such in three (3) locations within the gated area of the subdivision and UDC 11-3F-4A.b which limits all proposed gated developments to 50 units.

*The applicant submitted a previous proposal in June of 2020 (H-2020-0079). This proposal consisted of 353 building lots, all of it single family detached. This proposal was scheduled for the October 15, 2020 Planning Commission meeting. Following staff's report to the Commission recommending denial, the applicant withdrew the application, and resubmitted the present one in January of 2021. This proposal is virtually the same except for 24 less lots, slightly enlarged open space in several areas, and 30 single family attached units in the northwest corner of the project.*

## II. SUMMARY OF REPORT

### A. Project Summary

Description	Details	Page
Acreage	80.46	
Existing/Proposed Zoning	RUT in Ada County (existing), R-8 and R-15 proposed	
Future Land Use Designation	Low Density Residential (LDR) & Medium Density Residential (MDR)	
Existing Land Use(s)	Single-family residential/agricultural	
Proposed Land Use(s)	Single-family residential (SFR)	
Lots (# and type; bldg./common)	328 SFR buildable lots/40 common lots/14 other lots (i.e. 12 common driveway lots, 1 private street lot & 1 lot for the existing home)	
Phasing Plan (# of phases)	9 phases	
Number of Residential Units (type of units)	30 attached SFR homes 298 detached SFR homes (one is existing)	
Density	4.1 units/acre (gross)	
Open Space (acres, total [%]/buffer/qualified)	14.99 acres (or 18.8%) qualified open space	
Amenities	(2) dog parks; ¾ acre park with play structure, climbing rocks, a shade structure and benches; entry park, 1-acre sports park, passive open spaces and pathways	
Physical Features (waterways, hazards, flood plain, hillside)	The Farr Lateral crosses the southwest corner of this site; hillside/topography within southern rim area.	
Neighborhood meeting date; # of attendees:	5/27/20; 14 attendees, December 16, 2020; 9 attendees	
History (previous approvals)	Property boundary adjustment (Record of Survey #12358, Eisenman 2020), previous proposal similar to this one was withdrawn just prior to Planning Commission due to staff recommendation of denial. (H-2020-0079)	

### B. Community Metrics

Description	Details	Page
Ada County Highway District		
<ul style="list-style-type: none"> <li>Staff report (yes/no)</li> </ul>	Yes	
<ul style="list-style-type: none"> <li>Requires ACHD Commission Action (yes/no)</li> </ul>	No	
Traffic Impact Study (yes/no)	Yes	
Access (Arterial/Collectors/State Hwy/Local)(Existing and Proposed)	One (1) public street access (Street A) is proposed via S. Eagle Rd., an arterial street. <i>Eagle Rd. is currently improved with 2 travel lanes and no curb, gutter or sidewalk.</i>	
Traffic Level of Service	Eagle Rd. – Better than “E” (acceptable level of service)	
Stub Street/Interconnectivity/Cross Access	Stub streets are proposed to adjacent properties for future extension and interconnectivity as depicted on the plat. Southern stub streets only have emergency access. The area in the NEC of the proposed development (Phase 8)	

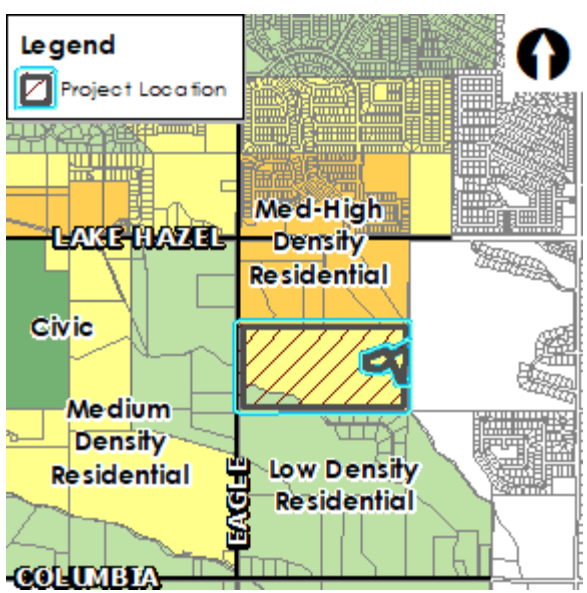
Description	Details	Page
Existing Road Network	cannot develop until Pura Vida extends a public street; Phase 9 of the development currently does not have the right to access the private lane and cannot develop until a public street is extended to the proposed development There is an existing private street (E. Adler Hof Ln.) that provides access from S. Eagle Rd. to the existing homes on this site. This roadway should terminate with development of the site as proposed.	
Existing Arterial Sidewalks / Buffers	None	
Proposed Road Improvements	<p><b>Capital Improvements Plan (CIP)/ Integrated Five Year Work Plan (IFYWP):</b></p> <ul style="list-style-type: none"> <li>• Lake Hazel Road is scheduled in the IFYWP to be widened to 5-lanes from Eagle Road to Cloverdale Road in 2024.</li> <li>• Eagle Road is scheduled in the IFYWP to be widened to 5-lanes from Lake Hazel Road to Amity Road in 2023.</li> <li>• The intersection of Lake Hazel Road and Eagle Road is scheduled in the IFYWP to be widened to 6-lanes on the north leg, 5-lanes on the south, 7-lanes east, and 6-lanes on the west leg, and reconstructed/signalized in 2023.</li> <li>• Lake Hazel Road is listed in the 2016 CIP to be widened to 5-lanes from Locust Grove Road to Eagle Road between 2026 and 2030.</li> <li>• The intersection of Lake Hazel Road and Locust Grove Road is listed in the 2016 CIP to be widened to 3-lanes on the north leg, 2-lanes on the south, 2-lanes east, and 3-lanes on the west leg, and signalized between 2026 and 2030.</li> </ul>	
Fire Service		
<ul style="list-style-type: none"> <li>• Distance to Fire Station</li> </ul>	2.9 miles (Fire Station #4)	
<ul style="list-style-type: none"> <li>• Fire Response Time</li> </ul>	Fire has expressed concerns with only one point of access from S. Eagle Rd. Fire would <i>prefer</i> a second access to the north to E. Lake Hazel Rd. Fire has also expressed concerns with the private gates causing additional delays.	
<ul style="list-style-type: none"> <li>• Resource Reliability</li> </ul>	<i>Most</i> (3/4+/-) of this development falls outside of the 5 minute response time goal from Fire Station #4.	
<ul style="list-style-type: none"> <li>• Risk Identification</li> </ul>	Current reliability is 77% from Station #4 – does <i>not</i> meet targeted goal of 80% or greater	
<ul style="list-style-type: none"> <li>• Accessibility</li> </ul>	2 – current resources would <i>not</i> be adequate to supply service. A wildfire safety plan is required.	
<ul style="list-style-type: none"> <li>• Special/resource needs</li> </ul>	Project meets all required access, road widths and turnaround.	
<ul style="list-style-type: none"> <li>• Water Supply</li> </ul>	Project will not require an aerial device; can meet this need in the required timeframe if a truck company is required (fire station is 5.9 miles away).	
<ul style="list-style-type: none"> <li>• Other</li> </ul>	Requires 1,000 gallons per minute for one hour, may be less if buildings are fully sprinklered.	
<ul style="list-style-type: none"> <li>• Other</li> </ul>	In the event of a hazmat event, there will need to be mutual aid required for the development. In the event of a structure fire, an additional truck company will be required – this will require additional time delays as a second truck company is not available in the City.	
Police Service		
<ul style="list-style-type: none"> <li>• Distance to Police Station</li> </ul>	5.5 miles	
<ul style="list-style-type: none"> <li>• Police Response Time</li> </ul>	There is no call data in this area because the proposed development is at the edge of City limits.	
<ul style="list-style-type: none"> <li>• Calls for Service</li> </ul>	7 (within a mile of site – between 2/1/19 and 1/31/20)	
<ul style="list-style-type: none"> <li>• % of calls for service split by priority</li> </ul>	See Section IX.D	
<ul style="list-style-type: none"> <li>• Accessibility</li> </ul>	No concerns	

Description	Details	Page																
<ul style="list-style-type: none"> <li>Specialty/resource needs</li> </ul>	None at this time																	
<ul style="list-style-type: none"> <li>Crimes</li> </ul>	1 (within a mile of site – between 2/1/19 and 1/31/20)																	
<ul style="list-style-type: none"> <li>Crashes</li> </ul>	9 (within a mile of site – between 2/1/19 and 1/31/20)																	
<ul style="list-style-type: none"> <li>Other</li> </ul>	Although located near the edge of City limits, service can be provided if this development is approved.																	
West Ada School District																		
<ul style="list-style-type: none"> <li>Distance (elem, ms, hs)</li> </ul>	<table border="1"> <thead> <tr> <th></th> <th>Enrollment</th> <th>Capacity</th> <th>Miles Dev. to School</th> </tr> </thead> <tbody> <tr> <td>**Silver Sage Elementary**</td> <td>230</td> <td>425</td> <td>5.1 miles</td> </tr> <tr> <td>Lake Hazel Middle School</td> <td>928</td> <td>1000</td> <td>2.4 miles</td> </tr> <tr> <td>Mountain View High School</td> <td>2302</td> <td>2175</td> <td>4.8 miles</td> </tr> </tbody> </table>		Enrollment	Capacity	Miles Dev. to School	**Silver Sage Elementary**	230	425	5.1 miles	Lake Hazel Middle School	928	1000	2.4 miles	Mountain View High School	2302	2175	4.8 miles	
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**Silver Sage Elementary**	230	425	5.1 miles															
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Mountain View High School	2302	2175	4.8 miles															
<ul style="list-style-type: none"> <li>Capacity of Schools</li> </ul>																		
<ul style="list-style-type: none"> <li># of Students Enrolled</li> </ul>	<p>**Enrollment at Hillsdale Elementary is currently capped. Students in this development will be attending Silver Sage Elementary until a new school is built to eliminate overcrowding at Hillsdale Elementary. **</p>																	
<ul style="list-style-type: none"> <li>Predicted # of students generated from proposed development</li> </ul>	247 +/-																	
Wastewater																		
<ul style="list-style-type: none"> <li>Distance to Sewer Services</li> </ul>	Sewer will be available with the development of Keep Subdivision on the West side of Eagle Road.																	
<ul style="list-style-type: none"> <li>Sewer Shed</li> </ul>	South Black Cat Trunk Shed																	
<ul style="list-style-type: none"> <li>Estimated Project Sewer ERU's</li> </ul>	See Application																	
<ul style="list-style-type: none"> <li>WRRF Declining Balance</li> </ul>	14.08																	
<ul style="list-style-type: none"> <li>Project Consistent with WW Master Plan/Facility Plan</li> </ul>	Yes																	
<ul style="list-style-type: none"> <li>Impacts/Concerns</li> </ul>	<p>Water and sewer mains should not be in common driveways. Concerns have been expressed regarding the width of the private streets and that the required 30' easements may overlap onto private properties, rendering these areas unbuildable.</p> <p>The City is applying the following requirements for Common Driveways.</p> <ul style="list-style-type: none"> <li>Three or less lots – services from main in adjacent road</li> <li>Four or more lots – Sewer in common drive. Sewer will be private and will be the responsibility of the HOA to maintain. Manhole needed in the common drive at the property boundary with “Private” on the lid.</li> </ul>																	
Water																		
<ul style="list-style-type: none"> <li>Distance to Water Services</li> </ul>	Directly adjacent																	
<ul style="list-style-type: none"> <li>Pressure Zone</li> </ul>	5																	
<ul style="list-style-type: none"> <li>Estimated Project Water ERU's</li> </ul>	See application																	

• Water Quality	No concerns
• Project Consistent with Water Master Plan	Yes
• Impacts/Concerns	<ul style="list-style-type: none"> <li>• Common drives that have both water and sewer mains will require a 30' easement</li> <li>• As currently designed, most phases do not meet minimum fire flow pressure. There are multiple options to meet fire flow including upsizing some water mains to 12" and a secondary connections.</li> <li>• Coordinate with PW Engineering on main sizes, connection at the SW corner and connection at the NE corner.</li> </ul>

C. Project Area Maps

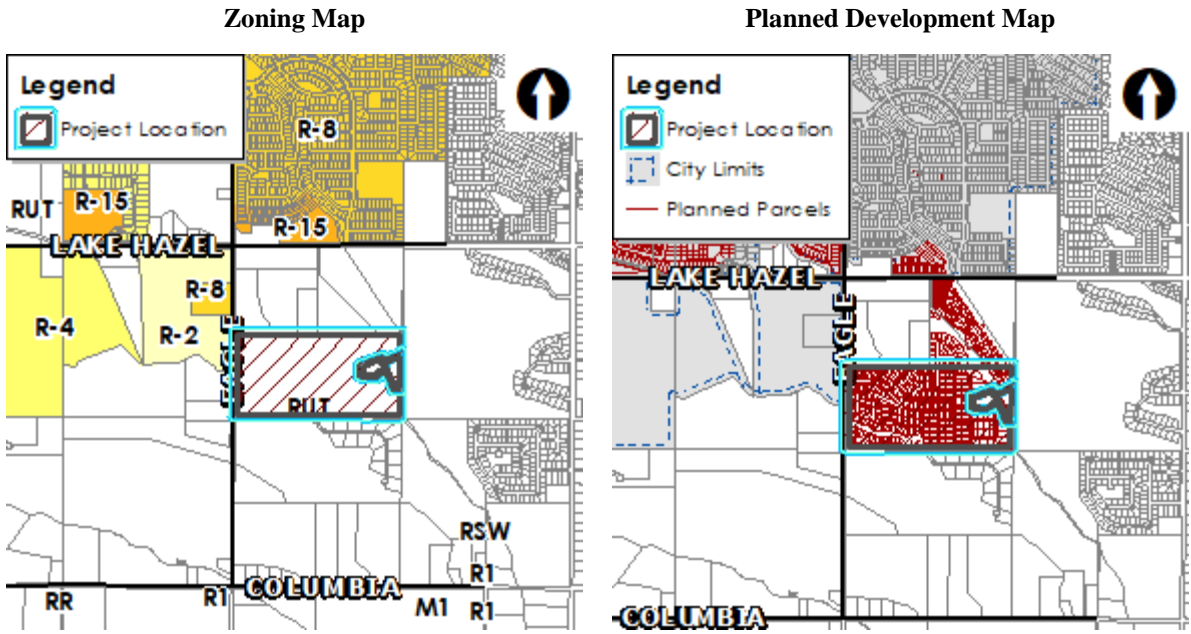
Future Land Use Map



Aerial Map







**III. APPLICANT INFORMATION**

**A. Applicant:**

Conger Group – 4824 W. Fairview Ave., Boise, ID 83706

**B. Owner:**

Peter and Dana Eisenman – 3487 E. Adler Hof Ln., Meridian, ID 83642

**C. Representative:**

Laren Bailey, Conger Group – 4824 W. Fairview Ave., Boise, ID 83706

**IV. NOTICING**

	<b>Planning &amp; Zoning</b>	<b>City Council</b>
	<b>Posting Date</b>	<b>Posting Date</b>
Notification published in newspaper	2/26/2021	
Notification mailed to property owners within 300 feet	2/23/2021	
Applicant posted public hearing notice on site	3/5/2021	
Nextdoor posting	2/25/2021	

## V. STAFF ANALYSIS

### A. Future Land Use Map Designation

The Future Land Use Map (FLUM) contained in the Comprehensive Plan designates the 6 +/- acres at the southwest corner of the site, south of the Farr Lateral, as Low Density Residential (LDR) and the remaining 74 +/- acres as Medium Density Residential (MDR). A City Park is designated in the general area at the southwest corner of the site.

Per the Comprehensive Plan, the LDR designation allows for the development of single-family homes on large and estate lots at gross densities of 3 dwelling units or less per acre. These areas often transition between existing rural residential and urban properties. Developments need to respect agricultural heritage and resources, recognize view sheds and open spaces, and maintain or improve the overall atmosphere of the area. The use of open spaces, parks, trails and other appropriate means should enhance the character of the area. *Density bonuses may be considered with the provision of additional public amenities such as a park, school, or land dedicated for public services.*

The MDR designation allows for dwelling units at gross densities of 3 to 8 dwelling units per acre. *Density bonuses may be considered with the provision of additional public amenities such as a park, school, or land dedicated for public services.*

The Applicant proposes to develop this site with 328 single-family residential homes at an overall gross density of 4.1 dwelling units per acre (An additional lot will contain the existing house). A total of 23 units are proposed within the 6 +/- acre LDR designated area for a gross density of 3.8 units per acre in that area, which *exceeds* the density desired of 3 or fewer units per acre. Smaller lots, instead of the large or estate lots as desired in LDR designated areas, are proposed along with open space areas along the southern boundary and along the northern boundary adjacent to the Farr Lateral. There are several larger one-half acre lots proposed at the southeast directly abutting the adjacent residences in Vantage Point Subdivision. However, the rectangular lots are oriented as such that the abutting lot lines are half or less than the width of the neighboring residential lots, so there are several lots abutting one neighboring lot. The applicant proposes to limit the height of the houses in this area to one story to help protect view sheds.

The units proposed in the MDR designated area meet a gross density of 4.1 units per acre in that area, which is consistent with that desired in MDR designated areas of 3 to 8 units per acre. A City park is not proposed, but the Park's Department has determined a City park is not needed in this area.

### B. Comprehensive Plan Analysis (COMPREHENSIVE PLAN)

The following Comprehensive Plan Policies are applicable to this development:

- “Encourage a variety of housing types that meet the needs, preferences, and financial capabilities of Meridian’s present and future residents.” (2.01.02D)

*The applicant is proposing 328 lots, with 30 of the lots containing single family attached at the northwest portion of the site. The remainder of the 299 lots are intended for single family detached units.*

*The applicant’s narrative references housing types such as large rim lot houses, two story golf course houses, large lot homes, 255 single story homes and the attached single-family product. The single family attached product does contribute to the variety of housing types in the overall area. However, the remaining single family detached houses contribute to a diversity of housing styles, but not particularly the variety of housing types intended by the Comprehensive Plan for all needs, preferences and financial capabilities.*

- “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 services are available and can be extended by the developer with development in accord with UDC 11-3A-21.*

*Currently, this development can be served by the Fire Department. However, most of the development is outside of response time goals, does not meet resource reliability goals, and has risk factors including a steep hill with a potential for wildfire if the hillside isn't maintained (see the Fire Department's comment in Section VII below). Additionally, with the main access and secondary access both from Eagle Rd., if access is blocked from the north via Eagle Rd. it may delay emergency services by having to travel 3.5+/- miles around the square mile to access the site, potentially creating a life safety issue. If the applicant is able to secure legal secondary access to the north this would alleviate concerns but this would be contingent upon whether those properties develop, and staff might recommend only some number of lots being developed until that occurs. The Southern Meridian Fire Station adjacent to Discovery Park is anticipated for construction in 2023; if this occurs, there will be significantly improved fire service to the subject property. The annexation is currently in process and scheduled for a public hearing.*

- “Require all new development to create a site design compatible with surrounding uses through buffering, screening, transitional densities, and other best site design practices.” (3.07.01A)

*The subject property abuts Pura Vida Ridge Ranch to the northeast, the Boise Ranch Golf Course to the east, and Vantage Pointe Subdivision to the south.*

*This development proposes R-8 zoning and lot sizes of approximately 5,000 sq. ft. to 6,000 sq. ft. adjacent to Pura Vida Ridge Ranch, whereas Pura Vida Ranch includes lot sizes of comparable sizes and the same R-8 zoning. To the southwest (Phase 9), the development proposes lot sizes of approximately 6,000 – 6,500 sq. ft. whereas the adjacent Vantage Pointe Subdivision is comprised of lots one-acre in size and greater (although there are four lots proposed with this development directly abutting the south area and are ½ acre to ¾ acre in size).*

*The development does include private roads and common open space as a buffer of between 80 feet and 120 feet between the smaller lots of the subject property and the one acre lots to the south in Vantage Point. The development also proposes one story homes in this area. An abutting neighbor has submitted written testimony stating the buffer as proposed and the lot sizes are not appropriate transitions in this area. It is staff's opinion the lots should be at least one-acre in this area and have property line lengths that better orient to adjacent off-site properties. The Planning Commission and City Council should assess whether there is an appropriate transition in this area.*

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

*The proposed single-family attached homes at the northwest are generally compatible as they directly abut S. Eagle Road and there are no adjacent homes directly to the north. The single family detached homes are generally compatible with existing rural residential homes as they are all residential in nature. However, with the exception of the larger lots and open space on the south boundary, the proposed plat depicts smaller lots (i.e. 4,448-4,950 s.f.) than those of the lots in the abutting Vantage Pointe Subdivision. The Commission and Council should determine if the applicant has provided an adequate transition.*

- “With new subdivision plats, require the design and construction of pathway connections, easy pedestrian and bicycle access to parks, safe routes to schools, and the incorporation of usable open space with quality amenities.” (2.02.01A)

*The Pathways Plan depicts a segment of the City’s multi-use pathway system along the eastern boundary of the site; a 10-foot wide multi-use pathway is proposed in accord with the Plan on the northern portion of the development but transitions to a 5-foot wide pathway to the south and does not stub to the south for future extension as shown on the Plan. However, the Park’s Dept. has indicated they are supportive of the proposed design. This pathway will eventually provide a connection to Discovery Park to the west and Hillside Elementary and the YMCA to the north. There is also a 10’ multi-use pathway proposed adjacent to the Farr Lateral, as is shown on the pathways plan. These pathways will be valuable amenities to the project. A golf cart pathway is shown as Lot 41 on Block 5, which terminates at the Boise Ranch Golf Course.*

*Proposed site amenities consist of children’s play equipment/structures, a picnic shelter, pathways, two dog parks and additional open space of at least 20,000 square feet above the minimum UDC requirements, which are located along the northern and southern boundaries of the site and are not centrally located. Although much of the open space meets the minimum dimensional requirements of the UDC (i.e. at least 20’ in width and 50’ in length with an access on each end) a significant portion of what is proposed as qualified open space consists of street buffers and end caps with parkways. Also, it is important to note that the applicant’s narrative contains a pedestrian connectivity exhibit which shows narrow private roads with no sidewalks and common drives as “pedestrian connections” which staff believes is somewhat misleading. However, the private street standards do not require them. Additionally, staff believes the entire development should contain public streets which would require the 5-foot sidewalks per City code. The Commission and Council should determine if the pedestrian circulation plan is adequate for the proposed development with the inclusion of the private system.*

- “Evaluate open space and amenity requirement and criteria for consistency with community needs and values.” (2.02.01B)

*Because the average lot size proposed in the development is only 6,280 square feet, Staff is of the opinion the end caps could be re-oriented/consolidated with other larger common lots to increase the usable open space within the development. This was discussed during the pre-application meetings with the applicant and they are of the opinion the open space as proposed exceeds UDC standards and is designed to meet the needs of the development.*

- “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 through with this development.*

- “Maximize public services by prioritizing infill development of vacant and underdeveloped parcels within the City over parcels on the fringe.” (2.02.02)

*The subject property abuts portions of the city limits at the northwest and northeast corner, but the majority of the property perimeter is surrounded by unincorporated Ada County. The proposed project is located near the fringe of the City and does not meet the definition of an infill development.*

- “Encourage the incorporation of creek corridors as amenities in development design.” (4.05.02C)

*The Ten Mile Creek crosses the northeast corner of the site; a common area is proposed for the creek area and a multi-use pathway is proposed along the creek in accord with the Pathways Master Plan.*

- “Require urban infrastructure be provided for all new developments, including curb and gutter, sidewalks, water and sewer utilities.” (3.03.03G)

*City sewer and water infrastructure and curb, gutter and sidewalks are required to be provided with the public road portion of this development. The cross sections provided for the private road portion do not depict sidewalks. The applicant contends that the private streets provide an intimate setting for the residents and narrower streets decrease traffic speeds which do not warrant the additional improvements. It is important to note that the director has not approved the private street application, thus the plat should be redesigned to incorporate public streets for the entire development.*

- “Slow the outward progression of the City's limits by discouraging fringe area development; encourage development of vacant or underutilized parcels currently within City limits.” (4.05.03B)

*The proposed project is in the City's “fringe” area; therefore, development in this area is not encouraged as are vacant/underutilized parcels currently within City limits. However, the City has recently approved several developments (Pura Vida and Poïema) north of the proposed development making this property more desirable to develop.*

- “Evaluate comprehensive impacts of growth and consider City Master Plans and Strategic Plans in all land use decisions (e.g., traffic impacts, school enrollment, and parks).” (3.01.01A)

*Eagle Rd. is currently a 2-lane roadway with no curb, gutter or sidewalks; no improvements are planned in the CIP/IFYWP to the segment of Eagle Rd. abutting this site. The Lake Hazel/Eagle Road intersection north of the site is planned to be reconstructed and signalized in 2023. The ACHD report states that the TIS estimates this development to generate an additional 3,343 trips per day resulting in an acceptable level of service (i.e. better than “E”).*

*WASD estimates this development will house approximately 247 school aged children – enrollment at Hillsdale Elementary is currently capped so students in this development would attend Silver Sage, which is currently under capacity; enrollment at Lake Hazel Middle School and Mountain View High School would be over capacity at build-out of this development according to the Community Development's school impact review included in Section VII.*

*Water and sewer are being extended consistent with the City's master plan as noted above.*

*Discovery Park, a 77+/- acre City Park, is located approximately a mile away from this site to the west on Lake Hazel Rd., which should be adequate to serve this development.*

- “Annex lands into the corporate boundaries of the City only when the annexation proposal conforms to the City's vision and the necessary extension of public services and infrastructure is provided.” (3.03.03)

*Two types of housing are proposed – single family detached and 30 single family attached units - which will provide diversity in housing, and the density in the MDR designated area falls within the desired range. The density proposed in the LDR designated area at the southwest corner of the site is above the 3 units or fewer per acre desired in that area. However, the Comprehensive Plan states future land use designations are not parcel specific. An adjacent, abutting designation, when appropriate and approved as part of a public hearing with a land development application, may be used. A designation may not must not be used on a parcel not directly abutting the designation, and may not apply to more than 50% of the land being developed. The predominate land use designation is MDR and the applicant has the ability to design the project to meet density perimeters of the MDR designations provided other goals of the Comprehensive Plan are being met.*

*As discussed below, R-15 zoning is proposed at the less dense eastern portion of the site to allow the option of private streets without sidewalks., Staff has concerns with the private streets, specifically the long-term maintenance and interconnectivity with surrounding developments. If these roadways are not constructed to ACHD standards, the likelihood of ACHD accepting these streets in the future is slim. Also, staff finds that although most of the open space meets the minimum dimensions, not all of it is quality open space (please see the qualified open space section below). The Fire Department has noted concerns with the access and serviceability of this project ahead of the fire station being constructed next to Discovery Park. Finally, public services are proposed to be extended near the fringe of the City rather than to vacant/underdeveloped infill parcels as desired. For these reasons, Staff is of the opinion the proposed annexation may not be the best interest of the City at this time.*

#### C. Annexation & Zoning:

Portions of the annexation area are contiguous to a portion of the current City limits boundary and within the City's Area of City Impact at the east boundary. Most of the surrounding properties are still within unincorporated Ada County. A legal description and exhibit map for the annexation area is included in Section VI.A.

The proposed annexation area consists of two (2) tax parcels containing a total of 80.46 acres of land designated as LDR and MDR on the FLUM and contains land to the section line of S. Eagle Rd. The Applicant proposes to annex the two (2) parcels, zone the western 43.85 acres with an R-8 zoning district, and the eastern 36.60-acre portion with a R-15 zoning district.

The R-8 zoning district allows lots as small as 4,000 sq. ft. with a minimum street frontage of 40'. The western 43.85 acres of the plat proposed for R-8 zoning reflects lots that meet this minimum lot and frontages requirements.

**The R-15 zoning district allows lots as small as 2,000 sq. ft. and has no requirement for a minimum street frontage. This zoning is typically reserved for higher densities, including single family attached, townhomes and multifamily. It is important to note that with the previous application, staff informed the applicant that the private streets that are proposed with a significant portion of this development were not allowed under the R-8 zoning that was originally proposed for the entire development. The provisions for private streets apply only to properties that do not have frontage on a public street or where frontage is not required per UDC 11-3F-2. The applicant has subsequently revised their application to propose R-15 zoning merely for the purpose of being eligible for private streets whereas all other dimensional standards would comply with the requirements of the R-8 zone. Staff believes the development should incorporate public streets within the entire development and zone the property in accord with the more appropriate R-8 zone (Please see the access section below for more discussion regarding the private streets). In previous discussions with the applicant, staff has suggested the applicant either rezone to PUD, or initiate a code change in regard to requirements for private streets. The applicant has chosen to move forward with a request to rezone to R-15.**

#### D. Existing Structures/Site Improvements:

There are two (2) existing homes and outbuildings on this site – the 5,892 square foot home constructed in 2002 at the east end of the site is planned to remain on a lot (Lot 64, Block 5) in the proposed subdivision; the home and accessory structures on the west end of the site are planned to be removed with development. These homes are accessed via a private lane (E. Adler Hof Ln.) from S. Eagle Rd. If annexed, the home proposed to remain is required to hook-up to City water and sewer service and change their address.

E. Proposed Use Analysis:

Single-family attached and detached dwellings are listed in UDC Table 11-2A-2 as a principal permitted use in the R-8 and R-15 zoning districts. The proposed use, with two housing types, is mostly consistent with the purpose statement of the residential district in that a range of housing opportunities and a variety of dwelling types would be provided consistent with the Comprehensive Plan and UDC 11-2A-1 and 11-6A-1. However, proposing to rezone a portion of the property to the R-15 zone when R-8 zone would suffice merely for the reason of being eligible for private streets is not consistent with the purpose statement of UDC 11-3F-1. While this isn't an uncommon practice, this section states that "it is not the intent to approve private streets for single-family, duplex and/or townhouse developments other than those that create a common mew through the site design or that propose a limited gated residential development" as no single family attached are in this area and no common mews are proposed. Further, a limited gated community as specified in the UDC is 50 or fewer homes. As noted below, the applicant is proposing that 112 homes utilize the proposed private street in an area that doesn't have an established street network and limited access. Therefore, the director has denied the private street application (see below for analysis).

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

The proposed preliminary plat consists of 328 building lots, 40 common lots, and 14 other lots (i.e. common driveway lots, 1 private street lot and 1 lot for the existing home) on 80.46 acres of land.

Development is subject to the dimensional standards listed in 11-2A-6 and 11-2A-7 for the R-8 and R-15 zoning districts. Lots in the western portion proposed for R-8 meet the minimum lot size of 4,000 sq. ft. with a 40' lot frontage. Although the lots in the 36.6-acre eastern portion proposed for R-15 meet the dimensional standards of that zone district (minimum lot size of 2,000 sq. ft. and no minimum frontage requirement) as presently proposed, they would also meet the minimum requirements of the R-8 zoning district.

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, including but not limited to streets, common driveways and block face.

Block length is required to comply with the standards listed in UDC 11-6C-3F. Block faces should not exceed 750' in length without an intersecting street or alley unless a pedestrian connection is provided, then the block face may be extended up to 1,000' in length. The City Council may approve a block face up to 1,200' in length where block design is constrained by certain site conditions as specified in UDC 11-6C-3F.3b. **The face of Block 9 on the north side of the Farr Lateral is 1,000'+/- and does not contain a pathway or intersecting street or alley. This is also true of the section of Block 5 that is south of private street A of more than 850 feet. Council approval would be needed, or the plat would need to be revised to comply with the standard.**

At the northeast corner of the site, a street ending in a cul-de-sac is proposed which will likely exceed the maximum 500' length allowed in UDC 11-6C-3B.4 depending on how the property to the north develops. Staff had recommended an internal street access to this portion of the development rather than the sole access being provided via a stub street from the north. The applicant has responded due to the topography in this area, they cannot provide the recommended internal access. However, just to the north of this cul-de-sac, the plat shows a golf cart path in this general area.

Twelve (12) common driveways are proposed; such driveways should be constructed in accord with the standards listed in UDC 11-6C-3D. A perpetual ingress/egress easement shall be filed with the Ada County Recorder, which shall include a requirement for maintenance of a paved surface capable of supporting fire vehicles and equipment. An exhibit should be submitted with the final plat application that depicts the setbacks, fencing, building envelope, and orientation of the lots and structures accessed via the common

driveway; if a property abuts a common driveway but has the required minimum street frontage and is taking access via the public street, the driveway should be depicted on the opposite side of the shared property line from the common driveway. Address signage should be provided at the public street for homes accessed via common driveways for emergency wayfinding purposes. Where two (2) common driveways are proposed that adjoin, bollards (or other barrier approved by the Fire Dept.) should be placed at the common lot line to prevent a through connection between streets.

The applicant has submitted a phasing plan. The phasing plan shows nine phases, with the first phase occurring directly adjacent to S. Eagle Rd at the proposed public street. Number of lots being built out vary between 59 at the first phase, to 23 at the last phase. Phase 8 and Phase 9 are both disconnected from the rest of the subdivision, although staff does believe an access could be constructed across the Farr Lateral between Phase 1 or 2 and Phase 9.

**UDC 11-3F-4 prohibits common driveways off of private streets whereas this proposal includes three common driveways served by private streets. The applicant has requested alternative compliance from this standard.**

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

The existing roadways in this area are rural in nature. Eagle Rd. is currently improved with 2 travel lanes and no curb, gutter or sidewalk. Improvements and a signal are planned for the Lake Hazel/Eagle Rd. intersection in 2023. Lake Hazel is planned to be widened to 5-lanes between Eagle and Cloverdale Roads in 2024; and to 5-lanes from Locust Grove to Eagle Roads between 2026 and 2030; no improvements are planned to Eagle Rd. south of Lake Hazel abutting the site. The applicant will be required to construct 5-foot-wide sidewalk on S. Eagle Rd abutting the site.

One (1) public street, Street A, is proposed for access via S. Eagle Rd. as a collector street to the intersection of Street C, also a public street. Three (3) stub streets are proposed at the north, and two (2) stub street are proposed at the south boundaries of the site for future extension in accord with UDC 11-3A-3. One of these southern stubs is a secondary emergency access to E. Vantage Pointe Ln. to be constructed with the first phase of development. There is also a cul-de-sac at the extreme northeast serving 15 additional lots, which is intended to connect to a public road through the recently approved Pura Vida Ridge Ranch. This area is shown as Phase 8 and does not connect to the rest of the Skybreak Subdivision, except for the connected pathway system.

There are two southern roads shown to connect from the subject property to E. Vantage Pointe Lane to the south. E. Vantage Point Lane is a private road, and the applicant has only demonstrated the legal right to use this road for emergency access (Inst. #2020-063349); public access is not allowed. This is adequate for emergency access to occur from the cul-de-sac shown at the end of the public street shown as Street J. However, this application also shows an additional 23 lots being served from a double cul-de-sac shown as Phase 9. **The applicant has not demonstrated they have primary legal access to these lots via E. Vantage Pointe Lane. The applicant has responded that they intend to eventually obtain this access and will build out this later phase when it is obtained, but staff is concerned with an application which proposes annexing and zoning 23 lots into the City without proof of access. The applicant should construct a roadway across the Farr Lateral to provide access to the portion of the development for better integration.**

**The Fire Department has noted in a letter dated February 16, 2021 that they are concerned with a large subdivision with only one access out to S. Eagle Rd. Two of the three northern stubs go to properties within unincorporated Ada County which are not proposed for development at this time. The third northern stub only serves Phase 8 which does not connect to the rest of the subdivision. If access from the north via Eagle Rd. is blocked, in the event of an emergency, emergency vehicles would have to travel an additional 3.5+/- miles around the square mile to access the site creating a potential life safety**



issue due to a delayed response time. Staff has recommended the applicant pursue a northern access to allow access from this subdivision via the public road in the Pura Vida Subdivision and to E. Lake Hazel Rd, but the applicant has responded that due to topography this is not feasible, although the applicant has managed to configure a golf cart path to the golf course at the north. In addition, the Fire Department has mentioned the majority of the subdivision is outside of the 5-minute response area, and the nearest station (Station 4) has a low reliability rating. This would improve if and when the southwestern fire station adjacent to Discovery Park is constructed in 2023. The applicant has submitted a phasing plan which shows each phase has at least two accesses for emergency service, but as mentioned, except for Phase 8 at the northeast corner, all the other phases rely on only S. Eagle Rd for access. Staff is aware that access will improve in this area over time however, it is contingent on other properties developing in the area to provide the necessary road network.

