

Meridian Planning and Zoning Meeting

March 3, 2016

Meeting of the Meridian Planning and Zoning Commission of March 3, 2016, was called to order at 6:05 p.m. by Chairman Steven Yearsley.

Present: Chairman Steven Yearsley, Commissioner Gregory Wilson and Commissioner Rhonda McCarvel.

Members Absent: Commissioner Patrick Oliver and Commissioner Ryan Fitzgerald

Others Present: Machel Hill, Andrea Pogue, Sonya Watters, Bill Parsons Josh, Beach and Dean Willis.

Item 1: Roll-Call Attendance:

Roll-call

<u> X </u>	Gregory Wilson	<u> </u>	Patrick Oliver
<u> X </u>	Rhonda McCarvel	<u> </u>	Ryan Patrick
	<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 meeting for the hearing date of March 3rd, 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. There are a couple of changes to the agenda. File number H-2015-0041 is requesting to be withdrawn and, then, application for file number H-2016-0006 -- and that's Pope's Garden -- is requesting to be continued and so it will not be heard tonight. And, then, also application number H-2016-0012, Gyro Shack, is asking to be continued as well. With those changes can I get a motion to adopt the agenda as presented?

Wilson: Mr. Chair?

Yearsley: Commissioner Wilson.

Wilson: I move that we adopt the agenda as amended.

McCarvel: Second.

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

MOTION CARRIED: THREE AYES. TWO ABSENT.

Item 3: Consent Agenda

- A. Approve Minutes of February 18, 2016 Planning and Zoning Commission Meeting**
- B. Findings for Approval for Verraso Village No. 2 (H-2016-0005) by Chad Olsen Located 3476, 3478, 3510, 3524, 3540 & 3564 Modelo Lane AND 2975 N. Records Avenue Request: Conditional Use Permit Approval for a Multi-Family Development Consisting of Thirty (32) Residential Units on 2.61 Acres of Land in a C-G Zoning District**

Yearsley: Next item on the agenda is the Consent Agenda and on there is the -- approve the minutes of the February 18th, 2016, Planning and Zoning Commission meeting and, then, the Findings for approval for Verasso Village No. 2, file number H-2016-0005. If there is no changes -- or I guess are there any changes or comments to those? If not, I would entertain a motion to approve the Consent Agenda.

Wilson: Mr. Chair?

Yearsley: Commissioner Wilson.

Wilson: I move we approve the Consent Agenda.

McCarvel: Second.

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

MOTION CARRIED: THREE AYES. TWO ABSENT.

Item 4: Action Items

- A. Public Hearing Continued from 1/21/16 for Augusta Estates Subdivision (H-2015-0041) by DevCo, LLC Located 4740 W. Chinden Boulevard**
 - 1. Request: Rezone** of 62.58 Acres of Land; 52.75 Acres of Land from the R-8 to the R-4 Zoning District and 9.83 Acres of Land from the R-2 to R-4 Zoning District
 - 2. Request: Preliminary Plat** Approval Consisting of 139 Building Lots and 20 Common Lots on 62.58 Acres of Land in a Proposed R-4 Zoning District

Yearsley: Next on the agenda is the -- I guess we are going to open this to withdraw it; correct? We are going to open the public hearing -- the continued public hearing of file number H-2015-0041, Augusta Estates Subdivision, for the sole purposes to acknowledge the withdraw and can I get a motion to acknowledge that withdrawal?

Wilson: Mr. Chair?

Yearsley: Commissioner Wilson.

Wilson: I move we acknowledge the withdrawal of H-2015-0041.

McCarvel: Second.

Yearsley: I have a motion and a second to accept or -- yeah. To acknowledge. That's the word. Holy cow. The withdraw. All in favor say aye. Opposed? Motion carries.

MOTION CARRIED: THREE AYES. TWO ABSENT.

B. Public Hearing for Pope's Garden (H-2016-0006) by Iron Mountain Real Estate Located 2662 E. Magic View

- 1. Request: Amendment to the Comprehensive Plan Future Land Use Map (FLUM) to Change the Land Use Designation on 5.28 Acres of Land From Office to Medium High Density Residential**
- 2. Request: Annexation and Zoning of 5.28 Acres of Land from the RUT to the R-15 Zoning District**
- 3. Request: Preliminary Plat Approval Consisting of Twenty (20) Buildings, Four (4) Common Lots and One (1) Other Lot on 5.28 Acres of Land in the R-15 Zoning District**
- 4. Request: Conditional Use Permit for a Multi-Family Development Consisting of Seventy-Nine (79) Dwelling Units in the R-15 Zoning District**

Yearsley: And I'm assuming most of you are here for Pope's Garden. We will not be hearing that tonight. Commissioners, you actually have the agenda for the March 17th meeting. They are requesting to be continued to the 17th. There are a number of items already on the 17th agenda. Before I open that -- I guess probably ought to open this first and, then, talk about it. Okay. We are going to open the public hearing for file number H-2016-0006, Pope's Garden. So, I guess they are requesting for March 17th. Do you see an issue with that or do we want to push that out a little farther? Because there is already like one, two, three, four -- five items on that agenda already.

McCarvel: Mr. Chairman?

Yearsley: Commissioner McCarvel. Your mike's not on, by the way. Oh. Okay. It was. Never mind. Sorry.

McCarvel: Do we have any kind of feel for what the following meeting would be?

Hill: I think we have three projects on there scheduled now.

McCarvel: Five on this one already.

Wilson: Mr. Chair?

Yearsley: Commissioner Wilson.

Wilson: I think -- I think in terms of doing -- giving it its due consideration, looking ahead to the next -- or the following meeting later -- I guess that would be early April -- might be the prudent thing to do.

Yearsley: Okay. So, if we want to push it to April that would be the April 7th meeting. Correct? So, I guess with that I would entertain a motion to continue this public hearing to -- I guess I'm open to either date personally, so --

McCarvel: Mr. Chair? I am, too. I think four versus three by the time April comes around.

Yearsley: We may have more by then anyway.

McCarvel: May have more than that anyway.

Yearsley: Yeah.

McCarvel: All right.

Yearsley: Okay.

McCarvel: Mr. Chairman?

Yearsley: Commissioner McCarvel.

McCarvel: I move to continue file number H-2016-0006 to March 17th, 2016.

Wilson: Second.

Yearsley: I have a motion and a second to continue the public hearing for file number H-2016-0006 for Pope's Garden to March 17th. All in favor say aye. Opposed? Motion carries. Thank you.

MOTION CARRIED: THREE AYES. TWO ABSENT.

