

A Meeting of the Meridian City Council was called to order at 6:02 p.m., Tuesday, January 3, 2023, by Mayor Robert Simison.

Members Present: Brad Hoaglund, Joe Borton, Luke Cavener, Jessica Perreault, Liz Strader and John Overton.

Also present: Chris Johnson, Bill Nary, Bill Parsons, Sonya Allen Shawn Harper, Joe Bongiorno and Dean Willis.

ROLL-CALL ATTENDANCE

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

Simison: Council, we will go ahead and call this meeting to order. For the record it is January 3rd, 2023. It's 6:02 p.m. We will begin this evening's City Council regular meeting with roll call attendance.

PLEDGE OF ALLEGIANCE

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

(Pledge of Allegiance recited.)

COMMUNITY INVOCATION

Simison: There he is. Tonight's invocation will be delivered by Troy Drake of Calvary Chapel Meridian. If you would all, please, join us in the community invocation or take this as a moment of silence and reflection. Pastor.

Drake: Mayor. Council Members. Lord God in Heaven, we just are so grateful for this time that we could gather here today. First off, God, I just want to thank you for the life that we have and the hope. You know, God, as I was coming over here just kept thinking of the word hope and we have a hope for a new year and a hope with -- you know, we have a new Council Member and a hope for this great city, Lord. So, we just pray that you bless it and, you know, God, we want your will to be done here and so I pray that that would happen and we are also lifting up all those people maybe in the valley and in Meridian that don't have a lot of hope right now, that they would find a place where they would get their needs met. If they are afraid or -- or -- or hungry, that they would find solace in those that could help them. Especially, God, we just pray for the -- the first responders in our community. The firefighters and the police officers and the -- the -- the

paramedics, God, that they would be kept out of harm's way as they seek to protect us. And, last but not least, Lord, just pray for the -- the business of the Council tonight and that they would be blessed. You would give them wisdom with our -- our Mayor and these other elected servants of the community. I just pray that you would show them a lot of grace as they make decisions for all of us. So, I thank you ahead of time, God, for what you are going to do and we just honor you and it's in your name we pray, amen. Thank you.

Simison: Thank you.

ADOPTION OF AGENDA

Hoaglund: Mr. Mayor?

Simison: Council Hoaglund.

Hoaglund: Mr. Mayor, I move adoption of the agenda as published.

Borton: Second.

Simison: I have a motion and a second to adopt the 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, anybody signed up under public forum?

Johnson: Mr. Mayor, no one signed up.

ACTION ITEMS

1. Recommendation and Approval of Mayor's Appointment of John A. Overton to City Council for District 4

Simison: Okay. Then with that we will move into our Action Items. Council, the first item up this evening is a recommendation for approval of the Mayor's appointment of John A. Overton to City Council for District 4. You know, it was a great experience going through the process of looking for a new person to serve the City of Meridian. You know, Mr. -- Mr. Bernt's here in the audience and he -- he has -- he has moved on and he -- he graciously allowed me the opportunity to try to find someone to replace him and so for that I say I thank you, Treg. But when we open up the application we got five candidates who were all interested -- interested very much on serving the city and, quite frankly, I think they all could have served the city in very unique ways, unique skill sets and

provided value to the city. But the – but the words that I came back to through this process that I – and as I did that I was joined by Council President and Vice-President – was service. You know, who – who could provide that service to the city? And, you know, when I started working here in 2007 I had the opportunity to work with Mr. Overton, who was with the police department at the time and he – he definitely served the city in that capacity and continued to do so until he retired. Then next thing you know you see him showing up serving his HOA. Sometimes coming here and testify about projects. But doing – doing the behind-the-scenes work to make sure that National Night Out takes place there in his -- his community. When we picked up the phone to have someone come help us with some of our stuff on the comp plan he came back. He continued to serve. Now, that's just what I know, you know, from -- from my vantage point. I'm sure his family and his friends could talk about all the different ways he's served this community over a lifetime and this is -- to me it was just the next iteration of that decision to -- to be a servant to the residents of this community. So, it's with -- with that in mind I -- I'm happy to recommend him to continue to serve and serve in this new and unique capacity and I know he's had an opportunity to speak to all the City Council members as well. So, with that happy to open the floor for any comments, questions, or other actions.

Hoaglund: Well, Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I didn't know if we wanted to make the motion and, then, we can have discussion on that motion, if that be the proper way to -- for protocol. That way everything is -- we can, then, take action following.

Simison: Seems like a good way to do it if you ask me.

Hoaglund: Okay. Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I move the approval of your appointment of John A. Overton to City Council for District 4.

Borton: Second.

Cavener: Second.

Simison: Have a motion and two seconds. Is there discussion on the motion?

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglun: I appreciate your comments about the candidates that we did have apply. We -- we had some great people apply. They did bring different strengths to the -- to the city and it was a robust process and I appreciate your work in that process and -- and making that happen and -- and really it's -- we -- we have challenges of growth in our community and -- and there is a lot to that. It's -- it's a good problem to have, as opposed to not having any growth and you have stagnation, but as I sat down and listened to the -- the applicants for it and, you know, we needed someone who understands the community first and foremost, who gets Meridian, who knows what they are about and -- and the things that we are dealing with. There is also that -- you mentioned the word service -- a commitment to service. This is a -- a job that you don't do for the -- the glory or the money or anything else, it's about serving your fellow citizens and making the community -- community even -- even better and -- and, then, someone who -- who has experience and John just checked all those boxes. His experience will be a great asset to us here on the Council. Has years in the community. The things he has been involved with I -- I was just very pleased that -- that he decided in his retirement years to take this step and -- and come -- come back to the city in -- in a different role and it's -- it's going to be a good process for him. Things will be familiar and things will be different so -- and he's a quick learner and I -- I'm so pleased that you were bringing his name forward, Mr. Mayor, for this seat.

Simison: Thank you.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Mr. Mayor, I just -- I want to take a quick second and -- and thank you and Council Member Hoaglun and -- and Borton for really digging in on all of these candidates and -- and to your point, you know, I think like many of us we saw who was all interested and we read the newspaper and the fact that you spent time to get to know them and ask them questions and involve the other Council Members I think is -- is a really strong investment in our community and bringing forth the right name and without a doubt John Overton is the right name. I have said this -- I said this on social media -- he is one of the finest individuals I have ever met and, selfishly, I am excited to be able to work alongside such an amazing man and to -- to Council President Hoaglun's point, we know he is prepared for thankless duty because of his service to the homeowners association, that this is -- this is a slight step above and so we thank you for your service to your HOA and -- and are excited to have you working alongside us. It's -- this is a good for our community. It's a good win for Meridian.

Simison: Thank you, Councilman Cavener. Council, any other comments? All right. Then I will ask the clerk to call the roll.

Roll Call: Hoaglun, yea; Borton, yea; Cavener, yea; Perreault, yea; Strader, yea.

Simison: All ayes. Motion passes.

MOTION CARRIED: ALL AYES.

1. Installation of Appointed City Council Member

1. Swearing in City Councilman John A. Overton (District 4)

Simison: So, all that's left to do is the swearing in. So, John, if you would like to join me at the podium with anybody else, we will go and move forward. Well, you guys stand right there. You can go ahead and just stand over here, so the camera can see you. Cameras are there. And -- and just so you can -- step -- step back just a little bit and, then, you can put your hand on the Bible, if you can do that. Raise your hand and repeat after me. I, John A. Overton, do solemnly swear or affirm that I will support the Constitution of the United States and the Constitution of the State of Idaho and I will faithfully discharge the duties of a City Councilman of the City of Meridian, according to the best of my ability, so help me God.

(Repeated by John Overton.)

Simison: Congratulations. So -- so, I'm going to invite you up to your seat to make any comments and, then, after he makes comments we are going to take a quick five minute recess. Councilman Overton, the floor is yours.

Overton: Mr. Mayor. Dean, I have never sat on this seat for you before. This is -- this is quite an honor to be able to continue to serve the city in this capacity. It's been literally three decades of time that I have been able to work with the city in one form or another and I can't tell you how passionate I am about this city and about seeing it progress into the future, how we control and manage the growth and make sure it doesn't overwhelm us, but we still manage to do it in the best way for the city. I'm encouraged in looking at the city as one of the best in the country and that we continue to be able to hire the best people, but not just hire them, but be able to retain them and do whatever I can in my position on City Council to try to help that happen for the city. I'm totally overwhelmed right now in feelings into this, which I was afraid was going to happen as I sat down. But I thank the Council and the Mayor very much for this opportunity and I won't let you down. Thank you very much.

Simison: All right. Thank you. So, we will go ahead and take a five minute recess, so you can have a little time with your family and any pictures and we will try to reconvene about 6:20.

(Recess: 6:15 p.m. to 6:24 p.m.)

Simison: As we come back from recess I'm going to go ahead and recognize Councilman Overton real quick again, now that he's got his emotions composed, for a few additional comments real quick.

Overton: Thank you, Mr. Mayor. I need to make sure I have got everybody's attention, especially the one person I'm talking to. When I really was thankful for this process and everything that's gone on I kind of forgot to thank probably the most important person and it's a -- it's quite a story. So, 32 years ago there was a girl that didn't know how to drive very well in the snow and the ice and she slid off the road and put her car into a ditch full of snow. That was 32 years ago. And that is my wife of 31 years. So, I would like to thank you, honey, for always being behind me and backing me and pushing me sometimes to places I don't even think I can get to. Thank you very much.

3. Public Hearing for Sessions Parkway (H-2022-0046) by KM Engineering, LLP. Located at 2 00 N. Eagle Rd.

- A. Request: Development Agreement Modification on the existing Development Agreement (Inst.#104129529) to remove the subject property from the agreement in order to enter into a new Development Agreement for the proposed project.
- B Request: Preliminary Plat consisting of 5 building lots on 5.32 acres of land in the C-G zoning district with a request for City Council approval of an access via N. Eagle Rd./SH-55.

Simison: This is a family affair, so -- all right. Well, with that we will move on to our regular business for the evening. Item 3 is a public hearing for Sessions Parkway, H-2022-0046. We will open this public hearing with staff comments.

Allen: Thank you, Mr. Mayor, Members of the Council. The first application before you tonight is a request for a development agreement modification and a preliminary plat. This site consists of 5.32 acres of land. It's zoned C-G, general retail and service commercial, and it's located at 2700 North Eagle Road. This property was annexed into the city in 2003 with a development agreement, which was later amended in 2017. The Comprehensive Plan future land use map designation for the property is mixed-use regional. The applicant requests a modification to the existing development agreement to remove the commercial portion of the property from the agreement and enter into a new agreement for the proposed project with an updated conceptual development plan. Two options were submitted for consideration, since the original application submittal, that attempt to address some of the issues noted in the staff report. So, this is concept plan number one, the original on the left and the proposed -- excuse me, this is -- let's see. These are just the original, I guess. Both options right here. And, then, the proposed changes here. So, the existing concept plan depicts three retail and commercial building pads along the frontage of Eagle Road, two of which are drive-through establishments and one larger retail building east of the building pads fronting on Eagle, totaling 28,500 square feet. A driveway is depicted at the northeast corner of the site for vehicular connectivity with the residential development to the east. A driveway is not depicted to the property to the south, formerly known as the Great Wall, as when that property developed access was not required to be provided to this property because of the Finch Lateral, a large irrigation facility that separates the two properties. The properties to the

south of the Finch Lateral were to have a backage road along their east boundaries for access via East River Valley Street. Since that time this developer and the property owner to the south have been working together to construct a backage road between the two properties along Eagle Road and the Finch Lateral has been piped. A new access from Eagle Road, State Highway 55, is proposed with this application, which will replace the existing temporary access on the Great Wall-Copper Canary property to the south if approved by the city and ITD. The temporary access was allowed to remain until such time as access became available from the south via East River Valley Street. If nonresidential uses develop on the property to the south of the Copper Canary, formerly the Great Wall property at 3280 East River Valley Street as currently entitled, the backage road will extend to East River Valley Street. However, if residential uses develop on that property only an emergency access will be provided from the north to that property per the development agreement. As previously mentioned, staff -- or, excuse me, the applicant has submitted two conceptual development plans. The first plan depicts five building pads. A fuel sales facility with a convenience store is proposed on the northwest pad. A drive-through is proposed on the pad directly to the south and three other pads are proposed along the eastern boundary of the site adjacent to the future multi-family development to the east. The second plan also proposes a fuel sales facility with convenience store and drive-through, but in lieu of the three other pads a hotel is proposed along the east boundary and that is the plan on the right there. As noted in the staff report, staff recommends changes to both concept plans for better integration between uses in accord with the mixed-use and mixed-use regional guidelines in the Comprehensive Plan. On concept plan number one staff recommends some or all the buildings along the eastern boundary be rotated and/or relocated and a shared plaza area green space added to a more central location within the development for better integration, including a central pathway connection to the open space and front pad sites. On concept plan number two staff recommends a decorative crosswalk is provided along the driveway of the multi-family portion of the development, the southwest corner of The Village Apartments, to enhance pedestrian connectivity. With either plan specific details for the integrated plaza and open space areas should be provided with the first CZC application and the applicant's going to go over the revisions to the plan and they have a little better color drawing of their proposed amenities in common shared areas that they are proposing with the revised plans.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Sonya, just -- I'm going to just stop you there. You used the term decorative crosswalk?

Allen: Yes.

Cavener: Can you maybe walk me through -- maybe I just don't think I have heard that --

Allen: It's a -- it's a typical delineation we use for internal pathways in asphalt areas or -- decorative crosswalk or concrete sidewalk to delineate the -- the pathway in the asphalt areas. It's in our city code.

Cavener: Thank you.

Allen: 3A-19-4. So, the -- the second applicant request is the -- for a preliminary plat, consisting of five commercial building lots on 5.32 acres of land in the C-G zoning district, with a request for City Council approval of a right-in, right-out driveway access via Eagle Road, State Highway 55. Approval of the preliminary plat is contingent upon Council's approval of the concurrent development agreement modification application. One driveway access is proposed at the north boundary, which will serve as a backage road along Eagle Road and will connect to the property to the south. The jog in the roadway will result in traffic calming and reduce speeds which is desired, especially if access via Eagle Road is approved, which will intersect the backage road. Two driveways to the east are proposed for interconnectivity with the future residential development. ITD has issued a letter of acceptance of the revised traffic striping conceptual drawings. Final approval of the proposed access and associated improvements will be determined once all documentation has been provided and the permit is signed. A 35 foot wide street buffer is proposed along Eagle Road with a ten foot wide multi-use pathway and lighting in accord with the pathways master plan. A decorative pedestrian lighting is required along the pathway. A 25 foot wide buffer is required on the subject property along the eastern boundary adjacent to the future residential uses with lot development. The Commission recommended approval of the proposed preliminary plat. Stephanie Hopkins, KM Engineering, testified in favor. That's the applicant's representative. No one testified in opposition or commented on the application. Written testimony was received from Givens Pursley, the applicant's representative. The applicant is requesting removal of -- at the time they were requesting removal of all four changes to the concept plan recommended by staff in Section 8 of the staff report. I think now they are only recommending the first three be removed. Key issues of discussion by the Commission. There were -- there weren't a lot. They did talk about the changes to the concept plan recommended by staff. The outstanding issues for Council tonight is the request for Council approval of a right-in, right-out access via Eagle Road and State Highway 55 and the submittal of the revised concept drawings from the applicant. Written testimony since the Commission hearing was received from Jeff Bower, Givens Pursley, the applicant's representative and as I mentioned they are requesting removal of the first three changes to the concept plan recommended by staff in Section 8 of the staff report. A-1-A. And the applicant will go over those requests. The staff will stand for any questions.

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

Strader: Mr. Mayor?

Simison: Councilman Strader.

Strader: Thank you. Thanks, Sonya. I guess my first question -- how typical is it for us to have two different concept plans approved -- a request for two different concept plans? It just feels like sort of throwing the kitchen sink at it. I mean I have not seen that very frequently. Is that something that we encourage or have seen on a regular basis?

Allen: Mr. Mayor, Council Woman, Council, the -- from time to time we do have that when the applicant is unsure of how the -- how the property will develop in the future. Sometimes they will have a couple different concepts. It's not something we do often, but we do do it from time to time.

Strader: Okay. Mr. Mayor?

Simison: Council Woman Strader.

Strader: I guess my other question is regarding integration of uses. So, I know for mixed-use we have a big focus on integration -- pedestrian integration especially. Do you feel like if your staff recommendations are adopted that that gets us to the right place or is it -- is it where we would ideally want to see mixed-use in terms of that aspect or is it a little deficient still?

Allen: Mr. Mayor, Council Woman Strader, Council, you know, it's -- it's the underlying mixed use designation, so it's -- it is where Council has determined we want to see mixed uses. That's the future land use plan that we have in effect right now. So, we are trying to get there with the concept plan. I -- I personally don't think they are quite there yet. I think they have made an attempt and you will see that in their presentation and they will detail that and -- and that's -- that's what Council is to decide tonight.

