

A Meeting of the Meridian City Council was called to order at 6:00 p.m. Tuesday, September 19, 2024, 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, Sonya Allen, Nick Napoli, Jeff Brown, Steve Taulbee 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 January 21st, 2025, at 6:00 p.m. We will begin this regular City Council meeting with roll call attendance.

PLEDGE OF ALLEGIANCE

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

(Pledge of Allegiance recited.)

COMMUNITY INVOCATION

Simison: Next up is our community invocation. We will be joined this evening by Scott Harrop from Rock Harbor Church. Thank you for being here this evening.

Harrop: It is certainly our privilege to be here and Mr. Mayor, Council, we are so grateful as a church for what you guys do on a daily basis in making our safe, by helping our city think proactively about what we could and should be doing. We know that your -- your responsibility is not like -- I mean so we are grateful for what you do and, then, just the opportunity that you have to help our city move forward and we thank you as a church, as does everyone.

Simison: And if I can -- for those of you that are here if you would like to join us in the community invocation or takes this as a moment of silence and reflection.

Harrop: Let's pray. Father, we ask -- we come before you and are so grateful for what you are doing in our community. We thank you for the men and women of this Council

who help lead and guide our city and we know that the responsibility that they feel, Lord, is great and we know it's heavy at times and so, Father, our prayer would be that you might strengthen them, that you might give them wisdom, that you might give them discernment to know how to move forward as they come up against situations, Lord, and our hearts would be that you would strengthen them, help them to make the right decisions for us as a community and we are so grateful for what they do and we thank you for the way that you have had your hand upon this city and we ask you to continue to lead and guide us, Father, and we are so grateful for all that you have done for us. We ask these things in your Son's name, amen.

ADOPTION OF AGENDA

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

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Make a couple of quick changes to tonight's proposed agenda. We are going to remove Item 18, a fire budget amendment. There is a couple more elements we need to get dialed in before the budget amendment comes forward. So, let's schedule them for a future City Council meeting and, then, also, Mr. Mayor, we are going to pull item -- I guess we will -- we won't take any action on Item 22. As I understand there is a noticing error -- public noticing error for that particular item and so the Council will not be able to take it up tonight. So, we may take action to continue that to a later point in time when we get to it, but just want to forecast if anyone's here to provide testimony on Lennon Pointe Subdivision that Council won't be able to take any public testimony until it's noticed correctly. Mr. Mayor, with those two changes I move that we would adopt the agenda as amended.

Strader: Second.

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

MOTION CARRIED: ALL AYES.

CONSENT AGENDA [Action Item]

- 1. Approve Minutes of the January 7, 2025 City Council Work Session**
- 2. Approve Minutes of the January 7, 2025 City Council Regular Meeting**

- 3. Biltmore Emergency Access Relinquish of Easement (ESMT-2024-0154)**
- 4. Holiday Inn Express Sanitary Sewer and Water Main Easement (ESMT-2023-0093)**
- 5. Holiday Inn Express Water Main Easement (ESMT-2023-0094)**
- 6. Sagarra Subdivision No. 2 Pedestrian Pathway Easement (ESMT-2024-0173)**
- 7. Chase Bank - Eagle Amity Water Main Partial Easement Release (ESMT-2024-0180)**
- 8. TM Center East No. 2 Water Main Easement No. 1 (ESMT-2025-0001)**
- 9. Findings of Fact, Conclusions of Law for Foldesi Reserve (H-2024-0055) by Jeff Hatch, located at 3915 N. Ten Mile Rd.**
- 10. Fiscal Year 2025 Net-Zero Budget Amendment in the Amount of \$20,000.00 for Blue Cross of Idaho Foundation for Health, Inc. Grant Supporting Park and Pedestrian Improvements within the City of Meridian**
- 11. Fiscal Year 2025 Budget Amendment in the amount of \$12,000 for Meridian Historic Preservation Commission's Historic Preservation Plan**
- 12. Agreement between the City of Meridian and Endurance Holdings, LLC for Disassembly, Transport and Ownership of Historic Double Silo Barn Components**
- 13. Memorandum of Agreement for Contribution to 2025 Concerts on Broadway Between the Meridian Development Corporation and the City of Meridian**
- 14. Approve and award contract to Dasco of Idaho for the Not-to-Exceed amount of \$22,470,000.00 for the Can Ada Lift Station and Gravity Sewer Line project**

Simison: First up is the Consent Agenda.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I move that we approve the Consent Agenda as presented, for the Mayor to sign and the Clerk to attest.

Strader: Second.

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

MOTION CARRIED: ALL AYES.

ITEMS MOVED FROM THE CONSENT AGENDA [Action Item]

Simison: There were are no items from the Consent Agenda.

COMMUNITY PRESENTATIONS [Action Item]

15. Meridian Life Saving Award - Community Member Recognition

Simison: So, we will move on to Item 15, community presentations, which is a Meridian life saving award and turn this over to Chief Blume.

Blume: Good evening, Mayor, Members of Council. On the rare occurrence that a member of this community -- this Meridian community steps in and intervenes and provides emergency care that definitively saved another person's life in this Meridian community, we felt it incumbent to begin to recognize those -- those contributions to this community and our community members. So, in light of that I would like to invite up Pam Garcia and her family and we would like to talk with you and explain to you the incident that she found herself and the actions that she took.

Hendrick: Good evening, Mayor and Council. My name is J.D. Hendrick, the division chief of EMS and tonight I am honored to present Pam Garcia with a community life saving award. I'm going to read the write-up real quick and -- and then -- yeah. So, on the evening of July 27, 2024, a female motorcycle rider collided with a car near the intersection of Meridian Road and Chinden. Both the motorcycle and passenger car sustained major damage. The motorcyclist was ejected off the bike and was lying on the road unconscious and without pulses. Thanks to some quick actions by a bystander who was an off-duty nurse she quickly determined that CPR to take -- quickly determined CPR needed to take place and started CPR. Thanks to her quick actions upon arrival the fire department paramedics determined the patient was breathing normal and was starting to wake up. The patient sustained massive bodily trauma and was urgently transported to St. Alphonsus Medical Center. After weeks of rehab and multiple surgeries we are pleased to say that the patient was discharged home and is doing well. Although we are not able to have the patient here with us tonight we wanted to recognize the nurse that went out of her way to save a life and so with that we want to present a life-saving award to Pam Garcia in recognition for her life-saving efforts

provided on the evening of July 27, 2024. Your actions, courage and dedication saved a life. Congratulations.

Garcia: Truly an honor and I feel anybody in this room would have done the same thing if you were in that position. Very thankful she is okay and she was able to recover. We all would do it every day without this recognition, so -- thank you.

Simison: Thank you, Pam. You and Mike have been a blessing to this community in more ways than one that -- as many people are aware of your dedication and commitment, but thank you for that and, chief appreciate you bringing that forward.

PUBLIC FORUM – Future Meeting Topics

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

Johnson: Mr. Mayor, we do not.

ACTION ITEMS

16. Discovery Park Ninja Warrior Course Addition

Simison: Okay. So, with that we will move on to Action Items. First item up is Item 16, which is Discovery Park ninja warrior course addition. We will be hearing from Mr. Barton on this topic.

Barton: Good afternoon -- actually, good evening, Mayor and Council Members. I'm here this evening to talk to you about adding an awesome amenity to Discovery Park. Over the last probably six months the Plimmer family and Abey Louie. The Plimmers are here and Abbey Louie is here as well and so this is -- their -- their daughter Eva has a life-threatening disease and she absolutely loves ninja warriors. So, the family approached us to get a ninja course to one of our parks and we have a spot in Discovery Park that would -- this would be awesome and fit -- fit very well in. So, over the last few months we have been working with the family -- Chris, can you advance that, please? Thanks. So -- yeah. So, terrific opportunity. We have gone through the design process. This is an amenity that really is appealing to that hard-to-serve group of kids that are -- you know, we call them -- we call them tweens. They are kind of in between the kid and the teenager and so it's 13 plus, but it's an amenity for really all ages, small kids and adults, and so you can see the placement of it in Discovery Park, the shaded area that's in the backdrop is phase one and this is the recently completed phase two where we have a teen area, we have some softball diamonds. We also have an active area that orientates very well to the playground. There is a four yard dash there that kind of adds to that whole area. That's a blow up of where it would go. The equipment itself -- there is a really cool video if you get some time and you want to look at it. It doesn't play well on Zoom, but it shows how active it is engaging from people of all ages and really people of all abilities, too, which is supper cool. You can see how it lays out. The equipment as shown would be what we are putting in, as well as the

artificial grass that goes underneath it. So, in regards to maintenance there -- it's super low maintenance, very durable equipment. No need for any additional staffing for this. So, the funding that I think the next item is a budget amendment. The Plimmers have raised -- they have about 185,000 dollars through donations that have been made available to go towards this project. There is a 20,000 dollar Blue Cross grant that was just approved of the Consent Agenda that we would like to apply to this as well. So, we are asking for a budget amendment 145,000 dollars to help bridge the gap between the total project cost and the funds that have been raised in the grant amount. So, with that I will stand for questions.

Simison: Thank you, Mike. If I could just add, I think that there is an opportunity for some donated services that could even offset that down a little bit lower if possible.

Barton: Yeah. Thank you. Thank you, Mr. Mayor. That's -- that's true. I mean we -- we will -- there is some contractor groups that want to -- want to step up and possibly contribute. We don't want to say to you that that's a for sure thing, because we don't know it is, but they have shown a strong interest in that. Yeah, we go through the right -- the proper channels of insurance and Public Works contracts and stuff like that to get that. But, yeah, there is several groups -- in fact, Eva's father is a contractor that could possibly do the excavation and, then, we have a landscape company that could do some ground repair. So, it's our hope that we don't use that entire amount, but if it doesn't pan out we have it and we can execute the project.

Simison: Thank you. Council, questions? Comments?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Thanks, Mike, for bringing this. I don't think I have ever looked more forward to a budget amendment in my entire time on Council. So, I appreciate you bringing this forth tonight.

Barton: Thank you. And I don't think we have ever had 50 people for a budget amendment either, so --

Overton: Mr. Mayor?

Simison: Councilman Overton.

Overton: Mike, this looks like a pretty amazing addition to Discovery Park and I think it fills a niche that we missed. We -- we thought that was the park that had something for everyone, but now I know we do. So, thank you for bringing this forward.

Barton: Thank you.

Simison: And before we get to the next item I just want to -- I want to give a shout out to -- I know it's a lot more than yourself, but you have kind of really born a lot of this -- working with this and you now consider yourself for professional fundraising and available for any and all activities, but this -- having people from the community step up to help make this a reality and having a -- I will take a friend like you any day to help make something a reality. So, I just want to say thank you to you.

