



PLANNING AND ZONING COMMISSION MEETING

City Council Chambers, 33 East Broadway Avenue Meridian, Idaho
Thursday, May 06, 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/81833602176>

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

Webinar ID: 818 3360 2176

ROLL-CALL ATTENDANCE

- Lisa Holland Nathan Wheeler Andrew Seal
- Nick Grove Maria Lorcher Bill Cassinelli
- Rhonda McCarvel, Chairperson

ADOPTION OF AGENDA

COMMUNITY ITEMS

1. Recognition and Remembrance of Commissioner Holland

CONSENT AGENDA [Action Item]

2. [Approve Minutes of the April 15, 2021 Planning and Zoning Commission Meeting](#)

3. [Findings of Fact, Conclusions of Law for Jaker's Drive-Through Addition \(H-2021-0012\) by BRS Architects, Located at 3268 E. Pine Ave.](#)
4. [Findings of Fact, Conclusions of Law for Pine 43 Apartments \(MCU-2021-0002\) by Pivot North Design, Located South of E. Fairview Ave., on the East Side of N. Webb Way and North of E. Pine Ave.](#)

ITEMS MOVED FROM THE CONSENT AGENDA [Action Item]

ACTION ITEMS

5. **Public Hearing** Continued from March 18, 2021 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.](#)
6. **Public Hearing** for Mountain America Credit Union Drive-Through (H-2021-0019) by Mountain America Credit Union, Located on the West Side of N. Ten Mile Road, Approximately 750 Feet South of Chinden Blvd.
 - A. Request: [Conditional Use Permit for a drive-through establishment within 300 feet of a residential use and zoning district for a financial institution on 1.16 acres of land in the C-G zoning district.](#)
7. **Public Hearing** for The Vault (H-2021-0017) by Joshua Evarts, Located at 140 E. Idaho Ave.
 - A. Request: [Conditional Use Permit to allow for a drinking establishment.](#)
8. **Public Hearing** for Jump Creek North Four-Plex (H-2021-0018) by Kent Brown Planning Services, Located at the Northwest Corner of N. Black Cat Rd. and W. Gondola Dr.
 - A. Request: [Conditional Use Permit to allow 7 fourplex buildings of 28 units total on 2.2 acres in the R-15 zoning district.](#)
9. **Public Hearing** for 2021 UDC Text Amendment (ZOA-2021-0002) by City of Meridian Planning Division, Located at 33 E. Broadway Ave.
 - A. Request: [UDC Text Amendment for text amendments to update certain sections of the City's Unified Development Code \(UDC\) pertaining to the Landscape Requirements and Common Open Space and Site Amenity Requirements in Chapter 3; Multi-family Common Open Space Design Requirements in Chapter 4; and Various other Amendments in Chapters 1-5 and 7.](#)

ADJOURNMENT



AGENDA ITEM

ITEM TOPIC: Approve Minutes of the April 15, 2021 Planning and Zoning Commission Meeting

Meridian Planning and Zoning Meeting

April 15, 2021.

Meeting of the Meridian Planning and Zoning Commission of April 15, 2021, was called to order at 6:00 p.m. by Chairman Rhonda McCarvel.

Members Present: Chairman Rhonda McCarvel, Commissioner Lisa Holland, Commissioner Andrew Seal, and Commissioner Nick Grove.

Members Absent: Commissioner Steven Yearsley, Commissioner Bill Cassinelli and Commissioner Maria Lorcher.

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

ROLL-CALL ATTENDANCE

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

McCarvel: Good evening. Welcome to the Planning and Zoning Commission meeting for April 15th, 2021. The Commissioners who are present for this evening's meeting are at City Hall and on Zoom. We 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 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 and they will reply as quickly as possible. If you simply want to watch the meeting this evening we encourage you to watch this on streaming the city's YouTube channel. You can access it at meridiantcity.org/live. So, with that let's begin with roll call.

Weatherly: Madam Chair, thank you very much. I would like to get your advice on proceeding. I just realized we do not currently have our legal counsel in attendance as of yet.

McCarvel: I do know she is running a few minutes behind. I guess that's a process question. Staff, how do you feel -- I guess if we have a legal question we could stop or do we --

Allen: I think that's fine with staff, Chairman McCarvel.

McCarvel: I'm okay with it. I think we -- I mean I'm aware that she is just -- could be five or ten minutes here, so -- she may have gotten stuck in traffic. But she will be on Zoom. I'm fine with it. I guess if we get to a point where we feel we have a legal question we will stop.

Weatherly: Okay. I sent a quick text as well --

McCarvel: Okay.

Weatherly: -- to see if she will get back to me. I think we will go ahead with roll call.

ADOPTION OF AGENDA

McCarvel: Thank you. First item on the agenda is the adoption of the agenda and we have no changes, so if I could get a motion to adopt the agenda as presented.

Seal: 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: FOUR AYES. THREE ABSENT.

CONSENT AGENDA [Action Item]

1. Approve Minutes of the April 1, 2021 Planning and Zoning Commission Meeting

McCarvel: Next item is the Consent Agenda and we just have one item to approve, the minutes of the April 1st, 2021, Planning and Zoning Commission meeting. Can I get a motion to approve the Consent Agenda?

Grove: So moved.

Holland: Second.

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

MOTION CARRIED: FOUR AYES. THREE ABSENT.

ITEMS MOVED FROM THE CONSENT AGENDA [Action Item]

McCarvel: And at this time I would like to briefly explain the public hearing process. We will open each item individually and begin with the staff report. The 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 the public testimony. The clerk will call the names individually of those who have signed up on our website in advance to testify. You will, then, be unmuted. 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 the topic you may press raise hand button on the Zoom app or if you are only listening on -- or on a phone, please, press star nine and wait for your name to be called. If you are listening on multiple devices, a computer and a phone, for example, please, be sure to mute those extra devices so we do not experience feedback and we can hear you clearly. When you are finished if the Commission does not have questions for you, you will be muted and no longer have the ability to speak. Please remember we will not call on you a second time. After the 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 they will make a -- make final decisions or recommendations to City Council as needed.

ACTION ITEMS

2. Public Hearing Continued from April 1, 2021 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.

McCarvel: So, at this time we would like to open the public hearing for -- or continue the public hearing for H-2021-0012, Jaker's Drive-Through Addition and we will begin with the staff report.

Allen: Thank you, Madam Chair. Can you all see my presentation?

McCarvel: Yes.

Allen: Okay.

McCarvel: I think we have got a different one.

Allen: Okay. Hang on just a minute here. I was afraid that I might not have that right.

McCarvel: We have got Pine 43 up there right now.

Allen: Okay. Hang on a second here. Having a hard time seeing all my screens with my -- hang on. All right. Can you see Jaker's now?

McCarvel: Yes. Thank you.

Allen: Okay. Just a second. All righty. So, the first application before you tonight is a request for a conditional use permit. This site consists of 1.37 acres of land. It's zoned C-G and is located at 3268 East Pine Avenue. Adjacent land uses and zoning. Commercial uses to the north, south, and west zoned C-G and single family residential to the east zoned R-4. The Comprehensive Plan future land use map designation for this site is commercial. A conditional use permit for a drive-through establishment within 300 feet of a residential zoning district and residential uses to the east in Crossroads Subdivision in a C-G zoning district. Two 25 square foot, five by five foot structures are proposed for a drive-through menu, handout, and order placement and pickup along the south side of the existing Jaker's restaurant. No menu boards or speakers are proposed. Residential uses abut the east boundary of this site in Crossroads Subdivision, zoned R-4. The project complies with the specific use standards in the UDC for drive-throughs as noted in the staff report. The row of parking directly south of the drive-through is proposed to be restriped to accommodate a one way drive aisle to allow space for the drive-through, which will reduce the number of parking spaces in this area by three. Based on the building square footage of 5,900 square feet, a minimum of 23 parking spaces are required. A total of 87 are provided in excess of UDC standards. Conceptual building elevations were submitted as shown. They consist of stucco panels, with two inch wide recessed gold colored metal flashing accents, and asphalt roofing. The materials and colors coincide with that of the existing restaurant building. Design review of the structures has been approved by the director with this application. No written testimony has been received on this application and staff is recommending approval with the conditions in the staff report. Staff will stand for any questions.

McCarvel: Okay. Thank you. And just point of procedure, I see our attorney joined before Sonya started her presentation, so thank you. Would the applicant like to come forward? And just state your name and address for the record and it -- yeah, we almost got to eat that thing.

Anderson: Oh, sorry. Mark Anderson. BRS Architects. Address is 1010 South Allante Place.

McCarvel: Okay.

Anderson: Suite No. 100 in Boise.

McCarvel: Did you have anything to add to the staff report or anything you would like us to know about your project?

Anderson: Negative.

McCarvel: Okay. Oh. We are going to see if we have anybody signed in to testify then. Do we have any questions for the applicant or staff? I will take that as a no. Okay. If you would like to sit down we will open to public testimony. And, Madam Clerk, do we have anybody signed in to testify on this application?

Weatherly: Madam Chair, we do not.

McCarvel: Okay. That being said, is there anybody online or in the room that would like to testify that is not signed up? Okay. And I'm going to go by the body language and assume that our applicant does not want to come back up. So, if I could get a motion to close the public hearing on H-2021-0012.

Holland: So moved.

Seal: Second.

McCarvel: It has been moved and seconded to close the public testimony on -2021-0012. All those in favor say aye. Opposed? Motion carries.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

McCarvel: Any comments, discussion?

Holland: I think this is a fairly straightforward one. It doesn't have a lot of concerns to me. I think there is ample parking there. It will be nice for having a drive-up window and give them some more flexibility on how to continue operating as a restaurant. I don't see any concerns knowing where this is located.

McCarvel: Yeah. I agree. I think they have got more than ample space. Looks like a great use and probably continuing some things we learned in the restaurant business during COVID.

Seal: Madam Chair?

McCarvel: Commissioner Seal.

Seal: I agree with everything that's been said so far and hopefully I don't cut Commissioner Grove off, but I will go ahead and shoot a motion here. Okay. After considering all staff, applicant, and public testimony I approve -- move to approve file number H-2021-0012 as presented in the staff report for the hearing date of April 15th, 2021.

Grove: Second.

McCarvel: It has been moved and seconded to approve file H-2021-0012. All those in favor say aye. Opposed? Motion carries. Congratulations.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

3. Public Hearing for Pine 43 Apartments (MCU-2021-0002) by Pivot North Design, Located South of E. Fairview Ave., on the East Side of N. Webb Way and North of E. Pine Ave.

- A. Request: Modification to the Conditional Use Permit (H-2018-0001) to revise the site layout to include consolidation of common open space into more usable areas with a clubhouse, and a change to the mix of units/types.

McCarvel: Okay. Next on the agenda we will open MCU-2021-0002, Pine 43 Apartments, and we will begin with the staff report.

Allen: Thank you, Madam Chair, Members of the Commission. The next application before you is a request for a conditional use permit modification. This site consists of 11.22 acres of land. It's zoned R-40 and it's located south of East Fairview Avenue and north of East State Avenue on the east side of North Webb Way. A conditional use permit was approved in 2018 for a multi-family residential development that consisted of 480 units on 26.17 acres of land. The first phase consisting of 240 units is currently in the development process. The second phase also consisting of 240 units is the subject of this application. The Comprehensive Plan future land use map designation is mixed use community. Modification to the previously approved conditional use permit, file number H-2018-0001, is requested to revise the site layout for the northeast 11.22 acre portion of the development to include a consolidate -- consolidation of common open space into more usable areas. The addition of a 7,047 square foot clubhouse and other amenities and a change to the mix of unit types within the development. No changes are proposed to the number of residential units or structures. The proposed plan includes a mix of one, two and three bedroom units and an increase in one bedroom units from 60 to 80. A decrease -- decrease in two bedroom units from 120 to 110 and a decrease in three bedroom units from 60 to 50 for a better use -- excuse me -- better mix of unit types available for rent. The proposed plan includes a significant increase and reconfiguration of common open space from two acres to 2.7 acres, resulting in an increase of .71 of an acre in excess of UDC standards. Site amenities approved for this space consisted of a fitness building and/or sports court, play equipment and plaza and community grill areas, with park style charcoal grills with an optional shade structure or covered dispersed throughout the development. Proposed amenities consist of a clubhouse, swimming pool with recreation deck, and two spas. Barbecue deck, covered outdoor seating and beach volleyball court in the common area along Webb Way and a dog run and dog wash, playground structure and community garden on the eastern portion of the development resulting in a higher quality of amenities for the development. These amenities and

common areas will be shared with the first phase. Staff recommends both phases are under the same management company for consistent maintenance of the overall development. Parking is proposed in excess of UDC standards. A total of 454 spaces are required consisting of 440 vehicle spaces, with 200 of those being covered for the residential units and 14 spaces for the clubhouse. A total of 462 spaces. Two hundred and forty-eight of those in covered carports are proposed. Garages were originally proposed along the east boundary of the site, which provided a buffer between the residential structures and the adjacent industrial uses to the east that have now been changed to carports. This change should ultimately provide more needed parking for the development, since some garages are typically used for storage and not parking. However, it will not provide a needed buffer between the different land use types. The interface between the proposed residential uses and existing industrial uses was a topic of discussion and concern at the public hearing for the original conditional use permit. Therefore, staff recommends a six foot tall closed vision solid fence is installed along the east boundary, with a fairly dense landscape buffer as proposed. A ten foot wide multi-use pathway is proposed within the street buffer along North Webb Way in accord with the pathways master plan. Pedestrian connection should be provided between buildings and to the main building entrances along Webb Way from the multi-use pathway as noted in the staff report. Conceptual building elevations and perspective drawings were submitted for the proposed three story multi-family structures and the single story clubhouse as shown. Building materials for the residential structures consist of a mix of horizontal and vertical fiber cement board and batten siding with gable roofs and asphalt shingles. Three primary color schemes are proposed for variety. Building materials for the clubhouse consist of vertical metal siding with vertical wood cladding, glazing, dimensional wood slat accents, a gable roof and metal roofing. Prefabricated steel siding is only allowed to be used as an accent material per the development agreement. Compliance with the design standards in the architectural standards manual and the development agreement are required. The proposed elevations should be revised to comply with these standards and requirements. The elevations in the first phase of development directly to the southwest of this site, Jasper Apartments, are a different architectural style as shown there on the elevations on the right. Flat roofs with parapets and more of a modern style and color palette, but the proposed structures incorporate several orientations of fiber cement board siding, which assists in unifying the structures. The applicant anticipates the existing structures will be repainted in the future to coincide with the proposed color scheme. While different architecturally, staff feels a similar use of materials and colors will offer variety within the development. Written testimony was received from Brian Wenzel, the applicant. He is in agreement with the conditions of approval and staff is recommending approval per the conditions in the staff report. Staff will stand for any questions.

McCarvel: Okay. Thank you. Would the applicant like to come forward?

Weatherly: Gary Sorensen, one moment, please.

Sorensen: Good evening, Commission. Gary Sorensen. Pivot North Architecture, Boise Idaho. 1101 West Grove Street. I'm located in downtown Boise. As -- as noted Brian could not make it tonight, so I'm filling in and will do the best I can to field any questions.

McCarvel: Okay. Did you have any presentation for us?

Sorensen: I think -- I think Sonya had covered all the -- all the bases and we don't have -- as stated by Brian we don't have any objections to the recommendations from staff. If there are any specific questions regarding any of the materials that you see in front of you, we can -- we can certainly address any of those. But the presentation basically outlines the -- the same pieces of information that Sonya had previously went over. So, we think that the approach here is -- is a much enhanced version of phase one of the Jasper Apartments and offers quite a bit -- quite -- a better approach to the amenities and consolidation of open space and so it will feel better, I think, from a residential standpoint.

McCarvel: Okay. Yeah. As far as the additional buffers, then, between residential and the commercial over there where the carports were going to be, I think that's all outlined and you are totally in agreement with that then?

Sorensen: Yes, we are. Just for clarification previously there were garages and we still have carports and that -- along that edge, but I think adding a six foot solid fence as outlined by Sonya's recommendations is -- is not an issue at all.

McCarvel: Okay. Any other questions for the applicant or staff? Not seeing anybody jump off mute, so with that we will open to public testimony. Madam Clerk, do we have anybody signed up to testify on this application?

Weatherly: Madam Chair, we do not.

McCarvel: Okay. Is there anybody in the room or online that would like to testify on this application? Okay. So, Gary, do you have any other comments you would like to make? Any other questions?

Sorensen: I do not.

McCarvel: Okay. With that, then, could I get a motion to close the public hearing on H -- or MCU-2021-0002?

Seal: So moved.

Holland: Second.

McCarvel: It has been moved and seconded to close public hearing on H -- or MCU-2021-0002. All those in favor say aye. Opposed? Motion carries.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

McCarvel: So, when is the last time we have seen an applicant come back and want to give us more open space? Yeah. I'm good with the new design. The open space where it's gotten moved to seems to be much more usable. Any other thoughts or concerns?

Grove: Madam Chair?

McCarvel: Commissioner Grove.

Grove: I just would say adding more open space probably, you know, as -- as pointed out by staff, better utilization of parking to ensure parking and that the applicant is in full agreement with the staff's recommendation, it makes it pretty easy to get on board with this I think.

McCarvel: Commissioner Holland or --

Seal: Madam Chair?

McCarvel: Commissioner Seal.

Seal: Yeah. I just -- I mean part of it is they are giving more open space, but part of it is renumbering of some of the apartments that are in there. So, just want to make sure that that's -- according to what I read anyway, so -- they have a lot more one bedrooms that are in there, so that kind of reduces what they are required. That said they are providing ample space in there. I like the new layout. I think the walkability of it and the accessibility of it overall is going to be improved, just by how -- I drive by this every day or at least three times a week on my way to work, so I think the way that they have it laid out is just going to work better with what's being built already, as well as what -- what they have to go in next to there. So, overall it's very nice. I mean it's for -- for multi-family this is probably the first time I have ever seen multi-family go in without a line of people out the door to talk about it, so -- so far so good. I'm in favor of it.

Holland: Yeah. Madam Chair, I would echo the same comments. It's nice that they want to add some additional open space, add some amenities like a clubhouse and also reduce some of the units that were three -- three bedrooms down to more of the one bedrooms. That's -- that's not common either. So, I appreciate that. That will certainly help with the parking, if there is any challenges there at all. But I also appreciate the -- not including the carport, because I think that is what we are -- or including the carports, instead of the garages, we think that is true. People like to store stuff, not cars, in garages. We all know that from our neighborhoods. So, I'm not going to cut anybody off, hopefully, but I'm going to say after considering all staff, applicant, and public testimony, I move to approve file number MCU-2021-0002 as presented in the staff report for the hearing date of April 15th, 2021, with no modifications.

Seal: Second.

McCarvel: Okay. It has been moved and seconded to approve file MCU-2021-0002. All those in favor say aye. Opposed. Motion carries.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

4. Public Hearing for Artemisia Subdivision (H-2021-0014) by Engineering Solutions, LLP, Located at 1690 W. Overland Rd.

- A. Request: Annexation of 25.67-acres of land with a C-G (General Retail and Service Commercial) zoning district.
- B. Request: Preliminary Plat consisting of 9 commercial buildable lots on 19.26-acres of land in the C-G zoning district

McCarvel: So, on to H-2021-0014. Okay. So, I pronounce it -- or Artemisia Subdivision. I know I butchered that. I'm sorry. But we will begin with the staff report.

Allen: Thank you, Madam Chair, Members of the Commission. The next application before you is a request for annexation and zoning and a preliminary plat. This site consists of 19.26 acres of land. It's zoned RUT in Ada county and is located at 1690 West Overland Road at the northwest corner of Overland and Linder Roads. Adjacent land use and zoning. To the east is Camping World and Bish's RV, zoned I-L. To the south is vacant undeveloped land and office zoned C-C and apartments zoned TN-C. To the west is single family rural agricultural properties, zoned RUT in Ada county and to the north is Interstate 84. There has been no previous land use applications on this property. The Comprehensive Plan future land use map designation for the northern 13.4 acres is mixed employment and for the southern 5.9 acres. Annexation of 25.67 acres of land, which includes the Idaho Transportation Department storm drainage area at the northeast corner of the site and adjacent right of way to the section and centerline of adjacent streets, with a C-G, general retail and service commercial zoning district, consistent with the associated future land use map designations. The proposed use of the property will include sales and service for commercial fleet operations for large commercial trucks and motorhomes, vehicle accessory sales, an installation facility for customizing vehicles, parts department and reconditioning facility for used cars for Kendall Ford Auto Center. The applicant anticipates the future uses on the six lots located along West Overland Road and adjacent to South Spanish Sun Way to be retail and office space. As a provision of annexation staff is recommending a development agreement is required to ensure future development is consistent with the Comprehensive Plan and the Ten Mile Interchange Specific Area Plan. Because a conceptual development plan was not submitted for the commercial and office uses on the southern portion of the property, staff recommends the agreement is modified prior to development of that area to include a concept plan that is consistent with the Comprehensive Plan per for the provisions in the development agreement and the Ten Mile Plan. A preliminary plat is proposed as shown consisting of nine commercial buildable lots on 19.26 acres of land in the proposed C-G zoning district. Lots range in size from .51 of an acre to 9.7 acres, with an average lot size of 2.01 acres. The plat is proposed to develop in one phase. One public street,

South Spanish Sun Way, is proposed via West Overland Road in alignment with that to the south. Direct lot access via West Overland Road and South Linder Road is prohibited. One stub street, West Tasa Street, is proposed to the west boundary for future extension in accord with the transportation system map in the Ten Mile Interchange Specific Area Plan. A temporary cul-de-sac is required to be constructed at the terminus of Tasa Street until the street is expanded in the future. Cross-access ingress-egress easements are required to be granted between all lots in the subdivision. Per the ACHD report Linder Road is scheduled in the integrated five year work plan to be constructed as a new four lane I-84 overpass and widened to five lanes on each side of I-84 with a level three bike facility from Franklin Road to Overland Road in the future. The intersection of Overland -- Overland Road and Linder Road is listed in the capital improvement plan to be widened to six lanes on the north and south legs and seven lanes on the east-west legs and signalized between 2036 and 2040. A future traffic signal is planned at the Linder and Overland Road intersection and scheduled for 2031 to 2035, but may be accelerated if the Linder Road overpass becomes a priority. For this reason and because Overland Road is fully built out, a traffic impact study was not required by ACHD for this application. Landscaped street buffers are proposed as required adjacent to public streets per UDC. That is proposed as required within the street buffers along South Linder Road in accord with the pathways master plan. Detached sidewalks are required along all streets with street trees. The Hardin Drain crosses the northeast corner of the site and is proposed to be piped. Conceptual building elevations were submitted for the Kendall Ford site as shown. Two single story structures are proposed on Lot 1, Block 1, with building materials consisting of ACM panels, which are aluminum composite, corrugated horizontal metal panels, CMU in two different colors, metal sun screens and canopies are proposed over some windows. Overhead doors are proposed on the north, east, and west sides of the building. Final design must comply with the design standards in the Ten Mile Interchange Specific Area Plan and the design standards in the architectural standards manual. Written testimony was received on this application from Becky McKay, the applicant's representative Engineering Solutions. She is in agreement with the staff report. Staff is recommending approval with the requirement of a development agreement per the provisions in the staff report. Staff will stand for any questions.

McCarvel: Thank you, Sonya. Would the applicant like to come forward?

McKay: Thank you, Madam Chair. Good evening, Members of the Commission. I am Becky McKay with Engineering Solutions, 1029 North Rosario in Meridian. I'm representing Idaho Auto Mall, LLC, on this particular application that's before you, which is annexation and rezone, as Sonya indicated, to C-G or general retail service commercial. It looks like -- Bill, are you having trouble? Oh. Okay.

McCarvel: Are we hearing Becky okay, Dean?

McKay: Can you hear me?

McCarvel: Okay.

McKay: So, the -- I will go ahead and -- we have, along with our annexation and rezone application, we have a preliminary plat for nine commercial lots on 19.26 acres. The reason that the acreage for the annexation or rezone is 25.67 is because the city had requested that we include the ITD storm drainage pond that is not a part of our project in our northeast corner and, obviously, include any right of way that adjoins us, so that there is no gaps in the city limits. The principal primary use on the property will be for a Kendall Ford Auto Center. This center, as Sonya indicated, includes sales and service of commercial fleet operations for large commercial trucks and, then, a lot of the motorhomes nowadays have a Ford like pickup on the front or van on the front, so they will be doing warranty work on that or service work and, then, they have vehicle accessory sales and installation facility for customizing vehicles. At this time they have, I have been told, multiple facilities throughout the valley where they have different uses and so what they are trying to do at this site is consolidate those uses and have them at one location. They will have a parts department, they will have a reconditioning facility for their used cars. They picked this particular property because of its close proximity to an interchange there at Ten Mile. Visibility along I-84 and the fact that it was located on the west side of Camping World, which sells a lot of motorhomes, which have the Ford chassis and so that they can do the work. We have six additional lots in addition to the ones that will be utilized for the Ford Auto Center, whether it will be retail or office uses we don't have any particular users at this time, but we, obviously, have designed the development to be in compliance with the Ten Mile Specific Area Plan where we have a mixture of uses, which would include a -- kind of the light industrial, the retail and the office. As Sonya stated earlier, Camping World is designated -- or zoned I-L, light industrial. South Ridge that is just south of us has a community business district, traditional neighborhood center and, then, to the west we have an agricultural parcel that also has a residence on it, but it will eventually redevelop. We did hold two neighborhood meetings on the property. Representatives from Camping World and the owner of the property to the west, Mr. Blomberg, did attend our neighborhood meetings. They had no objections to the project. They were supportive of it. They thought it was a good use and thought it would complement that area. The property has two designations on it under the Ten Mile Interchange Specific Area Plan, a mixed employment and mixed use commercial. The C-G zoning -- we debated that with the staff in the multiple pre-application conferences that we had and it was determined that the C-G would be the most appropriate zoning designation over a light industrial, since we would not have any uses that would -- would fall within that light industrial zone. One of the questions that came up about the Kendall Ford Center was, obviously, the architecture. The architect Adam Garcia has been working diligently with the staff and the design guidelines and the Ten Mile Specific Area Plan to make sure that the architecture meets those guidelines. Initially they had one large building. They did break that into two buildings. They kind of reoriented it so the bulk of that building was not so massive from I-84 and so we have two buildings with a combined square footage of about 92,307 square feet. In there there will be approximately 85 to 100 employees. But, like I said, will be relocated from other -- other sites throughout the Treasure Valley. So, they are trying to consolidate their -- their facility here in Meridian. The cost of this -- this building and the infrastructure to support it will be approximately 20 million dollars. So, it is -- it is a big facility. It will be a big boost for the City of Meridian and they are glad to be a part of Meridian. They have -- their

headquarters were initially out of state. They relocated those to Boise and they have since bought a building at Silverstone development off Eagle Road and did tenant improvements and so their corporate headquarters are now in the City of Meridian, along with this facility, and so, obviously, they want to be a part of this community and -- and they are excited about building this and getting going as soon as possible. One of the things on the Ten Mile Specific Area Plan was that it has provisions where it requires that the project not take direct access to Overland or Linder. We have a public commercial street that lines up with Spanish Sun located to the south and, then, we have a public commercial street that, then, as it comes in on -- on Spanish Sun will turn westward and stub to the adjoining property. That is in compliance with the transportation plan of the Ten Mile plan and we did work with staff on -- on locating that. We -- the -- the lot sizes in here range from about 9.7 acres to around -- I think they go to two acres. So, we have a variety of lot sizes and -- and the -- the reasoning between that was to provide different lots for different uses, so that we could attract other -- other retail or office within our particular development. The staff required that we provide 20 foot of landscaping along the Overland Road frontage. We will be installing detached sidewalks. Overland Road is built out to its five lanes and, then, Linder is an unimproved public right of way. It's intended that there will be an overpass there. Ada County Highway District did notify us that they needed additional right of way for that overpass and to accommodate that Linder Road signalized intersection at Overland. We did modify our preliminary plat from the original submittal to accommodate that and we did resubmit that to the City of Meridian. Along the west boundary, even though that may redevelop to some type of commercial usage, we are required to have a 20 foot wide landscape buffer based on the fact that it is currently a residential ag use and so that is incorporated into our plan. We did respectfully request within our application that we be allowed one building permit for the Kendall Ford Auto Center prior to recording the plat, because they are anxious to get going on their construction. The staff has been so kind as to allow that, which is consistent with some of the other commercial developments where the parcel is entitled for one building permit. Obviously, we will have to meet the Fire Department fire code as far as access and fire flow. As far as utilities, this particular project is in the water zone three. There is an existing 12 inch water main in Overland and the Linder right of way. In my conversations with the fire -- or with the water department there is adequate fire flow in order to serve this particular site. There is a 30 inch sewer main that runs along Overland Road. The depth of that is about 20 -- almost 24 feet. We did run our sewer profiles, because the Public Works Department wanted me to verify that we could sewer our Kendall Auto Center into that line and we did substantiate that that -- that is doable. In addition -- oh, I'm sorry. That's my phone. It might be my child. I apologize. In addition to that, the Meridian Public Works sewer master plan shows an eight inch sewer main that will run parallel with I-84 to serve additional properties to the east. They will -- the Public Works Department has asked us to trust fund for our 335 linear feet of that eight inch future sewer line and to provide that easement, so that sewer can be provided beyond our boundary, because some of those parcels that are to the east of us cannot sewer into Overland Road, because the properties drop off to the north. I think one of the things that was brought up in Sonya's staff report -- she did request that we have five foot wide detached sidewalks with eight foot landscaping on all of our interior roadways. I did not show those as -- as detached, I show them as attached, but we are in agreement with

her requirement to make those detached. We have the Hardin Drain, which traverses our northeast corner. We did get plan approval from Nampa-Meridian, a license agreement, and prior to irrigation coming into the waterways. We have already piped the Hardin Drain with a 36 inch RCP. We have also coordinated with the property owner to the west and we have piped their delivery along Overland Road and down our west boundary to accommodate them. One of the big things within the Ten Mile Specific Area Plan is pathways. In your pathway plan there is a ten foot wide multi-use pathway shown along Linder outside that right of way. Our site plan does incorporate the ten foot wide multi-use pathway and, then, in addition to that we included a five foot pathway that loops all the way around our site and, then, there is discussions in that Ten Mile plan about creating focal points at the intersections. So, we do show on our landscape plan that we will have masonry signage and some type of sculpture. So, we do create a focal point at the -- the newly Overland-Linder intersection. Staff has asked us to provide some plazas, benches, interior pathways for the employees consistent with the Ten Mile plan. We are in agreement with the staff's recommendations. We ask that the Planning and Zoning Commission support the project. We are excited to get started. We think it will, obviously, benefit the city, benefit this area, and I stand for any questions.

McCarvel: Thank you, Becky. Any questions for the applicant or staff? Seeing none, we will move on to public testimony. Madam Clerk --

Holland: Madam Chair, I do have a question.

McCarvel: Okay. I -- I thought I saw your -- your facial -- was trying to get off mute.

Holland: Sorry. Just a quick question for staff. In the C-G zoning, if somebody came through and they had some sort of a light industrial use that was still more commercialized in nature, maybe that kind of commercial-industrial flexspace, would that be allowed within the C-G zoning?

Allen: Madam Chair, Commissioners, flexspace is a principle permitted use in the C-G district. There are other light industrial uses -- or I should say not industrial -- light industry uses as defined in the code that are conditional use permit in the C-G district.

Holland: Perfect. That answered my question. Thanks, Sonya.

Allen: Uh-huh.

McCarvel: Any other questions for staff or the applicant? Okay. Madam Clerk, do we have anybody signed up to testify on this application?

Weatherly: Madam Chair, we do not.

McCarvel: Becky, do you have any other thoughts? I do have one question. How do you pronounce it? I'm going to make you walk all the way back up here for that.

McKay: My -- my client kept providing names that we -- obviously had already been used and the architect came up with Artemisia.

McCarvel: Artemisia.

McKay: Artemisia. I had a difficult time pronouncing it and every time I spell it I spell it differently. So, I -- I have the same struggle you have.

McCarvel: All right. Artemisia. I have forgot it already. All right. With that could I get a motion to close the public hearing on H-2021-0014.

Seal: So moved.

Holland: Second.

Grove: Second.

McCarvel: It has been moved and seconded and thirded to close the public hearing on H-2021-0014. All those in favor say aye. Opposed? Motion carries.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

Seal: Madam Chair?

McCarvel: Yeah. Commissioner Seal.

Seal: I like where this is going in at. I mean it seems like a pretty good use of the property. I mean the fact that they are going to have the overpass right next to them, you know, where people are going to be able to come down in there is -- is probably going to be great for business, especially with the neighbors that they have and the use that they are looking at for this property here, so -- I like the layout of it. Obviously they want to have that -- that freeway frontage in there, but I like the layout that it leaves for the other buildings that can go in there. It will be interesting to see what does go in there. So, I'm just happy to see that that's in there. Parking looks like it's not going to be an issue in there, although it always is. It doesn't matter how many parking spots you put in it's always an issue, so -- but overall I like it. I think -- I think it will be a good fit for the community and for the business and allow them to continue to grow.

McCarvel: Commissioner Grove.

Holland: Madam Chair?

McCarvel: Commissioner Holland.

Holland: I -- I really like where this is located as well. I think it's smart planning with where the freeway is, what's kind of surrounding it, and I also like the size dimensions of the

other lots that are proposed on the frontage, because they are in the category that's kind of missing in the market. So, it's nice to have a few more shovel ready properties for future flexspace tenants, future other commercial buildings. I think it gives a lot of variability for some of these small to mid sized projects that could be a really good fit here as well.

McCarvel: Yeah. I agree. I think between those two interchanges and, then, you will have the overpass and all the other businesses surrounding and it looks like it's going to be a beautiful building. Appreciate the thought that's gone into it. Yeah. I'm in support of it as well. Commissioner Grove, would you like to do the honors?

Grove: Sure.

McCarvel: Or give other thoughts?

Grove: It looks good. I'm always in favor of anything that can continue to increase the employment opportunities in Meridian and this looks like a good opportunity here. So, after considering all staff, applicant, and public testimony, I move to recommend approval to the City Council of file number H-2021-0014 as presented in the staff report for the hearing date of April 15th, 2021, with no modifications? Or was -- did I miss a modification?

Seal: I will second that.

McCarvel: It's been moved and seconded to recommend approval on H-2021-0014. All those in favor say aye. Opposed? Motion carries. Thanks, Becky.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

5. Public Hearing for Roberts Annexation (H-2021-0013) by Rodney Evans + Partners, PLLC, Located at 1630 E. Paradise Ln.

- A. Request: Annexation of 2.15 acres of land with the R-2 zoning district.

McCarvel: All right. Moving right along. Next item on the agenda is H-2021-0013, and much simpler name, Roberts Annexation. We will begin with the staff report.

Tiefenbach: Good evening, Planning Commission. Alan Tiefenbach, planner with the City of Meridian. Can everybody hear me and see my screen? Thumbs up? Thank you very much. All right. This is an annexation of a little more than one and a half acres of land with an R-2 zoning district. The property -- so, the property is zoned R1 in Ada county. It's surrounded by an unincorporated rural and an R-8 zoned land in the City of Meridian. The Comprehensive Plan recommended this for low density residential. Again, this is an annexation of 1.7 acres with the R-2 zoning district. So, just a quick background on the property. So, the property is -- right now is comprised of two lots and these lots

are presumably zoned R1 in -- in unincorporated Ada county. The southern lot, until just recently, had contained a 4,000 square foot residence. The applicant demolished his single family residence in anticipation of building a bigger one, a 6,000 square foot house, with a detached garage. When the applicant went to the county to get a building permit the county told the applicant that they needed to annex it into the city and they wouldn't issue a building permit. Here is a site plan that shows what they want to build now. That's on the left. That's a 6,000 square foot house. On the right there is just to give you a -- sort of a concept of where the project site is to see the Heritage Subdivision that is surrounding it. It's important to notice -- to note that the -- the nearest available sewer main is located in Locust Grove about 1,400 feet north of the subject property. The applicant has requested and asked for the city engineer and the Public Works director for a waiver and -- because they did not want to have to -- when you annex into the city you have to hook up to water and sewer. Obviously, 1,400 feet is quite a -- quite a ways for one applicant for one house to have to run a sewer main and it's very costly. They have asked for a waiver from that. That waiver has been approved. What that means -- and there is a condition now in the development agreement that when -- if -- if the surrounding area does annex in the future and/or if the city or somebody else expands that water main from the north to the south, that 1,400 feet, then, at that time the applicant will have to tie into that sewer -- or, excuse me, that sewer main, but until that time the applicant can -- can remain on well. Now, in regard to water, there is this kind of a different story. So, the problem -- when you hook up to city water all you have to do is you have to extend the water main to the property -- to the property line, so that adjacent properties can eventually hook up. So, the UDC requires this applicant to extend the water main from the intersection of Locust Grove and Paradise east along the property line to the eastern property line and that, again, according to the applicant is rather costly. What the applicant wants to do is to be able to run a service line directly from the shortest point A to point B from the house to the intersection and not have to extend that whole water main and that one they also applied for a waiver. The city engineer did deny that waiver. My understanding at this point is that the applicant is going to appeal this waiver to the Council. That's something that you could discuss if you would like, Planning Commission, but ultimately it would be the City Council that would decide if the applicant would do that. The last thing I want to talk about quickly is right now there is existing sidewalk on the east side of North Locust Grove, which runs along the property. Otherwise, the Heritage Subdivision, which is that whole subdivision where this property is -- so, there is several different streets -- East Paradise Lane, East Star Lane, North Spangle Drive and Freedom Lane, all these roads right now do not have sidewalks. These are just rural roads with -- that are dirt and have gravel on either side. Now, per our regulations you are technically -- the applicant is technically required to install sidewalk along the property, but, again, this would be the only property in this whole subdivision that would do that. But the staff does not have strong opinions about this. The Planning and Zoning Commission can certainly discuss whether they think it would be necessary to require the sidewalk of this one applicant and the one thing I wanted -- the last thing I want to say before I shut this down, just because there has been a little confusion in the community, is that the -- again, the only reason that this annexation is happening is because the applicant was not able to obtain a building permit in order to build a single family home. All that is proposed on this lot is one single family residence. There is no desire to subdivide this or build any

more houses and just because this applicant is annexing also does not mean that any of the adjacent properties are going to be annexed and there has been some concern that I have heard from the community and with that, Commissioners, I will stand for any questions if you have any.

McCarvel: Thank you. Would the applicant like to come forward.

Semple: Hi, Madam Chair and Members of the Planning and Zoning Commission, Ben Semple with Rodney Evans & Partner. 1014 South La Pointe Street, Suite 3, Boise, Idaho. 83706. Everyone hear me all right?

McCarvel: Yes.

Semple: Excellent. Yeah. I want to thank Alan for his presentation. I think you did a great job encapsulating what this application entails. As stated, the property owner did purchase these parcels with the intention of building his own single family home for his family with an accessory structure on the site. When he approached Ada county, you know, initially they don't have a mechanism for a lot consolidation, because both of these -- these lots are within a current Ada county subdivision. So, they were going to require a subdivision process to consolidate the parcels. When we submitted our subdivision application within the county, the northwest corner of this property, when it extended to the centerline of Locust Grove, touches the southeast corner of the southern boundary of Alexandria Subdivision. You can see those smaller kind of skinnier townhomes to the west of Locust Grove. So, there is a single point that touches. There is no other path for annexation other than that point in the centerline of the road. So, when they transmitted it to the city it was determined that we needed to annex. So, this has been going on for about a year and a half or so. The applicant really is trying to build a house for himself and his family. I do want to reinforce, just like Alan did, we did receive some feedback from the neighbors that they are concerned about the precedent of annexing this property and whether there was some sort of redevelopment plan for the future and that is one hundred percent not happening. He wants to live here. That was the intent. He likes this area. He really wanted to just build this in the county. That being stated, he understands the process now and so we are going through the annexation and is in agreement with the majority of the staff report and the back and forth we had with the -- the staff, as well as Public Works. There is a couple items that we are a little concerned about the economic ramifications to a single homeowner needing to, one, extend an eight inch water main approximately -- sorry. Excuse me for a quick second. Approximately 285 feet down Paradise Lane in order to provide a single service line to his property. No other properties in this area have annexed or have indicated their desire to annex. I understand that that's, you know, maybe not the case in the future, because all of these other properties are on wells, they will not be connecting to that service or that water main in Paradise. That's kind of the reasoning behind why we are going to request a review of that denial of our waiver request for the water main extension. We are glad that Public Works has determined that they can waive a 1,400 linear foot extension of a sewer main to the property to service one home and allow the property owner to continue to use an existing septic system or develop a new septic system, obviously, going through all the

channels that we need to get that approved. Part of the development agreement that the owner is willing to enter into with the city, as stated in the staff report, would be to connect to a future sewer main if it is extended past the property at that -- because there is nothing in Locust Grove or Paradise for sewer mains right now. So, we are -- we are okay with -- with that condition with the connect -- the future connection to that sewer main. One of the other items that Alan brought up is a sidewalk. Again, about 285 linear feet of curb, gutter, and sidewalk along the current rural road section that does not include stormwater systems. It is an ACHD road, but currently a rural road section that allows for sheet drainage off to both sides of the road and, then, infiltration into roadside swales. The road is paved with gravel shoulders and, then, the aforementioned roadside swales or areas where the water can infiltrate. If he was to install curb, gutter, and sidewalk, as I'm sure the Commission is aware of, ACHD, then, requires the installation of a stormwater system to handle that additional runoff. We can't just let it run off the back of the sidewalk and into the lot. That combined with the cost of the curb, gutter, and sidewalks we feel, again, is very cost prohibitive for the construction of a single family home. That being said, we are, you know, in agreement. We have had some back and forth with the Fire Department about constructing the driveway on this home to comply with the weight requirements for apparatus, so that a fire truck can drive into the driveway to get their distances from the shop buildings in the northeast corner of the property, as well as get all the way around the property for adequate fire protection if that still happens. I guess that's really the -- the majority of what I wanted to discuss tonight. We do have a couple other questions regarding some -- some just sort of general conditions in the staff report from Public Works. The -- the reimbursement for infrastructure enhancement that was under B2.2.2, we are kind of unsure about how that happens, but I think that that's a conversation with Public Works if we are required to extend that water main and don't receive a granting of a waiver at City Council for the water main extension and with that I think I would stand for questions from the Commission if you have any for me. Thank you.

McCarvel: Any questions for the applicant or staff?

Seal: Madam Chair?

McCarvel: Commissioner Seal.

Seal: I have -- question is more for staff -- generally speaking when something like this happens that sidewalks don't go in -- and I'm talking about a development, obviously, and not individual homes, but looking at the potential of the area. Does ACHD usually require some kind of deposit to be put in for that, so that they -- when that road gets improved they pay their part?

Semple: They do. ACHD didn't have any comments on that, but, yes, what has traditionally been is that in the cases when ACH -- and this has usually been with bigger subdivisions, this usually has not been with a single family one lot, but they usually had, yes, required some kind of reimbursement, but in this particular case they did not have any comments one way or the other.

Seal: Okay. Thank you.

McCarvel: Okay. Any other questions for staff or the applicant? With that we will open to public testimony. Madam Clerk, did we have anybody signed up to testify on this application?

Weatherly: Madam Chair, we had one citizen sign up to testify. That's Eric Reece.

McCarvel: You want to get that mic real close and state your name and address.

Reece: Thank you, Madam Chair and Commission. This is my first time at one of these meetings, so I'm -- I don't know exactly what's going on with the meeting, but --

McCarvel: If you would state your name and address for the record.

Reece: Eric Reece. 1850 East Paradise Lane.

McCarvel: Okay. Thanks.

Reece: We live in one of the most beautiful undisturbed by city neighborhoods in this county. No sidewalks. We have our own water. We have our own septic. That's how we want to keep it. Now, I'm curious if there -- because there was a well on that property, why did the homeowner have to hook the new -- the applicant, why does he have to hook to city water? Why can't he just use that existing well and septic as well?

McCarvel: Okay. And we will have the applicant address your questions when he comes back.

Reece: Okay.

McCarvel: Yeah. If that's all you have, that's -- that's great. Okay. Thank you. Anyone else signed up to testify?

Weatherly: Madam Chair, there is not.

McCarvel: Okay. Anybody else in the room or online that would like to testify on this application?

Weatherly: Madam Chair, I see a Nicole Carr. Nicole, one moment, please.

Carr: Hi. Nicole Carr. 2105 East Freedom Lane. Can everyone hear me okay?

McCarvel: Yes, we can hear you.

Carr: I have just a few questions as far as what zoning R-2 means for the City of Meridian, because, I'm not familiar --

McCarvel: I guess --

Carr: -- with the zoning, as we are currently R1 with the county.

McCarvel: You are kind of muffled. If -- if you could repeat that.

Carr: Sure. My question is --

McCarvel: Oh, that's better.

Carr: -- as far as R-2 zoning for the City of Meridian, what -- what is allowed in R-2 zoning for the city?

McCarvel: Okay. Is that all you have?

Carr: No. I had another question with zoning, if it can be changed in the future at the owner's request and that should be it.

McCarvel: Okay. Thank you. Anyone else want to testify on this application? Okay. Seeing none, would the applicant like to re-address -- oh, did you have one more?

Weatherly: Madam Chair, Chris is indicating a wish of testify. Chris, one moment, please. Chris, you should have the ability to unmute yourself. Go ahead and state your name and address for the record.

