

**Public Hearing for Newkirk Neighborhood (H-2022-0088) by Conger Group,
located at 4250 W. Franklin Rd.**

- A. Request: Annexation of 23.67 acres of land with a TN-R (Traditional Neighborhood Residential) zoning district.
- B. Request: Preliminary Plat consisting of 63 building lots and 8 common/other lots on 21.11 acres of land in the TN-R zoning district.

Hoaglund: Up next public hearing for Newkirk Neighborhood and, Mr. Parsons, here will be the staff presenting on this one. Please -- please do it quickly so we don't have another joke from Councilman Borton.

Parsons: I like the pace of tonight's hearing. So, I appreciate the expediting of the meeting tonight. So, last item for you tonight -- at least from a land use perspective -- is the Newkirk Neighborhood. The applicant is here this evening to discuss annexation and a preliminary plat. The subject property consists of 21.06 acres of land, zoned RUT in Ada county and is located at 4250 West Franklin Road and you can see the -- the future land use map here, the zoning map and the aerial. One thing to note about this particular project is it's -- it's actually the last piece of the puzzle to connect to get a collective road built in this section or at least north of Franklin in this area and that's important, because the Ten Mile Specific Area Plan calls for that roadway and it's part of our master street map that we coordinate with ACHD on and so the applicant is proposing to construct that roadway with phase one of the development. Also mention to you, as you can see here on the future land use map, that it is currently designated as medium high density residential on our FLUM. In the Ten Mile Interchange Specific Area Plan we encourage -- or anticipate an overall target density of 12 dwelling units to the acre, with a density range of eight to 15 dwelling units to the acre and that -- that's important to tonight's context, because of what we are going to be talking about, design versus the -- the open space and target density that we need in this particular area. The project before you this evening comes in at approximately 13 dwellings to the acre, which is consistent with -- with the plan. Also what comes along with this plan is specific design elements that need to be incorporated as part of the development and with this particular request I thought it was prudent for staff to share with you some context on how zoning relates to the Comprehensive Plan. So, as you all know the Comprehensive Plan is a guide for development. In the code are the standards that we use to make sure that a plan meets that vision. So, what we do is -- is when an applicant comes in for this specific -- this area of Meridian or area of the city, we look at the designation of the Comprehensive Plan, we go to that document and we direct the applicant to the graphic on the left-hand side that you see here. So, you can see there is an MHDR and, then, all of those green dots represent the design elements that should be part of a project. Now, keep in mind a comp plan is not necessarily parcel specific like you have for a zoning ordinance. So, that entire area is primarily a medium high density residential, but when you look at this one piece it could have some elements of that, but not necessarily all of those elements. So, staff, we have to take that into context so when we do our review of a project. To break it down in simpler terms is the graphic in the middle and that shows you what we are looking for.

So, we want attached product, moderate setbacks, typical one to three story heights in elevation and, then, the -- the primary design feature is front porches, no front loaded garages and predominantly alley loaded product. And, then, there is some graphs that coincide to show you what -- how to meet that vision. Now, when you go to the graphic on the right we have what we call the traditional neighborhood residential zoning district standards and that's what we use to implement what the plan wants and so what I wanted to do -- highlight for the Council this evening is, one, the TN-R zone requires a medium - or a minimum net density of six. So, we have the comp line that goes off of the gross, but a zone that wants net, which we are good here on this particular project. Both the comp plan and the TN-R zone require a mix of housing products. This particular project has -- has three different product types -- residential project types and this only requires two. So, therefore, the applicant is providing one above meeting the requirements of not only the comp plan, but also the TN-R zoning district. And, then, the other bullet point to take into consideration is -- and what we will -- we will talk about a little bit this evening is the street access design of some of the units. You can see here that the TN-R zone does contemplate that the perimeter of a development will have street facing garages and that's what the applicant has designed here in order to comply with the zoning code, not necessarily the guideline or the design elements in the plan. That is something that we - we discussed at the Planning and Zoning Commission hearing at great length in trying to let the -- help educate the Commission on how the -- the comp plan works in conjunction with the zoning ordinance and that's, essentially, led to the Commission's recommendation of not requiring front porches and stepping back the garages or individual garage doors for all of the units -- all of the single family units and I will get into that more in my presentation. So, the applicant is here -- so, any questions on that before I move on to the rest of -- I know there is a lot to digest there, but I thought for context it was important to share with -- with the Council as we transition through this project, because there is a lot here. There is a lot to -- to consider and a lot of things that we want to make sure we get right here.

Hoaglund: Thank you, Bill. I want to make note that Council Woman Perreault has joined us by phone here at 6:18 this evening. So, she's been on listening to your presentation. So, are there any questions at this point?

Borton: Mr. President?

Hoaglund: Councilman Borton.

Borton: Since you asked, Bill, page six of the staff report highlights what you are talking about right now and the -- the difference between sort of the -- the floor requirement with the zoning in the TN-R and what the comp plan might want, but the staff report reads like there is still some unresolved -- or possibly some unresolved desire to have more of the comp plan components found in this development, speaking to the front porch and more alley loaded and it references the number of units, which really don't get close to what the comp plan is wanting to have happen. So, even if it's not a requirement it was still a desire to try and encourage it. So, I read that to mean like there might be some more

discussion necessary to nudge it closer towards what the comp plan would like to see, even though the TN-R doesn't require it.

Hoaglund: Mr. Parsons.

Parson: Yeah. Mr. President, Council Member Borton, I think that's on the table tonight for sure and -- and as I get through my presentation a little bit more I will share some of that with you as well and -- and go into where we landed in some of the discussions we had. So, we could -- at least I can make you aware of what -- what -- how we have got to where we are tonight. But, you are right, originally staff was pushing for more of those -- those elements, but as we transitioned and went to the Commission, Commission felt what was -- the way it was designed met the intent of the Comprehensive Plan given the TN-R standards. With that, going to your original question, I think there are some design elements that we need to work on with the applicant. Mixture of more materials on the buildings. Some stone. I mean -- so, that's why you see some of that context that, yeah, we still need to work on those details and the applicant did acknowledge that and they are going to go through that design review process with staff and we will add some more architectural embellishments as we go through that staff level approval.

Hoaglund: Any other questions, Council, at this point? All right. Bill, go ahead.

Parsons: Perfect. So, the -- the applicant is requesting annexation of 23.67 acres of land with the TN-R zoning district as I mentioned and a preliminary plat consisting of 63 building lots and eight common lots on 21.06 acres of land. The proposed development incorporates 44 single family attached homes, which are along -- primarily along the perimeter and, then, this internal lot here and, then, there is also 18 townhome lots, which are accessed by an ally central to the development and, then, the large 10.44 acre parcel is the 216 multi-family apartments, with the overall density of, again, 13.32 units, which is consistent with the plan. If you look in the aerial here you will see there are some -- an existing residence and some outbuildings. They will be removed upon development of the subject property. Lot sizes for the -- for this development range from 2,090 square feet upwards to 4,257 square feet, with an average lot size of 2,790 and that goes back to some of the design elements that -- because the narrow -- the lots are so narrow in order to achieve the density desired in the plan it's tough to make some of those design concepts work and that's what was discussed at length at Planning and Zoning Commission. Also mention to you that the applicant is phasing their proposed development. So, all of the single family lots, including the collector street, will be phase one. The multi-family portion of the development is phase two. Access to this development is provided from San Marco Way, which is stubbed along the -- the west boundary of the site -- or, excuse me, the east boundary of the site, west boundary of the adjacent subdivision and that will be extended and stubbed to the property to the west. At the Planning and Zoning Commission we did have a -- quite a robust discussion around the extension of these roadways. Prior to the Commission hearing we did meet with ACHD staff and the applicant to talk about the extension of Zimmerman Lane and that's that sliver that you see here that runs north and south and connects to Fairview -- excuse me. Fairview. Franklin. Franklin Road. And after discussions with the applicant and

ACHD, the applicant was asked by ACHD staff to provide additional information as part of their review to analyze whether or not Zimmerman Lane wasn't necessary to serve this development. Based on that information that was provided by the applicant ACHD felt that this road did not need to be extended and that access to the adjacent subdivisions could be accomplished by extending the three stub streets in the Ascent Townhome Subdivision that you see in the graphic in the lower right-hand corner. So, this roadway here and this roadway here will be -- the applicant will dedicate additional right of way for future extension and there is West Ski Hill Street that will be extended and tie into the collector roadway as part of phase one to provide that secondary access to the development. So, I just wanted to make it clear to you that that was the case. As part of that -- after the Planning and Zoning Commission the applicant and staff sat down, because what I didn't want to have happen was leave this sliver of land left out -- or how are we going to address who is to own and maintain an access to Zimmerman Lane when the applicant's willing to deed that to the adjacent property owners, because it is no longer necessary to serve their development and so the applicant did propose some -- some DA language. I left that as an outstanding issue for you to take under consideration this evening. But you can see here I have marked up on the graphic date the applicant wants to modify their annexation boundary and they have discussed dedication of this property to the adjacent property owners to acquire that and so they are working on that, but they want latitude for that to occur at the time of final plat or prior to signature on the final plat and not hold up this project this evening. So, staff anticipates the applicant submitting revised annexation boundary and a preliminary plat with that portion of the property removed to allow that to occur and allow those county residents to continue to own the land inside the county. It's tough to mix city zoned property with county zoned property. So, it's easier to try to carve that out and allow that to happen through the county's process and not the city's process. That's the easier way to state it. Again, the applicant has discussed that with me this afternoon and have -- is close to reaching agreement with those property owners. So, at least indications are they want to acquire the additional property and I do have an exhibit in the presentation to show you how that will occur. Also mention to you that some of the -- four of the lots will take access from a common driveway up in that northwest corner. As you are aware, only three units can take access from a common drive when it's on -- when they are all on one side of that common driveway. The applicant will be seeking alternative compliance to allow up to four units and that will be submitted at the time of final plat. So, again, as I alluded to that previous discussion, here is how the applicant is proposing to divvy up that sliver of Zimmerman Lane, if you choose to go that route. So, you can see one -- there is actually two property owners that will get that -- will benefit. So, this green parcel here and, then, this blue parcel here is central in the center of two other additional properties will be the benefactors of that 50 foot sliver. And, then, you can see the additional right of way dedication that will be required by the applicant and that is addressed in the DA provision that's -- that will be shared with you tonight. The other part -- the other ACHD Commission that I want to make you aware of -- the location of this stub street here in this general location. So, when the Alamar Subdivision was annexed into the city, which is this TN-R property here, the applicant -- that DA required this applicant and that applicant to work together on the alignment of -- extension of this road or this stub street. The applicant for the Alamar Subdivision has received final plat approval already and you can see in