17. Fiscal Year 2025 Budget Amendment in the amount of \$145,000 for Discovery Park Ninja Warrior Course

Simison: So, with that we will move on to Item 17, which is fiscal year 2025 budget amendment in the amount of 145,000 for Discovery Park ninja warrior course. Do I have a motion?

Whitlock: Mr. Mayor?

Simison: Councilman Whitlock.

Whitlock: I move we approve Item No. 17, fiscal year 2025 budget amendment in the amount of 145,000 for Discovery Park ninja warrior court.

Overton: Second.

Simison: Have a motion and a second to approve Item No. 17. Is there discussion on the motion?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Brief comment. Now we will start thanking you. You helped to really elevate this project and we talk a lot up here about more amenities in our parks and certainly this is that. This one means a little bit more and I want to thank you for elevating this. I think we would be amiss if we didn't thank the Blue Cross Foundation for their generosity as well. Our parks department; right? We get a great idea, we forward something to you and guys mobilize quickly and my appreciation for that can't be said enough. But, man, we got to thank our community. You know, people talk about Meridian gets too big and you lose that sense of community and I say nay, nay. When you see a night like tonight where our community comes together as they support each other. We got any kids in here from Compass? Got some aviators in the room? Yeah, I see those shirts. I love the aviators. I have an eight year old who came home and told me about a fundraiser at Compass and I had to race him on the Ninja Warrior course. Spoiler alert. I didn't do very well. So, I'm excited about this, because now I have got an opportunity for some more practice. To the Plimmer family, thank you for -- for being a light and encouragement in our community. We need more people like this in our community and I just -- I said this earlier, I can't think -- I don't think I have ever been

excited for a budget amendment and I'm ecstatic about this one, so to everyone who helped make this project bring to reality, thank you.

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: Two comments. Number one, I would like to know if there is still opportunities to raise money if there is links or donations to -- to share that with the community I would be very interested. I was not aware of this effort beforehand. I still think if there is time to find money within the community and people that would like to participate, I know I would like to participate and feel a sense of ownership, so that I think there is a lot of other people that want to. So, if that information can be shared later I appreciate it. The second thing would be just for the record anybody on Council that can complete the course I will buy you lunch.

Simison: Is there further discussion on the motion? If not, clerk will call the roll.

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

Simison: I don't get to vote, but aye. All ayes. Motion carries and the amendment is agreed to and we look forward to moving this forward as quickly as we can. Everyone that echoed Councilman Cavener's comments, you thanked the Blue Cross of Idaho Foundation. We really appreciate what they do to help make it easy for -- to give money to help us put towards the project to make sense and is what -- you checked all the boxes and in my opinion helped us get over the finish line with the use, so appreciate moving forward.

MOTION CARRIED: ALL AYES.

Simison: So, with that I'm going to go. Could I leave this with you, Councilman Cavener, as I go to another community tradition with the speaker competition in Mountain View, so --

Cavener: Terrific.

Simison: -- enjoy the meeting.

19. Final Plat for Stonehill Crossing Subdivision (FP-2024-0020) by David Evans and Associates, Inc., located near the South side of W. Amity Rd., midway between S. Meridian Rd. and S. Linder Rd.

Cavener: Thank you, Mr. Mayor. All right. With that that concludes our -- I guess basic actions items. We move on to our public hearings, which is going to be Item 19, final plat for Stonehill Crossing Subdivision and before I turn it over to staff, yes, folks, unless

you want to stay for public hearings of land use -- you don't have to. You are allowed to go, but if you want the stay everyone is welcome and we -- with that we wish you a great evening. With that I will turn it over to staff.

Allen: Members of the Council, the first application before you tonight is a request for a final plat. This site consists of 16.06 acres of land. It's zoned R-4 and R-8 and it's located on the south side of West Amity Road, midway between South Meridian Road and South Linder Road. The preliminary plat for this property was approved in 2023. A final plat consisting of two building lots on 16.06 acres in the R-4 and R-8 zoning districts is proposed. This is the first phase of Stonehill Crossing Subdivision. The preliminary plat included a condition for a local public street to be provided off of South Oakbriar Way between Lots 1 and 2, Block 1, for access to these lots, instead of a direct access to the collector street. Just a side note here. This is where the church is going on Lot 1. This is an existing residential property on Lot 2 here. The street was required to extend at a minimum to the east boundary of Lot 2, Block 1, and, then, extend to the south with future redevelopment of Lot 3, Block 1. Based on the city's requirement ACHD also included conditions that required a local street to be constructed between these two lots and extend to the site's east property line. Since that time ACHD has determined they will not allow a local street in this location. After much discussion with ACHD on this matter Council approval of a change to the access in this location is requested to allow a private driveway access via South Oakbriar Way on Lot 1, Block 1, with a temporary ingress-egress easement to Lot 2, Block 1. When an alternate access is available for Lot 2 the development of Lot 3, Block 1, the access easement should terminate and the access should be provided internally via a local public street. Other than that the proposed final plan is in substantial compliance with the approved preliminary plat as required. These typically do not go before City Council, but because of this -- this situation staff felt it was important for Council to review the change and approve it if they deem appropriate. Thank you.

Cavener: Thanks, Sonya. Council, any questions for staff? Seeing none, is the applicant present? Good evening. Welcome to the Meridian City Council meeting. Please give us your name and address and the time is yours.

Appleby: Okay. My name is Bryan Appleby. I'm an engineer with David Evans and Associate in Boise. Address is 9175 West Black Eagle Drive in Boise and I'm here with the property owner of that existing residence Kent Mills and as far as that condition for -- well, jump back a little bit. With that private driveway to the church -- and this is for Stonehill Church if you haven't figured that out. We are providing a cross-access easement and a new driveway that serve Mr. Mills' property. A condition was written up -- this would be a temporary access. For several reasons, including Mr. Mills' desire, we were hoping that this could become a permanent driveway and not -- he does not want his property to be served from the east upon further development. One of the reasons is that there is a six and a half foot grade difference between the bare land directly to the east of his property and his existing driveway. There is also -- where -- is it shown here? Okay. So, this is a -- just more overall look at the overall property. The area that's -- if you can see this. So, we got a new -- new collector road that goes north-

south between Amity Road and the southern boundary and, then, the -- the private driveway that's east-west serving the church property and, then, the two lots are the -- the church property and Mr. Mills' residence right here. As it's written currently this access here labeled temporary would have to go away upon future development of the property surrounding these two lots. What you are seeing here is a preliminary plat that's being developed by Trilogy Development and so our -- our request is that this access point to the east, labeled future, would be considered -- or would not be mandated on Mr. Mills -- on his property, but that this temporary access here could be made permanent. Put in the next slide here. There is a better view.

Johnson: Sorry to interrupt. Can you pull the microphone closer to you?

Appleby: Okay.

Cavener: If you could pull the microphone -- our microphones are all way sensitive, so you almost need to eat the mike just so if there is anybody watching online that they can hear you and -- and those in the audience.

Appleby: I did share a new slide yesterday. I did. Are you able to get this on the screen or is it not -- okay. While they are bringing that up, current condition number ten states that the ingress-egress easement depicted on Lot 1, Block 1, for the benefit of Lot 2, Block 1, shall be temporary until such time as an alternate access is available for Lot 2 with development of the adjacent property. At such time the access easement shall terminate and the driveway on Lot 2 via Lot 1 shall be removed. And once we get that slide it will be a little -- little more clear what we are discussing here. But, again, this temporary access we were hoping to at least be given the option to make that a permanent access. So where my cursor is on the screen is the -- the garage of the existing home and the driveway currently goes towards this new intersection, so we are proposing to realign it right here. I think the biggest challenge engineering wise is just the slope between the adjacent property and Mr. Mills' driveway. It's about a six and a half foot drop.

Cavener: Okay. Our clerk is trying to get that pulled up.

Taylor: Mr. President?

Cavener: Yes, Council Member Taylor.

Taylor: Mind if I just ask a question that I'm going to ask at some point really quick of the applicant. The -- the grade, it's a six foot drop over what length? What's the distance we are talking about? And, then, how much per foot would you be ascending or descending approximately?

Appleby: I don't have the -- the length listed here, but I calculated it at an eight percent grade.

Taylor: An eight percent grade?

Appleby: Eight percent.

Cavener: Okay. Are we able to pull up the exhibit?

Appleby: Okay. Here it is.

Cavener: Okay. Great.

Appleby: See the aerial photo of Mr. Mills' residence. This is the primary driveway currently. We are proposing to realign it here and the conditions allow for this as a temporary access via a cross-access easement. This is the private driveway that would be -- one of the private driveways serving the church. This section of the driveway is actually going to be constructed at a public street width, a full width.

Cavener: Sure.

Appleby: So, it will look and act like a public road up until at this point here. This -- this grade section here is approximately the -- the alternate location that is discussed in this Condition 10. Again it's about an eight percent grade, six and a half foot drop. The less -- much less direct route to the existing garage, which is right here, and Mr. Mills prefers this location. I agree that it's -- it's a more direct route to his driveway and garage. Seems like it's a fitting solution for a permanent driveway to serve his property. You want to state your name and --

Mills: Yeah. My name is Kent Mills. The address is 799 West Amity Road. There will -- it will take some doing just to put in the temporary driveway. We will need to pour concrete and to do that -- and, then, to come and do it all over again and put it in at an access point that's -- that's not even -- I mean it's not a decent access point. That's just a round turn around that -- that goes -- there is a -- there is a covered area there and I don't want to have to build driveways twice to -- anyway. It just makes a lot more sense, rather than having it be temporary, to have it be permanent.

Cavener: Okay. Does that conclude your presentation? If so, I would like to give Council an opportunity if they have questions.

Appleby: Again, we are agreeable to all the conditions, except for this one. We would like that -- that red hatched area, which is the cross-access easement to be considered a permanent -- or at least Mr. Mills to be given the option to make that a permanent easement versus being forced into relocating his driveway in the future.

Cavener: Thank you. Council, questions?

Overton: Mr. President?

Cavener: Council Member Overton.

Overton: I realize just a short time ago we had a room full of ACHD. Do we happen to have ACHD on the line? Because when I look at this the first thing I try to figure out what ACHD is thinking about is that quite possibly they are trying to align the future roadway with the eventual redevelopment of this lot, that if it redevelops into smaller home sites they are going to want it to attach into a similar development instead of out onto that roadway, but I would sure love to hear what ACHD has to say. If they are online.

Cavener: Council Member Overton, I do see somebody listed on Zoom representing ACHD. If they are able to comment perhaps they could raise their hand and our clerk will bring them into the conversation for a question from Council Member Overton.

