

A Meeting of the Meridian City Council was called to order at 6:06 p.m., Tuesday, December 16, 2025, by Mayor Robert Simison.

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

Members Absent: Liz Strader and Doug Taylor.

Other Present: Chris Johnson, Bill Nary, Caleb Hood, Nick Napoli, Laurelei McVey, Jamie Leslie, Steve Taulbee and Dean Willis.

ROLL-CALL ATTENDANCE

<u> </u> Liz Strader	<u>X</u> Brian Whitlock
<u>X</u> Anne Little Roberts	<u>X</u> John Overton
<u> </u> Doug Taylor	<u>X</u> Luke Cavener
<u>X</u> Mayor Robert E. Simison	

Simison: Council, we will call this meeting to order. For the record it's Tuesday, December 16th, 2025, at 6:06 p.m. We will begin tonight's regular City Council with roll attendance.

PLEDGE OF ALLEGIANCE

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

(Pledge of Allegiance recited.)

COMMUNITY INVOCATION

Simison: Next up our community invocation, which tonight will be delivered by Pastor Vinnie Hanke with the Valley Life Community Church. If you would all, please, join us in the community invocation or take this as a moment of silence and reflection.

Hanke: Mr. Mayor, Members of the City Council, thanks once again for allowing me to be here to pray before the meeting and Merry Christmas to you all.

Simison: Merry Christmas.

Hanke: Thank you. God, I thank you for this evening. I thank you for the City of Meridian and the privilege of being a citizen of it. God, I ask tonight as the Council conducts its business and hears from those who will give testimony that you would give them wisdom, discernment, you allow them to lead in a manner that is consistent with

the humility and service that you yourself provided that we celebrate in this Christmas season. We thank you for our fair city. We ask for your providence and grace to be upon it and we thank you for this time, in Christ's name. Amen. God bless you guys tonight. Thank you.

Simison: Thank you.

Hanke: My pleasure.

ADOPTION OF AGENDA

Simison: Next item up is adoption of the agenda.

Cavener: Okay. Mr. Mayor?

Simison: Councilman Cavener.

Cavener: We have to make a couple of changes. Notably we are going to vacate Items 14, 15, 16, 17 and 18 from the Department Reports. We got those handled during our special meeting and, then, Mr. Mayor, I know we were at least anticipating a -- a larger turnout tonight for some of our public hearings. I know the applicant for No. 21 maybe thought that they would maybe be later into the agenda. In light of us not having a packed house with public hearings, we would like, Mayor, if you are comfortable with this is we will keep the rest of these public hearings as published, but maybe provide some flexibility, if you are open to it, Mayor, to -- if the applicant's not here for No. 21 we will just kick them down a notch. Does that work for you, Mr. Mayor?

Simison: It works.

Cavener: With that, Mr. Mayor, I move that the modified agenda be adopted.

Overton: Second.

Simison: Have a motion and a second to approve the agenda as modified. Is there discussion? If not, all in favor signify by saying aye. Those opposed nay. The ayes have it and the agenda is agreed to as modified.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

CONSENT AGENDA [Action Item]

1. **Approve Minutes of the December 2, 2025 City Council Work Session**
2. **Approve Minutes of the December 2, 2025 City Council Regular Meeting**

3. **Tanner Creek Subdivision No. 1 Sanitary Sewer and Water Main Easement No. 1 (ESMT-2025-0170)**
4. **Tanner Creek Waltman Lane Sanitary Sewer and Water Main Easement No. 1 (ESMT-2025-0172)**
5. **Final Order for Reveille Ridge No. 1 (FP-2025-0007), by Kent Brown Planning Services, located at 7355 S. Eagle Rd.**
6. **Final Order for Baratza Subdivision No. 2 (FP-2025-0025) by The Land Group, located at the southeast corner of N. Black Cat Rd. and W. McMillian Rd.**
7. **Final Order for Mondt Meadows Subdivision (FP-2025-0026) by Gregg Davis, Breckon Land Design, located at 6101 and 6152 S. Tarrega Ln.**
8. **Community Center Permanent Sidewalk Easement Between the Ada County Highway District and the City of Meridian**
9. **Community Center Temporary License Agreement for Work in The Right of Way Between the Ada County Highway District and the City of Meridian**
10. **Amendment #1 to Interagency Agreement for Roadway Construction/Water and Sewer Construction, Ustick Rd - Ten Mile Road to Linder Rd, ACHD Project # 521052**
11. **Resolution 25-2555: A Resolution amending the City of Meridian Records Retention schedule; and providing an Effective Date**
12. **Resolution No. 25-2559: A Resolution Amending the City of Meridian Comprehensive Plan to Adopt by Reference the Ada County Emergency Medical Service Capital Improvement Plan and Development Impact Fee Study (May 24, 2024) and Ada County Jail Capital Improvement Plan and Development Impact Fee Study (May 24, 2024); Adopt by Reference the City of Meridian Development Impact Fees Study (September 16, 2022) and Amended Capital Improvements Plan as Incorporated Therein; Amend the "List of Adopted Plans and Studies by Reference," Including Minor Cleanup and Ensure the Most Current Adopted Plans and Studies are Referenced; Amend "Appendix A. Glossary of Terms" to Add/Modify Language; and Providing an Effective Date**

Simison: Next up is the Consent Agenda.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Move we approve the Consent Agenda, for the Mayor to sign and the Clerk to attest.

Overton: Second.

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

MOTION CARRIED: FOUR AYES. TWO ABSENT.

ITEMS MOVED FROM THE CONSENT AGENDA [Action Item]

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

PUBLIC FORUM

Simison: Mr. Clerk, anything under public forum? Anyone signed up?

Johnson: Mr. Mayor, nobody signed up.

DEPARTMENT REPORTS [Action Item]

13. Resolution No. 25-2558: A Resolution Establishing the Appointment of William (Bill) Baber to Seat 3 of the Meridian Solid Waste Advisory Commission; and Providing an Effective Date

Simison: Okay. Then we will go into Department Reports. First item up is Resolution No. 25-2558, a resolution establishing the appointment of William Bill Baber to Seat 3 of the Meridian Solid Waste Advisory Commission. Council, Chair -- Chair Person Corey and I sat down, as always, and did our due diligence on the quality of applicants. I'm going to let the cat out, we only had one applicant, but it was a stellar applicant for this. For those that haven't had the opportunity to meet Bill and understand his -- the public service he has provided in his previous communities he has lived in -- he has sat in your seats, he has dealt with the issues at that level different and he understands that we are in a different place with our -- our contractual process and everything else, but he is willing to roll up his sleeves and provide the service to our communities and, as he said, no job is too small or too dirty to get involved in and understand the work he is getting himself into. So, he has got a great background and I think that continues to add expertise to our Solid Waste Advisory Commission and with that we would be happy to have him participate in this commission and stand for any questions you may have.

Little Roberts: Mr. Mayor?

Simison: Council Woman Little Roberts.

Little Roberts: Mr. Mayor, I have the privilege of knowing Bill and had a very interesting and thoughtful discussion with him prior. I think he tested my knowledge on how much I knew about our Public Works and so if no one else has any discussion it would be an honor to get to nominate him and I move that we pass Resolution 25-2558, a resolution establishing the appointment of William Bill Baber to Seat 3 of the Meridian Solid Waste Advisory Commission and providing an effective date of today.

Overton: Second.

Simison: I have a motion and a second to approve Resolution No. 25-2548. Is there discussion? If not, all in favor signify by saying aye. Opposed nay? The ayes have it and the item is agreed to.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

Simison: Bill, would you like to make any comments this evening?

Baber: Thank you, Mayor and Council, for this honor and I'm looking forward to talking trash in Meridian.

Simison: Thank you, Bill.

PUBLIC HEARINGS (Action Item)

19. Public Hearing for Fiscal Year 2026 Water and Sewer Rate Increase

Simison: Okay. With that we will move on to our public hearings for the evening. First item up is Item 19, which is a public hearing for fiscal year 2026 water and sewer rate increase. I will turn this over to Director McVey.

McVey: All right. Good evening, Mayor and Council. No presentation, but this is just follow up. We presented in early November on the Enterprise Fund of the health check of the fund and our proposed rate increases. We have since published the increases in the newspaper and also in the utility bills and we have received no public input or feedback. Just a quick recap. A slightly different strategy on our rate increases, rather than just straight across the board we are going with the nine, four, three, one plan that we discussed, meaning nine percent on the base of water, four percent on the use of water, three percent increase to the wastewater base and one percent increase to the wastewater use. Importantly, in aggregate that equates to about a 2.6 percent increase, which is \$1.66 per month increase to the average Meridian resident. So, with this rate increase we still maintain our position as the lowest rates in the valley, which is not an insignificant feat and we are essentially looking for your approval this evening to move forward with that proposal with an effective date of January 1st.

Simison: Thank you. Council, any questions? Okay. Thank you very much. Mr. Clerk, did anyone sign up to provide testimony on this item?

Johnson: Mr. Mayor, we had nobody sign up.

Simison: Okay. Is there anybody present in the audience or online who would like to provide comments during this public hearing on this item? If you are online you can use the raise your hand feature. Seeing no one coming forward or raising their hand, do I have a motion?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Mr. Mayor, I move that we close the public hearing on Item 19.

Overton: Second.

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

MOTION CARRIED: FOUR AYES. TWO ABSENT.

20. Resolution No. 25-2551: A Resolution Adopting FY2026 Public Works Water and Sewer Rates and Fees

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I move that we approve -- we are on Item 28. Move we approved number -- Resolution No. 25-2551, resolution adopting the fiscal year 2026 Public Works water sewer rates and fees.

Overton: Second.

Simison: Have a motion and a second to approve Resolution No. 25-2551. Is there a discussion on the motion? If not, clerk call the roll.

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

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

MOTION CARRIED: FOUR AYES. TWO ABSENT.

21. Public Hearing for Borough Village (H-2025-0037) by Engineering Solutions, LLP, located at 1250 E. Everest St.

- A. Request: Modified Development Agreement to the existing development agreement (Inst. #105152707 Westborough Square) to update the use (from office to residential) and development plan for the site and enter into a new agreement for the subject property.
- B. Request: Rezone of 3.04 acres of land from the L-O to the R-15 zoning district
- C. Request: Preliminary Plat consisting of three (3) buildable lots and three (3) common/other lots on 2.81 acres of land.
- D. Request: Planned Unit Modification to the approved PUD (CUP-05-027) to update the development plan for the site from six (6) office buildings to 18 multi-family residential dwelling units and two (2) single-family residential dwelling units.
- E. Request: Director approval of alternative compliance to UDC 11-3B-7C.1c to not provide street buffer landscaping along E. Chinden Blvd., adjacent to the site due to the location of the 10-foot wall constructed by ITD with the roadway expansion.

Simison: And since we do have our applicant here we will just go in regular order where the next item up is Item 21, which is a public hearing for Borough Village, H-2025-0037. We will open this public hearing with staff comments.

Hood: Thank you, Mr. Mayor, Members of the Council, Caleb Hood representing the city this night on -- tonight on the Borough Village project. I'm going to run through the -- this outline for this project and, then, the applicant is here, so they will give their testimony. But the applications you have before you tonight are a development agreement modification, a planned unit development modification, a rezone and a preliminary plat and I will just say if I get some shorthand, so DA mod is the development agreement modification and PUD is kind of the shorthand for the planned unit development application that's associated with these applications tonight. So, the site consists of approximately three acres of land currently zoned L-O or limited office, located at 1250 East Everest Street. So, that's on the south side of Chinden just west of Locust Grove as you can see on the slide. In 2015 applications were submitted for a rezone to R-15 and a modification of the PUD to change the use and site layout from office to multi-family residential for the development of 34 townhome style units at a gross density of 2.55 units per acre. That application was denied by the Council. In 2016 a short plat application was submitted and approved for the subject property and adjacent property to the east, which included the eastern portion of the vacated right of way from Jericho Road. These exhibits don't show up very well, but Jericho Road used to connect up with Chinden Boulevard and, then, was vacated associated with this

project. A 35 foot wide landscape buffer was -- with irrigation a ten foot wide multi-use pathway and a ten foot berm and wall was constructed along Chinden with the subdivision improvements as required by the DA. It was later removed and modified by ITD with the Chinden Road winding project that occurred here a few years ago -- a handful of years ago now. ITD had to acquire about ten additional feet of right of way from the subject property and they installed a ten foot tall concrete wall for buffering, along with decorative rock on the south side of Chinden Boulevard in this area. Utilities were also installed where some of that landscaping once existed and includes transformers, underground power and natural gas line between the back of the sidewalk or multi-use pathway and the wall. The Comprehensive Plan future land use map designation -- you can see in the middle exhibit on this slide is mixed use community, which basically means it's integrated community serving employment and residential uses that are desired in this designation. The residential components are expected to comprise between 20 and 50 percent of the overall MUC development area, with gross densities ranging from six to 15 units per acre. So, summary of the request. The applicant is proposing to modify the existing development agreement and PUD for West Borough Square to update the use from office to residential and a conceptual development plan from the six office buildings that were approved in 2016 to 18 multi-family residential units and some single family residential attached style structures on two lots with the new development. A variety of community survey uses exist in the overall MUC designation. So, going back you can see that brown -- basically encompasses the entire roughly quarter to about half mile or so of the frontage along Chinden Boulevard and there is a mix of usage generally today on those properties that show the MUC designation. There is a rezone that is requested of 3.04 acres from, again, the L-O -- currently L-O zone to the R-15 or medium high density residential zoning district. The reason cited in the applicant's narrative, support the proposed rezone and change of use include the lack of collector street access to Jericho. So, again, Jericho previously was due north of here and intersect with Chinden Boulevard. The lack of visibility from the highway. So, I mentioned the ten foot wall that exists now and they also cited that the property is isolated due to its office zoning and -- and access, again, issue there. I will let the applicant, obviously, expand on some of that. There is also a preliminary pat -- preliminary plat, excuse me, which is proposed to develop in one phase. There are six total lots with three building lots -- and, again, one of those lots is for multi-family and two for single family and, then, there is three common lots that are -- that include the access drive, some parking, and a common lot on 2.81 acres of land. So, again, the discrepancy between the rezone and that is the right of way basically for Chinden Boulevard. The 2.81 acres is the -- the area of the plat. The single family lots range in size from 4,176 to 4,228 square feet. The average is about 4,220 square feet. The multi-family lot will contain nine structures, with 18 kind of duplex style lots as you can see on that right-hand exhibit. Those are attached. Technically multi-family, because all of them are on one lot, but it's really two units per building, consistent -- so, the density is 6.58 dwelling units per acre. So, again, the range anticipated in the MUC designation six to 15 and at 6.58. No deviations are proposed to the UDC standards with the modification to the planned unit development. Private usable open space. Consists of patios for each unit in excess of 80 square feet minimum requirement. A minimum of 4,500 square feet or .10 acres of common open

