

A Meeting of the Meridian City Council was called to order at 6:11 p.m. Tuesday, November 19, 2024, by Mayor Robert Simison.

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

Other Present: Chris Johnson, Bill Nary, Bill Parsons, Linda Ritter.

ROLL-CALL ATTENDANCE

☒ Liz Strader	☒ Brian Whitlock
☒ Anne Little Roberts	☒ John Overton
☒ Doug Taylor	☒ Luke Cavener
☒ Mayor Robert E. Simison	

Simison: With that we will call this meeting to order. For the record it is November 19th, 2024, at 6:11 p.m. We will begin tonight's regular City Council meeting with roll call attendance.

PLEDGE OF ALLEGIANCE

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

(Pledge of Allegiance recited.)

Simison: We have no one signed up for the community invocation.

ADOPTION OF AGENDA

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

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I move that we adopt the agenda as published.

Overton: Second.

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

MOTION CARRIED: ALL AYES.

PUBLIC FORUM – Future Meeting Topics

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

Johnson: Mr. Mayor, there is no sign ups.

ACTION ITEMS

1. Appeal of Denial of Mobile Sales Unit License (MSU-24-0165) by Nathaniel Chitxeuane

Simison: Okay. Then with that we will move on to Action Items. The first item up is Item 1, which is appeal of denial of Mobile Sales Unit License MSU 24-0165 by -- Nathaniel -- I -- I do not want to try to pronounce that last name. Is -- is Nathaniel here this evening? Or online?

Johnson: Mr. Mayor, Emily Kane is online if you have questions about the appeal.

Simison: Mr. Nary, do you plan on presenting on this item or -- help us navigate how you would like us to move forward.

Nary: Thank you, Mr. Mayor. Sorry for the delay. No. Again, the matter is in front of you. I sent you -- the Council prior what our code says. Basically the applicant in this particular case has requested this appeal. But, again, the denial -- unfortunately we can't share the reasons for the denial, but other than that we have the opportunity for the applicant to make a pitch if they want to, but they are not here.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Maybe it would be helpful to just clarify something on the record in the event that the applicant, you know, tunes in later. My understanding, based on our in-house attorney Emily Kane's memo, is that the only grounds that the City Council actually has to uphold any type of appeal would be if there was a factual error in terms of the determination that was made. Is that correct?

Nary: That is correct. If the applicant were to claim this for him or the information he had was in error, other than that we have -- he hasn't alleged that to this point, so this was that opportunity.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: And, again, the -- the applicant Nathaniel is not here. At this point I'm prepared to make a motion. Mr. Mayor, I -- I move that we deny the appeal for the mobile sales unit license by Nathaniel Chitxeuane.

Taylor: Second.

Simison: Have a motion and a second to deny the appeal. Is there any discussion? Mr. Nary, is roll call required?

Nary: No, sir.

Simison: All in favor signify by saying aye. Opposed nay? The ayes have it and the motion passes.

MOTION CARRIED: ALL AYES.

2. Public Hearing continued from November 6, 2024 for The Gateway at 10 Mile (H-2024-0010) by KM Engineering, LLP., located at NE corner of W. Franklin and N. Ten Mile Rd.

- A. Request: Conditional Use Permit for 390 multi-family units in the R-40 zoning district.
- B. Request: Preliminary Plat consisting of 31 buildable lots and 3 common lots on 38.99 acres of land zoned C-G and R-40.

Simison: So, with that we will move on to Item 2, which is public hearing continued from November 6th, 2024, for the Gateway at Ten Mile, H-2024-0010. We will continue this public hearing with staff comments.

Parsons: Thank you, Mayor, Members of the Council. First item on the agenda is the Gateway at Ten Mile. It is a preliminary plat and conditional use permit. The site consists of 38.99 acres of land, currently zoned C-G and R-40 and it's located at the northeast corner of Franklin Road and North Ten Mile Roads. This property was annexed in 2020 with a development agreement and a concept plan that showed mix of commercial uses and multi-family on this site. The DA itself specifically also allowed for the development of multi-family, added dwelling unit of eight -- between eight to 15 dwelling units to the acre and as part of that development agreement they were allowed to use the entire acreage of the site to calculate the density. You can see here in the Comprehensive Plan for this area is a mixed-use commercial and a portion of it is civic and it's also located within our Ten Mile Interchange Specific Area Plan. At the time of annexation City Council found that this project was consistent with that underlying future land use map. Here is the concept plan that was generally tied to the -- the DA. The applicant is here tonight again to talk about a preliminary plat that consists of 31 buildable lots, 17 of those will be commercial, 14 are residential, three common lots, again, in the C-G and R-40 zoning district and a conditional use permit for 390 multi-

family residential dwelling units. You can see here the commercial runs along the west and the south boundary here and, then, there is some more office internal along the public street here which, again, was consistent with the concept plan that was approved in 2020 and consistent with the desired uses in the Ten Mile Interchange Specific Area Plan. The multi-family consists of six four story structures internal to the site and, then, along -- as a transition the applicant is proposing three -- five three story townhome units that run along in this general location here. I will get more into the details of the multi-family as I get into my presentation. One of the items that we asked the applicant to discuss during the public hearing at the Planning and Zoning Commission was phasing. There weren't really any real details provided on the phasing for the proposed project, but they did indicate on the public record that they intend to develop the commercial portion first and not -- not the higher density residential. Access to this site, again, will be proposed from -- actually three from Ten Mile, of course, and Franklin. What's unique about this site is there is actually West Fred Smith along the east boundary that will be extended, which is a collector street. However, west -- or North Wayfinder Avenue will not be extended at this time, because there isn't adequate right of way to allow that collector road to be constructed at this time, but the applicant is dedicating their portion -- their proportionate share with this plat application. You can note here on the plat that there is two out parcels that they do not own. It is not part of this project, which is why it's not being connected at this time. As part of that -- and because that is not connecting, staff did support -- and ACHD supported a right-in, right-out only access onto Franklin in this location that you see here in the red line to -- to suffice for access to the site from that roadway until that light can be put in and that roadway extended. The applicant will also be required to acquire -- extend this -- a portion of this road does stop just short of the applicant's site and they will be required to work with ACHD and extend that as part of their development. The -- this spine road is what I like to call it, but this portion, if you can follow my cursor here that comes in and jogs north and, then, cuts out, the northernmost access to Ten Mile in this location, all of that will be dedicated as public streets and provide and comply with street sections consistent with the Ten Mile Interchange Specific Area Plan. This project was continued to allow the applicant time to work with ACHD on the right-in, right-out only access onto Ten Mile. So, that is one waiver that the applicant is requesting from Council tonight is to allow for that access to -- the right-in, right-out only access onto Ten Mile where you see the red X on this exhibit. ACHD says they are amenable to that access if the city allows it. So, really, that -- it's your purview tonight to allow them that access. As part of the ACHD staff report you probably saw that. With this development Franklin Road will continue to operate at a level -- an acceptable level of service E, but Ten Mile will continue to operate at a level of service F with this -- or with or without this development it's currently operating at that -- in that condition. So, as part of the Ten Mile Interchange Specific Area Plan we have the applicant provide us a -- a bike ped circulation plan for your consideration as well. So, the applicant has done that to show you how the -- the project connects with one another through bike -- bike and ped connections, which, again, is consistent with the concept plan and their DA. The multi-family again is for 390 units. You are looking at a mix of two one hundred bedroom -- two one bedroom units, 174 two-bedroom units and 16 three bedroom units as part of this development. The open space for the site consists of approximately 2.6 acres,

which exceeds UDC standards and the -- the amenities themselves also include clubhouse, swimming pool, fitness center, pickleball court, 5,000 square foot open space areas, three in total, dog parks, bike -- bike repair station, enclosed storage and, then, staff have -- has also required them to put in a covered picnic area as well. Parking for the site does comply with -- exceed UDC -- UDC standards as well. One thing that I wanted to note to the Council tonight is that along the north and east boundary of the site are garage structures, seven of them, and that is really meant to be storage for the apartment complex, not necessarily needed for the required parking itself. So, the parking itself is annexed -- or exceeds -- it meets the minimum requirements -- exceeds it, but those garages aren't counted towards the required parking for the site. And the townhome units themselves will also have garage units for those units. Here you will see the building elevations. Again pretty consistent with what's occurring in the area with the four story walk-ups here and, then, here is the garage and, then, elevations of the -- the clubhouse as well. Planning and Zoning Commission did recommend approval at the October -- at their October 3rd hearing. You probably looked at the public record and saw the 80 plus letters of written testimony in opposition of this application. A lot of those -- the neighbors concerned -- or the residents' concerns had to do with traffic and overcrowding in schools, which is typical of what you hear. What I tried to explain at the Planning and Zoning Commission when those residents were there that -- several residents that were testifying was that annexation is done here, concept plan is in place, so, really, what we are looking at tonight is whether or not this plan is consistent with their development agreement and meets all ACHD's and -- and zoning -- zoning requirements. So, again, this plan is pretty far along in their entitlement process and what they are proposing tonight is consistent with what the city approved in their DA back in 2020. So, testifying in -- in favor was the applicant representative. We had Justin Hamilton, Carla Ayers and Natalie Purcell testifying in opposition. Again school overcrowding, traffic. Written testimony, as I mentioned to you, 80 plus from what I saw and, then, since the Planning and Zoning Commission there were three additional public testimonies submitted on the -- again, concerns with traffic and overcrowding. You can see on the hearing outline tonight that the concept plan was discussed by the Commission. What was decided back in 2020 whether or not UDC and the -- the question before the Commission was whether the developer is meeting the UDC and conditional use permit and they found that it did and they recommended approval and, then, also the Commission passed along their recommendation to allow for the right-in, right-out access on the Ten Mile as part of your purview tonight and I would also mention to the Council that we did -- the Planning and Zoning Commission did modify two conditions of approval, so that first one was 2-H. They actually -- we added unless otherwise waived by City Council. Essentially that was the right-in, right-out access to Ten Mile Road, as it fell under your purview and staff could not grant that waiver per the city code. And, then, also we struck Condition 3-C because there are existing sidewalks along Ten Mile and Franklin already, so there was no need for the applicant to install additional public infrastructure around those -- along those roadways. So, again, Planning and Zoning Commission staff has recommended approval. The only waiver for your consideration tonight is that access to Ten Mile Road and with that I will conclude my presentation and stand for any questions you may have.

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

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Maybe just a clarification, because I think it's going to be really important. So, this is already annexed into the city. It's already been added to the City of Meridian. We already approved the concept at that time when that occurred. So, really, the only question before the Council is is this consistent with our existing development agreement; right? And, then, obviously, the -- the separate actions are the preliminary plat and the conditional use permit. But compared to a -- just -- I think if you could react to this compared to an annexation the Council has much less discretion than we normally would, because we have already taken those steps; is that correct?

Parsons: Yeah. Mayor, Members of the Council, that is -- that is correct, Council Woman Strader. It's -- again, the conditional use permit is an allowed use with conditions. So, again, if there is additional conditions that mitigate concerns you certainly can add more conditions of approval, but as far as the use and the layout, it's been conceptually approved to some regard in -- some degree in the development agreement and both staff and the Planning and Zoning Commission found that it was consistent with that document.

Strader: Mr. Mayor, one more.

Simison: Council Woman Strader.

Strader: And just to refresh my memory and from the staff report it looked like this is all consistent with the Ten Mile Specific Area Plan, which is great. Do you have any concerns around that that are new concerns? Anything that you feel like it could be considered inconsistent with the Ten Mile Specific Area Plan?

Parsons: Mayor, Members of the Council, nothing from staff. Had we had concerns we would have raised those. I do recall back in 2020 the reason why we didn't want the applicant to get under -- too far under construction on this site was because we wanted the applicant to submit a traffic study and we wanted to make sure that whatever accesses we approved for this development were consistent with not only what they were showing, but wanted to make sure how much public street was going to be versus just maybe right-in, right-out access points. As you probably saw in the staff report we -- we aren't really supportive of the -- or the code isn't supportive of us granting access to those roadways, but with ACHD's support and the applicant providing that traffic study, I think it makes some sense from -- from our standpoint to allow that. So, really, our intent was for them to subdivide it before they get anything under construction and that's what they are doing now.

Strader: Thank you.

Simison: Council, any other questions for staff? Okay. Then would the applicant like to come forward.

Bauer: Thank you, Mr. Mayor and Council Members. Jeff Bauer. 601 West Bannock in Boise. Here tonight on behalf of the applicant. With me from the applicant team tonight is Trevor Gasser with GFI Development and our traffic engineer Andy Daleiden from Kittelson and Associates. Andy is going to speak specifically to the second access on Ten Mile once I finish my comments here and I am going to keep them really brief. Mr. Parsons did a great job summarizing the project and, Council Member Strader, I think you hit on the points that we wanted to make, which is that we are sort of at the final stage of this project at the platting and so I will get into that. We have reviewed the staff report. We agree with staff's analysis and all of the conditions of approval. These applications did go before the Planning and Zoning Commission last month and they did approve both the -- the preliminary plat application and the CUP for the multi-family housing and a lot of discussion was had relative to the secondary access on Ten Mile and the comments from the Commission there were supportive of that and -- and if I were to summarize more access makes sense in this case was sort of their summary and we are going to ask you to -- to make the same finding tonight. The project property is located on the northeast corner of Franklin and Ten Mile. It is 39 acres. Area around it has been developing quite quickly. I wanted to highlight a couple features of this site that make it unique. One is the railroad on the north side of the property. With that railroad is 200 feet of right of way. To the east of the property are some new distribution uses, Amazon and FedEx, and to the south are mixed-use Developments that are -- that are currently underway. Ten Mile Creek and the Outer Banks project. So, as Mr. Parsons mentioned in part one of this project we did rezone the property. This map shows the current zoning. So, we have approximately 23 acres of R-40, high density residential, and 16 acres of C-G, general commercial, on the frontages of Ten Mile and Franklin. So, some of the comments that were received from the public on this application -- I think more than 80 percent indicated that we should not rezone. I just want to highlight that we are not asking for any rezones tonight. The existing zoning supports this project. There was a DA associated with the rezone and annexation in 2021. That DA approved the site plan -- the conceptual site plan on the right side of the screen. To highlight a couple key provisions of the DA, one is preservation of a civic lot for a future multi-modal transit station. That's right where the mouse just happens to be thankfully. That's preserved until 2040 under the DA to provide for any future plans that could come to fruition from any of the transportation agencies for a rail transit stop. The -- the second condition or provision of the DA I wanted to highlight relates to density. So, when -- when the city did approve this project they mandated that this site be developed with between eight and 15 units per acre. We are at ten. So, we are on the low end of -- of the mandated density. Preliminary plat is pretty straightforward. Seventeen commercial lots, 13 residential lots, the two civic lots and, then, our common lots for the buffers. All of the lots meet the applicable standards in the UDC and here is our concept plan for the R-40 high density residential project. It is substantially similar to the concept plan for the DA, some slight reconfiguration -- some slight reconfiguring around the -- the common area, but -- but the -- the general layout remains the same. Mr. Parsons went over this in detail. We do

have a lot of amenities. As conditioned we -- we meet the city standards for amenities. We do exceed on the amount of open space. Turning to the concept plan for the -- for the C-G zoning, again, around 23 acres, 15 buildings proposed. The concept plan here distinguishes the -- the buildings on the Ten Mile and Franklin frontage shown in -- in light red, those will be single story and, then, the building setback on the future local street will be multi-story and those are shown in light brown. Again, we have gone through significant effort to provide excessive connectivity here between both the -- the residential and the commercial component, as well as between different businesses within the -- within the commercial space. One thing I did want to highlight is that ACHD is requiring that the -- the local public road that -- as -- as Bill described it -- snakes through the site, that's going to have detached ten foot sidewalks on each side. That was a condition that they added for more bike and pedestrian mobility through the site and that does comply with the Ten Mile Area Specific Plan. One condition of approval as well from both VRT and -- and the school district was to include some micro pads through the commercial -- the Ten Mile for future bus stops. We are in agreement with that condition and we think those are great ideas. Lastly, we do have the addition of some plaza spaces in the commercial, again, just to enhance pedestrian connectivity and create a bit of a -- a more inviting feel for pedestrians and end users of the commercial. So, I'm going to pause for any questions before I invite Mr. Daleiden up to speak to access. If there any questions around the zoning or project.

Simison: Council, any questions?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I have a couple quick ones, but I'm happy to wait so you don't burn all your time on questions.

Bauer: Absolutely.

Simison: State your name for the record, please.

Daleiden: Good evening. Andy Daleiden with Kittelson and Associates. 101 South Capitol Boulevard, Boise, Idaho. 83702. Good evening, Mr. Mayor and Members of the Council. I'm here to talk a little bit about -- about the right-in, right-out access being proposed on Ten Mile Road for this project and specifically some context. So, we -- we prepared the transportation impact study for this project. We worked with Ada County Highway District and Idaho Transportation Department on that through their review process and addressing comments. The image that you see has the -- the blue or, you know, access A northern access, which is a full access on Ten Mile Road and, then, you have two accesses, the right-in, right-out labeled Access C on Franklin and, then, as Bill spoke to Wayfinder, that connection being future, which would be for the signal. Access B is proposed as a right-in, right-out. The key component to the project is there is four existing access points on Ten Mile Road and the project would consolidate those to two

access points, one being full and one being right-in, right-out. The right-in, right-out -- it's located 825 feet north of the signal, which provides adequate distance for the proposed deceleration lane for that right turn into that access and, lastly, Ada County Highway District in their review approved all the accesses both for a Ten Mile and for Franklin. The benefit -- the benefits of the right-in, right-out -- kind of three components. One, the connectivity is enhanced with that connection, provides a grid connect -- grid network for the project being able to connect the commercial uses and residential. It also reduces trips at the other access points. So, by having that it provides a little bit of distribution and takes a little bit of stress off of those access points and, then, lastly, with that it improves operations. So, you see an enhanced level of service. Both had access -- accesses A and C. Related to the design aspects for the right-in, right-out access, wanted to highlight a couple things. One is the access would be constructed with a dedicated northbound right turn lane per ACHD standards. So, that helps separate out the northbound through traffic and northbound right turn traffic going into the site and, then, second, there would be a raised median on Ten Mile Road to restrict left turn out of the driveway, as well as left turns in and, then, the project would -- would -- there is an existing access to the west and so working with them to coordinate the northbound left turn into the site is -- is presented. And, then, lastly, wanted to highlight just a little bit of context related to other adjacent projects that have been approved in the area and how their access is compared to the proposed project. So, if we started on the northwest and work our way around, the northwest quadrant has three accesses on Franklin Road. The southwest project has five accesses, several on Franklin and three on Ten Mile Road and, then, the southeast project has six accesses and so this project is proposing a much lesser access scenario and in conjunction with that, not only the number of accesses are less, but it also -- the number of full movement accesses are reduced as well, one of them being through a future -- either an existing public street connection with Fred Smith to the east or through the future connection with Wayfinder and, then, you also have just two access points that are right-in, right-out, in particular the proposed right-in, right-out on Ten Mile Road. With that I will turn it over to Jeff to see if he wants to wrap up.

Bauer: Yeah. Thanks, Andy. And -- and Mayor and Council Members, we just want to reiterate we agree with the staff conditions and analysis and the recommendation from the -- the Commission and we will stand for any questions.

Simison: Thank you. Council, any questions?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. I just had a couple of quick questions. One was just an update on your timing for the various components in this development. Just broadly speaking what's your business plan in terms of when you expect the commercial component and the various residential components would be delivered?

Bauer: Thank you, Mayor Simison, Council Member Strader. Mr. Parsons did reflect the phasing correctly. So, we plan to develop commercial first and, then, residential. One of the reasons we -- we haven't put forward a very specific phasing plan deals with the secondary access we are asking for today, which sort of informs how the site develops as a whole. But we would hope to commence commercial development soon, at least on some of the pads and the residential would probably be -- I would say five to seven years out. We -- we want there to be a significant -- or some amount of the commercial in use and developed before adding the -- the residential.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. That's very helpful I think and particularly for members of the public that have traffic concerns that's interesting for them I think to hear. A question I had about the civic space that we are reserving for the VRT stop. 2040 actually feels like it's coming a lot faster. At this point are -- are you all open to some sort of an extension option or something like that on that particular space? Just kind of wanted to get your reaction to that.

Bauer: Mayor Simison, and Council Member Strader, look -- looking at the landowner they -- they seem fairly firm on the 2040 and I think that was developed, you know, not by accident at the time, but with, you know, input from all the transportation agencies to say if it were going to happen there it would happen by that time.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. I can appreciate that. It's just we have -- we have been talking about trying to do all -- all kinds of different things around public transportation for a number of years, so, you know, I think that's important for you to flag, so that that's on those agencies' radar screen -- something for us to take a look at. Okay. Thanks for the feedback.

