

A Meeting of the Meridian City Council was called to order at 6:01 p.m., Tuesday, July 9, 2024, by Mayor Robert Simison.

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

Members Absent: Doug Taylor.

Other Present: Chris Johnson, Bill Nary, Sonya Allen, Stacy Hersh, Linda Ritter, Jamie Leslie, Kris Blume and Dean Willis.

ROLL-CALL ATTENDANCE

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|---|--|
| <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 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 June 9th, 2024, at 6:01 p.m. We will begin this regular City Council meeting with roll call attendance.

PLEDGE OF ALLEGIANCE

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

(Pledge of Allegiance recited.)

COMMUNITY INVOCATION

Simison: Mr. Clerk, we didn't have anyone signed up under our community invocation; correct?

Johnson: We did not.

ADOPTION OF AGENDA

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

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: No changes this evening, so I move that we adopt the agenda as presented.

Strader: Second.

Simison: Have a motion and a second to adopt 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 adopted.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

PUBLIC FORUM – Future Meeting Topics

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

Johnson: Mr. Mayor, no signups.

ACTION ITEMS

1. **Public Hearing continued from April 9, 2024 for Rosalyn Subdivision (H-2023-0056) by Givens Pursley, LLP, located at 200 E. Rosalyn Dr.**
 - A. Request: Annexation of a 0.014-acre of land from RUT in Ada County to the R-8 zoning district, including the remaining portion of E. Rosalyn Street cul-de-sac right-of-way.
 - B. Request: Combined Preliminary/Final Plat consisting of 6 residential building lots and 1 common lot on 0.733 acres in the R-8 zoning district.

Simison: Okay. Then we will move right on to our Action Items for this evening. First item up is a public hearing continued from April 9th, 2004, for Rosalyn Subdivision, H-2023-0056. We will continue this public hearing with comments from staff.

Hersh: Good evening, Mr. Mayor and Members of the Council. The applicant is here to present their project once again for annexation and a combined preliminary/final plat. So, the original plat consisted of three lots and now they are proposed -- or I mean six lots and now they are proposing three lots. This is the plan -- revised plan that they sent us all to look at this evening and written testimony since the last hearing from May 14 is from Ken Freeze and he just had concerns of -- with the house placement on the west. There is a big walnut tree on the corner and he would like to see that preserved, as well as he would recommend that the applicant build wider driveways to accommodate three vehicles. However, staff does analyze that with the building permit based on the amount of bedrooms. And one last thing. If City Council chooses to move to approve this revised plat, there is a condition in the staff report in Section IXA2 that needs to be revised to read the applicant shall submit a complete set of engineer plans with the final plat application submitted for the city engineer's signature. And that concludes staff's presentation tonight for this project and I will leave it to the applicant.

Simison: Council, any questions for staff? Then would the applicant like to come forward. Good evening, Elizabeth.

Koeckeritz: Good evening. Thank you, Mayor and City Council. We are here again on Rosalyn. I have a very brief presentation this evening with me to -- Elizabeth Koeckeritz. 601 Bannock with Givens Pursley. Land use counsel. I'm here with Brett and Julie Bingham, the owners of the property this evening and we are back tonight with a three lot subdivision. Two of the lots are accessed off of a common drive, which means there is just fewer accesses directly onto Rosalyn. It also puts the garages further back away from the street. Generally speaking garages are the least attractive portion of any home and so it's nice to keep them away. The lots all come in at approximately 10,000 square feet, some a little more, some a little less and the lots now actually at this size do meet R-4 dimensional standards and so tonight we are just looking for approval of the annexation and the combined preliminary and final plat.

Simison: Thank you. Council, any questions?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Not a question, just a comment. What a fantastic revision. It looks great. Just a general comment. I so appreciate the flexibility and how you approach this and it feels like a good amount of homes for this area.

Simison: Okay. Thank you very much. Mr. Clerk, anybody signed up under this item?

Johnson: Mr. Mayor, Ken Freeze.