space is required per -- for the development. The applicant is providing open space exceeding the standard by more than double the amount. A minimum of two amenities are required from two separate categories. A sports court and a horseshoe pit is proposed from the recreation category and the fenced dog park with a waste station is proposed from the quality of life category. A picnic area with shade structure is also proposed from the open space category, again, exceeding the UDC requirements. Off-street parking is proposed in excess of the minimum standards. So, 51 spaces are proposed or provided for the required amount, with another 16 spaces provided in an overflow parking lot, along the southern boundary of the site for use by guests and residents. A 35 foot wide street buffer -- and this kind of goes into what is required, was required with the Planned Unit Development and development agreement. Chinden Boulevard is an entryway corridor with noise abatement requirements for residential uses adjoining that state highway. US 20-26. As previously noted ITD removed the previously installed buffer wall and irrigation with the road widening project and constructed a ten foot tall concrete wall at the back edge of the ten foot sidewalk along Chinden, leaving little area for a landscape buffer and no irrigation on the north side of the wall. The applicant did request alternative compliance. I worked with -- Sonya is actually the lead planner on this, but talked with her about the alternative compliance request and did approve that due to conflicts, again, with those utilities, which prevented the installation of irrigation facilities and putting in the wall. There is no break in that wall. It's a pretty continuous wall. I know I went pretty quick through the -- the pictures. I think there was a pretty good one. You can see on the lower left a picture of the existing -- what ITD installed. It kind of comes across a little bit in that picture, too. But the elevation is -- there is -- there is some grade changes between the highway and the subject site. So, that was also a consideration, is that alternative compliance was reviewed and approved. The developer is installing nine additional trees north of the retaining wall with shrubs, decorative boulders and rock mulch and four additional trees on the south side of the retaining wall. Conceptual building elevations -- so, there is some of the common open space. I'm sorry, I'm not synced up with my notes and the slides. The conceptual building elevations for the proposed single story homes. And, in summary, the Planning and Zoning Commission heard this project on November 20th and did recommend approval to the -- to the Council. In favor were Becky McKay from Engineering Solutions, Jack Harris. In opposition were Drew Robert and Forrest Spencer. Commenting was Tyler Rountree. Written testimony was received by Melissa Chandler, Melinda and Ray Akhbari, Ginne Hostvedt and John Elliott. Some of the key issues of concern were some of the safety concerns for children and pedestrians. With the increase of the density here and residential uses, the increase in traffic. Some concerns about the number of parking stalls proposal and if it was inadequate. Increased traffic volumes on surrounding roads. Not being designed to handle that and noise in the quiet neighborhood and the incompatibility with surrounding land uses and strain on city services. There is also a request for a conversation about the desire slash need for a traffic signal on Chinden. I will -- want to spend just a second now I think on that, so that the first exhibit you can see basically the mid mile between Locust Grove in Meridian -- that is the plan for -- for access on Chinden is to basically at the mid mile put in signals. The warrant is not currently met for that -- for a signal. Eventually I -- I am hopeful that someday you can funnel traffic to what's called Saguaro Drive and that will

be signalized at some day, but right now there isn't enough volume to warrant that signal today. But that was something that was requested and, again, discussed during the Planning and Zoning Commission meeting, so -- there was also some discussion by the Commission about the installation of no parking signs along the entry drive to reduce that congestion, some additional extra parking with the development and encouraging the applicant to continue to work with the abutting Hightower HOA to improve the strip of land that is vacated right of way on their property -- what was Jericho for a larger shared common area between the two developments. So, the Commission did, in fact, include a new condition requiring no parking signs be installed along the common drive entry, shared with the multi-family development to the east. So, let me get there again so you can kind of see what that looks like. Aside from that there is no known additional issues to note and I did just check and I didn't see any additional written testimony since the hearing in November. So, with that staff will stand for any questions, clarifications we may have.

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

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Caleb, just one quick one. In that MUC area what percentage is residential already?

Hood: So, Mr. Mayor, Councilman Cavener, I don't have that right in front of me. It may be in the staff report somewhere. I can look that up. I will take a look at the zoning map, you know, rough proportionate of -- the pink is going to be commercial, so -- and, then, the -- the orange is a higher density residential and, then, there are actually two county properties there. The Zamzow's and the Friendship Celebration Church are the two white ones that are near -- further to the west.

Cavener: Yep.

Hood: So, largely -- it's largely nonresidential. The church is actually zoned. So Valley Life Church, which is on the corner and Locust Grove and Chinden shows up as two tones of yellow, but that's actually a church and the darker shade of yellow is undeveloped land, but that is technically zoned residential. If you want percentages I can try to find that, but --

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Caleb, it's probably not the end of the world, but it looks like it's very heavy residential, but you are saying that it's not.

Hood: There are certain residential uses there. The zoning is misleading I guess is what I would say, because, again, the vast majority of the yellow that you see that would overlap with the MUC -- so, as you can see kind of on the exhibit in the middle, which is our Future Land Use map; right? The church is called on that civic green color --

Cavener: Yep.

Hood: -- but their zoning is yellow. So, they have to have a zone. We don't have a church zone, so they have a residential zone, so kind of looking at those in combination. There certainly is some residential. I think the future land use map shows the existing platting patterns or parcel lines and you can see at the mid mile there are certainly some residential there. Along the frontage of Chinden, though, you do have some commercial uses as well.

Cavener: Okay. Thank you.

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

McKay: Thank you, Mr. Mayor. Becky McKay. Engineering Solutions. Business address 1029 North Rosario in Meridian. I'm here representing Challenger Development on this particular project. We are requesting a rezone of 3.04 acres from L-O, limited office, to R-15 medium density residential. We have before you a preliminary plat, which is 2.81 acres with two single family homes, nine duets on a common drive and overflow parking as one lot.

Simison: I think the mic went out on the --

McKay: Did it go out?

Simison: Yeah. The green light is not --

McKay: The green light is on here.

Simison: Yeah. It's not on the -- yeah. I think that -- we maybe go to the other mic.

McKay: How is this one?

Simison: That's fine. Yeah.

McKay: So, here is a vicinity map of the subject property. As you can see it's located just south of Chinden Boulevard, Highway 20-26 and, then, west of Locust Grove you have Saguaro that comes in off of Chinden and, then, there is interconnectivity that goes out to Commander. This is an aerial map as you can see of the subject property. You can see here the parking lot is all developed. The common drive is -- is located here. We have Hightower Subdivision located just to the west of us and, then, this was

a portion of the Westborough Subdivision, which was an R-15 multi-family. To kind of give you a history of this property, because it's kind of lengthy, in 2003 it was approved as a non-farm development under Ada county as Westborough Subdivision. So, they had set aside land and, then, they had some one acre lots along Jericho Drive. In 2005 they came as a mixed use development for the set aside ground and they were proposing 40 multi-family dwelling units and six office lots and in 2007 it finally got annexed, zoned, so L-O and R-15. They installed the infrastructure in '07, then, in 2008 the recession hit. This particular project went into foreclosure. In 2008 ITD and ACHD decided that they wanted to eliminate Jericho Road -- or Jericho Street and its approach to Chinden Boulevard, which was intended to be a mid-mile collector, which when this project was planned it made sense that we would have an office component and, then, a multi-family component to the east, because you would have, obviously, visibility for 20-26 and access of a collector and so ITD and ACHD came in and said we are eliminating this approach. We are vacating Jericho Street. Then in 2015 the applicant came back in and submitted an application for 34 townhomes. These townhomes were two story, had quite a bit of bulk, had a density of 12.55 dwelling units per acre and the Council at that time said, you know, we don't think there is an overwhelming need to rezone this from L-O to R-15 based on your density, based on the bulk of the townhomes and they denied it. So, technically, this property has sat vacant for 17 years or -- since it was -- the improvements went in 17 years ago. This was the original plan that came in. They had the multi-family to the east and, then, the office buildings and, like I said, it made sense with Jericho as a collector, visibility from Chinden. And, then, once Jericho was vacated, then, these office lots have sat vacant for all this time. There was a neighborhood center that was designated on this property that has since been removed when Jericho was vacated. The property is technically mixed-use community and that allows densities between six and 15 dwelling units per acre. What I'm bringing forth before you tonight is 7.12 dwelling units per acre. All of my buildings are single story. I don't have any dwelling units that are more than two. And I did meet with the adjoining neighbors south of me, the Liebermans. I met with them twice. Because they have an estate lot that is located right here on our south boundary. So, they are like a one acre lot. Their garage, their tennis court is adjacent to me and so I -- I took them like a townhouse design and they said, no, no, no, I don't like that. We don't want anybody -- you know, the two story is out. So, then, I adjusted the site plan and those are two single family lots, single story. And, then, I transition into the duets. Those are only two units that are attached. They are one bedroom, one bathroom. Is the preliminary plat that's before you. So, I have two single family lots, one what they call a multi-family lot, but even though the definition under your code a multi-family is three dwelling units or more. So, I don't really even meet the multi-family and so when this was transmitted a lot of people were concerned, oh, they are doing apartments or multi-family -- you know, multi-family always brings up, you know, a negative response. But, really, these are duets and so my -- oops. My intent was let's create something for seniors. One bedroom. One bath. They are duets. And we already have a parking lot. We only have to construct 16 carports and we can deal with the parking issue that has been a headache on this property. So, to kind of give you an insight of what's happened out here is that multi-family portion -- they have inadequate parking. So, they were parking in our parking lots. They had junk cars. They had RVs. They had boats. The

city notified my client and said you need to sign it private property, no parking. This is becoming a real nuisance. So, then, when we did that, then, everybody started parking on Jericho and Everest, which, then, upset the other residents. So, my suggestion here is we are going to provide overflow parking for that existing development and so I will kind of get to that. As far as amenities, we have an open space with horseshoe pits. We have a pocket park with picnic shelter and trees. We have a fenced dog park with benches and waste station. We have 78 parking spaces in this existing. Our requirement is 36. So, we are so -- so over parked -- and some of the -- the letters that came in said, oh, you know, this can't be parked. Well, we are so over parked it's crazy. We are going to allow that existing multi-family development to use the southern parking lot, which is 16 spaces for their overflow. We will sign it, hey, park here, don't park on the street. This is kind of a landscape plan. I work with staff. We did ask for an alternative compliance. This development did the 35 foot buffer on Chinden. They did the fencing. The berming and ITD came in and they wiped it out and they put a ten foot wall up, a three foot retaining wall on our side, and, then, they put decorative gravel. So, under the code I'm supposed to landscape to Chinden and I'm -- like I can't, they have got gas lines, they have got power lines, they have got junction boxes. They cut my irrigation lines. I can't even get irrigation to it. Staff agreed and said, you know, come in with an alternative compliance. So, this particular landscape plan does have additional trees, additional landscaping that compensates for that. My other -- my other concern was I don't have any pedestrian pathway to Chinden, so how was a landscape company even going to maintain my 339 feet of frontage on Chinden. It -- it appears to be quite the hazard. So, this is the single story, single family dwelling. We have two of them. They will be on separate lots. They will adjoin the Liebermans. This is the direct we call it. So, it -- it has two units. These are 722 square feet. Our intent is they will be for seniors. One bedroom. One bath. There is a great need out in our community and there have been many articles about senior rental housing that is affordable. So, when I met with your staff I said, hey, I'm trying to come up with the least impact from a traffic perspective, the least density, but something that's affordable that meets a niche in the Meridian community and I think this is perfect and I said if you got a better idea I'm -- I'm all ears and the staff said, you know what, I think this -- I think you hit on something. This is good. There is the ten foot wall. This is over on the Hightower side and you can see the wall and that's their fence. This is -- this shows you what ITD did and in my conversations with your staff I said, well, if you wanted landscaping along Chinden why didn't you communicate that to ITD and they said they never asked. So, they put in this decorative gravel, this ten foot wall, so -- and the ten foot pathway. So, that's what we have to deal with. This is internally within my project. So, as you can see I'm low. That's the parking lot. We see the curb. Then they have a little three foot retaining wall and then -- and, then, we have the ten foot wall. So, what we are -- what we are trying to do, I guess, basically, is retrofit a project and in doing so it is my desire to make a product that can be rented affordably, because I'm retrofitting something where the improvements are already in. The parking lot's in. The islands. The trees. We just have to add the amenities and, then, work with Public Works for new services to these individual buildings. Like I indicated for 17 years this property has been underutilized, under taxed, and sitting there vacant and some of the neighbors that I met with, they put it in writing, there are kids that have partied out here. We saw drug deals. There are

people dumping couches. So, anytime we have a vacant property it becomes an attractive nuisance. So, once -- and what I told the neighbors, I said once I get residents in here that solves the problem, then, it's not vacant, under taxed. If you look at the lots that are to the west of me, these are 3,200 square feet. These are four units attached. Three units attached. They are R-15. I'm requesting R-15. I don't need the R-15, but it is required in order to have these duets on one lot. We have water. We have sewer. We are already in your service area as far as emergency services. One of the questions that came up at the Planning and Zoning Commission, which I want to mention, recommended a unanimous approval. We had 22,000 square feet of office. That's 398 vehicle trips per day. This -- what I show you now is 140 vehicle trips per day. So, that's a 64 percent reduction in traffic and I ask the Council to think about what is the least impact on this neighborhood and what is the best interest of the city and the community and this is what we came up with and I feel it's a good, good option. Thank you.

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

Little Roberts: Mr. Mayor?

Simison: Council Woman Little Roberts.

Little Roberts: Mr. Mayor. Becky, thank you. Could you show me where Jericho -- what's left of Jericho is and what their pathway to Chinden is, since Jericho is closed?

McKay: As far as -- you mean vehicular access?

Little Roberts: Uh-huh. Yeah.

McKay: Okay. So, Jericho Street is right here and it was constructed all the way to Chinden. They vacated this portion of it where it intersected with Chinden. So, then, it -- my project connects to what they call Everest and Saguaro and, then, there is interconnectivity that comes down to Commander and goes out to Locust Grove.

Little Roberts: All right. Thank you.

McKay: Thank you.

Whitlock: Mr. Mayor?

Simison: Councilman Whitlock.

Whitlock: Becky, just a couple of quick questions. All the duets are rental, as well as the two single family homes would be rentals?

McKay: Mr. Mayor, Councilman Whitlock, the two single family homes will be on individual lots, so they could be sold. Only the duets would be rentals. And, like I said, we are targeting seniors. One bedroom. One bath.

Whitlock: Thank you. Follow up?

Simison: Councilman Whitlock.

Whitlock: Becky, in terms of the -- if you might go back to the slide you were on before this. You said that 16 parking -- that's a good slide. Where would the 16 parking spaces be? The southeast corner?

McKay: Yes, sir. So, there is this -- the cursor -- the two single family dwellings would be here. This parking lot has 16 spaces. We are going to sign it that it is overflow parking for these residents here to stop them from parking on Everest and Jericho. All of our parking for the duets will be in this parking lot and I only need 36 spaces. That's two spaces per dwelling unit for one bedroom, one bath.

Whitlock: Okay. Thank you.

McKay: And, then, we are going to sign the entrance roadway as no parking.

Overton: Mr. Mayor?

