

A Meeting of the Meridian City Council was called to order at 6:04 p.m., Tuesday, April 12, 2022, by Mayor Robert Simison.

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

Also present: Chris Johnson, Bill Nary, Bill Parsons, Berle Stokes, Kris Blume, and Dean Willis.

ROLL-CALL ATTENDANCE

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

Simison: Council, call the meeting to order. For the record it is Tuesday, April 12th, 2022, at 6:04 p.m. We will begin this evening's regular City Council meeting with roll call attendance.

PLEDGE OF ALLEGIANCE

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

(Pledge of Allegiance recited.)

COMMUNITY INVOCATION

Simison: It looks like we did not have anyone signed up under the community invocation.

ADOPTION OF AGENDA

Simison: So, with that we will move to the adoption of the agenda.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I move adoption of the agenda as published.

Borton: Second.

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

MOTION CARRIED: ALL AYES.

PUBLIC FORUM – Future Meeting Topics

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

Johnson: Mr. Mayor, we did not.

PROCLAMATIONS [Action Item]

1. Owyhee High School Boys Basketball State Champions Day

Simison: Okay. Well, if I could ask the Owyhee High School boys basketball team to join me at the podium, if they can hear me out there in the -- I'm the short one here. There we go. Yeah. I -- I had the pleasure of the wrestling team from another school recently and -- and they were much more my height, so -- but it's great to see you all here this evening. And, Council, I think we are excited to have our first state championship team from Owyhee High School. So, first, congratulations to you all. We -- we really like to honor our -- those high schools in Meridian. I know all of you may not live in Meridian, because of Owyhee does serve a larger area than just Meridian, but we -- we wanted to say thank you and congratulations on your success on the court, but we know it goes a lot further than that through the hard work of your coach and the administration, the teachers, and all the people that came out and watched the games. I had the pleasure of coming to one of the games. I was quite impressed and so I do expect it's not going to be the last time I see you back here in the coming years. So, what we are going to do is we will just read a little proclamation, then, if you don't mind coming up and saying your name, year, and position, so we have that on the record. There will also be another proclamation that we will put in there with this information. But appreciate you being here. So, whereas being an Owyhee High School boys basketball player is more than scoring points, making assists, grabbing rebounds, throwing the ball and achieving state titles, it is training to build leadership, character, confidence, teamwork and resilience, all traits needed to succeed on the court, in the classroom, and in the real world and whereas the brand new West Ada school sports program did what no 5-A basketball team had done since 1995 and won a state title in its first season and whereas Owyhee finished the year on a 20 game winning streak and often embraced the role of underdog and whereas the Owyhee Storm basketball team concluded an historic first season with the 50-43 win over Centennial in the 5-A state championship, bringing the first state title banner back to the brand new high school and whereas the leadership, training, and discipline of their coaches helped all team members to focus their talents, passion, and determination to become a winning team, with each player making valuable contributions to their victory. Therefore, I, Mayor Robert E. Simison, hereby proclaim April 12th, 2022, as Owyhee High School Boys Basketball State Champions Day in the City of Meridian and call upon the

community to join me in congratulating the Owyhee High School Storm on their remarkable athletic achievement and representing Meridian so proudly in the state tournament. Congratulations. So, Jack, if you wouldn't mind going forward -- I mean first and, then, we will have a City of Meridian pin for you.

Payne: I'm Jack Payne. I'm a senior and I played point guard this year.

Sherburne: I'm Preston Sherburne. I'm a guard and I'm class of 2023.

Rogers: My name is Jackson Rogers. I'm a freshman and I'm a shooting guard.

Campbell: My name is Liam Campbell. I'm a sophomore and I play shooting guard.

Sasser-Gunson: My name is Reece Sasser-Gunson. I am a junior and I am a forward.

Hamilton: I'm Carson Hamilton. I'm a junior and I'm also a guard.

Savedra: I'm Machaon Savedra, class of 2025, and I'm a point guard.

Downie: I'm Cameron Downie. I'm a freshman and I'm a guard.

Hansen: I'm Brayden Hansen. I'm a senior and I play guard.

Fernandez: Barrett Fernandez. I'm a junior. I'm a shooting guard.

Bailey: I'm Titus Bailey. I'm a junior and I'm a guard.

Rasmussen: I'm Jackson Rasmussen. I'm a freshman. I play shooting guard.

Rogers: My name is Caden Rogers and I am a student assistant coach.

Simison: And, coach, would you like to come up and say some words on the team. Oh, he's not -- okay. Oh. Coach, if you would like to come and just say a few words about the team and how proud of them you are.

Harrington: Sorry for being late. Go 28 in a 25 I guess. Thanks for doing this. These guys worked super hard all -- from the summer through all -- throughout the year. I mean when I first met most of these guys -- some of these guys we didn't meet until late June. We were practicing at the park over at Heroes Park or at Star Middle School with like three or four basketballs and we still didn't know each other very well, but these guys worked super hard throughout the year. They work on their craft all the time. They are good -- they are good kids. They do well in the classroom. Most of our guys have above a 3.5 GPA. So, off the court they are phenomenal. Anything in terms of volunteer stuff they are -- they are always there, even though, you know, they don't have to be. So, it's just a -- it's just a fun group of guys that came together and in a short amount of time and I know a lot of teams that we played this year had a ton of experience, but -- I probably

don't even need this. Got you. But these guys just -- they kept coming every day. You know, a lot of people I think were circling our game as a big time challenge and we just worked super hard and stayed the course and we had great leadership from both Jack and Brayden Hansen, our two seniors. So, no, we really appreciate all the support we had all season. The City of Meridian and the city of Star were phenomenal. So, yeah, thank you. Thank you so much.

Baumann: Matthew Baumann, assistant coach.

Cilek: Robb Cilek, assistant coach.

2. Month of the Military Child

Simison: Yes. Is Allison here? Do you want to come up and join me, Allison? Do you have anyone else? Okay. A few more up here. Awesome. Appreciate it. So, we are also going to be doing the -- the Month of the Military Child this evening with a proclamation. So, I will go ahead and read the proclamation, invite you forward to say any words you had -- have related to this -- this issue that we are here supporting and celebrating this evening. Whereas April is the Month of the Military Child and is an opportunity to recognize military children for their courage, personal sacrifices and resilient spirit and whereas the strength of our Armed Forces comes not just from those who wear the uniform, but from their families who also serve on behalf of our country and whereas military children continue to make significant contributions to family and community as they endure prolonged and repeated absences of one or both parents and whereas these children and youth are a source of pride and honor to us all, it is only fitting that we take time to recognize their contributions and celebrate their spirit and whereas the Month of the Military Child will recognize that military children serve, too, and citizens of Meridian will be afforded the opportunity to don the color purple every Friday in April in support of these children. Therefore, I'm, Mayor Robert E. Simison, hereby proclaim April 2022 as the Month of the Military Child in the City of Meridian and encourage the residents of our community and communities across the country to observe the month with appropriate ceremonies to honor, support, and thank military children. So, congratulations. If you would like to come forward and make any comments.

Allison: So, as our lovely Mayor said, April is the Month of the Military Child and here we have the wonderful youth. So, we work out on Gowan Field and we supply events and this is our team panel. So, really this month is for them. They really support the family and as we all know children are the future and so we are here to celebrate them. We want to thank the City of Meridian and the City Council for celebrating with us. Thank you.

DEPARTMENT / COMMISSION REPORTS [Action Item]

3. Meridian Fire Department: Swearing in of New Division Chief of Training – Jordan Reese

Simison: So, we have one more thing this evening. Chief, do you want to come forward?

Blume: All right. Mr. Mayor, Members of City Council, it's -- and the family -- the Meridian Fire family and as well as Jordan Reese's family. Welcome this evening. It's my privilege to welcome our new division chief of training Jordan Reese to the Meridian Fire family. Jordan is a native of Idaho. He and his family have moved back to Idaho from spending the past 13 years in Gig Harbor where he served with the North Mason Regional Fire Authority. He was also -- prior to that he was a United States Marine and he was an officer of Marines. He served two combat tours in Iraq. He also has a master's degree from the University of Washington and he's completed his executive fire officer credential from the National Fire Academy and I really like bringing that piece up, because in the state of Idaho there are only nine executive fire officer graduates and now the City of Meridian has three. Just a little insight on this training division position. There was over 30 applicants from across the country and it was a pretty intensive process. I'm sure Jordan can attest to that. We had regional support in the panel and the selection process from our neighbors from across the Treasure Valley. We also had members of the executive leadership team, including Councilman Borton. We also had Laurelei McVey, Public Works -- Public Works director, as well as Police Chief Tracy Basterrechea that participated in the process. So, as Chief Reese assumes his new assignment I know he is eager to serve the work and -- and one of the interesting things about Chief Reese was that -- it's very difficult to articulate, but it's very easy to see what good leadership and leadership potential looks like and I can tell you with his passion for the profession, the humility that he brings to the position, he is going to be profoundly successful as the new division chief of training and so with that, Mr. Mayor, I would like to call Jordan Reese up here to have you swear him in and, then, afterwards I would like to have his wife Melissa, his daughters Savannah, Amelia and Nevaeh, come up and present him his badge.

Simison: Jordan, if you would like to raise your right hand and repeat after me.

Jordan: I, Jordan Reese, do hereby declare that I will support the Constitution of the United States and the state of Idaho and I will faithfully discharge my duties as division chief of training to the Meridian Fire Department and to the citizens of Meridian, to the best of my ability. I promise to protect and enhance our community through professionalism and compassion in accordance with the Meridian Fire Department's guiding principles and policies.

Simison: Congratulations.

Hoaglund: Hey, guys, you don't have to run off. We have got an exciting meeting coming. I mean -- you are welcome to stay.

ACTION ITEMS

- 4. Public Hearing Continued from March 22, 2022 for Eagle Crossing (H-2021-0104) by Wadsworth Development Group, With the Project**

Location Encompassing the Five Existing Lots Located at the Southwest Corner of S. Eagle Rd. and E. Ustick Rd.

- A. Request: Modification to the Existing Development Agreement (Inst. #2019-121599) for the purpose of updating the existing concept plan.

Simison: That's a great way to start off a Council meeting. So, with that we will move on to our -- the rest of our agenda for this evening. First up under Action Items is Item No. 4, public hearing continued for March 22nd, 2022, for Eagle Crossing, H-2021-0104. We will continue this public hearing with staff comments.

Parsons: Thank you, Mayor, Members of the Council. Pleasure to be here with you tonight. Have a few team members that weren't up to speed today -- or up to par to be here and to present to you tonight, so I have gone ahead and asked the coach to put me in and come off the bench and provide you some riveting conversations this evening. Hopefully it will be expeditious and we will get out of here in time before the sun goes down. So, first item on your agenda this evening is the Eagle Crossing MDA. This is a development agreement modification. This property was before you in 2005 and was annexed in as part of the Sadie Creek Development. Since that time this three acre piece has been broken off from the additional acreage that was approved with the Villa Sport Development and so at the time that this split off and -- and received new ownership, it did have a new concept plan that was required as part of that development and here you can see the graphic. There is, essentially, four pad sites -- four buildings proposed to be on this site. I know recently we were in front of you on a previous application for this building in the southwest corner of the site. That has been resolved and, then, the Urgent Care is currently constructed, along with all the parking and landscaping along the street frontages. So, this property is zoned C-G and it's currently mixed use regional on your future land use map. So, the applicant -- and so since the time that this DA -- this concept plan was tied to a DA, now we have new ownership of the property and so now they have a different vision than what this previous concept plan is and so on this particular graphic here the applicant, as I mentioned to you -- here is the revised concept plan. There is two buildings that are currently -- one is open and operating with an Urgent Care. The other one is a multi-tenant building with a restaurant -- well, actually two restaurants and a drive-through and so the applicant's, essentially, reducing the amount of commercial square footage on the site in order to provide two smaller footprints on the northern half of the site and include additional -- two additional drive-throughs on the property. I would mention to you since there is already one additional drive-through on this property, the other two will require conditional use permit in front of Planning and Zoning. So, really, the first step for tonight is to get your blessing on the MDA if you like the revised concept plan and changes more of a multi-tenant type commercial development to more -- we call it vehicular dominated development, because you will have additional trips coming into -- to and through this site and having more potential congestion on the site because of the number of drive-throughs on it. I would also mention to you that I had a conversation with the applicant this afternoon. They -- prior to them submitting their -- at least went in discussions with staff they went ahead and did a traffic study and analyzed this concept plan against the previous concept plan and they have some information they want to

share with you as how much trip generations would be increased or decreased based on the changes that you see here this evening. So, I won't steal the applicant's thunder this evening, I will go ahead and let them present that to you in their presentation to you this evening. So, in essence, staff is recommending approval of this modification. We -- we do have the recommended DA provisions in front of you here this evening. I looked at the public testimony -- or the public record this afternoon, did not see there was any public testimony in the record, so with that I will go ahead and stand for any questions, conclude my presentation and open to any -- again any discussions on these DA provisions.

