

A Meeting of the Meridian City Council was called to order at 6:08 p.m., Tuesday, May 3, 2022, by Mayor Robert Simison.

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

Also present: Chris Johnson, Bill Nary, Joe Dodson, Sonya Allen, Laurelei McVey, Scott Colaianne, Joe Bongiorno and Dean Willis.

ROLL-CALL ATTENDANCE

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

Simison: Council, we will call the meeting to order. For the record it is 6:08 on May 3rd, 2022. We will begin this evening's regular City Council meeting with roll call attendance.

PLEDGE OF ALLEGIANCE

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

(Pledge of Allegiance recited.)

COMMUNITY INVOCATION

Simison: Mr. Clerk, did we have anyone come in under the community invocation this evening?

Johnson: Mr. Mayor, we did not.

ADOPTION OF AGENDA

Simison: Okay. The next item up is the adoption of the agenda.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I want Council and attendees to know that Item No. 6, the Pinedale Subdivision on Pine Avenue, the applicant is requesting a remand to Planning and Zoning Commission, so that when we get to Item No. 6 we typically honor that type of request.

So, if you are here for that, just so you are aware of that taking place. Also Item No. 1, the Fire Station No. 7 and 8 and north police precinct, was discussed at the work session and we got through that discussion, so we will remove Item No. 1 from our agenda. So, Mr. Mayor, I move adoption of the agenda with the removal of Item No. 1.

Borton: Second.

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

MOTION CARRIED: ALL AYES.

PUBLIC FORUM – Future Meeting Topics

Simison: Mr. Clerk, do we have anyone signed up under public forum?

Johnson: Mr. Mayor, we did not.

DEPARTMENT / COMMISSION REPORTS [Action Item]

- 1. Fire Station No. 7 & No. 8 and North Police Precinct Bid & Guaranteed Maximum Price Presentation by Engineered Structures, Inc. Vacated**
- 2. Public Works: Fiscal Year 2022 Budget Amendment in the amount of \$304,000.00 for the purchase of a Biosolids Hauling Truck and Trailer**

Simison: Okay. Then with that we will go on to Item 2 on the published agenda, which is for Public Works Fiscal Year 2022 budget amendment in the amount of 304,000 dollars. Turn this over to Laurelei.

McVey: All right. Thank you. So, Mayor, Members of the Council, thanks for a few minutes of your evening. So, we are bringing forward an FY-22 potential budget amendment and I would like to give you a little bit of background on that. So, I know all of you guys know what biosolids is, but for the audience or people at home, biosolids are one of the end products of our wastewater plant and it ends up being a nutrient rich soil-like material that we dispose of at the landfill. So, they use that as ground cover at the landfill. We produce a little over 9,000 wet tons of biosolids per year, which equates to about six to seven halls per week up to the landfill. So, these are currently hauled via our contract with Republic Services and this is a pass through cost. So, there is two costs that are associated with our biosolids haul. The first is the cost to actually take it to the landfill and that 29 dollars a ton is set by the Ada County Landfill. The second is the hauling rate and this previously was 195 dollars a haul and that has increased to 415 dollars a hall. So, that is a -- a significant increase and made us pause and run some additional analysis. We had Republic Services get additional quotes and numbers for us to find out is our current hauler -- is that the most reasonable haul cost and they did find

out that there is not another local option that would come in close to that. Republic Services even looked at could they bring in their own equipment and haul it and they could not do it for haul cheaper than the cost that we are getting through the third-party hauler. So, a couple of things that are driving that cost up is the cost of labor, cost of fuel, but most importantly is the trailer that's being used. So, since this discussion has started that trailer has reached its end of life and is no longer usable. The cost of the new trailer -- since Meridian is the only customer of this hauler using -- that is being used for the biosolids, they aren't able to spread those costs out to other -- other people, so most of that cost goes on to the city. So, we said if we are looking at paying this high of a haul rate does it make sense to look at self hauling. So, a couple of options. We have the self-haul option, which I will talk about. We can enter into a longer term contract with Republic Services and this hauler. The longer that they are able to amortize that truck cost out the lower the haul cost, but it doesn't get it down by a significant amount or we can do nothing and keep the status quo and continue to pay the 415 haul rate without entering into any contractual agreement. So, the risks there, the cost could go up or down in the future. So, the self haul option -- we looked at scoping out a hauling truck and a hauling trailer to do this operation and it's about 304,000 dollars in capital cost. Additionally, there would be some FTE labor. So, with -- we ran an ROI and it includes the labor cost, the capital equipment cost. It includes fuel, repair costs, and also an assumption of an increase in biosolids each year and even with all of those costs it's about a 1.2 million dollar savings over a 15 year period and the truck pays for itself in about three years. So, a couple of logistics. With the current challenge and the market right now we have been quoted a lead time of about nine to ten months for a truck. So, if we were to get your approval today to move forward with this budget amendment we technically won't spend the money until FY-23, but I can't start the order unless we have your guys' approval. So, it would be approval now, but the actual spending would occur in '23. We wouldn't be asking for any labor today either, obviously, because the truck isn't here, but we have an FTE already scheduled in the CFP for FY-23 for your guys' consideration and that's in our collection system group. These guys are already CDL drivers and are accustomed to driving big equipment, so it would make sense for us to bring it into that group. It would take one FTE about 50 percent of their time making these hauls. So, our thought was this employee group could haul the biosolids in the morning and, then, that employee would jump on the hydro cleaner and the TV van and help that group keep up with the goals of that program. So, with that I will stand for any questions and ask for your guys' approval of the FY-22 budget amendment for the truck and trailer.

Simison: Thank you, Laurelei. Council, questions?

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Comment. That's exactly how to present a budget amendment. Just saying. Options. Logistics. Recommendation. So, I agree with the recommendation, but I also love the way you present it. Succinct. Clear. The facts we need to make the decision. So thank you.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Borton: I echo Council Member Borton's comments. I like when I have my questions and you kind of check them off as you go. There was one that you didn't touch on it and it just had piqued my curiosity. We are the only city that's hauling biosolids? What are -- what are the other municipalities doing about that?

McVey: So, Councilman Cavener, we are the only city that's not self hauling. So, the other cities have already bought their own trucks.

Cavener: Thanks.

Simison: Just ask the -- do you know what the ROI is if we were to enter into the ten year contract compared to going our own rate -- or own route?

Hopson: Still against that rate it would be just under five years.

Simison: Thank you. Council, any additional questions?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I move that we approve fiscal year 2022 budget amendment in the amount of 304,000 for the purchase of a biosolids hauling truck and trailer for the Public Works Department.

Borton: Second.

Simison: I have a motion and a second to approve Item No. 2 in the amount of 304,000 dollars. Is there any discussion? If not, Clerk will call the roll.

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

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

MOTION CARRIED: ALL AYES.

ACTION ITEMS

- 3. Public Hearing Continued from April 19, 2022 for Eagle Road Daycare Facility (CR-2022-0003) by 814 Development, LLC, Located at 3060 S. Eagle Rd.**

- A. Request: Council Review of the Planning and Zoning Commission's decision pertaining to the Unified Development Code (Table 11-2B-3) requirement for a 25-foot-wide buffer to be provided in the C-C zoning district along the northern property boundary adjacent to a residential use

Simison: So, with that we will move on to Item No. 3, which is a public hearing continued from April 19, 2022, for Eagle Road Daycare Facility, CR-2022-0003, and -- and we will continue the public hearing with staff comments.

Allen: Apologies, Mr. Mayor. You guys are speedy tonight. Alrighty. The first application before you is a request for City Council review of the Commission's decision. This site is zoned C-C. It's located at 3060 South Eagle Road on the east side of South Eagle Road just north of East Victory Road. The Comprehensive Plan future land use map designation is mixed use community. On March 17th the Commission approved a conditional use permit for a daycare center providing childcare for up to 216 children on this site as a condition, Condition A-4-F of that approval the applicant is required to provide a 25 foot wide buffer along the northern property line adjacent to the residential property to the north. Because there is an existing 15 foot wide access easement along the northern property line benefiting the property owner to the north, only grass is allowed in the northern 15 feet of the buffer, with trees and shrubs meeting the buffer requirement in the southern ten feet of the buffer. The UDC 11-3B-9C2 requires the width of the buffer to be determined by the district in which the property is located unless such width is otherwise modified by City Council at a public hearing with notice to surrounding property owners. A reduction to the buffer width shall not affect building setbacks. All structures shall be set back from the property line a minimum of the buffer width required in the applicable zoning district, which is 25 feet in this case. The proposed site plan should be revised to reflect compliance with the setback requirement, as the building currently encroaches a few feet within that setback area. The applicant has submitted a request for City Council review of the Commission's decision in this matter. The applicant proposes to install a six foot tall site obscure -- excuse me -- site obscuring privacy fence along the northern property line with no landscaping, other than grass, in the required buffer area. A revised site plan was submitted shown there on the right that depicts a driveway stub to the north that is angled toward the west to accommodate a future development plan on the adjacent property to the north, which has not yet been submitted or approved. This site is required to provide a driveway stub to the north, which was depicted on the site plan approved with the conditional use permit in accord with the development agreement, the alignment of which is not the subject of this application before you tonight. There has been no written testimony submitted on this application. Staff will stand for any questions. The applicant is here tonight to present.

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

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Sonya, if I remember correctly, the P&Z spent a big chunk of time talking about parking, but it's not necessarily an issue that's before us today.

Allen: No. No. It -- just the -- just the buffer width to the north. The -- the Commission already acted on the conditional use permit. The applicant required -- or requested Council review of the buffer width, which is only allowed by the UDC to be changed by the Council.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Sonya, is that access easement being actively used? I looked at an aerial and it looks like it's a dirt road that's being used to access that property. So, I'm trying to understand if -- if what I saw is actually on this property or the property to the north and when I read the staff report I was under the impression that they -- the applicant didn't want to do any landscaping, so I assumed they weren't even interested in grassing the property.

Allen: To answer your several questions, the -- the easement is definitely on this property. It was associated with the residential property to the north. It was for access -- I believe it was to a well on the eastern end of their property. So, that's why it's there. From what I understand the adjacent property has either been sold or is in the process to a developer for redevelopment, so -- and, then, your -- your -- your last question about the landscaping, the CUP required them to do grass within that area -- within the easement area. Did I answer all your questions?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I didn't think two was excessive, but maybe -- no. I'm kidding. I do have another question, but I will ask the applicant.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: The question I think for the applicant in -- in five words or less is the condition -- the very, very, very narrow issue that's before us is this singular condition. P&Z said X and you would rather it say Y. Like in a very succinct -- that would be super helpful. That's it. Thanks.

