

Meridian Planning and Zoning Commission

June 19, 2014

Meeting of the Meridian Planning and Zoning Commission of Thursday, June 19, 2014, was called to order at 6:00 p.m. by Chairman Joe Marshall.

Present: Chairman Joe Marshall, Commissioner Steven Yearsley, Commissioner Macy Miller and Commissioner Patrick Oliver.

Members Absent: Commissioner Scott Freeman.

Others Present: Mabelle Hill, Ted Baird, Justin Lucas, Bill Parsons, Sonya Watters and Dean Willis.

Item 1: Roll-Call Attendance:

Roll-call

<u> </u> Scott Freeman	<u> X </u> Macy Miller
<u> X </u> Patrick Oliver	<u> X </u> Steven Yearsley
<u> X </u> Joe Marshall - Chairman	

Marshall: Good evening, ladies and gentlemen. I would like to welcome you to the regularly scheduled Planning and Zoning Commission meeting for June 19th, 2014. And I'd like to begin by asking roll.

Item 2: Adoption of the Agenda

Marshall: Thank you. All right. First thing on the agenda is the adoption of the agenda and I would like to point out, since -- Items A, B, and C are requesting a continuance and we are going to address that with the applicant and decide whether or not to continue that at this time. Other than that, I have no other changes to the agenda. Any comments, questions? No? Then could I get a motion to adopt the agenda?

Miller: So moved.

Yearsley: Second.

Marshall: It's been moved and seconded to adopt the agenda. All those in favor say aye. Opposed? That motion carries.

MOTION CARRIED: FOUR AYES. ONE ABSENT.

Item 3: Consent Agenda

- A. **Approve Minutes of June 5, 2014 Planning and Zoning Commission Meeting**

Marshall: All right. The Consent Agenda is the first thing here. I have the minutes of the June 5th, 2014, Planning and Zoning Commission meeting. Any additions, comments corrections? None? Then could I get a motion to approve those minutes?

Miller: Mr. Chair?

Yearsley: Mr. Chair? Go ahead.

Miller: So moved.

Yearsley: Second.

Marshall: I have a motion and a second to approve the minutes of June 5th, 2014, Planning and Zoning Commission meeting. All those in favor say aye. Opposed? That motion also carries.

MOTION CARRIED: FOUR AYES. ONE ABSENT.

Marshall: All right. We are now to our Action Items and as I just previously mentioned, Items A, B and C we are going to open those and hear a request for a continuance. So, anybody waiting to hear -- or address the Kingsley by D.L. Evans Bank, that will not probably be opened for public discussion tonight. That will be a continuance hearing. And before we begin with any of the other items I'd like to explain a little bit of how the process works. All right. So, in the back are some sign-up sheets and anybody willing -- wanting to testify -- willing to -- I will take anybody that's willing to testify, if you would go back and sign your name on one of those sheets, it's just beneficial to us and helps it and I will call those names in order when that time comes. The first thing I will do is ask for the staff report. Staff will give a full report of how each project relates to city code, ordinances, things like that. Their take on that. Then I will ask for the applicant to come up. The applicant will, then, be given 15 minutes to provide any additional information they -- they deem necessary. Then I'm going to go to those sheets in back where you have signed your names and I'm going to call everybody up one at a time in order and I'm going to give you three minutes each to speak. All right? Unless, of course, you're speaking for a large group, which I will ask for a show of hands or some other method to show that you're speaking for a large group. All right? If you're speaking for a large group, please, indicate so when you come to the mike and you will be given ten minutes to speak. All right? Then the applicant will, then, be given an opportunity to come back and readdress any issues brought up during the public testimony. Commissioners may ask questions at anytime of anybody testifying and after we are done we will close the public hearing, hopefully deliberate and render a decision or recommendation in many cases. And that's how the process is going to work.

Item 4: Action Items

- A. Continued Public Hearing from April 17, 2014: RZ 14-003
Kinsley by DL Evans Bank Located Northeast Corner of N. Ten**

**Mile Road and W. Pine Avenue Request: Rezone
Approximately 3.42 Acres from L-O (Limited Office) and R-15
(Medium High-Density Residential) Zoning Districts to the C-C
(Business Community) Zoning Districts**

- B. Continued Public Hearing from April 17, 2014: PFP 14-001
Kinsley by DL Evans Bank Located Northeast Corner of N. Ten
Mile Road and W. Pine Avenue Request: Preliminary / Final
Plat Approval of Three (3) Commercial Lots on Approximately
2.61 Acres in the Proposed C-C Zoning District**
- C. Continued Public Hearing from April 17, 2014: CUP 14-002
Kinsley by DL Evans Bank Located Northeast Corner of N. Ten
Mile Road and W. Pine Avenue Request: Conditional Use
Permit for the Following: 1) A Drive-Thru Establishment Within
300 Feet of a Residential District AND 2) Extended Hours of
Operation in Accord with UDC 11-2B-4 in the Proposed C-C
Zoning District**

Marshall: Okay. So, I would like to start by opening the public hearing for D.L. Evans Bank, RZ 14-003, PFP 14-001, and CUP 14-002 and I would normally ask for the staff report, but I'm pretty sure they are going to tell me they are requesting a continuance. So, I'm going to ask for the applicant to come up and explain why the need for a continuance. And I'm going to have to ask for your name and address for the record, please.

Lauerman: Okay. Denise Lauerman. 462 East Shore Drive, Eagle.

Marshall: Thank you, Denise. And so why is your project requesting a continuance?

Lauerman: They just need more time to work with the homeowners association on the drive that gets them into the development. So, they are looking for a September 4th date and that should give them enough time to smooth everything over.

Marshall: Commissioners, any questions? Now, I believe that -- that date that far out is probably going to require a renoticing and you're prepared to do that?

Lauerman: Yeah. Yes, we are.

Marshall: All right. Commissioners, any thoughts, comments?

Yearsley: No. As long as it's renoticed I'm -- I think that sounds good.

Marshall: Okay.

Hill: Mr. Chair, they have already paid the fees for the renoticing --

Marshall: Wow.

Hill: -- with the clerk's office. So, it's just a matter of doing the noticing for that day.

Marshall: All right. Thank you.

Lauerman: Okay. Thank you.

Marshall: So, Ted, I was going to ask do I need to open this to anybody that wishes to address it?

Baird: No, Mr. Chair. I would just see if the Commission wants to entertain a motion to continue to that specific date.

Marshall: Thank you. I appreciate that. So, Commission, thoughts. Anybody like to make a motion?

Yearsley: Mr. Chairman, I move that we continue AZ 14-003, PFP 14-001 and CUP 14-002 to September 4th, 2014.

Marshall: Thank you, Commissioner Yearsley.

Miller: Second.

Marshall: Thank you, Commissioner Miller. All right. We have a motion and a second to continue RZ 14-003, PFP 14-001 and CUP 14-002 to the September 4th, 2014, regularly scheduled Planning and Zoning meeting. All those in favor say aye. Opposed? That motion carries.

MOTION CARRIED: FOUR AYES. ONE ABSENT.

- D. Public Hearing: AZ 14-010 Archer Farm Subdivision by Archer Farm Properties, LLC Located 4660 N. Meridian Road Request: Annexation and Zoning of 5.2 Acres of Land with an R-8 Zoning District**
- E. Public Hearing: PP 14-010 Archer Farm Subdivision by Archer Farm Properties, LLC Located 4660 N. Meridian Road Request: Preliminary Plat Approval Consisting of Twenty (20) Building Lots and One (1) Common Lot on 4.93 Acres of Land in a Proposed R-8 Zoning District**

Marshall: All right. On to Item D. We are at AZ 14-00 -- 14-010 and PP 14-010, Archer Farm Subdivision, and I'm going to ask for the staff report, please.

Watters: Thank you, Chairman Marshall, Members of the Commission. The first application before you consists of an annexation and zoning and preliminary plat request. This site consists of 4.93 acres of land, is currently zoned RUT in Ada County, and is located at 4660 North Meridian Road. Adjacent land use and zoning. To the north, east and south are single family residential properties in Solitude Place Subdivision, zoned R-8, and to the west is North Meridian Road and across Meridian Road is land approved for single family residential dwellings and Amber Wave Subdivision, zoned R-15. A Comprehensive Plan future land use map designation for this site is medium density residential. The applicant is requesting annexation and zoning of 5.2 acres of land with an R-8 zoning district. A preliminary plat is also proposed consisting of 20 single family residential building lots and one common area lot on 4.93 acres of land for Archer Farm Subdivision. The proposed gross density of the subdivision is 4.06 dwelling units per acre, consistent with the medium density residential future land use map designation. The average lot size is 7,758 square feet. There is an existing home, barn, and accessory structures on the site that are proposed to be removed. Access is proposed via two existing stub streets in Solitude Subdivision at the east and south boundaries. No access is allowed via North Meridian Road. A 25 foot wide landscape street buffer is required along North Meridian Road. There is an existing seven foot wide attached sidewalk along Meridian Road. The Unified Development Code requires detached sidewalks along all arterial streets. However, because the sidewalk is relatively new and was constructed to allow safe pedestrian access to the school site to the north and it is seven, rather than five feet in width, staff is not recommending the sidewalk is removed and replaced with a detached sidewalk. A six foot tall fence exists along the northeast and south boundaries and a new six foot tall matching vinyl fence is proposed along the west boundary along Meridian Road. There is an existing irrigation ditch that crosses this site, but is required to be piped. Conceptual building elevations were submitted for future homes in this development, with building materials consisting of architectural shingles, board and batten and lap siding with cultured stone wainscot. Because homes on lots that back up to North Meridian Road will be highly visible, staff is recommending the rear or sides of structures on these lots, incorporate articulation through changes in materials, color, modulation and architectural elements, horizontal and vertical, to break up monotonous wall plains and roof lines. Written testimony has been received from Kevin McCarthy, the applicant's representative. He is in agreement with the staff report as written. Staff is recommending approval with a development agreement and conditions in Exhibit B of the staff report. Staff will stand for any questions the Commission may have.

Marshall: Commissioners, any questions of staff?

Yearsley: Mr. Chairman?

Marshall: Commissioner Yearsley.

Yearsley: Sonya, is there an existing access to that property now off of Meridian Road?

Watters: Chairman Yearsley, I believe there is. Well, I know there is. There is an existing access to the existing home. That will be removed and access will not be allowed to Meridian Road when this develops.

Yearsley: Okay. So, they will fix -- they will replace that section of sidewalk and curb and --

Watters: Yes. Uh-huh.

Yearsley: Okay. All right. Thank you.

Marshall: All right. Any other questions, Commissioners? All right. Could the applicant please come forward. And, again, I'm going to ask for your name and address for the record, please. Thank you.

McCarthy: You bet. My name is Kevin McCarthy. Address 9233 West State Street. As Sonya mentioned, we are in agreement with the staff report. It's a fairly straight forward site. There is two public road stubs to the project and we are, essentially, connecting those two roads and as mentioned we are not going to be making a connection to Meridian Road, it is going to be just new curb, gutter and sidewalk through there. So, I really don't have much to add and I will be happy to answer any questions you may have.

Marshall: All right. Commissioners, any questions? No? Thank you very much, sir.

McCarthy: Thank you.

Marshall: All right. I only have one person signed up, Angela Robinson? Roberson?

Robertson: Robertson.

Marshall: Robertson. I apologize. Actually, I can read it now that you have said it. Makes perfect sense to me.

Robertson: I'm Angela Robertson. I live at 181 East Copper Ridge. So, that's the big lot that's right next to where it will pick up, if you guys can see that on your map. When we bought our property in 2012 to build our house there, our road sign says court. It says Copper Ridge Court. So, that would be a dead end cul-de-sac is how it was told to us. So, coming through there kind of -- you know, we are not big on that idea, but another part of the idea that we aren't big on is that coming off of Meridian Road you will have kind of a straight shot if there is a lot of traffic backing up to come through their curve and get onto McMillan Road, which is going to cause a ton of speeding traffic. I have two young children, two and five, and we -- you know, we like the idea of a cul-de-sac and I -- and it's just that traffic flow coming through. That's our main concern.

Marshall: Thank you, Angela. Commissioners, do you have any questions for Angela? Angela, you're right on the court that's going to be -- the idea is that would connect through and that would --

Robertson: Yes.

Marshall: -- make your street come through.

Robertson: Yes. We have a fence there right now that goes all the way through and, then, there is the farm.

Marshall: Thank you, Angela.

Robertson: Uh-huh.

Marshall: Appreciate that.

Robertson: Thanks.

Marshall: Is there anyone else? Angela is the only one signed up to speak. Is there anyone else that would like to address this? No? All right. Commissioners -- well, I need to ask the applicant to come back up and readdress -- if you'd like you can choose not to, but --

McCarthy: I will try not to waste your time, so, again, Kevin McCarthy, 9233 West State Street. We understand the concern there that the road is platted to continue at that point, so if it's meant not to extend through there there would have been some kind of a common lot or some separation there, but it was clearly said at that point to be able to provide access to this property. So, that's all I had to add.

Marshall: Thank you, sir. Any questions?

Miller: Mr. Chair, I have a question.

Marshall: Commissioner Miller.

Miller: Are you opposed to putting a speed bump or something in there just to kind of help slow traffic?

McCarthy: I don't -- I don't think we would be. No, not at all. It would just be working it out with the highway district I think to make that happen.

Miller: Okay.

Oliver: Mr. Chairman?

Marshall: Commissioner Oliver.

Oliver: Quick question. When you went to talk to the residents around this, did you have a meeting to discuss this and what was the reaction?

McCarthy: We did. We had one attendee and you heard from her and so that she -- they attended and told us what -- and we appreciate them showing up, but this is the plan we chose to go with, so --

Oliver: Okay. Thank you.

Marshall: Thanks very much.

McCarthy: Thank you.

Marshall: At this time, Commissioners, I would entertain a motion.

Miller: Mr. Chair?

Marshall: Commissioner Miller.

Miller: I move to close the public hearing.

Yearsley: Second.

Marshall: I have a motion and a second to close the public hearing on AZ 14-010 and PP 14-010, Archer Farm Subdivision. All those in favor say aye. Opposed?

MOTION CARRIED: FOUR AYES. ONE ABSENT.

Marshall: All right. I'd like a quick opportunity to address this and, then, I'm going to ask for your comments as well. Again, I do believe the original intent was to include this as part of the larger subdivision. The city required and absolutely requires that connectivity for EMS and fire, that you can't have one way in and no way out. It would be too long a cul-de-sac. We have distance requirements and the original cul-de-sac abutting this was required because the street was not continued at that time and you had to have something to turn around and come back out. Personally, I think the subdivision seems to fit with all the surrounding houses. I really don't foresee a lot of people taking a cut through there to try to eliminate the corner there at McMillan and -- and Meridian. It does get backed up in the morning, but I think most of that traffic tends to be going down to the middle school and cutting through the subdivision would cause them to get -- go another direction than what I think a lot of that is intending to go to. Or out towards Eagle Road. I think speed bumps are probably a little bit of a problematic issue. I know ACHD has had a problem with them in the past, because of snow removal, snow removal equipment and EMS doesn't tend to like them either. Personally, I would not be in favor of speed bumps and other than that I'm in favor of the

project. I feel for you, Angela. I really do. I understand your concern there, but I do believe this was part of the intent all along and this was originally going to go this way in the original plan. So, those are my thoughts. Commissioners?

Miller: Mr. Chair?

Marshall: Commissioner Miller.

Miller: I tend to agree with everything you just said. I appreciate the applicant's willingness to look into the issue of speed bumps, it may or may not be advisable by ACHD for the reasons you listed, but I certainly appreciate the willingness to look into it. I think it's a good layout. I think it makes sense. I'm in favor.

Marshall: Commissioner Oliver?

Oliver: The only thing I have to offer is that I have been in this community for 40 years and knowing where this is, I hate to see us lose part of Meridian's heritage, which is the Starkey farm and I understand that this meets all the requirements and that's fine, it's just that it's kind of sad to see that we lose part of what we are known for, especially right now we are in the Meridian Dairy Days, that was part of our history, and to see that barn and that house being lost is really sad for our community and, unfortunately, it's going to happen, but that's just my feeling that having grown up here it's really a sad day to see us lose that part of what we were and to see how we are going to change, so --

Marshall: Appreciate that.

Oliver: Thank you.

Marshall: Commissioner Yearsley.

Yearsley: I don't know if I have anything new to add. I think -- I agree with everybody else. It's a good design, it's a good layout, and, you know, it was intended to be moved -- you know, continued through since we don't want access to Meridian, so I'm -- that's all I have.

Marshall: Well, then, I await a motion.

Miller: Mr. Chair?

Marshall: Commissioner Miller.

Miller: After considering all staff, applicant, and public testimony, I move to recommend approval to the City Council for file numbers AZ 14-010 and PP 14-010 as presented in the staff report for the hearing date of June 19th, 2014.

Yearsley: Second.

Marshall: I have a motion and a second for approval. All those in favor say aye. Opposed? That motion carries.

MOTION CARRIED: FOUR AYES. ONE ABSENT.

- F. Public Hearing: AZ 14-009 Castle Creek Subdivision by Northwest Ventures Located 2432 E. Amity Road Request: Annexation and Zoning of 6.97 Acres of Land with an R-8 Zoning District**

- G. Public Hearing: PP 14-009 Castle Creek Subdivision by Northwest Ventures Located 2432 E. Amity Road Request: Preliminary Plat Approval Consisting of Nineteen (19) Building Lots and Five (5) Common/Other Lots on 6.58 Acres of Land in the R-8 Zoning District**

Marshall: All right. Now I have got Castle Creek Subdivision. AZ 14-009 and PP 14-009, Castle Creek Subdivision by Northwest Ventures and I'd like to ask for the staff report, please.

Watters: Thank you, Chairman Marshall, Members of the Commission. The next application before you is a request for annexation and zoning and preliminary plat. This site consists of 6.58 acres of land, currently zoned RUT in Ada County and is located at 2431 East Amity Road. Adjacent land use and zoning. To the north are future single family residential properties in Messina Meadows Subdivision, zoned R-8. To the east is also single family residential properties in Messina Meadows Subdivision, zoned R-8 and a rural residential property zoned RUT in Ada County. To the south is East Amity Road and a rural residential, agricultural property zoned RUT in Ada County and to the west is rural residential properties zoned RUT in Ada County. The Comprehensive Plan future land use map designation for this property is low density residential. The applicant is requesting annexation and zoning of 6.97 acres of land with an R-8 zoning district. A preliminary plat is also proposed as shown, consists of 19 single family residential building lots and five common lots on 6.58 acres of land for Castle Creek Subdivision. The proposed gross density is 2.89 dwelling units per acre, consistent with the low density residential future land use map designation for this site. The average lot size in the proposed development is 8,045 square feet. The R-8 zoning is requested rather than the R-4 district for relief from dimensional standards due to the irregular shape of the parcel and the large area along the northeast boundary of the site, which is covered by an irrigation easement for the Ten Mile drain. All of the building lots along the northeast boundary have a substantial easement up to 40 feet wide in places for the drain. A license agreement should be obtained from the irrigation district for lots that encroach within the easement area. A portion of this site along the drain lies within the Meridian flood plain overlay district. Prior to development occurring in this area a flood plain permit application is required to be submitted and approved by the flood plain

administrator. There is an existing home on the site that is proposed to be removed prior to development. Access is proposed via one public street access to East Amity Road. Direct lot access to East Amity is prohibited. A stub street is proposed at the west boundary for future extension and interconnectivity. A connection to the east over the Ten Mile drain is not required on this site, as Messina Meadows Subdivision northeast of this site is required to provide a connection to the property to the west of this site. You can see that here in the sort of lighter area here. The master street map contained in the ACHD South Meridian Transportation Plan does depict a north-south residential collector street along the west boundary of the site. Because a collector street is already planned east of this site with Messina Meadows Subdivision to Ustick Road and a stub street will be provided from Messina Meadows to the parcel to the west, for connection to Ustick Road, staff and ACHD do not feel a collector street is necessary to be provided on this site. A 25 foot wide landscape street buffer is required along Amity as proposed. A total of 1.36 acres or roughly 20 percent of common open space is proposed, which is over twice the amount required. As a site amenity the applicant is proposing an additional five percent open space over the required amount of ten percent. A segment of the city's multi-use pathway system is designated on this site along Amity Road and along the northeast boundary of the site along the Ten Mile drain. The pathway along the drain is being constructed with Messina Meadows on the east side of the drain. The parks department is allowing the five foot wide detached sidewalk required along Amity Road to satisfy the pathway requirements. Staff is recommending a ten foot wide multi-use pathway is constructed at the southeast corner of the site from the sidewalk along Amity north to the future pathway to be constructed in Messina Meadows here. Conceptual building elevations were submitted for future homes in this development, with building materials consisting of architectural shingles, three different types of siding with stone accents. Because homes on lots that back up to East Amity Road will be highly visible, staff is recommending the rear or sides of structures on these lots incorporate articulations through changes in materials, color, modulation, and architectural elements, horizontal and vertical, to break up monotonous wall plains and roof lines. No written testimony was received on this application. Staff is recommending approval with a development agreement and the conditions in Exhibit B of the staff report. Staff will stand for any questions the Commission may have.