A combination of public and private streets are proposed for access within the development – public streets are proposed on the west and private streets serving 112 lots are proposed on the east end of the subdivision. Three (3) common driveways are proposed for access off private streets (see analysis below).

**The applicant has provided sections of the private streets with this plat application (see Section VI). Although the plat does not indicate exactly which private street cross sections are proposed in which area, the street sections show private streets as narrow as 27', none of which include sidewalks. Since the time of the pre-application meetings, staff has responded that staff does not support this many lots being served by private streets. This is because this results in streets that would pass the maintenance costs on to the homeowners through the HOA, as ACHD would not accept these roads in the future if there were financial constraints. Staff has requested the developer state the reason for requesting private streets other than the additional costs to build them to the standard template, and the only responses staff has received thus far is that there is a demographic of senior home buyers that prefer the security a gated community can provide and that the gates and private streets will provide a more intimate setting. Staff agrees that there are probably buyers that would prefer gated communities and private streets, but still does not understand why narrow private streets are preferable to streets built to standard templates and containing landscaping and sidewalk. As noted above, staff finds the proposal is not a limited gated community, exceeds more than 50 homes. Therefore, the plat should be resigned to incorporate public streets for the entire development. As noted below the applicant has requested alternative compliance (ALT) to allow 112 homes as proposed. The director has denied the applicant's ALT request.**

## **ALTERNATIVE COMPLIANCE**

The applicant proposes 112 gated lots, and 3 common driveways off a private street. UDC 11-3F-4 states a proposed (gated) development shall have no more than 50 dwelling units, and no common driveways shall be allowed off of a private street. However, 11-3F-4 also allows the director to approve, or recommend approval of alternative design or construction standards when the applicant can demonstrate that the proposed overall design meets or exceeds the intent of the required standards of this article and shall not be detrimental to the public health, safety, and welfare.

Requests for alternative compliance are allowed only when one (1) or more of the following conditions exist:

- a. Topography, soil, vegetation, or other site conditions are such that full compliance is impossible or impractical;
- b. The site involves space limitations or an unusually shaped lot;
- c. Safety considerations make alternative compliance desirable;
- d. Other regulatory agencies or departments having jurisdiction are requiring design standards that conflict with the requirements of this article;

- e. The proposed design includes innovative design features based on "new urbanism", "neotraditional design", or other architectural and/or site designs that promote walkable and mixed use neighborhoods;
- f. Additional environmental quality improvements would result from the alternative compliance.

In order to grant approval for an alternative compliance application, the Director shall determine the following:

1. Strict adherence or application of the requirements are not feasible; or
2. The alternative compliance provides an equal or superior means for meeting the requirements; and
3. The alternative means will not be materially detrimental to the public welfare or impair the intended uses and character of surrounding properties.

*The applicant's alternative compliance letter mentions there is a demographic of senior home buyers that prefer the security a gated community can provide and that the gates and private streets will provide a more intimate setting. Staff agrees that there is probably a demographic that would prefer gated communities, but this is not a condition required for alternative compliance. The Director finds the applicant has not demonstrated the need for a private versus public streets as noted above.*

*The plat indicates private street sections with no sidewalks and minimal landscaping, whereas ACHD templates require 5' sidewalks and landscaping. Also, the applicant proposes alternative compliance to allow three common driveways from the private streets, whereas this is not allowed by UDC 11-3F-4-6. Staff does not understand how what is being proposed is an equal or superior means to meeting requirements. Providing narrow private streets with no sidewalks, minimal landscaping, and common driveways from these private streets is not an innovative design features that promotes walkable neighborhoods.*

*Finally, as was already mentioned, gating the community will also slow response times when there are already fire access concerns, which would be materially detrimental to the public welfare.*

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

Off-street parking is required to be provided in accord with the standards listed in UDC Table 11-3C-6 for single-family detached dwellings based on the number of bedrooms per unit. A parking plan is included in Section VIII.J that depicts a total of 334 on-street parking spaces along public and private streets; parking along private streets must be approved by the Fire Marshall.

#### I. Pathways (UDC 11-3A-8):

The Pathways Master Plan (PMP) depicts a north/south segment of the City's multi-use pathway system along the east side of the subject property and along the south side of the Farr Lateral at the southwest corner of the site. The Applicant has worked with the Park's Dept. pathway coordinator on the design proposed along the east boundary; the pathway along the south side of the Farr Lateral is consistent with the PMP. The pathways are required to be placed in a 14-foot wide public pedestrian easement or a note should be added to the plat which allows public access in the common lots intended for pathways.

Ten-foot (10') wide segments of the City's multi-use pathway are proposed within the street buffer along Eagle Rd., along the south side of the Farr Lateral, along the Ten Mile Creek and the northern portion of the east boundary of the site and a golf cart path. Other pathway connections are also proposed for pedestrian interconnectivity and access to common areas within the development. A pathway connection is proposed between the pathway on the eastern portion of the site to the sidewalks along internal public streets on the west end of the site. A total of 5,167 linear feet of pathways are proposed in this development (see exhibit in Section VI). All pathways are required to be constructed in accord with the standards listed in UDC 11-3A-8 and landscaped per the standards in UDC 11-3B-12C.

Where pathways are proposed in common driveways (i.e. Lot 25, Block 9) they should be located in separate common lots with landscaping on either side in accord with UDC 11-3B-12C.

J. Sidewalks (UDC 11-3A-17):

A 10' pathway is proposed along S. Eagle Rd. with a combination of detached and attached sidewalks along the internal public streets. No sidewalks are required or proposed along private streets except for along private Streets K & S where a detached sidewalk is proposed for a pedestrian connection between the pathway on the east end of the site to the sidewalk along public Street I on the west end of the site.

K. Parkways (UDC 11-3A-17):

Eight-foot wide parkways with detached sidewalks are proposed along the entry street (Street A) and in a few other areas; sidewalks are mostly attached with no parkways in this development. All parkways are required to be constructed in accord with the standards listed in UDC 11-3A-17 and landscaped in accord with the standards listed in UDC 11-3B-7C.

L. Landscaping (UDC 11-3B):

A 25-foot wide street buffer is required adjacent to S. Eagle Rd., an arterial street; a 20-foot wide street buffer is required along Street A where it is designated as a collector street (i.e. from Eagle Rd. to the intersection of Street C), landscaped per the standards listed in UDC 11-3B-7C. A 50' foot +/- wide buffer is proposed along Eagle Rd. and a 30-foot wide buffer is proposed along the collector street (Street A) landscaped with grass and deciduous and evergreen trees and shrubs in excess of the minimum standards.

Parkways are required to be landscaped in accord with the standards listed in UDC 11-3B-7C. Landscaping is proposed within parkways; calculations should be included in the Landscape Calculations table that demonstrate compliance with UDC standards.

Landscaping is required along all pathways in accord with the standards listed in UDC 11-3B-12C.

Landscaping is proposed along pathways; calculations should be included in the Landscape Calculations table that demonstrate compliance with UDC standards.

Common open space is required to be landscaped in accord with the standards listed in UDC 11-3G-3E.

Landscaping is depicted in common areas in excess of UDC standards except along the Farr Lateral and Lot 46, Block 5 (the ridge lot with the trail).

There are existing trees on the site within proposed building lots that are proposed to be removed that may require mitigation. The Applicant should coordinate with Matt Perkins, the City Arborist, to determine mitigation requirements per the standards listed in UDC 11-3B-10C.5.

M. Qualified Open Space (UDC 11-3G):

A minimum of 10% qualified open space meeting the standards listed in UDC 11-3G-3B is required. Based on the area of the proposed plat (80+/- acres), a minimum of 8 acres of qualified open space should be provided.

The Applicant landscape plan notes the development provides 14.99 acres (or 18.4%) of qualified open space. This open space consists of parks, street buffers, linear open space, parkways and common areas greater than 50' x 100' in area, including the slope area on the east end of the site (see qualified open space exhibit in Section VI). Although the open space complies with the minimum UDC standards in regard to dimensions,

some of the open space area being credited consists of unusable arterial/collector street buffers and end caps with parkways, the easement for the Farr Lateral, and areas that aren't centrally located for easy access. It is staff's opinion that the applicant has the opportunity to reconfigure the plat to consolidate additional open space to make it more accessible and useable.

UDC 11-3G-3-E requires that at a minimum, common open space areas shall include one (1) deciduous shade tree per eight thousand (8,000) square feet and lawn, either seed or sod. There are areas being credited on the applicant's open space exhibit as qualified open space, such as land within the Farr Lateral easement, and all the challenging and steeply sloping land in Lot 45, Block 5 at the east that do not meet the minimum landscape requirements. In addition, the pathway shown along Lot 45, Block 5 would need to be landscaped with one tree per 100 linear feet of pathway as required per UDC 11-3B-3-12 in order to be credited for qualified open space.

N. Qualified Site Amenities (UDC 11-3G):

Based on the area of the proposed plat (80+/- acres), a *minimum* of four (4) qualified site amenities are required to be provided per the standards listed in UDC 11-3G-3C.

Proposed site amenities consist of children's play equipment/structures, a picnic shelter/shade structure, pathways, two dog parks and additional open space of at least 20,000 square feet above the minimum UDC requirements. Dog owner facilities are required to be improved with a dog washing station with a drain to sanitary sewer system and trash receptacles and bags for dog waste disposal; or fencing to enclose a minimum 0.75 acre of open space for an off-leash dog park and trash receptacles and bags for dog waste disposal per UDC 11-3G-3C.h. Although the proposed amenities meet the minimum standards, they are primarily located along the northern and southern boundaries of the site or in the gated portion of the development and are not centrally located (see details in Section VII.D), which Staff is of the opinion is not ideal. Staff would prefer the open space be reconfigured to allow more useable open space and amenities toward the center of the development. Further, UDC 11-3G-3D.3 requires common open space and site amenities to be located in areas of high visibility to avoid hidden areas and corners, dark areas, unusable space and reduce the opportunity for crime. Staff does believe the sports park, playground and pathways are adequate amenities, but as mentioned above, believes more useable open space and centrally located amenities should be incorporated into this project.

O. Storm Drainage (UDC 11-3A-18):

An adequate storm drainage system is required in accord with the City's adopted standards, specifications and ordinances. Design and construction is required to follow Best Management Practice as adopted by the City.

P. Irrigation (UDC 11-3A-15)

An underground pressurized irrigation system is required to be provided with development to each lot within the subdivision in accord with the standards listed in UDC 11-3A-15. Irrigation water is provided from the New York Irrigation District.

Q. Waterways (UDC 11-3A-6):

The Farr Lateral runs across the southwest corner of this site within a common lot (Lot 51, Block 9) and Ten Mile Creek runs along the northeast corner of the site. The Applicant proposes to leave these waterways open and improve them as linear open space with a 10-foot wide multi-use pathway. However, if these waterways are intended to be improved and credited as linear open spaces, they should be accessible and usable, and

landscaped in accordance with UDC 11-3B-12 and UDC 11-3G-3-E, including one tree per 100 pathway feet and one tree per 8,000 square feet of open area, as well as vegetated with seed or sod.

R. Fencing (UDC 11-3A-7):

All fencing is required to comply with the standards listed in UDC 11-3A-6C and 11-3A-7.

Six-foot tall open vision vinyl slat top fencing is proposed along connection pathways and the Farr Lateral, 4-foot tall open vision wrought iron fencing is proposed adjacent to the dog parks and 6-foot tall vinyl fencing is proposed along street buffers and the perimeter of the subdivision as shown on the landscape plan. UDC 11-3A-6C.3 requires open laterals to be fenced with an open vision fence at least 6-foot in height and having an 11-gauge, 2-inch mesh or other construction equivalent in ability to deter access to the lateral. Staff recommends open fencing is installed between the lateral and the pathway to preserve public safety.

S. Building Elevations (UDC 11-3A-19 / Architectural Standards Manual):

The Applicant submitted sample photo elevations of the types of homes planned to be constructed in this development which are included in Section VI. Homes depicted are predominantly single-story, some with a bonus room, with a few that are 2-stories in height proposed on the east end of the development on or near the rim. All but 44 of the homes are proposed to be restricted to single-story with the option of a bonus room; the larger lots on the east end of the development are not restricted to single-story homes (see exhibit in Section VII.J). Building materials consist of a mix of finish materials (i.e. horizontal and vertical siding and stucco) with stone/brick veneer accents.

## VI. DECISION

A. Staff:

Staff recommends DENIAL of the requested annexation and preliminary plat based on the Findings in section IX. and the Director has denied the private street and alternative compliance based on the Findings in section IX.

**VII. EXHIBITS**

**A. Annexation Legal Description & Exhibit Map (date 1/20/21)**



Sawtooth Land Surveying, LLC  
P: (208) 398-8104 F: (208) 398-8105  
2030 S. Washington Ave., Emmett, ID 83617

**Skybreak Annexation Legal Description**

**BASIS OF BEARINGS** is S. 0°12'52" W. between a found aluminum cap marking the W1/4 corner and a found aluminum cap marking the NW corner of Section 4, T. 2 N., R. 1 E., B.M., Ada County, Idaho.

A parcel of land located in the S1/2 of the NW1/4 of Section 4 Township 2 North, Range 1 East, Boise Meridian, Ada County, Idaho, more particularly described as follows:

**COMMENCING** at an aluminum cap marking the NW corner of said Section 4;

Thence S. 0°12'52" W., coincident with the west line of said NW1/4 and the centerline of S. Eagle Road, 1352.07 feet to an aluminum cap PLS 13550, marking the N1/16 corner of said Section 4 and the **POINT OF BEGINNING**;

Thence S. 89°52'22" E., coincident with the north line of said S1/2 of the NW1/4, a distance of 1321.03 feet to a 5/8" rebar/cap PLS 645, marking the NW1/16 corner of said Section 4;

Thence N. 89°56'41" E., coincident with said north line, 1321.10 feet to a 5/8" rebar/cap PLS 4347, marking the CN1/16 corner of said Section 4;

Thence S. 00°37'07" W., coincident with the east line of said NW1/4, a distance of 1333.72 feet to a 3/4" rebar/cap PLS 645, marking the C1/4 corner of said Section 4;

Thence N. 89°48'12" W., coincident with the south line of said Section 4, a distance of 2632.71 feet to an illegible aluminum cap, marking the W1/4 of said Section 4;

Thence N. 00°12'52" E., coincident with said west line, 1326.27 feet to the **POINT OF BEGINNING**.

The above described parcel contains 80.461 acres more or less.





**B. Rezoning Legal Description and Exhibit Map (date: 1/20/21)**



Sawtooth Land Surveying, LLC  
P: (208) 398-8104 F: (208) 398-8105  
2030 E. Washington Ave., Brimeth, ID 83617



**Skybreak R-8 Zoning Description**

**BASIS OF BEARINGS** is S. 0°12'52" W. between a found aluminum cap marking the W1/4 corner and a found aluminum cap marking the NW corner of Section 4, T. 2 N., R. 1 E., B.M., Ada County, Idaho.

A parcel of land located in the S1/2 of the NW1/4 of Section 4 Township 2 North, Range 1 East, Boise Meridian, Ada County, Idaho, more particularly described as follows:

**COMMENCING** at an aluminum cap marking the NW corner of said Section 4;

Thence S. 0°12'52" W., coincident with the west line of said NW1/4, a distance of 1352.07 feet to an aluminum cap PLS 13550, marking the N1/16 corner of said Section 4 and the **POINT OF BEGINNING**;

Thence S. 89°52'22" E., coincident with the north line of said S1/2 of the NW1/4, a distance of 1321.03 feet to a 5/8" rebar/cap PLS 645, marking the NW1/16 corner of said Section 4;

Thence N. 89°56'41" E., coincident with said north line, 261.79 feet;

Thence S. 00°12'52" W., parallel with said west line, 137.56 feet;

Thence N. 89°47'08" W., 5.43 feet;

Thence S. 00°12'52" W., parallel with said west line, 454.70 feet;

Thence N. 89°41'23" W., 73.73 feet;

Thence N. 71°55'29" W., 35.46 feet;

Thence N. 89°44'25" W., 157.79 Feet;

Thence S. 00°12'52" W., parallel with said west line, 146.02 feet;

Thence S. 89°47'08" E., 22.31 feet;

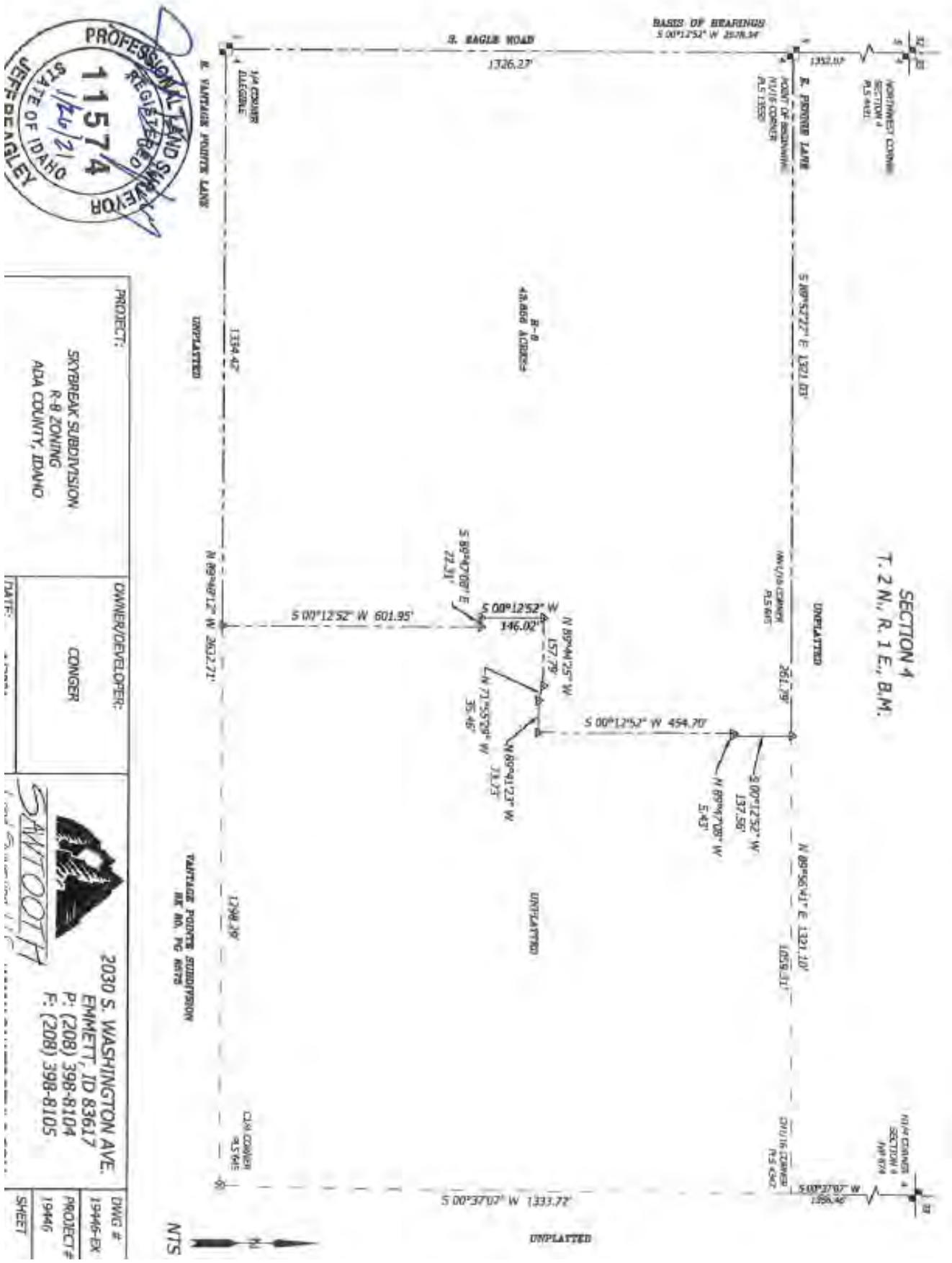
Thence S. 00°12'52" W., parallel with said west line, 601.95 feet to the south line of said NW1/4;

Thence N. 89°48'12" W., coincident with said south line, 1334.42 feet to an illegible aluminum cap, marking the W1/4 of said Section 4;

Thence N. 00°12'52" E., coincident with said west line, 1326.27 feet to the **POINT OF BEGINNING**.

The above described parcel contains 43.858 acres more or less.





PROJECT:  
 SKYBREAK SUBDIVISION  
 R-8 ZONING  
 ADA COUNTY, IDAHO

OWNER/DEVELOPER:  
 CONGER



2030 S. WASHINGTON AVE.  
 ENNETT, ID 83617  
 P: (208) 398-8104  
 F: (208) 398-8105

DWG #  
 19446-EX  
 PROJECT #  
 19446  
 SHEET



Sawtooth Land Surveying, LLC  
 P: (208) 398-8104 F: (208) 398-8105  
 2030 S. Washington Ave., Emmett, ID 83617



### Skybreak R-15 Zoning Description

**BASIS OF BEARINGS** is S. 0°12'52" W. between a found aluminum cap marking the W1/4 corner and a found aluminum cap marking the NW corner of Section 4, T. 2 N., R. 1 E., B.M., Ada County, Idaho.

A parcel of land located in the S1/2 of the NW1/4 of Section 4 Township 2 North, Range 1 East, Boise Meridian, Ada County, Idaho, more particularly described as follows:

**COMMENCING** at an aluminum cap marking the NW corner of said Section 4;

Thence S. 0°12'52" W., coincident with the west line of said NW1/4, a distance of 1352.07 feet to an aluminum cap PLS 13550, marking the N1/16 corner of said Section 4;

Thence S. 89°52'22" E., coincident with the north line of said S1/2 of the NW1/4, a distance of 1321.03 feet to a 5/8" rebar/cap PLS 645, marking the NW1/16 corner of said Section 4;

Thence N. 89°56'41" E., coincident with said north line, 261.79 feet to the **POINT OF BEGINNING**;

Thence continuing N. 89°56'41" E., coincident with said north line, 1059.31 feet to a 5/8" rebar/cap PLS 4347, marking the CN1/16 corner of said Section 4;

Thence S. 00°37'07" W., coincident with the east line of said Section 4, a distance of 1333.72 feet to a 3/4" rebar/cap PLS 645, marking the C1/4 corner of said Section 4;

Thence N. 89°48'12" W., coincident with the south line of said NW1/4, a distance of 1289.29 feet;

Thence N. 00°12'52" E., parallel with said west line, 601.95 feet;

Thence N. 89°47'08" W., 22.31 feet;

Thence N. 00°12'52" E., parallel with said west line, 146.02 feet;

Thence S. 89°44'25" E., 157.79 feet;

Thence S. 71°55'29" E., 35.46 feet;

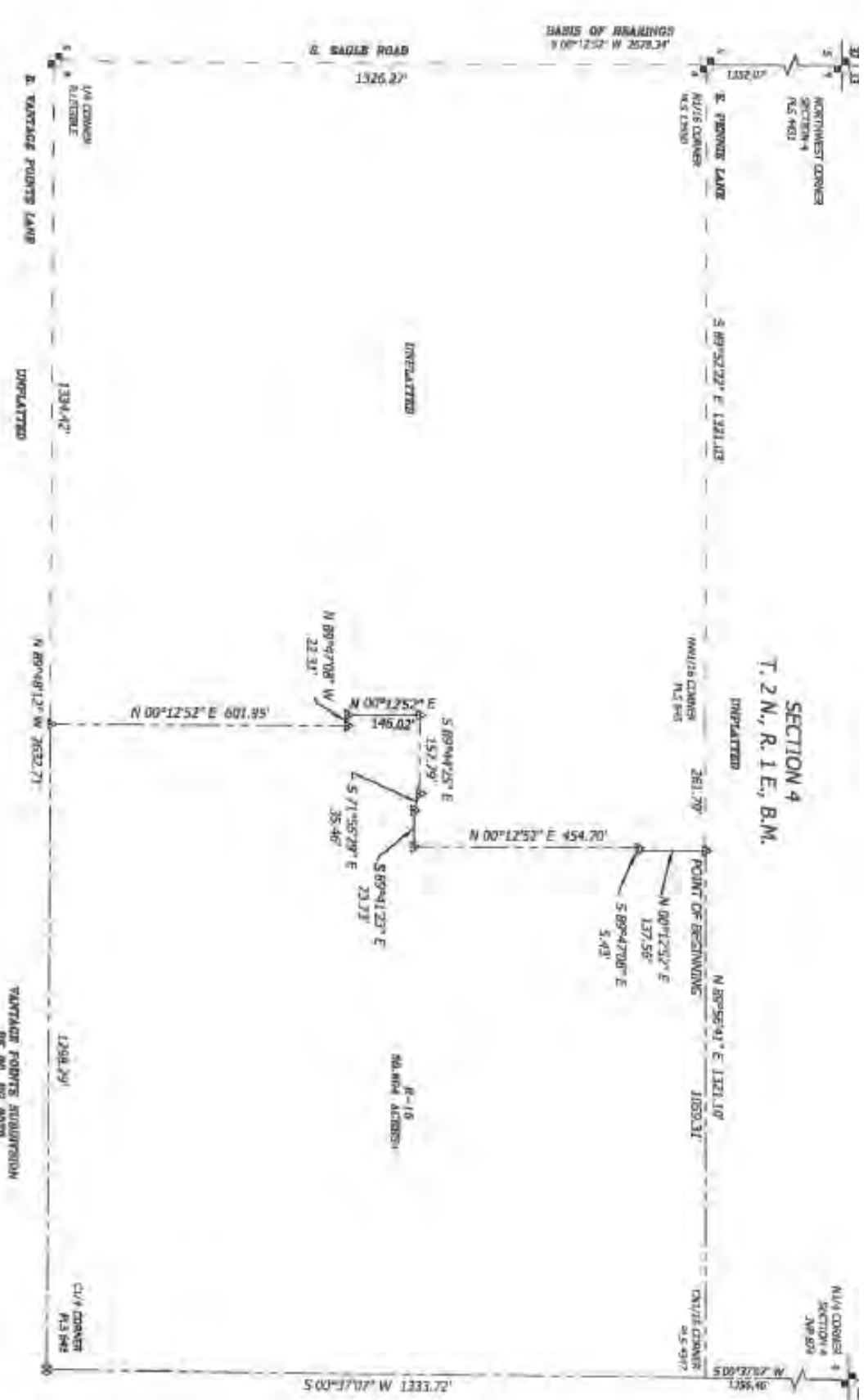
Thence S. 89°41'23" E., 73.73 feet;

Thence N. 00°12'52" E., parallel with said west line, 454.70 feet;

Thence S. 89°47'08" E., 5.43 feet;

Thence N. 00°12'52" E., parallel with said west line, 137.56 feet to the **POINT OF BEGINNING**.

The above described parcel contains 36.604 acres more or less.



PROJECT: SKYBREAK SUBDIVISION  
R-15 ZONING  
ADA COUNTY, IDAHO

OWNER/DEVELOPER: CONGER

2030 S. WASHINGTON AVE.  
EMMETT, ID 83617  
P: (208) 398-8104  
F: (208) 398-8105

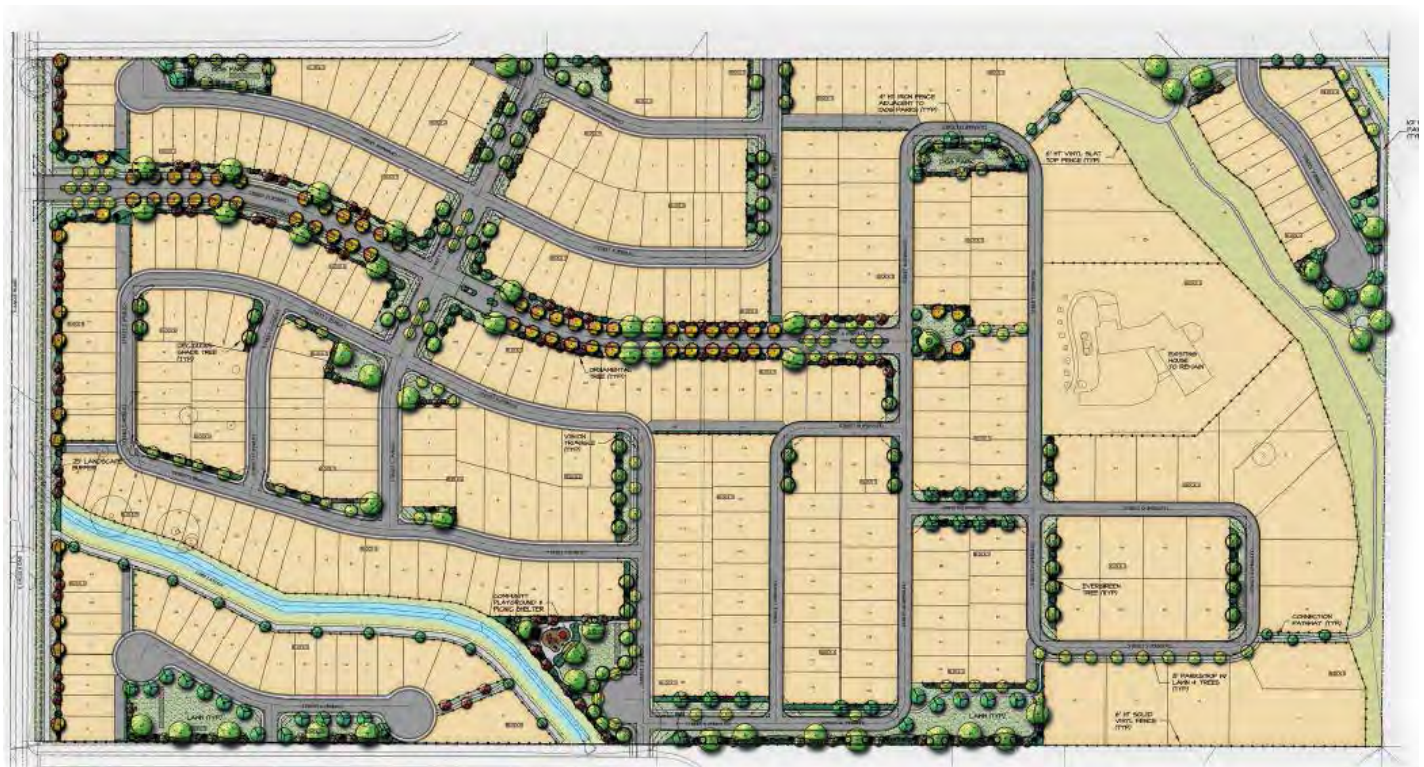
DWG: # 1946-BX  
PROJECT# 1946  
SHEET



**C. Preliminary Plat (date: 12/11/2020)**



**D. Landscape Plan (date: 12/11/2020)**



**E. Gated versus Non Gated (date: 2/11/2020)**

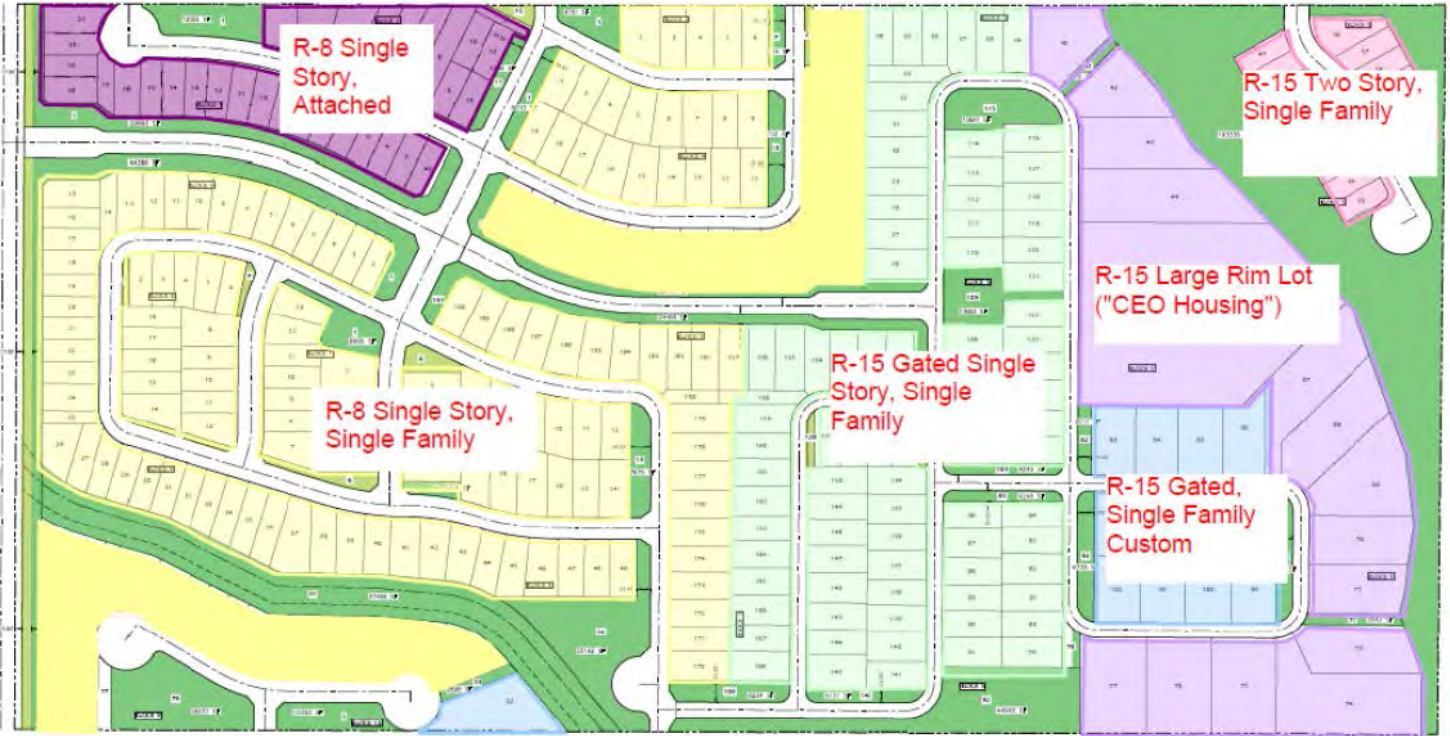
All streets shown in gated portion are private streets



