

Meridian Planning and Zoning Meeting

November 20, 2014

Meeting of the Meridian Planning and Zoning Commission of November 20, 2014, was called to order at 6:00 p.m. by Chairman Joe Marshall.

Present: Chairman Joe Marshall, Commissioner Scott Freeman, Commissioner Steven Yearsley, and Commissioner Rhonda McCarvel.

Members Absent: Commissioner Patrick Oliver.

Others Present: Machel Hill, Ted Baird, Caleb Hood, Bill Parsons, and Dean Willis.

Item 1: Roll-Call Attendance:

Roll-call

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| <u> X </u> Steven Yearsley | <u> </u> Patrick Oliver |
| <u> X </u> Rhonda McCarvel | <u> X </u> Scott Freeman |
| <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 November 20th, 2014, and I'd like to begin by asking for roll.

Item 2: Adoption of the Agenda

Marshall: All right. First thing on the agenda is the adoption of the agenda. I do have one modification to the agenda. Action Items A and B, RZ 14-007 and PP 14-017, Southridge Estates, we are going to open that for the sole purpose of continuing to the December 4th, 2014, Commission meeting. Due to some technical difficulties they are changing the acreage zoning description and amending that and they were renoting for the December 12th meeting. Other than that, the agenda should be as stands. So, could I get a motion?

Yearsley: Mr. Chair, I move that we adopt the agenda as modified.

Freeman: Second.

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

MOTION CARRIED: FOUR AYES. ONE ABSENT.

Item 3: Consent Agenda

- A. Approve Minutes of October 16, 2014 Planning and Zoning Commission Meeting**

Marshall: Next on the agenda is the Consent Agenda and the only thing on the Consent Agenda is the approval of the minutes of the October 16th, 2014, Planning and Zoning Commission meeting. Commissioners, are there any comments, corrections, any -- anything to address? No? Then could I get a motion to approve the Consent Agenda?

Yearsley: Mr. Chair, I make a motion that we approve the Consent Agenda.

Freeman: 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: FOUR AYES. ONE ABSENT.

Marshall: Now to the Action Items and before I begin I would like to explain a little bit how this process is going to work. I'm going to open each of these items and ask for the staff report. The staff will, then, provide a synopsis of their report, which we have in writing, and let us know how the application meets city ordinance and code and things like that. After the staff has given their report I will ask for the applicant to come forward. The applicant will be given 15 minutes to provide any additional information, any background that they would like us to consider in deliberating on this. After the applicant has addressed the Commission I will, then, ask for public testimony. What I'm going to start with is the sign-up sheets in back. If you were to sign your name saying you would like to testify, I would very much appreciate that and I will go down that list, ask each person -- and each person will be given three minutes to testify, unless they are testifying for a large group of people, in which case I will ask for a show of hands from that group. That group will, then, provide their time to the person up front and that person will be granted ten minutes to testify. After everybody on the list has been called I will, then, ask for any additional people that would like to address that may have reconsidered and wanted to address, even though they didn't sign up, or if they walked in late, we will get everybody to address the project and, then, I'm going to ask the applicant to come back up and address any issues that might have arisen during public testimony. Then, hopefully, we will be closing the public hearing and deliberating and rendering a decision.

Item 4: Action Items

- A. Public Hearing: RZ 14-007 Southridge Estates Subdivision by DBTV Southridge Farm, LLC Located South of W. Overland Road Between S. Linder Road and S. Ten Mile Road Request: Rezone of 3.05 Acres from R-15 to TN-R; 1.67 Acres from R-4 to R-8; and 0.83 of an acre from R-8 to R-4 (Acreage/Zoning Description Amended and Re-Noticed for 12/4/14)**
- B. Public Hearing: PP 14-017 Southridge Estates Subdivision by DBTV Southridge Farm, LLC Located South of W. Overland Road Between S. Linder Road and S. Ten Mile Road Request:**

Preliminary Plat Approval Consisting of 193 Single-Family Residential Building Lots and 19 Common/Other Lots on 48.65 Acres of Land in the R-4, R-8 and TN-R Zoning Districts (Acreage/Zoning Description Amended and Re-Noticed for 12/4/14)

Marshall: So, with that said, the first one I'd like to open is the public hearing RZ 14-007 and PP 14-017 for Southridge Estates for the sole purpose of considering a continuance to 12/4/14 and ask if staff has any comments? No? Commissioners, at this time I think it might be appropriate to make a motion of offer any comments if you want to continue it to a different date if that's enough or --

Freeman: Mr. Chair, I move to continue file numbers RZ 14-007 and PP 14-017, Southridge Estates, to the December 4th meeting, so that we can deal with this acreage and zoning description amendment and renoticing.

Yearsley: Second.

Marshall: I have a motion and a second to continue RZ 14-007 and PP 14-017 to December 4th, 2014. All those in favor say aye. Opposed? That motion carries.

MOTION CARRIED: FOUR AYES. ONE ABSENT.

C. Continued Public Hearing from October 16, 2014: PP 14-016 Coleman by Wal-Mart Real Estate Business Trust Located Northwest Corner of N. Ten Mile Road and W. McMillan Road

Marshall: Next item on the agenda, Item C, a continued public hearing from October 16th, 2014, for PP 14-016. I'd like to reopen that and ask for the staff report, please.