Freeze: Thank you once again, Council Members. This has been a long process and I have to say while I'm relieved to see three lots there, I am also a little disappointed that apparently they will not be building on those lots. I hope that we are not back here a year from now with some new owners who are trying to do something to those lots that will not fit the neighborhood, because I think building three homes on the three lots would be very fitting for what the rest of the neighborhood has right now and as I requested in my letter that one home looked a little forward, but, then, I was informed that apparently those were just sort of place markers for what might be there, not -- nothing that would be there as a final building. Also in my letter I did request that if they were going to be built that just if nothing else wider driveways would be put there, because with the HOA that's just to the east of there, there is a problem with cars often parking in the street because there is not enough room for them to park in their driveways and as the fire department has stated before that a lot of times these common driveways become parking lots when they should be clear. Those were my only two comments. I have to also say that I know for the Bingham's this has been a long, drawn out process. It hasn't been easy for anybody. I can tell you that the president of the HOA has been extremely stressed out about this to the point where she

has almost been ill over it and I know some other people have been very stressed out about this whole process. I hope that whatever comes of this property in the near future it still looks sort of what we see in this plat now and not something -- something grotesque that say some new owners of those lots may want to build there. I'm also happy to be able to tell the people that I have been dealing with that the City Council does listen to the citizens. Some of the naysayers who were saying that there is no point in it, I'm glad that you proved them wrong, that you do listen to the people and that it is worth stating what they feel when they feel that instead of waiting until it's all done and saying, oh, they wouldn't have listened to us anyway. So, once again, thank you to all the Council Members and Mayor. Thank you.

Simison: Thank you. Council, any questions?

Overton: Mr. Mayor?

Simison: Ken, I had a question. Councilman Overton.

Overton: Welcome back. Just a clarification. You stated that the houses are not going to be built?

Freeze: That's my understanding, that these are just going to be surveyed. I mean you can -- you can ask them for clarification, but my question was initially why this was put down there was no new elevations or anything and I got the -- basically a preliminary -- sort of a preliminary answer and I was hoping I would get a better answer tonight, but that apparently they are not planning on building now, but they were just going to subdivide. Again, I would -- I would say ask them for some clarification on that. I would like to see it built. I would like to see them complete the project, but, on the other hand, I realize this has been an expensive process for them and I hate -- honestly I have hated to see them have to go back to the drawing board over and over again, because I know it always costs them money and I don't -- I don't like to see anybody waste money.

Overton: We agree with that. Thank you.

Simison: Mr. Clerk, do we have anybody else signed up?

Johnson: Mr. Mayor, that was everyone.

Simison: If there is anybody present that would like to provide testimony either online or in the room if you would like to come forward at this time. Good evening. State your name and address for the record.

Larrea: Good evening. Jan Larrea. 100 East Rosalyn, Meridian. Mr. Mayor and Council. I have no objection to three houses or three lots being built in that area. It would look better than what happens to be there now. So, no objections for me. I complained before, so now I'm saying it's fine. Any questions?

Simison: Is there anybody else that would like to provide testimony on this item? Would the applicant like to come forward to close?

Koeckeritz: Mr. Mayor, City Council, Elizabeth Koeckeritz. Givens Pursley. Just one comment in response to Council Overton's question and Mr. Freeze's comments. The Bingham's intend to take this to final plat and at this point they don't know if after it is officially subdivided into the three lots if they will move forward with building on those lots or if they will be selling the lots for individuals to do their own development on it, but they do absolutely intend to take this through to final.

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

Whitlock: Mr. Mayor?

Simison: Councilman Whitlock.

Whitlock: I was just appointed to the Council on May 28 and there were two hearings on this issue, one in April and one in early May, both of which I viewed and have reviewed the record as well. So, if there is no objection I feel comfortable participating in the discussion and vote tonight.

Simison: You're fine. Thank you. Council, any questions or discussion on this?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: If there is no further questions or discussion, I move that we close the public hearing.

Little Roberts: Second.

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I would very happy to make a motion for approval. After considering all staff, applicant and public testimony, I move to recommend approval of file -- I move to approve file H-2023-0056 as presented in the staff report for the hearing date today on July 9, with the modifications as suggested by Planning staff in Section 9-A-2 to require

a revised complete set of engineering plans with the modifications that were in this slide.

Little Roberts: Second.

Simison: I have a motion and a second. Is there discussion on the motion? If not, Clerk will call the roll.

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

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

2. Public Hearing for Two Mustard Seeds Women's Resale Shop (H-2024-0009) by Arlene Hardy, Expansion International, located at 817 N. Meridian Rd.

