

Meridian Planning and Zoning Meeting

January 7, 2016

Meeting of the Meridian Planning and Zoning Commission of January 7, 2016, was called to order at 6:00 p.m. by Chairman Steven Yearsley.

Present: Chairman Steven Yearsley, Commissioner Patrick Oliver, Commissioner Rhonda McCarvel, Commissioner Ryan Fitzgerald and Commissioner Gregory Wilson.

Others Present: Machel Hill, Andrea Pogue, Sonya Watters, Bill Parsons and Joshua Beach.

Item 1: Roll-Call Attendance:

Roll-call

<u> X </u> Gregory Wilson	<u> X </u> Patrick Oliver
<u> X </u> Rhonda McCarvel	<u> X </u> Ryan Fitzgerald
<u> X </u> Steven Yearsley - Chairman	

Yearsley: Good evening, ladies and gentlemen. At this time we would like to call to order the regularly scheduled meeting of the Meridian Planning and Zoning Commission for the hearing date of Thursday, January 7th, 2016, and let's begin with roll call.

Item 2: Adoption of the Agenda

Yearsley: Thank you. Next item on the agenda is the adoption of the agenda. The only change that we do have is Action Item 1 -- or A, the public hearing for the continued December 7th, 2015, Citadel Storage at Ten Mile. That one will be opened -- they have requested to be -- withdraw their application and so I think that's the only change that we have tonight. So, with that could I get a motion to adopt the agenda as modified?

Fitzgerald: So moved.

McCarvel: Second.

Yearsley: I have a motion and a second to adopt the agenda. All in favor say aye. Opposed? Motion carried.

MOTION CARRIED: ALL AYES.

Item 3: Consent Agenda

- A. Approve Minutes of December 17, 2015 Planning and Zoning Commission Meeting**

- B. Findings of Fact and Conclusions of Law for Approval: Cherry Crossing Drive Thru (H-2015-0023) by Jeff Hatch, Erstad Architects Located Northwest Corner of N. Linder Road and Cherry Lane Request: Conditional Use Permit for a Drive-Thru Establishment in the C-N Zoning District**

- C. Findings of Fact and Conclusions of Law for Approval for Shine Bright (H-2015-0030) by NeuDesign Architecture Located at 2825 S. Meridian Road Request: Conditional Use Permit Approval to Construct a 2,001 Square Foot Indoor Arts, Entertainment and Recreation Facility in the L-O Zoning District**

Yearsley: Next item on the agenda is the Consent Agenda and on the Consent Agenda today we have the -- approve the minutes of December 17th, 2015, Planning and Zoning Commission meeting. Findings of Fact and Conclusion of Law for the approval of Cherry Crossing drive thru and, then, the Findings of Fact and Conclusion of Law for the approval of Shine Bright application. Is there any changes or modifications to the meeting minutes? If not, I would entertain a motion to approve the Consent Agenda.

Fitzgerald: Mr. Chairman?

Yearsley: Commissioner Fitzgerald.

Fitzgerald: I would move we approve the Consent Agenda as stated by staff.

Wilson: Second.

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

MOTION CARRIED: ALL AYES.

Yearsley: Before we go any farther, I want to kind of explain how this process will proceed. Each application we will open one at a time. We will start off with the staff report. The staff will present the findings regarding how the items -- or the application adheres to our Comprehensive Plan, Uniform Development Code and, then, also provide staff recommendations. After that the applicants will have an opportunity to come forward and to present their case for approval for the application and to respond to any staff comments. The applicant will have up to 15 minutes to present their case. Afterwards we will open it up to the public for their testimonies. There is a sign-up sheet in the back, anybody wishing to testify will also -- those who are not signed up we will still provide opportunities for them to testify. The public will be able to be given three minutes to present their case.

If they are speaking for a larger group, like an HOA or a show of hands within the audience, they will be given up to ten minutes to do so. Afterwards the -- after the public testimony the applicant will be asked to come forward and to be able to comment or respond to comments from the public at that time. The applicant will be given up to ten minutes to do so. After that we will close the public hearing and, then, the Commission will have an opportunity to discuss and deliberate and hopefully able to make a recommendation to City Council.

Item 4: Action Items

A. Public Hearing Continued from December 17, 2015 for Citadel Storage at Ten Mile (H-2015-0026) by Citadel Storage, LLC Located Southwest Corner of W. Chinden Boulevard and N. Ten Mile Road **Application Withdrawn**

- 1. Request: Annexation and Zoning** of 16.23 Acres of Land with a C-C Zoning District; Conditional Use Permit Approval for a Self-Service Storage Facility in a C-C Zoning District
- 2. Request: Preliminary Plat** Approval Consisting of Two (2) Building Lots on 14.56 Acres of Land in a C-C Zoning District

Yearsley: So, with -- and I guess the first one I want to make sure from -- from the attorney, do we open that one or do we -- can we just -- I -- on the application for the Citadel Storage where they are requesting withdrawal, do we need to make a motion on that or how do we want to --

Pogue: Is the applicant present or not?

Yearsley: Okay. So, we can -- okay. Well, we will -- do we need to open the public hearing on that, then, and --

Pogue: I think that you need to --

Yearsley: Okay.

Pogue: -- in order to make the record.

Yearsley: Okay. So, at this point I would like to open the public hearing for the Citadel Storage, file number H-2015-0026 and since the applicant has been requested to withdraw the application we won't go with the staff report, but would the applicant like to come forward on that one? No? Okay. So, at that point we -- can I get a motion to close the public hearing?

Fitzgerald: Mr. Chairman, so moved.

McCarvel: Second.

Yearsley: I have a motion and a second to close the public hearing on file number H-2015-0026. All in favor say aye. Opposed? Motion carries.

MOTION CARRIED: ALL AYES.

Yearsley: So, I guess with that I just need a motion to --

Fitzgerald: Remove it from the agenda or --

Yearsley: To withdraw the application or --

Fitzgerald: Mr. Chairman?

Yearsley: Commissioner Fitzgerald.

Fitzgerald: I would make a motion that we withdraw --

Yearsley: Or accept.

Fitzgerald: Accept the withdrawal of application H-2015-0026.

McCarvel: Second.

Yearsley: I have a motion and a second to acceptable the withdraw a file number H-2015-0026. All in favor say aye. Oppose? Motion carries.

MOTION CARRIED: ALL AYES.

B. Public Hearing Continued from December 17, 2015 for Birkdale Estates Subdivision (H-2015-0021) by EGC Development, LLC Located Northeast Corner of N. Meridian Road and E. Chinden Boulevard

- 1. Request: Annexation and Zoning** of 10.06 Acres of Land with an R-2 Zoning District
- 2. Request: Preliminary Plat** Approval Consisting of Nineteen (19) Building Lots and Four (4) Common Lots on 10.06 Acres of Land in a Proposed R-2 Zoning District

Yearsley: Now we will open the public hearing on file number H-2015-0021. It's the continued public hearing from December 17th, 2015, for Birkdale Estates and let's begin with the staff report.

Beach: Good evening, Chair, Commissioners. This is, as you said, an annexation and preliminary plat application that you heard on December 17th, 2015. It was continued to tonight for a couple of reasons. The applicant had brought you a site plan that -- with the denial of the subdivision that was proposed just to the east of this, Bull Ranch, that decided to change their lot layout kind of last minute, so you were requesting that they bring the finalized plat back to you so you could see it in its final form. They have done that this evening. So -- excuse me. The revision to the plat and landscape plan were required of the applicant per the conditions of approval in the staff report and the applicant has provided a revised plat for staff to analyze. The revisions to the submitted site plan are as follows: Essentially, the street layout, instead of the cul-de-sac being on the north road, it is now on the south and the through street is to the north. Staff is in favor of that. We received comments from the Ada County Highway District, who are as well in favor of that change, which eliminates the potential issue of the very long street length here to the south. Their landscape plan is not -- at the time of my memo here had not been received. We have since received that and the applicant has shown their landscape plan here. As you see it's been revised and they have shown here in the landscape plan their proposed pool and barbecue area that we had a condition that they provide to us. Staff is in agreement with the proposed changes by the applicant. The Commission supports of the revised plan. Staff recommends the following DA provisions and conditions of approval be updated and a new condition of approval be added to reflect the proposed changes to the plan. So, strike condition of approval 1.1.1B and if you would like me to go through how that reads I can definitely do that. But if not I can just move on. So, strike 1.1.1B, which is in reference to the cul-de-sac and the issue with the length of the cul-de-sac, that no longer being an issue, we can strike that condition. 1.1.1C had reference to a micropath that would have been constructed on the north section where the cul-de-sac was. Again, that having moved is no longer an issue. Modify condition of approval 1.1.2I to remove Lot 8, Block 3, which was the old micropath and add Lot 5, Block 3, which is the new proposed micropath on the southern portion as you see here in the landscape plan. So, they are proposing that landscaping -- that micropath and some landscaping. And add a site specific condition that requires the applicant to construct homes consistent with the provided elevations. With that I will stand for any questions you have on -- on those proposed changes.

Yearsley: Excuse me. I'm just writing this down so I can make sure we get this correct. I do have a quick question. So, that last provision which was the 1.1.2I? Is that what it was?

Beach: Correct.

Yearsley: And it's basically to remove Block 8 dash eight point -- is it --

Beach: So, Lot 8, Block 3, would be the -- the parcel that would be removed.

Yearsley: And, then, add block --

Beach: It is --

Yearsley: Or lot --

Beach: Lot 5, Block 3.

Yearsley: Okay.

Beach: Just a different lot number. So, Lot 5, instead of Lot 8.

Yearsley: Okay.

Beach: And I guess another point I would like to mention is when we heard this originally it was understood that the proposed open space for the development did not and does not meet our current code. The applicant is aware that there are some proposed changes to our landscape requirements for these large lots that would make this compliant if that gets approved, with the understanding that they would be required to meet whichever code is in effect at the time of their submittal of their -- their final plan.

Yearsley: Okay. Are there any other questions? No? Would the applicant like to come forward, please. And state your name and address for the record.

Tealey: Mr. Chairman, Members of the Commission, my name is Pat Tealey. Office address 12594 Explorer in Boise, and I believe staff has explained it well. We responded to the comments and the discussion of the December 17th meeting. This is actually our preferred layout from day one. So, we are happy that it's come back to this -- this layout where the southern road is the cul-de-sac, instead of the northern, and I'm just here to answer questions that you might have.

Yearsley: Are there any questions? I guess the one condition that stated as the staff that, you know, based on current codes you don't meet the required open space, but depending -- you know, you're in agreement to meet the code at time of -- of approval; correct?

Tealey: That's correct.

Yearsley: Okay. With that I -- thank you.

Tealey: Thank you.

Yearsley: I have a couple of people signed up. A Tom Rieke. Would he like to come forward? Vince -- oh. Please.

Rieke: Apologize for my inability to hear adequately. My name is Tom Rieke. R-i-e-k-e. We live at 270 East Rio Colinas. We are the fifth house on the north side of the street, west of the boundary or property line. In thinking about this, I -- I cannot understand why this sort of a proposal is even floated, to have a -- to create a dead end, no real outlet kind of subdivision seems to me to be -- well, I'm trying to find the right euphemistic word. I can't imagine that you would entertain something as strange as this. I had the opportunity to walk out of the last meeting with the man who owns the property just east of the proposed subdivision and it was obvious to me that he was willing to get his property on the market, but apparently it somewhere or other fell between the cracks. City Council didn't approve something of that nature. It seems to me if you -- if you look further than next week, you would see that it would be helpful to both subdivisions if the road went completely through, but if you can help him design his proposal so that it meets code, that's not something that I'm supposed to do and I don't know how to do it. I would just suggest that you take a little extra time and get a road through, first of all, so that construction vehicles can use it without messing up the two subdivisions that are there. Rio Colinas is a -- is a good street. People take care of their property and it's in good -- good shape. I would be against this subdivision simply because of its lack of egress. You don't provide a way for people to do anything other than basically go down Rio Colinas and two or three years of construction with contractors that don't obey the speed limit and don't stop for stop signs in an established neighborhood. It seems to me this to be unwise. I realize that that looks like it makes more work for you and I can't apologize for that for public servants. I guess that summarizes what I think. Having nice homes and good streets out there would be an improvement, but not if it's all just a dead end community. Can I answer any questions? Have I -- have I not said something?

Yearsley: Are there any questions? No. Thank you. The next person I have signed up in Vince Murphy. Would he like to come forward? Please state your name and address for the record.

Murphy: My name is Vince Murphy. I live in La Mirada, 150 East Rio Colinas Drive, just west of the proposed Birkdale Estates. I actually don't have any strong feelings against Birkdale. I think it's -- it's far better with the larger lots than what some alternatives could be. Smaller lots, higher density, apartments, townhouses. I actually think it will fit in well with the surrounding neighborhood. My biggest concern, as with Thomas, is La Mirada is currently expanding to the south. It's doubling in size and we already have a lot of construction traffic because of that. Especially traffic coming in our northwest entrance, the main

entrance to our subdivision off of Meridian Road. As Thomas said, this being a dead end subdivision for now, since we don't know what's going to happen east of it, all the construction traffic is going to take the shortest path. They are not going to come through Saguaro, they are going to come down East Rio Colinas Drive and that's happening at the same time that Holy Apostles Catholic Church is starting to work on their school this spring, which is also going to affect our main entrance with the stub that we have right there and the parking that the church is going to put in. So, my biggest concern is the effect on quality of life for the people in La Mirada and the construction traffic -- I know there is no -- since there is no possible way to have egress onto Chinden, but it would be nice if somehow the development of Birkdale could be tied to or coordinated with whatever is going to happen to its east, that way at least there would be additional traffic over into Hightower and onto Chinden and there would be more than just a single way in and out of Birkdale, because people are going to -- contractors and residents, although I'm not as concerned about residential property, are going to take the shortest path, they're not going to wind through Saguaro and come in off McMillan or -- or other locations, they are going to come directly off Meridian. So, you know, I think Birkdale will be a nice addition, but there's going to be some pain between now and when it completes and my wish, although it's probably not possible, was that somehow the development of Birkdale and whatever is going to go in, as Thomas referred to, to its east, if they could somehow be coordinated or the infrastructure be put in at the same time, it would give more options for traffic, both construction and residential. And that's the only point that I wanted to make, so --

Yearsley: Thank you.

Murphy: Thank you.

Yearsley: I have nobody else signed up for this application. Is there anybody else that would like to come up and testify? With that would the applicant like to come forward and talk about the concern?