Ilgenfritz: Hello. Can everybody hear me okay?

McCarvel: Yes. Thank you. State your name and address for the record, please.

Ilgenfritz: Thanks for taking my comment. My name is Chris Ilgenfritz. I'm at 2290 East Freedom Lane. Just wanted to quickly comment that I'm sensitive to the frustrations and the challenges that the homeowner has faced in trying to build his home on the property. I do not, as a nearby neighbor, support the concept of annexation into the City of Meridian. I understand that it's been frustrating for him to try and figure out how to build his house on that site without crossing the boundary line down the middle and I'm sure that's very frustrating. Unfortunately, his lack of planning doesn't necessarily -- or understanding of the process doesn't necessarily fuel the need to suddenly annexed part of this historic neighborhood into the City of Meridian and it would be my preference that this would remain a part of the county, as the rest of our neighborhood is, and that well -- I'm sure he would like to work through these frustrations and perhaps a redesign or some other way to address the county's problem will be a more appropriate approach and that's all I have to say. Thank you.

McCarvel: Thank you. Any other comments -- any other --

Weatherly: Madam Chair, I see no other hands raised.

McCarvel: Okay. Oh. Certainly. Come forward.

Wilmock: Good evening. My name is Silvia Wilmock. I will at 2305 East Paradise Lane and like this gentleman before mention, yes, we are -- we understand the frustration that these owner -- I mean this landowner is facing. However, like many people, this area -- it's very secluded, it's all protected, and it's very important for the people in his community who live in this area to the desire to keep and protect this area, which, as you know, Meridian is expanding and we are keeping this real rural sense of community, which is very important for us. So, our next thing even the gentleman who will represent the owner -- I mean the landowner was mentioning he has no desire to build something bigger or it can be a low density development also I believe through R-2. What make that in the future, because it's been annexed it can be turned into something which is low density residence. So, that is a concern. Everything can be changed as to its impact. Thank you very much.

McCarvel: Thank you. Anyone else wish to testify on this application? Madam Clerk, anyone?

Weatherly: Madam Chair, I see no one.

McCarvel: Ben, would you like to address these questions?

Semple: Madam Chair, Members of the Commission and Members of the public, yes, please. So, again, I'm representing the property owner, who is also the person that's going to build the house on this property. He does not want to annex, to be totally honest. This was required because the county has no way for him to consolidate those parcels. We can't build a single family home on one parcel and a -- an accessory structure on another parcel. It's not allowed either. Which requires the removal of the property line that's between the two parcels. This -- again, the property owner and builder and the person that will be living there wants to be part of this county subdivision and community. I have no doubt that a condition of approval could be put in the development agreement that restricts this property to contain a single family home and the accessory structure that he has on there that is intended for an RV garage and a shop for his personal use and storage. Again, the property owner is not here tonight, but at no point in time in this process was his desire to annex and if there was a mechanism to do it another way and to get a building permit he would be doing that. There is no mechanism in the county or the city that allows him to build a home that would be over that property line without annexation. Again, he does not -- he is trying to get a waiver of the water main extension. There is a current well on the site that is still operational. He is intending to utilize that for irrigation if he can't use it for potable water and so I completely understand the concerns of the neighborhood here, but with a development agreement they could place on this annexation that would restrict the redevelopment of this property. Again, he wants to build his own family home and live next to these people and be a good neighbor. So, I think that that addresses it. I mean we were -- we went -- when we had our pre-app we were told to come in at R-2. It's -- you know, one -- the lowest residential density zone in the City of Meridian that would allow for this construction and this type of project. So, I

don't know how else he can -- I guess ease the fears of the residents around there, other than going through this process and creating a development agreement that very much outlines what his intent is and that he intends to live there for the rest of his life. So, with that I guess I would stand for any additional questions or if anyone who needs anymore clarification I'm happy to provide that. Thank you.

McCarvel: Thank you. I guess I will just jump off here in -- in the simplest layman's terms -- and I'm going to defer here to Bill in a second, because we had a question on the R-2 zoning and can it be changed in the future. I guess in the simplest layman's terms R-2 in general means no more than two houses to an acre and so at most, even if this person totally changed their mind after it came in and was annexed, at most you would have three, maybe four houses there; correct, Bill? I mean that would -- without changing anything. But I mean, obviously, the intent of this person is much different.

Tiefenbach: Commissioner, can I answer that one? This is Alan with the city.

McCarvel: Okay. Sure.

Tiefenbach: First of all, R-2 -- so, R-2 is the lowest zone district that we have. Twelve thousand square foot lots. We can't -- we can't go any lower than R-2. The applicant didn't have any options through the county, other than to annex. The development agreement -- if the development agreement includes a site plan that shows one house, the applicant would not be able to build anymore than one house, exactly the house as it's shown, without going back to the City Council and having to amend the development agreement. The reason why that well is having to be capped is because that's a requirement of the city for annexation. If you -- if you annex to the city you have to go on public sewer and public water. That is certainly -- I could -- you could say that as an argument the -- in the favor of the applicant going to the Council for the service lines if the neighbors are nervous about extending water infrastructure there and whether that's going to be a precedent for more annexations, that would certainly be in the applicant's favor of why they would argue to Council that they should only have to require a service line which would only be adequate for the one house. So, yeah. And in order to build more houses they would first -- A, they would have to amend -- they would have to amend the development agreement, which would be a public process again. So -- and if it goes anymore dense than R-2 they would have to rezone it. So, hopefully, that answered the question. If -- if this was denied I don't know if they would go -- if they could go back to the county and tell the county that the city wouldn't annex it and now they have to let them build it or it's a complete loss. I'm not sure.

Semple: Madam Chair, if I could add something. This is Ben, the applicant again. If can add something real quick. There is currently two parcels there right now, which I guess technically could have a home on each one. So, the applicant is trying to consolidate these, which would, then, again, remove that ability. I mean he could go pull two building permits in the county right now and build two homes. So, he's trying to do what's right for this area again. That's all.

McCarvel: Any other questions for the applicant? Okay. Ben, any idea what -- you mentioned reference of an item you wanted looking at -- and I think most of the things we have that are discussion items as far as the water and sewer mains, that's items for Council, but there was -- what was 8-B-2-2, did -- did any other Commissioners write that one down? What was that one you were wanting to --

Semple: Madam Chair, it was just in the -- in the general conditions of approval from the Public Works Department. B2.2. So, Boy 2.2.2 states that 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 enhancements for MGC-865.

McCarvel: Okay.

Semple: That's just a general condition and I feel like most of these are typically applied to a larger, you know, true development or subdivision. I just am not familiar with that process for being -- determining eligibility if we don't get a water main extension waiver granted, obviously, he would like to look into how he could get reimbursed for a little bit of that cost, knowing that an eight inch water main could service a lot more properties than his and, again, if this was a true development of the property I would be understanding of this as well, because I do this a lot for a lot of different people, that typically water and sewer and all those would have to be to and through. Just a very unique situation here. So, we are just trying to get a little bit more information on that, which we don't -- I don't need that answer tonight, I just wanted to have it on the record that we were curious about that. The main one that we wanted some feedback on was item J of the sidewalks, because -- because it states that the Planning Commission and City Council should determine whether requiring sidewalks along with frontage should be required in the development agreement. We would like to not have that included for the reasons stated in the -- in my presentation that it could create some drainage issues, as well as the extremely cost prohibitive to building one home if they have to build almost 300 feet of curb, gutter, and sidewalk, as well as it sounds like the neighbors don't want it there either, which, again, we are trying to be sensitive to the neighbors and do what we can for my client and the builder and property owner to build his residence for he and his family.

McCarvel: Okay. Any other questions for the applicant before -- and, if not, if I could get a motion to close the public hearing on H-2021-0013?

Holland: So moved.

Seal: So moved. Oh. Second.

McCarvel: It has been moved and seconded to close the public hearing on H-2021-0013. All those in favor say aye. Opposed? Motion carries.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

McCarvel: Commissioner Holland and Commissioner Seal, you are both off mute. Anybody waive and see who want to go first. Commissioner Seal, you got a big grin.

Seal: I don't know that I'm grinning, as much as --

Holland: Madam Chair?

Seal: Oh, who was that?

McCarvel: Commissioner Holland, go ahead.

Seal: Oh, go ahead.

Holland: My internet connection is unstable. Commissioner Seal, why don't you go first.

Seal: Okay. The whole time I'm sitting here I'm rewinding back to when we got rid of the rural designation in Meridian where this would fit. Not perfectly, but it would definitely make things a little bit easier on the -- make something like this go. There is a lot of stuff that's in the Comprehensive Plan about preserving the rural feel of Idaho -- or Meridian and things like that and I understand that's what we should probably try to do with this site. The only rub to me is where it's at. I mean this thing is right on Locust Grove. We got to be careful the precedent we set here, because as these develop and they will and they will get annexed into the city at some point -- I mean it might be when we are all dust, but at some point in time it will -- that will happen for the majority of these. Not all of them. So, I want to make sure where ever we go with this that we are very very careful with it. I understand the need to put in the infrastructure, so as far as the water main I completely understand that. It would be nice to be able to work with the applicant to see if there is some kind of reimbursement, because that is the first leg into this that will make it to where if somebody else wants to annex, then, it's not such a stretch in order to get by that. That -- you know, the property that's there right by the road. So, I think that that definitely is something that needs to be held in there, but, hopefully, we can work -- you know, hopefully, some more can be done with the applicant in order to help alleviate some of the costs associated with it I guess. The -- as far as the sidewalks, generally speaking, with a development, you know, big or small, I have seen -- and I mean I have seen some five acre ones that have come in like this where, essentially, ACHD holds out a certain amount of money for sidewalks in the future. To me that's a lot more fair than make them put it in right now. That way as the road develops it can just be part of what develops, instead of putting the entire cost on the homeowner in order to provide that right now as is, especially when it doesn't connect to anything else. I mean this area is definitely one of the little gems in Meridian. There is a couple right in this -- in this area that had I had the money to live there I would be right now, because I think they are -- you know, they are just magical little places that you drive into and it's driving into another city. So, you don't have -- you know, you have the illusion of being a little bit more rural while you are in there. It would be nice to keep that -- these guys are at a rock and a hard place at this point in time. Personally it would be -- if it was in our purview to push back on the county to let this gentleman subdivide that, I would much rather go about doing that. That way,

you know, we don't have to do what the city needs to do, which is cost prohibitive for this, but as it -- coming into the city as an annexation, we have to protect it for the future as well. So, that's about all I got for now. I'm just kind of rambling, because this one -- this one's got me reeling a little bit.

Holland: Madam Chair?

McCarvel: Commissioner Holland.

Holland: So, to answer a couple of concerns neighbors had -- and I know we already kind of addressed this, but R-2 is the lowest designation unit and as Alan stated, if they wanted to do anything other than build just one home with this they would have to go back through an entire differently -- different public process. So, I think that should hopefully ease their concerns. Also just want to note and remind folks that the city doesn't force annex anybody into the city. They are not going to be coming and telling you you need to annex your property just because you are adjacent city limits. I -- unless you decide to come forward and ask to be a part of the city for some reason, they are not going to be coming and pursuing you. So, I just want to give that assurance, too. On this specific landowner, I would -- I would support their request for not requiring them to do the water main extension. I know in my experience right now it costs about a million dollars a mile to extend water or sewer on major arterials, because of the road work that's required to go along with that and it's very expensive, so if you are looking at 1,400 square feet, that's over 250,000 dollars worth of investment for -- for the amount of length they would have to do. So, I think that's unreasonable to ask of one property owner. So, I would support their request for that, that they would just have to tie into the main line or do a mainline extension to the roadway, just from their property to connect in. I think that that's a fair request. I know that's not up to our approval there, but we can certainly make our comment and recommendation to Council on that. I also think it's fair that they can remain on their own septic, because they are not really creating a burden to the system, it's -- it's just one house that was already existing before, they just remove the structure and rebuild a new one. I don't see any other challenges really with them annexing into the city, being in that low density designation. I think it fits with the surrounding area. We are not looking to make a change or -- major change or add a new subdivision here, it's really just helping them accomplish their goal so they can build a single house. So, on the sidewalk side of things while I would love to see sidewalks on Locust Grove, I know that there is kind of a buffered bicycle lane walking path on Locust Grove on that side of the road that connects to the property. So, I'm not too worried about it, because there is a significant link that would need to have sidewalks and just having a piece of sidewalk on Locust Grove in front of this property might not be -- might not fit very well. So, I don't see a need to require them to do that at this point in time either and it would look weird to have a part of a sidewalk going down Paradise Lane, too, when the rest of the road doesn't really fit that. So, to summarize, I would -- I would -- I would encourage approval of -- or I'm in favor of approval of the application and also recommending to Council to consider waiving the requirement for a water main extension and waiving the requirement for sidewalks.

McCarvel: Commissioner Grove.

Grove: So, this is a tough one. I -- I sympathize with the applicant and with the -- the public testimony tonight. I -- I have concerns when we -- I have long-term concerns when things are not built out as -- as written in the code and the plan for the simple fact that in five years as everything else around here could potentially change, we now have disjointed aspects of -- within our city limits and it -- it causes future problems for the city as development tries to tie into things and so if we don't address it as they become available, it's harder to go back and fix the problems retroactively. You know, in terms of connections and things like that. So, I'm -- I think the biggest one for me is the sidewalk. If it doesn't get put in now is there a mechanism that, you know, allows this to connect in the future? You know, I guess maybe a question to staff, like when Locust Grove gets expanded I'm assuming sidewalks go in, but -- I think that's my concern is not having a disjointed plan for the city as things develop and get built out. You know, not too far north of this is, you know, the McMillan and Locust Grove area that has commercial aspects to it. There is commercial pieces and schools relatively close to this area. So, having pathways and connections for the future, in addition to, you know, the short term, is something that I'm a little concerned with and to the same point, you know, with the -- the water and septic and whatnot, having those in, you know, just creates harder -- harder development -- in-fill projects or development as we go forward. So, I -- I'm in favor with whatever, you know, the group says tonight, but those are just some concerns I have.

Holland: Madam Chair?

McCarvel: Commissioner Holland.

Holland: One more thought to Commissioner Grove's comment. Commissioner Grove, would you feel better if -- if we asked the applicant to preserve the right of way for future sidewalks and that they wouldn't be required to construct them at this point in time, but when the roadway is expanded in the future and neighboring properties are developing that they would participate in adding sidewalks at that point in time? Potentially we could condition something like that. I know it's harder to maintain it and staff may not like that, but maybe staff can give us some guidance on what they would prefer there.

McCarvel: I was going to say, that's my question to staff right now is -- when there is not sidewalks there and ACHD goes in and puts -- improves the road, they put the sidewalk in anyway; right?

Tiefenbach: This is Alan Tiefenbach. Yeah. They -- if ACHD was widening the road -- it's one thing when you are building a large subdivision and you are requiring someone to put in a sidewalk. It's a whole other thing if there is one single family residence and ACHD is doing a large expansion and having to build the sidewalk. Bill, I don't know if you can lend anything more to this than what I have already said.

Parsons: Madam Chair, Members of the Commission, I think Alan hit it right on the head. I'm almost going back to Commissioner Holland's point. It's -- they had a single family home and that's what they are putting back. So, it really is -- are they intensifying the

land? No. They are just putting back something new -- a newer residence and removing an older one. So, that's -- that's the approach that we are taking as -- as a staff member.

McCarvel: I guess -- and my comments on this is I would -- there are always going to be these smaller areas in Meridian that will probably stay county, just because they were -- I mean you have got some nice homes and nice pieces of land that are just a find when you come into a city like this and somebody wants to sell one of those homes. I mean I just think they will be very sought after and I think whatever we can do to help preserve this little community within our city I think we should do and if -- if that means technically he's got to annex I think we should do whatever we can to help him also preserve the community he's trying desperately to stay in and improve and part of that is remaining part of the character of the existing community. So, I don't see the point in making him have sidewalk in front of the house. Linder I think will take care of itself when the road is built out and, you know, it's not in our purview to do the water and sewer mains I believe this evening, but my recommendation is if it was working, then, that should be fine. It's just that he was touching on that one corner and I think what he's got -- what this property owner has presented is keeping more with his community than going in and trying to subdivide -- subdivide in the midst of all this and probably a better option. I mean if we had -- we all crave these nice big lots and wish we would see more development coming with nice big lots like this. So, I think, you know, for those that -- you have got the wherewithal to do it I would like to support that.

Holland: Madam Chair?

McCarvel: Commissioner Holland.

Holland: I'm going to throw out a motion and see if it sticks.

Seal: Can I throw a couple things in here?

McCarvel: Of course.

Seal: Madam Chair?

McCarvel: Commissioner Seal.

Seal: I mean I know we are talking about this, but I mean it's -- it's not like he's putting in a -- you know, 1,500 square foot house. This is a 6,000 square foot house that's going in there with an RV garage and all kinds of stuff, so -- and I mean I guess I would ask the question if this was a business going in there would we require to do all these things on those exact two lots and one 6,000 square foot building? I mean I -- I think the answer would be, yeah, we would require them to do it. So, I mean, unfortunately, this person is in, you know, in a rock and a hard place and I do sympathize and I do want to see parts of the community stay rural. That said, we don't have a rural designation. We got rid of it. We have R-2 and that's it and I agree with some of the comments that Commissioner Grove said and I feel the same way. I think if we don't at least make some kind of

provisions for the infrastructure to be built or to be paid for it's going to make it incredibly difficult for somebody behind this to try and do what they want to do with it. I think this closes off the ability for anybody else to be able to try to annex into the city should it happen and as soon as this parcel touches other parcels they can annex into the city. So, before we -- you know. And, again, personally, I would love to own this piece of property. Personally I would love to build a big home and have it not have to have any of the things that we are talking about as far as sewer, water, sidewalks or anything along those lines. But I'm not going to be here forever and neither is the person building this home, but the city will be. So, hopefully, we can come up with some kind of provision in there that makes it to where the sidewalks can be built and they contribute their amount that they need to as well as the city and the sewer and I don't know if that's some kind of trust or something along those lines. That would certainly make things a little bit easier, although more cost to the owner, but, again, I'm -- like the one person that came up and talked, I mean not understanding the process is not an excuse for -- for things like this. So, before tearing down the home and trying to build across the property line there is definitely things that should have been done and they weren't and that's why we are here. So, personally, I would like to see more done in order to ensure that if anything needs to go in, that that is there for the next people down the line.

McCarvel: Did I misunderstand -- or I mean did we answer that -- the concern on the sidewalk on Linder, that it would be taken care of in the process of improving Linder Road, since it is just one house and not an entire subdivision they kind of look at it differently. Did I misunderstand that?

Seal: Well, I think that we can --

McCarvel: ACHD would -- it would just be done when the road improvement is done.

Seal: Right. But, again, the person does own this property, it does abut Locust Grove and it will be something that other people have to pay their fair share. I think it's fair that they would do as well and I -- again, if this was a business we would require them to do it. There wouldn't be any talk of this at all. Even if it was a 6,000 square foot business with a parking lot. That's what we would require them to do. Unfortunately, to me that's where they are at. They are going to annex into the City of Meridian and, again, we are not all going to be here in the future when something else happens with this piece of property or when -- even when the road might develop or anything along those lines. I just want to make sure there is some provisions in there that account for that, that this property, this person, will need to pay their fair share or they will need to have some provision in there that allows for these things to happen. I think what they are doing with the sewer is -- is appropriate, although I don't know how that's going to be enforced in the future. I mean can they leave the property if the person decides that they don't want to tap into the sewer at that point in time? If we do the same thing with water main, same question. If we ask them to build sidewalks at a later -- I mean these are things that are thousands, if not tens of thousands and leading into the hundreds of thousands of dollars to do and at a future time. So, how do we protect that now? Because if it were me and I were building on this piece of property and somebody came to me with here is a two or

three hundred thousand dollar bill in order for you to continue to live in your house, I wouldn't do it.

Holland: Madam Chair?

McCarvel: Commissioner Holland.

Holland: Hopefully I can help answer some of those questions that you raised and concerns. In the way I have seen it done in other areas when you have got a house like this that is not within 300 feet of city services, typically what they do is when they build the new house they put in stubs for the water and sewer and carry it to the street, so that way when it becomes available in the street they can just tie into it, so it's not as significant of an investment, so when they are doing roadway infrastructure it's easier for them to connect in, they just pay the connection fee and, then, they are on the city services. It's fairly easy if -- if the utilities are being worked on on that main road Locust Grove. At that point in time they would just connected it in. So, hopefully, if we put a condition in there that just requires them to stub and tie into city services when they become available adjacent to the site, that that would be an easy thing to take care of. On the sidewalk thing, I think I go back to Chairman McCarvel's comment that when ACHD re-does this roadway -- the entire section of it right now doesn't have sidewalks on this side of the road. Right now it's got a -- a buffered -- there is a -- there is a little bit of a median and, then, there is kind of right of way that's got asphalt pavement on it that they use as kind of a buffered bike lane that goes that whole length of Locust Grove. I'm familiar, because I have ridden my bike on it before. While I would certainly love to see sidewalks there, I think it's -- it's not a commercial user coming in, it's a -- it's a residential that's basically just replacing the existing residential house that was there. So, I -- I do see it differently than I would see it if it was a commercial project coming before us or even if it was a -- you know, somebody came in and they wanted to put two or three houses on that lot and create a plat, it would be a different story to me than it is just replacing the single family home that was there. I know it's a much bigger home, but just because it's a bigger home I don't think that means we should require them to do sidewalks and -- when it doesn't really connect anything and it doesn't really help anything. Locust Grove is slated to be expanded again in the future. So, hopefully, that helps a little bit. But I'm going to make a motion and see if it helps cover some of your concerns and comments and see if we can get somewhere. So, I'm going to say after considering all staff, applicant, and public testimony, I move to recommend approval to City Council of file number H-2021-0013 as presented in the staff report for the hearing date of April 15th, 2021, with the following conditions: That the applicant would not be required to provide sidewalk on Paradise Lane at this point in time, but that they would participate with ACHD in making sure that right of way is preserved for future sidewalks on Locust Grove when the roadway is expanded in the future and that the applicant -- would also recommend Council consider the applicant's request on waivers to sewer and water connections, that they would, instead, create stubs to tie into the city infrastructure when it becomes available to their property, but they wouldn't be required to extend the mains at this point in time. And I will pause for comments and see if anybody else wants something else thrown in there.

Grove: I will second that. It covered a lot of the concerns I had.

McCarvel: It has been moved and seconded to recommend approval with modifications on H-2021-0013. All those in favor say aye. Opposed? Motion carries.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

6. Public Hearing for UDC Text Amendment (H-2021-0001) by City of Meridian Planning Division, Located at 33 E. Broadway Ave.

- A. Request: UDC Text Amendment to update certain sections of the City's Unified Development Code (UDC) pertaining to Standards in the Old Town District in Chapter 2; Ditches, Laterals, Canals or Drainage Courses in Chapter 3; Comprehensive Plan Amendments in Chapter 5; and Common Driveways Standards in Chapter 6.

McCarvel: Okay. Next item on the agenda is public hearing for UDC Text Amendment H-2021-0001 and we will begin with the staff report.

Parsons: Thank you, Madam Chair, Members of the Commission. Pleasure to be with you this evening. This is the first of two UDC text amendments that will be coming before you here not only this month, but there is also one planned for next month. This one is being expedited at the request of the Mayor's Office and so I wanted to at least get some of these in front of you. I would also let you know that these have been shared with the UDC focus group and I actually present it to the BCA this Tuesday with the following changes. So, really, this first round of UDC text amendments for this year was really just a mini cleanup. If you recall here -- I think I only have one modification for you to take action on this evening and that's particularly in regards to the -- the first one that you see on your screen this evening. I realized after the print date of the staff report that I needed to -- to wordsmith the height requirements in the Old Town a little bit better and so I was able to do that this afternoon and so as I conclude my presentation I will give you that exact language to incorporate in your motion, but I just wanted to share that with you that as of the print date of my staff report there have been some tweaks to some of these modifications. You also know if you had a chance to look at the public record staff didn't really receive official comments on the proposed changes, but as I was getting ready to prepare the application I did send this out to the UDC focus group and let them know that I was asked to expedite the changes and if they had any comments to provide those back to me and so I did send those to the clerk's office today and now they are part of the record. A lot of the concern had to do with common drive standards that I will touch on a little bit in my presentation and, then, also defining natural waterways versus manmade waterways and I will also share some of that thinking of why staff had added that verbiage to that section of code as well. So, really, tonight there is really three or four areas that we need to focus on. One is increasing the height in our Old Town district. Two, we are making some improvements to Chapter 3 of our code, which pertains to ditches, laterals and drainage courses and the reason why I put those changes this evening is because

we were recently in front of City Council and realized that some of the standards that we had in that section conflicted with our irrigation district standards and requirements and I was asked to minimize those conflicts with those entities and that's what I'm proposing tonight. The other one is modifications to Chapter 5 of our code, which will limit Comprehensive Plan map text amendments to only twice a year and those dates would be June 15th and December 15th and, then, they -- probably the more contentious change tonight is the common drives and I know that the Commission -- not only does the Commission, but also the Council has an opinion on what that should look like moving forward and -- and I also want to let you know that you have -- definitely have input into the proposed changes to the language that I have before you this evening, so don't feel like you can't chime in and ask staff to make modifications to some of this text. So, I will proceed to the first change tonight. So, hopefully, all of you are seeing my screen here. If you recall back in 2019 I brought forward a conditional use permit to allow a height exception in our downtown area and I know the -- the Commission struggled with that. They -- some of the Commissioners felt that 75 was appropriate and some of you wanted to see more of that intensification in downtown that's what Old Town is, is to -- to go vertical and so what staff's trying to do with this particular change is allow for that height exception in a limited area. So, in Chapter 1 of our code we do define our urban core and -- and what we don't want to do is have a knee jerk and just approve a hundred feet all throughout the Old Town boundary, because it is a larger area than just the urban core and so this is our first attempt at allowing an increase in -- in height at the staff level without having to go through that conditional use permit and we are defining that. We are limiting it not only to the core, but we are also having a minimum height of 35 feet and, then, a maximum height of a hundred feet. Now, under the code they -- an applicant, if they wish to go taller than a hundred feet they still can going through that conditional use process. So, again, a hundred feet is allowed outright with staff level approval and anything over that would require action from this body. Again, the next change this evening is ditches and laterals. So, essentially, when we -- some of the changes we have going on here is -- has always been -- lack of a better word of conflict, but really a difference of terminology as what waterways are versus what the city considers a waterway and what the irrigation considers a waterway and a lot of times they don't like to use the word creeks -- creeks or our natural waterways, because in their mind all of the canals throughout the valley are basically just delivery systems for water to farmers and so in this attempt what I'm trying to say is the city does recognize these different terminologies. It's in our code, it's in our Comprehensive Plan, and we want to be sensitive to that, but we don't want to not use that in our -- in our language of our code. So, I tried to at least make it clear whether it's -- we consider it a natural water feature or natural waterway or a manmade water feature, we still want them to all be treated the same. You know, if there is an opportunity to enhance that as part of a development, we want that to continue. But we also want to be sensitive to the fact that if an applicant can't do that because of the irrigation district's rules, that we have to give you and the Council the ability to say, okay, we have the irrigation district doesn't want that, we have to allow -- we have to let those rules supersede what our code is and so in looking at these changes here, a year or so ago we added a definition of linear open space to our definition section of the code and we defined that, but what we didn't do was give the applicants or the -- the City Council the ability to waive fencing along linear open spaces. We gave

Item 2.

them the ability to waive fencing along water amenities, but not that verbiage. So, in working with the city attorney's office and some of that discussion that I heard at City Council, we just went ahead and defined -- we added water amenity and open -- and linear open space to the section of the code. So, that way it's clear that if development has an open waterway running through it and it is improved with landscaping and enhanced as part of the development and the irrigation district doesn't want fencing because of maintenance, that you and the City Council will have the ability to waive the fencing requirements. So, again, it's really just trying to minimize conflict with the irrigation district. The second piece of this has to do with irrigation easements on buildable lots versus common lots. So, we realized over a couple of years ago this -- this code went into effect where we really -- any irrigation easement that was wider than ten feet we really wanted it to be in a common lot and not on the buildable lot for maintenance purposes and we realized the way we wrote the code is we get granted all the authority to the City Council, but what -- what we were finding is a lot of times as an applicant goes through the -- the preliminary plat process they may not have all of those details to figure out how they are going to run the ditches to the property or something may pop up and the irrigation district requires them to run them along the back of the lot and so we get to final plat and if you notice this section of code, it says it has to be vetted through the Council through a public hearing process, where a final plat is not a public hearing, it's a public meeting, and so we realized this code was kind of conflicting or trying to -- was creating more public hearing processes for us, rather than just allowing the applicant to ask for that as -- as part of their final plat change as they move from preliminary plat to final plat I should say and so what we said -- we basically -- rather than requiring a public hearing, we have just said the applicant can seek that -- that waiver from the City Council as part of an application. So, it could happen at pre-plat with all of you or even a final plat without the need of that public hearing. So, we are just trying to clean that up and make it more of a waiver process than a public hearing process. Again, the -- the third change is Comprehensive Plan map amendments. All of you know we -- we updated our Comprehensive Plan about 18 months and we want to give that time -- that plan time to see if it works. If we -- you know, we had a huge public outreach process that we went through. That what the community says, this plan works and why should we change the plan once we adopt a new plan and that's what our Council heard and so they asked us to revert back to the way we used to do things and when we only accepted those applications to be submitted twice a year and you can see here that those dates are currently in code, we are just reinforcing that. So, if anyone wants to change our map, the only time we are going to accept any application is going to either be on June 15th or December 15th. So, what that means for all of you is it could mean a lot of applications or could mean no applications, we will just have to see how that plays out. A lot of this we seem to have gotten a lot of support from not only the UDC focus group, but also the BCA. So, I don't think any of the development community are really concerned with these changes. They understand that and they also want to be sensitive to the plan and, again, this is something that we did when I first started with the city back in 2007, we would bundle all of those applications up twice like a year and just hold onto them until those dates and, then, we would get them scheduled for a hearing throughout the summer and spring months typically. And, then, the last one for your consideration tonight is the changes to the common driveways. I know I have heard on a regular basis from this body

that you really wanted to limit the number of units taking access on those common driveways. The changes I have before you this evening do not do that. Instead, what I have done is -- I have heard what -- my original intent with the common driveways -- this was vetted through the UDC focus group and it was quite a bit of robust discussion over it and not all of us could -- I know a lot of the members of the UDC focus group were not in favor of reducing the number of common drives -- the number of lots taking access from a common drive. So, as part of that effort I actually removed this from the current UDC changes, because I wanted -- staff wanted more time to work with the development community and the UDC focus group on some -- I think study it a little bit more, try to really determine what we are trying to solve with the changes. Again, I was asked by the City Council and Mayor to bring this one forward, because, again, they had concerns, they have been pretty consistent in limiting the number of units as well off of common driveways and supporting your guys' recommendation to that effect. The other component of this is -- is the width of the common driveway appropriate. I know on several occasions we have gone through the public hearing process and we have learned that Public Works has had concerns with -- with these common driveways and how do we extend city mains through that. Typically our code wants -- anytime a project extends mains through a development, we don't want those easements through private property, we want those as dedicated common lots and so what I have tried to do here, rather than reduce the number of units, what I have tried to do is empower the city to allow for a greater width in the common driveways to address some of those Public Work concerns and some of your concerns with parking and the width of these driveways and how do we handle trash collection and all those items that we continually struggle to talk about during the public hearing. So, again, if something -- if the Commission feels that it should be reduced from six to four, that's certainly within your purview tonight. But, again, in talking through these changes, UDC focus group, again, you -- if you look at the public record, they don't really want to reduce the number. If they said we are trying to solve a Public Works issue they are in favor of that as well, but that's what they are trying to understand and we are trying to solve a Public Works, or we really trying to make this code change better and, to be honest with you, this addresses one aspect, but it still doesn't address whether or not six is appropriate or not and, again, in staff's opinion that should be studied more with the UDC focus group, but, again, I will defer to all of you and listen to your -- your commentary on this particular one, but I want to let you know on the public record we had Dave Bailey, Laren Bailey, Dave Yorgason and Cornel Larsen submit comments on these changes and as I mentioned at the beginning of my presentation this evening, I did wordsmith that first change this evening. So, basically, asking you to support staff's recommendation -- modifications after reading it in the area defined as the city core in Chapter 1, any new construction shall have a minimum height of 35 feet and a maximum height of one hundred feet. All other areas in the district the maximum height is 75 feet. So, that is the new language that I am proposing before you this evening. With that I will conclude my presentation and stand for any questions you may have.

McCarvel: Any questions for staff?

Grove: Madam Chair?

McCarvel: Commissioner Grove.

Grove: Bill, with the first one for Old Town, can you give me an idea, just so I'm not making it up in my own head I guess, in terms of what is a hundred feet in terms of stories typically?

Parsons: Yeah. Madam -- Madam Chair, Members of the Commission, it's interesting, we just -- you know, this week we were in front of City Council with the Ten Mile Crossing project and they asked for that height exception as part of their development agreement and that topic came up, too, as you guys spent time on that and it's my understanding that's typically a six story building.

Grove: And for that, as a follow up, what -- how was -- how was a hundred feet kind of arrived? Like is there -- I know we had, whatever, like four stories there roughly for awhile. How -- how did the -- I guess why it's 100 feet instead of like 150 feet, kind of the goal here?

Parsons: Yeah. Madam Chair, Members of the Commission, there is no magic number between the one hundred. I mean, obviously, you guys can -- can do that. I think that's probably the reason why we landed on a hundred was just because we have had a couple of projects in the core that have come in with that height. I know when you look at our Ten Mile area we support taller buildings and higher FARs in those areas and typically when you go down -- most of your downtown areas do have height to them. I mean that's really where you want to see that intensification and you want to get those mix of uses and that walkability and you have to maximize your land use in smaller areas and that's why you -- you get that height increase. But there is no magic number between 100 and 150 feet. I think it's just more of -- that's what we probably envisioned for the city that we probably don't anticipate any buildings higher than a hundred feet all in downtown, but, again, the code still would allow that through a conditional use process.

McCarvel: I have a question for you, Bill. What is -- you said -- is it my understanding they had -- there used to be four houses on a common drive. Okay.

Parsons: Yeah. Madam Chair -- Members --

McCarvel: And that was --

Parsons: That is correct.

McCarvel: That was changed because --

Parsons: Yeah. Madam Chair, Members of the Commission that was changed at the request of a developer. We worked with Brighton Corporation -- during the downturn of the market they acquired the Spurwing Greens development, which is off of Chinden. At the time it was called Tree Farm, and as part of that pre-plat they went ahead and redesigned some of that and the way they designed their common driveways were U-

shaped and they were able to design six homes off of those common driveways and at that time we were like, yeah, if you want to propose a code change we would support that based on the design that they had at the time and we went forward with that and we supported that code change and now as this body has seen, it seems -- it seems to be more and more prevalently used in these developments, more so than I have seen in past years, and so I think that's probably some of the concern of why you guys have always been consistently limiting it to three or four. But, yes, the old code -- under the previous version of the code back in '9 or '10, I believe, it was no more than four.

McCarvel: Right. Okay.

Holland: Madam Chair?

McCarvel: Commissioner Holland.

Holland: Just a comment. I know that we have talked about this a lot. Every time we have a shared drive that all of us cringe when there is more than four homes on that shared drive. I would like to see it go back to four someday, but I agree that, you know, tonight might not be the night to do that and I would like to see the UDC committee discuss that and maybe have some on-site field trips to look at how these function in some of the developments that have been approved with -- with more homes on a shared driveway, because I just think that they -- they can be very clumsy on the way that they are designed, but I would like to be able to look at that and, you know, see where elements of -- of good shared drives work and where -- where they are challenging, so that we might be able to create better code guidelines in the future to help create the ones that work and restrict the ones that don't. I don't -- I think I'm okay with the changes you have proposed tonight, but I would still like to request that we study this further in the future.

Parsons: Yeah. Madam Chair, Members of the Commission, the other thing to consider, too, is if we get in-fill, right, and we are trying to hit a target density and all of a sudden maybe they can fit six units on there with a common driveway and we have capped ourselves before, because a rule said you can have no more than four. I know in speaking with some of the members of the UDC focus group they actually informed me that the city of Eagle removed common drives from their code and now they have re -- are going back and adding -- adding them back, because they are finding that it works better for in-fill to allow some standard of common driveway. What that looks like I don't know, but I just wanted to share that information with you as well.

Seal: Madam Chair?

McCarvel: Commissioner Seal.

Seal: For the -- I mean if it was -- if it was limited it's not capped, they can -- I mean there is still alternative compliance that can allow them to do more; is that correct?

Parsons: Yeah. Madam Chair, Members of the Commission, that is correct. They could -- they could go through the alternative compliance process.

Seal: Okay. Because that's kind of where I'm at, because it is, I mean when we see these things come in and it's -- when it's used -- and my mother-in-law lives over in -- in the Spurwing Subdivision you are talking about and I think that the way that they have done the common driveways there is actually very pretty and open, provides community, but it's off the street, so it's almost a different definition to it, although I understand it's still a common driveway, but where we are seeing it where people are using it -- and my personal opinion is abusing it just to shove as many things as they can into, you know, the space that they have, you know, we should -- I think leaving it at six leaves that there to where now it's on us to, you know, are you against or combat against the people that come in and, you know, swing heavy and say, well, it meets all your code, because personally I don't think that should meet code when we are seeing that. I mean it's something that I think we have all expressed concern about. I think it's expressed at City Council as well. So, I mean from a -- from that perspective I think some change is definitely in order, not that we shouldn't listen to the community input and focus groups and things like that, I just think it's something that's probably been lingering long enough at this point. I think it definitely needs to go back down to what the original was and, then, alternative compliance is always there. Somebody wants to come in and knock our socks off with something, especially for an in-fill project, I'm all for alternative compliance. We have seen a few things come in that have done that, so -- but if you are not willing to do that and you are coming in with the status quo and your only argument is, well, it meets code, then, it would be nice to have a bigger stick to combat that.

McCarvel: Yeah. I think I would agree with Commissioner Seal. I would rather see the standard be four, if not even three, but very much go with four, because that's exactly what we have been fighting lately is we see it used where we know it's going to be an issue instead of -- and I have not seen what was done in the Spurwing Greens area, but the descriptions I have heard that makes sense, where now developers have taken it to say, well, I can use this exactly to stick as many back in this corner, which normally would have been some of the nicer lots in the subdivision and, I agree, I mean I think we have spent way too much time hashing this out on every application that comes through that I would rather see the standard be a lower number and, then, apply for alternative compliance if you have something great in a unique space, because I think we have just spun our wheels on that very topic way too many times and the rest of it I -- I have no problem with all the other ones. I guess we are kind of at our discussion here without closing the public hearing, but I don't think we have anybody signed up to testify anyway.

Weatherly: Madam Chair, you are correct.

McCarvel: Okay. So, do we have more questions for staff? Would we like to close this as far as public hearing or do we just move on? And I guess point of record is I accidentally read directly off the agenda and it's listed as H-2021-0001 and on the staff report it's ZOA-2021-0001. So, for the record we are ZOA. Questions? Comments? Motions?

Holland: Madam Chair, I will make a motion that we close the public hearing for the UDC text amendment ZOA-2021-0001.

Grove: Second.

McCarvel: It has been moved and seconded to close the public hearing on ZOA-2021-0001. All in favor say aye. Opposed? Motion passes.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

Grove: Madam Chair?

McCarvel: Commissioner Grove.

Grove: All seems pretty good. I have -- my personal opinion on like the -- the first one, I'm in favor -- I'm -- I'm in favor of having minimums for sure and as we continue to develop downtown -- I'm down here all the time, obviously, but I would be in -- whatever increases those numbers to go up is always going to get my approval. So, if this is where we are at, I will take this. I would be in favor of going bigger, but I know that's not -- there is not usually an appetite for that, so -- and with common drives if anything -- we do drop that I would always be in favor. It feels like every time we have had one of those and we have complained and like sent it back to them with a continuance, they come back and take those out, it's a much better project overall anyway, so, obviously, on the same page as everyone else with the common drive.

McCarvel: Okay.

Seal: Madam Chair?

McCarvel: Commissioner Seal.

Seal: The -- I have mixed feelings on the -- the -- you know, adding the hundred foot maximum on there, so I -- you know, being an old country boy it's -- driving into downtown Boise sometimes it feels like the -- you know, the cityscape is going to fall on you when you are down there anymore, just because it's -- you know, it went from being a -- what seemed like a large throughfare there to what seems like now very small and very confined. So, it definitely will change the way -- the look and feel of things. So, that said I don't think we went crazy with it. We didn't have Commissioner Grove in charge of it. So, we have got -- I think it's a good starting place and I think it's a good place to show that, you know, we are willing to grow and we are willing to try new things as a city and bring things in and bring things up. I think if we want to make our downtown, you know, walkable and livable without it being all streets, that's the way we are going to get it done, so -- and, hopefully, that will actually help to encourage, you know, building out some more of the -- of the Old Town pieces of it. I'm actually very glad to see the -- the thought given to the waterways that are out there, because sometimes that does get contentious as far as what the irrigation districts want, what the city is calling it, what the builder is

calling it, what they think they should do with it, what they can't do with it, things like that. So, I think it will help clear up some of that when we go into -- into future meetings. At least that's -- I'm sure that's the hope. Yeah. And, then, on the common driveways I -- personally I think we should ask for three and if -- if City Council wants to give them four, then, great, but I just -- I think any chance we have to take a swing at that I think we should absolutely do it, because it's just something that people have been taking advantage of at that point and, again, alternative compliance is something that I look forward to. We have had a couple applications come in that have really knocked my socks off and it's been because of alternative compliance. So, I think that there is still plenty of room for people to do that and it allows us to, you know, let them come in and show us something that's going to help us to build that premier community.

Holland: Madam Chair?

McCarvel: Commissioner Holland.

Holland: Without cutting anyone off I'm happy to make a motion.

McCarvel: Go for it.

Holland: After considering all staff, applicant, and public testimony, I move to recommend approval of file number ZOA-2021-0001 as presented in the staff report for the hearing date of April 15th, 2021, with the following modifications: That on the UDC 11-2D-4 we would make the modification as staff recommended to say in area defined as the city core in Chapter 1 any new construction shall have a minimum height of 35 feet and a maximum height of 100 feet. All other areas in the district the maximum building height is 75 feet and that the Council might consider Item No. 4, UDC 11-6C-3B on common driveways, making an additional change to the maximum dwelling unit served, that there was a lot of discussion from the Commission that we would prefer to see no more than three dwellings, but we would at least request lowering that maximum to four dwellings and allowing alternative compliance if someone wanted to seek additional units.

Seal: Second.

McCarvel: Okay. It has been moved and seconded to recommend approval on ZOA-2021-0001 with modifications. All those in favor say aye. Opposed? Motion carries.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

McCarvel: Who would like the honors?

Seal: Madam Chair?

McCarvel: Commissioner -- oh. Wait a minute. One more item before we leave. I understand this is our attorney's last P&Z meeting with us.

Pogue: That is true, Chairman McCarvel. Thank you so much. I am retiring and heading east, so that I can assist my 96 year old mom with my two sisters and, then, get up to North Carolina and help my daughter and son-in-law with their -- with my precious granddaughter and ultimately we will have a house here and a house in North Carolina and it's just -- I got to go. So, I really enjoyed working with this commission. You guys just are awesome and your dedication and professionalism and knowledge is really just such a benefit to the city. I'm really proud of all of you and just like to say that I will miss you, but I know the city is in good hands. So, I'm signing off tonight from Planning and Zoning, but I will be here for a few more weeks and, then, I'm -- then I'm flying the coop. That's where I'm at.

Seal: Congratulations.

Holland: Thank you, Andrea, for all you have done for us. We appreciate you and we wish you the best.

Pogue: Thank you. Thank you, everybody. Good night.

McCarvel: Good night. Thank you so much. Okay. Back to Commissioner Seal.

Seal: Oh. Madam Chair, I move we adjourn.

Holland: Second.

McCarvel: It's been moved and seconded that we adjourn. All those in favor say aye. Opposed? Motion carries.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

MEETING ADJOURNED AT 8:17 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 Jaker's Drive-Through Addition (H-2021-0012) by BRS Architects, Located at 3268 E. Pine Ave.

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



In the Matter of the Request for a Conditional Use Permit for a Drive-Through Establishment within Three-Hundred Feet (300') of a Residential Use and Zoning District on 1.37-Acres of Land in the C-G Zoning District for Jakers Drive-Through, by BRS Architects.

Case No(s). H-2021-0012

For the Planning & Zoning Commission Hearing Date of: April 15, 2021 (Findings on May 6, 2021)

A. Findings of Fact

1. Hearing Facts (see attached Staff Report for the hearing date of April 15, 2021, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of April 15, 2021, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of April 15, 2021, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of April 15, 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 upon the applicant, the Planning Department, the Public Works Department and any affected party requesting notice.

