

A Meeting of the Meridian City Council was called to order at 6:00 p.m. Tuesday, October 8, 2024, by Mayor Robert Simison.

Members Present: Robert Simison, Luke Cavener, Liz Strader, John Overton, Doug Taylor, Anne Little Roberts and Brian Whitlock.

Other Present: Chris Johnson, Bill Nary, Bill Parsons, Sonya Allen, Linda Ritter, Nick Napoli, Berle Stokes, Kris Blume and Dean Willis.

ROLL-CALL ATTENDANCE

☒ Liz Strader	☒ Brian Whitlock
☒ Anne Little Roberts	☒ John Overton
☒ Doug Taylor	☒ Luke Cavener
☒ Mayor Robert E. Simison	

Simison: Council, we will call this meeting to order. For the record it is October 8th, 2024, at 6:00 p.m. We will begin tonight's regular City Council meeting with roll call attendance.

PLEDGE OF ALLEGIANCE

Simison: Next is the Pledge of Allegiance. If you would all, please, rise and join us in the Pledge.

(Pledge of Allegiance recited.)

COMMUNITY INVOCATION

Simison: Okay. Next item up is -- no one signed up for community invocation; is that correct?

ADOPTION OF AGENDA

Simison: Okay. Then we will move on to the adoption of the agenda.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: It looks like we don't have any changes that are needed to the agenda. So, I move that we adopt the agenda as published.

Overton: Second.

Simison: Have a motion and a second to adopt the agenda as published. Is there any discussion? If not, all in favor signify by saying aye. Opposed nay? The ayes have it and the agenda is adopted.

MOTION CARRIED: ALL AYES.

CONSENT AGENDA [Action Item]

- 1. Findings of Fact, Conclusions of Law for District at Ten Mile (H-2023-0071) by Ball Ventures Ahlquist, generally located at the northwest corner of S. Ten Mile Rd. and I-84**
- 2. Final Order for Vanguard Village No. 1 (FP-2024-0012) by Ball Ventures Ahlquist, generally located a 1/4 mile west of S. Ten Mile Rd. on the north side of I-84**
- 3. Approval of Purchase Order 25-0019 to Western States Equipment Company for Generator Parallel Switchgear Upgrade for Wastewater Resource Recovery Facility Power System Improvements for the Not-To-Exceed amount of \$211,914.12**
- 4. Approval of Sole Source for Omega Thermo Products for the Purchases of a Stainless-Steel Heated Hopper and Related Equipment and a Stainless-Steel Thermal Floor and Related Equipment**
- 5. Approve Award for the Equipment Agreement to Kurita America for Well 24 Filter for the Not-to-Exceed amount of \$861,150 and Authorize Procurement Manager to Sign Resulting Purchase Order for the Not-to-Exceed amount of \$861,150**
- 6. Approve award of bid and equipment contract to Advanced Electrical Technologies for the Tertiary Filtration Electrical Package 2 for MCC, PLC's & Comm Panels for the Not-To-Exceed amount of \$340,000.00**

Simison: Next up is the Consent Agenda.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I move that we approve the Consent Agenda. For the Mayor to sign and Clerk to attest.

Overton: Second.

Simison: Have a motion and a second to approve the Consent Agenda. Is there any discussion? If not, all in favor signify by saying aye. Opposed nay? The ayes have it and the Consent Agenda is agreed to.

MOTION CARRIED: ALL AYES.

ITEMS MOVED FROM THE CONSENT AGENDA [Action Item]

Simison: There were no items moved from the Consent Agenda.

PUBLIC FORUM - Future Meeting Topics

Simison: So, next up is public forum. Mr. Clerk, anybody sign up on that?

Johnson: Mr. Mayor, nobody signed up tonight.

ACTION ITEMS

7. Public Hearing for The Oaks North Subdivision No. 5 (H-2024-0042) by Kyle Prewett, Toll Brothers, located at 5449 W. Daphne Dr.

- A. Request: Vacation to vacate a one (1) foot portion of the permanent easement for public utilities, pressure irrigation, and lot drainage encumbering the subject lot for Lot 3, Block 5 of the Oaks North Subdivision No. 5.

Simison: Okay. Then we will move on to Action Items. First item up is Item 7, public hearing for The Oaks North Subdivision, No. 5, H-2024-0042. We will open this public hearing with staff comments.

Ritter: Good evening, Mayor and Council. I'm Linda Ritter. So, tonight we are here for The Oaks North Subdivision No. 5 vacation. The property consists of .156 acres of land. It's zoned R-8 and it's located at 5449 West Daphne Drive. So, the applicant is requesting approval to vacate a one foot portion of a permanent easement for Public Utilities pressure irrigation and lot drainage, on the subject site. The before mentioned easements have been reestablished as a result of an approved property boundary adjustment as subsequent to the quitclaim deed, which formally established a new property boundary. The vacation of this portion of the easement will allow the home already constructed on the subject project to no longer be located in the subject easement. The lot originated when The Oaks North Subdivision No. 5 final plat was recorded as Instrument No. 2021-042866 on March 16th, 2021. The lot was subsequently adjusted again as a result of the property boundary adjustment, which was approved on March 29th, 2024. There were no written testimonies for this application, so the applicant is here if you have any questions, but at this time I will take any questions that you may have.

Simison: Thank you, Linda. Council, any questions for staff? Okay. Would the applicant like to make any comments? Okay. The applicant is waiving. Mr. Clerk, this is a public hearing. Did anyone sign up to provide testimony on this item?

Johnson: Mr. Mayor, I did not grab the sheet back there because this went so fast. I will grab it off the table, but appreciate if you would ask.

Simison: Okay. Is there anybody present who would like to provide testimony on this item or anybody online who would like to provide testimony? If you are hear you can come forward at this time or online use the raise your hand feature. Not seeing anybody signed up, no one coming forward and no one raising their hand, does the applicant waive any final comments? Applicant waives. Council, your direction.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I move that we close the public hearing on Item 7.

Overton: Second.

Simison: Have a motion and a second to close the public hearing on Item 7. Is there any discussion? If not, all in favor signify by saying aye. Opposed nay? The ayes have it and the public hearing is closed.

MOTION CARRIED: ALL AYES.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I view this as a -- sort of an administrative change based on our prior approvals. It's very straightforward. After considering all staff, applicant and public testimony I move to approve File No. H-2024-0042 as presented in the staff report for today's hearing date.

Overton: Second.

Simison: Have a motion and a second to approve Item 7. Is there discussion on the motion? If not, Clerk call the roll.

Roll Call: Cavener, yea; Strader, yea; Overton, yea; Little Roberts, yea; Taylor, yea; Whitlock, yea.

Simison: All ayes. Motion carries and the item is agreed to.

MOTION CARRIED: ALL AYES.

8. Public Hearing for Bradshaw Corner Subdivision (SHP-2024-0003) by Focus Engineering and Surveying, located at 735 W. Cherry Ln.

- A. Request: Short Plat consisting of two (2) building lots on 0.508 acre(s) of land in the R-4 zoning district.

Simison: Next item up is Item 8, which is a public hearing for Bradshaw Corner Subdivision, SHP-2024-0003. We will open this public hearing with staff comments.

Napoli: Good evening, Mr. Mayor and Members of the Council. So, the next item on the agenda is the Bradshaw Corner Subdivision. The applicant is requesting a short plat to subdivide an existing property into two building lots in an R-4 zoning district. The site consists of .508 acres of land, located at 735 West Cherry Lane. The proposed density of four units per acre is consistent with the density desired of three to eight units per acre in the medium density residential FLUM map. As shown on the screen the existing zoning is R-4. The FLUM designation is medium density residential. So, access is proposed via a common driveway off of Northwest 8th Street and there is an existing home proposed to stay on Lot 1 with a new garage currently in for permitting with the city and one accessory structure on the property that is proposed to remain on Lot 2. Both structures currently comply with setback standards in the UDC. However, the accessory structure cannot remain alone on Lot 2. The applicant shall apply for a new residential permit to construct a new home, convert part of the structure into a dwelling with adequate parking or remove -- or remove the structure from Lot 2 prior to the city engineer's signature. Staff is recommending approval with conditions and we have not received any public comments at this time and I will stand for questions.

Simison: Thank you, Nick. Council, any questions for staff? Is the applicant here? Would you like to make any comments? The applicant is waiving. Unless Council has any comments for the applicant. Okay. Is there anybody signed up for this item?

Johnson: There are names. Nobody marked they wanted to speak.

Simison: Okay. Is there anybody present who would like to provide testimony on this item, either in the room or online? Seeing no one rushing up to the podium and/or raising their hand online, applicant waives any final comments. Applicant waives final comments. Council, your direction.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Real quick maybe a quick question for staff. On this I guess secondary structure that will need to come down, what's the timetable for that to have to be removed?

Napoli: Mr. Mayor, President Cavener, so, yeah, no, as far as the timetable on that, if they get -- if they -- if they choose to remove it, which I believe the applicant is going to be building a new single family home on it, they just have not applied for it currently. It would just have to be removed prior to the city engineer's signature on the plat, which would really be the next steps in the process for them to actually record it is that city -- city engineer's signature, but, you know, as far as with that it will probably -- I would say it would take a little bit of time for us to get to that point. So, they have time to get an application in to either build that single family and as long as we have the application in progress with a plat that could be recorded.

Cavener: Thank you.

Simison: Thank you very much.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Happy to make a motion if there is no public testimony and it sounds like the applicant waives. I move that we close the public hearing on Item 8.

Overton: Second.

Simison: Have a motion and a second to close the public hearing on Item 8. Is there any discussion? If not, all in favor signify by saying aye. Opposed nay? The ayes have it and the public hearing is closed.

MOTION CARRIED: ALL AYES.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: What I like about this application is it's a nice example of a very small in-fill project and I think it's a nice fit here. It fits with the -- the zoning and the density that we had contemplated in our Comprehensive Plan. I think it makes good sense. So, with all that in mind, after considering all staff, applicant and public testimony, I move to approve File No. SHP-2024-0003 as presented in the staff report for today's hearing date.

Overton: Second.

Simison: I have a motion and a second to approve Item 8. Is there any discussion on the motion? If not, Clerk will call the roll.

Roll Call: Cavener, yea; Strader, yea; Overton, yea; Little Roberts, yea; Taylor, yea; Whitlock, yea.

Simison: All ayes and the item is agreed to. Thank you and good luck.

MOTION CARRIED: ALL AYES.

9. Public Hearing for Apex Farr Subdivision (H-2024-0014) by Brighton Corporation, located at west side of S. Locust Grove Rd., north of E. Lake Hazel Rd. and east of S. Meridian Rd.

- A. Request: Modified Development Agreement to remove the property annexed with South Meridian Arbor Ridge (H-2015-0019), Inst.#2016-007071 and portions of the property annexed with Shafer View Terrace (H-2020-0117), Inst.#2021-102396 and Apex (H-2020-0066), Inst.#2020-178120 from the existing development agreements to include in a new agreement and update the overall conceptual development plan for the site and other provisions as applicable.
- B. Request: Rezone of 38.69 acres of land from the R-2 to the R-8 (0.76 acre), R-15 to C-C (6.66 acres), and R-4 to R-8 (31.27 acres) zoning districts.
- C. Request: Preliminary Plat consisting of 381 single family residential building lots, 6 commercial building lots and 60 common lots on 131.89 acres of land in the R-8, R-15 and C-C zoning districts.

Simison: With that we will move on to Item 9, which is a public hearing for Apex Farr Subdivision, H-2024-0014. We will open this public hearing with staff comments.

Allen: Thank you, Mr. Mayor, Members of the Council. The next applications before you tonight are a request for a development agreement modification, a rezone and a preliminary plat. This site consists of 131.89 acres of land. It's zoned R-4, R-8 and R-15 and is located on the west side of South Locust Grove Road, north of East Lake Hazel Road. The subject property, except for the R-2 zoned portion, was annexed in 2015 with an R-4 zoning district as part of the south Meridian Category A annexation, which included multiple properties and property owners. A placeholder R-4 zoning district was approved with individual development agreements for each property owner and that was Arbor Ridge; Brighton Investments, LLC; SCS Brighton, LLC, and Murgoitio Limited Partnership, which require modification prior to the development of the property to approve any proposed development plan. In 2020 a modification to the existing development agreement for Brighton Investments, LLC, SCS Brighton, LLC, and Murgoitio Limited Partnership was approved, which replaced those agreements with one new agreement for Apex. A rezone was approved for much of the subject property from the R-4 to the R-8 and R-15 districts. The Arbor Ridge, R-4 zoned property along the northern boundary, was under different ownership at that time and was not included in the rezone, but is part of the subject rezone application. A preliminary plat was also approved for Apex Northwest Subdivision, which included the

R-15 zoned portion of the subject property at the southeast corner. The conceptual master plan included in the development agreement depicts future development with no specific development plan for the areas not included in the preliminary plat with the general street layout on the land southwest of the Williams gas pipeline and a future school at the northwest corner of Locust Grove and Crescendo. In 2021 the R-2 zoned portion of the property was annexed with a development agreement and included as a lot in Shafer View Terrace Subdivision. This lot was depicted as a future phase with no specific development plan. A preliminary plat was approved in 2021 for Apex West Subdivision, which included the lot in Shafer View Terrace Subdivision and a portion of the subject property. A portion of this property is included in the subject preliminary plan. The remainder will be part of the Apex West Subdivision. The Comprehensive Plan Future Land Use Map designations for this property are low density residential, medium density residential and mixed-use community with a future school designation. The applicant is requesting a modification to the development agreement to include the south Meridian Arbor Ridge property and portions of the property annexed with Shafer View Terrace and Apex in a new development agreement with an updated conceptual development plan as shown. These properties will no longer be subject to the previous development agreements. The proposed development plan is generally consistent with the future land use map. The future school previously planned at the northwest corner of Locust Grove and Crescendo was shifted to the south side of Lake Hazel east of Locust Grove. A rezone of a total of 38.69 acres of land from the R-2 to R-8, R-15 and R-4 -- excuse me. Let me back up on that. A rezone of a total of 38.69 acres of land from the R-2 to R-8 and that consisted of .76 of an acre, R-15 to C-C, which consisted of 6.66 acres and R-4 to R-8, which consisted of 31.27 acres is proposed. The area proposed to be rezoned to R-8 is designated medium density residential on the Comprehensive Plan Future Land Use Map, except for a .76 acre portion, which is designated low density residential. The area proposed to be zoned C-C is designated mixed-use community. The proposed zoning is consistent with the associated future land use map designations. A preliminary plat is proposed consisting of 381 single family residential building lots, six commercial building lots, and 60 common lots on 131.89 acres of land in the R-8, R-15 and C-C zoning districts and is a resubdivision of a portion of Shafer View Terrace Subdivision. The remainder of which will be included in the Apex West final plat. The plat is proposed to develop in seven final plat phases as shown on the phasing plan on the right. The minimum lot size proposed is 4,180 square feet with an average lot size of 8,021 square feet. A gross density of 2.84 units per acre with a net density of 5.43 units per acre is proposed, which is consistent with the density desired in the medium density residential future land use designation. A mix of front loaded and alley loaded single family residential units in a variety of different lot sizes are proposed with larger lots along the northern boundary to provide a transition to the rural lots to the north of the Farr Lateral. Access is proposed via the extension of East Quartz Creek Street and East Trenton Street at the project's west boundary and from South Locust Grove Road via South Apex Way and East Crescendo Street. An emergency access is proposed at the north boundary via South Margaret Avenue. Several common driveways are proposed as depicted on the plat. The driveway in Block 12 exceeds the maximum number of units on one side of the driveway, which will either require removal of one lot or an application for alternative compliance to this

standard. Stub streets are proposed for future extension and interconnectivity with adjacent and future development in Apex Pinnacle. A collector street is stubbed to the north, which will extend to East Amity Road with future development and South Apex Way will extend to South Locust Grove Road as a collector street in accord with the master street map. Cross-access, ingress-egress easement should be provided between all of the commercial lots. Private streets are planned for access to the rear loaded homes in Blocks 2 and 23 because ACHD won't allow these streets to be public alleys due to some of these lots not having frontage on a public street. Staff is concerned the provision of private streets in these blocks will create addressing issues for the units having frontage on two named streets, which will likely create confusion and delays for emergency responders. Therefore, staff recommends Block 2 is reconfigured so that public alleys may be allowed and addressing can be from the adjacent public street. If Council does not support this recommendation staff alternately recommends the lots not fronting on a public street are addressed from the adjacent public street with directional signage provided at the public street and private streets are not provided. Block 23 at the southeast corner of the development consists of rear loaded single family residential units on the west side and commercial uses on the east side. The UDC requires a minimum 25 foot wide densely landscaped buffer to residential uses on the C-C zoned property. The applicant is requesting Council approval of no buffer on the C-C property with the provision of a 15 foot wide common MEW lot on the residential portion, which will include landscaping and a sidewalk. An additional ten feet of landscaping is proposed in the front yard setback area of each residential lot, which totals 25 feet between the front of the houses and the commercial property line. If Council is amenable to the applicant's request staff recommends the common area MEW is increased to a minimum width of 20 feet consistent with the linear open space standards and includes landscaping in accord with the standards for buffers to adjoining uses. Although Block 23 is in the mixed-use community designated area and a mix of uses are anticipated in this area, staff is not supportive of the proposed layout with the residential units fronting on the parking lot for the commercial area with only a 15 foot wide common area in between and no berm or wall as a buffer to shield the homes from vehicle headlights in the parking area. In accord with the mixed-use and mixed-use community concept diagrams in the concept plan as shown, staff originally recommended a north-south public street be provided between the residential and the commercial lots for addressing purposes for the east facing residential units, which is an issue with their proposed layout similar to that in Block 2 and the access drives for the residential units be constructed as alleys instead of named private streets as shown in the recommended layout on the right. This would provide an on-street parking area for guests and a transition and separation between land uses. Because this solution doesn't meet ACHD's offset requirements for access points to a collector street, staff is recommending the residential lots and uses are removed from Block 23 and all of Block 23 is developed with commercial uses and zoned C-C. This is the existing layout on the left. This was staff's recommended layout, but as I mentioned ACHD will not allow this layout with the public street due to offset requirements. There are several site constraints that affect the design and layout of this project as follows: The Carlson Lateral runs along the northwest boundary of the site. The Farr Lateral runs along the northeast boundary of the site at the highest elevation of the project.