Johnson: Council President Cavener, they have the ability to unmute at this time.

Cavener: Okay. Meg, I don't know if you can hear us, but if you have some thoughts or feedback to Council Member Overton's question we need you to unmute your microphone and we would love to hear from you. Recognizing that Meg has not unmuted I think perhaps Council Member Overton we may come back to this, but at least open the door for other Council Members if they have other questions and -- oh, it looks like Meg has unmuted. Meg, can you hear us? And now you are muted again. I -- I --

Johnson: Councilman Cavener, that was me.

Cavener: That was you. Okay. Well, then, Council, if there are other questions we will try and circle back with ACHD here in a minute if they have an opportunity to respond.

Taylor: Mr. President?

Cavener: Council Member Taylor.

Cavener: So, if I missed this information I apologize, but the -- the church -- or what was their feedback on this change? Did they have any concerns with your suggested change or were they amenable to that?

Appleby: They are amendable to that. The pastor is here to speak -- yes, the pastor is here and he -- they agree that this -- this driveway access as it's temporary -- considered temporary now, but they are open to it being a permanent access.

Taylor: Mr. President, quick follow up.

Cavener: Council Member Taylor.

Taylor: This maybe is a question for staff. So, you have indicated to the applicant that that portion of it is treated as a public street or that this designed it. But is it a private road or is it a public road in any way? And I don't know if you can answer it or if Sonya can.

Appleby: Private driveway. But the first -- the first -- I don't know -- maybe -- I'm just guessing -- about 200 feet of it is built to a public street width and standards and, then, it -- and, then, it narrows down to more of a driveway -- typical driveway.

Mills: But just for clarification, it's -- the moment that you turn off of Oak Way it is a private drive regardless of the specifics that it's built to.

Appleby: Private driveway. It's not considered a private street.

Taylor: Thank you.

Appleby: It's on the church property.

Strader: Council President Cavener?

Cavener: Council Member Strader.

Strader: Thank you. Just a question. If you could go back to the other slide that had like the layout with the future phases. Thank you. So, I think the -- the one question I had was just -- if that street connection does not occur as it had been planned previously; right? So, if you take access off of the private drive instead, is this going to become like a hammerhead turnaround over here next to these -- I'm just looking at like Lot 1, Lot 2, Lot 3. I think this is like your last phase of homes, but what -- what would be there instead?

Appleby: So, Trilogy Development and their engineer -- excuse me -- showed this stub road here just because of this condition.

Strader: Right.

Appleby: They would probably terminate it short of Mr. Mills' lot if this was -- if this access became permanent. They were just trying to accommodate the conditions as they currently are written. Is this where you are --

Strader: Yeah. Yeah. Thank you. Right. Exactly. Yeah. I was just curious if that would become like a hammerhead turnaround for vehicles, if -- if they would still extend that or --

Appleby: I would imagine they would terminate it at the end of Lot 2.

Strader: Okay.

Appleby: It would be more of a hammerhead turnaround.

Strader: Got it. Okay. That -- that makes sense to me.

Appleby: I did want to point out that all the surrounding land and the roads you will see is planned by Trilogy. They have access to -- to Amity Road here further to the east. Would come, you know, into the subdivision here with a connection here to this collector street and there is a future roundabout proposed here. So, connectivity wise when this is built out the residents here will have options to -- to exit their neighborhood via the collector road. They could head east and out to Amity this way and, then, this arrow here shows a future driveway access from the church to that -- that same road. So, we have a third access.

Cavener: Council, any additional questions?

Little Roberts: Mr. President?

Cavener: Council Member Little Roberts.

Little Roberts: I have a question that I think maybe better directed at Bill or either -- either one of you. As -- did I hear that it would be a permanent easement on a private road. Do we have the authority to do that?

Nary: Mr. Mayor -- Mr. President, Members of the Council, Council Member Little Roberts, yeah, we can -- we certainly can direct that as part of the final plat. That's fine.

Little Roberts: Okay. Thank you.

Cavener: Council, any additional questions? All right. Sonya. Please.

Allen: Thank you, Councilman Cavener. Just a -- just a couple of thoughts here. I would caution against approving a permanent easement to this lot for future redevelopment of this lot. If at some 40 years down the road this resident no longer lives there and the -- and the home is demolished for some reason and this lot redevelops, we would not want access to be permanent from that driveway. With a future plat -- I mean if you guys wanted to approve an easement, you know, for a certain time period until say redevelopment of that lot, then, we could -- in the future when that Lot 3 that's shown on the preliminary plat develops we could require a common driveway to that property or -- or some other access to the property.

Cavener: Yeah. So -- so, Sonya, I think -- you are tracking at least where I'm at and I guess that's my question is trying to understand what the need is for -- for a permanent as opposed to temporary?

Mills: I'm not sure -- I'm not sure even why it's being called -- called an easement, because it's all on my property. It wouldn't be an easement.

Appleby: It's the access through their lot.

Mills: Well, this is the easement, not -- not the driveway.

Appleby: Correct.

Mills: I see.

Appleby: So, my response is that just the way the condition is written that until such time as an alternate access is available -- at that time this easement shall terminate and the driveway on Lot 2 via Lot 1 shall be removed.

Cavener: So, if I --

Appleby: No flexibility on the wording.

Cavener: And I appreciate it. So, I think -- I'm not the smartest guy up here, so we got to kind of dumb it down for my level. What you are essentially requesting is -- is a temporary easement until you redevelop your property -- until you sell your property or move away; is that correct?

Mills: Right now all that's left -- right now all that's left is the house on an acre and a half and that's what was inside the sprinkler system, so nothing's changing. I mean we just sold off the -- the property around the house.

Appleby: You have no plans to redevelop the --

Mills: Yeah. We are not planning to redevelop it -- or to develop it at all.

Cavener: Council, any additional questions? All right. If you just want to grab a seat. Mr. Johnson, do we have anybody signed up to testify in this application?

Johnson: Mr. Council President, it's not a public hearing.

Cavener: Oh. It's not public hearing. Thank you, Mr. Clerk, for holding me accountable. Council, questions? Deliberation? Any additional questions for our staff? Sonya, I do. I guess I have a question. This -- we have got a condition that staff has brought forth. I assume that was presented to the applicant. Did the applicant voice concern prior to this evening. This ball's bouncing a little all over the place for me tonight and maybe it's because we had a lengthy joint meeting. I'm just trying to -- to follow what's necessary being maybe requested to us from the applicant that's different than maybe what the initial request was.

Allen: Yes. Councilman Cavener, Council, I wasn't aware of them not being in agreement with it, but I have been out of the office the last couple days, so I am playing catch up. That's why I didn't have the slide that he asked for so --

Cavener: I'm going to just check again then. Meg McCarthy with ACHD, are you able to hear us and, if so, could you raise your hand? Our City Council have a couple of questions for you. And, Mr. Johnson, I don't know if you hit mute or if somebody else did.

Johnson: I hit the button to unmute.

Cavener: Okay. And, Council Member Overton, I'm trying to coordinate with a couple of folks from ACHD to see if they could reach out to Meg and it does not appear that it's -- the messages are landing quite yet.

Allen: Maybe she could call in on her phone.

Cavener: Yeah.

Allen: Never mind.

Cavener: Well, Council, a motion is always in order there. To me there is -- there is a couple of questions that still remain about this and -- and I do think it is imperative that we do hear from the highway district. I appreciate the desire to -- to maybe take an action tonight. I -- I do not like continuances when they can be avoided, particularly for something like this, but in light of maybe a lack of information perhaps a continuance may be in order. They don't know if anyone has a strong opinion one way or another. Certainly this new information that's coming before us this evening, different from what we have seen in the staff report, does make it a little bit more challenging.

Taylor: Mr. President?

Cavener: Council Member Taylor.

Taylor: Just maybe to share some comments on -- on this. I agree with you, I'm a little bit confused as to the right way to proceed given the kind of application this is. Would -- would think hearing from ACHD would be important. I would note, though, that an eight percent grade over what -- I can't tell the exact footage, but I can tell it's a very short -- I mean that's -- that's a pretty steep grade. So, imagine coming in, if you had a trailer to go up an eight percent grade what that would do just potentially. I'm just thinking through some different scenarios, though, if you had, you know, something like that. I think there is some things that we might want to think through a little bit as we consider what -- what we have here. Now, I know that the -- the applicant has no intention of selling or redeveloping, but we are also trying to make smart land use decisions for the next several decades about how -- how things look. So, I do think it's important to understand kind of the -- the -- the map and the plan from ACHD and kind of what we are allowed to do. Given this is not a public hearing, it seems to me it would be reasonable to gather more information I think that all the Council would benefit from and come back and discuss that. I know the applicant's here and we would like to kind of

make a decision, but I feel a little confused as to what the right thing to do is at this point.

Cavener: And, Council Member Taylor, I think to that point to not have maybe our -- our subject matter expert from a transportation perspective here to give us some -- some guidance, it does make it a little more challenging. Meg, I'm going to try to check in with you one more time to see if you can hear us and if you can hear this -- my voice and just raise your hand using the raise your hand feature with Zoom -- not seeing any response. Council, what's your -- what's your action, if any?

Little Roberts: Mr. President?

Cavener: Council Member Little Roberts.

Little Roberts: Mr. President, I would prefer to wait until we had information from ACHD. I think that's the most prudent move at this point, especially since it's not a public hearing.

Cavener: Okay. Just for the record --

Allen: Mr. President, excuse me.

Cavener: Because we -- sorry. Go ahead, Sonya.

Allen: If I may, is -- would you mind sharing with me the -- the question or concern you might have that you want to discuss with ACHD and possibly I could help?

Cavener: Well -- and I -- I think it may be various questions from the Council. For me it is the -- the nature of a permanent access off of a private drive that to me, when I -- when that property will redevelop at some point what I'm trying to avoid -- and I can't speak for the rest of the body -- is dropping traffic from that redeveloped parcel with a future residence is listed onto that private drive and, then, on to -- on to Oakbriar. So, where some of the changes came as a request of the highway district, I -- and -- and this is a change different from what they have brought forth, I do think it's appropriate for us to at least seek their feedback before we render a decision, so that the applicant, then, doesn't have to come forth back again if the highway district is not supportive, so --

Allen: Yeah. ACHD doesn't -- you know, they don't -- ACHD doesn't govern access on a -- on a private -- on a driveway or a private street, it's just -- just public streets and -- yeah. We had this worked out with the preliminary plat and, then, it -- and it seems ACHD changed their mind. So, that's why we are -- we are here tonight, but -- but, yeah, that's certainly your purview to wait and talk to them directly, but --

Taylor: Mr. President?