CITY OF MERIDIAN FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION & ORDER
CASE NO(S). JAKERS DRIVE-THROUGH – CUP H-2021-0012

7. That this approval is subject to the conditions of approval in the attached staff report for the hearing date of April 15, 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 a conditional use permit is hereby approved in accord with the conditions of approval in the staff report for the hearing date of April 15, 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 April 15, 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

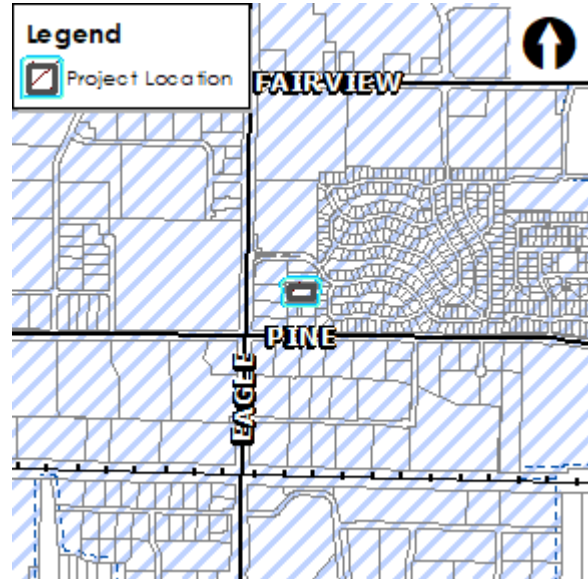
HEARING 4/15/2021
 DATE: *Continued from: 4/1/2021*

TO: Planning & Zoning Commission

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

SUBJECT: H-2021-0012
 Jakers Drive-Through – CUP, DES

LOCATION: 3268 E. Pine Ave., in the NW ¼ of
 Section 9, Township 3N., Range 1E.



I. PROJECT DESCRIPTION

Conditional use permit for a drive-through establishment within 300-feet of a residential use and zoning district on 1.37-acres of land in the C-G zoning district. Administrative design review of proposed structures.

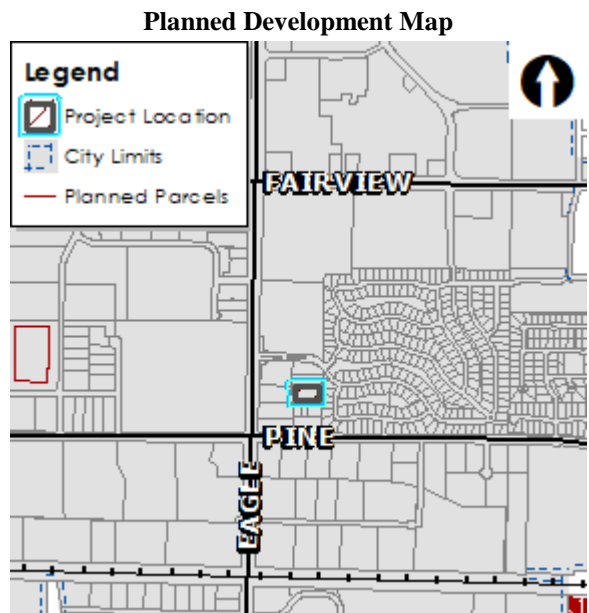
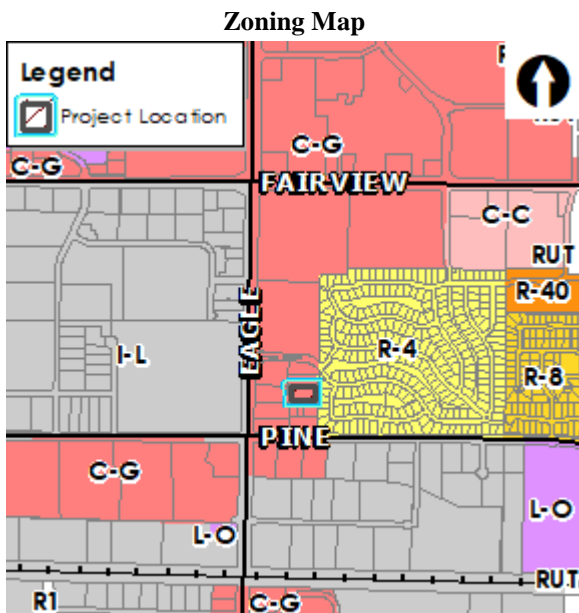
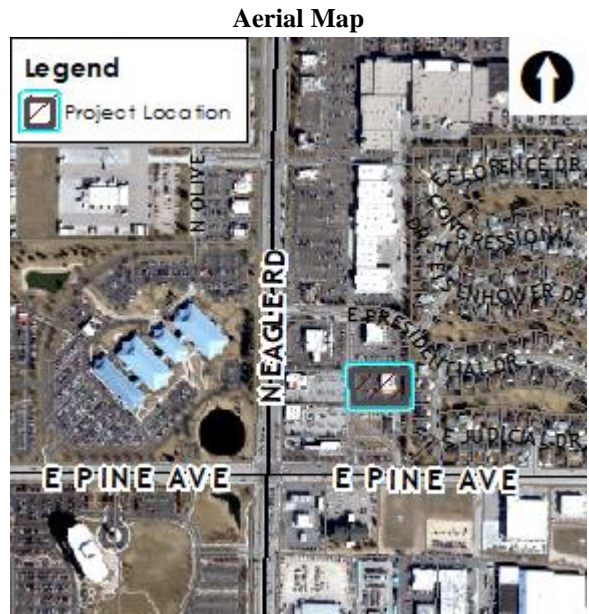
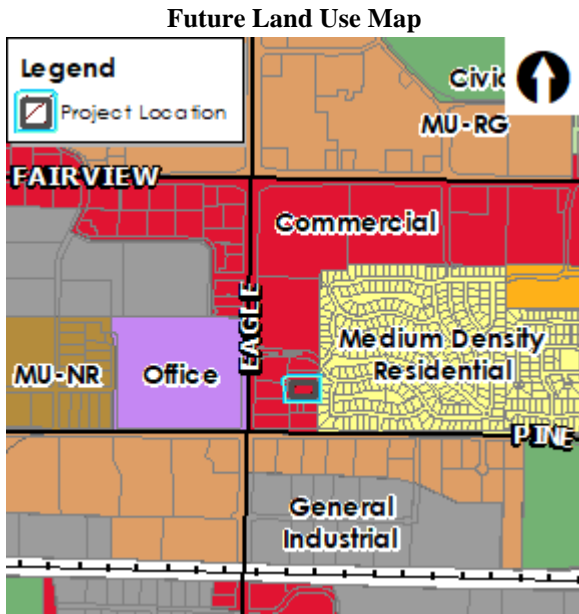
II. SUMMARY OF REPORT

A. Project Summary

Description	Details	Page
Acreage	1.37-acres	
Future Land Use Designation	Commercial	
Existing Land Use	Restaurant	
Proposed Land Use(s)	Drive-through establishment (order pick-up)	
Current Zoning	General Retail and Service Commercial District (C-G)	
Physical Features (waterways, hazards, flood plain, hillside)	None	
Neighborhood meeting date; # of attendees:	10/16/20; 2 attendees	
History (previous approvals)	CZC-06-102 (5,300 square foot restaurant); CZC-14-029/DES-14-026 (600 square foot sun room addition)	

EXHIBIT A

A. Project Area Maps



III. APPLICANT INFORMATION

A. Applicant:

Mark Anderson – 1010 S. Allante Pl., Ste. 100, Eagle, ID 83709

B. Owner:

Adam Crane, Vintage Properties, LLLP – 3755 N. Hill Rd., King Hill, ID 83633

EXHIBIT A

C. Representative:
Same as Applicant

IV. NOTICING

	Planning & Zoning Posting Date
Newspaper Notification	3/12/2021
Radius notification mailed to properties within 300 feet	3/9/2021
Site Posting Date	3/26/2021
Next Door posting	3/9/2021

V. STAFF ANALYSIS

Two (2) 25-square foot (5' x 5') structures are proposed for a drive-through menu handout and order placement and pick-up along the south side of the existing Jakers restaurant. Because the drive-through is within 300-feet of a residential use and zoning district, a Conditional Use Permit (CUP) is required per UDC Table 11-2B-2 and 11-4-3-11A. Residential uses abut the east boundary of this site in Crossroads Subdivision, zoned R-4.

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 87'+/-, the drive-through should have sufficient capacity to prevent obstruction of driveways and drive aisles; there is no public right-of-way that abuts this site.

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; a one-way drive-aisle abuts the drive-through lane for vehicles to pass through to the east.

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

The stacking lane is located approximately 82-feet away from abutting residences to the east and residential zoning. A 4-foot tall berm with a 6-foot tall block CMU wall on top exists along the east boundary of this site to buffer existing residential properties.

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

The stacking lane is approximately 87-feet long; therefore, an escape lane is not required.

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

EXHIBIT A

surveillance purposes.

The drive-through is visible from a driveway that provides a connection between E. Presidential Dr. and E. Pine Ave. and from the adjacent property to the south for surveillance purposes; a public street does not abut this site.

There are no menu boards or speakers proposed; window locations are depicted on the elevations in accord with UDC 11-4-3-11B.

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

Parking: The row of parking directly south of the proposed drive-through is proposed to be re-stripped to accommodate a one-way drive-aisle to allow space for the drive-through, which will reduce the number of parking spaces in this area by three (3).

A minimum of one (1) parking space is required for every 250 square feet of gross floor area per the specific use standards for restaurants in UDC [11-4-3-49](#). Based on 5,900 square feet, a minimum of 23 vehicle parking spaces are required; a total of 87 spaces are provided.

Landscaping: No landscaping is proposed or required with this application.

Building Elevations: Conceptual building elevations were submitted as shown in Section VII.B that consist of stucco panels with 2" wide recessed gold colored metal flashing accents and asphalt roofing; the materials and colors coincide with that of the existing restaurant building.

Design Review: Administrative Design Review of the proposed structures is required because they're visible from the north/south private street/driveway to the west per UDC [11-5B-8B](#). The proposed materials and design are consistent with the design standards listed in the [Architectural Standards Manual](#) and are approved.

Certificate of Zoning Compliance: A Certificate of Zoning Compliance 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 and UDC 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.

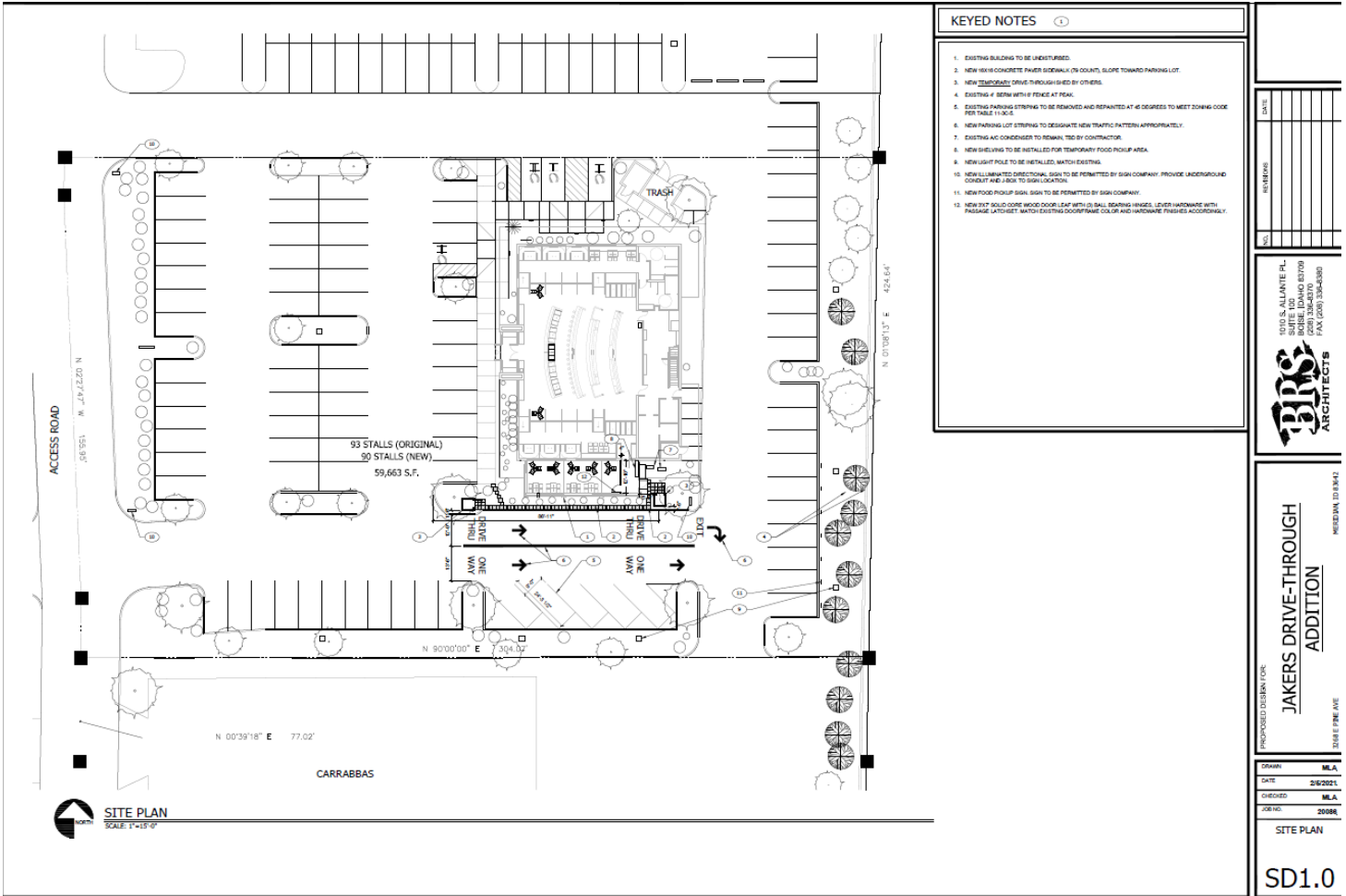
B. The Meridian Planning & Zoning Commission heard this item on April 15, 2021. At the public hearing, the Commission moved to approve the subject CUP request.

1. Summary of the Commission public hearing:
 - a. In favor: Mark Anderson, BRS Architects
 - b. In opposition: None
 - c. Commenting: None
 - d. Written testimony: None
 - 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. None
4. Commission change(s) to Staff recommendation:
 - a. None

EXHIBIT A

VII. EXHIBITS

A. Site/Landscape Plan (dated: 2/5/2021)



- KEYED NOTES**
- EXISTING BUILDING TO BE UNDELETED.
 - NEW 60" x 6" CONCRETE FLEED SIDEWALK, ITS COULDS, SLOPE TOWARD PARKING LOT.
 - NEW TEMPORARY DRIVE THROUGH BY OTHERS.
 - EXISTING 4' SIGN WITH FENCE AT PEAK.
 - EXISTING PARKING STRIP TO BE REMOVED AND REPAVED AT 45 DEGREES TO MEET ZONING CODE PER TABLE 11.00.05.
 - NEW PARKING LOT STRIP TO DESIGNATE NEW TRAFFIC PATTERN APPROPRIATELY.
 - EXISTING A/C CONDENSER TO REMAIN, TIED BY CONTRACTOR.
 - NEW SIGNELING TO BE INSTALLED FOR TEMPORARY FOOD PICKUP AREA.
 - NEW LIGHT POLE TO BE INSTALLED, MATCH EXISTING.
 - NEW ILLUMINATED DIRECTIONAL SIGN TO BE PERMITTED BY SIGN COMPANY. PROVIDE UNDERGROUND CONDUIT AND J-BOX TO SIGN LOCATION.
 - NEW FOOD PICKUP SIGN, SIGN TO BE PERMITTED BY SIGN COMPANY.
 - NEW 30" WIDE SLIDE WOOD DOOR, LEAD WITH 12" SWL, BRASS FINISHES, LEAD HORIZONTAL WITH PASSAGE LATCH SET, MATCH EXISTING DOORFRAME COLOR AND HARDWARE FINISHES ACCORDINGLY.

DATE:	
REVISION:	
NO.	

1010 S. ALLANTIE PL.
SUITE 100 AND 1009
(208) 336-4370
FAX (208) 336-4388

BRS ARCHITECTS

PROPOSED DESIGN FOR:
JAKERS DRIVE-THROUGH ADDITION

2346 E. PINE AVE
MIDWATER, ID 83641

DESIGN:	MLA
DATE:	2/5/2021
CHECKED:	MLA
JOB NO.:	2008R

SITE PLAN

SD1.0

EXHIBIT A



SOUTH ELEVATION



EXAMPLE OF GOLD TRIM WALL



VIEW LOOKING EAST



EAST ELEVATION



VIEW LOOKING NORTH



NORTH ELEVATION



VIEW LOOKING WEST



WEST ELEVATION



VIEW LOOKING SOUTH

NO.	REVISIONS	DATE

1000 S. ALLANTE PL.
SUITE 102
ROSELAND, INDIAN 46788
TEL: (219) 338-4300
FAX: (219) 338-4300

BBS
ARCHITECTS

PROPOSED DESIGN FOR:
**JAKERS DRIVE-THROUGH
ADDITION**
3248 E. PINE AVE.
MELZEDA, IN 46421

DRAWN: M.L.A.
DATE: 2/6/2021
CHECKED: M.L.A.
JOB NO.: 20088

SITE PHOTOS
A2.1

EXHIBIT A

VIII. CITY/AGENCY COMMENTS & CONDITIONS

A. PLANNING

1. The site/landscape plan submitted with the Certificate of Zoning Compliance application shall demonstrate compliance with the specific use standards listed in UDC [11-4-3-11](#) Drive-Through Establishments consistent with the plan in Section VII.A.
2. Compliance with the standards listed in UDC [11-4-3-11](#) – Drive-Through Establishment is required.
3. The future structures shall be consistent with the elevations in Section VII.B as approved with the Administrative Design Review application.
4. A Certificate of Zoning Compliance application shall be submitted and approved for the proposed use prior to submittal of a building permit application.
5. The conditional use permit is valid for a maximum period of two (2) years unless otherwise approved by the City. During this time, the Applicant shall commence the use as permitted in accord with the conditions of approval, satisfy the requirements set forth in the conditions of approval, and acquire building permits and commence construction of permanent footings or structures on or in the ground as set forth in UDC [11-5B-6](#). A time extension may be requested as set forth in UDC 11-5B-6F.

B. ADA COUNTY HIGHWAY DISTRICT (ACHD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=223674&dbid=0&repo=MeridianCity>

C. NAMPA & MERIDIAN IRRIGATION DISTRICT (NMID)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=224330&dbid=0&repo=MeridianCity>

D. DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=223529&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 drive-through and meet all dimensional and development regulations of the C-G zoning district.

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 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.

EXHIBIT A

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: Findings of Fact, Conclusions of Law for Pine 43 Apartments (MCU-2021-0002) by Pivot North Design, Located South of E. Fairview Ave., on the East Side of N. Webb Way and North of E. Pine Ave.

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



In the Matter of the Request for a Modification to the Conditional Use Permit to Revise the Site Layout for the Northeast 11.22-Acre Portion of the Development to Include a Consolidation of Common Open Space into more Usable Areas, the Addition of a Clubhouse and Other Amenities, and a Change to the Mix of Unit Types within the Development for Pine 43 Apartments, by Pivot North Design.

Case No(s). MCU-2021-0002

For the Planning & Zoning Commission Hearing Date of: April 15, 2021 (Findings on May 6, 2021)

A. Findings of Fact

1. Hearing Facts (see attached Staff Report for the hearing date of April 15, 2021, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of April 15, 2021, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of April 15, 2021, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of April 15, 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). PINE 43 APARTMENTS – MCU-2021-0002

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 April 15, 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 modification is hereby approved in accord with the conditions of approval in the staff report for the hearing date of April 15, 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 April 15, 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

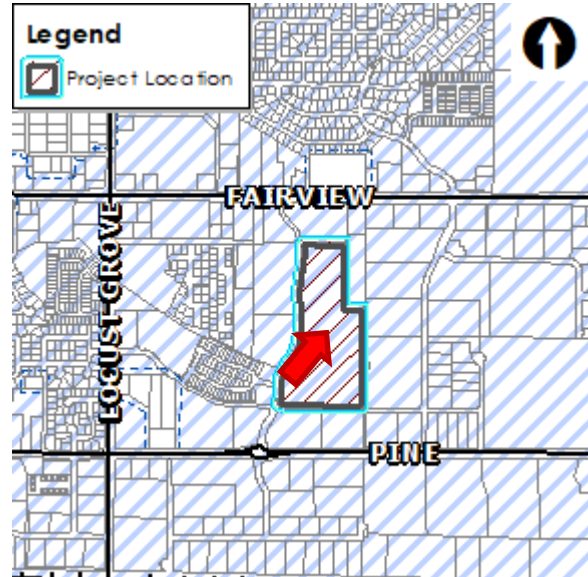
HEARING DATE: 4/15/2021

TO: Planning & Zoning Commission

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

SUBJECT: MCU-2021-0002
Pine 43 Apartments – MCU

LOCATION: 2255 E. Fairview Ave., in the NW ¼ of Section 8, T.3N., R.1E.



I. PROJECT DESCRIPTION

Modification to the previously approved Conditional Use Permit (H-2018-0001) to revise the site layout for the northeast 11.22-acre portion of the development to include a consolidation of common open space into more usable areas, the addition of a clubhouse and other amenities, and a change to the mix of unit types within the development.

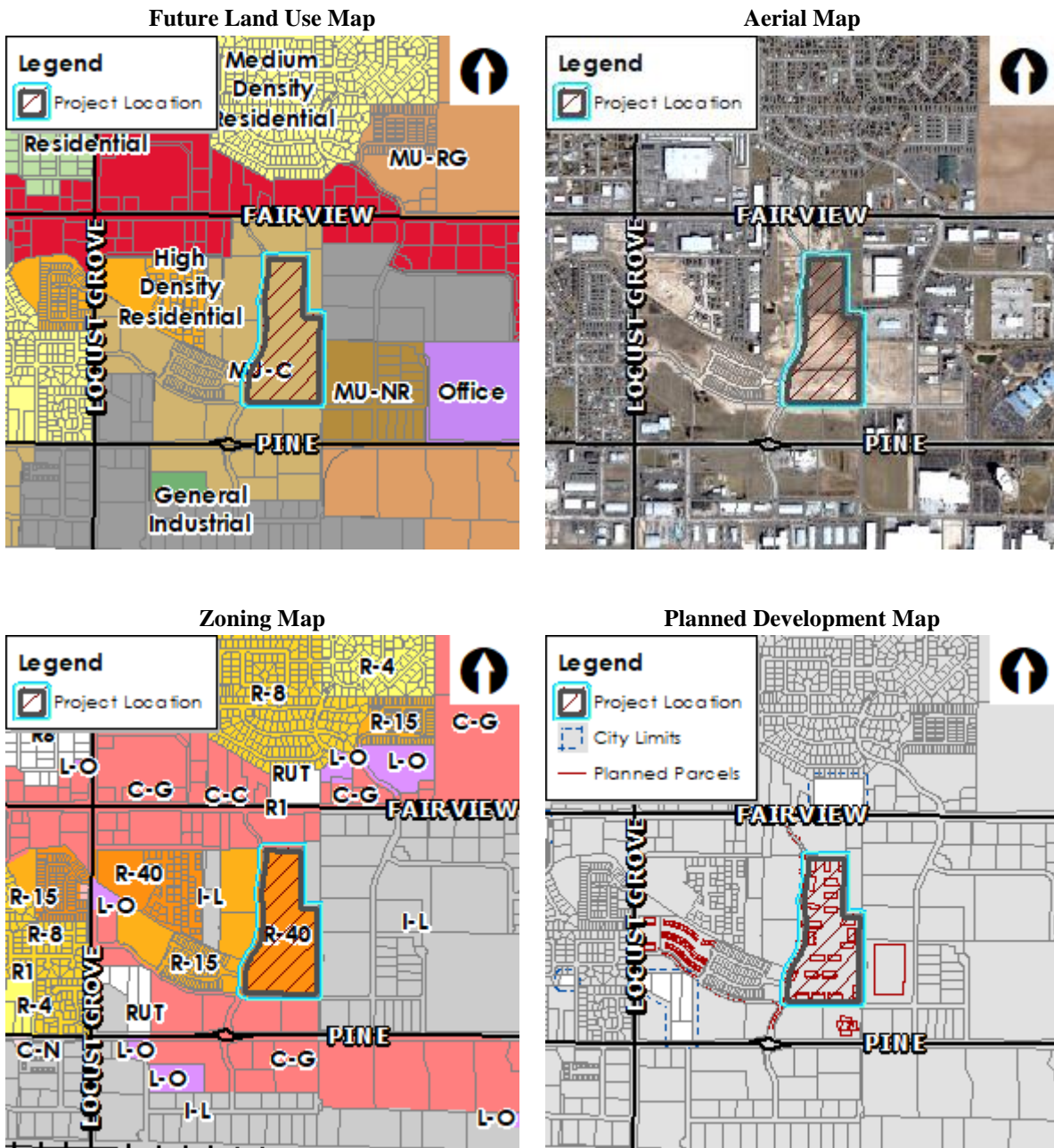
II. SUMMARY OF REPORT

A. Project Summary

Description	Details	Page
Acreage	11.22 (site); 26.17 acres (overall)	
Future Land Use Designation	Mixed Use – Community (MU-C)	
Existing Land Use	Multi-family development in the development process (apartments)	
Proposed Land Use(s)	Multi-family residential	
Current Zoning	R-40 High-Density Residential	
Physical Features (waterways, hazards, flood plain, hillside)	The Jackson Drain runs along the southern boundary and the Settler’s Canal bisects this site	
Neighborhood meeting date; # of attendees:	2/8/21; 1 attendee	
History (previous approvals)	H-2017-0058 (Pine 43 DA Inst. #2018-000751); H-2018-0001 (Pine 43 Apartments – CUP); A-2018-0054 (Property Boundary Adjustment); A-2020-0143 (CZC, DES for 1 st phase); FP-2021-0006	

EXHIBIT A

A. Project Area Maps



III. APPLICANT INFORMATION

A. Applicant:

Brian Wenzel, Pivot North Design – 1101 W. Grove St., Boise, ID 83702

B. Owner:

The Burrell Group – 602 E. Cooper Ave., Aspen, CO 81611

EXHIBIT A

C. Representative:

Patrick Boel, Roundhouse – 1109 W. Main St., Ste. 390, Boise, ID 83702

IV. NOTICING

	Planning & Zoning Posting Date
Newspaper Notification	3/26/2021
Radius notification mailed to properties within 300 feet	3/24/2021
Site Posting Date	4/1/2021
Next Door posting	3/24/2021

V. STAFF ANALYSIS

The existing Conditional Use Permit (H-2018-0001) approved for the overall site is for a 480-unit multi-family development on 27.48-acres of land in the R-40 zoning district. This application proposes to update the site layout on the northeast 11.22-acres to include a consolidation of common open space into more usable areas, the addition of a 1-story 7,047 square foot (s.f.) clubhouse and other amenities, and a change to the mix of unit types within the development. No changes are proposed to the number of residential units or structures.

Unit Types: The approved plan was for 240-units in ten (10) structures consisting of (60) 1-bedroom units, (120) 2-bedroom units and (60) 3-bedroom units. The proposed plan is also for 240-units consisting of (80) 1-bedroom units, (110) 2-bedroom units and (50) 3-bedroom units, which provides a better mix of unit types available for rent.

Common Open Space: The approved plan required 66,800 square feet (s.f.) of common open space and proposed 87,224 s.f. The proposed plan requires 65,000 s.f. based on 190-units containing between 500-1,200 s.f. of living area and 50-units in excess of 1,200 s.f. and proposes 118,363 s.f., in excess of UDC standards. The proposed change results in an increase in common open space of 31,139 s.f. (or 0.71-acre) and consolidated common areas for better use.

Amenities: Site amenities approved for this phase consisted of a fitness building and/or sports court/play equipment and plaza, and community grill areas with park style charcoal grills with an optional shade structure or cover dispersed throughout the development. Proposed amenities consist of a clubhouse, swimming pool with recreation deck and two (2) spas, BBQ deck, covered outdoor seating and beach volleyball court in the common area along Webb Way; and a dog run & dog wash, playground structure and community garden on the eastern portion of the development. **Details of the proposed amenities should be submitted with the Certificate of Zoning Compliance application.** The proposed changes result in more and a higher quality of amenities for the development.

Off-Street Vehicle & Bicycle Parking: The approved plan required 450 vehicle spaces (210 covered) and provided 462 spaces (245 in covered carports and garages) for the residential units. The proposed plan requires 440 vehicle spaces (200 covered) for the residential units and 14 spaces for the clubhouse for a total of 454 spaces; and provides 462 spaces (248 in covered carports) in excess of UDC standards.

Garages were originally proposed along the east boundary of the site which provided a buffer between the residential structures and the adjacent industrial uses to the east but have now

EXHIBIT A

been changed to carports. This change should ultimately provide more needed parking for the development since some garages are typically used for storage and not parking; however, it will not provide a needed buffer between the different uses. The interface between the proposed residential uses and existing industrial uses was a topic of discussion and concern at the public hearing for the original conditional use permit. Therefore, Staff recommends a 6-foot tall closed vision/solid fence is installed along the east boundary with a fairly dense landscape buffer, as proposed.

The approved plan required and proposed 20 bicycle parking spaces. The proposed plan requires 19 and provides 20 spaces in excess of UDC standards. Bicycle parking is required to comply with the standards listed in UDC [11-3C-5C](#).

Specific Use Standards: The proposed multi-family development is subject to the specific use standards listed in UDC [11-4-3-27](#), Multi-Family Development. Plans submitted with the Certificate of Zoning Compliance application should demonstrate compliance with these standards and those in the development agreement [[H-2017-0058](#) (Pine 43 [DA Inst. #2018-000751](#))].

Landscaping: Landscaping proposed for the site is depicted on the landscape plan in Section VII.D. Street buffers and parkways are required to be landscaped in accord with the standards listed in UDC [11-3B-7C](#). Internal common open space areas are required to be landscaped in accord with the standards listed in UDC [11-3G-3E](#). Parking lot and perimeter landscaping is required per the standards listed in UDC [11-3B-8C](#). Landscaping is required along all pathways in accord with the standards listed in UDC [11-3B-12C](#).

Fairly dense landscaping (approximately 1 tree per 25-linear feet) is proposed in the perimeter buffer along the eastern boundary of the site adjacent to parking and industrial uses to the east. **Staff recommends a mix of evergreen and deciduous trees, shrubs, lawn or other vegetative groundcover is provided in the buffer accord with the standards listed in UDC 11-3B-9C.1.**

Mitigation is required for any existing trees removed from the site per the standards listed in UDC [11-3B-10C.5](#); the landscape plan in Section VII.D depicts the existing trees proposed for removal. **Prior to removal of any trees from the site, coordinate with Matt Perkins, City Arborist, to determine mitigation requirements (208-371-1755).** Calculations should be included on the plan demonstrating compliance with UDC mitigation standards.

Pathways: A 10-foot wide multi-use pathway is proposed within the street buffer along N. Webb Way and along the north side of the Jackson Drain, in accord with the Pathways Master Plan. 5. A public pedestrian easement is required to be submitted for the multi-use pathway along N. Webb Way prior to issuance of the first Certificate of Occupancy for the site. If the pathway is in the right-of-way, it should be covered under a pedestrian easement with ACHD.

Pedestrian connections should be provided between buildings in the form of pathways distinguished from vehicular driving surfaces through the use of pavers, colored or scored concrete, or bricks in accord with the Development Agreement (provision #5.1.4b).

Pathway/sidewalk connections should also be provided to the main building entrances along N. Webb Way from the multi-use pathway along N. Webb Way.

Fencing: All fencing is required to comply with the standards listed in UDC [11-3A-7](#). The Applicant states there is existing fencing along the project's east boundary that consists of a combination of chain-link and barbed wire; no fencing is proposed. **Because the garages have been removed from the plan that were previously proposed along the project's eastern boundary, Staff recommends a 6-foot tall closed vision/solid fence is provided along the eastern boundary, with landscaping as depicted on the landscape plan (approximately one tree per 25-linear feet and a mix of evergreen & deciduous trees), as a buffer.**

EXHIBIT A

Stormwater: An adequate storm drainage system shall be 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. There are some above-ground retention areas proposed along the eastern and southern boundaries of the site for stormwater management as depicted on the landscape plan in Section VII.D.

Waterways/Ditches: There is an existing irrigation ditch (Settler's Canal) that runs east/west across this site that is proposed to be relocated and piped in alignment with the new entry driveway via N. Webb Way in accord with UDC [11-3A-6](#). Buildings and trees should not be located within the easement/piped area.

Ownership & Maintenance: The first phase (i.e. Jasper Apartments) and proposed second phase of development will have shared ownership and amenities for the overall development. The clubhouse proposed in this phase is sized to accommodate users from both phases. A pedestrian bridge will link the projects internally. **Staff recommends both phases are under the same management company for consistent maintenance of the overall development.**

Building Elevations: Conceptual building elevations and perspective drawings were submitted for the proposed 3-story multi-family structures and the single-story clubhouse as shown in Section VII.F. Building materials for the residential structures consist of a mix of horizontal & vertical fiber cement board/batten siding with gable roofs and asphalt shingles; three primary color schemes are proposed for variety. Building materials for the clubhouse consist of vertical metal siding with vertical wood cladding, glazing, dimensional wood slat accents, a gable roof and metal roofing.

Prefabricated steel siding is only allowed to be used as an *accent* material per the development agreement (see definition on pg. E-5 of the Architectural Standards Manual and #R5.1E) – revisions should be made to comply. Additionally, per the DA, exterior building walls should demonstrate the appearance of high-quality materials of stone, brick, wood, or other native materials (acceptable materials include tinted or textured masonry block, textured masonry block, textured architectural coated concrete panels, or stucco or stucco-like synthetic materials – smooth faced concrete block, tilt-up concrete panels, or prefabricated steel panels are prohibited except as accent materials. The building design shall incorporate at least two (2) changes in one or a combination of the following: color, texture and materials. Rooflines shall demonstrate two (2) or more of the following: overhanging eaves, sloped roofs with two or more roof planes, flat roofs with varying parapet heights, or cornices.

Administrative Design Review of the proposed structures is required. All structures shall comply with the design standards listed in the Architectural Standards Manual. The elevations submitted with this application are *not* approved and will likely require further modifications to comply with design standards. Per the Architectural Standards Manual (ASM), architectural elements should be provided to clearly distinguish between the ground level and upper stories (ASM Goal #R3.1E); visually heavier and more massive elements or materials should be provided at the base of buildings with lighter elements and materials above (#R3.1F); horizontal and vertical elements should be integrated into facades to break up monotonous wall planes (#R3.20); 25% or more of the non-roof surface area of the clubhouse (i.e. accessory structure) must utilize a like material of the primary structures (#R3.3B); locate focal points as key elements within the building design to enhance architectural character (#R4.20); incorporate a trim color and an accent color or unique material into the color scheme as integrated details of the building design (#R.5.2A); modulate and articulate roof form of the clubhouse to create building profile interest and to reduce the appearance of building mass and scale (#R3.4).

The elevations in the first phase of the multi-family development lying directly to the southwest of this site (i.e. Jasper Apartments) are a different architectural style (flat roofs with parapets and more of a modern style – see Section VII.E) and color palette but the proposed structures incorporate

EXHIBIT A

several orientations of fiber cement board siding which assist in unifying the structures. The Applicant anticipates the existing structures will be re-painted in the future to coincide with the proposed color scheme. While different architecturally, Staff feels the similar use of materials and colors will offer variety within the development.

Wayfinding signage and clear addressing should be provided on buildings for emergency responders; coordinate with Joe Bongiorno, Fire Dept. and Terri Ricks, Land Development. The Applicant should coordinate with the Police Dept. on emergency access for the secured buildings.

Certificate of Zoning Compliance/Design Review: A Certificate of Zoning Compliance and Design Review application(s) is required to be submitted for the proposed use prior to submittal of building permit applications to ensure consistency with the provisions in the development agreement, conditions in Section VIII, UDC standards and design standards in the Architectural Standards Manual.

VI. DECISION

A. Staff:

Staff finds the proposed changes result in more diversity in rental options, larger and more consolidated/usable common open space areas and a higher quality and more site amenities. Therefore, Staff recommends approval of the proposed conditional use permit modification with the conditions included in Section VIII per the Findings in Section IX.

B. The Meridian Planning & Zoning Commission heard this item on April 15, 2021. At the public hearing, the Commission moved to approve the subject MCU request.

1. Summary of the Commission public hearing:

- a. In favor: Gary Sorensen, Applicant’s Representative
- b. In opposition: None
- c. Commenting: None
- d. Written testimony: Brian Wenzel, Applicant’s Representative
- 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. In favor of the proposed change from garages to carports as it will provide more parking for the development and the increase in common open space area and amenities.

4. Commission change(s) to Staff recommendation:

- a. None

EXHIBIT A

VII. EXHIBITS

A. Approved Site Plan (dated: 1/5/2018)

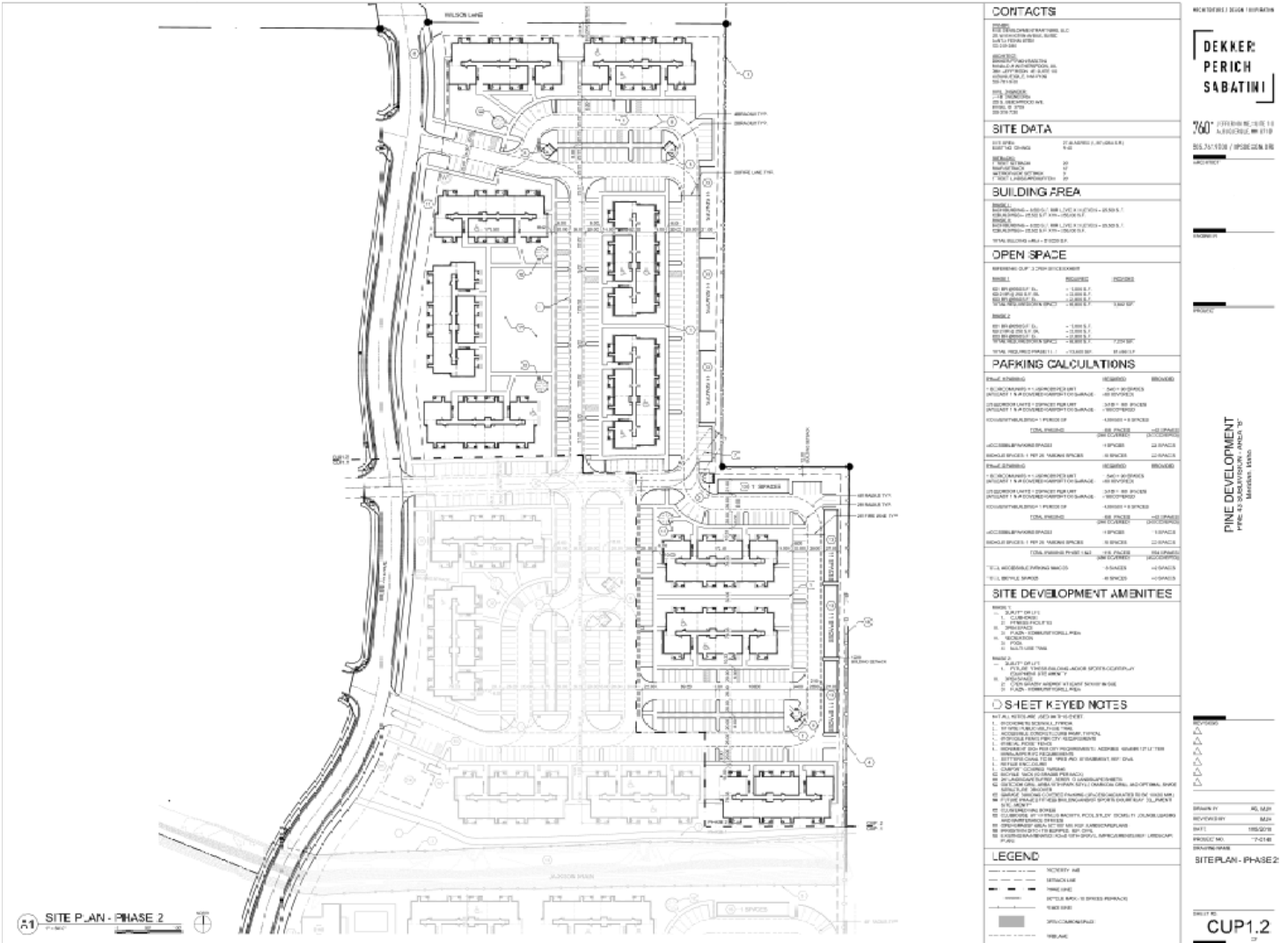


EXHIBIT A

B. Proposed Site Plan (dated: 2/23/2021)

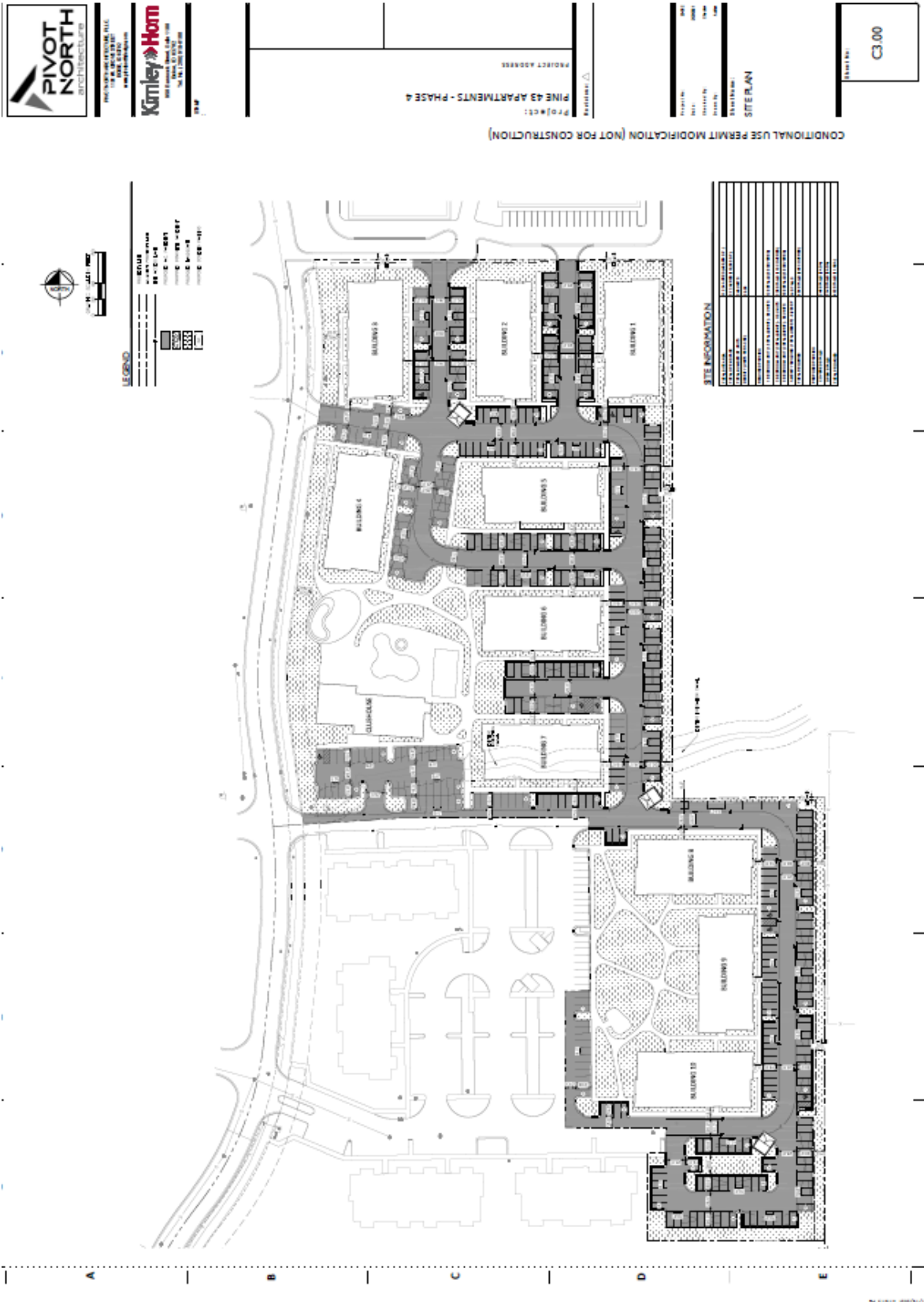
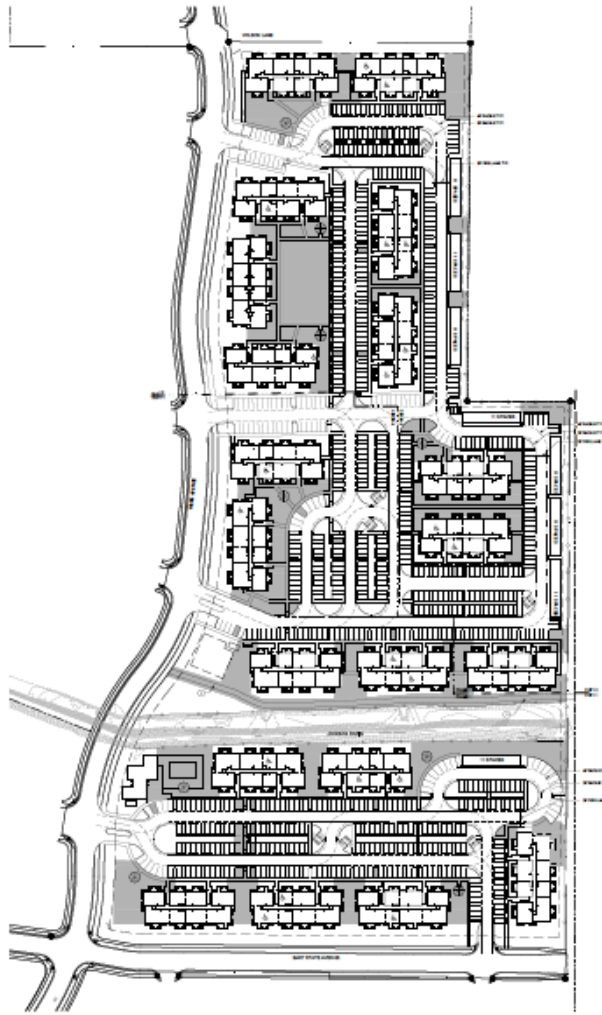