The McBirney Lateral will be piped and is located in the southeast portion of the project. The Watkins Drain runs through the northwest quadrant. The Williams Northwest Gas Pipeline bisects the site within a 75 foot wide easement. There is an existing sewer trunk line on the northwest corner of the property in a 25 foot wide easement and there are slopes between seven and 12 percent along the northeast boundary of the site within the area shown in red on the map. Due to these constraints the applicant requests a waiver from Council to the maximum block face length standard of 750 feet without an intersecting street or alley. Block faces are allowed to extend up to one thousand feet where a pedestrian connection is proposed between streets within the block. The face of Block 12 along West Precipice Drive is approximately 2,500 feet. There are two pedestrian connections proposed within the block that provide pedestrian access between the streets. The Farr Lateral runs along the north side of the street at the highest point of the development. The face of Block 12 along West Vertex Drive is approximately 1,500 feet in length. The one pedestrian connection is proposed within the block that provides pedestrian access between streets. Traffic calming is proposed in the form of a 29 foot wide street section for West Precipice Drive along the Farr Lateral which will only allow parking on one side of the street and bulb outs and choke points at pedestrian crossings as shown. A landscape plan was submitted with a preliminary plan that depicts street buffer and common open space landscaping for the development. This fencing plan was also submitted as shown on the right. Multi-use pathways are proposed within the Williams Pipeline easement and along Locust Grove Road. A minimum of 15 percent or 18.93 acres based on 126.2 acres of residential area. Qualified open space is required to be provided in the R-8 and R-15 zoning districts. A total of 36.1 acres or 29.1 percent is proposed at almost double the required amount. Site amenities totaling a minimum of 26 points from each category are required to be provided. Amenities totaling 30 points are proposed consisting of two fitness courts, a dog park and two education gardens from the quality of life category. A swimming pool with changing facilities and restrooms and two tot lots and natural play areas from the recreational activity category. .37 mile of pathway aligned with linear open space and 1.61 miles of multi-use pathways from the pedestrian or bicycle circulation system category and a bicycle repair station from the multi-modal category. Several conceptual building elevations were submitted for the proposed single family residential detached homes in the development as shown. There are some single family attached units proposed in Block 23, but no concept elevations were submitted for those. A mix of single story and two-story homes are proposed that include a variety of siding styles with masonry accents in a variety of colors and design elements and features with varying roof profiles and wall modulation that demonstrate the high quality of development proposed. No elevations were submitted for the commercial portion of the development. The Commission recommended approval with the provisions recommended by staff and changes requested by the applicant and agreed upon by staff as noted in Section 4 of the staff report. I will just go over a summary of the Commission public hearing. Amanda McNutt and Jon Wardle, Brighton Corporation, the applicant's representative, testified in favor of the application. Julie Edwards and Melissa Fulkerson commented on the application. Written testimony was received from the applicant Amanda McNutt in response to the staff report. Key issues of discussion were the request from the neighbors on Mary Lane for trees to be provided within the

buffer along the south side of the Farr Lateral from approximately Locust Grove Road to Margaret Lane for screening purposes. The applicant is amenable to providing trees in this location provided there is adequate area to do so outside of the Farr Lateral easement or through a license agreement with the irrigation district. Opinion of people living in the residential units facing the commercial development in Block 23 would not want to look out their front windows into a parking lot. Key issues of discussion by the Commission were as follows: The requested waiver to block face standards in regard to both phases of Block 12 and the associated site constraints. The requested reduction of the buffer to residential uses on the commercial property in Block 23 and proposed design with the parking lot for the commercial uses abutting the residential property -- generally not in favor of the proposed design and concern pertaining to addressing for the lots that have frontage on a public street that are accessed off of a named private street and confusion that may occur for emergency responders. The Commission made the following changes to the staff recommendation. At the recommendation of staff the Commission approved the applicant's request to remove the requirement for ten foot wide detached sidewalks to be provided along all collector streets in lieu of on-street bicycle lanes consistent with the five foot wide sidewalks constructed in the adjoining Apex development. Only five foot wide detached sidewalks are required by the UDC. Modification to the condition requiring a revised landscape plan to be submitted to add that it shall be required with submittal of the final plat application and modification to the condition requiring alternative compliance to the common driveway standards to allow four lots on one side of the driveway in Block 12 to be submitted with the final plat application if -- if that is requested. The outstanding issues for City Council tonight. The applicant requests Council approval of the following: Deletion of the requirement for a north-south public street to be provided between the residential and the commercial lots in Block 23. As I mentioned this is not allowed by ACHD due to the offset requirements and they did state to me that there -- there would be no waiver of policy on that matter. Deletion of the requirement for the revision to the lot layout -- lot layout, excuse me, in Lot 2 to comply with ACHD's requirements for public alleys, which was required so that the lots only have frontage on one named street rather than two. Deletion of the requirements for a sidewalk to be provided on the north side of West Precipice Drive. This is a UDC standard that cannot be waived. A waiver to exceed the maximum block face allowed in Block 12 along West Precipice Drive and West Vertex Drive due to the previously noted -- noted site constraints and a waiver to not provide a 25 foot wide buffer to the C-C district -- in the C-C district on Lots 1, 5 and 6, Block 23, to the abutting residential uses along the west boundary with the provision of a 15 foot wide common area MEW on the residential property, which will include landscaping and a sidewalk. As an alternative staff recommends residential lots and uses are removed from Block 23 and all of Block 23 is developed with commercial uses. If Council does not feel the residential lots and uses should be removed and is supportive of the applicant's request for no buffer on the C-C zoned property, staff recommends the common area MEW is widened from 15 feet to 20 feet consistent with the minimum width for linear open space areas. Written testimony since the Commission hearing. A memo was received from Jon Wardle, Brighton Corporation, the applicant, in response to the recommendation to Council, which includes an exhibit that illustrates the proposed design of the buffer between the residential and commercial uses in Block 23

and an exhibit that shows the proposed layout of Block 23 is consistent with the concept diagram in the comp plan for the mixed-use neighborhood designation. Staff would like to clarify as noted by the applicant -- this property is within the mixed-use community, not the mixed-use neighborhood designation, which allows more intense commercial uses and necessitates more of a transition and separation between land uses. The mixed-use and mixed-use community concept diagrams and -- the concept -- or in the comp plan as shown before you hear depict a local or collector road as a transition and separation between single family residential homes and higher density residential and commercial uses. The concept diagram for the mixed-use neighborhood designation transitions from single family residential to higher density residential and then commercial uses. Staff will stand for any questions.

Simison: Thank you, Sonya. Council, questions for staff? Okay.

Wardle: Good evening, Mr. Mayor, Council Members. My name is Jon Wardle. My address is 2929 West Navigator Drive, Meridian, Idaho. 83642. Happy to be here with you this evening. I know that everybody has commitments, especially with the new school year and so I do appreciate you taking the time to let us talk about Apex Farr tonight. I know that some of you wouldn't say are new, but this project does have a little bit of history to it. We started back in 2020 as mentioned by -- by Sonya and originally the property was brought in as a holding zone. The city did a large annexation in south Meridian so that an investment in sewer could occur and everything was brought in as an R-4 designation with the opportunity to bring forward rezones and preliminary plats in the future. In 2020 when we brought the project in front of Council these were just fields and we made some statements that we were going to do a few things. One was improve roads. Another one was to build schools. And a third one was to connect with parks. And one -- another one dropped kind of in front of us, which we had mentioned kind of offhand, like wouldn't it be great if we had a library and so I just wanted to highlight some of the things that have happened that we have been involved in since the project started. We have built a mile and a half -- a half a mile of Locust Grove and the two lane roundabout. We finished another quarter mile of Locust Grove going over towards recreation where the new fire station is and allowed phase two of the park to get built. We are currently building -- almost done -- Locust -- or Lake Hazel out to Meridian Road, which will complete a five Lane road section of 1.34 miles. We were able to work with Gem Prep, get them a school site and they actually were able to open their school before really residents had moved into our neighborhood and, finally, the Meridian Library opened up just -- just last week and that was an interesting process that we were able to help them meet their goals of their -- their constituents as well. And the last thing we talked about when we did the original approval was an amphitheater and we have broken ground on the amphitheater and that should be complete in May of 2025 and so there has been a little bit of history here, but we have also been able to accomplish the things that we wanted to do with -- with Pinnacle. We often refer to it as -- as Apex. There is a reason for that, but -- so, things get interchanged at the same project and so I will say Apex or Pinnacle tonight. Before you -- I thought I could move this. As Sonya mentioned we are talking about 131 acres and a new preliminary plat for 381 homes, six commercial lots and 60 common area lots

and the overall project will have 28.7 percent qualified open space. This is specific of what we are talking about. The area that's shaded in blue was previously approved under Apex West and we have other phases that will also come through and that will come through in the future and this is the area that is directly south of the Farr Lateral and west of Locust Grove. As Sonya mentioned there are a few cleanups in terms of rezones that are happening here. All this property was previously brought in and annexed, but we are doing a little bit of cleanup so it's consistent with the plot that's in front of you. We do have some constraints. As Sonya mentioned one of the things that's probably most interesting is how much topography is on the site. On the north the Farr Lateral sits very high. The Williams pipeline is kind of low through the valley and, then, we come back up towards where the Watkins is. So, this Watkins is here, this blue line kind of cutting through the middle. You have the Farr in the north. The orange is the Williams pipeline and we also have sewer lines that are existing. We have the Watkins Drain and so there were a lot of constraints and probably the most challenging on all of this was topography of the site and so these are things that we have designed around as we have brought this before you. One of the things that's really interesting here are the opportunities afforded by constraints that we can do something that's unique with them. There is -- there could be a chance to turn our back on the -- on the Williams pipeline, which is 75 feet, but I think the city did a very good job of embracing the pipeline in Discovery Park. You wouldn't know that it's there. It goes through Gem Prep as well. We have it coming through our site. In fact, I will mention that a little bit more when we get to the Block 23. But what we are really trying to do is make that an essential amenity, not only for the residents, but we are putting in the -- the city -- city pathway system that allows that to get down to Discovery Park through ten foot sidewalks on both sides of Locust Grove and Lake Hazel and eventually go towards the north. So, you can see that this cuts through the project. One of the things that's really unique by having that is you can see on this one there is blue lines and red lines. The blue lines are the -- the hard surface pathway, a ten foot concrete pathway, but the five feet are natural passive pathways that give a different experience, which allows us, then, to create some gardens for flowers and other things like that. There will be groomed areas, but there will also be some very natural areas as you work through this corridor. In all I think we have about -- in this Apex Farr about 1.4 miles of pathways that qualify as ten feet or more. We also will have a new community pool. I'm going to come back up here really quick. We actually are building right now in Apex West our second community pool and our third community pool will be in this phase Apex Farr, which is up here on the corner. So, we will have a community pool and clubhouse, outdoor gym, dog park, and even a bike repair station with all the pathways that we have and the phasing plan. There are just a few issues that Sonya noted, but we feel like we do need to spend a little time on regarding road length, sidewalk and the mixed-use nature of Block 23. Like I said, there are some constraints. When you look at the Farr Lateral and the roadway that we have up above the Precipice is what it's called, and, then, there is a roadway down below, which is called Vertex, the distance in height is anywhere from 19 to 24 feet between those two roads and that's -- that's significant when you are talking about this and so we looked at the several different ways on how we could make these roadways work, but also with that much elevation you can't make connections very easily, because they exceed the height or the -- how steep they could

be between those two roads and so in order to accommodate that we have addressed it through traffic calming, pathway systems and other things like that. Related to Precipice, which is the northern road along the Farr Lateral, we have a number of places where these sections of road are really broken up, so they are not long lengths and we will have bulb outs and other things -- connections that are happening. We do have one section that's over a thousand feet, but we have pathway connections connecting between Vertex and Precipice, traffic calming throughout that. A 29 foot street. I believe we have about 26 or 27 lots along Precipice total. It's not a through street, it's not a collector, it is really just a local street for those residents and it's designed that way so that it can accommodate them, but not really as a cut through. The other one is Vertex. While we do exceed the block face you can see that there are a number of roads that are coming through and so, yes, on one side of it the block face is fairly long, but we have intersecting roads that come into that and they also come down and connect to the pathway system along the Williams pipeline. We have reviewed these with ACHD and they have been agreeable with the Precipice roadway as a 29 foot roadway and the separation of these as well as the length of those. We are asking Council to accommodate a request for the waiver, because, frankly, there is just not another way to do it without very steep slopes and embankments that would come from north to south. The sidewalk that was talked about just a second ago is really just a sidewalk on the -- what we call the south side of Precipice identified here in blue. There is also pathway connections coming through. It's a 29 foot road. We do have the sidewalk on the one side and we are asking for your consideration of that request as well. One of the things that we are able to do as a request by the neighbors to the north, the Farr Lateral, which are on still county lots, but they are larger lots -- was could we add trees. We went back and looked at the easement area. It looks like we can accommodate trees on the north side. We don't want to cut into that with a sidewalk because we don't -- the -- The Farr Lateral is higher than that road, so we don't really want to rip into that, but we can plant trees and that we will be outside of their easement as well and that's what's demonstrated here and probably the item that Sonya spent the most time on was Block 23. We -- we have talked about this a lot. You can see in the middle of Block 23 we are bisected again by the Williams pipeline. We have looked at the uses here. The uses that we are anticipating in Block 23 from a nonresidential perspective, are a church, a gym and daycare. All the uses that are very easy, very light in nature. We do not feel like they will overload at all, but they do provide some nice mix of uses here. This is not the hard corner. The hard corner is still to the -- to the south and there are intense uses that could happen down there, but we don't see the commercial nature of this one and, true, while Sonya did notes accurately that when you look at the Comprehensive Plan, this is designated as a mixed-use community. We never viewed this as a mixed-use community block and we really -- and she did note it in the -- the last of her presentation was that we had really designed it based off of what the mixed-use neighborhood designation was where you would have residential and -- this is in Figure 3D of your comprehensive plan. You would have commercial uses and you would have parking. We are pretty similar to that where the parking is right up against the residential uses. It's not a drive. It's not a through lane going through here. That's this internal circulation and we feel like this does work. We -- we have had experience with this. We know that maybe not everybody -- it's a choice that they would

want, but we do need to look at opportunities to be creative and look at good design and consider the mixed-use neighborhoods that the city wants. This is a really good opportunity where we have the library just to the south, the new amphitheater and other things right there. It makes a really good combination of uses in Block 23. There were some questions about setbacks. More specifically buffers. It is true that in the -- between uses that the city does have a standard that there be a 25 foot landscape buffer. I would say oftentimes you have two different developers coming in, you have one developer who wants to do the commercial and you have existing residential or a new residential with existing commercial. We are able to marry both of those together. We do have a 25 foot buffer, but it does vary. We are in a 15 foot common lot, which is shown here in this 15 feet here and, then, there is ten foot from back of sidewalk to the face of these homes. There is a private little yard, but there is also in the side of their homes -- each of these homes would have a yard. There is a 20 foot driveway in the back and a two car garage. So, we have been thoughtful in the way that we are designing these. These are two homes connected. So, duplex style. This gives you another visual of how that works and so while the request is a little different where you would say we would want the 25 foot buffer on the commercial side, we are coming in to you with a complete plan. We would be the ones that are building this. We would also build the commercial. We can set the tone for this and we are accommodating and meeting the requirement for a 25 foot buffer with a 15 foot common lot and a MEW and a ten foot set back from there and we still meet the requirements. We can enhance the landscaping behind the sidewalk. I think there is some ways that we could add some plantings, whether it be a boxwood or tall grasses that would shield perhaps some car lights. But, again, when you consider the uses, they are really daytime uses or weekend uses and not a nuisance in terms of the evening. Just another look at how this would or could work. The comment was made in an e-mail back and forth between us and staff about, you know, life safety and concerns about how this might function practically. We have already done this in Meridian. We have a number of projects where the homes don't necessarily front on either a public road or a private road, but the fire code does allow for signage. And this is just one example that we have done in Bainbridge. You have the same examples in Paramount where you have these courtyards, there is a series of homes that are around a grassy area and they do not necessarily front their front door on the road, but working with the fire department and we came up with a way to address this. This is just one location, but in this particular location there are three different signs that show what the addresses are. Are there opportunities to enhance that and improve it? Absolutely. And we welcome that. But this is not a new concept the way that we are asking for these homes to front here -- they very easily can be signed off of the road to the north, which is Crescendo, or the road to the south which is Phenomenal in a way that would provide certainty on how life safety could get there, plus we also have the parking lot which would allow access directly into those. So, in conclusion we do concur with the staff report. We appreciate the time that they spent on it. There are just a few little items that we are asking for your consideration as you move to act on the preliminary plat, the rezone and development agreement. We ask that the block lengths be allowed to exceed the face, that we are allowed to do sidewalk on one side and the mixed-use layout as we have shown be allowed. We feel confident in our ability to deliver a very livable opportunity in

this -- in Pinnacle for a mixed-use community and neighborhood and here is one example where we can do that. So, I would stand for any questions you might have.

Simison: Thank you, Jon. Council, any questions for the applicant?

Overton: Mr. Mayor?

Simison: Councilman Overton.

Overton: Jon, real quick. When you showed a -- kind of an example of the parking and the 25 foot buffer on Block 23 in front of the residential, is -- that one right there. Can you go back to the -- the real world example of what the parking lots going to be laid out for in this Block 23? Is there going to be -- what -- what am I seeing?

Wardle: Here?

Overton: Right up against the residential where that 25 foot buffer would start. Is that going to be parking parallel to that curve or is that a not side parking area?

Wardle: It would. So, there would be a back of curb. So, if you look at this exhibit here, Mr. Mayor, Council Member Overton, the parking lot would come up to the -- to the 15 foot common lot. So, that way back a curb. Then we would have a landscape area, the sidewalk within 15 feet and, then, outside of that we would have another ten foot setback to the front of the home. So, total of 25 feet, but 15 feet of that would be in the common area going right up to the back of -- back of curb in that parking lot area.

Overton: Mr. Mayor, quick follow up.

Simison: Councilman Overton.

Overton: So, this is fairly accurate on what you are looking at, which is parallel parking coming up to the front of that picture.

Wardle: Yes. It would -- perpendicular parking.

Overton: Perpendicular parking.

Wardle: Yes, that would be fairly accurate. Here is another look at it as well where these -- these cars could perpendicularly park in front of that -- that common lot.

Overton: Mr. Mayor, one more.

Simison: Councilman Overton.

Overton: Just to cover on Precipice, I mean, obviously, the -- the length of the road -- I completely understand based on what you are dealing with with elevations. Walk me

through one more time. This sidewalk will only be on the south side of Precipice, so what am I looking at on the north side of the road?

Wardle: Mr. Mayor, Council Member Overton, I'm going to show you two slides here really quickly. So, this -- the blue line here on this exhibit shows where the sidewalk would be. If we go to the -- if I go to the next slide this would be on the north side of Precipice. So, we would have a curb and, then, we would start sloping up to the Farr Lateral, which would all be landscaped anywhere from 28 to 35 feet of landscaping up to their required access and so we can plant trees in that 28 feet, but there wouldn't be a sidewalk on the north side. So, this would be -- if you are looking due west -- if you are on Precipice looking due west in this picture on the right-hand side there would be a curb and, then, you would have landscaping going up to the Farr Lateral.

Overton: Thank you.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: We always get into this discussion about laterals and different irrigation and I always forget which is which. How deep is the Farr Lateral and will there be fencing? What is contemplated on that north side? And just in general for all of the water in your development.

Wardle: Mr. Mayor, Council Member Strader, in the case of Farr Lateral we are not altering it at all. It's outside of -- we -- we don't have to do any crossings of it. So, we can landscape up to their maintenance area, but this is Bureau of Reclamation. They are pretty particular about what they will and won't allow in there. Could we do an open metal fence along that boundary kind of where -- at the 28 foot mark? We could. I don't believe that we were anticipating doing that, but if that was something that the Council felt strongly about and that would be something we could consider along the Farr Lateral. There are other ones like the Watkins, although it's not in this project. We have the Watkins, which was approved in Apex West. It was a water feature. It was fairly low and a pathway along it. No fencing required. This one's not a very deep lateral. It actually takes -- it comes off what is the -- the Farr, which is coming over from Lake Hazel, but in this particular section it's not very deep. But we are not intending to make any alterations within the Bureau of Reclamation's control facility.

Strader: Uh-huh. Yeah. Mr. Mayor?

Simison: Council Woman Strader.

Strader: If you don't mind I have a couple questions. Okay. I -- yeah. I -- I don't know, I get concerned about safety. If you could maybe during this meeting kind of check into the depth of the lateral or just give some more color on what -- what the slope is or just

help us understand that. My inclination usually says to require a fence, but would love to hear more. If you could go to the aerial -- oh.

Wardle: I -- we did have a few different examples here and so you have to humor engineers the way that they use their scales, because it will -- going up and down it looks really significant and it is, but side to side is -- is pretty standard in terms of -- so, we are talking about five feet north to south or up and down this, but a very significant distance. I think we are at 50 foot increments in between. But you can see that we would be trying to do a two-to-one maximum slope coming back from Precipice up to the -- the required access that they have. So, that's what we would generally be holding along that entire length of the Farr Lateral. So, this is just a couple -- we did three different sections here along there. When we get a little bit farther to the east it flattens out a little bit, so it won't be as steep, but we could have some slopes as much as two to one.

Strader: Yeah. And -- and what I was trying to understand was more like the lateral itself, like the -- how -- how deep is it? How much water -- is it like two feet of water or one foot of water? Give me an idea. I know it's seasonal, too, so --

Wardle: Yeah. Let me see if I can get you an answer during the meeting here.

Strader: That's very helpful. Thank you. And, then, if you could go to the aerial view -- the aerial view of Block 23.

Wardle: That one or do you --

Strader: Yeah. That one's okay. Help me understand -- so, I was trying to understand -- what is the structure right in front of --

Wardle: Right down here?

Strader: Yeah.

Wardle: Let me move my --

Strader: Or just right before -- so, you have these duplexes, I think; right? And, then, you -- and, then, like right below that there is some -- something -- it's like a building or a parking lot. I'm not sure what that is.

Wardle: They would also be townhomes or a live-work unit that would be facing towards the amphitheater.

Strader: Uh-huh.