- A. Request: Rezone of 0.63 acres of land from the R-8 zoning district to the O-T zoning district for the purpose of converting the existing home into a women's resale retail store.

Simison: With that we will move on to Item 2, which is a public hearing for Two Mustard Seeds Woman's Resale Shop, H-2024-0009. We will open this public hearing with staff comments. Linda.

Ritter: Good evening, Mayor and Council Members. So, tonight we are here -- the applicant is requesting a rezone of 0.63 acres of land from the R-8 to OT zoning district for the purpose of converting the existing home into a women's re -- a women's resale retail store. So, the proposed 2,463 square foot retail store will be located in the downtown area within the Meridian Urban Renewal District. The home was built in 1902 and is slated for further improvements to meet city code requirements and enhance the customer experience. The remodel will include handicapped bathroom access and ramps for store access, as well as new flooring, paint, landscape and other minor interior makeovers. Access will be off of Northwest 1st Street and parking with handicap stall will be at the back of the retail store. Walk-in handicap ramps will provide access to the front door. There will be five off-street parking spaces as part of this proposal. The proposed hours of operation will be from Wednesday to Saturday, 9:00 a.m. to 5:00 p.m. The city may require a development agreement in conjunction with a rezone pursuant to Idaho Code Section 60-765-11-A, but due to the size of the development staff believes that a DA should not be required. There are existing sidewalks along North Meridian Road and North 1st Street and there is existing landscaping along Meridian Road and so no additional landscape will be required for buffers -- except for buffers to these adjacent residential uses if needed. So, as you can see here these are pictures of the

existing property. It's actually a beautiful home -- piece of property. I walked the property, walked along it and it's going to be a really nice addition to the neighborhood, this resale store. At this time I will let the applicant come up and provide any information that she would like to.

Simison: Council, any questions for staff? All right. Would the applicant like to come forward? Good evening. State your name and address for the record.

Hardy: My name is Arlene Hardy and my address is 2484 East Summer Dawn Street in Meridian. Thank you for having us here again this evening. On behalf of Expansion International I would like to say how excited we are and how happy we are to be part of downtown Meridian and to bring this property. It's a beautiful old house as you just saw and be able to bring this property into a store and the store will be a resale store for women. It's going to be a boutique type store. We are very excited that women in the area can come and shop there, as well as volunteers in the area will be able to come and volunteer at the store. So, our goal is to preserve the beauty of this old house, 120 year old house, which is in very good shape and our goal is to preserve that beauty and the history of the house, while still bringing a fun shopping experience into the area. We think it will bring shoppers to the downtown area and people passing through Meridian will be able to see what a great asset this is. We are looking forward to being part of Meridian downtown and working with the city and working with the people in the area and we just want to say thank you for reviewing our proposal and for having us here this evening and I'm just here to answer any questions you might have.

Simison: Counsel, any questions for the applicant? All right. Thank you. Mr. Clerk, I assume we didn't have anyone sign up or did we?

Johnson: We do.

Simison: Oh.

Johnson: It's the applicant Gene Bennett.

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

Bennett: My name is Gene Bennett. 4210 North Rogue River Way in Meridian. As a volunteer helping them with the construction and so if you had any questions regarding the construction I would answer those if you need.

Simison: Thank you. Anybody else?

Johnson: Mr. Mayor, that was everyone.

Simison: Is there anybody present who would did not sign up that would like to come forward and present testimony? Would the applicant like to make any final comments

or does the applicant waive any final comments? Applicant waives final comments. Council, your direction.

Overton: Mr. Mayor?

Simison: Councilman Overton.

Overton: Seeing there is no further comments, move we close the public hearing.

Little Roberts: Second.

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Overton: Mr. Mayor?

Simison: Councilman Overton.

Overton: Considering all staff, applicant, and public testimony, I move to recommend approval of File No. H-2024-0009.

Little Roberts: Second.

Simison: I have a motion and a second. Do I have discussion? If not Clerk will call the roll.

