

A Meeting of the Meridian City Council was called to order at 6:01 p.m., Tuesday, August 10, 2021, by Mayor Robert Simison.

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

Members Absent: Liz Strader.

Also present: Chris Johnson, Bill Nary, Sonya Allen, Tracy Basterrechea, Joe Bongiorno and Dean Willis.

ROLL-CALL ATTENDANCE

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

Simison: All right. Council, we will call the meeting to order. For the record it is August 10th -- August 10th, 2021, at 6:01 p.m. We will begin this evening's meeting with roll call attendance.

PLEDGE OF ALLEGIANCE

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

(Pledge of Allegiance recited.)

COMMUNITY INVOCATION

Simison: Next item on the agenda is our community invocation, which will be delivered this evening by Priest Rick Capezza of the Church of the Holy Trinity. If you would all, please, join us in the community invocation or take this as a moment of silence and reflection.

Capezza: Let us pray. God of justice and mercy, thank you for this gift of life and the opportunity to serve the people of our city. Help us to act with character and conviction. Help us to listen with understanding and goodwill. Help us to speak with charity and restraint. Give us a spirit of service. Remind us that we are stewards of your authority. Give us to be the leaders your people need and help us to see humanity and dignity in those who disagree with us and to treat all persons, no matter how weak or poor, with the reverence your creation deserves and, finally, Most Gracious God, renew us with the strength of your presence and the joy of helping to build a community worthy of human

persons, a community that puts the needs of our lowliest members over our own desires and comforts. Afflict us when we are comfortable and comfort us when we are afflicted. We ask this as your sons and daughters, confident in your goodness in love, amen.

ADOPTION OF AGENDA

Simison: Next up is the adoption of the agenda.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: There are no changes to the agenda this evening, so I move that we adopt the agenda as published.

Hoaglun: Mr. Mayor, I second the motion.

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. Motion carries and the agenda is adopted.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

PUBLIC FORUM – Future Meeting Topics

Simison: Next item up is the Public Forum. Mr. Clerk, do we have people signed up under the Public Forum this evening?

Johnson: Mr. Mayor, we do. We had six sign-ups before 6:00 p.m. Our first, if she is present, is Nancy Allen.

Simison: If you would come forward and you will be recognized for three minutes. State your name and address and, then, typically there is no discussion after the Public Forum after your presentation. It's just information for Council to consider at a later time.

Allen: Can you repeat that again? I'm sorry.

Simison: After you speak I will just say thank you for the information. There will -- there is generally no discussion from Council after the Public Forum.

Allen: Okay.

Simison: If it's something that needs to be noticed for a future date, then, that's when we would have a future discussion.

Allen: Do I need to speak -- can you hear me?

Bernt: Perfect.

Allen: My name is Nancy Allen -- and my address?

Simison: Yes.

Allen: 4043 North Zion Parkway in Meridian. Good evening, Mayor Simison, Council men and women. Thank you for allowing me to -- an opportunity to speak to you. My name is Nancy Allen. I'm a resident of Meridian. I have lived here with my husband and four children since 2003. Meridian has been a haven of good for me and my family. Good neighbors. Good schools. Good leaders. And I'm proud to call Meridian my home. This past year, however, has not been so good. Not for many people, to say the least. I'm a registered nurse of 22 years. I currently work at St. Luke's Medical Center. The last 18 months I have worked and sacrificed many hours for hospital -- hospitalized patients in the Treasure Valley. I continue to work during uncertain and scary times, putting myself and my family at risk each time I arrived at my shift. I worked when there was limited PPE and was made to reuse my N95 over and over for weeks at a time, hanging it in a brown paper sack taped to my locker, only to be saved for the next day. I worked as a nurse leader through daily and sometimes hourly protocol changes that were stressful to patients, their families, and my staff. Not that I ever asked for it, but I was praised and considered essential and valued for just doing the job I love to do. Fast forward to mid July. I was informed by my employer via e-mail that I'm no longer essential or valued. I have been mandated to accept the COVID-19 vaccine by September 1st or I will be terminated from my lifelong career. My reason for choosing not to receive the vaccine is personal and I do not wish to disclose it at this time. However, that is not the only reason I am speaking out. I am choosing to speak out today because of the unfair forceful and coercive tactics that my employer is using. It is appalling. The Constitution safeguards a person's bodily autonomy and right to choose whether to accept or decline medical interventions, yet employers who are mandating vaccines are blatantly disregarding this individual right. I want you to know that no matter how careful I tried to be at work I ended up contracting COVID. My whole family contracted it as well and, thankfully, we made it all through without severe side effects. But I now carry antibodies that studies are showing to have -- may have made me more robust and longer lasting effects against further COVID illnesses, including variance. Studies are showing that many persons who have had the vaccine -- breakthrough cases are having more severe symptoms than unvaccinated people who contract COVID. Just a side note, I know at least three staff members I work personally with who have had terrible breakthrough illnesses with COVID after being vaccinated. My employer is not acknowledging the studies of antibodies to show exemptions for -- by working. We are neither being afforded the opportunity to continue to wear masks in the workplace as an alternative, even though that was perfectly acceptable during the pandemic and with those who refused flu vaccines in the past. We are not being allowed any alternatives or exemptions, except rare religious and medical exemptions, which only includes anaphylaxis. So, why am I sharing with this -- this with you? I am concerned for myself, my family, my community. I have a medical condition that requires expensive daily life saving medications in order to survive. When I am terminated from my job I will lose my benefits. Medical -- is that for me to stop?

Simison: It is. If you can wrap up.

Allen: Okay.

Simison: Any final -- any final comments you would like to make?

Allen: I would just like to -- since I did -- ran out of time, I would like to forward this to e-mail, if that is okay, too --

Simison: If you want give it to the Clerk he will make sure we all get copies of it.

Allen: Okay. Thank you so much.

Bernt: Thank you.

Johnson: Mr. Mayor, next is Jen Graves.

Bernt: Hey, Nancy, I moved here in 2003 as well.

Graves: I don't -- I don't think I will be able to finish mine in three minutes. So, my name is Jen Graves. Also attended the University of Oregon. So, my address is 421 South Locust Street in Nampa, Idaho, and so Mr. Mayor and City Councilors, the recent pandemic has impacted healthcare in unprecedented ways. It has stretched our abilities as a nation and local communities in ways we did not anticipate. It changed the way patients were treated and their care was managed and it has affected our day to day life. I was employed by a large healthcare system in the Treasure Valley during the pandemic. I am also a student in the healthcare -- in health science and the nursing field. I believe some of my personal experience also pertains directly to the City Council, because my employment was at a family medicine clinic here in Meridian. My fear is that our healthcare system is falling apart and the only victims will be citizens of this community. On July 8th, due to low statewide vaccine compliance and buy in, three large healthcare organizations announced to their employees and the public, employees would be mandated to be fully vaccinated against COVID with one of three vaccinations by receiving a shot -- by receiving a shot currently made available in the U.S. under emergency use authorization. Employees, public, the media and our elected representatives have been told that staffers with documented medical and religious exemptions will not be required to get the shot. What is not being provided is clear criteria for receiving or granting medical and religious exemption by these organizations, only leading the public and employees to believe that the decisions are arbitrary and discriminate based on religion and documented medical conditions and disability. This is problematic. I want to touch on a couple things. Pre-pandemic healthcare workers were needed in the state of Idaho, especially in rural communities. By imposing this mandate on employees who are also citizens in Idaho needing to make personal healthcare decisions for their bodies, executives in the industry fanned the flame of the healthcare crisis. I'm not sure that these organizations realize that both vaccinated and unvaccinated plan on leaving their organizations because of this mandate. I have heard from many in

this valley who work in nursing, patient access, as lab techs, phlebotomists, clinical and nonclinical, vaccinated and nonvaccinated, that they plan to end their employment with these organizations if they plan to continue these unethical mandates forcing their will on another individual, which is not informed consent. Two. Many of us who are being educated in Idaho and health science --

Simison: If you could -- if you could wrap up.

Graves: Okay. So, we are in a healthcare crisis. We -- have an educate -- an aging population of providers and those of us who are being educated are forced to reconsider whether we want to continue our education and provide our skills to the people of Idaho and this mandate is going to further that crisis. I can also provide my comments in the link I have to submit to you guys and just the last point is that these are not private businesses. They get millions of dollars in public funding. They get kickbacks and they get -- so -- so, the argument that these businesses --

Simison: Thank you.

Graves: Yeah. So, I will provide that and I would like a formal meeting with you, Mr. Mayor.

Simison: Okay. Call my office and they will be happy to set that up.

Graves: Thank you.

Johnson: Mr. Mayor, next is Christine Bailey.

Bailey: Is it this one or this one?

Simison: The one right in front of you.

Bernt: Don't use that one. That one is functioning. That's right.

