

A Meeting of the Meridian City Council was called to order at 6:05 p.m., Tuesday, August 26, 2025, by Mayor Robert Simison.

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

Other Present: Chris Johnson, Bill Nary, Caleb Hood, Bill Parsons, Shawn Harper and Dean Willis.

**ROLL-CALL ATTENDANCE**

<input checked="" type="checkbox"/> Liz Strader	<input checked="" type="checkbox"/> Brian Whitlock
<input checked="" type="checkbox"/> Anne Little Roberts	<input checked="" type="checkbox"/> John Overton
<input checked="" type="checkbox"/> Doug Taylor	<input checked="" type="checkbox"/> Luke Cavener
<input checked="" type="checkbox"/> Mayor Robert E. Simison	

Simison: Council, we will call this meeting to order. For the record it is August 26, 2025, at 6:05 p.m. We will begin tonight's regular city council meeting with roll call attendance.

**PLEDGE OF ALLEGIANCE**

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

(Pledge of Allegiance cited.)

**COMMUNITY INVOCATION**

Simison: We had no one sign up for the community invocation.

**ADOPTION OF AGENDA**

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

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: A jam packed agenda tonight. I move we adopt this agenda as presented.

Strader: Second.

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

MOTION CARRIED: ALL AYES.

## **PUBLIC FORUM – Future Meeting Topics**

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

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

## **ACTION ITEMS**

### **1. Public Hearing for UDC Text Amendment (ZOA-2025-0001) by City of Meridian Planning Division, located citywide.**

- A. Request: UDC Text Amendment to revise certain regulations, add new definitions, figures, and update specific use standards throughout Chapters 1-5 of the City's Unified Development Code (UDC).

Simison: Okay. With that we will move on to our Action Items. The first item up is a public hearing for UDC Text Amendment, ZOA-2025-0001. We will open this public hearing the staff comments.

Parsons: Thank you, Mayor, Members of the Council. Glad to be back in front of you. So, this item was continued from the August 12th hearing. At that time staff had presented a laundry list of code changes and this was the two that Council wanted us to come back and discuss with you. One being drive-through establishments. As I mentioned during that hearing, there was some discussion at a previous workshop where some of the Council members were actually curious about how we were going to handle tier three drive throughs. So, the exhibit that I'm sharing before you kind of highlights the areas where we need -- want some clarification from Council this evening. So, again, tier three as I mentioned at that hearing on August 12th had to do with just those more intense, highly used drive throughs that we are seeing with your In-N-Outs, your Chick-fil-As. Again currently as proposed these could be done and approved administratively. There is not a recommendation in the code changes before you this evening that requires a conditional use permit, again, unless they are located within 300 feet of a residential use and that's the only time they would require a conditional use permit -- or they didn't meet the other three criteria here. So, again, that is staff's proposal. I know Council -- Council President Cavener had asked about requiring tier threes to go through the conditional use process. I know this body also knows that just because it goes through a conditional use process doesn't mean it's going to you first, it will go before Planning and Zoning Commission and, again, if someone were to appeal their decision that could -- that decision could become yours. I would also mention to you that if this can't be approved

at staff level, they can go through a conditional use permit to get out of the standards or if we deny the request the applicant still has the right to appeal the director decision to you as well in our current code. So, there is still a way in the current ordinance for these to get in front of you, if someone wants to appeal either the Planning and Zoning Commission's decision or the director's. And, then, part two of the discussion are the accessory dwelling units. Highlighted in your hearing outline this evening that there were three topics there that -- that you wanted -- we were looking for clarification from you on and I have highlighted that as well in this exhibit. So, one of the items were owner occupancy. So, currently under the current code the owner has to live on the property at least six months out of the year in order to classify it as an ADU. The second part of it was the square footages and the number of bedrooms that are allowed in an ADU. Currently code allows maximum two bedrooms and, then, part three is how do we define the parking. So, as Mr. Hood had mentioned at the hearing on August 12th, stated that all of the parking in Meridian for residential is based on bedroom count. So, again, if an existing residence -- the primary residence in this case had three bedrooms and they were to add a -- a one bedroom ADU the primary residence, if it had a two car garage and a 20 by 20 parking pad, they would have the four parking stalls required by code and they would not be required to provide any additional parking on site per -- per the code. However, if it was a four bedroom home and they wanted to add a fifth bedroom or two bedroom ADU on the site, the code would require them to provide additional parking on the site per UDC standard. So, again, those are the three items that we wanted to -- or the items that we want to discuss with you. Happy to take them in any order. I also asked Caleb if he had any comments that he wanted to provide. I know he talked with Councilman Taylor on the portion about owner occupied. I don't know if anyone else had e-mailed Caleb on any other topics or discussion, so -- Caleb, anything for --

Hood: Yeah. Mr. Mayor, Council, so just a couple of things. I did actually talk to the Mayor for little while last week after this conversation. We did talk about actually all three of those that are highlighted on the screen. I do have sort of a -- if you want sort of belt and suspenders if you will. So, the parking required -- maybe taking it in reverse order. Bill said I could take them in any order, so -- parking required. So, we referenced this table and just to maybe clarify it -- a thought would be to -- so, this is the table. There are references. And it says they will be treated like single family; right? So, duplexes and single families and, then, there is what Bill was talking about, one and two beds, three and four and, then, five or more. Tell you how many parking stalls you need on site. If we wanted to -- again, it may not be necessary, but we could provide a note at the bottom of that table that also clarifies how we are going to do the -- the total calculation for other types of land uses. When you have a mixed use project. When you have a vertically integrated project. When you have a condominium project, how we are going to classify them. So, note six is something else that we could just say, hey, when -- for properties with an ADU, total number of bedrooms see the table above. It's -- that's how many parking stalls you need. So, I don't know if that helps. Again, it's kind of hand in glove. It cross-references something to this table and, then, note at the table says, you know, essentially what you want to do for that. But I did take -- speak to the Mayor about that and like Bill said, Councilman Taylor sent an e-mail here, still questioning -- that was part of the conversation last week was, you know, the -- the rationale behind requiring owner

occupied. I will just say, since it didn't come up, but it's in -- in the plan on page 12 of the packet from your last hearing, that could have been a great transition from Destination Downtown 2.0 to this conversation, but in their plan they also have a statement that says that the plan can be achieved by allowing for accessory dwelling units provided the main housing unit on the site is owner occupied. So, even in that plan it talks about ADUs and encouraging them, which kind of came up a little bit. We are talking about having the main unit even -- being more specific -- the main unit being owner occupied. So, I'm not -- I hope that came across last time. I'm not necessarily married to that. I think there is some solid concepts to it. We talked about a little bit at staff last week. I don't know that I'm of the same mindset where I think we will just be inundated with a whole bunch of Airbnbs, but there is some -- that's what's happening in other parts of the country with some of these, that if you don't allow an owner to be on site they can just become overrun and, then, everybody does this and -- you know. So, again, health, life safety, no, maybe not necessarily. More community character type of concern. So, again, I'm not -- I'm not going to die on that hill for keeping it in or removing it, but I -- that's just some of the rationale behind it, the owner occupancy. And, then, maximum size, again, I haven't heard anyone come up with a better rationale or different number. We have had 900 for a little while now, which it is a little arbitrary, you know, but looking at other codes they are usually somewhere between 700 and a thousand. I haven't seen any other codes that allows an accessory dwelling unit to be larger than a thousand square feet. So, we are kind of at the upper end of what most communities would allow with an ADU. So, not to put words in mouths, but I did talk to a couple of you over the last couple of weeks about those things and prepared to change any or all of those if you would like.