Allen: Mr. Mayor, Councilman Borton, that's exactly it. That's all that's before you tonight. Thank you.

Simison: Council, any additional questions for staff? Then I will ask the applicant to come forward. If you can state your name and address for the record, please.

Kozlowski: Good evening, Mayor and Council Members. My name is Samantha Kozlowski. I'm a development manager with 814 Development. We have been working with Sonya on the conditional use permit and tonight we have this issue before you that we would like to present for your approval. Basically what you have here is us looking for a reduction in the required 25 foot landscape buffer. As Sonya stated, we would be able to install the six foot high privacy fence along the northern property line of our parcel here and, then, we would be able to provide full grass within the 15 foot of that landscape buffer. So, as you know, with the existing cross-access easement, we are not able to do full landscaping within that, unless the easement were to be vacated. Just kind of something to add. We have been in communications with the developer to the north. They are in support of this concept plan and, then, what we have in plan for the grass area and the privacy fence. Still kind of some continued talks on the drive aisle that's shown there and whether it will be curbed or not, but, again, we ask for your support in the reduction for the required landscape buffer and let me know what questions you have.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: This is where I got a little -- just a little confused. I know it's super narrow, but the buffer itself is still 25 feet; right? Because the setback is 25 feet.

Kozlowski: That's correct. Yeah.

Borton: So, that's not changing, but the amount of that 25 feet that is going to be landscaped is that the change that you are asking the landscape -- or green up 15 of the 25 feet?

Kozlowski: Exactly. So, as you can see here, the area that is shown in gray, that's a sidewalk that leads out to the side of the daycare facility. So, we do have a sidewalk in that area and, then, everything north of that would be the grass area.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: And that 15 foot easement that's on the other property, I'm assuming that's some sort of a lateral or canal or something that -- it's an easement of some sort that they can't put any landscaping on or they might be able to, but that would be up to them if it -- if it's allowed.

Kozlowski: Correct. And, yes, it actually is located on our property, but it would need to be up to their discretion if we would be able to provide any landscaping within that area.

So, if they were to submit for a landscape vacation easement or something of that matter, we would be able to work with them on that and they are working with us on a cross-access easement for parking and flow through both sites, so we have been working together and just want to be a good neighbor here and work together to make a good development.

Borton: Okay. Thank you.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I apologize if I -- if I'm not tracking. So, you are asking for a reduction from 25 feet to 15 feet and the ten foot reduction is because the original concept plan for the building doesn't fit within the site or -- help me understand why you need to reduce this by ten feet.

Kozlowski: Absolutely. So, as you can see on the revised concept plan, the one that was shown most recent, you can see that there is a portion of it that is within that 25 foot setback. The sidewalk on the south side of the building will be reduced, so that that building will fall within the 25 foot buffer. So, that won't be an issue at all. The only matter here would be the reduction of the landscape buffer from the 25 foot to the 15 foot, like you stated.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I'm -- I'm not -- still not quite sure why you need the reduction in -- in -- from 25 to 15. Is it you just don't want to do 25?

Kozlowski: Sorry. We have -- the sidewalk is in the -- if you can see like the southern portion of the -- the gray area that's shown in the southern portion of the 25 feet, it's about five to six feet. That area we cannot provide the grass, because there is the sidewalk right there.

Perreault: Mr. Mayor, a follow up.

Simison: Council Woman Perreault.

Perreault: So, essentially, the building is too big and if the building were smaller, then, both of those sidewalks would fit within the -- the -- excuse me -- within the -- the buffer. So, that's really I guess what I'm trying to get at is was there any conversation about shrinking the size of the building to fit within the code?

Kozlowski: We did have that conversation, although this is the tenant's prototypical

building, so, unfortunately, there is no wiggle room in their prototype and this is what they would have to provide in order to make the site work and to provide childcare. But with the reduction of the sidewalk on the south, with the reduction of the width of that, we will be able to fit within the 25 foot setback. So, the building would be within the required setback yard there.

Simison: Council, any additional questions for the applicant? Okay. Thank you. Mr. Clerk, do we have anybody signed up to provide testimony on this item?

Johnson: Mr. Mayor, we did not.

Simison: All right. Is there anybody in the audience who would like to provide testimony on this item or is there anybody online who will wish to provide testimony and, if so, use the raise your hand feature at the bottom of the Zoom call. No one is coming forward or raising their hand, so would the applicant like to make any final comments?

Kozlowski: No. Thank you for taking the time to hear our request this evening. We hope you are in support of the project and, again, thank you for your time. I appreciate it.

Simison: Thank you.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: I'm more confused than I thought I would -- would be on this, quite frankly. Jessica's questions on the building size kind of makes sense. You got a building -- yeah, I just don't get it. I'm not catching why the Council's -- or why the Commission's condition can't be complied with and why the landscaping doesn't go in. So, maybe someone else picked something up that I missed. I don't -- I just don't get it.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I have the same question as -- as Councilman Borton. I -- I -- typically when we see these reductions that has something to do with the geography of the property or there is a limitation, because of a use on a neighboring property, but this is just a request because the building size doesn't fit within what our requirement is and -- and my concern is that if we say yes to this request, that, you know, we are going to have many more of these that are just wanting to reduce the width just because their site plan doesn't work for what they had hoped it would and it isn't necessarily because of an actual limitation created by the property itself.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Here -- here was my take on it and it could be different and way off, but where -- where staff report says because there is an existing 15 foot wide access easement along the northern property line benefiting the property owner to the north -- okay. So, they are -- they are going to have 25 foot, because, then, there is going to be the ten foot buffer that they want to have in grass, so that's where I was -- my question about that easement was, okay, so something is prohibiting landscaping over there and if that's an easement that's of -- of that 15 foot wide. I don't know what it is and we didn't get to that. So, now you are moving it closer and, then, you have got a sidewalk here within that, they just want to go with grass instead of landscaping is my understanding. So, there is 25 foot total, but it's not -- we are not -- they can't comply with the landscaping or don't desire to comply, because they don't have that full width to put -- put landscaping on. So, you could probably do it within the ten foot, but it sounds like there is the sidewalk and it's a daycare and how much landscaping you need -- I'm not -- I'm not sure, Sonya, if you can shed some light on that or not, but that was my take on it.

Allen: Mr. Mayor, if you would -- if you would like me to respond. Councilman Hoaglund, Council, yeah, they are -- they are not asking for a reduction in the buffer width and you can't approve a buffer width reduction. Well, I should say you can do that, but that doesn't affect the building setback. So, their issue is -- as you said is their building is too big. If they bring their building back and if they didn't have the sidewalk on the north side of their building they would comply with -- they would have adequate room to provide landscaping in that southern ten feet. The condition as is requires them to provide all of the buffer landscaping within the southern ten feet, rather than say in the middle of that buffer area, which is standard. So, they are -- they are asking for -- to be -- not required to do the -- any of the shrubs or trees and, you know, we don't require a sidewalk on the north side of the building, it's something they are proposing and that's the reason they can't provide the landscaping, at least directly adjacent to the building to the north. They could still provide it on the west side of the building -- on the west side of the sidewalk, but -- and would buffer the play area, which -- which makes some sense. So, if you were, you know, willing to approve that at a minimum I would suggest that.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Sonya, is that a standard three foot sidewalk? Is that a larger sidewalk than -- is it four foot? Do we know?

Allen: It's four or five feet. I'm not positive. The applicant could probably answer that for you for sure. It's not dimensioned on the plan.

Hoaglund: So that encroaches into the ten foot, into the -- the buffer requirement space, so, you know, to plant a tree in a -- in a five foot area up against the building where there is a sidewalk, you are going to have some issues I think.

Allen: Well, the -- the site may -- Mr. Mayor, excuse me. The -- the building does need to shift down a couple -- two or three feet. It is shown within that buffer area and that is a setback area and I have discussed that with the applicant and they are able to shift that down. As you can see the sidewalk on the south side of the building is a little wider just directly south. So, they have room to shift that and -- and comply with the ordinance that way. And -- and there is a possibility that they will get that easement relinquished along the northern boundary, but it's not something we can act on today, because it's not done and we can't require that adjacent property owner to relinquish that with this application, so --

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Sonya, would that requirement to shift the building down be a required condition in a motion tonight or will that just have to happen because it's in the ordinance?

Allen: Mr. Mayor, Council Woman Strader, yeah, that's just an ordinance requirement and that does not need to be part of the motion. They are already conditioned to comply with that section of code.

Strader: Got it. Mr. Mayor?

Simison: Council Woman Strader.

Strader: Just to share some thoughts. I feel like having the addition of sidewalk, as opposed to grass, is fine. I don't -- I don't view that as a hugely material issue. I feel like the buffer overall is the same. I think it meets the spirit of what we are trying to do and definitely childcare is desperately needed in Meridian. I don't want us to like lose sight, you know, forest for the trees. It doesn't feel like a huge exception to me, unless I'm missing something. It just feels like we are exchanging some landscaping and a little bit of grass for sidewalk in light of the small dimensions here next to the fence. It doesn't seem like a huge issue to me overall.

Allen: Mr. Mayor, may I clarify?

Simison: Yes, you may.

Allen: The issue is -- is that the -- the buffers to residential uses are required to be landscaped with a mix of trees and conifers, basically, that are spaced pretty close, so that it allows trees to touch at maturity -- maturity and the -- the reason for that is to provide a visual and a sound buffer between adjacent uses. Commercial uses adjacent to residential specifically. So, by just providing grass they aren't -- they aren't getting any of that. They are providing a fence -- a six foot tall fence. Code does speak to that. When they are providing a fence it does speak to reducing the -- the tree requirements in that buffer when a -- when a solid fence is proposed and -- and our typical perimeter

landscaping is -- is one tree per 35 linear feet. So, that -- that could be reduced down to that. But either way with what they are proposing with the sidewalk on the north side of the building it -- it doesn't allow adequate room for landscaping within that southern ten feet of the buffer as currently required in the CUP condition.

Simison: So, Sonya, to follow up on the comment you made to -- are -- are we trying to create a buffer to the north because there is existing residential compared to what it will become?

Allen: It's the existing use, Mr. Mayor, that it goes off of and it -- it is residential. That use has not changed. It may be abandoned, I'm not really sure, but we don't have any permits through the city saying otherwise that it has changed.

Simison: So, that RUT area is planned to be residential.

Allen: It's designated mixed use.

Simison: And the buffers would apply between commercial to mixed use in the future?

Allen: It -- it doesn't speak to the future use. It -- it speaks to the existing use.