ACHD's graphic here that they -- they show a general location of that roadway and the applicant -- so, ACHD has actually told the -- informed the applicant through the conditions of approval that this stub street is not approved in this location and that they actually need to shift it over to the east to align with this location in red. So, there will be an offset of intersections here, but, again, that will -- will be approved -- that has been approved by ACHD in their conditions of approval and we just did receive the final ACHD staff report this afternoon with the updated conditions that coincide with the graphic that you see here. So, in this particular -- here is the landscape plan and -- and the open space exhibit for you. You can see here that the applicant has modified the landscape plan -- at least the rendering to show you that that road will be extended from Ascent Townhomes per ACHD's condition. And you can see this will be -- again, it's the intent of the applicant to remove this portion and deed that to the adjacent county residents. I wanted to make mention to you -- again, as I mentioned to you, there is two phases to this. Phase one and phase two. So, phase one will have approximately 35 percent open space and that includes all of the linear open space along the south boundary. So, all of this will be built with phase one and, then, actually, the multi-family development is independent and will be providing 24 percent open space. So, we have a unique situation here where we have a comp plan that wants density and an ordinance that wants 15 percent plus open space and when you mix those two sometimes it's hard to get some of those traditional neighborhood concepts envisioned by the plan and that's -- again, that's why these lots are narrower than what you can see. So, it's hard to make some of those design concepts work. And, then, here are the -- the proposed open space. I -- I have highlighted them in the hearing outline for you this evening, but you can see here based on staff analysis of the qualified open space and site amenities, the applicant is exceeding the UDC -- far in excess of the UDC standards, so have to actually commend the applicant for doing that. The other piece of this puzzle that you should be aware of is that the Kennedy Lateral does bisect the property here in the northeast corner of the -- of the property and it's owned by Nampa-Meridian. By -- by this canal bisecting the property there is an odd triangular piece of property that's located in this corner that the applicant is platting with this property in order to deed that to Nampa-Meridian, so that they can allow that exchange to happen and allow them to maintain their facility. I would also mention to you that the applicant is -- is going to leave the Kennedy Lateral open, like the adjacent subdivision, but staff has recommended that the applicant provide a wrought iron fence along the canal there to -- along the lateral to restrict access by the residents. So, I just wanted to make you aware of that as well. In your motion tonight that we will be asking you to -- for that waiver to leave that open. Again, it's -- it's part of a mixed-use or integrated project. We want to make sure there is adequate pedestrian connectivity that's part of the traditional neighborhood design concepts that we wanted -- that we require as part of the submittal. The applicant is demonstrating that for you as well this evening. And, then, here are the conceptual elevations that the applicant is proposing for the single family attached, the three unit townhomes, and, then, also the multi-family. And so going back to your original question that you asked, Councilman Borton, was -- you can see here some more work needs to be done on the front of these elevations to get some more of those durable materials on these elevations and, again, the applicant understands through that design review process that they will be required to do more stone on the building, more variation of materials. Add some decorative corbels. I mean that's the

trade off that we are trying to -- to work with them on here. Let's try to get as close as we can to the plan. Again, in my earliest part of my presentation is this is a larger -- a smaller piece of a larger medium high density residential designation and so we are trying to get them as close to compliance with the comp plan as we can and I think with some additional design elements we can get there. Now, going back to the -- the discussion at the -- the Commission, they did recommend approval. Hethe Clark did testify in favor of the project. There were no neighbors that testified on the application. But, really, the -- the Commission really spent a lot of time discussing incorporating more alley loaded townhome lots in the development. Spent time about the architectural style of the homes. You know, the design standards versus what the TN-R requirements wanted and, then, extension of Zimmerman Lane. They also modified DA provision, so the Commission did not require some of those design elements as part of the elevations that you have this evening. Specifically regarding the -- the 30 percent of the front porches, stepping the garages back 20 feet and, then, having individual garage doors for each of the front loaded product type and, then, as I mentioned to you, staff did modify several conditions of approval and some DA provisions based on the requirements of ACHD. Originally ACHD, again, was requiring an extension of Zimmerman Lane until they got that additional information from the applicant, which necessitated a revision to the staff -- their staff report and changes to our conditions of approval as well. So, really, a couple of outstanding issues for you tonight. One is whether or not you want to support the annexation with the removal of that sliver, changing the boundary not only of the plat, but also the -- the annexation boundary and, then, adding that DA provision that I have referenced on the hearing outline and, then, a waiver to leave the -- the canal open. Now, just to elaborate a little bit more on the Commission's discussion. It really stemmed around this particular block here, if you can see my cursor. Commission was -- I think Commission understood along the perimeter that we may not get one hundred percent compliance with the design concepts, but they had referenced -- or asked the applicant why this could not have more alley loaded or why this could not be oriented differently to provide more alley load or more of those townhome concepts. That's really where that discussion stemmed and we -- we talked about it and we talked about rotating them and having townhomes fronting on this open space and, then, having the -- the alleyway go east- west versus north-south. But, ultimately, the Commission felt with the amount of amenities and open space and the desired density that we were trying to -- trying to achieve and looking at the entire context of the area, they felt that what the applicant was proposing met the spirit of the comp plan and met the requirements of the TN-R zoning district. So, with that I will go ahead and conclude my presentation and, then, just stand for any questions you may have.

Hoaglun: Thank you, Bill. Online we have some questions from Council Woman Perreault. So, Council Woman Perreault, if -- go ahead and unmute and you don't -- no -- no need to go through the chair, just go ahead and ask your questions. I know it's a little more difficult when you are just on phone.

Perreault: Hello?

Hoaglun: There you go. We hear you.

Parsons: We hear you now.

Perrault: Hi, there. Sorry. The -- the phone system was giving me a recording while you were speaking, Council President, so I didn't hear the last couple sentences that you said.

Hoaglund: Council Woman Perreault, I just said go ahead, ask your questions and no need to go through the chair. I know it's a little difficult with that being on phone. So, you can just ask the staff questions as -- and have that dialogue.

Perreault: Great. Thank you. I appreciate that. So -- and, Bill, I wanted you to specifically go through what are the -- the Ten Mile Plan requirements on this property that wouldn't be there if it was in a different location and -- and where I'm going with that is that it seems to me like every other apartment or multi-family project that's there along Franklin has the denser residential toward the front of the project and, then, the less dense towards the back, but this isn't exactly set up that way. So, I -- I have -- have some of those similar concerns that the Commission had in terms of, you know, really kind of wanting some more alley loaded townhomes and maybe a little bit less of the apartment style, because there is already so much of that on that corridor as it is. So, if you could speak to that that would be helpful.

Parsons: Council President, Council, Council Woman Perreault, I think I'm -- if I'm understanding your question correctly, I think you want -- you want me to speak more to the transition between the multi-family and the single family. Am I understanding the question correctly?

Perreault: Well, no. I apologize. So, is it -- is it constraints of the property itself that they wouldn't put the -- the three story buildings on the front towards the collector and, then, have -- like on the -- on the south side and, then, have the -- the attached units all along the back, instead of splitting it down the middle north and south and having one on the east and one on the west?

Parsons: Yeah. Council Woman Perreault, there -- there is no requirement to do that. I think what the applicant has done here is -- the parcel to the east is high density residential, believe it or not, sandwiched in between some medium high density residential and so I think -- and as part of their design here they are trying to transition from that more dense project and including this and, then, transition. So, they are trying to have density next to density and they are trying to have the single family next to less dense or the Aviation Subdivision, which is to the west, which has the less density. So, rather than doing that north-south transitioning that you are speaking to or having the three story fronting on the collector, they are trying to blend in with the two adjacent subdivisions that are either constructed or approved on the west and east of them.

Perreault: Okay. That makes more sense. I don't know if you are aware of some of the drawings in the packet are actually flipped, so it looks like -- so, what you are showing on the screen here makes a lot more sense. Some of the drawings were turned and so it

looked like it was actually set up differently than what I'm seeing on the current screen. One more question. So, the properties to the east, they are not nearly as close to the residential that sits north of the railroad tracks and is that because of the -- the waterway that runs through there? Is that why these look like they are going to sit so much closer than -- just distance wise from the residential across from the railroad track?

Parsons: So, Council Woman Perreault, just a follow-up question on that. Are you speaking to Entrada Farms directly to the east or are you speaking to Silver Oaks farther to the east? There is a couple different projects going on and under construction in the area. So, is it west or east?

Perreault: East.

Parsons: Yeah. So, Entrada --

Perreault: It's really similar --

Parsons: Entrada Farms does have the canal that runs there, which is on the east, which requires that to be stepped back a little bit more because of the irrigation easement.

Perreault: Okay. That's helpful. I -- I have often seen people walking along the tracks. Pretty common. There is also a lot of wildlife back there. So, I was just kind of -- I'm just kind of trying to understand sort of the impact that we will have in general to that -- you know, that whole area, because as you said, this will sort of be the last piece of a really unique corridor in terms of how it's developed out and the different smaller parcels and the -- the long, you know, skinny five acre parcels and the school -- it's just a really unique corridor and I -- I don't know that there is going to be any way for us to make -- you know, for us to encourage it to be more uniform than it is. But I appreciate all the time that staff has spent with the applicants attempting to make it as workable as possible.

Hoaglund: Any other questions, Council Woman Perreault, right now?

Perreault: No. No. Thank you very much.

Hoaglund: Okay. Council, other questions for staff at this time? If not, the applicant come forward and -- you know the drill, Hethe. State your name and address for the record.

Clark: Thank you, Council President. Hethe Clark. 251 East Front Street in Boise representing the applicant. Appreciated Bill's presentation and, you know, I may try to abbreviate portions of mine, because I think that Bill's done a really good job with this and so let me get that -- it's the battle of the mics.

Hoaglund: And as you start, Hethe, I like what you did with the Planning and Zoning is Ten Mile Plan works, instead of saying the long name or --

Clark: Yes.

Hoaglund: -- acronym -- initials, so Ten Mile Plan we get it.

Clark: Council President, you killed my joke, though. I had a whole thing worked with that.

Hoaglund: I'm sorry.

