

A Meeting of the Meridian City Council was called to order at 6:02 p.m., Tuesday, November 15, 2022, by Mayor Robert Simison.

Members Present: Robert Simison, Joe Borton, Jessica Perreault, Brad Hoaglun and Liz Strader.

Members Absent: Luke Cavener and Treg Bernt.

Also present: Chris Johnson, Bill Nary, Bill Parsons, Joe Dodson, Todd Lavoie, Shawn Harper, Joe Bongiorno and Dean Willis.

ROLL-CALL ATTENDANCE

<input checked="" type="checkbox"/> Liz Strader	<input checked="" type="checkbox"/> Joe Borton
<input checked="" type="checkbox"/> Brad Hoaglun	<input type="checkbox"/> Treg Bernt
<input checked="" type="checkbox"/> Jessica Perreault	<input type="checkbox"/> Luke Cavener
<input checked="" type="checkbox"/> Mayor Robert E. Simison	

Simison: Council, we will call the meeting to order. For the record it is November 15th, 2022. It's 6:02 p.m. We will begin this evening's regular Council meeting with roll call attendance.

PLEDGE OF ALLEGIANCE

Simison: Next item up is the Pledge of Allegiance, which will tonight be led by the Webelos Arrow of Light Den Cub Scout group under the direction of Roy Lambert. If you would like to come forward and lead us in the pledge. If everyone would, please, rise and join us.

(Pledge of Allegiance recited.)

COMMUNITY INVOCATION

Simison: Thank you. Next up will be the community invocation, which tonight will be delivered by David Reese of the Church of Jesus Christ of Latter-Day Saints. If you will all, please, join us in the community invocation or take this as a moment of silence and reflection.

Reese: Our Father in Heaven, we are grateful to invoke thy blessings this day upon the proceedings of this meeting. We are grateful for this Thanksgiving season, the opportunity it gives us to reflect on the blessings which we enjoy. We are grateful for the successes and successful harvest that our farmers have enjoyed this year and we are thankful for the moisture they received earlier in the year when that was in doubt. We are grateful that notwithstanding the difficult economy this year that many of our local

businesses and families have found success and have grown. We are grateful for that. We are grateful for the Mayor, for the City Council, for their staff and admin, those who spend their working hours serving our community and we ask you to bless them that they might serve with equanimity and with wisdom and good judgment. We are especially grateful for our first responders, those who potentially risk much to improve the security and safety of our community. We are mindful of those in our community who may be suffering or struggling at this time and ask thee to bless those of us who may be in a position to provide assistance that we will be strengthened and prompted to provide assistance. We ask thy blessing upon these proceedings and we offer this thanks in the name of our Savior Jesus Christ, amen.

ADOPTION OF THE AGENDA

Simison: Thank you. Next up is the adoption of the agenda.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: I move adoption of the agenda as published.

Borton: Second.

Simison: I have a motion and a second to adopt 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: FOUR AYES. TWO ABSENT.

PUBLIC FORUM – Future Meeting Topics

Simison: Mr. Clerk, do we have anyone signed up under Public Forum?

Johnson: Mr. Mayor, we did not.

ACTION ITEMS

- 1. Public Hearing for Second Reading of Ordinance No. 22-2004: An Ordinance Accepting the 2022 Development Impact Fees Study; Adopting an Amended Capital Improvements Plan; Repealing and Replacing Meridian City Code Section 10-7-12(E)(2) Concerning Development Impact Fees; Voiding Conflicting Ordinances, Resolutions, and Orders; and Providing an Effective Date**

Simison: Okay. Then with that we will move into our Action Items this evening. First item up is the public hearing for the second reading of Ordinance No. 22 -- public hearing for

the second reading of Ordinance No 22-2004, which is accepting the Development Impact Fee study. This is a public hearing. Todd, I will start with you. Do you have any comments that you would like to make at this time?

Lavoie: Mr. Mayor, we have no additional comments at this time.

Simison: Okay. Did we have -- Mr. Clerk, did we have anyone that signed up?

Johnson: Mr. Mayor, no one signed up online and Ms. Way is in the back with that sheet. Charlene, if you can hear me has anyone signed up for the impact fee ordinance? Nobody has signed up, Mr. Mayor.

Simison: Okay. Is there anybody present who would like to provide comments on Item 1, the ordinance regarding impact fee studies, or if you are online you can use the raise your hand feature and we can bring you in for comments? Seeing no one coming forward and no one raising their hand -- Council?

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: If I could just -- if we are talking about -- it's a public -- it's an open meeting, so I will just make comment. So, just really briefly for the scouts in the room. There is a couple things that we are doing in this -- in this meeting. One thing is an ordinance and that's like the rules of the road, kind of the rules of the game. So, this is an ordinance that we are talking about, which is going to set forth certain rules in our city. And the other type of thing we are doing is -- is whether or not a particular piece of property can be developed in a certain way. So, right now we are dealing with the rules of the road kind of stuff with the city to determine whether certain rules should be applied to the city or not. So, that's what an ordinance is.

Simison: Thank you, Councilman Borton.

Borton: You bet.

Simison: Mr. Clerk, can you do the second reading?

Johnson: Thank you, Mr. Mayor. This is an ordinance accepting the 2022 Development Impact Fee Study, adopting an amended Capital Improvement Plan, repealing and replacing Meridian City Code Section 10-712(e)(2) concerning development impact fee -- impact fees, avoiding conflicting ordinances, resolutions and orders 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? Seeing none, do I have a motion to continue this public hearing to --

Hoaglund: Mr. Mayor?

Simison: Yes, Councilman Hoaglund.

Hoaglund: I move we continue the public hearing for its third reading on November 22nd, 2022.

Perreault: Second.

Simison: I have a motion and a second to continue this public hearing and the third reading to November 22nd. Is there any discussion? If not, all in favor signify by saying aye. Opposed nay? The ayes have it and the public hearing will be continued into next week. Thank you, Mr. Lavoie.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

- 2. Public Hearing for Ordinance No. 22-2002: An Ordinance Amending Meridian City Code Section 6-2-1 Adding Definitions of Animal Control Agency, Animal Control Officer, Animal Control Shelter, At-Risk Dog, Bite, Dangerous Dog, Euthanasia, Justified Provocation, Physically Attack, Provoke, and Serious Injury, and Deleting Definition of Vicious Dog; Amending Meridian City Code Section 6-2-2, Regarding Animal Control Officers, City Animal Shelter, and Animal Control Agency; Repealing and Replacing Meridian City Code Section 6-2-6, Regarding Designation and Management of Dangerous or At-Risk Dogs; Amending Meridian City Code Section 6-2-8(P), Regarding Failure to Comply With Provisions Regarding Dangerous and At-Risk Dogs; Repealing Any Conflicting Ordinances; and Providing an Effective Date**

Simison: Next item up is a public hearing for Ordinance No. 22-2002, an ordinance of the Meridian City Code 6-2-1, adding definitions of animal control agency, animal control officer. Mr. Clerk, do we have anyone signed up to provide public testimony on this item?

Johnson: Mr. Mayor, we do not.

Simison: Okay. Is there anybody here who would like to provide testimony on Item 2 at this time? If you can, please, come forward or use the raise your hand feature on Zoom. No one is raising their hand or coming forward on this item. So, Mr. Clerk, could you do the second reading? Oh, this is the third reading. So, could you, please, do the third reading of this -- or do -- Mr. Clerk and, Mr. Nary, do we want to close the public hearing before we do the third reading, so we can take action on it right afterwards?

Nary: Yes.

Simison: Okay. So, Council, do I have a motion to close the public hearing?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I move that we close the public hearing for Ordinance No. 22-2002.

Strader: Second.

Simison: I 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: FOUR AYES. TWO ABSENT.

- 3. Ordinance No. 22-2002: An Ordinance Amending Meridian City Code Section 6-2-1 Adding Definitions of Animal Control Agency, Animal Control Officer, Animal Control Shelter, At-Risk Dog, Bite, Dangerous Dog, Euthanasia, Justified Provocation, Physically Attack, Provoke, and Serious Injury, and Deleting Definition of Vicious Dog; Amending Meridian City Code Section 6-2-2, Regarding Animal Control Officers, City Animal Shelter, and Animal Control Agency; Repealing and Replacing Meridian City Code Section 6-2-6, Regarding Designation and Management of Dangerous or At-Risk Dogs; Amending Meridian City Code Section 6-2-8(P), Regarding Failure to Comply With Provisions Regarding Dangerous and At-Risk Dogs; Repealing Any Conflicting Ordinances; and Providing an Effective Date**

Simison: Asked the Clerk to read the ordinance by title.

Johnson: Thank you, Mr. Mayor. This is Ordinance No. 22-2002, an ordinance amending Meridian City Code Section 6-2-1, adding definitions of animal control agency, animal control officer, animal control shelter, at-risk dog, bite, dangerous dog, euthanasia, justified provocation, physically attack, provoke, and serious injury and deleting definition of vicious dog; amending Meridian City Code Section 6-2-2, regarding animal control officers, city animal shelter, and animal control agency; repealing and replacing Meridian City Code Section 6-2-6, regarding designation and management of dangerous or at-risk dogs; amending Meridian City Code Section 6-2-8(p), regarding failure to comply with provisions regarding dangerous and at-risk dogs; repealing any conflicting ordinances; and providing an effective date.

Simison: Thank you. You have heard this ordinance read by title. Is there anybody that would like it read in its entirety? Seeing none, do we have action on Item No. 3?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Make a motion to approve Ordinance No. 22-2002.

Strader: Second.

Simison: I have a motion and a second to approve Ordinance No. 22-2002. Is there any discussion? If not, Clerk will call the roll.

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

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

MOTION CARRIED: FOUR AYES. TWO ABSENT.

4. Public Hearing for Prescott Ridge Residential (H-2022-0058) by Patrick Connor, located at the East Side of N. McDermott Rd., approximately 1/4 mile south of W. Chinden Blvd.

- A. Request: Development Agreement Modification to update the existing Development Agreement (Inst. #2021-132713) for the residential portion of Prescott Ridge Subdivision to update the phasing plan.

Simison: That's how we do government at the -- at the local level. So, there -- there you go for the Weeblos. Yeah. Exactly. Very exciting as Councilman Hoaglun says. So, with that we will move on to our land use public hearings for the evening. First item up is Item 4, public hearing for Prescott Ridge Residential, H-2022-0058. We will open this public hearing with staff comment.

Parsons: Thank you, Mayor, Members of the Council. This project was heard for -- by the City Council on September 27th. You guys actually voted to approve it and as the legal counsel was preparing the development agreement we realized that there was an error with the addressing, so we brought this back forward this evening for you guys to just make sure we have a clean record and that we can get this DA executed with the applicant. I won't go into all the history of the application. Again, this is just major cleanup, just to make sure the record's clear. The applicant is here to answer any additional questions you may have and with that I will just stand for any questions you may have.

Simison: Okay. Thank you, Bill. Council, any questions for staff? Okay. Would the applicant like to come forward for any comments? Okay. The applicant is waiving their right to make any comments. This is a public hearing. Mr. Clerk, do we have anyone signed up to provide public testimony on this item?

Johnson: Mr. Mayor, we did not.

Simison: Okay. Is there anybody present or online that would like to provide testimony on Item No. 4? If you could come forward at this time or use the raise your hand feature on Zoom. Seeing no one coming forward or raising their hand, do I have a motion to close the public hearing?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I move we close the public hearing for Prescott Ridge Residential, H-2022-0058.

Strader: Second.

Simison: I 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 and the public hearing is closed.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

Simison: Council Woman Perreault.

Perreault: Mr. Mayor. I will make a motion that we approve the request for the development agreement modification to update the existing development agreement, which is Instrument No. 2021-132713.

Strader: Second.

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

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

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

MOTION CARRIED: FOUR AYES. TWO ABSENT.

5. Findings of Fact, Conclusions of Law for Prescott Ridge Residential (H-2022-0058) by Patrick Connor, located at the East Side of N. McDermott Rd., approximately 1/4 mile south of W. Chinden Blvd.

Simison: Next item up is Item 5, which is the Findings of Fact, Conclusions of Law for Prescott Ridge, H-2022-0058.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I move that we approve the Findings of Fact, Conclusions of Law for Prescott Ridge Residential, H-2022-0058.

Perreault: Second that motion.

Simison: I have a motion and a second to approve Item 5. Is there any discussion? If not, Clerk will call the roll.

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

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

MOTION CARRIED: FOUR AYES. TWO ABSENT.

6. Public Hearing for Bridgetower Multi-family (CR-2022-0006) by Alpha Development Group, located at S0427438410 on the north side of W. McMillan Rd. between N. San Vito Way and N. Vicenza Way, near the northwest corner of N. Ten Mile Rd. and W. McMillan Rd.

- A. Request: Council Review of the Planning and Zoning Commission's decision of denial for Bridgetower Multi-Family Conditional Use Permit (H-2022-0047) for a multi-family development consisting of 235 units on 16.61 acres of land in the R-15 zoning district.

Simison: Wow, tonight is going fast. Oh. Okay. Now Item 6. All right. Next item up is a public hearing for Bridgetower Multi-family, CR-2022-0006. We will open this public hearing with staff comments. Mr. Dodson.

Dodson: Thank you, Mr. Mayor. This one is a lot more of an applicant show than a Joe show, but I will go brief overview of where we are at. The original request was for a conditional use permit for a multi-family development consisting of 235 units on 16.6 acres of land, which constitutes a gross density of about 14 units per acre within an existing R-15 zoning. It was 14 two-story buildings and one three-story building. The units consist of 26 studios, 131 one bedroom, 52 two bedrooms and 26 three bedroom units. Planning staff did originally recommend approval of the subject CUP, because it was consistent with the development agreement, the concept plan, as well as the UDC and the Comprehensive Plan. At the Commission hearing Commission did deny the CUP request based on finding number five, specifically that the development would not be adequately served by the adjacent arterial roadway McMillan -- McMillan Road. As of 4:00 p.m. there were 61 entries of written testimony -- well, I didn't read all 61, but I presume there was none that were in positive feedback on the project, but they did note the typical concerns that we hear, especially along McMillan and with apartments, traffic increases along McMillan and Gondola to the west. School capacities and, then, property devaluation

with multi-family being nearby. I will be here for any questions that the Council might have, but I anticipate that most of this will be from the applicant and you guys. But I'm here, so -- I will stand for any questions if you have any now.

Simison: Thank you, Joe? Council, questions?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I have a question, Joe, and it's kind of specific, so if you need to look it up that's okay. I saw the ACHD report or response and there was an executive summary of the TIS included as an attachment. However, it did not include the original TIS and so my question was -- there was specific testimony by the Planning and Zoning Commission that some of the underlying data that went into the TIS was from 2018 and I wanted to know where that came from if you know.

Dodson: Council Woman Strader, the 2018 numbers -- well, first of all, I have not read the TIS. I do not know if that has actually been submitted to the city, because we don't review those. ACHD does. However, sometimes I do get them and sometimes I don't. Frankly, it has some things in there that professionally I just don't know -- I don't understand, but -- but the 2018 data is in the ACHD staff report and that references the last time ACHD did traffic counts on McMillan and that is that date. My understanding by reading the ACHD staff report, that the TIS the applicant did, which I believe was done by Kittelson or so or one of the companies that they use often, did the counts on December 21st, 2021. So, the counts that they got were newer from the way that it was written in the ACHD staff report and the ACHD just referenced their last counts for McMillan.

Strader: I see. Thank you. Mr. Mayor, if you don't mind?

Simison: Council Woman Strader.

Strader: Now that's helpful. I actually had that they conducted their -- that the consultant conducted some of their counts on October 12th, 2021. However, they also noted that it was added to background data. It wasn't clear to me when that data was collected. So, if the applicant could address that. If they are addressing this that would be helpful. But I appreciate you clarifying when ACHD did their most recent traffic counts. That is quite a while ago. That was the only question I had for now. Thanks.

Simison: Council, any additional questions for staff? Okay. All right. Then I will invite the applicant to come forward. As the applicant comes forward we will just kind of go over -- for those that may be here for the first time or online, the applicant will be given 15 minutes to provide their opening remarks. After that if we have anybody who has been designated by the homeowners to act as a representative they will be given ten minutes, but I don't think we have had anybody from that. All other -- all other people will be given three minutes. Ask for everyone -- because I expect we will have a lot of people testifying,

please, uphold the three minutes. So, when you hear the buzzer go off, please, wrap up any -- any remarks you have at that point in time. Stay at the -- stay at the dais or at the presentation, Council may have questions for you based upon the comments that you made at that time and, then, after all -- after everyone who has signed up to speak or raised their hand to speak, the applicant will have an opportunity to provide final comments at that point in time, at which point in time it will be turned over to the Council for their discussion. Whether or not they choose to close the public hearing or not at that time will be at their discretion. So, with that, Council, anything I missed from your perspective? Okay. Turn this over to the applicant.

Holt: Mr. Mayor, Council Members. I'm Dustin Holt. I'm a principal and partner at Alpha Development Group. I want to thank you very much for your time this evening. Alpha Development Group has been involved in the development of over 6,000 multi-family developments in five or six states in the western United States. Many cities. We have developed everything from 10, 12 unit to the acre townhome product, very similar to what is part of our R-15 Bridgetower concept plan, to density as dense as 185 units to the acre, which I'm glad we are not talking about tonight. One of the key members of Alpha Development Group is Ball Ventures. Ball Ventures has made significant investments in the Treasure Valley, as well as many here specifically in Meridian City. They have been involved in projects like Top Golf, Kiln, Scheels, Seltzer Health. We are grateful for our partnership with Ball Ventures and all that they do here in -- in Idaho. Quick brief history of this -- of this project. In 2006 the -- originally a much larger parcel of property was annexed into Meridian City. That consisted of 312 acres. Those multiple parcels were given densities from C-G, L-O, R-4 and there was a development agreement that coincided with that original annexation in 2006. In 2008 there was actually an amendment to that development agreement, because there was an amendment to the comp plan and so they tied some of the language from the comp plan into the development agreement, but, really, most at -- at the time most of the land use designations and everything associated with that same 300 acres stayed the same for the most part. In 2009, 2010, there was a second amendment to that development agreement. In -- in that instance 93 of those 300 plus acres were carved out and made smaller and those 93 acres were given a various mix of -- of zones from C-G, L-O, C-C and the R-15 zoning designation. That's the point in time when 20 acres was given the R-15 zoning designation and concurrent with that was a concept plan for the 93 acres, as well as specifically this 20 acres. In 2019 all of those previous development amendments were rolled up into one new development agreement. As -- as noted here it combined -- it terminated four development agreements into a single development agreement. It removed several portions of previously stated language associated with R-15, including some of the uses that you can see down in what was .9, but it had removed some of the uses of the healthcare, the senior living, skilled nursing, et cetera, et cetera. What it did do was reaffirm the R-15 zoning, as well as the comp plan for this property and additionally the -- the conceptual site plan was also added into that new development agreement. Fast forward to more recent events. We acquired this property in -- in 2001. We submitted a request to this body to amend that development agreement. I will click to the site plan that we presented to you all that would have been associated with that DA mod. But there were a couple of key reasons for that DA mod request in our mind. We met with neighbors

of the much greater Bridgetower master planned community. There is grave concern that our residents will utilize the master plan amenities that are in the area and so -- and, then, they were concerned about a myriad of other things as well, including the original concept plan has a four story building out on a hard corridor. So, we brought this concept plan before you all in association with the DA agreement, back -- end of last year, beginning of this year just for -- well, this mouse is squirrely. By the way, I want to thank -- I totally failed to thank Mr. Dodson, Mr. Parsons, and Mr. Nary for their time and, Joe, we wish you the best of luck in your new endeavors. So, thank you. We appreciate what -- all their support and what they have helped us work through so far. This was the concept plan that we brought before the City Council in association with that DA modification. One of the concerns as mentioned you will see as we go through the next slide, there is a four story building or was proposed to be a four story building here on this corner. We moved our amenity building here. Single story. We moved these three four story buildings more internal and these were all three story townhomes. So, we reconfigured really the -- the conceptual site plan that was associated from the previous DA and, ultimately, that -- that DA modification request was denied. At the time we were told by the Council to go back and address the concept plan that was part of the DA and so we did that. So, in February and March we worked through a concept plan. On the left is the concept plan that was tied to the 2019 development agreement. On the right is a plan that we worked with staff on, met with Mr. Nary, I met with Mr. Dodson and Mr. Parsons, showed the configuration of the -- of the 13 structures, as well as the detached clubhouse. We worked through what I'm going to call buildability issues, roads that could actually accommodate a fire truck, roads that had good circulation. Met with the Fire Department, got widths that the Fire Department would want and, then, addressed this building down here to the southeast corner as well. We, then, took this -- that concept plan to the neighborhood. So, we had had multiple neighborhood engagements with the previous concept plan. I know you received testimony at that time that they did not want the DA modified. There was concern about us not having our residents utilize the master plan amenities. I will address that momentarily, but ultimately they expressed their concern about what this site was. We, then, took the -- that concept plan that I just shared with you to the neighbors. When we originally approached them we left these townhomes as three story townhomes and we left this T-shaped building as a four story building. In meeting with the neighbors they expressed concerns about that, about those heights, about the density and so we worked with the neighbors -- this is the T-shaped building. We have dropped that T-shaped building to three stories in size. As Joe mentioned, we have increased the number of two and three bedroom units. So, our square footage is roughly the same. Our unit count is 235 units, but we have increased two and three bedroom unit counts for the opportunity for families and, then, the townhomes to the north of that -- this is that modern townhome. This is a modern farmhouse townhome. And, again, as mentioned, we have left this as a two-story product. One of the comments was if you could give it steeper, sharper roof pitches, make it feel something more like a mansion or a single family home, a larger single family home and so we looked at these six -- 4/12 and 6/12 roof pitches, kept the two-story product and that is in the site plan. I think Mr. Dodson did a fantastic job in his original staff report outlining all of the elements as it relates to the R-15 zone, the comp plan and the development agreement associated with this parcel. So, as you can see, the density under the R-15 and the comp plan allow up to 15 units to the acre.

