

evening.

Bernt: Small donation from Tate's? Whatever.

Barton: I will ask.

Bernt: Thanks, Mike.

Barton: Good. Thank you.

ACTION ITEMS

18. Public Hearing Continued from September 28, 2021 for Regency at River Valley Phase 3 (H-2021-0059) by Bach Homes, Located at 3270 and 3280 E. River Valley St. and 2480 N. Eagle Rd.

- A. Request: Request: Modification to the existing Development Agreements (Inst. #113005608 – SGI and Inst. #2020-062947 – Bach Storage) to remove the property from the existing agreements and create one new agreement for the development of a 134-unit multi-family project.

Bernt: All right. That takes us to Item No. 18 of tonight's agenda. It's a public hearing number H-2021-0059. Turn the time over to staff.

Hood: Thank you, Mr. President, Members of the Council. I'm not Sonya Allen. I am Caleb Hood. I am going to present this project for her and actually the next one as well. So, bear with me a little bit here, but I think I have got my bearings and understand the two projects I'm going to present tonight. The first one being Regency at River Valley. So, this -- this project was actually continued from your September 28th hearing, but you really didn't have a hearing. It was re-noticed for tonight. The applicant did add some conceptual additional units for this project. So, new notices went out. This is only a development agreement modification request. The site consists of 2.57 acres that are currently zoned C-C and C-G. We had that earlier and now I'm not seeing that slide. So, I'm going to have to orient you or pull up Google Earth a little here. But there is zoning -- again, split zoning on the property, C-C and C-G, located at 3270 and 3280 East River Valley Street and the other address is 2480 North Eagle Road. So, this is just north of River Valley Street. The Co-Op and the other Bach project, the Regency at River Valley, their first two phases, are directly east and there is a Mattress Firm right on the corner there. There is a signal at this intersection. So, this is the undeveloped land just off of that driveway. And I apologize, but the zoning and the comp plan somehow got -- that slide got taken out. So, there are two existing development agreements on this site -- and when I say this site, one of them -- one development agreement applies to the site -- again, directly due east of the Mattress Firm and, then, the other development agreement is the larger properties that are to the north. This has a comp plan designation of mixed use regional currently. That northern portion of the site is already entitled with a

self service storage facility and the southern portion had not only the retail building that -- that is out there currently today, again, right here is an existing building, but the conceptual plan -- see if I can move you all out of the way. The conceptual plan had a future potential drive through building that was also a part of that -- that development agreement that currently is on the books. This Option A is no longer really viable, because, again, the mattress store went in here. So, really you are looking at Option B. So, it would modify the development agreement to not have the drive through use, but use this driveway to get to the majority of the project that you see on the upper end of this site. So, the summary, again, is to replace both of those development agreements with one new development agreement for the -- for the subject property and give conceptual approval for a multi-family project, again, which would essentially be the third phase of the Regency at River Valley, which you can see some of that project just on their conceptual site plan with the Bach storage project, consisting of 134 apartment units in concept and a mix -- that would include a mix of studio one and two bedroom units. The buildings are conceptually five feet tall. So, again, I keep saying conceptually, because this would require a future conditional use permit, if Council is so inclined to, basically, vacate the two existing development agreements and create this new one that would open the door for them to come back in with a CUP for multi-family on this site. I will just note that there may be changes to -- here is the submitted conceptual plan that they have submitted. Additional changes may be necessary. Staff did not do a detailed comprehensive review of the site. So, again, that will occur with the CUP, so just a disclaimer or note that when -- if a conditional use permit for multi-family is proposed on the site some additional changes may be necessary. It's my understanding Sonya did do some of the initial calculations for parking and open space and amenities and things like that, but we have not done that detailed review. Same thing with the elevations. We haven't gone through that whole process of evaluating the project for full compliance with -- with city standards. So, staff is supportive of the proposed development agreement modification and has included the recommended development provisions in Section 6 of the staff report. I know Brandon Whallon is here from Bach Homes. So, with that I will turn it over -- back to you, Mr. President, with any questions.

Bernt: Thank you, Caleb. Any questions for Caleb?

Perreault: Mr. President?

Simison: Ms. Perreault.

Perreault: Caleb, thank you very much. I'm curious if you could share some more detail with us on staff's recommendation for approval on this. It seems to me that from a zoning standpoint -- I mean I'm understanding -- I'm understanding the recommendation, but I -- from a function standpoint I'm not completely understanding the support of putting residential just so close up to a state highway. I just want to understand from staff's perspective the support of that.