Simison: Because that -- that's -- that would be my -- we -- we -- I mean it's not been a secret to me, I have been told Black Rock is going in right to -- to this area -- to the north is going to be commercial is what the intention is. Now -- so, I guess that that would be part of the item -- it seems odd to require something that's going to be residential if we don't think it's going to develop as residential in the future.

Allen: Well, the -- the preliminary plan that is -- that we have actually had at pre-application meeting on for that property is multi-family residential.

Simison: Okay.

Allen: Or vertically integrated, with mostly residential, so -- either way I think it's -- it's probably going to be residential, yeah.

Simison: Okay. Fair enough.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Unless Council has other questions to discuss from staff, I'm going to make a motion that we close the public hearing on CR-2022-0003.

Strader: I will second.

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

MOTION CARRIED: ALL AYES.

Borton: Mr. Mayor?

Simison: Councilman Hoaglund. Or Councilman Borton.

Borton: Thank you for that compliment. Best part of my day. I'm not supportive of the request. Just some brief context. I -- I kind of get it, but I want to support our code and Planning and Zoning. There were some -- some choices made that I don't want to invite requests of -- of sort of self inflicted attempts to modify code. Maybe this one is not the biggest deal, but I think as a matter of principle it makes sense to -- to stay true to our code. It has purpose behind it. Staff described that well tonight. P&Z recognized it. So, for this one I'm not supportive of the request.

Cavener: Is that a motion?

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Excuse me. I will get a motion out and see what happens. I'm going to move that we deny CR-2022-0003 for the reason stated.

Cavener: Second.

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

Cavener: Mr. Mayor?

Simison: Councilman Cavener. I want to call you Hoaglund, too. I'm sorry. It was --

Cavener: I will take it. That's, again, compliments all the way around. I just want to make sure that we are correct in this, because -- the denial is upholding the Planning and Zoning Commission's decision? The recommendation of denial upholds the -- okay.

Simison: Is there further discussion?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Not discussion, I just -- in thinking that this is something that -- that could have

been figured out of -- really early in the process before the -- you know, the lessee was secured and the building -- building size was determined, that code hasn't changed. So, I can -- I think that's kind of for me where -- where I'm in agreement with -- with Councilman Borton is just I don't -- I don't -- I'm trying to figure out how this could have been -- like this is a situation that could have been just prevented with more due diligence or not and so I think it possibly could have.

Simison: Is there further discussion?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I'm kind of struggling a little bit. I -- I tend to agree with the principle of sticking to our guns on -- on what we require. It's tough, though; right? It's prototype. This is really needed in Meridian. I have to think at the end of the day this is a matter of the -- the prototype could be altered. So, I think I'm in agreement. I -- I would hope that the applicant could make some changes here to come into compliance.

Simison: With that ask the Clerk to call the roll.

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

Simison: All ayes. Motion carries and the item is not agreed to. But the motion was agreed to, but the request was denied.

MOTION CARRIED: ALL AYES.

4. Public Hearing for Lavender Heights Development Agreement Modification (H-2022-0017) by Breckon Land Design, Located at 2160 E. Lake Hazel Rd., at the Northeast Corner of E. Lake Hazel Rd. and S. Bloomerang Ave.

- A. Request: Modification to the Existing Development Agreement of the Lavender Heights Subdivision (Inst. # 2020-106343) for the purpose of updating the phase 4 concept plan and to modify relevant provisions

Simison: Next item up is Item 4, public hearing for Lavender Heights Development Agreement Modification, H-2022-0017. We will open this public hearing with staff comments.

Dodson: Thank you, Mr. Mayor, Council. Good evening. First project is for Lavender Heights Development Agreement Modification. That is -- why did I not change the pictures? I apologize. That is not the correct picture at all. The site consists of

approximately 3.78 acres of land, currently zoned R-40, located at 2160 East Lake Hazel. It's directly north of Discovery Park. It was annexed and zoned as part of the Lavender Heights Subdivision in 2020 -- early 2020 was my first big project of the city, so bear with me if I made any mistakes back then. The future land use map calls this -- for this area to be medium high density residential, which is eight to 12 units per acre. The request tonight is to amend the existing DA of the Lavender Heights Subdivision for the purpose of updating the concept plan -- updating this concept plan and any relevant provisions associated with the development of phase four of this subdivision. As noted in 2020, the property did receive annexation and subdivision approval to develop the residential subdivision in four phases known as Lavender Heights. First three phases depicted detached single family and the fourth phase depicted a basic concept for the multi-family project. Again, modification is just for phase four. The first three phases have received final plat approval and I believe at least phase one is currently under construction. The new concept plan depicts a townhome development and a private street drive aisle, instead of a traditional garden style apartment complex, which was vaguely shown on the original concept plan. Further, the submitted concept plan contemplates 30 units, instead of the anticipated minimum of 36 units outlined in DA provision 5.1E. For the overall development a loss of six units does not affect its overall density in any measurable way. This area of the plat was intended to be the densest area of the development as it is along Lake Hazel, which is a mobility corridor, and because it is across from Discovery Park. If the development is a multi-family project or a townhome, meaning platted as townhomes, which are three or more in one building, a future CUP is required within the R-40 zoning district. If the units are to be sold off individually or in groups, they will also require a plat. So, minimally a CUP will be required for what is shown. So, this is not the final approval that the city can or will grant. In summary, staff does support either option. They would contribute to the housing diversity offered within the development and the surrounding area. Based on the process outlined, staff will ensure the future multi-family or townhome development complies with the most current UDC standards in affect at the time. Really, brass tacks, the DA mod before you is do you like the old concept plan and multi-family better than the proposed concept plan of the townhomes and do you want a reduction of six units or not in the overall. That's what we are here for. These are a copy of the -- my proposed DA revisions outlined in my staff report and I will stand for any questions.

Simison: Thank you, Joe, for breaking it down pretty quick and easy there at the end. Council, any questions for staff?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Joe, just to be clear, whether it is multi-family or townhomes, they still are going to need to go to Planning and Zoning to get a CUP; is that right?

Dodson: Mr. Mayor, Council Woman Perreault, that is correct. Why a townhome project needs a CUP and R-40 -- I don't know, but it does.

Perreault: Okay. As we will see in another hearing this evening, if they don't they could possibly affect the amenities that are provided for the overall development, so I just wanted to make sure that that's going to be reviewed by Planning and Zoning.

Dodson: It absolutely will be. Yes, ma'am.

Perreault: Thank you.

Simison: Council, any additional questions for staff? All right. Then, will -- is the applicant here to come forward? And if you can state your name and address for the record, be recognized for 15 minutes.

Breckon: John Breckon. Breckon Land Design. 6661 Glenwood Street. And I prepared a short presentation. This is -- you may remember when Lavender came through a couple years ago -- okay. Thank you. Here is the -- the location just for reference and this is the rendering of the -- of the overall project and you can see the -- the property there that we are referring to tonight is -- is that frontage piece along Lake Hazel. It's across from the park. And here are the two shots of what -- what was agreed and it is currently in the development agreement. On the left with the multi-family concept and the concept that we are proposing tonight for the modification, it shows the -- the 30 units on the right and I would also like to just thank Joe for working with us on this, because we -- we went back and forth quite a bit to come up with this plan. One of the -- one of the items that was of question at one point was whether this would -- these would be rental properties or to be sold and -- and bought and -- and just for clarity I just wanted to reiterate that the intent is that these would be sold and bought. This is a rendering of the -- the front facade and, actually -- and I back up here. One thing that -- the way these are designed is that -- I just want to describe what's -- what -- what we are showing depicting on the plan, but, again, the Farr Lateral here on the -- along the north side of the property with the ten foot wide regional pathway that actually goes through most of the property, but it goes -- it just parallels to the Farr Lateral and the way these are designed is that the front door faces the open space on the Farr Lateral and same with these units on the south and along Bloomerang. So, the front doors are -- are facing the street and as well as on the south units, the front doors face the street and so this is -- it's kind of a modified alley load type of a product with a private street that enters in and, then, the garages would be on this -- on this -- right along the street and so this is a -- this is the -- the front of the homes that would be facing the open space and this is the -- the rear facade with the -- the garages facing the drives. So, one thing, too, I would just like to point out -- and I think Joe spoke to it earlier -- you know, currently, in in the zone -- zoning code, this is a zone to be eight to 12 dwelling units per acre and one of the challenges with this site is that it is a triangle shape. Trying to get things to fit in here. But if you do the math on this, if -- it -- it actually calculates out to eight units per acre and that's if you include the Farr Lateral, which is part of the property, and if you calculate it without the -- the ditch incumbrance, then, we are at 12 units per acre, just for reference. And I will stand for questions.

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

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: First let me say thank you for considering putting townhomes in this area. We have a lot of need for townhomes in Meridian overall and I also appreciate the green space as well. A couple of questions for you. First is what is the width of the private lane and what is the -- what are the size of the driveways? So, it looks to me like maybe the driveways are only five or six feet deep and we have seen in these developments before when we have a narrow private lane and very small driveways that we have issues with people backing out, car movement, trash cans being out in the road, et cetera. And just to give you a heads up, our Planning and Zoning Commission loves to talk about parking, so I thank you for the extra guest parking that you have put in here.

Breckon: Mr. Mayor, Council Woman Perreault, yes, this -- that was -- that's actually one of the -- the items that we worked with Joe on quite a bit. Very extensively, actually, to try to fit all this in here and meet parking requirements and so forth. We feel that it's been very well thought out and while it is extremely efficient in its design, that it will meet all the requirements and allow for adequate circulation and parking needs. Yeah. We even talked to Mr. Bongiorno for fire access, make sure we were in compliance there. Additionally, one of our work sessions we made some modifications and shifted the units around to allow for alignment of the sewer main that comes -- let's see if I can point it out on the plan here. So, this -- this pathway connection is actually wide enough to allow for -- where did it go? Right there where the pathway connects through, that's wide enough to allow for the required easement and necessary vehicle access to service and maintain the sewer main, which connects and -- and services all these units and, then, as -- or from there it distributes down the private lane and -- anyway. So, then, to -- to address your question regarding access, yes, there the -- as -- as far as the lot layout goes, there is not a traditional driveway in front of each of the units. There is five feet -- be a five foot apron. There is the drive aisle, if you will, which is 24 feet wide. We do have the necessary 30 foot utility easement and so door to door there we are at -- we are at 30 feet. The -- the parking -- each of these units has -- has two stall -- or dual garage -- two car garage and, then, we will also have parking. We have a guest parking that's adjacent -- that's that parking that's shown on the south side there.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Just want to make sure I understood that. So, there is a five foot width from the front -- front of their garage that's part of their property on each side and, then, the -- the drive aisle itself is 24 feet?