Strader: Okay. Thank you.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Sonya, did staff have a recommendation one way or the other on the right-in, right-out on Eagle Road?

Allen: Our code -- Council -- Councilman Borton, our code -- our code doesn't really favor access to the state highway unless ITD approves it. So, that's something that staff really doesn't usually weigh in on. It's usually a Council decision.

Borton: Okay.

Allen: It -- we are -- we are taking it -- we are losing a temporary -- getting rid of a temporary access on the Great Wall property that would have went away anyway --

Borton: Right.

Allen: -- when that property had access available to it. So, it's -- it's really in it -- it's kind of replacing that one, but this would be a permanent access. So, it's a new access.

Borton: Okay.

Allen: We -- you know, our code -- just a little bit more on that. I think you know this, but our -- our code restricts or limits access to state highways for safety reasons mainly.

Borton: But -- Mr. Mayor?

Simison: Councilman Borton.

Borton: We have seen right-in, right-outs in particular be a much safer way to channel folks into an area without having -- requiring them to loop backward and without left turn movements. It's much different than -- than a full access from a safety perspective. That's one of our primary concerns. Okay. Thanks.

Simison: Council, additional questions for staff? All right. Then will the applicant come forward?

Hopkins: Good evening. Stephanie Hopkins with KM Engineering. 5725 North Discovery Way in Boise. Thank you, Mr. Mayor, Members of Council. Welcome to Councilman Overton. Excited to work with you and to be your first project as a Councilman. Really appreciative of Sonya's help on this and staff in general. We have been working on this for a few years. There has been a lot of coordination on access, the concept plan, and just all the inner workings of piping the lateral and everything that's kind of already gone into play and recently we had, obviously, before Planning and Zoning Commission in November we had made some changes based on staff recommendation and the conversation we had at that meeting as well. So, I will go through those in a little bit more detail. She covered a lot of the basics well, so I won't bore you too much with that, but -- okay. So, this -- the site's located next to a lot of things that have already been developed. Retail and professional service uses to the north. There are multi-family developments to the northeast, as well as to the south and single family to the east is currently being developed by the same developer and owner who I'm here representing and there is the Village commercial complex to the south that includes a lot of different professional services, office uses, restaurants. We are all familiar and have probably been there many times. Kleiner Park is also a really great regional civic use that a lot of folks love to recreate and is in close proximity to this project. So, as Sonya mentioned, we are requesting a preliminary plat and development agreement modification approval from you this evening. We have been working with the city and ACHD and ITD for a couple of years. We do have a conceptual striping plan that has been approved by ITD that was included I think in the initial packet showing the access point that we are now proposing to State Highway 55 and I also will show that a little bit later. This property was initially annexed in 2003 and is party to a development agreement that was entered into in 2017. We are requesting to enter into our new develop -- a different development agreement to nullify that and would be applicable just to the commercial portion. So, the preliminary

plat is comprised of five lots. Lots range in size from about 36,000 square feet to 63,000 square feet. Cross-access will be granted internally. There is already an agreement to the north and one that will be executed to the south. As Sonya mentioned we will be providing a 25 foot landscape buffer to The Village apartments to the east. This is the initial concept plan that is attached to the development agreement. As you can see it shows four different building pads -- four lots and no access to Eagle Road. Those are all things that we are proposing to change and enter into with our new development agreement. We would -- we are requesting five lots and five associated buildings and an access to Eagle Road. So, as mentioned, there are two concept plans and the reason for proposing two is to afford a little bit of flexibility going forward. Our client doesn't know for sure who will want to locate here and they just want to be able to offer different options for folks as the property develops. So, the first concept plan -- this is the concept plan that was shown at Planning and Zoning Commission. So, it shows some open space and plaza area on the south. Pedestrian connectivity on the south and to the north and, then, the ten foot multi-use pathway along Eagle Road. Both concept plans show a convenience store and fuel station up at the northwest and, then, a drive-through at the southwest part of the site. Concept one is depicting the three buildings. So, the -- the revised version is here. We have expanded the open space between buildings D and to show you -- or to provide just a little bit more integration and space for folks to hang out. We discussed with staff after our last meeting and it seemed like this was a good approach to kind of fix some of their concerns on integration and specifically accommodating the mixed-use regional land use. We are still incorporating other plaza spaces. We are planning to include some seating and open space adjacent to the convenience store, as well as next to the restaurant space, so -- as well as some benches that will be located along the walkway if folks want to take a break as they are walking from Kleiner Park or The Village Apartments over to the convenience store or the restaurant. So, this is a rendering that we developed just to kind of show you what that seating could look like. Benches. And, then, the central area between buildings E and D will have a pergola, as well as some tables with seating and benches with seating. And that will be a really great opportunity for folks to hang out if there ends up being a restaurant here or there are office tenants that want to take a break. And on -- next to the convenience store and the drive-through restaurant we are proposing a table and benches. This is the same on the second concept plan. So, the second concept -- the original shows the hotel space and several open space areas. We have -- on the second -- on the revision we have added an expanded open space area to the northwest part of the hotel and a pathway along the east and that was per staff's recommendation in the staff report and we feel that it will really add a nice integration to the adjacent Village Apartments. And, again, this is just what the benches would look like. The gazebo with benches will be located up at the northwest corner next to the hotel and, then, again, the seating against the restaurant and drive -- convenience store. So, in our discussion with staff we -- we asked for some examples around town that would provide a good -- you know, some guidance for us in redeveloping our site plan and they have noted that they liked the Homestead Bar and Grill area on Chinden and Linder. So, the -- we have actually modeled and used this as kind of inspiration for our revisions. They have a really cool little plaza space that has some -- I think it's like sail covering where there is some tables and stuff out there that folks can kind of sit out when the weather is nice and, then, they have a little gazebo area.

So, we kind of use both of those concepts. In -- in the second concept as well as the first. So, as you are aware this is part of the mixed-use regional future land use. It is a pretty large area adjacent to Eagle Road, just to the east of Eagle and south of Ustick. It's about 150 acres. Our site's a little bit over five acres, which is a pretty small proportion of the overall land use. Overall I think this entire brown area is about 300 acres. So, there is a lot of opportunity I think for development to still occur in larger pieces of ground, as well as development that's already occurred in a mixed-use way. We think that this property would really add to the mixed-use regional land use in a way that will be beneficial to the area, but -- it's maybe not as big as some other areas and -- and can't be as integrated, if that makes sense. So, this is a pedestrian connectivity exhibit we have created just to show the interconnectivity that's being provided between The Village Apartments and Sessions Parkway. So, the blue indicates pedestrian walkways in The Village Apartments over to Sessions and this is the hotel concept. But you can see kind of how we are providing a walkway to the east of the hotel, as well as the west and everything connects over to the multi-use pathways along Records and Eagle Road. The yellow dashes show connectivity from adjacent developments. So, if somebody was over in Kleiner Park they could very well walk over, you know, either through The Village Apartments or other -- other routes to get over to Eagle Road or other retail uses along Eagle Road. So, as Sonya indicated, we are requesting for a waiver from you tonight to access State Highway 55. This is a -- a conversation we have been having for a few years to be able to consolidate a few of the existing access points. As you can see the -- there are four existing access points that are shown in red. The one access point that we are proposing is circled in green here and would lead over to the -- The Village Apartments and, then, eventually to the backage road that goes north-south to existing drive aisles into the Copper Canary. We have received approval of the conceptual plan from ITD and as mentioned we will just need to submit a -- a permit once construction plans are finalized to be able to get the final approval from them on that. So, really appreciate staff's help on this project and the recommendation of approval. We do have a few conditions that we would request be removed from the -- the conditions. We are in agreement with condition four, which was initially one that we had requested to be removed, but would like to have one, two and three removed from the -- the requirements. Requesting to remove one, given the size of the property at five acres, we really do believe that this -- there is a much bigger mixed-use regional zone that will be applicable for the integration and think that the site will add to that well, but may not be big enough to stand alone in that requirement. We are requesting as well that -- we did -- sorry. So, we did add a little bit of an open space area to the concept one, too, that we think does meet the -- the -- the intent there. And, then, on condition two it was requested that we add specific details for the integrated plaza open space areas with the first certificate of zoning compliance. The applicant shall relocate open space plaza area depicted on the plan with director approval once specific tenants are known. We are requesting that this be removed to keep the plaza areas where we are currently showing them. We feel that this is going to be a -- less of an arduous journey than it would be at a staff level. We want to have a clear direction going forward. And, then, the third condition was that on concept plan one some or all of the buildings along the eastern boundary should be rotated or relocated and the shared plaza area or green space area be added to the central location within the development for better integration. We do believe that adding the open space

between the concept plan one is about 2000 -- 2000 square feet, 20 feet wide. It will add a nice kind of opening for folks and we will alleviate any concern about a -- a wall effect. That was a comment that was made during the Commission hearing and we have looked at it and there is about a hundred feet between the building. So, this is our -- the first concept where we have expanded the open space here to allow for a little bit better integration and vision through. And, then, there is also about a hundred feet varying based on modulation of the buildings and just where everything is located, but a hundred feet between The Village Apartment buildings and the buildings that are proposed for the first concept. We think that this is -- it's a pretty wide space and it will really help to kind of alleviate any concerns as far as feeling like there was a looming building. So, the -- the reason, really, for having the buildings situated this way, too, is to afford flexibility for our client as they go forward. They don't want to be required to rotate the buildings in case someone coming in that wants to use the space wants visibility from Eagle Road or are concerned about the commercial viability of the space. So, with that I -- I will close and thank you for your time and consideration on this project. We are really excited about it and I think, you know, it's going to be a really great addition to Meridian. This is an in-fill site and I think everyone's been waiting to see it developed. Our -- our development team is here if you have any questions and I will stand for questions as well.

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

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: If you go back a couple of slides, Stephanie, and just put up the conditions of approval --

Hopkins: Oh, yes.

Borton: -- that you had concerns about. I read the -- the materials in your comments to -- to reference condition number two as being a condition that -- it's your perspective that you have actually satisfied, that the detail that you provided with the plazas and open space and the most recent concept plans satisfy it. Is that -- am I correct in that?

Hopkins: Mr. Mayor, Councilman Borton, yes, that's what we believe.

Borton: Which made me think, well, then, it should be a condition that remains in. You think that you have perhaps satisfied the condition already, but it wasn't problematic. I think the city and the applicant are -- are seeing eye to eye as to condition number two.

Hopkins: Mr. Mayor, Councilman Borton, I think that that would depend -- I know that this condition was written before we did our revisions to the concept plans and so that might depend on how Sonya feels on the way it's written and whether she feels that we have met the requirement. But our belief is that --

Borton: Okay.

Hopkins: -- we have met the intent.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: And staff can comment on that one in a moment. As to number one, I took the application and your comments to try and address what -- excuse me -- the development area is and would you agree that -- that condition number one is appropriate and accurate, but we should look at the, quote, development area for that 50 percent requirement as larger than this project site itself and a little more regional analysis. So, while the site itself may not have the 50 percent that's required, it's a good condition because the development area in a broader sense does meet that.

Hopkins: Mr. Mayor, Councilman Borton, yes. So, we -- we believe that overall the larger area makes this condition not apply, because our space is so small that we will be meeting -- we will -- we are going toward the overall goal of the mixed-use regional area, but not specifically meeting it with just our site, if that makes sense.

Borton: It does. And I -- but I just saw it the other way. I thought it was a condition that did apply, but you thought you were still -- you were meeting it, actually.

Hopkins: Oh, no.

Borton: Because the development area is broader than your site alone.

Hopkins: Yes. That's correct.

Borton: Okay.

Hopkins: Thank you.

Borton: Thanks.

Simison: Council, additional questions for the applicant?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: So, on number three I guess the issue that you guys have is just in terms of marketability of the space. Is there any other rationale within code or elsewhere why you wouldn't be able to satisfy staff's recommendation that you rotate the buildings to avoid the wall effect?

Hopkins: Mr. Mayor, Council Woman Strader, I'm not aware of anything in code or building code requirements that would prevent us from complying with that, but it really is for marketability and we genuinely do believe, too, that the -- those buildings will help to provide a buffer to the residential uses that are to the east, which are owned by the same developer. So, they have an interest in making sure that both projects are viable and work well with one another.

Borton: And could you -- Mr. Mayor, if you don't mind.

Simison: Council Woman Strader.

Strader: If you don't mind -- if you could just compare the height of your anticipated -- yes -- set of three buildings and hotel compared to the residential use.

Hopkins: Mr. Mayor, Council Woman Strader, I am not sure how tall the hotel is. Everything's kind of conceptual with the current site. The Village Apartments I believe are three stories, so they are probably about 50 feet high. I know we have approved -- it's under construction. We have approved building plans. I don't have those with me, unfortunately. But I would imagine that the hotel will probably be two stories and -- and our client's motioning that it might be three stories. So, it might be similar to, you know, 40 feet or so. Luckily on that site plan there is a fair amount of parking and a 25 foot drive aisle, as well as the 25 foot landscape buffer that will separate the uses and, then, with the buildings proposed on the first concept those would all be I believe one story with -- likely one story, so --

Strader: Mr. Mayor, if I can --

Simison: Council Woman Strader.

Strader: And then -- so, you guys haven't accepted any -- I guess the same developer hasn't accepted any leases yet on that. We -- we are not going to have a chance -- if some of -- a resident that has -- is upset because they don't have any view, they are looking into a blank wall.

Hopkins: Mr. Mayor, Council Woman Strader, I don't believe they have certificate -- certificate of occupancy yet, so don't have signed leases.

Strader: That's helpful. And, then, you know, in terms of the thought process here in the two concept plans, I guess I -- a little bit -- I kind of wish you guys could have waited and sort of flushed something out with a -- with a potential tenant a little bit more and, then, you would know -- I think you would have really specific feedback about whether you could rotate a building or whether you are going to go with the hotel. You know, do you feel like this is typical that -- that this is how you guys want to go about it, that you want to approach City Council getting multiple concept plans approved in the future for projects?

Hopkins: Mr. Mayor, Council Woman Strader, I don't -- I don't know that this is typical. I don't know that I have worked on a project where we have proposed two concept plans. But I think in today's market it's really hard to find a for sure deal before getting approval sometimes and in this case that's kind of what's going on and they want the flexibility going forward. Another thing that we are trying to avoid is doing multiple development agreement modifications, you know, multiple times. We would really like to be able to have two concept plans that could be executed and as long as they meet, you know, generally what was agreed upon we can continue forward, rather than coming back to you to ask for a building to be rotated or one to be removed or something along those lines.

Strader: Okay. I have several more. In terms of the hotel concept plan, what is envisioned? Is it a motel? Is it -- you know, are you anticipating more of a boutique hotel? What kind of -- give me some more detail; right? Because hotels can -- can -- can look really different depending on what's happening.

Hopkins: Mr. Mayor, Council Woman Strader, I'm not sure exactly what our client's contract is with that user, so I might have them come up and speak to it just to make sure I don't step on my -- you know, tongue or anything like that.

Strader: Thanks. Mr. Mayor?

Simison: Council Woman Strader.

Strader: If -- if that's okay with everybody else, I would love to hear some more detail about that specifically. Thank you.

Hopkins: Do you mind coming up?

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

Gasser: Derek Gasser. 74 East 500 South, Suite 225, Bountiful, Utah. 84010. Mr. Mayor and Council Member, so what's difficult is -- and sort of what Stephanie has expressed -- just to give you a lay of the land, we purchased the property in 2016 and as was mentioned we are developing The Village Apartments to the east as well and when we had purchased them there was already a development agreement, a plan in place, and as we were commercial developers who have had experience in residential in the past, but our focus really is commercial and as we have looked at how it was designed and set up previously when we purchased it, we feel that changes have needed to be made and, for instance, on The Village Apartments when we purchased it, I think it was 12 individual buildings, four story walk up, and it was more of your -- I wouldn't say low budget, but it's just -- we didn't think it looked great and we thought there could be something nicer on the site. So, over, you know, a four or five year period we developed a different product that is now six buildings, all with elevators, security access, nicer amenities, bigger clubhouse, a little more of an urban feel and, like Stephanie mentioned, is under construction. On the commercial side it's been difficult. If you remember -- I know Bach

Homes came in -- it has come in several times the last year or so and they own the property just south of the new jeweler who purchased the Great Wall Restaurant and for several years they have had a very difficult time. They have not been successful in finding a commercial user to -- to use that land. We have noticed this on -- on the Costco site we developed a couple years ago where even these last few months -- six months with interest rates changing, with a lot of -- a little more uncertainty there, we have had users who have actually pulled away that were coming to that site and so it -- it has become more difficult. When we look at the original concept that -- that was -- the development agreement that was in place when we purchased the property in 2016, we feel that that is not going to work and we will have a hard time finding tenants or users for that -- for that site -- for the site and -- and with that going to, you know, the buildings, how we have changed them now, we just -- we feel like it's a much better design and a design that actually will bring users to the property. And maybe Walt can speak on that a little bit as well.