Tealey: Mr. Chairman, Members of the Commission, I guess this is what always happens when you have a remnant interior piece of ground that's basically something -- an in-fill is basically what this is. The construction traffic is going to go through existing neighborhoods. This connection between Rio Colinas -- or La Mirada and the Saguaro Canyon was always anticipated. That's what these -- that's what the connection is there in our southeast corner. When -- when we -- when the property to the east does develop there will be an outlet on the northern side of the -- of the subdivision for residential traffic. But in the meantime it's pretty hard to deal with construction traffic when you're in an in-fill situation. I don't have a remedy for it, but it's being looked for. Are there any questions?

Yearsley: Thank you. At this time I would entertain a motion to close the public hearing on file number H-2015-0021.

McCarvel: So moved.

Fitzgerald: Second.

Yearsley: I have a motion and a second to close the public hearing. All in favor say aye. Opposed? Motion carries.

MOTION CARRIED: ALL AYES.

Yearsley: Sorry, I -- I understand your comments. I really do. When -- when the Planning and Zoning Commission, when they get an application, realizing that they can't develop the whole lot or the whole mile square at one time, they -- the developers will develop the pieces that they have at the time and we require them to provide stub streets to future developments and stuff like this, like these two existing subdivisions have already done, that he will be tying into those existing stub streets. Again, he is providing a stub street to his neighbor to the east and that developer will now be required to tie into that road and to the road -- future roads in the future. Unfortunately, we don't have the ability to dictate when they come in or when they come in for application. We take the applications when they come in, look at the best way. Unfortunately, there will be some construction traffic in the short run. Personally, I like the new layout. I think it looks very good. It eliminates a long collector road that you could get a lot of speed, so your speed would be a lot -- will be more reduced. The large lots you won't have a significant amount of traffic after construction is done through that area, because, you know, with that size of property you could get quite a few more lots on it if -- if they did want to do something different. So, overall I think it's -- it's done well and I'm in favor of the application.

Oliver: Mr. Chairman?

Yearsley: Commissioner Oliver.

Oliver: I, too, agree with what you said. The -- compared to what we saw last time, I appreciate them taking the opportunity to take a little bit more thought and come back with something that looks much better. I also like the area where the pool is going to be. I think that will be a nice convenient area for everyone and I would hope that this company takes the opportunity to at least visit with those neighbors that are in that path to see if they can come to some conclusion to work with those people that are in the existing subdivision, that you can work together to make it minimal as possible, to where they are not creating a lot of dust and high traffic through the area. Otherwise, other than that, it's a good in-fill. I think it works.

Yearsley: Thank you.

McCarvel: Mr. Chairman?

Yearsley: Commissioner McCarvel.

McCarvel: Yeah. I agree. I don't see this as a subdivision to nowhere, a dead end subdivision. It's going to be, obviously, connected three ways and I agree the size of lots is a nice addition to that area and I think it's -- it's a nice improvement.

Yearsley: Thank you.

Fitzgerald: Mr. Chairman?

Yearsley: Commissioner Fitzgerald.

Fitzgerald: And I would tend to agree. I think that Meridian and our Commission itself needs to prepare for in-fill. This is not something we have had to do very much in the past, but as we see these enclaves appear -- and I think you're going to see it more often and so it's unfortunate in certain situations for a short time for the neighbors to have to deal with traffic, but I think it's a good project. I think they -- it was well thought out in regards to their revisions that were made. I think the shorter street is a better setup and we may never know what happens to the project in the east. It's the property owner's prerogative. They never want to redevelop it, even though that was an application before. So, that's the challenge of kind of the enclave, in-fill components, but I think we are going to see more of these, so -- but I think this project is good and I think we have -- I think it's a good project for the surrounding neighbors after it's completed. So, I will be in favor.

Yearsley: Thank you. I guess with that I would be entertaining a motion, understanding that there are four modifications that we need to make.

McCarvel: Mr. Chairman?

Yearsley: Commissioner McCarvel.

McCarvel: After considering all staff, applicant and public testimony, I move to recommend approval to the City Council of file number H-2015-0021 as presented in the staff report for the hearing date of January 7th, with the following modifications: 1.1.1B and 1.1.1C be removed. And that we modify 1.1.2I to remove Lot 8, Block 3, and add Lot 5, Block 3. And, finally, add the provision of -- that the elevations remain similar to the proposal.

Yearsley: The house elevation?

McCarvel: Yes.

Yearsley: Okay.

Fitzgerald: Second.

Yearsley: I have a motion and a second to approve file number H-2015-0021. All in favor say aye. Opposed? Motion carried. Thank you.

MOTION CARRIED: ALL AYES.

C. Public Hearing for Calvary Chapel Meridian (H-2015-0039) by Calvary Chapel Meridian Located 1550 S. Tech Lane

1. Request: Conditional Use Permit to Operate a Church from an Existing Building in an I-L Zoning District

Yearsley: Next item on the agenda is the public hearing for file number H-2015-003 -- or 0039, Calvary Chapel, and let's begin with the staff report.

Beach: Very good. Chair, Commissioners. This is an application for a conditional use permit. The site, as you can see here on your map, consists of 6.597 acres of land, zoned I-L and is located at 1550 South Tech Lane. The surrounding area is developed primarily with commercial businesses, as well as one light office on the south side of Overland Road. A little history on this specific parcel. On May 23rd -- in May of 2000 the subject property received certificate of a zoning compliance approval to construct an approximately 106,000 square foot industrial building with its associated site improvements. In 2001 the Meridian City Council granted a request for a planned development known as the Treasure Valley Technical Center to develop the site with approximately seven buildings, with a mix of uses that include office/retail and industrial uses on the subject property. The Comprehensive Plan future land use map designation is commercial. The applicant is requesting conditional use permit approval for the operation of a church, as I said, in an existing warehouse building that is zoned light industrial. Access to the site is provided via West Overland Road. As you can see here on their site plan this is the current access here, as well as also the line here to the west. The applicant has indicated the hours of operation are from 10:00 a.m. to 4:00 p.m., Monday through Friday, when they will have approximately four employees on site. Sundays their services start at 10:00 a.m. and Wednesday evenings services are at 7:00 p.m. In our -- in our current code the light industrial zoning does not restrict the hours of operation, but the applicant is not proposing anything different than what I have mentioned. The applicant is required to submit a certificate of zoning compliance application for approval of the proposed use and on proposed -- it's difficult to see here on the site plan, but they are proposing some -- some minimum exterior modifications, mainly an awning and some additional sidewalk,

to provide for a fire exit. Staff does recommend approval and will stand for any questions you have on the specific project.

Yearsley: Are there any questions? With that would the applicant like to come forward? If you could state your name and address for the record, please.

Mechtel: Mr. Chairman, Ladies and Gentlemen of the Commission, my name is Ed Mechtel. I reside at 9145 Highway 44 in Middleton and I'm the administrative pastor with Calvary Chapel in Meridian. Just a little bit of history. We came to this community approximately five years ago with a congregation of under a hundred and we are currently serving between 350 and 400 congregates. So, our desire in this application is to have a larger area to service this community. We have been blessed in change of life here, so I stand before you to answer any questions you have. We are completely in agreement with the staff report and the recommendations made.

Yearsley: Are there any questions? I do have one question. Now, are you looking to purchase the property or are you just leasing the building at this time?

Mechtel: No. We are leasing the building from Western Electronics.

Yearsley: Okay. I think that's all I have. Thank you.

Mechtel: Thank you.

Yearsley: I have two signed up. One was the applicant. Troy Drake, would he like to come forward? Okay. Is there anybody else that would like to come forward on this application? Since there is no other testimony, I won't have the applicant come forward. So, at this time I would entertain a motion to close the public hearing on H-2015-0039.

Fitzgerald: So moved.

McCarvel: Second.

Yearsley: I have a motion and a second to close the public hearing. All in favor say aye. Opposed? Motion carries.

MOTION CARRIED: ALL AYES.

Yearsley: Any thoughts or comments?

McCarvel: Mr. Chairman?

Yearsley: Commissioner McCarvel.

McCarvel: I personally like the idea -- especially being used from space that's not otherwise being utilized. The hours of operation seem to fit and won't bother any surrounding entities and it looks like a good use of the property.

Yearsley: Thank you. Any others? No? I agree. You know, my only concern is I -- I hate using up commercial property or a light industrial because we don't have a significant area of those for other uses. However, this is probably not -- may not be a permanent use or -- but I do think it is a good use for the time being. I think it will fit in well with the area and so I think it will -- I think it's a good -- good project. So, barring any other comments, I would entertain a motion.

Fitzgerald: Mr. Chairman?

Yearsley: Commissioner Fitzgerald.

Fitzgerald: After considering all staff, applicant, and public testimony, I move to approve file number H-2015-0039 as presented in the staff report for the hearing date of January 7th, 2016.

Oliver: Second.

Yearsley: I have a motion and a second. All in favor say aye. Opposed? Motion carries. Congratulations. Thank you.

MOTION CARRIED: ALL AYES.

D. Public Hearing for Citadel Storage at Amity (H-2015-0031) by Citadel Storage, LLC Located Southeast Corner of E. Amity and N. Meridian Roads

1. Request: Annexation and Zoning of 15.84 Acres of Land with an I-L Zoning District

Yearsley: Next item on the agenda is file number H-2015-0031, Citadel Storage at Amity, and let's start with the staff report.

Beach: Very good. Chair, Commissioners, this is an application for annexation. The subject property is located at 4940 South Meridian Road. It consists of 17.55 acres of agricultural land. It's currently zoned RUT in Ada County. There is no history on this property, because it's an annexation. It is currently -- currently vacant. There has been a gravel mine previously on the property. The Comprehensive Plan future land use map designation for the property is mixed use nonresidential. The applicant has submitted an application for, as I said, annexation and zoning on the 17.55 acres of land with a proposed I-L zoning district. Access to the property is -- it currently does not have access, but they are proposing an access to West Amity Road. If you can see here on the site

plan, this is where the proposed access will be. They have also requested an emergency access here onto Amity Road. It is not a full access and not for public, just for emergency services. As I mentioned in the previous application, there are no proposed hours of operation. It's a self storage facility in an industrial -- light industrial zone. There are no requirements for limiting the hours of operation. The applicant is required to submit for a certificate of zoning compliance and design review application to get any use approved on the site. As I said, this is strictly for annexation. They have given us a concept plan of what their proposed storage facility would look like and we have worked with them on a little bit of designing that as part of this, so we can tie them to their concept plan in the development agreement. So moving on. Because this is on Amity Road and Meridian Road, this Meridian Road frontage is what's known as a -- an entryway corridor, so it requires 35 feet of landscaping improvements and 25 along the arterial of Amity. Both landscape buffers are required to be landscaped in accordance with the UDC as proposed. As you can see in one of the renderings here, the applicant has -- it may be a little bit difficult to see -- has proposed that some gravel be installed here. That is not allowed by the UDC, so the applicant will need to meet -- meet our current code, which is 11-3-B-7. Moving back to the site plan. The applicant is going to be required to install a ten foot multi-use pathway here along Meridian Road and they have also proposed a ten foot pathway along -- along Amity, which we will tie them to as well. A couple of things to consider with this application. As I said, this is an annexation. You are currently reviewing -- let me go back to the aerial view. This Commission did approve the south Meridian annexation, which has not been fully completed as of yet, so as of now this property is not considered contiguous to the city boundaries. But, you know, once that is approved -- the south Meridian annexation that is -- this property would be. There is a -- as you can see here on the site plan there is -- this is called the Williams Pipeline. It's a natural gas pipeline here that limits the ability to construct much in this area. The applicant is requesting -- let me back up. Staff is, as a condition of approval, requiring that they install all the landscaping and frontage improvements along Meridian and Amity and having had some discussion with the applicant and if you have looked at the previous phasing plan within the staff report, just this afternoon I received an updated phasing plan that the applicant has requested that they not install the frontage improvements in this area adjacent to phase two until that develops. Otherwise, they would have to remove them and reinstall them, because we are going to have sewer and water lines going through this area that will be installed by the city and so they request language from the applicant to address that as well. But just so you're aware. There are some requirements for interior sidewalks that the applicant will need to meet with their certificate of zoning compliance. I will move to the modifications to be proposed, the additions that were proposed by the applicant here. I can read them if you would like to. Condition 1.1.1C, the applicant is requesting that we add language that states if the site does not develop as self storage -- and that would be a modification to the current condition that requires them to provide a 20 foot wide driveway and five foot wide pathway to the property to the east to allow for connectivity, the

applicant is requesting that that language be added unless it develops as something that doesn't -- that may not be required to provide that access, if that makes sense. Condition 1.1.1F is proposed by the applicant. All landscaping and frontage improvements associated with the site in the first phase, including landscape buffers and the ten foot wide multi-use shall be constructed with the first phase of development. The remaining improvements shall be constructed with the corresponding phase of a development after sewer is installed. Now, with the understanding that the applicant is requesting that they not be required to install the frontage where phase three is located, staff is not in favor of that condition. Typically we -- we like to receive direction from City Council to require the applicant's along major thoroughfares like this to install those frontage improvements mainly for the -- mainly for the sidewalk and the mobility that it would provide and the applicant is requesting that they not do that until phase three until that is constructed. Condition 1.1.1I a condition that reads: No certificate of occupancy will be allowed until water utilities are available to the site. Development of the second phase will not be allowed until sewer utilities are available to the site. And condition 2.2.2 reads per Meridian City Code the applicant shall be responsible to install sewer -- and crossing out sewer -- and responsible to install water mains to and through the development. The applicant may be eligible for a reimbursement agreement for infrastructure enhancements per Meridian City Code. So, those are the lengthy proposals that they have requested as far as modification to the conditions. As far as Planning goes, staff is in favor of the modification to 1.1.1C. We are not in favor of 1.1.1F. And the -- the next two are proposals that they have worked with the Public Works Department and the Public Works Department is agreeable to. I'd stand for any questions you have on those.

Yearsley: On that condition 1.1.1I, will you explain the reason for that one.