Dodson: Mr. Mayor?

Simison: Yes, Joe.

Dodson: If I could answer those. Yeah, that -- the setback for alley load is five feet, which is why they have the five foot driveway apron thing, and, then, you got the minimum width of the private street is 24 feet. So, 24 plus ten is 34 feet from garage door to garage door.

Hoaglund: Thank you, Joe.

Dodson: At least on the main drive aisle.

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

Breckon: Thank you.

Simison: Mr. Clerk, anyone signed up for this item?

Johnson: Mr. Mayor, two people signed up, neither of them marked they wanted to testify.

Simison: Okay. You want to read off their names and we will see if they want to come up.

Johnson: Todd McDermott and Mindy McDermott.

Simison: Would you like come on forward to the microphone and state your name and address for the record and be recognized for three minutes? If there is anybody online that would like to reprovided, please, use the raise your hand feature, so we know to bring you in.

McDermott: Todd McDermott. 1421 West Whitehall Drive, Meridian. I'm not sure the official way to address everyone, but --

Simison: Don't worry about it.

McDermott: Thank you. We just support the change. We are buying behind this development -- directly behind. So, you look out our backyard we will see their front doors if -- if it's built the way it was described. What was shown tonight seems to fit into the area aesthetically I think a little bit more. Maybe that's self serving, but I think it does fit into it. It does sound like there is a loss of six units. But, anyway, we wanted to put our support behind the change that was proposed tonight. Thank you.

Simison: Thank you. Council, any questions?

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Just a comment. And, Mr. McDermott, don't worry about your testimony. It

would not be the first time a neighbor would be talking about something -- a development coming in and being self serving about it. So, we are very used to that.

Simison: Is there anybody else that would like to provide testimony on this item? Would the applicant like to make any final comments? Okay. They have waived. So, Council, for your deliberation --

Bernt: Mr. Mayor?

Simison: -- or a motion.

Bernt: I move we close the public hearing.

Yearsley: Second.

Simison: I have a motion and a second to close the public hearing. All in favor signify by saying aye. Opposed nay? The ayes have it and the public hearing is closed.

MOTION CARRIED: ALL AYES.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I move that we approve Item No. 4, which is H-2022-0017.

Strader: Second.

Cavener: Second.

Simison: I have a motion and a second to approve H-2022-0017. Is there any discussion? If not, Clerk will call the roll.

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

Simison: All ayes. Motion carried and the item is agreed to. Thank you very much.

MOTION CARRIED: ALL AYES.

5. Public Hearing for Oaks North Rezone (H-2022-0010) by Toll Southwest, LLC, Generally Located Northwest of 5151 N. Rustic Oak Way

- A. Request: Rezone of 12.02 acres of land from the R-4 to the R-8 zoning district for the purpose of recouping five (5) building lots in a

future final plat phase of the Oaks North Subdivision.

Simison: Next item on the agenda is Item 5, public hearing Oaks North Rezone, H-2022-0010. We will open this public hearing with staff comments.

Dodson: Thank you, Mr. Mayor. The maps are right on this one. So, we are good. The site consists of 37.5 acres of land, zoned R-4 and R-8, generally located northwest of 5151 Rustic Oak Way, which will be their main open space lot, the closest main address I could find. It is shown as medium density residential on the future land use map. The area outlined here does not match the area being rezoned. This is just the existing property, because this final plat has not been recorded, so it has not been subdivided enough for the GIS to catch up. So, I just wanted to make that clear, because the request for the rezone tonight is only for just over 12 acres of land. It's a request to go from R-4 to the R-8 for the purpose of including five additional building lots that were lost over the course of the previous 11 final plat phases. Staff has confirmed the addition of five lots in this phase will keep the project consistent with the approved plat from 2014. Again, just for five lots within 12 acres. There was some public testimony, as well as written testimony regarding that at the Planning and Zoning Commission hearing that seemed to insinuate that the whole project was being rezoned from R-4 to R-8 and that is -- I just want to make that very clear that is not what is before us tonight. Because of the request there is no need for a new preliminary plat to be submitted. City code allows for later phases of a project to include lots lost within previous phases, so long as the total number of lots throughout the whole plat is not increased. However, adding these additional lots within the existing R-4 is not possible to meet the minimum dimensional standards for the R-4 lots. Therefore, the applicant has requested the rezone to the R-8 zoning district. The applicant is not proposing to change any of the previously approved road networks or connections. The proposed local streets and stub streets along the northbound are shown in the same locations as before and do align with Prescott Ridge to the north. The applicant is proposing to increase the open space in this phase of the development, compared to the existing approvals within the R-4 zoning district to meet the latest open space requirements for the R-8 zoning district of a minimum of 15 percent qualified open space. According to the revised concept plan narrative, the applicant is showing approximately 180,000 square feet of qualified common open space for what would be Phase 12, which is the total colored area, by the way. Not just the 12 acres, which is approximately 15 percent. It complies with the minimum open space now. To be clear, the applicant did not have to do that technically to meet current code, because they are just doing the rezone here. There has been no public testimony -- or no written testimony submitted since the Commission hearing, but prior to that there were four pieces of testimony submitted. Again, there was some discussion about the rezone area. There is a lot of -- a lot of discussion regarding the overall amenities, which as I discussed at P&Z not part of this application, it's not something that we have purview to require with a rezone, unless there was a DA mod attached, which we did not require, because they are going to just comply with the existing DA to recoup five lots. There were also questions and concerns regarding the HOA, which the city just doesn't have any purview over altogether. Those were the discussion points in the Commission hearing as well and so I will stand for any questions.

Simison: Thank you, Joe. Council, questions for staff?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I'm kind of curious if -- if it is allowable to add these additional units, if that is consistent with our practice and is -- and when that comes into conflict with the zoning is there any legal issue with just saying, no, we want to stick with the zoning that's here?

Nary: So, Mr. Mayor, Members of the Council, it is a discretion on the Council's part on a rezone, so you do have the ability to deny a request to rezone it. That isn't a legal issue to me. I -- I missed the first part of your question though. I apologize.

Strader: Mr. Mayor. No, that was perfect.

Nary: Oh.

Strader: I was just trying to understand -- like, for example, annexations, we understand we have a lot of discretion. I just want to understand legally if we had a lot of discretion here to just stick with the zoning, especially if there is a past practice of allowing these additional units between different phases of a project.

Nary: Yes. So, Mr. Mayor, Members of the Council, Council Member Strader, I mean certainly if there is reasons beyond not in our best interest, I think we do need to make sure the applicant understands why they can, but it is still within your discretion to deny it, but we do have to at least make clear what the reasons are.

Strader: All right. Thanks.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Along those same lines, since the entire project is approved for 653 lots, if they don't meet that number, then, what does that mean for the project as a whole? I mean it -- is there any issue with that?

Dodson: Mr. Mayor?

Simison: Yes, Joe.

Dodson: Council Woman Perreault, if they didn't meet that, if they just submitted it with R-4, and they are minus five lots once it's recorded it just is those -- they lose the five lots.

Perreault: Okay.

Dodson: Everything is done.

Simison: And I -- I would turn maybe to Councilman Borton or -- I don't recall this issue coming up traditionally. I'm not familiar over the years -- know of adding lots back in at a later point in a plat. I would turn to those that have been up here in other ways for an extended period time. I'm not familiar with this as a general ask.

Dodson: Mr. Mayor?

Simison: Back to Council Woman Strader's question a little bit. Yes, Joe.

Dodson: It happens all the time on our end with final plats, but final plats don't really come before you, so it is a normal practice. The difference is that adding those five lots they won't meet their required street frontage requirements for the R-4, which is not necessarily the lot size, because they are not maxing out the lot sizes or anything, it's just really the street frontage dimensional standard that they won't be able to meet with R-4 versus R-8. That -- that's what it comes down to.

Simison: Thanks, Joe.

Dodson: Yep.

Simison: Okay. Is the applicant here? Like to -- I knew they were, but I didn't know which one, so -- state your name and address for the record and be recognized for 15 minutes.

Bower: Mr. Mayor, Members of the Council, Jeff Bower. 601 West Bannock in Boise. Here tonight on behalf of the applicant Toll Brothers. With me from Toll Brothers Ryan Hammons. He is our senior VP of Planning. And Adam Capell, vice-president of land development. Both are available to answer any questions the Council might have about ongoing development at Oaks North. So, Toll Brothers is the owner and developer of the Oaks North project. Toll Brothers, as you are well aware, a Fortune 500 development company with their Idaho headquarters here in Meridian. They employ 180 Idahoans in the City of Meridian and they have been developing homes in Meridian since 2016. We are here tonight on a single application. It's to rezone approximately 12 acres from R-4 to R-8 and -- and before I give my spiel, I will say we agree with planning staff analysis on the rezone, as well as all of the conditions of approval that have been proposed in their recommendation of approval. So, the property at issue here is in the northwest corner of the project near McDermott and as summarized, the request tonight for this rezone is to get to the number of lots originally approved in 2014, 653, and to increase open space in our final phase and to provide better transition to the recently approved projects to our north. And I will go through each of those in detail. Before -- I -- I think background in context is important here. This is a project that was improved almost a decade ago. There have been I think 24 phases between Oaks North and Oaks South. We are here talking about Oaks North today, so I just want to run through a little bit of history. On the screen is the approved preliminary plat, 653 single family units approved, three large lots. Here is my cursor. Multi-family lot here and two multi-family lots up here. So, conceptually