C. Public Hearing for Gyro Shack at Fairview Lakes (H-2016-0012) ` by Fairview Lakes, LLC Located 1050 E. Fairview Avenue

1. Request: Conditional Use Permit for a Drive-Thru Establishment Within 300 Feet of a Residential District and Residence on 4.8 Acres of Land in the C-G Zoning District

Yearsley: Next item on the agenda is the public hearing for file number H-2016-0012, Gyro Shack. That one also is being requested to continue. We don't have a date. Did they not specify a date to be determined or do we want to --

Watters: I believe they were asking for the next hearing date, which is March 17th --

Yearsley: Okay.

Watters: -- Chairman Fitzgerald. Thank you. Yearsley. Excuse me.

Yearsley: So, I guess with that one do we want to go for the 17th as well?

McCarvel: Mr. Chairman, does staff have any recommendations or opposition to either date?

Beach: I don't believe so. I think either way would be fine.

McCarvel: Any --

Yearsley: You know, that one I -- not knowing if there will be a lot of public comment on that one. I just -- it's hard to say. We may want to push that one out to April on that one maybe.

McCarvel: Okay. Mr. Chairman?

Yearsley: Commissioner McCarvel.

McCarvel: I move to continue file number H-2016-0012 to the April 9th meeting.

Wilson: Second.

Yearsley: I have a motion and a second to continue file number H-2016-0012 to April 7th, 2016, Commission meeting. All in favor say aye. Opposed? Motion carries.

MOTION CARRIED: THREE AYES. TWO ABSENT.

Yearsley: Before we go any farther let me explain the process of how this will go today. We will open each one of these public hearings one at a time. We will start off with the staff report. The staff will present the findings of the project and how it adheres to our Comprehensive Plan and Uniform Development Code. Also with staff recommendations. After that we will have the applicant be able to come forward to present their case for approval and respond to staff comments and recommendations. Applicant will have up to 15 minutes to do so. After the applicant has had a chance to testify we will open this up to the public testimony. There is a sign-up sheet in the back, anyone wishing to testify. They -- any person wanting to testify will come forward and be given three minutes to do so. If they are speaking for a larger group, like an HOA or a show of hands, they will be given up to ten minutes. After the public has had a chance to testify, the applicant will have an opportunity to come up and respond to the comments from the -- from the public and -- if they desire to do so and they will be given up to ten minutes to do so. After that we will close the public hearing and the Commission will have an opportunity to discuss and deliberate and hopefully make -- be able to make a recommendation to City Council.

D. Public Hearing for Fall Creek Meadows Subdivision (H-2016-0009) by Bear Creek West Development, LLC Located South of W. Overland Road on East Side of S. Linder Road

- 1. Request: Annexation and Zoning** of 13.17 Acres of Land with an R-8 Zoning District
- 2. Request: Preliminary Plat** Approval Consisting of Ninety-Five (95) Building Lots and Ten (10) Common Lots on 33.54 Acres of Land in a Proposed R-8 Zoning District

Yearsley: So, with that I would like to open file number H-2016-0009, Fall Creek Meadows Subdivision and let's begin with the staff report.

Beach: Very good. Good evening, Chair, Commissioners. This is an application for annexation and zoning, a preliminary plat and a modification to an existing development agreement for Fall Creek Meadows Subdivision. The site is located on 33.54 acres of land, which is zoned R-8 and RUT in Ada County, located south of West Overland Road and east of South Linder Road as you see here on the vicinity map. To the north, again, is some rural residential agricultural uses and future Sagewood Subdivision, which is -- find my notes here. This is the future Sagewood Subdivision here, zoned R-8. To the east is the Victory Middle School site currently under construction, zoned R-4. To the south is the Fall Creek Subdivision, zoned R-8 and to the west is Southridge and Southridge Estates Subdivision, zoned R-4 and R-8. A little history on this. This property was originally annexed and zoned in 2005 and in 2013 a preliminary plat for Fall Creek Subdivision was approved for 297 single family residential lots and 30 common lots on 111.26 acres of land and, again, zoned R-8. A final plat for Fall Creek Subdivision No. 1 was approved in 2013 and two other final plats were approved in 2015 for Fall Creek. The Comprehensive Plan future land use map designation for the property is medium density residential. The applicant proposes to annex and zone 13.17 acres of land with an R-8

zoning designation, which is -- if you look on your screen this parcel here. The parcel indicated here already, as I said, has been annexed and would be a resubdivision of this portion and annexation, including this parcel with that entire subdivision, if that makes sense. With that the applicant is also proposing to modify an existing development agreement to incorporate this surplus property that was purchased from the West Ada School District and include that in the development agreement. Staff has reviewed the proposed plat for compliance with the applicable standards listed in the UDC for the R-8 zoning district and I found that all lots comply with those standards. The lots run in size from 8,700 square feet to 22,514 square feet. The average lot size is 10,730 square feet. The proposed plat exceeds the minimum lot size requirement, which is 5,000 square feet for the R-8 zoning district. The subdivision will take access -- as you see in the graphic here this is a portion to be -- to be annexed in. The subdivision will take access from several -- from West Kodiak Drive via two proposed access roads, South Grayling Avenue and South Sockeye Avenue. Because the Victory Middle School is under construction and slated to open in the fall of 2016, staff believes that the applicant should construct the remaining portion of West Kodiak Drive, which is this year prior to submitting for a final plat to increase the vehicular and pedestrian exits and accessibility to the new school and the applicant has agreed to do that. One stub street which is South Brook Trout Avenue, which is the parcel here, is depicted to the north for a future extension and interconnectivity. South Brook Trout Way is proposed to stub to what is called a reserve strip, which is a small sliver of land here that is unbuildable. It's about 30 feet wide at its widest point right about here and I have got another graphic here that will show that better for you. Staff believes that the applicant should construct the remaining portion of -- excuse me. This will likely remain undeveloped. Unless it is annexed in with this development it will likely remain undeveloped for some portion of time and I believe the applicant has tried to contact the current owner of that property and at this time is -- they have failed to come to an agreement. With that staff -- as one of the conditions of approval requires the applicant to submit a revised plat showing one of the two options here that I will read to you. The including of this parcel in the proposed annexation and preliminary plat boundary with the South Brook Trout Avenue stubbing to the south boundary of -- of this parcel -- again, the UDC does not allow privately held reserve strips to control access from adjacent lands to public streets or the second option -- the applicant shall move the location of South Brook Trout Avenue -- going back to the plat here. So, move the location of South Brook Trout Avenue away from the serve strip and provide an additional stub street to the north with the maximum block length of 1,000 feet. The applicant has complied with the landscaping, open space, and amenity requirements of the UDC and Coleman Homes has provided a number of elevations for the proposed subdivision. With that staff is recommending approval with those conditions. I did receive written testimony from the applicant prior to the meeting tonight and I will stand for any questions you have.

Yearsley: Thank you. Are there any questions? Okay. You looked in deep though, so I wasn't sure if you were contemplating a question or not, so -- would the applicant like to come forward. Please state your name and address for the record.

