

A Meeting of the Meridian City Council was called to order at 6:00 p.m. Tuesday, March 12, 2024, by Mayor Robert Simison.

Members Present: Robert Simison, Joe Borton, Luke Cavener, Liz Strader, Anne Little Roberts and Doug Taylor.

Members Absent: John Overton.

ROLL-CALL ATTENDANCE

<input checked="" type="checkbox"/> Liz Strader	<input checked="" type="checkbox"/> Joe Borton
<input checked="" type="checkbox"/> Anne Little Roberts	<input type="checkbox"/> John Overton
<input checked="" type="checkbox"/> Doug Taylor	<input checked="" type="checkbox"/> Luke Cavener (6:17 p.m.)
<input checked="" type="checkbox"/> Mayor Robert E. Simison	

Simison: Council, we will call the meeting to order. For the record is March 12th, 2024, at 6:00 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 all, please, rise and join us in the pledge.

(Pledge of Allegiance recited.)

COMMUNITY INVOCATION

Simison: Next up is our community invocation, which will be delivered tonight by Mick Armstrong. If you would all, please, join us in the community invocation or take this as a moment of silence and reflection. Mick, nice to see you.

Armstrong: Father, we thank you for this great community that you have developed over the years. We thank you for the leadership that we have had. We just pray for the Council meeting tonight, for -- for our Mayor and Council, the decisions that need to be made, many of them affecting property and often there is a variety of feelings and can I just pray that you would give them wisdom in those decisions and also thank you for the many employees in this city that care for our needs, whether it be on our safety or -- or just services and just thank you for that and I just pray that we can continue to be the kind of community that honors you, that calls people to family and to respect family and it's a safe place for us to live and a great place for businesses to thrive and we just thank you for your blessing in our community and we honor you, in Jesus' name, amen.

ADOPTION OF AGENDA

Simison: Thank you, Mick. Next up is the adoption of the agenda.

Borton: Mr. Mayor?

Simison: Council Borton.

Borton: There were no changes, so I move that we adopt the agenda as published.

Strader: 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: FOUR AYES. TWO ABSENT.

PUBLIC FORUM – Future Meeting Topics

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

Johnson: Mr. Mayor, no sign-ups.

ACTION ITEMS

1. **Public Hearing Continued from February 13, 2024. for Linder Condos (H-2023-0074) by The Architects Office, PLLC., located at 300 N. Linder Rd.**
 - A. Request: Development Agreement Modification to modify the existing development agreement (H-2022-0091) to allow warehouse and flex space uses along with the previously approved self-storage facility and update to the conceptual development plan and building elevations.

Simison: Okay. Then with that we will move right into our Action Items this evening. First item up is a public hearing continued from February 13, 2024, for Linder Condos, H-2023-0074. We will continue this public hearing with staff comments.

Allen: Thank you, Mr. Mayor, Members of the Council. The next hear -- or the first hearing item before you tonight is for Linder Condos. This is a continued public hearing from February 13th. Council continued this project in order to allow the applicant time to provide clarifying information as to the specific tenant use and that the proposed use is not a more intensive use, but similar to what was contemplated in the original application, that the parking is appropriate for the proposed use and to address the impact on residential neighbors. The applicant has submitted a letter addressing these concerns, which should be on your desk in front of you tonight, which includes a letter

from Ronald Hatch, the owner of the residential property to the north, in support of the proposed development agreement modification request. The applicant is here tonight to present. Thank you.

Simison: Thank you. Council, any questions for staff? Okay. Would the applicant like to come forward and make any comments? Good evening.

Putman: Jeremy Putman. 499 West Main Street, Boise, Idaho. And thank you for the opportunity, Mayor Simison and Council. And I was wondering if it would be possible to put up the PowerPoint. As that's going up I do want to just acknowledge that I was not as prepared as I should have been for the last meeting. I took a few -- too many things for granted and I appreciate the opportunity provided by this continuance to present the information that we have submitted and I'm confident that this will supply the Council with the necessary information needed to support this modification request.

Allen: Just a moment here, Jeremy. We are good? Okay. Good. The first thing I would like to address is some -- a concern about kind of the unusual circumstance for this and I explained in -- in the letter that, no, this is not the -- necessarily the best case scenario for my client in the original development agreement and now what we are doing in this modification. Just the circumstances behind that. This project was originally contracted with EVstudio, which was formerly NuDesign Architecture where I was an employee. The client came in, we had an initial consultation and one of my project managers at the time, you know, worked with me on -- to develop a proposal, entered into contract and, then, shortly after that I exited EVstudio. The project continued under Julie Miller, the project manager, at -- at EVstudio and got through the development agreement process. Unfortunately, the client did not feel that the project was represented in the best light with the outcome of only storage use being approved and so at that time my client terminated the project with that -- with that architecture firm and, then, shortly after the approval Mrs. Miller exited EVstudio. So, it does appear that the approved development agreement document was sent to Julie Miller when she was no longer an employee of EVstudio, which never found -- which was never forwarded to my client and so part of this mix up was just him not having the information and so Mr. Herman did approach me at my new place of business, the architect's office, and as I was added to the -- the -- the project was able to look at the -- the approved development agreement and sent it on to him, where it was discovered that storage use was the only -- the only -- the only approved use and, unfortunately, at the development agreement hearing my client was absent, because he was -- he was out of town. So, all that to say, like oftentimes, our best laid plans don't always go the way we determine, which seems to be the case for my client. So, that -- that is kind of the reasoning why the -- the development agreement had not been signed and then -- let's see. Yeah. Next I just want to also address something that came up in the meeting and just give a little bit of personal background about sensitivity to growth. The -- because I agree with you, I have -- I share those same concerns. My -- my family used to own land a little over a half a mile away from this parcel on West Franklin Road and it was handed down to my grandfather and his -- his brother in -- in the early 1950s. My grandfather designed and built his own home and raised the family, operated a business out there,

Calnon Floral and so all this to say -- I don't say this to -- to add an air of superiority. I just say this to understand that, yes, I am sensitive to this growth as well, because it was impactful on my family. The city grew up around them and now that land is -- those houses are gone and that land is being, you know, developed into storage units and apartments and things like that. So, I do recognize this and just -- just want to make sure that it's understood that I, too, want the best for the city, because my family's vested here, and looking at the -- the parcels on North Linder, most of these parcels have changed ownership in the last -- at least in the last ten years and many of them have -- with -- from the information I could find on the assessor's website have changed hands, change of ownership recently in the last couple of years and the City of Meridian has also kind of determined that the highest and best use of land and of properties in this area are to be industrial and Meridian has a high value on industry and business, which I very much appreciate and has done a good job of guarding particular areas of our city for that purpose and what we are proposing here in -- in this development agreement modification request, the uses fit -- they are principally permitted in the I-L zone and the fact that we are asking for the addition of two more uses from the one storage, the additional to be warehouse and flex space, still is -- is three out of the 25 principally permitted uses in this zone and looking at -- looking at these uses, what actually I will -- pardon me. I was getting ahead of myself. We will -- we will get -- get there in just a little bit. So, all that to say this kind of development fits within the fabric of the area that -- that the city of Meridian has -- has set forward and, then, to the -- to address some of the concerns about residents living to the north on -- on 330, that the doors would be kind of facing -- Mr. Hatch has purchased that property back in 2023 and his plan is to develop the property for industrial use and actually on the previous slide and in the -- in the document that was provided. Robert Hatch is also an owner -- or partial owner in many of the properties along Linder, who has seen this as an opportunity, similar to my client, as an opportunity to -- to follow the city's kind of direction and use these parcels for how the city has laid out and so he does intend to develop this -- this parcel and currently he said that there is no -- no residential activity at that -- at that property and as the letter in Exhibit A states, he is in favor of -- of this -- of this project. A concern that was brought up was -- was kind of parking for this particular -- for this development and as the -- the staff report agrees that we do have adequate parking for any of the uses that could move into these condos. Meridian code requires a minimum of seven parking stalls and we have provided 13, which is almost a hundred percent more parking than is required by code, which kind of leads to the volume -- the volume of vehicles is there. The use of these -- this project is designed for small businesses or it's set up for entrepreneurs. The -- the intent is for them to -- these business -- business owners to carve out 2,000 square feet for their business, whether it's an online merchant making and shipping their goods across the country. We have seen a huge rise of bad activity just in general, but also in the Treasure Valley, or it could be a home sound system installer who keeps their equipment and supplies there ready to go and install the -- a sound system in somebody's home. Or it could be one of the surrounding businesses -- one of the surrounding warehouse businesses that's simply run out of space and they need a little extra storage. Their main function would still remain at those larger facilities and, then, that -- they could use this as a place to store their -- their goods and come over and get them every now and then and take

them out for -- for -- for their use. These buildings would also be owner occupied. It's not a tenant situation. So, there is -- we all, you know, know the pride of ownership, that we do want to take care of what -- what we own and what we are a part of. It's -- this is -- we are not -- you know, we are not proposing a large warehouse. These are condos that are appealing to the micro and small business owner here. So, yes, there would be a little bit more traffic than a self storage use, but not something that is inconsistent with the traffic that is currently on Linder or the surrounding areas. And as part of that there -- there will be -- you know, it's -- it's -- there will also be continued city oversight. When this project is approved we will have a condo plat overlay to the property. The city, you know, we will have an opportunity to review the CC&Rs and any owner wishing to move in to one of these units will also be examined at -- at least a very minimum level of like a certificate of occupancy. So, the city is going to have an opportunity to review what goes in here and make sure that it's consistent, one, with the regulations and the development agreement and the CC&Rs. So, we feel that -- that this request to add warehouse and flex space will be a benefit and fits in with the overall vision of -- of this area for the city of Meridian and is consistent with what seems to be happening along Linder Road with the development and property transitions. With that I can stand for any questions.

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

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Mr. Putman; right?

Putman: Yes.

Strader: Thank you for coming. Would you mind moving back to the slide where you showed all the neighboring properties?

Putman: Certainly.

Strader: Yeah. Thank you. I appreciate you coming back and putting some more legwork into the surrounding uses here. It does look like this corridor is definitely moving more toward the industrial use. I appreciated the property owner to the north resubmitting a letter. That's helpful. Do you have a feeling for -- you kind of went through the types of tenants -- I guess small businesses. I saw somewhere in your letter -- I think somewhere I saw reference to like contractors. Can you get into more specifics about the potential types of tenants and what kind of tenant would use that size of a facility?

Putman: Certainly. It -- sorry, Mr. Mayor and -- and Council Member Strader. It -- you know, it's hard to kind of prognosticate into the future and see that one. One example could be actually the property owner, he himself is a business owner and could occupy one of those -- one of those units. But for like a contractor, someone the size of that

could be a small -- maybe small millwork, small HVAC contractor, like probably more on the residential scale that would have some HVAC furnace units type of things, maybe some small sheet metal to bend for minor ductwork, but mainly, you know, flex tube, something like that. Small plumbing contractor that would have, you know, maybe some small stock of fixtures and pipe. Could be a tile or flooring contractor that wouldn't need a lot of material on hand, because, you know, they may get a shipment in, need to store it for a few -- like a few days before it goes out to the site. Some of those, if that helps.

Strader: Thank you.

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: Mr. Putman, thank you for the -- this was much appreciated context. I think it would have been really helpful to have had it last time, so probably lessons learned to be prepared. Certainly was helpful in me understanding what you have. One question I have -- we talked about this being allowed for condo use and these individual units being sold. It seems to me if that -- each little unit is sold, then, you -- that person can then either use it or maybe even then lease it to another user. So, it's really hard to forecast who is going to be in here. At what point -- does the owner intend to immediately start selling off portions of this or managing it? Just kind of curious what that process of using sort of that condo overlay and to sell those pieces of property.

Putman: Certainly. Mayor Simison and Council Member Taylor. Good question. I guess the -- the intent would be to start offering -- you know, once this approval goes through using the preliminary plans that we have got is an opportunity to market and attract -- attract potential buyers. So, I think that would begin immediately. As far as kind of oversight of the project, you know, the -- the property owner would -- would be the one to maintain the CC&Rs initially, but, then, once enough tenants occupy, then, it would kind of be turned over to a board for more general oversight of that and -- and those owners would be, you know, part of -- part of that -- that membership.

Simison: Thank you. For the record Councilman Cavener joined us at 6:17 p.m. Council, any additional questions for the applicant?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Appreciate you putting that on the record. I just think for Council and the applicant and the public's benefit, I have -- I have been here since the beginning of the applicant's presentation, although just promoted to a panelist very recently.

Simison: Thank you for that clarification. Okay. Thank you very much.

Putman: Thank you.

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

Johnson: Mr. Mayor, just one. Kim Kelly.

Simison: Good evening. State your name and address for the record, please.

Kelly: Kim Kelly. 6035 North Shandee Drive, Meridian, Idaho. I'm the owner and broker -- oh. Mr. Mayor and Council Members. Sorry. I'm the owner and broker of Kim Kelly Real Estate and second generation Treasure Valley native. I grew up in Nampa and moved to Meridian with my family in 2014. I was initially licensed as a real estate agent in '94, but was employed as an appraiser for Canyon County Assessor's Office during the large growth phase in the early 2000s. I was licensed as the designated broker in 2011 and have been responsible for the purchase, remodel and sale of over 300 properties in Ada and Canyon county. So, suffice it to say I feel like I'm pretty intimately aware of the growth and the change in the real estate market in this area. I represented the applicant his initial purchase of the subject property in August of 2019. He purchased the property for a home business use and it was zoned R-1, but during the process of attaining a mortgage for the property the appraiser refused to do a residential mortgage on the property, because he said it's highest and best use was commercial, according to USPAP standards. So, after contacting multiple appraisers, getting the same answer, the applicant switched to a commercial loan and completed the purchase. He has since purchased a property more suited to his business needs as it's grown in another location of Meridian and in researching what possibilities were for the subject property the city indicated their desire was for the area to be industrial zoning. During this time the applicant traveled to Denver, Colorado, and saw an industrial condo development that he liked. The units were similar to his current plan and the tenants and owners ranged from like a coffee broker to an owner who built custom motorcycles -- very customized things of that nature. At that point he started the process with EVstudios to help annex the city -- or annex into the City of Meridian and build a facility similar to the one in Colorado. I was present for both of the applicant's initial meetings with EVstudios and felt the architects understood that the applicant's vision was for the property and its intended use, but it became clear when we finally received the approved development agreement that something had been lost in the transitions, unfortunately. I was also present at the initial City Council hearing for the approval of the development agreement, during which time he was asked questions about what types of businesses would be allowed to go -- oh, she was. Julie was. Ms. Miller. I believe Councilman Cavener asked if there would be a detail shop allowed and Ms. Miller answered no. So, based on the questions and the conversations I believed it was clear that these units were meant for locations for small businesses allowed within the scope of the zoning code. However, when the applicant finally received the -- the DA, the development agreement, in November of '23, last year, the language was very limited to storage with time frames of use and other limitations that would not allow small businesses to fully utilize the spaces.

Simison: If you can wrap up, please.

Kelly: Okay. So, I guess just to say these are going to be great for small business in the area and I appreciate you giving us the chance to have a continuance and give you more color and information and in support of that I would hope that you would approve it.

Simison: Thank you. Council, any questions? All right. Thank you. Very much. Is there anybody else who would like to provide testimony on this item, either in the audience or online? If you are online use the raise your hand feature. Seeing no one coming forward and no one raising their hand online, would the applicant like to make any final comments. Okay. Applicant waives any final comments.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Could I have legal just give us that snapshot technology. This one is a little unusual, because the -- the -- without the DA being signed and annexation kind of sat on hold awaiting for this, just a little -- every now and then this happens.

Nary: Sure. Mr. Mayor, Members of Council, Council Member Borton, yeah, it is -- and you're correct, it's slightly unusual. I mean normal process after a project is completed we would send the development agreement back to Planning, Planning would transmit it to the developer. They have six months in which to sign it. They can request extensions. The annexation doesn't happen until the development agreement gets signed. I think what the applicant has -- has testified to tonight is there was, obviously, some miscommunication on their part. I don't know how that was transmitted and went to a person who wasn't there anymore, so that happens. So, I think in Planning and trying to resurrect this, right, the original development agreement now is being modified to allow these uses and that would, then, become the development agreement and, then, the acquisition would occur. So, yeah, I think planning and trying to keep this project on track and allow it to move forward without starting the process completely all over made the decision to allow it to go this way with just the development agreement modification, which is allowed in our code to allow to amend it prior to signature, so I think that was their reasoning. I wasn't involved in that decision, but I understand the reason and I don't think it has any -- it doesn't violate our code for us to do it this way. So, I think we are fine to move forward if the Council is comfortable with that, so --

Borton: Thank you.

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: Yeah. I think this is a good project. I remember a lot of discussion last time around parking. I certainly think that's a valid concern. However, they are required to have seven -- or 13 -- or seven and 13 are provided. So, you check the box. Maybe a slightly unusual process by which we get here, but we are -- it sounds like we are in conformance with what is required. Looking at the other uses in the area this seems aligned with that and I -- I really am interested in the idea of creating spaces for small businesses to grow and thrive here in Meridian. I think that's something that is good to promote. I think it makes some sense and so I'm a big fan of that. So, I understand some of the concerns and, you know, maybe in a few year when parking is an issue, because the types of tenants have a heavy usage, maybe -- maybe we will look back and regret that just a little bit, but I -- it's hard to predict. I don't think it's our role to really -- as long as they have followed the rules and followed the process that we have laid out and they are in conformance I think it's a good project that should go forward. So, at the appropriate time I would be willing to make a motion to approve this project.

