

A Meeting of the Meridian City Council was called to order at 6:02 p.m., Wednesday, May 18, 2022, by Council President Brad Hoaglund.

Members Present: Joe Borton, Luke Cavener, Treg Bernt, Jessica Perreault, Brad Hoaglund and Liz Strader.

Members Absent: Mayor Robert Simison.

Also present: Chris Johnson, Bill Nary, Alan Tiefenbach, Brandon Frasier, Kris Blume and Dean Willis.

ROLL-CALL ATTENDANCE

☒ Liz Strader	☒ Joe Borton
☒ Brad Hoaglund	☒ Treg Bernt
☒ Jessica Perreault	☒ Luke Cavener
☐ Mayor Robert E. Simison	

Hoaglund: I will call this City Council regular meeting to order. For the record today is Wednesday, May 18th, 2022. It is 6:02 p.m. Our first order of business will be roll call attendance.

PLEDGE OF ALLEGIANCE

Hoaglund: Our next order of business is Pledge of Allegiance. Will everyone rise and --

(Pledge of Allegiance recited.)

COMMUNITY INVOCATION

Hoaglund: And, Mr. Clerk, we don't have anybody available for community invocation tonight.

Johnson: That's correct, Mr. President.

ADOPTION OF AGENDA

Hoaglund: Moving on, we are at the adoption of the agenda.

Borton: Mr. President?

Simison: Councilman Borton.

Borton: There are no changes to the published agenda, so I move that we adopt it without changes.

Cavener: Second.

Simison: We have a motion and a second to adopt the agenda as presented. All those in favor, please, say aye. Any opposed? The ayes have it. We have adopted the agenda.

MOTION CARRIED: ALL AYES.

PUBLIC FORUM – Future Meeting Topics

Hoaglund: Next up is the public forum. Mr. Clerk, do we have anybody signed up?

Johnson: Mr. President, we did not.

ACTION ITEMS

1. Public Hearing for McCrea Meadow (SHP-2021-0006) by Russell McCrea, Located at 1028 NE 3rd St.

- A. Request: Short Plat consisting of two (2) buildable lots on 0.3 acres of land in the R-15 zoning district.

Hoaglund: All right. All right. Under Action Items, the first item tonight is a public hearing from McCrea Meadow, SHP-2021-0006. Allen, I -- you are doing the presenting; correct?

Tiefenbach: Yes, sir.

Hoaglund: All right.

Tiefenbach: Greetings, Council. Alan Tiefenbach, planner with the City of Meridian. This is a request for a short plat. The property is just a little more than a quarter of an acre. It's zoned R-15. It's located -- oh, I always forget to do that. My bad. Sorry about that. Let's see here. Screen sharing and failed to start. Did I get it that time? Okay. Thanks. So, yeah, a quarter acre lot, zoned R-15, located 1028 Northeast 3rd Street. The property is designated for Old Town in our future land use map. There is an existing 1,350 square foot -- so, not quite 1,400 square foot single family residence on the property that was constructed in 1932. This applicant requests a short plat to subdivide this property into two lots. That's what you can see here. That would be containing the existing residence on a lot of about 7,700 square feet and, then, there would be a second lot of about 4,900 square feet for a second residence. The access to the existing residence right now comes from Carlton, which is here. The access to the new residence would come from this alley. Here. There is a street template. We have a downtown Meridian City core street cross-section master plan. That's a lot to say. There is a template of what Northeast 3rd Street should look like. That's here. The -- the -- the template shows -- shows a detached

sidewalk running along here. In this particular case the -- what the applicant is proposing is not exactly like what's shown on the template. The -- the first part is staff is not requiring curb and gutter at this time and the reason why is because Northeast 3rd is going to be reconstructed in the future. We are requiring the applicant to put in sidewalk. The -- the way that the sidewalk is being shown -- what the applicant wants to do is not exactly what's shown on the template and the reason why is that there is a huge tree on the property, which you can see here. We talked to the city arborist -- that would be this tree here and if they were to put in the curb and the gutter and the sidewalk the way that the street template showed, it would kill that tree. We have worked with the applicant probably well over a year to get them to redesign the sidewalk, which is what you can see now and it -- basically it's further out and it goes around the tree to save the tree. In addition to that, as you know, there is a requirement for a landscape buffer and you have to put in one tree per 35 feet. However, the canopy of this tree is 90 feet across. It is a huge tree. So, the applicant requested alternative compliance to not have to put in the landscape buffer. I'm not sure if what -- putting two additional trees within this huge canopy would do when the -- especially when they grew. The planning director did approve that alternative compliance. The only thing I wanted to -- so, staff recommends approval. We have some conditions in the staff report. The only thing I wanted to mention is there was one slight change. In the staff report I made a comment about that there was some discussions regarding the locations of water and sewer on the property. Right now the sewer is coming up from this alley and Carlton Street is being rebuilt and eventually they are going to put in a new water and new sewer main. At the time -- in the staff report I mentioned that it was probably going to be challenging for the applicant to put in the service lines, because you have to have a certain amount of separation and we weren't sure about if they would be able to do it and whether they could do it and whether there -- it would underlay the carport. Since the time of the staff report staff talked to Public Works and their opinion is, well, this is a service line, it's a private line, we are not going to require an easement for that, because, really, it's a private line and the only easement that needs to happen is between the property owner to the south. So, it doesn't matter how the applicant connects in to the -- to the main to the north. They just have to connect in somewhere and figure out how to run the lines. The reason I say that is because there is a condition of approval. Staff is recommending that condition, which is 1-B, just be removed. It's a non-issue now. With that I don't have anything else with my presentation, Council.

Hoaglund: Thank you, Alan. Is the applicant here? Come on up and state your name and address for the record.

McRae: My name is Russ McRae and I live at 1027 Cameron Street in Boise. But I bought this house when I was young.

Hoaglund: And anything you want to add to the -- to the staff report? Anything we should know?

McRae: No. No. We love downtown Meridian. That's why we want to keep the old house there. The -- the -- our plans of building another residence there, the single family,

we don't want it to be an imposing -- we want it to fit in. So, that's all within our -- we know our neighbors there, partially because we flood irrigated for years and years and if you have ever been in that situation you understand that you get to know those people quite well and so we want to make sure that we are on good terms. So, you know, we don't plan on building the largest structure we can. We want to make sure it fits within kind of what downtown Meridian really is. I grew up on Carlton Street, so -- just about seven houses down from -- from where this house is.

Hoaglund: We have a lot in common then, Russell, because I grew up on -- my first four years in Meridian was on Carlton as --

McRae: Oh, really?

Hoaglund: Until we moved over on the other side of town, so --

McRae: Oh, that's funny.

Hoaglund: Yeah. Great memories of riding my bike all over there. But that was a lot -- many more years before you were there, so -- any other questions, Council? Great. Thank you. This is a public hearing. Do we have anybody in the room that would like to testify on this? Anybody online?

Johnson: Nobody online. Nobody signed up. Unless Mr. Wardle is interested.

Hoaglund: If not -- Alan, any final comments? Are we good to go?

Tiefenbach: No, sir.

Hoaglund: All right. Council?

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Move we close the public hearing on Item 1, SHP-2021-0006.

Strader: Second.

Hoaglund: We have a motion and a second to close the public hearing. All those in favor say aye. Any nays? The ayes have it. The public hearing is closed.

MOTION CARRIED: ALL AYES.

Borton: Mr. Mayor?

Hoaglund: Councilman Borton.

Borton: Seems to be well presented. Very straightforward solution for a good downtown resident and wishing your family luck with this project. Sounds fantastic. So, I'm going to make a motion that we approve SHP-2021-0006 as presented in the staff report of May 18th, 2022.

Cavener: Second.

Hoaglun: We have a motion and a second to approve the application. Had a question, Councilman Borton. Do we need to remove 1-B from that or is that -- was that in the staff report to remove, Alan?