EXHIBIT A



<p>SITE DATA</p> <p>PROJECT: [REDACTED]</p> <p>OWNER: [REDACTED]</p> <p>DESIGNER: [REDACTED]</p> <p>DATE: [REDACTED]</p>
<p>BUILDING AREA</p> <p>NET BUILDING AREA: [REDACTED]</p> <p>GROSS BUILDING AREA: [REDACTED]</p> <p>NET FLOOR AREA: [REDACTED]</p> <p>GROSS FLOOR AREA: [REDACTED]</p>
<p>OPEN SPACE</p> <p>NET OPEN SPACE: [REDACTED]</p> <p>GROSS OPEN SPACE: [REDACTED]</p> <p>NET PARKING: [REDACTED]</p> <p>GROSS PARKING: [REDACTED]</p>
<p>SHEET KEYED NOTES</p> <p>1. [REDACTED]</p>
<p>LEGEND</p> <p>--- PROPERTY LINE</p> <p>--- EXISTING LOT</p> <p>--- EXISTING ROAD (UNIMPROVED ROAD)</p> <p>--- EXISTING ROAD</p> <p>--- OPEN SPACE</p>

DEKKER PERICH SABATINI

ARCHITECTS

1001 JEFFERSON AVENUE, SUITE 1000
DENVER, CO 80202

TEL: 303.733.1100
WWW.DPKSAB.COM

PINE DEVELOPMENT
PINE CREEK
PINE HILLS

DATE: [REDACTED]




SCALE: [REDACTED]

OPEN SPACE
SITE PLAN

CUP1.3

A1 OPEN SPACE SITE PLAN

EXHIBIT A

Project: PINE 43 APARTMENTS - PHASE II
Submitted: 02/22/21
Submitted by: [Redacted]

Tree Removal Plan
 Project No: [Redacted]
 Date: [Redacted]
 Scale: [Redacted]

SHEET NO: L-101
 TOTAL SHEETS: [Redacted]

DESIGN DEVELOPMENT REVIEW SET - 3/22/21

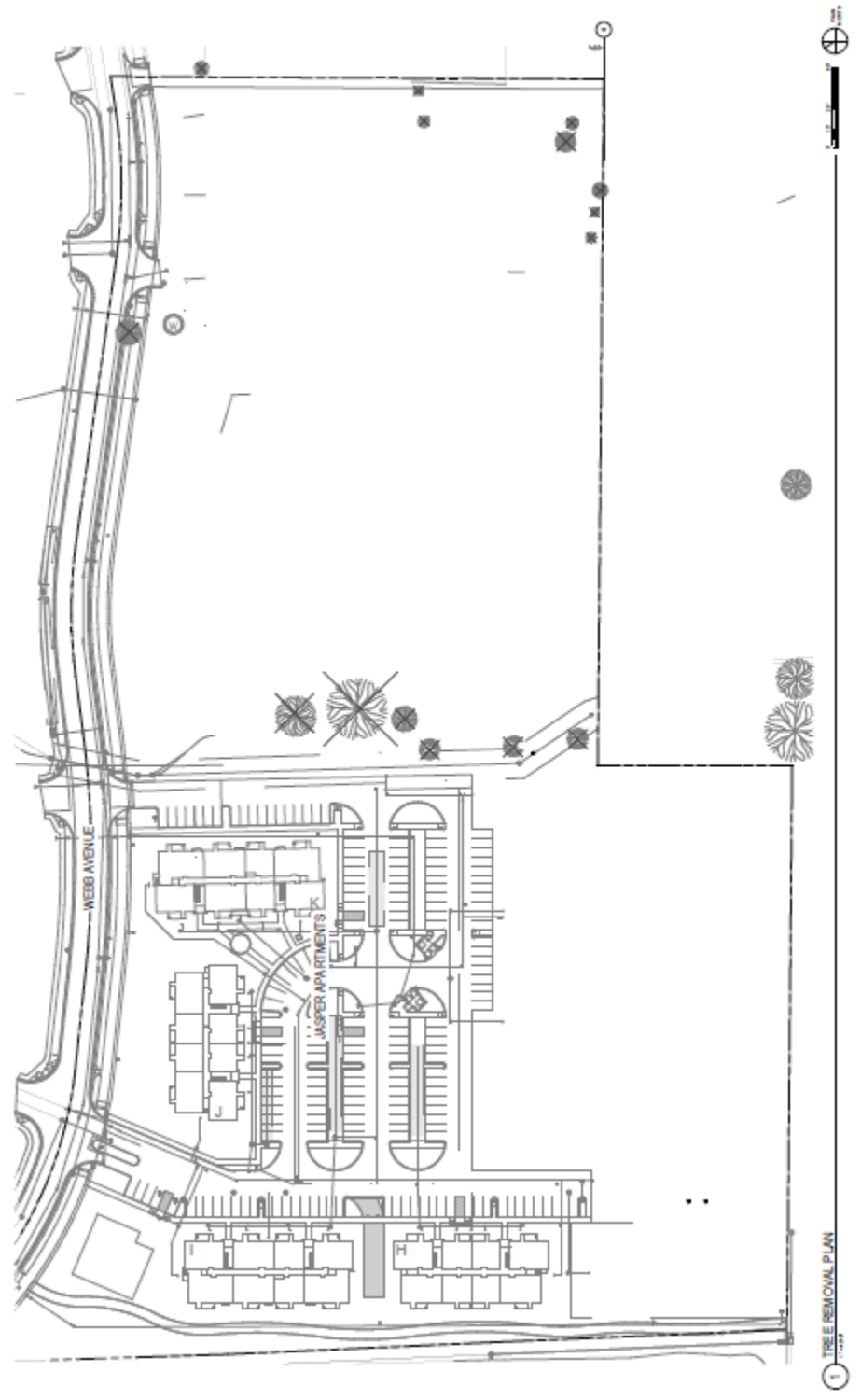


EXHIBIT A



*Concept only – exact system to be determined in the future

EXHIBIT A

E. Approved Conceptual Building Elevations (H-2018-0001)

D1 MULTIFAMILY ELEVATION CONCEPT 1

C1 MULTIFAMILY ELEVATION CONCEPT 2

B1 MULTIFAMILY ELEVATION CONCEPT 3

A1 CLUBHOUSE ELEVATION

Color Palette:
 FIELD COLOR
 ACCENT COLOR 1
 ACCENT COLOR 2
 ACCENT COLOR
 TRIM COLOR

ARCHITECTURE / DESIGN / INSPIRATION

DEKKER PERICH SABATINI

7601 JEFFERSON BL. SUITE 100
 ALBANY, NY 12212
 518.791.5700 / DESIGN@DPS.COM

DESIGNED BY

PROJECT

PINE DEVELOPMENT
 PINE CO. DEVELOPMENT - AREA 10
 MADISON, NY 14800

REVISIONS

△
 △
 △
 △
 △

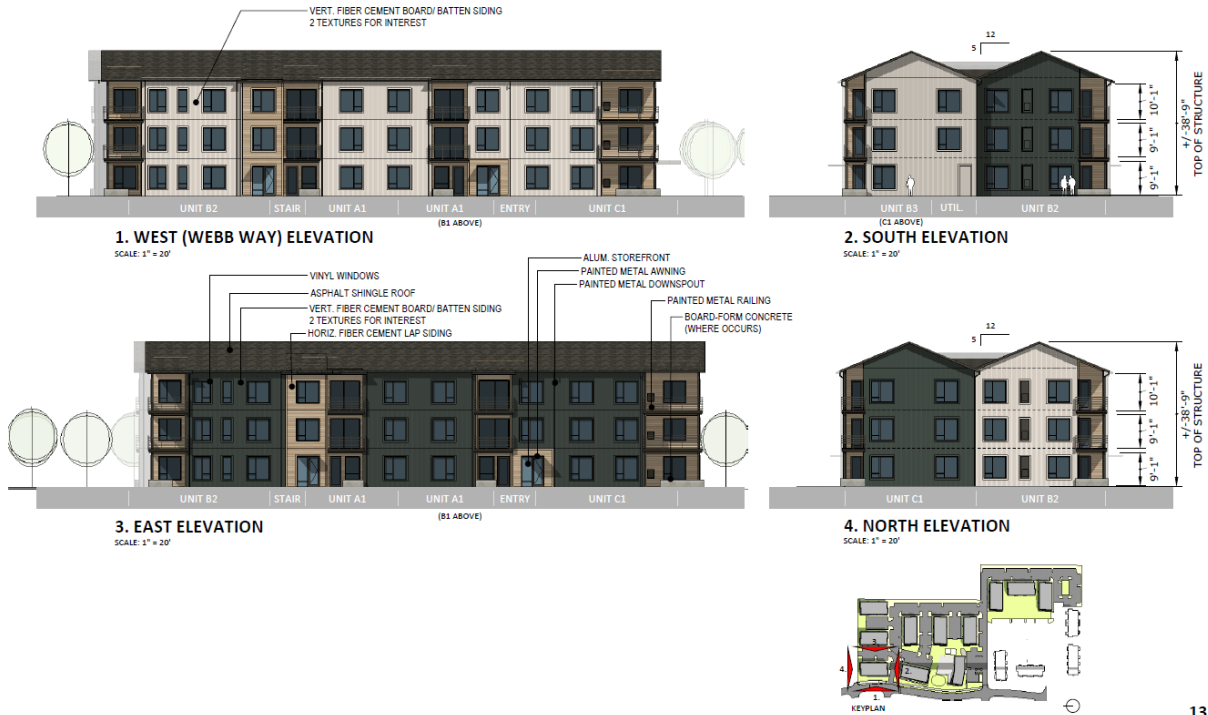
DESIGNED BY: J.S. MAH, B.L.
 REVIEWED BY: S.M.H.
 DATE: 5/20/18
 PROJECT NO: 170145
 DRAWING NAME: EXTERIOR BUILDING ELEVATIONS

SHEET NO: CUP4.1
 OF

EXHIBIT A

F. Proposed Conceptual Building Elevations & Perspective Drawings for Multi-Family & Clubhouse Structures

NOT APPROVED – SUBJECT TO DESIGN REVIEW APPROVAL



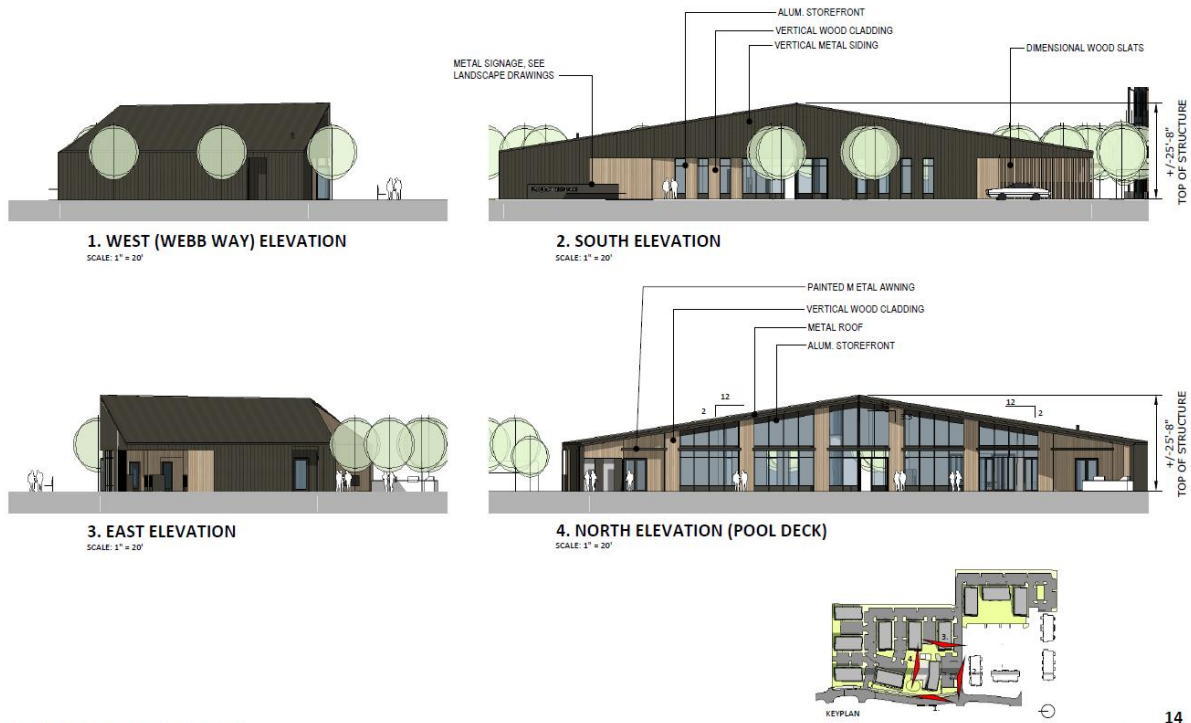
TYP. BUILDING (BUILDING 3) ELEVATIONS

04.09.2021 **13**

Pine 43 Multifamily

Pine Subdivision, Meridian, ID
PNa JOB # 20-052

PIVOT NORTH
architecture



AMENITY BUILDING ELEVATIONS

04.09.2021 **14**

Pine 43 Multifamily

Pine Subdivision, Meridian, ID
PNa JOB # 20-052

PIVOT NORTH
architecture

EXHIBIT A



VIEW 1. AERIAL LOOKING EAST FROM WEBB WAY



PERSPECTIVE VIEWS

Pine 43 Multifamily

Pine Subdivision, Meridian, ID
PNa JOB # 20-052

PIVOT NORTH
architecture

07
04.09.2021



VIEW 2. LOOKING NE TO AMENITY BUILDING

PERSPECTIVE VIEWS

Pine 43 Multifamily

Pine Subdivision, Meridian, ID
PNa JOB # 20-052

PIVOT NORTH
architecture

08
04.09.2021

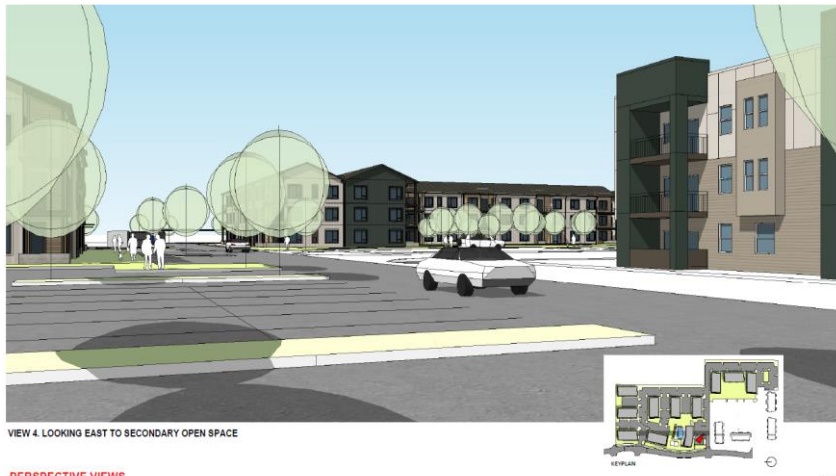
EXHIBIT A



PERSPECTIVE VIEWS

Pine 43 Multifamily Pine Subdivision, Meridian, ID
PNa JOB # 20-052

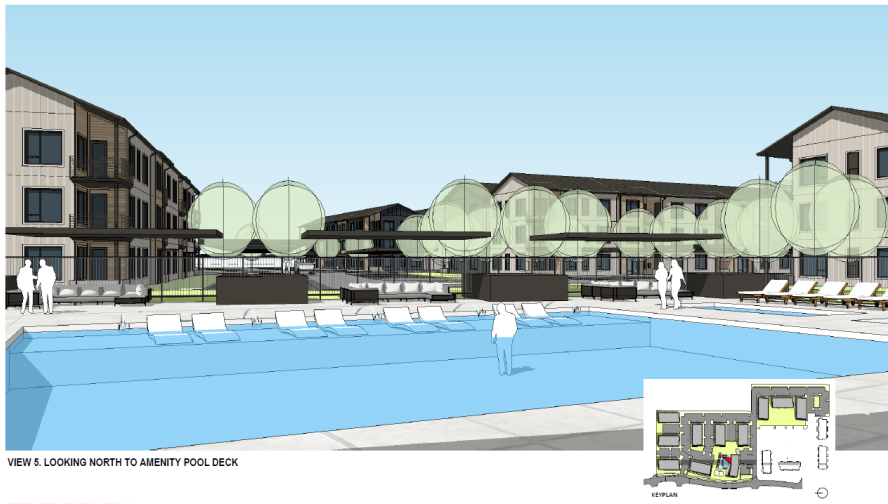
PIVOT NORTH
architecture



PERSPECTIVE VIEWS

Pine 43 Multifamily Pine Subdivision, Meridian, ID
PNa JOB # 20-052

PIVOT NORTH
architecture



PERSPECTIVE VIEWS

Pine 43 Multifamily Pine Subdivision, Meridian, ID
PNa JOB # 20-052

PIVOT NORTH
architecture

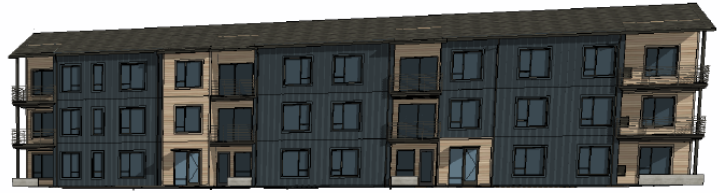
EXHIBIT A

Potential Color Schemes:

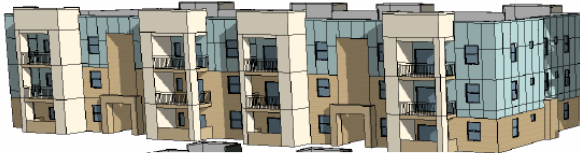
NOTE: COLOR SCHEME SHOWS ARTISTS INTERPRETATION OF POTENTIAL COLOR PALLETTE; POTENTIAL RECOLORING OF PHASE 1 WILL BE REVIEWED WITH CITY



PINE 43 PHASE 4 - COLOR 1



PINE 43 PHASE 4 - COLOR 2



PINE 43 PHASE 1 - EXISTING BUILDING 2



PINE 43 PHASE 1 - EXISTING BUILDING 1



PINE 43 PHASE 1 - BUILDING 2



PINE 43 PHASE 1 - BUILDING 1

POTENTIAL RE-COLORING OF PHASE 1 (JASPER APARTMENTS) TO MORE-CLOSELY ALIGN WITH PROPOSED PHASE 4 PROJECT

USE SIMILAR COLORS IN DISTINCT WAYS FOR COHESIVE ALIGNMENT. FIELD COLOR OF PHASE 4 BECOMES ACCENT OF PHASE 1, VICE VERSA

ELEVATION CONCEPT - PHASE 1

Pine 43 Multifamily

Pine Subdivision, Meridian, ID
PNa JOB # 20-052

PINE 43 PHASE I COLOR STUDY

PIVOT NORTH
architecture

EXHIBIT A

VIII. CITY/AGENCY COMMENTS & CONDITIONS

A. PLANNING

1. All future development shall comply with the provisions in the existing Development Agreement (Inst. #2018-000751), preliminary plat (H-2017-0058), final plat (FP-2021-0006) and the site/landscape plan, including amenities, submitted with this application and with the associated conditions of approval contained herein.
2. The site/landscape plan submitted with the Certificate of Zoning Compliance application shall include the following:
 - a. Demonstrate compliance with the specific use standards listed in UDC [11-4-3-27](#) Multi-Family Development, as follows:
 - (1) All on-site service areas, outdoor storage areas, waste storage, disposal facilities, and transformer and utility vaults shall be depicted on the plan and be located in areas not visible from a public street, or shall be fully screened from view from a public street as set forth in UDC 11-4-3-27B.2.
 - (2) Depict the location of the property management office, maintenance storage area, a central mailbox location (including provisions for parcel mail) that provide safe pedestrian and/or vehicle access, and a directory and map of the development at an entrance or convenient location for those entering the development.
 - (3) Depict landscaping along the foundations of all street facing elevations as set forth in UDC 11-4-3-27E.2, as follows: the landscaped area shall be at least 3-foot wide and have an evergreen shrub with a minimum mature height of 24 inches for every 3 linear feet of foundation. The remainder of the area shall be landscaped with ground cover plants.
 - b. Depict landscaping along the multi-use pathways along N. Webb Way and the Jackson Drain in accord with the standards listed in UDC 11-3B-12C.
 - c. Depict pedestrian connections between buildings in the form of pathways distinguished from vehicular driving surfaces through the use of pavers, colored or scored concrete, or bricks in accord with the Development Agreement (provision #5.1.4b).
 - d. Depict pathway/sidewalk connections to the main building entrances along N. Webb Way from the multi-use pathway along N. Webb Way.
 - e. Include mitigation information for the existing trees being removed from the site in accord with the standards listed in UDC [11-3B-10C.5](#). Coordinate with Matt Perkins, City Arborist, to determine mitigation requirements (208-371-1755).
 - f. Depict the boundary of the minimum 20-foot wide street buffer (future common lot) along N. Webb Way, measured from back of curb, to ensure compliance with building setback requirements.
 - g. Include a calculations table that demonstrates compliance with the landscape standards listed in UDC [11-3B-7C](#) (street buffer/parkway), [11-3B-8C](#) (parking lot), [11-3B-12C](#) (pathway), and [11-3G-3E](#) (common open space).
 - h. Parkways planted with Class II trees shall be a minimum of 8-feet wide (Class II trees are preferred) as set forth in UDC [11-3A-17E](#). If less than 8-feet wide, root barriers shall be constructed.
 - i. Depict all stormwater retention areas on the plan.

EXHIBIT A

- j. Depict 6-foot tall closed vision/solid fencing along the project's eastern boundary.
 - k. Include details for the playground equipment, BBQ's, covered seating area(s), community garden and dog wash facilities.
 - l. Depict landscaping within the perimeter buffer along the eastern boundary of the site as proposed (i.e. a minimum density of one tree per 25-linear feet). A *mix* of evergreen and deciduous trees, shrubs, lawn or other vegetative groundcover shall be provided in accord with the standards listed in UDC [11-3B-9C](#).
3. Submit floor plans for the units with the Certificate of Zoning Compliance application that demonstrate compliance with the private usable open space requirements in UDC 11-4-3-27B.3 (a minimum of 80 square feet is required for each unit).
 4. The Settler's Canal shall be piped as proposed in accord with UDC 11-3A-6B.
 5. Submit a public pedestrian easement to the Planning Division in accord with Park's Department requirements for the multi-use pathway along N. Webb Way prior to issuance of the first Certificate of Occupancy for the site. *If the pathway is in the right-of-way, it should be covered under a pedestrian easement with ACHD.*
 6. The development is required to 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 as set forth in UDC 11-4-3-27F; submit a copy of this recorded document to the Planning Division with the first Certificate of Zoning Compliance application.
 7. Compliance with the qualified open space and site amenity standards listed in UDC 11-3G-3 and 11-4-3-27 is required. Plans submitted with the Certificate of Zoning Compliance application shall demonstrate compliance with these standards and be consistent with those proposed with this application.
 8. Phases I and II shall be managed by the same company to ensure consistent maintenance of the overall site.
 9. Wayfinding signage and clear addressing shall be provided on buildings for emergency responders. Coordinate with Joe Bongiorno, Fire Dept. and Terri Ricks, Land Development.
 10. Coordinate with the Police Dept. on emergency access to the secured buildings.
 11. The subject property shall be subdivided prior to submittal of any building permit applications for structures on this site.
 12. All future structures shall comply with the design standards in the Architectural Standards Manual and in the [Development Agreement](#). Exterior building walls should demonstrate the appearance of high-quality materials of stone, brick, wood, or other native materials (acceptable materials include tinted or textured masonry block, textured masonry block, textured architectural coated concrete panels, or stucco or stucco-like synthetic materials – smooth faced concrete block, tilt-up concrete panels, or pre-fabricated steel panels are prohibited except as accent materials as set forth in the Development Agreement (provision #5.1.4h). *See notes in Section V under Building Elevations.*
 13. A Certificate of Zoning Compliance (CZC) application shall be submitted and approved for the proposed use prior to submittal of a building permit application. An Administrative Design Review application shall be submitted concurrently with the CZC application.

EXHIBIT A

B. PUBLIC WORKS SITE SPECIFIC CONDITIONS

1. A manhole will be required at the 90-degree sewer bend in sewer located East of Building 7.
2. Sewer services are private and should not be within utility easements, remove the easement around the sewer service located North of Building 7.
3. Upsize the water line South of Building 7 to an 8” main and connect the Clubhouse water meter and fire line from that main extension.
4. Provide a water utility easement near the Southeast corner of Building 1 to the East property line for a future water connection to the East.

C. ADA COUNTY HIGHWAY DISTRICT (ACHD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=223662&dbid=0&repo=MeridianCity>

D. NAMPA & MERIDIAN IRRIGATION DISTRICT (NMID)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=224331&dbid=0&repo=MeridianCity>

E. DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=224004&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 R-40 zoning district.

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 use 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 should 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.

EXHIBIT A

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 Continued from March 18, 2021 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.



PUBLIC HEARING INFORMATION

Staff Contact: Joseph Dodson

Meeting Date: May 6, 2021

Topic: **Public Hearing** Continued from March 18, 2021 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.
-

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



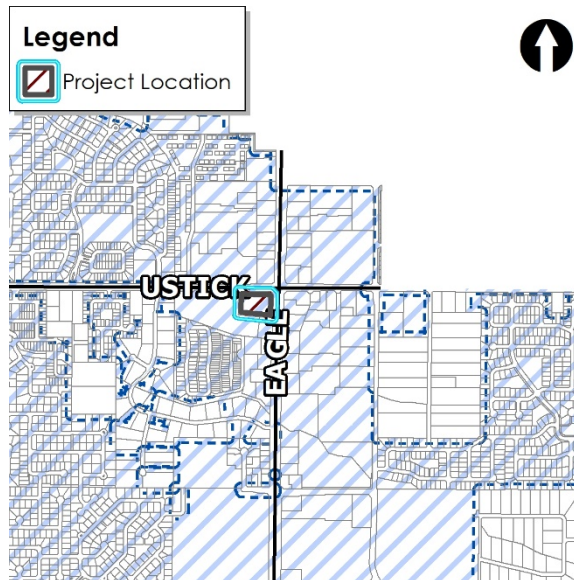
HEARING DATE: 3/18/2021

TO: Planning & Zoning Commission

FROM: Joe Dodson, Associate Planner
208-884-5533

SUBJECT: H-2021-0004
The Oasis

LOCATION: The site is located on a portion of 3185 E. Ustick Road, at the southwest corner of N. Eagle Road and E. Ustick Road, in the NE ¼ of the NE ¼ of Section 5, Township 3N., Range 1E.



I. PROJECT DESCRIPTION

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, by Brian Tsai, Balboa Ventures.

II. SUMMARY OF REPORT

A. Project Summary

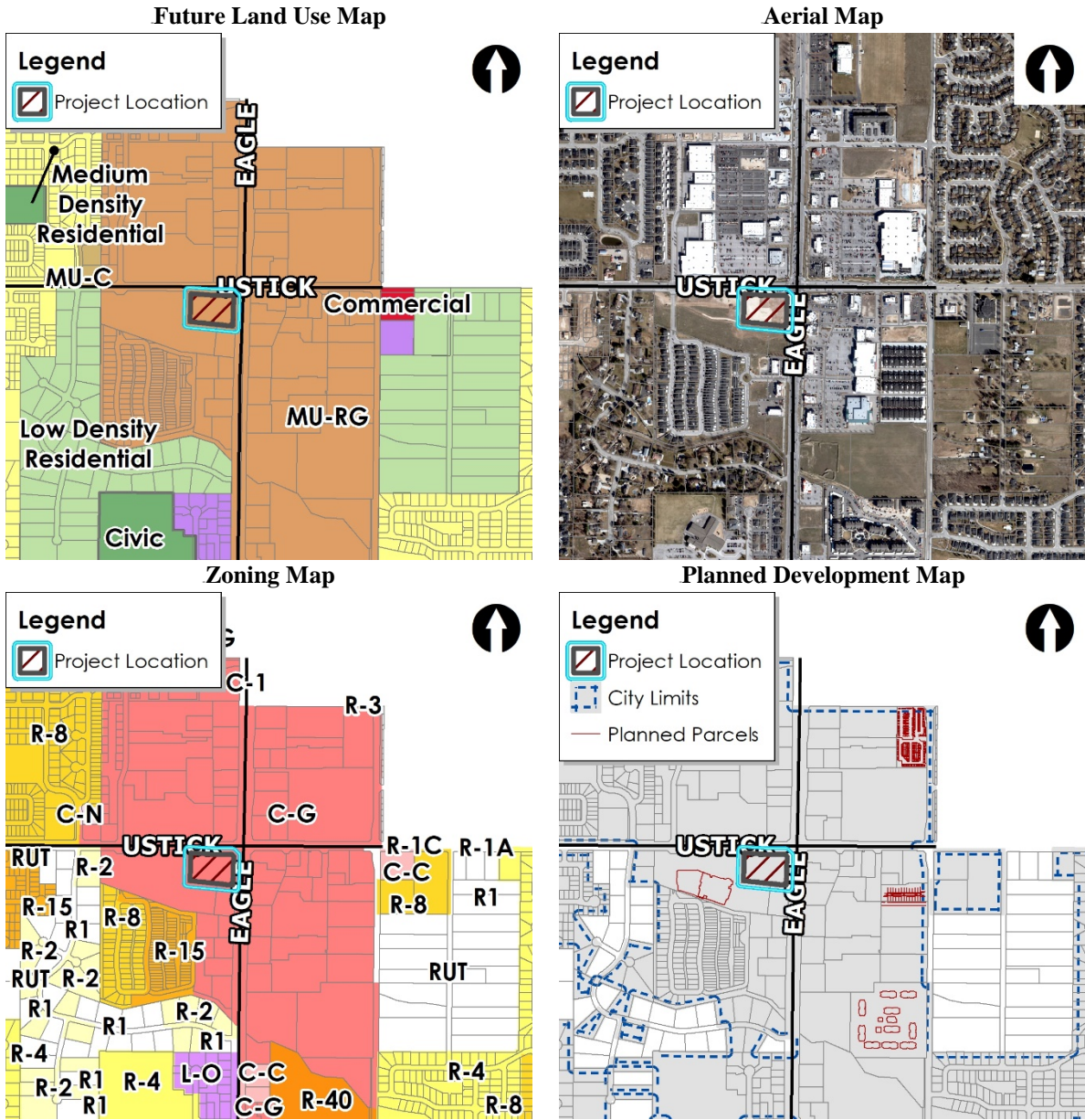
Description	Details	Page
Acreage	Portion of 3.29 (C-G zoning district)	
Future Land Use Designation	Mixed Use Regional	
Existing Land Use(s)	Vacant but being developed	
Proposed Land Use(s)	Commercial	
Lots (# and type; bldg./common)	On 1 of 5 building lots	
Physical Features (waterways, hazards, flood plain, hillside)	Milk Lateral runs along southern boundary of property; easement being respected and verified in CZC approvals.	
Neighborhood meeting date; # of attendees:	January 14, 2021 – 15 attendees	
History (previous approvals)	H-2019-0082 (DA Modification to remove the subject site from an existing DA and enter into a new one specific to this site; DA Inst. #2019-121599); H-2020-0104 (Pre-plat approval to subdivide property into 5 lots); A-2019-0376 & A-2021-0010 (CZC for parking lot, landscaping, and other relevant site improvements); A-2021-0012 (CZC and Design Review approval of the building proposed to house requested business).	

Description	Details	Page
Public Testimony	Due to the controversial nature of this project, there has been a number of written and verbal testimony both for and against this project. Please go here to review this public testimony.	

B. Community Metrics

Description	Details	Page
Ada County Highway District		
<ul style="list-style-type: none"> Staff report (yes/no) 	Yes; Comply with letter noting review that occurred with urgent care CZC (A-2020-0163).	
<ul style="list-style-type: none"> Requires ACHD Commission Action (yes/no) 	No	
Access (Arterial/Collectors/State Hwy/Local) (Existing and Proposed)	Access is proposed via a proposed shared driveway into the development from E. Ustick Rd. No direct access is proposed or allowed to E. Ustick Rd. or N. Eagle Rd.	
Stub Street/Interconnectivity/Cross Access	Subject site has existing cross-access agreements in place for sites within the original 3 acre parcel. Staff is unaware of any cross-access agreements with adjacent sites to the west and south (Villasport approvals).	
Existing Road Network	Internal drive aisles and adjacent drive aisles are currently under construction.	
Existing Arterial Sidewalks / Buffers	The required sidewalks and landscaping are currently under construction commensurate with the approved CZC plans (A-2019-0376).	
Proposed Road Improvements	Applicant is not required to perform any road improvements because Ustick and Eagle are at their full-build out at this time.	
Fire Service		
<ul style="list-style-type: none"> Distance to Fire Station 	1.2 miles from Fire Station #3	
<ul style="list-style-type: none"> Fire Response Time 	This project lies within the Meridian Fire response time goal of 5 minutes.	
<ul style="list-style-type: none"> Resource Reliability 	Fire Station #3 reliability currently 80%	
<ul style="list-style-type: none"> Risk Identification 	Risk Factor 3 – commercial	
<ul style="list-style-type: none"> Accessibility 	Proposed project meets all Fire required access, road widths, and turnarounds.	
Police Service		
<ul style="list-style-type: none"> Distance to Station 	3.5 miles from Meridian Police Department	
<ul style="list-style-type: none"> Response Time 	Approximately 3.5 minute response time to an emergency.	
<ul style="list-style-type: none"> Call Data 	Between 2/1/2019 - 1/31/2021, the Meridian Police Department responded to 2,967 calls for service within a mile of the proposed development. The crime count on the calls for service was 251. Between 2/1/2019 - 1/31/2021, the Meridian Police Department responded to 198 crashes within a mile of the proposed development. See attached documents for details.	
<ul style="list-style-type: none"> Additional Concerns 	Following any approvals, Police will want to meet with Applicant on expectations of Police.	

C. Project Area Maps



III. APPLICANT INFORMATION

A. Applicant:

Brian Tsai, Balboa Ventures – PO Box 109204, Boise, ID 83719

B. Owner:

Nate Ballard, Wadsworth Development – 166 E. 14000 South, Ste. 210, Draper, UT 84020

C. Representative:
N/A

IV. NOTICING

	Planning & Zoning Posting Date	City Council Posting Date
Newspaper Notification	2/26/2021	
Radius notification mailed to properties within 500 feet	2/23/2021	
Site Posting	3/7/2021	
Nextdoor posting	2/25/2021	

V. STAFF ANALYSIS

The subject property was annexed in 2003 as part of a larger annexation area (AZ-03-018). There was a Development Agreement (DA) associated with this annexation which was modified in 2019 to remove this property from that DA (H-2019-0082) and enter into a new one serving just this site (DA Inst. #2019-121599). The land owner received approval to subdivide the property for future ownership purposes.

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

Mixed Use Regional (MU-R) – In general, the purpose of mixed-use designations is to provide for a combination of compatible land uses within a close geographic area that allows for easily accessible and convenient services for residents and workers. The intent is to promote developments that offer functional and physical integration of land uses, to create and enhance neighborhood sense of place, and to allow developers a greater degree of design and use flexibility.

Specifically, the purpose of the regional 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 subject site is located at the southwest corner of the intersection of E. Ustick Road (an arterial street) and N. Eagle Road/SH 55. Staff and the Applicant understand the importance of providing more commercial uses in this area, especially on an undeveloped corner. To the east and across Eagle Road are two large commercial centers; to the north is an additional commercial center. These surrounding areas provide a plethora of commercial uses that are used at a regional level. Directly to the west of the subject site is intended to be a high-end indoor gym (Villasport) and further to the south of the site is existing residential and some community serving commercial. As these lots get developed over time, Staff believes that they will continue to add to the City’s commercial base and will likely be a higher benefit to users of the future Villasport and residents to the southwest of this site. The proposed business of a nightclub and music venue offers a new commercial use not only to this area of Meridian but to Meridian as a whole. Staff is of the opinion that despite being on a relatively small site, the proposed use would have regional pull for patrons. Therefore, this project, in conjunction with the approved uses to the west, should satisfy the comprehensive plan and mixed-use policies.

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

Some applicable Comprehensive Plan policies are cited below with Staff analysis in italics.

“Require appropriate building design, and landscaping elements to buffer, screen, beautify, and integrate commercial, multifamily, and parking lots into existing neighborhoods.” (5.01.02D). *There is no neighborhood directly adjacent to the subject site but the closest home is approximately 330 feet from the southern property line. Future commercial buildings and parking lots will separate this project from existing residential to the southwest. However, with the recently approved CZC and Design Review approval for this multi-tenant building, 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 nearest residential neighborhood once other properties redevelop in the near future. The parking is located on the interior of the overall property which will be largely screened by buildings and helps screen the parking lot from adjacent properties, usually one of the most noise inducing elements of a commercial site.*

The approved building that is to hold the proposed use is constructed with a modern and urban design that should integrate with the overall design of the other properties 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 screening and buffering any incompatibilities of the proposed use, Staff finds the proposed landscaping and internal building materials to be sufficient in integrating the use into the existing and planned development.

“Diversify Meridian's economic base to establish and maintain a self-sustaining, full-service economy.” (2.06.01). *Meridian does not have a business of the kind being proposed within this application. The Applicant appropriately described within their narrative the lack of entertainment, art, and music activities available within the City. The Applicant discusses this as a major need for the City. Staff can see the proposed use as adding to the economic base of the City because it would be a new type of use and offer a commercial use in the hours after 10pm, which is not a normal occurrence within the City.*

“Require pedestrian circulation plans to ensure safety and convenient access across large commercial and mixed-use developments.” (3.07.02A). *Pedestrian connectivity to this site is not one of the major issues for this proposed use. Where feasible, each building site will have pedestrian connections to one another and will have connections to the sidewalks along the adjacent major roadways on the north and east sides of the overall site. So long as these connections are required with each CZC review, Staff believes the subject site will have adequate pedestrian circulation especially due to the relatively small size of the overall commercial development. In addition, as future commercial sites to the south develop and additional pedestrian connections are introduced to the area, future patrons of this nightclub would have ample places to recreate before and after participating in this use and get to and from different uses safely.*

“Determine and respond to the community's art and cultural facility needs.” (5.03.01E). *The City is not working in collaboration with the Applicant so the context of this policy is not precisely what is called for within the comprehensive plan. However, a private business can add art and cultural facilities just as easily as the City. According to the Applicant, a nightclub/indoor recreation facility/drinking establishment can and should add to the community's art and culture. It is the Applicant's intent to increase the availability of a music venue for Meridian residents to have more opportunity to share in music as art and potentially bring new cultural experiences to Meridian through this business and venue.*

“Enhance crime prevention awareness through the education of neighborhood watch groups, multi-family property management companies, homeowners' associations, and other organizations.” (4.11.02F). *The Applicant has been eager to work with the Meridian Police Department in order to help mitigate any future negative impacts of the proposed use. The Police cannot give an “approval” of the proposed project but they are working with the Applicant and have had conversations with the Applicant. MPD has shown interest in educating the Applicant on any and all crime prevention techniques here in Meridian.*

“Support efforts to evaluate and plan for future transportation services such as public transit, on-demand services, autonomous and shared vehicles.” (6.01.04A). *Again, the City is not partnering with the Applicant in pursuit of this policy but the Applicant has discussed thoroughly the applicability of ride-sharing for patrons of their proposed business. The Applicant noted that in most markets an average of 40% of the patrons for a business like this utilize ride-shares like Uber and Lyft in order to offset parking or having to drive at all. Staff cannot confirm these statistics but with the lack of public transportation within the City and the overall car dominant landscape we live in here in Meridian, it is unlikely that the 40% usage would occur for those attending The Oasis. There should be no doubt this service would be utilized but not at a level that Staff can overlook the parking and traffic issues presented by the proposed use.*

Staff finds this development to be generally consistent and in alignment with the Comprehensive Plan as noted above.

C. Existing Structures/Site Improvements:

The subject site is currently having its basic improvements completed (grading, drainage, water & sewer, and parking lot) but generally is a vacant parcel. Recent site visits also show a foundation of one of the approved buildings within the site (nearest Eagle and in the southeast corner of the subject site). All road improvements along Ustick and Eagle Roads are existing. With the approved CZC, the building, utilities, and drainage will be completed regardless of the proposed use being approved or denied.

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

The submitted conceptual elevations are those approved with the recent CZC and Design Review approvals. The approved commercial building complies with the UDC and the Architectural Standards Manual. The elevations show modern architecture with glazed glass storefronts, awnings, vertical trellis, and varying wall modulation on all sides of the building. In addition, the elevations show brick, polymer, and rustic corrugated metal panels as finish materials. As noted, these elevations have already been approved by Staff at an administrative level.

E. Dimensional Standards ([UDC 11-2](#)):

The building proposed to contain the proposed use has recently received CZC approval and meets all dimensional standards for setbacks, parking, building height, and access. The proposed use of a music venue falls under the Indoor Recreation Facility specific use standards (UDC 11-4-3-2) and if one is to be located within 1,000 feet of an existing residence a Conditional Use Permit is required; part of the Applicant’s CUP request is to satisfy this requirement. In addition, one of the proposed uses is for a Drinking Establishment and is also subject to specific use standards (UDC 11-4-3-10); the required dimensional standards noted within this code section are being met with the CUP request.

F. Proposed Use Analysis:

The administratively approved building, Eagle View Retail Center, will be approximately 8,300 square feet in size with two tenant suites. The Oasis is proposed in the larger suite at an

approximate size of 7,000 square feet. The uses allowed on the subject site are those listed in UDC Table 11-2B-2 for the C-G zoning district. The proposed business is a combination of a nightclub and music venue which falls under Drinking Establishment and Indoor Recreation Facility uses within the development code, respectively. The indoor recreation facility use is a principally permitted use within the C-G zoning district unless it incorporates a music venue and is located within 1,000 feet of an existing residence which then requires a conditional use permit; this is the case with the proposed use of the music venue because the building is approximately 330 feet from the nearest residence. A drinking establishment is a conditional use within the C-G zoning district. Therefore, the Applicant is requesting conditional use permit approval for these two uses to reside within one building and one business, The Oasis. **Staff recommends the Commission review the Applicant's narrative to gain further insight into how the business is intended to operate in terms of soundproofing techniques, security, business operations, and alcohol consumption. Staff's use analysis is not exhaustive as the Applicant's narrative details more of their proposals than is necessary to discuss within this staff report.**

According to the Applicant, The Oasis is meant to be a premier music venue and nightclub that offers entertainment and a nightlife for those in Meridian, much like other prominent cities. The Applicant also understands the negative stigmas surrounding a "nightclub" and provided a detailed response to this within their narrative. Staff agrees with some of the points made by the Applicant but must analyze the proposed uses against development code.

As noted, the approved building and proposed uses meet all required dimensional standards as they are not directly adjacent to a residential district (approximately 330 feet from the closest residential district) and meet all building and landscaping setbacks. 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 Villasport applications and a user is currently in process on this site that would make these improvements more tangible. This parking lot and landscaping would abut the drive aisle that extends from N. Cajun Lane to the south and continues north adjacent to this subject site and connects to Ustick, the main access to this commercial development. This drive aisle is currently being constructed with the site improvements for Eagle Commons as a whole to ensure there is more than one way to get to the entrance of the site. Further discussion on this is in the Access section below, V.G.

With the proposed uses of a music venue and nightclub, capacity and hours of operation are integral factors in determining the compatibility of the uses with neighboring and planned development. The Applicant proposes hours of operation for The Oasis as 4:00PM to 1:00AM on the weekdays and 4:00PM to 2:00AM on the weekends. It is unclear what specific days the Applicant is referring to as "the weekends;" Staff is recommending for future analysis, discussion, and conditions of approval purposes that this is in reference to Friday and Saturday nights only. The Villasport site was approved to remain open until 12:00AM, midnight which would cover a majority of the same operating hours proposed with this application. Both proposed uses, Villasport and The Oasis, are likely to drastically increase activity on this currently vacant corner. However, the Villasport approvals are set to expire soon unless that Applicant applies for a time extension. This calls into question how this corner will look in the coming years and it is not feasible for Staff to speculate too far as there could be many unknowns. Staff must analyze this project based on the current situation known which includes the Villasport development.

The Oasis is further away from the existing residential than Villasport but this does not mean any negative impacts are automatically alleviated. Therefore, Staff recommends weekday (Sunday thru Thursday) hours for The Oasis be limited to 4:00PM to 12:00AM. These hours of operation for the weekdays match the closing time of Villasport making it more compatible with that use and nearby residential development. The opening time is of less concern to Staff because these

types of businesses do not generally have peak hours of operation earlier in the evening. It can be assumed that the 4:00PM start time is likely more associated with private events like that of weddings than it is associated with the nightclub or concert uses. In addition, the hours of operation are only applicable to use of the site by those other than employees; ancillary indoor business activities are allowed beyond these hours for employees, as outlined in UDC 11-2B-3B.

