

**Meridian Planning and Zoning Meeting**

**April 21, 2016.**

Meeting of the Meridian Planning and Zoning Commission of April 21, 2016, was called to order at 6:00 p.m. by Chairman Steven Yearsley.

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

Absent: Commissioner Gregory Wilson.

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

**Item 1: Roll-Call Attendance:**

Roll-call

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

Yearsley: Good evening, ladies and gentlemen. At this time I would like to call to order the regularly scheduled meeting of the Meridian Planning and Zoning Commission for the hearing date of April 20th -- 21st. Sorry. 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. At this time I have no changes to it, so I would entertain a motion to adopt the agenda as presented.

Fitzgerald: Mr. Chairman?

Yearsley: Commissioner Fitzgerald.

Fitzgerald: Move for adoption of the agenda.

Oliver: Second.

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

MOTION CARRIED: FOUR AYES. ONE ABSENT.

**Item 3: Consent Agenda**

- A. Approve Minutes of April 7, 2016 Planning and Zoning Commission Meeting**
- B. Findings of Fact and Conclusions of Law for Approval for Gyro Shack at Fairview Lakes (H-2016-0012) by Fairview Lakes, LLC Located 1050 E. Fairview Avenue 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**
- C. Findings of Fact and Conclusions of Law for Approval for Church of God 7th Day (H-2016-0026) by Neudesign Architecture Located 1827 NW 3rd Street Request: Modification to an Existing Conditional Use Permit for the Purposes of Altering the Building Materials for the Accessory Structure from the Originally Approved Canvas Walls to Prefabricated Steel Panels on 6.34 Acres of Land in the R-8 Zoning District**

Yearsley: Next item on the agenda is the Consent Agenda and on that we have the -- approve the minutes of the April 7th, 2016, Planning and Zoning Commission meeting. The Findings of Fact and Conclusion of Law for approval of the Gyro Shack at Fairview Lakes and, then, the Findings of Fact and Conclusion of Law for the approval of the Church of God Seventh Day file. If there is no changes to the meeting minutes -- or any changes, I would entertain a motion to approve the Consent Agenda.

Oliver: Mr. Chairman?

Yearsley: Commissioner Oliver.

Oliver: I move to 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: FOUR AYES. ONE ABSENT.**

Yearsley: Before we go any farther I would kind of like to explain the process of how we will go through the rest of the meeting. We will open each item one at a time and we begin with the staff report. The staff will present their findings of

how it regards -- the items adhere to our Comprehensive Plan and Uniform Development Code with the staff recommendations. After staff has had a chance to present the applicant will have a chance to come forward to present their case for approval of their application and respond to any of staff's comments or conditions. The applicant will have up to 15 minutes to do so. After the applicant has had a chance to come forward we will open it up to the public testimony. There are sign-up sheets in the back. Anybody wishing to testify can sign up there. Those wishing to testify will be given up to three minutes to state their case or concerns. If they are speaking for a larger group, like a homeowners association or more people in the audience, they will be given up to ten minutes. After the public has had a chance to talk we will invite the applicant to come back and respond to the comments and he will be given up to ten minutes to do so. After he has had a chance to be -- to present we will close the public hearing and, then, hopefully, the Commission will have a chance to deliberate and hopefully, make a decision for City Council.

**Item 4: Action Items**

**A. Request to Withdraw Application – Easy Jet Subdivision (RZ 15-012, PP 15-016 and CUP 15-017) - by Reginald Jones Located 2750 S. Eagle Road**

Yearsley: So, at this time I would like to -- the first item is the request to withdraw application PP -- or, sorry , RZ 15-00 -- or 012, PP 15-016 and CUP 15-017, Easy Jet Subdivision. With that we just need to entertain a motion to accept the withdraw.

Oliver: Mr. Chairman?

Yearsley: Commissioner Oliver.

Oliver: I move that we accept the withdrawal application for Easy Jet Subdivision, RZ 15-012, PP 15-016, and CUP 15-017.

Fitzgerald: Second.

Yearsley: I have a motion and a second to accept the withdraw. All in favor say aye. Opposed. Motion carries.

MOTION CARRIED: FOUR AYES. ONE ABSENT.

**B. Public Hearing for Whiteacre Subdivision (H-2016-0019)  
by Providence Properties, LLC Located**

**1. Request: Annexation and Zoning of 40.88 Acres of  
Land with an R-8 Zoning District**

**2. Request: Preliminary Plat Approval Consisting of 197 Residential Building Lots and 33 Common Lots on 40.88 Acres of Land in a Proposed R-8 Zoning District**

Yearsley: Next item on the agenda is the public hearing for file number H-2016-0019, Whiteacre Subdivision and let's begin with the staff report.

Beach: Chair, Commissioners, this first application before you this evening is for Whiteacre Subdivision. It's for annexation and zoning and a proposed preliminary plat. The site consists of a little over 40 acres of land, which is currently zoned RUT, located in Ada county's jurisdiction and located near the southwest corner of North Meridian Road and North McMillan Road. To the north are single family residential properties in the Ambercreek Subdivision, zoned R-8. To the east is North Meridian Road. Single family residential properties in Solitude Place Subdivision and Berney Glen Subdivision, both zoned R-8 and one single family residential property zoned RUT in Ada county, which is this property just down here to the southeast corner. To the south are single family residential properties in Cedar Springs, zoned R-8, as well as the properties to the west are also in the Cedar Springs and zoned R-8. The Comprehensive Plan future land use map designation for this property is medium density residential. The applicant has submitted an application for annexation and zoning, I said, of 40.88 acres of land in an R-8 zoning district and a preliminary plat consisting of 197 single family building lots and 33 common lots. The applicant proposes to develop the site with a gross density of 4.8 dwelling units per acre and a net density of 7.7 dwelling units per acre, which is consistent with the density desired in the medium density residential designated area. 4.33 acres or 10.6 percent of qualified open space is proposed, consisting of parkways along some of the local streets, half of the street buffer along North Meridian Road -- lost my spot here. The shared use pathway along the White Drain, which is the southern portion of the property, a micropath lot and an internal common open space area. Staff is requiring two additional micropath connections, one from West Fallen Leaf Drive here to North Elsinore Avenue and one from West Kaibab Trail Street, which is here out to North Meridian Road. The applicant proposes to provide a tot lot, a segment of the city's multi-use recreational pathway and pathways through internal common areas and staff believe that additional amenities are warranted due to the size of the development, therefore, staff is recommending that a covered picnic area be added to the open space lot, which is Lot 1, Block 3, which is this large park area. The property is proposed to develop in five phases, starting at the southeast corner, as shown on the phasing plan. In general staff is supportive of the proposed phasing plan. However, staff recommends the applicant change the phasing plan and construct the entire frontage of North Meridian Road, construct the multi-use pathway along the southern boundary of the site and remove the direct access to North Meridian Road for the existing home with the first phase. The home is to remain -- back up a few slides here. There is a home

here that is to remain. They either currently have or recently removed two additional homes on the property that they are not going to be part of this subdivision. The gross density is 4.8 units per acre and 7.7 of net density. The average lot size is 5,636 square feet. Access is proposed for this site via one access from North Meridian Road as you see here and via the extensions of existing stub streets from Ambercreek, which is off of North Ambercreek Avenue and North Alester Avenue here on the north. Cedar Springs, West Fall Leaf Drive and North Elsinore, which are these here. The entrance street, West Halpin Street off North Meridian Road aligns with East Halpin Drive on the East side of Meridian Road. So, that's -- that's the reason for the location of that street there. The applicant is proposing a centrally located alley, as well as eight common driveway. The applicant is also proposing a vehicular and pedestrian bridge over the White Drain, which will be Elsinore Avenue, which is located here. A minimum ten percent qualified open space is required based on the area of the preliminary plat, which is 40.88 acres. A minimal of 4.08 acre of qualified open space is required and a total of approximately 4.3 acres is proposed. So, the applicant meets that requirement. The White Drain runs along the southern portion -- southern border of the site with a 70 foot side Settlers Irrigation District easement and the Coleman Lateral runs along the western border of the site, with a 39 foot -- let me move back here. So, there is an existing easement here that was tiled with the Cedar Springs Subdivision and there was an open drain here on the south. The applicant is going to request a waiver from Council to have that remain open. Because the lots on -- that back up to North Meridian Road will be highly visible, staff recommends the rear or sides of the structures on lots that face that street incorporate articulation through changes in material, color, modulation and architectural elements. In addition to these things I have previously mentioned, staff is also recommending that certain changes be made to -- to the plat, which I will show you here. The slides are a little out of order. So, these five things here: Provide a micropath connection from West Palm Leaf Drive, as I said, to North Elsinore. Provide a picnic shelter and seating area on Lot 1, Block 3, which is that park lot. Move North Ambercreek Avenue section between West Halpin Street and West Wanda Street one hundred feet to the east, so that the road provides better pedestrian access to the park. I have a slide to demonstrate that. Bear with me. Fourth. Provide a micropath connection from West Kaibab Trail Street to North Meridian Road. Five. Staff recommends that Lots 18 through 21, Block 8, be reconfigured so that the two lots take access -- so that two lots take access from North Elsinore Way and two lots take access from North Price Place. And I will show you those slides here. So, a couple things. Find that slide here for you. A couple things in considering this -- this plat. One was that we requested that the applicant provided some additional open space here. It made sense that a picnic area and seating area would be provided next to the tot lot, due to the fact that there is approximately a hundred and -- almost 200 homes on the lot, staff felt that some additional amenities would benefit the plat. Two. Staff feels that if this is moved -- this road here is extended 100 feet to the east it would open up that park area, provide some potential additional parking for -- for that park and, then, these lots here it

made sense -- there is just an odd configuration of the lots in this area, so staff feels that this would clean that up and create four, approximately, equal lots that would clean that up a little bit. A couple of things that we also wanted to make mention of are a couple of those conditions that staff is recommending that we change after the staff report went out, which are 1.1.1J should be modified to read as follows: The applicant shall coordinate with Public Works on the timing of the utility connections for the existing home. That home in the north -- I will move back to that slide. That home is in the northwest corner of -- of the plat. Staff was unaware that the sewer flow back would need to be sewerer either to this street -- stub street here or the stub street here. It does not make sense for them to construct utilities all the way down to this Cedar Springs connection for that home and staff is recommending that they coordinate with Public Works on the appropriate timing of connecting that home to city utilities. Next one, one to add, is condition 1.1.1K, which would read as follows: The applicant shall obtain a certificate of zoning compliance and design review approval for all attached homes in the proposed subdivision. Staff either was not aware or missed that there are some attached homes as you see here in this diagram. The attached product, as indicated by the applicant, would be these areas here, in addition to that there is a variety of home types provided in this. What I have not highlighted are traditional single family homes. The area in blue here are the alley load homes, which I will show you an elevation of, as well as homes that will front on the park with the garages to the rear. If that makes sense. So, these are the proposed elevations provided by the applicant for the traditional homes. These are the alley load homes there. If you remember the blue and the homes kind of in the central -- and, then, I do not have elevations for the homes that will front on the park. I think there is a rendering that the applicant will show you. So, having -- having gone through this, staff is recommending approval with those conditions in the staff report and these proposed changes to the conditions and I will stand for any questions you have.

Yearsley: Are there any questions?

Fitzgerald: Mr. Chairman?

Yearsley: Commissioner Fitzgerald.

Fitzgerald: Josh, can you go back to the -- your plat -- the revised plat that you have been working on?

Beach: Yes.

Fitzgerald: So, actually, the one you have -- the blue -- the blue-red --

Beach: Oh, I see. This is a phasing plan. You're wanting to see the --

Fitzgerald: That one. So, in regards to the new lot configuration to the northwest corner, is that going to impact that lot where the existing house is? So, you have slipped those four lots of -- is there a lot right to the south of that house?

Beach: Bear with me. I have the pdf of the -- I anticipated this, so I -- I have the plat and I will zoom in so we can kind of see a better idea of what we are looking at here.

Fitzgerald: Okay.

Beach: So --

Fitzgerald: So, you just don't like the long lot --

Beach: Potentially Lot No. 18 here, this is a little bit strange as far as the configuration goes, so our thought was -- if you just see where my cursor is here, this property line -- if I can have a steady hand there -- would be the property line that would essentially align like this and the property line like this. So, it would not impact Lot No. 17, which is the home that is to remain.

Fitzgerald: So, what's the grayed out shaded area?

Beach: There is an existing outbuilding on that --

Fitzgerald: Okay. So, that's kind of --

Beach: -- right now.

Fitzgerald: Okay.

Beach: Correct.

Fitzgerald: Thank you.

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

Brown: For the record, Kent Brown, 3161 East Springwood, Meridian, Idaho. Josh, before I go through my presentation and since we are talking about that parcel, let's look at that real quick.

Beach: Let me pull it back up here for you.

Brown: Because that is an issue for us. The reason that this is configured the way it is is that there is a property line in there. The owners retained a two acre site with their house and so for them to have theirs, our agreement with them is that we plat -- plat it, but that they keep their two acres. So, that 18 is a part of

their property that they own and would be something that they would bring forward some day in the future and we will bring services to them, but that's configured by the property line between those two parcels and as you see in the application, there is three owners that are a part of this application that's submitting and that's why it's configured the way it is. We comply with the zoning ordinance and, yes, it might look a little different, but it's because of the property lines that are underlying and the ownership thereof and when they bring that plat forward for final plat, that meets their criteria and complies with your ordinance. If you move it the way that staff is recommending, then, we are going to have owner -- lots that are part on ownership and part on another and it creates a difficulty for us. Would you go to the overall site, please. The colored plan?

Beach: Oh, yes. The one in my slide here?

Brown: Yes.

Beach: This guy?

Brown: That one. Staff's done a very good job. They have been very helpful as we have moved along. As you can see we have tried to have multiple housing types, a variety. This is something that I have done in the past when I did a subdivision like Tuscany. We tried to create different housing types for those different types of users and as someone gets established in an area, they like being in that area, but -- and they don't really want to move, but they might move up or down and I'm in the position now where I might be moving down, because I don't have kids living in my house and maybe I want something on one level and staying in the same neighborhood, that's the theory behind having these multiple housing types within a same neighborhood and yet at the same time it helps raise the value of all of them, because your comparables are very similar and the lot -- the house sizes are very similar. We agree with the staff report in many instances. There is a few as we pointed out, the one with the reconfiguration. As we designed the site we had some limitations. The highway district is the one that encouraged us to locate the road where we did on Meridian Road, trying to limit the access to Meridian Road and not conflict with any of the other driveways. We like the feel of the park. If you go to the ones that I brought, we have a couple of renderings -- our whole intent has been to have -- as your ordinances speak to them when we have these open areas, they want eyes on the park. We have seen this in some developments where you do the little MEWs and you have an open space. That's the intent that we have with those alley loaded houses that are on the west side of the -- our park is that they will be facing there. That provides a good visual view as you look across the houses that are on the north and south of the park have their back yards, but the others have -- have their front yards facing onto the park with the sidewalk in front of them, with porches. As you can imagine, as you see with this -- this rendering, the sun setting where it would in the west and them sitting out on their porches looking out on the park. That's our vision of how that park would work. You can

also see in here that we are -- we are in agreement with adding a shelter and picnic area. We have drawn that in on this drawing. We are not opposed to the proposed micropaths that staff is recommending. The one that is out onto Meridian Road -- at one time we had out there and maybe from miscommunications we thought they asked us to remove it, but -- so, where Josh is showing somewhere in that block to make the connection to get people out to Meridian Road we are not opposed and, then, the other one over here to Leaf, that allows people to, then, enter there and come and -- and access the park through that 40 foot micropath area that we have in the center of where those alley loaded product are onto the park, if we were to do what staff is recommending it's really not providing pedestrian access, it's providing vehicle access, because now you have a road fronting on the east and on the west side of this park that is open for people to park there and to drive there, not necessarily walk there. We believe that we have provided enough pedestrian access in a short distance from anywhere that anyone would come from that center section over to there. The staff is recommending and I understand that they want a safe distance for people to access or to traverse on Meridian Road. Josh had for a long time a slide up there that showed our -- our proposal. We would -- this is showing an existing condition. We are proposing to farm those phases that aren't in -- within the plat. We have got the farmer that has farmed it for some period of time. We feel that that keeps the weeds and everything else down versus wanting that land to go fallow and not be maintained or taken care of and to make that happen we need to run our water that is fed from that concrete ditch that you can see in this slide and so we are proposing to extend the shoulder of the road, extend the asphalt, and, then, put in a concrete curb along that portion that we don't improve with our first phase. And, obviously, as we go forward there comes a point where it becomes difficult to continue to farm and so, then, at that point we would just -- we are willing to go ahead and finish up that improvement at that time and talk to the Council about that as we are doing those final phases. The condition about the White Drain and completing it -- can you go to the overall -- we can do it from this one.

Beach: Sure.