We are a little over 14. The max building height for -- is -- is 40 feet inside of that zone. We are 38 to the top of the parapet on the -- on the stacks and, then, 34 on the -- on the modern farmhouse. Our open space where we are more than double the qualified -- help me make sure I -- qualified open space requirement. Your -- your ordinance reads a little bit different than we have experienced in other municipalities. So, we are more than double the qualified open space requirement. And, then, for the site development we are proposing 13 site amenities. A big reason for that is to address the adjacent master plan neighbors concerns. We have got a pool, have a splash pad, we have a dog park, we have a clubhouse, we have a gym, we have amenities that we really do not want to see our residents go into the greater amenities of the Bridgetower master plan. Once they are here we want them to have every opportunity to recreate and be here and we believe we have addressed that by providing more than double the open space required per the ordinance, as well as these 13 site amenities. And, then, as noted we have complied with and/or exceed the overall parking. One of the -- one of the concerns we heard was that we would fall short on parking. So, we have got 462 parking spots, compared to the code of 416. So, we have got an additional ten percent above and beyond the city ordinance parking requirement. As -- as noted, this plan complies with the current land use, the R-15 zoning designation. The DA. We have met and been through the -- the rest of the city's unified code. We have met with the Fire Department, with the Police, Public Works. We have worked through any of the turnaround issues, fire trucks circulation, routing. The traffic impact study. I know Council Woman Strader you -- you mentioned and asked, so COMPASS, who is what I understand to be ACHD's third-party consultant, provided background data that ACHD had reviewed. I don't -- I do not know when that data was provided. And, then, we did our own traffic study, did our own traffic counts, and I think it's noted twice or -- or noted that two different days that the -- that those traffic counts were -- were taken from our traffic consultants.

Strader: Strader.

Holt: Strader. Sorry.

Strader: No worries.

Holt: A couple of items that were noted in the -- in the planning staff report as conditions. Pedestrian pathways. Additional circular -- circulation. There was a lot of testimony and concern that residents south of McMillan inside of the Bridgetower master plan had to cross McMillan to get to amenities. The DA contemplates that there will be amenities south of McMillan as part of the greater master plan, but I think there is a trigger of 600 homes being built south of that for some of those amenities to take place. So, I can understand that they cross McMillan. You should have tonight received a letter from ACHD stating that they would agree to work with us in adding a rapid -- rapid beacon signal walkway -- designated walkway on McMillan at San Vito and part of the reason that's key and important is as we worked with the Parks and Rec division you have a -- you have a trailhead that ends right here on this side of McMillan. We are adding a ten foot in conjunction with the -- or at the request of the -- of the parks and trail. We are adding a ten foot multi-purpose trail up around the property and along Vicenza Way up

here to the north and stubbing for it to then ultimately go further north all the way up to Heroes Park ultimately as part of the -- the trails master plan. And, then, one of the requests from staff was to -- to continue to have pedestrian connectivity back to the greater Bridgetower and that's this sidewalk here. A couple of the other items. The driveway connection to Gondola -- I think if you will think back to our first concept plan we had a conversation about opening that Gondola and San Vito intersection for our connection through straight to Walmart. At your request that is something that we would be willing to do. We wanted to make certain that we did not trigger a DA modification in introducing that road, because it is not contemplated in the original DA in that location. But that is something that we would gladly work with staff on. So, one of staff conditions and recommendations and is one that we are comfortable with. Staff had a handful of other landscape changing, some minor elevation modifications and a couple other changes and in the staff report it says that they believe they could work through that with the applicant once this is approved. We are in -- in full agreement that we are confident we can work through those minor issues with staff. I think that for the time being that will address most of the -- our comments. So, if you have got any questions I'm happy to answer them now. If not, with that we would respectfully request your approval of this matter this evening.

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

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: So, do you agree that the background data provided by COMPASS was from 2018? That's what I was trying to get at is where did the 2018 come from?

Holt: I honestly have no idea. I mean if -- if Paige or Mindy or someone from ACHD is on the line and could answer that, they would be far better to tell you.

Strader: Okay.

Holt: I think -- I think -- I mean ACHD does have a report and they have -- they have been through our report and one of the -- one of the items we understand is the greater transportation improvements that are taking place on Chinden and Interstate 16 ultimately getting down to 84 and -- and some of that. So, I don't -- I don't know if they are taking those matters into consideration. They -- they do have minor modifications or mitigation requests. A decel lane. A couple other things that we have noted we would comply with.

Strader: Yep. I know. I read it. Thank you.

Simison: Council Woman Strader, would you like Kristy from ACHD to answer that question now?

Strader: That would be lovely, Mr. Mayor. Thank you.

Simison: All right. Mr. Clerk, if you can bring Kristy in. She's got her hand raised.

Johnson: Mr. Mayor, she's able to unmute.

Simison: Okay. Kristy, go ahead.

Inselman: Mr. Mayor, Council -- Council Members. Apologize, I couldn't see who asked the question. The counts that are in the ACHD staff report are from our system. Our traffic counts -- there was one in there from 2018. The applicant did at -- part of the request for the evaluation for the pedestrian crossing did an additional analysis of traffic counts that they submitted on -- sorry, I have got it on my phone, because I can't seem to pull two things up at once. Was submitted on October 14th of this year and it shows that they did an additional traffic count on September 27th, 2022. So, ACHD does traffic counts and, then, we also as, you know, traffic impact studies come through sometimes, yeah, we require the applicant to do updated counts, which this would be the updated count for the -- for McMillan Road.

Strader: Mr. Mayor, do you mind if I --

Simison: Council Woman Strader.

Strader: Thank you. Kristy, I have a couple of follow-up questions for you. So, based on the additional analysis would you still agree that McMillan service level is E?

Inselman: Mr. Mayor, Council -- Council Member -- is it Strader?

Simison: Strader. Yes.

Inselman: Okay. Sorry. On my little screen it doesn't show who is talking. Yes, we would. The most updated counts that we received there -- the counts from 2018 to 2022, there is -- there has been an increase, but the p.m. peak counts are still under our acceptable level of E. They are at 747 and the acceptable level of service for a three arterial roadway is 880. So, it still would be better than level of service E.

Strader: And can you explain to me how you differentiate between a minor arterial and a major arterial in your service level?

Inselman: Well, this one is a -- this a principal arterial, I believe is what it's classified as. So, I mean it -- it's based on function and volume on what's an acceptable level of service and McMillan Road is -- is a principle, but it is also not planned to be widened past three lanes.

Strader: And, Kristy, is it true that McMillan will not be widened until at least 2031?

Inselman: So, it is in our Capital Improvement Plan for improvements, which is our 20 year plan and the current range or forecasted need for improvements is 2031 to 2035.

Obviously, we update that plan every four years and it changes depending on development that occurs in the area and that -- that -- and that range could change. But, again, McMillan Road -- the ultimate buildout for McMillan Road is only three lanes. So, it's -- when we do build out the road it's not going to increase capacity, it will be putting in the needed infrastructure of other means, but it's -- it's not -- it's not slated to go any higher than three lanes.

Strader: Thanks. That's really helpful. And, then, I have a couple more questions. So, the -- the executive summary of the TIS that I read stated that this would cause an increase in total traffic of McMillan by 2025 by nine percent and that feels like a material amount to me. At what point would you update your own traffic count information that you use internally? If a project is of a certain size? Is there a certain date at which the traffic count information that you rely on is stale? How -- how do you do that?

Inselman: Mr. Mayor, Council Woman Strader, so we regularly update our traffic counts on our roadways. This one is probably slated for an update. But, as I said, we also have an updated traffic count from the applicant's engineer and we sometimes will utilize those counts to update ours. So, there is -- they have a recent one that was just done in September. So, we have an updated traffic count for this -- for McMillan Road.

Strader: And what does it mean that it is rated E? That -- that says that it's the minimum -- it looked to me like that was saying it was the -- I think the wording was like that was the minimal adequacy for that road. Could you tell us a little bit more about what that means?

Inselman: Oh. I'm not sure I can -- I -- I am not a traffic engineer. I'm a planner by trade. I don't know that I can probably adequately explain. I know that that is our acceptable level of service is E, but going into more details as to the ins and outs of the designations, I don't know that I can get further into that. I apologize.

Strader: Yeah. I think what I'm really struggling with -- I'm just going to be frank about it -- is, you know, we have a huge amount of public testimony that there is traffic -- that there is a traffic issue on McMillan Road. We are growing a lot. COMPASS's growth projections of four percent do not align with the growth that the city has experienced historically and its housing stock. The service level E is the minimal acceptable level and -- and I guess what I'm struggling with is this project is material, it contributes to nine percent of the expected traffic by 2025 and it sounds to me like you are saying that the improvements to McMillan, even in 2030, will not increase the capacity on McMillan Road. So, at what point would we say, okay, there -- we have approved too much development for McMillan Road's end state capacity. Yeah. That -- that's what I'm having a hard time with. I -- it's hard -- and I'm -- I'm not sure if I have a question, but I guess if you could just react to that.

Inselman: Mr. Mayor, Council Woman Strader, I'm not sure what additional information. I mean we have -- you know, there are roads throughout the county that are probably over capacity at this time that aren't meant to ever get larger. We -- generally as the network

gets built out, as connections are made, there are areas where there is a relief on roadways, because a collector network gets built and people take different routes. There is, you know, a conversation to be had over, you know, reduced demand, as -- as a road gets busier people find different routes to take and that ends up -- can change over time as infrastructure goes in and there is alternate routes of transportation that can change. All I can speak to is that we do not -- and this was something that we work through with the city, with our partner agencies, on future plans for the network based on the land use that is identified and that is where that width and capacity for that road come from. That's why it's limited to just three lanes.

Strader: Yeah. Did -- does your service level take into account all of the approved development that has occurred in Meridian? Like do you update your projections based on what we have approved already?

Inselman: We have it -- we -- we base it on what has been approved as far as approved development, as well as forecasted development based on land use and based on -- like that growth rate that you did talk about, which does peak and valley frequently. So, it's -- it's -- it is based on, you know, what we have received as approved development. You know, we are not -- we are talking about like an approved plat where we know there is 50 lots. We know that those are counted in as part of that and, then, the projected growth.

Strader: And, then, I -- I guess just one more thing, just so I make sure that I'm super clear on it. Because the future build out by ACHD on McMillan Road will not increase capacity -- I heard that very clearly -- then the capacity of McMillan Road, for a service level E, is 880 trips and this project would take us to 747 trips. So, it sounds like any additional development on McMillan Road that would add more than a hundred p.m. trips would take us past the service level E; is that correct?

Inselman: That is correct.

Strader: Thank you.

Simison: All right. Thank you. Council, any questions for the applicant? Okay. Thank you very much. So, Mr. Clerk, I will turn this over to you to bring up those that have signed up in advanced to provide testimony. I assume they will either be online -- so, when you come forward, please, state your name and address for the record and, then, when you hear the timer go off if you could, please, wrap up your comments. And as a reminder be prepared for any questions from Council.

Johnson: Thank you, Mr. Mayor. I just want to add a couple things. I will be first calling people who signed up via our website early and, then, those who signed up in person. If you did not mark that you wished to speak I won't be calling your name, but you will have an opportunity once everyone who signed -- asked to sign up to speak speaks and if you are on Zoom and have signed up to speak and your name is not your name, if you can change that or raise your hand when I call your name, so I can identify you. There are a couple nicknames that I'm not sure they are them. But first we will call William Clark.

Clark: William Clark. 3670 West Balducci in Meridian. I will ask you to -- Mr. Mayor and the Council, to bear with me for just a moment. I'm going to repeat some of the comments I have already submitted to you in writing before, but I will try to be very quick here. The traffic situation -- actually, I want to start off by saying this project should be denied for any or all of the following reasons. First of all, the traffic situation on McMillan west of Ten Mile is already severely overburdened as evidenced by current traffic volumes and congestion. In nonpeak afternoon hours a car passes through the San Vito, McMillan intersection every 4.29 seconds. Traffic estimates and the original application are not reflective of current conditions and should be summarily dismissed. The updates that they are referring to are also understated given what the current volumes are. Already approved or planned projects to the west on McMillan and its tributaries within 1.8 miles of this proposed development total more than 900 houses and townhomes in two to six bedroom configurations. These will compound the current traffic issues in a negative manner and this additional density from this project will only compound those further. There are no capital plans as has already been mentioned to improve McMillan for another nine to 13 years and those won't improve capacity. The mitigation alternatives proposed will not fix the situation. This proposed development will unnecessarily add additional burden to the already overcrowded schools in the area. Previously approved projects already by applying -- are already applying pressure on the schools. Current school district data shows that in the near term schools will range from 164 to 250 per -- 215 percent over capacity without this project. Going from bad to worse can and should be avoided. It will create additional burden on the existing city resources due to the population density it will bring to the area. Based on the Fire Department's annual reports emergency response times have already decreased ten percent from 2020 to 2021 with the existing growth that's there. It will also create a discontinuity with the existing neighborhoods that are there. Many of us purchased our homes when this tract of land was being advertised as a development for single family homes. Obviously, that's changed. No project based on the framework and the vision for the City of Meridian can be evaluated in isolation. Ordinances and planning guides explain what may be allowable, but what may be allowable is not always the proper and right course of action. If the pattern established in the Planning and Zoning Commission meeting holds true, those of us in opposition to this development will be portrayed as unenlightened, unintelligent, unqualified, anti-growth people. If that occurs I ask you to disregard that self-serving false characterization. I will wrap it up. And instead view us as representing our community and as individuals who have already invested millions of dollars in Meridian. We invested here because of what we saw, the vision that was presented to us and a lifestyle we wish to embrace. There are other ways to develop this plot of land. This is the wrong development at the wrong place. I urge you to deny this application based on the facts. Thank you.

Simison: Thank you, Mr. Clark. Council, any questions?

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglund: Quick question.

Clark: Yes, sir.

Hoaglund: You had submitted a comprehensive analysis of traffic and different things. I -- I just had a question. You talked about the study submitted by Hales Engineering and you said it didn't reflect the current configuration of the project as submitted for consideration and the entrance and exit from the project have changed, as well as layout and number of units for the development. So, what was he basing that on versus what we were seeing? It's -- you are saying it's not the -- the same?

Clark: They -- they had 250 units in the original estimations. They were using engineering estimates from an engineering manual to estimate the number of trips that would be going and coming. That configuration is now down to 235. They are in two different zoning designations. I believe they are 220 and 215 and so when you apply different factors, which you should, you get a different number of trips leaving or entering this development. So, it's still a significant amount. It still severely negatively impacts the traffic in that immediate area.

Hoaglund: Mr. Mayor, follow up?

Simison: Councilman Hoaglund.

Hoaglund: So, sir -- and I want to make sure I got the numbers right if I heard you correctly. You are basing it on 250 units, but this is 235. Did I get that right?

Clark: Their -- their original proposal was based on 250 units. It has not been amended to the 235 that currently is being presented to you. That 235 is still a very adverse number of trips, so --

Hoaglund: And if you might tell me what -- why the Institute of Traffic -- Transportation Engineers is not a valid use of --

Clark: Oh, it -- if you are going to use estimates, I'm sure it's a very valid reference. But I'm comparing those to actual observations that I did on three different data points. I did them over two months, so that I could verify that, in fact, my numbers weren't one-offs. I have got a degree in mathematics with an emphasis in statistics, so I -- I feel qualified to do that analysis and so -- and like I say, I find -- I find the reality to be different than what's been presented.

Strader: Thank you.

Clark: Okay.

Simison: Counsel, any additional questions for this --

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Thank you, sir. Your analysis was done during nonpeak; right?

Clark: Absolutely. Mine was done -- I did some days 2:50 to 4:00 o'clock, 3:00 to 4:10. I -- I chose those hours basically because that's when the school traffic is affected at that San Vito and McMillan intersection. So, it's very -- very hectic time. I submitted a diagram and I don't need to baffle you with my drawing ability, but it kind of shows the chaos that is at -- at that intersection every afternoon during the week and, like I said, I did three data points just to make sure I wasn't prejudicing my data, so --

Strader: And there is some new information -- I would understand if you hadn't read it, because I think it was just uploaded. Lucky that I read it myself. But there was a letter from ACHD that they would allow a beacon and enhanced crossing at McMillan and San Vito. Does that alleviate your concern at all around the school pick-up times and the traffic?

Clark: It does not. That -- that intersection is approximately 2,000 feet from Ten Mile and McMillan. Every time you -- even when the school buses stop there in the afternoon it backs up traffic significantly there. People get impatient and so I'm -- no, I don't believe -- and even if you read the pedestrian study that was issued by Hales Engineering -- and, by the way, their traffic count was not concurrent with their pedestrian counts that they had. The pedestrian -- the traffic counts were 2021, so -- but they said that the pedestrian traffic there did not warrant, you know, pedestrian intervention. That's because you would have to be crazy to try to cross that street on foot in the afternoon, so --

Strader: Thanks for that insight.

Simison: Council, any additional questions?

Borton: Mr. Mayor?

Borton: Councilman Borton.

Borton: Just to comment. The -- the addition of the crossing and your -- your remarks in writing and today on traffic, I thought it might make sense to -- for the public that's going to be providing testimony to -- to get some reference, at least from my perspective, on the application and -- and what -- the decision points we have, what we are going to be considering. It might help frame some of the remarks that people provide and -- and just -- if I could just have just a minute. And you probably already all know this, but one of the important features of this type of application is what was decided years and years ago. Back in '08, for better or for worse, right, this property was annexed into the city and it was given as an R-15 zoning, so -- and it's a mixed-use portion in our comp plan. So, 12, 14 years ago we had -- again for better or for worse -- entitled this land to build in a certain

way and give it a concept plan that we have all seen. We saw it again tonight back in 2010. So, that's the right that exists for whoever owns this property to build. Again if -- and if that was a bad decision it's -- it's a locked in decision, development agreement, a contract and a right to do that. In 2021 that came before us, because the applicant wanted to change the concept plan, the picture of what it was going to look like. That required the City Council to make a decision whether that change should be permitted or whether we should require the applicant to use the same picture -- the concept plan back in 2010 and -- and that was the decision we made. So, what's different here -- and I bring this up, because it will help focus some of the testimony. Now the applicant is saying I want to do everything that I was entitled to do back in 2010 and I want to use that old 2010 picture. I don't want to build it in a different type of design, I want to do the same picture that you told me in 2010 I could do and that's the conditional use application. They don't need to go to a development agreement and -- and if it was approved, Planning and Zoning reviews those -- we never even see them. So, we would never see today's application normally. So, I only bring that up because those are all of the entitled rights and so it's very narrow when they are applying for a conditional use permit. All of the uses that we are talking about they are allowed to do. It's entitled property and it -- and it matches the comp plan. So, for me I look towards what are the types of conditions that might be appropriate to place on this type of project to try and address the -- the valid community concerns and that's what I think the applicant has been discussing and trying to provide, whether it's amenities or a crossing on McMillan -- it may or may not be sufficient to address the concerns, but as you provide testimony -- and I saw a lot of good comments in writing -- a focus on, you know, are there any conditions that might be placed upon this project as presented that would help alleviate some of those particular concerns. In preparation we read all of the materials that you all provided, which is very helpful in guiding our decision there. Your public comment today will be helpful in guiding it. But it is a little more narrow review for us than -- than a blank slate and whether this project, as designed, should go forward at all or not. A lot of those decisions were made a decade ago and, again, you probably already all know that, but it might be helpful to help focus some of those suggestions -- for me at least the comments focusing on those will be super helpful. And I only bring it up, because the -- the crossing is an example of a type of a condition placed upon a conditional use permit request. It doesn't necessarily alleviate all the concerns, but it's an example of -- of a condition. So, hopefully, that's helpful. I just think you kind of want to know where we are -- what -- what decision making process we use as we consider --

Clark: Am I permitted to just ask one question?

Simison: Yes, sir.

Clark: So, am I to understand, then, that if conditions -- a decision made in 2010 and conditions are to significantly change, that is an irrevocable decision and that cannot be changed? Is that what I should understand?

Simison: Would you like our city attorney --

Borton: I will answer briefly. The things that can't be changed are, you know, the zoning, the right to use and build it in a -- in a particular type of density, for example. That they presented, for example; right? So, they have got a right, which we can't take away, to do what an R-15 zone allows. So, it is more a nuanced level of discretion for us in a conditional use permit.

Clark: And, then, as further education for me --

Borton: Sure.

Clark: -- R-15 can be spread out over the open space? Because their 235 units are now on the 9.83 acres, which is about an R-23.9 by my math. But are they allowed, then, to spread that over all the available space by definition?

Dodson: Mr. Mayor?

Borton: I will probably have our planning staff answer the specifics on that portion of code.

Simison: Yeah. Mr. -- Joe.

Dodson: Yes. It's a great question, Mr. Clark. Yes, they do -- our code is -- our density is based on gross density and so, yes, that's the total property as it is configured when they submit the application. You also have net density. We don't use that as our basis of the maximum densities -- or minimum, depending on the code. So, that is the way it is written. Yes, sir.

Clark: Thank you for indulging me.

Simison: Mr. Nary, would you like to add anything to the background that Councilman Borton provided?

Nary: Yes. Mr. Mayor, Members of the Council, maybe to put an additional point on Council Member Borton's comments, you have to think of this in the sense that this property is entitled to a certain use subject to conditions. Those conditions aren't denials, unless no condition could ever make this property usable. But your other question that you asked a second ago about conditions have changed in the area. Theoretically every Council since this has been approved knows this was going to be there and approved those projects subsequent to this one, knowing full well that this is already entitled. So, the fact that conditions may have changed in the area by growth and other development that's occurred over the last 14 years, isn't really that relevant to this project, because it's already entitled and they are allowed to build to the level of density that they were originally granted back in 2008 and, then, again, redone in 2010. So, that's what the conditions are and, as Council Member Borton pointed out, the traffic signal crossing is one method to alleviate those concerns. Phasing could be a way to alleviate concerns potentially. You know, they added more amenities as a way to alleviate concerns that

were raised about how the amenities are going to get used in the adjacent properties. So, that's the type of conversation that councils really can consider in regards to a conditional use different than an annexation, different than a new development that has no entitlements yet.

Clark: Okay.

Simison: Thank you very much.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I have a question for Bill. I think Kurt was walking through the acceptable decision points for the Planning and Zoning Commission's decision and I think -- I believe there were five or six of them and I think one of them was that the proposed use would be served adequately by public services and facilities and so a quick question that I have is the Planning and Zoning Commission's motion was based on safety and infrastructure being inadequate at this time. I'm quoting from the minutes. So, in your mind does that encompass all of the concerns around schools, traffic -- you know, are each of those an independent concern?