Bauer: Yeah. And I -- and I think just to add to that, it's certainly something that I think we would hope would work. Of course, it would be great for commercial development to have a multi-modal transit station in your project, so --

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: Just a quick question on the commercial properties. The outer exterior one story, then, you got the multi-story in. Are you looking for kind of a mix of retail kind of exterior, then, maybe more office professional renters? What's kind of your vision for

how that space will be used with -- with the commercial and, then, integrated with the multi-family right there?

Bauer: Mayor Simison and Council Member Taylor, you -- you -- you stated it correctly, yes, and that -- the -- the design and the plan is specifically speaking to the Ten Mile area specific plan to have those multi-story structures on the local street setback and, yeah, we would hope that those would be more of the office professional services and, then, more, of the retail on the frontages of -- of Franklin and Ten Mile.

Whitlock: Mr. Mayor?

Simison: Councilman Whitlock.

Whitlock: Jeff, thanks for the overview. Can you just expand a little bit on the southwest corner of a possible ACHD relocation there? And I -- I do understand the canal would follow the same style as what's south of this development; is that correct?

Bauer: Yes, sir. Mayor Simison, Council Member Whitlock, so the -- that -- on this site plan it says future ACHD pond relocation. So, when we went through the rezone and annexation in 2020 -- he is doing the mousing for me, which is great. Right where Mr. Parsons moved the mouse, there -- there is a current ACHD pond and there was discussion about maybe we could make that parcel part of this development, because it would be more usable and we could have the pond over on the corner. That -- that hasn't worked out and so right now per the DA we have bumped down to the next option, which is work with city parks department to have some -- some type of trailhead or pathway amenity that would be open to the public there, so that -- that's currently -- as the project moves forward the applicant would be working with parks and pathway staff to identify an amenity that could be there, whether it's, you know, benches or some type of bike maintenance kind of cluster or something like that, but -- but that is the plan for the southwest corner.

Simison: Council, additional questions for the applicant? Two transportation quick questions. Is the current intersection of final build out for this area -- are we aware what it is and what it's going to be?

Bauer: Mr. Mayor, yeah, the Franklin and Ten Mile Road is built out. The -- there are aspects of maybe some operational elements that could be done with the signal in terms of potential consideration for like a right turn overlap just to get a little additional enhancements, but in terms of Ten Mile Road and -- and that -- that street, yeah, that's built out.

Simison: That's what I thought. I just wanted to verify. The second thing is that maybe I missed it either seeing it or hearing. Is there no decel lane on the Franklin Road access side into the right-in, right-out at this point in time?

Bauer: Mr. Mayor, no, a -- a -- that access on Franklin Road, the right-in, right-out, would have a right turn deceleration lane, because --

Simison: Okay. I just -- I didn't see that, so I just wanted to verify that. Thank you. All right. Thank you very much.

Bauer: Thank you.

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

Johnson: Mr. Mayor, not for this item.

Simison: Okay. Is there anybody present that would like to provide testimony on this item, either in the room or online? If you are online use the raise your hand. If you are in the room if you would like to come forward at this time. Seeing no one coming forward or raising their hand, does the applicant have a closing prepared that they would like to do? Okay. So, applicant at this point in time is waiving closing for additional conversations or questions or other things from the Council.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I move that we close the public hearing on Item 2.

Little Roberts: Second.

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

MOTION CARRIED: ALL AYES.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I'm happy to make a motion, but just a little bit of explanation for those members of public that did testify and I know there were eighty different contacts on that. I think the right way to look at something like this, to be fair, is -- is to look at it that it was essentially approved back in 2020. The -- the main decision that the city made at that time was are we going to add this development into the city and what is the -- the concept and so as you heard from staff, this is consistent with that concept that was brought forward. It's already totally entitled, it's already zoned, so the City Council doesn't have a lot of discretion in these instances. The things I -- I do like about it -- I like the pedestrian connectivity. I liked it back then. I like it even more now. I think the

-- I think there are some real positive aspects to adding more commercial in terms of the balance of land uses in the city. I'm very encouraged by the applicant's business plan. There are no requirements on the applicant in terms of their business plan, but the fact that they are focusing on the commercial development first and I think very intelligently waiting on the residential component for five to seven years while the market absorbs the significant amount of inventory or for whatever reasons that they have I think makes sense. So, just -- that's just a little bit of background to help I think people kind of understand where we are at. Ten Mile Road being at a service level F is very frustrating to the Council, but that was not a fact pattern at the time that this was annexed into our city. So, I just think, hopefully, that will help people kind of understand where we are at in the process and the range of actions that the City Council can or cannot take at this time. So, with that I will go ahead and make a motion. After considering all staff, applicant, and public testimony, move to approve File No. H-2024-0010 as presented in the staff report for today's hearing date and also specifying that this would include the right-in, right-out only accesses on Franklin and Ten Mile as depicted and the deceleration lanes. All of the other conditions set forward by staff and the Planning and Zoning Commission.

Little Roberts: Second.

Simison: I have a motion and a second to approve Item H-2024-0010. Is there further discussion?

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: I'd like to make a short comment. I actually like this development. I like that the applicant's -- the way you have laid it out with the development of the commercial to the -- the residential. Certainly I think there is a good balance there. I think it's something the city is looking for in this area, so it's actually a project I find quite attractive for what we have there. With respect to the -- you know, the -- the grade on Ten Mile, you know, I -- I'm of the belief that once Highway 16 is completed we are going to remove a lot of the -- the north-south traffic that uses Ten Mile and so the traffic that's going to be on Ten Mile for this is going to be just within that shorter connection between I-84 and the project. There, obviously, will be additional traffic, but I think, again, it is a frustrating thing. I think Council Woman Strader highlighted it quite well. It's not something that was contemplated at the time this was originally approved, but I think for the size of the development I actually think this is something I think will be a good thing for the city. So, I'm going to be supportive of the motion tonight.

Simison: Any further comments? If not, clerk call the roll.

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

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

MOTION CARRIED: ALL AYES.

- 3. Public Hearing continued from October 15, 2024 for Centrepont Apartments (H-2024-0019), by Nicolette Womack, Kimley-Horn, located at 3030 N. Cajun Lane and 3100 N. Centrepont Way, near the southwest corner of N. Eagle Rd. and E. Ustick Rd.**
 - A. Request Modified Development Agreement to amend the existing Development Agreement (DA) (Inst. # 2022-079000) for the purpose of updating the concept plan, building elevations and certain DA provisions to increase the number of dwelling units from 215 to 295.
 - B. Request: Conditional Use to construct a 295-unit multi-family affordable apartment project consisting of five (5) four-story structures.
 - C. Request: Alternative Compliance(s) to deviate for the parking lot landscaping and multi-family common open space design standards set forth in UDC 11-3B-8C and 11-4-3-27C.

Simison: Okay. Next item up is Item 3, a public hearing continued from October 15th, 2024, for Centrepont Apartments, H-24 -- 2024-0019. We will continue this public hearing with comments from staff.

Ritter: Good evening, Mayor and Council. So, at the October 15th meeting the public hearing was continued so that staff could work with the applicant to come up with some conditions in case Council supported this application. So, staff and the applicant did meet. We did put together some conditions that were presented in a memo to Council. So, the applicant agrees with the conditions that were proposed. So, at this time staff doesn't really have any additional information.

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

Nelson: Thank you. Good evening, Mayor and Members of the City Council. Deborah Nelson with Givens Pursley, 601 West Bannock Street in Boise. Here on behalf of the applicant. Thank you very much for the opportunity to come back before you to present some -- some updates and responses to the discussion at the last hearing. So, just a brief recap. We are here for a development agreement modification and conditional use permit modification for the Centrepont Apartments that are currently approved at Eagle and Ustick and we are still proposing a multi-family residential project, just as has been approved. The layout is very similar. This is still a quality project exceeding open space and amenity standards. We are still exceeding parking requirements, though, the new

proposal has an even higher parking ratio than the existing approval and the key difference from the existing approval and the reason that this new applicant is before you is to offer needed affordable housing, instead of market rate housing. For this to be feasible the applicant needs to add some units. Only 26 are requested now and in an efficient building type. So, converting just two of the approved interior three story buildings to four stories accomplishes this. We listened to the neighbors and the Council's comments at the prior hearing and have worked to address the concerns about height, parking and safe routes to schools and we want to provide a few updates on those topics. For the heights in discussion with staff, the applicant has gone back to the flat roof for the four story buildings to lower that overall height. The design is still ongoing and will be finalized with design review, but here you can see the conceptual flat roof elevations for the four story buildings. So, as you can see in the schematic, three story pitched roof and four story flat roof buildings are comparable. So, by going back to the flat roof for the four story buildings we can address the concerns that we have heard about increasing height that could be associated with adding a fourth story. These cross-sections illustrate the relative scale of the new four story flat roof and existing three story pitched roof with the surrounding development and, similarly, this cross section shows the relative scale of the two-story building on the west side with the surrounding development. We have also provided some perspectives to illustrate what the new building types would look like in scale. In discussions with staff the four story flat roof was preferred, not just for height reasons, but also for the appearance across Ustick where commercial uses are located. While the pitched roof is preferable adjacent to the existing residential areas to provide a better transition with similar pitched roofline styles. Along the west side we do still have a two-story building proposed, same as approved before, adjacent to a two story home. The building is set back from the property line to create 61 feet of distance between the structures and to respond to comments from the last hearing, the second story windows have been reduced on this end to address privacy concerns, while still allowing in some light to provide adequate housing in -- within this apartment building. There will also be landscape screening to provide privacy to the neighbors. This existing home is close to the home on the other side and has an existing community pathway immediately next to the house that arguably create more privacy impacts than this new structure. But we have worked hard to mitigate the impacts here with the screening and reduction in windows. The new four story buildings are interior to the site, at least from the residential perspective and oriented away from the neighbors. They are in the same location and orientation as the existing approved buildings. So, the one that is extending down, Building A, that has the narrow end closer to the residential area is shown here on the right from a viewpoint from the southern neighborhood. But with the change to the flat roof this will be of similar impact to the currently approved three story pitch roof building. Turning to the comments that we received about parking, we have taken steps to address Council's concerns regarding parking. To ensure that the project's parking can all be contained on site we have found that we can add eight additional parking spaces along Ustick. This would bring us to 56 parking spaces over the current city code requirements. This is a higher parking ratio than the current approved project. All buildings are self-parked, so there will be convenient parking around each building to meet the residents' needs. We also agree with the condition of

approval to work with ACHD to install no parking signs along Centrepont and we offer to work with the neighboring HOA to install no parking signs along the private roads to the south if they are agreeable to that. Given the higher ratio of parking spaces per unit, the proposed project will be an improvement over the existing approval for parking impacts. Operationally the developer will also implement measures to ensure parking remains on site, including having on-site staff to monitor the parking and issuing parking tags to tenants. We have also evaluated safe routes to school to respond to Council comments at the last hearing. The existing approved multi-family project on this site and the larger neighborhood currently lacks safe walking routes to the elementary school. That's all the area highlighted in red here. The applicant will improve the Ustick and Eagle Road frontages along the site to improve connectivity and to try to prevent those kinds of gaps that exist in the future. We will also provide students safe walk conditions within the site to busing, along with improvements to the intersection that will help the bus access. The applicant met with the school district twice since the last hearing and also with city pathways to explore any new route options to serve this larger area and these are shown in yellow on this map. The school district recognized that this is an existing concern for residents in the area. Kim Warren also recognized that current need and explained that in other areas of the city with similar constraints the city has worked to acquire new pathway easements where they do not exist now. She believed that this could be successful here over time. In the meantime the school district will continue to bus students from the property. That continued busing will be required with or without this change from market rate housing to affordable housing. The applicant certainly remains willing to stay engaged with the school district and with the city pathways staff on future efforts to fulfill the city's pathways plans and add safe routes to schools for the entire area. So, in summary, on those three points, we hope that we have tried to make some strides here to address the height with the reduction to the flat roof on the four story building in coordination with staff. And we have addressed parking by adding additional parking spaces and even further increasing the parking ratio per unit type on the site over the approved project. Students will have to be bussed to the site, but we are happy to continue to work with West Ada and City pathways to explore new connections in the future. So, why should the city approve this change that's before you then? And that we -- we covered this in more detail at the last hearing, so I will just be brief to recap here. But the city plans have made clear that the city needs affordable housing and that the city has made a commitment in those plans to expand affordable housing for low and moderate income households. Our market study identified over 3,000 income eligible households in the area with only 96 current units to serve them and 76 planned units. So, this additional 239 units is significant for that need and that is why we have received so many support letters from area hospitals, from health organizations and from housing organizations, because they also see this critical need for the community. We meet that need by providing deed restricted property for 40 years to serve Meridian residents whose income is 30 to 80 percent area medium income. This includes your teachers, your med techs, your civic employees, retirees, new college grads and veterans. So, for all of these reasons we are requesting your approval of the development agreement modification and the conditional use permit modification to change the existing approved 213 market rate units to 239 affordable units. Would like to replace two of the approved three story pitched roof

buildings that are interior to the site and away from the residence with four story flat roof buildings. We are requesting alternative compliance that was discussed at the prior hearing to remove the parking lot landscaping under solar carports and we are in agreement with staff recommended conditions with one change in Condition 1.1B, the max of the deed restriction should be 80 percent, not 60 percent, consistent with HUD guidelines and we did discuss this with staff and they were in agreement with that change. So, with that I would stand for any questions. I also have the full team here to -- available to answer your questions.

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

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: Thanks, Deborah. I appreciate that. The presentation. Can you -- at the end of the last hearing there were some -- a little bit of discussion about property ownership and kind of the status of where things were with that. Has anything changed with respect to where things were with the -- with the -- the sale of the property, with the existing owner and the -- and the applicant and the purchase of that property?

Nelson: Mr. Mayor, Council Member Taylor, the applicant was able to obtain an extension to get to this hearing and that's why we are here tonight, but it is still under contract from the selling party.

Taylor: Okay. Thank you.

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

Nelson: Thank you.

Simison: Mr. Clerk, anybody signed up on this item?

Johnson: Mr. Mayor, we do. First is Doug Stern representing an HOA.

Simison: Good evening. If you would say your name and address for the record.

Stern: Good evening. Doug Stern. 2793 North Centrepont in Meridian, Idaho. 83646. I apologize. I did this presentation without knowing that the new sign wasn't required, so that was my first slide on here. So, let's start with that. So, in looking at this presentation and where we are at with this, I searched up what are the busiest intersections in Idaho. Found out this is the busiest intersection in Idaho -- at least according to Google and they are never wrong, but we do not believe the traffic issues are going to be tenable with this being proposed. There is way too many unknowns to approve. There is nowhere on Eagle Road this kind of high density use is permitted. I

have gone up and down Eagle Road trying to find someplace else that I can compare it to. I -- I don't see high density apartments this close to this busy of an intersection. I have looked quite a bit. I don't believe this is -- or we don't believe this is the area to experiment with that kind of use and I don't see a track record of Devco putting in one of their low income developments right next to a 15 year old established neighborhood with a completely different type of residence. Also it has very poor access compounding the existing dangerous maneuvers on Ustick and I put some pictures in there to make it a little clearer. The renderings from the applicant don't really do it justice what kind of things are going on in that neighborhood. Now, there was a traffic study I guess. I don't know when that was, but I'm not sure it's taking into consideration the growth in that area from Dutch Brothers. We -- we were here when Raising Canes was approved. That's going to dump quite a few cars onto Eagle Road. I don't think the traffic study would be addressing that as well. So, this is what was proposed and what we thought was going to be used in this -- on this land. Obviously, that changed during COVID. We didn't know there was apartments approved, kind of skipped past us and we are dealing with the aftermath now. But this kind of use, in my opinion, is a hundred times better than what's being proposed now. So, I did this demonstration to show what kind of maneuvers are being done now. If you go into Dutch Brothers, unless you are traveling eastbound on Ustick, this is the path you have to go to get into Dutch Brothers. Follow the purple line, go into Centrepont, make a U-turn, come back out on Ustick and you can come back on. Now, when you approve these apartments that's the same path that the people who are going to be in these apartments have to do or they can make a left on Centrepont and come around and come the other direction. But still adding 500 plus cars to this kind of existing situation is going to be extremely negative in my opinion. If they don't do the purple route -- just real quick. If you see -- you can see the common area up above where the applicant stated the tenants won't use our common area. It's 20 feet away. So, to me that's a big selling thing. It's not -- not based in fact and they will be using our common area. You see the house that's for sale there? It's been for sale for nine months since this was approved and, then, I would draw your attention to where the -- where it says access. In order to go south on Eagle Road you have to stop right there where it says access and you have to get up to 50 miles an hour -- there is no lane there to get up to speed. You have to get up to 50 plus miles an hour in a very short period of time, fighting all the southbound traffic. So, by adding 500 more cars you are going to be having that -- that issue compounded. The existing unsafe traffic maneuvers that would be much much worse with approval of this project. I took a couple photos. This is the roundabout that is daily not being used correctly by a number of people. They skip through the -- where that arrow is and don't go around it, which adding this number of people is going to be an issue with that as well. This is where the illegal turns -- U-turns are happening. There is a center lane that you can turn if you are coming eastbound into Kohl's parking lot, but if you are going westbound what's happening -- and it's happening daily -- is people don't want to go through that convoluted route where that orange is, they are getting in that center turn lane, making an illegal U-turn to access Dutch Brothers and they -- my opinion are going to do the same thing to access these apartments. That's really going to be an issue and there is only so much stacking where that traffic light is -- it -- it's going to become a big problem. This is some of the street parking that's already going on in the existing

neighborhoods. There is room for one car going one direction. You get two cars going each direction you can't do it. It's a safety hazard and since they are private roads we can't do a whole lot about it. I can't imagine that's going to get any better. Come on. Next. Oh, there we go. Oh. How do I go back?

Johnson: Try your left arrow.

Stern: This is the island where you have to make that U-turn. You notice the asphalt -- tire rubber on the -- on the asphalt. You notice the car parked backwards. I didn't stage that. I walked there. But that's the kind of parking that goes on there and all that U-turn stuff has to happen around that island. The applicant put in a room for bike repairs as if riding a bike in that neighborhood is advantageous or something that people are going to do. This is the existing bike lane. It's in the middle of traffic. I have been there for 13 years I have never seen a bike in there once. Nobody rides a bike across Eagle Road and Ustick. So, anything to do with bike riding that's just stuff they put in there to make it sound better, along with words like solar. This is the existing homes and the facade on the homes that are there, just to give you an idea of the type of homes that are in that neighborhood. Nowhere on the applicant's presentation does it show the kind of homes that we have in that neighborhood. This is an example of an inside of our homes. Now, I work -- my business handles single family rentals. These single family rentals -- this kind of a neighborhood could absorb this kind of development. They are all rentals that -- the owners or the renters in here if they didn't like the new -- what's coming up they have a choice. They can put in their notice and move. We can't. We own our properties and we are stuck. These are the backyards of the existing common area. These are at least three of the yards that have no fences at all. We were told that the tenants of these low income affordable work phase -- workplace apartments are not going to access our common area. This is the existing common area. If you look at the one fence we were required to put fences like that where it was open. We were told by the police department that if you didn't have an open fence that common area would turn into rape alley and that's a quote from the police department. It's completely black. I mean there is no -- there is no lights, nothing in that common area. And, like I said, it's 20 feet from the development. To me it's a complete sales job by the developer. These things have been stated and, like I said, I think their sales techniques -- tenants won't use existing common area -- come on. Apartments won't use irrigation water. That was told before. That maybe now, but is there anything to prevent them from down the road saying, oh, I guess city water is too expensive. Traffic won't be an issue? It's -- it's horrible now. I mean -- it's not horrible, but it's -- everybody knows what the traffic is like on Eagle and Ustick. Adding 500 cars isn't going to help. They said there is controls on the tenants, which will keep the number of tenants in the parking under control. My business also works with a lot of apartments and we see the apartments when they don't have notice. We see them under emergency situations. The difference between an apartment when you give them 24 hours notice and the number of people that are in there versus when you show up like we show up when there is an emergency, is night and day. There is no controls over how many people are going to live in these apartments or the traffic. And, then, I know home values -- home values aren't that big

of a deal to anybody but us, but I don't know what it's going to be like going forward if something like this gets approved.