Tiefenbach: Council -- Council Person, Members of the Council, that was in the original staff report. I would recommend your -- your condition be to remove that. Sorry. That your approval motion be to remove condition -- I think I said 1-B.

Borton: Mr. President, that's -- the motion was with that intent.

Hoaglun: Okay. And the second agrees?

Strader: Yes.

Hoaglun: All right. Mr. Clerk, will you call the roll?

Roll call: Borton, yea; Cavener, yea; Bernt, yea; Perreault, yea; Hoaglun, yea; Strader, yea.

Simison: All ayes. Motion carries. Thank you.

MOTION CARRIED: ALL AYES.

2. Public Hearing for Pavilion at Windsong (H-2021-0102) by Kent Brown, Located at the Northwest Corner of W. Ustick Rd. and N. Linder Rd.

- A. Request: Rezone of 3.42 acres of the subject property from C-C to R-40.
- B. Request: A Preliminary Plat on the entire 4.77-acre property to allow 33 townhouse lots, 2 lots for vertically-integrated buildings containing a total of 12 residential units, and one commercial lot.
- C. Request: A Conditional Use Permit to allow townhouses in the R-40 zoning district.
- D. Request: A Development Agreement Modification to allow the proposed development

Hoaglun: Next up we have a public hearing for Pavilion at Windsong. Alan, you get two for two tonight.

Tiefenbach: Two for two. All right. So, this is a -- it's -- it's more complicated -- it sounds more complicated than it really is. This is a device -- well, I will see if I can make it more complicated for you. This is a development agreement modification, a rezoning and preliminary plat and a conditional use. The property is a little short of five acres. Presently is zoned C-C. It's located at the northwest corner of North Linder and West Ustick. Surrounding area is comprised of single family detached, a commercial center, a lot of it's building out. That's where the Sawtooth Landing is across the street. A newly developing mixed use residential development is nearby. Some of you may remember this. In 2019 this property was proposed -- so -- so -- let me back up. Originally when this was annexed the development agreement that was done at the time, they didn't know what they were going to do with this property. So, the development agreement that -- that is vesting with it right now says you have to amend this development agreement before you do anything, because they didn't know what was going to happen. Now, in 2019 there was a proposal to amend that development agreement and there was also a conditional use to allow a mix of uses. This included multi-family, a self storage facility, office, and retail uses. The -- originally the Planning Commission did not support the idea of the self storage and they had concerns about the commercial. When this came to the Council, the Council had concerns with the multi-family. There was a lot of concerns from the neighbors about the multi-family, in particular the height of it. Eventually what happened was that the Council approved the conditional use for the self storage, but they said that no multi-family could occur on the site. The conditional use was never -- the conditional use and the development agreement was never recorded. So, it just fell apart. This particular request is to -- is -- is to -- and -- and so on the -- on the right-hand side here is kind of a zoning exhibit to -- to explain to you what's going on. This is rezoning three and a half acres of the property from C-C to R-40. So, the whole property right now is C-C. What you see here in gray is they want to rezone all that to R-40. They also want to do a preliminary plat for 33 townhouse lots. Those are what -- basically everything that you see here is townhouses, with the exception of what you see here on the corner and what you see here. So, this is commercial and I will talk about those in a second. That's vertically integrated. But the rezoning is for the townhouse area, because townhouses are not allowed in C-C. Townhouses are only allowed in R-4 -- by R-40 and they are allowed under a conditional use. So, again, it is a rezoning from C-C to R-40 for most of the site. Preliminary plat for 33 townhouses. It is two lots for two vertically integrated buildings, with six residential units and one commercial lot. As I said, for the townhouses a conditional use permit is required. As mentioned, because specific details were not provided with the annexation, the development agreement modification is also required, basically, for the Comprehensive Plan and the development as noted. This proposal also included a request for private streets. Most of what is being shown here is a private street, with the exception of Crosswinds and Wafting, which are here. The director did approve that request. So, again, the future land use map for this recommends this is mixed use community. This is the allocated area as community serving uses or seamlessly integrated into the fabric. This is a mixed use development. It talks about -- mixed use has different elements. It talks about three types of land uses, high density near

employment, being centered around public spaces. It also has a percentage on how much residential can occur -- occur. It encourages vertically integrated -- integrated structures, which most will call those mixed use buildings. This application does reflect those three types of uses. The majority of the residential is clustered around a central space as what you can see in the middle here. So, not all of it, but most of it. There are also those mixed use vertically integrated buildings, which you see here to the south and east. Staff does support this and they certainly are excited about the idea of the vertically integrated structures. Our concern, which we have passed on to the applicant -- our biggest concern is that what we were afraid of -- and I will go about -- more about it, but we were afraid that these vertically integrated structures would get approved and, then, eventually get converted into townhouses and I can show you, if you look at the elevations, you will see what I was talking about. That said, as a condition of approval we recommended at the time of building permit that the ground floors of all the vertically integrated buildings -- so, the bottom floors would meet occupancy class requirements for commercial structures. So, they would have to build them with the building permit for a commercial structure, so they wouldn't be able to -- it wouldn't be able to convert them into townhouses without having to go through a building permit process and, then, staff would catch it and say you can't do that. My understanding is that the applicant is amenable to this. I don't believe the applicant has any intentions, but in the future if this got flipped to somebody else, we don't know what those intentions are. So, again, we are trying to preserve that commercial. Staff mentioned in the staff report that originally we thought that the vertically integrated buildings, which is what you see down here, would be more appropriate on the north side. We had a few different reasons for that. We thought it would integrate better with the commercial. It wouldn't bring all the traffic into the southern part of the site. That was our recommendation. Applicant did not like the idea. The Planning Commission also did not like that idea and the Planning Commission is agreeable to the applicant keeping it as it is. This is certainly one staff is not willing to die on the sword for. We are okay with the recommendations. We don't object. At the time of the staff report staff had some concerns about -- you don't see it here, but originally this row of townhouses here was one long wall and there is houses that are newly built here and we were nervous about this long wall in front of the houses and how that would impact them. We recommended that that row of buildings be broken up or done -- something like that. The applicant has subsequently broken these up. We actually recommended a very very specific area where it would be broken up, because there was a house right here and we wanted to make sure that they had a view corridor and they still had some visibility. So, the subject property, again, located at North Linder and Ustick. There is an existing road, which is West Crosswinds. That's what you see here. It -- right now it stubs at the property here. This is what serves as the Windsong neighborhood. This development would close an access off of Linder and it would create a new access on Ustick and it would also connect Windsong to Ustick. This was always intended -- again, it was stubbed here with the idea that this was going to go through. I'm the -- most, if not all, of the public comments that I have heard has been in regard to the connectivity, about not connecting Crosswinds and keeping traffic from going into their neighborhood. Applicant did mention in their narrative that they were proposing a three way stop at Crosswinds and Wafting, which is right here. When we saw ACHD staff report, ACHD talked about traffic calming. When we had ACHD on the line at Planning