Nary: So, Mr. Mayor, Members of the Council, yes. So, there is a whole list. You are correct. And just for the record it's UDC Section 11.5B.6E. It does lay out that and -- and -- and I will read from what you just stated. The proposed use will be served adequately by essential public facilities and services, such as highways, streets, schools, parks, police and fire protection, drainage structures, refuse disposal, water and sewer. So, it's asking you as the Council or the Commission initially of that as a whole are -- is it adequate and what does adequate mean? Well, again, that's a decision point for this body to make on what is adequate. And, again, are there conditions that could be placed on this project that would allow -- if -- if you feel it's inadequate for it to, then, become adequate at -- at a certain particular point in time. So, that's really the focus of what a court is going to look at is what is the conversation, discussion and findings of -- if it's inadequate what conditions, then, could we possibly place on this to help rise to that level, not simply a denial because it's inadequate, but more of a, well, what else is there to do that unless the findings of this Council is there is nothing that could be done, which has happened before where they have made a decision that said there is no condition that could help meet this. Here I don't know what that is, because, again, you haven't really had a lot of testimony yet. But that's kind of the avenue that I think you need to focus on.

Strader: Mr. Mayor, one more.

Simison: Council Woman Strader.

Strader: And is the scope of our decision tonight whether the Planning and Zoning Commission's ruling was a correct basis and, then, if it was incorrect we would have a de novo hearing about this entire CUP or is our decision tonight the entire CUP?

Nary: So -- yeah. Mr. Mayor, Members of the Council, yes. So, it's a de novo hearing, so it's a new hearing. Basically -- so, the Planning and Zoning Commission decision right now is simply a recommendation and no longer a binding decision on this Council.

Strader: That's super. Thanks.

Simison: All right.

Clark: And I would just ask you to -- to evaluate the data I have provided and make a decision accordingly. Thank you.

Simison: Thank you, Mr. Clark.

Johnson: Mr. Mayor, next is Ray Lloyd.

Dodson: Mr. Mayor?

Simison: Yes, Joe.

Dodson: If I may real quick -- just because Mr. Clark brought it up and, again, I do not want to go against what he said at all, but I did want to just clarify between traffic counts and traffic generation, so that the public is clear as well that when TIS is done and the whole engineering book that everybody uses for the generation, that would be a proposed use and it's estimations of what the proposed use is going to use. So, yes, they do use estimations for that. However, the traffic counts are not estimated traffic counts, they are based on actual physical traffic counts that were done. So, I just want to clarify that point, because they are two distinct numbers between the generation rate and an actual traffic count for an intersection, as an example, so --

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: And I apologize, sir, because you walked up here, so don't go anywhere. So, a follow-up question. So, when Kristy said according to the new analysis on October 4th -- if it was October 14th or September 27th -- that it would show the p.m. trips at 747 trips and the acceptable level of service is 880. Does that mean that those are the trips happening today and that does not account for future trip generation by approved development?

Dodson: Council Woman Strader, I don't know, because I don't know if they included an estimated generation in that count, just because I didn't see the study. I don't -- I didn't see the actual numbers.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: If Kristy is still with us I would love for her to answer that.

Inselman: Mr. Mayor, Council Woman Strader, I'm looking at that report. Again I just got it today as well. Let me read through this and I will get back to you.

Strader: That would be really great. Thank you.

Inselman: Thank you.

Simison: All right. Sir, if you would state your name and address for the record.

Lloyd: My name is Ray Lloyd. 5281 North Palio Street, Meridian. First I would like to thank you for the opportunity to address my elected officials and my major concerns with -- obviously, property values is always an issue, but what really concerns me is the traffic on Gondola crossing over McMillan. I don't see it in the afternoon, because I work until evening, but in the morning when I leave -- thankfully the speed limit was dropped maybe a couple of years ago from 45 to 40, which is more appropriate. But that means that they -- everyone is doing 50, so -- and as they are flying down McMillan -- right at Gondola is a pick-up point for children. I -- I'm not sure if it's buses or what it is, but they wait right on the corner. I have been witness too many accidents -- not there, but I can only envision an accident happening in that intersection and those kids are just standing there like targets. That's my major concern, what I wanted to bring to you tonight.

Simison: Thank you, Mr. Lloyd. Council, any questions?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I know it wasn't the total focus of your testimony, but I have heard a lot about this comment about concern about property values. I'm -- I'm having a hard time a little bit with that argument, just because -- like these look like Class A apartments. They -- and townhomes. They are not -- you know, they -- I guess is there a more specific concern around that? Do you want to articulate or is it just kind of a general feeling?

Lloyd: It's a stigma that goes with high density. It's -- it's -- it's -- we have a very nice neighborhood that has kids running all over the place and the additional traffic coming into that is going to discourage those kids from being left to go as far as they can and in

today's world most kids don't go outside, but in our neighborhood they do and I -- I -- I fear that a dangerous traffic situation is going to someday turn into a different traffic situation.

Strader: Thank you. I just want to make a comment. You know, I understand the traffic concern as a parent. You know, as a parent you don't want to have a huge increase in traffic in your neighborhood. But I think it is really important to sort of dispel the stigma around apartments being inherently bad or high density housing being inherently bad. I think it depends a lot on how it's done and, you know, this looks to be a very highly amenitized complex with a lot of facilities for families and so I just -- it's just a general comment for the people that are going to testify, but I would just be really careful that we are not stigmatizing people who live in apartments. There is a need for housing. Unfortunately, not every -- you know, it's -- it's just reality. Like a -- a single family home isn't workable for everybody and we have an affordability issue in Meridian and -- and so, you know, we have got to balance that. So, I just wanted to make that comment.

Lloyd: And, like I said, it's a state of mind, it's necessarily a fact. Thank you.

Simison: Council Woman Perreault.

Perreault: Excuse me, Mr. Mayor. Thank you. I'm just curious if -- if you and anyone that chooses to testify this evening has had conversations already with the school district about safety issues at the bus stops or is there just an anticipation that this -- that this new complex would create those? Are you currently having challenges and -- and/or are you expecting new challenges that -- the estimated amount of students for this I think was around 94 or 95. That's not an enormous amount of new students compared to some of the developments that we have seen that have come in. So, I -- I don't know that just the student -- that the student generation is necessarily going to all of a sudden cause all these issues that don't already exist with bus stops and safety and whatnot. So, if you could help us understand -- is there a current problem that you expect that's going to get worse and, if so, has West Ada been notified, because they -- they are -- they are pretty good about listening to those kinds of things in terms of routing their buses and -- and take those, you know, concerns really seriously or are you just assuming that there is going to be a challenge with the addition of the -- the students to the area?

Lloyd: It's -- well, not just the students -- again going back to the traffic. It's -- it's a challenge to get across now because the McMillan traffic is flowing so fast that you have to be aggressive to get across. Now, you add additional tenants coming from -- dumping out onto Gondola and backing that up, now -- now you are waiting longer and longer and people are going to get more and more aggressive trying to get across McMillan. I just see it as a real mess.

Simison: Thank you. And just for the community at large, I have been in conversations with our police chief. I think you are going to see a lot more proactive enforcement throughout the community of speeding and other things. So, this is your warning if you

are one of the people that is driving fast on McMillan you may want to reconsider that moving forward, so -- anyways. Mr. Clerk, next up.

Johnson: Mr. Mayor, next is Athena McAdams.

McAdams: Mr. Mayor, Council Members, I am truly thankful that you are here to hear us. I'm just here to give my personal thoughts. I'm -- I'm not very good at public speaking, but I am a simple person who believes that a diverse community is a strong community. I normally don't have any issues with apartment developments. I know not everyone can afford, would choose, or need to live in a five bedroom single family home on a quarter acre lot or more, as Council Member Strader had said. In fact, my husband and I, in our first five years of marriage, have actually lived in basement apartments or in duplexes and townhomes and all of which were rentals. They were actually wonderful places to live for us at that time. That being said, they were also developed in areas that could support those types of developments. They were in low traffic areas or built next to wider roads. I am also a firm believer in the saying that there -- it's -- there is a right place at the right time and there is a place for everything and everything has a place. Because McMillan was said to be widened -- and, obviously, as Kristy had said, not really widened enough to expand to more lanes to help with flow of traffic -- I feel that adding the apartment buildings at -- before that is done would be adding to the already traffic issues and causing chaos during the construction. This plot was originally zoned R-15 to accommodate an assisted living community. Seeing as how that plan fell through and not -- and will not be an option now, I feel the developer really needs to think about what would be best for the community and the communities surrounding the area. I understand that this plot will also not work for single family homes either. It would be best for a bumper community, with buildings such as townhomes or even six or eight-plex buildings. I have seen many other developments closer to Ustick and Meridian Road that have just townhomes and eight-plex and six-plex buildings and the traffic is not there. It's very quiet at anytime that I have driven through those areas and they are very lovely, beautiful buildings. There are already large apartment buildings going up by Costco and across from Black Cat. We don't need to add more to the chaos already happening now. Two hundred and thirty-five units mean there will be at least that many cars added to the traffic and most households tend to have at least two vehicles. A lot of the children that have to cross McMillan now, as we have addressed, have a hard time getting across. So, they have to actually be driven across McMillan, which adds more traffic to that intersection. To sum up -- to sum up my point is that the issue of McMillan really needs to be addressed before anymore development is added to the area. Thank you.

Simison: Thank you. Ms. McAdams, please, state your address for the record, please.

McAdams: Oh. I'm sorry. It is 5552 North Assisi Avenue.

Simison: No problem. Thank you. Council, any questions?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I don't have a question. I just -- just wanted to reiterate Council -- Council Member Borton's comments about us -- we are not here to approve whether the apartments can go here. We -- we can't at this time say, no, you can't build anything. So, just want to clear that up for you that --

McAdams: I understand.

Perreault: -- that we -- we are not in a position to deny building residential on this project.

McAdams: I understand that. It's more of that I feel that 235 units is still too many units and -- and the -- the school now -- my son is in first grade and they have already had to split the first grade classes, because of the students being added to the schools now. So, adding more units that will include families with children are going to increase that even more. I don't think Pleasant View Elementary can handle that capacity.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Thank you for sharing that. That kind of information is helpful for us. Do you have an idea in mind of -- of what you think is a sufficient amount of units, just out of curiosity?

McAdams: I would probably say at least under two -- or, you know, at the max under 200 units for sure and it doesn't seem like going from 250 to 235 is enough. Only 15 units doesn't seem like it makes a big dent in the -- you know, in -- in this situation, so --

Perreault: Thank you.

McAdams: Thank you.

Simison: Thank you.

Johnson: Mr. Mayor, next is Dan Buffham. Dan's online and, Dan, you should be able to -- you should be able to unmute.

Buffham: Yep. Hello. Thank you. Yeah. I would like to probably start -- I -- I sent an e-mail and I'm not --

Simison: Mr. Buffham, can you state your name and address for the record, please.

Buffham: Yes. Sure. It's Dan Buffham. It's 3554 West Balducci Street and that's here in Meridian. So, yeah, I -- I sent an e-mail and I'm not going to reiterate all that, but I encourage you to -- to read all the six -- now 65 submitted e-mails by those of us who

couldn't attend there in person. I -- I want to address mainly the traffic that Council Woman Strader and -- and -- and Council Woman -- or Councilman Borton's comments. I want to concur with my neighbor Mr. Clerk, who contested the validity of that study and on -- on several different facts. I'm the CTO of a global software engineering company. My house is the keystone lot. I look directly at -- right outside my second story window here at my office I'm looking at the corner of Vicenza and McMillan. I watch traffic. I -- I work 12 to 14 hours a day. I even have a camera watching that intersection at all times, because there is constant accidents there. I have -- yeah. I have witnessed accidents, near misses, speeding -- all these things that we keep talking about traffic and we talk about 2010 plan and we can't change it, because it's an R-15 zone. Well, Walmart wasn't there 20 -- in 2010. The -- the -- you know, we could argue -- I think it was either Councilman Borton or Hoaglund said it's R-15. We theorize that, you know, we take in account to all of these things that are going to come up. Well, theories are probabilities; right? Things that could happen; right? They are not facts. It's not reality. You need to be able to understand and take a look at the situation today. What may have happened in 2010 could not have possibly be envisioned 12 years later. I would argue that point even if you looked at it, did you look at the big picture. The Planning and Zoning Commission -- this is their job. They do this day in, day out. You guys -- you -- you understand, you know, a lot of what they do and -- and -- and -- we -- this -- this -- this constant discussion about traffic. Well, I can tell you I have watched people do 80 miles an hour past my house on a constant basis. I'm watching right now -- I can count them almost verbatim one every two -- one and a half seconds cars passing through here and it's 7:00 o'clock at night. There is a line that goes almost all the way back to Black Cat in the mornings coming past this. These -- these studies that they have done, it -- they may have standed -- stood there with a counter and counted, but they -- they -- you know, for a few hours on one day and another on another day. Our parents and families in this neighborhood -- we will not cross that, so you can't call that valid. The -- the -- the foot traffic going across this -- nobody's going to go across there, because it's crazy; right? The traffic coming in did we think about the -- the industrial park that's to the north of Walmart that's already designated to be built back there. All of that traffic comes through here. We walk our dogs twice a day and -- and I can't tell you how many times people have used -- because you can't make a left turn out of coming out of Walmart onto McMillan -- have used our entrance into -- on Vicenza into the Bridgetower community as a U-turn.

Simison: Mr. Buffham, I would ask you to, please, conclude your comments.

Buffham: Sure. And, you know, bottom line is is I have read all these documents, you know, they have a 144 page thing submitted -- narrative submitted by a lawyer. We don't have lawyers; right? We have you and we have our voice and I'm just asking you that you listen.

Simison: Thank you. Council, any questions? Okay.

Dodson: Mr. Mayor?

Simison: Yes, Joe.

Dodson: I did have one comment, because Mr. Buffham reminded me. There was a couple of things that I had read in the written testimony regarding the project to the north and that there were another 185 lots approved, for one example, which is not true. The City Council denied that -- or sorry. The Commission recommended denial of that application and that was removed over a year ago, if not more. Two years now I believe. So, I did want to clarify that, that there are no more residential lots approved north of this within the commercial area. And, secondly, the area to the north does have the same concept plan that we have seen approved on it and, yes, they could theoretically construct, you know, a big box store or commercial in that area without having to go through any approvals of City Council, other than maybe a -- maybe a DA mod just to update the concept plan. But, again, it's already zoned C-G largely and C-N. So, I did just want to clarify that for the public, as well as Council, that there isn't necessarily something in the works on that site to the north, the larger 60 acres or so.

Simison: Yeah. Thank you.

Johnson: Mr. Mayor, next is Gabriel Estorga. And you should be able to unmute.

Estorga: I apologize I didn't sign up to speak, but all my concerns are being -- are being reiterated by my -- my -- by my fellow neighbors. So, I won't waste the Council's time.

Simison: Thank you, Gabriel.

Estorga: Thank you.

Johnson: Mr. Mayor, next is Cameron Smith.

Simison: If you could state your name and address for the record, please.

Smith: Excuse me. Yes. Can you hear me?

Simison: Yes.

Smith: My name is Cameron Smith. I live at 4122 West Philomena Drive in Bridgetower West. Thank you for letting me speak. I would like to start off by saying that I would like to look for some common ground with the applicant. So, this could be very short. By common ground I would like to join in thanking Joe Dodson for his work on this particular application and this job and I understand Mr. Dodson is leaving and what the applicant and we might have common ground talking about is the need to improve the Planning Commission staff. Not saying we don't appreciate them, because we do, but there is just some issues that have come up. I mean we only have to go as far back as item number -- I think it was four or five on tonight's agenda where there was a -- a wrong address, as I understand it, which required renoting the hearing, the time it took for the Council to vote. There were no comments on it. But I just think that there could be improved quality

control at the planning staff. I think people -- maybe Mr. Dodson is leaving -- who knows why. Maybe he's getting paid more. Maybe he's going to be in a position where there is less stress. There are lots of recommendations. I'm not an organization expert, but some of them that come to mind is to either hire more staff, pay them better. Personally I don't think the staff should make recommendations. I think they should do their report with a list of pros and cons. Maybe there should be two people assigned to every project, because -- just as a quality control measure. Maybe a manager should have to sign saying that he's reviewed everything and that is -- the information is as accurate as it can be, because you all need accurate information, as does the Commission. You can't make decisions if the -- if the factual information is incorrect. That's really the end of my comments, except for one thing. I think the number one job of any local government is safety. If I were in your shoes and a child got hurt because there were 450 more cars trying to get across McMillan or going down Gondola, I couldn't sleep at night thinking, well, at least the 2010 Zoning Commission -- or -- or zoning is -- is correct. Safety.

Simison: Thank you, Mr. Smith, for your comments and recommendations. Council, any questions?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Maybe a question. So, I'm the -- I'm the City Council liaison for the Planning Department and I just want to say I -- I couldn't have a more opposite view on the quality of that department from what I have personally experienced. Do you have an example of something that's inaccurate in a staff report or something specific that you could point to?

Smith: Well, unfortunately, yes, I do.

Strader: Okay.

Smith: I mentioned the Item No. 5 on the agenda tonight that was -- was on the agenda because there was a mistake in an address.

Strader: Got it. Mr. Mayor?

Simison: Council Woman Strader.

Strader: I meant specific to this application.

Smith: Thank you. Well, I did -- in fact, I spoke to Mr. Dodson about this earlier, but I did -- if -- I don't know if you have them in front of you, but in the file before the Planning Commission there were two documents, one called an affidavit of legal interest and the other called -- I think a special warranty deed or something like that. I do have copies of both of them in front of me. If you look at the affidavit of legal interest, it starts out by saying that -- that an entity called Bridgetower R-15 Owner, LLC, is the -- it states: I am

the owner of the property. I believe I heard the applicant say that they own the property. I cannot tell from the affidavit of legal interest that the applicant owns the property. I can't even tell you that this is a valid document. It has no authenticity as far as I'm concerned. It's undated. It's signed by a signature I can't read. It's supposedly notarized by someone in Salt Lake county, but the notary jurat is absolutely blank. I can't tell if this is a valid document or not. If you look at the warranty deed, which -- I will try to find it right here. The warranty deed is not signed. It's not dated. It's not notarized. I could have turned something like this in, a deed for me to you, granting you the ownership of the property. It has no substantial validity. That's an error.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Respectfully, sir, none of that is staff analysis or staff work product. I will ask the applicant -- it's up to them if they want to address that question about who the legal entity is that owns it and they could clear that up for you. But I just want to say, you know, our planning staff processes a huge volume of applications and certainly we want to support them with the resources that they need, but to see a -- a small error like an item that needs to be reheard because of a noticing issue, I think I could count on one hand the entire time I have been on City Council that something like that has happened. So, I just -- yeah, I think it's really important -- it's easy to pick on like one little thing and be critical, but these guys are working their tails off and I care about the analysis. Like if something in the analysis is incorrect -- like it doesn't meet the Comprehensive Plan. They overlooked a huge section -- like I want to hear about that. But I -- I just -- I respectfully disagree. Thank you.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I would like to hear from Mr. Nary, but none of those documents are created by our staff. We upload everything that we receive, because it becomes public record. So, the clerk oftentimes gets those documents and uploads them and while staff looks at them and refers to them, they are not created by staff and they are not approved and they are not reviewed for accuracy. That's not the staff's role. Do you have anything to add?

Nary: Sure. Mr. Mayor, Members of the Council. So, Mr. Parsons and Mr. Dotson actually asked this very question to both myself and my deputy. We reviewed those. The purpose of that provision of our code is to be sure that the people that are applying have the authority from the property owner in order to apply for it. They are alleging they do. If they don't, the property owner is going to tell us that. We are going to find out through the multiple hearings, mailings, noticing, signage -- if the property owner doesn't approve of this project -- in the 20 plus years I have been here only once has a property owner ever come forward and said I am now withdrawing my approval. So, we did review those documents. They are adequate to meet our code. They -- they pass legal muster for our

needs and they meet the requirements of our code. So, those are not errors, sir. I'm sorry, you are wrong.

Dodson: Mr. Mayor?

Simison: Mr. Dodson.

Dodson: I would just like to -- I did have this discussion with Mr. Smith as well, because he brought this up and the ownership listed in our GIS and the ownership on the affidavit of legal interest did change and understood why there might be any confusion there and because of that I did ask the applicant to provide an updated legal description for their deed and they have, so that has been updated in the record. So, it does show Alpha Development R-15, LLC, or whatever the specifics are for the LLC -- and he even -- the applicant even went so far as to show me who the signatory delineation is for who can approve and sign off for the -- I guess to allow the application to be heard. So, I understand the concerns of the public for that, but we did address that.

Simison: Thank you, Joe. Council Woman Strader.

Strader: Thank you, Joe. I appreciate that. And, you know, one of the most important things in Meridian is our level of customer service and we want to make sure that we are following up on concerns and I am glad -- and I'm sure you would agree that that follow up did happen. It sounds like there was some confusion, but it sounds like you did a great job. Thank you.

Simison: Thank you. Council, any additional questions for Mr. Smith? Okay.

Johnson: Mr. Mayor, next is Robin Moore.

Simison: If you would state your name and address for the record, please.

Moore: Robin Moore. 3604 West Balducci Street, Meridian, Idaho.

Simison: Thank you.

Moore: I understand that the lot was rated R-15 based on years ago, but it was also based on the projected use at that time, which was a senior facility, which would have had no impact on the schools and a much decreased impact on traffic, because most seniors do not go to work in regular hours and aren't impacting the regular workforce timelines and the traffic flow. We try to avoid that. So, I don't understand why that's not an issue. Why that isn't taken into consideration. I mean they have kept the same footprint, but as we heard tonight that estimate is about 94 more children and yet there is no playground on that site. Something seems off. Shouldn't the change that this is going to now be a greater impact to traffic and schools be taken into consideration? That's my question.

Simison: All right. Thank you.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Indeed it should and that's why we have updated information from the school district, updated information from ACHD. The applicant's done their own studies. So, the traffic counts and the student generation counts have been updated -- were updated for the consideration that was made by the Planning and Zoning staff.

Moore: Right. But they are already saying the school is over capacity. So, now we are adding another hundred students that wasn't -- that was -- ideally the -- the R-15 was approved years ago was never counted -- was not taken into consideration. So, when you talk about this was already approved -- kind of. Not exactly. Not with the increased traffic. Not with the increased students. So, something is not quite adding up is my issue.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: If we could just have staff chime in. I think the disconnect is a DA modification that occurred in the past that removed the requirement for it to be an assisted living facility. Could you, please, comment on that?