Parsons: Thank you, Mr. Chairman, Members of the Commission. First item on the agenda this evening is the Coleman Subdivision. This item was continued from the October 17th hearing, I believe, due to the fact that it was noticed improperly. The applicant has renoticed, they reposted the property in accordance with the ordinance, we are able to act on this -- at least you are able to make a recommendation on this application this evening. The site consists 26 acres currently zoned C-G within the city. It was annexed in with the Volterra Subdivision in 2005. The property is located on the northwest corner of North Ten Mile Road and West McMillan Road. In 2013 the city did approve a certificate of zoning compliance and design review application for the construction of a Walmart store on the property. If any of you have been around that area you can see there is quite a bit of construction activity out there. The applicant is here this evening to discuss subdividing the property from one parcel into five parcels. The Walmart store will actually sit on Lot 3 and currently under construction and, then, there are two additional -- four additional parcels that they are proposing here along the northeast corner of the development and also at the hard corner of the intersection of Ten Mile and McMillan. The applicant doesn't need to really plat the development to have

additional commercial buildings on the property, but in order to convey ownership they do have to subdivide it through the city in order to sell those lots off and have -- be free and clear of that. When Walmart came through and was approved with their certificate of zoning compliance. Staff did have a recorded cross-access agreement for these parcels to use this northern drive aisle and, then, also this driveway also grants cross-access to the property to the north. So, that easement is in place. In my staff report I have recommended that they grant cross-access for this portion of the development, so that these new owners will have access to Ten Mile and the McMillan Road access points. When this property was -- went through the comp plan change and rezoned in 2008, there was a development agreement that granted these access points that you see here. So, there is -- the property is granted with a full access to Ten Mile along the north. The one closer to the intersection is a right-in, right-out only access. The other access point to McMillan Road is also a right-in, right-out access and with the development of the Walmart store they were required to submit a traffic study to ACHD and they entered into a cooperative development agreement not only to construct this off-site collector road behind them, but also construct those -- the intersection improvements at Ten Mile and Chinden Boulevard. So, if you have seen that activity, that was in conjunction with the construction of this store. The developer adjacent to this property to the west will also be finishing up the road segment this year with the Walmart store. So, we should have a complete collector road network behind Walmart moving forward. The UDC does require a 25 foot landscape buffer along the arterial streets, Ten Mile Road and, then, also McMillan and, then, a 20 foot wide landscape buffer along the collector road and, again, all of the landscaping and what you see here on the plan has been approved with the certificate of zoning compliance and the design review. I don't have any elevations for you this evening, but all of the future lots or any future commercial buildings proposed for the commercial lots will have to go through CDC and design review moving forward, so -- and also because of the design criteria in the development agreement staff felt comfortable that we did not need any application -- or any elevations to present to you this evening. I did receive written testimony from Kent Brown, the applicant. He is in agreement with the conditions in the staff report. Staff is recommending approval of the preliminary plat and I will stand for any questions you have.

Marshall: Commissioners, any questions of staff?

Yearsley: Mr. Chairman?

Marshall: Yes.

Yearsley: Bill, I just want to clarify for the record that -- I think it's Lots 1 and 2 won't have access to McMillan Road on any of that, so they will have to access within the sub -- the property itself; correct?

Parsons: Mr. Chairman, Members of the Commission, Commissioner Yearsley, that is correct. They are required to provide a cross-access agreement for those lots to use as driveways and use those established access points.

Yearsley: Okay.

Parsons: And that is conditioned.

Yearsley: All right. That's all I have.

Marshall: Good question, Commissioner Yearsley. Anyone else? No? Then, could I ask the applicant to come forward and, sir, I'm going to have to ask for your name and address for the record.

Brown: For the record Kent Brown. 3161 East Springwood, Meridian, Idaho. Bill has covered the application very well. The use has already been approved and majority of that has already been built. If you have been by the site the buffer that he's talking about is built. The access points are built. The site is paved. Water and sewer is to this. The only purpose in this is to subdivide it and -- so, that's why there is only a preliminary plat and shortly a final plat upon approval. So, I'd stand for any questions you might have.

Marshall: Commissioners, any questions for the applicant? Thank you very much. So, at this time I'd like to ask -- I have no one but the applicant signed up, so is there anyone else that would like to address this application? Well, Mr. Brown, I'm not going to ask you to come back up and rebut -- rebut your own testimony, so at this time, Commissioners, I guess I would be looking for a motion.

Freeman: Mr. Chair, I move that we close the public hearing for PP 14-016.

McCarvel: Second.

Yearsley: Second.

Marshall: I believe I have a motion and two seconds to close the public hearing on PP 14-016. All those in favor say aye. Opposed? That motion carries.

MOTION CARRIED: FOUR AYES. ONE ABSENT.

Marshall: So, Commissioners, thoughts? Comments?

Freeman: There is really not much to say on this one, at least from my standpoint. This is very -- very straight forward. We can approve this pretty easily I think.

Marshall: I see a lot of nods.

Yearsley: I agree.

Marshall: Well, Commissioners, I guess we are looking for a motion.

Yearsley: Mr. Chairman, after considering all staff, applicant, and public testimony, I move to recommend file -- recommend approval of file number PP 14-016 as presented in the staff report for the hearing date of November 20th, 2014, with no modifications.

Freeman: Second.

Marshall: I have a motion and a second to recommend approval of PP 14-016. All those in favor say aye. Opposed? That motion carries.

MOTION CARRIED: FOUR AYES. ONE ABSENT.

- D. Public Hearing: CPAM 14-002 Tribal Fire by Clarence McLain
Located North Side of E. Overland Road and East of S. Topaz
Avenue Request: Amend the Future Land Use Map Contained in
the Comprehensive Plan to Change the Land Use Designation on
Approximately 2.92 Acres from Low Density Residential (LDR) to
Commercial Recommend Approval to City Council with no
Modifications**

- E. Public Hearing: AZ 14-013 Tribal Fire by Clarence McLain
Located North Side of E. Overland Road and East of S. Topaz
Avenue Request: Annexation of Approximately 1.44 Acres from
R1 Zoning District in Ada County to the C-G (General Retail and
Service) Zoning District**

Marshall: All right. Next on the agenda is Items D and E, CPAM 14-002 and AZ 14-013. And I'd like to ask for the staff report.