approved for 266 multi-family units in addition to the 653 single family units. Over time this concept plan for the multi-family has -- has been redesignated to single family. I was here I think in Christmas for Oakmore, which is the area up here in the northeast. So, we converted that 60 units of multi-family to 18 single family units with a rezone and, then, in 2019 my colleague Becky McKay was here for Oak Winds and that took the conceptually planned multi-family out of this area and -- and put in 198 units of -- of single family residential, 94 townhomes, 92 single family homes. So, all that's to say that over the course of this project by and large the -- the single family residential that as approved has developed generally in accordance with what you see here, meeting all the requirements to be final platted and the multi-family areas have been reduced in density to add single family homes. Okay. Since -- since 2013 on the single family front, which we are here talking about, 11 final plats have been approved, totaling 570 lots. We are here for the final phase, Phase 12. It's highlighted in red on this map. The small green area is the -- is the only rezone area and as Joe mentioned, we are here specifically to add five lots to this Phase 12 area. This is the concept -- concept plan we have submitted to be approved in conjunction with this rezone. It's 83 lots on 23.5 acres. This gets a little busy, but I thought it was important to show the Council. This is an overlay of the preliminary plat with our concept plan. The areas in kind of the blue green color are the underlying preliminary plat and the area -- and the lines and numbers in white are the concept plan and so as -- as -- again, as Joe mentioned, not making any material changes to the block faces or the road layout, really, we are just adding some additional lots through smaller lot sizes. If we were going to stick with the R-4 zoning we would have 78 units, with a density of 3.31. With the five additional lots we get up to 83, with only a 2/10ths increase in density to 3.54 and, again, no increase in density overall. We are hitting that 653 from 2014 right on the head. So, no increase in density overall. Why the reason? Of course, first and foremost, we want to get our five lots that we have lost and -- and those were lost primarily to create more open space in the earlier phases, as well as to address some -- some peculiar engineering issues, some corners, but with the -- with the smaller lots in the R-8 we are able to add more open space. So, we go from 1.7 acres shown on the preliminary plat to around 3.2 as proposed in the concept plan. I -- I don't think I need to go over this too much, because the staff report did it so well, but the -- the rezone we are asking for makes sense here. The -- the land is designated appropriately for R-8 at medium density residential. Most of phase -- I shouldn't say most. A portion of Phase 12 is already zoned R-8 to the east out towards McDermott and Prescott Ridge to the north is also zoned -- zoned R-8. So, we have contiguity with other R-8 zones. Again, as Joe mentioned, here is an overall plat showing Prescott Ridge to the north and the area we are platting in green here. The rezone will help us to transition up to Prescott Ridge, which is zoned R-8, with lot sizes very similar to what we are proposing with our concept plan. There -- there has been discussion in the public comments written before the P&Z and at P&Z about site amenities, so we wanted to go over all the amenities that are included in Oaks North, as well as what's still planned to be built out. So, in 2014 when the Oaks project was annexed and zoned, the development agreement required 12 amenities. The development agreement also specifically provided that those main site amenities would be constructed in the first phase. So, with Oaks North Toll Brothers did comply with the development agreement. They constructed this main amenity central park area in phase one. The main amenity includes a 4,900 square foot pool, pool house,

picnic shelter, a basketball court, two pickleball courts, a tot lot, a pond with a dock, as well as a pathway with exercise equipment. So, seven amenities in that central park area. Another close up of the pool. This is the Oaks North pool. Again, just under 5,000 square feet. Very large for homeowners association pools in the City of Meridian, towards the top end, if not the largest that we are aware of. Because of the -- the time that's transpired and the number of phases, we have prepared this exhibit for the Council. It's sort of a cumulative list of all the amenities to date. We have installed eight, most of those being in the central park area, and we have seven more to go throughout the project for a total of 15 amenities. So, in excess of what was originally required.

Simison: Councilman Cavener.

Cavener: Jeff, I don't mean to interrupt you. Can you just help me orientate where -- the application that's before us where it sits on this map?

Bower: Absolutely. Mr. Mayor, Council Member Cavener, can you see my cursor now? You can? Okay. Phase 12 would be this upper corner right here and so it includes this open space area. So, circles numbered 10 and 11, which are a public picnic table area and what I was -- you are stealing some of my thunder -- a splash pad. So, we -- we did after the P&Z hearing we heard comments from our residents, who, again, we -- we take those very seriously. They mentioned one, the pool area can be overcrowded during some of those, you know, hot summer days and they also mentioned that they prefer active amenities versus passive. So, they didn't necessarily feel just the open grass area was beneficial. So, we have added a site -- an active amenity in Phase 12, something like this, a splash pad. We think it meets kind of the spirit of the comments we heard from -- from the residents that the pool is overcrowded, so here is another hot weather active amenity that folks can use. Appreciated Joe's comments again. So, with Phase 12 we are increasing the open space to meet your current standards to -- to the 15 percent that's required based on those recent amendments you guys brought through and with the splash pad and the picnic shelter, Phase 12 actually meets your updated code as to amenities. So, we need five points and we have six points. Splash pad is four. The picnic shelter is two. So, there were a couple questions -- that's the end of my presentation. I will stand for more questions, but I will try to answer Council Member Strader's question. We are here for the -- for the five lots. We do feel like this is a pretty routine request in terms of shuffling lots around a preliminary plat area, but because of the -- the design standards we did need the rezone. I -- I kind of -- to get to brass tacks, as I appreciate Joe does, this is a design amendment versus a density amendment. We are just trying to get those smaller lots in.

Simison: Council -- Council, any questions?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Sure. Yeah. I mean just to get into a little bit of a debate about that -- and you

are increasing the density, though; right? If you want to go back to that slide it looks like you are increasing it. I guess what I would like you to comment on a little bit is -- slightly. You are increasing it slightly. But I would like you to comment on -- to me I get concerned about rezoning a multi-phase project where I think it's in everyone's best interest to anticipate the zoning and it -- it concerns me about managing people's expectations to make a change. I have not heard of these re-zones being common practice. That's not what I'm hearing. So, if you could reflect on that and, then, if you could also just go back to the comparison -- maybe actually it's here -- of the original concept plan versus the new one and side by side.

Bower: Yeah. Madam Mayor, Council Member Strader, thank you. To your point in Phase 12, we are increasing the density by 2/10ths, but overall on the project the density for single family remains the same. So, 653 units will be constructed and we have reduced the overall density by taking out the multi-family in the northwest -- the northeast corner and the southwest corner. So, in terms of managing expectations, I believe that this is in -- totally in spirit with what the expectations for the project were.

Strader: Could you, please, move to the -- if you just show the original concept plan and, then, the new one one at a time, so we can kind of compare them -- or a slide that has them both.

Bower: Mr. Mayor, Council Member Strader, this is the overlay I was showing where the original is in blue green. Is that the one you are looking for?

Strader: It's kind of hard for me to see, to be honest.

Bower: Okay.

Strader: The blue green. Yeah. So, this is the updated one and, then, could you show the original --

Bower: Madam Mayor -- or sorry. Mr. Mayor, Council Member Strader, that's -- I'm sorry. That's the best I can do with the slides I have. This is the original preliminary plat.

Strader: Mr. Mayor, maybe -- I believe Joe previously showed a -- the original concept plan. If he has that available still.

Simison: While we are pulling that up, Council, any additional questions?

Hoaglund: Yeah. Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: So, Jeff, the multi-family, was that R-40 at the time or -- or some sort of -- so, you did have a rezone for those particular parcels; correct?

Bower: Mr. Mayor, Council Member Hoaglund, I believe it was R-15 in both areas, but the development agreement at the time specified that the density was between -- be between eight and 15 units per acre. So, we have, obviously, decreased density significantly in that northeast corner, where Oakmore is and, then, modestly for Oak Winds, which is just below eight units per acre. I believe it's like 7.8.

Hoaglund: Okay. Thank you.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: This looks like what I'm asking for. Joe, is this what I was asking for?

Dodson: Council Woman Strader, I believe it is. This is in the applicant's presentation. It wasn't specific to the plat so much as the open space, but it does show the original versus the new.

Strader: If you wouldn't mind just letting us linger here for a second, so I could look at it. Thank you.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Mr. Bower, the -- the open space for the proposed numbering, one, two, three and four, is that -- what's contemplated for that? Is it just grassed up space?

Bower: Mr. Mayor, Council Member Cavener, that -- that's correct. So, what -- what we found -- or what Toll Brothers tells me is that when we start to increase the density and we are getting those longer rows of houses in one block, those -- say lots numbered one and two really help to -- to make the community feel more open, so you don't just have a continuous row of -- of homes. They also help us to meet the city's requirements for drainage as well.

Cavener: Okay.

Bower: On -- on lots -- on numbers three and four, those are just going to be grassed open space. Again, help with some of our drainage requirements, but also provide a very nice, you know, street improvement and aesthetic as you are coming down that main -- main collector there. Main -- main local road.

Cavener: So -- Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Jeff, I think that oftentimes when our -- at least when our citizens, your residents, think about open space they -- I think they probably view it as usable and not just necessarily drainage. I mean is there any programming that you plan to do there, benches, anything along those lines, so that our -- our citizens can use it or is it just really just grassed up drainage areas? Get muddy. Sorry. We have one in our neighborhood and it drives my wife crazy when my kids go and play in it and, then, drag the mud into the house.

Bower: Mr. Mayor, Council Member Cavener, all of our areas are -- are -- this is all usable open space. It -- you know, we will have the standard pathways, sidewalks, that we see throughout the community. But, again, in terms of programming, we are exceeding what was originally required. We are meeting the code today for amenities in this phase.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Yes. I want to ask Joe -- so, this is qualified open space with what they are showing; is that correct?

Bower: Mr. Mayor, Councilman Hoaglund, from -- I didn't dive into it too much too much, because that wasn't part of what I'm reviewing, but generally, yes, one and two, three and four will be over 5,000 square feet, which meets our code, especially our current code, and if they are -- if they are going to include storm drainage, then, they are supposed to be subterranean where it's also grass. It's not supposed to be like the -- the banked ones with the rock and all that sand and crap, that's not -- that won't count as qualified open space. My understanding is it will -- it will be grassed and just like all the other areas that they have. So, I don't see any issues with any of that.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Jeff, then, area number five or thereabouts in that center part where it's open space and that's where the splash pad was going to be with the picnic feature?

Bower: Mr. Mayor, Council Member Hoaglund, that's correct. The open space map, it -- which is what I'm showing in this lower slide here, it was prepared pre-P&Z hearing when we added the splash pad. But, yes, that's where the splash pad will be and -- and just to tag on to Mr. Dodson's comments, again, a condition of approval that he's recommended is that this Phase 12 does meet all of the current open space standards. So, we will have to conform to those standards.

Dodson: Mr. Mayor?

Simison: Yes, Joe.

Dodson: Sorry. I -- I did want to clarify on the -- this is per Mr. Parsons, because he corrected me when I wrote the staff report. My conditions in the rezone staff report are actually just comments. We cannot condition a rezone outside of a DA or some other plat or annexation. So, they are technically not conditions and my understanding is Council can also not add conditions necessarily, unless we say come back with a DA mode or something like that. So, I did want to make that clear. They are comments and my work with the applicant that they have done what they have supposed -- they are supposed to do per the plat requirements. So, I -- I -- I think that they will continue to do that, especially if the concept plan is part of it. And, you know, I will immediately be calling that out once they submit the final plat.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Joe, you had a comment early on and I didn't write it down, but you said the rezone was based because of our requirement for street -- I -- I didn't write it down. Could you kind of repeat that?