Bailey: I'm just -- I don't like public speaking, even though I'm a nurse and nurse educator in the area, so -- so, my name is Kristine Bailey. My address is 7682 East Drouillard Street in Nampa, Idaho. I recently came back here to Idaho after having been gone for about 15 years or so we knew where to seek refuge, so -- I want to start off by saying I'm not anti-vaccine. I'm here tonight to represent a voice, the voices of nurses who want autonomy. Autonomy goes hand in hand with the informed consent. Informed consent, as you -- as you know is permission granted and a knowledge of the possible consequences with full knowledge of possible risks and benefits. Informed consent is a process of communication between you and your healthcare provider that often leads to agreement or permission for care. Informed consent helps you avoid misunderstandings or confusion about what to expect when undergoing a medical treatment. Consent is not to be forced or coerced. The AAPS just released their statement on July 27th, 2021, declaring all human beings have the right to liberty, which they do not forfeit when they

serve the sick or disabled. The ethical commitment to protect others does not require workers to surrender their bodily integrity and self determination and accept the intervention dictated by a governmental or quasi-governmental authority. Those of us who have not yet granted permission may still get the vaccine once we feel all our questions are answered. We feel this vaccine mandate is coercion without our expressed consent. Offering ways out, including religion and medical waivers, but what if we just do not want the vaccine? In the words of the Nuremberg Code that we are all looking up lately, the voluntary consent of the human subject is absolutely essential. You do not at this time have my consent and if a patient said that to me I would say can you tell me what concerns you or, okay, I will let your provider know. I have recovered from COVID just recently this June. I probably have more antibodies to the virus than those who obtain the vaccine, but I don't know, because this type of science is not widely being studied. Personally there is not enough research for me yet. I'm demonized for trying to research for myself to make my own decision. It does not mean I will never consent. Let us choose our time and our terms. I just have a few questions before I ever get it. So, we use titers to prove that we have had viruses, like varicella and the measles, so why not this one? And can you, please, present to me the risk of fatality should I receive the vaccine after being fully recovered from COVID-19? Can you explain to me why there isn't antibody testing prior to the vaccine? Can you explain as to why there is not a possibility of a COVID passport? The final questions I leave you with are what is -- what is the outcome that you are going to see once it is going to be forced on us? What would it lead to if the number of nurses refusing treatment are terminated? How will you help us. And thank you for your time.

Simison: Thank you.

Johnson: Mr. Mayor, next is Robin Raptosh.

Raptosh: I'm looking at short. Let's see. My name is Robin Raptosh and I reside at 7756 Highway 45 in Nampa. As a masters prepared nurse I have come here today to discuss public health concerns and access to information. I have formulated my inquiry and my statement around questions and I'm going to present these questions to you. I hope that you will make some of these questions your own. The reason I hope that you make some of these questions your own is because they can guide your own research. They will guide the way you take care of yourself, the way you take care of your family, and the suggestions that you have for the physicians that may take care of you and the policymakers that might guide the way your children are cared for in their learning environments and the way businesses are managed in the public domain. Bear with me. What is the vector? What size is this pathogen? How does the infection present? What is known about the daily course of this infection? How does it behave on days one, five and days eight through ten? Why do people present to emergency rooms on days eight through ten most frequently? What is a pulse oximeter? Where can you find one? How should you use it? And why should every home have one? What is VAERS? What are its strengths and weaknesses? How are healthcare providers directed to use it? Who monitors it? How is SARs reporting used to direct improvement in public health outcomes? What is V safe and how is it used? Who's monitoring it? And is it linked to

VARs. An Israeli study identified a clotting disorder associated with MRA vaccinations. This is similar to the clotting disorder that has been documented in COVID -- COVID illness. What other studies present the same findings? What is the credibility of the scientist who reported these findings? How are physicians being taught to recognize adverse reactions? Is there a gap in the information that physicians get? Which reactions are immediate? Which might be delayed by weeks or months? How does that affect reporting? What is Guillain-Barre? How does it present? Should patients be given -- should patients being given the MRNA vaccine, be educated about the presentation of Guillain-Barre? Why did the FDA recently issue a warning for increased incidences of Guillain-Barre from Pfizer vaccines? What vaccines are being offered to patients in the hospitals in this state? What is the default vaccine being given to patients who don't specify which ones they want in the hospitals in this valley? What are the protocols that govern the administration of COVID vaccine? Why is it possible for a nurse to give any patient in the hospital a shingles vaccine or a pneumonia vaccine at any time during their stay, but COVID vaccines are given three to five hours before discharge.

Simison: If you could wrap up, please.

Raptosh: Pardon?

Simison: If you could wrap up. The timer went off.

Raptosh: I want to make sure you get these resources. I want you all to resource Dr. Robert Malone and Dr. Peter McCullough. Their credentials are well regarded and well respected and they are still on the internet. You can find information that will guide you in answering these questions and you need them to keep your family safe. You will not find me on the internet, because as of this morning Facebook has taken me down for publishing videos of Dr. McCullough and Dr. Malone, which they have on their websites. Thank you.

Simison: Thank you.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Robin, would you mind giving a copy of your comments to our clerk.

Raptosh: What I -- what I really would like to provide is I would like to provide this in writing, along with my resources and links, so you don't have to do the research, so you can find them readily, and I would like for them to be published so that people can, too, because I want to add one more thing. Please allow me one more thing. Do you understand what an ambulatory -- ambulate -- ambulatory care treatment of COVID is? You should know, because in the United States physicians are prescribing it. Where are they prescribing it here? Where else are people being told to go home and wait with a

heart attack to see what happens? It's immoral. But there are tools. So, I will provide you with that information and the tools. I hope it -- I hope it's helpful. Thank you.

Simison: Thank you.

Johnson: Mr. Mayor, next is Buddy Allen.

B.Allen: Good evening. My name is Buddy Allen. My address is 4043 North Zion Parkway. I have been a local resident and a chiropractor here in Meridian for the past 18 years.

Bernt: What city do you live in?

B.Allen: Oh. Meridian. Sorry. I apologize. In her 2009 article Drug Companies and Doctors, a Story of Corruption, Dr. Marcia Engel wrote: It is simply no longer possible to believe much of the clinical research that is published or to rely on the judgment of trusted physicians or authoritative medical guidelines. I take no pleasure in this conclusion, which I reached slowly and reluctantly over my two decades as an editor of the New England Journal of Medicine. This is a bold and sobering statement from an editor of one of the most prestigious medical journals in the world. But the truth is medicine has completely lost the trust of tens of millions of people across the country and never has this been more evident as in this past year and a half with the management and treatment of COVID-19. Americans have been marketed to, bribed, pressured, bullied, shamed and now threatened to take the vaccine and still nearly 50 percent of the country is not willing to be vaccinated with a non-FDA approved drug. This is -- this is not happening with -- out of ignorance, but, rather, a complete lack of honest medical and in some cases governmental transparency and leadership. Recently the three largest healthcare providers in our community announced mandatory vaccinations for all employees. Take the job or lose your job. This mandate reeks of coercion and medical tyranny as -- and is yet another reason not to -- or for people not to trust in medicine. The nurses and healthcare workers that one year ago were hailed as frontline heroes, now on social media and mainstream media are being ridiculed as disposable anti-vaxxer trash. Nothing could be further from the truth. These are not ignorant hillbillies that know nothing about health and human anatomy, but, rather, highly educated individuals on the subject. Our local hospitals had the opportunity to lead their organizations and our community with compassion, poise and optimism this past 18 months and offer hope to those who are sick, scared, and suffering, but chose, instead, to create and capitalize on uncertainty and fear. Thousands have already reached out to our state representatives to reconvene and discuss the issue at hand. Many of our representatives are willing, while others resist or fall silent. Today I ask you, our local elected city representatives, to raise your voices, use your influence and urge our state representatives to go to work and have an open, honest debate as to how to best represent the freedoms of the citizens of your community. As I asked you -- as -- sorry. I ask you to -- I'm almost done. Just wrap up. Okay? I ask you to protect the rights of Meridian residents by supporting freedom of bodily autonomy. You can do this by making a formal statement, as did Nampa, that you will not mandate city employees to be vaccinated. Whether you agree or disagree with the COVID vaccine

is not the debate at hand. It is freedom versus force. I ask you to uphold freedom and lead us with compassion, optimism, hope and not through fear, force, or hopelessness. Thank you.

Simison: Thank you.

Johnson: Mr. Mayor, finally is Kelly Graff.

Graff: Good evening. My name is Kelly Graff. I don't reside in Meridian any longer. I reside at 1689 East 4000 North in Buhl. I actually grew up in Meridian and attended Meridian High, so I have some deep roots in this valley, but more than that I have been a nurse for 20 years. I'm a masters prepared nurse. I specialize in pediatric care and I have worked for one of our health systems since I was in high school, quite honestly. So, this -- this is a heartfelt and a true testimony of how I feel. I am here to speak on behalf of a local organization called Take A Stand Now that has been founded out of the desire to not have mandated vaccines. I'm going to do what nurses do and we are going to just break this down into our major concerns here, so you are going to get four things from me. So, first, we are going to have the situation. So, my situation for you guys is that there is a potential for critical shortage of healthcare workers that will affect Meridian -- Meridian citizens. The background, what's causing this is that at the time of this statement we have had 205,000 confirmed cases of COVID-19 in the state. Ada county has had 57,000 of those. We have lost two -- over 2,000 Idahoans to COVID and we have lost 496 of those here in Ada county. The recent COVID pandemic has impacted healthcare in unprecedented ways and it has stretched our abilities as a nation and a local community in ways that we were previously not seen or prepared for. It's affected our ability to treat and manage patients to even clean their rooms, answer their call lights, allow visitors to be with them and even give us supplies to care for them appropriately. The recent COVID vaccine mandate that was put forth by St. Al's, St. Luke's, and primary health is going to further impact this. We have all been given our dates of termination of September 1st, followed by September 9th, and, then, September 18th. Unfortunately, what that shows for you guys is that locally our media has begun quoting our leaders in these organizations and a quote from Dr. Souza, our St. Luke's chief physician executive, just over a week ago, quote, said that is the straw that is straining the back of our capacity. The problem with the straw, if you will, is that the potential to become an entire bale of hay over just a few weeks and that would become a major problem and quote. He goes on to express that limited healthcare capacity would not only affect COVID patients, but those who are seeking care for other serious ailments, such as stroke, heart attack, trauma or those simply celebrating the gift of life in welcoming their newborn child. On July 28th, just 20 days after the mandate the St. -- St. Luke's announced that they would be pausing labor and delivery services, as well as surgical service -- surgical cases due to staffing shortages at their Jerome hospital. Recently a similar announcement was made for Magic Valley. They are pausing all elective surgeries in the Twin Falls area as of next week. That same -- I will wrap it up. That same precedent of pausing elective surgeries is going to happen here in the Treasure Valley next week. As of the statement there are over 2,000 healthcare positions posted between St. Al's, St. Luke's, and Primary Health here in the Treasure Valley and they represent the way that your community seeks

healthcare and that is where they will be seeking healthcare. So, I just urge you guys to consider that and perhaps put a resolution above that restricts mandates on healthcare workers at this time. Thank you.