Marshall: Commissioners?

Miller: Mr. Chair?

Marshall: Commissioner Miller.

Miller: I have got a question. If you could go back a slide. It looks like there is a house up there to the north that might take access through there. Maybe you touched on that. Is that getting cut off and, if so, how do they get to that house?

Waters: Commissioner Miller, it's part of the adjacent development. Are you speaking about this one right here?

Miller: Yes.

Watters: That's part of the Messina Meadows development and it is being removed.

Miller: Okay. Got you. Thank you.

Yearsley: Mr. Chairman?

Marshall: Commissioner Yearsley.

Yearsley: Sonya, how are they going -- you know, for emergency access for a turnaround, what are they proposing since it's not being developed to the other side, are there any cul-de-sac or hammerheads to be designed there to meet emergency access?

Watters: Commissioner Yearsley, Commissioners, the fire department has agreed to not have a turnaround if the applicant provides an additional roadway width up to 36 feet for maneuvering. They believe they could use the common driveway here as a turnaround. I have been informed that ACHD is requiring a turnaround anyway, but I'm not sure that it meets fire department standards, so they are requiring in the staff report that the road be widened a little bit. A couple feet.

Yearsley: Okay. So, the common driveway is going to be required to be 36 feet wide?

Watters: No. No. Just the street. The public street.

Yearsley: Okay. But didn't you say with the fire department they needed --

Watters: The fire department is requiring as a condition of approval that they add an additional two feet to their current roadway width --

Yearsley: Oh. Okay.

Watters: -- to 36 feet.

Yearsley: Okay.

Watters: It's 34 currently.

Yearsley: Okay.

Marshall: Sonya, I would ask is that back to back or face to face?

Watters: Commissioner Marshall, I believe it's back to back.

Marshall: Thank you. All right. Commissioners, any other questions? All right. I'd like to ask the applicant to come forward, please. And, again, I'm going to have to ask for your name and address for the record, please.

Yorgason: Mr. Chairman, Members of the Commission, for the record my name is Dave Yorgason with Tall Timber Consulting, here representing Northwest Ventures, the owner of the property. Thank you for allowing us to take a few moments to present to you this little site. The site is small. It's only six and a half acres. It's a one phase development, about -- well, it is 19 building lots and a few common lots. It's a small parcel. It's an irregular shaped parcel. It has some large burden on the parcel. For example, just to help staff just a point of clarification, the irrigation easement is actually up to one hundred feet from the center line of the Ten Mile Canal, not just 40. It's 40 plus the 60. And so there is a significant burden, but we know with the irrigation district they are allowing for a partial encroachment, because they don't need 40 feet, they just don't ever relinquish easements at the irrigation district. So, they will allow for partial encroachment of fencing, landscaping, as long as we give them adequate room along the canal. I can go into more of that later if you like, but we have resolved that with the irrigation district and, again, there is a significant burden on this site as we tried to make this thing pencil. Also as a point of reference coming from the northwest corner of the site is a future sewer trunk line. We have worked closely with the Public Works Department, as well as with the neighbor to the north, Brighton Corporation, that's phase five in Messina Meadows, which was recently approved -- the final plat was recently approved here by the city, so we have been working with them. There is already an easement in place or will be at the final plat stage to tie that sewer trunk line together, which enables more already planned for developments for South Amity. Again, the site has significant open space, about 28 and a half percent open space. We understand not all of it is usable, but there is a significant amount through there. There was some discussion going back and forth about pathways, where to have them, where to not and we agree with the decision that -- the recommendation to have the pathway there on the east side to tie into the pathway on the north side. As a point of reference that home on the north of the canal, Councilman Miller, that home has already been removed. We are requesting annexation, rezone to an R-8, and a preliminary plat. Just like Messina Meadows is an R-8 to the north, we are asking for the same zone that they are, just so we can have some relief on our lot dimensions. We are still underneath the -- the density requirements in the low density zone in the Comprehensive Plan. I apologize. I mentioned to staff we had some discussion this morning with regard to the staff report. I thought I sent an e-mail to you this afternoon. It did not go through and I feel embarrassed about that, but shared with her since that time that the short of it is this: We agree with the staff report. However, we do ask for your consideration of one item and we really don't want this project to slow down. We are really ready to move forward on this project to enable the sewer expansion out in that area. But the conditions -- Condition 1.1.2A -- it references the frontage of the lot requirements for the first two lots on the east side of the entrance road Lots 2 and 3. We understand and agree with the decision by staff that the first lot being Lot No. 2, Block 2, must have a minimum of 50 feet of frontage. We are fine with that. However, the road does take a bend at that point. We can see that it's not a full 90 degree bend, but there is certainly a

turn in the road and if there could be at least a little bit of relief on Lot No. 3 we would ask for your consideration. I think this Commission knows me well enough -- at least some members of the Commission do -- that if I feel strongly about something I will stand here and give my best sales pitch. But we do just ask for your consideration as that would be helpful for us, because, otherwise, we have to minimize the lot frontages on the other lots further to the west just to accommodate and we think it will make a better project, more consistent with what's on the other side of the canal and surrounding area by keeping our lots the size that they are. So, again, our request would be consideration to still allow for Lot 3, Block 2, to have the minimum frontage, so the condition would be changed to just say Lot 2 is required to have the minimum frontage. I think I addressed -- oh, one other comment. There was a discussion about turnaround. I have had a lot of discussion with ACHD on this issue and we received written comments back from Christy Little and Gary Inselman at Ada County Highway District. They are not requiring a full fire department standard turnaround at the end, but they are requiring a modified turnaround for their vehicles at the end of the road -- at the end of our western boundary there. With the sewer easement that we have running to the north it will utilize almost entirely that area, so we will have maybe 20 feet is all to the south of the road. As the remainder of what's known as the hammerhead to enable the turnaround of their vehicles and that will not dramatically impede that far western lot, so we still find that buildable as is and so our request is not -- is just to agree with the staff report as written, both for the highway district and for the fire department, as we believe that resolution has been resolved. I think that's it for my presentation. Stand for any questions you may have.

Marshall: Commissioners?

Yearsley: Mr. Chairman?

Marshall: Commissioner Yearsley.

Yearsley: Just for my clarification on the screen that far northwestern little triangle, that's not a lot, is it? Correct?

Yorgason: Mr. Chairman, Chairman Yearsley, that entire lot, both the green and the yellow, is one lot. What it is trying to show there is that will be our storm drainage retention lot.

Yearsley: Okay.

Yorgason: So, that smaller triangle would be more of a sand window, if you will. A slightly depressed area. The site all drains to the northwest corner, but we cannot discharge all of our water to the drain ditch, obviously, so we have to retain and meet the highway district requirements. So, that's the purpose of that lot and the balance, most of which we can, we will have grass and landscaping through there.

Yearsley: Okay.

Yorgason: But the smaller triangle is sand.

Yearsley: Okay. And, then, back to your request. The Lot 2 you're saying will meet the 50 foot frontage requirement, but you're saying you want relief for Lot 3; is that correct?

Yorgason: Yes, that is correct. We can do that. And if we have to we will find a way to make both lots meet the minimum frontage requirements, but just ask for some relief on Lot 3.

Yearsley: Now, you have to indulge me, because it's kind of hard to see the plans that we get. What is that -- what is the frontage there now; do you know?

Yorgason: Mr. Chairman, Commissioner Yearsley -- sorry, you used to be Chairman Yearsley. One of those lots is 33, the other one is 39 feet and I'm sorry I'm going to guess Lot 3 is the 39 feet. In my mind maybe it doesn't matter a whole lot. We have to move the lot lines, we got to make sure Lot 1 has at least 50 feet --

Yearsley: Right.

Yorgason: -- and, then, the balance would be Lot 3. Again, it's just consideration. Appreciate your --

Marshall: I'm sorry, I'm going to carry this a little farther and consider me a little dense I guess. You have got one is 33, one is 39, it appeared all those most northern lots were in around 60 feet -- 62 feet and I appreciate the fact that this is -- the future land use map dictates this is -- well, suggests that this should be low density and personally I see low density are R-2 or R-4 and I know you're asking for R-8 and that is to be able to get those two lots and still meet the code of R-8. What frontage are we requiring on -- since I'm talking to you, I assume you know what they are requiring -- what the city is requiring specifically on those two frontages.

Yorgason: So, as I read the staff report they are requiring -- the staff report, Chairman Marshall. The staff report required 50 feet of frontage for those two lots. Lot 2 and Lot 3.

Marshall: To meet the code for R-8. Yeah.

Yorgason: R-8. Yes.

Marshall: And that's the only reason we are asking for an R-8, isn't it? Otherwise, this meets R-4.

Yorgason: Mr. Chairman, again, we are not trying to press the issue entirely, except maybe -- and you can refer to staff if you like, but my understanding is if the street had a

90 degree bend we would be granted that variance down to I think it's 30 feet of frontage. This is not a full 90 degree bend, therefore, it's 50 feet of frontage.

Marshall: And I'm going to clarify with counsel for just a second that it's not our purview to be able to grant that variance, that's City Council only; is that correct?

Baird: I see Sonya grabbing her paperwork. She might have a better answer than I do at this point.

Marshall: Thank you.

Watters: Chairman Marshall, Commissioners, the code requires that lots be a minimum of 50 feet frontage -- street frontage in the R-8 district unless they are on approximate 90 degree angle or on a cul-de-sac. The frontage of this lot is not 90 degrees and it's not on a cul-de-sac. That's the reason for the requirement. The applicant hasn't requested an official variance on this, but that is the reason for the requirement in the code.

Marshall: And, Sonya, I do believe the variance goes into City Council; is that correct?

Watters: That is correct. I might mention, too, the -- the rest of the lots there -- you probably can't see, but are anywhere from 62 to 64 feet in width. The minimum requirement in the requested R-8 district is 50.

Marshall: So, I would ask you this: What is the minimum frontage requirement of R-4?

Watters: Sixty.

Marshall: It's 60. So, everything here meets the R-4 requirements, except for those two lots.

Watters: I believe so.

Marshall: So, I'm still curious as to why they are asking for R-8.

Watters: Actually, the -- actually, the minimum lot size in an R-4 is 8,000 square feet and there are a few lots that are under that.

Marshall: Okay.

Watters: Most of the lots are under that.

Yorgason: Mr. Chairman, that is correct. It's for the -- to meet the minimum size lots out in this area. Again, we think we are asking for the same zone that's to the north. Messina Meadows is R-8 and they are in the same -- much of their site is in the same low density residential. I know that I'm not here to stand and argue with the

Commission tonight. I do know that low density typically refers to density, not so much of zoning, and so it's more of a question of having homes and its traffic impact in the area, which we do comply with all that.

Marshall: Right. In fact, you're below the R-4, four units per acre.

Yorgason: We are less than three. That's correct.

Marshall: Yeah.

Yearsley: Mr. Chair, can I ask -- Sonya, now just so I clarify, if it was on a 90 degree or a cul-de-sac that minimum width can go down to 30 feet; is that correct?

Watters: That is correct, Commissioner Yearsley.

Yearsley: Okay.

Marshall: Commissioners, any other questions?

Oliver: Mr. Chairman, I had one other question.

Marshall: Commissioner Oliver.

Oliver: The lots that are close to the Ten Mile drainage, are you going to, as a developer, fence that or is that up to the individual homeowners?

Yorgason: Mr. Chairman and Commissioner Oliver, it will be a requirement to have a fence along the rear of the lots a certain distance from the top bank of the canal and the city has requirements as far as the four foot or six foot open style fence. We are probably leaning towards the four foot solid, but we will comply with city code and that would be our responsibility.

Oliver: Thank you.

Yoragson: Just the same as a regular development.

Yearsley: Mr. Chairman, I apologize.

Marshall: Commissioner Yearsley. Not a problem.

Yearsley: Commissioner Oliver reminded me. So, going back to that easement with the irrigation district. The homeowners they can have fence and landscaping within that, but no dwellings; is that correct? Or what is the requirement in that -- in that area?

Yorgason: Mr. Chairman and Commissioner Yearsley, that is correct. Fence and landscaping, but no buildings. So, if you can -- you need to identify -- you can see the

dotted line on the back of those lots, we have actually placed -- the conceptual homes we have provided through this staff here is part of our staff report. They fit on these lots with standard setbacks -- standard front side setbacks, though they maybe can't put their extended patio or something out there. They can have more grass and trees back there.

Yearsley: So, like a shed with a wood floor, is that considered a dwelling or -- I'm not -- I apologize for the -- just making sure -- understanding what is acceptable and what's not.

Yorgason: Chairman and Commissioner Yearsley, that's actually under the determination of the Nampa Irrigation District.

Yearsley: Okay.

Yorgason: So, I think they are going to say no.

Yearsley: Okay.

Yorgason: But that's a later stage once we have a signed license agreement with them at that time.

Yearsley: Okay.

Yorgason: But typically they don't want to see structures in their easement.

Yearsley: Well, I just want to make sure if -- what potential home buyers buying that property they know exactly what they are getting into is my concern.

Yorgason: And, Mr. Chairman, Commissioner Yearsley, this is actually very similar to what we did at the Jack's Place Subdivision and a few others I have done recently here in the city wherein the irrigation easements were quite burdensome on a small in-fill parcel and we went through the process and signed license agreements with the irrigation district. So, we will follow the same process we did there --

Yearsley: Okay.

Yorgason: -- and we will put references in the CC&Rs at a later date to give notice to the homeowners.

Yearsley: Okay. Thank you.

Yorgason: You're welcome.

Marshall: Thank you. We appreciate that. All right. So, at this time I would like to call up anybody that would like to speak to this project, since I have no one signed up.

Would anyone like to speak to this? No. So, I'm afraid you're not going to get any chance to address any issues, since there were none. So, at this time --

Miller: Mr. Chair, I move we close the public hearing.

Marshall: Thank you, Commissioner Miller.

Yearsley: Second.

Marshall: I have a motion and a second to close the public hearing on PP 14-009 and AZ 14-009. All those in favor say aye. Opposed? That motion carries.

MOTION CARRIED: FOUR AYES. ONE ABSENT.

Marshall: Commissioners, who would like to address?

Yearsley: Um --

Marshall: Commissioner Yearsley.

Yearsley: I'm sorry. You know, I think this is a -- you know, given the piece of property -- the problems there is associated with it, I think it's a good layout. I think it's a good -- good fit for the area compared to what's going on around it. You know, there were some concerns on the turnaround, but I'm, you know, glad that they have worked that out with ACHD and the fire department. I'm kind of split on what to do with those two lots on the corner. I don't know if that's our purview to modify that or if that's got to be City Council. I will let that --

Marshall: Commissioner Yearsley, if I could -- I'm going to ask you, Ted, is -- that variance, I believe, goes to City Council, doesn't it?

Baird: That's correct. As Sonya mentioned. So, you could certainly give your input, but they would have to show the hardship and establish that it's pretty close to 90 degrees and, therefore, that they would -- should be entitled to it, but it's the Council that grants that. But if you have an opinion feel free to put it on the record.

Marshall: Thank you.

Yearsley: Thank you. That makes my job a lot easier. You know, I don't know if I, you know, have an issue with it, you know, because it is fairly close to a 90 and, then, it's a 45 -- you know, you still have issues with a turn or a bend on trying to get the frontage to work out, so I don't know if I have issues with reducing that down to the 30, so I will leave that as my comments. Thank you.

Miller: Mr. Chair?

Marshall: Commissioner Miller.

Miller: I have similar feelings. I think it's a great layout. There has, obviously, been a lot of thought that goes into it. It sounds like the turnarounds have all been worked out. I think it's cool. I'm in sixes on the -- those two lots up there. I don't think I have an opinion to recommend one way or the other either. I can see both sides of that argument. Part of me says it's -- there is no real reason you can't accomplish it, then, let's stick with the city code. But I don't have an opinion on that I guess strong enough. But I'm in favor of the project for sure.

Marshall: Thank you, Commissioner Miller. Commissioner Oliver?

Oliver: I'm in favor as well. I see no problems.

Marshall: Okay. I have to admit early on it's -- I don't care what happened in the past and what was approved in the past. I'm here now and I'm looking at this and the future land use map says this is low density. So, I was concerned about that. It is low density. It's being billed as low density. I have reservations about approving an R-8, because if it doesn't build out like this -- now, I know that's addressed and staff -- staff has conditions -- tried to reassure me that it's in the development agreement, it will develop like this, and I'm going to ask you, Mr. Baird, is there any way we could put in the development agreement that an R-8 is rescinded if it doesn't develop like this?

Baird: No. It's really hard to conditionally zone. It has to be zoned a particular way. I'm trying to think of instances where I might have done this in the past and I just can't see where it would be workable. So, what you will need to do is try to tie it to the plan that's been presented, put in specifics about the number of lots, the size of the lots, and tie it to this plan and if it develops any differently, require them to come in and modify the development agreement and that way it comes back to you and -- comes back to the City Council and they will look at what was approved and why it was approved and we think that should give you reasonable assurance that it should develop the way that it's being proposed.

Marshall: Thank you, sir. All right. I'm in favor of it developing the way it is. There is some hardships here with the -- with the irrigation district easement. It does -- the density is right at -- about that three units per acre and I find that's very appropriate in this area, especially based on what the future land use map indicates should be in this area. I am still a little confused as to why we are doing R-8 and R-8 actually doesn't seem to give us anything to me, because they all fit -- everything here fits R-4, except for the two lots that they are going to have -- well, no. They are slightly less. That's right. Okay. They are slightly less than 8,000 square foot because of the larger rear lots. But the dwelling units per acre is still below R-4 and -- well, I am going to recommend a positive motion on the variance for the two lots under 50 feet. I don't know if 33 -- if they could have done one little lot line adjustment there and -- at just the end there and split that. I don't -- 30 feet -- 33 feet should be plenty. I have seen a lot of flag lots in the past. We allow it around a 90 degree bend and, really, I think that

solves the problem and as long as the building pad is -- is significant enough to allow the houses there, which, obviously, it is considering that the irrigation district easement is far behind it on those two lots. I am in favor and I would even recommend in favor of the variance, so that's where I'm at.

Yearsley: Mr. Commissioner?

Marshall: Mr. Yearsley.

Yearsley: After considering all staff, applicant, and no public testimony, I move to recommend approval of -- or approval to the city of file number AZ 14-009 and PP 14-009, as presented in the staff report for the hearing date of June 19, 2014, with no modifications.

Miller: I will second that.

Marshall: I have a motion and a second to approve AZ 14-009 and PP 14-009. All those in favor say aye. Opposed? That motion carries.

MOTION CARRIED: FOUR AYES. ONE ABSENT.

H. Public Hearing: CUP 14-001 Regency at River Valley Phase 2 by Lars Anderson, Project Engineering Consultants Located East of N. Eagle Road and North of E. River Valley Street Request: Conditional Use Permit for a Multi-Family Development Consisting of Ninety-Six (96) Dwelling Units on 3.52 Acres of Land in the C-G Zoning District

Marshall: All right. Got my paperwork mixed up with yours. I was just grabbing your papers and taking them away. All right. At this time I would like to open the public hearing for CUP 14-001 for Regency at River Valley phase two and ask for the staff report, please.

