

Meeting of the Meridian Planning and Zoning Commission of Thursday, July 17, 2014, was called to order at 6:00 p.m. by Chairman Joe Marshall.

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

Members Absent: Commissioner Scott Freeman and Commissioner Patrick Oliver.

Others Present: Machel 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> </u> Patrick Oliver	<u> X </u> Steven Yearsley
<u> X </u> Joe Marshall - Chairman	

Marshall: Good evening, ladies and gentlemen. I'd like to welcome you to the regularly scheduled Planning and Zoning Meeting for Thursday, July 17th, 2014, and I'd like to begin with roll.

Item 2; Adoption of the Agenda

Marshall: So, the first thing on the agenda is the adoption of the agenda. Commissioners, are there any comments, additions, or subtractions or anything? No? Then could I get a motion to -- oh, excuse me. The agenda. Could I get a motion to adopt the agenda as it is written?

Miller: So moved.

Yearsley: Second.

Marshall: I have a motion and a second to adopt the agenda as it is written. All those in favor say aye. Opposed? That motion carries.

MOTION CARRIED: THREE AYES. TWO ABSENT.

Item 3: Consent Agenda

- A. Findings of Fact and Conclusions of Law for Approval: 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

B. Approve Minutes of June 19, 2014 Planning and Zoning Commission Meeting

Marshall: Now the Consent Agenda. Commissioners, I was looking for comments and -- anything? No? All right. Then the two items Findings of Fact and Conclusions of Law approval of CUP 14-001, Regency at River Valley Phase Two and the minutes of June 19th, 2014. Could I get a motion to approve those items?

Miller: So moved.

Yearsley: Second.

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

MOTION CARRIED: THREE AYES. TWO ABSENT.

Marshall: And now we are to the Action Items. Before we begin tonight I would like to explain just a minute on how this process is going to work. In the back there are some sign-up sheets and if you'd like to testify to any of these I would appreciate it if you could sign your name there and I will call those people when it comes time for public testimony. I'm going to start by asking the staff to provide their report and they will give us a report on how the project relates to city ordinance, UDC and Code and the like, and, then, I will ask the applicant to come up and they will have 15 minutes to present their -- their proposal. Anything that the staff might have missed or anything they'd like to add to that or anything along -- of that nature. And, then, I will ask for the public testimony and at that time I will start drawing the names from the back for anybody signed up. Each person we will ask to come up and give their name and address for the record and they will have three minutes to testify. If someone is testifying for a larger group, which we will ask for a show of hands or some type of signature sheet or something like that, we will provide them ten minutes to testify. After the public testimony, the applicant will have an opportunity to return and address any issues that might have arisen. At that time, hopefully, we will be able to close the public hearing, deliberate, and render a decision.

Item 4: Action Items

- A. Public Hearing: CUP 14-008 Leap Ahead by Nathan Kramer Located 227 E. Fairview Avenue Request: Conditional Use Permit Approval for a Daycare Center for up to Forty (40) Children**

Marshall: So, that being said, I would like to open the public hearing for CUP 14-008, Leap Ahead, and ask for the staff report, please.

Lucas: Thank you, Mr. Chairman, Members of the Commission. As stated, tonight before you is Leap Ahead daycare. It's an application for a conditional use permit for a daycare center for up to 40 children in a C-G zoning district. Within a C-G zoning district daycare centers do require a conditional use permit and that is why this application is before you. A relatively straight forward application when it comes to site design and things like that, because it's just an existing building, existing parking lot, existing landscape buffers and all existing improvements. So, this -- this conditional use permit is simply for the use of that structure and site as a daycare center. The site has commercial uses to the north, east and west and a multi-family development directly south. The site is designated commercial on the Comprehensive Plan and our Comprehensive Plan talks about commercial designations being able to serve a wide variety of commercial uses, including daycare centers. Staff has done a full review of our Unified Development Code to verify that this use in this location will be compatible with the uses around it and that it meets our specific use standards and we found that it does and staff is recommending approval of the application. And I can certainly stand for any questions.

Marshall: Commissioners, any questions of staff?

Yearsley: Commissioner -- or Chairman?

Marshall: Commissioner Yearsley.

Yearsley: I actually have a question. I was looking at the site plan and it only shows six parking spaces and I was a little concerned about, you know, in the morning and in the evening cars coming in and out of that facility, whether it be traffic jams, traffic parking -- especially along -- along that street. Has that been looked at at all?

Lucas: Mr. Chair, Members of the Commission, Commissioner Yearsley, yes, staff did do an analysis of the parking. We do have basic parking requirements just for the structure, which is one per 500, but the parking actually exceeds that and the applicant may speak a little bit to this, but the business model for this daycare is to run a morning session from 8:45, I believe, until 11:45 or noon and, then, have an afternoon session. So, it's more of a preschool style model --

Yearsley: Okay.

Lucas: So, we won't have people necessarily dropping the children off during rush hour when traffic is usually the most -- most difficult there. Also, there is quite a bit of on-street parking available directly adjacent to the site and so as we looked at the circulation we could anticipate people parking on the street, walking their children in,

using the parking lot. It may not be ideal, but we didn't find it was enough to require any site modifications.

Yearsley: Okay. I just was curious about that. Thank you.

Marshall: Any other questions? All right. I would like to have the applicant come up, please. And I am going to ask for your name and address for the record, please.

Kramer: All right. Thank you for the opportunity to present today in our request for a conditional use permit. My name is Nathan Kramer and my personal address is 2487 North Chatterton Avenue, Meridian. 83646. And I feel that the staff report that was prepared was very thorough and covers really all of our intentions. I wanted to elaborate a little more on our particular operating model. We do intend to treat this daycare facility as more of a preschool where we don't have -- offer, rather, full daycare for children, but instead we will have as Justin mentioned, 8:45 to 11:45 classes and, then, again, 12:45 to 3:45 classes and that breaks our capacity load in half with as many as 20 children per class and that's where we get our 40 children per day. But it's never more than 20 at a time in the building and that's -- that's based on year three projections. We don't anticipate having that many students enrolled starting off. We consider Meridian to be underserved right now for the number of families that have young children with the services that we are considering to be offered from Leap Ahead and we have done significant research within Meridian and have had just a tremendous amount of feedback from prospective customers saying we are desperately looking for services that you want to offer and we have run this proposed location by them and everyone is thrilled because of where the location matches their existing traffic patterns and I don't -- I just feel like the staff report was so thorough that I really don't have anything to add, unless there is some specific questions.

Marshall: Thank you, Mr. Kramer. Commissioners, any questions? Thank you very much.

Kramer: Thank you.

Marshall: At this time I do have three people signed up to testify. Shanda or Shawnda Kramer. Again, I'm going to have to have your name and address for the record.

S.Kramer: Okay. My name is Shanda Kramer. Address is 2487 North Chatterton Avenue, Meridian, Idaho. 83646.

Marshall: Thank you.

S.Kramer: And I'm also a co-owner with my husband Nathan and he pretty much stated it all, but, obviously, I am for the preschool. I will be the lead teacher and will be running the facility. And that will be it.

Marshall: Commissioners, any questions of Mrs. Kramer? No? Thank you.

S.Kramer: All right. Thanks.

Marshall: I have Craig Peterson also signed up. And, again, I'm going to have to ask for your name and address for the record.

Peterson: Craig Peterson. 3300 North Bolder Creek Avenue, Meridian. 83646.

Marshall: Thank you.

Peterson: I have been by the facility. I am Nathan's stepdad and he has done a wonderful job. I think they have done a good business plan and a good job, so -- any questions?

Marshall: Commissioners? Thank you, sir. And Nathan Kramer. Oh, well, it seems that we have a -- since there were no issues brought up I assume that you really don't have anything to rebut or to address. Is there anyone else here that would like to address this project? Even if you didn't sign up? All right. Well, thanks very much. So, Commissioners, I think our next step is probably to close the public hearing on this.

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

Yearsley: Second.

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

MOTION CARRIED: THREE AYES. TWO ABSENT.

Yearsley: So, any thoughts?

Miller: Mr. Chair, I think it seems reasonable. It seems logical. I have no issues. I'm in support.

Marshall: Okay.

Yearsley: My only concern was the traffic and where it's going to be more run as a preschool facility that alleviates a lot of that concern that I have with traffic and rush hour and stuff like that, so other than that I don't see any issues with it at all.

Marshall: I have to admit I did have a concern up front thinking it was a full daycare with 40 kids and there was really no playground or outside area, but because it is being run as more of a preschool with just a short period in the morning, short period in the afternoon, it seems very reasonable to me and I think it's kind of a neat opportunity to have in the city and I'm kind of excited to have you guys aboard, so very excited about it and I'm very positive about the project. So --

Miller: Mr. Chair, after considering all staff, applicant, and public testimony, I move to approve file number CPU 14-008 as presented in the staff report for the hearing date of July 17th, 2014, with no modifications.

Yearsley: Second.

Marshall: I have a motion and a second to approve CUP 14-008 with no modifications. All those in favor say aye. Opposed? That motion carries. Thank you.

MOTION CARRIED: THREE AYES. TWO ABSENT.

B. Public Hearing: PP 14-012 Ventana Commons Subdivision by Ventana, LLC Located East Side of N. Meridian Road, Approximately 1/4 Mile North of E. McMillan Road Request: Preliminary Plat Approval Consisting of Seventy (70) Single Family Residential Lots and Four (4) Common Lots on Approximately 18.21 Acres in the R-8 Zoning District

Marshall: All right. Next item on the agenda. I would like to open the public hearing for PP 14-012, Ventana Commons Subdivision and ask for the staff report, please.

Parsons: Thank you, Mr. Chairman and Members of the Commission. Next item on the agenda is Ventana Commons preliminary plat. It's located on the east side of North Meridian Road and North of East McMillan Road, currently zoned R-8 within the city. In 2004 the City Council did approve annexation and preliminary plat for this property. At that time -- in 2005 multiple final plats, the first and second phases of the final plat were also approved by the city and those phases have recorded. This 18.21 acres -- or 18.21 acres is a remnant piece left over from the original plat approved in 2004. However, the developer never received a City Council approval of the time extension, therefore, that preliminary plat that was approved in '04 has expired and now the applicant is coming forward and replatting this project. Generally -- it is -- it's pretty consistent to what was approved in 2004 as well. Currently surrounding this project you have several phases of Ventana Subdivision number one and two. R-8. To the south we have the school district property, which is currently zoned R-4 in the city. To the west we have vacant residential and commercial properties zoned R-8 and C-G and, then, to the west -- or to the east we have another -- Saguaro Canyon Subdivision, zoned R-4 in the city. The applicant is proposing to plat 70 residential lots and 19 -- I think ten common lots I believe on this property. It looks like four common lots on the property on 18.21 acres of land. All of the streets that stub to this property were provided with the first two phases of the development in '05. With the completion of this subdivision it will complete the street network for the Ventana development. The main access into the site will be via this stub street, East Santiago Avenue, which is currently constructed and you can see how the applicant intends on extending streets within this development. In the staff report staff has conditioned the applicant to provide an additional stub street to the south -- along the south boundary here along the north

boundary of the school district property. We have placed a condition in the staff report that requires the applicant to provide a revised preliminary plat prior to going to City Council. So, that's something that you want to take under advisement this evening. The applicant did give me a tentative revised plat that they want to discuss with you as I conclude my presentation, but I did want to get out on the record that this is a new preliminary plat. So, at the time that the school came in and this plat came before you, there was no intent to -- for that school property to redevelop, but now that there may be a proposal moving forward, staff is requiring that a stub street be -- this plat be modified and a stub street be provided to the school district property. In my staff report I did make mention of the open space for this development. It is currently approximately 8.3 percent open space. This will be part of the same HOA as the first two phases, so in our analysis staff finds that the open space with this phase, in conjunction with the two previous phases, comply with the UDC. It's actually in excess of the UDC, so there is approximately 15 percent between all three phases. Amenities currently constructed within this development include a pool facility, clubhouse, multiple multi-use pathways, a tot lot, sitting areas, so staff finds that the proposed amenities -- existing amenities also comply with the UDC moving forward. As I mentioned in the staff report, several of those -- two lots do not comply with the current standards of the R-8 dimensional standards and we do have a condition that those be modified and provide that 50 feet of street frontage moving forward with the final plat submitted after preliminary plat approval. The applicant did provide photos of the existing homes within the first two phases. As you can see here the houses do provide a mix of materials and some nice decorative features as well. Because this phase will be adjacent to Meridian Road -- or at least the new plat will be adjacent to Meridian Road, staff has recommended that the applicant use these same building materials on the rear facades of those facilities -- those future homes, so that we get some nicer design up against the arterial streets, so we are not looking at just plain façade with no windows, no trims, and no mix of materials. So, that's also conditioned in the staff report. Staff has not received any testimony on this application. As I mentioned to you, staff has received a revised plat this evening. The applicant would like to discuss the relocation of that stub street with you. Other than that notification this evening I have not received any additional testimony and I am not aware of any additional outstanding issues for you this evening and I will stand for any questions you have.

Marshall: Commissioners, any questions of staff?

Miller: Mr. Chair?

Marshall: Commissioner Miller.

Miller: The 50 foot frontage -- you mentioned there was two lots. Have you worked through that? Are you comfortable with -- to find a solution there?