Simison: Councilman Overton.

Overton: And, Becky, this may be for staff as well, because we see this quite often where we see a density below what would normally be considered an R-8, but we see it classified as an R-15 or something higher and many times it has to do with the fact that just because of the restrictions placed on an R-8 you can't build the type of lot sizes or the type of product that you wish to build. So, could you go into that a little further and maybe from staff as well about why this needs to be this particular designation considering the density is under eight?

Hood: Yeah. Mr. Mayor, Councilman Overton, if you don't mind I will go first and, then, the applicant can -- so, technically, I think the two southern single family lots could be rezoned probably to R-8 and be -- and be fine. Becky sort of said it, but does need the rezone to R-15, because our schedule of use control does not allow multi-family and these technically -- again even though they are duet style, they are still on one lot with 18 units on one lot. That is multi-family. Multiple dwellings on one property. So, it's not going to live that way necessarily, but technically there is one multi-family lot with 18 units. So, the R-15 is the first zone, if you will, in our R-2, R-4, R-8, R-15 that actually allows multi-family. So, technically for our definitions in our code this is a multi-family lot project with two single family lots. So, hopefully that clarifies.

Overton: Perfect. Thank you.

McKay: And I just want to mention that they are all single story. There are no two story within this development. So -- and two units apiece. There is no bulk. There is no height and that would be consistent with what's constructed in the Hightower. They are single story and four units attached and three units attached and, then, two.

Simison: Council, additional questions for the applicant? Okay. Thank you very much. Mr. Clerk, do we have anyone signed up on this item?

Johnson: Mr. Mayor, we do. David Lieberman.

Simison: Good evening. State your name and address for the record and you will be recognized for three minutes.

Lieberman: Okay. David Lieberman and I have the house south of this subdivision. So, I'm not sure where a lot of this information has come from, but when I moved in there around 2005 it was -- we were told Jericho was closing. Jericho has been closed. There was never any thought that it wasn't going to be, so -- and they -- they keep on making it sound like they thought Jericho was going to go through and the City Council said never -- that was never intended to. The lights were supposed to go in at that Saguaro Hills. Everybody's been waiting, but, you know, everything gets done a little bit behind, but that's -- I mean that's the nature if you do it after you need it, not before, because bad things happen when you do that. It roads to nowhere. But the -- I didn't see any garages on this. Maybe I missed the picture. But if they are -- I mean they are just basically split apartments without the garages. I mean -- and the people to the left -- I mean you are not going to -- you are not going to purchase them without garages. The people to the left are the townhomes. They all have garages. They all -- we have got kind of a great community out there and we have had a lot of problems. The drug deals happen when they did not have that apartment going, they just -- they left built -- I don't know -- enough to keep the permit active I guess. I know somebody explained it to me before, said go and add a piece of concrete, leave for three or four months, come back, add something else, and there were drug deals, everything else going on, but the apartments were also empty and there were places to hide back there. That's cleared up. I'm the one who has been mowing their lawns. They don't -- their water is sporadic when they turn it on. The owners there. We tried to talk to them before. It's just -- this was the intent from day one is that's what they wanted. We heard it back in 2005 I think and it's changed hands with the same people, you know. Some of my neighbors, they came in in 2015 with the receipts on that. I thought they were all going to be here, but this has kept moving out. I was surprised I was the one here and so I'm glad that they aren't trying to put a two story house hanging over the side, because we are all one story on the other side. Right now I'm not sure how it's going to all turn out, but -- I mean without the garages, car parts, I mean they are definitely a hundred percent rentals and I don't know if legally they can -- unless the department of building they go to seniors, it's just going to go however. I guess my time is up, but -- and there is no bus traffic there, so --

Simison: Council, any questions? Thank you.

Johnson: Mr. Mayor, that was everyone who signed up.

Simison: Okay. Is there anybody else who would like to provide testimony on this item? If you would like to come forward at this time to do so. And if you are online you can use your raise your hand feature. Oh, that was for people online. You have to just state your name and address for the record, please.

Telford: My name is Craig Telford. I live at 1330 East Commander Street. I'm the HOA vice-president right now for the Reserve Subdivision. So, of course, I don't think anybody here would be excited if you said we are going to add traffic to your neighborhood; right? So, I mean we are not excited about that, but that's kind of the way it happens. The only -- and I'm glad that we have -- they have gone single story and we have the -- the parking has been a problem. She addressed that. I'm glad about that. I just feel like there is a little bit of a switch on, like what it's intended for seniors. Is it going to be 55 and over and that's how they are going to do it? Or are we going to have, you know -- we have got neighbors that -- they have -- they already have a place to live. We are not seeing people who get a place to live, but, you know, if we get rentals coming in, we get young kids and they have to have a roommate to be able to afford rent and so now we have got, you know, multiple young people living in this -- you know, it just -- it's a little hard to stomach. So, I appreciate the things they have done, but I'm still a little curious about the 55 and over -- like the seniors -- targeted seniors, is it really going to be limited to that. So, that's a question that I would have. So, other than that I appreciate what they have done, but certainly not excited about the added traffic, so -- anyway, that's it.

Overton: Mr. Mayor?

Simison: Councilman Overton.

Overton: Quick follow up.

Telford: Okay.

Overton: As a Council, as a planning staff, there is nothing that we are doing or putting in place that would require them to only rent those properties to people that were 55 and older.

Telford: Right.

Overton: That would totally be on the applicant and the developer on their word that they were going to do that.

Telford: Okay.

Overton: But knowing that going forward, how did you want to see that developed?

Telford: I don't really have a problem with that, I just -- they were targeting 55 and over, but it's not going to go there. You know, the existing property that's there, they build garages for, but they built them so you can't put a car in it. So, that's why they have a parking problem. They already created buildings that you can't park your car in and so now what was supposed to be parking wasn't parking and now we got all the people out on the street, so --

Overton: I guess what I'm trying to get from you is are you okay with the size of this development, the fact that it's all single story, the number of units?

Telford: Yeah. I don't think it's a horrible plan, but certainly better than two story units. It could be a lot -- could be a lot worse and I would appreciate the concessions that they have made. We are very concerned about parking, because you can only get in through Commander Street -- or through -- about traffic. You can only get in through Commander Street or you can only get in off of Chinden on Saguaro, so that puts -- we have already got quite a bit of traffic. I'm sure it's not at maximum density, but I don't think anybody here would love to have the maximum density traffic in front of their homes here. So, there is concern about traffic through there. There is just a very limited access in and out of there and I'm not sure that the parking problem is going to be resolved with that density the way it is, considering the fact that, even though they have parking, but they didn't make it big enough to park in, so those are our concerns.

Overton: Thank you.

Telford: Thank you.

Rountree: Good evening. Mr. Mayor, Members of City Council, Tyler Rountree, 1098 East Pasacana not -- just not too far south of this development. So, first and foremost, I think staff's done a really good job trying to figure something out. I am not going to waste my three minutes to give you the history. If you want it be more than happy to share it to you at the end. I don't see it the same way, but there is definitely history there. Moving forward out of the P&Z meeting they came with a recommend of signage for no parking. The applicant was I will do whatever you want. I think the reality of it is is the applicant's told us what happens when you sign it. So, they had a lot to park in. It was a disaster. They signed that lot no parking and the people moved to the street. So, to the applicant's credit they are trying to provide more parking. If you put the signs that there is no parking on the street, they are now going to be parking in front of the neighbor's house that just testified, because that's where the overflow goes right now. So, my thought with that, in sitting in the P&Z meeting when I believe it was commissioners -- is it Commissioner Lorcher -- she had an epiphany of working and owning her own tow company. You signed it and you want to build affordable housing and we are going to charge people 300 to tow their cars. Does that make sense? Let those people fix their own problem. Parking is going to be a problem. Hands down. You will have two HOAs in there. Let those HOAs figure that out. Again, to the applicant's credit she was like I will do whatever you want to do, but to me it is completely counter-intuitive. She's proven to you it won't work. She has plenty of

spaces. Let them figure it out. Overall I think the density with this -- it works. Is it what we signed up for in '07? No. But here we are. So, again, I don't want to take anything from what the staff's done. Certainly the applicant has done things. But at the end of the day don't put signs up, because we are going to be back in here as neighbors asking you to put signs up on my public streets, so we don't have that overflow parking. Let them figure it out. And with that I will stand for any questions.

Simison: Thank you. Council, any questions?

Little Roberts: Mr. Mayor?

Simison: Council Woman Little Roberts.

Little Roberts: Mr. Mayor. Tyler, I will ask the question. What is the history that you think would be pertinent for us to know?

Rountree: I think the history is a little -- it's going to be one sided, because it's coming from me first and foremost. I agree. I moved into my house in '07. It was very clear to me at that time that the collector of Jericho was going bye bye. It did go through the '08 recession. It was traded amongst the development community through bankruptcy. You know, it was a Jewett property to begin with. It's moved around. It's changed hands. To the applicant's credit, my hesitation with this is is bait and switch; right? We don't have a regular track record going on in 17 years of this property and she assured everybody on the dais it's not a bait and switch. So, I'm hoping, now that we will go forward with this, but ultimately we have been back and forth. To the people who live in the townhomes that are existing, to their credit when ITD came in and wanted to develop Chinden, they parked all of their equipment and all of their construction overflow on this lot. So, every morning you can ask them, 6:30, you know what they woke to? Beep. Beep. Beep. ITD built a ramp to come function and up over the wall and into that area for 18 months. The dust. Everything. So -- did they build a wall? If I had of owned that property I would have said why are you building a wall, I have to put office space in here. So, how that all went down I don't know. But here we are. So, again, I don't want to take anything away from what's done, but I don't necessarily agree with how we got to where we are today.

Little Roberts: Thank you.

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

Rountree: Thank you.

Simison: Is there anybody else that would like to provide testimony on this? All right. If the applicant will come and close.

McKay: Thank you, Mr. Mayor, Members of the Council. Becky McKay. So, I did Jericho Subdivision. That was 2007. And Mr. Rountree testified against that

subdivision. At that time Jericho was supposed to be a collector and all of a sudden after that we found out, no, it's going to be discontinued. So, that, obviously, threw a monkey wrench in everybody's plans. This particular project -- it's L-O. You can't see it from Chinden. You can't get direct access from Chinden. You don't even know it's there and if it was marketable over these past 17 years I would think that somebody would have bought an office lot and built something, but it's just not happening and it's not going to happen, because it can't be seen, it can't be easily accessed for office. So, what we have to do, based on ITD and ACHD's decisions to discontinue Jericho and the City of Meridian's decision to move the neighborhood center further west, which we have a lot of commercial to the west. Churches, daycares, et cetera. We are left with the property underutilized, undertaxed and sitting there vacant with all the city services. Your Comprehensive Plan says we need to make a priority of in-fill parcels that have all of their utilities, access, and the cost to the public for service is far less if all of those things exist and that's what we have here. So, it's my job to look at this property and find something that is palatable to the neighbors and I met with Mr. Lieberman and his wife on two occasions. The two single family dwellings that will adjoin them do have garages. They are on separate lots. They are single story. And as far as the parking, everyone's like, well, you just can't solve this parking issue and I say why not? I need 36 spaces for my one bedroom, one bath, 722 square foot duets and I have 78 spaces. So, I got spaces running out my ears. We were going to sign those 16 spaces for the property to the east, which I agree they built garages, but according to what I have -- the input I have received is the garages are so tiny you can't even get a little car in them and people just put their stuff in them and, then, there is just not enough parking and I have counted their parking spaces, I have counted their garages, so to designate overflow parking areas specific to them is, obviously, going to help the parking issue on the local streets. I don't think that it's more convenient for somebody to park down Jericho or park down Everest when we have got a signage this is overflow parking for this development that is at this point in time unrelated to us. That's been sold. We can do an easement, we can do whatever. There is parking there. We will have overflow parking. We only need 36 spaces. I got parking running out my ears. I don't know what to do with it and we even talked about converting some of it to like nonparking area, but the best option was, obviously, to make it available, so that we can solve the parking problem. This property has been a nuisance. There is couches. There were junk RVs. There was all kinds of stuff. And as soon as the city enforcement officer told my client you sign it, this is private property, no parking, to get rid of all of these nuisances, that's what pushed that development to the east, the four unit -- three unit to start parking on the public street. I'm trying to solve that. I'm trying to fix a situation. I'm trying to reduce the trips and have the lowest impact that I can come up with and this is it. I -- I can't think of anything else. When you look at Hightower, as far as their density, I mean they have got density consistent adjacent to me and they are single story. They are four unit, three units. The R-15 that's east -- or east of me, they are higher density. I'm just trying to find a logical low-impact use and the niche right now is we have a lot of seniors that need housing on a one bedroom, one bath, affordable unit and if I can provide that, because I have existing parking, I have existing services, I just have to put in some amenities, then, I think I'm doing a good thing for the community of Meridian. And I ask that you support this. Thank you.

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

Overton: Mr. Mayor?

Simison: Councilman Overton.

Overton: Becky, when you are in front of Planning and Zoning there was no initial request for no parking signs on the street; is that correct?

McKay: Mr. Mayor, Councilman Overton, the Planning and Zoning Commission did want me just to sign the common drive or private drive that comes into our development as no parking, because I think it's 28 feet in width and they said can you sign that as no parking and, then, put signage up this is the overflow parking to get people -- that -- that was a suggestion of the Planning and Zoning Commission.

Overton: Mr. Mayor, follow up?

Simison: Councilman Overton.

Overton: I don't think anybody's here from that neighbor -- neighboring development that you are talking about having an agreement with and, of course, that would be an agreement that we wouldn't partake in, that would be --

McKay: It would be a private agreement, yes.

Overton: -- a private agreement just between the two of you.

McKay: Yes. We would give them a parking easement.

Overton: Have you already had those discussions with them or is this your plan --

McKay: This is my plan to -- to put up the signage and -- and basically notify them that -- stop parking on the public streets. Everest. Jericho. You can now park in this parking lot, which has previously been signed private property, no parking, based on Meridian Enforcement Division.

Overton: One more follow up.

Simison: Councilman Overton.

Overton: And -- and roadway widths -- I can never remember exactly how wide they have to be to have no parking on both sides, but I know that if it's not up to the ACHD street width that they are used to, at least you can be looking at no parking on just one side of the street. Was there any discussion on just having no parking on one side? Because you have heard from the neighbors that if you sign that as no parking their concerns you are going to have parking in front of their residences.

McKay: Mr. Mayor, Councilman Overton, typically the rule of thumb is if -- if it's 29 feet they allow parking on one side and that private drive I believe is 28 feet and, then, after it gets past the -- the single family dwellings I think it transitions to 24. So, that was the concern of one of the Commission members that because of the private drive width they didn't want to see people parking, but -- but I don't see the advantage of them -- I mean they are going to be just as close parking in the overflow parking lot we are providing as they would be on the private drive. So, I think, you know, based on signage and communication to that development, their management company, that, hey, we are providing overflow parking. So, please, stop parking on the public streets.

Overton: Mr. Mayor?