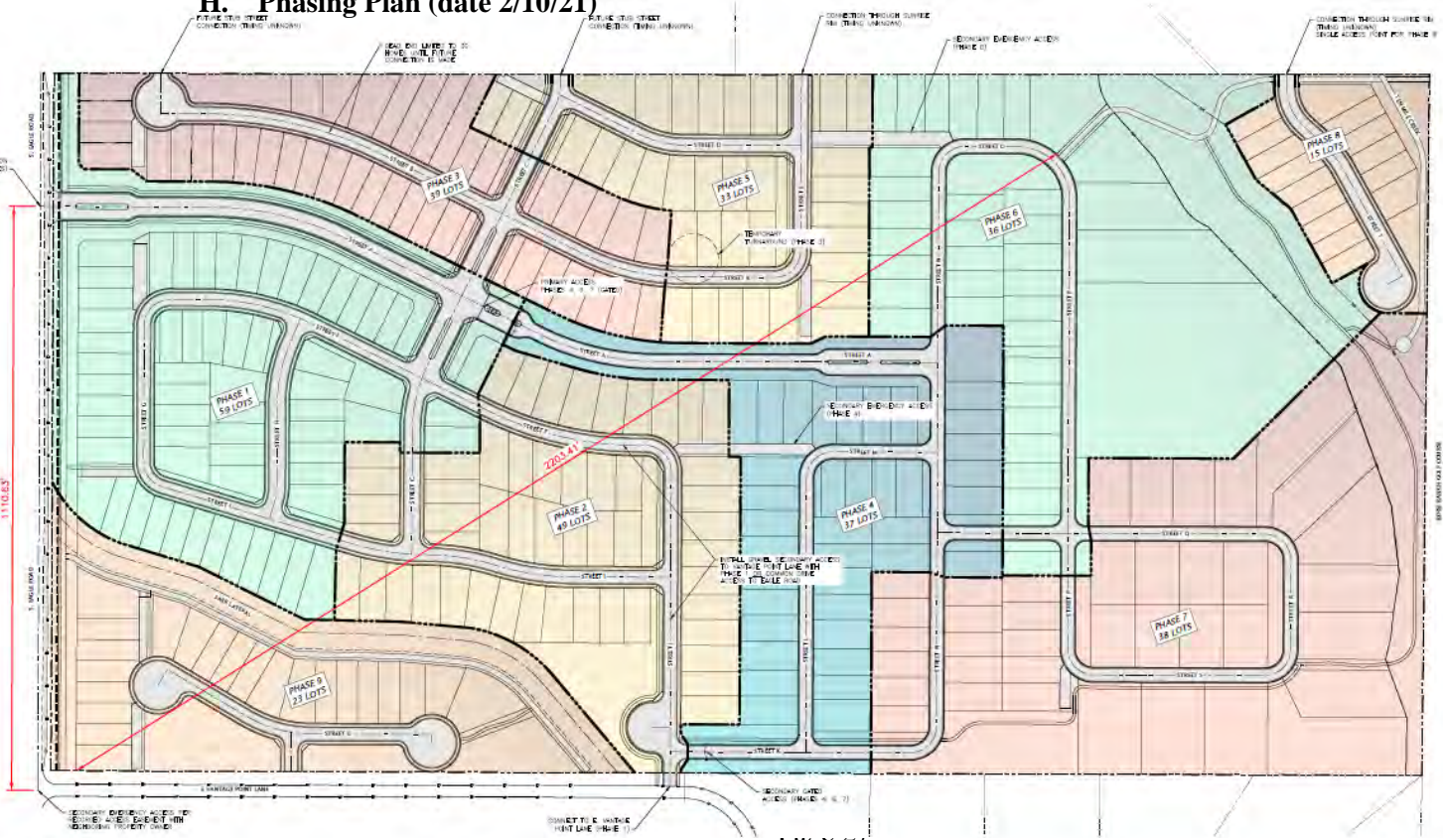
**F. Open Space Exhibit (date: 12/30/2020)**



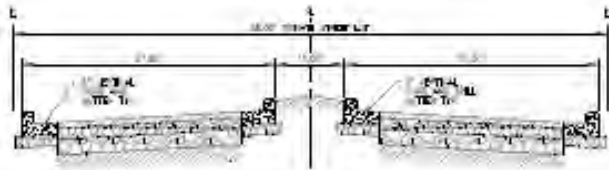
### G. Zoning Exhibit (date: 12/10/2020)



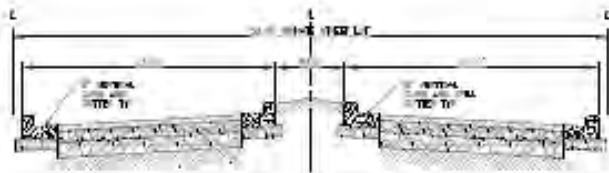
### H. Phasing Plan (date 2/10/21)



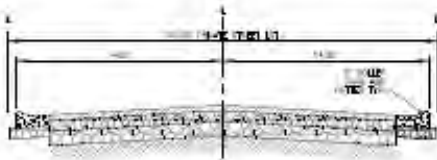
### I. Proposed Private Street Sections



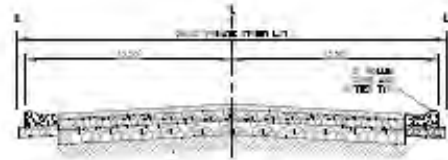
**PRIVATE STREET SECTION AT GATEHOUSE** 2  
SCALE: NOT TO SCALE PPS.0



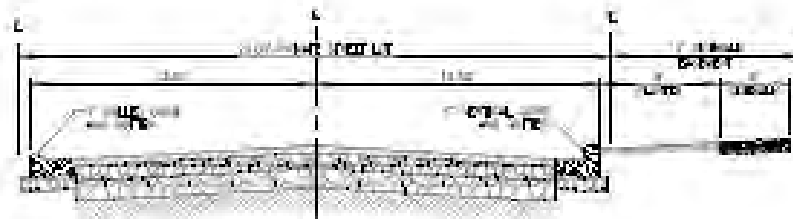
**PRIVATE STREET SECTION WITH MEDIAN ISLAND** 3  
SCALE: NOT TO SCALE PPS.0



**28' PRIVATE STREET (STREET A)** 9  
SCALE: NOT TO SCALE PPS.0



**27' PRIVATE STREET (STREETS L, M, N, O, P, Q, R)** 10  
SCALE: NOT TO SCALE PPS.0



**27' PRIVATE STREET W/ DETACHED WALK ONE SIDE (STREETS K AND S)** 11  
SCALE: NOT TO SCALE PPS.0

**J. Phasing Description (date: 12/10/21)**

**PROJECTED PROJECT TIMELINE**

Milestone	Date
<b>2021 -</b>	
▪ City Council Approval (est.)	April 2021
▪ Eagle Road – Amity to Victory Road Widening to 5 Lanes	2021
<b>2022 -</b>	
▪ 20 Homes Occupied (1 <sup>st</sup> home available April 2022)	August 2022
<b>2023 -</b>	
▪ Lake Hazel Road and Eagle Road Intersection Construction	2023
▪ Eagle Road – Victory to Amity Road Widening to 5 Lanes	2023
▪ Fire Station #8 – Completed and Staffed	December 2023
▪ 50 Homes Occupied	September 2023
<b>2024 -</b>	
▪ Lake Hazel Road – Eagle to Cloverdale Road Widening to 5 Lanes	2024
▪ 100 Homes Occupied	June 2024
<b>2025 -</b>	
▪ 150 Homes Occupied	June 2025
<b>2026 -</b>	
▪ 200 Homes Occupied	June 2026
<b>2027 -</b>	
▪ 250 Homes Occupied	June 2027
<b>2028 -</b>	
▪ 300 Homes Occupied	June 2028
<b>2029 -</b>	
▪ Completion	December 2029

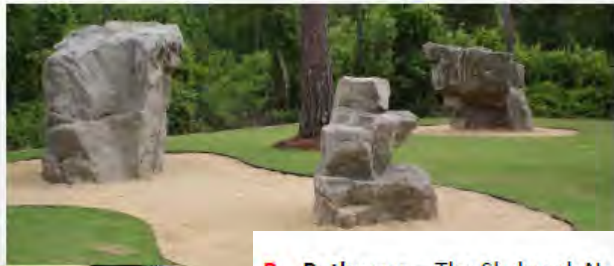


**K. Proposed Amenities (date: 2/10/21 – please refer to Narrative for more details)**



**A. Large 3/4-Acre, Tot Park (Block 9, Lot 52) –** The 35,142 Sqft Skybreak Neighborhood park will contain the following recreation facilities:

- **Play Structure**
- **Seating Benches**
- **Shade Structure**
- **Climbing Rocks**
- **Large Grass play area**
- **Attractive Landscaping**
- **Playground fencing for safety**



**B. Pathways –** The Skybreak Neighborhood will include the following pedestrian pathways:

- **10' Wide Regional Pathway Along Eagle Road – 1,326 LF**
- **10' Wide Regional Pathway Along the Farr Lateral – 1,120 LF**
- **10' Wide Regional Pathway Along Ten Mile Creek - 526 LF**
- **10' Wide Golf Cart Path - 760 LF**
- **Natural Path – 1,435 LF**

Pedestrian pathways within the Skybreak Neighborhood will total nearly one mile in length.

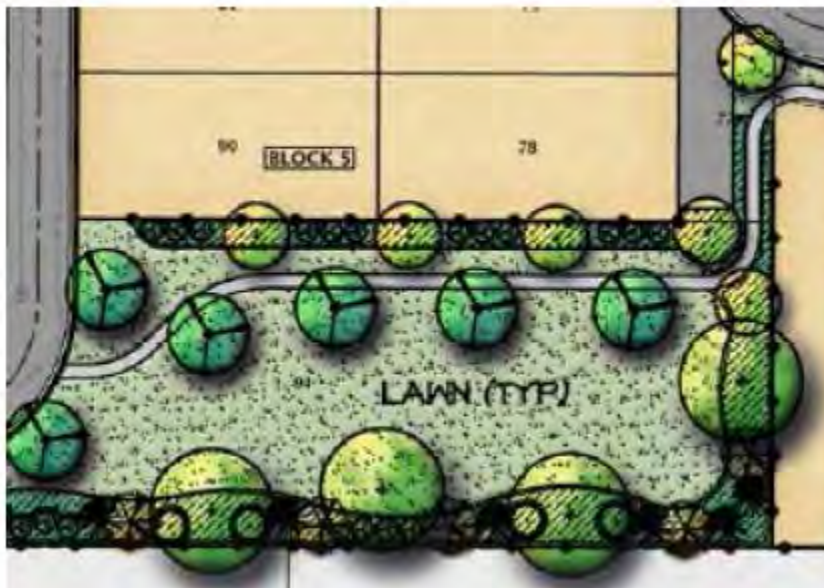
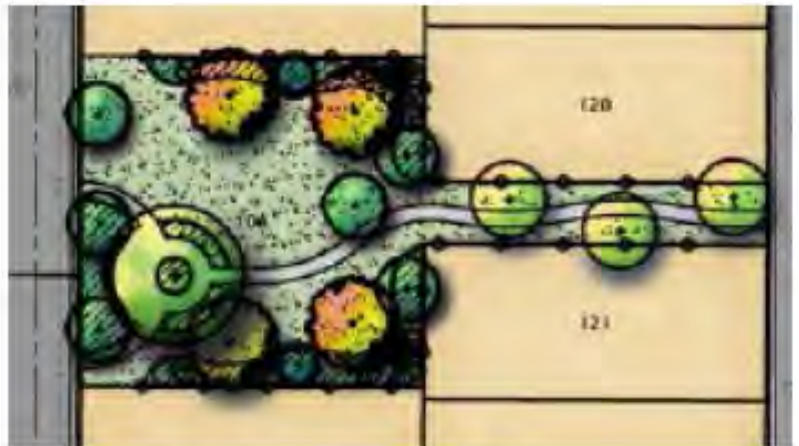
C. Dog Parks (Block 2, Lot 1 and Block 5, Lot 121) - The Skybreak Neighborhood park will contain two (2) 1/4 Ac small dog, dog parks that will include the following:

- Open Vision Fencing
- Dual Gate System
- Seating Areas
- Attractive Landscaping



D. Entry Park (Block 5, Lot 114) – The main Collector Roadway will terminate in an attractively landscaped open space that will provide for an aesthetically appealing entry statement that will convey a sense of arrival.

- Specimen Tree Plantings
- Seating Areas
- Attractive Landscaping
- Pathway



E. Open Sports Park (Block 5, Lot 97) – This park will include:

- Large 1-acre open sports area
- Pathway Connection
- Seating Areas
- Attractive Landscaping

**F. Landscaped Passive Open Spaces – Located throughout the Neighborhood:**

- Attractive Landscaping
- Buffering of side yards
- Premier Signage and Entry Monuments



**H. Pedestrian Connection Exhibit**

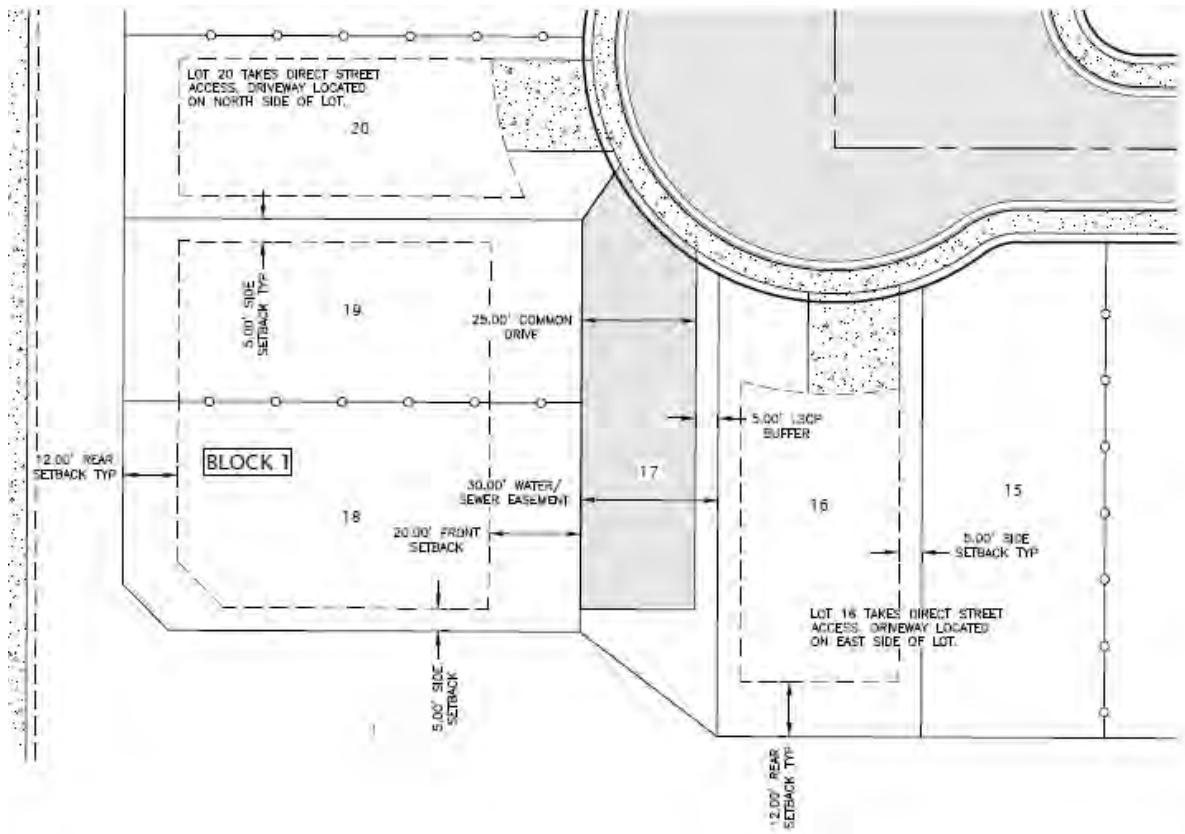
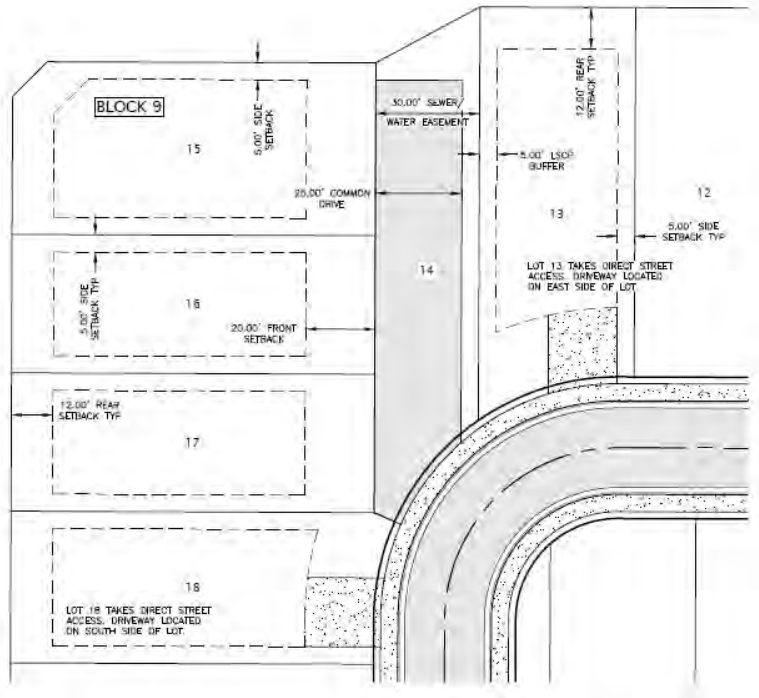
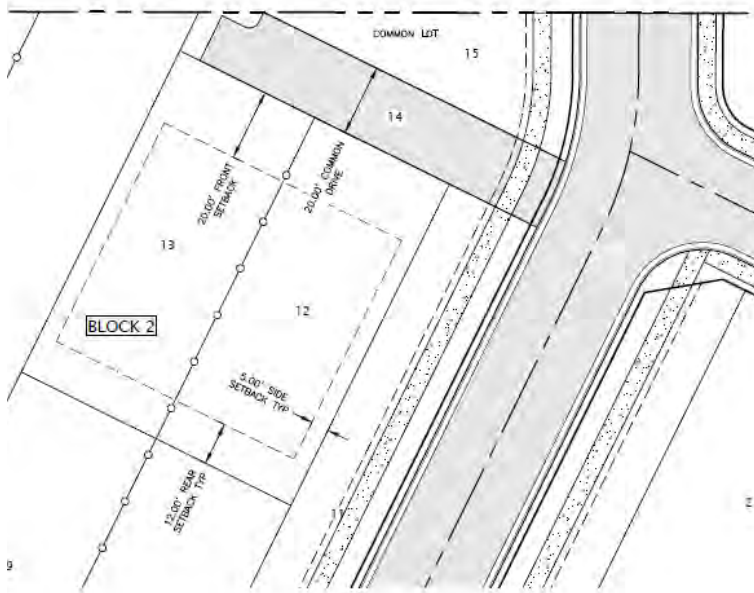


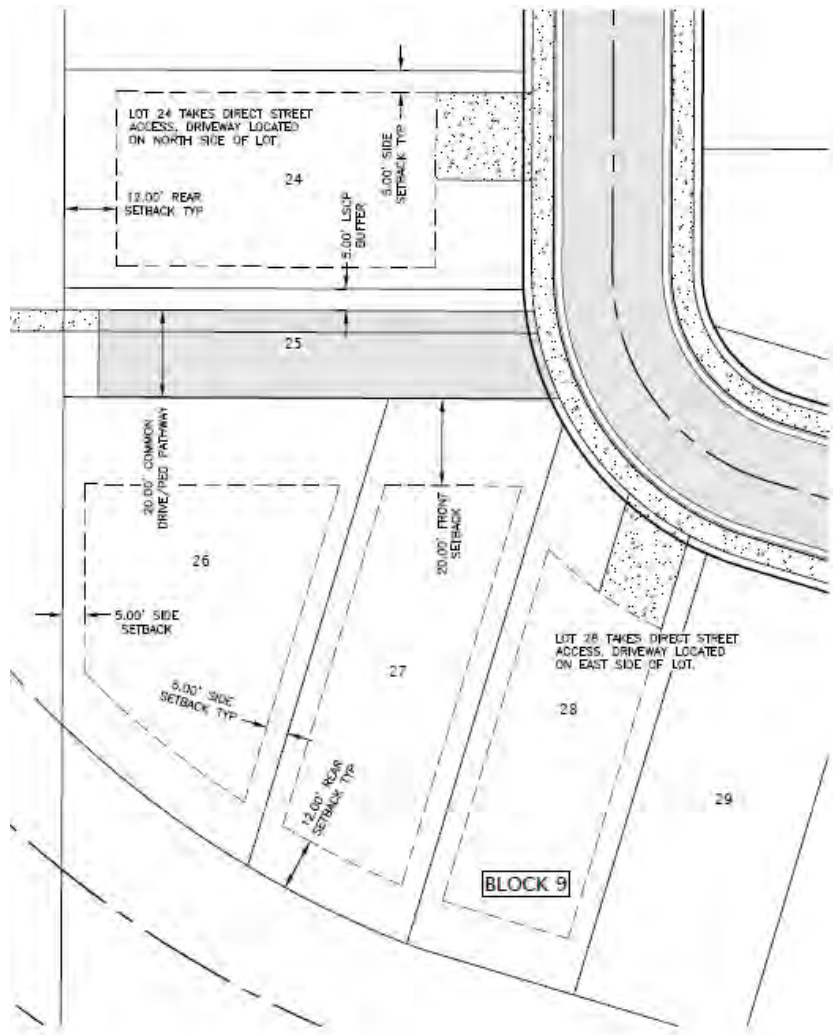
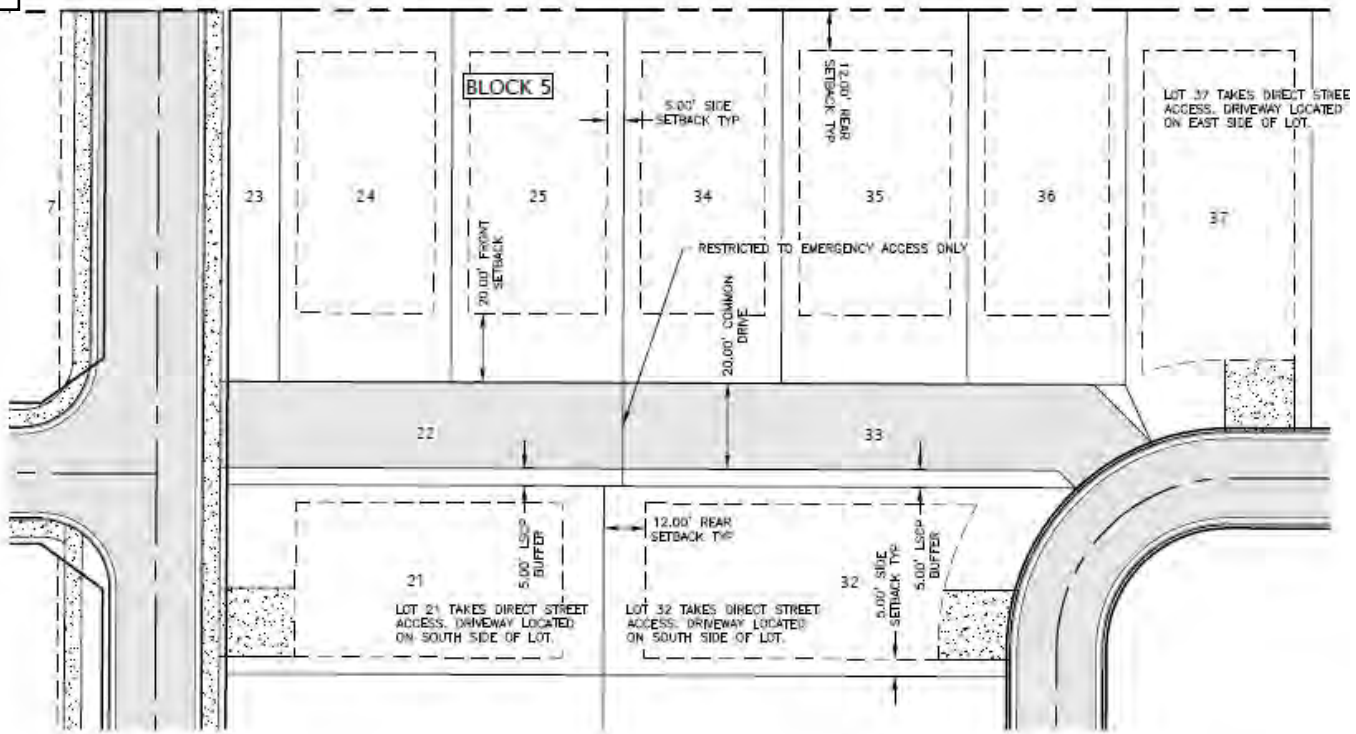
### L. Parking Plan

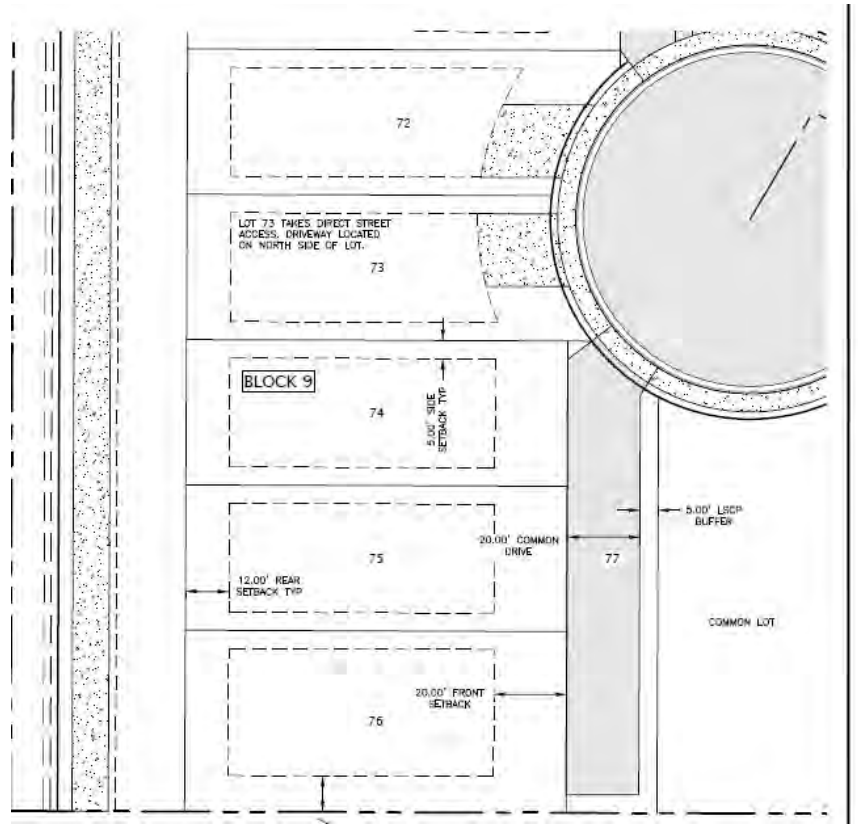
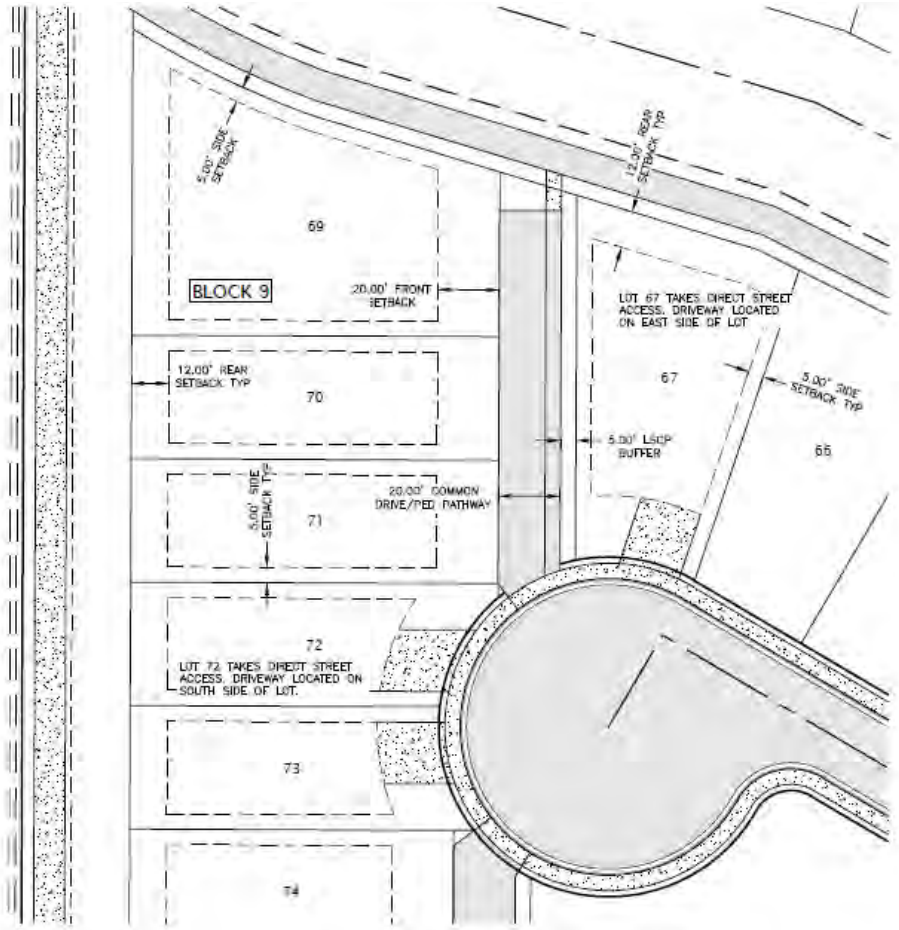


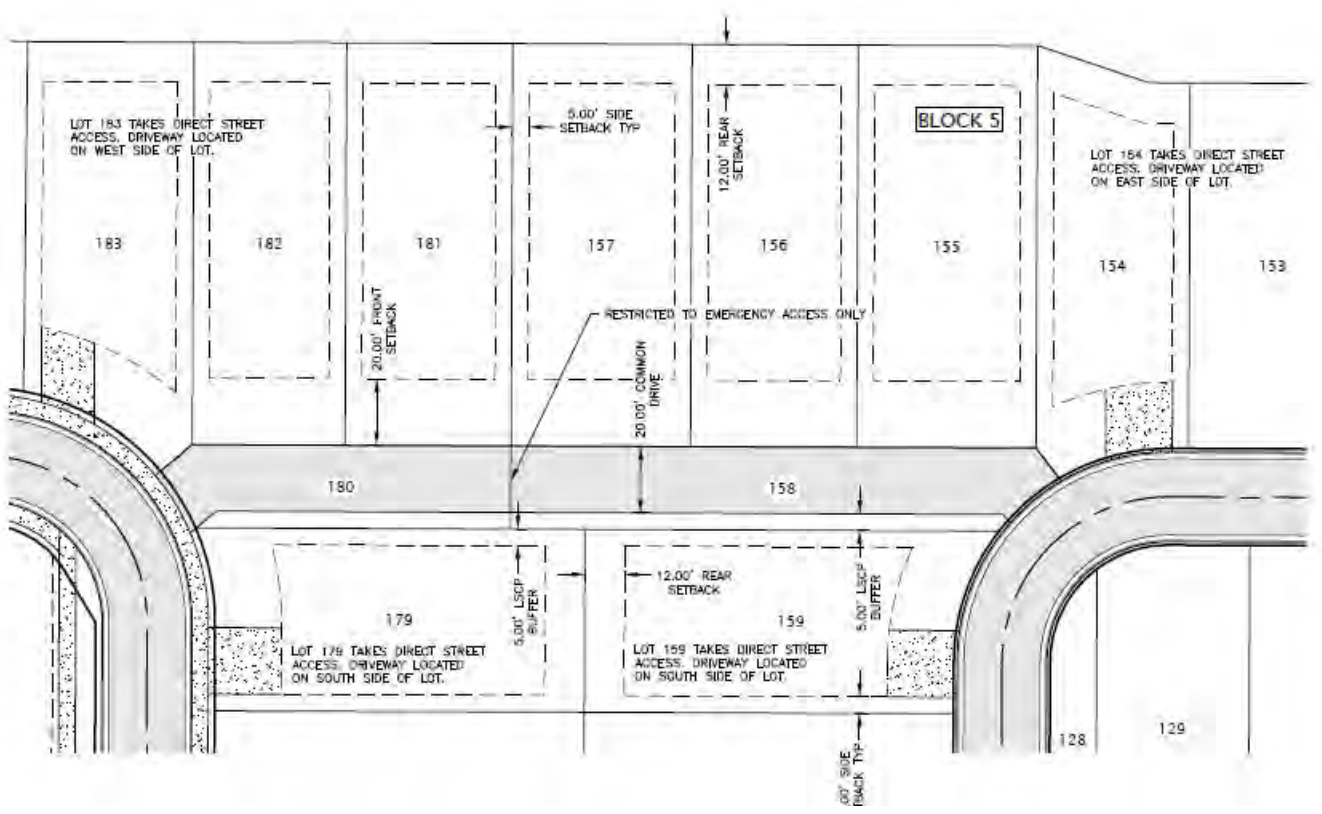
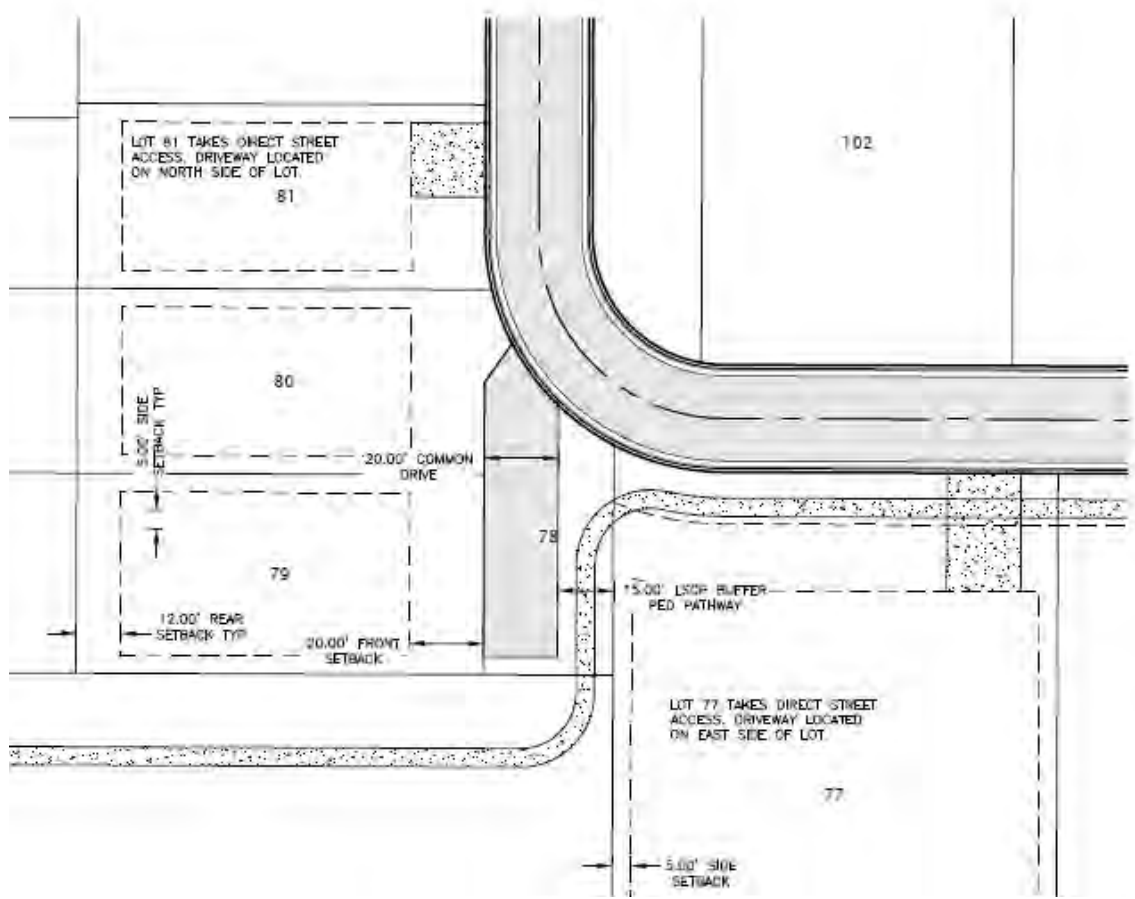
— On-Street Parking  
334 Spaces