Simison: Thank you. Appreciate it. That ends our public forum portion for this evening. If anyone didn't get an opportunity, if you would like to sign up next week you are more than welcome to come back at that point in time from that standpoint. So, thank you. Mr. Cavener.

Cavener: Mr. Mayor, I know of no questions, but maybe just a quick comment if I may. Just -- I want to say thanks to the nurses that are in the room and the other healthcare professionals. I know there was a comment made that you feel like that you were demonized and this space is not for demonization. I think you have got a body that comes here with an open mind and we appreciate you sharing your information and perspective with us and we appreciate -- especially know for some of you it was a little challenging and we appreciate you taking your time to join us tonight.

ACTION ITEMS

1. Public Hearing for Victory Commons Easement Vacation (H-2021-0045) by Horrocks Engineers, Inc., Located at 130 E. Victory Rd. and 3030 S. Meridian Rd.

- A. Request: Easement Vacation for a public utility, drainage, and irrigation easement initially established with the Mussel Corner Subdivision (recently replatted as the Victory Commons Subdivision No 1).

Simison: Thank you. With that we will move on to Item 1 for the evening, a public hearing for Victory Commons easement vacation, H-2021-0045. We will open this public hearing with staff comments and I will turn this over to Sonya.

Allen: Thank you, Mr. Mayor, Members of the Council. The first item before you tonight is a request for a vacation of a public utility and drainage and irrigation easement. This site is 16.7 acres. It's currently zoned C-G and is located at the northeast corner of South Meridian Road and East Victory Road. Last year City Council approved the final plat for Victory Commons Subdivision. Following Council's approval and after further research, the applicant discovered that there was a public utility drainage and irrigation easement that had been recorded with the previous Mussel Corner Subdivision plat. This easement had historically been used by Nampa-Meridian Irrigation District, but drainage improvements made this easement no longer necessary. The applicant has submitted letters from all potential easement holders consenting to vacation of this easement. Staff is recommending approval. Staff will stand for any questions.

Simison: Thank you. Council, any questions? Okay. Is the applicant in the room or online this evening?

Johnson: Mr. Mayor, Ryan Cutler is online if he wishes to say anything.

Simison: Okay. Would the applicant like to make any comments?

Cutler: Thank you, Mr. Mayor and Council Women and Men. Ryan Cutler. Horrocks Engineering. 2775 West Navigator Drive in Meridian, Idaho. 83642. We appreciate your time tonight. We don't want to take very much of it. Thankful for staff and their presentation and for their recommendation of approval, which we agree with and we also, as mentioned, have all the letters and documentation from the utility companies that are part of this easement that are in favor of this being vacated and we agree with that as well and we will stand for any questions at this point.

Simison: Thank you. Council, any questions for the applicant? This is a public hearing. Mr. Clerk, do we have anybody that signed up to testify on this item?

Johnson: Mr. Mayor, we did not.

Simison: Okay. Well, if there is anybody in the room that would like to come forward and provide testimony on this item, please, do so at this time or if you are online and you would like to provide testimony, please, use your raise your hand feature and I don't think any of the four participants would want to provide testimony as their staff or ACHD or the applicant. So, seeing no one wishing to come forward, would the applicant like to make any final comments?

Cutler: We are good at this time. Thank you, Mr. Mayor.

Simison: Okay. Then with that Council do I have a motion?

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I move that we close the public hearing on H-2021-0045.

Cavener: Second.

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I move that we approve Item No. H-2021-0045.

Cavener: Second.

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

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

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

2. Public Hearing for TM Creek Apartments Phase 3 (H-2021-0035) by Brighton Corporation, Generally Located South of W. Franklin Rd. and East of S. Ten Mile Rd.

- A. Request: Rezone of 5.58 acres of land from the TN-C to the C-G zoning district.
- B. Request: A Conditional Use Permit for a multi-family development consisting of 238 apartment units (including 2 live/work units) on 7.83 acres of land in the C-G zoning district.

Simison: Next item up is a public hearing for TM Creek Apartments Phase 3, H-2021-0035. We will open this public hearing with staff comments.

Allen: Thank you, Mr. Mayor, Members of the Council. The next application before you is a request for a rezone and a conditional use permit. This site is currently zoned TN-C and C-G and is located south of West Franklin Road and east of South Ten Mile Road. A little history on this property. It was -- development of this property is governed by the TM Crossing development agreement and the design guidelines for TM Crossing. The Comprehensive Plan future land use map designation is mixed use commercial and high density residential. The applicant has applied for a rezone of 5.5 acres of land from the TN-C to the C-G zoning district. Most of the area proposed to be rezoned is designated mixed use commercial within the Ten Mile Interchange Specific Area Plan, with a narrow sliver along the east boundary designated as high density residential. The proposed C-G zoning and multi-family residential and live-work vertically integrated uses are consistent with the future land use map designations for this property. Because the area proposed to be rezoned is governed by the TM Creek Crossing development agreement, a new development agreement or amendment to the existing agreement is not recommended by staff. A conditional use permit is requested for a multi-family residential development consisting of 238 apartment units on 7.83 acres of land in the C-G zoning district. A variety of studio, one bedroom, two bedroom and live-work units are proposed at a gross density of 30.4 units per acre. A total of 1,815 square feet of nonresidential

uses are proposed in the vertically integrated residential structure, which is a principally permitted use in the C-G district, and will allow a variety of commercial uses. The vertically integrated residential use is proposed at the corner where the private street intersects Wayfinder. Two live-work units are proposed. The remainder of the building to the south is proposed to be entirely multi-family residential. The applicant has requested alternative compliance to UDC 11-4-3-27B3 to provide a lesser amount of private open space for each unit as noted in the staff report and to UDC Table 11-3C-6, which does not include a requirement for parking for studio units to allow the vertically integrated standard to apply. The director has approved these requests with a condition of approval requiring the pathway along the southern boundary of the site adjacent to the creek to be widened from eight feet to ten feet. That is condition 4-H. The applicant has requested this condition be removed due to existing topography along the creek. Because this pathway is not designated as a multi-use pathway, staff is amenable to this request if Council deems appropriate. This is something that should be included in your motion tonight, please. Access is proposed via a private street from Wayfinder Avenue, a collector street, along the west boundary of the site. With approval of alternative compliance a minimum of 372 parking spaces are required. A total of 379 spaces are proposed. Based on the size of the living area in the proposed units, all between 500 and 1,200 square feet, a minimum of 1.37 acres of common open space is required to be provided within the development. A total of 2.51 acres is proposed as shown. Though some of this area does not qualify as private -- some of it is private open space and is not really usable, for example, the parking lot planters, the internal common open space, an area along the Ten Mile Creek is 2.2 acres, which exceeds UDC standards. Based on 238 units a minimum of five amenities are required, but the decision making body is authorized to consider additional amenities if they believe the proposed amenities aren't adequate for the size of the development. The applicant is proposing a clubhouse with a fitness center, bike repair room and pet grooming station, swimming pool, open grassy areas of at least 50 feet by 100 feet in size, fireside seating, grilling area, and sports courts, consisting of snook ball and ping pong. The Ten Mile Creek multi-use pathway also lies adjacent to the site on the south side of the creek for residents to use. Conceptual building elevations were submitted for the proposed four story structures as shown. Building materials consist of stucco and bricks in neutral colors. Final design is required to comply with the adopted TM Crossing design guidelines. The Commission did recommend approval of these applications. Josh Beach and Jon Wardle, Brighton Corporation, testified in favor. No one testified in opposition or commented. Written testimony was received from Mike Wardle, Brighton Corporation. Key issues. The applicant requested changes to the following conditions. Number 4-H, to change the width of the pathway from ten feet to eight feet as proposed. To number -- condition number eight. Delete the requirement for a public-pedestrian easement and condition number nine, to remove the language pertaining to compliance with the design guidelines in the Ten Mile Interchange Specific Area Plan and the standards in the architectural standards manual to instead require compliance with the Ten Mile Crossing design guidelines as required by the development agreement. Key issues of discussion by the Commission were the adequacy of parking proposed for the development. The applicant's request for a reduction in the width of the pathway from ten feet to eight feet along the southern boundary of the site due to the topography near the creek, if fencing should be provided along the creek for public safety

and desire for more than two vertically integrated residential structures to be provided along Wayfinder Avenue. The Commission made the following changes to the staff recommendation. They deleted condition number eight, which required a public-pedestrian easement and modified condition number nine as requested by the applicant. The Commission supported staff's recommendation for the provision of a ten foot instead of an eight foot wide pathway along the southern boundary of the site. Outstanding issue for Council tonight. As I previously mentioned, the applicant is requesting condition 4-H is deleted that requires the eight foot wide pedestrian pathway on the north side of the creek to be widened to ten feet due to the significant grade change from the site to the irrigation district's maintenance road along the creek. Written testimony that's been submitted since the Commission hearing was from Mike Wardle, Brighton -- Brighton Corporation and that was containing the previously mentioned request for the change to the staff condition. Staff will stand for any questions. The applicant is here tonight to testify.

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

Bernt: Mr. Mayor, I do have a question.

Simison: Councilman Bernt.

Bernt: What is snook ball?

Simison: You may have to wait for that answer.

Bernt: Can't wait for it, Jon.

Simison: A question for the -- I don't know, Sonya, if this is for you are not on the pathway question. So, the topography is -- is the issue the location of it? Because it's ten feet versus eight feet -- it sounds like topography is the issue. So, is it more that you wanted -- they want it ten feet or more that it could be eight feet, just put it further to the left and don't put it as far to the right, because the topography?