W.Gasser: Thank you, Derek. Walt Gasser. 2299 Wood Hollow Way, Bountiful, Utah. I'm Derek's younger brother. I'm Derek's father. I would like to just comment to you that I have been in the commercial real estate development business for 50 years and five years before that I built apartment projects. So, I have had the experience of both multi-family and a lot of commercial experience. The -- we bought this ground, as Derek mentioned, six and a half years ago. We are surprised that it's taken us so long to develop it, but we have tried to objectively look at the right tenants, but, as he stated, there hasn't been a lot that have expressed a lot of interest. Because our site is so small you look at The Village project to the south of us, which they have done a wonderful job, large integrated commercial project with lots of different uses, many restaurants, and that is a lot easier project to lease, because of the size and the tenants that they have versus five acres and the five acre -- 5.32 acres we are trying to develop now. So, we have tried to be selective. We do have a service station that we have checked out well that is very interested and will be coming into the Meridian area. We have had numerous conversations with several retail tenants, but, again, no one has really stepped up to the plate. The one thing that I would say to you is we talk about the -- why we have changed and why we are suggesting in option number one all buildings in front. Eagle Road, Highway 55, is the very first project I developed back in 1973. That was a commercial project. We thought we -- it was a site similar to this with only five or six acres and to optimize the commercial portion of it we turned and made corners on each of the buildings, thinking that we could just build more space. What we found out is no one wanted that space. It was blocked. As people come up from the -- in this situation, as they are going south on Eagle Road, if it's turned to the back on the north side, they won't see who the tenant is. If it's cut -- if they are coming down Eagle Road going north and it's turned to the south side, they won't see who that tenant is and it's very hard to lease that space. So, we could optimize and add more retail space, but we don't think that's what we should do in this location. We think that after we have had it for this long those that really show interest want frontage visibility on Eagle Road and we think that's very important to the success of the development. We have been approached by a hotel chain. We are in very preliminary negotiations. So, we did talk to staff and suggest another alternative because of that discussion. It would be way too premature to mention who

they are until we get further down the road with them and that is the only reason, we just thought as long as we are coming in and we have owned this for this long, it would probably be a good idea as they showed interest to present it as a second option to where we could use them to the property. As Derek mentioned, we have finally started construction on The Village Apartments. We are very excited for that property. We are concerned that we integrate the property -- property -- the two properties together properly and we think that we have met that by the -- keeping the access mainly on the south side. It's also closer to the block development, but it's also closer to Kleiner Park and one of the big sales that we think for the apartment portion of the project is to have Kleiner Park there. Each time we come to Meridian and we stay in that area we are out at Kleiner Park in the morning, my wife and I walking. We think that's a wonderful addition to the city and a great opportunity and that was one of the motivating factors in purchasing this property was the location of the Kleiner Park and the great job that the Kleiners and you did in -- in approving that and developing that location. We also feel that as the commercial comes that more of the business will be towards the south, rather than to the north with regards to the draw of the Kleiner Park and so that's where we have tried to show more of a plaza area as Stephanie showed you in a couple of the locations here. We have enjoyed working with Sonya and with Bill and we appreciate their diligence and we always like to come to a meeting where we have total agreement between the developer and city staff and we have tried to meet and improve the -- use the comments they have given us for plazas and for -- provide a pergola and -- and some shade structure in locations that we think Bill and Sonya would appreciate. We know that it is not exactly what they are asking, but, again, in a spirit of compromise and looking at what they have asked us to do and trying to take their suggestions and still take our experience and do what we think is important on the site, we have just tried to work closely with them to where we would appreciate the Council considering the eliminations of the --

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I'm sorry, sir. I don't mean to cut you off, but it's not really a time for additional testimony. It's sort of to answer a specific question and so I understand you can't disclose who the hotel chain is. I would not expect you to do so. But could you give us an idea more about what kind of a hotel are we talking about? Are we talking about a 200 key hotel that's two stories tall, that's a walk up? Are we talking about a three story hotel? Are we talking about more of a motel where people drive in and it's single story?

W.Gasser: This is a hotel that has approached us that is four stories.

Strader: Okay. So, with an elevator I assume?

W.Gasser: Oh, of course. Yeah.

Strader: Yeah.

W.Gasser: We wouldn't do a walk-up hotel.

Strader: Okay.

Simison: All right.

Strader: Thank you.

Simison: Council, any additional questions for the applicant?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Thank you. I don't know if -- if you want to take this or if Stephanie wants to take this, but I will let you guys decide. You know, I'm not -- I agree with Council Woman Strader that -- that it is different -- interesting to have two concept plans. I mean I have been looking at land use applications for six years and I don't actually ever remember that happening. I don't love the idea of kind of saying, hey, we -- you know, we don't -- we don't want the city to abide by its minimum of 50 percent on one of the concept plans, but we -- we are willing to abide by it on the other concept plan. I -- I just -- I don't like that inconsistency in how we make decisions. Our public wants us to be more consistent in those kinds of decisions. So, that -- as far as the two concept goes, I don't -- I don't mind that. It's just more the idea that -- that we are going to ask for a waiver for one and not for the other and, then, you ultimately get to choose that. I don't think that's a consistent way to make decisions on behalf of our public. So, I would love to hear your thoughts on that and, then, I'm going to ask one more question before I hear that -- hear on you from that. So, you were talking about the integration between the residential and the commercial. Is it possible to bring up the slide that shows the entire piece? I think it was towards the end of the presentation. I want to see this -- the parking between two -- I didn't know if that was a drive aisle and, then, there is parking on either side. No. There is another one that is a -- closer up.

Hopkins: I don't know -- I'm trying to find it. Sorry. Too many slides. I think that might be the only one that I have that -- this one?

Perreault: Yes. That's perfect. Thank you. So, the parking that's -- excuse me. The parking that's between the three commercial buildings on the east side of this project and the residential does -- does that belong all to the residential side and is that a drive aisle in between the two and it -- are those spaces right up against the backside of the commercial buildings?

W.Gasser: Those spaces -- go ahead, Derek.

Gasser: Mr. Mayor and Council Member, so the -- I think where you are pointing to is part of the apartment complex. If it's -- if it's where I'm seeing -- Jeff's going to help.

W.Gasser: I think there is a 25 foot buffer that's required and I think we are trying to draw that to show that to be a 25 foot buffer and, then, there is 75 feet between the parking and the landscaping, which allows for the double aisle of parking that are usually around 60 feet and, then, landscaping to the edge of the apartment building.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Okay. So, for clarification -- for clarification, the parking that's directly behind these buildings -- just on the east side of these buildings belongs to the apartment complex. So, you're going to have residential parking right up on the backside of these commercial buildings. So, what does that look like for trash, utilities, restaurants that are dumping things out the back? How is that going to affect the -- the residents and tenants in terms of integration of the two projects?

W.Gasser: Well, I could give you a good example. If you drive by our new project where the apartments at Lost Rapids have been constructed next to the Costco building and you drive by there anytime and look at it and there is no trash there. Costco is very diligent in what they do with their trash. The apartment project is just opening and it's been open, some of it, for a few months now, but we don't see that as a problem as long as we identify the parameters with regards to the tenants that we lease the space to and manage the apartments properly, that shouldn't be ever an issue.

Gasser: Mr. Mayor and Council Member, on most of our commercial projects we will have a daily portage person who goes around and specifically is just looking for trash collection. This would be people who have thrown things where they shouldn't have thrown them, not in a garbage can. So, it is -- it's -- we can't say that that won't be the case, but we have -- we have had a lot of properties. We don't like trash out. We want them to look good and -- and just like, you know, with the apartments we have, you will have full-time professional managers who -- their job will be to make sure that the site looks clean, because if it doesn't look clean, if it doesn't feel good, we will have a hard time leasing units.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Thank you. That's an element for me of how these face is, you know, not just -- not -- not so much that it's creating a wall, that is -- I don't think -- I actually think residents are okay with that. They do like that feeling of separation with the commercial. But I do have concerns about just -- you know, if I'm parking my vehicle there and I'm looking straight at a block wall and I walk up and -- and, you know, people left bottles behind -- you know, next to my car and those kinds of things, that's -- that's an element of -- of this specific concept design. So, I wanted to ask that before I forgot. So, back to the first question of -- on the -- you know, the request for the -- the minimum uses on one

concept plan and not the other. I just -- talk to me a little bit more about how that -- you see that really benefiting our city and our residents. Outside of whether -- you know, getting -- outside of conversations about what is acceptable within mixed-use regional, let's talk about, you know, how does that benefit our community if we agree to this, because that's -- that's not a really consistent decision on our part.

Bower: Thank you, Mayor Simison. Jeff Bower. 601 West Bannock in Boise. Council Member Perreault, nice to see you. I will answer that question, but a little bit of lead in. So, there has been discussion about why two concept plans and I just want to kind of put a bookend on this discussion and the -- the main reason is we have a fairly interested user for that northwest corner for the service station C-store. We needed a subdivision to give them a lot to build on and sell to. So, we were coming to the city for a subdivision application no matter what. So, in lieu of a future development agreement modification, that's why we proposed the two site plans. We weren't trying to jump the gun and -- and create a lot of flexibility. It's just we were faced with a situation where we needed a lot, we needed a plat and so we wanted to create as much fluidity as possible with this one permit, so we weren't back before you again. As to different treatments between the two concept plans, we aren't trying to seek differing treatment from concept plan versus concept one -- concept plan one versus concept plan two. It just so happens that that hotel use would -- would realistically result in no more than 50 percent retail commercial. So, we are asking for that condition to be removed for both concepts. It's just as to concept plan two on the hotel, it's not really needed and that's kind of the way staff's condition reads. So, as to continuity, we would ask for both concept plans to not have that condition of approval. And -- and, Council Member Borton, while I'm here, to answer your question on condition number two -- and I will read it real quick. Specific details should be provided at the first CZC. I think both our client, the applicant, and staff would like to have certainty around these concept plans now, so that there isn't specific details being worked out or disagreed upon in the future. So, we do feel like we have responded to their request to include additional plaza spaces that are centrally located. So, really setting aside all these sort of confusing conditions, what we are asking for is your approval tonight with the concepts that you have seen and those open space plaza areas that we have -- that we have shown. Thank you.

Simison: Council, any additional questions for the applicant?

Overton: Mr. Mayor?

Simison: Councilman Overton.

Overton: The concept of my -- talk on my first one tonight. Switching lanes, so to speak, to the access to Highway 55, to Eagle Road. I'm a big fan of right-in, right-outs. I'm not such a big fan of right-outs when the acceleration lane that you are using goes only about 400 feet and it's actually a deceleration lane turning into the next development. How are we planning to handle the fact that all the traffic coming out on the right-out has to immediately slow down and move over another lane, because that lane they are pulling into is not a through lane going north?

W.Gasser: We have Kittelson and Associates, our street -- or highway engineers here with us to answer that.

Nuxoll: Hi. Lauren -- oh. Lauren Nuxoll. Kittelson and Associates. 101 South Capitol Boulevard, Suite 600, Boise, Idaho. 83702. Yes. So, the right-in, right-out on that is that those right-outs -- they are not necessarily going to pull out when all the traffic's going. There is a signal right before it, which allows for the traffic to stop going northbound and that's when a lot of those right-outs will come and so it won't have the rush of traffic going up right against it and that's what allows that right-in, right-out access to operate how it operates. The location of the access also allows for the spread of the trips to go on either access or to make a U-turn eventually on Eagle Road. So, having that extra access does allow for the right-in, right-outs to be spread out a little bit more, so there is not a huge delay.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Follow up on that. That's a really good question. It -- when you make the right-out does the lane that it puts you in -- is that the northern through lane? The -- the right-hand turn lane initiates further north from that? Is that correct? That's what it appears like.

Nuxoll: Correct.

Borton: Okay. All right. Thanks.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Question for whoever wants to answer this one. Is it my -- correct -- if I heard correctly that you are also the landowner of the land to the east that -- where the apartments are -- are being built?

W.Gasser: Yes. That's correct.

Hoaglun: Okay. And so, Mr. Mayor, follow up?

Simison: Councilman Hoaglun.

Hoaglun: So, if -- if you had the opportunity to come in with both parcels at the same time would that have met the 50 percent requirement for mixed regional use in your -- in your mind?

Gasser: Mr. Mayor and Council Member, from my understanding -- and this came from a conversation with Bill and Sonya -- the multi-family residential piece does not -- that would have not put us over the 50 percent either, because I don't believe they qualify for what was being asked for in that MUR designation. Jeff may be able to answer that better. You know, to your comment about bringing them in at the same time -- you know, a lot it's just been -- like we mentioned, we just haven't had a lot of interest on this site, which has surprised us, because Eagle seems like such a good road to be on. Multi-family there has been more interest than on the commercial side and so as we went forward and -- and we do have a partner commercial site now, so it's not -- there are two different ownership groups between the two. We are the common one on both, but we do have another partner on a multi-family. I don't know if that helped or --

W.Gasser: And -- and one other thing, Councilman Hoaglund and Mr. Mayor, is that people that approach us often have a window of opportunity that they want to develop in and they know that Meridian is growing so quickly and there is so many applications and that it's maybe sometimes longer than what they want to wait to develop the property. So, we believe it's an advantage to finally propose something and get approval for it, so that when we do have those tenants that come -- like the service station use right now and potentially the hotel use -- that we could say to them, yes, we think we can deliver this property and that the city will cooperate with us and so that's very helpful in the development posture for helping us properly develop the property and -- and attract the people that would come is the time frame that it might take for them to know that we have made progress, rather than haven't made progress.

Hoaglund: Mr. Mayor? Jeff, can you shed some light on my -- my question?

Bower: Sure. Mayor Simison, Council Member Hoaglund. I think it's important to remember, too, that, you know, this is a -- a Comprehensive Plan requirement for the MUR zone. So, it's not in the code, it's not a rule that we can't go over 50 percent, so it's -- it's a goal that we are moving towards and if you look at the MUR section as a whole in the comp plan, you know, it talks about these developments should be large master planned and so we are just finding ourself in a situation here where we don't have ability to provide a large master planned mixed-use development and so that's -- that's the primary reason why Stephanie showed that detailed map. All of the different civic uses anchor commercial retail around us. So, again, we are just asking to look at the area as a whole and say I think we are meeting the mixed-use regional requirements of the comp plan and that's -- and that's what we are asking to -- to do tonight. On the access, just to reiterate, there -- there is a letter from ITD in the -- in the file and some follow-up correspondence. They do like our right-in, right-out access. They have approved our restriping plan, which does create a deceleration lane where there isn't one currently for the access that we are replacing. So, there is that Great Wall access that everyone agreed was going to be a temporary access and I know that the Copper Canary DA was here probably six months ago and there was a lot of discussion about that backage road. So, our application that we are proposing tonight will provide that full backage road and direct access onto State Highway 55 like I believe the Council has indicated it wanted six months ago during the -- during the Copper Canary hearing and so we have coordinated

with them. That access will be a little bit split, some on their northern boundary and some on our southern boundary. So, we think that's an improvement and, again, in addition to that temporary access we will be closing there are two or three others kind of historic farm access that we will be closing on our site as well.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: We have been getting a lot of feedback on how busy Records has become and now we are adding another four story set of apartments on the south side, your project, and, then, you know, a potential project on the -- the west side of the -- of The Village -- of The Village core. Does this private drive go all the way through and connect to Records and do you anticipate folks using it as a cut through, instead of having the intention of your residents and heading out to Records versus taking a right onto Eagle? Can you talk to us about how you anticipate that flow of traffic happening for vehicles that are not part of your community?

Bower: Thank you, Mayor Simison, Council Member Perreault. Lauren might have some more comment on that, our traffic engineer, but bear with me, because this is a little confusing, so I apologize. So, this is our new access that we are proposing and we are required to stub a road to Copper Canary. Currently the condition of approval for Copper Canary is that where that stub road ends to the south it is only an emergency access, so it does not go through unless -- unless that area to the south develops as commercial, in which case I think everyone agrees that commercial traffic supports commercial traffic, so if it's residential that will remain emergency access only. As to the overall traffic, I just want to reiterate -- and I know the Council knows this. We already have our C-G zoning. We already have a -- a concept plan for commercial development. So, we are really not changing the intensity of traffic on the site, we are just changing the -- the concept plan that we are proposing. As to traffic flow, maybe Lauren wants to add some. Thank you.

Nuxoll: Mayor, Council Woman, no, with this -- with these new private drives that are coming through they are kind of going into the complex. So, really, these private drives and this access is going to serve the commercial part of this development and not access as a through route to Records Road. It also provides for the pedestrian activity between the apartment complex and this commercial complex and it's like they pointed out before, pedestrian activity, bicycle activity, from the park just down to the south. So, no, this -- we do not estimate that there is going to be any cut-through traffic using this private drive to Records Road.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Just to follow up on that. I mean would it have been possible for you to connect to Records? It's very unclear to me from the site plan. I recall that this other property --

the residential property to the sort of southeast does connect to Records. So, would it have been possible for you to connect to Records?