Brown: Along the southerly boundary we have that large area. It's open to the west. They don't have a pathway on any of the stuff that is existing to the west of us. We are doing a good portion of it with our first phase. Our concern is, again, having eyes -- if we complete a pathway along that whole stretch all the way over there is a chance for mischief, if you will, along the drain where people aren't there, it's going to be a future phase of construction, it's also going to be in the area where the farming is taking place and just running that pathway over in that direction, we foresee that being kind of difficult just from a safety standpoint. Overall we think that we have done a very good job in providing what the city is looking for in this area. The houses will range from the high 170s to the mid 300s. We think that we have matched our neighbors and created the buffers. As staff has mentioned, we have an irrigation easement that's on our westerly

boundary and, then, we have the drain along our southerly boundary. We are matching the lot sizes with the Ambercreek development that's to the north that also has alley loading. We have some slides with the townhouses. If you go -- most of these products we are already building in Meridian. Go to the next one. The townhouse. These are some that we have envisioned to go in there. What takes place when you have the 40 foot wide and you're doing the duplex -- go back to that one. It gives you a better house reveal, because you have -- you don't have that zero lot line. You attach your garages. So, it allows more of the house to be shown and, basically, the only thing that's attached is the garage and that's what we envision with our duplex products that would be there. The windows in the garage help for that. Josh, if you would go to the green alley slide. These are existing houses that my clients have built in Boise. Go to the side -- this is the side view of that and, then, the next one is the alley there and, again, you see the windows in the garages to make that friendly and inviting feel. I would stand for any questions that you might have.

Yearsley: Are there any questions? I actually have a couple. So -- this picture is actually a good one. So, the -- the homes that front the park -- this is what you will see from the roadway side of that road; is that correct?

Brown: That's correct.

Yearsley: Okay. And, then, the --

Brown: They will have a little bit longer driveway and as you look at that -- that slide there is also a portion of them that are on the common driveway, which would face onto -- in fact, most of them are on the common driveway, so they are at the sides of the houses that are on the other side.

Yearsley: Right. Right. And, then, are you or are you not proposing to tile the -- the irrigation ditch in the front of the property against Meridian Road?

Brown: Eventually we will after we are done farming and as we move forward with development.

Yearsley: So at the first phase you will tile that first phase?

Brown: Yeah. There is approximately 900 feet that doesn't get done with the first phase.

Yearsley: Okay. But you will -- you will build the sidewalk in its full configuration --

Brown: Yes.

Yearsley: -- along the first phase?

Brown: Uh-huh.

Yearsley: And, then, move it out to the road for --

Brown: Yes. Exactly.

Yearsley: All right. And then -- I won't ask one. Thanks. Any other questions? Thank you.

Brown: You're welcome.

Yearsley: I have a couple people signed up to testify. Is it Herb Naugel? Okay. Thank you. Scott Curtis? Jane Keating. Oh, please, come forward. I didn't --

Curtis: Mr. Chair, there is some confusion. I signed up for a different issue and asked not to testify.

Yearsley: Okay. Sorry about that. How about Jananne Keating? Okay. Oh, I'm sorry, I got the wrong one. All right. Let's try this again. Actually, I don't have anybody wishing to testify for this one. Is there anybody wanting to testify? Please come forward.

Gile: My name is Randy Gile. I live at 4399 North Meridian Road and my wife and I are the owner of the two acres on the northwest corner and I did sign up for one of them. I don't know which one it was. Apologize. Just to give you a little history on the property, my wife and I have lived there for over 30 years, long before all of these other subdivisions came in. Had a lot of farmers out there. And her great grandparents, Ray and Zeda White -- and that's where the Whiteacres comes from -- purchased that property over a half a century ago in the '50s. The White and Niemann families have been in Meridian for a long time. I don't know if you're familiar with Luana Niemann, Jack Niemann, both city clerks here for a long time. Faye White, instrumental in the fire department when it was back in the volunteer days, so -- they have been here for a long time and we as the kids have decided it's finally time -- we have been surrounded for a long time, it's finally time to -- to go ahead and let this develop into houses that Meridian needs. So, we are good with that. If you will look on the mailbox for the last 30 years at one of the addresses there, it has White Acres, so it's been that name for a long time. So, that's kind of where the name came from. A couple of issues. We talked about the lot in our two acres. The reconfiguration of that lot would cross the boundaries -- or the property boundaries, which we have, and also would take out about a dozen 20 year old fruit trees. That's one of the reasons why we kept the two acres in the configuration that we developed it when it was on the historic property line and that's kind of where our landscaping, fencing, all of that is. So, we would like to keep it in the original configuration. Also, the access -- the road access at least at one time it was mentioned that in

an initial phase they would like us to limit the access from Meridian Road and a couple things on the access for Meridian Road, the property has been farmed for as long as I have known it. It's continued farmed. If you go out there and look, we have got winter wheat, it looks like a park from Meridian Road. So, we would strongly recommend that you facilitate a way to continue to keep it farming. It's been profitably farmed for all these years. We would like to keep the farmer -- or we would like to see it farmed in the future as long as it can. Obviously, there is a point where it doesn't make economic sense, but, you know, in the first phases -- as mentioned, the water runs from the east to the west -- is that my three minute warning?

Yearsley: That was your three minutes. Just hurry and finish up. Yes.

Gile: Okay. Water runs east to west. We would like to see it farmed -- they mentioned the ditch there and, then, also the farm equipment access comes from Meridian Road. I don't think it would be a very good idea to bring all this farming equipment through a subdivision. Also we access out to -- out to Meridian Road. Also from a safety standpoint, if you open up an access to the north -- there is a six foot fence that runs completely along the north side of this property with our road, our power and our phone. If you open up a hole through that fence we will get more and more people coming through. Right now kids jump the fence and kind of cut across onto Meridian Road from the subdivision. Not too many of them, but if you open a hole through there there will be a lot more. Thank you.

Yearsley: Thank you.

Oliver: Mr. Chairman?

Yearsley: Yes. Commissioner Oliver.

Oliver: Ask you, yeah, a couple questions. Josh, can you go back to the other one you were just at? Yeah. So, what you were saying earlier was that currently you own Lots 17 and 18?

Gile: Yes. We also own 24, 16, 14, 13, 12 and 11.

Oliver: Okay. So, concerning 18 is the one that you want left the way it is right here?

Gile: Yes. We are open to working in the future. This is -- you know, we are not developers, this is as good as we could do. We are open to working with you in the future if we want to tweak these around a little bit, but we are happy with this configuration.

Oliver: And this is a culmination of White and Niemann, that both own that? Eighteen?

Gile: Actually, this is Gile. My wife is Pam Gile -- used to be Pam Niemann.

Oliver: Okay.

Gile: So, we --

Oliver: That's how that comes in?

Gile: That's how that came.

Oliver: The co-ownership of the property; right?

Gile: My wife and I own the two acres now. The 40 acres was owned by myself, my wife, and her sister.

Oliver: Okay. All right. Thank you.

Fitzgerald: Mr. Gile?

Gile: Yes.

Fitzgerald: Is there intention to sell Lot 18 eventually or to just -- are you going to keep it?

Gile: I guess we were advised that it would be best, rather than to have a two acre piece over here, to go ahead and put it in the preliminary plat.

Fitzgerald: Okay.

Gile: So that, you know, planning could be done, things could be facilitated and this was the best configuration we could come up with. So, the intent is at some point in time we would sell the two acres, maybe retain the house, maybe sell the house, but it would get developed. It doesn't make sense to -- at least to us to have a two acre chunk of ground kind of in the back of this subdivision.

Fitzgerald: Thank you, Mr. Chairman.

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

Gile: Thank you.

Yearsley: Is there anybody else that would like to testify? With that would the applicant like to come forward? I don't know if you have much to rebut, but --

Brown: Not really. I would offer I guess some experience. I have been doing this for 27 years. I worked nine years for the city of Boise and I had a lot of people like the Giles that just owned two acres and wanted to do something, but they planned on living there and so I guess part of the advice that I have offered to them is put lots on it -- it's kind of like a savings account. My dad used to raise, you know, baby calves here in Meridian and we would -- we would have a couple extra, so that we would pay for the beef that we butchered every year and those kind of things and my idea was in doing this and as I have advised people in the past, is while you're living in the house you got to have those trees, you have got to have the things that are there, but when someone else comes in and they are living in your house, they have a whole different concept. So, you should maximize them with the lots that you can and, obviously, their house and the way that its configured, has to be on Lot 17, but there is definitely a property ownership that's there and that's what we have tried to save and -- but at the same time provide some options that meet your code. I mean it's -- it's kind of an opinion, yet would the lot be better -- it's not necessarily a code issue is what -- the way that I view it. I think the one that -- to me that is kind of critical in our design is we feel really strongly that those lots need to face onto the park. We think that that provides the eyes that you would have. Basically, what staff is asking is that Wanda and those extend over and so that that whole road is fronted there, as in the staff report it says for pedestrian access, but, obviously, that isn't pedestrian, that's car traffic and cars parking there, so -- stand for any questions or --

Fitzgerald: Mr. Chairman?

Yearsley: Commissioner Fitzgerald.

Fitzgerald: Mr. Brown, in regards to the phasing plan -- can you bring it up, Josh, real quick? So, I just want to make sure -- and Josh may be able to answer this or it's part of the staff report, but are we putting all -- the park in in phase one?

Brown: We are not. What is down here in the southeast corner where Josh is at, we are including a portion of the park and, then, putting in the entrance where we go out and get water from Meridian Road and, then, we are grabbing sewer from the south and extending it down, but we are not going the entire distance. We didn't go all the way over to that street and the reason being is we are hoping that there is still time in this year to get this phase in the ground. We ended up buying and removing the houses that were there and that caused some things that we need to recoup and we want to do it quite quickly, so --

Fitzgerald: So, I guess my only -- my just being -- speaking out loud, you're going to have half a park and you're building phase two going to the west, which you're going to add more houses with a limited amenity, which makes me a little concerned. I understand your point on the MEW, which I think is -- I understand where you're going, but I think having an amenity there is at least when phase

two is on? I don't know. And that's something we can talk about. But I -- would you guys be amenable to talking about building it out? Because I think having half a park is kind of odd.

Brown: Well, then, it's probably a third of the park. I will give you that you have given me the benefit of the doubt by saying half and I would say it's more like a third.

Fitzgerald: Yeah.

Brown: And we are agreeable to -- if that was, you know, phase two included more of the park. That --

Fitzgerald: Okay.

Brown: -- that sounds reasonable.

Fitzgerald: Okay. Because I think just something that -- so you're not -- I mean it just seems that you have -- you're there cutting through it and you're going to come back and do it again, so --

Brown: One of the things that I forgot to mention before -- because there were three houses on this property, we have asked that we be able to get an early building permit, which I guess has to be granted or done with a development agreement, but we have asked for that, so that as soon as fire is okay, the plat might not be recorded, but because there were three buildings on here before that we can do that, we have asked for that -- that that be granted. I didn't see that as a condition or anything, but that's -- we did write it in our narrative and requested it.

Yearsley: Any other questions? Actually, I have one more. The combined lot -- the combined homes on the north end of the property, can I ask why -- what your thought was putting in there. It seems kind of a -- kind of a strange configuration. Just trying to understand.

Beach: Pardon me. Just to be clear, Chairman, you're referring to the single family attached homes?

Yearsley: Yes. The attached homes.

Beach: Okay.

Yearsley: Up here on the north. Basically facing the -- the properties to the north. Was there -- was there a specific reason there or just trying to keep them all together in the same location or --

Brown: They are in a similar location and I don't know that necessary -- I mean would it make any difference there on the other side of the street, I -- it -- the backs -- when you have got matching lots it's -- from an engineering standpoint it kind of saves you on some pins and those kind of things where you're not having a whole bunch of pins that end up confusing people in the building part of the process. The lots all match back to back type deal. The density is pretty tight in Ambercreek to the north. They have a lot of alley loaded product -- actually, that's a development that I have been involved with. Besides these, when you drop over to the other side they have a series of blocks with alleys that are 40 foot wide.

Yearsley: Okay. I --

Brown: They end up looking -- when you add the duplex it's kind of that big house concept. The houses are big and they --

Yearsley: Yeah. It just kind of didn't seem like they fit the -- the houses to the north that well. I understand the lots to the north are a little bigger and it just didn't seem to kind of fit the -- the adjacent neighbors, so just a thought -- okay. Thank you. Any other questions? Thank you. With that I would entertain a motion to close the public hearing on H-2016-0019.

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 carried.

MOTION CARRIED: FOUR AYES. ONE ABSENT.

Yearsley: Comments or thoughts?

McCarvel: Mr. Chairman?

Yearsley: Commissioner McCarvel.

McCarvel: I'm not sure how everybody else feels on this, but I will just put my two cents in. I don't see a problem with leaving those Lots 18 through 21 the way they are. They have, obviously, thought some things through. But I would welcome any discussion from you all. And the same with the irrigation ditches and such to keep the farming going.

Fitzgerald: And the road access.

McCarvel: And the road access through the end of the project.

Yearsley: Okay. Any other -- anybody else?

Fitzgerald: Mr. Chairman?

Yearsley: Commissioner Fitzgerald.

Fitzgerald: And I would agree with that. I think the concept and the work that's been done by Mr. Brown and the applicant I think it makes sense. It's been thought through. I do personally like the concept of a -- of having one side of the park be vehicle access and one side of the park be walking access. I think it's different. I like the MEW idea where it does kind of put people into a -- into more of a walking and pedestrian rather than having vehicles parked along the road right there, because it's going to happen and so I like the idea of keeping the concept or the middle with the public alley there. I do appreciate the fact that we have added a picnic shelter. I think that was a good idea from staff. I do want to see the park be built as part of phase two. I think having a third of a park --

Yearsley: Phase two or phase one?

Fitzgerald: I think compromising you do it as phase two, so it becomes an amenity that gets added on as you add more houses.

Yearsley: Okay. I wasn't quite sure. When you talked earlier it sounded like it was phase one, so I --

Fitzgerald: But I -- I mean it would be great, but I understand that you're going to -- that you're dealing with -- you're trying to farm more land and those kinds of things, so I understand what their concept is. So, I -- I think that it's reasonable to say, okay, we are going to farm part of this and we are going to have some green space, but when you have -- you add another 50 homes probably in there or whatever it is -- or 30, it's probably time to finish the park and have an actual amenity and so that would be something I would like to see. But that's my thoughts.

Yearsley: Commissioner Oliver.

Oliver: Mr. Chairman. I agree with the commissioner that in phase two it should be done. I agree. I also am just concerned about Lot 18, whether to go along with what the staff suggested or consider what the original owners have done, leaving it in there. So, if I read it right, it's 50 feet across -- right, Josh?

Beach: Correct.

Oliver: And it's 7,094 square footage.

Beach: Correct.

Yearsley: So, it's pretty long and narrow.

Oliver: It's long and narrow, but, yeah, it's not -- it's something I would rather look at versus the way it was developed by the staff.

Yearsley: Okay.

Oliver: And, then, the other question I had for staff was the answering the question can they get an early building permit, is that something you can answer or not?

Beach: Again, that is a request that needs to be granted by the City Council.

Oliver: Okay. So, we would not have to worry about doing anything with that at this point.

Parsons: Mr. Chairman, Members of the Commission, we talked about it with the applicant. There is some challenges there. It's -- it's not just as simple as getting a building permit. In order for the building department to issue a permit there has to be adequate fire protection and access to that -- to that home. So, those -- some of those things have to be worked out and coordinated with our building department as well. Certainly as we go forward Council will reach out to them on behalf of the applicant and see what would be required of them to -- in order to get the early building permits, but it's certainly something -- again, they do have three legal lots there to develop and certainly if the Council does grant that, there is a little bit more work behind that, but if you feel you want to include that as part of your motion you certainly can include that they are allowed to get up to three building permits without -- I think my understanding is recording a plat. But I'll leave that up to your purview. I just wanted to put that out there that there is a little more work that needs to happen.

Yearsley: Thank you.

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

Yearsley: So, I guess I would like -- the other issue that I don't know if it was really brought up is the pathway to the south. Staff is recommending that be extended fully. The applicant doesn't want to extend that all the way across initially. And the other question is -- Josh, will you go back -- back to the next one. Right there. So, I understand wanting to farm the property, but I also have to realize that this is an in-fill property. There is not a sidewalk right in there now. There is park to the south. School to the north. So, it is going to be a heavily used sidewalk and would you want your kids being that close to the roadway is where I come up with my issue. I understand wanting to farm it. I understand,

you know, wanting to do something like that and I don't have a problem with them farming it, but I want to look at the safety of our kids as the highest priority in our city and would I rather have the city -- the kids be safer -- I don't know if I would want my kids to be walking on that pathway, especially on a two lane busy Meridian Road, so I -- I understand and I feel for them, but I still am concerned about not moving that sidewalk farther away from the roadway and making it a little bit safer for kids, because you know kids don't want to walk in a straight line, you know, and stuff. So, I want to just bring that out to you as well. And we have gone through a lot of years where we have had subdivisions that were going to build out, but didn't build out for quite a long time and so you have all those disconnects for a long period of time and to get those -- that infrastructure in first is -- in my opinion is critical. With that I would still like the pathway to the south being installed as well. With regard to the lot in the corner with the Lot 18, it might look better the other way, but I still believe that the developer has a right to develop how he would like and I'm okay with leaving that the way it is. With regard to the park and the roadway being on the park, the only concern I have is right now you have very little parking along the street of the park and I understand they want this to be a walking community, but I will guarantee you that there will be some basketball or baseball or lacrosse or soccer practice be on that field and I will guarantee you that that will be a line of cars with very small driveways trying to park in front of there and so if you add the road on the other side as well, you have them a little more room for -- for parents to park and be able to watch their kids and not disrupt the adjacent homeowners. So, just items for thought. And, then, the other one is -- I understand alley loaded lots, because you don't have a tendency to see the back of the house only and if you do, the way that they are proposing is you're going to have a road that's going to front a lot of homes with just garages and so not quite sure if that's a great location for those. So -- so, that's kind of my thoughts. I would be kind of curious to what your thoughts are on the south pathway and should we extend it or should we not and kind of get your opinion.