Staff recommends the weekend (Friday & Saturday) hours are also limited to help with being compatible to nearby residential. These hours should be limited to 4:00PM to 1:00AM, a reduction in one hour of operation from the Applicant's request and one more hour than the weekdays.

The Applicant's original narrative estimated a capacity of approximately 1,000 patrons for the 7,000 square foot tenant suite. After receiving a conceptual floor plan, preliminary discussions with Fire plan reviewers discussed a maximum capacity closer to 700 persons; the exact number for maximum building occupancy cannot be known until architectural plans are submitted with building permit submittal at a later date. However, through the CUP process, capacity can be limited further. Because of the issues outlined in this staff report, Staff recommends capacity be limited to no more than 500 persons to include employees. Employees will likely take up parking spaces for the entire hours of operation so they should be included in the maximum capacity. The Applicant and Staff have discussed this number and there is preliminary agreement on this condition. Staff arrived at this number because it is the same ratio as the minimum parking ratio for the proposed use, a 1:4 ratio. 500 persons and 125 parking spaces equate to one (1) space for every four (4) people; drastically improved from one (1) space for every 6 or 7 people with a capacity over 700. Further analysis on the parking is below in section V.H.

*IF the Applicant can adhere to the recommended conditions of approval noted below, Staff finds the proposed use is compatible with adjacent uses in that it should be mitigated appropriately. **Commission may determine further mitigation is needed through this CUP process.***

G. Access ([UDC 11-3A-3](#), [11-3H-4](#)):

Main access to and for this development will be via a shared driveway connection to Ustick Road limited to a right-in/right-out access—the land owner is currently constructing this shared driveway access for their development because this site is developing before the Villasport project. There are no public streets as part of this commercial development and therefore no stub streets are proposed. Instead, there are private drive-aisles as are standard for commercial developments. The Applicant has an existing cross-access agreement with the adjacent commercial properties (Inst. #106169335) but **this agreement does not include a cross-parking agreement.**

As previously discussed above, the subject site abuts a drive aisle that connects to Ustick and is the main access to this commercial development. This commercial drive aisle will be a continuation of N. Cajun Lane, a private street, from the south but in fact will not be a named street. This off-site drive aisle is currently being constructed with the site improvements for Eagle Commons as a whole because Cajun Lane connects to Seville Lane and is an access point to Eagle Road. Constructing this connection ensures there is more than one way to access the site entrance other than from Ustick. The Eagle Road access is an existing access that is off-site and limited to a right-in/right-out only access. Because the overall site, Eagle Commons, has received preliminary plat approval to subdivided the property, cross-access and cross-parking between the five proposed lots is required. In the recorded Covenant, Conditions, and Restrictions (Inst. #2020-075457) this cross-access is discussed and dictated for each lot and future user.

In addition to the shared drive aisle that abuts the property to the west, The Villasport site improvements and recorded cross-access agreement will include an additional Ustick Road

access point further west, N. Centrepont Way. These access points to the arterial are long approved for the site. Staff finds there is adequate and safe access to the site at full build-out and with only the most adjacent Ustick access in conjunction with the drive aisle connection to Cajun Lane and then out to Eagle Road. However, to help mitigate any residential cut-through traffic this Applicant and land owner should work with the Villasport Applicant to construct a driveway through their site in-line with where they plan to construct one in the future. This driveway would provide a more direct means of accessing Centrepont Way and the existing traffic signal at that intersection without having to use the roads adjacent to the residential subdivision further to the south.

Staff also agrees that at peak hours of business (after 8pm) access to the site should be improved as adjacent traffic levels on Ustick and Eagle should be much less than at 5 or 6pm. This is due to the fact there are not many businesses open beyond 9pm within Meridian that draw the kind of customers that can be assumed for the proposed business. However, once the Villasport project is constructed this may change and traffic along Ustick will likely increase in the hours between 8pm and midnight due to their approved operating hours as noted.

ACHD is the leading agency on access points for the City of Meridian and 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 1,000 persons in the initial submittal this was not required and restricting the capacity to 500 persons should help with the traffic concerns of this type of use. Further analysis regarding access should be addressed to ACHD.

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

Minimum off-street parking is required to be provided in accord with the specific use standards listed in UDC 11-4-3-49 for a restaurant use at the ratio of one (1) space per 250 square feet of gross floor area because the Applicant has noted the business will be serving food. If food was not being served, the minimum code required parking ratio would be one (1) space per 500 square feet of gross floor area. In order to meet UDC minimum requirements for the approximate suite size of 7,000 square feet, a total of 28 parking spaces should be provided.

With the approved CZC and the additional spaces on the site specific site plan, 102 parking spaces are proposed on-site and would likely be used because there is an existing cross-access and cross-parking agreement in place for the site. Both the land owner and Applicant understand the entire site will likely be used for parking for the proposed business. The approved plans do not show any parking along the future northern commercial lots and the land owner has guaranteed that those spaces will be built prior to this use commencing. Staff recommends a condition of approval commensurate with these conversations and assurances. Staff finds this condition and assurance incredibly important to the project because those additional spaces could amount to the 125 total spaces previously mentioned—depending on how the parking is configured on the north side of the site, there is physical room for approximately a maximum of 37 additional parking spaces at the required 9 feet of width and including four landscape planters in line with code requirements. Again, this is a maximum but does show additional parking spaces will be provided on site beyond what is currently being shown.

With 30 additional spaces, a total of 132 spaces would be provided throughout the entire site, exceeding the UDC minimums by approximately 450%. However, not just this use can be analyzed on site because only two other users are currently known and there is potential for additional commercial buildings along the north side of the site. The two other uses currently known are an Urgent Care Facility and Jamba Juice. Jamba Juice is intended to share the same building as The Oasis and would be located in the 1,200 square foot suite to its east, requiring five (5) spaces at a minimum. The urgent care facility will be closed by 5pm and requires only 7

spaces per UDC; these hours of operation for the urgent care facility should not affect The Oasis and are a preferred set of hours when adjacent to a use such as a nightclub and/or music venue that has peak operating hours later in the evening and night.

As noted, other future uses on the undeveloped north half of the site are not currently known. Preliminary discussions with the land owners have yielded assumptions that those future uses are likely office uses with a potential for an additional drive-thru but nothing concrete is currently known by Staff. With the potential of additional traffic and parking spaces being utilized during the operating hours of The Oasis once future uses come online, Staff recommends the Applicant and land owner obtain a cross-parking agreement with the adjacent properties to the south and to the west to increase the amount of available parking for the proposed use. In addition, a minimum of 125 total parking spaces shall be constructed within Eagle Commons to obtain a parking to patron ratio of 1:4 in accord with previous approvals.

IF these conditions can be met, Staff finds the proposed uses of the property should minimize the impact to the adjacent residential neighborhood.

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

Minimum 5-foot wide sidewalks are required adjacent to all commercial buildings as outlined in UDC 11-3A-17. The building containing the proposed use has been approved with approximate 8-foot wide sidewalks on the north and west side of the building. These areas of the site are where patrons would congregate as the south and east side of the building contain a drive-thru. The subject building is not directly adjacent to any public streets and was therefore not required to directly connect to those sidewalks. However, the building will have easy access to proposed sidewalks along the drive aisle to the west of the subject site which is being constructed by this land owner because this site is being developed prior to the Villasport site.

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

A 5-foot wide landscape buffer is required adjacent to the drive-through along the southern property line. This landscape strip has been reviewed and approved with the existing CZC and complies with code requirements. Furthermore, as the commercial site to the south develops in the future, additional landscaping will be provided to screen the building and any future use from the residences to the southwest.

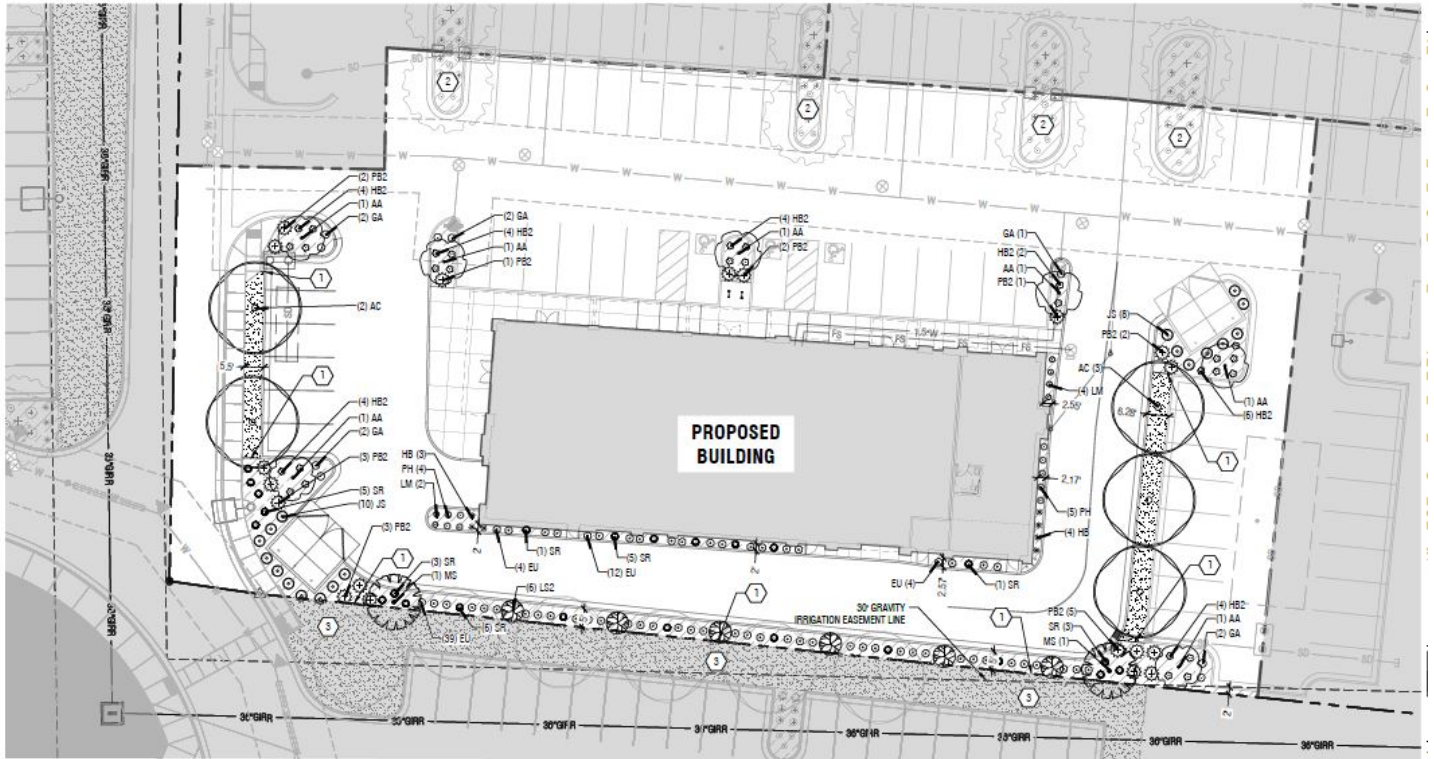
VI. DECISION

A. Staff:

Staff recommends approval of the requested conditional use permit application per the conditions of approval in Section VIII and the Findings in Section IX of this staff report.

B. Commission:

Enter Summary of Commission Decision.



CZC-Landscape Plan
 Horizontal Scale: 1" = 20'



E. Approved Building Elevations (date: 2/05/2021)



design west architects
 700 SOUTH WILSON
 SUITE 100
 MERIDIAN, ID 83642

WADSWORTH - OASIS / JAMBA JUICE
 MERIDIAN, ID
 3000 S. GLENN ROAD
 WADSWORTH DEVELOPMENT GROUP

DATE	NOV 2020
SCALE	1/4" = 1'-0"
PROJECT	WADSWORTH - OASIS / JAMBA JUICE
NO.	01
REV.	
DATE	
BY	
CHECKED	

3D VIEW FROM THE NORTHEAST

A - VIEW 01



design west architects
 700 SOUTH WILSON
 SUITE 100
 MERIDIAN, ID 83642

WADSWORTH - OASIS / JAMBA JUICE
 MERIDIAN, ID
 3000 S. GLENN ROAD
 WADSWORTH DEVELOPMENT GROUP

DATE	NOV 2020
SCALE	1/4" = 1'-0"
PROJECT	WADSWORTH - OASIS / JAMBA JUICE
NO.	02
REV.	
DATE	
BY	
CHECKED	

3D VIEW FROM THE NORTHWEST

A - VIEW 02

VIII. CITY/AGENCY COMMENTS & CONDITIONS

A. PLANNING DIVISION

1. The Applicant and/or assigns has the ongoing obligation to comply with the existing Development Agreement (Inst. #2019-121599) and all current City of Meridian ordinances and previous conditions of approval associated with this site: H-2019-0082, H-2020-0104, A-2019-0376, A-2021-0010, and A-2021-0012.
2. The Applicant shall have an ongoing obligation to comply with the specific use standards for a Drinking Establishment (UDC 11-4-3-10) and Indoor Recreation Facility (UDC 11-4-3-2).
3. The Conditional Use Permit is approved with the following conditions:
 - a. The proposed business shall have operating hours as set forth: Sunday through Thursday, 4:00PM to 12:00AM and; Friday and Saturday, 4:00PM to 1:00AM.
 - b. The maximum number of patrons and employees allowed at any one time shall not exceed five-hundred (500) persons.
 - c. A minimum of 125 parking spaces shall be provided on the overall Eagle Commons site prior to commencement of the proposed uses.
 - d. The Applicant and/or land owner shall obtain a cross-parking agreement with the adjacent sites prior to commencement of the proposed uses (Parcels S1105110111 and/or S1105110120).
 - e. Prior to obtaining Certificate of Occupancy for the building, the drive aisle connection from Ustick Road to N. Cajun Lane shall be constructed.
4. To establish the new uses, the Applicant shall apply for a Certificate of Zoning Compliance-Change of Use prior to commencing the proposed uses—with this submittal the Applicant shall provide the cross-parking plan with adjacent sites as well as their plan to incentivize patrons to use ride-sharing services to get to the site during events.
5. The Applicant and land owner shall work with adjacent land owners to construct a driveway connection to the west commensurate with the Villasport approvals and site layout to have more direct access to N. Centrepoint Way.
6. Future development shall be consistent with the minimum dimensional standards listed in UDC Table 11-2B-3 for the C-G zoning district.
7. The Applicant shall comply with all previous ACHD conditions of approval.
8. The conditional use approval shall become null and void unless otherwise approved by the City if the applicant fails to 1) commence the use, satisfy the requirements, acquire building permits and commence construction within two years as set forth in UDC 11-5B-6F.1; or 2) obtain approval of a time extension as set forth in UDC 11-5B-6F.4.

B. POLICE DEPARTMENT (MPD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=223212&dbid=0&repo=MeridianCity>

C. NAMPA MERIDIAN IRRIGATION DISTRICT (NMID)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=223054&dbid=0&repo=MeridianCity>

D. ADA COUNTY HIGHWAY DISTRICT (ACHD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=223661&dbid=0&repo=MeridianCity>

E. DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=222985&dbid=0&repo=MeridianCity>

IX. FINDINGS**A. Conditional Use Permit Findings ([UDC 11-5B-6E](#)):**

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.**
If all conditions of approval are met, Staff finds the submitted site plan shows compliance with all dimensional and development regulations in the C-G zoning district in which it resides and compliance with the required specific use standards (UDC 11-4-3-2 & 11-4-3-10)
2. **That the proposed use will be harmonious with the Meridian comprehensive plan and in accord with the requirements of this title.**
Staff finds the proposed uses are, with Staff's conditions of approval, is harmonious with the comprehensive plan designation of Mixed-Use Regional and the requirements of this title.
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.**
Despite the proposed use being different than the residential uses nearby to the southwest, Staff finds the design, construction, and proposed operation and maintenance will be more compatible with other uses in the general vicinity and should not adversely change the essential character of the same area, so long as the Applicant complies with the conditions of approval and maintains all required landscape buffers.
4. **That the proposed use, if it complies with all conditions of the approval imposed, will not adversely affect other property in the vicinity.**
Staff finds the proposed use, if it complies with all conditions of approval imposed, will not adversely affect other property in the vicinity.

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

Staff finds the proposed use will be served adequately by essential public facilities and services because all services are readily available.

- 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.**

All public facilities and services are readily available for the subject site so Staff finds that the proposed use will not be detrimental to the economic welfare of the community or create excessive additional costs for public facilities and services.

- 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.**

Although traffic is sure to increase in the vicinity with the addition of the proposed business, all major roadways adjacent to the site are already at their full width and the peak operating hours should be later than peak traffic hours. In addition, if the Applicant complies with all conditions of approval, Staff finds the proposed use will not be detrimental to any persons, property, or the general welfare.

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

Staff is unaware of any natural, scenic, or historic features within the development area, therefore, Staff finds the proposed use should not result in damage of any such features.

(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'Andea: 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.



AGENDA ITEM

ITEM TOPIC: Public Hearing for Mountain America Credit Union Drive-Through (H-2021-0019) by Mountain America Credit Union, Located on the West Side of N. Ten Mile Road, Approximately 750 Feet South of Chinden Blvd.

A. Request: Conditional Use Permit for a drive-through establishment within 300 feet of a residential use and zoning district for a financial institution on 1.16 acres of land in the C-G zoning district.



PUBLIC HEARING INFORMATION

Staff Contact: Joseph Dodson

Meeting Date: May 6, 2021

Topic: **Public Hearing** for Mountain America Credit Union Drive-Through (H-2021-0019) by Mountain America Credit Union, Located on the west side of N. Ten Mile Road, approximately 750 feet south of Chinden Blvd.

- A. Request: Conditional Use Permit for a drive-through establishment within 300 feet of a residential use and zoning district for a financial institution on 1.16 acres of land in the C-G zoning district.

Information Resources:

[Click Here for Application Materials](#)

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



STAFF REPORT

COMMUNITY DEVELOPMENT DEPARTMENT

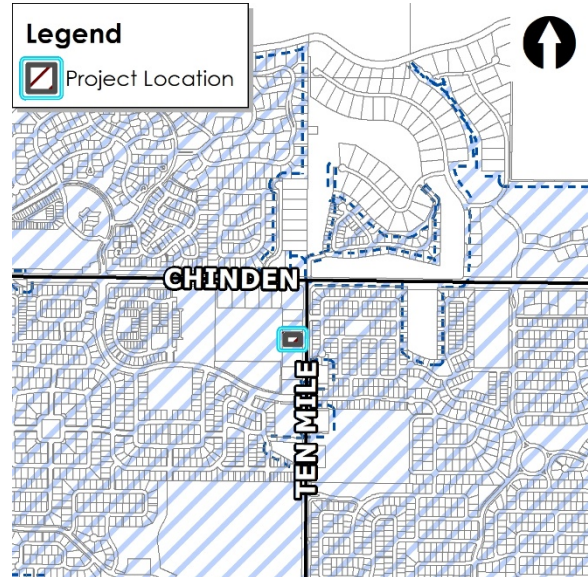
HEARING DATE: 5/6/2021

TO: Planning & Zoning Commission

FROM: Joseph Dodson, Associate Planner
208-884-5533

SUBJECT: H-2021-0019 & A-2021-0063
Mountain America Credit Union – CUP & DES

LOCATION: W. side of N. Ten Mile Rd., north of W. Lost Rapids Dr. (Lot 13, Block 1, Lost Rapids Subdivision – Parcel #R5330761300), in the NE ¼ of Section 27, Township 4N., Range 1W.



I. PROJECT DESCRIPTION

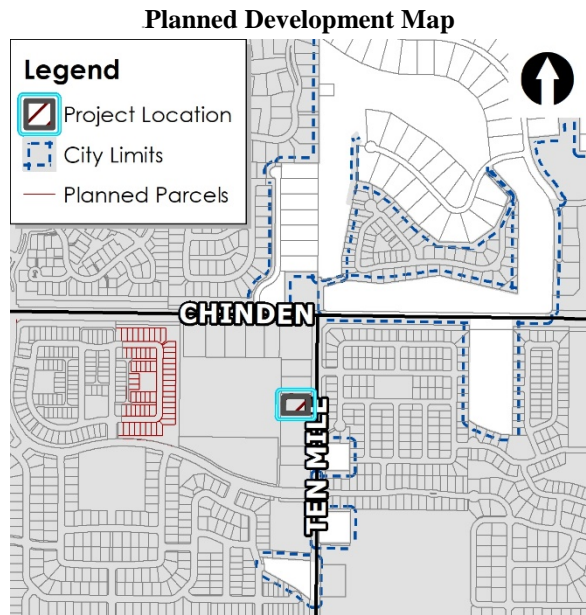
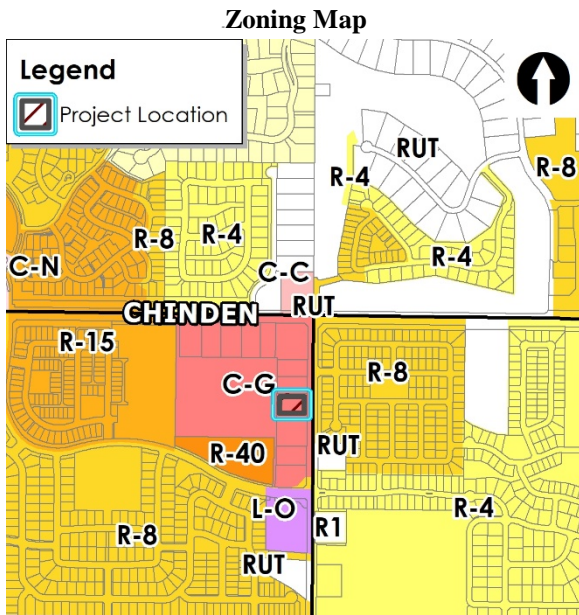
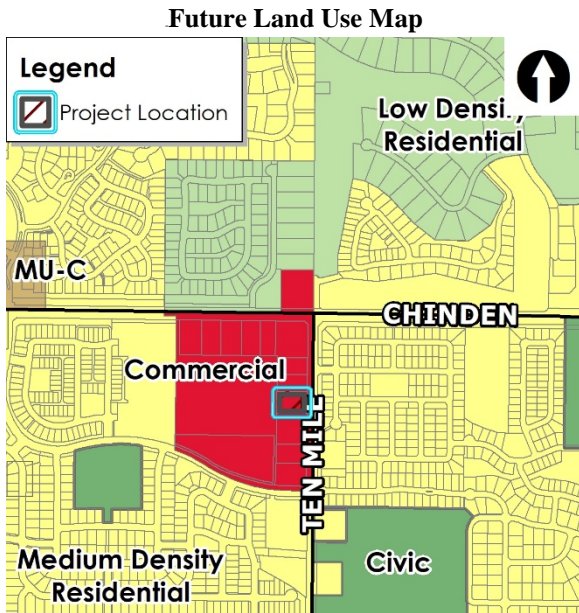
Conditional use permit for a drive-through establishment within 300-feet of another drive-through establishment on 1.16 acres of land in the C-G zoning district and concurrent Administrative Design Review.

II. SUMMARY OF REPORT

A. Project Summary

Description	Details	Page
Acreage	1.16-acres	
Future Land Use Designation	Commercial	
Existing Land Use	Vacant/undeveloped	
Proposed Land Use(s)	Financial Institution with a detached drive-through	
Current Zoning	General Retail and Service Commercial District (C-G)	
Physical Features (waterways, hazards, flood plain, hillside)	None	
Neighborhood meeting date; # of attendees:	February 18, 2021; 2 attendees	
History (previous approvals)	H-2018-0004 (DA # 2018-079970 , Lost Rapids - GFI Meridian Investments II, LLC); FP-2019-0056	

A. Project Area Maps



III. APPLICANT INFORMATION

A. Applicant:

Shane Sanders, Sanders Associates Architects – 2668 Grant Avenue, Ogden, UT 84401

B. Owner:

Mountain America Credit Union – 9800 S. Monroe Street, Sandy, UT 84070

C. Representative:
Same as Applicant

IV. NOTICING

	Planning & Zoning Posting Date
Newspaper Notification	4/16/2021
Radius notification mailed to properties within 500 feet	4/13/2021
Site Posting Date	4/26/2021
Next Door posting	4/13/2021

V. STAFF ANALYSIS

The proposed drive-through is for a financial institution and is within 300-feet of a restaurant drive-through to the south that has recently received Commission approval (Lost Rapids Drive-through, H-2021-0001), which requires Conditional Use Permit approval (CUP) per UDC Table 11-2B-2. *There are also residential uses and zoning to the east across N. Ten Mile Rd. but because the uses are separated by an arterial street, these are not a factor in the CUP requirement per UDC [11-4-3-11A](#).*

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;

The proposed drive-through has three (3) stacking lanes that are approximately 65’ +/- from the drive aisle to the drive-up services for the bank; furthermore, the proposed drive-up services are proposed in a detached structure that is on the west end of the site with the main building being on the east of the site, approximately 95’ apart. Staff believes the stacking lane has sufficient capacity to serve the use without obstructing driveways and drive aisles by patrons.

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.

Per the submitted site plan, the stacking lanes are off of the shared internal access and provide at least 65’ of are before any vehicle would impede any access. Staff does not foresee the stacking lanes impeding the circulation lanes, especially due to the proposed design of a detached drive-through.

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 lanes do not exceed 100' in length so no escape lane is proposed. However, the exit drive-aisle for the detached drive-through is shown as 23' wide, allowing for patrons to exit the drive-through and turn north or south with ample room on either side.

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

The detached drive-through is not exceptionally visible from N. Ten Mile Rd. (the closest public street) along the east boundary of the site but the south boundary of the site is one of the main ingress and egress drive aisles for the overall Costco site. Staff finds this shared drive-aisle and overall proximity to Ten Mile Road (no more than 185 feet in distance) provides for adequate surveillance opportunities.

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

The proposed use of a financial institution is subject to the specific use standards listed in UDC 11-4-3-17. The proposed site plan appears to show compliance with all of the standards and will be further verified with the future Certificate of Zoning Compliance (CZC) application. At the time of CZC review, Meridian Police Department will verify compliance with the required specific use standards.

Access: One driveway access is proposed to the site via the north/south driveway along the west boundary of the site from W. Lost Rapids Dr. from the south and a driveway access via N. Ten Mile Rd. adjacent to the property along the south boundary. A reciprocal cross-access easement exists for lots in this subdivision as noted on the Lost Rapids subdivision plat (note #12) and in the Declaration of Easements, Covenants, Conditions and Restrictions (Inst. 2020-071547).

Parking: A minimum of one (1) parking space is required to be provided for every 500 square feet of gross floor area for nonresidential uses. The proposed building is shown as 4,276 square feet requiring a minimum of 9 (rounded up from 8.5) parking spaces; the submitted site plan shows 30 proposed parking spaces exceeding UDC minimums.

The recorded Declaration of Easements, Covenants, Conditions and Restrictions for this development establish cross-parking easements for lots in certain groups within the development (Inst. 2020-071547, Amended Inst. #2020-171404). This lot (Lot 12) is grouped with Lot 11 directly to the north and shares a perpetual, non-exclusive cross-parking easement with that lot.

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](#). Bicycle parking is shown on the submitted plans in compliance with code.

Pedestrian Walkways: A pedestrian walkway is depicted on the site plan from the arterial/perimeter sidewalk along N. Ten Mile Rd. to the main building entrance as required by UDC 11-3A-19B.4a and meets code as submitted.

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 landscape buffer is required to be provided along the perimeter of the parking or other vehicular use areas as set forth in UDC 11-3B-8C.1. The submitted landscape plan shows the required perimeter buffer but the buffer along the north boundary does not show any trees within this buffer. Trees are required to be provided for within these buffers at a ratio of at least 1 tree every 35 linear feet. **With the CZC submittal, the landscape plan should be revised to show compliance with this standard.**

Street buffer landscaping, including a sidewalk, along N. Ten Mile Rd. was installed with development of the overall subdivision. The submitted landscape plans show a majority of this buffer remaining as it currently exists but towards the southern end of this buffer the plans show additional landscaping to highlight the building and future monument sign. This area of the buffer also contains the new sidewalk connection from the existing sidewalk along Ten Mile to the front of the proposed building.

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](#). If mechanical equipment is proposed to be roof-mount, all equipment should be screened and out of view as noted above.

Building Elevations: The Applicant applied for Design Review concurrently with this CUP application and therefore provided building elevations to be reviewed. The building elevations were submitted as shown in Section VII.C and incorporate two main field materials, fiber cement siding and stone. The siding and stone are two contrasting colors (coal-like color and white, respectively) which adds to the overall modern design of the building. On the east and west elevations, the number of proposed windows can act as either an accent material or a third field material. The lack of modulation along the north and south elevations are of concern to Staff. In order to meet the modulation requirements for these two facades, a column of stone at least 6 inches in depth should be added to each façade, matching the overall aesthetic by placing them as evenly as possible on each façade.

The detached drive-through canopy is shown with the same two field materials (fiber cement siding and stone) as the main building and meets all of the applicable design standards outlined in the Architectural Standards Manual.

No elevations were submitted that show the proposed trash enclosure; this should be corrected with the future CZC submittal and should match the color of the proposed building. The submitted landscape plans show adequate screening of the trash enclosure.

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

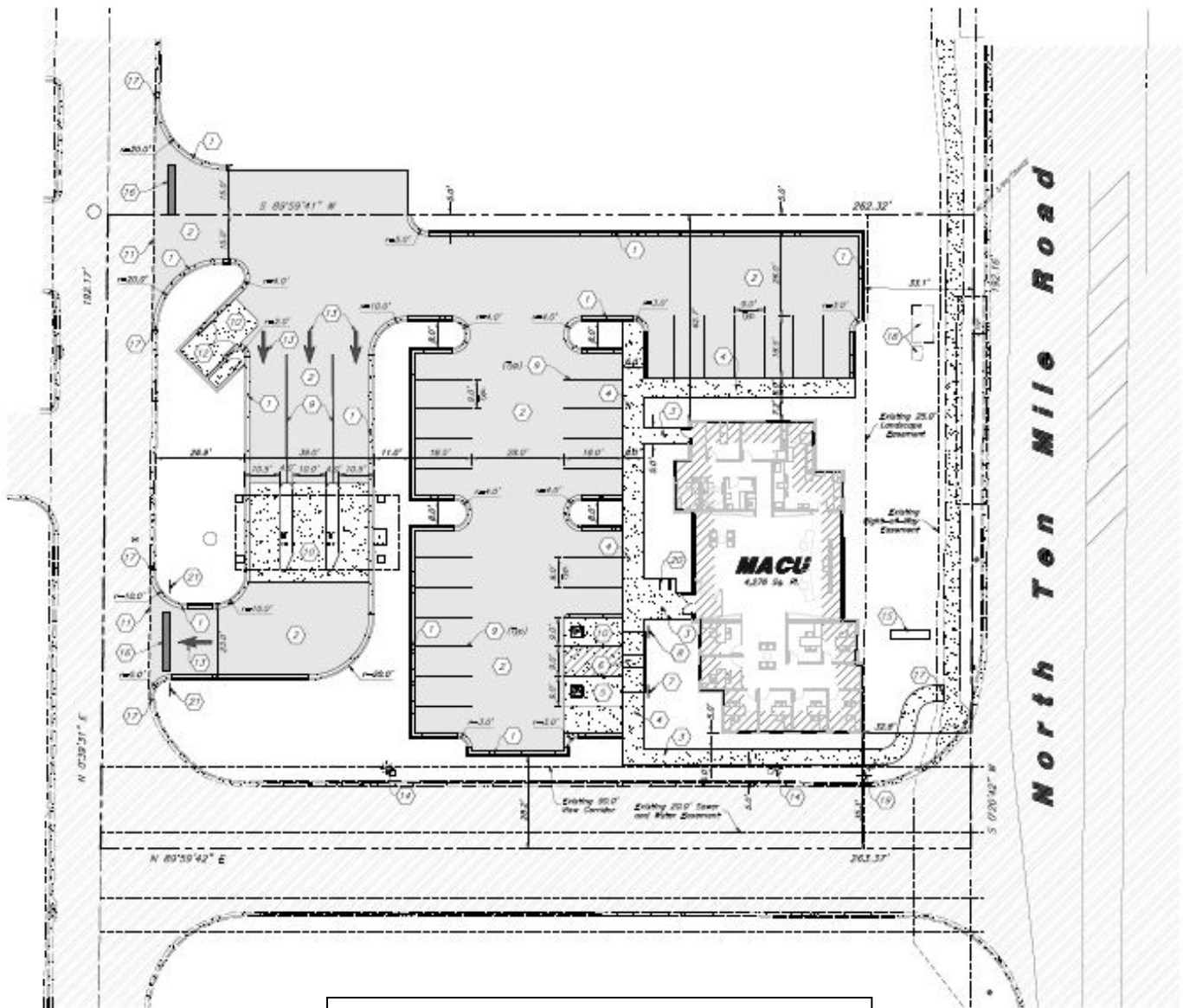
VI. DECISION

A. Staff:

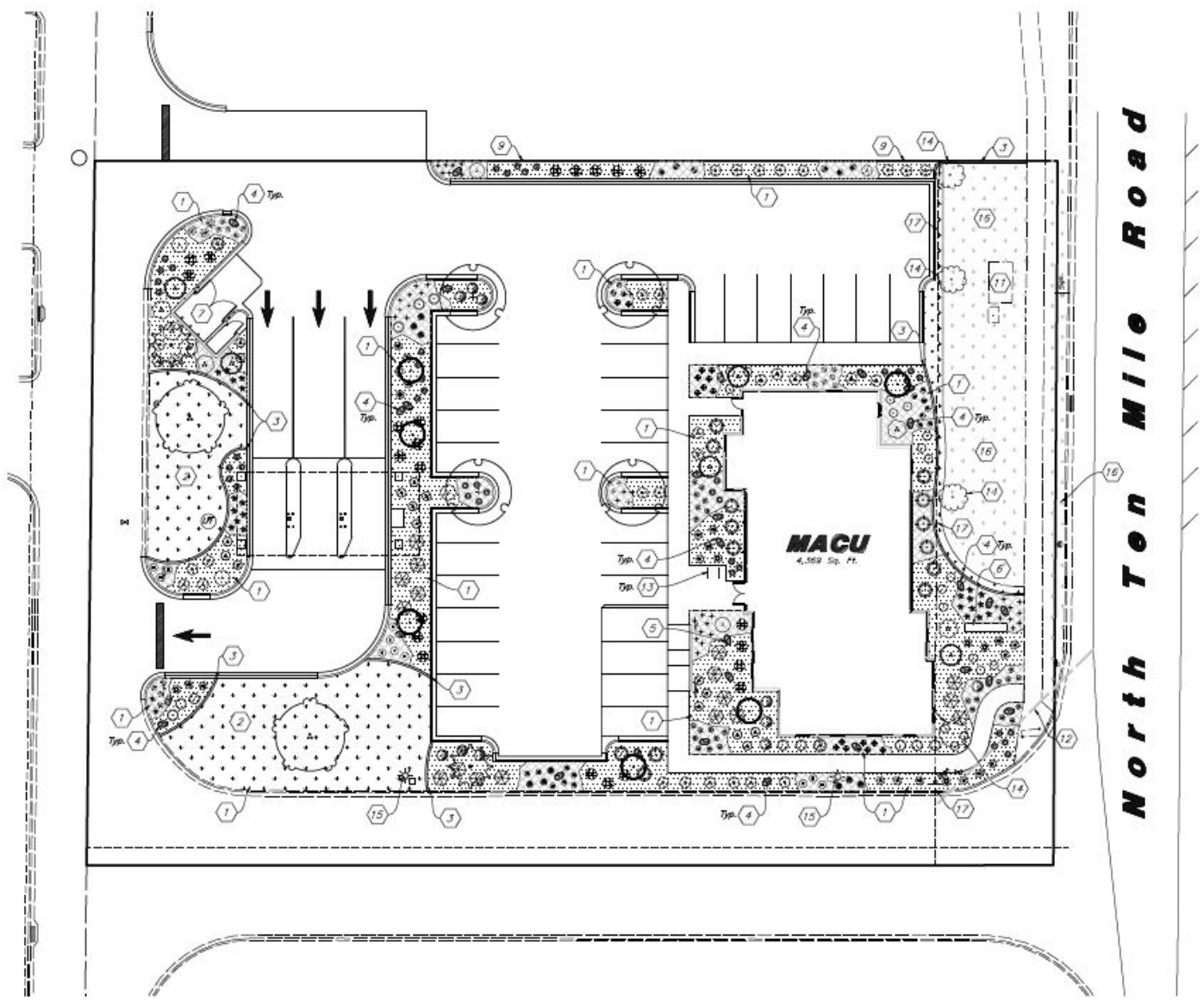
Staff recommends approval of the proposed conditional use permit with the conditions included in Section VIII per the Findings in Section IX. The Director has approved the administrative design review request.

VII. EXHIBITS

A. Proposed Site Plan (dated: 3/23/2021)



Lot with previously approved drive-through (Lost Rapids Drive-through, H-2021-0001).



C. Conceptual Building Elevations



VIII. CITY/AGENCY COMMENTS & CONDITIONS

A. PLANNING

1. Future development of this site shall comply with the existing Development Agreement (Inst. #[2018-079970](#), Lost Rapids - GFI Meridian Investments II, LLC) and associated conditions of approval (H-2018-0004; FP-2019-0056).
2. The site plan submitted with the future Certificate of Zoning Compliance application shall be revised as follows:
 - a. Depict the parking stalls in accordance with [UDC Table 11-3C-5](#) to be at least 9' wide and 19' deep unless there is at least a 2' overhang in front of the stall allowing the stall depth to be reduced to 17'.
 - b. If 17' stall depths are desired abutting the proposed building, depict the sidewalk to be at least 7' in width; all sidewalks shall be at least 5' in width.
3. The landscape plan submitted with the future Certificate of Zoning Compliance application shall be revised as follows:
 - a. Depict the required number of trees within the planter bed along the north boundary, per UDC 11-3B-8.
4. The elevations submitted with the Administrative Design Review (DES) application are approved with the following revisions:
 - a. Show the north and south elevations with additional qualifying modulation per standard 3.1A & 3.1B in the [Architectural Standards Manual](#). The revisions to the elevations are required with the submittal of the certificate of zoning compliance application.
5. Submit elevations of the trash enclosure that matches the proposed building color.
6. Comply with the standards listed in UDC [11-4-3-11](#) – Drive-Through Establishment is required.
7. Comply with the standards listed in UDC [11-4-3-17](#) – Financial Institution.
8. A Certificate of Zoning Compliance application shall be submitted and approved for the proposed use prior to submittal of a building permit application.
9. Prior to receiving Certificate of Occupancy, the required 35-foot landscape buffer along Ten Mile Road shall be vegetated and completed in accord with previous approvals and [UDC 11-3B-7](#).
10. 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. PUBLIC WORKS

1. There are no utilities shown with the plans submitted. Any changes to public water or sewer infrastructure must be reviewed by Public Works prior to approval.

C. NAMPA & MERIDIAN IRRIGATION DISTRICT (NMID)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=227458&dbid=0&repo=MeridianCity>

D. ADA COUNTY HIGHWAY DISTRICT (ACHD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=226253&dbid=0&repo=MeridianCity>

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=225686&dbid=0&repo=MeridianCity>

IX. FINDINGS

Conditional Use (UDC 11-5B-6)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



AGENDA ITEM

ITEM TOPIC: Public Hearing for The Vault (H-2021-0017) by Joshua Evarts, Located at 140 E. Idaho Ave.

A. Request: Conditional Use Permit to allow for a drinking establishment.



PUBLIC HEARING INFORMATION

Staff Contact: Alan Tiefenbach

Meeting Date: May 6, 2021

Topic: **Public Hearing** for The Vault (H-2021-0017) by Joshua Evarts, Located at 140 E. Idaho Ave.

A. Request: Conditional Use Permit to allow for a drinking establishment.

Information Resources:

[Click Here for Application Materials](#)

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

STAFF REPORT COMMUNITY DEVELOPMENT DEPARTMENT



HEARING DATE: 5/6/2021

TO: Planning & Zoning Commission

FROM: Alan Tiefenbach, Associate Planner
208-489-0573

SUBJECT: H-2021-0017
The Vault CUP

LOCATION: 140 E. Idaho Ave



I. PROJECT DESCRIPTION

The Applicant has submitted an application for a conditional use permit to allow a drinking establishment in an existing building in the O-T zone district. The present business is a cigar bar (retail establishment) that recently begun serving ancillary beer and wine. The applicant proposes to expand the business to allow dispensing of all types of liquor. As this qualifies as a lounge, nightclub, or tavern, UDC 11-2D-2 only allows the use through conditional use permit.

II. SUMMARY OF REPORT

A. Project Summary

Description	Details	Page
Acreage	2,170 sq. ft. +/-	
Future Land Use Designation	Old Town	
Existing Land Use(s)	Cigar bar with ancillary beer and wine.	
Proposed Land Use(s)	Drinking Establishment	
Lots (# and type; bldg./common)	1 lot	
Neighborhood meeting date; # of attendees:	March 18, 2021 – no citizens in attendance	
History (previous approvals)	CZC-11-023, DES 15-087, A-2017- 0216, CZC, DES A-2021-0048	

Description	Details	Page
B. Community Metrics		
Description	Details	Page
Ada County Highway District	Traffic impact study not required. No comments	
Access (Arterial/Collectors/State Hwy/Local)(Existing and Proposed) Existing Road Network	Primary access occurs from E. Idaho Ave, a local street. Yes	
Fire Service	No comments submitted	
Police Service	No comments submitted	
Wastewater		
<ul style="list-style-type: none"> Distance to Sewer Services 	N/A	
<ul style="list-style-type: none"> Sewer Shed 	Five Mile Trunkshed	
<ul style="list-style-type: none"> Estimated Project Sewer ERU's 	See application	
<ul style="list-style-type: none"> WRRF Declining Balance 	14.09	
<ul style="list-style-type: none"> Project Consistent with WW Master Plan/Facility Plan 	Yes	
<ul style="list-style-type: none"> Comments 	<ul style="list-style-type: none"> No additional comments 	
Water		
<ul style="list-style-type: none"> No comment 		

C. Project Area Maps

Future Land Use Map



Aerial Map



Zoning Map



Planned Development Map



III. APPLICANT INFORMATION

A. Owner

Joshua Evarts, Novemberwhisky Properties LLC – 77 E. Idaho Ave, Ste 300, Meridian, ID, 83642

B. Applicant

Joshua Evarts - 303 E. State Ave, Meridian, ID 83642

IV. NOTICING

	Planning & Zoning Posting Date	City Council Posting Date
Newspaper Notification	4/16/2021	
Radius notification mailed to properties within 300 feet	4/13/2021	
Site Posting Date	4/22/2021	
NextDoor posting	4/13/2021	

V. STAFF ANALYSIS

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

Old Town -This designation includes the historic downtown and the true community center. Sample uses include offices, retail and lodging, theatres, restaurants, and service retail for surrounding residents and visitors. A variety of residential uses are also envisioned and could include reuse of existing buildings, new construction of multi-family residential over ground floor retail or office uses.

The business is proposed to be located within an existing historic building which was constructed in 1915 and significantly rehabilitated and remodeled by the present applicant in 2015 - 2016. The current establishment serves as a neighborhood cigar bar with ancillary beer and wine sales (retail establishment), and is proposed to be expanded to allow all types of liquor, although the applicant states the primary use is still a cigar bar. The business fronts directly onto E. Idaho Ave and a certificate of zoning compliance (CZC) and design review (DES) were recently approved to allow a 600 sq. ft. covered outdoor patio in the alley help activate the downtown area in and around Generations Plaza. This type of neighborhood gathering place is exactly the type of locally-owned and serving businesses intended by the Comprehensive Plan.

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

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

- Support redevelopment and infill opportunities Downtown. (2.09.01)

The business is located within an existing building in the historic downtown core. This would be considered redevelopment (more specifically, adaptive reuse of an existing structure). The applicant made significant interior and façade improvements in 2015-2016 and is currently constructing an outside patio to activate the area.

- 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).

As mentioned, the business is located within the historic downtown core and zoned Old Town (O-T). Within this area, a mix of land uses is encouraged which creates a vibrant downtown, enhances sense of place, and provides gathering places for locals and

visitors. This existing cigar bar, which is now proposing to expand their uses to allow full service serving of alcohol, is already serving as a community gathering place and this proposal would enhance this use.

- Support a compatible mix of land uses Downtown that activate the area during day and night. (2.09.02F)

The existing cigar bar and proposed conditional use to allow additional alcohol consumption is the type of downtown use which activates an area during day and night.

- Minimize noise, lighting, and odor disturbances from commercial developments to residential dwellings by enforcing city code.

The business and the outdoor patio will seat a total capacity of 49 people. Business hours will be from 12PM – 10PM Mon-Thurs, 12PM to 11PM on Friday, and 10AM to 11PM on Saturday. The purpose of the O-T district is to accommodate and encourage further intensification of the historical city center in accord with the Meridian Comprehensive Plan. As this business is within the old town mixed use district, the Comprehensive Plan anticipates activating the area day and night.

