

Simison: Councilman -- Mr. Nary.

Nary: Would part of that motion be to renote the project?

Borton: Yes, please.

Hoaglund: Second agrees.

Simison: Second agrees for that. Is there any further discussion? If not, all in favor signify by saying aye. Opposed nay. The ayes have it and the item is continued. Thank you.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Bernt: See you guys in a couple weeks.

**3. Public Hearing Continued from August 10, 2021 for Woodcrest Townhomes (H-2021-0015) by Blaine A. Womer Civil Engineering, Located at 1789 N. Hickory Way**

- A. Request: Amendment to the Comprehensive Plan Future Land Use Map to change the future land use designation on 2+/- acres of land from the Commercial to the Medium High-Density Residential designation.
- B. Request: Rezone of 2.10 acres of land from the L-O (Limited Office) to the R-15 (Medium High-Density Residential) zoning district

Simison: Next item up is a public hearing continued from August 10th, 2021, for Woodcrest Townhomes, H-2021-0015. I will open the continued public hearing with staff comments.

Allen: Thank you, Mr. Mayor, Members of the Council. This application was continued from the August 10th public hearing in order for the applicant to prepare a parking analysis for the overall area and that was submitted and is part of the record. The analysis that was submitted addresses the estimated parking demand for the proposed development and the existing parking supply and demand on adjacent commercial lots, which determined there is adequate parking for the overall area. The applicant will provide more information on this study in their presentation tonight.

Simison: Thank you, Sonya. Council, any questions for staff? And would the applicant like to come forward.

Womer: Good evening, Mr. Mayor, Members of the Council. Blaine Womer -- oops. Sorry. Blaine Womer representing the applicant on this project. Our offices are located at 4355 Emerald Street in Boise and, yes, last time we were here parking -- and the joint

parking between the two uses seemed to be the topic of hot discussion. So, what was suggested that we prepare a parking analysis of -- of the entire center, including the commercial uses, office, and the proposed townhome project. So, that's what you have before you tonight. I'm happy to go into whatever detail you would like to discuss, but -- but, basically, the study analyzed the parking requirements for the townhome project on its own and, then, it analyzed the parking uses by going out and actually doing field counts based on the -- the highest and -- well, the peak use for the parking lot and the commercial uses there and that was analyzed and it was found that there was more than sufficient parking available for the collective uses there, as well as in light of the fact that there is a reciprocal parking access agreement for those parcels. So, again, I think the study speaks for itself, but I would certainly be like happy to try to answer any questions the Council may have.

Simison: Council, questions?

Bernt: Mr. Mayor?

Simison: Mr. Borton.

Borton: Can the applicant or Mr. Nary comment on this cross-parking agreement? Do you literally have a recorded cross-parking agreement that encumbers the Louie's property, for example, with a right benefiting their parcel to use their parking?

Womer: Actually, yes, there is a cross-parking agreement for the entire commercial subdivision there and that includes this parcel as well. What we are doing, though, because our use would be a residential use, we are proposing to have the cross-parking -- our property removed from that -- from those CC&Rs and, actually, have written into our CC&Rs the parking in -- anywhere other than the townhome project for the townhome uses is not allowed. So, the -- I don't know if that answers your question, but, yes, we are a part of that. There is a -- an existing recorded cross-parking agreement for the commercial uses that includes this parcel.

Borton: It does. Thank you. I thought that was -- I seem to recall -- I thought that that was one of the concerns in the prior discussion, whether there was a -- a binding legal right that encumbers the property or is it just a cooperative friendly agreement.

Womer: No. It's written into the CC&Rs as a recorded document.

Borton: Okay.

Simison: Council, any additional questions for the applicant?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Blaine, I know one of the other rationale of the continuance was for you to engage with the neighbors, particularly about the elevations on some of those units that were going to butt up against the existing neighborhood. I see in the letter to staff you guys didn't make any changes. I'm just curious if you can give Council a flavor of what those conversations were like with the neighbors and what ultimately resulted in not making any changes?

Womer: Well, we are -- we are not not making any changes. What -- what we have chosen to do is the preliminary plat is going to come back to you with a site plan. It's going to show the details of the actual dimension setbacks, things that we can get into in a little more detail with the preliminary plat. We are open to moving things around and there is -- if the property owners -- any of them that are affected by this want to discuss that, we are more than happy to discuss it. We just -- we still have to get through this part before we bring a preliminary plat to you.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I just want to make sure to summarize so that I'm understanding, so you are going to be removed from the cooperative parking agreement with commercial properties. That's going to be your request.

Womer: That's correct.

Perreault: In your CC&Rs you are going to require all residents to park on property that is -- that they are permitted to park on within the development.

Womer: Correct.

Perreault: And, then, there are nine additional spaces that aren't dedicated -- dedicated to a unit.

Womer: Correct.

Perreault: And, then, the parking study analysis that was done says that you should only need 27 spaces for 19 units.

Womer: Correct.

Perreault: Which is less than what the city is requiring. Is that -- is that right?

Womer: Less than what the city is requiring?

Perreault: Yeah. I -- I can't remember. Sonya, did you put in here how many spaces the city was requiring in the summary? I don't see it.

Allen: I don't believe I did. Are you asking about the residential portion of -- the permit?

Perreault: Yeah. Is the city not going to give that number until the plat is proposed or -- I can't remember off the top of my head what the staff report said.

Allen: Well, the two units -- or two parking spaces are required for each unit. I believe those -- the applicant can confirm that, but I believe there is garage spaces, as well as parking pad spaces, and they are in excess of the code requirement.

Perreault: Okay.

Womer: Correct. The -- the actual driveways of each of the units, the two -- the double car garage will have two, obviously, and the single car garage one and those actually weren't even taken into account in the study. So, there will be extra parking beyond what even the study says.

Perreault: The garage spaces were not taken into account?