Simison: Thank you, Bill. Council, any questions for staff? Okay. Is the applicant here to come forward? Are they online?

Parsons: I believe they are online.

Johnson: I believe I have the applicant coming in as a panelist now. Now I do.

Simison: Have another hand raised?

Johnson: I don't know who the applicant is, Mr. Mayor. I have got multiple -- it is Taylor. Okay. Now you are coming in as a panelist.

Simison: Taylor, if you can unmute yourself and state your name and address for the record and you will be recognized for 15 minutes.

Lindsley: Are you guys able to hear me? I'm sorry.

Simison: Yes, we can hear you now.

Lindsley: I hadn't unmute. Did you hear any of that?

Simison: No, we did not.

Lindsley: Okay. Good evening, everyone. My name is Taylor Lindsley. I'm representing Wadsworth Development Group. I'm a project manager with them and I am joined by Robert Booth, he is our VP of development and, then, Sonia Daleiden, who we approached for the traffic study, has joined us as well. I know originally the -- the concept plan that we anticipate to change and -- well, our goal to modify the existing development agreement to include a revised concept plan is in response to what the market will bear. The mass influx and growth of Meridian directly correlates to increased costs on all forms of development, including the land bases, resulting in very few users that can provide the highest and best use of this -- this lot and we want it to still be economically feasible to provide the services in the surrounding community and doing so through this process we have -- process we have consolidated two of the three front lots for two reasons. One is to maintain consistency with the original development agreement and the second is to maintain proper drive-through stacking for the tenant on the hard corner, which will -- will allow proper queuing to -- to stay within their lot and avoid any congestion within the site.

We received unanimous support during the neighborhood meeting and was concerned about ingressing and ingress -- ingress and egress. We have approached Kittelson & Associates to conduct that traffic study, which concluded a trip generation for the proposed uses that will result in a maximum of 2.6 increase to trip generation during weekday a.m. peak hours. Ultimately this results in a very little impact on the operations of the surrounding area and with access being a -- a point that was brought up, I would also like to note that access to development is proposed on the shared driveway from East Ustick Road on the west side of our site and this will continue south to the roundabout, ultimately allowing a second ingress and egress point further south in the development on Eagle Road. We are basically here to prelude the specific site concept plan for each drive-through and with this DA amendment we want to allow -- and with this DA amendment approval it's -- we are hopeful that it will allow a more thorough examination once we come in with the -- the CUP applications, which we will be more than happy to facilitate at the -- at the later date with our tenants. That's pretty much all I have got. Anything with the traffic studies I would like to defer to Sonia, but as far as on the site layout and the building sizes, we have increased that drive-through on the hard corner, as you can see, to allow proper circulation and we don't believe that we will have any safety issues or any kind of congestion for -- for parking in or any circulation on the site. That's kind of where I'm at right now, unless anyone has any questions feel free.

Simison: All right. Taylor, just -- can you give us your address for the record?

Lindsley: The address of this site is 3185 East Ustick Road.

Simison: For your business address.

Lindsley: Business address is 6991 East Camelback Road, Suite D300, Scottsdale, Arizona.

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

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Taylor, is there going to be there -- there will be a right-in, right-out on Eagle Road. Is it the same on Ustick? I think that's protect -- a protected lane there, so is -- is that how that would work and anybody that wants to make a left-in is going to have to go down to the light on Centrepont?

Lindsley: Yes, it will be.

Perreault: Okay. Thank you.

Simison: Council, any additional questions?

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Just briefly, Taylor, does -- does this increase the parking -- number of parking spaces available than under -- from what the existing plan was? Just -- just curious about that.

Lindsley: This actually reduces the required parking and we have more than excess enough -- an adequate amount of parking to support this.

Booth: And this -- this is Robert Booth. I'm the VP here. I'm just sitting back. I could just comment to that one comment. We -- by reducing the number -- the size of the building we are actually -- you know, the required parking amount is reduced. So, we will have now excess parking from what would be required. So, we will have more parking available because of the reduction in the size of the buildings.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Follow up on that. Yeah. That -- I understand the concept for that and it looks like with these drive-throughs you are -- you are -- people are not coming to stay, it's -- it's more pushing people through and -- and coming in and going out, pretty -- pretty quickly. But when you use the number, you know, a 2.6 increase in what -- trip generation peak a.m. I think it was, okay, that's 2.6 percent of -- of what? What is -- what's the peak a.m. traffic like? Do we have a traffic count for that?

Booth: Yeah. We -- Sonia, would you step in here?

Daleiden: Yeah. I would be happy to, Mayor Simison, City Council Members. This is Sonia Daleiden with Kittelson & Associates. Address here is 101 South Capitol Boulevard, Suite 600, in Boise. We are a transportation engineering and planning firm and Wadsworth Development Group reached out to us to evaluate the traffic impacts of this proposed DA modification. I will clarify a few things that have been said. So, what we did was compare the overall trip generation of the site plan you see here and the proposed concept plan to that is currently approved and what we found with that is this concept plan will generate slightly more a.m. peak hour trips, largely due to the coffee shop use, but, then, actually also in contrast to that generate significantly fewer p.m. peak hour trips. So, what we found is that the current plan generates 47 -- sorry. The current plan is estimated to generate 23 weekday a.m. peak hour trips and this plan will generate 47. So, a difference of about 24 trips. That's 24 trips, but because these trips go in and out it's actually only 12 additional vehicles, but, then, in the p.m. peak hour this new plan is estimated to generate 26 weekday p.m. peak hour trips, compared to 62 in the existing plan. So, that's approximately a third -- two-thirds fewer trips than is currently proposed. The percentages that were quoted, those are actually percentages of the existing traffic

volumes along both Ustick Road and Eagle Road today. So, this plan -- and this is total trips, not just the net increase in trips, but the total traffic generated by this development is only 2.6 percent of the weekday a.m. traffic volumes on Ustick Road and, then, it's less in the p.m. and, then, significantly less percentage of the volumes on Eagle Road and just for context of that, the Ada County Highway District, their threshold for a traffic impact study is typically triggered when a development generates ten percent or more of the volumes on the surrounding roadway system. So, you can see the impact of the trips from this development is relatively minor and would not trigger additional study from the Ada County Highway District. Hopefully that helps to clarify your question, Council Member Hoaglund.

Hoaglund: Mr. Mayor, Sonia --

Simison: Councilman Hoaglund.

Hoaglund: Yes, it does. Thank you for that information. That was very helpful.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I don't know who on your team would like to respond to this, but just going back to the flow of traffic, given that there is going to be three drive-throughs in close proximity, I assume that most of the traffic is going to come from Eagle Road and that means that they are going to take that left turn at Centrepont. How is that going to flow from the Centrepont entrance over to this project site?

Lindsley: Well, there is going to be a shared access point to the west of our -- of our site, which is Cajun Lane. That -- that Centrepont Lane is -- is too far to the west. So, they will be accessing the site with Cajun Lane. As you can see on the concept plan to the west there that runs down the spine of the site, that middle row of parking spaces. Yeah. Right there. Right to the left of our site. Yeah. So, our site is surrounded in the red square. There is Cajun Lane, which is a shared access drive between us and the future developer of the project to the west of us. That runs completely south to that roundabout and, then, back out onto Eagle Drive -- Road. So, the access point is the Cajun Lane, not Centrepont.

Parsons: Mr. Mayor, Council, if I can just expand on that a little bit. So, that's the ultimate build out to happen. Right now this is the first site to develop. So, currently all they are going to have is a right-in, right-out to Ustick for some time until either Villa Sport develops or they work with that developer to build something on their property. Right now they just have the right to have this shared access here, but nothing going across to the west to tie into that light. So, that may have to funnel through that residential subdivision to the south or when Villa Sport comes in, hopefully, both of them will work together on cross-access between them. I can let you know that that property has since sold. So, Villa

Sport may not be happening on that site. So, there may be a future development application in front of you to talk about a redesign for that particular 11 acres.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: And I'm -- I guess I'm looking on Google Maps, because I thought -- my assumption was isn't Cajun Lane a private drive?

Parsons: Yes. Mayor, Members of the Council, Councilman, it is and if you recall when we did the project Bienville Square Subdivision we -- we verified that that cross-access was grounded for them to use that. So, we have all the access points in place to make it happen, it's just when it gets built and who does it and if there is agreements outside of our purview to make that happen.

Simison: Council, any further questions for the applicant?

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Taylor, did you say that -- that northeast corner -- is that a coffee shop? Is that under contract for a coffee shop? Is that what I heard?

Booth: Yes, we have -- I can answer that question. We have two contracts for both of these lots. Just a little bit of background. We purchased this property from someone who had gone in and done this development agreement. Our understanding through -- through dealing with staff initially was that we would be able to move forward kind of with the concepts -- as a, quote-unquote, concept plan and, then, come in with the site-specific application. We have these two users who are under contract signed, fully executed and they -- they cannot come in with their site plan applications, because, you know, the concept plan didn't match up exactly. So, the purpose here is really -- the hope is to get our concept plan approved, at which at a later date -- you know, shortly after these applicants will come in for their site specific site plan applications where there can be a further refinement and/or, you know, discussion on -- on the site specific nature of their buildings and flow.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Thank you. A second question. Is there any -- so, if we approve this with the recommended provisions -- I think one thing I would be concerned about -- I understand the rationale here. We have a coffee shop that's morning traffic and we have, you know, maybe a restaurant or something it looks like. I see one listed, at least, in this concept

plan, so that it feels like complimentary uses, because one is more in the morning and one is more during the day and at night, but we don't have any guarantee that that's the type of tenant that's going to be here; right? So, I guess I would be curious if planning staff recommends any type of DA provision or just if we could finalize something closer to when they actually signed the leases or what --

Booth: The leases are executed. They are fully executed leases in place and these -- they -- in fact, our tenants are threatening action against us, because we don't have this done, so they are waiting and on the heels to come into Planning Commission to get -- so, these are -- these are done deals, we just need the -- the concept plan to reflect what they will submit.

Simison: Council Woman Strader.

Strader: Mr. Mayor, quick a follow-up. So, do you mind telling us like what -- what term leases are there? Are they five year leases? One year lease?

Booth: Yeah. They are long term. I think we are -- or 20 and 15 years respectively.

Strader: So, you have 20 -- sorry. If you don't mind, Mr. Mayor.

Simison: Council Woman Strader.

Strader: Just so I understand, you have 20 and 15 year leases with -- I'm assuming large credit tenants? Are they large franchises? Like just give me a feel for if they are going to be around.

Booth: Yeah. They are -- they are credit tenants. Been around. Names that you would certainly know and long-term leases.

Strader: Thanks for answering that.

Booth: Sure.

Simison: Councilman Bernt.

Bernt: Thank you, Mayor. I -- is there -- thank you -- thank you for the presentation. Project looks okay. I -- I would like to know like the traffic flow in this parking lot. My only concern is that the flow and where traffic is going to go with three different drive-throughs it's concerning, so I -- is there a way you can help me navigate where the -- where the traffic will be entering in these drive-throughs and what will be exiting and what the traffic flow would be like?

Booth: I -- I would tell you that -- I mean you can see from the site plan on the screen entrances and exits of those --

Bernt: Drive-throughs. I get that.

Booth: -- proposed drive-throughs, but as it relates to specific traffic counts and flows, I would defer you to our next applications where we could have specific studies done. The tenants would be bringing in those applications.