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

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. Just a little bit of maybe feedback. I think this is an example of someone making excellent use of a continuance. So, I appreciate you, Mr. Putman and Ms. Kelly, coming back with some clarification. I think for me what has helped to mitigate my concern is the more detailed analysis of the surrounding uses and that I think you have demonstrated pretty conclusively that this is not going to have too much of a negative impact on surrounding residential uses. It looks like that is not as much of a concern. So, I think that's helped me get comfortable, as well as more context around the potential users. It is a smaller amount of space for a business. So, it's kind of a business incubator and I have faith that, you know, businesses as they grow up will hopefully be successful and find larger amounts of spaces. The previous owner did. So, actually changed my mind on this one and I appreciate you doing the work and coming back. Thank you.

Simison: Additional questions or comments or a motion to close the public hearing?

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: Make a motion to close the public hearing.

Borton: Second.

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Taylor: Mr. Mayor, I would like to make a motion.

Simison: Councilman Taylor.

Taylor: I would like to make a motion to approve File No. H-2023-0074 as presented in the staff report for the hearing date of March 12th, 2024.

Borton: Second.

Simison: Have a motion and a second to approve Item H-2023-0074. Is there discussion? If not, Clerk will call the roll.

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

Simison: All ayes. Motion carries and the item is agreed to. Thank you very much.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

2. Public Hearing for Ultra Clean Franklin (H-2023-0064) by KM Engineering, LLP., located at 3070 E. Franklin Rd.

- A. Request: Development Agreement Modification to modify the terms of the agreement required with the Annexation Ordinance (No. 737 Haskin Green).

Simison: Next item up is Item 2, which is a public hearing for Ultra Clean Franklin, H-2023-0064. We will open this public hearing with comments from staff.

Allen: Thank you, Mr. Mayor, Members of the Council. The next application before you tonight is a request for a development agreement modification. This site consists of two acres of land. It's zoned C-G. It's located at 3070 East Franklin Road on the north side of Franklin just west of Eagle Road. This property was annexed back in 1996. The annexation ordinance number 737, Haskin/Green, approved for the property, requires the property owner to enter into a development agreement with the city prior to issuance of a building permit or plat approval, whichever occurs first. The ordinance includes requirements for inclusion in the future development agreement in compliance with the findings associated with the annexation. The Comprehensive Plan future land use map designation is commercial. The applicant requests a new development agreement with a modification to the terms of the agreement required with the annexation ordinance. No development has occurred on the property and the property has changed ownership since it was annexed. The original plan was to subdivide the property for individual building sites, but that plan never came to fruition. The new -- the new property owner would like to develop the property with a vehicle washing facility. Because there are

many outdated requirements in the development agreement and references to city code that are no longer in effect, staff recommends new provisions with this application that are applicable to the proposed development, which will replace the original ones. A conceptual development plan was submitted as shown that demonstrates how the site is proposed to develop with a vehicle washing facility. The proposed use is a principal permitted use in the C-G zoning district and is subject to the specific use standards listed in the UDC for such use. Staff has reviewed the site plan and finds it demonstrates safe pedestrian and vehicular access and circulation on the site. Stacking lanes have sufficient capacity to prevent obstruction of the public right of way. Although no residential uses or districts abut the site, an extended stay hotel exists directly to the north, which may be impacted by noise from the carwash and vacuums. As mitigation staff recommends the hours of operation are limited from 6:00 a.m. to 10:00 p.m. Dense landscaping is provided along the northern boundary of the site and mufflers are provided on the vacuums, which should assist in reducing the noise and visual impacts of the proposed use. Access is proposed via North Olson Avenue, a local street, along the west boundary of the site. No access is proposed or approved via Franklin Road. Although a cross-access easement exists to this site from the abutting property to the north, there is approximately a nine foot fall in grade from the proposed driveway to the existing driveway and a significant cross-slope, which would make a shared access difficult. For this reason staff and ACHD supports the proposed access from Olson and does not recommend the cross-access easement to the north is utilized. The Snyder Lateral bisects the western portion of this site within a 40 foot wide easement and is proposed to be piped with development. A 35 foot wide street buffer is required along Franklin Road, an entryway corridor, landscaped in accord with the enhanced landscape standards for such. A detached sidewalk is proposed to be constructed along Franklin Road that staff recommends is ten feet in width, extending off site along Franklin to the east across the ACHD property to connect to the ten foot pathway along Eagle Road if consent can be obtained from ACHD. Conceptual building elevations were submitted for the proposed structure as shown. Building materials consist of a mix of natural limestone and burnished CMU in neutral colors and wood grain printed metal cladding. Final design is required to comply with the design standards in the city's architectural standards manual. Written testimony has been received from Stephanie Hopkins, KM Engineering, the applicant's representative and they are in agreement with the staff report. Staff is recommending approval with the conditions in the report. The applicant is here tonight to present.

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

Hopkins: Good evening, Mr. Mayor, Members of Council. My name is Stephanie Hopkins. I work for KM Engineering. Our address is 5725 North Discovery Way in Boise. Sonya did a fantastic job covering that, so I don't have a whole lot to add, but I do have a presentation. So, I will show you our site plan and landscape plan and kind of talk through some of the conditions that they are recommending -- or she is recommending.

Allen: Just a moment here. Sorry. Just a second.

Hopkins: So, Sonya covered the location well. It's the northwest corner of Franklin and Eagle. It's a pretty challenging site. There is a fair amount of grade as I'm sure most of you are aware. The -- as the site slopes to the northeast it drops off a fair amount. So, we had to be pretty creative with our site design. Did place the building towards the roadway, which is one of the city's requests. A lot of times the design review applications -- and placed three stacking lanes, four vehicles, as they enter the site to make sure there is enough room for folks as they are waiting for a carwash. Access will be via Olson Avenue, which we have coordinated with staff and ACHD and we are including 24 -- or 26 parking spaces overall, 23 of which will be for vacuums, two for employees and, then, there is one accessible stall as well. The building is about 7,200 square feet and we have placed some landscaping along the northern boundary that staff has conditioned will probably have to beef that landscaping up a little bit. Right now we have a couple of different deciduous trees along the northern boundary, one kind of mix of evergreen and deciduous and, then, there are some shrubs in there as well to make sure that they reach a maturity for -- in five years. And, then, throughout the site we have designed it in compliance with code -- will increase. We initially had shown a five foot sidewalk along Franklin. It's an entryway corridor, so we will increase that to ten feet, make sure we are complying with the city's requirements there and, then, the -- our client will work with ACHD to see if we can get consent from them to -- to further the multi-use pathway to the east over to Eagle Road. Let's see. We are -- the vacuums that this company uses actually include the mufflers, so that will be a perfect way to comply with staff's recommendation and otherwise they have been working with -- they are -- I believe that they are under contract to purchase the property from the Water Rock development. So, they have been working with that Hotel Group pretty closely to determine what they would need and they are -- they are good with the recommendations that city staff is recommending. So, these are the building elevations which Sonya showed you. We actually initially submitted a certificate the zoning compliance and design review application, because this is a principally permitted use, not realizing there was an ordinance that was applicable. So, we spoke with staff, they recommended we come in and modify the development agreement just to make sure that all the provisions are current and reflect current code and our current proposal. So, we are in agreement with the staff report and the conditions and I will stand for questions if you have them.

Simison: Thank you, Stephanie. And I don't know if this question is for you or for Sonya or if I just missed it, but what's proposed to the east of this property? This doesn't go all the way over to Eagle Road based upon the Oraview. That can remain vacant?

Hopkins: Thank you, Mr. Mayor. I can answer that question.

Simison: Okay.

Hopkins: It's -- yeah, it's actually ACHD property directly to the east. So, we utilize the two acres that are outlined in yellow as fully as we could and to the east of where you

see the drive out kind of curving up to the north is just vacant, because it's ACHD property. If they want to expand the -- the -- or the roadway there.

Simison: Okay. That's -- is it planned in the five -- in the long term to be expanded? Kind of wondering what we are going to end up with long term in this location if we are not going to have any access anyways, it just kind of -- no disrespect to ACHD, it's a wonderful dirt lot for a lot of campaign signs that people put up, but it would be nice if it wasn't just a vacant dirt parcel for the next 30 years, but I don't see what else you could do with it, since there won't be any access to it.

Hopkins: Mr. Mayor, I agree. I think it's just one of those -- it's a piece of ground that they have held to make sure that if they need to expand Eagle Road there or possibly add more stacking for right turns that -- it would be available. I --

Simison: It's a lot of land. Is there a chance so you guys could purchase some land and shift your buildings -- I'm sure you would love more corner frontage then -- I don't know that we can solve this tonight, but it's going to be a long term eyesore if -- under this scenario. That's my comment. Not a solution, so -- Council, any additional comments, not solutions, for the applicant?

Borton: Mr. Mayor?

Cavener: Mr. Mayor?

Simison: Councilman Borton.

Borton: Yeah. If this wasn't already annexed it's a different conversation perhaps, but that ship has sailed. The parcel itself is already in the city. Stephanie, are there any -- I missed it if it's in the -- in the application, but are there any left-ins or left-outs on Franklin from this?

Hopkins: Mr. Mayor, Councilman Borton, no. The only access will be via Olson Avenue. The driveway that we are proposing is going --

Borton: I guess that's what I mean. Left-in to Olson or left-out of Olson.

Hopkins: Correct. I'm not remembering offhand. I believe that we are proposing a left-in, which is one of the -- or left-out, which is one of the reasons that ACHD had to modify their policy. Our access is a little bit closer to Franklin than they would normally permit. So, that was something we worked with ACHD staff on to kind of coordinate. Maybe Sonya remembers or has the staff report handy.

Borton: I thought it would be a right-in, right-out, but their condition allows a left-out or a left-in of this?

Allen: Mr. Mayor, Councilman Borton, I believe ACHD approved a full access. I don't believe there was any restrictions associated with it. They did approve, as Stephanie said, a modification to policy to allow the proposed access.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Just curious, how -- how close is -- like how close is it from the too close? It just seems interesting that --

Allen: I can look it up, if you would like to know what's in the ACHD report.

Borton: I'm just curious if it's, you know, five feet or --

Hopkins: Thank you, Sonya. I don't remember. I think -- Mr. Mayor, Councilman Borton, I believe it's 20 feet or something like that, but don't quote me, I can't remember for sure.

Borton: But they have approved it. Okay. That's good, Sonya. I'm just -- just curious if it's a matter of feet. A nominal amount. It seems oftentimes that type of request is denied.

Hopkins: Yes.

Borton: Thank you.

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

Hopkins: Thank you.

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

Johnson: Mr. Mayor, no.

Simison: Okay. Is there anybody present who would like to provide testimony on this item, either in the audience or online -- if you are online you can use the raise your hand feature. Come on forward. If you can state your name and address be recognized for three minutes.

Billaud: Hi. My name is Laurie Billaud. 192 West Lockhart Lane, Meridian, Idaho. Just heard about this. I think it's a wonderful idea. I do have concerns with the left-hand turn lane right before Eagle. That seems like it's a -- an accident waiting to happen and I also agree with you that maybe instead of an impact fee type of situation that they can put in that they need to do low growing shrubs and some type of -- something there that's low -- like little to no maintenance, so at least it keeps the city looking nice.

Simison: Thank you. Council, any questions? Would the applicant like to make any final comments? Applicant waives.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Happy to kick off the discussion. It's already a permitted use. It feels like a new DA agreement makes good sense. I thought staff's proposed mitigations for the extended stay hotel made good sense. I share the concern about the left-out so close to Eagle Road, but, you know, we are not -- we are not the authority that determines that. I am very surprised it was granted approval though, just based on what we have seen. It doesn't feel like, you know, the city has a role in discussing that further, unless - I know ACHD is here, if they just wanted to throw it out if they had comments about that particular aspect.

Inselman: Mr. Mayor, Members of the Council, for the record Kristy Inselman, planning supervisor with ACHD. So, this particular application -- that access on Olson is existing. When we looked at this application it was specifically for the new driveway access that they were asking for, so we didn't address the existing full movement on Franklin, but I did a quick measurement on my computer and it's about 760 feet from the intersection from Eagle to Olson and our -- for a full access it's 660. So, they are over a hundred feet away from a full access that would be allowed on an arterial.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Thank you. We appreciate that. It was very enlightening. Thank you.

Simison: Kristy, any chance that we can get anything done with that corner long term? Is that a conversation you can take back to -- because I mean even if he made a retention pond, at least you put landscaping kind of around those.

Inselman: Mr. Mayor, I'm happy to take that back to my leadership if there is a request for that. I did also check quickly on our 20 year plan and this intersection is not in there. That doesn't mean that there is not potential for that to be widened in the future, but I'm happy to take something back to my leadership. I don't get paid the big bucks to make that decision this evening.

Simison: Thank you.

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: I was always wondering what could possibly be put at this location. So, I'm glad to see there is a good use and I love a good carwash and I would think that if you are going to invest the kind of resources to put a carwash in, you know how many cars are going through there and how many trips you can get in there. So, I think it's a good -- a good project. I would make a motion to close the public hearing.

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: FIVE AYES. ONE ABSENT.

Parsons: Mr. Mayor, if I -- this is Bill. May have a moment? Had a chance to talk with the applicant a little bit more. I have asked her to also go back to her client and see if they would entertain entering into a license agreement with ACHD to incorporate that corner into their design or at least agree to maintain it as they operate their business. So, that is an opportunity where that discussion could maybe happen and we could get some type of improvement on there, at least have it maintained, so it does enhance the overall corner in that area.

Simison: Thank you. I think it will be a benefit to the business as much as anything else.

Taylor: Mr. Mayor?

Simison: Mr. Taylor. Councilman Taylor.

Taylor: For a motion for approval, I would move to approve File No. H-2023-0064 as presented in the staff report for the hearing date of March 12th, 2024.

Little Roberts: Second.

Simison: Have a motion and a second to approve Item H-2023-0064. Is there discussion on the motion? If not --

Allen: Mr. Mayor, may I clarify? Did -- was that motion intended to include Mr. Parsons' comments about a license agreement? Just clarifying your motion, please. Thank you.

Taylor: A revised motion. Mayor Simison.

Simison: Councilman Taylor.

Taylor: I move to approve File No. H-2023-0064 with a modification for the potential for a license agreement for that parcel. Does that work?

Simison: Second agree for discussion? And I guess I'm going to turn to legal counsel. I mean is -- are we asking -- just for clarification. If they don't do a license agreement that's okay in that motion.

Nary: Mr. Mayor, Members of the Council, that's the way I took it. This was just simply a direction for them to do that, not a requirement for them to move forward. Just to have an agreement.

Simison: Just so everyone's on the same page moving forward, so -- okay. All right. And we have second agrees as part of the discussion. If not, Clerk call the roll.

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

Simison: All ayes. Motion carries and the item is agreed to. Thank you and good luck.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

3. Public Hearing for Stonehill Church (H-2023-0041) by Stonehill Church, located at 799 W. Amity Rd.

- A. Request: Development Agreement Modification to the exiting Development Agreement (H-2015-0019, Inst. #2016-007090) to allow for the development of a church on a portion of the property and removal of that property from the original agreement for inclusion in a new agreement.
- B. Request: Rezone of 13.36 acres of land from R-4 to R-8 zoning district.
- C. Request: Conditional Use Permit for a church on 13.09 acres of land in an R-8 zoning district.
- D. Request: Preliminary Plat consisting of 4 building lots on 65.43 acres of land in the R-4 and R-8 zoning district.

Simison: Okay. Next up is Item 3, a public hearing for Stonehill Church, H-2023-0041. We will open this public hearing with staff comments.

Allen: Thank you, Mr. Mayor, Members of the Council. The next application before you is a request for a development agreement modification, a rezone, a preliminary plat and a conditional use permit. This site consists of 65.43 acres of land. It's zoned R-4 and is located at 799 West Amity Road on the south side of Amity midway between Meridian and Linder Roads. This property was part of the area included in the south Meridian annexation area in 2015. A development agreement exists for this property that requires an amendment to the agreement prior to any future development on the site.