Dodson: Absolutely. Mr. Mayor, Councilman Hoaglund, it's -- so R-4 has a minimum street frontage requirement -- street frontage is the term -- it's 60 feet wide. So, be minimum of 60 foot wide lots. R-8 is a minimum of 40 feet. So, based on their plat I don't think -- they are not -- none of these I don't think are going to be the minimum 40, I think they are all closer to 45, 50, but, again, to get those number of lots -- or even more than -- they just aren't going to be able to meet the 60 and also provide everything that they are supposed to. So, it -- it's just a dimensional standard thing. That's why from staff's perspective we are gaining open space overall and they are going to meet their original approvals. So, I don't understand why I -- I couldn't say no, you know, from a staff level perspective.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Yeah. When, you know, Council Woman Strader said let's take a moment to look at this and, yeah, it -- there wasn't anything obvious that jumped out, you really had to look closely to figure out, oh, there is one here and, let's see, oh, the -- yeah, just because it's such a small incremental squeeze on things that it does add up to the five, but it's -- there is not a big drastic change to any of this, so makes sense. Thank you.

Simison: Council, any additional questions for the applicant? All right.

Bower: Thank you, Mr. Mayor.

Simison: Thank you very much. Mr. Clerk, I assume we have some people signed up for this?

Johnson: Yes, Mr. Mayor, we do. Casey Feasby, if --

Simison: Everyone will get their opportunity to speak. Don't worry.

Johnson: Mr. Feasby is the only person that marked they wanted to testify.

Simison: Okay. Then the next person come on up and state your name and address for the record and be recognized for three minutes and anybody online that would like to provide testimony on this item, please, use the raise your hand feature so we can prepare you appropriately. And if you can just speak into one of the mics.

Lent: Larry Lent. I live at 6054 West Doublerock Lane and my concern was when I got this in the mail it didn't look anything whatsoever what you guys are showing me up here on the screen. So, that was my confusion looking at the map you sent me and looking at the map that was presented here, it looks completely different, and that was a concern a lot of my neighbors had when they got the mail. So, I would hope that next time you send something out to the neighborhood that it represents what's being shown on your screen versus this here. This didn't tell me anything. It just was the area and it didn't explain anything as far as what was going on. I had a neighborhood plot that was sent to me back in January that did a much better job kind of showing what was going on and my concern and my whole neighborhood concern is this lower area where they say is going to be the really high density area with homes and condos. That's going to be the main concern, because none of us were told when we bought homes here that we are going to have this really high density area. So, you are going to have a lot of people coming in here and talking about your high density area I'm going to tell you that right now. So, thank you.

Simison: Thank you. Council, any questions? Okay. Go ahead and come on forward, sir.

Kessler: My name is Ed Kessler. I live at 5298 Mallorca Way. Try to spell that. And I have to apologize, I'm 72, a little hard of hearing, and I had a hard time understanding the dialogue, but I just wanted to ask the question and maybe this is one over, but I -- I couldn't really understand. Are there going to be any condos, townhomes, or apartments built in that area?

Simison: Well, Councilman Borton, if you would like to answer.

Borton: No. When you say the area, sir --

Kessler: In that -- the area they are going to be building.

Borton: So -- just kind of cut to the chase. In the area that's part of the application for tonight's hearing?

Kessler: Correct.

Borton: That little phase? No.

Kessler: Okay. Because that was a rumor going around the neighborhood and everybody is up in arms and I'm -- I'm surprised this place isn't over -- overwhelmed with -- well, the residents here. But -- okay. Thank you very much. Appreciate it.

Simison: Thank you. Anybody else that would like to provide testimony on this item? Then, Mr. Clerk, if we can go to our two people online.

Johnson: Mr. Mayor, yes. First is Mike -- and, Mike, you should be able to unmute yourself.

Lewis: I just want to comment about the traffic --

Simison: Mike, if you can state your name and address for the record, please, first.

Lewis: I'm sorry. Mike -- yes. Mike Lewis. 5343 West McMurtrey. So, there is a lot of subdivisions coming into the area and there was one in a previous meeting that you guys already amended and I think allowed R-15 on Ustick and Black Cat and so when you look at the Highway 16 expansion, the traffic already going to Owyhee High School, where do you guys think that all this additions and these developers coming back and asking for higher density, where do you think that traffic is going to go down? What -- where are they going to go to? How are they going to get on the freeway? Nothing's being done for the residents on this side that travel Black Cat and Ustick. It's -- it's not built for -- to continually keep letting these developers change to a higher density. That's -- that's all I got for you guys. Just, please, take that into consideration. This side of town is not built for it and the infrastructure is 2026 or later that they are talking about widening these roads. Thank you.

Simison: Thank you. Council, any questions?

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Just a quick response, sir. I -- I share your concern and thought the same thing and -- and for this particular application one of the items that gave me comfort to that concern was on the whole this project has lost five residential units in previous phases and the traffic that those five units would create. This application tonight would return those five units and the traffic they create. So, the net difference on what was originally approved with regards to traffic would remain essentially the same. Even though it's five units, that was one of the principles that -- that seemed to mitigate that concern. I -- I agree with you that it's going to always be on the forefront of what we are looking at, but at least here we are returning lots that were already previously approved, just putting them in a different phase, so -- just some context as to how I tried to reconcile your -- your concern that I share.

Hoaglun: And Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Just to follow up, Mike, when -- if -- because this is just a -- a rezone application, as Councilman Borton pointed out, the reasons why and the impact it has is -- is -- is net zero, if this was a complete request to come in and meet the Comprehensive Plan and to build units, we do get reports from the school district on impact to school capacity and those types of things and we have Ada County Highway District weigh in on impacts as well. It's just because of the nature of this particular application that you don't see that here. But typically they are when a new development is coming in. So, it's just because of the nature of this one that's why it's different.

Lewis: I appreciate you guys' feedback, but you guys just did approve -- I think it's Jamestown or something on Ustick and Black Cat to put in those -- the high density. So, it's not just about The Oaks, they are building a beautiful subdivision, I will give them that. I'm talking in general these developers come back all the time and they ask for a rezone and you guys give it to them and -- and it's not just about these five, I'm talking in general. You guys need to really look at it, because, yes, this one is just five, but what about Jamestown at R-15 now and the rest of the subdivisions coming in? I'm asking you guys to look at the whole picture, not just five units that they are asking for tonight. Look at everything.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Mr. Lewis, you can -- you can help. This is how, you know, rumors get started. Jamestown was turned down by the City Council.

Lewis: Okay. Maybe that is a different one. The one I watched it was for further discussion and it was going -- but anyway.

Hoaglun: Well, thank you for your testimony. Appreciate it.

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

Johnson: Mr. Mayor, next is Karen Klawitter. Karen, you can unmute yourself.

Klawitter: You got me.

Simison: Karen, if you can state your name and address for the record, please.

Klawitter: Karen Klawitter. 6074 West Doublerock Drive, Larry. Anyway, I never received a notification and I found out in a roundabout way late this afternoon about this meeting, as we were on our way out of town. So, I called the city clerk and the city clerk says, oh,

yes, you were sent to a postcard. I said, well, I never received it and I never received the one in January either. So, I started calling around my neighbors and somehow we were under the impression that what was being spoken about tonight was on Trident Way. Do you know where that is? Can somebody hear me?

Simison: We -- we -- we can.

Klawitter: Do you know where Trident Way is? It goes right into Doublerock.

Simison: We -- I can't say that I know where Trident --

Klawitter: Because there is no -- there is no listing on these pictures of street names that we can -- that are legible and that's what you need. You need something that shows that, because if you turn off of McMillan into the tract -- and I think it's on Trident something. Trident something. And, then, you go there and you turn left on Trident Way, if you go all the way to the end that's Doublerock. Well, on the left-hand side of Trident Way there are supposed to be five homes in there being built. We, as well as Ed Kessler, was under the impression that we were talking about those five lots, because everything from McDermott east and McMillan north in that corner, as we understand it, even though we didn't get notification of this, are supposed to be some kind of rental units built in there and I don't even know exactly what, but what I was told today's meeting was about these five lots on Trident Way that Toll Brothers was trying to recoup those back and change them all into all rental units. Can somebody set me straight on there as to what's going in there? Because I had no idea you were going to be talking about this Phase 12.

Simison: Thank you. We can either have staff or the applicant try to reply to that during their comments. Joe, do you -- do you want to try to address that?

Dodson: Absolutely. Yeah. I believe -- I don't remember what phase, because they are not linear. But nine or ten or something over here does have five lots right here adjacent to the Oak Winds. Her discussion regarding some notice in January was probably about Oak Winds, if not -- that might not even have been them actually, just because Oak Winds -- that -- that's not what we are here for tonight, just to let you know, ma'am, and my understanding is it is for rent units, but what happens after Council -- whether they are for sale or for rent, usually not our purview. That's not up to the city to decide that. But the area tonight is only for this area in red shown on the screen. Nothing to do with the five lots adjacent, but in addition of five lots. So, again, I think there was some misinformation or misunderstanding presented through the process. The lot line shown for the area in question did encompass a much larger area, as I noted just, because those areas have not been planted yet, so the GIS system doesn't just get -- I don't get to call out just the 12 acres, unfortunately. But it was in association with an addition of five lots total just for 12 acres of a rezone, though.

Simison: Council, any additional questions? All right. Thank you very much. Is there anybody else that would like to provide testimony on this item, either in the audience or online? All right. Then would the applicant like to come forward and close.

Bower: Perfect. Thank you. Mr. Mayor, Council, I will be brief. I will answer a couple of questions right out of the gate. The area the last public commenter was describing -- and, I'm sorry, I didn't -- I didn't catch her name -- is these five lots right here. They are approved as a final plat in Phase 10 and, again, no -- no changes are proposed there. The January notice that she referenced I suspect was our notification for our neighborhood meeting that we sent out and the gentleman held it up as well and I'm proud to say he said that one made sense to him, so kudos to us. So, I believe that was what was received in January. Overall didn't hear too many questions from the public, but I -- I did just want to say appreciated Mr. Borton's comment about density. Our -- certainly our position is we are not asking for any additional density here, just to get to what was originally approved, five more lots. This is a great opportunity to add five homes that are needed in the community in an area that already has streets, utilities at a very low cost to the city. We are also going to increase the amenity package tonight with the rezone. So, it's -- I think it's a win-win for the city and our residents and I would stand for any questions.

