

A Meeting of the Meridian City Council was called to order at 6:04 p.m., Tuesday, November 9, 2021, by Mayor Robert Simison.

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

Also present: Chris Johnson, Bill Nary, Alan Tiefenbach, Brian Caldwell, Joe Bongiorno and Dean Willis.

ROLL-CALL ATTENDANCE

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|---|--|
| <input checked="" type="checkbox"/> Liz Strader | <input checked="" type="checkbox"/> Joe Borton |
| <input checked="" type="checkbox"/> Brad Hoaglund | <input checked="" type="checkbox"/> Treg Bernt |
| <input checked="" type="checkbox"/> Jessica Perreault | <input checked="" type="checkbox"/> Luke Cavener) |
| <input checked="" type="checkbox"/> Mayor Robert E. Simison | |

Simison: Council, call the meeting to order. For the record it is November 9th, 2021, at 6:04 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 item up is our community invocation, which tonight will be delivered by Vinnie Hanke of Valley Life Community Church. If you would all, please, join us in the community invocation or take this a moment of silence and reflection.

Hanke: Good evening, Mr. Mayor, Members of City Council. Thank you for the opportunity to be with you again tonight and pray for you. Let's pray. God, we thank you for this evening. We thank you for the fair city you have granted us the privilege to live in. We ask now that you would grant wisdom and discernment to those members of the Council as they lead and those members of the community as they speak. God, as we approach the holiday season we ask for a spirit and a sense of joy and gratitude would be among our citizens here. We continue to lift up those, Father, on the front lines as they serve our community in the hospitals and in the medical profession, in law enforcement and fire protection, Father, and our teachers and community leaders. We ask that you would help us to be a city that would love our neighbors and it would bring glory to your name. I asked these things through Christ, amen.

ADOPTION OF AGENDA

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

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I would like to make a motion to adopt the agenda as published.

Hoaglun: Second the motion.

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

MOTION CARRIED: ALL AYES.

PUBLIC FORUM – Future Meeting Topics

Simison: Next up is our public forum. Mr. Clerk, we had someone sign up this evening?

Johnson: Mr. Mayor, we have one gentleman signed in. James Thompson, discussing downtown parking.

Simison: Mr. Thompson, if you would come forward and be recognized for three minutes.

Thompson: My name is James Thompson. Been -- I grew up in Meridian, Idaho, most of my life. Went to Meridian High School. Went away for a little bit and I have been watching how fast you have been growing and so my main concern that I'm looking at is -- I'm watching all this development in this area and, you know, like the apartment unit I have been looking at it, looking at the plans, and right now you guys have one parking spot per unit and on top of that there is a bunch of retail units down there. Who knows what that retail facility could bring. You know, if it's a Starbucks or something like that, you never know what kind of boom would that bring. My concern with all that is in talking to some of the owners that are down here, there is a big concern of the impact of the economy of our business people, any -- anything -- or even just like my wife and I to come down and visit and be here, it's turning into a place where it's -- it's not as enjoyable or pleasant, because you are -- you can't find a parking spot, you know, or the parking spots are -- you know, they are -- they are full. There is a lot of construction. I know that in a -- in a sense when you have construction going on there is always discomfort in that and that's part of growth, but with growth I'm wanting to ask you guys what is the plan that you guys are going to have for like the apartment units that are coming in? Because for one -- because if you look and you can -- you can Google it and it says the average amount of vehicles per household is two. That's -- that's straight from Google and so with one -- this is just the residents there, not visitors, but residents right there, there is going to be

an influx, theoretically, of a hundred cars that are going to have nowhere to park and so these are not just people coming from the rural areas, they are people that are planted here that are coming in -- and this is all -- I mean, of course, this is all theory, you know, but the concern I have is like what plans do we have to make sure that we can keep our local businesses alive and, you know, what -- I mean I don't know how to -- any other way to put that. But that's my main concern is what -- I mean are we going to look at -- are we looking at parking structures? Are we -- you know, is there people we can team up with, other businesses that are willing to chip into that? Because I know that part of being a community -- it's like, hey, if we can look and save money, if there is businesses that are willing to chip in to say, hey, we are willing to partner with it -- I know there is a church over here, they might be willing to partner with a built -- a structure and I don't know if that's something that you guys have -- and I yield my time for questions or -- you know.

Simison: We really don't get into a dialogue at this point in time, but I can tell you if you can give -- give the clerk your information we can follow back up with you offline with our -- or you can talk to Councilman Bernt and he can fill you in on all -- where we are going, but to, hopefully, answer some of your questions, but appreciate the information and thoughts.

Thompson: Okay. So, there -- so, you are -- what you are saying is you guys don't have a plan right now?

Simison: No. What I'm saying is the public forum is for you to convey that information, but it's not an agenda item listed, so it's not a conversation back and forth at this time. But we can have a conversation offline.

Bernt: Sir? Sir?

Johnson: Mr. Thompson?

Bernt: Write me an e-mail.

PROCLAMATIONS [Action Item]

1. Family Court Awareness Month

Simison: Okay. Thank you. All right. Next item up is a proclamation for Family Court Awareness Month. I'm going to go down to the podium and I will be joined by Christy Martin and Renee Swithin McClaskey. So, if you want to join me at the podium. So, as was mentioned, this is a proclamation for Family Court Awareness Month. So, I'm just going to go ahead and read my proclamation and, then, we will hear from Christy and Renee about the organization's impacts on this issue. Whereas the mission of One Mom's Battle, OMB, in the Family Court Awareness Month committee is to increase awareness on the importance of a family court system that provides child safety -- or prioritizes child safety and acts in the best interest of children and whereas FCAMC works to increase awareness on the importance of education and training on domestic violence,

childhood trauma, and post-separation abuse for all professionals working within the family court system and whereas the judges and other family court professionals are educated by the FCAMC on the empirical data and research that is currently available, including research such as the adverse childhood experiences study, the Saunders study and the Meier study and whereas the FCAMC is fueled by the desire for awareness and change in the family court system, while honoring the children in the United States who have been murdered by a parent after a custody court rejected the other parent's plea for protection. Therefore, I, Mayor Robert E. Simpson, hereby proclaim November 2021 as Family Court Awareness Month in the City of Meridian and urge our residents to learn ways to prioritize child safety and act in the best interest of children. Would you like to come forward?

McClaskey: Thank you. My name is Renee McClaskey and this is Christy Martin and we are honored to accept this proclamation on behalf of Family Court Awareness Month. Twelve years ago my sister Tina, the founder of this movement, entered the family court system naively believing that child safety was prioritized. My sister's safety and my niece's safety was not prioritized. They were repeatedly placed in harm's way. Finally, after six years my sister's concerns were all validated, but what she and her daughters went through to get to that point is unacceptable. We must do better. Our children are our future. Heidi de Leone, a Meridian resident, was viciously murdered in 2019. Heidi was a member of my sister's support group. She reached out to my sister for help in December of 2018 and less than two weeks later she was murdered. She feared for her life daily and expressed concerns to the family court system for years. Had they listened sooner she may be standing here with us today. We would like to dedicate this proclamation to Heidi's daughters and we thank the City of Meridian for standing with us and proclaiming November as Family Court Awareness Month.

Martin: We know that domestic violence is about power and control. The desire to maintain power and control doesn't mysteriously vanish when the relationship ends, it transitions into post-separation abuse and the family court system becomes the platform. The need for power and control often escalates and the desire to hurt the healthy parent and win at all costs become the driving force. The children become the pawns and the weapons. Most family court judges have no training in domestic violence or trauma. Our lives and our children's lives are literally dependent on the court becoming educated on these issues. We believe that the first step towards change is awareness. I'm grateful to Meridian and to the state of Idaho for joining the list of almost 200 cities, counties, and states that have proclaimed November as Family Court Awareness Month. Thank you for standing with us to recognize the importance of court -- a court system that prioritizes child safety. Thank you.

ACTION ITEMS

- 2. Request for Reconsideration of City Council's Decision of Wells Street Assisted Living/Andorra Subdivision (H-2021-0024) by Jamie Koenig of Babcock Design, Located at 675, 715 and 955 S. Wells St.**

Simison: Thank you again for being here. Council, with that we will move on to our Action Items for this evening. First item up is a request for reconsideration of City Council's decision of Wells Street Assisted Living/Andorra Subdivision, H-2021-0024. I will turn this over to Mr. Nary.

Nary: Thank you, Mr. Mayor, Members of the Council. You have before you a request for reconsideration of the decision that was made by this Council a few weeks ago on the Andorra Sub and the Wells Street annexation. The decision at that time was denial of the project. They have properly filed a request for reconsideration, which is required by code for them to ask. It's up to this Council and, basically, your decision point is either to approve the request for reconsideration, schedule it for a new public hearing. Deny the request for reconsideration and that's the end of it as far as the city's perspective at this time. And the third option is to review the findings, make amendments or changes to the findings that you think are necessary. We reviewed the findings. We helped draft the findings. We are comfortable that the findings meet the legal requirements that are necessary and are defensible, but it's your decision on whether or not you want more or a different outcome or if you want to have a new hearing. So, it's your decision. As you know this really isn't a hearing in that sense. The applicant is here. They have their counsel here, but they -- this is not a dialogue. This is simply a if you have questions, if you want some clarity, if you are unclear about something, it's your option to ask that question, but, other than that, it's really a decision and that's where we are.