Overton: Mr. Mayor?

Simison: Councilman Overton.

Overton: Just speaking on just the ADUs first. Where Councilman Taylor came from are not wanting to require owner on property, I'm wondering whether there is a common ground we can find. I am one of those that's very nervous about what this could turn into if we just open it up and I would sure like to see that when we first do this and create this that we require at least one unit to be maintained by the owner and even say we could revisit it in 24 months and see whether we have got a problem on our hands or we want to think about opening it up. I would rather see us keep it restrictive now instead of opening the floodgates and having a problem we have got to go back and fix. That's my only thought on that.

Little Roberts: Mr. Mayor?

Simison: Council Woman Little Roberts.

Little Roberts: Mr. Mayor, thank you, I appreciate your due diligence on this. I like the owner must be on property, rather than limited to the larger dwelling. I know two situations lately where the retired person has not wanted to give up their home and have added an

ADU for their kids and grandkids to come live in, so they are all on the property. So, I like that flexibility, so thanks.

Whitlock: Mr. Mayor?

Simison: Councilman Whitlock.

Whitlock: Just the word occupancy causes me pause. In my own personal life I mean I could see a day when we might want an ADU, even though it's prohibited by our HOA, but I would love to have one of my kids come and live and take care of the property so that I can go and serve church missions for longer than six months at a time. I could -- I could envision a scenario where I might be gone for a year or for 18 months and not occupying the property, but owning it, so I think the ownership piece I'm okay with. I think that addresses the concern that some of my colleagues might have as to whether or not the property would diminish over time if the owner isn't involved, but the occupancy I still have a bit of a heartburn with that.

Taylor: Mr. Mayor?

Whitlock: To me it would be enhanced by having a family member living on the property and taking care of it in my absence for six months and a day.

Simison: Councilman Taylor.

Taylor: Thank you and, sorry, I didn't mean to cut you off, Councilman Whitlock. Yeah. So, I have kind of gone back and forth trying to really understand what's the compelling argument to require the owner occupancy. Sorry, is my camera glitching out on --

Cavener: It is.

Simison: It's kind of awesome.

Taylor: I'm frozen now.

Cavener: We can hear you though.

Taylor: My awesomeness is destroying my camera. Okay. I have really struggled to understand a compelling argument to require this. You know, I -- I have thought is there a public health and safety demonstrated need that we are fixing here? The answer I don't think so. Is it just because we are concerned about what may or may not happen? That seems to be it. It seems to be where we have concerns, are we just -- we don't know what to expect, but I -- I just don't think it's grounded in fact. I don't think this is grounded in anything other than, you know, a gut feeling here and I really hate to impose arbitrary requirements on people in their property. I think Councilman Whitlock articulated a perspective I think we should consider, which is, you know, he may want to have an ADU and have kids around, but he may want to leave for a few years or be gone for a little bit,

yet that would -- you know, if we adopted this this would prevent that -- him from -- from being able to have that ADU. I just don't -- I just -- there is not a compelling argument and so unless someone can point that out to me I'm not going to be inclined to support -- to support having that in our code where we have this opportunity. Now, to Councilman Overton's argument -- or statement I said is there a middle ground, it seems to me if occupancy of the property is demonstrated by an individual, as opposed to maybe an investment company, maybe that -- you know, that way we know the individual owns the property and is responsible for maintaining it. Maybe that is something that we feel comfortable with. I don't know that I like to get that level of detail, but I just -- I really struggle when we tell people you own it, but you can only do certain things with it and, again, a lot of this is governed by HOAs, so this might even be a moot point in some areas -- in a lot of areas, but I really struggle with that and I have been talking to some folks and I -- again, I have just not had a compelling argument that says this makes any sense.

Hood: Mr. Mayor?

Simison: I want to piggyback on his comments really quick, just from the -- I think I stated this, but what happens when that home is sold? Remove it? What's the rationale? Well, after -- after it's built. And I just look at the basic enforcement. You could -- yeah, you could require documentation to pull a building permit, but after that, you know, I don't know how the expectations would really exist. So, I'm -- while I understand the context. I'm generally not supportive of including the requirement that you have to do this, just because I don't think the long term has any viability. It may sound good, like a lot of those communities that have tried to put restrictions on VRBOs, but ultimately it's only as good as the enforcement mechanism you have to do it, so -- Mr. Hood.

Hood: Yeah. Just -- just a clarification. So, all Council -- so we are all on the same page. Excuse me. If it's not underlined or strike through its current code. So, we have this on the books now. Kind of -- a little bit to Councilman Overton's comment. We have that restriction today. So, I just want to -- I just want -- it's not a new imposition in our code, we are clarifying with some of the language what that means. So, again, I'm trying to just provide you facts, not a recommendation, just letting you know today we require the owner to -- if you -- if you build one today the owner would have to live on site for at least six months, so --

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Weigh in a little bit and I think -- I think -- Caleb, I think you said this two weeks ago; right? ADUs are not going to solve any type of housing challenges that we have, but for those that want to take advantage of it I think trying to reduce the regulatory burdens and being able to do one should be -- in my opinion the Council's --, recognizing that the UDC often focuses on quality of life, I look at it first from a public safety element. If there was a public -- if there was a compelling public safety argument to be made I would like to be more sympathetic, but as Council Member Whitlock pointed out,

homeowners associations, that is a great place that if this does not make sense for your community they are prohibited. If it does make sense for your community, then, they are allowed and -- and I think that, you know, eliminating the owner occupancy requirement will make it easier for people who want to be able to do this and, Council Member Whitlock's point, not be -- having to be there a minimum of six months a year, the enforcement mechanism that comes along with that. So, I'm supportive of removing it.

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: And I just want to make a quick comment. I appreciate Caleb highlighting what is currently in code and I -- to that point I am supportive tonight of removing that now that we are having a chance to look at it. I would like to remove that requirement, but I'm comfortable with keeping the owner occupancy shall be demonstrated by title records, et cetera, everything that's -- that's beyond that, just basically striking the first part of the owner occupancy and, then, the rest of the stuff in yellow that's highlighted. I'm pretty comfortable with that. But that would be my recommendation tonight is that we strike the current language from our code.

Simison: The other comment I will make -- and I made this to Caleb and the team, was on this -- in the maximum size, then, no more than two bedrooms, my argument there was I don't know why we would describe -- if we go to the place where he referenced, you know, I have got a home in -- my neighbor's home right next to us, they have got six parking spaces and they have got three bedrooms. If they want to do a 900 square foot ADU with three bedrooms in it, because they have all the prescribed parking, I don't know why we would prohibit that. So, to me I don't know that prescribing that number as long as it doesn't exceed the parking currently allowed on the property, as a base standard compared to saying two. That was just my two cents on that element. Go ahead, Caleb.