Wardle: That is a use that is allowed in R-15, but we would have to bring that back through for alternate -- not alternative compliance, but for design review. But that's what

those are. There would be six attached townhomes there that we would hope that we could do as a -- either live-work or maybe even -- I'm not sure if we can do vertically integrated in R-15, but the idea would be at a minimum to do a live-work in those units. With all that that's shown in red would all be residential in nature.

Strader: Yeah. I want to be honest, I'm struggling a little bit. I'm struggling a little bit with kind of a lack of more of a buffer between the commercial component and the residential component. It's interesting, I think if it -- what's interesting to me is I think if it was like live-work units that I thought were more commercially oriented and kind of a combination of commercial and residential I might actually be a little more comfortable, if that was like the product that I think was -- was facing the parking lot, then, I feel like that's a little more what people signed up for, if that makes sense, because, you know, you are kind of working out of your house and -- and you are combining those two uses together. I'm going to keep thinking about it during the meeting, but I just kind of wanted to flag that for you. Yeah. I mean unsurprisingly, but I am kind of struggling -- I am a little bit struggling with having these two uses, right, up against each other and what I sort of see is a lack of a buffer and like I don't love the idea of people looking at a parking lot either. I also don't love the -- the addressing challenges and kind of -- kind of want to understand that a little bit better how you do that. So, yeah, just thinking out loud.

Simison: Since we are right here just maybe -- I know we have a very similar situation to this one mile away in Reflection Ridge. When you come in off of the main road -- Wrightwood the -- the -- all the -- all the units take their address -- there is basically a drive aisle that connects Wrightwood to another street and they are all -- they are all addressed off of Wrightwood, though. None of them have Wrightwood front -- Wrightwood frontage. So, I don't know if the standards have changed, but we have a -- you know, not just Cadence, but other residential area within a mile away that has similar types of addressing elements. So, have standards changed to your knowledge on this issue? Is that a -- you had referenced the fire department. The -- placing the sign there and that's what I recall when I drive down Wrightwood it lists the numbers of the units that are on those shared drive -- it's got to be a shared driveway. It's not even a private road. They are just a shared driveway and I don't know if there is four or six homes in between there, but any thoughts on -- has this been a changed standard?

Wardle: Mr. Mayor, to my knowledge there has not been a changed standard. I believe that the -- that these have been allowed. There are examples in the city and we have done them as recently -- actually in this right here. This example right here. We have -- there is a block here. See if I can just highlight it really quickly. That block right there. You can see the -- this green space right there. None of those homes front on the public street. All of these homes in here -- that group right there all addressed off of Apex. So, it does come to us as a little bit of a surprise that there has been some resistance to this when we have done it in this project, when we have done it in our Cadence projects, that there are opportunities for really good design. If we aren't going to allow homes to open up in these different examples we are going to be pretty narrow in what we can design or consider creative. Keep in mind we aren't doing this without a

fair amount of investment. We were very comfortable with this. We designed this in mind of what we can do here. We feel in particular in this case with the -- the other uses that would be part of Block 23, that this is a good opportunity to have integrated mixed uses. We feel like it would be really unfortunate just to throw them out and say, no, it doesn't really work for us, when, in fact, there are different examples -- and, I -- I will -- are you -- I will be candid, this was mixed-use neighborhood in your comp plan. We are in mixed-use community, but the nature of this Block 23 is neighborhood in nature. The city contemplated this design. The addressing -- there are provisions on way -- how to make the addressing works through fire code, which we have done. So, it's not without precedence and we also feel like it is -- it will be very desirable and these homes will give another opportunity for maybe a smaller lot, but less maintenance in -- in a very desirable community. I know that Chief Blume raised his hand, because he probably wants to weigh in and I was also going to ask Captain to -- because what I don't know is -- you know, I -- I -- all I know is when you put in Google, Google shows you where it is. I don't know how our emergency responders respond to -- you put in an address, how -- how is it showing you to get there? Is -- you know. And maybe I don't know if -- Chief Blume if you want to go first, since you raised your hand like a good boy.

Blume: Well, Mr. Mayor, Members of Council, yeah, I have had some pretty at length discussions with our prevention team and in understanding what the code does allow, it does allow for what the applicant is requesting with the modification of a monument or a sign indicating the addresses which are not visible from a street and so from that perspective and from the allowance that is provided in the fire code, the fire department does not have any issue with the applicant's request at this time.

Simison: Thank you, Chief. Captain Stokes.

Stokes: Yeah. Mayor, our CAD system, you know, maps the address for us, so the officers use CAD, which will give us -- you know, it will map us to that location. There are occasions where, you know, our -- our cell phones are more accurate or up to date and officers will use those as well. But, generally, if all that legwork is done by fire and development and all that, we -- we don't have any issues getting there. We go to some complex, like apartment complexes and things like that. So, we generally figure it out.

Simison: I have been in Caldwell where, you know, in an apartment complex where it's been much more difficult to find a building, but I didn't know if that was similar when they are addressed this way or not. I was just trying to follow my Google map to get me to an address on Wrightwood to -- to see if I could understand just the written directions. I didn't know if you saw a visual as well overlaying an where individual home was. I know generally Google Maps will do that, but I didn't know if our CAD did that or not.

Stokes: It -- it does to some degree and you can look at it in kind of different layers. Like on Google Maps you can have kind of an aerial view or more of an artistic view I guess. I'm not a pro on this, but, you know, when it's more looking like a map and not the aerial view.

Simison: Okay. Thank you. Sorry, Council Woman Strader, did you have a follow up for the chief or captain?

Strader: Yeah. I -- I guess I -- yeah, I'm not -- I'm not totally following. So, Chief Blume, are you saying you are comfortable with this, because the fire department would arrive on site and, then, read the sign and determine the address or -- I wasn't really clear on whether these addresses would be mapped somehow already for your team. Like if we are just using the example of the sign in Cadence, like this is a very small sign in my opinion to try to identify where you are going if it's not clear. So, if you could just provide a little more insight. Do you expect that emergency service would arrive and, then, hopefully, see this sign and, then, proceed or would it be mapped ahead of time in some way? How would that work?

Blume: Right. Thank you, Mr. Mayor, Members of Council, Council Woman Strader. Much of what PD said we can echo. We have very elaborate and detailed -- once things are uploaded into our -- our CAD system as far as addressing and location and -- and -- and, again, I think that when we look at -- as the applicant has indicated that there are other examples of this allowance in -- in Meridian currently, we have not encountered a situation where that has been an impediment to our emergency response with the allowance that is allowed within the fire code of a monument or a pillar or a marker that indicates the physical address being on those signs.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. I'm sorry. I'm -- it's probably excruciating for everyone, but if you could just explain -- so, the CAD system -- I'm not -- I'm not following -- I'm not tracking with what you are talking about. So, would a person be manually putting these addresses into your CAD system upon approval of this development and so, therefore, you are not concerned because that system that you are using will have these addresses mapped? Help me understand that. Is that an automated process that we don't have control over that comes from a third party? Like how -- how do those modifications happen in the CAD system?

Blume: Council Woman Strader, that -- that actually is a brilliant question. To answer you honestly I don't know. I have been an end user of that product and everything is populated in the system now. What I do understand is that once the Council of the city and Planning approves a development to go in and as benchmarks are made in the progress of the development and -- and when there is a certificate of occupancy that gets issued, whatever entity -- and I apologize I do not know who that is -- that is updated on our CAD. So, it is a living document, if you will. It's a living map and it is updated periodically, sequentially to reflect existing and ongoing construction and occupancy.

Simison: In short, Ada county is the holder of -- of the map and they dispatch to all the -- so, whether it was our police, our fire or ambulance or anybody else, they all use the same system, which is a map as -- I -- I haven't physically seen the map. That's why I didn't want to answer the question, but they control it all, so everyone sees the same thing and so, yes, it would show on a map that says here is where you are going and when they would get there. But, you know, people drive in different ways and so some people may not look at a map, they may look at the directions and -- because it displays in a couple different ways, if I'm not mistaken. But, yes, it would show up on a map as this is the address, this is the location, and, in theory, you would show up and it would take you there. How -- how it directs you to there -- does it take you down -- I don't know which street you would, in theory, be addressed off, the one behind it or the main one, because that's like Wrightwood in theory would be the one to the north and, then, all those would be addressed off the one to the north if you look as to how Wrightwood was done. I don't know if that's what they would do here or how they would access which door through that process, so -- but that's -- it would be the CAD system and we work with Ada county to transmit that information to them and, then, they are the holder of it for everybody.

Overton: Mr. Mayor?

Simison: Councilman Overton.

Overton: A little history. When Reflection Ridge went in I was sitting in a different chair in this room and it was my job to go look at the alley loaded design before we would approve those first ones in Meridian on Wrightwood and they sent us over to southeast Boise off Warm Springs and we looked at one that was very very similar to what we have already on Wrightwood. At that time we did not have a computer-aided dispatch CAD system nearly as revolutionized as we have today. It was a much older system and even in those times Boise police was able -- and Boise fire and EMS were able to respond, because they are not looking at the sign. The signs are really for people that may not know where they are going. The CAD systems tell them exactly where they are going and eliminate all of that mystery. They do have people that work for Ada county that their sole job is -- is to take all of what we do in this whole county and input that into the system, so they know when we have annexed land they know when it's now ours and no longer Ada county's. So, that that's constantly being updated for the officers, for the firefighters, for EMS. So, I remember having first-hand knowledge of how this process worked when we did the first one off of Wrightwood. So, hearing what the -- what the Fire Chief is saying and what Captain Stokes is saying, I don't have any concerns from a public safety standpoint, because we have had these systems in our city now for well over ten years and it's worked flawlessly, especially in the new upgraded CAD systems.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Well, that's extremely helpful. It gives me some comfort that a human is inputting the information into the system and can make adjustments. It's not like a Google Maps concept. So, that's what I was worried about. This is coming from Google Maps or something and that -- that terrifies me. But -- okay. So, in -- back to kind of the point I was getting to -- so, I think the only way I would be comfortable with this is -- to your point if -- if what we end up with here is a church, a gym and a daycare, that I get and, then, that does feel more like a mixed-use neighborhood designation to me, even though it may be a mixed-use community if that is a concept. I think I can get on board with that. But I guess my question to you would be are you far enough along with those leases that you would feel comfortable if that is a condition of approval, because what I don't want is to find, you know, a really intensive use land here and, then, that's totally inappropriate for the proximity of the residential.

Wardle: Mr. Mayor, Council Member Strader, the answer is, yes, we are. We haven't been able to finalize any of that, because this is all part of an updated preliminary plat. This area was -- when it was preliminary platted previously it was as a super block, so it was one parcel. So, as we have been working with a church and with the fitness facility and with the daycare, them moving forward is contingent upon us being able to move forward with the plat and so, yes, I can say that we are -- have advanced all those conversations and we are just kind of at that point where these things all are coming together at the same time.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: So, would -- would you be able to live with a development agreement condition that -- that is conditioned on, you know, those being approved uses and, then, if you needed to come back for, you know, a different use you would have to modify your agreement, is that something that you can support?

Wardle: Yes. Mr. Mayor. I think the only thing I would ask for would be the allowance of an office.

Strader: Okay.

Wardle: But I -- I hear what you are saying. Perhaps like on the heavy retail, like a grocery or fuel or something like that, those would not be appropriate here. We wouldn't do those. But I think things that are -- tend to be very daytime specific, like a church, like fitness, although some fitness can be a little after hours as well, but I think those type of uses, including office, would be appropriate as a condition for Block 23.

Strader: Okay. Thank you.

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: Just to kind of follow up staying on this topic. I -- my concerns that I had initially about public safety and addressing I'm comfortable with that now, but I guess if you could speak, Jon, just for a little bit -- if we did not grant the waiver and -- what would you do? Would you put a street there? Like really -- because as I'm looking at it you could put a street there. To me it seems a little bit more aesthetically pleasing, but I'm kind of -- I'm open to what you are proposing to, but can you just walk me through if you didn't have the waiver and you had to put a street there what -- how would that change what you are proposing and why is that such a -- a concern for you with your design features?

Wardle: Very good question. Thank you, Mr. Mayor, Council Member Taylor. If we were to put a street there the only place that a street could go would need to push a little bit farther to the east. You can kind of see down here there is an alignment there. That aligns with the access into the amphitheater and library and would come out to the north as well. So, we would need to move the residential over if we were to try to mix those two things together. It doesn't show up very well here, but you can kind of see where we are missing trees through the middle of that parking lot. That's also the Williams pipeline and so we also have that as well. So, we would start kind of shrinking down into the corner a little bit more and I think in that case we would end up with more of a multi-family for rent type opportunity than we would with platted lots and townhomes like we are proposing. It just -- we are trying to match with what we already have built across the street and these are carriage lane or alley loaded across the street. So, we are trying to have the same feel and we were mirroring that with another alley between the two.

Taylor: Okay. That's very helpful. Thank you. Mr. Mayor, follow-up question.

Simison: Councilman Taylor.

Taylor: Going to the sidewalk discussion, same hypothetical. If we said, no, we are not going to grant the waiver and you need to put a sidewalk on that north side, I'm assuming you are going to have to cut into the slope to some degree. Can you give me a sense -- if you needed to put a sidewalk on that north side could you do that? Because I'm wondering is it possible to do and how would you do it? I mean are you cutting in quite a bit to the hillside? You know, are you going to have to put some reinforcements to the -- the -- the ground and earth, so it doesn't come down? Could you kind of walk me through conceptually how you would have to do that if we said you need to do the -- put a sidewalk in?

Wardle: Mr. Mayor, Council Member Taylor, as I mentioned earlier there are different varying heights of where the Farr Lateral is as it relates as the slope move -- as the site moves to the west it becomes more severe and so the farther we are to the west we would be cutting in fairly significantly and that would also mean retaining walls and it would be significantly below the -- the bottom of the Farr Lateral. I'm not saying we

would have a situation where it could seep through, but I would really prefer not to be disturbing that slope as much as possible. So, is it possible? We could. We -- you know, going back and forth with staff and with ACHD on that we felt like because that there weren't any homes on that side of the road and we could landscape it and going back we can also add trees, I think it would perhaps impact your ability to plant as many trees along there as well. So, I think there would be some trade-offs. I think at a minimum we would have retaining walls to hold back that slope as we move farther to the west.

Taylor: Okay,

Simison: And maybe just to -- I think it's a great conversation. You know, if you put in a sidewalk, then, you definitely want a fence so people -- you want to invite people to this side of the street, maybe depends on what you think about that, because it would seem kind of silly to say let's put a sidewalk and, then, put up a fence and no one goes over there when there is really -- I mean really nothing there in that context and we don't want to put people on that side of the street in theory, you know. Yeah, wouldn't it be great to have a more natural walkway through there? Yeah. But I -- I don't know if that -- but to create something that was five feet -- that's what sidewalks are and you have a lot of the same basic challenges. But, yeah, it would seem awkward to say let's do a sidewalk and, then, require a fence up, because we put a sidewalk up, especially when there is one on the other side of the road.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Yeah. I appreciate you and Council Member Taylor bringing this up. I -- I -- I think that you and I are on the same page. It's either you want to avoid people interacting with this area and, therefore, a fence is required or we see this as an attractive amenity -- in that case I think a sidewalk should be required. So, what I -- what I gathered from the applicant is that there is probably more of a desire to discourage utilizing the lateral. So, therefore, I think a fence that -- I think the applicant mentioned an open vision metal fence. To me I think that seems most appropriate if that's the direction the applicant wants to head.

Allen: Mr. Mayor?

Simison: Yes, Sonya.

Allen: May I clarify? The UDC does require at the very least an attached sidewalk along both sides of public streets. There is no waiver for that. There isn't a variance allowance and there is no alternative compliance allowance. So, I just wanted you to be aware of that. Thank you.

Simison: Can you remind us if anyone remembers what happened -- very similar -- it's actually a lot worse than what we didn't require on Victory right there at the same water -- it was basically going to be a sidewalk to nowhere, because there was no connection point that could be made. Did Council -- what was the decision the Council made on that project? Do people remember what I'm talking about? It's -- it's the one coming off of Reflection Ridge and that was -- when you come down Victory off of Stoddard it's got a hard right down there at the bottom and the development that went in on the south of that, there was side -- the sidewalk wasn't required, even though it was on an arterial, because it didn't connect to anything. That's my recollection. Maybe I'm wrong, but I feel like we have addressed this in the past, even on an arterial issue with sidewalks.

Parsons: Mayor, Members of the Council, I do remember that project and it -- the sidewalk just happened deeper into the site. So, it was put on that common lot with the hopes that it would go around the canal and, then, shoot back up through the -- the property that's undeveloped because of how close the Ridenbaugh is to the existing roadway. So, it was almost infeasible on -- it wasn't feasible to even do it. That was the challenge. And so we had them actually reroute it more internal to the site farther in and they -- so, that was the -- the compromise. The sidewalk's there, it's just farther away from the road than you typically see.

Simison: Okay.

Wardle: Mr. Mayor, if I could just add one note to that is if we had homes on both sides I can guarantee you we would not be asking for a waiver. We have homes just on one side and we are not short of pathway connections in our community. We just feel like having it on the home side allows access to the other pathway system and really we aren't losing anything by not having it on the north side and it does keep us away from the Farr Lateral as well. Thank you.

Cavener: So Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Maybe a question for either Bill or Sonya then. In -- in light of the -- the comment that this isn't something that the Council can have discretion on, there isn't necessarily an alternative route to maybe reroute a sidewalk for this project, I just want to make sure, Bill and Sonya, I'm correct a -- a sidewalk will have to be required regardless.

Allen: Mr. Mayor, Council, that -- that is my understanding per code. I see the applicant's point. However, Mr. Nary, if you have any additional comments -- I don't see any way around code, any -- like I mentioned, there is no -- there is no variance. A variance doesn't apply in that situation I don't believe and alternative compliance is not an option for our code to that standard.

Nary: Mr. Mayor, Members of the -- Mr. Mayor and Members of the Council, I -- I -- I would agree. I mean without -- those particular code -- and I think Mr. Parsons hit on the circumstance where it really was not feasible to put it in, not -- that it was impractical and I think that's kind of what the testimony's been is it's not a -- not a logical place to put a sidewalk and that might be the case, but we don't have an exception for that either. So, I -- I don't know. I -- I would agree, though, it doesn't make a lot of sense to have a sidewalk where there is no -- there is really nobody that's going to use it on that side of the street, it would only be on the other side -- have no other option.

Simison: Maybe I will go back into my other vague memory bag of tricks. You know, recall a conversation on another project off of Eagle Road in the south where they were private lanes and only wanted to do -- and I think the compromise was they only did sidewalk on one side of the street, because it was a private lane. You know, you mentioned that this is not designed to be cut through. I look at this as a great cut through road potentially, but if it was a private road it would only require -- you know, I don't -- I think that you don't have to have the sidewalk on the second side and it -- it actually pulls it away from -- the width away. I don't know your thoughts on that or anybody else's thoughts on that, but it is a way to work through the code to get a solution that maybe works. Maybe. I don't know. Mr. Mayor, a couple thoughts here. This has been a topic of discussion with ACHD and with staff on this issue. We did have comment back from ACHD that they had spoken with city staff and they were on the same page in support of the request to not have the sidewalk on the north side. I hear what you are saying. Perhaps there is not a way to do that within the code. This is a later phase for us. It might be something that we need to discuss with staff in terms of updating or modifying the UDC. We do not feel like the sidewalk is needed. I don't feel, however, that we want to put a hard stop on this project over that sidewalk. Our preference is not to do it. We don't feel like it is needed. But if -- if your legal counsel is saying that there is not a mechanism to do it within the code right now, then, I would say put a condition and, then, we will work with staff and perhaps by the time that final plat comes along there is a workable solution.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Question for Bill Nary, the city attorney. What is the risk to the city if we waive a UDC requirement without a mechanism to do so? Like what would happen if we -- if we just -- if we approved our development agreement, not requiring a sidewalk on the north side, but with additional conditions instead, I mean what would happen? Just curious.