Simison: Thank you, Mr. Nary. Council, questions, comments, actions, motions?

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I was just going to say I was absent at that meeting, but I have read the minutes of the meeting and fully understand the -- what took place and -- and the decision that was reached and I certainly respect the decision of this group that -- whatever they direction they determine to go, as they did at that meeting. So, just wanted to put that on the record.

Simison: Thank you, Mr. Hoaglund.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: The letter submitted by Givens Pursley -- I appreciate the feedback and context provided by Mr. Nary. I don't see any reason for me to change the recommendation of denial that I made I think at that meeting. With that, Mr. Mayor, I would move that we deny the reconsideration request for the Wells Street Assisted Living/Andorra Subdivision, Item No. H-2021-0024.

Perreault: I second that motion.

Simison: I have a motion and a second to deny the request for reconsideration. Is there any discussion on the motion? If not, ask the Clerk to call the roll.

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

Simison: All ayes. Motion carries and the request for reconsideration is denied.

MOTION CARRIED: ALL AYES.

3. Public Hearing for Proposed Winter/Spring 2022 Fee Schedule of the Meridian Parks and Recreation Department

Simison: So, with that we will move on to Item 3 this evening -- is a public hearing on proposed Winter-Spring 2022 Fee Schedule of the Meridian Parks and Rec Department and we will open this public hearing with Mr. White.

White: Mayor and Council, thanks for having me tonight. In front of you, like Mr. Mayor just said, the 2022 Winter-Spring activity and class fees. Listed on there you will see the increased percentage at the request of Councilman Cavener. Note that some of the increases -- percentages went up based on -- we went from an 80/20 split to 70/30 split, just to cover our costs when it comes to different facilities and things. On top of that there is also a combination of -- depending on the class, how many days are in the -- in the session or the dates in the class, things like that went from -- there was five Tuesdays in the class compared to four, those types of things. So, fees are what they are there. With that I will stand for questions.

Simison: Thank you. Council, any questions? Thank you, Garrett. This is a public hearing. Mr. Clerk, do we have anyone signed up to provide testimony on this item?

Johnson: Mr. Mayor, we did not online. I did not check the back of the room. I will do that.

Simison: If there is anybody that would like to provide testimony on this item, if you would feel free to come forward in the audience at this time. If you are on online and you would like to provide testimony you can use the raise your hand feature and we can also bring you in. Seeing no one coming forward, nobody online, do I have a motion to close the public hearing?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Just for clarification purposes, do we make a motion to adopt the resolution

and that's the only motion that's necessary?

Simison: After we close the public hearing.

Perreault: Oh. Mr. Mayor, I move that we close the public hearing.

Cavener: Second.

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

MOTION CARRIED: ALL AYES.

4. Resolution No. 21-2296: A Resolution Adopting New Fees of the Meridian Parks and Recreation Department; Authorizing the Meridian Parks and Recreation Department to Collect Such Fees; and Providing an Effective Date

Simison: Item 4 on the agenda is now Resolution No. 21-2296.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I move that we approve Resolution No. 21-2296, adopting new fees of the Meridian Parks and Recreation Department and authorizing Meridian Parks and Recreation Department to collect such fees and providing an effective date.

Cavener: Second.

Simison: I have a motion and a second to approve Resolution No. 21-2096. Is there any discussion?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Thank you, staff. Appreciate you guys putting in the increase and I like seeing some of those new classes. I don't know what this tree climbing thing is, but I'm interested in learning more about it. So, appreciate it.

Simison: Is there any further discussion? If not, all in favor signify by saying aye. Opposed nay. The ayes have it and the resolution is agreed to.

MOTION CARRIED: ALL AYES.

5. Public Hearing for Settlers Square (H-2021-0072) by Brighton Development, Inc., Located on the Northwest Corner of W. Ustick Rd. and N. Venable Ave., Adjacent to the Mid-Mile Mark Between Linder Rd. and Meridian Rd.

- A. Request: Modification to the Existing Development Agreement (Inst. #2016-097989) for the purpose of entering into a new agreement to incorporate a new concept plan consisting of commercial and residential uses

Simison: Next item up is a public hearing for Settlers Square, H-2021-0072. I know the applicant has requested this to be continued. I assume you want to open it at this time?

Bernt: Mr. Mayor?

Simison: Have that conversation. Okay. Well, I'm going to start by opening the public hearing for Settlers Square, H-2021-0072, and turn this over to Councilman Bernt.

Bernt: Thank you, Mr. Mayor. I -- since we are -- since we opened the public hearing for this one issue I would like to recuse myself from further discussion with regard to this item. So, thank you for that time.

Simison: All right. Perfect. Thank you. Alan?

Tiefenbach: Mr. Mayor, Members of the Council, Alan Tiefenbach, associate planner, standing in for Joe this evening. This was a request to modify an existing concept plan basically at the northwest corner of Ustick and Venable. The original development agreement required a hundred percent commercial and they wanted to amend this to allow a mix of multi-family and commercial. When the staff wrote the staff report we were recommending denial. Based on that recommendation of denial the applicant wanted to see if they could work out the issues and are requesting a continuance until November 23rd.

Simison: All right. So, Council, you have at least heard the rationale. We do have the applicant on. Would you like to hear from the applicant as well at this time? Seeing none, at this point in time. Mr. Clerk, we did have some people who signed up to provide testimony on this item tonight?

Johnson: Yes, Mr. Mayor. Four people signed in to wish to testify.

Simison: Okay. So, Council, I guess that begs the question, if we want to hear from the public as well or if they are -- depending on what date is potentially selected if they are able to return and provide testimony at that time or not.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I would prefer to -- to wait on the public testimony, so that the applicant can respond to any concerns the public presents.

Hoaglund: Mr. Mayor?

Simison: Councilman --

Hoaglund: Hoaglund.

Simison: -- Hoaglund. Thank you.

Hoaglund: No. I think if this -- if there is going to be changes to this I think -- as long as we can make sure they have that information in advance to review it. Their testimony may change. I don't know. And just have to see what -- what their updated plan would be. So, I think that way we can -- everyone can speak to what's in front of us, instead of speaking to something that will no longer be in front of us. So, I think as long -- and, Alan, I think we will be good in having that out in enough time for that hearing for folks to review it; is that correct?

Tiefenbach: Yes, sir.

Hoaglund: Okay.

Simison: And I think that is a good differentiation than just they can't be here, the project, taking testimony versus the project is going to be different.

Tiefenbach: Correct. We are not sure exactly what the proposal is going to be yet, which is why it might be a little premature to have too much public discussion until we know what their revised proposal is going to be.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I appreciate when our public take time out of their busy schedule to come down and testify and it can always be a little surprising when there is a continuance requested. When I look at the request to date it's a -- for many folks a holiday week. I don't know the likelihood of the folks that are here to testify, if they are going to be able to attend on the 23rd and wouldn't want to take away their ability to provide that feedback and so I -- I guess maybe, Mr. Mayor, a straw poll of those in attendance if the 23rd also works for them or maybe you want to wait until a little bit later in December, so that those that made time to be here tonight are able to attend to provide their testimony with the updated information.

Simison: Okay. And there is also the remote option for people as well if they can't be here in person. That's the beauty of our new system. Is the 23rd the date that -- I know we do have a busy calendar on the 23rd already anyways. Mr. Clerk, do you want to weigh in on --

Johnson: You do have four public hearings on the 23rd. Two of them are related to urban renewal.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: My gut reaction is the first Tuesday of December would be better. I mean we have got staff reports to get out, get to the public, let them digested it and I think it would -- it could only help in light of what was talked about with the weekend or the holiday week, so --

Simison: Can we find out if that works for the applicant, who is in the room?

Johnson: Mr. Mayor, Mr. Wardle is online. He should be able to speak.

Wardle: Mr. Mayor, Council, Jon Wardle. Can you hear me?

Simison: Yeah. You are muffled, Jon.

Wardle: Sorry about that. Sorry. Bad connection tonight. In appears you want -- you are asking for the first week in December, like December 7th; is that correct?

Simison: Correct.

Wardle: That would be fine.

Simison: Okay. All right. Thank you, Jon. So, for those who signed up with the audience, December 7th. Yes. Let's see if -- yeah. All right. Well, then, with that do I have a motion?

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I move that we continue the public hearing for Settlers Square, H-2021-0072, until December 7th.

Perreault: Second that motion.

Simison: I have a motion and a second to continue this item until December 7th. Is there

any discussion?