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

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

3. Public Hearing for Vanguard Village Subdivision (H-2023-0074) by Adler Industrial, located at 1085 S. Ten Mile Rd.

- A. Request: Modified Development Agreement to amend the existing development agreement (H-2021-0081 Inst.#2022-049799) to clarify the uses allowed in the M-E zone; update the phasing plan, include an alternative design and development guidelines for distribution & light manufacturing area (i.e. warehouse and light industry uses) with conceptual elevations and other miscellaneous changes.

Simison: Council, the next item up this evening is a public hearing for Vanguard Village Subdivision, H-2023-0074. We will open this public hearing was staff comments.

Allen: Thank you, Mr. Mayor, Members of the Council. The next application before you tonight is a request for a development agreement modification for Vanguard Village. This site is governed -- the overall site is governed by the existing development agreement consisting of 115.26 acres of land, zoned R-15, ME, C-C and is generally located a quarter mile south of West Franklin Road and west of South Ten Mile Road. The existing development agreement was approved in 2021 and replaced the original development agreement required with annexation of the property. The Comprehensive Future land use map designations are mixed use commercial, medium high density residential, mixed employment and high density employment. The portion of the property that is the subject of the amended DA is only that at the southwest corner of the site in the ME zoning district and that is this area right here where my pointer is. The applicant proposes the following amendments to the existing development agreement. Number 4.3 is a new provision that they are proposing -- is a restriction on the uses allowed on the eastern portion of the ME zoned area that is shown here on the map in the green. Not allow warehouse, including distribution and flex space use. The inclusion of this restriction on approximately a third of the mixed employment zoned area will ensure the property develops with a mix of employment uses as desired by the city with a limitation on flex and warehouse uses. The next one is a modification to DA provision 5.1A. It includes reference to updated phasing plan and a new phasing plan is included as an exhibit. So, this is the existing phasing plan on the left and their proposed phasing plan on the right. With the proposed phasing plan Phase A, the first phase, is at the southwest corner of the site. Directly to the east will be the second phase and the last and third phase will be the northern portion of the site. The reason for the change is the development priorities have changed, along with property ownership since the time of the initial approvals. The proposed change will allow development to proceed in an alternate order. The next change is inclusion of alternative design and development guidelines for the distribution and light manufacturing area, i.e., the warehouse, distribution and light industry and manufacturing uses on the western portion of the ME zoned area per the conceptual elevations shown and modification to the following development agreement provisions: 5.1B currently requires compliance with the design guidelines in the Ten Mile plan and the standards in the Architectural Standards Manual as applicable. That modification allows for alternatives to the design guidelines if approved by Council tonight. Modification to No. 5.11, the proposed modification allows for exceptions to the design guidelines in the Ten Mile plan for the ME zoned area or warehouse, including distribution and light industry, including manufacturing uses are proposed on the western portion of the ME zoned area. The exceptions consist of a minimum of eight percent windows on the front edge and a single plane wall maximum distance of 150 feet without building modulation, instead of 20 percent windows and a single plane wall maximum equal to the building height without building modulation as shown on the examples submitted with this application as shown. Only the building faces shown in red on the exhibit on the left will be considered frontage. The Ten Mile plan has elevated guidelines that apply to development within the Ten Mile area. The

Architectural Standards Manual applies to all properties within the city with established baseline minimum standards. These are in addition to the elevated guidelines in the Ten Mile plan. The front and south side of the southernmost building will be highly visible from I-84. The front of the other buildings will be internal to the site and not as visible. Staff is unable to support requests for deviations from the guidelines in the plan due to conflicts with the lesser architectural standards manual standards prior, apart from and prior to the design review process. Commercial Architectural Standards Manual standards apply to ME zoned areas, but the buildings are of an industrial style and may conflict with other citywide ASM standards as well. Action is needed from Council for such requests. If Council approves the proposed deviations to the design guidelines in the plan the applicant will need to include a request for a design standard exception with each commercial standard in the Architectural Standards Manual that is not met with subsequent administrative design review applications. Any such related request will likely not comply with the design standards in the ASM. The next provision proposed for modification is 5.1L. The proposed modification allows for exceptions to the design elements in the Ten Mile Plan if approved by Council tonight. Modification to DA provision 5.1M, the proposed modification allows the applicant to submit a certificate of zoning compliance and building permit application prior to recordation of the final plat, but requires the plat to be recorded prior to issuance of certificate of occupancy. Currently the requirement is for the plat to be recorded prior to submittal of a certificate of zoning compliance and/or building permit applications. The proposed change will allow development to commence, but will still require the plat to be recorded prior to occupancy. Staff is recommending approval of the requested modifications to the development agreement, except for the deviations from the design guidelines in the Ten Mile Plan, which are mentioned, which require Council approval. No written testimony has been submitted on this application. The applicant is here to present tonight. Thank you.