Simison: Councilman Overton.

Overton: Kind of push this back on staff a little bit. Staff, I know when this project came forward that there was no requirement in the staff report for no parking signs on this street and the fact that there wasn't -- was that because we believed in the application that this provided enough parking to adequately take care of the overflow from the development to the east?

Hood: Mr. Mayor, Councilman Overton, you are asking me to speculate a little bit on a premise that maybe -- I'm not sure what we were thinking. I will just -- back to your comment though -- and -- and I think Becky also alluded to it -- I mean 29 is typically the width where you can have parking on one side, but not both. We are looking at a fire lane being restricted to allow parking on both sides. I'm not sure why there is not a condition, because that width hasn't changed to access the existing multi-family in there. There should have been a condition in there that says at least you are restricting it on one side, if not both already, quite frankly, because that hasn't changed. That standard hasn't changed in 25 years that I am aware of anyways. So, I haven't verified there wasn't a condition. There may have been a condition. There may have even been signs up at one time. I don't actually know. So, I'm sorry, I -- I -- I can do some research and see if I can find a condition from over the last 17 years that did say restrict the parking at least on one side and I don't know -- we got the deputy chief here, maybe he can chime in. That won't help with the history of signing it for no parking or not, but maybe going forward should it be signed restricted on one side or the other, but I will see what I can find.

Overton: Mr. Mayor, I would love to get all of city staff involved on this question, trust me, but the goal here is really to find out whether this -- this was necessary to have no parking on both sides where we have the potential for now pushing traffic around the corner in front of the residential and we are trying to make the least impact on your neighbors as possible.

McKay: Yes, sir.

Overton: So, if we were okay with parking -- no parking on one side of -- I think is that Everest?

McKay: No, sir. It would be on the private drive.

Overton: Private drive.

McKay: The neighbors are concerned about the parking on Everest and Jericho, because the -- the school bus picks up the kids at that intersection and, then, there are cars parked along there. There are also concerns that -- I guess there were a couple incidents where some cars were sideswiped and so the issue is, then, parking on the public street, not necessarily parking on the private drive. So, I think what the Commission wanted to do is let's force them to park in the parking lots that you are providing for their overflow. Get them off the public street, but yet not encumber the private drive, because it's only 28 feet wide. And this was a Jim Jewett project that did go back to the bank. Then my client purchased it and it was kind of -- that R-15 portion was horribly under parked.

Hood: Mr. Mayor.

Simison: Mr. Hood.

Hood: I will -- I will just add with the layout that Ms. McKay is proposing for the two single family homes, the driveways there will actually practically prohibit parking there anyways, because you got curb cuts or driveways --

McKay: Correct.

Hood: -- those two homes -- you might be able to sneak one in between, but, really, you are effectively preventing -- not prohibiting, but preventing parking from happening on the south side anyways, again, just because you have driveways --

McKay: That's true, Caleb. Good point.

Hood: -- going to those homes.

McKay: Because you have the homes there. Right. So, that will restrict. Yeah. People can't park --

Hood: The driveway apron essentially takes up your curb frontage, so --

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Becky, you talked a lot about age targeting. How do you do that?

McKay: With the one bedroom, one bath and the size of the unit it's obviously not conducive to families or young people. You know, those people -- like there might be, you know, four kids getting a two bedroom. So, my intent is my amenities are geared towards the seniors with the horseshoe pit, the little dog park, the little gazebo and so we are trying to make this appealing and in my conversations with Mr. Barton he said, you know, we -- we do see a need where -- where seniors want a smaller community, they don't want to be mixed in with college kids and, you know, families of three or four kids, so we are trying to -- we are trying -- that's our marketing --

Cavener: Yeah.

McKay: -- and -- and, then, the affordability.

Cavener: Uh-huh. So, Mr. Mayor, if I can -- Becky -- and I guess that's the part I'm concerned with is let's say you fill 90 percent of these units with people in their mid to late 50s, early 60s and a 30 something year old who comes to work at HP lives here and he runs a different schedule, because he works graveyards and so he is -- he is up later at night, he is disturbing these neighbors and all these neighbors think like whoa, whoa, whoa, we -- we moved into a -- to a place for kind of like our tribe and now -- now we have got this outsider and so I -- I worry that you are targeting a certain demographic, but you are not prohibiting anybody from living there, that you create a little bit of a challenge for the -- the residents that you are hoping to attract, as well as I -- I worry if it -- if it doesn't accurately communicate who could actually live there and so your client has done a lot of work in the residential space, why not deed restrict these to 55 and older, solve the concern of the neighbors, ensure that the demographic that you are hoping to live there are the only ones who can. You have got a unique product, so why not just close the loop and -- and really build something that's catered to the audience that you say that you want to target to live there?

McKay: My understanding is legally there are issues with saying you got to be 55 or older to live there in the state of Idaho. However, you can market a development targeting this is a 55 and older community and our amenities are this, that and so forth. I mean young people typically want to -- they want to live where the action is, you know. They want to be over by The Village so they can go to dinner and hop over --

Cavener: Well, Mr. Mayor --

McKay: -- I mean this --

Simison: Councilman Cavener.

Cavener: Becky, if you are -- if you are building something that's affordable -- you have got people who are looking for any housing that they can afford and so I hear you. given the option, all things considered, they would want to live near The Village. If they can't afford that and this is an option they would have and as I understand there -- there

are exemptions that would allow this to be a deed restricted -- again 80 percent of the residents have to be over 55, a hundred percent have to be 62.

McKay: Yes, sir.

Cavener: So, there -- there are options and I guess it's -- it's hard for me -- when I hear somebody say this is what we want to do and there is a mechanism to go do that and you are not choosing to. Like I -- that -- that -- that's curious to me and so that's the piece that I'm trying to figure out.

McKay: Mr. Mayor, Mr. Cavener, we only have 18 units --

Cavener: Yeah.

McKay: -- not 180.

Cavener: Sure.

McKay: So, I think this is manageable and, obviously, when Mr. Barton's rental management team takes applications -- I mean they do have a say in who qualifies and who doesn't.

Cavener: Yeah.

McKay: But that -- this is our target. This -- I mean it's perfect. This is perfect for it.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: And -- and, Becky, I -- I believe you and I -- and I actually think this is a unique product that will -- that will meet a need. I was part of the Council that denied this application, what, ten years ago --

McKay: Yes, sir.

Cavener: -- and it was a good application. This is vastly superior with a unique product type. For me it's just -- it's always interesting -- anytime we get somebody that says this is who we want to attract and there is a mechanism to ensure that's the customer base you get and that's just not being pursued and so I just -- I was curious as to the why. So, I -- I appreciate your explanation. It's not going to impact my vote tonight, I just -- I was trying to understand what the reluctance was and to -- to ensuring that a 55 and older or a 65 and older community really is existing, which is what this -- you have said this product is designed for.

McKay: Mr. Mayor, Mr. Cavener, that is our intent and I don't know if I can legally say there will not be a person that is 55 and older here, because I don't -- I don't control that portion and say they got to have somebody that's 54, they are divorced, it's a woman, she just wants a one bedroom, one bath. She doesn't want to have to take care of a yard, but she has a dog, so --

Cavener: I hear you.

McKay: I mean we do the best we can with what we have to work with. But my understanding is legally we can't impose that, but that is our intent and they do have the ability to market it.

Cavener: Thank you.

McKay: So, I -- I -- I think, you know, with the one bedroom, one bath and the size of the unit it lends itself to a senior. Single story.

Simison: Council, any additional questions, comments?

Whitlock: Mr. Mayor?

Simison: Councilman Whitlock.

Whitlock: Out of curiosity as well, that -- Caleb has the Google Maps called up and I'm just -- I'm curious about, again, the parking. It seems to me if you are putting two single family homes there on the west side it looks like all concrete on the east side. Is there a reason why you wouldn't put one or two more homes on that east side and sell that property and not have to deal with the other neighborhood's parking problems? Just curious.

McKay: Mr. Mayor, Councilman Whitlock, that's a good question. These are the 16 spaces that we want these residents to utilize as the overflow parking. It's close to them. It's -- it will keep them from parking down Jericho, keep them from parking down Everest and it just makes sense that we provide that parking easement for these people and, like I said, we still have well over what we need. We only need 36 spaces up here and we have well over that. So, even if some of that overflow were to come into this parking lot I think -- I think the whole issue is to solve the parking problem. That has been a -- a thorn in all of these residents' side for many many years and if you look at Google Maps you can see that there are cars parked along Jericho, parked down Everest. So, if I can solve that, then, I am doing my job to rectify a wrong that's been done many years ago, but still create a neighborhood that's sustainable.

Whitlock: Follow up?

Simison: Councilman Whitlock.

Whitlock: Just looking to the west it looks like the -- the three-plex and the four-plex all have garage parking.

McKay: They do.

Whitlock: To the east it looks like those have some garage parking that you can't fit a small car in. Is -- is your parking all surface lot or will there be carports? Or have you considered something like the Hightower to allow for garage parking?

McKay: Mr. Mayor, Councilman Whitlock, we will install -- we have to install 16 covered spaces and, then, we will have 16 open spaces. There are sewer and water easements that run through this parking lot, so that is dictating where I can put my carports, because I can't have a carport over your sewer and water easements and that is prohibiting me from building garages and to make this affordable if I have to tear out all the utilities and start over again, then, that loses the affordability and that's what we are trying to achieve here.

Whitlock: Thank you.

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

McKay: Thank you.

Overton: Mr. Mayor?

Simison: Councilman Overton.

Overton: If there are no more public comments, I move we close the public hearing.

Little Roberts: Second.

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

MOTION CARRIED: FOUR AYES. TWO ABSENT.

Overton: Mr. Mayor, I would like to kick off comments before we move forward.

Simison: Councilman Overton.

Overton: I think you are taking a very tough chunk of land and trying to develop it. I think that's unanimous amongst everybody. I struggle -- I mean there are some really good examples in this city of senior homes that are totally designed for seniors. It seems like the biggest struggle I'm going to have is I have -- I have got two aging parents -- well, shoot, I'm over 55, but -- let's be real. I got aging parents and -- and

there is no way in the world they are going to park in a carport that far away from where they enter their duplex. So, I struggle with the implementation of seeing this marketing successfully to seniors. I think there is a lot of ways to do it. I think because you are really trying to fit a square peg into a round hole and make this lot work the way it's already laid out, that's going to be a really tall order. I think you can solve the parking issues with an agreement, but we don't have those folks here to even know whether they are going to accept an agreement or if they will be open to it. I'm not too excited about the requirement from the Commission to put no parking on the access road, as that could push more traffic out onto the public streets and I would be in favor to move forward with this project of striking that no parking request that came out of the P&Z hearings. I will be in favor of approving this with that action. Mr. Mayor?

Simison: Councilman Overton.

Overton: If no one wants to talk with me, so with that said, after considering all staff, applicant, and public testimony I can move that we approve File No. H-2025-0037 as presented in the staff report for the hearing date of December 16th, 2025, with the following modification: That we go back and strike the request to have no parking on the access road leading through this development.

Little Roberts: Second.

Simison: I have a motion and a second to approve Item H-2025-0037. Is there discussion on the motion? If not, clerk call the roll.

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

Simison: All ayes. Motion carries and the item is agreed to. Have a good evening.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

22. Public Hearing for Apex Cadence (H-2024-0061) by Brighton Corporation, generally located south of E. Lake Hazel Rd. and west of S. Locust Grove Rd., including 6575 S. Locust Grove Rd.

- A. Request: Modification to the existing Development Agreement (Inst. #2020-178120) to replace it with a new agreement for the subject property and to include specific design requirements.
- B. Request: Annexation of 0.86 acres of land with an R-15 zoning district.
- C. Request: De-Annexation of 0.52 acres of land from the City to Ada County.

- D. Request: Rezone of 56.11 acres of land from the R-8 to the R-15 zoning district.
- E. Request: Preliminary Plat consisting of 228 single-family residential building lots, 41 common lots and 16 other lots on 51.50 acres of land in the proposed R-15 zoning district with private streets in the gated portion of the development.
- F. Request: Planned Unit Development with a request for deviations to certain street, side, and rear yard building setbacks and to allow more than 100 dwelling units in a gated community.

Simison: With that we will move on to Item 22, which is public hearing for Apex Cadence, H-2024-0061. We will open this public hearing with staff comments.

Hood: Sorry. Mr. Mayor, Members of the Council. There is the -- our PowerPoint back up. So, the applications before you for the Apex Cadence project are a development agreement modification -- or, again, I will -- I may say DA, that's development agreement. DA mod or DA modification. Annexation. And here is one you don't see very often, but they are asking actually a de-annexation is one of the applications they have submitted. I will get into that in a little bit more. A rezone. A preliminary plat. And, again, a planned unit development or I may slip into the shorthand -- PUD. Planned unit development. So, the site consists of 51.5 acres of land, currently zoned R-8, located at 6575 South Locust Grove Road. It's south of Lake Hazel on the west side of South Locust Grove. This probably was one of those that we annexed back in 2015 and assigned a placeholder zoning essentially. We don't have placeholder zoning per se, but we did zone it R-4, with the understanding it would likely be rezoned in the future consistent with the Comprehensive Plan. The DA does, in fact, require a modification to the agreement prior to development of the MUC designated areas to include a conceptual development plan that demonstrates consistency with the general guidelines for mixed use developments and specifically the MUC designation. So, again, you got another MUC designation here. The -- the DA or development agreement was amended in 2020 and the property was rezoned to R-8, but a development plan was not submitted at that time for this portion of the property and I should say I'm going to pause real quick and just say, again, I'm covering this project, so I'm -- I'm going to be looking at my notes more than anything. So, I'm familiar with this project, but I'm not as intimately familiar as the applicant and others, so if you need to grab my attention or whatever I'm largely going to just read my talking points. So, again, the Comprehensive Plan future land use map designation is medium density residential for 45 -- 40 -- about 40 acres and MUC for roughly ten or 11 acres. So, mixed-use community for about 11 and medium density residential for approximately 40. The applicant requests a modification -- a modification to the existing development agreement to include a conceptual development plan for the subject property. The new DA pertains only to the subject property and not the larger Apex development as a whole. So, the proposed concept plan depicts a mix of single family residential detached and attached homes on the portion of the site proposed to be included in the preliminary plat and future collector

streets and future land use map designations on the property to the north that is outside the boundary of the plat. The medium density -- medium density residential designation calls for a gross density of three to eight dwelling units per acre in our comp plan and the proposed density is 4.1 units per acre and the MUC designated area residential uses are expected to comprise between, again, 20 and 50 percent of the area designated for residential at gross densities ranging between six and 15 dwelling units per acre. Approximately 50 percent of the overall MUC area is proposed to develop with residential uses at a gross density of six units per acre. So, right at the bottom end of that target density in the comp plan. Although the residential density is consistent with the -- the -- with that desired in the comp plan for the MUC designation, the proposed development isn't consistent with the other MUC design elements that pertain to integration of uses and vehicular inner connectivity between developments due to the orientation of the proposed development in relation to the future nonresidential uses to the north and the gated development which restricts access and hinders integration of uses as desired in mixed-use designated areas. Breath. The City Council should determine if the proposed development plan should be modified to be more consistent with the general mixed-use and MUC development guidelines in the Comprehensive Plan as required by the current development agreement. Again a rezone of 56 acres of land from R-8 to R-15 is proposed for the area to be platted. So, the southern portion of the subject site. Let me see if I have a better exhibit. It's more phasing, but the southern area is roughly 51 acre -- 56 acres. Excuse me. And some R-15 zoning is proposed for the area proposed to be platted as well for the future development area to the north. Annexation of .86 acres is proposed to R-15 for a strip of land located on the west boundary of the project. I kind of went by it pretty fast. There is a water body and so some of this was not annexed and -- and it's a part and that's some of the de-annexation, even as is shown on the right here, these small slivers of land that are being -- I will just say cleaned up as part of this proposal. That -- that's -- the de-annexation strip is .52 acres. It's currently in Ada county, again, located on the -- kind of the west side and on the north sides of Via Roberto Street is requested that -- it was inadvertently included in the original annexation. This area was previously included in a record of survey to adjust the property line between two properties and the abutting property to the west, the Bruno property, but was never recorded. So, it's still part of the original parcels. Before a new property boundary adjustment or record of survey can be approved and recorded between the properties to rectify the issue the property needs to be in the county, so we can't adjust property lines between county and city land, it needs to be one or the other. So, that's -- long story relatively short, that's kind of what's happening there. Preliminary plat is proposed consisting of 228 single family residential building lots. Let me get to that again. So, here is the preliminary plat. Two hundred and twenty-eight single family lots, 41 common lots and 16 other lots, again, on a little over 51 acres in the proposed R-15 zoning district and the five -- to develop in five phases as you see in the middle exhibit on the screen. The overall gross density there is 4.43 dwelling units per acre. Based on 51.5 acres of development area a minimum of 15 percent or 7.73 acres of qualified open space is required to be provided. A total of 9.75 acres or 19 percent is proposed consisting of several open -- open grassy areas exceeding 5,000 square feet in area each, linear open space, 50 percent of the street buffer along South Locust Grove Road, a hundred percent of the street buffer along