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

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: Quick question. Doug and I -- I don't know if you made this comment at the previous hearing, but you -- you made a commentary about when these apartments were approved initially you didn't know about it. Did you participate in any of the City Council hearings or did -- you know, can you just tell me --

Stern: From what I understand two years ago when this got approved it was during COVID. None of the -- we have had meetings about this proposal. Absolutely nobody that was at the meetings knew that it was approved for apartments and it's been -- I mean everybody knows it's been changed from -- from -- you know, from a nightclub. It was originally commercial, then, it's a nightclub, then, it's -- you know, it's one thing and it's another. I mean I have a business to run. I'm not retired. I can't keep an eye on every sign that's put up there and during COVID -- I mean it's pretty obvious everybody was distracted. So, we had no idea that this was approved for apartments. At least I would say 95 percent of the people who live there.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I would like to chime in on that, because I was here and I made the motion to approve the previous apartment project. That's 215 units. So, during COVID we provided our typical noticing, so residents in a certain distance were mailed a mailer. In addition to that we provided virtual access to testimony and the ability for people to join hearings via Zoom. Now, I could just give you some flavor for it. Originally the proposal was like a five story apartment building that was 295 units from what I remember. This was a couple years ago, but we reduced the density in that project significantly as a result of public testimony. So, I do remember there being a -- a public process. At least that -- that's my recollection. So, hopefully, that helps.

Stern: You -- you would remember it better than I. I mean I have lived there for 13 years, but I never saw -- but, like I said, it's not -- it's not something that we look at every -- you know, since it's changed so many times -- like I said, most people didn't know what was happening and I'm not doubting that you -- you let people know. It's still to me -- what strikes me is the previous project was so well thought out and had so much room and had, you know, open area and there was still a lot of people complain. I wouldn't complain about that in the least. It doesn't impact an existing neighborhood.

It's a perfect place for that existing project. But this is so far gone from what matches what's already there it doesn't make any sense.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. I -- I -- I think, you know, just looking at this -- I'm -- I'm doing a pretty big comparison between the project as it was presented to Planning and Zoning and the project in front of us today. The project as it was presented in front of Planning and Zoning was 295 units, four to five stories, significant increase in density. Here I'm looking at it and they have now reduced their request to 239 units. So, pretty significant reduction. So, you are going from what's currently -- if we don't approve this at all you have an entitled project that could come with 215 units.

Stern: Right.

Strader: Right?

Stern: I understand that. But 215 versus the additional one -- additional height, I can just tell you how I feel about it living there.

Strader: But -- Mr. Mayor?

Simison: Council Woman Strader.

Strader: Did you get any comfort from the height restrictions or the changes? Like I'm curious if you have a preference about the flat roof versus pitch roof or --

Stern: I will -- that doesn't make any difference.

Strader: Okay.

Stern: I mean the traffic is already a mess. There is already too many bad things that are happening with traffic in my opinion --

Strader: Uh-huh.

Stern: -- and you are just going to exacerbate it by adding 500 plus more cars to an area that shouldn't be built.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Well, I -- I will say that one take away for me is that I -- I think we should seriously consider the elimination of approving private drives throughout the City of Meridian, because clearly it is causing a lot of issues.

Stern: I -- I think you are in a dilemma. I don't think our neighborhood should have ever been built there. It's -- you -- you have a dilemma. When the neighborhood was built there we didn't know that all this was going to come up. I'm sure it would be your preference that our homes weren't there and you could build it all the way back into the corner and it wouldn't have the impact. But, unfortunately, they are there and have been there for 15 years. So, there is just too much impact on the existing streets and our neighborhood and the streets that are already there, Ustick and -- and Eagle Road are already -- it's the busiest intersection in town. We want to add 500 plus more cars there? I mean that's -- I know what was approved before, but we can't do anything about that.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: That's the end of my questions.

Simison: Council, any additional questions? Thank you.

Johnson: Mr. -- Mr. Mayor, next Joseph Lemay.

Lemay: Excuse me. Good evening, Mr. Mayor, Members of the City Council. Thank you for hearing me. First and foremost they -- I was appreciative of the developer's comments of what they are doing to mitigate some of this, but I still have grave concerns over the four story apartments -- or the fourth floor apartments. This has nothing to do with building height, whether it's a pitch roof, flat roof, that type of thing. It's a simple vantage point. If you are standing on the first floor of a building you are looking at the parking lot. If you are on the second floor you are looking down at maybe the -- the -- the -- the parking -- or you are looking at landscaping, I'm sorry, on the first floor. Second floor you are looking at a parking lot or -- or a -- or a carport. Third floor you are starting to look over the roofs of these neighbors. On the fourth floor you are now looking directly down into our backyard. Again, it has nothing to do with how tall the building is, it is the vantage point. I have a problem with that. I don't have so much problem with the apartments themselves, but there are -- it needs to be dropped down to a third floor thing. Secondly, as -- as most of us have -- have talked about is the -- the way the streets in Jackson Square are set up they are very much a dead end type of unit. With the addition of the 239 units this is going to further burden the streets and cause even worse congestion and traffic. We have significant speeding problems along Centrepoint because people think they can get through and around the Eagle-Ustick intersection by speeding through our neighborhood. I would request that if this is approved that there is some mitigation -- speed mounds that are -- that are emergency vehicle accessible be put in to at least slow the traffic down. I don't know if that's a

possibility. It could be worked out with ACHD. But we need to do something because of the -- the amount of traffic already speeding through is only going to be exasperated by the additional traffic going in and out there. Private roads. They mentioned putting in no parking signs. No parking signs are like stop signs in a subdivision. They are a casual reminder. Nobody obeys them. There are parking -- no parking signs all along some of the private roads now. Nobody listens. They park there anyway. Park right on the sign, it says no parking. See it every day. I don't know what else can be done to mitigate that problem. The bigger issue is that these private roads and -- and, Council Woman Strader, you mentioned that the private road shouldn't have been approved, because they don't meet ACHD standards. They are -- they are terribly backed up. When you add the additional number of vehicles going up and down there -- those roads are currently owned and maintained by Jackson Square. There needs to be some commitment somehow that if this is approved that the apartment complex developer -- something is prepared to support maintenance of those roads. That also goes into consideration of the common area, access agreements, the irrigation systems and the like. We -- we own it all. If they come in and say they are not going to use it I don't believe that.

Simison: Thank you. Council, any questions?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Thanks, Mr. Mayor. Mr. Lemay, sorry I'm not there in person. Appreciate your testimony tonight. A couple of quick questions for you and maybe I will start first with your -- your request about maybe mitigation around the private road. I think that was something Council touched on when this was last before us and as I understand I think the applicant will -- will confirm this for us -- is that either a previous version of the homeowners association or landowner, developer, et cetera, has given this applicant an agreement to allow them to use your guys' private roads. So, it does make it challenging that there is not a lot of forcible action on the city to -- to prevent them from being able to use your private roads if -- if the -- the -- the owner at some point has granted them an access. But, however, I do think that you guys as a homeowners association -- it sounds like the applicant's willing to put in no parking signs and certainly if somebody parks there -- because our police department can't enforce it, you as a homeowner association could enforce it civilly and have those vehicles towed or -- or whatever. So, I just -- I wanted to give you some of that feedback there. My question, though, is, Mr. Lemay, you touched on about your concern about the -- the third and fourth floor residents that, you know, looking into yards and -- and whatnot of the existing Jackson Square homeowners. That was something that I was concerned about when we -- this was last before us and the applicant touched on, you know, they -- they do still have windows there, but I -- I believe they are -- they are in size to allow natural light in, but not in a position that would let residents peer out. From my perspective I think that addresses my concern. But I'm -- I'm curious, you have been in a lot of these

hearings, you have provided a lot of testimony. I was curious if you had any feedback on what the applicant had proposed.

Lemay: In respect to the windows and the two-story or three-story apartment -- I'm sorry -- on the west side of Centrepont they did reduce the windows that look into the first home there in Centre -- on -- on Centrepont -- the first home in Jackson Square. They have got the four story buildings in the main area that's east of Centrepont toward the -- the Dalton Royale and Dutch Brothers. Those buildings still -- four story windows look straight back onto the homeowners and the apartments that are existing in -- in the facility. If -- if they would have they -- if they would have turned them on end is what I -- what I saw on the presentation, but it still gives people access to view from whichever -- wherever they are at in the house from a fourth floor perspective, they are -- they are -- they are going to be seeing things that may or may not be, you know, appreciated by -- by the neighbors.

Cavener: Got it. Thank you for that. Mr. Mayor, one quick additional question if I may.

Simison: Councilman Cavener.

Cavener: Thank you, Mr. Mayor. Mr. Lemay, I -- I know that you have sent a couple pieces of written correspondence. One I think you got just real recently and I think this has been addressed, but I just want to make sure, because I know Council reads all the e-mails and letters and the voicemails that we have received for all of our applications. But you had some concern I think about the posting and -- and I think your previous neighbor touched on that. I just wanted to make sure that your concern about that had either been addressed by staff or you have some better understanding.

Lemay: Yes, it was. I --

Cavener: Okay.

Lemay: My understanding was from the last meeting this meeting was pushed off for a month so that the developer could make changes to his -- his presentation and, then, proper notification was supposed to go out to the homeowners to the affected public. My understanding from staff this evening is that, no, that's not required. I'm not sure why. But my understanding was that it's not required for them to resend the application saying we do have a City Council meeting coming up on -- on -- this would be November 19th or 16th. I'm sorry. And -- and have those mailers go out and update the signs that are around the development. So, the only reason most of us knew that that was going -- this meeting was going to happen this evening is because we were here at the last meeting where they said this has been continued until July -- or November 16th.

Cavener: Great. And -- and, Mr. Mayor, just real quick, if I -- if I can. And -- and, Mr. Lemay, I think you touched exactly on the why and you said you didn't know why. I think the why is we -- we -- this is the same action item that was before us a month ago. The Council has just chosen to continue that so that -- a decision hasn't been made, so it's a

continuance of an existing action item. But I appreciate the -- the feedback and -- and -- and the comments, both on our process and on this application this evening.

Simison: Council, any additional questions? Thank you very much.

Lemay: Thank you very much.

Johnson: Mr. Mayor, next is Manda Holsinger.

Holsinger: Good evening, Mayor and City Council Members. I came last time and visited with you guys and was embarrassed when I realized that it had been passed, that 213 apartments could be built there. I had no idea. And I'm the HOA president. So, shame on me. And -- yeah. So, I didn't know either. So, I was one of those people. So, I would just ask that you deny the request for more than 213 apartments. If I -- and I have lived there for 12 years. If you do approve 213 we would ask that in addition to completing the concrete block wall that is going to be from south to north, that they would also add a west to east eight foot concrete block wall and, then, also make a commitment to maintain that block wall. Last year for a small section of that block wall that's already there we paid 18,000 dollars to have that repaired. So, it's an exorbitant cost, but we would ask that they would put in 665 feet, which would be the Jackson Square piece. So any questions?

Simison: Council, any questions? Thank you.

Holsinger: Thank you so much.

Johnson: Mr. Mayor, next is Bruce Dickinson.

Dickenson: Good evening, Mayor and Council. My name is Bruce Dickinson. I live at 2771 North Centrepont Way in Meridian. I have got a list, but I will -- I will spare you all of it, because many of the points have already been made. I guess the main point that I wanted to make -- excuse me -- make is there is -- really two things. One, you touched on private roads I guess they are called. So, obviously, I hope you do something about it. I don't know if they are a common practice. I have certainly never incurred them anywhere else. I have lived in several other states, but it seems like an inexpensive way to develop. City doesn't have to pay for the roads. Unfortunately, as we have found out the hard way is that plans are made and approved and, then, plans change. When that was -- when our homes were approved and that development was approved the idea was there would be commercial out there. So, the commercial, different traffic patterns than what I assume an apartment complex would have. Over the years my wife and I have actually managed some apartment complexes and pretty much people come and go in mass when they have to go to work and when they come home. During the rest of the time they come and go randomly and I get that, but there is always a large number of people leaving at the same time because of the way the roads are structured. I would say that, unfortunately, that -- you know, there is 119 dwellings in

the Jackson Square portion of this development. There are going to be at the least 215 dwellings on this ten acre spot in front of it. It would seem like because it's in front of it everybody would go out the front. Unfortunately, there is only one road where you can turn left and the two roads where you can turn right beyond that road where you can turn left are private roads. They are -- they are maintained by the 119 people that have lived there for quite a while and didn't know that this would be an issue down the road. At least I didn't. Did we show up in a meeting two years ago? Apparently not enough of us. As you can see we are a pretty organized group, so if we would have known about it you would have known about us knowing about it. We didn't. So, can't go backwards. I get that. But at the same time as we go forward we need to take care not to make things worse than they already are. So, I would respectfully ask that no more than 215 apartments be approved and that you deny approval of the CUP. Thank you.

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

Johnson: Mr. Mayor, next is Jeff Vrba.

Vrba: Mr. Mayor and Members of the Council, my name is Jeff Vrba. I live at 3005 North Le Blanc Way, Meridian, Idaho. 83646. You guys that have been here for a while have seen me in multiple meetings with things going on. The one thing I want -- you have heard a lot of different things going on tonight. The one thing I want to bring up to your attention and stuff you guys need to think about going forward is the original development agreement that was made for that property and the private roads was made at the time for retail type businesses going in there. The City Council and Planning and Zoning elected to do a former CUP to allow the 213 apartment complexes going in there did they go and require that change in the development agreement at that time? No. Now we are looking at trying to jump it up to 239 and no changes to development agreement again. You guys require development agreements being done on all annexed properties. They are done. The City Council, then, later on can make up their -- decision to change something in that development agreement, but the original plans that were done have not changed. I appreciate them trying to work with trying to make the buildings a little shorter than that. I'm against having a four story building with a flat roof. I love seeing the aesthetics that peak roofs give you. I am pleading with you guys to go back to the already approved 215. They have been fighting since July -- or June to try to get it up to 295 or drop it down from there. I know it's already approved at 215. Please keep it at that. Please keep it to the three stories that have already been approved that we can't change at the moment, unless somebody else comes in for another CUP to change it back to retail property again and if you do elect to approve it, please see if they can work with the homeowners association there to do some kind of modification to the original development agreement for the maintaining of those private roads. It initially wasn't made to have that type of traffic in. That's pretty much it. Thank you.

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

Vrba: Thank you.

Johnson: Mr. Mayor, next is Steve Grant.

Grant: Mr. Mayor, Council Members, my name is Steve Grant. I live at 1534 North Leslie Way in Meridian. I appreciate the first gentleman that made the presentation with the -- with the slides. He kind of covered the traffic issues that are on my mind. I just wanted to point out one thing. During the last hearing the applicant indicated that they would widen Centrepont and create a left turn lane onto westbound Ustick. I didn't notice in the staff report or -- or the applicant's notes that that was included. So, I'm wondering where that stands. And I think the -- the -- the parking issues are -- are -- have been well outlined I believe and the Picard -- East Picard Street is on the south boundary of the -- of the project. If -- if there is no parking on CentrePoint and no parking on Cajun Lane, then, you know, Picard Street ought to not have parking either. So, that's something that ought to be taken into consideration. This is -- you know, the -- the previous applications for the -- the spa and the -- and the nightclub or -- all -- all had issues with traffic and parking and -- and nothing seems to have changed now. So, I -- I -- I hope that -- that the things that have been -- been -- our concerns that have been raised will be -- you will take into consideration. Thank you.

Simison: Thank you. Council, any questions?

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: Just maybe a question for staff. Can you confirm the gentleman's first question about the -- the widening of the road to allow the left turn lane, is that still in part of the agreement here?

Ritter: Mayor, Councilman Taylor, that is part of ACHD's requirement --

Taylor: Okay.

Ritter: -- for the development.

Taylor: So, then, it would -- okay. Thank you.

Simison: All right. Thank you very much.

Johnson: Mr. Mayor, Carrie Gammon.

Gammon: Good evening, everyone. I am Carrie Gammon. 3055 North Centrepont Way, Meridian, Idaho. 83646. This type of project I think could be useful, but it is not appropriate in this location with this number of units. It was noted last time that it probably wasn't a good idea to have the land zoned for this type of residential use, so I don't understand why anyone would want to double down and just try to stick as many apartments in as possible. So, please, consider this area to be more appropriate for

less housing. I also am at the point where the 215 is looking a lot better. While the letters of support are nice for them to have, with all due respect the people supporting this do not live there. I do. I actually do appreciate, though, some of the privacy changes, because I am that house that is 61 feet from the closest building. So, I'm actually going to kind of skip over what I had there. It does -- I appreciate that, what they have done. However, I'm still the one house that is right up front, right for everyone to see, including not just the building next to me, but the other buildings. They can see in my many windows that are into bedrooms and bathrooms and what kind of scares me is the more people that are there the more it can see if I'm home, if I'm not home, what I'm doing and that just scares me and the more -- just the more people there is more of a problem. Also I would like to know if the proposed changes to Centrepont Road or Way are guaranteed or just suggested. As you know traffic is a huge problem. I'm not even going to touch on that. It will only worsen with the apartments. So, especially with such a high number of tenants and cars. And, please, understand that with the less units it would still be a problem, but it wouldn't be as bad. Every unit is going to compound it more and more and more and if there is no parking on Centrepont will that apply to the house residents as well? That's a question. What about the houses that need to park their cars or campers on the street in front of their own houses? I think the apartment tenants parking in front of our houses will cause trouble. It will cause, you know, the butting of heads, it is going to cause a problem between the apartments and the residents if we have to continually call either the police or towing or whoever it is over and over and it will also cause a problem on Centrepont, which is already crowded and busy by having cars parked all over the street and I'm not even sure how far they can park out, but that's just going to narrow the lane for people to get out onto Ustick and this is almost impossible to avoid no matter the parking spaces that are allowed. I beg you please with this higher number of units to consider that this project will be a disaster in many ways at this location. If you feel that there is some truth to this please consider this location to be more suitable for the less apartment agreed at 215. Thank you.

Simison: Thank you. Council, any questions?

Little Roberts: Mr. Mayor?

Simison: Council Woman Little Roberts.

Little Roberts: Mr. Mayor, Carrie, I appreciate your testimony. This is the first time I think I have heard anything about residents already parking on Centrepont. So what we have been hearing is no parking needs to happen on Centrepont, but residents already do park on Centrepont, so --

Gammon: The street is full.

Little Roberts: Okay.

Gammon: Yes.

Little Roberts: Thank you for that clarification.

Gammon: Okay.

Simison: Thank you very much.

Gammon: Thank you.

Johnson: Mr. Mayor, Jared Schofield. I couldn't tell if Jared wanted to speak.

Schofield: Jared Schofield. 1566 North Leslie Way, Meridian, Idaho. And, you know, I'm here so I may as well come up and see all you personally. So, thank you guys, Mayor and Council Members. So, I will keep it short, since everybody's kind already hit on a lot of the safety aspects of this with the traffic and things. That is, obviously, a very big concern. Anytime you increase density that's a lot more vehicles. It is the busiest intersection in the state. Those intersection -- intersection on Ustick heading out to Eagle is always backed up every day during rush hour. Being on Leslie Way the community has now found that we intersect from Ustick out to Eagle and so every morning when my kid -- taking kids to the bus stop they actually use that as a new raceway to be able to bisect the intersection, because it has less traffic. We have had vehicles literally pass us driving from -- I'm on the east side -- or on the north side of Leslie and I had vehicles pass me on -- on Leslie Way to get out to Eagle. So, it has been a very big concern and I mean MPD has been available to do things here and there, but, you know, they can't -- obviously can't patrol one street at times. So, that's always a very big issue. Another one I want to bring up is in their -- in their proposal they were actually showing the safe paths to school. Every one of those yellow lines -- one of those -- every one of those yellow arrows they showed was actually through private property and being on Leslie Way I know most of those homeowners personally. They do not have authorization to go through these properties. Plain and simple. They don't have it. They don't want it. The one -- there is one individual on the street right now that allows people in strict permission -- after individual permissions to go through their property to access that playground of the school. There is not another -- a single other individual on the street that allows that to happen. He is also elderly at this time. He is actually contemplating closing his gate, because several issues with kids or general public accessing through that at odd hours. So, that is something that still very heavily needs to be addressed. Safe schools is a major issue. We need to have the way for kids from this development to be able to get around to that. If it's not through private property like they are showing, there is not a good way and other than using eminent domain to establish that I don't see how you are going to get around doing that. I guess the only other thing I have right now is the -- again more of the same on the traffic. There needs to be some way to establish a way to access in and off of Leslie Way onto Ustick. There is several times where we are trying to get off of -- off of Leslie Way onto Ustick either direction we will sit there for 15 to 20 minutes to where there is somebody to open up a gap wide enough for you to just get out to go right eastbound on Ustick or if we have to get across and go west on Ustick there is a lot of times when you don't have a chance to do anything there. People will cut through -- cut the -- the

middle lane to access to the Centrepont light and so there is -- you end up with three moving lanes of traffic there all at once. So, it's a very big safety concern there. But thank you all for your time.