McKay: Thank you, Mr. Chairman, Members of the Commission. I'm Becky McKay with Engineering Solutions. Business address 1029 North Rosario, Meridian. We are representing the applicant Coleman Homes on the application that's before you this evening. As Josh indicated, we came through back in -- well, years ago we brought it through the Bear Creek West and, then, the project during the recession died. We brought it -- it was sold to Mr. Coleman, we brought it through for entitlements again back in 2013 and -- oops. Hold on. The property consisted of everything that is south and, then, this portion right here. We did receive approval. There were 75 proposed lots in that north portion north of future Kodiak collector. Then the school district contacted us and indicated that they had changed their site plans for their new middle schools, which would not translate into they would not need as large a parcel and wanted to know if our client would purchase it. They had tried to auction it off and I guess did not receive any bids, so, then, they did contact me and my client asking if you would be interested in purchasing the property. So, he did purchase this -- what we call the school surplus parcel. We went and met with your staff and the staff recommended instead of just submitting an annex application for the surplus parcel and a plat on it alone, that it made more sense to replat that whole northern area. Let's see. Where is the little button. How come it won't change? The next --

Beach: Oh, change the next slide?

McKay: Yeah.

Beach: I can do that for you.

McKay: So, this -- this was the concept. It was consistent with the original plan. Our original plan just had a loop street that, obviously, terminated at the old boundary. So, what we did is we incorporated the surplus property and we -- our client had us look at this. Initially we had 75 lots on this area here. Those are 55 foot wide lots. We reduced that number from 75 to 60 and, then, added the additional -- I believe 35 lots on the school surplus property. So, it translated into -- there were about 20 additional lots over what was originally approved after we incorporated the additional 13 acres. The density on this is pretty low. It's about 2.83 acres. Our lots are 8,700 -- between 8,700 and 22,500. Our average lot size is about 10,000 square feet. In the previous design we have lots that were 6,700 square feet in this particular area. So, the lots got larger, which is consistent with what -- the comments that we had heard from the property owners to the north that have more kind of estate homes on larger parcels. Let's see. Can you switch to the -- there we go. So, this shows you the overall landscape plan. We have already constructed our clubhouse. We built the collector Kodiak to this point. This is phase four. So, we will continue the collector out to Linder with phase four. We are currently -- we just constructed phase two and phase three will be completed early spring. So, four is what we are working on design wise. So, this particular parcel that you're looking at in his preliminary plat will, obviously, be probably phase five. One of the things that we wanted to do is, obviously, continue the heavy landscaping. We need two points of access to the collector, because I have in excess of 30 lots. Consistent with the original plan we have a pocket park as you come in on the primary entrance. We provided a stub street to Denny

Johnson to the north and, then, we have a micropath that goes up to Sagewood Subdivision and, then, we have a micropath that will match the school's pathway that they show on their site plan. So, we also have a micropath that will come out to Linder. The ten foot multi-use pathway is being built on the south side of Kodiak along with this phase. The ten foot pathway will go north. So, as far as pedestrian-bicycle connections, interconnectivity to the adjoining subdivision, school, I think we have done a pretty good job. The issue before us -- or before you this evening is, obviously, the issue of the stub street. We -- we were aware prior to submittal that the staff would like us resolve that. We contacted the owner of the property. It was never a part of my client's property, nor was it a part of my previous client's property. Somehow at some point in time a surveyor made a mistake and created this sliver of land. It's about .31 acres. The owner of it died -- was a doctor. His son owns it. He lives in northern Idaho. I talked to him about trying to see if he would deed it to us so we could include it in this plat, include it in this annexation and clean it up. He had indicated to us that the answer was no. He said I will not quitclaim it. As far as I'm concerned it's .31 acres and if somebody wants it they are going to have to buy it from me and I told him the Ada County assessor shows that it has zero value. That it's basically waste ground and the only thing that's on it is a ditch and he said I don't care, if someone wants to make me an offer I might consider it. So, then, we said what do you want for the property and said, well, I would have to think about it. So, we did have that conversation with him. We did a follow up letter of that conversation and mailed it to him and said, you know, if you change your mind or if there is -- you know, if there is anything in this letter that's inaccurate, please, let us know. Denny is here tonight. He owns the property due north. He wants the stub street. I think the situation will resolve itself. I mean, obviously, that sliver could be included with the properties to the north just as easy as it could us. I don't have any control over it. I can't make somebody annex it. You guys can force annex it when the city limits surround it, but I don't have any power to do so. So, staff said they are concerned about the block length. That's why I put the stub street in that location because of the block length, that we need to break that block length in order to minimize -- or in the center like that to minimize that -- the length, because they go to the corner here and, then, they wrap around to the corner there. Bill, is that the new -- wait a second. Can you switch to the next slide? Sorry. Oops. How come it doesn't want to go? Here we go. So, you can see the property boundaries, where they lie. Denny owns this. Craig owns that. This is Sagewood. I have a micropath there. If I stub it right here, this parcel is just a little skinny thing that goes out to Linder Road. It's gong to do more harm to that property and make it more difficult to redevelop in the future if I put a stub there. Plus, then, I exceed your maximum block length significantly because they measure it from this corner to here and from this corner to here. So, right now I comply with the ordinance on the locations of stub streets. Do you have any questions? And I think in my letter it refers to the conditions that we are asking be modified.

Yearsley: Are there any other -- any questions? Okay. Is that all you had then?

McKay: Yes, sir.

Yearsley: All right. I think there is no questions at this point. Thank you. I have one person that's signed up. Denny Johnson. Do you want to come forward? Name and address for the record, please.

Johnson: Denny Johnson. 1335 West Overland. Good evening chairman and Members of the Commission. A couple -- a couple items I would like to bring forward here. One of them is, obviously, the stub street that -- you know, I would like to have that on my property -- or coming into my property. I feel that it would be mutually beneficial for the Fall Creek and myself. So, going on record for that. The other -- the other main issue is advocating for the irrigation users on the -- on the ditch line there. I'm the water master on that line and just would like to be assured that, number one, there is -- there is going to be adequate water in the ditch. As it is now there is barely sufficient enough to -- to irrigate our properties. If any water was taken out of that and divert it to a pressure station or whatever, we would lose our head pressure and we just irrigate our property. So, I'd like to make you aware of that. Also the delivery of that water from the Kennedy on the north side of Overland as it goes underneath -- aside from the flume and, then, down between our two properties and, then, irrigate -- as it is now we irrigate both north and south off of that ditch line, so just want to be sure we have enough water delivery on that line to get our properties wet. I have a concern on the -- on that fence line between our properties of how that's going to look, what type of fence. The property owners on the south side -- on the north side, excuse me, would like to see that fence on some kind of an elevated berm to obscure the sideline of both houses into our property there. Also I understand that that fence is going to be offset about four feet from the property line to the south and how that will be maintained as we are going to be the ones looking at that side of the fence, if there is a maintenance agreement, if there is going to be any kind of a -- that's going to be up to us or if it's going to be up to Fall Creek to maintain that and what that's going to look like as well. And that's -- that's all I had.