C. Existing Structures/Site Improvements:

The existing and proposed business is located within a 1,500 sq. ft. space in an existing historic building; this conditional use is to allow expansion of allowed uses.

D. Proposed Use Analysis:

The proposed use is proposed to still be primarily a cigar bar, but with the use expanded to allow serving of all types of liquor (drinking establishment). This use is allowed by conditional use permit in the O-T zone district subject to specific use standards. As this conditional use is to allow the establishment of a new use, a Certificate of Zoning Compliance for a Change in Use will be required per UDC 11-5B-1.

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

UDC 11-4-3-10 allows drinking establishments with the limitations that it shall not be within 300 feet of a church or any other place of worship or any public or private education institution. For properties abutting a residential district, no outside activity or event shall be allowed on the site, except in accord with chapter 3, article E, "temporary use requirements."

The nearest place of worship or educational facility is the United Methodist Church, which is approximately 250 feet away. The closest residence is approximately 100 feet to the north, on the opposite side of the alley as the proposed establishment. However, the church and the residence are in the Old Town zoning district, which is not a residential district, and a mix of uses including restaurants and drinking establishments are appropriate and encouraged.

NOTE: If the use is allowed to commence on the property, the applicant is required to obtain a liquor license with the State, County and City prior to serving alcohol.

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

In the O-T zone district, there is not a setback requirement, there is a minimum building height of two stories, and there are requirements for streetscape improvements. The building in which this establishment is already located is within an existing one-story historic building. Other than an outdoor patio, no other extensions or additions are proposed as part of this business.

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

Access to this business is provided from NE 2nd St and E. Idaho Ave. This proposal was referred to ACHD, who had no comments.

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

UDC 11-3C-6B-3 requires one parking space for every one thousand square feet of gross floor area in all traditional neighborhood districts. Lawfully existing structures in traditional neighborhood districts shall not be required to comply with the requirements of this section except when a proposed addition increases the number of off-street parking spaces normally required, then the applicant shall provide additional parking.

The business is within an existing building, and no building additions have occurred (covered outdoor seating is not considered an addition). This business is within the historic downtown core, where adaptive reuse of historic structures is encouraged and on-street parking in the area is plentiful. There are at least 17 existing on-street parking spaces in front of the business within 100 feet.

Sidewalks (*UDC 11-3A-17*)

Detached sidewalks and streetscape improvements already exist along E. 2nd St and E. Idaho Ave.

I. Parkways

No parkways are proposed with this project.

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

Landscaping and streetscape improvements already exist along E. 2nd St and E. Idaho Ave.

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

An outdoor eating area has been approved for this project through a certificate of zoning compliance with design review. This includes a 3'-6" fence bordering the outdoor area. No other fencing is existing or proposed.

L. Utilities

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

M. Building Elevations

No additional modifications to the existing building façade have been proposed.

VI. DECISION

A. Staff:

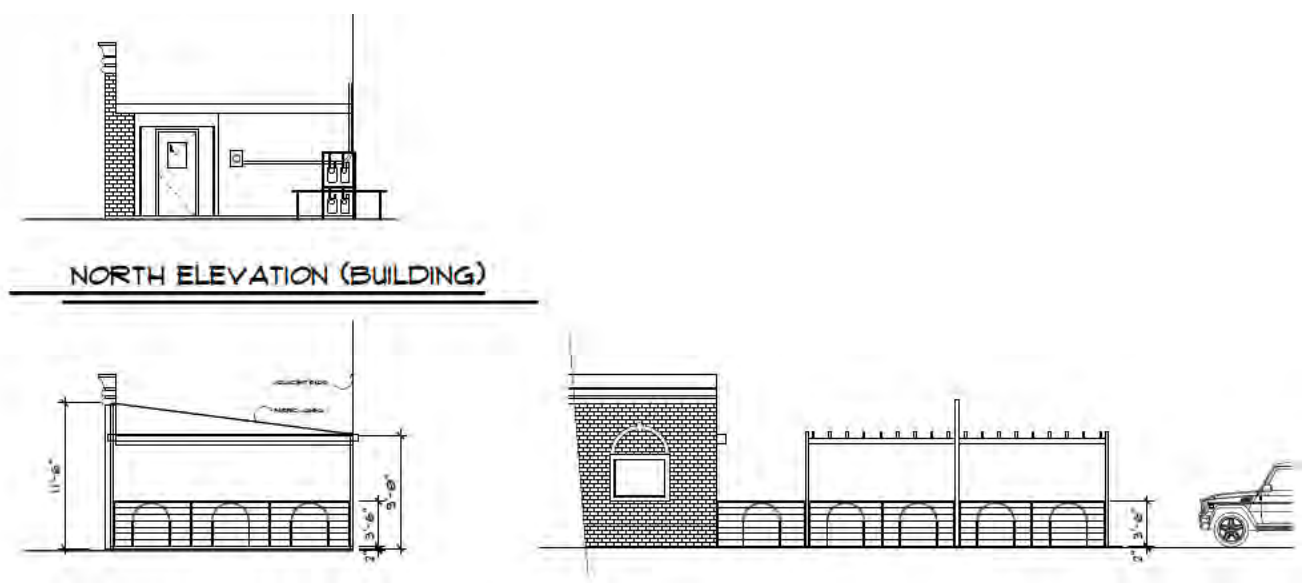
Staff recommends approval of the proposed conditional use permit with the conditions in Section VII per the Findings in Section VIII.

VII. EXHIBITS

A. Approved Site Plan (CZC, DES A-2021-0048, March 26, 2021)



B. Approved Elevations of Outdoor Sitting Area (CZC, DES A-2021-0048, March 26, 2021)



C. Site Photos (date: 4/14/2021)



VIII. CITY/AGENCY COMMENTS & CONDITIONS

A. PLANNING DIVISION

1. The Applicant shall have a maximum of two (2) years to commence the use as permitted in accord with the conditions of approval. If the use has not begun within two (2) years of approval, a new conditional use permit must be obtained prior to operation or a time extension must be requested in accord with UDC 11-5B-6F.
2. Applicant shall comply with all previous conditions associated with development of this site including CZC-11-023, DES 15-087, A-2017- 0216, and CZC, DES A-2021-0048.
3. The Applicant shall have an ongoing obligation to comply with the specific use standards for a Drinking Establishment (UDC 11-4-3-10).
4. The business shall comply with all Idaho state, local and City code regulations regarding the sale, manufacturing, or distribution of alcoholic beverages.
5. Outdoor activity associated with the business shall be restricted to the 600 sq. ft. outdoor patio.
6. Future development shall be consistent with the minimum dimensional standards listed in UDC Table 11-2D for the O-T zoning district.
7. The Applicant shall comply with the outdoor service and equipment area standards as set forth in UDC 11-3A-12.
8. The Applicant shall comply with the outdoor lighting provisions as set forth in UDC 11-3A-11.
9. The applicant shall complete a certificate of zoning compliance for a change in use as required per UDC 11-5B-1.

C. MERIDIAN POLICE DEPARTMENT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=226106&dbid=0&repo=MeridianCity>

IX. FINDINGS

A. Conditional Use Permit

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

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

The building is an existing building in the O-T zoning district. All parking, sidewalks and landscaping is already installed. The outdoor patio meets all setback requirements and does not encroach into any public right of way.

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

The Comprehensive Plan identifies this area as Old Town. This designation includes the historic downtown and the true community center. Allowed uses include offices, retail and lodging, theatres, restaurants, and service retail for surrounding residents and visitors. The existing cigar bar and expansion to allow serving of alcohol will encourage a neighborhood “hang out” for locals and guests. This type of use is what has been envisioned for this area by the Comprehensive Plan.

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.

As mentioned, the existing and expanded use is within an existing historic building, and is within the Old Town district in which retail, restaurants and drinking establishments enhance 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 proposed use is within the old town area where the type of use proposed is anticipated. It will not adversely affect other properties in the vicinity any more than any of the other surrounding restaurants, coffeeshops and drinking establishments.

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

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

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

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

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

This proposed cigar bar and drinking establishment is using existing tenant space within a historic building, and staff is recommending outdoor activities be restricted to the 600 sq. ft. outdoor patio. The surrounding area already consists of restaurants, retail, and drinking establishments as anticipated in the old town. The use is appropriate in this location.

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

The proposed use will occur in a historic building in a historic district. The applicant has already made significant upgrades to the building, enhancing the area. The proposed use will contribute to a vibrant downtown space.



AGENDA ITEM

ITEM TOPIC: Public Hearing for Jump Creek North Four-Plex (H-2021-0018) by Kent Brown Planning Services, Located at the Northwest Corner of N. Black Cat Rd. and W. Gondola Dr.
A. Request: Conditional Use Permit to allow 7 fourplex buildings of 28 units total on 2.2 acres in the R-15 zoning district.



PUBLIC HEARING INFORMATION

Staff Contact: Alan Tiefenbach

Meeting Date: May 6, 2021

Topic: **Public Hearing** for Jump Creek North Four-Plex (H-2021-0018) by Kent Brown Planning Services, Located at the Northwest Corner of N. Black Cat Rd. and W. Gondola Dr.

- A. Request: Conditional Use Permit to allow 7 fourplex buildings of 28 units total on 2.2 acres in the R-15 zoning district.
-

Information Resources:

[Click Here for Application Materials](#)

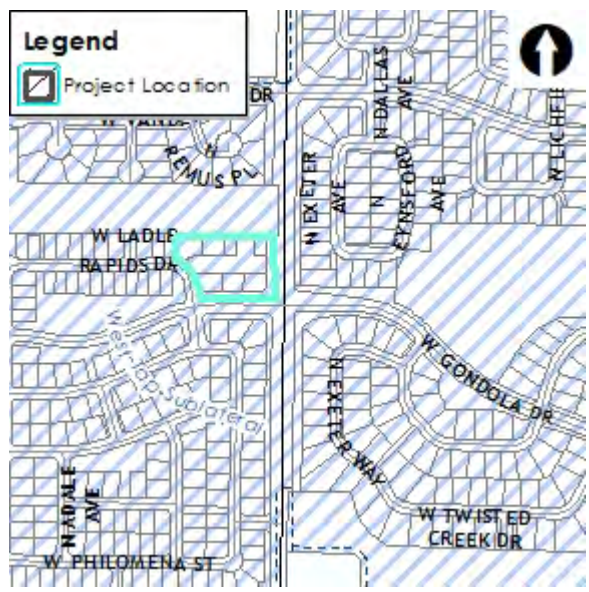
[Click Here to Sign Up to Testify at the Planning and Zoning Commission Public Hearing](#)

STAFF REPORT
COMMUNITY DEVELOPMENT DEPARTMENT



HEARING DATE: 5/6/2021
TO: Planning & Zoning Commission
FROM: Alan Tiefenbach
208-884-5533
Bruce Freckleton, Development Services Manager
208-887-2211
SUBJECT: H-2021-0018
Jump Creek North Fourplex CUP

LOCATION: The site is located on the west side of N. Black Cat Road, midway between W. McMillan Road and W. Chinden Boulevard.



I. PROJECT DESCRIPTION

Conditional Use Permit (CUP) to allow 7 fourplexes (28 units) on 2.2 acres in the R-15 zone.

II. SUMMARY OF REPORT

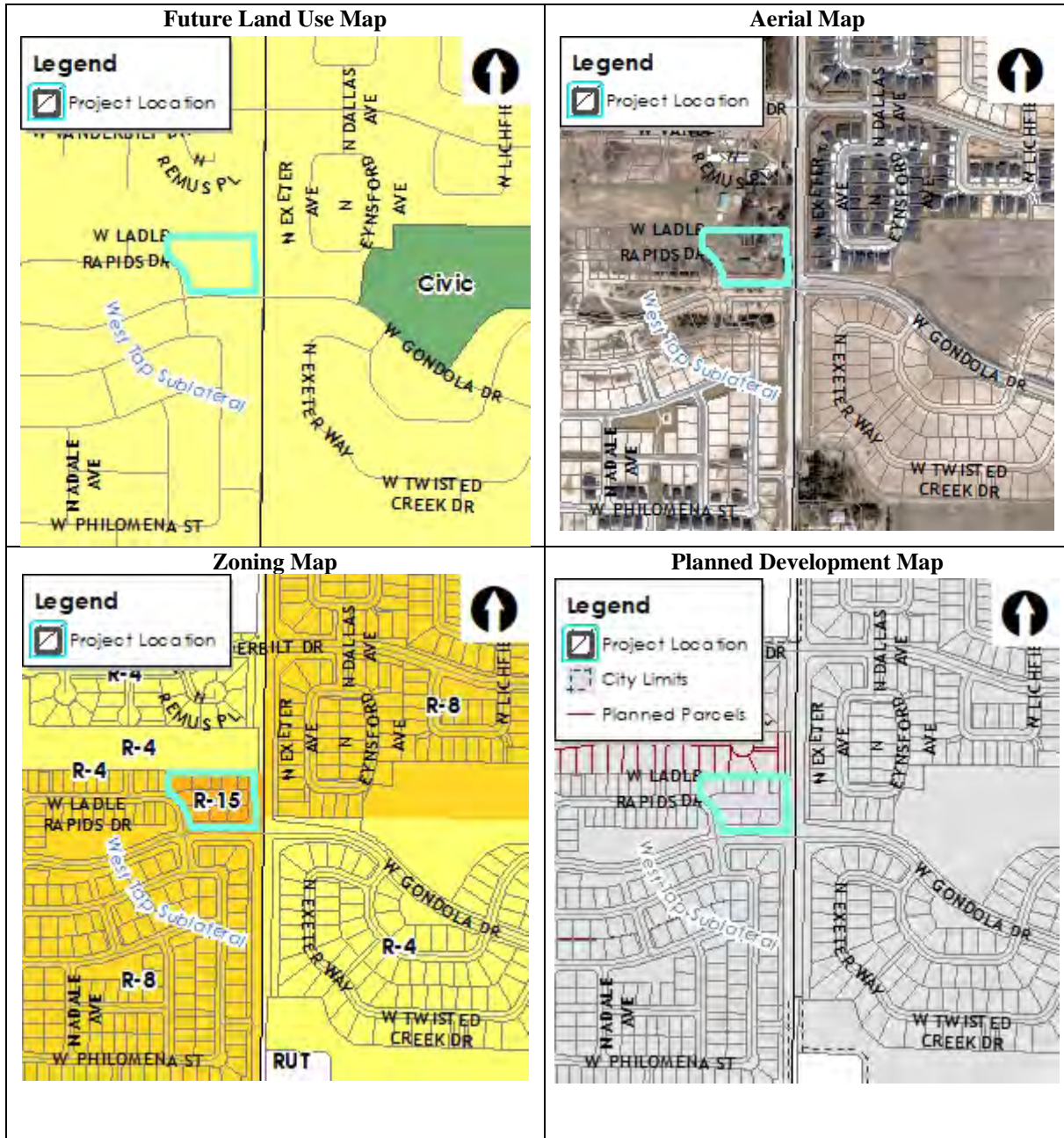
A. Project Summary

Description	Details	Page
Acreage	2.2	
Future Land Use Designation	Medium Density Residential	
Existing Land Use(s)	Vacant	
Proposed Land Use(s)	Multifamily	
Lots (# and type; bldg./common)	7 existing multifamily lots	
Phasing Plan (# of phases)	1	
Number of Residential Units (type of units)	7 fourplex buildings; totaling 28 units	
Density (gross & net)	12.72 gross density	
Open Space (acres, total [%]/buffer/qualified)	Jump Creek Subdivision approved with 13.54 acres of common open space, which amounts to 15.73%.	
Amenities	6 amenities approved with the Jump Creek Subdivisions. 3 tot lots, multi-use pathway; connection to pathway systems and 5% additional open space; 2 amenities are required for the proposed development.	
Physical Features (waterways, hazards, flood plain, hillside)	N/A	
Neighborhood meeting date; # of attendees:	March 16, 2021 – 3 Attendees	

Description	Details	Page
History (previous approvals)	AZ-14-011, PP-14-013, DA Instr. 2014-105206, H-2018-0113	
B. Community Metrics		
Description	Details	Page
Ada County Highway District		
• Staff report (yes/no)	N	
• Requires ACHD Commission Action (yes/no)	No. Traffic impacts and associated improvements reviewed with preliminary and final plat.	
Access (Arterial/Collectors/State Hwy/Local)(Existing and Proposed)	Access will occur from W. Joseph Dr., a local road, which leads to N. Black Cat Rd via W. Malta. Dr.	
Stub Street/Interconnectivity/Cross Access	No stub streets proposed.	
Existing Road Network	All roads serving this development phase (W. Joseph Dr., W. Malta Dr.) have been installed.	
Existing Arterial Sidewalks / Buffers	N. Black Cat including 5' wide detached pathways and 25' landscape buffer has already been installed.	
Proposed Road Improvements	All road improvements were installed with Jump Creek FP Nos. 1, 2 and 3.	
Distance to nearest City Park (+ size)	1 mile +/- to Keith Bird Legacy Park	
Fire Service		
• Distance to Fire Station	2.8 miles from Station 5	
• Fire Response Time	Falls within 5-minute response times	
• Resource Reliability	80% Reliability	
• Risk Identification	Risk Factor 4 because of firefighting in multistory buildings and large amounts of people in one location	
• Accessibility		
• Special/resource needs	No special needs	
• Water Supply	2250 gpm estimated, but property less due to sprinkling.	
• Other Resources	None	
Police Service		
• Distance to Police Station	7.2 Miles	
• Police Response Time	P1 < 5 minutes	
• Calls for Service	464	
• % of calls for service split by priority	P1 - %73.7, P2 - 24.1%, P0 - 2.2%	
• Specialty/resource needs	None listed	
• Crimes	26	
• Crashes	6	
West Ada School District		
• No comments submitted		
Wastewater		
• Distance to Sewer Services	N/A	
• Sewer Shed	N. Black Cat Trunkshed	
• Estimated Project Sewer ERU's	See Application	
• WRRF Declining Balance	14.09	
• Project Consistent with WW Master Plan/Facility Plan	Yes	
Water		
• Distance to Water Services	0	

Description	Details	Page
• Pressure Zone	1	
• Estimated Project Water ERU's	See application	
• Water Quality	No concerns	
• Project Consistent with Water Master Plan	Yes	
• Impacts/Concerns	Utilities have already been approved and built.	

C. Project Area Maps



III. APPLICANT INFORMATION

A. Applicant / Representative:

Kent Brown, Kent Brown Planning Services - 3161 E. Springwood Dr, Meridian, ID 83642

B. Owner:

Corey Barton, Open Door Rentals – 1977 E. Overland Rd, Meridian, ID 83642

IV. NOTICING

	Planning & Zoning Posting Date	City Council Posting Date
Newspaper Notification	4/16/2021	
Radius notification mailed to properties within 300 feet	4/13/2021	
Nextdoor posting	4/14/2021	
Sign Posting	4/17/2021	

V. STAFF ANALYSIS

This proposal is for a conditional use permit to allow 7 fourplexes consisting of a total of 28 dwelling units total on 2.2 acres in the R-15 zone. The subject property was annexed and zoned in 2014 as part of the Jump Creek Subdivision (AZ-14-011, PP-14-013). The approved preliminary plat, final plat (H-2018-0113) and associated development agreement (Instr. 2014-105206) specifically identifies the subject property for a multi-family development. The required infrastructure and landscaping has already been installed; improvements associated with this project would include asphalt driveways, parking lots, and site landscaping. The internal parking lot sidewalks have been installed.

The proposal as submitted generally conforms to the site plan, landscape plan and conceptual elevations included with the development agreement except that one of the fourplexes on the northern side of the property is slightly reconfigured. The approved development agreement concept plan reflects two fourplexes on either side of a drive aisle, whereas what was submitted indicates three fourplexes on the west of the drive aisle, and a fourplex on the east side of the aisle. Two of the fourplexes have also been rotated on their axis 90 degrees.

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

The Jump Creek property is designated " Medium Density Residential" (MDR) on the future land use map. The MDR designation allows smaller lots for residential purposes within City limits. Uses may include single-family homes at densities of 3 to 8 dwelling units per acre.

The subject property is one of two multi-family properties that was approved with the preliminary plat (there is another designated multi-family property to the south of which the application for the final plat has been submitted). These two areas conceptually depict nineteen (19) fourplex structures on approximately 4.89 acres. The gross density for the multi-family portion of the development is anticipated at 15.5 dwelling units to the acre which is higher than the MDR designation of the Comprehensive Plan. The overall gross density for this project is 12.72 dwelling units to the acre. However, it was determined with the preliminary plat approval that when combined with the entire development (which includes 318 single family lots) the overall gross density is approximately 4.59 dwelling units to the acre which is consistent with the MDR land use designation.

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

- Encourage diverse housing options suitable for various income levels, household sizes, and lifestyle preferences. (2.01.01)

This project proposes 7 fourplex units with 28 units total. This increases the diversity in housing and meets the needs, preferences, and financial capabilities of Meridian’s present and future residents.

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

As mentioned above, allowing 7 fourplexes would contribute to a diversity in housing.

- Locate higher density housing near corridors with existing or planned transit, Downtown, and in proximity to employment centers. (2.01.01H)

The proposed development will provide housing opportunities in close proximity to an existing Walmart, Costco and an employment area at the southeast corner of Chinden Boulevard and Linder Road. Future employment uses are planned a mile east of the proposed subdivision along the west side of N. Ten Mile Road.

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

City services were required to be extended to the properties upon development in accord with UDC 11- 3A- 21. Infrastructure was constructed with phases 1, 2, and 3. No additional infrastructure is required with this proposal.

- 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.

This proposal was referred to fire and police services as well as WASD. There were no additional comments beyond what were listed with the preliminary plat and final plat.

- "Require open space areas within all residential development." (6.01.01A)

For multifamily units, UDC 11-4-3-27C requires common open space based on the square footage of the units. In addition, the development agreement approved with the annexation required 15% total open space, and 15.3% was provided with the total development. The landscape plan submitted with this application for this multifamily area is consistent with the conceptual one approved with the annexation and preliminary plat.

C. Existing Structures/Site Improvements:

The subject property is presently vacant, but the sidewalks serving the fourplexes have been constructed, and the unpaved configuration of the drive aisles and parking lot have already been established with paving to be completed as part of this project.

D. Proposed Use Analysis:

This proposal is for 7 fourplexes, totaling 28 dwelling units. A fourplex (four units in one building on one lot) is considered multifamily which requires procurement of a conditional use permit in the R-15 zone.

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

Specific use standards for this multifamily project include a minimum setback of 10 feet, 80 sq. ft. of private, common open space and site amenities per unit, and requirements for a management office, central mailbox and maintenance storage for developments of more than 20 units.

The site plan and landscape plan indicate the minimum 10' setback is met along all perimeter property lines. The submitted floorplans indicate patios and decks on the units that are slightly less than the requirement. The applicant will need to submit floor plans at the time of CZC that demonstrate this requirement is met.

The applicant has noted the central mailbox already exists, although it is not indicated on the plans. The applicant has not provided any information regarding the management office and maintenance storage other than this will be built with the additional 44 units of multifamily that may be part of Jump Creek No. 7 and requires a separate CUP approval. **The Planning Commission should determine whether this is acceptable request given Phase 7 has not been approved through conditional use yet, or whether one of the 28 units proposed with this particular phase (Phase 4) should be temporarily reserved for this purpose until Phase 7 is constructed.**

Requirements for common open space and amenities are discussed below.

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

The fourplexes meet the minimum dimensional requirements for the R-15 zone district. This includes a minimum lot size of 2,000 sq. ft., minimum setback of 25' from a collector road, rear setback of 12' and side setback of 3' (although the specific use standards for multifamily requires a minimum 10', which the fourplexes also meet.) The existing landscape buffer along N. Black Cat Rd meets the minimum width of 25', and the buildings are approximately 28' in height, well within the maximum building height of 40'.

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

All access was previously approved with the Jump Creek preliminary plat. Primary access for this project will occur from N. Elmstone Ave. which connects to N. Black Cat Rd via W. Gondola Rd. There is additional access through numerous roads in the Jump Creek Subdivision which eventually terminate at N. Rustic Oak providing access to W. McMillian Rd.

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

UDC 11-3C-A requires 2 parking spaces per 2-3-bedroom units, with at least one in a covered carport or garage. With 28 units of 2-3 bedrooms, this amounts to 56 parking spaces, at least 28 of them covered.

The site indicates 65 parking spaces that are 18 feet in length with wheel stops and a one-foot overhang onto a 6-foot sidewalk. The site plan shows 30 of these parking spaces to be covered, and conceptual elevations have been submitted of the carports. However, the conceptual elevations do not indicate architecture and materials other than prefinished metal. At the time of Certificate of Zoning compliance, the applicant shall submit color elevations that reflect that the architecture of the covered carports utilizing similar materials and architecture as that of the fourplexes as well as meet all requirements of the Architectural Standards Manual (ASM).

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

There is an existing 5' wide detached sidewalk along N. Black Cat Rd, at the eastern perimeter of the subject property. As required per UDC 11-3A-19, the development includes a 5' wide pedestrian connection to this sidewalk.

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

The landscape plan depicts 6' wide sidewalks along both sides of the access road and parking lots.

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

UDC 11-3B-8 requires a five-foot minimum landscape buffer adjacent to parking, loading, or other paved vehicular use areas, with no grouping of parking spaces to exceed 12 in a row without a parking island. The parking aisles and lot appears to meet all requirements, including

minimum amount of landscape plantings. The foundations of all fourplexes are landscaped with at least 3' of landscaping along their foundations as required by the Specific Use Standards listed in 11-4-3-27.

L. Qualified Open Space (*UDC 11-4-3-27*):

The specific use standards for multifamily in UDC 11-4-3-27-C require two hundred fifty (250) square feet of common open space 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. 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 (20) feet. The building plans submitted with this application indicate unit sizes of approximately 1,000 sq. ft. per unit. Based on this unit size, this requires 7,000 sq. ft. Staff believes the landscape plan as submitted reflects this project far surpasses the requirements, but staff will require an open space exhibit indicating the exact amount of qualifying common open space with the Certificate of Zoning Compliance (CZC).

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

Two amenities are required with this development. During the approval process for the entire Jump Creek Subdivision (which included both multifamily portions), approved amenities included three tot lots, an integrated pathway system, extension of the Meridian Pathway system and 5% additional open space. All amenities have already been constructed except for one tot lot and several trail connections to be built with Phases 5-7. However, it was not indicated in the associated development agreement whether the residents of the multifamily properties were entitled to use the same amenities as the rest of the Jump Creek subdivision. As a condition of approval, staff recommends that two qualifying amenities be provided on the subject property.

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

The landscape plan indicates there is existing fencing along the northern perimeter that is proposed to be retained. No other fencing is shown with this development. Any fencing should comply with UDC 11-3A-7.

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

All utilities have already been reviewed and approved with the Jump Creek preliminary and final plats. Street lighting is required to be installed in accord with the City's adopted standards, specifications and ordinances. See Section VIII.B below for Public Works comments/conditions.

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

The applicant submitted building elevations as well as building plans. The colored elevations indicate pitched roofs and entry features, horizontal and board & batten siding, and rock accents. Elevations of the multifamily units were included as part of the annexation development agreement, and the elevations submitted with this conditional use generally comply with the approved elevations.

Final design is required to comply with the design standards listed in the Architectural Standards Manual. The building elevations submitted with the Certificate of Zoning Compliance and Design Review applications should be consistent with those standards and the elevations attached as Exhibit F and G below.

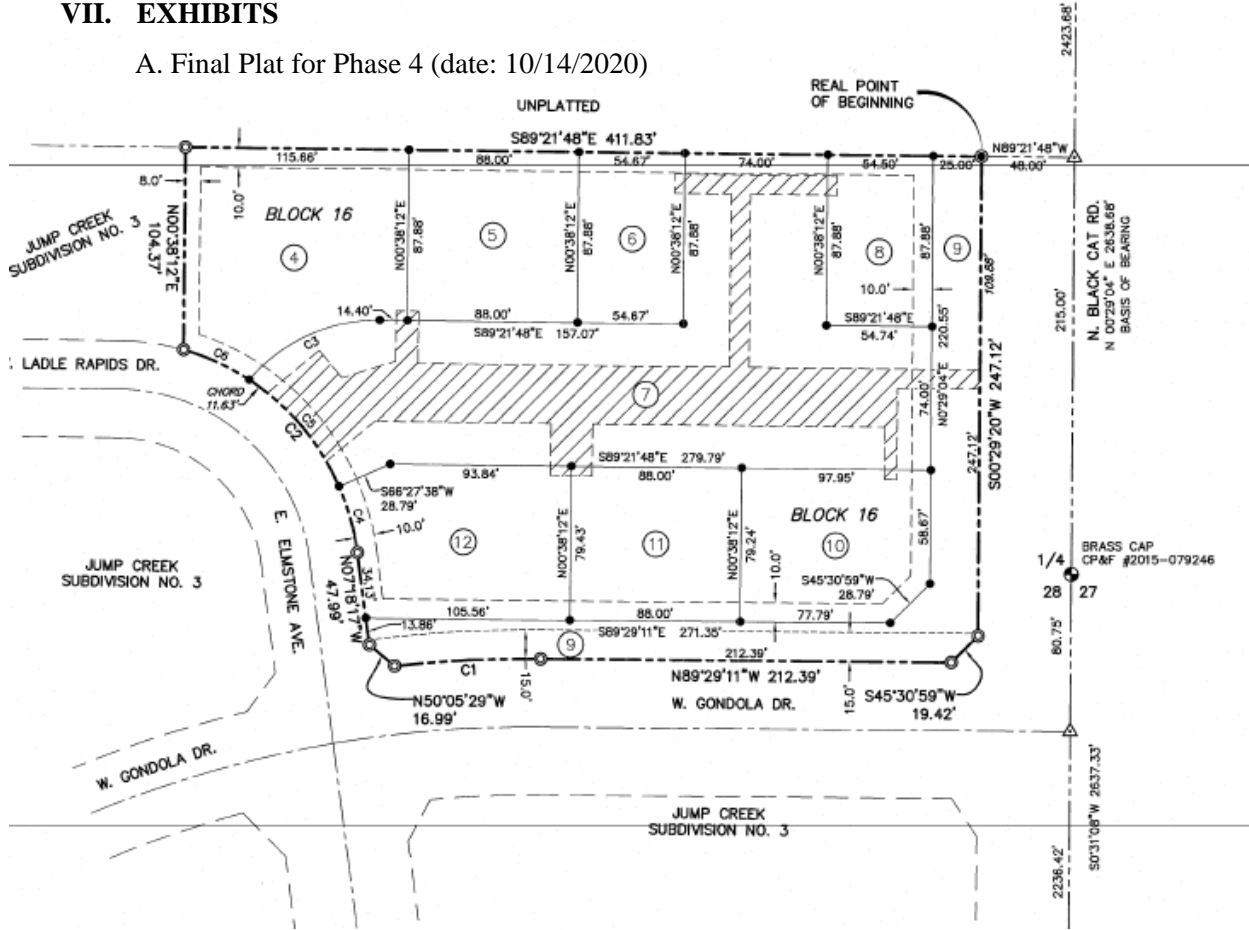
VI. DECISION

A. Staff:

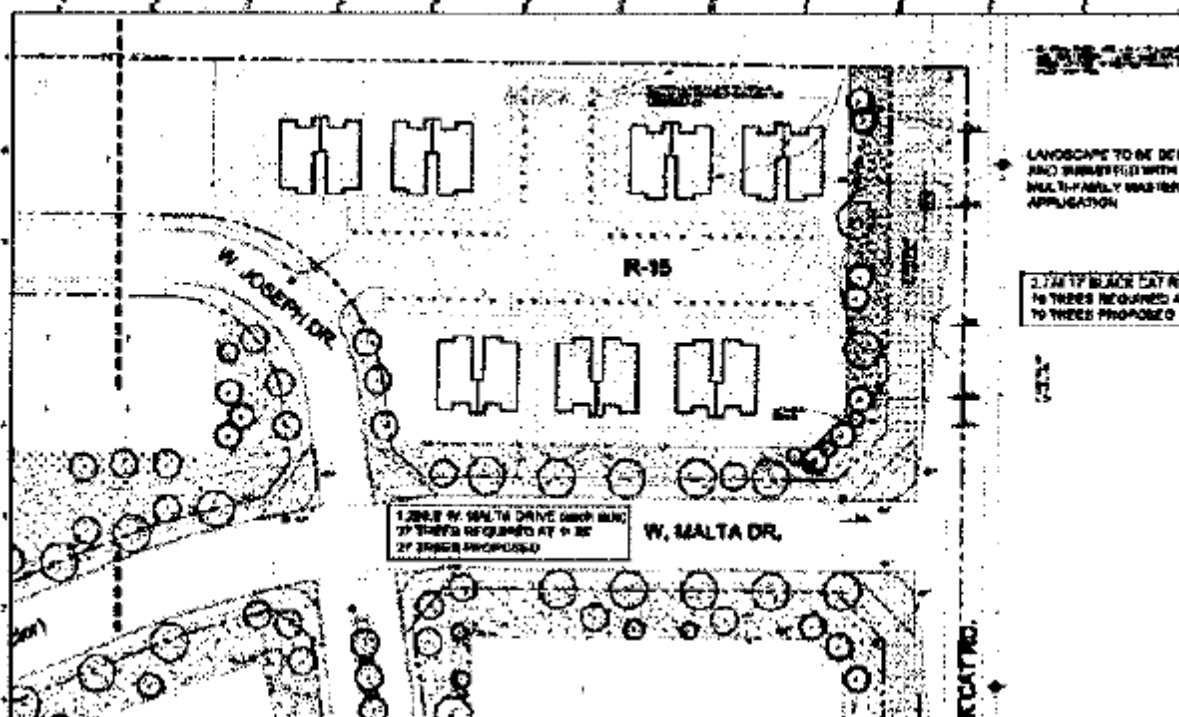
Staff recommends approval of the proposed conditional use permit with the conditions in Section VIII per the Findings in Section IX.

VII. EXHIBITS

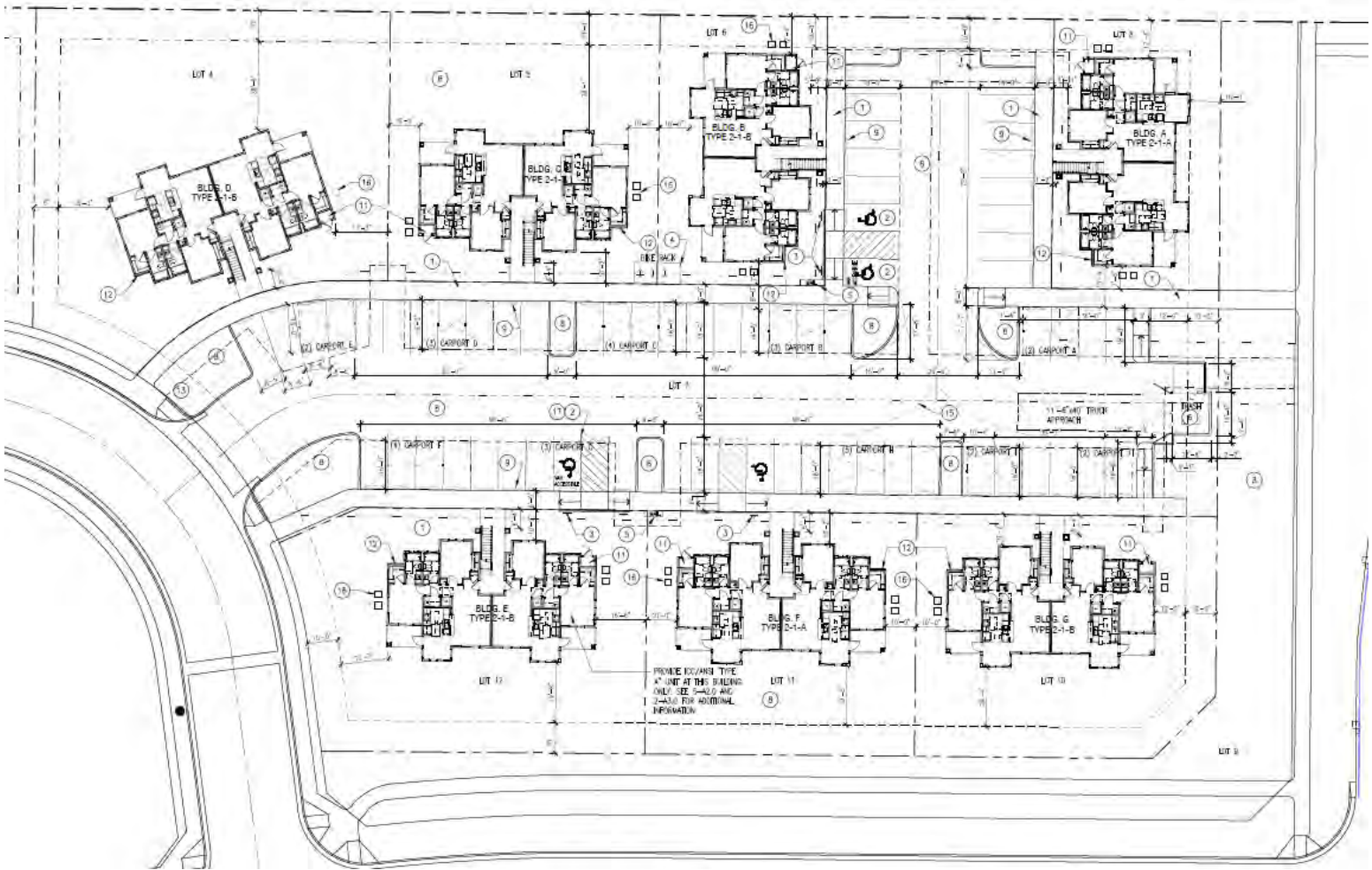
A. Final Plat for Phase 4 (date: 10/14/2020)



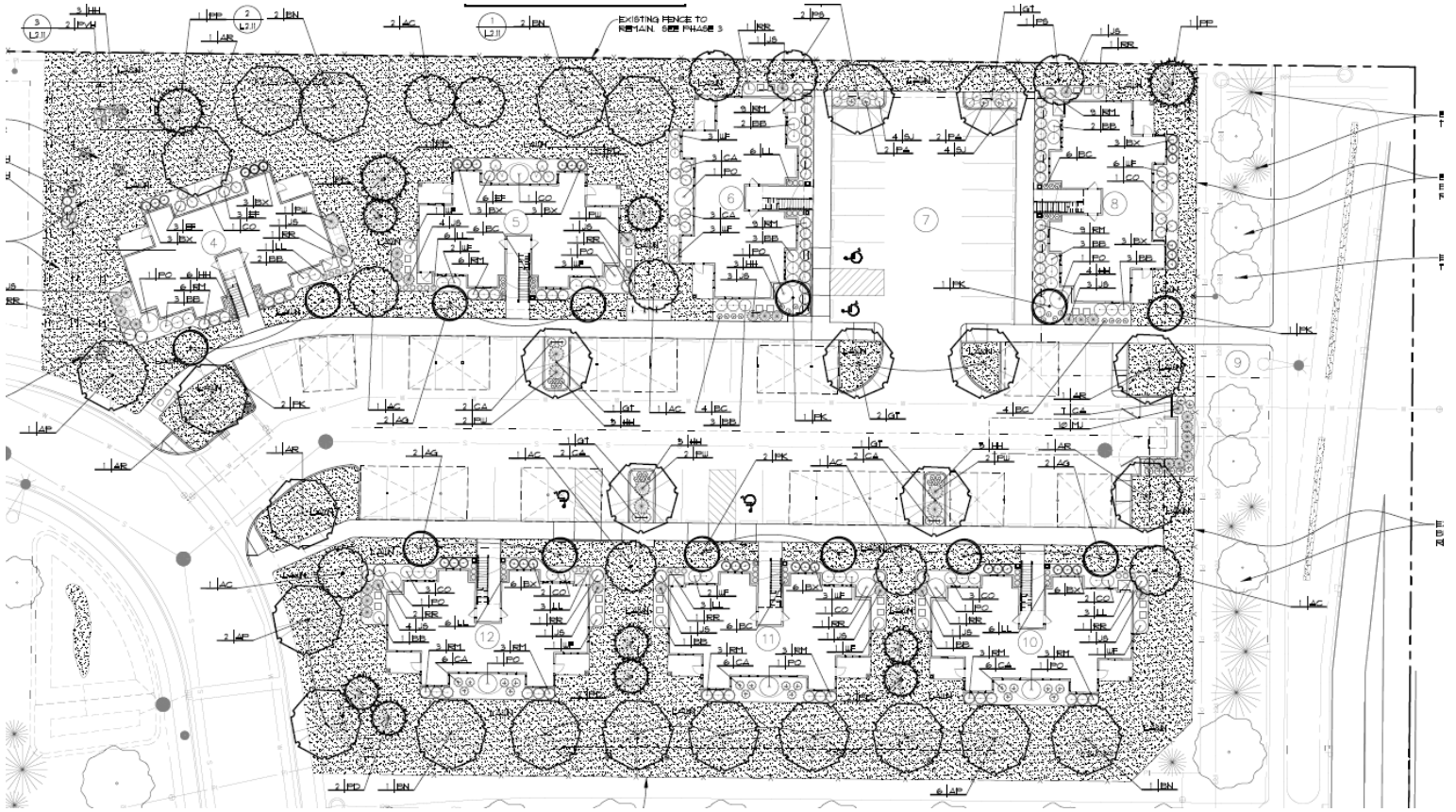
B. Conceptual Site Plan Approved with Development Agreement (date: 11/25/2015)



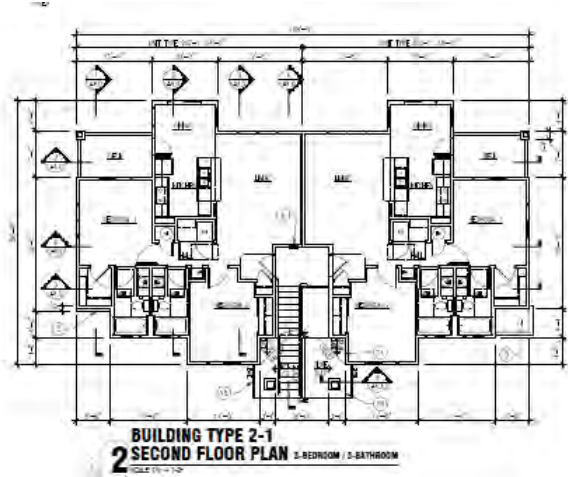
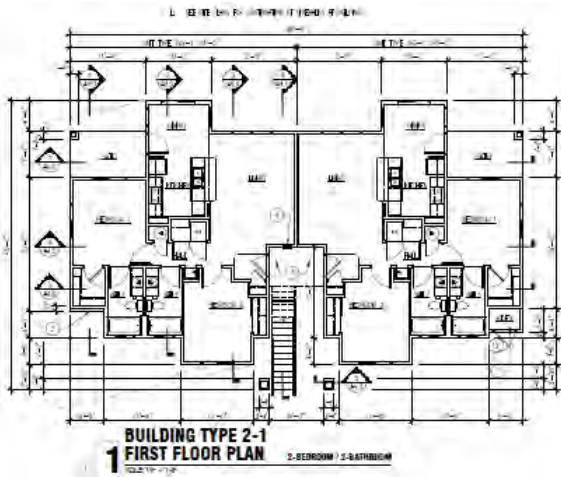
C. Site Plan (date: 1/31/2020)



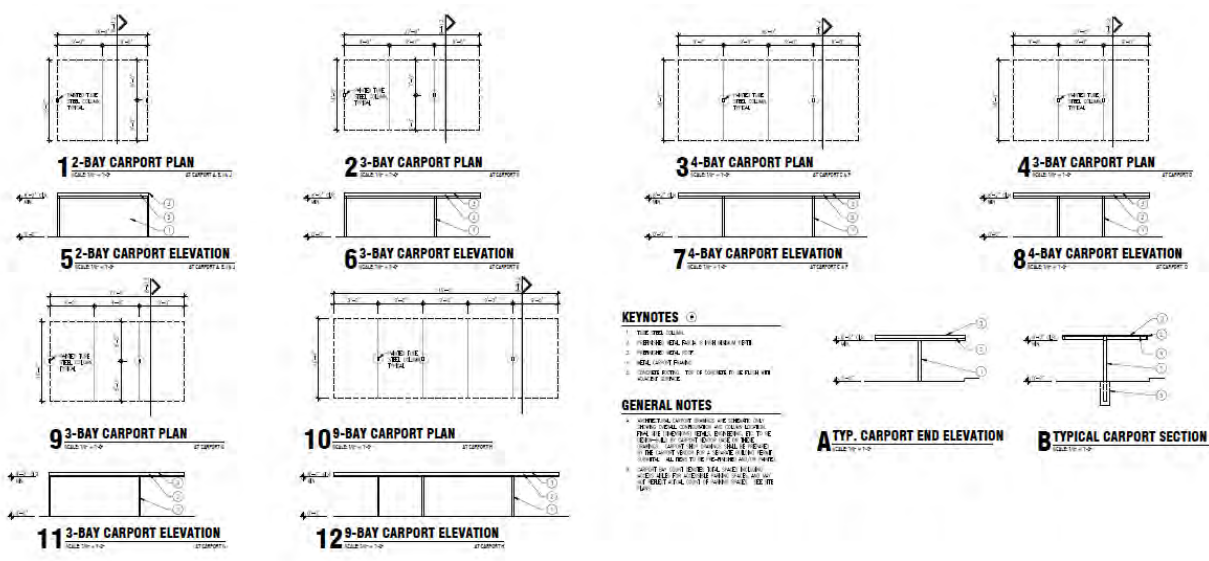
D. Landscape Plan (date: 1/31/2020)



E. Floor Plans (date: 12/14/2020)



F. Carport Elevations (date: 12/14/2020)



G. Building Elevations (date: 3/22/21)



VIII. CITY/AGENCY COMMENTS & CONDITIONS

A. Planning Division

1. The applicant is to meet all terms of the approved annexation (AZ-14-011), preliminary plat (PP - 12-018, final plat H-2018-0113) and development agreement (Instrument #2014-105206) for this development.
2. The Applicant shall have a maximum of two (2) years to commence the use as permitted in accord with the conditions of approval listed above. If the use has not begun within two (2) years of approval, a new conditional use permit must be obtained prior to operation or a time extension must be requested in accord with UDC 11-5B-6F.
3. The site plan and landscape plan submitted with the Certificate of Zoning Compliance application shall be revised to depict a management office, maintenance storage area and a directory map of the development at an entrance or convenient location for those entering the development as set forth in UDC 11-4-3-27B.7:
 - a. If a management office and maintenance storage area is not part of this development, the applicant shall convert one of the units in the second phase of the multi-family development currently being platted with Jump Creek No. 7 for such use including the maintenance building OR construct a standalone property management office and associated maintenance building in accord with UDC 11-4-3-27.
 - b. The site plan/landscape plan shall indicate the location of the central mailbox.
4. At the time of Certificate of Zoning Compliance (CZC), the Developer/Owner shall submit a common open space exhibit that meets the requirements of UDC 11-4-3-27-C.
5. Two on-site amenities shall be provided which meet the requirements of UDC 11-4-3-27-D.
6. The Applicant shall comply with all bulk, use, and development standards of the applicable district listed in UDC Chapter 2 District regulations.
7. At the time of Certificate of Zoning Compliance (CZC), the Developer/Owner shall submit floorplans which comply with the private open space requirements of 11-4-3-27B.
8. 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 as set forth in UDC 11-4-3-27F. **A recorded copy of said documents shall be submitted to the Planning Division prior to issuance of the first Certificate of Occupancy for the development.**
9. All structures on the site shall be designed to comply with the design standards listed in the Architectural Standards Manual. All carports shall complement the design of the fourplexes. A Certificate of Zoning Compliance and Design Review application(s) is required to be submitted to the Planning Division and approved prior to submittal of building permit applications.