Bernt: No. No. No. No. Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I'm not interested in knowing what the traffic count is. I think we have already heard that. I want to know what the flow looks like in that parking lot. I want to know where traffic is going to be navigating through the parking lot. That's what I want to know. It wouldn't be such a big deal, but you have three drive-throughs in there. That's a big deal. That's just -- I just want to know what it looks like. I don't want it to be -- and, you know, Dutch Bros, local coffee shop, if you see a Dutch Bros -- I mean their lines are pretty long. They are a pretty popular coffee shop people frequent quite a bit, so --

Booth: Yeah. That's a -- that's a fair point, Councilman. We -- we actually originally, to kind of combat that, we had three -- had a plat approved at one point for three buildings up along the frontage and we actually got rid of one completely and the -- the coffee user taking up both of those lots for that specific, so they can have substantial stacking to counteract that point and, then, the flow -- you know, the entrance for the coffee user, I don't -- I can't control the screen, but it's at the center of the screen moving eastward exiting on the right-hand side and, then, exit at -- towards the center. There is one -- there is one point of entrance, egress and ingress into our development and so that's how they would enter and exit. But they would flow kind of in a clockwise manner on the -- on the coffee user and they would flow on the -- on the larger multi-tenant building to the south they would flow and come in and immediately turn right and, then, would stack around the building and, then, would, again, exit in the same manner, so -- so clockwise there as well. I guess that -- excuse me. That's counterclockwise. Is that -- am I getting at what you are asking for, Councilman?

Bernt: No. But that -- I mean I -- I just -- I just want to know what it flows like when the cars are in the parking lot, where they are -- you know, what -- what -- what's their pathway? Where is the natural pathway of where they will be going, where the -- where they will be entering, where they are going to be leaving, that's what -- that's what I would like to know. But I mean -- I guess I can guess, but I -- I don't know.

Booth: Yeah. And we would -- we would certainly have that information for you when we come in for the site specific site plan to approve. Our -- our thought was this was a -- you know, concept plan that, then, could be further approved and we would have that information at the next step was our thought. But I'm happy to provide you some follow-up information if that's something you would like now.

Simison: Yeah. I will save comment. We will see if there is any further questions from Council or if we want to see if anyone from the public wants to testify. Mr. Clerk, do we have anyone from the public who has signed up for testimony?

Johnson: Mr. Mayor, we did not.

Simison: Is there anybody here in the audience that would like to provide testimony on this item or online would like to provide testimony, you can either use the raise your hand feature or come forward at this time. Okay. Seeing nobody, I guess I will return to any questions or comments from Council before we ask the applicant to wrap up?

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: To double check with Bill, so this is a concept plan, you have the DAs that you are proposing to be adopted and, then, when it comes back for the conditional use permit, then, those details will have to be nailed down of traffic flow, how it's going to work, will it work and -- and modifications might have to be made from what they are showing right now for a concept, but right now we are just doing the concept plan with further details to be nailed down later; is that correct?

Parsons: Mayor, Members of the Council, that is correct. But that's really the main purpose of why we are here tonight, too, is because, you know, when you have multiple drive-throughs on a property there is -- there is a tendency to have conflicts and we wanted to bring that to your attention, because the original concept plan had one drive-through and when you add three in close proximity to one another, that's when we start having some of those concerns. But you are right, it's part of that CUP process, which goes to Planning and Zoning Commission, that's where they have to provide adequate stacking, make sure there is adequate exit lanes, make sure that they don't block drive aisles, block access to roadways and those are things that they show us and demonstrate as part of their CUP process. But in this particular case, since there is a concept plan, we have to get that modified first, so this is really the first step in the process to get them moving forward to that CUP. We have pre-app'd with both Dutch Brothers and Wiener Schnitzel, which are the drive-through tenants that we are aware of going on the site and this is the information we have conveyed to them during their pre-application meetings that we in good faith could not just allow them to go forward with their conditional use permits on their drive-throughs without modifying the DA. We didn't feel that was consistent with the concept plan that we have -- we have in place currently.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Here is the challenge I think that I wrestle with on this one is -- and the applicant, if they would have brought them either together or right after each other, we could at least

see the CUP application and see how some of these obvious questions that are being asked here are going to be resolved. I understand one begets the other, but the problem with approving just the DA mod here with this concept plan is it sort of half cooks the CUP in a way that we are not certain is appropriate, so -- and this is a pretty big intersection, pretty important project. The questions about circulation are huge. There could be such problems with circulation that in order to approve a CUP this -- this concept plan we are looking at doesn't apply and they might have to get amended again it could be such a drastic change. So, some of the hesitation is caused by not having those applications either together or closely aligned. That would help us answer questions, so -- so, we say I'm okay with the DA modification. The concept plan makes sense, because I see how the conditions of approval can address our concerns in that CUP application, so -- but we don't have that yet.

Parsons: Yeah. Mayor, Members of Council, it's -- it's really a -- it's a code issue, to be honest with you, because as you know the CUPs go to P&Z, the DA's come to you, so we try not to bundle those, because we don't want the applicants to waste 13, 14 hundred dollars on a CU if -- if you guys don't approve of the concept plan. So, we -- where we kind of see a conflict on -- with a -- I shouldn't say a conflict. When we see that we have concerns with a concept plan that's different than in the DA, we would rather get -- have the applicant pay 500 dollars, get in front of you and see whether or not you would support it, rather than having staff process additional applications and -- and fees and send them down that road and, then, have to refund that, because you guys didn't support the DA mod. But they certainly could have done that and co-mingled them together and done them concurrently and brought those CUPs up to you. But, again, at this particular one we are with you. We -- we met with them. We -- when you are looking at a commercial piece of property and you look at this site plan, there is a lot of blacktop on here and not a lot of building footprint, so to speak, and that's where -- those are some of the conversations that we had with them moving forward. It's like why can't you do a multi-tenant building with drive-through? Can you add more building square footage on this and give that ability to do that, rather than having it all look like stacking lanes on a site and that's -- that's the challenge that we are -- we are faced with this evening. It's a concept plan. We realize they have to go through a CUP, but even just to accommodate the stacking for the coffee shop you are -- you are wasting a commercial lot. I mean that -- that was the conversation we were having with the applicant, making sure that this site was developed correctly, so that it did fit in with the character and the surrounding area as well. So, that -- I think all of these things that you bring up are things that we have discussed at the pre-application meeting with the applicant as well. It is a tough site and given the fact that you only have a right-in, right-out until other property is developed, it even kind of -- it even makes it more difficult when you are -- you are -- that's why we brought that issue to you, that it's -- it's more vehicle-oriented now, because you are -- more people will stay in their cars, so you are going to have more traffic going in and out of this and no way to disperse traffic until you have additional properties developed and that interconnectivity.

Simison: And, you know, guys, I understand where -- chicken-egg, but I think the important part is, you know, three turning movements to get into a stacking lane, you

know, coming back to where Councilman Bernt was, that doesn't seem appropriate. So, you would like to have a better idea and, you know, we have all seen Dutch Bros, there is no parking that's nearby a Dutch Brothers and so they have the -- the way the asphalt is set up around here, well, who are those parking spaces by Dutch Brothers really serving in this case? I mean -- so, I know that all can happen in a different manner, but it doesn't seem to make sense with what you are showing to ask Council to make a decision. That's my two cents, but -- we are in the public testimony. If you would like to come forward make any comments. Just wait until you get up to the microphone and state your name and address for the record and you will be recognized for three minutes for any questions or comments.

Lasher: Richard Lasher. 2326 East Garber in Meridian. The building on the --

Simison: Stay up on the microphone, please, so that --

Johnson: It should be on your screen right there.

Lasher: The building on the southeast corner, is that -- is that the Urgent Care? The other building to the left of it, the larger building is what? Is -- is that the Royal Dalton -- okay. And that's -- that's been approved and --

Simison: Mr. Parsons?

Parsons: Yes, sir. That -- we have approved their restaurant use in that building.

Lasher: Okay. We have had some issues with -- with the owner before and I guess he changed enough of the -- his plan to make it amenable to the Council.

Simison: It didn't have to come -- again, it's a restaurant, which is different -- that's just through the Planning Department. That's not a Council level decision, since it met all the existing requirements for any restaurant.

Lasher: Okay. And do we have -- do we have a time frame of when they start to build?

Booth: I can answer that. We are under construction now. We have broken ground. So, that -- that is under underway.

Lasher: Okay. Thank you. That's it.

Simison: Okay. Thank you.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Question for the applicant. There is -- one of the problems is that third drive-through, that -- that is connected to that multi-tenant building. Not knowing what that's going to be, I mean one -- one thing that helps is knowing what's going to be in that northeast corner, what's going to be in the northwest corner and -- and seeing that their use is -- the timing of that's going to be different. Not many people are going for hot dogs at 8:00 a.m. in the morning. So, that -- that does help. But that third -- and the multi-tenant building for that drive-through, that's kind of the wild card that, you know, can really impact traffic flow. Is -- you know, if it's a -- if it's a sandwich shop or something like that -- any insight you can give us on that one?

Booth: Sure. Absolutely. Yeah. Those are signed leases. So, the -- the Dalton Royal is the -- the user on the west end, the restaurant, and, then, there were a smaller 1,400 square foot Jamba Juice that is the drive-thru user for that -- that pad and that -- and that drive-through, I believe, is already approved and underway and it's under construction. So, the other two that we are talking about are the ones that would come in later for the CUP on the -- on the north side.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Talking out loud, so -- and I guess maybe a question for the applicant -- not a really question, just a comment, so -- I knew it was a multi-tenant building, but I didn't appreciate the Jamba Juice aspect. So, in fact, you have four different restaurant or food type uses on the site, three of which are drive-throughs, and, then, I'm assuming that the restaurant will not use the -- the Royal -- whatever the name of it is now -- will not use the drive-through; is that right?

Booth: That's correct.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. It's a -- it is a lot of drive-throughs to put in this one site. I'm kind of with Councilman Bernt in the sense that, you know, I would -- I would love to see -- I guess a more detailed analysis of the traffic flows and kind of how -- and the problem with this one, once this thing goes down the road -- I mean you -- we can't remove it and so if there is a huge traffic nightmare here on this site from any one of these uses stacking up, it's just going to be -- it's going to be a real problem. We can't undo it. You know, I -- I wish you -- I -- I would probably be okay with two of them, but I'm -- I'm not loving three and I feel bad for you, because I know you have got signed leases that you are in a really tough spot, but I just want to give you that feedback right now.

Booth: No. It's -- it's a fair point. We -- I mean, you know, we have gone down -- and maybe gave you some -- a little bit of just background into what -- and you are probably

familiar, so forgive me if I'm -- I'm, you know, telling you things you already know, but, you know, COVID changed things a little bit. Drive-throughs are becoming more popular, not less, and -- and so what -- what we are finding -- and this is -- this is -- you know, we -- we develop in about 11 western states, so it's not -- it's not specific to Idaho or -- or Arizona or Utah, but the -- the -- with existing construction costs and where they are going, which are astronomical, we have seen a 30 percent increase in the last four months. That's -- that's not annualized. That's a four month increase in costs and we have been trying to find ways to do development -- what ends up happening is the -- the people who can afford really to pay the freight on -- on, you know, construction tend to be higher, you know, users, such as the coffee users and the reasons that we have shifted away -- because we have owned this site for multiple years -- trying to do multi-tenant retail and it doesn't pencil. We can't -- so, it will -- it will continue to sit. So, this was our solution in terms of how we can do -- provide a benefit to the community, which I think it is. The reason that, you know, these -- these users are -- are what they are is because people enjoy the service; right? Which -- so, I think the community would -- would enjoy the service if we can get by, you know, your -- your concerns as it relates to, you know, flow of traffic within the site. But it -- it really has come down to the shift away from the existing concept plan that we bought into to -- to these -- these users that we are showing, because they are the ones who can -- who can afford to pay the rent that it costs based on current construction costs and that's -- that's kind of a dilemma that we -- that we face as a developer and that, so that's kind of how we have come up with this plan and feel that it's -- it's workable and I -- I apologize, maybe we had misunderstood, or we would have come I think a little bit better prepared in terms of flow. We maybe misunderstood or had just -- you know, some -- in our discussions with staff we thought that that level of analysis would come at the next application and so, you know, I apologize for not having that here. We thought that would come next and this was just more concept and then -- so, yeah, I apologize.

Simison: I don't think there is an apology. That -- that would be the normal process, but, unfortunately, this site is just -- has more questions because of this change and desire.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Question for Bill. Procedurally could the questions that aren't answered today, if they are answered as part of a CUP application, if that were the case, acting on this doesn't necessarily accelerate the tenant ultimately utilizing the properties. If the CUP is applied for, wouldn't that answer these questions on circulation and avoid the problem of an approval today of this concept plan and, then, the CUPs get denied? For example, let's say there is some unresolved issue with circulation, now we have got a concept plan that they can't utilize and you are going to be modifying the DA again. So, not trying to waste the applicant's time, but would we -- is there any harm to tabling this, encouraging the CUP, and trying to get answers to the unanswered questions on how this thing is going to actually circulate?