Strader: Mr. Mayor?

Cavener: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Or maybe just some discussion. I think I heard maybe from a couple people in the back of the room that that day does not work and that they strongly prefer to testify. I would hate for someone who showed up and that day doesn't work -- to not have that opportunity in person. I personally would like to open the public hearing and allow them to do that.

Simison: What -- what I heard was today would be great. I didn't hear that they could not be here on that day, just today would be great, but --

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: The trade-off -- and then -- and remote testimony is great if it's an option, but the trade-off is if we hear testimony today it might be about a project that isn't what's actually before us, so we don't know exactly what to do with the testimony that's provided. So, it kind of cuts both ways. If -- if there is an opportunity to participate on the 7th, even if it's remote, it's probably more substantively on point to what's ultimately presented in light of the reason for this continuance. So, that's generally why we bumped it when the -- when the need for the change is, because the application is not quite cooked yet, so --

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I would just like to mention that anyone is welcome to send in an e-mail to the city, a handwritten letter to the city, a voice message to the city and we do look at all of those prior to our hearings as well.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: There is a motion on the floor, so I don't know how that works, but I would move that we open the public hearing and take testimony from anybody that's --

Simison: We would have to -- have to do that and, then, I'm going to ask staff to present and this is not our staff member to present. Then I'm going to have to ask the applicant

to present as well. So, just so we understand, we are going to not get a good project, because we don't even have our staff member in the room either, so -- but let's -- let's go with the disposition of the motion and the second.

Hoaglund: Mr. Mayor, I did specifically make the motion because of the fact that we are going to hear testimony on something that may not be relevant and that's a waste of their time and I know we have got options for them to provide testimony. It doesn't -- if there is a substantial change -- you know, there might be things related to traffic and that sort of thing that might be similar, but overall I just would like the comments to be specific to the project that we will be considering at that time. That's my -- my only reason for doing it. It's not to exclude anybody, but it's certainly to make sure that testimony is relevant to what we are considering.

Simison: Well, we do -- as mentioned we have a motion and a second we have to dispose of that either by vote or by the motion and second maker withdrawing their motions, so -- then with that I will ask the clerk -- all those in favor of continuing the public hearing, please, say aye. Opposed nay?

Cavener: Nay.

Strader: Nay.

Simison: The ayes have it. We will continue the public hearing and that's when we will take public testimony on this item. Thank you.

MOTION CARRIED: THREE AYES. TWO NAY. ONE RECUSED.

- 6. Public Hearing for Intermountain Wood Products Expansion (H-2021-0042) by Kent Brown Planning Services, Located at 255, 335, 381, and 385 S. Locust Grove Rd. and 300 and 330 S. Adkins Way**
 - A. Request: To expand existing wood products business located at 220, 300 and 330 S. Adkins Way by
 - B. Annexing 255 and 335 S. Locust Grove Rd. with the I-L zoning district.
 - C. Modification of the Medimont Development Agreement for the purpose of creating a new development agreement for the subject properties and removing the requirement for an internal landscape buffer.
 - D. A Future Land Use Map Amendment to designate 355 and 255 S. Locust Grove from Mixed-Use Community to Industrial, and 385 and 381 S. Locust Grove from Mixed-Use Community to Commercial

Simison: Next item on the agenda is a public hearing for Intermountain Wood Products Expansion, H-2020-0042. We will open this public hearing with staff comments.

Tiefenbach: Good evening, Mr. Mayor, Members of the Council. Alan Tiefenbach, associate planner with the City of Meridian. This is a proposal for an annexation of three acres of land with the I-L zoning district, request for a DA modification and two future land use amendments. So, the existing property -- the proposal consists of six properties. So, one, two, three, four, five, six and they are located near the East Franklin Road-South Locust Grove intersection. Two of these properties, these two here -- hopefully you can see. It looks like you can see my pointer. These two properties here are already in the city. These two properties here are presently in the county and zoned RUT. And, then, there is also these two properties here -- and I'm going to talk about that a little more. These properties are only being proposed for a future land use map amendment. They are really not part of this development proposal. But, again, I will talk about why they are being included. So, to the north of the property these -- these two here, if you can see my pointer, these are the ones that are being proposed for annexation. To the north of that is zoned RUT. It's existing rural residential. To the east over here is R-15 and C-N. To the south, which is down here, is zoned C-C. It recently was approved for a childcare facility, the Learning Tree, and, then, to the west over here this is all an existing office park. So, the two lots that are being proposed for annexation, these two -- or sorry. The two lots that were -- that are presently in the city, they contain an existing business and these were annexed in 1996 and platted as what was known as the Medimont Subdivision No. 2. There was a conditional use that was approved for this. It was for a whole -- wholesale building materials building and that was approved in 2001 and the CZC was approved in 2003. The two parcels proposed to be annexed and zoned to I-L -- that's what you see here. These properties are being proposed in order to do an expansion of the existing business and, again, these are presently in the county and they are not platted. The two additional lots down here proposed for a future land use amendment -- and, again, I will go into more detail about that. These -- 385 and 381 South Locust Grove, these were annexed in 1999 and CZCs were issued for that existing daycare in 2012 and 2017. Once again, although these lots are being included as part of the Comprehensive Plan land use map amendment, they are not part of this development and I will go through in specificity. Trying to get this thing to move for me here. Why is this not working? Okay. There we go. Okay. So, again, here is a summary of requests. The first is to annex two properties into the city with the I-L zoning to construct a 59,000 square foot and some change square foot warehouse. So, these are the existing buildings that are here. These are the two properties that are being proposed for annexation. This would be the warehouse that they want to build. The other proposal is for a development agreement modification and the reason why is they want to remove a requirement for a permanent 20 foot wide landscape planting strip. This long blue sliver here, this is what is shown on the plat right now. The existing meet the Medimont development subdivision -- the development agreement required that there be a permanent planting strip in there. And, again, I will go into more detail about that. And the third request is for future land use map amendments. So, the first amendment is to change the designation of the properties to be annexed, which would be these two here, from mixed use community to industrial to allow the zoning for the warehouse. This is

what is existing now. Here is what is being proposed tonight. The second map amendment involves these two properties down here. And, again, this is where that existing Learning Tree facility is. These -- these properties are being designated -- or also designated for mixed use community to commercial and the reason why these -- that we are changing the land use map amendment here is when we talked to the applicant about this we didn't think that it was a good idea to have these two little enclave pieces zoned mixed use community. It made more -- it was a cleaner thing to do to rezone -- to re-designate these to be commercial to fit with the rest of the commercial to the south and to the west. So, it's merely just a cleanup, so you don't have too little floater pieces here that are -- that are designated for mixed use community. So, that's the only reason that they are included into this tonight. Okay. So, I'm going to talk a little bit about this proposal now. So, again, the area is presently designated for mixed use community under the future land use map. To the east of the subject property, across South Locust Grove, is single family attached, that's what you see over here. There is also a religious institution, which you can see here. There are commercial and office uses to the south. Down here. And directly adjacent to the west, all of this, is a 27 acre industrial park, including the -- the buildings that are part of the existing business. Adjacent to the north here are two existing single family residences and north of those is a two and a half acre property zoned R-4, with a development agreement that allows 95 multi-family units. Also this now is a large ACHD detention pond. When this was approved for the 95 units it was all one big piece. Since, then, it's been subdivided off. So, it's probably not going to fit 95 units. Kind of a side note there. Given the existing development in the vicinity, the size of the remaining undeveloped properties and that the UDC require a site circulation to occur from a local street, staff does not believe that the subject properties have the accessibility and are viable for the integrated walkable synergistic development that's anticipated by the plan for mixed use community. Staff does believe a plan amendment is appropriate to allow a change to industrial designation for the subject properties and a commercial -- commercial designation for the properties to the south. So, again, that would be these properties down here. However, staff does have -- does have reservations about how it would interact with the existing properties to the north and -- and in the future what kind of issues, if any, it would cause for the rest of the properties to the north being recommended -- still being designated for mixed use community. Okay. For the DA modification. The existing businesses within the Medimont development agreement. So, this here is the existing business in this building here and this is all an industrial subdivision called Medimont Development Agreement and that DA requires a permanent 20 foot wide landscape planting strip along the east boundary. That is this long sliver that you see here. This -- until recently all of this was owned by the property owners association. This was required, because all of this -- at the time that that subdivision was done all of this was residential. There was really probably no intentions of anything other than residential at that time, so this landscape strip was required to buffer the industrial from the residential uses. This proposal would create a new development agreement for the subject properties and would remove the requirement for this buffer in this little area directly adjacent to the subject properties. Again, like I said, this buffer was in a common lot and it was owned by the Stonebridge Owners Association. In February of 2021 the portions of the common lot between the existing business and the parcels to be annexed -- so, again, if you can see my little red pointer -- basically in this area here. This was