### M. Common Driveway Exhibits

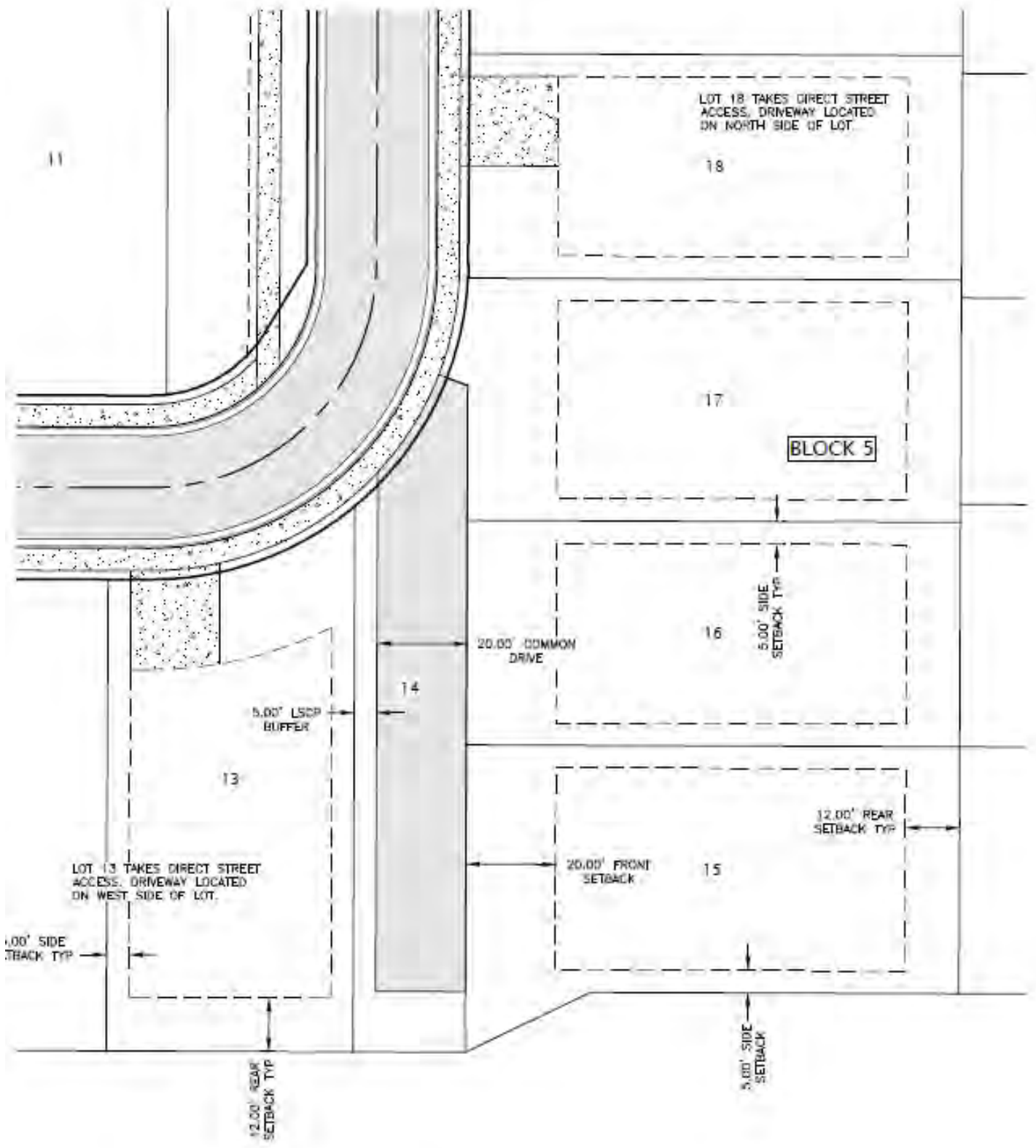












N. Building Elevations (date: 12/10/21)



Existing Home to remain (above)



Existing Home to remain (above)



RIDGEVIEW



AVONDALE





TEMPE



KIERLAND 'A'



KIERLAND 'B'

**VIII. CITY/AGENCY COMMENTS****A. PLANNING DIVISION**

*No conditions of approval are included due to Staff's recommendation of denial.*

**B. PUBLIC WORKS**

*No conditions of approval are included due to Staff's recommendation of denial.*

**C. FIRE DEPARTMENT**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=223367&dbid=0&repo=MeridianCity>

**D. POLICE DEPARTMENT**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=222919&dbid=0&repo=MeridianCity>

**E. PARK'S DEPARTMENT**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=214368&dbid=0&repo=MeridianCity&cr=1>

**F. COMMUNITY PLANNING ASSOCIATION OF SOUTHWEST IDAHO (COMPASS)**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=193035&dbid=0&repo=MeridianCity>

**G. ADA COUNTY DEVELOPMENT SERVICES**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=222788&dbid=0&repo=MeridianCity>

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

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=219402&dbid=0&repo=MeridianCity>

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

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=193631&dbid=0&repo=MeridianCity>

**J. CENTRAL DISTRICT HEALTH DEPARTMENT**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=219402&dbid=0&repo=MeridianCity>

**K. WEST ADA SCHOOL DISTRICT (WASD)**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=203469&dbid=0&repo=MeridianCity>

**L. COMMUNITY DEVELOPMENT SCHOOL IMPACT REVIEW:**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=203755&dbid=0&repo=MeridianCity>

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

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=222984&dbid=0&repo=MeridianCity>

## N. BOISE PROJECT BOARD OF CONTROL

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=222907&dbid=0&repo=MeridianCity>

## IX. FINDINGS

### A. Annexation and/or Rezone (UDC 11-5B-3E)

**Required Findings:** Upon recommendation from the commission, the council shall make a full investigation and shall, at the public hearing, review the application. In order to grant an annexation and/or rezone, the council shall make the following findings:

#### 1. The map amendment complies with the applicable provisions of the comprehensive plan;

*Staff finds the proposed map amendment to R-8 is consistent with the Comprehensive Plan density recommendations of 3-8 dwelling units per acre for the majority of the site except for the southern portion adjacent to the Vantage Pointe Subdivision where there is an inadequate transition in lot sizes. Staff finds zoning the property to the R-15 district for purpose of allowing private streets is not suitable for providing the necessary infrastructure. As mentioned in Section V above, the 30 attached dwelling units would contribute to more diversity of houses, but the remaining 299 would not. The development does exceed what is required in regard to amenities, however staff finds some of the open space is not the useable open space as anticipated by the Plan and believes better orientation and consolidation of open space could occur. The property is near the fringe of the City only adjacent to the City limits in a select few places; this development would not be considered infill. The proposed private streets serving a significant portion of the site would not meet the intent of the Plan in regard to requiring urban infrastructure be provided for all new developments, including sidewalks.*

#### 2. The map amendment complies with the regulations outlined for the proposed district, specifically the purpose statement;

*Staff finds the lack of variety in housing types (i.e. all single-family detached homes except for 30 attached) and lack of diversity in lot sizes is not consistent with the purpose statement of the residential districts, which states a range of housing opportunities should be provided consistent with the Comprehensive Plan.*

#### 3. The map amendment shall not be materially detrimental to the public health, safety, and welfare;

*Staff finds the proposed zoning map amendment could be detrimental to the public health, safety and welfare. The significant portion of the development proposed for private streets may pass the maintenance costs on to homeowners through the HOA, and because private streets are proposed with inadequate templates, ACHD would not accept these roads in the future if there were financial constraints. Also, the Fire District has voiced concerns with service to this development until the southern fire station is constructed, has concerns with all but Phase 8 having S. Eagle Rd as the sole point of access, and does not prefer the proposed number of lots being served by gates.*

#### 4. The map amendment shall not result in an adverse impact upon the delivery of services by any political subdivision providing public services within the city including, but not limited to, school districts; and

*Both West Ada County School District and the Community Development School Impact Review indicate this proposal would increase the number of students on schools that are already over capacity.*

**5. The annexation (as applicable) is in the best interest of city.**

*Staff finds the proposed annexation is not in the best interest of the City at this time as it is located near the fringe of the City and may not maximize existing public services. Further, Staff finds the design of the proposed development plan is not consistent with the Comprehensive Plan as discussed above in Section V.*

**B. Preliminary Plat (UDC 11-6B-6):**

**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 not in substantial conformance with the adopted Comprehensive Plan in regard to maximizing public services by prioritizing infill development over parcels on the fringe, provision of a variety of housing types, density in the LDR designated area, transitional densities, adequate provision of services (Fire Dept.), usable open space, and construction of infrastructure without sidewalks, etc. (Please see Comprehensive Plan Policies in, Section V 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 are available and can be extended to accommodate the proposed development although services would be maximized by development of infill or underdeveloped parcels already in the City instead of on the fringe as is the subject property (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.).*

**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. Public testimony has been submitted from adjacent residents to the south on 1-acre lots stating there is not an adequate transition in lot sizes or zoning to their properties/subdivision. ACHD considers road safety issues in their analysis.*

**6. The development preserves significant natural, scenic or historic features.**

*Staff finds the proposed development preserves the natural topography/hillside along the eastern boundary of the site. Staff is unaware of any other significant natural, scenic or historic features that exist on this site that require preserving.*

**C. Private Streets (UDC 11-3F-5):**

In order to approve the application, the Director shall find the following:

**A. The design of the private street meets the requirements of this article;**

*The private streets meet the design requirements of not connecting to an arterial street, allowing sufficient maneuvering for emergency vehicles, and meeting the minimum width of 27 feet. However, the proposal exceeds the limitation of no more than 50 units being served by a gated development, and three common driveways are proposed whereas UDE 1103F-4-5 states common driveways cannot be allowed on private streets.*

**B. Granting approval of the private street would not cause damage, hazard, or nuisance, or other detriment to persons, property, or uses in the vicinity**

*The Director has safety concerns in regard to whether there could be pedestrian safety issues with residents using private streets with no sidewalks and believes, at the minimum, there should be sidewalks on at least one side, or pathways that connect to all residential lots in the gated area. The Fire Department has commented they do not prefer 112 gated lots.*

**C. The use and location of the private street shall not conflict with the comprehensive plan and/or the regional transportation plan.**

Proposing private streets with no sidewalks does not Comprehensve Plan policies such as requiring new residential neighborhoods to provide complete streets, developing a connected, comfortable, and comprehensive network of multi-purpose pathways, ensuring safe routes and access, encouraging safe, physical activity for pedestrians and bicyclists, and fostering a walkable and bikeable community and providing necessary infrastructure.

**D. The proposed residential development (if applicable) is a mew or gated development.**

The proposed development is a gated development, but exceeds the provisions of UDC 11-3F-4.b which limits gated developments to no more than 50 dwelling units.





## AGENDA ITEM

**ITEM TOPIC:** Public Hearing for Meridian South Fire Station & Police Substation (H-2021-0008) by City of Meridian, Located at 2385 E. Lake Hazel

A. Request: Annexation of 4 acres of land with the R-8 zoning district to develop the property with a fire station and police station.



# PUBLIC HEARING INFORMATION

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**Staff Contact:** Alan Tiefenbach

**Meeting Date:** April 1, 2021

**Topic:** **Public Hearing** for Meridian South Fire Station & Police Substation (H-2021-0008)  
by City of Meridian, Located at 2385 E. Lake Hazel

A. Request: Annexation of 4 acres of land with the R-8 zoning district to develop the property with a fire station and police station.

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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



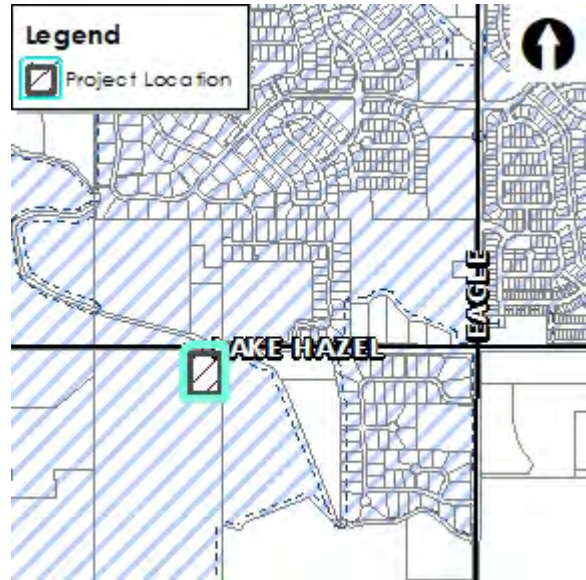
HEARING DATE: 4/1/2021

TO: Planning & Zoning Commission

FROM: Alan Tiefenbach, Associate Planner  
208-884-5533  
Bruce Freckleton, Development Services Manager  
208-887-2211

SUBJECT: AZ H-2021-0008  
Meridian South Fire Station & Police Substation

LOCATION: 2385 E. Lake Hazel Rd  
South side of E. Lake Hazel Rd, between S. Locust Grove Rd. and S. Eagle Rd.



## I. PROJECT DESCRIPTION

Annexation & zoning of 4 acres of land with the R-8 zoning district to develop a 11,650 sq. ft. fire station and 11,060 sq. ft. police substation building (public or quasi-public use). The applicant is the City of Meridian. The property is directly east of Discovery Park, and surrounded by land that was annexed in 2015 as the South Meridian Annexation, although the subject property was not included as part of the annexation. Plans are to develop the fire station and the police substation separately, with the fire station construction planned for 2022. Following annexation, a conditional use permit is required for a public or quasi-public use in the R-8 zone district per UDC 11-2A-2.

## II. SUMMARY OF REPORT

### A. Project Summary

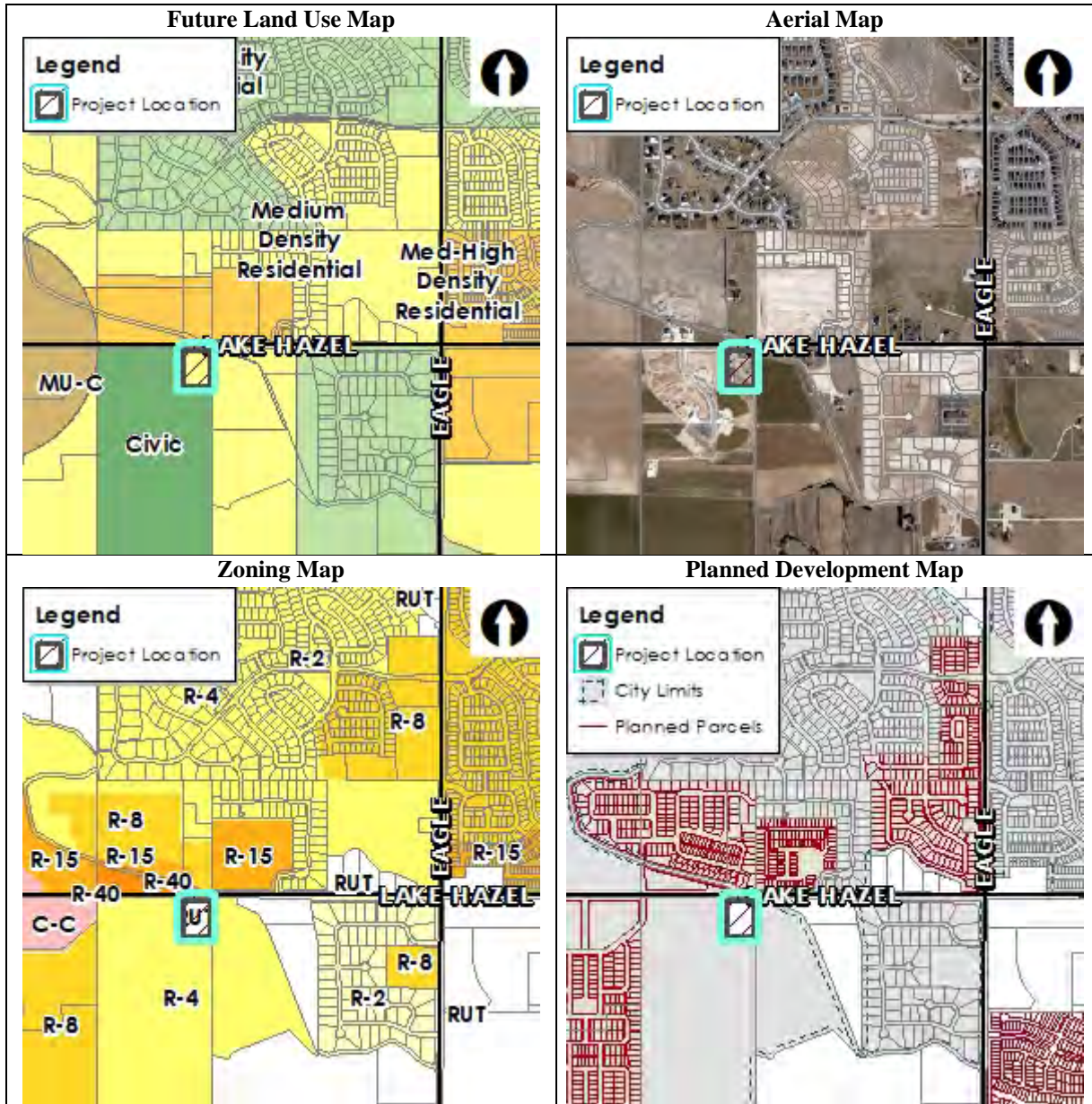
Description	Details	Page
Acreage	4 acres	
Future Land Use Designation	Medium Density Residential	
Existing Land Use(s)	Residential / Rural	
Proposed Land Use(s)	Public or quasi-public use (Fire Station and Police Substation)	
Lots (# and type; bldg./common)	1	
Phasing Plan (# of phases)	2, with the fire station proposed for development first.	
Density (gross & net)	N/A	
Open Space (acres, total [%]/buffer/qualified)	N/A	
Amenities	N/A	

Description	Details	Page
Physical Features (waterways, hazards, flood plain, hillside)	None	
Neighborhood meeting date; # of attendees:	February 3, 2021, no neighbors attended.	
History (previous approvals)	None	

### B. Community Metrics

Description	Details	Page
<b>Ada County Highway District</b>		
• Staff report (yes/no)	Yes	
• Requires ACHD Commission Action (yes/no)	No	
Access (Arterial/Collectors/State Hwy/Local)(Existing and Proposed)	E. Lake Hazel Rd / New N/S collector that is planned for construction at the east of the property.	
Traffic Level of Service		
Stub Street/Interconnectivity/Cross Access	Applicant will be required to construct collector street along the eastern property line which will stub at the south adjacent to the southern property line.	
Existing Road Network	E. Lake Hazel Rd.	
Existing Arterial Sidewalks / Buffers	None along property. There is an existing 10' pathway along the Discovery Park frontage to the west.	
Proposed Road Improvements	Applicant will be required to construct 10' pathway along E. Lake Hazel Rd and will construct the new north/south collector roadway at the site's east property line to stub to the site's south property line as well as 10' pathway along this frontage as well.	
Distance to nearest City Park (+ size)	Discovery Park (South Meridian Regional Park) directly adjacent to the west and south.	
<b>Fire Service</b>		
• Distance to Fire Station	The proposal includes a fire station.	
<b>Police Service</b>		
• Distance to Police Station	The proposal includes a police substation.	
<b>Wastewater</b>		
• Distance to Sewer Services	N/A	
• Sewer Shed	South Black Cat Trunkshed	
• Estimated Project Sewer ERU's	See Application	
• WRRF Declining Balance	14.08	
• Other	Sewer will come from Discovery Park Flow is committed	
<b>Water</b>		
• Distance to Water Services	0	
• Pressure Zone	5	
• Estimated Project Water ERU's	See Application	
• Water Quality	No concerns	
• Project Consistent with Water Master Plan	Yes	
• Other	Water will come from E. Lake Hazel Rd.	

C. Project Area Maps



**III. APPLICANT INFORMATION**

- A. Applicant / Representative: Stacy Redman, City of Meridian  
33 E. Broadway Ave, Meridian, ID 83642
- B. Owner: City of Meridian  
33 E. Broadway Ave, Meridian, ID 83642

**IV. NOTICING**

	<b>Planning &amp; Zoning Posting Date</b>	<b>City Council Posting Date</b>
Newspaper Notification	3/12/2021	
Radius notification mailed to properties within 500 feet	3/9/2021	
Radius notification published on	2/22/2021	
Nextdoor posting	3/9/2021	
Sign Posting	3/15/2021	

**V. STAFF ANALYSIS**

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

The property is designated for medium density residential (MDR). This designation allows for dwelling units at gross densities of three to eight dwelling units per acre. Density bonuses may be considered with the provision of additional public amenities such as a park, school, or land dedicated for public services.

The FLUM shows a fire and police station symbol in the general vicinity (north side of E. Lake Hazel Rd). The purpose of this designation is to preserve and protect existing and planned fire and police station locations throughout the Area of City Impact which provide efficient emergency response. The proposed fire and police station in this location would be consistent with the recommendations of the FLUM.

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

- Develop and implement master plans for all public facilities, services, and safety to guide the growth of the City. (3.02.01).

*The subject property is shown to be within an area designated as a fire / police station on the Future Land Use Map.*

- Support the appropriate expansion of City facilities, services, staff, and other resources to keep up with demand and established levels of service. (3.02.01D)
- Ensure that quality fire protection, rescue and emergency medical services are provided within Meridian. (4.11.03)
- Establish and maintain levels of service for public facilities and services, including water, sewer, police, transportation, schools, fire, and parks. (3.02.01G)

*A significant amount of land has been annexed in the surrounding area. This includes the Impressive East Ridge, Bicentennial Farms, Apex and Apex Southeast, Lavender Heights, Sky*

*Mesa, Pura Vida and The Keep subdivisions. Much of this area is not within the City's preferred 5-minute response time, and this future fire station and police sub-station were anticipated during the analysis of these projects' analysis. This annexation and zoning would support appropriate expansion and maintenance of services and would ensure quality fire and emergency services and would significantly improve the emergency response times.*

- Ensure that new development and subdivisions connect to the pathway system. (4.04.01A)

*The Pathways Master Plan shows a future 10' wide pathway along E. Lake Rd. as well as a 10' pathway along the eastern portion of the property (in the area of the future collector road). The 10' pathway already exists along the northern perimeter of Discovery Park; the applicant will be required to complete this pathway along the north and eastern property lines.*

- Reduce the number of existing access points onto arterial streets by using methods such as cross access agreements, access management, and frontage/backage roads, and promoting local and collector street connectivity. (6.01.02B)

*The property presently takes access from two driveways off E. Lake Hazel Rd. However, a future collector is shown at the east side of the property. This collector is intended to serve the subject property as well as provide access to Discovery Park. The applicant will build this collector road from E. Lake Hazel Rd to the southern property line. As is required by UDC 11-3A-3, the applicant will be required to close both driveways accessing E. Lake Hazel Rd.*

- Require all new development to create a site design compatible with surrounding uses through buffering, screening, transitional densities, and other best site design practices. (3.07.01A)

*The applicant's concept plan shows landscape buffers along E. Lake Rd and the future collector street. Landscape screening is reflected on the plan to screen the site from Discovery Park at the west and any future development to the south.*

#### C. Existing Structures/Site Improvements:

There is an existing residence and agricultural buildings on the site which were constructed in 1940. All buildings will be removed with development of the site.

#### D. Proposed Use Analysis:

UDC defines fire station and police stations as a "public or quasi-public use." This use is allowed in the R-8 zone district as a conditional use.

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

UDC 11-4-3-30 states public or quasi-public uses shall meet the standards for office use in accord with the district in which the use is located.

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

The applicant proposes to zone the property to R-8. Dimensional standards in the R-8 zone district include a minimum lot size of 4,000 sq. ft., front setbacks of 25' from a collector street, rear setback of 12' and 10' side setback. Building height is limited to 35'. A 25' buffer is required along arterial roads and 20' along collector roads. The concept plan as submitted appears to meet the minimum dimensional standards.

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

Lake Hazel Road is improved with 2-travel lanes and no curb, gutter or sidewalk abutting the site. There is 50-feet of right-of-way for Lake Hazel Road. Lake Hazel Road is planned to be widened to 5-lanes from Locust Grove Road to Eagle Road between 2036 and 2040.

ACHD is requiring the applicant to dedicate right-of-way along Lake Hazel Road abutting the site. ACHD has mentioned the applicant will be required to construct a minimum 5-foot wide detached concrete sidewalk, but as already mentioned, the Parks Dept is requiring the applicant to construct a 10' detached pathway along E. Lake Hazel to connect to the pathway to the west.

The applicant will be required to construct a new north/south collector roadway along the site's east property line from the south property line to Lake Hazel Road. The applicant will also be required to install a temporary turnaround at the terminus of the stub street since it will be longer than 150-feet. Although ACHD is requesting the applicant construct 5' wide sidewalk along this collector, per the Parks Department, the applicant will be required to construct a 10' detached pathway along this section. This E. Lake Hazel Rd / Collector Road intersection is planned for signalization.

The applicant has proposed to construct 2 driveways from the site to the new collector roadway; one for the police station and a wider driveway for the fire station. The applicant will be required to close the 2 existing driveways from the site onto Lake Hazel Road.

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

UDC 11-3C requires one (1) space for every five hundred (500) square feet of gross floor area. With 22,710 sq. ft. between the first station and the police sub-station, 45 parking spaces are required, whereas 55 are provided. 17 parking spaces are provided to the public at the east, and 38 secure parking spaces are provided at the west side of the property. 12 of the parking spaces would be covered. The concept plan shows at least 3 additional spaces for fire apparatus at the east side of the fire station.

The parking plan does not appear to meet all the landscaping requirements of UDC 11-3B-8. Internal parking lot landscaping is required with any parking lot with more than 12 spaces, including internal islands at intervals no greater than 12 spaces. Landscape planters are also required at the end of rows of parking. This will need to be addressed at the time of CZC submittal.

I. Pathways (*UDC 11-3A-8*):

The Pathways Master Plan shows a future 10' wide pathway along E. Lake Rd. as well as a 10' pathway along the eastern portion of the property (in the area of the future collector road). The 10' pathway already exists along the northern perimeter of Discovery Park; construction of a pathway along the north and a new detached pathway along the eastern property line will be required with development of the site.

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

The applicant will be required to construct pathways along the north and east property lines as part of this development.

K. Parkways (*UDC 11-3A-17*):

Parkways are not included with this development.



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

UDC 11-2A-5 requires a 25' wide buffer along arterial roads and 20' along collector roads. These buffers must be landscaped at one (1) tree per thirty-five (35) linear feet. Parking lot landscaping is required around the perimeter of the parking lot, and no linear grouping of parking spaces shall exceed twelve (12) in a row, without an internal planter island. Parking islands are also required at the ends of all parking rows.

The submitted concept plan does suggest the road buffers are incorporated but along the E. Lake Hazel Rd frontage there is no landscaping shown. As mentioned in the parking analysis above, the parking lot and road buffers will need to meet the requirements of UDC 11-2A-5 at the time of CZC.

There are existing trees on the site that will be removed with development of the site. The applicant should work with the City Arborist and submit a landscape plan that meets the tree mitigation requirements of UDC 11-3B-10 at the time of CZC submittal.

M. Waterways (*UDC 11-3A-6*):

No waterways are associated with this development.

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

The applicant proposes security fencing of up to 8' in height (fencing shown in red on the attached concept plan). The materials and type of fencing is not specified. Staff notes fencing height is limited to 6' in height in the R-8 zone district. The applicant should apply for alternative compliance concurrently with the CZC.

There was discussion during the pre-application meeting regarding whether there would be security issues with the screen fencing on the west side of the site obstructing views into Discovery Park. It was determined this would require storage of vehicles at the east, along the new collector and in the same location as public parking, which was determined to be less than ideal.

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

Connection to City water and sewer services is proposed in accord with UDC 11-3A-21. The submitted Water Main & Service Sizing Plan indicates 8" water and sewer lines serving the property. Water would be provided from a main in E. Lake Hazel Rd. Sewer would be provided from a main at Discovery Park.

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

The Applicant has submitted colored elevations for both buildings. Architecture consists of sloped roof buildings with CMU and wood grain metal panel as the primary field materials, and exposed timber frame and metal soffit accents. The proposed architecture will be reviewed in detail with Administrative Design Review and must meet the requirements of the City of Meridian Architectural Standards Manual and the site and structure design standards in UDC 11-3A-19.

## VI. DECISION

A. Staff:

Staff recommends approval of the proposed annexation per the provisions and comments included in Section VII in accord with the Findings in Section VIII.

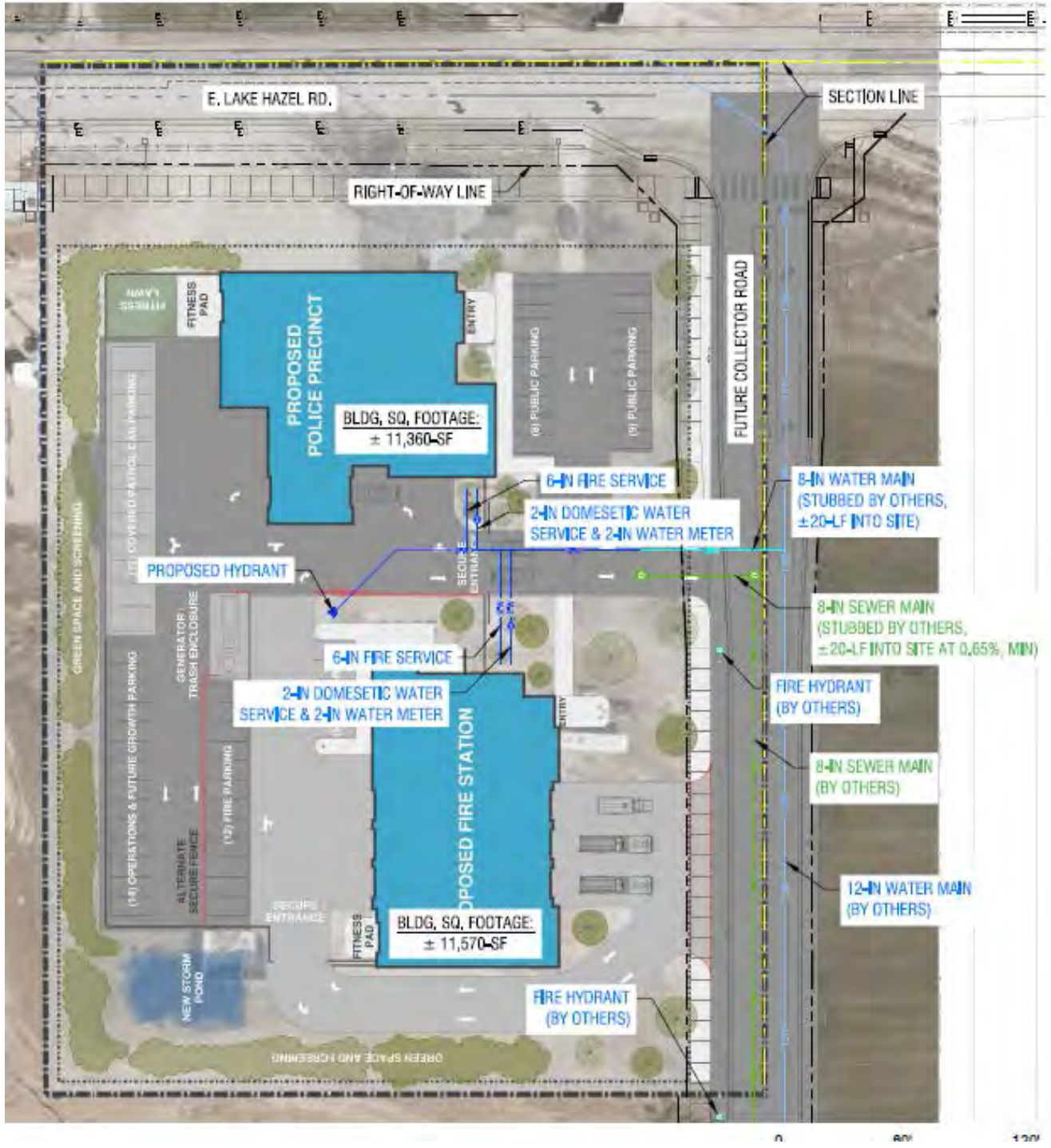
VII. EXHIBITS

A. Concept Plan (date: 1/5/2021)

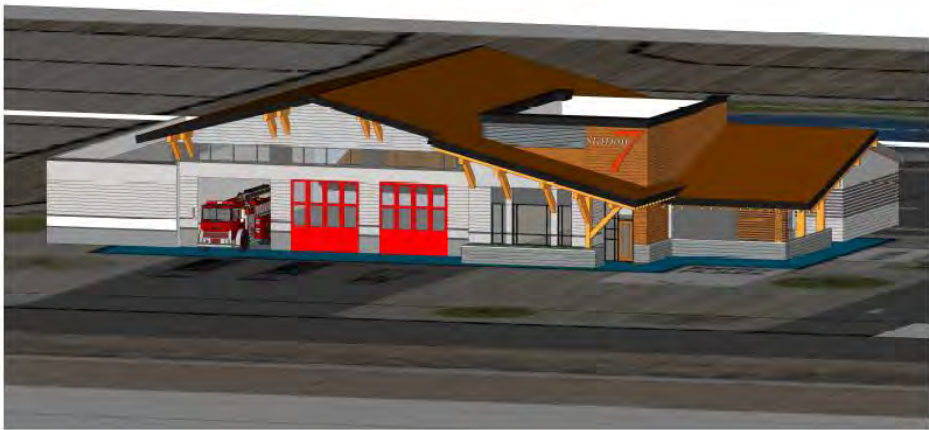
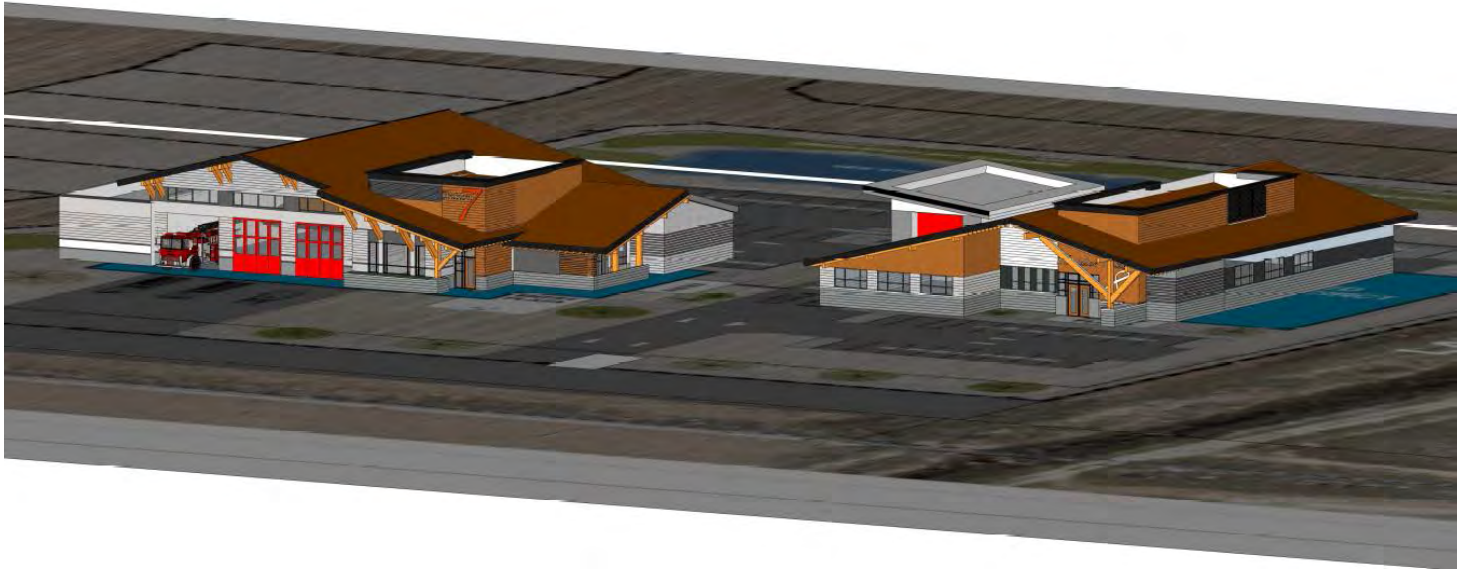


SOUTH MERIDIAN SITE PLAN

B. Water Main and Service Sizing Plan (date: 2/23/2021)



C. Building Elevations: 2/9/2021)



**LEGEND**

- 1.) Four Fold Doors
- 2.) Overhead Sectional Doors
- 3.) Composite Shingle Roofing
- 4.) Metal Fascia with Metal Soffit
- 5.) Glulam Columns and Beams
- 6.) Metal Panels
- 7.) Wood Grain Metal Panel
- 8.) Premium Grade Ground Face CMU
- 9.) Wood Grain Metal Panel Screening



FRONT ELEVATION



**LEGEND**

- 1.) Four Fold Doors
- 2.) Overhead Sectional Doors
- 3.) Composite Shingle Roofing
- 4.) Metal Fascia with Metal Soffit
- 5.) Glulam Columns and Beams
- 6.) Metal Panels
- 7.) Wood Grain Metal Panel
- 8.) Premium Grade Ground Face CMU
- 9.) Wood Grain Metal Panel Screening



## VIII. CITY/AGENCY COMMENTS & CONDITIONS

### A. PLANNING DIVISION

- a. Future development of this site shall be generally consistent with the conceptual site plan, conceptual building elevations, and the provisions contained herein.
- b. All structures shall comply with the design standards listed in the Architectural Standards Manual and the design standards listed in UDC 11-3A-19. An application for Design Review shall be submitted concurrently with the Certificate of Zoning Compliance application and approved prior to submittal of building permit applications.
- c. Per UDC 11-2A-2, a conditional use permit is required for a public or quasi-public use in the R-8 zone district prior to CZC and design review submittal.
- d. A segment of the City's 10-foot multi-use pathway along E. Lake Hazel Rd and the new collector street planned along the east boundary of the property shall be constructed prior to certificate of occupancy.
- e. The applicant shall design and construct the multi-use pathways along E. Lake Hazel Rd and the new collector street planned along the east boundary of the property consistent with Meridian Pathways Master Plan.
- f. Applicant shall construct the required landscape buffers along streets consistent with the standards as set forth in UDC 11-3B-7C in accord with the installation schedule in UDC 11-3B-14.
- g. Parking lot landscaping shall meet the requirements of UDC 11-3B-8C.
- h. At time of CZC, a landscape plan shall be submitted that preserves any existing trees on the subject property that are four-inch caliper or greater; or mitigate for the loss of such trees as set forth in UDC 11-3B-10C.
- i. Applicant shall comply with any ACHD conditions of approval.
- j. All proposed fencing and/or any fencing shall be constructed as required by the UDC, consistent with the standards as set forth in UDC 11-3A-7 and 11-3A-6B, as applicable, or submit an application for alternative compliance concurrent with the future CUP or CZC/DES application.
- k. Collector Road to east shall be constructed with the first phase of development.
- l. There shall be no access to or from E. Lake Hazel Rd.
- m. The applicant shall comply with the ordinances in effect at the time of application submittal.
- n. The applicant shall be required to comply with tree preservation mitigation standards per UDC 11-3B-10.