Commission they also said traffic calming. They didn't see a stop sign. Again, that wasn't a condition of approval for us, but we just encourage the applicant to work with ACHD about traffic calming. I think that was the other issue that the neighbors had expressed. They don't want cars going in too fast. They want to do something that slows them down. When we originally did the staff report what is shown as an alley here did not meet the requirements for alley and it also didn't meet the requirements for a common lot -- or for a common drive. It had too many lot -- too many lots on it for a common drive. Wasn't wide enough for an alley. The applicant has since widened this to 24 feet, which is what's required for a public street, so they are okay there. This one is still 23 feet. They will have to widen that. They know that. I don't think that's an issue. Okay. So, one -- one -- another thing that we talked to the applicant about -- I think it's mostly been resolved -- is with the original drawings you don't see this here. Along Linder here there is a seven foot wide sidewalk. Original versions of the plans, if you looked at the file, there was another pathway that was kind of running parallel with this. It was like two pathways next to each other. We thought that was somewhat redundant. We didn't think that was necessary. We talked to Parks. They agreed. We just said you don't need to put that other pathway there. Just keep the seven foot sidewalk. It's fine. Along the south it was the same situation. They had the seven foot sidewalk along Ustick and, then, they were showing a ten foot wide pathway, which you can still see here. I don't think they have changed this yet. Our recommendation was, you know what, just widen the whole thing to ten feet. You don't need to have this extra trail -- if you see it here. Widen the whole thing ten feet and this is one of our conditions and, then, just connect to the Ten Mile trail once you get to the west of the property. I'm -- I don't -- it's not been changed on this plan. My understanding -- I don't think the applicant has an issue with this. I just don't think it's been on the plan. Again, it's one of the conditions. One concern that parks and trails did have is if you look at the vertically integrated structures here, you will see each of them has an entrance onto the trail. That was kind of like what could go wrong with that, right, when you have every building has six different ways for somebody to get onto the pathway -- with a major pathway. So, Parks said take them off. We shouldn't have more than one connection to each vertically integrated building. Again, they didn't change it on the plans. I don't think the applicant has an issue with that. That's one of our conditions as well. Remove the walkways. Only put one in. So, here is the elevations. These building elevations showed townhouses comprising of rocks, cement board, Hardie board, lap siding. These are great elevations. Staff didn't have any issue with the design of the elevations, but what I talked about earlier, again, is our concern -- if you look at Building G and Building H at the bottom, these are the buildings that were supposed to be the vertically integrated buildings. Now, again, great architecture, but our concern was these -- are these really vertically integrated buildings or are these townhouses or like, you know, a townhouse with a home office. So, that was our concern. If this is going to be a mixed use development and if this is going to be sold aside and if the Council is going to believe that they are approving that, we need to make sure that these vertical -- vertically integrated buildings really are vertically integrated buildings. We have talked to the applicant. Applicant, from what I understand, is fine with having the requirement about the bottom floor being rated for commercial only at time of building permit, so that it can't be turned into an apartment. One comment from the Planning Commission at the time was that the Planning Commission had -- had the same concern. They didn't want to see

these converted into just townhouses. They also had some concerns -- they just didn't want to see the whole thing turned into a rental. The Planning Commission added -- actually added a very clever condition that was prior to certificate of zoning compliance that there would be condo plats for at least the commercial portions of these buildings, so that the -- the -- even if somebody lived or owned both buildings, the ability is still there for a separate person to own the airspace for that commercial area. The -- the only thing I would say that's a change on that is that when we looked at what the requirements are for a condo plat -- and I didn't catch this actually until today. The conditions of a condo plat says the building already has to be built. So, it wouldn't work prior to certificate of zoning compliance. All I'm saying is that there would be a recommendation to change for the condition, that the condo plat would occur prior to certificate -- or prior to certificate of occupancy and not CZC. So, that they get their CZC, they apply for the building permits, they get the building permits approved, they have to do the condo plat before they actually get their CO. This would work. So, this is what happened, again, at Planning Commission. This was heard by Planning Commission. They moved to recommend approval for all of this. There were several citizens that were here and they were in the Windsong neighborhood to the west. They had the concerns in regard to density, traffic impacts with connecting the road, which now the name just escaped me. Crosswinds. Whether or not traffic calming could be implemented. The Commission agreed with the applicant, that they thought that the vertically integrated structures where they are showing them was probably the best spot and they were okay with that. As I mentioned, they added a condition that the short plat condominiumize those and that would happen prior to CZC, which I just described to you would not happen. There was an additional condition that I also believe that the applicant was okay with that the exterior facades of the vertical integrated buildings integrate brick or stone and I believe that the attempt behind that was that they -- they wanted to make sure that the bottom floors of these structures look somewhat different from the top floor to represent the idea that this is a commercial portion and it's not -- not all just one townhouse. I believe that was the intent. Again, I believe that the -- the applicant was okay with that. And, as I mentioned, we are recommending that the condition that says that the condo plat happen prior to CZC, just be changed to say prior to the certificate of occupancy. Rather complicated, but it didn't need to be. But if you have any questions I would be happy to answer them. I work for the government, so I make it as complicated as I can.

Hoaglund: And that was a joke. Yes? Okay. Council, any questions for Alan?

Cavener: Mr. President?

Hoaglund: Councilman Cavener.

Cavener: Alan, can you just refresh my memory -- what are -- what's the other developments that are on the other -- kind of three corners that kind of neighbor this property?

Tiefenbach: I have them listed here. If I can remember. One of them was the Sawtooth -- Sawtooth commercial across the street to the east. There is -- boy, you caught me off

guard here. I don't know if I can name off -- I don't -- I don't know if I can name off the projects off the top of my head. I could get them and look them up.

Hoaglund: We have the Ada County --

Tiefenbach: But I'm not that good.

Hoaglund: -- Ambulance Paramedics --

Tiefenbach: It looks like the -- it looks like the applicant has it. Maybe they will present this. I don't have it memorized. I'm sorry.

Cavener: Thanks, Alan.

Nary: Yeah. Mr. President, there is a residential development on the opposite corner that you heard a few months ago with multi -- I think it was multi-family facing Ustick and, then, it was residential behind it.

Tiefenbach: So, I have them all here. I will give him the honor of doing it, since he prepared this.

Perreault: Mr. President?

Hoaglund: Council Woman Perreault.

Perreault: Thank you. Alan, what -- with the vertically integrated, what are the parking standards? So, if you have a -- if your condo unit is say, you know, 800 feet, how are we figuring out -- you know, if they have clients that come in -- say it's a one person accounting firm or it's a -- you know, a masseuse or -- where are they parking?

Tiefenbach: Sure. Parking requirements are one per residential unit, but you have to provide the same amount of parking for the commercial. So, if you have got -- you know, our parking requirements are one parking space per 500 square feet of commercial. If you have got -- if you have got a thousand square foot commercial space, then, you would have to have two parking spaces for that, plus the one for the top. If you look at the site plan that they are showing here, they are actually well over their parking requirements. They have -- if -- they have got parking cut out here for the vertically integrated, they have got parking that's over here and they have also got parking over here, as well as all of the parking for the commercial building. I think -- I did the math on it in the staff report and if I remember correctly I think they were 11 spaces over what they would have been required by the code.

Perreault: Mr. President?

Hoaglund: Council Woman Perreault.

Perreault: So, the parking spaces that are in the driveway are not being counted towards commercial use; is that correct?

Tiefenbach: Yes, ma'am. Those are -- those parking spaces -- they are, actually, again, overparking. They are showing one -- if I believe correctly, it's one parking space in front of the house, one parking space in the garage. That's the -- that's the parking merely for the residential portion of the site.

Perreault: Mr. President, a follow up.

Hoaglund: Go ahead.

Perreault: What are the signage -- what's -- what does code say about them putting up signs regarding their businesses?

Tiefenbach: Are you referring to what the sign code is?

Perreault: Yeah. And so are they permitted to put signs in the -- in the green space in front of those units or do -- can they put signs on the -- on the building itself or -- I mean --

Tiefenbach: So, they --

Perreault: Go ahead.

Tiefenbach: Sorry. I didn't mean to interrupt you, Council Person. They can have a wall sign with their business. I -- I can't give you the exact square footage. It's two square feet per building frontage I think per linear frontage. Again, I'm not as good as Bill is. I think it's one square foot per two linear feet of building frontage. As it -- as -- if it's a commercial business they are also allowed to have a monument sign at the entrance. They could not put signs in the -- in the -- the grass. That would be considered an off-site sign. They can't do off-site signage.

Hoaglund: Any further questions? All right. Will the applicant come up and state your name and address for the record, please.