Allen: I -- Mr. Mayor, Council, I believe the applicant is planning to cover that in their presentation.

Simison: Okay. I, too, jumped ahead --

Allen: Thank you.

Simison: -- along with Councilman Bernt, so with that -- if there is no further questions for staff, I will ask the applicant to come forward, be recognized for 15 minutes to answer those pressing questions.

Wardle: Mr. Mayor, good evening. For the record my name is Jon Wardle. My work address is 2929 West Navigator, Suite 400, Meridian, Idaho. 83642. Appreciate the

opportunity to speak. I do not intend to take 15 minutes, although I am happy to answer the question about what snook ball is. It is billiards with your feet. So, consider it like a soccer ball size -- if you have seen it, they do that with golf as well. It's just a small court where you can play pool with your feet. So, that's snook ball. We invite you to come over and try it out. It might be a new -- a new activity besides curling, so --

Bernt: Whoa. Whoa. Whoa. Whoa.

Wardle: Do I have control of this over here, Sonya?

Johnson: Mr. Mayor. The mouse is very -- yeah. The mouse is not working really well.

Wardle: Oh. Maybe -- sorry about that. Mr. Mayor, Council, again, thank you for the opportunity to be here tonight. This first exhibit is just showing the continuation of residential opportunities at Ten Mile Crossing. We have already developed phase one and phase two and have since built out the regional pathway system on the south side of Ten Mile Creek. It now extends from Franklin Road about 900 feet to the east of Wayfinder and Wayfinder is the north-south road in the middle of your screen here. Wayfinder was designed to be kind of a -- a main street where we -- we have done some modifications to that street. We have parallel parking. We have expanded sidewalks there as well and our phase three project, which is before you tonight, we have brought the buildings up to Wayfinder. Let's see if I can scroll this down. Sonya, maybe you could help me out. Just roll that down to the next -- great. Thank you. As I said, we are bringing the buildings to Wayfinder. So, there is a -- a relationship with that street. We have also included or added two live-work units. Right here on the corner in the northwest corner of that first building. All these building -- all of these units will actually front out on Wayfinder. They will have a front door. There will be an opportunity for -- if somebody is coming to service or come for business in one of those live-work units to park in front and so it's really designed to start to bring that living experience forward towards Wayfinder. The one issue we have that we are asking for is really a question regarding the sidewalk. It's been mentioned that it's a pathway and the slight difference here is -- or the nuance here is the pathways are typically public facilities. What we are asking for here is a -- the sidewalk on the south end of the buildings, which is highlighted here in -- in blue, that we already proposed it to be an eight foot sidewalk. We -- we see the importance of having that connection east to west, but below -- at a significant grade below is also a gravel access road the Nampa-Meridian Irrigation District controls and that is the side of the Ten Mile Creek that they use to maintain it. We are going to be putting a sidewalk up above that at some distance -- just see if I can move this down to the next screen here. One more. Thanks.

Allen: Is this the one you want, Jon, or the next --

Wardle: I want to go to the next one. Right there. This shows you the difference in height between what's happening with the Nampa-Meridian Irrigation elevation and where -- where we are up above. With a single building these pads are large pads and they are all at the same elevation. So, even though it's sloping down, that pad is going to be sitting

up fairly high. We believe we still have -- we do have room to get an eight foot sidewalk in there and you may not feel like two additional feet is that big of a deal, but it means that we are extending a retaining wall even up higher. We are filling in behind that and we are going to be having probably the need to have some sort of fence on top of that retaining wall, which is in the property. Again, we are fully on board of doing a sidewalk. We are just asking that we minimize it or reduce it to eight feet, instead of a ten foot sidewalk on the south side of the building. As I mentioned, the regional pathway system is being built on the south side of Ten Mile Creek just across, which is ten feet as well and that connects east to west and connects to Franklin and we have had a great experience working with the Parks Department to make sure that connectivity happens and eventually -- we are not going to be too far away, but, eventually, that will connect from Linder Road all the way to Franklin in one spot, with just minimal accesses or crossings. So, we are asking for your approval tonight and removal of the requirement for ten feet on the sidewalk and just let it be eight feet as we have designed it and I stand for any questions you might have.

Simison: Thank you, Jon. What is the sidewalk connecting to the east in theory? A ten foot pathway or an eight foot sidewalk or do we know yet?

Wardle: If I can just go back up right to there. Our intent on the north side of this -- of the Ten Mile Creek is that we will extend or continue that eight foot sidewalk east to west and so even though it's not the regional pathway system, we will be connecting it. It doesn't exist currently. It will connect on either -- it will connect on the east end eventually to a five foot sidewalk, which will be a road called Benchmark and right now at Wayfinder at that location it's connecting as well with an eight to 12 foot sidewalk system, which is Wayfinder. And I say eight to 12 feet is -- the difference is we -- we have planter boxes there as well and it necks down as it comes to the crossing -- the bridge crossing. So, it may be as wide as 12, but it may be eight feet right there.

Simison: But it's not connecting to a regional pathway type network that's already existing on one end or the other? It's just a sidewalk -- basic sidewalk --

Wardle: Mr. Mayor, you are correct. It is not connecting to a regional pathway on either end.

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

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: Jon, condition number nine states that you want us to remove the language pertaining to compliance with the design guidelines in the Ten Mile Interchange Site Area Plan and the standards in the ACM to require compliance with Ten Mile Crossing design guidelines as required by the DA.

Wardle: Mr. Mayor, Councilman Bernt, the original language in -- or the condition that was here carried over previously to the Ten Mile Interchange Specific Area Plan and its guidelines. Council recently acted and adopted guidelines specific to Ten Mile Crossing. We are just asking that our guideline -- or our approval be consistent with the new set of design guidelines you just previously adopted.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: One curious question on the condition eight, the public easement versus eliminating that requirement. What -- what's the practical consequences of removing that condition?

Wardle: Mr. Mayor, Councilman Borton, the practical consequences -- the city doesn't intend to have a regional pathway system on the north side of the creek. That regional pathway system is on the south side of the creek and we have that easement in place for that. So, the reason that we are asking that it not be there is it just doesn't connect to anything the city would deem to be part of their -- their system. That's on the south side. So, that's the reason we asked for that one to be stricken as well.

Borton: It doesn't -- it didn't change the impact or access, quite frankly. People would -- if they are going to walk on it they might just walk on it, whether they live there or not.

Wardle: That is correct. Yes.

Borton: Okay.

Simison: Council, any additional questions?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Can you share with us -- because I anticipate seeing this more and more -- the desire to have the smaller private -- private open space for each unit. Is this a design feature? Is this -- help -- help me understand what the downside would be to meeting that standard, in addition to having the public open space?

Wardle: Mr. Mayor, Council Woman Perreault, it's a great question. This is a request we made with our other two phases as well, so it's a -- it's consistent. Where it really comes into play is on the studios. Some of these studios -- the space that they would have is, quote, private. It is really minimized. It's -- a studio is really nothing more than there is a small kitchen area and a bedroom integrated. We have offset that -- even though we are asking for less -- maybe perhaps private space for them, the amenity package for the overall project is such that we have a lot of open space in the community. You know, all

of these units for the most part are opening up to the creek and so we have just asked for that to be -- the trade off they are asking for less private space is more inclusive in the entire project -- included in the entire project I should say. So, is it a trend we are seeing? It definitely is. But where we are trying to use that are on the smaller units where we are really talking about probably one resident, maybe one and a half residents, and I say one and a half is that, you know, we have individuals that are only living here part time and may not be here full time and so these smaller units don't necessarily need that open space requirement. It is -- that is a standard that -- the requirement is -- has been part of the city's UDC for some time and I do see that, you know, there will be a request for this. But I think we need to be able to show that we are offsetting that with other amenities and I think the amenities that are included here and Ten Mile Creek Apartments phase three are fairly substantial.

Perreault: Mr. Mayor, follow up?

Simison: Council Woman Perreault.

Perreault: Is the intention to encourage a resident to use the public open space or is it actually a challenge in designing -- designing balconies that because of how the -- the actual structure is designed that would accommodate the -- the code requirement? Do you understand what I'm asking?

Wardle: Mr. Mayor, Council Woman Perreault, we have -- we have -- we have researched this a lot. We have done a lot of projects. We -- our team is very well versed on -- on the dynamics of -- of the space that's needed. We didn't go into this saying, well, how can we maximize all the space, yet minimize the open space for each unit. What we -- what we did look at, however, is the type of lifestyle and the type of demographic of individuals, you know, moving into these studios and one bedroom units and perhaps that open space that would be required by UDC maybe more than really what is needed. You know, we see this with -- with parking as well. Three bedroom units. They need a lot of parking, because they do generate a lot of cars, given the nature of those. But the smaller units, the loading on those for parking is much less. It's very similar with the open space requirement -- the private open space. So, the trade off for us was the private open space may not be as critical for them, but they do need to have places to go and that is encompassed in the overall amenity package.

Simison: Thank you. Council, any further questions? All right. Thank you very much.

Wardle: Thank you.

Simison: This is a public hearing. Mr. Clerk, did we have anyone signed up on this item?

Johnson: Mr. Mayor, we did not.

Simison: Okay. If there is anybody in the room that would like to come forward and provide testimony on this item, please, do so now or if you are online and would like to

testify, please, use the raise your hand function at the bottom of Zoom and we will bring you in. Seeing no one online or in the room that would like to provide testimony, would the applicant like to make any final comments? Okay. The applicant is suggesting they would not like to make any final comments. So, Council, what's your pleasure?