Parsons: Mayor, Members of the Council, Councilman Borton, and it -- yeah, it's back to the Mayor's comments, chicken before the egg.

Borton: Right.

Parsons: But certainly in instances where a DA mod was being sought outside of the CUP process or if it was out of sequence, we have conditioned the CUP that they get a DA mod approved or something to that effect -- I mean, obviously, we know this one's in process now, you are looking at it, so certainly you can continue it out, wait and see what this -- the Planning and Zoning does and, then, come back and do that, but ultimately -- again this is a DA mod, it's at your discretion, if you don't like this previous plan better than the previous plan you have the ultimate authority to say that -- that that's something you don't like. Now, what I can tell you is from what I see here, I -- again, I can see how the traffic is going to funnel through here. I -- I don't know -- I'm not a traffic engineer, but I'm -- I do drive the community and I have been to Dutch Brothers and I can tell you they get -- they are busy throughout the day. It's not -- it's not a.m. peak hours, they are busy through, the -- through afternoons. I see cars stacked there all the time and -- I hope so. I'm glad they are doing a gangbuster business out there. But to me, just with my planner hat on it's tough for me to see this much asphalt on a site when you can have so much more and, again, I'm not a developer, I don't pretend to know all the financials that go into it, but that's really where we had a lot of the concern is that, you know, we want a well integrated, well-designed thoughtful layout and when I -- when we look at sites like this and we have conversations with applicants that's where we struggle, because the code may allow you to do something -- it doesn't mean it looks attractive or doesn't mean it's right for a particular property and that's -- in my mind if I'm looking at this and certainly I know we are not into the weeds in all those details, but I'm hoping the applicant would want to do something to mitigate the view of those drive-throughs. How do you soften that asphalt, how do you enhance the landscaping or berm it or do something just to make it look more attractive than -- rather than seeing a bunch of cars stacked up in a drive-through lane. So, again, those are a lot of things we get into with CUPs. We talk about that at pre-apps as well, because we don't want the drive-through to be the dominant focal point and to me when you look at this site plan I see nothing but drive-throughs here and that -- that's really more of a planning issue than more of a design issue. Again I think lunch hours and evenings you are probably going to have more people at the restaurant, but, again, Dutch Bros in this particular case is not that close to schools and where the other ones are a little bit closer to high schools and everything, so they do tend to get more traffic. But, again, I'm with you, I -- I -- there is only one way in and out of this at this time and that's -- that's why we bring that to your attention, too. That's -- that's really the concern. If -- if we had all the pieces together and can see how it all funneled traffic out we are probably having a different conversation, but for now if the applicant moves forward with their conditional use permit and they are successful to get both of those approved and get the DA mod approved, then, I can't tell you when the other property around is going to develop. I don't have the timing on that.

Booth: Just to comment on that, can -- I mean how can we -- should -- should we be required to wait for the other properties to develop?

Simison: Is that a question --

Booth: I mean it's a hard thing from a -- from a -- from an ownership standpoint on your piece of property, right, that -- we are trying to do as best as we can and, you know, there are -- there are certainly planning constraints and traffic constraints and, then, there are market constraints also and -- and our -- our objective is to try and kind of weigh all of those, which we have done for the last three years trying to make this happen and so I appreciate very much the discussion and -- but we have -- yeah, we have done our level best for sure to work with staff, to work with the community, to work with the brokers, to work with everybody to make something that would work. We have had meetings ad nauseum with the last owner, who didn't end up developing, trying to, you know, be a good neighbor, we are talking cross-access, we have tried for access for the south, like -- we have done everything we can in terms of moving this thing forward and this is at this point the plan that we think kind of checks most of the boxes that -- that will work in a market which are -- which is very -- a very hard market to develop in presently and we have -- anyway, so just a few thoughts there.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Thank you. I agree with -- with everything that's been said by my fellow Council Members, but continuing the line of thinking with Councilman Borton, not only, you know, do we have a -- an issue I believe with kind of how we are going to hear these, but if -- if one CUP is approved before the other, if they are not heard in the same meeting with Planning and Zoning, then, we have created an additional problem, which is, you know, maybe -- maybe what we see on the concept plan -- general concept plan and, then, the specifics are all flushed out with Dutch Brothers and now somehow that interferes with how the traffic's going to flow with Wienerschnitzel, it's -- it -- this just -- the problem is going to compound and, you know, on -- so, I -- if it's possible I would be in favor of -- of wanting to hear the -- the DA modification and the CUPs all together at the same time. This -- this needs to be looked at as a whole. I don't know if it's possible for us to do that or not, but I -- I mean I -- I think that you could approve one CUP and unless you are hearing it at a similar time, you could cause challenges for the next one. I don't know. Maybe I'm not understanding that correctly.

Simison: Yeah. We still haven't heard from the applicant. If you want to get to close the public hearing --

Booth: I'm sorry, was that a question to the applicant?

Simison: No. I think we are trying to figure out if we want to go to final comments from the applicant yet or if Council wants to consider asking for a modified potential CUP revision site plan before they would want to consider this action and, you know, again, I understand this is going to go through a process, but we are basically creating a -- a drive-through lot that has all the drive aisles -- all the car slots backing into the drive aisles for

three different drive-throughs in this concept. I mean, you know, even from that very basic principle everything in the middle should be turned a different direction, so that you are not backing into where your likely drive directions are to get people around the parking lot. So, I think that there is a lot of questions about this -- what the CUP will -- could bring. I think there is solutions, though. I honestly do. I mean -- I mean I prefer direction from staff on can -- you think working with the applicant to come up with a -- again, it doesn't have to be their actual CUP plan, but maybe something more along the lines of the CUP. It sounds like they might have been thinking they could do that.

Parsons: Sure. Mayor, Members of the Council, I think that would be great. It sounds like continuation, maybe work with the applicant, come back with site circulation plan, maybe a slight redesign to see -- so you can minimize some of those conflicts and -- and work with the applicant and see if you can get a comfort level with additional drive-throughs on the site, rather than wait. I don't think Councilman Borton was asking to move this -- catch this up to a CUP. I think his intention was postpone this -- action on this and allow them to submit CUP with a condition that Planning and Zoning looks at it and, then, bring those back to this body at a date and talk about the DA mod then. If I misunderstood that, Councilman Borton, let me know, but I don't think that was your intention to remand this or have this go with CUPs for the Planning and Zoning Commission as a package.

Simison: Councilman Borton.

Borton: Not necessarily. I mean -- but the idea being -- and you commented, we have done it before, is, for example, if this got denied today the applicant tomorrow could apply for CUPs and one of the conditions be modify the DA and the concept plan. So, technically, we are not stopping anything if we chose to deny it based on what's today. I mean we are being painfully cautious with this corner and this property. This really is a big change and it's a big permanent change. So, I think our concerns are all well-founded. So, continuance doesn't necessarily help if it's deny it as presented and --

Parsons: Let it come together --

Borton: -- and we have articulated the reasons and I think it's circulation and you brought up screening and -- and -- and additional condition elements that you would rightfully bring up to an applicant in a CUP discussion. The CUP we would never see. We wouldn't get a chance to talk about it, but we can express some of our interests now to help the applicant. But as presented I'm not ready for it.

Nary: Mr. Mayor?

Simison: Mr. Nary.

Nary: Mr. Mayor, Members of the Council, and, Bill, I'm going to kind of lean on you a little bit, too. So, this is a development agreement modification; right? So, cannot the development agreement condition that the -- because here is the risk for what you are

talking about at the moment. This is in abeyance. The CUP comes -- say they all get approved and you come -- and, technically, it's not going to come here, but it comes back to you and the Council doesn't like the fact that both were approved and so they deny the DA modification, so now they have wasted all of the time and effort on both of those things. But Bill and I can't -- I have been trying to find it in the code real quickly and I can't, but I don't know why we cannot make a condition of the development agreement that CU's -- additional -- other than the existing -- approved drive-through all other drive-throughs have to get approved by the Council and that for -- then that makes, then, P&Z merely a recommending body to you on whether to approve a drive-through and they could do the vetting and they could do the -- the thought process and get the public input and get the -- all that stuff, but, ultimately, it still has to come back to you, so you are going to have to approve it and that's a condition of the modification and, therefore, they haven't -- because right now -- and we have had this discussion on a couple of other ones of these in the last year or so and it is the way our code's built. I mean CU's don't come to you as a general rule, but they sometimes do and so I -- I'm not certainly sure -- again, unless the code is absolutely prohibitive of that, I don't know why we cannot simply craft the DA modification to require the drive-throughs ultimately be approved by the Council and, then, for future conversations, as built in the code, if we have identified ones like this that seem to be a recurring issue of CU's and concerns about those processes being split, I'm not -- I wouldn't recommend the Council hear every conditional use application. There may be some you would identify and say all of this type of conditional use has to come to Council. Not every single thing. Because some of them are pretty routine. But that may be a future conversation. But I don't -- like I said, without looking at the code that tells me I can't do that, I don't know why we can't do that.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: It's getting really complicated and I -- I'm sorry, I just want to cut through it a little bit. I have thought about it, I like the idea of a coffee shop and a complimentary use, but you have got that Jamba Juice, I'm just not buying it. You have one entrance and exit and three drive-throughs. I think three drive-throughs is too many on this one. I don't think I can get there on any more than two.

Bernt: Amen.

Strader: I just want to say it that way. I just -- I'm really -- and I'm sorry that you have signed leases and I -- I understand the building costs are going up and as an equity owner and a business owner you are in a very tough environment, so my heart goes out to you, but I just don't think it's in the best interest of the city to have three drive-throughs on one small property like this with one entrance and exit, I just don't think it works.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I agree. I -- I was going to wait until comments, but I just -- I look at the corner of Franklin and Linder, I think it's Hark's Corner, you have got a Dutch Brothers, a donut shop with a drive-through and an Arctic Circle and as somebody who every Friday takes a six-year-old for donuts and encounter the challenges in that parking lot, I wouldn't wish that on -- on anyone in our community. I don't think it makes sense and that's with I think four or five unique accesses into that area where this is going to have one with part of it coming through a private drive. I just don't think it's going to work.

Simison: The public hearing is still open. We have not heard from the applicant for any final comments. I can't tell who is -- one of the applicant's representatives is wishing to speak. Would the applicant like to make final comments and bring in your additional person at this time? What's your pleasure?

Lindsley: Yeah. I can -- I can just speak. You know, I appreciate Council's discussion and points of concern. You know, I -- look, it's -- this is the process. I can't say it's not frustrating from our -- from our perspective of trying to push things through. We had worked with staff. We had tried different months to bring in a CUP and go the other route and, then, we were told we had to go this route and so we -- you know, we could have brought these in one at a time. We would work to, you know, do it the way that we were told we had to do it, so -- I mean it is what it is, but we -- we -- we -- you know, we can certainly bring in one of these. We can bring in -- because that's how it would happen, one at a time; right? Each one would have to have specific CZC application, so -- but it is what it is. I get that you have concerns and -- and we could have been more prepared, maybe, with -- with some analysis of traffic flow with the three. I would -- I would lobby to say, well, let's hold off on making decisions. We are basing -- my sense is we are basing decision off hypothetical -- you know, with -- with good reason of other locations, but -- but allow us to provide some traffic flow analysis and show how it would -- how it would work on site and we can do that. If you would like us to go with the tenants and go hand-in-hand and come in one at a time in the CUP and, then, make this a -- a conditioned approval based on the CUP or, you know, however you wanted to do it, but we -- we still feel that this is the -- the correct plan, but understand the concerns and we would love to have the chance to work through those concerns with you.

Simison: Council, any questions, comments for the applicant? Motions? Direction?

Nary: Mr. Mayor?

Simison: Mr. Nary.

Nary: Add one more comment before you folks decide which direction you want to go. To be fair to the applicant, there really is no evidence in the -- in the record on this application on what the traffic will be. It's a -- it's merely a concept request to put these types of facilities on there. So, it's a little concerning to me to make a decision on that when you really don't have anything before you on how these function, how they work. So, again, if the CUP process is made to vet that out and you can still do that and still deny them if you think it won't work, but I do understand what the applicant's saying, he

hasn't really presented that to you, he's only presented you an idea of what's going to go there and not how it's going to go there or how it's going to flow or how it's going to work, because that's not what we are. That's not what our process called for. So, we don't really have evidence at the moment to base the belief that we cannot make this function.