Amar: Mr. President, Council Members, Jeremy Amar. 1548 Cayuse Creek Drive, Meridian. Appreciate you guys -- you -- you all hearing us tonight for this. We are excited about this project and agree with -- with Alan and appreciate his -- his staff report. We are -- we are proposing, as Alan said, 45 dwelling units, a mix between townhomes and vertically integrated units. The -- the reason for the rezone, as Alan explained, is in the C-C zone vertically integrated units is a principally permitted use, so -- but instead of proposing vertically integrated units for the -- the whole site, which the ones we are proposing are three stories. I think the maximum height is 50 feet for vertically integrated units in C-C, we felt that it was a better compatibility and a better use to add townhomes adjacent to the Windsong neighborhood and keep the vertically integrated at the corner

and on Linder and Ustick, facing those. The townhomes are -- are a mix of -- of three bedroom, two and a half or three bath, as well as a few two bedroom, two bath. The two buildings along the north. And, then, also one additional commercial retail lot. We don't have a use for that. We have hopes and dreams and ideas, but whatever goes there will come back before Planning and Zoning Commission, as -- as well as this body for -- for a conditional use permit for whatever the future use is for that commercial pad. It is community mixed use, which Alan went through very well explaining the -- the projects near us across the street is Eddington Commons, which is 92 -- both attached and detached homes. Sawtooth Landing is the office park with the eight office lots. And, then, Lenin Point is kind of kitty-corner to us. That's also mixed use, with a combination of multi-family and single family. Windsong is our direct neighbor. It is a project that Biltmore completed last year. We developed all -- well, that project was developed long, long ago. We -- we purchased it and built it out and built those 66 homes and it turned out to be a fantastic project. We are close to quite a few amenities. We are close to -- Settlers Park is a mile up Ustick. Close to shopping center. Orchard Park, the -- where the library is going in. Winco. Shopping centers. Costco and Walmart, they are -- everything's very accessible. As Alan explained, we do have a common area, even though it -- it is smaller than the five acre kind of requirement for open space requirement, we -- we still wanted a community feel, a common area for kids to play and so we have the open park in the middle with -- it will have a -- a gazebo and a picnic area. Four parking -- parking is always a concern with us as well. After we -- we had met with staff and kind of gone through a couple of the comments, we did rearrange some things on site a little bit and we were able to find nine more parking spaces to bring -- bring that total up a little more. So, overall right now, not including any driveways or garages, there is -- there is 38 total extra parking spaces, some of which will be for the commercial, others are for guest use, as well as the -- all of the -- the units have a two car garage and all, but the -- the two furthest north buildings have a 20 foot deep driveway for the -- the residents to use as parking as well. We -- as Alan explained, we did -- we did split this building into -- into two buildings, instead of one, to -- just to -- yeah, to -- to break up that wall, to ease the -- that buffer -- that transition between the -- the single family Windsong into the -- the townhome units. At North Wafting and Crosswinds we -- we did provide a three way stop after our neighborhood meeting and -- and traffic coming through there was a concern. ACHD suggested we do a bulb out instead. We are open to that, too. So, we will continue and work through ACHD as -- as we design and -- and finish the -- the plans for -- for that. Alan showed you some example elevations. We want this project to feel compatible, to look compatible to the residential neighbor that it's next to and a transition into our -- our live-work units. Since P&Z we have revisited the -- the live-work units to add some stone or brick on to the front of the commercial areas, as well as more glass -- a glass door with some large windows on each side, so that it -- it does have more of that commercial office feel. The other thing that we have done -- and I think it -- well, you can see it -- we -- we show all the sidewalks coming up. We are agreeable to -- to reduce that. We would prefer to have maybe two kind of at each end or sort of each end, so that way it's not right in the middle. So, we would prefer a little bit of flexibility, but -- but we really don't need six sidewalk connections to Linder or Ustick. And we do agree about removing the -- the additional pathway on Ustick and widening that sidewalk. As traffic is always concerned with a new development, we have -- we agree with ACHD's staff report. Their -- their

request and requirement to extend and connect to Crosswind. We believe that it will be a benefit to Windsong. Currently Windsong has to exit either through Watersong to their north or BridgeTower to the west to leave the subdivision. Crosswind will give -- give a -- a direct access to Linder and, then, easy access to Ustick to -- to exit the neighborhood. While some of the residents in the townhomes may go out through Windsong, I mean nothing would stop them from doing that, we don't feel that that's really very likely, just because it would be -- it's so much easier just to get onto Linder and, then, jump over to Ustick or head north on Linder and so we believe that the connection to Crosswind will -- will really be a benefit to the -- the residents in -- in Windsong. One of the conditions that Planning and Zoning asked, that Alan went over, is regarding the -- the condominium plat. Alan discussed that already, that Planning and Zoning mentioned to tie it to the -- the CZC, but the wording in the -- the code says that the buildings have to be built and so we are okay to tie it to certificate -- certificate -- certificate of occupancy or tie it to after building permit, so that that way we can do it as a short plat and be able to have those so they can be condominium units. The rest of the -- the project are -- I mean are townhome and we will go through the -- the regular plat process and, then, once we have building permits we can apply for the -- the short plat process for these other two buildings. One point of clarification that I -- I would like. In the short plat process code it states that the -- the proposed subdivision does not exceed four lots. This would be 12 lots. I -- I believe it's two different sections where condominium plats are specifically allowed to be processed as a short plat. So, I don't believe that the four plat -- or four lot limit would apply here, but we would like clarification on that and we would be very amenable to do the condominium plat. With that I appreciate your time and I stand for any questions.

Hoaglund: Thank you, Jeremy. Any questions for the applicant?

Strader: Mr. President?

Simison: Council Woman Strader.

Strader: Thank you. Thanks for coming. I was in Pompeii and saw original Roman vertically integrated housing. They had store fronts and, then, they had their housing behind. It was interesting. So, it's an old idea that's been around for a long time. Very successfully. I just wanted to step through this. Where -- if you could show me a picture. Where is the store fronts in the vertically integrated?

Amar: Yeah. Mr. President, Council Member, so here on -- on this view the store front would face Linder, as well as Ustick. You can see here where -- where I drew in two sidewalks connecting. So, that way the store front is looking out and facing the two main arterial roads.

Strader: Right. So, one concern that I have -- or a question I have -- I think about a store front as a place that I would park and so I wanted you to sort of walk through -- where is the signage? I think along the lines of what Council Woman Perreault was saying. Could you just walk us through like where is the signage? How do customers find the store

front? Where do the customers park? And how does that fit with the concept of it being commercial on the ground floor.

Amar: So, the -- the signage would be, as -- as Alan explained, it would be at kind of the -- the front doors. The -- the glass doors of those commercial spaces. Parking we have here in this -- this mouse is a little -- little hard to move. So, we have parking along here that they would be able to -- to park to access along the front or as well down here. There would be a sidewalk that connects to come along the front as well. We have to try to balance what -- what you are mentioning of -- of store front and parking in front of a building versus planning's desire to have parking kind of hidden from the road. Maybe Alan can help me out here. I see a hand raised.

Hoaglund: Alan.

Tiefenbach: Alan Tiefenbach. Associate planner. I want to clarify -- our specific use standards say that parking cannot be in front of the vertically integrated structures. None of the parking shall be located in front of the structure. It's actually a code requirement.

Strader: Mr. Mayor?

Hoaglund: Council Woman Strader.

Strader: If I could follow up. Alan, could you walk through the -- the thinking behind that a little bit or -- is that because we don't do a lot of vertically integrated? Is that for a specific reason? Like I -- I would think that the vertically integrated commercial would do much better if it had parking in the -- in the front -- store front area. So, it's just a little confusing.