Fitzgerald: Mr. Chairman?

Yearsley: Commissioner Fitzgerald.

Fitzgerald: So, on the -- in your thinking on the sidewalk, which that's always -- that's been disconnected for a while and it's not very fun and so I understand the reasoning. There is similar thinking that we would put the sidewalk in the middle of the farmland? I mean that's -- I'm just thinking --

Yearsley: You can't do that. You're going to have to probably tile the pipe all the way --

Fitzgerald: Yeah.

Yearsley: -- and either allow -- have to -- they will have to maybe design something else to irrigate through that with -- with some -- through the piping or something like that, some other means, which can be done. I mean it's not something that can be done. I think if you're going to put the -- the sidewalk close to the drain you don't want to be close to water, because you know how kids are attracted to water.

Fitzgerald: Yeah.

Yearsley: So, I would recommend that they kind of build the frontage like they would -- or at least put the sidewalk where it should be and do -- do something appropriate to tile the pipe and do a different means for irrigation or something like that.

Fitzgerald: Okay. And my only thought in response to your comment about the -- the park concept, I -- the reason I like it is it gives a different setting for the homeowners there about having something that backs up to a bigger space and we don't have any -- you know, there is no large areas of -- you know, chunks of land that you can look out on the green and so I like that idea for, you know, the homeowners who want to have somebody look out on the park, I think it's kind of cool.

Yearsley: Yeah.

Fitzgerald: It's a different dimension and it kind of -- it boxes it in a little bit, but that's just -- that would be my opinion, but I understand where the parking comes in.

Yearsley: You know -- and I wanted to bring them up for just talking points.

Fitzgerald: Yes. Absolutely.

Yearsley: I'm not married that we have to have that road there, but just kind of wanted to bring it out for thoughts and comments.

McCarvel: Mr. Chairman?

Yearsley: Commissioner McCarvel.

McCarvel: Josh, can you go back to that pretty green picture of the park and everything?

Beach: Yes.

McCarvel: There we go. What would it take to maybe put some -- not parallel, but just same angled parking along that already existing road, just right up there

along that landscape, maybe -- you know, push the landscape in just a hair and put some angled parking up there along that road? And, then, they would keep those houses with the front facing to the park. I like those houses -- I like the eyes on the park. People are more likely -- and I think, you know, you're watching the kids out there, whether they are their kids or not, have eyes on them.

Yearsley: You know -- and don't get me wrong, I -- like I said, I -- I like the idea that the developer has the opportunity to develop like he wants and I'm okay with not having the road extended. I just wanted to bring out thoughts about --

McCarvel: No. That's --

Yearsley: So -- and I think you probably could add to -- the only thing it does -- it does take 20 feet out of -- or 20, 25 feet out of the park.

Fitzgerald: Yeah. Which is not -- which isn't ideal.

Yearsley: Yeah. So, it's kind of a tradeoff.

Beach: If I may, this is -- so, you can correct me if I'm wrong, Bill, but the highway district doesn't typically allow for parking on public roadways. I mean -- let me rephrase. End parking with parking stall isn't something that's typically permitted by the highway district, so that may not -- may not work. Now, having said that, what you're proposing putting a parking lot in or -- of some sort could -- could work. I think I also want to mention that this -- what they received by the highway district -- this is a reduced -- all of streets in here are reduced with and so there is no parking on the alley and, then, parking on one side on this whole loop in here. So, for what it's worth that's -- that's something else to consider.

Parsons: Mr. Chairman, Members of the Commission, keep in mind this isn't going to be a public park, it's going to be owned and maintained by the HOA, so they will have to police their own private property. So, if there is a parking issue, then, future homeowners and the HOA need to work it out, not really the city.

Yearsley: Okay.

Parsons: So, we certainly don't want to encourage them adding parking to this park for the neighborhood -- or the subdivision, we are just losing more open space. I think the intent here is to have a place where the community can gather and recreate together and have block parties and do all those things that we want as part of our subdivisions in the City of Meridian. So, yeah, we just dropped some suggestions in the staff report and we have some conditions that we brought forth. If you don't like those suggestions, then, we can certainly let you know which ones need to be stricken from the record if you want to move this forward this evening.

Oliver: Mr. Chairman?

Yearsley: Commissioner Oliver.

Oliver: With having in mind what Bill said, then, I would look at Lot 18, leaving it the way it is. Opening up the south entrance and doing the full sidewalk on Meridian. Leaving the park the way it is. And leaving that side the way it is.

Yearsley: So, opening the south entrance or adding the pathway --

Oliver: Adding the pathway.

Yearsley: Okay.

Fitzgerald: I would agree with that.

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

Fitzgerald: Commissioner Oliver, do you know how the -- what you -- because I think -- I agree with you on -- so, I guess really -- sorry, I don't mean to break -- with that they have conditioned -- didn't you condition that the -- the lots be realigned on 18, so we have to strike that one. And the moving the -- relocating the road, that condition would have to be stricken as well and, then, we need to amend -- and maybe what we have you do is flip to the slide to the one that we need to amend.

Parsons: Mr. Chairman, Members of the Commission, there is -- there is a couple things we need to address in your motion. One is, you're right, if you don't like staff's recommended changes to the plat we need to strike those conditions. Keep in mind that staff has recommended that the access to the existing home, that's to remain, we want them to close that access to Meridian Road. So, if you're comfortable with that remaining until phase six or five, that needs to be included and the condition needs to be changed. Same thing -- we gave you the conditions for the home to hook up to sewer and water, so we have got that one covered.

Yearsley: Uh-huh.

Parsons: The other issue -- it looks like the hearing -- right now the way the DA is structured we want the sidewalk and this landscape buffer installed with the first phase. So, if it's your intent to only require the sidewalk, then, we need to change that DA provision to only require the sidewalk and not the landscape improvement. So, there is some tweaks there and we can certainly go through these conditions and share those with you what numbers they are, but --

Yearsley: It might take a little work, but we can -- so, I -- I think going back to that, if we are going to do the sidewalk it makes sense to do the landscaping improvements at the same time. With regard to the -- the driveway access, I might consider that one to leave until farming operations have ceased, because he's talking about bringing farm equipment in. I agree, I don't know if I want to bring farm equipment to the lots and so we could probably put it to like phase five or when farming operations ceased. So, I think five actually brings the access --

Fitzgerald: Off of Ambercreek.

Yearsley: Yes.

Fitzgerald: Yeah.

Parsons: Mr. Chairman, just one comment on that, though. If you want the sidewalk and the landscape buffer, keep in mind that portion won't be done, because we are going to leave 25 feet open or 30 feet open --

Yearsley: Okay.

Parsons: -- for the farm access. So, you have to work that into your condition as well. So, it's --

Yearsley: And you could put a pathway or something that he has to cross -- well, within line with the sidewalk.

Fitzgerald: Josh, will you bring up the picture on the road -- the access?

Beach: If I can find it.

Fitzgerald: So, if you --

Yearsley: What we would end up of having to do is -- if he did his landscape buffer all the way through, just where the driveway is he would just have a sidewalk, not a landscape buffer. So, you would still have a crossing there.

Fitzgerald: Still have access to the little pathway that's off of Ambercreek. It's still there.

Yearsley: Yes.

Fitzgerald: So, you're not doing -- you would have an access across the driveway --

Yearsley: Yes.

Fitzgerald: -- for a walking or a bike to get there.

Yearsley: Yeah. You would want to leave that.

Fitzgerald: I think you're okay there. And you would have to finish it eventually.

Yearsley: Yes. So, I guess are we all in agreement with that convoluted --

Fitzgerald: I think -- I think so. I think we are going to have to walk through some --

Yearsley: Absolutely.

Fitzgerald: -- conditions --

Yearsley: Conditions one at a time.

Beach: If I can demonstrate what's going on there in that northeast corner. There is an irrigation ditch here and the driveway and, then, this is the sidewalk for Ambercreek there, so you can kind of see the -- the particular challenge that the landscape buffer will come to approximately here. They would have to tile the irrigation ditch. Again, you would have to work through that, but tiling up to here, leaving it open, that -- I mean it's something we would have to kind of work through.

Yearsley: Yeah, but they could leave that open, but still extend the sidewalk across, so they would have a sidewalk through there, but, then, they would have to just landscape that little piece at a later date.

Beach: Yeah.

Fitzgerald: Mr. Chairman? The challenge that you have is that you now just took about 20 foot of -- of usable farmland away.

Yearsley: Yeah.

Fitzgerald: That's my only concern as we are talking through this is the purpose of this is they continue to farm it so they can cash flow and different things. I mean it's using land -- I -- that's -- you do have -- if you look at this picture you do have a full sidewalk all the way on the -- on the east side of the street, so just -- if we are thinking through it, but I understand what you are saying.

Yearsley: Yeah, but you don't have a crossing across to get to it is the problem. So, you're either having to walk --

Fitzgerald: Across the road.

Yearsley: -- walk across the road or something like that and especially when everybody wants to -- you know, so you want to come up or go down, so -- I still think we want to have that landscape buffer. I -- you know, we are not talking a significant amount of farming that's going to get reduced personally.

Oliver: All in phase one?

Yearsley: Yes. And it will actually screen the farming a little bit better, too, in some ways. I would entertain a motion, if someone is ready to go.

McCarvel: Mr. Chairman?

Yearsley: Commissioner McCarvel.

McCarvel: Josh, can you put that slide back up with those 1.1.1J and K?

Beach: Absolutely. Let me --

Parsons: Mr. Chairman, Members of the Commission, one more clarification. On the park with the second phase, was it your intention to have the amenities constructed with that second phase as well as part of the park?

Fitzgerald: Yeah. I think it's time to --

Parsons: Thank you.

Yearsley: We will just leave that slide up for you.

McCarvel: So, we want to go ahead and --

Fitzgerald: You want to start?

McCarvel: We can put those in.

Yearsley: Yeah. Those are -- those need to be put in.

McCarvel: Yeah. Those are easy. Yeah. All right. Mr. Chairman, after considering all staff, applicant, and public testimony, I move to recommend approval to the City Council of file number H-2016-0019 as presented in the staff report for hearing date of April 21st, 2016, with the following modifications: We will add provisions 1.1.1J --

Yearsley: Modify.

McCarvel: Modify. And 1.1.1K and we will strike conditions in the preliminary plat of moving the Ambercreek Avenue all the way to the park. We will strike moving and reconditioning the road and we will strike removing the access to Meridian Road until farming operations have ceased.

Yearsley: And, then, I think the Lot 18 --

McCarvel: And strike number five, reconfiguring Lots 18 through 21.

Fitzgerald: Second.

McCarvel: Did we --

Yearsley: I guess before we -- before we do a second on that does that cover everything that you were wanting or is there something else we need to add?

Parsons: Timing for the park and the amenities.

Yearsley: Oh. Thank you.

McCarvel: And the park be completed with phase two.

Parsons: And site amenities I take it.

Beach: Including amenities.

Yearsley: Park and site amenities.

McCarvel: Yeah. The park be completed.

Parsons: Thank you.

Fitzgerald: Second.

Yearsley: I have a motion and a second to approve file number H-2016-0019. All in favor say aye. Opposed? Motion carries. Congratulations.

MOTION CARRIED: FOUR AYES. ONE ABSENT.

**C. Public Hearing for Third Street Square Subdivision (H-2016-0031)** by Trenten Seltzer Located East of N. Main Street Between Franklin Road and Pine Avenue

- 1. Request: Preliminary Plat** Approval Consisting of Seven (7) Building Lots and One (1) Common Lot on 1.737 Acres of Land in an O-T Zoning District

Yearsley: Next item on the agenda is public hearing of file number H-2016-0031, Third Street Square Subdivision, and let's begin with the staff report.

Beach: All right. Chair, Commissioners, this is an application for a preliminary plat. This site consists of .737 acres of land, which is currently zoned OT or Old Town, located on the east side of Northeast Third Street, which is north of Franklin Road. To the north we have single family residential property, also zoned OT. To the west is Northeast Third Street and single family residences zoned OT. To the south are single family residential properties also zoned OT. And to the east is developed industrial property, which is zoned I-L. In 2015, around December, the subject property was granted certificate of zoning compliance and design review approval for the apartments that are currently being built. There are seven buildings, with a total of 28 units. The Comprehensive Plan future land use map for this area is Old Town. As I said, the applicant has applied for a preliminary plat consisting of seven building lots -- and I will get to the preliminary plat here. And one common lot on that 1.737 acre parcel in the Old Town zoning district. So, there would be 28 multi-family units on the site. It was approved in 2015, as I said. Access to the site is here from Northeast Third Street. Cross-access agreements are required to be in place to parcels -- those listed parcels which are the two parcels to the north and one parcel to the south. Prior to certificate of occupancy of the first structure on the site with the final plat application, the applicant shall provide a recorded copy of the cross-access agreement or add a note on the face of the plat that designates Lot 1, Block 1, with a blanket cross-access shared parking area for the proposed development and to the adjacent parcel as noted above. And for the CZC application the applicant was approved to install a five foot -- let me move to the landscape plan here -- the requested alternative compliance to install a five foot sidewalk out to Third Street to provide pedestrian access in a reduced landscape buffer of three feet on the south. Code does require a five foot landscape buffer on both sides of the drive aisle, because of the specific circumstance they requested and were granted alternative compliance. Amenities for this property are a community garden, a tot lot here, and a relatively large open space grassy area here for the development, as well as a clubhouse and office. Staff is recommending approval of the seven residential lot subdivision and we did receive comment from the applicant Penelope Riley, as well as one of the adjacent neighbors Karen Reicher. Staff is recommending approval and I will stand for any questions you have.

Yearsley: Are there any questions?

Fitzgerald: Mr. Chairman?

Yearsley: Commissioner Fitzgerald.

Fitzgerald: So, Josh, on the comment on the irrigation issue, where does that stand with how it works or is there something we need to do in regards to --

Beach: I believe the applicant has some response to that. We will go from there. If there is any further questions on that we can cover that after she comments.

Fitzgerald: Sounds good. Thank you.

Yearsley: I have one question, just for clarification, Josh. This apartment complex was actually previously approved because it's actually a permitted use in the -- in the Old Town zone, but we are just here because he wants to split them off now into separate lots; is that correct?

Beach: That's correct. So, the -- as you said, it is a principally permitted -- multi-family is a principally permitted use in the Old Town zoning district, so there was no hearing required for that. It was all approved administratively by staff. It does meet the code requirements as far as landscaping and amenities are required, with the exception of that reduced landscape buffer on the drive aisle and the installation of the -- the sidewalk on the north for the pedestrian access. So, again, tonight we are commenting on the -- the splitting of the lots, which I'm presuming is for financing purposes or to sell the buildings off individually, I'm not one hundred percent sure. But you are correct that the other things have been approved.

Yearsley: Okay. Thank you. Any other questions before -- would the applicant like to come forward? And, please, state your name and address for the record.

Riley: Mr. Chairman, for the record, Penelope Riley, Riley Planning Services. Post Office Box 405, Boise, Idaho 83701. Mr. Chairman, Commissioners, I'd like to begin by acknowledging staff's gracious professionalism in getting us to this point this evening with our application before you. They are always very helpful. Third Street Square Apartments that are currently under construction was approved with a certificate of zoning compliance previously. The applicant has reviewed the staff report and is in agreement with the conditions of approval as presented in the staff report. With regard to the e-mail regarding irrigation water, there was a problem with the weir height from the Hunter Lateral. That was repaired and irrigation water is now being delivered to all the adjacent property owners appropriately. It was just the weir was too high, there wasn't enough water in the lateral to reach the point of where it could get over the weir. So, we cut it down some. And as was reported by staff, these individual parcels will be available for sale. Each of the owners will become part of a property owner's association, much like an HOA where they contribute to the maintenance of the common area, the buildings, and maintenance and repair and irrigation system. I would be happy to answer any questions you have.

Yearsley: Thank you. Are there any questions? No. Thank you.

Riley: Thank you.

Yearsley: I do have a few people wanting to testify. One is Al and/or Shirley Fleming.

Fleming: Given the limited amount of time --

Yearsley: Please -- please state your name and address for the record.