Yearsley: Thank you very much.

Johnson: You bet.

Yearsley: That is all I had signed up. Is there anybody else wishing to testify on this application? Seeing that no one else wants to testify, would the applicant like to come up and respond?

McKay: Becky McKay. Thank you, Mr. Chairman. Just to kind of answer Denny's question, I have met Denny and Craig out there in the past. There are -- there are a series of two ditches, there is a flume that comes -- there is a flume that comes from the south and, then, there are two ditches that run along the north boundary. Oops. Right here. Oh, it keeps changing. Dang you. Every time I touch it --

Beach: Which slide would you like?

McKay: The plat.

Beach: Okay.

McKay: Can you make it stick there? All right. So, there is a ditch here, it splits into two and goes across Linder Road and what I have -- what I have told Denny -- I have met with Nampa-Meridian Irrigation District and talked to Denny about having another meeting out there. We will blow up that area and where they want access to their ditch, so we were going to -- since that ditch is right there at the boundary, inset our fence a little bit, making sure that they have access to their water. As far as the amount of head the comes down the ditch, Nampa-Meridian said, well, we need to figure out how we are going to do that, because we will no longer be taking water out of that ditch, because our pressurized irrigation pump station sources off of the Ridenbaugh to the south. So, what I told Denny when I spoke with him earlier today is when we do the site meeting I recommend that we have Craig Curtis or one of the ditch riders out there so that we can talk it and make sure that these guys still get adequate water so that they can irrigate their properties and, then, that water continue on to the west and go over across Linder Road. So, it's kind of a coordination thing. I have assured them for many years that -- that, you know, I will get that taken care of before we ever start turning any dirt on this north of Kodiak portion. So, now that it's kind of nearing it's probably time that we get that all resolved. But I want to assure the Commission that I will take care of it.

Yearsley: What about the fence?

McKay: As far as the fence is concerned, I don't know if there is enough area to berm it when I'm trying to offset it from the ditch. May be kind of complicated. So, that's why I recommended that we go out there with a drawing, we take a tape, we walk it and measure it and look and see what's feasible and what's not.

Yearsley: Okay. And, then, I guess for my question is -- will that ditch be tiled? Are we going to put that -- tile that?

McKay: The -- the concrete ditch that's on our side will be abandoned.

Yearsley: Okay.

McKay: The -- the one ditch that Denny sources out of and Craig and the Grays, that has to remain.

Yearsley: Okay. And, then, maintenance of that, whose responsibility? Will that be the HOA's responsibility to maintain that little strip or --

McKay: Well, that -- Mr. Chairman, that's -- I guess that's something -- you know, it's a user's ditch right now and in my conversation with Nampa-Meridian they said when the water leaves the Kennedy Lateral at Overland, when it goes out of the box, then it's the downstream users, even though they have worked on the flume that brings water south to this ditch they said we would like to get rid of it, because it's always kind of been a problem -- I don't know. Until all this property is developed it's probably not -- it's going to

remain. So, it's kind of like one of those things that at this time we just have to work around it, because they still have ag use.

Yearsley: Okay. I just wanted to make sure we answered his question.

McKay: Okay.

Yearsley: And I can't have you come up. I'm sorry. I guess is there any other questions? Becky, just while we are here, can I -- regarding the -- the stub street, just want to -- I understand your position, but I understand the city's position with that and I was wondering if we could have staff explain the reason why we would like to have that moved because of the reserve parcel and -- could you as staff respond to that a little better, so the Commission understands the impacts with that?

Beach: Sure. I can read that code section to you again. It's UDC 11-6C-3G and that specific section says it does not allow privately held reserve strips, which this is, to control access from adjacent lands to public streets. So, in essence, you're stubbing to a reserve strip that would control access to the property that Denny owns and our code doesn't allow for that. For obvious reasons. You know, this -- we have heard some reasons why this could potentially work in the future, but as it sits now it's stubbing to a piece of property that's not developable and is annexed into the city and could potentially halt the stub street from continuing into Denny's property to the north.

Yearsley: Okay.

Parsons: Mr. Chairman, if I could just expand upon that as well. There is a couple of things we have to look at. One -- Josh did a great job explaining what code says. Two, I think the property owner here expressed another concern, maintenance of that area. There is going to be a strip there that no one owns or maintains and, then, it's going to put the burden on this property owner when he wants to develop his property he's going to have to hunt down the owner and we are going make him annex that piece in, so we don't create that sliver so the road can get constructed. So, really, that -- we are trying to look at for everyone here and that's what we are trying to do. And so we gave Mrs. McKay a couple options. They are not all -- they are options. There is probably other ways to do things, but those were the best recommendations that we had for you this evening. I mean certainly stubbing another road to that Ada County parcel that she alluded to in her drawing, that could work. One, it would provide a stub street -- another stub street -- leave this one in its place, but add another one and, then, we can deal with that when the other property to the north annexes, but at least if we had something to the north -- if that piece developed we could limit their access to Linder and they could curve the road up and start heading towards the east so those other properties could extend that road and go back to this gentleman's property as well. So, that's where we landed on either move it or include it and so they are in now for development and so saw it as an issue. I will go on the record and say we should have probably brought that up and -- when we did the first preliminary plat, probably should have called that out and we didn't, but they do have a vested plat. They have -- they can develop this under their previous preliminary plat and

extend the roads the way they had it approved. But right now we have an annexation, our eyes are on this again and I know Becky and I we talked about it at the pre-ap meeting, too. So, she -- we do appreciate her going out there and at least trying to make contact with that property owner. With that I will just quit talking and stand for any other additional questions you might have.

Yearsley: So, are there any questions on that before I move forward?

McKay: Mr. Chairman, I'd like to comment on that.

Yearsley: I will let you have a comment, but I wanted to let the Commission digest this a little bit so they can better understand it if they have any questions. Let's let them ask that.

McCarvel: Mr. Chairman? Yeah. When I was reading through this earlier I was trying to get a grasp of it and I mean can we even -- you can't even build really that road across there with it being his property; right? So, it's -- you're just totally stuck until --

Yearsley: Either someone else buys it or he agrees to -- yeah. Let that -- yeah. So, it's in some ways going to be held hostage.

McCarvel: Uh-huh.

Yearsley: In some ways.

McCarvel: Absolutely.

Yearsley: So, please, now I will let you make your comment.

McKay: Mr. Chairman, Members of the Commission, obviously -- dang thing. Why does it keep doing that? Can you just hold it on that screen?

Beach: You should be good now.