Nary: So, Mr. Mayor, Members of Council, Council Member Strader, you are asking what would you -- what happens if you waive a code requirement that you already have. So, nothing happens particularly, but you are waving a code that you -- that's already the law and I guess the -- the condition I -- or the caution I have for you as counsel is where does that end; right? You will get that question again and with no mechanism in

your code to allow granting, you were, then, indiscriminately going to choose when you wish to waive a code or not. I don't know how you would do that. That's the problem is the precedent I think in doing it. I think -- I think one option -- Mr. Parsons and I was just talking -- is right now ACHD isn't requiring it. It is a code condition. I like -- I like Mr. Wardle's concern. We can maybe work -- let staff work on that with -- with -- with the developer here and we may be able to find an alternate solution of something that still will meet the intent of the code and not hold up the project and not necessarily waive the code either and we just may not have that solution today.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. I think that makes sense to me. So, in other words, it could be stating the desire of Council, acknowledging that that is not permissible under the current code, directing staff to work on this issue in the future and the code has not been waived. So, it will just be an outstanding issue.

Nary: Yes.

Strader: Okay.

Nary: Thank you.

Whitlock: Mr. Mayor?

Simison: Councilman Whitlock.

Whitlock: Mayor and Jon, I'm going to play the new guy card probably for the last time. I'm the new guy, but in the staff report I heard -- and maybe I didn't hear correctly, but one of the outstanding issues for us is that north-south corridor or road, public street, between the residential and the commercial lots in Block 23 and I believe staff indicated that that -- waiving that requirement or deleting that requirement is not allowed by ACHD. So, help me reconcile the request to delete that requirement when ACHD won't allow that to be deleted.

Wardle: Mr. Mayor, Council Member Whitlock, welcome. You can use the new card -- new guy card as much as you want. The conversation with the highway district was a public road in that location being that close to Crescendo, which is a collector, Apex which is a collector and I'm not sure the Phenomenal is, but we have these roads -- but there are setbacks and distances from a public road to a public road. It just doesn't work in that alignment and, as I mentioned, as we -- if we looked at other types of remodeling -- modifying that block it would be different than what we are showing here and it will probably be more intense and wouldn't be this type of home living opportunity. So, we never pursued the public road through there. We didn't feel like it was needed or necessary. That was something that popped up, honestly, in the staff report that

came just before Planning and Zoning Commission and, then, the revision was let's just get away -- let's do away with all the residential altogether was the new condition that was in front of you. We think that this has designed where the vehicular access for these homes happens in an alley or in a carriageway. There are garages on each of these homes and there are driveways. So, each of these homes has sufficient places to park and does meet and I -- we don't need to just meet the code requirement, but they do comply and we feel like the way that they open up, even though the buffer is maybe a little different than what would be typical with a commercial versus residential, but even the thing here is we control the whole block. We are bringing you what our intent is and we are showing you how this will be designed and be built. So, for us we never pursued a public road through there, because we felt very strongly that the design and the configuration that we have here does work.

Whitlock: Mr. Mayor?

Simison: Councilman Whitlock.

Whitlock: Just to thank you for that and that helps and just added to the clarity to the answer that you gave Council Member Taylor, so I appreciate that.

Wardle: Thank you.

Whitlock: First let me applaud you. As I reviewed and looked at your open space percentage, as well as the amenity scores that you have, I think those are great. You mentioned community pools and, again, I'm in the learning phase. What's your definition of a community pool? Does the HOA own that? Who has access to those amenities in this division -- in this subdivision.

Wardle: Mr. Mayor, Council Member Whitlock, that's a great question. So, the pools would be owned and maintained by the homeowners association and so their annual fees and dues would pay for that. We typically -- on average we -- about 275 to 350 homes we need a pool and so in the southeast part we have already built one pool. We are building a second pool right now and, then, we have a third pool up here and they are really kind of connected with a pathway system and have some interconnectivity. Part of that is, you know, having some variety and options in the pool types, but each of these pool houses also have a gathering room -- a large gathering space where if somebody wanted to have a party they would be able to do that outside of their home. Maybe a pool party and that. But it would be available for them year round as well. The pathway system, which is shown through this corridor, is really open to the public and we really hope that the public just moves through here and kind of on a diagonal through the project, but the access to the pools themselves behind the gate, that would be by card. I'm pretty sure that if neighbors from outside were coming in and using playgrounds and things like that -- there is not going to be an issue, but they -- outside of the HOA they probably would not have access to the pools.

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: Pardon my last question I have. Staff is recommending if we grant the waiver in Block 23 that the common area MEW be 20, not 15 feet. Can you speak to that? Is that something that you are open to or is that something that you are not open to?

Wardle: Mr. Mayor, Council Member Taylor, inches count. In this case adding another five feet would mean we would take five feet out of the home -- or five feet out of the drive aisle or the parking in the back and things like that. So, could we do it? We could. Our preference -- and we feel like we have -- we have a very good landscape buffer between the front of these homes and the parking lot area. It is in a common lot to be maintained in common by the association. So, it's not -- what's the sidewalk to the parking lot is, you know, everybody can use or have access to, so we can control that, but we would prefer to keep the 25 feet as it is and not adding any additional width to the common lot there.

Simison: Council, any additional questions for the applicant? Okay. Thank you very much.

Wardle: Thank you.

Simison: Mr. Clerk, anyone signed up to provide testimony on this item?

Johnson: Mr. Mayor, yes. First is Carsten White.

Simison: And come on up and state your name and address for the record.

White: How are you guys doing? I'm Carsten White. My address is 6162 South Tarrega Lane, Meridian, Idaho. 83642. So, I have lived here pretty much most of my life and it's -- it's just west of this development. So, I have been driving down Phenomenal for nine months or so while the construction is all done on Lake Hazel and there is a few things that I have noticed during this construction and as the front part gets done. One of the things is the current tenant -- or the current owners or people that live in those homes, even though they have garages in the back, they are parking along those roads. So, when we talk about that development where the duplex is going to be, if you look at it there is roads on every side of that -- that residential property and even though there is going to be garages for people parking, a lot of time people just have a lot of stuff. So, they are going to be parking along those roads, which is going to cause -- you know, it -- we can't even drive two cars side by side on Phenomenal most of the time, because there is too many cars parked on there and so part of my concern is that there is just too many -- there is too many people, there is too many houses with no backyards, no space for things and the proposal of this change does the same thing, it just -- you have alleyways, you don't have any yards for anyone to be in and so they just -- it's too crowded all tight in and even though it's -- you know, there is 27 percent green space -- well, I mean there has got to be green space, because no one has any yard with that. So, I -- my -- my issue with living by this and -- you know, we are -- we

are -- we built a house there in 2020. We are still considered county, but eventually we are planning on changing that -- is that we are just -- we are -- we are increasing the density of this area and not accounting for the traffic that happens, you know, that it causes problems with and I just think that's something that we need to consider when we are, you know, approving these -- these developments that, you know, don't have yards and don't have parking for people. You know, we have an amphitheater right across the street from that. So, when there is an event at that amphitheater where are all those people going to park? You know, you have got the parking around the library and things like that, but it doesn't look like there is enough to account for those things. The other thing as we have been sitting here listening to this, you know, we have these commercial buildings that they are proposing next to these residential properties and these commercial buildings we are talking about with churches and gyms and so forth that are day use, but, you know, ten years down the road is that always going to be the case? I mean gyms don't stay in business forever a lot of times. Things change. So, is that necessarily going to stay that way? And do we want to see -- you know, is that the best use for the properties is to stuff a few more residential homes in there just to, you know, increase the amount of people that are living in one area in one street. So, as you guys decide, you know, what to do and what you agree with and approve, I just -- I would like you to take that into account and in mind when -- when you are thinking about it. So thank you.

Simison: Thank you. Council, any questions?

Strader: Mr. Mayor?

Cavener: Mr. Mayor?

Simison: Council Woman Strader got you, so --.

Cavener: No problem. Happy to yield.

Strader: Just a quick question for you, Mr. -- Mr. White. So, at least as I'm looking at it I do get comfort from the existence of this gigantic parking lot next to the duplexes. I mean it, obviously, would be an area that residents could park. I would imagine it would be convenient. People could -- could utilize that. So, does that help alleviate your concern in that specific area of Block 23 or is your concern all of the duplexes and the whole development? I mean it's not all duplexes. It's quite a bit of a single family that do have yards; right? So, I just kind of wanted to understand your -- your perspective on that. It was specific to Block 23 where your concern is or is it other --

White: I -- I would say that's a concern probably because we have been paying attention to it almost the whole meeting, but --

Strader: Right.

White: -- you know, just -- living on the streets altogether I just -- I feel like they are tight streets and you have people parked on every side of them all the time. There is constantly vehicles parked along Phenomenal and -- you know. And those are single family homes along there. So, I'm not -- I don't necessarily think it's just because, you know, there is a duplex. Yes, that parking lot in there is going to be nice, you know, but what happens when the church is full, you know, or the gym, it's 5:00 o'clock, is that -- you know, is that enough? I -- you know, I don't know enough about, you know, estimated numbers of -- you know, of parking to account for that, but it's more on just what my personal experience on that road is, you know, and what we have seen so far is what I would -- you know, is what I'm kind of basing it off of.

Strader: Thanks.

Simison: Councilman Cavener.

Cavener: Thank you, Mr. Mayor. Mr. White, thank you for coming and testifying tonight. Sorry I'm calling in remotely tonight. Public testimony I think is always important for the Council to kind of provide that on-the-ground perspective, which I think you -- you did tonight and -- and you made a comment that at least piqued my interest, which was talking about your -- kind of your belief that maybe some of the commercial use, the gym, the church is maybe not the best use of the property and recognizing this land has already been annexed and zoned, help me understand kind of from your perspective what you think a better use is than what the applicant's proposing and why?

White: I would suggest you keep it commercial. Put some more office buildings in there, you know, instead of residential. That if -- if we look at day use commercial buildings that's going to alleviate the -- the traffic instead of -- what is that 20 more residential homes or even more on that -- that property. I think commercial would be a better use for that.

Cavener: Thank you.

Simison: Council, any additional questions? All right. Thank you very much.

White: Thank you.

Johnson: And, Mr. Mayor, Jenna White.

Simison: No comment. Okay. Is that everyone who signed up? Is there anybody else present who would like to provide testimony on this item or if you are online use the raise your hand feature. Okay. Would the applicant like to come forward to close.

Wardle: Mr. Mayor, for the record Jon Wardle with Brighton. I appreciate the opportunity to just make a couple last comments. First, I do know that we did make life very inconvenient for Mr. White and his neighbors on Tarrega. When you rebuild a five -- a two lane roadway to a five lane road and you take away access, that does -- it does

make it more difficult. So, we do appreciate -- or I guess acknowledge the -- the cross-property access that was given to them and I know that they -- they now have temporary access back to Lake Hazel and there will be other development that will happen around them as well and so there -- there will be some changes there, too. I will note that all of the roads in and around the area that are here are allowed to have parking on both sides and they are -- all these homes as well are alley loaded, which means we aren't competing with driveways on the front of these homes and so, yes, it may feel like there is parking there and that's going to occur, but people are generally -- that would be for guests or if they have something leftover -- you know, somebody coming over or vacation, that type of thing, I -- I think the thing that we have tried to do -- we have been very thoughtful in our design in terms of an overall grid pattern and the overall project. I know that there has been quite a bit of conversation this evening on Block 23. We feel like we -- we have looked at this as a whole. Keep in mind that it's currently zoned R-15. So, we are asking for an opportunity to do a mixed-use project here and not just all residential or something we would have to come back in with a conditional use permit and so we are looking at the whole picture of Block 23 and we feel like there is an opportunity to -- to do this right. I don't want to say trust us, but we are committed to it. We are committed to making a very meaningful investment just as we have already and I think this is another opportunity to show how this can be done in a good way. I believe the -- the one kind of outstanding question is that -- related to that sidewalk. I would just ask that -- that final decision be made at the time that final plat comes through and we will work with staff in a collaborative way to see if we can come up with language that would perhaps allow for our request of just a sidewalk on one side. We have -- we have been excited about Pinnacle from the day that we thought about it to where we are today and there are a number of other things that are coming that will continue to add value not just to the new residents, but the entire south Meridian area. Again, I appreciate the opportunity to stand for any final questions Council might have, but request that you allow us to move forward with Block 23 as designed and also to consider the -- allowing the block length -- block faces to be exceeded on both Precipice and Vertex. Thank you.

Simison: Thank you. Council, additional questions or comments?

Parsons: Mr. Mayor? This is Bill. May I just add a little bit while you guys have the public record open, just to help Council kind of deliberate on the decision tonight. I know it's a lot to digest, a lot of waivers, what can happen, what can't happen. So, a couple things. Appreciate the discussion on addressing tonight. Just wanted to give the Council -- and let you know that we are looking at improving that process and there is some code changes potentially coming to help define that a little bit better. So, we aren't here in front of you trying to explain it to you, because it is very complex as you find out. It is -- it's not just as simple as putting an address on a map and being done with it. There is a lot that goes into it and everything that we do in our world is tied to an address, meaning building permits, some land use application. So, it's -- we want a very robust addressing system, because we use it extensively. So, I won't belabor that topic. I think we got through that tonight and you can see fire code does address that. So, I think we have that captured and I appreciate the comment on that. A couple of

things. When ACHD approached the city about the sidewalk on the north side of Precipice, I told them that a waiver wasn't allowed. We don't have that -- that requirement in our code. But they felt that the sidewalk would be better served on the south side of the road than the north side of the road for the reason -- reasons you heard tonight. So, really, their condition of approval said don't do a sidewalk if the city approves it. Well, the city can't approve that. So, it puts us in a difficult bind. Yeah. So, they required it, so -- based on that feedback, so -- but I know in certain instances we have -- what we don't want to do is put the applicant -- us against ACHD's requirements and vice-versa. So, I'm -- I'm glad that you are wanting to be flexible on that moving forward and I appreciate the Mayor's comments saying private street doesn't require sidewalks, yet public streets require sidewalks on both sides. That's kind of a two way thing. So, to me I like that. Keep continue working, let staff work with ACHD, maybe ACHD says they don't want the sidewalk and all of a sudden now we have a condition that can't be complied with. So, at least think about that as well in your -- your condition tonight. The other thing that I wanted to talk about was Council Woman Strader's comment on restricting the uses through the DA. That gets a little dicey for us to try to regulate that and manage that through a development agreement, but I was thinking, you know, the applicant -- they presented to you their case for why the residential blends in and they want more of a neighborhood commercial feel there. So, why not see if C-N zoning works better for them. The C-N zone will allow the gym use permitted use. The C-N zone would allow the church. The C-N zone would allow the office. And so, then, that helps kind of give your concerns about what if things change over time, how do we address hours of operation? Well, that zone restricts it from 6:00 a.m. to 10:00 p.m., just like an L-O office zone does. So, that's something's that you can do rather than restricting uses through the DA and that allows them to kind of tie in that residential if you are leaning that way. The other option they have, too, as far as the reduction -- reduction -- or the 15 foot up to the 20 feet, the applicant has the ability to add two additional feet to that buffer and have a total of 17 feet and shrink those parking stalls to 17 feet under code for vehicle overhang. So, they could technically get 17 feet additional, unless Council wants the 20 feet. So, anyways, I know I threw a lot out of -- out on you on that, but I at least wanted to give you -- there is some flexibility there and some ways that we can work with the applicant to solve some of these concerns moving forward.

Simison: Thank you, Bill.

Allen: Mr. Mayor, if I may add a couple of items also for Council's consideration before a motion. One being the discussion about possibly shared parking on the commercial property for the residences along that east boundary on Block 23. There is currently not an easement for that that would allow that. So, if that's something that's important to you, please, require that on the commercial property. Also, please, make an action on whether fencing is required or not along the Farr Lateral for public safety. If you feel the fence is needed for public safety, please, require one. It's not currently required in the staff report.

Simison: And just to clarify, you said shared parking. Are you saying having something that allows the residents to park there under an assumption? Like I say, if I lived in that house I just -- I would just park there. I don't --

Allen: Those businesses could technically come out and say, hey, this is our property, you can't park here. So, if that's something that you are intending, please, include a requirement.

Simison: Okay. Mr. Wardle, would you like to reply to any of the things that were stated just -- maybe especially the zoning conversation?

Wardle: Mr. Mayor, appreciate Mr. Parsons' suggestion. I'm doing the same thing he is doing right now, I'm looking through the code. My really quick analysis is that a C-N is fine. I don't think that there would be anything there that causes any issue if it brings some certainty that that would be more lower intensity. I believe that we can work within the C-N zoning for that request. We did request C-C just because C-C is across the street to the south, that's where the library is and the amphitheater, that's all C-C zone. But going to the north if we went to C-N as a way to bridge between those two that would be fine. We would -- we can accept that modification of the zoning request from a C-C to a C-N for the balance of Block 23. I also appreciate Mr. Parsons' suggestion on the parking. He is correct, we could go -- instead of a 19 foot we can go down to 17 feet and add two more feet into that common lot to accommodate a little bit more space. So, get a total of 17 instead of the 15 that we show. So, there might be a little bit way to get more than 15, but we don't want to have a hard requirement of 20. So, I think we can work within those items. Can't remember if there was another item that -- Sonya, that you had mentioned there at the end. Is there any other items? The fencing. On -- along the Farr.

Allen: Fencing along the Farr for public safety. That lateral is open. It's mostly, from what I understand from the applicant's narrative, that lateral is mostly on the adjacent property and not on this property. The applicant I don't believe requested a waiver to leave that lateral open because of that, because it's mostly on the other property. Not sure if you want to go ahead and grant that for where it lies on this property.

Wardle: Mr. Mayor, Sonya is correct. Most of -- if not all of it is not on our property. So, it's on the property to the north and we just are up to it. So, we did not propose any fencing along there. Could we? We could, but we are not going to be doing any modifications or tiling or piping the Farr Lateral.

Simison: Thank you. Council, anything else at this time for the applicant? Okay. One thing I just want to -- you know, on a -- the -- the -- we don't see this a lot in someone having a property for a church. I mean there is a lot of churches out there looking for space and the fact that someone is actually bringing in a project that has one, because normally you see individual projects from churches for their property. But you guys making -- bringing this to the table I know someone's going to be very happy out there in the community if this is approved that they have a space to call their own and -- and do

that and I just want to applaud you for that, because we don't see that a lot in a lot of developments. Mr. Mayor, if I can just make one I guess social comment is we don't have -- well, we should encourage as many places to gather outside of our homes and outside of our work. Churches are one of those. Libraries are one of those. Parks are those places. So, the more as a community which Meridian is known for, being a community that is very people friendly and safe, we should strive for that. So, we feel fortunate, because we have had that conversation with others that are interested in being here and we look forward to working with another local community partner out here at Pinnacle. Thank you.

Simison: Thank you.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: It was suggested maybe we take a quick break before we deliberate. That might be good for you to have a minute to review the C-N code requirements as well just to make sure.

Simison: Okay. Well, let's take a -- we will reconvene at 8:05. Is that enough time, 13 minutes roughly? Okay. We will recess until then.

(Recess: 7:52 p.m. to 8:05 p.m.)

Simison: All right. Council, we will go ahead and come back from recess. Does the applicant have any comments you would like to make?

Wardle: Mr. Mayor, for the record Jon Wardle with Brighton. We did get a chance to look at the zoning question. There is a little bit of a -- perhaps a little issue in particular with the fitness. The fitness user that we are working with, they do allow access 24/7, although it is by key card, but under the C-N it looks like the hours are limited and a conditional use is not allowed under that consideration. You can't do a conditional use permit under C-N to extend the hours beyond that. If they wanted to do that within a C-C you could, but there is not that flexibility. So, I know right off the bat we are going to have an issue with one potential user that wouldn't even be able to do a conditional use permit under a C-N for their use. So, I know there is probably concerns about limiting uses perhaps within the DA by staff, but that would be a complication for us. There was one other item -- as staff and I were chatting we do have a part of the Farr Lateral. Most of the Farr Lateral is not on our property. It's actually outside of our property, but when we get up to the north piece where we have a large common area that's open, the Farr Lateral is on our property and I guess we are talking with staff we either need to tile that or ask for a waiver for it to not be tiled and I guess we would be asking for a waiver of that to not tile the Farr Lateral and if we needed to come up with another solution we can work with them in terms of fencing and things like that to limit access to it. So, with that stated I guess I'm -- I'm not as comfortable a moment ago as I am -- well, I'm not

comfortable now as I was just a few minutes ago looking at some of the restrictions on the C-N zone in particular with one user wouldn't be allowed to operate there. So, we would continue to request a C-C.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. Would it be possible to get some feedback from staff on if it was zoned under C-N is that -- is that the case that we wouldn't be able to allow some sort of an exception for key card access to the fitness facility? Like how would that all play out? Help me understand that, please.