Hood: This is the comment -- we have had the conversation, Mayor, so -- and I do appreciate the dialog. And, again, no heartburn. If we want to just remove the requirement or make it a maximum of three I think devil's advocate a little bit, again. community character and neighbor, you have three you could rent those out to college kids and they all drive a car and now they -- yes, per our code you have enough parking, but that's some of the intent behind having some cap on bedrooms is -- I can remember Council Woman Strader, different context, but talking about back east and even in the early 1900s you jam people in and you have about this much room to live in. So, probably at some point you want to have a cut off of how many bedrooms you can put in 900 square feet, but that -- again, that's kind of the intent is at two bedrooms -- again in theory you could have -- you could -- you know, share bedrooms and still have three or four college kids living in two bedrooms, but that's some of the intent is a cap to be respectful of the existing neighborhood you are going in. But, again, no heartburn if we want to strike through the maximum of bedrooms, too.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I think that the -- I do think sort of taking it step by step makes sense. I personally have a little more heartburn around just opening up the number of bedrooms and kind of the size of structures we could end up with and part of my concern does come from neighborhood cohesion in neighborhoods that don't have an HOA and, then, I do think you could end up with some, you know, odd situations. The owner occupancy I don't think it accomplishes enough for us to make it worthwhile is kind of the conclusion I have come to. I mean we at least know from the property records who owns the property. Like that -- at least we established that's pretty fundamental. So, if there is an issue, like a code enforcement issue or a problem, like I am somewhat relying on our existing code that we have kind of covered ourselves in terms of nuisances, in terms of issues and so I think I would rather leave it with -- for now I think keeping with the 50 percent of the primary dwelling, no more than two bedrooms, I think that's a reasonable standard to stick with and, then, letting go of the owner occupancy requirement, because I just don't think the juice is worth the squeeze. I just -- I don't -- I don't think this is going to result in an explosion of Airbnbs of a scale that is going to be really challenging for us and I think if we are having issues from Airbnbs -- not to pick on that one company. VRBOs. There are many of them. If we start to see a lot of issues coming from those I would rather attack I think what the issues are and impacts on neighbors through more of our code enforcement and maybe tightening that up if we need to. I just think that -- that might be a better -- a better method of -- if we have to regulate those I think that -- that -- that's probably a better method of tackling it and being a little more agnostic as to who owns it at the end of the day. You know, I -- I, myself, have occasionally -- like once I did rent out my own primary residence and we went on a vacation and I -- I don't know that I would ever do that again, but it was kind of fun, you know, monetizing an asset that I already own and I think it's good to give people flexibility with their own properties that they own and I just don't think that -- the six months especially feels more arbitrary and I thought Councilman Whitlock had a good point about that. So, I don't know, I feel like if we can let go of the owner occupancy requirement, but maybe stick -- I think for now stick with our 50 percent -- no more than two bedrooms, I think that's a good reasonable way and, then, we could always look at the two bedroom and those standards, again, in the future if we feel like we need to open that up more. But I think this would solve for most people like the majority of what they are looking to accomplish with an ADU. I don't think most -- you had a good example, Mr. Mayor, but I don't think most people are looking to necessarily achieve that. So, I don't know. That's what I'm thinking for now. I'm pretty open minded at this point.

Simison: I don't think most people would do it. I was just looking for a rational reason to limit it, as compared to this seems like a good number. So, that's what I was trying to tie to. And don't -- Caleb, don't make me put you under oath. Have you ever stayed in a VRBO in another thing -- in another city that had an ADU unit? I know the answer, so do not lie. But no -- no police or no one was called, so it was all good. I mean that -- I -- Councilman Taylor, I -- I know I missed him on the tiebreaker on that comment, if it's three



three of -- three keeping it in, three keeping out. But I don't know how you all feel about -- do you feel like you have enough of a consensus on that topic?

Overton: Mr. Mayor, I believe it was four-two. I don't think you have to break a tie. I think four people want --

Simison: Oh. On the owner occupancy? Okay. I apologize then. My math in my head was not good. So, drive throughs.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I'm happy to kick things off, because I know I have had some strong feelings on this and, Bill, I appreciate you kind of walking through the possible -- the possibilities of -- on -- particularly on the tier two, which I look as kind of like the most intensive use. There would be a possibility that Planning and Zoning could hear this or that we would hear it. I think for me and why I'm reluctant to be supportive of the administrative decision is it eliminates a public hearing process and so if we don't have that decided at the administrative that, we don't have to, then, rely on a citizen who maybe disagrees with that decision to overcome a large financial hurdle to, then, have it heard before the Planning and Zoning Commission or, then, to, then, also, then, be heard by the City Council. So, I think for me the reason why I'm -- I'm maybe not warm to the idea of the administrative decision is because I want to provide that opportunity for at least one crack at the apple from a -- from a public hearing standpoint.

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: Yeah. I apologize to what Councilman Cavener just said. Maybe -- I'm not following where the administrative decision making is on this. Could I have -- could staff just make a quick reminder for me about where -- where proposing the administrative decision making comes in on this?

Parsons: Yeah. Mr. Mayor, Members of the Council, Councilman Taylor, essentially, the proposed changes before you this -- this evening -- the goal when we kicked off this code change was to try to eliminate the burden of having to go through a public hearing process for drive throughs. We have seen an uptick in that in the last couple years because of COVID, every business owner almost wants a drive through these days and I have done studies on it and I can tell you it's been tremendous the amount of increase we have had over the last five years for these businesses. So, the other part of that discussion was, well, not all drive throughs are created equal and we know that and so I created this tiered approach to -- to differentiate between the different drive through uses. So, again, in our -- in the UDC if something -- a drive through is basically an accessory use to a different use. So, for example, a restaurant is a permitted use in a commercial zoning district and

if someone wants a drive through, then, it's like if you meet -- if -- if you meet this criteria it's either administrative or it's a conditional use permit under current code. Most the time the reason why it's a CUP is because it's within 300 feet of an existing drive through or an existing residence or a residential district. What this proposed code change says, no, we are not going to -- you would still require a conditional use permit if you were to -- if you were adjacent -- regardless of what drive through, if you are adjacent to a residential use you are going through a conditional use permit still. If you are converting a tier one to a tier two to a tier three you are going through a drive -- a conditional use permit or if you can't meet the standards you are going through a conditional use permit or if you are in the Old Town zone you are going through a conditional use permit. Almost to the discussion you had earlier where they recommended us take drive throughs out of Old Town, but we are still allowing it through a conditional use permit. So, in my end -- when -- when we have met with the industry experts, a lot of times these drive throughs are ending in the middle of a commercial development next to another drive through. So, that's -- that's why we are changing it to make it more staff level. So, in that instance if you were to approve -- if staff were to approve a restaurant with a drive through and none of those four things at the beginning of the section occurred, it would be done at the administrative level, which would be what we call certificate of zoning compliance and we would make sure that the applicant complies with all of these standards and we would issue out conditions of approval and say you are approved. Now, a resident or any member -- effective party -- effective person I guess I think is the terminology in code now. They can appeal the director -- even if we approve it as a yes or no the decision can be appealed, but, you are right, we don't notify any of the impacted property owners when the director issues a decision. So, that's -- that's kind of the miss between our current administrative approval and it getting in front of Planning and Zoning Commission or the City Council. The neighbors would have to track that and, then, appeal that decision. So, that's -- that's what happens. That's what we are trying to do is to have more express standards, so that we create less issues for these -- these troublesome drive throughs, but also approve it at the administrative level, so we don't have to go through that rigorous process, because as you hear from time -- time and time again, right, to the developer time is money. So, we are trying to streamline the process and make it better, but also do it through express standards. So, there is no perfect code to -- to solve what we are trying to solve. We understand that not all drive throughs operate the same. But, again, after meeting with the UDC focus group, meeting with the users that have these two lane drive throughs, they liked what the city was proposing. They thought this would work within their business model. I'm not advocating for that one more the other, but I know that's still a concern for -- for City Council and that's why we -- we were more expressive with the width of the drive throughs. We added conventional standards for the vehicles. We require the queuing exhibit, so we know how many vehicles can stack. All of those things were baked into this code, so that we got all the information to make sure that we can say you meet the requirements we can approve you administratively. If you don't like it you can appeal it. Or if you don't want to meet these standards you have -- you can go to condition -- you can go before Planning and Zoning Commission and prove why -- the way you operate don't need these items is probably the intent. A long winded answer, but sorry, Councilman Taylor, that's where we are at this evening.