Fleming: Oh. Yes. My name is Al and my wife is Shelly Fleming. We live at 310 East 3rd Street, Meridian, Idaho. Our property directly is adjoining the plat plan in question, as well as the easement right of way which goes from 310 East 3rd Street to the back of the property. I have many, many issues I'd like to raise, but I have to cut to the chase to get it all in there minutes. First of all, I would like to bring your attention to a letter which I sent two years ago on May 28th, 2014, to a gentleman by the name of Caleb Hood and I clearly articulated all the issues that I had with the proposed plat plan at that particular time, which was preliminary. He did -- and I was aware of the fact, being in Old Town, that there would not be a public hearing and that's what propelled me to write this letter and forward it to him. He was very gracious in his reply to me. He did agree with many of the issues that I had raised and I'm sure in your records you can find a copy of his response to me. So, to cut to the chase, I will get out the two major issues that exist. First of all, it was very confusing to me just receiving this public hearing notice, because it said in there it was for preliminary plat plan approval and that's really a misnomer, because this preliminary -- this plat has been approved, construction has been underway since February and what the owner is really looking for is to break the property up into lots representing each building for future investments or possible -- eventually sale of these properties. I'd like to draw your attention, though, regarding that and one of my major concerns that I have and this comes directly from Mr. Caleb Hood and his response to me and he references an ordinance called 05-1170 and it says maintenance and oversight responsibility in multiple family developments shall record legally binding documents and state the maintenance and the ownership responsibilities to management the development, including, but not limited to, structures parked in common areas and et cetera, et cetera. Now, the reason I bring this to your attention, as Penelope just told you, one of the major issues from the beginning was for all adjoining property owners our access irrigation and since that was covered by Idaho law, we knew that there had to be a reconcile plan. All of the ditches to Hunter Lateral that fed all the adjoining properties, of course, have all been excavated and I am pleased to say that as of today their irrigation system is functioning and is functioning properly. But relative to this agreement that I bring up -- and it says it shall be -- multiple family developments shall be a legal document. My concern is -- and so is the concern of other adjoining property owners since by approving this plat plan, essentially, the planning board in Meridian has placed a surrogate between the adjoining property owners and our irrigation rights, which was stated by law and, therefore, this legally binding document must define very clearly the responsibility not only of the maintenance

and the properties within plat plan, but also their responsibility to servicing us into perpetuity the adjoining property owners relative to irrigation. I have not seen this document. It says it's supposed to be recorded and I have -- I am waiting, because I truly believe that the adjoining property owners have approval rights over this document. For example, if that irrigation system goes down and I don't get my water, who do I call, the planning board? Do I call City Hall? Do I call Nampa-Meridian Irrigation District? None of them are going to help us. So, it has to clearly specify what are the rights of the adjoining property owners. Do I go out after 30 days and contract some engineer and say fix their system and bill them for it? I want to see that legally binding document. That's -- I won't push that issue any further at this point.

Yearsley: And your time has expired, so if you could --

Fleming: Excuse me?

Yearsley: Your time has expired, so if you could hurry and wrap it up.

Fleming: Okay. My last issue -- and which is fully articulated in here, is one of safety. I stood 18 years on a planning board -- not in Idaho, but in New York, and obviating safety issues was number one criteria for any planning and zoning board, regardless of whether the property use was a permitted use or not, safety came first. I have a major problem with the access and egress of these -- now they are going to add 28 family units -- that's roughly 50 cars -- 45 cars using standard ratios, that would be accessing -- egressing this property, there is only one access and egress. There will be two ten foot lanes, one coming in, one going out in to East 3rd Street, which is a blind intersection. I raise this issue to the planning board. Mr. Caleb said they -- because it's under a hundred family units are not required to request Ada county to perform a traffic study. I requested a traffic study and the reason is because 3rd Street today is 11 feet going in two directions, two right of ways. According to the City of Meridian -- a document called Street Cross Section Master Plan, dated September 9th, 2014, clearly articulates the use of 310 East 3rd Street and, by the way, it is identified as a critical future player, because it must provide a north-south corridor for bicycle and pedestrian right of way, critical to the City of Meridian. That's according to this document. You will also see -- it's clearly articulated in that plan that they will develop this pedestrian right of way and a bicycle path right of way that will stay within the right of way as defined by Ada County Highway Department today. They are the --

Yearsley: So your time has expired, so if you can wrap it up, fairly quickly we would appreciate it.

Fleming: Yes. The point is 11 feet north, 11 feet south, two direction traffic, one of those lanes is going to be reduced to nine feet, according to your plan. A garbage truck cannot turn a turning radius off of a nine foot right of way onto a

ten foot right of way without going into oncoming traffic. That is called an oversight. I want to see that mitigated and I would request that the planning board of the City of Meridian contact Ada County Highway Department and request a traffic study and that's what I'm here for tonight. Thank you very much for your attention.

Yearsley: Thank you. I have a Karen Rider or Ryker. Oh, sorry. You didn't sign up to testify. Yes. Okay. Patty Yost has signed up to testify. Name and address for the record.

Yost: Oh, thank you. Patricia Yost. 330 East 3rd Street and I sit right of front of where this development is, right next to the path on site -- sorry, I'm nervous about this. I have never done this before. Where those two -- it will be two ten feet lanes and from what I understand, Josh -- so it will be a five foot sidewalk and what about bike paths for children coming in and out?

Beach: There is not a bike path.

Yost: No bike path?

Beach: Correct.

Yost: So, the children would come in and out how?

Beach: Walk on the sidewalk or riding a bicycle on the --

Yost: Ride on the sidewalk?

Beach: -- on the driveway. Correct.

Yost: Okay. I also have a concern of where are those children going to end up as far as like -- there is such a narrow area waiting for a bus.

Yearsley: And we would have to -- the bus department would have to address --

Yost: Have to address that?

Yearsley: Yeah.

Yost: Would they -- because I don't know that they can go into the sub -- into this apartment. We were actually told that there wouldn't be apartments, so I don't -- I didn't even know that that was what was going on. We are also concerned about -- we have so many concerns. One of them is each one being individually owned at this point, would that, then, allow them to change colors and do things differently? We are afraid it's going to be somewhat hodgepodgy. Another concern of ours is -- Josh, you had mentioned to me -- so, we just found this out

from when you first mentioned this, but there will be a -- on the south side and the north side of that property, if those two people fell, these -- these developers would, then, have to put those roads in themselves? What was that?

Beach: I'm not sure I understand the question. So, a cross-access easement, it's not necessarily a road, it's a drive access. So, as you see this here, this is not a public road --

Yost: Right.

Beach: -- this is a drive access. It's owned by the property owner of this property. So, the requirement is that there be connectivity somehow -- again, we are not sure how that's going to happen, because there is no proposed development for any of these parcels right now --

Yost: Yeah. They have no --

Beach: But the requirement is that we get some sort of cross-access. So, we will have to work those property owners at that time as they develop to figure out how they are going to provide cross-access and additional access out to 3rd Street.

Yost: When you say at time that they develop, does that mean -- you mean when they sell it -- if they were to sell it, then, they would have to --

Beach: It doesn't necessarily mean they are going to develop when they sell, but assuming these properties are redeveloped sometime in the future, right, the building is knocked down and developed into something else --

Yost: That's probably not going to happen with these neighbors.

Beach: -- assuming that happens for -- doesn't happen for the next 50, 60 years, there may not be a cross-access provided. But we want to provide for that opportunity in case those properties do develop in the near term.

Yost: Karen might want to have -- just have a discussion about that --

Beach: We are not making any requirement that they destroy their home and they could change hands --

Yost: Or it's sold --

Beach: It could change hands several times between now --

Yost: Well, I know. I only feel like I have three minutes.

Yearsley: So -- and, actually, if you could address the -- your comments and questions to the Commission.

Yost: Oh. Okay. Well, that is the concern is this -- I guess it's just knowledge that I'm requiring is -- because we just found out this.

Yearsley: Yes.

Yost: Like nothing has been told to us. We have had neighborhood meetings and I have asked specifically is there any changes? No. So -- and we have been -- feel like it's been extremely evasive on this situation. None of us are pleased of how this is going. So, is this now -- in order to do this on the chance that maybe 50, 60 years from now there would be other exits out and ingress and egress is on this or is this going to stay the only road in and out of there?

Yearsley: That will be the only road in and out. If -- if the properties to the north or south ever develop all they are doing is saying you have to provide cross-access and we will -- like I said, we are just trying to plan for the future. So, if the properties to the north or south do develop, that we can at least have some cross-access. So, they may be able to go out a different direction or different routes --

Yost: Okay.

Yearsley: -- is what we are doing. It's not requiring the adjacent homeowners to do anything with this at this point in time. Even if they sell the property they won't have to do anything.

Yost: Thank you. That's reassuring.

Yearsley: It's only if they develop into something different than just a normal home.

Yost: We are pretty tight neighbors. The other major concern is this road was -- we have had the sewage lines put in. It has like a curve. So, my car has been hit out front. The neighbors cars have been hit. The natural inclination for those cars is to veer --

Yearsley: Uh-huh.

Yost: -- off. In front of my house there is a sign that says there is a bike path. There has been nothing done to those roads -- that road. It's hideous. Two years ago when John was putting in those sewage lines he stood out with me and my neighbor Billy and said can you believe it, Ada county wants us to fix this road and I'm like, yes, I can believe that, so -- but we have not heard -- I have talked to Tammy about it, she said she would travel that road and see. Since

Meridian Road and Main Street have been one way and we put those dividers in, this road is the main -- main road going through. All the police use it. All the firemen cannot get in that on any other road but this road. It's a very, very, very traveled road and there is not even a line that tells you what side to be on, there is no spots for parking. I actually have a business out of my home also. I know that if there is not enough parking that people are going to be parking in front of our houses and there is nothing we can do about it. We are very concerned about this road and the safety of the children and the traffic in and out and we have mentioned that for the past -- since we first heard this this is our concern, but we never hear whether anything is going to be done about it.

Yearsley: Okay. Thank you.

Yost: Thank you for your time.

Yearsley: Is there anybody else that would like to testify on this application? If that, we would actually ask the applicant to, please, come forward. Again, state your name and address.

Riley: Again, for the record, Mr. Chairman, Penelope Riley, Riley Planning Services. Post Office Box 405, Boise, Idaho. 83701. I'd like to start with the letter to the planning director Caleb Hood. I'm not aware of it. I had not seen it and so I can't answer anything regarding that letter. The property management -- the maintenance and repair, management of the common area and the play equipment and whatnot, will be part of an LLC that will be recorded with the Idaho Secretary of State, which is standard, and all the property owners will be members of it. So, I think we have got that covered. With regard to the traffic impact study, as a former ACHD planner there is a -- there is a threshold you have to reach before a traffic impact study is required and the project doesn't meet that threshold and that's the reason why a traffic impact study was not required. Let's see. I think that our parking -- and maybe Josh could help me with this. I think the proposed parking exceeds the standard for Meridian. Am correct in that?

Beach: Yeah. There is adequate parking.

Riley: We exceeded the minimum parking requirements for the project, so -- we can't put a bike path in along the front entry, because there isn't sufficient space to do so, so -- I mean we -- we just can't, so -- I would be happy to answer any questions you have.

Yearsley: I guess the one -- you will have code, covenants and restrictions; is that not correct?

Riley: Yes, sir. That would be part of that property owners association.

Yearsley: And there -- will there be language in regard to maintaining the irrigation system?

Riley: When I -- I talked to Josh. We were scrambling a little bit about meters a couple a days ago and my assumption was the best thing for the City of Meridian was for the irrigation water could be kind of houses with one entity, rather than distributing it among the different owners. So, the maintenance of the irrigation system will be the responsibility of the property owners association and that way all the units and all the yards are irrigated appropriately, uniformly, and everything looks good.

Yearsley: And so the gentleman -- he would contact the property management company if there was any problems in that respect?

Riley: Yes.

Yearsley: Okay.

Riley: I believe so.

Yearsley: Okay. All right. That's all I had. Is there any other questions?

Riley: Thank you.

Fitzgerald: I have a question for Josh.

Yearsley: Thank you. No, it's for Josh I think.

Fitzgerald: Yeah. Mr. Chairman?

Yearsley: Commissioner Fitzgerald.

Fitzgerald: Josh, because this is -- it's an allowed use in the zone and we are now preliminary platting it, there is no development agreement that goes along with it; correct? So, there is no tying CC&Rs, water -- where the water covenants reside. Nothing -- there is nothing there binding -- besides what they are telling us --

Beach: You can propose conditions of approval, but --

Fitzgerald: That's what I'm wondering.

Beach: Correct. There is typically not a development agreement, because it's just a small parcel. It's apartments.

Fitzgerald: Okay. Thank you.

Yearsley: Any other questions? So, I actually have one and I know it's kind of a moot point, but this does only have one access. Did the fire department review this and approve it as a -- for access?

Beach: Absolutely.

Yearsley: Okay. And it didn't require a secondary access at that time?

Beach: Correct.

Yearsley: Okay.

Fitzgerald: And just for my edification, Mr. Chairman, so there is no hammerhead, there is no snoopy either, there is no -- where are they turning around on this thing if they drive a fire truck in there?

Beach: There is -- not knowing what the exact codes are that the fire department reviews that indicate that there was enough space to get their trucks in and out. Now, as to how they are doing that I can't --

Yearsley: Actually, I could probably answer that. The drive aisles between the parking stalls are wide enough and long enough and deep enough that the truck could -- the fire department could come in and do a hammerhead and turn around.

Beach: And Bill had indicated, yes, that there actually is a -- there is a turn around right here. You can see on the -- it's not a great picture, but --

Yearsley: Okay.

Fitzgerald: Thank you.

Parsons: Chairman, Members of the Commission?

Yearsley: Yes.

Parsons: Keep in mind multi-family also requires the units to be sprinklered.

Yearsley: Okay.

Parsons: And so there is -- there is a little bit -- even though it's a residential product, it still falls under the International Building Code, so there is a little bit more stringent code and that -- those regulations in the International Residential Code. So, these are sprinklered. It gives the fire department a little bit more latitude as to the access points and all of that. But, again, Perry Palmer, the fire

marshal, did look at these and approve the plan, so -- and going back to the gentleman's point about ACHD and access, I mean the cross-access we required so that we do try to limit access points and conflicts onto 3rd Street, because we don't want to have everyone having their own access points, we want to make sure we consolidate that under the code, because we do want that as a mobility corridor, as he pointed out. So, right now this has 30 feet of frontage on that street. So, yes, it's limited as far as access, but as we know this is part of Old Town, this is part of downtown. The properties will redevelop and as that happens we will start seeing more and more accesses consolidating and more and more of that roadway being reconfigured and rebuilt to the ultimate vision by the city.

Fitzgerald: Thanks for the information, Bill.

Yearsley: And, then, I actually have one last question. I don't know if you know it, but I know that the right of way is greater than 22 feet. Would you happen to know what the right of way width on that is? I'm assuming it's at least 50, if not 60 feet at this point.

Parsons: Mr. Chairman, Members of the Commission, right of way in downtown ranges anywhere from 60 feet to 80 feet.

Yearsley: Okay.

Parsons: And I can't tell you exactly what 3rd Street is, but I believe it's probably minimum 60, but I don't know off the top of my head without looking at our GIS layer, which I can't get access to.

Yearsley: No. And I -- I didn't think you could, but --

Parsons: It's a local street and --

Yearsley: But I did want to clarify that the roadway width does not mean the right of way width. Those are two different items, so I would assume at this point at minimum it's a 60 foot right of way, but -- and so it can be widened out for more than just 11 feet if they -- when -- when and if Ada county does come back and rebuild that road.

Parsons: That's going to take a partnership between private owners, the city, and ACHD. So, yeah, it's -- it's a long term vision, just like our comp plan.

Yearsley: Okay. All right. Any other comments or questions? I guess with that I would entertain a motion to close the public --

Oliver: Mr. Chairman?

Yearsley: Commissioner Oliver.

Oliver: I move to close the public hearing on H-2016 -- excuse me -- 2016-0031, Third Street Square Subdivision.

McCarvel: Second.

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

MOTION CARRIED: FOUR AYES. ONE ABSENT.

Yearsley: So, I'm actually going to go first on this, if you guys don't mind. So, we are not here to approve the apartments or not, we are not here to approve, you know, the use and the access at this point. Really -- and we can actually add some conditions, but, really, all we are actually approving is can he put them in different -- are there different lots. So, the apartments can get built without this approval as it stands now. He's just asking to put them into separate lots, so he can potentially sell them if he wants. That being said, I am not a particular fan of this style of development and -- but it does meet our code. It does meet our ordinances and so I have to weigh that against my personal preferences for this. I would be interested in approving I guess with condition that the homeowners association shall maintain the irrigation system or something like that, because irrigation is keen in this -- this valley, so -- and shall be recorded in the homeowners association, would be my recommendation. But with that, you know, it does meet our ordinances, it does meet code, and it's -- you know, it does look -- it does meet that, so --

Fitzgerald: Mr. Chairman?

Yearsley: Commissioner Fitzgerald.

Fitzgerald: And I think you and I agree on our -- our not loving of the concept of the lotting individual units. I understand the direction this is going, but I think it does meet code, it does meet those -- I guess the idea of this kind of development -- it is an allowed use. I would agree that if we are going to move forward that it needs to have conditions that insures that the irrigation is taken care of for the neighbors.

Yearsley: Thank you.

Oliver: Mr. Chairman?

Yearsley: Commissioner Oliver.

Oliver: I agree with everything that has been said so far. I think that it's important that if you're going to sell off and have two or three owners, that area, that it needs to have something in there to help with the water condition. Also, I would like to see if there would be some cooperative work going on between the landowners around it and the -- the people that are building it, to make sure that those color schemes are kind of complimentary to the area.

Yearsley: Thank you. I guess if there are no other comments, I would entertain a motion.

Fitzgerald: Mr. Chairman?

Yearsley: Commissioner Fitzgerald.

Fitzgerald: If I can get to my -- after considering all staff, applicant, and public testimony, I move to recommend approval to City Council of file number H-2016-0031 as presented in the staff report for the hearing date of April 21st, 2016, with the following addition: That we require that the CC&Rs and the HOA take on the role and duties of maintaining the irrigation system for the surrounding neighbors.

Oliver: Second.

Yearsley: I have a motion and a second for the approval of file -- file number H-2016-0031. All in favor say aye. Opposed? Motion carries. Thank you.

MOTION CARRIED: FOUR AYES. ONE ABSENT.