Dodson: Council Woman Strader, thank you, and great question and I understand the confusion. It was -- I was confused when I first got these projects for this site as well, because there has been so many development modifications and it takes some digging to really get into it, right, and, really, the only thing remaining from that original is just the picture -- just lines on a piece of paper. Nothing about the uses are still included in the development agreement. None of the language regarding that. None of it. The only -- well, I should say the two things. One, this site plan generally and, then, two, the zoning, because that cannot be revoked as we have noted. So, those are the only two things that I guess are within the DA for this site. So, that's why they are allowed to develop it under the R-15 regulations, consistent -- or generally consistent with that approved site plan, which, again, boxes on a piece of paper at that point. It's not any kind of predetermined use, other than what's delineated for R-15, which is residential and per the future land use designation, which is six to 15 units per acre. So, again, there is -- there is a lot of room there.

Moore: So, when it was denied in February by the Council for being too dense, we are back to the original one that went -- that was designed for the senior living?

Dodson: Okay. Let me be more clear. So, the one -- the one that was denied would have changed the site plan and been more consistent with whatever they had proposed at the time.

Moore: Right.

Dodson: So, it went back to the site plan from 2019 and that DA -- which removed all of the provisions from 2010 and just kept the site plan. So, again, right now currently as was denied -- or I should say still kept in the record from -- in February of this year was the project from 2019, which is, again, just the site plan and the zoning, nothing to do with senior living, nothing to do with what necessarily type of residential, whether single family, et cetera. Just R-15 zoning and the DA site plan.

Strader: And Mr. Mayor?

Simison: Council Woman Strader.

Strader: And, Joe, when was the DA modified to remove the requirement for it to be assisted living?

Dodson: Yeah. Council Woman Strader, it was the 2019 and Summer -- Summerwood Subdivision I think it was. Summerwood Subdivision DA mod.

Strader: Got it. Thank you. And so before the time of some on this Council.

Moore: Okay. And we are also called Bridgetower West. Bridgetower is a different subdivision. So, I'm kind of confused when you keep referring to it as Bridgetower, because that's somewhere else. Bridgetower is actually to the east of --

Dodson: Very fair. That was -- so, when we say it, that's because all of this big giant area around that McMillan and Ten Mile intersection was originally one kind of master planned project and Mr. Parsons probably has way more history on that than I do.

Moore: Thank you.

Simison: Thank you.

Johnson: Mr. Mayor, Craig Bock.

Simison: Good evening.

Bock: Hello. My name is Craig Bock. I live at 3894 West Viso Street in Meridian in the Bridgetower West community. This has been said several times tonight. You know, the Commission shall base its determination on the conditional use permit request upon the following and the point five is the proposed use will be served adequately by essential public facilities and services, such as highway, streets, schools, parks, police, fire protection, drainage structures, refuse, school, water and sewer. And, respectfully, I will say that it's not about pools. Okay? It's -- for me it's about schools. Okay? The -- in the original conditional use permit application the West Ada School District -- you know, they commented and they stated that not considering the proposed project the area schools are projected at capacity for elementary schools and above capacity for the middle schools. You mentioned the 90 -- 94 additional school age children, that is in the record

there as well and -- and this is without considering that 94. Okay? So, they are already at capacity or above capacity. The 94 will put additional stress on that school system that's already stressed. So, on that point it's contrary to number five alone. On that point alone. Okay. I question the pedestrian study counts, because I ride with my children to school every day -- weather permitting of course. Every day I ride across McMillan with my two school aged children and we ride bicycles and we would have crossed the west -- the west leg, McMillan, and in their counts in Appendix A I can clearly see my school aged children and me going to school and me returning at 8:30, 8:45 a.m., but on the return trip it's curious -- when I -- on the pick-up trip, when I pick them up, 3:15, I see -- I don't see me there. It's zeros. And I know I dropped them off, so I went and picked them up. And so there should be additional counts there. So, I put into question -- in fact, it's zeros from 3:30 p.m. all the way to 6:45 p.m. and you have heard how busy that intersection is with pedestrians, school pick-ups, bus stops -- I find it hard to believe. It's very suspect, honestly, because I was there and it doesn't show me as being there. So, the other thing I want to talk about --

Simison: If you can wrap up your comments.

Bock: Okay. There are -- the -- the question of crossing at McMillan and San Vito Way was addressed in the Pleasant View Elementary conditional use permit in comments by the ACHD then in 2018 and I would like to read that if I could have the time to read that to you.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I would love to ask a question.

Simison: Okay. Your time is up. Council Woman Strader, ask a question.

Strader: Would you, please, read that? Thank you.

Bock: Thank you, Council Woman. This is out of the Pleasant View Elementary School special consideration for school district facilities, September 2018. Pedestrian plan. Off-site pedestrian accessibility. While sidewalks are present -- present along Gondola Way and San Vito -- excuse me -- and San Vito Way, there are significant gaps in sidewalks on McMillan Road, Black Cat Road, Chinden Boulevard and within the typical 1.5 mile walk zone and, again, I -- I cut off part of the paragraph here to shorten it. And, then, as the area builds out the sidewalks are provided, pedestrian activity is anticipated to increase based on the development patterns within the future walk zone areas the following is recommended. And this is the build out zone across from McMillan where I now live. San Vito Way, McMillan Road, consideration for the future pedestrian hybrid break -- hybrid beacon, PHB, to serve future north-south pedestrian crossing from the neighborhood that is just starting to be developed on the south side of McMillan Road. The pedestrian crossing volumes are not expected to meet MUTCD guidelines for a PHB

at opening of the school, but are expected to increase the development -- as development occurs -- South McMillan Road. A PHB would not be needed if a traffic signal is installed in the future and that sentiment is repeated several times throughout the ACHD comments to the Pleasant View Elementary School CUP in 2018.

Simison: Okay. Thank you. Council Woman Strader.

Strader: Mr. Mayor? Thank you. Mr. Bock; right?

Bock: Yes.

Strader: So, I -- I'm sure you saw that -- or maybe not, because it was kind of last minute, but there is a letter stating that ACHD will now support the installation of a PHB -- like a beacon and a crossing at that intersection. So, does that alleviate your concern or was your point -- what was your -- what -- what's your take away from that?

Bock: Well, one, I'm confused as to why it's even a question at this point, whether they support it or not. That's a little confusing to me, because it seems like that decision has already been made. So, I'm a little -- I guess apprehensive accepting it by its -- on its word. The other thing is is that -- I think the applicant mentioned a rapid beacon, which is not the same as the PHB and, you know, the PHB is designed for, you know, a much -- much more traffic volume and that's what was recommended here in this.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Right. And so, you know -- and -- and this is something to keep in mind; right? So, it sounds to me like from reading everything that the applicant would support putting in that crossing with the PHB. It sounds like they have done some legwork in getting ACHD on board with that, which is hard. I'm sure our Council could require it now as part of this -- you know, as part of the CUP and so if this development doesn't happen, then, it wouldn't and so does that, you know, sort of change how you look at the application?

Bock: Yeah. If I were given more time I would have thanked the applicant for actually supporting that piece.

Strader: Yeah.

Bock: Okay. And also, you know, that's just one piece of my testimony. The other piece is the overcrowding of the schools, so -- yes, it does alleviate that -- that one concern.

Strader: Understood, sir. Yeah. I mean that -- that -- that's one of those things; right? You have gaps in sidewalks, but we want things to develop, so we don't have the gaps, but, you know -- a lot of issues. Thank you.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Just want to make sure on the record -- from the letter I read it says ACHD would allow a marked crosswalk with a PHB to be installed on McMillan Road at San Vito Way. They do not recommend that a rapid rectangular flashing beacon be installed. So, the -- the -- yeah. The -- the PHB is -- is -- is allowed.

Bock: So, they are still recommending the PHB?

Hoaglun: Yes.

Bock: Okay. Thank you.

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

Bock: Thank you.

Johnson: Mr. Mayor, next we have John Wyckoff.

Wyckoff: Good evening. John Wyckoff. 5099 North Bolsena Avenue. I came here in 2018. It was after a -- really a long time being down in southern California and you talk about a number of things. One, they might not be a reduction of your property taxes or of the value of your home, but it will ultimately do it. I had apartments down the house -- down the street from me and it was crowded and they were coming down our street to park. So, it will happen. I know you can say right now it won't. That as people get more crowded, more people moving into an apartment beyond what it's originally -- you know, two bedrooms you would assume it's two people or three people. But when you have people that are crowding into rooms, because of examples down there, you are going to have more people than could be to the capacity and I have lived in an apartment, so I don't want to bash people that live in apartments. Traffic. That is one scary intersection, Gondola and McMillan. I have driven the 91, the 5, 405, 110 at high rates of speeds with people flying by me. I practically have to do a pit maneuver on myself to slide in to avoid getting hit by somebody coming up behind me. It's a 45 mile per hour zone that's going up to 50 miles per hour, so -- you know, I can say a lot of things. It's dangerous in that area. It's a high impact area. The people said they have had the property since 2001. I don't know if that means that the same owner that's had the property until it sold it to them in 2021, but there is a lot about this area I wish I had known before I bought it, because if I, one, would have known that if there was an apartment in that area I wouldn't have bought in there. I was reluctant with Walmart being there, because a business buys based on location, location and location and right now I don't know what the location is so significant about it other than -- I think the person that used to own the property is still part of the LLC that is pushing Ball Venture Ahlquist, who is part of this Alpha to get it going. I just -- I'm just saying there -- you say they are entitled. Who am I? I own the property. I don't -- I own it. Am I entitled? Am I entitled? That's really what I want to ask. You are

giving them entitlement. What about me, the owner? Am I entitled? And I bought based on the school, the location, the location and the location and right now a lot of things have changed. Property is gone -- and I can look out of my house from Black Cat all the way to Joy Avenue, traffic is jammed. So, I don't want to hold anymore time. Unless you have something to ask I -- I would hope you would look at me as -- I'm an owner of the house. I think I should be entitled, too. I vote for you. They don't vote for you. They don't even live in the city. They leave. They make money off of us.

Simison: Thank you, Mr. Wyckoff.

Wyckoff: And that's it.

Simison: Council, any questions?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: So, when we were hearing the modification development proposal last time that was denied -- when City Council was hearing it, not -- not this application, but the prior one that was denied, one of the concerns that we heard was that -- that there would be traffic flowing from the apartments into the Bridgetower West Subdivision because of how at that time the concept plan was designed for the -- the flow of traffic within the development. So, now this new concept plan looks entirely different and it technically connects -- it technically connects Bridgetower West with a road that goes directly through the bottom of the development over to Walmart and out to a light. So, is there not an anticipation, then, that -- although there may be concerns about traffic safety that, then, the -- that now by the -- I'm not advocating for one decision or another, I just -- think this through. Now, the -- the residents of Bridgetower West can go through the apartment complex over to the Walmart area and get to a light to exit safely. That's -- that's something that -- that this adds to that area that doesn't currently exist. So -- so, I'm not advocating for it, I'm just saying -- just thinking kind of the other way of what is detracting -- what this application detracts from, it also adds a way for residents of Bridgetower West to get out to that light more safely than they currently do. I'm not proposing that as -- as a regular thing, because I do think it's -- other causes other issues, getting -- getting stuck up in, you know, a commercial area with -- with a parking lot and all that is not -- is not wise. But if there really is truly a significant safety concern or somebody is risking their life to turn onto McMillan, this creates a different option for the -- a different way for them to go.

Wyckoff: And it's turning onto McMillan. You know, I have been down in California. My heart starts to race, because I'm starting to think there is cars -- I'm -- I'm going from a dead stop to pull into a center to, then, merge in. They are going fast down that area. People going from Ten Mile coming south after having gone to Costco are having to turn right onto McMillan. It's great you are going to make this new access way so people can go over to Walmart from our community, but all that's going to do is make it now that they

can cut from Ten Mile over through that same thing, up -- up Gondola, cross over Black Cat, over into the next neighborhood, which is The Oaks and, then, cut over into McMillan to get around all of this. Now, I'm probably going to say something that everybody's going to find out about now and it's going to start happening, because they are going to have a faster way to get around that area and everybody's all about finding faster ways to do things, which means higher speeds.

Perreault: Mr. Mayor? Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: And all of it -- in the six years that I have been sitting up here I have rarely had folks come and say, you know, we are going to start driving through the subdivisions to get to them -- to avoid the main roads, because it -- the subdivisions are designed in a way that it's complicated with lots of turns to -- to create -- the designs are -- are created for density and they are created for design, but they are also created for safety in that you can't really drive through them -- we have limitations on how long a street can be for fire purposes, but also so that people can't speed through subdivisions. Don't know if you have driven through Bainbridge. There is no -- absolutely no way you can speed through that subdivision if you tried. So, it's highly unlikely that the residents are going to use the subdivisions to avoid McMillan. I mean it would have to get to an extreme. I'm just -- just -- I'm just telling you based on my many years experience sitting up here that while it -- I can understand the concern, that there has been absolutely no proof that that actually happens.

Wyckoff: I am living proof it can happen. I lived in California -- southern California -- you -- you get -- you get around by driving fast. People do.

Hoaglun: Mr. Mayor?

Wyckoff: And it will happen, because why? It seems like -- I think there is a lot more southern Californians coming up here -- although I think it's -- from what I'm finding out is southern Californians are going to Texas and Arizona and the northern Californians are coming up here. Okay? That's what I'm kind of seeing. But all in all they drive fast.

Simison: Councilman Hoaglun.

Hoaglun: Mr. Mayor. Mr. Wyckoff, I -- I do want to compliment you on something. I finally heard a great description of how to get into traffic by using the center turn lane and, then, merging in. So, many people here wait until it's -- both ways is open, which is getting more and more difficult to do. So, thank you for describing that you can use the center turn lane leaving a subdivision besides just using it to turn in. So, I appreciate that. And I mean since you are from California I guess you are an expert in driving, so --

Wyckoff: Well, I'm not an expert driver, but I have learned how to -- how to maneuver myself.

Hoaglund: Well, there you go.

Wyckoff: When you have to drive from Van Nuys to Placentia where I live -- because I did auditing and that was a -- an hour and a half if I got there early in the morning and coming home I would have a three hour traffic coming back. So, you know what, if it means saving some time so you can get home, you are going to drive -- you are going to take some side streets, because you know that everybody is going to go on the same one and so --

Simison: And I'm not going to ask our lieutenant to comment on using the center turn lane as the access point to the main roadway in state law. But, yeah, why don't -- why don't we go ahead -- it's 8:00 o'clock. Why don't we go ahead and take a break.

Strader: Mr. Mayor?

Simison: Oh, wait. Council Woman Strader, do you have a follow up question?

Strader: No. Just one thing. Just -- I know Kristy's researching an answer to a very important question and I hope she's just -- don't leave us, Kristy, please, without raising your hand when you have that. Thanks.

Inselman: I promise I won't leave.

Simison: Okay. Well, we will go and take a break until 8:10.

(Recess: 7:57 p.m. to 8:10 p.m.)

Simison: All right. Council, we will go ahead and come back from our recess. Mr. Clerk, who is the next person who signed up to provide testimony?

Johnson: Mr. Mayor, next is Paul Elam.

Simison: Okay. Mr. Elam, if you can state your name and address for the record and be recognized for three minutes.

Elam: Okay. Thank you. Excuse me. Thank you. Paul Elam. I'm at 5127 North Asissi Avenue in Meridian. I would like to start off if it -- hopefully it won't take from my time, but I would like to ask that -- that the attorney for the city read all the findings that were stated at the Planning and Zoning Commission on the reasons to justify denial of the application. Could you read all of them? Because I understand this is a de novo hearing, which means it's going fresh, so we should actually hear all the reasons for denial. I would like that not to go toward my time also, because he -- he read a couple -- one already. I would like to see if you could read the rest.

Nary: It's up to you, Mr. Mayor.

Simison: Council, would you like to hear them or do you need -- do you need to hear them?

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I'm just interested in his thoughts on -- on why -- what are the conditions that are -- concern you about this application.

Elam: Okay.

Hoaglund: This development. I mean that's --

Elam: I would be happy to answer, but I --

Hoaglund: We understand, you know, crosswalks or bus stops or -- have been brought up. Traffic concerns. So, what of those things that are important to you.

Elam: Okay. I will go ahead and read them, but I would like it not to be applied to my time.

Simison: It will be applied to your time. So, choose where you would like to go.

Elam: How about can I -- can I mention a rebuttal to Council Woman Perreault's -- hopefully I pronounce --

Simison: You have three minutes. You can -- let's -- let's go back to three minutes. You are going to start over, but your three minutes are your three minutes.

Elam: Okay.

Simison: You can choose how you want to use them.

Elam: Regarding the Council Woman's statement, the Councilman for the Planning and Zoning Commission in the hearing on nine -- 9/1 stated that he himself -- and it's on the record -- cuts through all the subdivisions around Black Cat to avoid all the traffic on McMillan and Black Cat. So, where you didn't know about people doing that, he himself stated that in front of the whole Commission. I will go ahead and read some of them really quickly. These are the findings. The design, construction, operation, maintenance will be compatible with the other uses in the general neighborhood and with the existing or intended character in the general -- general vicinity and such will not adversely change the essential character of the same area, which, of course, this application does. That the proposed use, if it complies with all other conditions of approval imposed, will not adversely affect other property in the vicinity. I think we all know that values will go down. No -- no values go up based on apartment complexes being nearby. Number five. That

the proposed use will be served adequately by essential public facilities and services, such as highways, streets, schools -- this is the one that the gentlemen already read before. We know that that won't be the case. We have already stated that many times over. Six. The proposed use will not create excessive additional costs for public facilities and services and will not be detrimental to the economy -- the economic welfare of the community. That's, obviously, also the case, because we know that more schools will be needed, which will have to mean that bonds will need to be approved because they won't build until the bonds are approved. So, that means schools will be over congested and over demanded. First I would like to point out that we did our own study and I asked at the 9/1 meeting how many homes were being -- were already approved going west, because that affects people even driving to Owyhee High School. The planning department did not have that information when I asked. It was the gentleman Bill -- Bill Parsons. We have done research. It's over 700 homes have been approved and are currently in different stages of development further down going on McMillan toward Owyhee High School. If you just drive that one day you will see developments going in on all sides, not to mention on the meeting on November 3rd the Planning and Zoning Commission approved an apartment complex adjacent to the Owyhee High School that will have nine -- no. I think nine or it was 12 three story apartment buildings as part of that project that will be on both sides of Highway 16. The pedestrian study -- they said they didn't need a beacon light. So, what's wrong with these studies, because now we come back and hear that now ACHD would be willing to put in a light that goes across to -- what is it -- San Vito from the south side of McMillan. It seems like we have seen a lot of flaws in the studies tonight. I, frankly, don't think we should trust any of them. Another thing that was brought up today was that it's been approved for R-15 zoning and so they have some kind of, you know, entitlement to build these apartments. R-15 zoning allows many other different types of projects, which is what was originally zoned for was the nursing center. I think we should look at other things that can be added there instead of these apartments or significantly reduce the number. Again --

Simison: And if you could wrap up, please.

Elam: Yeah. Certainly, sir. We have already heard from ACHD that it will not be widened until 2031 to 2035 and even, then, it will not improve the flow. That goes back to the findings of how the area will be adversely affected and I hope that the Council and Mayor will rule that this is not the right application for this area and deny it. Thank you for your time.

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

Johnson: Mr. Mayor, next is Matt Garrison.

Garrison: Yeah. Matt Garrison. 3898 West Lesina Drive in Meridian. Yeah. I will try not to repeat everything that's been said, but, obviously, my concern is traffic and congestion. You know, we have heard that the studies from ACHD are old or, you know, we have talked about estimates, we have talked about actual numbers, but whatever those are you are going to have to think about really a thousand cars coming in and out of that

intersection a day extra, because you figure 235 units, probably two cars, there is about 400 cars coming twice a day at least. Then you are going to have to add school buses, delivery trucks, garbage trucks, service trucks. It's going to easily add up to a thousand extra trips in and out of that intersection a day, which we have all testified that it's already crowded. So, consider that. Also we got to consider, like he just said, all the development that's already been approved down Black Cat. This is just going to make it way worse and there seems to be just continued development non-stop down that direction as well. So, none of this is going to make -- none of it's going to get better considering that, you know, they are not going to widen it for eight to nine years and only go to three lanes. So, I would suggest -- probably the crosswalk will help, I think, but those pedestrian studies are way off. All you have to do is go out there and stand there from 7:00 to 9:00 in the morning and see how many kids and parents go across that street and, then, go out there from 3:00 to 5:00 in the afternoon. Those study -- those zero counts are way off and I would say that -- why can't we look at -- you know, it just seems like this might be a foregone conclusion that you guys are going to approve this. Why can't we flip it and get the majority of the traffic coming in and out of there onto Ten Mile and not McMillan. It's a five lane road versus a two lane road. San Vito right there is two lanes plus the turn lane. You know, you are adding a thousand cars on a two Lane road in and out of that one intersection every day. Why can't we dump it out to Ten Mile, just like all the developments down towards 84. You know, you have got all those new apartments on Franklin and Ten Mile, they are already going out on four and five lane roads. They are going to have easy access. Why can't we make -- why can't we have these guys flip it if they are going to really -- if you guys are going to approve this and make it go in. Yeah. That's really all I got.

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

Johnson: Mr. Mayor, next is Ted Lye.

Lye: Yes. My name is Ted Lye. I live at 4549 North Bolsena Avenue. Just like to reiterate everything that everybody has said already. It's -- for me it's the traffic. I know we need to have housing for -- we have a huge housing problem for the population and stuff, but the traffic already there is -- is massive. All the development -- like the previous gentleman just said -- that's going on, the James -- the James Ranch down there -- I don't know how many hundreds -- there is hundreds of homes going in there. There is already apartments at the end of Gondola and now you are going to put another apartment complex at the other end of Gondola and I guess the one gentleman here said that the guy on the Planning and Zoning Commission uses Gondola to avoid all that traffic and I'm sure there is a lot more people going to be doing that, especially when this development goes in to get -- so they don't have to go onto McMillan and San Vito, they will just go down Gondola and to your point about subdivisions having curvy roads, Gondola is a super highway. We walk that quite often, my wife and I, and people speed down that road already and it's -- it's not curve -- it's -- it's very -- built so you can speed on it real easy. It's wide and it's not very many curves in it at all. So, that's my conclusion is that I believe that the Planning and Zoning, which Council Woman Strader said does an excellent job, they denied this permit because the one thing that I see is they don't

meet the traffic stipulations that -- that are in there and I appreciate you going and finding out, you know, the number of cars coming and going. I know that with all the development coming out -- the numbers that they have right now are only like a hundred. They said 700 or something. It's going to be eight, something like that. But with all this development going it's going to go way over that and I would appreciate it if you would respect the -- the decision of the Planning and Zoning Commission and go along with their decision to deny this because of the traffic issue. That's my only thing.