East via Roberto Street, which is a collector street and a protective buffer dedicated for active access along the Rawson Canal. Parkways along local residential streets are also shown on the open space exhibit, which exceed the -- the UDC standards. So, again, the -- kind of teal color I guess it is would be your open space that I just verbally described. A minimum of ten site amenity points are required to be provided. Site amenities totaling 24 points are proposed, consisting of a clubhouse greater than 5,000 square feet in size, paved sports courts, multi-use pathways and pedestrian circulation system aligned with linear open space, which exceeds the UDC standards. As I previously mentioned, a PUD is proposed -- or planned unit development is proposed for a mostly majority of the lots are gated -- gated residential development. Again there is -- there are some mixed types of housing though. Single family residential attached and detached homes, front loaded and alley loaded with a variety of lot sizes, setbacks and home designs. Except for the 16 homes at the southwest corner of the development, which have public street access, the other 212 homes are within a gated community. So, again, that's a relatively high portion of the lots proposed that are behind the -- the gate. And, then, behind the gate, obviously, are private streets with allies and common driveways. The gated portion of the development restricted to residents 55 years of age or older and the average residential lot size in the gated portion of the development is 4,665 square feet. The average residential lot size in the non-gated portion of the development is 7,233 square feet. See if I have a -- I guess I don't have that -- that call out there for the different lot sizes, but -- the PUD includes a request for deviations from certain UDC standards as follows: UC113F4A4B restricted developments to more than a hundred dwelling units and, again, there is 212 units proposed and a reduction in the local street setback to living area is requested from ten feet to five feet for the alley loaded, also known as carriage lane units. Several conceptual building elevations were submitted for single story and two-story detached and attached single family homes. A variety of materials are proposed, including vertical and horizontal lap siding, board and batten siding, fenestration with stone brick veneer accents and a variety of colors and design elements and features with varying roof profiles and wall modulation that demonstrates the high quality of development proposed. The applicant is requesting the following approvals from the City Council. So, this is a waiver essentially. We don't allow private streets to connect to arterial roadways and, again, Locust Grove is an arterial roadway. So, that is requested for you tonight to allow East Bing -- Bingley Lane to intersect Locust Grove and UDC 11-3F-4B2 prohibits private street connections. Oh, I just mentioned that. Sorry. So, that's the code citation. That section is 11-3F-4B2. And, then, approval to exceed the maximum block face standard in UDC11-6C-3F of a thousand feet with a pedestrian connection for Block 1, a portion of which lies along the Rawson Canal. So, maybe going back to the layout a little bit -- actually that one might work. There is no street connections because of the Rawson. They do have some micro pathway connections that sort of break that block up, but this block is technically longer than our code allows. So, that is also a waiver that the applicant is requesting this evening. During the November 20th Planning and Zoning Commission hearing the Commission did recommend to Council approval of this project. In favor was Amanda McNutt, Jon Wardle, Mike Wardle, all with Brighton Corporation. No one testified in opposition or signed up in opposition. Commenting was Julie Edwards. Written testimony was received by Joann Tima, Holly

Myers, Shawn Freeman, Amanda McNutt, again, with Brighton, largely with responses to the staff report. Aside from that that's the only additional testimony I have is the applicant commenting on some of the conditions of approval. I will get to that in a second. Key issues were the rezone request due to the increase in housing densities and associated impact. So, that was a topic. It seems like there was some similar to the last project we talked about, being some in favor of a 55 and over older community, as it wouldn't impact schools likely, but some that were against the proposed rezone to, again, the density increase that it would allow, which provides a little transition to the low density R-4 zone properties to the south. Also there was belief that the developer should be held to UDC standards without deviations, including the -- the request for over double the amount of homes is typically allowed within a gated community. So, again, that was some of the key conversations or discussions. There was some discussion about, again, the MUC and the purpose of a mixed-use development, particularly as it relates to this side of the arterial-arterial intersection, so Lake Hazel and Locust Grove, and that mixed use community designation spans across that intersection. There is some conversation about that. The reasons are lack of the integration of uses due to the residential developments being gated off. Again, the -- kind of at the core, the gated community is that you sort of wall yourself off from some of those other uses that would otherwise have better connectivity and integration. Generally, though, in favor, again, of a proposed 55 and older development, but there was some concern about the common driveways proposed and actually this exhibit still shows one of those common driveways coming off of the private street network. So, Commission changes to staff's recommendation. The Commission directed the applicant to continue to work with the city on the timing of the phasing of the amenities. I would include -- I think that also includes amenities being some of the landscaping and the timing of -- and installation of that as well. That there is good faith to be able to work with the county and the city to get all the permitting correct. And, again, that largely goes back to the -- the zoning and those strips of land and the de- annexation and the zoning and the property boundary adjustments associated there and to provide an updated plat for City Council in regard to the stub street for the Murgoitio property to be incorporated at a later date, if at all. No specific changes are made. So, those are some of the quote, unquote, outstanding issues. Potentially, too, are some of the things I just highlighted. So, I won't belabor that anymore. But if there are any questions or you want to talk about any of those things I will stand for questions.

Simison: Thank you. Council, any questions for staff? Okay. Would the applicant like to come forward.

McNutt: Amanda McNutt. 2929 West Navigator Drive. I'm here with Brighton tonight and this is Apex Cadence. Thank you, Caleb, for presenting tonight. I know you kind of got thrown into this so appreciate that. So, this is the next step in our pinnacle development. At the intersection of Lake Hazel and Locust Grove there is 212 residential lots in an age qualified gated community with private streets. It will include a mix of single family detached alley loaded or carriage lane and attached or paired homes. There is also 16 conventional single family detached -- kind of in that cul-de-sac on the east side. We are proposing to rezone from R-8 to R-15. This is primarily

because it provides us better flexibility in those setbacks. With a PUD we could do this, but it's just a lot simpler to do it this way and so that's kind of why we are doing it. Here is an example of what the designation is here. Although we do have some mixed-use community, the majority of this is actually medium density residential with just a tiny sliver of medium high density and we are not requesting a future land use map modification. In this I kind of wanted to show what's proposed now, what's existing and just kind of quote a few things out of the future land use compliance. So, it's -- residential density is supposed to be between 20 and 50 percent of the development area and about 50-50 right now between residential and non-residential uses out here. Medium density residential allows three to eight units per acre and we are at 4.6 for this development, which, again, is kind of the brunt of that area. This was talked about in depth at the Commission hearing and so I wanted to touch on it a little bit here as well. Successful projects would reduce -- reduce vehicle trips for nearby residents. I feel like in this area Cadence will be mostly the nearby residents. There is not going to be a whole lot else that actually develops around here due to the Rawson Canal. It just limits what could happen there. So, I have kind of put arrows of how traffic could potentially flow through here. Most everyone is going to use Via Roberto or future collectors to the north and east. They are shown in pink. Those red lines just kind of indicate how traffic may flow through there. So, while there may be slight restrictions to vehicle access, there is plenty of pedestrian access in here and those are not restricted for people to use and, again, I -- I just feel like there is not a whole lot more that's going to happen out there that would use those pathways. These particular pathways is what I mean. And, then, I just wanted to show how we comply with this area in particular and what the comp plan kind of calls out specifically for connections in here. If you will notice on the diagram to the left this is from the Comprehensive Plan and it actually calls out pathways specifically as the primary and secondary connections through the mixed-use community designation. So, even in the comp plan it's not saying that vehicular access is the primary connection, it is pathways that are the primary connection. We have our commercial medium to -- medium high density residential and our single family residential almost exactly lining up with what that graphic shows and, then, I have just kind of highlighted with arrows there what our primary pathway connection would be and what our secondary pathway connection would be through there. We do have a ten foot wide pathway that's going to go along the Rawson that would connect to future roadways as well, but we did add a north-south connection directly to that future roadway. I will agree with Caleb on this. It's kind of some weird clean up stuff that we need to do on this property. There is a small portion of the Rawson Canal that is part of this property that was not annexed with the mass annexation that we need -- we need to now include as part of this project and there was a small piece of property that was included that shouldn't have been that we need to de-annex and, essentially, this is going to be mostly handled by the county and -- and not us. If we were to receive an approval tonight the next action would be for the county to rezone the parcel and, then, the owner, who that actually needs to go to, would, then, be responsible for doing a property boundary adjustment. There is a condition that states we need to have this all done before we submit our first final plat. We felt like that timing was maybe not the best, because we don't have control over the majority of this process. Really the only control we have over the process is what we are doing tonight. Everything beyond that

we can't control that timing. We do understand it needs to be completed, though, and so we were willing to do that with our last final plat to make sure that that's done prior to this project being completed. Again this just kind of shows what we are asking for as far as the PUD setback changes. If we had kept R-8 there would just be a lot more to this, but, essentially, the only request that we are making from the R-15 setbacks is that the local street would be five foot, instead of a ten foot setback on our carriage lane specifically. We are proposing to complete this in five phases. We have included a small portion of the northern half to be rezoned with this as well. The very north or the orange there will be future -- all of that orange and yellow actually will be future. The rezone is just easier to do right now, but we will come back in with everything to the north in a future pre-plat. This was talked about as far as what's allowed by code for private streets connecting to an arterial roadway. The connection shown with the 190 feet called out is a private street with a gate. We did want to increase that depth there so there was plenty of stacking for people if Locust Grove gathers a lot of traffic through here. I -- I don't know that this necessarily will be the main point of entry that people use or if they prefer to use Via Roberto, but, essentially, we would allow ten to 11 cars to stack in there before the gate. So, I think with that and just where it lines up with the roadway to the west, that that's a good place for a private street. Additionally we are asking for more units in a gated community than what's allowed by code. A hundred are typically allowed by code in a gated community and we are asking for 212. There is several of these in the city and this isn't actually the odd one out as far as asking for more units in a gated community. We are offering one more gate entry point than we have in our other developments and we haven't had any issues with that being gated or access getting backed up at all, but we did feel like with the number of units it made sense to have three gates here -- or three access points. And, then, Caleb also mentioned this, that we do have one block face that exceeds the allowed 1,200 feet unless a waiver is provided. This is essentially because the Rawson Canal exists there and it just -- the way it develops out there is a long roadway. Traffic through here likely won't be fast anyway, but we are providing a bulb out at that circled location just to help slow traffic. As mentioned there are several pedestrian crossings and accesses as well, just no true intersections because of the long stretch there and so we are asking for that waiver to be approved for a street greater than 1,200 feet. We are required to include ten amenity points and we are providing 24. We have a large clubhouse, sports courts, a lot of multi-use pathway and sidewalks and, then, pathway in a linear open space, which is that along the Rawson Canal. I did want to show kind of how our pathway network works. We have built most of the sidewalks in teal out here already. Other than what you see with Cadence itself. There is going to be substantial connectivity throughout this entire area. We will also be providing the -- the ten foot pathway along the Rawson Canal with eight foot connections internal to Cadence. Again all of these will be open to anyone, including the internal sidewalks. I wanted to point out the circled orange area. I apologize it's a little small, but it's there on the left-hand side. That's kind of the first connection point that would be used in this development for people to access any other point. For instance, if they wanted to walk up to the library or if they wanted to walk to the park, that's the access point that they would use to get to other places. 'Basically a request was made in the conditions to provide all of the ten foot sidewalks and the ten foot pathway with our first phase and they are kind of pathways to nowhere

at this point, just because the development to the north where we are waiting on that is not going to provide a connection. They are going to have to cross the street to use that connection anyway. So, we would prefer that we build that as phases are developed, rather than all at once. Here are some examples of another Cadence property that we have already developed and these amenities are going to be extremely similar to this and here are some of our elevations, which are slightly more updated than what was shown in the other. Our conventional homes are there on the left in blue. These are just typical front-loaded homes. In pink along the outer edge are our paired Cadence product. To me it's actually kind of hard to tell that these are paired, but they are. We did do unique colors and elevations to just kind of break up and make them not look like one plane of a home, but two unique homes. These are the age restricted paired units and this internal or the orange carriage lane are also within the age restricted area. These are all detached single family and, again, carriage lane or alley loaded product, so there is no garage on the fronts. So, some conditions that I kind of mentioned throughout this project -- or as I have gone through this presentation that I would like to come back to that we were asked to subdivide prior to submittal of any building permits for the development and we would ask that that's except for building permits associated with the community amenities, including, but not limited to, the pool, pool house and gazebos. Essentially that allows us to get started on amenities from the get go, so that as residents move into that very first phase our amenities are complete and they can come in to a development that has amenities ready for them. The second would be that prior to the signature on the fifth final plat the property boundary adjustment between that de-annexed parcel and Ada county would be finalized. Again, this is just kind of outside of our control and so we are asking for that to be modified. The last two are about the sideway -- sidewalk and pathway and, again, it's just not really connecting to anything. They are going to have to cross the road anyway to get anywhere besides internal and so we would ask that those are approved to be constructed with the phase that they are adjacent to rather than at the beginning and I will stand for any questions.