Parsons: Mr. Chairman, Members of the Commission, that's correct, there is actually adequate frontage for the applicant to pick up that. These lots are actually larger than our typical R-8 lots and most of them have 60 to 65 feet of frontage. The one thing --

the one thing I did fail to mention to you is that this property is medium density residential. So, the density range within this -- or the gross density for this subdivision is 3.84 dwelling units to the acre, which falls within that range of three to eight, so the applicant could steal from the larger lots along the perimeter and still meet that 50 feet of frontage without changing anything that's presented to you this evening. Probably the biggest change will be that stub street that staff is recommending prior to City Council.

Miller: Thank you.

Yearsley: Chairman Marshall?

Marshall: Commissioner. Yes, Commissioner Yearsley.

Yearsley: Help me understand why we are wanting -- I thought that the school -- is the school going to redevelop? I mean why are we actually requiring a stub to the -- to the school property?

Parsons: Mr. Chairman, Members of the Commission, Commissioner Yearsley, the school district has approached city staff on possibly redeveloping some of their school sites within the city. They came in and brought us some conceptual development plan of how they envision selling off surplus property and having it redevelop in the future.

Yearsley: Okay.

Parsons: And I don't have anything to present to you tonight, but there is someone in the audience that is representing the school district that could probably speak more to that, because they are representing the school district. So, hopefully, they can give you some more insight into that, but my -- at least our direction is it's a new development, it's a new plat. It wasn't contemplated in '04, but now there may be a possibility for that. We felt it was the right thing to do and request a stub street be put in place just in case it is intended to be redeveloped. I would also mention you that the staff report that ACHD did not include a stub street, but they had assured -- they have sent us an e-mail saying that if the city does require the stub street they will amend their staff report and prepare a new staff report requiring the stub street. So, they do support the stub street as well.

Yearsley: Okay. Well, I was more concerned that it was for circulation per existing signature traffic for people getting to and from school, but -- so that makes more sense. Thank you.

Marshall: All right. No other questions, Commissioners? I would like to ask the applicant to come forward, please.

McKay: Thank you, Mr. Chairman, Members of the Commission. Becky McKay, Engineering Solutions. Business address 1029 North Rosario, Meridian. I'm representing the applicant on this application that's before you. I was involved in this

project from its inception. In 2004 Meridian School District came to me and indicated that it was imperative that they purchase a middle school site along this corridor here at McMillan and Meridian Road. They had approached Mr. Aschenbrenner, who owned the property at the time, which included the Ventana Subdivision and had asked if they could purchase this 30 acres that they have here. Mr. Aschenbrenner declined and told the school district he had absolutely no interest in selling the property to them. So, the school district came back to me and said is there any way that you could find one of your clients to buy the bulk of the property, because Mr. Aschenbrenner has no interest in selling only a portion to the district and we really need this site. So, I did kind of put a team together with one of my best clients and, then, I went back to Mr. Aschenbrenner and talked to him for a lengthy period of time and we worked on it for probably a few months and until a deal was done. So, without the Ventana project the middle school would never have happened, because Mr. Aschenbrenner did not want to sell. My client Jerry Voigt bought the -- the 60 acres and, then, the 30 acres went to the school district and the middle school was built and on your land use -- Comprehensive Plan land use map it says this is designated civic. It's open space. And, then, as time went on we got our approval in '04, as Bill indicated. We took our phase one and phase two through in '05. We constructed, built, recorded and, then, we had an ample supply of lots, the recess hit, and so it kind of slowed down. We did do design plans on the third phase that's before you this evening. We did a final plat. We processed both, had approval, we were ready to roll and, then, we were just told to stop. And, then, they kind of had to wait it out until this recession ended and things took off again. In the meantime the preliminary plat approval had expired. There are no stub streets that were proposed in this area or utilities with the intent that the school district site would redevelop. It was a middle school district site. I have had conversations with Dr. Gestron recently about some of the new middle school sites where they have not constructed the schools and he's indicated that they have gone like a two story footprint which, then, would allow them to reduce the size of the property necessary for these middle schools. But he never mentioned anything about, gee, we are going to try to go and parcel off pieces and parts of these school sites, try to sell them to the developers for redevelopment. I guess, you know, from a planning perspective all of the people in Saguaro Canyon, their micropaths, everything are linked to the school. We had a multi-use pathway that was going to go south. We also extended a sewer to our south boundary in advance of our development, so the school could be built. So, you know, we were always a participant in this process, but we were caught a little bit off guard all of a sudden we were contacted by The Land Group saying, well, the school district's contemplating spinning this off and building 29 lots. Well, it's R-4, but the lot design or site plan they sent me are really R-8 lots. So, the way I look at it they would have to rezone. I don't know how you reconcile with the fact that this is open space and civic on the comp plan and all of those homes have been built adjacent to that property on the east boundary, thinking I'm next to the school and open space. So, I think that's -- that's going to be a tough hill to climb. I wouldn't want the task. But to change our plan -- like I said, we have design plans, we have a final plat. What's before you this evening is almost identical -- same number of lots, same open space that we had originally. We do have existing sewer running down the street, so I don't have the luxury of moving the intersection that -- that connects one of the intersections that's connecting to these two

existing phases. The sewer is already -- oh, that thing. Where did it go? Bill, where did it go? Sorry. The Land Group also had a copy of our plan, because they were the original landscape architect and the landscape plans that were submitted were theirs. So, I kind of find that a little bit of a conflict of interest where they are representing the school district on a project they worked on. Why is it not letting me do that, Bill? If I touch it it switches.

Lucas: It may not be working, Becky. Did you choose a color?

McKay: I did choose a color.

Lucas: Yeah. It looks like it's not working.

Parsons: There you go.

McKay: There we go. So, the sewer comes down like this. Comes down to this point. There is a man -- ah. Sorry. Take the cursor off the arrow? Okay. It won't let me. Okay. There we go. Sorry. I had surgery on my hand and I'm not -- so, the sewer comes down right through this common lot. There is a manhole -- you can see the sewer line as it extends south into the -- the middle school site. So, that street, that intersection, all of that is set. I can't relocate that. The school district is wanting us to put a stub street somewhere in this area here. I believe Bill said between Lots 18 and 22, which would fall within this area. They have a track located to the south of that. They show on their plan that they sent over relocated track. Now, what we could do -- you know, we did try to brainstorm and look at this. What we could do is come out this intersection and take a stub street to the south right in here, shove these lots over, reduce that common area by about 12,000 -- a little over 12,000 square feet. I'm at 15 percent open space on our overall plan, so I exceed the ten percent and, then, I would T this street in. Now, that would, one, yield the same number of lots. Two, would reduce our open space. And, three, we would have to remove that -- that kind of -- we have kind of like a little knuckle there. We would get rid of that. But we could drop a street there. But I guess, you know, one thing that I'm concerned about is we have to put sewer, water, curb, gutter, sidewalk and street. The cost of that, you know, runs about 120 dollars a foot. Average stub street is anywhere from 105 to 120 feet deep. So, you know, you're looking at, you know, anywhere from 15,000 and up. If we build this stub street and we change all of our plans and, then, they decide that the 29 lots -- no one is interested, won't pencil, they get denied, there is a street there for nothing going to the track. So, it's kind of like -- I feel the boat's already sailed on this school site. If this school wasn't built, then, I would say, oh, gee, you got a smaller footprint, you have excess surplus property, they have got to go through the public process of disposal of public property. That would make sense to me. But an existing school, I was absolutely shocked and surprised. So, therefore, we are in agreement with all the conditions, as Bill spelled out, with the exception of 1.1.1, which specifies that there should be a stub street between Lot 18 and 22. I mean I can accommodate it if it's -- if it's to the east -- or west. I'm sorry. Do you have any questions?

Marshall: Commissioners, any questions of Becky?

Miller: Not at this time.

Yearsley: No, I don't have any.

Marshall: Thank you very much.

McKay: Thank you.

Marshall: All right. First signed up I have Tamara Thompson. And if I can get your name and address for the record.

Thompson: Mr. Chairman, Members of the Commission, my name is Tamara Thompson. I'm with The Land Group. 462 East Shore Drive, Eagle, Idaho. 83616. I'm here tonight representing the Meridian School District and this is a relatively new development. The school district contacted The Land Group to look at several of their sites that have surplus property that is not being utilized. They are watering and mowing a considerable amount of acreage that they don't utilize for recreation activities. So, we came and talked to the city. We currently are putting together an application for the Sawtooth Middle School, that's the first one that we are looking at. You will be getting an application on that here probably in the next four to six weeks. This is the second one that we are looking at. We have contacted the school district to try to move up the schedule on this one, since it is something that I -- Becky is totally right, if it doesn't go forward, then, there is no reason for a stub street. But at this point all indications are looking that they are going to go that direction. We -- I just want to reiterate that we are in support of the Ventana project and we are specifically in support of condition -- staff's condition 1.1.1A requiring the stub street to the south. The western position that was shown I haven't -- that's the first I have seen that, so I can't really address that. We could look at that closer before the City Council hearing and I do want to state that I did talk to ACHD and they stated that they would not support access onto McMillan, because that was our first choice is just to have direct access to McMillan for the surplus property. They would not support that. So, access to the Ventana project is critical for this to go forward. So, the school district -- what they are looking at and what they are analyzing right now is the surplus property where they could redevelop that and get the funds to build new schools. More schools. They would -- they would roll that money from the sale of the property into purchasing other sites and building new schools. So, I will stand for questions.

Marshall: Commissioners, any questions for Mrs. Thompson?

Miller: I have a question.

Marshall: Commissioner Miller.

Miller: You mentioned that there is no access to McMillan. Is that at all so you're kind of relying on the Ventana Subdivision Road system as well?

Thompson: Yeah. Mr. Chairman, Commissioner Miller, that is absolutely correct. There is not access to McMillan at all.

Miller: Okay. Thank you.

Marshall: Then I would ask how long a piece of property is that?

Thompson: Pardon?

Marshall: How long is that piece of property if you were to develop it?

Thompson: It is considerably -- I don't know the exact length of it off the top of my head. I believe it to be around seven, eight hundred feet. Per the city's requirements we would only -- coming off of a stub street from the north we would only go 450 feet, so that would limit our densities in that area and we would stick with the R-4 zoning.

Marshall: I would also ask -- you said that it's a recreational area that nobody uses, but I see people there all the time. Every single weekend there is -- there is soccer and football and everything going on on that piece of property.

Thompson: Mr. Chairman, the school district has told me that for their activities that they control, that they do not use that area.

Marshall: Thank you. Commissioners, any other questions?

Yearsley: I have one.

Marshall: Commissioner Yearsley.

Yearsley: Have you seen this proposed layout that Becky provided for the new stub street?

Thompson: Mr. Chairman, Commissioner Yearsley, I glanced at it briefly right before the hearing started, but I have not seen it prior to 6:00 o'clock today.

Yearsley: Okay. Because I was just curious if that would meet your needs. Because it looks like it's taking out the baseball fields as well where that stub street is coming in. I'm not sure what you're planning to remove from that facility.

Thompson: The baseball fields are planned to remain. The track -- I don't know if you can see the track on --

Yearsley: Yes.

Thompson: -- yeah. The track there. Would rotate 90 degrees and be shoved to the west.

Yearsley: Okay. Because her -- her road comes right into the baseball field and that's the question is is her proposed layout going to meet with your needs where it's sitting?

Thompson: At first glance it does not appear that it does.

Yearsley: Okay.

Thompson: That we would prefer it further to the east per the condition in the staff report.

Yearsley: Okay. Can I ask how many total acres are looking to -- are planned to remove from the school for development or what they are looking -- I'm not asking what they are looking to do, but how much of that land are they looking to remove; do you know?

Thompson: We are in the -- the infant stages of this. Like I said, we are working on the application currently for the Sawtooth school.

Yearsley: Okay.

Thompson: That one is the same thing. It's zoned R-4. We are staying with the R-4. This one is slated as number two and since this is coming before you tonight we wanted to come and represent the school district and let you know of the plans, so that it's planned appropriately. But I don't have all of that for you tonight.

Yearsley: Okay.

Thompson: But what the plan is from the east side of the ball fields there would be a -- a buffer and, then, there would be homes that backed up against the existing homes with a road and then -- so, basically, a road that has homes on each side of it and that's it, just a single --

Yearsley: Okay.

Thompson: -- a single road with homes on each side of it. And the only thing in our plan that would need to move would be the track, which is relatively easy, since it's just a cinder block track --

Yearsley: Okay.

Thompson: -- or a cinder track. I'm sorry. Not block.

Yearsley: Right.

Marshall: Just a second here. I would like to check with staff here. What's our maximum length on a cul-de-sac?

Parsons: Mr. Chairman, Members of the Commission, Mrs. Thompson stated that correctly. It is 450 feet and, then, from that point they could go with a common drive and extend it an additional 150 feet and have six homes take access off of that. So, under our ordinance that's probably the max they could get, unless ACHD allowed them to punch through to McMillan.

Marshall: And, Mrs. Thompson, you have indicated that ACHD is opposed to punching through to McMillan, which would also have to cross the canal there.

Thompson: Mr. Chairman, that's correct.

Marshall: Commissioners?

Yearsley: I have no further questions.

Marshall: Thank you very much.

Thompson: Thank you.

Marshall: Don't have anyone else signed up, but, anyone else, would you like to address this during public testimony? No? All right. I'm going to ask Becky back up. Ask the applicant to come readdress any issues here.