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

Schofield: Thank you.

Johnson: Mr. Mayor, that was the whole list.

Simison: That's it? Okay. Is there anybody else in the audience who would like to provide testimony on this item or online? Like to come forward.

B.Holsinger: My name is Barry Holsinger. I live at 2836 North Centrepont Way and I'm part of the HOA in Square right there and I have been working with the landscaping for the last almost ten years. My issue is water still. Last time I brought it up I said that the vat which services all the irrigation Nampa school -- Nampa Irrigation District -- it sits right there by Eagle and there is no way that additional services can be added to that vat. We already have a great struggle getting enough water just to our -- our area and have for the last five to ten years and their answer to that was, well, we will just use city water and the problem with that is several. One, the people who live directly behind us on Leslie -- one of them was just up here -- they have had the same issue for the last ten years and what they did to -- to account for that was took their own wells. They dug their own wells back there so that they didn't have to deal with the irrigation district or the issue of it or they used city water, which was very expensive. Now, I want to know what kind of provision they have made for water for this development where they are going to have these green areas and all that and irrigation for all that when haven't made any mention of any wells and they are going to use city water, they are going to get passed on to these low income residents. I don't see anything happening. So, please, consider the fact that water is another big issue.

Simison: Council, any questions? Thank you. Is there anybody else who would like to provide testimony on this item? Okay. Would the applicant like to come forward to close?

Nelson: Thank you, Mayor and Council. First, addressing traffic. The project as proposed before you will be less than the previously approved Villa Sport project and also less than the TIS approved range in 2022 that was proposed with the existing multi-family project, which also did include approximately 14,000 square feet of additional retail comparable to what has been built out there. The applicant will improve the Centrepont-Ustick intersection to restripe and add the turn lane that will improve traffic flow for everyone and as was mentioned that is incorporated into Condition 2.7 that requires compliance with ACHD conditions. There is limited access onto Eagle Road with a right-in, right-out and a constructed median there, so that will limit trips and the purpose of trips to go south through the neighbor's property and private streets. The building location and orientation is largely unchanged and so a lot of the comments that

we heard are about distances. For example, of the three story building that runs lengthwise along the south and encroachment on their open space areas, but it is in the same location, so it is the same as approved now. The applicant can agree to change the window types on the narrow end of the four story that is oriented to the south, since that building is changing, to accommodate the request -- the request for additional privacy, just like we did on the two story building that's oriented to the south and that would just be to reduce those upper story window heights in the same ways. We can't eliminate the balconies on the three story building that was requested. Again, that building is unchanged, but that is also a code requirement for private open space. The request for the block wall running east to west for 665 feet is cost prohibitive. There is an existing privacy fence along that border now between the properties, but there is a condition to extend that further on the west boundary and that will remain the same. For safe routes to schools, we do understand that the yellow arrows were proposed locations that the city is exploring for future connectivity and opportunities. As those properties come into the city for annexation or otherwise can be negotiated and acquired from those people through discussions with them. There is a clarification I want to raise, too, on the conditions related to height. As we proposed we believe the three story pitched roof is comparable to the flat roof of the four story. They are roughly around this 45 foot range and staff has recognized that because design review has not happened that may range up to 48. There is some flexibility there that they have incorporated into the conditions so that we can have that final approval through design review. But on the other buildings -- on the three story, if it's a flat roof, the 38 feet that they put in there does work, recognizing the conditions that that could be a pitched or a flat roof. If it is a pitched roof in order to meet the 5/12 pitch of the city's architectural requirements that will have to -- to slope up to the very peak at 44. Again, very comparable to the four story. The lower part of that roof starts at 30 and it slopes up to 44 and similarly with the two stories it starts at 20 and slopes up to approximately 34 and so, again, these designs are being finalized and there is flexibility in the conditions to recognize that those lower buildings could be pitched or flat. We agree with the recommendation that pitched would be better adjacent to residential. We like that idea. We just need to make sure those heights are clarified to match the requirements once you add in that pitch and we also just remind the Council of a couple of the summary points that with that change in the four story flat we believe that we are comparable to what has been approved. Our parking will be better because of the ratio that has increased due to our addition of new parking spaces and due to the intervening change in city code that added new requirements since that prior approval and the safe routes to school will be as is now for the area, but we would like to continue to work with the city to improve that. So, with that you will still get 239 new affordable units and we know that is desperately needed here and we are happy to partner with the city to bring those. We ask for your approval. Thank you.

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

Little Roberts: Mr. Mayor?

Simison: Council Woman Little.

Little Roberts: Mr. Mayor, Deborah, could you address the water issue? Are there water rights that come with this property? Will you be using city water? You heard his questions.

Nelson: Yes. Mayor. thank you for the question, Council Member Little Roberts. We did address that last time, but I will repeat that, yes, we will not be using any of the pressurized irrigation that they use, any surface irrigation rights. We will be using city water and we have ample supply from the city and connectivity to do that because of the in-fill location.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Someone mentioned speed bumps. I thought I would get your thoughts around that.

Nelson: Yes. Mr. Mayor, Council Member Strader, we are happy to work with ACHD to provide the raised table within our property that provides that connectivity that's shown on our plans to provide that -- that connectivity within our property and to ACHD. As far as the -- the neighbors to the south I will have to let the applicant address that one directly. Are you talking about on the private roads?

Huber: Chase Huber. 37532 Southeast Ferry Street, Snoqualmie, Washington. We are -- have -- entertain it and work with the HOA to find suitable locations for speed bumps if they find that as a necessary solution. We will also work with ACHD to do a raised table or whatever we can do to mitigate traffic through Centrepont Way, which goes directly through our property. We have started that in earnest already and plan to continue that for the safety of our tenants, but also for the safety of the neighborhood.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Thank you. I think that is helpful, the flexibility on that, and I know -- just to recap, but I think the raised table you are discussing is a pedestrian crossing; is that right? From the western most part of your property to the main part of the property across Centrepont?

Nelson: Correct.

Strader: And so what you are saying it will kind of function as a speed bump, because of the nature of the construction of it. So, it's actually -- it is a speed bump, but is also a pedestrian crossing. Okay. Thank you.

Simison: You can hang out there. You can sit down. Whatever you want.

Cavener: Oh, Mr. Mayor, just maybe a couple real quick

Simison: Councilman Cavener.

Cavener: Ms. Nelson, I just -- the applicant's -- his last comments I just -- I want to make sure what I -- what I heard, because sometimes when I hear entertain that means that we will -- we will talk about it. I guess I'm coming away from that conversation that your applicant or your -- your employer is willing to work with the neighbors to place, I don't know, two speed pillows that are acceptable by our fire department within their neighborhood to slow things down. Is that what he was referring to when he said entertain?

Nelson: Mr. Mayor, Council Member Cavener, yes, that's --

Cavener: Thank you for that clarification. Mr. Mayor, one just additional more comment and for some clarification.

Simison: Councilman Cavener.

Cavener: Thanks, Mr. Mayor. So, Ms. Nelson, I just -- because you are before us a lot maybe just some feedback, because certainly my takeaway when you were talking through about the safe routes to schools, my takeaway from that was the implication of those already existed and so I appreciate you clarifying tonight that those are proposed, but certainly I had a similar takeaway that the residents did, which is that those already existed. So, I appreciate you making that clarification. I just would ask in the future, maybe for those of us that are remote that aren't hearing everything the same way, to provide a little bit more clarity so that I could fully understand what you are proposing.

Nelson: Mr. Mayor, Council Member Cavener, understood. Happy to do that and probably should have spent more time on this slide. It is indicated on the key and -- but appreciate that feedback

Cavener: Thank you.

Simison: And maybe I would add -- I would assume those are more potential locations or safe routes, but not all of them would likely ever exist. That -- that would be more so than anything. So, it's one of them if it ever happens would be the best outcome.

Nelson: Mr. Mayor, that's correct from our understanding as well.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I would like to thank you for working on that, because while there is not a solution in front of us now, it does I think give the city a path towards something to work

toward, because clearly we have a lot of work to do in this area to figure out our safe route to school. Thank you.

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: I don't have anymore questions. I think -- unless Council does, I think we have received a lot of testimony the last couple days, so I think I would be prepared to make a motion to close the public testimony, unless there was any remaining questions for the applicant in closing. Seeing not, I move that we close the public hearing

Strader: Second.

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

MOTION CARRIED: ALL AYES.

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: I will just kind of kick off some of the discussion. I'm likely to talk a couple of times here. Just really curious to get some feedback from the rest of my Council Members. I think I would start by saying first off I have a lot of sympathy for the residents here. This is a -- probably one of the more challenging applications I have -- I have kind of come across and part of it is -- and I think I mentioned this last time -- but I had a similar situation in 2015 or '16 where we had some county land being annexed into the city. I represented the HOA and I had my ten minutes and I stood up here with Mayor Tammy and I -- I warned the City Council of -- of all these terrible things that were probably likely to happen and concerns that we had with traffic, with safety, with an inappropriate high density housing next to some residential. So, I'm sympathetic because they are really -- you feel those concerns deep in your gut, like you just -- it's -- when you live there it hits a little differently than when you are just making a decision from the city. So, I think for that reason it's made this a little bit really challenging. I have -- since the first hearing every time I drive to Lowe's or take my kids to Dick's or something like that I think about this and I look at the land and I contemplate what's being proposed there and I contemplate the neighbor's concerns and think if we were to go back in time certainly you would say maybe it makes more sense to put more housing or the retail. I understand those arguments. It's certainly -- like I said, I think I'm really sympathetic to that. But I want to pick up also a little bit where we left off with my comments. I think it's helpful to frame the discussion for what it is. We -- essentially what we did is we re-litigated a decision that had been made several years ago and while that was perfectly fine and it was good to take the testimony, I think it's important

we understand what -- what we are actually deciding here. We don't get to go back and revoke a decision that's been made. When a person owns a piece of property has legal rights to that property. We talk about them as a -- in the world of real estate a bundle of rights and there are certain rights that are associated with the ownership. When that property is sold that bundle of rights is also transferred legally to the new applicant and they possess those rights and so, you know, right of possession, right of enjoyment, things of that nature, there is -- there is six or seven of them and they are actually legally defined. So, I think about when we are -- when we are comparing opinions and concerns against someone who owns legal rights to a piece of property, how do you measure that and certainly the right of enjoyment of your own property should be factored into some of our decisions. I think about that quite a bit when we are talking about development that's affecting me; right? Look at what's -- how does it affect my property? How does it affect me? And certainly we have to take that into consideration. Those are really challenging. But I -- what we are looking at is considering allowing a modification to a development agreement to move from 213 to 239, changing market rate to what I would consider workforce housing and allowing some modifications to that development agreement to make this project work. As was stated, the desire to bring in workforce housing into the City of Meridian is a high priority for the city. It has been. My memory may not be correct, but I have been on the Council for about ten months, 11 months, this may be the first one I have -- had before me that had this type of application with workforce housing. I could be wrong, but my memory is this is the first time I have encountered it. So, I have had a lot of meetings and a lot of applications. This is the first time we have had this and this is a high stated goal for the city. So, I think that's important to contemplate and the reason I say that is when -- we heard a lot of testimony from residents saying 215 sounds okay. The 239 is just a step too far. And the modifications to the building heights, et cetera, are just a little bit too much. If I take that into account, then, I would say, well, then, what's the -- what's the higher objective here? Is it having 24 fewer units or is it having 239 homes that meet a demographic of 29,000 to 78,000, which, again, that's -- average teacher pay in Idaho is 45,000 dollars. Okay? So, we have to weigh those different societal goods back and forth between -- between the two and so I -- I have been going back and forth quite a bit tonight on that. I think a lot of the concerns listed tonight -- traffic, we hear that a lot. Those are real concerns. I am very sympathetic to that. But a lot of the concerns listed are the behaviors of individual private citizens had they -- you know, if they are already parking on the road in a way that they shouldn't be doing that. Talk about -- a comment was made about, you know, concerns of safety of people being in areas that they shouldn't. You know, those things are outside of the purview of what City Council can essentially regulate. If they are violating ordinance, then, we have a police department that we do our best to dissuade bad behavior, but we try to have developments that are designed in a way to produce safety and I think Councilman Overton has done a good job educating me on the work that he has done and the city's done to try to make sure our developments are -- are safe -- safe for our residents and those concerns are kind of baked into some of the ordinances and I use the applications we have so as I look at this project holistically I commend the applicant for listening a lot to the concerns of the citizens from where you started, taking into account some of the concerns that were raised at the last hearing to make some modifications to that. So, I think that -- I

appreciate that. I appreciate when people listen to the concerns and they try to accommodate that to the best of their ability. We also have to recognize being a project -- bringing a project like this where you are using some tax credits, these are -- these are really complex deals. These are not easy to do. There is a lot of -- there is a lot of work that goes into making this work and so for us to consider a high priority goal and we have an applicant willing to do a lot of the challenging work to make a deal -- a project pencil out, I think it's reasonable for the City Council to -- to consider the modifications that they are requesting, because as I -- I see them I don't see any of them as being overly offensive to what we are trying to do. Again, I understand that this this spot of land is it's -- it's a tough one. In -- in talking with my colleagues and the Mayor about this a little bit, this has always been a challenge piece of land. It's always -- it's just -- it just is. So -- and, again, reflecting on the fact that the property has been approved for 215, I don't -- I don't agree with the suggestion that the new application is so much different than the old application would be it should be denied on that basis. I -- as I have contemplated the old one and the current one, I don't -- I don't -- I see them actually very similar in many respects. So, again, I want to sort of frame what I think the discussion should be about tonight with -- it's not relitigating a past decision, it's what's before us with the modification of the development agreement. Certainly sympathetic and -- and want to hear the comments of my fellow Council Members on this, so --

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Councilman Cavener has his hand raised. If he wants to get first in line he is welcome to, but --

Cavener: I didn't realize my hand was raised. Sorry, Council Member Strader. Please I will defer to you.

Strader: Mr. Mayor? So, I have been here for -- for all of these. I was here for part of the Villa -- I was here for the Villa Sport. I was here for the multi-family apartments. And just to refresh people's memory, so the original request at that time when we considered it -- and there was a full public process. Everyone was noticed. We had -- we had a hearing and the original request was for five story buildings and 295 units from what I recall and that was reduced by me to 215 units in a motion because of concerns around the roadway network and the private drive aisles. Looking at this, when this original referenced to Planning and Zoning I looked at that as a nonstarter. Again, an almost identical project was denied with a similar unit count and similar height. However, I am encouraged by the applicant's revised request. I am looking at this similar to Councilman Taylor, I could support the addition of these units bringing us to 239 units, but part of the reason -- and I appreciate the additional time is I have -- we just had a chance to think about how we look at affordable housing. I consider this a workforce housing project. I think it's important for these projects to meet the same rigorous standards that are expected from market rate proposals and that includes a transition to surrounding single family residential neighborhoods. Under our revised

Comprehensive Plan guidance we expect no more than one story to surrounding residential neighborhoods. Here I feel because of the height of the buildings at two stories, three stories and the four stories with a flat roof, with a height restriction making it identical to the height of a three story pitched roof building, I can get on board with that. The -- I think justification of an approximately ten percent increase in units at this site is supported in exchange for a 40 year deed restriction and having it remain affordable. I am troubled and continue to be troubled by the existing configuration of the private roadway network here and I think if the applicant is supportive of working with the HOA on nonparking -- no parking signs, the addition of up to two potential additional speed bumps outside of the existing pedestrian crossing that will function as a speed bump on Centrepont, with the addition of the left turn lane, I think does help to mitigate concerns. It does not solve them and the truth is that I don't think that the City of Meridian should be approving residential developments with private roadways. I think that the takeaway from my perspective we could see what happened. Here is very problematic. But I was thinking a lot about what Councilman Taylor said in the last meeting talking about -- I think it was his sister and there is such a deep need here for more affordable housing and this type of proposal I think meets the bar for what we expect in the City of Meridian. It's certainly been a complicated and tense process and I understand why there are again these different competing interests, but I think that the surrounding residents are still well served by not having a five story building with 300 units. That's not -- so, I think the modest addition in units is justifiable in this case. So, that's where I'm shaking out on it. Thank you.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Thank you, Mr. Mayor. I want to start -- we did -- we heard some comments about our neighbors feeling they weren't informed about maybe previous actions and here that I have a sympathetic frustration. I am sympathetic because this body knows we really value public participation. We really value public feedback. So much that we require meetings with applicants and neighbors before they -- before they ever apply before the city. We require a larger radius to inform the public than what this says that we need to do. We also publish these things on NextDoor and Council Member Strader and our good Mayor can attest, especially during COVID times, we worked really really hard to inform our residents about things that were going on, because we want them to be a part of the process and I think that good public feedback is one of the reasons why I'm tending to be supported with this project tonight. I wasn't a month ago, because I had heard the feedback from our neighbors about the -- about traffic going through on these private drives and, Council Member Strader, you hit the nail on the head. There has got to be a really really high bar for us to approve public roads, particularly if they are going to intersect, you know, in collectors. Those are things that we have really got to keep a good eye on. I want to commend the applicant for being responsive to the feedback. I know that the applicant is on a tight deadline and I felt they have done a really really good job of responding to at least the concerns that I had. So, again, my apologies to those who didn't feel they were informed. It's good feedback for us to look

to see where we can continue to improve, because we value feedback. I think it's because the applicant responding to much of the feedback that we heard about the way this -- which I think is a very worthy project, though, would maybe have some net potential negative impact on some of our neighbors lives, they have responded in kind. Slowing traffic down through the private drives. Modifying the windows. I think the height as well on the flat roofs. I think are all things that were -- that were big areas of concern for me and because the applicant has worked to address them I will likely be in favor of the request this evening.

Parsons: Mayor and Council, don't mean to interrupt you this evening. I like the discussion. Just wanted at least just share some information on the record for you. So, I do appreciate the applicant willing to work with the neighbors, but I was in front of this -- a different council back in 2013, 2014, and -- and the same discussion came up when the other attached product was built in front of Jackson Square and we did require speed bumps to be put on those public street sections. So, I'm not sure if they are still there or not, but there is traffic calming built into those roadways currently. So, I'm not sure what the applicant can do to -- to make the neighbors happy when it's already been done. That was -- that action was taken by a previous council back in, like I said, 2013, 2014 and that was a condition of development agreement back when that was approved for that section of the residential. So, just wanted to let you know that little bit of information.

Overton: Mr. Mayor?

Simison: Councilman Overton.

Overton: I would like to start off by thanking the residents from Jackson Square and the few that live off of Leslie Drive. Before I got on the Council I was an HOA president. Multiple times testifying to a previous city council. Very similar issues. And I got to tell you something, I appreciate everything you have said and everything you have done and a month ago I was probably the most outspoken that I was against this project and you might shake your heads at me, but if it wasn't for the work you did this very well could have been a much higher density than was proposed tonight, because even if we said no tonight, you are going to end up with a 215 unit high density development that doesn't have all of the extra safeguards that have been built in by the applicant tonight. I appreciate what you have done. I appreciate you coming forward and testifying. It's because of that pressure that you do that helps this go an extra month while the applicant worked on what more they could do to be the best neighbors they could be. I can live with the 239. It's 24 units more than what's already approved in the original DA. But one of the reasons I can do that is because the applicant has stepped up and made all the changes they have made to this plan and try to be the best neighbor they can be to have this work. If you remember a month ago I said this is the right project, but I thought it was the wrong place. I still wish we had a different place. I wish we didn't have the previous agreement from 2022, but it's there. It's solid. It's done. It's -- it's already happening. I remember when the houses on Leslie Drive -- some of those were built back in the mid '70s. It was all county and private wells. I think they all sit on at

least an acre of ground and it wraps all the way around like a belt around this entire area where you live in Jackson Square and where this apartment complex will be built. The bright spot here with Centrepont is it's going to be built out to have a left turn lane to give everyone -- not just from apartments, but from your development to get out onto Ustick. Will you have increased traffic? Absolutely. I would be wrong to tell you differently. There is going to be increased traffic. Absolutely. But I think you have got a good project, a solid addition to the community that we need and I think they are going to do everything that they promised they were going to do and I really hope they continue to work for finding that safe route to schools, because going through the old county lots -- I know if it was our -- our folks with our Parks Department, the road goes in, I think that's kind of our dream routes if we can make a wish, but it may be at some point having some sort of an agreement coming down Eagle Road so we can get there. I don't know what that's going to look like, but I don't want you to give up on it, because it's important. It's important not just for your development, it's important for their development as well. So, from 295 to 239 tonight. I will be supportive of this project.