McKay: There you go. Okay. The way this area -- you can see how these parcels -- these parcels are really long five acre parcels, so how they are developing -- this parcel is under construction, getting ready to start construction, and so consolidation of the parcels is essential in this area for redevelopment. Now, Denny Johnson luckily owns two of those. Craig owns one narrow parcel. But as you can see the gray parcel goes like that. It does not go out to Overland. When I start putting a stub street into a parcel that is an irregular shape and is narrow, then, it does more harm to the property as far as its potential for redevelopment, because of the stub street. Now, your ordinance I know -- I was on the ordinance committee when the UDC was done and what that -- what they are talking about is a spite strip and there was some developers at one time, unscrupulous ones, that would do a spite strip, so that another developer when they came through to develop could not get at the sewer, the water, extend the street unless they paid them.

And so that's -- that is where that originated. Now, Denny Johnson indicates -- he's here this evening -- that he knew the doctor that owned all of this property initially. He believes that the issue will resolve itself and that they can talk to the son, who now owns the property, and convince him to either, one, to cede the right of way. If he wants to keep the two strips, so be it. Or, two, just quitclaim it to them. Anytime a developer or a developer's representative contacts an unrelated party they see dollar signs. Now, Denny has been out there for years and years and years. Craig owns a home out there also. They live on those properties, so they may have, you know, a lot better luck than we had. Denny, like I said, he believes that they can resolve it. I have given his neighbor Craig -- came to our neighborhood meeting -- the letter, the gentleman's name, his contact number and so I do think that the one stub is where it needs to be. You start stubbing all these goofy places and it's going to hamper redevelopment of those parcels and I know that for a fact, since I was working on redeveloping the portion that's north. I'm not creating the spite strip. I'm putting a stub there. And it's no skin off this guy's nose to let a street and the sewer and the water go through there and it makes the most sense. And I don't want to do anything that, obviously, will hurt Denny down the road, because, you know, that's his investment is his home and his property and he's indicated at some point in time he may want to sell or develop.

Yearsley: Okay. So, I struggle to understand why it would do more harm than good to provide a second access to the -- to the west.

McKay: Because when the parcels are so shallow and, then, you try to put a street up through them, then, it ends up taking up a bunch of area with the way they are connecting. We don't know how -- if, you know, in the future will this property develop independently? Will it be consolidated with one of the other adjoining properties? You don't know. But I have done stubs before to smaller parcels. Then I have come back years later, as other clients bought these parcels I stubbed to, and went, oh, my word, why did I put the sub street there? Now, it's just almost impossible, without wasting a significant amount of ground, to bring the stub street into this little parcel and try to make -- create buildable area. So, that's -- that's what typically ends up happening. It's just tough on them. Especially if they are not, like I said, rectangular and large enough to accommodate them and my point is the stub is so close to Linder and it's coming in right over there in that narrow part. That's just from 25 years of doing this in the valley.

Yearsley: All right. Thank you. I guess are there any other questions?

McCarvel: I guess -- am I missing something or are those the only two options for a stub? Does it have to be up in that narrow little spot? The second one?

Yearsley: Either you end up having to move the one farther down or have two in those locations would be my guess. Because you don't want two really close together.

McKay: Yeah.

McCarvel: So, if we move the one, then, we are defeating the purpose of having the access through -- yeah.

Yearsley: Yeah.

McKay: Yeah. And, then, you get them too close together, then, I start busting the ordinance on the block length.

Yearsley: Yeah.

McKay: So, you know, it's kind of a Catch 22, you know.

McCarvel: How long do we think it would be before this would work itself out?

McKay: Well, Denny has been out of -- I think out of town and so now that he's back it sounds like he's going to try to pursue it. You know, maybe before we go to the Council we will have it figured out.

Yearsley: Okay.

McKay: But I can't be assured of that.

Yearsley: All right. Thank you.

McKay: Thank you.

Yearsley: Can I get a motion to close the public hearing?

Wilson: Mr. Chair?

Yearsley: Yes.

Wilson: I move we close the public hearing.

Yearsley: All right.

McCarvel: Second.

Yearsley: I have a motion and a second to close the public hearing on H-2016-0009. Fall Creek Meadows. All in favor say aye. Opposed? Motion carried.

MOTION CARRIED: THREE AYES. TWO ABSENT.

Yearsley: So, there is a lot of information to digest. Any thoughts?

Wilson: I guess kind of what I'm thinking right now, Mr. Chair, is in terms of process, if we make a recommendation to City Council and this does get resolved, I'm thinking -- and I do want to hear your guys' thoughts on maybe moving that stub and the argument that -- of the challenges of doing that closer to Linder, but I'm thinking perhaps we move forward with a recommendation hoping that that strip -- that stub strip issues does get resolved.

Yearsley: Thank you. Commissioner McCarvel.

McCarvel: Mr. Chairman. What about just continuing this until it's -- given another -- if it's in that -- are we at a time of a -- time is of the essence situation right now? So --

Yearsley: And that's an option. At least give them another two weeks to at least investigate that a little bit more. You know, my concern is I understand the concerns. However, we need to put together our best effort make sure that these develop and applications meet the city requirements and that's -- that's kind of where I keep falling back to is -- is the access to the north basically does not meet city code. You know, they can provide another one to meet city code and have that as an extra one. I understand the concern and give Council the lateral to decide if they want to do that, but I think, you know, for me personally I want to focus more on, you know, does it meet city code and what makes the most sense. I understand her concern, you know, but the potential of maybe on that -- on that northwest parcel maybe that whole block will go at one time, instead of the individual parcels, you know what I mean? So, it's kind of hard to say how that will develop in the future. So, I guess -- you know, I would be in consideration -- I would consider continuing it for two weeks to see what can come out of it or recommend a second access.

McCarvel: Yeah. Mr. Chairman? I agree. I think if we have to decide today, then, it needs to comport to city code and if we can wait this out I think it's better for the development and all the parties involved, then, we will need to move forward.

Parsons: Mr. Chairman?

Yearsley: Yes.

Parsons: Not to interrupt, but we have that condition structured for you in the staff report. The only caveat is we wanted it before you before you made a recommendation onto Council. So, we -- we gave them the option of either include the spite strip -- reserve strip or provide another stub street to the north and comply with the block length standards. So, that's already in the staff report.

Yearsley: Okay.

Parsons: So, if you feel comfortable that that condition is satisfied and it can be worked out, maybe prior to Commission work that out -- or prior to Council work that issue out or move it forward with the Commission, then we can -- you have that option, too.

Yearsley: Okay.

Parsons: If you want to move it forward or, again, you have the option of, of course, continuing it.

Yearsley: Okay.

McCarvel: Yeah. Mr. Chairman. I read that in there. I just thought the plat needed to be before us tonight, but as long as the drawings on the screen are considered the plat --

Yearsley: Okay. So, at that point we can just -- do we -- would we need to modify that modification for City Council, since that's the Planning and Zoning Commission?