Allen: Yeah. Mr. Mayor, Council Woman Strader, Council, the -- the code restricts hours of operation in the L-O and the C-N district from 6:00 a.m to 10:00 p.m. There are no allowances for conditional use permits for an extension of those hours like there is in the C-C and C-G districts. So, adjacent to residential use.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. I think what's challenging there is I like that restriction generally, but I understand the applicant's business plan and -- and I -- you know, I have used fitness facilities that are kind of like that that have key card access and I don't -- at least I have -- in my experience personally, you know, I haven't studied it or something, but my experience personally is that you are not going to have a huge number of people accessing the facility off hours. So, I wouldn't be as concerned. I just wish there was a mechanism to create a waiver or a conditional use there, so --

Allen: Similar to the sidewalk issue there -- there are no provisions.

Strader: Uh-huh. Okay. Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. And so in -- in -- in staff's view with the challenges of having a DA, then, having to monitor the uses and can you all get comfortable with that or how do you sort of view that? Would you -- would your preference be to -- to zone it, you know, commercial and, then, sort of take that approach or how would -- how would you like us to -- I mean what was your feedback there I guess?

Simison: Can you just do a DA with all the requirements of the C-N minus the hours of restriction and that's where we essentially were. Why -- why couldn't that be the DA provision for that area or is that illegal?

Allen: Mr. Mayor, you -- you could do that. The -- the other consideration is that if you leave it C-N zoning as requested they would still have to come back with a conditional use permit for an extension of hours. So, just be careful of that. That's not something you can just include in the DA that they have extended hours without approval of a conditional use permit.

Wardle: Just to clarify, that's in a C-C. So, in a C-C if the hours were beyond 11:00 p.m. at night, then, that user would -- would need to come to the city and say we -- this is our use and this is what we are doing. So, it would be under a conditional use permit. But if we go to a C-N we don't have that option at all.

Allen: And it caps it from 6:00 a.m. to 10:00 p.m.

Simison: And I guess my point was if your -- if your DA provision just says these are the uses, which is what's allowed under the C-N, but you are -- you don't really address the hour issue. So, the hour issue doesn't apply, because it's not part of it and it's just the uses.

Wardle: Mr. Mayor, we would be fine with that -- with a DA provision zoning at C-C with the provision being that it would be the C-N uses.

Simison: Right. And, then, everything else still applies to the C-C process for hours of operation for future elements. Or you just got to get a gym that only wants to be open until 11:00 p.m.

Parsons: Mayor and Council, if I can just touch on that subject a little bit. I'm -- I'm looking at code here and a couple uses that stand out to me that's different between C-N -- really the difference is the hours like you said, Mayor. That's the primary difference. But there is a couple -- there are a couple of notable ones that I want to share with Council on this. So, flex space is a permitted use in that zone. Multi-family is a conditional use in the C-C zoning district, but it's not allowed in the C-N zone. Fuel cells facility is principally permitted in a conditional use in the C-N zone. So, although I -- I -- I appreciate the applicant saying, yes, these are the uses we are going to have here, things change over time as you know and once we give zoning we give zoning and that's -- again staff is still comfortable with C-C zoning, just was trying to talk out loud and see if there was a compromise where we could give you some comfort level that, hey, there is some other options to think about here. But as far as retail stores, retail is allowed. Wireless facilities are allowed. Storage is not allowed, but self storage is allowed in the C-C zone through a conditional use permit. So, it really -- it is somewhat of a higher more intense zoning district, but it still is -- still fits with the mixed-use designation probably is the best way to say that, so -- but it's still more of a tracking issue. What I -- what -- what staff gets fearful of is -- if we get a new hire or somebody calls us up and says, hey, this is C-C, can I do this use on that property, yes, in the perfect world we are hoping that people are pulling up the ordinance looking at that development agreement and -- and sharing that information, but we are all human, we all make mistakes and -- and -- and that -- that -- that has occurred and so that's why

when we have these conversations with you we try to -- we try to steer away from that as much as possible. My memory serves -- one of my fond memories was the Albertson's off of Amity and Eagle Road. Originally we had recommended L-O zoning on that particular property and, then, we thought we were going to cap that to just L-O uses on the site through the C-C zone and ultimately we didn't do either one of those things, but I remember that project and us having that conversation and, then, recently Council just acted on that DA modification where he came in with two drive-throughs and you are like one only works, we don't want two here. So, this would -- C-N, I believe, allows drive throughs. So, again, that's -- my point is is we want the zoning to match what they intend to do there and I think in this particular case C-N or C-C works minus the hours of operation.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: So, yeah, but my -- my preference would be to zone it C-N and have a mechanism to get an exception to the hours of operation for one user. You are saying there is no mechanism that exists in code to do so.

Parsons: Mayor, Members of the Council, there isn't currently, but you can ask staff to look at that with a future code change. That's the mechanism. You change the code.

Strader: Uh-huh.

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: Unless there is any additional testimony we need to take, I think we are kind of inching into deliberation stage. So, unless anyone else wants to make any more comments, I would make a motion that we end public testimony.

Overton: Second.

Simison: Have a motion and a second to close the public hearing. Is there any discussion? If not, all in favor signify by saying aye. Opposed nay? The ayes have it and the public hearing is closed.

MOTION CARRIED: ALL AYES.

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: Just to share a couple thoughts as we are deliberating, I was kind of holding -- waiting until we kind of were going in back and forth. I'm -- I'm not personally very supportive of the idea of -- of putting conditions on a development agreement or changing the zoning request, because I feel like -- I understand what we are trying to do with being sensitive to the types of uses, not wanting to have a heavy use in the commercial right next to the residential, but I have just concerns generally with that approach that the city might take. I think it just would get messy potentially down the road and I -- I have concerns, even though I'm super sympathetic to that, which is why I was kind of wondering about having a different kind of a buffer of a -- the roadway, but looking at the -- the design and the layout of the property with -- I think it's the Williams pipeline, if I'm recalling correctly that went right through there, created some -- I can see there is some design challenges that -- how to fit things in there. I'm not personally a -- a fan of alley loaded homes. I think aesthetically it's pleasing, but I think functionally I don't -- don't like how they work. I have been in some of those little alleyways and they do get crowded. Excuse me. You know, putting out, you know, the garbage cans and all that, it -- it -- it gets crowded and cluttered and so I -- I don't like them from a functionality point of view. But I also, looking at this application and looking at what's previously been approved, it does seem to be consistent with what previous councils have approved nearby and with -- with the plan. So, this would probably be something that Block 23 -- probably reluctantly say I think the argument convinced me to -- to grant the waiver there, even though it's not my preferred way, but it seems like it's kind of a unique piece of property that maybe warrants that. I'm really intrigued by the idea with the sidewalk. I think if you put a sidewalk there you just encourage people to go over there, which would make me say let's put a fence up. But it seems to me that's something we probably need to figure out how to address later and I would probably be open to not requiring the sidewalk to be built with the idea that we need to come back and -- and figure out how to fix that. So, depending on how the rest of the Council might feel about that, I would be curious how we would maybe suggest going about that. But it -- I think tonight I'm -- I came in sort of 50-50, not sure what I was thinking about the -- the project, but given the -- the arguments I think I worked through most of my concerns. I don't love some of it, but I think it seems like a necessary way to -- to get through getting the -- the project to be designed and developed in a way that makes some sense. So, I think -- I think I'm likely to be supportive of that, but I do -- I don't want to put conditions on the development agreement. I don't want to ask for different zoning and if -- if we did do that I probably would oppose that motion.

Simison: Just food for thought, because it's in my head right now, I don't know the process for getting the road declared a private road or if that's what you would want to do. Like can you have a 35 foot private road or does that -- does it have to be 29 feet? You know, I don't know. That's just one of those things like maybe it's needs to function as a main road, but really it's the maintenance of it, unless it's long term and that's the cost of the HOA ultimately that would be the one that would bear that cost in the future, but a practical standpoint to call it a private road would seem to be a way to do it, even though it was built to public street width -- I don't know who decides ultimately it would be allowed, if that's an ACHD decision based on the layout that would have to go back to them, if that was what we want to do. But for you to see future conversations.

Overton: Mr. Mayor?

Simison: Councilman Overton.

Overton: There are a lot of pieces to this tonight. And the things I really liked at the beginning, which is the lower densities for a product this size really appeals to me, because I see a lot of really high density projects. Those seem to delve into a lot of transportation issues as we go and this one I don't really see that. I see a lot of lower density as we go as a -- as a matter of net density, gross density in this project. We get hung up on a couple of things, but I think we have come up with a plan on how to allow staff and the applicant to work through them. Again, I think -- I echo what others have said, I'm afraid if I put a sidewalk on the other side of Precipice it's going to encourage people to be on it. We don't have a mechanism to deal with that tonight, so I think we need to leave that in as a requirement and let staff and the applicant work. I had a lot of initial concerns about alley loaded lots years ago when we first got them in the city. I wasn't too convinced at the time that they would work, but I have watched them work and especially the ones that we talked about in Reflection Ridge. I actually knew people that lived in one and we went over and visited them and surprisingly they worked very well. All in all through everything that we have talked about tonight in this project I will be in support. I think it's an outstanding addition to what they have done already and they have done so much already in this area that I will definitely be in support of this project.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. So, in thinking through it I agree with Councilman Taylor in the sense that I normally do not like to condition development agreements if it can be avoided. In this case I think it's warranted, because the applicant is asking for us to be extremely flexible and actually to support their plan for the development go against our own staff's recommendation and so that's to me the justification of why the adjacent uses should be limited. I'm very uncomfortable with proceeding with Block 23 under a C-C zone without any conditions, because I don't think it would be appropriate for residential uses to be in such close proximity to what could become a gas station, a number of uses that were rattled off by Mr. Parsons were I think extremely problematic for this location. That -- that would bother me. I think the maximum block face waiver makes sense in this case because of the site constraints. The -- I think we have alignment on our sidewalk requirement and how to craft through that. Where I'm going with it is I would be more comfortable with allowing the C-C zoning, but limiting the uses to those within the C-N zoning designation and, then, you know, there are downsides to that and understanding that staff would have to monitor that. We as concerned neighbors would have to monitor that and that would be kind of the mechanism. It's an imperfect mechanism, but there is no path through the actual C-N zoning designation and the C-C zone designation without any restrictions is unacceptable to me, because I don't think that those -- depending on what the use could be, I think it could be extremely problematic,

although I know that's not their business plan and, then, understood on the tiling of the Farr Lateral not being palatable. I understand that I think some type of open vision fencing desire could be crafted in our discussion on the sidewalk requirement. I'm prepared to make a motion with all of my conditions, but Councilman Taylor started our discussion, so if he wants to kick us off I'm happy to listen, but I think probably you understand where I'm coming out on that. I just -- I think the C-C zoning without restrictions is problematic for Block 23.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I don't know if you are looking for me or not, but I appreciate a good conversation. Tried to remain largely quiet tonight being remote. I share some of the same concerns as Council Member Strader. While I do not anticipate that this applicant would intend to put a gas station necessarily on that block, I do think from a -- a consistency standpoint to just provide some greater structure and clarity around that particular piece, I'm -- I'm -- I'm in support of that.

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: A quick clarifying question maybe for staff. I know we have talked a lot about it. My mind is just kind of trying to remember what we decided. But with the issue with the sidewalk, how would we revisit that? If we say this is something we want to come back and address permanently later we would just instruct the applicant to work with staff. I mean I -- I'm struggling to understand maybe how you would actually go about this. I'm okay saying let's not require them to build the sidewalk now given that we are going to come back and fix it the right way later, but I don't know how we actually would go about doing that.

Allen: Mr. Mayor, Council, I would recommend leaving the provision as is that requires a sidewalk per current code, because that is the requirement, but allowing a verbiage in that condition unless otherwise required by code at that time or something to that effect and -- and staff can craft some language to that effect if that's your wish to allow some wiggle room there if something changes between now and then. Please, Mr. Mayor, additionally, please don't, forget to address the applicant's request for a waiver to leave the Farr Lateral open and not tile it in the areas where it crosses this site and also whether or not you want to require fencing for public safety along that lateral and the parking easement on the commercial if that's your wish.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I think the public hearing is closed. I will take a crack at a motion and we could just sort of see how it -- how it shakes out, how it plays out, understanding I think there are some Council Members that have concerns and I understand those concerns based on principle, but maybe we will -- we will just give it a try here, so -- okay. Make sure we are all right. Mr. Mayor?

Simison: Council Woman Strader.

Strader: After considering all staff, applicant and public testimony I move to approve File No. H-2024-0014 as presented in the staff report for today's hearing date with the following conditions and modifications. Number one that we would grant the maximum block face waiver for Precipice and Vertex. Number two, we would not waive the UDC requirements for a sidewalk on the north side of Precipice. However, we would document the City Council's desire to not see a sidewalk on the north side of Precipice and instead to have landscaping with trees as depicted by the applicant and an open vision fencing along the Farr Lateral, directing staff to work internally to determine if changes to our Unified Development Code are appropriate holistically in light of the needs of the city. Number three, we would grant -- grant the applicant's request for waivers for their buffers. However, adding an additional two feet to those buffers as described by staff, that we would require an easement to allow for residential parking in the adjacent commercial uses and that the acceptable uses as documented in the development agreement would reflect the uses that are approved in the C-N zoning. And so directing staff to include that language in the development agreement. And, then, finally, number four, we would not require tiling of the Farr Lateral in the areas that are on the applicant's property. Hopefully that captured everything. Open for discussion.

Allen: Mr. Mayor, may I clarify?

Simison: Yes. Before we get a second we will allow it to be continued to be modified.

Allen: Did your proposal include fencing for the entire length of the Farr Lateral?

Strader: Yes.

Allen: Thank you.

Simison: Do I have a second?

Overton: I will second.

Simison: Have a second. Discussion?

Whitlock: Mr. Mayor?

Simison: Councilman Whitlock.

Whitlock: Question for the maker of the motion on the very last item. A development agreement that included the C-N conditions, was there an intent there on the hours to allow a C-C hour provision?

Strader: Mr. Mayor, this would be zoned C-C, but the allowed uses would be the same as the C-N zoning, so the same mechanisms that exist under the C-C zoning for hours of operation would apply. I think. I'm getting a head nod, so I think so.

Overton: Second agrees.

Allen: Mr. Mayor, I have another clarification when I'm able to speak.

Simison: Okay.

Allen: Thank you. There is currently a condition in the staff report that Block 2 is revised -- is reconfigured to meet ACHD's public alley standards. Are you wanting -- is your wish to approve it as proposed without the requirement of a public street and addressing from the adjacent public street? Thank you. Just wanted to clarify.

Strader: Thank you. That is correct. Yeah. I would modify my motion to reflect that.

Overton: Second agrees.

Simison: Okay.

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: Before we vote just generally I -- not sensing where everyone wants to kind of -- kind of weigh in on some of this, generally supportive of the -- the project. Just to be consistent kind of with -- with my earlier statement, I'm comfortable with the idea of putting such requirements around a development agreement. So, I would oppose it on that purpose. But generally I think the -- the project is a good project and would be great if it went forward.

Little Roberts: Mr. Mayor?

Simison: Council Woman Little Roberts.

Little Roberts: Wow, we have had definitely a lot of moving parts with this one. Overall I think it's a great project. Love all the open space. I think it's going to be a wonderful -- it will potentially be a wonderful addition to that area. I am real concerned about putting parameters on businesses, but I do -- I'm okay with how it's done since we have used another zoning. So, it -- rather than specifically say what businesses can be there and what can't, we have used a zoning description and so I am okay with that. But overall I

think we have answered all my questions. I have got lots of notes through here as -- as we have gone, but I think overall it's a really great project, so I will be supporting it.

Simison: Any further comments on the motion?

Overton: Mr. Mayor?

Simison: Councilman Overton.

Overton: I realized I seconded the motion. Just another comment. I do believe before we -- I don't want to get too caught up in the -- that we are restricting the lot use. I believe we are actually -- we are actually changing the use to what the applicant requested, which was to have this C-N designation, but have the hours of C-C and I don't necessarily see that as a restriction, I see that as meeting the needs of the applicant and his request and I would support it for that reason.

Simison: Any further discussion? If not, Clerk will call the roll.

Roll Call: Cavener, yea; Strader, yea; Overton, yea; Little Roberts, yea; Taylor, nay; Whitlock, yea.

Simison: Five ayes, one nay and the item is agreed to.

MOTION CARRIED: ALL AYES.

Simison: Thank you very much. Good luck and I know there are still going to be more I'm going to see and do on this one, but hopefully that's a path forward that will provide the best outcome for the project.

Simison: So, with that we will move on to -- make sure I get the right one -- Item 10, which is a continued public hearing from September 17th, 2024, for the Blayden Subdivision. We will continue this public hearing with staff comments.

Allen: Thank you, Mr. Mayor, Members of the Council. The next application before you is a request for annexation and zoning, preliminary plat and a conditional use permit. This property consists of 35.29 acres of land. It's zoned RUT in Ada county and is located off of the southwest corner of North Black Cat Road and West Chinden Boulevard, State Highway 20-26. The Comprehensive Plan Future Land Use map designation on this property -- the northern 25 acres of land is mixed-use, southern ten acres is medium density residential. The applicant is requesting to be allowed to use the abutting mixed-use regional future land use designation on 50 percent of the medium density residential designated area. The Comprehensive Plan allows for such requests when determined appropriate and approved as part of a public hearing with a land development application. The applicant believes this extension of the MUR designation on five of the ten acres of medium density designated land will allow for an ideal and suitable mix of commercial near major transportation arterials. The applicant

requests annexation of 38.58 acres of land with 5.9 acres of R-8, 1.83 acres of R-15, 16.71 acres of R-40 and 14.15 acres of C-G zoning for the development of 312 multi-family apartment units, ten townhome units and four commercial lots. A holding area is proposed on the southern part of the annexation area for future development. A portion of this area is where the applicant requests mixed-use regional future land use map designation is extended with C-G zoning for future development of a mid-box retail building and an office park as shown on the revised concept plan. This is not the revised concept plan. These -- these two uses swapped places, basically, on this map. So, the mid box is next to Black Cat in the office is internal to the development. For some reason it didn't update on my presentation. Staff is recommending a change to the zoning in this area consistent with the revised concept plan. A preliminary plat is proposed for 15 building lots consisting of one multi-family lot, ten townhouse lots and four commercial lots. Seven common lots, one driveway parking lot and three other lots for future resubdivision and development consisting of one commercial and two single family residential lots on 35.29 acres of land in the R-8, R-15, R-40 and C-G zoning districts. The subdivision is proposed to develop in five phases with the multi-family residential development and townhomes in the first two phases. The commercial on the north side of Ramblin in the third phase. The commercial and the holding area on the south side of Ramblin in the fourth phase and the single family residential in the holding area in the last phase. In order to ensure some services are available for the proposed residents in this area prior to full build out of the residential area staff had recommended a change to the phasing plan to swap phases two and three. The applicant did submit a revised phasing plan which swaps phases one and two and includes the extension of Ramblin Drive west to Rustic Oak, but the commercial portion is still shown as phase three. All of the existing homes and accessory structures and access driveways to Chinden, Black Cat and Larry Lane will be removed prior to development of the phase in which they are located. Access is proposed via one new collector street, Ramblin Drive, in accord with the master street map. Ramblin will run parallel with Chinden and is proposed to be extended west to Rustic Oak with the first phase of development. An emergency access is no longer needed from Chinden with the extension of Ramblin to Rustic Oak and should be removed. Ramble will function as a backage road providing connectivity and access to all properties fronting the state highway in this area. ACHD is requiring a southbound right-turn lane on Black Cat at Ramblin and Black Cat Road intersection. A traffic signal is planned at the Rustic Oak-Chinden intersection for safe access to the state highway. Cross-access ingress-egress easements are required to be granted to the out parcel at the northeast corner of the site for future access and interconnectivity. A 35 foot wide street buffer is required along Chinden and Black Cat, both entryway corridors, and a 20 foot wide buffer is required along Ramblin, a collector street, landscaped in accord with UDC standards. Noise abatement in the form of a four foot tall berm with a six foot tall concrete modulated wall on top of the berm is proposed at the back edge of the street buffer along Chinden as required for residential uses adjoining a state highway. A ten foot wide detached multi-use pathway exists within the buffer along Chinden. A ten foot wide detached pathway is required within the buffer along Black Cat as proposed in accord the pathways master plan and a ten foot wide pathway is proposed along the collector street for pedestrian safety. The existing trees that will be removed from the site require mitigation in accord with UDC standards.