Hood: Yeah. I appreciate that question and I'm not -- this is going to be me now and not Sonya. But we have talked about it. So, from my perspective this -- this site -- the two

lots certainly on the north anyways. I will leave the -- the one that's just east of the mattress business out of what I'm about to say, because that one I'm not as familiar with, but I know that the two sites where the -- where the multi-family project sits on the concept plan, we have been talking about that site for a long time and one of the problems with that site is access. So, any viable retailer tells us anyways that they need -- they need -- want direct access to Eagle Road for anything to happen there. So, that's -- at least the feedback we are hearing is a lot of the reasons it's sat there this long is because of the access restrictions and problems that it creates to get out -- and I will just say I mean that's really close to the signal at River Valley, too. So, turning even left into this site is going to be difficult. So, it's very nice that there is cross-access with the first two phases of Regency, so motorists, primarily, can get through that project and back and forth and use their main entrance that's just off screen here to get to and from that collector roadway. I will also say, you know, obviously, it's entitled right now with -- with storage. It's tough. I will say the last -- the last storage concept we saw was fairly attractive, but that's something else along an entryway corridor with 40 or 50 thousand cars a day that are driving by, it's kind of hard to make it look nice and feel like part of the community. So, I get it. I mean I will be honest, I live within a half mile of Eagle Road. I can hear it. So, your question, you know, is it an ideal location? For some it is, because there is a lot of things around here, including Eagle Road, which has access, again, to entertainment and jobs and recreation very close. So, on the face of it -- again, not for everybody to live that close, but there -- there is a future transit corridor here where I think density makes some sense. So, again, just all those things where we really -- we are trying to get maybe some retail out here or -- or an office complex just that really never took hold and I'm not saying that residential is the best, but I think that this works and I'm satisfied with it anyways.

Perreault: Mr. President?

Bernt: Ms. Perreault.

Perreault: Thank you very much, Caleb. I appreciate it. That was very helpful. I -- I would like to ask the applicant if they would answer that same question when they come forward.

Strader: Mr. President?

Bernt: Ms. Strader.

Strader: Thanks. Maybe just a process question. So, doing this as a DA modification seems a little bit different, because it's such a huge change in use. So, I was just curious from the Planning Department's perspective, doing this as a DA modification, is there any part of our normal process that's not as robust or that we wouldn't see something coming kind of de novo in front of us?

Hood: So, Mr. President, Council Woman Strader, yes, and so there is -- and it's kind of tough. I mean you would like to see the package deal; right? You had a similar discussion

on a project -- Hickory and Fairview recently where the plat was coming and we are going to -- we are going to change the development agreement modification first and, then, we will come back with the subdivision. So, there is a little bit of -- and that's why even looking at, you know, section six of the development agreement maybe is a little too specific. I think there is disclaimers in there that say, you know, conceptual site plan and -- and -- but it does say this many number of units and five story buildings and so that's -- if approved this would only go to the Planning and Zoning Commission, if you approve the development agreement modification. It would not come back to Council. Now, again, it needs to -- whatever comes back in with that CUP still gets reviewed for compliance with city code, but unless appealed it would -- you guys would not see it.

Hoaglund: Mr. President?

Bernt: Mr. Hoaglund.

Hoaglund: Just a quick question, Caleb. Whether it's a storage unit or multi-family, I remember we spent a lot of time on cross-access easement to the business on the north. That does still exist. I think I saw in one of the earlier slides it said cross-access agreement easement, so --

Hood: Yes. Mr. President, Councilman Hoaglund, yes, and I'm sorry I didn't point that out. I was a little flustered that there wasn't the -- the zoning and comp plan maps in the presentation. But, yeah, you can conceptually see that and, again, in Section 6 of the staff report there is a new development agreement provision that requires both cross -- three -- three way cross access, basically, to the north, which is the China Buffet and, then, tying in with the other phase of Regency. So, you can see that -- I know the shading is a little bit difficult, but you can see some that cross-access to those projects and, then, again, across all three of these parcels out to the public street at River Valley.

Hoaglund: Okay. Thanks, Caleb.

Bernt: Perfect. Let's turn the time over to the -- the applicant for their --

Whallon: Council President and Members of the Meridian City Council, my name is Brandon Whallon with Bach Homes located at 1650 State Street, Draper, Utah. 84020.

Johnson: Mr. Whallon, can you -- can you -- sorry. Can you pull the microphone to you? It's -- make sure we hear you.