### A. PUBLIC WORKS

#### 1. Site Specific Conditions of Approval

- 1.1 Sanitary sewer and water infrastructure plans will need to be submitted and approved through the Land Development Division of Community Development.
- 1.2 A street light plan will need to be included in the final plat and or building permit application. Street light plan requirements are listed in section 6 of the City's Design Standards.

## 2. General Conditions of Approval

- 2.1 Applicant shall coordinate water and sewer main size and routing with the Public Works Department. 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.
- 2.2 Any existing domestic well system within this project shall be removed from domestic service per City Ordinance Section 9-1-4 and 9 4 8 contact the City of Meridian Engineering Department at (208)898-5500 for inspections of disconnection of services. Wells may be used for non-domestic purposes such as landscape irrigation if approved by Idaho Department of Water Resources Contact Robert B. Whitney at (208)334-2190.
- 2.3 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.
- 2.4 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.
- 2.5 Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.
- 2.6 Developer shall coordinate mailbox locations with the Meridian Post Office.
- 2.7 All grading of the site shall be performed in conformance with MCC 11-12-3H.
- 2.8 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.
- 2.9 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.
- 2.10 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.
- 2.11 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).

### B. MERIDIAN PARKS AND PATHWAYS

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=224659&dbid=0&repo=MeridianCity>

### C. ACHD

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=224325&dbid=0&repo=MeridianCity>

## II. FINDINGS

### A. Annexation and/or Rezone (UDC 11-5B-3E)

Required Findings: Upon recommendation from the commission, the council shall make a full investigation and shall, at the public hearing, review the application. In order to grant an annexation and/or rezone, the council shall make the following findings:

1. The map amendment complies with the applicable provisions of the comprehensive plan;

*Staff finds annexation of the subject site with an R-8 zoning designation is consistent with the Comprehensive Plan MDR FLUM designation for this property. This area is specifically recommended for a fire and / or police station (see Section V for more information).*

2. The map amendment complies with the regulations outlined for the proposed district, specifically the purpose statement;

*Staff finds that a map amendment to the R-8 zoning district is consistent with Comprehensive Plan as the Plan puts high priority on quality fire protection, rescue and emergency medical services.*

3. The map amendment shall not be materially detrimental to the public health, safety, and welfare;

*Staff finds that the proposed zoning map amendment should not be detrimental to the public health, safety, or welfare as the proposed facilities are intended to protect the public health, safety and welfare. Staff recommends the Commission and Council consider any oral or written testimony that may be provided when determining this finding.*

4. The map amendment shall not result in an adverse impact upon the delivery of services by any political subdivision providing public services within the city including, but not limited to, school districts; and

*Staff finds that the proposed zoning amendment will not result in any adverse impact upon the delivery of services by any political subdivision providing services to this site.*

5. The annexation (as applicable) is in the best interest of city

*As the need for adequate public services and facilities is mentioned repeatedly in the Comprehensive Plan, Staff finds that the proposed annexation is in the best interest of the City.*





## AGENDA ITEM

**ITEM TOPIC:** Public Hearing for 3175 N. Ten Mile (H-2020-0122) by Mason & Associates, Located at 3175 N. Ten Mile Rd.

A. Request: Rezone of a 1.16-acre property from R-4 to the L-O zoning district commensurate with a provision within the Meridian Comprehensive Plan for the purpose of constructing an approximate 10,000 square-foot office building in lieu of residential development.



# PUBLIC HEARING INFORMATION

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**Staff Contact:** Joseph Dodson

**Meeting Date:** April 1, 2021

**Topic:** **Public Hearing** for 3175 N. Ten Mile (H-2020-0122) by Mason & Associates,  
Located at 3175 N. Ten Mile Rd.

- A. Request: Rezone of a 1.16-acre property from R-4 to the L-O zoning district commensurate with a provision within the Meridian Comprehensive Plan for the purpose of constructing an approximate 10,000 square-foot office building in lieu of residential development.

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**Information Resources:**

[Click Here for Application Materials](#)

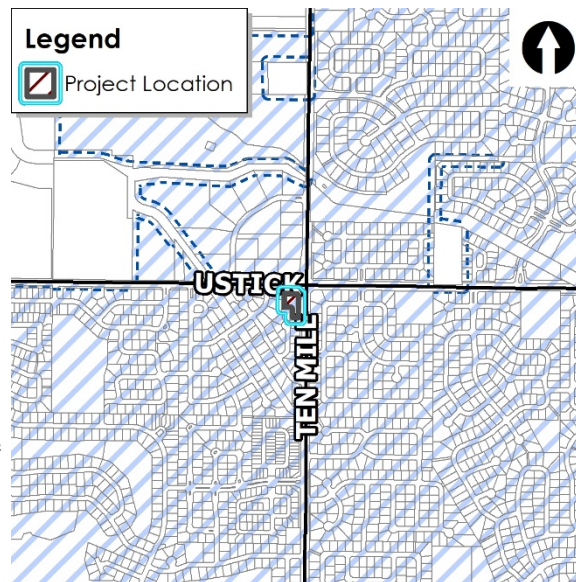
[Click Here to Sign Up to Testify at the Planning and Zoning Commission Public Hearing](#)

# STAFF REPORT COMMUNITY DEVELOPMENT DEPARTMENT



HEARING DATE: 4/1/2021  
 TO: Planning & Zoning Commission  
 FROM: Joe Dodson, Associate Planner  
 208-884-5533  
 SUBJECT: H-2020-0122  
 3175 N. Ten Mile Rezone

LOCATION: The site is located at 3175 N. Ten Mile Road, the southwest corner of the Ten Mile and Ustick Road intersection, in the NE ¼ of the NE ¼ of Section 3, Township 3N., Range 1W.



## I. PROJECT DESCRIPTION

Request to rezone a 1.16 acre property from R-4 to the L-O zoning district commensurate with a provision within the Meridian Comprehensive Plan for the purpose of constructing an approximate 10,000 square foot office building in lieu of residential development, by Mason & Associates.

## II. SUMMARY OF REPORT

### A. Project Summary

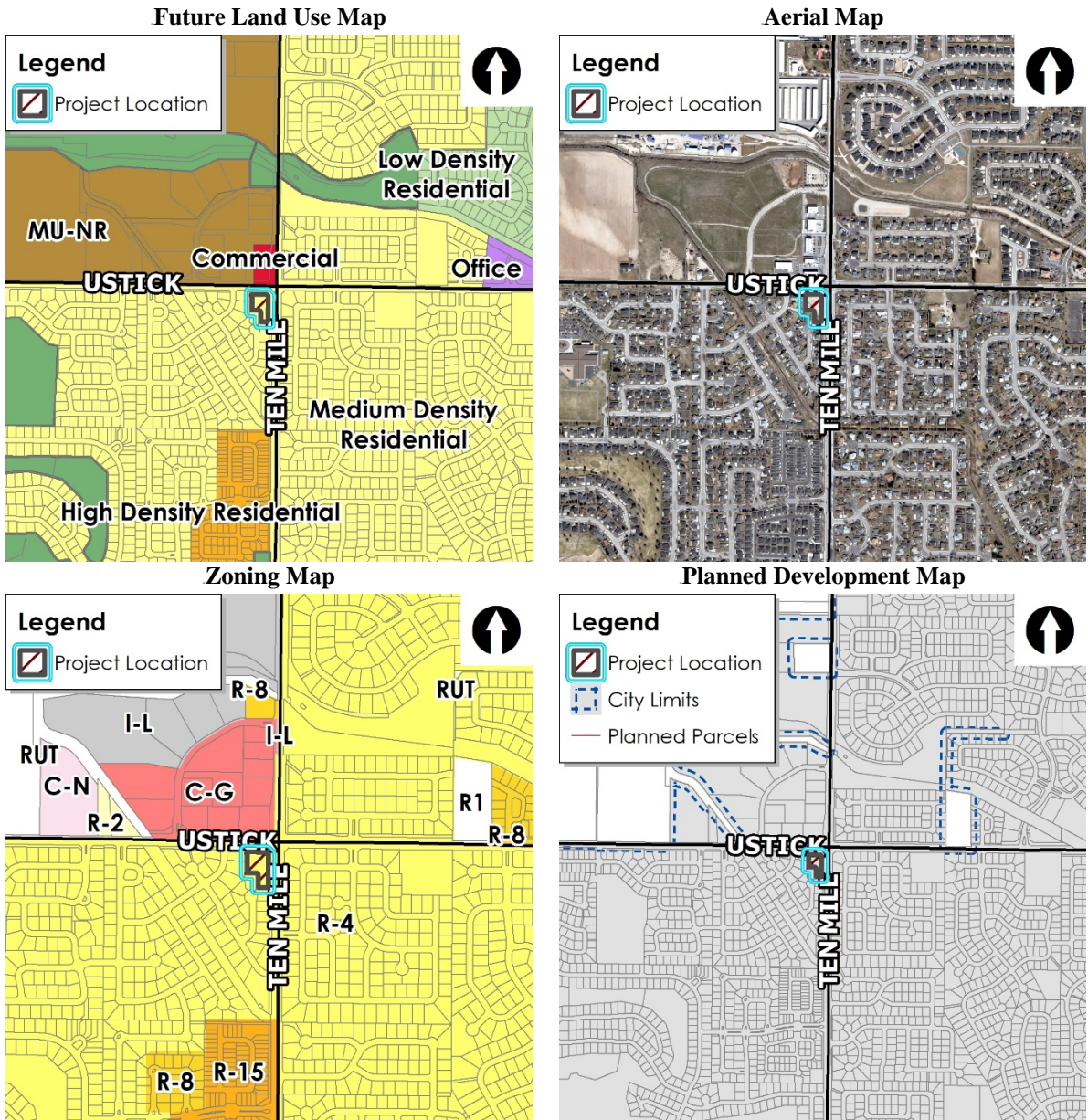
Description	Details	Page
Acreage	1.16	
Future Land Use Designation	Medium Density Residential (3-8 du/ac)	
Existing Land Use(s)	Vacant land	
Proposed Land Use(s)	Commercial – Office	
Lots (# and type; bldg./common)	One (1) building lot	
Phasing Plan (# of phases)	Proposed as one phase	
Neighborhood meeting date; # of attendees:	October 7, 2020 – 1 attendee and 1 letter received	
History (previous approvals)	AZ-10-005 (ACHD Ten Mile); DA Inst. #111024535	

### B. Community Metrics

Description	Details	Page
Ada County Highway District		
• Staff report (yes/no)	Yes	
• Requires ACHD Commission Action (yes/no)	No	

Description	Details	Page
Access (Arterial/Collectors/State Hwy/Local) (Existing and Proposed)	Two accesses are proposed, both to the adjacent Arterial Streets – Access on Ustick is limited to a Right-in only by ACHD; Access to Ten Mile is proposed as a right-in/right-out access.	
Stub Street/Interconnectivity/Cross Access	No stub street connections are available due to site location and existing development. Cross-access is not feasible or proposed.	
Existing Road Network	Yes	
Existing Arterial Sidewalks / Buffers	Existing sidewalk; buffer is not properly vegetated currently	
Proposed Road Improvements	No road improvements are proposed or required.	
<b>Fire Service</b>		
• Distance to Fire Station	0.5 miles from Fire Station #2	
• Fire Response Time	This project lies within the Meridian Fire response time goal of 5 minutes.	
• Accessibility	Proposed project meets all required access, road widths, and turnarounds. If right-in only access is removed, Fire desires it to become an emergency-only access.	
<b>Police Service</b>		
• Concerns	None	
<b>Wastewater</b>		
• Distance to Sewer Services	N/A	
• Sewer Shed	Ten Mile Trunkshed	
• Estimated Project Sewer ERU's	See application	
• WRRF Declining Balance	14.08	
• Project Consistent with WW Master Plan/Facility Plan	Yes	
• Impacts/Concerns	<ul style="list-style-type: none"> <li>• Flow is committed</li> <li>• Services are installed to site from W. Niemann Drive from the West.</li> </ul>	
<b>Water</b>		
• Distance to Services	0'	
• Pressure Zone	2	
• Estimated Project Water ERU's	See application	
• Water Quality Concerns	None	
• Project Consistent with Water Master Plan	Yes	
• Impacts/Concerns	<ul style="list-style-type: none"> <li>• There is no water infrastructure shown in this application.</li> <li>• There are two existing water stubs: one to the north off of Ustick; and one to the east off of Ten Mile. Any stub that is not used is required to be abandoned.</li> </ul>	

C. Project Area Maps



III. APPLICANT INFORMATION

A. Applicant:

Angie Cueller, Mason & Associates – 924 3rd Street South, Ste. B, Nampa, ID 83651

B. Owner:

Vincent Rigby – 4163 Philomena Drive, Meridian, ID 83646

C. Representative:

Same as Applicant

**IV. NOTICING**

	<b>Planning &amp; Zoning Posting Date</b>	<b>City Council Posting Date</b>
Newspaper Notification	3/12/2021	
Radius notification mailed to properties within 500 feet	3/9/2021	
Site Posting	3/20/2021	
Nextdoor posting	3/9/2021	

**V. STAFF ANALYSIS**

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

Medium Density Residential (MDR) – This designation allows for dwelling units at gross densities of three to eight dwelling units per acre. Density bonuses may be considered with the provision of additional public amenities such as a park, school, or land dedicated for public services.

*The subject site is somewhat of a residentially zoned outparcel due to the fact it located on a hard corner of two arterial streets and has no local street access to be utilized. The Meridian Comprehensive Plan has a provision to allow properties less than two acres in size (subject site is 1.16 acres) that have the access constraints to request a Rezone from a residential district to the Limited Office (L-O) district. The existing site constraints and this provision of the comprehensive plan are the reasons for the Rezone request.*

*The L-O zoning district and office uses are not inherently allowed or compatible within the MDR future land use designation. However, with the allowed provision, office uses may occur with added requirements that deal with mitigating any noxious uses or incompatibilities of having an office near single-family residential. The Applicant has submitted a site plan that shows compliance with all dimensional standards for a commercial development and within the L-O zoning district. With the proposed site plan and proposed use of a dental office (a principally permitted use within the L-O zoning district) Staff finds the proposed Rezone and use to be generally consistent with the Meridian Comprehensive Plan.*

*Part of the site design shows a landscape buffer adjacent to the abutting residential which is a requirement of the existing Development Agreement (DA) for the subject site. This DA was required when the property was annexed into the City for ACHD in 2010. As Staff analyzed the subject application and site history, Staff realized that a Development Agreement Modification is also required due to the original DA being for a residential development and not a commercial development. Therefore, the proposed Rezone and office use are not generally consistent with the existing DA. DA Modifications only require Council action so, following the Commission hearing the Staff recommends the Applicant submit a DA Modification application to run concurrently with this Rezone application for the purpose of entering into a new DA, subject to proposed development plan and new DA provisions in Section VIII.A below.*

*Staff finds the proposed project and site design to be generally consistent with the Comprehensive Plan.*

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

The applicable Comprehensive Plan policies are cited below with Staff analysis in italics.

“Require all new development to create a site design compatible with surrounding uses through buffering, screening, transitional densities, and other best site design practices” (3.07.01A). *The proposed commercial project sets the building as far away from the existing residential as is physically possible. In addition, the Applicant is showing the required landscape buffer adjacent to the existing homes to the south and west. Because of the proposed layout and landscape buffering, the proposed building and use should be compatible with the surrounding residential uses, especially after Staff’s recommended revisions discussed in later sections regarding the fencing and landscape buffer width.*

“Establish and maintain levels of service for public facilities and services, including water, sewer, police, transportation, schools, fire, and parks” (3.02.01G). *All public utilities are available for this project site due to the existing stubs abutting the site, per Public Works comments. This project also lies within the Fire Department response time goal by being within half a mile of a Fire Station. School capacity is not a factor in a commercial development. A project of this small size should not impact the abutting transportation corridors but the Applicant’s proposal to utilize an entrance that is part of a turn-lane for the main intersection is not supported by code.*

*Staff finds that the existing development of the immediate area and proposed use create conditions for adequate levels of service to and for this proposed project.*

“Support the inclusion of small-scale neighborhood commercial areas within planned residential developments as part of the development plan, where appropriate.” (3.06.02A). *The proposed use directly abuts residential homes but has no shared accesses with these homes. However, there is easy pedestrian access to the proposed dental office from the adjacent subdivisions via the local and arterial sidewalks. Locating a neighborhood commercial use like that of a dental office near residential with easy pedestrian and vehicle access meets the intent of this comprehensive plan policy.*

“Require appropriate building design, and landscaping elements to buffer, screen, beautify, and integrate commercial, multifamily, and parking lots into existing neighborhoods.” (5.01.02D). *With the proposed building elevations showing a 22’ high building at its maximum and the required landscape buffer to the adjacent residential uses, the proposed use should be integrated with the existing neighborhood.*

“Require pedestrian access in all new development to link subdivisions together and promote neighborhood connectivity.” (2.02.01D). *Proposed project is maintaining the existing detached sidewalks along Ustick and Ten Mile and shows sidewalk connections from building entrance to the arterial sidewalks. The proposed pedestrian accesses should be adequate for the proposed use.*

“Ensure that new development within existing residential neighborhoods is cohesive and complementary in design and construction.” (2.02.02F). *As discussed, the Applicant is proposing a commercial development that places the building the furthest away from the residential it can be and proposes a 20-foot wide landscape buffer adjacent to the homes. The site design and landscaping should provide for a use that is complementary to the existing homes.*

***Staff finds this development to be generally consistent with the Comprehensive Plan in order support the proposed office use.***

#### C. Existing Structures/Site Improvements:

There are no existing structures on site. Subject site has two water stubs to the property and a sewer service line stubbed to it from the west through a driveway located on an adjacent City owned property. No other site improvements are known at this time.

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

The Applicant submitted conceptual building elevations of the proposed single-story commercial building. The submitted elevations show a single story building approximately 22' to top of plate in the area of the building that directly abuts the intersection; this area is meant to hold the corner of this intersection. The remaining portions of the building are approximately 17.5' in height. Overall the building is shown with varying parapet heights, a stone material banding along the bottom of the building, horizontal wall modulation, and a main field material that appears to be stucco. The south facing elevation also shows awnings and windows nearly the length of the building lending itself to a modern storefront feel.

***New commercial buildings require Administrative Design Review prior to building permit submittal so Staff will perform a more complete analysis of the proposed elevations at the time of that application submittal. Staff recommends the north facing elevation incorporate an additional field material to satisfy one or more of the architectural standards.***

E. Proposed Use Analysis:

The proposed use is a dental office within a proposed commercial building approximately 10,000 square feet in size. This use is a permitted use within the requested L-O zoning district per UDC Table 11-2B-2.

*The existing DA provision that requires a 20' landscape buffer adjacent to the three existing residences to the south and west. The submitted site plan shows this buffer with adequate landscaping and therefore compliance with this provision. A number of the parking spaces are facing directly towards one of the homes and there is an existing wood fence located along the shared property lines. Because the proposed use would have more vehicular traffic than residential, Staff finds that the proposed landscaping and existing wood fencing may not be enough screening to mitigate light and noise pollution from the proposed dental office and parking lot. City of Meridian does not allow double fencing so if any solid fencing were to be required it would have to replace the existing fencing and may require this Applicant work with the adjacent homeowner if the fence is not owned by this land owner, convoluting the process and end result. The Applicant should work with the adjacent homeowners to replace the wood fencing with privacy vinyl fencing.*

F. Dimensional Standards ([UDC 11-2](#)):

The proposed site plan shows compliance with all UDC dimensional standards per the submitted plan for the proposed L-O zoning district as outlined in UDC Table 11-2B-3.

*The submitted site plan shows parking space at the required 19' depth and 9' width with all drive aisles being at least 25' wide to accommodate two-way traffic and adequate space for emergency services. In addition, the main drive aisle in the center of the site is at least 41' wide which is well beyond the required width.*

*As noted above, the Applicant is showing the DA required 20' landscape buffer but Staff believes there is a better use of the site area when the drive aisle width is also considered. For example, to further mitigate any issues with the proposed office use and parking spaces abutting the residential homes, the Applicant could widen the landscape buffer that abuts 3079 N. Firelight Place (the home at the southwest corner of the site). The Applicant could widen this buffer to 30' wide and pull the proposed parking spaces even further from the fence. Increasing the buffer width and therefore requiring additional landscaping is a better alternative to replacing the existing fencing. Staff recommends that a wider landscape buffer be required to help minimize noise and light pollution.*



G. Access ([UDC 11-3A-3](#), [11-3H-4](#)):

Access to the site is proposed via two connections to the adjacent arterials—one right-in only access is proposed to Ustick and one right-in/right-out access is proposed to Ten Mile. The proposed access to Ustick does not meet ACHD policies but was a negotiated access at the time the property sold. The proposed access to Ten Mile **does** meet ACHD policy and is recommended for approval by ACHD within their staff report. See their report in Section VIII.D for more detailed information on the ACHD site specific conditions of approval.

***Staff supports the proposed and limited access to Ten Mile Road commensurate with the approval from ACHD. In addition to the access to Ustick not meeting ACHD policy, the City can restrict access for the development further despite ACHD previously granting the access with the sale of the property. The proposed access to Ustick is proposed as an entrance only into site but there would be no true way to restrict vehicles from utilizing it as an exit as well. In addition, this access point is directly within a right-hand turn lane on Ustick which furthers the safety issues associated with this access point. Therefore, through UDC 11-3A-3, Staff recommends the proposed Ustick access **not** be approved and instead utilize it as an emergency only access barricaded with knockdown bollards, to be approved by Meridian Fire.***

H. Parking ([UDC 11-3C](#)):

Off-street parking is required to be provided in accord with the standards listed in [UDC Table 11-3C-6B](#) for nonresidential uses. Commercial uses require 1 space for every 500 square feet of gross floor area.

*The Applicant's submitted site plan shows a total of 42 parking spaces which exceeds the 20 spaces that are required at a minimum for the proposed building size of approximately 10,000 square feet.*

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

5-foot wide detached sidewalks are existing along both arterial streets (Ustick and Ten Mile) in accord with UDC 11-3A-17 and ACHD standards. No changes to these sidewalks are required or proposed. The Applicant is also showing sidewalk connections from the front of the building to the arterial sidewalks, as required by code.

*Staff finds the existing and proposed sidewalks meet UDC requirements.*

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

The Applicant is proposing landscaping regulated by three code sections due to their locations, Buffers Along Streets, Parking Lot Landscaping, and Landscape Buffers to Adjoining Uses (UDC 11-3B-7, 11-3B-8, & 11-3B-9, respectively).

*The Applicant is proposing a 20' landscape buffer to the abutting residential uses as required by the existing Development Agreement. However, the requested L-O zoning district also requires this buffer per the dimensional standards of the zone. As noted in Section V.F, Staff recommends this buffer be enlarged to 30' to place the proposed parking spaces further away from the residences. The proposed parking lot landscaping appears to meet UDC requirements as outlined in UDC 11-3B-8. The submitted site plan does not show landscaping between the existing detached sidewalk and back of curb. This area of the site is also required to be landscaped in accord with UDC 11-3B-7. Staff is recommending a condition of approval to correct this with the CZC submittal.*

K. Pressurized Irrigation (*UDC [11-3A-15](#)*):

The Applicant is required to provide a pressurized irrigation system for the required landscape buffers in accord with 11-3A-15. This irrigation will provide for healthier and sustained landscaping that is an integral buffer between the proposed use and the existing residences.

**VI. DECISION**

A. Staff:

Staff recommends approval of the requested Rezone per the recommended DA provisions in Section VII and the Findings in Section IX of this staff report.

B. Commission:

Enter Summary of Commission Decision.

C. City Council:

To be heard at future date.

**VII. EXHIBITS**

**A. Rezone Exhibit and Legal Description**



Professional Engineers, Land Surveyors and Planners

924 3<sup>rd</sup> St. So. Nampa, ID 83651  
Ph (208) 454-0256 Fax (208) 467-4130

e-mail: [dholzhey@masonandassociates.us](mailto:dholzhey@masonandassociates.us)

FOR: McCarter-Moorehouse  
JOB NO.: AU1920  
DATE: October 15, 2020

**PROPERTY DESCRIPTION**

A parcel of land being a portion of Government Lot 1 of Section 3, Township 3 North, Range 1 West East, Boise Meridian, Ada County Idaho, more particularly described as follows:

Commencing at the northeast corner of Government Lot 1, said corner being S 89° 07' 06" E a distance of 2640.66 feet from the N1/4 of Section 3;

Thence N 89° 07' 22" W a distance of 285.88 feet along the north boundary of Government Lot 1;

Thence S 00° 23' 51" W a distance of 61.00 feet to a point on the northerly right of way of Ustick Road;

Thence S 89° 07' 22" E a distance of 30.12 feet along the northerly right of way of Ustick Road to the **POINT OF BEGINNING**;

Thence S 89° 07' 22" E a distance of 167.57 feet along the northerly right of way of Ustick Road;

Thence S 47° 20' 44" E a distance of 42.40 feet along the northerly right of way of Ustick Road to a point on the westerly right of way of Ten Mile Road;

Thence S 00° 24' 09" W a distance of 275.57 feet along the westerly right of way of Ten Mile Road to a point on the northerly boundary of Firelight Estates;

Thence along the northerly boundary of Firelight Estates the following courses and distances;

Thence N 89° 36' 15" W a distance of 113.16 feet;

Thence N 00° 23' 51" E a distance of 110.07 feet;



Professional Engineers, Land Surveyors and Planners  
Page 1 of 2

Thence N 89° 07' 59" W a distance of 85.77 feet to the northwest corner of Lot 8 Block 2 of Firelight Estates;

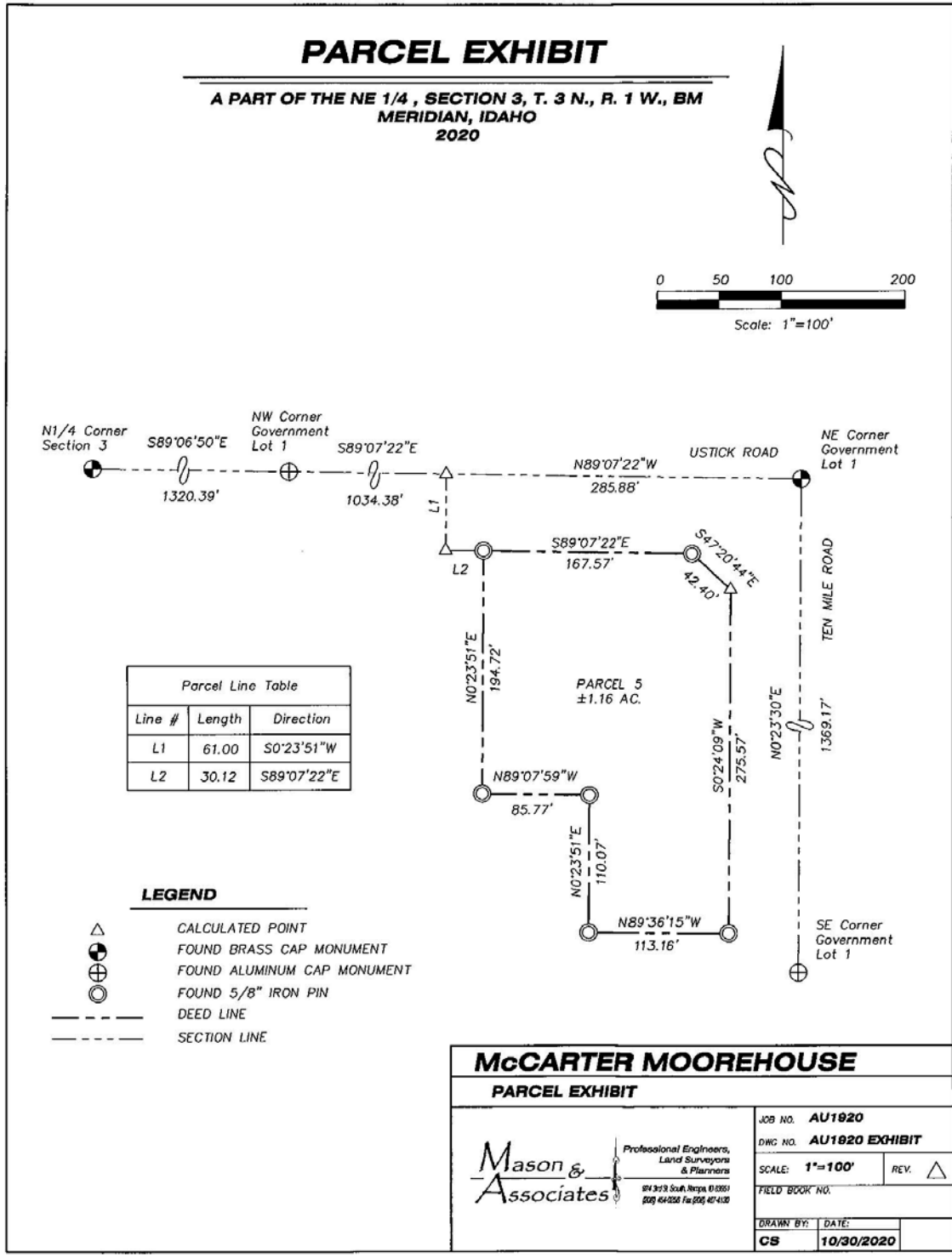
Thence N 00° 23' 51" E a distance of 194.72 feet along the easterly boundary of Lot 2 Block 5 of Englewood Creek Estates Subdivision No. 1 extended to the **POINT OF BEGINNING**.

This parcel contains 1.16 acres more or less.

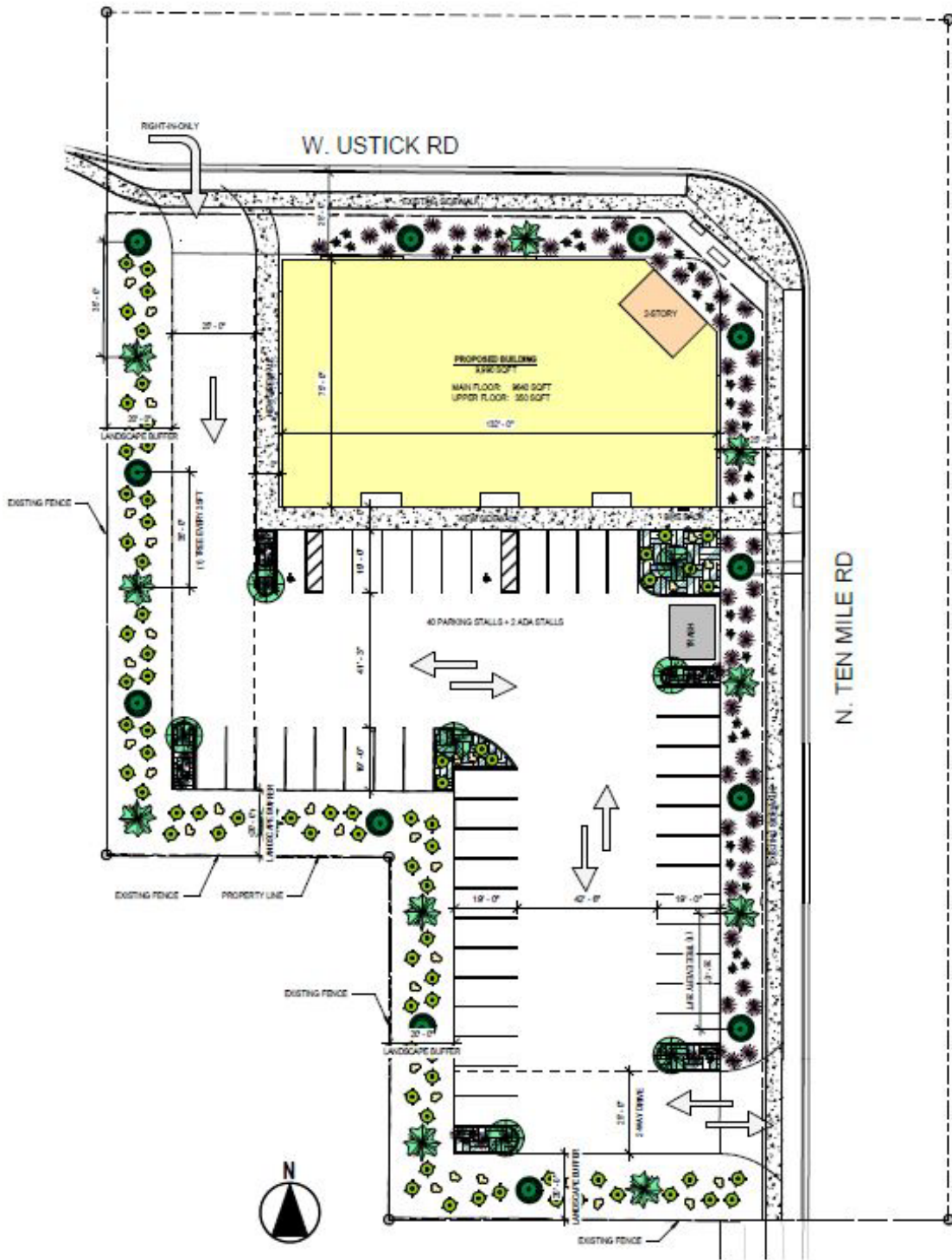
**SUBJECT TO:** All existing rights of way and easements of record or implied appearing on the above-described parcel of land.