Bower: Mayor Simison, Council Member Strader, I know this is a tough map to see, but I will -- I will try to draw it. So -- so, to -- to cut through from Eagle to Records you would take the -- the new road, the gray that we are building, you would have to enter what's effectively a drive aisle parking and, then, take a 90 degree and then -- and, then, to Records. So, it's pretty circuitous. We couldn't have directly connected based on the site plan that had already been approved on the -- on the residential portion to the east.

Strader: Mr. Mayor, one more.

Simison: Council Woman Strader.

Strader: Okay. So, this little property on the right-hand side that's like a triangle shape, there are three buildings there. It looks like there is a stub street from that property to yours. Well, would that eventually connect to Records?

Bower: Mayor Simison, I'm sorry, Council Member Strader, help me out. The little property on the right side? Okay.

Strader: I'm talking about this one right here. Could this -- this looks like it stubs to your property. Couldn't you eventually connect to Records?

Hopkins: Mr. Mayor, Council Woman Strader, so there is an access point there and I believe that we do have a cross-access agreement. I know that -- so, that's the Regency at River Valley I believe is what it's called and that's an apartment complex that's constructed. So, those are drive aisles that exist. This is an old aerial. But that is an access point to those apartments and I believe it's used as an emergency access for them right now. But we do have a cross-access agreement with that property. The Village Apartments has a cross-access agreement with that property. So, potentially that could be an access point. I'm not sure that traffic would flow that way and I don't know if it's intended to be opened. I don't know what their conditions of approval were. Does that answer your question?

Strader: Mr. Mayor? Mr. Mayor?

Simison: Council Woman Strader.

Strader: That's a great question, because if it's just a drive aisle it's not really supposed to be functioning as like an arterial that accesses Eagle Road, but if I was someone living in these apartments or even driving on Records, I think to -- this is what Council Woman Perreault was getting at -- with the situation on Records I would absolutely have turned this into my arterial to access Eagle Road. I just wanted to understand that. Okay.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Yes, it does access Records. It -- you can get the -- it is a drive aisle. You can drive through it and access Records. When Bach Home did their -- Homes did their presentation for us they said that it was their understanding that -- that -- that -- that this -- that the property to the north would connect to that drive aisle and -- and it's for -- for good movement through the apartment complexes is the intent and that's good and we want that. We love that connectivity. But, unequivocally, residents are going to use it as a cut through.

Gasser: Mr. Mayor and Council Members -- and staff can maybe shed some light on this. Our desire -- I think we are past that point to be able to change it. But our initial desire and what we have, you know, mentioned to staff is we would love to not have that connection point with Bach Homes with their apartment complex anyway. So, that -- our understanding is that is required with us to have that -- that connection point there. We -- you know sometimes people living in apartments feel different than others who aren't living there as far as wanting to have a little more privacy and maybe feel like they have a little more security to where people aren't coming and going and so we have -- our apartment project is 336 units. Bach's project is 336 units as well. That is required as far as I understand. I -- I know we initially tried to -- to push back on that a little bit, because we would prefer not to have that connection there, but I -- I don't think that was an option. Does that help answer that?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Yes, it does and I -- I know it is a requirement. I knew that was going to be the case and I -- and I do like the -- the ability for that connection, because as -- as often as we can keep folks off the main roads we want to do that. So, it is -- it's a little bit of a -- you know, yeah, it is a Catch 22 and -- and we are not -- and I'm not bringing this up with the expectation of changing your concept plan, we just -- this is our opportunity with the DA modification to have these conversations and that's why we are going to have them now, because it's the only chance that we have to make sure that that doesn't negatively affect our community.

Simison: Council, any additional questions for the applicant? I know we don't have anyone who has signed up in advance. I'm not going to say we don't have someone out there that wants to speak on this topic. Why don't we -- is there anybody in the audience who is like wanting to provide testimony on this item?

Bongiorno: Mr. Mayor?

Simison: Okay. So, I don't see anybody from the public that's wanting to provide -- I guess we will just continue to go -- but, Joe, go ahead.

Bongiorno: Thank you, Mayor and Council. I -- and I already -- because I was doing the same thing. I know what you guys are thinking. Speed bumps. Speed bumps are not allowed. You got to talk to me if we want to do something -- some kind of traffic calming.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: We don't have public comments, so I'm just going to throw out some preliminary thoughts from what we have discussed. Staff is supportive of it. I'm supportive -- supportive of it as well. I appreciate staff putting those three conditions that were to be addressed tonight and I appreciate the focus on them and as to each I -- I -- I look at them a little different and don't find them problematic here and I don't think their removal changes anything. I think the development area is just a challenging one when you have a small site. So, arguably, you meet it -- that particular condition, because I do think this region -- this area you don't have to go very far to meet those particular goals of non-retail use. So, I agree with the applicant on that. And I think the condition contemplated that when it says unless the Council finds it isn't applicable, because the property is part of a larger MUR designation -- designated area. I think this one is. Not all are. I think this one is. On the second condition with regards to specific detail for the integrated plaza open areas, I thought arguably the condition was great, because you met it with the additional detail. I think staff's brought up the idea, which has some merit, of -- in option one that open space at 20 feet between the two buildings, making that wider. I mean I have been to -- to -- kind of drawing a blank. The Homestead -- Homestead. And there is one over by the Speedway as well and what happens -- I -- at least around here is we see that's a great place where restaurants expand and have plaza restaurant open area that if it were wider than 20 feet -- if it was 30 feet, 35 feet, something like that, if you want to concede and -- and agree to expand that -- that area, I think that would be wonderful. It just seems to be a popular amenity for restaurant users or coffee shops in our community. So, I think that one probably is worked out. I will be curious your thoughts on expanding that maybe a little wider. And, then, rotating the buildings -- I like the idea. I thought you would have said let's do three concept plans and the third would be rotated buildings. Affords more flexibility. Provides that type of end user. I didn't hear that. I understand the reasoning for the -- for the presentation that you have made and, quite frankly, that right-in, right-out must be as valuable as the orientation of the buildings for a commercial tenant, quite frankly. So, I wasn't -- I'm not as concerned about that particular condition coming out either. So, as the right-in, right-out is presented, a fan like Councilman Overton, I think they can serve a really strong purpose in getting traffic off -- off the roads and safely back on them. So, those are my preliminary thoughts on it with one change on the plaza area. Otherwise, I'm -- I'm supportive of what you are trying to do on a relatively small project on Eagle Road and I appreciate the elimination of the other access points.

Gasser: Mr. Mayor and Council Member, you know, what I could maybe mention on that is it's difficult, depending on what the users are -- for instance, if in between that plaza you had two restaurant users, we would definitely want that plaza to be larger, because

it's going to be utilized for that. So, that has truthfully been some of the challenges. We were committed to having a nice plaza space. We know it's a good thing for us. It's a good thing for those people who use it. We just don't know what that use is going to be currently. Some uses it may not -- it may not be as natural to have a large sitting area there between the two users. Restaurants. It -- I think it would make sense to have a larger -- a larger use there.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: And that's -- I think that speaks well to the condition as presented is you might have an end user and come back and say let's -- let's eliminate this open space here and I'm going to incorporate it into a 35 foot, because I have got two restaurant users who are going to share it. So, I thought the condition really was trying to provide the flexibility that you described. You are spot on that you might -- you might not, depending on who's going to be there. So, I thought the condition was more easily met based on the end user.

Bower: Mayor Simison, Council Member Borton, I -- I appreciate your comment and in isolation I totally agree with you. It was the combination of condition two and three that was giving us heartburn.

Borton: Okay.

Bower: The -- the -- thought that at CZC we might be required to rotate all of our buildings to accommodate that additional plaza space. So, as -- as long as we can take out -- well, I'm sorry. As long as we have certainty going forward that we have the option to rotate, but not be required, then, we have more flexibility in that plaza space. But the way the condition three was reading it said should be rotated or relocated. We didn't have comfort moving forward with that condition as drafted. So, if three were gone I think two could remain, particularly with the Council's indication tonight that you generally like the plaza and open space that we provided. I think you have given direction to the applicant and staff. So, thank you.

Simison: So, I don't see any additional questions from Council at this moment. I want to respect the process. Would invite the applicant -- or is there anybody else that would like to provide public testimony? If not, would the applicant like to provide any final comments? I don't know if you have a presentation planned or not, so --

Bower: Mayor Simison, no -- no presentation planned. Just as Stephanie said, small in-fill site. Want -- we want to get it developed. It's been a challenge to find users. Thank you for your time and sort of this interactive presentation. It helps to flush it out. So, if -- we don't have anything further to present and thank you for your time.

Simison: Thank you. We will see if there is further questions or comments.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: A comment for legal. The -- that third condition which talks about the orientation of the buildings, because we have a P plat as part of this application, we couldn't change that condition to say they may reorient the buildings. Would that impact the plat or could we?

Nary: Mr. Mayor, Members of the Council, Council Member Borton, they would have to bring back another preliminary plat.

Borton: Yeah.

Nary: But all you are giving is direction in the -- in the DA that they are allowed to do that, so, then, they would only have to bring back a preliminary plat, not a DA modification.

Borton: Okay. Mr. Mayor?

Simison: Councilman Borton.

Borton: Follow-up question to the applicant to see if I understood those last remarks that Jeff made. Of the four conditions of approval, tell me if I'm stating this correctly, the fourth was resolved and removed. That's not an issue.

Bower: Correct.

Borton: As to the three, the first one with regards to the 50 percent, you want that removed and continue to be removed, which -- which I understand and agree. The second condition with regard to integrated plaza open space can remain. You don't object to its remaining so long as the third, which references concept plan option one, that includes that some of -- some or all of the buildings on the eastern boundary, instead of should, insert the word may be rotated. An elective option for the applicant to propose at a future date if -- if that need arises. Is that a correct summary?

Bower: Mayor Simison, Council Member Borton, replacing the should with may I think would alleviate our concerns and create the flexibility that we need, together with I think this Council in their deliberations just indicating general support for the -- for what we have shown tonight on those concept plans. And, of course, I think they would be integrated into the development agreement like they always are and, you know, require general conformance, et cetera.

Borton: Right.

Bower: And -- and on the first point I'm not sure I understood the question to legal, but we are -- on a preliminary plat we think that -- that it would be flexible enough -- sorry.

Too many slides to get there. But those -- if we go with option one, the three commercial sites, we think the plat supports any orientation of building there in the future. So, we wouldn't necessarily have to come back for another plat.

Borton: Okay.

Bower: Thank you.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Just to chime in. I agree with that approach to it, removing the nonretail use more than 50 percent. I mean this is a mixed used regional map and when you look at it, you know, between Records and Eagle Road you have more of the retail and commercial up against Eagle and you have the -- the residential behind and it seems to flow that way all the way down. So it -- it makes sense. It would be tough for a five acre site up against Eagle Road to -- to accommodate nonretail retail use. I -- I can -- I can agree with leaving number two in and putting in the way for item number three on the rotation of the buildings and make that work. I think the applicant's willing to -- to capture the -- the spirit of what we are trying to accomplish here and -- and do a development that will have to be attractive for -- for tenants that -- in this competitive environment and I think that's something I can -- I can go with -- with as -- as Councilman Borton has outlined here.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I think I'm going to be a little bit of an outlier on this one. I am okay with each concept plan I think independently. I have more of just a process issue and my issue is encouraging multiple concept plans to come as part of an application process. I think if there was a really specific reason why it needed to be binary like that and I understood the timing of that better, maybe I could get on board with it. But I -- just knowing our community development group, haven't found that our process necessarily because of the city has created constraints that would force you to have to do this. I think you could come back for a development agreement clarification pretty quickly. Doing one seems okay. But, then, if I had a lot of applicants that wanted to do multiple concept plans and, then, I had the interaction of multiple properties next to each other with different possibilities, I think it could become extremely problematic. So, for that reason I will be a no tonight. Thank you.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Real quick for clarity. Question to staff. That fourth condition it's not at issue, because it's been resolved. Or I mean it's been incorporated into the concept plan; correct?

Allen: Mr. Mayor, Councilman Borton, yes.

Borton: Thanks.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Council Member Strader, thank you. I think you touched on something that I -- I hadn't quite considered. You look at both concepts and you can say, okay, I think I can roll with either one. It definitely moves the Council into kind of playing let's make a deal with an applicant where they say, oh, here is -- here is two concepts and three concepts. You don't like that, let's take a break and, then, we got a fourth concept that shows up and I -- I know -- it's not you; right? It's never -- it's never the first one who is being creative and say let's give the Council options. We need some options. It's a year and a half from now when somebody's coming in with three or four different options and we can't agree with what we want to have for dinner, let alone, you know, one of these concepts. And so I -- I appreciate what you guys are trying to do. I think that I'm in the boat of Council Member Strader of -- from a -- merely a process standpoint to be reluctant to support this tonight. Public hearing is still open. I see conferring amongst you, I don't -- I don't -- my assumption is that you guys are leaning towards concept two, but you want the flexibility and I just don't know if you are ready to commit or if you would be willing and able to commit to something in a week or two weeks and we could continue this. So, that's kind of where I'm sitting today just so you are fully aware.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Thank you. Yeah. As I mentioned earlier, that is also my concern and I think Council Woman Strader explained it exceptionally well, so I won't belabor that. But I -- I do have hesitance for this specific request because of those two concept plans and I agree with -- with Councilman Cavener's recommendation to give you the option to decide if you want to just opt for one of those plans and we continue. I -- I would rather not vote no and have three of us vote and -- and you guys have to start all over with your application. So, I -- I think that, you know, it's -- that -- that's the way -- that's the direction that I'm leaning tonight as well. So, just appreciate the candor of my fellow Council to put that out there.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Yeah. And if -- if -- if they want to address the issue, I -- you know, I would welcome that. But, you know, I look at -- it sounds like to me when they came forward with the -- the option they had -- had the -- the five buildings and that was the plan they are coming forward with and, then, all of a sudden a hotel expresses interest, so now you have got this option. What are they going to do? They don't have a commitment either way. So, are we going to be inflexible? Say you can only bring one. We don't care if you are in negotiations, you will have to come back through the process. I don't see this as a normal occurrence and I don't think we are setting a precedence here, but I think we are being open to being flexible in a very competitive environment right now that you are trying to put in the right project with people who want to be there and -- and that to me -- now, I could be wrong. I'm -- I'm speculating on your part, but it appeared to me and -- and gathered what I gleaned from your comments, that, okay, we have a project here, it's concept one -- oh, a hotel just came. Now what do we do? Okay. Which one do we put forward, the hotel and it falls through, now we have got to go back through the process. I mean I -- I guess I -- I appreciate the Council's, you know, deliberation on this and concern about that concept, but I guess at the same time I'm -- I'm struggling with the idea that, okay, we are just going to limit to one each and every time when there is options that are out there and -- and, you know, I don't want to make things tougher for staff, but it's just where -- where do we allow flexibility and where do we draw the line. That's -- that's -- that's my concern.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. I have some thoughts about that. I mean so -- a couple things; right? I think you can always ask for a continuance for however long you need. It sounds like you have a lot of support for both of your concept plans. You could ask for a continuance for two months while you negotiate with each of these sets of tenants and, then, decide which concept plan is most appropriate for you and that certainly is an option. I guess my concern and what I'm coming back to is I don't see applicants coming before us regularly to do this and I think it's because they know economically what's going to make the most sense for them, because they have taken their negotiations with their potential tenants to a point where they can make that economic decision and, then, they come to Council to finalize what they need. I don't think they are doing it the opposite way. I'm just really hesitant to open up a precedent of a new path for development to have multiple concept plans that are approved and, then, that approval still stands. So, what -- let's imagine -- it's not the case here, because we know it's coming in, but let's imagine that, you know, on the next corner we had a concept -- you know, we had someone that had three concept plans approved and, then -- you know, these concept plans are kind of similar with how they are laid out, but what if concept plans had really different attributions and, then, they didn't work together? I just -- I just have a process issue with going about it this way and I haven't heard a really compelling reason why both need to be approved tonight. Maybe I'm just being a little paranoid about it, but I just -- I don't feel like this is a good way to go about it. If you are really close with both -- you know, what -- what -- and, Mr. Mayor, I'm sure we could hear from them their thoughts.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Before we do I'm curious if staff would be willing to share their -- their thoughts on it. If there is -- if there is a comfort level there to do that I would like to hear that before the applicant responds.

Allen: Mr. Mayor, Council Woman Perreault, Council, as I stated earlier, we have done this in the past. Not a lot. I don't personally have a particular problem with it. However, I do see the concerns that have been brought forward with it. You know, it's really Council's call on it. You know, if it got to the point where we were having three and four concept plans, then, you know, I -- that's a different scenario. I -- I don't think staff would be supportive of that. Where we have two, that's not as big a deal. It's -- it's allowing options, like Council -- Councilman Hoaglund mentioned.