Womer: Right, because -- well, they counted the garage spaces and they counted the separate spaces that we have shown on our concept plan, but they did not include the actual driveways, which will have parking available.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: So, to follow up with that, you -- you have -- so, exactly what is your total, then, if you are including everything that --

Womer: Well, if you were to --

Perreault: Because --

Womer: We -- we have 40.

Perreault: Yeah.

Womer: Like the study said. But if you were to add the parking literally in front of the garages as additional parking there would be 31 more spaces. Now, I think that might be a bit aggressive, because a lot of people that have two car garages park one car in there while they put all their stuff on the other side. So, I don't know -- I wouldn't stand here and try to sell you on 31 spaces, but there would probably be a good 15 extra spaces that this study doesn't address. Probably conservatively so. That's why they did what they did.

Perreault: Okay. Thank you.

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

Womer: Thank you, Mr. Mayor, Members of the Council.

Simison: Mr. Clerk, did we have anyone sign up for the public hearing?

Johnson: Mr. Mayor, five people signed in. Two stated that they wished to testify. First Steve Calverley.

Simison: Please come forward and state your name and address for the record, be recognized for three minutes. Wait -- wait until you get to the microphone, please.

Calverley: Normally you can hear me anyway. 2561 Grapewood. Steve Calverley. I have got a question first. Why would you remove from the reciprocal parking agreement? That takes a lot of stress off our roads by them being in that reciprocal parking agreement. I have a lot less fear if they can park at Louie's instead of going on our connecting road. So, I don't -- I don't understand that. I don't know why that would be to the advantage of the community or to the vantage of -- of the -- certainly the homeowners. I guess when I purchased my unit -- I think the terminology is legal certainty and what I don't understand is that you live a -- live, work, play environment that we have in that neighborhood, we have got the dining at Louie's -- I don't understand. There is plenty of commercial opportunity there. You could put a medical office. You could put a bakery, daycare, et cetera. We have got plenty of new apartments. We have plenty of new townhomes. I don't know why it has to be there. And I think that that wasn't what was sold to those neighbors when we all bought our houses and so that's the one thing I just view as -- I don't understand what the need is and I certainly can't -- I have seen a lot of these type units coming in and I really don't see that there are sufficient parking and I understand the 40 parking spots, et cetera, but I haven't seen that work that way, because most of those people don't park in their garage, they park on the street and so, anyway, that's -- I think the thing is the live, work, play is the big deal for me, but one thing is I would require them to not remove from the reciprocal parking agreement. I think that's a big deal for our neighborhood. Thank you. Questions?

Simison: Council, questions?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Steve -- and I don't mean to put you on the spot, but since you live in the neighborhood just can maybe help. Are there any homes that take access into their driveway off in North Hickory? Does North Hickory just serve all your other neighborhood streets where the homes take their access?

Calverley: I believe that's true.

Cavener: Okay. Thank you.

Calverley: You bet.

Simison: And just for the record, the -- unless it's in the DA, whatever they do within their subdivision regarding cross-parking is not subject to the actions of the City Council on this issue. So, it's really out of our hands to a certain extent, just so you are aware.

Calverley: Okay. Thank you.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Just a question for -- maybe Mr. Nary can comment. The phrase that was just used reciprocal parking agreement, is that a -- it's not a document I see in the application anywhere. Is that a recorded document distinct from what's being referenced as a CC&R obligation?

Nary: Mr. Mayor, Members of the Council -- and maybe Sonya might have a different perspective, but that's all I understand that is. It is part of their CC&Rs for that commercial subdivision. When this property was annexed in 1992 the city did not require a DA at that time and so there is no agreement with the city to require cross-parking there. So, there may be cross-access there, but there -- and the cross-parking may be imposed on themselves, but it's not a city requirement.

Calverley: One other thing. He did mention the floor unit complex is directly behind my house. I would have a preference to move that over to the empty field, if they are capable of doing that. That would be definitely less invasive than having a four unit two story behind my house.

Simison: Thank you.

Calverley: Thank you.

Johnson: Mr. Mayor, next is David McDonald.

Simison: And if there is anybody online that would like to provide testimony, please, use the raise your hand feature at the bottom and we can bring you in for comments.

McDonald: Mayor, City Council, I seem like I keep coming to all these hearings, but Dave McDonald. 2579 East Grapewood. I'm neighbor to Mr. Calverley here. You know, there is a lot of concerns here that I don't have with -- obviously with the -- you know, the dental office type model that was slated earlier, but long story short, I did research the original hearing where it was discussed about the -- the requirements for cross-parking agreement and removing that sends more red bells up the flagpole, because we definitely

-- with 4,000 cars on that collector cannot afford any parking on Hickory. It's a disaster if that would happen. And the cross-parking agreement for the five lots in the subdivision was recorded as part of the -- the final plat hearing in February 4th, 2003, to be part of the plat. That was what the discussions were covering as a requirement in that meeting minute for that hearing. So, with cross-parking -- and the reason why it was put in there from the meeting minutes was there wasn't enough parking to be contained within the lot for Louie's restaurant. We needed to spill out into the other lots and we see that. We know that. Removing the cross-parking and saying that those are available as options also are seeming to be in -- in contrast to all of these unauthorized parking signs you will be towed on most -- well, all these lots. You can see them prominently on every entrance for the tanning salon, for the restaurant, for the mortgage place. I think the bank is the only one that does not have that. I have exposure to human factors and -- and usability type engineering when the -- when I deal with projects that I deal with. There is always the issue of what works on paper doesn't necessarily work in real life. Five lots closest to Louie's, for instance, aren't usable readily for the -- for the residents there because of accessibility. I'm assuming there is a vinyl fence that's probably going to be blocking off the gazebo side of this project. I posted a lot of questions on this and, you know, there is also the questions regarding consistency between the concept plan and the preliminary plat. If you approve based on the only thing we have right now is the concept plan and things change significantly, does that violate that consistency requirement? The other thing about this -- the unit is touting the smaller units as a one bedroom unit. I'm counting that there should be an office or a second bedroom on those units and the ones that are being counted as two bedroom units has room for a third bedroom or an office. If you max out bedroom utility -- because one of the things that I have been looking at is my example townhomes and if you look at these closely, these renderings match very closely what this project is. There is a potential of 36 bedrooms if I don't use any of them as offices for these larger units. There is a potential of 14 bedrooms for the smaller units if I don't use any of them as offices. If I take ten away because they might be used as offices or storage or whatever, I'm still more than is being counted as potential people with requirements for this unit. So, I just urge you to really say does it work in paper. Does it work in reality. I'm observing from the townhomes that I have been looking at, all of the parking spaces were used up and they were still parking on the streets adjacent to the units.