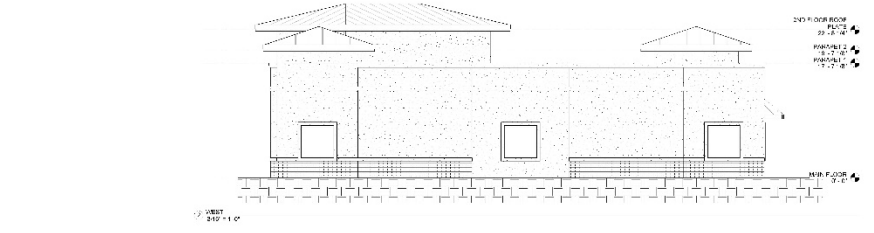
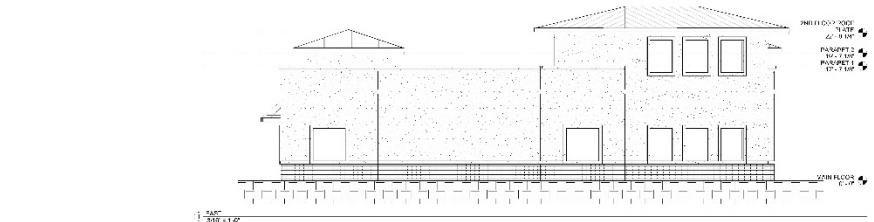
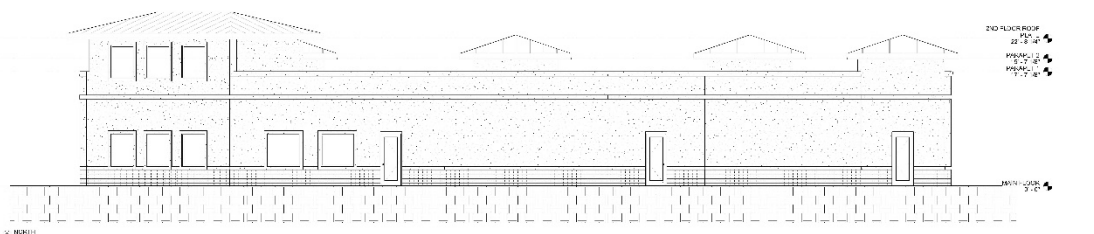
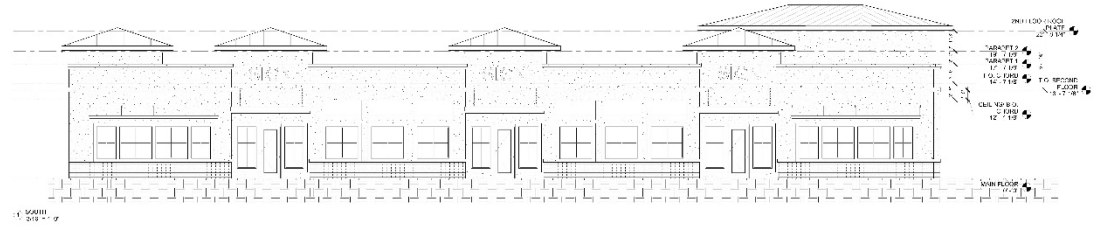
Professional Engineers, Land Surveyors and Planners  
Page 2 of 2



B. Concept Site Plan







McCarter-Moorhouse  
12.15 Design  
DR. RIGBY  
11/11/2019  
11.04.2020  
002

McCarter-Moorhouse  
12.15 Design  
DR. RIGBY  
11/11/2019  
11.04.2020  
003



## VIII. CITY/AGENCY COMMENTS & CONDITIONS

### A. PLANNING DIVISION

1. Prior to the City Council hearing, the Applicant shall apply for a concurrent Development Agreement Modification application to run concurrently with this Rezone application and replace the existing Development Agreement. At a minimum the following DA provisions shall be included in the new DA:
  - a. Show the access to Ustick as an emergency only access;
  - b. The proposed access to N. Ten Mile Road shall be limited to a right-in/right-out only access;
  - c. At the time of Certificate of Zoning Compliance application submittal, the landscape plan shall show landscaping between the detached sidewalks and the back of curb abutting the adjacent arterial streets, Ustick and Ten Mile Roads, per UDC 11-3B-7;
  - d. Show the required landscape buffer adjacent to the existing residential uses to be 30 feet wide instead of 20 feet;
  - e. The allowed uses on the subject site shall be limited to professional services, personal services, and healthcare and social services.

### B. PUBLIC WORKS

#### 1. Site Specific Conditions of Approval

- 1.1 There is no water infrastructure shown in this application. There are however two existing water stubs, one to the north off of Ustick Road, and one to the east off of Ten Mile Road. Any stubs that are not to be used will need to be abandoned per Meridian Public Works Standards.
- 1.2 Sanitary sewer service is available in W. Niemann Drive to the West.
- 1.3 The City of Meridian requires that pressurized irrigation systems be supplied by a year-round source of water (MCC 12-13-8.3). By entering into a development agreement with the City of Meridian, the applicant agrees to use the City of Meridians recycled water supply as the source of irrigation water. Further, the applicant agrees to provide for secondary backup water to provide service when recycled water is not available. Once development plans have been submitted to the city for review, the city will model the recycled water system and make a final determination regarding our ability to supply reclaimed water to the development. If the city can serve the development with recycled water then recycled water must be utilized as the irrigation source of water, a secondary or backup source must also be provided. If the city can't serve the development then the primary source of irrigation water should come from surface water irrigation sources if available. The applicant shall be responsible to construct the recycled irrigation system in accordance with Department of Environmental Quality (DEQ) recycled water rules and regulations, and Division 1200 of the City of Meridian Supplemental Specifications and Drawings to the Idaho Standards for Public Works Construction. These requirements do not wave the applicants responsibilities or obligations to irrigation districts.
- 1.4 A street light plan will need to be included in the final plat and or building permit application. Street light plan requirements are listed in section 6 of the City's Design Standards.

## 2. General Conditions of Approval

- 2.1 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 then alternate materials shall be used in conformance of City of Meridian Public Works Departments Standard Specifications.
- 2.2 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.
- 2.3 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-feet wide for a single utility, or 30-feet 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.
- 2.4 The City of Meridian requires that pressurized irrigation systems be supplied by a year-round source of water (MCC 12-13-8.3). 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.
- 2.5 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.
- 2.6 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.
- 2.7 Any existing domestic well system within this project shall be removed from domestic service per City Ordinance Section 9-1-4 and 9 4 8 contact the City of Meridian Engineering Department at (208)898-5500 for inspections of disconnection of services. Wells may be used for non-domestic purposes such as landscape irrigation if approved by Idaho Department of Water Resources Contact Robert B. Whitney at (208)334-2190.
- 2.8 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.
- 2.9 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.

- 2.10 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.
- 2.11 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.
- 2.12 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.
- 2.13 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.
- 2.14 Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.
- 2.15 Developer shall coordinate mailbox locations with the Meridian Post Office.
- 2.16 All grading of the site shall be performed in conformance with MCC 11-12-3H.
- 2.17 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.
- 2.18 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.
- 2.19 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.
- 2.20 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.
- 2.21 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).
- 2.22 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.
- 2.23 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. NAMPA-MERIDIAN IRRIGATION DISTRICT (NMID)**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=224336&dbid=0&repo=MeridianCity>

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

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=224863&dbid=0&repo=MeridianCity>

**IX. FINDINGS**

**A. Annexation and/or Rezone (UDC 11-5B-3E)**

**Required Findings: Upon recommendation from the commission, the council shall make a full investigation and shall, at the public hearing, review the application. In order to grant an annexation and/or rezone, the council shall make the following findings:**

**1. The map amendment complies with the applicable provisions of the comprehensive plan;**

*Staff finds the proposed zoning map amendment to rezone the property from the R-4 zoning district to the L-O zoning district and subsequent development is consistent with the Comprehensive Plan, if the applicant complies with the requirements outlined above.*

**2. The map amendment complies with the regulations outlined for the proposed districts, specifically the purpose statement;**

*Staff finds the proposed zoning map amendment and the proposed use comply with the applicable regulations, specifically the purpose statement of the requested L-O zoning district.*

**3. The map amendment shall not be materially detrimental to the public health, safety, and welfare;**

*Staff finds the proposed zoning map amendment should not be detrimental to the public health, safety and welfare, if the applicant complies with the requirements outlined above.*

**4. The map amendment shall not result in an adverse impact upon the delivery of services by any political subdivision providing public services within the city including, but not limited to, school districts; and**

*Staff finds the proposed zoning map amendment will not result in an adverse impact on the delivery of services by any political subdivision providing public services within the City.*

**5. The annexation (as applicable) is in the best interest of city.**

*Not applicable; application is for a Rezone.*



## AGENDA ITEM

**ITEM TOPIC:** Public Hearing for Seasons at Meridian/Winco Wells Subdivision (H-2021-0007) by The Land Group, Located at 2600 and 2700 E. Overland Rd.

A. Request: Conditional Use Permit for a multi-family development consisting of 360 dwelling units on 15.89 acres of land in the C-G zoning district, located at 2700 E. Overland Rd

B. Request: Preliminary Plat consisting of 3 buildable lots on 34.62 acres of land in the C-G zoning district located at 2600 and 2700 E. Overland Rd.



## PUBLIC HEARING INFORMATION

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**Staff Contact:** Sonya Allen

**Meeting Date:** April 1, 2021

**Topic:** **Public Hearing** for Seasons at Meridian/Winco Wells Subdivision (H-2021-0007) by The Land Group, Located at 2600 and 2700 E. Overland Rd.

- A. Request: Conditional Use Permit for a multi-family development consisting of 360 dwelling units on 15.89 acres of land in the C-G zoning district, located at 2700 E. Overland Rd
  - B. Request: Preliminary Plat consisting of 3 buildable lots on 34.62 acres of land in the C-G zoning district located at 2600 and 2700 E. Overland Rd.
- 

### **Information Resources:**

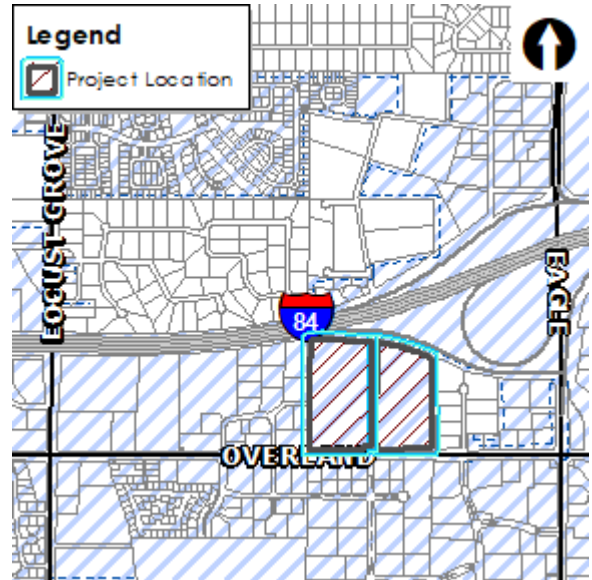
[Click Here for Application Materials](#)

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

**STAFF REPORT**  
**COMMUNITY DEVELOPMENT DEPARTMENT**



HEARING DATE: April 1, 2021  
TO: Planning & Zoning Commission  
FROM: Sonya Allen, Associate Planner  
208-884-5533  
SUBJECT: H-2021-0007 – Seasons at Meridian/Winco Wells Subdivision  
H-2020-0118 – Volante Investments  
LOCATION: 2600 & 2700 E. Overland Rd., in the SE ¼ of Section 17, Township 3N., Range 1E. (Parcels: S1117438626, S1117438451)



**I. PROJECT DESCRIPTION**

The Applicant has submitted an application for the following:

- Modification to the existing Development Agreement (Inst. #2016-060157) to include a conceptual development plan for the eastern 15.89-acre portion of the subject property that is consistent with the Mixed Use – Regional (MU-R) Future Land Use Map designation in the Comprehensive Plan;
- Preliminary plat consisting of 3 buildable lots on 34.62 acres of land in the C-G zoning district, located at 2600 and 2700 E. Overland Rd.; and,
- Conditional Use Permit for a multi-family development consisting of 360 dwelling units on 15.89 acres of land in the C-G zoning district, located at 2700 E. Overland Rd.

**II. SUMMARY OF REPORT**

**A. Project Summary**

Description	Details	Page
Acreage	34.62-acres	
Future Land Use Designation	Mixed Use – Regional (MU-R)	
Existing Land Use	Vacant/undeveloped land	
Proposed Land Use(s)	Commercial/retail (west parcel); multi-family development (east parcel)	
Current Zoning	General Retail & Service Commercial (C-G)	
Proposed Zoning	NA	
Lots (# and type; bldg/common)	3 buildable lots	
Phasing plan (# of phases)	2	
Number of Residential Units (type of units)	360 units [(180) 1-bedroom & (180) 2- to 3-bedroom units]	
Density (gross & net)	22.6 (gross)/23 (net) units/acre	
Open Space (acres, total [%] / buffer / qualified)	4.15 acres (26%)	
Amenities	Clubhouse, fitness facilities, public art, open grassy area of at least 50’ x 100’, plaza, community garden; swimming pool, walking trails, children’s play structure	
Physical Features (waterways, hazards, flood plain, hillside)	None	
Neighborhood meeting date; # of attendees:	November 17, 2020; and January 12, 2021 (6 attendees)	
History (previous approvals)	AZ Ord. #661, 661A & 665 (1994, Thomas & Wurst Properties); H-2016-0056 (DA #2016-060157 – Volante Investments)	

**B. Community Metrics**

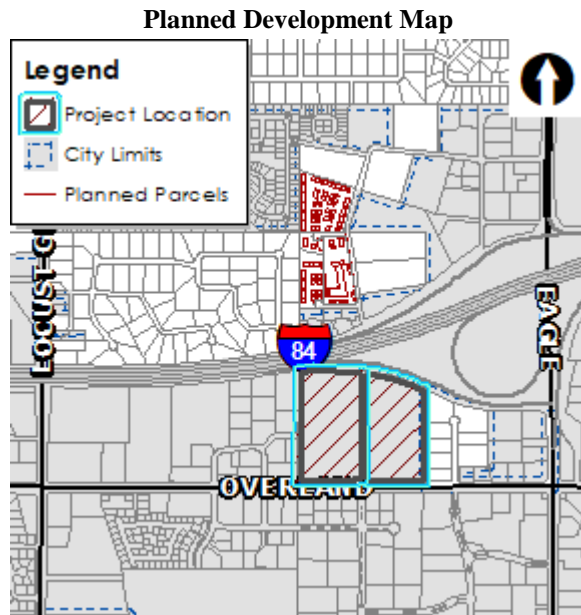
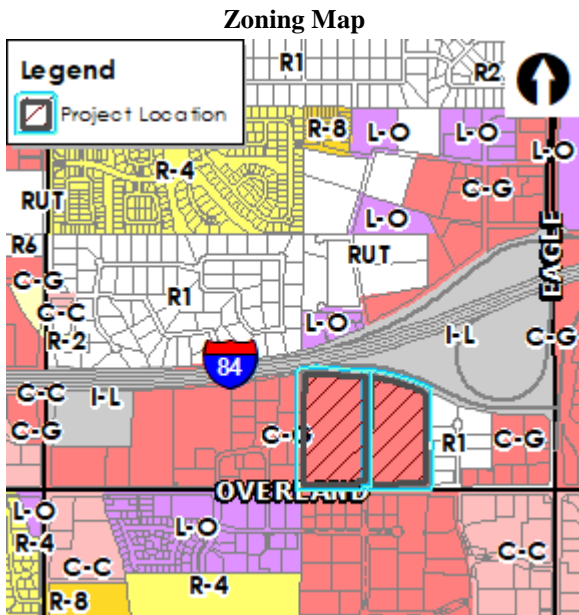
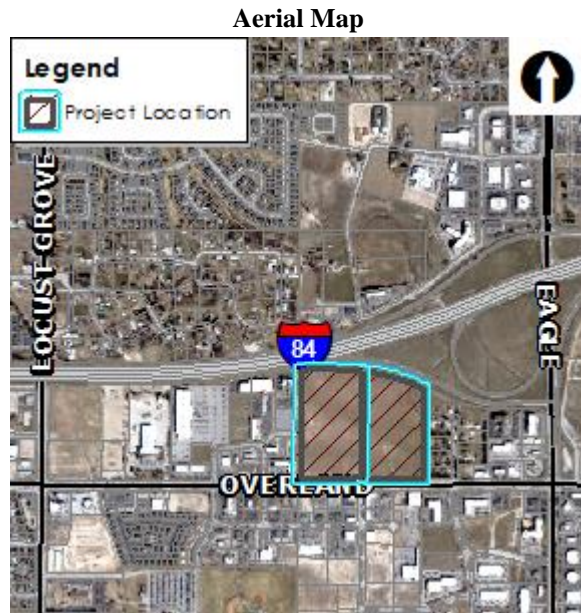
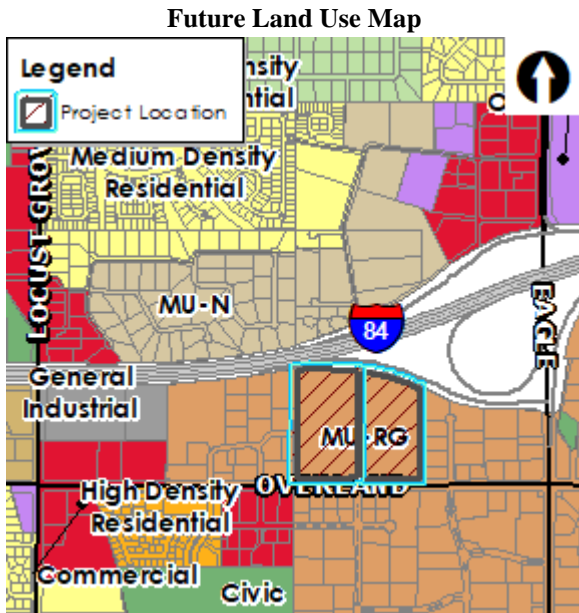
Description	Details	Page
Ada County Highway District		
• Staff report (yes/no)	Yes	
• Requires ACHD Commission Action (yes/no)	No	
Traffic Impact Study (yes/no)	Yes	
Access (Arterial/Collectors/State Hwy/Local) (Existing and Proposed)	One (1) public street access (S. Wells Ave.) is proposed via E. Overland Rd., an arterial street; E. Cinema Dr. is proposed to be extended from the west boundary to S. Wells Ave.	
Traffic Level of Service	Overland Rd. – Better than “D” (acceptable level of service is “E”)	
Stub Street/Interconnectivity/ Cross Access	E. Cinema Dr. stops 50’ short of the west boundary of the site – no other stub streets exist to this site.	



Description	Details	Page								
Existing Road Network	There are no existing internal roadways within the site; a curb cut in alignment with S. Wells Ave. on the south side of Overland Rd. exists on this site.									
Existing Arterial Sidewalks / Buffers	A curb, gutter and attached 7' wide sidewalk exists along Overland Rd.; no buffer exists.									
Proposed Road Improvements	<p><b>Capital Improvements Plan (CIP)/ Integrated Five Year Work Plan (IFYWP):</b></p> <ul style="list-style-type: none"> <li>Overland Road is listed in the CIP to be widened to 7-lanes from Locust Grove Road to Eagle Road between 2036 and 2040.</li> <li>The intersection of Eagle Road and Overland Road is listed in the CIP to be widened to 7-lanes on the north leg, 8-lanes on the south, 8-lanes east, and 8-lanes on the west leg, and signalized between 2031 and 2035.</li> </ul>									
<b>Fire Service</b>										
<ul style="list-style-type: none"> <li>Distance to Fire Station</li> </ul>	1.0 mile from Station #4									
<ul style="list-style-type: none"> <li>Fire Response Time</li> </ul>	Within 5 minute response time goal									
<ul style="list-style-type: none"> <li>Resource Reliability</li> </ul>	78% (goal is 80% or greater)									
<ul style="list-style-type: none"> <li>Risk Identification</li> </ul>	2 – current resources would not be adequate to supply service to this project.									
<ul style="list-style-type: none"> <li>Accessibility</li> </ul>	Meets all required access, road widths and turnarounds									
<ul style="list-style-type: none"> <li>Special/resource needs</li> </ul>	Will require an aerial device – can meet this need in the required time frame if a truck company is required.									
<ul style="list-style-type: none"> <li>Water Supply</li> </ul>	Requires 2,500 gallons per minute for 2 hours.									
<ul style="list-style-type: none"> <li>Other</li> </ul>										
<b>Police Service</b>										
<ul style="list-style-type: none"> <li>Distance to Police Station</li> </ul>	1.5 miles									
<ul style="list-style-type: none"> <li>Police Response Time</li> </ul>	3:42 (Priority 3); 7:12 (Priority 2); 10:31 (Priority 1)									
<ul style="list-style-type: none"> <li>Calls for Service</li> </ul>	3,400 (in RD 'M751') – between 3/1/19 and 2/28/21)									
<ul style="list-style-type: none"> <li>% of calls for service split by priority</li> </ul>	<table border="1"> <tr> <td>% of P3 CFS</td> <td>2.2%</td> </tr> <tr> <td>% of P2 CFS</td> <td>80.8%</td> </tr> <tr> <td>% of P1 CFS</td> <td>15.6%</td> </tr> <tr> <td>% of P0 CFS</td> <td>1.1%</td> </tr> </table>	% of P3 CFS	2.2%	% of P2 CFS	80.8%	% of P1 CFS	15.6%	% of P0 CFS	1.1%	
% of P3 CFS	2.2%									
% of P2 CFS	80.8%									
% of P1 CFS	15.6%									
% of P0 CFS	1.1%									
<ul style="list-style-type: none"> <li>Accessibility</li> </ul>										
<ul style="list-style-type: none"> <li>Specialty/resource needs</li> </ul>										
<ul style="list-style-type: none"> <li>Crimes</li> </ul>	309 (RD – M751 – between 3/1/19 and 2/28/21)									
<ul style="list-style-type: none"> <li>Crashes</li> </ul>	134 (RD – M751 – between 3/1/19 and 2/28/21)									
<ul style="list-style-type: none"> <li>Other</li> </ul>	MPD can service this area if approved. For more info, see: <a href="https://weblink.meridiancity.org/WebLink/DocView.aspx?id=223900&amp;dbid=0&amp;repo=MeridianCity">https://weblink.meridiancity.org/WebLink/DocView.aspx?id=223900&amp;dbid=0&amp;repo=MeridianCity</a>									
West Ada School District										

• Distance (elem, ms, hs)																	
• Capacity of Schools	<table border="1"> <thead> <tr> <th></th> <th><u>Enrollment</u></th> <th><u>Capacity</u></th> <th><u>Miles</u> <small>(Dev. to School)</small></th> </tr> </thead> <tbody> <tr> <td>Pepper Ridge Elementary</td> <td>483</td> <td>675</td> <td>1.8</td> </tr> <tr> <td>Lewis &amp; Clark Middle School</td> <td>838</td> <td>1000</td> <td>2.1</td> </tr> <tr> <td>Mountain View High School</td> <td>2201</td> <td>2175</td> <td>0.9</td> </tr> </tbody> </table>		<u>Enrollment</u>	<u>Capacity</u>	<u>Miles</u> <small>(Dev. to School)</small>	Pepper Ridge Elementary	483	675	1.8	Lewis & Clark Middle School	838	1000	2.1	Mountain View High School	2201	2175	0.9
	<u>Enrollment</u>	<u>Capacity</u>	<u>Miles</u> <small>(Dev. to School)</small>														
Pepper Ridge Elementary	483	675	1.8														
Lewis & Clark Middle School	838	1000	2.1														
Mountain View High School	2201	2175	0.9														
• # of Students Enrolled																	
• Predicted # of students generated from proposed development	36 +/-																
<b>Wastewater</b>																	
• Distance to Sewer Services	Directly adjacent in East Overland Raod.																
• Sewer Shed	Five Mile Trunk Shed																
• Estimated Project Sewer ERU's	See Application																
• WRRF Declining Balance	14.08																
• Project Consistent with WW Master Plan/Facility Plan	Yes																
• Impacts/Concerns	<ul style="list-style-type: none"> <li>• Flow added to pacel as part of record H-2020-0118</li> <li>• No Permanent structures (buildings, carports, trash receptacle walls, fences, infiltration trenches, light poles, etc.) can be built within the utility easement.</li> </ul>																
<b>Water</b>																	
• Distance to Water Services	Directly adjacent in East Overland Raod.																
• Pressure Zone	4																
• Estimated Project Water ERU's	See application																
• Water Quality	There are two long deadends for fire hydrants which may result in poor water quality.																
• Project Consistent with Water Master Plan	Yes																
• Impacts/Concerns	There are two long deadends for fire hydrants that we would rather not have because these may cause potential water quality issue.																

C. Project Maps



III. APPLICANT INFORMATION

A. Applicant:

Tamara Thompson, The Land Group – 462 E. Shore Dr., Ste. 100, Eagle, ID 83616

B. Owner:

Greg Goins, WinCo Foods, LLC – 650 N. Armstrong Pl., Boise, ID 83704

C. Representative:

Tamara Thompson, The Land Group – 462 E. Shore Dr., Ste. 100, Eagle, ID 83616

Jonathan Fragoso, Stonehill Morgan – 7301 Peak Dr., Ste. 200

**IV. NOTICING**

	<b>Planning &amp; Zoning Posting Date</b>	<b>City Council Posting Date</b>
Newspaper Notification	3/12/2021	
Radius notification mailed to properties within 300 feet	3/9/2021	
Public hearing notice sign posted on site	3/18/2021	
Nextdoor posting	3/9/2021	

**V. COMPREHENSIVE PLAN ([HTTPS://WWW.MERIDIANCITY.ORG/COMPPLAN](https://www.meridiancity.org/compplan)):**

**Land Use:**

This property is designated Mixed Use – Regional (MU-R) on the Future Land Use Map (FLUM).

The purpose of the MU-R designation is to provide a mix of employment, retail, and residential dwellings and public uses near major arterial intersections. The intent is to integrate a variety of uses together, including residential, and to avoid predominantly single use developments such as a regional retail center with only restaurants and other commercial uses. Developments should be anchored by uses that have a regional draw with the appropriate supporting uses. The developments are encouraged to be designed consistent with the conceptual MU-R plan depicted in Figure 3D (pg. 3-17).

This site will be anchored by a WinCo grocery store, conceptually approved to develop on the west parcel, which should have a regional draw; other future commercial uses will also be developed south of WinCo. A multi-family development is proposed on the east parcel.

In the overall MU-R designated area south of I-84 there are a lot of commercial, office and employment uses but comparatively not a lot of residential dwellings. The provision of multi-family apartments in this vicinity will provide housing for workers in this area and the commercial retail/restaurant and other uses will provide needed services for these residents.

When the City approved the conceptual development plan included in the Development Agreement for the WinCo grocery store on the west parcel, it was anticipated that a non-retail use would develop on the east parcel in order to provide the mix in uses desired in the MU-R designation for this area. Although the proposed design and uses aren't integrated as desired in MU-R designated areas, pathways and crosswalks are proposed for pedestrian connectivity to commercial uses. The Applicant's narrative states that existing residential neighbors to the east and employees of area businesses are encouraged to enjoy the perimeter loop pathway and plaza at the east boundary of the site.

**Transportation:**

There are no collector streets planned across this site per the Master Street Map (MSM). This site is accessed via Overland Rd., a mobility corridor, on the south and E. Cinema Dr., a local street, from the west. This site is approximately a half mile west of the Overland/Eagle Rd. intersection, a major arterial intersection, and the I-84 interchange on Eagle Rd. ACHD is requiring additional right-of-way to be dedicated for Overland Rd. to be widened to provide a dedicated westbound right-turn lane at Wells Ave. when Wells is constructed to intersect Overland Rd.; a traffic signal will be installed at the Wells/Overland intersection prior to issuance of the first Certificate of Occupancy for the proposed multi-family development.

Overland Rd. is listed in the Capital Improvement Plan (CIP) to be widened to 7-lanes from Locust Grove to Eagle Road between 2036 and 2040. The intersection of Eagle and Overland Roads is listed in the CIP to be widened to 7-lanes on the north leg, 8-lanes on the south, 8-lanes on the east and 8-lanes on the west leg and signalized between 2031 and 2035.

A Traffic Impact Study (TIS) was completed for the WinCo development in 2016 and approved by ACHD. A new TIS was prepared to analyze the additional trips for the proposed multi-family development and has been reviewed by ACHD.

The multi-family project is estimated to generate 1,959 additional vehicle trips per day and 158 additional vehicle trips per hour in the PM peak hour based on the Traffic Impact Study (TIS) completed for this development in 2020. The WinCo Foods grocery store is estimated to generate 7,723 additional vehicle trips per day; 555 additional vehicle trips per hour in the PM peak hour and 820 additional trips per hour in the Saturday peak hour based on the TIS that was completed in 2016. The ACHD report states the PM peak hour traffic count for Overland Rd. is estimated to be 1,375, which will result in a PM peak hour level of service of better than "D". Acceptable level of service for a five-lane principal arterial is "E".

Transit services are available to serve this site via Route 42.

**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 a variety of housing types that meet the needs, preferences, and financial capabilities of Meridian's present and future residents." (2.01.02D)

*The proposed multi-family apartments will contribute to the variety of housing types in the City and specifically in the southern portion of the City as desired.*

- "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 services are available and can be extended by the developer with development in accord with UDC 11-3A-21.*

- "Locate higher density housing near corridors with existing or planned transit, Downtown, and in proximity to employment centers." (2.01.01H)

*The proposed multi-family development is located along a mobility arterial (Overland Rd.), which is a major east/west corridor proposed to be widened to 7-lanes; and in close proximity to neighboring employment centers in the Bonito and Silverstone subdivisions at Eagle/Overland; transit services are available to serve this area.*

- "Require all new development to create a site design compatible with surrounding uses through buffering, screening, transitional densities, and other best site design practices." (3.07.01A)

*The proposed multi-family development will provide a transition in uses and buffering between future commercial uses to the west and existing low-density residential uses to the east. The apartment buildings will be set back over 100' from the property line; with the existing homes being set back on average 250' from the shared property line, this creates approximately 350' of separation. A 25' wide landscape buffer planted with trees is also proposed along the east boundary for screening.*

- “Avoid the concentration of any one housing type or lot size in any geographical area; provide for diverse housing types throughout the City.” (2.01.01G)

*The proposed multi-family apartments will contribute to the mix of housing types available in the City. There is currently a mix of housing types within a mile of this site consisting of single-family, townhomes and multi-family apartments.*

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

*The proposed multi-family apartments should be compatible with existing single-family residential properties to the east as they are both residential in nature. To buffer the single-family homes from the apartments, a 25-foot wide landscape buffer is proposed along the east boundary of the site.*

- “With new subdivision plats, require the design and construction of pathway connections, easy pedestrian and bicycle access to parks, safe routes to schools, and the incorporation of usable open space with quality amenities.” (2.02.01A)

*A pedestrian pathway loop is proposed around the perimeter of the development connecting to the sidewalk along Overland Rd.; internal pedestrian walkways are also proposed throughout the development to buildings and common areas/amenities.*

- “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 proposed to be provided to and though this development in accord with current City plans.*

- “Maximize public services by prioritizing infill development of vacant and underdeveloped parcels within the City over parcels on the fringe.” (2.02.02)

*The area surrounding this vacant site is mostly developed and part of the City with the exception of the residential properties abutting the site to the east which are still in the County. Development of this infill property will result in more efficient provision of public services.*

- “Require urban infrastructure be provided for all new developments, including curb and gutter, sidewalks, water and sewer utilities.” (3.03.03G)

*Urban sewer and water infrastructure and curb, gutter and sidewalks is required to be provided with development as proposed.*

- “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 project with multi-family residential and a grocery store with nearby employment, restaurant, entertainment, office and service uses will provide a good mix of uses that residents won't have to travel far for, thus reducing vehicle trips and enhancing overall livability and sustainability.*

- “Slow the outward progression of the City's limits by discouraging fringe area development; encourage development of vacant or underutilized parcels currently within City limits.” (4.05.03B)

*Development of the subject vacant land, currently in the City limits, is encouraged over parcels on*

*the fringe of the City. The development of this property will result in better provision of City services.*

**In reviewing development applications, the following items will be considered in all Mixed-Use areas, per the Comprehensive Plan (pg. 3-13):** *(Staff's analysis in italics)*

- “A mixed-use project should include at least three types of land uses. Exceptions may be granted for smaller sites on a case-by-case basis. This land use is not intended for high density residential development alone.”

*The multi-family development proposed on the eastern parcel will provide a residential land use type which will contribute to the mix of uses already in this area consisting of commercial (restaurants, retail, animal care), office (medical/dentist, financial, professional) and residential (single-family, townhomes and multi-family). A grocery store is planned on the west parcel which will provide a needed service in this area.*

- “Where appropriate, higher density and/or multi-family residential development is encouraged for projects with the potential to serve as employment destination centers and when the project is adjacent to US 20/26, SH-55, SH-16 or SH-69.”

*Although this area is not a large-scale employment destination center, there are a lot of smaller scale employment uses in this general area which is adjacent to I-84 and Eagle Rd./SH-55.*

- “Mixed Use areas are typically developed under a master or conceptual plan; during an annexation or rezone request, a development agreement will typically be required for developments with a Mixed-Use designation.”

*The subject property is already included in a development agreement (DA) which was required as a provision of annexation. Because a conceptual development plan was not included previously for the east parcel, one is proposed with this application with the proposed amendment to the DA. A conceptual development plan for the west parcel was previously approved for a retail store (i.e. grocery store).*

- “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.”

*No commercial and/or office buildings are proposed at this time.*

- “The site plan should depict a transitional use and/or landscaped buffering between commercial and existing low- or medium-density residential development.”

*The proposed plan depicts a 25-foot wide landscaped buffer along the east boundary of the site to provide buffering between the multi-family development and the abutting low-density residential development to the east. The proposed multi-family development will provide a transition in uses between future commercial uses to the west and existing low-density residential uses to the east in Overland Way Subdivision, zoned R1 in Ada County. The properties where the residential homes are located are also designated as MU-R on the FLUM.*

- “Community-serving facilities such as hospitals, clinics, churches, schools, parks, daycares, civic buildings, or public safety facilities are expected in larger mixed-use developments.”

*No such uses are proposed in this development; however, there is a high school (Mountain View) and medical clinics to the southwest of this site in the larger overall area. St. Luke's hospital is less than a mile away to the northeast.*

- “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 are expected; outdoor seating areas at restaurants do not count.”

*No such uses are proposed in this development; however, as mentioned above, a high school exists to the southwest of this site and Gordon Harris park exists a half mile to the south.*

- “Mixed use areas should be centered around spaces that are well-designed public and quasi-public centers of activity. Spaces should be activated and incorporate permanent design elements and amenities that foster a wide variety of interests ranging from leisure to play. These areas should be thoughtfully integrated into the development and further placemaking opportunities considered.”

*A limited mix of uses are proposed within this development. Although a mix of uses exist in the overall area, they are not designed around public/quasi-public spaces or centers of activity as desired.*

- “All mixed-use projects should be directly accessible to neighborhoods within the section by both vehicles and pedestrians.”

*The existing and future commercial development to the west will be directly accessible by the proposed multi-family development both by vehicles and pedestrians through the pathways proposed in the development.*

- “Alleys and roadways should be used to transition from dissimilar land uses, and between residential densities and housing types.”

*The extension of Wells Ave. will provide a break and transition between the proposed multi-family residential development on the east parcel and future commercial/retail uses on the west parcel.*

- “Because of the parcel configuration within Old Town, development is not subject to the Mixed-Use standards listed herein.”

*The subject property is not located in Old Town; therefore, this item is not applicable.*

**In reviewing development applications, the following items will be considered in MU-R areas, per the Comprehensive Plan (pgs. 3-16 thru 3-17):**

- Development should generally comply with the general guidelines for development in all Mixed Use areas.

*Staff’s analysis on the proposed project’s compliance with these guidelines is included above.*

- Residential uses should comprise a minimum of 10% of the development area at gross densities ranging from 6 to 40 units/acre. There is neither a minimum nor maximum imposed on non-retail commercial uses such as office, clean industry, or entertainment uses.

*Multi-family uses are proposed at a gross density of 22.6 units/acre for approximately 45% of the subject property governed by the DA.*

- Retail commercial uses should comprise a maximum of 50% of the development area.