Dodson: Mr. Mayor?

Simison: Thank you. Council, any questions?

Dodson: Mr. Mayor?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I'm going to correct the record, since I keep getting misquoted. What I stated was not that cars weren't going to drive through subdivisions or that they weren't going to try to use alternative routes. What I said was is that subdivisions are designed to not encourage that, number one, and, number two, there is no data to prove that there is enough of an increase of people going through subdivisions for us to alter an application like this based on that information. Is that more clear?

Lye: Yeah. I understand that.

Perreault: Thank you.

Lye: But what I --

Perreault: Apparently everybody heard something I didn't say.

Lye: Okay. What -- what I see is to avoid the congestion at San Vito and McMillan -- when people come out of that apartment complex they will -- Gondola is right there and -- and it's a speedway down through there. There is no speed bumps in there. We -- we have witnessed people speed on there quite often and there is a school there, the Pleasant View Elementary School is right there and we see it already that it's happening and I think it will be, you know, much much worse when that -- to have that many more people living with access at that particular intersection to get out of there.

Dodson: Mr. Mayor?

Simison: Yes, Joe.

Dodson: Councilman Perreault made me think of this earlier and as well as these comments about Gondola and I have heard it in previous applications in this area. Gondola is not a neighborhood street, it's not a local street, it's not just a street for Bridgetower, even though it's been like that. It is a collector street, which is supposed to have traffic flow go through it from not just your neighborhood. It will eventually connect out to Ten Mile, which to the previous resident's point, that -- that would be the point of that road. So, I do want to iterate that that is the overall thought process of how the road system should be laid out upon development. This applicant doesn't own control of that parcel, so he can't punch it out to Ten Mile. That is what we want eventually. But Gondola is a collector street. It is not supposed to be a subdivision local street.

Lye: Okay.

Dodson: That's not its purpose. So, that's why it has a higher -- you know, it's not 25 mile an hour limit; right?

Lye: Yeah.

Dodson: Like a local street because of that. So, it doesn't -- ACHD doesn't usually allow traffic calming on those roads, et cetera. Now, to Mr. Mayor's point, we should be very diligent in enforcing speed limits and it sounds like we will be more so, so everybody be prepared.

Lye: Well, to that point. I saw several of our local police officers pulling over several of our local residents today and I would like to commend them on doing a great job. But if Gondola is going to future -- in the future going to go down and hit Ten Mile, that -- that would be an excellent, you know, deal to -- to deal with that congestion.

Dodson: Yes, sir.

Lye: Thank you.

Simison: Council, any additional questions?

Hoaglund: Mr. Mayor, not a question for Ted, but, Joe, I -- you know, that parcel, if I recall from seeing the previous -- not applications, but the development agreement, there is plans to connect that to Ten Mile through that northern parcel, that 60 acres at some point in time whatever that develops; is that correct?

Dodson: Councilman Hoaglund, that is correct. Yes. Yeah. Both Vicenza, which is on the east side of this and, then, San Vito on the west side will connect north of it and, then, that will -- I guess it will probably be San Vito Way -- might be renamed; right? But it will connect up and go out to Ten Mile in alignment with the access just south of Heroes Park.

Hoaglund: Right. And, then, Mr. Mayor, follow-up.

Simison: Councilman Hoaglund.

Hoaglund: Yeah. I think it was Mac who was testifying saying, hey, we need to find a way to get to Ten Mile. So, there is a way -- there is a plan for that, but it just hasn't happened yet. You need development to put in the roads. I mean that's -- that's the fact. So -- and, then, people don't want development. So, there is -- there is the -- the back and forth. So, when we wanted to expand Highway 20-26, that's ITD, they said, well, they have a program, development will pay for it, so we have to -- you don't have to, but to expand it Costco goes in, they spend their money to widen 20-26 and, then, they get paid back through what's the sales tax anticipation revenue. They get to keep a portion of that sales tax to eventually pay themselves back. So, we struggle with that all the time. That's how Eagle Road got widened where the -- where The Village is. You want a wider road, we go to ITD, we need a wider road, we have got more traffic. Well, get development. They will pay for it. So, it -- it is a struggle to -- to figure out the traffic solutions and especially with the state on the state highways. So, just -- just to provide you more information.

Simison: And -- and we -- I think we have four more people who have signed up to testify. We will work through those and, then, anybody else will have an opportunity to come up and -- and make comments and get questions answered if -- if you have them. So Mr. Clerk.

Johnson: Mr. Mayor, next we have a Lisha Elam.

Simison: Good evening.

L.Elam: Good evening. Thank you so much for the opportunity to talk to you. I don't ever talk English in public, because this is my second language. I speak on behalf of a -- oh, do you need my address?

Simison: I do. Yes.

L.Elam: Yes. 5127 North Asissi Avenue, Meridian.

Simison: Thank you.

L.Elam: I'm speaking on behalf of our new driver. My daughter is 15 year old and she eagerly wants to drive everyday going to Owyhee, which is very challenging to turn into McMillan. Everybody mentioned that. I just want to point out a fact like -- I don't know if everybody realized this narrow road -- one lane road going every direction of a major high school and never see anything like that. On behalf that -- there is Cole Valley going to in three years. Right now Cole Valley is part of Meridian and part of Cole Valley is in Boise. So, you can imagine more family would come from east going to west going to Cole Valley, because those two schools going to combine, which is necessarily have to go on McMillan, because it's on the corner of McDermott and McMillan. So, imagine Owyhee and Cole Valley, there is going to be a lot of high school drivers. I'm a frightened mom. There is Meridian High School girl just be killed by car accident near Ten Mile not very

long ago. So, that is really concern me. And also I'm a real estate agent. I conduct a small team of team leader. We have 15 million transaction last year. I would say I don't against development. We often stand with the development, but it would reduce the property value. There is a house border with McMillan in Bridgetower West tried three times go on the market before market shifting, before the soften. It couldn't sell because the traffic just too busy and it concerns people. That's my point.

Simison: Thank you. Commission, any questions?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: That's interesting the feedback that an individual property owner couldn't sell because of the traffic.

L.Elam: Because it's really busy.

Strader: Yeah. We are -- we are also in an increasing interest rate environment that directly impacts property values.

L.Elam: That was last -- yeah, they tried three times. This is before market being slowed down. I came from Washington. We look all the city plans, all the -- we call urban new urban development -- development era is all four corner of the highway -- major highway. Yeah, we -- yeah, we have, you know, all those plans in putting on the major road.

Strader: Yeah. Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. And just speak to your point as a mother concerned about Owyhee High School having the access of -- we couldn't agree more. I don't want to dredge up old history, but the -- the Meridian City Council was not responsible for choosing that site, so kind of have to deal with the deck we have been -- the hand we have been dealt, if you will. But we -- we share your concern. I share that concern as well about the access to Owyhee High School.

L.Elam: And also as way more traffic from east to west because Owyhee High School border goes all the way to the community by Settlers Park, so this family going Owyhee, there is no -- they don't have a helicopter to land there. We have to go on a single lane. It's every direction it's a single lane drive, which isn't a good plan. It's a very poor plan and it does endanger our next generation.

Strader: Uh-huh. Thank you.

Simison: Council, any additional questions? Okay. Thank you.

L.Elam: Thanks.

Johnson: Mr. Mayor, next is Nick Tomei.

Tomei: Hi, there. Nick Tomei. 4643 North Tirso Avenue. The -- most of the points have been raised. I wanted to piggyback a little bit on what a colleague -- or homeowner in our community had said. Sorry, I'm still a bit in work mode, so I'm calling people colleagues. But, anyhow, the -- we have discussed at length like all the different challenges that you -- you all experience. We understand that the -- that what Alpha Development is doing will at some point, assuming it's them, at some point this project will be approved -- a form of this project and I don't -- that's not really disputable. As we have said here it's been established that's the law, like they have the right to build there and that's -- it -- it is what it is as -- as it stands now. The big question as it concerns the -- you know, the -- the questions that Council Woman Strader has -- has raised -- also what Brad just mentioned -- and, forgive me, is it Hoaglund.

Hoaglund: Hoaglund.

Tomei: Hoaglund. I want to be sure and say that correctly. Councilman Hoaglund. You were saying that there is a plan ultimately to develop out to Ten Mile, right, to the north of this property and right now as it sits -- and I talked to Dustin about this and he had said that they had tried in the past to flip the property, but that that was denied at -- could be Council -- or the attorney's office. I forgive me. I can't remember where. But I just couldn't -- can anyone on the Council answer why? If we have these problems with the two irrigation channels. We already know that McMillan is not going to provide any greater capacity when it's developed out. Why is the property not being flipped, so that this big three story is looking out toward the beautiful mountains in the north, that the parking lot that right now is in the southwest corner would be in the northeast corner, which would funnel traffic out toward Ten Mile naturally and keep traffic flowing better and keep it away from the kids, the schools that are on the other side of the property that there is planning to be developed. Does the Council know why it was denied to not allow for that for the future planning to let it spill out onto the five lane road? Is that a -- is that a fair question to ask? This is part of our general conversation. I'm not trying to get us off track. Does the question makes sense?

Simison: Joe, do you -- I was looking at that Joe. I think he was ready to chime in.

Dodson: This Joe. We have too many Joes. But I'm helping alleviate one of them, so it's okay. The short answer is that that would require a DA modification, because it would no longer be generally consistent with the existing concept plan and the previous DA modification application was denied, so the applicant did not want to go through that hurdle again and so, hence, they have submitted a concept plan much more substantially in alignment with the existing concept plan. So, if that is something that the Council would want to do to flip this site or something like that -- Mr. Nary would probably know more specifically, but it would probably have to continue the application and, then, require a DA modification as an accompaniment to this in order to establish the new DA.

Tomei: Thank you, Joe.

Nary: So, Mr. Mayor, Members of the Council, that would be correct. I think problematically that's not -- that's not what's before them tonight and that's what the applicant is asking for.

Tomei: Sure.

Nary: It's their property. This is the entitlement that they already have existing. They are asking to basically develop that.

Tomei: I appreciate that. Yeah. It makes sense. I just -- with all the comments given and -- and Council Woman Perreault had mentioned this earlier, there is a natural outflow -- like there is a light there above Walmart and I don't want to misstate anything that you said again. All right? But there is a natural outflow there. There is a light there. People are going to gravitate to this spot. I -- I live on the south side with my seven year old twins and my ten year old daughter. We -- they cannot cross the street going north to the pool and the -- and the basketball court up there and my daughter keeps asking me, dad, can I go to the basketball court? She wants to play basketball. She wants to play on varsity when she gets older. I would have to be free to take her across the street every single day, because there is no way she can get across there. This is just going to exacerbate that situation -- situation dramatically. So, I'm all for this development. I think what they are -- what they have done is beautiful. The site plan looks awesome. It seems like it's just flipped. It's just -- it's not correct. And I understand the DA modification needed for that, but I ask that the Council would please consider that. And, Mayor, you as well in considering this. Is this the right timing for this project? Thank you so much.

Simison: Thank you. Counsel, any questions?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. Just to make sure I understand what you are saying, you really believe strongly that if the three story apartment building -- you would like rather see that to the north and flip it with the townhomes below.

Tomei: That is correct. It would put the parking lot in that corner, which would naturally push traffic out toward Ten Mile. It would alleviate a lot of the congestion that you are going to see continue to build up on Ten Mile. Right now very quickly we already have from Meridian going out toward our -- our property there -- excuse me -- out past Ten Mile is an absolute -- it's just a -- one line of traffic in the afternoon going -- going westward and I'm -- and maybe -- I don't think that's what the community had imagined when they were developing -- or -- or planning for this larger committee. So, forgive me, yes, flipping that, putting the larger community -- the project -- I'm trying to speak quickly for the time. Putting that to the north, facing north, with the parking lot to the north would make more

sense. It also would not, then, put that giant building looking across the homes that are just to the -- to the south, which could help for future buyers looking to invest in that area.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Thanks. It's good feedback for the applicant I think if they want to consider it. Maybe a constructive solution. There could be things that none of us have thought of, though, that are -- that are negatives to it, too. This is a problem with trying to redesign something. But I appreciate like the constructive -- like the brainstorming.

Tomei: Understood. Thank you so much for your time. Appreciate it.

Simison: Thank you, Nick.

Johnson: Mr. Mayor, the last of the pre-signups is Patricia Fritzell. I apologize I'm probably mispronouncing that.

Simison: Well, she understood who she was, so she's on her way. Can you state your name and address for the record, please.

Fritchley: My name is Patricia Fritchley and I'm at 5524 North Botticelli and I agree with my neighbor about flipping it. I think that makes a much better design flow of the traffic for stuff and I think -- like I'm horrible with this, so, please, bear with me. I'm a person who has lived in apartments for several years of my life. We need a housing solution. Obviously, there is huge growth with Meridian. But when you look at what is currently available -- there is over 800 available apartments through Zillow, Realtor.com, Apartments.com, Craigslist, whatever you want to look it up at there is over currently 800 available units for rent, ranging from 1,400 dollars to 4,000 dollars. When you look at that price range, that's not affordable and this property and development is within that and what that is going to bring -- and I know from first-hand experience -- is multiple people teaming up to be able to afford that apartment. Not just in our backyard, but anywhere with these kinds of rates. So, you are not only adding more people in cars and traffic in this unit, because more people have to live in it to be able to afford it. They don't live here. They live in Utah. This is an investment. This is property. This is ratios that they are going to have -- there is a management team keep a certain number of people in the rental units. So, it doesn't benefit our community at all in that aspect to me. I do understand that this is something that is going to be developed. I do agree with Hoaglund in that development is necessary, but I also think it's part of our city's Council and development teams' job to make sure that placement and disbursement is adequate, so that we are not becoming southern California, northern California, Seattle and all these overly congested areas that diminish our quality of life and that's all I have to say.

Simison: Thank you, Patricia. Council, any questions?

Hoaglund: Just a quick question.

Simison: Councilman Hoaglund.

Hoaglund: So, are you saying this site is a candidate for affordable housing that we should put in and make it subsidized rent?

Fritchley: There is more need for that than this. Not that -- not that I would want that there and that's where it comes to placement. I think -- you know, when you look at the development of the needs of the community, we could also use a women's shelter that provides housing to women's -- women and children of domestic violence or just a homeless shelter. Not -- again, not that I would want that in my backyard per se, but I think it's about placement.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: And that truly is -- you know, you got a Walmart store, you have commercial. Typically higher density is closer to those types of things that are walkable and -- and -- and make it easier for people to not use cars. So, it -- it's -- it's -- it's really a balancing act again and, in fact, I live in a subdivision similar to Bridgetower West, which is the original Bridgetower and two doors down is a house -- very nice house and we deal with cars all the time, because you got so many people that rent -- you know, it's leased -- owned by somebody else, they are renting it out, so it -- it -- nobody is immune to that, unfortunately. Now, there are -- there is code enforcement, by the way, if you ever run into that problem. There is a limit to how many people can be in a house that are not a relative, so --

Fritchley: I don't think having an apartment complex that has two access points directly into our subdivision is helpful to our subdivision. I can understand one, but not two. And unless I'm looking at a different map, this shows an entrance into San Vito at the top and, then, at the bottom. Has this been changed that I haven't seen?

Dodson: Mr. Mayor?

Simison: Joe.

Dodson: So, the plan that the applicant has proposed only has one entrance to San Vito and two to Vicenza. Staff is recommending to get a driveway connection to -- another one to San Vito to help with the overall flow and help residents within Bridgetower West to get from west to east to Ten Mile and to Walmart and to help with a future connection, because north of this site is commercial zoning, which would have commercial development and have that area be able to have an access in alignment with Gondola. So, again, the applicant's proposed one to San Vito. Staff has recommended two to San Vito.

Fritchley: Then this must be an older version?

Dodson: It might be. Yeah. Or -- I can't see it, but it might be, yes.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Just might have that slide go up when the applicant comes up to speak so you can see the latest, so -- everyone can see the latest.

Fritchley: Okay.

Hoaglund: Thank you.

Simison: Thank you. Okay. That was the last person who signed up in advance. If there is people that would like to testify I would ask you -- the front row is open, just come -- get in the front row and, then, just one by one come up at that point in time and if you are online use the raise your hand feature and we will try to work back and forth between those in the room and those online. So, ma'am, if you would like to come forward and state your name and address for the record and be recognized for three minutes.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Thank you. Before we hear more testimony, we -- we have heard you all loud and clear about traffic concerns, safety concerns, pedestrian movement, sidewalks and we -- we are hearing that. What I'm really interested in hearing is if there are specific ideas that would help improve those things, not only what is existing now, but if there is few -- there is going to be something here, whether it's this or it's something else, there is going to be something here. So, let's talk about solutions that are related to how we can -- you know, if you have a specific challenge and something else in mind that will help us, that would be -- we are not asking you to do our jobs, but we are asking to hear from you who sees these things every day and can help guide us on appropriate solutions to the challenge. Thanks.

Simison: And get up to the mic real close.

Freeman: I'm Michelle Freeman at 3931 West Riva Capri. I'm just going to reiterate a question I had probably two meetings ago on San Vito and Vicenza. Right now they have no parking signs on both sides of the street. Will that stay that way or will there be -- overflow parking from the apartments be able to park out there? That's just a question I have. I was told before that the signs would stay there, but I don't know that I trust that. So, I just thought I would ask again.

Dodson: Mr. Mayor?

Simison: Joe.

Dodson: Yes, they -- because both of those are collectors just like Gondola is a collector, they should remain no parking. Correct.

Freeman: Okay. Thank you.

Simison: Okay.

Dodson: And if -- if that ever does occur that is a code enforcement police issue and ACHD as well, so that they -- they can be corrected.

Johnson: Mr. Mayor, we have Sara Whipple online.

Simison: Okay.

Johnson: And you can unmute, Sara. Sara, you should be able to unmute. Okay. We will come back to you.

Simison: Sir, go ahead while we try to -- okay. Go ahead. State your name and address for the record.

Cercos: Okay. My name is Frank Cercos. I live at 3832 West Wapoot and I had a comment or a question in regards to a comment by Mr. Parsons here. Talking about Gondola -- Gondola is a popular street name here this evening and you called it a collector -- collector street. Do you always put elementary schools and swimming pools on collector streets? It's an open question. Do you do that?

Dodson: Mr. Mayor. When it comes to schools, yes, they are typically on a higher capacity road, whether it be an arterial or a collector street, yes. Sometimes they are embedded within a community, like in Paramount I believe has that a little bit more or --

Cercos: Where we live.

Dodson: Right. But that's off of a collector.

Cercos: Because we are talking about little kids.

Dodson: I -- I understand.

Cercos: Five, six, seven years old brought in by school buses that typically block this -- you know, they line up on the street to make orderly entry and exit from the school and it seems to me that that is not good planning.

Dodson: To the -- it would be better to have them on a wider road than a skinnier road for sure, so -- I understand your point.

Cercos: Are you -- are you talking about the school?

Dodson: The road to the school Yes, sir. Because if you had it on a local street like what's within Bridgetower --

Cercos: Yeah. Either that or you make Gondola a lesser street on your vocabulary -- what do you call it? Collector street. What's the next one down?

Dodson: A local street.

Cercos: A local street.

Dodson: That's an ACHD thing more than it is a city thing, but understood.

Cercos: Well, you know, you are right at the beginning of a very important stage. Planning. And poor planning leads to what? Bad performance. I think it's something to consider. You are at a very good stage right now. You have input and actually can make a difference. Anyway, I don't have any kids, but I do observe and that is a bad street before and after school for little kids. Little kids make mistakes. Okay. Number two. Very quickly. I'm a retired fireman. I'm concerned -- not with the development. It's up to you guys how you do it. I'm concerned with the fire department having enough people to handle the emergencies. That's very important. I'm just going to let you guys know. You people. Now I, talked to the chief. Great guy. Very nice man. But do you know how many people are on your fire engines? Do any of you know?

Simison: Yes, I think we know.

Cercos: How many?

Simison: Well, three on the engine, four on the ladder.

Cercos: Okay. On the three on the engines, do you know what the engines do? They pull the hose, they go in the building, they put the fire out. There is the officer on the right-hand side. There is the driver on the left-hand side. What does the driver do besides drive the rig? He operates the pump. He gets the water into the hose. Okay? That leaves one poor person on the back step -- or in the back seat now of that vehicle, that engine. That is not enough. That is not enough. Especially if you are building three story buildings and they have to take that hose up three stories. Typically you take a larger size hose up a couple of the stories and, then, reduce it down. That's not a good thing. Okay. An aerial ladder -- or a ladder truck --

Simison: Thank you, sir. Your time -- your time is up. We --

Cercos: Okay.

Simison: -- we appreciate the information and concept.

Cercos: Please consider it. What you decide now matters. Okay. Thanks.

Simison: Council, any questions? Okay.

Johnson: And, Mr. Mayor, we have Sara Whipple and she appears to be unmuted.

Whipple: Hi. I'm sorry. I got it working. Sara Whipple. 4021 West Milano Street in Meridian, Idaho. I just wanted to say that I think that the Council should deny this proposal based on the reasons that the Planning and Zoning Commission already stated. But if you must approve it, I think that you should do it based on conditions of reducing the density less -- to less than 150 units. Maybe the developer could agree to give some money for a new elementary school to be built in the surrounding area. It sounds like they have quite a few connections with Ball Venture Ahlquist. I have a first grader at Pleasant View Elementary and he has 29 kids in his class and they have tried to hire a new teacher to alleviate some of that overcrowding, but they haven't had a single applicant apply for it. So, it really concerns me the -- the kids being added and I know -- I think that a good compromise would be to reduce the density of the units. That would solve some of the overcrowding issues. It wouldn't totally alleviate it. So, if you must approve it, please, do it with reduced density, reduced units, and I love the idea of flipping the parking lot the other way, so that it would naturally feed out toward Ten Mile. I think those are great ideas. But, again, I think that we should deny this now just based on the timing that the infrastructure isn't in place and there is overcrowding at our schools and we have a chance to stop that now before it becomes an even bigger problem. Thank you.