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

Goede: Will Goede. 8665 West Emerald Street, Boise. Thank you, Council, Mayor, Sonya. We are really excited about this project. A little background on Adler. We are the biggest industrial developer in the Treasure Valley. We pride ourselves in our communities and we own or manager about 20 -- about 20 buildings in Meridian right now. Three more under construction. We are excited about -- exciting in the industrial world -- about as exciting as it gets for me and three more in -- in design at the moment. So, love being a part of the Meridian community and thanks for letting us be a part of that. A little background on this project. So, some of you might have been part of this background, but like Sonya said, there is an existing development agreement. We purchased part of this property last year and now we are here to just make a few minor adjustments to the development agreement, so we can move forward with developing the property. As shown in this image, the 115 acres covered by this development agreement is -- is controlled by three different developers and going to be developed by three different developers. Corey Barton is going to develop the residential 40 acres on the north, BVA is going to develop the commercial, high density employment and part of

the mixed employment zone on the east end -- east side. And Adler is going to develop the 20 acres of mixed employment on the west side of the site. We are working very closely with BVA to ensure a smooth transition from the commercial uses over at Ten Mile and Ten Mile Crossing over to industrial uses over at Black Cat with large warehouses over there. We think that this project does a really good job of a smooth transition. So, zooming in on Adler's 20 acres that we are going to develop, you can see the original development agreement site plan and the -- our current site plan, which are nearly identical. Apologize for all the capitalization and, then, lowercase. It's driving me crazy. I hope you guys can look past it. That's not what mine looks like. So, you can see that the plans are nearly identical. We did put the slightly larger building in the middle of the site -- interior to the site, as opposed to up against the freeway, but that's really the only -- the only change there. The current site plan is designed to be highly demisable. So, you can see on the north-hand side that there is two -- two small flex buildings that can accommodate divided into four different tenant spaces and accommodate tenants as small as 3,800 square feet. The next two buildings can accommodate tenants as small as 4,700 square feet and you have the larger building, which can demise into six spaces down to 21,000 square feet and, then, finally, the building along the freeway, which can demise down into 16,000 square foot spaces. So, the goal really for this project is that you can get a small business into one of the flex buildings and they can grow as their business grows and stay within the park and move into bigger spaces. The first item getting -- that was kind of a little background. Getting into the actual DA amendment. The updated phasing plan is really having to do with the -- the different developers involved at this point, simplifying that phasing plan a little bit from where it was. We do have the industrial as part of Phase A -- first phase here. Oh. And we are already installing infrastructure for the entire project. You might have seen us working out there in conjunction with EDA installing a lot of sewer. We are hoping to have the roads paved by the end of the year. Jumping into the design guidelines that Sonya mentioned. So, while the original DA specifically lists distribution and light manufacturing as examples of intended uses for the mixed employment zone, it doesn't address the design requirements for these buildings. It does show elevations and renderings for other buildings, but not for any of the mixed employment buildings. So, first, to get you oriented on the site here, on the northern side of our 20 acres is going to be Vanguard Way, which will be a public road. On the east side of our site is Lavista, which is a private road. On the west side of this site Corey Barton actually owns another property that he has plans for an industrial development there and, then, on the south end -- south edge of the site is I-84. So, the northern most two buildings we are not proposing any changes to design requirements. Those will be designed to -- to meet the 20 percent windows and all the requirements in the -- in the Ten Mile Plan. We -- we recognize that those buildings are facing public right of way. There -- there is residential to the north. So, we -- we want to keep those smaller buildings without any kind of design changes. The three out of the four phases that are proposed -- that we are proposing some design changes in the middle of this site are facing interior to the site and facing each other, so not highly visible outside of the actual park here and, then, the last phase that we are proposing some -- some design changes is the southern phase that faces the freeway. Zooming in on that freeway frontage there, there -- there will be a 50 foot wide landscape buffer on the west end of the site and it's