*Retail commercial uses will comprise of approximately 33% of the development area governed by the DA on Lot 2, Block 1; other commercial uses are anticipated to develop on Lot 1, Block 2.*

Where the development proposes public and quasi-public uses to support the development, the developer may be eligible for additional area for retail development (beyond the allowed 50%), based on the ratios below:

- For land that is designated for a public use, such as a library or school, the developer is eligible for a 2:1 bonus. That is to say, if there is a one-acre library site planned and dedicated, the project would be eligible for two additional acres of retail development.
- For active open space or passive recreation areas, such as a park, tot-lot, or playfield, the developer



is eligible for a 2:1 bonus. That is to say, if the park is 10 acres in area, the site would be eligible for 20 additional acres of retail development.

- For plazas that are integrated into a retail project, the developer would be eligible for a 6:1 bonus. Such plazas should provide a focal point (such as a fountain, statue, and water feature), seating areas, and some weather protection. That would mean that by providing a half-acre plaza, the developer would be eligible for three additional acres of retail development.

*This guideline is not applicable as no public/quasi-public uses are proposed in the MU-R designated area on this site.*

*Staff believes the proposed development plan is generally consistent with the vision of the Comprehensive Plan as discussed above.*

## VI. STAFF ANALYSIS

### A. DEVELOPMENT AGREEMENT MODIFICATION (MDA)

A modification to the existing Development Agreement (DA) (Inst. #2016-0060157 – H-2016-0056), approved in 2016, is proposed to exclude the east parcel (#S1117438451) from the agreement. A new DA is proposed for the east parcel. This will accommodate the change in ownership of the east parcel if the conditional use permit is approved for the multi-family development.

The existing DA includes a conceptual development plan for the west parcel (#S1117438626), which depicts the extension of E. Cinema Dr. from the west boundary of the site to the east boundary, intersecting with S. Wells Ave. proposed to be extended along the east boundary from E. Overland Rd. An 85,000 square foot single-story retail building (grocery store) with associated parking is depicted on the north side of E. Cinema Dr. and vacant land with no development plan is depicted on the south side.

At the time the original DA was approved, a use and development plan was not known for the east parcel. Therefore, a provision was included in the DA that requires the agreement to be amended to include a conceptual development plan that demonstrates consistency with the MU-R FLUM designation in the Comprehensive Plan prior to any development occurring on the site.

The proposed development plan for the east parcel is a 360-unit multi-family development as shown on the site plan in Section VIII.C. As discussed above in Section V, Staff believes the proposed plan contributes to the mix of uses desired in the MU-R designation and provides a transition and buffer between commercial uses to the west and the low-density residential development to the east (i.e. Overland Way Subdivision). The addition of more residential uses in this area will provide more patrons for surrounding commercial/retail/restaurant and office (medical/dental) businesses as well as offer employment options in close proximity of the residents.

**Staff recommends the existing DA is revised to exclude the east parcel as requested and recommends a new provision requiring the property to be subdivided prior to submittal of any Certificate of Zoning Compliance and Design Review applications. Staff further recommends provisions for the new DA for the east parcel as discussed below and noted in Section IX.A.**

### B. PRELIMINARY PLAT

The proposed preliminary plat consists of 3 buildable lots on 34.62 acres of land in the C-G zoning district and is proposed to develop in two (2) phases (see Section VIII.A). The first phase consists of the extension of S. Wells Ave. to E. Cinema Dr. and includes the east parcel; the second phase consists of the extension of E. Cinema Dr. from Wells to the west boundary of the site and includes the west parcel. Right-of-way for the extension of S. Wells Ave. and E. Cinema Dr. is proposed to be dedicated with the plat.

**Existing Structures/Site Improvements:**

There are no existing structures on this site. The only existing site improvement is curb, gutter and a 7-foot wide attached sidewalk along E. Overland Rd.

**Dimensional Standards (UDC [11-2](#)):**

The proposed plat and subsequent development is required to comply with the dimensional standards listed in UDC Table [11-2B-3](#) for the C-G zoning district. In the C-G district, there are no minimum setback requirements; however, future buildings may not encroach within required street buffers and residential structures must have minimum 20-foot separation between structures.

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

Access is proposed from Overland Rd., a mobility arterial, via the extension of S. Wells Ave., a local street that exists on the south side of Overland; E. Cinema Dr., a local street, is also proposed to be extended from the west boundary to intersect with Wells along the east boundary of Lot 1, Block 2. There is a 50'+/- long section of Cinema Dr. just west of the site that has not yet been constructed; ACHD is requiring the Applicant to enter into a CDA for construction of this off-site portion with this development and will provide reimbursement.

One access driveway is proposed via Wells in alignment with Cinema Dr. and one access driveway is proposed to the north/south driveway north of Wells for the multi-family development; Wells is not proposed to extend past Cinema Dr. as a public street. Several driveways are proposed to Lot 2, Block 1 and Lot 1, Block 2 via Cinema Dr.; one driveway is proposed on Lot 1, Block 2 via Wells as depicted on the plat in Section VIII.A. The I-84 off-ramp runs along the northern boundary of the site. Direct access via Overland Rd., except for the emergency access, and the I-84 off-ramp is prohibited. There are no existing stub streets to this property and no stub streets are required with the subdivision.

**Typically, cross-access isn't required between multi-family developments and commercial uses; however, if the Commission and Council feels a cross-access driveway and easement should be provided to the MU-R designated area to the east (currently developed with single-family residential homes) for future interconnectivity, a condition requiring such should be added. If required, Staff recommends it be located on the northern portion of the site to Parcel #R674480055, which is owned by RJR Holdings and may redevelop sooner than the other properties.**

An emergency only access is proposed via E. Overland Rd. near the east boundary of the multi-family portion of the site; access will be restricted in accord with Fire Dept. requirements.

**In order to provide interconnectivity between uses in a timelier manner and disperse traffic, Staff recommends the extension of E. Cinema Dr. from the west boundary of the site to S. Wells Ave. occurs with the first phase of development.**

**Road Improvements:** Additional right-of-way (ROW) is required to be dedicated to total 62-feet from the centerline of Overland Rd. abutting the site consistent with the Capital Improvement Plan (CIP) and Master Street Map (MSM) for Overland Rd. to be widened to 7-lanes. A dedicated westbound right-turn lane is required to be constructed on Overland Rd. at Wells Ave. **The plat should be revised to include the additional ROW dedication and right-turn lane; the street buffer shall be located outside of the ultimate ROW for these improvements.**

When Wells is constructed to intersect Overland Rd., a dedicated westbound right-turn lane on Overland is required to be constructed; additional right-of-way should be dedicated to accommodate the turn-lane.

No additional street improvements should be required as part of this application (see Section IX.J for more information).

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

There are no multi-use pathways depicted on the Pathways Master Plan for this site. A 10-foot wide pathway is proposed as an amenity for the multi-family development on Lot 1, Block 1 that loops around the property through the street buffers along I-84 and S. Wells Ave. and connects to the sidewalk along E. Overland Rd.

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

Sidewalks are required to be constructed adjacent to all public streets as set forth in UDC 11-3A-17. Detached sidewalks are required along arterial and collector streets; attached sidewalks are required along local streets.

Because the existing 7-foot wide attached sidewalk along Overland Rd. is in good condition, Staff does not recommend replacement with a new detached sidewalk; however, if/when it's replaced in the future, a detached sidewalk should be constructed. Attached sidewalks are depicted on the landscape plan along E. Cinema Dr. and S. Wells Ave., both local streets; the landscape plan submitted for the CUP application depicts a meandering detached sidewalk along Wells – **this discrepancy should be corrected.**

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

Street buffer landscaping is required to be provided with the subdivision in accord with the widths specified in UDC Table [11-2B-3](#) for the C-G zoning district and planted in accord with the standards listed in UDC [11-3B-7C](#). A landscape plan was submitted for the proposed subdivision landscaping, included in Section VIII.B.

Required street buffer widths are as follows: 25-feet along E. Overland Rd., an arterial street; 10-feet along S. Wells Ave. and E. Cinema Dr., both local streets; and 35-feet along the I-84 off-ramp, an entryway corridor. Street buffer widths are proposed on the landscape plan in accord with these standards. **The plan is missing the street buffer along I-84 on the west parcel (Lot 2, Block 1); the plan should be revised to include this buffer.**

**The number of trees proposed in buffers meets the minimum standard; however, a mix of trees and shrubs with lawn or other vegetative groundcover is required – shrubs should be added to the buffers in accord with UDC 11-3B-7C.3a. Street buffers are required to be placed in a common lot or on a permanent dedicated buffer, maintained by the property owner or business owners' association; the plat should be revised accordingly.**

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

There are no large waterways that cross this site. There is a ditch that runs along the east and north boundaries of the eastern parcel, which is required to be piped or otherwise covered in accord with UDC 11-3A-6B.3. This ditch provides water to downstream users. A 10-foot wide ITD irrigation easement is depicted on the plan along the north boundary of the east parcel; no structures should encroach within this easement; if an open ditch exists within the easement, it should be piped.

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

Connection to City water and sewer services is required in accord with UDC 11-3A-21. Sewer and water services are available in Overland Rd.; service stubs should be provided to the properties to the east and west. Street lighting is required to be installed in accord with the City's adopted standards, specifications and ordinances.

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

Underground pressurized irrigation water is required to be provided to each lot within the subdivision as set forth in UDC 11-3A-15.

**Storm Drainage** (UDC [11-3A-18](#)):

An adequate storm drainage system is required in all developments in accord with the City's adopted standards, specifications and ordinances. Design and construction shall follow best management practice as adopted by the City as set forth in UDC 11-3A-18. A [geotechnical investigation report](#) was submitted with this application.

**C. CONDITIONAL USE PERMIT FOR MULTI-FAMILY DEVELOPMENT**

Conditional use permit for a multi-family development consisting of 360 residential units [(180) 1-bedroom & (180) 2- to 3-bedroom units] on 15.89 acres of land in the C-G zoning district at a gross density of 22.6 units per acre. A total of (10) 2- and 3-story structures are proposed with 36 dwelling units per building, ranging in size from 488 to 1,328 square feet. This development is proposed to be constructed in one phase.

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

The proposed use is subject to the following standards: *(Staff's analysis/comments in italic text)*

**[11-4-3-27](#): MULTI-FAMILY DEVELOPMENT:**

## Site Design:

1. Buildings shall provide a minimum setback of ten feet (10') unless a greater setback is otherwise required by this title and/or [title 10](#) of this Code. Building setbacks shall take into account windows, entrances, porches and patios, and how they impact adjacent properties. *The proposed site plan complies with this standard.*
2. All on-site service areas, outdoor storage areas, waste storage, disposal facilities, and transformer and utility vaults shall be located in an area not visible from a public street, or shall be fully screened from view from a public street. *The site plan depicts screened trash enclosures not visible from a public street; all proposed transformer/utility vaults and other service areas shall comply with this requirement.*
3. A minimum of eighty (80) square feet of private, usable open space shall be provided for each unit. This requirement can be satisfied through porches, patios, decks, and/or enclosed yards. Landscaping, entryway and other access ways shall not count toward this requirement. In circumstances where strict adherence to such standard would create inconsistency with the purpose statements of this section, the Director may consider an alternative design proposal through the alternative compliance provisions as set forth in section [11-5B-5](#) of this title. *The Applicant's narrative states a minimum of 80 square feet of private usable open space will be provided for each unit in the form of balconies and patios. Floor plans should be submitted with the Certificate of Zoning Compliance application that demonstrate compliance with this standard.*
4. For the purposes of this section, vehicular circulation areas, parking areas, and private usable open space shall not be considered common open space. *These areas were not included in the common open space calculations for the site.*
5. No recreational vehicles, snowmobiles, boats or other personal recreation vehicles shall be stored on the site unless provided for in a separate, designated and screened area. *The Applicant shall comply with this requirement.*
6. The parking shall meet the requirements set forth in [chapter 3](#), "Regulations Applying to All Districts", of this title. *The proposed parking meets and exceeds UDC standards (see parking analysis below).*
7. Developments with twenty (20) units or more shall provide the following:

- a. A property management office.
- b. A maintenance storage area.
- c. A central mailbox location, including provisions for parcel mail, that provide safe pedestrian and/or vehicular access.
- d. A directory and map of the development at an entrance or convenient location for those entering the development. (Ord. 18-1773, 4-24-2018)

*The Applicant's narrative states these items will be provided; the site plan submitted with the Certificate of Zoning Compliance application should depict the location of these items in accord with this standard.*

C. Common Open Space Design Requirements:

1. A minimum area of outdoor common open space shall be provided as follows:
  - a. One hundred fifty (150) square feet for each unit containing five hundred (500) or less square feet of living area. *15 units contain less than 500 square feet (s.f.) of living area; therefore, a total of 2,250 s.f. (or 0.05-acre) is required.*
  - b. Two hundred fifty (250) square feet for each unit containing more than five hundred (500) square feet and up to one thousand two hundred (1,200) square feet of living area. *315 units are between 500 and 1,200 s.f.; therefore, a total of 78,750 s.f. (or 1.81-acres) of common open space is required.*
  - c. Three hundred fifty (350) square feet for each unit containing more than one thousand two hundred (1,200) square feet of living area. *30 units contain more than 1,200 s.f.; therefore, 10,500 s.f. (or 0.24-acre) of common open space is required.*

*At a minimum, a total of 91,500 s.f. (or 2.10-acre) of outdoor common open space is required to be provided in the proposed development. A total of 165,485 square feet (or 3.8-acres) is proposed to be provided consisting of linear open space with a loop pathway, courtyard amenity space, a dog park, community center and swimming pool, as shown in Section VIII.E, in accord with UDC standards.*

2. Common open space shall be not less than four hundred (400) square feet in area, and shall have a minimum length and width dimension of twenty feet (20'). *The common open space areas depicted on the open space exhibit in Section VIII.E meet this requirement.*
3. In phased developments, common open space shall be provided in each phase of the development consistent with the requirements for the size and number of dwelling units. *This project is proposed to develop in one phase.*
4. Unless otherwise approved through the conditional use process, common open space areas shall not be adjacent to collector or arterial streets unless separated from the street by a berm or constructed barrier at least four feet (4') in height, with breaks in the berm or barrier to allow for pedestrian access. (Ord. 09-1394, 3-3-2009, eff. retroactive to 2-4-2009) *All of the common open space area is proposed central to the development except for linear open space along I-84 and S. Wells Ave. where a 10-foot wide pathway is proposed. Because the site already complies with the open space standards without this area and because a pathway amenity is proposed within these areas, Staff is supportive of inclusion of these areas in the open space calculations.*

D. Site Development Amenities:

1. All multi-family developments shall provide for quality of life, open space and recreation amenities to meet the particular needs of the residents as follows:

- a. Quality of life:
    - (1) Clubhouse.
    - (2) Fitness facilities.
    - (3) Enclosed bike storage.
    - (4) Public art such as a statue.
  - b. Open space:
    - (1) Open grassy area of at least fifty by one hundred feet (50 x 100') in size.
    - (2) Community garden.
    - (3) Ponds or water features.
    - (4) Plaza.
  - c. Recreation:
    - (1) Pool.
    - (2) Walking trails.
    - (3) Children's play structures.
    - (4) Sports courts.
2. The number of amenities shall depend on the size of multi-family development as follows:
- a. For multi-family developments with less than twenty (20) units, two (2) amenities shall be provided from two (2) separate categories.
  - b. For multi-family development between twenty (20) and seventy-five (75) units, three (3) amenities shall be provided, with one from each category.
  - c. For multi-family development with seventy-five (75) units or more, four (4) amenities shall be provided, with at least one from each category.
  - d. For multi-family developments with more than one hundred (100) units, the decision-making body shall require additional amenities commensurate to the size of the proposed development.
3. The decision-making body shall be authorized to consider other improvements in addition to those provided under this subsection D, provided that these improvements provide a similar level of amenity. (Ord. 05-1170, 8-30-2005, eff. 9-15-2005)

*Based on 360 proposed units, a minimum of 5 amenities are required but the decision-making body is authorized to consider additional similar amenities if they believe the proposed amenities aren't adequate for the size of the development. The following amenities are proposed from each category: a clubhouse with a swimming pool, bike maintenance room, fitness facilities, parcel lockers, remote work/classroom stations, and a coffee bar; an outdoor fireplace with a seating and a BBQ; public art; half-mile pedestrian loop with a 10-foot wide pathway and internal pathways; (18) grassy areas of at least 50' x 50' in size, including a dog park, multiple courtyards, park areas with seating, a plaza and pocket libraries; community garden; and a children's play structure.*

E. Landscaping Requirements:

1. Development shall meet the minimum landscaping requirements in accord with [chapter 3](#), "Regulations Applying to All Districts", of this title.

2. All street facing elevations shall have landscaping along their foundation. The foundation landscaping shall meet the following minimum standards:
  - a. The landscaped area shall be at least three feet (3') wide.
  - b. For every three (3) linear feet of foundation, an evergreen shrub having a minimum mature height of twenty-four inches (24") shall be planted.
  - c. Ground cover plants shall be planted in the remainder of the landscaped area.

*The landscape plan submitted with the Certificate of Zoning Compliance application should depict landscaping along the street facing elevations adjacent to E. Overland Rd. and S. Wells Ave. in accord with these standards.*

- F. Maintenance and Ownership Responsibilities: All multi-family developments shall record legally binding documents that state the maintenance and ownership responsibilities for the management of the development, including, but not limited to, structures, parking, common areas, and other development features. *The Applicant shall comply with this requirement.*

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

Street buffer landscaping is required to be provided with the subdivision improvements as noted above in Section VI.B. **The site and landscape plans should be revised to include the additional ROW dedication and right-turn lane for Overland Rd.; the street buffer shall be located outside of the ultimate ROW for these improvements.**

Landscaping is required to be provided along pathways per the standards listed in UDC [11-3B-12C](#). **A mix of trees, shrubs, lawn and/or other vegetative ground cover with a minimum of one (1) tree per 100 linear feet of pathway is required along the pathway within the buffer along the I-84 off-ramp.**

A 25-foot wide buffer planted with trees is proposed along the east boundary to existing low-density single-family residential homes. Structures are set back over 100 feet from the shared property line and the existing homes are set back on average of 250 feet from the property line, creating approximately 350 feet of separation between uses. The proposed buffer will provide added screening in this area in addition to mature trees on adjacent residential properties.

**Because residential uses are proposed adjacent to I-84, noise abatement is required to be provided within the buffer along I-84 in accord with the standards listed in UDC [11-3H-4D](#).** Noise abatement in the form of a berm or a berm and wall combination shall be provided approximately parallel to the freeway. The top of the berm or berm/wall shall be a minimum of 10-feet higher than the elevation at the centerline of the freeway. The Applicant is not proposing to construct a berm and/or wall as required and requests alternative compliance to this standard.

**Alternative compliance (ALT) to the noise abatement standards is requested because the buildings along the northern boundary of the site are set back at least 250-feet from the freeway. A letter was submitted from a qualified sound engineer with an alternate recommendation for noise abatement in the form of double-paned windows for all units facing I-84 and the off-ramp and minimizing the number of window openings facing the freeway.**

**The letter states that in his opinion, double-paned windows are preferable to a wall and will provide adequate noise abatement for this site for the following (summarized) reasons: 1) the site is too distant from I-84 for a wall to be effective – the further a potential noise receptor is from the noise source, the more community noise becomes a factor; 2) the elevation difference and terrain features cover up the tires of the vehicles from both I-84 and the eastbound off-ramp which benefits the ground floor of the apartments – the terrain provides sufficient mitigation for tire noise; 3) ITD noise policy doesn't contemplate any mitigation for second or third floors of**

receptors in an apartment complex – noise walls are typically not feasible from an engineering basis and a cost basis. Storm windows will provide a 25-dB reduction as compared to a 7dB reduction with a noise wall and provides a more cost effective and superior noise mitigation option than a wall. See the Applicant's narrative, [Exhibit B](#), for this information (pgs. 16-18).

Based on the analysis from the sound engineer, the Director is supportive of the request for ALT for double-pane storm windows to be provided in all units within the development. ITD has [approved](#) the request.

**Parking:** Off-street vehicle parking is required for the proposed multi-family dwellings as set forth in UDC Table [11-3C-6](#). Based on (180) 1-bedroom units and (180) 2- and 3-bedroom units, a minimum of 630 off-street spaces are required with 270 of those being in a covered carport or garage. Off-street parking is required for the clubhouse as set forth in UDC 11-3C-6B.1 for non-residential uses. Based on 7,900 square feet, a minimum of 16 spaces are required to be provided. Overall, a *minimum* of 646 spaces are required.

**A total of 655 spaces are proposed for the overall site with 360 of those being in covered carports, which is 9 extra spaces over the minimum required for the overall site. Although the proposed parking meets the minimum standards, Staff is concerned there may not be adequate parking for the site to accommodate guests. The Commission and Council should determine if additional parking should be provided as a condition of approval of the CUP.**

Bicycle parking is required per the standards listed in UDC [11-3C-6G](#) and should comply with the standards listed in UDC [11-3C-5C](#). One bicycle parking space is required for every 25 proposed vehicle parking spaces or portion thereof. Based on 655 spaces, a minimum of 27 spaces are required; a total of 36 spaces are proposed in excess of UDC standards. Bike racks should be provided in central locations for each building as proposed.

**Fencing:** No fencing is depicted on the landscape plan for this development. A 6-foot tall wood fence exists along the southern portion of the east boundary on the adjacent residential property; Staff is unsure what other fencing may exist to the north of that at the rear of residential properties. A fence is also depicted on the plat along the northern boundary of the east parcel. **The Applicant states a privacy fence is proposed along the east boundary of the site; materials and sizing to be determined pending meeting with neighbors and project approval from the City. Staff recommends prior to the City Council hearing details of the proposed fencing type are submitted.**

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

Conceptual building elevations in a “contemporary farmhouse” theme were submitted for the proposed residential structures on the site as shown in Section VIII.F. Two- and three-story rooflines with hip roofs and steep gables are proposed consistent with the “farmhouse” style. Building materials consist of a combination of vertical board and batten siding, stucco and decorative balcony rails along with varied color schemes. Stairways are concealed from public view. “L” shaped buildings are proposed for variety to soften the massing of the architecture and provide private pocket parks for each building.

**An administrative Design Review application is required to be submitted for approval of the design of all of the multi-family structures and the clubhouse prior to submittal of building permit application for those structures. An application for Certificate of Zoning Compliance is also required to be submitted along with the Design Review application.**



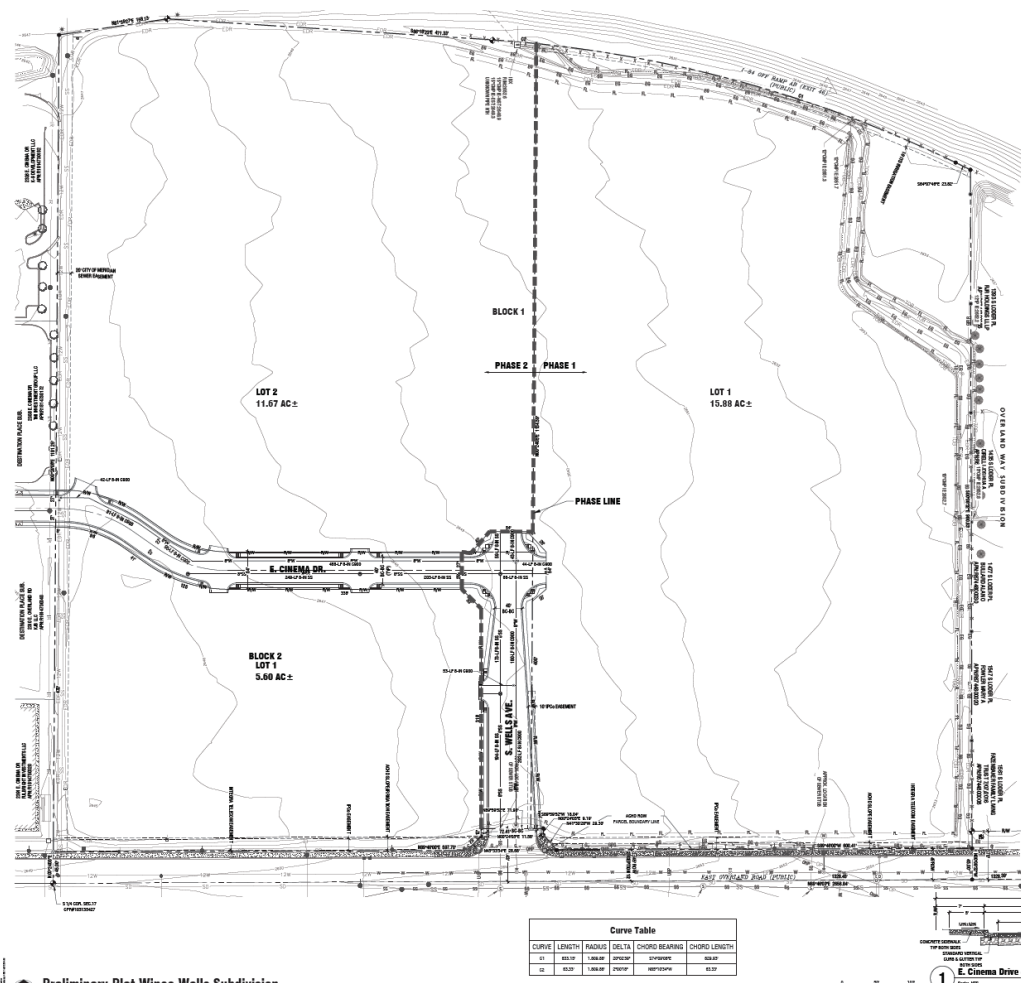
**VII. DECISION**

A. Staff:

Staff recommends approval of the proposed modification to the existing Development Agreement, Preliminary Plat and Conditional Use Permit per the provisions included in Section IX in accord with the Findings in Section X.

# VIII. EXHIBITS

## A. Preliminary Plat (date: 02/4/2021) & Phasing Plan



**Project Summary:**  
 PROJECT LOCATION: 1/4 SECTION 10, TOWNSHIP 3 NORTH, RANGE 1 WEST, 10TH RANGE TOWNSHIP OF WINDSOR, WYOMING  
 TOTAL PROJECT AREA: 34.6 AC  
 LOT 1: 15.89 AC  
 LOT 2: 11.87 AC  
 BLOCK 2 LOT 1: 5.89 AC

- Notes:**
- THIS SUBDIVISION IS SUBJECT TO COMPLIANCE WITH WYOMING STATE AND LOCAL ZONING ORDINANCES AND ALL LOTS WILL BE PHASED ACCORDING TO THE PHASING PLAN.
  - ALL UTILITIES SHOWN ARE BASED ON THE PRELIMINARY PLAN.
  - THE PROPERTY IS SUBJECT TO THE APPLICABLE ZONING REGULATIONS IN EFFECT AT THE TIME OF THE SUBDIVISION.
  - ALL LOTS WITHIN THIS SUBDIVISION WILL BE PHASED WITH SEWERAGE SYSTEMS CONTROLLED BY THE CITY OF WINDSOR.
  - ALL LOTS WITHIN THIS SUBDIVISION WILL BE PHASED WITH SEWERAGE SYSTEMS CONTROLLED BY THE CITY OF WINDSOR.

**Property Owner:**  
 WINCO FOODS, LLC  
 PO BOX 5738  
 BOZEMAN, WY 83725

**Developer:**  
 MICHAEL FOLWIS & STONEHILL  
 7301 PEAK DRIVE, SUITE 200  
 LAS VEGAS, NV 89133

**Engineer, Surveyor, Planner:**  
 THE LAND GROUP, INC.  
 CONTACT: TAMARA THOMPSON (PLANNER)  
 CONTACT: JASON ENGELBERG, PE (ENGINEER)  
 CONTACT: MICHAEL FEMERLA, PLS (LAND SURVEYOR)  
 405 E. SHIPLEY CIR., SUITE 100  
 EAGLE, ID 83619  
 POC: 208.825.6411

**Legend:**

Symbol	DESCRIPTION	Symbol	DESCRIPTION
...	...	...	...

**Curve Table**

CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
01	63.17	1,883.89	27°00'00"	15°00'00"	63.17
02	63.17	1,883.89	27°00'00"	15°00'00"	63.17

**Preliminary Plat Winco Wells Subdivision**  
 Reference Date: 12/16/20



**Preliminary Plat**  
**Winco Wells Subdivision**



**PP01**



Item 8.

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C. Site Plan for Multi-Family Portion of Development (date: 1/14/2020)

The site plan illustrates a multi-family development with several building footprints, parking spaces, and a central pool area. The site is bounded by South Wells Avenue to the west, East Overland Road to the east, and an I-84 ramp to the north. The plan is divided into C-G zones and an R-1 zone. A scale bar indicates 0, 50, and 100 feet. A north arrow is also present. The project is titled 'SEASONS AT MERIDIAN' and is located in Meridian, Idaho.

**SEASONS AT MERIDIAN**  
MERIDIAN, IDAHO

**MORGAN HOLDINGS & STONE HILL**  
**THE LAND GROUP**  
**NORRIS DESIGN**

PROJECT #20213.1 DATE: 11.24.2020  
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**NG+p 3**

0' 50' 100'

N

I-84 RAMP  
I-84 OFF RAMP AD (EXT 46)  
(PUBLIC)

SOUTH WELLS AVENUE

R-1 ZONE

C-G ZONE

EAST OVERLAND ROAD (PUBLIC)

EAST OVERLAND ROAD

C-G ZONE

PROPOSED SITE PLAN

25' 82.0'

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PROJECT DATA	
PROJECT ADDRESS	2700 E. OVERLAND ROAD MERIDIAN, IDAHO 83642
PARCEL NUMBER	S1117438451
SITE AREA	692,168 SF (15.89 ACRES)
PROPOSED GROSS DENSITY (980 RESIDENTIAL UNITS)	22.8 DU/AC
PROPOSED NET DENSITY (980 RESIDENTIAL UNITS)	40.3 DU/AC (NET SITE AREA = 8.92 ACRES)
PARCEL BASE ZONING	C-G
COMPREHENSIVE PLAN	MU-R
HEIGHT LIMIT (BASE ZONING)	65 FEET
SITE LANDSCAPE BUFFER SETBACKS	NORTH - FREEWAY 35 FEET EAST - R1 RESIDENTIAL LOTS 25 FEET SOUTH - E OVERLAND ROAD 25 FEET WEST - S WELLS ROAD 10 FEET

TOTAL UNIT SQUARE FOOTAGE SUMMARY (10 TOTAL BUILDING TYPES 1A/1B)						
UNIT TYPE	SQ. FT.	COUNT	TOTAL SQ.FT.	MIX	PARKING RATIO	REQUIRED PARKING
S1 (STUDIO)	488 SF	15	7,320 SF	4%	1.5	23
A1 (1 BEDROOM)	704 SF	120	84,480 SF	46%	1.5	180
A2 (1 BEDROOM)	722 SF	45	32,490 SF		1.5	68
B1 (2 BEDROOM)	1,092 SF	30	32,760 SF	42%	2.0	60
B2 (2 BEDROOM)	1,136 SF	75	85,200 SF		2.0	150
B3 (2 BEDROOM)	1,136 SF	45	51,120 SF		2.0	90
C1 (3 BEDROOM)	1,328 SF	30	39,840 SF	8%	2.0	60
<b>TOTAL RESIDENTIAL UNITS</b>		<b>360</b>	<b>333,210 SF</b>	<b>100%</b>		<b>631</b>
<b>AVERAGE UNIT SIZE</b>			<b>926 SF</b>			

PARKING DATA - SITE SUMMARY					
TOTAL PARKING PROVIDED					
BUILDING	BUILDING COUNT	TOTAL PARKING REQUIRED	UNCOVERED / SURFACE PARKING PROVIDED	CARPORIT* PARKING PROVIDED	TOTAL PARKING PROVIDED
BUILDING TYPES 1A AND 1B	10	631	288	353	641
ACCESSIBLE PARKING	10	14	7	7	14
<b>TOTAL</b>		<b>631</b>	<b>295</b>	<b>360</b>	<b>655</b>
PARKING RATIO					1.82

\* 1 COVERED PARKING SPACE (DWELLING UNIT) = 3W COVERED SPACES REQUIRED

TOTAL BICYCLE PARKING PROVIDED	
BICYCLE PARKING REQUIRED (1 SPACE/ 25 PROPOSED VEHICULAR STALLS)	27
<b>TOTAL BICYCLE PARKING PROVIDED</b>	<b>36</b>

OPEN SPACE - SITE SUMMARY	
TOTAL OPEN SPACE REQUIRED	
UNITS LESS THAN 500 SF - 150 SF/UNIT	2,250 SF
UNITS MORE THAN 500 SF - 250 SF/UNIT	74,250 SF
UNITS MORE THAN 1,200 SF - 350 SF/UNIT	16,800 SF
<b>TOTAL OPEN SPACE REQUIRED</b>	<b>93,300 SF</b>
TOTAL OPEN SPACE PROVIDED	
POCKET PARKS	57,642 SF
AMENITY AREA	27,987 SF
DOG PARK	6,288 SF
PERIMETER LINEAR OPEN SPACE	63,741 SF
COLLECTOR STREET BUFFER OPEN SPACE	9,817 SF
ARTERIAL STREET BUFFER OPEN SPACE	15,228 SF
<b>TOTAL OPEN SPACE PROVIDED</b>	<b>180,713 SF</b>

PROJECT DATA



SEASONS AT MERIDIAN  
MERIDIAN, IDAHO



PROJECT #20213 | DATE: 11.24.2020  
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### D. Landscape Plan for Multi-Family Development (CUP) (dated: 11/24/20)