Simison: Just says --

Bernt: Mr. Mayor?

Simison: -- you are also saying it's just an idea, so, then, do you even have to have evidence of just an idea? What if they said we want to build a skyscraper there as an idea.

Nary: I -- I would agree with you, Mr. Mayor, Members of the Council, but we have narrowed the path to the specific idea based on a specific set of circumstances that isn't before you. You are right, it's a concept, you don't have to like the concept and that's okay. Then we need to -- then that's the framing that it needs to be. The concept of that doesn't fit versus the drive-throughs won't work.

Simison: Mr. Hoaglund.

Hoaglund: Mr. Mayor. Yeah. I -- I don't disagree what's being said tonight by my fellow Council Members about, you know, three drive-throughs, one -- one entrance, one exit. That -- that is difficult, but I -- I do think to be fair in our process of a concept plan that would typically go to -- into a CUP where the details are out, is to give the applicant an opportunity to come back with the concept plan that they want to present, along with some details that allows us to yea or nay it based on the details that they provide. It might be we find ourselves still in the same place. But to me that's a process that I think is more fair. We are making some assumptions, although, you know, one exit is one exit and entrance, but I -- I think that -- that process would be something that allows them to make their case in -- in a more prepared fashion and -- and follow -- follow our process a little bit closer, because we do have a bifurcated process. Concept plan. CUP. And those are the rules we have set out and we are -- we are kind of changing them and our legal counsel has suggested some things that we might do in the future for certain types of CUPs, but we are not there yet. So, I -- I would propose if -- if the votes would be there, I don't know, Mr. Clerk, what we have available -- when the next time would be available for a motion to -- to continue.

Johnson: Mr. Mayor, Councilman Hoaglund, I would defer to Planning, but looking at your schedule May 10th would be the earliest available and I'm not sure if that's enough time for staff to get things together.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglun: Mr. Parsons, May 10th or additional -- is that too soon? I know you guys have a lot on your plate, so I don't want to --

Parsons: Mayor, Members of Council, again, if you give us clear direction what you want to see we can try to make that happen. If -- you know, anytime you are changing site plans you want to see that detailing for how you are going to screen the drive-through and all of that, I would certainly recommend at least a month and give the applicant time, because it's not only city staff looking at multiple projects, but it's also consultants that can't always react so quickly either. So, where ever we can try to get it right and allow more time it's always appreciated I think for both sides.

Lindsley: Yeah. That would be appreciated on our side as well.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I agree with Councilman Hoaglun and I'm not opposed to considering the -- the idea of three drive-throughs, but all of these companies have -- no doubt have data on -- on how many vehicles move through their restaurants at any given time of day and -- especially Dutch Brothers. So, I don't -- if they already have leases signed I don't understand why the applicant can't go back to these companies and ask for information about what they think their traffic flow through is going to be on their -- I would imagine those conversations have had to have been had and if they haven't why are we talking about this, frankly. So, if -- if staff wants direction on what it is we are looking for, I would hope this applicant would go back to his lessees and get some information about how many vehicles are going to flow through, how many cars generally park on their site and modify the site plan with -- with that data. I agree with -- with the Mayor that I don't see the need for having multiple parking spaces in front of a Dutch Brothers. I have lived next to the intersection that Luke just mentioned at Franklin and Linder. Nobody ever parked at the Dutch Brothers, other than the staff, so I -- I understand the applicant's position that they weren't aware -- didn't get the impression they needed to come forward with that -- with that detail of information, but I don't feel like I can make a decision on this until we have it in whatever order we need to hear it -- hear that information.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. I'm a no on a continuance. I think it's -- I would like to just keep it very simple. Do I approve changing the concept on the site? I do not. I -- I don't think a concept makes sense that has three drive-throughs on a small site like this with one entrance and one exit. So, I'm just going to be a no on that.

Simison: Well, I'm not -- I'm going to go to Mr. Nary's words. I'm not opposed to the concept of three drive-throughs, but I'm opposed to this concept that I'm seeing in front

of me as far as layout, design, flow, function, personality, everything else. So, if the applicant wants to provide a different concept plan to -- I'm not opposed to three drive-throughs personally, but to me it, then, becomes a drive-through site not a parking lot site. Having lane drive aisles compared to drive aisles for parking that you drive through to get to places. That's my two cents on that, so I -- I would be supportive of -- let them see if there is something more they can do.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: I will just give this attempt and we can discuss it, but I would move that we continue the public hearing for H-2021-0104 to May 10th and that the applicant return with a concept plan of their choosing. That also includes a traffic circulation, landscape overview, and integration with possible future development.

Perreault: Sorry. Can you repeat the motion?

Hoaglun: Repeat the motion. It was to move the -- this project to May 10th and that we would have the applicant provide a concept plan of their choosing, but also to show traffic circulation for the site, the landscaping overview, and also integration -- how they would integrate the traffic patterns with future -- any future development that they are aware of.

Perreault: Second the motion.

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

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

Simison: Two ayes. Four nays. Motion dies.

MOTION FAILED: TWO AYES. FOUR NAYS.

Simison: So, the hearing is still open, so if you would like to take action on the item we will need to close the public hearing. The applicant was recognized for final comments, unless you would like to ask them to recognize for final comments again.

Lindsley: I just didn't -- I didn't quite understand what happened, so -- so, the motion to extend -- that was denied.

Simison: Correct.

Lindsley: And then -- so, I guess I'm wondering what -- trying to understand what next steps are.

Simison: Next steps would be if they decide to close the public hearing and take an action on the item before them or not.

Lindsley: Okay.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I move that we close the public hearing.

Strader: Second. Second.

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

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I move that we deny Item H-2021-0104 on the basis that this concept plan is just not meeting what expectations are on this corner currently.

Strader: Second.

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

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

Simison: Five ayes. One no. And the motion passes and the item is denied.

MOTION CARRIED: FIVE AYES. ONE NAY.

Johnson: Mr. Mayor, can I get clarification on the no vote?

Simison: Council Woman Perreault.

Johnson: Thank you.

- 5. Public Hearing Continued from March 22, 2022 for Apex West Subdivision (H-2021-0087) by Brighton Development, Inc., Located on the North Side of E. Lake Hazel Rd., Approximately 1/4 Mile West of S. Locust Grove Rd.**

- A. Request: Preliminary Plat consisting of 208 building lots (207 single-family and 1 multi-family) and 34 common lots on 96.08 acres in the R-2, R-8 and R-15 zoning districts.

Simison: Okay. With that we will move on to Item 5 before us. Public hearing continued for March 22nd, 2022, for Apex West Subdivision, H-2021-0087. Open this public hearing with staff comments.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: Before we continue, I will be recusing myself from Item 5 and for Item 6.

Simison: Thank you.

Parsons: Thank you, Mayor, Members of the Council. Next item on your agenda is the Apex West preliminary plat. I won't go into a lot of the details. I think you recall this item was back in front of you in March. Legal department brought to your notice -- to your attention that the -- the boundary of the plat expanded based on the action that you took at that hearing. The applicant needed to include additional land area in order to make sure that the record was clear as to what you guys were acting on and approving as part of the preliminary plat. So, essentially, the applicant's done that. Staff's revised the findings template to reflect the correct acreage. Notification went out to the property owners within the 500 foot radius per code, including the additional land area. So, right now for tonight this is just a formality. The applicant's in agreement with the revised conditions of approval and the findings. We even had an updated ACHD staff report included and attached to the record as well. So, this one should be straightforward for you tonight and the findings are the next item on the agenda for you this evening. With that I would stand for any questions.

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

Wardle: Mr. Mayor, Council Members, Mike Wardle, Brighton Corporation, 2929 West Navigator, Suite 400 in Meridian. As Bill noted when we were here on the 8th of March there were no issues conditions -- no condition issues. Excuse me. The only item that the Council really had to deal with was the question of maintaining the Watkins Drain as an open facility through a waiver and the Council seemed amenable to that concept. So, the only change that has occurred was the addition of that whole 40 acre piece that we had just taken a small corner out of it. Lot numbers don't change. Nothing has -- has changed at all since that discussion. So, we simply ask that you continue down the path that you appeared to be that evening subject to clarifying what needed to happen with that 40 acre parcel, which has now been included as a future R-8 building parcel has to come back as a preliminary plat at sometime in the future. So, unless you have further questions I would just let you take your action. Thank you.

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

Wardle: Thank you.

Simison: Mr. Clerk, do we have anyone signed up on this item?

Johnson: Mr. Mayor, we had people sign in, but no one marked they wanted to testify.

Simison: Is there anybody here that would like to provide testimony on the item at this time? Or online if you would like to provide testimony, please, use the raise your hand feature. We do you have someone who would like to provide testimony.

Johnson: Mr. Mayor, that is J. Edwards and they are unmuted.

Simison: If you can state your name and address for the record and be recognized for three minutes.

Edwards: My name is Julie Edwards and I live at 1310 East Mary Lane and I just had a question about this. I couldn't see on the -- the information that was provided along with the agenda and everything -- was Lot 2, Block 5 -- is that the location of where the potential future school was going to be or is that further to the east? And -- and if that is, in fact, where the school was going to go, what's changed since then? That's all.

Simison: Okay. Thank you. The applicant has indicated at least that is a future school site, but last time didn't make any comments formal to that in their closing time. Is there anybody else that would like to provide testimony on this item? Okay. Then would the applicant like to come forward?

Wardle: Again, Mr. Mayor, Council Members, Mike Wardle, Brighton Corporation. In the information presented at the March 8th hearing that was noted in the site plan. There is a potential future elementary site that has been essentially reserved for consideration by the school district when they are ready to move. So, the rest of that whole 40 acres will be in a preliminary plat that would include a school site potentially for some future action by both Planning Commission and Council.

Simison: Thank you, Mike. Council, any additional questions or comments? If not, do I have any motions?

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I move that we close the public hearing on H-2021-0087.

Strader: Second.

Simison: I have a motion and second to close the public cream for H-2021-0087. Is there any discussion? If not, all in favor signify by saying aye. Opposed nay? The ayes have it and the public hearing is closed.

MOTION CARRIED: FIVE AYES. ONE ABSTAIN.

6. Findings of Fact, Conclusions of Law for Apex West Subdivision (H-2021-0087) by Brighton Development, Inc., Located on the North Side of E. Lake Hazel Rd., Approximately 1/4 Mile West of S. Locust Grove Rd.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Question for Mr. Nary. Can we act with one motion on both the preliminary plat and findings of fact?

Nary: Yes.

Hoaglund: Okay. Thank you. Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I would move that we -- after considering all staff, applicant, and public testimony, I move to approve H-2021-0087, preliminary plat and Findings of Fact, Conclusions of Law for Apex West Subdivision as presented in the staff report for the hearing date of April 12th, 2022, and that it includes the waiver of tiling Watkins Drain.

Strader: Second.

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

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

Simison: All ayes. Motion carries and the items are agreed to. Thank you.

MOTION CARRIED: FIVE AYES. ONE ABSTAIN.

7. Public Hearing Continued from March 22, 2022 for Copper Canary (H-2022-0009) by ALC Architecture, Located at 2590 N. Eagle Rd.

A. Request: Modification to the Existing Development Agreement (Inst.

#104129529) to remove the subject property from the agreement and prepare a new development agreement with an updated conceptual development plan, removal of the requirement for conditional use approval of any future uses on the site, and requirement for access to be taken from the north via the future backage road with emergency only access from the south.

Simison: Next item on the agenda is Item 7, a public hearing continued from March 22nd, 2022, for Copper Canary, H-2022-0009. We will open this public hearing -- or continue this public hearing with staff comments.