Whallon: Yes. Thank you for the opportunity to share our proposal with you. As Caleb stated, this would be the third phase of the Regency at River View. The first two phases have been very successful and Bach saw the opportunity to purchase those two parcels that fronted along Eagle Road. They had self storage appropriated for that, but, then, thought that there might be a higher and better use of that property and so with that cross-access easement from River View they thought that a multi-family residential development on this property would make sense and they had good success with phase

one and phase two and they also felt that this building located right next to those existing phases and would be able to benefit from the amenities that were provided, the pool and the clubhouse and so we thought that really would relate well to the two phases that are currently improved out there. So, that's why they are before you today is to amend that DA from the storage units to allow this five story multi-family housing project. We think that, yes, there is some noise that is generated from Eagle Road, but we can use sound attenuation construction practices to attenuate or lower that sound presence as much as possible and we think that the presence of the building itself out on Eagle Road will be a member of the community and the neighborhood that will be a strong presence and it will look good from Eagle Road, from both citizens and people passing through. So, with that we think that this is an opportunity to provide an additional 134 units on the property, which would represent the highest and best use of the property with the access challenges that it has, as Mr. Hood stated. We recognize that we will have to go through a conditional use permit process, which will have a design review element associated with it. So, we are prepared to bring forward a building that -- that we can present as using materials that are aesthetically pleasing and durable. So, with that we support all of the staff's work and their recommendation of approval and I would stand for any questions that you may have.

Bernt: Any questions?

Strader: Mr. President?

Bernt: Ms. Strader, is that you?

Strader: Thank you, Mr. Whallon. Appreciate you coming before us. You know, what I don't -- this is a very preliminary plan. I assume it would look a lot like your other phases. but what I don't see here is any kind of green space in the middle. I understand it fronts Eagle Road. I don't know how realistic that is. But certainly here in this middle portion I think there would be some sort of an opportunity there. Did you have excess open space in phases one and two of your other projects that you feel -- you know, are -- help me understand how you are going to tackle the open space requirements and amenity requirements that we would normally ask for.

Whallon: We -- we are looking at that and we know that a calculate -- Chair -- Mr. President of the Chair and Members of the Council, we recognize that there are open space requirements and that is something that we are going to address in the site plan. This was something that was generated with a good faith effort to meet all of the requirements. We are hopeful that there would be some form of flexibility to recognize that it's right next door to two phases that do have outdoor barbecue stations, a kiddie play area, that both in the water and dry land, swing sets and such. Pools. So, there -- there are some amenities in the existing phases that these people will benefit from, but we would like to green it up as well in the parking field and along Eagle Road. So, that is something that we do want to address. But we were hopeful that we could work with staff to come to some form of an understanding that if maybe we met at 85 percent of the standard of open space that the previous two phases could lend open space to make up

for that 15 percent or some kind of calculation like that.

Strader: Mr. President?

Bernt: Ms. Strader.

Strader: So, that -- that makes me a little nervous personally as a Council Member, because I think it's important that we are kind of raising our bar on the standards that we are holding in the city and I don't have a whole package in front of me right now. Like I can't see the open space calculation from your previous phases and I'm a control freak, everybody knows that about me, so it will go to Planning and Zoning, but it wouldn't come back before us and I'm a little bit -- don't get me wrong, I totally would rather have multi-family on a transportation corridor that looks greater than self storage, but I'm a little bit nervous that we are not seeing the complete package of information that we would normally see at this phase because of the way it's being done process wise. So, it's just something that I'm going to have to wrestle with. But that is a concern that I have. I think there might be an opportunity for you to put some kind of courtyard or something in the middle I would hope. I'm going to chew on that for a bit.

Hoaglund: Mr. President?

Bernt: Mr. Hoaglund.

Hoaglund: Mr. President. Thank you, Mr. Whallon. Appreciate your presentation. And like Council Woman Strader, I -- I think this is a better use than -- than storage and I just want to find out actually from Mr. Hood, if you wouldn't mind, just to give -- we know the details aren't there, that if this were to be approved tonight that would move forward and you guys would look at it and that open space issue, just from a large picture where it's another phase of an existing development, is that doable to work things to make it work somehow? What -- because if there is going to be a lot of obstacles there, you know, that's -- that's kind of a tipping point. So, can you give us some general idea of how that might move forward?

Hood: Yeah. Mr. President, Councilman Hoaglund. Yeah. I appreciate your last comment about, you know, a general idea, because I'm not exactly sure how we will move forward. We don't have the details in front of us now. But I can use some past examples of how this potentially could move forward and I was just rescanning Sonya's staff report and it does call it out, you know, the standards listed for open space and amenities will be evaluated and that's really where we start is this is looking at it as a standalone parcel that needs to comply on its own with those amenities. In the past, though, there -- we have allowed some of that transfer. Some of that, though, we do push back and say, well, that's a bait and switch. If you proposed 18 percent open space and now it drops down to 15 and you count it for this project, well, then, that's not the same project anymore that we approved previously. So, it is a conditional use permit and I think the starting point is comply on -- again, as a standalone phase, but with the conditional use permit there -- a case could be made that you have got the barbecue pits and the pools and those types

of things, so maybe there is an amenity package that is better than maybe the open space percentage, but it's a higher quality of, you know -- you know, maybe it's a tiered open space or something. I don't know what they are going to design, but I guess long story short is there -- there is a conversation that occurs and, again, with the conditional use permit there is some flexibility to say this seems appropriate for that development. But the starting point will be city code and we will expect going into it that this phase complies with the amenities and open space requirements.