Parsons: Thank you, Mr. Chair, Members of the Commission. Next item on the agenda is Tribal Fire Comprehensive Plan map amendment and the annexation request by Tribal Fire. The site is located on the north side of East Overland Road, just east -- just east of South Topaz Avenue. The Comprehensive Plan map amendment request consists of three parcels, totaling 2.92 acres of land. Currently this property is low density residential on the city's Comprehensive Plan. The annexation request only includes a single parcel, which is located in between the two adjacent properties here. So, for the record the CPAM includes three parcels. The annexation includes a single one acre parcel. You can see here in the aerial that the site is currently surrounded by low density residential within the county. To the south -- or kitty-corner southeast or west of this development you do see a large business park, Silverstone Subdivision, which is currently zoned C-G within the city and, then, primarily also on the south side is vacant or county residents, farms, agricultural land. Comp plan for medium density residential, but it's currently just being ag'd again and that's currently RUT in the county as well. And, then, this line -- the blue line here marks our area of city impact, which this area is getting closer to the city of Boise's boundary moving forward. The first part of my presentation I would like to just focus on the comp plan amendment. I have Caleb here to assist on some -- some future expansions or future studies we may want to undertake within the area. But here is what I

have highlighted for you here. The exhibit on the -- of course on the left here shows what's happening around this property and so the property that we are discussing this evening are the three located here. Again, as I mentioned earlier, this property currently is low density residential, along with the surrounding properties. The applicant is here this evening to change that or request to change that land use designation on three of the parcels -- three of the properties. In the staff report I brought to your attention that the property on this side of the South Rolling Hills Drive is already operating or constructed with a single family residence and at this time we don't feel it's appropriate -- without having enough details for that property, we don't feel it's appropriate to recommend that land use change to you this evening. However, we do support the applicant's request for his parcel for annexation and also this -- this adjacent parcel, because the site is adjacent to a mobility corridor and we feel at some point with the future study that needs to occur here, we are seeking your approval of that -- or your recommendation on that this evening. That there may be some options to kind of look at this and analyze this further. Because these properties are contiguous and there is a development plan for one of the parcels, again, we are supportive to moving forward. I will let Caleb kind of go into some of the long-term ramifications and what we envision moving forward as this application goes through the hearing process.

Hood: Good evening, Commissioners. Just a little bit -- I don't know -- ramifications, necessarily, but I just want to give you a heads up and if you have any concerns with this approach -- really what we would like to do -- this application has called to our attention, at least in my opinion, the need to reevaluate the overall vicinity of the two subdivisions shown in the lighter green or the low density residential on the future land use map. So, what I would like to do is undertake a project to reach out to the neighbors out there and say is this, in fact, the best designation for your properties in whole and look at potentially doing a bigger future land use map amendment to either -- and I don't have any preconceived or predetermined designations, but maybe a mixed use designation that, essentially, encircles them. But we think there is some pretty good justification with the interstate being adjacent and Overland Road and Eagle Road being in the near vicinity, to really look at this and see if it makes sense to change, again, the land use designation for the entire two subdivisions here to be something other than low density residential. Now, we will need to make sure our messaging is straight, because we are not saying you can't live there on your existing one acre house. That is totally fine. What this is is a future land use map. So, is it ultimately the best land use designation for this property. So, again, what I'm asking for concurrence from is the Commission do you think this is worth our time at the staff level to engage with this neighborhood and explore options for another land use designation or do you believe, in fact, that save maybe a couple of the lots with frontage on Overland, that low density residential makes sense in this particular -- again, two neighborhoods -- or two subdivisions, which effectively are one -- one neighborhood. So, you don't necessarily need to give me feedback, but I would appreciate any if you have any. And, again, particularly if you have concerns with us looking at this and you're like don't waste your time. We know a lot of people live in there and they are happy and they don't see any reason to pursue another designation. But, again, we think it merits just maybe a little bit more. I wasn't here back when -- in 1973 when our Comprehensive Plan was adopted, but I have been with the city 11 years now

and I know that we have not looked at this area since at least then and I'm going to venture a guess it's been 20 some years since this has been evaluated and a lot, obviously, has changed in Meridian in that time frame. So, again, in my opinion this warrants us spending some staff resources to look into it, again, engaging with the neighbors to see if -- if there is something here and if we hear a resounding, no, we are happy, we don't think anything needs to be changed for the long term, we may just let it go, but we would like -- we would like to engage, so -- again, if you have any questions or any comments at this time or later on in this hearing, I would appreciate those.

Marshall: Commissioners, any questions of staff?

Freeman: Mr. Chair, it sounds like a parallel and related issue to the application we are hearing at the moment. I'm not sure what the protocol is. Do we want to talk about this in our deliberations? Is that the appropriate time to discuss this or do we want to talk about now? I'm asking. I'm not sure how to handle this problem within a problem.

Marshall: Right. To be honest, my approach was -- I thought I would address this during deliberations and part of the conversation is how I thought I would approach it. Any direction, Ted?

Baird: Commissioner -- or Members of the Commission, I think that make sense, because this is part and parcel of what you're deliberating about with this application. It's necessarily intertwined. I would, however, make your motion on the pending application solely on the facts as presented and, then, perhaps consider a separate motion after -- after you have disposed of the pending applications with regard staff direction for a future study.