**D. Public Hearing Continued and Re-Noticed from 4/7/16 for Dutch Bros. Coffee (H-2016-0025) by Steven Adamson**  
Located 37 E. Calderwood Drive

- 1. Request: Conditional Use Permit** for a Drive-Thru Establishment Within 300 Feet of a Residential Use and Extended Hours of Operation from 5:00 am to 11pm Per Requirement of the Development Agreement

Yearsley: Next item on the agenda is the continued public hearing of file number H-2016-0028, the Dutch Brothers coffee, and let's begin with the staff report.

Parsons: Mr. Chairman, Members of the Commission, I'm filling in for Ms. Watters this evening on the last three items, so bear with me as I share the details with you. The project that's before you this evening, as you mentioned, was continued for the sole purpose -- the main reason why they asked for the continuance was so that we could renote it, so that they could request extended hours of operation and that's the main reason why it was continued from the

previous hearing, because they need to operate beyond what the C-C zone allows. So, if you -- this property is located on the southwest corner of East Calderwood Drive and South Meridian Road. It's currently zoned C-G within the city limits and it consists of 0.54 acres of land. The applicant is here this evening to discuss the development of a drive-thru use, coffee kiosk on the site and extended hours of operation as allowed in the UDC. This property was rezoned in 2015 as the Calderwood Business Park and at that time the applicant brought forth a concept plan and a development agreement that was approved as part of the rezone application. That concept plan for that site did depict a drive-thru use on this site and as it subsequently went through the public hearing process the Council did allow two drive-thru uses to develop on the site, as long as they went through that conditional use process and went through the conditional use process for extended hours and so that's really why we are here this evening. The restaurant itself is a principally permitted use in the C-G zone. We are merely here to talk about the drive-thru use and how that interfaces with the surrounding. So, one thing I did want to mention to you -- I did -- staff received revised plans from the applicant late after -- after the print date for the staff report, so this evening I will be sharing with you a revised -- revised elevations and revised site plan and landscape plan for you to take under advisement this evening. So, the slide before you here shows what was attached to the staff report and so the plans that we received earlier this week -- generally the same configuration just shows a larger footprint of the building. It increased to 640 square feet from 571 square feet and it was more L shaped before and now it's more rectangular shaped. So, really, minor changes, nothing impacting the drive-thru. The site circulation on here is merely just square footage increase and a different design to the building. So, main access to the development is off of Calderwood Drive, which is created through a cross-access easement with the development of that subdivision. Cars will enter here and stack here with the -- it's a single lane stacking with parking located here and, then, an exit lane, because the escape lane exceeds one hundred feet. So, in the site plan before you is consistent with our drive-thru standards in the UDC. Here is the revised landscape plan. You can see it kind of mirrors what was required. Staff did have some additional conditions about requiring additional trees along the south boundary, which the applicant added and, then, they were required to add a ped connection here into the site per the design review standards that we have in the UDC. So, everything that's before you this evening is consistent with the UDC. Here are the revised elevations, which we find to be consistent with the recorded development agreement as well, so it has stucco and rock consistent with the elevations that were approved with that development agreement in 2015. So, staff did receive written testimony from the Jeffrey Hall, the applicant's representative. In the staff report there were a couple conditions they want you to take under consideration. One of the conditions of approval -- it would be condition 1.5. It relates to the hours of operation. Currently they are restricted from 6:00 a.m. to 11:00 p.m., unless modified by the Commission. So, in -- from the applicant they are requesting that they be able to operate from 5:00 a.m. to 11:00 p.m. So, they would like you to modify that condition to reflect their

hours of operation and, then, one thing if I can step back here -- condition 1.7 -- when this development was -- came before -- when Larkspur came in front of you -- and that happened in 2004, Intermountain Gas Company actually put in a -- basically a transfer station here. This is where they get their gas from the Williams Pipeline and they disperse it through Meridian. So, this was screened with a chain link fence and slats, basically, and so that is no longer an accepted screening material under our ordinance, so staff recommended a condition that they replace that existing screening with code compliant screening. But I did want to point out to Commission that, you know, I don't know if this actually falls on their property or not. It was part of that public infrastructure that was put in with that development in 2014. So, the applicant is just requesting that the -- they are allowed to keep up their existing screening, because they don't have any control over it. It's really an Intermountain Gas Company facility. So, those are the two requirements to modify those conditions -- are the hours of operations, if you choose to, and, then, leave that screening material as requested by the applicant. With that staff has not received any additional testimony on this application and we are recommending approval and I will stand for any questions you may have.

Yearsley: Thank you. Are there any questions? Actually, just a couple questions. So, normal operation of hours are from 6:00 to --

Parsons: 11:00.

Yearsley: -- 11:00. So, all they just want to do is -- is go an hour earlier in the morning?

Parsons: That is correct.

Yearsley: Okay. And then -- so, we conditioned a code compliant screening. What -- what potentially could be done for code compliant there? I mean -- I'm not quite sure -- you got to have a fence. So, I'm just trying to understand.

Parsons: Mr. Chairman, Members of the Commission, there is a couple things we have to verify. One is it actually on their property.

Yearsley: Okay.

Parsons: So, do they have the right to do that. And, two, they don't own it -- they don't own the fencing. So, if Intermountain Gas doesn't want to do anything different --

Yearsley: Right.

Parsons; -- we kind of put them at the mercy of the gas company and they can't reply with a condition that you placed on them.

Yearsley: Okay.

Parsons: Now the applicant if -- if they wanted to or the Commission wanted to they could maybe put some screening or arborvitaes around there to help with that. There is some landscaping they could do, probably, along that right of way to help screen that, but -- but that's -- those would be by recommendations at this point.

Yearsley: Okay. I just wanted to see if there is options. If there is no other questions we would like the applicant to come forward, please. Please state your name and address for the record.

Hall: Jeffrey Hall. Northwest Commercial. 3023 East Copperpoint, Meridian. 83642. Good evening, Mr. Chairman and Commissioners. You have seen the staff report and we are in receipt of that staff report. We have held two neighborhood meetings, not just one, because we did make that change regarding the hours of operation. On our first meeting December 4th, there was no public attendance to that meeting, except for representatives from Dutch Bros. At the neighborhood meeting on April 7th we had a neighbor to the south of this property project, Jack Simonson, 2197 South Meridian Road, he attended and had questions that were addressed regarding increased traffic in the area and no other property owners were in attendance at that either. So, we have addressed all the concerns by the one property owner and that's all we have heard of anybody. No other phone calls, e-mails, or otherwise. Per the staff the site plan has been modified, so we have the elevations. You have seen those modifications. Those were as a result, number one, the site plan suggestions by staff in their staff report. We made those suggestions. And, then, as far as the elevations, we actually kind of -- we made the building a little bit bigger, so it really kind of enclosed everything on that drive-thru, so there is no, you know, cut outs or carve outs for a cooler or anything there. So, it's just a very clean -- it's a new concept Dutch Bros is going with. It's actually a single sided drive-thru versus the two that -- you know, we have four other locations here in Meridian, so they all have double sided drive-thrus. So, this is a single sided. It's very clean. It gives a nice little patio area underneath the other side there, which they will have some tables out there and stuff for the public to sit at and that type of stuff. So, it's kind of user friendly. Lots of ample parking on this site and good circulation. Great stacking lane. Thank you, Sonya, for recommendations there, even though she is not here tonight. And, you know, honestly, we really appreciate staff, everything they have done on this for us, to help us to come up with a great site for this location. In regards to the conditions of approval, as Bill has spoken of, condition 1.5, we would request that the hours be 5:00 a.m. to 11:00 p.m. That is not necessarily by choice, that is totally because of the franchise agreement. Dutch Bros, over 300 locations, that is their hours of operation. We have -- if we don't have those hours we don't have a franchise with Dutch Bros. So, unfortunately, all the other Meridian locations, same hours

and, you know, we do want to catch -- you know, this is to help -- this location on Meridian Road is to help alleviate the Majestic location. So, if you think about the Majestic location and, you know, your Mountain View High School and stuff, unfortunately, that is very busy and this is to help the people from south Meridian, Kuna, everything else, so they will go to that location before hitting the freeway versus coming down and causing more congestion down there. So, this is just to really release some of that pain and, you know, a lot of those people go to work, you know, before 6:00 a.m., that's just the way it is. We have sat out there and watched the traffic, so -- the other condition of approval, 1.7, we disagree with that, the chain link enclosure surrounding the gas line equipment currently I believe has slats in it. It is a screening. It is not on our property. We have no control on it. Intermountain Gas is, obviously, not going to work with us very well, especially if we put a CMU block enclosure around it over their lines. It's probably not going to be feasible, unless, you know, we want to, you know, give them a bond or something. I don't know. I just don't know how that would even look. So, unfortunately, it's on their property, it's not on our property. We have no control of that. So, at this point we are -- all other conditions of approval are acceptable to us, so we just ask for the two modifications, 1.5 allowing the hours of operation from 5:00 to 11:00 and, then, 1.7 applicant not be required to install any additional screening around the intermountain gas equipment adjacent to our property. With that I will stand for any questions.

Yearsley: Are there any questions?

Fitzgerald: Mr. Chairman?

Yearsley: Commissioner Fitzgerald.

Fitzgerald: Mr. Hall, just two quick questions.

Hall: Sure.

Fitzgerald: Would you guys be willing to put a couple of -- additional trees or arborvitae or something in that area?

Hall: It really depends on Intermountain Gas. If they -- it's their property, so if they feel that the trees won't interfere with the gas lines around, that -- that's a pretty -- do you have a picture of that? We had a picture at one time that Sonya had sent over, just so they can see what that looks like. This is big gas equipment.

Fitzgerald: Yeah. That's what I'm -- I'm wondering what --

Hall: And I just -- I don't know if they would be very -- well, I don't know if they would even allow us to put any type of shrubbery there for fear of root systems getting into their lines.

Fitzgerald: Okay.

Hall: I would hate to -- it would be great if we could. It would look wonderful, you know, but this has been here since that subdivision back behind it was developed, so I'm sure that it is what it is. If we can change it we would. We like green and tulips and everything else like you can see here, so --

Fitzgerald: And, then, the second while Bill is pulling that up, is there any concern about -- I mean you guys do have double stacking lanes in almost every other Dutch Bros you have --

Hall: We do. Uh-huh. Yes.

Fitzgerald: And they are packed all the time.

Hall: Yes.

Fitzgerald: And so with a single stacking lane do you feel comfortable you have enough room in that --

Hall: We do. So, this is really incredible and I know this is hard to understand, but it started in Arizona and single stack lanes actually move faster for the customers than doubles do and the reason is is we actually have greeters. So, we don't have, you know, the speakers out there or anything going off, all that kind of stuff. So, we actually have greeters that go out, they greet, they take your order. By the time they get to the window the order is ready to be passed out the door and they are gone. It actually works faster. But also we -- as you can see, just off this illustration with larger vehicles and, you know, expanded room between the vehicles, we are stacking just nine already there. So, if you really think about it we are probably going to have 12 to 13 that we can stack. So, we are not going to have an issue. And, then, we also have -- for the employees we have ample on-site parking and for people that just want to pull in and go up and sit at a table and relax.

Fitzgerald: Well, I appreciate the personal -- and the nonsquawk box idea. It's exceptional, so --

Hall: Not Starbucks here. Sorry.

Oliver: Mr. Chairman?

Yearsley: Commissioner Oliver.

Oliver: So, it's incredible how you pulled out up. That's pretty cool. So, it's got the little fence around it. So, anything inside the inside of that sidewalk will be your drive-thru?

Hall: In site -- yes. On the other opposite side of that sidewalk that is in place is our drive-thru.

Oliver: Yeah. So, there really won't be any room in that area to put any kind of screening, even if you could.

Hall: I'm not sure what's in the ground there or what's in those rocks.

Oliver: Yeah. You would have to go on the other side of the aisle.

Hall: They, obviously, didn't want to put screening either. They, obviously, wanted to put rocks to make it low maintenance I guess for them, for their costwise, because that is their property, so --

Oliver: Yeah. All right. Thank you.

Hall: You bet.

Yearsley: Any other questions? Thank you.

Hall: Thank you.

Yearsley: I have a couple people signed up here. Robin Hatcher. Would she like to come forward. And, please, state your name and address for the record.

Hatcher: Robin Hatcher. 2236 South Blackspur Way, Meridian. 83642. I am currently president of the HOA for the Larkspur Subdivision that's immediately behind. I was actually surprised, he said there had been other meetings that nobody had been to, because we never got any notifications, except for the one meeting that we went to. I'm not necessarily opposed for sure to the Dutch Brothers, but I'm concerned about the traffic, because what we have seen, of course, over on Overland Road by the -- by the high school and this exit coming out of Calderwood is pretty bad in the mornings for people getting to work and so forth. So, that's a concern. I'm also not sure how this is working with the exit. Is it coming out on Blackspur, then, instead of back on Calderwood? That's how it looked to me. And we have real problems on -- on Blackspur Way that the -- all of the employees of the senior citizen residence right across the street, they all park there on the street on both sides of the street. It's terrible getting in and out of our subdivision, because of all that -- because the employees have been forced to park on the street, because they no longer are allowed to park within this -- the senior citizen area. Now, on Calderwood they have made that parking on only one side of the street, but nobody has done that on Blackspur and it -- it

can be really nasty getting -- getting in and out of our subdivision. So, if you have people coming out of Dutch Brothers onto Blackspur -- that's just a concern to me with -- with all the parking, because they -- they park there -- heavy parking during the day, but they are parked there 24/7. And, then, I guess I would just like to know what else is going to be in there. I'm not understanding from the -- from the drawing. Is Dutch Brothers it or -- or will there still be other office buildings? And, again, mostly my concern is the parking situation that we have.

Yearsley: Just really quickly. If you look at your screen --

Hatcher: Uh-huh.

Yearsley: -- I think the entire site is the -- kind of the yellow -- or the pink -- the shaded area -- or the pink and the L-O.

Hatcher: Okay.

Yearsley: The first two little lots are -- is actually just going to be Dutch Brothers.

Hatcher: That's Dutch Brothers --

Yearsley: Yes.

Hatcher: -- on Calder -- right on Calderwood.

Yearsley: Right on Calderwood. And, then, if you look just to the right of there, there shows your Blackspur Road. So, they are not even going to be close to your roadway.

Hatcher: Okay. So, they are probably going to turn a lot sooner than --

Yearsley: Yes.

Hatcher: -- what it looked like when -- on the enlargement.

Yearsley: Yes.

Hatcher: Okay. Thank you so much for your time.

Yearsley: Thank you. I have one other person to testify. I cannot read the writing. So, is there anybody else that would like to testify on this application? Nobody else? Okay. Is there anybody else? I guess with that would the applicant like to come forward.

Hall: Jeffrey Hall. Northwest Commercial. 3023 East Copperpoint, Meridian, Idaho. 83642. First of all -- and I apologize you did not -- the association didn't

get notice. We are provided a list by the city of the neighbors within 300 feet of this property. So, it may have not been within 300 feet of the back of this development, but of this specific property. So, I apologize if you guys did not get notice. So, we kind of just go by what the city gives us, so I'm sorry about that. But I can tell you that access for this property -- there is a drive aisle that you see in right now, so that drive aisle goes right out onto Calderwood and, then, also across the street from that example behind O'Reilly's and the liquor store, there is another access drive there. So, our guests are either going to turn out onto Calderwood and go up to Meridian Road or they will take that access drive behind Southern Springs retail there and they will hit it up on Overland Road. So, just wanted make sure you know what's going to happen there. I do know a little bit about the development, so I wanted to share it with you just because the developer has shared this with me --

Yearsley: Can you, please, address the Commission.

Hall: Sorry.

Yearsley: You can answer her comment, but, please, if you would address us I would appreciate it.

Hall: You got it. So, in regards to the development itself, where you see the Dutch Bros is basically the shaded pink areas right there. The lots to the south of that are all, basically, retail lots. So, he's planning on doing some retail buildings up there and I'm not sure if he's applied for those -- oh, bingo. So, anyhow, you will see the retail buildings that he's planning on putting to the south there and, then, behind the access drive to the east, those are all office lots. So, he's planning some office buildings there. So, I know he doesn't -- I know he's going to be doing the office buildings fairly quick and I do not know any signed deals regarding the retail at this point.

Yearsley: Thank you. Are there any questions? I think that's it. Thank you.

Hall: Thank you.

Yearsley: I would entertain a motion to close the public hearing on file number H-2016-0028.

Oliver: Mr. Chairman?

Yearsley: Commissioner Oliver.

Oliver: I move that we close the public hearing on H-2016-0026.

Fitzgerald: Second.

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

MOTION CARRIED: FOUR AYES. ONE ABSENT.

Yearsley: Comments or thoughts?

Oliver: Mr. Chairman?

Yearsley: Commissioner Oliver.

Oliver: Just looking at the elevation of the new Dutch Brothers, compared to the ones I have seen, that's probably the nicest elevation I have seen -- the nicest look of it. So, I think it's going to be a nice addition to that part of town. So, I'm all in favor of that.

Yearsley: Thank you.

Fitzgerald: Mr. Chairman?

Yearsley: Commissioner Fitzgerald.

Fitzgerald: I would agree and I think it's -- you know, it's a -- this is a zone for this kind of a setup. It's -- the neighborhood is right there. It will be I'm sure well serviced and I think the concept of the -- taking the traffic off of the -- the Majestic theater. That is crazy. And, then, I will buy Commissioner Oliver a Dutch Bros card so he can get it on his way to school.

Yearsley: Thank you. I also agree. And I apologize, I didn't mean to bring up the -- I was just kind of curious what type of screening was allowed more than that. I agree, it's not on their property, it's Intermountain Gas, and it's probably not something that we want to -- to mess with, but just kind of out of curiosity, so -- I think it looks good. I think -- I think they did a good -- they have a good approach, so I think I'm in favor as well.