McKay: Thank you, Mr. Chairman, Members of the Commission. Becky McKay. I guess, you know, from my perspective, you know, this property was acquired, the school was built with bond money, so, you know, one of the questions that arose like when I was talking with the highway district's attorney is how do you reconcile that when that was part of the bond and, then, you spin some of that off. We did look at their rough site plan. You know, they are going to have -- maximum cul-de-sac length is 450. They are going to be pushing 850, 900. I mean I think that -- they'd have to get a variance or something along that line to accommodate that. Also the fire district requires two points of ingress and egress if you are over 25 lots or greater. That's under the new international fire code that went into effect. The state adopted it January 1 of this year and we have been warned by the Meridian fire chief and all the other fire chiefs of all the other municipalities that we have no discretion. It is what it is. So, there are a lot of hurdles. I guess from my perspective, you know, it's landscaped, it has sprinklers, they already have a ball field that they are going to have to remove. They have got a track they are going to have to remove and rotate and reconstruct. If the school district wants to reduce their maintenance costs I would like to see this go to another public entity, whether it be PAL Soccer, the little league baseball, Optimist football. So, that it still has a public use. The school district saves money on long-term

maintenance purposes, but I just -- I just think it's -- it's wrong to take a site and start chopping it up when you have an existing landscaped school site. It's strange. If we -- if we have to do what The Land Group -- you know, what their preferred stub location is, we have to eliminate a lot. We have to, then, go in and extend utilities, spend another 15 or 20 thousand dollars for water, sewer, and street. So, it's not like, you know, it's no skin off our nose, it's -- you know, like I said, if this were a vacant parcel we wouldn't even be having this conversation. This is kind of the strangest thing that I have ever encountered and I question the viability of it. I just don't think it's going to work and when they look at the numbers, the cost incurred is going to be so great that the benefit is going to be minimal and when the public finds out about it, you know, there is going to be a lot criticism. So, I -- I guess, like I said, I don't want to build a stub street for nothing. Typically when you're the first one in you determine where the stub street is. It's not always -- you know, it's not always exactly perfect. We just have to deal with it. That's the way our industry is. I guess I'd ask the Commission -- I just think that that's -- that's wrong.

Yearsley: Could I ask a question?

Marshall: Commissioner Yearsley, please.

Yearsley: With these -- this phase -- are you planning to phase this plat or are you just doing it --

McKay: No, sir.

Marshall: -- all at once?

McKay: All at once. It's already designed as one big phase.

Yearsley: Okay.

McKay: I think we showed two phases -- did we show two phases? We did on the preliminary plat, just because we weren't sure what the future held and we didn't want to run into any trouble. But it has been already designed as one years ago back in '06 -- '5.

Marshall: Becky, for conversational purposes -- I don't want to nail anything down and I -- what I would ask is do you have any round guesstimate numbers of what one of these lots would sell for?

McKay: I think Jim would have to answer that question. Seventy-five thousand.

Marshall: All right. Seventy-five thousand. Thank you. Approximate round numbers. Appreciate that. Commissioners, any other questions? Thank you very much. All right. Commissioners, I think it's time to possibly close the public hearing.

Yearsley: Mr. Chairman, I move that we close the public hearing.

Miller: Second that.

Marshall: I have a motion and a second to close the public hearing on PP 14-012. All those in favor say aye. Opposed? That motion carries.

MOTION CARRIED: THREE AYES. TWO ABSENT.

Marshall: Do you have any -- Commissioner Miller.

Miller: Mr. Chair.

Marshall: You seem anxious to address this.

Miller: Well, I -- I kind of agree with what Becky is saying in that it's -- it seems like there is a lot of barriers for this school property to work out and it doesn't seem fair to hinge their project on a maybe. I think that she's given a completely reasonable, even generous solution here that is workable for the school if something does work out, without incurring costs to their project. But I hesitate to require it, because if it doesn't, you know, then, it's just a stub street that's sitting there. I'm not sure what direction to go on this. I think it's -- it's great that you have provided a solution. I know it doesn't line up exactly with what they want, but from what it sounds like we are not sure of exactly what they want and looking at it from a design perspective, it's workable, it's just -- if you can figure out what you want there. It seemed odd also to have a development there that doesn't have access to McMillan, that's completely dependent on other, you know, developments' infrastructure and also I think it's going to tick off a lot of people if you try to put more houses there who bought next to the school intentionally with pathways through to the school. That's my two cents on it.

Marshall: Thank you. Commissioner Yearsley.

Yearsley: You know, I totally -- well, not totally, but I side with Becky and I understand that there is a cost and if this project doesn't go through -- I hate to see a stub street going to nowhere, you know. It makes no sense. To be honest with you, I -- I have a tendency to lean to not require it unless the school decided they want to purchase that stub street and working with the development to potentially purchase that stub street. That way the burden of that project is not on the development itself to require that stub street. To me I think that sounds more fair and that doesn't put the -- the sole responsibility of the school property onto the developer itself. So, you know, personally I think that -- you know, let the developer and the school haggle out that property or that stub street and workout a compromise that meets both of their needs. So, that's kind of where I'm leaning with that.

Marshall: Well, Commissioners, I'm kind of pleased to hear you leaning that way, because, to be honest, that is definitely the way I'm leaning. I think it's an inordinate

cost that -- trying to stub to a project that I don't think is going to pencil out, to be honest. It doesn't have access to McMillan. It's going to be a bit of a problem. It is a piece of property that is often used for recreation. I see it almost -- every weekend I drive by there and kids are playing out there with adults and maybe there is -- I appreciate the fact -- I really appreciate the fact the school district is trying to do everything they can to consolidate and be able to retain money without having to come and ask for more tax dollars. I really appreciate that and I appreciate everything they are looking at. But, to be honest, to develop that at this late phase and asking others to foot a good chunk of the bill there for this I think is a little too much and, to be honest, the only way -- if they don't have access to McMillan, that stub street we are talking is going to go a hundred feet before it even gets to the piece of property. So, now you have got only 350 foot and maybe get another hundred out of a driveway. It's not going to be able to develop that whole piece of property and that's about the only way I can see that thing penciling out. Now, I agree that if the district thinks a hundred thousand dollar investment with this developer is going to benefit them and they can make money out it, great, and I think -- can't see it happening. But, again, maybe there is another use that the school district can use for that that's going to be recreationally advantageous for everyone there. That piece of property is well established and everybody surrounding it. It has been purchased and lived by that, knowing that that's a school and at no point in time has that ever been indicated that was going to develop into additional homes and a lot of people back up to that, because that is green space and I will pay extra for that lot to back up to this. I think that's -- I think it's inappropriate to suggest that the school district should be able to development, to be honest. I'm against the stub street. I appreciate what the school district is trying to do. I appreciate what the city is trying to say. But at the same time I think it's too much to ask of the developer in this case and too much to ask of all the neighbors to -- well, they have established themselves there and with the expectation of what's there is there and, to be honest, that piece of property does get used a lot, whether the school district knows it or not and so maybe they can find another method to produce some income there. I appreciate the fact they are starting to stack their schools and going to smaller pieces of property and saving me money in tax dollars. We do need these schools. We need more infrastructure there and as land costs go up and the value of that land goes up, I know the cost for two stories is significantly more than one, but I am -- I am all for this project as it is with the exception of 1.1.1, which I think is the requirement for the stub street. So -- if I got it right.

Yearsley: So, Mr. Chairman?

Marshall: Commissioner Yearsley.

Yearsley: After considering all staff, applicant, and public testimony, I move to recommend approval to the City Council of file number PP 14-012 as presented in the staff report for the hearing date of July 17th, 2014, with the following modifications: 1.1.1 requirement for the stab street to the school be removed and let the school and the applicant determine how best to provide that.

Miller: I second that.

Marshall: I have a motion and a second to approve with modifications PP 14-012. All those in favor say aye. Opposed? That motion carries.

MOTION CARRIED: THREE AYES. TWO ABSENT.

C. Public Hearing: CUP 14-009 Overland Park Apartments by Derk Pardoe Located North Side of W. Overland Road and West of S. Stoddard Road Request: Conditional Use Permit for a Multi-Family Development Consisting of 190 Dwelling Units (11 Multi-Family Structures) on Approximately 8.67 Acres in the C-G Zoning District

Marshall: All right. I would now like to open the public hearing for CUP 14-009, Overland Park Apartments, and ask for the staff report.

Parsons: Thank you, Mr. Chairman, Members of the Commission. Next item on the agenda is Overland Park Apartments. It's located on the north side West Overland Road just west of South Stoddard Road. It's currently zoned C-G within the city and it's currently -- it consists of 8.67 acres of property. One thing that I talked about in the staff report that this is the first phase of development for this site, the developer or owner actually owns approximately 14 and a half acres of the site, but the apartment itself is only set on 8.7 -- 8.67 acres. Recently the City Council did approve a development agreement modification for this property, which excluded the property from the previously approved development agreement in 2008. The new development agreement requires the applicant to comply with the concept plan that consists of residential, retail and office development. This first phase is consistent with the conceptual development plan that was presented to Council and approved and tied to the development agreement. Here is the site plan that the applicant is proposing this evening. The proposed apartment complex consists of 190 apartment dwelling units and a clubhouse. The unit mix for this project consists of one, two, and three bedroom units, all three stories in height. Large scale office buildings will consist of 20 units and, then, there is some smaller scale buildings that are ten-plex units. So, we have a mix of 20 -- ten-plex and 20-plex units and, then, what's unique about this product is as well that there is actually tucked under garages that create that, so the first level is garages and, then, the next two levels would actually be the apartment units themselves. Access to this development is provided by a private street, which is labeled South Tech Lane. Access is -- this is the primary access to all of the commercial lots within the development. With that future phase of development there will be an additional access point for the retail portion only that will have a right-in, right-out access to Overland Road. The landscaping for the site consists of approximately 2.25 acres of land, which is in excess of what the UDC requires, not only for open space for the development, but also in excess for the number of units proposed for the site. The applicant is proposing a pretty substantial amenity package for this property. Under the UDC it is your discretion to require the number of amenities for this site, so in our staff report we have called out what's proposed for the site. We are looking at a clubhouse, a pool facility, a

hot tub, picnic area, open space in excess of five percent. There is also some lounging areas within the clubhouse itself and, then, there is, again, several passive open space lots. So, in my staff report I called out that the applicant is providing six amenities for the development. So, in our estimation or -- it's our opinion that the site does -- we are supportive of the proposed amenities for the site moving forward. It does meet the intention that you see from the open space standpoint, but also the amenity package. The elevations that I'm presenting to you this evening also represent what were tied to the development agreement. The reason why I'm showing you this is you get a better feel of what these units will look like on the ground versus what was submitted with the application. If you also read through my staff report you can see that staff had some pretty strict design criteria for this site, because it wasn't clear on how all these units were to look and I wanted to make sure that we did not have a monotonous development out there. I mean you're on a pretty prevalent corridor out there not only with I-84, but also Overland Road. So, these will be visible from both streets and so we want to make sure there is an attractive development along that roadway. So, we anticipate this similar building form on the site again, a mix of 20's and ten-plexes. Have a mix of materials on the site. We are proposing recommending that they -- the buildings consist of three primary building materials and, then, also the brick as you see here. On the clubhouse we don't have specifics as far as the square footage for that clubhouse, but if you look at the proposed site plan you can see that the footprint of the clubhouse in relation to the office complex -- or the apartment complex, you can see it's a fairly substantial clubhouse with the site. So, moving forward with design review and certificate of zoning compliance will certainly nail down that square footage and one of our recommendations to the conditions of approval is they provide that information, so that we can, indeed, provide -- or at least make sure that the parking ratio for the development complies with what they are showing and I -- as I mentioned to you in the staff report, the site is overparked from what the code does require. So, we don't see any substantial -- even though we don't have the specifics as to the square footage of the clubhouse, we still feel there is adequate parking on the site and that shouldn't be an issue moving forward. One of our recommendations as far as changes to the site plans -- the police department was actually concerned -- this is not a fire department concern, it's more of a staff concern and the police department concern is there is only a single access point into this development from this private street. So, if we are talking 190 units, funneling all of that out of one entrance onto that private street, so staff has recommended that there be a secondary driveway connection -- extend this driveway to the cul-de-sac here to allow these folks in the northern part of the development to get access out onto the street as well. We feel that would help with site circulation. And certainly the police department supports that on that recommendation as well. The one other item that we called out in the staff report -- and it doesn't have to be addressed this evening -- we have it conditioned appropriately -- is as I mentioned to you earlier in my presentation we envision -- or at least the concept plan envisions an office park component adjacent to the interstate. As you can see here the applicant hasn't designed or provided any access -- that closed off access to that office. Even though it's owned by the same developer we still want to make sure that there is adequate access moving forward, so we have given the applicant a couple of options in the staff report. One, they can construct it and provide that connection now or, two, because

these are platted lots within an existing subdivision they could go submit a property boundary adjustment application with staff, which is an administrative application. Reconfigure that parcel and assure that there is a flag lot that has frontage on the private street. So, there is -- we have given them options on how they want to proceed. The one option that we don't want to lose site of is having that secondary connection with this phase, so that we get -- we address that site circulation not only from staff's perspective, but also from police perspective. So, I think staff has conditioned this project in -- consistent with the ordinance. It does generally comply with all those multi-family standards I have called out in the staff report. Moving forward the applicant will have to make slight modifications that really shouldn't be part of your purview this evening, we believe it won't change the site plan drastically this evening. All the amenities and the open space is conditioned in the staff report to provide all the six amenities and that 2.5 acres of open space, as I mentioned to you. And all of those design elements are also conditioned in the staff report. Staff had a conversation with the applicant this morning. Nothing was verbally in writing, but they do want to discuss delaying the construction of the secondary access going towards South Tech Lane with you this evening. Staff believes this is an important connection for site circulation, as well as the police department, so we would ask that you stand with -- stay with our condition and have that constructed with this phase of development. Other than that issue that the applicant wants to bring up with you we have not received any additional testimony and to my knowledge there aren't any additional outstanding issues for you this evening. This concludes my presentation and I would stand for any questions you have.