Marshall: Thank you. Is that -- any other questions of staff? Based on that, Caleb, I believe we are going to hold you off for a little bit, but we will give you some feedback. Thank you, sir.

Parsons: Thank you. And I will get on with the presentation. So, just to piggy back a little bit on what Caleb said is even though we are recommending this not be part of the comp plan amendment, we would include this parcel, if it's your desire this evening, for staff to initiate those neighbors, we would entertain that parcel being part of the separate future land use map in the future if that's your desire. So, as I mentioned to you, the applicant is -- with the Comprehensive Plan change they are also requesting to annex in with the C-G zoning district, consistent with that proposed future land use map change. So, the applicant has provided a concept plan showing how he intends to develop the center parcel, the one acre parcel. I would mention to you that ACHD, although this is just an annexation and a comp plan amendment, they did provide a staff report. They didn't give us any conditions, but one thing that I can assure you is they were supportive of the proposed access point that they are showing on the concept plan, again, because he fronts on the arterial we don't -- our ordinance doesn't support that. But this does meet ACHD's policy for access off of Rolling Hills Drive and the applicant is also seeking a reduced landscape buffer along the northern boundary to support the location of that

access point. So, keep that in mind. So, the proposed concept plan here has -- depicts a 5,000 square foot building footprint, some future parking, secured storage facility. The applicant intends on developing this site with a flex space building, so, basically, office-warehouse building. In my staff report I did point out to you his hours of operation are typical of an office business. Any of those -- he -- his business he installs fire suppression systems within commercial buildings and so most of the job sites of piping and all these materials associated with that are dropped off at the job site, not brought to this particular property. So, that's why staff felt comfortable with supporting a reduce buffer. He's also going to have a fence along the boundary and plant that with landscaping as he moves through the process. One thing I did point out in the staff report is staff will -- I did -- the applicant does have future plans of making this potentially a multi-tenant building in the future, as his business grows and he may outgrow this building space, he may want to turn it into an income property and convert the structure into a multi-tenant facility. So, in the staff report -- I won't go into all the changes to the concept plan, but there is a condition in the staff report that he modify this concept plan prior to Council hearing to show how that would work with not only his property, but with the adjacent property to the west. Because we are recommending that Comprehensive Plan change for that property to the west, we want to make sure that these two properties meld together and we get cross-access between the two properties to try to restrict access to Overland Road. The application also has provided some conceptual development -- or building elevations for you to take under consideration this evening. Again, in the staff report I did recommend some additional modifications to that -- to these elevations. Ultimately the applicant will have to go through the certificate of zoning compliance and the design review process in order to get his site design approved and his building elevations approved. But because he's annexing with a C-G zone we wanted to get that on record -- get something in front of you to show what he's actually proposing to do. As I mentioned to you -- because this is an annexation staff is recommending a development agreement for this site, just because of that C-G up against that low density residential designation. In the staff report I called -- I think the two things that I do want to bring to your attention is staff is recommending limited hours of operation on this property, so from 6:00 a.m. to 11:00 p.m. and that's consistent with the UDC. If other hours of operations are needing to be extended beyond that they can go through, one, modify the development agreement and go through the conditional use process per the UDC. The other limiting factor is we want to limit the types of uses that will occur on this property and in the staff report I called out four specific uses for this property and one's office, personal service, so a salon, nail salon, those types of businesses, the flex space which you see here depicted on the first rendering of the concept plan and then -- I think -- is that all four of them? Yeah. I hit all four of them. Other than that I have -- to staff's knowledge there aren't any other outstanding issues to you. I think in summary, again, there are three parcels part of the CPAM application. Staff is recommending approval of two of those going to commercial and we are recommending approval of the annexation of the single parcel with a C-G zoning district with the provisions of the DA -- the DA provision stated in Exhibit B of the staff report. This concludes my presentation and I will stand for any questions.

Marshall: Commissioners, any questions of staff?

Freeman: Mr. Chair, I have --

Marshall: Commissioner Freeman.

Freeman: -- one, maybe two. Bill, elevations we are looking at -- I noticed this when I was looking at my hard copy, too. I'm seeing the same thing twice it seems or are there differences between these? Was that just a clerical error that we are not seeing the other two elevations?

Parsons: Correct. I think that's what I took out of the staff report, so I probably cut and pasted the same thing in there.

Freeman: Okay. I didn't know if we were supposed to understand a couple of alternatives or a development or something in the two plans. Okay. Second one is I noticed in your report there were several modifications to the site plan at your request and I was just curious. It sounds like staff is comfortable with that, but as a Commission I -- I feel this is every now and then when I see these things -- okay, I'm seeing this, but this isn't actually what we are recommending approval for, because it's going to change before City Council sees it. It doesn't appear overly complex, I guess. I just -- I feel like we are recommending approval in kind of a gray area. We are not -- we don't really know what's going to be shown here. If staff is comfortable that those changes will be made before City Council that's -- that's enough to satisfy staff.

Parsons: Mr. Chairman, Commissioner Freeman, I believe so. I mean, you're right, it is a one acre site, but there is enough detail -- and the reason why I recommended the change is because I see conflicts with the way it's designed right now and I don't want to send the applicant down the wrong road when he comes in with his certificate of zoning compliance and design review. So, I called out the obvious in the staff report, so I was, one, not only trying -- trying to set up a flex space building in accordance with our code, but also tell that story in the future, if you do intend to convert this to a multi-tenant building, then, show us what your ultimate plan is, because we need to know the entire picture.

Freeman: Yeah. I agree with your recommendations a hundred percent.

Parsons: If you want me to go through them very quickly I'm more than happy to do that.