Tiefenbach: Council -- Council Person Strader, you are putting me into a tricky position here. I'm telling you what the code says. I -- I think that a lot of times when you are having some kind of mixed use building you are thinking about having some kind of angle parking in front of it. That's not what our code says.

Strader: Mr. President?

Hoaglund: Council Woman Strader.

Strader: Sure. No problem. Understood. So, you don't necessarily take a position on the code, it's just code is what it is. There is something there that I -- just to give some feedback. It doesn't seem to make a lot of sense to me in terms of what you would want to do with a vertically integrated commercial structure. So, maybe we should revisit that at some point.

Tiefenbach: Yeah. It's hard to wiggle out of this one. I will leave it up to Mr. Nary about whether the Council can actually waive a requirement for the specific use standards. I

can't. I'm not going to make any position at all on whether or not our code is good. I have not been here long enough.

Hoaglund: That's probably wise, Alan. Mr. Nary, do you have any comment? Help us out here.

Nary: So, yeah, generally no. If it is a code requirement it is a requirement. I have to look -- I was trying to find it while Alan was talking. On some of our codes it says unless approved by Council or unless Council waives or something like that. So, I would have to look if that is allowed, but generally it's not.

Strader: Okay. Well, thanks for the feedback. Maybe we could follow up on that later on.

Perreault: Mr. President?

Simison: Council Woman Perreault.

Perreault: So, similar to Council Woman Strader, I'm -- I'm thinking through moving around this and access to these buildings. So, can you show me if -- if there was someone that was wheelchair bound or had a disability, how they would get to the store front? Because it looks like there is steps up to each of the units. So, how are they going to -- are they going to access from the back where it's flat or where -- where would someone get into the store front that couldn't use steps.

Amar: Sure. Mr. President, Council Member, so parking would be here. It -- I mean there -- there is landscaping here. There would need to be this connection from the parking sidewalk to the sidewalk in front and, then, these -- the buildings -- the -- the -- the door above the steps is what enters into the residence. Then the -- these kind of three glass panels -- again we don't quite have exactly what that -- that would look like, but -- I mean we imagine a full glass door with a couple of large windows on the side. Whether it be the metal store front door or not I -- I don't know yet. We will kind of work through that with our design. But all of those are at ground level and so they would all be ADA accessible.

Perreault: Mr. President, follow up?

Hoaglund: Council Woman Perreault.

Perreault: So, I realize this rendering is that -- just that, it's a rendering, but -- so, there is going to be a connection from one of the -- of the -- for the handicap accessible.

Amar: Absolutely.

Cavener: Mr. President?

Hoaglun: Yes, Councilman Cavener.

Cavener: Jeremy, this vertically integrated piece is -- is really interesting to me and -- and I'm kind of fascinated by it. Like Council Member Strader, I -- I'm trying to wrap my head around about how the commercial side is successful with the challenges maybe with our code about access. Can you give us a flavor -- what's -- what's the type of business that is really successful in this type of environment? What do you -- what do you contemplate going into this space that is -- that is a win?

Amar: Mr. President, Council Member, we see this -- well, we will back up a little bit. Over the last couple of years as we have all gone through the COVID pandemic and had lots and lots of Zoom meetings and had lots of practice with Zoom, as we have worked through the staff report, lots of the -- the meetings that we have had, staff from Meridian and -- and other agencies, are holding these meetings in their kid's bedroom or where ever they can find and so I don't know that this -- the -- so, having this dedicated commercial space allows someone to -- to have an office. Maybe -- maybe an attorney that's working or an accountant. There -- there are some specific uses that are allowed in those. Hair salon. I think one of the uses is a -- a drinking establishment. I don't really see that happening in here, but there are some requirements in the vertical -- vertically integrated code for that. But I see that accountant or lawyer, a person that needs a dedicated office space away from the family area being able to have this that they could bring and meet with clients here and have for -- for their commercial space.

Cavener: Mr. President?

Hoaglun: Councilman Cavener.

Cavener: Maybe one kind of additional question. And, Jeremy, you touched on this a little bit in your opening remarks, but why the decision to do a limited amount of vertically integrated and really -- put a lot more townhouse product in here? And the reason why I ask that -- without a doubt we have the need for housing in Meridian, but we -- we have been really informed as a Council how much commercial space that we have lost in Meridian over the years and so I'm -- I'm always very hesitant to be supportive of giving up additional land that could do a commercial product for more residential. So, maybe help us understand the business decision around that.

Amar: Sure. Mr. President, Council Member, this -- see if I can change my slide again. The main reason that we -- we are asking to do townhomes is for compatibility with -- with our neighbors. If we were to do it all as the vertically integrated units, that's going to put three story buildings up close to -- to the residents, instead of a two story townhome. To be able to have that office on the ground floor with the garage and, then, the living area on the two floors above, it -- it would put much taller buildings closer to the residents. The other reason for -- as you all know that this property has been here for -- for a long time and a variety of uses have been brought before Planning and Zoning and Council. It's -- it's a very very difficult corner to make work for purely commercial offices. There is no access to Ustick at all and so with only the access off of Linder it -- it's difficult to do a

traditional commercial use on this property and so we feel that with the need for alternative housing types, like townhomes or condominiums, that having townhomes and, then, some commercial, what -- what we could make work to have the transition from residential to the condominiums was the -- the better use for the property.

Cavener: Thank you.

Nary: Mr. President?

Hoaglund: Mr. Nary.

Nary: I was just going to add, I did find the particular code and -- and there is no exception for the Council to allow parking. It does say none of the required parking shall be located in front of the structure. The allowed residential uses in a vertically integrated unit also include -- or nonresidential uses are -- it says a variety of things. Arts. Entertainment. Recreation facility. Artist studio. Civic, social, fraternal organizations. Daycare. Drinking establishment. Education institution. Financial institution. Healthcare. Social assistance. Industry craftsman. Laundromat. Nursing. Or residential care facilities. So, there is, obviously, a list of varieties of uses, but it is very specific in code that none of the required parking for the business shall be included in the front of the structure.

Hoaglund: Okay. Thank you, Bill. So, a question. So, it sounds like what you are trying to do is meet the commercial definition that's required for the property, but at the same time lower the -- the impact in terms of traffic and not have a high volume retail. It just wouldn't fit in those properties. Is that -- is that what your approach is for -- for this development?

Amar: Mr. President, yes, that -- that is correct.

Perreault: Mr. President?

Hoaglund: Council Woman Perreault.

Perreault: I want to understand a little bit more about the relationship with the commercial to the residential. So, if your condominiumizing the commercial and they can be sold or leased separately from whoever occupies the residence, then, is there going to be a commercial HOA that's going to keep, you know, the commercial units in line with, you know, noise concerns? Are the -- are these units going to be able to be modified like other commercial retail centers are? For example, some places -- I have a client that's interested in -- in -- in a live-work unit, because she wants to do her own nail salon, but nail salons require certain ventilation. So, she would have to be able to come in and modify that commercial space to have her salon in there, which is why she doesn't have it in her home. So, is -- is that something that's going to be allowed to be done in these like normal -- like other kinds of commercial buildings and how will that affect the residential use above if there are two different operators -- two different owners?

Amar: Mr. President, Council Member, so the vertically integrated units, as we understand them, aren't -- they are not a completely separate commercial space on the ground floor. Those -- those commercial spaces are integrated with the unit and so the -- the garages are located here at the back of the unit. In the front of the -- I mean -- so, on the other side of the garage wall would be the commercial office area, as well as the stairs going up to the residence and so it's -- it is connected and part of the residence above, as a -- as a live-work unit and we believe that that's -- that's how the code reads and requires for the vertically integrated units, that it's -- I believe there is a different code Section 4 live-work, kind of like what's going on across the street where all of that ground floor is purely commercial and, then, above is -- is separate residence. These would be -- would be tied -- so, the condominium plat would -- would split this into 12 individual lots and so each condo would be the -- the residence above and the office below. Whether the person that lived there would be allowed to lease out that office to someone else, I -- I don't know the -- the rules or requirements on that.