The Comprehensive Plan future land use map designation is low density residential. The applicant is requesting a modification to the existing agreement to allow for the development of a church on the northeast portion of the property and removal of that property from the original agreement for inclusion in a new agreement just for the church property. The remainder of the property will continue to be governed by the existing development agreement. A rezone of 13.36 acres of land is proposed from the R-4 to the R-8 zoning district for the development of a church, which requires a conditional use permit in the R-8 district. A preliminary plat is proposed consisting of four building lots on 65.43 acres of land in the R-4 and R-8 zoning districts for Stonehill Crossing Subdivision. The preliminary plat is proposed to develop in one phase. The reason the property is proposed to be subdivided at this time is to create a lot for the church to develop on the remainder of the site. Except for the lot where the existing home is located to the south of the proposed church is proposed to be resubdivided in the future prior to development. Transportation improvements proposed for the subdivision consists of construction of a collector street from Amity Road to the southern boundary of the site and a roundabout at the Amity collector street intersection in accord with the master street map and the widening of Amity Road. The church is proposed to develop on Lot 1, Block 1, and that is this lot right here, if you can see my cursor. The existing home on the east side of the proposed collector street is proposed to remain on Lot 2, Block 1, and that is this slide right here. Lot 3, Block 1 and Lot 1, Block 2, are proposed as mega lots to be further resubdivided in the future prior to development and that is this whole area here and this area here. Another existing home on the west side of the collector street is proposed to remain for the time being on Lot 1, Block 2, and that is in this general area right here. Access is proposed for Lot 1, Block 1, the church, via two driveway accesses from the collector street and an emergency only access driveway from Amity Road. The existing home on the east side of the collector is proposed to be accessed temporarily through the church property. Subsequent access is proposed from a local street at the east boundary via a flag. The UDC limits access points to collector and arterial streets to improve safety and ensure that motorists can safely enter all streets, unless otherwise waived by City Council. Further, the UDC requires all subdivisions to provide local street access to any use that currently takes direct access from an arterial or collector street. For this reason staff recommends a local street is provided between the church and the existing home to provide access to both uses and the accesses via the collector are removed. So, again, this is the existing home. The church. This is where the local street is proposed right through here. The applicant is requesting approval of a waiver from Council for the two proposed accesses via the collector street. A temporary access is proposed via the collector street for the existing home on the west side of the collector street, since no development is proposed on that lot at this time. If that home was retained in the future resubdivision -- excuse me -- retained with the future resubdivision, local street access should be provided. The applicant does have a concept drawing that they are going to present tonight that shows only one access to the collector and a local street as recommended by staff between these two lots. The Caulkins Lateral lies on the western portion of this site within a 56 foot wide easement and the Bell sub lateral lies along the east boundary of the southern portion of this site within a 50 foot wide easement, 25 feet on each side. A 25 foot wide street buffer is required along Amity Road and a 20

foot buffer is required along the collector street landscaped per UDC standards. A ten foot wide detached sidewalk is required along Amity and a five foot wide detached sidewalk is required along the collector street. A ten foot wide multi-use pathway is required along the Caulkins Lateral in accord with the pathways master plan. The applicant is requesting deferral of several improvements typically required with a re -- excuse me -- with a subdivision until such time as Lot 3, Block 1, and Lot 1, Block 2, is resubdivided in the future as follows. And, again, that's this whole area west of the collector street and this lot right here around the existing home south of the church. So, these are the items requested for deferral. Street buffer landscaping and a ten foot wide sidewalk along Amity Road west of the collector street. The multi-use pathway along the Caulkins Lateral. Open space and site amenities for the residential development. Piping or improving the laterals that cross this site as a water amenity or linear open space. And closing of the existing farm access and irrigation district access by Amity Road west of the collector street. A conditional use permit is proposed for a 52,000 square foot church on 13.09 acres of land in an R-8 zoning district. Compliance with the specific use standards in the UDC for church uses is required. The church is proposed to develop in two phases as shown on the phasing plan. The first phase will consist of approximately 40,000 square feet and the second phase will consist of approximately 12,000 square feet. Access to the site will be determined by the -- excuse me -- with the associated preliminary plat by the city and ACHD. Off-street parking is required in accord with UDC standards. A minimum of 104 spaces are required, approximately 710 spaces are proposed at build out. Conceptual building elevations were submitted for the proposed two story structure as shown. Building materials consist of a mix of stucco, vertical rough sawn architectural wall panels and corrugated painted metal panels in horizontal orientation. These elevations have not been reviewed for compliance with the design standards in the architectural standards manual and are not approved with this application. Review will take place with submittal of the design review application with the certificate of zoning compliance application prior to submittal of a building permit application. The Commission recommended approval of these applications. I will now go through a summary of the Commission hearing. John Rennison, Rennison Design, the applicant's representative, testified in favor. No one testified in opposition or commented on the application. Written testimony was received from the applicant John Rennison. Key issues. There were really -- really no items of discussion. There was no public testimony. Key issues of discussion by the Commission were as follows: The applicant's request for deferral of improvements typically required with the subdivision. The applicant's request for removal of the Condition No. 2.1G requiring a local street to be provided between Lots 1 and 2, Block 1, for access to the church and existing residents. The Commission did not make any changes to the staff recommendation. There are a few outstanding issues for Council tonight as follows: The applicant's request for deferral of certain improvements typically required with the subdivision as I noted. The applicant's request for removal of Condition 2.1G requiring a local street to be provided between Lots 1 and 2, Block 1, for access to the church and existing residents. As I mentioned, the applicant does have a concept drawing that he is going to present to you tonight that does show that local street and from what I understand they are willing to put that in tonight. And, then, finally, the applicant's request for a waiver to UDC 11-3A-3A1 to

allow one access via South Oak Briar Way, the collector street. No written testimony has been received since the Commission hearing and the applicant is here to present tonight. Thank you.

Simison: Thank you, Sonya. Council, any questions for staff? Okay. Thank you very much. Would the applicant like to come forward? Good evening. Can you state your name and address for the record, please?

Rennison: John Rennison at 2025 East Riverside Drive in Eagle. Thanks very much for the opportunity to visit with you guys. A little too -- if you can't hear me here I will step up. Okay. Well, Sonya, thank you very much. She pretty much covered it. There are just a couple things that we sort of have outstanding. I want to take a few minutes go over them with you and orient orientate you a little bit and -- and we can delve in just a little bit and, then, we will -- I also want to let you know that Doug Connelly is here tonight also. He wanted to say a few things after we cover the technical stuff. He is the pastor of the church. Okay? We would like that opportunity as soon as we are done talking about the technical stuff. So, let's see. If we could hit access first it would be great. Sonya, if you could pull up the -- that little exhibit we worked on today. Yep. Perfect. Okay. So, to clarify the access, one, so the original design here that we did that we produced is -- is to -- well, let me step -- step back a couple things. A couple steps here for you guys. So, this piece of property has been graciously donated to the church and we have been working for a couple of years here to get to where we are in front of you guys tonight. One of the catalysts for the -- for the -- to get the church going here is, obviously, the rezone, we need that and CUP for the church, but also the preliminary plat and with the preliminary plat comes the rest of the typical subdivision improvements. One of them is the build -- the request was to build collect a road that runs kind of north-south through the development. It starts at Amity and then -- and goes to -- clear to the southern end of the property. So, one of -- kind of your typical requirements. So, we are okay with that. And, then, in designing the access to the site we wouldn't, of course, take direct access off of Amity, but rather off of the collector. So, with the church parcel being so large, you know, it encompasses, you know, the -- the northeast quadrant of his overall development moreover and so we border really Amity Road and the collector road. So, there is really not another option for us really, but to take access to the collector road and so on number one here where it says full access driveway -- so, our request still stands. Can we -- could you guys give us a waiver to allow us to -- allow the church to have direct access to the collector road at that location? Okay? So, that's one. Our original request was to take a secondary access to the church and for the church only at location number two on the map here. Okay? So, that one, in working with Sonya, she said, hey, we really -- you know, we really need or prefer to have local street access to collectors and so at this location it would probably be better if we considered a local roadway and make some kind of local roadway improvements, have the church take access to the local roadway and, then, to the collector. Okay? So, when we were at P&Z at that time we said, hey, we are not quite sure that we wanted to have a roadway right there between the existing house and the church and so at that time we made a -- we made an -- a suggestion for another way to deal with this, which was -- Sonya, do you happen to have that exhibit that we

did at the P&Z? That one had the flag lot access? While she is looking for that there is the -- in your staff report, Item 5 -- that's 5-B -- there is two 5-Bs. The bottom one. It talks about a flag lot access to the existing residence on Lot 2, Block 1, coming off of that cul-de-sac. So, that's what we suggested as an alternative for -- and if we don't have that exhibit that's okay, but we threw out an idea to P&Z and P&Z said, you know, I think we are going to punt on this issue. We might like to see a road. So, we have talked internally with the church and -- and together with -- with the property owner to the south and have just concluded where they could put this roadway in and do what we just kind of covered, which is extend the roadway to the east side of the -- of the -- of the existing residential lot that would remain -- take access through the -- to the local road from the church. So, that's kind of where we stand. I wanted to bring that other option up in case you guys thought that other option would be a better idea. We are good with either at this point. Okay? So, be clear with that. So, any questions on the access?

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: I will try to track. I would love to see it. See, the condition, I see the narrative in 5-B.

Rennison: Yeah. That's the last item.

Taylor: Yeah. It looks -- there we go.

Rennison: So, this is -- so, the concept -- I will explain this one. It's worthy of a few minutes. So, the idea here was that we would -- the primary access to the church would be to the collector and only for the church use; right? And -- and, then, the existing home would -- would temporarily take access through the church parcel and, then, on to the collector. Okay? And when the rest of the property develops -- understand we are not building the rest of the subdivision and we are not really here to talk about that, to be clear, but this map shows, you know, a -- an idea of how it could develop into a residential subdivision and at that time, then, the -- the -- the existing home could take access through the cul-de-sac there on Street K. That was the idea and that was the -- it's an idea still on the table, frankly, if you guys thought that might be a better way to go. We are open to either one. We can either punch a local road through or we could pursue something that looks more like this. We are good either way.

Simison: And the yellow on the east side of the church property is that to allow access to that road at that point in time as well?

Rennison: Correct.

Simison: Okay. Council, any questions or comments on that at this time?

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Sonya, can you comment on the slide that's on the screen. Trying to track the staff report comments, concerns.

Allen: Yeah. Staff -- staff isn't necessarily against this plan, but it will require a waiver from Council for two accesses to a collector street and our code requires that access be taken from a local street, unless otherwise waived by Council.

Borton: Okay.

Allen: So, it would -- it would require that existing home lot to be modified to include a flag on it.

Rennison: And, of course, we understand, you know, those issues and, like I said, I think we are good either way, whatever the Council's desire would be on this topic we can -- we will go that direction. So, very -- at a minimum we do need the waiver for the north access point that is crucial for the development. So, we would appreciate consideration of that. Very good. Then I want to just touch on the deferral items. Okay? So, we have -- again, the subdivision here is precipitated by the need to, you know, get a lot for the church parcel and so the discussion -- with early planning discussion with staff was that, well, maybe we will go ahead and plat the entire property. You know, as the church -- church lot, the lot for the home and, then, sort of the couple jumbo lots, right, to really -- before we come back to you folks to -- for reconsideration on how they -- how they get developed. And, then, at that time, of course, you would have the opportunity to continue to work on all the rest of the normal requirements for standard subdivision improvements; right? So, some of the waivers we are asking for, the typical residential subdivision amenities, some of those things. The -- the other waiver we are requesting for a deferral, if you will. Not really a waiver; right? Just like -- I mean thank you for pointing that out. Not a waiver. A deferral. The frontage improvements on Amity; right? So, this project intends to fully complete its frontage for the church parcel on Amity. So, meet all the standard requirements for landscaping, sidewalks, et cetera. We will build all those once we get to the -- the -- I never remember the -- never remember the name of that lateral. The Caulkins Lateral. Once we get to that and further west we would like to defer those improvements. So, they -- basically, they could be done at the time the subdivision -- or further subdivision on that side of the lateral. So, all this subdivision deferral items -- there is -- there is not that many, but there is a few. We would like those deferred at this time, if you could, please, consider that. Noted on 5-B for outstanding issues for the Council to consider -- at the very last sentence of that Sonya did note that, you know, sort of another alternative would be to phase the plat. So, again, we thought it would be okay to sort of plat the whole property as a jumbo lot, allow them to come back for resubdivision with you folks to look at it and that's why we are doing the deferral. To avoid the deferrals we could

phase this subdivision. So, it's kind of a choice point there. Right now our application in front of you is for deferral and plat the whole property.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: On that point which is easier to track, a deferral or phase to ensure the improvements are put in at the right time? If there is an easy -- if one is easier than the other.

Allen: A deferral is fine to include provisions for such in a development agreement. It doesn't matter really. Either way. Same result. Thank you.

Rennison: Are you good? So, that's the main discussion on the deferral items. I just wanted to point those out and be super clear with you guys how that all came about so you know and, then, you know, the last item -- or I guess got a couple more items. One I want to just clarify that we are aware of the -- the roundabout that would -- that would occur at Amity and the intersection of our collector road Oak Briar Way and we are -- we are dedicating -- they are intended to dedicate the right of way for that and so -- so that's -- that -- the right of way portion is taken care of and, of course, the -- the improvements -- you know, we are accommodating those already in our site design for this project. Okay? Let's see. Then the next item -- I just wanted to address the sewer for you guys. The sewer -- sanitary sewer. So, we have been -- we have a plan and it's actionable and we have been working with Hawkins Companies, who owns the property at this southwest corner and northwest corner of Amity and Meridian. Okay. There is -- I believe there is applications that are live -- for Syringa Crossing. If I have the name right. And so I have been -- I have been working with Paul Stevens at Hawkins for, oh, probably a couple of years on this working on that -- to plan -- to master plan the sewer and, you know, really working with city engineering staff to plan the sewer. This property happens to be right on a sewer shed, so west of the Caulkins wants to go drain to the -- to the west and, then, this property, the church probably, really wants to drain to the east and so it really drains back to the -- the Hawkins property. So, it's well planned, it's coming together, worked with Paul, we have a program in hand on how we will get access to the sewer. It needs to be constructed through them to Amity and, then, up Amity -- Amity to our project. So, we are prepared to undertake that work and there is an e-mail on record from Paul Stevens that sort of identifies that, so that issue is handled and, then, I believe that's all I want to cover technically. Next I want to introduce Doug Connelly to come up and say a few things. Before I do that, though, I want to ask if I can address any other technical questions.

Simison: Council, any additional questions at this time? Thank you.

Rennison: Thank you. Have Doug come up.

Simison: Good evening, Doug.

Connelly: Good evening, Mr. Mayor and Council Members. City staff. Thank you, Sonya, for all the hard work you guys have done and we do appreciate that. Again, my name is Doug Connelly, I'm the lead pastor at Stonehill Church, and we are meeting at Mountain View High School and we are about eight years old and it's just -- it's a blessing to be in Meridian. We love this community. I live here. And we are excited for this building for -- for many reasons. One, obviously, for our congregants and the people that attend Stonehill and just very blessed to have a place where we can kind of put a stake in the ground and say this is where we are, we are staying, even though we are eight years old, but just to let the community know we are here. But also we just want to continue to be a light to our community and to serve and to share one of our -- one of our core values as Stonehill church is that we love our community and we are about our local community and so we do our best to serve and do things and resource as much as we possibly can to help the city and the Treasure Valley and we believe that with this building we are going to be able to do more of that and to be able have a home base to be able to do that. So, we can't wait for that. We also -- I live in south Meridian and I also know there is not a lot of meeting places in south Meridian, a lot of places it's new, it's growing, a lot of houses are coming in as you know. So, we also seized an opportunity to be able to be a place for the community, to -- not just for our church, but for the surrounding community and so I know there is houses going up all around and as he said before, we have been waiting on sewer and you guys know this, I have talked to many of you about this. We have been waiting for sewer it feels like forever, but we are so thankful for the opportunity and our path forward in this and so, again, thank you for the opportunity tonight. We are excited. We can't wait to see what's going to happen and -- and we really appreciate you and this committee. Thank you.

Simison: Thank you, Pastor. Council, any questions? Just right on cue is Mr. Stewart walks in. I'm sure he is just here to talk about the wonderful sewer plans for this property. That wasn't one you -- you really don't need to talk, unless you want to. All right. Mr. Clerk, did we have anyone signed up on this item?

Johnson: Mr. Mayor, we did not.

Simison: Okay. Is there anybody present that would like to provide testimony on this item, either in the room or online? And seeing nobody that would like to provide testimony, Council, would you like to have any further conversations or comments before we ask the applicant if they want to make any final comments?

Little Roberts: Mr. Mayor?

Simison: Council Member Little Roberts.

Little Roberts: Mr. Mayor, I just feel like I should put it on record that I do attend Stonehill. Doug and I had some early early conversations prior to my being on Council, just mostly giving direction regarding who he could talk to at the city and -- but I feel where I'm not involved in the operations, haven't been involved in anything that I can be fair and -- and make a clear decision.

Simison: Thank you. I have attended Stonehill and I watch online quite frequently from that standpoint and I have had several conversations about sewer particularly so it was great to see that that issue has a path forward. But have no relationship otherwise. Okay. Would the applicant like to make any final comments at this time?

Rennison: I need to grab my pen that I left up here, but I do want to just open myself up for any other questions if you need to have any clarity. If you need clarity on anything. But, otherwise, I will take a seat.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Would you mind going through the plan to build the local street? I think we went through the flag idea briefly in detail, but I don't know, Sonya, if you are able to pull up that slide. I think it's -- the flag idea is fresh in our minds. We can sort of compare it.

Rennison: Yeah. Happy to. I will wait for the slide to arrive if that's okay. No pressure. So, with the -- maybe I will open it up, but while she is pulling that back up. The local street -- you know, there was a couple -- there are a few little complications with it. Not to say we can't work through them, but there is a fairly significant gray differential between the residential, the home, and the -- where the church property is there is -- there is an embankment there and -- and, then, there would just be a road right between the house and -- and the church. So, that's really the core reasons why we are offering an alternative to not building a road there, was to be able to just -- I like the design better personally and we felt that we could address, you know, substantively, the -- does it meet the design intent by taking access south -- to the collector road south of the existing home and so those are really the core reasons why we are asking for an alternative here. Now, you know, staff had commented, hey, we are asking for waivers for two roads -- or two access points to a collector and thus, then, we said, okay, you know, we can -- we certainly need one, because we really don't have another alternative to -- to that one -- to the northerly one, but the southerly one, you know, a road could be built there and so it would -- it would basically just, you know, create an intersection there, would stub out -- the road out to a point where it would be on the eastern side of the proposed Lot 2, Block 1, which is the existing house and, then, we would put in a temporary -- or a sort of -- a Fire Department turnaround of some sort. We still need to perfect that. But there would be a design that would, you know, pass everybody's approval and there would be some sort of turnaround and, then, we would probably likely enter the -- the church property -- church parcel from that -- that turnaround and so we would need to redesign the church a little bit here. Of course, the full design of the church -- and we will be -- we will be back to discuss that and design for CZC and so forth. But right now it's just -- the conditional use permit is for -- just the use, right, and so I wouldn't get hung up on, you know, can we accommodate the design with the road. We can, you know, if we -- if we needed to, it's just that, you know, the other -- there is two alternatives and in the future, again, for this alternative, the -- the road would stub probably further south and that's what the dashed lines are with -- a road

would stub south and tie into this future local street that would be planned and so that would be the -- you, know how the traffic would flow. To answer that.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. I think I understand what you are saying. So, you build the local street here toward where the fire turnaround is and, then, the extension would come later in a different phase it sounds like.