Cavener: Council Member Taylor.

Taylor: Just to note, too, we have recently had some discussion with our frustrations with private drives and access and what that means with causing problems unforeseen down the road. So, I do think it's appropriate to understand what's ACHD's -- why the change and kind of some of the dynamics.

Cavener: Okay. Council Member Little Roberts, did you make a motion? I -- I -- I didn't know if you were -- you were suggesting you would or if that was a formal motion. So, you will have to forgive me.

Little Roberts: Mr. President, I did not make a motion, but I would be happy to. Mr. President, I move that we continue this discussion at a future date when we -- when we know we have access to ACHD.

Cavener: Got a motion. Do I have a second?

Overton: Second.

Cavener: Motion and a second. Discussion. So, I would maybe just suggest -- sorry. I realize I called for discussion then piped in. I do think in fairness to the applicant, because this is a land use side that we would need to continue it likely to a date certain, so that we could -- a specific date, so that we could also flag for the highway district that we would want their -- their feedback. I -- I think even if we were to do it for next week I think that would be -- be appropriate. So, if that's what the maker of the motion was intending --

Little Roberts: That is my intent.

Cavener: And does the second agree?

Overton: Second agrees.

Cavener: All right. We got a motion and a second. Any future discussion? All right. Motion is to continue Item 19 to next Tuesday. All in favor say aye. Any opposed? Okay. The Council President is aye as well and we will continue this item to next Wednesday. And, Sonya, if you wouldn't mind reaching out to our friends at the highway district make sure they have had a chance to review this and maybe be present if we have some questions for them next week. Thank you.

MOTION CARRIED: ALL AYES.

20. Public Hearing continued from January 7, 2025 for 330 N. Linder Rd. (H-2024-0048) by Nicholas Rinker, located at 330 N. Linder Rd.

- A. Request: Annexation of 1.0 acre of land with an I-L (Light Industrial) zoning district to operate a Vehicle Sale or Rental and Service Facility.

Cavener: Next up on our agenda is Item 20, Application H-2024-0048. We will begin this public hearing with staff comments.

Napoli: Good evening, Council. So, this is a continuance from about the 7th -- January 7th regarding the 330 North Linder Road property. I did provide an overlay for you guys where I put the site plan from the property to the south, the middle one right here with the highlighted yellow is the subject property. So, he will be sharing this cross-access from the property to the south coming up through this shared drive. It will be a cross-access easement here. And I did talk with the applicant. We did have some discussions about several options -- about cross-access, because that was really why we continued the hearing, whether it was going to be an easement or a stub and having some discussions with him -- he is actually present here tonight and he does want to have a further discussion with you guys, so he does have a presentation on some options. However, he did provide an example of a stub on the front side of his property to the north for the redevelopment when the property to the north redevelops. Something I did want to just show an overview of this area. So, his subject property is 330, 370 is the county property to the north of him, and, then, to the north of that is an existing daycare in an L-O zone. They actually do have a stub to the property to the north of him, which is right here, right in line with the house as well, which is where keeping the existing house does become a little bit difficult with redevelopment of properties, because ideally lining them up would be a perfect world, but, then, it doesn't always happen like that. So, as far as with this, they will most likely have -- or they will have a shared access between these -- his property and the northern property, but they will most likely use the access from the daycare site to get into this site in the future, similarly to like, you know, what this property owner is doing with his property to the south. So, reducing, essentially, four curb cuts into two. And, then, at this point I will stand for any questions.

Cavener: Thanks, Nick. Council, any questions? Seeing none, would the applicant like to come forward.

Taylor: Mr. President?

Cavener: Council Member Taylor.

Taylor: Just -- just of note, I will be recusing myself from a vote on this application.

Cavener: Thank you, Council Member Taylor. That was consistent with the previous item when we heard this. Council Member Overton?

Overton: Just for the record I wasn't here on January 7th, but I have had a chance to review all the testimony from the 7th and I will be able to take action here tonight.

Cavener: Great. Thank you, Council Member Overton. Good evening. Welcome to City Council. If you could, please, give your name and address and the time is yours, sir.

Rinker: Yeah. Good evening, Council. My name is Nick Rinker. My -- this one?

Cavener: Yeah. Just -- if you could eat the mic. It's -- so, in case someone is watching remotely they can hear you.

Rinker: My home address is 385 West Creek View Drive in Meridian. Yes. So, I -- oops. Sorry. I just wanted the opportunity to kind of show you guys what I see here. I -- I'm totally, you know, open to working with you, you know, however we have to. I'm not a professional at this, I'm just a property owner trying to, you know, open a business and kind of do something good for my family. So, looking at these four properties -- it's kind of cut -- it's kind of cut off on my screen, so I'm just -- I made -- and -- and, again, forgive my crude drawings, I was just trying to be able to visualize this in a bunch of different options -- all the options without spending a whole bunch of money on -- on drawings. So, this kind of shows the two accesses that go to the four properties in question here and they are both lined up with drives that are across Linder how ACHD wants them to be. This is just kind of a rough idea that -- this Nick sent me of kind of three places that would be possible to stub out and so, you know, being really familiar with the property and -- and what my plan is on the property or what my -- my hope is on the property, I'm just trying really hard to make sense of either one of these and so I kind of drew again awful drawings, but I drew a couple of -- like the one at the back -- way back there, obviously, is a little odd looking on a map. Also not ideal with these houses here. This is I think the one that kind of could potentially make some sense, but at the same time where we have this access at 440 where it's shared and already stubbed out dumping right into this house, you know, this -- I don't see a way that this is going to connect until this house at 370 is gone and, again, they do have an agreement -- a cross-access agreement between 444 and 370. You know, those two that are approved -- this one up here does exist. This one down here is approved and in progress. Those two do line up perfectly. So, at some point in the future when, you know, this house is gone, my property redeveloped someday, you know, this straight access, obviously, would be ideal in the long run. So, moving forward -- so, this is -- this is the property line right here, this cement wall between my property and 370. It's about 32 inches higher and it's, as you can see, just a drop off in one spot. So, again, not ideal. This -- this is the most up-to-date picture of -- this is just for reference. This is 300 and, then, right here is the cross-access that is stubbed out already from 444 to 370 and as you -- you can see on this side of 370 that that is a lot more gradual than from my property to the other. So, I mean, like I said, I'm not a professional developer, I don't -- I just -- I just want to do what makes the most sense for everyone. But I mean the way I kind of see it right now is like no matter what I'm relinquishing with -- with my site plan I'm relinquishing my direct access to Linder, which ACHD -- they propose that I line up my drive directly onto my property with this drive. Can you see my mouse? And so, you know, in the spirit of trying to make this make sense for everyone, relinquishing any direct access to Linder and sharing with this cross-access over to the south of me in my

mind -- now I mean I'm happy to hear what -- what you all have to say, but in my mind we have four properties here. No matter how this ends up there are going to be two accesses to the four properties, so -- I don't know. Mine is also pretty low traffic. ACHD's report I think said 24 -- 24 entrances per day or however they measure that, so -- yeah. That's -- that's my presentation.

Cavener: Thank you, Mr. Rinker. Council, any questions? Maybe if -- I -- I -- I guess I have one maybe to start.

Rinker: Yeah.

Cavener: So, Mr. Rinker, appreciate you being here. Recognize you were caught up with some air traffic or road traffic last time, so happy to get the continuance to let you come here before us. The -- the main reason that I recall for the continuance was because it had been shared with us that you were opposed to a cross-access to the north. In -- in your presentation tonight it sounds like that you are amenable to a cross-access to the north, it's more about identifying the location and -- did I follow your presentation correctly?

Rinker: Not that part of it. I mean my -- kind of my thought process on it was that an easement would in the long run make more sense for -- you know, let me go back here. When, you know, this house is out of the picture -- this house is out of the picture, so like if you are saying that I propose to stub it out this way and keep the house, I mean that's -- that is an option, but the only thing that is effectively going to do right now is just get rid of my -- my display spaces that are right there, if that makes sense, for -- you know what I mean?

Cavener: Unfortunately, I -- I -- I guess I -- I don't and I -- I recognize you have got a specific use and -- and your -- your colleague that was here earlier in the month, you know, voiced some concern about some of your security and I guess, Mr. Rinker, here is -- here is the part where I'm -- I'm confused. I'm trying to work through it. Maybe you can help me. If I recall correctly, your customers will take access to your business via cross-access to the south; correct?

Rinker: Yes.

Cavener: Your -- your business will benefit because of a previous annexation with a cross-access agreement. So, I scratch my head when you say what benefits your business you are not willing to do for the -- your next neighbor along the way and being frank I struggle with that and so help me understand why your neighbor to the -- to the north should not be afforded the same benefit that you yourself are receiving from your neighbor to the south.

Rinker: Sure. Well, from my perspective they -- they have that from their neighbor to the north; right?

Cavener: Sure.

Rinker: Okay. So --

Cavener: And I'm not looking to -- to go back and forth, but, you know, our -- our goal as -- as a City Council is to look at what is beneficial to our community long term and we recognize as an entrepreneur you are looking at very granular at your business -- how your business functions and we appreciate -- we try to be very understanding of that, but we look at, you know, not how your business functions, but the use, the traffic and we look at it long term and we certainly see challenges when a -- 30 years from now somebody needs to get from one business to the next business on -- that -- that are adjacent to Linder Road, we don't want them accessing Linder Road, we want them to use these cross-access agreements --

Rinker: Okay.

Cavener: -- and so what -- what -- to put it in kind of a way that I would understand, you -- you almost are bottlenecking cross-access along Linder Road, because you are saying, hey, they have got it over here, they have got it over here, so I don't need to comply and from a -- just as one city council's perspective, I don't think that's in line with trying to connect businesses together along with -- I think will be especially with -- with an -- with an overpass being built near you, a very very busy intersection, a very very busy road.

Rinker: Yeah.

Cavener: So, I -- I want to be up front. I was -- I tried to be real candid with your colleague. I'm not supportive of waving the cross-access from my perspective, because I -- I just -- I can't see the nexus and where it makes sense. That's what's great about the City Council is that there is six of us this evening and we make a decision as a body, but I just -- I am at a spot that I don't think that I can be supportive of waiving your request for a cross-access this evening.

Rinker: Okay.

Strader: Council President Cavener.

Cavener: Council Member Taylor -- council --

Strader: We are twins. Thank you, sir. So, just to be candid and in the spirit of like moving this forward, so I'm in a very similar place. I feel strongly that cross-access is needed. I am flexible as the location of the cross-access. Out of the locations that you identified which one is best for you?