Cavener: Mr. Mayor --

Taylor: Yeah. Thank you. Sorry. Mr. Mayor?

Cavener: Go ahead, Council Member Taylor, I'm stepping on your feet.

Simison: Councilman Taylor.

Taylor: Sorry. Thank you. No. I appreciate that. The explanation. I -- I'm kind of curious if you can just comment on this and, then, I will turn it over to Councilman Cavener for his question. A couple of months ago we had the Chick-fil-A drive through kind of change whatever where it was and we rejected that. I kind of struggled with that a little bit, because I felt like our code wasn't very clear in what we were asking and -- and there was some room for argument on either side of that decision I felt. It seems to me -- and you - - please clarify. It seems to me that these changes provide the clarity that applicants and business owners are looking for and kind of remove some of that subjective or objective view on -- on what we are actually seeing. Would you characterize that as accurate from -- from your point of view, Bill?

Parsons: Yeah. Mr. Mayor, Members of the Council, I would say that -- I think we do a better job of explaining it, yes, and clarifying and in that scenario you spoke of, Councilman Taylor, In-N-Out -- if this gets approved In-N-Out can come back and ask for you to take action on their application. I think when it was before you -- when that appeal was before you staff was saying we can't approve it, because they have to provide a stacking lane. In this particularly -- in this updated code -- proposed code change it says if you don't want to meet that standard you can go to Planning -- I guess, sorry, Planning and Zoning Commission and ask them to not require the stacking lane and allow them to convert that and they can at least show documentation of why they don't think they need to provide that escape lane --

Hood: Mr. Mayor?

Parsons: -- or some other element of that drive through.

Hood: Yeah. Mr. Mayor and Councilman Taylor and Councilman Cavener -- I'm sorry, I'm going to sneak in just real quick. So, like the last item, what's on the screen now, again, the underline is meant to clarify the standards; right? So, if it's not underlined or struck through its current code on the books today. What staff is proposing is largely what we are confirming for you. We think that this does a better job of stating for all parties involved what the expectations of the city are when you come in with a drive through and, then, above it, you know, talks about the different tiers; right? And I guess the other thing just real quick before I give up the microphone -- is today's process and Bill kind of alluded to it, but -- but, essentially, right now first drive through in a complex can go in, but if you are within 300 feet of another drive through or residence you have to do a conditional use permit. So, the Planning and Zoning Commission was seeing a lot of -- even single lane, tier one and tier two drive throughs. I guess -- I think this transition works well, because

I think what I would like to hear back from Council, including Councilman Cavener if he has it, is -- I get the public input and we want that, too. At what point, though, do you say I live in, you know, southeast and there is a drive through in northwest and I should be able to require them to have a public hearing for that, because I'm an affected party; right? And that's what we are trying to understand. If it's a dimension -- if you have to live within 300 feet or 500 feet or we could even say if you are a dual lane, tier three drive through, you go through this public hearing process. Tier one can -- can they? Is it appropriate for them to be administrative if they meet all these design standards? So, that's I guess some of the feedback is -- I get the public input, but can we not standardize this to get to a process?

Simison: Councilman Cavener.

Cavener: A couple things. To me public testimony is public testimony and I want to hear from the public whether they live next door or they live down the street. That won't ever change with me and so to, then, provide added restrictions on who can and cannot come to a public hearing, this is something I would get real excited about, but where I would use some clarification is when I -- when you are looking at the definition of tier one, I read that that a tier one could technically be two lanes, because you could have a lane for a drive through and then -- I think it's possibly or may include options for online and mobile ordering. So, I look at that as I have a lane to go through a drive through and, then, I have a lane like the Chick-fil-A at Ten Mile that is just for mobile ordering pickup. That's two lanes. So, I feel like by just saying a -- a dedicated dual lane stacking that needs a public hearing. Quite frankly, I also think that a tier one that's going to have more than one lane should also have a public hearing, but I'm also trying to find like that right balance of what you guys are trying to achieve, but I think it's important for us also to be aware if we approve it this way you are going to get dual lane drive throughs that you are going to hear from the public to say, well, why didn't we have a public hearing on it and what we will hear from staff is that's because it's legal, because it's not really a second lane, it's a mobile ordering pickup lane and so I think it's important that in light of -- of in the last few weeks we have come to some real strong conclusions about the importance of definitions and importance about clarity. I think it's important that we as a body and you as staff have some good clarity about what it is we are saying is and isn't allowed and when it does make sense to have the public's voice involved regardless of where they live.

Hood: And, I'm sorry, Mr. Mayor, if I can follow. I didn't mean to imply that anyone coming here couldn't provide testimony. My -- my comment was more about at what point do you allow people -- can we not standardize the process; right? And if you design the standards for the drive through is there an administrative process? And if it's not -- if there is not some key things that are always of concern from the public that we can't standardize, then, we probably shouldn't change our process at all and keep going through the CUP for every drive through, because you never know what someone may come and complain about. But we come up with standards that we think if you can mitigate these general concerns we have with how drive throughs function, why should we have the public hearing? That's the premise.

Cavener: And I think -- I think -- Mr. Mayor?

Simison: Councilman Cavener.

Cavener: For -- I -- I look at -- we had a -- an appeal request for us for the -- the other chicken place -- Raising Cane's and that -- a neighbor or resident brought that appeal to us and they laid out the impact of how the street network would impact their business. That may be caught administratively. It may not. It may have been found on more sympathetic ears on a city council member than a -- than a planning administrator. That to me was validation of the importance of a public hearing and I think that is different than, hey, how a drive through at my local credit union is going to impact my -- just because of the sheer amount of vehicles that something like that is going to generate. So, I think probably for all council members present and all council members in the future, the validity and the impact of that public hearing is going to vary from council member to council member and so to me I saw value in that process and -- and it changed probably from where I was when I read the staff report to the decision I made that night. So, that to me was the validator as to why we would want to have something that looked to be a little bit more of an intense use.