Perreault: Mr. President?

Bernt: Ms. Perreault.

Perreault: Caleb, because this is in a commercial zone is it still going to be required to have the same buffer between the highway and the residential as they would if it was residentially zoned?

Hood: Yeah. Council President, Council Woman Perreault, yes. I'm just going to -- I want to double check to see if that is actually a development agreement provision. But, yes, it is not -- the landscape buffer on arterials is specific to the classification of the roadway, not based on -- on zoning.

Perreault: Okay.

Hood: So, let me just double check and make sure that's in here somewhere. But even if it's not it would still be a standard provision of code. I see the pathway. I don't actually see the 25 foot wide landscape buffer called out as I scan the DA provisions. But, yes, that will be a requirement.

Nary: Mr. President?

Bernt: Mr. Nary.

Nary: So, Mr. President, maybe I just need some clarity from the applicant. What I thought the ask here was is to create a development agreement separate and apart from the recurrent Regency at River Valley. So, I'm not sure -- I'm not wanting to disagree with Caleb, but I don't know how we borrow somebody else's open space in a different development agreement that you are not bound to and they are not bound to provide you anything. So, I'm a little unsure how to craft that into a DA where -- it is another phase, but it's separate owners, separate agreements. There is nothing -- we would have to amend the other development agreement to require them to provide you cross use. Is that what you are proposing, too? Because I -- I don't -- I'm not totally sure in my head today how to make that make sense. I see what's written on your staff report, but I don't see how we get to where you are proposing to have a shared or borrowed or blended arrangement. So, maybe you could help me understand what you are thinking.

Whallon: Council President, Members of the City Council and Mr. Nary, yes, so our

proposal is for this property to be released from the existing development agreement, go through the conditional use permit and develop another development agreement specific to this parcel. It was our intent to meet all of the standards and conditions of the zoning code for a multi-family residential development located within this district. In that event that we are struggling to provide that open space requirement for the code, that the code requires, we were -- would entertain the discussion with staff. Is there the ability to share some of these facilities. We did -- not that it matters to the City of Meridian, but we have a very successful project out in Nampa that we did just off of Garrity behind the Station. Shopping center. It's called the Station at Gateway on Happy Valley and Stamm Road and we just did a 110 unit phase two to that, because it just lends itself well. It's going to use the same access as the existing development does. The leasing will be done out of the clubhouse and all of the residents have the ability to come use the pool and the barbecue station. So, that is working in that instance. To say that would work perfectly here or not is -- is another discussion. But that was our intent to meet the standards standalone on this property. In that event where we fall a little bit short, they were hoping that by allowing these residents full access to all of the amenities that are provided in the existing phase one and phase two of the Regency at River View, that that would be found acceptable in that event that we asked for it. I'm not saying that we are going to ask for that. I'm saying that we are going to try to meet all of the standards and conditions of the zoning code for a standalone parcel.

Nary: So, Mr. President, if I could follow up. I guess my question, sir, though, is once we craft a new development agreement you are -- you are no longer part of the other one and they are no longer a part of you. So, there is nothing in that agreement that requires them to provide you anything. No cross-access, no cross-shared uses, nothing and you will have your own agreement. So, I guess it feels a little premature to me without having some level of agreement and some modification to the existing Regency at River Valley development agreement that maintains that shared access, maintains that shared use and that way if you are close with that addition, it doesn't -- like Caleb said, it doesn't diminish the percentage to a significant degree for the other portion that's already developed. So, I guess it's not -- in my common experience I can recall where we did another phase with a different owner, that has its own independent development agreement, to somehow use some of the uses from the adjacent properties that are already developed. I don't know how we do that. So, to me it seems a little premature without some agreement from the first development, as well as some idea of what those shared uses are going to be for us to craft something at this point. I guess -- I don't think I can get there with you.

Borton: Mr. President?

Bernt: Mr. Borton.