Freeman: No. I understand them. Again, I guess I'm just commenting more than anything. This isn't actually the final design that we are recommending approval for and I guess that's okay, because it's a -- a comprehensive plan amendment and a -- and an annexation and rezone.

Parsons: Yes. Staff wants assurances that the correct plan is in the development agreement and that's why I recommended that that happen before Council.

Freeman: Okay. Thanks.

Baird: Mr. Chair?

Marshall: Yes, sir.

Baird: Members of the Commission. I might be stating the obvious, but it's always your choice. If there is something in the report -- a change that you can't visualize and you want to see it, you can always direct that the matter be continued or make a motion with that regard. That -- if it becomes an issue with the -- perhaps the neighbors also want to visualize it, that might be one reason to consider it. It might not be necessary for this application, but I just want to remind you you have that as an option.

Marshall: Thank you.

Freeman: Thank you. That's all.

Marshall: Any other questions, Commissioners?

Yearsley: Mr. Chairman?

Marshall: Commissioner Yearsley.

Yearsley: Bill, go back to the land use map. Okay. So -- oh. Go back one more. The other way. Right there. So, they are wanting changes for all three, but we are only going to annex the middle one. Are we contiguous enough to be able to annex? Because I don't think that any three of these are actually in the city's limits; right? I just want to make sure that we are contiguous, that we can annex that property.

Parsons: Mr. Chairman, Members of the Commission, Commissioner Yearsley, we are.

Yearsley: Okay.

Parsons: By a margin, but they are there. They are adjacent with Silverstone there and that's why they could still request annexation.

Yearsley: Okay. Thank you.

Marshall: Commissioner Yearsley, I see what you're talking about, because that's like corner to corner, isn't it?

Yearsley: Yeah.

Marshall: It's like I can place this stud on this one with glue, but it's not going to hold anything.

Yearsley: Yeah.

Marshall: Got you. All right. Commissioners, any other questions of staff? All right. Could I ask the applicant to come forward, please, and I'm going to have to ask for your name and address for the record. Thank you.

McLain: Thank you. Chereese McLain with Moore, Smith, Buckman and Turcke. 950 West Bannock Street, Suite 520. Thank you for hearing us tonight. Bill did a great job on summarizing what the issues are and the applicant -- we believe that that is -- you know, the future land use map it -- low density residential is not appropriate, especially on the frontage of Overland and one thing that's kind of unique about this parcel in particular is it's bare land. So, these -- the homes of the 1970s subdivision that exist there that, then, grew -- you know, Overland grew into it. This is actually land that was never developed and it's right off of Overland. So, we do believe that it's not really appropriate to try to build a home there at that time for safety reasons, amongst others, of trying to turn onto a very busy arterial street. The applicant bought that property late last year and has since been working through the development. Currently his business is located in Kuna in a leased building. He would like to get closer to the city center, which is I think put forth in the application. We have reviewed all of Bill's conditions and we are fine with all of them. We do plan to make those site plan changes. The cross-parking access agreement we are fine with. So, we are not asking for any modifications of any of those conditions. As far as the question of why annexing one versus the comp plan amendment of the others, some of that was actually at the request of staff, trying to get more parcels, so it didn't just be the one. So, the applicant worked really hard with the neighborhood, held a neighborhood meeting, had several interested, but they weren't contiguous and so it would have been just a bunch of spots. So, there is interest and so we would actually support and encourage that reach out to the -- to the public around there to ask what they think, you know, should be in that future land use map, because I think you may find that low density residential may not be the best course of action, just because that area is just naturally growing into more of a commercial area. Further, you know, it is our understanding that land south across the street, the large parcel, is just gearing up and cuing up to be developed. So, it no longer really will be bare land, you know, here in the near future, so -- anyone, tonight we request that you guys provide a recommendation for that annexation and the comp plan amendment and at this point I will stand for any questions.

Marshall: Commissioners, any questions of the applicant? No?

Yearsley: Mr. Chairman?

Marshall: Commissioner Yearsley.

Yearsley: So, what I understand is the reason why the other two lots are requesting being commercial as well is because the staff has asked and, then, owners had agreed to that? Is that what I understood?

McLain: The applicant approached the city originally and the staff -- and rightfully so -- recommended that this be kind more of a -- they were looking for the consensus and as

you heard from their presentation, the applicant's application kind of triggered a question of, hey, should this stay low density residential and so it was -- it was a soft request, definitely you should see if you can get some other properties that would be supportive. It would -- it would be better just from a natural planning and future planning philosophy. So, that's what the applicant did and, like I said, what you're seeing is actually a smaller portion than what's actually out there of interest, we just couldn't get them to be all connected together. So, we did get the three parcels. I don't disagree with Bill's conclusion personally that -- that the one stay, since it's in the other subdivision, but -- but, yes, I mean we are certainly of the opinion that all of the frontage for certain should probably go to some sort of flex use, as opposed to low density residential. I don't know of very many people that would want to move into homes on that road given that traffic right there. But, yes, to answer your question, Commissioner Yearsley, it was requested more of we should see -- and I think they just wanted to kind of get a temperature check from around there and see whether or not there was support for that and I would think that you will find there is. But we did get the three parcels to agree to want to come in with that comp plan change.

Yearsley: Okay. Thank you.

Marshall: Commissioners, any other questions of the applicant? Thank you.

McLain: Thank you.

Marshall: All right. At this time I have Clarence McLain. The applicant has been spoken for I take it. All right. And Matt Rhees. Rhees. I'm going to have to ask for your name and address for the record, please.