Watters: Thank you, Chairman Marshall, Members of the Commission. The next application before you is a request for a conditional use permit. This site consists of 3.52 acres of land. It's currently zoned C-G and is located at 2600 North Eagle Road, at the southeast corner of the property. I would note that the property that's highlighted here on the map is actually the larger parcel. This applicant is only purchasing the southeast corner of this site. The map is slightly off here. It's down here. And this reflects a little better. Adjacent land use and zoning. To the north is vacant undeveloped property, zoned C-G. To the south are apartments in the first phase of Regency at River Valley, zoned R-40. To the east are single family residential properties in Red Feather Estates Subdivision, zoned R-4. And to the west are apartments, again, in the first phase of Regency at River Valley, zoned R-40. This property was annexed in 2003 with a development agreement as an annexation pathway for Red Feather Estates Subdivision to the east here. The Comprehensive

Plan future land use map designation for this site is mixed use regional. A conditional use permit is requested for a multi-family development in the C-G zoning district. The development is proposed to consist of three apartment buildings as shown here with 32 units each, four stories in height, with a combination of 21 bedroom units, 52 two bedroom units, and 24 three bedroom units for a total of 96 dwelling units on 3.52 acres of land. Access is proposed at the east boundary right here via the future extension of North Records Way and via two accesses to the south to the first phase of the development and near the southeast and southwest corner of the site. Staff also recommends cross-access is provided to the north at the northwest corner of the site here. As part of ACHD's approval for the Village project south of this project, Center Cal was required to extend Records Road north from River Valley to Allys when the right of way could be acquired. The right of way was recently acquired and Center Cal is anticipated to begin construction in the fall of this year. The applicant will not be required to make any improvements to records abutting the site if they wait for Center Cal to extend the road. If the applicant chooses to extend the road themselves sooner and proceed further with development, they will need to construct the road to ACHD standards. A 20 foot wide landscape street buffer and detached sidewalk is required to be provided on Records Road as proposed. A tot lot with play equipment is proposed at the northwest corner of the site. Staff recommends a minimum of two pathways are provided to the south for pedestrian connectivity to the large common area and clubhouse and pool and other amenities in phase one. Conceptual building elevations were submitted for the multi-family and garage structures as shown, consistent in design and materials with those in phase one. Written testimony received on this application -- we only got one letter of testimony from Randy Rinlisbacher, the applicant, in response to the staff report. He requests the following changes: To condition number 1.1.4 in Exhibit B of the staff report he requests removal of the requirement for a rubber playing surface to be provided. They had proposed this. That is the reason staff included that provision. Staff is okay with the change. We have no city requirement that requires a rubber playing surface. So, that's fine to be stricken. Condition number 1.1.10, the applicant requests the requirement for cross-access to be provided to the north at the northwest corner of the site to be removed. Because this site is within a mixed use area staff feels interconnectivity should be provided to the commercial property to the north with this site. Condition number 1.2.16, the applicant requests removal of this condition. Staff agrees this condition was inadvertently put in. It is not applicable to this development. It's applicable to adjacent -- development adjacent to state highways, which this is not. And last condition number 7.1.6 they request modification to the requirement for bridge plans for the crossing of the South Slough at Records Road to be submitted for review and approval by ACHD prior to plan approval and signature on the final plat. The applicant will need to work with ACHD on this as this is their requirement. The city cannot change their requirement. Staff is recommending approval of the conditional use permit with the conditions in the staff report. Staff will stand for any questions at this time.

Marshall: Commissioners, any questions of staff?

Yearsley: Mr. Chairman?

Marshall: Commissioner Yearsley.

Yearsley: Sonya, can you -- can you on that -- the request for 1.1.10, can you show kind of where we are talking about where the cross-access easement is supposed to be?

Watters: Yes. Can you see my little arrow over there, Commissioner Yearsley?

Yearsley: Yes.

Watters: Oops. Right there.

Yearsley: Okay.

Watters: So, if you look at the larger parcel, this is -- it's currently a single family residential home right up here fronting on Eagle Road. The rest of the property is vacant, but it is zoned C-G.

Yearsley: Okay. And, then, on 7.1.6, are we -- are you saying that that needs to stay in place or what -- help me -- explain that I guess a little bit for me.

Watters: Yes. Commissioner Yearsley, this is a condition by ACHD. This is not a city condition.

Yearsley: Okay. And, then, on this one here I am assuming that the -- the shaded hatched is flood plain or is that --

Watters: That is the easement for the South Slough.

Yearsley: Okay.

Watters: Finch Lateral.

Yearsley: Okay. All right.

Watters: And that has -- that was tiled with the first phase of development.

Yearsley: Okay. That's -- that was all I had.

Marshall: Commissioners, any other questions?

Oliver: Mr. Chairman?

Marshall: Commissioner Oliver.

Oliver: I have one -- I'm not sure how to ask this the right way, but it's 7.1.6 in reference to the bridge. That bridge is only going to be there because of that development?

Watters: No. Commissioner Oliver, this is one of our mid mile collector streets. Allys Avenue currently exists to the south of Ustick Road down a portion of the way and Records currently exists at the Village project. The owners and developers of the Village were required as part of their development to extend Records to the north to the terminus of Allys Street for connectivity and access also to their development.

Oliver: Okay. Thank you.

Marshall: Anyone else? Sonya, I have a question real quick. Looking at this landscape plan, I was for some reason under the impression that the slough here was tiled and it appears the landscape plan is showing it open in portions. Is that correct?

Watters: Commissioner Marshall, Commissioners, that is not correct. It was tiled with the first phase of development.

Marshall: All right. So, what exactly is being shown here?

Watters: Are you asking about the grayed out area?

Marshall: Yeah.

Watters: That is the easement area.

Marshall: No. No. Inside that, the dark area inside the --

Watters: It's landscaping.

Marshall: Okay. Shrubs.

Watters: Shrubs.

Marshall: Shrubs. All right. Thank you. I appreciate that. At this time, unless there is any other questions. No? At this time I'd like to ask the applicant to come forward and I'm going to ask for your name and address for the record.

Rindlisbacher: Good evening. I'm Randy Rindlisbacher with the Regency at River Valley. 11650 South State Street in Draper, Utah.

Marshall: All right. Did you have anything to add to the staff report?

Rindlisbacher: Well, she did a great job of explaining what we are proposing. I guess maybe if you want me to comment on some of these things that we have asked to have changed to the staff report.

Marshall: Please.

Rindlisbacher: The cross-access to the north -- especially because it's so far up in the west corner, we have found that on other projects we have built in the past it tends to open up a little more -- we have more problems with crime, as it's kind of a darker, further back access, rather than accesses out on the public way. We do have the access onto Records Road and, then, two accesses onto River Valley. So, three total accesses to streets. We felt like that is adequate and we understand why -- why staff is requiring that. We are asking that be removed. It sounds like the rubber play -- I think removing the rubber playground is -- we are okay there, as that's not part of the code requirement. The Center Cal -- having us submit the bridge plans to ACHD -- I spoke with Mindy Wallace with ACHD. She understood our -- our request. She asked me if I wanted her to reissue an entirely new staff report and I said, well, let's -- I don't want to make you do that if it -- if we are not going to have a major impact. She said, really, the intent is -- is Center Cal is going to build their first, they will submit the plans. If you build it first you will need to submit the plan. So, she said she would make a note in the file and we said we are fine with that. So, we could probably just remove that from our request here with the city and just leave it -- be happy with what ACHD is adding to their staff report, so I think we are okay there.

Marshall: All right.

Rindlisbacher: Any other questions for me?

Marshall: Commissioners? No. Thank you.

Rindlisbacher: Thank you.

Marshall: All right. Randy, you are the only one signed up to testify tonight. Is there anyone else who would like to like to testify to CUP 14-001 at this time? Seeing no one there, I'm not going to ask Randy to come back up and rebut his own testimony, so I would entertain a motion.

Miller: Mr. Chair, I motion to close the public hearing.

Yearsley: Second.

Marshall: It has been moved and seconded to close the public hearing on CUP 14-001. All those in favor say aye. Opposed? That motion carries.

MOTION CARRIED: FOUR AYES. ONE ABSENT.

Marshall: All right. So, Commissioners, thoughts, comments?

Yearsley: Mr. Chairman?

Marshall: Commissioner Yearsley.

Yearsley: You know, I have driven by that quite often and saw the apartments next door that they have already built. They look very nice, very professionally done. I think this will be just the next phase and don't see an issue with the -- with the project. So, I think it looks good.

Marshall: Thank you, Commissioner Yearsley.

Miller: Mr. Chair?

Marshall: Commissioner Miller.

Miller: I second that. I see no problems on that northwest entry. It looks to me like we are talking about a few feet. It seems -- my guess would be that we stick with the staff report and require that. It seems like that will help future development that way and it seems like a good idea to keep the connection there. I'm in favor of the project.

Marshall: All right. Commissioner Oliver.

Oliver: I have no comment. Everything seems fine.

Marshall: I, too, am in favor of keeping the access to the north for several reasons. One, we often want high density development to be by commercial, so that people can get a little bit more of a downtown feel, be able to walk to work or bike to the store, that kind of thing, close by. Relatively across the U.S. we are a relatively lower crime area and as a city we have gotten into a habit of asking for cross-access and full access to all of the surrounding properties and it seems to work quite well for us. It is an advantage to both EMS and, you know, the police, ambulance, fire, things like that, and it allows residents more areas to get in and out of their -- their facility, rather than clogging one entrance. I know there is a couple entrances in through phase one, but this allows two ingress-egress to phase two that are independent of phase one. So, I am -- I am also in favor of removing the 1.1.4 and 1.2.16. And I appreciate the fact that ACHD was able to clarify that enough and on 7.1.6 on the -- and I believe that was the city's understanding also that whomever chooses to develop Records Avenue there as it moves forward is going to have to build a bridge there, so --

Miller: Mr. Chair?

Marshall: Commissioner Miller.

Miller: After considering all staff and applicant testimony, I move to approve file number CPU 14-001 as presented in the staff report for the hearing date June 19th, 2014, with the following modifications, which would be to remove Condition 1.1.4 and to remove Condition 1.2.16.

Yearsley: Continue with your motion.

Miller: Do we need to remove that last --

Yearsley: No. No. There is -- we need to --

Miller: Oh. And recommend staff to prepare a Findings of Fact and Conclusion of Law and order for the hearing date of July 17th, 2014. Thank you, Mr. Yearsley.

Yearsley: I will second that.

Marshall: I have a motion and second to approve CUP 14-001. All those in favor say aye. Opposed? That motion carries.

MOTION CARRIED: FOUR AYES. ONE ABSENT.

- I. **Public Hearing: RZ 14-004 Citadel II Self-Service Storage Facility by Citadel Storage, LLC Located East Side of S. Eagle Road and North of E. Easy Jet Request: Rezone of 5.44 Acres of Land from the R-4 (Medium Low-Density Residential District) Zoning District to the C-C Zoning (Community Business District) Zoning District**

- J. **Public Hearing: CUP 14-007 Citadel II Self-Service Storage Facility by Citadel Storage, LLC Located East Side of S. Eagle Road and North of E. Easy Jet Drive Request: Conditional Use Permit for a Self-Service Storage Facility Consisting of Thirteen (13) Buildings on Approximately 4.8 Acres of Land in a Proposed C-C Zoning District**

Marshall: All right. Now we have -- I'd like to open the hearing for RZ 14-004 and CUP 14-007 for the Citadel II self-service storage and ask for the staff report, please.

Parsons: Thank, Mr. Chairman, Members of the Commission. Next item, as you mentioned, is Citadel II self-service storage facility. It's a tongue twister this evening I guess. And this site is located on the east side of Eagle Road just north of Easy Jet Way. This property was before the Commission and Council in 2002 and received a planned unit development for either an office complex or multi-family development and it was zoned R-4 because of that use exception. So, although you see a low density residential designation on this property, it was approved for commercial and/or higher density uses in 2002. If you look at the surrounding developments to the north we have the Silverstone business park zoned C-G. To the east we have Sutherland Farms zoned R-8. To the south is an L-O office park and, then, across Eagle Road is another residential subdivision zoned R-4 as well. Currently this property is vacant with no structures on it and it does consist of two parcels. The applicant is rezoning it from the

R-4 district to the C-C district consistent with the future land use map of mixed use community. In the staff report I raised to your attention that typically in a mixed use development we envision multiple uses occurring on the site. But if you have looked at the amount of commercial that's in the area and the adjacent residents is you can see the -- this is actually a transitional use and actually blends in with the surrounding developments as far as a transition between the office and the residential and the more intense commercial to the north as well. The self service storage facility will consist of approximately 73,000 square feet of storage -- enclosed storage buildings, so there is no outdoor storage proposed for this site, it will all be contained indoors. There will be 12 of those buildings and, then, one primary office building there located in the northwest corner of the site here. As part of this development the applicant is required to construct a ten foot multi-use pathway along the north boundary, which will tie into the adjacent subdivisions to the east and also allow pedestrians to cross at the mid mile next to the fire department and enter into the pathway constructed within the El Dorado business park. I will get into that a little bit more as I get into my presentation as far as that crossing there, but I did want to at least get that out on the table as well. The applicant has shown a rendering of how this would look from a street view, so you can see here is the landscaping proposed along the perimeter of the development along the east boundary and the south boundary of the existing six foot vinyl fencing. Because of these -- these buildings are low profiles they will only stick up above the existing fence approximately two and a half feet or so, so staff feels that the additional landscaping along the south boundary -- the east boundary -- you can see the tree tops there, those are the trees that they are proposing there along the south boundary. The applicant is not required to put any fencing in or any additional landscaping, because of the existing fence and because of the office use there. If you have ever driven that site you will notice that the office park is actually -- developed some landscaping along that perimeter as well, so that should also help screen some of that south side as well and there is also an existing building there that will help screen that as well. Staff has recommended additional landscaping and a solid gate along the southeast corner of the development -- or, excuse me, southwest corner of the development here to help screen the office part from the interior of this site and I will get into that a little bit later in my presentation, too. The one other unique item about this item for this project is that the applicant is choosing to use water wise landscaping. That is allowed under the UDC. Staff has required a condition that they comply with those requirements, so the applicant will have to work with staff and enhance this landscaping a little bit more in order to comply with those requirements, but to staff's knowledge they are in agreement with that condition as well. Again, here is an exhibit -- typically with these types of uses the applicant -- the specific use standards in the UDC requires a 25 foot landscape buffer between the self storage use and the residences along the east boundary. In the UDC the applicant -- the applicant can seek City Council's waiver to reduce that buffer from a 25 foot requirement. In the application submittal the applicant did provide some written agreements from six of the adjacent homeowners along the boundary that were in support of not only the use, but also the reduced buffer if the applicant landscaped the plan as shown in front of you this evening and based on that written testimony and those agreements, staff did condition the applicant to comply with that requirement and we were in support of that ten foot buffer adjacent to the residences and they have also

provided an exhibit on how that would look and be viewed from the adjacent residences as well. This is similar to what they did with the previous Citadel project that they constructed on Chinden Boulevard. Here is some samples photos of the existing facility that they want portrayed as well. I'm not sure what exactly what happened to my elevations, but I did want to go on record that staff has recommended changes to the submitted elevations with this application. From our standpoint this site is surrounded by a developed office park, developed single family homes, and a high quality -- high quality business park. So, although this project is approved on Chinden Boulevard, it's not within the same context as this property. So, staff feels in order for this project to better align with our design standards in the UDC we have recommended some changes to the elevations and those requirements are conditioned in the staff report. I did receive written testimony from the applicant. He does have -- he opposes some of the conditions that I mentioned to you and you should have his written testimony as part of your packet and I will just summarize what he's requesting this evening. If I can go back to the site plan here. Currently with the development of that eastern property the residential property, there is a common lot right here located adjacent to the northeast boundary of this development and at the time that this Sutherland Farms came into the developer that developed Sutherland Farms controlled this property and so when that common lot was constructed some of those -- some of the landscaping and the fencing was built on this property. Now that the owner -- now that we have a new owner the applicant and the HOA is going to have to work together to relocate that fence on the boundary line. So, in my condition of approval to you I have requested that I receive written confirmation that the HOA is in agreement to relocating the fence. We don't want to hold the developer hostage with the HOA, so staff is recommending that we modify that condition to read just that they should coordinate with the HOA. Rather than requiring written documentation, staff is asking you to modify that condition and that would be specifically 1.2.2, bullet number one I believe. And it, basically, just -- just change that to coordinate with the HOA and strike written documentation. The other item is in regards to the requirements for additional land -- or building -- or design changes to the building elevations. Staff's recommended change was that this portion of the building adjacent to the pathway staff has required that they add another 20 foot wide hardy plank panel there to break up the amount of metal seen from that view on the pathway and, then, along the entire west boundary, if you can follow my cursor here. So, we start in the northwest corner here and transverse this whole west façade here and even wrap it around here along the business park. We are asking that they install a decorative cap on top of the split space box, we are asking that these two parapets be widened from the 25 feet that they propose to 50 feet each, so this would be increasing -- double the size of these and, then, also provide an accent band in between that, so either mix it up with a different material, color, texture, a different block material -- just to add some more accenting to that. Staff feels that those changes are made to this -- to these elevations as presented to you this evening that this project would, indeed, comply with our design standards and, therefore, we are not -- we are asking that you not modify staff's conditions at this time. The other issue the applicant had problems with was the pedestrian crossing along -- across Eagle Road. If you have driven that site you know right in there there is a fire station and there is actually an emergency signal that kind of goes to red if the fire department needs to get access to Eagle Road

and so in speaking with our fire marshal we thought there might be an opportunity for the applicant to work with staff, ACHD, to see if we could either have that be dual purpose light and so if pedestrians were crossing there they could actually hit a button or signalize and, then, change that to say watch for pedestrians. At this point we don't have an answer for that, so we are not making the applicant do anything, we are just asking them to have that conversation with us, work with us moving forward to see if we can come up with a logical solution. One issue might -- maybe one solution may be to just put a sign on top of that that says watch for pedestrians across the -- across Eagle Road there or pathway connection, watch for pedestrians and just place a sign right on top of that emergency signal. So, again, we don't have those issues worked out yet. We are not making the applicant do anything, we are just asking them to work with us if and when there is a solution moving forward. And the last item the applicant wants to discuss is the director had approved alternative compliance to reduce the amount of parking required for this site. In my staff report I said that there would be five parking stalls and the applicant is requesting that they be allowed to do four. Because of the size of the office building staff is amenable to that change, so moving forward we can support that request or reduce it from five stalls to four parking stalls. Other than those changes staff finds that this project does comply with the Comprehensive Plan and the UDC and we are recommending approval of the project. I will stand for any questions you have.

Miller: Mr. Chair?

Marshall: Commissioner Miller.

Miller: I just one clarification. On the issue 1.2.19 your recommendation is to keep that as recommended in the staff report; is that correct?

Parsons: That is correct. We haven't -- again, we haven't made them do anything, we just want them to have a conversation with us.

Miller: Okay. Thank you.

Yearsley: Mr. Chairman?

Marshall: Commissioner Yearsley.

Yearsley: Bill, on the landscaping on the back side between the two properties we are just looking at trees -- there is a fence -- we are going to put trees with some ground cover so we don't get weeds and, then, the building; is that correct?

Parsons: Chairman, Commissioner Yearsley, that is correct. The agreement reached with the homeowners or at least the documentation that I read through and how it's conditioned is that the applicant has agreed to do trees every 20 lineal feet and, then, in between those trees two shrubs and, then, perma bark and weed barrier and, then, you would have the six foot fence and the back of the building and the back of the building is

not all metal -- it's predominately metal, but there will be hardy plank accent panels on the back of that as well to kind of blend in with the adjacent residences.

Yearsley: Okay. Because I guess my only concern is the continued maintenance of that back piece, because it -- you know, no one can see it and it ends up being a big weed mess back there would be my concern. So, I guess with that -- I think it's -- that answers my question. Thank you.

Oliver: Mr. Chairman?

Marshall: Commissioner Oliver.

Oliver: You had another photo up there -- a picture that you put there, the Citadel with the fencing. Keep going. Right there. So, is that kind of what they are thinking about doing with the homeowners side or that will just be on the Eagle -- Eagle side?

Parsons: Mr. Chairman, Commissioner Oliver, that would be the Eagle Road side.

Oliver: Okay. And facing the homeowners side would look different in working with the homeowners.

Parsons: Yeah. I believe the applicant has a pretty detailed presentation for you, so I think he can kind of explain and show you how that would look from the resident side.

Oliver: Great. Thank you.

Miller: Mr. Chair?

Marshall: Commissioner Miller.

Miller: I actually have a question. In that picture it looks like that has banding on it in the CMU. Is that correct? It looks like there is some lighter tan bands in it. Am I crazy or --

Parsons: Commissioner Miller, that is -- that is not correct. It's a single block.

Miller: Okay. Weird screen then. Okay.

Parsons: Skewed.

Miller: It looks like a defined row, so it looks like there is a different color band.

Marshall: No further questions of staff? Then at this time I would like to ask the applicant to come forward. I'm going to ask you to give your name and address for the record, please.