Clark: No. No problem. No. I -- and I will refer to it as the Ten Mile Plan. I -- I -- I played with TMISAP and could not say that enough times to make it roll off the tongue. So, again, this is property that's just north of Franklin, east of Black Cat. It's in the Ten Mile Plan. It is an area that is, you know, a priority growth area for the city and it is a -- an area that has a medium high density designation, which is important to everything that we are talking about today and the only words I might say more than Ten Mile Plan is medium high density during this presentation. Let's see here. There we go. And I think that this might help with some of the questions that Council Member Perreault had just a moment ago, but I think it's really important to talk about some of the constraints that go along with this property. In-fill is never easy and this is as in-fill as in-fill gets and -- but we did have some unique challenges. So, one is it's a triangular site and designing to a triangular site is really never easy. That's complicated by the fact that we have -- this area is going to include the mid mile collector. So, you can see that those points were already set for us down here and about right here. So, that takes up a good portion of the southern area of the property. We are constrained on the north by the railroad tracks and the Kennedy Lateral and, you know, among other things what that means is that our access has to come from that mid mile collector. So, we are coming in from the east and the west and we are coming in through apartments that are on our east, which is the transition piece that Bill mentioned a second ago, transitioning out to -- to a lesser dense product on the west. And, then, in addition, just to add something else to it, there is some grading and slope challenges. There is a significant amount of fall as you go from north to south, which affects that layout. So, what -- what that means is is that we have portions of the site that are really taken up by the mid mile collector and as we try to meet some of these other goals that it reduces the area that we have to -- to operate in and that goes to some of the points that Bill mentioned before. So, with regard to the Comprehensive Plan, this will be the second time I say medium high density residential. The target density being 12 units per acre and -- but I do want to talk about the -- that a bit in terms of the way it's described in the Ten Mile Plan. Of course it's a planning -- comprehensive planning document. So, what that means is that it's not zoning code. It establishes the - the goals that we need to be shooting for, but it's -- it's policy, it's guidance, and I think this is a really good example of -- of how you try to -- to make as many of those policies work in a project, while recognizing the -- the -- the realities of the site. So, this is the discussion that you can see under the medium high density residential component. The target density being 12 dwelling units per acre, but I also think it's important to point out that it -- it looks for a variety of different housing types in the medium high density area. So, you have row houses, townhomes, condominiums, apartment buildings and complexes. That's what we are trying to shoot for in the medium high area. So, with that in mind we have proposed a TN-R zone on 21 acres. Bill mentioned all of the -- the unit

counts. We do have 35 percent open space and we do have a one acre park on the west side. As Council Member Cavener likes to see, it's centrally located. It has, you know, playground, swings, climbing dome, shade structures, high quality landscaping. You guys know this applicant, you know that they do a really great job with the parks. Again, 35 open space -- percent open space, but we are still hitting the -- the density target. And, again, 35 percent open space. This is a drawing that Bill showed. Here we go. Okay. So, Bill showed you some of the housing examples. We do understand that those are going to go through design review. These are the two unit structures that are largely located on the -- on the outer ring of the project. The colors and designs would be varied through the design review process. We also have the alley loaded townhomes that you can see here and just following up a little bit on Bill's point, just to kind of emphasize where things are located, we have on the outer ring the garage loaded and, then, also in this area in the green and, then, on the pink we have the area that's the alley loaded. And, then, this is what the multi-family structures will look like. So, with that I would state that we are in agreement with the conditions of the staff report. We worked very hard with Bill to try to make sure all of these items were addressed. The one item that Bill mentioned that was something that we could discuss tonight would be the Zimmerman Lane treatment. As Bill mentioned, ACHD does not want Zimmerman Lane to connect and so the question became what do we do with it? And so we have proposed this condition that recognizes the ACHD requirements for stubs at Atomic Street and Chair Lift. So, we would be stubbing that property, you know, making sure that ACHD has those accesses and, then, from there we would convey that the -- the rest of -- the remainder of those properties out in the manner that Bill showed you before and just to facilitate that, because those properties are all in the county, you know, from our perspective it made sense to remove this from the annexation legal description, so you don't have slivers of county versus slivers of city property that are, then, mixed within those parcels as -- as we deed that out. So, that's the language that we have proposed. I would suggest that that would be an additional condition of approval and with that I'm happy to -- to answer questions that the Council might have.

Hoaglund: Council, any questions for the applicant?

Overton: Council President?

Hoaglund: Yes. Councilman Overton.

Overton: Hethe, staff, I don't know which one of you might want to address this. Just a question when it comes to the second parcel next to the current one that's ally loaded. The decision was made not to make that section alley loaded. What difference does that make being or not being alley loaded for parking availability within and also are the roadway dimensions the same around the ones that are alley loaded or not alley loaded? Not the alley, but the -- the actual roadways that run around it, are they the same dimension throughout?

Clark: Bill, do you want that one?

Hoaglund: Mr. Parsons.

Parsons: I'm happy to take that one, Mr. President, Council -- Councilman Overton. So, the roads are -- this applicant typically has two different street sections they like to use per ACHD standards, so there will be some narrow roads and some wider roads and they did provide a parking exhibit as part of their overall plan, but as far as your parking standards, this will park pretty much the same. I mean they -- they are going to be required to comply with code, have the four parking stalls, the -- the -- the driveways in front of them. But to your point they will be limited on some of those streets just because there is parking allowed on one side because of the -- the template they are going to use. But also the fact that the lots are only 27 feet wide and the driveways are going to be 20, so just by virtue of that that will dictate how some of this will be parked and if -- again, if you have an alley load product and typically you can front -- park around the entire street, because you have all -- you have no garage fronting, it's all off the alley parking. So, you -- technically you can park around the whole block and so that's what the applicant did demonstrate in their application submittal when they made the original application and that is in the staff report. I just eliminated the slide, because I didn't know if you guys wanted to talk about parking tonight. But the applicant will be required to comply with all parking regulations.

Hoaglund: Council, anymore questions for the applicant?

Borton: Mr. President?

Hoaglund: Councilman Borton.

Borton: Hethe, back to the condition that you had a couple of slides regarding Zimmerman Lane. I recall Bill saying that some additional part of a condition would be that this dedication -- the DA would state it has to occur before the final plat. I don't know if that's referenced here. Is that some -- an element to add to a proposed condition to ensure there is a deadline on it or --

Clark: Council President, Council Member Borton, we don't have an issue with that. The way I had originally drafted was -- drafted it was contemplating that if we remove it from the annexation legal, then, it's not really anything that -- that we need to worry about. But Bill made a good point that, you know, the city wants to make sure that that is conveyed that there is somebody that has control over it and so making that a requirement of final plat condition is -- is not a problem for us.

Borton: Okay. Would that be just an addition to what's on the screen here?

Clark: That's how I would see it. So, you would just say --

Borton: We can figure that out.

Clark: You might just add prior to final plat at the very end. Yeah. Mr. Conger just reminded me that there is an ACHD condition that addresses all of that as well. So, we - we would be aligning this with what ACHD is requiring.

Borton: Okay. Mr. Nary, is that sufficient to have it stated like that for the DA for the -- triggering that condition? Anymore specificity?

Nary: Mr. President, Members of Council, no. I mean we normally just refer back to the ACHD conditions as a requirement in the DA. So, I think we are okay.

Borton: Thanks. Mr. President?

Hoaglund: Councilman Borton.

Borton: The other question was on the northwest corner, that -- just that funky outparcel, if it's to be dedicated to Nampa-Meridian just across the lateral. Northeast. Excuse me.

Clark: Yeah. If I can get this --

Borton: Yeah. So, it looked like that project built to the east has either parking or something up against it, so it really -- and Nampa-Meridian is not going to do anything to it. It -- it appears like it would just be a weed born outparcel disaster. Any opportunities that you came up with to try and solve that, maintain it, take some -- some obligation to try and -- I see you are going to have open vision fencing on the south side of it protecting access to it, which makes great sense, but it really is just going to be an Ignored eyesore, weed pit. So, now is a chance to see how we could address it. And while you guys are talking, Bill, I don't know -- that parcel to the east, do they have it fenced along the property line directly adjacent to that corner that, you know, makes it even more than exaggerated or is it open vision?

Parsons: Councilman Borton, it -- they had wrought iron fencing along the canal as well. So, that's -- so, it -- it -- it is fenced, it's just open vision to your point.

Borton: Heading -- on the property line heading directly north?

Parsons: North and -- yep.

Borton: Okay.

Parsons: North and -- and east -- or west boundary is all open. All wrought iron.

Borton: Yeah. Seems like there ought to be some way to address that.

Clark: Yeah. And Council -- Council President, Council Member Borton. So, that's been an ongoing discussion with Nampa-Meridian. I wanted to check with Laren, because there is some funkiness in the -- in the ownership along that as well. But it -- it is shown within our plat. We are going to do the wrought iron. We don't want that to be an eyesore

as well. So, what we would be working on with Nampa-Meridian would be an ongoing license to allow for at least knocking down the -- the vegetation that might grow out there, you know, if not something more than that, so -- and we are -- we are very sympathetic to that point and so that we -- we would work on that, you know, for no other reason other than the -- the marketability of the product --

Borton: Sure.

Clark: -- or project, so --

Borton: Yeah. You certainly don't want it to, but time passes and things happen, so how would that work? Would that be a -- how would that condition be described? If it's a license that lets the -- the complex have a right to knock it down or is it more of a -- an obligation, a commitment that it will be their affirmative duty to at the very least knock it down or do X, Y and Z to ensure it isn't a --

Clark: Right. Well, yeah, Council Member Borton, you know, all property owners have an obligation to maintain and knock down noxious weeds and all that sort of thing. You know, I -- working with the irrigation districts in terms of getting rights to use their property can sometimes be a little touchy and so I'm a little -- I'm hesitant to say, you know, we can't move forward unless we have, you know, turf and trees and all that sort of thing. But we would -- I mean we are happy to make a commitment to work with Nampa-Meridian to get a license agreement in place to -- to maintain that. I just wouldn't want to make that a condition of being able to move forward, because I just don't know what Nampa-Meridian would -- would agree to in that location.

Borton: Okay.

Hoaglund: But -- Mr. Clark and Councilman Borton, to your point, you know, it's -- it's an interesting parcel, because you got the Ridenbaugh -- you're not going to move that, that's been there a long time and it's -- it's quite wide. That is a parcel that you have, so you could maintain control by not giving it over, but at the same time the parcel to the north is railroad property and it's whatever they want it to be. They don't maintain it. So, it's kind of this fragment that really -- if it is a weed patch, it blends well with what's left to the north. So, it's just an interesting type of -- type of property. But to Councilman Borton's point, you know, because it is -- the proximity of it to those developments, it would be nice to have at least a -- not a manicured, but a maintained type of --

Clark: And, Council President, to your point, you know, the -- there -- there is -- there would be -- or there will -- I'm certain that there is an easement, either statutory or otherwise, for that area. You know, to the extent we maintain fee control over it we can do whatever we need to out there that's not inconsistent with the easement. So, there -- as we kind of hash this out here that -- I think that there will be an ability to -- to make sure that that looks right.