Simison: Thank you. Council, questions?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I don't have any questions. I just wanted to make a couple of comments before we closed the public hearing. As you know you have seen that we take the public's concerns really seriously and appreciate you making an effort to make some changes to your plans based on Planning and Zoning's feedback. I did go watch their whole meeting and also after reading public comment went back and refreshed myself on what happened with Oak Wind and the -- the one thing that -- that -- well -- well, I'm -- I'm glad that there will be fewer units through the -- the change that was made instead of doing multi-family, doing townhomes and single detached -- is that because you didn't have to go through a CUP process that takes away a step where the public gets a chance to come in and make comments and they didn't get an opportunity to talk about the amenities that are going to be in that area because you didn't do multi-family. I think that's where we are seeing all of this get hung up is that, you know, there wasn't an opportunity for them then at that point because of how it goes through the process to get to, you know, have -- have -- have some say in the amenities. This is a very large development, even for Meridian -- you know, there is other -- other developments in -- in our city that are significant in size that do have a greater number of -- of amenities or common areas than this does. So, I understand why the public is coming and saying, hey, you know, Tuscany is a mile by a mile and it has four parks or Bridge Tower or -- this is why the public is coming and saying this, because any -- any projects that are this large have a minimum of four pools and clubhouses. So, just to kind of -- I'm sure you already know -- know this, but that -- that's the one -- that's just the one piece of feedback I would say as you all are developing these in the future, because you have more to come, that any opportunity for public testimony is really important to us and I think that's why you are seeing this come up now. They just weren't given that opportunity with Oak Wind. So, that's all I had to say about that. As far as our decision this evening, this is a really narrow decision. Our purview -- we can't

condition this. It's -- it is what it is. But I understand and I do appreciate you making an effort to make some improvements to the amenities.

Bower: Thank you. Appreciate that.

Perreault: Yeah.

Simison: Council, additional questions?

Strader: Mr. Mayor, I have a question.

Simison: Council Woman Strader.

Strader: Maybe a question for you and a question for staff. My question would be are you willing to enter into a DA modification to agree to the new open space requirements and the new amenities and I guess my question for staff is how do we ensure that this happens short of a DA modification? Is there an alternative method of ensuring that contractually it happens?

Dodson: Mr. Mayor, Council -- Council Woman Bor -- or sorry. Wow. Council Woman Strader. Mr. Nary can probably comment on the last one more than me. Again, we can't condition the rezone. The only avenue to get them to submit a DA mod would be to deny the rezone and state why and, then, they would -- essentially they could say, okay, no, we are just going to stick with the loss of five lots period or they would come back through with another rezone and DA mod. But we -- we couldn't require them to do that.

Bower: Mr. Mayor, Council Member Strader, if I could -- it's unique when being a lawyer actually helps you in this process. I -- I appreciate Mr. Dodson's comments. It's always nice as a developer to hear that you can't be conditioned, but I -- I think I disagree in this case. We are here on a rezone, a discretionary application, under LUPA, Idaho Code 67-6511(a) is a may. You may enter into a development agreement. I, frankly, don't see any reason why the Council with the applicant's consent cannot agree to a condition of approval here.

Nary: Mr. Mayor, Members of the Council, I mean Jeff is correct, I mean you certainly can do that. I think -- my only concern would be is I -- there is not a DA for this piece. So, the DA is for the entire project. So, now you will open up the DA for the whole project, which will, then, probably cause more concerns for folks that it's changing a lot, when you are only changing five lots. And, again, it's not changing the overall density, but certainly, you know, if -- if you want a place a condition I think you can place a condition. You know, if they don't meet that condition, you know, they have got a problem that when they want to get this -- yeah, because this is -- yeah, because it's a future final plat. So, it's going to have to be substantially compliant with what they are asking. So, if that's part of the approval, they will have to do that to make sure it complies or they won't get a final plat done. I think that's a safer route than opening up the DA for the entire project.

Strader: Thanks. Thank you.

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

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Jeff, I think I touched on this. I appreciate you kind of being responsive. I have had mixed feelings about this request. I guess just -- just feedback for -- for your employer and we are seeing this play out more and more in Meridian and it's enough that I'm -- I'm paying a lot more attention to it. What we are seeing more and more is more tightly dense product is typically the furthest away from open space and those with the larger lots that have big yards are the closest to the open space. I think it's a huge equity issue in our community, one that I'm not expecting you to solve tonight, but I have lots of friends who live in your community -- you guys have built something that's just awesome and there is a lot of demand and which is why I see you are coming to get five more lots. I'm sure they will be sold before they are even available. But I just -- I think that you guys have an obligation as a leader in our community to demonstrate equity to our citizens and not just put open space close to the people that can afford the large house with the large lots.

Simison: Seeing no more questions for the applicant -- Councilman Bernt, any questions? You can sit, but don't go far.

Bower: Okay. I appreciate it. Thank you all.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Just to start some dialogue, this, too, seems to be a very narrow -- narrow request in a big project. I appreciate the applicant's introduction of greater open space in this particular phase. I understand the rezone is necessary for the dimensional standards and that the overall project captures the same net residential units. I think Mr. Nary's comments about the final plat having to be substantially compliant, so long as we catch it. Obviously, planning -- our staff will make sure that it hits what the applicant has proposed and committed to, which I entirely trust that they will do what they said today. So, I'm supportive of the application for those reasons as presented.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Mr. Mayor, yeah, I'm -- I'm supportive as well. Basically agree with Councilman Borton on -- on the reasons and -- and it's been allowed and it's not something we see very often, just because of that change in the -- the street frontage. Otherwise, it would

be just through administrative process and it would be done and -- and we wouldn't even be aware of it. But I do appreciate the applicant listening to the -- the homeowners out there and -- and making some changes and -- and the splash pad I think will be a great addition to that and adding the open space and I know staff will make sure that it's compliant with that. I don't have any doubt. So, I -- I appreciate that and as -- as Councilman Barton pointed out, we just have a narrow -- narrow issue here that we are to decide on and -- and there might be other issues that residents might have, but that is nothing we can -- we can deal with tonight. So, appreciate the effort that you did do.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. I think I can support that, but I would love for Council to state the two conditions, even if it's not through DA modification, but I would just like us to state that, you know, we expect them to comply with our updated open space requirements and add these new amenities would give me some more comfort that that's part -- if that could be part of a motion. I, too, appreciate the addition of the new amenity. I think that was very strategic on your part. I would just encourage you, outside of this application, that, you know, communication is really important with your neighbors and I feel like where we see the densest phases of a project come in toward the end, there can be a lot of opportunity for like miscommunication to happen with neighbors and I think really just working on that relationship with the neighbors is really really important for you through a really lengthy project like this. Thank you.

Dodson: Mr. Mayor?

Simison: Yes, Joe.

Dodson: I did -- on the condition thing, just to make it very clear, I already have those conditions or comments in my staff report, so if you don't want to make a specific comment you can just say per my report and those become conditions and I think we are good.

Strader: Perfect. Thank you.

Dodson: You are welcome.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I believe the public hearing is still open; correct?

Simison: It is.

Perreault: Would -- would it be okay if the applicant came forward one more time?

Simison: Yes.

Perreault: Thank you. Just a quick question for you. Given -- it's not common for us to have -- to have public -- the public come forward and talk about other areas of a community that have already been approved. It's not a very common thing that happens. Usually it is about the -- the application at hand. So, I'm wondering if you might -- you and Toll Brothers might be willing to just take an extra step to reach out to these folks that have concerns and maybe connect them with your -- your HOA manager at Toll, which I think is Bill Stanton, or anybody on your team that could provide their contact information for these folks to -- to go over with them what happened with Oak Wind, because I think there definitely is a misunderstanding. I did read back through the narrative that was sent to us and it was not identified to the city that it would become an area that was rented out and so the city didn't -- at least I had no knowledge of that and I don't know that Council had knowledge of that when that was -- it doesn't matter in this -- in -- in terms of our actual approval, but I think it is important for the community to know. So, are you willing to -- you or your team willing to at least provide some contact information for somebody to ask -- for the neighbors to ask questions?

Bower: Mr. Mayor, Council Member Perreault, absolutely. I think based on the comments we have heard and just the experience we have had, when you do get to the final phase of an -- you know, a project with 900 units and, you know, half of them filled up, there are bound to be miscommunications and confusion with neighbors. So, I would say we are in a bit of an unusual situation now and that -- I think that's part of the problem here. But, yes, I think there are avenues we have through this and et cetera to -- to maybe provide some more clarity that you can't get on a postcard notice. So, we -- we can do that.

Perreault: Appreciate it. Thank you.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I don't have any questions for -- for Mr. Bower, but I know we are kind of deliberating a little bit right now and I -- I want to just thank the Council. I appreciate good dialogue tonight. I came into this not being very supportive of this request and I'm not quite sure if I am there. To me the -- the feedback from -- and I'm just going to call them the Mike Lewises of the world and if you are ever on a busy road one more car feels like a hundred more cars and so I'm certainly sympathetic to the feedback that we heard about the impact of traffic, even if it's one car or five cars or ten cars, it feels real when you are in that area. The part that I'm -- I'm struggling with is the compelling reason to grant the rezone is just to allow the applicant to add five more lots and that's a nexus for me that's just hard to overcome in terms of how our community benefits from that and -- and, clearly, the added of an amenity I think meets the -- the residents, but I don't know if I'm just -- I'm quite sold there. So, I'm more just -- it helps me sometimes a little bit to talk out loud, so I appreciate you indulging me a little bit as I kind of wrestle with this particular issue.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: In that regard, Councilman Cavener, I'm -- and I'm not advocating for any particular decision, but overall -- well, we are not -- we are not increasing the amount of lots that they -- than they originally proposed in 2013. But overall they have reduced the number of total living units by quite a bit by taking out all those multi-family projects, so we are really putting fewer cars on the road. So, that's another way to maybe think about that.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: Every time I have tried to talk on this issue the last 15 minutes you have called on someone else and -- and each time my fellow Council Member provided information that I was going to say and -- and so I -- I have nothing more to add to this conversation and I appreciate -- I agree with Councilman Cavener when he said that I really appreciate -- when he said he really appreciated the discussion. It's really this discussion that makes me proud to be a part of this body, because I thought -- I thought it was very thoughtful and deliberate and I'm grateful for the presentation. It was very specific and I hope that those who are listening can sort of wrap their arms around what we are -- what -- what was discussed, because at the end of the day I really do believe that there is going to be a net benefit to this community, although the overall density, you know, will be the same from its original proposal. So, thank you.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: I move that we close the public hearing on H-2022-0010.