Borton: I appreciate legal counsel's comments. It's kind of spot on on this one. The concept has legs. I get what you are trying to do and why. But it's just not cooked, quite frankly, to make a decision. I think with the DA being the only time this Council sees it, those specifics will have to be there. You look at this project if it came in with phase one

and two it certainly would have questions on the connectivity to the amenities in phase one and two; right? You can clearly see there -- if you are going to walk to the pool, right, you got to get out, go through the parking lot, down the street and you can't -- the connectivity you would normally see admittedly is not there. So, to even contemplate waiving amenities through sharing, all of that would have to be ironed out in writing, part of the DA. None of that's done yet. So, if you could get there -- it's just not there and I don't think we could act on it. I couldn't support this as presented, just because of those uncertainties and Mr. Nary's -- he is spot on with that -- that guidance and caution. Just trying to be frank with some of those problems.

Whallon: Mr. President, Council Member Borton, we are coming through the front door with the expectation that this parcel, even if it requires a redesign of what you are seeing here, we will meet all of the standards contained within development code for the City of Meridian. Does this plan today meet those standards? We are not sure. As Caleb said, we didn't do a full evaluation of the number of units, the amount of open space required, the landscaping. This was just a presentation of highest and best use, what would a five story apartment building fronting on Eagle Road look like? So, our in-house architects drafted up something. Did we have enough parking to provide for that? Yes, it looks like we do. So, it hasn't been finalized and it was our impression that going back through the conditional use permit process, that would be where the city, staff, and the Planning and Zoning Commission had the ability to review the project and ensure that it met all of the standards. So, what we have before you today -- we are not saying this is exactly what we will build, this was a visual representation of a multi-family housing project, instead of a storage facility on these two parcels. So, we wanted to excise it out, because the current approval is for storage on this property. The current development agreement. So, we just want to reel back the development agreement and not required those storage units to be built on Eagle Road and come back before the Planning and Zoning Commission, through a review from the staff, for a multi-family housing project, meeting all of the standards of the City of Meridian development code.

Borton: So, would it be -- would it be accurate to characterize it like a phase one of one?

Whallon: Yes, sir.

Borton: And -- because I think your references to phase one and two of River Valley kind of maybe confused it, at least for me. That really what you are asking for is this is a standalone -- exclude any reliance on anything to do with property to the east. This would have all of the amenities, parking features, designed to be a truly independent singular project.

Whallon: Mr. President of the Council, Council Member Borton, yes, that is correct.

Borton: Okay.

Hood: Mr. President? And if that's the desire of the Council, I mean you could make that explicit provision in here, right, that talks about it being a standalone project and that goes

to some of the previous discussion, too, about -- not that they couldn't have agreement amongst themselves to share those amenities, but it would have to be a standalone project on its own merits. That way if -- if this phase one of one is sold to someone else it still has all the required open space and amenities potentially. You could make that a DA provision.

Nary: Mr. President?

Bernt: Mr. Nary.

Nary: I could ask one more question then. And I'm looking at the existing approved development agreement, Option A and B that Caleb showed previously. I don't see cross-access in the location that's shown on your newer drawing. Is there cross-access required in those two locations already existing in the River Valley one and two development agreement? Because, otherwise, you are only building your side of the gate, not theirs. If they don't want to put it -- if they don't want to put a gate there I don't have any means to stop them from doing that. So, they have to provide you cross-access, just like you would have to provide it to them.

Whallon: Mr. President, Members of the Chair -- City Council and Mr. Nary, the ownership for phase one, phase two, and the proposed phase three is the same. Bach Homes owns all three and at this point as we develop this new property, phase one of one, at that point in time we could provide the amenities and an access, pedestrian and vehicular, to tie the two projects together and, then, put the cross-access easements in place. So, that's something that is still within our ability and capacity to do as the ownership of all three parcels would be under the same ownership.

Nary: So, I just want to be clear of what the ask is then. You are asking ultimately to amend the existing development agreement to maintain cross-access, as well as require cross-access on the new piece?

Whallon: If -- I don't see any reason for us -- we are going to lease probably out of the existing clubhouse, so there has to be some form of cross-connectivity between the phases. So, they didn't anticipate this phase when -- when they constructed phase two. They thought that was going to be the terminus. So, I think that with this new phase three or phase one of one, tying the -- the projects together as much as possible would be beneficial. That way people can -- can go between the phases without having to go out onto River View, they could just stay within the development and that would be easier both for the residents of the development and on the community's transportation system.

Nary: So, Mr. President, Members of the Council, again, I'm not trying to take over the conversation here, but -- so, when the original approval was done for the storage units, it was very clear to the city by the property owners -- by Bach, I guess, or River Valley, they did not want vehicular cross-access. They only wanted pedestrian access and that's it. And that was very limited. Because it was storage units. So, for security and such. So, there was no -- there was no vehicular access. That was not limited, because it was only

the storage unit. That has to remain for this to work and so we will have to amend the existing one. We can't just take you out completely. We have to amend the one that exists, as well as create a new one for this parcel and if you are the property owner of both, that's fine, we could do that, but I wanted to make clear if that's what you are asking, that's what we have to have.