Borton: Mr. President?

Hoaglund: Councilman Borton.

Borton: I think that's a great point. So, is there a reason that you would dedicate it, other than to not have to maintain it. You could keep it and --

Clark: We will see if -- I apologize for speaking over you. No, I think that -- you know, obviously, if it's nonfunctional property you don't necessarily want it, but Nampa- Meridian may not accept it and there may be a reason for us to actually keep it from that -- from that perspective for the -- the -- the landscape control.

Borton: Mr. President?

Hoaglund: Councilman Borton.

Borton: Just to put a -- put that to bed, I guess. The idea that the easement -- they have got the rights to -- to be adjacent to it for whatever they need already -- I mean if you kept it it certainly allows you to do what you are wanting to commit to do now anyway. It's better than license. They don't actually need fee title. Maybe you just keep it and commit to -- you will -- or, you know, the association will maintain weed abatement at the very least. Something like that. I mean it's pretty minor, but it's a big deal --

Clark: Yeah.

Borton: -- unattended, so --

Clark: Council President, Council Member Borton, I just looked over at my client and they are totally in agreement with that.

Hoaglund: Okay. I appreciate that. But we have missed those before and -- so appreciate that. Mr. President, the last question -- and if -- if you said it I forgot it, but is it phase one that that connection on the southeast corner that connects to the small subdivision -- yeah. Is that going in in phase one, along with the building of the collector?

Clark: Correct.

Borton: Okay. Okay. Great. Thank you.

Clark: Yeah. Thank you, everyone.

Parsons: Mr. President?

Hoaglund: Yes. Yes. Sorry. Councilman Parsons -- how about Mr. Parsons. Got promoted.

Parsons: Don't promote me yet. A couple ideas. I appreciate the applicant stepping up and wanting to keep that triangular piece, but I'm wondering if -- if -- if the applicant's open to even creating a possibility of some flexibility that work with adjacent -- one, you own and maintain it or see if the adjacent multi-family wants to buy it and move their fencing and maybe it's -- it may integrate better with their development, because it's right there adjacent to it. So, if we do an either/or, at least they are not -- they are either on the hook to take care of it or they are on the hook to dedicate it and deed it to them and let them own and maintain it. Another -- another possible solution. Just -- just talking out loud.

Clark: And Council President, that would work as well. I think -- I think the spirit of the idea is to identify an outcome for that parcel that is acceptable to staff, that shows that it will receive ongoing maintenance and won't turn into an eyesore. So, some -- maybe something more generic than that would be appropriate.

Borton: Okay. Thank you.

Cavener: Mr. President?

Hoaglund: Councilman Cavener.

Cavener: Hethe, can you walk me through how this connects, then, to Aviator. Is that where the -- the collector eventually connects to on the -- be the west side. Correct. Right there. Does that connect, then, to Aviator?

Clark: Yes. That's correct.

Cavener: Great. That was my only question. Thank you.

Hoaglund: Any other questions for staff -- for staff or the applicant? Okay.

Clark: Thanks, everyone.

Hoaglund: Thank you, Hethe. With that, Mr. Clerk, do we have anybody signed up to testify?

Johnson: Mr. President, we do. Jeff Wrede.

Hoaglund: Mr. Wrede, come on up and state your name and address for the record and we will give you three minutes.

Wrede: Well, Council, my name is Jeff Wrede. I'm at 12805 West Engelman in Boise, Idaho. I'm the developer of the Alamar Subdivision, which is just adjacent on the west side and also contains the one acre lot that runs on Zimmerman there. I thought everything was pretty much nailed down, but the ACHD report just came out like an hour ago and has changed some things also, along with this Zimmerman issue here. Let me get my questions. So, I have a couple of questions. ACHD's report now that -- previously

the developer of -- that owns Zimmerman was going to connect these roads between Ascent and Alamar Subdivision. Now they are not, you know, pulling that out of the plat. ACHD has stated that, you know, they are going to get it deeded to them, but the last comment they make is those future costs to make the connections will likely be borne by ACHD. That's this little segment between Ascent and Alamar. We are -- we already have our preliminary plat approval and our first phase final plat approval and we are getting ready to submit coincident with Newkirk, our final plat for phase two. So, my concern is that with likely being paid for means I'm going to end up paying for it and so I'm a little -- have a little concern about what's really happening there, you know, so -- you know, that kind of leaves me hanging. It may be holding the -- the burden of connecting this road extension, even though we are developing at the same time. The other issue may be that if that property is not deeded until the final plat is done, which means all of the construction is done, that I can't work on that road, because I don't own it. So, the road just sits there in limbo and can't get developed. My concern is really just to make sure that that stub extension can be developed, you know, prior to finalizing of Newkirk, because we want to move ahead at the same time. We are connecting roads together and going to work together on getting these connections made. My next question is I'm just wondering -- I was wondering who was going to get the property, you know, of Zimmerman, if they are just going to deed it off to other owners there. Just want to make sure that, you know, the burden of road development doesn't become passed on to someone else, possibly, because it doesn't appear that Planning or ACHD has looked at any plans to how do these other lots to get their roads done. It's just kind of in limbo right now. The -- the other comment I had was ACHD's report mentioned that if Alamar northern going road Feather Reed is not completed when Newkirk is getting completed, that they will just provide a right-of-way and I believe they should actually provide a road stub with utility connections as close as they can to that property line and a road trust to get through afterwards.

Hoaglund: Mr. Wrede, thank you for that. Why don't you stay put, because, Bill, do you want to weigh in? Do you have any -- any thoughts or -- on some of this that he -- he brought up? I'm -- I don't know -- they are -- they are good questions. We may --

Parsons: Yeah. Mr. President, Members of the Council, that's -- originally when we got ACHD's conditions they were going to make the applicant road trust for dedication of that right of way. But, typically, we don't do a road trust for local streets and so that's -- that's the risk you run when you take out the sliver of property is now it's the longer part of the plat and that's typically how right of way is conveyed. But, again, the applicant is willing to convey that right of way and make it happen. So, whoever comes in and needs access through that road more than likely will -- will -- may have to pay for it, because they need to -- to make that happen. As far as the other two lots that get the 50 foot strip, the code -- the UDC -- if they were to annex in the code would require a flag lot to have 30 feet of street frontage, which they would have. Each one of them would have that. So, we are good on that. We are not passing a burden on to any of those county residences. We are actually helping them to give them some access to street frontage in that regard, because of those two roads and Ascent townhomes that will be extended at some point in the future. So, yes, it's not ideal, we would prefer that to be built with this, but, again,

ACHD can't require offsite improvements. But, again, this is annexation. You can have a conversation with the applicant and see how we can mitigate some of those concerns. But right now this -- Jeff is correct, the -- the burden will fall on ACHD to construct or potentially somebody else. I don't know if anyone from ACHD's online to -- to ask that or not, but if ACHD said it may fall on them, it may fall on them as well. So, it's -- it's something that, again, to take into consideration tonight.

Hoaglund: Yeah. Thank you, Bill. I don't see anybody on from ACHD. I mean if -- if ACHD had not done away with that requirement that -- that was going to be a connection at one time. They want it to go out, so -- which I understand. Then it would have been a whole different scenario there. So, by them moving that, not being a public right of way, that -- that changes that and -- and I think Mr. Wrede's right, who is going to pay for that is -- is going to be the question down the road.

Wrede: City code and ACHD code states that a developer has to do to and through with utilities and roads. So, for the burden just to be passed on to me, when I don't even own the piece of property, is a problem. I'm willing to work with them to get the road finished. It's just like say -- it's kind of putting me into a bind where I can't complete work that needs to be done, because I don't own the property, first of all. At least at a certain point in time. If the property was deeded, you know, at a certain point in time where I could complete that road, which is a benefit of, you know, everybody, then, it's -- that's real -- that part of the problem is gone.

Bongiorno: Mr. President?

Hoaglund: Yes.

Bongiorno: Mr. President and Council, I was just looking back through my e-mail. I know, Jeff, you and I have been -- had e-mailed about phase two and one of the last things that we had talked about was -- excuse me -- getting that connection over to that sub, so you wouldn't have to put fire sprinklers in your -- in your buildings for phase two. So, you -- you -- you still -- we need that connection somehow. Otherwise, we are going to have to go back and revisit the sprinkler situation.

Wrede: Yes. That also. I mean I'm -- I'm hoping to be coincident developing with Newkirk at the same time, so we don't -- you know, the road connections get done all at the same time.

Bongiorno: Yeah, that would be best.

Wrede: That's my goal. Would it be -- well, I could talk to you offline. I don't know if -- if there was a -- if the road was prepared at least for fire truck access would that suffice?

Bongiorno: Yeah. I think temporarily. Sorry. Mr. President and Council. I think as long as -- I know in an e-mail you showed a CAD drawing that said to be paved. You were talking about just getting an easement across there --

Wrede: Yeah. We were --

Bongiorno: -- which, you know, again, maybe you can work with these guys here and get something figured out. But, yeah, if -- if it will meet the -- the requirements for, you know, 82,000 pounds, all weather maintained, all that, that would be fine. I mean it's just that no man's land we have to get across. But if -- you know, maybe they will be willing to pave that little section and call it done.

Hoaglund: Okay. Well, thank you, Jeff. Appreciate you bringing that problem to us. That's I guess what we do, trying to solve problems. But that is one with ACHD in the mix it is a -- it is a head scratcher now and maybe the applicant has some ideas as well. So, Mr. Clerk, I don't see anybody online who is here to testify. Do we have anybody else in the audience to testify? Yes. We have -- come on up. State your name and address for the record.

Adamson: Good evening, Councilman. Ryan Adamson. 547 West Water Grove Drive in Eagle.

Hoaglund: Okay.

Adamson: I'm the property at the end of Zimmerman Lane. 4260 West Franklin Road. And like Jeff I have some concern over -- have some concern over just how fast all this is happening. I just -- I haven't even had a chance to look at the ACHD report that just came out and while I appreciate the offer to have that land annexed into me or donated to me or however they want to give it to me --

Hoaglund: A little closer if you could. Yeah. It's -- it's one of those mics that -- yeah.

Adamson: I guess I'm just a little tall.