Marshall: Commissioners, any questions of staff? Commissioner Yearsley.

Yearsley: Now, help me understand. There is two lots to the -- to the north of that property that they want -- that will be a commercial. Is that what they are saying?

Parsons: Mr. Chairman, Members of the Commission, Commissioner Yearsley, actually, the -- if you can follow my cursor here. Probably should come up and draw on this, but the multi-family will take the opposite -- if I'm running west to east here --

Yearsley: Uh-huh.

Parsons: -- imagine that as the boundary of the multi-family development.

Yearsley: Okay.

Parsons: You will have this rectangular piece of property up along the interstate for an office complex in the future.

Yearsley: Okay.

Parsons: So, if I can go back to the site plan, you can see there is nothing -- there is no access there. So, we want to make sure that's preserved.

Yearsley: Okay. But I'm -- we are still -- even though we are having two access points to that one private road, we are still funneling 190 some homes to one driveway, even onto Overland, which will be backed up, in my opinion.

Parsons: Commissioner Yearsley, that is correct. Currently that does function as a full access. If you look at ACHD staff report, they did mention that at some future date they may restrict that to a right-in, right-out only. And so that could even further congest that intersection. So, that's -- that's why we need to make sure we get some of this circulation worked out. Originally staff had envisioned punching something along -- in the southwest corner, but because -- if I can go back to the aerial here, we have a large track of industrial property to the west and this is zoned I-L in the city currently.

Yearsley: Okay.

Parsons: We have -- they have an approved access point to Overland here as a right-in, right-out only. But as part of that access this property -- this property granted access to the industrial property to the use their access as well. So, staff didn't feel it was appropriate to have the multi-family intermingling with possible industrial and future more intense commercial activity or more commercial uses in the future. So, that's why we backed off on that recommendation and felt it was more appropriate to push that access to the north and just have a single access to that private street.

Yearsley: Okay. So, on the site photo you have there is a commercial building to the east. Is there access from that building to that private drive?

Parsons: Correct. That building was constructed -- that does have access to that road. Correct.

Yearsley: Okay. And is this the only access point for that facility?

Parsons: No, that -- that property actually serves as an access with the vet clinic, which is to the east of that, so they have assured access onto Stoddard currently.

Yearsley: Okay. So, everyone is going to run out and go through that parking lot and go through there. All right. That's what I want to know. Thank you.

Marshall: Commissioners, nothing else? I'd like to ask the applicant to come forward, please. I'm going to ask for your name and address for the record, please.

Shrief: Good evening, Chairman, Commissioners. My name is Wendy Shrief. I'm a planner with Horracks Engineers and our address is 5700 East Franklin Road, Suite 160, Nampa, Idaho. 83687. First, I want to thank Bill for being great to work with and what you're seeing this evening -- he has done a lot of changes from our first preliminary submittal to Bill and he's really helped us to hone the project. I think it's a much better project after the work that we did with Bill. So, I want to thank him for all his

help. Yeah. We are actually -- we are willing to meet all of the conditions of approval. The drive that I was initially concerned about -- with this area. This area, our original concern was -- and, actually, it's a very good idea to have that second point of access for circulation. We are concerned with -- it's an area with a lot of topography and because we have not developed the property to the north yet, we haven't come up with our gradient drainage plan for the area to the north and we are afraid it was going to impact that. So, we hated to go in and pave the driveway without having those issues engineered, but we will go ahead and put a drive in and we will meet that condition, especially with it being a recommendation of the police department. So, we are amenable to doing that. I just sort of wanted to run through some of the highlights of this project. Let's see. Now, to move forward do I have to take the pen off?

Parsons: Select the black arrow and, then, just -- at the top.

Lucas: You have got to use the pen for everything.

Shrief: Oh, the pen for everything.

Parsons: And, then, hit the arrows -- yes. The advance arrows. There you go.

Shrief: Okay. This is actually another project which was constructed by our client. It's an award winning project in Midvale, Utah. So, this is something that he has constructed. This is one of his models. So, we -- we will be substantially compatible with this and we will -- our feet will be held to the fire by our conditions of approval in the staff report when we go and apply for building permits. But this is -- this is a higher end project that -- we have a client who -- his model is he builds these projects and, then, he holds onto them and maintains operation of the project. We are also proposing -- we will be here in the future for -- we are proposing in the future there will be office in this area. I like this when you have the easels and boards and -- okay. There will be -- we will have an office project in the north bordering the freeway in the future and, then, commercial there on Overland in the future, probably within the next two to three years. This is an area where we would have -- it's underserved by multi-family housing, it's great freeway access, it's a good place for multi-family and the office and the commercial development are going to buffer the multi-family from that traffic on Overland and some of the existing uses. This is adjacent to the University of Phoenix. That one building that's to the east is Western Electronics. So, it's in the area where there is less intensive commercial, industrial uses. We also when we went through with our development agreement amendment we were asked to do an extra buffer to the west, because that is a property that still has an industrial zoning, although it's a vacant parcel. So, we have an extra buffer to the west to separate our use and for the buffer to be on our property, rather than the neighbors property. We have the entire buffer on our property. I'm going to run through some of the amenities for the project. We think this will be a first rate project. We are proposing a covered picnic area with a fire pit and barbecues, over five percent open space. We are actually going to have 2.5 acres of open space will be part of this 8.6 acres. It's 28 percent open space. We will have a clubhouse, a fitness center, wings that would be used for a birthday party and things for

people in the community. There will be a pool and a hot tub and we think that this will be -- this will be a top notch multi-family residential community and, really, the intent is to have this -- this be when it's all constructed a mixed use community where people can attend the University of Phoenix, it's walkable, there will be commercial on Overland and have it actually be walkable. It's an area where there is some commercial development happening on Overland in the area. We think it's well suited for multi-family uses. We are including -- I will go ahead and show you our footprint. We will have -- for a number of the units enclosed garages and for another -- for a substantial number of the units we will have covered parking. So, we are exceeding your standards and also including that enclosed garages for many of the units there in the project. We think it's definitely going to be a first rate project, which will be a nice asset for the City of Meridian and I'm here for any questions. And we agree with all staff conditions and are more than willing meet those.

Marshall: Commissioners, any questions?

Yearsley: No.

Marshall: Wendy, I would ask one point of clarification. I will give you a little history here.

Shrief: Okay.

Marshall: We are a little adverse to providing landlocked properties -- and I understand this owner still owns that piece of property. So, the two different options the city suggested -- the staff recommended, either of those sounding good to you or the developer?

Shrief: So, I think -- I think that we would be more interested in doing -- in doing a property boundary adjustment and insuring that access in case there was ever a property ownership change and that -- that really the reason we would not want to construct Tech Lane right now to the north is without having designed the office components with it being an area with a lot of topography, we have a lot of drainage issues to figure out once we do our design. So, we wouldn't want to construct that road now with potentially having to go in and redo that northern portion of the road later on. So, that we definitely want to maintain the interest of our client if he were to somehow sell the property he definitely has to have that access. So, we are fine with -- we will do a PBA and have easements in place and make sure that is -- so, definitely will do that.

Marshall: Well, thank you. I assume, then, that would cut away for the 2.5 acres of -- although you have a lot of amenities and I think that property right now is kind of 2.5 acres of open space.

Shrief: Correct. I think we might be able to reconfigure a little bit of it when we get rid of the cul-de-sac and just we would have a -- we would pick up -- we more than exceed the open space requirement and we would pick that -- we would pick that portion up, but

that is noted. This is more of a pack of open space part of the project and impacting our active open space area.

Parsons: Mr. Chairman, if I may interject?

Marshall: Yes, Bill.

Parsons: My condition of providing 2.25 acres of open space took into account subtraction of the driveway through that open space. So, it's been accounted for. They actually had more open space, but I calc'ed out what a driveway would be -- approximate square footage of a driveway through that open space to make sure they would still be in alignment with the ordinance or at least get a number in the staff that we could condition them to comply with, so that's where the 2.25 acres of open space came from. It was based on my calculation.

Marshall: All right. Thank you for that clarification.

Shrief: And, Chairman and Commissioners, also we commissioned and completed a traffic study and so we are fine with the traffic impacts, so -- and it accounted for the existing uses there on the project and for the future uses that would develop along with this property.

Marshall: Thank you. Commissioners, any other questions?

Yearsley: No.

Marshall: Thank you very much.

Shrief: Thank you.

Marshall: Wendy, you were the only one to sign up. So, what I'm going to do is ask is there anyone else who would like to address this project? And seeing not a single hand, that means, Wendy, I'm afraid you are not going to be able to get up and rebut your own testimony. So, Commissioners, I'm going to recommend maybe a closure of the public hearing.

Miller: I move we close the public hearing.

Yearsley: Second.

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

MOTION CARRIED: THREE AYES. TWO ABSENT.

Miller: Mr. Chair?

Marshall: Commissioner Miller.

Miller: I'm in favor of the project. I think it makes a lot of sense. I like the proximity to the businesses that are popping up along Overland Road. I think it does offer a great different type of housing for that area. It looks to be a very high end apartment complex. I'm in favor of the project.

Marshall: Commissioner Yearsley.

Yearsley: I like the project. I'm not sure if it's the great location, but I think it works. I like the fact that it's not next to adjacent neighbors to complain about, but -- but I think it works. I am a little concerned about traffic congestion on that one roadway, but it's not enough for me to consider denying the application. So, I'm in favor of the project.

Marshall: What my thoughts are -- to me I really hope it develops as it appears. It looks like it's fairly high end. I like it. It's attractive looking at the photos and I hope it develops like that other one. The photos I saw at least and what I'm envisioning. I do appreciate the fact staff catch on making sure that we don't have any landlocked properties. I think that is very important and I appreciate the applicant's willingness to be able to do the lot line adjustment and make sure that the back property there has access. I have to agree with Commissioner Yearley's concern I think for the future and I think it's -- that area is going to be a dramatic problem as of yet, but it may well be in the future, in which case it may become a right-in, right-out, which will be a little bit of a hardship on some of the people, but I assume the next stoplight down they will be able to do a u-turn, so -- and people learn to live with that. We are all learning to live with that out on Eagle and, in fact, I will be honest, I think it's a lot safer. So, I'm for the project.

Miller: Mr. Chair?

Marshall: Commissioner Miller.

Miller: After considering all staff and applicant testimony, I move to approve file number CPU 14-009 as presented in the staff report for the hearing date of July 17, 2014, with no modifications. I further recommend staff to prepare Findings of Fact and Conclusions of Law and order for hearing date of August 7th, 2014.

Yearsley: Second.

Marshall: I do have a motion and a second to approve CUP 14-009 as presented in the staff report and to also prepare Findings of Fact and Conclusions of Law. All those in favor say aye. Opposed? That motion carries.

MOTION CARRIED: THREE AYES. TWO ABSENT.

D. Public Hearing: PP 14-011 Chinden and Linder Crossing Subdivision by LEI Engineers Located Northwest Corner of Chinden Boulevard and N. Linder Road Request: Preliminary Plat Approval Consisting of Nine (9) Commercial Lots and Two (2) Common Lots on Approximately 9.34 Acres in the C-C Zoning District

Marshall: All right. Next up I have -- I'd like to open the public hearing for PP 14-011, Chinden and Linder Crossing and ask for the staff report, please.