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: I'm going to asked the applicant a question anyway. So, Mr. Mayor, I think it's a great looking project and -- and the explanation for the -- the changes in the requested conditions made sense. It's sound reasoning to make those changes. One of the questions, while I -- while I had you is among the features in this is that live-work component. I know it's a small piece, but it's a really cool piece, and because you develop these type of projects, do you have a sense of why we don't see more of that type of development? Is it really hard to find a user that wants that? It's pretty rare that we see it and it's such a cool element. Just thought I would pick your brain real quick and --

Wardle: Mr. Mayor, Councilman Borton, thank you for the question. Honestly, it's something we have researched a lot and we have even looked here in -- in the City of Meridian at -- at other examples where they have come on board. They -- they are difficult. They are definitely difficult to get that right mix of a user who is running their own business and willing to live upstairs as well. We think there is a market for it. We don't know that there is a very deep market for it. There -- there is an example right now over by Dick's and Kohl's and they have some of those retail spaces down below. They are not true live-work units, but they are -- they do have that component and they are sitting vacant right now. I think it will mature. I think there will be opportunities for us to see more of that. But our team actually has experience in the heart of Los Angeles with live-work units that sat vacant for years and so that's not so much of -- I think it just -- it's -- it's hard to find the right users to make that work. We didn't want just to throw it away and lose the opportunity. That's why we are putting out that opportunity to do a couple of them. Some may say we should do more, but there is a risk -- there is a risk that they -- they may not be used for that and we will be sitting on some spaces there that -- that just can't -- can't be rented for the live -- or the work part of that, so -- we would like to see it work. My -- we are excited to see downtown here where you have a concentration of -- of a lot of people who are here from a daytime operation. I think over time we will have more of that at Ten Mile as well, but we just don't -- we are just not there yet.

Borton: I appreciate that. What I hear you saying -- and I appreciate this as well as it's a long game -- kind of playing the long game and -- and you think it might be challenging in the short term. You think it's a long term successful piece of the puzzle for this and I -- I just appreciate that perspective.

Wardle: Mr. Mayor, Councilman Borton, we hope so. We hope that there -- it can prove to be successful here. We just haven't seen it play out yet.

Borton: Right.

Wardle: It might change. The living part of this won't have any -- any challenges. We were just seeing that there -- there is a need desperately for rentals. They offer people short and long term. The work piece of it is just a little bit different on just having enough space that the right person who can have their business there and live there as well.

Borton: All right. Thank you.

Wardle: Thank you.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: I will kickoff some -- a motion and some discussion on this one. We will see how this moves along. I will start by moving to close the public hearing on H-2021-0035.

Cavener: Second.

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Kind of a precursor to a motion I thought -- and I hinted at it, that the applicant made a good reasoned explanation for the amendments to the pathway width from -- from ten to eight feet. That made sense in light of the topography that's presented, in light of the fact that it's private, not public, and the ten foot public pathways on the south side available for public use to go to eight feet seemed to be warranted and also eliminating condition eight, which speaks to the -- the removal of the public easement made sense. The final one is -- is condition number nine to ensure that the design guidelines are those within the Ten Mile Crossing design and the DA provision, which we had approved before the applicant commented on it, just seems to be best suited to be consistent with that. So, all in all I'm supportive of the application as presented, as well as for the changes in those three conditions of approval. There hasn't been public comment of concern. This is where this type of density is anticipated to grow and I appreciate the applicant's desire to try and give a live-work option and, hopefully, that takes off at some point. So, those are my thoughts on it and I'm definitely supportive of this application.

Simison: Anyone in opposition to what Mr. Borton described that would like to engage on that topic? Any of those? That will help you make a motion. Councilman Borton.

Borton: I move that we approve item H-2021-0035, as presented in the staff report of August 10th, 2021, for the rezone and the CUP, with changes to conditions of approval 4-H that would allow the pathway along the southern portion of the project to be eight feet versus ten feet. The removal of condition eight that would have that same pathway be private. There is not a public easement required for it and either the removal or edit to condition number nine to ensure that this application is developed consistent with the Ten Mile Crossing design guidelines set forth in the DA, as opposed to the Ten Mile Specific Area Plan design guidelines. I think I covered it.

Cavener: Second. Maybe a quick question.

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

Cavener: Councilman Borton, I want to make sure I heard you right. I think on number eight did you say north and, then, south? Did you say south and, then, north? I don't know if staff caught that. Maybe I misheard you.

Borton: Mr. Mayor, south of the project. North of the -- of the creek. But it's on the south -- south of the project.

Cavener: Thanks. Appreciate that.

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

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

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

3. Public Hearing for Woodcrest Townhomes (H-2021-0015) by Blaine A. Womer Civil Engineering, Located at 1789 N. Hickory Way

- A. Request: Amendment to the Comprehensive Plan Future Land Use Map to change the future land use designation on 2+/- acres of land from the Commercial to the Medium High-Density Residential designation.
- B. Request: Rezone of 2.10 acres of land from the L-O (Limited Office) to the R-15 (Medium High-Density Residential) zoning district.

Simison: Next item on the agenda is Item 3, which is a public hearing for Woodcrest Townhomes, H-2021-0015. I will open this public hearing with staff comments.

Allen: Thank you, Mr. Mayor, Members of the Council. The next applications before you are a request for a Comprehensive Plan future land use map amendment and a rezone. This site consists of 1.97 acres of land. It's zoned L-O, limited office, and located at 1789 North Hickory Way, north of East Fairview Avenue on the southwest side of Hickory Way. This property was annexed with L-O zoning in 1992 and later resubdivided as a lot in Mellane Commercial Complex in 2001. The Comprehensive Plan future land use map designation is commercial. The applicant is requesting an amendment to the Comprehensive Plan future land use map to change the land use designation on 2.1 acres of land from commercial to medium high density residential as shown on the left and a rezone of 2.1 acres of land from the L-O, limited office, to the R-15, medium high density residential zoning district. Approval of the map amendment will allow the applicant to develop 19 single family residential attached and detached -- excuse me -- attached and townhome dwellings. I got a little sidetracked here. It looks like this is an old version of my presentation. So, ignore the exhibit there on the left. The right one is the current one. The gross density is proposed as 10.8 units per acre on this in-fill property, which will contribute to the range of residential land use designations and diversity in housing types and densities in this area and provide a transition in land uses from medium density residential to commercial and office uses. A revised concept plan, as I mentioned shown on the right, and building elevations were submitted showing how the property is planned to develop with 19 single family attached and townhouse dwellings consisting of one single family attached structure, three three unit townhouses and two four unit townhouses and a common area with a pathway and gazebo amenities. Because the site is below five acres in size, minimum qualified open space and site amenities are not required. This property is planned to be subdivided through a future application. Access to the site is proposed via a cross-access easement from an existing driveway from North Hickory Way, a collector street. No stub streets exist to this property. A private street is planned to provide access to the proposed development and for addressing purposes. An attached sidewalk is proposed along one side of the private street for pedestrian access. Off-street parking is proposed in accord with UDC standards. Four extra spaces are proposed for guest parking in the common area near the entry and five spaces are proposed in the common area at the southeast corner of the site. On-street parking is not allowed due to the width of the private street. Conceptual building elevations were submitted as shown for the proposed residential structures with a mix of materials consisting of horizontal wood siding, vertical board and batten siding, wood shake siding and cement plaster with stone veneer accents and architectural asphalt roofing. Commission did recommend approval of these applications. Blaine Womer, the applicant's representative, testified in favor, along with Louie Mellane. No one testified in opposition. There were a few folks that commented as follows. Dave McDonald, Shirley Moon, Randy Nelson and Ann Attarian. No written testimony was submitted. Key issues of discussion were as follows: Traffic and safety concerns on Hickory Way. Lack of visibility of cars pulling out onto Hickory Way from the site due to the curve of the road. Maintenance of the existing masonry wall and landscape strip along the north boundary of the site and inadequacy of parking in this area. Louie's restaurant and the bank patrons

currently parked on this property. Key issues a discussion by the Commission. They were in favor of the proposed development plan over previous plans for this site. They did have some concerns pertaining to safety of access onto Hickory Way and preference for the four unit townhome proposed along the north boundary to be reduced to a two or three unit townhouse for better transition to the existing homes to the north. The Commission did not make any changes to the staff recommendation and there are no outstanding issues for Council tonight. There has been no written testimony submitted since the Commission hearing. Staff will stand for any questions.

Simison: Thank you, Sonya. Council, any questions for staff? Okay. Thank you. Is the applicant here this evening? If you would state your name and address for the record, please.

Womer: Mr. Mayor, Members of the Council, my name is Blaine Womer, Womer Engineering. We are located at 4355 West Emerald in Boise. We are representing the applicant on this project this evening and we are glad to be before you for this consideration. We have reviewed the staff report and the conditions of approval with our client and we concur with both. There is one little housekeeping item that Sonya has probably already picked up on, but on page 19, number one, the development agreement refers to an annexation -- before the annexation is final that the development agreement should be in place and I believe that probably needs to be the zoning ordinance before the zoning ordinance is in place. Other than that this evening we are just here to answer any questions that the Council may have, as well as the public.

Simison: Thank you. Council, any questions?

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Mr. Womer, just wanted to follow up. As I read through the Planning and Zoning minutes there was concern expressed about traffic safety and pulling out and it sounded like there was action going to be taken by this development to make that -- there was a berm or some other things that were in play.

Womer: There -- there is an existing berm there and there is quite a few trees that are planted along that berm. We have done quite a bit of field reconnaissance out there trying to figure out what we have in the way of sight distance, if there is any issues. Visually we don't see any right now, but we -- when we do the preliminary plat we will be happy to provide a sight distance exhibit that shows that we can meet the ACHD standards.

Hoaglund: Thank you.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: Thank you for being here tonight, Mr. Womer. Sell me on the idea of -- of changing the zoning in this area to accommodate what you are proposing. And the reason I ask that question is as a Council and especially myself, I -- we always -- at least I always -- I should speak for myself only. I apologize. What I always -- what I struggle with is -- is taking a commercial type zoning and making it residential, knowing what's going on in our market and -- and, you know, the balance between commercial versus residential. So, you need to sell me on why I need to do that.