Rennison: Yes.

Strader: Yeah, just run -- Mr. Mayor, if you will permit me to make a comment. Yeah. What I like about this design is it feels a little more connected to me, compared to kind of just adding a flag and, then, not -- you kind of have two different disconnected pieces of the ultimate subdivision if you look at the property as a whole. So, I -- you know, that's just one piece of feedback. I -- I personally am leaning toward a local street. I just -- I think it will result in a more connected neighborhood. So, I appreciate -- you know, that's important to me. I don't know how other Council Members feel, but I appreciate the -- the flexibility around trying to accomplish that.

Rennison: Very good. Yeah. And, again, you know, we are -- we wanted to develop this idea, so we had choices and so, really, again, we are -- we are good either way.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: To that point I think Council Woman Strader is spot on. I -- I tend to agree and, John, you do a great job. The ability to provide this flexibility. The local street. The policy that we have. You can meet it. It's there for a purpose. I don't think it necessitates waiving it. Having two accesses understandably seems appropriate, too. But I tend to agree that the local street of the two options is probably the better long-term solution, understanding that you will make some adjustments to make that work. So, just my thoughts on -- for and hearing the testimony today and the deferral -- if it doesn't make a difference I understand the reason for the deferral and I don't have any concern over that request as well. It seems appropriate in this circumstance, so --

Rennison: That sounds great.

Borton: Good work.

Rennison: Thank you very much.

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: Yeah. As I -- it's kind of interesting that they presented two options that you could live with and let us choose. I'm not sure I want to be in that position, but I'm going to agree with Council Woman Strader. I -- in looking at the two back and forth it seems like it's a better -- better approach and I like that very much, so -- also just -- I think it's great to have a church in this area. I appreciate it. Pastor, your comments about it kind of being a community center free for the city, but it's a great place for congregating and gathering, so I think that's -- grateful to see that going up there. But, yeah, I think it's a good -- good project.

Simison: Council, any additional questions or comments with the applicant? Okay. Thank you.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: If there is no further discussion or questions -- well, maybe there is going to be discussion, but we will do step one and close the public hearing on H-2023-0041.

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: FIVE AYES. ONE ABSENT.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: This application as presented -- again, John's done a great job. It's the right use in the right spot. I think it fits, it makes sense and is going to be a -- certainly an asset to the -- this area of our community. The DA modification and the CUP all seems to fit and the conditions are appropriate. So, staff's done a great job in outlining it. My thought on the -- the items at issue, I think the waiver of the two accesses on Oak Briar is -- is appropriate as noted. The deferral of the improvements in 5-B in the staff report, that staff's indicated they can manage and address also seems appropriate under these circumstances and the local street option being the second access to Oak Briar that's presented -- it's actually on the screen now -- would be the appropriate second access as presented, rather than the flag lot option. So, I think those were the outstanding issues before us and would be inclined to approve it with those responses to the -- to the conditions.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: If that was a motion I would second the motion.

Borton: It was just -- I didn't want to rush discussion. Mr. Mayor?

Simison: Councilman Borton.

Borton: I move we approve H-2023-0041, inclusive of the deferral and conditions as addressed in my comments just moments ago.

Strader: Second.

Simison: Have a motion and a second. That works for staff the way Mr. Borton did that? Okay.

Borton: We good?

Simison: All right. Is there discussion on the motion? If not, Clerk will call the roll.

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

Simison: All ayes. Motion carries and the item is agreed to. Thank you very much and good luck on the next phase.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

4. Public Hearing for Avani Neighborhood (H-2023-0049) by Conger Group, located at Southeast of Franklin Rd. and Black Cat, North of I-84.

- A. Request: Annexation of 35.086 acres of land from RUT to the R-15 (Medium High Density Residential) zoning district.
- B. Request: Preliminary Plat consisting of 256 buildable lots and 25 common lots on 33.71 acres of land in the proposed R-15 zoning district.

Simison: Council, need to take a break or are we ready to go? All right. We will keep going. All right. With that we will move on to Item 4, which is a public hearing for Avani Neighborhood, H-2023-0049. We will open this public hearing with staff comments.

Hersh: Good evening, Mr. Mayor and Members of the Council. The applicant is here to present their project for Avani Neighborhood. The applications that are before you are for annexation and zoning and preliminary plat. The site consists of 33.71 acres of land, zoned RUT in Ada county, located at the southeast corner of Franklin Road and Black Cat, north of I-84. History on the property is none. The Comprehensive FLUM designation is medium high density residential. The applicant proposes to annex 35.214 acres of land with an R-15 zoning district, which is listed in the zoning district compatibility matrix in the Ten Mile Area Plan as one of the best choices for the zoning in the medium high density residential designation. The property is designated medium high density residential in the future land use map and is located within the area known as the Ten Mile Interchange Specific Area Plan. Medium high density residential areas are recommended to develop primarily with relatively dense multi-family housing, such as row houses, townhouses, condominiums and apartments. Not all single family attached and detached homes as proposed by the applicant. These areas should have a mix of housing types that achieve an overall average density target -- target rate of 12 dwelling units per acre, with densities ranging from eight to 15 units per acre. The proposed development incorporates a mix of single family attached and single family detached homes resulting in an overall gross density of 7.59 units per acre and consistent with the target density desired and, then, medium high density residential FLUM designation for the Ten Mile Area Plan. Townhomes should be included in this development to be more consistent with the plan. However, the property to the east has approval to construct a 515 unit multi-family development to offset the need for additional multi-family in the area. Mixed employment areas are also entitled or in the development process to the west, south and southeast. So, it is conceivable that this development may provide additional housing options for these employment areas. The Ten Mile Interchange Area is intended to look, feel and function differently than a typical residential subdivision. It operates as a form based specific area plan. We will design the built environment as the primary review element and is intended to work in conjunction with the land use and zoning designations. These design elements should not be treated as a checklist, but used to implement an overall vision and support a traditional neighborhood design desired by the plan. Out of the 256 single family units only ten are alley loaded. The others are all front loaded with the living area either at the same plane or behind the garages away from the street. A few of the units have usable porches that might meet the guidelines. No porches are proposed on the side for kids. All units have single two car garages -- garage doors, not separate doors. The proposed elevations do not meet the design criteria, but encouraged building entrances to be situated close to the street primarily due to the garage dominated nature. Elevations for the alley loaded units were not submitted with the application, making it difficult for staff to determine if they comply with these guidelines. Staff believes that the plat should incorporate more alley loaded lots. However, the applicant believes there isn't a market for this type of housing and has elected to limit the number of alley loaded homes to ten, which is inconsistent with the plan. Shorter block length and narrower streets help build a greater sense of community. As proposed these lots are narrow and garage dominated, creating more driveways and less treelined streets along the primary streets, which contradicts the traditional neighborhood design principles. More alley loaded homes would enhance the streetscape for this development and ground the front

porch to the primary street per the plan. Some of these design elements are not required by the UDC as envisioned by the plan, therefore, the applicant requests that the Council allows some deviation to these design elements. A preliminary plat is proposed consisting of 256 lots -- building lots and 25 landscape lots, six common driveways and two alleys and one nonbuildable lot on the 33.71 acres of land in the R-15 zoning district and proposed lots -- lots range in size from 2,436 to 5,357 square feet, with an average lot size of 3,584 square feet. The subdivision has proposed to develop in three phases as shown in the preliminary plat. The applicant is currently collaborating with the property owners directly to the south and east to complete the collector street connection to Black Cat. The city desires to have the street dedicated and constructed before residents occupy the homes in this development. A minimum of seven points of site amenities are required based on the area of single family residential development. Qualified amenities should include features listed in the UDC. A large park that includes a children's playground with a play structure, swings, climbing rocks and a climbing dome, seating benches within a safe fenced area, two pickle ball courts and fenced dog park is proposed, which meets the minimum standard. A ten foot wide regional pathway along that Black Cat Road and Vanguard Way consist of approximately 2,500 linear feet. Additionally, the five foot micro pathway running north and south on the east side of the property spans a thousand linear feet. Overall the proposed amenities exceed the minimum standards. Staff recommended denial to Commission of the proposed annexation and preliminary plat as proposed -- as the proposed project does not align with the purpose and the intent of the Ten Mile Area Plan as outlined in the analysis in staff's report in accordance with the findings. The applicant has been -- has been made aware of staff's concerns and has elected to forego some of staff's recommendations to gain a favorable recommendation. Staff's repeated suggestions for the applicant to apply for a Comprehensive Plan amendment to better align with the design criteria in the Ten Mile Area Plan -- the applicant showed no interest in pursuing the recommendation. However, Council should rely on all relevant information when determining if this project is consistent with the plan and open to allowing deviations from design elements as desired by the applicant. City Council recommended denial of the project. Summary from the city -- of the commission -- or I'm sorry. Commission recommended denial of the project. Summary of the Commission public hearing. In favor was Hethe Clark. In opposition there was none. Commenting was Hethe Clark. Written testimony on this project was none. Key issues were none. Key issue of discussion by Commission. Meeting the target density for the project. Does the annexation request before the city fit the vision of the community and what the city is trying to accomplish in this area. The spirit of the Ten Mile Area Plan is to provide something different, not the same characteristics as you find everywhere else in the city. The project lacks the design elements required within the Ten Mile Area Plan. Condition changes to staff's recommendation were none. Outstanding issues are none. Written testimony since Commission hearing are none. And that concludes staff's presentation and I stand for any questions.

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

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: Thank you. And, Stacy, I had one question. In the staff report it said there is -- there is no flexibility in the -- the design elements for the plan. Can you help me understand -- it's -- if it's a comprehensive plan I understand it helps give us guidance on how we want to see the city develop, but why is there no flexibility and what -- really what does that mean? We say there is no flexibility in the design elements. Because it seems like that sort of the crux of maybe the staff recommendations is how these -- how it's, you know, being designed, being laid out. So, I just want to understand why we would use those terms there is no flexibility and really what does that actually mean?

Hersh: Mayor, Councilman Taylor, so those words were actually written into the Ten Mile Area plan exactly like that. So, staff included them in the report.

Parsons: So, Mayor, Council, I'm happy to elaborate a little bit more on that topic. If you had a chance to -- if you read the plan where Stacy and I are in that plan quite a bit with applicants, there is always -- I think as Stacy mentioned in her presentation to you the Ten Mile Plan is supposed to be something different, something unique. A set of guidelines and principles that all the landowners that develop in that area would adhere to and follow and those would be the guiding principles that you, staff, the city would use to guide development in that area. Now, we realize sometimes, as you heard in the previous presentations tonight, sometimes things don't always align with everyone's vision and the Comprehensive Plan is a visionary document. So, you have -- you have to balance that policy versus code and that's what we try to do in our presentation and our staff report, Commissioner -- or Councilman Taylor, is that we are trying to walk that fine line. We realize we may not be able to hit all of those targets and meet that mark, but we have to get closer than what's before you this evening and so that's why we bring that to your attention. The idea was this area would be a form based design concept out here, something different than our typical zoning ordinance that we have and usually that's why you see such stringent requirements in our Ten Mile Area Plan above the other comp plan policies, because we want these to be walkable. We want these to be tree lined streets. We want narrower streets. This is -- this area is meant to act as its own little mini city, not to leave the area and go home to your suburban home in Meridian, it's for you to live, work, and play in this area. In order to do that you have to have many of those design concepts that we have asked for in the staff report.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I think what might be really helpful, if it's possible for planning staff, just because we have newer members of Council and to refresh everybody's memory, when was the Ten Mile Specific Area Plan approved? What was the process that we went through? Certainly we have made some small exceptions to the Ten Mile Area Plan since I have been on Council, but we have been very strict about adhering to the

plan, at least since I have been on. But maybe just sort of an overview of the process that we went through.

Parsons: Mayor and Members of the Council, Council Woman Strader, happy to do that. So, this plan was adopted in 2007. So, it was -- again, it was pretty ambitious. That's -- when I started with the city, so it was just newly fresh to the city at that time and through -- went through a rigorous process, a lot of stakeholders, a lot of developers, a series of meetings over the years to get it right. Two year process to adopt this plan. So, all of that context is found in the Comprehensive Plan and these were the set of principles that everyone agreed to adhere to. Now, I would mention that the plan did have other steps to follow after the adoption of the plan and that was to amend the ordinance appropriately, come up with design concepts that could be codified and I can tell you those changes have had -- have happened incrementally over the years, so they weren't -- the comp plan wasn't necessarily adopted in 2007 and we changed the code to align with all of those concepts. No. Over -- I think in 2009 we actually approved two new zoning designations that came from that effort. That was the ME zone and, then, the HE zone that is currently in the Comprehensive Plan now and, then, over the years we have also updated our traditional -- or traditional neighborhood districts to align with some of those design elements as well. Anyways, hopefully, that gave you enough context as to -- I guess a little bit more for the Council. A lot of this development hasn't occurred. It started in 2012. So, we actually adopted the plan in 2007 and now, with the help of Brighton and some of the ERD work that we did, we were actually able to spur development in this area and now you can see that -- that work coming to fruition based on all of those efforts that we put into that.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Maybe just one follow up. Do you think, given that the plan was created starting in 2007, now it's 2024, it's been a while, does it seem appropriate at some point for us to circle back to the plan and update it more holistically? Like would you expect that we would do a process like that?

Parsons: Mayor, Council Woman Strader? Absolutely. I think we have talked about it internally as staff, because we certainly don't want to be up here debating what -- what rules to apply and what policies apply and what doesn't apply. That's -- we are not in the business of doing that. We want to present you facts, give you the right information so you can make an informed decision. But we are in -- as some of you may or may not be aware, there is a lot happening just in this section of Meridian currently with what's happening to the south, to the east, even to the west and so whatever we are doing here we want to be mindful of that and we want to make sure that those uses do align with those policies and that vision and that's why we are taking such a hard stand on this particular project this evening, because we have held everyone else to a higher standard in this section and we just feel like this is the residential component that we need to help that employment, in addition the housing in the area. So, we are pretty

passionate about it this evening, to be honest with you. We want this one to work and we want it to be in alignment with those policies as much as possible.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Thank you for your candid comments.

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: Just to clarify. So, we haven't revised the design elements since it was adopted in 2007; is that correct?

Parsons: That is correct.

Taylor: And, then, Mr. Mayor, if I may, a quick follow up.

Simison: Councilman Taylor.

Taylor: How many -- in this area how many other projects have come before Council for approval that have kind of been subject to the same design elements?

Simison: Maybe the way -- how many acres of the plan, roughly, have been annexed and put under these guidelines? Any idea? Are we 50 percent of the plan? Twenty-five percent of the plan?

Parsons: Mayor, Members of the Council, I can probably sketch something out for you real quick on GIS, but I don't have a number off the top of my head. But by the time this project -- if this project to annex in and the adjacent properties, that -- everything south of Franklin will be primarily in the city at that point, except for that southwest corner at Franklin and Black Cat. So, it's a significant amount of acres and, then, when you look at the north side of Franklin, that one's pretty much filled in at this point. I would say at least 80 percent, if not 90 percent filled in on that -- that north side. So, it's -- it's happening. It's -- and, then, we have industrial farther to the east and -- or to the west and the only reason why that is not developing at this time is because of the sewer challenges that we have in that area. It has to come down from McDermott. So, we have -- we are talking -- I think the plan was of over two -- 2,800 acres and I think we are probably close -- you know, at least a thousand or more acres that have been developed under this plan. Back to your point, every project has been conditioned to comply with the Ten Mile Interchange Specific Area Plan, but each development has a different context and so it's not -- it's not easy for staff to say everything has to do this. As you know, there is always specific challenges to each project that we review and what we try to do -- whatever project we look at we look at the development context

around that development that's coming in and we try to match that as best we can and try to be consistent in that process. So, when you look at the north side of Franklin you will see a lot of the design theme and the same elements happening on that side and where this may be a little bit different. I would also let Council know that the Baraya development -- that is the Corey Barton Sub that is on the south side of Franklin and currently built out, that was adopted and approved prior to the adoption of the Ten Mile Plan. So, while you might not see some of those same elements in that development, they did have alley loaded product, townhomes, multi-family and even single family in that development in keeping with the spirit. At the time that that project was annexed it was mentioned to the Council at the time that the city was in the effort of adopting the Ten Mile Plan and they were held to some pretty specific design criteria in their development agreement to align with that vision.

Simison: One other quick thing. I don't know if it's a question or a comment, observation, but one of the things that has always struck me with the Ten Mile Area Specific Plan, there always seems to be an interesting road interface with the development. This one really doesn't have that. This is -- this is almost like a standalone parcel. You don't have any of the collector roads that are going through it which are creating in a lot of ways a connection to the rest of the development -- the rest of the Ten Mile Area Specific Plan and I don't know if that was designed, lack of just the placement of the parcel, but, you know, the way this one is presented it is almost a standalone subdivision in a lot of ways and doesn't feel like it would be connected to the other roads in the -- the traditional projects that we have seen. Any feedback, comments, thoughts and maybe that's for the applicant as well in that context. But, yeah, this one -- you could -- I can take this, put this in a place, because you don't have that major intersection -- that major component like a lot of the other properties do in this area.