Simison: Council, any questions?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Mr. McDonald; right?

McDonald: Uh-huh.

Cavener: It's nice to have you back here. You know, I have appreciated your testimony a month ago and when you have been here a few times about different projects that are

here. I think you bring a certain pragmatism that sometimes we don't always get at City Council. So, I appreciate you being here. My question is -- is particularly about Hickory Way, because I think that to me is the biggest area of concern about cars parking there. We see all the time apartment complexes with ample parking, yet people still park on the streets, because it's closest to their front door and what -- at least what I'm seeing here with this particular project is that at least the layout that's before us is there has been some thought to try and prevent that. I'm just curious as somebody who has watched a lot of these different projects come in and -- and I'm sympathetic with the concern about Hickory, is there something that you would rather see done with the layout that would further prevent additional cars from parking along Hickory?

McDonald: Well, using the example townhome project that I have had, they had little islands of parking between a few of the units that allowed for eight -- eight vehicles to park in there. You see the little sliver of four units parking up towards the -- the grassy area by Hickory, you see the five unit parking area really more convenient to Louie's and that's typically always filled with Louie's parking right now. I pretty much considered those a gimme to the Louie's restaurant. I really don't consider those in the location -- unless they were moved closer to that private drive or at some sort of parking island more accessible to and from that private drive, it might ease the concern. Thank you.

Simison: Council, any additional questions? Okay. Is there -- so, there is only two that indicated they wished to testify. Is there anybody else that would like to provide testimony on this item? Okay. Seeing no one, would the applicant to come forward for final remarks.

Womer: Mr. Mayor, Members of the Council, Blaine Womer again for the applicant. I guess what I would say in elaboration with respect to the reciprocal parking agreement is the reason we are talking about taking it out is because we don't need it. The Institute of Transportation Engineers has done an awful -- I understand what's on paper may not always reflect what's going out on the field, but the way you mitigate that is you do the absolute best you can with respect to field data and that's exactly what happened here. The traffic engineer that we hired to do this went, met with the restaurant owner, who is by far the largest user of parking out in this development -- by far as you can see. They -- they found their -- their -- their peak times, their peak and, then, their second peak. They went out there and did the counts during those times and they came up with what they did, which if you read the report gives us a significant margin -- a factor of safety if you will and so we don't need the reciprocal access agreement, we need 27 spaces. What we are showing now on the plan is that plus 13 and as we discussed earlier, the additional driveway potential parking even adds to that. So, there is -- there is no reason we need to be still as a part of that agreement. That seems to be the biggest concern of Steve -- and I apologize I didn't get his last name, but Mr. McDonald as well. So, with that I would be happy to answer any questions the Council may have remaining.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.



Cavener: Blaine, I can't remember, one of the pieces of public testimony touched on a -- there was some concern about a fence being in place that would kind of impede potential residents from parking in that -- those parking stalls near Louie's and being able to access their home. I didn't see anything that spoke to that, but I very well could have missed that. Can you elaborate if there is anything articulated or planned to be a vinyl fence or any type that would prevent people that are parking in those -- the southern stalls from being able to access the pathway and the gazebo to get to their home?

Womer: No, I don't.

Cavener: Mr. Mayor, a follow up.

Simison: Councilman Cavener.

Cavener: Blaine, apologies if you touched on this a month ago, I missed -- missed this in the notes potentially. Why not add parking stalls there on that common space that's -- I don't know.

Womer: Are you talking about the southeasterly portion of the project?

Cavener: Yes.

Womer: No reason we can't. We had to throw out something and we thought that we came up with a number of spaces, both in that area and, then, a little further north by the -- closer to where our road intersects Hickory we have I think five spaces there as well and we just spread those out as best we thought we could for this -- for this plan. There is nothing keeping us from adding more. Again, that was part of the study is to see what we really need and I think we are sufficiently parked, but if there is -- if there is some compromise we need to do and we are open.

Cavener: Mr. Mayor, just for --

Simison: Councilman Cavener.

Cavener: I do think that you are sufficiently parked on paper. I think you touched on that, you know, people park in their driveways because their garages are full of stuff. So, I get you -- you counted garage space, but not drive space. I think that kind of evens out. For me it's always, again, about -- I touched on this earlier. You got complexes that are -- have the appropriate amount of parking, but it's not in the close proximity to where people live and so they are always going to find the path of least resistance and I think that southeast common lot creates some good opportunity for I think a big chunk of your units for people to park there, as opposed to other places, which, then, kind of exacerbates and pushes it back --

Womer: The closest distance between two points being that straight line. Right. Yeah.

Perreault: Mr. Mayor?

Simison: Councilman Perreault.