Conger: Mr. Chairman, Members of the Commission, Jim Conger, 1627 South Orchard Street. I'd like to thank you, obviously, for the opportunity to present tonight. Bill has been kind enough to get my presentation up. What I wanted to start -- and Bill indicated what's important is this isn't our first project in Meridian. This would be the second, you know, as far as being in the City of Meridian with the Citadel storage project. Our design basis -- there was a lot of effort, time -- obviously it's not cheap construction that has been put into this and do the approval process in 2013 the facility has been almost running for a year. And that is what we based our design on. It's the brand of Citadel storage and so on and so forth as far as the look and the design. When you come up -- you pull up it's kind of like the golden arches, you come to the same facility at either location. Moving in to -- on this one, obviously, is our Citadel II storage that we are on board for approval tonight. This is a similar parcel. It's five acres like the last project. It's in-fill in nature. We are the last development. I would like to note that we are actually a mixed use. We are just the last component of the original approval from 2002. So, the entire commercial area has two to three different types of uses on it. In fact, we are one of the last parcels. There is a small little wedged piece to the south of -- of the commercial as well. We are in general agreement. As Bill noted, we do have issues. We had the one clarification and, then, the exceptions. First I will talk on the clarification, which is the -- B.1.2.3, the 25 foot landscape buffer, we are in agreement with the buffer. We planned around the 25 feet. We just want to make crystal clear as we did in our application it's 20 foot common area and it's a five foot right of way that we are apparently going through the license agreement process with the highway district. Now, following up with the exceptions to the staff report. We are not going to beat on item B.1.2. Bill indicated the adjacent HOA issue, we do have fence encroachment, we are going to take care of that. We are okay with the staff's change, so I won't belabor that any further. Next item would be 1.2.19, which was the crossing between the highway district and the fire. We are I guess okay with the staff's recommendation. It is a condition of approval that doesn't have to be satisfied. So, I guess I'm saying that out loud. It's a condition that we can't or won't have to satisfy, because we can't. So, I won't belabor that a minute longer either. Go into the architectural portion of -- of this project. You can see the Building L, there was a 20 foot requirement, which is the -- what's circled in blue was one more. We already had Building L split into the segments centered with the 25 hardy planks, so we already have five locations. This would be a sixth location. We are not seeing the esthetic advantage to this. We understand the pathway. From a vehicular standpoint you cannot see this clearly from Eagle Road. You won't -- you won't be able to see this portion and, then, as you can see below I went down from the public street, which is this side and, then, from the private parking lot you aren't able -- with the vertical difference and all the vegetation you can't simply see this part of the facility. Our design elements have the block wall right here, then, we go into the metal, then, we go to the stuccos, just -- you know, the hardy plank -- I mean all the way around and, then, we go back to stone at that end. We don't see the advantage for the cost that that would bring. We would rather spend money somewhere else in the facility and there is plenty of places to do that. So, we are respectfully requesting that to -- to not stay as a condition and we will discuss that further I guess at the end. On the next item we will hit with esthetics is kind of the big one. It's B.1.2.5B, which is the west elevation, which is the Eagle Road. We

understand Eagle Road. We don't see a lot of difference between Chinden and Eagle Road. We respect both of them. They get a lot of traffic. So, our -- our design elements, you know, as I noted we worked extremely hard getting all these elements in the first go around through the city and getting our brand, if you will. The CMU walls are split face. They provide that textured element and I will show that in an upcoming video as well. And I think, Commissioner Miller, you were correct, those are accent mortars in those walls, they are -- they are not regular mortar that blend in. That is very specifically designed as a darker mortar to accent and pull. The walls as you will see better in a video that I'm about to play for you, at the top has the top cap. We just do not want -- I mean our goal at the end of the day is to blend with the environment. We do not want to be the most noticed building on Eagle Road. We want to blend in. We like our mortar accent. We think we achieve the look -- well, we know we achieve the look. We think we achieve the UDC and what the city is after with our accent mortar and our effort to just being seamless and clean, timeless, clean architecture. We are not trying to be Disneyland or any other type of top cat program. With that said, we did hear staff's early comments and you will see our office design right here. Without discussing much with staff, that was one area we thought we could do better. This design is a little hard for you to read, but that is the new office design. We went with more of a barrel roof, which you will see is on our first facility and we actually did the pop out as you can see on this part of it right there, We to kind of come at Eagle Road, to give another element. So, we heard staff loud and clear. We don't agree with the cornices, the top cap, the bands -- colored bands, not colored bands, but we heard them and we thought we could do better with the office and that was only submitted back in with my letter as far as the office design. So, that is within the last week and redesigning it for the last three weeks, but we just submitted it back in last week. So, we heard loud and clear Eagle Road to get a little better. We think the only place we could be better is with our office and the changes you see here with the barrel roof are significant economically, but we felt them to be as a good point out of the staff and we went to work on that. I'm going to leave Eagle Road and really go to the gates of the facility, which is B.1.2.5C, all gates shall be of solid material. We respectfully request that that's not possible with our entry gate. There is not an entry gate on a typical storage unit. We have people coming out, people coming in, they need to see what's coming at them. We believe the way we have orientated this, whether we are straight on or not, we would still be having to have an open gate. It's really not an option from a functionality and safety standpoint, but we do not see any line of sight from Eagle Road. You will barely be able to clip it their depending on -- you know, hopefully, our office will be so staggering they are looking at the office anyhow, but they are also driving 40 miles an hour. We definitely -- I mean I hate to be so brazen it's almost not up for debate, but an open type fencing has to be at the front gate. We request an open gate as well on the back, but we could respect the city if we need to put some ornamental sheet metal of some sort to the exterior of this gate to make it solid. You will see in the video I'm about to play our units they are pretty spectacular on the inside. It's all inside storage. We don't really want to hide much, because it's all pretty spectacular. With that we don't -- I guess we really don't have a choice on the entry gate. We could listen to you on the -- on the emergency gate, although we feel it should be open and viewed. Moving into -- we will stick slide seven here. The ultimate plan for

the parking -- actually, staff already committed for. We think it may have just been a -- counting them up wrong, because I did the same thing twice. The way the handicap is it actually looks like two stalls and it's really one stall. But ours is great. We won't belabor that an ounce. I think at this time if Bill would just play the video for me. What I did was -- we know you don't have time to go look at every project when it's done. I thought we would bring the project to you and kind of run through it. We are going to start at the office, our entry, the office, the barrel roof, the gas station type design, just everything. Our developer is extremely picky when it comes to architecture.

Lucas: Jim, would you use the pointer for us up there?

Conger: Love to.

Lucas: The restore ink at the top, turn it on an arrow, rather than a -- it's a button at the top.

Conger: I got it.

Lucas: There your go. I think we are --

Conger: It's a minute thirty. It won't be too long. Again, our entryway, our office. You will see the mortared -- textured mortar. You can now see our blocks. We do have the block wall, you know, the tops, the parapets, we just don't have the colored accent bands and don't want it. You can see our water wise landscaping, environmentally sound methods that we are requesting in this proposal as you heard from Bill. Here we are coming in the entry. It's kind of clean. You can see our wall, it's very textured. You can see our open gate facility, but that -- that split face block does have the top cap. Going in our facilities are clean. This facility has almost been operating a year. This is the first time the owners even seen this video. He didn't know I took it. It wasn't prep'd for it. We are coming up, just showing how clean the system is. We are going to actually turn the corner and show you our ten foot setback from the residential neighbors, which is what we are also requesting. You can see the trees, the landscaping, the perma bark, how clean it was. I think one last time I'm coming in just to show you how clean the facility is and kind of bring you coming out, you know, one final look and, then, we will exit to the facility. Again, our block walls, the spectacular office, everything somebody should be looking at when they are driving up Eagle Road, there is our open gate, our four parking spots and just the clean office. Everything is clean. Everything has got a complete purpose from the one employee's parking spot in the back. I think that hopeful is -- my whole point of that was to give you our design thoughts and elements that went into the first facility. We want our second facility to not only be as wonderful, but identical. We did add some additional things on Eagle Road, so it probably is a step up from Chinden. We have been functioning a year. There is no neighbor complaints. We think we are a wonderful addition to the neighborhood and a wonderful addition to the last little in-fill parcel. I think the fun little things to note -- LED lighting, water wise environmental friendly, clean architecture and things of that nature. With that I will stand for any questions.

Marshall: Commissioners?

Miller: Mr. Chair?

Marshall: Commissioner Miller.

Miller: I have got one question. Did you use a quadcopter to take that video?

Conger: Yes, we did.

Miller: I thought so.

Conger: In a very windy day.

Miller: It was good.

Marshall: Anything else, Commissioners? I did have one question. You keep saying that we wanted it to be identical to Chinden, but yet you completely changed the office.

Conger: Yes. Mr. Chairman, Members of the Commission, it is. We completely changed the office, but we went back to the barrel roof. We thought Eagle Road needed -- couldn't take a rectangular building, needed the pop outs and things of that nature to kind of -- from what we heard from staff. So, we went back to the barrel roof. We were never happy with that office. That's why we heard staff and went back. But, yes, we are looking for the same brand and same look if someone pulls up and says that's Citadel or that's Citadel.

Marshall: All right. Thank you.

Oliver: Mr. Chairman?

Marshall: Commissioner Oliver.

Oliver: So, I will address the question and answer earlier. You are working with the homeowners association in regards to the fence, the way it will look? Butts up against their subdivision, so you will get a different look than what we are seeing here.

Conger: Mr. Chairman, Commissioner Oliver, we just have the tie in for that fence. Is that what you're indicating? Where it comes onto our private property?

Oliver: Yes.

Conger: Yes. And that is our storm drain lot. So, that is actually going to be the start of our ten foot reduced setback area that we are also landscaping and I think you will hear from some neighbors hopefully next after me that are in support of the project, but want

to make sure we secure that, you know, people on the -- that regional pathway do not walk up in there. So, yeah, we will have to modify their fence a little bit and we will actually put a gate that's locked, we will only open it when we go to maintain our ten foot strip, which will be maintained on a regular basis. You can see from our other facility we don't let weeds grow and we don't like dirt and tumble weeds building up.

Oliver: Thank you.

Marshall: No other questions? Thank you, sir. Mr. Conger.

Conger: Thank you.

Marshall: Appreciate it. All right. I do have two people signed up to testify. I'd like to call up Ed Williams, please. Mr. Williams, I'm going to ask you to give your name and address for the record, please.

Williams: I'm speaking for four other residents.

Marshall: All right.

Williams: If they could raise their hand or --

Marshall: Yeah. If -- are they here?

Williams: Are they here?

Marshall: Yes.

Williams: One is and the other three aren't. I have their names. Do you need their names also and addresses?

Marshall: That will work. Thank you. You can read their names --

Baird: Names, but no addresses. That's fine.

Williams: My name is Ed Williams. I'm at 2517 Legal. The other residents -- Kathy and Bruce Eardley, John Wilson, Gene and Sherry Stucki.

Marshall: Good. Thank you, sir. And the folks back here as well.

Williams: I'd just like to address some concerns. First of all, we are in agreement with the project, so there is no issues there, but, like I said, there are some concerns and we would like to see possibly some modifications if they can be approved. So, the first concern would be the actual initial grading and compacting of that area being so close to our -- our homes there. I know there were some issues with the Bear Creek One situation with vibration, foundation cracking, I heard that was quite a -- quite an issue.

So, I'm not real aware of that, but that would be a concern in how that -- you know, how they proceeded with that and the reason being -- my home -- I'm at the northern most -- on the northern most property on the eastern boundary and those three -- three or four homes we are all on fill dirt there. So, all those foundations are real deep. They have gone down to native to get to those. So, my foundation depth wise, I have like double stem walls. I'm about five foot deep back there. So, in my opinion that would be real susceptible to, you know, vibration or heavy equipment. So, I'm not sure of the remedy of using lighter equipment as we get closer to the homes to grade or whatever -- whatever compaction techniques they would use I'm not sure, but that is a concern. So, I don't know. That's kind of up to planning and how that thing is engineered and, you know, if you guys can kind of handle that. Okay. The next issue is the setback. We -- we were shown examples of the ten foot setback and the two trees for every 20 feet and, you know, we just figured that was actually the requirement, but in looking at the application I noticed on page six on the C-C standards, the setbacks, the landscape buffer to residential is actually 25 feet and that ten foot is a proposed setback to the developer. Correct? So, we would like to see that moved out. Anyway, that's -- just to be -- you know, compromise is fine, you know, it doesn't have to be 25 feet. But, you know, in our estimation we would like to see like 15 to 20 feet or whatever. If it doesn't impact him too much, if it could be -- you can, you know, rearrange the dimensions within the unit or tighten up the road -- I don't know. That's kind of for, you know, them to figure out. But we would like to see that increased. The other issue was mentioned. We would like to have no access to that buffer zone there, especially from the canal, the walk path, that could be sealed off and also from people using the actual, you know, facility. And, then, the -- the final grade on page eight of the application there is a depiction there of the residential storage unit, somebody -- a visual -- you know, the height and everything. And in this -- I don't know if this is just a typical depiction for this purpose of the visual situation, if that's actually going to the final grade, but if that were to be the final grade level with our -- our structures, okay, we would lose about two feet off of our rear fence with our property stepped down in the back. So, if that grade were to be as shown there, we would lose two feet of our height off our fence. So, the developer did kind of assure us that it would be -- that wasn't so, but that's why I'm here, just, you know, seeing if -- if that grade does change from our existing grade, we would like to see a six foot minimum -- you know, either adding to our fence, a new fence, or whatever, we would like to see that maintained to six foot height, not just for protection into our properties there. How am I doing on time?

Marshall: You have plenty of time.

Williams: Okay. As far as the landscaping is concerned -- if we had issues in the future -- let's say those trees die in three years, I mean do we have any recourse to say, hey, you know, we want a new tree or maintain or what -- how does -- how does something like that play out? Is that -- can you answer me now or --

Marshall: I'm sorry, right now we can't answer your question. We are just taking the testimony and we will try to address it --

Williams: Okay. So, that's another issue, just how that works, if there are issues with trees or, you know, that type of a thing. We are -- there is some concern on the -- on the drainage on that and how that's going to work if -- you know, if -- we are kind of -- I'm kind of a low point back there. There a lot of different elevations there where the ACHD pond -- the canal, their property. I mean it's really complicated right in my -- my lot there. So, if that thing -- if it wasn't engineered correctly and a drain clogged or something, I mean it could be serious -- for me back in that corner and, actually, we would have the residence also, but kind of especially for me. So, we just -- that would be consideration to just really -- you know, the engineering has to be really tight on that. Also two things did come up in the presentation. That fence area that they are talking about with the HOA, the pond -- so I understand -- so, that's on our -- that's on their property and has to be moved or -- was that -- I don't know if that was an issue or not. If you can't talk, so -- anyway. I'd like to have that explained a little further. If they have to move that or the HOA has to move that, because that also kind of concerns me right in that corner there, because we have a lot of trespassing in that little -- in that pond area with people off the path and stuff like that, so as long as they would, you know, maintain that -- that fence along there just like it is, if it does have to be moved. And there was -- there is -- this is kind of a big thing, but the rear of those units -- I thought I heard that addressed. What do they look like? Like the fronts? The metal sheeting, the brick or whatever and ideally -- I mean I know this is probably a lot to ask, but ideally for protection it would be nice if that -- the back of those units were really all blocked, you know, in theory or if that metal was kind of, you know, upgraded for safety reasons, because all you have to do is Google safety -- you know, storage unit explosions, contraband, there is a lot of nasty stuff in those units, so -- and with not much protection. So, like I said, that would be a lot to ask, but that would be kind of a safety concern on that. So, anyway, that's about it.

Marshall: Commissioners, do you have any questions for Ed?

Miller: I do.

Marshall: Ed, can I have you return, please. We have got some questions for you now. Right now we are going to get some back and forth. Sorry. All right. Commissioner Miller, if you would, please.

Miller: So, this is going to be in response to the setback thing. It sounds like there was six letters received that said it was okay with the ten foot setback and I think what I heard from you is that you're not actually okay with the ten foot setback and you did kind of a range of you would be okay to 15 to 20 feet setback.

Williams: Yeah. We -- I'm sorry. We did sign that and, then, I did reread it and it says reduced to ten foot, but I didn't -- we didn't really know that there was a 20 foot -- 25 foot was the standard under the zoning.

Miller: Okay.

Williams: It was just presented this -- well, you know, this is what Chinden looks like, it's -- it's ten feet, we can get two trees, we said, okay, that's -- I guess that's -- that's how it's going to be. So, when I was reading that, like I said, I saw the 25 foot, I thought well --

Miller: So, just for the record here I want to ask you kind of -- and I don't know if you're qualified to answer for all six of those letters or whatever. You gave the 15 to 20 foot range. I can guarantee you they will go with the minimum. I just want to follow up to find out a little bit what -- what is the range you're okay with on that setback?

Williams: Well, I was hoping for some debate with the applicant and -- to see what can they live with, what can be, you know, arranged through, like I said, changing dimensions within the unit. You know, I mean we don't want to take money out of their pocket, we understand if they have to shrink all the units up, but if something can be done, what are they willing to go with. I mean ideally -- let's say it was 25 feet, that's great. I mean I'm sure everybody would like that. There is a reason for the 25 feet.

Miller: Okay. The other question I had -- and I don't know if you're qualified to answer this one either -- has to do with moving that fence and the HOA -- it sounded like in the presentation that that was covered through the HOA fees and it sounded like from your testimony that you're expecting them to cover it. So, I just want to kind of bring that issue to light, too, so that maybe they can address that. But are you --

Williams: Well, maybe I wasn't clear on that. I just -- this is kind of --

Miller: Okay.

Williams: I thought that concerns my property, too. And I have had people back there and trespassing and I thought what are they going to do with that fence, you know, what is it going to look like when they are done. Is it going to be maintained? Is it going to be six foot vinyl just like it is only have to be moved over or whatever.

Miller: Okay.

Williams: If the HOA is responsible are we going to get into a thing of, well, the HOA doesn't have any money, you know, or change it, you know. So, I was kind of just concerned about that.

Miller: Okay.

Williams: In respect to --

Miller: That was all of my questions. Thank you.

Williams: Okay.

Yearsley: I -- excuse me. I have --

Marshall: Commissioner Yearsley.

Yearsley: I have one quick question for you. Bill, can you go to the house view of the back lots?

Marshall: Perspective?

Yearsley: Yes. Right there. So, on this picture here you're saying that your house is actually two feet lower than what is being depicted there now?

Williams: The grade back there -- okay. Right at that -- right at the property line there where you have the arrow --

Yearsley: Right.

Williams: Okay? That -- you know, that's two feet lower.

Yearsley: Okay. So, your fence is higher and, then, it kind of slopes down and goes to your house.

Williams: No. The grade from the -- from the foundation to that fence line we have some -- we have a small retaining wall built up there on the very -- by the property line and, then, the vinyl fence is right there.

Yearsley: Okay.

Williams: Right where you have the arrow right there --

Yearsley: Uh-huh.

Williams: It's -- yeah, it's two feet -- that's not grade. Go two feet below that arrow and that's where grade is.

Yearsley: Okay. So, it would be a more visual impact to you guys? All right. That's what I just wanted to clarify what you were saying.

Marshall: Now, you have raised a question for me. When you say you have got some concrete block to bring it up to grade that the fence is on, is the top of the fence at this height and your grade from the back of your house goes straight out to the bottom of that fence and, then, it drops off on the other side or does it drop from your house down two foot to the bottom of the fence?

Miller: Can you draw what it looks like?

Williams: My side of the fence -- okay. There is -- there is a little retaining wall about two feet, then, the fence is down there -- like I said, it's two feet lower. So, in my backyard I only have six foot of fence right there, I'm already down -- I'm looking at about four feet of fence, because the other two feet is on, you know, like --

Marshall: Got you. And the retaining wall is on your side of the fence?

Williams: Right.

Marshall: Got you.

Williams: Right. So, that was my point. If this were to be final grade right here, they would be going up two feet. Okay. So, then, I would have -- from their side it would be a four foot high fence. Right now it's six feet from their side.

Yearsley: Okay.

Williams: So, my concern -- I mean if they want to change grade, that's not really an issue, but -- but according to, you know, the gentleman I spoke with, he said that the grade was going to remain the same. But that's -- you know, that's the only reason we are here. I mean that's stated, but when this is all said and done if I have a five foot fence back there and now what do we do, well, you should have addressed that at the -- at the hearing, so --

Yearsley: Absolutely.

Marshall: Thank you, Ed.

Williams: Thank you.

Marshall: All right. I have Mike Darr. Give your name and your address for the record, please, I would appreciate it.

Darr: My name is Mike Darr. I live at 2631 South Legal Avenue and I also am in support of this project. I think it's -- I think the way that the applicant has presented his plan is very appealing to me and to several of my neighbors. So, the only clarification that I'd like to see would be some simple things and the -- the guarantee that we are not going to have a lot of lighting come into the backyard, if there is any lights that are going to shine on our backyards at night in excess and also the size of the trees that are going to be planted, because they will also need to -- you know, to grow so that we can have the protection and privacy and so what size tree are we going to start with. That's all I had. Thank you very much.

Marshall: Commissioners, did you have any questions for Mike? No? Thank you, Mike. All right. I don't have anyone else signed up to testify, but is there anyone else who would like to? And I'm going to ask your name and address for the record, please.