Womer: Mr. Councilman, the -- most city councils are loathe to do such a thing. I get it. I do get it. The property has been in its current state, with a general -- with a commercial comp plan designation and a light office zoning for 26 years. It's been marketed for 26 years. It's location behind Louie's that doesn't have any frontage on to Fairview and it -- it just doesn't have the commercial appeal of -- for that type of use and, basically, what we are finding is that it -- it's a better -- it's better situated for a transitional use from the commercial along Fairview into the single family residential that's north of Hickory and northwest of the property itself. So, I think probably the best case we can make is it's been on the market for 26 years and there is no commercial viability for this property.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: So, what about like something, you know, light office, like a dentist's office or some type of medical use or something in that regard that doesn't really require -- it's more of a destination location, as opposed to something retail or restaurant oriented?

Womer: Councilman Bernt, that's -- that's also been on the table as far as its use, because that's its zone is light office --

Bernt: Yeah.

Womer: -- and the -- the owner of the property, who owns Louie's restaurant, has put great effort into trying to get this property sold. He would definitely -- at his advancing age he would like to be beyond this property and he's tried and he just doesn't find any interest in light office, any interest in commercial and, again, I think it has everything to do with its proximity and its lack of frontage on -- on Fairview. So, what we tried to do is create a balance, again, a transition of a townhome density. It's a 10.8 dwelling units to the acre density from the commercial uses to a single family residential to the north and northwest.

Bernt: Thank you.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Along those lines maybe talk Council through why the choice to go for a medium high zoning, as opposed to like a mixed use neighborhood. It looks like a mixed use neighborhood might kind of blend what they would have been envisioned by Council, but also give you some more flexibility to do some -- some residential. So, talk us through why -- why you are seeking this particular designation.

Womer: Well, I believe my client just saw it as an opportunity for -- for townhomes. This is -- they have built these before. They saw it as a nice opportunity as far as its location and, again, it being a transitional zone between the two uses. They didn't really give mixed use much thought. They, basically, had the townhome project adjacent to the commercial. It's not that far from The Village. There is -- there is certainly -- it's certainly walkable. So, the residential seems to be -- that density residential seemed to be the best use for the property.

Cavener: Mr. Mayor, follow up.

Simison: Councilman Cavener.

Cavener: Blaine, my assumption is is should you be granted this rezone that you guys would move really aggressively, then, and getting your plan in and having development commence or is it get the zoning and, then, wait to see what the market dictates in terms of building it out?

Womer: No. That's -- that's another reason that townhomes are being proposed. The market is here now for that and my client's direction to us is should we be fortunate enough to get approval tonight to move quickly forward with the preliminary plat, possibly starting final engineering as well.

Cavener: Thank you.

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

Womer: Thank you.

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

Johnson: Mr. Mayor, we had three people sign in, only one marked they want to testify. Others might, but it's Dave McDonald.

Simison: And if there is anybody online that would like to provide testimony on this item, please, use your raise your hand function, so that we can make sure and bring you in. If you could state your name and address for the record, please.

McDonald: Yes. Dave McDonald. 2579 East Grapewood. I appreciate your time and I also recognize a few of you from the previous thing where we had a melee going on

almost until midnight. Appreciate your thoughtful comments here and now and just like Councilman Bernt said, you know, obviously, the preference would have been, you know, dental offices, you know, single level adjacent to my home. I share -- I don't know why this microphone seems dead, but I share 120 feet of the 257 feet shared border to this property. So, it literally is in my backyard. The biggest questions -- and some of you remember comments. The density was an issue last time. Some of the same issues still exist here. I mean I know parking and traffic was a looming concept. I believe the staff does have a -- I guess a vicinity plan on page two. It shows a little bit more of the -- the street design. The concept plan is great. There is a lot of positive things. But there still are some of the same issues. How big, how close, and when -- one issue I went out to investigate myself over the weekend was with regards to the four unit townhome that's right in the middle adjacent to our property and there was comment in the P&Z about could that be broken up. I want to add an additional one. Could it be moved to the southern most lots away from our property line, because it -- I did go look at townhomes with a very similar look and it does loom large over your back fence. I believe Blaine Womer has been very adept at solving some of the challenges and problems with this site and there are many positive things. I think there are still some pending issues. One of the things that stood out to me when I looked at a similar townhome with four units like this and three units and two units, et cetera, was no parking on the private drive, so it spilled over, and because of the -- the traffic and, you know, I looked at the traffic counts. We tend to loom right around 4,000, just barely above the minimum thresholds for a collector, and one of the comments that was made by -- by the previous discussion on this property a few years ago -- and some of you may remember that was -- no parking on that collector. That was the one thing that really stood out to me. There is estimated to be approximately 15 school aged kids. On my way here I had to come out and around a -- some sort of construction truck with a trailer on there that was parked there and you wouldn't want kids zooming out on Hickory with the speeds there. So, you know, I do appreciate your thoughtful comments and would like to see if you and/or Mr. Womer have some solutions to the parking. You know, there are some additional concerns, but parking is one and also the setbacks and the utility easements. A lot of us rely on high speed internet for working from home and I understand there is some possible modifications to that. In a general sense I am supportive of this plan, even though it shares some of the same issues at a lower density as a previous project, just because it has been sitting empty for so long.

Simison: Council, any questions?

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: One question for you while you are looking on the map on the screen there. The P&Z was referencing a request -- or their -- their hope that the northern unit would be two or three instead of four. Well, there is also -- the first two units are, you know, fairly large. I mean the three unit one is on the side of my property. The four unit one would be the one most visible from my backyard and --

Borton: Okay.

McDonald: -- you know, there was some questions, you know, can we shift like the two unit model up. I don't think anybody asked about can we just take that four unit one and slam it all the way to the four southern most lots.

Borton: Okay.

McDonald: So, it's -- that -- that might be one thing. But I have been impressed with Mr. Womer and his ability to solve some of the challenges we have here. But traffic parking cross-access might be solved by some of the recent developments from ACHD about traffic exiting out of Louie's out onto Fairview, instead of using the light, but, you know, that's not going to be a solution for a few years.

Borton: Okay. Thank you.

McDonald: Thank you.

Cavener: Thanks for being here. Appreciate it.

Simison: Okay. Mr. Clerk, anybody else?

Johnson: That was all that indicated they wished to testify.

Simison: If there is anybody in the audience that would like to provide testimony, if you would like to come forward and make comments at this time. State your name and address for the record, please.

Abbott: I'm Brian Abbott and my address is 1855 East Chimere Drive in Meridian, Idaho. 83646. My concern, Mr. Mayor, is -- if I recall that land it seems like it's being subdivided a little bit, like they are parceling out. This land tends to go in an odd shape around the back of Louie's and that would entrap that section of land to have to come out onto Fairview. Is that correct or -- is it the whole section that goes all -- is it the whole L-shaped?

Simison: We will let -- we will let staff answer that or they can come up with their time.

Abbott: And, then, on the egress to Hickory there is another subdivision to the north, Solerra or Solterra, I believe, and I'm not sure the proximity of the two egresses there. Because it's because of that -- Solterra is on the curve to the north, it's not a real good sight -- line of sight turning left onto Hickory from Solterra, if that's the name of that street, so it would be -- I would be curious to know the juxtaposition of the two drives and I'm -- yeah. I might have a follow up. Thank you.

Simison: Council, any questions? You are good. Thank you. Was there anybody else that would like to provide testimony at this time? Okay. Would the applicant like to come forward for any final comments?

Womer: Mr. Mayor, Members of the Council, again, for the record, Blaine Womer, Womer Engineering. In response to Mr. McDonald -- a couple of his questions. He initially asked what the separation from the property line -- the existing block wall -- his rear property line from the back of our proposed units. It's approximately 30 feet is what we have shown right now. There was discussion of traffic. In fact, at our neighborhood meeting that -- that came up. The one thing we wanted to make sure that the Planning Commission -- Planning and Zoning Commission knew, as well as the Council here, is we did look into that with a traffic engineering consulting firm that we deal with all the time and ask them to make a quick comparison for us based on the number of units we were proposing and what light office might have provided and we found out that the traffic counts are about 65 percent of what light office would have been. So, this is actually a -- from a traffic impact standpoint it's a better way to go. Parking was brought up. These units, as it states in the -- in the staff report are all self parking. They have garages and they also have parking in front of the garages, as well as the additional site parking that we have provided in the landscape area and the common area as well. With respect to Mr. Abbott's comments, the property does not wrap around Louie's. The property is directly behind Louie's. It consists of 2.1 acres gross. So, there is -- this property has no frontage on -- on Fairview whatsoever. And the Solterra -- I'm sorry, I'm not -- Solterra -- Solterra -- probably still not saying it right, but that -- those two drive -- their driveway to their development and our proposed drive -- well, our existing driveway that we will be utilizing line up, so there is -- there is no conflicting traffic movements there. So, I hope I have addressed their concerns adequately and, again, happy to answer any questions the Council may have.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Two additional questions. So, if I'm seeing this right, then, if this is developed the owners of these particular units will, essentially, be exiting onto Hickory or going kind of around the strip mall to get onto Fairview, utilizing the current Louie's parking lot? Is that accurate or is there its own access?

Womer: Well, unless I'm not understanding your question, the -- the main access to the project would be the Hickory driveway that is existing.

Cavener: Where you enter into Louie's.

Womer: If you are entering into Louie's from the back. This is off of Hickory; right?

Cavener: Doesn't Hickory connect to Fairview?

Womer: Yes.

Cavener: Okay.

Womer: Yes. Okay. I'm sorry. I may not have missed -- I may not have understood.

Cavener: Okay. Thank you. Mr. Mayor, one follow up.

Simison: Councilman Cavener.