McCarvel: Mr. Chairman?

Yearsley: Commissioner McCarvel.

McCarvel: Yeah. I think he is not really butting up against -- right up against housing, right on the other side of it, you know, and with the greeters instead of the squawk box especially, I don't see a problem with having the 5:00 a.m. opening.

Yearsley: Thank you. With that I would entertain a motion.

Oliver: Mr. Chairman?

Yearsley: Commissioner Oliver.

Oliver: After considering all staff, applicant and public testimony, I move to approve file number H-2016-0025 as presented in the staff report for the hearing date of April 21st, 2016, with the following modifications and condition: That they change the hours from 6:00 to 11:00 to 5:00 to 11:00 -- 5:00 a.m. to 11:00 p.m. And that they don't hold the condition 1.7 where they have to have the co-compliant screening. It can't be expected for that area --

Fitzgerald: Second.

Oliver: -- from the gas company.

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

MOTION CARRIED: FOUR AYES. ONE ABSENT.

**E. Public Hearing for Granton Square Subdivision No. 2 (H-2016-0034) by Granton Square Properties, LLC Located 1714 E. Challis Street**

- 1. Request: Combined Preliminary / Final Plat**  
Approval Consisting of Two (2) Building Lots and One (1) Common Lot on 0.28 of an Acre of Land Zoned R-8

Yearsley: Next one on the list is the public hearing of file number H-2016-0034. Granton Square Subdivision No. 2 and let's begin with the staff report.

Parsons: Thank you, Mr. Chairman, Members of the Commission. Next application before you this evening is the Granton Square Subdivision No. 2. It's located on the east side of North Locust Grove Road in between East Fairview Avenue and Ustick Road. So, it's about half a mile north of Fairview. This project was before you in 2014, known as the Granton Square Subdivision. At that time there was an existing home that was to remain on this lot, so the applicant came before the city, final platted it, and has since removed the home and so now they are just coming before you this evening just to resubdivide this lot and block in that original subdivision. The current zoning of the property is R-8 and the Comprehensive Plan for this property is medium density residential, so -- the plan on the left-hand side is the preliminary plat. You can see here that it is -- meets the minimum standards of the R-8 zoning district. The proposed lots will take access from the internal local streets that were already constructed with the earlier Granton Square Subdivision. So, this really is just a -- again a

resubdivision of one lot into two lots and so code requires them to come back for your approval, both you and City Council. So, staff did receive written testimony from the applicant in agreement with all the conditions of the staff report. Again, we find it consistent with the Comprehensive Plan and the UDC and staff is recommending approval of the combined preliminary/final plat and with that I will stand for any questions you might have.

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

Grable: My name is Christy Grable with KM Engineering. 9233 West State Street in Boise. We really don't have much to add. This is a very straight forward project. So, I'm happy to stand for any questions if you have any, but Bill has presented the facts as they are, so if you have questions I'm happy to stand for them.

Yearsley: Thank you. Are there any questions? No. Thank you.

Grable: Wonderful. Thank you.

Yearsley: I do not have anybody signed up for this application. Is there anybody wanting to testify on this application? With that, no one wanting, I won't ask the applicant to come forward again and I would entertain a motion to close the public hearing on file number H-2016-0034.

Fitzgerald: Mr. -- so moved. Something. One of those two.

Yearsley: All right. So, let's start that again. Is there a motion?

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: FOUR AYES. ONE ABSENT.**

Yearsley: Comments?

Fitzgerald: Mr. Chairman?

Yearsley: Commissioner Fitzgerald.

Fitzgerald: Based on the fact that they have removed the house and just -- this is a simple clean up of -- of a neighborhood that's already there, I think it's -- it makes sense and there is no -- there shouldn't be any issue I wouldn't think.

Yearsley: Thank you. I guess if there is no other comments I would entertain a motion.

McCarvel: Mr. Chairman?

Yearsley: Commissioner McCarvel.

McCarvel: After considering all staff, applicant, and public testimony, I move to recommend approval of file number H-2016-0034 as presented in the staff report for the hearing date of April 21st, 2016, as presented.

Oliver: Second.

Yearsley: I have a motion and a second to approve file number H-2016-0034. All in favor say aye. Opposed? Motion carries.

MOTION CARRIED: FOUR AYES. ONE ABSENT.

- F. Public Hearing for Howry Lane Subdivision (H-2016-0030) by M3 Acquisition, LLC Located 5220 S. Howry Lane**
- 1. Request: Annexation and Zoning** of 41.07 Acres of Land from RUT (Ada County) to R-8 Zone
  - 2. Request: Preliminary Plat Approval** Consisting of 136 Building Lots and 13 Common Lots on 40.46 Acres of Land in the R-8 Zoning District

Yearsley: Appreciate you guys all spending -- staying to the last -- for this final application. At this time we would like to open the public hearing on file number H-2016-0030, Howry Lane Subdivision. Sorry for the pronunciation. And let's begin with the staff report.

Parsons: Thank you, Mr. Chairman, Members of the Commission. The last public hearing on tonight's agenda is the Howry Lane Subdivision -- good thing I tongued tied, too. The site consists of 40.46 acres of land, currently zoned RUT in Ada county and is located at 5220 South Howry Lane. You can see here from the vicinity that it's located adjacent to Ada county property zoned RUT to the north. Rockhampton Subdivision on the east boundary, zoned R-4. To the south we have Rockhampton Subdivision, zoned R-4 and Hill Century Farms property -- preliminary platted, zoned R-8, and that's the same on the west boundary as well. And, then, one thing that you don't know in here is that this project actually

has a small 20 foot sliver that goes out and touches onto Amity. That's currently the private street access to this property. So, there is a 20 foot sliver that connects this property to Amity Road and one of the recommended conditions is that that is converted to right of way, deeded to ACHD commercial right of way -- or put up a road trust so that when Howry Lane gets punched through as a collector road per the master street map of ACHD that this will be incorporated as part of that providing connectivity to the area. So, the applicant is here tonight to discuss annexation of this property to -- with an R-8 zoning district. The current Comprehensive Plan for this property is low density residential, so the applicant is -- has requested a step up from the City Council to allow for that R-8 zoning district designation. The proposed preliminary plat consists of 136 residential lots and 13 common lots for a gross density of 3.36 dwelling units to the acre. So, under the LDR designation on the Comprehensive Plan we envision three units or less to the acre. So, this is slightly above that, so it's not that much of a step up and I would also mention to the Commission that all the -- all the lots proposed on this subdivision do exceed the minimum standards of the R-8 zoning district. So, they are just asking for that to have a little bit greater flexibility to their frontages. The proposed plat itself has over ten percent open space and multiple amenities. The applicant is proposing 17 percent open space with this subdivision. The amenities include a private land -- or pathway along these -- this linear open space essential to the development and, then, you have a pool and a changing room here. As you can see from the plat on the left-hand side there are multiple stub streets to this property from the adjacent Ada county sub to the -- to the east boundary and those will be extended with the development of the site, which is located here and, then, here and, then, when Hill Century Farm came in they provided a stub street located in this general vicinity and, then that -- again, that collector street touches in this location here, which the applicant will -- will also connect there, so -- and, then, they are proposing a stub street to the north. So, one thing that I do want to mention to the Commission this evening is that a traffic study was required as part of this application submittal. But as of tonight we have not received official comments from ACHD on this application. As noted, the plat itself is generally compliant with the Comprehensive Plan if Council grants that step up. Open space exceeds and the amenity package exceeds what our code requires. So, really, the only issue before the Commission tonight -- it's really a block length issue. Under our UDC here -- and I have highlighted that. Currently the way we measure our block face is from the near edge of the street to a near edge of a street. Well, there is no -- although the applicant placed this intersection here, there is really in our opinion it doesn't meet the intent of the code and so that block length, if you were to take this measurement in conjunction with the block face that was developed in that county subdivision, we are looking at over 1,700 linear feet, which is a pretty long block face. So, our recommendation this evening is that you continue this project out until they bring back a plat that you can see and make sure that they comply with our block length standards. Now, the applicant has submitted written testimony and they have requested that you move this forward onto City Council and have -- take that issue under

advisement with them. Now, the applicant -- there are multiple waterways with this proposed development that bisect this property and there are some topography issues, particularly along here. This is the upper -- this half of the development is higher than the lower half, so there are significant slopes there. The applicant will be tiling the waterway that runs -- the Cunningham Lateral that runs through this linear open space here and a drain ditch that runs through this linear open space the applicant has asked for that to be incorporated -- or remain open and be incorporated as a water amenity and that's an important feature, because the adjacent subdivision in Rockhampton left it open and they incorporated it and improved it as a water amenity. So, this open space is tying into that open space. So, to me that is an important design element with this project. We want that open space to interface, enough though it's developed into different jurisdictions. And so they are asking Council to leave that drain ditch open. Here are the proposed elevations that the -- of the homes that they propose to construct within the development. Again, a lot of the homes won't be fronting on a collector or an arterial, so we don't have our standard condition that -- we have the condition to comply with the sample elevations, but we don't necessarily need to see the rear or side of the elevation, because of the way -- the location with the surrounding developments. I would also mention that the homes do compliment the existing homes in the area that are either proposed or under construction in the area or existing. The applicant did want to take -- we did receive written testimony from the applicant, so they do have, again, some items that they want you to take under consideration this evening. One being that block length that I mentioned to you. They feel they have met the requirement of the code. Two, along that pathway staff has recommended that they provide bollard lighting to light up the pathway, because it's such a long run. Now there is a provision in code that allows the director to waive that requirement. At this time staff is recommending the bollard lighting. So, if that's something that you want to look at or discuss with the applicant that's within your purview this evening. It's been a pretty standard formality since 2011 that we have been requiring bollard lighting. I can't -- I can go on record and tell you I don't know -- can't name a single subdivision that's done it yet, so -- it's a new provision and we certainly -- we are seeing it more and more with these integrated pathways throughout the city. The other issue is staff requires that the applicant provide a pedestrian connection between Lot 23 and 24 in this general area, if you can see my cursor here. The applicant is requesting that that condition be stricken. There is -- again, as I mentioned earlier to you, there are some challenges with topography in the area and so they wanted -- they didn't want to have that requirement of putting a pedestrian connection that connected here. Based on their testimony they -- they believe there is slopes in excess of ten percent there in that area. So, it would make a challenge. They would have to meander that pathway quite a bit in order to create a slope to tie back into that pathway. And, again, this is not a -- a pathway required by our pathways plan, this is just an amenity for the proposed subdivision. Other than those two items, as I mentioned to you, staff has not received ACHD's comments. Again, we are recommending that you hold up on this or at least continue this until -- if you

agree with staff's recommendation on the block length requirement, that you at least continue this out to see the revised plat before you move this on to City Council. I will conclude my presentation and I would stand for any questions you have.

Yearsley: Are there any questions?

Fitzgerald: Mr. Chairman?

Yearsley: Commissioner Fitzgerald.

Fitzgerald: Bill, in that Y setup that they have now, is there a stop sign or a -- I mean I guess what -- I understand your -- the description, you have a block length. What makes it -- is there a stop sign or something that -- that defines it as not being a long block in their minds?

Parsons: Mr. Chairman, Members of the Commission, my understanding it would be a controlled intersection with stop signs.

Fitzgerald: Okay. Interesting. Thank you.

Oliver: Mr. Chairman?

Yearsley: Commissioner Oliver.

Oliver: Just a couple of questions, Bill. There are two connections going to Rockhampton; is that right?

Parsons: Yes. That is correct. One here and one here.

Oliver: And then -- okay. Right to the south. I'm trying to get my bearings as to where this is. So, the subdivision right to the south is Rockhampton?

Yearsley: Part of it is Rockhampton.

Parsons: Part of it is, yes.

Oliver: And the other is -- to be developed later?

Parsons: Yeah. By Brighton.

Oliver: Is that the soccer field?

Parsons: No. The soccer fields are farther south.

Oliver: Okay. All right. Thank you.

Yearsley: Any other questions?

Fitzgerald: One more question. Bill, I -- I mean in the -- and I will let the applicant describe it, but I think with the water issues you have and the different elevations, is that kind of the reasoning for the long block length in their -- and when you're working with them?

Parsons: Mr. Chairman, Members of the Commission, that -- yes, that topography can play into it. There is some significant water feature or even a roadway, an arterial roadway or a state highway, which kind of prohibits access.

Fitzgerald: Yeah.

Parsons: Council can approve a block length of up to 1,200 linear feet. But, keep in mind, it's under 1,200 on their portion, but when you throw in that -- that additional subdivision, all of a sudden there is another 500 feet that you're adding on. So, it -- it's difficult, but that's certainly a nice looking design, a nice looking plat, but there is ways that the applicant could cul-de-sac one of those roads or maybe 90 it and design a little bit differently and still make it work, but, again, they have chosen to go this route and we just want to make sure that we have something that complies with our subdivision ordinance.

Oliver: Mr. Chairman, a couple more questions.

Yearsley: Commissioner Oliver.

Oliver: Bill, one more time. So, the road from Amity to the subdivision has not been put in yet, but will be put in?

Parsons: That's correct. With the development of the YMCA and the school that's currently under construction, there would -- this development agreement for this property requires the construction of Howry Lane with the development and so this applicant has that 20 feet. ACHD needs -- they were required to do half plus 12. So, basically, three-quarters of the road and this 20 feet would be incorporated and so there has to be a 20 foot buffer on that east boundary, plus the sidewalk, plus the remainder of that road and that's what the 20 feet will turn into. Or at least that's the vision.

Oliver: So, going right from there to Amity -- where is the new high school?

Parsons: It's right here.

Oliver; Okay. Thank you.

Yearsley: Any other questions? I actually have one. Will you go back to the plat really quick? That open waterway -- is there another pathway along that open waterway or was there planned to be a pathway on that?

Parsons: Mr. Chairman, Members of the Commission, no, there -- there wasn't planned to have a pathway along -- along this segment. I think -- I believe it was just linear open space, if I remember correctly, because the adjacent subdivision doesn't have a pathway --

Yearsley: Okay.

Parsons: -- to this piece of ground. It's actually fenced off.

Yearsley: Okay.

Parsons: And there is a basketball hoop and some open space and some homes there, so --

Yearsley: Okay.

Parsons: -- I don't think the applicant planned on providing a pedestrian connection to that.

Yearsley: Okay. And that's what my following question is, would there have been connectivity. Any other questions with that? If not, I would ask the applicant to come forward.

Tate: Put up the presentation. Good evening. My name is Mark Tate with the M3 Companies. Our address is 1087 East River Street, Boise, Idaho. Suite 310. Thank you for having me here tonight. I want to thank staff for their work on this project. I know Bill didn't work on it the whole time through, so I appreciate him filling in on it. This is the first time that I have been here in Meridian and so I'm very excited to be in front of you guys. We have a project in Eagle called the Foxtail Estates Subdivision, next to the Fred Meyer there. We are very proud of that community. It's gone very well and I think this project is going to be very similar in quality to what we have done there and we -- like the property here, this was kind of a vicinity of what's going around the property. You're all familiar with Brighton's Century Farms project. It borders some two sides. The YMCA and elementary school combination is right across the street from us. Scott was here -- Scott Curtis with the YMCA was here earlier. Actually made it up to the podium. But he was here to voice his support for the project. We are big fans of the YMCA. I have been swimming there since I was six years old, so very big fan myself. As Bill mentioned, Howry Lane is the dashed line going out to Amity. We do own the 20 foot strip that would go all the way out to Amity. We don't, as he mentioned, have the staff report from ACHD, but we have had our discussions with them. There is very minimal issues here, not having any sort of collector

frontage, anything like that, streets stubbed around it. The only thing that we were analyzing with the traffic study was what our contribution to that road was going to be. What we have agreed to is to dedicate the 20 feet of right of way to ACHD, whether they need it eight feet or all of it, we are going to dedicate that whole thing to them and our traffic study has shown that we are going to be responsible for 15 percent of the traffic on that road and they are going to condition us to pay for eight feet, plus the curb, gutter and sidewalk. So, that was really it with ACHD, so, hopefully, that doesn't preclude you from moving the project forward here and I would anticipate that they would have that before the City Council meeting. The property, as Bill mentioned, does have some topography. It's hard to see on the plans in front of you, so I wanted to kind of point this out up front. There is a hill running diagonally through the property. You can see on the topo map here and from the photos, that upper triangle area is really elevated. It will have views on the top bench there and, then, we are going to steepen up that slope underneath it. Excuse me. He also mentioned there is two other features on the property. There is a drain that runs through the middle and the Cunningham Lateral, which runs at the top of the ridge line. We do plan to tile the Cunningham Lateral at the top of the ridge line and we are going to make use of that opportunity to put the pathway at the top of the ridge line, which is kind of a unique thing. Typically you wouldn't put a pathway behind houses on a ridge that has a view, because it kind of diminishes the, you know, premium of the view, but it's a really cool opportunity. Like Bill said, it's a private pathway, it's not part of the city's pathway plan, but it would connect on either side that will connect to the large community park as well and, then, the top little bit more, about the drain here. This is the community plan that we originally submitted. This does not include the changes that Bill showed to the street layout. I'm going to go through those specifically related to the block length, but you will notice this was different than what we are proposing, because we did make the revisions or we feel like we made the revisions that really will hopefully alleviate the concerns based on the long stretch of street and we do -- we share those concerns. With the elementary school going in over here, we feel -- you know, it's kind of a reverse impact of new development, we probably will be seeing more of the traffic from Rockhampton coming through our subdivision when it's built to go to the YMCA as it goes to the elementary school ultimately there. So, just want to point out the open space landscaped water feature, there is not planned to be a pathway there, but you can see there is some access nodes along that the people can go and hang out and recreate there. And, then, the landscaped area here, it includes the hillside behind those lots and, then, the top of it will have a flat area with a pathway walking area and the other cool thing, the swimming pool that we are planning is going to be on top of that ridge line, so it's going to have a view looking down over the park area down below it, tot lot down at the bottom and, then, a really neat opportunity to put like a turf hillside into the park, do some really fun contouring. I can see some kids out there in the winter grabbing their sleds and running out there in the summer, running home with grass stains all over them. I know I would have done that. So, that's -- that's really the design for the community. It's got a lot more open space than a