Perreault: Yeah. In my opinion you are going to -- going to have at least two vehicles per unit, one bedroom or two bedroom, just depending on, you know, even -- even if you have a couple that's living in a one bedroom they will probably each have a vehicle and so your 40 spaces are taken up there with your 19 units and, then, that really doesn't leave a whole lot of room for guests and -- and so -- and I don't know how much you pay attention to what we do up here with our various applications, but we are consistently having conversations about there not being enough parking, even when we -- even when applications are meeting what seems like a reasonable standard and so that's the root of where this is coming from is that it's a constant conversation we are having here and it's just that we have scenarios where, you know, it -- there are more people living together than there ever has been because of the cost of renting and the cost of housing and so we are preparing for the fact that there may be additional vehicles in multi-family types of properties than we have accounted for in the past.

Womer: And I know exactly what you are talking about and I certainly am sensitive to that. I have had quite a bit of experience with subdivisions where the builder came in with five bedrooms, six bedrooms, because a couple of them are going to be offices or play rooms or whatever and, then, it turns out that in times when rents get tight that people start -- more people start moving into the house and pretty soon a two car garage, even a three car garage with a -- with the driveway up front is not sufficient. So, I think that's where this project maybe breaks that mold a little bit, just because it doesn't have the opportunity for the multiple bedrooms. I totally agree that there is every chance in the world that the one unit or one bedroom unit could have people with two cars, but I think if that were to happen that, again, we have the -- the garage and the driveway and I think we still meet what we need to. I am, however, more than happy, as we go through the preliminary plat process, happy to discuss adding more parking at the southeast corner there to -- to mitigate some of that.

Simison: Council, any additional questions or comments? Okay. Thank you.

Womer: Thank you.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Just to kick off comment, I -- I'm still lost on this one issue and maybe Sonya can -- can clarify it, but I just don't see any of the stuff in the record. The staff report references -- with regards to parking the staff report references a proposed DA provision -- or a DA with the provision to address the parking, but there is not -- and in the proposed language I don't think under the CC&Rs are in reference to this development coming out of the CC&Rs and one of the parking provisions in it. So, we are sort of flying blind to be able

to articulate any condition that addresses parking specifically, because there is not any documents to look at. There is no reference to anything or suggested language. So, it's -- to me it seems super loose and hard to define.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Yeah. Just to kind of -- got a lot of loose ends here and want to make sure we -- we understand moving forward what possibly could happen. You know, we have got A and B here in front of us, amendment to the Comprehensive Plan future land use map, changing some of the property from commercial to medium high density and also rezoning 2.1 acres from limited office to R-15, medium density residential. So, it's -- it's going from a commercial office property to -- to residential would be what we are looking at and we had concerns about parking from the commercial areas and how that would impact if this does become residential, would there be spillover from that into the residential. So, they brought forward the parking plan and -- which seems to say that, no, there is not going to be a conflict of those overflows from commercial to -- to residential. So, now it sounds like we are -- we are also -- and rightly so -- concerned about, well, what will the impact be for residents, you know, going into commercial, should there be that cross-access agreement, cross-parking agreement and in some ways I think that's a protection for residents that not -- to have that, but I don't know and I guess are the questions we are trying to answer at that next stage for when this comes before us for preliminary plat and we go, no, we need more parking here, you need to move that there. Residents don't want that there. They don't want a two story, they want single story and all those things. However, I'm versed enough in this to know that sometimes when -- when you are -- you are changing the comp plan and the rezone that's when you can do the things that need to be done, but -- and I don't know if this is Sonya or Bill, when we go to that, if -- if we go to that next step, is that something that we can really work on mitigation of some of those other details? I mean to me what they are asking for -- it hasn't been commercial for many, many, many years and it's not likely to go commercial. So, what do we do with that land. Is the request for residential appropriate and as we are moving forward we wanted that parking study. That is done that showed there isn't an impact, so where does that leave us? Nope, it's going to remain commercial or do we move forward to the next step, but, then, how do we mitigate the issues that are being brought up now based on this site plan, which may change when the applicant comes forward to us next time. So, how much -- how much pull do we have in the next step if we are to go to that next step?

Allen: Mr. Mayor, Councilman Hoaglun, all good thoughts and questions and considerations. Right now this is just a rezone request, so it is just a conceptual development plan. So, if there is something you don't like about it it should be pointed out and maybe corrections made to the plan or conditions placed in the development agreement accordingly. However, staff will be looking at the parking to make sure it meets the minimum standards with the preliminary plat application, which will also go before you and you will have an opportunity then to comment. But, like you said, now is your

opportunity if you want anything in the development agreement above and beyond our minimum standards to place it in the -- the development agreement. If we wait until the preliminary plat level we really don't have that ability at that time, it's just more if they are meeting the minimum standards or not. Mr. Nary, if you have anything else to add.

Nary: Mr. Mayor, Members of the Council. I would agree with Sonya. I mean, again, the opportunity to form the DA is now with the -- with the rezone. Again, I think the conflict or concerns were expressed at the last hearing was, again, you can restrict this property and what they can do, but we cannot restrict the adjacent property and so that concern about the commercial spillover was what the Council discussed at that time. Again, we can't really effect that. We can't effect this one. But, again, you have heard both good and bad on that, too, so --

Simison: So -- so, Council, I'm going to add nothing of value to this conversation, but -- but sometimes I think it needs to be said just from a very practical standpoint, whether or not the rezone and you want to move forward. I just encourage the owners of Louie's, whoever is managing this area to be very diligent in working with one another, because I am really concerned when I see all these unauthorized parking signs. This development once developed is going to impact Louie's more than it's going to impact the residents that live here, because it's going to push people from where they are currently parking into other places they have not parked before. I was at Louie's for lunch attending the Kiwanis this last week and University of Idaho was there and others were there. It's busy during that time frame and people are parking in this dirt lot currently. So, what's going to change the area as this area redevelops? I think people that are having businesses there and living there are just going to be very cognizant to work together to figure out how it's going to impact whatever occurs, because it's not going to be the same. You know, people from Louie's are going to have to go to a different area to park if there are not a lot of cross-access into these areas and the people here can't cross-access into Louie's, they might have to go over to the Meridian Trophies -- well, are they going to get -- get towed? We don't want that to happen. I think that's the end result of whatever decisions are made. We want people to have adequate parking. We want people to access all these restaurants. We want people to be able to get into their homes and have neighbors over in the evening. Working together to try to figure that out as -- as this moves forward I think is an important part to make sure parking is in the right place for the right reasons at the right times. So, little value, but I just want it to be said that I think there are solutions here, but you are going to have to work together to figure it out. Otherwise, it's going to create a big mess in the future and since we don't have a DA agreement or provision, the city's involvement -- and that is going to be very limited from that standpoint and it will create unhappy residents, it will create unhappy customers and that's what we want to avoid.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: Amen, brother. You nailed it right on the dot. Good job. Great explanation.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: We haven't closed this public hearing, so I wouldn't mind hearing from Blaine. What --