Parsons: Thank you, Mayor, Members of the Council. The last item I'm presenting to you this evening is the -- the Copper Canary MDA, Development Agreement Modification, best known as the Great Wall back in 2008. But wanted to let you know this property is approximately 1.38 acres of land currently zoned C-G and it was actually annexed in 2003 as part of the Red Feather development, which included approximately 114 acres. So, this is one of those cases where you are kind of getting granular into the previous -- from a larger approval and, then, getting down to the nitty gritty with -- with a one acre parcel site. As part of the original DA in 2003 this site -- currently it requires conditional use permit for any use on it to -- to develop on this. So, this particular applicant this evening is wanting to convert the restaurant use to a retail use and so rather than going through that conditional use process they wanted to modify the DA when it was cheaper, but it was about the same time frame. One public hearing -- either -- it's either hear a public hearing before Planning and Zoning or a public hearing before you. So, they chose to take this path. The other part of that development agreement is that the applicant was required to do a backage road and as you know that -- that can be subjective these days as how -- what that was meant back in 2003 to what we are currently doing today and what's happened is we have development around this site and we have conditions of approval in place that require cross-access with this piece. So, if you recall in 2008 the City Council did approve a variance for this particular property to allow them to have an access to Eagle Road and that was an interim measure until such time as we could get cross-access either from the north or the south or both and so that --that time has arrived. We have -- we have somebody here -- we have an approved conditional use permit to the south for a storage facility. I looked at that approval from 2019. That site was required to reciprocate cross-access to this piece. You can see here that the applicant also wants to talk about a revised concept plan with you this evening. You will note the black highlighted area on the graphic to the left -- or on the right, excuse me, does show a future access with the property to the north. I would mention to you at least in discussions with Sonya that that has not been approved by ITD yet. So, typically, the way the code reads, whenever an applicant wants to request access to a state highway you need a determination from ITD. That particular request will probably come to you with a future development application. Particularly with the applicant to the north is working with ITD in obtaining a permit to make that happen. The access would go across this particular property in this general location here. So, it is going to take the effort of both of these property owners to work together to allow the access to occur. I think this Council is also aware that we try to minimize access points to Eagle Road and that's why we have that

requirement for the backage road and so what we really want to see is continuous connectivity all the way through the commercial developments creating that road and that connectivity. You can see here the concept plan does take into account some site modifications to account for that connectivity, however, the applicant is requesting in this concept plan that the southern access will be emergency only. I would also mention to you that our Fire Department does not support the emergency access. They want it to be a to and through access through this development for public safety. So, the applicant has provided a con -- or some revised DA provisions for your recommendation and staff has also made changes, so the bigger -- the bigger change in our mind is really -- we want to see the full access happen on the south boundary and the applicant would prefer that it remain emergency -- or propose it as emergency access. With that staff is supportive of the DA mod before you this evening and with that I would happy to stand for any questions you may have. Thank you, Bill. Council, any questions for staff?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Bill, if the property to the north does get approved, does it connect to the commercial center?

Parsons: Yeah. Mayor, Members of the Council, it would. Correct. They have an approved concept plan on their particular property and it would tie into that Norco site -- we call it the Norco site to the north. But it does tie into that drive lane.

Perreault: Mr. Mayor, follow up.

Simison: Council Woman Perreault.

Perreault: So, even if they were not to get the ITD access -- or the access to Highway 55, would they still be permitted -- could we still approve them based on their access to the property to the north or would they need the two accesses?

Parsons: Mayor, Members of the Council, in that particular case whatever goes first would reciprocate the access. Since we have it from the south, it just makes good planning to have it from both ends, to be honest with you. So, yes, we would still require -- as part of this DA mod we would still want them to reciprocate cross-access to this owner and vice-versa. So, they wouldn't have to get a reciprocal cross-access, all they would have to do is grant the property owner to the north access and, then, when they develop the property to the north they would reciprocate and they would have a shared access at that boundary. The same thing with the property to the south. So, again, our recommendation is that it continue and we don't have another access point approved to Eagle Road at this point.

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

Butler: Looking forward to it. Joann Butler. 967 East Parkcenter Boulevard, representing the property owner of what was the Great Wall Restaurant and now would be the Copper Canary, which is a fine jewelry store. Before my time gets away from me, I -- if we could stop the clock just briefly. This afternoon -- late in the afternoon Sonya Allen received a letter of support from the property owner to the north and explained a little bit about their process with ITD. Since Bill didn't mention that I did make copies of that -- that e-mail. He probably doesn't know it came in. So, I would like to just -- I have got several copies and if the Clerk would tell Bill that that's -- that that came in, too. Before I get started, too, this particular -- this particular screen is not showing the slides and I will wait until either Bill or the Clerk has those.

Johnson: So, you have a presentation that you have given Bill?

Butler: Yeah.

Johnson: Okay. My apologies. I'm trying to find that. Find out where he put it.

Butler: Again, Joann Butler. 967 East Parkcenter Boulevard representing the property owner of the Copper Canary -- the proposed Copper Canary. Mr. Coles' architect -- Perry Coles, is the owner. Mr. Coles' architect Jeff Likes is probably with us via Zoom to answer questions the Council has. I'm also speaking on behalf of the owner to the south, Bach Homes. Brian Carlisle is here with me tonight and can answer questions about the Bach Homes property. Also the property owner to the north, GFI Meridian Investments, they are the ones in support of the request and -- and that's the e-mail that I just provided you from them. I'm going to very briefly review 20 years of history, because the annexations and developments in this area, which is right at the edge of Boise, between Cloverdale and Eagle, Ustick and what is now East River Valley Street, has been a bit convoluted. This particular map shows a 2003-2004 annexation. It was a 2003 application. Approximately 114 acres was annexed. R-4 was a zone for about 90 of those acres. That's the area that's got the hatching going from left to right. About 24 acres was zoned C-G and that's the hatching on the other side of what is today Records Avenue. We would like you to understand with the history of this development why we are asking for a DA modification that allows the Copper Canary to take access going north, because that north access does maybe get us out to Eagle immediately north of our property with our -- our working with ITD and our property owner to the north or as the Council Woman has said, we would go all the way north otherwise and we are also asking for the -- at that point the temporary access would be closed and we are also asking for emergency access at our common boundary with Bach Homes and I hope I explain -- I was at the Bach Homes hearing. I hope that we are finally in the mix and I think that what we offer in this mix between Bach Homes, this property, and GFI to the north, is some solutions for this area. The original development agreement had a great deal of information about the residential zoning. They did include a preliminary plat and that all developed according to that preliminary plat. On the other hand, the C-G zoning didn't have -- produce uses proposed and so what the Council did at that time -- they asked them to come back with a conditional use, even if the use was an automatically allowed by right use within the C-G area. I don't know if that was the Council at that time's attempt to want to take another look or there is

a section in your code that was 11-7-2-K that has since been removed and that seemed to require anything in the C-G to get a conditional use. In any event, with our asking for a DA modification, one of the things that we are asking is we are not subject to that old DA. So, if our use is automatically allowed by right, we wouldn't go through the conditional use process, because you have already said the use is allowed by right in the C-G zone. Also in the original 2003-2004 development agreement you required a backage road roughly parallel to Eagle Road serving these 24 acres of C-G property. My belief from the research that I have done is that what was understood in 2004 to be the backage road for these 24 acres of C-G is what today is known as Records Avenue. We will come back and discuss the drive aisle that is on the east side of the small little over one acre parcel that is the Great Wall Restaurant or now Copper Canary. If I can get down to the next -- this slide basically shows what is there today. The Gateway Marketplace to the north. GFI Meridian's property, which was part of the 24 acres that was zoned C-G, the Copper Canary property. Bach Homes south of the slough was not part of that 24 acres. Bach Homes came in and got rezoning at an R-40 and they also developed the first two phases of the Regency at River Valley there. After that they also attempted to market the -- and we will talk about this a little bit later, too. They -- they have attempted to market the acreage just below the Copper Canary for commercial. They have had no success at all either developing it or selling it, in part because of what I will term the funky access to East River Valley as we get to the south. But in -- let's back up and keep with the history. In 2008, four years after annexation, the Great Wall that would -- that had this separate C-G zoned acre, requested a conditional use for the restaurant and the city allowed development of that acreage -- of that landlocked Great Wall property with temporary access to Eagle Road until the Great Wall could obtain access, either north or south, at which time the temporary access would be closed on Eagle Road. Later that same year the developer of the Great Wall Restaurant came back to the city and asked you to modify the condition to require that access be only going to the south, because at that time there was no indication that the person to -- the property owner to the north was going to be developing anytime soon. East River Valley was starting to develop and it looked like access was going to continue to the south. Staff at the time was not really happy with that and they said in their -- in the testimony that they would have preferred the access to go north, because that was what they were planning for, but they understood that that might be a little bit down the road. So, the condition of approval that was adopted for the Great Wall Restaurant was that -- and I'm quoting from Condition of Approval 1.6 -- access to Eagle Road is approved temporarily until such time as the properties to the south develop and a common drive isle -- a common drive aisle is constructed from the subject property to the future extension of East River Valley. Again, the -- at that time the drive aisle to the south appeared to be reasonable, because, again, Bach Homes was marketing to make their property right there on Eagle Road commercial. They would continue that drive aisle going south to the mattress store and eventually out to East River -- East River Valley. Again, that -- that has not happened. Mr. Carlisle can tell you more about that. And it has -- and -- but it is -- that access has been the death nail for commercial development of that property. In the meantime -- and I will scroll down to the next property. In -- oops. In the meantime, GFI Meridian, the property owner to the north, was approved in 2019 and has -- this is the -- the schematic of the roads that they will be putting through their retail and restaurant development immediately north of the Copper

Canary property. The city required them to put a culvert across the South Slough leading to the Copper Canary property and they will be developing a road down to our property and as you can see they have also -- are showing an access going over to Eagle Road. They have been working with ITD. My understanding is from talking with them and -- and they -- they gave us the information from their engineer KM Engineering, ITD likes this access, because between East River Valley and Ustick it is -- you have got the Gateway Marketplace, you have got this, you wind up with about a thousand feet between each access. So, they are liking the separation. It avoids utilities. It avoids poles. So, that location is what ITD is leaning towards. They have not finished their review. The next slide is a slide that Bill has showed, which is our concept plan and that shows a little bit more definitively the access leading to our property and it shows the access that GFI Meridian is developing. This past year -- I referred to the Bach Homes hearing, which was just a few months ago. Despite this past year Bach Homes provided an application to the Council trying to do what it does best, rather than bang its head against the wall trying to develop that property immediately south of the Copper Canary as commercial, they developed a third phase of the Regency at River Valley. That was heard by the Council. You denied it. You sent them back to the drawing board to better incorporate the circulation between phase three along Eagle Road and the rest of the property. You did talk about the fact that you appreciated the residential. You like the design. It is in compliance with your Comprehensive Plan. We certainly support that residential use, but we did come to your hearing and we did -- we were opposed to the residential development, unless our properties were separated by an emergency access connection. We did not want 300 apartments to treat our clients parking lot like a public road to go north to Eagle Road and, Councilman Hoaglund, you might remember that you remarked during the hearing that turning our clients' property into a road from the apartments would be the death nail for our business and we wholeheartedly agree. It would not have been safe, it would not have been fair, and it would have caused a great loss of our parking spaces. Bach Homes also appreciated designing the third phase with an emergency only access at the common property boundary. That would assist them to create a better residential project. They wouldn't lose as many parking spaces as a -- sending that drive aisle straight through. It would cause a -- a disconnect between their phases and they want to design -- I'm putting my foot in his mouth -- but Brian will tell it to -- I think tell you that they would prefer to design with an emergency access, which opens them up to send their traffic east to the true backage road, Records, and south to East River Valley. At the -- the Fire Department at that Bach Homes hearing -- the fire chief did say that the emergency access at this common boundary was workable. Since then we haven't had conversations, but our -- we have -- we have a fire consultant -- a former state fire marshal, who believes that emergency access at this location would certainly be reasonable. We understand we need to work with the Fire Department to design an emergency access that ensures the safety of our property, ensures the safety of Bach Homes, but also ensures that both Bach Homes and our client can develop their properties to be a success. So, on this slide what I'm trying to point out -- these are the conditions that are presently contained in the staff report and with this slide we are asking the Council to reverse the changes that staff has here. So, reinsert the stricken language so it's clear that the Copper Canary access will eventually go north to the temp -- and -- and so that the temporary access can be closed and that the drive aisle on the east side

of Copper Canary will terminate with an emergency access at the southern boundary and, again, we are happy to work with our fire consultant and the department to attempt to make that happen. So, finally, in conclusion, we realize that the staff and -- and, quite frankly, your staff has been wonderful to say to us -- Sonya. Please pass us along. She has been very clear with us to say the original development agreement said you needed -- and your predecessor asked the Council to go south. So, I can -- I have to repeat what the -- what the development agreement said and what your predecessor said and we appreciate that, but times and the development in this area has changed. That's why we are proposing the development agreement modification. Staff is not in favor, according to their staff report, of removal of a backage road going north and south through our clients' property, because it says it wants to insure -- and I'm quoting from the staff report. It wants to ensure through unrestricted public access north and south. We don't believe that our clients' property should be used by the public in this fashion when we can accomplish connectivity to the existing public roads and when we can accomplish fire safety without taking a great swath out of the Copper Canary property and running traffic from other developments through the Copper Canary property. So, we are very happy to provide the public with an emergency access through the property and we believe with the redesign of phase three of Bach Homes, taking the traffic west and south, we can accomplish what the city desires and needs. So, I think I heard the bell, so I know that I'm done now, but I will be happy to answer any questions.