Parsons: Mr. Mayor and Council, I would like to just add a little bit finer point on that. So, I think to be fair to the applicant, staff guided them to two concept plans. They reached out to us and they said can we do this and we said, yeah, we have done it in the past, why can't we do it here? I can tell you there is a project off in BridgeTower where I have three concept plans tied to a development agreement. So, it is something we have done in the past and it has worked very well and it does give the applicant flexibility. Now, the other option here is you can see they do have a -- Jeff, if you go back to that other concept plan here. On occasion what we have done with projects, too, is we have looked at square footages in a DA and we haven't necessarily tied them to a concept plan, but we have tied them to a certain number of buildings on a site and square footages that can develop on that site. I'm not saying we want to rewind this thing and start over, but we have done that as well. So, again, if you -- if two concept plans doesn't give you comfort level like it does staff, then, this is your opportunity to say, okay, now what they propose is that consistent with what you have on the books today, because that's, essentially, what they have in front of you is this concept plan. So, if you think they can -- you can find consistency and -- and direct staff to say, you know what, we don't need a DA mod, they are consistent with this concept plan we have tonight, then, they don't need a DA mod and you approve -- approve the subdivision. But, again, as far as transparency goes, just to kind of clear up my -- my comments to you is we like the idea of two concept plans. We directed them to go that route. That's why we paused it at Planning and Zoning Commission so that we could amend the staff report, have appropriate conditions in the DA and that's -- that's what's brought us here tonight.

Bower: Thank you, Mayor Hoaglund, just -- Mayor Hoaglund. Mayor, Council Member Hoaglund, we appreciate your comments and to -- to -- to just reiterate, that's precisely what happened in this case. As Bill just mentioned we had a concept plan, we had a plat for the five lots. Midstream we get approached by another user and -- and, then, we brought concept plan two. As to the precedent issue, you know, this comes up a lot and I know you all know -- there is no precedent. Each application is on its own. If you don't want to approve two concept plans in the future you don't have to and -- and Council

Member Strader said something that I was going to bring up. She said in this case they are very similar. So, I just wanted to point that out to you. Really we are talking about one building instead of three on that eastern frontage. Our accesses are the same. Our drive aisles are the same. There aren't a lot of meaningful differences. It's just whether it's the single building or three buildings and so we would ask for the approval of both. I do want to also touch on the specificity here. I think we would all agree these concept plans, probably given the size of the site, are quite detailed compared to say what's in the current DA. As Bill mentioned, it's just sort of some blocks and some square footages. We are really getting granular at this point on these concept plans, almost to the point where they are no longer a concept. It's the plan. And so I think we need to take that into consideration as well. So, all of those things first, if it is two-three and there is a possible denial of our -- both concept plans, we would ask for approval of option one, which is the five lots. But, again, we -- we don't think that that is needed in this case and we would ask for both concept plans to be approved.

W.Gasser: I just have one comment I would like to make and that is -- before we close the meeting that we have worked with the service station for about a year, maybe just a little bit longer. When you are working with a national tenant and that hotel chain is a national tenant across the U.S., it takes them -- they plan about a year in advance, sometimes two years in advance and so it takes time to negotiate these things after they get interested and before they really approve it might take another year. So, that's why we have come back for the flexibility. We -- we haven't done this before, just because this is a major chain and they have approached us and have shown a lot of interest. But we have not been able to tell them that they could be approved, whereas we felt the other option number one that we could gain approval for.

Simison: Thank you.

Bower: Thank you.

Simison: Mr. Nary.

Nary: Mr. Mayor, Members of the Council, I guess I would just add a -- maybe the last point on that precedent concerns you have. If you have situations where either the staff or the Council feels that it's being abused, it's being used for a let's make a deal type of thing or being used as a marketing tool, they are not really ready to do anything, they are just trying to get some entitlement, you have the ability to deny it, so you are always going to have the ability to deny it. I don't think anybody -- and Mr. Bower is correct, if they come up and say, well, you did it for them, you have to do it for us. No. Each circumstance is different. This one is unique, but not unprecedented. So, from a legal standpoint I'm not concerned that if you were to grant this that we have somehow opened the door to people doing it. Now, will people push the limits if they can? Will they try to push it more sometimes if they can? Potentially. The risk is they get denied and they have to come back anyway and, then, pay again. So, I don't think you are going to see that kind of abuse and, again, it's -- it is used very limited, but it has been done occasionally for the same sort of valid reasons of what they are doing tonight.

Simison: Thank you, Mr. Nary.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: I'm going to move this along and -- and get some discussion and action. So, I will first move to close the public hearing on H-2022-0046.

Hoaglund: Second the motion.

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

MOTION CARRIED: ALL AYES.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Some -- some brief comments and a motion and, then, some discussion from the team here, see what we are going to do. So, I have indicated I'm supportive of the application and indicated why. I think the -- the remarks about precedent are really important and I think it just highlights the discipline, quite frankly -- frankly, that we have to have as elected officials to review each application independently and exercise that discretion to say no when it's appropriate. I don't think this one is -- is that application. I think if either concept plan came by individually I would be supportive of it. Them coming collectively doesn't change that. I think Councilman Hoaglund's fine point on some flexibility and an opportunity for this project to develop, it makes sense here. So, here is the motion I'm going to make and we will see -- see where it goes. I'm going to move that we approve H-2022-0046 for the DA modification and the -- and the preliminary plat and with regards to the -- the city comments and conditions in paragraph eight of the staff report, there were three that were at issue. The first one with regards to the 50 percent, that condition would be removed. The second condition with regards to integrated plaza open areas would remain as written. And the third condition concerning the orientation of buildings along the eastern boundary line, that would remain as well, except for the substitution of the word may instead of should to afford the applicant some flexibility on how best to orient the buildings depending on the ultimate end user. With regards to the right-in, right-out access as proposed on Eagle Road, that would be included as an approval as part of this application.

Hoaglund: Second the motion.

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

Borton: Mr. Mayor?

Simison: For discussion.

Borton: Sure.

Simison: Yes.

Borton: Yeah. Just -- just a -- just a final note on it. I -- I do think this is a -- a one-of-one type of application and, again, I don't disagree with the concerns on concept plans, but this particular application -- the four corners of what we have here is of minimal risk and concern that it's opening the door to anything broader than what it is. The footprints are very similar and I think it's going to lead to a successful project under either option, so hopeful the motion is supported.

Simison: Thank you. And if I could add, you know, I kind of go back to the question like for either option what would -- what would I believe needs to be changed? Access? Parking? Another element that I can't -- I -- personally I can't identify anything that really distinguishes -- unless you don't think the type of use is appropriate. Unless you don't think a hotel is appropriate in -- in this location. So, you know, as compared to the concept plans, it's -- I don't think it's really about having two different drawings, I think it's really about -- if you don't think the use is appropriate maybe that's a conversation, at least from my perspective. But the access isn't going to change. It's not going to become a thoroughfare road more than it already is no matter what you put there, because it's not about what's there, it's about what's behind there that may utilize this facility to go other places and I have been to Five Guys a few times in my life and I have accessed Records through private lanes and drive aisles. It's going to happen. We -- we all -- we all get that in that regard, so I don't know if that would make a difference if it was a hotel or something else in this location. Just my two cents on -- on the issue before you all this evening. Maybe before me. We will see.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: And just for clarification on my thoughts, it -- it is the -- the precedent of the two concept plans, but I have less of a concern about that as it is disclosure to the public of what's going to happen in the future and with these DA sometimes it takes years before the projects are actually built out and so we frequently have the public come to us and say, you know, I didn't realize that was going to happen or I didn't know that was going to happen and now we have two concept plans and there really isn't clarity on what's going to transpire and that's -- that -- that's my primary concern more than that we are setting a precedent for other applicants to come. So, it's not -- it's not a -- a concern that it's not meeting our code, it's not a concern about the comp plan in that regard, it is just really the continual request by the public that there is clarity on what's going to transpire and I don't think that creates this and I don't want this applicant to be -- to have -- yeah, I don't -- I

don't want that to be negatively affecting what you are trying to do, because I don't think this is about you and your application, if that makes sense. So, this is really about -- again, Council Woman Strader mentioned process and -- and the request by our public to be really clear about what's going to happen when these DAs get modified and that the public is aware of what is intended.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Just to respond to that, I don't disagree with the concern. I think that applies and -- and is more concerning to the public when it's the -- a rezone or a comp plan amendment where some of our existing entitled uses are -- are subject to change where it's going from commercial to residential or vice-versa or the classic, you know, farm field becomes a Shopko and I thought it was going to be a farm field forever. So, in this case this is entitled property that's being utilized in the exact manner that it had the right to develop, you know, 12 months ago, six months ago, so the actual end product from a zoning perspective isn't changing. So, I -- the concern is certainly valid. I think it's muted somewhat with this application by itself.

Simison: All right. Ask the Clerk to call the roll.

Roll Call: Hoaglund, yea; Borton, yea; Cavener, yea; Perreault, nay; Strader, nay; Overton, yea.

Simison: Four ayes. Two no's. And the application is approved.

MOTION CARRIED: FOUR AYES. TWO NAYS.

Simison: With that we are going to go ahead and take a recess for ten minutes from that standpoint. So, we will reconvene at 8:15.

(Recess: 8:05 p.m. to 8:15 p.m.)

4. Public Hearing for Bridge at The Village at Meridian (CR-2022-0007) by Meridian CenterCal, LLC., located at 3210 E. Longwing Ln.

- A. Request: Council Review of the Planning and Zoning Commission's decision of denial on the conditional use permit (H-2022-0069) request to exceed the maximum building height allowed in the C-G zoning district.

Simison: All right. We will go ahead and come back from our recess, so we can continue with the rest of our items this evening. Do we need to wait a second? We do have all the Council Members here. Councilman Borton will be logged in in just a second, but why

don't we go ahead and open the public hearing for the Bridge at The Village at Meridian, CR-2022-0007, and we will open this public hearing with staff comments.

Allen: Thank you, Mr. Mayor, Members of the Council. Give me just a second here. The next application before you is a request for City Council review of the Commission's decision. This site consists of 14.24 acres of land. It's zoned C-G and is located off of the northeast corner of East Fairview Avenue and North Eagle Road in The Village at Meridian Shopping Center. A conditional use permit was recently denied by the Commission to exceed the maximum building height allowed by the UDC. So, that is what the request for City Council review is on. The Comprehensive Plan future land use map designation on this property is mixed-use regional. The applicant is requesting City Council review of the Commission's decision on the conditional use permit to exceed the maximum building height of 65 feet listed in the UDC for the C-G zoning district, to allow an average elevation of 78 feet, 85 feet to the highest point of the structures, for two vertically integrated residential buildings, one on each side of Longwing Lane, joined by a pedestrian bridge over Longwing. The project will include 549 apartment units over ground floor retail and restaurant uses. This project can be serviced by the Meridian Fire Department, but with the concentration and distribution of existing resources they are unable to maintain an acceptable response time. A firefighter air replenishment system will be required for the structures per IFC and city code. Both structures shall be required to have radio testing done. The Fire Department recommends AEDs throughout the building, as access to the upper floors and pool area will be delayed. Written testimony has been received from Tamara Thompson, The Land Group, the applicant's representative, in agreement with the staff report. The applicant is here tonight and is planning to present to you on this request. So, staff will defer to the applicant on the rest.

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

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I just have questions for the Fire Department, but at whatever time you think is a good time for other staff.

Simison: Okay. Well, let's let the applicant present and, then, we will follow up with that appropriately.

Wardy: Good evening, Mayor Simison and Members of the City Council. Thank you. My name is Sean Paul Wardy. My address is 1600 East Franklin Avenue, El Segundo, California. I'm the CEO and cofounder of CenterCal Properties. Thank you very much for allowing us to come before you this evening. It's hard to believe it's been 15 years since we started working on this project and we are so grateful to the city for your partnership and for the project we were able to build here in your community. We have been planning the last phase of this project for a long time and one of the things that was important to us was to really focus on quality, focus on the quality of the project. We have

built residential on some of our other mixed-use projects and what it really does is bring a level of vitality and vibrancy to the projects throughout the evening and you see people walking their dogs, you see people walking for dinner and we are very excited about the opportunity to bring this residential to this project. Today we feel The Village of Meridian is the most exciting and -- and vibrant retail project in the state and it would not be possible without partnership with the city and our ability to attract, you know, the highest quality tenants. We are still working to build out the original vision for -- for this project. When we originally met with Anna, you know, almost 15 years ago, you know, mixed-use is a very important component of this project and vertical mixed-use, you know, there has been a lot of very high quality, you know, horizontal mixed-use projects in the community and we really wanted to build something that was vibrant and high density and very walkable and we think this project does that. One of the components of this project is a significant amount of -- of amenities and Deb will walk you through the project -- to really match the quality of what's been built there on the retail side. So, when you look at the amenity spaces and the pool and a lot of the -- you know, the fitness center, it is really what we think is -- is the best of what's being built across the country and we are able to do that by bringing the number of units into the project to allow us to spread those costs. The Bridge at The Village would provide a luxury living experience that we think does not exist in the market today, you know, as I mentioned, with walkability and -- and the quality of what we are doing. We are always looking to improve the quality of the project. Part of this application includes some very high quality retail that will be added to The Village, some new users that haven't been in the project to date. We appreciate planning staff's support on what we are trying to accomplish here. You know, we have spent a lot of time with staff over -- over the years and really working to build a project that we and the community can be proud of. A couple of the images on your screen just show, you know, the project today, you know, the quality of -- of the open spaces and quality of -- of events. You know, one of the things that was interesting -- I was sitting in our conference room today -- when you look at the number of retailers that have come in the project, you know, I think what you will see with -- with retail projects across the country today is, you know, the consumer is a little bit fickle, so retailers won't last forever, but a great place and a great community will stand the test of time and we will be able to attract the -- the country's -- the best retailers -- both local retailers and national retailers. So, thank you for listening to us. Deb's going to give us some details on the project and -- and how we have addressed some of the concerns of the Planning Commission. Thank you.

Simison: Thank you.

Nelson: Good evening, Mayor Simison and Members of the Council. Deborah Nelson. 601 West Bannock Street in Boise. I also want to note some other members of our development team that are here with us, as well as Jean Paul and myself and that includes Michael Stonehouse with Carrier Johnson, the architect for the project. Jason Densmer with The Land Group. Lance Blackwood, the applicant's representative here at the beginning, and a whole crew from CenterCal who wanted to be a part of this application process. So, we -- we brought a big crew. As Sonya and Jean Paul have both noted, we are here this evening to request the Council support for our conditional use permit for a height exception for the construction of the Bridge at The Village, a

vertically integrated residential project near the intersection of Eagle Road and Fairview. We appreciate planning staff's support. The Planning Commission also liked some aspects of the project, but had two concerns. Compatibility of the height with The Village and surrounding uses and the impact of the project on existing parking at The Village. The development team has worked hard to assemble information to adequately address both of these concerns that were raised to gain your support. First, a brief overview of the project. This is, again, a mixed-use project with 549 residential units above over 34,000 square feet of ground floor retail. The project is a natural extension of The Village at its western edge, extending toward Eagle Road. The project includes structured parking and an elevated pedestrian walkway spanning East Longwing Lane to connect the project buildings. Vertically integrated residential is an allowed use in the C-G zone. This use was also contemplated from the original development agreements governing the project. The conditional use permit is only needed for the height. The C-G zone allows 65 feet without a conditional use permit. We are requesting 85 feet just to cover the tallest rooftop appurtenances. As Sonya noted, the average height and really the visible portion of the roof line is 78 feet. By going up the project height achieves the contemplated mix of uses and desired density for The Village, while preserving parking for the larger development and building up instead of out is a more sustainable form of development. The height is not only functional, but aesthetic, as the building makes a grand welcoming statement in this core commercial area and in The Village. I would like to walk through just a few renderings, so you can get a sense of that grand entrance. Here you can see the unique architectural feature of the pedestrian walkway over Longwing and this view gives you the pedestrian perspective of the building. The design creates a very inviting and safe pedestrian crossing and this slide illustrates the view and experience inside that elevated walkway. Here are some of the views of common areas inside the bridge. Residential amenities include fitness, an outdoor rooftop courtyard and pool area. So, moving on to address the P&Z's concerns with height compatibility and parking. First, the project with the proposed 78 foot average roof height is compatible with heights in The Village and the surrounding area. The Village itself is made-up of multi-story commercial and office buildings, including the office building dome at 78 feet and in the vicinity, as you can see in this slide, there are a number of other structures that surpass 65 feet in the area, especially along the Eagle Road corridor. These include the Scentsy building at 83 feet with a peak of the atrium at 95 feet. The Portico office at 111. Portico East at 79. The St. Luke's Hospital building at 79. And the St. Luke's Breast Cancer Center at 87 feet. Also within the vicinity of The Bridge project are multiple four and five story buildings, both within The Village and along Eagle and Fairview Roads as you can see in the locations here. And, importantly, the surrounding zones all contemplate intensive development and tall buildings with much of the immediate area allowing 65 feet tall buildings. This slide really illustrates the in-fill within the commercial zoned area of the location. The project is also significantly distanced from single family detached residential with a minimum 1,700 foot buffer and, again, separated by that C-G zone property. For all of these reasons the project height is compatible with The Village and the area. This really is the ideal place for height. The Bridge is proposed at the heart of The Village at the corner of two major arterials buffered on all sides by C-G zoning and by planned or existing multi-story mixed-use development. Turning to the second concern raised by the Commission, The Bridge project will not adversely impact parking at The Village. The

city's parking ratios required for nonresidential uses have not changed since The Village was originally approved. The Village has always been planned with excess parking above the city's requirements. In fact, The Village is built and planned uses today include less retail and office than originally contemplated in 2008, creating less parking demand. This table just illustrates that point, that it shows that the planned development levels from the 2008 DA versus the current planned and built development levels. You can see in the yellow box the decrease in the -- in the nonresidential square footage and the corresponding decrease in parking demand in the blue. Turning to the bridge itself, The Bridge project needs 650 parking spaces for the mix of residential and nonresidential uses under the code that was in place at the time the application was filed. As you all know recently the City Council did update your parking requirements and that impacted vertically integrated residential uses, but even under that new code that was adopted after the application was filed, that -- that level of parking is also not a problem and that demand for residential and nonresidential is 707 spaces. To meet that demand within the parcel that's being developed here, the project is providing 600 new structured parking spaces and 134 frontage surface spaces. So, under either code there is sufficient parking to meet the new project. But I think, really, what the Commission was looking at when trying to get this information is how does that really impact The Village and so that's what this slide sums up and it's focused on the south phase, which is that core area of The Village south of Village Drive and when we look at the total available spaces after construction of The Bridge with its net impact on surface parking and addition of parking that it's providing, there are 2,674. So, 2,674 parking spaces available to serve all of these uses. When we look at the spaces that are needed based on your city code for nonresidential uses, we take out 1,344. When we take out the spaces needed for The Bridge, even assuming conservatively under your new code of 707, we still have an excess of over 600 spaces available to serve these uses. So, hopefully, we have been able to address that particular concern raised by the Commission. In conclusion, the height is compatible with existing and planned development and with the project The Village is still significantly over parked. The Village area has always been contemplated for intensive office and retail use and vertically integrated residential that necessitates higher buildings and this is exactly the place for taller buildings surrounded by C-G zoning, far from single family residential and along major transit and traffic corridors. We ask you to overturn the decision of the Planning Commission and to approve the application for conditional use permit for The Bridge at The Village and we will stand for any questions you may have.