Parsons: Mr. Chairman, Members of the Commission, as you -- as you know when this project came before you, south Meridian annexation came before you. As part of that agreement with property owners the city made some commitments in the development agreement with those property owners to extend sewer and water and it was based on phase one and a phase one infrastructure expansion. Typically when development happens in Meridian we want you to connect to our services. Services aren't currently available to this property until sometime -- I think the water is going to be extended along Amity later this year in 2016, but the sewer is not going to be to the property until 2017. December at some point. I believe we had that in the staff report. So, that's -- the applicant would like to move forward -- move forward on the construction of phase one without having sewer available. As the DA provision as written currently in the staff report we basically say that no development of the site until city infrastructure is available. I mean we just, no, we are not going to allow you to do it. So, we did meet with Public Works -- the city engineers this afternoon and Public Works felt comfortable with this language and feels comfortable allowing the applicant to move forward with the phase one, understanding that they won't get to do any

other development beyond that point. So, that's where these conditions came from.

Yearsley: Okay. All right. Any other questions?

Fitzgerald: Mr. Chairman?

Yearsley: Commissioner Fitzgerald.

Fitzgerald: Josh, in regards to 1.1.1F, I mean it makes sense to me if we are going to have to remove landscaping because the city is bringing sewer and water through the property. That would be something that we would allow. Is that -- so, you're okay with that, just not phase three. Is that what I understood?

Beach: Correct. So, we are agreeable to that. I mean that makes sense to staff to -- but, again, that is up to you folks to decide if you want to modify that condition to allow that, but staff sees no problem with that.

Fitzgerald: Thank you.

Yearsley: Any other questions?

McCarvel: Yeah. Mr. Chairman, I think -- I had kind of the same question. So, phase three they would have to -- as it stands now want to do the landscaping there, but they are -- probably allowed not to do it on phase two, because --

Beach: That's correct. Our current condition -- well, we are going to have to modify that position anyway, because our current -- current condition requires them to install all of the frontage improvement, including phase two. So, if you're not going to require that, then, that needs to be modified to allow that. But it does require them to provided it with right of way where it says phase three, so --

McCarvel: So, sewer and water would not have -- would not disrupt phase three --

Beach: Correct.

McCarvel: -- landscaping. Okay.

Yearsley: Any other questions? I would the applicant like to come forward?

Yorgason: If I just touch on these, Josh, is that --

Beach: The arrows should move it forward and back for you there, if you can see the arrows on the left-hand side.

Yorgason: Over here?

Beach: Yeah.

Yorgason: From that or that or something. Right there. Okay. Okay. Good evening. I sense we may need to have a little more clarity on the condition, so I made some copies.

Yearsley: Name and address for the record, please.

Yorgason: My name is Dave Yorgason with Tall Timber Consulting. I am here representing the applicant for Citadel Storage, here to develop their third Citadel Storage in the city, known as Citadel at Amity. Would you like copies of these before I proceed, Mr. Chairman?

Yearsley: Sure.

Yorgason: I would like to highlight all the points that they did. I respect everybody's time and so I won't go through a lot of effort on there. But, again, just for quick reference, this is the project site as was referenced, southeast corner of Amity and Meridian Road. Approximately 17 acres in size. There is really no questions about the allowed zoning. The Comprehensive Plan is very clear this is not a residential area. This is a nonresidential area. The requested industrial and light industrial use is applicable to the nonresidential mixed-use and so the self storage -- all that complies. The question is now coming of what the conditions of approval might be and before I get to that so fast -- we have some illustrations that I want to share with you just to give you a perspective of what the site will look like. We get a 3D illustration rendering. Some of these photos or illustrations were already provided in the application, but in our discussions with staff over the last few days especially, recognizing there has been maybe, in our minds, a little frustration or confusion as to what we thought the staff report might look like and, then, what it actually ended up looking like. So, we sat down with staff over the last several days, we think we found resolution, really, to all of our concerns, except for a couple points and this is the reason for some of these illustrations here. As you drop down looking at -- it's actually in the intersection. Wouldn't highly advise that, but as if you were in the intersection looking to the site, you will see the -- the landscaping, the buildings, and more importantly you can see the -- some of the changes in the elevations. There is a lot of elevation change to this site now as you go up and down Meridian Road and Amity, but also internal to the site. As was referenced, this is an abandoned gravel pit. There is a lot of change in grading and typography, which is part of what we have been struggling through here. This is a top-down rendering. I'd like to touch on a few points here of the site. Primarily this is enclosed buildings, storage, except on the eastern third or fourth of the site where we have some covered and uncovered parking where that is primarily, as was addressed with the -- with the gas line to try to accommodate and avoid any

concerns there. No buildings, no trees are allowed in that easement area. And so in that -- in that area we have some covered and/or uncovered parking to accommodate. Otherwise, it's an enclosed storage facility. Also, it shows the grading plan and really what's more important to look at is if you look at the contour lines how tight the contour lines are, not only on the west boundary, the south boundary, the east boundary and the northeast part of this property. There are a lot of ravines, highs and lows, to this site and so because of that it's -- it's some additional challenges as we have tried to -- and I will touch on this -- part of why we have this request to avoid phase three landscaping as we get into that here shortly. This shows the water line and sewer line and water, for clarification, will be installed by the developer, not by the city. It's the sewer line that will be installed by the city, because it's a sewer trunk line and they want to have control through that. Phase one will require water. We recognize the need for fire suppression. We are complying with all of those requirements as stated. But the water line is as shown in the blue line. The green line is for the future sewer line. And because of that we had to modify our phasing plan. So, the phasing plan is the northwest corner of this property, which will include the water line based on the east boundary phase one and, then, east of phase one where the future sewer line will be is phase two and phase three, then, again, will be on the southwest part of the property. And so that's why we had alterations to the phasing plan before it was previously submitted in the application, is we had some discussion with staff to try to find some solutions to the timing of the sewer and so forth to the site. Alternative compliance is necessary for two parts. One is -- and I will just touch quickly. Staff's agreed it's consistent with, but if I may just for record make comment to that as we are requesting tonight your approval of alternative compliance for parking requirements in the code. Typically for buildings in general there is a certain ratio of parking, but this is not where people park their cars and so we don't have a need for hundreds of parking stalls on this site, but just for the office site, which is in the northern location off of Amity Road. And so we are proposing seven parking stalls. Staff agrees that that is consistent -- or sufficient with -- with the other storage facilities that have been done. Additionally -- and I'm going to roll into this now. We recognize in the process here at the city alternative compliance for building materials, colors, and so forth are done at the CZC -- certificate of zoning compliance and design review. However, our -- we have a need to make sure we are not headed in different directions that what has already been previously approved with Citadel One and Two. Our plan is to build -- and use the same building materials, colors, and design style and so forth as was done with Citadel One and Two here with Citadel Three. In discussion with staff they asked -- and I'm going to roll through some pictures now that will show you our concept that actually will show those illustrations to be the same as and with that, if you're so inclined, we are requesting your direction to staff, knowing it's a staff level approval, that you're comfortable with considering -- with a consistent approval or three and with one and two. So, what we have here is a photo of the site. You can see the buildings -- the wall buildings as you go both down Meridian Road and Amity. As you're going down Amity now that you approach the entrance, this is the one --

one angle of the building entrance, as well as the entrance further down the site, a modern style look, stucco, colors, clean lines, all consist of the same colors as were done previously in the Citadel One and Two. This is going a little further down Amity now looking back at the entrance, so you're kind at the end of the site looking back, if you will, still on Amity. You can see the entrance just at a different angle. This is just as if you were standing right at the corner looking up and down both of those micro -- or those pathways, as well as referenced both on Meridian Road and Amity. Josh had mentioned -- the staff had mentioned the concern about a gravel. Let me just touch a quick point on landscaping. This site has no water rights and so we have to xeriscape the site and water conservation is important as we talked to staff. We will comply with the xeriscape requirements of the city, but with some gravelly type material is what would be installed, not lawn or whatever the direction may be there, but some gravelly type material. Compliance with xeriscaping in your code is the plan for -- for that frontage on both Amity and Meridian Road. Now moving down Meridian Road a little further, you can see the topography and you'll get to it a little bit further, some wall buildings there that are on the frontage and, then, as you get down to the southern portion of the site, as you're looking back, this is just land in the right of way. Again, there is a lot of steep terrain, grade changes, so now you see is no shrubbery, no pathways, that's probably not even people walking on the pathway, you won't even see buildings, you will see just the middle to the tops of the trees as you're on Meridian Road at this southern portion of the property, which this is phase three, by the way, just for point of clarification. One of our challenges with -- and why we are asking you to delay the installation of phase three frontage is not to avoid the cost, but two points: One is the pathway doesn't really go anywhere, it just goes south to some -- you know, nowhere. There is no pathway ever anticipated for now. But, more importantly, as we cannot build the landscape or the pathway until the buildings are built. This isn't like a residential subdivision where you put in a fence and, then, landscape it and the houses come later -- you're very familiar with that process. This here is like building a home or an office building or this building where the building goes in first, the grade get established, the building goes in first and, then, the landscape follows. And, likewise, the sidewalk in front of the building would be a part of that. And so we are asking in that condition, letter F, as was referenced, that's why we are asking phase three -- frankly, phase one, two and three, all those landscape and frontage improvements be done per phase, is to make sure we don't have to build it and, then, rip it out to comply with -- after the buildings get in and the grade is finally set. And so that's the reason for that request, too. This is an angle of the building -- a little closer. Different angle to it. Again, clean lines, same architectural style as were done in phase -- excuse me, not phase, but Citadel One and Two. This is an aerial top view. Just skip it. This is a nighttime view, give you a little perspective lighting. This is a zoom-in the picture. It's not just metal buildings -- metal -- flat metal fabricated metal. That's not the case. It's consistent with what was done in, again, Citadel One and Two. A lot of detail, a lot of trim, and also there is some CMU wall block with different color mortar used for grout joints to give you the appearance of stone. It's -- it's not built in the

wall, but actually placed in front of it to give the modulation and undulation that's necessary, as, again, per the design review standards and so this is what was done in Citadel Two specific and will exactly be done the same way in Citadel Three. I'm going to just touch on those conditions. I'm not going to read all those, because I -- unless you want me to. I place these conditions in front of you. Appreciate staff's acknowledgement that they are in agreement, because we actually worked through the language together, so I'm glad to hear they agree with the condition change and the 1.1.1 letter C. Also glad to hear they agree, because that was a meeting a couple hours ago at Public Works with condition letter I and also 2.2.2. The question, again, goes back to condition 1.1.1 letter F. And, again, I don't think there is any dispute regarding installing landscaping and ripping up along the frontage of Amity, but, rather, we are asking it be done on a phase by phase basis. So, it could be done properly and in the right location and not to be ripped out later as phase three comes at a later time. So, we are requesting this fourth condition of approval as I have handed to you tonight. The fifth item, again, is just referring to your guidance to staff, if you would be so inclined to give that acknowledgment tonight, that Citadel Three can be built just like One and Two, so that there is no confusion in the future. We just need that clarification. So, I would ask for your approval tonight for annexation and rezone with the changes and conditions of approval as we provided to you and we, again, request your approval and compliance -- of the alternative compliance of both for the parking reduction and, again, as reference to your comments for the buildings and materials and so forth. That's my comments, my presentation, and stand for any questions you have.

Yearsley: Thank you. Are there any questions?

Fitzgerald: Mr. Chairman?

Yearsley: Commissioner Fitzgerald.

Fitzgerald: Dave, on the -- the emergency road, on the phasing for phase three, is that -- where is that berming coming in regards to the emergency road? Is that part of the phasing or did I get the phasing picture of it?

Yorgason: So, this here shows it -- hopefully well enough for you, Commissioner Fitzgerald. As I -- we will work with ITD. And let me make one point real quick before I answer your question. The location of this access road for emergency vehicles is in the exact location of an existing curb cut that's already in place.

Fitzgerald: Okay.

Yorgason: And so there is already a little bit of a drop down, if you will, where the berming or whatever took place in the history -- we don't know when that grading and the gravel pit took place. There is a little bit of an asphalt cut and that's the exact location where we will have our emergency vehicle access. So,

we are very confident ITD will approve it, because it's the same location as it exists today.

Fitzgerald: And the berms are already there; correct?

Yorgason: Oh, yeah. And all those berms are in the existing right of way. We are not bringing any material in, we are not regarding Meridian Road or touching any of the right of way, we are just having to deal with what the existing grading is to try to accommodate that and so if we work with ITD and staff as we move forward, we will build to that -- that phase one and three, if you will, that phase line is right at that point of -- of that emergency access road and, then, phase three will be south of that.

Fitzgerald: Okay. Thank you.

Yorgason: Sure.

Yearsley: Any other questions?

Oliver: Mr. Chairman?

Yearsley: Commissioner Oliver.

Oliver: I just need -- according to this the hours of operation are 24/7?

Yorgason: Mr. Chairman and Commissioner Oliver, that is correct. We are not requesting any change to that. It probably won't really function that way, but we are just not specifying any hours of operation, just requesting what's -- and comply with what the code is.

Oliver: What are you thinking the number of trips per day that would be as far as when it gets up and running?

Yorgason: Mr. Chairman, Commissioner Oliver, it's very light is all I know. I know that multi-storage is a very light use on the traffic, but the actual traffic count, I'm sorry, I don't know the answer to that.

Oliver: I just look at the corner and knowing that you're going to be at the corner and, then, that intersection is a pretty busy intersection and if you got traffic going whether it's east or west, I was wondering if they enclose that intersection how much that's going to interfere of getting in and out of that.

Yorgason: Mr. Chairman and Commissioner Oliver, thanks for that question. We actually had a few conversations with ACHD with regard to that and they felt comfortable with -- that we have placed that access far enough away from the intersection to not interfere with the future queuing of a left-hand turnout, if you

will, out onto Meridian Road. So, we have had these discussions and ACHD in their late delivered staff report we did review, we don't have any concerns with their staff report -- they had no comments or requested change to this location.

Oliver: Thank you very much.

Yorgason: The location of the access. Excuse me.

Oliver: Right. Thank you.

Yearsley: Any other questions? I actually have a couple. The first one is regarding the water and sewer. What are you planning to do for sewer in the interim?

Yorgason: Mr. Chairman, thanks for bringing that up. In part of our resolution in discussion with the Public Works Department we will plan -- we are planning to build a self-contained -- a self storage -- well, it's a self kiosk is what it is, really. Think of it like an ATM machine. So, it will not be staffed by any employees while phase one is in operation. We will provide the utility stub outs for sewer so that when sewer is there we will make that connection, but we will not have any office staff until sewer is there.

Yearsley: Okay. The other question --

Yorgason: And if I could answer your other question.

Yearsley: Oh, absolutely.

Yorgason: Water will be there and -- water has to be there before we can operate.