Simison: Thank you. Council, any questions?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I just want to make sure I heard you correctly. Our -- the comments we received from our Fire Department and our staff report say that our Fire Department doesn't support the emergency access only. So, help me reconcile that with what you just stated in your testimony.

Butler: I would -- I can tell you that at your hearing the -- the -- the fire chief did indicate that it was workable. We haven't had the opportunity to sit down with the fire chief and go over this again. I -- I think that we would like the opportunity -- and perhaps a condition of approval can be provided in the development agreement to require us to work with the Fire Department to determine whether or not we can make that emergency access a possibility, because, as I said, the fire chief did think it was possible and I don't know -- it -- you know, other than the fact that I think that staff has wanted to see a north-south connection and -- which an emergency access wouldn't do and -- and -- and so I -- but -- so, I think that that may be driving the decision of the one staff member from the Fire Department to support the planning staff member on that north-south, which I appreciate, but I think that we need to try to help all these property owners work together to develop access that makes sense. We do not want to do anything that would be publicly unsafe, but I don't think -- and our fire consultant has also said that given Eagle Road -- given the operations that would take place in and around this site, if there were a fire or an

emergency situation on Eagle Road, that having the emergency access -- you still have public access going through this site, it's just not free-flowing and that was our concern, because it would send 300 -- possibly the cars from 300 apartments going north on our -- on our -- through our property. So, I guess what I'm asking for is the ability to work with staff -- the Fire and Planning staff. If you see the value in what we are asking for to try to work together with all of these property owners to make sure there is public access for emergency services, but not cutting our -- turning our property into a public road for the apartments and also cutting Mr. Carlisle's property up, so that makes it more difficult for him to coordinate phase three with phases one and two, then, we are asking for the opportunity to work with the fire chief on this to make sure that -- am I answering your question?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Yes and no. I -- I'm trying to understand -- one of the main elements of your new proposed concept plan is this emergency access, yet the details of how that's all going to work out -- so, you would want us to approve this based on the fact that you may or may not come to an agreement with our Fire Department on the emergency access.

Butler: Just with the condition of approval. Just like, you know, the other conditions of approval.

Perreault: Thank you.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Joann, a quick question. And I -- I'm assuming Brian is going to be talking -- coming up and speaking about property to the -- to the south. So, I will have some questions along the same vein to him, but if that property to the south were to be more commercial retail -- not residential, but -- but that sort of thing, wouldn't it make sense to -- would you be in favor of having that to be open?

Butler: If -- if that property -- that was the goal, you know, that that would be -- so, that you really would have a drive aisle going to the south and so having that open I -- I think that makes sense. But that has not been -- and I think it's been ten years that -- so, it hasn't proven to be the case. So -- so, I think that's why and -- and, you know, our goal is to work with our neighbor to the north to help them provide a bit of our property to make that access to Eagle Road.

Simison: So, maybe if -- I don't know if it's a question, a comment, or more -- we can hear from someone from Bach Homes, but if the assumption is always that the property to the south is only going north, my question is why?

Butler: I'm sorry, Mr. Mayor, could you repeat that?

Simison: If the assumption that whatever develops on the property to the south is only going to go north through this parcel, my question is why? Safety? What -- what is going to be the driver that everyone's got to go north and if we want to stop that why are we making that proposal, just -- you know, we all can see the problems with access -- can't even turn left into this property coming off of River Valley, which is going to create access issues we all -- I don't want to relive that last application, but, again, I'm just trying to get to the -- you know, you are, basically, forcing this property to do something and the question becomes why and -- besides the impact to this property.

Butler: Right.

Simison: Yeah. I mean that's for whoever wants to or not want to answer that question.

Butler: I will let Mr. Carlisle talk about that from his perspective. The common assumption and -- by folks that were dealing with traffic was that the quickest route would -- would -- would -- you know, people would take the quickest route to get out to Eagle Road, instead of winding their way down to East River Valley or over to Records. So, that was part of the issue.

Simison: Under the old -- under -- under -- yeah.

Butler: And also that the -- the issue for -- if that was to be left open we have been -- it indicates that an entire row of parking would be lost, because we would have to take out that parking to allow the traffic to go -- go north. There couldn't be cars that would back out into that area, so we would lose all of that parking as well.

Simison: Council?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Mr. Mayor, just a comment. I appreciate you coming here sharing this information. I -- I'm not very sympathetic in the sense that I feel that connectivity is important and this challenge is true for every single property owner that we asked to give cross-access to. The City of Meridian -- we have requested this backage road. I believe it is a healthier area to have all this connection. The Fire Department I would love to hear from. I had to step out for one second, but if we haven't heard from them I would love to hear from them, but there is a safety concern, there is an access concern, and I think the more connections people have to get in and out, the more it alleviates the problem. We start giving exceptions to people to protect the property value of their property and the use of their property, setting up all these emergency access onlys, it just compounds the problem of getting around. So, I just wanted to be open about that. It's a philosophical

thing. I very rarely feel inclined to give these emergency access only requests. So, I just wanted to share that.

Simison: Council, any additional questions for the applicant?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Not a question, but I believe I read -- I don't know if it was in the applicant testimony -- or the applicant narrative that Council's desire with the property to the south of you is that all the traffic would move to the south and the east. I don't recall that that was ever actually stated that way. I think that that was just what would have had to have happened if -- because there wasn't connection to the north yet when we heard that. So, I just wanted to clarify that that wasn't something the Council said we want to see traffic move that direction, it was that's the only option right now and so I kind of wanted to make sure that that was -- was a clear part of this conversation, because I don't know that the -- that the desire has ever changed to keep the connectivity, it's just that when that application came in part of the reason it was denied was because, again, it didn't have a -- there wasn't a well thought out flow of traffic.

Butler: Okay. Thank you.

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

Johnson: Mr. Mayor, the only person to sign up was Jeff Likes. He is online. Mr. Likes, if you can state your name and address for the record.

Likes: I can. It's Jeff Likes. ALC Architecture, 1119 East State Street, Eagle, Idaho. We are actually the applicant. Our counsel was the one presenting. So, we are just here in case there is any questions on anything about this new redesigned site, what we were thinking. I do have a request for this. If -- if the Council decides that we need to provide access, both north and south -- the term road has been thrown out there -- you know, it's been put out there this needs to be a road. Well, with a road, as Joann stated, we lose all of the hatched parking that you see there. It ends up being about ten spots of our parking that we lose, because we can't -- quote we can't back out into a road. So, if this was deemed a drive aisle we could keep our parking and it's going to act as a drive aisle -- as if you go up to the Norco center just as well; right? There is drive isles there and all that area there. So, if you guys, you know, are going to say we need the access both north and south, we just request that this be made a drive aisle and not a road and so if you have any questions I can answer anything.

Simison: Thank you. Council, any questions?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Thank you. I assume -- and I would like your thoughts on this -- that the use -- the future use of this is not going to be as -- it's not going to require as many parking spaces as the restaurant would, so have you done an analysis on whether losing those spots would actually be harmful to the business?

Likes: Yeah. Mayor, Council Woman, we have looked at it. Obviously, I think the -- the owner here is thinking long term; right? I mean he's -- yes, he wants to be here, but they do -- they hold events at this -- it's a high-end jewelry store and so they do hold events that require parking. I don't think we have seen a jewelry store like this in town. They are coming from out of state, opening up their store here, moving their whole family here to do it and so that's -- that's the reason why we would like to keep it. Just looking ahead -- you know, losing -- losing ten, 11 spots is quite a few spots in -- just in your -- just all together on your site.

Simison: Any further questions?

Parsons: Mayor, if I -- if I may address that comment from the applicant. I think -- the intent here is that it would be a commercial drive aisle, not a road, so I just want to be clear on the record. It's like any other parking lot out there, you -- you have property lines that go in a commercial development and property lines cross and parking across each other. So, technically, no, the code would not require them to lose those parking stalls if they were to reciprocate cross-access. I think probably what may have happened or where a misunderstanding may have occurred is for safety purposes if you want to funnel traffic there it's not always the most ideal to have backup parking onto a drive aisle that provides cross-access. So, in those cases we try to mitigate that and -- and so I think maybe in discussions with staff we may have said that would be a preference of ours if you are going to make that a -- more of a commercial drive aisle to lose some of that and put a buffer there and soften that and minimize vehicular conflicts backing out into the drive aisle. But, certainly, I think we can work with the applicant on that if they want to keep their parking.

Simison: Yeah. Or maybe parallel parking.

Parsons: Correct. There is ways to design it. Absolutely. They could leave a seven foot buffer there and put nine by twenty three foot parallel stalls.

Simison: Or even angled parking, so you back out into your -- what you can see, not the other direction.

Parsons: Yeah. There is -- there is many ways to do it and redesign it and still maintain what they need. It would just have to come back through a certificate of zoning compliance process, site plan review, make sure the access is getting closed off if and when they connect to somebody else and they show us the site improvements and we can evaluate it then.

Simison: Mr. Chief, there was a request to hear from the Fire Department. I know you are not the -- probably the one that's been actively engaged on this, but, hopefully, you are prepared.

Blume: Yes. Certainly, sir. I appreciate the question, Mr. Mayor and Council. So, yeah -- and with the Council, not the applicant, referring to the fire chief, it was not me. I am the Fire Chief Chris Blume. I believe you were talking about probably the fire marshal, but that's okay, just for clarification sake. From the Fire Department's perspective, as long as an emergency access is preserved and not blocked that's all we care about. Certainly the applicant's concern about protecting the community, as well as the people in that traffic the area, we agree with that. We just want to make sure that the Fire Department has adequate access and a code compliant emergency access only would meet the needs of the Fire Department without any blockages, so --

Simison: Council, any questions for the chief? Okay. Do we want to see if there is anybody else who -- we are taking -- actively taking testimony right now.

Likes: I would. This is -- this is Jeff again.

Simison: Mr. Likes, sorry, we have other people in the room we are taking testimony from. If there is any further requests we will -- we will allow you to speak with the applicant during their closing comments. If you would like to come up.

Likes: All right. Thanks.

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

Carlisle: I'm Brian Carlisle. I'm with Bach Homes. 11650 South State Street, Draper, Utah. Sorry. So, we -- we own the three parcels south of the -- of the property and we are in agreeance with the -- with -- with Joann to have emergency access only on this parcel. We -- we have owned this -- this parcel for ten plus years, marketed it to sell as commercial and we couldn't get anybody to buy it -- barely even for free. Nobody would put commercial on it due to the terrible access off of River Valley Road and -- and so about three years ago, you know, the parcels to the south also became available and we -- we thought, oh, maybe we can do storage units on it and we got pretty far in that process and, then, with construction costs coming in, realized that that wasn't going to make us any money at all and so we kind of backed out of that and just kind of with the nature of -- of the economy right now apartments are in such high demand and our current phase is doing remarkable, it's a hundred occupied, people are begging to move in, we realized we -- we need to add an additional phase there as it is approved as a conditional use in the -- in the zone and so started that process. Were denied due to some of these access issues, essentially, staff -- or Council said come back when you have spoken with the neighbors to the north and tried to work things out and so we -- we don't -- viewing this as developed as apartments we don't really see any benefit in having a connection there. You know, it's just connecting down to River Valley Road, which is a -- really a terrible exit. It's right next to the intersection. River Valley is not wide enough to do a proper u-

turn, so we actually find cars u-turning inside of our apartment project to get over to that access point and so we -- we kind of consider those three parcels best used as an extension of our current apartment project and -- and having the -- the residents just go straight through the -- you can't see it here, but that -- that roundabout at the entrance and kind of avoid that backage road altogether. So, we don't -- we don't feel like there is any need for a connection, other than for Fire Department access there and, you know, we kind of also foresee that connection, if it were to be there, our residents would potentially, you know, from the other two phases, flow north to go north there, not that it's hard to go north there, just because it's a slightly shorter route, so -- at any rate, so -- if you have any questions.