Parsons: Yeah. Mayor, Members of the Council, it -- it's hard to see on this map here, but what you don't see in some of the graphics is we do have plans -- plan to connect into this and Stacy and I just actually preapp'd on that odd shape piece just along the north boundary here where they are thinking about coming in and doing a medium high density residential development and they are required to provide a collector road along the south boundary of this project. So, you don't see that interface yet. But this -- this property is bound by, essentially, two collector roads on each end to help tie in with that integration with the plan and I know the adjacent property just to the east that is approved for multi-family, just changed ownership and they intend on coming in and presenting you a different plan in the future and so we are hoping -- if you had a chance to look at the staff report we also encourage the applicant to stub a road to this particular site. At least that was one of the comments we made in our staff report that they think about stubbing a street to the eastern property, so that the two neighborhoods could connect as well. So, we are trying to build that in as -- as this plan comes to fruition, but we -- both the Commission and staff felt that it needed some more refinement before we could recommend approval of it.

Simison: So. Maybe to ask a question is -- if the road was going through this property, as compared to on two adjacent sides of the property, because that's -- that's what this is. Basically the road network isolates this property in a lot of ways in my opinion, compared to a lot of the other planned elements where you have to integrate the road elements into it -- I'm not going to say you can't do that on the edges of these -- of this project, but does it seem -- that's just what it seems like to me, is like here we are just standing alone, we don't have to integrate. So, we didn't, because it's really not being pushed on us, it's on the peripherals of our project. Just that when I'm looking at it that's what I see, because it's just very much not like the other elements that we have seen with larger parcels. I don't have an answer. Just a comment. It's -- Stacy, if you want to comment.

Hersh: Mr. Mayor, Member -- Members of the Council, so it would be the parcel directly to the south that we have been working for with. Those -- that developer is going to be coming in a few weeks and that also has the same road, but it also goes through that parcel and the parcel east of it and, then, mixed employment and we have went through four requests for continuance to meet the plan and we finally got there, but just to give you some context of what's going on on the south, too, and it doesn't have a collector road through the center of the property.

Simison: Council, any additional questions?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Thank you, Mr. Mayor. Stacy. I'm looking at the zoning map. If maybe you could go through those residential -- the single family residential complexes that are north of Franklin and maybe identify those design elements that exist in those projects that you were suggesting for the application that's before us tonight.

Parsons: Yeah. Mr. Mayor, Members of the Council, it would be difficult to do that without having all the conditions of approval in front of me. But, Stacy, if you want to leave that up I can tell you there is -- so, we have the townhomes just north of the -- the school and they actually have access off a private street, not a primary street, but the elements that do front on the public collector street, the -- the units were actually required to orient the front porches towards that collector street and tie in with that primary street per the design standards and, then, all the access and, then, they had internal streets or alleys and they also had a MEW, which we required. So, again, more alley loads, all townhomes in that particular case. As you transition to the R-15 piece, we are currently going through the design review process with that Aviation Subdivision that was approved. Originally it came in as part of the charter school. It was going to be their ball fields and they sold that off and you guys approved a Comprehensive Plan map amendment and a rezone to an R-15 zone to allow a mix of townhomes, duplexes, and multi-family or four-plexes on that site. They were conditioned to -- in their development agreement to meet the design concepts. They are currently working with

staff on their design review application to comply with that requirement. The first renderings they submitted did not. They had no front porches. Garages were in front of the units. We had them deviate. The next project was the Newkirk project that came in. We worked with the applicant. We made some concessions on that particular project. They are up against the railroad tracks. They had limited street frontage, local street access to the homes. There were only 64 -- 62 units in those. Thirty percent of those were alley load townhomes and the other portion was 260 multi-family units that complied with the plan and it may or may not stay multi-family. They may come back and do something different on that site and they will be required to comply with the plan. Again, the difference here on that compared to this site was they asked for TN-R zoning and so they had -- they were scrutinized -- scrutinized a little bit more with that TN-R zoning in the code. Again, that's code versus the policy. The code requires a mix of residential types and also in the T-NR standard it says it's anticipated that a majority of the homes would be alley loaded. It didn't say thou shall be alley loaded. So, that was left up to this Council's determination as to whether or not 30 percent met that threshold. Based on the product type that they presented to you you guys were comfortable and -- excuse me -- the TN-R zone also said that the perimeter lots could be alley -- or garage dominated or garage oriented towards the street. So, that was the -- the argument and the justification of why we allowed a deviation to that plan in that one. The other apartments -- that project was denied once and came back with less density. I wouldn't say I'm the biggest fan of them. They are a townhome style, but they were approved of as multi-family and they did have a mix of units and, then, you also had the other Silver Oaks apartments that were again approved prior to the adoption of the plan. So, they already had an entitlement that we had to not get them to be complete adherence to that. So, again, I think we have done a pretty good job -- and so when we took all of that into context of looking at Newkirk or all these other developments, we were trying to make sure that it was integrated with the collector network and also having the same design elements, which I think it turned out pretty well in my opinion, at least on the north side.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: So, Bill, I guess -- I appreciate that, but answer my question a little bit more. How many single family home applications have we processed that are in the Ten Mile Plan? Not multi-family, single family.

Parsons: The only ones that I can -- Council -- Councilman Cavener, it would be Baraya at this point, which is the Corey Barton --

Cavener: The what?

Parsons: The Baraya Subdivision, which is Corey Barton on the --

Cavener: Mr. Mayor? Bill, didn't you just state, though, that that came in before the Ten Mile Plan was approved?

Parsons: Yes, sir.

Cavener: So, Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Bill, I don't want to put words in your mouth and this would be the first single family residential application that we would receive that will be subject to the Ten Mile Plan, is that what you are telling me? To make sure I'm hearing you right.

Parsons: Mr. Mayor, Members of the Council, this would be the first one with -- well, it depends on your definition of townhomes and single family attached and duplexes, they are all the same, they are all single family in our code, so --

Cavener: Yes. Okay.

Parsons: So, not necessarily, no.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: So, I want to make sure that I'm reading this right. This application does include townhouses and alley load as well; correct? Which are designed elements that you previously indicated were asked for in other applications of the Ten Mile Plan?

Parsons: Mayor, Members of the Council, this does not have townhomes. It has attached and detached homes with alley load. So, the alley loads are even single family detached, not townhomes.

Cavener: I appreciate that clarification. Thank you, Bill. Thank you, Mr. Mayor.

Simison: Thank you. Council, any additional questions for staff? Then would the applicant like to come forward? Good evening, Mr. Clark.

Clark: Hi, everyone. Hethe Clark. 251 East Front Street in Boise, representing the applicant. And, Stacy. do you have my presentation handy? I guess I should say hi to everybody and good evening, Your Honor, to one particular council member.

Simison: While this is pulling up, I have had the pleasure of having some conversations over the last year and what some people that have come forward say, you know, you are always tough when I come before you and it's like, well, sometimes some people only show up with tough applications, so nice to see you again.

Clark: No, I -- shall I take that as a compliment?

Simison: Yeah. Absolutely.

Clark: I -- I often say that if -- if -- it wasn't hard I wouldn't have anything to do, so -- so, it's good to be here with everybody once again. So -- thank you. Got it. Okay. So, this is a project that's within the Ten Mile Interchange Specific Area Plan and rather than trying to say that 400 times tonight I'm just going to call it the Ten Mile Plan, if that's okay with everybody. As you know, the Ten Mile Plan is -- as the Council Member mentioned, is a comprehensive planning document. It applies to an area that is seeing significant development and infrastructure improvements, including the widening of Black Cat, current construction of the mid mile collector, which I will point out and it -- as I think it was alluded to here, it is one of the last remaining medium high density residential parcels to be developed. There is ongoing development on the east, south west and east. This map shows you some of the area around us. You can see that we are just north of the freeway adjacent to Black Cat and we have -- there are several projects that are in processes as we speak tonight. You can see here the property in yellow fits there on the left and it's shown against the land use designations that are called for in the Ten Mile Plan. So, this is the medium high density residential designation. You will -- you will hear me call it MHDR a bunch of times tonight, but the medium high density residential designation. That calls for a density band between eight to 15 units. Staff mentioned the target of 12. A target of 12 is described in the plan as being for the -- the medium high density residential area, not on a project-per-project basis. Under the comp plan -- this is the regular comp plan, not the Ten Mile Plan, Section 311, we round to the nearest whole number when it comes to density. So, we are right at the bottom, but within the density band of eight to 15 for the medium high density residential. This is a priority growth area for the city as we understand it. City services are available. It will complete the transportation network in exactly where the Ten Mile Plan calls for it. The site is 33.71 acres, with 256 single family homes proposed. One important detail that I think goes to Council Member Cavener's point is that this is for sale single family product, which brings a unique element for this area in general. The -- what is around us is primarily going to be apartments or in large part rentals. The dimensions and the density are both consistent with the R-15 and we meet the Ten Mile Plan goals by providing multiple housing types across the MHDR designation. Again, this is a holistic look. The Ten Mile Plan speaks to providing a variety of housing types across the MHDR. It doesn't say that you have to have that within each individual project. To the Mayor's point, there is a bit of an element of this being standalone. It's -- it -- there is a collector on the south and -- but, you know, for now one thing I would point out is that we have done the narrower street sections internally. That is a Ten Mile Plan goal. As we look at the transportation element, this is the West Vanguard Way, which is the mid mile collector that will be provided with this and I know the Mayor likes to see developers get together and get the infrastructure in and this is an example of that with BVA, CBH and DevCo putting that in and it will be completed later this year. As we look further at the site, we have proposed 19.8 percent qualified open space, 3,500 feet of paths and regional paths, that includes the, ten foot multi-use pathways along with Black Cat and Vanguard. We have numerous amenities,

attractive landscaping and when we talk about the amenities, I do want to be clear that we don't just excuse the amenities, we triple the amenity numbers. We have 24.5 amenity points, when only seven are required. That includes a 1.3 million dollar community pool and, then, as well the pickle ball courts and the dog park and, then, the benches that the Ten Mile Plan speaks to. I mentioned our pathways, which you can see here and, then, in terms of housing -- so, these are the elevations that we are proposing. These are the single story detached units with a porch that is incorporated as you can see in one of the elevations. These are the detached two story units and these are attached and, then, we -- as staff has mentioned that they would like to see an elevation for the alley loaded project -- products, so this is the elevation that we are proposing for those. That doesn't also include a porch. And I -- I will return to this in a moment, but I think it's important that it -- because I'm going to come back to it a few times -- is that we placed all of our ally loaded product at the entry of the project. So, ally load -- you know, the benefit that it has is that it creates a street scene that people like to see. We took that and we put it in a place of prominence right at the -- at the entry of the project and I will describe that here in a little bit more. So, staff discussions -- you know, I want to be fair to the applicant in terms of what those conversations have looked like. This project has been through 18 months of discussions. There has been three revisions of the application. There has been -- well, four as I understand it, pre-application meetings with staff. There were modifications that were made. We removed the entry onto Black cat it staff's request. We added the alley loading -- loaded product at the entry of the project. So, again, not tucked somewhere in behind and we added porches to two of our elevations. So, I think as we talk about this it's important to not talk in platitudes. It's hard to do that when we are talking about a policy and we are trying to apply that at the level of code. You know, the Ten Mile Plan, as everyone here knows -- and I think it was -- it was hinted to, but the Ten Mile Plan has not been incorporated in the code in the way that you would typically see a comprehensive plan Incorporated. That was one of the action steps for the Ten Mile Plan. That's not happened. And so that creates some complications and I'm going to talk about those a little bit here. But if I were to summarize the staff report in just a couple of bullet points, I would -- I would describe it this way: There is no issue with the code. Under the R-15 standards we satisfy everything. There is not an issue with city services. We have utilities available -- you know, services are available. But if we -- there are three things that staff claims are inconsistent. One is the alleys and porches. There is the target density and, again, we need to keep in mind target versus the allowed eight to 15 and, then, there is the block lengths. So, let's talk about the Ten Mile policies. So, beginning with the density, the Ten Mile Plan says that the recommended density in the MHDR is between eight and 15. As I mentioned, we round according to the comp plan. So, we are at eight. We satisfy the recommended -- recommended density. The Ten Mile Plan also says that there is to be provided across the MHDR a variety of housing types. We have single family detached and attached, as well as alley loaded, which complements the multi-family that's around us. As staff mentioned, the existing entitlement, the existing approval to our east, as per 500 apartments. Now, they may change that in the future. We can only operate on what's currently entitled and that's for 500 apartment units. So, multi-family is right next to us. We are coming in with a product -- a project that will provide single family for sale product. Now, this I think gets to Council Member

Taylor's question. There are inconsistencies in the way the Ten Mile Plan describes its -- its -- its requirements. So, yes, it has the language that Stacy mentioned, but those design elements -- you can see on the screen how they are described. They are described as recommendations in the Ten Mile Plan and as we talk about this some more, you will see that it actually makes sense that those would be recommendations, because you can't fit everything into the same box that we are being asked to fit in the medium high density residential area and I will try to explain that a little bit more as we go on here. So -- well, let me -- let me actually say one more thing about that point. The -- there was a question that came up about some of the projects that occurred north of Franklin where a lot of the MHDR projects have occurred. Several projects have been approved up there. In fact, we were involved in one of them, which was Newkirk. As -- as far as I'm aware -- and I know for certain within Newkirk, there has never been a strict insistence on meeting each of the Ten Mile design plans -- or design requirements in every instance. There was all -- there has always been consideration of outside factors, which is appropriate whenever you are trying to apply a comprehensive plan to a fact specific situation. So, let's focus in on ally loaded and lots and porches. So, 20 years -- maybe that's a little bit of an exaggeration -- for almost 20 years -- maybe I should have said that instead of 20 years. But we are getting close. And the difficulty that I think we all have to confront is that there are some elements of the Ten Mile Plan that work at lower densities and others that do not work at higher densities. So, with regard to alley loaded lots, they were in vogue at the time. That's not the case any longer. Today's buyer wants a home with a backyard, even if it's a small backyard. They want to enter their home through the front, along a -- a manicured lawn. They don't want to enter through the back on an alley that's got everybody's garbage cans and their air conditioning units. With alley loads there is no backyard. If you are going to have outdoor living space you got to have it on the side. That if you are going to have meaningful outdoor living space that means pushing the lots further apart from each other, which means you are reducing the density that direction, when you have already reduced the density by inserting an alley between the homes on the backside. If you don't significantly reduce the density -- and, again, I'm going to come back to this significant -- we are -- remember we are at eight on the -- on the band of eight to 15 with the number of alley loads that we have provided. If you don't significantly reduce the density, we expect that you have the -- you know, the barbecues on the front porch or out on the back. No place, you know, for the dog to go to the bathroom. In other words, they become, you know, in our view more like a really expensive apartment. You know, we have concerns with ally loads and we believe our proposal provides the density that the Ten Mile Plan is looking for, while still providing a marketable product. With regard to porches. Porches work well when you are talking about a nice country home with, you know, porch chairs and the swing and you have room at lower densities to do that sort of thing. The Ten Mile Plan speaks to porches and calls out 30 percent of the front and recommends two sides of the -- of the home have porches on each one. But the Ten Mile Plan also wants eight to 15 units per the acre. So, that creates a square peg in the round hole. You can't have the required density and have the number of porches that the Ten Mile Plan calls for. So, we have these -- these inconsistencies that are hard -- that we have to confront. Now, just like was true in some of these other projects, I want to focus on -- on the things that we have done and we think we have satisfied the

Ten Mile Plan by doing and taking the actions that we have. So, we have concerns with it, but we think we have satisfied it. The only question really is -- is to degree or -- as to quantity. So, we have included the alley loaded product. It's at the entry of our project, which means the field that's advocated for in the Ten Mile Plan is provided at the entry, in our most prominent lots, in the most prominent area of the project, as you lead into our swimming pool area. We have included porches in two of our four designs. Staff also mentioned block lengths and I will show you a map here, but our block lengths are shorter. The code requirement -- there is no specific requirement in the Ten Mile Plan as to what is a standard block length, but the code requirement is 750 feet. We have no block lengths longer than 521 feet and many are less than 250 feet. We designed those with the Ten Mile Plan in mind. We also have the 27 foot street section with parking only on one side to make sure that the roads remain narrow, which also is a Ten Mile Plan requirement. Again, we have provided the housing variety of -- we add to the variety of housing types and while doing all of that we still hit the bottom of the eight to 15 dwelling units per acre requirement. And we do so while providing more than three times the number of required amenities under the code. So, we have provided each of those elements that are required in the Ten Mile Plan. Again, the only question is asked to degree. So, let me build on that just a little bit. So, here are the two elevations that include the porches and, then, on the right this is the -- the entry to our project and, then, the -- the alley loaded homes are the ones that front that as you come into the project and, then, just to emphasize the block length, the Ten Mile Plan, as I said, doesn't identify what's meant by reduced block length, but we are well below what code requires on the block length, so we do have reduced block lengths. So, I will finish up with this. As we read the staff report there is the three items that need to be discussed. The alleys, the end porches, the block length and the target density. Again, density requirement is eight dwelling units per acre minimum. We have hit that. We are well below the city code requirements for block length and we have incorporated porches in two of our designs and placed the alley loaded at the entry of our project. So, we think we have incorporated those. We think that -- we would ask the City Council to incorporate these marketability questions and the fact that this is a plan -- a comprehensive plan and show appropriate flexibility, just like the -- the Council has done in the past. So, with that I'm happy to stand down and answer any questions.