Yearsley: Right. Can we go back to your renderings? Because you're asking to be similar to what's there. So, I guess on this one here, going down Eagle Road, is that all metal siding, metal --

Yorgason: No. Mr. Chairman. I'm going to go to that last one. If I can make it work. I will stop touching it, maybe it will work. No, it is not all metal siding -- or metal wall.

Yearsley: Right.

Yorgason: There are -- the buildings are built out of metal and, then, we have placed the stone accents to break it up from the exterior.

Yearsley: Okay. How many stone accents are you proposing at this time?

Yorgason: The spacing is the same. Mr. Chairman, the spacing is the same as we did with Citadel Two and One.

Yearsley: Okay. So, you are proposing the same spacing?

Yorgason: Yes.

Yearsley: Okay. I think that's about all I had. Thank you.

McCarvel: Mr. Chairman?

Yearsley: Commissioner McCarvel:

McCarvel: Can you go back to one of the views that shows it down Eagle Road? It just seems like you really don't -- and the rendering you don't see much of building at all, it's all this nice big landscaping and, then, there is this little tiny strip of white. What is -- what are they really going to see?

Yorgason: I will stop when you tell me to, Commissioner McCarvel.

McCarvel: Right there.

Yorgason: Oh, right there?

McCarvel: Yeah.

Yorgason: Okay.

McCarvel: So -- okay. That's from the inner pathway. So, the gravel pit -- if I am remembering that corner -- it is very uneven, but you're saying that that's -- that's as much as you're going to see.

Yorgason: Yes. Yeah. This is an actual rendering. We took actual site elevations and composed it into a 3D illustration and if you're standing at the intersection, but not in the street, but maybe at the intersection where the pathway touches the asphalt or close to that and look back at the site, this is what you will see. Now, the buildings are metal walls and so you don't see the buildings, you see the back of the building. If you want to think of it that way, but it's not a flat metal building, there is a lot of detail in that metal, so it looks like an architectural feature. And, then, when you add the landscaping to it that breaks it up even further.

Yearsley: Are there any questions? Any other question? Thank you.

Yorgason: You're welcome. Thank you.

Yearsley: I have nobody else signed up for this. Is there anybody interested in signing up? Or not signing up, but coming to testify? With that actually -- I actually have a couple of questions to staff before we close the public hearing. With regard to the -- I guess alternative compliance and the parking, is that something that we motion on or is that -- is that a City Council or --

Parsons: Mr. Chairman, Members of the Commission, no. We -- staff -- the director has already approved that.

Yearsley: Okay.

Parsons: -- reduction in -- into the parking. And one thing I would like to point out to the Commission on that as well is when we came forward with our UDC changes about a month ago -- back in November, that was one of the changes that we were making to the UDC that the self storage facilities would -- their parking ratios would be based off of their office building --

Yearsley: Okay.

Parsons: -- not the entire square footage of the buildings being placed on the property. So, either way it could comply with going through the alternative compliance. We have got that taken care of, but it more than likely would comply with the current -- or future ordinances that we have in the works now. So, I just wanted to put that out on the table. I do have a couple of comments on the design review portion or the building materials that the applicant has brought forward to you and I worked on both of those projects, so I'm very familiar with what has transpired and they did go through alternative compliance for that and their elevations were vetted out through the public hearing process. This committee saw it. I think you're well aware of when Citadel Two came through staff was pushing for more architectural features to break up that metal siding. Ultimately Council took the applicant's side and made a motion and allowed them to go through that alternative compliance. But keep in mind that we are also having new design review standards at some point, too. And right now the process is alternative compliance, but under the new design manual when it goes in effect -- and I'm not sure when this applicant is going to get through this process and get an application to us, if they get through this, once it gets approved or final action on it. That new design manual will have a different process in place. It won't necessarily be alternative compliance anymore, it's going to be a director's exception and at that point it -- we don't know how that's going to play out yet, but I at least just want to put that out there on the table, that there could be a different process when they submit for their certificate of zoning compliance and design review application. If the annexation is approved. Let's put that out there. But I just at least wanted to remind you of that change that you acted on. Again, Council hasn't finalized those UDC changes or the design manual yet. That's anticipated to happen on the 19th when they take that application under consideration, but I at least wanted to give you something to

contemplate as you listen to the applicant's testimony on the design of their building.

Yearsley: Okay. And I guess based on those comments, does the applicant have anymore that he wants to add based on that discussion? I just want to at least give you the opportunity, because -- I don't want to close the public hearing without you at least giving a reboot to what was said, so --

Yorgason: Mr. Chairman, thank you. We really don't have anymore comment. We just want to have the clarity. We know there has been some discussion in the past, not only at staff level, but, more importantly, direction from Council and so we are just wanting to know that there is not anymore -- we just want clarity. That's all we are looking for.

Yearsley: Okay.

Yorgason: And so, no, we don't really have anymore to say, just clarity.

Yearsley: Okay. Sounds good.

Yorgason: And I'm familiar with the new process. I'm heavily involved.

Yearsley: Right.

Yorgason: Thank you.

Yearsley: Any other questions before we close the public hearing? All right.

Oliver: Mr. Chairman?

Yearsley: Yes.

Oliver: Not for you. That's fine. Thank you. I just have -- just a quick question so I'm understanding this. Tonight we are not actually -- he's going to be coming back again; right? Because all we are looking at tonight is just whether we are going to annex this piece of property with the potential of putting this Citadel into this. So, really we are not getting down to specifics as to whether we want to put landscaping here or landscaping there, but, rather, if this fits in that particular piece to annex it for this particular --

Yearsley: Correct.

Oliver: Okay. Thank you.

Yearsley: But -- but if we approve the annexation he doesn't have to come back for any conditional use permits or anything like that, it's just he can submit to --

Beach: It's administrative approval at that point.

Yearsley: Administrative approval. It does not come back before us at this point.

Oliver: But having known that we have two of these already and what they look like, we are just duplicating this the same --

Yearsley: Yeah. Okay.

Oliver: Thank you.

Yearsley: With that I would entertain a motion to close the public hearing on file number H-2015-0031.

Fitzgerald: So moved.

Oliver: Second.

Yearsley: I have a motion and a second. All in favor say aye. Opposed? Motion carries.

MOTION CARRIED: ALL AYES.

Yearsley: So, I guess there is a couple of things with this -- is technically right now this property is not contiguous and based on actions of the Council in the future, it may or may not be contiguous, then, depending on if the -- the south annexation goes through or not. Second of all, there is no water or sewer planned for -- I think water is a year out. Sewer is longer than that. So, I guess for me -- and I'm struggling to decide is this application annexation too soon? Should we wait until we actually have a few things ironed out before we approve it? You know, I believe, from what I understand, that the sewer -- or the water line easements are in place, but the sewer line easements are not in place, so we are not sure if -- you know, they may or may not be able to get easements for the sewer line to be constructed. So -- so, there are things that are still in the works that may or may not make this -- this project be too soon and I guess I would be interested to see what your thoughts on that would be.

Fitzgerald: Mr. Chairman?

Yearsley: Commissioner Fitzgerald.

Fitzgerald: I think there is components of the work that the staff and the applicant have done that makes me a lot comfortable -- or a lot more comfortable, especially their recommendation for staff that we move forward. I think there have been steps by both sides to work with Public Works and the

components that limit how much development can be done or how much work can be put forward that -- that will allow us to make good decisions, because we are trusting our staff or the City Public Works Department to give us as the -- I guess the authority to give us the direction to -- that this is something that makes sense that can move forward. I think it makes -- the project makes sense where it's located. I think the -- that's a really difficult corner and I -- I mean I think it -- for me I think with the staff and the applicant have been working makes me comfortable with the process.

Yearsley: Okay. And I guess the follow on comment is -- and I -- I have to admit I -- let's see. So, is the I-L zoning, is that what was on the future land use map for this area? I can't remember exactly.

Beach: The future land use map indicates that it's mixed use nonresidential, of which light industrial is a part.

Yearsley: Okay.

Beach: So, it's one of those uses that's allowed in that --

Yearsley: Okay.

Beach: -- Comprehensive Plan designation.

Yearsley: Okay. So, any other comments? Thoughts?

McCarvel: Mr. Chairman?

Yearsley: Commissioner McCarvel.

McCarvel: I just kind of want to discuss before we get to making a motion one way or the other is the fifth condition that the applicant wanted to put in there about just kind of giving direction to the building. It -- that to me is another thing that sounds like there is still things in motion. I don't know. To me I don't know if we need to really add that. To me I have confidence in the staff that they will work with the applicant and get those things ironed out. I mean it's already been through the process.

Yearsley: Okay. No. And, you know, I -- I drive by one of their facilities everyday. Is it beautiful? Is it attractive? Not really. Is it -- is it acceptable? Yeah. You know, for a storage facility it's not -- it's not a bad look. No offense. Sorry. So, you know -- you know, I think -- I think staff does a good job, personally, of recommending a look and to making sure that the -- especially with this corner, it's a -- it's a high profile corner and a good view corner. We want to make sure that it looks nice and so I'm comfortable with staff. I guess -- I don't know if I need -- I feel -- I don't know if -- for me personally that we need to make

a recommendation that -- that it should be -- meet the other three, but I think staff should have an option to work with the applicant to come up with what makes the most sense.

McCarvel: Mr. Chairman? Yeah. That's what I'm kind of feeling. I mean some aspects of this is -- yeah, it seems like we are rushing ahead of a few things and I'm not sure what the reason is, but, yeah, that's a major -- that's going to be just as major of a corner, you know, as the development comes south that I think we want the appropriate look there and I think we want to leave maybe those options open --

Yearsley: Yeah.

McCarvel: -- for staff in the future.

Yearsley: And I agree. The other one is on the -- the landscape buffer. The applicant is asking to only just landscape phase one and not phase three or two. We kind of -- for at least for my opinion the phase two makes sense. I -- for me I would be more inclined to require phase three -- and the reason is -- being in this long enough I have seen a lot of developments that start and don't finish and so you end up with these big blocks of sidewalk -- you know, you have a sidewalk started and, then, it -- then, it ends and, then, you have another pick up and I know Council has -- that's kind of why they have directed this. We have had a lot of subdivisions, you know, that are quite a few phases that -- that don't -- you know, there is a big gap for a long period of time, not knowing when -- when all these -- you know, especially with that being the third phase, we don't know how long it will take for them to develop. I'm more inclined to recommend that they -- they do those improvements now. Especially if they get water and sewer out here I think you're going to start to see more demand for development out here and so you might actually start to see some more development to the south of this and connectivity and stuff like that. So, that's -- that's my opinion.

McCarvel: Mr. Chairman?

Yearsley: Commissioner McCarvel.

McCarvel: I would tend to agree. I mean you just -- you don't know what the landowner plans on the south part of that, how -- he may have something ready to go for us next month and so I think -- while I sympathize with the applicant on the reasoning for wanting to put off phase three, I just think on that major street -- and, like you said, it doesn't -- it could be a few months, it could be a couple years before they do phase three.

Yearsley: Yes.

McCarvel: So, there is all kinds of things in between.

Yearsley: Yeah. So, I guess those are things to consider during making the motion. Any other comments or concerns or questions? Discussion?

Oliver: Mr. Chairman?

Pogue: Mr. Chair, I would just ask the Commission to address the issue of lack of contiguity.

Yearsley: Okay.

Pogue: Before you is an application for annexation and yet there is no contiguity.

Yearsley: And that's one of the things I brought up is this is not contiguous, so we would almost have to make this motion contingent on contiguity, would we not, or the approval of this contingent?

Pogue: You have to address it in some fashion.

Yearsley: Some sort of -- in the motion. And I guess, you know, for me personally, my personal feeling is -- is I think it's a little soon. I feel like it's being rushed. Especially when there is a lot of pieces still in play and not being ironed out before we move forward with this -- this annexation request.

McCarvel: Mr. Chairman?

Yearsley: Commissioner McCarvel.

McCarvel: Forgive me. I know it's been mentioned, but how soon -- was this going to be in front of the City Council -- the annexation of south Meridian, is that -- when is that planning --

Yearsley: So, maybe you could explain that process of how that annexation works.

Parsons: Well, when we came -- Mr. Chairman, Members of the Commission, when we came forward with you and -- well, when we presented -- we presented to the Council on December 15th and they approved the annexation application. The findings were approved on Tuesday for the annexation. So, now the city still has to execute all of the development agreements with the adjoining -- the property owners and after those get signed and brought back, then, the ordinance is placed on the agenda. We anticipate that happening sometime in January this month. Towards the end of the month. Again, it's nothing -- nothing has been finalized yet. The ordinance has not been recorded, so -- and the DAs have not been recorded. So, therefore, the annexation itself has been -- the

findings have been approved, but the DAs and everything hasn't solidified that everything has been annexed.

Yearsley: So -- and, then, once after the ordinance is in place is there a certain period of time before it actually goes into effect or -- you know. Or is it just at that point it becomes annexed or how does that --

Parsons: Correct. Once of the ordinance is recorded at the county, it's -- basically it's annexed.

Yearsley: Okay. So, I guess right now it's just the -- when can you get all of the development agreements executed.

Parsons: And the planning manager is working on that as we speak. Keep in mind that with an annexation and because we are requiring a development agreement with this property, currently as the code is written they have up to two years to sign that development agreement. So, keep in mind the applicant won't get their ordinance on an agenda until they are contiguous. So, if you recommend approval of this tonight or Council approves it, again, all of this is contingent on south Meridian happening and being finalized and if that's not finalized we can't annex this property, because it's not going to be contiguous. So, therefore, we will never prepare their DA and we will never prepare their -- their ordinance. So, they're taking a risk. I mean certainly they are a little early. I agree with you. The one other thing that we didn't discuss -- I don't want to get into too much of the agreement that Public Works has, but if they can't secure those easements and extend the sewer, there is a good chance that the annexation won't happen either. That's something that's built into those DAs that if they can't get those easements acquired, the services aren't going to be extended, and so the property is -- the annexation might not be finalized that way either. So, there is a lot of things happening right now that need to be finalized. We don't have a crystal ball either.

Yearsley: Yeah.

Parsons: So, yeah, there is -- there is a lot of outstanding issues out there still and a lot of things to be taken care of for this property to move forward.

Yearsley: And, really, all it takes is one of those applicants not to sign the development agreement for that to kind of crumble, doesn't it, or -- or can they de-annex one of the properties within --

Parsons: Well, Mr. Chairman, the property owners have signed the DA.

Yearsley: Okay.

Parsons: The city just has to get it recorded and executed.

Yearsley: Okay.

Parsons: So, those have all been submitted back to the city from the property owners.