Simison: And I think maybe -- you might have someone over here that's part of your team that would like to speak as well.

Hoaglund: And my question is, I guess, you know, you see the issue we are wrestling with here and -- and the DA kind of is the vehicle to allow us to, then, make sure moving forward things are going to be done appropriately. Now, it's just a matter of figuring out what -- what is appropriately. You know, from your perspective or what the residents there now, from what the Council sees. So, I look forward to your comments.

Womer: Well, I think we are on the same page, because the -- the project is required to provide a development agreement and that development agreement is going to be a document that should have the preliminary plat coming along with it, because there may be issues that come up during the preliminary plat process that we want to incorporate into the development agreement. So, I think the development agreement is the way Sonya has it as a condition of approval and the project itself is perfectly timed. So, I just don't think you would want to enter into a development agreement until the preliminary plat was completed in process and so it goes along and it tracks simultaneously. So, that's -- that's my take on it. I just think it would be better for everybody involved, both my client and the city, to have the development agreement mature as the preliminary plat process goes through the process, so -- and, again, we are extremely -- we are sensitive to the parking issue, that's why we had -- we were very encouraged with this report and not like I said before, it was based -- it's based on -- on -- on real field data and it's not just out of some book somewhere. So, I hope that answers your question. If there is anything else I can do before you close the public --

Simison: And I think your applicant wanted to join you at the podium.

Womer: Then I think you are going to hear from Louie. Thank you.

Nary: Mr. Mayor?

Simison: Mr. Nary.

Nary: Mr. Mayor, Members of the Council, maybe before the -- the owner comes -- and Sonya might be able to answer this as well, but maybe the solution to the concerns that Council has -- because there is no application for this project. There is an application to change the comp plan and there is an application to rezone. But rezone is when a DA is allowed. It's hard to form a DA when I don't know what it's going to be. If the Council desires to simply grant the use -- the change to the Comprehensive Plan to allow them

to, then, apply -- submit a preliminary plat with the conditions that Planning could, then, review, that might be a better sequence of this than trying to do a rezone now. I don't know, Sonya, is that off base? That seems to be like how we would normally go through the process.

Allen: Mr. Mayor, Members of the Council, Mr. Nary, yeah, the applicant opted not to submit a preliminary plat at this time to go with the rezone and the comp plan amendment. So, yes, typically we would like to see that with the development agreement. The other -- the other option is to -- and I'm not sure timewise we can do this, Mr. Nary, but to continue this application out until the preliminary plat catches up with it and act on them all together.

Nary: Certainly either one of those paths -- but I think that would maybe resolve some of the concerns is we can tie them together. Right now I don't have anything to tie to it, other than to say there is a development agreement that will have to be modified again. So, I'm not sure that that's really fruitful.

Simison: Okay. If you could state your name and address for the record.

Mullane: My name is Louie Mallane. I live in Eagle, Idaho. And I'm the culprit that bought that property in 1995 and when I bought that property there was seven acres. People used to hit golf balls in there on that and there are people around here who probably remember that. There was no roads -- no roads there. We built the restaurant and we put the road in. They wanted it to come all the way down to Hickory and we followed the -- what they want and it -- and, then, came D.L. Evans. D.L. Evans built their building. Ron came and built his building. Is what we created -- and I think I -- I have tried to explain this to the Council. We have got a runway. They come from the back -- they already do and I would love to show you. I'm there most days. I grow basil and I grow the oregano and I'm -- I'm the gardener and I'm the one that cleans the front ditch for the city constantly and I can tell you exactly what happens day after day after day. They come up that Hickory Road, they go past -- past the back of Louie's and they are going to lose that little spot there with this sale and, then, go through the Blazer building -- I still call it the Blazer building and out. They got three ways. They can go Hickory. They don't do that very much. They come the Louie's thing and, then, they go through. I need to explain about eight years ago we had one of our light towers go down and the policemen were terrific, they found that -- that was not a customer of ours. Those people had put -- the person that parked there knocked over the tower -- ten thousand dollar light tower. Just six months ago we had another light tower go down. Again, they were not in Louie's. So, the way this thing is -- and it -- anyway, they have got complete access to our -- our back and sometimes somebody's little kid is going to come off there and get hit I'm afraid. I would love you to come and just see what happens. I can show you in a half hour what happens. It's not -- this building is not going to affect that at all. Obviously. It's already happened. So, you might as well understand that. They are coming out of -- instead of going to Hickory and to the stoplight, they are coming through their -- who complains about the -- the speed bumps. You know why we had to put those speed bumps in? Because they were coming so fast up that road we did it. So, we are the culprits that built

the speed bumps to slow things down and we won't put them any lower. They are going to stay high. They are doing it -- trying to -- trying to be safe -- trying to be good citizens. We are not -- we are not trying to do anything that hurts anybody. The damage is already there. I can tell you with this coming through and some of them way too fast and they are not headed to Louie's, they are headed out on -- and I will guarantee you, the Ewing family is not going to let that continue I will bet you and you know that -- who owns that property next and the idea was good in the beginning in 2000. Let's have a road so they can go down and avoid getting on Fairview and I remember exactly. That's what that was for. So, we are going to have a back road to catch these buildings behind. My friends it's not working and I'm just there -- a gardener trying to help a little bit and I'm watching -- I'm -- I'm old, but I'm still aware. I have poor hearing, but good eyes and so that's all I have to say.