Hood: So, Mr. Mayor, just -- sorry. One more comment on this. So, I think, again, like we had talked even last week, Council has a lot of discretion. This is where you live. The code. You tell staff and the public how we are going to process these things. That chicken place went through a public hearing at the Planning and Zoning Commission and that appellant participated in that. They didn't like the outcome, so they came to you, but if you want to bypass Planning and Zoning and Council wants to look at all the CUPs fairly easy change for our code. We just say instead of Planning and Zoning Commission, go to City Council and you guys can have that final discretion. Again, what you are basing that your -- your decisions on, the standards, that -- that's what we are trying to do and avoid, so -- but if we can't --

Simison: Councilman Cavener.

Cavener: You are also proposing to do away with that process and that you guys just make the decision and, then, if -- if a resident doesn't like it, then, they appeal it to the Planning and Zoning Commission.

Overton: Mr. Mayor?

Simison: Councilman Overton.

Overton: Maybe a quick clarification between Councilman Cavener and staff. I don't read this the way it's being interpreted. My understanding is when we were in the focus groups looking at tier one, tier two and tier three, because this -- we didn't create this, this came out of Utah. We looked at what was being done successfully. If tier two was a restaurant with one lane, one lane that functioned all three ways. So, people were ordering, they were picking up, mobile ordering and they would order it online. There was one lane. The only ones that had two lanes were tier threes and that separated them. So, if staff

can step in and make -- am I interpreting that correctly? So, tier two never has more than one ordering lane no matter what they are doing?

Parsons: Mr. Mayor, Members of the Council, that is correct. That was intentional. The reason why I added -- and may include that is because if you have ever gone to Chipotle they don't have a menu board. You order online and you just drive up and pick up your - - that -- that's what the intent of the code is for that tier one. It's just like a Chick-fil-A where you order on -- or sorry, not a Chick-fil-A, but a Chipotle, you order your food online and you go and they are like your food is ready in 20 minutes and you pull up to the drive through and they hand it to you through your window and you leave. That's why I added the -- I was trying to modernize the code to explain that not all drive throughs have a speaker -- a menu board and speakers. They do all operate differently. So, again, if we need to clarify that or even remove it -- I'm happy to remove it and just say one lane and let them tell us how they operate, because I -- because the one thing I don't want you to think is that there is going to be four or five lane drive throughs here. I would also mention that with the financial institutions I did have verbiage that -- that said they could have more than one stacking lane, but I said just take it out, because most banks do have one or two or three drive-through lanes, but because of how they operate -- that's why we were very specific to say what uses this applies to and the group voted with consensus -- we don't need to say that. Banks are 9:00 to 5:00 usually and they aren't impacts of a neighborhood and they don't stack a lot of vehicles, so we removed that. But, again, the intent here is to say restaurants with one stacking lane and restaurants with two stacking lanes and, then, to go on, the other part of that -- and what I really wanted to -- I was hoping I would give you some comfort -- or at least the Council comfort was really on that number seven, basically, or six and seven. The number of vehicles you have to stack. You look at that, it's six vehicles and we say the length, so if -- if -- and I understand restaurants are popular and they are going to be popular until they don't -- they are not; right? They -- they -- the first three months they are going to have -- I can't mitigate for how many cars are going to go through that drive through, but at some point they will calm down and you heard that at Raising Cane's. At some point they do level off and so when I look at two stacking lanes, 20 foot vehicle, that's 240 feet of asphalt on a site. If you can't get people through your drive through in that amount of time under normal business hours or during peak times something may be wrong. So, again, I felt that was the -- an appropriate benchmark to try to address some of the concerns with these -- these high capacity drive throughs as you guys like to mention. I'm not saying it's perfect, I'm just saying based at my research and working through the UDC focus group and talking with those industry experts, they felt that that was an appropriate amount of stacking that they could accommodate their needs. So, again, I appreciate the dialog as well, because I get -- I'm not a drive through expert and we have seen a lot of issues with drive throughs and I can tell you I was at the Transportation Commission and I know they deal with them on a regular basis, too, with vehicles stacking up on public right of ways.

Simison: One question on -- the only one that I know that does this is McDonald's. Is that a one or a two lane, where they split them off for their ordering component? I mean the one up here, you kind of enter from two different areas, but they are not even like

really lanes, but other ones you only come in one and, then, they split and come back together. How do you define that?

Hood: I would call that two, even though they merged into one to pay and -- I mean you are still up to drive through lanes and that's how you start. If I can just -- and I don't -- and I'm not trying to pressure Council into action tonight, but if you want to, you know, wordsmith even some of this -- I heard, you know, Councilman Cavener up above even, you know -- words do matter and so including any pickup, like you get one and only one, including any -- you know, online order pickup, you know, areas you may have and, then, maybe even just back down real quick, Bill, if you don't mind and here is where I -- I want to -- I -- I hear the concern; right? So, a little devil's advocate. I like to kind of play that role. If there is something we can do -- like just say with number six or seven that triggers that public hearing; right? We can say -- and here is what I heard from the industry experts and people, they are not going to shoot themselves in the foot. If they have to go through a conditional use permit to get the stacking lane they actually need to make their business work, they are not going to design something with -- with five just so they don't have to go through one of our processes; right? If they need seven they are going to design something where they can get seven. But my -- my -- my point or question really would be -- we can trigger something that says if you have more than four stacking cars, you need to go through a public hearing, you know, or whatever those things are that we are concerned about -- are we concerned about the stacking? Are we concerned about the proximity to residents? Are we concerned about -- whatever those things are, I would really like to standardize those the best we can and, then, say there is exceptions to that rule and if you have an exception you can't meet our base standards, then, you go to a public hearing. That's -- that's my ultimate goal.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Caleb, I think that's a really good question and to me -- for me it starts with that if the -- the business is generating enough traffic that it requires more than one lane for a drive through, that's -- that's a trigger. Now, if -- if you for whatever reason are tier one and you feel like that you have got to have a capacity for eight vehicles per lane in a tier one, maybe that also then -- anything outside of this then triggers -- what I'm trying -- I'm trying to keep it also is simple for our residents, so that they understand, hey, oh, this is a dual lane, so that's going to have a public hearing versus the nuance about the amount of cars or the amount of feet. I'm trying to keep it from a -- we are in kind of the public face, right, the simplest approach and trying to keep that part as simple as possible for our public to understand. Not a, yep, it's -- it's -- it's two lanes, but it came in under an X amount of, you know, car feet lengths and so it didn't generate. When I just -- I look at those as loopholes, essentially, that really really frustrate our public and I want less of that, not more of it.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. I think -- I think I'm following what Council President Cavener is saying. I think if -- if the principle is -- if you have more than one lane, then, it's going to result in a public hearing that's probably the right thought process, because drive throughs are very intensive and they changed all the space around them. Like I'm not going to say that they are a huge problem, but they can be and it's nice to know, okay, residents are covered, because if it's within 300 feet of them no matter what they have a say in it; right? If it's really close to another drive through they have got to say in it, but I do think that maybe the nuance is, okay, if you have got more than one lane, that's what triggers it, because it's more intensive. I mean it's important I think that -- that we have a chance to weigh in on it. I will also say I'm very open to the idea of prohibiting them, just generally speaking, in -- in the Old Town downtown area, like I think it -- it really doesn't create the community character we are looking for in this area and I actually thought that was one recommendation that I already felt really good about coming out of that discussion, but I'm open to waiting on that. It's just -- I think maybe this is a good approach and maybe the language, like tightening that up and clarifying that, so that no one reads it as an exception for mobile ordering to have an extra lane somehow, I think that's smart. People do -- you know, if they have a chance, then, they could take an inch they will take a mile and we know that, so, yeah, maybe -- maybe tightening that up is a good plan.