Cavener: Particular to -- I think Mr. McDonald inquired about the size of the units that are going to face his backyard. I'm -- I'm certainly sympathetic to what the property owner is trying to achieve. Likewise, I'm also sympathetic to the resident that has there that has had an expectation about what was going to be developed. I know that we don't have a plat before us, but help me understand a little bit of the flavor for what the height of what you plan to build those units that are adjacent to his backyard and kind of what the development plan is.

Womer: Mr. McDonald expressed that concern as well at the Planning and Zoning Meeting and, you are correct, we don't have a site plan, nor a preliminary plat in front of you tonight. But we can certainly look at that, take his concern into account as we lay this out and if we can accommodate with -- with doing something else there. Height wise these are maximum two story units 30 feet away. We believe that the impact would be fairly minor, but we can certainly take a look at coming up with maybe a different configuration. The private street and the lots will be the same layout, but maybe we can put a three unit townhome there possibly. We will take a look at it, though, as we go through the process.

Cavener: Okay.

Simison: Council, any additional questions? Okay.

Cavener: Mr. Mayor, did you have a question?

Simison: The parking. And I'm just -- I'm concerned that we are going to get a call from the restaurant owner in a few years about residents parking in their parking lot on the evenings on a Friday and Saturday night when the residents may be most likely to have people visiting taking up parking. Again, you invite people over for Christmas morning and you are one place and you don't have enough parking potentially for the families in those nine additional spots.

Womer: Well, the restaurant owner, Louie, was supposed to be here tonight. He was unable to make it, but he is a very strong project proponent.

Simison: I know he is. Very -- very familiar with that. That's why -- I know I will get an earful just for making these comments. But it -- but it doesn't go without -- I mean if we

don't want people to park on Hickory and we don't want people to park in the adjacent restaurant parking lot during, you know, the important business hours, what's the solution for this area when nine is not enough and there will be times where nine we know is not enough. That's -- I'm not going to say it's all the time. Maybe seven days a week -- or seven days a year. I don't know. But that's really the question is what is the -- what is the parking solution for when there is not enough parking that's going to be good for the neighborhood, good for the streets, and good for the neighboring business.

Womer: We are certainly willing to take another look at that when we prepare the preliminary plat. We have got some room down there on the south to add some parking.

Simison: That's what I was wondering if -- to that exact point.

Womer: We are certainly willing to do that.

Simison: I understand townhomes are difficult. That's actually why private streets make a little bit more sense, but it also limits no parking typically in front in a meaningful way. And I mean street parking --

Womer: Right.

Simison: -- from that standpoint, so --

Womer: Right side is -- aesthetically speaking it's a better look, but I certainly understand your concern and we will take that into account when we --

Simison: I just want to make sure we have happy restaurant owners and happy neighbors and happy residents, whatever that works out to be.

Womer: I understand the balance. Thank you.

Simison: Thank you. Council, what's your pleasure?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Question maybe for Mr. Nary. Bill, so just got an annexation -- or, excuse me, a rezone request before us. Appreciate what the applicant has said in terms of wanting to put something together, hopefully, that addresses some of the neighbors' needs. A plat comes before us and those elevations don't match that, how much teeth does the Council have in terms of denying, remanding -- I -- I'm worried that, you know, grant a rezone and Blaine's doing a great job, but, then, wins the Powerball and leaves and somebody else comes in and maybe -- maybe we don't get what we had intended here tonight. Just what -- what strength the Council has to be sympathetic to the neighbors.

Nary: So, Mr. Mayor, Members of Council, Council Member Cavener, the -- definitely much more limited. Again, the comp plan amendment is one piece of the teeth that you have to not do this. Secondly, the rezone is, obviously, next. Last is just the plat. So, a plat is just the division of land. So, that doesn't really have the same strength. I mean you can put some conditions, but there is no development agreement here I don't believe that we are talking about, so there is not a condition to amend or other opportunity for the Council to review. So, fairly limited at that point on the plat.

Simison: Would you like the -- the applicant to respond to that?

Cavener: He seems -- he seems enthusiastic to bring forth some information, so, yes.

Womer: Mr. Mayor, Members of the Council, Blaine Womer. Yes. And that -- that is actually Item D in our development agreement requirement. There is a development agreement required that needs to be done, completed prior to adoption of the new zoning ordinance should you approve tonight. So, we will be putting that into the development agreement, which my understanding will, indeed, have the teeth I think that you are looking for.

Cavener: Great. Thank you.

Womer: Thank you.

Nary: Yes. Apologize. So, he's correct. So, that -- those conditions can be in the DA modification -- or the DA conditions for the approval of the rezone, so --

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Question for Sonya. I wanted to follow up on that, because when he mentioned up here the first time about the DA refers to the annexation, but it should be changed, is that -- can you help me to understand that. It should be to the rezone?

Allen: Yes. Mr. Mayor, Councilman Hoaglund, it was just a typo in the staff report. I have corrected it. Thank you.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Follow up on Councilman Cavener's question. Usually the DA provisions require the plat to be consistent with the concept plan, but if there is going to be changes to this concept plan to accommodate the parking solution that we don't yet have, kind of a chicken or the egg. So, I'm not sure how we would craft that provision of the DA without seeing what the solution would be. Unless I'm missing something. The plat application

would look like what's on the screen, which doesn't afford any parking solution that we are all discussing. So, I think we need to put some specifics to that, so it can become a DA provision, so, then, the plat can be consistent with that, just so eyes are wide open on what the solution is going to be. I don't know what it would be or how you do that right now, but now would be the time we would have to articulate it.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Is that worded substantially consistent? That to me is a lawyer word. You know, what -- what does substantially mean and we could spend hours on that one. Because if the road is not changing, if by chance the three townhomes on this side swapped with four on the other side and some additional parking was added, to me that would meet the substantial requirement, but that's just my interpretation of it. I mean how much change can be done before it's -- it's not similar to what we saw tonight. I don't know if you can help, Sonya, or Bill, on -- on that type of question. Or Councilman Borton.

Borton: Mr. Mayor, I will answer -- at least the reason my concern came up is it could be substantially consistent with what's on the screen right now, which doesn't provide that solution, and so the fear isn't that there would be a big change, the fear would be that there is little or no change, which now allows the plat to get approved, because you can't deny it, because it's consistent with what's in front of us. So, we can figure it out. We can fix it somehow. I don't know what those terms would be.

Simison: Maybe one suggestion would be putting in a minimum number of other parking that you would be comfortable with. I don't know if it's a number. I don't know if it's location. You know, I have been mentally struggling with 19 units, 19 off site or two-thirds of that number. There is currently nine. You know, that's a number. I just don't know what really is a good standard when you don't have other things that's relative.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: It's a challenge. I think we are -- we are cautiously quiet. We are not sure how to do it up here on the Dais, nor should we. I think you might be able to articulate -- yeah. Go ahead.

Womer: Mr. Mayor, Members of the Council, Blaine Womer. We were just discussing the -- because the numbers are kind of floating and what -- you get -- the Council is struggling with what is the right number to make everything work. I think probably what could be written into the development agreement is an analysis by a licensed traffic engineer to do a parking analysis. That way they would be able to know, because Louie's is existing, they know how many tables are there, there is models for how a restaurant gets used and our project is parked hundred percent between garages and the driveways themselves,

plus the additional parking we are offering. I think if -- the Council may have -- may feel a little better with having it professionally analyzed as a part of the requirement for the development agreement, which we would be willing to have you write in. I just don't know any other way to do it without having someone that -- that is actually licensed and practices those types of analysis. So, that going forward we have got the right number of parking, because at the same time it's a waste to overpark it.

Simison: Well -- and I think this kind of is part of that conversation that we even have with other applications recently is restaurants are really busy during certain times and how does that work. I mean a cross-parking agreement to allow people to park in those areas would probably solve that, but that may not make the current or future restaurant owner happy to have residents parking there. That's what I want to protect the area from is -- at least from my perspective -- the nonvoting person's perspective, who actually really likes the project and thinks this makes a lot of sense, but trying to find that. Councilman Cavener.

Cavener: I think it's -- it's one step further. It's not so much about -- I think the Mayor is concerned about, you know, neighbors parking in Louie's restaurant. My concern is the inverse, is, you know, Louie's patrons parking in front of your future resident's driveway and preserving their access. I think those are the calls the Mayor's office is going to get as on a -- on an Easter Sunday or on a Wednesday when the Kiwanis and the U of I Alumni Association meets and the parking lot is already packed, they are going to -- they are going to bleed into your neighborhood and that's not good for your residents either. So, that -- I share those --

Simison: Do you need to disclose something that you are there every Wednesday?

Cavener: You wouldn't know it from looking at me, but I go to Louie's every Wednesday. Yes. Yes.

Womer: Well, we have checked and Louie's currently is parked definitely within the code.

Simison: Recognize that. I think it's how do we keep people off a Hickory, if that's a concern. Where are they naturally going to push if Hickory is not the option, when you exceed the parking here, which there will be times when that occurs.

Womer: Understood.

Simison: So, Council, I throw it back to you on conversation, next steps appropriateness.

Nary: Mr. Mayor?

Simison: Mr. Nary.

Nary: Mr. Mayor, Members of the Council, I mean I do appreciate the applicant's suggestion of at least having a professional provide you some data or some information

that's a little bit more objective, so that way we don't have a concern about it being arbitrary. I would suggest that we do that, though, that they make no less than what they have already presented. So, if you were to get a traffic engineer that comes back and says we really only need six extra parking spaces, you can take three of them away, we don't really want that. So, you could have at least a minimum of what they have shown and -- but they would need to comply with whatever is proposed by a traffic engineer. I think that helps. I think there is cross-parking already on these sites. So, I think it is something that they are all going to have to deal with that. I think the bigger concern we have heard tonight, though, so I don't want to make it part of the record necessarily, but I think what Councilman Cavener has raised is what we have heard before is other patrons, staff, those types of parking conflicts that you get. But, again, I think if you have cross-parking and they have at least an engineer telling you how much is appropriate, I think that's the best from the city's perspective we could do.