Rinker: So, lining it up with the house to where they are all in line -- and I'm -- I'm not -- so, just -- just to be clear, I wasn't -- like my goal is not to have cross-access waived

altogether. Maybe my terminology is -- is just wrong. My point is stubbing it now versus an easement -- like with my house there -- while my house is there or the house is on that property, so if I -- I can stub it, I can pave on both sides of the house; right? But for the time being until that house and the house to the north are demolished and that cross -- cross-access actually connects -- and the way I see it is it's just kind of some pavement that's going to be there anyways, but that I can't use for vehicle display. Maybe I'm not understanding this properly.

Cavener: And I think you are. We recognize -- and I -- I appreciate this is a good thing for Council, you are not a -- a developer not doing these projects all over the -- the country. You are an entrepreneur trying to do something for your business and so -- but, certainly, why we foster and encourage good collaboration with our staff around this and I guess maybe to that point I would like to at least get some feedback from staff, because I'm -- I'm not quite sure if -- if a cross-access in front of the house would be approved by ACHD and -- and I hear where you come from, you don't want to have to do this until your house and that house are demolished, but, candidly, the -- the thought of both of those being demolished at the same time for something larger, when you are already annexed in the city, is likely not going to happen, which is why the Council has to make some of these hard decisions about what is best long term, because if we are relying on two neighbors to redevelop at the same time after they have already been annexed into the city it's unlikely. So, I want to give staff at least an opportunity to weigh in about locations of cross-access or stub, just so the Council can be on the same page.

Rinker: Okay.

Cavener: Nick, any feedback for us?

Napoli: Yeah. President Cavener. So, yes, as far as with this -- and to maybe clarify a little bit. In my conversations with Nick, really, correct, he is not looking to waive the cross-access, it's really the easement versus stubbing it at this time and in talking with him if we are going to -- if you guys are going to move forward with the easement direction, which I didn't think was the direction, but if that was the case that you guys chose to do, in line with the house does make sense, so it is all in a line in the future. If it is going to be stubbed at this time it does not make sense to put it in line with the house, because, then, it's not actually usable at -- at this time. So, you know, in talking with my counterparts here at the city, as well as ACHD and especially my building department, because we don't want him to run into issues when it comes to building permit, he can actually put it in front of the building, there is enough space if he choose to do that and I did talk with my building department, it's not going to affect anything on his end. There is enough room, because he is doing water conserving design in his landscaping. So, his landscape buffer is actually going to be reduced 50 percent to 12 and a half feet, which will actually give adequate room for a 20 foot drive aisle where everything will still be accessible. Is that a perfect scenario? No. And that's really where, you know, in my conversation with Nick -- I talked about three different options, the front of the building or in front of the building, in between the -- the future shop and the building, which is not ideal either, so he is not walking out his back door into a drive

aisle or in the rear of the property where it's still not, you know, maybe the best place, but that may be an area where you guys feel more comfortable with it and that's really why I kind of broke down three different options for him and this is the site plan that he liked the most, the option of close to Linder in front of the building is the one that he liked the most and ultimately that's why we came forward with that tonight. I think staff is willing to work with him either way. I did the due diligence to make sure that any of the three could be -- could work functionally. But it really is your guys' purview on which three you guys would prefer to see if you do want a stub.

Overton: Mr. President?

Cavener: Council Member Overton.

Overton: Just a quick follow up. Just a complete clarification on how this works. So, if we stub to the north at the front of his property and he stubs that all the way, but there is, what, a 32 inch difference between the two properties, I believe the applicant's understanding is he doesn't believe he can, then, use that area of stub street for presentation of his vehicles, but I would think as there is a 32 inch difference between the two properties, up until the time that the other side is being utilized he could still functionally use that property -- he can't gate the stub on either side, but you could still use it to position and show off your vehicles on a lot and -- is that a correct assumption?

Napoli: Yeah. Council President Cavener, Council Member Overton, that is correct. As far as with this -- because the property of the north wouldn't actually be utilizing it, it's not actually a drive aisle that would be functional at that point, that -- on the north portion of the site. It could be used as -- in the interim, not necessarily is that -- I guess that could be worked into the condition if that's something that you guys did choose to do. That is something that could be worked in the condition, but, correct, since it's not actually a functional cross-access at this point it could be something that we condition would subside once the northern property redevelops. That's correct.

Overton: Thank you.

Strader: Council President?

Cavener: Council Vice-President Strader.

Strader: Thank you. I just wanted to clarify -- it sounds like you are comfortable with the cross-access easements if it's in the front of your property, but I just wanted to clarify if we are requiring you to build a stub street to the edge of your property do you still want it in that location or is the back of your property better for you? Because long term if the property to the north redevelops, then, you would not be able to at that time show your vehicles in this spot, whereas if it was the spot in the back of your property, then, it wouldn't affect you as much. So, I -- I just kind of wanted to clarify that. I was in the camp of having you actually build the stub street and the reason that I feel that way is this is kind of our only bite at the apple. It's very difficult to get a property owner in

existing conditions when things change around them to, then, construct something; right? And so if you build the stub street on your property, then, all of the economics of building the remaining stub street to the north at the time that redevelops falls to that property owner. That -- that's where I was coming from. So, I just wanted to clarify do you still feel like the spot in the front of yours is where you would like to build a stub street if we require you to do that?

Rinker: I guess -- I guess that's a tough one, because I don't -- can I -- can we go back to my PowerPoint? So, I guess the -- the part to me, like looking in the long term, the part for me that seems really challenging with that is like just -- because, you know, I have -- I have walked the property and I have driven on the property and so to try to like make the turn with a truck and trailer, fire truck, whatever, to get like here, here, here, it's just -- it's not -- you know, like the corner of my building is right in the way. This property -- I mean I'm not -- I'm not against it, it just seems like a really like aggressive little switch back to make, but -- again, I'm not an engineer. Just being on the spot there it's just -- it feels to me like it would be really challenging to kind of maneuver that.

Cavener: Council, any additional questions? Okay. If you grab a seat. This is a public hearing. Mr. Johnson, do we have anybody signed up?

Johnson: Mr. Cavener, no.

Cavener: All right. With no public testimony, is there any closing remarks you would like to make?

Rinker: No. I mean I'm not. I definitely don't -- I don't want to get a denial. I want to do something that -- that makes sense. You know, again, just -- just looking at it, like how it would look on a map, to me those three options just look not great as far as functionality goes and, then, coupling that with the stub on 444, you know, where it dumps right into that house, so -- yeah. I mean I want to do what makes the most sense. Either one of these are going to connect -- either one of these, whether it's here in line with the house, here, here, it's going to end up going and connecting -- not in line with any of this, so --

Cavener: Great.

Rinker: Thank you for your time.

Whitlock: Mr. President?

Cavener: Mr. Whitlock.

Whitlock: Can I just ask one question?

Cavener: Mr. Whitlock, you can ask as many questions as you would like this evening.

Whitlock: Does the 32 inch height extend the whole length of the northern part of your property?

Rinker: Because I -- I haven't walked up there, no, not the whole length. There is a sidewalk there. So, it's -- it's definitely really aggressive, like from here all the way through here where that retaining wall starts and, then, it, you know, dumps down to where the sidewalk is in line, but, you know, all the way from here back past behind the fence and, then, it kind of gradually -- once you get to the very back of the property they are a lot closer to being level with each other.

Whitlock: And so I guess my question is if we require cross-access you are going to have to do more than just have an eight foot wide gated access at some point, you build out and you have to build up in order to have that -- that access would be my -- my understanding.

Rinker: I mean the way that I would have thought of that is that -- so, 370 is higher than the property to its north and to its south, so I would think long term what would make sense is for 370 to become lower to match the two properties adjacent to it versus me come up to match the outlier. Does that make sense?

Whitlock: It does. Mr. President, follow up?

Cavener: Council Member Whitlock.

Whitlock: It just -- from the -- the pictures it seems that -- to the north that cement wall and, then, part of their drive seems to be paved or cemented. So, what you are saying is tear all of that out to lower their elevation to match 330 and -- whatever the address was.

Rinker: I guess it really depends on where the cross-access ends up being and what happens with that property when they annex and zone. I don't know. I mean would their driveway, the way it is, work as -- like could it be like that and that be the cross-access? This is what -- this is what it looks like from standing at 444 looking to the south at that property in question. Obviously you can't tell as aggressive, but that is a slope up and, then, it, you know, ultimately ends at that retaining wall, so --

Whitlock: Okay. Thank you.

Cavener: Council -- or -- or -- or good clerk Mr. Johnson, remind me -- I didn't check to see if there was anybody online who chose testimony or anybody in the room that wished to testify that did not sign up? Okay. Okay. Please. We will do -- we will give you one more shot, sir, Mr. Rinker, to -- to provide final comments after -- Mr. Rinker, after you have heard from the public testimony.

Rinker: Thanks.

Cavener: Good evening. Welcome. Please state your name and address for the record and the time is yours, sir.

Wilke: Good evening, commissioners and staff. Matt Wilke, P.O. Box 7, Middleton, Idaho. As I spoke before I represented Nick with his purchase on this property. I'm a real estate broker and do land development projects as well for planning. I just want to state -- we have a -- a pretty big project for a client out in Canyon county where we are actually working with Canyon Highway District 4. They have in their highway district manual requirements to where if you develop a property on a quarter section line you are supposed to provide for a collector road access across the property. Where we were developing property out there we were able to get a variance to just place an easement on the site and not build it at this time until future area development came in the future and that worked out really well, not only for my client, but also for Canyon Highway 4, because they didn't have to build the road to nowhere that they had to maintain and, then, things changed so much with development projects moving in towards the future where as we can see on this site currently there is not a lot of need for cross-access and it actually doesn't work out too well. I think -- my thoughts are, just like the applicant -- the applicant has stated that this one seems to be the most logical future access. Now, the 370 does have access currently reserved. They do have it stubbed right here. So, if they were to develop and ACHD is going to require them to cut this -- you know, close this curb cut most likely they will have good access here, just like Nick has to the south here. So, the applicant has access through this neighbor to the south. My thought was wouldn't it be advantageous to the city's future growth plan to just keep this as a reserved easement in this area and, then, if this building were to develop to a higher and better use someday and need to be removed that that overfill that was done just around this home site could be leveled out and it would match the north and the southern properties. That's kind of my thoughts and -- and ACHD did state that there were only 24 trips per day planned for the applicant's property here. I'm not sure what this property would plan in the future. It almost kind of looks like they are doing some type of lot storage use as well. So, I wouldn't anticipate it being too much different being a similar size property almost identical size if they were to keep this home. Now, if they did remove that in the future, like I said, they do have a great access here. That's where ACHD is going to want it and they are also going to want the access to the south. So, as the applicant stated, we have two curb -- we have two approved accesses on to Linder here for the principal arterial and the way these two buildings are -- the two home sites are currently it's not very conducive to a cross-access. If you went in front of the building it's really getting close to Linder. So, I would be in favor of just keeping that easement there in place in the middle there for future growth.