Yearsley: Okay. So, that's not an issue.

Parsons: Yeah. There is no default on that end --

Yearsley: Okay.

Parsons: -- from the property owners.

Oliver: Mr. Chairman?

Yearsley: Commissioner Oliver.

Oliver: Bill, if I could just extend with that as well is that there really has been a vision for south Meridian at this -- at this point. We really don't know exactly what we want the south part to look like. We just know we are going to hopefully develop that and go from there. It's just kind of like also how many apartments are too many? How many storage units are too many? You know, do we do it the right way or do we just do them as they come in and hope it looks good? So, I guess my point is is that maybe we take a little bit more time to see what we want it to really look like. We don't want to have Meridian just become a sprawling city without having a good plan of what it should look like and one we want to be a part of. So, I think I'm -- what I'm asking is that there is no state plan yet if this all gets done that what south Meridian will be.

Parsons: Well, Mr. Chairman, Members of the Commission, Commissioner Oliver, we do have a plan. I mean we have our Comprehensive Plan and Josh presented it to you this -- this is envisioned to industrial uses out there. That's why we have mixed use nonresidential on it and, keep in mind, this is a 15 acre site, but it's part of a larger mixed-use area. So, this -- this is -- at this point there is no use here. There is a concept plan and this is a single use for this property. But keep in mind there is multiple other mixed use properties -- mixed-use nonresidential properties that could come in and provide additional uses in conjunction with this use. So, we do have a vision for this site and the zoning is right for this property based on the Comprehensive Plan. The use is a sample use in -- under the Comprehensive Plan. So, that's really not the issue. The issue is utilities and the timing for that and whether or not -- when are they going to be contiguous. So, that's -- that's really what we are looking at now. But I think the city has a great vision for -- for that area and right now it's residential, it's mixed use. We have it right there -- up there for everyone to see and that was vetted out through the public hearing process.

Yearsley: Thank you.

Fitzgerald: So -- Mr. Chairman?

Yearsley: Commissioner Fitzgerald.

Fitzgerald: So, I -- I guess the -- my thought process is there is checks and balances in place in regards to annexation and I can't fault the applicant for trying to get ahead of the game and get through the process. So, they are taking a risk, but if things don't go right -- and I think they are taking a calculated risk based on the fact that the city and the owners of the land have signed off on annexation. The development agreements are in place and so they are saying, okay, these easements may not come forward and other landowners or -- and the -- for some reason the -- the development agreements don't get finalized by the city, which I find -- it would be hard at this point to do that, I guess I can't fault the applicant for coming forward. So, I think they have taken a calculated risk to be the first in the door. I think this is a nonresidential use, so it's a hard corner. I tend to think that the facilities that they have built in the past look significantly better than most of the storage unit facilities that you see around and I think it's a difficult property. It's -- the Williams Pipeline runs through the corner, so you're going to have significantly reduced opportunities to build there and you have some significant landscaping issues with regards to -- there used to be a -- a cement pit -- or I mean a gravel pit and so -- I mean for me I think it's -- the staff and the applicant have worked together pretty diligently to find a good use for the property in a residential situation. It's a hard corner and I think it looks good and the renderings are done and I think that's what Josh and Bill had mentioned that there is a development agreement together that makes -- it makes for that corner. So, I'm comfortable that we would be able to move forward with allowing them to get in the door, which is a calculated risk, but that's kind of where I will go.

Yearsley: Okay.

McCarvel: Mr. Chairman?

Yearsley: Commissioner McCarvel.

McCarvel: If we do move forward with this in the motion do we need to -- is it all implied that all of this is contingent upon what City Council is doing with south Meridian annexation or do we need to make that a condition?

Yearsley: And I guess I would refer to the city attorney. Do we need to make this motion contingent on this being an annexed or how?

Pogue: Yes.

Yearsley: Okay.

Pogue: I don't think you can assume it.

Yearsley: So, barring any other comments, would anybody be interested in making a motion?

Fitzgerald: Mr. Chairman?

Yearsley: Commissioner Fitzgerald.

Fitzgerald: After considering all staff, applicant, and public testimony, I move to recommend approval of file number H-2015-0031 as presented in the staff report for the hearing date of January 7th, 2016, with the following modifications: That the conditions 1.1.1C be changed as presented and agreed to by staff and condition 1.1.5 and 2.2.2 as agreed to by staff be included or agreed to.

Yearsley: I think -- and, then, we have to do 1.1.1f second phase?

Parsons: Second phase.

Fitzgerald: Okay.

Yearsley: And, then, also probably contingent on --

Fitzgerald: Contingent on the annexation -- the south Meridian annexation being approved by City Council and completed.

McCarvel: Second.

Yearsley: I have a motion and a second for approval of file number H-2015 - 0031. All in favor say aye. Opposed? Aye. Motion carries.

MOTION CARRIED: FOUR AYES. ONE NAY.

E. Public Hearing for Paramount North Forty (H-2015-0034)
by Brighton Investments, LLC Located 6280 N. Fox Run
Way

- 1. Request: Preliminary Plat** Consisting of Three (3) Building Lots, Three (3) Common Lots and Two (2) Other Lots for Future Right-of-Way Dedication

Yearsley: Thank you. Next on the agenda is the public -- open the public hearing for file number H-2015-0034, Paramount North 40, and let's begin with the staff report.

Watters: Thank you, Chairman, Members of the Commission. The next application before you is a request for a preliminary plan. This site consists of 40.52 acres of land, zoned C-C and TN-C, located at 6280 North Fox Run Way at the southeast corner of Fox Run and Chinden. Adjacent land use and zoning. To the north is West Chinden Boulevard and rural residential undeveloped and commercial property, zoned R-1 and MUDA in Ada County. To the west is agricultural and undeveloped land zoned C-C. To the south are single family residential properties in Paramount Subdivisions, zoned R-8. And to the east is North Meridian Road and a church zoned RUT in Ada County. This property was annexed in 2013 with the Paramount Northeast project. A conditional use permit for a residential care facility in a C-C zoning district was recently approved at the northwest corner of the site. The Comprehensive Plan future land use map designation for this site is mixed use community, 26 acres. And medium density residential, 15 acres. The medium density residential is on the southern boundary of the site. The proposed plat consists of three building lots, three common area lots and two other lots for future right-of-way dedication for widening of East Chinden Boulevard on 40.52 acres of land in the C-C and TN-C zoning district. Access is proposed via two access points from North Fox Run Way that were previously approved by City Council with the conditional use permit application for the assisted living facility. No access is proposed via North Meridian Road or West Director Street. Access via East Chinden Boulevard is prohibited. Per the Idaho Transportation Department's corridor plan for this area, 70 feet of right-of-way measured from the section line of Highway 20-26, Chinden, is required as proposed. Berms or other improvements should be constructed outside of the right of way. A 35 foot wide street buffer is required along Chinden, an entryway corridor, and a 25 foot wide buffer is proposal on North Meridian Road with a ten foot wide multi-use pathway and 20 wide buffer is required along Fox Run, a collector street, as proposed. The street buffer landscaping and associated pathways along Chinden and North Meridian Roads will take place with the final plat for each phase of development per the approval of City Council with the development agreement modification application that was recently approved. The North Slough runs across this site and an irrigation ditch runs along the north and east boundaries. Piping of these waterways is required with each phase of development. The applicant has submitted conceptual building elevations for the assisted living facility proposed on Lot 3. The future building is required to comply with design standards. Written testimony has been received from Van Elg, the applicant, in response to the staff report. He requests the following clarifications to the conditions: Modification to condition number 1.1.3 to allow the four foot wide sidewalk that currently exists along Fox Run Way to remain if five foot wide -- or excuse me -- five foot by five foot turnout areas are provided every 200 feet to meet ADA standards. The condition currently requires a five foot wide sidewalk to be reconstructed. Second one is modify

condition number 1.1.3C to generally require a ten foot wide detached multi-use pathway to be constructed along Chinden Boulevard in a public use easement, rather than specifically in the street buffer. And staff would also recommend condition number 1.1.3B is revised consistent with the previous condition to require a ten foot wide detached multi-use pathway to be constructed along North Meridian Road in a public use easement, rather than specifically in the street buffer. Staff is recommending approval with the previously noted modifications. Staff will stand for any questions Commission may have.

Yearsley: Are there any questions?

Fitzgerald: Mr. Chairman?

Yearsley: Commissioner Fitzgerald.

Fitzgerald: Sonya, what's -- what is a five by five turnout. What does that consist of. Every two hundred feet. Is it just that widening of the sidewalk that we can go across --

Watters: Chairman, Commissioner Fitzgerald, yes.

Fitzgerald: Okay. For bikes and other things. Thank you.

Yearsley: Any other questions? Thank you. Would the applicant like to come forward?

Elg: Good evening. My name is Van Elg. I represent Brighton Corporation, 21 -- or 12601 West Explorer Drive in Boise. Pleased to be here tonight. The application we have before you this evening is a continuation of that which you have already seen, the conditional use, which was previously approved, the DA modification that has been processed and the Veranda Assisted Living project that is now in the design review phase and I believe was submitted recently. Maybe even yesterday. So, this is simply a continuation of that which you have seen and heard and discussed multiple times and this provides some clarity regarding the unclouded section land there and as explained in the application, you will see future developments of the larger lots that are being platted as those are replatted with preliminary plats and more detailed plans. With regards to the staff report, we -- we have reviewed and discussed it and are comfortable with the staff's report and as Sonya has mentioned that a couple of conditions just be clarified regarding the four foot sidewalk along Fox Run Way. That sidewalk has, of course, been there for years and was part of the original -- one of the previous phases of the Paramount and so we just simply ask that the condition be modified to reflect that which ACHD has suggested, that being that in lieu of removing the sidewalk, which was previously approved and in compliance with the ordinance, that we add turnouts to comply with ADA standards and they are comfortable with that and I think Sonya was, too, as we discussed. The second

one was that instead of having the ten foot multi-use pathway that's situated within -- the ten foot multi-use pathway that's situated within the landscaped area along Chinden, that we move that pathway south a few feet and straddle the line between the right of way and the landscape buffer and the reason for that is that if that -- that area has really been designed with a little bit of a shelf right there. If we move it too far into the buffer area, then, we -- we place it over the top of the drainage and deeper into the buffer -- into the berm area and it removes trees and ITD I don't think has anything specific and so this -- this is based on discussions that Mike Wardle has had -- I believe everybody is comfortable with this -- this shift where it straddles the line there. When ITD -- if and when they finally come around to expanding that, I think they will be -- it will probably be a broader expansion of that and get deeper into berms and things along Chinden than we anticipate. So, for the time being this is a great solution that minimizes the impact on the existing landscape berm and it was -- it places it where it was previously designed to be. Now, I didn't understand fully, Sonya, that last condition. Was that similar to this one that -- addressing it on Meridian Road?

Watters: May I respond, Chairman?

Yearsley: Yes, please.

Watters: Yes. It was just for consistency purposes.

Elg: Okay.

Watters: Same thing.

Elg: Thank you. Mr. Chairman, I don't have anything else, unless you have some questions of me.

Yearsley: Are there any other questions? I just have one. That four foot sidewalk on Fox Run, does that continue to the south into the subdivision as well or is it five feet within the subdivision and, then, it necks down to four feet?

Elg: I believe it's four feet all the way down in there, if I recall.

Wardle: For the record, my name is Jon Wardle with Brighton Corporation. 12601 West Explorer Drive. It is four feet currently from Chinden down to Director and, then, I believe it's five feet from Director south to Gable, which is a newer phase, and that would be the newer standard, which was a five foot standard. At the time that the sidewalk was built that was an early phase. It might have been phase four or five in Paramount and we built the sidewalk from both sides of Fox Run all the way up to Chinden and the standard at that time was four feet.

Yearsley: Okay.

Wardle: So, once we hit Director south it's a five foot sidewalk on the east side and it's actually a ten foot asphalt pathway on the west side at that location.

Yearsley: Okay. And the only reason why I'm asking is -- I guess I have concerns of the four foot sidewalk, just because at four feet -- anything less than five, really, two people walking side by side is uncomfortable at four feet and so that's -- that's my concern of allowing that to stay with the five by five for ADA. So, I will just bring that up so you have a chance to respond to that if you want to. Any other questions? Thank you.

Elg: Okay.

Yearsley: I have nobody else signed up to speak to this. Is there anybody wanting to testify on this application? With that I don't think we have to have the applicant come back forward, so I would entertain a motion to close the public hearing for file number H-2015-0034.

Fitzgerald: Mr. Chairman?

Yearsley: Commissioner Fitzgerald.

Fitzgerald: One question real quick of Sonya.

Yearsley: Please.

Fitzgerald: Sonya, on -- are you in agreement with all three conditions that they -- that are the clarifications?

Watters: Chairman, Commissioner Fitzgerald, yes.

Fitzgerald: Thank you. Mr. Chairman, I would move to close the public hearing.

Wilson: Second.

Yearsley: I have a motion and a second to close the public hearing. All in favor say aye. Opposed? Motion carries.

MOTION CARRIED: ALL AYES.

Yearsley: Comments? Thoughts? I guess with that it sounds like everyone is -- it's actually a very straight forward project. We have seen most of it before and we will see more of it again as it comes forward. We are just doing a little clean up here. So, I think it is pretty clean.

Fitzgerald: Mr. Chairman?

Yearsley: Commissioner Fitzgerald.

Fitzgerald: After considering all staff, applicant, and public testimony, I move to recommend approval to City Council of file H-2015-0034 as presented in the staff report for the hearing date of January 7th, 2016.

Wilson: Second.

Yearsley: Do we need to make the modifications?

Fitzgerald: Oh, as -- even though Sonya presented them?

Yearsley: Yep.

Fitzgerald: Okay. With any modifications. Sorry, Mr. Chairman. Thank you. That we modify condition 1.1.3A to allow the five by five turnouts in the four foot sidewalk and to modify condition 1.1.3C to generally require a ten foot wide attached multi-use pathway to be constructed in a public use easement, rather than simply in a street buffer, and that we revise 1.1.3B to be consistent with the previous conditions requiring a ten foot wide detached multi-use pathway to be consistent along North Meridian Road as well.

Yearsley: Thank you.

Oliver: I second.

Yearsley: I have a motion and a second to approve file number is H-2015-0034. All in favor say aye. Opposed? Motion carries.

MOTION CARRIED: ALL AYES.