Whallon: Yes. Mr. Mayor, I would like to just elevate the point that when they were viewing it as a storage unit they wanted that as separate properties and now that they are looking at, hey, this makes sense for a residential development, a third phase or phase one of one, that ties in and relates to the existing, the attitude or the thought of connectivity changes at that point in time.

Bongiorno: Mr. President?

Bernt: Mr. Bongiorno.

Bongiorno: Mr. President, Council, also -- and Mr. Nary, when the storage building was going to be they -- they were required to have secondary access and this building will definitely require secondary access. So, they are going to have to have something to get a secondary access to the building. So, it's going to be required by me.

Perreault: Mr. President?

Bernt: Ms. Perreault.

Perreault: Can I change the topic just a bit? I'm pretty familiar with Regency and kind of how vehicles move through that. It's not the smoothest and the entrance -- the main entrance for -- for Regency is -- is odd and, in my opinion, not exceptionally safe. So, now we are going to add an additional three to four hundred vehicles. If you have two per unit, let's say, that are going to be using that same entrance to come into this whole complex. Am I understanding that correctly?

Whallon: Mr. President, Council Woman Perreault.

Perreault: Perreault.

Whallon: Perreault. Sorry. This has a new access point that was closer to the mattress store and the proposed drive-through restaurant. That will be their main access point to this phase and so it will be a new access point that they are using, not the existing one that -- that you mentioned that struggles.

Perreault: Is -- is that a right-in, right-out only or --

Whallon: It would be a right-in, right-out only.

Perreault: Okay. So, if someone's coming and wants to turn left -- left from -- I can't

remember the name of the street that runs to the south here off of 55. They are going to have to still go into the main entrance; correct? Am I -- am I understanding that correctly?

Whallon: I think they would have to travel east on River View and --

Perreault: Correct.

Whallon: -- do a U-turn to come back and -- yes -- yes, into the property.

Perreault: Okay.

Bernt: Any other questions for the applicant?

Cavener: Mr. Mayor? Or Mr. President.

Bernt: Mr. Cavener.

Cavener: Is it Mr. Whallon?

Whallon: Yes.

Cavener: Appreciate kind of you walking us through this. I want to touch on I guess one other subject. One that's giving me a little bit of pause and I'm sure you reviewed the staff report and all the agency letters and so the letter from West Ada School District is always kind of one of the first places that I go and look and I know that they use a very generous calculation for multi-family. Even so, I think where they -- this would generate maybe they assume 14 additional students and that doesn't sound like a lot, except for when we have got a high school that's already significantly overcapacity and I'm -- I'm always sensitive to -- if we know a school is over capacity, why would we start looking at another residential unit that would only add more students? Can you help walk through why this project meets that high threshold of adding more students to an already taxed high school?

Whallon: So, Mr. President, Members of the City Council, I think that there is a change in demographics and single family homes generate -- you know, families want to live in single family homes. People that choose to live in an apartment complex typically are -- maybe they are waiting a little bit longer to get married. Maybe they are waiting a little bit longer to have children. But 134 units in a multi-family housing project will not generate the number of students that 134 single family homes will generate. So, in this instance it's 134 units, but the people that are choosing to live in this environment are the people that are waiting longer to get married and waiting longer to have children.

Cavener: Mr. President?

Bernt: Mr. Cavener.

Cavener: Mr. Whallon, that may have been true in 2005 or 2006, but -- and maybe that's

how it is in Draper, but in Meridian we are seeing a lot of single families that are living in in multi-family projects and -- and clearly at least your sister property anticipated that because there is pools and playgrounds, amenities not just for -- for single people, but for families and so I will just be -- I think for a lot of the reasons that we have heard tonight I'm struggling with this particular piece and I think it's added on top of it that we have at least got at least one school that's already at capacity. It makes me at least take pause if this is -- I know you said it's the highest and best use. I guess I haven't got to that same conclusion yet.

Perreault: Mr. President?

Bernt: Ms. Perreault.

Perreault: I apologize, I really do want to revisit the access conversation, just -- Mr. Nary leaned over to me and encouraged me to ask Caleb if he would, please, pull up an aerial view of Regency one -- phases one and two and how the vehicles would flow through. This is -- I think this is critical as we are discussing any kind of requirements we would put into a DA.

Whallon: If I may as Caleb is pulling that up, I may have misspoke that this would be a right-in, right-out only. I'm not sure of the spacing requirements that ACHD would require of this and so there could be the possibility for it to be a three-quarters movement, right-in, right-out, left-in, which would lend itself well to that coming from Eagle Road, being able to make a left hand turn in.

Perreault: Mr. President?