Simison: Okay. Council, any questions?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I have got a couple. Thanks, Brian. Really appreciate you being here, even though it's not your application it's really helpful to have everybody in the same room. You know, I remember in that application one of the biggest issues was the traffic, the flow, how people get around and really it's in the best interest of people in future apartments, for you I would think, to be able to get out of those apartments and access different places easily. I guess a question for you -- how wide is that road that you guys own in that Bach Homes property next door and did you consider, you know, just perhaps bulldozing whatever -- I think those are carports. Did you consider going through there and making a western connection, you know, to preserve this emergency access, but, then, actually give your apartment residents an outlet onto Eagle Road?

Carlisle: We -- we would love to make as many connections as needed -- two, three, whatever to our current phase, but what we don't want to see is commercial traffic filtering through our site. We have got kids in there as well. And so that's why closing that off would be beneficial for us. We -- we don't -- we don't need our residents to have a quicker access to Eagle Road. They can get there fairly easily through the south end of our property in right turn or left turn there. What we don't want to see is cars coming from the commercial portions to the north trying to get through -- you know, Eagle Road right there is backed up all the time and we don't want to see non-residents going through our property. That's kind of a safety hazard for us, so --

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. I mean -- and that -- see that's -- that's the thing is -- the problem is if everybody says I don't want traffic coming through my property pretty soon we have a city that doesn't have interconnections and it's not a healthy city and so I guess what I was bringing -- trying to brainstorm with you was if you guys either thought of extending this

road that I can see on the far right-hand side -- I don't know how wide it is, maybe it's just a really small, you know, kind of similar to a drive aisle. Did you consider working with that property owner to the north to extend that somehow to Eagle Road or did you guys consider an alternative -- working out some kind of an alternative? Because from where I'm sitting I feel like this connection is necessary, but -- yeah. I was wondering if you brainstormed through some alternatives.

Carlisle: You are talking with the GFI parcel to the north?

Strader: Yeah.

Carlisle: So, I believe they are planning a separate apartment community there directly north of our parcel and, no, we -- we -- we don't have any intention at this point of connecting those two. I mean I don't -- I don't know -- typically you wouldn't connect to apartment properties just -- it's easier to be a good neighbor when you don't have your residents spilling over into other people's parking lots.

Strader: Okay. Thanks for the feedback.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Yeah. Brian, if -- I know you have been trying to market and do some other things with that property. If it were commercial, the -- the possibility of commercial, I -- I would think you would see a value of that being -- that drive aisle available, open to access to the north to allow that flow that's through and -- and to me when you have commercial, commercial, commercial, there is a viability there, there is certain things. I -- I wasn't a fan of opening that up when it was residential to commercial, because I see conflict there both ways and it's just more of an impact on -- on the business than I would the -- the residential. But to your point, yes, it would also impact residential if they are coming that way, because they wanted to get out to Eagle Road that way, but with this opening I don't think it would be quite as bad, but if it was commercial you have a possibility of commercial, would you want that to be open to allow that cross-access?

Carlisle: Well, I -- I understand what you are saying. If it's -- if this is a commercial strip of land, then, it benefits everybody to have access to that northern portion, but we -- we have, really, at this point no intention of doing that, just mostly because we haven't been able to do it for the past ten plus years. We -- there is no data to say that we can do that and we -- we really would like to add apartments to that -- that other phase. I understand there is a bit of a housing issue and we -- we can provide another hundred or so units and we think they would fill up instantly.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: A question and a comment. First question -- was the feedback that you received from the -- the many marketing efforts that there was not good access from Eagle Road or if the -- if that -- I think what Councilman Hoaglund is asking is if that connectivity existed would you have had a better response from your commercial marketing.

Carlisle: The connectivity was there with the Great Wall. So, you know, the exact comments I -- I can't say, because it was, you know, roughly ten years ago. We have been -- we have been -- had in our contract for a while, but it really did come down to -- it's just not a great piece of ground for connection. Now, we have had some interest in storage units. I have -- public storage was thinking of possibly doing maybe one story out there, but they weren't willing to pay much for that dirt, so that's about all that I saw as a viable -- I'm not saying it can't be done, but that was just kind of our experience, so -- I -- we -- we know it can be done residential. We know it will flourish, it will be great, and that's what we would like to do.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: So, I just -- I don't know if I heard it correct, but I know it's not this application, but if -- if the emergency access is the only utilization of this drive aisle and, then, you are going to try and do residential on your property, is your intention that the only way you would access that property would be removing some of the carports directly east and connecting directly into your existing phase one and two?

Carlisle: Yeah. We would provide at least two access points and, you know, there is still that access off of River Valley Road, but it's -- it's not great. If you can't left turn into it for where most people are coming from and we -- we would just assume it weren't there, but it is, and we would keep it open, obviously. Mattress Firm is there, so --

Borton: Sure. But -- Mr. Mayor.

Simison: Councilman Borton.

Borton: Is that a yes? That --

Carlisle: Yes, we would connect in to the east. Yeah.

Borton: Okay.

Carlisle: Our current plan is two -- two locations, north and south. All we have is parking over there, so -- we would like as much connection as possible, because we want to be a part of that project.

Borton: Okay. Thank you.

Carlisle: Pedestrian as well.

Borton: Okay.

Simison: Council, any additional questions for -- all right. Thank you.

Carlisle: Thank you.

Simison: So, seeing no one else to testify, unless Ralph is going to raise his hand, would the applicant like to come forward for any final comments?

Butler: Thank you, Council. Joann Butler. No further comments for me. I think that Jeff Likes wanted to add some further comments, so I will let him do that. I appreciate you -- I appreciate all the comments and the -- the -- the philosophy and I think this is just -- has been a very unusual site. I think if you provide a positive look at this I think it will help not only our site, but the people to the south and so, again, we hope you can do that and I will turn it over to Jeff, because I'm sure he can answer some more questions for you.

Likes: Thank you, Mr. Mayor, Councilman. Thanks, Joann. I just got a couple -- and I understand what Bill said last time about that being we could still park -- park off of that backage road. We appreciate that. I would like a little clarification, probably, for our client as well, is maybe just some clarification on your guys' decision is this -- us closing off our Eagle Road access and providing -- whether it's cross-access north or south and these new landscape requirements we are having here, all that will be done at a later date when the north parcel becomes -- starts to develop. I just want some clarification on that. That we are not -- we are not losing our access now or required to do any of our parking requirements until that time.

Simison: Okay.

Parsons: Mayor, Council, I believe that's the way the DA provision is structured currently before you.

Borton: Mr. Mayor?

Simison: Is the applicant done with their final comments? Just want to --

Likes: Mr. Mayor, Council, I am -- I am done, yes. So, I will stand for any questions if you have any questions, but I think Joann and the -- and Bach Homes has put it well.

Butler: No. Joann Butler again. The only final comment is a thank you to the fire depart -- fire chief, because I think I heard -- he said -- he was saying that a well-designed emergency access would work and would -- would support public safety and so I hope that the Council would keep that in mind, too. Thank you.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: I'm glad you came up. I had a question that I will pose to you. So, toggling with what could happen to the south -- we think we know what might happen, but you never know. What if -- what if the condition said that -- that that drive aisle to the south is an emergency access, but if the property to the south develops as commercial it has to open?

Butler: You know, I can't -- I -- my client won't like that I'm saying this, I suppose, but I don't suppose that that is -- that's not the -- that would work. I mean the issue for them was the number of apartments going -- you know, resident -- residential traffic and we were trying to look for a natural cut off where commercial went north, residential went south and to the east.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: I think that's just trying to create a solution. We might be 90 percent certain what's going to happen, but --

Butler: Right.

Borton: -- we know this area.

Butler: Makes sense.

Borton: So -- but thanks.

Butler: Yeah.

Simison: And from a practical standpoint I don't think we want all residential going south. East or west maybe makes more sense than everything going south, so -- but that's not before us.

Borton: It's not going west.

Simison: Correct.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Just thinking about this entire area, I -- you know, we talk a lot about trying to create neighborhood uses and where the residents are going to do their business and I think when you -- I'm -- I'm not -- I will just put it out there. I'm not in favor of approving this emergency access concept. I want to leave it open as a drive aisle, because the

whole idea of adding these neighborhood uses to the north and all along Records Way is that folks don't go out on the highway. That's the whole reason why we designed things the way we designed them is to keep them off of the arterials if possible and stay within their neighborhood and use those services. So, I -- I guess just -- that's my understanding of what one of our priorities are as a city, so that -- that -- you know, I -- I have concerns about it for a variety of reasons, but that's -- that's the big one is that I want these residences to be able to head north into the Gateway Marketplace and, you know, shop at Rosauers -- or not Rosauers, it's not there anymore. Trader Joe's, you know, and go and not have to go all the way back down River Valley, all the way up to Eagle Road, all the way back in off Ustick or go all the way around Records, which is getting really busy, too, so --

Simison: And if you go in off of Records and into that place you are driving through another residential subdivision to get back in.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I move that we close the public hearing.

Borton: Second.

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

MOTION CARRIED: ALL AYES.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I will take a crack at it. I would like to go ahead and move forward with approving this development agreement modification, so -- with the stipulation -- and I will get into it in a second. So, I move that we approve File No. H-2022-0009 per the DA provisions recommended in the staff report, so, therefore, including vehicular access to the south and all of the different stipulations that Bill had presented and, furthermore, just being specific that we are requiring that access to the south to be a drive aisle and -- and not a road.

Simison: Is there a second? Motion dies for lack of a second.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: I will make a motion to approve as well, H-2022-0009, and -- so, that removes the requirement of the CUP or development of the future uses on the site and that it modifies the drive aisle such that it's emergency access only to the south, unless the property to the south develops with a commercial use, at which time the emergency only access shall be removed and it shall be a complete cross-access between the properties.

Hoaglund: Second the motion.

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

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: To that motion I look to Legal to be able to -- perhaps not now on the record, but craft the -- the DA language that would allow that mechanism to occur at that future date. I mean that -- that's critical that we are able to do it if and when the time arises.

Nary: Yeah. Yeah. Mr. Mayor, Members of the Council, Council Borton, I -- I don't see a problem with that. I mean, basically, you are using a similar language to what exists today for the -- the restaurant of saying the access can remain in this form until something changes. That change is commercial. I want it to be clear, when you say commercial you do not mean multi-family, you mean other commercial uses other than multi-family?

Borton: Right.

Nary: Okay. Yeah, we can do that.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: I don't necessarily disagree with -- with fellow Council Members comments about connectivity at all. I think if we see this going residential and if we are going to have a couple of eastern accesses into phase one and phase two, I really believe you are going to have residents go that direction -- not entirely, but at least that mitigates that concern, coupled with fire's comments with regards to emergency only access to the south still satisfies the public safety needs. That combination makes me feel comfortable with making the motion as we have?

Borton: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Yeah. I'm comfortable as well. To me the impact of a residential unit multi-family to a drive aisle on private property is -- is something I -- I just -- I just don't think will

work and I think it's -- it's not the right way to do it. If it were -- we are going to have multi-family to the north and that it was a street, it's designed that way, that -- that works out fine. But in this case where you are having a drive aisle that is too great of an impact and -- and it's just going to be a mess. We have seen too many situations when you combine residential and commercial without separation of an actual street, but just using their property it -- it really becomes a burden I think on this case for the -- the business owner. So, that's -- that's why I support this option, because it does allow that commercial, if -- if Bach Homes finds a seller and it turns commercial we will open that up, because it will benefit. It's a win-win for everybody to have access and have access to customers. In this case they are not customers, they are just users of a property and it will be used and to the detriment I think of the business owners. So, that's -- that's why I support this -- this approach.

Simison: Any further discussion? If not, Clerk will call the roll.

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

Simison: Aye. Motion carried four to three.

MOTION CARRIED: THREE AYES. THREE NAYS. MAYOR AYE.

FUTURE MEETING TOPICS

Simison: Anything under future meeting topics?

EXECUTIVE SESSION

Simison: Number 8?

Hoaglun: Mr. Mayor, I don't -- I think we finished up our Executive Session.

Simison: We did.

Hoaglun: All in agreement that we did finish? Okay. So, Mr. Mayor, I -- I -- we do not need the Executive Session at this time.

Simison: Then do I have a motion to adjourn?

Hoaglun: I'm thinking about it. Yes. Mr. Mayor, I move adjourn.

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

MOTION CARRIED: ALL AYES.

MEETING ADJOURNED AT 8:40 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS)

MAYOR ROBERT SIMISON

DATE APPROVED

ATTEST:

CHRIS JOHNSON - CITY CLERK