Centers: Commissioners, my name is Jake Centers, the owner of the property, actually. 1979 North Locust Grove is my address. So, I guess I'm going to take a little offense here to the previous -- not Mr. Darr, but Mr. Ed's presentation that they were misled about the setback issue. Clearly in the letter it states reduced setback. There was specific conversation about the options with this property and one of the options -- and it's still on the table -- is I will come back with three story apartments and put those 20 feet off that property line. So, that was the choice that they were presented with was apartments. Multiple storage, we will hit that setback requirement, or I can come in -- if you give me the reduced setback, I will come in with storage units, because I own apartments and I own storage units, so it doesn't matter to me. And everybody that signed that letter said, yes, we would prefer storage units on this site. We will give you the reduced setback. So, there was no question that we were talking about reduced setbacks. It's in the letter and I said, you know, we would do the reduced setback to ten feet, I will do this on this landscaping, I will make the back side of it look nice. Commissioner Oliver, I don't know that your question has actually ever been addressed as to what the back side of the units are going to look like and what it is is it's the metal siding that you see at the front, that's the 20 foot section of prefinished integral color hardy plank siding that protrudes off the wall about six inches and it is -- at the height of the roof just projects right over the back side of that. So, it's not a protrusion up above the roof line and so that's what the back side of it looks like to get some relief to the back side of the units. But, anyway, I guess I'm just kind of in shock right now about that there wasn't clear communication on what we were asking for with this reduced setback. We did the same thing on Chinden with the ten foot setback, you know, really it's unusable real estate. Real estate is really expensive and, quite frankly, the project barely pencils as it is with what we had to pay for the ground in this location typically you see these storage units out, you know, in farmland. So, we are trying to provide a service to people that live close proximity to this project. We had to pay a little more. We are making it look really nice. But we need to be able to use every ounce of this site that we can use. Giving up ten feet to increase setback takes out a whole row of my units. So, this stuff gets rented by the square foot and every square foot matters. I mean this is not -- you know. So, that if we are talking 25 foot setback, we can probably put the pencils down and we will see you in a couple months with some apartments. So, I was very clear with the residents in the very beginning of this process about that.

Marshall: Well, we are out of time. Commissioners, do you have any questions? So, I do, sir, and -- sir, you have already testified. So, your proposal was give us what we want or we will give you something you really don't like?

Centers: Hey, it's -- I gave them the option as to what the possible uses for this property were. Right?

Marshall: I appreciate your --

Centers: We heard previously that apartments were a potential use for this property.

Marshall: I understand that.

Centers: So, I was trying to work with the neighbors and say what would you guys prefer. That's how it was phrased with the neighbors.

Marshall: If they took it the way I did I would be very offended. Just letting you know, sir.

Centers: Well, that didn't appear to be the case when we had multiple meetings and none of this discussion was taking place at that point.

Marshall: As you approached me as you presented to me, sir, you said either give us what we are asking for or I'm going to bring something in that you really don't like and I'm offended by that.

Yearsley: Commissioner Marshall, I agree. I was offended as well.

Miller: What offended me was you said you didn't really care what went there. It's one or the other. It means you're not invested in the community.

Centers: Oh, well, hey, time out. I mean I'm born and raised in this community. Built a lot of property, take very good pride in what we do here, so I am not -- I take offense at that. So, I didn't mean to offend anybody here. I was just simply -- look, I was trying to work with the neighbors on this to say what would you guys prefer. We can do apartments. We can do storage units. But in order for this to pencil as storage units I need to be able to use the maximum amount of property that I can use, which means I need to get the reduction of the setback. So, it was not a threat, it was not meant to come across like that. I don't feel it did. I went door to door at least on two occasions to the neighbors to have specific one-on-one conversation with them. We had one, maybe two, but for sure one neighborhood meeting to talk about it. So, I just want to be clear that I was not trying to be misleading to anybody at any point along this process. I was trying to be accommodating and trying to work with the neighbors like we always do and come up with a project that would, you know, fit within the neighborhood and that we would get along. So, I know how this works. I mean you show up and you got a lot of opposition, probably not going to get your project approved. So, I'm sorry if I -- I'm just a little upset right now that we are here in public hearing and we are getting some of this that, well, I didn't know what I signed stuff.

Miller: I have got one more question.

Marshall: Commissioner Miller.

Miller: Can you go back to the site plan of this? So, I'm trying to find a middle ground here. It looks like that last drive aisle is a little bit bigger than the rest. The range that they gave you was they would be comfortable with 15 to 20 feet. If you gave them another five foot could you make this project pencil out?

Centers: I'm not sure what difference that the five feet makes to them. It makes a huge difference, you know, to us. I mean, like I said, it's -- it's all by the foot. You know, am I willing to forego the entire project over a five foot setback, you know, I don't know. I'm just pretty frustrated that we are to this point after all the work I have done and meetings and signed off and we do all this extra stuff and, then, now -- you know, I feel like I'm getting renegeed on here to be asking, you know, sign off -- have an agreement and, then, now being asked for, you know, additional footage, so I guess I'm not totally prepared to answer that question right now.

Miller: Okay. Thank you.

Marshall: Commissioners, anything else? No? All right. Thank you, sir. No, I'm sorry sir, you have had your opportunity to testify. I can't have any testimony from the audience. I'm sorry. And I'm going to have to ask the applicant to come back up and address anything here.

Conger: Mr. Chairman, Members of the Commission, Jim Conger. 1627 South Orchard Street. I will first address, Mr. Chairman, your kind of question on the threat, because it clearly was not -- what we did at the start of this project is -- this property was being purchased by this land developer no matter what. Typically speaking you see us in front of you a lot with residential development. We do not buy the property until we have the approval. This property was purchased. This developer does own apartments. This developer does own the Citadel storages. It's going to be developed. We knew it could get approved either way. It was a pretty expensive per square feet piece of property. When we go through an approval process such as we are going through we will spend anywhere 25 to 35 to 40 thousand dollars. We wanted to be crystal clear that we had neighborhood support with this reduced setback or we weren't going to do the project. We would not go spend 40,000 dollars to get in front of you and have a roll of the dice, because you can't give up the five feet. It will lose a row and we will have to do a different project, because this one will not pencil. As I said earlier, the other facility is on five acres. It's 81, 83 thousand square feet. This facility is on the same five acres and we are -- we are all a little flustered, so I'm not recalling. We are at -- how many square feet, Bill?

Parsons: Seventy-five thousand.

Conger: Seventy-five thousand. We are 8,000 square feet less, same amount, different price point, because we are on Eagle Road. So, I guess I want to be crystal clear this process went through the neighborhood meetings of zero threats, it was simply we don't want to spend 40,000 dollars to come here and gamble, we will do apartments and we are fine with that. We did the ten foot setbacks on our previous facility. Again, we would be coming in with three story apartments, because of the price of land and we would go with the normal setbacks identified by the UDC. So, clearly no threat, we just did not waste 40,000 dollars, which we may have, but we will get through the night, we will go to Council and, then, we will have to decide, of course. So, with all due respect,

definitely went through it with no threats and as you can see we did submit -- I have hard copies I can give you of the six individuals that did sign. It definitely is reduced. It is definitely clear about the two -- two inch caliper trees. I know it was identified what would be allowed or what size trees would come. So, I guess quickly addressing the neighbors, grading and cracking, we are definitely light construction compared to Walmart. We definitely are used to doing in-fill type scenarios. We very much value that concern and have the same concern. So, we have done our soil tests, we did the geotech, we own the property, we know what we have to deal with, light construction. Again, that setback of ten foot, I am shocked as well. This agreement was signed. I am not sure all parties are being represented by one individual. He says they are and we will respect that, but that has not been the case. As far as block off the back common area and keeping people from the regional pathway, I have already indicated before the meeting that that would be acceptable. Our grades will match his fence. So, I think the grade was a big discussion. Of course we are going to have to match their back property line. His house is two foot elevated. I don't see the concern for drainage if he is truly two foot elevated. But, again, our units aren't matching his house. Our units in grade and file will have to match the back of the property and so it's zero issue. Again, we are just coming back in, this is the last -- one of the last components of the multiple uses and I think if I could go, Bill, to my PowerPoint really quick and I will conclude my program, so I will go to my -- thank you. I will go to my slide nine. What I propose to give you tonight is what we would like for a proposed motion. Again, our issues are only clarified where we wanted the 20 foot wide landscape buffer in bullet one. Just a clarification. We do -- would like to delete Section B 1.2.2, the fourth bullet item, which is the HOA. Staff already modified that one. There is no issue. Staff already indicated that's changed. The applicants coordinate. I say delete it. It's a condition that doesn't have teeth, so that would be fine as far as those two. North -- well, this one would be modified per staff. North building elevation in B.1.2.5A, that additional 20 foot hardy plank, we don't see the advantage esthetically to that, so we have asked to delete that section A, B and C. We do believe in our architecture that you saw in our video -- our grouts, our top caps, everything of that nature that we have submitted on this was built in the 2000 -- from the 2013 approval, so both of those. The gate -- we still -- in this case I'm asking for the removal of the solid material. I can see a few -- if you want to debate it, certainly on the emergency I would stand to your guidance on that. And, then, the alternate compliance staff already -- already said four, so I don't need to belabor that. With that I will stand for any questions.

Oliver: Mr. Chairman?

Marshall: I'm sorry, who is asking -- Commissioner Oliver.

Oliver: Thank you. I have one question for Mr. Conger when you're ready. In regards to the storage units that will buffer up against the homes, the question was brought up as far as -- if they need to be reinforced and whatnot. I assume that fire code has already taken care of those units, that that's under fire code, that they are structured a little bit differently; is that correct or not correct?

Conger: Yes. Mr. Chairman, Commissioner Oliver, yeah, we do have fire code to adhere to. We do have very strict requirements for what can be stored in them. Everybody says, well, you don't know what's stored in your facility -- no one has a bigger investment than our owner in the sums of several -- and, then, a few more million past that. No one wants the unit blown up. So, they are monitored, they are, you know, looked at on a regular basis, basically, but, yeah, they -- we have got all the building permit process, we have to go through the fire code process.

Oliver: So, the structure is the same for all of them, it's just that fire code deems that it's -- it's built in a certain way. It's not built differently from the ones that border the homes versus the ones --

Conger: Right. Mr. Chairman. Yeah. Commissioner Oliver, yeah, that is correct. It -- the fire code is the same whether it's a front unit or the back unit, it goes through the same checklist.

Oliver: Thank you.

Conger: Thank you.

Marshall: Commissioners, any other questions?

Yearsley: I just have one.

Marshall: Commissioner Yearsley.

Yearsley: Excuse me, Mr. Chairman. One of the other comments was the lighting and making sure that we try not to light the backyards. Can you address that one as well?

Conger: Yeah. Commissioner -- Mr. Chairman, Commissioner Yearsley, yes, we are -- definitely hear that loud and clear and very cognizant of that in any of our projects. Like I indicated, we are using LED, which is a little sharper. Everything is the down lighting. The lighting inside the facility that we have done and will do on this one are all, basically, on the units themselves, they are not pole -- nothing pole driven. We do have a requirement for street lights along Eagle, that's a different story, but, no, there will be no up lighting and lighting stays within the drive aisles period.

Oliver: Mr. Chairman?

Marshall: Commissioner Oliver.

Oliver: Again, going along those same lines, it was regards to the landscaping of the trees, well, what happened if the trees died or something of that nature in the landscaping, would you take care of that situation or would that just be something that would stay?

Conger: Well, Mr. Chairman, Commissioner Oliver, yes, you know, we do have product, landscape guys, we maintain it and replace it. We have a commitment to these trees in the back. Now, if one keeps dying over and over and it's evident someone's been Rounduping it or something that's usually a different story, but that only happens in odd occasions, but does happen. But yes.

Marshall: I think that's it. Thank you, sir.

Conger: Thank you for your time.

Miller: Mr. Chair?

Marshall: Commissioner Miller.

Miller: I move to close the public hearing.

Yearsley: Second.

Marshall: I have a motion and a second to close the public hearing on RZ 14-004 and CUP 14-007. All those in favor say aye. Opposed? That motion carries.

MOTION CARRIED: FOUR AYES. ONE ABSENT.

Parsons: Mr. Chairman?

Marshall: I am --

Parsons: Bill.

Marshall: Bill, how are you doing?

Parsons: See my head bobbing around here.

Marshall: Yes, sir, Bill.

Parsons: Just for clarification and ease of your motion, my planning supervisor and I have discussed that we would be in support of striking the HOA requirement and also the requirement for the coordinating on the ped connection -- or ped solution with ACHD or at least for that crossing along Eagle Road. As the applicant stated, it's a condition that he can't comply with or it's just going to run with the land and never be done. Nothing is going to come forth -- happen with it. So, it is a condition you can't comply with. It makes no sense. So, we are in agreement with that. One additional item that I heard this evening -- I know my recommendation in my staff report stated that we want two solid gates. I think I am amenable to allowing the open gate for the entrance and, then, solid gate up against the office park as testified by the applicant, that he would be willing to work with us on that. So, I'm amenable to that change, too. As far as all the

other requirements to the design I think, again, staff is staying with their recommendation in the staff report.

Marshall: Thank you, Bill. Commissioners, any questions? All right.

Yearsley: I --

Marshall: Commissioner Yearsley.

Yearsley: I want to just verify with legal. At this point the 25 foot setback on the back or the ten foot setback or the reduced, that is not into our purview at this point; is that correct?

Baird: That's correct. That's a variance matter for the City Council to decide.

Yearsley: Okay.

Baird: You can certainly give your opinion.

Yearsley: Thank you.

Miller: Mr. Chair?

Marshall: Commissioner Miller.

Miller: This is kind of surprising for me, because I hate the concept of a storage unit, just because we as a society have so much stuff we can no longer keep it in our houses. That is ridiculous to me. That being said we need it. There is a use for it. You can capitalize on it and it's good. This location seems appropriate for it. I appreciate the dialogue that's happening. It sounds like it needs to be worked out more. That being said, I do -- I don't like the way it was approached and I can respect that it was just a conversation here and that I'm sure -- you know, tempers are a little bubbly right now. I can see how the situation may have been presented as you have this option or this option, not you have this option or this, you know, storage unit which has a 25 foot setback as well. You were just presented that as a storage unit with a ten foot setback, but ultimately it's the homeowners that get to decide if that's okay or not and if it wasn't presented to them at the time it's hard for them to know that and so my suggestion to you guys over here would just -- if you can present them their entire option you can mitigate this situation from happening. That being said, for the homeowners, based off of this one testimony it sounds like the storage unit might still be the preferred option, even with that setback. They said they are good with 15 to 20 feet. That's five foot. It seems -- I know it's by the square foot, but that seems like it's an okay middle point. I would like to be able to see that work. It sounds like everything is good, other than the aesthetics, which I'm also going to oppose, because I actually would like the aesthetics, for hating storage complexes as much as I do, this is the nicest looking storage complex I have seen. The one piece that I do agree with is that the block can be wider. I don't

necessarily agree with the banding either in it, because right now it looks nice, it looks modern and contemporary. I don't like it being compared to a McDonald's, but I don't think it does compare to a McDonald's. I think it looks nice. I think it's a nice development. Overall I think the neighbors would like it, it's just this one sticking point, which we really have no say in right now, other than a recommendation and my recommendation on that would be to move that to a 15 foot buffer. If that can pencil out, that's great. If it doesn't, then, that's better than a denial. You guys can make that decision. That's my opinion on it.

Marshall: Thank you, Commissioner Miller. Commissioner Yearsley.

Yearsley: I have to admit I'm glad I don't have to vote on the setback, too, at this point. Given the testimony that I have heard today I'm trying to calm down a little bit. You know, when I initially saw this project I like the idea, I like the concept. I didn't -- you know, I drive Eagle Road every day, so I will be seeing this every day and I think it will be a good project. It's understandable. At this point I would recommend that the applicant go back to the owners and work out whatever they would like to work out and come up with a unified -- you know, something that will work for both of you. You know, I would hate to see it get killed because of the setback. So -- but I think we tried to address most of the comments that were here today and that is as the homeowners, you know, come back for the City Council meeting as it comes forth, so -- but I do agree that with the conditions for making the block a little wider along Eagle Road I think it will break up the metal fascia a little bit better. So, that's kind of where I'm at.

Marshall: All right. Well, to start with I'm actually -- don't know what an additional five foot of setback is going to give you when you're actually closing it off completely. It's going to be closed off for security purposes, things like that, so I -- you know, this is only a recommendation to City Council on the setback there. If it were 25 foot maybe there would be a difference, but ten foot -- and, to be honest, taking 25 foot out of that really takes a lot of floor space and it probably wouldn't pencil out. I get that. Commissioner Miller, I respect your taste in architecture, you are a fine architect, and I like your opinion in most cases. In this case I'm not a modern -- in fact, I actually -- I do like the new version of the office, I like the one on Chinden. I like the arched roof, all that, I'm just not fond of the wall as much. But I'm not -- you know, block looks nice and I like the banding on the block, but I agree by expanding it out to 50 as opposed to 25, I think it would look significantly -- it would significantly improve the block and as opposed to having just long bands of the corrugated metal. I appreciate the fact that we have -- again, that's taste and things like that and a lot went into that. What staff is doing is their recommendation is based on committees that have developed how they would like to see architecture developed and thank God they don't leave it up to me, because I would mess up architecture something fierce. But, yeah, everything would look the same and would all be bland. But there was committees that went into this and developed the guidelines for that and staff's recommendation is trying to keep within those guidelines and I appreciate that and I do -- I do very much like expanding the width of the block to be able to break that up some more. I don't know about additional bands and the letter in response talked about color bands and I don't know if that was

necessarily what was intended, maybe misinterpreted, but simply a different type of broken face block or something that would look a little bit different in a band of something somehow to mix that up and I appreciate what they are doing, that is what the guidelines that were developed by committees were trying to do and so I'm not the expert in that area, so I'm going to drop it there. I do appreciate the fact that -- there is nothing you can do about explosion proof, things like that. I do appreciate you addressed the two inch caliper trees in back. Drainage overflow, the designs have to be stamped and approved by ACHD, by city -- by engineers and it has to show that drainage will not affect you or they will end up being liable, so I'm pretty confident that's going to be taken care of. Vibration -- year, you're not building a facility the size and structure of Walmart where you're driving piles into -- this is a much smaller structure in that regard and while there probably will be a small amount of vibration when they are putting down the pavement and the like, it shouldn't be anything close to what a large facility like Walmart or something like that should do. I would like to see some writing and I would recommend not striking and provide written documentation, even trying to -- -- please forgive me. Thought I had that off. I would like to see some written documentation as to trying to work with and coordinate with the homeowners association on what's going to happen there. I agree it's private property, you can remove the stub or whatever, but I would like to see some neighborly movement there and try to say, hey, this is what we are likely to do. We are taking this property back, so what would you like us to do with this fence. How much of it do you want us to remove? I appreciate you putting in the fence there -- in there and maybe some written communication, either through e-mail or whatever, so documentation that we are trying to communicate and would appreciate that. That's my feeling on that. I think it's just simply a good neighbor issue. That's all it is. I thought I turned it off. Yeah. I think most everything has been addressed there. Again, I am going to reiterate, though, I don't like the fact that anything might be addressed that you either give us what we want or we are going to bring in something that you really don't like. Yeah. And we can turn all of that down, too. So, you know, I know you can request three story apartments there. That's going to be requested and the city also has the opportunity to turn it all down. So, I'm just saying I don't -- I think we as citizens -- and that's all I am. I'm a citizen. I'm not paid to be up here. I'm a neighbor trying to do the best I can trying to help us all out. I do have some land planning experience and structural design experience and this is about being neighborly and trying to work out what's best for all of us and while no one person gets to win all the time and everything goes their way, it's about trying to work together to get the best city that we can and that means being neighborly and helping each other out and I do appreciate what some of the neighbors had to say about, well, I know that's -- that's going to be expensive property and that's going to be hard to get it to pencil in and we understand that and we are willing to work with you and I do appreciate that. So, that's all I have to say.

Miller: I have got one question.

Marshall: Commissioner Miller.

Miller: And I'm going to stick up for them just a little bit here, because that band I think will ruin the look if -- and it's a little thing. I would hate -- you know, they are not going to stop the project from going forward because of a band of CMU, but I will put my two cents in, but I think that the band is a bad idea. I think the width does need to be widened, but since that's looped into one of these things I don't know how to handle that in a motion. But that's my two cents. If we have to accept it as it is and go forward.

Marshall: Actually, if you were making the motion, Commissioner Miller, you could remove simply that portion of the verbiage that you would prefer to see out, then, that's your choice.

Miller: Is that -- I mean that's not really my role, because that design --

Marshall: Yeah. Well --

Lucas: Mr. Chair, do you mind if I weigh in?

Marshall: Please.

Lucas: Mr. Chair, Members of the Commission, you know, design is one of those things where there is some nuance to that and our code recognizes the nuance and sometimes people have a different opinion. If the Commission decides to remove that requirement for banding, it's totally within your purview and staff will take that back forward to the City Council, just like any other condition of approval and I don't believe that significantly modifies staff's, you know, recommendation. The banding. I would like you to be, you know, pretty clear in your recommendation on the design elements. If you disagree with the banding, then, remove it. If you disagree with the decorative cap remove it. If you agree with the width, include it. And so if you can hit those items kind of item by item it's just helpful to staff when we are making our -- taking forward your recommendation to Council that we have those things clearly stated and we bring the design forward. We do our best to represent what the code requires, but certainly that's why we bring it to you is for your input, your expertise and for you to make those recommendations to the Council. So, I thank you for looking at that so carefully.