Simison: Thank you. Any --

Mallane: Do you have any questions for me?

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: While he's here, Louie, from a parking perspective, you know, you are busy, you are a great restaurant, we love having you in this community and there are busy times, but do you think there is still adequate parking? I mean their parking study showed there is adequate parking. From your just visual perspective still -- still room for -- for customers to park without having to really -- I mean mainly for convenience reasons they go out, but for -- for parking, if people want to come to your restaurant, there is room to park; is that your perspective?

Mallane: Well, we have plenty of parking, you know, and we have a lot of overflow parking come into our parking lot, which you guys are not -- are all aware of, but the danger I see is the cars coming through with no intention of looking for a spot. If they were going to come in and look for a spot they are not going to be going 20, 25, 30 miles an hour, they are going to be looking -- but if they are not intending to get a parking spot -- I wish you would see -- just come down and I will show you how fast they go through there. We need to put speed bumps along there now.

Hoaglun: Well, Mr. Mayor, it's an intriguing invitation, but I'm just afraid that he would put us to work cleaning out the ditch.

Bernt: Mr. Mayor. Maybe give us some pasta.

Hoaglun: Thank you. Appreciate it.

Simison: Blaine, did you have any additional -- Blaine, do you have any additional comments? I guess does Council want to hear the -- ask the applicant to respond to what

Mr. Nary and Sonya were discussing? I guess that would be the question based upon what was discussed earlier amongst Mr. Nary and Sonya about process to get a little bit more detail to consider it together.

Womer: Mr. Mayor, Members of the Council. So, your question to me is what then?

Simison: Mr. Nary, would you like to -- or Sonya which -- what application would you suggest -- maybe delay this one until it could be brought forward?

Womer: A preliminary plat?

Nary: Well, I -- Mr. Mayor, Members of the Council, I think, sir, what -- what the suggestion was -- either to -- Council's willing to consider and address the comp plan amendment to, then, allow you to apply and, then, to bring forward your application for a preliminary plat with DA conditions that we could, then, develop as part of that plat, because right now if we craft a DA for -- for a plat that's undefined it's not going to have a lot in it. It's going to have to be redone again anyway.

Womer: Right.

Nary: Sonya, alternatively suggested that we continue the entire matter, give you time to get your preliminary plat, go through the process, let that catch up to this and, then, we would have that conversation when it's all in front of us. Because normally you get the use approved for that location, you, then, bring in a plat of what you would like to do to P&Z Commission and the Council, then, if they agree with that they will make conditions, we will create a development agreement. We are kind of missing that little piece.

Womer: Well, I -- I think what I suggested earlier would be -- obviously our preference is to bring the DA to the Planning and Zoning and ultimately the City Council with the preliminary plat process. I guess I'm not quite understanding why we need to miss the zone change piece in this.

Nary: Mr. Mayor, Members of the Council, because the state code allows us to do a development agreement with a rezone, it doesn't allow us to do a development agreement with a preliminary plat. So, because we don't have a plat all the DA is going to have is standard conditions of the city and require it be re-amended when you bring the plat back and so -- and it only comes to City Council, it doesn't go to the Planning and Zoning Commission. So, without that piece we are either going to create a development agreement that has to be done over or we are going to have to wait until we bring your preliminary plat and, then, do it all at once.

Womer: Okay. I guess through this effort, if -- if that's indeed the case, then, we would -- at least we would rather not continue this with the preliminary plat. We would like to see Council's support for the comp plan change and, then, come back if that's the only way to do it, would, then, be to come back with a development agreement, change of zone, and preliminary plat, so we are not stretching this out too far, if you will.



Nary: Yeah. I think, Sonya, that would be the normal course we would recommend I think.

Allen: Mr. Mayor, excuse me, Council, Mr. Nary. If we do that would you suggest continuing the rezone application or would they have to resubmit and pay new fees on the rezone application and, then, a side note that the application file number is associated. There is only one number associated with both of these subject applications.

Nary: And, Mr. Mayor, Members of the Council, it's certainly the Council's preference, but certainly continuing the rezone application to allow the preliminary plat to catch up would save the additional expense of filing new fees again for the same thing. But they would still go back together.

Womer: You could just table it off calendar, couldn't you?

Nary: Correct.

Allen: Staff would prefer that option.

Simison: Council, based upon that --

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: So, I don't know if that speeds it up at all, acting on the comp plan amendment by itself, and I didn't know you could have a comp plan designation of residential use with a zoning of light office, which is what you would have in the interim. Doing the comp plan now by itself doesn't accelerate really anything one way or the other, because the ultimate act would occur at that future date where the rezone and the DA and the plat all come together. If you had the comp plan amendment with that -- doing it now or doing it then doesn't -- I don't think changes the pace of any of it.

Womer: Can I address that? It's -- it's a little more than just the pace. The -- certainly we have all seen situations where there is zoning inconsistencies. That's what consistency zoning is all about is bringing the zoning in conformance with the comp plan. The -- the concern we have, of course, is the continued effort, if you will, going through the process, spending money, and going forward in the development entitlement process without at least getting some indication that we have a comp plan designation that -- that conforms to what we are trying to do here. So, it's a little more than just timing.

Borton: Yeah. Mr. Mayor?

Simison: Councilman Borton.