deeded to the applicant. Unfortunately, it was done improperly. They didn't go through a subdivision in order to do that, so it's not a proper subdivision. The applicant is going to be required to be able -- to have to do a short plat in order to merge those in and the reason why is because it was actually subdividing this parcel. This was one large piece. When they merged this in they are actually cutting that piece of property in half and in order to cut it in half like that you are actually doing a subdivision, so it is required to do a short plat. In addition to that, when staff went out on a site visit, all of the trees that were initially planted here had been cut down. They were laying in the front of the property. Staff requested that they -- and staff noted to the applicant that those trees were part of the DA requirement. You can't cut down the trees. Staff requested that the applicant account for all those trees that had been removed and the applicant responded that 11 trees have been removed in this area, ranging in diameter from 11 and a half inches to 20 inches to a total of 169 inches. So, one of our conditions of approval is that that number of caliper inches be provided in addition to what the regular landscaping requirements are. Are you following me so far with all this? I know it's complicated. I'm seeing head nods. Good. Okay. Site plan. In the staff report, the original one that you had, staff noted that although we support the use in the future land use map amendments, that there were issues to be worked out with the concept plan and elevations and the reason why is with the original version of the concept plan there was -- we had issues with access. In particular -- and this is one of the things we will ask for you to discuss tonight -- is primary access coming off of Locust Grove. Excuse me. This was the original one. Primary access coming off of Locust Grove. There also at the time was not access provided to the north and to the south and our regulations say that if you are on an arterial street that if you have the ability to provide access to adjoining properties you are supposed to do that. The residential buffer on the original concept plan did not meet the requirements. The loading bay that you see here was too close to the adjacent residential properties. It has to be more than 300 feet. Again, like I said, there wasn't cross-access that was provided and all of the parking was provided between the front of the building and the street and our site and design standards say that no more than 50 percent of the parking can be between the building and the street, so you are not looking at a sea of parking and cars. And also there was some questions about whether the building met modulation requirements. Meaning you have to -- you have to vary the -- the wall plains. If you look at this site plan you will see it's very square. In response to the staff report -- pretty much on the day of the Planning Commission meeting the applicant provided us an updated concept plan. That's the concept plan that you see here on the right-hand side of the page. All of those issues, except for one, have been resolved. So, the residential buffer has been widened. The loading bay has been moved to be further than 300 feet. There was cross-access that has been provided down to the south, although it's still not shown to the north. All of the parking has been broken up, so it is not in front of the building and since then you can see how the building now modulates. With that when we went to the Planning Commission we said that we were okay now with the concept plan as it was being proposed. The only issue that we had, first of all, is that it still did not show access to the north and the second was that staff was still noting that primary access was coming off of South Locust Grove and per our requirements it's supposed to be closed. I know that that was one of the -- the issues that the applicant had was they didn't want to close its access. Staff's comment to the applicant and to the

Planning Commission was if the Planning Commission wanted to deliberate on this and say they supported keeping the South Locust Grove access, staff would not oppose this. The Council has the ability to waive the requirement. So, if the Council wants to waive the requirement and allow this South Locust Grove access again -- again the staff did not strongly oppose this. This was merely an issue of regulations. ACHD did review this and ACHD did not have any concerns with this. Our big concern was trucks and whether or not there would be big trucks coming in and out of there. I know that the one person that submitted public testimony at hearing did have some comments about trucks. I'm not sure if they are here this evening. The last thing I wanted to talk about was in the original staff report the first version of the elevations almost all of it was metal siding. There was -- there was no accents. There were facade sections that were longer than 50 feet without modulation. There was roof lines that didn't have breaks and it was possible it wasn't meeting the fenestration requirements. So, what you see here on the top was the original version that went to the Planning Commission. Again, on the day of the Planning Commission applicant submitted elevations that were significantly better than the original ones. In general, when we are talking about elevations in building design, this is something that's usually worked out with staff and the applicant outside of the hearing. It's something we do at the certificate of zoning compliance and we make sure that it meets the ASM requirements, but we were calling out the original elevations, because we didn't want them to get approved in the hearing as they were when they were so far from -- from being -- to the ASM. What we see on the bottom now, what you are looking at, we believe they have made a huge amount of progress. We think that probably with a little bit of back and forth we could get it there. Staff has received two letters. One letter expressed -- expressed numerous concerns. It was by a property owner that lives in the subdivision to the east, right about the center of that subdivision. That was in regard to traffic, lighting, safety, loss of property values. The other letter that I received was from the property owner that is to the south. They -- their concerns were -- they wanted to make sure that access was provided, because they have an access easement here. They only saw this version of the concept plan. The most recent version of the concept plan does provide that access, so I don't know if the adjacent property owner now has seen that. I would assume that they would be in favor of that, because that's what they were asking for. With that staff recommended approval with the conditions listed in the staff report, with the addition that -- the site plan now we support the site plan. The only change we would recommend is that the Council debate whether they want to have access off of South Locust Grove and we would still need to see a northern access connecting to the northern properties, even if they are not going to be developing -- developing those northern properties for some time, they would need to provide an access easement. At the Planning Commission on October 7th the Planning Commission moved to recommend approval. They also liked the most recent version of the concept plan, the one that I showed you tonight, dated October 7th. They supported keeping the South Locust Grove access open. With that I have concluded my presentation. Certainly happy to offer any clarification or answer any questions, Council.

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

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Thank you so much, Alan. It is a complicated one, so I'm sure all I will get us going down a rabbit hole just to start out. My biggest concern -- I want to kind of put the annexation and expansion of this business to the side for a second. I hate changes to the Comprehensive Plan and the FLUM. I know we are limiting that now. I think to twice a year or once a year. I think we had some that were grandfathered in. Maybe this fits in that category. My question is describe the ownership of all of the parcels that are affected by the changes to the FLUM, because I'm concerned that there isn't common ownership of all of these -- maybe I'm just not following it in the application, but I would hate for us to be making changes to the FLUM affecting property that may not be aware of the changes and that's my main concern.

Tiefenbach: Very reasonable question. Thank you. Okay. So, the -- if you can see the bottom right, the two properties that you see in gray here, those are the ones that are being proposed by the applicant. The two properties you see here that are being recommended for change to commercial were also co-applicants on this application. So, even though they are not part of this development, they actually did sign the application and did -- did submit affidavits of legal interest. So -- so, they are on board and okay -- okay with it.

Simison: Council Woman Strader.

Strader: Mr. Mayor. Thank you. That clears it up. It wasn't clear to me -- just trying to follow all the addresses, like which ones were on board. Okay.

Tiefenbach: Very little of this is clear. This is very difficult.

Strader: Fair enough. And so, then, I guess my next question would be what -- how did this FLUM amendment come to be or is this -- like this is from our old process and this application has been ongoing since earlier in the year -- or help me understand how we ended up with a FLUM amendment.

Tiefenbach: Yeah. There is -- there is a regulation now that says you can only amend the FLUM -- and I'm -- off the top my head -- you know it more than I do. This was grandfathered in. So, this application came in before that requirement happened. So, they -- they got in right before you passed it.

Strader: Sorry. One more.

Simison: Council Woman Strader.

Strader: And so do we have any kind of different outreach than normal -- than our normal notifications to property owners considering we are doing a FLUM -- considering a FLUM amendment outside of what will now be the go forward cadence for City Council?

Tiefenbach: Actually, there isn't a posting that is required for a future land use map amendment, so there was actually more notification that happened with this. If we were just changing the future land use map we wouldn't have had to post this, but because this was actually a specific piece of property, all the property owners within 500 feet were notified. There was a sign posting that went up. So, anybody that was around this area would have been notified that this was one of the things that was being proposed.

Strader: Thank you.

Simison: Councilman Bernt.

Bernt: Thank you, Mr. Mayor. Just one question. Thank you for that presentation. Although complicated, very clear. My -- my question is regard to the property to the north. You mentioned in your presentation that there would -- leaving those properties as mixed use community might be an issue. Can you, please, let us know what your concerns are with leaving the properties to the north mixed use commercial?

Tiefenbach: I guess -- there are only -- it was more -- we weren't sure -- I guess our concerns were we weren't really sure how this was going to interact. What we would be left with was just these properties here, mixed use commercial. We already know that this one here -- or sorry. That this one here is zoned to allow apartments. So, it, basically, comes down to these little two properties here are being designated for mixed use community. I think more than likely what you will see in the future will be some sort of proposal to designate that to something else, but we are not sure now how all this would integrate and function if it really was proposed, someone wanted to do some kind of mixed use community proposal. It doesn't have great access. It's not big enough. We are not sure if the way that it's already built out and what's already being there is -- is copacetic with a mixed use community type project, but there are some questions. We are not sure how this would play out in the future. I don't have a solid answer for you. I just wanted -- it was -- it was discussed and thought we would mention that we are just not sure what that would mean in the future if these ones to the north were still a mixed use community. It was -- it was a reservation more than a statement. But that said we do -- we do support -- we do support the proposal.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: One last follow up. Were the property owners to the north notified? Did they know of this -- of this proposed change of use?