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

Borton: Mr. Mayor?

Taylor: Mr. Mayor?

Simison: Your Honor.

Borton: Just one question. I will -- I will ask you, Hethe, and, then, staff can respond. Your slide showed amenities at 24 and a half points and the staff report says 13 points. So, a clear disconnect in what qualifies, who doesn't qualify. At least page 15 of the staff report shows nine plus four. I was just curious. That's a big difference.

Hersh: Mr. Mayor, Councilman Borton, so I didn't come out with the same calculations as they did.

Borton: Clearly.

Hersh: Exactly. When I was adding it up.

Borton: I'm curious what does the applicant say.

Hersh: I'm not sure how they came up with their number. If they added extra points for --

Borton: You can look and come back with me at that. It just seemed like that was a big discrepancy, so --

Clark: Council, I appreciate the question. Yeah. Just -- Laren just mentioned to me that one glaring omission was that the pool wasn't counted, which is a million and a half dollar amenity.

Parsons: We will look into it for you.

Simison: Councilman Taylor.

Taylor: Thank you, Mayor. Hethe, one question about the alley loaded homes. You said you haven't voluntarily built one. You make comments that it's not really what people are looking for. It was kind of in vogue when we envisioned this in 2007. Why is it -- they are attractive visually. You know, I can -- I appreciate that you have put it where people are coming in. I -- I like that. Why do people not want them now? I mean what -- what -- is it there is not a backyard? Is that the way they are laid out? Like what would you subscribe that to?

Clark: Yeah. Let me -- I have got an exhibit here that kind of helps with that. So -- and this exhibit shows a couple of things. One it shows the alley loads. If you have the same two lots, the alley loaded lots can reduce your density by -- by expanding those out. So, it does require more real estate, but I think more specifically to your question is the backyard is huge to -- to a current buyer. The current buyer wants to have at least a -- you know, a patch for the dog to go out and do their business. You know, something big enough for -- for the barbecue and that sort of thing. And, then, I also think -- you know, one thing that we have heard is that the -- the way you come home from work -- and I mentioned this before, so forgive me, but the way you come home from work is a lot more pleasant in this type of project where you are coming in through the landscaping by the trees into the front of your house, whereas what often happens -- and you can see that in some of the alley loaded projects -- product that's north of us in Franklin -- is when you come in the alley load you are coming in through the concrete jungle to get to your garage and you are driving past the garbage cans and you are driving past the air conditioning units, rather than coming in the front next to the

landscaping. So, you know, I -- they are just, you know, eminently more livable to not be alley loaded and if you look around on the -- in particular in this area and through a lot of the city, a lot of the alley loaded is actually investor owned, not owned by single family -- by -- by individual homeowners, so --

Simison: So, maybe -- maybe these are questions for you and maybe they are not and you are glad I'm not in the -- in the department, because I have always envisioned when I close my eyes the Ten Mile Area Specific Plan basically brownstones on Capitol Hill, you know, walking around was when we talked about that. I don't envision a porch traditionally. Vision more of a stoop, you know, a gathering space, but that also means cars parked in front of areas. So, you don't maybe enter from the back. You may have a parking spot in the back through the alley, but it's not really your entry point and you still have that backyard, but you have that walkable feel as you are -- as you are walking. I know that's not what we are talking about and that's stuff that was built a long time ago, but what constitutes a porch under definition? You know, does it have to be so many square feet. Does it have to come out from the house? Because no disrespect, it doesn't seem like -- none of these really seem like porches in the traditional sense. I don't think we are trying to get a traditional porch, even in this context, so I'm just kind of curious. Code defined how large a your porch needs to be? Where it needs to --

Clark: Mr. Mayor, if I -- if I could and, then, obviously, Bill is ready to jump in. The answer is we don't know, because the Ten Mile Plan only is a policy document and only kind of speaks in platitudes; right? And this hasn't gone to that next step of saying, okay, thou shalt have X number of feet of setback. What we do know, based on the Ten Mile Plan, is it speaks to porches should be a dominant element and they should be located along at least 30 percent of the front facade. A higher percentage is recommended, as is the location of porches on one or more side facades as well. Like the Ten Mile Plan is not talking about -- in this -- these three sentences are not talking about a medium high density residential product. Like you can't accomplish any of that at a medium density residential density. The other element that I would point out is I think in contrary -- in contrast what staff said, the -- even the garages, you know, it's -- it speaks to where -- when possible; right? So, in other words, again, these are -- as I pointed out before, these are recommendations at the beginning of the design elements standard and, then, when you even look at these specifics it uses language like when possible and so to suggest that there is no possibility of deviation and no room for deviation in the Ten Mile Plan just is -- just flies in the face of what the Ten Mile Plan actually says.

Simison: Staff, do we have any definition of a porch in -- is it you know it when you see it?

Parsons: Mayor and Council, we don't, but we do have square footages for porches in some of our code, so, you know, our multi-family requires 80 square feet. Our PUD standards require 80 square feet. So, typically when we look at a porch we are going to go to our architectural standards manual or we are going to go to Webster's dictionary

and say what is it. Could be covered, it could not be covered, but when you are looking at the elements or the illustrations in the plan it's very clear on how it should look -- or at least here is some things to consider when you are designing your home. So, yes, our policy is left -- left up to interpretation. Absolutely. Because not every -- again, not every project needs to be the same. It needs to be unique. And so that's where we -- when we say 30 percent, right, we don't have square footage. It's -- it has to be 30 percent of that facade. So, whenever they come in with a design review application they need to prove that up and show us. We don't say how much you need to provide, but we have had instances out there where applicants have come in and all they have provided is a stoop to your point, Mayor, and it's like that -- it's not 30 percent and that's just letting you in the front door. That's not a porch. It is a stoop and it --

Simison: But it could be -- you know, again, if I go back to DC row houses, 25 feet wide, entryway is about eight to nine feet with probably at the top, you know, you are probably sitting -- you have got 30 percent in your entryway into your door with that top, because it's simply more than just the top step, but typically does have a landing platform at the top. I'm just trying to get some context. You know, again, what -- truly what's envisioned versus what is practical in that context and, you know, I could -- I could redo this, but it would look like Washington DC and, then, people may buy it, they may not and you -- so, that's why I'm not in the development world in that context. And the only other question I had -- just kind of going back to my first comment -- and I didn't -- you know, the thing where staff told you -- because I was like take access off of Black Cat, cut off your access points and be a standalone subdivision that's not part of the Ten Mile Area Specific Plan, because even for myself I still feel like this is -- you know, while it's connected with pathways, does it -- does it feel integrated? Does it feel like it's part of the plan? I guess -- you know, and that's a subjective term even to you or to the rest of the Council. Does this feel like it's part of the Ten Mile Area Specific Plan the way it's designed and networked?

Parsons: Mayor, Members of the Council, you hit it spot on. That's why we are here tonight saying this is annexation and we don't feel it's the right time until we get something that does align and integrates with the rest of the area.

Clark: And, you know, obviously, I have different feelings about that, but I think you also have to ask yourself which parts of the Ten Mile Plan are we satisfying; right? Because if we do what staff is indicating that they can't recommend approval on it -- unless we do what they say we will be significantly below the density target for the Ten Mile Plan and the Ten Mile Plan is in -- is -- is an area where you planned for density you put utilities in planning for that density. Right? So, there has got to be a give and take and I would also just say that, you know, what is the feel -- you know, we -- we put -- we don't like ally loaded lots; right? We don't think that they are marketable. But we put those on the altar of the Ten Mile Plan by putting them right at the -- at the entry to our project, so that it's -- you know, we are paying tribute to what the Ten Mile Plan was looking for; right? But we don't think that we can do that to any -- really to any degree beyond this and still have, A, a unmarketable project and still have a project that meets the Ten Mile Plan's density band. I mean we have been criticized by staff in their report for not hitting

12; right? How -- there is no way for us to hit 12 if we are going to do alley loads and porches.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Question for planning staff. Don't we have examples -- like renderings in the Ten Mile Specific Area Plan of, you know, potential designs that do meet the standards? Do you have those available or could you speak to them?

Hersh: Mr. Mayor, Council Woman Strader, I have some that I have included in this report of what it could look like that I can show you on my presentation if you would like to see them.

Strader: That would be super. Thanks.

Hersh: Okay. Yep.

Parsons: So, Mayor and Council, I do want to bring it back to a couple points that -- that Hethe had brought up -- or the applicant's representative. On the block face -- so, if you had a chance to look at ACHD's staff report, they have even said the block lengths are too long and they are requiring traffic calming to mitigate that. So, their block face do not meet -- they are measuring it wrong or interpreting code wrong. So, in our code it says block face and it's each side of the road and just not one side. So, some of those block lengths are 900 to a thousand feet long. So, I just want to go on the record and clarify that, especially on that one block where they have the alley coming in and their open space, that whole north side of that roadway is -- is a thousand feet, so that's still considered a block face in our code and ACHD I believe has required some traffic calming in there based on some of those things, too. So, I just wanted to go on record of that. The other thing that they could do -- the other thing that we had talked about -- I know density. We can't just -- we can't say whether or not this won't meet the density requirements or not. We haven't seen a plan to truth that or verify that. We are leading that housing effort and I know this applicant is part of that and certainly there is different ways to get density. You can do that through townhomes. Skinnier lots. You can have -- the perimeter lots could be a detached garage in the back with an ADU above it for two units on one lot. There is different ways to make this work and still have density here in the plan and still integrate. It's just whether or not the applicant wants to do that and those are the conversations that we keep having and we realize they have a certain niche and they want a certain product for the community, but there are ways to achieve those things and still get density and that's the other point I was going to make is that's why -- when you look at the land use explanation in the plan, it speaks to higher residential style type homes, not necessarily single family homes and that's why we -- we felt it better aligned with an MDR designation and had recommended potentially going through a comp plan map amendment to change it, so we could support them in the effort of doing a different residential type, because we agree with the applicant,

there -- there may be a point where this area may be oversaturated with higher density residential and we -- I have to go on record and say I do support some more single family in this area, because we don't have it and so we were -- we were actually appreciative of the fact that the applicant removed the multi-family that they -- that they originally showed on the plan to get that density. So, I don't want you to think that they hadn't tried to make attempts to try to add density and make it work, but at the end of the day it came back to the same comments. It's the product type. It's the integration. It's do we need more multi-family. It's -- it's just a lot going on in this area and I think Brian and even their interns were here in front of this body last year talking about the housing, work balance in this area and giving you a progress report on the Ten Mile Area Plan, too, and sharing that with you how well we were doing and grading ourselves against that plan, if I am not mistaken, but, again, don't want our discussion too much, but, again, it's annexation. We don't know if this is the right product type for this particular project and to the Mayor's point it is -- it does seem like it's standalone and we are trying to get them to integrate a little bit more.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I appreciate the flavor that you just gave us and it looked like you had some renderings here available. I will be honest, Hethe, where I'm coming from and I think the struggle for me -- so, you know, we have expected everyone to try to adhere to the Ten Mile Specific Area Plan and what I'm hearing from you is -- I don't totally buy that it's impossible for you to meet the plan. I feel like you don't want to meet the plan. You have tried, but it doesn't really fit your vision of what you think is marketable at this time. I am not amenable to making an exception for this one development when we have been so strict about this plan and how it's been implemented. I don't think you are meeting the purpose and the intent of the plan. What I will throw you a bone on, though, is that the plan was written in 2007 and it's aged. I mean it's old. So, I do think it would make sense as part of a broader effort for us to revisit the Ten Mile Specific Area Plan holistically and, then, at that time maybe you could fit in better with what is updated. But this is the kind of thing where you start giving an exception to one developer, pretty soon there is no plan. Like that -- that's my -- my concern with it. So, I felt like staff's analysis was -- was largely correct. Now, we could quibble about porches, but I thought they had a point and I also felt like Planning and Zoning was correct in their deliberations. So, I just want to be upfront kind of where I'm coming from. I do think updating the plan makes sense and, then, at that time it would make more sense for you to come through depending on the outcome of that. Or, you know, working with staff again, but I understand you have been -- you have kind of been through the wringer on it, so --

Clark: We have. And, Council Member Strader, I think it's a little bit -- I think staff maybe overstated it when we said that the Council has required strict compliance with the Ten Mile Plan. In every application there have been modifications to the -- to the Ten Mile Plan, every one that I'm aware of.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I have been here for -- for a lot of -- a lot of the application of the Ten Mile Plan to specific properties, so I feel like I have a pretty good flavor for what the dimension of the exceptions were and this to me -- like I look at this holistically and this does feel like a subdivision that would be anywhere in Meridian and it doesn't feel to me like it's integrated into the area at all. I'm with the Mayor in the sense that, you know what, if we had some beautiful stoops, you had some townhomes, yeah, I might be convinced that that's close to a porch; right? But this to me looks just like a subdivision that could go anywhere in Meridian. It doesn't integrate into the area. It doesn't provide that walkable kind of almost non-vehicular, more pedestrian type of environment. That's where you are kind of leaving me on it and the block lengths thing I think is an issue. So, anyway, I don't want to argue and debate, you know, I'm just one person up here, but I just want to be upfront about kind of where I'm coming from here.

Clark: And I -- and I do want to respond on the block length thing, because what Bill's describing is in -- is -- I think a technical read of code, not a response to the Ten Mile Plan itself, which says reduced block lengths and we do think we have reduced block lengths. So, I don't want to let that go. And, you know, obviously, you know, when we are -- when we are talking about a comprehensive plan, a lot of it's in the eye of the beholder and so I understand if -- you know, Council Member Strader, if you think that that doesn't do it, we think that we have -- you know, we have done something at the entry of the project that we wouldn't have done if we weren't in the Ten Mile Plan. Like there would be zero alley loads in this if we were anywhere else in the -- in the city and so, you know, I think that's important and I think the applicant should be given some credit for that.

Simison: Council, any additional questions for the applicant at this time? We will give you a break.

Clark: Okay. Thanks.

Simison: Yeah. We will see if there is anybody else who has signed up to testify on this item.

Johnson: Mr. Mayor, nobody's signed up.

Simison: Okay. Is there anybody in the audience or online who would like to provide testimony on this item? If you are online you can use the raise your hand feature, but we do have someone coming forward. State your name and address for the record, please.

Billaud: Hi, Laurie Billaud. 192 West Lockhart Lane, Meridian, Idaho. I'm not privy to what the intent of the plan is. If you could explain -- explain the Ten Mile Plan, the intent.

Simison: Mr. Parsons.

Billaud: What is the vision? Not of his. Yours.

Simison: Oh, he was here when it was developed and not everyone up here was and I think it's best to hear from staff --

Billaud: Oh, I thought you were asking the gentleman --

Simison: Yeah. No. Staff.

Billaud: Okay. Sorry. My mistake.

Parsons: Yeah. It's -- it's complex, but the intent is that the Ten Mile Area was designed with a lot of stakeholders in mind for a specific vision where we realized at some point that Meridian would not have anymore land to grow outward and that we needed to preserve this area for a very specific purpose of almost creating our own little city within a city is probably the easiest way to describe it, where everything was connected through multiple -- multimodal transportation needs. So, you would have bike lanes, pathways, interconnected roadways, transit, everyone could live, work and play in that same area. So, we would have enough jobs to where people wouldn't have to leave the area to impact the adjacent roadways, they would use the internal street systems to get back and forth to all the employment and the housing that would be provided in that area. So, that is the vision for this. It's not meant for a suburban subdivision where you come home from work in downtown Boise and being there 8:00 to 5:00 or sleeping there and, then, going off to your job, it was really meant to be a self-contained area where all services and employment would be contained in one area.

Billaud: So, you would prefer to have more townhomes, condominiums and such in that area; is that correct?

Parsons: Mayor, Members of the Council, it's -- it's all of the above, yes.

Billaud: Just if I may comment to the builder. Is that okay?

Simison: Just make comments to the Council.

Billaud: Okay. So -- so, to the builder I do live in an alley load and I love my alley load. There are ways to market it for first time buyers. First time buyers are someone that could be interested -- millennials and so forth that are just putting together money where they need to come in, it's a lower cost. It's also good for seniors. We bought it, so that we could retire and be able to travel, because it's low maintenance. My next question is

what is the distance between the house and the -- between the two houses is my question for the builder.

Simison: And typically we don't do a back and forth. You can ask and they will --

Billaud: Okay.

Simison: They will reply in their rebuttal comments.

Billaud: Okay. So, I would like to know what the -- what the distance is between. We have six foot and it's not quite enough. It does seem quite crowded. However, we do have room for the barbecue. We do have barbecue room and we do have a place for the dogs. So, the dog does have a place to go. So, those aren't really issues. It does give a really nice look when you are coming in, because one of the things that we were -- I live in a Brighton community. What I liked about it is that you do have all the tree lines, so when you are walking and you feel community. On the other side I do see the area with porches. Mine does not have a porch and I detest it. It -- the neighbors go out, they want to be able to have community. I can't do that. And I did notice on some of the drawings they did not have porches. It looked like they were just walk up only. There is a difference between a walk up and a porch. A walk up is strictly a walk up. A porch is where you are able to put a chair I would assume, so -- and that was -- just wanted to make sure. Like the tree line. I do understand what the precedent, because once you do give that -- I -- oh, I know what I was going to say. The last thing. I'm sorry. I was at caucus -- the Republican caucus and I led the voter engagement booth. We had over a thousand people that attended. In that I did a survey for District 20 -- just for District 20 for everybody that went in and on the bottom of the survey we had a comment area of what was important to them. They gave us their name, their address, their info, everything else and what their comment was. The fourth leading comment out of about 50 comments was growth and expansion. Most of the people are very unhappy with the growth and expansion that we are being led to. So, unfortunately, I do like my alley load, but I do see what they are saying with having the single family available off the freeway. You -- we need to keep that, because people are very weary of the amount of people that are coming in and the density. They are very unhappy with that and these are four out of four voters that are coming to the caucus. So, these very engaged voters that do not want the high density, they would prefer to have something like this and the other thing is how much money are they putting aside to -- for schools for every single --

Simison: Your time is -- if Council would like to follow up on questions we can do that.