Parsons: Thank you, Mr. Chairman, Members of the Commission. Our next item is the Chinden-Linder Crossing Subdivision. The site is located on the northwest corner of Linder Road and Chinden Boulevard. This project was before you in 2006 and was known as the Knightsky Estates Subdivision. Since that time a portion of the property has been sold off and redeveloped as a residential estate lot subdivision to the west, known as Springwing Challenge Subdivision. This 9.34 acres remnant piece was rezoned -- at least a portion of it was rezoned to the C-G zoning district with that application and has been vacant or undeveloped since that time. With that rezone of the property staff did require the applicant to come back through with a development agreement modification and Council will be taking action on that concurrent with the plat. So, tonight I will be discussing the preliminary plat with you and as it moves forward through the process Council will be taking action not only on the plat, but also the DA modification. We wanted to insure that this site did develop within an appropriate mixed used context and that was the reason why we had recommended a modified development agreement moving forward. As you can see here there is some -- currently some existing structures on this property that will be removed upon development of the subdivision and that's conditioned in the staff report. To the east we have commercial -- commercial development in Eagle. To the south we have the Knightsky -- Knighthill Center Subdivision, which is currently in the development phases and zoned C-G within the city. As I mentioned to you earlier, to the west we have the Spurwing Challenge Subdivision, which is zoned R-8, and to the north of this development we have county residences, zoned RUT. Here is the concept plan slash landscape plan slash preliminary plat before you this evening. The applicant is proposing nine commercial lots and two common lots on approximately 9.34 acres in a C-C zoning district. The applicant has depicted nine building pad sites on this property. Extension of a public street will be provided from Linder Road and tie into the existing stub street that was constructed with that Spurwing Challenge Subdivision to the west. In 2013 the City Council did grant a right-in, right-out access only to Chinden Boulevard, which ITD also approved for that driveway approach and looking forward the applicant will have to get ITD's approval and provide any mitigation measures within existing Chinden Boulevard to restrict that to the right-in, right-out access. One thing that I did touch on in my staff report was this street connection here how that was to impact the adjacent residential subdivision. I know -- I was the planner assigned to the variance application and when I presented that to Council, Council was very concerned about that cut-through traffic through that residential subdivision. So, one of their recommendations or comments to staff is that when this property redevelops we want to

make sure we have some sort of traffic calming for that connection there and I believe ACHD has also required that same condition. So, in my staff report the applicant will have to work with staff, ACHD, and the fire department on appropriate traffic calming measures basically where this ties into that residential subdivision. So, we certainly want to mitigate that concern. Per the UDC the only required dimensional standards for this subdivision would be the 35 foot wide landscape buffer along Chinden and Linder Road. The UDC also requires a minimum ten foot landscape buffer adjacent to the public street. The applicant is also proposing two common lots, as I mentioned to you, and both of these are in excess of 25 feet, so there is quite a substantial buffer between not only this commercial development that also buffers up against the residential subdivision, but they have done a good job of orienting all the commercial activity away from the residential subdivision and placing that along the street frontage where we envision our mixed use standards and envision that type of use. The Comprehensive Plan for this project does designate this property mixed use community. Typically with a mixed use development we envision multiple uses occurring on the site. In this particular case, because of its irregular shape and what's transpired over the years with access with other projects getting segmented from this piece or segregated from this piece, staff has looked at the overall picture and the overall developments in the area and finds that this neighborhood center does contribute to a mix of uses in the area and we have stated that in the staff report as well. So, although we have a mix of commercial uses on the site, we still find that it does comply with the mixed use standards of the Comprehensive Plan. It has pedestrian connectivity. It has the vehicular connectivity. And one of staff's recommended conditions as a part of this project is that we are requesting that the applicant extend these two pedestrian walkways into the development to enhance -- further enhance that pedestrian connectivity to the site and the applicant is amenable to that change as well. One unique aspect about this project is the city has currently worked on welcome to Meridian signage for the city and this is one property that was designated to place that sign on it, because it is major entryway off of Linder Road. So, staff has a condition that the applicant place a sign on his property in accordance with our adopted standards and the applicant has agreed to oblige staff -- or at least the city and work with us in allowing that sign to be placed on the property. So, moving forward we envision that happening with the first phase of development as well. Because this is a prominent corner, just like the previous piece, staff believes that all of the landscape improvements along Chinden and Linder should be complete with the first phase of development. The applicant hasn't proposed multiple phases for the project, but we felt this was -- given that is a major mobility corridor, it's important to get those enhancements -- or at least the pedestrian connectivity and that green up with the first phase of development and we have conditioned the project as such. One thing that you can see on the concept plan, the applicant does have multiple drive-thrus on the property. In no way does the concept plan vest them with the drive-thru use. If there is a drive-thru use within 300 feet of a residence or 300 feet of another drive-thru, the applicant will have to go through a conditional use process. So, we did at least call that out in the staff report that it is not vested with that. I would note, though -- requested that the applicant limit the square footage on this site to 30,000 square feet. And we feel that's appropriate, given the location of the site that that's typically what our mixed use standards call for if

-- to keep it more compatible with the adjacent residences, keep it to a smaller footprint. We don't have specific square footages on this concept plan or the site plan for you this evening, but we felt that was a number that we could live with and still not impact the adjacent residence or change the concept plan or the plat moving forward. The landscape plan presented to you this evening does comply with the UDC, so moving forward they will have to do those improvements as I mentioned to you. Staff did receive written testimony from the applicant, they are in agreement with all the conditions in the staff report. Staff has not received any additional testimony on this site. To my knowledge there aren't any outstanding issues before you this evening. I think I have clarified that in our direction moving forward and, again, the project does comply with not only the comp plan, but also the UDC. So, we are recommending approval of the project for you this evening and I will stand for any questions you have.

Marshall: Commissioners, any questions of staff?

Yearsley: No.

Marshall: All right. I'd like to ask the application to come forward, then, please. And I'm going to ask for your name and address for the record.

Bailey: Thank you, Commissioners. My name is Laren Bailey. Business address 3023 East Copperpoint Drive, Meridian, Idaho. Again, thank you for hearing us tonight. And, again, I'd like to thank Bill for all his help on this and the Meridian staff. As Bill indicated, we are in agreement with the staff report. One thing I did want to point out, the 30,000 square feet in the staff report it says per building. Total we would probably be over that, but per building we are nowhere -- nowhere close. I just wanted to clarify that. I don't want to get any of us in trouble. The other issue that Bill brought up I know isn't before you tonight -- is that we do currently have several DA agreements on the site and we'd like to clean that up and get -- get to one agreement that everybody is happy with. So, we will be working on that at City Council. We have been working with the neighbors. I want to make that clear, on both the landscape buffer and also on irrigation water. The residential subdivision to the north that's in the county, their irrigation water was cut off a number of years ago with some road widening and some other developments going on and we are working with them to help get that water back to them, so they can utilize it again. And so I just wanted to point out those couple positives, but, again we are working with them and they have got some ideas on the landscape buffer on types of trees and shrubs they would like to see and so we will work with them and the city staff to try and come up with something that works for everybody. So, with that I will stand for questions.

Marshall: Commissioners, any questions?

Yearsley: No.

Marshall: Thank you very much.

Bailey: Thank you.

Marshall: All right. I do not have anyone signed up. Would anyone like to address this project? Anyone at all? Going. Going. Gone. I'm afraid you're not going to get an opportunity to rebut your own testimony. So, I guess that's --

Miller: Mr. Chair?

Marshall: Commissioner Miller.

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 14-011 and -- well, the MDA is not one we are taking action on. All those in favor say aye. Opposed? That motion carries.

MOTION CARRIED: THREE AYES. TWO ABSENT.

Marshall: I'd like to address this one first, if I may.

Yearsley: Absolutely.

Marshall: I -- to be honest with you, it looks like a very nice project and I really really like to hear a developer that is working with the neighbors and trying to be a good neighbor and helping them out. I like that give and take. I really do. And I think that's evidence of the fact that nobody is here to testify. You know, when there is problems everybody shows up. But in this case nobody is here and I'm impressed and, to be honest, 30,000 per store is appropriate in the C-C and -- per building and, yeah, if they are visible and I appreciate the fact that you're willing to plant a flag out there for the City of Meridian and -- yeah. I'm all for it.

Miller: Mr. Chair?

Marshall: Commissioner Miller.

Miller: Likewise. I'm pretty impressed that you're working with the neighbors to get the irrigation back on. That's a step above and beyond. I also really like how you transitioned it away from the residential areas. I think it's a great development. Very well suited.

Yearsley: Mr. Chair?

Marshall: Commissioner Yearsley.

Yearsley: I agree. I like how the landscaping and the road buffers most of the businesses and -- but there is only one business on the one corner, so I think with that it will be a nice development and not impact the neighbors significantly, so --

Marshall: I like the fact that they have pushed the buildings out towards the road and the parking is hidden, so you're not -- if you're driving that you're not looking at miles of parking lot.

Yearsley: Yes. So, Mr. Chairman?

Marshall: Commissioner Yearsley.

Yearsley: After considering all staff, applicant, and no public testimony, I move to recommend file number PP 14-011 as presented in the staff report for the hearing date of July 17th, 2014, with no modifications.

Miller: Second that.

Marshall: I have a motion and a second to approve PP 14-001 as presented in the staff report. All those in favor say aye. Opposed? That motion carries.

MOTION CARRIED: THREE AYES. TWO ABSENT.

- E. Continued Public Hearing from June 5, 2014: AZ 14-006 Victory Middle School by Joint School District No. 2 Located 2045 S. Stoddard Road Request: Annexation and Zoning of 27.96 Acres of Land with an R-4 Zoning District**
- F. Continued Public Hearing from June 5, 2014: CUP 14-003 Victory Middle School by Joint School District No. 2 Located 2045 S. Stoddard Request: Conditional Use Permit Approval for a Public Education Institution in an R-4 Zoning District**

Marshall: All right. At this time I'd like to open AZ 14-006 and CUP 14-003 for the Victory Middle School and ask for the staff report, please.

Watters: Thank you, Chairman Marshall, Members of the Commission. The next applications before you are a request for annexation and zoning and a conditional use permit. This site consists of 28.64 acres of land. It's currently zoned RUT in Ada County and it located at 2045 South Stoddard Road. Adjacent land use and zoning. To the north is an Idaho Power substation, zoned RUT in Ada County. To the east is South Stoddard Road and single family residential properties in Bear Creek Subdivision, zoned R-4. To the south is a church and future single family residential properties in Fall Creek Subdivision, zoned R-8, and to the west is agricultural properties, zoned RUT in Ada County. A property boundary adjustment was recently approved in Ada County that created the boundary of the subject property. The Comprehensive Plan future land

use map designation is medium density residential. The Joint School District No. 2 submitted an application for annexation and zoning of 28.64 acres of land, with an R-4 zoning district, consistent with the future land use map designation of medium density residential for this property. A conditional use permit is also proposed for a middle school, classified as a public education institution in an R-4 zoning district. The site plan you see there submitted with this application depicts a 137,000 square foot school, which will include a football field, running track, soccer and practice fields, tennis courts, parking and locations for future portable classrooms. The school is proposed to serve approximately 1,000 students. Access is proposed via three access points. Kodiak Drive, as shown on the site plan with an exit onto Stoddard for buses only. The bus exit is right here. The three accesses proposed, if you can see my pointer right there, there and there. Six foot tall chain link fencing is proposed around the west, east and north perimeter boundaries of the site. Staff is recommending a gate or an opening in the fence if provided at the northwest of the site, so that pedestrian access is available to the school from adjacent future neighborhoods. Building elevations were submitted for the future school building. Building material are proposed to consist primarily of split face CMU, with smooth face CMU accents along the bottom of the structure. A mix of three different colors of CMU is proposed. All structures are required to comply with the design standards listed in the Unified Development Code and the guidelines in the Meridian design manual. Idaho State Code 65-6519, Section 3, states that when considering an application which relates to a public school facility, the Commission shall specifically review the application for the effect it will have on increased vehicular, bicycle and pedestrian volumes on adjacent roads and highways to insure the roadway system can satisfactorily accommodate the proposed school project. As the road authority, ACHD has conducted a detailed review of the code requirements and provided analysis and conditions of approval in their report accordingly. ACHD also provided recommendations to the city based on their review, which are contained in the staff report and conditions of approval. Written testimony has been received from Scott Hansen, LCA Architects, and Joint School District No. 2. The school district requests that the ACHD requirement to place school bond money into a trust to fund the future HAWKs and flashers at Victory and Linder be removed from the conditions of approval. The conditions that are applicable to this are conditions 1.1.15, 7.1.13, 7.1.14, 7.1.15 and 7.1.16. The school district has agreed to construct the HAWK and flashers at the Stoddard-Kodiak intersection as part of the project and the school district has also agreed to bus all students within the normally nonbused one and a half mile radius. Staff is recommending approval of the subject request, annexation and zoning and conditional use permit with a development agreement and conditions in the staff report. Staff will stand for any questions the Commission may have.

Marshall: Commissioners? Commissioner Yearsley.

Yearsley: Can you clarify that they are going to bus all the students within the mile and a half radius? Is that what you said? Just so I can clarify that.

Lucas: Yeah. Mr. Chairman, Commissioner Yearsley, the school district has agreed to bus all students that can't directly access the site via the crosswalk they are providing at Stoddard and Kodiak. So, the Bear Creek students will potentially be able to walk.

Yearsley: Okay.

Lucas: Because they have that safe crossing that the school district has agreed to provide at Stoddard and Kodiak. There are some children there that would be able to walk, but beyond that the school district has stated that as part of their mitigation they will be, basically, busing everyone else that doesn't have the direct access to the -- to that crosswalk that they are willing to construct.

Yearsley: Or a safe sidewalk to --

Lucas: Correct. Correct.

Yearsley: Okay.

Lucas: Which in this area, you know, has kind of developed with quasi gaps --

Yearsley: Yes.

Lucas: -- from the system out there and so that's all part of ACHD's analysis.

Yearsley: Okay. I just wanted clarification on that. Thank you.

Miller: Mr. Chair?

Marshall: Commissioner Miller.

Miller: Actually on the same sort of line. You mentioned that there is -- it's fenced all the way around the three sides and there is one access point on the northwest side. Is there any concern about not having one on the northeast there?

Watters: Commissioner Miller, staff -- it's not currently provided at the northwest corner. Staff is recommending one be provided, because of the adjacent developments to the north and west. There is an Idaho Power substation directly to the north. Staff didn't feel that one was necessary there and, then, of course, you have the sidewalk along Stoddard, so staff felt that was sufficient.

Miller: Thank you.

Marshall: All right. I'd like to ask the applicant to come forward. And I'm going to ask for your name and address for the record, please.