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

Overton: Mr. Mayor?

Simison: Councilman Overton.

Overton: Amana, one quick question. When we were looking at the overall development and you showed that the initial point was going to be out onto Locust Grove, I noticed you have three access points, which you mentioned. Do all of them have the 190 foot or just that one on -- onto Locust Grove?

McNutt: Great question. Thank you. That one has a much larger stacking distance. Well, maybe not much larger. But it does have a larger stacking distance. Probably -- I'm guessing here, but I'm guessing maybe 50 more feet than the other two access points and that's because Via Roberto is a collector and so it's not as heavily trafficked as Locust Grove is and, again, with our other projects we provided that at least minimum 50 feet, because that's what's required by code, but I think we do a little bit

more than that and we haven't had any issues with stacking on -- on any of those projects.

Overton: Mr. Mayor, quick follow up.

Simison: Councilman Overton.

Overton: But that's the 190; correct?

McNutt: The one on Locust Grove is 190, yes.

Overton: The other two are about 50 feet shorter roughly, give or take?

McNutt: Yeah. I can measure it, but I'm not sure exactly.

Overton: Okay. Thank you.

McNutt: You are welcome.

Simison: Council, any additional questions for the applicant?

McNutt: Sorry, I'm just going to add one thing. We -- we had provided public testimony that we asked for one other condition to be modified, so if you read our public testimony there is one additional condition in there that we had asked to be removed, but we are no longer asking for that. Essentially, the Murgoitio property was asked to be pulled into our pre-plat for -- the future pre-plat on the north to create a legal parcel of record for those individuals that live there and we are now agreeing to that after speaking with those owners.

Hood: So, Mr. Mayor, if it's okay I can put a little more -- more context into that. There is an out parcel -- if you look at the both the rezone and the preliminary plat exhibit -- yeah. Amanda is still driving, so thank you. There is a condition and we had ask that if it's been split in the county and that's -- it's valid, then, that's fine, but we didn't get any proof that it had been split legitimately through Ada county. So, that was our concern is that you can't have a -- we don't want to see a county enclave or an illegal split happen, so we put that condition that -- that's great, subdivide it, but, anyway, just a little bit of context. The -- the existing home is on a parcel. We haven't been able to get approved up that it was legitimately split off from the rest of this property.

McNutt: Thank you.

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

Johnson: Mr. Mayor, there are none.

Simison: Okay. Is there anybody present who would like to come forward and testify on this item and if you are online you can use -- use the raise your hand feature. Okay.

McKay: Thank you, Mr. Mayor, Members of the Council. Becky McKay. Engineering Solutions. Business address 1029 North Rosario. I'm -- I'm representing Mike and Linda Mурготио who have the adjoining 205 acres. So, there -- there is undeveloped property that wraps around this parcel. I would just like to let the Council know that the Mурготио have retained a surveyor who has completed a survey, topographic boundary, geotech study on the property and they have retained me to do the land planning for their properties. So, it is their intent to move forward with some type of development plan and come before the Council. So, obviously, reviewing the application that's before you, we do have a few comments. Obviously, the -- the rezone from the R-8 to the R-15, obviously increasing the density, we want to make sure that Public Works has taken into consideration the sewer capacity. We would hate to, obviously, submit application and find out that all the sewer capacity has been used up with the increase in density and the rezone to the R-15. We are in that same sewer shed as Brighton and, then, there is a portion of the property that goes to the northwest toward the Costco, but we just don't want to, obviously, be the last man standing and not have any ability to sewer into the city, since their property is already annexed and it is -- I think it has a holding zone of R-4. Secondly, Linda Mурготио's property, it's about two and a half acres, it fronts on Locust Grove. The home there is -- based on the assessor is well over one million dollars and I'm concerned that -- that if it was illegally divided it has always been staff's and the Council's intent that any illegal division that's taken place off of parent parcel be rectified by including that outparcel as part of a plat. You required it of me for Fall Creek. You required it of me for Spring Day. And I think I had a third parcel that I was required that even though it was under separate ownership, the fact that it came off that parent parcel we could not allow that property to be left unplatted and legalized. And, lastly, I'm concerned about this conceptual plan that shows a collector road going right through the million dollar house out to Locust Grove. We have no knowledge of this. It says conceptual only, so I'm questioning that and, lastly, with all the private roads it has always been the staff and this Council to make sure that we integrate our projects, that we have interconnectivity and, obviously, with the private roads that's going to force my traffic to go out to Locust Grove, because I can't go into a gated private road community. So, that changes kind of the whole mixed-use community that under your comp plan talks about integration and making everything mesh and I can't do that when I got to have private roads. I am cut off. So, I just want to make the Council aware of that. Thank you.

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

McKay: Thank you.

Simison: Is there anybody else that would like to provide testimony on this item? Okay. Would the applicant like to come forward to close?

McNutt: Thank you. Amanda McNutt. As far as sewer capacity and Public Works comments, you know, they have looked at this and we didn't receive any comments that said that there was a capacity issue. As far as the rezone is concerned we are actually not increasing the density at all. We are -- we are just rezoning, but the future land use map and what was intended to be the densities will be maintained. We are not changing any densities from the future land use map designations. As I mentioned we will be including the Mургоитио parcel in a future plat, but that is for the north portion of this area, which it's going to come back later. So, that's -- that's not actually what we are here to talk about tonight. And as far as the concept plan, I -- I agree it was really quickly put together, because it was asked of us to put something together that showed access to that parcel and we just kind of slapped something together. So, we would work with the Mургоитио and Becky to make sure that that plan worked for them and worked for the area for us as well. So, again, that -- that's going to be vetted with the Mургоитио and us at that time. And if there is any questions I will answer those now.

Simison: Council, additional questions for the applicant?

McNutt: Appreciate it. Thank you.

Simison: I -- I have one.

McNutt: Oh. Sorry, Robert.

Simison: The integration, private street, how do you see that working? I mean just conceptually what is the -- does it make that property to the north only take access onto Lake Hazel? Is there even an access point on Locust Grove? Is -- is it limiting to that factor in -- in this case as Ms. McKay talked about? With -- if the private sheets remain as is.

McNutt: Yeah. That's a great question. With the north portion of the property not being fully developed or really even the concept plan being fully vetted there is a lot of things that we can do to make sure that there is access to Locust Grove, as well as Lake Hazel. The private streets were only going to be internal to Apex Cadence and so for us to provide something to the -- to the east I think is doable -- or, sorry, to the west. But, again, it's just something that we would need engineers to look at and make sure we can do. But I don't really have a concern that that's doable. I think it can be done.

Simison: Maybe I will turn to staff, because there is an access to that house off of Locust Grove currently; correct? Is it within the place where ACHD would somehow want to close that? Because I don't know what the proximity to roundabouts are. Do -- do you have the same -- same limitations on roundabouts and it is even relevant in this case or not?

Hood: Yeah, thank you, Mr. Mayor. I appreciate the question.

Simison: It looks like it's not.

Hood: I mean it -- it is I think. Obviously, there -- there is the roundabout and there is existing access to answer your first question there. There is an offset required and, in fact, I will draw your attention -- not to rehash, but a couple of months ago you had a project just a mile to the north where you had this exact -- it was on the other side of the road you had the same conversation. So, I think that is a -- without opening this whole thing back up, that is one of the questions or concerns of staff is Tower Street is in alignment. There is a nice home there. If not Tower Street now we are getting closer and closer to this roundabout. Something's got to give and the private streets that the applicant's proposing, the mixed-use community and that interconnectivity, while I appreciate the -- the pathways and pathways are great and having the two connections to the north are great, if you don't have any vehicular connection between this project and the northern to be developed, you start to run out of options if you are going to have an access to Locust Grove. I mean there may be opportunity to fit something in there north of the existing access or roughly where that existing northern access is, but you are getting very close to this roundabout and, again, there is similar conversations and concerns from a project just a mile away. Yes, there are grade changes with that one, too, right, coming down the hill as you enter that intersection, but I think that's something that hasn't been evaluated and some of the concern with -- I appreciate the sentiment of working together, but I'm also a little concerned when it comes to agencies and their standards to where we can have access points. Not having another one generally where Tower Street is.

Simison: And we do have ACHD on the line. I don't know if they feel educated enough to weigh in on this based on the -- yeah, I don't know if they have a distance standard and where they -- where that gets measured from. Matt, any input?

Pak: Good evening. This is Matt Pak representing ACHD. We don't have policy that explicitly states the offset from a roundabout, but we typically refer to signalized intersection offset spacing. Looking at about 330 feet for a right-in, right-out and, let's see, 710 feet for a full movement. This access was not evaluated as part of the staff report for this application and it would be reviewed as a -- as part of a future development application for that specific parcel.

Simison: Okay. Thank you.

Hood: Mr. Mayor, if I can, just to put that in -- Nick actually looked it up. It's roughly 400 feet or so from the roundabout to that northernmost access point, just put that dimension there. Yeah, about 400 feet.

Simison: Okay. But Tower has no issues?

Hood: Yeah. I mean it looks like it would be about 500 feet to Tower. Yeah.

Simison: Okay. All right. Thank you. So, we do have someone else who has asked to raise their -- has raised their hand. Council, would you like to take additional public

testimony? Okay. Julie, you will be recognized and, the applicant, you will have another opportunity to come back up.

Edwards: Hi. My name is Julie Edwards. I'm at 1310 East Mary Lane. Just in talking about this Murgoitio house, I did have a question. If that house is going to stay or will it be demolished eventually, because just the flow of the mixed-use you would have commercial properties to the north, which would be just south of Lake Hazel and, then, you would have this million dollar home and, then, just to the south of that you would have this jam packed gated community. So, I was just curious what was actually going to happen with this -- with that house if it would disappear once Murgoitio develops whatever other section he is doing down there. That's all.

Simison: Thank you. Council, any questions? I don't know if there is anything there for the applicant that -- if you would like to make any -- any last final comments related to that. Applicant does not at this time. Okay. Council, do we want to take a few minutes break to gather any thoughts? Do we want to -- or do you think you want to deliberate this at this --

Cavener: Mr. Mayor, I'm seeing nods for -- for a break.

Simison: Okay. Well, we will go ahead and take a 15 minute recess and, then, reconvene at roughly 8:35. Roughly.

(Recess: 8:19 p.m. to 8:35 p.m.)

Simison: All right. We will go ahead and come back from recess. Is there anything that the applicant would like to share more after our break?

NcNutt: Oh, on this -- oh. Never mind. We are good. Okay. One other thing that was asked about was on Condition A2-V-1, I -- I had been asked to do an alternative compliance for the number of lots off of a common drive. This is specifically for the northwest corner. There are four units accessed off of a single common drive on one side. So, code allows you to access four units off of a common drive, but they can't all be off of one side. Again really just due to the way the Rawson Canal is in that area it just kind of curves. It was best for us to do an extension of the common lot there and have four on one side. We could handle that with an alternative compliance if we wanted to, but it -- it was asked if we could talk about it here before we did that.

Hood: And, Mr. Mayor, if I can --

Simison: Mr. Hood.

Hood: So, that's -- that's me that thought it would be good to daylight that request as we are at the public hearing, you can see the whole picture of the whole project and give staff that direction to issue an approval or if you need more information there is findings that go along with alternative compliance. I will -- I will be honest I haven't

looked at the applicant's narrative yet, their justification for that. I heard it just now, but I haven't actually looked at what they are proposing in lieu of, you know, to offset that -- that -- or mitigate for the -- having more than three on one side of a common drive. But that was my request again it seems out of sequence to have staff approve something after Council's already acted on it, so I thought, well, let's bring it before the Council. So, I apologize I didn't ask that earlier. I appreciate Amanda giving you an overview of their request.

Overton: Mr. Mayor?

Simison: Councilman Overton.

Overton: Amanda, I appreciate that. One other item I want to make sure that we touch on and are clear on and that is 2-P. Based on some of the testimony we have had here tonight I'm not comfortable with waiting on getting those ten foot wide detached sidewalks on Locust Grove. Would you be comfortable with the original language of completing that entire area of sidewalk with the first phase of development tonight?

McNutt: I think if either of those were going to be remaining the same it -- it would be the Locust Grove would be the appropriate one to keep over the Rawson, because if -- if people are going to use a sidewalk it's going to be the Locust Grove sidewalk. So, I think we can agree to that one, although we would prefer to defer if -- if that were so.

Overton: Got it. Mr. Mayor?

Simison: Councilman Overton.

Overton: If there is no more public testimony, I move we close the public hearing.

Cavener: Second.

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

MOTION CARRIED: FOUR AYES. TWO ABSENT.

Overton: Mr. Mayor, I'm willing to take a --

Simison: Councilman Overton.

Overton: -- take a shot at the first attempt at this application. After considering all staff, applicant, and public testimony I would move that we approve File No. H-2024-0061 as presented in the staff report for the hearing date of December 16th, 2025, with the following modification: On Item A-1-E we accept the change in language from the applicant to state the property shall be subdivided prior to submittal of any building

permit applications for the development, except for permits associated with community amenities, including, but not limited to, the pool, pool houses and gazebos. On Item A-2-6 that, Council, we grant the request for alternative compliance application that has been submitted. On item 2-O we approve the language change submitted by the applicant to read that prior to the signature of the phase five final plat the property boundary adjustment between parcel S1406131700 and S1406427800, S1406417700 and, finally, S1406110355 shall be finalized. The applicant shall submit proof of such in the form of an approval letter from Ada county and a recorded survey -- a record of survey. On the Item 2-P we stick with the language presented by our staff, which was the ten foot wide detached sidewalks along South Locust Grove Road and East Via Roberto Street be constructed in their entirety with the first phase of development. And on the last item, 2-Q, we go with the language change by the applicants that the ten foot wide multi-use pathway along the Rawson Canal shall be constructed at the time that the adjacent phase is constructed.

Cavener: Second.

Simison: Have a motion and a second. Would the second like to repeat the entirety of that motion?

Cavener: Mr. Mayor, not this evening if that's okay. But I do -- do have a question either for -- for staff or for the motion maker.

Simison: Councilman Cavener is recognized.

Cavener: It has to -- relates to A-1-C. Because the applicant accepted the -- or withdrew their requested change we didn't need to capture that in the motion; correct?

Hood: Correct. I appreciate the question. Mr. Mayor, Councilman Cavener. Yeah, it just reverts to what you have before you today in the staff report. Thank you.

Cavener: Yep. Thanks.

Overton: Motion maker agrees. Thank you.

Simison: Okay.

Cavener: Of course he does. A great motion.

Simison: Is -- is there discussion on the motion? If not, clerk call the roll.

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

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

MOTION CARRIED: FOUR AYES. TWO ABSENT.

23. Public Hearing for Apex Zenith (H-2025-0041) by Brighton Corporation, generally located at the southeast corner of Meridian Rd. and Lake Hazel Rd., in a portion of Lot 4 Section 6, T.2N., R.1E.