Parsons: That is correct. You would want to modify that as you see fit, either prior to Council hearing or prior to final plat -- first final plat for that subdivision have it worked out. I mean it's at your discretion how you would want that --

Yearsley: Okay.

Parsons: -- to make that change to that condition.

Yearsley: Okay.

Parsons: And, then, Council can act on it at that point.

Yearsley: Okay. So, I guess with that are we comfortable that it will work its way out before final plat?

McCarvel: I think so.

Yearsley: Okay. So, with that I would entertain a motion.

Wilson: I hope I get it right. Mr. Chair?

Yearsley: Commissioner Wilson. Sorry.

Wilson: After considering all staff, applicant, and public testimony, I move to recommend approval to City Council of file number H-2016-0009 as presented in the staff report for the hearing date of March 3rd, 2016, with the following conditions that -- and I hope I get this right: Prior to the final plat this stub situation be resolved.

De Weerd: Is that good enough for you guys?

Parsons: Mr. Chairman, Members of the Commission, I think we can understand that. We can tailor that. Again, it's your discretion. Keep in mind that it -- that sliver is not

annexed into the city, so that would require them to hold up their ordinance approval and some --

Yearsley: Right. But if the adjacent neighbor bought it, then, it wouldn't be a reserve strip and --

Parsons: Exactly.

Yearsley: -- the situation goes away.

Parsons: That is correct.

Yearsley: So, however that gets resolved it gets resolved. So, a motion has been presented.

McCarvel: Second.

Yearsley: I have a motion and a second for the approval of file number H-2016-0009, Fall Creek Meadows Subdivision. All in favor say aye. Opposed? Motion carries.

MOTION CARRIED: THREE AYES. TWO ABSENT.

**E. Public Hearing for Grace at Fairview Lakes (H-2016-0013) by
Grace at Fairview Lakes Located 1960 N. Lakes Place**

- 1. Request: Modification to the Existing Conditional Use Permit (CUP-05-055) to Allow the Development of Twenty-Seven (27) Assisted Living Units Instead of a Thirty-Eight (38) Unit Congregate Care Facility as Previously Approved on 1.39 Acres of Land in the R-15 Zoning District**

Yearsley: Next item on the agenda is -- we are going to open the public hearing for file number H-2016-0013, Grace at Fairview Lakes 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 conditional use permit modification. This site consists of 1.39 acres of land. It's zoned R-15 and located at 1960 North Lakes Place off of Fairview Avenue. Adjacent land use and zoning. To the north and east are residential properties zoned R-8. To the south are offices zoned R-40 and to the west is an assisted living facility zoned R-15. This site was previously approved in 2006 to develop as a congregate care independent living facility. Before you there is the site plan and building elevations that were approved with that. The Comprehensive Plan future land use map designation for this property is mixed use community. The applicant requests a modification to the previously approved conditional use permit to allow the development of a 27 unit assisted living unit -- assisted living facility, instead of a 38 unit congregate care facility as previously approved. This site consists of 1.39 acres of land and is zoned R-15.

The proposed development will be an expansion of the existing facility on the lot to the west in this site, which consists of a 30 unit memory care and 60 unit assisted living facility. The proposed site plan depicts the proposed assisted living facility attached to the east end of the existing facility. Because there is a rear setback requirement in the R-15 district, staff recommends the applicant submit a property boundary adjustment application to consolidate the two existing lots into one lot to eliminate the setback issue. Conceptual building elevations were submitted as shown for the proposed facility. The structure is proposed to be a single story in height with a stucco finish and vinyl windows with architectural grade fiberglass shingles to match the existing facility. Staff has reviewed the proposed development for compliance with the terms of the existing development agreement for the Fairview Lakes development and found that the agreement was never modified when the existing assisted living facility and other commercial and office uses were approved for the northern nine acres of the site. The agreement reflects an old development plan for a 192 unit apartment complex in this area. Therefore, prior to any further development occurring on this site staff recommends the development agreement is modified to reflect the existing and proposed use. Written testimony was received from Doug Tamura, the applicant, in agreement with the staff report. Staff is recommending approval with the conditions in the report. Staff will stand for any questions.

Yearsley: Thank you. Are there any questions? Would the applicant like to come forward? And, please, state your name and address for the record.

Tamura: Good evening, Commissioners. My name is Doug Tamura. I'm the architect, owner, and developer of Fairview Lakes. So, just here to concur with staff's conditions of approval and hear to answer any questions.

Yearsley: Thank you. Are there any questions? All right. Thank you very much.

Tamura: All right. Thank you.

Yearsley: I don't have anybody wishing to testify. Is there anybody wanting from the audience to testify on this application? With that don't need the applicant to come forward. So, I could entertain a motion to close the public hearing.

Wilson: Mr. Chair?

Yearsley: Commissioner Wilson.

Wilson: I move we close the public hearing.

McCarvel: Second.

Yearsley: I have a motion and a second to close the public hearing for file number H-2016-0013. All in favor say aye. Opposed? Motion carries.

MOTION CARRIED: THREE AYES. TWO ABSENT.

Yearsley: Any comments or questions? I guess for me it looks fairly straight forward and I think it makes a -- you know, having that continue actually makes it look really nice compared to what was being proposed, so I'm in favor of the application.

McCarvel: Mr. Chairman, I concur.

Yearsley: Okay. So, I guess with that one I would entertain a motion.

Wilson: Mr. Chair?

Yearsley: Commissioner Wilson.

Wilson: After considering all staff, applicant, and public testimony, I move to recommend to City Council file number H-2016-0013 as presented in the staff report for the hearing date of March 3rd, 2016.

McCarvel: Second.

Yearsley: I have a motion and a second --

Watters: Excuse me. This application is a Commission decision. It does not go onto Council.

Yearsley: Okay. So, I guess restate -- just approve it.

Wilson: I recommend that -- and I apologize -- to approve file H-2016-0013 as presented in the staff report.

McCarvel: Second.

Yearsley: I have a motion and a second to approve file number H-2016-0013. All in favor say aye. Opposed? Motion carries. Thank you.

MOTION CARRIED: THREE AYES. TWO ABSENT.

F. Public Hearing for Swindell Subdivision (AZ-15-010 / RZ-15-011 / PP -15-013) by Volante Investments, LLLP Located Northwest Corner of S. Locust Grove Road and E. Overland Road

- 1. Request: Annexation and Zoning** of 15.07 Acres of Land with a C-C Zoning District
- 2. Request: Rezone** of 0.57 of an Acre of Land and 5.09 Acres of Land from the C-G to the C-C Zoning District

3. Request: Preliminary Plat Approval Consisting of Seven (7) Building Lots, One (1) Common Area Lot and One (1) Other Lot on 20.03 Acres of Land in a Proposed C-C Zoning District

Yearsley: Next on the agenda is to open the public hearing for file number -- no. Wow, we are back to AZ 15-010, RZ 15-010 and PP 15-013, Swindell Subdivision and let's begin with the staff report.