Hoaglund: You can try the other one that's closer to the -- there you go.

Adamson: Okay.

Hoaglund: Try that one.

Adamson: So, anyway, I appreciate the offer to have that land annexed in. I just don't understand what that obligation comes with that and what responsibility comes with that and, you know, I just want to make sure that we have good access to the property. It's a rental property for me and my family lives there. So, I want to make sure that they have good access in and out. And, like I said, I just want to raise that there is concern that by abdicating that Zimmerman Lane, what does that mean? You know, half of it's to me and half of it's to somebody else? I don't know what that -- what that means, so --

Hoaglund: Good. Thank you. Appreciate the questions. We will hear from the applicant what they think that means and we can have further discussion about that, so --

Borton: Mr. President?

Hoaglund: Yes, Councilman Borton.

Borton: Have you guys -- have you guys talked yet at all about this stuff and Jeff as well and kind of --

Adamson: Yeah. I just talked with Laren this afternoon.

Borton: Oh. Before today, though, have you guys talked?

Adamson: No. That's why I say it's happening really fast. I don't have all this information and I -- so, I don't know what I don't know. Fair question.

Borton: Okay.

Hoaglund: I -- I think the late arrival of the ACHD decision that kind of throws things in a little bit of a spin here, so -- everyone's trying to understand what that means, so --

Adamson: All I have heard along the -- over the past couple of years while this is going to happen was that that was going to -- that road was going to get paved and developed. So, today was the first day that I heard it's not.

Hoaglund: Thank you, Ryan. Anybody else in the audience? Not seeing anyone, would the applicant like to close this out with all the answers.

Clark: Council President, Hethe Clark. 251 East Front Street in Boise. So, I -- I think, you know, what I heard was basically two different categories of questions, both kind of focused on Zimmerman. So, I will start with the last first. So, Zimmerman Lane currently is an easement. It's a -- it's a private lane that those folks have been using for quite some time to get out to Franklin. So, when we talk about not continuing with Zimmerman at -- what we are talking about is not turning it into a public street. The -- the existing private access rights pursuant to the easement will be unaffected and so if we -- as we convey that part -- that property to those adjacent property owners, they would still have all of their private access rights that with -- that would be unaffected. So, folks would still be able to use Zimmerman in the same way that they have used it today.

Hoaglund: Hethe, real quick question.

Clark: Uh-huh.

Hoaglund: However, is ACHD saying they cannot access Franklin, though, from Zimmerman, they will have to go south once that collector is created; is that correct?

Clark: No. What is -- I know ACHD would like to limit the access rights onto Franklin. That's their general approach. There -- when they are talking about the temporary access -- and Bill might be able to pull that up. Let's see. They are talking about -- Bill, can you run that mouse for me a little bit to point out the temporary. Oh, it disappeared on you. So, that -- what ACHD has done and this kind of goes to Mr. Wrede's comments -- is they have created a -- kind of a difficult situation in that there is temporary access from the -- is it Ascent? Right. And -- yeah. So, this access here -- thank you, Bill -- has to go away eventually. That's the temporary access and that -- that was conditioned as part of ACHD's official actions. I know that eventually ACHD would like to see any other access on Franklin go away, but they are not talking about killing the access at the Zimmerman private lane at this time. With regard to Mr. Wrede's comments, these are, as I mentioned, kind of this -- these issues are all kind of a function of the -- of ACHD having created that temporary access. Ultimately ACHD wants to push all of the traffic up to our mid mile collector. They don't want folks going down through Franklin, they want them up there and, then, spreading out and -- and because the -- our traffic study showed that Zimmerman was not warranted, because Zimmerman is not on the master street map, ACHD doesn't want Zimmerman to function like a de facto collector, which is exactly what would happen. Folks would shoot out and come down that Zimmerman Lane in order to avoid some of these other issues that you would have. It would create a situation that's just not ideal for anyone. So, ACHD's asked us to disable Zimmerman as it goes south - - you know, we are going to give those connection points to ACHD to allow for those projects to, then, flow north, not south. And so ultimately what needs to happen is for us to get that mid mile collector constructed and, then, that would be what would solve the overall problem down there. Now, ACHD -- I think that their decision was actually pretty detailed. You know, they recognized that this is not a to and through situation. If Zimmerman Lane is not required to be constructed, then, what we are talking about are off-site improvements and so ACHD has asked us to dedicate those stubs, which we will, so that property will be available to be worked on, but it is not something that is an on-site improvement, it's not something that's required by the development. So, ACHD has limited our obligation to just the dedication of that right of way and that will come with our final plat. You know, that's kind of the standard timing for that sort of -- of requirement. So, with that, if there are any other questions that I could try to answer, with that I'm happy to.

Hoaglund: Hethe, while you are up here I want to ask Deputy Chief Bongiorno, then, is -- is Zimmerman going to be a secondary fire access for the department? Would that remain open and -- it sounds like it's going to be an access point for the property owners for those four --

Bongiorno: Yeah. We are going to need it as is until the rest of it develops.

Hoaglund: Okay.

Bongiorno: Sorry, Mr. President. I was just looking at the drawing that Jeff had sent me and -- and -- and what Hethe is saying is a hundred percent correct. The -- the way --

and -- and that's why this whole area was kind of a -- a cluster when -- when it was all being developed, because we had Aviator that went nowhere. You have the other road coming this way that goes nowhere. And, then, you have all these people that are trying to develop and we were missing that connection and that's where Laren and these guys come in and they are -- they are helping us out is what they are actually doing. So, Jeff's project actually has an access to Franklin, but the grand scheme of things is it flips, like Hethe was saying, to take access from Aviator or whatever it's going to be called and, then, that gets cul-de-sac'd at the bottom. Mr. Schultz's project, same thing. He has an access -- or he had it -- it's still there. He has got an access out that Bill is pointing to to Franklin and the same thing, when these guys are nice enough to add that section coming off the corner there and -- what did you call it? Ski -- Ski something? Ski Jump or whatever. Where it ties into the road that they are going to build, then, that goes away also. Zimmerman eventually will go away, but for us we are going to have to utilize it as an access, so we could access, you know, the gentleman that lives in the back, his property and stuff, until the rest of it develops. So, it's -- it's -- it's kind of a -- we are all working together and that's kind of what we -- you know, we are working with -- with Jim and Laren and saying, look, you guys are kind of like the main puzzle piece that's going to help bring this all together. So, it's -- it's -- this has to happen, this has to happen. There is just a lot of puzzle pieces and a lot of players, unfortunately. So, yes, the -- once their road is built, then, everything is going to flip. As far as Zimmerman goes it's going to stay until that area is developed and, then, I would imagine it's going to get blocked off as well.

Hoaglund: Okay. Thank you for that, deputy chief. Because even though -- you know, Ryan may be in the county and he may be in the county for as long as he wants, we don't force annexation on anybody, but our agreement with the Meridian Rural Fire District is we will cover -- we will take care of them if there is an emergency there. So, we need that access to make sure that -- that still works, so -- yeah.

Clark: Council President, the yard, we -- we can't do anything to interfere with those easement rights. So, that -- that will remain and I think Deputy Chief Bongiorno's point is an important one. You know, this project really solves a lot of issues for the area, because it finally provide -- provides that final piece to flip the traffic where it needs to get, you know. So, I -- I think it's important to keep that in mind as we are looking at that and, then, we are looking at the -- the Ten Mile Plan and the density targets and the fact that we are able to hit that even while providing the Ten Mile -- the -- the new collector and all the open space that goes along with that, because there is a lot that ends up being part of that and, you know, again, we are providing a variety of housing types in a manner that -- that the medium high density designation contemplates. So, a lot all at once.

Hoaglund: Okay. Council Woman Perreault, I think you have a question for Hethe. Council Woman Perreault? Can't hear you if you are talking.

Perreault: I'm here.

Hoaglund: There you go. We hear you.

Perreault: Thanks. Okay. It takes a second to switch over. So, this -- this question is just a curiosity question. I have yet to see any multi-story buildings called Chalets. That's just suburban residential housing. So, I'm just curious why use that terminology? I mean I typically think of a chalet as something that's in a ski resort. Is there something specific to the design that causes you to name it that way or --

Clark: Council President, Council Member Perreault. Sorry. No, we -- there -- there is nothing -- I would call it technical in use of that name. It's -- it's more of a marketing -- marketing usage.

Perreault: Okay. All right. That -- it's just -- just kind of a silly question. I just hadn't seen that before and was curious if that -- that might be something I see more of in the future or if you were actually describing in a way that should have been representative of something. So thank you.

Clark: I -- I would just say that we are super influential, so maybe you will see it used by others in the -- in the future, but --

Perreault: I will watch for it.

Clark: Okay. Thank you.

Hoaglund: Council, any other questions for Mr. Clark? Okay.

Clark: Thanks, everyone.

Hoaglund: Great. Thank you. Well, Council, want to keep the public hearing open and continue the dialogue just in case.

Borton: Mr. President?

Hoaglund: Councilman Borton.

Borton: Yes to your question. This just got a little off the rails a little bit with regards to the roadway and -- and for whatever reason folks not talking and as have -- in relation to having a staff report coming out late from ACHD and it just seems like there is a lot of present unknowns about some sequence of events and I don't have an answer to it, but it seemed more clear and, then, got muddier as we proceed and some of the questions that pop up are -- this -- the Zimmerman Road annexation -- or I guess conveyance to somebody else -- removing it from this annexation. Some of the discussion it sounds like on stub streets and whether or not they should be funded or put in, they become an offsite improvement in part because Zimmerman Road roadway is to be dedicated to someone else, which now makes it an off-site improvement, which might otherwise be an on-site improvement. Perhaps. Another question is the timing of it. The dedication -- we talked about the final plat. Is there anything magical of why it wouldn't be dedicated earlier if its

dedication has some impact to slow up someone else's adjacent development? I don't know if there is any purposeful reason to not do it sooner. So, I'm just thinking out loud of some of the things that puzzle me. I thought the -- a couple other issues might have been stickier, but just want to make sure we get this right and with the annexation and the DA every specific condition is listed to trigger everything for this roadway and the adjacent property owners. I don't know if I have all those answers, but those are some of the questions. I don't know if Bill wants to tackle them. The applicant might clarify where I'm seeing it sideways.