Simison: Thank you, Sara. And just so that you are aware, it's Ball Ventures, not Ball Ventures Ahlquist in this case. They are two --

Whipple: Oh. Okay. I'm sorry.

Simison: No. It's -- it's good. I know it can be confusing. Just wanted to make sure it's good for everybody's information.

Whipple: Thank you. Thank you.

Simison: Council, any questions? Okay. Oh, Council Woman Perreault.

Perreault: Mr. Mayor. I don't have a question. I just -- I'm sitting here reviewing the -- the road network within this and the -- in the whole area and I guess I -- I would like us to hear about ways maybe that we could encourage movement out towards Ten Mile. I think that this network is set up to potentially do that. I'm not familiar, however, with the section of Milano that runs to the east of this property and whether that can absorb traffic flow out

to Ten Mile. If I recall correctly, it's a -- a narrow road that runs on the north side of Walmart that really feels like a Walmart exit and not necessarily a collector road. So, I don't know if that's been the same experience with -- with these folks and if they have any comments about any driving experiences they have on there and whether that's something that we need to also consider as part of this. But if we are going to have discussions about encouraging flow of traffic to move out that direction, then, I just want to hear some more information about that.

Simison: Well, maybe we can have Kristy add that comments in when she does the other thing. It looks like we have two more people that are wishing to provide comments. So, ma'am, if you would like to come forward. State your name and address for the record, please.

Fedewa: Hi. My name is Jennifer Fedewa. Address is 5350 North Ferrara Avenue in Meridian. I'd like to begin by saying thank you for allowing me time to speak. I kind of had some things prepared, but, then, as people were questioning, you know, kind of solutions, I don't really know a lot of solutions. I mean I'm not -- I'm not in planning. I'm not -- you know, that's not kind of part of my purview. That's -- that's what I look to, people in the Council to do and the Planning and Zoning Commission to do. I -- I do think that where the placement of that particular parking lot for those apartments is very problematic in that it does dump right onto San Vito. So, I -- I leave San Vito and turn left onto McMillan every morning when I take my children to school and I go to work and I know that like when the bus stops there, because there is a bus stop that stops right on that corner, it's like the bus came through the neighborhood and, then, stops on that corner and there is a bunch of -- I think it's probably high school kids at that time, but I'm not for sure. And so what happens is the bus stops there and, then, you know, there is eight, ten, 12 cars depending on the morning stopped behind that. Now, if you have got all these cars trying to come out of this parking lot onto San Vito, that's where I'm seeing a big problem, too, and especially during the rush hour in the morning. So, I would foresee that that is a -- a big problem area that I would like, you know, to look into solutions for, you know, if -- if that is the case. Another concern of mine that hasn't really been bought -- bought -- bought -- brought up very much, but is a concern of mine is the parking. It was slightly brought up that, you know, there wouldn't be parking along San Vito and Gondola, but if there is a lot of people that don't have a spot to park for 235 units and only 462 spots, that's barely two cars per apartment and is there visitors ever? You know, where are they going to park? So, those are kind of concerns that I would like to see solutions addressed to as well. I do think that the crosswalk would be a great idea, but my biggest concern is I don't think that addresses the car traffic. I think that addresses the pedestrian traffic, which is really important and I love that -- I think it was ACHD stepped in and said that they would, you know, consider putting that crosswalk there. I think that's a great solution. What -- what are some more solutions, though, for the -- for the car traffic and that's what I would like to -- to have discussed. Other -- otherwise, I would think that we -- this Council should follow the Zoning and Planning Commission and -- and deny it until we get some more answers and can come to some other solutions.

Hoaglun: Mr. Mayor?

Simison: Thank you. Council, questions? Councilman Hoaglund.

Hoaglund: Just -- just to comment -- to address that since you brought it up directly. One -- one of the things as you look ahead, you know, the state has worked -- started working on Highway 16, the connection from -- all the way to the freeway. One of the things that we will do is take away some of that eastbound traffic coming down Ustick and McMillan and Chinden to hit Ten Mile, because that's the earliest access point to the freeway. So, you are going to see a lot of -- there is going to be a dividing line somewhere over here to the -- to the west that if they want to go to the freeway they are going to go west to get onto that new Highway 16. McMillan is not a connection point, just because it's going to be not completely widened, but Ustick will be, so -- and Ustick to the -- to the north -- south where you start at Linder is going to be widened to four lanes. So, I -- I think that -- that flow that -- going west now is going to be greater. So, that's in the future. It's a couple years away, but that is going to change that traffic dynamic that is now using Ten Mile and I hope it reduces traffic on Ten Mile. I'm on Ten Mile a lot, because I just live on the east side and it would be nice to have less traffic on that, because even if we were to wave a magic wand -- and we can't, because the state legislature wouldn't allow us to say no to development, because of land -- local land use planning laws, everybody around us -- the great thing about Meridian is we are in the middle. Hey, it's easy to get everywhere. The problem is we are in the middle. Everything that grows around us comes through Meridian. So, everything to the west is going to grow and they are coming this way. That's why I think Highway 16 will help that traffic, instead of going -- that's up here in the northwest part coming to -- whether it's Chinden or McMillan or Ustick to Ten Mile, will now take Highway 16 and, hopefully, at least, if not alleviate, stem that growth. So, just -- just some of the things to think about looking forward.

Fedewa: Yeah. May I make a comment?

Hoaglund: Absolutely.

Fedewa: Thank you. I -- I do understand that that will help on McMillan. I just kind of thought -- you know, wondered the same thing. But I think our greatest concern as residents in this neighborhood where we live, where our children play, you know, my kids are constantly out on their bikes and running around, is, you know, having these increased 500 plus cars, you know, I know that the majority are going to want to take the -- take McMillan and things like that. But there are -- we know that there is going to be increased traffic into our subdivision and I think that's our biggest concern is how -- you know. I know -- I know that you can't just like cut it off completely from entering. That's what we have been told time and time again, that it -- you can't just block it off from entering somewhere onto San Vito, because of fire trucks and things like that needing access. But I just think if we can persuade people away from entering onto San Vito and whatever -- you know, placing that parking structure in a different place or parking lot, excuse me, it's not a structure -- parking lot in a different location, having more access points that encourages people to not go onto San Vito and Gondola, I think that is where we need to kind of maybe put our heads together and think of something.

Hoaglund: Well, Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: There is a solution. It's gated communities. But you and I can't afford to live there, so they are really not a solution.

Simison: Council, any additional questions? All right.

Fedewa: Thank you for your time.

Simison: Thank you. Next up we have Troy Carniglia.

Johnson: Yeah. I should have hit the button here. I'm sorry. Troy, you are able to unmute now.

Carniglia: Hello. Yes. My name is Troy Carniglia. I live at 4029 Philomena Drive and, of course, my concerns, number one, Gondola is a 25 mile an hour road. Just to clear that. Also if you as Council Members did some research you would find out that people have been ticketed going over 55 by the Police Department on this road. Also we have had multiple accidents, some going through fences on this road. So, yes, it's a danger. It's a hazard. Jessica, just to clear the water, people speed going down this. Now, to the housing average. I pulled up some information today and 2.5 -- or 2.51 per -- people per household, which 235 units would be 590 people within that community and a new average for Idaho -- three people -- or three cars per house is what it's averaging. So, we are looking at 700 -- 705 cars within that neighborhood. That development only has parking for 462. Where is excess cars going to park? No parking is allowed on San Vito or Gondola. How is that going to be solved? Also Hales Engineering pedestrian study, dated October 14th, 2022, failed to note that the school bus -- school buses pick up and drop off points located on McMillan and San Vito, but also neglected to show school bus pick-up and drop-off points on San Vito and Gondola. The report doesn't show any traffic violations or accidents within Bridgetower West community, including McMillan, San Vito, Vicenza and Gondola. ITD requested a thorough traffic report to be provided by the applicant and they did not provide that according to what I pulled up on your website. There is at least six new communities being built within two miles of Bridgetower West, including a new apartment complex next to Costco. The city needs to lighten the impact of major traffic on McMillan, Black Cat, Ten Mile and Chinden. How is this development going to help overcrowding on the roads and how will the people of Meridian benefit by sitting in traffic longer during rush hour? What environmental impact will this development have on this community, including increased traffic and people? What steps will the City Council members and developers take to ensure that the children of Bridgetower West and the surrounding community -- communities will be safe within our neighborhoods? What safety infrastructure will be implemented on McMillan, San Vito, Gondola to prevent cars speeding, driving recklessly throughout the neighborhood? How will this development impact the already crowded schools and what effect will the teacher-to-student ratio have on the students' education and testing standards in this community?

Simison: And, Troy, if you could wrap up, please.

Carniglia: Yeah. And then -- the question is what is the implications of mass population within a small area and the negativity effect -- or negative effect that it has on education, quality of life, property values and safety. Infrastructure needs to take a priority before approving anymore developments. So, you guys need to look at that before you keep approving all these new builds. Let's look at infrastructure. Let's build out things, make the roads safe, make it safe for our community and that's my two cents. I mean if you have some questions feel free to ask, but --

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

Johnson: Mr. Mayor, there was another hand raised and I don't know the name, because it's -- oh, Kim Banda. So, we will let you unmute.

Banda: Good evening. My name is Michelle Banda. I'm at 3801 West Milano Street. I have been here since 2016. I have been to every single meeting regarding this piece of property since then. I know there was a comment earlier about how it changed from the senior living to the new apartment design or whatever in 2019 and I'm a little confused by that, because I live directly behind this piece of property. My property backs up to this and we were never ever notified that there was going to be an amendment. So, I just wanted to bring that out. I know there is nothing we can do about it now and the one Council Woman asked for suggestions on how to make this better. Based on their design now I will say that they have done a lot of work to it since they first put it out and I -- I want them to know that that is extremely appreciated. I don't want that to go unsaid. But the one thing that -- that the exit point on San Vito, it -- it's coming directly into one of the circles in the neighborhood and I know that's a big contention here and I have always said that it should be pushed up to Gondola if this is going to be approved, which it seems like that's where you are leaning, because, then, that would become a four way stop. You keep saying that this is -- that Gondola will eventually go out to Ten Mile. It just -- it makes more sense to put a four way stop there versus an exit point that leads into a circular road in our subdivision. And, then, secondly, the whole flipping the project comment, that's spot on. The parking lot being on the subdivision side versus the Walmart side to me makes absolutely no sense. That's where the traffic should be concentrated and -- and not coming into the subdivision. So, again, I'm -- I'm a little confused how this all got amended to begin with, but those would be my suggestions if this goes forward to make this better. Thank you.

Simison: Thank you, Michelle. Council, any questions? Okay. Is there anybody else that would like to provide testimony on this item? Typically we don't have people come back up, unless Council would like additional information, but why don't we at least go to Kristy -- oh, we got Matt who has raised his hand.

Mishler: Yes. Hi, guys. I'm at 4066 West Philomena Drive. I actually live right -- oh, I'm sorry.

Simison: And, Matt, can you state your full name, please?

Mishler: Yeah. Matthew Mishler. Sorry.

Simison: Okay.

Mishler: I live right across from Troy who spoke a couple neighbors ago. I just have two quick things and I'm not trying to be repetitive, but there is two topics with some personal examples and my focus is mainly on the kids, the schools, for number one. I have a second grader at Pleasant View Elementary. Ms. McAdams spoke earlier. We all know with kids at the first couple weeks of school is very stressful for them. My son, due to overcrowding at Pleasant View, had to get switched to a different class. It set him backwards a little bit. He was finally comfortable with some new kids in his class. He got switched to a brand new class with nobody that he knew, which isn't really the problem, it's just the problem is that there was too many kids at this school and he was one that they drew out of a hat to get switched, so it really impacted him in the beginning of the year. Good thing we are over that. The safety aspect, though, I live -- I'm the corner house on Gondola. The threat is real. It is a freeway. Cars are flying up and down the street there. I actually invested in some electric bikes for my family -- or my family and I this spring. It's a very family oriented neighborhood until you almost get wiped out by a car, which happened to us. My wife, myself, and my two kids were almost hit by a car speeding on Gondola. So, just adding more cars is going to create problems. That threat is real. So -- oh, one more thing. The bus situation. There is already overcrowding in the middle school. My daughter goes to Star. Buses are late to pick up and drop off kids. Sometimes over an hour. So, kids have been late to school. I don't know if that's a staffing issue or just more people -- more kids to pick up. So, there is already definitely an overcrowding here and that's all I really have to say. So, thank you for your time.

Simison: Thank you, Matt. Council, any questions? Okay. Kristy, if you wouldn't mind providing some feedback on what you have learned or the questions that have been thrown your direction.

Inselman: Thank you, Mr. Mayor, Council Members. So, I went through that report that was provided by the applicant just recently and I -- I don't want to speak for the applicant or their engineer as to what numbers were provided. It looks to me like -- and I'm not a traffic engineer -- it looks to me like those counts that were provided were existing conditions. I don't -- I -- I'm not sure a hundred percent if they added in the new development trips into that number. And, then, I think there was a question about -- I think that -- there is a drive aisle that's adjacent to Walmart on the north side of Walmart. That's a drive aisle. That's not a public roadway. So, that's not under ACHD's jurisdiction, so I can't speak to that. And please forgive me if there was something -- another question that was asked that I missed. I think that was all that we were waiting to get from me I believe.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Kristy, if I could just reconfirm -- so, if the p.m. for your standards to meet an E, the p.m. peak hour trips need to be 880 trips per hour or less; is that right?

Inselman: The p.m. -- p.m. peak trips, yes. Eight hundred and eighty -- for a three lane principal arterial road is 880.

Strader: Right. And when you did the analysis in the -- well, not -- not you personally. I -- I just so appreciate you being here to try to help shed light on it. But in the ACHD report that is provided, that doesn't really endorse, but sort of just accepts the TIS. It did say that the level of service for this road was an E. So, is it fair to say that that was based on existing conditions, that that doesn't take into account new development?

Inselman: Mr. Mayor, Madam -- Council Woman Strader, no. That number -- when we talk about that we look at what the existing p.m. peak trips are and, then, what the applicant would add to that and it looks to -- again, we have had more recent updated information, but it looks that it still would be a level of service E or better with the development.

Strader: Kristy -- I'm sorry. Mr. Mayor, if you don't mind.

Simison: Council Woman Strader.

Inselman: Oh. And that -- I also did want to clarify that the counts that they took were very short distance. It looks like from the reports that those traffic counts they took were only between San Vito and Vicenza Way. So, that can change those trips. Again not an engineer, not involved in that particular review of the traffic impact study, but I did read in the report that it was only between those two locations that they took trip counts over a two day period on October 12th and the 13th.

Strader: Uh-huh. Yeah. Kristy, I guess -- and this is -- I'm just going to address to the applicant. If you guys could shed some light on it, because that's really a concern for me if -- if more recent information provided by the applicant themselves demonstrates at this point in time that there are 747 peak trips now and that doesn't account for developments that are coming that have already been approved that are under construction, it is -- it is -- it strains like common sense to think that this development would not -- because it could -- it could contribute over nine percent of the 2025 trips on McMillan Road, how could this development not put you past 880 peak hour trips? That's what I'm -- I'm just missing something maybe. But you are right, Kristy, I think it's to the applicant to try to address that. But thanks for hanging with us here.

Simison: Okay. Thank you. Question for staff, if they know, but based on the comment that the Walmart Drive aisle is not a -- the public road connection, is there a point -- is there minor master street map for where, in theory, you would extend the collector out to?

Is it -- would it come out to over on Malta? Is that where you would try to line it up with eventually? Is that the intention?

Dodson: Mr. Mayor, great question. Yes. As I pulled up the screen here that is correct. Yeah. The drive aisle north of Walmart is just a drive aisle. It's a commercial drive aisle owned by whoever owns Walmart. They are a really rich family. And the blue line is the collector street. That is the proposed -- now, granted, this is a general location. It may not end up being in this exact shape, but, generally, yes, this -- the connection point at Malta, that will not change. But how it peruses through the site, yes. And, again, the different plans that I have seen have Vicensa kind of coming up here and it meeting in maybe like a roundabout of sorts here, public or private, whatever -- whoever decides to build it that way. And, then, continuing on.

Simison: Okay. Thank you.

Dodson: You are welcome.

Simison: And if there is anybody else in -- in the audience that would like to provide testimony that hasn't done so yet, please, come up to the front row. We do have someone else online.

Johnson: Mr. Mayor, we have Chris Williams and, Mr. Williams, you should be able to unmute.

Williams: Okay. Can you guys hear me?

Simison: Yes, we can.

Williams: Perfect. Thank you. I apologize if it's loud. I'm down here in southern California on a family vacation, so I apologize. I will make this brief. I'm Chris Williams. 4476 North Mirasola Avenue. 83646. There in Meridian. Just jumping in here last minute. Bottom line in my opinion this proposal is too dense. Not to say, hey, nothing to be developed there. It's too dense. Big concern as other people have echoed again safety. My children go to school there. I got some in elementary, some also in middle school. More particular elementary is what I'm concerned with. The developer, along with a few other people that are there, as I have been in past meetings, they will lead you to believe that there is not going to be much traffic. There is only, you know, so much percentage of the units are only going to be one and two bedrooms, so it's not going to impact traffic. They can't guarantee that. We all know that multiple people live together. So, just, please, keep that in consideration and I just ask to ask them to redesign to come back with a less dense project. It's just too much of a safety concern for me. That's all I want to say. I appreciate you giving me a minute of your time.

Simison: Thank you. Council, any questions for Mr. Williams? All right. Thank you. Ma'am, if you would like to come forward. If you can state your name and address for the record, please.

Nightingale: My name is Susan Nightingale and I live at 3920 West Riva Capri in Bridgetower West and as I'm sitting here listening to all the comments I just have an observation that I made. If we are approving something and we don't have the infrastructure for it yet, it's -- you know, you say you are going to have this connection to Highway 16 and exit, but we don't have it now. But how many people that live in Meridian have come forward to say we really hope that this project goes through. It's going to benefit the people of Meridian greatly. I haven't heard anybody at the City Council, at the Planning Commission meeting or here -- nobody is saying this is really a good idea. This is going to help our community and fill a need. It's certainly not going to provide low income housing, which is probably a need in our area, but this isn't going to do that and the people that have a vested interest in Meridian, that are homeowners around here, they don't seem to be coming out in favor of it and -- and I'm not in favor of it, because I'm from a small town in California that had their rules about how they did things and where stoplights were and where crosswalks were, they changed it as soon as a child died and, you know, that was -- that was a big thing. You can't undo that. And so I just haven't seen anybody think, oh, this is a great idea. This is going to benefit the citizens of Meridian. As I said, not a -- just an observation listening tonight.

Simison: Okay. Thank you. Council, any questions? All right. Is there anybody else online or in the audience that like would to provide testimony on this item? Okay. Then I will invite the applicant to come forward for final comments.

Wardle: Mr. Mayor, Members of the Council, Geoffrey Wardle. My address is 251 East Front, Boise. But I am a resident of Paramount and I feel for you, because I have been at the ACHD hearings for 20 years as we have talked about development in north Meridian and every single development application in north Meridian with our one mile grid has posed these exact same issues. You have heard the exact same objections over and over and the reality is that contrary to the claim that you have heard tonight, when this property was annexed it was part of the master plan for a master planned development with multiple housing types, with commercial development, and every single resident of Bridgetower West who has testified in opposition to this application tonight has their homes because you approved the development agreements with this master plan and we have seen the same thing at Paramount, we have seen the same thing at Lochsa that people don't realize that you have the commercial nodes at the arterial intersections and those commercial nodes have a mixture of residential types that are higher density. You heard this when the application came through for Paramount to modify and reconfigure the multi-family there. I can proudly say as an eight year resident of Meridian who moved here because he had entitled many of the commercial applications here, I did it because Meridian has made an effort to ensure that we have these commercial nodes and these school locations that shorten our trips. I think you have done a phenomenal job planning as one of the highest growth communities in the United States and this is not something that you have just done in the last three years, this is something you have done over a long period of time and we cannot lose sight of the fact that when we talk about mitigation and -- and, Council Member Strader, I understand the concern. McMillan is one of the -- probably the most constrained road segment that we have in Ada county because of its location where we built a canal 120 years ago. But as Council Member Hoaglund pointed

out, we have plans, we are implementing these plans with the future connection of Highway 16 and its disconnect from McMillan, McMillan will cease to be an arterial that is a regional arterial and it really is just a local arterial and I understand the concerns that you have heard from the neighbors, but they don't comprehend the benefit that comes from an integrated collector system that you see elsewhere. In this community I can rattle off half a dozen elementary schools that we have constructed on collector roadways that function just exactly like Galena. I hear the same thing on Producer at Paramount that people speed by and you know who speeds by on these internal collectors? We do. We the residents who live there. It's our kids that do. So, we need to not point the finger out that this is a risk to somebody else. It's how these roads were intended to be functioned. I'm thrilled to be in Paramount now where I don't have to get all the way out to Chinden, make a left-hand turn on Chinden to get to commercial use. Now, I agree, the Walmart -- we should have required that entitlement -- and I apologize, because my partners were the ones responsible for that. You should have exacted a collector extension right there at Milano and not just a service drive. But you did it with a cross-access easement contemplating serving this entire neighborhood. So, when we talk about traffic mitigation -- I mean, Council Member Strader, you are absolutely right, it is a constrained thoroughfare. But we have to rely on the fact that ACHD in their analysis has said even at build out with this, it's better than level of service E and, yes, we know there are other applications. So, unless the city is willing to impose a moratorium and issue no building permits onto something that feeds to McMillan, we have to look for other solutions and what are those solutions? Well, to be honest, Members of the Council, I get tired of my clients having to go solve public problems, because I tasked my clients, after we got done at P&Z, to go see what we could do about a crosswalk to serve that issue and work with ACHD and we know the process. I appreciate the fact that lay people don't understand these things, but there is math formulas that have to be satisfied and you read the letter from ACHD and we get down to the end and ACHD says, yes, we will support that. But why? Because we went to the mat to do it. And you know what? The Bridgetower development agreements were fundamentally flawed at the very beginning. It was an egregious mistake to allow the residential single family developer to build those units south of McMillan and not require their amenities until we got to 600 units. But if we don't implement the plan we don't ever get the benefits. So, what is the benefit here? Well, Committee -- Council Member Strader, you know, you asked how do we mitigate it? Provision of an internal connection, even if it's not the degree of a collector through this project, makes it so that everybody here that wants to go to Panda Express will no longer be a trip on McMillan. Anybody here that wants to go to Walmart will no longer be traveling on McMillan. That is a reduction in trips. When we talk about mitigation, you all know the standard. You can exact things from us. But what else is there to exact? We can't make the canal go away for the five mile length of McMillan that that canal exists. This site already has had all of its frontage approved and improved to the standard of collectors and collectors are intended to provide that connection between the local streets and the arterials. So, what does it mean for infrastructure to be adequate? Well, if we were posing and proposing that we develop this application way out on South Linder in the middle of a section with no public road access, that's not adequate. But to say that we have a development agreement that contemplated a series of collectors for this entire square mile with a commercial node located at Ten Mile and McMillan that would be surrounded

by uses that, then, progressively buffer those residential uses, the issue of adequacy becomes what is the condition? Well, the condition is we will have fully developed frontage. We have gone and addressed the safety issue by our efforts with ACHD and we are fine with the condition that's been proposed. We are fine with the condition that's been proposed to ensure that there is additional access through the site to make that connection over to the commercial node to lose those streets. If you want us to dedicate additional frontage, fine, exact that. But, then, you have to do it to everybody else on McMillan and I think what needs to be recognized is, yes, as -- as Kristy shared, ACHD's plan is to improve McMillan, but not expand its capacity. Those improvements will be in the form of improved sidewalks, will be in form of improved turn lanes and -- and be able to better function that. But we have to look at the totality of the plan. You told my client to go build what you approved in 2008. We have come back with that application to do it and as you have heard the -- the questions -- as you have posed the questions, what is the appropriate mitigation, you know, you have -- you have heard some things thrown out like, oh, reduce the density to 150. Well, what's the marginal impact and marginal benefit of that? The reality is ACHD scoped our TIS. We go to the agencies, we deliver them and say here is our application, what do you need to know. They tell us what to go study. They tell us what to go count. They review that based upon their methodology. They review the trip generation based upon our calculations from the ITE manual and, then, they make a determination and their determination here is even using 2018 data, plus the growth factor that COMPASS has articulated as you run the model, plus the additional efforts that we have been asked to do, that this site will not put it past level of service of E. Now, we have to ask ourselves are you willing to not issue a single more permit on McMillan? That's what the neighbors are asking you to do. And if that's the case Mr. Nary and I will get to spend a fair amount of time together. But the reality is we have a development agreement. We have a development agreement that does not mandate this to be assisted living and I -- I disagree a little bit with the characterizations, because I have spent a lot of time with those development agreements. You could have specifically mandated that use. There was discussion about the possibility of assisted living and other healthcare stuff, but it wasn't a mandatory use. But you told us to go design and deal with the design as it is. So, as we have heard some of the other comments -- I appreciate people's concerns, but we eliminated three story buildings against the single family residential because they thought it was problematic. So, we kept the three story building down on McMillan. As we have talked about relocating and reconfiguring things, none of that solves the fundamental problem, which is you have a development agreement you told us to go comply with. That's what we have done. We have done everything we can to mitigate. We respectfully request that if you have any further questions about traffic we can answer that, because Dustin is -- is available to do it and let's talk about the conditions of approval. But we request your approval, because this is totally consistent with your Comprehensive Plan, the development agreement, and how you have planned to develop this community for more than 15 years. Thank you.