Rhees: My name is Matt Rhees and I have a property on 4240 Overland, which is just right adjacent east and in general -- I wrote down neutral on the whole thing and I probably have just more questions than anything and I don't know if you can answer them or not, but I think the proposed use is very appropriate for Overland. Ever since it was widened it's -- that's a major arterial road and so everything that fronts Overland needs to be some sort of commercial or mixed use. I don't think you should force property owners to change their zoning or change their use, but certainly is very appropriate for all the property owners that front Overland Road. My question or my concerns -- a little self interest -- is that the house that I have on 4240 is a kind an early '60s ranch style house and it's on its own well and septic and so my concern is -- I have been told that it's city policy that to hook up to city water or city sewer you have to be annexed into the city, but that's only if you are adjacent to a property that's been annexed into the city and I don't know if that's true or not. I tried calling the city and I got transferred around several people and got several different answers or no answer really. So, my concern is is that if the property next door to me gets annexed into the city, then, if I want to hook up to city sewer does that mean I have to be annexed? Is that city policy? I don't -- I'm not really sure if that's a good thing or a bad thing at this point. It's just a concern. My neighbor to the east is pretty adamant about not being annexed into the city. He just recently hooked up to the sewer and did not have to be annexed to the city, so -- and I don't know if you're --

Marshall: Mr. Rhees, we will get that question answered for you here in a few minutes.

Rhees: Okay.

Marshall: Okay? Right now is your opportunity -- I appreciate your providing us with that question and we will try to get that answered here in a few minutes.

Rhees: Okay.

Marshall: Do you have any other thoughts or comments about this? I take it you're neutral on it, but --

Rhees: Yeah. There is different opinions of whether being annexed into the city -- you know, when you're kind of a rural property, whether that's a good thing or bad thing taxwise and all of the other stuff and I'm just that's just a matter of opinion. I don't -- I don't know. I do know that it gets kind of spendy, you know, if I were to hook up to the sewer, that the whole fees and everything being forced to being annexed in is quite expensive for just a single family residence versus my property was being redeveloped into something commercial or something and, then, that's, I think, a different situation. So, I'm not sure why the property next door is requesting that annexation, what the point of that is, if it's not being developed or if there is no plan other than just -- just being vacant land. That's all I have.

Marshall: Thank you, sir. At this time is there anyone else who would like to address this project? Seeing no one else, would the applicant like to come up and address anything further? I can't have you talk from that -- I'm sorry, we have got to be on the record.

McLain: Thank you, Chair and Council -- or, excuse me, Commission. I didn't hear anything to objection -- or too -- in objection with this application, so I don't think there is anything for us to respond to at this time. It seems more of a staff question regarding the septic and the sewer hookup, so -- but I'm glad to hear he does support the frontage being in commercial as well. So, any questions?

Marshall: Thank you. Commissioners?

McClain: Thank you.

Marshall: Thank you very much. All right. So, Caleb, I -- Bill, I would like to ask if you could address that for Mr. Rhees a little bit. I think there is some confusion there as to what would be required and what hooking up to city services versus annexation and what's required and --

Hood: Mr. Chair, Members of the Commission, the city's policy is basically related -- a way to think about it anyways, is a three legged stool and all three of them go together. To be annexed you need sewer and water and you don't get any one of those typically in

and of itself. There have been some cases where a septic system fails and city services are within 300 feet and the property is not contiguous and we will extend services to that property. What's required in that situation is they sign a paper saying when I am contiguous I agree to annex into the city and that does happen occasionally. Again, when you get properties that are within 300 feet of services, but aren't contiguous and eligible for annexation. But, again, we don't -- historically we don't force or initiate anybody to annexation into the city. It's you want or need our services and, therefore, you sign papers saying I agree to receive the service and, therefore, become part of the city. So, the policy would be -- again, here, depending on the situation. If Mr. Rhees' septic system failed and he did have serviceability within 300 feet, DEQ will not issue a new well permit on that site and they will say you have got services within 300 feet. Again, if it is what it is today, he wouldn't be eligible for annexation, so we would provide that service at his cost to allow him to hook up to that service and, then, when the properties to the south or whatever property is first to be contiguous. But, again, these all three go together. Sewer, water, and annexation and if water is not available or sewer is not available, we typically don't annex you. There has only been a couple of times that I know of where that situation has even come into play and typically what we will say is it's not the right time to annex you. One of the reasons to annex is that we can provide sewer and water service to that property. So, hopefully, that -- and, Matt, you can feel free to -- we can follow up and talk some more if you would like, but -- but, again, that's the city's policy that they all go together. It's really an exception to the rule; right? So, there are some exceptions. But most of the time that's how it plays out.

Marshall: Thank you. Commissioners, any other questions or comments? Then I think at this time it might be appropriate to close the public hearing.

Yearsley: Mr. Chairman, I move that we close the public hearing on CPAM 14-002 and AZ 14-013.

Freeman: Second.

Marshall: I have a motion and a second to close the public hearing on CPAM 14-002 and AZ 14-013. All those in favor say aye. Opposed? That motion carries.

MOTION CARRIED: FOUR AYES. ONE ABSENT.

Marshall: So, I will throw my hat in the ring. I have reservations and I -- but at the same time it seems appropriate. I'm very -- I'm in agreement that this area probably in the next -- anywhere from five to 20 to 50 years it will probably not look like it does today and my guess is that in '93 we anticipated this all to be rural. If you remember in '93 Eagle Road was still a two lane highway that hadn't developed. There was an interchange there, but it was just a two lane highway with -- the commercial business -- it was just a way to get to Eagle. There really wasn't the commercial business or anything else around it and so it seemed appropriate I think at that time to be low density residential. It was out in the farmland. It really was. It was out in the middle of nowhere. That's not true today and, personally, my preference would be for the city to revisit this area to identify whether or

not the local people -- people living there should think it should change. To be honest, I agree that by -- by changing the zoning -- even changing the land map designation would probably increase the value of those lots along Overland Road. That's my guess. I'm not a real estate agent. I don't know. But it would seem that that would be appropriate and businesses are going to pay for it. I don't think you're going to get low density residential people wanting to build a house there. I don't. And I would guess slowly but surely over the years this whole area will morph into more of a maybe be mixed use, maybe residential. I don't know. But it would be interesting to see what the people there feel and what the city envisions. I'd like to see a lot more citizen input on that. I do feel it's probably going to be commercial right there along Overland Road. That makes sense to me. I think you're all very aware of my hesitation to approve C-G next to residential.