Little Roberts: Mr. Mayor.

Simison: Council Woman Little Roberts.

Little Roberts: Mr. Mayor. I was very much on the fence about this project when I came in tonight, but I have been impressed with the testimony of the neighbors, as well as the due diligence of the applicant and I have worked diligently for years regarding improving our workforce, how they have got teachers and nurses and professionals that really need housing just like this. So, I think this is well done. I think that it will be a great addition to those people that are maybe either struggling to stay in our area to continue teaching or nursing and other professions or for those that are looking to move in -- excuse me -- and -- and take those jobs that we so desperately need to fill. So, I will be supporting this project tonight.

Whitlock: Mr. Mayor?

Simison: Councilman Whitlock.

Whitlock: I think everything that needs to be said has already been said thanks to the neighbors. I guess the only thing I would add, Mr. Stern, I hope you run for re-election, because you made an outstanding presentation and represented your neighbors as well. Thank you for the effort that you put into that and helping us better understand what's going on in -- in your neighborhood. All of you who testified I think helped move us to where we need to be and helped in previous meetings moving the applicant where they need to be. You know, the numbers rolling around in my head are the same ones that are 213, 295, 279 down to 239 and the 239 number allows for people like teachers, medical technicians, some of our starting police officers, those folks all fall within the income range of what this housing complex will provide for our workforce. Is 26 the magic number that moves me from being on the fence to supportive of this? I don't know that that's the magic number for me, but it seems to be the number that makes

this pencil out for the -- for the applicant. To Council Woman Strader's point, it also locks that in for 40 years, so that we have a workforce that we know will have an opportunity to live and work here in our community and I guess I'm sensitive to that. I have a daughter who was looking for affordable housing and just this month has moved into a place in Nampa because she couldn't find a place here in Meridian. So, I would like to make sure that we have affordable housing for our workforce and, again, is this the ideal project? I don't know, but the numbers from 295 down to 239 I think have caused me to move off the fence and I will also be supporting this project tonight.

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: I think the consensus is pretty clear where Council is, so I'm prepared to make a motion unless there is any other comments that any of my Council Members would be interested in making. Okay. Have one question on making the motion. Other than what is the staff report and in the report here today, we are also asking to clarify that we move from 60 percent to 80 percent to comply with the HUD guidelines. I wanted to clarify did we -- you had mentioned, Deborah, of being willing to add the additional sort of window privacy. I'm not -- what -- I wasn't clear if that was already in your proposal or if that would be something new we would need to add. Can someone clarify that for me?

Parsons: Mayor, Members of the Council, that would be something you need to add.

Taylor: Need to add. Okay. So, if I just say the window privacy that would be sufficient?

Parsons: Yes.

Taylor: Okay. And, then, the last question I had would be on -- and, again, to clarify we talked about there seemed to be some interest from Council to -- to hear the concerns about for residents for some speed bumps or some speed calming, but you mentioned that that was part of the original development agreement. I'm not sure if the location that that original development agreement indicated they would be versus what we are talking about tonight is the same -- is this the same place. So, I think we should -- I would defer to include it in the motion, unless I'm advised otherwise.

Parson: Yes. Members of the -- Mayor, Members of the Council, the portion I was talking about was the private -- I heard Picard Lane, they wanted some traffic calming on that as well and I heard Centrepont and as you heard in the testimony Centrepont -- they are working with ACHD for the raised crossing. That could be a yea, it could be a no, don't know what ACHD is going to allow for that portion, but as far as East Picard Lane, which is a portion of a private street in this development and also East Bourbon Lane, which is a private street in Jackson Square Subdivision, those do have speed humps in them and that was required back in 2013, 2014.

Taylor: Okay. Mr. Mayor, I make a motion that -- after considering all staff, applicant and public testimony, I move to approve File No. H-2024-0019 to also include a modification to change from 60 percent to 80 percent AMI to comply with HUD regulations, to accommodate the window privacy provisions agreed to by the applicant to include in the -- in the development agreement and for the applicant to work with the HOA and ACHD to find appropriate locations for two additional speed bumps or speed calming measures to be included.

Little Roberts: Second.

Taylor: Am I missing something? Oh, yes. Thank you. There's a lot here. To also include alternative compliance to remove the parking lot landscaping under the solar car -- carports and to change from 213 market rate units to 239 affordable units and replace the two interior three-story pitched roof buildings with a four story flat roof building. And I believe I have captured everything that this Council has indicated they would like to --

Little Roberts: Second concurs.

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

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Just if the motion maker wanted to clarify as well the additional provisions that staff had outlined in their memo.

Taylor: Yes. That was what my intent was, including that at the beginning. Thank you.

Little Roberts: Second concurs.

Simison: And second concurs. Is there further discussion on the motion? If not, Clerk call the roll.

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

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

MOTION CARRIED: ALL AYES.

Simison: With that we are going to go ahead and take five to ten -- a long five, quick ten break. So, to next group don't go far, but you can get up and stretch and take everything you need to do real quick.

(Recess)

4. Public Hearing for Skyranch (H-2024-0022) by Laren Bailey, Conger Group, located near the NE Corner of S. Meridian Rd. and E. Lake Hazel Rd.

- A. Request: Annexation of 20.039 acres from RUT in Ada County to the R-15 zoning district.
- B. Request: Rezone of 24.53 acres of land from R-4 to R-15 zoning district.
- C. Request: Modified Development Agreement to create a new development agreement for the construction of the proposed single-family residential development.
- D. Request: Preliminary Plat consisting of 285 (284 new and 1 existing) and 36 commons lots on 43.82 acres in the proposed R-15 zoning district.

Simison: With that we will continue on with Item 4, which is public hearing for Sky Ranch, H-2024-0022. We will open this public hearing with staff comments.

Ritter: Good evening again, Mayor and Council. So, before you tonight is a request for annexation, a rezone and the development agreement modification and a preliminary plat. So, the applicant requests annexation of 20.039 acres of land with R-15 zoning, rezoning of 24.53 acres of land from R-4 to R-15. Modification of the existing development agreement to create a new one to develop the proposed single family residential development and preliminary plat consisting of 285 building lots that includes one existing home, 28 common lots and six common drives on a total of 43.82 acres of land and the applicant is proposing to develop this within three phases -- I mean six phases. So, this is the annexation area and this is the rezone area. In 2015 the city at the request and consent of the property owners annexed approximately 1,322 acres of land with the R-4, R-8, R-15 and C-G zoning districts. It was envisioned that some of the properties would seek rezoning consistent with the future land use map designations in the future. At the time no development was proposed with the annexation request and, therefore, a vast majority of the property was proposed to be annexed to R-4. All of the subject property owners signed a development agreement that was executed upon approval. With each DA is a requirement that any proposed development plan be reviewed and approved as an amendment to the executed development agreement. Upon development slash redevelopment all of these properties in the future adhere to the characteristics of their respective land use designation described above will be required. Again during the annexation properties were assigned zoning districts as placeholders until the property owner came in to develop the property. So, access to this property is from East Lake Hazel Road. Per ITD no direct access to the state highway system is approved due to the type of -- and proximity of this development to the state highway ITD is requesting a traffic effect study for the proposed development. Access is also proposed from the east side of the

property via a future collector road. So, an open space exhibit was submitted that depicts 17.1 percent or 7.49 acres of open space that meets the required quality and qualified open space standards. Based on the standards of the UDC a minimum of nine amenity points are required to be provided. The applicant has provided 30 points worth of amenities. These are the amenities that are being proposed by the applicant. Four conceptual building elevations were submitted for the proposed subdivision. The applicant states that the homes in the Sky Ranch neighborhood will include 284 homes with a mix of different product types, two story and single story detached family homes. Buildings will need to be designed with elevations to create interest through the use of broken planes when those fenestration and products produce a rhythm of materials and pattern. Design review is not required for single family detached homes. However, because the rear and/or sides of homes facing East Lake Hazel will be highly visible, staff recommends a DA provision requiring those elevations to incorporate articulation through changes in two or more of the following modulations: Projections. Recesses. Step backs. Pop outs. Bay window. Bays band and porches. Balconies. Material type or other integrated architectural elements to break up the monotonous wall planes and roof lines that are visible from adjacent public streets. Single Family single story homes are exempt from this requirement. Again under the current development agreement it states if a rezone application is submitted in the future the city's Comprehensive Plan and future land use map designation for the subject property will be considered when determining if a rezone is appropriate. So, that is what this applicant is going through for the portion where he wants to rezone from the R-4 to the R-15. So, we look at what is there and that future land map -- land use map is identified as mixed use regional. These are the boundaries of the projects. So, this is a mixed use regional portion of the project, which allows for a maximum of 30 percent residential. Based on what has been proposed the applicant is over that limit. Again, mixed use development -- for mixed use development to be consistent with the plan they need to demonstrate that they meet the following elements: Functional integration, outward facing design, physical integration and shared features, support local services, design integration, purposeful open space, pedestrian connectivity, limited reliance on arterial road and as reviewing this we felt that the current proposal is limited to single family residential occupying a major -- majority of the mixed use designation area with no internal vehicle or pedestrian connection between the areas, which does not align with the intent of the Comprehensive Plan. By focusing solely on inward facing single family home development the proposal fails to meet the goal of create -- of creating a mixed use environment that would foster a vibrant self-sustaining community with neighborhood supportive uses employment and/or retail options nearby. This lack of compliance with the Comprehensive Plan could raise concerns about whether development will contribute to traffic issues, support a balanced community or meet long-term goal -- growth objectives. Again, these are the things listed that are required. So, the applicant indicated that the residential uses that they are proposing will comprise between ten and 30 percent of the develop -- of the development area with the gross densities ranging from six to 40 units per acre within the residential portion. The proposed Sky Ranch neighborhood in the mixed use regional -- mixed use residential regional area would occupy 11 percent of the 219 acres providing a density of six and a half units per acre aligning with the plan's vision. So, this is how the applicant has justified why they

are doing what they are doing. But, however, the applicant did not take into account that the Comprehensive Plan requirement that mixed use areas bisected by an arterial or highway are considered separate independent areas for use and design and integration and will be evaluated as such. So, the applicant's approach of using their property as a single use area again does not in line -- align with the intent of the Comprehensive Plan for mixed use development. So, to comply with the Comprehensive Plan the applicant needs to redesign the proposal and incorporate a mix of housing types, local services and public amenities within the 24 acres of the mixed use regional area. This would only on -- this would -- this would not only align with the future land use map destination, but also enhance the functionality and integration of development with the surrounding area. So, the applicant states that two parcels south of the Rawson Canal are commercially viable, which are approximately nine acres and have access to Highway 69 and East Lake Hazel, which will be able to develop as commercial properties. So, however, the applicant did show staff -- so, previously they had not shown us anything that will show how that would work, but they did show us something of how the property to the south would develop as commercial, but they don't own the property, it's just something they showed that said that may work, but they can't say that it would actually work or how it would be developed. Again, this is all about what mixed use development should be -- contiguous mixed use, identify the areas, again, that are bisected by -- they are looked at independently as they are bisected by a highway -- arterial or highway. If the applicant wants to move forward with the application that they submitted the path forward for them would be to apply for a Comprehensive Plan map amendment for the 24.53 acres. That application would need to be submitted by December 15th. If they don't meet the December 15th deadline they could always submit June 15th. We are asking that if any residential units go on the north side of this property that they are larger estate lots, R-2 and R-4, to meet with the adjacent large county lots or they can move forward with the development of an R-4 zoning of the 24.53 acres and annexation of the remaining 20.039 acres as R-15. Those are some options that they have. As presented the Planning Commission did deny this application based on the lack of mixed use and compliant with the spirit of the Comprehensive Plan, limited connectivity, limited interconnectivity, limited transition from adjacent properties and pedestrian safety concerns. So, at this time -- they did not change staff recommendation of denial for this application. There was no public testimony other than the applicant's representative. There were no written testimonies on this and so at this time I will be more than happy to take any questions that you may have regarding this application.

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

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I always appreciate you presenting applications. You just do a really great job of summarizing this stuff, so I appreciate that. My only question right now is if this -- if the mixed use regional wasn't bisected by an arterial, meaning if you look at the mixed

use regional, the land that is I think to the south of what's proposed, if a portion of that was this application, would staff still be recommending denial?

Ritter: Can you say that last part again? I'm sorry.

Cavener: Yeah. I just -- I'm -- I'm trying to -- again, when I look at this area I don't think we have got anything that's developed in this area and so when I -- when I read about, you know, that because you look at the mixed use regional as separate when it -- when you have got a -- an arterial that kind of bisects the region -- I guess I'm -- I'm trying to understand the basis of your denial and I guess my question is if this application existed south of Lake Hazel, instead of North Lake Hazel, with that larger area of mixed use regional, would staff still be recommending denial?

Ritter: No. The reason we are recommending denial is because they did not do any mixed use. It is just a single use development. There is no mixed use within this development.

Cavener: Mr. Mayor, maybe a follow up if I may.

Simison: Councilman Cavener.

Cavener: So, Linda -- and I don't think ever with you, but in times before when -- when staff has been before us they have used the term feathering, where they kind of look at, again, like from a regional standpoint and I guess I look at this as a regional -- like area. You have got mixed use regional on all four corners. So, from my perspective I look at this whole area as mixed use regional and so if we have got one use here, okay, couldn't Council just only approve other uses in these other mixed use regionals in the future?

Ritter: Well -- so, the Commission talked about that and they -- what they stated was that if we allow that, then, that means that this development is pushing all of the commercial on other properties, instead of doing its share of commercial. So, which means that you would force another property to do more commercial, because this property has used up more than their portion of the single family that is allowed, so -- and because our comp plan basically spells out within the mixed use that if it is bisected by a highway or an arterial it is looked at independently and that is how staff reviewed this based on our comp plan requirements.

Cavener: A follow up then. To that point is it based on that, then, that why you are recommending denial?

Ritter: We are recommended denial because, again, based on this area the -- again, the development agreement states if they come in to rezone this we look at the -- the future land use map and, then, we look at what they are requesting to determine whether or not that would be allowed here. They have pathways to get to where they

want to go, but that is not what they presented. They have options to move forward if they choose to, but they just have not chosen to do that.

Cavener: Thanks, Linda. I appreciate it.

Parsons: Mayor, Members of the Council, if I can just add a little bit to that. It's not -- it's not just because the arterial road separates the use, Councilman Cavener, it's many things that Linda touched upon with mixed use that with the recent policy adoption that you guys did back in March it's the integration, it's no more than 30 percent being residential. This is a 36 acre site. You can see this is greater than that with the residential component. So, it's a lot of other things that pile on top of it, rather than just saying if this whole area -- if we looked at the whole area does it work. It's -- it's -- it's more complicated than that based on the mixed use policies that we -- we have. I understand your context with the -- the waterway bisecting the property. It does make it a unique challenge on this site and that's what we spoke with the applicant on, but like we hear you, we understand you, but if we go down all of the improvements we have made to the mixed use standards and we look at that development agreement that says if the city entertains a rezone your rezone has to match up with that underlying land use and that's where we sit. So, it's not necessarily did we want to recommend denial? Absolutely not. We don't like to come in front of you with denials. It's not easy conversations with the applicant and I can tell you we have had a lot of them with the applicant on this particular site and at the end of the day most staff and Planning and Zoning Commission said -- realized that the applicant really just wants residential on this site and that's fine, but there is a path to get there and do that. So, if that is their intent, then, move forward with your plan and let's have this discussion in front of City Council. But from staff's perspective and from the Planning and Zoning Commission's perspective it's we are tasked to make sure a project complies with the Comprehensive Plan and the zoning ordinance. We have made the findings and that's the findings that you have in the adopted code. We have made the finding that this does not meet the intent of the mixed use regional standards and, therefore, we could not support a portion of this plan because of that element. And so, again, I was happy that -- so, going back to more of your question is if this road -- if Lake Hazel wasn't here and it did extend farther to the south, they would still have to provide us a concept plan and show us how it integrates with the larger area. So, again, just because you want to kind of use that logic and float it and -- and we understand the comp plan isn't parcel specific, it does feather as you said -- you mentioned, there is -- there is flexibility there. It is a guide. But, again, we were very mindful when we put together those design elements. Again, nothing's really changed in the code, other than the fact that we have tried to make it more understandable I think was the intent when we changed the mixed use standards. This is the vision. This is what we expect when you come in with this planned use designation is -- as you know you have got the first one in front of you and it's already been a challenge for one of our applicants.

Cavener: Mr. Mayor, maybe a couple more questions.

Simison: Councilman Cavener.

Cavener: And, you know, certainly, Bill, I know it's always challenging to be the last one in. I think likewise. But this -- it may be challenging to be the first one in. Approximately how many acres are we looking at in totality in front of us on this image of mixed use regional? On all four corners of Lake Hazel.

Parsons: Yeah. Mayor, Members of the Council, we don't know the exact number. I think it's 200 plus if I remember correctly.

Cavener: Okay. So -- Mr. Mayor. But if I'm hearing things right, certainly from a -- a much larger regional perspective we have got 36 acres proposed in an area that's about a little over 200 acres of mixed use regional? That's a fair statement?

Parsons: Yes.

Cavener: Okay. Thank you. Thank you, Mr. Mayor.

Simison: To clarify, in essence you don't under our code. In essence you have four separate mixed use regional areas, which will have to be considered separately if that's how Council chooses to apply the standard, because you can't take into consideration anything on north, south, east or west under -- so, these are four separate mixed use regional areas in theory under our code

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: Question for staff. Was -- was that our intent when we made changes with that -- in the situation where an arterial would bisect it like this that we wanted to look at the parcels separately and independently? Was that kind of the intent behind it? Or was the intent still to look at the area holistically? Maybe, Bill, I don't know if this would be a good time to like give me a very high level reminder of what it had been and what the changes are today and how that's affecting the conversation.

Parsons: Mayor, Members of the Council, I don't -- I wasn't part of a lot of those conversations. I reviewed the document when long range is presented to us and provided comments like many of our stakeholders did, but the intent -- why we were -- at least my perspective of why we changed it and made it on a case-by-case or didn't let the road bisect it is because really when you look at mixed use it needs to be somewhat self-supporting and inward facing and integrated, so that people don't have to go across the arterials to get to services. You want to have some of those components as part of that mixed use area to minimize the trips on those adjacent roadways. I think you saw a good case of -- you are seeing that case -- the previous development was that was mixed use regional and we had issues with connectivity and integration between private streets, public streets and so that's why we have taken a broader step back and look at this and say, hey, these things are what we need as part of your development, so we can see if it functionally integrates and that's why when Linda and I were writing this --

working on the staff report in conjunction with long range, we were concerned by leaving out that commercial on the -- or that piece on the corner, we are basically creating an island of mixed use regional and we didn't feel that this applicant -- this application did a good enough job of integrating that, because we don't want to create that in the future, because what will happen is if we don't get this functional integration like we want in the plan, then, the person that owns that property on the corner is going to come before you, ask for right-in, right-out on Lake Hazel Road and, then, they are going to go to ITD and ask for another right-in, right-out onto a major state highway and the comp plan also identifies Lake Hazel and South Meridian Road as high mobility corridors and so we want to minimize conflicts to those roadways and accesses. So, that's the other component here. It's -- it's all of these pieces that come together. It's -- it's easy for us to sit here and say, okay, three land uses put some more residential in there. Those are the easy things. It's actually developing the plan and making sure that all of that happens and shows how all works. That's probably the more difficult part of it.

Taylor: Mr. Mayor, quick follow up.

Simison: Councilman Taylor.

Taylor: So, a comment. We talked about if -- if we approve this proposal as it is it would, then, push more of the -- more commercial onto the other -- other aspects or the other properties, but if we are looking at this parcel by parcel can we even do that? I mean -- I guess that's at our discretion maybe to approve or not approve, but just trying to think -- I hadn't contemplated this before we came in about the nature of considering -- trying to look at it holistically, but yet also looking at it very individually at these parcels. So, I'm trying to reconcile the idea of bigger vision plan, working together, yet considering them individually and I don't know if I'm articulating myself well, but --

Simison: You want to know if there is a plan within a plan or if there is just a plan.

Taylor: Sure. All right. Can you speak to that plan within the plan within the plan?