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

Dodson: Mr. Mayor?

Simison: Yes, Joe.

Dodson: Just real quick, I just wanted to note that the site plan I pulled up is the overall Volterra, which was originally Bridge Tower, et cetera. This is just the west piece of it -- west of Ten Mile and the south and west. So, for the benefit of Council, as well as the public.

Simison: Thank you, Joe.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: And, Geoff, you know, one of the things that's been talked about is the crosswalk. One of the things everyone can agree on that, yeah, let's -- we need to do that. Was that -- I wasn't sure if -- I failed to ask Kristy. Is that something the developer is putting in or is that an ACHD install?

Wardle: Mr. Mayor, Council Member Hoaglun, we -- notwithstanding the whole issue of nexus and -- and all those other issues, that was something my client proposed and took to ACHD, if we were willing to do that, and I think ACHD's proposed language, they come back tonight, would be that would be a developer expense imposed upon us.

Hoaglun: Thank you.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: On that point, Geoff, was there a commitment to do that, you know, at the -- at the inception install it? I presume so prior to the first --

Wardle: Mr. Mayor, Council Member Borton, my clients are indicating that, yes, it's the intention to do that at the outset.

Borton: Okay. Thanks.

Wardle: And I would note -- and I don't think it got -- because of the procedural structure we have here, there was some discussion about enhancing pathways and that's something we have been supportive of throughout this and -- and your -- Commissioner Seal had raised that issue. Staff has raised that issue. You know, we recognize the importance of connectivity of all of this to get to the north and other pieces, but that connection to the south is important and -- and, you know, this -- it would be done with the original -- with the initial site work.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Thank you. You had stated that your -- your client is in support of allowing connection from Bridgetower West over to the commercial property to the east. Does that mean you are not going -- that -- the -- the drive aisles through the development are private.

Wardle: Correct.

Perreault: You are not going to sign those that say residents only or prevent folks from moving through that property?

Wardle: I think consistent with other conditions that you have imposed on other projects to ensure cross-access, that you have the ability to require us to do that.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Thank you. I just wanted to clarify that for public record.

Wardle: Thank you.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: All right. Break down for me, because I just need to understand -- so, you did a new analysis, you guys did, which is appreciated, but there is a discrepancy between the traffic count in your new analysis and the traffic count that went to ACHD when they issued their report and Kristy just told me that your new analysis reflects 747 peak trips. So, help me understand that.

Wardle: So, Mr. Mayor, Council Member Strader, I don't think there is any inconsistency. I think the fact of the matter is we know that traffic studies are dynamic and we know that traffic studies are based upon counting vehicles and when we look at your typical ACHD staff report where they have required a traffic study, like we have produced here, they review our evaluation of where the trips are going and how many trips there are and, then, they make a determination as to whether or not it exceeds a certain level of service and there are improvements which can be exacted. So, ACHD at the end of the day -- and -- and I think there is some confusion here about why we have some counts and some other things, because in order for us to justify to ACHD to approve this crosswalk, there was a subsequent submittal and analysis and discussion, which doesn't obviate or vitiate the original traffic study that was done and submitted, but I think Kristy's most important statement is with approval of this application you are still at better than level of service E, which is the base standard and the reality is where you are within three quarters of a mile

-- I mean where you are within one quarter of a mile of an arterial-arterial intersection, you are inherently going to have higher number of trips, because those trips are all going out -- coming out of Bridge Tower south and those other places. So, you could improve the intersection. There are things that we can do there. But when we look at ACHD's CIP, there is a reason that ACHD recognizes that this is constrained and that they don't have anything in their plan to deal with it until 2031 at the earliest. It could come forward sooner. But even, then, we are not turning McMillan into a five lane arterial like you see Ustick and some other places and the reason for that I think goes back to Council Member Hoaglund's observation that the traffic in northwest Meridian that is currently using McMillan as that arterial access to get through northwest Meridian to Ten Mile to the Interstate is addressed by ITD's plan to disconnect McMillan from McDermott and Highway 16, so --

Strader: Mr. Mayor?

Wardle: -- so -- I mean, Council Member Strader, I get it. I understand the math. But I think Kristy's statement was clear and correct that it still doesn't fail and that's the standard. It doesn't -- it doesn't not meet level of service E.

Strader: So, no good deed goes unpunished; right? So, it sucks for sure that like you did this additional analysis and now I'm using it against you. So, I acknowledge that, that that is really, from your perspective unfortunate, but just as like a common sense thing sitting here; right? Seven hundred and forty-seven trips taking place currently, that's a current count of trips, level of service is E is 880. That clicker doesn't account for all the stuff that's been approved -- all the stuff that's being built. That -- that's what I'm having a hard time with. We are not at E. I don't believe them. That's what I'm telling you. Which -- then that's -- that's tough, because that -- you know, they are the road authority, but I'm -- I'm having a hard time, because the assumptions that they outlined behind their original analysis in their report are a four percent growth rate from COMPASS, which doesn't even reflect the reality of our growth rate in 2018 data. I mean that -- that's what I'm struggling with.

Wardle: So -- so -- and -- and I get that. I get that. But you are ignoring the fact -- and everybody's ignoring the fact that, yes, that's what the data says right now. So, how many p.m. peak hour trips that are going to Marco's Pizza, that are going to Panda Express, that are running to Walmart, that are coming out Vito, making a left-hand turn across traffic up to San Vicenza or out to Ten Mile -- are now going to be deleted because we are making that connection. You are exacting that connection from us. Okay? So, if you want us to dedicate more right of way on -- on McMillan, fine, take it, but I can't solve the fact that this is a constrained roadway that ACHD has said we meet the standard and I'm not going to apologize for that, because --

Strader: Mr. Mayor?

Wardle: -- I drive down McMillan all the time and it's always constrained. It's always busy. And anybody that moves to north Meridian knows that.

Simison: Council Woman Strader.

Strader: Yeah. I know that. And I'm not expecting you to apologize for it. I understand you are a victim of circumstances to some extent; right? Like that's -- that's -- that's the existing conditions that we have right now, you know, so I understand that. I'm -- I'm not expecting you to apologize for it. I think what -- what I'm struggling with -- and I agree with you, it should be an equal playing field. I -- I -- I'm -- I'm probably going to be a real outlier out here on what my thoughts are about development along McMillan Road. Tell me a little bit about -- a couple of things. You have heard from a bunch of neighbors, which I thought was an interesting kind of a constructive idea, that sort of flipping your development and putting this larger building closer to Walmart. What are your thoughts about that? That's one of my questions. My other question is how do you feel about the timing? Because it feels like when we get the connection to Ten Mile to go through and once Highway 16 is disconnected from McMillan, a lot of these issues go away. How does that fit with your development phasing plan and -- and can you -- is there a way to make those things work together and, obviously, that's an economic question and that's tough.

Wardle: Well, Madam Mayor -- or Council Member Strader, I'm going to let Dustin answer that, but I would -- I -- on -- on the first question, you know, we are in this spot because you told us to go design to a development agreement site plan and you guys saw my footnote. I feel so bad that we have to be in front of you guys so often on development agreement site plans in this city. There is a better way to do it. But I don't know any planning universe where you take the most intensive multi-family element that's already next to the Walmart and flip it so that it's either inside the project to the north or it's immediately adjacent to the detached low rise single family to the west. So, you know, we could consider and explore that, but we are not going to come back for a development agreement modification. We are not going to go back through that. I can tell you that right now. So, let me turn it to Dustin to talk about phasing and what we think our timing is, because I think you are right, I think factors are going to come into play that catch up.

Holt: Mr. Mayor and Council Members, thank you. I will try and add whatever I can to traffic. I'm not a traffic engineer. Dr. Hales is unavailable, but I -- I have got someone who thinks that -- they are probably the same as Kristy; right? Understand enough, but not the -- not the administrator. Let me first speak to timing. When this is approved we will take close to a year from, what I understand from staff, to work through to building permit points. So, six months of finishing CD's and four to six months working through staff to have a building permit in hand. I think that two years after that point -- or close to it is the first time a resident will physically be inside of one of our units and three years after that point is roughly when the project be finished, which is, in part, why you hear us talk a lot about the Chinden improvements, the other ITD improvements -- our local improvements that we are looking to make to -- to help that and we also know -- I think everyone's looking at this as if 235 homes are built tomorrow and 500 people show up. So, I hope that helps with your -- at least your answer on -- on timing. So, from Dr. Hales -- his assistant. So, take this for what it's worth. Okay? But the -- the average daily traffic on McMillan was 9,700 cars. The three lane capacity is 15,000 cars. So, we are -- we

are a little over 5,000 trips a day shy of what that road's capacity can handle. Based on peak p.m. traffic it is seven to nine hundred trips peak a.m. or p.m. per lane each direction and he is not sure where an 880 number would have come from as he looked through the report. Seven hundred and twenty-four between the two lanes in peak a.m. and 900 between the two lanes in peak p.m. But directionally each of those volumes should be over 500. So, he -- the -- he is saying it's 888 per lane per direction capacity, in which case we are at 514. So, we are well -- well below that from -- the way he is understanding the report.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I was tracking until I wasn't tracking. So -- sorry. I'm sorry. I'm just -- we are going to just grind this out until I fully understand and I'm okay with what you are saying. Or -- or I just won't be and that -- that's okay.

Holt: And I -- I won't be able to get you there. I won't be able to get you there. I'm not -- I'm not Dr. Hales. I'm not a traffic engineer.

Strader: All right. Fair enough. And maybe we just won't with me and I don't know where everyone else will go with it. Okay. So, he is saying peak p.m., a.m., somewhere in the neighborhood of 700 to 900 trips per lane. Right?

Holt: Correct.

Strader: That's what's happening now.

Holt: Total. Total. Not --

Strader: Total.

Holt: Total.

Strader: Okay. So total. Okay

Holt: Correct.

Strader: Okay. But you just said per lane, so that's not true. So, it's --

Holt: Eight eighty is -- is per lane capacity.

Strader: Right. Okay. Eight eighty per lane.

Holt: The total is 747 a.m. and 918 p.m. total.

Strader: With two lanes.

Holt: Correct.

Strader: Okay.

Holt: It should have a 1,740 -- 1,760 total capacity with two lanes. Eight eighty per lane.

Strader: That's -- that's really not making sense.

Wardle: Mr. Mayor -- I mean Council Member Strader --

Strader: Yeah.

Wardle: -- this is why we defer to the traffic engineers to do the evaluations and prepare the studies. The 880 is ACHD's selected standard for the demarcation when you get past level of service E and we recognize that there is -- there is a lot of traffic on McMillan and nobody's going to deny that, but I don't think we accomplish anything unless there is a condition that you can impose on us that solves that problem that doesn't run afoul of constitutional limitations. Debating how much traffic there is right now and how much there is going to be in the future and the timing for this really becomes an academic exercise that none of us -- I mean not even Kristy is in a position tonight to -- to resolve that and -- and that's why, you know, we get told to go make a traffic study and deal with ACHD and deal with their standards and we do.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. I disagree. It's completely relevant and the reason it's relevant to me -- and I will just give you my opinion as a Council person -- is that one of the CUP decision points is whether there are adequate public facilities -- and I will quote from Kurt's -- I thought Kurt did a great job of giving us an overview, which you know very well, which is that the proposed use needs to be served adequately by essential public facilities and services, such as highways, schools, parks, et cetera, et cetera. First of all, the AC -- the West Ada letter already on its own clearly indicates the schools are completely out of capacity. Hang on a second, because I'm going to go on a little rampage here on what my thoughts are. We already know that we have a huge issue with the schools and that's not -- it sucks, because it's not an issue you can solve. It's not an issue we can solve. We tried really hard to go through it with them. We have tried to push for impact fees. We have tried to push for all kinds of things. But just on its own already to me the school issue is a huge issue. Just on its own. I already believe that your development, unfortunately, is taking us past the point of having adequate services for our public schools. Then adding to that -- we also have this issue of traffic and it -- it just defies common sense. We all know what McMillan is like. We all know McMillan is a problem. The data that has been provided to me from Kristy is that you are -- the most recent

analysis has 747 peak trips, 880 is the capacity for service level E. Your 747 doesn't include the developments that are already being built right now. I mean -- so, it's just not adequate. I mean that -- that -- so for me that -- and I'm going to stop, because I think this is -- this is just my opinion and I agree with you, it should be a level playing field. Like from where I'm sitting today I don't think we should be approving any additional residential development off of McMillan Road until something in the conditions change, whether it's the connection to Highway 16, whether it's, you know, something along those lines. To me we have hit the threshold. That -- that's what I'm seeing.

Simison: Council, additional questions?

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: This is a question for Joe. We talked about recurring cross -- cross-access to -- to Milano. Was that in the staff report recommendation? I was trying to remember what --

Dodson: Councilman Hoaglun, yeah -- yes. Not specifically cross-access and -- like cross-access agreement. But I did recommend -- I stole a little snippet from their original submittal that was denied to have that connection out to Gondola -- or in alignment with the Gondola. The issue is that they don't own that parcel and so they need to work with the previous developer to work that through and I have it on good faith from him that he is willing to work with them, but, again, until that's written in a document it's not approved. However, to that same conversation, I don't know if the applicant needs both connections to San Vito. If they are -- if they have one at the northwest corner can they lose the one at the southwest corner? Does that help mitigate some of the issues that the applicant -- that the residents have discussed, et cetera? I don't know. Potential option for everybody. It would, from staff's perspective, help de-incentivize, you know, that immediate connection to San Vito, but it will be in alignment with Gondola and apparently Gondola is just Bridgetower's, so it -- it's going to raise those same concerns there, but it would definitely make a more direct connection east-west, west-east to Walmart and the commercial drive aisle out to Ten Mile. A hundred percent.

Hoaglun: So, Mr. Mayor, follow up?

Simison: Councilman Hoaglun.

Hoaglun: Yeah. And I wouldn't mind hearing from the applicant or their representative, just their thoughts on that -- some sort of -- working with the property owner to the north to make a suitable connection --

Holt: Yeah. Council Member Hoaglun, Mike McCollum, the owner to the north, previously in our DA modification, sent the Council a letter saying he would be in support of working with us through that. Coordinating a plat, a lot line adjustment, all those things were a

question and an unknown. We had requested that if that was a condition from the Council at that time that it be a condition of a certificate of occupancy, not of a building permit, so that it gives us time to work through any platting or any adjustment. As far as eliminating one, I have told many of these neighbors the only reason the one comes out onto the cul-de-sac at San Vito is to match and align with the concept plan and that after being denied at this Council -- by this Council, I was reluctant to -- to do much of anything that modified that concept plan, which is why we took the concept plan to Mr. Nary and confirmed that we are in compliance with it. So, if you are looking at it saying a more direct line from Gondola east -- or, yeah, east and me making a condition that I will work with Mike McCollum to -- to coordinate that, yes, I would work diligently to make that happen.

Hoaglund: Thank you.

Wardle: And, Council Member Hoaglund, I believe that you do have the wherewithal, notwithstanding the development agreement, to condition the conditional use permit on not having two points of access onto San Vito. But I would note that that was in the development agreement and your staff made it a condition of the -- condition of approval and we are just doing what we are told.

Dodson: Mr. Mayor?

Simison: Yes, Joe.

Dodson: Staff agrees with the applicant that we -- Council has the breath to minimize -- mitigate the number of accesses to San Vito without requiring a DA modification. That is within that breadth of generally compliant with the concept plan. Access points are regularly adjusted for these reasons.

Holt: Our -- the plan that you see before you does not have that road going out and I think that was the confusion from one of the -- one of the neighbors. That shows the easement and that was for a utility exhibit to show how water can loop. This is the actual site plan. So, that's a dead end for fire truck access and turn around. So, working through something to the intersection, which early on I -- I told neighbors and residents that I believe that would help with forcing individuals who were going through that intersection more quickly to at least stop and recognize that someone could be coming from a different angle.

Simison: Since you mentioned Mike's name, what -- what's the time -- any idea on the projected time frame before this would -- this road could be completed all the way up to a light at Ten Mile? Is there any projections in the future?

Hold: I wouldn't speculate.

Wardle: Mr. Mayor, I don't think we -- I don't think we have any idea when that connection will ultimately be made to the north.

Simison: Because that would solve so much. You know, even more so than connecting to the drive aisle at Walmart. But that would solve a lot.

Dodson: Mr. Mayor?

Simison: Yes, Joe.

Dodson: The most I can say is we have met with him in potential opportunities recently, but nothing has been submitted, nothing's been followed up with. All I could say is it's probably going to be a big box store or some kind to match what the original DA concept plan shows. So, you know, that does mean more vehicle trips, too, but it would include a collector street. Absolutely. But timing -- completely unknown.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I just want to chime in. Like I know I'm like really a downer on this one and I apologize, but that would make all the difference to me having that -- that connection go through and it's not in your control, so that's tough.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I'm on like hour 15 today, so forgive me if I'm starting to get a smidge fuzzy. So, my -- if I'm understanding correctly the conversations we are having, we are talking about two possible connections, one to the north, one to the east. Do I understand correctly that you would be willing to consider just improving the -- the -- what is now a drive aisle north of Walmart to -- to the -- the same standard as Gondola and -- and -- and flowing traffic out that way and that you have a cross-access easement there?

Holt: No.

Perreault: No. Okay. We are talking about the -- the property to the north it would flow up to the mid mile.

Wardle: Mr. Mayor, Council Woman Perreault, what we are talking about -- because we don't -- I mean you required Walmart to grant cross-access all the way back to this property line, but if you look here in the northwest corner, what we are talking about is making that connection there and because of the way it's configured and it's not going through the center of the site, so we don't have the safety concerns about our residents, it provides that access. So, I think what we are talking about is -- we would make that connection there and we would eliminate that connect -- southwest at San Vito. So, you would still have two on the Vicenza, which would function very much like the road at Centrepont behind -- behind Kohl's with -- with that internal access back there with those

townhouses coming off. So, that's what we are talking about is making that connection to the northwest.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Yeah. I was clear on that. I remember that discussion from the -- the last application, the applicant being willing to do that. That wasn't what I was asking. So -- but -- since you brought that up, am I -- am I understanding that you -- well, I don't know how you do that without changing the -- I know that you can add that additional piece without necessarily needing a DA modification, because it's already something that the applicant has agreed to and -- and -- and offered. But if I understood Mr. Wardle correctly, you are talking about removing another drive aisle through here?

Wardle: Yeah. We are -- we are talking about eliminating that drive aisle right there that Joe's circling --

Perreault: Okay.

Wardle: -- and you make them the connection at the northwest.

Perreault: Okay. Removing the drive aisle to the south?

Wardle: Yeah.

Perreault: Got you. Okay.

Bongiorno: Mr. Mayor?

Simison: Yes, Joe. The other Joe.

Bongiorno: The other Joe. Thank you. This -- this -- this is all great. We just need to make sure that it gets approved by the fire department whatever's done, because what -- we are -- we would be eliminating one of the accesses to that taller building, which could be a concern for the ladder truck access. We just need to look at it, make sure it's clean.

Wardle: Mr. Mayor and -- and your -- and the chief. Don't disagree, because that's been the fundamental thing that's driven all of this with the design was there was approved -- the original design was not buildable for fire code purposes. So, I think we can still provide access to that taller building through either a -- you know, an emergency bollarded access point or, you know, with the way it's configured on the site and with the access you would have from McMillan as well. I think -- I don't think that's a problem and we are certainly aware of it, chief. Thank you.