Hansen: Mr. Chairman, Commissioners, my name is Scott Hansen. LCA Architects. 1221 Shoreline Lane, Boise. Representing the Meridian School District, Joint School District No. 2. We fully support the recommendations and conclusions of the staff report. We appreciate Sonya's efforts to put this together. We have worked quite a bit with her on meetings and so forth and we will continue to work with the city on this development. The one issue that we have, as Sonya stated to, is that the school district feels that we have adequately mitigated the issues related to safe access to schools by two things and that's, one, following the recommendations of ACHD to provide as part of this construction the HAWK and flashers at Stoddard and Kodiak, which is the prime entrance to our -- to our site. Additionally, as another means of mitigation is to -- as Sonya mentioned, to bus all those students which normally would fall out of the busing zone of that one and a half mile radius of the site. The Bear Creek Subdivision directly across the street does have adequate and safe circulation, but anyone outside that area that falls still within that one and a half mile zone, the school district has committed to make that busing. Where we have an exception is at ACHD's recommendation are that we also place into a trust fund money sufficient enough for a future development at whatever point they determine necessary to install HAWKS and flashers at Stoddard and Victory, as well as Linder and Kodiak, both of which are a half mile away from this site. And ACHD's vision -- or definition of a school is an attractant -- is what they define as an attractant. We believe that school district is really only serving a need to be able to educate students within that area that both already exist and will be coming and filling up the farmland, being developed by commercial developers at a for profit venture. The school district is not a for profit situation as we all know and feel that the monies collected from the bond to build the school need to go to the construction of the school and not future flashers that are a half mile away and should be borne on the back of development. That's our feeling and we leave it up to you to make that decision. And I will stand for questions.

Marshall: Commissioners, any questions of Mr. Hansen? No? Well, thank you, sir.

Hansen: I signed up earlier, so you can --

Marshall: Yeah. I was going to say you actually are the only person I have signed up so far. So, I am going to ask once again, the next project, is there anyone that would like to address this project? And seeing no hands -- I would say, Mr. Hansen, I'm not going to ask you back up to rebut your own testimony. So, Commissioners?

Yearsley: Mr. Chairman, I move to close the public hearing on AZ 14-006 and CUP 14-003.

Miller: I second that.

Marshall: I have a motion and a second to close the public hearing on AZ 14-006, CUP 14-003. All those in favor say aye. Opposed? That motion carries.

MOTION CARRIED: THREE AYES. TWO ABSENT.

Marshall: To be honest, I'm rather torn. I think both sides offer very good arguments and, you know, both ACHD is hurting for money, the school district is hurting for money. Eventually those HAWKs and flashers are probably going to have to go in and I think this is a little bit of a reaction to past projects where HAWKs and flashers had to be placed in well after the fact and they are concerned about that. I know one example recently was Rocky High School, because there was a lot of jaywalking there. Very dangerous street. As to that, we don't have the infrastructure in place to allow these students within a mile and a half to walk yet. To be honest, I'm very very torn on this, seeing both sides of that issue. Again, it would be nice to see developers carry that cost on the HAWKs and flashers. The school district is putting in one set. But at the same time they are going to have to go in and, then, we are going to have to rely on the fact that hopefully maybe ACHD has the money to put them in later on at a time when they suddenly recognize a need. With Rocky there was suddenly students and people just running across the street and if nobody thought to put them in at that time that's problematic. I believe this requirement is -- is a 40-60 split, the way I understand it, that they are asking the school district to put down 40 percent and ACHD would, then, cover 60 percent later. But is it fair to ask the school district to do that? I don't know. I would be interested in any other opinions you guys have.

Miller: Mr. Chair?

Marshall: Yes, Commissioner Miller.

Miller: I am absolutely torn as well. Part of me -- I think a bigger part of me thinks that it does rely on the school, because it could go down the line if there is not money there, it does get -- I can see both sides very easily, too. I guess I'm leaning more towards, yes, let's -- let's put the money there just so that it doesn't get skipped later and risk the safety of some students. I think it is the school's responsibility to provide means to get to school. That being said, I can see both sides.

Marshall: Commissioner Yearsley.

Yearsley: You know, personally I -- knowing Victory Road and that area it's going to be a long time before you're going to have sidewalks on the other side of the street and I don't know what ACHD's plans to reconstruct Victory Road is through that area, but the only people that are really going to benefit from that are going to be on the west side of the street anyway and the northwest corner, which they can access at a signal down at Stoddard and Kodiak, you know, because we have got the Victory -- or Kentucky Ridge to the north there that's already developed that's not going to put in their own. So, I don't know if it's going to be necessary -- well, I don't foresee that being needed for many years, until the city -- or, actually, ACHD redevelops Victory Road, my guess it may be required that there is going to be a signal at that intersection. So, I don't think it's necessary personally.

Marshall: All I can suggest, Commissioners, is you and I as taxpayers are going to pay for it one way or another. One department is going to pay for it or the other one is and both are hurting and both need more money.

Miller: Commissioner Yearsley brings up a very good point I didn't think about. It's going to need to be redeveloped at a point and it makes sense for it to -- to be placed in there.

Marshall: Well, Commissioners?

Yearsley: Can I ask a question of staff?

Marshall: Please.

Yearsley: A lot of it has to do with -- you went through the conditions of approval that need to be modified to remove that out of there if we do. Could you repeat that or can I just say that the flasher at Victory and Stoddard be removed?

Watters: Commissioner Yearsley, they are in your hearing outline under the written testimony.

Yearsley: Oh. Okay.

Watters: Either way is fine, though.

Marshall: Just to point out something. This requirement was not the city requesting, this is ACHD requesting the city request it. So, that was their recommendation and this is the only way ACHD has to enforce it is to have us enforce their recommendations here, so --

Miller: Can I make one more comment?

Yearsley: Absolutely.

Marshall: And I would mention also they do have one more shot at City Council I think.

Miller: My comment is as to the design of the school I like your elevations. I'm happy to see windows in there. I think we have made a lot of really good progress in the Meridian School District. It's a great -- I'm happy. It's a good looking school. That was my only comment.

Yearsley: So, do you want to do this or do you want me to do it?

Miller: Go for it.

Yearsley: All right. After considering all staff, application, and public testimony, I move to recommend approval of file number AZ 14-006 and CUP 14-003 as presented in the staff report for the hearing date of July 17th, 2014, with the following modifications: That the requirements for the HAWK signal and flashers at Victory and Linder be removed from the conditions of approval per conditions 1.1.15, 7.1.13, 7.1.14, 7.1.15 and 7.1.16.

Lucas: Just a point of clarification on your motion. All of those conditions -- they apply to both of the -- the way I understand, you're asking for the one at Victory and Stoddard, not the -- you're not requiring that one, but are you requiring the one at Linder and Kodiak still?

Yearsley: Yes.

Lucas: Okay. So, I think that's fine for the motion. The modification to the conditions we might have to get a little bit creative, because 1.1.15 I believe groups it together, so at your direction we can separate it out --

Yearsley: Okay.

Lucas: -- basically and remove the requirement for that one and make it accurate. I don't think we would be striking all of those conditions, because ACHD broke it down pretty carefully. But if you're just saying we don't want to require them to place money in a trust for the one at Victory and Stoddard --

Yearsley: Correct.

Lucas: -- we can make that happen with the conditions. Just want to clarify.

Yearsley: That is -- that is what I am wanting to be modified.

Baird: Mr. Chair? If the maker of the motion could just restate the motion in that plain English manner --

Yearsley: Okay.

Baird: -- given what staff has said they will be able to convert that into a meaningful findings for you.

Yearsley: Okay. So, basically, after considering all staff, applicant, and public testimony I move to recommend file -- removal of -- approval of file number AZ 14-006 and CUP 14-003 as presented in the staff report for the hearing date of July 17th, 2014, with the following modification: That the money to be set aside for the HAWK signal at Victory and Linder not be required.

Miller: I second that.

Marshall: I have a motion and a second to approve with modifications AZ 14-006 and to approve CUP 14-003 as modified. All those in favor say aye. Opposed? That motion carries.

MOTION CARRIED: THREE AYES. TWO ABSENT.

G. Public Hearing: MCU 14-002 Fairview Lakes by Fairview Lakes, LLC Located North Side of Fairview Avenue, Approximately 1/3 Mile West of N. Locust Grove Road Request: Modification to the Conditional Use Permit/Planned Development (CUP 02-014) to Remove the Requirement for Detailed CUP Approval on the Remainder of the Undeveloped Site; and the Removal of the Requirement for a Water Feature to be Provided as an Amenity on Lot 4, Block 3

Marshall: All right. At this time I would like to open the public hearing MCU 14-002 Fairview Lakes 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 modification. This site consists of approximately 25 acres of land. It's currently zoned R-15, R-40, C-N and C-G and is located on the north side of East Fairview Avenue approximately a third of a mile west of North Locust Grove Road. There are adjacent residential properties to the north and east of the subject property, zoned R-8 and commercial uses to the west and southwest, zoned C-G. A little history on this. A conditional use permit planned development was approved in 2002 for an apartment complex, clubhouse, commercial and office uses. Conceptual approval of the commercial portion of the development was granted contingent upon the future development obtaining detailed approval prior to construction. The applicant has applied for a modification to that conditional use permit planned development to remove the requirement for detailed conditional use permit approval on the remainder of the undeveloped site. As you can see from this aerial most of the site is developed, except for this land here, here, and here on the northeast corner. These are pad sites ready to be developed. The city code in effect in 2002 required conceptual and detailed plans for planned developments to be approved through the conditional use permit process at a public hearing. The current code only requires detailed plans to be approved with a certificate of zoning compliance and design review applications, unless a conditional use permit is otherwise required for the use. For this reason and because the site is almost fully developed, staff is in support of the applicant's request. The applicant also requests removal of the requirement for a water feature to be provided as an amenity on Lot 4, Block 3, in the general vicinity there of that red arrow. This amenity was required as part of the planned development and was to be a waterfall and pond roughly twice the size of the waterfall near the Smokey Mountain Pizza that would include a seating area and function as a gathering place in front of retail building number three on the eastern portion of the site. There is a site plan -- I can't read it, but retail building three is right here and this is the area that

we talking about where the amenity was required. Because of the preschool daycare center being constructed here to the east of that area, the applicant feels a water feature would be a safety hazard. As a replacement amenity the applicant is proposing to provide two benches in this area. Staff does not feel that two benches are comparable the amenity required, therefore, staff is recommending the applicant provide a gathering area with seating, landscaping, and an architectural feature, such as arbors, a pergola or something comparable. No written testimony was received on this application and staff is recommending approval with the conditions in the staff report. Staff will stand for any questions Commission may have.

Marshall: Commissioners, any questions of staff? Commissioner Yearsley.

Yearsley: So, the retail portion of that three is not to be built, it's -- the four is where the -- the daycare is going to be; is that correct?

Watters: Chairman Marshall, Commissioner Yearsley, that is correct. That's where the daycare is going on retail four. Retail three is currently vacant. It has not been constructed yet.

Yearsley: Okay. So, I'd like to call the applicant forward. I'm going to ask for your name and address for the record, please.

Tamura: Mr. Chair, Members of the Commission, my name is Doug Tamura. My address is 1124 Santa Maria Drive in Boise, Idaho. And I'm the developer and designer of this project. I'm kind of a low tech guy, so all I have is a poster board to kind of show you what our thoughts are. You know, as part of our amenity package when we originally did Fairview Lakes, we went ahead and designed the Jackson Drain pedestrian path and I don't know how well it's been completed, but it was designed to go along Fairview Avenue east of our project on the south side of Fairview and, then, it was determined at the east for the pedestrians to cross Fairview at the light that we installed at North Lakes and Fairview. Then we installed a ten foot wide pedestrian path that ran north along our east side of North Lakes, turned -- turned west in between our retirement centers and our office buildings, then, continued on our westerly boundary line and, then, tied into the neighborhood to the north of us. So, what we have got is a really strong north-south pedestrian corridor that takes pedestrians to our site. The sad thing about our location -- and maybe it's just the -- of what's happened with development along Fairview is we really don't have pedestrians along Fairview. What we have is we have several pedestrian -- well, you know, we have got full residential neighborhood north of us, so a part of what we thought was more important in the site plan that Sonya showed you was -- was our last concept of what we were planning on doing. With this Polaris -- Polaris school that -- school daycare that we are planning on putting in, besides the little courtyard that we would like to do, is we would also like to include another pedestrian connection on the east end of our existing retail center. It's seemed like if we are going to provide any kind of pedestrian connections it seems like it should be to the north versus Fairview where we really don't have pedestrians around Fairview. So, I'm in full agreement of the conditions of approval. The only change I

would like is on condition of approval 1.2, it says applicant shall provide seating area with landscaping and architectural features, such as arbors, pergola, or something comparable in front of retail building number three in the area shown on the site plan. What I would like to do is -- you know, that would be required to provide a pedestrian connection to the north and to provide a landscape courtyard. I'm concerned that the reason we opted out of the landscape -- I mean the landscape pond was, you know, we didn't want to create an attractive nuisance for the kids, but I'm concerned that any kind of architectural structure, you know, arbor, pergolas, whatever, the same thing is potentially going to be happening. You know, the next conditional use -- I can talk to you about the school and, you know, the type of facilities we are going to provide for the kids. But what I would like to do is just do a nice landscaped seating area, so that, you know, where the kids are waiting for their parents to pick them up and also, like I said, we will provide this pedestrian connection to the north as far as our amenities. So, what I would like to do is have the words arbor, pergola and something comparable struck in condition 1.2. Thanks. If there is any questions.

Marshall: Commissioners, any questions?