Hood: Mr. Mayor?

Simison: Mr. Hood.

Hood: Just two points of clarification real quick. One, on the Old Town drive throughs. The kind of compromise back in the day was we don't allow the speaker system. Not saying that's right or wrong, but can have a drive through, but you don't get the menu board and that type of a thing to kind of split the difference between -- in that community character and, then, just the other thing in your remarks there, Council Woman Strader, I just wanted to clarify. The proposal on the table now would not allow the public hearing if you are within another drive through of 300 feet, because that's -- we end up having -- Ten Mile is a good example. Drive through next to drive through next to drive through next to drive through and no one comes to public hearings, so we do a bunch of analysis, we write a staff report, we go through thousands of dollars of -- you know. So, I just wanted to clarify -- I'm not saying that's right, but that's the proposal on the table. We have removed that just because of proximity to another drive through. We aren't saying that triggers a CUP anymore. That is the proposal.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. I think that's important that you pointed that out, because the counter example that I would drive everyone's attention to my -- next to my other favorite example on the corner of Ustick and Eagle Road, okay, we have got a Dutch Brothers that's been



shoved in next to an Auntie Anne's and a Jamba Juice and I believe at one point they even were proposing like a fourth or fifth drive through and like at some point enough is enough. There are too many flipping drive throughs in one parcel. Like that's crazy. It's just not -- it just becomes unworkable. So, like I actually would kind of argue that the opposite. Like if there are too many drive throughs in one spot it's driving me crazy and I feel like that should -- that shouldn't be an administrative approval. Like I'm more on the other side of that, like I -- I wouldn't say I hate drive throughs, but I'm like not a huge fan of seeing a ton of them in close proximity to each other where you can't even walk -- like you will be trying to go to the Dutch Brothers, there is a doctor's office and you are just dodging cars, like -- it's kind of crazy how -- you know the property I'm talking about. I just don't want to see that happening.

Simison: And where I -- at least my standpoint is where -- when you see what I would call a shared space with multiple drive throughs is where you have challenges compared to where you have individual parcels with -- that are more or less self contained. I do see that -- I see Ten Mile more as individual parcels self-contained than that situation, which is all around the same entity and it -- I don't know how the land uses are or the land divisions are and if that gets into that conversation or helps with that conversation, but it's -- you know, you had individual parcels of Raising Cane's next to another one that could -- so -- well, there was kind of where they kind of sharing with that one. I never really --

Hood: Within 300 feet on separate lots, yes.

Simison: Yes. So, I'm not going to say it -- it's always that way that you could apply to that, but just trying to find out where they might make sense, where they don't make sense at all for that -- for that very reason, because you do have so many movements.

Hood: So -- sorry, but I'm going to -- Mr. Mayor, if it's okay, just clarify a little bit here more. The underlying zoning is going to allow these. It really is going to be the process. So, even a conditional use permit, the idea -- the premise there is you can condition it, but they are still going to likely get a drive through unless there is just -- you know, the action has to tell them what they could do to get to a yes if we are going to deny it at that point in time, so the drive throughs aren't even allowed, because they are in commercial districts. So, it's going to be very difficult. So, again, the idea was, well, can we come up with standards and what are we concerned about? How can we make them design it so it shouldn't do any of those things that it's -- yep, you can have drive through, drive through, drive through, but there is no conflicts and even with pedestrians, that's all thought out, because our standards, whatever we come up with, is -- is the silver bullet that solves that. But I just wanted to clarify like, again, in these commercial zones if they design them to our standards with these or our current standards, we are -- we are likely still going to see drive throughs; right? And I know you are not saying not approved drive throughs, I'm just saying --

Simison: I'm just trying to see if there is a situation where the -- to meet what you are trying to accomplish could be identified or --

Hood: Ownership or something -- something else. Yeah.

Simison: Something -- but, Councilman Taylor, it looks like you are --

Taylor: Yeah. I do have a comment. You are looking at my face and I'm trying to talk. Yeah. I appreciate it. I'm going to have a -- just a little different approach here I think and I'm always a little wary if I'm advocating against Councilman Cavener a little bit on the public input, because he is a leader on that and so I got to ask myself the question, but where I'm coming from here is I -- I actually really appreciate the deeper dive into creating some standards that are clear and that guide this process, because I think what we have seen in my experience in the short time is with drive-throughs has been the lack of clarity, like the lack of standards in that. I believe -- it seems clear that drive throughs are going to be really kind of an innovative way for businesses to interact with their customers going forward. I don't think we can really even actually fully appreciate some of the creativity that we may see from people and I don't want to kind of get in the way of that. I -- so, I also think this is an important part when I might -- one of my goals as a council member is I think government efficiency is really important. I think customer service from the city is important. And I see the effort here trying to get to that goal of being efficient, being responsive to people that are doing work with us. I don't want to -- I do think there is a proper role for public input but when there is really clear standards and there is really clear detail and maybe we still need to add more clarity, there might be a role for us to maybe add more to this, but when there is -- when there is clarity there I think that -- I think that's something we should strive for as a city and so to me I -- what I see here is -- I really -- you said you are not an expert on drive throughs, but you are probably an expert in Idaho now on drive throughs, because you have done a lot of reading and a lot of good work on this. I like where we are going. Maybe we need some more clarity in the standards, but I think we really should try to get the standards right and, then, allow the staff to make those decisions, because that I think is -- that's kind of where my head is at right now. I like driving towards that goal with the caveat I want to respect the public input process. I'm just not sure where that should be. Maybe it's in -- we present those standards and we ask for people to provide some -- some detail on that, but that's kind of where my head is at with -- with this conversation.

Hood: I -- just because there is a lull, I will just call to your attention, Mr. Mayor, this is a public hearing. I know there is not a lot of people, I just didn't want you to forget that aspect, please.

Simison: No. I was just getting ready to go there. We -- we do have one person online and one person in the room. So, Council, should we see if there is anybody from the community that would like to provide testimony on this item? If you are online and you would like to provide testimony, please, raise your hand and if you are in the room, sit on them, maybe you don't want to be called up here. No one raising their hands and no one coming forward. Council, how would you like to move this conversation forward? Continue the public hearing and have additional input and ask staff to come back with revised, more clear definitions to achieve certain outcomes? Say we are good? Move on. Don't do any changes to the current process?

Whitlock: Mr. Mayor?

Simison: Councilman Whitlock.