F. Public Hearing for Westborough Square (H-2015-0036)

by Northside Management Located 6340 N. Jericho Road

1. **Request: Rezone** of 3.32 Acres of Land from the L-O to the R-15 Zoning District
2. **Request: Modification to the Conditional Use Permit (CUP-05-027)** to Allow the Development of Multi-Family Instead of Offices on Phase 2 of the Site

Yearsley: So, the one that we have all been waiting for. Let's open the public hearing on H-2015-0036, Westborough Square, and let's begin with the staff report.

Watters: Thank you, Chairman. The next applications before you are a request for a rezone and a conditional use permit modification. This site consists of 3.32 acres of land, zoned L-O, located at 6340 North Jericho Way Road. Adjacent land use and zoning. To the north is East Chinden Boulevard and residential properties in Ada County. To the south are also residential properties zoned R-2. To the east are multi-family residential units currently under the construction process and to the west are also residential properties, zoned R-15. In 2005 this property was annexed with an L-O zoning district and a conditional use permit was approved for a planned development consisting of professional office and multi-family residential uses in the L-O and R-15 zoning district respectively. The Comprehensive Plan future land use map designation for this site is mixed use community, with a neighborhood center overlay. This is an aerial view of the property. The applicant is requesting a modification to the conditional use permit planned development approved in 2005 to change the use of the property from office to multi-family residential and update the site plan accordingly for phase two of the development. Phase two, again, is the multi-family portion that's under construction right here where my pointer is. A rezone is also proposed to change the zoning on 3.32 acres of land from the L-O to the R-15 zoning district and that is the purple area here -- to allow for multi-family residential uses to develop on the site. The conceptual site plan that was approved with the conditional use permit on the left shows how the site was previously proposed to develop with six office buildings. The remainder of the site was approved to develop with multi-family residential uses, which, as I stated, are currently under construction. A new site plan is proposed on the right, which depicts seven four-plex and two three-plex multi-family structures, with a total of 34 residential units and associated common area and parking. Access is proposed at the intersection of East Everest Street and North Jericho Road, both local streets. No access is proposed or approved via East Chinden Boulevard, State Highway 20-26. A 35 foot wide street buffer with a ten foot wide multi-use pathway already exists along Chinden Boulevard with a ten foot tall berm and wall as required by the development agreement and the UDC for residential use adjacent to a state highway. Parking lot landscaping is required to be provided in accord with UDC standards as proposed. This is just a little color layout of the site. Conceptual building elevations for five different types of multi-family structures were submitted for this application. Here is a color version here at the upper left. All of the structures are two stories in height, except for the two end units and the two southern structures that abut the low-density residential property, which are proposed to be a single story in height. I'm just going to flip back here and show you from the site plan. This is a larger -- I believe it's an acre lot, zoned R-2, and these are the two structures that I'm referencing right here. The units right here will be single story going up to two story here. Building materials consist of horizontal and vertical hardboard lap and board and batten -- board and batten style siding with asphalt shingles. The proposed elevations are consistent with those approved for construction in phase one. To ensure the site develops as proposed, staff recommends the development agreement is modified to require future development to substantially comply with the proposed site plan and

building elevations. Written testimony has been received from Scott Noriyuki, the applicant's representative. He is in agreement with the terms in the staff report. Staff is recommending approval per the staff report conditions of approval. Staff will stand for any questions.

Yearsley: Are there any questions? I actually have one. Can you go back to the site layout, the color site layout? So, those two apartments to the south, how much room do they have? Is that a 25 foot separation between the fence there and the building? Do you know?

Watters: I don't know offhand. But let me see if I have that. The applicant can probably respond to that one when he gets up, but it looks like 15 feet.

Yearsley: Fifteen feet. Okay. Thank you. If there is no other questions, would the applicant like to come forward?

Noriyuki: Thank you, Chairman, Commissioners. Scott Noriyuki with Northside Management. 6810 Fairhill Place, Boise, Idaho. Just a quick clarification. On this overall layout, this colored layout that you see, what I have indicated is the buildable areas for these buildings. So, the physical dimension as far as setbacks that you were just asking dimension wise, the minimum required is 15. However, our actual building will be physically 35 feet.

Yearsley: Okay.

Noriyuki: That, with the additional, if you will, what appears to be 40 to 50 feet, is going to provide about 85 feet of separation between our single story structures and that existing home. We are very cognizant of that separation and that transition. With that said, I think staff has really covered the basis of everything. We do agree with all of the conditions. One condition or one clarification I would request recommendation on is that in the staff report there is a condition that I modify the development agreement. I am requesting that I'm able to submit that development agreement directly following this hearing, Monday, Tuesday, so it can be heard concurrently with City Council. What that does is that expedites my process. Also that is an action that specifically is acted upon by City Council. If that's acceptable we would like that added to the condition if you will. A couple of things I just want to cover history wise. Why are we coming back and proposing this. This project is very old, it's been around for a while, and my client purchased it following the economic fallout. My client is not the original developer. Did not have the original vision and did not do the original infrastructure and sidewalks that you see there. With that said, he subsequently purchased the property and has since fired all of the construction. We are proceeding forward. We have received certificate of occupancy on two of the structures within phase one, including two of the garage buildings. With that said, I have had to go in and modify several items as far as the infrastructure to bring it up to code, predominantly fire lines, so that we can put in fire sprinklers.

The project looks a bit in disarray right now, but I just recently obtained building permits for the rest of the phase one buildings, so we are able to now go in and actually build this project, as well as in the springtime we are going to redo all of the asphalt and we have some repairs to fencing and we got to do a lot of rework to the landscaping. Frankly, it's -- it looks poor at this point. As far as why I am requesting -- myself and my client are requesting the rezone to switch from light offices that were originally proposed to multi-family is a couple of different things, but the most notable is the original 2005 approval contemplated North Jericho Road, which is our western border, connecting to Chinden. Ultimately ITD said no. With that said, there is no plausible responsible financially way that we could have offices that's interior of existing built out residential subdivisions. One, it's just not practical from a financial standpoint. Number two, there is no frontage, there is no access, there is no opportunity for signage, as well as more being commercial vehicles interior of a residential subdivision seems very contrary to us. We are bounded by the highway, as well as R-15 built out multi-family units on our west, as well as our east. We do also have, of course, the one acre parcel to our south that we are very cognizant of transition, but I also want to point out kitty corner to us, if you will, our southwestern corner, that is also R-8 high density residential. So, I feel like it's very applicable. It works with the comp plan. It does handle transition. With that said I will stand for any questions.

Yearsley: Are there any questions? I guess I have one. On those two apartments on the south -- so, those are three-plexes; correct?

Noriyuki: That is correct. We -- we ultimately reduced a unit on both of those buildings to add better transition and we have got common area between the buildings and the actual residential home to the south. We can commute -- we are proposing to put in community gardens and a bocce ball, as well as fencing and, then, landscaping. Then the one story portion of the units will be there, ensuring that the existing homeowner doesn't feel like there is a two story structure looking down into their backyard.

Yearsley: Okay.

Noriyuki: And I do also want to point out, if I may real quickly, our amenities and landscaping work that we are currently standing at and overall project build out of a little over 31 percent open space, which is significant. We are going to have two play areas for children, bocce ball, regulation horseshoe pits, community gardens, public art and, of course, the extensive landscaping.

Yearsley: Okay. Any other questions?

McCarvel: I have got one. Where did you say the bocce ball -- is that going to be south of that apartment?

Noriyuki: Yes. Yes. Sonya, can you point at -- thank you. Yes. And, then, to the left of that are the community gardens.

Yearsley: Okay. Thank you.

Noriyuki: Thank you.

Yearsley: I have a couple of people signed up. First one is Bill Hobbs. Would you like to come forward? So, you are basically going to speak for everybody here? Okay. So, you're only asking for three minutes or are you asking for ten? Okay. So, those people that he's speaking for are not going to testify; is that correct? All right. We will do that. Please come forward.

Marsh: Good evening. Mr. Commissioner and -- or Chairman. I would like to submit for the record --

Yearsley: Please, name and address.

Marsh: Oh, I'm sorry. I'm sorry. My name is John Marsh. I reside at 1264 East Commander in Meridian. If I would, I would like to submit this petition. There is approximately 80 -- 84 individual homeowners signed that petition in firm opposition to the proposed rezoning and I will read the petition. It says: The property in question is currently zoned for light commercial and is currently an undeveloped portion of an adjacent property that has been developed as residential rental property and is in the process of soliciting renters. We, the undersigned, are opposed to the rezoning proposal as it will create far more traffic congestion than would light commercial property in an area that is already limited access and heavily congested with traffic. The rezoning would also serve to reduce property values in the surrounding areas of Jericho, Hightower, the Reserve, Arcadia and other adjacent neighborhoods, as multi-family rentals most certainly always do. So, this petition was collected over about -- maybe about a six hour period. My wife and I went to approximately 89 residences. We had one objection. One person wouldn't sign it. The other three were undecided. But everybody was adamantly opposed to this project and the reason being -- and I want to show you some pictures of what's here and, then, I have got a little bit of a -- I have got a question. I'm not sure how to change this. This is a picture of what's currently being rented back there right now and if any of you were to look at this you should be ashamed that this is being allowed to be rented in the City of Meridian. I have seen stuff worse in South Central LA. It looks like the zombie apocalypse. It's unsafe. It's derelict. I mean there is walls falling down. And if I could -- yes. Right now this is parking next to one of the structures there and the way this was originally built, it was originally built in a very garage fashion and so if you go to the next picture here for me. Well, I will talk about this one. This is the light commercial property that's within 350 yards of this particular area and it's developing out quite nicely. So, it kind of makes sense to have that additional office base down from that area. So, he was saying, well, there is no

way to put signage. This has got major signage on the front of it. So, for a doctor's office, an insurance company, a vet's clinic is in here, a yoga studio is in here. So, we as the citizens of that area don't see light commercial in any way, shape, or form being incompatible with what's there right now and the developer knew the zoning when he bought the property. We knew the zoning when we bought our homes in that surrounding area and we bought those homes with the idea that this would be the kind of thing that we could expect in that area and we all made large investments in that and one of the things that people were upset about was exactly that. They bought homes in there, they were planning on retiring, that was where they were going to stay, we all knew the situation and now, bam, after we make our decisions, the game plan changes. We don't see that as fair. The developer knew what was there and if you look at this -- if we can go to some other pictures here. This is the area right here on this corner right here where the brown is where he is proposing putting those two triplex areas in there, but this whole front area in here -- if you go to the next picture, it's -- I mean it's all been developed for commercial. There are only 32 parking spaces back in this existing R-15 area. Most of it -- and a lot of the parking is this funky thing here where you have got a very narrow driveway going into this larger area that's broken up by this curbing and it looks like somebody is going to build some sort of a little storage unit in there and, then, you have got multiple parking on each side. But this is the overview. So, the front half of this it's already built out for light commercial now. That's what it was intended to be. The street lights are in there. The infrastructure is in there. So, for a developer to go in there and build that light commercial would be almost a no brainer. However, this particular developer doesn't have experience, as far as I know, in light commercial building. He does all residential. So, naturally, he wants to get this zoning changed to something that he's more comfortable with and able to -- to build in. But the problem is that you're creating a great deal of high density in this area and to be aware of the limited access is down at Locust Grove and Commander. So, you have got Hightower area, you have got Arcadia, you have got to the Corey Barton project that's within probably a few hundred yards of this, 64 more residents are going into that area. So, you have got a lot of density already packed into this area with very, very limited access and right now most of these people are trying to get out onto Chinden right there where Castlebury development is and there are times there you can't get out there. So, they are all suddenly down winding through streets in order to get out to Locust Grove and, hopefully, get out into surface streets. So, that's why we are adamantly opposed to this. We bought property knowing how this was zoned under the pretense that it would remain that way, the infrastructure is there, and now because economic conditions have changed, a developer wants to go in there and flip things around on everybody and we just don't see that as being fair, so --

Yearsley: I have a quick question for you. Sonya, can you go to the overall map? The wider view. Right there. Can you point out where the -- is that where the commercial is that he was showing pictures of?

Marsh: Yes. It's right there.

Yearsley: Okay.

Marsh: And, then, in this section there is some multiplex families in there and this section is maybe about 300 yards wide.

Yearsley: Okay.

Marsh: There is a lot of signage on this corner right now, substantial signage for these businesses, which could easily be incorporated for this and for a realtor, an insurance agency, a lot of businesses that don't need direct street access, but just need an address, we don't see that as being a problem for future development of that area, so we don't see that as being incompatible. The other concern that I have is back in this existing R-15 area, the parking in there is very, very limited. The way that was built out, it's not built out conducive to doing anything and it appears this developer is just kind of taking what's there, kind of putting lipstick on a pig, and just building back in there -- oh, we are going to see if we can make this work and make this work and make this work and so if you expanded that, the other fear of the homeowners is that you're going to have spill over parking, but they are going to be coming down Jericho Road, they will be parking on Everest Road, because there is just -- that site is not big enough to do that and, then, all of the traffic issues that you're going to have. So, right down here in this corner -- I don't know if I can point to that or not. But right down in this corner is the access out of this area and, then, right there at -- yeah, right there and, then, right over here. So, you have got this whole massive area where people are trying to get out at that point and that point right there.

Yearsley: Okay. And, then, just really quickly. Do you live on Commander or do you live on --

Marsh: I live on Commander Street, which is right here.

Yearsley: Okay.

Marsh: This street right there.

Yearsley: Okay. Thank you. Any other questions? Nope. Thank you very much.

Marsh: Thank you.

Yearsley: Since he spoke for a lot of people I'm just going to open it up. Anybody else who would like to testify? Please come forward. And name and address for the record, please.