Freeman: Mr. Chair, we are very aware.

Marshall: Yeah. I don't like C-G against residential, although -- so, I'm very torn on this project, because it seems appropriate there. I do think that this -- this is an area that we -- I would like -- personally I'm going to voice my opinion that I'd like the city to study this a bit. I like the project. I'd like to see it go forward. At the same time I'm not -- I do appreciate the fact -- again, in one of my questions earlier to staff would be why are we going to C-G? Couldn't we go C-C or C-N and I believe C-C would allow all of the activities as -- as designated on there to move forward and he could use the land just as he has identified he'd like to. But at the same time I think staff has done a very good job in the development agreement in locking things down to just specific uses and this is all that's allowed and trying to lock it down, because I do think -- I mean that's quite a bit of C-G just up the street from there and going to grow into this area and I do personally see this area slowly morphing into maybe some industrial up against the interstate and some C-G and things like that. I do see businesses that the value of the land is just going to rise as far as business goes. As far as residents go, I think it's going -- I think it's going to drop, mostly because of all the growth around it, and the city's lack of identifying this earlier on -- I mean this city has done I think a phenomenal job of planning for the future and we did maybe miss this one little spot. You know, make -- you miss little things sometimes. And do we punish this person by saying no simply because we failed to plan around that and failed to -- I like how the staff -- personally I like how the staff's handled it. I do appreciate the zoning only on the one lot and maybe the Comprehensive Plan amendment on all three and trying to have some continuity there. Those are my thoughts.

Freeman: Mr. Chair?

Marshall: Commissioner Freeman.

Freeman: I think I'm on. I agree with you. I don't -- I don't have quite the concerns that you have. I agree that it's -- this is an appropriate zoning for this particular property and I do appreciate staff's caution in proceeding and also your interest in looking into this further and I also favor a recommendation to investigate this further and see what -- if there is a more appropriate designation for -- for this area. The project itself -- I have no issue with it. I'm fine. Just the question that I brought up earlier. It's just -- it's more difficult for us

sometimes to see what's being proposed when the site plan isn't quite where it needs to be to see City Council. Under different circumstances I might -- I might say, hey, we need to -- we need to have more definition to this before we approve it. I think we can see -- at least I can see pretty easily how those adjustments are going to play out on this -- on this site. So, I'm in favor of recommending approval of the project. I will leave it at that.

Yearsley: Mr. Chairman?

Marshall: Commissioner Yearsley.

Yearsley: I will agree with the -- with the applicant and the staff with making the C-G. I like how they -- they move it down -- kind of ratcheted it down with the development agreement. I almost -- the two parcels on either side of it, I would almost consider letting them stay low density residential until they come up and ask for -- for a redevelopment portion of it. But I could live with just the one parcel onto the west being commercial as well. Just kind of has some contiguous with that. But I agree, I think it appropriate and I will address the rezoning of that area or the future land use map of that after we make a motion on this one, so --

Marshall: Commissioner McCarvel?

McCarvel: Mr. Chairman, I agree, I think Overland is -- by far is going to be commercial use along there. I don't see a problem with that particular -- my own curiosity, what -- how many of those lots are really -- have houses on? I mean as far as the replotting of all that? I mean the overhead it doesn't look like there is that many houses as there are plots. Are all those really -- there is really houses on all that? I think going forward they -- they are going to be of more value if they are used as something else. I don't -- I mean a lot of one acre houses I don't think are going to build with all of that traffic all around there now. That would be coming forward. But I don't see any problems with getting this one through.

Caleb: Mr. Chair, I just confirmed with Bill, I mean just doing some high level analysis, I would say 90 percent or so of those lots are occupied already with single family homes. So, it's not like you will get a whole -- there is not a whole bunch of vacant lots, this -- this lot is somewhat of an anomaly and most of them are occupied lots and I would venture a guess that most of them were built in the '50s or '60s as Mr. Rhees' home was, but the couple few that are out there that don't have homes, I don't know that someone is going to purchase and build a home knowing what's going on around them today. But that's why we would like to look at it. But most of them are -- there are homes on most of the lots. The vast majority of lots.

McCarvel: And that's something for you guys to --

Marshall: Well, Commissioners, I guess I'm looking for a motion.

Freeman: Mr. Chair?

Marshall: Commissioner Freeman.

Freeman: After considering all staff, applicant and public testimony, I move to recommend approval of file numbers CPAM 14-002 and AZ 14-013 as presented during the hearing on November 20th, 2014, with no modifications.

Yearsley: Second.

Marshall: I have a motion and a second to recommend approval of CPAM 14-002 and AZ 14-013 as presented in the staff report with no modifications. All those in favor say aye. Opposed? That motion carries.

MOTION CARRIED: FOUR AYES. ONE ABSENT.

Marshall: Commissioners, we have one last motion.