Borton: I totally get that. The -- just trying to look out for the unintended consequences. So, you know, the comp plan change might make sense only because your project is worthy of it. We approve a comp plan change and, then, a future rezone gets denied and now you have -- you have changed this parcel to be high density residential and some future applicant could -- so, that's why I think the concept will all go together, because -- I mean up until now there has not been a project worthy of a comp plan change, quite frankly, and you might have the one that carries the day, so --

Simison: So, Council, what you would think about a ten minute recess to allow staff to confer with the applicant and come up with the desired path forward together? So, let's -- let's -- let's do it. We will start with a ten minute recess.

(Recess: 7:07 p.m. to 7:23 p.m.)

Simison: So, we will go ahead and come out of recess and I'm going to ask staff or the applicant if they have anything that they would like to report back on a path forward -- preferred path forward this evening.

Nary: Thank you, Mr. Mayor, Members of the Council. We had a good discussion with the applicant and the property owner and all that. The -- so, they are suggesting one of two pathways, both of which are legally compliant, both of which myself and -- and Planning is comfortable with. One, obviously, is more consistent with our past, but if the Council is comfortable moving forward, if you are -- if you are supportive of this project, you can approve the -- you can approve the comp plan amendment to move forward. That comes back through a resolution. You also can approve a development agreement with a rezone that ties the rezone to this concept that's in front of you on this application. So, then, if -- if the -- and they could even limit it even more specifically by the number of units or the number of parking that needs to be present. That -- that can, then, tie any other future property owner, so if someone -- this property -- the deal falls through, these folks aren't the property owners anymore, aren't the developers, anybody else who wants to come and build would have to build the same thing or they have to come back for a DA modification. That would come back through ordinance and the ordinance wouldn't go forward until the development agreement was signed, so you would have some level of assurance. It would be a little bit like what we have done rarely, but on occasions of, essentially, approving a bubble plan with generally -- generalized concept of what they want to do without really building heights, elevations, renderings or that kind of thing. Secondly, if the Council is still a little concerned -- I mean they can bring forward the preliminary plat as -- as Council Member Borton has suggested and just holding these off until that catches up and, then, that has to go to the Planning and Zoning Commission first and, then, would come back to you. That's probably a two to three month delay, potentially, for that. But, again, it would tie it up more -- more tightly, because now you would have really a plat application, not just a concept plan. But either one of those they could live with. They prefer the first one versus the second. But both of those would at least be better in their perspective than a denial and they certainly can live with those limitations to the development agreement tied to the rezone.

Simison: Thank you.

Allen: Mr. Mayor, if I may add to that. Members of the Council. There is currently a development agreement provision that's recommended by staff in the staff report, number 1-A, that requires future development of this site to be generally consistent with the conceptual development plan and building elevations included in the staff report and what that means to staff and the applicant is when a future development application comes in we will be looking at this concept plan to make sure that they don't have any additional buildable lots or units -- dwelling units shown on their application. If they do it would not be deemed to be generally consistent with the concept plan that's approved and included in the development agreement. Same with the parking spaces. If there was fewer parking spaces shown, staff would require them to increase those to at least those that are shown on the concept plan. So, that's the assurance you have that this property would develop as its proposed. If you do not want it to develop with this many units or additional parking spaces, you can certainly -- certainly make that part of your recommendation if you choose to go forward with the rezone tonight and the development agreement. Staff will stand for any questions you might have.

Simison: Thank you. So, Council, how would you like to proceed this evening, if at all?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I think start for conversation sake. Generally I like the concept plan. I think there is an opportunity, as we kind of discussed earlier, to maybe repurpose that common lot to some additional parking. Overall I think I -- I quoted Planning and Zoning last time saying this is the -- I think the second best option we would get outside of commercial and I think almost 20 years is enough time to say let's -- let's -- let's be open to something else. Tonight I think I am generally supportive of the comp plan amendment. I'm not quite sure that I'm there on granting a rezone without a plat and I think just for the sake of conversation -- I think you guys are honest brokers, you -- I believe when you kind of tell us this is the plan -- is what you are going to do. As Council we don't necessarily look at as people -- I like to look at it more as process and I always struggle with a rezone without a plat before me and I appreciate, you know, we can -- we can tie the concept plan and the DA. I'm also very sympathetic to how the plat is going to lay out with elevations, particularly on the piece that faces the neighbors, and so I struggle with that particular piece. I think it's -- you know, I think it's -- it's an appropriate use of land. I think with a couple of small tweaks we can address at least what I think are some of my concerns about putting parking -- usable parking closer to where the residents live to prevent those unintended consequences of people parking on Hickory or having it flow out into the neighborhood. So, that's kind of where I'm sitting tonight. Happy to have a conversation. Happy to see where the rest of the body is.

Simison: Thank you. Anybody else like to add in -- weigh in? Or a motion.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: For the reasons stated I would prefer to continue all of it. I think it's -- I wouldn't -- I wouldn't think that the comp plan amendment to medium high residential here would be appropriate by itself and that's kind of what we would be doing if we did it separate. So, I think bumping them all makes the most sense. Otherwise, you are saying that this property should be medium high residential no matter what and I don't know if that's what we are saying.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Yeah. This is a project that I think is worth consideration and to Councilman Burton's point, if it was a different project we might feel differently. So, I think it's a matter of, then, how do we move forward. As Councilman Cavener pointed out, there might be some tweaks that we would like to see in this area as it relates to parking, maybe where the housing sits, so on, so forth. So, I really don't want to throw the baby out with the bathwater on this and I think if we just bring back all three, let that preliminary plat catch up and, then, we can make a full decision based on all the information and the facts available and make it the right decision for this particular project with all the other things involved, so --

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I'm in agreement with that. I -- I -- as you all know and I have been fairly consistent over the years -- it's really difficult for me to, you know, change the zoning designation from -- from -- from commercial to residential. For me it has to meet a high bar. I'm not a -- I'm not sold on that quite yet, but at the same time would like to see the whole project put together with the plat and everything in front of us to see what that -- what that looks like. I don't think we have seen that yet, obviously, and so I would be in favor of -- of a continuance.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I agree with Councilman Bernt and Councilman Borton. The Comprehensive Plan goes through really long and involved and intense review with feedback from our public and our staff and Planning and Zoning Commission and we take it really seriously when there is a request to change it, whether it's two acres or 20 acres, and so I'm not in favor of changing it without -- you know, just as was suggested, changing the -- the plan

amendment and without making -- you know, continuing the rezone request and I understand the applicant's desire to get a commitment from us on that comp plan change before they invest further in the engineering costs to create the preliminary plat, but it's -- it's also a big ask of us to modify the FLUM when that's gone through such an involved process to get to those decisions to begin with. So, that's my thought on that.