Watters: Thank you, Chairman, Commissioners. The next applications are a request for annexation and zoning, rezone, and preliminary plat. This site consists of 20 acres of land, zoned RUT in Ada County and C-G, located off of the northeast -- excuse me -- northwest corner of South Locust Grove Road and East Overland Road. Adjacent land use and zoning. To the north is I-84, zoned C-G and RUT in Ada County. To the south is a Maverick convenience store and fuel facility and vacant undeveloped land zoned C-C and East Overland Road and single family residential property across Overland zoned R-4. To the east is South Locust Grove Road and vacant undeveloped industrial and commercial land, zoned I-L and C-G. To the west is a church zoned L-O and vacant undeveloped land, zoned C-G. A daycare facility zoned C-G and an ACHD retention pond zoned RUT in Ada County. A narrow sliver of land along the northern boundary of this site and the northern -- excuse me -- northwest pipeline property at the northeast corner of the site, was previously annexed into the city in 2006 and annexation and zoning and preliminary plat application for Fig Nut Subdivision was previously approved for this site in 2008, but has since expired. The Comprehensive Plan future land use map designation for this property is mixed use community. The applicant is requesting approval to annex and zone 15.07 acres of land with a C-C zoning district and rezone .57 of an acre and 5.09 acres of land from the C-G to the C-C zoning district, consistent with the mixed use community land use designation. A conceptual development plan was not submitted showing how the site is intended to develop. Therefore, staff is unable to determine if the proposed development and uses are consistent with the MUC designation. Staff recommends a development agreement is required as a provision of annexation and rezone that requires the agreement to be modified prior to any development occurring on the site to include a conceptual development plan that demonstrates a mix of at least three land use types, commercial, office, residential or civic, with a minimum of 20 percent being residential and conceptual building elevations that are generally consistent in design and incorporate some of the same design elements and construction material to unify the development consistent with the MUC designation. The applicant also requests approval of a preliminary plat, consisting of seven building lots, one common lot and one other lot on approximately 20 acres of land in the proposed C-C zoning district and C-G district for Swindell Subdivision. There is an existing home and accessory structures on the site that are proposed to be removed. The northwest pipeline facility exists on a lot at the northeast corner of the site and is proposed to remain. That is this lot here if you see where my pointer is at. Access is proposed via East Bird Dog Lane, an existing private street, and a shared right-in, right-out access driveway with the Maverick property via South Locust Grove Road. A new access is proposed via East Overland Road and local streets, South Fig Nut Way and East Bird Dog Drive are proposed for access within the development from the adjacent arterial streets. Because local street access is not

available to this property, a cross-access ingress-egress easement is required to be granted to adjoining properties. Therefore, staff recommends an access easement is granted to the Maverick property and that is -- if you can see right here where my pointer is at, that's Maverick and the cross-access would be granted between this lot here. And there is an access easement depicted on the plat to the property to the west. Pack It Up Subdivision. And that is generally in this location right here. The Nine Mile Creek exists along the western boundary of this site and has been piped. The UDC requires natural waterways, such as creeks, to remain open as a natural amenity. However, because the creek was piped sometime ago, staff did not recommend it's opened back up. Landscaping is required with the subdivision in accord with UDC standards. A 50 foot wide landscape buffer is required along I-84. A 25 foot wide buffer is required along Overland and South Locust Grove Roads. And a ten foot wide buffer is required along internal local streets. There are several existing trees on this site, but if removed will likely require mitigation. The applicant should coordinate with the city arborist to determine mitigation requirements prior to removal of any trees on the site. The applicant requested alternative compliance to UDC 11-3B-7C-3, which requires trees be planted within the street buffers to not plant trees along the west side of South Fig Nut Way and that is this street going up here from Overland to an irrigation and drainage easement, which did not allow trees. As an alternative the applicant proposes a wider buffer with bushes and vegetation. The director has approved this request. Conceptual building elevations were submitted for this subdivision. Construction materials consist of efface and stucco with stone veneer accents. Flat roof. Some with varying parapet height and cornices, others have no variation in profile. Some have modulation in the façade and others don't. Overhead doors are proposed on a couple of the rear elevations. These elevations are not approved with this application. Conceptual elevations are required to be submitted with a conceptual site plan when the development agreement is modified in the future, but incorporate some of the same design elements and materials to unify the development and comply with design standards. Written testimony has been received from Brad Miller, the applicant's representative in response to the staff report. He requests the following modifications: Provision number 1.1.1A he requests a waiver of requirement for 20 percent of the development area to be residential. The second condition number 1.1.1F, he requests a waiver of the requirement for a cross-access ingress-egress easement to be provided to the Maverick parcel to the east. And, finally, deferral of construction of the street buffer landscaping along I-84 until the time of lot development. Code requires that it be install with the subdivision improvements. Staff is recommending approval of the proposed applications with conditions and a development agreement and the following modification to condition number 2.1, applicant shall be required to install an eight inch diameter water main to the west boundary line of the development in alignment with the 54 foot wide access easement for Lot 2, Block 1, of Pack It Up Subdivision. Staff will stand for any questions the Commission may have.

Yearsley: Are there any questions?

McCarvel: Mr. Chairman?

Yearsley: Commissioner McCarvel.

McCarvel: So, how does staff feel about the request of the 20 percent residential requirement be waived?

Watters: Staff is not in agreement, Commissioner McCarvel. Our Comprehensive Plan does require a mix of land use types. There are no other residential uses in this mixed use designated area.

McCarvel: Yeah. I was going to say, with it being right up to the interstate I mean -- is that something you're not in favor of? Okay.

Yearsley: Any other questions? I have one quick question. Did I hear you right that the roll-up doors are not allowed?

Watters: Chairman Yearsley, Commission, I did not say that -- I did not mean that they are not allowed.

Yearsley: Okay.

Watters: Staff was just simply stating that the elevations that they have submitted, the conceptual ones, are not approved with this application.

Yearsley: Oh. Okay.

Watters: That they will have to comply with design standards and submit more of a unified --

Yearsley: Okay.

Watters: -- development plan and design when they come in.

Yearsley: Okay. Sorry. I heard that wrong.

Watters: That's okay. I probably was --

Yearsley: All right. With no other questions, would the applicant like to come forward?