Hoaglund: And question then -- it might be for Alan, but -- so, the condo plats -- I think that was trying -- the -- the Planning and Zoning Commission was trying to get at preventing those being flipped -- purchased flipped and now we are -- in terms of changing that to just residential -- all residential. Is that -- is that --

Tiefenbach: Mr. President, Members of the Council, the -- the -- the actual language of the Planning Commission said a short plat to condominiumize the vertically integrated building shall be required prior to certificate of zoning compliance. So, yes, the intent was that they didn't want these to turn into be rentals. There was a lot of discussion by the Planning Commission about if we are going to approve this we don't want to have more rental townhouses. That was probably the meat of the discussion. They wanted to make sure that they were going to be some kind of commercial spaces and their intent was that if you condominiumize these commercial spaces and you require those to be built to commercial building standards, that it would be more likely that there would be some kind of nonresidential business occurring in the bottom. So -- so, you -- under the condominiumizing part that you -- you could imply that there would be separate ownership -- separate air ownership on the bottom floor versus the ownership on the top floor.

Hoaglund: Thank you, Alan.

Perreault: Mr. President?

Hoaglund: Council Woman Perreault.

Perreault: I don't know if you are familiar with the Pine 43 development, but they are attempting -- are in the process of putting in 19 live-work units on Fairview. I don't know if you have had a chance to speak with any of their developers. Curious to see kind of how they are going about it and what success they have had.

Amar: Mr. President, Council Member, I -- I am not familiar with it or have not spoken to them, but one -- one of the things that we are doing besides having kind of the large glass

walls that, again, would hinder it becoming a bedroom, that ground floor unit won't have a closet that -- that a bedroom would need. We -- we plan on having a bathroom attached down in that commercial space and so it -- again, I -- I don't know that ten years now -- ten years from now if there is anything we can do for someone putting a bed down there. But that's not our intent and we are trying to work with staff to kind of go through and make sure it meets commercial code for that area, that there is not a bedroom closet. That -- that we have an office space with a -- a bathroom in that area, so that it -- it really is set up for -- as an office -- as a commercial space.

Strader: President Hoaglun?

Hoaglun: Council Woman Strader.

Strader: Thank you. Not sure if you guys covered this, but wanted to cover the drinking establishment possibilities. I'm just not sure how much sense it would make to end up with a drinking establishment in one of the live-work units. Are you supportive of eliminating that potential use?

Amar: Mr. President, Council Member, I am. I -- I don't know how that works. As -- as Mr. Nary read, it's -- there is a whole list of items that are in the code. I don't -- I can't imagine anybody thinking that one of those units is -- is good for a bar. It -- it just -- it's not. It -- it just doesn't fit. I -- I have absolutely no issue with doing that. I don't know how that would work to tie it kind of forever and always to --

Strader: A lease restriction.

Amar: We -- we do -- there will be an HOA and a property management company that works for -- for the site. I mean for common area landscaping and having that -- that HOA in there, so it -- I have no idea if it could be --

Hoaglun: I will ask Alan to weigh in on this.

Amar: Thank you.

Tiefenbach: Mr. President, Members of the Council, certainly you have the purview to totally eliminate that, but just -- just so you know, he -- he read in the vertically integrated structures language there is like a flavor of -- this is the kind of the idea that's supposed to happen, but it's zoned C-C and C-C zoning allows drinking establishment by conditional use. It's entirely up to you if you want to keep that as conditional use, meaning it would have to go to the Planning Commission, so it would require a public hearing either way. You could not do this by right. If you want to completely eliminate that, then, certainly you could add to the DA that there shall not be any drinking establishment at all.

Hoaglun: So, Alan, does that include in my subdivision that one house I suspect on weekends they are a drinking establishment?

Tiefenbach: Just private drinking establishment for the Super Bowl would be a very different story, sir.

Hoaglund: Okay. Okay. I think we will --

Borton: Mr. President?

Hoaglund: Councilman Borton.

Borton: Let's close the door on that topic though. I think that's the -- the ask would be a condition within the DA that prohibits the use of these live-work for a drinking establishment. Is that -- would that be agreeable?

Amar: Mr. -- Mr. President, Council Member, again, I -- I don't think I -- we -- we have any hard time with -- with that condition. As Alan mentioned, it -- it would have to be a conditional use for someone to want it. I -- I don't know how it works with code far as restricting in a DA what could or could not be there. I -- I'm really sorry that I ever brought it up.

Hoaglund: Councilman Borton.

Borton: Mr. President. So, the ask -- I think what we are saying is the CUP path would be gone, because the DA condition would say you can't do it. You can't even ask for it. It's just gone. So, with that understanding if that would be acceptable.

Amar: Sure.

Borton: Okay.

Hoaglund: And before we move forward I did want to ask Alan -- he talked about the four lot limit clarification. Can you shed some light on that?

Tiefenbach: Mr. President, Members of the Council, I don't know if I can. I have read -- I was reading the language and it -- the -- the condo plat is under -- the condo plat is under the short plat process and it says that the -- this is a Bill Nary, so I'm kind of looking at Bill. The -- the short plat says that it shall be for four lots or less and, then, in that same section it talks about the condo plat and what can be required for the condo plat. I'm almost saying this might be an interpretation or a legal question. I wish Bill was here to help me with that. I would -- my -- my argument would be that that was not the intent of the condo plat, to keep it to four lots. I guess maybe Mr. Nary would probably want to weigh in on that.

Hoaglund: Mr. Nary.

Nary: Sure. Mr. President, Members of the Council, I agree with Alan. I think they are -- they are separate. I think there is two separate things that -- concepts we are talking

about, because most of the short plat language is really talking about the -- like the earlier one you saw tonight. They are splitting a piece of property. It's to clear the property boundaries. The condominium is a separate process. So, I don't think the limitation of four lots applies to the condo, because most condos are -- often are going to be more than four lots. So, I do think it is a separate process. I don't see a conflict.

Hoaglund: Thank you. All right. Mr. Clerk, do we have people signed up to testify?

Johnson: Mr. President, only the applicant signed in. We did have one person signed in online, but they are not online.

Hoaglund: Do we have anyone in the room who wants to provide testimony? Mr. Brown?

Brown: For the record Kent Brown. 3161 East Springwood. I thought it was really interesting the discussion about commercial and parking in front of the building, because Planning Department for at least a decade has been telling us on our commercial you can't park in front of the building and they want the designs to put the building up closer to the street, so that you can see it and, then, you drive around the back and come to the building. My wife had a business in Meridian that -- mostly -- it was a flower and gift shop. She had it for 14 years and that was one of her struggles was that women shoppers didn't like driving around, they wanted to go directly to the front door and that's a difficult thing, especially with this site. I mean I can honestly say, because of the number of mixed use community applications that I have submitted in the last year and a half, I hate it. I hate that Comprehensive Plan designation and the -- and the reason being is the mixture that's required and, then, they are on corners and you have the inability to provide those commercial elements in any meaningful way for it to be commercial and that's been a real challenge. One of the interesting things is that we have -- as we have massaged this multiple times in our design we have met with the neighbors each time with a -- a neighborhood meeting and when Biltmore built all of those houses next door there wasn't any -- you either like your builder or you don't like your builder and they came liking the builder and what Biltmore has tried to do with their townhouses is build at the same level and quality in the townhouse product and make that work and be compatible with a neighbor, hitting a different price point if you will. But being integrated into being able to move, you know, as these people want to move up, maybe sell their townhouse and move next door, because that's -- that's -- that's a good design, that's a good plan. The concern from the P&Z and the reason for the short plat was that they were concerned that if you have a commercial user would they want to be a renter. So, they -- they wanted them to be able to own that space. That was -- that was their concern and the -- a condo plat -- the way that you generally do a condo plat is that you divide the land and now you are dividing the space within the building. So, when you understand that, this kind of meets that criteria. I will stand for any questions that you have.