Concept elevations were submitted for their proposed townhomes as shown. Concept plans were not submitted for the future commercial buildings. All structures, except for the single family residential detached homes, are required to comply with the design standards in the Architectural Standards Manual. A conditional use permit is proposed for a multi-family development consisting of 312 dwelling units on 16.7 acres of land in the R-40 zoning district. A mix of one, two and three bedroom units are proposed in 16 three story buildings. Three different building floor plans are proposed as follows. Four of Type A containing -- containing a total of 30 units each, four of Type B containing a total of 24 units each and eight Type C containing a total of 12 units each. As previously mentioned the multi-family residential development is proposed to be constructed in two phases. The UDC requires common open space to be provided in each phase of development consistent with the requirements for the size and the number of dwelling units. Two driveway accesses from Ramblin are proposed along the southern boundary of the site. Internal private streets are required to be provided for addressing purposes. Compliance with the specific use standards in the UDC for multi-family residential developments is required, which include private open space, common open space, site amenities, parking and landscaping among other things. A minimum of 80 square feet of private usable open space is required for each unit, 82 square feet is proposed exceeding the standard. Based on the area of the site and the square footage of the proposed units, a minimum of 3.46 acres of common open space is required to be provided with the development. A total of 3.58 acres is proposed exceeding the standard, consisting of half the street buffer along Chinden, a dog park, common area where a clubhouse, swimming pool and tot lot are proposed and linear open space that meets and exceeds the minimum area standards. Staff recommended revisions to the site plan prior to the Council hearing for the common areas proposed along the southern boundary where the dog park, clubhouse and swimming pool and tot lot are located along the collector street to be relocated to a more central location within the development accessible by pathways for convenient access and more visibility of these areas from the multi-family units in accord with the open space and CPTED standards. However, the applicant declined to make these changes and requests Council approval as submitted. Those common areas are located right here if you can see my cursor. Ramblin is directly to the south here. The number of site amenities required for the development is based on the size and the number of units of the multi-family development. For developments with more than 100 units, such as this, the decision making body shall require additional amenities beyond the required four for developments with 75 units or more to measure it to the size of the proposed development with at least one from each category, i.e., the quality of life, open space, recreation and multi-modal categories. The following amenities are proposed from each of the following categories. From the quality of life a clubhouse, which includes a fitness facility and dog wash station and a dog park with a waste station is proposed. From the open space category four community garden areas, plazas, and five picnic areas, including tables, benches and landscaping and a shade structure are proposed. From the recreation category swimming pool, a children's play structure and tot lot. Walking trails. Pathways. And from the multi-modal category bicycle repair station and enclosed bicycle storage in the clubhouse. Staff is of the opinion the proposed amenities meet and exceed the standards. Off-street parking is proposed in excess of UDC standards.

A minimum of 679 spaces are required, including guest parking and covered spaces. A total of 693 spaces are proposed. Bicycle parking is also proposed for each building and the clubhouse in excess of the minimum standards. Conceptual elevations and perspective drawings of views from Chinden were submitted for the multi-family structures as shown. The Commission did recommend denial of this project to City Council and I will go through a summary of the Commission hearing. David Bailey, Bailey Engineering, the applicant's representative, testified in favor. The following folks testified in opposition. Wade Ramsey, Bainbridge Subdivision HOA president. Matt Neukom. Mark Blocovich. Kirsten Chidester. Don Brown and Greg Taylor. Written testimony was received from Matt and Ashley Neukom and John Bartlett, the 3rd, and Vicki Bartlett. Brooke Nielsen. Wade Ramsey. Again the Bainbridge Subdivision HOA president and Stephanie Labatista. Key issues of public testimony were as follows: Opposition to the project based on the development requirements in the CC&Rs for Compton Subdivision No. 2, which require minimum one acre lot sizes within the subdivision among other things. Opposed to the proposed multi-family development due to overcapacity of various schools and traffic flow in this area not able to accommodate so much housing. Concern pertaining to traffic cut through through Bainbridge Subdivision to the commercial uses to the east on Ten Mile Road. Southbound traffic on Black Cat Road and congestion during peak hours. Request for a traffic signal or a roundabout to alleviate congestion. Concern pertaining to safety of children traveling to the nearby elementary school with construction of sidewalks on this property, but no sidewalk along Black Cat Road for approximately 500 feet in between the subject property in the school. The Bainbridge HOA board representing its homeowners opposes this project until infrastructure improvements are made to accommodate the proposed development and, finally, opposed to the development due to the negative impacts on the quality of life of residents in the Trilogy Subdivision to the east due to increased traffic volumes and speeds and associated safety hazards for children who live in the area. Noise congestion and increased activity in the area. Preference for this area to develop was solely residential uses rather than mixed-use with commercial and desire for commercial uses to be provided further to the west. Key issues of discussion by the Commission. Opinion that the existing infrastructure, i.e., roads and schools, can't accommodate the proposed development. Black Cat Road won't be widened until 2036 to 2040 and the Black Cat-McMillan roundabout isn't scheduled until 2028. Relocation of the common open space located along Ramblin Drive where the dog park, clubhouse and swimming pool and tot lot is located to a more central integrated location within the multi-family development as recommended by staff. The Commission again recommended denial of the project due to the proposed density putting too much burden on current infrastructure and the site plan not supporting integrated common open space within the multi-family development. Outstanding issue for Council tonight. A revised phasing plan was submitted that swaps the two phases, phases one and two of the multi-family development, and includes the construction of Ramblin Drive to the west to Rustic Oak. As I mentioned earlier staff had recommended that phases two and three be swapped to ensure some services are available to serve the proposed residents in this area. As proposed all of the multi-family will develop prior to any of the commercial uses. There have been many letters

of testimony submitted since the Commission hearing that are included in the public record. The applicant is here to present tonight. Staff will stand for any questions.

Simison: Thank you, Sonya. Council, any questions for staff?

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: Sonya, can you tell me what types of housing are permitted under R-40? We are seeking a CUP for the multi-family, but can you just walk me through the different types of allowable housing uses in an R-40?

Allen: Yes. I believe multi-family is the only allowed housing in R-40, but let me double check. Actually, I'm mistaken. Single family attached dwellings are permitted.

Taylor: That would be like a townhouse if it's -- a detached. So, that's just a regular single --

Allen: Two attached units.

Taylor: Okay. So, multi-family is allowed with a conditional use permit?

Allen: Yes.

Taylor: And then --

Allen: Single family attached dwelling are permitted.

Taylor: Okay.

Allen: Permitted in the district. Single family detached dwellings -- looks like are either accessory or conditional use permit. Townhome dwellings are conditional use permit. Family duplex dwellings are conditional use permit.

Taylor: Mr. Mayor, if I --

Allen: Vertically integrated residential projects are conditional use permit.

Taylor: Can you just dig in just a little bit more for me. Like what's principally an R-40 use for generally? Is it for residential primarily or are there other uses in R-40?

Allen: Typically it's higher density residential, but it -- as I noted those -- those uses are allowed as well?

Simison: Counsel, any additional questions for staff? Okay. Would the applicant like to come forward?

Bailey: Thank you, Mr. Mayor, Council Members. My name is David Bailey. I'm with Bailey Engineering representing Trilogy. Office address is 1119 East State Street in Eagle. Thanks again to Sonya for the presentation there and ready to get started here. How do I get that -- okay. Thank you. I'm not as skilled as Jon is keeping track of the timer, so I got to watch closely here. And, then, I am going to do a short presentation, then, we have our architect here. We will be within the 15 minutes to show the -- the details on the -- on the apartment, so -- okay. So, we are here for the Blayden Subdivision. I have got this started out with -- with an overview on the project and -- and Sonya did a great job at -- at overview and what the project is and we are talking about 312 apartment units. We are talking about ten single family townhomes attached single family uses. Oh, yeah. And, then, we are talking about a commercial that includes a -- two office buildings and potentially a daycare in one of them and, then, a coffee shop and, then, we are talking about an area that we don't know what we are going to do with -- on the C-G zone, but we know it's MURG. We want to reserve that. We have got a conceptual plan that we think works in that range and, then, we have some single family residential in -- in what we are calling the holding area on the property. So, we -- we have started working on the property about four or five years ago. Started working on this and we had several iterations as we went through and dealing with the issues with this and when we started on it then the property and the surrounding area just wasn't mature to get us to where we needed to go and what property can be included in it and how that was going to work was just not clear to us. So, we have been through a bunch of iterations and we -- we think we have got it to the right place now. The final iteration being timing following the city -- the Planning and Zoning hearing. So, I will just jump right into that. Here is that the -- the -- I don't know if that shows up if I do that mouse on there. Nope. So, the Planning and Zoning Commission, as Sonya said, recommended denial and that was primarily based, from my understanding, on the traffic on Ten Mile Road that would come from this project in advance of the improvements that could be done out there and so we had initially proposed to -- to build half of the street in front of the school in order to do our next -- our second phase of the apartments here, but with the traffic and the timing on there we see that the right answer here is to build Ramblin Road to -- it used to be called Levi Lane, now it's Rustic Avenue, which is currently constructed out to Chinden. The traffic signal is scheduled and I think designed. They are just waiting to figure out how to get that paved and get that built, along with the Highway 21 -- Highway 16 improvements to the west of here. So, before this project would ever go we are going to have that Levi Lane, Rustic Oak out there with a fully operational traffic signal at that end of the project. So, what we are proposing now is to build that entire road out to Rustic Oak in our first phase and not connect to Ten Mile at all in the first phase. So, we still would need the -- and that's what we are showing in our phasing plan that that connection of Ramblin to Ten Mile Road would be in phase two. So, what that gives us the timing on --

Simison: Mr. Bailey, I just want -- I think it's Black Cat that you are referencing just so you get the record straight.

Bailey: Yes. Yes. I'm sorry. Thank you very much, Mr. Mayor. So, not connecting to Black Cat Road until we would start on the second phase of the project and that still would require that the -- the temporary emergency access to Chinden Boulevard at the north end of that first phase. So, what that gives us is a project that can now move forward and -- and -- and start in next year or start construction on the site a year from now and have that build out and, then, we wouldn't start construction on the site on the phase two and make any connection to Black Cat until the roundabout at Black Cat and McMillan is constructed. The right of way acquisition in 2027. It's in the CIP. I think it's in the five year work plan. Yeah. It's in the five year work plan at this point. Construction in 2028 and, then, on Black Cat Road we would be, of course, widening along our frontage. We would provide all the sidewalk along our frontage there. And, then, we would provide a right turn lane into the site coming south on Black Cat Road into the site and, then, there is an ITD condition which we would follow, which would provide an additional right turn lane from Black Cat onto Chinden at the intersection up there. So, we spent quite a bit of time primarily talking to Ada County Highway District and the school district associated with these issues. So, we have gone to the school district. We talked with Dave Reinhardt there. Put together an agreement for them to actually allow us to build that entire road across their property and there is a section of ground that was left out of Prescott Ridge that wasn't improved. We will be building that as well. And so the right of way is available. We have an agreement with the school district in order to build that right of way and we can build that entire road out to -- out to Rustic Oak and we think that gives us a great way forward on the -- on the project here. ACHD -- we said, hey, how do we get Black Cat improvements moved up? What do we do on this end? How does that work? How does that end? Our traffic study said that that's where it sits on this 2036 to 2040 improvement on making five lanes out of Black Cat. That doesn't mean that we don't have a wider road along our frontage to the south of here it is. There is certainly some restrictions. But the traffic numbers just don't get ACHD to build those -- that road. If those change -- that -- that plan can change as well. But that's currently their take on that end of it. It's my impression, our traffic engineer's impression and ACHD's impression that this road is adequate to handle the traffic from the surrounding area and this in the straight segment of this road until those improvements are made and this would not have a significant negative impact.

Cavener: Mr. Mayor?

Bailey: Excuse me?

Cavener: I'm sorry, I don't mean to interrupt, Mr. Bailey. I just -- I'm trying to get some clarification on this piece and I think it's important. So, maybe we can stop this clock. Mr. Bailey's saying that -- that the roads can handle it, but we have got a level of service rating F from ACHD. So, I guess, Mr. Bailey, if you just wanted to maybe address that now, help me understand how you can say that the roadways can handle it when we have got an ACHD staff report that says level F.

Bailey: I'm sorry, I don't understand what condition in the ACHD staff report that says that it can't handle it. It says that there is an -- there is a level of service of the intersection on Black Cat to Chinden. Is that what you are referring to?

Cavener: At -- at McMillan. That intersection is operating at a level of Service F and is exceeding ACHD minimum operational thresholds during the p.m. peak hour. It's highlighted in blue. It's their most up-to-date staff report.

Bailey: So, that is corrected with the build -- the construction of a roundabout at McMillan and Black Cat in 2028, which we don't intend to add traffic to that -- to Black Cat prior to that construction of that roundabout and that's a -- you know, it's not a condition of the staff report, but we are -- we are setting our phases up and accepting that as a condition that we won't add traffic to Black Cat until the roundabout is constructed at Black Cat and McMillan. The southbound right turn lane from Black Cat into our site is constructed and a right turn lane from our site onto Chinden going east is constructed.

Cavener: Okay. Thank you.

Bailey: Thank you. I'm going to get done quickly here, because I want to cover a couple of our topics. So, we have an agreement with the -- with the school and we have gone to the highway district and talked to them about the improvements that are required and we are willing to do all the improvements that are required to make sure that we don't have this huge negative impact on -- on Black Cat and we don't have especially a left turn motion. So, I will throw out here a little more. I think I got about two minutes before I'm going to run out of time. I got to get our architect up here. Ramblin Road is the -- is the collector street that's required per your master street map and that puts some severe restrictions on the suitability of this site for a big box and so we have looked at what we can do with the site, which was what we would expect in an MUR zone and so we have tried to follow the cut sheet and we looked through a lot of stuff. We have gone to the -- to the realtors and had them reach out to a variety of uses. I have laid out every kind of project that you can put on here, whether it be a Home Depot or a Target or a Walgreens or any of the mid boxes and we can accommodate those. We have had some discussions with Ms. Sexton, who owns the corner property to the northeast here and that may be available to combine into this to -- make it a bigger site at some point. But what we are doing is we are preserving that area into the future, so that it can be done. We are committed to building in the second phase the plaza, which is required by the cut sheet and we have some really great presentations on how nice of a central plaza this will be once we have the residential and the commercial build and, then, the -- the multi-family has its own open space and -- and area that it uses to the -- to the west there within the project. I will just set in a second, too. So, we think that the layout this sits really well. The ten acres to the south is restricted to no development of -- of lots less than one -- less than one acre on this and our plan does not violate that. We don't plan to plat any of that area until such time as that gets resolved. We don't know how long that takes or what it does, but we need to do something with -- with this -- the rest of this property, make this a coordinated

project, reserve this area into the future and that's what we -- we propose to do here. We don't intend to violate those CC&Rs with respect to that. As to the -- as to the location of the clubhouse and the pool, this is another issue that we have talked to the school district about and said, hey, what would you rather see across from your future middle school? And they are going to build on that site according to Mr. Reinhardt with the school district. We spent some time with them. See the apartments there or see the clubhouse there. The reason we put it there it's centrally located, it's in the middle of the site, it will provide great access from everybody there, gets it -- and it gives us some separation between the collector and our residents within there. But we are not going to die on that hill. If you really think we got to put it in the middle of the -- of the buildings up there I can do that. It doesn't affect our density or what we do on that at all. We think that's the appropriate place commercially for our -- our clubhouse and our -- our thing to be located. But, again, not going to die on that hill. We also have a great element in keeping this off of Chinden is that we have got the significant buffer area there from Chinden. We will have a berm out there and we will show you some presentation of that and we have these buildings set back across a parking lot from there. So, our residents are going to be far enough from Chinden that -- that they aren't an eyesore for Chinden and also are not, you know, a problem for our residents and we, of course, have to have the berm with the fence that creates our sound barrier along the north boundary there. I'm going to step aside my time here and see if we can get Henry to come up here and show you his presentation.

Prendergast: Thank you, Mr. Mayor, City Council Members. My name is Henry Prendergast. I'm a senior project manager at Cole Architects. My address is 2501 West Pleasanton, Boise, Idaho. 83702. I believe the point here I can speak specifically to the buildings on the site particularly the aesthetics. I'm assuming there will be a design review in the future where we will go over a lot of this again. Sonya covered a lot of the bases with building types. Again, 312 units across 16 buildings, a mix of three bedroom, two and one spread across roughly 16 acres. Have in a presentation some building elevations perspectives to kind of show -- I have a flash drive. Does that work? No, you are good. You are good.

Parsons: Mayor and Council, while Sonya is pulling that up I just wanted to let you know that they actually -- the roundabout at McMillan and Black Cat actually's been bumped another -- to another year. So, it's 2029 now. It just was recently updated by ACHD. Just wanted to share that for you. I'm looking at their map online. I see they finally updated their map, so it's -- it's pushed out another year.

Prendergast: Great. Maybe I didn't put it on the flash drive, so we are good. Yeah. I can run through -- this is kind of a large entitlement package here and, again, a lot of this we will probably go through at a later time if -- if presumably there is a design review for this project. Again, focusing on the B request, conditional use of the multi-family and moving through, again, not to get too far in the weeds of things like unit plans, that's a little further along, but, again, we have our breakdowns of the units in the project, our larger building floor plans. Again, a little more in detail at this point, but kind of seeing how we are going to break out those unit mixes across the three buildings, all

three floors, walk-ups with loaded corridors. But kind of want to move into the more kind of aesthetics and stuff that we kind of reviewed before. So, again, esthetically kind of looking -- we call it a mountain modern aesthetic, kind of a western aesthetic. We like kind of a simple design. Not a lot of modulation within the Meridian design standards, but something that's kind of simple and elegant, a kind of simple multi-family product. This is our 20 -- or 12 plex. Again three floors, 12 flex unit, different color schemes, which, again, is part of that design process to fit within the design standards of having a variety of color on the facades facing the separate roads on the project. So, the way that's spread out on that kind of site plan we saw before should fit into that kind of design criteria. This is our 30 plex. Again we have entrances on each side and, then, kind of an open corridor down the center. Again different color schemes and, then, looking at our site plans here, again, we covered some of this. Kind of looking probably primarily at the amenity space, which is what's going to be important beyond parking counts and things like that, which we have reviewed. Again, having a kind of a -- a good amount of amenity space in the project. Walking paths. Dog parks. A lot of excessive green space. Plaza areas. Kind of a large clubhouse area. These are all kind of things we put in. I think are important to us to kind of work into the project over this process. That's what these are kind of showing each one of these spaces. Community gardens. Picnic areas. Plaza courtyards. Pretty large dog park to the southwest of the site. Again, these are precedents and not necessarily need to look at those right now and -- and kind of we can get into that later and just kind of to focus on the concept perspectives. Again looking at different sides. These are your kind of broader angles. Looking westbound down Chinden you kind of have that large buffer which we think is nice to give some space. Original design was a lot closer. We pulled that back to kind of create more of a bike path and something that has a little more access and could be used in kind of a medium sense. Eastbound -- this is kind of the western approach coming from Ramblin, so this is looking at the dog park and kind of through to the buildings. Again, a lot of trees, a lot of green space, a lot of walkability was important to us. General view of the dog park. Kind of looking out towards Ramblin. So, this is the plaza to the east and, again, this kind of sits just outside the property line and connects it to that commercial space to the east. So, again, how that's kind of developed, you know, what -- we will kind of see. But I think for the residents and the multi-family residents this will be an important area, a connective tissue to the eastern area, the commercial area, and try to get through some of these. Time might be up there, but trying to move --

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: In light of some of the technical challenges and so forth, I would love to ask a question to tell me more, please, for two minutes.

Prendergast: Absolutely.

Simison: And we did stop the timer for them, but -- yes. You have got two more minutes to answer questions.