- A. Request: Preliminary Plat to subdivide two (2) existing parcels into seven (7) buildable lots across 11.549 acres of land in the C-G zoning district.
- B. Request: Private Street application that is naming the drive aisles.

Simison: Okay. With that we will move on to Item 23, which is -- which is public hearing for Apex Zenith, H-2025-0041. We will open this public hearing with staff comments.

Napoli: Good evening, Mr. Mayor, Members of the Council. The next item on the agenda is the preliminary plat for Apex Zenith Subdivision. So, the applicant requests a preliminary plat to subdivide two existing parcels into seven buildable lots across 11.065 acres of land in the C-G zoning district. The plan excludes the parcels containing the Costco site and the larger development, including commercial and residential to the south as a part of phase two. As shown on the screen the existing zoning is C-G and the FLUM designation is mixed-use regional and -- mixed-use regional. The subject parcels were annexed in 2015 with the South Meridian annexation. These properties were given the placeholder zoning of R-4 until future development and in 2024 the property was rezoned to C-G -- to the C-G zoning district as a part of the larger mixed-use project called Apex Zenith. After the annexation the applicant submitted a property boundary adjustment to reconfigure the properties to allow for legal parcel -- to allow for legal parcels for development. This is the reason why the Costco is not included within this subdivision. As a part of the larger project the north-south collector, also known as South Optimum Avenue, the east-west collector is known as East Spire and -- East Spire Street and Aristocrat Drive are required to be constructed part of the first occupancy in the development. In addition with this application -- with this application the applicant is proposing two private streets known as East Tower Lane and South Momentum Lane and are also required to be constructed prior to the first occupancy. To add, the applicant has entered into a STARS agreement with ITD for improvements to Meridian Road and this does include the deceleration lanes that you see roughly on the site plan for those access points off of Meridian Road. Regarding access that the applicant has -- had previously the access points to Lake Hazel and Meridian Road -- were previously approved with a Council waiver back in a 2024 application. So, these private streets, since those -- the Council waiver was already granted there is not another one needed tonight for those private street connections to the arterial roadways. The applicant will be providing five foot sidewalk on both sides of the proposed private streets that connect to the ten foot multi-use pathway along Meridian Road, Lake Hazel Road and Optimum Avenue. The Commission is recommending approval as presented in the staff report and we have received one written testimony

from the applicant in regard to the request for Condition 5 to be removed from the staff report and this will be Condition 5. And I will stand for questions.

Simison: Thank you, Nick. Council, any questions for staff? Okay. Would the applicant like to come forward?

McNutt: Amanda McNutt. 2929 West Navigator Drive. So, this is just a preliminary plat for Apex Zenith. You saw most of this come through in 2024. This is just the first preliminary plat for this area. As mentioned it does not include Costco. That was a different thing. This is about 11 acres of property at the southwest corner of Meridian and Lake Hazel. Just a recap of kind of where we are with Zenith. We have got the rezone done. The development agreement -- agreement is executed. The property boundary adjustment was completed and the roadway and utility construction plans are done. So, roadway construction is now underway. The STARS agreement with ITD is fully executed as well and, then, we will be putting design guidelines in for that area, which is similar to what we did out at Ten Mile if you recall that, just kind of have some control over the design elements in that area. Again, a recap of the area in whole. Lots going on out here. I'm not going to recap that too much, because I feel like you guys are familiar. Here are the seven lots and the private streets. You can see Tower there and Momentum. These will all be commercial lots, so any internal driveways or anything like that are just going to be commercial drive aisles. It's in the mixed-use regional designation and we are not requesting any modifications and this was already rezoned with the previous application, so no further changes are asked. I did want to recap kind of what the private streets are, what the public streets are and how the pathway system is going to work out there. So, here in green, which is the top portion, those are private streets with five foot detached sidewalks. We will have tree lined sidewalks out there. They are estimated to be complete July of next year. The public street in blue, which is also on the north side there, has a ten foot detached pathways and it's also intended to be completed in July. The southern section is all public streets with a variety of sidewalks and pathways, estimated to be completed in August, and the signal location per ITD is supposed to be completed in October. That's the only thing we don't have control over, though, so take that one with a grain of salt. There was one condition that we didn't realize was an issue until we got to Council. So, the only reason we actually realized this was a problem is because that retail user contacted us and asked why they were being held up and we realized that this was an issue. So, there is a condition that says that Lot 4 must use this shared access between the Costco fuel station and, again, Lot 4 there off of Tower Lane. So, that's the blue area that I have circled on this graphic. We felt like this maybe isn't the best idea and the reason why is because that is going to be the fuel center. So, people are going to come in one way traffic up to the fuel center just like the other ones are designed and, then, they are going to come back out that same entry point. So, if we ask for everyone on Lot 4 to take access from that same access point it's pretty likely that it's going to start backing up onto Tower, because people are going to have to come in immediately try to turn left into Lot 4 and crossing both in and out traffic from the fuel center there. In traffic probably not as much, because they have quite a distance, but the out traffic is going to probably stack up -- maybe not a ton, but two or three cars are going to have to stack

up to get back out onto Tower. So, we felt like having an individual access point onto Tower 4 for Lot 4 made a lot more sense and so we are asking for that condition to be removed. With that, though, otherwise we did concur with staff recommendations and we will stand for any questions.

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

Overton: Mr. Mayor?

Simison: Councilman Overton.

Overton: Amanda, can you go back to that previous slide? So, help me out. So, is the blue circle designate where you want the access point? It's where you do not want the access point? So, the arrows flowing from there you want them to come into the -- from the access point just to the west of that?

McNutt: Yeah. Mayor, Council, the circle area is where they would like the access point to be for Lot 4 and we would like that not to be the access point and I think they probably actually want that like on the line between those two lots, probably shifted a little bit, but we would like Lot 4 to have their own access point, which would be that left-hand side or the kind of solid red arrows that show how traffic could flow through their parking lot, specifically for Lot 4.

Overton: Thank you.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Amanda, I'm sorry, I'm -- I'm -- I'm not tracking on this and I'm -- I'm thinking about similar locations that, you know, that have got one entrance in and, then, one to two entrances out and what you are showing me here is entrance and exit is all in the same place and that is a -- it's a high traffic area. I'm just trying to understand what the advantage is in terms of traffic safety and traffic movement by keeping it all contained in one spot.

McNutt: Yeah. Councilman Cavener, I agree it's not. So, what -- what we were asked in the condition was to combine all of the access into one point for the fuel center and Lot 4 and what we are asking is to -- to have it as shown where there is two different access points, because we really felt like if we have just one access point that's shared between the two users and we don't know what the Lot 4 user is going to be, but whoever that ends up being we don't want them to have to share traffic with the fuel center in and out of Tower, because that -- that -- we thought would probably cause congestion onto Tower.

Cavener: Mr. Mayor, if I can follow up.

Simison: Councilman Cavener.

Cavener: But I also think, Amanda, it's important for the -- the fuel customers to have more than one exit out of there.

Simison: Maybe are you -- are you trying to recreate what's at the Ten Mile location?

McNutt: Yes, Mayor.

Simison: Okay. And they -- they function as a separate entrance and exit, even though they are there through the same basic portal. It's you are -- basically you are getting traffic to rotate through if it's --

Cavener: I see that. Okay. I don't love that, but I at least see it's -- it's separating a conflict point.

Simison: It's better than connecting to -- I -- I'm -- I'm just thinking if you had a connection to the Mattress Firm right next to it it would seem kind of weird.

Cavener: I guess I would prefer the -- the way the Nampa location is set up, but this is --

Simison: Oh, you like the Nampa Costco?

Cavener: There is -- there is two closer to me than the -- this one I'm excited for.

Simison: No, I'm -- I'm -- that -- that -- I guess it's just that that entire like -- that place is -- that's worse than putting a Five Guy -- or a In-N-Out next to a Costco out of the Nampa one. That place is crazy.

Cavener: We are moving. We are getting right. Amanda, thank you for the explanation. I appreciate it.

McNutt: You are welcome.

Simison: Councilman Whitlock.

Whitlock: Just so that I understand the lines and arrows, Lot 4 is the southwest corner of what we are looking at in the center and you have got solid lines coming in. So, if you are coming east on Tower can you turn left into Lot 4 with this proposal or is that only if you are west on Tower you have a right turn only into Lot 4? How -- how can you access Lot 4 if you don't do it at the -- at what staff is recommending being a single entry point?

McNutt: Yeah. Mayor and Councilman Whitlock, I believe you can turn left and right into there. It's just not shown. But you can kind of see the -- the small black arrow

there. I think you will be able to, but, to be honest, I'm not completely sure where that barrier is going to be. Oh. Okay. So, yeah, it would be a right turn only.

Whitlock: And, Mr. Mayor, follow up.

Simison: Councilman Whitlock.

Whitlock: And, then, to exit from Lot 4 you would go up and out and onto -- whatever that road is.

McNutt: Momentum.

Whitlock: Momentum. Which you could turn left on as you leave Lot 4. Okay.

McNutt: Yes.

Whitlock: Mr. Mayor?

Simison: Councilman Whitlock.

Whitlock: Seeing no one else online or in the room that would like to comment on this, I would move that we closed the public hearing.

Little Roberts: Second.

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

MOTION CARRIED: FOUR AYES. TWO ABSENT.

Whitlock: Mr. Mayor, I will just start things off with my thoughts. I think that --

Simison: Council Member Whitlock.

Whitlock: I think that's a reasonable proposal to try to bifurcate the -- the two uses there. I think driving both the fuel station and the occupants of Lot 4 into one entry and exit seems a little heavy to me, so I think what they have proposed here is an opportunity for both ingress and egress to Lot 4 that -- that seems to work for me. So, if there is no other comments I'm ready to make a motion.

Simison: Councilman Whitlock.

Whitlock: I would move -- after considering all staff, applicant and public testimony I move to approve File No. H-2025-0041 as presented in the staff report for the hearing

date of December 16th, 2025, with the following modification: That we do allow for the removal of Condition 5 and accept the proposal by the applicant for access to Lot 4.

Little Roberts: Second.

Simison: I have a motion and a second to approve Item 23. Is there discussion on the motion? If not clerk call the roll.

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

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

MOTION CARRIED: FOUR AYES. TWO ABSENT.

24. Public Hearing for Hill's Century Farm Townhomes (H-2024-0072) by Brighton Corporation, generally located at the corner of S. Tavistock Ave. and E. Hill Park Street with the inclusion of the following parcels: R3636090060, R3636090040, R363080240, S1133212576 and R3636080110.

- A. Request: Rezone of 5.45 acres of land from the C-N zoning district to the R-15 zoning district.
- B. Request: Preliminary Plat consisting of 70 homes and 18 common lots spanning across 9.126 acres.
- C. Request: Development Agreement Modification to supersede the existing development agreement.

Simison: Next item is Item 24, which is a public hearing for Hill's Century Farm Townhomes, H-2024-0072. We will open this public hearing with staff comments.

Napoli: Mayor, Members of the Council, next item on the agenda is the preliminary plat, development agreement modification and rezone for Hill's Century Farm Townhomes. The applicant requests a rezone of 5.45 acres from the C-N zoning district to the R-15 zoning district, a preliminary plat consisting of 70 homes and 18 common lots spanning across 9.1 acres and a new development agreement to supersede the existing development agreement. As shown on the screen the existing zoning is C-N and R-15 and the FLUM designation is mixed-use neighborhood. There is that rezone exhibit. This property currently is already zoned R-15, so these are the C-N portions that they are requesting be zoned R-15 as well. Here is an overall concept plan of the area. So, this broader mixed-use neighborhood was established through a Comprehensive Plan amendment in 2015 allowing for a diverse mix of uses. The existing C-N zoning was originally part of the concept plan that envisioned three commercial pad sites, which would be these three right here on the north side of the proposed development, 76

assisted -- a 76 unit assisted living facility on the east side, which is this right here, which is the other C-N portion contemplated to be rezoned, while the R-15 portion that is existing, which is the independent living that's depicted right here. In addition the mixed-use neighborhood designation requires residential uses to comprise between 30 and 60 percent of the overall area. The applicant did provide calculations and staff did as well and staff's calculations came out 59.2 percent, which was consistent with the mixed-use designation guidelines. In addition, the subject development is proposed to have 7.8 dwelling units per acre, which is within the six to 12 units per acre that's desired in the mixed-use neighborhood designation. The applicant cites a change in market demand as a basis for the requested rezoning and development agreement modification. While staff is generally supportive of the overall concept plan, there are concerns regarding the continued reduction of commercial pad sites in south Meridian where neighborhood serving uses, commercial opportunities are limited. It should also be noted that much of the property proposed for rezoning was previously approved for an assisted living facility, a residential use within a commercial zone. The City Council should carefully consider -- or consider whether rezoning the commercial pad sites is appropriate. In addition, according to the student generation rates, the development will create 43 school-aged children. Currently the three schools that will service this development are Hillsdale Elementary School, Lake Hazel Middle School and Mountain View High School. Both Hillsdale Elementary and Mountain View High School are overcapacity for the 24-25 enrollment. Staff is asking the City Council to carefully consider whether rezoning the commercial pad sites -- or the commercial sites is appropriate considering the school capacities in the nearby -- in the schools that would serve this development. A total of 1.7 acres or 19.3 percent of open space is proposed, consisting of linear open space, parkways and a shared open space greater than 5,000 square feet. In addition, Hillsdale Park is directly south across East Hill Park Street, which would be just down here. The applicant is proposing a picnic area on the site as greater than -- a picnic area for a total of two amenities meeting the UDC requirements. Access to the proposed development -- proposed subdivision is off of South Tavistock and East Hill Park Street, both local streets. These connections are made through five proposed private streets, which meet the requirements in the UDC. In addition, the applicant is proposing to complete the extension of East Hill Park Street, which is highlighted right here with this development, which would actually connect Tavistock with Hillsdale Avenue, which is the collector roadway that runs on the eastern boundary of the -- of the development. According to ACHD's staff report 502 vehicle trips per day are expected to be generated by this development and that is an acceptable level of service to accommodate these trips. The applicant submitted conceptual building elevations -- the applicant submitted conceptual building elevations, including a variety of materials, including stone, brick, veneer, EFIS, board and bat and metal accents. The Commission did recommend approval of this application and at the Planning and Zoning Commission meeting there was discussion about the written testimony from 31 citizens and verbal testimony from an additional three citizens with concerns regarding school capacities, traffic and safety, parking ratios, utility capacities, density of the proposed development and consistency with the Comprehensive Plan. As noted above Hillsdale Elementary and Mountain View Schools are over capacity. The citizens described the traffic in this area as gridlocked and which raised city concerns. In

addition, the citizens were concerned with the data used by ACHD, which dates back to 2019. Since the Planning and Zoning Commission hearing we have received written testimony from Martin Hill with concerns over building height and Martin Hill is the gentleman that actually donated -- I believe the park -- Hillsdale Park and the property that the YMCA is on. He submitted a copy of the agreement back when the park was donated that his view would not be obstructed with future development. However, the city was not a part of this agreement. So, that's just something to note that the city is not a party in that agreement. And we also received testimony from Sam Scranton with concerns over keeping mixed-use commercial and residential. He referenced the hearing for Centerville, which was done back in 2021 by CBH Homes to the west that was rezoned commercial to residential further -- further limiting commercial services in the area. And at this time I will stand for any questions that you have.