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

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Deb, we have not used average building height as a unit of measure before. It's always at its highest point. So, did you have an exhibit which illustrated how the average was -- I -- I envision it's, you know, 68 feet in these portions and 85 in these portions. Is there some exhibit which depicts why referring to it as an average height is important?

Nelson: Mr. Mayor, Council Member Borton, our architect is here, so I might let him address the question of how the average is calculated. But, yes, that's my understanding, is it's taking the visible roof heights of the different heights of buildings and that is the -- and that comes to the 78 feet. But you are correct, we are asking for 85 feet for all rooftop appurtenances to be included. That is what's proper under your code to get to the highest point. Elevator overruns, mechanical, you know, atrium features and that's why when we compared to some of these other projects on Eagle -- on Eagle Road corridor, they also have those taller numbers incorporated and so, yes, 85 would cover all of the rooftop appurtenances.

Borton: One follow up, Mr. Mayor.

Simison: Councilman Borton.

Borton: And maybe this is another exhibit that you have and can return to, but some of the -- the decision points on height variances, what comes into play is the distance from the primary arterials or -- or state highways and this -- basically the setbacks. You had some examples, some of which set back much more than others. How do you think we should incorporate its distance from Eagle Road to the decision making process?

Nelson: Mr. Mayor, Council Member Borton, I'm not familiar with extra requirements for setback to accompany --

Borton: It's not a requirement.

Nelson: Okay.

Borton: Just -- just -- because of the concern, the question that's unanswered -- or unasked is why not 92 feet or 99 feet or 81? I mean when is it wrong and when is it right? And sometimes the distance from the primary roadways gives you some scale perspective that perhaps it's even a feel of when something is just too doggone high. So, I don't know if in some of the other examples in your -- in preparation you were able to determined that some of these projects which did exceed 65 feet, you know they are always 90 feet from a primary roadway, not because it's a requirement, but just it tends to mitigate the mass and I was just curious of whether or not that came into play in some of your analysis as to why. In this case at this location with this setback, 85 feet really isn't as big as it might seem.

Nelson: Yeah. Do you want to --

Wardy: Well, one -- one thing that we would like to add to that discussion is -- and it's not shown on this plan. There are two single story buildings -- or a single story building and a two-story building that will front Eagle Road that will really break up the mass. So, really, I think from -- from the street it will -- you have to get back a ways and you will have two buildings in front of you that will really break up that mass. We are not bringing that higher building to Eagle Road.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: And I forget if you -- if it was mentioned, but how far back is the building from Eagle Road?

Nelson: Mr. Mayor, Council Member Borton, I just checked with the civil engineer. A hundred and fifty feet.

Borton: Okay. That's a lot. All right. Thanks.

Nelson: Yeah. I -- I think that's part of what I was going to say. I think the scale is a little tough. That's why I was trying to get back to some of these larger images, so you can kind of get a sense of -- that it -- it looks tall when you just look at the elevation by itself, but when you put it into context of the site here it's actually very consistent and it is very far set back. It is also in the location that was contemplated for buildings in the 2011 concept plan that's the current approved concept plan and so it's consistent with that. And along with what Jean Paul mentioned, there is kind of a step up that will happen here that you can't see yet in the -- the pad development -- I think also helps to mitigate that feel.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: First let me say congratulations on a -- a really amazing project here and to my understanding CenterCal's first in our state. I find it interesting after you heard our -- our discussion with the prior applicant about commercial needing to be closer -- retail needing to be closer to Eagle and now we have a -- a development here where our retail is in the core and our residential is close to the inner -- is close to the highway and so interesting how that's going to be done and surprised that the retailers wouldn't be concerned about that. My -- my question is if you had -- if you have listened to the prior application -- if you kind of learned anything about how we are viewing this area and if you have any comments for us on that in regard to traffic flow and whatnot.

Wardy: One -- one of the things that we are actually most proud of with this project is our partnership with the city, ITD, and -- and Ada county. In connection with the project we were able to do in excess of 20 million dollars of road improvements to Eagle Road and Fairview and so over time with the growth in the community I think that -- I think we have really been able to mitigate the -- the -- the growth of traffic and, you know, the extension of Records Road, East River Valley, those are all roads that were put in with -- with our project and so I think we were able to really make an impact on -- on -- on that traffic growth and we also have another -- another phase of -- of improvements that are in process. So, I think with growth comes that traffic, but I -- I'm -- I'm very proud of this project's contribution to mitigating that impact.

Perreault: Mr. Mayor, one more question.

Simison: Council Woman Perreault.

Perreault: Thank you. So, in your calculations you had mentioned a proposed -- excuse me -- proposed projects that are not -- not yet built, but that have been approved is what I -- is what I'm understanding; correct? And -- and the calculations on square footage that was expected originally, what has been approved and what is proposed to be approved. What are those proposed projects that you included in those calculations?

Wardy: Yeah. It -- it's really -- this is the last phase of the project, so it's really -- it's really just the completion of the build out based on including The Bridge in those calculations. And so the original development agreement just had a larger square footage that was proposed and this is really the completion of everything we know that will be built out on the site.

Nelson: And I would just add the commercial pads that you may not see there yet. Those -- those are also part of the planned anticipated and we went ahead and assumed all the square footage from that as well in the parking needs for those as well, even though they may not be on the site yet.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Thank you. Yes. As you know, In & Out has been in the news about causing traffic issues for The Village and for this intersection. So, I was curious how you came to the calculations of the square footage and traffic use, because I think there are uses in The Village that -- you know, the -- the original anticipated square footage is great, but we didn't know who the end users were going to be in some of these. We didn't know if we would have -- necessarily have -- how much office we would have, how many restaurants. So, when you use the original plan square footages for these calculations it -- you know, I don't know if that means -- is that really where we are at now or is that what was planned before everything was built. And so using that as a comparison for me doesn't necessarily give me the most accurate understanding of how it affects this with the parking as well.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: First, Jean Paul, thanks for your investment in Meridian with jobs and opportunities. I tried to pay a little back this holiday season, but appreciate your investment in our community. Deborah, when you were going through your -- your presentation I noticed something that was interesting, I hope maybe you can give me some clarification. On nonresidential buildings you talked about total height, but on what -- kind of be considered residential, hotels and whatnot you talked about stories and so it

kind of begged the question what is the tallest residential building in Meridian and where is that at and how does this compare in heights to other residential buildings that are -- that are in Meridian. Just because you -- you focus on total height on one and stories on the other, I'm just trying to get a clear picture as to how this would really compare with other residential in Meridian. If you don't have the answer, I'm sure our crack staff may be able to -- to jump in with that response.

Nelson: Mr. Mayor, I will defer to your staff on the tallest residential building in Meridian.

Simison: How about the tallest mixed-use residential building under construction in Meridian will be the --

Parsons: Across the street.

Simison: -- across the street.

Cavener: Before that one?

Parsons: If memory serves me correctly, I believe that was approved for 90 feet. But they did get an approval for up to a hundred feet.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Just a comment and, then, all my questions are fire questions. Get ready, Joe. The thing I like about it -- I love that the parking is integrated within the project and not visible. I think that's fantastic. I agree the density belongs in a transportation corridor and I appreciate you using a smaller footprint and less sprawl to put more people in a place that it makes sense. So, I love all of that. So, that's great. Tall buildings have an increased safety concern, so -- Mr. Mayor, whenever you think it's fine I have just a bunch of questions for deputy chief.

Simison: Are there any other questions for the applicant specifically right now? That way we can just get them to sit down for what could be a while conversation. I will turn it over to you, Council Woman Strader, for your series of questions.

Strader: Thank you, Mr. Mayor. Okay. I -- I know we are working on our fire response time model. The comment was it couldn't be served in an appropriate time. It just feels like the stakes are getting really high for these kinds of projects for that to be the comment. So, I need more detail from you. How far is the nearest fire station? How far is the nearest ladder truck? Because I guess that's probably a big component of this; right? Because it's such a tall building. What are the concerns? And give me -- and you have to give us at least an estimate or something, please, on our response time, please.

Bongiorno: I just looked it up. Okay. So, Mayor and Council, when it comes to The Village, The Village -- excuse me -- The Village is a hole for the fire department, much like we have holes throughout the city. Another example of a hole is like directly behind Station 5. It's -- it's -- literally it's -- it would be faster to knock the fence over and go put a fire out behind Station 5 than it is to drive all the way around to get to that street behind Station 5. So, The Village is one of those spots. So, your question was the closest ladder truck and the closest first two's are going to be threes and ones. Okay? And Station 1 and Station 3 are roughly the same distance apart and the old Google map says it's roughly two and a half miles is where it is. That's from Station 3. Station 1 is 2.7 miles and that's just going down Franklin, down Eagle Road, and, then, into The Village.

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

Simison: Get your --

Strader: Thank you. And so -- okay. And so -- but we also have the potential for response from Boise; right?

Bongiorno: Correct.

Strader: If needed. So, walk me through that scenario.

Bongiorno: So, for that the closest fire station would be probably Station 10. Ten or 11. Exactly. So, let's look at Ten. Oops. If I can spell. That is roughly 3.3 miles. Station 11 -- ten is on McMillan. Police really needs questions, too, when you are done. That is roughly 2.8, 2.9 miles, depends on which route they take.

Strader: And so when you say it's a whole, is -- is that just meaning it wasn't on the blob map? Does that mean that because of the traffic patterns there -- even though it's really close it takes you longer? Okay. Can you explain?

Bongiorno: Yeah. It's just that whole response time. So, the old -- the old blob map that -- that we called it, if you look at it The Village sits in a -- it's not on the map. It's outside the boundaries of the -- what we were utilizing, you know, Chief Demeyer time as our response times. The -- and since then with the new fire chief, new data, our CPSE work that we are currently doing, that's where we are finding that our response times are off. That that map is not accurate at all and so --

Strader: It's not accurate everywhere; right?

Bongiorno: Apparently it was not accurate ever.

Strader: Okay.

Bongiorno: And so what we are working -- and that's what they are working with CPSE and the client is to get those numbers a hundred percent true of what our response times

are. Now, when -- when we say response times, that's the other problem that we have is what we have to look at is the total response time. That's from 911, what is your emergency, to them hitting the go button that sends it off to the fire station, for the fire station to receive that call, for them to turn out, okay, put their turnouts on, whatever they got to do, get in the fire engine hit in route all the way to where ever they are going, set the brake on scene. That's the total response time. It's from 911 to the air brakes setting in your front yard. Now, the problem -- concern with this is now we have seven stories we have to deal with. Okay? So, with seven stories it's -- we have to gather up all of our gear once we get on scene and, then, we have to go find an elevator, get on the elevator, go up to the fifth floor, find Apartment 304 or 504 or whatever and -- and deal with whatever the incident is. So, it's just extended response times, plus the extended response getting from the first floor up to where ever we got to go. You know, maybe it's a drowning up on the roof. So, that's -- that's things that we have to look at.

Strader: Okay. And, then, like in terms of -- I'm more trying to think worst case scenario, but certainly medical call is very possible. It's going to happen.

Bongiorno: Yep.

Strader: I'm assuming this is not stick built. It's huge. It's seven stories; right? It's got -- it's a steel superstructure, foundation, and your -- it's not -- there is no way -- I don't think they will -- I will let you confirm in your final comments. So, there is no way it's just a stick built building.

Bongiorno: Right.

Strader: So, does that mitigate the risk in terms of like a catastrophic type of event, like a structure fire, or do you still have concerns around that because of the height of the building? Help me understand that.

Bongiorno: So, Mr. Mayor and Council -- so, much like the buildings across the street, my -- my concern with them is 75 feet is considered a high rise by the building code and by the fire code and so they are building their building 74 feet five inches tall. So, to the highest point of people being able to stand on. So, that eliminates a whole ton more codes that they have to adopt to. So, what we did across the street -- or is what I asked the developer to do is, look, if you read the NFPA statistics, the number one cause of fires in high rise buildings -- okay. We are going to call this 74 feet five inches a high-rise. Back in the old days seven stories was a high rise in older codes. So, the number one cause of fires in high-rise buildings is cooking and so we asked the developer across the street, look, let's just cut this off. Let's fix this right off the bat. Let's just solve the problem of fires and we had asked them if they would be willing to look at putting in a Denlar type -- Denlar is a brand name -- type of hood over their stoves and what that has in it is it has an extinguishing system built into it and so instead of the fire on the stove going, catching on fire, then, it goes up, it lights the cabinets on fire, possibly gets into the vent that's going to potentially go up through the building and get out and, then, hit a sprinkler head, it's going to stop it immediately at the hood, because there is an extinguishing system

built into the hood. So, we had asked them to look into that and they ended up saying, no, we can't do that. Money was tight and they are like we just can't do that. And so, then, we looked at some other options and, then, everything kind of died. So, we -- we haven't done a whole lot with that since. But that's the number one concern, other than medical problems, is that's where the fire is going to be. It's going to be in the kitchen of one of those apartments.

Strader: Okay. Thank you. That's helpful. And so I will let you guys respond to all that. But what -- like sort of longer term we need to have some discussions, but, you know, what are the other mitigants that could be put in place or that are put in place by code? So, you just mentioned -- like is it that technically it's just below a height limit where additional requirements apply? Okay. And what would those requirements be if they were that high?

Bongiorno: If it was that high there is -- sorry, Mr. Mayor and Council. So, if -- if it was that high -- I don't know the building code right off the top of my head, but I know there is like ventilation requirements. Smoke extraction devices. There has to be a fire command center, which is one of the other things that the other people did do is they went ahead and put in the fire command center, even though it wasn't required and so, basically, in that fire command center we have the fire alarm panel, we have the riser room, we have the fire system panel, so we can maintain that. So, they created a -- a fire command system center for us, even though it wasn't required by code. So, that's just a few examples. There is -- there is a whole bunch more. There is like communication devices that are required and some other things.

Strader: Yeah. Okay. That makes sense. So, I feel like you have laid out a few things that are potential mitigants that the applicant could pursue. At what point would -- at what point would you -- at what point in the application process would those things become a requirement for an applicant? Would you have already made those requirements before now or would that be something that happens later on when they are further in their development process? Like at what point would that take place?

Bongiorno: Well -- yeah. So, Mr. Mayor and Council, again, because the building is not a high rise I can only request them.

Strader: Yeah.

Bongiorno: So -- and that's what we did when we went through the permitting and -- for the people across the street was -- we just said, look, here is -- here is my biggest concern. The number one thing in high rises is cooking fires. Let's just kill it right there, put in a hood that will -- that will put out the fire and -- and, then, we are -- we are great and -- and with that it's going to put the fire out and it's also going to stop the other potential of additional damage because of water damage, because if -- if it does grow and grow and grow and, then, it hits the sprinkler head, now you have got 35 gallons a minute flowing until we can get all the way up there to where ever it is, figure out what's going on, put the

fire out, then, have the guys go shut the sprinkler system down. So, there -- there is, man, a lot of moving parts when you -- when you get into those tall buildings.