B. Public Works

C. ACHD

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=225820&dbid=0&repo=MeridianCity>

D. Meridian Police Department

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=226107&dbid=0&repo=MeridianCity>

IX. FINDINGS

Conditional Use Permit (UDC 11-5B-6E)

The Commission shall base its determination on the Conditional Use Permit request upon the following:

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

Staff finds that the subject property is large enough to accommodate the proposed use and dimensional and development regulations of the R-15 district. The number and type of buildings and general site configuration was tentatively approved with the Jump Creek Subdivision preliminary plat and annexation.

- 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 multi-family development is consistent with the overall density recommendations of the FLUM in the Comprehensive Plan and is allowed as a conditional use in the R-15 zoning district per UDC Table 11-2A-2.

- 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.



AGENDA ITEM

ITEM TOPIC: Public Hearing for 2021 UDC Text Amendment (ZOA-2021-0002) by City of Meridian Planning Division, Located at 33 E. Broadway Ave.

A. Request: UDC Text Amendment for text amendments to update certain sections of the City's Unified Development Code (UDC) pertaining to the Landscape Requirements and Common Open Space and Site Amenity Requirements in Chapter 3; Multi-family Common Open Space Design Requirements in Chapter 4; and Various other Amendments in Chapters 1-5 and 7.



PUBLIC HEARING INFORMATION

Staff Contact: Bill Parsons

Meeting Date: May 6, 2021

Topic: **Public Hearing** for 2021 UDC Text Amendment (ZOA-2021-0002) by City of Meridian Planning Division, Located at 33 E. Broadway Ave.

- A. Request: UDC Text Amendment for text amendments to update certain sections of the City's Unified Development Code (UDC) pertaining to the Landscape Requirements and Common Open Space and Site Amenity Requirements in Chapter 3; Multi-family Common Open Space Design Requirements in Chapter 4; and Various other Amendments in Chapters 1-5 and 7.

Information Resources:

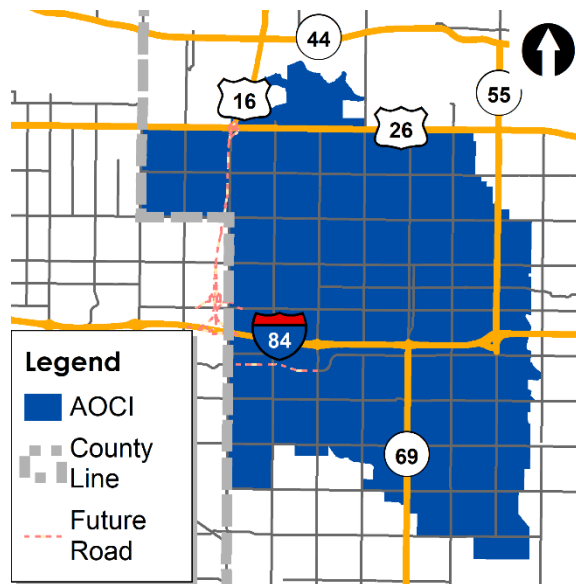
[Click Here for Application Materials](#)

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

STAFF REPORT
COMMUNITY DEVELOPMENT DEPARTMENT



HEARING DATE: 5/6/2021
TO: Planning & Zoning Commission
FROM: Bill Parsons, Current Planning Supervisor
208-884-5533
SUBJECT: ZOA-2021-0002
2021 UDC Text Amendment
LOCATION: City wide



I. PROJECT DESCRIPTION

The Meridian Planning Division has applied for a Unified Development Code (UDC) text amendment to update certain sections of the City’s code as follows:

- Landscape Requirements and Common Open Space and Site Amenity Requirements in Chapter 3;
- Multi-family Common Open Space Design Requirements in Chapter 4; and
- Various other Amendments in Chapters 1-5 and 7.

II. APPLICANT INFORMATION

A. Applicant:
City of Meridian Planning Division
33 E. Broadway Ave, Suite #102
Meridian, ID 83642

III. NOTICING

	Planning & Zoning Posting Date	City Council Posting Date
Notification published in newspaper	4/16/2021	
Public Service Announcement	4/13/2021	
Nextdoor posting	4/13/2021	

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

A. Comprehensive Plan Text (<https://www.meridiancity.org/compplan>):

3.01.01B - Update the Comprehensive Plan and Unified Development Code as needed to accommodate the community's needs and growth trends.

Many of the requested code changes associated with this text amendment reflect the desire of the Community and maintain the integrity of the plan.

3.04.01B – Maintain and update the Unified Development Code and Future Land Use Map to implement the provisions of the Comprehensive Plan.

City staff keeps a running database of code revisions throughout the year. The Department’s goal is to amend the UDC twice a year to keep the code current. This round of changes has been a result of a culmination of multiple revisions based largely on citizen input during the Comprehensive Plan update which has resulted in a major revamp of the UDC’s open space, amenity and landscape requirements. Staff believes the proposed changes encompass the vision of the plan and is largely supported by those who participated in the process.

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

In accord with Meridian City Code 11-5, the Planning Division of the Meridian Community Development respectfully submits a UDC text amendment application.

The proposed update is meant to modify certain sections of the Unified Development Code (UDC) and overhaul the landscape and common open space and site amenities standards for residential and multi-family developments. Many of the changes coincide with the policies and feedback received during the update and adoption of the Comprehensive Plan. Last minute changes were added at the request of Code Enforcement to assist in their effort to enforce the code.

The proposed text amendment includes a broad range of changes to the sections as follows:

1. UDC 11-3B – Landscape Requirements
2. UDC 11-3G – Common Open Space and Site Amenity Standards
3. UDC 11-4-3-27 – Multi-family Development: Updating the common open space standards to align with some of the changes being proposed with the Common Open Space and Site Amenities
4. Miscellaneous changes to code sections in Chapters 1-5 and Chapter 7.

All the proposed changes to the UDC including the support documents are included as part of the public record. Staff has purposely not attached all of the changes to the document to minimize the size of the staff report. Further, staff anticipates further refinement to these documents as the project transverses through the hearing process. Except for the Code Enforcement changes, all of the proposed changes went through an extensive and collaborative review process over several months between City staff, the UDC

Focus Group and the Open Space Committee. An informative meeting with the BCA was held on April 13th.

In summary, City Staff believes the proposed changes will make the implementation and use of the UDC more understandable and enforceable.

VI. DECISION

A. Staff:

Staff recommends approval of the proposed text amendment to the UDC based on the analysis provided in Section IV and V, modifications presented in Exhibits 1-5 and the Findings of Fact and Conclusions of Law in Section VII.

B. Commission:

Enter Summary of Commission Decision.

C. City Council:

Enter Summary of City Council Decision.

VII. FINDINGS

1. UNIFIED DEVELOPMENT CODE TEXT AMENDMENTS: (UDC 11-5B-3E)

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 a text amendment to the Unified Development Code, the Council shall make the following findings:

A. The text amendment complies with the applicable provisions of the comprehensive plan;

Staff finds that the proposed UDC text amendment complies with the applicable provisions of the Comprehensive Plan. Please see Comprehensive Plan Policies and Goals, Section IV, of the Staff Report for more information.

B. The text amendment shall not be materially detrimental to the public health, safety, and welfare; and

Staff finds that the proposed zoning ordinance amendment will not be detrimental to the public health, safety or welfare if the changes to the text of the UDC are approved as submitted. It is the intent of the text amendment to further the health, safety and welfare of the public.

C. The text 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.

Staff finds that the proposed zoning ordinance amendment does not propose any significant changes to how public utilities and services are provided to developments. All City departments, public agencies and service providers that currently review applications will continue to do so. Please refer to any written or oral testimony provided by any public service provider(s) when making this finding.

UDC Section	Proposed amendment	Proposed language	Notes/reason
11-1A-1	Add definition of "dismantled vehicle"	<p>DISMANTLED VEHICLE: Any vehicle, or parts thereof, which:</p> <ol style="list-style-type: none"> 1. Cannot be safely operated under its own power; 2. Is missing any one of the following: foot brakes, hand brakes, headlights, taillights, horn, muffler, rearview mirrors, windshield wipers, or adequate fenders; 3. Has been declared salvage, or has been physically damaged to the extent that the cost of parts and labor minus the salvage value would make it uneconomical to repair or rebuild such vehicle; or <p>Is otherwise in a wrecked, inoperative, or dilapidated condition.</p>	Code Enforcement had a case regarding a violation of UDC section 11-4-3-37 (specific use standards for major/minor vehicle repair). The violation (among other things) was that dismantled vehicles were not properly screened. The lack of definition of "dismantled vehicle" presented a bar to conviction.
11-1A-1	Update definition of "vehicle wrecking or junk yard"	<p><i>Vehicle wrecking or junk yard.</i> Any area, lot, land, or parcel where two (2) or more vehicles without current registration or two (2) or more inoperable or dismantled vehicles that are not in operating condition (or parts thereof) are stored, dumped, dismantled, partially dismantled or wrecked; or as defined by Idaho Code § 40-111, the use of a site that is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard, garbage dumps and sanitary fills. The following uses are excluded from this definition. agricultural equipment on a farm as herein defined and vehicles stored or dismantled within a completely enclosed structure.</p>	To intent is that where two qualifying vehicles are in the yard, it is a wrecking yard. But as written, if there is one unregistered vehicle and one dismantled vehicle, it is by definition not a wrecking yard, because the definition envisions two unregistered vehicles <u>or</u> two dismantled vehicles.

<p>11-3C-4(A)(2)</p>	<p>Update provision regarding vehicles that can be parked in the street yard of single-family dwellings</p>	<p>2. <i>Types of vehicles; location of parking.</i> Only automobiles and motorcycles displaying license plates assigned to the vehicle with current registration may be parked in the required street yard. All other vehicles, including, but not limited to, vehicles without current registration, vehicles without license plates, recreational vehicles, personal recreational items, boats, trailers and/or other vehicles shall only be parked in the rear or side yard and shall be screened by a solid fence, six (6) feet in height.</p> <p><u>2. <i>Types of vehicles; location of parking.</i></u></p> <p><u>a. <i>Street yard.</i> The following vehicles may be parked in the street yard:</u></p> <p>(1) <u>Automobiles and motorcycles displaying license plates assigned to the vehicle with current registration; and</u></p> <p>(2) <u>One (1) other vehicle, which may include a recreational vehicle or trailer displaying license plates assigned to the vehicle with current registration, or one (1) boat, off-highway vehicle, or specialty off-highway vehicle.</u></p> <p><u>Vehicles with a gross vehicle weight rating of 16,000 pounds or more shall not be parked in the street yard. Vehicles parked in the street yard shall not encroach upon any sidewalk or public right-of-way.</u></p> <p><u>b. <i>Side yard, unscreened.</i> If no recreational vehicle, personal recreational item, boat, or trailer is parked in the street yard, one (1) of the following vehicles may be parked</u></p>	<ol style="list-style-type: none"> 1. UDC defines “required yard” and “street yard,” but does not define “required street yard.” Remove the word “required” to avoid confusion. 2. Allowing one RV, boat, or trailer to be stored in the street yard will improve visibility and safety by moving them off the roadways. 3. Neighborhoods that prefer no RV/boat/trailer storage on residential properties can privately enforce CC&Rs. 4. Code’s enforcement of this provision results in the greatest number of citizen complaints regarding dissatisfaction with the City and with Code Enforcement, especially in neighborhoods without CC&Rs. Several of our older neighborhoods were built prior to the parking standard; at many homes the City has even issued permits for electrical hookups to their RV pad in the street yard. (11-3C-4(A)(2) establishes a standard, not a land use, so nonconforming provisions do not apply.) These citizens are frustrated when the City then requires them to remove their RV from the pad. This standard is especially frustrating for citizens where there is a “neighborhood norm” of parking RVs, boats, and trailers in street yards. Code typically sees a domino effect of finger pointing when responding to a complaint in such neighborhoods. As Code responds to each successive complaint, moving throughout entire neighborhoods, people again feel like they are being “harassed.”
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		<p><u>in a side yard that is not screened by a solid fence: a recreational vehicle, personal recreational item, boat, or trailer.</u></p> <p>c. <u>Rear or side yard. Except as otherwise allowed by this section, the following vehicles shall be parked in the rear or side yard and shall be screened by a solid fence, six (6) feet in height:</u></p> <p>(1) <u>Vehicles other than automobiles and motorcycles;</u></p> <p>(2) <u>Vehicles without current registration; and/or</u></p> <p>(3) <u>Vehicles without license plates assigned to the vehicle.</u></p>	
11-3C-4(B)	Update provision regarding surface of off-street parking areas at single-family dwellings	<p>B. <i>Improvements.</i></p> <p>1. Except as allowed in subsection (B)(2) of this section, all off <u>Off street parking areas in the street yard</u> and driveways into and through a parking area <u>in the street yard</u> shall be improved with a compacted gravel base, not less than four (4) inches thick, surfaced with concrete or asphaltic pavement. No person shall park, or allow to be parked, an automobile or motorcycle <u>any vehicle</u> in the required street yard on any surface other than compacted gravel base, not less than four (4) inches thick, surfaced with concrete or asphaltic pavement.</p> <p>2. Where the parking area is screened by a solid fence, six (6) feet in height, the off street parking areas and driveways shall be improved with a dustless material, including, but not limited to, vegetation, asphaltic pavement, rock, concrete, pavers, bricks, or recycled asphalt</p>	Enforcement of standards for parking area surface in rear yard, behind fence/screen, is impractical. Requiring concrete or asphalt parking surface in front yard adequately serves the public purpose of this provision (dust suppression, aesthetic).

		<p>(asphalt grindings). Gravel is not a preferred improvement material because it must be chemically treated every three (3) months to remain dustless. Such surface will only be allowed at the discretion of the Director for temporary or short-term parking.</p>	
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Proposed UDC Text Amendments (Phase 2)																	
UDC Section	Topic	Reason for Change	Proposed Change														
11-2A-3E	Standards	Increase the maximum height limit for education institutions	3. Notwithstanding other height limitations as set forth in this chapter, the maximum height for education facilities shall be fifty <u>forty</u> feet (540')														
Table 11-2B-2	Allowed use table in commercial districts	Medical centers are identified in the M-E zone but hospitals are a prohibited use in the table.	<table border="1"> <tr> <td>Use</td> <td>C-N</td> <td>C-C</td> <td>C-G</td> <td>L-O</td> <td><u>M-E</u></td> <td>H-E</td> </tr> <tr> <td>Hospital¹</td> <td>-</td> <td>C</td> <td>C</td> <td>C</td> <td><u>C</u></td> <td>P</td> </tr> </table>	Use	C-N	C-C	C-G	L-O	<u>M-E</u>	H-E	Hospital ¹	-	C	C	C	<u>C</u>	P
Use	C-N	C-C	C-G	L-O	<u>M-E</u>	H-E											
Hospital ¹	-	C	C	C	<u>C</u>	P											
11-3A-5	Bikeways	ACHD has a master plan specific to bikeways that supplements the Master Street Map.	"Bikeways shall be constructed in accord with the city's comprehensive plan and the Ada County highway district master street map <u>and Roadways to Bikeways Master Plan.</u> "														
11-3B-7C.2c	Location of fences/walls on interior edge of street buffers	11-3H-4D requires a berm or berm/wall combination for noise abatement for residential and other noise sensitive uses adjoining state highways.	"Except where fences and walls are used as decorative landscape elements <u>or as noise abatement</u> , fences and walls are permitted only on the interior edge of the street buffer."														
11-3B-14C	Installation	Coincides with the changes requested below to the surety standards.	<p>C. Extension Of Time For Installation:</p> <p><u>1. Non-Residential:</u> The building official, upon recommendation of the director, may recommend issuance of a temporary certificate of occupancy for non-residential projects for a specified time period, not to exceed one hundred eighty (180) days when:</p> <p>1a. Due to <u>inclement</u> weather or other <u>extenuating</u> circumstances, the landscaping or other required site amenities cannot be completed; and</p> <p>2b. The applicant has provided surety to the city for the required improvements consistent with the provisions of chapter 5, article C, "Surety Agreements", of this title.</p> <p><u>2. Residential:</u> The building official, upon recommendation of the director, may recommend issuance of a certificate of occupancy for residential dwelling units when:</p> <p>1a. Due to <u>inclement</u> weather or other <u>extenuating</u> circumstances, the landscaping or other required site amenities cannot be completed; and</p> <p>2b. The applicant has provided surety to the city for the required improvements consistent with the provisions of chapter 5, article C, "Surety Agreements", of this title.</p> <p><u>c. Within ninety (90) days of the first certificate of occupancy being issued, all required landscaping, irrigation systems and site features shall be installed, or additional certificate of occupancies will be withheld.</u></p>														

Table 11-3C-6	Required parking spaces for residential use	Revisit the parking ratios for multi-family developments.	Dwelling, multi-family ³ (triplex, fourplex, apartments, etc.)	<table border="1"> <tr> <td data-bbox="2041 169 2191 217"><u>Studio</u></td> <td data-bbox="2191 169 2778 217"><u>1 per dwelling unit</u></td> </tr> <tr> <td data-bbox="2041 217 2191 298">1</td> <td data-bbox="2191 217 2778 298">1.5 per dwelling unit; at least 1 in a covered carport or garage</td> </tr> <tr> <td data-bbox="2041 298 2191 379">2/3</td> <td data-bbox="2191 298 2778 379">2 per dwelling unit; at least 1 in a covered carport or garage</td> </tr> <tr> <td data-bbox="2041 379 2191 459">4+</td> <td data-bbox="2191 379 2778 459">3 per dwelling unit; at least 2 in a covered carport or garage</td> </tr> <tr> <td data-bbox="2041 459 2191 570"><u>Guest spaces</u></td> <td data-bbox="2191 459 2778 570"><u>1 per 10 dwelling units</u></td> </tr> </table>	<u>Studio</u>	<u>1 per dwelling unit</u>	1	1.5 per dwelling unit; at least 1 in a covered carport or garage	2/3	2 per dwelling unit; at least 1 in a covered carport or garage	4+	3 per dwelling unit; at least 2 in a covered carport or garage	<u>Guest spaces</u>	<u>1 per 10 dwelling units</u>
<u>Studio</u>	<u>1 per dwelling unit</u>													
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4+	3 per dwelling unit; at least 2 in a covered carport or garage													
<u>Guest spaces</u>	<u>1 per 10 dwelling units</u>													
11-4-3-18	Flex space	Provide an avenue for an applicant to incorporate loading docks in the commercial districts.	<p>A. Office and/or retail showroom areas shall comprise a minimum of thirty percent (30%) of the structure and/or tenant space.</p> <p>B. Light industry and warehousing shall not comprise more than seventy percent (70%) of the tenant space.</p> <p>C. In the C-C, C-G and M-E Districts, roll-up doors <u>and loading docks</u> shall not be visible from a public street.</p> <p>D. Except in the I-L and I-H Districts, loading docks are prohibited.</p> <p>DE. Retail use shall not exceed twenty five percent (25%) of leasable area in any tenant space.</p>											
11-4-3-43C.8	Lattice or guyed designed structures	We have considered a lattice structure to fall into the category of "other wireless communication facilities that do not meet the standards set forth in this section shall require conditional use approval in 11-4-3-43C.10" although 11-4-3-43C.8 specifically prohibits these type of structures. (i.e. Ada County Dispatch Center CUP-14-018; Day Wireless CUP H-2019-0115)	Lattice or guyed designed structures are prohibited <u>unless approved through the conditional use process.</u>											

11-5A-6D	City takes over posting of 4' x 4' signs and ensures they are affixed to ground	There have been complaints that properties are not being posted in a quality and timely manner. The City should contract out the posting requirements to lessen the amount of continuations.	<p>D. Posting Of Public Hearing Notice:</p> <ol style="list-style-type: none"> 1. Required: All applicants for applications requiring a public hearing shall <u>be posted on</u> the subject property, except posting is not required for a unified development code text amendment, comprehensive plan text amendment, vacation, comprehensive plan map amendment initiated by the city, and/or short plat. 2. Time Frame: Not less than ten (10) days prior to the hearing, the applicant shall post a copy of the public hearing notice of the application on the property under consideration. Except as noted herein, posting of the property must be in substantial compliance with the following requirements: (Keep Exhibit) 3. Sign Placement: The signs shall be posted <u>securely</u> on the land being considered along each roadway that is adjacent to the subject property boundaries. The sign(s) shall be located on the property, outside of the public right of way. If the sign cannot be placed on the property and still be clearly visible, the sign may be placed within the right of way if the applicant can obtain the consent of the owner of the right of way <u>can be obtained</u>. In circumstances where placing signs per the standards listed herein is not practical the applicant may request a director's determination to <u>may</u> identify an alternative sign placement strategy. 4. Proof Of Posting: The applicant shall submit a notarized statement, <u>map depicting the location(s) of the sign(s)</u> and a photograph of the posting <u>shall be provided</u> to the city no later than seven (7) days prior to the public hearing attesting to where and when the sign(s) were posted. Unless certificate is received by such date, the hearing will be continued. 5. Sign Removal: The signs shall be removed no later than three (3) days after the public hearing for which the sign had been posted is ended.
11-5A-6G	Public hearing process	Add a new provision that specifies when revised plans are due to staff for adequate review. Many times applicants are providing staff with revised plans to close to the public hearing and staff doesn't have enough time to analyze them to ensure that meet city codes.	<u>8. If revised plans are required by director, commission or council, the applicant shall provide those 15 days prior to the scheduled hearing for review and approval. If plans are not received within the established timeframe, the project shall be continued to extend the review period.</u>

<p>11-5C</p>	<p>Surety agreements</p>	<p>Recently City was issuing CO's for single family homes without all of the subdivision improvements being completed. The City does not issue TCO's for single family residences even if surety is in place for such improvements. This section of code is being amended to address this issue.</p> <p>UDC 11-3B-14 covers the nonlife, nonsafety improvements a project can provide surety for. Remove duplication in 11-5C-3D.</p>	<p>11-5C-1: PURPOSE:</p> <p>The purpose of this article is to establish procedures that guarantee the completion of improvements where City Engineer signature on the final plat or occupancy of a structure is desired, but the improvements required by the City have not been completed. (Ord. 11-1487, 8-9-2011, eff. 1-1-2012)</p> <p>11-5C-2: APPLICABILITY:</p> <p>The provisions of this article shall apply to those improvements that are not needed to protect the public health, safety and life (including, but not limited to: landscaping, fencing, pressurized irrigation systems and site amenities) and those improvements that are needed to protect the public health, safety and life (including, but not limited to, water, sewer, reclaimed water, stormwater facilities or improvements, and power facilities; parking lot paving and striping; and street paving). (Ord. 11-1487, 8-9-2011, eff. 1-1-2012)</p> <p>11-5C-3: PROCESS:</p> <p>A. The City may withhold building, electrical or plumbing permits, certificates of zoning compliance, or certificates of occupancy on the lots or land being developed or subdivided, or the structures constructed thereon, if the improvements required under this title have not been constructed or installed, or if such improvements are not functioning properly.</p> <p>B. Where approved by the City Engineer, an owner may post a performance surety for such improvements that are needed to protect the public life, safety and health including, but not limited to, water, sewer, reclaimed water, stormwater facilities or improvements, and power facilities; parking lot paving and striping; and street paving in order to obtain City Engineer signature on the final plat. The estimated cost shall be provided by the applicant and reviewed and approved by the City Engineer. In addition to the performance surety, all such improvements shall also be subject to a warranty surety in the amount of twenty percent (20%) of the cost of improvements for a period of two (2) years. The amount of the performance surety shall be established by City Council resolution.</p> <p>C. In the event that an applicant and/or owner cannot complete the nonlife, nonsafety and nonhealth improvements, such as landscaping, <u>amenities</u>, pressurized irrigation, <u>pathways</u> and fencing, prior to City Engineer signature on the final plat and/or prior to occupancy, a surety agreement may be approved in accord with the procedures set forth in this chapter. The estimated cost for landscape and fencing sureties shall be provided by the applicant and reviewed and approved by the Director. The amount of surety called for shall be established by City Council resolution.</p> <p>D. Where a surety is accepted for nonlife, nonsafety and nonhealth improvements by the City and deposited as provided by this article, the City may release temporary occupancy of a structure or structures. The term of the temporary occupancy shall be determined by the City Engineer and/or Director. The term shall not exceed one hundred eighty (180) days in length.</p>
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			<p><u>DE.</u> Sureties shall be in the form of a bond, an irrevocable letter of credit or a cash deposit. In all cases the surety shall be drawn solely in favor of, and payable to, the order of the City of Meridian, in accord with the regulations contained in the surety agreement by and between the guarantor and the City of Meridian.</p> <p><u>EE.</u> Where a surety is accepted by the City and deposited as provided by this article, the surety shall be released subject to the following regulations:</p> <ol style="list-style-type: none"> 1. The owner shall submit a written request to the City to lease the surety. The request shall include the following documents: <ol style="list-style-type: none"> a. A statement from the owner that the required improvements are complete. b. Two (2) sets of prints of the as built plans and specifications for all improvements. 2. The City Engineer and/or Director shall verify and certify that the required improvements, as detailed in the surety agreement, have been installed and/or accepted by the City at the end of the warranty period. The as built plans shall be reviewed and approved by the City Engineer or Director. 3. Upon certification of the City Engineer and/or the Director, the City shall release the sureties heretofore deposited in the manner and to the extent as provided for in the surety agreement in accord with the regulations of this article. <p><u>EG.</u> All improvements related to public life, safety and health shall be completed prior to occupancy of the structures.</p>
11-7-4C.3	Density formula (All PUD Standards)	The UDC no longer has a maximum number of units associated with zoning we should remove	<p>Density Formula: Residential density in a planned development shall be calculated by multiplying the net residential area (gross acreage less the area of nonresidential uses) by the maximum number of dwelling units per acre allowed for the district in which the site is located.</p>

ARTICLE B. LANDSCAPING REQUIREMENTS

SECTION:

11-3B-1: Purpose

11-3B-2: Applicability

11-3B-3: Application Requirements

11-3B-4: Application Process

11-3B-5: Standards And Installation

11-3B-6: Irrigation Standards

11-3B-7: Landscape Buffers Along Streets

11-3B-8: Parking Lot Landscaping

11-3B-9: Landscape Buffers To Adjoining Uses

11-3B-10: Tree Preservation

11-3B-11: Stormwater Integration

11-3B-12: Pathway Landscaping

11-3B-13: Landscape Maintenance

11-3B-14: Installation

11-3B-1: PURPOSE:

A. The regulations of this article are intended to promote landscaping in the city of Meridian that will improve community livability, preserve the quality of life, and enhance the aesthetic quality, economic viability, and environmental health of the city. (Ord. 12-1514, 5-16-2012, eff. 5-21-2012)

B. The city of Meridian recognizes that landscaping can be a significant expense to business people and residents. At the same time, high quality landscaping improves the livability of residential neighborhoods, enhances the appearance and customer attraction of commercial areas, increases property values, improves the compatibility of adjacent uses, screens undesirable views, and can reduce air, water and noise pollution. (Ord. 16-1717, 1-3-2017)

C. The intent of these regulations is to achieve a balance between the right of individuals to develop and maintain their property in a manner they prefer and the rights of city residents to live, work, shop, and recreate in pleasant, healthy, sustainable, and attractive surroundings.

D. The City recognizes that surface irrigation water is not available everywhere, that seasonal availability fluctuates, and that highly treated potable water is expensive and less desirable for landscaping. These regulations are intended to encourage the use of water conserving landscape designs and low water use plant materials and to discourage landscaping that requires high water use for maintenance, such as large expanses of lawn or turf.

E. These regulations are intended to assist in the implementation of CPTED (crime prevention through environmental design) strategies to reduce the opportunities of fear

and incidence of crime and improve the quality of life. (Ord. 12-1514, 5-16-2012, eff. 5-21-2012)

11-3B-2: APPLICABILITY:

A landscape plan shall be required for the following:

A. All development, redevelopment, additions, or site modifications except detached single-family and secondary dwellings.

B. All common lots in all subdivisions.

C. All applications for a conditional use permit (CUP), preliminary plat (PP), final plat (FP), certificate of zoning compliance (CZC), administrative design review (DES), or planned unit development (PUD). (Ord. 09-1394, 3-3-2009, eff. retroactive to 2-4-2009)

D. Applicability of additions to existing structures: Existing development shall be required to conform to this article based upon the following guidelines:

1. For additions less than twenty five percent (25%) of the existing structure or developed area, no additional landscaping shall be required except for buffers to adjacent residential uses.

2. For additions that are twenty five percent (25%) to fifty percent (50%) of the existing structure or developed area, perimeter and right of way landscaping as required by this article shall be installed.

3. For additions greater than fifty percent (50%) of the existing structure or developed area, all current landscape standards of this article shall be met.

4. If the location of existing buildings or other structures prevents conformance with the requirements of this section, or if its implementation would create nonconformity, the director shall determine how this article is to be applied through the alternative compliance process in accord with chapter 5, "Administration", of this title. (Ord. 05-1170, 8-30-2005, eff. 9-15-2005)

11-3B-3: APPLICATION REQUIREMENTS:

A. All landscape plans shall comply with the requirements for size, scale, number of copies, and contents as detailed in the application form.

B. The landscape plan may be on the same site plan used to show parking layout, setback compliance, etc.

C. The landscape plan shall depict all ground level mechanical equipment areas and include details for vertical screening.

~~D.~~ All landscape plans shall be prepared by a landscape architect, landscape designer, or qualified nurseryman. (Ord. 05-1170, 8-30-2005, eff. 9-15-2005)

11-3B-4: APPLICATION PROCESS:

A. Preliminary Landscape Plan Review: A preliminary landscape plan review is recommended prior to submission for all developments, but is not required.

B. Landscape Plan Review: A landscape plan will be reviewed in accord with the standards and procedures set forth in this article and approved by the department.

C. Landscape Plan Modification:

1. An approved landscape plan shall not be altered without prior approval of the Planning Department.
2. No significant field changes to the plan are permitted.
3. Prior written approval of all material changes is required.
4. All approved changes to the landscape plan shall be documented prior to issuance of a certificate of occupancy. (Ord. 05-1170, 8-30-2005, eff. 9-15-2005)

11-3B-5: STANDARDS AND INSTALLATION:

A. Approved Tree Species:

1. The publication titled "Treasure Valley Tree Selection Guide" is hereby adopted by this reference as the City of Meridian's list of approved and prohibited tree species, except for following Arborists Revised List of trees, are disallowed in Meridian without with written approval by from the City's arborist.

The publication categorizes the trees by size as Class I, Class II, or Class III trees.

- List of trees

(Ord. 19-1833, 7-9-2019)

2. In addition to the trees identified above, the trees listed in the Park's and Recreation Water Conserving Tree Species list table 11-3B-5-1 of this subsection lists approved water conserving tree species.

~~TABLE 11-3B-5-1~~

~~APPROVED WATER CONSERVING TREE SPECIES~~

-
 Common Name
 Botanical Name

~~Deciduous:~~

-
 Hedge maple
 Acer campestre

-
 Amur maple
 Acer ginnala

-
 Rocky mountain maple
 Acer glabrum

-
 Big tooth maple
 Acer grandidentatum

-
 Box elder
 Acer negundo

- Norway maple
Acer platanoides
- Pacific sunset maple
Acer truncatum x platanoides
- Serviceberry
Amelanchier alnifolia
- Red bud
Cercis canadensis
- Green ash
Fraxinus pennsylvanica
- Honey locust
Gleditsia triacanthos
- Kentucky coffeetree1
Gymnocladus dioicus
- Sweetgum
Liquidambar styraciflua
- Tulip tree1
Liriodendron tulipeifera
- Crabapple
Malus spp
- London plane tree1
Platanus x acerifolia
- Higan cherry
Prunus sub
- Chokecherry
Prunus virginiana
-

Pear

Pyrus calleryana

-

Bur oak¹

Quercus macrocarpa

-

Chinese scholar tree¹

Saphora japonica

Conifer:

-

Blue atlas cedar

Cedrus atlantica "glauca"

-

Lawson's cypress

Chamaecypris lawsoniana

-

Alaskan cedar

Chamaecypris nootkantensis

-

Rocky mountain juniper

Juniperus communis

-

Utah juniper

Juniperus utahensis

-

Colorado spruce¹

Picea pungens

-

Vanderwolf pine

Pinus flexilis

-

Austrian pine¹

Pinus nigra

-

Ponderosa pine¹

Pinus ponderosa

-

Scotch pine¹

Pinus silvestris

-
—Note:

—1. ~~Prohibited in parkways and/or required parking lot landscaping.~~

—3. ~~The city recognizes that new plant varieties are being produced every year and will consider other species not listed in these publications. Copies of the publications will be available at the planning department. (Ord. 11-1493, 9-6-2011, eff. 9-12-2011)~~

B. Minimum Plant Sizes: The following are minimum plant sizes for all required landscape areas: (Ord. 05-1170, 8-30-2005, eff. 9-15-2005)

TABLE 11-3B-5-2

MINIMUM PLANT SIZES

Type Of Tree	Minimum Size
Evergreen trees	6 foot height minimum
Ornamental trees	2 inch caliper minimum
Shade trees	2 inch caliper minimum
Woody shrubs	2 gallon pot minimum

(Ord. 05-1170, 8-30-2005, eff. 9-15-2005; amd. Ord. 11-1493, 9-6-2011, eff. 9-12-2011)

C. Prohibited Plant Material: The plants listed in Treasure Valley Tree Guide, under trees not permitted for rights of way property planting, and those in the Arborists Revised List, are prohibited from being planted along any street or within any parking lot regulated by this article. The only exception is that conifers (not otherwise prohibited) may be planted in the center of street buffers that have a minimum width of twenty feet (20') as measured from the edge of the sidewalk to the street curb. For public safety purposes, the location of such conifers shall maintain view corridors of nonresidential structures.

D. Tree Species Mix: When five (5) or more trees are to be planted to meet the requirements of any portion of this article (including street trees, street buffers, parking lot landscaping and other landscape guidelines), a mix of species shall be provided. The number of species to be planted shall vary according to the overall number of trees required to be planted. See the table below: (Ord. 05-1170, 8-30-2005, eff. 9-15-2005)

TABLE 11-3B-5-3

REQUIRED NUMBER OF TREES AND SPECIES

Required Number Of Trees	Minimum Number Of Species
5 to 10	2
11 to 30	3
31 to 50	4
More than 50	5

(Ord. 05-1170, 8-30-2005, eff. 9-15-2005; amd. Ord. 11-1493, 9-6-2011, eff. 9-12-2011)

E. Plant Quality: All plant material installed pursuant to this article shall meet or exceed the minimum federal standards as regulated by ANSI Z60.1, "American Standard For Nursery Stock".

F. Planting Standards: All trees, shrubs, and other plant material shall be planted in appropriate soil medium and using accepted nursery standards ~~as published by the American Association Of Nurserymen (latest edition)~~ including hole size, backfilling, and fertilization, or as detailed by a certified Landscape Architect or qualified arborist.

G. Staking: Tree staking is not required but may be used in areas with high winds or other situations that make staking desirable. If trees are staked, the stakes shall be removed within twelve (12) months to prevent damage to the tree. (Ord. 05-1170, 8-30-2005, eff. 9-15-2005)

H. Mulching: Mulch shall be used in all required planting areas. Approved mulches may be organic, such as bark or soil aid, or they may include rock products, such as "permabark" or similar products. Use of mulch, organic or rock, as the only ground cover in required planting areas is prohibited. Pea gravel, drain rock, road base gravel, and similar products shall not be used as mulch. All mulch shall be contained by a curb, concrete mow strip, or other edging material to contain the mulch and prevent it from migrating to adjacent surfaces. If rock mulch is used, a weed barrier fabric shall be used beneath the rock. Impermeable plastic weed barriers are prohibited because they restrict water and oxygen to the plants. Within stormwater facilities, mulch may not float. (Ord. 16-1717, 1-3-2017)

I. Curbing: All planting areas that border driveways, parking lots, and other vehicle use areas shall be protected by curbing, wheel stops, or other approved protective devices. Such devices shall be a minimum of thirty inches (30") from all tree trunks to prevent cars from damaging tree trunks.

J. Utilities: The following standards apply to the planting of trees near existing utilities and to trenching for new utilities near existing trees:

1. Overhead Utilities: Only class I trees in the recommended plant list may be planted under or within ten (10) lateral feet of any overhead utility wires.

2. Underground Utilities: All trees shall be planted outside of any easement that contains a city water or sewer main, unless written approval is obtained from the city engineer. If any utility easement precludes trees required by this article, the width of the required buffer shall be increased to accommodate the required trees.

3. Trenching: New underground utilities shall stay outside of the drip line of existing trees if trenched, or be tunneled a minimum of three feet (3') below existing grade within the tree's drip line. The guiding principle is that no root two inches (2") or larger shall be cut. Note: This requirement is for placement of new utilities and does not affect the city's ability to access existing utilities for repair and maintenance.

K. Erosion Control: The landscape installation shall stabilize all soil and slopes.

L. Berms: Berm slopes shall not exceed ~~two~~ three to one (2~~3~~:1) (horizontal:vertical). Three to one (3:1) maximum slopes are recommended. Grass that requires mowing shall not be used on slopes steeper than three to one (3:1). (Ord. 05-1170, 8-30-2005, eff. 9-15-2005)

M. Screening: Where screening is required in this article and/or this title, chainlink fencing with or without slats does not qualify as a screening material. (Ord. 06-1241, 7-5-2006, eff. 7-15-2006)

N. Vegetation Coverage: Required landscape areas shall be at least seventy percent (70%) covered with vegetation at maturity, with mulch used under and around the plants, or alternatively, meet the standards for Water Conserving Design below. An exception may be approved by the director for water conserving designs that meet both the following standards:

~~1. The design incorporates a variety of water conserving trees as set forth in table 11-3B-5-1 of this section, water conserving plants, boulders, rocks, decorative walls and/or permeable hardscape materials such as pavers and flagstones; and~~

~~2. Required landscape areas shall be at least forty percent (40%) covered with vegetation at maturity.~~

O. Water Conserving Design: To qualify for the exceptions for water conserving designs as set forth in this chapter, the applicant shall demonstrate the following:

1. ~~The design includes water conserving trees as set forth in table 11-3B-5-1 of this section,~~ use of native or drought resistant shrubs, perennials or ornamental grasses, water conserving plants, boulders, rocks, decorative walls and/or permeable hardscape materials such as pavers and flagstones, and that are visually distinct (size, texture, or color) and clearly visible from the adjacent travel roadway or drive aisle.

2. The design includes plants that can thrive in climates with approximately ten (10) to twelve inches (12") of annual rainfall.

3. Lawn and turf areas shall not comprise more than fifty percent (50%) of the total landscaped areas and shall consist of water conserving grasses, including, but not limited to, buffalo grass, blue gamma grass, compact fescue, ~~zerilawn~~ Xerilawn, turf type tall fescue and/or rhyzomotuous tall fescue.

4. Herbaceous and/or perennial ground cover shall be drought tolerant and able to withstand dry conditions once established. As a guide, refer to the recommended plants in the city of Boise parks and recreation "Water Conservation Guidelines". (Ord. 11-1493, 9-6-2011, eff. 9-12-2011)

5. Excluding lawn and turf, no area larger than (375) square feet may be covered by a single ground cover material without additional hardscape or design feature of no less than (125) square feet.

6. Required landscape areas shall be at least forty percent (40%) covered with vegetation at maturity.

P. Safety:

1. Landscaping shall be designed and installed in such a way as to provide natural surveillance opportunities from public areas and not create hiding places or blind spots.

2. Shrubs and plant material installed in close proximity to windows and entryways should be limited in size and be of slow growing varieties to prevent overgrowth and concealment of windows and entryways creating opportunities for crime. (Ord. 12-1514, 5-16-2012, eff. 5-21-2012)

11-3B-6: IRRIGATION STANDARDS:

A. Irrigation Required: All landscape areas regulated by this article shall be served with an automatic underground irrigation system. Additional requirements affecting pressurized irrigation systems can be found in section 9-1-28, "Pressurized Irrigation System", of this code. (Ord. 05-1170, 8-30-2005, eff. 9-15-2005)

B. Performance Specifications:

1. Coverage: The irrigation system shall be designed to provide one hundred percent (100%) coverage within lawn areas with head to head spacing or triangular spacing as appropriate or point to point (drip) at each plant or planting area.

2. Matched Precipitation Rates: Sprinkler heads shall have matched precipitation rates within each control valve circuit.

3. Irrigation Hydrozones: Sprinkler heads irrigating lawn or other high water demand areas shall be circuited so that they are on a separate hydrozone from those irrigating trees, shrubs, or other reduced water demand areas.

4. Overspray: Sprinkler heads shall be installed and adjusted to reduce overspray onto impervious surfaces such as streets, sidewalks, driveways, and parking areas. (Ord. 11-1493, 9-6-2011, eff. 9-12-2011)

C. Backflow Prevention: Provide an appropriate backflow prevention device as required by title 9, chapter 3, "Cross Connection Control", of this code. (Ord. 05-1170, 8-30-2005, eff. 9-15-2005)

D. Nonpotable Water: Use of nonpotable irrigation and/or reuse water is required when determined to be available by the city public works department as set forth in section 9-1-28, "Pressurized Irrigation System", of this code; reuse water may not be used for stormwater facilities. Water availability during the fall and spring seasons is also required by connecting to city potable water, city reuse water, and/or an on site well as a secondary source. An exception may be approved for water conserving designs as set forth in subsection 11-3B-50 of this article. In such cases, the requirement for a secondary source may be waived by the director. If city potable water is used, a separate water meter is required. (Ord. 16-1717, 1-3-2017)

E. Subdivision Irrigation Systems: If a pressurized irrigation pump station is required on the developed property, such station shall be on a lot solely dedicated to that pump station. Said lot shall be owned by the entity that owns and maintains the pressurized irrigation system. (Ord. 07-1325, 7-10-2007)

11-3B-7: LANDSCAPE BUFFERS ALONG STREETS:

A. Purpose: The intent of these requirements is to ensure the long term and consistent maintenance of landscape buffers along streets that improve the visual quality of the streetscape, unify diverse architecture, and carry out the comprehensive plan policies related to promoting attractive street(s) and street beautification.

B. Applicability: Landscape buffers shall be required along streets in all locations, except for local streets adjacent to ~~single-family residential, duplex, and townhouse residential~~ residential properties.

C. Standards: Standards for landscape buffers along streets shall be as follows:

1. Buffer Size: See chapter 2, "District Regulations", of this title. (Ord. 05-1170, 8-30-2005, eff. 9-15-2005)

a. Measurement:

(1) All street buffers with attached sidewalks shall be measured from the back of sidewalk. Where ACHD is anticipating future widening of the street, the width of the buffer shall be measured from the ultimate sidewalk location as anticipated by ACHD.