Parsons: Mr. President, Members of the Council, I can only share with you staff's experience in these situations and -- and your experience in dealing with these and these are the conversations that the applicant and -- and I have had. It's -- it's -- it's all about timing and time is money these days as you know. But we -- we have come across -- you know, I have been with the city almost 16 years and we have come across this a handful of times and typically what we have done is -- we have not approved the annexation or the findings or the DA until conveyance was done and, then, we approve the ordinance and the DA and we annex it in minus that piece of property and, then, we know the property boundary adjustment is done, the conveyance happens, everything is good. Recently -- recent example of that is the storage facility over by the wastewater treatment plant where they -- we did some -- we are in the process of doing a property boundary adjustment and a -- and a property exchange with that property owner to get access to our parcel and provide them additional sliver on their south boundary and they are going to get -- we are going to get access along their north boundary and so that annexation was held up and is currently being held up, because of that property boundary adjustment with the county and waiting for that conveyance of ownership to happen prior to us solidifying the -- the annexation and the development agreement to conclude that process. So, that's the only way -- to me that's how we have handled this, it's like let's get these pieces solved and make sure that it happens and, then, we annex you.

Borton: Mr. President?

Hoaglund: Councilman Borton.

Borton: Yeah. How would we do that though? I mean it's not -- it's not a condition. You can't deny the findings. You can't sit on it. So, how do you -- what's the hammer?

Parsons: The condition of approval was that the applicant -- you have six months to execute a development agreement. In that particular case the applicant was -- had a DA provision to go execute that and do those steps prior to us executing the DA and approving the ordinance. So, that's how we did it and I know the applicant would like to do it with the final plat, but, again, to your -- to your point, that's why it's an outstanding issue tonight, because there is so many things you -- it's hard to think about every possibility and that's why we are here tonight and we are hearing that, hey, there is -- there is some things that we have to -- we may want to consider or timing of that. A consideration.

Hoaglun: Mr. Clark, would you like to follow up?

Clark: Thank you. Just a couple of things to add to that. You know, one is that as we do those property boundary adjustments that's going to require work at the county. That's taking at least a minimum of three months at this point once you get on a surveyor's dance card and, then, you know, in addition to that I think that the priority with all of this is to try to get that mid mile collector in and the further we kick the can down the road with being able to even get an entitlement or get started on everything the further the -- the collector works -- moves down that as well and, then, you are also going to have a process with ACHD where they are going to review the -- the legal descriptions and identify what -- on what terms they are going to accept that stub property and so that's additional time and so we proposed final plat, because that made sense to fold everything in within that time frame. It's reasonable at that point. It allows us to keep moving, get construction drawings going, because we have an entitlement. Whereas if we wait on all of this we kick it down the road for another six months, then, really what we are doing is we are delaying the -- the construction of that mid mile collector that everybody needs.

Hoaglun: Mr. Clark, I have got a question. As -- as that diagram shows in red, that little stem, that -- so that's property that the applicant owns.

Clark: That's correct.

Hoaglun: Because it was, as we all thought, as things were moving forward, that that would likely be a street that ACHD would require and, therefore, to have access to property you would need that sliver, so -- and, then, that got shifted, so --

Clark: And, Council President, there is maybe a little bit more nuance to that. You know, generally speaking when we own property the city wants us to include it with the application. The -- to be honest, the -- the original discussion that ACHD had about making it a local street was a surprise to us, because we didn't expect that they would want it to be a local street. So, ACHD has kind of gone to where we didn't think they would be back to where we thought they would be. But we included it, because it's part of our property and, you know, there is -- we needed to be aware of whatever might happen. You don't want to add property to a plat, you want to remove it if you have to -- to -- to do something less, rather than creating a notice issue by adding something more. So, if that helps answer your question it's actually a little bit more nuanced than that.

Hoaglun: So, I guess where it's going, Hethe, in trying to figure this out and, you know, as I listen to Councilman Borton was the fact that -- and -- and to Mr. Parsons that, okay, what do we do with that parcel. Allow this development. It does solve a problem. We need that connection. It's a good development. I see, you know, things that will work, but how do we -- how do we make everything move forward and deal with that at the same time and knowing that things get resolved. So, it's just -- I -- I think that's where I am on this is how do we make it all happen and work together at that same time, so --

Clark: And, Council President Hoaglund, I -- I -- I absolutely understand the question. Respect the question. The -- from our perspective final plat is the appropriate time to do that. You -- that gives you the hammer, you -- you are not going to sign a final plat unless you know that all that property has been conveyed out appropriately and that would be, essentially, the next opportunity for you to -- to have a hammer and so we -- we think that that's the appropriate time to do it. If we do something else we are getting the cart before the horse and we are also delaying the rest of the project.

Borton: Mr. President?

Hoaglund: Councilman Borton.

Borton: Were there any comments you had to the members of the public who provided questions and concerns about timing, access, that you can help clarify or take a minute to discuss, if that helps?

Clark: Sure. Yeah. You know, with regard to -- again with Zimmerman Lane that we are not going to -- we are not going to impact that private access right. So, I think that that addresses that. With regard to whether there is an off-site or anything along those lines, this -- this is an off-site requirement by ACHD by definition, because ACHD has determined that this is not an improvement, Zimmerman Lane, that is required as a result of the development of the project. So, looking at your kind of rational nexus evaluation, it -- it's not something that's required as a result of our development, so -- but what we are doing is conveying portions of that property at no cost to the public to allow for those stubs to go in and, then, those stubs -- that area is about 50 feet, so that is the -- that is not what we are talking about in terms of a -- a huge amount of cost. It's -- it's something that would be appropriate that would -- it would go in in connection with another project or at ACHD's cost, which is what ACHD has already identified in their report. So, I think that ACHD has already addressed that in a way that I think is fair given the -- the impacts of this project and -- and in light of the -- the traffic study and the evaluation that they made with that.

Hoaglund: Council, are we ready to make some decisions? Thank you, Hethe. I will just kind of kick things off and leave the public hearing open just in case something comes up and whatnot and -- and as I commented earlier there is -- going through the Planning and Zoning report and looking at it and understanding it better and appreciate staff's explanation tonight, you know, how -- how it fits and you are trying to satisfy two different things and sometimes those are in conflict and it makes sense that they are doing what they are doing. We have known all along there will be that collector street connecting as is -- is kind of a bit of a wrinkle and I guess it's just a matter of how do we -- how do we resolve that in a -- in a -- what I think is a parallel path to make that happen is the final plat a big enough hammer to make things happen or -- or be able to make sure it's done appropriately. Those are things -- and I think some of the -- the DA language or Zimmerman and the wrought iron fence, leaving the Kennedy Lateral I think open is -- which is being done elsewhere is -- is fine. Making sure there is access -- appropriate access for the fire department in -- in -- in that area as -- as we move forward. So, all

very important questions. It's just a matter of how we put that together in my mind, but Council or the rest of you might have different ideas, so --

Borton: Mr. President?

Hoaglund: Councilman Borton.

Borton: I agree with you and this isn't -- I don't think it's that difficult of an application. I think it looks good. I understand what the applicant is doing and why and how it's consistent with the plan and -- and I just have the -- the -- the nervous caution that has nothing to do with the applicant, but just to make sure when it's funky and it's annexation, this is our one chance. So, I kind of pivot to staff, both Bill and Bill, to -- you know, from our discussion is there -- you know, in the worst case scenario what are the -- the things go sideways and we wish we had the condition or the trigger that required or insured X - a particular deadline; right? We talked about the final plat. I just want to make sure we articulate specificity that has nothing to do with this particular applicant, but more just good prudent avoidance of the it-will-never-happen-but scenario. That's all. I mean we have got -- we have got property getting conveyed to other individuals who aren't here to accept it. We are not sure that -- how that's all going to work and so just kind of punting to see if you think there is some language that you would say, hey, Council, if you are going to do something like this, you really should add a condition that says X or in light of what Hethe said this would be a good effective trigger to accomplish what I heard you just say.

Nary: Mr. President? So, Mr. President, Members of the Council, Council Member Borton, I mean that's a great question. I am looking at the -- the map that's up on your screen right now. So, is there one, two, three, four parcels that access Zimmerman Lane from the west? Is that what it looks like to me? So -- so -- so, to answer one of your questions is what if they can't make the conveyance. Well, if that's a condition for a final plat signature and none of those property owners -- say it's either somebody who isn't here or the property changes hands and says I don't -- I don't want that road, I won't accept it, well, they can't satisfy the conditions, so they are going to have to come back here to address that in some fashion to get their final plat signed. About the only thing, from what you propose, Councilman Borton, that I don't really have a -- in my mind an answer to that and maybe Bill -- Bill Parsons does, but projects get delayed; right? And one of the developers was concerned about the delays impacting his ability to complete his development and what I heard -- and I wasn't positive from the testimony -- is concern about the two and through and -- and the utilities extension and I'm not certain if this project gets delayed how that would impact the adjacent property that's trying to develop and moving there -- either utilities through or their construction through. So, I'm not certain, but Bill might know more about that one to be able to answer whether or not there needs to be some condition to make sure that it doesn't impact the adjacent development. Those are the only two things I heard that could be impacted by a delay or by a rejection and one of them I think would require them to come back to you to answer what do you want us to do now that they won't accept it. How do we -- how does ACHD or the city

want to handle that? I don't know that that's happened very often, but, again, they are not all here. But I don't have an answer, other than, Bill, maybe you do.

Borton: Okay. Thanks.

Parsons: Yeah. Mr. President, Members of the Council, again, I think the applicant brings a good point. If this was extended as a roadway and those roads touched, then, it's to and through and when you don't do that we can't require it. It's not part of the plat. Again, it's annexation, so, again, if the applicant were to agree to those terms and help out or do some cost sharing with the Alamar applicant, that's something that you could see if that - they are willing to offer up and add that into a development agreement. The other -- to Mr. Nary's point is, yeah, certainly where -- anything staff is always going to be cautious, because we are -- we are tasked to look out for the best interests of the city and the public and we want to prevent things from happening, because we can't control everything that happens. We don't -- we can't control construction delays. We can't control construction timing. All we can do is let you know of the facts and some of the outstanding issues and challenges that occur when we do things -- when we rush things or we -- for lack of a better word -- require things later on in the process -- as you know at annexation you have the broadest discretion and you can -- and you can require certain things. When we get down to a final plat or even signature on a final plat, at that point we are -- things are being built, it's on a Consent Agenda -- to -- to Mr. Nary's point is if we can't sign the plat, then, obviously, they have to come back and amend that agreement in order to get that signature. So, it really comes down to your level this evening as to whether or not you want to delay or move forward with that recommended DA provision by the applicant to allow that -- those items to occur at final plat signature with an agreement that they cost share for the extension of the sewer and water extension or you would provide a new one that said -- or you provide a separate DA provision that says you coordinate with the applicant or cost share with him on that and, then, construct the roadway. Certainly if you have that in the DA I think ACHD would probably support you in that effort. They have always told us if the city wants something, then, just let us know and, then, we can try to make that happen. So, again, the contract is in your hands. It's what you want in that contract with annexation.