Strader: And is there like any time frame in which our response times will improve in the foreseeable future or when you will at least have better data? Just to give us an idea. Because I feel like this is coming up now pretty frequently.

Bongiorno: Oh, It is. And -- and, Mr. Mayor and Council, I apologize for that and I know the Fire Chief has been working with the Mayor and we have got -- you know, we did our community risk reduction plan for the city. We did our standards of cover document. Now, we are just working on the best way to present it to Council and how -- how to best move forward with what we really need. So, in this particular case I did take a look at land, you know, hey, can we build a fire station out here to help mitigate that and, unfortunately, as we all know, everything's getting built up and -- and gobbled up. I mean I found two perfect pieces of property. One the guy won't ever call me back and the other one turned into a -- another building, so --

Strader: Okay.

Bongiorno: -- we missed that opportunity.

Strader: I got it.

Simison: If I could just add in, just to kind of follow up. We are trying to understand the data because sometimes, you know, when you try to get data from different sources and make it all understand, but I think one of the things that we are trying to prove or disprove is, for example, Locust Grove, which is a two lane road that has no center turn lane and no shoulders, is that part of the restriction that's not allowing us to get here quicker? Maybe still not able to get there in five minutes, but what are the road constraints that may be delaying us as -- you know. But as was mentioned, you know, I -- I know it's on the chief's radar that somewhere on the Eagle Road area another station or something may be warranted in that area, just --

Bongiorno: To go along with what the Mayor said, you know, I -- I was a driver at Station 4 on Eagle Road and I -- man, I have -- I have driven down that raised median many times trying to get through traffic, because if you go at 4:00 o'clock that bridge is one hundred percent packed. You -- you can't get across that bridge. So, those are the kind of things that we have to -- to look at along with. So, that's also part of that response time total is, too, is what's the traffic like, because even, you know, with the lights and sirens going, if people got nowhere to go, then, it's still going to be a challenge to get through it.

Strader: Right. And so I guess to sort of summarize, I mean you have other tall buildings here already. You have another tall residential building that may come. I'm sure we will hear from the applicant what their time frame is, so you would understand how -- we would all understand how much time you would have, but out of the mitigating -- you know, like mitigants that you mentioned above and beyond, you know, the defibrillator

and et cetera, I mean what -- what one are the most user-friendly that have an impact, besides a special hood and potentially a fire command center? Like if it had those things like would that make you more comfortable?

Bongiorno: Definitely. Yeah. Yeah. It would definitely help.

Strader: So, if you guys could address that in time frame -- or just help us understand how to sort of contextualize these comments and I apologize it's hard, because it's not within your control, but we do have to be able to service it safely and I'm sure you do have emergencies at The Village all the time, so --

Bongiorno: I was -- Mayor -- Mr. Mayor and Council, I was looking online to see kind of a rough estimate. I couldn't find -- there was so much data there to -- to get through real quick I couldn't get solid numbers on how many times we have been there, but I know we have been there a lot. At least to Grimaldi's, because I'm familiar with that one. But one other thing -- oh, I lost my train of thought. Never mind. Sorry.

Strader: That's okay. Thank you, Mr. Mayor. I really appreciate you indulging my many questions.

Simison: Absolutely. Council, any additional questions for the applicant or staff at this time? Okay. Mr. Clerk, do we have anyone sign up to provide testimony?

Johnson: Mr. Mayor, we did not.

Simison: Okay. Is there anybody present not part of the team that would like to provide testimony on this item? And we do have someone online. If you are online and you are wanting to provide testimony, if you can use the raise your hand feature.

Johnson: Mr. Mayor, that person's part of the team as well.

Simison: Okay. Well, there we go. So, seeing no one wishing to come forward to testify, I will invite the applicant back up for final comments and more questions I'm sure.

Stonehouse: Good evening, Mr. Mayor and Council Members. My name is Michael Stonehouse from Carrie Johnson. We are the -- we are the architects of record on the project and my address is 185 F Street, San Diego, California. 92101. With regard to the -- the -- the height of the building, the high rise is defined in the code. And, by the way, these are all strictly code questions that you -- that I'm addressing right now. Building code questions, not municipal code questions. A building is considered a high rise when your highest occupied floor is over 875 feet. Okay. So, this building is not a type one construction. Type one construction is noncombustible construction. That means you cannot use wood. This is not a high rise building. But the code does allow you to build up to 85 feet to the structure -- the structure -- the -- the roof structure. Not the parapet, the roof structure. So, we are staying below the limits of a high-rise building. So, we have what's called -- what we in the industry called podium building, which is a type three

over type one building and what that means is that you can have combustible construction, five stories of wood over two to three stories of type one construction, which is normally concrete or steel. So, the first two floors of this has to be noncombustible construction. Type one construction, so -- and, then, with regard to fire life safety, this building is, obviously, going to conform to all the fire life safety requirements of the code -- of the building code. These building -- buildings of this size are compartmentalized. It's a little bit like a ship with different doors that if there is a -- if -- if a hole is punctured into the building water is sealed off by shutting doors. Well, buildings like this size are compartmentalized also. We have what's called one hour -- between every -- every single one of these units has what's called a one hour construction between units. Between floors it's a -- between the -- the podium level and -- and the concrete level and the wood level is a -- is a three hour -- in other words these are levels of construction that prevent fire from spreading in the building. I think the -- and then -- and, then, you have two hour construction, which is a higher level of construction that it breaks this building down into smaller bite size chunks let's say. So, if a fire starts in one location, it cannot spread to another part of the building so easily. It's a little bit complex to -- to -- to explain, but it's a little bit, like I said, like a ship; right? They have doors that -- that you can close when it's flooding. Well, same -- same principle with fire, so -- and -- and the code contemplates this, so with regard to height, once again, going back to what we were saying before, highest -- highest occupied floor is below the 75 feet. It's actually probably around 60. I don't even remember off the top my head. But it's probably about 68 feet right now to the highest occupied floor. So, a ladder can extend to that highest occupied floor. That's -- that's part of the principle and part of the principle of the 75 feet also is that a fireman does not have to go more than 75 feet vertically. I know that's getting very technical, but this is -- this is how it's basically done across the country and our firm does -- does these types of buildings. We have done, I don't know, a hundred of these types of buildings. But I think the principal element for fire is having a sprinkler system. That's what really prevents fire from spreading. All the other things that I said are really kind of secondary, because most fires are really put out almost -- almost all these exclusive by -- by fire sprinklers. Is there anything else I didn't address that you had questions about?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I think you did. That was very helpful. So, the highest floors are stick built, but they have some type of fire prevention material in between them -- in between each floor and between -- I'm assuming like different wings of the building.

Stonehouse: Yes. Buildings are broken down into what's called allowable areas for building. So, these -- these buildings are really looked at as multiple buildings. They are -- like I said, they are broken down into smaller bite size chunks, so fire cannot spread so easily from one end of the building to the other. So, you have two hour divisions -- what they call two hour walls that go vertically from top to bottom of -- of the structure. If you are -- and -- this is getting a little more technical, but there is something that's called horizontal exits. You can exit from one building, which is actually the same building, to

another section of the building to exit the building and what happens is there -- there will be -- there can be -- there is automatical -- there is doors that automatically shut when a fire starts that -- that continues that two hour separation from one part of the building to the other. So, these are just things that are very technical in nature. But I hope --

Strader: I mean it's important -- I mean I used to work in -- on the 40th floor of a building in New York City, so I --

Stonehouse: Yeah. And that's type one construction.

Strader: -- it's important.

Stonehouse: So, you are talking about noncombustible construction and when you get into high rise type construction they have all the bells and whistles in type one construction --

Strader: Yeah.

Stonehouse: -- is much more expensive and --

Strader: I'm sure.

Stonehouse: -- and that's why you will go around the country and you are going to see a lot of 85 foot high buildings and if you go past 85 feet you are probably going to want -- your developers usually would -- would build a building that's, you know, over 14 stories for economic reasons that you are going to be able to get a return on -- on the investment. Type one buildings are very expensive. They require pressurized stairs. Like as --

Strader: No. That's okay. You don't have to go into all of the things about that. We will be here all night. I apologize to everybody. I mean, look, the Denlar hood thing I'm assuming is prohibitively expensive if that other building couldn't put it in. But I would like to know if you guys would consider putting in a fire command center, because that feels like something that you could do that wouldn't be a terrible burden on you. That would be a --

Stonehouse: Yeah. A fire -- yeah. That's -- that is always required in a -- in a -- in a type one building, a high-rise building, and they have centralized fire alarm systems that go directly to the fire stations. That is getting a little bit more complicated, but that's something that I suppose we can discuss. I don't --

Strader: You guys can --

Stonehouse: But it's something that's above and beyond what the code would require.

Strader: I understand. It's just a concern. And, then, in terms of -- what is the time -- if you could -- whoever could address the time frame of when this will be completed. So, the -- we would know how long everyone would have to get their arms around it.

Wardy: Our -- our goal would be to start construction in 2023, closer to the beginning of the year than the end of the year. We are -- we believe it's a 30 month construction period, so that's approximately how long it will take.

Strader: Thank you, sir. That's very helpful.

Wardy: Thank you very much.

Simison: Council, additional questions? Comments?

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: I will lob one at staff that I had asked the applicant. Is there -- how do you recommend Council look at these from a -- you recommended approval of it. Sonya, this one's coming to you. If it's, you know, 98 feet, 100 feet, is there some tipping point where you say that's too tall? Here is why. Council, you should deny it. Or P&Z should deny it. And if there is -- if there is no matrix at all that's an answer, too. I'm just curious from a planner's perspective what do you think decision makers should look at in determining it's good or it's too tall?

Parsons: Mayor, Members of the Council, don't have a -- a real good answer for you on that. That's really why we are here for the conditional use permit. When you look at our code it's structured two ways. One, you can get a height exception through alternative compliance. So, we allow you to go up to 20 -- let's go up to 20 percent -- exceed 20 percent and, then, above that 20 percent it's a conditional use. So, as you know in our world typically if you are -- if the Council isn't satisfied with how the code is written, we always have the ability to change the code like we did in Old Town. So, we did that. In this particular case the applicant -- not this applicant, but the one across the street came through, we gave them the CUP and we said, you know, in -- in the core it makes sense to have height. You see that in every downtown city in America. So, we changed that to 100 feet. Now, there are certain instances out there where we have allowed height exceptions in a development agreement and we have allowed developers to go up to 100 feet. So, that's where we have drawn the line. So, I don't have a specific answer for you, but either, one, this is the time we do it through a conditional use and vetted through the public hearing process. Two, we look at changing the code. Or, three, we look at adding some of that provision in the DA and see if we want to go that route. But that's how we have historically handled heights in the city.

Borton: Okay. Thanks.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Just to follow up on that. I mean it -- it does feel rather arbitrary. Just like to provide some feedback. I understand this is the result of previous councils, how we made decisions, but it does feel like the height limitation is like sort of an arbitrary. I don't feel like I'm getting context of how that height was chosen originally. Was it a safe -- was there a safety threshold that had to do with the building code or was it something to do with our fire resources? Like how did that get chosen? And I think -- because what I'm struggling with is -- if you look at the -- the findings and the rationale from Planning and Zoning, the rationale is perfect. It makes perfect sense. It just doesn't meet the height requirement. They need an exception. But we are giving it -- they have proven -- we have given plenty of exceptions. Exceptions are happening all the time -- maybe not all the time, but exceptions are happening on a regular enough basis that it feels arbitrary and so I'm having a hard time knowing at what point is a height just above and beyond a safety concern or another concern that drives it. I don't think we are going to answer that tonight, but --

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Yeah. These are good questions. What -- what -- how do you decide and what -- you know, what's the cutoff and different things. You know, trying to make sense of this I looked at Meridian and thought, okay, where -- where have we approved -- approved exceptions and downtown, certainly Ten Mile, Eagle and the freeway on both sides and now The Village and -- and so from that standpoint, okay, does that make sense in those locations where it's being done and I -- I can see that being done in those areas. It's not out in the middle of, like you said, you know, a subdivision and all of a sudden you are putting up a -- you know, an 85 foot tall building. So, it's got to have some continuity there with what's there and how it flows and different things like that. It's a beautiful structure. I mean it's very impressive what -- what -- what we saw and, then, you know, okay, so arbitrary 65 is -- is the standard and they want to go 85 to the highest with mechanical and -- and that was -- that was helpful. Very detailed technical for -- for knowing about the 78 foot and why -- the different things that -- highest occupied structures below the 75 feet, you are at 68 feet and knowing those types of things that come into play for -- for high rises and how they are defined and compartmentalized and -- and, yes, definitely, sprinklers are -- are certainly a major way to go and we require them in all sorts of types of commercial structures and -- and other entities, so -- yeah. It -- it kind of makes sense for -- for the location and what we want to -- what the vision was for this place. You know, I thought, well, if -- if you want to make it lower do you take out the retail floor? What does that do to the project, because, you know, if residential is more keeping with the mixed-use, is that something you want to do. But, you know, if -- if that hinges on -- on approval. But, then, is that what we envision that area not having that retail in that structure. I -- I don't know. But from what the proposal is and how it works, it -- it makes sense for -- for what -- what is being brought forth in this location.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. Maybe just a comment or two. I -- I sort of feel like in this case it's not a decision of building the building. You know, the building would be approved, it's a question of the height of the building and I don't feel like the additional height creates that much more of an exponential safety concern compared to the height that it would be at its maximum and so that's where I'm kind of struggling. I have a safety concern, but I don't feel like the safety concern goes away by limiting the height by that many feet, you know, so -- I like the project, I just -- I feel like, you know, we have got several that you -- you -- you are going to report back to the chief and you have got a little over two years -- like two and a half years to I think come up with a really solid plan for like how does Meridian fire respond to high rise buildings and what is the resourcing needed for that. If it's different than what we have now, I think -- I think we really need to work on that, because it's going to happen anyway based on the existing buildings that we have. But I really like the project. I -- I think density makes sense in this place. I like how the project is laid out. I like that it's vertical. So, I -- I'm going to be in favor of it tonight, but I feel like it's kind of like we need to work on that and I feel like we really need to work on -- and maybe a little more work on why -- why we have the height limits that we have and at what point exceptions don't make sense.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: So, I watched the presentation at the Planning and Zoning Commission and paid attention to the Commissioners' questions and the first question that was asked was if you don't have approval for the height allowance what are -- what is your plan and -- and the response was that would kill our deal. So, I just want to understand from your perspective as a developer how you put this much investment and hang it on this one decision that you hope will happen. I just want to get some kind of understanding, like why would you not have an alternative plan to go ahead and meet then -- then go ahead and do a 65 foot tall building after you have invested all of this time and -- and -- and the energy of multiple of our, you know, professionals here, I -- I want to get some clearer understanding of that, because I don't think that that was really answered at the Planning and Zoning Commission.

Wardy: I think what we are experiencing, like a number of developers across the country, is just escalation of costs and so the -- our costs have risen probably 30 percent since we started looking at this project and in addition to that rents have also escalated, but when we have looked at taking a floor off the building and what that will do to the pro forma, it's -- it's the sum of a lot of different pieces. So, it's not -- it's not so much that it is that one thing in particular, but it is -- financing costs have gone up, construction costs have gone up and the additional units allow us to cover the gap of a lot of the other things that are happening in the market today. I hope I answered your question.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Well, I understood that to be the case, that it was more along the lines of why go through all this effort and not have an alternative plan if we say no. That -- that's really more of the question and is it possible to scale it -- not just take a floor off, but to scale it down such that, you know, that -- that it will still meet some of your -- some of your costs, but still work. Obviously it's going to cost you less overall if you have a smaller project overall. So, help me understand that.

Wardy: So, Council Member Perreault, we have probably been working on this project for ten years to scale the right balance between quality and -- and building something that we would be proud of. You know, the original development agreement had less residential, had office and retail. We really like the project from the standpoint of what it will do for the long term viability of the project. You know, to stop and redesign the entire project today would -- would definitely shelve it. I mean we are, you know, 90 percent into construction drawings. To answer your question as to why we are this far along, we -- we didn't anticipate it to be as -- as big of an issue as it has become given the scale and -- and what we are doing. As we mentioned, you know, we already have a building in the -- in the project at 78 feet, which is at the -- in the middle of the project and so I guess we just didn't do a very good job of evaluating and understanding this issue or we would have resolved this much sooner. Thank you.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: And before you go would you consider if it's feasible to do a fire command station? I mean if that's something that's workable.

Wardy: We would absolutely consider it. I'm not sure I understand what -- what the -- what that really means, but we would -- we have been a strong supporter of our first responders and would like nothing more than to figure out how to -- how to create a win-win partnership.

Strader: I really appreciate you saying that, because I think, you know, it's not a requirement, obviously. It's not a requirement under the code, because of the height of your building, but it seems like you have so much going on in this place and you understand how important it is to have -- to have the right infrastructure. So, I appreciate that. Thank you.