lot of the subdivisions that you guys see, pushing 20 percent. It's got more amenities than -- than are required by your code. This is an example -- I went and took it, actually, two days ago out at Foxtail. This is what we have done with the ditch out there. I have got experience -- I grew up here, but I have experience developing in California and other places and I looked at these ditches and think what a real opportunity to, you know, open them up and turn them into something, why put them underground everywhere, so that's what we did with the drain. Rockhampton has done the same thing. We think it looks really nice, so we would like to landscape along it and make a little feature. So, the main issue, as Bill brought up, is really the question on the block length. I'd like to point out two major changes that we made from our original submittal. I would like to go on record and say I still support our original submittal. The reason is we -- we like the entry configured this way, because they are entering into the park. It's more of a statement. It would be a really cool thing. We did make this change. You will see the entry is reconfigured to push it further into the project. What we lose is the T intersection into the park. It's now kind of rounding the corner by the park. It changed the configuration of the lots so it would be a cul-de-sac -- excuse me -- so, the shared drive that I'm not too concerned about. It was more just the statement entry feeling there. And, then, another big change here is to the intersection. It was a great question by one of the Commissioners, is that going to be a controlled intersection and that would be the purpose of T'ing Auckland into the other street to add a stop sign there and before you will notice we had some traffic control devices in there. They helped, but nothing makes you slow down like a stop sign and so, really, the whole purpose of the code in block length is not to have these huge long highways inside neighborhoods. We think that this intersection really achieves the purpose of the code to slow traffic down. He mentioned there is -- there is another 500 and some feet in the neighborhood next door. We would still leave the pinch down right at the property line, which also includes the pedestrian crossing. That actually is one of the exceptions in the code for block length and having a waiver for the -- for the block length. So, PowerPoint 101 is never put this many words on a slide, but, basically, this -- this is the code as it relates to block length. I almost put everything on there, because, strangely enough, we hit every exception on there, except for one. There is four. So, the typical maximum is 750 feet. Exception A allows for that to be increased to a thousand feet in the event that there is a pedestrian crossing from an open space to an open space, which, coincidentally, we have one of those right on the property line, so we -- back up. The pedestrian crossing between the neighborhood and the intersection would be, you know, allowed for a waiver to increase that amount. The next waiver amount or increase goes up to 1,200 feet when you have steep slopes in excess of ten percent. Another reason would be a large waterway or irrigation facility. We have that on both the south side and the north side. So, we have a really unique feature in the project that kind of just creates this corridor right through the middle. So, what we have done and what we have been able to do there is by making these changes is to bring on our property that north side down under 1,200 feet, so, you know, the code really is related to our

property and we do comply with that 1,200 foot maximum block length. You will notice there on this little diagram, pardon the crudeness of it, you know, the 535 feet in Rockhampton, we have got a segment that's 570 feet. I view that -- oh, I should probably read you the last block length waiver item that's Item D, which is in the event that there is a 90 degree turn in a roadway, that may constitute a break in the block face. So, what we have done is we have turned the road to intersect the other road. That's a 90 degree bend in the block face. The way I would interpret that would be on our property we would have two separate block lengths because of that 90 degree intersection there and the stop sign. So, this is really how it breaks down. There is 535 feet that aren't our property here and subject to that block length requirement. There is a segment that's 570 feet to the stop sign. There is another segment that's 560 feet to the intersection. So, maybe it's just a slight different reading of the code. The way that we read the code I do believe we are in compliance. We come under the 1,200 feet, even if you didn't consider that 90 degree. If you do consider 90 degree it really splits it up. Plus we have got the neck down for the pedestrians, so -- and I made some squiggly marks on there, that means a slope, and the blue line is the water feature that we are kind of sandwiched between. This is just a summary of what I just told you on the reasoning behind and the citations of the city code as to why we feel that we do comply with that block provision. Oh, I would -- I would note at the end revised -- the condition one -- 1.1.2B states that Block 3 shall be reconfigured to comply with the block length standards listed in UDC 11.6C.3F prior to the Commission hearing. We did resubmit the preliminary plat with those changes that you have seen tonight. So, with those changes I don't have an issue with that condition being on there. It's my belief that we comply with that condition. We do have two fairly minor modification requests that Bill brought up. We have bollard lighting requirement on that pathway at the top of the ridge. The reasoning that we are not wanting to do that bollard lighting -- one is it's a private pathway, it's not part of the city's pathway plan. It won't have a huge amount of use, but it will have some use. It's in a unique situation being at the top of a ridge line and behind houses that will have view fences. The ridge line will be seen from a distance. We would prefer not to have the bollard lights shining at the top of the ridge line and we would like to have them not shining behind the houses at the top of that ridge as well, so we would ask for that waiver as a recommendation from your body. The other one is on the pathway, as Bill mentioned, it's just a topographic issue. We do have another connection to get up the hill up against the Rockhampton Subdivision, so there is a way to get up there from below. You know, you're just talking about 600 foot separation there, so you will be able to get up to the path from -- from that area and from the open space down there. But just having the path up that very steep hill is probably not feasible. We are fine with it on our side. That's it for me. If you have any questions we are very excited about the project and listen to public testimony and be back in a minute.

De Weerd: Thank you. Are there any questions?

Tate: Any questions?

Fitzgerald: Mr. Chairman?

Yearsley: Commissioner Fitzgerald.

Fitzgerald: Can I ask Bill real quick? Are there conditions that we can have on bollard lighting that isn't four feet? Can we do two feet? I mean I'm just looking -- because I think -- I like the concept of having lighting for safety, but I understand the not wanting it up in the air concept, so is there -- is that alternative compliance or is that just for edification?

Parsons: Mr. Chairman, Members of the Commission, the condition -- or the ordinance requires bollard style lighting or an appropriate -- other appropriate lighting source. So, we do give you that option if you don't go that route, just provide some kind of safety lighting there. So, it's written in there. There is no alternative compliance, it's either do that style or propose something else and let us take it under advisement and I -- I have often liked the thought of maybe having lighting on fencing up along the pathway and, then, that way the homeowner can turn it on and turn it off or you can put it on a light cell and it comes on from dusk to dawn and it's part of the fence. It's integrated. So, you don't have it against -- along the pathway where people can vandalize it and destroy it. So, there is other ways to do it. Again, I don't -- I can't turn Mark to an example, because no one has done it yet. They have either gotten a waiver or -- we don't have that long of a segment where -- we are starting to see more and more linear open space as part of subdivisions and we probably need to revisit that code at some point to figure out how we are going to define that and put in some kind of Public Works standard so we -- so developers and applicants and property owners understand what really is -- what that commitment means, what that part of the ordinance means.

Tate: Mr. Chairman, if I may, I might suggest a potential compromise that might get both of our reasons for having it. We do have the swimming pool in open space area on top of that and the pathway will be behind the swimming pool area. I would be willing to have some sort of lighting in front of the swimming pool which makes up -- you know, it looks like, just eyeballing it, about a third or a quarter of the -- the distance there, if that's a possible compromise. I think that would be -- it would look nice around the pool and be buffered from the houses behind it and having lighting on the pool would look pretty cool at night. We actually have some string lighting around the Foxtail swimming pool that we do. It's kind of decorative lighting. So, we could do something like that.

Yearsley: Any other questions? I guess the other thing I have seen before is they -- they have the bollard lighting that does have down cast, so it doesn't try to go out, it goes down versus that. So, just really quickly is it Auckland Street that has the little landscaping in between the -- at the intersection? Now, is there

going to be a little pathway to the end of that or is that just going to be landscaping through there?

Tate: There will be a pathway -- you can kind of see it on this version along the property with Rockhampton, if that's where you're speaking of.

Yearsley: No. Where you kind of have like the little 90, there is that landscaping strip there, is that just a pure landscaping strip, no -- no pathway --

Tate: That's correct.

Yearsley: Okay.

Tate: And we are actually -- we are kind of in a strange area with utilities, because we have got Boise city and United Water on one side. We are kind of the end of the line --

Yearsley: Right.

Tate: -- for water. So, we are going to loop the system inside of our neighborhood and, then, we are going to have connections on one other side. Typically if you have development on the other side you're just going to connect through and you're going to have your -- your looping, so we are actually going to need to run a water line up there, rather than having a side -- you know, a big side easement on somebody's lot, we would rather just put in a nice little landscaped area.

Yearsley: So, that's really, right, landscaping as far as for utilities underneath the --

Tate: Yeah.

Yearsley: Now, Bill, doesn't Public Works require paving underneath their -- on top of their utilities or are they okay with that type of stuff?

Parsons: Mr. Chairman, Members of the Commission, it depends. I mean if it's sewer, then, they definitely want a gravel road or something to get to the manhole. Water would be a little different situation.

Yearsley: Okay. I remember -- because some of those conditions I wasn't quite sure exactly what the -- the different items were. Okay.

Tate: And that pathway would be drivable up top. So, what we would probably end up with is a manhole kind of at the top and one down in the bottom --

Yearsley: Okay.

Tate: -- to get to each end.

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

Tatum: Thank you.

Yearsley: I do have one person signed up as a -- a Jananne Keating?

Keating: I'm Jananne Keating. 12528 West Auckland Street. I live just on that street that's being developed there and, actually, I'm kind of pleased to see this latest map, because the one on the left is the one that was e-mailed to me a few days ago, but I haven't seen the -- the V added and I think that will help. One of our greatest concerns -- and we have a really close street on Auckland, we are all really good friends and we have a lot of kids. We have 23 kids that are out on that little clubhouse section at anytime and when we first saw the map that was a big long straight stretch, that just terrified us. So, I am -- I had requested the -- the narrowing where the two neighborhoods meet and I had requested speed bumps and I was told that that's really not an option. So, I think that V is the better option. I just wanted to make sure I understood. Is there going to be a stop sign at that V then or --

Yearsley: It does look -- appear to. I think that's what they said. Yes.

Keating: Okay. I think that will help a lot, too. And, then, I did have a question on the pedestrian crossing section where the two neighborhoods meet, what's that really going to be. Is it going to be a designated crosswalk or -- I guess I'm just unclear on what that is going to be.

Yearsley: And we will have the applicant explain that, because at this point we don't know. So, when he comes back up we will have him respond to that comment.

Keating: Okay. So, I think this looks a lot better. It will at least slow traffic down, because I know Auckland comes up to Apsley and cars fly 45 miles an hour down that road and they were -- when we saw that straight stretch we thought that they would be doing the same in front of our street. The other question I had was -- it looks like the traffic would be coming down Auckland until the connection is made on Howry Lane through the neighborhood and down our street to get to these houses, so I was just looking for clarification on that, too.

Yearsley: The property to the west there, it does have an access already through Hill Century. So, they will make their main access through there first.

Keating: Okay. Great. Thank you.

Yearsley: I don't have anybody else signed up wishing to testify. Is there any -- please. Come forward.

Naugle: Mr. Chairman, Commission Members, my name is Herb Naugle. I live at 12511 West Lachlan. Rockhampton, Boise. 83709. Bear with me on some of my comments and questions, because I haven't been privy to all of the information presented. I would like to amplify the comments given by the previous presenter, particularly about the increased flow of traffic on Lachlan into this new subdivision. It appears there is only two access points, the one that will be built to Amity and the one through Lachlan Street. There are, as she pointed out, many children there and speed of vehicles is a concern. The subdivision developer commented that they plan to install speed impediments. I'd like him to clarify what he meant by that. Second comment relates to -- and this may have been addressed -- verification of the legitimate water rights that are adequate to provide sufficient water for irrigation of lawns and common ways in this new subdivision and if there is any intention of expanding it, I would hope that those water rights are adequate to include that expansion. Secondly, the sewage system. Now he may have alluded to that, but I didn't quite understand how that would work. I'm hopeful that they will have their own independent sewage system and that neither their consumption of water or use of the sewage lines will in any way impinge on Rockhampton or there will not be a future petition by the subdivision to somehow access our water allotment or use of the sewage system and while it's apparently been addressed that there will not be speed bumps, I think that makes it much more important that the subdivision planning somehow instill speed impediments as he suggested and I'd like that to be a condition, as the others. Thank you.

Yearsley: Thank you. Is there anybody else? The gentleman here in the front. Please state your name and address for the record.

Nicholls: My name is Dennis Nicholls and I live at 12490 West Mardia in Boise. 93709. That's within the Rockhampton Two Subdivision and I wanted to make a few comments that may help the Commission understand what's going on. The western boundary of Rockhampton One and Rockhampton Two actually is the boundary between The City of Meridian and the Boise city impact zone. That's why there is probably some strange disconnects with respect to utilities and other things. The Rockhampton Two Homeowners Association did not receive any of the drawings and engineering things having to do with this subdivision and so I have questions just to make sure that the main street going down the new subdivision -- that actually is Auckland and the secondary connection to the Rockhampton One Subdivision. That is Lachlan and Macumbo?

Yearsley: We will have to ask the applicant to answer that question.

Nicholls: And the drainage at the bottom, that's actually formed from several upstream places. It -- for example, our irrigation pond overflow empties into that,

but also several homeowners on the east side of Cloverdale Road all go into that one drainage. So, it's good to see that it's not going to be blocked off or anything like that. The path with lighting along the Cunningham Lateral, the Cunningham Lateral is actually the legal boundary between the Rockhampton One and Rockhampton Two subdivisions and on the Boise side it's actually blocked off with fences and gates to prevent pedestrian accesses for the safety reasons of kids not falling in the ditch. I think those are just the comments I wanted to make. For some reason the -- these things were not discussed by previous commenters and I don't know if the Commissioners have any questions for me?

Yearsley: Are there any questions? No? Thank you.

Nicholls: Okay. Thank you very much.

Yearsley: Is there anybody else? Yes. Please come forward.

Croft: My name Gordon Croft. Actually, my address now is 94 North Robinson Road. I'm the former owner of this piece of ground that M3 is going to develop. Just wanted to be here to express my approval of their -- their plat and their plan. My wife Ann and I have lived at that -- on that 40 acre piece for 35 years and we have seen the Rockhampton development go in and now the -- the Hill Century Farm development with the Hillsdale School and everything and we just feel like this is a logical development for this piece of ground and having been there for a long time, we -- of course, we are interested in how it's developed and seeing the proposal that M3 has put in there and their plan, we are well pleased with what they are doing and feel like it would meet the needs of the area, which in our mind is that there should be a good connectivity between Rockhampton and the development to the west of us to -- for the fact that a new school and the YMCA will be going in there, that's going to make a nice community thing for access to that as well as the facilities that M3 is proposing to put on the property. So, again, I would just like to express our approval for this project and hope that -- encourage its approval.

Yearsley: Thank you. Is there anybody else that would like to testify? Please come forward. And, please, state your name and address for the record.

Brown: Timothy Brown. 4060 East Amity Road where the connection adjacent property from where Howry Lane hits Amity. I guess I just wanted to make sure that the water shares were addressed, because we are the feeders -- or the end of the Cunningham Lateral and how that water is going to be used and affect our five acre parcel and, then, second, what the exact -- what's going to happen at the end of Amity as it hits -- or Howry intersects with Amity, is that going to be a widened access there that's going to be provided or are they just going to try and T that off? How does that look I guess in the future. So, if they could answer those two questions.

Yearsley: All right. Thank you.

Brown: Thank you.

Yearsley: Anybody else? All right. Would the applicant like to come forward?

Tate: Mark Tate again for the record. Just to run through some of the questions that we heard. Appreciate the comments on the change in design. I do feel like this new design is a much improved design for traffic flow. Somebody had a question specifically on what I mean by speed impediments and the first impediment -- it's called a neck down right on the property line there and what that would basically be is a -- is a bulb in of the street where it goes from a typical say 32 feet of asphalt down to say 24 feet asphalt. It would create a little planted area where it bulbs out, along with sidewalk in that bulb. It would probably not be striped like a crosswalk, it would just be pinched down with the sidewalks lining up with one another. Ada compliant ramps. That sort of thing. What the effect of that does -- and we all kind of either do it naturally without noticing, when you're driving on an narrower street you just naturally slow down and when you're driving on a street that -- you know, say you're in the north end with cars on both sides of you and all of a sudden you just have, you know, 15 feet of space, you just naturally go slower. So, that's what that does. It's been proven to calm traffic a little bit. The speed impediment would be that intersection and the stop sign. A 90 degree turn in the road there. So, we feel with those changes should be sufficient to calm traffic. Another question that came up -- will traffic go through Rockhampton One or with -- I think it was -- there was only two connections. I just want to point out we do have six stub connections all over the property. The main access of this, I should have said earlier, is going to be onto Highlander Drive, which is right in front of the elementary school. You can actually see a corner of the collector that will cross this property. That collector road comes all the way through the Century Farms development. That initially will be the primary access for this property when the YMCA moves forward, hopefully within the next year. That road would be extended as Howry Lane up to Amity and, then, I think the gentleman's last question was what does that intersection to look like on Amity and to that I would say I am not sure yet. The YMCA and the ACHD are discussing exactly how Howry Lane is going to work and how it's going to intersect on Amity. You know, it's called for in the ACHD master plan as a roundabout at the half mile, which is what Howry is. There is some discussions about that, whether that's the right thing to have a main access to a high school be a roundabout. I'm not sure that it is. So, that discussion is being had right now. But regardless this project is not going to make or break it one way or another. We know that we are going to pay 15 percent of whatever the answer is, so -- any other questions on it? One gentleman commented that they hadn't had the drawings yet. We do, again, rely on the city's list for notice and radius and that sort of thing for who gets those notices and I believe that was all the questions, unless you guys had any other questions for --

Yearsley: I actually have a couple written down.