Marshall: And, fortunately, for me it's going to have to be one of the three of you making that recommendation. Somebody here is going to have to make that motion.

Miller: Can I talk about it with you guys a little bit?

Marshall: Sure.

Miller: The only design criteria that I think needs to be modified is the width of the CMU. I think pretty much everything else is going to take away from the esthetics of the -- the clean water and I know you're not into modern, but it is good to have variety in a city. I dig it. I don't dig storage units, so it's very weird for me to stick up for it, you know, like I say, it's -- you don't want to call attention to it either and this is a really nice way to make

it clean and simple and you're not going to notice it. It's not going to be an eye sore. My two cents, the only thing that needs to be modified is the width of those.

Yearsley: So, now just so I understand, the banding is, basically, just color block in the middle of the --

Miller: That's right.

Yearsley: Okay.

Miller: And it sounds like they have got variation in their grout. I don't buy into that it looks like a stone wall or anything. It's a CMU wall. But they are okay, too, sometimes.

Marshall: Commissioner Miller, what about the top cap? I think that will do the same thing. I think you just want it to be the plain -- it's plains colliding. I think it sets anything you mess with that and it's going to make it look like something it's not and it's just --

Yearsley: You know, I think I'm okay with not having the band, but I would prefer to have the top cap on it.

Miller: I will push on that one. I can understand that.

Yearsley: Okay.

Miller: Okay. You want to go?

Yearsley: I'll -- sure. Mr. Chairman?

Marshall: Commissioner Yearsley.

Yearsley: At this time I would -- after considering all staff, applicant, and public testimony, I move to recommend file number AZ -- or RZ 14-004 and CUP 14-007 as presented in the staff report for the hearing date of July -- June 19th, 2014, with the following modifications: Delete Section 1.2.2 and delete Section 1.2.19. On Section 1.2.5B to remove the accent banding and, then, on Section 1.2.5C to have the entry gate be open, but have that south entrance to have a solid entrance gate. Is that clear?

Miller: We are also modifying the parking; right? No? Okay.

Yearsley: Yeah. That one does not have to do with us.

Miller: Okay. I second that.

Marshall: I have a motion and a second to recommend to City Council approval of RZ 14-004 and CUP 14-007 as modified in the staff report. All those in favor say aye. Opposed? That motion carries.

MOTION CARRIED: FOUR AYES. ONE ABSENT.

Yearsley: Mr. Chairman?

Marshall: Commissioner Yearsley.

Yearsley: Do you mind if we take ten minute -- five minute break?

Marshall: Commissioner Yearsley, I was about to recommend that we take about a five minute break and -- just a few minutes here. Be right back.

(Recess: 8:27 p.m. to 8:37 p.m.)

- K. Public Hearing: AZ 14-008 Shallow Creek by Steve Arnold Located Southeast Corner of N. Locust Grove Road and E. Franklin Road Request: Annexation of Approximately 6.61 Acres from RUT in Ada County to the R-15 (Medium High-Density Residential) Zoning District**
- L. Public Hearing: PP 14-008 Shallow Creek by Steve Arnold Located Southeast Corner of N. Locust Grove Road and E. Franklin Road Request: Preliminary Plat Approval Consisting of Eighteen (18) Buildable Lots and Two (2) Common Lots on Approximately 5.84 Acres in the Proposed R-15 Zoning District**
- M. Public Hearing: CUP 14-005 Shallow Creek by Steve Arnold Located Southeast Corner of N. Locust Grove Road and E. Franklin Road Request: Conditional Use Permit for a Multi-Family Development Consisting of Sixty-Eight (68) Dwelling Units (17 Four-Plexes) on Approximately 5.84 Acres of Land in the Proposed R-15 Zoning District**

Marshall: All right, ladies and gentlemen, I think we still have a couple more projects to get through, so we are going to try to wade through those this evening if we can and so I would like to put us back on track here and I would like to open the public hearing -- call us back to order and open the public hearing on AZ 14-008, PP 14-008, CUP 14-005, all for Shallow Creek by Steve Arnold and I'd like to ask for the staff report, please.

Parsons: Thank you, Mr. Chairman, Members of the Commission. Next project before you is the Shallow Creek project. The applicant is asking to annex and zone the property with the R-15 zoning district to develop 17 residential lots with 68 four-plexes. The property is currently zoned RUT in Ada County and consists of approximately 6.61 acres of land. Surrounding this development we have R-40 to the west, which is basically an ACHD detention pond. To the north we have vacant commercial property zoned C-G. To the west we have county parcels zoned RUT and it's actually a pasture,

there is horses on the ground and, then, to the south we have an LDS stake center that's currently zoned C-N within the city. Here is the arrow on the site. You can see here that there is not much developable area. In my staff report I did mention that this site is within the flood plain and also the flood way and so if you're looking at this aerial you can see this line, the dirt area would actually be flood plain and, then, the undisturbed area would be the floodway as depicted here, or at least as it's shown on the FEMA map here. So, any -- as Sonya mentioned in her previous development -- or presentation to you, any work or anything -- construction on this site will have to get not only the city's approval, but the -- also the Army Corps of Engineers because of the Five Mile Creek running through this site. So, as I mentioned to you, the site will consist of 18 buildable lots and two common lots. The site does consist of approximately 3.85 acres of open space and the main reason for that is because of the floodway on the site. And as I get to the landscape plan you can see what the applicant is proposing to do to create an amenity for this development moving forward. Density on this property is approximately 11.6 dwelling units to the acre, which is consistent with the requested R-15 zoning designation. Like the previous development, this is a mixed use community designation on our future land use map. Again, because of the topography on this site and the site constraints due to that floodway and flood plain, it's really not feasible to develop this site with anything more than a single use and that's what the applicant is proposing this evening. One access is proposed via Locust Grove and, again, because of those site constraints staff is not recommending or requiring any cross-access to the adjacent properties. Here is the landscape plan. As I mentioned to you we are looking at approximately 3.85 acres of open space. All of these units will be four-plex units, approximately -- approximately between 800 and 1,000 square feet. Unit mix includes two and three bedroom units. As presented to you this evening the site is deficient a few parking stalls. When the applicant submitted their site plan they did not take into account the required parking for the clubhouse amenity and so in speaking with the applicant he assures me that he can accommodate additional parking on the site and not really disturb the design as presented to you this evening and the project is conducive to meet all parking requirements of the UDC. A planned amenity for this site would be the clubhouse. There are various sitting areas along -- throughout the development. The applicant is actually proposing 11 bike racks planned throughout the development as well to handle additional overflow for biking -- bike parking. The applicant is extending the ten foot multi-use pathway through this development as well, which is an amenity. Again, there is an abundance amount of open space which also counts towards an amenity for the development as well. So, as I mentioned to you previously, the applicant will have to get city's approval and the Army Corps of Engineers for any improvements or enhancements to those areas and staff has recommended that that change happen prior to submitting of a final plat. My recommendation this evening would be that we change that language to say prior to city engineer's signature on the final plat that they have those approvals in place. That gives them a little latitude to work with those entities moving forward. Here are the proposed elevations. The applicant is proposing a mix of wood siding materials with banding. Two different elevations for this site. Currently as shown on the site plan the applicant intends to construct the same building form on this site, but play with a mix of materials on it to give it a different look. Because we do not want monotonous

development in the City of Meridian, we have conditioned them to provide three different designs -- keep the same building form, but provide three different designs, play with those materials and mix them up on each façade to give the four-plexes an individual look and I think I have -- I have some elevations -- some color elevations from his other developments within the valley that demonstrate what we are seeking as part of our recommendation this evening. So, you can see here some of the mix of material on the units and how he played with colors. And, then, in particular this unit -- or at least the four-plex area in the lower right-hand corner here you can see how each façade has a distinct elevation with different building materials and I think that's what we are looking for, that mix, give each unit -- each entry a different look, so that it looks more individualized and less like an apartment complex, but more like a townhome development. In the upper left-hand corner is the carports that they are proposing. There is a condition in the staff report that those carports be color match to compliment the development, so we will look at that at design review. And, then, here is the proposed clubhouse. Again, we have a condition that requires them -- as presented to you this evening you can see they are only proposing one mix of siding material. We do have a condition that they incorporate additional siding materials on this to compliment the development as well. Here is the proposed sitting areas or gazebo areas throughout this development. Staff believes this will blend in with the development, as well as enhances it. So, we have required that they comply with not only the open space that they are proposing, but also the amenities that are presented to you this evening as well. I have received written testimony from the applicant. He is in agreement with all the conditions in the staff report. To staff's knowledge there aren't any outstanding issues before you this evening and I'd stand for any additional questions you may have.

Marshall: Commissioners, any questions of staff?

Yearsley: Bill -- or Chairman.

Marshall: Commissioner Yearsley.

Yearsley: On the plat itself are those individual lots that they are on?

Parsons: Mr. Chairman, Commissioner Yearsley, that would be -- well, that is correct. Each four-plex would be on its own lot and, then, the clubhouse will be on its lot. So, that's why you get 18 buildable lots, but 17 four-plex dwellings.

Yearsley: Okay. So, with that could the four-plexes be sold off to individual owners?

Parsons: They could and staff has a condition in the staff report that the entire development be managed by one -- one entity, one HOA.

Yearsley: Okay. That's all I have.

Marshall: Then I'd like to ask the applicant to come up, please. And I'm going to ask you to state your name and your address for the record, please.

Arnold: Mr. Chairman, Members of the Commission, for the record my name is Steve Arnold. I am with A-Team Land Consultants. Address is 1785 Whisper Cove, Boise. 83709. And I have not prepared any elegant report. I think Mr. Parsons is a better public speaker than me and I don't care to put anyone to sleep, but what I would like to elaborate more on is the building and some of the intentions that we have for the building façade. If you can pull up the color renderings are great. And, then, our plan with what we are doing in the Five Mile Creek floodway. I believe we are going to come back and do another LOMAR, which will revise the flood plain and which will pull out all the buildings out of the flood plain, so there is not a flood insurance requirement. I'm working on a project between Five Mile and Cloverdale that is also on the Five Mile Creek and we are going to try to enhance it as much as the Army Corps of Engineers will allow. That being said, I know there was a condition in some of the -- the deciduous trees. We remove -- you know, we will comply with staff requirements on that. However, if anything grows in there we are not going to removed it. Hopefully we can get -- you know, it's an issue I have with the Army Corps is, you know, all throughout the valley we have got trees and stuff in the floodway that change and, then, as soon as development comes in I can't enhance it with additional landscaping. But I will work that out with them. These buildings -- they are a pinwheel type design, so each entrance and each unit is, basically, it's own entrance. They can be very easily condo'd, but for financial reasons we are just platting the individual building right now to allow for -- a lot of these are older, retired people who will buy the whole unit and, then, rent the other three as income producing property, so they are highly maintained. I know this isn't a decision or a reason for the decision body, but these are a high rent -- they are between 925 to 975 rental units. The insides are -- there are fireplaces, nice facades, granite. The maximum height of these are 28 feet. They are allowed to go 35 feet, but we tried to make them blend in as more of a single family type of a unit or a townhouse type unit. The developer of this unit -- they have a patent on the actual footprint and the architectural design. Each unit has a single level and, then, an above -- one bedroom above with a bathroom, so you don't have different -- different owners living above you. So, each unit it's own second story. There are no second story balconies, so when we do back up to existing single family or whatever, they don't have people looking over into their backyards. The color scheme -- I just found out tonight that staff is recommending three. Our client uses six different color schemes throughout the development. There is -- he's done other projects -- I think McMillan and -- or McMillan-Linder area, so this is a similar project that the Commission has seen before them. So, that being said I will stand for any questions.

Marshall: Commissioners, any questions?

Yearsley: Mr. Chairman?

Marshall: Commissioner Yearsley.

Yearsley: So, from what I understand the owner is planning on selling these individual units off; is that correct?

Arnold: Mr. Chairman, Commissioner Yearsley, I don't know or he doesn't know, probably, what he's going to do in the next five years, but he likes to have the ability to sell one or two of the units off to owner-occupied investor type. So, it -- no, I believe it's initial intention is to hold and rent.

Yearsley: Okay.

Arnold: But we want to have the ability to sell off an individual unit.

Yearsley: Okay.

Arnold: And that's the only reason that we are platting.

Yearsley: Right. Thank you.

Marshall: Any other questions? Thank you, sir. Appreciate that. All right. I do have a couple signed up for this. I'd like to call Helen Sharp, please. And, Helen, I'm going to ask you to give your name and address for the record when you get to the mike, please.

Sharp: Helen Sharp. 2170 East Springwood Drive, Meridian.

Marshall: Thank you.

Sharp: And looking at the schedule here or the -- I'm a little concerned to the little strings that I would bring up parking when there are other issues that are maybe going to be brought up by other members of the subdivision and we are the Greenhill Estates just west of the subdivision and since we use Locust Grove a great deal we want to make sure there is no parking. My question to the -- those responsible for the building of this -- if they have got 68 units are they allowing for that much parking? We saw one shelter there, so to speak, of one parking avenue and we know what happens when there is no parking for the people that live in the units, they want to park on the street and, of course, there is no parking on Locust Grove, because of the traffic and all. I'd like to see them work a little bit more and I'm surprised that they contact those of us in the subdivision surrounding them as to what our thoughts were about this. I'm going to relinquish my time, because I know there are others that are going to speak on issues I'm concerned about and that's low income, the water, the sewer situation, the annexation, of spot annexing. I'm not in favor of that, or course. And, of course, we that live in that area would like to see it remain just residential and I don't mean apartment or multiple unit. Thank you.

Marshall: Any questions for -- no? Thank you very much. All right. I'd like to call Dale Sharp up. And, Dale, although I assume you may have a similar address, I'm going to ask you to state it for the record, please.

D.Sharp: 2170 East Springwood Drive, Meridian. I'm not in favor of this project development. What we have now is single family residents and our Greenhill Subdivision stretches from practically Locust Grove up to Eagle Road and, then, we have the subdivision south of Greenhill estates -- that butts up against the Greenhill Estates, that's all single residents. Now we are proposing that we have 68 units there, four-plexes, and contract and he's saying that they might sell these off, you know, so that they can rent them out and sell them off and all we have is just a mess going in there. There is no guarantee that it's going to be one owner. It's just not compatible with what we have now and people come in our subdivision, they say, boy, we really like this, what we have, and we don't have businesses, except for a small portion up on Eagle Road on the corner of Eagle Road and Franklin and, then, over on the other side there is some business over there, but down here it's all single residents and I'm not at all in favor of this.

Marshall: Commissioners, any questions? No? Thank you, sir. All right. I'd like to call John Duncan, please. And I'm going to ask for your name and address for the record, please.

Duncan: My name is John Duncan. I live at 289 South Thornwood Drive and my questions are what assurance do we have that these apartments will not become low income, because -- and will they be maintained. There are several examples of apartments in the Boise area that have the -- been let go and drag down the surrounding neighborhoods, like Allumbaugh and Phillippe. Let's see. And, then, if this -- this is approved what's to say that the nine acres do not become high density housing as well? That separates where these apartments are and my house. Let's see. As far as the siding -- we just saw the pictures of it -- they already look cheap. There is no rock, no accents, no brick, nothing like that to make them look more valuable. And my final question is how would the Council members like to have that in their backyard. Okay? Thank you.

Marshall: Any questions, Commissioners? All right. Thank you. Mary Ann Duncan crossed her name off, so did she want to testify or not? From the audience she says not at this time. All right. Is there anyone else that would like to address this project? Your hand's up. Please come on up and I'd like you to give your name and your address and tell us what your thoughts are.

Tullup: Brad Tullup. 1821 East Franklin Road. And I happen to be the one that has the horses to the west, which is really nice -- you know, people have kind of lost what Meridian is all about. You know, they move here because we have all this and, then, people come in and try to change it all. Now, I'm going to wake you guys up to a whole bunch of stuff on this project that you're going to be really interested in. That was all flood plain. Eddington owned it. Nothing was ever supposed to be built there, because it was all flood plain. That is in the corner next to where the church is and Nathan West's house. They put ten foot of fill in there. Now, I seen truck rolling in and this goes clear back when Kelly Fulfort hauled it in for Superior and they had a project going

on out at Mountain View High School. That whole area there -- all that dirt they wanted a place to put it. They bought that lot just to put all the fill in there. They started hauling fill -- probably 80 belly dumps in there and I raised the question how are you guys able to do that when I put a dump truck of dirt down there and I get all kinds of nasty letters? Well, they told me they had all the permits and everything. So, I called the City of Meridian and tell them what's going on and they said they don't have any permits. What are you talking about? So, they go out there, take video cameras, everything, pictures, shut them down, everything ceases for about a month and, then, all of a sudden everything comes back and they start hauling dirt again. How that was ever able to be filled in the first place just blows me away. I went to a FEMA meeting tonight in the courthouse at Boise, brought this up to Jerry, who was in charge of all that, and he said, well, if that's Ada County they can't do that, but if it's City of Meridian they can. Well, it's still Ada County and they did it. So, I don't understand how that was ever able to happen. So, that's the history of this project. They took and did a study, forced part of the flood plain over on our property, because the study they did. Now, Ada County did the Franklin Road widening. They have raised the road four foot where it had a dip or the natural runoff of all that if it flooded, went across Franklin Road and kept going down. Previously Mr. Barry filled all that where it was Madden's ranch the four 80 acres over next to Balsilite. If that floods now with them putting all the fill in there, it's going to back up and flood me out. And my question to the new owner was who is going to pay for it when that happens. Now, when Ada County did the widening of Franklin Road they took and said because they are raising that they are going to put X amount for the bridge. Well, I told them I want them to sign a piece of paper that they are liable if I get flooded out, they doubled it. So, I guess that's my concern to get to that point. So, there is a history of it. Now -- I guess I'm running out of time. But the other concern I have is fencing for our horses, stuff like that, if this project proceeds, because that's a real concern, because we own to the middle of the creek. Okay? And they own to the middle of the creek. Thank you very much. I appreciate your time.

Marshall: I appreciate that. Did you have any questions? Anyone? No? Thank you very much. Appreciate it.

Tullup: You bet.

Marshall: All right. Is there anyone else that would like to speak to this? Yes. Please come on up. And, again, I'm going to ask you to state your name and address for the record.

Hensman: Melanie Hensman. I live at 145 South Thornwood Drive in the Greenhill Estates. I think it's very appropriate that we are having this public hearing preceding Meridian Dairy Days and the history of Meridian. And three years ago when my husband and I were looking at property, we were very specific in our location. I was raised in McCall. I'm a county gal and he was raised -- from Colorado and we looked and looked for pieces of property which had a wetland, which had open fields, large trees, and a community that was welcoming and our property -- if I may use this pen? May I? Okay. Our property --

Marshall: I think you have to touch the color at the top. Clear at the top of the machine.

Hensman: This?

Marshall: Clear at the top of the machine. Touch a color.

Hensman: Oh, a color. Thank you very much.

Marshall: Doesn't seem to be working. I think I gave you poor advice. Oh, there it is.

Hensman: I think -- okay. So, this is where I live. On an acre and it's a beautiful country home. We have this acreage here where we have constant wildlife. Geese. Ducks. To my understanding there is also a fox and skunk. You know, we smell that often. My concern that I want to address today is the wildlife and how this is going to impact it. This Five Mile Creek, okay, that runs here, we have a drainage here from that and, then, we also have this other drainage that the previous speaker spoke about if this drains or floods, it will create some issues for him. That is our concern, too. That is my concern, too. I really wanted to state if there has been a study on the wildlife, because I will tell you as I drive out past this, specifically in the spring, early summer, my children -- my small children have mentioned to me where are all those geese that used to lay their eggs up in the high pasture before the landfill was put in place and there used to be lots of geese in here and now because of the backfill, okay, or filled with dirt, that's a better word -- now I'm having to go to different locations, you will see them over here, you will see more of them right up against the street and also into his property more. So, they are not nesting in this open grass field in the flood plain as much, so that is my concern when you talk about bringing in more housing. So, I would like to address that.

Marshall: Commissioners, any questions? Thank you.

Hensman: Thank you, Mr. Chairman and Commissioners.

Marshall: Thank you very much. Is there anybody else that would like to address this project? Well, then, I would like to ask the applicant to come back up and ask him to readdress any of the issues that he feels he'd like to address.

Arnold: Mr. Chairman, Members of the Commission, for the record again Steve Arnold, A-Team Land Consultants.

Marshall: Thank you.