about a hundred feet on the east side of the site. That will be fully lined with trees on both sides of a walkway and those -- there is actually 85 trees along the south edge of the site there and the way that this site works -- so, there is -- these trees are 50 feet tall when they are mature. The building we have proposed here is going to be about 32 feet tall and the building actually sits down about 15 feet from the freeway, just because of the topography of the site. So, trying to read the visual that you have 50 foot tall trees that are starting from a higher point than a 32 foot tall building, which is down lower. So, we expect to get a really good visual screen from all these trees. In addition, these trees are 40 feet wide at maturity. They are staggered and so that all of -- as you can see in this rendering, all the canopies end up interlocking and create a full visual barrier. There is also a mix of deciduous and evergreen trees here to create a visual barrier even in the winter months. So, with that said, jumping into maybe the nitty gritty of the single plane wall, ask -- or request here. So, you can see in this design, which is the building we are currently building in Boise, the single plane max while distance is about 150 feet. This allows us to locate the architectural elements around the building entries, which is where we want the focal points to be. To me in my opinion it results in a more clean and intentional design. Here is what a design looks like when -- when -- that meets the Ten Mile specific area plan where the single plane max wall distance is equal to the building height. You end up every 30 feet having to hop a panel out and step it up a little bit, which can -- can look a little random, it can look a little tassellish I have heard it -- I have heard it called. The pop outs don't necessarily follow the architecture of the building, they are -- rather they are just to -- to check a box and to meet a requirement and they can often distract from the building entries, as opposed to enhance the building entries as a focal point. So, we -- we would request that we increase that single plane max distance to 150 feet. The windows is the other ask here for a design change on those. Those -- those four facades. So, first, the Ten Mile specific plan calls for 20 percent windows, but it doesn't clarify if those windows are calculated based on square footage or based on linear footage and this makes a very significant difference. Again, that same building that I used as an example in the last photos, this is a -- this is a calculation both ways. If you take the window square footage, which is in blue, and divide by the total building square footage for that face of the building, on this building we have a little over eight percent windows. If you do that based on linear footage, which is the green -- you know, the width of the window, which is shown in green versus the overall length of the building, 678 feet, then, that's 33.6 percent based on a linear basis. So, hugely different and that -- that's why the -- because our buildings tend to be tall, which used the different calculations. So, if the requirement is enforced based on square footage and that's what -- how we assumed it would be, I have actually had different jurisdictions interpret it both ways. But that's where we are requesting the eight percent. If it's been forced based on linear footage, then, we can make the 20 percent and there is no need for a reduction there. So, that's maybe a clarifying item. So, talking a little bit about the functionality of windows in an industrial building, so that I can articulate why having 20 percent based on square footage is problematic in this style of building. So, based on our experience, the majority of tenants want a 1,500 to 4,000 square foot office and we try to build these buildings to be as versatile as possible. The -- so, you can see in this image that what that does is across your front edge you have -- you have an office area and, then, an