Billaud: Okay. So, you can answer that how much money they are putting aside for the schools. For every single --

Simison: Your time -- if Council would like to --

Billaud: Okay.

Simison: -- follow up on questions we can do that.

Billaud: Okay. So, you can answer about how much money they are putting aside for the schools?

Simison: I can answer. They -- under state law they are not required to --

Billaud: They are not.

Simison: No. We don't have impact fees for schools. Police and fire, but state law doesn't allow them to do it for schools.

Billaud: So, that was something we had in California. Okay.

Simison: Council, any questions?

Little Roberts: Mr. Mayor?

Simison: Council Woman Little Roberts.

Little Roberts: Mr. Mayor. Ma'am. Excuse me. Sorry. Do you mind if I ask you when your home was built?

Billaud: I built -- I moved in in 2020.

Little Roberts: Thank you.

Simison: Thank you.

Hersh: Mr. Mayor, Members of the Council, I just wanted to answer her question in regards to setbacks for the R-15 zoning district. It would be the same as hers, six feet in between houses.

Simison: Thank you. I think so. I don't see anyone else wanting to -- wanting to come up and testify, unless Council would like to ask ACHD any questions on block length, since someone is here in the audience, to get any resolution on that topic.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Happy always to hear from ACHD. Every time. Thank you.

Inselman: Thank you, Madam Mayor, Council Members. I did grab the staff report and we do -- it's one of the first conditions of approval, but there are two, three, four -- there are five proposed roadways within the development that exceeds 750 feet in length and

so the condition of approval set by the ACHD staff report is that they need to redesign the proposed roadways listed above to reduce the length or include passive design elements and submit a revised preliminary plat. So, we do have something in there.

Simison: Council, any questions?

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: Long night. So, to satisfy that you just need a traffic calming measure on those roads to satisfy it or would they have to redesign the roadway?

Inselman: Mr. Mayor, Council Member Taylor, yes, I mean they -- the applicant would have to come to ACHD with a proposal. Some of those passive could be bulb outs, it could be something that doesn't make it a long straight roadway. So, they would have to bring something back to us for approval.

Simison: All right. Then would the applicant like to --

Hersh: Mr. Mayor, Members of the Council, staff would like to clarify the amenities. There is a pool that was not included in that.

Simison: So, we are close, but we are still not at the same number. Within a couple of points. Yes.

Clark: Name on the record; right? Hethe Clark. 251 East front Street. I would just say in -- I say this with the greatest of love and affection for my staff member friends -- we always have disagreements on the amenities and we always have agreements on the qualified open space every time. So, I'm -- I don't think anybody should be surprised by that. Okay. So, I'm going to -- Stacy, I'm going to ask you to switch these, but before you do I just want to point out the elevation that's in the middle, the white house that's right there, and I want you to just hold that in your mind. And can you put up my slides? So, I just want to point out how similar our -- our ally loads look to that one. Another point that I want to make before I kind of do a little summary here -- to Kristy's point, you know, when we are talking about block lengths -- you know, block length has a definition in the -- in the code. It's when you don't have something breaking it up; right? So -- and we have -- in this case one of the challenges is that the property to the east is the apartment project that doesn't have a public street access into ours. So, we are inherently going to have a long street over there. On the west we -- staff asked us to take our access out to Black Cat; right? So, we are inherently going to have a long street over there. But the condition and the comment from ACHD is very typical, you know, passive traffic calming, bulb outs, those sorts of things, that's not a difficult ask. It's a typical ask and, you know, we don't anticipate that creating any issues for us. Two -- two more points. I think to our friend who testified, we looked that up, that -- that is a gated community that's at five units to the acre. So, it's not -- it doesn't have the same

constraints that we have when we are trying to hit the eight to 15 unit density band. And, then, finally, you know, before I get to my little summary here, I think it's important to emphasize this variety of housing types and, Bill, that -- you know, we don't have this product in the Ten Mile Plan. It's currently missing. And so -- I don't think I misstated you there, Bill. And so I wanted you to keep that in mind. What we have tried to do here is to accommodate the Ten Mile Plan. Again, I don't want to repeat myself ad infinitum or ad nauseam or whatever you want to say -- that Meridian homeowners want a backyard. But we have incorporated the Ten Mile Plan items. The only question is as to quantity and we would ask you to -- for your approval and I think that that approval, if we are so fortunate to get it, would be to approve the applications, but direct staff to come back with conditions of approval that are consistent with the plat and I believe to do a development agreement. With that I'm happy to answer any follow-up questions that the Council might have.

Simison: Thank you. Hethe, did you have the map with the road network on the -- in yours? Like --

Clark: Yeah. Is this the one you are looking for?

Simison: That -- yes. That was the one. Yeah. And I don't want anyone to take any of my comments out of context. You know, obviously, we all can see there is five people, unless someone recuses themselves I'm not voting in this -- in this issue tonight. But I just want to be clear, at least in my comments, it's like I can understand why this could be treated as a standalone property. It is in the Ten Mile Area Specific Plan, but I could also see why we don't include it, you exclude it, you give them access off of Black Cat and you don't incorporate them. The reason I ask this map is kind of going back to my first point, this is really one of the only significant pieces of land that have a single ownership that doesn't have a collector street that was driven through it to connect it into the Ten Mile Area Specific Plan. Now, I'm not saying that's the only thing that connects it -- connects the plan is you got to have a road that runs through it, but it does make it an outlier parcel in some regards to how it integrates and that's -- that was kind of what my -- my comments were. It was like I feel like the way it was designed without the road network intertwined. It doesn't really feel like it's in there and part of that's because you don't have a reason to incorporate it in the same way other parts of other pieces of property where you have to put a road and connection into this, where this one, like say, originally we were coming off Black Cat I don't even know if you had -- what other connections you had, but Black Cat was your main entrance and even that in and of itself doesn't make it feel like the rest of the project in -- in some regards. I get it. The Ten Mile Specific Plan. A lot of time, energy and effort. So, desire of Council when it -- when it comes down to it, but it's -- it's also kind of unique. It's larger framework. It's not the last piece, but, you know, if I'm trying to do the math in my head and looking at projects and that many more residential properties that are going to be annexed into this plan, so, Council Woman Strader, about going back and look at the plan, I don't know what that's going to gain us. It may just be for this parcel, because the only other ones that I -- that I can think of off the top of my head, besides the one big project that will be coming through, you know, it's really that, the stuff that's up off of Overland, that

may be the -- the last significant and even -- and that's not significant in a lot of ways. It's somewhat disconnected from the rest of the plan by what's -- because it's right up against commercial up in that area. So, those are my comments. I was going to say it's a unique parcel, unique challenge. Actually, we are way past this to say what if we told you you didn't have to do any garages? You don't have to provide any garages, what -- what could you do in the space to make a more walkable, friendly space where you don't have that dominated garage front in your parcels and you widen the street, will park on the streets. That to me, honestly, it feels more like the Ten -- Ten Mile Area Specific Plan intention, but I don't think we give people a pass on garages in the Ten Mile Area Specific Plan. So, it's -- on one hand if you want that look and feel you got to get rid of the other parts that people want. I mean, honestly, I don't know anybody that doesn't want a garage in Idaho and if it -- maybe they exist, but if they don't want a garage they are not buying in this location, in my opinion. So, I'm done pontificating, but that to me is like you wanted some special and unique in this, those are the types of things you are going to have to really, in my opinion, go back to the drawing board, remove, come back and do something in order to -- to get amazing walkable street lined, porch lined, brownstone or some other version. Okay. I'm done.

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: Are we at a point where we are probably -- unless my fellow Council Members disagree -- to close public testimony and move on to discussion and consideration of the application. Move we close the public hearing on -- on File No. H-0049.

Borton: Second.

Simison: Motion and a second to close the public hearing. Is there any discussion?

Cavener: Mr. Mayor?

Simison: Mr. Cavener.

Cavener: I appreciate the effort to move things along. I'm going to go against the motion and I guess maybe a recommendation is that we actually leave the public hearing open maybe as council deliberates in case we need to invite the applicant back up for some further clarification.

Simison: Okay. Discussion on the motion?

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Just for brief context, that's actually -- we have done that quite frankly, a member objects, like Councilman Cavener has, I think it's well taken. Any of us think it should be left open -- we are still going to have the discussion, so I would be inclined to withdraw my second. If you want to withdraw the motion, let's just have discussion, which gives us the opportunity to do what Councilman Cavener is saying, if necessary. We can close it after discussion.

Taylor: Yes. Mayor, I withdraw my motion and I would like to have the discussion --

Borton: Yeah.

Taylor: -- and -- so I'm fine with withdrawing my motion.

Simison: Withdraw the motion. So, without objection it is withdrawn. Discussion?

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: Kick off the discussion. There is a lot here, especially for a new guy. As I have tried to kind of dig in -- is the biggest concern for me. I kind of keep going back to the design elements being a big hang up with what's being posed, what the applicant wants to do, with what the -- what staff has provided guidance for and if they are strict in their interpretation of it, I think that's what -- exactly what we have asked him to do and I appreciate that. The -- this -- the Ten Mile Plan being put together in 2007 -- I think it's a very different time. It's 17 years ago. We have had a housing bubble and crash, we have had COVID, we have had unexpected or unprecedented growth I think is the right term. Approved a record number of multi-family units. Possibly 500 units immediately adjacent to this property. So, I think allowing a plan that I consider very outdated now to sort of dictate today's decisions seems a little bit wrong. I think it would be -- maybe to your point maybe we are so far along updating it maybe doesn't do us any benefit. I don't know. I would have to spend more time thinking about and looking at it, but that's -- that's a little bit troublesome to me that we would have a document that old to kind of decide what it is -- I don't like to trump kind of zoning requirements that we do require them to abide by. But, again, appreciate the staff being firm and being advocates of it, because that's exactly what we have asked them to do. I also want to make a comment. When we look at -- as a City Council when we develop these plans and we get the public input, create this vision where we ask our partners to share that and, then, we kind of put that forward, so that the -- those who wish to build -- and build out this great city of ours have an idea of what we want -- I'm not putting any capital on the line. I'm not putting -- I'm not putting myself out there. We envision it, we help guide them in that process, but our friends in the development community are the ones who are actually making it happen. So, I do think that we have to listen and we are provided some input as to how -- what people want who are more in tune than we are with what people want to buy and when you consider the cost of land in 2007 and maybe what we envision from today. My home was built in 2006 I think it was sold for 180,000 dollars.

Pretty sure it's over 600,000 today if I were to sell it, but if you look at today's environment it's really challenging and I think anyone moving ahead with a project does so with a certain amount of reservation for that. You look at the interest rates we have, just the cost of acquiring the land and, then, the inflationary costs that I have talked about from this -- this seat multiple times in terms of what that would be. So, in order to pencil out a project with all of those major obstacles is a daunting task and I think challenging. So, I think we should give some grace and consideration into modifications that are -- seem to be reasonable and I would think, as we sit here and we are often told one of the biggest challenges we have is that housing could be driving out families from Meridian -- I don't want to find us in 20 years where we are in one situation where not a lot of kids and families around, because they can't afford to live here. So, you know, this many homes in this area, as it sounds like, as I have been gathering this information tonight, we don't have a lot of it and as I drive along the freeway I have often looked out and thought is this just going to be a massive development. I don't know. I think -- I know I wouldn't want to buy an apartment -- or a home next to 500 apartments, so I would look to the applicant in make -- making that happen to some degree. So, I -- I'm -- I would be supportive of this for the reasons I have pretty obviously stated. I don't think it's appropriate that an outdated Comprehensive Plan dictates decisions made today, when the condition on the ground are so different from the vision we envisioned years ago and if we want to change that I think that would be a worthwhile policy discussion that we should undertake. We know that this area is probably going to develop pretty quickly. There is not a lot of areas in such prime locations to do that. I envision a lot of apartments, but I would like to -- I -- I understand the point being made of alley homes. I live in a community where there are some. I would never buy one, because I have four kids. So, I agree with that. But would prefer that -- my mom would prefer that. She doesn't want a yard. So -- so, I get it. Not to suggest to my mother, but -- but that kind of category is fine. It is appropriate. So, for those reasons I -- I am in favor of moving ahead with the application as it is, although I recognize it puts us in a bit of a bind and I think what Council Woman Strader -- her comment I do consider seriously, like if we allow this allowance, then, the door is open for future ones. I recognize that. But, again, I'm more troubled by the fact that an old outdated -- in my opinion an old outdated comprehensive plan is to be trumping what's the reality on the ground today.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I'm happy to maybe kind of continue the conversation. Similar -- similar thoughts in this area and I hopped on my Google machine during that testimony I Googled the population of Meridian in 2007 when -- we were half. We were half the population in 2007 than we are today and I started to think a little bit about what housing looked like in 2007 and it was largely, you know, nice size house on a nice size lot, big backyard, big front yard and I noticed part of it was designed to really encourage a lot of housing diversity and I think the Ten Mile Plan largely helped encourage job creation and, then, provide housing for those jobs. The housing piece was certainly a big help.

But I look back in 2007 and diverse housing was not near the level that it is today. Taylor's comments about density and -- and the testimony from the one citizen who came today is that the applicant is in a really unique spot where they see what is called for in the Ten Mile Specific Plan and our Comprehensive Plan and I think have tried really really hard to meet, at the same time also trying to be sensitive to the feedback that they have heard that we have right now too much multi-family in Meridian and it's -- it's unique in that you have got this and has brought something -- but they likely could have something with greater density and I would have been very vocally opposed and so now they are in this situation where they are lower on their density range and are having a rank denial from our Planning and Zoning Commission staff, which as a Council Member really makes me open my eyes to this application and we really need to be particular about -- you know, when you let -- have your Planning and Zoning Commission recommend denial, for me to look at this differently I really want to make sure that I feel really confident in my decision. I don't necessarily know if it is outdated. I'm more speaking towards is taking into account more of what is happening in the real world today, as opposed to what was contemplated in a crystal ball, you know, close to 18 years ago. So, I like most of this. Not all of it. I tried in the early in the evening with staff was about those design elements for that -- that did receive -- their design included in this application that they had wanted to see and the only thing that I can -- I can see that this application doesn't have that has been talked about in other housing applications that around the area, was townhomes and so to me that is not the nexus that I think this application should be required to overcome. Frankly, this is kind of unique in that a single housing complex in relation to a lot of different jobs centers isn't any different than what we are seeing in that area and so I think for that reason I'm likely to be in support of this this evening.

Simison: Thank you. And I won't stay shut up, but -- and -- and staff's heard me say this before, so, you know, I'm not the best example, because I don't necessarily adhere to the -- every part needs to meet every single element when you come into certain elements. Like when we -- you know, we have -- we have this conversation when you are talking about mixed use where one -- one parcel can hit all elements, another parcel can hit the elements that -- because it's the area is -- it's not development by development, parcel by parcel. I know that they have to do projects, but I think it's the right way to look at these larger areas and saying are they fulfilling the goal? Does every single annexation property to have that element to it or not? Again you guys got to make the hard decisions on these things, but, you know, sometimes -- I know it can be difficult in the conversation, because I don't know -- it's hard, you know, for people to say, well, when that one doesn't have it or conversely how do they work together to make that work and sometimes that's what it does is say we got to bring them in together, like we did up at Waltman, to get the desire to achieve a plan or the plan or the city without having to be on each individual location to have all the elements that everyone wants to have. So, housing types in this -- if there is other housing types in the plan that help consideration. Maybe not.

Little Roberts: Mr. Mayor?

Simison: Council Woman Little Roberts.