Arnold: I guess I will start with the flood way and flood plain first and, then, they -- it was back in about 2008 the previous owner did do a letter of map revision and there is a letter of map revision revision filed with FEMA that went through the city. It did go through the correct channels. It may have appeared that it stopped and started, and I am not privy to what had occurred back in '08 on the property, but I have -- I have

personally researched the LOMAR and it was done per FEMA's code and the City of Meridian's codes. Addressing the value of these apartments, I mean the -- I -- not just that it's my client that I'm working for, but I can't think of any other nicer apartments in the valley that have been done. I can cite several projects that, you know, the neighborhood could take a look at and they are a high end product. He gets a high rent and, therefore, it's expected that the property and the maintenance of the facility is maintained. Should any one unit be sold off for whatever reason, it would all be mandated and controlled over one homeowners association, just like any other subdivision would be. As far as the use, I think we are adjacent to two fairly major arterial roadways. I think it's a compatible use for what has been approved and what's existing in the area. I apologize if I didn't include the neighborhood associated further to the east -- or, yeah, further to the east. Honestly, I didn't think that there would be any concerns with this property being as far away as it was and I was aware of a storage unit going in between, so I -- you know, there is, eventually, going to be an even further buffer. Parking. If -- these sites that my client builds, because they are higher end, you don't get a lot of parking. We are meeting all the parking requirements of the city and, then, we are going to add additional parking. So, we don't anticipate any parking out on the street. It's not allowed, for one, and because it is mandated by this association you're not going to have a bunch of extra cars that are there. I mean these are usually two unit -- there are two unit apartments, so we don't expect more than one to one and a half cars per unit, so I think parking is addressed through city code and what staff is recommending. I guess with that I would stand for any other questions that the Commission might have of me.

Marshall: Commissioners?

Yearsley: I have none.

Marshall: Well, thank you, sir. Appreciate that. So, with that, Commissioners, could I get a motion?

Miller: I move we close the public hearing.

Yearsley: Second.

Marshall: I have movement and a second to close the public hearing on AZ 14-008, PP 14-008 and CUP 14-005. All those in favor say aye. Opposed? That carries.

MOTION CARRIED: FOUR AYES. ONE ABSENT.

Marshall: All right. Thoughts. Would anybody like to begin? Commissioner Miller.

Miller: Mr. Chair. While I appreciate the comments from the neighbors, I want to make a few points. This is still in a relatively downtown area. There is going to be where development happens, so we try to control the type of development that happens. And it is next to residential areas, but it's also next to industrial areas where there is workers

and one of the things we try to do is give places for those workers to live, so that they don't have to drive and commute. I think that this does that well. I think it's a good intermediate development to go from these nice, residential areas to the more industrial areas. I don't think it will decrease any property values. If anything, right, I think it will make your guys' lots more desirable. That's a very nice neighborhood you guys are in, I'm very familiar with it. I don't think it's going to impact that in my guesstimation here. I think they did a good job with the layout if -- if it can work. I understand the concerns about the wetlands and how is it possible to do this, but that's not really our question to answer either, there is engineers that say whether it's possible or not and I'm sure they have gone through those venues. Personally I think it's a good solution for the area. It can't stay vacant forever and it provides places and density, which is what we try to do in the city. That's my take on it.

Marshall: Thank you, Commissioner Miller.

Yearsley: Mr. Chairman?

Marshall: Commissioner Yearsley.

Yearsley: Bill, I'm going to put you on the spot. That nine acres to the east of that, what is that designated on the future land use map, do you know?

Parsons: This one here?

Yearsley: Yeah.

Parsons: Mr. Chairman, Commissioner Yearsley, I'm not a hundred percent sure, but I know it could either be commercial or mixed use community. It's one of those. And Mr. Arnold, the applicant, did state that correctly, you see this small sliver of C-G property here, there is actually a development agreement on that property that allows for the storage facility, so that will be something in the future, unless changed or modified. So, at this point I would bet -- I'm pretty -- almost positive -- I can go look at the map over there real quick if you give me about two seconds to address it, but I believe it's mixed use.

Yearsley: Well -- and that's -- as long as -- what you're saying is that, basically, adjacent to them is platted or designated to be storage units, so -- okay. That's what -- I just wanted to clarify that. You know, I understand living and wanting to keep it the way it is. However, it is in the downtown portion of the city and it's -- you know, development pressures are increasing and it is going to increase. You know, I don't know if you were aware that you're going to have storage units basically buffering you and these homes, so -- I like the layout. I like the situation of how the units look. You know, I always still don't like the fact that they are to be sold off, even though there is going to be one homeowners association. Being the president of our homeowners association I realize they don't have any teeth and so anybody that doesn't want to do improvements it's really hard to get them to make those improvements. That being said, it's not a big

enough -- it's not something that would make it for me to reject this development. Overall I think it's a good layout. It's a good design. There are portions I don't like, but I can't use that as justification to deny it, so -- thank you.

Marshall: Thank you, Commissioner Yearsley. Commissioner Oliver.

Oliver: I would have to be in agreement that it's kind of interesting, because when we moved out to our new home 20 years ago we were in the country and we had a lot of wildlife and we loved it, it was beautiful. But, unfortunately, Meridian grew and it just grew all around us and we lost a lot of that country feel. Unfortunately, that's what's going to happen here and with the picture that was just up there that -- with the possibility of storage units going in and whatnot, this is just something you can't control and it is going to change. So, I believe that the units look good for that area and I have seen that area a lot and I think it would be an improvement of what's there right now.

Marshall: Thank you, Commissioner Oliver. All right. Let's see. I moved to this valley in 1979 and I don't know, maybe -- I know a few of you have been here as long, if not a little longer, and know the valley maybe even better than I do. I remember a time when there was -- it was quite a drive between Meridian and Boise. It was going to the big town and things like that and I appreciate your comment earlier, Commissioner Oliver, about we are kind of losing some of that. We are. But, you know what, one of the reasons I love Idaho is we try to keep the government out of our lives as much as possible. We use it as much as we need and that means we are kind of a land use state. So, you can go buy a piece of land and do anything you want with it, unless -- and this is pretty much statewide, within guidelines and the laws, unless the city sits down and sets up a plan, says this is what we want to see in the future and we set up these guidelines, these ordinances and a future land use map, this Comprehensive Plan of how -- and we have spent years and years, committees, hundreds of people working on it, all kinds of committees -- in fact, that's how Mayor de Weed got -- became mayor, she started out working committees saying, geez, here is how I'd like to see Meridian improve and she kept doing different committees and moved up and now she's our mayor. And so that plan is in place and that plan really does suggest this or commercial. It's a mixed use area. It does have -- now, again, as Commissioner Miller pointed out, I am not a geotechnical engineer, there is a lot of hands in this pie, the EPA and FEMA, all kinds of things, and I am sure there has been a geotechnical engineer hired to make absolutely certain that this is appropriate to build on and they have to prove that they are not going to flood everybody else out. There is where FEMA is going to come in. That's -- and if it happens there is a lawsuit ready to happen. I have to rely on those engineers and their best judgment and when all -- all the paperwork has been filed and it's appropriate I have to rely on that. So, personally, the growth is coming, like it or not, and that's why if -- no matter how you want to see it grow you get involved with some of these committees and help shape how we want to see it. It's kind of sad to see some of it, but it's going to happen and so that's why -- I think that's why all of us have volunteered to get up here and try to help out and hopefully have some little say in how it develops. Personally I am -- I am in favor of it. I do like the location for a little higher density. That's what the city said and I have agreed with some -- going

over the Comprehensive Plan I agree that's the proper location. I'm sorry, but there will be more and more that impinge on your lives and it will no longer be the country that it was. It's just not going to be. But we are trying to do the best we can to make it develop in a manner that's more appropriate than if we took a hands off approach, because then it's going to develop in all kinds of ways you don't want and I'm glad Meridian has been so proactive in that and that helps guide us. That's the only reason we are here and it guides us, tells us what we can and can't do and we try to follow those guidelines and in this case I think it meets those guidelines and personally I think it's appropriate. Thank you.

Miller: Mr. Chair? After considering all staff, applicant, and public testimony, I move to recommend approval to City Council of file numbers AZ 14-009, PP 14-009 and CUP 14-005 as presented in the staff report for the hearing date of June 19th, 2014, with no modifications.

Yearsley: Second.

Marshall: I have a motion and a second to approve AZ 14-008, PP 14-009, and CU -- well, recommend approval to the AZ and PP and approve CUP 14-005. All those in favor say aye. Opposed? That motion carries. And thank you for your testimonies.

MOTION CARRIED: FOUR AYES. ONE ABSENT.

- N. Public Hearing: PP 14-007 Timbergrove by Steve Arnold Located West Side of N. Centrepoint Way and North of E. Ustick Road Request: Preliminary Plat Approval of Twenty (20) Buildable Lots and Three (3) Common Lots on Approximately 4.28 Acres in the C-G Zoning District**
- O. Public Hearing: CUP 14-006 Timbergrove by Steve Arnold Located West Side of N. Centrepoint Way and North of E. Ustick Road Request: Conditional Use Permit Approval for a Multi-Family Development Consisting of Eighty (80) Dwelling Units (20 Four-Plexes) on Approximately 4.28 Acres in the C-G Zoning District**

Marshall: All right. I would like to open the public hearing for PP 14-007, CUP 14-006 for Timbergrove by Steve Arnold and ask for the staff report, please.

Parsons: Thank you, Mr. Chairman, Members of the Commission. This project will be pretty similar to the one you just acted on. It is the same developer, the same applicant. The only difference here is it's within annexed and zoned property and commercially zoned and it's located adjacent to the Centrepoint shopping center along the back side of that Kohl's shopping center. Originally when this property was before you it was envisioned for single story office or commercial uses there to provide a transition from the Champion Park Subdivision to the west and, then, the more intense shopping --

commercial shopping there that's currently constructed. The applicant is here tonight to discuss again another preliminary plat and a conditional use permit to develop this site with 20 buildable lots and 80 multi-family units. Again, these units will look similar to what was previously discussed or presented in the previous application. As you can see here this property was annexed in '03. It's been vacant since that time and so the applicant is here trying to find appropriate transition between not only the single family, but also the intense commercial development. Here is the site plan slash preliminary plat. Again you are looking at roughly approximately 4.28 acres, currently zoned C-G in the city. Density on this site is approximately 18.7 dwelling units to the acre, so it is a little more intense than the previous project. As you can see here open space, as far as it's fairly reduced compared to what the previous project was, but that has to do with the fact that there is really -- the only encumbrance on this site is just how long and linear it is and the concept plan and the landscape plan that the applicant is presenting this evening does comply with the open space requirements for the multi-family developments. One unique aspect of this development is how -- you can see how at least it provides some of that transition to the adjacent single family attached homes on the west boundary and north would be pointed to the west -- or to your left-hand side here. The applicant's actually tilted the buildings at an angle, so although some of these buildings would be ten feet from the shared property line, by choking that building you actually create these open pockets between the unit to kind of -- to build a mass relationship, so you don't have this large four-plex up against single story duplex if you will, or single family attached project. So, the director has approved alternative compliance to allow a portion -- allow a ten foot landscape buffer here and allow some of that tilting or angle to those buildings here to allow additional landscaping along the west boundary to provide that transition to those adjacent residents. As you heard from the applicant, all of these private patios will be on the single story -- on the single level, so they will not be overlooking that adjacent neighborhood. It's planned that way specifically. In working with the applicant and staff we wanted to make sure that the back of these residents did not look -- or folks weren't entering the back of these residents and creating a visual blight or safety concerns with residents coming home from work late in the evening having to walk to the rear of the buildings. With having such a narrow corridor it's -- there is some safety concerns on the police department on how to handle that. So, the applicant has designed all of these -- these at least along the west boundary to have no entrances. All the entrances will be either from the front or the side to also reduce the impact to the adjacent residents, but also use some of the CPTED standards that we have in our ordinance as well. One of staff's concerns in the staff report is we are requiring a denser and a landscape buffer along this portion. This is adjacent to the Kohl's development and we feel that's an important -- not only open space, but also a nice buffer or landscape buffer to give some of these residents privacy and quiet from the loading areas from the intense commercial shopping center. One item this evening -- we did receive written testimony from the applicant. He is in agreement with all the conditions, but he's also working with Winston Moore Company, which owns the property or subsidiary of this -- this property and they are retaining the commercial lot here to the south of this boundary and so I have a condition in the staff report that is requiring the driveway to be -- or cross-access to be granted to that parcel, so that we don't get additional curb cuts. In receiving that written testimony staff is

recommending that they actually construct a driveway to that south boundary and we want you to modify that condition to require them to actually construct that prior to occupancy of the first structure, so we can insure that is constructed so when this property to the south develops they will have the right use the curb cut. One other unique aspect of this development is currently the applicant is requesting three curb cuts to Centrepoint Way. There is actually three there currently, two are being removed and reconstructed and to allow for the two new ones, and all of these three curb cuts will now align with the commercial shopping center to the east to avoid some of those conflicts in the future when we have that collector street punch through to the north and give us that backage road from the Eagle Road. Going into the elevations again here, it's pretty typical as to what I described here. All the conditions that I have mentioned in the previous presentation apply here. We want a mix of building materials and color variation in this development as well. The other unique aspect to this development is adjacent to Champion Park is a stub -- is a micro path stub to this development, if you can see my cursor here I'm kind of highlighting that there is a circular motion, but we want to make sure that that connectivity remains as part of this project for a couple reasons. One, it provides access for those folks to get to the commercial shopping center as envisioned under some of our mixed use standards and, two, if you recall -- if I can go back to the aerial here real quickly, you can see that the city has a neighborhood park that was developed with the Champion Park Subdivision, so if we block that off and don't require any pedestrian connectivity, folks living out here will have to -- will be forced to go down to the collector road, enter the arterial and, then, go back into the subdivision. So, it's something that staff really feels it's an important amenity to this development. We want to make sure that that's enhanced and that's kept open to not only provide that connection to the commercial development, but also the city park there. The proposed amenities for this site -- the open space is approximately 76,000 square feet, so it's not a lot, but what the applicant has done is tried to centralize that open space along that micro path lot to enhance that and keep visibility on that micro path lot for the police department. They are, again, proposing a clubhouse with this development. Those elevations are typical to what you saw again and, then, there is actually sitting areas and plazas throughout the development. This landscape plan shows a tot lot, but the applicant has actually swapped that out for a plaza. So, it's conditioned that they provide details of that. So, there is a lot of passive open space here and, again, it's based on the testimony from the applicant. Its intended use is like the more passive use of open space. As presented to you this evening this plan does comply with the specific use standards for the multi-family development and the design criteria and we feel this is a good transitional use between the single family homes and the commercial development and staff is recommending approval of the project and I will stand for any questions you have. One last item, though, just to touch base. Mr. Jonathan Seel actually submitted written testimony on this project, again, mentioning the cross-access and, then, also in the staff report the way I have described them, maintaining a 30 foot wide landscape buffer along North Centrepoint Way, I have described the southern portion of it. He felt it may lead to confusion that it would be required on this boundary and that's not the case. The intent with the condition is to design a 30 foot landscape buffer along North Centrepoint Way. So, I'm asking that we just add that verbiage to my condition, just add west boundary of North Centrepoint Way

and we will make it clear on record that the 30 foot landscape buffer is to happen between the central driveway and the southern driveway. Other than the written -- the one last item that Jonathan brought up in his public testimony was how to transition between the multi-family use and the commercial lot. Currently as you have heard on previous projects this evening we typically require a 25 foot landscape buffer between a commercial lot and a residential use. Now that commercial is no longer planned theoretically when this lot to the south develops it would require a 25 foot wide landscape buffer under our ordinance. One thing you're not acting on this evening, but moving forward as we go to Council we -- they do have to amend the development agreement to put a site and so our recommendation going forward to City Council will be Council take action on that reduced buffer and, then, through the amended development agreement we would have a provision added to that addressing that landscape buffer. So, nothing as part of our purview this evening, I just wanted to get that on record that he did submit written testimony as to the requirements or wanted some relaxed standards on that landscape buffer, but, again, Council will be taking action on that. So, this concludes my presentation. I will answer any questions you may have.

Oliver: Mr. Chairman?

Marshall: Commissioner Oliver.

Oliver: If I could ask real quick, I may have missed it, but looking at Centrepont Way -- that's a good view. That that is the road that is -- goes behind Kohl's and all of those. So, that road right there with those development -- those homes being developed there, what will be a barrier to kind of give them some privacy or will there be anything along there that -- will that be all opened up?

Parsons: Mr. Chairman, Commissioner Oliver, currently right now, based on the plan submitted and what you're acting on this evening -- if I can get to the landscape plan here, is this would be -- there is nothing separate -- there is no physical screening barrier. The only requirement we have -- we are requiring again a 30 foot wide landscape buffer for this portion, which is adjacent to Kohl's and, then, when this roadway was constructed with the Centrepont Subdivision at the time the city acted on that application this roadway only required a ten foot land use buffer and that was installed with the development and construction of that roadway. So, the applicant has received approval from the director to allow that portion of those ten foot landscape buffers to remain, so that's the screening. A ten foot landscape and the buildings will be right to the street. I mean that's what we get here. So, we felt the Centrepont -- so, you're actually going to have a ten foot buffer and a 30 foot buffer, a collector roadway, and, then, the other side of the road you have a ten foot landscape buffer that was installed behind Kohl's. We felt that was adequate transition for this development and we actually sacrificed the landscaping along North Centrepont Way to actually get greater landscaping adjacent to the single family homes on the west boundary. That was our compromise, our trade off.

Oliver: I guess the only thing I look at is, like we said earlier, this could be one person buy all of these or it could be several people. What about these kids that are in these homes and there is nothing here to -- that's my concern, so -- I guess I will address that with the applicant. Thank you.

Yearsley: Mr. Chairman?

Marshall: Commissioner Yearsley.

Yearsley: A couple of things. Is -- Centrepont Way is actually an ACHD roadway; is that correct? Okay. And, then, the homes to the west, they look like they are duplexes, kind of a condo-type townhome; is that correct?

Parsons: In our ordinance we define it as single family attached, but, yes, there are two units.

Yearsley: Okay. So, the development to the west actually anticipated something there and kind of provided their own transition as well, is kind of what I see. Okay. That's the only two questions that I had. Thank you.

Marshall: Bill, I also have a question. Can we go back to the plat there? Preliminary plat. Right there. Okay. This is our landscape and everything here. Purpose of the entrance exit at the stop sign there -- which is on the far right; right? What would happen if I recommended that wasn't gone -- that was gone and the entrance actually come in from the commercial side? I think you have got an opportunity -- I think it's the same landowner and -- could this survive until that piece of property develops with the two entrances only? The problem is once you develop that commercial -- it's C-G -- you have got a 25 foot buffer, you can push that commercial right up to the -- the street out there -- push it right up out there, have the parking behind and your entrance -- people in the commercial should come in and out of the commercial lot. Right now they are going to be coming in from a residential site around. Those people in that apartment -- it's not really appropriate to me. If the apartments have been pulled out there -- if that exit -- is there enough room to get that exit next to that intersection? I don't know how much room there is -- I don't believe there is an island or anything there. Is there? Could that -- could that just be moved to the other side of the property line? Do you see what I'm suggesting? I don't believe there is any island there or anything. It's getting pretty close and I don't know what ACHD would allow, but I think it would be definitely to the benefit of both the commercial property and the residential property if we were a little more inclusive with everything and if we kind of plan that out.

Parsons: Mr. Chairman, I know the staff report that we received from ACHD liked the current locations, because they did align with the curb cuts across Centrepont Way. In speaking with both Mr. Seel and the applicant, there is a possibility that you could share the driveway on the shared boundary, but wouldn't put all the driveway on this piece. I mean that's another -- you could split the baby on the property boundary, 12 and a half, 12 and a half, and do that and, then, by default it's cross-access, because you have half

the driveway constructed on the other -- I think the developer and -- both the applicant and the developer is here, maybe they can come up with a solution on how they want to handle that.

Marshall: I will address it with them as well. I just wanted to see what the city's take on that was, so just -- all right. Thank you. Any other questions of staff? All right. At this time I'd like the applicant to come back up and address this project and, again, I'm going to have to ask your name and address for the record, please.