Miller: I do have a question.

Marshall: Commissioner Miller.

Miller: When the staff report was being read it sounded like you just wanted to plunk a couple of benches in there, but when you were talking it sounded like it's a little bit nicer of a seating area than just a couple of benches; is that correct?

Tamura: Commissioner Miller, it's my understanding that as we proceed ahead with -- you know. And particularly for the school, since it's a conditional use, we have got to provide a staff level design review and when I had discussions with Sonya it was our intent that we would go ahead and provide details that could be -- you know, that could be approved by staff, you know, with the guidelines for these conditions of approval that we would go ahead and upgrade, you know, the landscaping and the bench area, you know, along with this pedestrian path. So, it was kind of a design issue, but, you know, it felt like Sonya and I discussed it, hey, that's something that we could deal with in the future with our staff level.

Miller: Okay.

Tamura: Thanks.

Miller: Thanks.

Marshall: Thank you. So, I do not have anyone signed up. Is there anyone that would like to address this? So, Commissioners?

Miller: I move to close the public hearing.

Yearsley: Second.

Marshall: I have a motion and a second to close the public hearing on MCU 14-002. All those in favor say aye. Opposed? That motion carries.

MOTION CARRIED: THREE AYES. TWO ABSENT.

Marshall: So, again, I -- my personal opinion was that the verbiage that staff provided was fairly flexible. It didn't define any one item. That's something that ought to be there. We approved this project way back based on given amenities. I fully understand the need to change the amenity now. I think it's appropriate to change that amenity. But I think it should be something of appropriate value to the community and those visuals -- and maybe a couple of benches here and a little seating area there is fine, but something in there -- some really attractive landscaping in a pass-through area, but also maybe a covered seating area or something like that as well. We are taking something of significant value and -- the city requires these amenities because we want a nice place to live and so part of this was all past -- well before my time and at that time it was all agreed that here are the amenities that we should have in place. Now, I understand the need to change that amenity, but shouldn't we have something of equal value and I think that's all staff is suggesting is we have something of equal value and they are amenable to a large variety of things and personally I thought the verbiage was rather flexible in that regard. That's just my opinion, so I personally like the way it's written.

Miller: Mr. Chair?

Marshall: Commissioner Miller.

Miller: I agree with everything you said. I just want my opinion to be noted that equal value is not necessarily dollarwise, but usable space. With this use here I think it's awesome that you have got a connection to the north, so maybe those -- you know, that makes it a little bit easier for a parent to walk their kid to preschool or whatever. I don't think an equivalent use would be to -- having some benches there that aren't usable. You get sun on that particular location on the site I imagine quite a bit, so even like adding a tree where it's actually usable benches to me that's equivalent. Personal opinion maybe there, but I think, you know, a nice seating area, but accentuate nice, usable, functional -- something somebody would want to sit at. It is -- it is fairly vague, but I'm actually okay with the verbiage as well.

Marshall: Commissioner Yearsley?

Yearsley: You know, I actually like the connection to the north. I think that's a great amenity to the homeowners and for -- you know, for people wanting to walk their kids to school and be more eco friendly. Reading the full provision there again it said: Or something comparable. Which doesn't mean we have to put an arbor or a pergola

there. So, I don't know if -- I think we are kind of hashing something that's really not a big deal. So, other than that I'm in favor of the project, so --

Miller: Mr. Chair?

Marshall: Commissioner Miller.

Miller: After considering all staff and applicant testimony, I move to approve file number MCU 14-002 as presented in the staff report for the hearing date of date of July 17th, 2014, with no modifications. Oh. I further recommend staff to prepare Findings of Fact and Conclusions of Law and order for the hearing date of August 7th, 2014.

Yearsley: Second.

Marshall: I have a motion and a second to approve CUP 2-014 -- oh. Excuse me. MCU 14-002 as presented in the staff report with no modification. All those in favor say aye. Opposed? That motion carries.

MOTION CARRIED: THREE AYES. TWO ABSENT.

H. Public Hearing: CUP 14-010 Polaris Pre-School at Fair Lakes by Fairview Lakes, LLC Located 950 E. Fairview Avenue Request: Conditional Use Permit Approval for a Pre-School (Daycare Center) for up to 150 Children in a C-G Zoning District

Marshall: All right. Thank you. All right. So, at this time I'd like to open the public hearing for CUP 14-010, Polaris Preschool at Fair Lakes -- Fairview Lakes -- or Fair Lakes by Fairview Lakes and ask for the staff report, please.

Watters: Thank you, Mr. Chairman, Members of the Commission. The next application before you is a request for a conditional use permit. The site is currently zoned C-G. It's located at 950 East Fairview Avenue, approximately a third of a mile west of North Locust Grove Road. There are residential properties to the north and east of the subject property, zoned R-8, and commercial uses to the south and west zoned C-G. The applicant has applied for a conditional use permit for a preschool center, which is classified as a daycare center in our Unified Development Code. They request a facility for up to 140 children to be there at any one time in a C-G zoning district. The proposed hours of operation are from 6:30 a.m. to 6:30 p.m., Monday through Friday. Daycare centers are subject to the specific use standards listed in UDC 11-4-3-9. A site plan was submitted that shows the proposed structure and associated parking, as well as another pad site yet to develop to the south. Driveway access to the site exists via East Fairview Avenue, North Lakes Avenue, and East Carol Street. No new accesses are proposed. Building elevations have been submitted for the proposed structure. Building materials are proposed to consist of hybrid cement plaster with stucco and asphalt shingles. Design of the structure is required to comply with the design

standards in the UDC and the guidelines in the City of Meridian design manual. No written testimony was received on this application. Staff is recommending approval with conditions. Staff will stand for any questions.

Marshall: Commissioners, any questions of staff? Commissioner Yearsley.

Yearsley: Sorry. Sonya, did you again look at traffic circulation -- you know, 140 students, that's a lot of vehicles coming in and out of there at certain points of the day.

Watters: Chairman Marshall, Commissioner Yearsley, yes. As I said, access is available from three different points here. Fairview Avenue from the south into the site. Go down to the light here at Lakes and go into the site and, then, also from Carol Street, which connects through the residential neighborhood here and comes in there.

Yearsley: Okay.

Marshall: Anything else? Okay. I'd like to ask for the applicant to come forward, please. And, again, I'm going to have your name and address for the record, please.

Tamura: Mr. Chair, Members of the Commission, my name is Doug Tamura. Represent Fairview Lakes, LLC. Address is 1124 Santa Maria Drive, Boise, Idaho. What we have is -- it's a daycare school for kids from six months old to five years old and it's designed as a daycare when they are young, but it's also a school as they get older. We were the architects and designers of the Montessori school in Park Center, so we used more or less the same design. The amenities that we have, it's got actually three playgrounds, so it's got an older playground for kids three to five on the east side that acts as a buffer to the neighborhood. You know, the residential neighbor to the east. We have got a small tot lot for kids one to two years old on the west side that will act as a buffer to our retail building to the west and, then, we have also got a covered courtyard that will provide outdoor space for the kids year around. So, it's a design that we have developed in Park Center. It's worked really well. And so our tenant is a provider out of Seattle and she's got several facilities in Eagle right now and has had a lot of success. But what we have is we have kind of a unique parking situation with our school -- is we have -- you know, like you had suggested, we have got a peak hour from 6:30 to 9:00 o'clock where there is a lot of traffic. The other thing that we did was we have gone to a -- discussed with Mary Adams, the owner of Dirty Harry's to the east of us -- so, on top of having access from Carol, North Lakes and Fairview, we also are proposing an access point through Dirty Harry's car wash to the -- to the east of us. So, it will also give us access to Jericho. So, we are hoping that the residential neighborhood to the north of us will provide a lot of the vehicular access. The other thing that we have from our project was the half mile marker. We have got that full signalized intersection at Fairview. So, even our Fairview access we have got both a signalized intersection and a full access -- access point on Fairview. The other thing that we have got is once a month or for special occasions parent-teacher, Thanksgiving programs, Christmas programs, we have got a parking need. So, at those times it was potentially, you know, 50 to 90 parents are going to show up to see their little kid

perform some kind of program or meet with the teacher or something and so on top of circulation parking is real critical for us and so we are fully supportive of the conditions of approval, except for Condition 1.4D, revise the design of the parking lot and main driving aisle leading into the site from East Fairview Avenue to mirror that on the west side of the drive aisle, so that the parked vehicles aren't backing out into the main access drive. Include a center island with a sidewalk along the east side of the main drive aisle for safe pedestrian access to and from the site via Fairview Avenue. You know, like I discussed in our original development, we provided a strong ten foot wide pedestrian corridor that follows along North Lakes, you know, but, like I said, you know, because of the nature of Fairview Avenue we really haven't had pedestrian traffic. You know, we are also going to provide that -- you know, like I stated, pedestrian access from the north side. You know, we are fully supportive of the concept of having a landscape buffered drive -- you know, parking, but we think it's more appropriate where we have got stacking issues where there is a lot of cars stacking where it's difficult to back and so some are -- from Fairview Avenue that parallels Smoky Mountain, we are proposing to have that same kind of guarded landscape buffer along that, so there is -- there is no access until you get to the -- you know, from the -- the cross-access that's north of Smoky Mountain. So, from there we would like to go ahead and have that as a parking lot and the other requirement that we had is along the east side of our property line we had a 25 foot landscape buffer to buffer the neighbors to our east and so there was six parking spaces that we had proposed there that we lost. You know, we are -- we can understand the need for a landscape there, so we eliminated those parking spaces, but the -- so, what this exhibit is -- it shows the difference between what we are proposing, which is this Option A, which provides us, you know, three double loaded parking -- what's that, one, two, three -- 48 stations versus -- what happens here is we lose a whole row of parking by doing this landscape, you know, here, so, then, we are dropping down to 40 spaces. So, the impact for our little school is during those kind of peak areas and we have got to kind of design so that the school and their parking and drop off is pretty much, you know, self sufficient over on that side of our development. You know, the main peak drop off here is going to be those parking spaces that are directly in front of the school, but at the same time by not having that -- that island in there, it provides more flexibility as far as the overall circulation of our project. You know, I think, you know, that's -- but, you know, the main thing is just we just -- we just need that additional parking for our -- for those peak hours that we have. You know, like I said, we have tried to provide as many access issues, so that they can come in from a lot of different directions. And so what we would like to do is ask that condition 1.4D be struck and I could have Option A as far as our site development plan. Thank you.

Marshall: Commissioners, any questions?

Miller: Mr. Chair?

Marshall: Commissioner Miller.

Miller: I have got a question. Just -- you mentioned the peak hours. What time of day do those typically occur? Is it during business hours or is it after hours?

Tamura: Well, what we have got is we have got -- oh, Commissioner Miller. What we have got kind of a perfect storm as far as -- or I mean a perfect complement as far as our parking. So, the peak hours for the school is 6:30 to 9:00. Then the way the program works with parents and kids is that from noon until 6:30 there is a whole series of parents that would have different needs of how long the kids, you know, attend -- attend the daycare at the school. So, it just kind of funnels in over the next six or seven hours from noon on. But we have the one drop off. But the good thing about the drop off period from 6:30 to 9:00, there is no other, you know, services in our -- in our center that's open and, yeah, I think the only other one is we have the license bureau is on the far, you know, west end of our facility. But other than that, you know, we really don't have any open facilities until after their peak.

Miller: Actually, what I was wondering is -- you mentioned like a Christmas program or something. Are those held during --

Tamura: Typically those are after hours.

Miller: Okay.

Tamura: You know. So, you know, once families get home. So, you know, I'm just -- I know at the Montessori school all our programs were, you know, typically from either 6:00 or 7:00 o'clock, so --

Miller: Okay.

Tamura: -- you know, again, off hours for our retail user.

Miller: Okay. Thank you.

Tamura: Uh-huh.

Marshall: Then I'm going to ask this: You say that by adding the additional parking stalls you're going to increase flow, but I'm trying to understand how that works. I mean we have got clearly the vast majority -- I would think vast majority of people -- they are going to be people from the north and people coming in from Lake, but the vast majority of people will be from Fairview in I would guess. I may be wrong. But it seems like the most direct route to me and if you got cars backing out in front of the vehicles coming in there, doesn't that kind of slow the circulation?

Tamura: Mr. Chair, it's our experience from our shopping center -- we own a couple of different neighborhood shopping centers that when you have open parking like that what it has a tendency to do -- it gives a -- the people coming to the shopping center more flexibility as far as circulation. As you provide these islands what it does is it restricts the channeling of the traffic, so what you actually do is you cleared an

intersection that -- you know, as that road comes down, you create intersections where otherwise it gives people more flexibility that if all the -- all the parking that's in front of the school, it gives them an opportunity to turn off and, then, access other parking stalls that are to the south of the building, you know. So, what it does it opens up your parking lot so instead of just being restricted to the cross-driving aisles that you have, then, you have got opportunity. So, as you can see that these parking stalls to the south, the further away they get from schools will be potentially open where they would have cross-access, you know, so, then, you have got kind of a full east-west cross access, you know, and, again, with our circulation towards Jericho, you know, you could pull in off of Fairview, you know, pull back out, you know, and so you are either going to drive back to Jericho if you're going ahead -- going to head east or it's going to head west, then, you turn and you would go down to Fairview Lakes and, then, access our stoplight, so --

Marshall: Well, that's what I'm trying to follow here. So, you're suggesting, though, that where you have striped parking is going to become a drive aisle if there is no cars parked there?