Simison: So, Mr. Nary, you believe this entire area is a cross-parked development?

Nary: Mr. Mayor, I would have to go verify that. I believe the portion that came in with Louie's is. I don't know if that includes the bank on the east side of the -- of the drive aisles or the retail commercial that's on -- to the west of them, but I thought these two pieces had a cross-parking between them, so --

Simison: Okay.

Nary: Because it was anticipated that they were going to be offices of some sort in the past. And if you would like we can certainly try to verify that before -- have another conversation. It's up to you. I don't have the DA in front of me.

Simison: Councilman Bernt.

Bernt: Mr. Mayor, thank you. I -- I'm certainly not against, you know, having a professional look at our concerns and providing data that's objective. I don't have a concern with that. But just being fully transparent, just for -- you know, just to be fair to the applicant in my opinion and it's -- I always take these rezones lightly, for obvious reasons, and -- because of the concerns that my fellow Council Members have discussed, whether it's parking, whether it's neighbors and having sympathy for neighbors that have lived there for a while expecting a certain development to occur and having that change is certainly something that we take into consideration. In my opinion right now I feel that this doesn't quite meet the benchmark for me to change the zoning. I'm open to the data and seeing what that looks like. That's where -- that's where I'm leaning in right now and these decisions are tough, because of the neighboring businesses that are long standing. Louie's -- you know, Louie's has been there for a long time and it's a great restaurant and they have been a great Meridian business for a long long time. So, got to sort of take that aspect out of the decision and -- and with that said I -- right now I'm a little -- a little hesitant just for transparency.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I will just throw my comment in there. You know, it's kind of nice to have an in-fill development that's brought to us and you don't have all the neighborhood adamantly opposed to in-fill development and comments that, you know, there are things they would like to see tweaked, but certainly aren't unhappy about and it's the best they have seen. You know, that -- that will certainly help. So, I don't want to, you know, throw the baby out with the bathwater on -- on something like this. There are some issues that we have to work. This is a rezone. I appreciate Council Member Cavener's comments about, you know, asking Council what -- what tools do we have to make sure things can move forward in a transparent way for what we are looking at and how it comes forth and I think we might have a few tools at our disposal to make that happen if we were to approve this, but -- and, hopefully, when the final plat comes forward -- the preliminary plat, those things are there and we can see what -- what it could be and attempt to resolve all those problems, because I -- I think if we just not do this it's -- which we certainly can, we can leave it as is, it's just going to continue to sit for quite a few more years and -- but, you know, it's certainly something worth wrestling with and trying to figure out what -- what the best path forward is.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I think the Planning and Zoning Commission called it the second best proposal that they could get and I tend to agree with that. I think like Council Member Bernt, I struggle with the rezone. We are losing a lot of commercial land. That sat for 20 years. They tried really hard to make it a go with commercial and if it just doesn't fit I hate to be so beholden to that that we don't -- we don't open our eyes to another option. So, I think I'm supportive of a rezone with the traffic or a parking study to be a condition. Potentially conditioning some height of those buildings that -- that face Mr. McDonald. I think that we could -- we could get there if we want to.

Borton: Mr. Mayor?

Simison: Mr. Borton.

Borton: I do think it's almost ready. It really is. I'm more inclined -- it's not ready today. I couldn't approve it today. But I think the problems with parking that the Mayor's brought up, you are spot on, we know what's going to happen here. Some engineering data might help. But intuitively we have seen this challenge where even a code compliant project creates problems, because -- it just does. And your example of what you described, Kiwanis Wednesday, I just -- you know, they -- Louie's parks on this dirt lot now. They are popular. So, there is challenges there. I'm not comfortable yet that we have the solution. I don't know how to draft the language to ensure the right number of parking spaces are

there. I think the applicant in a week or two might be able to come up with language that gets you there. Maybe. I would certainly want to know that there is a cross-parking agreement reported against both properties that would allow these residents to be able to use the Louie's lot, so we can have time to verify that. So, I'm not ready to move forward. I like it. I think it is kind of the next best thing, but it's not quite ready yet in my eyes.

Simison: Council Woman Perreault, anything to add?

Perreault: No. I don't have anything additional to add. I agree with Councilman Cavener. I think that we can get there and I -- I understand the applicant's struggle with bringing in a use, how it's currently dedicated in the -- in the Comprehensive Plan. So, I -- I like the concept. I would like to see if they could make something work. But I do think we need more data on the parking.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Blaine, are you open for another question? I think the public hearing is still open.

Simison: Yeah. Public hearing is still open.

Cavener: Blaine, you have heard I think some good conversation from the Council. I think I tend to agree, if we could get a parking study done first, I think that would maybe address some of the concerns of Council. Is that something you guys are -- are willing to do on the front end, as opposed to the back end, and we could continue it out for a few weeks and you could bring us back those results. Also give us some time to further explore the cross-agreements for parking and make sure that we are all speaking the same language?

Womer: Well, Mr. -- Mr. Mayor, Members of the Council, obviously, our preference tonight would be to get approval and come back to you with a preliminary plat with that supportive study, which I think could still work, because from what I'm hearing it seems like this generally is the -- is the right way to go. However, if at the same time we would take a continuance over denial. So, I guess that's probably the best way I can answer that question.

Simison: Well, maybe even this -- I mean even per the feedback, redoing some of the design and seeing where you could put in more parking, without doing the study may also meet the needs and desires without doing a formal study. Again, I don't know from the feedback you heard if you have even thought about what type of changes you could look at that would make sense in the short term in the next couple weeks.

Womer: Mr. Mayor, my concern with that is that we might come back and find this body still has the same concern. I think if -- if we are going to be continued, we would want to do that analysis. We would want to come back to you with tight numbers and some numbers we can certainly stand behind and support. So, I think that's probably the -- the way we would handle that would be to do the study now.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Blaine, how quickly -- how much time do you think you would need? Two weeks? Three weeks? Four weeks?

Womer: Well, I'm sure we could get it done in a couple of weeks and be ready to be back to you, if that -- if that works with Council and your agenda.

Cavener: Okay. Great. Thanks, Blaine. Appreciate it.

Simison: Sir, technically, the applicant has the last word, so we got to not take -- there will probably be another opportunity at the next meeting would be my guess, if we go that direction.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: So, we want to keep the public hearing open then? So, Mr. Mayor, I move that we continue Item No. 3, public hearing for Woodcrest Townhomes, H-20210015, to September 21st or August 21? Real quick, Sonya, is that going to give you guys enough time I feel like you might need?

Allen: Mr. Mayor, Councilman, for a parking analysis from the applicant? I believe they said a couple of weeks. It depends on if you need that the week before the Council meeting on the Tuesday before. So, that would really only give them a week. So, keep that in mind if you would like it ahead of time.

Cavener: Looking for a nod from the applicant if that's going to be enough time. I worry that it's not. Okay. Mr. Mayor, I'm going to revise my motion that we continue the public hearing for Woodcrest Townhomes, H-2021-0015, to September 7th.

Hoaglund: Second the motion.

Simison: I have a motion and a second to continue the public hearing. Is there any discussion? If not, all in favor signify by saying aye. Opposed nay. The ayes have it and the item is continued. Thank you. Look forward to seeing you back in September.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

ORDINANCES [Action Item]

4. **Ordinance No. 21-1939: An Ordinance (H-2020-0127 – Skybreak Subdivision) For Annexation Of A Parcel Of Land Located In The S ½ Of The NW ¼ Of Section 4, Township 2 North, Range 1 East, Boise Meridian, Ada County, Idaho, As Described In Attachment “A” And Annexing Certain Lands And Territory, Situated In Ada County, Idaho, And Adjacent And Contiguous To The Corporate Limits Of The City Of Meridian As Requested By The City Of Meridian; Establishing And Determining The Land Use Zoning Classification Of 80.461 Acres (More Or Less) Of Land From RUT To R-8 (Medium Density Residential)(43.858 Acres) And R-15 (Medium High Density Residential)(36.604 Acres) Zoning Districts In The Meridian City Code; Providing That Copies Of This Ordinance Shall Be Filed With The Ada County Assessor, The Ada County Recorder, And The Idaho State Tax Commission, As Required By Law; And Providing For A Summary Of The Ordinance; And Providing For A Waiver Of The Reading Rules; And Providing An Effective Date.**

Simison: Council, next item up is Ordinance No. 21-1939. I will ask the Clerk to read this ordinance by title.

Johnson: Thank you, Mr. Mayor. This is an ordinance related to H-2020-0127 Skybreak Subdivision, for annexation of a parcel of land located in the S ½ of the NW ¼ of Section 4, Township 2 North, Range 1 East, Boise meridian, Ada county, Idaho, as described in Attachment “A” and annexing certain lands and territory, situated in Ada county, Idaho, and adjacent and contiguous to the corporate limits of the City of Meridian as requested by the City of Meridian; establishing and determining the land use zoning classification of 80.461 acres (more or less) of land from RUT to R-8 (Medium Density Residential)(43.858 acres) and R-15 (Medium High Density Residential)(36.604 acres) zoning districts in the Meridian City Code; providing that copies of this ordinance shall be filed with the Ada County Assessor, the Ada County Recorder, and the Idaho State Tax Commission, as required by law; and providing for a summary of the ordinance; and providing for a waiver of the reading rules; and providing an effective date.

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

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I move that we approve Ordinance No. 21-1939 with the suspension of rules.

Hoaglund: Second the motion.

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

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

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

FUTURE MEETING TOPICS

Simison: Council, anything under Future Meeting Topics? Or do I have a motion to adjourn?

Bernt: Mr. Mayor, I move that we adjourn the meeting.

Hoaglund: Second the motion.

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

MEETING ADJOURNED AT 7:54 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS)

MAYOR ROBERT SIMISON

DATE APPROVED

ATTEST:

CHRIS JOHNSON - CITY CLERK