Tate: Okay.

Yearsley: One is irrigation.

Tate: Oh, that's right. There was a question about water rights and irrigation. The property does have surface water rights through the Cunningham Lateral. They actually have water rights through two locations, the Cunningham and they actually have water right to the south through a user ditch. That user ditch is feed upstream from the Cunningham, so what -- what we will likely be doing is not diverting from the south and taking a hundred percent of the water that's allotted to those properties out of the Cunningham in a pressure irrigation system that will be owned and operated by the homeowners association. We have looked at the water rights and they are sufficient to serve a development like this.

Yearsley: Okay. So, you won't be attached -- you won't be connecting to Rockhampton at all, you will have your own separate system?

Tate: Own separate irrigation system and the gentleman that was asking about sewer services, this is the dividing line between Boise and Meridian, so one sewer is headed one way and one sewer is headed the other way, so there won't be any sewer connections. We are going to sewer out to Highlander through Century Farms and out that way. That's where we are also going to get our domestic water from, the City of Meridian, versus them being in United Water. It makes for a strange thing along the boundary, but that's just kind of where we are at.

Yearsley: Yeah. The next one was the street name for the second northeast access into Rockhampton. What street was that?

Tate: I would have to go back and look.

Yearsley: Lachlan.

Tate: Is it shown as Lachlan on the plat? Yeah. And certainly there is a street name -- strict street naming policy that would make sure that all names are going to line up, even then the streets don't touch them, they can calm the same thing.

Yearsley: Okay. I think that's the ones I had. Are there any other questions?

Fitzgerald: Mr. Chairman?

Yearsley: Commissioner Fitzgerald.

Fitzgerald: And I think just to clarify on your -- your access to Amity. You guys are just donating your -- your right of way and all that stuff and you're just going to deal with whatever comes from that?

Tate: And we are going -- we are going to -- it's almost an acre of land, even though it's only 20 feet wide, it's actually a lot of land to be donating. It's worth, you know -- we didn't -- unfortunately, we didn't get a break on the price, but it's just -- but, yeah, we will be donating that to -- to ACHD. The whole thing.

Yearsley: Okay. Any other questions?

Tate: I would just add in the staff report there are photos of elevations of homes. Those came on the similar lot product at Foxtail from some of the builders that we work with there and, actually, one of the houses on there was last year's St. Jude dream home, which we were really excited to be -- be a part of on that.

Yearsley: With that I thank you. I don't think there is any other questions.

Tate: Thank you.

Yearsley: I would entertain a motion to close the public hearing on file number H-2016-0030.

Oliver: Mr. Chairman?

Yearsley: Commissioner Oliver?

Oliver: I move we close the hearing on H-2016-0030.

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: FOUR AYES. ONE ABSENT.**

Yearsley: Comments or thoughts?

Fitzgerald: Mr. Chairman?

Yearsley: Commissioner Fitzgerald.

Fitzgerald: I -- I think it's a -- it's a unique piece of property, but I think it's a very well thought out project. I think it lends itself well to Rockhampton and to the neighborhoods around it. I love Bill, but I'm going to disagree with him on the block length situation. I think when that comes to a 90 degree angle and laid out

as the applicant had stated, I think you have a break in that block, whether we like the layout or not, I think the way that that land is, you're having a difficult situation and doing something different. Especially the water the way it goes, the way it's laid out, and the ridge line, I think that the new layout of that -- the block length makes sense to me. I think with the chokers at the separation between Rockhampton and the new neighborhood, I think you -- you will alleviate, hopefully, the screaming traffic down that block. So, I think it's a -- it's a good project. I think it looks nice. I think it has amenities that blend well into Rockhampton. I think it -- it will be a good edition to that area. I would like us to see if we can come up with something that is bollard lighting that makes sense. I think that they have got enough latitude on that for safety reasons -- and maybe that's who they work on. I don't know if there is a way to work on the pool or whatever it is or whatever the Commission feels that that would be worth it. I think I would like to see it somehow put in place, being that it's one of the things we have in our code. That's my thoughts.

Yearsley: Thank you.

McCarvel: Mr. Chairman?

Yearsley: Commissioner McCarvel.

McCarvel: I agree. Especially with the lighting. I just -- I just -- whether it's private path or public path, I just think the lighting is a good safety feature all around. I mean if it doesn't have to be four feet, if it just -- if it's just, you know, shining down or some illumination back there and I -- I'm going to agree with Commissioner Fitzgerald -- sorry, Bill. I think that T off is enough to break the block in this situation, just because of the constraints on either side. Maybe we -- so, I'm not opposed either to I guess continuing to see if they come up with something else, but I'm not opposed to this layout either.

Yearsley: Thank you. Is there any other comments?

McCarvel: No.

Yearsley: Okay.

McCarvel: Just waiting to see where you guys go.

Yearsley: You want me to go -- oh. Go ahead.

Oliver: Go ahead.

Yearsley: All right. So -- so, my in-laws live over in Rockhampton, not too far from this place and they have got a couple of T streets that actually have stop signs and no one stops. That is my concern. This is not as big of a 90 degree

that I think you're going to have people not stop, even though that there is a stop sign there and the concern that I do have is as kids and pedestrians trying to cross right there thinking that people will stop, causes an unsafe -- unsafe condition. I do like the choker at the entrance to the subdivision. I think that does help and I do -- I struggle, I like the idea of the stop sign there, I think it -- but I still am a little concerned about that intersection and how it looks and how it will play out, because I do believe you will get kids running through there and there are cars that will not stop and not look -- paying attention to where they are -- is my concern. And I do agree with Bill, I would -- I would personally like to continue this until we find out what -- what comes from the -- the ACHD's traffic study report. Really, there is -- there is one or two connections and both of them are into existing streets -- subdivisions and streets, especially one by the school. I just would -- would like to have their comments prior to moving this forward, just for that fact, especially by the school and what conditions they would like to have just to make sure we are comfortable before we push this on. So, like I said, I struggle with the intersection, but I do see what other people -- what typically happens in these areas, because they will come up and look both ways quickly and, then, just keep going and can cause a potential problem and that's where I keep coming back to is I struggle with that long block length.

Oliver: Mr. Chairman?

Yearsley: Commissioner Oliver.

Oliver: I wish I would have asked the lady that was -- came up and talked that lives on Auckland and just ask her if some of her neighbors felt the same way as she did about the way the design looks. I happen to have a nephew and his wife and kids that live on Auckland right near that choker where that's going to go in and they -- they are ready to sell. They are not happy about it. I think the choker will help slow the traffic down, but I just don't think it will do what it's supposed to all the way around. And I'm going with the chairman that I just don't think that that's going to be adequate for that area and I have big concerns about Howry Lane going up to Amity and what is going to happen there on Amity, especially when the high school gets in and the elementary goes in, how much traffic is going to be flowing through there. So, I think it needs a little bit more continuance and looking at the ACHD to look at the traffic.

Yearsley: Thank you. So, we got two for and two against.

McCarvel: Mr. Chairman, I'm not opposed to continue this. I wouldn't mind seeing other options, because I don't have the vision on how that -- that's going to get separated. Bill, you say there is other options. I'm not opposed to continuing it to see other options.

Yearsley: Okay.

McCarvel: I don't mind this, but I -- if there is other options I think we ought to take a look at them now.

Yearsley: No. I agree. And, you know, even with the other options, we still could come back and say that this is the best alternative.

McCarvel: Yeah. I guess that's what I'm saying. I'd like to have all of it laid out.

Yearsley: Okay.

Oliver: I was just going to say, I think if we do that we are doing our due diligence to -- before we send it on to City Council.

Fitzgerald: And I agree. I wasn't saying that I was opposed to -- I was just laying out my thoughts. I think you're going to have people running stop signs no matter what -- where you are. It doesn't matter. I lived in Woodbridge on that and it was a T -- dead end into a T and they -- no one ever stopped there either.

Yearsley: Yeah.

Fitzgerald: So you could put chokers around that if you wanted to, landscape it differently, I'm up for that. But I have no problem with the concept of understanding what Howry is going to look like. I don't have a problem at all, so --

Yearsley: Okay. So, with that I think we kind of come up to a consensus and we would -- I would entertain a motion.

McCarvel: Mr. Chairman?

Yearsley: Commissioner McCarvel.

McCarvel: I move to continue file number H-2016-0030 to the hearing date of --

Yearsley: I think it's May 5th.

McCarvel: May 5th. Okay. To allow for the traffic studies and other options on the plat.

Yearsley: On the block length?

McCarvel: On the block length.

Yearsley: Thank you.

Pogue: Mr. Chair?

Yearsley: Yes.

Pogue: I will point out that the hearing was closed, so it's just a technicality, but maybe you need to reopen.

Yearsley: Oh. Absolutely. So, I guess, first of all, I would entertain a motion to open the public hearing back up for the sole purpose of talking about the traffic study and the block length issues. Because if we do that, then -- if we open it up for everything we can talk about everything else again. We are only opening it up for those two purposes is what I'm recommending. Is that correct?

Fitzgerald: I'm confused. Why can't we just continue it?

Yearsley: No. We need to open first and, then, continue is what we need to do.

Fitzgerald: Oh. Okay. That makes sense. Yes. I was confused.

Yearsley: So is what she's saying is we need to open it first and we are going to open it for the sole purpose to talk about the block length and the ACHD study. First of all, open and, then, we will continue. Okay.

McCarvel: Mr. Chairman?

Yearsley: Commissioner McCarvel?

McCarvel: I move that we open the public hearing on file number H-2016-0030 to further discuss block length and the traffic study to Howry.

Fitzgerald: Second.

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

**MOTION CARRIED: FOUR AYES. ONE ABSENT.**

Yearsley: Now we need to have a motion to continue the public hearing.

McCarvel: Mr. Chairman?

Yearsley: Commissioner McCarvel.

McCarvel: I move to continue file number H-2016-0030 to the hearing date of May 5th to further -- to allow changes to the block length on the plat and to have the traffic study on Howry Lane.

Oliver: Second.

Yearsley: I have a motion and a second to continue file number H-2016-0030. All in favor say aye. Opposed? Motion carries.

MOTION CARRIED: FOUR AYES. ONE ABSENT.

Yearsley: With that I would like to take a five minute break, if we don't mind, before we move onto the next two items.

(Recess: 9:12 p.m. to 9:19 p.m.)

**Item 5: Other items**

**A. Request for Approval to Change a Certain Planning Application Checklist by the Planning Division**

Yearsley: So, we would like to start again. We are to Item No. 5, other items. First one on that one is the request for approval for -- to change a certain planning application checklist by the planning division and the staff report.

Parson: Thank you, Mr. Chairman -- yeah. Mr. Chairman, Members of the Commission, I will make this one brief. Essentially the UDC -- we have checklists that accompany our applications and whenever we have a substantial change to that checklist the UDC requires us to bring that forward to this Commission for approval and so I did prepare a memo and the revised changes to that checklist. So, basically, what we are asking you to approve tonight is the requirement that developers submit autoCAD drawings with their final plat applications. We have heard from our Public Works Department that as you -- as you're aware and as you have seen tonight that preliminary plats are often phased over time and so they just want to make sure that they get that CAD file and that they can model water and sewer to make sure that that phase can still be serviced by city utilities and still meet the parameters for fire flows. So, that's really the only change this evening. So, I will stand for any questions and just ask that you approve that change to the checklist.

Yearsley: Are there any changes? Or any -- I guess -- sorry. Not changes. Any comments. Sorry.

Fitzgerald: The only question I guess I would have is will this put any undue burden on anyone for establishing CAD files? If they are like little dinky neighborhoods or -- I guess, Bill, is there a threshold that -- you know, as are we putting any undue burden on small type planners or anything like that? I'm just asking the question.

Parsons: Mr. Chairman, Members of the Commission, we -- we require autoCAD files with preliminary plats, so it's really just kind of extending that on to final plats. So, we already get that regardless of the size of the development and Public Works always has the discretion of whether or not they need it. Sometimes they require it and sometimes they don't. So, that option is still available, but we just at least want to be consistent and keep that message going forward and we haven't seen any -- to much kickback from the developers providing those autoCAD standards -- or those autoCAD files.

Yearsley: And being in the business most everybody deals with some CAD, so -- because we -- most of it has to be surveyed or something like that and the surveyors are using CAD. So, I don't see that being an undue burden, so -- so, with that, if there is -- I guess is there any other comment before I move forward and, if not, I would entertain a motion to approve the -- the change to the application checklist.

Fitzgerald: So moved.

McCarvel: Second.

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

MOTION CARRIED: FOUR AYES. ONE ABSENT.

**B. Ten Mile Urban Renewal District Update by Bill Parsons,  
Planning Division**

Yearsley: Last one on the list is the Ten Mile Urban Renewal District update by -- by Bill.

Parsons: I'm also in for Caleb as well tonight. But the planning division wanted to let you know that we are entertaining establishing an urban renewal district. Caleb will be back before you sometime in May. So, second hearing -- May 19th to give you more details on it, but the exhibit before you tonight -- I'm just going to give you some -- a quick overview of what -- what kind of work has been going on behind the scenes and what you can expect moving forward, but, essentially, we want to spur economic development in our Ten Mile area and so the graphic before you shows what properties will be part of that -- hopefully that urban renewal district boundary moving forward and so, really, there is a couple points that I just want to read into the record for you. So, one, the city has engaged a consultant and he's prepared, basically, what we call an eligibility report and, basically, there is findings -- there is findings that need to be made that support that and so that report has been reviewed and approved by Council and endorsed to move forward. So, basically, the Council approve that and, like I said, in about a month Caleb will come back, provide you with the study of what

that is, get your blessing -- one of the findings for the Commission is that you have to make sure that it's consistent with the Comprehensive Plan. As you know a lot of these properties are already annexed and zoned, so you -- you have made that finding already, but that's one of the -- the requirements. And so right now what we have here is we -- Caleb has highlighted this for you, so it looks like City Council wants to support it, the urban renewal agency prepared and approves the plan, so that that draft plan will be coming forward before you. So, it looks like the plan will be before City Council on May 3rd and, then, at that point they will ask for that to go to you and Caleb will present that again on the 19th for your approval -- making that finding that it's consistent with the Comprehensive Plan. And, then, that will have to go back to the taxing entities for their approval or they may or may not say anything and, then, Council will hold a public hearing and, then, ultimately, approve the plan. So, really, we just want to get that early on -- early on your radar and let you know that's coming down the pipeline. It's key that we get this established by July 1st to do some legislative changes that are going into effect on that date. So, again, keep that on your radars and, again, Caleb will be back with more specifics and if you have any questions for him regarding this, please, direct those to him as well. So, with that I would complete my presentation or my update and, then, just stand for any questions you may have.

Yearsley: Are there any questions?

Fitzgerald: Mr. Chairman? Bill, is this going to be overseen by MDC or is that a whole new board?

Parsons: Mr. Chairman, Members of the Commission, no, the MDC board will oversee this area as well.

Fitzgerald: Okay. Thank you.

Yearsley: Bill, can you go back to the beginning? So, that green parcel, is it -- is it actually annexed into the city yet?

Parsons: Mr. Chairman, Members of the Commission, it is. It was the Calnon property annexation. It recently -- I think the last Commission -- Council meeting or the previous one it was -- the development agreement was signed and approved by Council and the ordinance was approved. So, yes, it's officially in the city at this point.

Yearsley: Okay. And I couldn't remember if that had come through yet or not, so I wasn't sure, so -- okay. And from what I understand on this -- I think this is only to help with infrastructure -- bring -- putting in the infrastructure only and not much else beyond the infrastructure, so it's what -- what I heard what they were planning to do with this urban renewal, so -- are there any other questions?

Okay. And I don't believe that has any action at this point in time. So, if there is not anything else, I would entertain one last motion.

Oliver: Mr. -- go ahead.

McCarvel: Mr. Chairman?

Yearsley: Commissioner McCarvel.

McCarvel: I move we adjourn the meeting.

Oliver: Second.

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

MOTION CARRIED: FOUR AYES. ONE ABSENT.

Yearsley: We stand adjourned.

MEETING ADJOURNED AT 9:26 P.M.

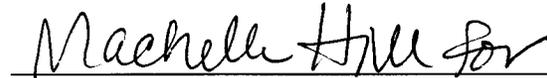
(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS.)

APPROVED

  
STEVEN YEARSLEY - CHAIRMAN

5 | 5 | 2016  
DATE APPROVED

ATTEST:

  
JACY JONES - CITY CLERK