Bernt: Ms. Perreault.

Perreault: That River Valley Street already has a barrier there, so I'm pretty sure it's -- it's likely going to be a right-in, right-out. I can't say that unequivocally -- unequivocally either, because I'm not the highway department, but there already is an existing barrier that you can't make a left -- make a left turn on. But I don't know exactly what would be -- and maybe this is a question for staff. What would be the appropriate request to make of an applicant to show the safety factor of using the -- the entrance for the other -- the other part of the development, if we -- if they are going to in some way be tied together with access through the DAs. I don't know what it is we would ask to show that safety factor. I just know my own personal experience, having spent time in there, it's -- I would have a hard time adding that many more vehicles coming through how it's currently being accessed. So, I think the staff is possibly bringing something up for us.

Hood: Sorry, Mr. -- Mr. President, Council Woman Perreault. I got some of the labels, I can't figure out how to get off. So, you will have to bear with me a little bit. But here is the existing -- oh, sorry. Sorry. I'm out of practice. Thank you. All right. You don't see that now? So, here is the existing -- the Regency project phases one and two. Here is the site that we are talking about this evening with the existing access point. We can

zoom in to the center median there today -- and, again, that was part of the conversation. I heard some of it while I was looking up the map. I think that's -- some of that is still to be determined by ACHD. They will look at the stacking. I mean that's something -- if we are going to allow left's in here you got to have a stacking and I think you are getting pretty close to the intersection here. So, there may be an opportunity for a left out of the site. I'm not a traffic engineer, but I don't see a left-in probably working in this location. So, Mr. Whallon mentioned a U-turn. You could potentially do a U-turn or as we have been talking about could come through their project and -- and up. I can zoom in and out however far you would like me to go. The safety concern that you have, I did not pull or ask police to look in their database to see if there had been any crashes. You know, I do see -- again, I live near this area. There is pretty high pedestrian traffic, obviously, at this intersection driveway, with the co-op and some of the shopping and the rest of The Village there. I do not know -- this has not come to our attention at the Transportation Commission in the past couple of years. There was a request a few years ago -- a couple few years ago to put a crosswalk here, but the volumes -- at that time ACHD did not warrant that and there is not one there today. There is multiple questions there and I don't feel like I have touched all of them, so if you could, please, tell me where you want to zoom in or out to or what you -- what else I can address that would be appreciated.

Borton: Mr. President?

Bernt: Mr. Borton.

Borton: Maybe you mentioned -- to compound it, do I recall that the Eagle Road access just south of the Great Wall goes away when there is that connectivity?

Hood: Correct.

Borton: Yeah. So, that funnels that through this as well.

Perreault: Mr. President?

Simison: Ms. Perreault.

Perreault: If I might recommend when -- when you come before us again, because I anticipate this will be continued, if nothing else than to change the application to address the issues with the DA. That -- that potentially the property managers that are on site there can come and have some discussion with us about the flow of traffic through the project. I have driven through here -- I don't even live in the area, just know people that live in there that where there has been vehicles that have backed out into the -- the drive aisle because of how the parking is designed. There is a lot of turns. You kind of wind through here and there is some blind corners and whatnot and so I just -- I have concerns from a pure practical standpoint about putting 139 more units in that allocation and having them all be accessed through the same existing access that the -- the current property has.

Bernt: I appreciate the comments this evening with -- from Council. I -- the dialogue has been great. I appreciate the presentation. Staff did excellent job. For me personally -- and this is -- this is a tough ask. I don't -- I don't -- I don't disagree that what you are proposing isn't the highest and best use for this property. My number one concern is access, especially with the amount of traffic -- the amount of units that you are going to be building. I just don't know how you overcome that. Anytime when you have to do a semi U-turn to get into the main access point to your property causes me to pause, frankly. So, I don't -- I don't mind continuing this, but that's -- that's where I stand right now. But, you know, we are probably a little bit premature offering our guidance and -- without taking public comment. So, maybe it's time to see if there is anyone online or anyone that's available here at City Hall to offer any public comment. Ralph? No?

Johnson: Mr. President, there was someone signed in in person, but I don't believe he is here any longer and there is nobody online.

Bernt: Okay. No public comment? Okay. Back to you.

Whallon: So, Council President, Members of the City Council, I appreciate your comments and for what I have heard is that we need to ensure that there is a buffer along Eagle Road, that there needs to be open space at the amount required by code. Also cross-connectivity between the existing two phases, which would amend the existing DA that would allow provisions for -- at a minimum pedestrian, if not vehicular cross-access between the phases to be a requirement of the property and I think you would also like to hear from the property managers on how access in and off of the property is conducted and so I'm prepared to -- if we would continue this to come back with answers to those questions.