Borton: Okay. Kind of punted it back a little bit.

Parsons: But if you were asking for my opinion, staff would feel more comfortable waiting for all those pieces to be fixed -- handled before annexation was done. But just for being consistent with the process and what we have done in the past.

Borton: Okay.

Parsons: We are big on that, to be honest with you.

Overton: Council President?

Hoaglund: Councilman Overton.

Overton: You know, I'm -- I'm -- I'm really torn. I like this development, but I find myself in a very similar situation to what we are all talking about. We want to dedicate Zimmerman to two people or two property owners that aren't here. We don't know whether they would be willing to accept it. We wanted to donate the Kennedy Lateral to Nampa-Meridian, but we are not sure whether they would accept it or how that would work and we really don't have ACHD here to walk us through their thinking and why they made the -- the change in decision. I'm -- I'm not sure that forcing our hand and making a decision on this tonight isn't rushing what we should be doing until we have all the parts in place that we can make the best decision. I like the development. No problem. I like the end result that it's going to have for connectivity at the half mile. I think we have got to find a successful way that we deal with Zimmerman first before we can get to that point.

Hoaglund: Okay. Mr. Parsons, you know, as I'm thinking one of my questions was, you know, if -- if the applicant owned that stem, which I assume they did by the drawings and everything and -- and they do, that ownership means they can continue to operate that -- that -- the landowners have an easement on that property, they can continue use of that -- that access point to their property. It can still move forward as -- as is in the future. I mean that's -- they don't have to do the easement. It sounds like it was a -- I like the idea of -- it's going to be in the county, so put it into the county and keep it clean, so we don't have to deal with this, because that -- that just gets a little messy at times when you have this -- this split ownership on -- on some of these things or jurisdiction I should say, not ownership. But, you know, it -- it -- it could be kept in that ownership and we just move forward with that ownership and they work it out as they can, but does that cause any problems down the road? But it protects the easement. At some point in time, though, once the collector is built ACHD may require some other things that -- that's the unknown here and I -- I wish we had more time -- that ACHD discussion could have taken place sooner instead of the 11th hour just before we meet to discuss this. It's no fault of the applicant. It just is what it is. So, yeah, there is just a -- and -- and -- and what option -- do we look at delaying it a week or two and maybe have the applicant talk to the neighbors and say, okay, we have got an agreement in principle and this is what we think -- we can -- we can accomplish it -- accomplish. I -- I don't know if that's enough time. Of course there is the hearing noticing and all that good stuff. But is that an option we have, so -

Borton: Mr. President?

Hoaglund: Councilman Borton.

Borton: Real quick. I kind of agree with Councilman Overton. It's a great project. I would like just to get it right and if a short continuance lets these conversations happens, let's ACHD participate -- it's not a month. Might be a couple of weeks to allow this to happen and they just want to get the decision right and the -- and the conditions correct, so I think it makes sense.

Cavener: Councilman Cavener.

Cavener: Mr. President. It's a rare opportunity that -- maybe because there is less of us -- that everybody's in agreement about the project. That -- that has not been a -- a common factor in -- in recent hearings. It sounds like, again, that our -- our issues are more with Zimmerman. Frankly, I -- I had some -- some real heartburn about Aviator and trying to kind of view how traffic was going to flow out of this development onto Aviator and, frankly, some concerns about public safety where you have got all these cars stacking up right next to an elementary school. I think that the highway district and our police department can likely handle that. I am sympathetic that delaying this project because ACHD waited until the 11th hour is, you know, not the -- the applicant's doing, but I can also sympathize with the frustration of property owners -- if I get a notification at a quarter to 5:00 that, hey, the staff report is finally ready -- although there has been a couple of drafts that have been presented -- I would -- I would be reluctant to start talking about a continuance without at least maybe giving the applicant an opportunity to respond. I agree with Council Member Borton, but I don't think we are talking months. If we would be it would mean -- again -- and I'm not even certain -- I doubt it's doable if -- if even a recess would give some folks enough time to -- to chat amongst themselves. I hate delaying this as a result of government not providing a report in a timely manner, but certainly agree that we want to get it right. I fall more in line I think with -- with Council President Hoaglund this evening and that I think we -- we do have a path to move forward, but I appreciate the desire to make sure that you -- all of our I's are dotted and our T's are crossed.

Parsons: Mr. President --

Cavener: And Council Member Perreault is also on the line, too.

Hoaglund: Yes. I was going to ask -- Council Woman Perreault, do you have any thoughts, comments, questions?

Perreault: So, unfortunately, Councilman Cavener and Councilman Overton's mics were cutting in and out, but if I'm following things correctly, it sounds like maybe there is a desire to -- to continue to do some more work and -- and flush some issues out prior to making a decision this evening. Is that what I'm hearing?

Cavener: Council Member Perreault, sorry, we have got a couple of technical issues that we are working through. But I think the short answer to your question is yes.

Perreault: Okay. Thank you. I'm -- I'm in agreement with that as well.

Parsons: Yeah. Mr. President, Members of the Council, just to clear up the record for a little bit for tonight's discussion. I want to -- I just want to make it clear for -- for the Council and those in the audience and those listening at home that ACHD's updated staff report was received today, but the Commission and staff and the public knew where ACHD was going to land, so I don't want you to think that these conditions are new. That they are -- what we are discussing tonight is what was discussed at the Commission hearing. So,

all -- all we have gotten today was the revised staff report to reflect those discussions. So, I just want to be very clear on the record that it's not a delay from them, it's just this updated staff report with the applicable conditions that went along with our discussions with the applicant and the Commission came out today. So, again, the only thing that has changed is the original e-mail from Christy Little at ACHD indicated that the applicant would have to road trust for that right of way and that has changed, because the sliver is being removed from the boundary of the plat. So, that's probably the biggest take away from tonight's discussion is -- and that's where we are getting hung up on how that's going to occur. ACHD will accept right of way through a warranty deed. That's -- that happens all the time. So, that's really not an issue. That -- that conveyance can happen very quickly. The applicant gets a surveyor, does that up, gives it to them and they accept it and -- and make sure that it's consistent with their conditions of this project. So, I don't know where we are -- to -- to our discussion -- the city's discussion is we want to make sure that the property owners that assume the additional property are willing to take that on and maintain it. That we don't -- although I like your suggestion of the applicant holding onto it, it does give me a little concern, because our code tries to prohibit having spite strips and that's what this could be and it could create an issue for us in the future. Not that I think this developer would do that. I'm not implying that. I'm just saying the code tells us don't do these things. Don't create spite strips. So, that's -- that's why I don't want to try to -- I would like the option of them having an agreement from the owners and making sure that they understand they are getting 50 feet and they are maintaining additional properties that they weren't anticipating. So, to your point, having that written agreement or their understanding of that does go a long ways in the process. But just -- just something to think about.

Hoaglund: Thank you, Bill. I would ask the applicant -- Hethe, Mr. Conger, if -- if we delay it for two weeks to April 11th -- I have -- I have checked with the clerk. We do not need to renote. This is not something we need renote, but give you a couple of weeks to come back and say, okay, here is the plan. We have talked to the neighbors, here is how we can move forward, and -- and put something together like that. I mean as you heard, there is not opposition to the -- to the project. There is a lot of good things about this. But just a matter of what do we do with this little glitch here.

Conger: Mr. President, Members of the Council, Jim Conger. 4824 West Fairview Avenue. Can I answer that question first with a question. So, as far as neighbors -- I mean -- and the public hearing is still open. Is it a difference if I bring the neighbor up here -- we have two neighbors that we want to give the land to. It's 50 foot. It's substantial in width. If they redevelop in the future or it's over their current access easement it is today. So, we are not giving them anymore right. They already have the access. So, I'm not trying to look like a hero with that. But that 50 foot strip does preserve the -- the most northern neighbor and he can come up and say he wants that 50 foot strip or not. We have the middle landowner that, then, has the access. He's talking to Laren. Has the access from the middle point of the property south to Franklin. Both of those -- it will go to two sets of owners, both county neighbors, and we -- and we all keep saying it's very difficult to do city and Boise. I believe it's not possible to do city annex land and a lot line adjustment. We have been told no on that in the past. So, we have to go county to county

to be able to do this. This is -- we are being generous on a three month process. This is a three to six month process to do that. If we were to get an approval and get our conditions of approval in the DA, it is more -- ACHD alone has taken more than six months to approve a set of construction plans. Your city is still at three or four months to approve a set of construction plans. We should still have this development agreement done -- not development. The lot line adjustment with the county done in about four months. We say three, but -- but I'm saying four just to be safe. At the same time we should be in a position to have a pre-construction meeting. If we say, no, your -- your ducks need to be further in a row, as the term was said, and you need your -- we are not going to give you your annexation until this lot line adjustment is done, then -- then we are sitting in a holding pattern. I can't submit construction plans. I can't get going on the collector road and -- and there is no holdout of -- of -- of people and the -- and the developer Mr. Wrede that you heard tonight -- that is one hundred percent his main front entrance that was approved by this city council and by ACHD -- can't be built until I build the collector. He was granted temporary access, which he hasn't built yet, but he did say his plans are in. He's been granted temporary access to Franklin Road, that as Deputy Fire Marshal said, is going to be, then, tore out again. So, the whole goal of this area is to drive through our collector. We have done an estimate -- I'm spending about -- and it doesn't matter about money -- but it's a 910,000 dollar deal to -- we are the hole in the doughnut that needs to be finished. We have 66 homes, which won't pay for that, but we have the apartments that will help that and -- and I'm not looking for charity here. I'm just saying we have a substantial interest. We want to get a bulk of that in before weather is done in December and -- and that's my problem, not your problem, be very clear on that. But -- but -- but we believe the condition of -- the city engineer will not sign the final plat without this lot line adjustment done and the dedication over to ACHD prior to that signature. There is no better protection than that, because I can't get my plat signed -- my property is one hundred percent worthless in the city if I don't get my plat signed. And I can't just go willy nilly give ACHD the right of way that you see with the red, because I have blue on both sides. If you see the bottom towards Franklin, the blue dashed lines are on both sides of that red right of way -- that will not go through the Ada County development lot line adjustment process, because you can't do lot line adjustments through existing right of way. So, I have to do these record of surveys in conjunction with the red dedication to ACHD. If I do the ACHD first -- so everybody thinks I'm holding out on the other developer. I have to do the record of survey before I can deed over to ACHD or I now have no means of getting certain areas to the property owner that we have already promised the land to. I'm more than happy to have both of them speak and if our gentleman in the back, which we -- we were confused, we thought he lived on the property. We were having trouble -- Laren's left a few business cards. Everybody has gotten our mailers for neighborhood meetings. There has been definitely not our best moment, I will own that, but there has been a -- a goofy attempt and that's usually on us. When they are rented out properties we -- we -- we have a hard time getting owners sometime. Not when -- we just didn't realize it was rented and that -- and that -- we are -- we are better than that. We should know that.