#### GENERAL LANDSCAPE NOTES

- THE CONTRACTOR SHALL FOLLOW THE LANDSCAPE PLANS AND SPECIFICATIONS AS CLOSELY AS POSSIBLE. ANY SUBSTITUTION OR ALTERATION SHALL NOT BE ALLOWED WITHOUT APPROVAL OF THE OWNER'S REPRESENTATIVE. OVERALL PLANT QUANTITY AND QUALITY SHALL BE CONSISTENT WITH THE PLANS.
- THE CONTRACTOR IS RESPONSIBLE FOR VERIFYING ALL PLANT QUANTITIES. GRAPHIC QUANTITIES TAKE PRECEDENCE OVER WRITTEN QUANTITIES.
- THE OWNER'S REPRESENTATIVE RESERVES THE RIGHT TO INSPECT AND TAG ALL PLANT MATERIAL PRIOR TO SHIPPING TO THE SITE. IN ALL CASES, THE OWNER'S REPRESENTATIVE MAY REJECT PLANT MATERIAL AT THE SITE IF MATERIAL IS DAMAGED, DISEASED, OR DECLINING IN HEALTH AT THE TIME OF ON-SITE INSPECTIONS OR IF THE PLANT MATERIAL DOES NOT MEET THE MINIMUM SPECIFIED STANDARD IDENTIFIED ON THE PLANS AND IN THE SPECIFICATIONS. THE CONTRACTOR SHALL COORDINATE WITH THE OWNER'S REPRESENTATIVE FOR INSPECTION AND APPROVAL OF ALL MATERIALS AND PRODUCTS PRIOR TO INSTALLATION.
- THE OWNER'S REPRESENTATIVE MAY ELECT TO UPSIZE PLANT MATERIAL AT THEIR DISCRETION BASED ON SELECTION AVAILABILITY OR TO ENHANCE SPECIFIC AREAS OF THE PROJECT. THE CONTRACTOR SHALL VERIFY PLANT MATERIAL SIZES WITH OWNER'S REPRESENTATIVE PRIOR TO PURCHASING, SHIPPING OR STOCKING OF PLANT MATERIALS. SUBMIT CHANGE ORDER REQUEST TO OWNER'S REPRESENTATIVE FOR APPROVAL. IF ADDITIONAL COST IS REQUESTED BY THE CONTRACTOR PRIOR TO INSTALLATION, RES TOOKING CHARGES WILL NOT BE APPROVED IF THE CONTRACTOR FAILS TO SUBMIT A REQUEST FOR MATERIAL CHANGES.
- THE CONTRACTOR SHALL WARRANT ALL CONTRACTED WORK AND MATERIALS FOR A PERIOD OF ONE YEAR AFTER SUBSTANTIAL COMPLETION HAS BEEN ISSUED BY THE OWNER'S REPRESENTATIVE FOR THE ENTIRE PROJECT UNLESS OTHERWISE SPECIFIED IN THE CONTRACT DOCUMENTS OR SPECIFICATIONS.
- REFER TO IRRIGATION PLANS FOR LIMITS AND TYPES OF IRRIGATION DESIGNED FOR THE LANDSCAPE. IN NO CASE SHALL IRRIGATION BE DIVERTED WITHIN THE MINIMUM DISTANCE FROM BUILDING OR WALL FOUNDATIONS AS STIPULATED IN THE GEOTECHNICAL REPORT. ALL IRRIGATION DISTRIBUTION LINES, HEADS AND SHUTTERS SHALL BE KEPT OUTSIDE THE MINIMUM DISTANCE AWAY FROM ALL BUILDING AND WALL FOUNDATIONS AS STIPULATED IN THE GEOTECHNICAL REPORT.
- LANDSCAPE MATERIAL LOCATIONS SHALL HAVE PRECEDENCE OVER IRRIGATION MAINLINE AND LATERAL LOCATIONS. COORDINATE INSTALLATION OF IRRIGATION EQUIPMENT SO THAT IT DOES NOT INTERFERE WITH THE PLANTING OF TREES OR OTHER LANDSCAPE MATERIAL.
- THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR ENSURING POSITIVE DRAINAGE EXISTS IN ALL LANDSCAPE AREAS. SURFACE DRAINAGE ON LANDSCAPE AREAS SHALL NOT FLOW TOWARD STRUCTURES AND FOUNDATIONS. MAINTAIN SLOPE AWAY FROM FOUNDATIONS FOR THE GEOTECHNICAL REPORT RECOMMENDATIONS. ALL LANDSCAPE AREAS BETWEEN WALLS AND CURBS SHALL DRAIN FREELY TO THE CURB UNLESS OTHERWISE IDENTIFIED ON THE GRADING PLAN. IN NO CASE SHALL THE GRADE, TURF THATCH, OR OTHER LANDSCAPE MATERIALS DAM WATER AGAINST WALKS. MINIMUM SLOPES ON LANDSCAPE AREAS SHALL BE 2% MAXIMUM SLOPE SHALL BE 20% UNLESS SPECIFICALLY IDENTIFIED ON THE PLANS OR APPROVED BY THE OWNER'S REPRESENTATIVE.
- PRIOR TO INSTALLATION OF PLANT MATERIALS, AREAS THAT HAVE BEEN COMPACTED OR DISTURBED BY CONSTRUCTION ACTIVITY SHALL BE THOROUGHLY LOOSENED TO A DEPTH OF 8" - 12" AND AMENDED PER SPECIFICATIONS.
- ALL LANDSCAPE AREAS ARE TO RECEIVE ORGANIC SOIL PREPARATION AT 4 cu yd/1,000 sq ft OR AS NOTED IN THE TECHNICAL SPECIFICATIONS.
- TREES SHALL NOT BE LOCATED IN DRAINAGE SWALES, DRAINAGE AREAS, OR UTILITY BASEMENTS. CONTACT OWNER'S REPRESENTATIVE FOR RELOCATION OF PLANTS IN QUESTIONABLE AREAS PRIOR TO INSTALLATION.
- THE CENTER OF EVERGREEN TREES SHALL NOT BE PLACED CLOSER THAN 8' AND THE CENTER OF ORNAMENTAL TREES CLOSER THAN 8' FROM A SIDEWALK, STREET OR DRIVE LANE. EVERGREEN TREES SHALL NOT BE LOCATED ANY CLOSER THAN 12' FROM IRRIGATION ROTOR HEADS. NOTIFY OWNER'S REPRESENTATIVE IF TREE LOCATIONS CONFLICT WITH THESE STANDARDS FOR FURTHER DIRECTION.
- ALL EVERGREEN TREES SHALL BE FULLY BRANCHED TO THE GROUND AND SHALL NOT EXHIBIT SIGNS OF ACCELERATED GROWTH AS DETERMINED BY THE OWNER'S REPRESENTATIVE.
- ALL TREES ARE TO BE STAKED AND GUYPED PER DETAILS FOR A PERIOD OF 1 YEAR. THE CONTRACTOR SHALL BE RESPONSIBLE FOR REMOVING STAKES AT THE END OF 1 YEAR FROM ACCEPTANCE OF LANDSCAPE INSTALLATION BY THE OWNER'S REPRESENTATIVE. OBTAIN APPROVAL BY OWNER'S REPRESENTATIVE PRIOR TO REMOVAL.
- ALL TREES INSTALLED ABOVE RETAINING WALLS UTILIZING GEO-GRID MUST BE HAND DUG TO PROTECT GEO-GRID. IF GEO-GRID MUST BE CUT TO INSTALL TREES, APPROVAL MUST BE GIVEN BY OWNER'S REPRESENTATIVE PRIOR TO DOING WORK.
- ALL TREES IN BEES OR TURF AREAS SHALL RECEIVE MULCH RINGS. OBTAIN APPROVAL FROM OWNER'S REPRESENTATIVE FOR ANY TREES THAT WILL NOT BE MULCHED FOR EXCESSIVE MOISTURE REASONS.
- SHRUB, GROUND COVER AND PERENNIAL BEDS ARE TO BE CONTAINED BY 4" x 14 GAUGE GREEN ROLL TOP INTERLOCKING TYPE EDGER, RYERSON OR EQUAL. EDGER IS NOT REQUIRED WHEN ADJACENT TO CURBS, WALLS, WALKS OR SOLID FENCES WITH 3" OF PRE-MULCHED FINAL GRADE. EDGER SHALL NOT BE REQUIRED TO SEPARATE MULCH TYPES UNLESS SPECIFIED ON THE PLANS.
- ALL SHRUB BEDS ARE TO BE MULCHED WITH MIN. 3" DEPTH, 3/4" x 1 1/2" RIVER ROCK OVER SPECIFIED GEOTEXTILE WEED CONTROL FABRIC.
- EXISTING TURF AREAS THAT ARE DISTURBED DURING CONSTRUCTION, ESTABLISHMENT AND THE MAINTENANCE PERIOD SHALL BE RESTORED WITH NEW SOIL TO MATCH EXISTING TURF SPECIES. DISTURBED NATIVE AREAS WHICH ARE TO REMAIN SHALL BE OVER SEEDED AND RESTORED WITH SPECIFIED SEED MIX.
- ALL SEEDS/SLOPES EXCEEDING 20% IN GRADE (4:1) SHALL RECEIVE GROSSOON CONTROL BLANKETS. PRIOR TO INSTALLATION, NOTIFY OWNER'S REPRESENTATIVE FOR APPROVAL OF LOCATION AND ANY ADDITIONAL COST IF A CHANGE ORDER IS NECESSARY.
- WHEN COMPLETE, ALL GRADES SHALL BE WITHIN +/- .10' OF FINISHED GRADES AS SHOWN ON THE PLANS.
- WHEN PLANTER LENS ARE SHOWN ON PLANS, CONTRACTOR SHALL INCLUDE THE FOLLOWING: PLANTER MIX, ANNUAL FLOWER PLANTING PROGRAM (INCLUDES 2 PLANTINGS FOR THE 1ST YEAR SPRING AND FALL) AND WINTER HAND WATERING AS NEEDED. UNLESS OTHERWISE SPECIFIED, CONTRACTOR TO PROVIDE ANNUAL PLANTING SELECTION FOR REVIEW BY OWNER. IRRIGATION FOR PLANTERS TO BE ON SEPARATE ZONES.
- CONTRACTOR TO COORDINATE PLACEMENT OF NECESSARY SLEEVING PRIOR TO PLACEMENT OF PAVEMENT.
- PRIOR TO THE PLACEMENT OF MULCH AND WEED FABRIC, GRANULAR, PRE-EMERGENT, WEED CONTROL AGENT SHALL BE ADDED TO ALL PLANTING BEDS IN ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTION DIRECTLY AROUND ORNAMENTAL GRADES.
- THE CONTRACTOR IS EXPECTED TO KNOW AND UNDERSTAND THE CITY AND COUNTY SPECIFICATIONS FOR LANDSCAPE AND IRRIGATION. IN CASES OF DISCREPANCY WITH THE HIGHER OF THE TWO STANDARDS SHALL HAVE PRECEDENCE.
- THE DEVELOPER, HIS SUCCESSORS AND ASSIGNS SHALL BE RESPONSIBLE FOR THE INSTALLATION, MAINTENANCE AND REPLACEMENT OF ALL IMPROVEMENTS SHOWN OR INDICATED ON THE APPROVED LANDSCAPE PLAN ON FILE IN THE PLANNING DEPARTMENT.

#### PLANT SCHEDULE

TREES	BOTANICAL / COMMON NAME	ROOT	SIZE	QTY
ACE RBR	ACER RUBRUM	2" CAL		67
PIC GLA	PICEA GLAUCA	2" CAL		1
FIN STR	FINUS STROBUS	8 1/2" CONT.		25
PLA MUL	PLATANUS X ACERIFOLIA	2" CAL		10
TAX DIS	LONDON PLANE TREE MULTI-TRUNK TAUNTON SPECIUM BALD CYPRESS	8 1/2" CONT.		33
<b>DECIDUOUS TREES</b>				
GLA HA	QUERCUS MACROCARPA 'NORWAY' 'M' NORTHERN ACCLAIM THORNLESS HONEY LOCUST	ROOT 8 1/2" B	SIZE 2" CAL	QTY 24
<b>ORNAMENTAL TREES</b>				
AM AB	AMELANCHIER X GRANDIFLORA 'AUTUMN BRILLIANCE'	ROOT 8 1/2" B	SIZE 6" CLUMP	QTY 69
CE CA	CERCIS CANADENSIS EASTERN REDBUD	8 1/2" B	6" CLUMP	56

#### LANDSCAPE DATA SHEET

STREET BEDS	STREET	NO. TREES	TREES REQUIRED	TREES PROVIDED
EAST OVERLAND DRIVE	960	18	17	
SOUTH WELLS AVENUE	962	28	33	
<b>STREET BUFFER</b>				
STREET	BUFFER WIDTH REQUIRED	BUFFER WIDTH PROVIDED		
EAST OVERLAND DRIVE	42	42		
SOUTH WELLS AVENUE	12	12		
<b>ADJACENT LOT BUFFER</b>				
LOT A/B/C	BUFFER WIDTH REQUIRED	BUFFER WIDTH PROVIDED		
WEST BUFFER	25	25		
EAST BUFFER	25	25		
<b>PARKING LOT BUFFER</b>				
WITH MULCHING	BUFFER PROVIDED			
	0			
<b>PARKING</b>				
TOTAL NUMBER OF TREES	INTERNAL LANDSCAPE			
635	635			

#### LANDSCAPE NOTES

MORGAN HOLDINGS & STONE HILL

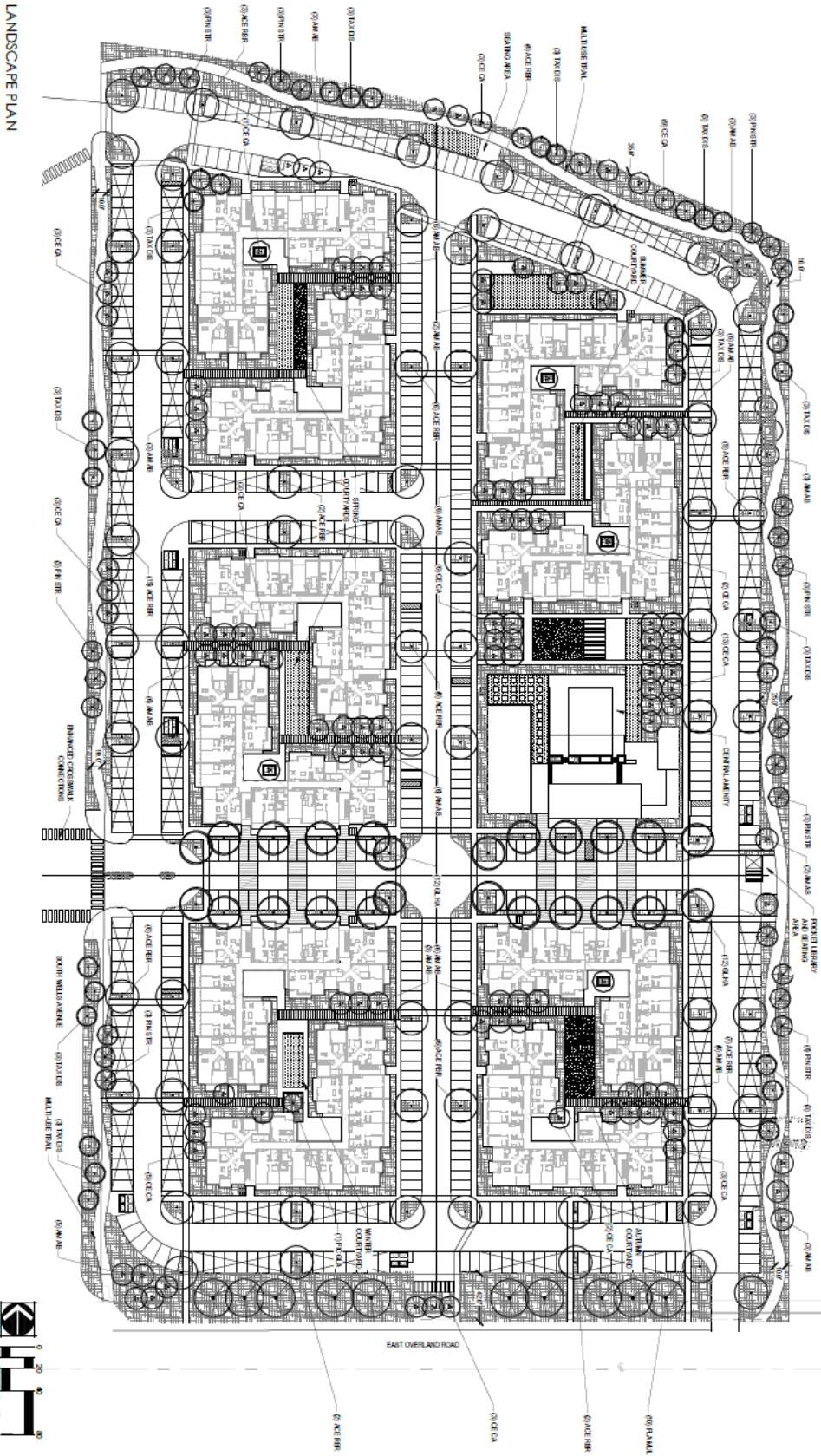


SEASONS AT MERIDIAN  
MERIDIAN, IDAHO



PROJECT 220213 | DATE: 11.24.2020

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LANDSCAPE PLAN

MORGAN HOLDINGS &  
STONE HILL

THE LAND GROUP

NORRIS DESIGN

SEASONS AT MERIDIAN

PROJECT 0011 | DATE: 11/24/20

MERIDIAN, IDAHO

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p A



MORGAN HOLDINGS & STONE HILL

THE LAND GROUP

NORRIS DESIGN

SEASONS AT MERIDIAN

MERIDIAN, IDAHO

NGFP 4

PROJECT #2023 | DATE: 11.26.2020

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Item 8.

225

E. Qualified Open Space (dated: 11/24/20) & Amenity Exhibits

**QUALIFIED OPEN SPACE CALCULATION**

LINEAR OPEN SPACE BUFFER	7,500 SF
AMENITY, STREET BUFFERING	16,200 SF
COURTYARD, AMENITY SPACE	5,000 SF
OUTDOOR FACILITIES	27,000 SF
DOG PARK	6,200 SF
<b>TOTAL OPEN SPACE</b>	<b>73,900 SF</b>
<b>TOTAL PROJECT AREA, EXCLUDING OPEN SPACE</b>	<b>1,040,000 SF</b>

**SEASONS AT MERIDIAN**  
MERIDIAN, IDAHO

**NG+p A**

**MORGAN HOLDINGS & STONE HILL**  
**THE LAND GROUP**  
**NEKRIS DESIGN**

PROJECT #2013 | DATE: 11/24/20  
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EAST OVERLAND ROAD  
SOUTH WILD HORSE

SCALE: 1"=40'

Page 27

# A Bountiful Life



ILLUSTRATIVE LANDSCAPE PLAN

MORGAN HOLDINGS &  
STONE HILL

THE LAND GROUP

NGIP DESIGN

PROJECT #2313 | DATE: 11/24/2020

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SEASONS AT MERIDIAN

MERIDIAN, IDAHO

NGIP A



### F. Conceptual Building Elevations & Renderings for Multi-Family Structures & Clubhouse



VISION IMAGERY- CLUBHOUSE

MORGAN HOLDINGS & STONE HILL

THE LAND GROUP

NORRIS DESIGN

PROJECT #20213 | DATE: 11.24.2020

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SEASONS AT MERIDIAN  
MERIDIAN, IDAHO

NG+P | 1



VISION IMAGERY- RESIDENTIAL BUILDINGS

MORGAN HOLDINGS & STONE HILL

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SEASONS AT MERIDIAN  
MERIDIAN, IDAHO

NG+P | 2



SITE AERIAL VIEW

MORGAN HOLDINGS & STONE HILL

THE LAND GROUP

NORRIS DESIGN

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SEASONS AT MERIDIAN  
MERIDIAN, IDAHO

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SITE AERIAL VIEW

MORGAN HOLDINGS & STONE HILL

THE LAND GROUP

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SEASONS AT MERIDIAN  
MERIDIAN, IDAHO

NG+P | 4



SITE MAIN ENTRY PERSPECTIVE VIEW

MORGAN HOLDINGS & STONE HILL



SEASONS AT MERIDIAN  
MERIDIAN, IDAHO

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VIEW FROM AMENITY AREA

MORGAN HOLDINGS & STONE HILL



SEASONS AT MERIDIAN  
MERIDIAN, IDAHO

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VIEW FROM AMENITY AREA

MORGAN HOLDINGS & STONE HILL



SEASONS AT MERIDIAN  
MERIDIAN, IDAHO



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COLOR KEY LEGEND

- 1 DEW 380 WHITE
- 2 DET 625 RECLAIMED WOOD

MATERIAL KEY LEGEND

- 1 ASPHALT SHINGLE ROOFING - CHARCOAL
- 2 BOARD AND BATTEN SIDING
- 3 WOOD POSTS AND RAILINGS
- 4 STUCCO FINISH
- 5 COMPOSITE MATERIAL TRIM
- 6 VINYL WINDOWS



BUILDING ELEVATION

MORGAN HOLDINGS & STONE HILL



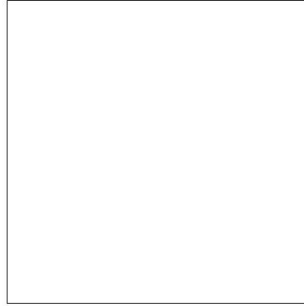
SEASONS AT MERIDIAN  
MERIDIAN, IDAHO



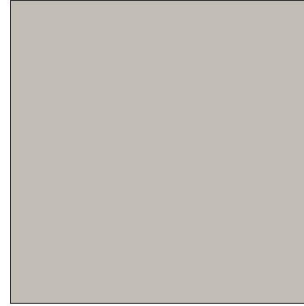
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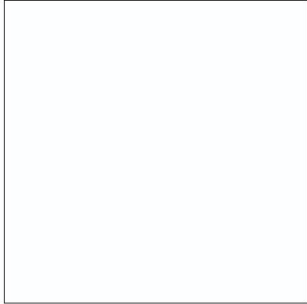
**ROOF**  
ASPHALT SHINGLE ROOFING  
COLOR - CHARCOAL



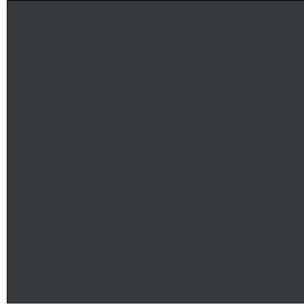
**BOARD AND BATTEN SIDING**  
DUNN EDWARDS PAINTS  
COLOR - DEW 380 WHITE



**STUCCO COLOR**  
DUNN EDWARDS PAINTS  
COLOR - DET 625 RECLAIMED WOOD



**WOOD/ COMPOSITE, FASCIA, TRIM, COLUMNS, RAILINGS**  
DUNN EDWARDS PAINTS  
COLOR - DEW 380 WHITE



**VINYL WINDOWS**  
COLOR - BRONZE



**BOARD AND BATTEN SIDING**  
FIBER CEMENT

COLOR AND MATERIAL

MORGAN HOLDINGS & STONE HILL

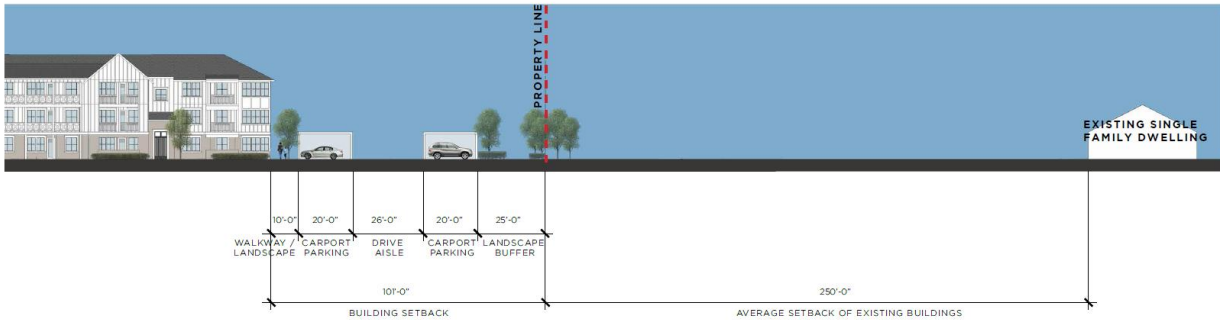


SEASONS AT MERIDIAN  
MERIDIAN, IDAHO



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SITE SECTION AT EAST PROPERTY LINE

MORGAN HOLDINGS & STONE HILL



SEASONS AT MERIDIAN  
MERIDIAN, IDAHO



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G. Legal Description for Property at 2600 E. Overland Rd.

EXHIBIT A

**2600 Overland Road  
Property Description**

PAREEL I

A parcel of land located in the SW 1/4 of the SE 1/4 Section 17, Township 3 North, Range 1 East, Boise Meridian, Meridian, Ada County, Idaho, being more particularly described as follows:

Commencing at the S1/4 corner of said Section 17 from which the SE corner of said Section 17 bears North 89°46'00" East, 2656.88 feet;

thence North 00°24'05" East, 45.00 feet to the SE corner of Destination Place Subdivision filed in Book 93 of Plats at Pages 11190 through 11192, records of Ada County, Idaho, said point being the **REAL POINT OF BEGINNING**;

thence along the East boundary line of said Destination Place Subdivision North 00°24'05" East, 1,181.25 feet to a point on the southerly right-of-way line of Interstate 84;

thence along said southerly right-of-way line the following 3 courses and distances:

thence North 81°35'27" East, 158.13 feet;

thence South 86°18'23" East, 471.33 feet;

thence 63.33 feet along the arc of a non-tangent curve to the right, said curve having a radius of 1,809.86 feet, a central angle of 02°00'17" and a long chord of 63.32 feet which bears South 85°10'34" East;

thence leaving said southerly right-of-way line South 00°24'05" West, 1134.59 feet to a point on the North right-of-way line of E. Overland Road;

thence along said North right-of-way line the following 4 courses and distances:

thence South 89°59'52" West, 71.96 feet;

thence South 00°24'05" West, 11.58 feet;

thence South 45°33'34" West, 28.68 feet;

thence South 89°46'00" West, 597.70 feet to the **REAL POINT OF BEGINNING**. Containing 18.74 acres, more or less.





H. Legal Description for Property at 2700 E. Overland Rd.

EXHIBIT A CONT.  
2700 Overland Road  
Property Description

PARCEL II

A parcel of land located in the SW 1/4 of the SE 1/4 Section 17, Township 3 North, Range 1 East, Boise Meridian, Meridian, Ada County, Idaho, being more particularly described as follows:

Commencing at the S1/4 corner of said Section 17 from which the SE corner of said Section 17 bears North 89°46'00" East, 2656.88 feet;

thence North 00°24'05" East, 45.00 feet to the SE corner of Destination Place Subdivision filed in Book 93 of Plats at Pages 11190 through 11192, records of Ada County, Idaho, said point also being on the North right-of-way line of E. Overland Road;

thence along said North right-of-way line the following 4 courses and distances:

thence North 89°46'00" East, 597.70 feet;

thence North 45°33'34" East, 28.68 feet;

thence North 00°24'05" East, 11.58 feet;

thence North 89°59'52" East, 71.96 feet to the **REAL POINT OF BEGINNING**;

thence leaving said North right-of-way line North 00°24'05" East, 1134.59 feet to a point on the southerly right-of-way line of Interstate 84;

thence along said southerly right-of-way line the following 2 courses and distances:

thence 633.16 feet along the arc of a non-tangent curve to the right, said curve having a radius of 1,809.86 feet, a central angle of 20°02'39" and a long chord of 629.93 feet which bears South 74°09'06" East;

thence South 64°07'46" East, 23.82 feet to a point on the West boundary line of Overland Way Subdivision filed in Book 46 of Plats at Pages 3798 and 3799, records of Ada County, Idaho;

thence along said West boundary line South 00°08'32" East, 980.83 feet to a point on the North right-of-way line of E. Overland Road;

thence along said North right-of-way line the following 4 courses and distances:

thence South 89°46'00" West, 600.41 feet

thence North 41°30'26" West, 29.30 feet;

thence North 00°24'05" East, 9.19 feet;

thence South 89°59'52" West, 18.04 feet to the **REAL POINT OF BEGINNING** Containing 15.875 acres, more or less.



## IX. CITY/AGENCY COMMENTS & CONDITIONS

### A. PLANNING DIVISION

#### Development Agreement Modification:

1. The existing Development Agreement (DA) (Inst. #2016-060157) shall be amended to exclude the east parcel (#S1117438451) from the agreement and to include the following additional provision:
  - a. The subject property shall be subdivided prior to submittal of any Certificate of Zoning Compliance and Design Review applications for the site.

*The amended DA shall be signed by the property owner(s) and returned to the City within six (6) months of City Council granting the subject modification.*

#### New Development Agreement:

2. A new Development Agreement (DA) shall be required for the east parcel (#S1117438451) that shall include the site plan in Section VIII.C and the following provisions:
  - a. Development of the site shall be generally consistent with the conceptual development plan, landscape plan, qualified open space/amenities exhibit and building elevations included in Section VIII and shall comply with the provisions contained herein.
  - b. All structures in the multi-family development shall comply with the design standards listed in the Architectural Standards Manual. An administrative Design Review application is required to be submitted and approved for the structures within this development prior to submittal of building permit applications for these structures. An application for Certificate of Zoning Compliance is also required to be submitted along with Design Review application for approval of the proposed use and site design.
  - d. The subject property shall be subdivided prior to submittal of any Certificate of Zoning Compliance and Design Review applications for the overall site.
  - e. The traffic signal at the E. Overland Rd./S. Wells Ave. intersection shall be installed prior to issuance of the first Certificate of Occupancy for the multi-family development as deemed warranted by the Traffic Impact Study.

*The DA shall be signed by the property owner(s) and returned to the City within six (6) months of City Council granting the subject modification.*

#### Preliminary Plat:

3. The final plat shall include the following revisions:
  - a. All street buffers are required to be placed in a common lot or on a permanent dedicated buffer, maintained by the property owner or business owners' association, as set forth in UDC 11-3B-7C.2b.
  - b. Depict the street buffer along E. Overland Rd. outside of the ultimate right-of-way for the widening of Overland to 7-lanes.
  - c. The extension of E. Cinema Dr. shall be included in the first phase of development.
4. The landscape plan included in Section VIII.B shall be revised as follows:
  - a. Landscaping is required to be provided adjacent to the pathway within the buffer along the I-84 off-ramp per the standards listed in UDC 11-3B-12C. *A mix of trees, shrubs, lawn and/or other vegetative ground cover with a minimum of one (1) tree per 100 linear feet of pathway is required.*

- b. Depict a minimum 35-foot wide street buffer along the I-84 off-ramp on Lots 1 and 2, Block 1 in accord with UDC Table 11-2B-3, landscaped per the standards in UDC 11-3B-7C.
- c. Include shrubs (along with the trees and lawn or other vegetative groundcover) in the proposed street buffers as set forth in UDC 11-3B-7C.3a.
- d. Street buffers are required to be placed in a common lot or on a permanent dedicated buffer, maintained by the property owner or business owners' association as set forth in UDC 11-3B-7C.2.
- e. Depict the street buffer along E. Overland Rd. outside of the ultimate right-of-way for the widening of Overland to 7-lanes.
- f. Depict a detached sidewalk within the street buffer along the east side of S. Wells Ave. consistent with that shown on the landscape plan associated with the conditional use permit.

**Conditional Use Permit:**

5. The multi-family development shall have an ongoing obligation to comply with the specific use standards listed in UDC 11-4-3-27.
6. For each of the multi-family units, a minimum of eighty (80) square feet of private, usable open space shall be provided for each unit as set forth in UDC 11-4-3-27B.3. This requirement can be satisfied through porches, patios, decks, and/or enclosed yards. **Floor plans with square footage noted for patios and balconies shall be submitted with the Certificate of Zoning Compliance application that demonstrate compliance with this standard.**
7. The multi-family development shall record a legally binding document that states the maintenance and ownership responsibilities for the management of the development, including, but not limited to, structures, parking, common areas, and other development features as set forth in UDC 11-4-3-27F. **A recorded copy of said document shall be submitted to the Planning Division prior to issuance of the first Certificate of Occupancy for the development.**
8. Comply with building code requirements for separation between structures within the development.
9. The Applicant's request for Alternative Compliance to the noise abatement standards listed in UDC 11-3H-4D is approved by the Director. Double-pane storm windows shall be provided in all units within the development as alternative compliance consistent with the sound engineer's recommendation. *Confirmation of ITD's approval was submitted.*
10. The site and/or landscape plan submitted with the Certificate of Zoning Compliance shall be revised as follows:
  - a. Depict the locations of the property management office, maintenance storage area, central mailbox location (including provisions for parcel mail, that provide safe pedestrian and/or vehicular access), and a directory and map of the development at an entrance or convenient location for those entering the development in accord with UDC 11-4-3-27B.7.
  - b. All transformer and utility vaults and other service areas shall be located in an area not visible from a public street, or shall be fully screened from view from a public street in accord with UDC 11-4-3-27B.2.
  - c. Depict landscaping along the foundations of all street facing elevations adjacent to E. Overland Rd. and S. Wells Ave. as set forth in UDC 11-4-3-27E.2.
  - d. Include a detail of the outdoor fireplace, BBQ, public art and children's play structure.

- e. Depict a gate across the emergency access driveway from Overland Rd. as required by the Fire Dept.

## **B. PUBLIC WORKS**

### **1. Site Specific Conditions of Approval**

- 1.1 No Permanent structures (buildings, carports, trash receptacle walls, fences, infiltration trenches, light poles, etc.) can be built within the utility easement.
- 1.2 There needs to be a water easement from the deadend water main to the eastern property line at both the northeast deadend and the central east deadend for future connection.
- 1.3 A street light plan will need to be included in the final plat application. Street light plan requirements are listed in section 6 of the City's Design Standards.

### **2. General Conditions of Approval**

- 2.1 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.
- 2.2 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.
- 2.3 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-feet wide for a single utility, or 30-feet 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.
- 2.4 The City of Meridian requires that pressurized irrigation systems be supplied by a year-round source of water (MCC 12-13-8.3). 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.
- 2.5 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.
- 2.6 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.

- 2.7 Any existing domestic well system within this project shall be removed from domestic service per City Ordinance Section 9-1-4 and 9 4 8 contact the City of Meridian Engineering Department at (208)898-5500 for inspections of disconnection of services. Wells may be used for non-domestic purposes such as landscape irrigation if approved by Idaho Department of Water Resources Contact Robert B. Whitney at (208)334-2190.
- 2.8 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.
- 2.9 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.
- 2.10 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.
- 2.11 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.
- 2.12 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.
- 2.13 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.
- 2.14 Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.
- 2.15 Developer shall coordinate mailbox locations with the Meridian Post Office.
- 2.16 All grading of the site shall be performed in conformance with MCC 11-12-3H.
- 2.17 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.
- 2.18 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.
- 2.19 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.
- 2.20 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.
- 2.21 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).

- 2.22 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.
- 2.23 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. FIRE DEPARTMENT**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=225401&dbid=0&repo=MeridianCity>

**D. POLICE DEPARTMENT**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=223900&dbid=0&repo=MeridianCity>

**E. COMMUNITY PLANNING ASSOCIATION OF SOUTHWEST IDAHO (COMPASS)**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=224575&dbid=0&repo=MeridianCity>

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

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=224333&dbid=0&repo=MeridianCity>

**G. CENTRAL DISTRICT HEALTH DEPARTMENT (CDHD)**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=223473&dbid=0&repo=MeridianCity>

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

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=223532&dbid=0&repo=MeridianCity>

**I. WEST ADA SCHOOL DISTRICT (WASD)**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=224862&dbid=0&repo=MeridianCity>

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

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=224820&dbid=0&repo=MeridianCity>

## X. FINDINGS

### A. Preliminary Plat (UDC 11-6B-6)

In consideration of a preliminary plat, combined preliminary and final plat, or short plat, the decision-making body shall make the following findings: (Ord. 05-1170, 8-30-2005, eff. 9-15-2005)

1. The plat is in conformance with the comprehensive plan and is consistent with this unified development code; (Ord. 08-1372, 7-8-2008, eff. 7-8-2008)

*Staff finds the proposed plat is generally in conformance with the UDC if the Applicant complies with the Development Agreement provisions and conditions of approval in Section VIII.*

2. Public services are available or can be made available and are adequate to accommodate the proposed development;

*Staff finds public services can be made available to the subject property and will be adequate to accommodate the proposed development.*

3. The plat is in conformance with scheduled public improvements in accord with the city's capital improvement program;

*Staff finds the proposed plat is in substantial conformance with scheduled public improvements in accord with the City's CIP.*

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.*

5. The development will not be detrimental to the public health, safety or general welfare; and

*Staff finds the proposed development will not be detrimental to the public health, safety or general welfare.*

6. The development preserves significant natural, scenic or historic features. (Ord. 05-1170, 8-30-2005, eff. 9-15-2005)

*Staff is unaware of any significant natural, scenic or historic features that need to be preserved with this development.*

### B. Conditional Use Permit (UDC 11-5B-6E)

The Commission shall base its determination on the Conditional Use Permit requests 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 that the subject property is large enough to accommodate the proposed use and dimensional and development regulations of the C-G district (see Analysis, Section V for more information).*

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

*Staff finds that the proposed use is consistent with the future land use map designation of MU-C and is allowed as a conditional use in UDC Table 11-2B-2 in the C-G zoning district.*

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 proposed design of the development, construction, operation and maintenance should be compatible with the mix of other uses planned for this area and with the intended character of the area and that such uses will not adversely change the 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 that if the applicant complies with the conditions outlined in this report, the proposed use will not adversely affect other property in the area. The Commission should weigh any public testimony provided to determine if the development will 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.

*Staff finds that essential public services are available to this property and that the use will be adequately served by these facilities.*

#### **C. Alternative Compliance (UDC 11-5B-5):**

In order to grant approval of an alternative compliance application, the Director shall determine the following:

1. Strict adherence or application of the requirements is not feasible; OR

*The Director finds strict adherence to the standards listed in UDC 11-3H-4D is feasible although not entirely effective due to the height of the proposed structures.*

2. The alternative compliance provides an equal or superior means for meeting the requirements; and

*The Director finds the proposed alternative compliance of providing double-pane storm windows on all units as noise abatement to the traffic on I-84 provides a superior means for meeting the requirements in UDC 11-3H-4D.*

3. The alternative means will not be materially detrimental to the public welfare or impair the intended uses and character of the surrounding properties.

*The Director finds that the proposed alternative means will not be detrimental to the public welfare or impair the intended use/character of the surrounding properties.*