Cavener: Great.

Wilke: Thank you.

Cavener: Thanks, Matt. Any questions? Seeing none, thank you, sir. Appreciate it.

Wilke: Thank you.

Cavener: Anyone else looking to provide public testimony this evening? All right. Mr. Rinker, the last word always belongs to our applicant. Anything else you would like to share with us?

Rinker: Yeah. Thank you. Thank you, Council. So, one thing that just kind of popped into my head while I was looking at this, I was under the impression that if I were to stub out somewhere that that would basically devote that space on my site plan to nothing but a stub. If that makes sense. As if it were a road. So, if I did -- you know, if I were to stub out right here, but I could still park there until, you know, that cross-access is connected, then, it really wouldn't hurt my plan. I will -- I will tell you -- I mean the one thing that -- that I have to have on my site plan -- or, you know, that the city has to agree with ITD on is the five display spaces, so five spaces that I can display cars. So, you know, if I were to stub that right here yet -- but still as long as these two houses are standing be able to display cars on that space, then, it -- that wouldn't -- that wouldn't really hurt me. So, I just thought that was worth mentioning.

Cavener: Council, any additional questions for the applicant?

Overton: Mr. President?

Cavener: Council Member Overton.

Overton: Nick, I believe that's exactly what I was trying to get to --

Rinker: Okay.

Overton: -- is that if you stub to the north up against a 32 inch concrete wall because they don't match up, you can't put a gate up there and you don't need to, because there is a 32 inch difference between the two elevations, but I do believe you will be able to use that property that is your stub for presentation of your vehicles for as long as that property remains until it becomes redeveloped with the one to the north, is that --

Rinker: That does. Yeah. Yeah. And knowing that that would definitely, you know, cause me to have this as -- as my preferred versus this is what I actually drew the site plan that I provided to Nick. If I were to stub it that was because I wasn't -- I didn't know that I could use that space in the meantime, if that makes sense, so --

Cavener: Council, any additional questions? Nick, I have got one for you.

Rinker: Yes.

Cavener: Sorry. Nick, our planning -- sorry about that. Nick, from -- from the planning staff's perspective where is the correct location to place this?

Napoli: President Cavener, is -- in regards to the correct placement -- and ideally, because -- unfortunately, because of the existing house putting it in line with the house provides some difficulties, because if the northern property is to redevelop it's not a usable cross-access at that point, because there is not actually a minimum 20 foot drive aisle is what we need. Without parking. So, that's the difficult -- that's why staff came forward with the potential for an easement in that location when we first came to you guys. It was for that kind of a compromise, after talking with the staff and with Bill and some other people in the planning department, it seems like we have done that in the past. However, if we want to stop now I would say the one along Linder or the one in the rear of the property are probably the two best locations for the applicant at this time if we are going to require a stub. It sounds like grade in the rear of the property might be a little bit less from what I understood. Could potentially be a little bit more advantageous in the future for that reason and it wouldn't affect the display area. So, as far as our -- my expert opinion in this case, if we are going to require a stub I think the rear of the proper would probably make more sense at this point.

Cavener: Thank you. Council, additional questions? Thank you, Mr. Rinker. Appreciate it.

Rinker: Thank you.

Strader: Council President Cavener?

Cavener: Council Vice-President Strader.

Strader: Having just started discussion, I -- I have been a proponent of having him build the stub street. I feel like that usually gets us to the best outcome. It's pretty clear we are going to need some connectivity. I also feel like you are benefiting from cross-access. You should provide cross-access. I do think that's kind of being good neighbors. It -- it does definitely put some pressure on that property to the north to figure out -- to figure that out; right? So, if at that time they would have to make this cross-access work as well with whatever their plans are, but I think that that's kind of how this goes. You are here first and you are setting kind of what will happen. I -- I would encourage you -- I -- I kind of agree that the one to the rear of the property might strategically be better for you, just because I'm concerned for you that if you do choose the one with your display area, if for some reason it did suddenly develop to the north, that could put you into a pickle, you know, a little bit easier. So, I actually think the one to the rear of the property makes sense for -- for all the reasons that our planning staff talked about. Yeah. This -- that to me makes the most sense. I'm happy to make a motion. I'm kind of like seeing some head nods. One not a head nod. So, I will wait. I will wait to hear what the twitch is about.

Overton: Mr. President?

Cavener: Council Member Overton.

Overton: Yeah. I just want to kind of jump in, because I wasn't here on the 7th, but I do agree with most of the comments that were presented, that the stub street should be a requirement, not an easement, just because we don't really have the authority of the easement down the road and 15 years down the road to make sure that happens. The question then becomes what's the best location. I would love to have the applicant pick that location, but I also believe after listening to staff and Council Woman Strader that the rear is probably going to have the least effect on your business plan and be the proper place to put that stub street for the future. Again, we could be talking about something that's ten to 15 years down the road before it's ever needed and there is a whole different council up here at that time, but we don't want that council looking back at us going what were you guys thinking? How come you didn't require a stub street. We are trying to make sure that some errors that were made in the past aren't made today and that's the reason why we want to do this. This is our shot to make sure that we get that cross-access done and done right. So, I would support going to the rear location, not affecting your display area and requiring that stub street to the north.

Cavener: Council, the public hearing is still open. Mr. Rinker, the public hearing is still open. You are welcome to provide a comment.

Rinker: So, I think just with my site plan in my head thinking about an active cross-access in the front versus behind my building, you know, right here, but I think this -- is this the location that we have in question right now or the one at the very very rear? You are talking about the rear?

Napoli: Nick, correct. It will be the one where the cursor is at. It will be behind the future maintenance shop, which there is potential some ways we could maybe move around your maintenance shop to where we can make it work a little bit better than where it's at.

Rinker: Yeah. So, I mean in the spirit of not having to like so much cut mine and the neighbor to the north's property in half, you know, another solution would be for me, if we did the front cross-access closest to Linder, you know, I could potentially move this fence right here -- either get rid of it altogether or move it back, but either way set back these three cars and, then, give myself enough space -- a car length in front of them to put five cars there. So, that's another kind of way that I think we could make the front cross-access work with my site plan.

Cavener: Council, any questions for the applicant?

Strader: Council President?

Cavener: Council Member Strader.

Strader: So, sir, I'm hearing a strong preference for the location of the cross-access to be as close to Linder as possible. Could you just explain a little more -- is it the fence look? It's because of your fence that you would like to do that? Where I'm coming from

-- like I -- I would be happy to make a motion around that, but my concern for you would be if that ends up ever becoming an active cross-access, then, you have an issue with where your vehicles are displayed. It could disrupt your business, as opposed to the location that the planning staff just indicated.

Rinker: So --

Strader: You are driving the process, so we --

Riker: So, the disruption of an active cross-access up here I think could be circumvented by moving these cars back 20 feet and, then, putting two cars in front of them. The disruption that would happen if I had a cross-access back here would just be, you know, we have, you know, some fairly high end rental cars that we have and manage and all of those things, so just -- kind of the security aspect of, you know, imagine a -- you know, a car rental lot or a car, you know, dealership with their inventory having kind of that like off of the main road access that is really secluded. That's my -- that's kind of where my mind goes is, you know, having people drive, you know, as it's -- as if it's a public road through my back lot that ideally would be somewhat secure, so --

Cavener: Thank you, Mr. Rinker. Any other questions? Okay. Thank you.

Strader: Council President?

Cavener: Council Member Strader.

Strader: So, I -- I think I would -- I would be curious for planning staff to comment on that, just because it doesn't feel like this is a good location for cross-access, but could you make that work if the -- I mean if the property to the north redevelops it's possible that the house would have to be torn down. No one can predict the future. We have no idea what is planned to go there. Who knows, it could be a completely different use. No one can say. So, what -- what is your advice to us about if we are requiring a stub street where it should be required?

Napoli: Council President Cavener, Council Woman Strader, great question. So -- and I had the same thoughts over the past several weeks and really several months of looking at this. So, I guess some pros and cons for you. For the part on Linder Road, the benefit for that is it doesn't affect the safety of his inventory, which I know is one of his largest concerns. As far as it going in the rear of the property, I would say the benefit is it keeps his display vehicles where they are. It -- I didn't actually know that there was a little bit less grade back there until tonight, because I haven't been able to walk the property, but, yes, there is a little bit less grade back there it sounds like. And, really, as far as with this some of my concern -- or I guess some of the cons for being in the front is pedestrian access is the main thing, something we hammer hard here at the city. It would be hard to have a pedestrian access on that. Be very difficult. I would probably have to tie in with the property to the south and I'm not sure exactly at this time how that would work, it's some -- we have some of the finer details we would find out a

little bit later on versus if it was in the rear it is something that, you know, correct, there would still be plenty of room for a pedestrian access to that front door. In talking with the building department the front door with the current building, if it was to go in front of the building, would not probably be the primary entrance to the business, it would probably be the rear door building on the backside here between the future shop. That's where the customers would ideally go, it wouldn't actually be in front where that -- where that drive aisle would be. You know, in doing some brainstorming in the past -- and I'm not here to design it, we are not the design -- we are not the design professionals, but there is the possibility of being able to move the future maintenance shop to where that drive aisle back there, you know, can be even a little bit closer to his building and all of that. It doesn't necessarily have to be all the way back next to the inventory and if he did choose to do so the inventory could be gated in the back. He could have gates closing off all his parking, so nothing is accessible. I don't know if that's something he would be willing to do. I do know that he does intend to have some security on the site, I just don't know to what extent. So, that's kind of my opinion. It's kind of weighing whether you guys wanted to be on the rear or the front. Like I said, knowing that there is a little bit less grade on the rear that does change some of the things that I was pointing out.

Strader: A quick follow up.

Cavener: Council Woman Strader.

Strader: So, if -- if we -- hypothetically if there was a motion to approve with the condition that the applicant create a stub street, would it be adequate to say to the rear work with staff to create -- locate a sub street behind the maintenance shop to the rear of the property? Is that how that should be worded then? And, then, would that give some flexibility so you all could discuss I think maybe with a finer point?

Napoli: Council President Cavener, Council Member Strader, correct. I think that that is an appropriate condition. This is from last hearing really the two provisions that we would need you guys to change is the three to five for the vehicle display area, so he can get his ITD dealership license. That's something that we -- he definitely needs. And, then, as far as provision C, it's a matter of the easement versus the -- the -- the stub and if you do want a stub I think saying behind the maintenance shop and -- in between the maintenance shop and the parking is adequate to where we can work with them with some flexibility.