Tiefenbach: Yes, sir, they do. The property owner directly to the north -- they will give you her name. I can't remember. She came into the Planning Commission hearing, was very supportive of this project. Her only concern, which is why I brought this up to you, is she didn't understand exactly the way the process worked and she thought that we were making them put access into her property and all we were doing is saying that they had

to provide an easement, so that when those -- if and when those properties develop in the future, whether it's ten years or 20 years, that now there is access. So, she didn't understand that. But she did come into the hearing -- and I'm sure they can -- they can expand on it, talk about them being very good neighbors and that they would work with her very well.

Bernt: Mr. Mayor, that's all.

Simison: Council Woman Perreault.

Perreault: Thank you, Mr. Mayor. Alan, you mentioned that the changes in the original staff report that were made and, then, the applicant followed up the day of the original Planning and Zoning Commission meeting, so the public didn't -- that testified didn't have opportunity to review those changes made by the applicant and the Commission did not have an opportunity to fully review those changes made by the applicant; is that right?

Tiefenbach: Ms. Council Person, Members of the Council, actually, the Planning Commission did get to review it. We -- we had time to tell them -- basically exactly what I just did to you, to tell them what the changes were. The changes that they implemented made it a better project, but didn't significantly change it. So, it took the parking off the street. It did more modulation to the building. It -- there was still some question about where the Locust Grove access would occur. It pushed the outdoor activity area into being in conformance with the code. Originally it was too close to the residential. So, none of the changes that were being recommended by staff would have really made a significant difference. In fact, it would have made it a better project. The only difference was that we were asking the applicant to provide northern and southern access and, again, the property owner to the north already knew about that access. The property owner to the south actually commented on the original plan and complained that there wasn't any access. So, there really aren't any changes that would affect anybody adversely, only positively.

Perreault: Mr. Mayor, a follow up.

Simison: Council Woman Perreault.

Perreault: In my opinion -- and I will make this short, because the applicant still needs to share. The -- a number of conditions in the original staff report were so significant that if those were fulfilled we might not even be looking at the same concept and so I just have a lot of concern about that. So, hopefully, when we hear from the applicant we can kind of address that and if you have anything to share about that statement I just made I would appreciate it.

Tiefenbach: Again, really, the -- the significant changes where they modulated the building. They moved the parking off of the front. They moved the drive -- they move the outdoor loading aisle and they provided access to the north and the south. Those -- those were the issues that we had. All of those have been resolved, except that they still haven't

shown a northern access and Council should discuss whether they support the Locust Grove access.

Simison: Council, any additional questions for staff? All right. Ask the applicant to, please, come forward.

Brown: For the record Kent Brown. 3161 East Springwood, Meridian, Idaho. While we were discussing the recent changes that were made at the Planning and Zoning hearing, the staff report didn't come out really early and when we -- as soon as we knew about those changes we made those as quickly as possible and it was very easy to do for the most part. We had our loading dock closest to the northwest corner of our building and we moved it to the southwest corner of our building. So, that was the biggest part of the change. If you look on the screen, the Belveal Subdivision, that property is to the south of us. Alan has made reference that there is a daycare there. Brent Belveal and I did that subdivision just recently. There is a flex building that's supposed to go adjacent and parallel to Locust Grove and, then, there is parking behind and, then, when the tenant of the daycare leaves there will be a duplicate building in the back and there will be parking in the middle. If you go to the next one. One more. Here is the Belveal Subdivision. So, we have known where that access is. This is their access off of Locust Grove. So, that doesn't get interfered with and we have always known that that access was in the middle of their property and that we could accommodate that -- that location. If you go back to the first one again. The property owner to the north of us, those two properties are enclaves and they have been annexed. When we first started designing this project we approached the highway district, because access to Locust Grove is critical, and asked them where we wanted -- or where they wanted it. There is numerous locations. We could have put it to the north -- the very northeast corner and that could have been our shared access with that property to the north. The highway district said that they would prefer it to align with the BellaBrook Subdivision. That's where they wanted the entrance to be. So, we -- and that was where they -- they asked for it to be. I know Alan works on a number of projects, but the discussion about our access to Locust Grove -- the Planning and Zoning Commission doesn't have the right to grant that access, that's something that the Council has to do, and so we discussed operation of our building and that's why they agreed that they could support what we were doing. The Intermountain Woods people, their two main buildings over here off of Atkins, in between the two buildings is where customers come. Their customers are hardwood flooring people and cabinet makers. They supply hardwoods and so forth for those -- those types of uses. The new warehouse will not be having any customers. The customers are taking products, they are taking them off of Atkins. The only thing that will be coming in off of Locust Grove will be the few employees. There is -- there is approximately 12 that would work there. Some office people and some warehouse people. And, then, the reason that it's critical is how the entrances to the freeway are and how they can have trucks stack up off site and, then, schedule those trucks to come at a specific time, that they only operate between 8:00 and 5:00, so it's not after hours or extended hours. That's -- this building isn't a part of the day-to-day operation, it's just a warehouse to store their -- their -- their hardwood products. This strip between the two properties, there is an elevation difference in that area. Those -- those properties are going to be three feet higher. They are currently three

feet higher than the property that is being annexed and so there is not going to be a lot of cross-access. The Planning and Zoning Commission asked us to -- to provide a cross-access point. The use of this property -- when we approached in our meeting with the pre-application, staff brought up is that you have, basically, a 20 year business that's been operating in Meridian and has been successful and they are trying to expand and make that work for them. To me that's a success story for you in having this type of use for the different cabinet makers and your flooring people that have access to these wood products there. It's not generally where the general public come, but it is more of a contractor thing and all of that access that the general public and the unloading and loading for them is at -- off of Atkins. The unloading on this building -- if you go forward, Alan.

Tiefenbach: Forward up or forward down?

Brown: Down. Down again. Past Belveal. The next one.

Tiefenbach: Down?

Brown: One more. So, in this northwest corner is the one spot that we would have a ramp go in between the two properties, so that they could connect, because, otherwise, they are going to be at different elevations. But that's the only place that between those two properties that people would be able to connect. The parking stalls that are on the existing, they are going to remain. There is going to be no change to that parking. But the office is over here on the other side. I think I got one more, Alan, don't I?

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Quick question. Quick question. Kent, when you say ramp you don't mean ramp. You mean -- you bet. You mean like actual --

Brown: It's going to have --

Borton: -- a section width for a vehicle to --

Brown: It's going to have to be some kind of ramp, because you are going to have three foot higher in elevation that you are going to be going up to. So, between the two properties, yeah, there will be --

Borton: The design for cars and trucks to safely utilize --

Brown: Well, forklifts and so forth, yeah, that they can do -- go through there. Yeah.

Borton: All right. Thanks.

Brown: Of what he showed and what he is showing is a lot smaller than --

Borton: Right.

Brown: -- what it would be. The architect is here and he can speak to that.

Borton: No. I just figured -- just clarifying that. Thanks.

Brown: We intend on providing an access to the north. We just need to work it out with that nice lady -- our landowner. We share that currently, those -- those existing properties not being annexed. There is a little strip. We currently have an access easement on that with her and that's where the previous owner always went. If you go to the second picture in this series, Alan.

Tiefenbach: Down?

Brown: Down. Up. Sorry about that.

Tiefenbach: Here?

Brown: Right there. Can you blow it up? That middle one up. So, in a line with the church's parking lot is her driveway and the house that used to sit on that northerly piece shared that same driveway and we have an access easement across that on her property and so we -- we have the ability to put it, we just need to know where it's most viable for that -- that adjoining property and understanding that is that you have limited access points that you are going to have on Locust Grove. If you go from Watertower, you go -- that first property that's on Watertower on the corner takes off -- access off of Watertower. Then the next one is the Belveal property and their access is on their southerly boundary. Then this one is -- why the highway district was okay with that is that we are basically halfway in between Watertower and Franklin Road and so they -- they looked at that being a good place to have a connection and, then, have these cross-access easements continue from the properties going -- going to the north, so --

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: On that point, Kent, would you be -- I thought the condition would be that you would be providing the cross-access to the north, but wouldn't you also vacate the access easement that's on that property --

Brown: We --

Borton: -- because you wouldn't need it?

Brown: We are not going to need it and at some point we are going to have to -- what we

currently have is we have a joint agreement that we maintain it together. So, they -- they pay part of the taxes, they -- I mean it's not in their ownership name, but it's on the deed, it has a part of their property, and so they have an agreement and, yeah, eventually, when and if that property develops, yeah, we would release that and make that go away. But -- and because we don't have ownership of it, we didn't try to include that. I mean she says that she's ready to be gone, but I think she's got her -- her kids living with her and -- and so -- are there any questions that I can answer about this? As Treg knows, I'm -- I drive by here probably ten times a day, so I'm very familiar with it.