Yearsley: Mr. Chairman, can I comment? I kind of didn't want to muddy the waters on this. I agree that I think we should look at that and I also wonder if we ought to look at the property to the south -- include that medium density residential to see if that might want to be considered breaking that up into, you know, a staggering as well, because not sure if you're going to want to have homes that close to Overland on the other side of the street as well. So, that would be kind of my thought is if we are going to look at this area, let's look at the whole area in general and make sure that we -- we look at it correctly and identify how that may want to play out in the future.

Freeman: Mr. Chair, do we need to --

Marshall: Commissioner Freeman.

Freeman: I'm in agreement that we should recommend as a Commission that staff look into this further. I'm not sure exactly -- do we need to make a motion and vote on that?

Hood: Mr. Chair, Commissioners, no, I don't need a formal motion. Again, if you had any concerns and this is a nonstarter for you, I would like to hear why you think so. I appreciate Commissioners Yearsley's comment. We can certainly involve them in this process, because that does make some sense, too. We need to consider what's going on in Boise, that -- because they are right on the other side there as well. But, no, I do not need a formal motion. I felt a little bit awkward even including some of that analysis, because I didn't want to put the applicant in a position where this was -- you know, this muddied up the waters. You know, we did ask them kind of on the back side to see how many folks would be interested in hopes that -- because we don't like to spot zone, we don't like to spot comp plan either. So, that was the idea. The more you can get to justify your request -- so we weren't asking them to do our leg work necessarily, but they really have brought -- brought forward that this is an issue, but we are going to move forward

with it unless you have -- have problems with that. Again, no preconceived notions, don't know the outcome of that, but we think it's something that is worth looking into.

Freeman: Agreed from my standpoint.

Yearsley: I agree as well.

Marshall: Okay. And I see Commissioner McCarvel shaking her head. So, I believe you have a unanimous agreement --

Hood: Thank you.

Marshall: -- and, please, yes, we'd like to see this area studied and updated maybe and -- and maybe left alone, depending on --

Hood: And if I can, just one reason why we weren't comfortable at this point just piggy backing on the applicant's request or refunding their money and saying, hey, let the city do this, we haven't looked into services and services are a big thing. Don't know -- right now our sewer and water folks have planned for low density out here. If we put industrial, it may need a whole bunch of water, can we even -- you know most of the lines servicing this area are in the ground. So, if we all of a sudden add a bunch of homes or businesses out there, can we actually service them. So, there is a lot of things we need to do on the back side -- schools. I mean if we have talked about putting homes out here, can the schools handle it? Or do we -- now all of a sudden do we need another elementary school in the area? So, there is a lot of things we need to look at -- traffic being another one -- before we just -- let's change this hundred acres to something more intense. So -- or I think, you know, it passes somewhat of the sniff test or the -- some common sense, if you will, to say, you know, low density probably isn't the best, but we need to think that through all the way.

Marshall: So, my quick question and comment was -- is that I would suspect that the city staff will recommend very stringent requirements on development agreements or anything prior to that whole process evolving and coming about, because that's kind of an involved process, takes a long time, and if any other landowner come forth on either side of this, which that does concern me, that before we are even getting off the ground with that process that other people in close proximity are going to come forth with proposals, because, to be honest, I'm making a guess here -- again, I'm not a real estate agent -- that C-G will increase the value of the land right up there against Overland, that there may be additional things there, so I'm making a guess that staff will recommend very stringent requirements and that's why we tied this one down, simply because we haven't completed the rest of that study.

Hood: And, Mr. Chair, just to be clear, staff will not propose or even look at annexing these properties, that's when you're going to see the development agreements and we want these folks or whoever acquires them or as redevelopment occurs to come forward with a concept plan, like this applicant did. We are simply looking at what is the ultimate

vision for this area and at a higher level what would we allow and what do we want to encourage in this area and I don't think we want to necessarily encourage more low density out here for ever and ever. So, no, we will not be exploring tying anything down necessarily, but at a high level we will be establishing the vision -- because I could see mixed use. In a mixed use you can do a whole variety of things, depending on how many parcels you come in with. If they are just one lot, someone comes in and does something like they did out at Franklin and Eagle at Portico and buys up all those acres and develops a hospital, you know, that's -- those are different situations. So, with our endeavor we will not be necessarily tying anything down. What we will explore is what is, again, the higher level vision for these properties in whole.

Marshall: I think a reference with probably a little more specific like this project -- you know, our development agreement. We were very specific as to what could go in there and we will continue to do that until we have --

Hood: Oh, sure.

Marshall: -- gone further on that evaluation of the overall project.

Hood: I'm sorry. Mr. Chair, yes, if someone comes in in the interim before we are there -- and that's pretty common place with all projects throughout the city, so --

Marshall: I just wanted to put that on the record for anyone else to come forth in the not too distant future. Thank you. Commissioners?

Freeman: Can I make a motion?

Marshall: Commissioner Freeman, please.

Freeman: I move to adjourn.

McCarvel: Second.

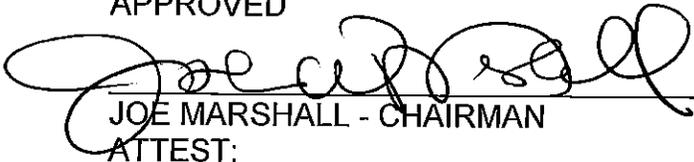
Marshall: I have a motion and a second to adjourn. All those in favor say aye. Opposed? That motion carries.

MOTION CARRIED: FOUR AYES. ONE ABSENT.

MEETING ADJOURNED AT 7:01 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS.)

APPROVED


JOE MARSHALL - CHAIRMAN
ATTEST:


Machele Hill, Deputy Clerk
JAYCEE HOLMAN, CITY CLERK

12 | 4 | 14
DATE APPROVED