Bernt: Sounds good. What -- what day would you prefer?

Whallon: Well, I live in Boise, so any -- any Council meeting that you guys would like to have us back. I think that we can get to work on this and we can have visual representations done in two weeks time. I don't know if that's too quick to come back or -- we are at your leisure. We would come back -- whenever you would make time for us we would come back as soon as possible.

Bernt: I think that -- I think that wouldn't be a terrible idea. It's just a matter of what that looks like for our staff to be able to create new -- new information for a presentation. So, I'm going to punt to Caleb to see what that looks like for him and, then, we will make a decision.

Hood: Yeah. Mr. President, I appreciate that. Honestly, I don't know how much of what Mr. Whallon -- how he just summarize that -- what you expect staff to do with that information, if anything. So, if you would like us to take that and address that or just him present that to you without -- without staff's input -- if -- if us, then, we typically do need 15 days from when we receive that information to write up the memo to get it into the packet. So, I would prefer --

Bernt: And I think Council would be in agreement that we would want you to be involved and you would -- we would want you to craft something that would be in our best interest and so we are looking at an open date of 11/16 and we do have one public hearing on the 23rd and so -- of November. So, what does that look like for you, Caleb? Is that enough time?

Hood: Again, if two weeks and, then, another two weeks for us to analyze that. So, roughly a month. I didn't -- I don't have a calendar in front of me and I -- I heard your dates, but I wasn't -- I mean we are right around Thanksgiving anyways; right? I don't know what the -- I don't know what the clerk has on those agendas, but we can make that work.

Bernt: So, I -- I would -- I would entertain a continuance to November 23rd from a member of Council.

Perreault: Mr. President? We take public comment at -- at that hearing as well?

Bernt: Yeah. It's still open.

Perreault: I move that we continue file number H-2021-0059, to the hearing date of November 16th? Is that correct?

Bernt: Or the 23rd.

Perreault: November 23rd?

Bernt: I would prefer the 23rd.

Perreault: Okay. So, that the applicant can provide additional information to us that was previously stated.

Bernt: I have a motion. Do I have a second?

Borton: Second the motion.

Bernt: I have a motion and a second to continue this application to 11/23. Any discussion?

Borton: Mr. President?

Bernt: Mr. Borton.

Borton: Part of that process in prep for that hearing, I think it would be really helpful -- you probably already planned on doing so, but to coordinate with city legal counsel and have some of those specific DA provisions lined out. I know there is a lot of moving parts, but this one's a little unique. So, that would make it more productive.

Hoaglund: Mr. President?

Bernt: Mr. Hoaglund.

Hoaglund: Question for Mr. Nary. I was wondering how far along that DA process can they go or is it just points that these will be placed into the DA or are we actually going to look at a DA?

Nary: So, Mr. President, Members of the Council, Council Member Hoaglund, we wouldn't have a DA prepared yet. We don't really do that until there is findings to work from. But we certainly can have a conversation with either myself or one of my other deputy attorneys on what language we think is necessary. I think we have kind of spelled out a little bit tonight. Again, we need that cross-access from both sides. We need to make sure -- it appears there is only one access point currently. So, we need some assurance that that's going to remain and, then, also that if there is going to be the potential agreement between phase one and two and phase three for shared use of facilities, then, we want that also spelled out, because that would have to be in both agreements as well. So, I think we can talk about language and, then, we can get more into detail, but we need to at least get the concept down.

Bernt: All right. I have a motion and a second on the -- on -- on the table. All those in favor signify by saying yes -- aye. Any nay? It looks like the motion passes. Thank you.

MOTION CARRIED: ALL AYES.

19. Public Hearing for Hatch Industrial (H-2021-0026) by Hatch Design Architecture, Generally Located on the East Side of N. Linder Rd. and the North Side of W. Franklin Rd., South of the Railroad Tracks, and at 160 N. Linder Rd.

- A. Request: Amendment to the Comprehensive Plan Future Land Use Map to change the future land use designation on 42 +/- acres of land from Mixed Use – Community to Industrial.
- B. Request: Annexation of 1.59 acres of land with an I-L (Light Industrial) zoning district with a request for City Council approval of a reduced buffer width to residential uses from 25 feet to 5 feet.

Bernt: Moving on to Item No. 19. We have a public hearing for Hatch Industrial. That's item number H-2021-0026. Turn the time over to the staff.

Hood: Me again, Mr. President, Members of Council. The application you have before you for this project is actually twofold. There is the Comprehensive Plan map amendment and an annexation. Just a quick side note, because the last time I presented to Council I also had a comp plan map amendment. There is actually one more in the queue. We talked about that last time. So, this -- these were all submitted by that June deadline, but