Tamura: Well, it gives people an opportunity that they could make a -- a right-hand turn without having to go all the way to the intersection and they could drive through, you know, and pick a parking place and, then, be able to park. So, it gives them a lot more flexibility as far as access to parking, you know. I think that the way the -- we have got all these bases in front of the school, it's kind of designed that, you know, that the majority of the drop offs are going to be there, but at the same time it will give people the flexibility that they have got open spaces. You know, the other critical one is the number of spaces that we want, so --

Marshall: I agree.

Tamura: You know, hopefully -- I think that the direction of traffic -- I know that when I come to our shopping center I typically drive through the residential through the residential neighborhood, you know, ease of access, you know, the number of cars on Fairview, all those things. I think that the majority of the people that are going to, you know, come to this facility I think are typically going to be north, you know, there is not a lot of residential from Fairview to the freeway, you know, for people to back track to come up to this location. So, I'm assuming that the majority of the people that are going to be dropping off their kids are going to be people that live north, drop the kids off here, and, then, head towards the freeway. So, I think a lot of our circulation is going to be, you know, on Jericho, Carol, North Lakes.

Marshall: All right. Thank you. Commissioners, anything else? No? Thank you very much.

Tamura: Thank you.

Marshall: Is there -- I have no one signed up. Is there anyone who would like to address this project? Seeing none -- before we close the public hearing I'm going to ask staff to bring back up the satellite photo for me, please. So, that whole area is undeveloped all the way to Fairview; is that correct?

Watters: That is correct.

Marshall: All right. And goes back to the site. All right. I guess I don't have any questions of you. So, I guess I'm looking for a motion.

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

Yearsley: Second.

Marshall: I have a motion and a second to close the public hearing on -- this does not have a CU. Did I put the wrong one down? On CUP 14-010, Polaris preschool. All those in favor say aye. Opposed? That motion carries.

MOTION CARRIED: THREE AYES. TWO ABSENT.

Marshall: I would be interested in hearing from --

Miller: Mr. Chair?

Marshall: Commissioner Miller.

Miller: I like the project. I am opposed to the parking -- I like staff's recommendation on that. And I'm not as much concerned about the preschool. I'm pretty sure you can't drive across the parking lot -- or you shouldn't drive across the parking lot and so you would want to -- we put those in to slow traffic in a way. But also when retail pad three goes in there you do have a hazard if you have cars backing into there. But I think that there needs to remain a buffer there and I understand I might lose parking stalls, but it sounds like those events where the parking lot would be full take like mostly after hours anyways and walking the extra 25 feet as a parent I don't -- I would do that to get to a Christmas function or sorts. That's my two cents.

Yearsley: Mr. Chair?

Marshall: Commissioner Yearsley.

Yearsley: You know, I don't know if I have an issue not having that buffer there. For one, it will slow traffic down, because if you give them a free land they are going to have a tendency to go a little bit faster versus cars coming -- potentially backing out, they are going to be a little bit more leery and that. To be honest with you, during their drop off times I don't think anybody is going to be parking there anyways, because they are going to -- they are not going to want to get out of their car to drop their kids off, unless

they are babies. They are going to be -- you know, if they can walk, they are going to pull up to the front and say see you would be my guess. So, I don't -- I don't see there being a huge need for parking during the drop off time, to be honest with you. So, I don't know if it's really -- and I agree that there will be a huge need for parking, you know, because if you have got two parents coming home from work different directions, you're having, you know, 240 cars potentially. I mean, you know, hopefully, that's not the case, but I have seen a lot of times at school functions that you're parking a long distance away. So, I don't know if it's a big issue to have the extra parking spaces and not have that drive aisle be protected.

Marshall: To be honest, I'm torn on this a little bit. I think I tend to favor staff's thought on that parking. I will tell you why. Not because of that drive aisle, because I don't think any -- once you -- if you block that off you're typically not going to get pedestrians going across that in that drive aisle coming in from Fairview going straight up to the roads, people are going to go park and, then, walk up to the other areas. The one concern I have is if cars are not parked there that free circulation across the parking lot -- if you have ever walked across the parking lot and someone almost get ran over by somebody while you're trying to walk to your car? And we are talking little kids, you know, one, two, three, four, five, six years old and to be honest I'm getting out of my car and my six year old I'm walking them into the school and talking with the teachers and making sure they have him before I leave. I'm not letting my kid out in the parking lot. I'm definitely not. And I would be very worried -- in fact, that scares me that people might think they can cut across those marked parking stalls and race across to go park, because they are in a hurry to get to work and they are running late and I'm walking my kid in and I'm really worried about that and I think that's probably why staff was recommending that. I do understand there is a definite need for the parking and I understand why -- why you need the additional parking here. I get it. But, again, there is nothing developed to the south of this that you can choose to put in more parking going south. Yeah, it doesn't provide retail floor space for rent I know, but if you're going to put in something that requires a lot of parking you're going to have to provide the parking and maybe they need to pay higher rent to get that kind of parking. I don't know. But to make it work -- but I am concerned about people racing across there and I think that's the idea that is -- staff's trying to look out for the safety and security of little kids while, you know, mom's got baby in hand, one in tow, and the third one is running for the school, someone may shoot across there and pick a parking spot.

Miller: Let me ask you if you have issues with the parking as it is day-to-day operations or just those kind of special events?

Yearsley: My guess it would be more day-to-day events, because, like I said, my feeling is most of the kids are -- parents are going to try to drop their kids off at the front entrance and, then, not have to get out of the car.

Miller: So, then, my next question would be do we design it so those couple days a year everybody can park and, then, all the rest of the days of the year there is more than enough parking?

Yearsley: Well --

Miller: Does eight parking stalls make that big of a difference?

Yearsley: I don't know. I know if it really --

Miller: To me the safety of that is a much bigger concern and it sounds like the reasons that they are wanting the extra parking stalls are exactly counter to the reasons we put those -- those buffers in.

Yearsley: Uh-huh.

Miller: So, I have a strong opinion that the buffers should be there.

Marshall: I would tend to side with that.

Miller: Mr. Chair?

Marshall: Commissioner Miller.

Miller: Make sure I'm on the right sheet here. After considering all staff and applicant testimony, I move to approve file number CPU 14 -- CUP 14-010 as presented in the staff report for the hearing date of July 17th, 2014, with no modifications. I further recommend staff to prepare Findings of Fact and Conclusions of Law and order for the hearing date of August 7th, 2014.

Yearsley: I will second that.

Marshall: I have a motion and a second to approve CUP 14-010 as presented in the staff report. All those in favor say aye. Opposed? That motion carries.

MOTION CARRIED: THREE AYES. TWO ABSENT.

- I. **Public Hearing: ZOA 14-002 UDC Text Amendment by City of Meridian Planning Division Request: Text Amendment to the Unified Development Code (UDC) in Regard to Landscape Buffers, Fencing for Daycares, the Public Meeting Process, Parkways Along Arterial and Collector Streets, Posting for Public Hearings, Cul-De-Sac Measurement and the Removal of Construction Sand and Gravel Mining as a Conditional Use in Residential Zones**

Marshall: So, I would like to open the public hearing for ZOA 14-002, UDC text amendment by the City of Meridian and ask for the staff slash applicant report.

Lucas: Mr. Chair, Members of the Commission, thank you. Staff has before you tonight some proposed amendments to our code, which governs how we review applications and apply standards that -- when it relates to land use applications. These tonight before you are what we would consider clean-up items. Some of them may be a little more significant than others, but the multitude of them are relatively straight forward. I do want to highlight that from the application to what was actually in your packet there was some minor changes and I highlighted those for you in the staff report. One of them was just a change of one word, based on some input from the legal department and the other one was just increasing the deletion of a sentence related to the daycare fencing, just removing totally, rather than a partial deletion. Once again, that was also on input from our legal department. It's teaching just we are -- I think are good to make. We want to highlight that we are applying some -- some standards to landscape buffers. You probably saw some of that. That was one of the significant ones in there. We shared those with the BCA, the Building Contractors Association of Southwest Idaho, did not get any feedback. It appeared that they are pretty straight forward requirements and just clarifying what we really want in those landscape buffer areas. We added some stuff on the public meeting process. Parkways along arterial streets. Posting for public hearings. Just some minor things there. Cul-de-sac length measurement, which is something that comes before you relatively often. Sometimes you get these really long dead ends. They might have some bends and turns in them, it's still a dead end street. So, we -- and we have typically envisioned it that way, but we just wanted to make it often explicitly clear that we measure it that way in our code, that even if a street connects to another street and turns multiple times and ends in a cul-de-sac, that's one a long cul-de-sac, even if the name changes of that street. There is probably some relief in there if there is a pedestrian connection or an emergency vehicle access we can still take that into account, but if it's just a long street with just houses all around it, 450 feet is the maximum for a street or series of streets, which is what the new -- the change says. The other thing which is relatively significant, but I don't think it's something that we have gotten a lot of feedback on, which is the removal of construction sand and gravel mining as a conditional use in our residential zones. So, we are removing it completely as a conditional use. So, when something is removed from the table it is a use that is not permitted and, therefore, cannot be applied for. So, this is something that we looked at as staff and wanted to put in this rendition of our UDC updates. It's possible and at your discretion you could expand that. Certainly that's up to you, but at least at this point we felt it was appropriate to remove it from our residential zones and that may be something that comes up again in the future related to this use anywhere in the city. With that I certainly can stand for any questions that you may have about any of those specific changes to the UDC at this time.

Marshall: Commissioners, no questions?

Yearsley: No.

Marshall: My quick comment was they looked pretty straight forward and seem pretty simple. Thank you.

Lucas: Thank you, Mr. Chair, Members of the Commission. Just for your knowledge -- and this was referenced in the staff report -- we are going to create and are in the process of creating a UDC work group, which is a group of staff -- city staff and developers that we are going to bring together probably in September for our first meeting to talk about some broader changes to our code. I don't know -- we are not sure what's going to come out of it. It's kind of one of those brainstorming sessions and we are not quite sure how it's going to go, but I wanted to keep you in the loop on that and let you know that bigger changes like that we want to make sure we have a more robust effort before making any changes like that.

Miller: Can we take part in that?

Lucas: Absolutely. Mr. Chair, Members of the Commission. Representation from a member of the Planning and Zoning Commission I think would be appropriate. It's something that we could include -- include you on. I haven't developed it completely yet and I would be glad to do that. You can make a recommendation as to who it might be. It looks like there might be a volunteer. But we would be glad to include you. Absolutely. I can't include all of you at the same time, because you can't have a quorum there, but one would be okay.

Marshall: Just a point of clarification, though. You were saying getting together with the development community on this for a brainstorming session, but it appears you are anticipating major change coming out of that. So, I assume there is something you're proposing on bringing to the table during that.

Lucas: Well, Mr. Chair, Members of the Commission, I don't know, it was about six months ago we brought to you some changes to the UDC and one of the things that we talked about at that time, which we didn't feel comfortable including and we didn't feel comfortable here, was, basically, somewhat of an audit of our dimensional standards in our zones, our lot sizes and things like that. So, looking at that in a more comprehensive way and really seeing, you know, how are we doing with our zones, are we getting what we could be getting, are we getting the densities that we are targeting and that's a pretty broad discussion and something that, you know, requires a real -- area -- you know, that's one bigger item. There is some others related to easements and how easements are used related to irrigation that the development community is very interested in and we want to talk about that at a broader level and several other, you know, larger items that would be discussed at that time. Just also a point on participation from the Commission. Certainly in those early meetings, those work groups, absolutely. Once an application is made, obviously, then, you would have to withdraw your participation from that and just participate from a staff report level.

Baird: Mr. Chair, just to add to that. The reason that you would be allowed to participate is because it's a legislative change. If it were a quasi-judicial looking at one particular property that would come before you, we would advise you to wait until it comes. But this is a chance to get your fingers in there, so go for it.

Marshall: So, at this time I think we have a motion, don't we? Or discussion or --

Miller: Do we have to close the public hearing?

Marshall: Yes.

Miller: I move to close the public hearing.

Yearsley: Second.

Marshall: I have a motion and a second to close the public hearing on -- gosh, darn it. ZOA 14-002. All those in favor say aye. Opposed? That motion carries.

MOTION CARRIED: THREE AYES. TWO ABSENT.

Marshall: So, discussion? Comments?

Yearsley: I thought it looked good.

Miller: Yes.

Marshall: Very impressed. Yes. I was kind of pleased to see some of that.

Yearsley: Mr. Chairman?

Marshall: Commissioner Yearsley.

Yearsley: After considering all staff, applicant, and public testimony, I move to recommend approval to the City Council of file number ZOA 14-002 as presented in the staff report for the hearing date of July 17th, 2014, with no modifications.

Miller: I second that.

Marshall: I have a motion and a second to recommend approval to City Council of ZOA 14-002. All those in favor say aye. Opposed? That motion carries.

MOTION CARRIED: THREE AYES. TWO ABSENT.

Marshall: I believe we have one more motion.

Yearsley: I move to adjourn.

Miller: I second that.

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

MOTION CARRIED: THREE AYES. TWO ABSENT.

Marshall: We are adjourned.

MEETING ADJOURNED AT 8:35 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS.)

APPROVED



JOE MARSHALL - CHAIRMAN

8 17 14
DATE APPROVED

ATTEST:



JAYCEE HOLMAN, CITY CLERK