Wardy: Thank you.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: To close the loop on that, is it -- is the ask that that's included as a condition of approval with the CUP and the height variance? I don't know if that's a -- or is it just a request voluntary?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: It's not a code requirement because of the height of the building in terms of the maximum height of the occupied floor. It just seems like it would be very difficult to impose a requirement like that without the applicant understanding the -- the economic costs associated with it. It's just really kind of like a goodwill, hey, this is really important, can you -- can you take a hard look at this and I think he said he would.

Bongiorno: Mr. Mayor, also if I can -- so, just for you guys. The -- the things that we did across the street in the -- the command center that they were going to do -- again, it was fire alarm panels. The fire system maintenance panel. I believe there was a communication center that tied into the elevators, because most elevators have, you know, the command -- the command talking with them. The areas of refuge. There is requirements for connectivity somehow there and all that would tie into that command center. I think -- I don't remember exactly what the dimensions were, but it was only like a ten by ten room and it was right near the fire riser room. So, they were like right next to each other. So, one door was the fire riser room and one door was the command center and it -- and, really, it just had, you know, the fire -- main fire alarm panel and all the communication stuff for the building. So, if someone was stuck at the sixth floor north elevator, they could hit the button and -- and it would, you know, go outside and it would also allow us to contact them as well from inside the building. Thank you.

Borton: Mr. Mayor?

Simison: Council Borton.

Borton: Move we close the public hearing for CR-2022-0007.

Strader: Second the motion.

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. Oppose nay? The ayes have it. The public hearing is closed.

MOTION CARRIED: ALL AYES.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: This has been a great explanation of why this particular project I think should be supported. I think it's a good discussion. People are -- are cautious up here to try and make sure it's done the right way and for the right reason and I think the safety concerns that Council Woman Strader brought up are well taken and clearly the applicant knows that it's -- it's as important to us as it is to the applicant team that safety comes first for sure. So, the remarks with regards to the -- the command center and the -- and the desire to participate in that are -- are appreciated and well taken and -- and, quite frankly, they are consistent with a project and an application and a team that has been a phenomenal community supporter and partner of the city. So, we are dealing with a height variance here, which is much more narrow, but we know and trust and appreciate everything that the crew has done for decades literally with this project. So, I think the city's blessed to have it in our community. I think the explanation warrants granting the CUP as presented in the staff report.

Strader: Second the motion.

Simison: And if I could just add, you know, I -- I have had the pleasure of being in meetings with you Jean Paul and Fred and -- you know, for 15 years and I have seen the iterations of what you plan for this area and I have seen your -- doing your due diligence with Mayor Tammy in talking about parking and making sure it's adequate for -- for this area. But I -- I just want to applaud what you have put together. I mean I think you are -- you are -- the -- your partner that you are doing on this project, it will create an amazing residential accompaniment to an already great development and that includes the two -- or we have Bri there in the area. You know, we are getting a nice well-rounded of people that can take full advantage of what The Village and what the Kleiner Park has to offer and there is still more to do in this area. We -- we -- we understand that. There is a property across the street that's going to play -- have to play into some of this. Maybe for fire. Maybe for something else that -- that gets the resources that -- to serve this area, because it is going to be a high demand for service area even when Highway 16 opens up and maybe it gets a few people off, but when you create something that's spectacular people are going to be -- be drawn to it. So, first I want to say thank you for bringing forward what you have. I know if parking becomes an issue you all will address it, because, otherwise, you will lose your tenants if people can't find a place to park in this area. And, quite frankly, I hope that maybe someday you can come back and that front parking lot becomes a -- a place where people want to work and you are coming back to put in another parking garage with some more work elements in that at that point in time. You know, who knows what the future holds for this area. I -- I always have felt that the height issues -- I don't want to use the arbitrary and capricious, but to a lot of stuff code -- it kind of is, you know. That -- that's -- we -- we make decisions about what we think is appropriate to our community standards and -- and, you know, whether it's a height -- residential height limit in an area or it's an open space requirement, everything's arbitrary, you know, in a lot of ways. I mean they -- they -- they really are. There is no -- there is no reason other than we think that's what we want and what someone thought at one point in time was this height was what we thought we want, but as we have grown that -- that probably is in need of being

reevaluated in the various zones around the community. Maybe not all. Maybe some. But Eagle Road may be one of them in that regard. So, again, we will kick that to planning staff if they think it's something the Council wants to hear in the future, if other applicants are wanting to do similar type projects or maybe this is just a one off for the next ten years from that regards. But just want to say thank you for all your -- all your work over the last -- last eight years that I have seen different variations of what you want to do in the same part to continue that and the work of getting that third lane of Eagle Road in both directions put into place to accommodate the -- the needs of this area. So, hopefully, I won't be voting tonight, but I appreciate what you have done.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Mr. Mayor, you know, that's -- when I went through the packet from the Commission meeting there was -- there was a comment that, you know, the city has a standard and we should stick to the standard. You know, 65 feet. You know. But the code anticipated exceptions to some of the standards that we have in place and that's allowed through the conditional use process and so, yes, we talk about, you know -- you know, how do we get to this and what's arbitrary and I guess we just have to use our best judgment on coming up here and deciding is that appropriate for that location and I think the height and what the plan is for this location fits well and so it -- to me it meets the use of the conditional use process for -- for this particular building. So, it may not be everywhere that we do this and it would be nice to have, you know, certainty of certain things, does it check the box, but I don't know if that will happen in the -- in the future. Sometimes that's just not how you can do things and you have to use your -- your best judgment to -- for -- for that, so -- but in this case I certainly see it meeting a -- meeting what's needed there and what looks good and will work in that location.

Overton: Mr. Mayor?

Simison: Councilman Overton.

Overton: You know, I remember 15 years ago serving in a different capacity for the city and reviewing the plans when The Village was first conceptualized and coming in and that required quite a bit of flexibility. At the time that was -- that was different than what we had. And I think what we are doing is we are showing we still have that kind of flexibility to -- to finish off the project. But it's flexibility within reason. You know, we just don't grant it arbitrarily. We grant it because it's the right project in the right place and this looks tremendous and it looks like it's going to be another great way to end off a beautiful project that The Village has been this whole time.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: For the reasons stated I move we approve CR-2022-0007, the CUP for the height request as presented in the staff report of January 3rd, 2023.

Strader: Second.

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

Roll Call: Hoaglund, yea; Borton, yea; Cavener, yea; Perreault, yea; Strader, yea; Overton, yea.

Simison: All ayes. Motion passes and the item is agreed to. Thank you very much. Have a good evening.

MOTION CARRIED: ALL AYES.

5. Public Hearing for Jennie's Retail (H-2022-0071) by Richard Wilmot, Chrysalis Architecture + Planning, located at 2365 E. Fairview Ave., near the half mile mark between N. Eagle Rd. and N. Locust Grove Rd.

- A. Request: Development Agreement Modification to the existing Agreement (DA Inst. #104027941) for the purpose of removing an existing provision of the DA to allow uses in line with the existing zoning district instead of requiring a CUP for a future uses as currently required.

Simison: All right. The last thing on our agenda tonight is – oh, I'm sorry, we have something after this, but next public hearing for Jennie's Retail, H-2022-0071. We will open the public hearing with staff comments from Mr. Parsons.

Parsons: Thank you, Mr. Mayor, Members of the Council. Happy New Year to all of you. Welcome to Council Member Overton as well. It's good to see him back on the team again. Welcome. Excited for his new journey with us and look forward to working with you, sir. Last item on the agenda tonight is the Jennie's Retail development agreement modification. This property consists of 1.45 acres of land. It's currently zoned C-G in the city limits. It actually received annexation approval in 2003. So, this has been sitting vacant for almost 20 years and I think probably the reason for it is utilities weren't – weren't readily available to this piece of property at that time and so historically what we have done as a city, if someone did not have a plan we tell you to come back and receive conditional use permit for every use that can go on that property to make sure that we get another bite at the apple and that's why we are here tonight. The applicant's met with staff, did a pre-application meeting, now they have somebody who is interested in developing the property. We pulled up that original development agreement that you can see here in this exhibit to the left here and you can see the existing provisions that are currently in that DA and so, essentially, they want to strike DA provision number one, that first bullet point. A conceptual development plan was presented to staff as part of this

application. It wasn't meant to be tied to the development agreement, because the site's so small, but it was just mostly for us to analyze what their vision is for the property and, then, share some of our feedback with you on that particular concept plan. So, if you had a chance to read the staff report, which I know you have, you -- you would see that this concept plan has quite a few restaurants and a drive-through on this particular property and so when we started analyzing some of the details on this plan we realized that -- in -- in the UDC there is parking -- difference parking standards for retail versus restaurant and so what -- what we wanted to do is be mindful as to whatever goes here we want it to be a successful development and not create parking issues like we have in other commercial developments in our community and so we thought it would be prudent to recommend some new DA provisions for you to include in part of your -- as part of your motion tonight. So, the first DA provision that we are looking at is because there is a more restrictive parking standard for a restaurant use, we want to make sure that the new amended DA states that this site should develop at a parking ratio of one stall for every 250 gross square foot area of building, which is consistent with the restaurant use, and, then, also in looking at the adjacent development to the west, which is that Pine 43 development, there is a future drive-through use that we are reviewing currently and so this site does have a drive-through, which will not vest the applicant with that. So, if any drive-through is proposed for this site they will have to go through a conditional use permit. And, then, lastly as part of our review of that development there is a cross-access driveway that was required to this property as part of that development and it's in this general location here, if you can see my cursor. So, really, it's, essentially, what our recommendation before this body tonight is, one, to strike the bullet point requiring conditional use permit approval for every use on the site and, then, add the two new DA provisions that you see here requiring the -- the more restrictive parking standard and the requirement for cross-access. With that I will conclude my presentation and stand for any questions you may have.

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

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: So, just some clarification, Bill. If I remember correctly, a CUP is required if a drive-through is within 300 feet of residential and that's not the case in this situation?

Parsons: Mayor, Members of the Council, no, it -- a CUP is required for a couple reasons. One, if it's within 300 feet of a residential use district or another drive-through and in this particular case, because we are approving a drive-through essentially right to the west of this property, they are going to be required to go through that CUP process if they propose a drive-through for this site. So, that's the requirement. It's because they are going to be located within 300 feet of another drive-through use.

Perreault: Mr. Mayor, one follow up.

Simison: Council Woman Perreault.

Perreault: Is this the -- was this the original size? This -- this isn't an area that was split off from this DA and the request is just going to apply to this 1.4 acre -- 45 acres, this is -- this is all of the property that was included in the DA from 20 years ago; correct?

Parsons: Mayor, Members of Council, that is correct.

Simison: Any further questions for staff? Would the applicant like to come forward, please? Go ahead and state your name and address for the record, please.

Wilmot: Richard Wilmot. 3914 East Presidential, Meridian, Idaho. And, then, there was one. We -- as Bill mentioned, we are looking to simply strike the condition from the original DA. We don't really take any objection to the -- the greater parking count. In terms of one of the -- the -- one of the conditions that Bill had mentioned relative to the cross-access to the Pine 43 development, I think that we already are generally sort of aligned with that currently with our drive -- drive aisle across the south -- south building and so we can -- we can easily accommodate that connection if that were necessary. We are already providing the cross-access to the development to the east of us, so this site would be fairly well connected through both -- both sides -- both existing and -- and the new. So, we don't really take any objection and stand for any questions.

Simison: Council, any questions for the applicant? Okay. No one else is in the room. Nobody else is online and would you like to waive your final comments?

Wilmot: Happy New Year.

Simison: Happy New Year. Love that.

Hoaglund: Mr. Mayor, real quick.

Simison: Councilman Hoaglund.

Hoaglund: Just to be sure, Richard. So, you -- you have no objection to any of the staff's recommended changes?

Wilmot: No. You know, the -- the -- the 250 stalls probably would be our -- our -- our only real objection, but even still, we understand that the use -- or the uses that we are thinking we are going to have are going to necessitate the -- the additional parking, so --

Hoaglund: Okay.

Wilmot: -- if it's so many -- it will be some adjustment to our retail buildings in terms of square footage. So, I don't -- I don't really see that being a problem.

Borton: Okay. Thank you, Mr. Mayor. Thank you, Richard.

Simison: Thank you. Okay. So, with that do I have a motion to close the public the hearing?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I move that we close the public hearing.

Cavener: Second.

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

MOTION CARRIED: ALL AYES.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: After considering all staff, applicant, and public testimony, I move to approve File No. H-2022-0071, as presented in today's hearing date, inclusive of the elimination of the first condition that all future uses be approved in the future and inclusive of staff's two additional conditions that they described previously.

Cavener: Second.

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

Roll Call: Hoaglund, yea; Borton, yea; Cavener, yea; Perreault, yea; Strader, yea; Overton, yea.

Simison: All ayes. Motion carried and the item is agreed to. Thank you and have a good evening and happy new year to you as well.

MOTION CARRIED: ALL AYES.

ORDINANCES [Action Item]

- 6. Ordinance No. 23-2007: An ordinance for rezone of the Southeast Quarter of the Northeast Quarter of Section 36, Township 3 North, Range 1 West, Boise Meridian, City of Meridian, Ada County, Idaho, more particularly described in Exhibit "A," rezoning 39.39 acres of land, from R-4 (Medium Low-Density Residential) Zoning District to TN-R (Traditional Neighborhood Residential) Zoning District in the**

Meridian City Code; directing city staff to alter all use and area maps as well as the official zoning maps and all official maps depicting the boundaries and the zoning districts of the City of Meridian in accordance with this ordinance; providing that copies of this ordinance shall be filed with the Ada County Assessor, the Ada County Treasurer, the Ada County Recorder, and the Idaho State Tax Commission, as required by law; and providing an effective date

Simison: Next item up is Item 6, which is Ordinance No. 23-2007. Ask the Clerk to read this ordinance by title.

Johnson: Thank you, Mr. Mayor. It is an ordinance for rezoning of the Southeast Quarter of the Northeast Quarter of Section 36, Township 3 North, Range 1 West, Boise meridian, City of Meridian, Ada county Idaho, more particularly described in Exhibit "A," rezoning 39.39 acres of land from R-4 (Medium Low-Density Residential) Zoning District to TN-R (Traditional Neighborhood Residential) Zoning District in the Meridian City Code; directing city staff to alter all use and area maps as well as the official zoning maps and all official maps depicting the boundaries and the zoning districts of the City of Meridian in accordance with this ordinance; providing that copies of this ordinance shall be filed with the Ada County Assessor, the Ada County Treasurer, the Ada County Recorder, and the Idaho State Tax Commission, as required by law; and providing an effective date.

Simison: Thank you. Council, you have heard this ordinance read by title. Is there anybody who would like it read in it entirety? If not, do I have a motion?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Out of practice on these ordinances. I move that we approve Ordinance No. 23-2007.

Strader: Second.

Simison: Have a motion and a second to approve Ordinance No. 23-207. Is there any discussion? If not, Clerk will call the roll.

Roll Call: Hoaglund, yea; Borton, yea; Cavener, yea; Perreault, yea; Strader, yea; Overton, yea.

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

MOTION CARRIED: ALL AYES.

FUTURE MEETING TOPICS

Simison: Council, anything under future meeting topics?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Just a follow up from our discussion previously. I think it will be really helpful if there was a joint effort between the Planning Staff and the Fire Department specifically around a public safety rationale for height exceptions in the future. If we could have that discussion. I don't want it to just be arbitrary. I would love it if we had a -- hey, this is a type one construction, it requires additional resources, so, you know, more of a rationale or a resource based public safety framework around exceptions. I think that would feel better than just having an arbitrary limit that Council is setting. Thank you.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I would like to dovetail on that a little bit. We have got a new Council Member. Welcome aboard, Council Member Overton. Some new Planning and Zoning Commissioners and we are seeing a little bit of recommend -- recommendations of denial from P&Z that City Council's overturning or recommendations of approval from Planning and Zoning that City Council has been recommending denial. It might be beneficial in the first or second quarter of this year to have a joint meeting with all of them. I don't know a lot of our new Planning and Zoning Commissioners and they haven't had an opportunity to meet Council Member Overton. So, perhaps a joint meeting in the first six months of the year may be beneficial for all of us as well.

Simison: Okay. I know they just received recent training from the planning staff and that may alter some of the -- I'm not going to say it will, but we may see some different outcomes from their decisions.

Cavener: And, Mr. Mayor, I -- certainly I don't want -- because they recommend denial and we recommend approval that we want them to stop doing that. Certainly they have their role and their place. We just want to make sure that they are clear as to the -- the roles of the Planning and Zoning, the roles of the City Council and how we collaborate together, even though we are not in the same room.

Simison: Okay.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I move we adjourn.

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

MOTION CARRIED: ALL AYES.

MEETING ADJOURNED AT 9:39 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS)

_____ MAYOR ROBERT E. SIMISON	_____ DATE APPROVED
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ATTEST:

CHRIS JOHNSON - CITY CLERK