industrial area next to it and, then, potentially you have a demising wall and you have the other tenants industrial area and office area and it switches use across the front of the building. The reason this is important is that windows are very different in the office area versus the industrial area. In the industrial areas of the buildings tenants don't -- tenants don't want low windows. The -- having low windows are seen as a -- a security risk. They don't want people to be able to see into their industrial area or easily break into that area. They are also seen as a liability. Windows are easily damaged and they break, they make a mess, and I can tell you based on -- since we -- we manage and own all of our properties, our property management team constantly gets calls about people damaging and breaking anything that is possible to damage and break in one of the spaces. We have -- in the last couple of years we have had multiple steel building columns that are ran so hard by a forklift or equipment that they are not structurally sound anymore and we have had to replace them. The demising walls between spaces are constantly hit with forklifts, so much that it even pushes the whole wall out of the way and we have had to install steel channels on both sides of these walls, so that they don't get pushed out of the way. So, having windows in the industrial area is -- is not liked by tenants because of security and damage concerns. So, having -- started having low windows. So, that's why you see just some high windows. Still natural light is important and locating the windows high up is -- is much more functional. In the office area it's totally the opposite. The -- like I said, the majority of tenants want a 1,500 to 4,000 square foot single story office. So, typically the ceiling on that will be ten feet high and any windows that are higher than ten feet are going into the void space above the ceiling. There is no natural light. There is no benefit. They get boarded up or filmed over and, actually, if anything, there is only a detriment, which is, you know, a less energy efficient building for no real benefit. So, I just wanted to show you a few examples to put the 20 percent in perspective to an industrial building and so, again, this is the example I have been using so far. This is eight percent windows. It's an 88,000 square foot building, which is very similar to the size of the building that's going to be along the freeway there that was approved in the DA already -- DA agreement already. If you just look at the entry feature, we do exceed the 20 percent windows at the entry feature, but, like I said, because of the adjacent industrial areas on the building as a whole it's less than that 20 percent. Here is the Tesla building that we are currently finishing on Franklin here in Meridian. It is a little bit smaller building, 41,000 square feet, and it's at 9.9 percent windows. It's a little bit shorter building, too. A bit smaller. Another example of a project that we finished last year in Boise, a larger building, 220,000 square feet. It has eight percent windows on the Gowen frontage and actually at the corner of this building, that glass is 19 feet tall just to get to the -- to the eight percent. I will skip that example. Nine and a half percent. So, in summary, I just want to remind you, we are not requesting any changes for the northern two buildings, three out of the four frontages we are requesting -- are facing internal to the site and the -- the southern building is going to have a significant tree barrier to shield use on the freeway.

Simison: Thank you. Council, any questions for the applicant? Okay. I wouldn't go far, because I don't know that there is a lot of other people here. Mr. Clerk, do we have anybody signed up on this item?

Johnson: Mr. Mayor, we do not.

Simison: Is there anybody present that would like to provide testimony on this item?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I do have a question for staff. Sonya, hi. Could you clarify the intent of the design guidelines for the Ten Mile Specific Area Plan and whether the windows were meant to be calculated on the linear square foot basis or not? I think it would be helpful for us to all understand that.

Allen: Yes. Council, I was just looking at the answer to that and I'm -- I believe it is on the linear dimension of the street level frontage is what I'm seeing so far. I will make a correction if I'm wrong, but -- I had to look that up. I don't have that, so --

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Did you want us to circle back to it?

Allen: I believe that's the answer unless I -- unless I say otherwise. I am looking just to make sure. If I see anything to the contrary I will --

Strader: Thank you. Mr. Mayor?

Simison: Council Woman Strader.

Strader: Sorry to beat this one to death. Would it be helpful if Council -- like if we believe that is the case, do you need Council to clarify that an exception is not needed, because it's calculated on a linear square foot basis in our final deliberations or --

Allen: I think that Council should -- if they believe that what the applicant is presenting is -- is okay and you are amenable to that, then, I think you should approve the applicant's request.

Strader: Right.

Allen: And if it's -- you know, otherwise, it doesn't matter anyway. Same end result. I just confirmed with Brian. He's kind of our design review guru and he just -- he just confirmed that it's linear. Thank you.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: So, I do have a question for the applicant. Apologize. I didn't catch -- is it Greg?

Goede: Will.

Strader: Will. Sorry about that.

Allen: Mr. Mayor, if I -- if I may interrupt again. He just told me that he had it backwards. He thinks it's -- so I'm going to continue to -- I'm going to continue to research here and try to get a more -- a better answer for that. Thank you.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: So, while we are trying to -- trying to tackle that and figure that out, I guess just a question for you, just to confirm. If, in fact, we believe the Ten Mile specific guidelines are based on linear square feet, do you meet that requirement for all of the facades of your building that are -- that you were asking for an exception on?

Goede: Yes. You said linear square feet. And just to clarify -- so, if it's just based on linear footage, the width of the windows, yes, we can make 20 percent on -- on all the projects.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. It sounds like based on at least the example that you gave us and you are, obviously, one of the largest, if not the largest developer of industrial here in the valley, this is typical for this property type.

Goede: Yeah. Absolutely. The -- the larger a building gets the -- typically the less windows it has, so -- yeah.

Strader: Thank you.