Parsons: Yeah. Well, as you know every property is different. Again, the -- when I look at this intersection I'm giving you my perspective and the discussion that I had with the applicant throughout the process is when you look at this particular property you have that major waterway going through it, you have low density to your -- your north and, then, you try to have medium density to your east and, then, medium high density also to your east. So, you are trying to feather or blend all of those things together and you have very limited connectivity because of those situations. Whereas on the other prop -- the other corners, minus the southwest corner, looks like it will be a little more challenging, too, because there is a smaller number of mixed use regional on that side. But the two areas kind of -- at the northwest corner and the southeast corner, they have greater land to spread that across and make that work and probably less obstacles with some of the constraints around them and it's pretty open land there. So, yes, the intent is case-by-case basis, but not all projects are going to be created equal and I think that's where you as the decision makers, policy makers, can look at the code and see

where it works and doesn't work and give that flexibility. Or staff -- again, I don't want -- I appreciate the Mayor's comments, but it's not really the law. It's the comp plan; right? It's a guide. I -- I get that. It's -- it's -- it's -- it's not a zoning code. So, again -- but for discussion purposes it is basically four different projects on each different corner, but those folks are going to have to show how all of that integrates with the bigger mixed use area, too, just like we are -- we are doing on this piece. And this is new. This is some new standards that we are looking at and like Linda mentioned there are options here for the applicant. I don't want Council to think that they can't do anything on their property. They can. It's just what -- at the end of the day what do they want and you see what they want, they want single family, medium high density residential and -- in a portion of the mixed use regional area, which, again, in our -- in our opinion and the Commission's opinion didn't meet the spirit of the mixed use regional standards.

Simison: And maybe just from my perspective, I mean I often have a lot of conversations with people when they come in they talk about projects and, you know, my perspective has never been one to -- you know, each individual property has to meet all the designations within these arenas. That's been my conversation up to this point. This is the first time, you know, frankly, that has been maybe challenged, but they all have had to work together. You know, the best examples of like around The Village. The Village really had all the commercial and so when individual parcels would come in with just residential, then, you know, why would you expect them to have commercial as part of that prop? And so does -- you know, that -- does that work? And not to talk about -- but we also just went through the last application we saw what happens when you try to incorporate everything into one area with limited accessibility and -- and whatnot and we have met with ITD and we have talked about this corridor and what's going to likely occur and where they are -- how they are trying to incorporate half mile access points along that road primarily and so, you know this will -- this will be a challenge through this area to have integration or things that work well based upon what ITD hopes to see happen or for this corridor in that context. But it's just -- I don't know if that's foreshadowing, if that's practicality into the conversation, but I can't wait to hear the applicant's story as to their thoughts on this property. Any additional questions for staff? Okay. Would the applicant like to come forward?

Clark: Hi, everybody. I will be your human cup of coffee for 9:00 o'clock p.m., because we -- it's been a bit of a long night. Hethe Clark. 251 East Front Street in Boise. Representing the applicant. And I think there is a couple of things -- a couple of themes that I would point to here and I think the disappointing part of this conversation is just how far down on the list of priorities in this discussion has been the actual practical constraints that this property has largely related to access and that access constraint drives a lot of this conversation and I would also point out -- and I'm going to come back to this in a minute. I think that the city has to think really hard about this arterial splitting individual concept. When we are talking about mixed use regional and we are only going to look at an individual corner at a time, then, the typology is regional in an -- in its -- on its face and it's very difficult for us to understand this very narrow myopic approach that is based on hypotheticals, rather than the actual practical situation here. So, let me dive in real quick. Of course this is 43 acres near Lake Hazel and Meridian. It's very

important to keep in mind that a portion of the property is already annexed. That's the property we are talking about that has the mixed use regional designation. This area has been the focus of city development over the past few years. As you all know it's near Discovery Park, the new Fire Station No. 7 and, then, you also have the Brighton Apex developments that are on the east and south sides of this project and I understand that the -- the latest Apex application has been submitted just to our south. With regard to the comprehensive planning, the project does have two designations. So, we are the medium high density residential on the east, that's the area that's going to be annexed, and, then, the area on the west is mixed use regional. There are a number of constraints that you can see here. So, the property is divided from the rest of the mixed use regional area by the Rawson Canal. Given where the Rawson connects to Meridian Road, any access onto Meridian Road is going to be south of the canal. In other words, not on our property. Another challenge is that we have low density residential on the north and that means we have to transition to LDR while still providing the density that's required in the mixed use regional areas. So, we -- we are pulled in a number of different directions just based on those characteristics. In addition to being planned and close to city resources, the western of -- the path of the property is annexed. It has an R-4 zone. The development agreement says it can go as R-4. I think that's important. We are trying to bring this closer to the city's comprehensive planning by proposing the R-15 and per the Comprehensive Plan R-15 is a permitted zone in the mixed use regional areas. The area transportation network has been improved. Meridian Road is built out. Lake Hazel has been widened to five lanes from Meridian Road all the way to Locust Grove. That just opened. As you know Lake Hazel is supposed to be the new Chinden. It's widening and intersection improvements are going all the way to Eagle Road, which is why my commute to downtown Boise now takes over a half hour and talked to the Mayor about that the other night. We got a nice four mile detour for the next year. But that work's largely complete. Lake Hazel is open from Locust Grove to Meridian Road. I have been running on the ten foot regional pathways from my house all the way from Eagle to Meridian Road. This is not a situation with limited connectivity as we will show you. We have a traffic light that will go from ours -- our project down to the south, but we have significant pedestrian and all of the traffic -- the road traffic facilities are in. Our site proposes an R-15 zone. The minimum blended density is six units per acre. We are just above that at six and a half dwelling units per acre. All of the open space requirements are met. We have to provide 15 percent. We are providing 17. That means we are providing an additional acre of qualified open space. That's in addition to the three-quarter acre of nonqualified open space that we don't get to count. Also keep in mind again that Discovery Park is just down -- down the street and we have safe routes to get there. With regard to pedestrian connectivity, it will connect to the larger pedestrian network. The regional pathways are being provided on Meridian Road and Lake Hazel on the new north-south collector on our east side, as well as we have our internal sidewalks. The regional pathways on Lake Hazel, as I mentioned, is already in. We paid for that as part of a cooperative agreement -- or development agreement with ACHD. In addition we will be installing the regional pathways along Meridian Road and on the collector on the east. The project is highly amenitized. A few highlights include the central pool area, the dog park, pickleball courts and -- that you will see down in the area -- it's kind of down by

Lake Hazel. We have tripled the amenity points that are required. Housing mix includes a mix of single and two story detached homes. These are some examples. The next -- the question of the project timeline comes up a lot, so we have started explaining that as part of our presentation. So, given where we are today we would -- if we are lucky enough to have an approval we would be doing final platting and site improvements in 2025 to be ready for our first phase of homes in 2026. Project would develop in six phases through 2031 and, then, you would have the last few rounds of homes coming online after 2031. So, let's get to the meat. You know, obviously, we have a very different take than staff does on all of this and I want to be clear that it is never staff's job to make my argument for me. I don't believe that. But I do think that staff was lacking in this -- in that they did not give you a realistic picture of the access and site constraints, as well as the flexibility that the Comprehensive Plan gives you when you are looking at a situation like this. There has been treatment of the Comprehensive Plan like it's a controlling zoning code and that's not what this is. So, from our view there is two questions that have to be asked. The first is, you know, what does the Comprehensive Plan actually require for this particular site? And, then, the other question is what impact do site constraints have on that evaluation? So, let me start with a depiction of what those site constraints include and, then, we will talk about the comp plan in more detail. So, on our south we have the Rawson that separates us from the neighboring property that's on the hard corner. On the north we have the low density residential property and on the west we have no access to Meridian Road. That means there is no visibility, there is no access that is needed for -- for commercial development -- or for commercial uses. Now, the Comprehensive Plan is not a rigid document. It is a policy document. It is not code. It is intended to set the stage for particular requirements that would be incorporated into code. It is the policy document that we start with and, then, we interpret that into code and, then, we make these specific decisions. That concept of flexibility occurs throughout the comp plan, including in the discussion of the mixed use areas. So, for example, the comp plan states that within a large mixed use designation area some projects may not warrant a mix of uses. The Comp Plan also tells us and gives us examples of when we should consider that flexibility. So, for example, areas that have access limitations may better support reduced intensities and that's exactly what we have here. So, if we look at the site here is the Rawson Canal. That truck is 22 feet long. That gives you a sense of the scale. The canal is 30 feet wide in places. A bridge span is going to be something like 50 feet. That's what divides our property from the property that has access to the hard corner. The big issue is access. Again, the mixed use area of our project is on the west. That's the area that's already annexed. That's the area that we are having the controversy over. The area on the east is medium density residential. We don't have a controversy with staff over whether that matches the Comprehensive Plan. That area that's the mixed use regional area will not have access to Meridian Road per ITD. It also won't, because of city code, which says that there are no new approaches directly accessing a state highway. If there is any flexibility that would be at the section line or the half mile mark. So, as you can see looking at this map, the Rawson goes up further than the half mile mark. So, that access is very likely going to be -- it will not be on our property, it will be on the hard corner to the -- on the property to the south. The staff report in the UDC also further restrict access through noise abatement and sound buffer

requirements along Meridian Road. Staff report indicates we are going to need a berm and wall combination on the Meridian Road side. Now, I think staff would say we -- excuse me -- we don't need the buffer if we put commercial over there, but if you think about it, if we have commercial against Meridian Road, but we don't have access on Meridian Road, then, we have a commercial pad that we call a Statue of Liberty lot. You can see it, but you don't know how to get to it and that would be -- no one is going to invest in a commercial pad against Meridian Road that they can't easily get to. So, what do commercial users need to be viable? They need rooftops and it's -- and they need visibility and they need access and given the restrictions here imposed by ITD and the city, we don't have -- we have neither on this property, which is why the Comprehensive Plan contemplates flexibility, particularly in the case of properties with access limitations. So, this is a -- the picture that you have before you. I have labeled it as concept only and I did that for a good reason, because we don't control the property to the southwest. I was a little disappointed. Staff asked us repeatedly to show them how a commercial project could integrate with our property and we were hesitant to do so, because I don't like drawing on somebody else's property what could potentially happen there. But we did it. We provided it to staff. You haven't seen that. But looking at this with this map in mind, let's talk about what we have provided that does promote the Comprehensive Plan goals, because I don't think that's been portrayed accurately. We have internal gathering spaces throughout the project. We have pool, play areas, dog parks, other gathering spaces. This is important. We are not sharing amenities as the staff report seems to indicate would be a requirement. We don't know what our neighbor is going to do, but that would be an unconstitutional requirement for us to share our amenities with a neighboring property owner. We have tried to take our neighbor into account, however, with the way that we have oriented our open space. So, we -- again, we don't know what they are going to do, but we -- we do believe it will be commercial. It's the hard corner. We expect that it will have a right -- at least right-in and right-out on Lake Hazel and on Meridian. Brighton already got a right-in, right-out just to the south of that. We are orient -- we have oriented our entry and we are integrating our open space to allow for that to flow into the neighboring property. There are opportunities for further integration there as our neighbor further identifies their plan. So, to suggest that we are not integrating with our neighbor is just incorrect. There is the possibility of additional direct road connections in the future and that would be the area that was not discussed with staff where we have reserved an easement for a future bridge connection. This is the area that's shown with the blue square. But let's be really realistic about that. That bridge isn't going to be no joke if -- given the size of the Rawson and the need for that connection is pretty limited. So, if you look at this from a pedestrian connection -- perspective, if one is standing at that area where that blue square is, you would only have to walk a few hundred yards to get down to Lake Hazel Road and around -- and around and up and so if you are looking at a bridge with a 50 foot span and thinking about, okay, what is the bang for the buck for the public in terms of ongoing maintenance, that bridge really doesn't check that box and that's why ACHD hasn't insisted on the bridge. That's not a requirement under the ACHD report, because they - - I -- they see that there is a cost benefit that goes into the decision to put in any sort of a bridge. I would also add that we have the traffic light at our main entrance and at the collector on the east side. So, both are going to give pedestrians an easy and low

stress crossing across Lake Hazel if they want to go down and visit the commercial development across the street that Brighton is delivering. Now, the -- again, the latest amendment to the comp plan and it is the comp plan and not the code -- that staff is relying on is asking you to ignore what else is in this mixed use regional area. Again, it is mixed use regional. I don't think it's possible for us to consider this by only looking at an individual corner and, then, making that determination. But what's going to be developed on both sides of Lake Hazel is hugely significant to these questions. Their C-G plan for the areas to our south that will serve our residents -- or our residents. They will have easy access as I mentioned given the two traffic lights that are going to cross the -- cross Lake Hazel and it's our understanding that the Brighton project on the C-G area that you can see has actually been submitted. So, to conclude we are proposing single family homes in a highly amenitized neighborhood that -- the area that's being criticized by staff is already annexed and in the city. It has an R-4 designation. The remainder of the property to be annexed is in the medium high density residential designation and fits perfectly. So, the question for the Council is are we going to be slavishly beholden to this -- these policy statements in the Comprehensive Plan and ignore the statements in the Comprehensive Plan that allow us to be more flexible when we have issues like access limitations like you see here. We believe we have straddled the policies by providing for a product that's in high demand, that transitions well to future commercial uses, that we have provided open space that orients to that future commercial user and, again, our residents will have easy pedestrian access to other commercial users just across that canal. So, with that I think my time's up, so I'm happy to answer any questions.

Simison: Thank you, Hethe. It wasn't in your -- I was hoping it was going to show up. Can you talk about the property to the north? I don't know if you have something that depicts --

Clark: I do and I may also come back to this one, because I think there was a question -- and maybe it's on a slide. This -- we did take a look at how much mixed use is out there and how much is commercial and this is a depiction along that Meridian Road, Highway 69 corridor and between the Kuna and Meridian areas you have got 850 acres of mixed use and 200 acres of commercial. But let me answer your question about the area to the north. So, this is -- we did an analysis of all of this and so you have the -- the property -- the project that was there first, that, essentially, is the -- the Shafer View project and it .7 to 1.7 dwelling units per acre and, then, as you can see on this map you transition out from there either to the Prevail neighborhood at 5.63 by going across Shafer View Terraces at 1.73. What we would anticipate is that the property that goes just north of us is probably going to be in that same 1.7 range, because it's an LDR project and we are proposing at 6.5. So, it's a very similar transition to what the city's already seen for that area. So, we -- we think that what we have done there is appropriate.

Simison: So, are you suggesting that that vacant parcel is going to span the gap between yours and theirs?

Clark: In much the same way that the Shafer View Terraces did.

Simison: And so maybe help me understand the -- you don't like to draw on other people's property. How is that property developed being with the current configuration of the existing Shafer View, are they getting the access off of Meridian Road with a right-in, right-out? Are they -- just what's the -- the theoretical concept?

Clark: Yeah. Yeah. Mr. Mayor. So, my expectation is I don't believe that there is a stub into Shafer View from that vacant land. If I'm correct -- if I'm correct about that, Bill. So, it's going to be a single -- probably a single access and it's going to go with lots that are going to be in that same -- probably one and a half to two dwelling units per acre with that kind of a configuration.

Simison: But Meridian Road primarily as compared to -- through your subdivision or the proposed subdivision? Is that what you would anticipate?

Clark: Yes. Let me pull my map up so we can show that. So, we -- we have a stub to the north, so that would help take some of the pressure off of that.

Simison: But they will have access to Meridian Road with the right-in, right-out in theory?

Clark: In theory.

Simison: Because it has it now. I know ITD is not proposing to take away any existing accesses. They would like to mitigate them if they can, but this is not part of your application, not part of your project, so unless you were the ones that do it they would have their own access.

Clark: In theory. Correct.

Simison: Okay. Thank you.

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: Can you -- I want to talk about your access points, just so I make sure I'm following it. So, first off, the -- on the hard corner -- and maybe staff answered this question a little bit. Is that going to be commercial or could that end up being some residential, too? Do we -- I just -- I know you drew a concept on there for us, but it's not your property, so I'm just trying to understand do we know what's going to be going there? We don't. We don't know. It could be a residential in theory if someone wanted to? In theory?

Parsons: Mayor, Council, maybe not. It just -- like we just don't know. Yeah. Again, it's going to be -- if it's going to be mixed use regional and certainly if this goes residential, then, we are going to be looking for them to provide some kind of neighborhood serving commercial there, so that people don't need to go out onto those two major roadways to have services.

Taylor: Okay.

Clark: Mr. Mayor, if I could?

Simison: Yes, please.

Clark: We have had conversations with that property owner. That -- that property is not priced for residential, it's priced for commercial and it's -- it's the hard corner. So, I would be shocked if someone proposed a residential project there.

Taylor: Mr. Mayor, quick follow up. Does the -- the current property owner of that corner, do they own contiguous land on either side of the property or are they just sort of in a little island of ownership there?

Clark: I believe they have all of it. Oh. Okay. My -- my client's informed me that that is our seller and they kept that corner.

Taylor: Oh. Okay. And, then, Mr. Mayor, just one more question. I just -- I want to make sure I'm kind of tracking the different access points. So, really, you just have two access points into the entire proposal here, the one on Lake Hazel and, then, what's the road to the east side? Yeah. Right -- what is that road?

Clark: So, Mr. Mayor -- sorry. I'm starting to get a little bit of the frog in the throat. Council Member Taylor, so that is the new collector that's going in there. Brighton is either completed or it will be completed shortly in terms of the pavement. We will be putting in the mixed use -- the regional pathway and the landscaping, but that is -- is either completed or well underway.

Taylor: Is there going to be a stoplight right there?

Clark: Yeah. It's programmed for a stoplight. It's not -- there is not one going in immediately.

Taylor: Right. And -- but the other access point is right-in, right-out off of Lake Hazel?

Clark: No. The -- the main -- this access point here -- is this what you said, Commissioner Taylor? That one is our primary access and that one will have a light.

Taylor: It will have a light. Okay. Thank you for clarifying.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Mr. Clark, thanks for being here. Thanks for sticking with us, frog in throat and all. Staff brings up a really good point, which is, hey, the applicant wants to make a change, just request a comp plan amendment. So, help me understand why that's not a feasible request for you and your client.

Clark: Mr. Mayor, Council Member Cavener -- and, first, I'm missing your chair. That's not the chair we are used to seeing when you are on Zoom. Council Member Cavener, I think the -- the question -- the way I would answer that question is that, first, we don't think that we are in opposition to the Comprehensive Plan, because we see this as being something that needs to be looked at on a larger scale and the Comprehensive Plan specifically states that when you have access limitations you can look at a reduction of intensities and so we think that the Comprehensive Plan already builds in that capability. Beyond that, you know, going to a Comprehensive Plan amendment, I would -- it begs the question to me whether staff would -- would support that given some of the comments in the staff report with regard to like these kind of preservation ideas and so we think that we probably end up in the same place regardless and so we think given the explanation that we have tried to provide to the Council about the site specific constraints that we are dealing with here and the specific flexibility that's identified in the Comprehensive Plan when you have those access constraints, we don't think that a Comprehensive Plan amendment is necessary.

Cavener: Mr. Mayor, maybe a follow-up question, but from a different angle.

Simison: Go ahead, Council.

Cavener: Thanks, Mr. Mayor. So, Mr. Clark, your phasing plan is interesting to me. I have big concerns about this development's impact particularly on Mountain View High School, but your phasing plan almost anticipates those types of concerns that Council have been pretty vocal about tonight. Tonight like you have got a recommendation of denial. Should Council get to a place that they are supportive would you be in favor of kind of locking your phasing plan into the development agreement so that Council and our community have good assurances about what the impact would be on the schools long term?

Clark: Council Member Cavener, if I'm -- if I can have a second to consult with my client and I will get right back to you.

Cavener: You don't need to answer that right now. Maybe in your -- in your closing remarks is fine. I just -- that's -- that's a piece that at least it interests me a great deal.