Larsen: For the record, my name is Adrian Larsen. Address is 6040 North Jericho Road. Mr. Chairman and Members of the Commission, I'm speaking today as president of the Westborough Homeowners Association. We are the five one-acre lots on Jericho Road. Obviously, property value is rather substantial and for that reason we are quite concerned. I have a few quick points I would like to make in addition and in clarification of those that have been made already. First, just to review, the developer recently acquired this, as they pointed out, after the economic turndown. They acquired it on a gamble that they could -- and knowing that there was not Chinden access, they purchased it knowing there would never be Chinden access. Therefore, their plan all along has to have been either putting the light offices zoned for or gamble that they can get the residential and put in high density apartments, gambling with our property values. The fact that they purchased it under those conditions and, then, try to make an argument that its not economically feasible to develop what they bought, tells me that their plan all along was to alter the game and, frankly, if they want to gamble they can use their money, not ours. My next point, obviously, doesn't fit the character of the neighborhood to put high density housing next to one acre lots with half million dollar property values and above -- and when I say next to, I mean adjoining. Third, although there is R-8 zoning along Jericho Road for the new project that's going in there, this -- the requirement was placed, actually, by this Commission that the properties on Jericho Road could not be the smaller lot sizes, they had to be larger lots, higher quality, with special provisions for the construction materials to match the character of the neighborhood. Because the Planning and Zoning Commission already made those requirements, it seems rather incongruous to say -- and to claim that having a southwest corner that's zoned R-8 justifies R-15. Obviously, this Commission didn't feel that way when they put the requirements on the R-8 for facing on Jericho Road. My next point -- as has been pointed out, this is a failed project. It's a disaster. It's been a drug den. It's -- it's in a shambles and we know that we appreciate the opportunity to see it turn into something nice and all of us I think are behind seeing this turn into something that's of benefit to our community, but as it is now it's -- the way it's designed is nonfunctional. There are these micro garages that won't accommodate a car and, as I understand it, they are now being called storage, because you can't actually park in them. Therefore, all the parking will have to be out in the parking area and there is -- there are not enough spaces. So, there will, of necessity, be overflow parking on Everest and Jericho. Unless we can justify where the cars are going to go, this project doesn't make sense. It's going to have to be less density. Even if its duplexes, like you have just to the west, or something that is -- that is less density, even, you know, a larger light office, commercial type thing, assisted living facility, a school, something, but you can't put that many residential units there and have parking. There is just not -- not room. I realize -- does the red light mean my time is up?

Yearsley: Yes.

Larsen: Oh, I apologize. I had -- I had two more quick points if I may.

Yearsley: Really quickly.

Larsen: Thank you, Mr. Commissioner -- Mr. Chairman. First of all, traffic ingress and egress has been mentioned already, that trying to get onto Chinden Road is already disastrously difficult and that will drive people down Jericho and out Commander onto Locust Grove. That road already has a speed problem. Both roads have a speed problem. Putting that many more units will add to it. And, then, my last point is actually a point I have already made. So, thank you very much. I'm glad to answer questions.

Yearsley: Are there any questions? Thank you.

Larsen: Thank you.

Yearsley: Anybody else? Please come forward. Name and address for the record, please. In the microphone.

Lieberman: I'm David Lieberman and I'm at 6208 North Jericho, which is the house next to the property. When I purchased my property I knew -- because I spoke with you guys, even though we weren't part of the city at that time and you guys just said that you were pretty sure that Jericho was going to close. So, even the original developer knew that. I was laughed at before by previous -- I guess it was the previous owner -- said, well, we are going to stick these in, because we have the same plat to be able to stick in apartments. We never -- they never -- you know, I can't go into their mind, but I was told by him and he laughed at me and said they were going to put these apartments in there. This was after, you know, everything was done and -- I mean as my -- my yard's been flooded by their -- probably four or five times, because their sprinkler system -- I don't know how they put it in, but it just floods my yard. It's -- I know they drive over it and it breaks the system. So, I've had problems with this for a long time. I guess it wasn't flooded this year, but last year it was flooded three times, so -- and the year before it was flooded. So, it was -- it's been an interesting experience and they butt up next to it. I'm going to have the largest property -- our value drop and that's all we got, so -- you know. I didn't do it for an investment, I did it for my family home and -- but I don't need to see it drop below what I owe on it, so -- and these apartments -- there is nowhere near enough parking, so they are all going to be parking in front of my house, so -- I mean I think that would be fun, but -- not necessarily for me.

Yearsley: Thank you.

Lieberman: Thank you.

Yearsley: Anybody else? Please.

Rountree: Mr. Chairman, Commissioners, my name is Tyler Rountree. I reside at 1098 East Pasacana. So, on the map that you're looking at there is a subdivision just down below that -- at the end of Jericho. Yep. Right there. Right next to the common area. So, I drew the straw tonight to come read the letter that the HOA has put together as a board member on the HOA to read to you. I apologize for some of the repetition that you have heard. I'll try and read it fast. I do want to say that I appreciate and the discussion that we had. So, Dear Board of Commissioners: On behalf of the HOA of Arcadia Subdivision I am requesting -- or we are requesting that you deny Item F, Sections one and two, for tonight's proposed agenda for the following reasons: As a subdivision we have worked to understand the balance of zoning in and around our subdivision. The majority of homeowners in this development were purchased on or near the peak of the 2007/2008 market high. We have all entered the roller coaster both in home values and accommodating changing developments near our subdivision. In 2008/2009 we were surprised and opposed at the addition of the apartment buildings in the phase one of Westborough Square. The City Council explained the concept of due diligence. While it is clear the development had been on the books for some time and it was our duty as home buyers to research the developing property around us prior to purchase and a continuance for phase one was granted. Development in the area started, infrastructure and foundations were poured and, then, suddenly stopped with the market crash and the property sat uncared for with no attention, while living near this failed development, which has resulted in becoming a drug trade hub between Ada and Canyon County, a site for general illegal mischief and a near miss when a five year old almost went into the storm drain while riding his bike on the street where someone had removed two of the manhole covers. This has been a big issue to say the least. While in general the concept of advertising luxury condos, we are now seeing the building of apartments built to accommodate past development infrastructure. The development is still a mess with falling fence, big sections of asphalt missing in the roadway. The current developer purchased this development at or near -- at or near the low of the market with the understanding of its current zoning. Arcadia HOA would request that you ask the developer to follow their due diligence and continue with the project that was understood when they -- when they purchased the property. Our homes are our biggest asset that we as individual owners choose to protect our most important assets our families. When all of our residents abut or living near an apartment or luxury condo development, we would like you to hold the current developer to the same rules the City of Meridian has held the surrounding subdivisions to. Just the increase of nine additional units is nearly inconceivable with current traffic. We face additional traffic from the Jericho Sub, which is just directly north of my house. There is 64 units there and 40 additional units on the other end of Tallinn Street off Saguaro Hills. Please understand approving this is a business decision that is a sure positive for the developer with a very high potential to be a negative for all homeowners in this area based off experience with the current construction, general care of the development, and the traffic impact. Please hold the

developer to his due diligence and deny the request to rezone and modify the original phase two of the development. Did you get this letter?

Yearsley: Thank you. Anybody else? Please. And name and address for the record, please.

Swidecki: Good evening, Council Members. My name is Paul Swidecki. I live at 854 East Martello Lane in the Hightower Subdivision just to the west of the area being discussed. I'm also a member of our HOA board and as you have heard there are many salient points this evening requesting from homeowners that this developer be required to continue. I would also like to add that the Hightower Subdivision also echoes these. We do understand that there is, within the future use plans of ACHD, to add a stoplight at the entrance of the Hightower Subdivision. If this is the case, we do request that if any modifications to these plans be made, that that plan potentially be fast-tracked to accommodate the congestion during rush hour on Chinden. Further -- this is a personal point of mine -- the color schemes of these residences do not coincide with anything that is to be found in any of the surrounding developments. Hightower was very involved with the Citadel project, as well as a light industrial project, the veterinary clinic, and we are aware of the signage issues and worked with the developers to ensure that those issues were addressed properly. That is about all of the points that I have this evening. But I do echo the other homeowners. This is my first home as a homebuyer and it is the largest purchase I have ever made in my life. I do not wish to see my values degraded by any of the changes being proposed. I do request, respectfully, that you do, as echoed by the other homeowners, continue to hold this developer to the original site use as proposed by the original plan approved by this City Council. Thank you very much.

Yearsley: Thank you. Anybody else? Please. Name and address for the record, please.

Starkey: Gail Starkey. I live at 6382 Maximus, directly over the fence west of the west end of this proposal. I just purchased July of last year. It's my retirement home. Most of us that are there it's our retirement home. At the time I purchased I had no idea there would be four multi-family units placed right over my back fence and I am very opposed.

Yearsley: Thank you. Anybody else? Thank you. Would the applicant like to come forward and respond? Name and address for the record again.

Noriyuki: Thank you. Scott Noriyuki, Northside Management. 6810 Fairhill Place, Boise, Idaho. Thank you. If I may, I have taken notes of each person who spoke. I may be redundant at points, but I think it's appropriate to take each of their items step by step as best I can. John Marsh first of all. What I want to do is I want to address traffic. First and foremost, this property -- this project -- this entire area was master planned through the City of Meridian. There was a comp

plan. There was intention and knowledge there was going to be traffic. It was planned this way. ACHD has reviewed our application. They have reviewed all of their traffic counts and they have determined that this proposal is consistent with the roadway system and there are no issues. The next item I want to talk about is the current state of the development. Of course that's how I opened up my original presentation to you that we -- I have got a client who purchased a piece of property that was in disarray. And, fortunately, my client will complete the project, rather than it continuing to be in disarray and be held by a bank and jump between failures and failures and failures. At some point this thing has to be taken care of and built out. It doesn't go without saying that right now it doesn't look that good. Somebody has got to start at some point. The next item -- the claims that office -- light office would work, I appreciate opinions. My client has built several commercial buildings, several light office, several residential, whether it be single family or multi-family. He is astute. He has several experts. They have looked at several situations. The fact is is that there is no signage opportunity or direct access onto Chinden and if there were to be commercial put into this area, we, as a city, are trying to force commercial through wholly residential areas. People who don't have a vested interest in driving slower or the neighborhood where children are going to be walking around. This is a more conducive use. It makes sense. Also from a traffic standpoint, once again, there is -- as far as traffic counts, it's very relative to anything that would be commercial. Also we have been very consistent -- or cognizant of our architecture. You know, it's six of one half, half a dozen in another from a standpoint of the commercial buildings would naturally be two story overlooking into everybody's backyards. The designs we have put together with the residential make sure that nobody is looking down into existing property owners properties. That was a key component of our design. I want to address the parking. Parking came up several times. There is a parking requirement within the City of Meridian code. Our design conforms and actually exceeds the parking requirement. With wholly within the site, does not count any off-street parking or, excuse me, on-street parking on North Jericho or Everest. I will move on to Adrians. I believe I have pronounced that right. I hope I did. Thank you. I want to talk about known zoning and I want to talk about known -- there was a lot of comments about our developer should have known what we were getting into. I do appreciate that. But I do want to point out that this project was approved in 2005 with several multi-family buildings, well before most of the other houses were ever built or purchased or even platted from a development standpoint. Things do change and I think we are coming on with a very good, appropriate use and sometimes comp plans do change. This whole project was originally designed with North Jericho going to Chinden. Theoretically that would have worked to have the commercial. It didn't. That's a city, community, and developer situation and we are making the best of it and we are going to move it forward. Property values. I want to address that. We are coming on with something that's going to be successful. It is going to be quality. The existing structures that are there -- we just recently got certificate of occupancy. The interior of them, they have granite countertops. They have stainless steel

appliances. They are marketed towards a higher level rent, if you will. I'm not concerned about that. I think right now the state of the existing property is what's hurting property values. This project needs to come forward and look good. Also we are doing appropriate transitions, which is consistent with code and with your comp plan and I think we are being very fair and we have a right from a property ownership standpoint. I want to move onto David's comments. He's the property owner directly to the south of us and that's very important to me, because he is physically our neighbor and that's important. Number one thing that I want to address is the flooding. If there is an issue -- and, apparently, there wasn't this last year, but these are the things I like to know and if there is something we need to take care of, we will do it right now. So, I will give you my business card no matter what, so that we can take care of that, because that's a problem.

Yearsley: We will -- you can have that conversation afterwards. I'm sorry.

Noriyuki: Yeah. And I'm sorry to digress, but I want to make a commitment to that. And, then, once again, the reiteration of parking. That's important to him. We -- our parking does exceed Meridian code requirements and that's important to him, because if we didn't exceed somebody might pull over and park in front of his house. I will try to move real quick here. Tyler Rountree's comments. I think the most important thing that it sounded like he was concerned with -- or it was reiterated was drugs, weeds, failed subdivision, those kinds of items. We purchased it. We are moving forward. It's time to clean it up. We inherited something that was ugly. Now that we have got it we will take care of it. I want to talk to Paul, the last gentleman who stood up. I want to talk about the light that potentially could or could not be installed over on Chinden in the primary entrance over by the storage facility. We have no control over that. At the end of the day ITD -- they do traffic counts and when there is a warrant that's met they will install it. Until then it's not going to happen. I just wanted to make that point. And, then, the last thing was color schemes. Honestly, I think our two existing structures look pretty good. It's just the site that looks pretty bad and as we proceed forward --

Yearsley: No. No. We have got to -- sorry.

Noriyuki: However, that's an opinion, but we are creating variety and we are in compliance with code and we are feeling like it's going to be a successful project. So, with that I hope I addressed everything, but I will stand for any questions.

Yearsley: Are there any questions? Commission Fitzgerald.

Fitzgerald: So, the plan currently is to leave the -- I guess the curb and gutter and the asphalt as it is?

Noriyuki: No, not necessarily. We have got a tremendous amount of things that we need to put in there. Just to bring the development up to code I have been

working with Public Works as far as obtaining recertifications of the existing water and sewer there that are in place, I'm also installing fire line, so that we have fire sprinklers in all the structures and, with that said, there is a lot of broken concrete panels and curb and gutter and we are going to have to modify some things, because I'm changing the architecture and I am also putting in more amenities than were originally designed. So, long story short, I'm going to be ripping out a lot of stuff.

Yearsley: Thank you.

Noriyuki: Yes.

Yearsley: Any other questions?

Oliver: Mr. Chairman?

Yearsley: Commissioner Oliver.

Oliver: Just a question. You met -- did you meet at all with the neighbors?

Noriyuki: Yes. Yes, sir, I did. I put up the required 300 foot radius. I did have a neighborhood meeting. I have got to be frank with you, I'm a little surprised with the -- at the meeting there were concerns. I presented what our plan was. I was very clear. I made sure everybody had my phone and my e-mail and up until tonight I haven't heard a concern or I haven't heard a request for another meeting or a lot of these items that I feel like I could have addressed prior.

Oliver: It may be a small thing, but would it be a consideration for you to -- when you get to this point, if you get to this point, to take their ideas into what you do as far as painting colors, to make it look more appropriate for the other surrounding subdivisions?

Noriyuki: I'm very willing to.

Oliver: Okay.

Noriyuki: Yes.

Oliver: Thank you.

Yearsley: Any other questions? I have a -- just a couple. Just want a clarification. So, the two existing buildings were already there previous to your -- your client buying the site; is that correct?