Simison: So, Kent, I'm going to play off of that, just for -- not the driving by. Following up a little bit on Joe's comment, a little bit on what Councilman Bernt mentioned before. Give me your years of experience and expertise and tell me what this section of property looks like redeveloping from Franklin up to the back of this tenant's property with accesses, with land use designations as you see them, with -- can -- can that retention pond be modified in the future, in your opinion? That's my big -- bigger concern is once you get this -- this northern cross-access what does the rest of this look like in the future?

Brown: So, there is going to have to be one more entrance into the property and it's going to have to be -- to even make that existing multi-family that's there on the corner. Bryce Peterson submitted that when I was on the Planning and Zoning Commission years ago and got that property approved for an apartment complex and they were three story buildings and, then, the highway district started doing improvements there and on Franklin and they also have a floodway that's there. So, the big part of the property has a pond that you can see the road going around and the other part is floodway. So, they couldn't put any improvements into that floodway and so they have got this strip of ground that is to the west side of them and, then, they have a strip equally sized and by themselves they can't develop. In the last year all of these property owners in this entire length have been contacted by multi-family people trying to put multi-family in there. Whether that happens -- that's a possibility, but they would have to -- they would have to have all three properties most likely to make that happen. You could do some commercial, but you are going to have commercial that is going to be further away from that intersection and what do you do with the existing residential that's already zoned there. It would be nice if that could be a part of that project and make that work, but it -- it is a difficult piece because of access and anytime that you get close to a major intersection like that, you got to be far enough away. The church has a park -- driveway on the north side of the building. That's probably as close as they could go to that intersection with an access, which just basically goes across to the property that already had multi-family on it. It could go to the center of the church, but that -- the highway district would probably have to speak about the distance there to go. Could it go from a commercial use? I mean your mixed use community wants people to drive and it's the depth of those properties that make having that type of use. Is it more reasonable that the industrial expands? I mean until Brian in our -- in our pre-app meeting -- I was expecting him to tell these clients, well, you tore down some houses and you tore down some trees and you might not be able to get industrial there and I know that that's the decision that you guys are wrestling with, but when you have limited industrial and you have a user that is proven up and realistically you can't look at them as out-of-state people, they have been here supplying the local people and they are

a part of the community and there is -- they are being successful and they -- could they expand to the north? Yeah. That would -- that would work. That was one of the discussion items that they had, but that owner isn't ready to sell and I -- that property to just to the north of them they just sold and they kind of like being a farm. They -- they have got six grow boxes out there and they view themselves as farmers. So, I don't know, I -- that's -- that's my experience. I can see it going in -- more going industrial and I can see mixed use continuing if you include all of them and -- and I know that the developers have tried to do it, because you get that property on the corner that already has existing residential, you really can't make that property work without having the properties to the north.

Simison: Thank you. I mean we have no idea what will happen, but least it gives Council an idea as you think about access and what would be moving forward and what areas and the importance of that north-south, et cetera. So, thank you. Council -- Council Woman Perreault.

Perreault: Thank you, Mr. Mayor. So, the size of this warehouse, it's about the size of an Albertson's. It's huge. So, I want to understand more about what is going to -- normally I wouldn't -- I wouldn't likely ask this question, except that it's just so big. More about what's going to happen inside of the warehouse, so that I understand more about kind of -- I still don't have a full grasp of the traffic flow. You addressed the number of staff that would be coming in. My assumption is is if they are doing more manufacturing, then, they are storing --

Brown: They are not doing manufacturing. They are storage. They are not doing --

Perreault: You had mentioned -- are they building cabinets there or --

Brown: No.

Perreault: -- are they storing items there?

Brown: Storage.

Perreault: So, do they have delivery trucks that are coming in and out during the day and is it --

Brown: The delivery trucks are dropping supplies off and -- and, then, leaving them as a warehouse. They are not manufacturing anything here. It is -- it is a hub that other of their properties would come and pick up stuff, but that's why we located it in between the two buildings, so that it's not seen by the public and the number of trucks isn't that many trucks, because they -- they don't have the -- they don't want that -- that congestion in their -- their operation. They have a -- even what they currently have they have an overhead covered, because of this -- the -- the nature of their wood, they don't want it to get damaged, so they have a covered area that they are unloading and loading stuff. So, realistically, the activity portion of this is sandwiched -- it's the Oreo filling in between the

two buildings, if you will, and so they are not seeing that as they are looking at -- at these properties. What they are going to see is a warehouse with some -- a few cars for the people that are working in that warehouse and, then, they will see -- you know, I don't know how often. One of the people from the plants here -- and he can talk about how often they -- but there is everything scheduled, so that it -- they are very organized in the fact of them showing up and leaving, that there is not this congestion. They don't want people stacked up on site and they want to be able to have access to the freeway and this provides that they can either get off at Meridian or they can get off at Eagle, in between the two and that's why this entrance onto Locust Grove is so critical, because you can go over and get to the Overland Road and access those also.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: So, I agree with you in regard to there -- there is probably -- you know, the customers aren't going to be down there, they are going to be on the other side. I'm there all the time and so I get it. But I think there is going to be a fair amount of trucks. I mean like Councilman Perreault mentioned, that's a -- that's a big warehouse and -- and there is going to be a lot of product going in and out of that place and so --

Brown: I wouldn't know --

Bernt: And I know you wouldn't know that. And they could speak to it. That's fine. That's fine. So -- but my question to you is is there a way to take those trucks off of Atkins and bring them down, instead of having big trucks go down Locust Grove? Is that a possibility?

Brown: Obviously it is. I mean they currently are going in there.

Bernt: Right. Don't mean to interrupt, Kent, but like I get how they are going in and they, for sure, receive trucks on the Atkins side. My question is can they -- can those trucks continue to go to Atkins, but is there a way from -- for the big trucks that go through Adkins and -- and deliver and unload and load at this new warehouse that you are proposing? From Atkins, not Locust Grove.

Brown: I could have them speak to that.

Bernt: Sure. Thank you.

Brown: Anything else?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I have a question. We did receive some public testimony from somebody that lives nearby and I think you did address some of the questions about traffic, but maybe we will get into that some more. There was a concern about the lighting. I just wanted to give you an opportunity to address that. Is there -- I know our planning staff opt -- okay. Well, let's go there. If that's okay with you, Mr. Mayor?

Simison: Alan.

Tiefenbach: Just waiting for the go ahead, sir. Yes, some of the property owners that you are talking about there in this subdivision here, some of the things you had concerns about are just performance standards. If they put in lighting, the lighting has to be downcast and shielded. It's cut off to a certain amount of foot candles. That's all stuff that's done administratively. You can't have big bright lights shining at a house. We have requirements and when we look at the CZC we will make sure that their lighting is downcast and shielded. Again, if it meets -- if it's over 1,800 lumens, then, they have to do a photometric plan, all that. So, lighting is not going to be an issue.

Strader: Perfect. Thanks.

Simison: If you would like to state your name and address for the record.

Partridge: Kalon Partridge with Intermountain Wood Products.

Simison: Thank you.

Partridge: I -- to answer a couple of your questions, I guess. So, trucks I think are estimated between four and eight a day that would come in. Typically we would schedule them throughout the day, so they would come -- like one or two at a time we would unload them in the back and, then, they would come out the other side and leave. I don't believe it's realistic for them to come in on Atkins, primarily because of the elevation change. It would be -- it would restrict which direction the trucks can go and that would force all the trucks to -- they would go through Atkins and they would get onto this new property on the north side, which is exactly what we are trying to avoid with the loading dock moved to the south side, so --

Simison: Council, any additional questions for the applicant?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Sorry we are getting so specific, but, you know, we do have members of the community that -- that would be asking the same questions.

Partridge: Sure.

Perreault: When you say trucks are you meaning semi trucks?

Partridge: Yeah. Semi trucks.

Perreault: I don't see a lot of semis on this section of Locust Grove generally. So, that's just -- I wanted to understand that. This isn't all that far from schools and there are pedestrians in this area quite often, so just wanted to --

Partridge: I don't know -- if I may, I don't know for sure, but I would guess at least half of the trucks that currently come into Atkins go on Locust Grove, because they come off of Eagle and the easiest access to our property is to come south and, then, go on Locust Grove. So, I think a good portion of the trucks are already driving through that area.

Simison: Council, any additional questions for the applicant?

Partridge: Thank you.

Simison: Thank you very much. Mr. Clerk, do we have anyone from the public signed up to provide testimony?

Johnson: Mr. Mayor, we did not.

Simison: Okay. If there is anybody in the audience who would like to provide testimony on this item if you would like to come forward at this time or if there is -- do we have anybody online with this? We did not have anybody online. So, if you would like to come forward and state your name and address for the record and you will be recognized for three minutes.

Xu: Mr. Mayor and Council, my name is --

Simison: If you can speak into the mic.