Hoaglund: Councilman Cavener.

Cavener: Thanks, Mr. President. So, Kent, you have been doing this a long time and I guess I'm trying to gauge your expertise, because when I -- when I think of Linder Road

on those hard corners commercial, that -- that's what I see. You know, maybe you have a church here or the EMS center there, but everything else is commercial retail. So, I -- I guess my struggle is that this -- it has been proven that commercial does work along Linder and I'm -- I'm struggling with this particular project on this corner being a better fit than traditional commercial and I'm just -- I'm trying to get you -- your expertise as to why this is a better fit.

Brown: It all has to do with the access. I mean if you had better access, a -- a more intense or even a viable use -- I mean when I look at these live-work units, what I envision is -- if I was starting my business and I'm a consultant, I work from home, that this would probably be a place that I could say to someone, hey, you want to come meet with me, I have got all the tools, I can show you the zoning and we can sit down and we can draw out your plans and decide how to -- how to move forward. It -- it is kind of like when people want to start their -- their -- their business why are those flex spaces in -- in the industrial work. This is the same thought process is -- that I see -- I remember we used to call the -- the flex buildings incubators, is that they are -- they are -- they are trying to start a business and -- and -- and this is kind of how they start. Although the concerns that everybody's had about the uses and how the -- how it's going to be maintained, those things are all laid out in the declarations in the condominium act that are required that take care of that and, then, basically, these buildings being lot and blocks in the PA subdivision, the buildings and grounds are all taken care of by them and, then, the condominium act takes care of the building itself and the maintenance of that.

Hoaglun: Any other questions for Mr. Brown? All right. Thank you, Kent.

Brown: Thanks.

Hoaglun: Council, any comments? You want to close the public hearing? Do you need to hear from the applicant or we do have one --

Johnson: No. You have the applicant closing if you --

Hoaglun: Yeah. Does the applicant care to close?

Amar: Mr. President, Council Members, again, we -- we do feel that this is -- is the best use for this -- this corner for this area. There has been a lot of discussion about the vertically integrated units tonight. However, I would like to remind Council that what the -- that those vertically integrated units are a principally permitted use. So, they are -- they are not really the -- the item that we are bringing forward to Council tonight. I know it's -- it's a part of our project, but tonight it's the -- the development agreement mod, the -- the rezoned into R-40, so that we can provide an additional housing type. Those -- the -- the townhomes. That -- that's what we need the conditional use permit for tonight. I have -- I have liked all the discussion about the -- the vertically integrated units. We are really excited to -- to build those and provide those. It's something that's new to Biltmore that we -- we are excited about. However, what we are coming before Council about is -- is

the rezone to have that transition of townhomes into the existing residents that -- that are next to us. And I stand for any additional questions.

Cavener: Mr. President?

Hoaglund: Yes, Councilman Cavener.

Cavener: Jeremy, I want to be kind of up front with where I'm coming from. More my issue is the townhouses. I would -- I would want to see more mixed use. I would want to see more of the vertically integrated. I think this is a little bit of vertically integrated, which I think is contemplated in the mixed use. I'm in the C-C zoning, with a lot more residential being put on top of it and so in my opinion I don't think it -- it meets the criteria. So, I'm -- I'm probably right now not in favor of the rezone request. I just want to be up front with you and I just -- I don't know if that's something that you and your team had -- had talked about, about doing more of that and feeling like that you couldn't. This just -- this feels to me like a bunch of townhouses with a -- a little bit of that vertically integrated put on top.

Amar: Mr. President, Council Member, yes, we -- we did consider and looked at doing more. After neighborhood meetings and meetings with staff, this is what it's become, especially as we have addressed -- we have tried to address all of the concerns that -- that our Windsong neighbors have. Again, we -- we built all those homes, we have relationships with them. We -- we want them to continue to like and love Biltmore as they live in our homes and so as we work with them building height was a huge concern for them. I believe that the -- the vertically integrated units, we -- we could design 40 to 50 units on this C-C zone that -- as it is and apply for building permits and go and -- and we would probably benefit from more units. But we just -- we don't feel that that's the best for our Windsong neighbors or for -- for Meridian and the -- and the needs that Meridian has for houses. And so we -- we did -- we looked at -- at lots of those options and feel that we are bringing the best --

Hoaglund: Any further question?

Strader: Mr. President?

Hoaglund: Council Woman Strader.

Strader: Thank you. Did you guys consider at least -- I understood the transition to the neighbors. That makes sense to me. You want to be respectful of your neighbors, get along well. Did you consider, you know, the middle units here, like E and F, creating those as -- as vertically integrated commercial as well? Granted they are right on the open space, but I guess I -- yeah, I just want to understand if you considered expanding that component to get more commercial.

Amar: Mr. President, Council Member, we -- we did. That -- that would end up having the -- the commercial store fronts face the park, which, again, with where this is under five acres the -- the open space isn't -- isn't required, but we -- we would like it. We

wanted the feel for the community and so having -- having townhomes and -- and families and children to be able to surround that park we felt was a better use than -- than more commercial offices.

Strader: Or, alternatively, perhaps a row -- you know, flip -- flip it; right? So, you could have a long strip of open green space facing the townhomes and, then, you could have had a long strip of additional commercially, you know, integrated buildings facing the first set that you have. Have you guys looked at that configuration? Just to play Devil's advocate, I think there would be a way to get more green space and more vertically integrated space. I'm -- the reason I'm asking that question is it does feel a little bit to me like we are giving up commercial and we are ending up with a development full of townhomes and I do like the vertically integrated commercial residential; right? I love -- I love that idea. I think it's great. I think it solves a lot of issues we have in the city, because people aren't commuting everywhere to get to work. So, I like -- I love that aspect. I think that provides an amazing solution to a lot of the infrastructure issues that we are having in Meridian. You know, I understand being respectful to the neighbor. I -- I actually wish we had more I think is where I'm at. You, know I understand leaving that row of townhomes, you know, kind of on the -- on the west side, but I am concerned that we are giving up a lot of commercial and I understand the access issues, don't get me wrong. Let me mull it over for a bit. Thanks.

Hoaglund: Alan, did you want to --

Tiefenbach: Mr. President, Members of the Council, point of clarification. I -- I think it was -- it was an honest -- an honest misstatement. But the C-C doesn't allow townhouses. C-C allows multi-family. Under the present code they could do a conditional use permit to the -- to the city -- excuse me -- to the Planning Commission to do multi-family. Now, it is a little trickier than that, because they would also have to do a development agreement modification, so they would have to come to you. But townhouses are not allowed in C-C. Multi-family is the -- even if you did a development agreement modification there would be some argument about whether or not they could do that. But multi-family, yes, but you still have to do a DA agreement.

Hoaglund: Okay. Thank you, Alan. Council Woman Perreault.

Perreault: Thank you. So, I -- I'm a real estate broker, so I understand how all of this works from the development piece and the financing piece. So, is there -- because -- because there is a commercial component and a residential component, does that prohibit owners from seeking residential mortgages to finance these? And is that a limitation that also is created from -- from having say 25 of them versus 12 of them?

Amar: Mr. President, Council Member, I -- I don't know all of the mortgage answers, but no. So -- so, as townhomes these -- these sell like a single family residence and so they are all individual -- individual townhomes. They are -- they are attached, but they are not multi-family and -- and Alan's clarification was a good one. We -- we weren't coming to

-- seeking to do multi-family apartments, because we -- we want the individual townhomes and so that they can be -- I mean single family residences, they are just attached.

Perreault: Mr. President, follow up.

Hoaglund: Go ahead.