Whitlock: I would concur with Councilman Taylor. I think if we could maybe send this back for another pass and some more clarity and definitions and specificity to bring back to us, again, as part of a public hearing -- I don't know that we are going to come out in droves until somebody's proposing a drive through in their neighborhood, but -- but if we can get the standards right that at least gives us a strong foot to stand on when we get to that point.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Maybe a question for Caleb and Bill -- and Council Member Taylor makes a good point. Do you feel that a process could exist that those standards was important -- subject matter expertise standards from the planning staff could be melded with a public hearing, so that you get really the best of both worlds?

Hood: So, Mr. Mayor, Councilman Cavener, if I understand the question, I mean that's kind of the -- the problem we are trying to solve -- maybe I will just start there -- is really pushing someone through a public hearing, one otherwise wouldn't be required; right? So, if you want to have the public hearing you still have some standards that you -- at least are basing that decision against, but if you comply I don't know why we would have the -- it's kind of the opposite the way it's drafted; right? If you don't comply, then, you have the hearing. If you comply to have a hearing is --

Cavener: Maybe, Mr. Mayor, if I can, maybe --

Simison: Councilman Cavener.

Cavener: -- a question. What's different from planning staff standpoint from a conditional use permit that takes those standards into account, provides the mechanism for a public hearing, that we would require for a tier two, that would be different than in a -- excuse me -- a tier three -- that would be different in a tier one or a tier two staff level analysis?

Parsons: Councilman Cavener, maybe clarification. I think you are asking -- if I'm -- if I'm -- restate the question maybe a little differently. You are asking us why -- I guess if I'm understanding it right, what's the difference between tier one and tier three and an administrative approval. If -- if I understand it -- or why we are saying we can approve all of them under these same standards versus a tier one and treating it -- because you are right, we are treating them all the same with the fact that we are allowing one to have more asphalt and one not to. There is nothing that goes into it -- there is nothing in this particular code that speaks to intensity of use. The intensity is implied in the amount of

stacking lanes and escape lanes that they are putting on the site and it goes down to number seven where they give us a queuing analysis. So, you are right, there -- there really isn't anything differentiating the two, except for the definition of a tier one, a tier two and a tier three. But they all will have to meet those standards based on tier one, tier two or tier three. Again, a little bit more -- if you look through the code here towards the end, the express standards, you can see here tier one and tier two require more stacking than -- than, actually, a tier one. So, that's really the difference. All of the other things still apply. They still have to show how they are -- they are stacking vehicles. They still have to provide safe pedestrian access to the site. They have to demonstrate that they are not stacking on the adjacent public right of ways. So, like Caleb mentioned, a lot of the stuff in code is remaining. We are just building upon it to make more express standards and that's why you see the strike through, underline -- and the entire underline sections, because those are all new sections that we have vetted through the UDC focus group.

Hood: Mr. Mayor, if I can sort of poll the Council a little bit, because I think we -- we are prepared generally to do what -- where I think this headed, do some more wordsmithing and proposals. But I do kind of want to understand -- again, we could come up with a model that says there is still some administrative approval -- for let's just use the current tier one and tier two. You know, if you are -- if you are bank -- maybe you don't need it - - no, save the other things. If you are within 300 feet of a home or 500 feet of a home and some of the other caveats; right? And it needs to still be designed, but you could go through a staff level administrative approval, but if you have dual lanes you are triggered -- like you have a hearing. I mean that's a pretty straightforward change that we could make if there is a -- general like -- you know, if that's the thing; right? Or even a single lane that stacks more than eight cars; right? Like another trigger. Hey, if you -- if you are showing this long of a drive through, then, you need to go through a CUP. So, that's some of the feedback, if that's where we are at, then, that's fine. This is the starting point. This is what we came up with. But if there is some tweaks or other triggers and you are like, hey, okay, but what about if they do this or that, what -- yeah.

Cavener: Mr. Mayor?

Simison: President Cavener.

Cavener: That's where I'm certainly supportive of, but I recognize I have monopolized a lot of the conversation about this one tonight. This one I have some pretty strong feelings about, but that's in line with what I think is acceptable and doable and probably appropriate. It's just also maybe the acknowledgement, too, that, you know, that a -- in that definition that a tier two can exceed more than one lane. I just think that that's a -- provide clarity. Regardless of it's mobile pickup. If it's for Chipotle only pickup or if it's, you know, a traditional drive through with a menu and a speaker board on it.

Cavener: Mr. Mayor?

Simison: Council Woman Strader.

Cavener: So, I think this is a decent approach. Two lanes or more you go to CUP. I do want to see us reconsider the concept of close proximity to another drive through triggering CUP. And I think for me it's like -- if it's on the same parcel is a big piece of that. I don't know if you all want to think about that and maybe get input from other council members if they share that. Again, I'm -- it's not great when -- but, unfortunately, the way the human mind works -- at least my mind is I always go to the worst possible example. It's like where I'm coming from, but I just -- we can't see that happening on a regular basis. It would just make things so unworkable to have that many of them in close proximity. So, maybe there is a better way to address that than how it was before. I don't know. But at least with the 300 feet language before -- at least we kind of had a catch all that I thought -- I thought worked. We did make a lot of progress on ADUs. I don't know if -- if people are thinking maybe -- maybe we could move that forward the ADU piece and --

Hood: So, Mr. Mayor, if you don't mind -- sorry to interrupt. I'm good -- I appreciate the offer, because I think I'm off the hook, but it does make more work for legal staff, the clerk's office if we have all these different ordinances. So, I don't think that's an emergency. I think it can wait for this and, then, we have to update all of our codes. So, it would be three code updates. So, again, I appreciate the offer --

Strader: It can work for just you guys, yeah.

Simison: One other just curiosity. Okay. I know Sonic technically only has one drive through, but they got 40 parking stalls. If something like that -- is that just a tier one, because they only have one drive through or are they considered in some other vein in that scenario?

Parsons: Mr. Mayor, Members of the Council, it will come down to definitions as you know and that's -- we enter the stacking lane and exit. So, that's the drive through portion of it, not parking.

Taylor: Mr. Mayor?

Simison: So, 40 mobile pickup windows doesn't count? Definitions.

Parsons: But, Mr. Mayor, Members of the Council, certainly that's something we could address in this as well if that's -- I think everything's on the table if that's something that we want to say that, again, in our code a drive through is conducting business from your vehicle and, then, how we measure drive through is where you enter, you order and, then, where you exit. So, that's the definition of a drive through. So, again, I will give you a prime example. You order your groceries online. You go to Walmart. It's not a drive through.

Simison: Right.

Parsons: It doesn't even fall into this definition. We don't consider that a drive through and we have it. So, almost like to your point, if someone has 40 stalls, you order online, pick it up, you are parking --

Simison: The only place where I was going to was the impacts on neighbors. If we are going to get -- if we are talking about what makes sense for a neighbor impact, sometimes it's operational style versus that which has as much of an impact as the drive through. That's all I was really trying to get to in that context of more -- I mean even Sonic -- because I think it's hard to take away some of there -- you can't order, you have to mobile app order, you don't -- or -- so, it's, again, viewing a little bit differently is they have changed their technology, but I'm just trying to see where it -- if it fit differently or not or the next type of thing and I'm just like and now it says we are just going to go to a -- come and park and we will bring it out to your car.