Prendergast: Thank you. Yeah. We will -- just a step back. Again, David mentioned this area, the plaza, which I think was an important area to us to kind of centralize the residential and the commercial and be kind of a connective area for the residents as that eastern area develops north of Ramblin. A few more shots through that plaza kind of show how it's pedestrian friendly. There is a lot of movement. The seating area is kind of built into structures, built into landscape elements. Again more shots through that plaza and, then, looking kind of on that southern corridor, looking north this is the area that, again, potentially up in the air as far as putting your amenity and green space to the south or in kind of more in the development and so this is looking south where you have a lot of park space, pools, dog parks looking north. Again, it kind of buffers that multi-family from the southern parcels, however they get developed looking north, be it a school or whatever else. Again, I think it provides kind of a nice block and a nice area to kind of have that circulation from the south to the north, where we presume there will be a lot of pedestrian traffic. These are a few more pathways kind of showing the green space between the buildings. Again, trying to break up that density as much as we can get. More green space, more picnic areas within kind of the apartments themselves and here is kind of a covered garden plaza area as well. I think more kind of shots of the interior, but I think that's pretty much the perspectives there. Yeah. So, I can kind of yield to any questions you guys have about the buildings or the site.

Simison: Thank you. Council, any questions for the applicant?

Overton: Mr. Mayor?

Simison: Councilman Overton.

Overton: I have got several, but I will just start off with a couple. It's either Wayne or David. Is there security that would prevent public safety personnel from getting to these units? What I mean is we have had some developments that were built where our public safety personnel were stuck at a gate and could not get to the front doors of apartments. Is there any type of security preventing our public safety personnel from getting to the doors of these units if they are coming and responding?

Bailey: Mr. Mayor, Council Member Overton, we don't -- we don't have any proposed, you know, access restrictions to the site. It would be like most apartment complexes you can drive in and out, so -- so, assume that the -- the clubhouse will be locked up and not attended, you know, but -- but as far as the buildings there -- there is no gates or any -- any restrictions to access and the site plan has been reviewed by the fire department as part of what we looked at here and we believe we meet all the -- the fire access standards for it.

Overton: Mr. Mayor, follow up?

Simison: Councilman Overton.

Bailey: Mr. Mayor -- I'm sorry. I'm sorry. Go ahead.

Overton: Just a quick follow up. I got a little concerned when I see a CPTED standard and you didn't initially want to comply with it. I'm assuming it's because you wanted to have those amenities open to the school, not within your development.

Bailey: I'm sorry, I didn't quite understand the question. I apologize, I can't hear very well.

Overton: As staff was speaking they asked that you move the clubhouse, swimming pool and tot lot to a more central area within your development to meet both the open space and CPTED standards -- CPTED being Crime Prevention Through Environmental Design and, again, could you go through that one more time for me?

Bailey: Yes. Mr. Mayor, Council Member Overton, so I don't understand about the -- the -- the -- I do understand the standards that you are talking about, but in this case this actually has the ability to see this all from a -- from a public street. So, I'm not sure how that -- those standards are not being complied with with what we are doing; right? So, I think we are meeting those safety standards. I don't understand the -- the staff comment as it relates to that point. As it relates to -- there are standards in there that said that the -- the clubhouse and pool and common area should be centrally located within -- within the apartment complex and we looked at that and we are in the middle of the apartment complex, we are just not in the very center. So, we are east-west centered within the apartment complex and as a business decision the owner said I would rather have those things easily accessible still by all the apartments -- we are talking 15 acres. So, the walking distance, you know, would be a little longer for the piece of people at the north end, but that we would have, then, that buffer between the collector street and the school to the apartment units. That said, you know, if there is a requirement that we put it in the geometric center of the apartment complex we will -- we will comply with that. We just don't think it's the best thing for our project as far as -- and -- and for the -- for the -- for our tenants in the long run to have that needed in the middle of the project instead about there, you know, because the leasing offices will be in there and as well as all that use space, so -- and we do have significant open space within the project itself and might go through things kind of quickly, but -- but we do have -- those plaza areas are significant wide areas. The garden areas are significant wide areas. Then we have extra space between the buildings behind that are landscaped and pathways and that -- that are really, you know, usable open space between the buildings behind them that we think are a great amenity. They also provide that -- that walking pathway all the way around and through -- you know, through all of the buildings for the -- for the whole apartment complex. So, we like the open space where it is, but, as I said before, we are not going to die on that hill. If there is some specific requirements it says it's got to be here then -- then we will comply.

Simison: If I can follow up on what -- where are the pathways go between the buildings? It's kind of a rhetorical question. They don't go to -- they don't go to the clubhouse, they don't go to the dog park, they don't go to -- they just go between buildings. You know, they connect the buildings, but they don't go to amenities, at least not from what I saw. You know, maybe could take you to the parking lot, you know, the one in the middle, but they don't really connect in my opinion to the design of the -- of the facilities.

Bailey: If I can get a map up I will show you what we intended with that, Mr. Mayor. While he's doing that if I could just take a quick second for a list, Mr. Mayor? That I was going to close with is that we had five recommendations in the staff report of things that we should change on here. One is the switch to mid box and the office locations back and forth to put the mid box closer to Black Cat Road, which we have complied with. Relocate the plaza in the holding area, so that it's in a better spot for the future. We will actually have two plazas. We are going to build one with phase two and another one would be built when the -- when the commercial portion is built out. Submit the details for the plaza, which we have had some great details on what we are going to do on that first plaza with that and we think that's a great thing and it says submit new legal description for C-G and L-O and what that's referring to is we are not going to have the C-G zone go all the way out to that road and the holding area. We would actually zone those areas as L-O, so we get that transition per your comp plan which says the C-G area office use across the road, residential use, other, you know, off site of the property there and the one component that we just discussed was relocating the clubhouse, pool, dog park within the development, which I just discussed our reasoning on that. Okay. So, Mr. Mayor, as to your question there -- so, we are showing these pathways that go -- that this one goes down here to the dog park. This pathway goes all the way around the outside of the project through this way, connects back through here and to this pathway. So, we are connecting -- these are the plazas, these are the garden areas here and these are the larger plazas that we have there that have significant, you know, gathering space within those and, then, these north-south pathways and, yes, you do have to cross -- the -- the sidewalk -- or cross the parking lot to get to the clubhouse from these. So, from this area here this unit would go this way, down across this way and across to the clubhouse and pool at this end. Same thing from this direction. You go down this direction or down -- down here to the dog path in there. So, we -- we felt that we provided that connectivity to crisscross and go back and forth and fully around the entire apartments here and that was our intent. If we were to move this to the center, if that were a requirement, we could move this to the center of the site and have apartment buildings down here along the road and, then, that would -- I mean it would lay out as well, we just think it's a -- we just think it's -- it's -- it's the way our tenants will really enjoy the property and it's an efficient way to -- to -- to lay the property out as well. So, that's why we said it that way. But we were very intentional about this is a new product, we are pretty excited about it, about the spacing between them, about the spacing from Chinden, about the spacing from the collector street and about the circulation within the site and, then, the plaza area that we have to the east here, I think the actual square footage of it is -- is bigger than the Generations Plaza in Meridian here, for exemplary scale size and it will connect the apartments to the future

commercial and in phase two we are committed to building the two buildings to the north, which would be office and/or retail buildings and, then, we will provide and try to find a tenant for a coffee shop here, which would provide services to the neighbors here. We have had interest from a party who want -- who would like to build a daycare in this area, which we think would be a great use. Those would all be available in phase two and, then, we would still have significant area to the east to meet the city's R-U goals of having a larger, you know, draw use in this area and the office space to do the same thing.

Simison: Okay. Council, any additional questions?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Just a quick one. You made a comment that you are not going to add traffic to Black Cat. I am not tracking on how that is true. Yeah. I just want to give you an opportunity to explain your comment.

Bailey: Thank you.

Strader: In detail if you could point to phasing and roadways on this map that would be helpful.

Bailey: Council Member Strader, so the initial plan is that we will build the -- we will build the -- the western half of the apartments and the dog park and the clubhouse, pool area and, then, we will build Ramblin Road from -- from there to the west out to Rustic Oak and, then, Rustic Oak will provide traffic for the entire first phase to -- until such time as the roundabout is built on Black Cat. So, we wouldn't do phase two unless -- and, then, phase two is when we rebuild the remaining portion of Ramblin to Black Cat. So, we are going to build the western phase of this and there is going to be a delay before we would move to the eastern portion of this and move there until Black Cat is sufficient to -- to handle the traffic from this. So, eventually, we will put traffic on -- on Black Cat, yes. But it won't be until the roundabout is built. We have a right turn lane from Black Cat onto -- onto Chinden at the north end, which is scheduled to provide sufficient traffic for this and as far as the 2029 issue on the roundabout, is that we won't put traffic on there until the roundabout's built would be our -- our condition on that and --

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. I'm having a hard time tracking with that, because you may be directing traffic onto Rustic Oak, but there is nothing that -- just human behavior, there is nothing that is preventing someone from turning on to Chinden and taking a right turn onto

Black Cat; right? I mean explain to me your rationale of how Black Cat would be entirely avoided. I'm not following that at all. You may not be connecting directly to Black Cat until your later phases, but you are still adding a significant amount of traffic indirectly to Black Cat. It may not be directly, but I don't understand how you are not -- how you are avoiding that.

Bailey: From here would go to Rustic Oak, Chinden and, then, come back and turn right on Black Cat.

Strader: Potentially. I mean that -- that's one avenue they could take. I mean I could think of a few different ones. I mean they may go down -- you don't have a map in front of me that shows where Rustic Oak connects, but I don't understand why someone wouldn't, you know, follow that down and, then, eventually go back onto Black Cat. I'm just -- I'm kind of struggling with your -- your argument on that. So, all -- I have heard your -- your thought process and I guess I will try to digest it during the meeting. I do have another question, which is -- yeah, I have a lot of trepidation about moving forward on this without something identified for the hard corner. Would that at least be connected to all of the city utilities and during what phase and -- and -- and where is that at? And I will just preface this by saying I have a very high bar for annexation in general. Like I feel like this is the time where the city has the most discretion in terms of, you know, setting an appropriately high bar and so I just -- I just want to be frank, I'm unsurprising, right, we have had a recommendation for denial from both Planning and Zoning and, then, city staff has a number of concerns. I think you -- you received feedback and you had an opportunity to make changes to maybe, you know, centralize your open space, et cetera, but with the level of service on Black Cat and the timing, unless you can like really articulate to me how you are not going to add traffic to Black Hat, I'm just -- I'm struggling. If you want to take another crack at that, but --

Bailey: May I?

Strader: Please.

Bailey: Mr. Mayor and Council Member Strader, so our -- our traffic analysis -- we are not going to connect traffic directly to Black Cat is -- is what I'm saying here. So, if someone decides they want to go out Levi Lane from any other project or this one and go onto Black Cat, we certainly have not considered that to be a significant impediment to the Black Cat traffic in -- in doing that. So, I don't know what those numbers are, but I don't think that we would add any appreciable noticeable traffic to Black Cat until such time as we connect Ramblin to Black Cat. That -- that's my point on that.

Strader: But -- Mr. Mayor. You are -- you are seeking an annexation and an approval and entitlement for this whole project; right? So, there -- there is nothing from the city's perspective that prevents you from building out all of the phases of your project. So, I -- unless you are willing to restrict yourself in some way, which I don't think would make sense, I -- I just -- I don't understand how you are not adding traffic to Black Cat. I'm just not tracking with you.

Bailey: We are willing restrict ourselves in saying that we will not add Black -- traffic to Black Cat until the roundabout at Black Cat and McMillan is constructed and the right turn lane from Black Cat onto Chinden is constructed. We wouldn't add traffic directly to Black Cat until those two things are constructed and we are willing to restrict our second phase development until those occur -- until those things happen, in which case the traffic study and ACHD analysis says that Black Cat can handle the traffic from this project. That -- that's the -- that's all we can get is what our traffic engineer and ACHD says we can do on that. As to the property in the northeast corner, we have provided a concept plan of what could be there, but as you know commercial development takes a very long time. We have to reserve the ground for it. It was over ten years before the Costco came in there and this site will -- will never be available to put a Costco in here or a Home Depot or a Target for that matter. The site doesn't fit it and we don't have the access, because there will never be a traffic signal at Ramblin and Black Cat on the site. So, we -- we can't expect to have that kind of use in the property and, to tell you the truth, we would rather limit that to a smaller amount, but we understand the city has a need under your Comprehensive Plan for us to provide a certain amount of reserved commercial space. We don't own the corner. Mrs. Sexton does. We have had discussions with her and we don't know what she's going to do and I can't predict that and I can't predict that I'm going to do that. But in the meantime we think that this is the end look of this site in the long run. So, we would like to come in here with a project and say this is consistent with a Comprehensive Plan, it's a good design and it's probably what's going to happen in the long run and it makes sense for the city and for us -- it provides a road for the school. It provides improvements to Black Cat and it provides a much needed backage road adjacent to Chinden, which the city has lost the opportunity for up and down Chinden on the east -- on the east side. Most of our roads are a quarter mile or a half mile south of Chinden. So, a backage road that provides a commercial area like this, separates -- gives great access to the school. This in the long run -- this site plan in the very long run makes sense. So, if -- you know, if your bar for annexation is that you want something more resolved, I don't think anything is going to get a whole lot more resolved on this site, except for we are eventually going to come up with a good user here that's going to meet the -- at least the local areas if need -- not some further areas need for that commercial and the office zone. The mid-box, whether it be a Walgreens or whether it be, you know, a Whole Foods or something that could fit in this site that would work great and the office and the retail that goes along with that is going to be great. In the meantime we are going to build some -- some commercial there. We are going to have some -- some places for people to work, probably a daycare, have a -- a coffee shop and this things already ready to go for everybody else. When the commercial gets there it gets there. The rest of this makes a whole lot of sense.

Taylor: Mr. Mayor?

Strader: Thanks for answering my questions.

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: Kind of along those lines -- you might have said it earlier, but on Levi Lane when it connects to Chinden, did you say there is a light planned to be there or -- and when would that be?

Bailey: Mr. Mayor, Council Member Taylor, so there is a light planned for there. Its design is done. They are trying to get things paved and get that light put in this fall is the plan and Brighton's actually building that light -- is that correct? Yeah. Brighton's building the -- building the light there and, then, if not it will be in the spring. So, before we would ever move a tablespoon of dirt we are going to have a traffic signal at -- at Rustic Oak.

Little Roberts: Mr. Mayor?

Simison: Council Woman Little Roberts.

Little Roberts: Mr. Mayor, David, you had talked about putting sidewalk on Black Cat and one of our primary things has been kids having safe routes to school. Will that sidewalk get the kids all the way to the current elementary school or will they still have space that does not have a safe area for them to get -- walk to school?

Bailey: Mr. Mayor, Council Member Roberts, I guess I got to ask a question is I'm not sure right off the bat which school we are talking about. Where is the location, Sonya? I think it's Pleasant View.

Little Roberts: Pleasant View? Thank you. Pleasant View.

Bailey: Which side of Black Cat is that, Sonya, do you know?

Parsons: Yeah. The east side down Gondola. Gondola I believe is the road. Black Cat and Gondola.

Bailey: So, they would have to cross Black Cat and I believe we talked to -- asked the school about this and those kids would ride a bus to school, as opposed to walk from here; is that correct? If they remember the exact thing on that.

Simison: Anytime you cross an arterial it's not a walk zone. So, it is busing if that is the school that they would go to.

Bailey: So, it's on the east side of Black Cat. That wouldn't be there. We are going to build our sidewalk along our frontage, of course, and -- and, in fact, a ten foot wide path and we are building a ten foot wide path along both sides of Ramblin when it's completed. So, we would have that ten foot detached pathway on both sides of that and along Black Cat with the regional pathway. Then that regional pathway actually goes up through our site and, then, continues along Chinden to the north end. So, we

are all -- making all those connections from that end and that would be great access to the school -- to the middle school when that that goes in there.

Little Roberts: Great. Thank you.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Maybe -- maybe staying on the concept of -- of school. So, Mr. Bailey, I -- I want you to know I like this idea that you are trying to bring of kind of micro community. I have got big concerns about the roads, but probably larger than that is the impact on schools. I think when you first applied for this project you had maybe -- I think it was just Pleasant View that was close to capacity. Now, with our full enrollment both the elementary, middle and high school are over their capacity before this project and since it sounds like you have had some good conversations with West Ada, particularly of the middle school, when is their plans to get that school built or did they share any of that with you?

Bailey: Mr. Mayor, Council Member Cavener, so they don't have a specific date in mind to build that school, but they will build one there at some point and that's up to them when they are need. So, we pressed him on that issue as well, but we do have a letter of support from Ada county in the file -- or from -- from West Ada School District in the file saying that they can handle the -- the children from this and that's all we can do is say -- we say here is our project --

Cavener: Mr. Mayor?

Bailey: -- and they say that they can -- they can accommodate the children from this development.

Simison: Councilman Cavener.

Cavener: Yeah. Thanks. Mr. Bailey. I'm not aware of that -- of a letter of support. I am aware of a letter from -- from July that shows current enrollment for last year, but I'm not necessarily seeing something where they are in support of --

Simison: I think it is their standard letter that -- you know, they have never given us a letter that says they cannot accommodate.

Cavener: Right.

Simison: Because they don't need to have --

Cavener: Correct. But Mr. Mayor --

Simison: -- in their opinion to do that.

Cavener: -- I think the applicant is trying to -- to attest that the -- the West Ada has sent him a letter of support for this project and just like I have some concerns when the applicant states that our roads can handle this project, when we have got a staff report from ACHD that says level of service F, I want to make sure that the record's clear, West Ada has not put a letter in support. They have put a little better outlining what the student generation for this project would be, which is outdated based on current enrollment.

Bailey: Mr. Mayor, Council Member Cavener, you know, I'm not sure what I can answer on that, because I can submit our project to the West Ada School District and they can send me a letter that says that here is what we have and that they are advising you that they are not objecting to this development based on school capacity. So, this letter does not say we object to this development based on school capacity, which is what we are talking about --

Cavener: Mr. Mayor?

Bailey: -- for the project. And then --

Cavener: Mr. Bailey, I'm not going to go back and forth with you on this. It is not an accurate statement to say that you have support from West Ada on this project. You are correct, they have not objected, because they cannot, but I guess I would just caution you about your choice of language, because there has been a couple of times tonight that I have -- I have grown very cautious of how you have tried to phrase things that don't match the reality. So, I just -- I'm -- I'm going to caution you, sir, to be real careful how you couch support from different agencies within this valley, making sure that it accurately reflects the documentation they have provided us.

Simison: Okay. Thank you. Council, any additional questions for the applicant? Okay. Let's get to the public testimony.

Bailey: Thank you.

Simison: Okay.

Johnson: Mr. Mayor, Steve Elliott representing Bainbridge HOA.

Simison: Good evening.

Elliott: Good evening. I'm Steve Elliott. I reside at 4718 West Lost Rapid Street, Meridian. 83646. Obviously, in Bainbridge. I'm one of the two residents in our area that was affected by the 500 plus radius, so I have been all over this since it started and, to be honest, you all stole a lot of my thunder that I was going to talk about tonight, because you are asking the questions that -- that -- that I feel need -- that we as a board

feel needs to be answered and it's traffic and safety of our kids. That's the -- I wasn't aware and I must have missed it in the packet that they were going to punch Ramblin on through to the west and not develop on Black Cat, but Ms. Strader pointed out that they will go there and they will turn right -- turn right and go back down Black Cat that's the way to get here. Or even worse they will take Ramblin to Rustic Oak, turn left and go to the roundabout at McMillan and Rustic Oak, which is through -- I believe it's called The Oaks Subdivision, so that traffic is going to up at the Black Cat-McMillan intersection. We are not against development at all, because -- I mean we are in Bainbridge, it's a nearly a mile from Black Cat to Chinden. I don't know how many acres that is, but it's a lot. But the infrastructure -- we have -- we have been pounding that. We -- we have had -- this is the second in-person and we have had two written comments on it and, you know, the -- the -- the part about the sidewalk on Black Cat, everything I have seen is that's on the frontage of this project, south on Black Cat to Larry Lane where this project ends and from Larry Lane south to Vanderbilt -- West Vanderbilt, there is no sidewalk and there is no -- as far as I know a full entrance there and it's a very shallow roadway, there is not really even a shoulder there. I have walked it and they -- you know, obviously, they will bus kids and all that, but even if the -- the road doesn't get punched through to Black Cat, children are pretty smart, they are going to take the path of least resistance and they are going to cut cross-country, go through the forest and get onto the sidewalk at Vanderbilt and there is a controlled stoplight crosswalk at Black Cat and Gondola and it gets a lot of use. I drive that road every day and -- and there is a lot of use there. So, I just wanted to be here to talk about that, you know, I have lived in Meridian 33 years. I was rural fire commissioner and a football coach, an HOA board member for three years, so I do care about this stuff. I have got eight grandchildren that live in the area, so I am -- I am a hundred percent invested in this and I think it looks like a really neat project and some -- some great ideas, I just think it's too soon. Thank you.