Simison: So, with that, Council, do I have a motion?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Did -- did we have a discussion with the applicant about time -- time frame if we continue this, how long it would take for them to have their plat prepared?

Hoaglund: Mr. Mayor, would that be to -- until the preliminary plat catches up. I mean that would be just to a time certain when the preliminary plat would be ready for --

Simison: Is that acceptable, Mr. Nary, to -- for legal definition of a continue until date?

Nary: So, Mr. Mayor, Members of the Council, yeah, the hard part is is we don't know when it will go to the Planning and Zoning Commission and when they will make a decision, so it will all have to be renoticed, so -- and maybe -- this may be the rare circumstance to just continue the matter, based on that as your motion, that there would be -- it all needs to be heard together and it will have to be renoticed. So, they are going to have to renote -- well, they will notice the preliminary plat for Planning and Zoning and Council. We will renote the application for the comp plan amendment and the rezone at the same time.

Simison: So, not to a date certain at this point in time?

Nary: I think -- I don't think it would be wise to do that. I think you can leave it open and just require that it be renoticed -- all three of them be noticed for Council.

Perreault: Mr. Mayor, I'm going to attempt a motion.

Simison: Council Woman Perreault.

Perreault: I move that we continue Woodcrest Townhomes, H-2021-0015, until such a time as that the Comprehensive Plan FLUM amendment, rezone, and a preliminary plat can be presented together with an application and the -- and the hearings for the Comprehensive Plan FLUM amendment and the rezone will be renoticed.

Hoaglund: Second the motion.

Simison: I have a motion and a second. Is there any discussion on the motion?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Question I guess maybe for Legal staff. If there are changes that Council wants to see, should we be articulating that now, so --

Simison: Are they different than the comments that have already been indicated in tonight's conversation?

Cavener: No, Mr. Mayor, they haven't. I just wanted to make sure that -- I didn't want us to be surprised. Didn't say why we expected some of these things, so I'm good.

Allen: Mr. Mayor, if I may clarify. Staff is not entirely sure what changes you are asking for and I'm not sure if the applicant is either. So, if you have changes that you want to the concept plan now would be a good time to state those, please. Thank you.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I know for myself I would like to see some additional parking in one of the common areas. However, that needs to be designed in the concept plan. You know, where ever that can be fit. But I just -- I'm still not convinced -- the applicant indicated in his testimony that they would make that consideration, that they feel like there is room on the property to do that. So, I would like to see that. I don't see a downside in that, considering that they are not required to have any open space to begin with. Not that I don't think they should, but that would be my preference. I don't -- I can't state a specific number, because -- you know. But that's -- I don't know that I should do that.

Simison: It's a relocation of or more in that -- more in that location.

Perreault: Sorry?

Simison: Is it relocation of where it is on the current -- to that location or do you want more than what is currently there and have it added to that area?

Perreault: I would like more total. I don't -- it doesn't matter to me if they move it around and redesign -- as far as -- there is five here on the east side and four on the north side. If they want to add more to those areas, that's fine. If they want to add more in -- in this -- this other south corner that's fine, too. I don't have a specific location in mind. I just want some additional spaces that are on the property itself, especially if they are intending to remove themselves from the reciprocal agreement.

Simison: I think that was the only thing that I heard Council really discuss was the parking of significance in direction. I didn't hear anything about relocation of buildings personally. I would speak up if that's the Council's desired direction.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Again, one Council Member. I think I had some concerns about height and location of those one, two, three, four, five, six, seven buildings that, really, are going to face up against the existing residents. I think that that will be captured somewhat in the plat. But that's, obviously, a piece that I'm going to be honing in on.

Simison: Anything else? Then all those in favor of the motion signify by saying aye. Opposed nay. The ayes have it and the item is agreed to and the item is continued.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Johnson: Mr. Mayor, who was the second on that. Thank you, sir.

**4. Public Hearing for City of Meridian's Intent to Convey to the Ada County Highway District Approximately 23,816 Square Feet of Real Property at Discovery Park, Located Off of E. Lake Hazel Rd. and Adjacent to the Proposed Apex Subdivision**

Simison: Next on the agenda is a public hearing for City of Meridian intent to convey to the Ada County Highway District approximately 23,860 square feet of real property in Discovery Park. Open this public hearing with staff comments.

Nary: Mr. Mayor, I can probably start this off -- or Mayor and Council. We have a standard agreement with the highway district when there are needs for right-of-way improvements to transfer that property to them at no cost based on our prior agreement. I think Steve has a more specific detail on why it's necessary for this particular project.

Siddoway: Sure. I'm not sure I'm the applicant, but I'm as close as you have on -- on something like this. The requirement is for -- to -- for the driveway that will serve Apex Subdivision to our west primarily to align with Lavender Heights on the north and this is the location. We have anticipated it. That northwest corner of the park was left undeveloped in our first phase to accommodate a future street in this location. So, like -- like Mr. Nary just said, this would be the standard request under our current agreement with ACHD and we are supportive from our perspective and I will stand for any questions.

Nary: And, Mr. Mayor, Council Members, I should note, Jon Wardle is on the line as well if you had questions of him specifically.

Siddoway: He is on line. Yes.