Hood: So, Mr. Mayor, maybe just real quick on that and little -- a little bit off topic, but it's still applicable. So, all of those uses, then, would be in a commercial zone. So, your base zone, if there is residential nearby, that's why we have the landscape buffers, irregardless of kind of how they operate business what -- we will transition, right, from commercial to maybe office to, then, residential. So you have the separation irregardless of overtime and changes in society and what they might do in their parking lot or building additions, you have got sort of this buffer area; right? I mean that's the -- that's the concept with a lot of those is any and all of those should be allowed, because it's on commercially zoned land and we have already mitigated some of those impacts when we annexed and zoned the property. Can I -- one more -- I'm not trying to drag this out. I'm glad we are the only thing on the agenda though. Maybe just one more comment back to Council Woman Strader's comments and I like it, I'm trying to figure out where -- where Council is at here with some of this, you know, today 300 feet of another drive through triggers the CUP. I will be honest, the ones that we have the most problem with are actually when it's -- you own something, I own something and he owns something and we can't get them to communicate together, because this is mine and that's yours and I don't care what you do on your side, but here is -- when it's one we can kind of master plan it and you have main drive aisles with drive throughs that kind of circulate together. So, I appreciate the comment and I get where you are trying to go, but I don't know if that trigger -- it actually is the other way around, where it's those properties where you have your own lot. It's tough to require the connections, the shared access points, those types of things. So, I guess what I would propose maybe to get to maybe the same thing is, you know, where there is more than -- two within 500 feet or some distance of each other, that triggers it, because now you are getting a conglomeration of those types of uses and, again, some are arbitrary, I was just throwing numbers out, but if you -- you know, you are maybe not the second one within 300, but if there is three of you within -- three or more within a certain distance, then, that could trigger that conditional use permit, too. Just as a -- on the fly thought. If we are going to bring something back, don't be surprised if you saw maybe some version of that, so -- spit balling you.

Parsons: Mr. Mayor, Members of the Council, I had a couple thoughts, too, based on some of the conversation. I could see, for example, your -- your example of the pull through parking. I know a lot of drive throughs use that when their stacking lanes get congested, they say move forward to a spot. I think that is an opportunity for the decision makers to put a condition on a project that if they are in front of you and they don't want

to meet, for example, the overflow -- the stack lane -- or the escape lane requirement, that's something where I see someone saying, okay, then you need to provide of additional overflow spots for customer pickup. I can see that as a way to mitigate some of those concerns to eliminate the stacking. Or, again, we can also require that in code. We can say if you don't provide these things, then, here is another requirement you have to -- you have to provide X amount of overflow parking, so that you don't back into the drive aisle. Everything has to be contained within this -- in the drive thru lane. If you spill over you got to provide X amount of overflow parking for customer pickup. Part two of that -- and the other discussion I have had with the UDC focus group is going back to Caleb's point, when there -- when there are multiple drive throughs on a site -- we talked about having the developer provide us a master plan of the entire area so we can see how that new drive through interacts with the existing drive throughs and, then, we can determine whether or not there is going to be conflicts. That did not make it in this section of the code. So, that's -- that's certainly something that we can go back to the drawing board and see if we want to incorporate that as a requirement. Show us how it works with the overall development. Because I'm -- I'm with you, I can think of a couple developments that have a lot of drive throughs. I like it when they are isolated. It works better when you have a dedicated drive -- drive aisle through the -- through the shopping center, but, then, each drive through is kind of isolated on its own individual parcels. It doesn't slow down traffic too much, but at least you don't get to have stacking in there and you can move through the parking lots. When you just have those cold -- just drive aisles that interface and shared with one another, like your example on Eagle Road where you could have more conflicts, because there is shared parking, shared drive aisles and it just gets messy. So, again, those are some of the option -- ideas that I have kind of written down if you want to send staff back to maybe buttoning this up or coming up with some more express standards, but --

Taylor: Mr. Mayor?

Parsons: -- I do like how -- where some of this conversation is going.

Simison: Is that you, Mr. Taylor?

Taylor: Yeah. That's me.

Simison: Councilman Taylor.

Taylor: It's hard to read the room and body language from Zoom. So, two thoughts. I -- this is a fantastic discussion. I really like it. With respect to sort of the drive throughs, I - - I really think we need to get the standards right and if it includes adding more things to what's on the list I think we should get it right, because I think we will really appreciate that. I think that will be helpful for our development community to -- to have a lot of clarity about what we are looking at. I'm also supportive generally to the idea of -- if it triggers a certain type of intensity of use that it just automatically triggers a process where public input -- if that's two lanes or a level three or tier three -- I'm open to that concept, because I -- it seems to me that the public feedback is generally around the intensity of use, as

opposed to whether or not someone has a drive through. So, I -- my -- my suggestion for tonight would be with the ADUs I think it's not life threatening, we can clearly let that stay with the changes. We can accept those all at the same time. So, I'm fine with waiting so that there is just a -- simplifying some of the staff process, but I think it will be wise for us -- for staff maybe with taking some of the comments here and -- and also giving Council -- if we have some more feedback that we want to provide to get the standards right and more clarity and add a little bit more and, then, bring this back for a discussion here in the near future. That would be my suggestion for tonight.

Simison: So, essentially, looking at continuance on this item. So, team --

Parsons: Sorry, Mr. Mayor, Members of the Council. I would request some time to do that. I want to get with some of the gentlemen -- some of the UDC focus group members that helped me work on this and see what they think about tweaking this and bringing back something with a few more express standards for your consideration.

Simison: You're thinking a month?

Parsons: I would appreciate a month or more, Yes.

Cavener: Mr. Mayor, maybe Mr. Nary.

Simison: Councilman Cavener.

Cavener: Can we just continue this to a date certain until planning staff is ready to come back?

Nary: Mr. Mayor, Members of the Council, Council Member Cavener, I mean you can do it either way. You can continue it to a specific date, because this is legislative we can -- it's only agenda notice in the future anyway. So, if you want to just, you know, leave that to staff to notice it up that's fine. We could set that at a future agenda meeting that's adequate.

Cavener: Or it -- right, as opposed to having to work against a deadline. Okay. Great. Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Move we continue Item 1 to a date certain. Wait to hear from staff when they want to bring this back on our agenda.

Strader: Second.

Simison: Have a motion and second to continue this item. Is there discussion on the motion? If not all in favor signify by saying aye. Opposed nay? The ayes have it and the item is continued.



MOTION CARRIED: ALL AYES.

**FUTURE MEETING TOPICS**

Simison: Council, anything under future meeting topics or a motion to adjourn?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Move we adjourn the meeting.

Strader: Second.

Simison: Motion and second to adjourn the meeting. All in favor signify by saying aye.

Opposed nay? The ayes have it. We are adjourned.

MOTION CARRIED: ALL AYES.

MEETING ADJOURNED AT 7:20 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS)

\_\_\_\_\_  
MAYOR ROBERT SIMISON

\_\_\_\_\_  
DATE APPROVED

ATTEST:

\_\_\_\_\_  
CHRIS JOHNSON - CITY CLERK