Clark: Yeah. And I think maybe there is a piece of that that I could answer now that maybe we can use to kind of set up that conversation, Council Member Cavener,

because, you know, we are always concerned about schools. You and I have had this conversation over the past, I don't know, ten years, however long you have been on the Council. You know, I live in this area, my kids went to these same schools with the exception of Mary Mac, my kids went to Victory and as you know that the -- West Ada considers themselves the steward of the taxpayer dollars, so -- and we could all sing this together in harmony, the -- whenever -- whenever West Ada looks at this they do four things. They bus students, they look at boundaries, they consider using portables and, then, they go ahead and build. We know that West Ada has sites throughout the district; right? We don't see that as being the issue, but we do -- and we don't have a specific statement from West Ada about this, but what we do have is some data that I did want to share with the -- with the Council with regard to this -- these points. So, in the -- in the case of the middle -- of middle schools there is capacity at most of the middle schools in the district. In fact, only Victory and Star have seen increasing enrollments lately. We have talked about this at some of my other hearings I have done with you in the past. All of the other middle schools in the district have seen dropping enrollments and, then, with regard to the high schools we are on the edge of Mountain View -- Mountain View's attendance zone. Meridian High has capacity and is almost the same distance from this project. So, the district -- and the district has a liberal open enrollment policy, so we think that's part of the solution. But this is kind of the interesting part. Enrollment in West Ada has been dropping across the district at every level since about 2015 and if you look at student counts by grade we think that's likely to continue given that there are a thousand fewer first graders in the system than high schoolers. So, while there may be some capacity issues now, we also understand that the district, which doesn't want to go and build a school and, then, not have it fully utilized, might not be running out to build new buildings right now when they might not have the students to fill them in a few years. So, that's part of our -- my response to you, Council Member Cavener. With regard to that phasing plan, you know, I think maybe my response would be -- and I will clarify this on rebuttal, but -- and my clients can take my foot out of my mouth, but I don't see that phasing plan there really being any possibility of going faster than that, because that's really just based on the final planning process. So, coming along in that amount of time, you know, I just think that's a practical reality, so --

Cavener: Mr. Mayor, I just need to respond just so that Mr. Clark and his clients are prepared. I think that's a critical piece for what it's worth, Hethe. Mountain View is I think almost 20 percent over capacity right now. So, I agree with you that the district is trending down and we will continue to see that long term, but even a school that's 20 percent over capacity you are going to be a number of years before that school is even just at capacity. So, I would -- especially if you feel like, hey, we are not going to be moving that quickly on this project, some level of assurance I think to the smart community that, hey, we are going to put more students in the school than it can handle is something, again, I will just be up front -- it's going to be really important to me.

Clark: Thank you. I will -- I will chat that over and we will respond on that on rebuttal.

Cavener: Thanks.

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

Clark: So I have it later. Thanks.

Johnson: Mr. Mayor, first is Sean Lanahan.

Simison: Good evening. You need to state your name and address for the record, please.

Lanahan: Sorry. What?

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

Lanahan: My name is Sean Lanahan. I'm the owner of the home at 6190 South Tarrega Lane and I'm here to talk about Tarrega Lane and that's -- that's a name you probably haven't heard in this -- a lot of this discussion and that's why I'm here to bring up what Tarrega Lane is and how this project is likely to impact it. So, if you can bring up -- I don't know. Can you do a fair job of pointing out where Tarrega Lane is and the properties that are there. I don't have a slide. Sorry. Perfect. So, you can see coming off of Lake Hazel we currently have a road that goes over to the properties in the yellow area just north of the orange area. Can you see all that? So, that rectangle of property there currently has seven residents, six other than myself, and those residents -- I know one of them, the Whites, they have been there -- living there for over 30 years in a low density -- or R-1 or less density in that area. All those residents are one or less dense and we have enjoyed a very peaceful quiet existence in the country and it is now going to be disrupted and -- in a few ways. One way is with this project. I just recently purchased my property a little over a year ago and when we were looking at the property we were -- me and my real estate agent were looking at the densities that were planned for around the Tarrega Lane properties and it was looking at -- we were looking at R-2, R-4 and like, okay, you know, that's reasonable. Progress happens and we need to accommodate that and I think feathering was a term that we brought up and that makes sense. You know, you need to have some reasonable transition between high density and lower densities. Well, this proposal that's been brought forward doesn't -- as it's drawn doesn't really accommodate that. The new proposal, the properties there that are adjoining our properties, are at R-8 or better R-15. So, you can imagine here we are, we have our properties that are, you know, one acre or better. We got nice views and easy quiet life -- lifestyle there and now we are going to have a lot of neighbors very quickly with back to that. Plus our road is going away, which is easy access to Lake Hazel. Now, we are looking at based upon the proposal having to drive through about 32 different -- 32 residences before we can get to our lane to access our homes, so I will leave it at that. Thank you.

Simison: Thank you. Council, any questions? You are good. Thank you.

Johnson: Mr. Mayor, next is Brian White.

White: My name is Brian White I live at 6180 South Tarrega Lane. Sean's neighbor. Just addressing the points on this -- on 4-B, I would recommend that we not approve a rezoning change from R-4 to R-15. I do have a question. Did it originally include apartments or multi-family dwellings? I appreciate Conger's proposal for single family dwellings. When I thought the mixed use regional could include some commercial I felt okay with that, but if it includes multi-family dwellings I would be opposed to that. As -- if you would pull up their proposal right now there is 285 homes in there that have two accesses. These are single -- single dwelling homes, most likely to have two cars, so up to upwards of 600 cars that are going to have an access off of Lake Hazel and an access off of Sublimity, which is that arterial road that Brighton has built. We will have to go Tarrega Lane, as Sean explained at Lake Hazel, since Conger owns both sides of that, they are going to eliminate that and allow us access through their development, so we either have to come off of Lake Hazel and drive through the 32 homes that Sean referenced or will come off of Sublimity and go through a bunch of homes to get to our lane. That's a concern. For the last 15 months we didn't have access to Lake Hazel, because they were expanding Lake Hazel, so they built a temporary access road -- Brighton did -- that came through Brighton off of Locust Grove. Well, they did their first phase and we had to drive through their first phase in addition to causing a lot of flat tires with all the construction nails, when they -- when residents started moving in there and they parked on both sides of that road, getting through for not going down Phenomenal to get to the temporary access road that came to our place, if cars were parked on both sides of the road two cars barely fit through there. So, I'm concerned that when this development happens that the density is such and the roads are narrow enough that we are going to have to drive through these subdivisions that -- that are going to be really narrow and hard to access. We just experienced that with -- with what Brian's done. My final point is along my property and Sean's property -- I own on two sides of Sean. I have -- we have nine acre parcels, a five acre on the north and a four acre that our home is on and, then, John is in the middle. Along that -- what's essentially a ten square acre that border where we just had built, if I counted right there is 17 home sites. It's hard to count, because there is so many of them on that -- there is 17 home sites that will back up to our fence and I appreciate Conger informing us -- Laren told us that they would all be single level homes, which is appreciated. But 17 is a lot of homes to -- we have, essentially, three home sites across three acres there across that ten acre square. So, along that border there is three home sites. There is not a home on one of them. But those three home sites will back up to 17 home sites. That seems not very much like a good smooth transition. It seems pretty intense. I think that's the main points I wanted. I would stand for any questions.

Simison: Thank you. Council, questions? Council Woman Strader.

Strader: I was just curious what does a reasonable transition look like in your opinion?

White: R-2 to -- Councilman Strader, Mayor Simison, I propose two to four homes per acre.

Strader: Okay. That's interesting. Thank you.

White: I would add I know that the Comprehensive Plan, as they have stated in their thing, calls for R-15, which is also my nine acres they want R-15. Or what -- R-6 to eight. We are making plans to develop our acres into four one acre lots, which is another issue.

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

White: Thank you for your time.

Johnson: Mr. Mayor, Carson White.

C.White: How you doing? Carson White. 6162 South Tarrega Lane. You know, I -- there -- we took a glance of their initial plan years ago and it had apartments and so when I saw this one I was very happy to see that it was single family residential homes and, you know, as we -- I listened today I -- originally I was thinking, you know, that mixed use would be good, but I do realize that probably would come with townhomes or apartments or something in that order. So, I'm -- I'm not opposed to the single family residential homes being on there and it makes a ton of sense the way they explained it regarding, you know, how that the -- the canal kind of cuts them off and the access points on there, but a couple pointers and things that I want to point out. If you can bring up the development that has all the houses listed with the Rawson Lateral Canal there. I do think that that access road that comes on to Lake Hazel where the light -- they said the light's going to be -- you know, if they move that over a little bit maybe that -- that site -- that other property, the Willemens there, they would be able to access that, too, and that commercial property could, you know, dump on to Lake Hazel at the same location, rather than having to have another location go on to Lake Hazel. That was a thought. And I also have concerns regarding getting -- accessing Tarrega Lane from -- through that neighborhood. It's going to be quite different than going a straight shot to there what we have right now. I'm also nervous about, you know, how much traffic that's going to put on to Lake Hazel, which is a private road. You know, people trying to go through as we eventually develop and that -- those roads will connect farther up. So, I would like something there that would deter people from driving on it and we -- I mean, frankly, that road can barely stand the traffic it has on it now with the asphalt shape it's in, let alone additional traffic on it. So, I would request that there is something there that deters people from going on to Tarrega Lane and also decrease the density along that backside, because -- I mean every one of those houses are, you know -- yes, eventually maybe they will be developed into the city, but the majority of them have been remodeled or a brand new place where the Berks are in the back. They built like a million dollar home out back there that's -- I doubt someone's going to tear down. So, you know, there is a good chance that's going to stay pretty, you know, low density for a long time and I would just like you guys to consider that in your decision, as well as just not decreasing the density on the north side of that property where it's supposed to be R-1, the low density, I would like them to keep that and, you know, keep it residential, but let's -- let's decrease the homes a little bit. I mean the traffic's already -- like we

have talked about, you know, Brighton's put in row -- row houses on the other side. That's just -- this is going to exacerbate the problems and they talked about access being an issue. Well, why is there so many houses piled in there if the access is going to be an issue and there is going to be all those people trying to get through the same access points, including all of us Tarrega residents that have to use the same road and one last point I would like to say is that Sublimity right now, the road to the east side of the property, that has a median on it. So, people can't even turn left on that Sublimity Road from that access point, they actually have to go down to Lake Hazel from there. So, that's another thing to keep in mind that is going to increase that traffic as well, so --

Simison: Thank you. Council, any questions? Okay. Is there anybody else that would like to provide testimony on this item in the audience or online? Seeing no one coming forward, would the applicant like to come forward and close.

Clark: Okay. Hethe Clark. 251 East Front Street in Boise. Representing the applicant. Okay. So, I will try to hit those issues and if I can have like a site plan up that would be helpful and maybe I will just start by -- I think it is important to note that we did start this saga by proposing apartments on that -- on that property. Listened to the -- to the input of the neighbors. Neighbors didn't want apartments. They were going to fight it and we -- so, we proposed something different. We also did agree to put single -- a single story only against the White's property, which was also I think an important concession. So, all of that becomes a little bit disappointing, but I will try to respond to some of these questions and points. So, with regard to the relocation of the access points, that's not something that we control. Those items were essentially set in stone when Brighton went ahead of us. The -- the prop -- the collector -- north-south collector on the east side is already in. That's going to be there to match up and, then, our main entrance matches up with the future entrance on the south. So, that -- we would have loved to have a little bit more flexibility in terms of where that was going to be, but that was not in the cards. As you know we have to align with -- with the -- the other streets. With regard to Tarrega Lane, the -- Tarrega Lane is a private drive. It's all on one -- the property that's being acquired. Under Idaho Code 55-313 we have the ability to relocate and access that's less than a public street. We are going to provide a public street access. It will be maintained at public expense. Our phasing plan is such that the -- the connection on the east side will be in and the ability to connect to the northern portion of Tarrega Lane, essentially right -- if you can see my cursor right here -- that connection will be made before we move to phase two, which is where the rest of Tarrega Lane would be cut off. So, no one is going to lose access and we, obviously, can't cut folks off. I would note, though, that there are one -- right here, if you can see my cursor -- one, two and, then, we have the collector over here -- and you did hear the Whites say that they are proposing development of their property. That is comp plan for medium high density residential, but we are setting this up such that it would facilitate the development of their property. They are not going to be cut off. But the -- the -- the density in terms of the city's planning calls for significantly more than what I think is being spoken to here and, then, I think the last thing that I would mention is -- to get back to Council Member Cavener on the phasing plan, spoke with my client and we are willing to do a phasing plan that reflects the -- the depiction that I provided to you with

the slides. I think what we would propose is, essentially, to allow for a little bit of market variance, 40 homes per year is what we had shown there. So, if you would allow us to go plus or minus ten, but have the same end date. So, in one year it might be -- it might go a little bit higher, another year it might go a little bit lower, but we are still talking about that same phasing plan. That's something that we would be happy to -- happy to include as a condition of approval. And, then, I think just to wrap up, I would just reiterate that the Comprehensive Plan doesn't require you to ram a square peg into a round hole, but that's what the staff report's asking you to do. There is flexibility in the Comprehensive Plan specifically when there is access limitations. You know, we think we have got a highly amenitized project that provides the rooftops that are needed for the commercial to come in in that area. You have got Apex Zenith that's been applied for. We think this is actually playing out how the city planned and that our project plays a role in providing for that kind of well-rounded mix of uses in this mixed use regional area and so with that I'm -- I'm happy to answer if -- if there is any other follow-up questions.

Simison: Thank you, Hethe. I mean I go to Bill first, because I don't know if -- I thought I have heard in the past concerns from our community development department about limiting number of permits that can be -- how best would you anticipate being able to track the request that's being asked? Is it a phasing plan per year as compared to -- that's -- I'm just trying to remember what I thought I have heard in the past that we don't like to track numbers.

Parsons: Mayor, Members of the Council, yes, it gets difficult when you say no more than a hundred homes. We don't want to track building permits. But phasing is a little easier, because, then, we can -- it's pretty clear if -- if there are conditions of approval and there is a phasing plan and we say thou shall comply with your phasing plan, they need to comply with that and, then, we don't let them go pass go unless they come back and amend their agreement. So, it's -- it's better than saying no more than X amount of homes. Phasing is more manageable from my -- from my perspective. But the other piece of the -- and I -- Hethe and I always have these philosophical debates and I really appreciate it, because it -- it makes you think sometimes, but I don't want the Council to think that the comp plan is too rigid now and that staff doesn't support a Comprehensive Plan on this site. If it doesn't work -- just because we have a color on the map doesn't mean we got it right, but it doesn't mean we need to change the map either. Sometimes things just need to wait. But to that point when we were in front of Planning and Zoning Commission, again, as I mentioned earlier, my remarks to the Council is the comp plan is fluid. It does give you flexibility. Right now we have mixed use regional that's running this way. It could shift this way. You could float it many different ways. You can float the residential over to the mixed use regional and make it smaller. There is ways to work with that constraint. The only constraint with this site right now is the canal and the access point that was dictated by ACHD. Everything else is vacant ground that we can work around, but that was the concern that we were having in discussions with the applicant. They are great to work with, but sometimes their vision doesn't align with the vision of the comp plan and so that's where it gets a little more difficult on how to interpret those policies and that's why we are always in front of you having these

debates and giving you our perspective on how we look at things versus how the developer looks at things and I think you can see it's a fairly decent conversation. It's a good conversation to have, because it -- we all learn from it. But at the same time when Linda and I are looking at a plan like this it look -- it appears to us that all we are doing is ramming the commercial in the corner and forget about everything else and I can tell you my experience of working with the city that hasn't worked out in the long run for us, because we always kick the can down the road and, then, all of a sudden we are left with something that may not be developable or we have to make exceptions to the code or grant additional waivers in order to make something work and so that's why when we have met with the applicant and we were trying to get them to integrate it, our intention was to maybe frame some office around the entry into the development and shift that road deeper into the site and blend it or feather it a little bit more and help get the integration. No one was bidding -- no one was asking them to completely modify the plan. Just think at it -- think -- think -- look at it from a different vantage point and see if there could be more employment or office integrated into this, because we agree there are constraints here, there is no doubt about it. Just how do we -- how do we minimize -- use the constraints to the advantage of the property, not just round hole -- square peg in a round hole. That's what we don't want to -- we don't like to do that either. So, just -- just food for thought for you.

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: Question on -- if you were to agree to a phasing plan with some accommodation, my question probably would be -- and maybe this is for staff or, Mayor, maybe even for you. Is the burden of knowing how many -- does that fall on the applicant to, then, self-report to the city or is the city going to have to be tracking that? I would just like to know, because I -- I'm not inclined to be supportive of the idea of being prescriptive on that, so I -- I think it's -- you know, I'm open to acknowledging the concerns other Council Members have about -- about that, especially Mountain View is, you know, the most challenging school we have in the West Ada. So, where does that burden fall? That might be staff and city --

Parsons: Mayor, Council, it's going to fall on us. So, essentially, what's -- what would happen is historically or typically what we do is -- and I hope Linda stays with us for a long time -- but, usually, that -- when it starts with that planner that planner runs the project to the end and they are -- they are the most familiar with -- with the conditions of approval. But when that happens, then, you look at me and I try to remember everything and I do a fairly decent job with that, but, essentially, we do have layers that we build on top -- in our GIS and we are able to track those development agreements and ordinances. So, certainly if there is a provision in the -- in a DA we can certainly either tag the property and make note of that to be -- or, again, if the planner is here and they understand they have already approved two phases and they can't get a third phase until X, Y and Z, then, we are not going to accept the application and, then, you are going to get phone calls. So, I just want you to be aware of that -- or -- or we are

coming in front of you amending the DA. I mean that's -- that's how it usually works. But, yeah, it's usually -- it usually falls on the city to track those things and staff.

Clark: No. And I -- and I don't like the suggestion that we would be calling to ask somebody to overrule staff on in a condition that we agreed to and so I just want to say that for the record. We would not put you in that position. And my comments would be similar to Bill's, that, you know, if that's a development agreement requirement that's actually fairly easy to track, because you are going to have to check that when you do the compliance review, so --

Simison: Easier said than done as -- by experience.

Clark: Understood.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. I just -- this may be as good a time as any to provide some feedback here. You know, I don't believe this meets the mixed use regional standards. I don't believe this meets our future land use map designation. I don't think it follows a Comprehensive Plan. I will agree to disagree with you on that. I think you have made a compelling case why a comprehensive -- a comprehensive land use -- sorry -- a comp plan amendment might be in order based on the realities of the way that the site is laid out. What I like about the potential of you taking that approach, should you choose to, is, then, that's -- that's a very open process to the whole community. The community has provided input on the Comprehensive Plan, we allow those changes twice per year and I think what would be coming forward would be a change in designation for your properties, but also a change in designation potentially to commercial for this hard corner, because that's the reality of what we would expect to see there at that point. That type of an approach would allow that property owner to provide feedback on that, right, because they may have owned it forever and they think it's supposed to be mixed use and they may have a huge issue with that change. So, I like the idea of doing a comp plan amendment, much more than this kind of an approach. I appreciate you -- I think this is probably one way for you to bring this conversation forward, so you could have a real conversation with us kind of about the different approaches you could take. I would strongly urge you to take that approach, as opposed to trying to put this through as is. It just doesn't meet the Comprehensive Plan and I think that holding strong to the Comprehensive Plan is really important for a number of reasons. Consistency. I think the whole community provided input on it. Provides good expectations for people in terms of standards, outcomes, what we look at, what's important to us and, again, if you go through a comp plan amendment that's a transparent process for the whole community where they have that opportunity to weigh in. I would not be supportive of this. You know, obviously, staff wasn't supportive, Planning and Zoning wasn't, but I wouldn't be supportive of this tonight. I do think a comp plan amendment is a good approach. Other feedback for you would be, you know, clearly you need to take a look

at your transition to the existing properties to the north. I'm not as concerned -- I agree with you if the land just to the south of the Shafer View Subdivision is vacant, you know, there may be an opportunity for further transition there. Okay. But depending on what we hear from those folks. I do think transition to the north is important, but I think transition to these county properties that just came up to testify is important, too. Appreciate the single family. I just think compared to what we have seen in the past that's been successful with these transitions, like working a little closer with the gentleman on what his plans are for development, I think you could probably get to the right answer where you are kind of meeting in the middle there. It does feel very dense in terms of transition there to me. So, anyway, that's just some feedback for you. I just - I couldn't support this tonight, but I do think a comp plan amendment would be the right approach and I think it would be justifiable and, obviously, we have to consider that on -- on the merits of what you bring forward, but I think it would be justifiable to consider just based on, you know, the canal, how wide it is, the viability of a bridge. Sounds like a pretty tough order for somebody. So, those are the kinds of things I think we would want to hear about again, but that makes more sense to me going through that process. I don't think jamming this through in this approach is the right approach. I think a comp plan amendment is a much better --

Clark: Mr. Mayor, if I could. You know, just a couple of thoughts on that and, you know, one thing that's a little bit of a challenge that -- and I have said this to both Bills -- is that, you know, unfortunately, I think in Meridian we make the Comprehensive Plan do a lot more work than it should be forced to do. In a lot of jurisdictions you would just see, you know, hey, in this type of land use you have these zones and, then, you go check the zones and a lot of these issues that we are talking about get handled on the zoning code level. I think what we are -- what we are talking about here in terms of going parcel by parcel and saying this parcel, you know, maybe it doesn't work just on this one and so we should do a Comprehensive Plan map amendment just on this one and, then, go to the next parcel and make a Comprehensive Plan map amendment on just that one as well -- is -- going down to this kind of granular level that the Comprehensive Plan isn't really intended to operate upon. The Comprehensive Plan is supposed to be a larger policy document. That's why I have concern about this. We can't look at mixed use regional across arterials and collectors point, because that goes contrary to the concept of the Comprehensive Plan. You are supposed to be looking at the way that things interact overall in a larger sense and so if we are going to treat this as a policy document we should treat it as a policy document, not treat it as zoning code and say each and every individual parcel has to do X, Y, Z and the -- and the other and not -- and not pay attention to the fact that that's just not the nature of a comp plan and so, you know, I don't think a Comprehensive Plan amendment is necessary because of the policies that I have mentioned. The policies that say if you have an access limitation you can look at it a little bit differently. I think that is enough for this Council to look at and consider itself as having respected the Comprehensive Plan, so my two cents.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Respectfully I will not vote in favor of this tonight just to be super clear and we are just getting too late hours, so I may be getting a little more cranky than usual, but the Comprehensive Plan is the guiding document that we have been using on all of our future land use decisions and it is the most important document to me, because it is the document that the whole community has weighed in on. The process that we went through to adopt it was extremely rigorous. I didn't even love the plan. When I joined City Council I wrote a letter about parts of the Comprehensive Plan I strongly disagreed with, but I respect the plan because of the process that we had to go through to adopt it and so that's why I'm strongly encouraging you to take more of that approach. I don't think that this will be as productive as it could be. There are these cases where maybe we are being way too granular trying to look parcel by parcel. The truth might be that this isn't the right time for this annexation into the city. I mean that might be where we end up; right? Because sometimes it takes time and maybe, you know, another developer will come along that has control of the hard corner and they can do something that's a little bit more comprehensive, you know. I mean we have to have the discipline to take our time. I would like to see a lot of mixed use regional in this area, but I understand the site constraints. It makes me feel like I would be more flexible about a comp plan amendment here. That -- that's the extent of my feedback. So, I think I have been very clear. You know where I'm at. Thanks.