Strader: Thank you. Council President?

Cavener: Council Member Strader.

Strader: I am willing to take a shot at it and we could just see where -- where we are at maybe? Yes. I move that we close the public hearing on this item.

Overton: Second.

Cavener: Motion to close the public hearing. I think I heard a second from Council Member Overton.

Overton: Yeah.

Cavener: Any discussion? All in favor? President is aye well. The public hearing is closed.

MOTION CARRIED: ALL AYES.

Strader: Council President?

Cavener: Council Member Strader.

Strader: After considering all staff, applicant and public testimony, I move to approve File No. H-2024-0048 as presented in the staff report for today's hearing date with some modifications. So, we would modify Provision B to update it to reflect that no more than five cars shall be displayed along North Linder Road at any time and, then, in addition we would require the construction of a stub street to the north to be located behind the maintenance shop to the rear of the property between the maintenance shop and the parking and direct the applicant to work with staff to determine that exact location.

Little Roberts: Second.

Cavener: Motion and a second. Any discussion? Seeing none, Mr. Clerk, please, call roll.

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

Simison: All ayes. Motion passes. Thank for being with us this evening working through this one. Very interesting for all of us. Appreciate you being here tonight.

MOTION CARRIED: FIVE AYES. ONE RECUSE.

21. Public Hearing for Pine 43 West (CR-2024-0003) by CSGQA, located at Southwest Corner of N. Webb Ave. and E. Fairview Ave.

- A. Request: Council Review of the Planning and Zoning Commission's decision for a reduced buffer width from 25ft. to 7ft. adjacent to parking and 10ft. adjacent to the rear of the future single-story building on Pad "A" with a reduced setback of 15ft.

Simison: Council, we are going to move on to -- I guess. Thank you. Have a nice evening. Item 21. It is a public hearing for Pine 43 West, application 2024-0003. Begin tonight's public hearing with staff comments.

Allen: Give me just one moment, please.

Cavener: No problem. I spoke too quick.

Allen: Alrighty. The next application before you is a request for City Council review. This site consists of 2.18 acres of land. It's zoned C-G and is located at the southwest corner of North Webb Avenue and East Fairview Avenue. In November of 2024 the Commission approved a conditional use permit for a drive-thru establishment in a C-G district within 300 feet of existing residential uses and residential zoning. The drive-thru is for a restaurant and was approved for a pickup service only. A menu board and/or speakers was not approved. The UDC requires a 25 foot wide landscape buffer to residential uses on C-G zoned property, sharing a contiguous lot line with a residential use. Because the abutting property to the west contains a multi-family residential use and the subject property consists of one parcel of land, a buffer is required along the entire western boundary of the site, rather than just adjacent -- adjacent to the drive-thru on the southern portion of the site. So, the -- the drive-thru is located right here on the west side of Pad B on the southern portion of the site and -- and, as I mentioned, the buffer we are talking about is right here along the entire west boundary. The buffer in this location does meet the minimum standard. So, the UDC does allow the width of the buffer to be modified by City Council at a public hearing with notice to surrounding property owners. A reduction in the buffer width does not affect building setbacks. All structures are required to be set back from the property line a minimum of the buffer width required in the district, which is 25 feet. Staff is in the process of proposing an amendment to the UDC which would allow buildings to encroach in the buffer area if consent from the abutting property owner is obtained and if Council grants a reduced buffer width. In the interim, the code change, the director has determined a building can encroach within the required buffer area if Council grants a reduction to the buffer width and a reduced setback and consent from the adjacent property owner is obtained for the reduced buffer and building setback. A letter of support for the reduced buffer width and associated building setback was submitted with this application from the owner of the abutting residential property to the west, provided that a privacy fence and increased plantings are completed along the west boundary of the site, which will provide visual and sound buffering to the residential units. No other public testimony has been received. The applicant is here tonight to present.

Cavener: Thank you, Sonya. Council, any questions? Seeing none, invite the applicant to come forward. Good evening. Thank you for joining us tonight. Please state your name address for the record and the time is yours, sir.

Marsh: Yes. Good evening. For the record Jim Marsh, CSGQA Architects, 200 Broad Street, SCGQA. Also in attendance are representatives from the land ownership side. So, thank you, Sonya, for your report and all of her assistance in going through this process. We do have a presentation here -- a little zoomed in I think. There we go. All right. This is a -- a rendering here to start off with of the Pad A building that is where we are actually requesting Council review for the limited as -- about a ten foot encroachment into the 25 foot required setback between these two areas. Existing

townhouses that are to the west that are just recently constructed. I believe Kim went through a CU to be able to build a residential in the commercial districts right between these two commercial districts. The landowner and the adjacent town owners have a long standing of cooperation for these developments. When the townhomes were developed they had some challenges with storm water and the -- our -- our current landowner provided storm water retention and their common space so they could develop on their very tight kind of slender portion. Additionally, they provided connection to their irrigation system for their development and during construction they allowed the developer to use that area for staging and such and as Sonya has stated that we have obtained a consent and support letter from the adjacent owner of those apartments as well. So, kind of flip through these real quick aerial here. Currently just to the east is the existing Pine 43 retail. It's been a very successful multi-use, mixed-use development that is nearly a hundred percent leased out with LOI to kind of finishing out those last spaces, so now moving to the west to complete that development here with two buildings as Sonya said, Pad A on the north side of the building and a Pad B on the south side of the building. So, you can see that adjacent thin verticals there just to the -- I guess right here are the townhomes in question between these two commercial uses. Large site plan here just for -- here you can see the -- the landscaping and a five foot sidewalk for this Pad A building. So, we considered multiple different layouts for this. One of the first ones is -- if we kind of go up to the last one, you can see on this building -- most of the other Pine 43 buildings have the rear of the building facing Fairview or Cherry Lane and, you know, they have to be able to get some glass and some -- some signage on the back. Well, in this case when you rotate the building, the -- the alignment of Webb is such that it had to line up with the access across Fairview. So, it comes and it pinches that over quite a bit. So, additionally if we align the building with the back of the shops building facing Fairview, it would have exposed the front of the building and the parking to the adjacent residential. What we found is this orientation actually screens the parking lot and the front entries, most of the noise and such from the actual residences to the west. Yeah. The -- the constraints between the parking, the landscape setback off of Webb, and just the usable space for a depth of a usable shops building is why we are in here requesting that limited encroachment there. Real quick view of what the architecture of the building looks like. It's slight deviation from what's next door, but we think it has some common features and high quality materials. Elevations. We tried to keep this one actually slightly lower than that of the Pine 43 to the east of us. Wanted to try the -- the townhomes are three stories tall, so we were trying to keep this building as absolutely low as possible to reduce the impact. This happens to be the building to the south, which really isn't so much in question tonight. Again, elevations there to -- trying to keep them a little more low and sleek. Landscaping plan here. This is the overall. If anybody's familiar with Dennis Baker's landscape plans he has got an affinity for landscape and love for trees and does just a wonderful job with their landscaping and whether the city would require it he would probably go far beyond anyway. So, a robust landscape plan. As we look at kind of the north side there we have a ten foot landscape setback and a six foot high privacy fence along that whole western border of the property five Lindens trees -- full size Lindens trees are proposed along the backside to give some screening to the -- the building. As we kind of flipped through earlier we do

have a four sided architecture building where we try to keep high quality materials on the side that faces west as well. Very limited access on the back. Typically you would need an emergency access off the backside of those tenant spaces. Don't really see much loading as most of these have loading that comes through the front doors, but there is a sidewalk across the back of the building for a tenant access. The southern portion, as Sonya said, we already meet the setbacks required as needed next to the drive-thru that's proposed for the southern side. Landscape details. If anybody has any questions on those we can revisit those. The two trash enclosures that are on the site as well. Lighting is full cut off. Lighting -- we would make sure everything is fully shielded, so no light would spill over to the neighboring properties. We took a real quick -- just to kind of show we -- we stepped over in our model to look at what this looks like between -- what a 15 foot setback and a 25 foot setback is and that's kind of what you are looking at here. So, the top is what we are proposing with a 15 foot setback with those five trees. The bottom is the 25 foot. It doesn't make a huge difference necessarily from on this side. You can see the six foot fence on the privacy side and, then, we did have one more here kind of showing that more of the perspective view of the difference between what we are asking. Again, we have representatives from the land ownership here if they have any questions, but at this time I would stand for any questions that you guys may have.

Cavener: Great. Thank you, Mr. Marsh. Council, any questions?

Taylor: Mr. President?

Cavener: Council Member Taylor.

Taylor: Sir, thank you for the -- the presentation. I know you said it, I just might be missing the detail. The property to your west, those multi-family, what's the distance, then, again, between where their property line is and where the building is?

Marsh: To their buildings --

Taylor: Yeah.

Marsh: -- or to our buildings? From our property -- from the fence to our building would be 15 feet.

Taylor: And, then, from the fence to their building?

Marsh: I don't have that exact dimension here. We -- let me just see if I can --

Taylor: I'm not sure if it's necessarily relevant to the application, but --

Marsh: Yeah. You can see here that screened portion of the building. So, if this is 15 feet. It's probably another 25 feet or something on their side I would presume. Maybe a little bit more.

Cavener: Council, any additional questions?

Whitlock: Mr. President?

Cavener: Council Member Whitlock.

Whitlock: Jim, just a question. The -- the property to the west are those owner occupied or --

Marsh: They are rentals.

Whitlock: And Trade Winds?

Marsh: That's correct.

Whitlock: Okay. Thank you.

Cavener: Council, additional questions?

Strader: Council President?

Cavener: Council Member Strader.

Strader: What is the orientation of the townhomes? Because I see these little -- is the front entrance to the townhome actually going to be facing your property?

Marsh: Yeah. The -- the -- the rear has the parking and the front entry I guess where most of the -- the -- come in is actually on the west side, but I think the -- the windows and stuff are facing from those townhomes towards the east. Yeah. It's a little hard to see here.

Strader: Just a follow up. So, it kind of creates a little bit less of a functional front side to the townhomes. What I -- what I do appreciate here is the level of cooperation you have with the adjacent property owner. That's pretty unusual for us to see where there is this much alignment around what needs to occur. Do you know the status of the townhomes? Are they currently occupied? Have they just been constructed? Where are those at?

Marsh: They were -- I believe started occupancy earlier this year. So, I believe they do have some occupancy in them currently.

Strader: Uh-huh.