Noriyuki: The two building permits were originally pulled and it was partially started when my client purchased the project and, essentially, obtained those building permits. The project started or the structure started and, then, stopped.

Yearsley: Okay.

Noriyuki: And now they have been brought back to life.

Yearsley: So, he's basically finished those -- those two facilities and -- okay.

Noriyuki: Yes. And we just -- I submitted for building permits on all remaining eight buildings within phase one, including the garages, and I have already obtained early foundation permits, so we are going to be starting -- we are projecting next week to go in and pour all of them in one shot and, then, as weather progresses we are going to start framing all the buildings, so it all comes together and we can redo our landscape.

Yearsley: Okay. Now, in the parking line up, the garages are included in that parking count; correct?

Noriyuki: They are. Yes. And contrary to the statement that they are classified as storage, I have got a full-size pickup and I can pull into one.

Yearsley: Okay.

Noriyuki: Now, if somebody wants to use one as storage, because we exceed the parking requirement, that's fine and dandy. That's up to them. Because they are leasing the property. But if somebody wants to use it for parking they can, but we also have adequate surface parking and we also in phase two that I'm proposing we are going to have standard covered parking as well. So, we will have a blend of three types of parking. Well, four including ADA.

Yearsley: Okay. Any other questions? Thank you.

Noriyuki: Thank you.

Yearsley: I would entertain a motion to close the public hearing on file number H-2015-0036.

Fitzgerald: So moved.

McCarvel: Second.

Yearsley: I have a motion and a second to close the public hearing. All in favor say aye. Opposed? Motion carries.

MOTION CARRIED: ALL AYES.

Yearsley: Thoughts? Anybody want to go first? No? So, this is a tough situation. You know, looking to what the owner wants to do versus weighing the adjacent neighborhood issues. I like kind of the plan. I think it looks decent. I think it looks good. However, I am concerned about the neighbors and I am concerned about the -- and I think a lot of it is -- is they have lived with this for so long they are a little gun shy, I guess, for -- from what I -- what I hear with this, because it -- from the pictures it does look like a mess and even the applicant is working -- and I appreciate the working to try to make that better. I guess I'm -- I'm unsure. My initial thought is to deny the change and allow him an opportunity to build what he has and to see how it looks and to see if he could actually maybe make that into -- I understand -- I think that might be an area that might be difficult for commercial development, just because you are limited to where you are and visual signage and stuff like that as an issue. But, however, I still -- for me proof is in the pudding. I'd like to see what he built before we allowed him to build more, personally.

Fitzgerald: Mr. Chairman?

Yearsley: Commissioner Fitzgerald.

Fitzgerald: I'm kind of leaning that direction. I haven't made my decision yet, but I think the -- I think the applicant has some good points in regards to your -- you're trying to put a commercial use through a residential neighborhood, which we don't like to do ever, and so that's -- that's a good point. But I also agree that -- that there was truth in purchasing and they knew what they were purchasing and that was a low and so as -- as you discussed, I think maybe it's time to put this thing on the shelf for a little bit and let's have it built out and see what happens. Maybe the neighborhood can come together and they can work out what changes need to be made or what design features can be put in place, instead of having the -- all the components kind of glommed onto a -- something that may not be happy with -- anybody happy with. So, I think -- I may be leaning the direction you are as well.

McCarvel: Mr. Chairman?

Yearsley: Commissioner McCarvel. Sorry. It's getting late.

McCarvel: I answer to a whole lot of things. You know, I agree that this needs to be built out, but I think there is a whole lot in between light office, light industrial, to R-15. I think there is a whole lot of opportunity somewhere in the middle there that would not have near the opposition and I just think with as respect to the homeowners that purchased with doing their due diligence and knowing that that was supposed to be something totally different and now we have got all these multi-residential -- which that's fine, you know, nothing against the multi-

residential, but that's a big surprise and I think there is a whole lot in between that could be done with that space.

Yearsley: Thank you. Anybody else? Commissioner Wilson.

Wilson: I guess I'm leaning that direction, too. I mean throughout the testimony I was thinking about the appropriateness of moving to an R-15 zoning district and, obviously, this area is in disrepair and I can understand wanting to develop it. I think -- I'd like to see some alternatives before I jump into approving something like this.

Yearsley: Thank you.

Oliver: Mr. Chairman?

Yearsley: Commissioner Oliver.

Oliver: I agree with all the Commissioners that it's time to clean it up. It's time to make a change. It's time to get something done. But I'm not necessarily agreeing that this particular project fits the mold to help home values in their hunting areas and I just don't think retail development would work back there very well. So, I really think that sometimes people think that we just kind of rubber stamp everything that comes in, that no matter what people think or what they write or what kind of document they present to us, that we are just going to just not listen or not do what you want us to do, but we are going to do what we want to do, but we do listen and I think by looking at the number of signatures there is a lot of people out there that care about their development, they care about their homes, they care about their values of their homes and maintain a nice area in which to live and raise their children. It's not a good situation that exists right now. What's the right thing to do? I don't know. But I'm just not sure that this is the one that we want to put in there, knowing that there are so many people out there that -- you live there, you see that everyday. I have not seen that. I wouldn't want that in my backyard together. But I would want something that complements where I live and I just don't think this particular project would work.

Yearsley: Thank you. From -- from what I gather from testimony -- and I can't -- I can't tell people how to make their motion, but just want to clarify. In the motion if we want to deny, we need to state a reason for the denial. Just wanted to make sure that that's clear for the reasons. So, with that -- so, barring any other comments, I would entertain a motion. Absolutely. Please.

Fitzgerald: And I want to tell the applicant we appreciate the fact that you guys want to clean it up. I think there is another -- I think we are with you there. I think there may be a different design feature that you could bring that may work better.

Yearsley: And I agree. You know, for me I think build what you have, let's see how it works and see if there is -- you know, work with your neighbors and see if you can come up with a better solution for the other area. I do appreciate it and let's -- let's see if we can make a -- something better out of a challenging situation. I'd love to have you comment, but we have closed the public hearing, so --

McCarvel: Mr. Chairman?

Yearsley: Commissioner McCarvel.

McCarvel: After considering all staff, applicant, and public testimony, I move to recommend denial to the City Council of file number is H-2015-0036 as presented during the hearing date of January 7th, 2016, for the following reasons: It's just too big of a zoning leap to go that many zones out from the original plan.

Yearsley: Okay.

Oliver: Second.

Yearsley: What was that?

Oliver: Second.

Yearsley: Thank you. I have a motion and a second to deny public -- or file number H-2015-0036. All in favor say aye. Opposed? Motion carried.

MOTION CARRIED: ALL AYES.

Parsons: For the neighbors in the audience, I just -- for the neighbors don't leave yet. I just want to let you know that this application will be before City Council, so this is just a recommending body, so if you want to testify at the hearing, please, contact our office and we will let you know when the date is.

Item 5: Other Items

A. Election of Officers for 2016

Yearsley: All right. So, we have actually one item left for the election of officers. I kind of think I know how everyone is wanting to vote, but given that I am the chairman I get to go first. I have been on the Commission now five years and I gave thoroughly loved it. I have been chairman now for two years. Not two years in a row -- can you, please, move your conversations out into the hallway. Thank you. I have thoroughly enjoyed being chairman and if your wish for me to be chairman I will do it again. However -- however, I do think that there are several people qualified to be chairman and I think it is a great opportunity for

others to have that same experience. And, in fact, I'd kind of be excited to make a motion again. So -- so, that being said -- so, how this process is going to work, we will make nominations for chairman. They still need to be seconded, just like that. We are going to do the chairman first and approve that one and, then, we will do a vice-chair. And so with that I would like to open -- I get to nominate on this one.

Oliver: May I ask a question?

Yearsley: Absolutely. Please. Let's discuss this forward.

Oliver: Just to make sure so I'm clear on this that we can do this without the Mayor's decision?

Yearsley: No. This is -- this is purely Commission -- Commission's decision on who -- who is chair and vice-chair.

Oliver: Okay.

Yearsley: And I guess I would be curious to see what other people say regarding their thoughts and I will be honest with you, I think Commissioner Oliver would be a great chairman and I think he would do a great job. You know, I have to admit I -- I have been in front of the public with this quite a bit before and my first several times I was feeling like a bumbling idiot and -- and I'm sure Commissioner Oliver will feel the same, but I think given a little bit of time he will come to sit and fill this chair very well.

Oliver: Mr. Chairman?

Yearsley: Commissioner Oliver.

Oliver: I had the wonderful privilege to meet with our Mayor and do a couple interviews and it was asked of me as to how I thought the Commission was working and I simply told her I thought it was a great Commission and that we worked very well together and we were all just on the same page it seems like for the most part. But I also feel like we have had great leadership that's helped us make those right decisions and get those questions out that we always don't think about and so it is my opinion that you need to -- our Commissioner, Chair, needs to stay in that position to lead us through another couple years or three years.

Yearsley: Well, I don't know about three years, because, you know, we -- because --

Hill: We do this every year.

Yearsley: Yes. Well -- and it's true. It is scary to sit up here and run this meeting. I will be honest with you, you know. I look good because I have done it for two years now and I have set through five years of -- well, three other years of great people running these meetings and so I have learned a tremendous amount within those five years. But -- but I think sitting there and having that opportunity, you know, I'm not leaving, so I will be able to be a backup. Our attorney is also a great resource. So, I do believe that they won't -- whoever becomes the chair they won't be left alone. Like I said, I will -- I would be the chairman again if you would like, but I still think that there are many people qualified that could do a great job.

Oliver: One thing to keep in mind is that there is also a great staff that --

Yearsley: Absolutely.

Oliver: When you have been gone and I have filled in and met with the staff, it's an incredible time to be able to sit with them and know ahead of time exactly what is going on, so when you walk in this meeting you feel prepared and so with it is an opportunity to get a little bit deeper into what's going on with the city and meet with the staff and feel up here that you're doing the right thing. It's just great.

Yearsley: And I will also bring up I think Commissioner McCarvel would do a great job as chairman as well.

McCarvel: I have got many years to do that.

Yearsley: So --

McCarvel: Mr. Chairman?

Yearsley: Yes.

McCarvel: I feel -- I think we all could step into the chair and do a wonderful job. I do feel, though, that we are a council -- not council.

Yearsley: Commission.

McCarvel: Commission of fairly new -- everybody is, what, 18, 19 months at the most. Maybe one more year of your leadership would be appropriate.

Yearsley: Okay. So, I guess -- I guess I would be liking to hear from the other two Commissioners of what -- their thoughts.

Fitzgerald: Mr. Chairman? As the newbie -- one -- one newbie, we have been very appreciative of your leadership. I think both of the other Commissioners

have been wonderful guides for us. I know that you have both taken over the chairmanship in other instances and we appreciated the guidance, but I think we would appreciate your maintaining your -- your role as our chairman -- not that I don't think either one of the -- our elder statesman -- not to be compliment -- not your age, just about how long you have served in comparison to me, would do a great job, but I think your experience and your background as an engineer is very vital to our discussions and we appreciate it. So, that's my opinion.

Yearsley: All right. Commissioner Wilson, I'll put you on the spot.

Wilson: I agree. I would agree. I think you have a steady hand in being the chairman and I appreciate your ability to kind of direct this ship to good decisions and I would support you continuing on as chairman.

Yearsley: Okay. So, I kind of got the impression it's four to one.

Oliver: Mr. Chairman?

Yearsley: Commissioner Oliver.

Oliver: I would like to make a motion that you be reelected to chair.

Fitzgerald: Second.

McCarvel: Second.

Fitzgerald: Do I have a third, fourth.

Yearsley: I have a motion and a second. All in favor say aye. Opposed? Motion carries.

MOTION CARRIED: ALL AYES.

Yearsley: All right. So, I get to do this one more year. We need to make a motion for a vice-chair. Any -- I guess any volunteers? We kind of finagled Commissioner Oliver last year, because of -- he was probably the second senior into a new commission, so does that position need to be changed? Do we want a change? I would be -- you know, whatever you guys would think.

Fitzgerald: Mr. Chairman, is the current vice-chair willing to serve a second term?

Oliver: You know, I will be here two years next month and I have enjoyed it so far. I enjoy the opportunity to -- when he's not here to step up and get to sit in on those meetings as well and -- and get to know a little bit more about how it works and that process. I wouldn't mind doing it again, but I can also see Mrs.

McCarvel do it as well. She could do a great job. I could see all of you doing a great job.

McCarvel: Mr. Chairman?

Yearsley: Commissioner McCarvel.

McCarvel: I would support Commissioner Oliver remaining as vice-chair. I think he's done a great job and should prepare --

Oliver: For next --

McCarvel: -- for next year. We have many years to just move these seats along.

Yearsley: I guess with that I would entertain a motion for vice-chair.

Fitzgerald: Mr. Chairman?

Yearsley: Commissioner Fitzgerald.

Fitzgerald: I would move that we -- that Commissioner Oliver retain his position as vice-chair.

McCarvel: Second.

Yearsley: I have a motion and a second for Commissioner Oliver to be the vice-chair. All in favor say aye. Opposed? Motion carries. Congratulations.

MOTION CARRIED: ALL AYES.

Yearsley: One of the things I would like to bring up. For -- you know, I was up for renomination for Planning and Zoning, I had an opportunity to visit with the Mayor in the interview process with Commissioner Oliver. A couple of things that -- that she commented about that I wanted to bring up to everybody in this Commission. If -- if there is something in the code or in the ordinances that -- that we feel need to be changed or modified or want to see something different, we have the authority to work with staff to make those changes and she encouraged us that if there is something that we feel that needs to be changed, let's -- let's work on that and -- and come up with a -- something that might, you know, better enhance the livability of this community or make it better in different ways or provide different options for development and -- you know. So, I just wanted to bring that up to the Commissioners that -- that we have more than just sitting here twice a month ruling on this, but we have opportunities to at least work with staff to come up with something that might -- that if we feel strongly about to make some changes or work to make something better, so -- so, with

that I think we are done with this agenda and we have one last motion to make. Commissioner Wilson, will you make that for us?

Wilson: Mr. Chair, I move we close the meeting this evening.

McCarvel: Second.

Yearsley: I have -- we have a motion and a second to adjourn. All in favor say aye.

MOTION CARRIED: ALL AYES.

Yearsley: We stand adjourned. Thank you.

MEETING ADJOURNED AT P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS.)

APPROVED


STEVEN YEARSLEY, CHAIRMAN

1 | 21 | 2016
DATE APPROVED

ATTEST:


JAYCEE HOLMAN, CITY CLERK