Simison: Okay. Council, any questions?

Johnson: Mr. Mayor, Matt Neukom.

Neukom: Good evening, Mr. Mayor, Council. My name is Neukom. I live at 5120 West Cherry Lane, Meridian, Idaho. 83646. My property is contiguous to the proposed development. It's in the southwest corner. If you look at the map on the screen it is right here where the mouse is. I represent my wife and I, as well as our neighbors Jack and Vicki Bartlett and Bartletts live immediately across Larry Lane from the development right here. We submitted a letter to the city. It's on the development website. To ask you to object to the project. A reason for requesting that you object is -- is we have an agreement between property owners within the subdivision and within the CC&Rs for how development needs to take place. The developers and owner within the subdivision -- and they have agreed to those right -- they have agreed to those terms. We are definitely not asking you to adjudicate our agreement with them, but, essentially, it doesn't make sense to approve the subdivision. Mr. Bailey just mentioned the developer will respect the CC&Rs. So, this property that is labeled holding area commercial, if they elect to respect the CC&Rs, then, the Bartletts and our family or

whoever owns those properties will essentially have authority as to when that property can be developed and if they don't elect to respect the CC&Rs and we would -- we would anticipate a court would prohibit them from developing that property. So, I don't understand all the zoning requirements and all the annexation requirements, but I understand that this -- this property labeled holding area commercial is required for the -- for the development and, essentially, wouldn't be in the developer's authority to develop it if they either respect the CC&Rs or a court prohibits them from progressing. So, with that do you have any questions for me? I have included a couple of -- of letters and -- and are submitted to you from attorneys that demonstrate that case law is consistent with this approach.

Simison: Council, any questions?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Are you able to put a finer point on the exact area of this proposed development that overlaps with the Compton Subdivision CC&Rs?

Neukom: Yes, it is the -- it is this line. So, if -- this mouse is slow to respond. It is this east-west line right here is in Compton Subdivision and it's everything to the south of that line.

Strader: Thank you.

Simison: Okay. Thank you very much.

Neukom: Thank you.

Johnson: And, Mr. Mayor, that is all the sign-ups we had.

Simison: Is there anybody else present that would like -- if you would like to come on up. You are -- you are good. Don't -- not needed. Just state your name and address for the record, please.

Myers: Mack Myers, Settlers Irrigation District, Boise, Idaho. So, this design is supplied water by Settlers Irrigation and it doesn't look like they have sufficient irrigation for the green space that you guys are requiring.

Simison: Can you choose one of the mics.

Myers: So, this design -- the -- the design for the irrigation setup is not adequate to supply irrigation to the green space that's required for a parcel of this size. So, typically something this size would have a pond and I think it's something that we need to work further on together and I was working with Kyle with -- on this stuff, but when you guys

have a requirement for a certain amount of green space per acre and we have to like work out the irrigation. This -- this irrigation design that is incorporated into this plan is not sufficient for this development. So, there is -- there is not a water supply that's adequate to keep all of this green space green the way it's currently designed.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: What was your name again? I'm sorry.

Myers: Mack Myers.

Strader: Mr. Myers, are you providing an opinion as a -- an employee or a member of the irrigation district, as a personal citizen with knowledge of these plans?

Myers: As the district manager. Yeah. So, we review these plans --

Strader: Uh-huh.

Myers: -- you know, from -- and these usually -- Trilogy, is that who did this? Okay. Yeah. So, typically -- and we have this on our website, so any plat or parcel that's within our district we have requirements on our website that are provided public knowledge for pressurized irrigation -- gravity irrigation -- for any kind of developments that are occurring when there is a land use change from agricultural to, you know, subdivided.

Strader: Got it. Thank you.

Myers: That's all I have.

Simison: Council, any other questions? All right. Thank you. Is there anybody else present who would like to provide testimony at this time? And seeing nobody online, except for our staff, would the applicant to come forward to close?

Bailey: Thank you, Mr. Mayor and Council. As to the point of Mr. Myers, we have -- we have met with the irrigation district, we have walked the site and we have a preliminary engineering report that shows we can provide the appropriate irrigation to the -- to the property and those would be detailed in the final development plans, which would be reviewed by the irrigation district as well. So, we meet all those requirements and we -- we planned to -- I don't have any further comments on the -- on the -- on the -- the questions Mr. Neukom. You know, we -- we have met with them. We just met with them last week -- with them and the Bartletts to the south there, talking about the property and what we intend to do with that and I guess just to summarize, again, you know, we think this is what's going to happen in the long run. This is what we would like to do with the property. We think it's very consistent with what you have. We would like to move forward with building the western half of the apartments and so we are asking for your

approval tonight and we don't intend to violate any of the capacity requirements of -- of the school or of the roads or do anything along those lines that is not going to work. So, we have the conditions of approval that we are -- we are -- we are great to abide with and, again, on moving the clubhouse within the site there, you know, we have -- I have -- I have explained, you know, what we would like to do with that and, again, if that was the -- the -- the will of the -- the Council that we -- we move that with inside there, that we would be happy to do that. So, we are -- we are asking you for approval and we think that this is -- you know, it's going to take a while, but we think that this request is timely in that we can get moving on this and we can build a portion of Ramblin and we can build a portion of the apartments and start moving forward on detailed plans to -- to build out the remainder of the project. Stand for any questions.

Simison: Thank you.

Bailey: Thank you.

Simison: Council, any questions? Okay.

Little Roberts: Mr. Mayor?

Simison: Council Woman Little Roberts.

Little Roberts: I don't remember if it was Councilman Rountree or Councilman Bird, but I -- one quote that's running through my head with annexations is go slow and get it right. So, I am thinking that maybe we should discuss a continuance. We have got time to mull all of this information over and I know there is more questions floating around than what we need answered at 10:00 o'clock at night. Just a thought.

Simison: Okay.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Maybe just while we are sharing our thoughts, yeah, I -- I do think that the bar for annexation should be appropriately high and anytime that we annex and approve something I think we have to assume, you know, that the timing could be quick. We don't know what the timing will be. You know, that -- that's within the applicant's control, but at the time that we have approved something we are giving that the green light to move forward and I do think with annexation that sometimes the timing is just not appropriate and not in the best interest of the city and in this case I -- I have a pretty strong view, so I just want to be upfront with that. I thought that the Planning and Zoning Commission's rationale for denial was sound. I'm troubled by a few other things as well. I think that getting some sort of resolution on the CC&Rs with the Compton Subdivision would make sense for the applicant to do on their end before seeking approval. I agree that the open space is not appropriately located and that the

amenities need to be centralized. I'm troubled that the applicant didn't make those changes, but I -- I wouldn't direct them to do so if I'm not on board with approving this at this time. The lack of sidewalks on Black Cat is troubling. I think the -- the school capacity issue is troubling. I think particularly more troubling is the level of service on Black Cat and the timing of those improvements. I would love to have more clarity on what's happening with the corner lot and I -- I don't agree with the rationale that the applicant wouldn't be adding traffic to Black Cat by definition. When this project is fully built out it certainly will. I just have a -- kind of a gut realism generally, which is hate -- you know, adding a ton of housing in very close proximity to Chinden Road, you know, that troubles me. I could probably continue, but, yeah, I won't be in support of this request. So, I just wanted to be up front about that. For me a continuance, unless the applicant really wanted one, a continuance I don't think would change my mind.

Simison: And I think that would be important before we go to a continuance is if -- if Council feels like there is a way for the applicant to get the yes in people's mind, then, absolutely, because I think that there are things that would need to be addressed, but if it's -- if they are not, then, let's not waste people's time and so I think that's -- maybe that's an important thing for everyone to contemplate is -- is there a way to yes for you on this project at this time or not.

Overton: Mr. Mayor?

Simison: Councilman Overton.

Overton: Just to kind of echo the words of Council Woman Strader, I'm not in favor of this. There is -- there is just too many clear roadblocks to this happening. Even if these school-age children that were elementary students got into Pleasant View Elementary, that requires all of them driving on -- the parents driving on Black Cat Road. I think that's what we keep talking about and anybody who has been anywhere near an elementary school when they have a special event, which they do all the time in elementary school, those that we end up with a lot of traffic on the roads outside and that's going to be Black Cat Road. There is no way that this development goes in, even if you put all the traffic out on Chinden, that you are not impacting Black Cat. That just goes without saying. It may take them a little longer to get on to it, but they are going to find it. I have concerns about the commercial lot that we are really not talking about, because it doesn't sound like we can talk about. It doesn't sound like we are able to develop on it right now, because there is other rules of law in place. I looked in the file and, Mr. Myers, there is two letters with your name on it in the file attached, but, unfortunately, I don't see a letter stating what you testified here to tonight. So, I don't see anything from Settlers saying in the file that said anything was approved. It's another outstanding issue. There is -- there is just several. I'm going to let the -- the -- the fact that you didn't want to put the clubhouse and all the other amenities in the center as we like to see it. We don't do that because we are trying to harass a developer or harass a project. I was one of the first people to bring Crime Prevention Through Environmental Design to this city. One of the first officers certified in that. It's used across this country to try to make the safest developments we can and when staff

now brings that and codifies it and tries to bring those principles in, it's to help make those some of the safest projects in the city and -- and when I see that -- and I know you said you don't want to die on that hill, but just the kind of resistance and why you wanted to do it the way you wanted to do it that it doesn't give me the greatest level of confidence in what we are doing here tonight. So, I'm not in favor of a continuance. I'm -- I'm not in favor in this project moving forward at all.

Whitlock: Mr. Mayor?

Simison: Councilman Whitlock.

Whitlock: Mr. Mayor and Members of the Council, I -- having read a 71 page staff report -- I think that's the biggest staff report since I have been on the Council. Having read all of the public testimony that was submitted and was part of the record and I had some real concerns coming into this hearing tonight about this project and I think Mr. Elliott summed it up. It's traffic and kids. And I don't think that this project clears the bar in alleviating those concerns that I had coming into this hearing. I like some of what is proposed and being discussed. I just -- I think it may be too early for prime time. It may end up looking like this some -- at some point down the road. But tonight I don't think that I'm in a position to move forward on approving this. So I would -- I would not be in support of continuing the hearing and think that we ought to make a decision tonight on whether it's a go or no go.

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: Yeah. I think Mr. Bailey makes a good point. I do think this is probably what's -- something like this is going to end up here. But this -- it does feel like one of the -- of all the projects I have considered there seems to be a lot of unanswered questions about it, too. I -- and not -- not to pile on too much, but I do think that -- I think the design is kind of poor, if I'm being honest. I think if I'm giving you good feedback, I think it's not very creative and so I -- usually I don't like to micromanage any of that stuff, but as far as feedback I think it -- I think you should consider carefully what Council's -- the other members of Council said today in terms of design. I think that's an important concept. But given the holding area, what we heard in testimony tonight with the irrigation district, there is a lot of unknowns that we can't answer and if you have been on Black Cat Road it's not very fun and I don't have a lot of confidence that ACHD is going to expedite any kind of investment in Black Cat Road anytime soon. So, I think that's a real -- real concern. If it was two lanes with a turn lane even, that's a little bit different than just -- just a lot of two lane through there. So, I agree, I think Council Woman Strader made a good point about the bar with annexation should be high for a good reason and I'm -- I agree with -- with the statements that have been said today. I think annexation for a project like this is just -- it's not quite there yet. I think probably we are going to see something pretty similar to this down the road, but I think it would be important to get the timing right, some of the other infrastructure investments that we need to kind of come

along I think need to happen. This valley is growing pretty fast, so I think you will see those things happen maybe sooner than later, but we just don't know that today when that will be, so I think -- I think a continuance probably isn't necessary tonight and I would probably not vote in support of this project tonight.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I want to commend Council Member Little Roberts for at least asking the question. I -- I wasn't in support of this project and I didn't know if it's because it was 10:00 o'clock or it's because I had big questions and concerns about the project and certainly hearing from my -- my colleagues it confirmed that this project isn't -- doesn't meet our -- our standards for -- for Meridian right now. I just -- I do want to pass this along to the applicant. These micro community concepts I think are really intriguing and as a way to really foster like neighborly interactions in a multi-family environment. So, I don't want these types of concepts to go away. They just need to be executed much better. There is just too many thresholds we are being asked to overcome and -- and I'm certainly not in support of it.

Simison: Okay. With that, Council --

Whitlock: Mr. Mayor, I believe -- I would move that we can close the public hearing on Agenda Item No. 10.

Strader: Second.

Simison: Have a motion and a second to close the public hearing. Is there any discussion? If not, all in favor signify by saying aye. Opposed nay? The ayes have it and the public hearing is closed.

MOTION CARRIED: ALL AYES.

Whitlock: Mr. Mayor?

Simison: Councilman Whitlock.

Whitlock: After considering all staff, applicant and public testimony, I move to deny File No. H-2023-0043 as presented during the hearing of today's date.

Overton: Second.

Simison: I have a motion and a second to deny Item H-2023-0043. Is there discussion on the motion? If not, clerk will call the roll.

Roll Call: Cavener, yea; Strader, yea; Overton, yea; Little Roberts, yea; Taylor, yea; Whitlock, yea.

Simison: All ayes. Motion carries and the item to deny is approved. Which seems odd to say, but that's what it is, so -- thank you.

MOTION CARRIED: ALL AYES.

ORDINANCES [Action Item]

- 11. Ordinance No. 24-2062: An Ordinance Amending Unified Development Code Section 11-1-8, Concerning Preservation of Private Property Rights; Amending Unified Development Code Section 11-1A-1, Concerning Adding New Definitions; Amending Unified Development Code Section 11-2A-2, Table 11-2A-2, Concerning Manufactured Homes Within a Residential District; Amending Unified Development Code Section 11-2A-4, Table 11-2A-4, Concerning Dimensional Standards for the R-2 District; Amending Unified Development Code Section 11-2A-5, Table 11-2A-5, Concerning Dimensional Standards for the R-4 District; Amending Unified Development Code Section 11-2B-2, Table 11-2B-2, Concerning Allowed Uses in Commercial Districts; Amending Unified Development Code Section 11-2C-2, Table 11-2C-2, Concerning Allowed Uses in Industrial Districts; Amending Unified Development Code Section 11-2D-2, Table 11-2D-2, Concerning Allowed Uses in Traditional Neighborhood Districts; Amending Unified Development Code Section 11-3C-6, Table 11-3C-6, Concerning Dimensional Standards for Carports for Residential Use; Amending Unified Development Code Section 11-4-3-9, Concerning Daycare Facilities; Adding Unified Development Code Section 11-4-3-51, Concerning Food Truck Court Specific Use Standards; Adding Unified Development Code Section 11-4-3-52, Concerning Food Truck Specific Use Standards; Amending Unified Development Code Section 11-5A-6(D)(4), Concerning Proof of Posting; and Providing an effective date.**

Simison: Okay. With that we will move on to Item 11, which is Ordinance No. 24-2062. I will ask the clerk to read this ordinance by title.

Johnson: Thank you, Mr. Mayor. And apologies for the length. This is an ordinance amending UDC Code Section 11-1-8, concerning preservation of private property rights; amending UDC Code Section 11-1A-1, concerning adding new definitions; amending Unified Development Code Section 11-2A-2, Table 11-2A-2, concerning manufactured homes within a residential district; amending Unified Development Code Section 11-2A-4, Table 11-2A-4, concerning dimensional standards for the R-2 district; amending Section 11-2A-5, Table 11-2A-5, concerning dimensional standards for the R-4 district;

amending UDC Section 11-2B-2, Table 11-2B-2, concerning allowed uses in commercial districts; amending UDC Code Section 11-2C-2, Table 11-2C-2, concerning allowed uses in industrial districts; amending UDC Code Section 11-2D-2, Table 11-2D-2, concerning allowed Uses in TN-R districts; amending UDC Code Section 11-3C-6, Table 11-3C-6, concerning dimensional standards for carports for residential use; amending UDC Code Section 11-4-3-9, concerning daycare facilities; adding UDC Code Section 11-4-3-51, concerning food truck court -- food truck courts specific use standards; adding UDC Code Section 11-4-3-52, concerning food truck specific use standards; amending UDC Code Section 11-5A-6(D)(4), concerning proof of posting; and providing an effective date.

Simison: Thank you. Council, you have heard this ordinance read by title. Is there anybody that would like it read in its entirety? If not, do I have a motion?

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: I move that we approve Ordinance No. 24-2062.

Overton: Second.

Simison: Have a motion and a second approve Ordinance No. 24-2062. Is there any discussion? If not clerk will call the roll.

Roll Call: Cavener, yea; Strader, yea; Overton, yea; Little Roberts, yea; Taylor, yea; Whitlock, yea.

Simison: All ayes. Motion carries and the item is agreed to.

MOTION CARRIED: ALL AYES.

- 12. Ordinance No. 24-2061: An Ordinance (Kilgore H-2023-0063) for rezone of a parcel of land located in a portion of Lot 1, Block 1 of Niday's Second Addition, according to the official plat thereof, filed in Plats at page 594, Ada County records, situate in the northeast quarter of Section 12, Township 3 North, Range 1 West, Boise Meridian, City of Meridian, Ada County, Idaho, more particularly described in Exhibit "A," rezoning 0.34 acres of land from the R-4 (Medium Low-Density Residential) zoning district to the O-T (Old Town) zoning district in the Meridian City Code; directing city staff to alter all applicable use and area maps as well as the official zoning maps and all applicable official maps depicting the boundaries and the zoning districts of the City of Meridian in accordance with this ordinance; providing that copies of this ordinance shall be filed with the Ada County Assessor, the Ada County Treasurer, the Ada County**

**Recorder, and the Idaho State Tax Commission, as required by law;
and providing an effective date.**

Simison: Next item up is Item 12, which is Ordinance No. 24-2061. Ask the clerk to read this ordinance by title.

Johnson: Thank you, Mr. Mayor. It's an ordinance related to Kilgore H-2023-0063 for rezoning of a parcel of land located in a portion of Lot 1, Block 1 of Niday's Second Addition, according to the official plat thereof, filed in Plats at page 594, Ada county records, situate in the northeast quarter of Section 12, Township 3 North, Range 1 West, Boise meridian, city of Meridian, Ada county, Idaho, more particularly described in Exhibit "A," rezoning 0.34 acres of land from the R-4 zoning district to the O-T zoning district in the Meridian City Code; directing city staff to alter all applicable use and area maps, as well as the official zoning maps and all applicable official maps depicting the boundaries and the zoning districts of the City of Meridian in accordance with this ordinance; providing that copies of this ordinance shall be filed with the Ada County Assessor, the Ada County Treasurer, the Ada County Recorder, and the Idaho State Tax Commission, as required by law; and providing an effective date.

Simison: Thank you. Council, you have heard this ordinance read by title. Is there anybody that would like it read in its entirety? If not, do I have a motion?

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: I move that we approve Ordinance No. 24-2061.

Overton: Second.

Cavener: Second.

Simison: I have a motion and a second to approve Ordinance No. 24-2061. Is there any discussion on the motion? If not, clerk will call the roll.

Roll Call: Cavener, yea; Strader, yea; Overton, yea; Little Roberts, yea; Taylor, yea; Whitlock, yea.

Simison: All ayes. Motion carries and the item is agreed to.

MOTION CARRIED: ALL AYES.

FUTURE MEETING TOPICS

Simison: Council, anything under future meeting topics or a motion to adjourn?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Not seeing any future meeting topics I move that we adjourn the meeting.

Simison: Motion to adjourn. All in favor signify by saying aye. Opposed nay? The ayes have it. We are adjourned.

MOTION CARRIED: ALL AYES.

MEETING ADJOURNED AT 10:10 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS)

_____ MAYOR ROBERT SIMISON	_____ DATE APPROVED
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ATTEST:

CHRIS JOHNSON - CITY CLERK