Little Roberts: Mr. Mayor and fellow Councilman and staff, I would like to say thank you for your due diligence in trying very hard to -- to do what we have tasked you with regarding the Ten Mile Plan, but to me I think I'm -- from what you just said, Mr. Mayor, substantially meets what we are looking for in that area and I struggle a little bit with the alley loaded homes, because that is not something I would purchase. I'm a dog lover and so I appreciate the fact that there is a dog park, so -- like to be able to open the door and let the dog out, so -- so, I'm tending toward -- for approval, because I think that in -- when we plan, even though it doesn't specifically meet what we have said in the 2007 plan, I think substantially it fits in that area.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: The discussion is appreciated. I will miss this dearly. I think if there is a time to highlight the difficulty that comes from being on City Council is -- we don't have it all the time, but this is the type of application where you have got subjective discretion, you have conflicting recommendations from what an applicant wants versus what staff wants. This is the perfect storm of trying to exercise your individual discretion of what's right for the city. So, I will -- my understanding where this thing is headed, but I will give you some brief background on -- from my perspective, having been on Council when the Ten Mile Plan was adopted. So, it's old, it kind of tells me that maybe I am, too, but some of the anecdotal things that inform my decision are the years and years of time when the Ten Mile Plan after it was passed sat largely vacant and there was such a great deal of lag and we were concerned at times about is it the plan that's holding everything back perhaps and should you abandon the plan perhaps and -- or should you adhere to it and allow the developed community and our -- and our community's needs to meet it. It was a higher bar. It was designed to be a higher bar and if you look at it now I'm extremely proud of not only the good work -- what happened. I remember all the charrettes in '27 -- 2007 and '6 I think it was. A lot of good work. I don't think it's that outdated. So, the older guy philosophy that -- that gives me pause -- first when -- when staff, who are subject matter experts in this and they rarely make that kind of recommendation -- it gives me pause and -- and P&Z's review certainly gives me pause, because that just -- and the focused attention on that discretion and is it right for Meridian. So, that's a starting spot for my review and for listening to the application. We have got an exceptional team in the back. You guys have done amazing work in Meridian. You know what you are doing. But you have highlighted that question that comes up at times is is this the right time. Is this the right project and the right spot at the right time and my predecessors used to say that. Councilman Rountree was famous for it. Dave Zaremba would say it. Mayor Tammy would say it. And every now and then that question fits, so -- then I think about the value of long term planning and staying relatively consistent and diligent and disciplined. The fear that I have -- I have talked about before -- broader maybe than this applicant -- is -- is the risk of incremental change and -- and item by item, a variant or a deviant -- deviation from -- whether it's a

long term plan. This could be a financial plan. This can be a land use specific area plan. But, boy, it takes a lot of energy and discipline to stay focused on that and think to yourself I'm going to try and make a decision that is correct in 2035 and it might not feel good in 2024. For me as -- again, maybe I'm being nostalgic, because my time is short, but I get most proud of the long-term perspectives. So -- and to be disciplined here. That being said, I think the Ten Mile Specific Area Plan is truly aspirational. I think what Hethe is saying is correct about the discretionary role of those standards versus, you know, code requirements. It's not designed -- it's designed to put us in this exact situation where you have got to make difficult calls. It's not required that you have 47 alley -- alley loaded, not 46. We purposely left it to create flexibility. So, the question amongst us as decision makers in exercise of our discretion is this enough; right? What if it had a -- what if it had six. Two? Right? You could. Does one; right? So, I don't fault the applicant for bringing what they presented and I think it's a beautiful project and it's got so many great elements met and I don't think having said that it's the right time. I think it's described is an attractive application that isn't ready for this location at this time. I appreciate staff standing strong and having the difficult conversations, making the recommendation, helping us make an informed decision and maybe I'm the minority in this, but I'm going to finish up being kind of sturdy and focused on the long-term benefit of this Ten Mile Plan and follow staff and P&Z. I just think this -- this attractive application is at the wrong time at this location.

Nary: Mr. Mayor?

Simison: Mr. Nary.

Nary: Mr. Mayor, I just -- as the Council contemplates what you would like to do, I would like to at least put on the record both for the -- well, the no one that's watching it online, but for the record itself -- I mean cities are required by code to create a comprehensive plan and we have and comprehensive plans may be in place for many years. The prior comprehensive plan to what we have now was in place about 18 years. Now, in that 18 years it was amended periodically for reasons similar to what was brought to you tonight. Didn't fit. The vision that was there wasn't really -- was still the -- still the same vision, but just didn't fit and there were some alterations that were made to that comprehensive plan. A sub plan is not significantly different. It's the same concept. You created a vision for an area and this is an annexation, so you have free reign to deny it or approve it based on the vision that you -- you or prior councils have envisioned in this area. So, you don't have to adhere to the code. It -- whether there -- if it complies with the code isn't -- isn't the only determining factor. It's whether it's the right fit for the city and you are the only ones that could decide that. Staff, to their credit, and Planning has said if you don't think it fits the Ten Mile vision, then, do a comp plan amendment to come back and bring your vision, what you think should be altered from just making a slight change here and there, which is what they are proposing, to something maybe that's a little more significant and that was -- that was an option they didn't choose to do. So, it is within your authority to simply say this isn't the vision you want it, but I would be cautious on saying -- either saying the Ten Mile Plan is somewhat outdated, because you will get applications from tomorrow on saying Ten Mile doesn't

apply anymore and I don't think that's what you are saying tonight. But that's the message that may have been resonated with others and Planning will have to deal with that. It doesn't mean it doesn't exist. It's still there. It's still required or still a vision for this area and you have many -- you will still have many applications to go in some of parts. So, if your decision is you want to approve it, if you think the Ten Mile needs to be revisited that's your call. If you think this fits the generalized vision with some alterations, that's your call. But please make that clear on what your intentions are if that's what you would like to do and stay within the Ten Mile Plan. If you don't think it fits the vision of the Ten Mile Plan, that is completely within your discretion, because this is an annexation. You can simply deny if you don't think it is the right fit or the right time for the city to annex this property. So, all of those are within your purview, but I didn't want that to get lost from a future conversation or as part of your motion that, again, comprehensive plans can exist for many years, but when they get outdated the process is to amend it and that's what was proposed here and that was declined. So, I that's really the way it should work. If you don't think it fits anymore, well, then, we should go and look at amending it. Again, you don't have to go through a full scale process, we do those periodically on individual projects, and this is just one they didn't do that. So, I just didn't want to get that lost in whatever your decision is.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. I just totally agree and I -- I guess I'm not totally alone, but, you know, I think I already explained my reasoning pretty succinctly. This is the area -- where I think the Ten Mile Plan had the vision and where I -- where it really speaks to me is this is the area that density is planned in the city. This is an employment center. It's near transportation. That was very intentional. I am probably harder than anybody on multi-family off of two lane roads that will never be widened, so I have to lease space for higher density to go places like there and that's just a philosophy I am coming at it from. I don't want to see sprawl. I want to see the density focused intentionally in places like the -- the Ten Mile Specific Area Plan where that was very much contemplated and so, you know, I feel like it would be logically inconsistent for me to be so tough on these applications, you know, for multi-family, but there needs to be a place for it in the city and this is the type of place that it belongs and so if I start allowing, you know, subdivisions that look to me very similar to subdivisions that are all across the city, then, you know, we are not going to get any more of this dirt back, so that there is an opportunity cost to that and so that's where I'm coming from. I am a big process person as well. I believe in the consistency our backing up our staff and our Planning and Zoning Commission in terms of having them adhere to a plan that's been very intentional and I think basically feel like, hey, it's been a long time, I'm very open to us looking at the plan and it's -- take a look at this area holistically and say, you know what, we overshot it and there is -- there is way too much multi-family compared to what we thought. Maybe there is a change that's needed in the plan. I'm open to those kinds of conversations on a policy level, but what I'm not open to is this getting a green light, because once we make these exceptions, get ready, the floodgates will open, we will be

getting exceptions every week. That's just my -- it's a little harsh, that's my two cents. I think it's important to be consistent in our processes and it's important to be strong to our long-term plans and be intentional about how we go about things, so if we feel like this plan needs to be upgraded, I think that's appropriate. I also appreciate that staff tried to direct the applicant toward that type of a process. I think that was the right recommendation.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Really I would like to correct the record. I don't think this was Council Member Strader's intention, but those of us that are supportive of this application are not somehow not having our staff's back in the collaborative process and we value the feedback from staff and just because we disagree on one particular point here, I would hope that that wasn't your intent to infer at the least some -- those of us that are affirmative of this application aren't supportive of staff and so I just -- I thought that was an important point to make. Maybe I'm hearing differently here in Arizona than it sounds in Meridian, but I just think that distinction is very very important to make.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. Absolutely. Thank you for giving me that opportunity to clarify. No, I didn't mean that at all, but I do just feel like their recommendations weigh heavily on all of us. I know that we all take those into account and anytime it's -- by its nature anytime that we deviate from I think a staff recommendation we should be really clear I think in articulating the reason, so that we are supportive in that process. So, I would just encourage everybody who is in support to make sure to do that and know that you all will and that will help support staff just to articulate the reasoning going forward for other applicants.

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: And I don't disagree with anything that's been said by anyone tonight and I never -- I didn't take any comments to suggest that those of us who were looking to be supportive any other way with staff. I think they did exactly what we wanted them to do and I think that's the right thing. But to Councilman -- President Borton's comments, we find ourselves at moments where as an elected official you have to make a decision that -- I think the applicant was totally within their -- their right and their ability to challenge some of the assumptions and to elevate that to use, because we are accountable to the people, so I don't think it's in any way a reflection of how any of us feel about the Planning and Zoning Commission or about the good work that the staff does. I just

think this is one of those unique situations where it kind of bubbles to the surface and, then, as members of Council we get to make a hard decision where we bring in our discretion and bring in our opinions and we tell people what -- how we would view the world and how we would approach these decisions and this is where we get to kind of express that, irrespective of the previous things that had occurred. So, again, I think this is an interesting and challenging conversation for sure, because we are talking about some really significant decisions, not just for the applicant, but for what as a city we want to see one of these really last, your know, big open areas and how we want to see that -- that develop. So, I'm certainly sensitive to that and I think getting one suggestion anyway that we don't appreciate the staff doing exactly what we wanted them to do or to suggest Planning and Zoning maybe got it wrong, I just think it is one of those things that is kind of unique and that's why we are in this situation.

Simison: And if I could just add, you know -- and this is probably the perfect application for these comments and I don't want to single out anybody specifically, but, you know, I have asked staff to give us their opinion, you know, much to -- maybe to some of the development community they would not like your opinion, they would like your compliance in that element. We have had this conversation with this applicant, you know, sometimes this is -- that would be their preference and I believe that's their opinion. Conversely, Planning and Zoning, we ask does it comply, you know. I have not asked for their -- when I have done my interviews with them I have not asked for their opinion on a value judgment, it has been does it meet the intentions of the code and the policy and I have tried to put them -- you know, at least the ones I have appointed into that realm and into the mind frame, because I say Council is where the -- where the value decision is to be made outside of that. The decision purview on what is right when -- for the community and so to me this process has worked perfectly when it comes down to maybe not of only liking or appreciating -- or I don't want to say anyone appreciates it, but, yeah, everyone would like to have a yes from staff, a yes from Planning and Zoning and a yes from Council on every project, but ultimately these -- this is a -- like I say, it's a value judgment on an annexation for the Council to determine and Planning and Zoning I think -- I think they have got it right from their perspective when they looked at the -- you know, there is a little bit of value judgment in there as well for them, but their opinion it maybe doesn't comply with the standards that they felt and their -- to their reading of it. So, great application for this wonderful conversation.

Parsons: Mr. Mayor, Members of the Council, if I'm reading the room right and we do need -- and you may want us to -- staff would recommend if this is going in favor of an approval that we continue this item and, then, bring back some conditions of approval, because currently with the denial from staff and P&Z there currently are no conditions of approval. So, we will need some time to work with the applicant and craft some of those up and bring them back for your review and approval. If that's your desire. I'm glad you left the public hearing open. Thank you.

Simison: Okay. From that standpoint timing. The 27th or the 2nd?

Parson: Council, Mayor, I think the later the better for us. Probably the first one in April. Give us some time. We got spring break next week. We are missing -- we are canceling City Council hearing next week and that's going to push some more hearings on the 26th. So, things are backing up a little bit. So, that gives us time to work with the applicant.

Simison: Does the 2nd work with the applicant? Give us time to get that done and bring it back? Okay.

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: So, it seems appropriate to -- if I'm doing it correctly -- make a motion for a continuance for File No. H-2023-0049 to allow the applicant to work with the staff on a list of -- forgetting the word -- conditions of approval. Thank you. It's getting late. That would be my motion.

Little Roberts: Second.

Simison: Have a motion and a second to continue this item to April 2nd. Is there further discussion? Further guidance from legal or otherwise?

Nary: Mr. Mayor, Members of the Council, no, only that, though, with the hearing still open and the conditions of approval, if all six Council Members are here, you haven't made a decision on what you are doing, on what this project is doing. So, is that the intention to consider it on April 2nd for final decision, with conditions of approval as an offer an option to be able to move forward with an approval?

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: I think that was my intention was that we would vote on -- on this -- this applicant's proposal with the conditions being outlined. That's my intention with the motion.

Little Roberts: Second concurs.

Simison: Okay. Is there further discussion?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I just want to understand -- maybe I'm getting confused. Is the motion maker intending to approve in concept tonight with a continuance for the purposes of crafting a future development agreement set of conditions for that? Is that -- so, kind of an up or down vote with those to come or review -- because if you -- I think if you leave it totally open, then, other members of Council that are not here would vote on it. So, I think that's what Mr. Nary was kind of trying to --

Taylor: I'm open to being corrected on the right process here.

Simison: Let me save us a little bit of time. If another Council Member is here and would choose to vote no I will respect the will of the Council tonight and vote yes. So, that is not a question mark. If that just -- you know, from that standpoint. Now, if people that are going to vote yes aren't here, I can't speak to that situation, because that isn't the same agreement, so -- but that's -- I -- I don't know what the other Council Member will choose to do, if they will choose to participate or not participate, but --

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: It's -- it's been the practice -- you can make the motion now to take action, decide it, subject to the conditions of approval that will be brought back and formally approved on April 2nd. At least it gives the applicant some certainty, so there is nothing goes off the rails. I'm gone April 2nd. That's my last day, so --

Simison: But you will be here on April 2nd.

Borton: At least present, but -- and in which is fine. That doesn't matter for the -- the practice has been that and that would be appropriate to do the same thing tonight.

Taylor: So, Mr. Mayor, if I'm -- to clarify, since I made the motion, to make the motion correctly, that the motion would be to continue the public hearing.

Simison: I think we would want to close the public hearing.

Taylor: Or -- do you do want to close the public hearing? I thought Councilman Cavener wanted to keep the public hearing open, so -- maybe I'm ahead of my skis.

Nary: Mr. Mayor, can I help?

Simison: Yes.

Nary: Mr. Mayor. So, what I have heard the Council say -- I think you should leave the public hearing open, because you are going to need findings that are going to have to be approved. You haven't seen them yet. So, just to be -- in case there is a discussion about any of the findings. But I think Council Member -- I think what we are trying to do,

Councilman Taylor, you are wanting to move to approve the project tonight with -- set over until April 2nd for the findings to come back and, then, an opportunity to review. So, it can always be rescinded on April 2nd if there is a problem with the findings, but you will be able to hear them, because the hearing will still be open. But you won't be voting on approving or denying it on April 2nd at this juncture.

Taylor: So, Mr. Mayor -- so, we will be voting on the -- the application tonight subject to the conditions that we will be receiving on April 2nd. I would be supportive of that.

Little Roberts: Second concurs.

Simison: Okay. So, we have a path. This is a new one on me. I don't know that we have ever not -- approved a project without closing the public hearing essentially without taking another vote, but if it's legal it's legal. So, we have a motion and a second. Is there further discussion?

Borton: Mr. Mayor? And --

Simison: Councilman Borton.

Borton: It's only open for the purpose of receiving the conditions, not for members of the public or the applicant is not making a presentation. So, it's --

Nary: Yeah. I apologize for not making that clear. Not for further testimony. Is to receive the findings and since we don't have them to discuss we want to make sure that the Council has a full opportunity to discuss the findings only.

Simison: All right. Further discussion? Clerk will call the roll.

Roll Call: Borton, nay; Cavener, aye; Strader, nay; Overton, absent; Little Roberts, yea; Taylor, yea.

Simison: Three ayes, two no's, and the item is agreed to and it's continued to come back on April 2nd.

MOTION CARRIED: THREE AYES. TWO NAYS. ONE ABSENT.

ORDINANCES [Action Item]

- 5. Ordinance No. 24-2048: An ordinance (Crowley Park Subdivision – H-2023-0053) annexing a parcel of land lying in a portion of the northwest quarter of Section 10, Township 3 North, Range 1 West, Boise Meridian, City of Meridian, Ada County, Idaho, more particularly described in Exhibit “A”; rezoning 1.13 acres of such real property from R1 (Estate Residential) to R-8 (Medium-Density Residential) zoning district; directing city staff to alter all applicable**

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

Simison: With that we will move on to Item 5, which is Ordinance No. 24-2048. Ask the Clerk to read this ordinance by title.

Johnson: Thank you, Mr. Mayor. It's an ordinance related to Crowley Park Subdivision, H-2023-0053, annexing a parcel of land lying in a portion of the northwest quarter of Section 10, Township 3 North, Range 1 West, Boise Meridian, City of Meridian, Ada County, Idaho, more particularly described in Exhibit "A"; rezoning 1.13 acres of such real property from R-1 (Estate Residential) to R-8 (Medium-Density Residential) zoning district; directing city staff to alter all applicable use and area maps, as well as the official zoning maps and all official maps depicting the boundaries and the zoning districts of the City of Meridian in accordance with this ordinance; providing that copies of this ordinance shall be filed with the Ada County Assessor, the Ada County Treasurer, the Ada County Recorder, and the Idaho State Tax Commission, as required by law; repealing conflicting ordinances; and providing an effective date.

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

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: Make a motion that we approve Ordinance No. 24-2048.

Little Roberts: Second.

Simison: Have a motion and a second to approve Ordinance No. 24-2048. Is there any discussion? If not, Clerk will call the roll.

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

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

FUTURE MEETING TOPICS

Simison: Council, anything under future meeting topics? Or do I have a motion to adjourn?

Borton: Move to adjourn.

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

MEETING ADJOURNED AT 9:27 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS)

MAYOR ROBERT SIMISON

_____/_____/_____
DATE APPROVED

ATTEST:

CHRIS JOHNSON - CITY CLERK