Marsh: Yeah. I mean whether the building is set back 15 or 25, the -- you know, the occupants from those townhomes are going to be looking basically towards that six foot privacy fence and some landscape tree screening either way. Then, it's just really -- the

-- the distance from that building to the -- and that effect -- which is kind of what we were trying to illustrate with those last couple of slides.

Strader: Uh-huh. Yeah. And just a quick question. Have you received -- I understand that the adjacent property owner that owns the townhomes is in agreement. Have you received any feedback from the tenants themselves?

Marsh: We personally have not.

Strader: Okay.

Marsh: We did go through, of course, a conditional use and have the notice signs up and have not received any at this time, no.

Strader: Okay.

Cavener: All right. Thank you, Mr. Marsh.

Marsh: Thank you.

Cavener: This is a public hearing. Mr. Johnson, do we have anybody who signed up to testify this evening?

Johnson: Mr. Council President, we did not.

Cavener: Okay. Nobody has signed up. Is there anybody in the room that would like to provide testimony? If you would raise your hand or join us up front? Excellent. If there is anybody watching online that would like to provide public testimony feel free to use your raise your hand feature and we will call on you here in a moment. Good evening, sir. Welcome to Meridian City Council. If you could just state your name and address for the record and the three minutes --

Pederson: Tom. 19 -- 1909 North Highwood, Boise.

Cavener: Thank you.

Pederson: So, we own one of those townhomes down the street a little bit and it's really crowded and there is not -- you know, to try to look out your balcony window or whatever and see another business sitting there or -- I just -- you know, I'm just not -- we are not for that. I think they should leave it at the 25 feet and, you know, it's just -- it's too tight in there. If you drive down and you look at those little townhomes, there is just hardly any room, you know. So, if -- that's really the only room they have. If they look out their front door, they look out their back door, is that -- is that room that they are talking about. So, to -- to cut that down, you know, and owning one there, I -- I -- I'm not for that, so -- that's really all I got to say. Does anybody have any questions or --

Cavener: Council, any questions?

Little Roberts: Mr. Mayor?

Cavener: Council Member Little Roberts.

Little Roberts: Mayor for the evening. President Cavener. Thank you for being here. So, in relation -- I don't know if you can still see the map. Where is your townhome? It's not one of those right there beside --

Cavener: There is a mouse that you can use to -- if you want to --

Pederson: I don't know -- I can't see it from here. They sent us a card and it's off of Wilson. Is where -- is where it is. So, they sent us a card here. I mean I'm not like -- I don't -- the one we own isn't right next to the building they are building, but it's in the 43 Pines.

Cavener: If you wouldn't mind just for the record, if you just want to also add your name and address for the record. Your -- your partner here that's with you. If -- if they are going to provide testimony we need you to speak into the microphone and need your name and address for the record.

J.Pederson: Okay. Joanne Pederson. I'm living in 1909 North Highwood in Boise. This is our townhome here. This one here. Can you see the mouse?

Cavener: We can see that.

J.Pederson: Okay. That's what I wanted to know. So, this -- this site is like a three, four story apartment and, then, in behind the apartment and, then, all this little -- there is little little room for that. So, it looks like -- we walked through --

Pederson: Yeah. We have walked down there.

J.Pederson: -- in front of that -- this building, that apartment here, there is a pretty tiny street there, so I don't know how they are going to change it from five to seven.

Pederson: Yeah.

J.Pederson: So, I -- we don't -- I didn't study to look at the map. We just received this and we said we want to come here to hear what is going on.

Pederson: Yeah. It just seemed --

J.Pederson: Yeah.

Pederson: -- to cut it down by two-thirds that just seemed -- I mean we -- you know, it's tight in there anyway and just to -- you know --

J.Pederson: Pine 43 it seems --

Pederson: Yeah.

J.Pederson: -- really tight right now, but -- anyway.

Cavener: Well, thank you. We appreciate -- that's the reason why those postcards are sent to make you aware and we appreciate you joining us this evening to provide your testimony.

J.Pederson: Thank you.

Cavener: Council, any additional questions? Okay. Thank you very much. Anyone who hasn't signed up that would like to testify please come up and join us. Good evening. Nice to have you here. If you could, please, provide your name and address for the record and the time is yours, sir.

Baker: Thank you, President Cavener -- or Council President Cavener and Council Members. I'm Matt Baker with DRB Investments, LLC. 1157 North Summerbrook Avenue, Meridian. Very much appreciate the opportunity to present this tonight. We have really enjoyed getting the first five buildings on the east side going. Almost one hundred full over there, now ready to move over to the east -- or to the west side and we worked really closely with -- with Steve Martinez and his dad Ted. I have a long history with the Martinez going back to all the years that Ted built in -- in -- in my dad's and Dennis's subdivisions. So, probably about a 40 year career amongst our family. So, we -- we were very -- when that was Butte Fence -- if you remember that was Butte Fence before and when they came and said they wanted to do that we were in support of that. So, we really worked closely together and I think towards the end Steve came back to -- to us and said it really is important to have that screening there. We need that, because if you stand on the property you are just completely exposed to Fairview and the -- and the -- and the traffic. So, this now -- the building, the landscaping provides more privacy for their units. I think that's why no one came out. Steve was in full support. They are looking forward to the landscaping that -- that we do, the type of trees, the caliper of trees. So, it's really a win for them to create that buffer and privacy for those units and we are going to make that look like a beautiful, beautiful park strip in there. I know where they live. They live across the street in -- in some units that my brother-in-law built. Brad Dildine, Hallmark Homes, built and it's really in addition to the neighborhood bringing in -- we have got some really great uses that are looking to come in there to finish out that frontage. So, I think it's a win-win for the neighborhood and especially for those people in there to get some privacy and some screening and we will make it absolutely beautiful. Any other questions for me?

Cavener: Any questions for Matt? Great. Thank you very much. Appreciate it. Anybody else who has not signed up that would like to provide testimony? Let me check real quick if there is anybody on Zoom. Not seeing anyone with their hand raised. Would the applicant like to provide any final comments? Mr. Marsh? Okay. Applicant's waving final comments. Council, any additional questions for you? The applicant? Staff? Deliberation? Motion's always in order.

Taylor: Mr. Cavener?

Cavener: Council Member Taylor.

Taylor: I can make a motion to close the public hearing.

Overton: Second.

Cavener: Motion to close the hearing and second. All in favor? The president is aye as well. Motion passes. Public hearing is closed.

MOTION CARRIED: ALL AYES.

Taylor: Mr. President?

Cavener: Council Member Taylor.

Taylor: I think this is a -- I like this project. I think if you -- when you look at it, if you don't realize just to the immediate west is another retail space and that space is kind of a harsh abrupt, you know, distinct line that they are actually looking at the backside of just a building. So, I actually really appreciate the fact that on the other side, which is the front, even though it looks like the back because of the way people come in, to put up the landscape, I think it's a really nice touch to this. That housing project there is really tucked in a really tight space and so there is not a lot that you can do. So, I really I think I appreciate the fact that there is an emphasis on creating a nice buffer there with landscaping, even though they are asking for a reduction in the -- in the buffer. There is not a lot you can do there. It is a really nice project. I have seen that kind of develop and I think seeing the rest of this develop will be very nice and I really appreciate the connectivity through to Pine through what is becoming a really nice development overall and this is kind of one of those -- those final pieces. So, at the appropriate time I will be prepared to make a motion for approval.

Cavener: Thank you, Councilman Taylor. And certainly I -- I remember when the -- the multi-family townhouse came in when it was -- you know, it's really in-fill and we -- I know Council really deliberated about does housing makes sense right there and -- and certainly we agreed and, Council Member Taylor, you are right, you -- you contrast what is the neighbors to the west, which was there first, versus what will be with the neighbors to the east and there is a much higher quality of life that comes for these multi-family residents with the project to the east and I feel really confident in the

applicant's ability to build this to a standard that is in line with the brand that we have seen before and it gives me great comfort that even at a loss of space that the neighbors and our community benefits net positive. So, I -- I certainly will be in support of this tonight as well.

Overton: Mr. President?

Cavener: Council Member Overton.

Overton: Yeah. It's like I'm going to be three in a row. I really liked how the Pine 43 projects come together. I think even though this -- if you just looked at how tight things were you might think it's too tight, but when you really look at what it's adding and all its features and all this landscaping as a buffer behind that, it's fantastic. I think it's going to be a great addition. It's well laid out, well planned. I will be in support.

Taylor: Mr. President?

Cavener: Council Member Taylor.

Taylor: I move -- after considering all staff, applicant, and public testimony I move to approve File No. CR-2024-0003, as requested by the applicant for the hearing date of January 21, 2025.

Little Roberts: Second.

Cavener: It's been moved and seconded. Any -- any questions, comments? Seeing none, Mr. Clerk, please call roll.

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

Simison: All ayes. The motion passes. Thank you, Council. Thank you all for being with us this evening.

MOTION CARRIED: ALL AYES.

22. Public Hearing for Lennon Pointe Subdivision (H-2024-0060) by Rodney Evans + Partners, LLC., located at SE Corner of N. Linder Rd. and W. Ustick Rd.

- A. Request: Preliminary Plat consisting of 41 single-family/townhome residential building lots, one (1) multi-family residential building lots, one (1) commercial building lot and Seven (7) common lots on 8.80 acres of land in the R-15 and C-C zoning districts with some private streets.

Simison: Let's move on to our last item of this evening, Item 22. This is a public hearing for Lennon Pointe Subdivision, application H-2024-0060. Turn this over to staff, which I understand we have got a noticing error on this one, so we need to continue it?

Allen: Yes. The app -- not a noticing error, but the app -- well, it's a form of it I guess. To the public, yes. The applicant did fail to post the correct hearing date on the sign and they are requesting -- excuse me -- continuance to the February 4th hearing.

Cavener: Okay. Council, here for that so --

Strader: Council President Cavener?

Cavener: Council Member Strader.

Strader: I move that we continue Item 22 to February 4th.

Taylor: Second.

Cavener: It's been moved and seconded. Any discussion? All in favor to continuing application 2024-0060 to February 24th say aye. February 4th. The president is aye as well and the motion passes.

MOTION CARRIED: ALL AYES.

FUTURE MEETING TOPICS

Cavener: Any future meeting topics? If not I would entertain a motion for adjournment.

Strader: I move that we adjourn the meeting.

Taylor: Second.

Cavener: Moved and seconded. All in favor say aye. I'm aye as well. And we are adjourned. Thank you, Council. Have a good evening.

MOTION CARRIED: ALL AYES.

MEETING ADJOURNED AT 8:01 P.M.
(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS)

MAYOR ROBERT SIMISON
ATTEST:

DATE APPROVED

CHRIS JOHNSON - CITY CLERK