Xu: Sorry. Mr. Mayor and Council, my name is Danny Xu. I'm -- I'm a property owner across street, just right there in the Bellabrook Subdivision right across on Locust Grove. From the proposed development. I didn't get a chance to submit a -- you know, a statement before the meeting, so I just came from work. Yeah. So, basically, the question has been asked, I just want to repeat and emphasize as a property owner living nearby with three kids, small children, and I have significant concerns about the traffic and, of course, it's safety related and so it looks like, you know, the information that we just discussed that there will be fairly significant increase of traffic by semi trucks and my personal experience -- I have lived there for almost six years now at the beginning of the subdivision, across the street from there. I don't see a lot of semi trucks going back and forth -- at least within that section of Locust Grove. So, that is a pretty significant concern on my part and including my neighbors. I talked to a few of them. So, I just want to make sure that the City Council is aware of those concerns. Thank you.

Simison: Thank you. Council, any questions?

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Was it Daniel?

Xu: Yes.

Hoaglund: Yeah. I appreciate that -- that comment in the testimony and so I guess for us -- for me it's weighing the factor, okay, four to eight semi trucks, which would be on Locust Grove and, yeah, we don't -- you know, people don't want semi trucks. But if we leave it mixed use and it goes to residential and it goes to multi-family and all of a sudden you have 250 units and cars and from what I understand in reading the minutes for the semis, we are looking at limited office hours or warehouse hours, you know, 8:00 to 5:00 type of time frame. So, I'm weighing that versus a residential multi-family where you have cars at all hours and let's say it is a 250 unit facility or even retail, which you may be operating from 7:00 to 11:00 at night and so that's -- that's what we are trying to weigh. So, if I hear objection to four to eight semis, I'm thinking, well, what would the -- is their objection to having retail and -- in a mixed use community with apartment complexes and that sort of thing, which also has impact. So, what's your flavor? Pick -- pick your poison, I guess.

Xu: Right. That's a really good question. I think -- personally I think my personal preference will be, you know, I would lean towards the other side, which is the mixed use, including commercial, instead of industrial, semi trucks, traffic. That's just my take. I believe a lot of people share that, so -- yes. So, you know, it -- the other concern is that the proposed entrance to the new -- new property, new warehouse, it's -- as we see in the picture is, essentially, right across the street from the only entrance to my subdivision, so -- I mean that's the only entrance and exit for that subdivision or the cars, you know, going -- going in and out of that and when we -- you know, imagine that we actually try to drive out of the subdivision and, then, there is a semi truck coming out from the other side, that's -- yeah. That's my concern.

Hoaglund: Mr. Mayor, follow up?

Simison: Mr. Hoaglund.

Hoaglund: And, Daniel, I appreciate that input and -- and that's, again, why I'm weighing this thing is, okay, if their hours are 8:00 to 5:00 and there are four to eight -- is because it's a warehouse, it's not a long expanded time and when you leave at rush hour -- and let's see if you leave at 7:15 or 7:30, there shouldn't be any traffic and when you say -- and you have commercial or multi-family across there, you have got many cars going at the same time. That's why I'm trying to weigh this and thinking, well, there is a lot of advantages for going this route than the other route in terms of impacts to traffic and -- and impacts to your neighborhood of coming in and out. So, that's -- that's -- that's my

thinking on this, so --

Xu: There -- there is -- the reality is that there is already a lot of traffic on Locust Grove. You know, it's not like Eagle Road, but it's -- it's -- you know, because of Eagle Road I believe a lot of people try to avoid it, so they actually take Locust Grove. So, every day -- I mean if I get home early, like even before 5:00, you know, sometime during the noon, lunch hours, or starting, you know, after 3:30 when school is out, already have a lot of traffic. No semi trucks, but just ordinary traffic in that that section of Locust Grove. So, imagine -- you just mentioned that the office hour is like 8:00 to 5:00. So, definitely that overlaps the kind of rush hour and, then, you know, there is actually a long line of normal traffic because of the traffic lights, the wait, and -- and, then, you know, that's even -- you know, that started way before 5:00 o'clock and now you have semi trucks waiting to get out. That's -- you know, we are going to expect a lot of traffic jam there.

Hoaglun: Appreciate your input. Thank you.

Xu: Sure. You're welcome. Thanks.

Simison: Is there anybody else that would like to provide testimony on this item at this time from the public? Then would the applicant like to come forward for final comments?

Brown: For the record Kent Brown. 3161 East Springwood. When you look at the area and you take the area directly north on the north side of Franklin, that -- that's an industrial area and there is semi trucks, so -- and as I drive through there all the time I pick Locust Grove and, yeah, there is times when I don't pick it. I don't pick it between 4:30 and 6:00, because that's when that intersection is really backed up. When I first started going down there Locust -- Locust Grove was a dead-end road that just went past Treg's house and, basically, just stopped. It was a really nice road, because an ACHD employee lived up there and that road always got chipped sealed and was well taken care of. But the city like you are currently doing with Linder Road, got that overpass in and worked with Jabil, which was another one of my clients that did that in that area. This really works in this location. If you limit the access and say you can't come off of Locust Grove, they are going to be driving right past the same areas to get into Atkins, because you have to go -- you can either enter it from Watertower or you are going to enter it from Franklin. Either one they have got to go in there. Most likely they are going to drive up to Watertower, because turning there on Franklin Road closer to that intersection -- Franklin is busy all the time, too. So, I know that that is a challenge we -- we hear about traffic all the time. Councilman Hoaglun really hit it really well is -- I think it would be different if this was a different type of a warehouse, but these guys have a limited number of trucks that are coming. That's one of the things that I liked. And when -- when they approached me I kind of wondered about it, because I haven't had the best of luck doing things close to my home and having neighbors not like me and I like this project. I think that they are a good use here and -- and I don't view them being the traffic issue that people are concerned about and that's my final comments. Thank you. Council, questions?

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: Kent, you are one of the best. You know that. I just -- my other concern was -- I just -- I want it to be a good good looking building and --

Brown: So do I.

Bernt: You know, I don't want it to be a warehouse. Are you guys listening? Like I don't -- I don't want it to be like what your warehouses look on the other side. The reason why you get away with it is because it's industrial, it fits the mark. Don't make this look like your other facilities. And I'm not saying that they look bad, because they look great. But it matches everything else that's over there; right? This has -- you're right next to residential, you are right next to a thoroughfare that's going to be busy. Dress it up. Just do me a favor and dress it up. Don't make it look like a normal warehouse. I think -- I think that -- other than that I think that we are in good shape. Are we good? Okay.

Nary: Mr. Mayor?

Simison: Mr. Nary.

Nary: Mr. Mayor, Members of the Council, Kent, I guess I'm curious -- I don't necessarily see Intermountain Wood Products going anywhere anytime soon. They have been there for more than 20 years.

Brown: Right.

Nary: But would they be okay with the DA -- the modification we are talking about to include some of those limitations that fit their business? The hours of operation --

Brown: Definitely.

Nary: -- those types of things that way -- in case it were to change, so that we wouldn't be faced with a different project.

Brown: So -- so, I appreciate you bringing that up, Bill, because when I -- I read that first existing DA that's on their existing facility, the neighbors -- in fact, the sweet lady that lives to the north of us, she said, you know, they showed up in mass to stop that industrial development from going in against their -- their acre parcels that they had there -- two acre or three acre parcels and the developer Barnes proposed putting in the -- the buffer. Well, the buffer wasn't necessarily a common area lot, it was just the screening and as I read the conditions it said you just screen residential uses that are adjacent. When this becomes industrial we don't -- we don't need it, but I offered to the planning staff going we want a DA that covers all of our properties and so we -- we want to include that and definitely that's why I think it's very appropriate and your legal counsel is giving you a good direction that you can cover some of those concerns that you are having. By the time we put in all those extra trees that we had to mitigate that they cut down -- it's

interesting sitting here before the meeting they said that the forester had been out and talked to the neighborhood and said most of those trees were infested and were ready to be cut out anyway. They maybe could have not had to do as many as they are going to do now, but that's going to enhance the site and it's going to make it look nicer sooner, so -- anything else?

Simison: Councilman Hoaglund.

Hoaglund: Mr. Mayor and Kent. Yeah. To Mr. Nary's comment about hours of operation and whatnot, what is -- what is reasonable for -- for that? I mean it's not something you want to go into lightly and put limits on there to --

Brown: But that's inside the warehouse, not deliveries.

Simison: For the record that was stated 8:00 to 5:00. That's what they currently do. So, it's on the record. If you -- if you -- if you would like to come forward and add, so we can have it on the record, please.

Brown: You are going to have to live with it, so --

Partridge: Again Kalon Partridge. At times we do have trucks coming in at 7:00 to be unloaded and our -- our own delivery trucks going out would perhaps start at 7:00. Our --

Brown: Is that the Atkins side or -- I guess I'm asking the question, because you -- because the DA is going to be over both pieces. What you want to do is maybe limit the entrance off of Locust Grove to the 8:00 to 5:00, but have the other entrance be sooner, if you can live with that.