Perreault: But if the bank is collateralizing the property and they had -- they see the condo plat included, because it would have to be, is that not, then, going to prohibit them from getting residential financing? And is -- is platting that commercial space going to prohibit that?

Amar: Mr. President, Council Member, I don't believe it should, because the -- the preliminary plat that we have has the -- the 33 residential lots and, then, three commercial lots. On two of those commercial lots is where the -- the vertically integrated units will go. But in -- in lots of plats there -- there is a mix of residential lots and commercial lots on the plat and so I -- I don't believe it should affect their -- their ability to get financing for -- for their townhome.

Hoaglund: Council, any other questions?

Amar: Thank you.

Hoaglund: Thank you, Jeremy. Council, what's your -- what's your pleasure on this? And I will add my two cents here -- here at the start. I'm -- I'm very familiar with this property. A young lady I was dating back in -- in high school lived out over in this section, a dairy farm, and so I remember the house that existed had an artesian well pumping -- and I used to remember the guy's name and it's -- it's been lost, but when that house was torn down that property has been vacant for a very, very, very long time and it -- it is -- it is -- it is in-fill. It is difficult to access. You have one access point. It's nice that the pathways coming in that -- that will follow Five Mile and -- and come across the road and -- and -- and come up farther and so I -- I see the difficulty. I mean they are -- they are trying to meet our requirements for this site and to do that it -- it's taking a bit of effort and it's -- it's -- it's been a -- a very good effort I think. I -- I just don't see having any intensive retail on that corner. With that one access point I would probably know how to get there from other parts of the subdivision to get to that point, but for people who see it and want to get there, you have one access point and -- and Linder Road carries a lot of traffic. That's going to be difficult to do -- to do the left hand turn. It's not impossible yet, but someday it might be. So, I appreciate the effort to bring commercial to an area, but trying to lower the intensity of it and -- and doing that in a way that fits the -- the -- the neighborhood. Windsong is a fairly new development. That property -- Stubblefields had that forever and -- and was tied up in issues and whatnot, so I appreciate that effort of trying to integrate it and make it fit, because a lot of times, you know, that's the hassle we have is how do you make that fit with what's already there and they have kind of eliminated that issue for us, but it is a matter -- do we -- do we want this? Do we like that? What are the hurdles? I think our Planning and Zoning Commission tried to tackle that with the condo

plats and making sure it's just not going to be pure residential and keeping it to the commercial, but, you know, we -- it's up to us to decide, but I -- I have no idea what would be there if -- if we don't do this. So, it's -- it's -- that's -- that's my -- my two cents on it.

Perreault: Mr. President?

Hoaglund: Council Woman Perreault.

Perreault: So, all the time I have been a Planning and Zoning Commissioner and on Council I think this is the -- at least the third application that I have seen on this piece. The one prior was like a 95 unit multi-family that was -- that was denied and the one before that was another multi-family with maybe a commercial pad that was denied. This is the best design that I have seen since I have seen presentations. This is a tough corner, because you have that walkway and, then, you have the drain that goes in front of BridgeTower and so it really also limits the size of the usable space on there. So, kudos to you designing it in a functional way, because I have seen some multiple different designs on this piece and most of them weren't amazing, which is, obviously, why they didn't get approved and I'm usually, you know, one of the first to say, hey, let's definitely not trade some commercial for residential. However, we have approved those office slash -- like they are -- they are really also business condos over there directly to the east. I think there maybe -- there is maybe four units per building and there is four buildings, something like that. There were numerous residential applications for that corner. I think the applicant that -- or the gentleman that owned that had tried to bring four-plexes like three times. So, all of the -- it seems like every single one of those corners has had multiple different groups that have come and presented options and I'm glad to finally see that we are actually seeing some movement and so because there is -- so, in my opinion, because there is a decent amount of -- of restaurants and retail on Linder and Fairview and Linder and McMillan and Linder and Chinden, that we -- there is some pretty good access for owners in that area. Unlike Black Cat and Ten Mile that doesn't have several different major corners that have, you know, neighborhood uses. So, I am in favor of the design as it is. I -- I also love live-work units. I just don't know -- it's a tough market to get people to buy those. They are -- I think they are harder to sell than they seem. They seem like a fantastic idea and that a lot of people would be interested in them, but I think they are -- they are tougher to sell. So, that's my thought. I -- I personally think this is the best that I have seen on this property in all the applications that I have heard.

Strader: President Hoaglund?

Hoaglund: Council Woman Strader.

Strader: All right. I'll go for it. I -- yeah. I think I have been convinced to be in favor of it. I definitely love it so much more than the self storage thing. I'm really grateful that it's not self storage. I -- I think it -- it is very -- this is the best case scenario the neighbors certainly could have wanted from a transition standpoint, so I appreciate that. I don't love that we are losing what I think could have been more commercial, but it sounds like this has been a real struggle for a long time, so I appreciate the creativity with the vertically integrated.

I hope that it -- that it works and I -- that's an equity risk and I hope you guys market it appropriately and make it happen. I think it could be really interesting. A lot of little cottage industries could come out of this. I think it could be really -- really a cool thing. So, yeah, it's new, let's try something new. I think I'm in favor of it. Thanks.

Hoaglund: Any further comments? Council, what's your desire?

Strader: President Hoaglund?

Strader: Yes, Council Woman Strader.

Strader: I move that we close the public hearing.

Borton: Second.

Hoaglund: I have a motion and a second to close the public hearing. All those in favor say aye.

MOTION CARRIED: ALL AYES.

Hoaglund: Council Woman --

Strader: Sure. Yeah. I will go ahead and try to -- I will go ahead and try to make a motion and we'll see where it takes us. Just one -- okay. After considering all staff, applicant, and public testimony, I move to approve file number H-2021-0102 as presented in the staff report for today's hearing date with the following modifications. We will have it reflect the discussions about the condo plat, that all of the buildings must be constructed or have building permits for construction -- will change that prior to the CO as we discussed and, then, in addition to that I would like the DA agreement to reflect that the use will not be for drinking establishments.

Perreault: Second.

Hoaglund: I have a motion and a second for the motion. Is there discussion? Hearing none, Mr. Clerk, will you call roll.

Roll call: Borton, yea; Cavener, nay; Bernt, yea; Perreault, yea; Hoaglund, yea; Strader, yea.

Hoaglund: All ayes. Motion carries. Thank you.

MOTION CARRIED: FIVE AYES. ONE NAY.

FUTURE MEETING TOPICS

Simison: All right. With that we come to future meeting topics. Council, anything to bring up there?

Strader: Yes.

Hoaglund: Council Woman Strader.

Strader: Thank you. Just one -- one item. I would love to see some follow up on our Community Development Block Grant program about staff coming back to us on how we could modify the way our program is set up in order to be able to finance or contribute forgivable loans to affordable housing projects. I feel like -- I'm -- I'm sensing that there could be some hurdles there in the way our program is organized and our requirements and also with the Finance Department. I think that they need to weigh in on that and that -- that -- that is it. Except for one tiny thing. Just a tiny pet peeve. But I like Council Woman Strader, if we could go with that. Just for everybody on staff to know. We don't have to dance around with like Council Person or any -- any of that. But it's a tiny -- tiny thing, but --

Hoaglund: Duly noted --

Strader: -- just a preference.

Hoaglund: -- Council Woman Strader.

Strader: Thanks.

Hoaglund: With that do we have a motion to adjourn?

Perreault: So moved.

Hoaglund: And we have a motion to adjourn. All those in favor signify by saying aye. We are adjourned.

MOTION CARRIED: ALL AYES.

MEETING ADJOURNED AT 7:26 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS)

_____ COUNCIL PRESIDENT BRAD HOAGLUND	_____ / / DATE APPROVED
--	--------------------------------------

ATTEST:

CHRIS JOHNSON - CITY CLERK