Overton: Mr. Mayor?

Clark: And, Council Member Strader, I was not trying to be offensive in making that comment. That was more of a policy discussion.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I'm not in the least bit offended.

Clark: And, then, I guess I would also point out that the area that we are talking about -- I just -- we want to keep emphasizing this is annexed. So, the mixed use regional area is annexed. We are only -- the only annexation is the medium high density regional area to the east.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yes. That may be true. However, you don't have a mixed use regional plan in front of us. This is not a mixed use for you. I mean just like -- it's just not. This is a single use. It's very -- it's clear as day. I mean I just have to support staff right now in the sense that their staff report is crystal clear and I think it was well reasoned and I don't disagree with it at all. You are expecting a level of flexibility out of the Comprehensive Plan that I don't think it actually provides. It's got to be taken

holistically. This is what we wanted to see as a city. We wanted to see mixed use regional. That is not what you are coming forward with. I think a comp plan amendment is the way to go. That's what I would do if I were in your shoes. Thank you.

Simison: Councilman Overton.

Overton: So, I'm going to take a little different tact. When I first looked at mixed use, the fact that this could have high density attached to it and we are concerned about 6.5 homes an acre being backed up to these county lots when we could truly have much higher densities backed up to those county lots. Anytime I see a project that comes in with lower densities these days I'm pretty happy, because I don't think it's enough. We don't see a lot of those. We see a lot more of the higher densities, the multi-families. So, when I see this I like it. When I hear that we talk about our Comprehensive Plan as a set of guidelines, I can't help but sit here and believe that we are just creating another step in the process by forcing an applicant to come back with a Comprehensive Plan map amendment. If this is something that Council likes -- if we don't like it we don't like it. I like it. I like it for the area. I think it's -- it's -- it's got its challenges, but it's got its challenges because of terrain. It's got its challenges because of a big canal. I like the way it's done. I like the roadway system it's going to have out to the east. The connection it's going to have to Lake Hazel. And I think I would like to at least look at the idea of not having to make an applicant go through the process of getting a comp plan amendment if it's something that a majority of Council likes this evening. I think it's going to be the best thing for the neighbors that are in the county parcel. I think they would all agree and I think I saw the head shake that you would rather have these type of single family houses backing up to your property instead of something that fits the mixed use regional that brought in multi-family housing backing up to it. That's my thought.

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: Yeah. I just want to share some -- my personal experience being a member of the Comprehensive Plan committee that considered all this. I think there is -- you know, I sat through hours and hours, along with you and -- and a few others -- really interesting conversations about what we wanted the city to look like going forward and a few big takeaways for me through that whole process was it was -- it was really challenging to not go down the rabbit hole of what certain intersections we wanted them to look like or certain areas how we wanted them to develop. There is just -- there were too many sort of parcel-by-parcel segments to kind of consider. Do we want, you know, commercial here? Do we want high density residential? Where do we want our -- our medium residential? And so it was a really interesting exercise and it was really challenging from my perspective to look at how do you actually plan out the next couple of decades of how we want to develop? So, in considering that I distinctly remember lots of conversations about, you know, we -- we might not be right in what we actually

think we want here, because we were -- we were having conversations about the previous Comprehensive Plan and there were these little -- forget the word, but these little like mid mile neighborhood nodules that we thought were a really good idea and, guess what, they were not. They did not work out. There is some awkward developments I think on Locust Grove, if I'm remembering right there between Ustick and McMillan, there is a kind of a funny little -- but we thought that would be a really really good idea and so we didn't want to be beholden to what we thought were great ideas today and so we -- I remember distinctly discussing the need to have some flexibility in how we would do this, because these weren't -- we weren't imposing certain zoning requirements specifically, we knew we needed to develop -- or have some flexibility in the Comprehensive Plan now and I do agree it is a policy document to guide our decision making, but to Council Woman Strader's point, it's very very well taken. This is the plan we give all of you, so you know what to expect from us. But I think it's okay to challenge some of our assumptions in policy document that as policy makers we -- it's completely within our purview to consider the facts and make any modifications and changes. So, when I -- when I was reviewing the staff report and the application, I -- I had the same thoughts that Council Woman Strader did, like why is it just single use? I don't -- I need to understand why. I need to understand why that is. I think the topography of the area, it's -- I think that's a fairly persuasive argument to me. I'm -- I just think the access is really awkward to do much more with it. Like it's not great access points to that, especially being along the highway. If I owned that hard corner for commercial I would be pretty happy about that. I think that's really -- that's some prime real estate for some really good commercial development. So, I have a high level of confidence that that will probably develop nicely and if it's -- it is the case that the property owner held on to that, I can see if there is a financial reason why you would do that. So, I'm -- again, I kind of came in here tonight with questions. My initial instinct was why not just ask for a Comprehensive Plan amendment, too. That -- that was my kind of instinct. But I do distinctly remember the conversations being on that committee contemplating that we can't get it all figured out right now and we need to have some flexibility kind of built into this. So, even though I like following it, because that provides some certainty, I don't like to deviate it a lot, but it was never intended in my opinion that the composite plan would be a strict one-for-one transfer of future land use map, therefore, this is what the zoning requirements will be. That was never really my -- my takeaway from -- from that experience. So, again, I came in kind of questioning where we were. I feel pretty comfortable with the idea of it and I think the transitions work for me, to be honest. I think they -- I think they could be worse. I think you could put, you know, 300 multi-family units on this lot and get away with it, because our plan would allow for that. So, I think I'm -- I came in tonight thinking I'm not sure what I will do, but I think -- I think the arguments, you know, make some sense and, again, my own personal lived experience on -- on that process kind of informs where I'm coming down on that, so --

Simison: Well, if I could piggyback on that, you know, again, I was more of an observer than a participant in a lot of ways of the comp plan process, but to really in my -- in my mind to go away from -- to look at parcel-by-parcel requirements, we have got to change the southwest corner of this. You can't do mixed use on the other corner. You

can't. I mean the -- each of those individual properties will never develop in a mixed use fashion, unless they are owned by one person. Even then I don't think you -- you can pull that off. So, we already have it wrong if we are going to apply a parcel-by-parcel requirement into the plan. We also know what's coming to the south and I -- that's kind of what I -- when I look at this concept is like is this -- it's a -- it's going to be a regional area. We have two very large parcels which are owned by single landowners on the northwest and the southeast that definitely can provide -- even if you look at it like Lake Hazel never allows you to really go across easily. But those are going to be -- can be your regional anchors to this mixed use regional area where these other two corners maybe can't -- or maybe shouldn't. I -- you know, I can't really get the concept of how far these areas are. Like are we really going to have a right-in, right-out on Meridian Road for a commercial right there? I mean I look up and down Meridian Road right now and I see all the problems that have existed with -- with right-in, right-outs on commercial on Meridian Road just between Victory and Meridian -- and -- I mean, there is like three that are problematic on that stretch of road where we have tried to tuck commercial into the edge of something. So, in a lot of ways, you know, I'm not sure the commercial is the right component for that area. I don't know what -- what might be, but stuff that needs to feel like good in and out access. I guess you could put one Dutch Bros in there and just have a wrap around and everyone would be happy, because there wouldn't be any -- any problems in that context. But I think that's kind of -- you know, when I -- when I'm hearing these -- these come -- at least from my perspective, I don't look at these issues as, you know, one parcel you got to -- to me you got to look at the full picture and I see the full picture. I have seen the challenges of other developments up in northwest Meridian where you are trying to integrate single family, multi-family, large box commercial, drive-thrus and you are trying to make everything happy to fit a plan when in some ways I think we create our own problems by trying to do things. I mean, I'm sorry, Meridian Road is not going to be a walkable destination location. Lake Hazel is not going to be a walkable designation. Each of these have to, you know -- or the plan be looked at individually for their true value and what's truly going to happen. If you look at this entire square mile about how it's developed and you are not connecting to Shafer View Heights. You are limited. You are not creating connectivity through this area in the same way in my opinion. So, that's a lot of words and from my standpoint to say ultimately I -- I would like to see some transition a little bit more so work, but I think the conversation of the neighbors had -- if they are planning on developing their property I think they, too, need to understand what the comp plan is saying is maybe what they are trying to do is not going to be well received by this Council if we have to go to those standards compared to other standards or what they think they want to do for transition and the transition from between -- we had this conversation about the project that was denied a couple of weeks ago. Transition that exists between, you know, what the city puts in their comp plan versus existing neighbors is often in misalignment, you know, and what -- you know. So, are we building this city around people who maybe don't want it to be around them or are we building it to what our comp plan says we expect people to build it to. Those are two very different things that I think Council at some point in time may want to walk down that road of having that conversation is, you know, what wins in terms -- in the land development area, if there is a winner and a loser, you know. But do you have the

developer plan to what we want or do you have the developer plan to the transition to a rural designation, which we don't -- is not the long-term plan vision for the city. So, I will leave it at that for now and I don't even get a vote unless we get to that point in time. So, thank you for allowing me to get on the soapbox for a minute.

Whitlock: Mr. Mayor?

Simison: Councilman Whitlock.

Whitlock: Mr. Clark, a couple of questions. Thank you first for clarifying that under mixed use, if -- if you were to put commercial there -- there is -- there is no -- there is no way to get there. I mean, essentially, people would see whatever commercial buildings are there and they would have to come through a residential area and wind their way back to get to the commercial site. So, I appreciated you driving that point home that it's -- it's probably a square peg in a round hole to try to force commercial into this access limited piece of property. Question, though, on -- on Meridian Road if you were to get approval of this, are we -- are we looking at berms and other things that would help with, first, the neighborhood and, then, I'm kind of where you have heard other comments on the transition both to the north and to the east. Is there a way that we can do some better transitioning to get to, you know, if there are one acre lots to the east and we don't know what's going to be to the north, but can you take that into consideration?

Clark: Mr. Mayor, Council Member Whitlock, so with regard to your first question on the noise abatement, staff's actually already provided for that and there is UDC language that requires for berms and I think that if I'm remembering right that provision specific to state highways about that, Bill? Yeah. And, then, with regard to transitioning -- yeah. With regard to transitioning I think I would -- you know, the Mayor gave kind of the philosophical case of, you know, there is two different ways to look at that. It's -- you know, the -- the county lot that you transition to or do you transition to what the city has planned for that area and all of that area is medium high density residential and so, you know, I think that the more appropriate thing to do would be to stick to the densities and we are already on the low end of that at six and a half, when the baseline is six. So, you know, we are, obviously, you know, willing to take the Council's direction, but I think our preference would be to keep the transitions as they are on the map.

Taylor: Mr. Mayor?

Simison: Councilman Taylor,

Taylor: We may be done with questions and public testimony at this point, so unless there is any more questions I think I would make a motion to close the public hearing.

Overton: Second.

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

MOTION CARRIED: ALL AYES

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: I think I kind of articulated my -- my thinking on the project. Just to reiterate a couple important points. Number one, I do think -- while I appreciate the staff doing exactly what we have asked them to do in terms of their opinion and applying what is written, I do think that we -- as a policy document there is flexibility in there for the policy making body to make some interpretations on it. I think the case was made successfully that the physical characteristics of the property make it awkward to develop it in a way where you are putting some commercial on the other side of that canal. So, I think -- I'm persuaded by kind of the single use of it, because I do look at the mixed use regional as -- again, it's -- I'm looking at it more holistically and that's why I was asking the questions at the beginning. Are we really contemplating individual lots split up by Meridian and Lake Hazel? Are we going to -- each four corners are they going to be considered individually? And I don't think that's our -- really is our intent. So, I will make a motion unless -- yet unless there is others who want to, you know, continue to deliberate and share their opinions. But at the appropriate time I will make a motion for approval.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Just getting a good reminder for our Council, we have got a recommendation of denial. So, I think an approval tonight -- I could support either, even though I think I'm supportive of the project. So, I just would encourage as we continue to deliberate if the Council is in favor of approval it is to maybe to continue this for a couple of weeks to allow staff to draft conditions of approval for us to review and vote on at a later point in time.

Little Roberts: Mr. Mayor?

Simison: Council Woman Little Roberts.

Little Roberts: I came in tonight kind of not quite sure about this project, because it wasn't mixed use, but learning more and more about the property and the constraints and things it provides, that's been a generous word there, but I would definitely support the property. I think there is no way to have commercial that makes sense with putting it

where it should be near Meridian Road with no access. I think it fits and so I would either support or agree with our president that -- to provide a continuance.

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: I won't be supporting a continuance and I won't be supporting the idea of any conditions of approval. I don't think it's necessary. So, I'm open if anyone wants to make a motion for that. I won't be supporting that, because I think the -- I think it's -- it is what it is. The argument has been made successfully that the project stands on its own merits. I'm not sure what a continuance -- or conditions of approval to add on to that would -- would add to that. It feels to me like those conversations have already taken place, so --

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Not to -- not to challenge my good colleague, but I don't think that we have got conditions of approval that we could -- we could support. So, I guess I -- I'm happy if Council Member Taylor wants to make a motion I'm happy to hear it, but I just -- I'm not quite sure what -- what conditions we would have to be able to support an approval. We have got a staff recommendation of denial and a Planning and Zoning Commission recommendation of denial.

Taylor: Mr. Mayor?

Simison: To ask Bill.

Taylor: Yeah. That's part of the question. What would the conditions of approval be -- either Councilman Cavener or -- what we are asking for?

Parsons: Yeah. Mayor, Members of the Council, we don't -- we don't have conditions of approval tonight and so we have to work with the applicant and bring back a development agreement, because we are modifying a DA to create a new DA subject to that phasing requirements of the plat, to run sewer, water, easements, access for that lane, provide a transition if that's what you want to see. So, those are things we have to capture as part of an approval for you guys to take under consideration. So, that's -- staff would highly recommend continuing this and -- for a couple weeks to get those in place.

Taylor: Mr. Mayor, if I may. Thank you for clarifying. This is why we are having a training on -- on this stuff in a few weeks on process for -- for the rookies. It is 10:30 I will just note for the record. Get a little salty at night. So -- so, just so I am clear on the process, we would -- we would have a continuance to a date here very soon to allow the

applicant to work with city staff to come up with the conditions of approval, because what's proposed for us tonight is a denial. So, if I'm understanding correctly the process.

Parsons: That is correct.

Simison: One little step. We just got to reopen the public hearing as well so when we get to that point.

Taylor: Should have stopped me a little while ago, so -- thank you, Councilman Cavener, you are very wise. You should have stopped me before. But -- okay. Well, I would make a motion, then, to reopen the public hearing.

Cavener: Second.

Simison: Motion and second to reopen the public hearing. All in favor signify by saying aye. Opposed nay? The ayes have it and the public hearing is reopened.

MOTION CARRIED: ALL AYES.

Taylor: Mr. Mayor?

Simison: Councilman Cavener -- or Councilman Taylor.

Taylor: Okay. See if I can get this right. So, make a motion to continue the public hearing on file -- want to get this right -- on File No. H-2024-0022 to allow staff and the applicant to work on conditions of approval and propose that this hearing be continued to December 10th.

Overton: Second.

Simison: Have a motion and a second. Is there discussion?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Oh, thank you, Mr. Mayor. I just want to make sure that Council Member Taylor in his motion had intended to include either maybe at staff's discretion a development agreement or a condition of approval that would tie a phasing plan to this request that would allow no more than I think 50 units a year and to kind of track the -- I apologize it's 12:30 here in DC, so I'm trying to read my notes. But to follow the phasing plan that the applicant had proposed.

Taylor: I will modify that to the degree, because while I wasn't -- I don't love the idea, I think it's a reasonable accommodation to accommodate some people's questions on

this and it seems like the applicant's okay as long as we built in a little bit of flexibility. So, if I may restate that, then, for clarity to kind of modify that. I make a motion to approve File No. 2024-0022 so staff and the applicant can work on conditions of approval that would include a phased approach that would -- 40 homes per year with some flexibility of ten homes plus or minus in that and that the continuance be to December 10th.

Overton: Second agrees.

Simison: Okay. We have a motion and a second. Do we have further discussion?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. Just a couple thoughts. I would always urge people to take their time just generally and to review -- to do a true continuance and review the staff's recommendations, but I just want to explain that I will be a no vote this evening and part of where I'm coming from is feedback I have heard from people when I ran for office the first time and now the second time, some of the biggest pain points I have heard from neighbors from previous councils were not following the Comprehensive Plan and making changes to it on a very frequent basis. I find that consistency in terms of expectations of surrounding property owners and neighbors is important and so I'm a stickler for processes and that's why I will be voting no this evening. Thanks.

Simison: Is there further discussion?

Nary: Mr. Mayor?

Simison: Councilman -- whoever you are. Counselor Nary.

Nary: Mr. Mayor, Members of Council, I just wanted to ask more with Bill and Linda, with this being the 10th, which means we would have to have it back to the clerk by the 4th and we are gone for two and a half days next week, is that going to be adequate time to both get the -- what Council has said tonight, whatever the applicant's going to need, and a proposed draft DA --

Parsons: That's not an -- yeah, it's certainly more time is better for us. So, it's -- it's really -- because, again, we don't have any conditions of approval, so we will have to dig into that a little bit deeper. I know we -- the holidays are coming up we have other people out of the office, too. To your point, Bill, they may be out and we may have to coordinate, too, and make sure we are capturing everything they need as well. So, if it's possible I think 17th may be okay for us to be honest with you. I just didn't want to delay it again and have an expectation with the applicant. That was all.

Simison: I have got faith and confidence in our staff and ability to do this. So, if the 10th works -- we don't have anything on the agenda next -- I mean we don't have a meeting next week, so it's like there is a lot of free time -- not a lot of free time, but there is free time to focus on this issue in my opinion. Okay. I have a motion. I will --

Whitlock: Mr. Mayor?

Simison: Oh, Council --

Whitlock: Just to clarify.

Simison: Councilman Whitlock.

Whitlock: I thought I heard in the motion it was to approve initially.

Simison: It's to continue.

Taylor: A motion to continue the public hearing on this so that staff can work on conditions of approval.

Whitlock: Just wanted the record to reflect that.

Taylor: No. Thank you.

Simison: Second agrees?

Overton: Yes.

Simison: Okay. All right. With that all in favor signify by saying aye. Opposed nay?

Strader: Nay.

Simison: The ayes have it and the item is continued until December 10th.

MOTION CARRIED: FIVE AYES. ONE NAY.

FUTURE MEETING TOPICS

Simison: Okay. All right. With that, Council, any other future meeting topics or a motion to adjourn?

Strader: Mr. Mayor, move that we adjourn the meeting.

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

MOTION CARRIED: ALL AYES.

MEETING ADJOURNED AT 10:36 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS)

MAYOR ROBERT SIMISON

_____/_____/_____
DATE APPROVED

ATTEST:

CHRIS JOHNSON - CITY CLERK