Dodson: Mr. Mayor, planning staff agrees with that.

Simison: Thank you the other Joe.

Holt: Council Woman Strader, I may have some more clarity. Don't know. If I may. Mr. Mayor?

Strader: Mr. Mayor, I would love to hear it if you got it.

Simison: Go for it.

Holt: Okay. So, the peak p.m. traffic is the more intense --

Strader: Yeah.

Holt: -- in the report. The existing directional peak -- so, the text says: I just confirmed ACHD. Eight eighty threshold for a directional capacity. The existing peak directional capacity is 519. Our project peak capacity is 89. For a total peak directional capacity of 608, which is 70 percent of the capacity.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Okay. It's starting to make more sense, because at least you agree that their thresholds is a threshold that they told us, so that's a good -- that's a good one. So you are saying you guys at the most intensive time with your project would be 608.

Holt: Correct.

Strader: Okay. Versus a threshold of 880.

Holt: Correct.

Strader: And that is a -- and that accounts for the clicks today, plus the clicks assumed to come from your development. Doesn't include any other developments; right? And that's fine. Just to understand. Doesn't include anything else that's been approved. But that's 70 percent without including all of those.

Holt: Correct.

Strader: Okay. So, I will -- thank you.

Holt: That is as I understand it now. Sorry for the confusion.

Strader: It's okay. I appreciate it. Because that makes more sense to me and let me mull that over.

Holt: You are -- you are even better than I at traffic, so --

Strader: No. Definitely not. But like I live off -- I mean, listen, actually, by the way, Wardle is probably a neighbor of mine, so we will get along after this.

Wardle: Well, there is a whole bunch of Wardles over there in the Paramount neighborhood.

Strader: Yeah. There is a bunch of you. But, you know, I -- I live off McMillan, too, and like I -- you know, I'm not going to deny what I see with my own eyes as well; right?

Holt: I just texted him. Today's clicks in the project is the 608. I -- I want to -- I have my list -- I want to tell you I have actually appreciated very much Mr. Parsons, Mr. Dodson -- Sonya's on another project and Mr. Dodson, annoyingly so, tracked down the signatories to know that they tracked, so --

Strader: I -- I never doubted it. Thank you. Thank you for saying so, but -- all right.

Simison: Council, additional questions for the applicant at this time? It's been about two hours. I don't know if you want to take another break before we go into your deliberations or if you are ready to do that at this point in time and have the applicant sit down.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Five minutes would be enough for me. Take a break. I would like to take a break. But I wanted one more clarification question. So, if I'm hearing correctly, the applicant is not feeling the need to flow additional traffic out to Ten Mile at this time.

Wardle: Mr. Mayor, Council Member Perreault, I -- I don't know -- I don't know exactly what you mean by flowing additional traffic. We don't control that drive aisle, but that drive aisle is subject to a cross-access easement. So, it is a commercial -- it is a commercial access point that meets ACHD standards. So, it's three lanes out there at -- it's -- it's narrowed back, but we don't control that and it's one thing for us to go work with the seller that we bought the property from to make that connection to Gondola that's part of his plan -- I don't think we have the wherewithal to turn the rest of it into a collector that goes all the way out at that location. Obviously in the future, as Joe showed on the plan, the collector location captures all of that in the property to the north and takes it up to the north at the half mile.

Simison: Council, anything else for the applicant? All right. Then we will conclude your portion at this time. We will take a five minute break and come back and see where Council would like to go.

(Recess: 10:03 p.m. to 10:11 p.m.)

Simison: Okay. We will go ahead and come back from recess. Council, I will -- we will turn this over to you for how you would like to proceed based upon what you have heard so far this evening.

Hoaglun: Well, Mr. Mayor, just to --

Simison: Councilman Hoaglun.

Hoaglun: -- kick off the discussion here, I -- I think we have made mention of this several times tonight. This is different than an annexation request, which gives the Council much more latitude and broad powers to define and to determine impacts that allow us to say yea or nay, especially when letting someone into the city we just have greater discretion that way. Same with the DA modification. When they came before the Council previously to modify the plan that was something that we did go along with and worked on it and there is some discussion tonight about some things because of that. This -- this one is different, because they are coming in with something that had been approved previously and say what we are doing is following the plan that has been approved in the past. Now, we do have some things we can consider, but just has been said before, our ability to say no is much tighter. It's -- it's a much tighter lane that we have to travel in tonight, so some of the things that I wanted to point out that, you know, there has been a wide range of discussion and I appreciate the discussion and -- and the points made and appreciate the way they are presented. We do have a new fire station that's coming on board in north Meridian, I think 2023, which will -- will help. Be at McDermott. I already mentioned the Highway 16, the access to the freeway is going to change how that traffic pattern flows and McMillan is going to be a collector. I -- I truly do wish that going back in time we had really understood -- we knew plans were in place to expand the roads. Ustick between Linder and -- and heading west now is going to be expanded to four lanes -- five lanes with center turn lanes. You just make that assumption, oh, it happened to Franklin, it happened to Cherry, now it's happening to Ustick. It's going to happen at McMillan. You know, ITD is taking care of 20-26. All of a sudden, oh, not McMillan. Well, that -- that -- things have been set in motion before we really had that full understanding -- power lines can be moved, even those big tall ones, but the canal and those types of things, it's a -- it's a little more problematic and so if -- if we go back in time, yeah, we would have probably changed some things, but Highway 16 to the freeway makes that a local road, because it won't connect. If you want to connect people can go west, then, go down McDermott or Black Cat and -- and hit Ustick to -- to access that. I -- I -- I think this kind of points out to the fact that the compensation -- the Comprehensive Plan that the city works on every five years and renews and looks at is very important and I always encourage people when they are working with their realtor or whoever, coming to the area, look at the Comprehensive Plan. It will tell you what is going to be built or what the

densities will be in that area. This plan has been in place -- and Mr. Wardle said it best, he says this whole area was planned out and what you folks are living in was planned at that time, as well as this property, and that's what we are -- we are bound by and -- and I think that speaks to -- to entitlement. One gentleman was talking about his property. I'm entitled. I'm entitled. I -- I get that. He is entitled to his property. I wasn't sure entitled to what, but, yes, you are entitled to your property and to the property rights that are there and so are they and that's the thing that we really have to be careful of is the fact that property rights are pretty big in most places, particularly Idaho, and it's -- it's something that we are very cautious about treading on and people say, well, change -- change the densities. No, we -- we -- where we have a plan in place we just can't go in as government and arbitrarily say, well, you know what, yeah, you are -- you are entitled to 250 homes, but -- and -- and they already have that ability by -- according to the plan. They are not asking for an annexation and wanting to do this. We have more power in that situation. But we can't just say, oh, your property -- no, we are not going to allow that, you know. And -- and that's one thing about Idaho and why we are probably getting more people here is we kind of believe in limited government. You know, there is that ability to utilize your property to a certain extent. We are not going to allow a meat packing plant being built to -- right next to your subdivision. That's why we have zoning and those types of things. So, that entitlement argument I -- I said, yes, everyone is equal to their entitlement and that's -- that's what we are dealing with today is the folks -- this -- this development is -- is entitled. The moratorium -- Mr. Wardle had mentioned moratorium and we have investigated that going, you know, is there -- and this was in -- in conjunction with the schools issue. Our -- our schools are overcrowded and we had a series of, I think, what was it, Council Woman, three meetings with the -- with the school district starting with the staff and the superintendent and, then, the school board. Are you overcrowded? What can we do? Do you need our help? Can we -- should we slow things down? And the response was they are elected to -- the school board is elected, they are responsive to the voters, and they said we have it under control. We have options. Now, some of those options might be things that people don't like and that is the fact that, oh, we just moved into the subdivision and that school that we -- that's down the block, our kid is going to go to the school a mile away, because that school is full. I mean those are the options that they are dealing with and they are not great options. My kids went to portables through -- I don't know how many years of school when they were -- they were at Linder Elementary before they built Paramount, so -- because of overcrowding. So, that's just one of those things that we met with them, they said, nope, we are responsible for that. We can handle that. So -- and -- and Council Woman Strader is our conscience on that and it's just where -- where we are. So, the moratorium issue is kind of off the table there, because the state law is very specific about how moratoriums can be used. If we have a big sewer failure and we have to say, nope, we can't grow because this pipe broke and we can't handle it, okay, they will give us a certain amount of time and some things like that. So, it is very very specific about what we can do. I -- I think there are some things that we can -- we can do to improve. Having the crosswalk -- the applicant said they are going to -- they are going to do that. I -- I think the school district needs to be talked to about bus access and busing. I know in our subdivision where we have a -- the -- not -- not the arterial, but the -- what's -- what's the one that -- collector. Thank you. The C word. Collector. Because we live on a collector and I have -- we see buses going down

that all the time now. They no longer stop on Ustick Road. They are coming into the subdivision. Is that an option for -- for kids instead of stopping traffic on McMillan. But, again, that's -- that's a school district issue to -- to deal with. So, you know, I'm -- I'm -- I'm thinking there is not a lot we can do. We can mitigate some things. We can ask for -- for the developer to work with the property owner to the north to come up with some sort of access to -- cross-access agreement. There are some things -- I -- I don't know how we would word that, because we want what works and not just -- well, we did it and there we go. So, those are the types of things. Just because of what is in place already, I -- I just don't see a way that says, nope, there are such overriding conditions that make us say, oh, no, we can -- we can say no. In fact, Susan Nightingale had said this and -- about nobody said this is a great idea. There are lots and lots of developments that come and are they a great idea? No, but they are in places where we are limited in -- in the ability to say no and it's kind of like some of the design. Oh, modern Craftsman. I like Craftsman. Modern Craftsman -- I don't like modern Craftsman. But that's not our purview in government to say, well, it's only going to be this style of house and not this style. We have some latitude there. We want a mix of homes. But, again, purposefully so, the state law kind of limits our ability to do some things. It sounds like we have broad discretion, but we really do have some usage. I thought Mr. Wardle was very subtle in this -- talked about how he and Mr. Nary could have more meetings in the future based on -- on the situation that's in front of us, so I -- I think we need to find a way to make this happen. I just think without doing that it would lead to a hit to the pocketbooks of our taxpayers if -- if we don't. So, that's -- that's where I'm thinking I'm going tonight.

Simison: Thank you, Mr. Hoaglund. I will only correct you on one thing that you stated, that under the Idaho Right To Farm Act I think that there could be a meat packing plant, because that overrides our zoning codes anywhere in the city at any point in time.

Hoaglund: Mr. Mayor, I -- I do stand corrected, yes, on that one.

Simison: All right. Thank you. Just I don't want people to ever get mad if that shows up, because we can't stop it.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: I will just kind of tie a bow on where I started with. My comments and what I was looking at and Councilman Hoaglund addressed them correctly and -- and one of the principles that guides this decision also for me is remembering that there is a longer term plan that we focus on and trying to avoid making decisions looking at the short-term and some of the long-term principles that we heard talk about the connectivity up through the north, which will occur. The planning that's happened with police and fire and the location of that. Those services near here. The -- the Highway 16. The ability to, you know, alleviate traffic going to the west to reduce the desire to use McMillan. Those are long-term plans and -- and there are times when I, too, wish things would be just a field and if this would be a field forever that very well might be fantastic. There is lots of places in

the city -- I have been here long enough where I wish could just be a field forever. But that's not the long-term plan for those portions of the city, nor for here. So, as Councilman Hoaglund had described, this truly is entitled property that has a contractual right to do this. We have -- we have said that multiple times, because it's very important. It constrains what we can do. So, the things that I looked for in preparation and in listening here were are those -- are there conditions that are within reason that can help try to mitigate some of the impacts of this contractual right and entitlement and -- and items such as putting in that crosswalk at the start. The pathways at the start. The amenities and -- and items that might try to mitigate the desire to leave this project and have -- perhaps instead have an opportunity to recreate on the parcel, to encourage pedestrian traffic to the commercial property to the east, these are all different ways that a project like this can successfully mitigate the valid concerns that the public has raised and -- and, you know, the ultimate solution is it's a farm field forever, but we all know that's not how this works, in particular on this project. So, I was also -- I found that the discussion -- one of the principles we see in a lot of projects, which applies here, is the -- sort of the onboarding, the runway that it takes for a project to be built and, then, ultimately be occupied, it will be several years at best to have any people here. That marries up quite well with the police and fire service that we talked about. Marries up with Highway 16 and the acceleration of its construction. All of that help -- again helps try to mitigate the valid concerns that were raised. So, that's sort of the -- the compilation of ideas that make me supportive of the application as presented tonight, inclusive of the -- the developer's concessions and agreements -- the -- the principle that will also include one access -- one access to San Vito I think as a condition that made sense as well. So, for those reasons I'm supportive of the application as presented tonight.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: This is a tough one. Just want to say going forward for future developers, any kind of DA modification -- or especially an annexation of a multi-family project off McMillan I have historically been opposed to and will definitely be opposed to going forward. We have more discretion on those. What I'm having a hard time with I think here is that we have definitely an issue with our schools. We have talked about it at length. We have directly asked the West Ada School District whether we should issue -- we issued -- we basically hit a pause on development and asked them what we should do to help with that and they told us that they have got it covered. But they definitely don't have it covered in my opinion. Their letter I think directly speaks to an inadequacy of an essential public service, which is our schools. In addition to that, I think there are big questions around whether this development would be adequately served off of McMillan Road. I am not sure we have reached the threshold that we can say with certainty that we can just throw out ACHD's report. They are the experts. It appears to me that they have a lot of flawed assumptions in their report. So, I would encourage them to take a look at how they do those reports. Specifically the -- the use of any data from 2018. This seems nonsensical. In addition to that, I would say that, you know, a COMPASS growth rate of four percent also doesn't make sense. I just can't deny what I can see with my own eyes. McMillan

Road is beyond capacity. I do agree -- I think in a few years it could get better, you know, when this is finished. Hopefully by that point there could be a connection to Ten Mile, but that -- there is no guarantee that that's going to happen. You know, hopefully Highway 16 will be serving this area. You know, legally we have nothing to stand on, unfortunately. I mean I'm -- I'm going to vote no I think tonight out of principle, because I don't believe that this is adequately -- I don't believe this will be adequately serviced by our essential public facilities specific to schools and I think there are enough big questions around the high -- the adjacent arterial that are not answered, that it's a big enough question. But, you know, the -- the -- the issue I think -- at the end of the day I would like to vote no, but I think the -- the issue that we are going to have is if everybody voted the way that I wanted tonight and we all voted no, what's going to happen is we are going to lose in court and, then, we are going to spend 200,000 dollars of your taxpayer money to defend this case and we won't -- unfortunately we won't have enough to win it really reading between the lines what I'm hearing. I don't want to do that. So, I -- I will vote in favor, but very reluctantly and I'm upset about feeling like I have to vote for it. I think putting R-15 here was a mistake in the past. I don't think that we should be putting R-15 off of a two lane road and any kind of annexation off of McMillan I will oppose going forward.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I wanted to speak last this evening to hear from my fellow Council members and hope that what I say will add to the -- add to the decision this evening. We have often come across and discussed decisions that were made by prior councils that have been difficult for us, not because those councils were making poor decisions -- each council can only make the decision with the information they have at the time and -- and -- and we are going to do the same. We can only make the -- the decision based on the information that we have at the time. I agree with Council Woman Strader, I -- I have a lot of reluctance in this. I -- I -- if -- if there was a way to flow traffic out to Ten Mile in a -- in a different manner I would be less reluctant -- reluctant, but there isn't a way for us to condition it and I appreciate the applicant's willingness to do so if there was a way for us to condition it. So, the applicant's been really flexible with this and please know that we don't often have applicants that are willing to do what they have even been willing to do and -- and often tell us, no, we have -- we haven't specifically made huge asks of them in this. They -- they have just offered some things. So, that's something I'm also appreciative of. But I -- I agree with Council Woman Strader, I -- I have a lot of reticence with this and I will vote yes, because the applicant has a right to ask what they are asking based on their entitlements. But I have -- I don't love -- I -- I'm okay with a more dense residential use here, but I don't love that we are so close to 15 that we might as well call it 15. We -- we don't often get applications within an R-15 that is this dense. A lot of times we -- we have applications that have other uses. So, even, then, we are not -- we are not frequently having conversations about this -- this density within a development of this type and size. So, that being said I will likely agree in the positive, but I wanted my concerns to be stated clearly. Hopefully they are.

Dodson: Mr. Mayor?

Simison: Yes, Joe.

Dodson: Before we do any motion I do -- to avoid possible work for my boss in the future, because I won't be here, but I want to be very clear that the applicant doesn't have anything specific that needs to be hashed out with the conditions of approval that were in the original CUP. I just want to make sure that we are clear on that, because I don't want to have to come back and do that again -- or make Bill do it. So, just want to make sure that we give the applicant that opportunity to state whether or not they are or not.

Holt: Yes.

Dodson: Never mind.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: So, with the one access to the north, that is not currently on the concept plan drawing, how does that get addressed?

Dodson: Mr. Mayor? I have an existing condition in there that says to add that. However, I do not have a condition removing the existing proposed access at the southwest corner. So, if that is something you would like, based upon the conversation -- it sounds like the applicant is in agreement to do that, but per fire we should probably say just change it to an emergency only access.

Nary: Mr. Mayor?

Simison: Mr. Nary.

Nary: One other one that was discussed -- and I just wanted to make sure that it was either in a motion or not -- was that the applicant is willing to work with the adjacent property owner to create a connection to -- I already forgot the name of the road. Yeah. Milano. To make a connection to Milano. They can't improve Milano because it's off their property, but they agreed to work with Mr. McCollum to make the connection to Milano. If I understand that correctly for Mr. Wardle.

Dodson: Mr. Mayor? That -- that's the one we were just talking about. At the northwest corner and it would be in alignment with Gondola, which would, then, cut through the north of the site and be in alignment with the commercial drive aisle.

Nary: I -- I apologize. I thought Council Perreault was talking about the northern access out to Gondola to the west.

Dodson: They are already proposing --

Nary: Okay.

Dodson: -- the one to the east and, then, the new one to the west is already part of my condition.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I would like to make one more -- share one more thought that's not specifically related to this application. I want to say thank you to our Planning and Zoning Commission. I was a Planning and Zoning Commissioner for three years. It's a volunteer position. It's a huge time investment by members of our public and whether we understand or agree, they really do things with good intentions, good heart and work hard to try to recommend to us what they think is best and want to share that if ever you come before all of us again in public testimony, please -- please approach us with respect and, please, approach our Planning and Zoning with respect. I would like to be called by Council Member Perreault, not my first name. I appreciate receiving respect by the time and effort investment that we make. So, I saw that happen multiple occasions this evening where I felt like we were disrespected and -- and while I will not make a decision based on how I'm approached, it -- it really is much appreciated by us. And, then, that goes for the folks that are hopefully still online as well.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: I move we close the public hearing on CR-2022-0006.

Hoaglun: Second.

Simison: I 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: FOUR AYES. TWO ABSENT.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: I move that we approve CR-2022-0006 to include all staff and applicant comment for Bridgetower Multi-family as set forth in the staff report of November 15th, 2022, and

inclusive of the additional conditions presented tonight, all of which the applicant has indicated on the record they are in agreement with.

Hoaglund: Second the motion.

Simison: I have a motion and a second. Is there discussion on the motion?

Strader: Mr. Mayor?

Simison: Councilman Strader.

Strader: Just wanted to make sure that -- that includes the PHB at McMillan and San Vito then?

Borton: It does.

Strader: Okay. Thank you.

Simison: Second concur?

Hoaglund: Yes.

Borton: And, Mr. Nary, to that point is it -- Mr. Nary. Sorry. Was that -- by indicating kind of broad reference that all of the conditions in the report and presented tonight -- is that sufficient enough without listing them individually, you know, actually --

Nary: Yeah. It could be based on both your motion, as well as our prior conversation right before that.

Borton: Okay.

Nary: I think that's adequate to prepare the findings to get this --

Borton: Good. Good. Thank you.

Simison: Is there further discussion on the motion? Okay. Clerk will call the roll.

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

Simison: Four ayes. Motion passes and the item is agreed to.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

Simison: Thank you to everybody, the community. Joe, great send off. Congratulations on your new gig and we will maybe see you back here and see which way the Council votes.

Dodson: Exactly. Thank you, Mayor, and thank you to the public as well. I always appreciate the collaboration. Truly. So, thank you, Council. I will be back I'm sure.

ORDINANCES [Action Item]

- 7. Ordinance No. 22-2006: An Ordinance Annexing the Northwest One Quarter of the Southwest One Quarter of Section 17, Township 3 North, Range 1 East, Boise Meridian, Ada County, Idaho, More Particularly Described in Exhibit "A," Rezoning 1.03 Acres of Such Real Property From R1 (Estate Residential) to R-8 (Medium Density Residential) Zoning District; Directing City Staff to Alter all Use and Area Maps as well as the Official Zoning Maps and All 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, Ada County Treasurer, Ada County Recorder, and Idaho State Tax Commission, as Required by Law; and Providing an Effective Date**

Simison: All right. Next item on the agenda is Item 7, Ordinance No. 22-2006. Ask the Clerk to read this ordinance by title.

Johnson: Thank you, Mr. Mayor. It's an ordinance annexing the Northwest One Quarter of the Southwest One Quarter of Section 17, Township 3 North, Range 1 East, Boise meridian, Ada county, Idaho, more particularly described in Exhibit "A," rezoning 1.03 acres of such real property from R-1 (Estate Residential) to R-8 (Medium Density Residential) Zoning District; directing city staff to alter all use and area maps, as well as the official zoning maps and all 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, Ada County Treasurer, Ada County Recorder, and 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? Hearing none, do I have a motion?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I move that we approve Ordinance No. 22-2006.

Borton: Second.

Simison: I have a motion and a second to approve Ordinance No. 22-2006. Is there any discussion? If not, Clerk will call the roll.

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

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

MOTION CARRIED: FOUR AYES. TWO ABSENT.

FUTURE MEETING TOPICS

Simison: Council, anything under future meeting topics? Or do I have a motion to adjourn?

Hoaglun: Move to adjourn, Mr. Mayor.

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

MOTION CARRIED: FOUR AYES. TWO ABSENT.

MEETING ADJOURNED AT 10:40 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS)

MAYOR ROBERT E. SIMISON

_____/_____/_____
DATE APPROVED

ATTEST:

CHRIS JOHNSON - CITY CLERK