(2) All street buffers with detached sidewalks shall be measured from the back of curb. Where ACHD is anticipating future widening of the street, the width of the buffer shall be measured from the ultimate curb location as anticipated by ACHD. Detached sidewalks shall have an average minimum separation of greater than four feet (4') to back of curb. (Ord. 07-1325, 7-10-2007)

b. Easements: Where the buffer is encumbered by easements or other restrictions, the buffer area shall include a minimum five foot (5') wide area for planting shrubs and trees. (Ord. 05-1170, 8-30-2005, eff. 9-15-2005)

c. Width Reduction: In a development where the required street buffer width results in an otherwise unavoidable hardship to the property, a written request for a buffer reduction may be submitted through the alternative compliance process in accord with chapter 5, "Administration", of this title. The request shall demonstrate evidence of the unique hardship caused by the required street buffer and propose a specific alternative landscape plan that meets or exceeds the intent of the required buffer. In no case shall the width be reduced to less than ten percent (10%) of the depth of the lot, except in the Old Town district. A reduction to the buffer width shall not affect building setbacks; all structures shall be set back from the property line a minimum of the buffer width required in the applicable zoning district. (Ord. 10-1439, 1-12-2010, eff. 1-18-2010)

2. Buffer Location: Landscape buffers along streets shall be located at all subdivision boundaries.

a. All residential subdivision street buffers shall be on a common lot, maintained by a homeowners' association. (Ord. 05-1170, 8-30-2005, eff. 9-15-2005)

b. All commercial, industrial, and other nonresidential street buffers shall be on a common lot or on a permanent dedicated buffer, maintained by the property owner or business owners' association. (Ord. 07-1325, 7-10-2007)

c. Except where fences and walls are used as decorative landscape elements, fences and walls are permitted only on the interior edge of the street buffer.

3. Buffer Landscaping Materials:

a. All required landscape buffers along streets shall be designed and planted with a variety of trees and, shrubs, lawn, or other vegetative ground cover. Plant materials in conjunction with site design should all elicit design principles including rhythm, repetition, balance, and focal elements.

b. The minimum density of one tree per thirty five (35) linear feet is required. At least 35% of qualifying trees must provide urban canopy at maturity, and at least 25% of qualifying trees must be Class 2 selections, unless it can be shown that utility conflicts prohibit installation of Class 2 trees. ~~If this~~ All calculation results in a fraction of five (5) or greater, round up to an additional tree. ~~If this~~ All calculation results in a fraction less than five (5), round the number down.

c. Large shrubs, hedges and conifers should be used sparingly and in clusters that are well integrated with the landscape design. Such plants shall not screen or create a public safety hazard.

d. Where street trees are within a parkway, they shall be centered within the parkway planter. Where street trees are not within a parkway, they shall be offset a minimum of five feet (5') from the edge of sidewalk.

e. Lawn and other grasses requiring regular mowing shall comprise no more than 65% of the vegetated coverage of a landscape buffer. This maximum area excludes landscaped parkway with trees. All other vegetated coverage shall be mulched and treated as planting area for shrubs or other vegetative cover. Areas along required walls and closed vision fences should generally be reserved for planting beds with a minimum of one shrub per seven lineal feet of frontage.

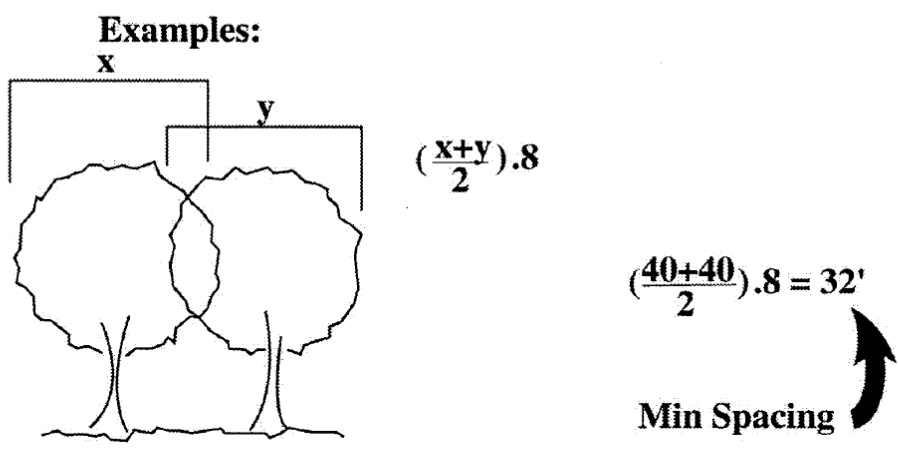
f. Entryway Corridors: along all entryway corridors, additional landscape design features shall be provided within landscape buffers. Features may include berms of no less than (4:1) slope to at a 3-foot minimum height, decorative landscape walls (no greater than 3-feet in height), decorative open vision fencing (no greater than 4-feet in height), or design elements with a similar level of effort (Example: a dry creek design with river rock, boulders, etc.). Detached sidewalks within landscaped buffers are required along entryway corridors, unless curb, gutter and sidewalk already exist.

g. In conditions with reduced landscape buffers, additional design elements shall be required including reduced turf area, increased mulched planting area and increased plant diversity, and additional vertical design features such as decorative landscape retaining walls (no greater than 3-feet in height).

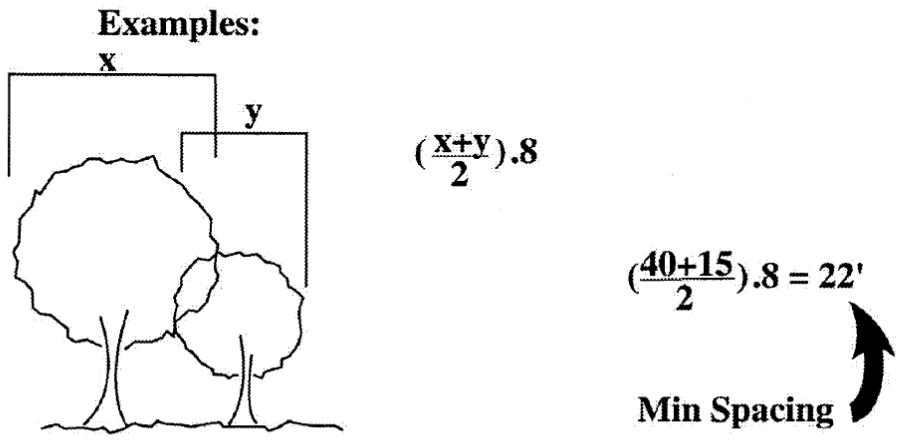
4. Tree Spacing: For design flexibility, trees may be grouped together or spaced evenly as desired. Landscape designs should consider tree placement location, spacing, and clumping to avoid conflicts with wayfinding and business identification signs. However, trees shall be spaced no closer than eighty percent (80%) of the average mature width of the trees, as demonstrated in the following examples:

FIGURE 1
TREE SPACING

FIGURE 1
TREE SPACING



Minimum Tree Spacing.



Minimum Tree Spacing.

(Ord. 05-1170, 8-30-2005, eff. 9-15-2005)

5. Landscaping Within Right Of Way:

- a. If the unimproved street right of way is ten feet (10') or greater from the edge of pavement to edge of sidewalk or property line, the developer shall maintain a ten foot (10') compacted shoulder meeting the construction standards of the transportation authority

and landscape the remainder with lawn or other vegetative ground cover. (Ord. 16-1672, 2-16-2016)

b. Landscaping improvements within the right of way shall require a license agreement between the property owner and the transportation authority. (Ord. 05-1170, 8-30-2005, eff. 9-15-2005)

6. Impervious Surfaces: Allowed impervious surfaces within the landscape buffer include driveways, outdoor seating, signs and walkways. Vehicle display pads are prohibited in the required buffer. (Ord. 10-1439, 1-12-2010, eff. 1-18-2010)

7. Berms In Street Buffers: Berm design is subject to the provisions in accord with subsection 11-3B-5L of this article. (Ord. 05-1170, 8-30-2005, eff. 9-15-2005)

8. Stormwater Detention: Stormwater swales and other green stormwater facilities may be incorporated into the buffer in accord with section 11-3B-11 of this article. Other stormwater detention and retention facilities shall not be permitted in the street buffer, except along I-84. (Ord. 16-1717, 1-3-2017)

11-3B-8: PARKING LOT LANDSCAPING:

A. Purpose: The purpose of perimeter and internal parking lot landscaping is to soften and mitigate the visual and heat island effect of a large expanse of asphalt in parking lots, and to improve the safety and comfort of pedestrians. ~~Landscaping can also reduce summer heat gain in parking areas and define pedestrianways.~~

B. Applicability: The requirements for perimeter and internal lot landscaping shall apply to all commercial, industrial and multi-family development, with the following exceptions:

1. Parking spaces adjoining loading areas in the I-L and I-H districts are excluded from the interior landscape requirements. (Ord. 05-1170, 8-30-2005, eff. 9-15-2005)

2. For parking lot reconstruction, exclusive of sealing, striping, or overlaying, all current landscape standards of this section shall be met, unless approved as set forth in section 11-1B-4 of this title. (Ord. 16-1672, 2-16-2016)

3. If the location of existing buildings or other structures prevents conformance with the requirements of this section, or if its implementation would create a nonconformity with parking standards, the director shall determine how this article is to be applied through the alternative compliance process. (Ord. 05-1170, 8-30-2005, eff. 9-15-2005)

C. Standards:

1. For Perimeter Landscaping: The following standards apply to the perimeter of parking or other vehicular use areas, including driveways:

a. Requirement: Provide a five foot (5') wide minimum landscape buffer adjacent to parking, loading, or other paved vehicular use areas, including driveways, vehicle sales areas, truck parking areas, bus parking areas, and vehicle storage areas, subject to the following exceptions:

(1) This requirement may be reduced or waived at the determination of the director where there is a shared driveway and/or recorded cross parking agreement and easement with an adjacent property.

(2) This requirement may be reduced or waived at the determination of the director for truck maneuvering areas in industrial, mixed-employment and high-density employment districts. (Ord. 09-1420, 6-23-2009, eff. 6-23-2009)

b. Landscaping: The perimeter landscape buffer shall be planted with one Class II or Class III tree per thirty five (35) linear feet and shrubs, lawn, or other vegetative ground cover. (Ord. 05-1170, 8-8-2005, eff. 9-15-2005)

c. Encroachments: Structures less than one hundred twenty (120) square feet, including, but not limited to, trash enclosures and storage sheds, may encroach into a required landscape buffer, excluding any buffer to adjoining residential uses as set forth in section 11-3B-9 of this article. (Ord. 09-1420, 6-23-2009, eff. 6-23-2009)

2. For Internal Landscaping: Interior parking lot landscaping shall be required on any parking lot with more than twelve (12) spaces. The following standards apply to internal landscaping:

a. Planter Size: Landscape planters shall contain a minimum of fifty (50) square feet, and the planting area shall not be less than five feet (5') in any dimension, measured inside curbs. The only exception to the five foot (5') minimum dimension is at the tip of triangular planters located at the end of rows of angled parking.

b. Parking Spaces: No linear grouping of parking spaces shall exceed twelve (12) in a row, without an internal planter island. The planter island shall run the length of the parking space and may be reduced by two feet (2') to allow for improved vehicular maneuvering.

c. Parking Lot Layout: Interior landscaping shall, insofar as possible, be used to delineate and guide major traffic movement within the parking area so as to prevent cross space driving. Interior landscape planters shall be spaced as evenly as feasible and at the ends of rows of parking throughout the lot to consistently reduce the visual impact of long rows of parked cars. (Ord. 05-1170, 8-30-2005, eff. 9-15-2005)

d. Trees Required: Each interior planter that serves a single row of parking spaces shall be landscaped with at least one tree and shall be covered with low shrubs, lawn, or other vegetative ground cover. Each interior planter that serves a double row of parking spaces shall have at least two (2) trees and shall be covered with low shrubs, lawn, or other vegetative ground cover. Trees shall be centered within the planters and provide urban canopy. ~~Deciduous shade~~ urban canopy trees shall be pruned to a minimum height of eight feet (8') above the adjacent parking areas. Evergreen trees and class III trees are prohibited in interior planters. (Ord. 07-1325, 7-10-2007)

e. Design Flexibility: In parking areas where the strict application of this subsection C will seriously limit the function and circulation of the lot, up to fifty percent (50%) of the required landscaping may be located near the perimeter of the paved area or adjacent to pedestrian corridors to emphasize entrance corridors, pedestrian safety, or special landscape areas within the general parking area. Such required interior landscaping that is relocated shall be in addition to perimeter landscape and right of way screening requirements. (Ord. 05-1170, 8-30-2005, eff. 9-15-2005)

11-3B-9: LANDSCAPE BUFFERS TO ADJOINING USES:

A. Purpose: The requirements in this section shall apply to the landscape buffer to residential and/or nonindustrial uses in section 11-2B-3, table 11-2B-3 and section 11-2C-3, table 11-2C-3 of this title. The landscape requirements in this section are intended to ensure that incompatible, adjoining land uses are adequately protected and are provided

an appropriate amount of land separation to conduct permitted uses without causing adverse impact.

B. Applicability: The landscape buffer is required in the C-N, C-C, C-G, L-O, M-E, H-E, and I-L districts on any parcel sharing a contiguous lot line with a residential land use. The landscape buffer is required in the I-H district on any property sharing a contiguous lot line with a nonindustrial use.

C. Standards:

1. Buffer Materials: The materials within the required buffer between incompatible land uses are regulated as follows:

a. Mix Of Materials: All buffer areas shall be comprised of, but not limited to, a mix of evergreen and deciduous trees, shrubs, lawn, or other vegetative ground cover. Fences, walls and berms may also be incorporated into the buffer area as set forth in subsection 11-3B-7C2c of this article.

b. Barrier Effectiveness: The required buffer area shall result in a barrier that allows trees to touch ~~at the time of the tree maturity~~ within (5) years of planting. Trees that will not touch until maturity outside of this timeframe must be supplemented with additional materials such as tall columnar evergreen shrubs, or other qualifying materials.

c. Buffer Wall And/Or Fence: Where existing or proposed adjacent land uses cannot be adequately buffered with plant material(s), the city may require inclusion of a wall, fence, or other type of screen that mitigates noise and/or unsightly uses. If a wall or fence at least six feet (6') tall is provided, the planting requirement may be reduced to a minimum of one tree per thirty five (35) linear feet, plus shrubs, lawn, or other vegetative ground cover.

d. Chainlink Fencing: Chainlink fencing with or without slats does not qualify as a screening material. Except in the I-L and I-H districts, chainlink or cyclone fencing is prohibited within required buffers between different land uses. Chainlink may be used beyond the required buffer.

2. Minimum Buffer Size: The width of the buffer is determined by the district in which the property is located, unless such width is otherwise modified by city council at a public hearing with notice to surrounding property owners. The tables of dimensional standards for each district in accord with chapter 2, "District Regulations", of this title establish the minimum buffer size. A reduction to the buffer width shall not affect building setbacks; all structures shall be set back from the property line a minimum of the buffer width required in the applicable zoning district.

3. Pedestrian Access: Landscape buffers shall facilitate safe pedestrian access from residential development to abutting commercial districts and vice versa.

4. Relationship To Parking Lot Perimeter Requirements: All buffers between different land uses may include any required perimeter parking lot landscape buffers (see subsection 11-3B-8C of this article) when calculating the minimum width of the buffer. (Ord. 12-1514, 5-16-2012, eff. 5-21-2012)

11-3B-10: TREE PRESERVATION:

A. Purpose: The regulations of this section are intended to preserve existing trees four inch (4") caliper or greater from destruction during the development process.

B. Applicability: Tree preservation is required in all districts.

C. Standards:

1. Site Plans: Site plans shall make all feasible attempts to maintain existing trees four inch (4") caliper or greater within their design.

2. Landscape Plan: All existing trees greater than four inch (4") caliper shall be shown on the landscape plan. Indicate whether each tree is to be retained or removed. Include on the plan a description of how existing trees to be retained are to be protected during construction.

3. Protection During Construction: Existing trees that are retained shall be protected from damage to bark, branches, and roots during construction. The city of Meridian parks department arborist shall approve the protection fence(s) prior to construction. Any severely damaged tree shall be replaced in accord with subsection C5 of this section.

4. Construction Within The Drip Line Of Existing Trees: Construction, excavation, or fill occurring within the drip line of any existing tree shall be avoided, except to supplement existing trees with new irrigation. Specific requirements for construction within the drip line of existing trees are as follows:

a. Paving: Whenever possible, impervious paving surfaces shall remain outside of the drip line of existing trees. When it is not possible, impervious surfaces shall be allowed at a distance from the trunk of a retained tree equal to the diameter of the tree trunk plus five feet (5').

b. Grade Changes: Grade changes greater than six inches (6") are prohibited within the drip line of existing trees.

c. Compaction: A fence or barrier that encloses the entire area beneath the tree canopy shall be in place prior to construction.

d. Utilities: New underground utilities to be placed within the drip line of existing trees shall be installed in accord with subsection 11-3B-5J3 of this article.

5. Mitigation:

a. Mitigation shall be required for all existing trees four inch (4") caliper or greater that are removed from the site with equal replacement of the total calipers lost on site up to an amount of one hundred percent (100%) replacement. (Example: Two 10-inch caliper trees removed may be mitigated with four 5-inch caliper trees, five 4-inch caliper trees, or seven 3-inch caliper trees.). Deciduous specimen trees (4") caliper or greater may count double towards total calipers lost, when planted at entryways, within common open space, and when used as focal elements in landscape design.

b. No mitigation is required in the following: 1) existing prohibited trees within ~~the street buffer or parking lot;~~ the property boundary of the project. 2) existing dead, dying, or hazardous trees certified prior to removal by the city of Meridian parks department arborist; 3) trees that are required to be removed by another governmental agency having jurisdiction over the project.

6. Required Landscaping: Existing trees that are retained or relocated on site may count toward the required landscaping. Existing trees (12") caliper or greater that are verified healthy by the City Arborist or a certified arborist and located within common open space or as focal elements within the site may count equally towards the mitigation of

calipers lost from other removed trees. Mitigation trees are in addition to all other landscaping required by this article. (Ord. 05-1170, 8-30-2005, eff. 9-15-2005)

7. Fee In-lieu: In conditions where it is desired to remove healthy trees for design flexibility, and where other mitigation methods are less desired, an in lieu-fee may be contributed towards the City's Tree Mitigation Fund. The purpose of this fund is to offset urban tree canopy loss by having the City install new trees in other areas of the community.

87. Incentives: The director may allow a reduction up to ten percent (10%) of the required parking spaces to accommodate existing trees through the alternative compliance process in accord with chapter 5, "Administration", of this title. Approval of an alternative compliance application for a reduction in required parking shall be obtained prior to submittal of plans. (Ord. 10-1439, 1-12-2010, eff. 1-18-2010)

11-3B-11: STORMWATER INTEGRATION:

A. Purpose: The regulations of this section are intended to improve water quality and provide a natural, effective form of flood and water pollution control through the integration of vegetated, well designed stormwater filtration swales and other green stormwater facilities into required landscape areas, where topography and hydrologic features allow.

B. Applicability: The standards for stormwater integration shall apply to all subdivisions, site improvements and ACHD stormwater facilities. ACHD stormwater policy shall supersede city requirements for stormwater facilities, except that facilities counting toward open space requirements must also meet or exceed city requirements.

C. Standards:

1. Stormwater swales incorporated into required landscape areas shall be vegetated with grass or other appropriate plant materials. Such swales shall also be designed to accommodate the required number of trees as per section 11-3B-7 of this article if located in a street buffer or other required landscape area.

2. A rock sump may be incorporated into a vegetated swale to facilitate drainage. The rock sump inlet may not exceed more than five feet (5') in any horizontal dimension.

3. Gravel, rock, sand, or cobble stormwater facilities are not permitted on the surface of required landscape areas, unless designed as a dry creek bed or other design feature.

4. Plant materials shall be a species that are able to withstand the anticipated changes in soil wetness and moisture levels.

5. Organic mulch shall not be used against drainage catch basins because of potential sediment clogging.

6. Slopes shall be less than or equal to three to one (3:1) (horizontal:vertical) for accessibility and maintenance.

7. The stormwater facility shall be designed free draining with no standing water within forty eight (48) hours of the completion of a storm event. (Ord. 16-1717, 1-3-2017)

11-3B-12: PATHWAY LANDSCAPING:

A. Purpose: The purpose of this section is to promote trees and other landscaping along pathways developed within the city. The required landscaping will provide shade and visual interest along the pathways.

B. Applicability: Wherever pathways are installed and/or required, the landscaping standards within this section shall apply.

C. Standards:

1. Planter Width: A landscape strip a minimum of five feet (5') wide shall be provided along each side of the pathway. Designs are encouraged in which the width of the landscape strip varies to provide additional width to plant trees farther from the pathway, preventing root damage. The minimum width of the landscape strip shall be two feet (2') to allow for maintenance of the pathway. Alternative compliance as set forth in section 11-5B-5 of this title shall not be required to meander the pathway as long as a total width of ten feet (10') of landscaping is maintained along the pathway.

2. Required Plants: The landscape strips shall be planted with a mix of trees, shrubs, lawn, and/or other vegetative ground cover. There shall be a minimum of one tree per one hundred (100) linear feet of pathway. If this calculation results in a fraction of five (5) or greater, round up to an additional tree; if the calculation results in a fraction less than five (5), round the number down.

3. Improvements: The pathways construction shall be in accordance with the site specific geotechnical report for light duty paving. In the cases where no geotechnical report is available pathways shall be built using 2.5 "of asphaltic concrete over 4" of crushed aggregate base over 10" of structural subbase over compacted subgrade. Materials and methods shall conform to ISPWC standard specifications. shall be paved with three inches (3") of asphaltic concrete or equivalent. (Ord. 10-1439, 1-12-2010, eff. 1-18-2010)

4. Tree Branching Height: Trees along the pathway shall be pruned with a clear branching height of at least eight feet (8') above the path surface.

5. Shrub Height: Shrubs are limited to three feet (3') high or less at mature size to allow for safety provisions and sight distance.

6. Mulch: The solitary use of mulches, such as bark alone without vegetative ground covers, is prohibited. Mulch under the trees and shrubs is required in accord with subsection 11-3B-5H of this article.

7. Prohibited Trees: No evergreen trees or class III trees shall be planted within the required landscape strips of less than 10-feet because of safety, sight distance, and maintenance concerns. (Ord. 05-1170, 8-30-2005, eff. 9-15-2005)

8. Fences: See section 11-3A-7 of this chapter for pathway fencing standards. (Ord. 10-1439, 1-12-2010, eff. 1-18-2010)

11-3B-13: LANDSCAPE MAINTENANCE:

A. Purpose: The regulations of this section are intended to ensure that all required landscaping is maintained in a healthy, growing condition at all times.

B. Applicability: The requirement for landscape maintenance applies in all districts where landscaping has been required.

C. Standards:

1. Responsibility: The property owner is responsible for the maintenance of all landscaping and screening devices required by this article.
2. Topping Prohibited: Topping any street tree required by this article is prohibited.
3. Tree Grates: Tree grates shall be widened to accommodate the growing tree trunk and prevent girdling of any trees planted in tree wells within sidewalks or other public right of way.
4. Dead And Diseased Plant Materials: Plant materials that exhibit evidence of insect pests, disease, and/or damage shall be appropriately treated to correct the problem. Dead plant materials shall be replaced.
5. Inspections: All landscaping required by this subsection may be subject to periodic inspections by city officials to determine compliance or to investigate.
6. Pruning: The lower branches of trees shall be pruned and maintained at a minimum height of six feet (6') above the ground or walkway surface to afford greater visibility of the area, except as otherwise required herein. (Ord. 12-1514, 5-16-2012, eff. 5-21-2012)

11-3B-14: INSTALLATION:

A. Certificate Of Completion: A written certificate of completion shall be prepared by the landscape architect, landscape designer or qualified nurseryman responsible for the landscape plan upon completion of the landscape installation. The certificate of completion shall verify that all landscape improvements, including plant materials and sprinkler installation, are planted and installed in substantial compliance with the approved landscape plan and details.

B. Installation Schedule:

1. All required landscaping, irrigation systems and site features shall be installed according to the approved landscape plan prior to issuance of a final certificate of occupancy.
2. All pathways conveyed to the City for permanent maintenance, must be inspected and compaction tested prior to issuance of a final certificate of occupancy.
3. Private site improvements that are above and beyond the requirements placed on the development do not require completion prior to occupancy. (For example a clubhouse in a residential development need not be completed prior to occupancy of residences in the development.)
4. For final plats, all landscape buffers along streets, with the exception of local streets, shall be installed prior to signature on the final plat. Street buffers on local streets may be installed at the time of the lot development; installation of such improvements shall not be required at the time of plat approval. (Ord. 05-1170, 8-30-2005, eff. 9-15-2005)

Article G. COMMON OPEN SPACE AND SITE AMENITY REQUIREMENTS

11-3G-1: Purpose

11-3G-2: Applicability

11-3G-3: Standards for Common Open Space

11-3G-4: Standards for Site Amenities

11-3G-5: General Standards for Common Open Space and Site Amenities

11-3G-1: PURPOSE:

A. To implement the goals and policies of the Comprehensive Plan:

1. Plan for safe, attractive, and well-maintained neighborhoods that have ample open space, and generous amenities that provide varied lifestyle choices.
2. Require the design and construction of pathways connections, easy pedestrian and bicycle access to parks, safe routes to schools, and the incorporation of usable open space with quality amenities as part of new residential and mixed-use developments.

B. ~~The regulations of this article are intended t~~To provide for common open space and site amenities in Residential Districts and in areas designated as mixed-use in the Comprehensive Plan that improve the livability of residential neighborhoods, buffer the street edge, provide alternatives to driving, and protect natural amenities.

C. ~~The regulations are intended t~~To establish minimum quantity and quality standards for common open space and site amenities, and requirements for the long term maintenance of these areas.

11-3G-2: APPLICABILITY:

The standards for common open space and site amenities shall apply to all new single-family, townhouse, and two-family duplex, and multi-family developments of five (5) acres or more. Open space and site amenity standards for multi-family developments are provided for in Section 11-4-3-27C and D of this Title.

11-3G-3: STANDARDS FOR COMMON OPEN SPACE:

A. ~~Open Space and Site Amenity~~ Minimum Requirements: The minimum requirements are based on both the quantity and quality of open space provided.

1. Minimum open space quantity requirements: The total land area of all common open space that meets the standards as set forth in subsection B of this section shall ~~equal or exceed ten~~

percent (10%) of the gross land area of the development; or provide five percent (5%) common open space if the entire development is comprised of buildable lots, a minimum of sixteen thousand (16,000) square feet, not including landscape buffers along arterial or collector roadways; or as shown in Table 11-3G-3.

a. Table 11-3G-3 Minimum Open Space Requirements

<u>Zone</u>	<u>% Open Space</u>
<u>R-2</u>	<u>10%</u>
<u>R-4</u>	<u>12%</u>
<u>R-8</u>	<u>15%</u>
<u>R-15</u>	<u>15%</u>

b. When a project is located in more than one zone, the calculation of the minimum required open space shall be based on the land area in each zone, and the total for each zone shall be combined for the minimum required open space for the entire project.

2. One additional site amenity that meets the standards as set forth in subsection C of this section shall be required for each additional twenty (20) acres of development area. Minimum open space quality requirements: All open space areas shall meet the following quality standards:

- a. The development plan shall demonstrate that the open space has been integrated into the development as a priority and not for the use of land after all other elements of the development have been designed. Open space areas that has been given priority in the development design have direct (a) direct pedestrian access, (b) high visibility, (c) comply with Crime Prevention Through Environmental Design (CPTED) standards, and (d) support a range of leisure and play activities and uses. Open grassy areas that are crooked or jagged in shape, disconnected or isolated do not meet this standard.
- b. Open space shall be accessible and well connected throughout the development. This quality can be shown with open spaces that are centrally located within the development; connected by pathways and visually accessible along collector streets; or are a terminal view from a street.
- c. The open space promotes the health and well-being of its residents. Open space shall support active and passive uses for recreation, social gathering and relaxation to serve the development.

B. Qualified Open Space: The following may qualify to meet the common open space requirements:

- 1. Active or Passive-In-Intended Use Open Spaces: Any open space that is active or passive in its intended use, and accessible by all residents of the development, including, but not limited to:

- a. Open grassy area of at least fifty feet by one hundred feet (50' x 100') in area and is surrounded by the front yards of lots on at least 50% of its perimeter. Intervening local streets may be located between the open space and front yards of the lots;



- b. Community garden(s);
- c. Ponds or water features; Natural waterways, open ditches, and laterals. Protective buffers a minimum of ten feet (10') in width dedicated for active access along these natural open spaces count toward meeting the open space minimum requirements;
- d. Plaza with a minimum dimension of twenty feet (20') in all directions and including hardscape, seating, lighting in conformance with the standards set forth in section 11-3A-11 and landscaping in conformance with the requirements set forth in Article 11-3B Landscaping Requirements; or



- e. Linear open space area that is at least twenty feet (20') and up to fifty feet (50') in width, has an access at each end, and is improved and landscaped as set forth in subsection E of this section; Article 11-3B Landscaping Requirements.



- 2. ~~Additions To Public Park:~~ Additions to the land area of a public park or other public open space area.

- 3. ~~Full Area Of Buffer: One hundred percent (100%) The full area of the landscape buffer along collector streets may count toward the required common open space and~~ 4.



~~Percentage Of Buffer: Fifty percent (50%) of the landscape buffer along arterial streets that meet the enhanced buffer requirements that follow may count toward the required common open space.~~

- a. Enhanced landscaping as set forth in Article 11-3B Landscaping Requirements
- b. Multi-use pathways;
- c. Enhanced amenities with social interaction characteristics;
- d. Enhanced context with the surroundings.

- 45. Parkways Along Collector and Local Residential Streets: Parkways along local residential streets that meet all of the following standards may count toward the common open space requirement:



- a. The parkway meets the minimum width standard as set forth in subsection 11-3A-17E of this chapter.
- b. The parkway is planted with street trees in accord with section 11-3B-7, "Landscape Buffers Along Streets", of this chapter.
- c. Except for alley accessed dwelling units, the area for curb cuts to each residential lot or common driveway shall be excluded from the open space calculation. For purposes of this calculation, the curb cut area shall be twenty six feet (26') by the width of the parkway.



- 56. Stormwater Detention Facilities: Stormwater detention facilities when designed in accord with section 11-3B-11, "Stormwater Integration", of this chapter may count up to twenty five percent (25%) towards the qualified open space requirement if located within a passive or active qualified open space of at least twenty thousand (20,000) square feet and is visible from a public street(s) on at least two (2) sides.

67. Open Water Ponds: ~~Aesthetically designed~~ Artificial open water ponds and holding areas may comprise up to twenty five percent (25%) of a required open space area when developed with at least one site amenity in accord with ~~subsection C~~ Table 11-3G-4 of this section. All ponds with a permanent water level shall meet the following standards:



- a. The pond shall have recirculated water; and
- b. The pond shall be maintained such that it does not become a mosquito breeding ground.

11-3G-4: Standards For Site Amenities

A. Site Amenities Minimum Standards: The minimum site amenity required is based on the point value of the amenity as set forth in subsection B of this section and the size of the development.

- 1. For each five (5) acres of gross land area, one (1) point of site amenity is required. If the calculation of the number of required site amenities results in a fraction, such number shall be rounded up or down to the next whole number: fractions less than one-half (0.5) shall be rounded down to the whole number and fractions which are one-half (0.5) and greater shall be rounded up to the next higher whole number.
- 2. For projects forty (40) acres or more in size, multiple amenities are required from the separate categories listed in Table 11-3G-4.

B. Qualified Site Amenities:

- 1. Qualified site amenities shall include, but not be limited to the features listed in Table 11-3G-4.
- 2. The assigned point value may be decreased depending on (a) the size, (b) quality of the feature, (c) ease of maintenance, (d) durability, (e) integration with other open space or amenities and (f) year-round usability. The burden will be on the applicant to demonstrate that the amenity meets these criteria.
- 3. Through the Alternative Compliance provisions as set forth in Section 11-5B-5:

- a. Amenities not listed in Table 11-3G-4 may be considered.
- b. Amenities that are a centerpiece or of benefit to the entire city; that creatively create a sense of uniqueness to the neighborhood; or preserve or represent the historic context of the place may be substituted for required open space as set forth in section 11-3G-3. Application fees for alternative compliance for such amenities shall be waived until [DATE].

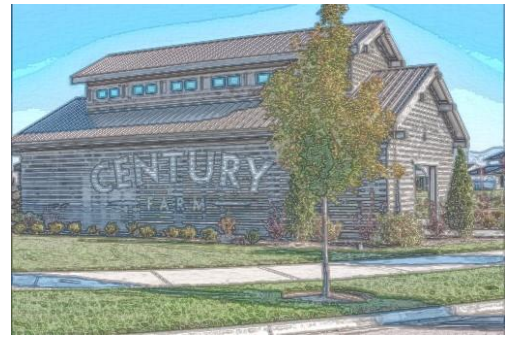


Table 11-3G-4 Site Amenities and Point Value

	<u>Site Amenity</u>	<u>Maximum Point Value</u>
<u>Quality of Life Amenities</u>		
	<u>Business center clubhouse 5,000 sf or greater</u>	<u>2</u>
	<u>Clubhouse between 5,000 – 10,000 sf or greater in size</u>	<u>6</u>
	<u>Clubhouse less than 5,000 sf or open air ramadas</u>	<u>3</u>
	<u>Semi-enclosed clubhouse</u>	<u>3</u>
	<u>Fitness facilities 5,000 sf or greater in size</u>	<u>4</u>
	<u>Fitness facilities less than 5,000 sf</u>	<u>2</u>
	<u>Locker rooms in association with clubhouse or fitness facility</u>	<u>2</u>
	<u>Public art</u>	<u>1</u>
	<u>Fountain</u>	<u>2</u>
	<u>Picnic area on a site 5,000 sf or greater in size</u>	<u>2</u>
	<u>Picnic area on a site less than 5,000 sf</u>	<u>1</u>
	<u>Fitness course</u>	<u>2</u>
	<u>Open space commons</u>	<u>3</u>
	<u>Open space commons Shelter</u>	<u>2</u>
	<u>Communication infrastructure with fiber optic cable</u>	<u>2</u>
	<u>Dog Park</u>	<u>2</u>
	<u>Dog waste station</u>	<u>0.5</u>
	<u>Commercial outdoor kitchen</u>	<u>2</u>
	<u>Outdoor fire ring</u>	<u>1</u>
<u>Recreation activity area amenities</u>		
	<u>Swimming pool</u>	<u>4</u>
	<u>Swimming pool changing facilities and restrooms</u>	<u>6</u>
	<u>Interactive splash pads, fountains or water features</u>	<u>4</u>
	<u>Tot Lot</u>	<u>1</u>
	<u>Playground</u>	<u>3</u>
	<u>Sports courts, paved</u>	<u>4</u>
	<u>Sports courts, unpaved</u>	<u>2</u>

	<u>Site Amenity</u>	<u>Maximum Point Value</u>
	<u>Sports fields</u>	<u>5</u>
<u>Pedestrian or bicycle circulation system amenities</u>		
	<u>When aligned with a waterway</u>	<u>1 per 1/4 mile</u>
	<u>When aligned with a linear open space</u>	<u>1 per 1/4 mile</u>
	<u>Multi-use pathways</u>	<u>2 per 1/4 mile</u>
<u>Multi-modal amenities</u>		
	<u>Bicycle storage</u>	<u>2</u>
	<u>Bicycle storage adjacent to transit stop or park and ride lot</u>	<u>3</u>
	<u>Bicycle repair station</u>	<u>1</u>
	<u>Sheltered transit stop</u>	<u>2</u>
	<u>Park and Ride Lot with a minimum of 20 spaces</u>	<u>5</u>

C. Quality of life ~~amenities~~: amenity standards:

1. Clubhouse is an enclosed or semi-enclosed space (including open air or ramadas) for neighborhood events and support facilities for recreation. The points for a clubhouse maybe combined with the points for other amenities that maybe located within the clubhouse including fitness and business centers, sports courts, swimming pools and locker rooms.
2. Fitness facilities is an enclosed space equipped with commercial grade sports exercise equipment.
3. Public art is custom designed for the site size, location, and surrounding setting.
4. Fountain is custom designed for the site size, location, and surrounding setting.
5. Picnic area includes tables, benches, landscaping, and a structure for shade.
6. Fitness course with a minimum of six (6) stations permanently installed.
7. ~~Additional qualified open space~~ Open space commons of at least twenty thousand (20,000) square feet, which is surrounded on all sides by the front yards of lots. Intervening streets may be located between the open space and lots.
8. ~~Communication infrastructure meeting the following minimum standards: with two (2) conduits running side by side to and through the development; each conduit being two inches (2") in diameter. The applicant shall be eligible for a second amenity where one such conduit includes a communication backbone with a minimum capacity equivalent to a thirty six (36) strand single mode fiber optic cable;~~

9. ~~Dog Park owner facilities meeting the following minimum standards: with: a) dog washing station with drain to sanitary sewer system and trash receptacles; and a) bags for dog waste disposal; or b) double entrance gate, c) bench(es) and d) fencing to enclose a minimum of 0.75 acre of five thousand (5,000) square feet and secured open space for an off leash dog park and trash receptacles and bags for dog waste disposal.~~ The open space shall count toward any required open space.

10. Dog waste station is an installed in the ground fixture with waste disposal bags and trash receptacle.

i-11. Neighborhood business center meeting the following standards:

- a. The area devoted to the business center shall not exceed one thousand (1,000) square feet.
- b. The business center shall provide access to high speed internet, fiber optic cable, or communication infrastructure and/or facilities with a minimum capacity equivalent to a thirty-six (36) strand single mode fiber optic cable.
- c. The business center shall, at a minimum, provide workspaces for three (3) people, a meeting space for six (6) people, and access to printing facilities.
- d. The business center may be leased to a private entity for operation and maintenance, however the property shall be owned by the owners' association.
- e. The business center operator may charge fees for use or membership; however members of the owners' association should be given priority in use of the business center.

12. Commercial outdoor kitchen is an outdoor or semi enclosed space that includes commercial grade appliances for food preparation and sink with utility connections.

13. Outdoor fire ring that meets fire safety standards, is located on a noncombustible surface and includes fixed seating.

D. Recreation ~~activity area amenities;~~ amenity standards:

- 1. Swimming pool constructed in ground and meeting all Building Code requirements.
- 2. Interactive splash pads, fountains or other water features are permanent, commercially grade constructed with filtration systems.
- 3. Tot lot with commercial grade play equipment scaled and designed for the use and safety of younger children. Benches for seating shall be nearby.

- 4. ~~Children's play structures;~~ Playground on a site with a minimum size of five thousand (5,000) square feet and including benches for seating and multiple commercial grade play structures. ~~ø~~
- 5. Sports courts with markings and including benches for seating. Sports court may include tennis, basketball, pickleball, horseshoes, bocce ball, cornhole, or golf putting
- 6. Sports fields for neighborhood scaled sports activities.

E. Pedestrian or bicycle circulation system ~~amenities meeting the following requirements:~~ amenity standards: The system a) is not required sidewalks adjacent to public right-of-way; b) ~~The system connects~~ to existing or planned pedestrian or bicycle routes outside the development, as designated in the Meridian pathways master plan; and c) ~~The system is~~ designed and constructed in accord with adopted City standards.

F. Multi-modal amenity standards:

- 1. Bicycle storage is a roofed space for the secure storage of a minimum of six bicycles.
- 2. Bicycle repair station is a fixed installation with tools and an air pump.
- 3. ~~Provision of~~ Transit stops, park and ride facilities or other multimodal facilities to encourage alternative automobile transportation.
- 4. Sheltered transit stop is covered with a roof and transparent enclosure on three sides.
- 5. Park and Ride facility is a paved off-street parking area for a minimum of twenty vehicles located adjacent to a public transit stop.

11-3G-5: General Standards for Common Open Space and Site Amenities

A. Location:

- ~~1. The common open spaces and site amenities shall be located on a common lot or an area with a common maintenance agreement.~~
- 1. Common open space shall be grouped contiguously with open space from adjacent developments whenever feasible.
- 2. Common open space and site amenities shall be located in areas of high visibility (i.e., along streets, where doors and windows overlook public areas, etc.) to avoid hidden areas and corners, dark areas, unusable space and reduce the opportunity for crime.
- 3. Common open space shall be located in areas that maximize pedestrian and bicycle connectivity within and outside the neighborhood.

- 4. Common open space in mixed use developments may be allowed to deviate from the location standards through the alternative compliance process as set forth in Section 11-5B-5.

B. ~~Required~~ Improvements and Landscaping:

- 1. Common open space shall be suitably improved for its intended use, except that natural features such as wetlands, rock outcroppings, ~~ponds, creeks, etc.,~~ natural waterways and riparian areas, open ditches, and laterals may be left unimproved.

~~At a minimum, common open space areas shall include one deciduous shade tree per eight thousand (8,000) square feet and lawn, either seed or sod.~~

- 2. Common open space shall comply with the applicable landscaping requirements set forth in Article 11-3B Landscaping Requirements of this Title.

C. Maintenance:

- 1. The common open spaces and site amenities shall be located on a common lot or an area with a common maintenance agreement. ~~All common open space and site amenities shall be the responsibility of an owners' association for the purpose of maintaining the common area and improvements thereon; or~~
- 2. Maintenance and operation of the open space and site amenities shall be the responsibility of the property owners' or homeowners' association.
- 3. Land dedicated as common open space may be conveyed to the City, where the Parks and Recreation Department agrees to accept conveyance and when the common open space area is in the public interest and complies with one of the following:
 - a. Is adjacent to an established or planned City park or school grounds; or
 - b. Connects to a regional pathway.

11-4-3-27: MULTI-FAMILY DEVELOPMENT:

Multi-family developments with multiple properties shall be considered as one property for the purpose of implementing the standards set forth in this section.

A. Purpose:

1. To implement the goals and policies of the Comprehensive Plan:
 - a. Plan for safe, attractive, and well-maintained neighborhoods that have ample open space, and generous amenities that provide varied lifestyle choices.
 - b. Require the design and construction of pathways connections, easy pedestrian and bicycle access to parks, safe routes to schools, and the incorporation of usable open space with quality amenities as part of new multi-family residential and mixed-use developments.
- ~~1~~2. To create multi-family housing that is safe and convenient and that enhances the quality of life of its residents.
 - a. ~~2~~-To create quality buildings and designs for multi-family development that enhance the visual character of the community.
 - b. ~~3~~-To create building and site design in multi-family development that is sensitive to and well integrated with the surrounding neighborhood.
 - c. ~~4~~-To create open space areas that contribute to the aesthetics of the community, provide an attractive setting for buildings, and provide safe, interesting outdoor spaces for residents. (Ord. 05-1170, 8-30-2005, eff. 9-15-2005)

B. 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. (Ord. 19-1833, 7-9-2019)
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.
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 accessways 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.
4. For the purposes of this section, vehicular circulation areas, parking areas, and private usable open space shall not be considered common open space.
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.
6. The parking shall meet the requirements set forth in chapter 3, "Regulations Applying To All Districts", of this title.
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)

C. Common Open Space Design Requirements:

1. The total baseline land area of all qualified common open space shall equal or exceed ten percent (10%) of the gross land area for multi-family developments of five (5) acres or more. In no case shall the multi-family development exceed a total of fifteen percent (15%) common open space.
2. All common open space shall meet the following standards:
 - a. The development plan shall demonstrate that the open space has been integrated into the development as a priority and not for the use of land after all other elements of the development have been designed. Open space areas that has been given priority in the development design have (a) direct pedestrian access, (b) high visibility, (c) comply with Crime Prevention through Environmental Design (CTED) standards, and (d) support a range of leisure and play activities and uses. Irregular shaped, disconnected or isolated open spaces shall not meet this standard.
 - b. Open space shall be accessible and well connected throughout the development. This quality can be shown with open spaces that are centrally located within the development, accessible by pathway and visually accessible along collector streets or as a terminal view from a street.
 - c. The open space promotes the health and well-being of its residents. Open space shall support active and passive uses for recreation, social gathering and relaxation to serve the development.
3. All multi-family projects over 20 units shall provide at least one common grassy area integrated into the site design allowing for general activities by all ages. This area may be included in the minimum required open space total. Projects that provide safe access to adjacent public parks or parks under a common HOA, without crossing an arterial roadway, are exempt from this standard.
 - a. Minimum size of common grassy area shall be at least fifty feet by one hundred feet (50' x 100') in area. This area shall increase proportionately as the number of units increase and shall be commensurate to the size of the multi-family development as determined by the decision-making body. Where this area cannot be increased due to site constraints, it may be included elsewhere in the development.
 - b. Alternative Compliance is available for these standards, if a project has a unique targeted demographic; utilizes other place-making design elements in Old-Town or Mixed-Use future land use designations with collectively integrated and shared open space areas.

14. In addition to the baseline open space requirement, 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.
- 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.
- c. Three hundred fifty (350) square feet for each unit containing more than one thousand two hundred (1,200) square feet of living area.

~~25.~~ 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').

~~36.~~ 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. (Ord. 05-1170, 8-30-2005, eff. 9-15-2005)

~~47.~~ 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.

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.~~
- (12) Community garden.
- ~~(23)~~ Ponds or water features.
- (34) 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)

E. Landscaping Requirements:

1. Development shall meet the minimum landscaping requirements in accord with chapter 3, "Regulations Applying To All Districts", of this title. (Ord. 16-1672, 2-16-2016)

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. (Ord. 05-1170, 8-30-2005, eff. 9-15-2005; amd. Ord. 16-1672, 2-16-2016)

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. (Ord. 16-1672, 2-16-2016)