Miller: Mr. Chairman, Members of the Commission, my name is Brad Miller, representing Volante Investments. My address is 3084 East Lanark in Meridian. Thank you very much for taking the time to -- to hear this and thank you to city staff for preparing the staff report. We are in agreement with the majority of the conditions here. As Sonya said, the residential requirement we are not in agreement with, other than some homes that -- down close to Eagle Road that were built years and years ago, there is no residential on the north side of -- yeah, the north side of Overland between Overland and the freeway and we just don't think it would be appropriate in this development as well. And, then, we would access that cross-access easement requirement between that Fig Nut Lane and

the Maverick be waived as well. It's not that we don't like the owners of the land there on the corner, because we are the owners of the land, but given that it is a convenience store gas station, if we were to build an office building or something else on that other lot and have the convenience store traffic going back and forth through there, it would really create a hardship for the tenants in that building or the owner of the building, perhaps the developer. Currently that -- that location works just fine with the access points that they have and we don't believe that it's necessary to have an additional access and would ask that you, please, waive that requirement. And, then, in addition in regard to the landscaping, we would just ask the installation of that to be deferred just because when you get to constructing buildings like that it ends up messing up the landscaping anyway, so we would prefer to develop that out at the time that each lot is developed. So, thank you very much and I will stand for any questions that you may have.

Yearsley: Are there any questions? I have one. So, the lot of the Williams Pipeline as part of the development, that -- that piece will be -- landscape will be placed at the time; correct?

Miller: Mr. Chairman, that -- the Williams Pipeline property is already completely developed. The landscaping is there and it's fully fenced.

Yearsley: Oh. Okay.

Miller: So, that's already been built. The only reason that is included is because in the past we purchased a little piece of property from them and thought that it wouldn't be a problem, but it turns out that it's an illegal lot split and so we have been required to include that parcel with this plat, just to make sure that everything is kosher and everything is legal.

Yearsley: Okay.

Miller: So --

Yearsley: Okay. Any other questions? Okay. Thank you.

Miller: Thank you very much.

Yearsley: Thank you. I have a few people signed up, but they have stated they don't wish to testify. Is there anybody wanting to testify on this application? So, I guess with that -- I guess before I close the public hearing, is there any final questions from staff for the applicant?

Yearsley: Okay. Going once?

McCarvel: Mr. Chairman?

Yearsley: Commissioner McCarvel.

McCarvel: Could I ask one more question?

Yearsley: Absolutely.

McCarvel: I'm not sure if this is staff or the applicant, but if we go to -- is there something that shows -- is where that street comes out is that passed the access where they would be able to take a left on Overland? Because there is a section there you really -- I mean the Maverick is a right only coming out of there. There is a -- I think there is a divider there.

Yearsley: So, you're talking on the Locust Grove side. There already is an access and I --

McCarvel: On the Overland side.

Yearsley: Overland side.

McCarvel: Right when they are coming out of that Maverick.

Yearsley: Yes. And I believe that there is -- the Maverick owns that piece in there and they own another small piece beside it; correct? Or there is another parcel beside the Maverick that's vacant?

Watters: Chairman Yearsley, it's part of their parcel, but it is not developed right --

Yearsley: Okay. So, it's kind of in between near -- it's not all the way over to the edge of the C-C, it's kind of in that middle area I guess. Can you kind of show where that access to the Maverick is. About right -- about right there.

McCarvel: But, then, I think -- it's been so long since I have come out of there. Isn't -- the left turn is inaccessible from there anyway or is it just a suggestion?

Yearsley: They don't have it -- it's -- it's a sign and they don't have any raised medians at that point, so -- going once? I would entertain a motion to close the public hearing on file number AZ 15-010 -- or I will let you guys make the motion. Just entertain a motion to close the public hearing.

McCarvel: Mr. Chairman?

Yearsley: Commissioner McCarvel.

McCarvel: I move that we close the public hearing on RZ 15-001, AZ 15-010 and PP 15-013.

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: THREE AYES. TWO ABSENT.

Yearsley: Any thoughts or comments? I guess my --

Wilson: Preliminarily I could weigh in on -- at least on some of this and, then, I'd like to hear what my fellow --

Yearsley: Absolutely.

Wilson: -- commissioners think. I mean on the waiver of the requirement of 20 percent development being residential, I think I see where the applicant is coming from and I would agree that I don't think that requirement there would make a lot of sense as this backs up against the freeway. So, I would be open to waiving that requirement and I'd like to hear what my fellow commissioners think on waiving the egress.

Yearsley: Okay. I agree. I don't think that this is an area that residential development -- even apartments is an appropriate fit. I'm kind of torn on the requirement for the ingress-egress to the Maverick parcel. I understand the applicant's concern about traffic running through a commercial -- or some sort, but I still under -- you know, understand that there is another piece of property that could be developed or expanded and so providing an access to that might be beneficial. And, then, the deferral of the street landscaping along 84 -- I'm kind of torn on that one, to be honest with you, on deferring that. It would be kind of nice to have that be done, but I still understand the applicant's desire to wait and not have it be torn up during construction of the building. So, that's kind of where I'm sitting on those three items.

McCarvel: Mr. Chairman?

Yearsley: Commissioner McCarvel.

McCarvel: I agree. I don't see the purpose of a residential space out there. It's -- from Locust Grove to Meridian it is all industrial or office type and industrial type stuff and as far as the deferment on the landscape, I think it's -- go ahead and probably be put in and so should the access to Maverick. It's annoying when you're trying to get out of stuff like that and you got to go out onto a five lane road just to cross where you might want to be within that back section.

Yearsley: Okay. No. I think that that's reasonable. So, I guess --

Wilson: I guess I have a process question then. Because I think I understand -- I think -- I know where we were falling on the waivers and, then, do we include in our recommendation the staff recommendation of 2.1; is that correct?

Yearsley: That's correct.

Wilson: Okay. So, we got to state that.

Yearsley: So, basically, on that -- on the waivers and stuff, if we wanted it for one of those we can make that, but we need to also include -- from what I understand the staff and the applicant have agreed on modifying that and come to a resolution. That's why that needs to be modified, so --

Wilson: Okay.

Yearsley: So, with that I would entertain a motion.

Wilson: Mr. Chair?

Yearsley: Commissioner Wilson.

Wilson: After considering all staff, applicant, and public testimony, I move approval to City Council of file number AZ 15-010, RZ 15-011, and PP 15-013 as presented in the staff report on the hearing date of March 3rd, 2016, accepting the waiver of the requirement for 20 percent of the development be residential and also incorporating the modification on 2.1.

McCarvel: Second.

Yearsley: I have a motion and a second to approve file number AZ 15-010, RZ 15-011, and PP 15-013. All in favor say aye. Opposed? Motion carries. Thank you.

MOTION CARRIED: THREE AYES. TWO ABSENT.

Yearsley: We have one last motion to make.

McCarvel: Mr. Chairman?

Yearsley: Commissioner McCarvel.

McCarvel: I move we adjourn.

Wilson: Second.

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

MOTION CARRIED: THREE AYES. TWO ABSENT.

Yearsley: We stand adjourned. Thank you.

MEETING ADJOURNED AT 7:21 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS.)

APPROVED



STEVEN YEARSLEY - CHAIRMAN

3 | 17 | 16
DATE APPROVED

ATTEST:



JAYCEE HOLMAN, CITY CLERK