Arnold: Mr. Chairman, Members of the Commission, again, for the record my name is Steve Arnold, I'm with A-Team Land Consultants, 1785 Whisper Cove, Boise. 83709. Let me jump right into the driveway, because that was a concern, and, then, the screening and -- along Centrepoint Way. The problem with moving the driveway is the further you go south, then, we start getting into encroachments with the intersection. ACHD has some pretty strict guidelines about offset from that signal. I also used to work at ACHD and based on the traffic volumes that are going to be projected on this road, we are going to like keep that driveway as far north as possible and we do need to align it with as much across the way as we can, so, honestly, even shifting it on the shared property line I would be worried that we wouldn't meet ACHD's offset and, then, there is some natural conflicts that occur by offsetting it slightly like that you get drivers unexpectations of turning conflicts in the center of the road there, so I wouldn't recommend that we -- it doesn't hurt our project. I don't think it would comply with ACHD and it might hurt things more from traffic congestion. Going to the screening along Centrepoint Way, you know, I gave earlier testimony about our other project, that there is -- these are typically not renters with children, but you got to plan for that. I don't recommend boxing it in with a fence. There is individual screened off patios for each unit in the back of those. Those could be enhanced or even closed in a little bit better to keep the potential for younger children from going out into the roadway, but we -- as Bill has mentioned, we are doing an alternative compliance to try to beef up the screening along Centrepoint Way. I will give you a little bit of background about the layout of this site. Originally we had probably four or five driveways off of Centrepoint and we oriented the drive aisles east-west. What that did, though, is it didn't give continuity throughout the subdivision and a sense of better place. You know, it also separated my clubhouse, the amenities, and having been at -- I know with aligning driveways this main center drive aisle, it aligns with the main aisle way out through Centrepoint. And if you notice some of the thought that went in there, I aligned my common area with that main drive, so that when you come into the site you get a feel of -- you know, it's not just a complex of multi-family units. Originally I had proposed a tot lot, but, again, because of the -- and I wasn't aware with this client, but because of the type of people renting in the subdivision there is very few children, so what he opted to do is to do kind of a gathering and sitting area, something that would be more utilized by an older group of people that are renting and not so much kids that -- the tot lot would just be sitting there. At my neighborhood meeting one of the concerns was the linear nature of the way the buildings were set. So, in working with staff and some ideas that we came up with we did try to alter the buildings a little bit -- stagger them so we could get a little bit of a wider landscape area in between and just like staff was

recommending, you know, some of the concerns was that the multi-family adjacent to the duplex lots -- so, what I also did is -- if you can see, I tried to line up each single unit lines up individually with a townhouse across the way, so if you didn't know it was a four-plex you're, basically, looking at another unit almost identical in the back as a townhouse unit. I got to go -- to the platting issue, I -- the idea of platting is really to create a value out of it. The people that buy off the individual units, they typically will live in one of the units and, then, rent the other three out and they are very highly policed, along with the maintenance and agreement that goes into these and that's something the attorneys can review as we go into the platting, but there is a significant amount of teeth that go into this to make sure that it's all uniform and maintained uniformly. I would not -- as a matter of fact, I am trying to figure out from the client -- my wife and I also do real estate, but if I could plat -- what I'd like to do is plat each unit -- because of the city requirements it doesn't have roadway frontage, I could technically plat each unit to be it's own townhouse, so that each unit could be owned individually and, then, all maintained by one association. Again, the common areas and the outside building and the façade. That's what I would like to gear this towards. Where I'm having a little bit of a hiccup is with financing -- FHA and conventional financing. So, I'm hoping to work through that and perhaps some day I would be back here replatting each of the units, not just condo'ing them. You know, because of the site constraints and the parking requirements here, you know, I have worked quite a bit with staff. We probably had a half a dozen layouts on this. I think we have come up with a fairly good solution to a narrow piece of property and I think with the driveway locations I don't know that I would really mess with that and we have agreed with staff and the developer to the south we will pave that and that seemed like it made good sense and, then, we don't have to rip out landscaping in the future. So, with that I will stand for any questions Commission has.

Marshall: Commissioners?

Oliver: Mr. Chairman?

Marshall: Commissioner Oliver.

Oliver: If I could ask you just one more thing. And if you're not going to fence that at Centrepoint, is it a buffer that rises up higher with shrubbery and trees or what would that look like? That would give us some separation between Centrepoint and those backyards.

Arnold: Mr. Chairman, Commissioner Oliver, the -- it's currently sodded. I mean our ideal situation would be that we don't go do berm and, then, resod over the top, but just add additional screening and additional landscape buffering. Like I said, they each -- the back of the unit or the patio that would back up to that has a fenced off -- on I believe two or three of the sides that would block, you know, essentially, the back porch of that from the Centrepoint Way. We would be -- certainly entertain additional screening or, like I said, additional fencing if we need to. I don't want to put a six foot fence there, because I don't want to box those guys in. I would like to have the ability

that they can sit out and, granted, you're just watching traffic, but it's better to look at traffic than I think the back of a fence. So, I would be open to entertaining anything on that. I do need to bring up one thing. Typically when I have a neighborhood meeting I like to adjust and adopt to what's being requested and I was in the situation where I think it may come up tonight about the pathway that connected. It was brought up that the -- it was not the preferred option to connect the pathway and my open space there centrally located -- I had a neighbor to the south of the pathway suggest that it should be further to the north. I had a neighbor to the north of the pathway suggest that it should be further to the south, so I'm going to leave that to your decision. I mean personally I think it makes for a nice entrance feature that when you come in you're hitting that common open area that doesn't affect our site layout or density, so I think I would answer that, too. But there was some neighborhood concern there and I didn't change anything, because it was win-lose situation. We did modify some of the open space to the south that is south of that common lot. We tried to shift more of that to the north to provide additional buffering to the townhouse units to the west. So, I went longer than I thought I should, but -- sorry. I will stand for more questions.

Miller: Mr. Chair?

Marshall: Commissioner Miller.

Miller: I have got more of just a comment. I don't think it affects my opinion, but it might help Mr. Oliver's concerns with the buffering. The houses on the lower edge of the screen, they don't enter from the back side, where the ones on Centrepont you enter it from Centrepont. I think if those were kind of similar where you don't enter a house from Centrepont where if you walk out the front door you have a busy street right there, which right now is not very busy, because there is nothing down here. But there will be and so maybe if you're not entering the house from the busy street and it was more side entrance like you have on the other side of the aisle -- I don't know if that could work. I don't know if that helps the situation, the feelings. Personally I don't have any objections to it, but I can see the -- you know, if you have kids or something, because you are going to get renters with kids in there. For what that's worth, I guess, that's fine. Just a comment of how that might be able to be addressed.

Marshall: Any other questions from anyone? All right. Thank you, sir. Appreciate that. I do have one person left. I had several and they have been crossed off, but I have one person still signed up, David John. If you would give your name and address for the record, please, I would appreciate it.

John: Yeah. David John. 3338 North Justin Avenue, Meridian. I back up to the proposed complex here. There is a little confusion about the micropath that was referred to. It's my understanding with the HOA of Champion Park that that actually is a utility path, a utility easement. There is a pump that's located in that area. There is also some electrical boxes and things of concern, liability reasons for us living in Champion Park. That area also has been a problematic area for teenagers hanging out at night. The people that live adjacent to the area have had problems with kids hanging out back

there. What was mentioned by Steve earlier, you know, for people living in the Timber Grove place to walk over to the park, it's really not that far to walk up to Ustick and around the corner if you want to go over to the park. As far as the use from people in Champion Park, it really does not get used as a pathway very often. We are concerned, as, you know, Champion Park residents as far as the liability, it's my understanding there is going to be a structure built over the pump that will actually be a little housing thing. That will actually abut or actually encroach out into the pathway, so it's going to actually make it kind of hard to navigate through there. That, combined with the transformer. So, it's my understanding that the HOA with Champion is getting bids to close off that -- that portion of that fence and, then, also put like a wrought iron fence across the front of it to protect, you know, our investment and things from happening in that area. As far as the setbacks, I just had a question why we are 15 feet in Champion Park and why that is required to only be ten feet. That patios in the back of the units that will be abutting up against us in Champion Park, Justin -- my question was whether it's going to be fenced. I know Steve mentioned the ones that are going to be out on Centrepoint are going to be -- have some fencing around the patios. Will the ones back to the west -- will they have some fencing around the concrete patio? And, then, the other question is is what kind of rules and regulations that they are going to have as far as pets and will there be any dog runs or anything like that allowed in the backyard and on the property. That's all I have got.

Marshall: Commissioners, any questions?

Miller: I have got a question for you.

Marshall: Okay. Commissioner Miller.

Miller: Just want to clarify. It sounds like your preference would be to not have that connection path between the --

John: Actually, it was really never designed to be a pathway through there. It's more -- it's a utility easement --

Miller: Okay.

John: And, yeah, it's -- it's a problematic area and it opens up a big liability to Champion Park.

Yearsley: Can I follow up on with that question?

Marshall: Sure.

Yearsley: Is there a pathway there now or is it just grass?

John: There is -- there is an asphalt pathway that kind of winds through there and, then, there is grass and, then, there is quite a few big trees, but on one side of it there is a big

transformer box enclosure and, then, on the other side there is this pump that's part of our neighborhood, part of Champion Park and there has been some problems with that. They have had to put a lock on it and there is going to be a structure built over that, which will encroach out onto that path.

Yearsley: Now, is that pump an HOA pump or is that a city pump?

John: As far as I know it's part of ours -- Sam, do you have an answer to that? Okay. All right. I'm sorry. I don't know that for sure.

Yearsley: Okay. Thank you.

John: Okay.

Yearsley: That's all I have. Thank you.

Marshall: Thank you very much.

John: Thank you.

Marshall: Real quick I'd like to address staff for just a second. Justin? Bill? Real quick I would like to ask you guys -- I got a feeling that that's probably a little more than just a utility corridor. My guess is that looks very familiar to what we have always required and, to be honest, looking at that Google it looks like it gets quite used, there is quite a trail out from behind --

Lucas: Yes.

Marshall: -- in the dirt.

Lucas: Mr. Chair, Members of the Commission, we can pull up the plat on that, but it certainly looks like it was approved as a micro path connection, which is a future use, and as you can see it appears to get some use. There is a -- kind of a goat trail running through there, connecting over to the Kohl's area. So, staff would just simply stand by what's stated in the report, that we believe it should be continued and connected to provide connectivity between the two neighborhoods and so I don't -- you know, we can do some research on that and look at what the HOA is proposing to do in that area, but any, you know, fencing permits or other things that they pull, we would review at the time and see if it complies with our standards.

Marshall: Right. I'm guessing that that is real typical of what we require elsewhere and would not allow to be fenced in any way, shape or form --

Justin: Yes.

Marshall: -- is my guess. So -- that will all be on the plat. All right. Was there someone else who would like to address this -- all right. And, again, I'm going to ask your name and address for the record, please.

Seel: Jonathan Seel. W.H. Moore Company. 1940 Bonito. You probably weren't here when I first started this, but I started this project Centrepoint when it was a field. In fact, that home had burned down that was there at the time, so I'm very familiar. So, a couple things. As far as the pump goes, we first put it in, the Settlers Canal runs right along Ustick and, then, they jogged off from, essentially, our west property line and went back to a point to service the Champion Park Subdivision. So, that's where that came in. The exact location of it I can't speak to that, but I do remember us addressing that at that point. On the question of the setback, where an individual asked about why the 15 on theirs and ten on ours. When we originally developed this Champion Park Subdivision in that area that -- those lots that bordered ours were going to be storage facilities. After we went through many of our approvals, they came and said, well, the market has changed, so we would like to do duplexes and we said, well, that's fine, but we shouldn't be penalized because you have now decided to go from -- from storage facilities to duplexes, hence, the reason why we have the ten foot setback. I requested that in one of the trial admin agreements. It's also very interesting in the pathway, because I came in from these commissions. Awhile ago, City Council, actually we modified a DA for a possible apartment project north of here, also within our project and at that point the pathway came up and our comment was we are not -- we were never aware of any pathway discussions when we did our improvements and, in fact, most of the neighborhood there when we had a meeting said we really don't want it and we said which ever way you want it. We don't have a dog in this fight. If you don't want it that's fine. If you want it, that's fine. But we don't know where it's going. So, anyway, so I think it comes back to the same thing here. When we did the approval there was no discussion about a pathway into Centrepoint and I'm not sure how that would have served, because we could have office buildings in there, so I don't know if that needs to be revisited on that. Again, on our side it can -- we are indifferent to what -- the other thing I thought I'd do is give a little bit of history. When I first started this there was discussion about multi-family within our project and, of course, the comment at that time was why would you have any type of residential in ours when you have got it all to the west there, that we had to come back and modify something at a later date. Our vision was that that would be probably some type of back office use, maybe tire stores or things like that. Well, the reality six or eight years now later is we have had no interest -- absolutely zero interest in any type of use there. So, the option now as we recognize it is either it would have to be this type of project, such as a multi-family, if you want to call it, development or it will continue to be a weed field. It's not that we wouldn't want office, there just simply isn't a demand for it. So, we really think that this is a good transitional use from it. The other thing I will speak to is the driveway. Commissioner Marshall, I understand your concern with the driveway and the volume of traffic going into what is commercial, but the reality is is this lot is very small. If this was a five or ten or 15 acre development where you could have a 50,000 square office building, I could see a very valid concern with the amount of traffic, but in reality it might be a small dentist office or a very small office and the volume of traffic going in that drive lane will

be minimal at best. So, I don't think it's going to be intrusive. So -- and as Steve Arnold said, we really can't adjust that, because that lines up with the driveway right across from Kohl's and so there is no way we can do that, so -- anyway, obviously, we are in support of the project. We think it would be a good project and we think it would be an excellent transition and, honestly, I guess it is the most viable -- probably the only option we have, other than a weed field. So, thank you.

Marshall: Commissioners, any questions?

Miller: Yes, sir, I have got a question.

Marshall: Commissioner Miller.

Miller: I have got a couple questions, actually. Two of the things that were brought up that I didn't hear addressed were fencing on those back patios that are adjacent to those duplexes and the dog runs and allowances with that. Can you address those, too?

Seel: Yes. Commissioners, I am not involved in the development or design, so I can't speak to those.

Miller: Okay.

Seel: What I'm speaking more is representing the landowners and the interest of us in, hopefully, seeing something going through. So, regrettably I can't really speak to their design. I wouldn't be -- I would be getting a little bit off the reservation as they say on that. So, Mr. Arnold could certainly speak to that.

Miller: Okay. Thank you.

Seel: So, I'm sorry I can't answer that.

Marshall: Commissioners? Thank you very much. Is there anyone else that would like to address these items? No? All right. Then, I'm going to ask the applicant back up.

Arnold: Mr. Chairman, Members of the Commission, again, Steve Arnold. To address the dog runs and the fencing in the rear, no, we would say not just no, but heck no to dog runs. The -- based on Idaho law and federal law we can't prohibit a comfort animal and I can't say that there won't be any dogs, it's not going to be something that is encouraged and as you can see from the hotel here in Meridian they are being challenged for just that very thing. So, we would not encourage the use of pets, but we cannot by law discourage them. The fencing there adjacent to the west boundary of our site, there is already a six foot vinyl fence there. There was some discussion with the neighborhood and it wasn't brought up tonight, but we -- we entertain an additional -- I guess a two foot lattice on the top, if that was the direction of the Commission tonight. But I -- personally, I would be a little bit worried that it would be boxing us or them in and

so I think there is adequate screening adjacent to our western boundary as it sits. I think that addressed most of the questions. I will stand for additional --

Marshall: Commissioners? No? Thank you, sir. All right, Commissioners, I'm looking for a motion.

Miller: I move we close the public hearing.

Yearsley: Second.

Marshall: I have a motion and a second to close the public hearing on PP 14-007 and CUP 14-006. All those in favor say aye. Opposed? That motion carries.

MOTION CARRIED: FOUR AYES. ONE ABSENT.

Marshall: All right. Commissioners, anyone want to take a shot at addressing this? Who gets to be first?

Yearsley: Commissioner Marshall -- or Commissioner -- Chairman. Sorry. It's getting late.

Marshall: Commissioner Yearsley.

Yearsley: You know, I think it's a good transition. You know, I understand Commissioner Oliver's concern being so close to a roadway. However, the nice thing about it is the roadway is there before the apartment, so people more than likely if they don't want to live there they won't live there, you know. So, you know, those apartments may not be very desirable to live in. I did like Commissioner Miller's comment about moving that entrance -- entrance to the side instead of not having an entrance off of the roadway side. I kind of like that just for the fact that they don't have to walk all the way around the building to get access, since they can't park on the street. But other than that I think it looks good. I understand the neighbors concern about a pathway, but it looks like the pathway is there, it looks like it's being used. I like the fact that it's in the open space, so it doesn't feel like you're sneaking between somebody's home or somebody's apartment. So, I would prefer to see that -- that pathway be -- or the open space be next to the pathway entrance, just for more comfort feeling of getting through that -- that piece of property. So, with that I'm in favor of the project.

Marshall: Thank you. Commissioner Miller.

Miller: As I mentioned the same feelings, I can see how that was once upon a time intended to be offices, but now that it's all built out as it is I don't see a single office surviving back there. I wouldn't put my business there, just -- it's overshadowed. So, I think it does make a lot of really good sense to transition that from housing duplex to multi-family to business. I agree with may or may not be the most desirable, but I bet

you you will find people that find it convenient to live there. I'm in favor of the development. I think you guys have done a great job.

Marshall: Commissioner Oliver?

Oliver: I agree with pretty much everything that's been said, it's just that I wanted to get those particular -- my particular interest out of just having a safe environment for children to be in, so -- but I do agree that it is a good transition. So, I think it will work.

Marshall: I had one comment. I kind of wish the residents had stayed. I would have liked to encourage them if they were having problems back in that pathway that maybe the police department could give them some ideas on how to clear that up and eliminate some of that congregating -- you know, whether it be some type of lighting or something there that -- to help them out. To be honest, I think houses are going to help that, especially the front of a house right there is going to probably -- maybe no eliminate, but at least it would decrease the tendency for teenagers to congregate right in that area and I can see why and I understand why they might. Other than that, I like the project and I am all for it.

Yearsley: So, Commissioner -- or Chairman? It's getting bad. After considering all staff, applicant, and public testimony, I move to recommend to the City Council of file number PP 14-007 and CUP 14-006 as presented in the staff report for the hearing date of June 19, 2014, with the following modifications: That Condition 1.2.2, bullet one, reference the 30 foot buffer on the west side of the north of Centrepont Way and Condition 1.2.1, bullet number two, add: The applicant shall construct a 25 foot wide driveway to the south boundary of the commercial lot as a development prior to occupancy of the first structure and, then, the reduced landscape buffer will be -- well, I guess that's -- that's all I have.

Miller: I second that.

Marshall: I have a motion and a second to recommend approval of PP 14-007 and approve CUP 14-006. All those in favor say aye. Opposed? That motion carries.

MOTION CARRIED: FOUR AYES. ONE ABSENT.

P. Request for Approval to Create/Change New Development Application Forms/Checklists by City of Meridian Community Development Planning Division

Marshall: All right. I would like to open the public hearing for the request for approval to create or change new development application forms and checklists by the City of Meridian Community Development Planning Division. Please.

Lucas: Thank you, Mr. Chair, Members of the Commission. Just to clarify, this is not a public hearing, it's just an information item before you. Whenever we make a semi-

major modification to our checklist we bring it for you -- before you for your approval, but it's certainly not a public hearing. So, the -- just so you know, the only modification we are making to the checklist is just requiring some utility drawings per our Public Works standards. The reason it's before you is because it's an addition to the checklist that hasn't been there in the past. It's something that we have been requiring somewhat informally already, but we thought we should put on the checklist and make it official. And that's all I have for you tonight. And I will certainly stand for any questions.

Marshall: So, were those changes the ones on the copy that were blacked out that were highlighted, but blacked out so we couldn't see them?

Lucas: Yes, Mr. Chair. I think maybe the copies you received, the highlighting actually blacked out the language, so if you want the specific language I can probably get it for you, but it says something to the effect of you're required to submit the drawings per Meridian city standards.

Marshall: That's the second time you have explained it to me today and I appreciate it very much. Commissioners, do you have any questions? No?

Yearsley: Do we need to approve that or -- at this point or do we -- is that just for information that --

Lucas: If you could go ahead and approve it I think that would be appropriate.

Yearsley: I make a motion that we approve the changes to the checklist.

Miller: I second that. It's a good addition.

Marshall: I have a motion and a second to approve the modifications to the checklist to make it a little clearer for all those who might use it. All those in favor say aye. Opposed? Therefore, that motion carries.

MOTION CARRIES: FOUR AYES. ONE ABSENT.

Marshall: Could I get a motion?

Miller: I move to adjourn.

Yearsley: Second.

Marshall: I have a motion to adjourn and a second. All those in favor say aye. Opposed? That motion carries.

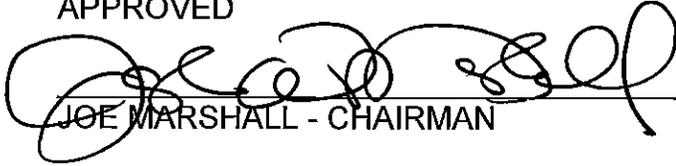
MOTION CARRIED: FIVE AYES. ONE ABSENT.

Marshall: We are adjourned.

MEETING ADJOURNED AT 10:00 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS.)

APPROVED



JOE MARSHALL - CHAIRMAN

7 | 17 | 14
DATE APPROVED

ATTEST:



JAYCEE HOLMAN, CITY CLERK