Simison: I may not be the smartest person in the room, but I have to think we are here because staff informed the applicant enough times that it didn't meet the proposed viewpoint. Otherwise, I don't know why we would be asking for a modification, especially when staff said that it will support the modification based upon the guidelines, how they have interpreted it. So, I know we are still trying to get clarification from Brian, but I -- otherwise I don't know why we wouldn't be here if that -- that was being interpreted by staff and the applicant to do an opposite. Councilman Cavener.

Cavener: Vice-president Strader and I were having a very similar conversation, like trying to figure out what's the crux as to why this is before us and I think it's important for Council, if -- if that answer would change anybody's decision, then, I think that we owe it to have staff to play it out and -- but I'm seeing some general consensus from Council about it, maybe if that answer wouldn't actually have a bearing on the Council decision I think that we are best to just continue to move forward.

Simison: Okay.

Allen: Mr. Mayor?

Simison: Sonya.

Allen: I apologize, I didn't know this was an issue before now or I would have had this researched and had an answer for you that was a little better than it's been, but Brian explained to me that the Ten Mile plan expects multi-story and it's intended to be of interest due to each floor. So, it's -- we don't have a multi-story building here, so it's a little difficult to meet that requirement with the guidelines as is for this type of building.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I move that we close the public hearing on this item.

Simison: But before we do that the applicant has the opportunity to come forward and --

Strader: I apologize.

Simison: -- and provide final comments. If they would like to come forward and make those.

Allen: Mr. Mayor, if I may add one more thing. If you wish tonight you could just make them subject to the standards in the Architecture Standards Manual as well. There -- there are standards there that apply regardless that I mentioned before in my presentation that would require a design standard exception if they couldn't comply with those, which is staff level and an option as well. But that is kind of an extra tier of our view as well. Thank you.

Goede: Will Goede. Adler Industrial. I did just want to -- the windows is one of the requests. The wall plane is the other request. Just to make sure that wasn't forgotten and I think for the clarification, based on the -- the verbiage that I read in the Ten Mile Plan all reference linear footage, but it didn't specifically define anything, but it makes sense if it's written for a single story, which we -- sorry. It's written for a multi-story building. We are single story building that's taller than average buildings.

Simison: Council, any final questions for the applicant? Okay.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: With that I move that we close the public hearing on Item No. 3.

Overton: Second.

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Just to kick off some discussion, then, I can make a motion. I think -- I think architectural guidelines are particularly important when we have an area that's highly visible to the public. I don't feel like that is as much of an issue here and I actually want to compliment the applicant. I have rarely seen someone explain so succinctly and clearly why an exception to an architectural standard is needed. So, thank you. I appreciate that. With that, after considering all staff, applicant and public testimony, I move to approve File No. H-2023-0072 as presented in the staff report for today's hearing date with the following provisions: Approving the applicant's proposed amendments to the existing DA, clarifying that the City Council is granting a modification to the Ten Mile specific area plan guidelines with respect to both the windows and with respect to the -- the wall planes. Thank you. The maximum distance -- the wall planes on the facades that were specified by the applicant.

Overton: Second.

Strader: I think that gets us there.

Simison: Motion and second. Staff, any questions on that motion? Okay. Is there a discussion from Council on the motion?

Cavener: Mr. Mayor, just to --

Simison: Councilman Cavener.

Cavener: Just a quick clarification and I -- I think I see where maybe a slight error occurred. This is application 74 not 72. Seven two I think is the link that was provided

to the applicant file. I just want to make sure that we are on the right bouncing ball with the motion.

Strader: Mr. Mayor, yes, I agree. If staff is in agreement.

Allen: I will just clarify for the record since there was some discussion back and forth. So, Council, the motion is for Council to approve the applicant's request for alternative design and development guidelines as shown in the exhibits submitted by the applicant included in the staff report and as shown here tonight and both of their -- no changes to their request. Thank you.

Strader: Yes. Thank you.

Overton: Second agrees.

Simison: Second agrees what we are all understanding to be the case. Is there further discussion? If not, Clerk will call the roll.

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

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

FUTURE MEETING TOPICS

Simison: Council, we are at the end of our agenda. Anything under future meeting topics or a motion to adjourn?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Move to adjourn the meeting.

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

MEETING ADJOURNED AT 6:55 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS)

MAYOR ROBERT SIMISON
ATTEST:

DATE APPROVED

CHRIS JOHNSON - CITY CLERK