Hoaglund: 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: ALL AYES.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: For all of the reasons discussed in the deliberation amongst Council and inclusive

of those is some consistent transition that this change still provides to the north, that the open space in this particular area is almost doubling and the inclusion of an active amenity, a summertime amenity, just further bolster the reasons to support it. So, I'm going to make a motion to approve H-2022-0010, the rezone request, and at the request of and consent of the applicant to include all of the comments from the staff report of May 3rd that the applicant has acknowledged and agreed to treat those as kind of de facto conditions that they are willing to comply and will ensure that the final plat matches all of those, with the -- the Phase 12 open space as depicted inclusive of the splash pad as well.

Hoaglund: Second the motion.

Simison: I have a motion and a second. Do I have discussion?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: No discussion specifically on the motion, but only attorneys use words like de facto, just for the record. And I have known Councilman Bernt for a long time and if he really wanted to say something he would have said it. The Mayor did call on you, by the way.

Cavener: Call for the question.

Simison: The question has been called. Clerk will call the roll.

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

Simison: All ayes. Motion carries and the item is agreed to. Thank you very much.

MOTION CARRIED: ALL AYES.

Simison: Real quick five, so we can kind of -- okay. We will take a recess for five minutes and we really mean five minutes.

(Recess: 8:02 p.m. to 8:06 p.m.)

6. Public Hearing for Pinedale Subdivision (H-2022-0001) by Pine Project, LLC, Located at 3275 W. Pine Avenue (Parcel #S1210417400)

- A. Request: Annexation and Zoning of 1.22 acres of land with a request for the R-15 zoning district.
- B. Request: A Preliminary Plat for 12 building lots and 2 common lots

on 1.22 acres in the requested R-15 zoning district.

Simison: We are going to come back from recess. So, the next item on the agenda is a public hearing for Pinedale Subdivision, H-2022-0001. Do we need to open this public hearing, Mr. Nary, in order to consider the applicant's request? Okay. Then, we will open this public hearing with abbreviated staff comments.

Dodson: Yes, Mr. Mayor. The applicant just wants to remand back after hearing the Commission's comments. I am already in receipt of a revised plat. They just need to be remanded back to P&Z and, essentially, start the process over again and continue working with P&Z and staff.

Simison: Okay. Council, any questions for staff? Is the applicant here this evening?

Dodson: He is, but I do not believe he has anything to say.

Simison: Would you like to add anything to it? Otherwise, we will stand on Joe's comments. Okay. So, not hearing anyone from the public that would like to provide testimony on the request to remand in the audience or online -- seeing nothing -- Mr. Nary, is the -- do we need to close and motion?

Nary: Yes, sir. We need to just close this public hearing and then -- and motion to remand.

Simison: Okay.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I move that we close the public hearing on H-2022-0001.

Cavener: 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: ALL AYES.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I move that we grant the applicant's request to remand H-2022-0001 back to the Planning and Zoning Commission.

Cavener: Second.

Simison: I have a motion and a second to remand H-2022-0001 to the Planning and Zoning Commission. Is there any discussion? If not, Clerk will call the roll.

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

Simison: All ayes. Motion carries and the item is remanded.

MOTION CARRIED: ALL AYES.

7. Public Hearing for Summertown Subdivision (H-2022-0005) by Summertown, LLC, Located at 3104 N. Venable, at the Southeast Corner of N. Venable Ln. and W. Ustick Rd.

- A. Request: Preliminary Plat consisting of 23 residential building lots (9 single family lots and 14 multi-family lots) and 3 common lots on approximately 13.8 acres of land in the TN-R zoning district (Traditional Neighborhood Residential).

Simison: Next item up is Item 7, public hearing for Summertown Subdivision, H-2022-0005. Open this public hearing with staff comments.

Dodson: Thank you, Mr. Mayor, Members of the Council. Again, the last application tonight is for Summertown Subdivision. It's a preliminary plat and private street application. Private streets are an administrative approval. The site consists of 13.8 acres, zoned TN-R, traditional neighborhood residential, located at 3104 East Venable, to the southeast corner of Ustick and Venable. All right. It has some history here with the city, which is why you only have a plat before you tonight. It was annexed in 2017 with TN-R. There was subsequent CZC and design review in 2019 and, then, in 2021 to keep it current. It is mixed use community on the future land use map and as discussed with multiple projects in this area, it has a weird little bubble at the mid mile mark. But tonight we are just discussing the plat. The plat before you consist of 23 residential building lots, nine single family along the south boundary, and 14 multi-family lots, with three common lots on the noted 13.8 acres of land in the TN-R district. There is also a request for private streets in the multi-family portion of the project, requiring only administrative approval. The private street request was actually made for addressing purposes and requested by the city, not by the applicant. So, we do appreciate the applicant doing that in order for addressing to be easier for life safety. Minimum lot size overall is -- I'm sorry. Minimum lot size for the single family is 5,100 square feet and the minimum lot size for the multi-family lots is somewhat irrelevant in 18,900'ish square feet. Again, the site was annexed in 2019 with the Summertown annexation, with the TN-R district, which allows multi-family residential as principally permitted uses, which means they only need administrative approvals once they get annexed. That would be the certificate of zoning compliance and design review. The applicant also included a small single family component to the overall

project in order to comply with TN-R zoning district regulations, which require a minimum of two housing types within the project. Because of the inclusion of the single family lots and desire to place each multi-family building on each lot, a preliminary plat was required and, therefore, there is an existing development agreement to subdivide the property prior to release of the first CO. So, to be clear, the applicant is submitting the preliminary plat application to meet the existing conditions of approval and create nine single family lots along the southern boundary, as well as just subdivide the property overall. The development of the site is already underway and has already outlined a condition via the previous approvals with the existing DA. Many of the previous requirements will be checked for compliance at the time of final plat submittal. All of the lots comply with the TN-R standards as noted and the proposed road improvements comply with previous approvals, with the one exception being the street section width of Venable, which was approved differently by ACHD after the original annexation. It's kind of a mess, but in general everything is good. ACHD has already approved Venable. Access to the approved units is via extension of North Venable Lane. A -- it's going to be a collector street just adjacent to the property's west boundary. Access to the multi-family portion of the site is via drive aisle connection to North Venable and align with the existing multi-family drive aisle on the west side of Venable for the Crossfield Apartments, as well as two private street connections to the new local street along the south boundary. The local street is shown as West Wrangler. So, the two access points there are here and here. The access point discussed for the multi-family project is in alignment with that access here. Again, ACHD has already approved all of these things. Western Wrangler Street is the access for the proposed nine single family units as well. It is shown to be constructed with a five foot detached sidewalk and a 33 foot wide street section stubbed to the east property boundary, as well as the south property boundary to connect to an existing street on the south. It complies with city code and ACHD requirements and, again, was approved with previous applications. The proposed master pathways plan shows a pathway along the east side of the required Venable extension. The submitted plat does not depict this pathway, but despite staff presenting the issue during pre-app meetings, but the applicant and I have discussed this, as well as during P&Z that was a major point of discussion as well, that that should be able to be accommodated within the existing buffer, as well as still meeting the TN-R district -- zoning district setbacks. There was no written testimony on this and none since the Commission hearing as well. The Commission did recommend approval, as well as staff. The only changes Commission made were regarding Conditions 8.3 and 11 -- A-11-C, which were surrounding the construction of Venable and the multi-use pathway segment. I will stand for any questions at that point.

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

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: So, I understand that from the applicant's narrative that there is 14 multi-family buildings intended, but it says there has been 18 multi-family buildings, clubhouse and

pool building permits already issued. So, there is -- is there 14 lots in the multi-family area? I just -- I'm -- I'm trying to understand is there going to be one building on the individual lots or do we have some that have no buildings and some that have two buildings? It's hard to tell.

Dodson: Mr. Mayor, Council Woman Perreault, I agree it is hard to tell sometimes with the lot lines. It is 14 multi-family lots. The number of buildings aren't changing, but I do believe there are a couple lots that have more than one multi-family building. So, that's where that discrepancy comes in. Yes, ma'am.

Simison: Council, any additional questions for staff? All right. I will invite the applicant to come forward.

Brown: For the record Kent Brown. 3161 East Springwood. I was hoping that Councilman Barton was going to be here, so that I could be succinct. We have gone through all of the approvals. We are building all the streets. We are actually in the construction. We have a lot of the buildings that are vertical already, so there was little changes that can be made, but we did all of those approvals through the DA, the zoning certificates and the design review. It was the Council's decision that we get the plat done before the occupancy of the apartments would take place, so that we would make sure that we built the single family and that those -- those components and not just the apartments. So, that's why we are here. Realistically we are talking about the zoning -- or the subdivision ordinance and did I put the line in the right place and do you want me to move a line. We have made the accommodations that we could. Some of the recommendations that initially -- you know, talked about moving buildings. I couldn't move buildings, because they are under construction. But I could make a ten foot sidewalk on Venable and the P&Z has made the recommendations for the things that we would like to see take place and I would stand for your approval of a preliminary plat.

Simison: Thank you. Council, any questions?

Brown: Thanks.

Simison: Thank you. Mr. Clerk, do we have anyone signed up to provide testimony on this item?

Johnson: Mr. Mayor, we did not.

Simison: Okay. Seeing nobody in the room, we do have two people online. If there is anybody that would like to provide testimony on this item, please, use the raise your hand feature. Seeing no one raising their hand -- the applicant waived their final comments. Council, turn this over to you.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Check something with staff real quick. Just want to make sure -- it sounds like the applicant agrees to build the multi-use pathway segment. If we approve as is we should -- that is a condition; right?

Dodson: Yes, ma'am.

Strader: Perfect. With that, Mr. Mayor, I move that we close the public hearing.

Cavener: Second.

Simison: I have a motion and a second to close the public hearing. All in favor signify by saying aye. Opposed nay? The ayes have it. The public hearing is closed.

MOTION CARRIED: ALL AYES.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: After considering all staff, applicant, and public testimony, I move to approve file number H-2022-0005 as presented in the staff report for today's hearing date.

Cavener: Second.

Simison: I have a motion and a second to approve Item H-2022-0005. Is there any discussion? If not, Clerk will call the roll.

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

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

MOTION CARRIED: ALL AYES.

FUTURE MEETING TOPICS

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

Hoaglun: Mr. Mayor, I move that we adjourn.

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

MOTION CARRIED: ALL AYES.

MEETING ADJOURNED AT 8:18 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS)

MAYOR ROBERT SIMISON

_____/_____/_____
DATE APPROVED

ATTEST:

CHRIS JOHNSON - CITY CLERK