Partridge: Yeah. We -- that would help us be flexible, because our own delivery trucks would leave earlier perhaps at 7:00 to get on the road and those could leave out Atkins side.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I heard 7:00 to 5:00 p.m. for the warehouse off of Locust Grove access point?

Partridge: That's correct.

Hoaglund: Thank you.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Ask this question for the applicant before the public hearing is closed, just in case. I want to understand more thoroughly from staff about the -- the north and south cross-access easements and what you need to see from the applicant to include that in the DA. Do you need an updated concept plan from them? Do you need something done legally? Do we need to have that short plat done before we do that? And perhaps this is a question for Mr. Nary as well. I want to understand the process, because I have some concerns about approving a DA modification without an accurate concept plan, if we are tying one to it.

Tiefenbach: Sure. I think those are reasonable. Bill Nary, that might be one for you. I mean if we can -- we are okay with the concept plan that you see here, except that it doesn't show a northern access. I'm not sure how specific the applicant wants to get about putting in the northern access, but that might be -- it may be a Bill Nary question.

Nary: So, Mr. Mayor, Members of the Council, so what we have done on many many occasions, because, again, the access is really going to be dependent on what the use is going to be. So, there will likely be some limitations on where you could logically put it from an engineering standpoint, but we would normally require in the DA that the -- basically the applicant agree to a future -- an easement for a future access point along their northern boundary and, basically, what happens is when that other party wants to develop, then, they work together to say it needs to be here or it's got to be there and where ever it's going to go and so it basically is recorded against in the DA that they will provide it. They will, then, determine later where the exact location is going to be.

Tiefenbach: If I could add north and south.

Nary: Yeah. We can do -- we can do that. But we -- we do that all the time. That's not a concern.

Brown: And most likely we would like to be closer to Locust Grove, but you have to have it outside the landscape buffer and the reason being is you don't like people wandering through your site going to some other property and so generally they are -- they are fairly -- going to be fairly close to Locust Grove, but outside the landscape buffer and out of parking stalls and so forth.

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

Brown: Thank you.

Simison: So, Council, any discussion before closing the public hearing?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: My gut tells me this is one of those we may want to leave it open just in case of scenarios as we discuss.

Simison: Yeah. Well, as you contemplate that for -- I think it's great to see an existing business have an opportunity to expand and grow in our community. We are seeing this from a lot of businesses and with the limited industrial and other challenges of wanting to stay consistent, going to industrial is a great thing in this location and, you know, if -- but for the already existing multi-family to the north with that pond, there -- there could be a good argument to make this all -- area all industrial, but that will -- we will let -- the market will determine what's available in this area, but I think in this property with these changes I think it makes good sense for a change.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Question for Alan. Alan, what site plan are we approving for sure? Because I noted in staff recommendation that the site plan that was presented on October 7th hearing be the one that is approved? Is that still --

Tiefenbach: Correct. Yeah. It's the -- it's the one that was included in today's staff report that was dated October 7th. Same site plan that was provided to the Planning Commission. Really, the only changes that you are going to see to anything else would be a northern and southern access. Other than that we were fine with it. And for some discussion about the Locust Grove access.

Hoaglund: Right.

Tiefenbach: The -- since the staff report went out and the Planning Commission they made huge improvements that we no longer have concerns with the elevations or the site plan.

Hoaglund: Okay. Thank you.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I move that we close the public hearing.

Hoaglund: Second the motion.

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

MOTION CARRIED: ALL AYES.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: You know, I -- I echo your comments from earlier. It's always wonderful to see existing Meridian businesses expand and grow and -- and to be successful. So, this is -- this is a true testament of that. Intermountain Hardwood have been a staple in our community for decades and so grateful for their success and their willingness to continue the investment in Meridian. I just hope that they dress it up, make it look good. Okay. All right. With that said I make a motion to approve Item H-2021-0042 with the following modifications: Making sure that there is a northern access. Not going to get too specific on where that is, but to make sure that there is one going forward. Is there any other -- okay. And -- I thought that was already stated. And the southern boundary as well. Anything else need to be stated? Is that good?

Nary: Limitation on hours --

Bernt: Okay.

Nary: -- on the Locust Grove access.

Bernt: 7:00 to 5:00? And making limited access to hours on the Locust Grove access point from the hours of 7:00 a.m. to 5:00 p.m., Monday through -- throughout the week.

Hoaglun: Mr. Mayor? And --

Simison: Let's him finish before you address any --

Hoaglun: Was that access or hours of operation?

Bernt: Hours of operation between --

Hoaglun: Okay. Thank you.

Bernt: -- 7:00 a.m. to 5:00 p.m. at the Locust Grove access.

Simison: Is there --

Hoaglun: I will second, Mr. Mayor. And for --

Simison: Motion and second. Is there discussion?

Hoaglun: Yes. Did we want to add in -- I think we have to -- Council needs to act on waiver to allow access off -- off of Locust Grove is one of the items that we need to include. And -- and, then, I -- I think we need to just make sure it's agreed to that the site plan is as presented on October 7th, just to cover all our bases, so --

Simison: Does the motion maker agree with those changes?

Bernt: Yes.

Simison: Does the second --

Hoaglund: Second certainly does.

Simison: -- support it from that standpoint? Excellent. Is there any further questions on -- do we have everything from everybody's point? Okay. Is there any discussion? If not, Clerk will call the roll.

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

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

MOTION CARRIED: ALL AYES.

Hoaglund: And, Mr. Mayor, I forgot to --

Simison: Councilman Hoaglund.

Hoaglund: -- do this during the discussion portion, but just, Daniel, appreciated your testimony and for us up here, having -- we do a lot of these around the city. We really did try to pick the lesser of the traffic impacts and I know we are talking about semi trucks, which, you know, causes consternation, but seeing what we see with multi-family and commercial and the impact that has on the roads, I hope you trust us that we really did want to do what was the least worst for your neighborhood. So, hopefully -- hopefully your neighbors will understand, so -- but appreciate you being here. Thank you.

ORDINANCES [Action Item]

- 7. Ordinance No. 21-1953: An Ordinance (H-2021-0036 Briar Ridge Subdivision Rezone) for Rezone of a Parcel of Land Located in the Southeast $\frac{1}{4}$ Of The Northeast $\frac{1}{4}$ and the Northeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 36, Township 3 North, Range 1 West, Boise Meridian, Ada County, Idaho; Establishing and Determining the Land Use Zoning Classification of 40.992 Acres of Land from R-4 (Medium Low Density Residential) Zoning District to TN-R (Traditional Neighborhood Residential) Zoning District in the Meridian City Code; Providing that Copies of this Ordinance Shall be Filed with the Ada County Assessor, the Ada County Recorder, and the Idaho State Tax Commission, as Required by Law; and Providing for a Summary of the Ordinance; and Providing for a Waiver of the Reading Rules; and Providing an Effective Date**

Simison: Thank you. Well said, Mr. Hoaglund. With that we move to Item 7 under Ordinances. Item No. 7 is Ordinance No. 21-1953. Ask the Clerk to read this ordinance by title.

Johnson: Thank you, Mr. Mayor. It's an ordinance related H-2021-0036, Briar Ridge Subdivision rezone, for rezone of a parcel of land located in the Southeast ¼ of the Northeast ¼ and the Northeast ¼ of the Southeast ¼ of Section 36, Township 3 North, Range 1 West, Boise meridian, Ada county, Idaho; establishing and determining the land use zoning classification of 40.992 acres of land from R-4 (Medium Low Density Residential) Zoning District to TN-R (Traditional Neighborhood Residential) Zoning District in the Meridian City Code; providing that copies of this ordinance shall be filed with the Ada County Assessor, the Ada County Recorder, and the Idaho State Tax Commission, as required by law; and providing for a summary of the ordinance; and providing for a waiver of the reading rules; and providing an effective date.

Simison: Thank you. Council, you have heard this ordinance read by title. Is there anybody that would like it read in its entirety? Seeing no one, do I have a motion?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I move that we approve Ordinance No. 21-1953 for Briar Ridge Subdivision with the suspension of rules.

Hoaglund: Second the motion.

Simison: I have a motion and a second to approve the item under suspension of the rules. Is there any discussion? If not, all in favor signify by saying aye. Opposed nay? The ayes have it and the item is agreed to.

MOTION CARRIED: ALL AYES.

FUTURE MEETING TOPICS

Simison: Council, anything under future meeting topics?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Just a housekeeping item. At some point in the future if we could revisit the fees that we charge for -- I'm forgetting the name, but, basically, when someone's pet -- impounding fee for pets that are found. That sounded like something we might want to talk about.

Simison: If not, do I have a motion?

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I move that we adjourn.

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

MOTION CARRIED: ALL AYES.

MEETING ADJOURNED AT 7:46 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS)

MAYOR ROBERT SIMISON

DATE APPROVED

ATTEST:

CHRIS JOHNSON - CITY CLERK