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

Little Roberts: Mr. Mayor?

Simison: Council Woman Little Roberts.

Little Roberts: Mr. Mayor. I have a question for staff, but it's different staff. I have a question for Mr. Nary.

Simison: Okay.

Little Roberts: Regarding the agreement that we weren't a part of, but yet it feels like we were a part of, because we were very much it seemed like conducive and involved in the whole setup of that.

Nary: So, Mr. Mayor, Members of Council, so Nick is correct, the city was not a party of the agreement, but there is a view easement that is recorded by Mr. Hill that he does have an easement through that -- through that property, but it's not through the -- it's not through the city's property and I believe it's not through this property, so that's the -- actually, it may be part of the park property restriction, but I don't recall. I would have to look at -- I hadn't seen that today. But we weren't -- it's correct, we weren't a party to it, but we certainly were aware of it. I mean that was part of the whole discussion around the park donation, the Y -- the Y that was coming in and all of that that happened at the same time. So, we are definitely we knew that was there.

Little Roberts: Thank you.

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

Bensky: Good evening, Mr. Mayor, Members of Council. Eli Bensky. 2929 West Navigator Drive. Thank you, Nick, for your presentation. We are here for Hill's Century Farm Townhomes for the rezone, preliminary plat and development agreement. Sorry,

I'm trying my clicker from up here and I might not. Let me grab my laptop. Thank you. This property is located generally off of Amity and Eagle highlighted here in yellow. The property is currently zoned commercial neighborhood and R-15 and we are requesting a rezone of the total area to be R-15. The Comprehensive Plan and land use map designate this property as mixed-use neighborhood and we are not requesting a change to the Comprehensive Plan. The concept diagram that's included in the Comprehensive Plan shows how ideally this development should take place. So, your commercial or your community services would be on the corner of the arterial and collector, which ours are currently and, then, it would, then, gradually go towards the residential. So, here we are proposing the Hill's Century Farm Townhomes and, then, bordering that is the single family residential, which would be the Century Farm Cadence and, then, the greater Century Farm community as well. I do want to note that the streets within this development connect directly to the drive aisles in the commercial and so do the pedestrian connectivity points. As Nick mentioned, the residential uses are required to be less than 60 percent in this designation. He did also mention we have a little bit of difference in our math. After thinking about this I do believe that it's this brown portion between our -- that's like disconnected in the brown. That's actually been donated to the park. So, I think that's where our math is not coming together. Our math said 57, his says 59 percent. Regardless, we are within the threshold of the future land use map. I do want to point out when we started this project as part of our master plan the park, the school and the YMCA sites were all part of the mixed-use area. Since, then, there has been a comp plan realignment brought on by the city that re-designated that to civic area. It is just something that we wanted to point out, because it is something that we were well aware of at the time and we were well within the residential percentages. Again we still do meet the comp plan, but it is something we want to point out. As Nick mentioned, one of the concerns in this area is that we are lacking commercial between not having enough and not having enough diversity within this area. Within a mile of the intersection of Eagle and Amity these are the commercial uses that are available to residents and people that are driving through this part of the valley. In the Comprehensive Plan the MUN sample uses are listed here. In green is everything that is being provided in the MUN area. As you will note that higher intensity uses are not expected to be within the MUN. Excuse me. So, things like a bigger drive through are not expected to be in this area. A big resident -- or a big restaurant is not expected to be in this area. With what is in the area is aligning with the Comprehensive Plan like medical offices, smaller scale gyms, independent nail salons, things like that. In Hill's Century Farm we are proposing 66 attached carriage lane homes. Carriage lane homes are accessed via the carriage lane or commonly known as an alleyway. We are also proposing three detached carriage lane homes. That is merely because of the layout. We are sitting at 7.56 dwelling units per acre. As Nick mentioned we are adjacent to community servicing commercial, as well as the park and the YMCA. We will be served by Hillsdale Elementary, Lake Hazel Middle, Mountain View High School and we are currently working with West Ada School District to provide a new school site in southern -- in south Meridian service area. One thing I would like to point out as it was a point of conversation was school capacities. In yellow is Hillsdale. You will notice that the enrollment has significantly grown. However, in the brighter blue, the thicker line, you will notice that the enrollment numbers through all of southern Meridian has

actually declined. So, what this actually tells us is that there is not a capacity limit within all of our south Meridian schools, it is actually a boundary issue where we need to reallocate where students are into school. Currently West Ada School District is redrawing their boundaries on the north. Once they are done with that they are going to be redrawing boundaries in south Meridian as well. When we spoke with them they did say that they don't anticipate it being the year after they finished North Meridian, but that it is something that they are going to be considering immediately. Another thing that I would like to note is that Brighton is committed to the community and the education here. We have donated land to complete the off-site infrastructure for the construction of this very school that we are talking about, Hillsdale Elementary. We have also donated land and completed the site -- off-site infrastructure for the construction of South Meridian Gem Prep that is off of Lake Hazel. We are actively working with West Ada School District to ready an additional school site that's going to serve the south Meridian area and an additional school that's going to serve grades 6 through 12 also here in south Meridian. That's not to discount other things that we are doing within the greater Meridian area, but south Meridian is, obviously, the point of conversation tonight. In terms of the streets, the internal portion of Hill's Century Farm Townhomes is going to be served by private streets. The main reason for private streets here is because we are connecting directly to drive aisles and ACHD does not allow us to do that, so we are required to do the private streets here. The dotted pink shows where on-street parking is permitted. The solid pink is no on-street parking. The blue is the public streets that will gain access to this community and, then, the orange is our carriage lane, which are no parking, because we don't support that on this. The amenities within this development included a picnic shelter and five foot detached sidewalks. We are proposing 19.3 percent of qualified open space, well above the 15 percent required. These are some of the homes that you will see in this development. On the bottom left they are the detached. Again we only have three of those, but it's important that you guys see what those would look like. In addition we have our paired units. This is also to be visible at the Pinnacle Viera Development. So, the top right photo is of that development and this is what we ideally will see. What -- if this is developed out. We do concur with staff's conditions of approval and we also request your guys' approval here tonight. I will stand for questions.

Simison: Thank you. Council, any questions?

Little Roberts: Mr. Mayor?

Simison: Council Woman Little Roberts.

Little Roberts: Mr. Mayor, thank you. Do you happen to have a map that would show if we can see the Hill property and that view regarding the townhomes?

Bensky: Yes. Okay. So, here is actually a side by side. On the left we have the proposed of this project and on the right we have what the previously approved with the assisted living would have been. The yellow is what was in the agreement that you guys thought -- it was like a grayscale scan. So, we overlaid it with our master plan just

to make it a little bit easier to see. But the yellow is that viewpoint to Table Rock. The agreement was that it goes through the park and -- I'm not sure if that part was written, I apologize, but the agreement was with the YMCA and through their property. It was not through our development. So, the yellow still remains visible through the YMCA's property. Mr. Mayor, follow up.

Simison: Council Woman Little Roberts.

Little Roberts: So, the concern was the assisted living. Was it a single story? Because kind of the way I read it the concern was a single versus two story. But, then, if it's out -- if -- I'm guessing that it's -- you are saying it's out of the development or the line of sight agreement as it was written.

Bensky: Yes. Thank you, Mr. Mayor, Council Little Roberts. The slide that we have now actually shows the height differences. So, this is the approved Viera Assisted Living Heights. So, it was supposed to be single story. However, it was also supposed to be taller than our townhomes are proposed to be.

Little Roberts: Thank you.

Simison: Council, additional questions? A sideways question that may or may not even be relevant, but I only ask this because I know a restaurant owner who has been trying to find property in south Meridian to build a restaurant. Is what you are saying a restaurant would not be a suitable use -- a sit-down restaurant in this area because it's not in the -- it wasn't in the listing that you -- was articulated and I guess that's -- I don't know if that's for yourself or Nick. In his current zoning situation would a sit-down restaurant be eligible in south -- in this location or not?

Napoli: Mr. Mayor, Members of the Council, so, yes, those are sample uses. The comp plan is guiding, you know, sample uses, but, yes, the restaurant is the permitted use in the C-N zoning district. That is correct. So, it would be principally permitted under current zoning designation. That is correct. So, be administrative approvals.

Simison: Okay? Thank you. All right. Is there anybody who signed up to provide testimony on this item?

Johnson: Mr. Mayor, no.

Simison: Okay. Is there anybody present who would like to provide testimony on this item? I do see someone raising their hand. So, Julie, you can unmute yourself. There you go.

Edwards: Hello. This is Julie Edwards again. 1310 East Mary Lane. I just wanted to say that, you know, I -- I have kids in the school district. I attend a lot of the school board meetings and I see the stress that is on these schools with Hillsdale as one of them in particular, along with Mountain View. They are -- I mean I think Mountain View

is 350 over capacity at this point. I'm not sure exactly what Hillsdale is, but if anything I feel like this location is better for the over 55 community than the one that was just approved to the south, because while it would still be -- schools are still going to be an issue to the south, but those kids that would be attending Hill's -- zone to Hillsdale would have to be bused elsewhere most likely. So, that's an additional cost to the school and I understand that Brighton has donated land to the school district potentially, but the bigger issue is we are not going to get a school until we get money and I feel like, you know, a bond goes out for that and residents don't want to vote for it, because all of these subdivisions and communities are being approved. So, their thoughts are why should we pay for that? Why aren't developers paying for the schools. You know, we didn't ask for it kind of thing. So, it's a big school issue in my mind. So, I see over 55 community and that wouldn't have any impact on the schools. That's all. Thank you for your time.

Simison: Thank you. Council, any questions? Okay. Thank you. Is there anybody else who would like to provide testimony on this item? If not, would the applicant like to close?

Bensky: Thank you, Mr. Mayor. I do want to bring up Julie's point. Yes, typically it would go through a bond, but West Ada actually already has funds for two schools. They have funds for a school that will be going in Star and they do have funds for the school for the land site that we have donated in southern Meridian.

Simison: Council, any further questions for the applicant? Okay.

Little Roberts: Mr. Mayor?

Simison: Council Woman Little Roberts.

Little Roberts: I guess no one else has anything, I vote -- I move that we close the public hearing.

Cavener: Second.

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

MOTION CARRIED: FOUR AYES. TWO ABSENT.

Little Roberts: Mr. Mayor?

Simison: Council woman Little Roberts.

Little Roberts: If we don't have any discussion on this, I will -- I would be happy to move forward with a motion.

Cavener: Mr. Mayor, I'm -- I'm happy to have a little discussion on this one.

Little Roberts: Okay.

Cavener: I --

Simison: Councilman Cavener.

Cavener: Thank you, Mr. Mayor. I think it's important to first commend the applicant, because there is no other organization that's done more to address the overcrowding in our community across the valley than Brighton and I -- I don't say that flippantly. It's true. My family has benefited directly because of your donations and I -- I think that that is -- I know there is many families that have benefited from that. This Council has heard me talk time and time again about how special south Meridian is to me and I know it's special to you all as well and I have no doubt that if this is approved that you will build a high quality development and, yes, it will impact the schools in that area. Century Farms -- I still think this year continues to be the most bused neighborhood in all of Meridian. We have kids outside the neighborhood that are bused into Hillsdale. Students who live in that neighborhood that can see Hillsdale that are bused to other schools. Mountain View remains the most overcapacity high school in the state of Idaho and I do not see that going away anytime soon. So, while the district continues to shrink, the enthusiasm to live in south Meridian continues to grow. I -- I can't support the request for rezone tonight, not because of those reasons that I stated, but it's because I think commercial property in south Meridian is a vital resource. We had a similar request a year ago. I said almost the same thing word for word. I'm going to remain consistent tonight. It's not to say that at some point maybe this does make sense, but I don't think it makes sense right now and so I will not be voting in favor if there is a request for a rezoning tonight.

Simison: Thank you.

Overton: Mr. Mayor?

Simison: Councilman Overton.

Overton: Just a little perspective from just over 24 hours ago I had the opportunity to talk with two people from West Ada School District at a different meeting and was discussing capacity in schools and enrollment and where those numbers are going and the fact that we saw some parts of the valley that were going down and some of them were going up and this isn't an answer by any means, but this was the answer of the day, which was we are actively working on a realignment of which students go to which schools. Stand by it's coming up in January. So, it left me rather hopeful that they are finally at a point they have been going through a process that they are going to be going to their school board meeting with a plan and coming forward publicly with that next month. I don't know what that means for north versus south, but, obviously, it's something they understand, because they do have schools that are really low and they

have schools that are over capacity. I'm hoping that they help us on that end by rebalancing the populations.

Little Roberts: Mr. Mayor?

Simison: Council Woman Little Roberts.

Little Roberts: Mr. Mayor, if there is no more comments to be had, I would move that we go ahead and -- I would move we approve --

Napoli: Mr. Mayor, can I interject real quick?

Simison: Where is that coming from --

Napoli: Over here.

Simison: Thanks, Nick. Sorry.

Napoli: Sorry. I actually talked with the applicant. There is a lot -- we -- in the staff report we asked for Lot 13 to be removed to add a micro path. They were in agreement with that at the time. However, they do want to keep -- that leaves a single parcel below that to where it would be a single family home. So, they want to remove actually Lot 12 instead of Lot 13. So, with your motion, if you guys are going to make a motion in favor of this project, I would ask that you would amend condition 2-E to remove Lot 12 instead of Lot 13. That would be my -- my only request.

Little Roberts: Okay. With that notice, thank you.

Simison: Council Woman Little Roberts.

Little Roberts: I move that we approve H-2024-0072 as presented in the staff report for the hearing date of December 16th, 2025, with the following modification. On 2-E to remove Lot 12 instead of Lot 13.

Overton: Second.

Simison: Have a motion and a second to approve Item 24. Is there discussion on the motion? If not, clerk call the roll.

Cavener: Mr. Mayor, maybe this is late into late meetings I can -- my vote be recorded as a nay, please? Thank you.

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

Simison: Three ayes. One nay. And the item is agreed to.

MOTION CARRIED: THREE AYES. ONE NAY. TWO ABSENT.

Cavener: I appreciate, Mr. Mayor, for catching that.

FUTURE MEETING TOPICS

Simison: All right. With that we are at the end of our agenda. Anything under future meeting topics or a motion to adjourn?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Last meeting of the year. So, I move that we adjourn and wish everyone Merry Christmas, Happy Holidays and a Happy New Year. We will see you in 2026.

Overton: Second.

Simison: Motion and second. All in favor signify by saying aye. Opposed nay? We are adjourned.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

MEETING ADJOURNED AT 9:25 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS)

MAYOR ROBERT SIMISON

/ /
DATE APPROVED

ATTEST:

CHRIS JOHNSON - CITY CLERK