Hoaglund: Mr. Conger, quick question -- dedicate to the -- to the end parcel owners is -- is -- that's already in -- okay. But why not all four? I'm -- I'm missing that point of -- you do the ends, but why not the other two that have to agree or will accept?

Conger: Mr. President, Members of the Council, very good question, because that's where we were to begin with. So, our -- our developer that spoke tonight -- our adjacent developer owns the blue area. He is already city annexed. I can't go into him. He would like some of it. I would like to give him some of it. I cannot give him one inch of that with the Ada county record of survey lot line adjustment process. The gentleman in teal is right there -- has been an amazing human through the whole process dealing with us and we have some of his irrigation water delivery issues up on the site. He had -- the -- the folks in the pink, unfortunately, have passed away and there is quite a few kids living in that property and it is in -- in shambles and we believe if they were to own more property it would be with parked bad cars and it would be a disservice to the gentleman in the teal colored. So, that is the -- the process of two of the four owners getting the -- the -- the excess right of way, which would make both properties more meaningful. These will eventually redevelop. Everything redevelops. Just -- is it ten years, two years, or 20 years.

Hoaglund: Council, questions? Council Woman Perreault, any questions for Mr. Conger? Okay.

Conger: Would you like my neighbor to --

Perreault: No, I don't --

Hoaglund: Go ahead, Jessica.

Perreault: Sorry about that. Sorry for the delays. No, I don't have any questions, but I really do appreciate, Mr. Conger, that you came forward and explained some more of this, because I have further clarity on it. So, thank you.

Conger: No. I apologize that it was confusing. It is confusing.

Overton: Council President?

Hoaglund: Councilman Overton.

Overton: Thank you again, Mr. Conger. So, if I understand the simplest version, the reason it's two instead of four land owners is basically you have to do county to county. You can't --

Conger: Yes, sir.

Overton: -- the one has been annexed into the city, so you, obviously, can't revert any of that roadway back to them. Yep. Mr. President, Council Member Overton, that is correct.

Overton: Okay. Thank you.

Conger: Want me to usher them up?

Hoaglund: I -- I was -- I guess the property owners you have identified are satisfied, I assume, that the -- if you want to, Ryan, come up to speak. Sir, did you want to comment? Don't -- don't have to, but --

Baldwin: Yeah. My name is -- my name is Harlen -- Harlen Baldwin at 124 North Fritts and the property they referred to as the -- the teal property, that's my property. That's just to the west of Zimmerman Road that we are referring to.

Hoaglund: And -- and it sounds like you are in agreement with the --

Baldwin: Well, I'm not -- I'm not really familiar with the line -- the lot line adjustment. I don't know if there is any -- some kind of adjudication involved with, you know, taking on that piece of property. The -- the gentleman that owned the property for -- above, that's what we are talking about, is -- was Newkirk. He and I kept this road, as well as all the moves and stuff down on that road for 35 years. So, it's not something new that we are -- you know, that I'm familiar with taking on.

Hoaglund: Okay.

Baldwin: Do you have any questions for me? I will be more than happy to answer them.

Hoaglund: I don't think so, but appreciate your comments. Thank you. Yes, Mr. Wrede, since your property is involved in this I think you should have time to comment.

Wrede: I would like to say that my concern isn't for getting any additional property, it's really just to connect that fire access so I can move forward. I already have a right of way to Zimmerman Road, just as everybody else along that road, and it's not uncommon for somebody that has a right of way to improve the road. Like, Harlen just said, he's been maintaining it all along and there has been cases where, actually, people that have right of ways can actually do more than just put some gravel down, they can actually put road base and things like that down. I would be happy with basically just an agreement. I think an agreement from them -- something recorded would suffice saying that I have the capability to improve that 50 foot section of road, be it by putting a road in or putting enough proper road base for the Fire Department to have access through there.

Hoaglund: Yeah. I think --

Borton: Mr. President?

Hoaglund: Yes, Councilman Borton.

Borton: Will you point -- or Bill help point on a map which section you are referencing?

Wrede: The blue section, plus the entire five acres to the left of that blue section.

Borton: Got it.

Wrede: And the access is the red section, what they are talking about deeding to ACHD. And, you know, if ACHD would have said in their report we are going to pay for this and I wouldn't have a problem right now. But they said we are likely going to do it. And when I see that term that means I'm going to pay for it and, so like I said, an agreement would probably be all that is needed, if that. And the other question I have is there is a difference between recording something or doing something when final plat is done. That's when all the roads and everything are done. And I'm wondering if you are talking about having these DA's in place when Council signs the final plat approval versus signing the final plat. It's a little confusing. I wasn't sure which time frame you were talking about that. There is a big difference.

Parsons: Mr. President, Members of the Council, Council doesn't sign plats. It's the city engineer.

Wrede: Okay.

Parsons: So, they approve a final plat as part of a consent agenda --

Wrede: Right.

Parsons: -- and when you are ready to record and all the improvements are done, then, the plat comes to us for signature and that's what the applicant is asking for the delay or the DA provision to allow all of these things -- things to occur prior to signature on the final plat. So, Council won't be involved at that point. It's going to be staff making that determination.

Wrede: Okay. So, the --

Parsons: If the developer can't honor the contract, then, we are coming back before the City Council for a public hearing to amend that -- that DA provision.

Wrede: Okay. So, the agreements and the DA consideration is talking about -- we are part of getting final plat approval.

Parsons: No. The DA provisions are part of getting signature on the final plat, so --

Wrede: Not the ordinance. Not when the ordinance. When the DA is signed.

Parsons: Correct.

Hoaglund: And -- and, Jeff -- to your comment, Mr. Conger, was in conversation, but, Laren, I -- I think having him improve the -- his portion of the road base and going out, didn't seem like that was having agreement that they could make improvements on that -- would -- would be an issue? Yes. If you -- if you won't mind.

Conger: Mr. President, Members of the Council, Jim Conger. So, the -- the ACHD right of way cannot be dedicated over until we are done with the property boundary adjustments.

Hoaglund: Right.

Conger: So, for him to go do improvements he will have nothing legally to put them on.

Hoaglund: Okay.

Conger: So, he -- he -- I get -- he's been -- we have met in my office. I get his urgency. He just happens to have a phase two that is one hundred percent dependent also on our collector road. I mean we are talking about the east road, but here in a minute I don't believe the intent -- not after we read his conditions and I don't want to state -- I -- I think there is some requirement for the collector road. I have got to build it first. That's the 930,000 dollar deal and -- and -- and so, I -- I don't believe he can go do improvements until I get this record of survey done.

Adamson: Hello, Mr. President. I did talk with Mr. Conger and I would be willing to accept that property to be annexed to our property, given that the contract is acceptable for signature.

Hoaglund: Okay. Thank you, Ryan. Appreciate it. Council, let's -- let's take a -- I don't want to delay this any further, but we have been here for several hours now taking a break, so -- I mean sitting here and going through a lot of details. Let's take a break and, then, we can come back and, hopefully, have clear heads and -- and decide how we are going to proceed on this, so -- six minutes? All right. Six minutes.

(Recess: 8:09 p.m. to 8:15 p.m.)

Hoaglund: All right. Let's come back together. For those of you in the audience once this issue is done you can go home and do whatever, but we have an Executive Session to go into after this, so we aren't done. So, thank you for letting us take that brief break. Appreciate it. And got one Council Member who is -- needs to come back here in a second. Council Woman Perreault, I assume you are -- you are still with us?

Perreault: Council President Hoaglund, can you hear me?

Hoaglund: Yes. There you are.

Perreault: Great. I'm here.

Hoaglund: Great. Thank you. Councilman Borton.

Borton: Mr. President?

Hoaglund: Councilman Borton.

Borton: I'm -- I'm going to throw out some more comments I guess. I'm still in the mindset of where some of the Council had concerns -- not with the project itself, but with ensuring we have got the I's crossed and the -- T's crossed, I's dotted. Good Lord, I can't even say that right. And that's really important. It is to me. So, I appreciate members of the public being here and these adjacent land owners and -- and Jim talking to you really quick and he's trying to get something worked out. I don't doubt you have got layers of delay or slow government I guess. It's all sorts of levels to make this happen. I'm still of the opinion that using two weeks to let everybody have the conversations and you get to review conditions and correct if they are not agreeable and you are not left trying to say yes or no on the fly. We can have it on the 11th, giving Bill and Bill and you, the neighbors, everyone time to talk, review language, and get it right. I don't doubt that it's going to be right. I think it's a great project. I think we have heard a lot of positive you can take from today if it's going to be continued that we like the project, we understand it's consistent with what was intended there. Appreciate the efforts that you probably also can chew on how to articulate that -- that northeast corner and if it's going to retain as your ownership and, then, be maintained or not, that can be clarified. I appreciate that. Everyone says the Kennedy can remain open. It makes sense to remain open as well as requested. So, there is a lot of good in its design and -- and how it really does fill the doughnut hole and provide that connectivity east and west. So, I get the feeling that -- that it's going to be a successful project that should breeze through in two weeks once we have the conditions that everyone is comfortable with. So, you have been cooperative before, we have done that a little bit. Delays stink. But, hopefully, if we can do a couple of weeks we will get it done right and you will have a great successful project. Okay? So, Mr. President?

Hoaglund: Councilman Borton.

Borton: With that we will leave the public hearing open and I will move that we continue H-2022-0088 for two weeks to be heard on the hearing scheduled 6:00 o'clock on April 11th.

Hoaglund: Is there a second?

Overton: Second.

Hoaglund: We have a motion and second to continue the public hearing to April 11th. All those in favor signify by saying aye. Any opposed? The ayes have it. The hearing will be continued to April 11th to the 6:00 o'clock work session. So, thank you, everyone, for your participation and we will see you in a couple weeks.