

Simison: Anyone in opposition to what Mr. Borton described that would like to engage on that topic? Any of those? That will help you make a motion. Councilman Borton.

Borton: I move that we approve item H-2021-0035, as presented in the staff report of August 10th, 2021, for the rezone and the CUP, with changes to conditions of approval 4-H that would allow the pathway along the southern portion of the project to be eight feet versus ten feet. The removal of condition eight that would have that same pathway be private. There is not a public easement required for it and either the removal or edit to condition number nine to ensure that this application is developed consistent with the Ten Mile Crossing design guidelines set forth in the DA, as opposed to the Ten Mile Specific Area Plan design guidelines. I think I covered it.

Cavener: Second. Maybe a quick question.

Simison: I have a motion and a second. Is there discussion? Councilman Cavener.

Cavener: Councilman Borton, I want to make sure I heard you right. I think on number eight did you say north and, then, south? Did you say south and, then, north? I don't know if staff caught that. Maybe I misheard you.

Borton: Mr. Mayor, south of the project. North of the -- of the creek. But it's on the south -- south of the project.

Cavener: Thanks. Appreciate that.

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

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

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

**3. Public Hearing 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 on the agenda is Item 3, which is a public hearing for Woodcrest Townhomes, H-2021-0015. I will open this public hearing with staff comments.

Allen: Thank you, Mr. Mayor, Members of the Council. The next applications before you are a request for a Comprehensive Plan future land use map amendment and a rezone. This site consists of 1.97 acres of land. It's zoned L-O, limited office, and located at 1789 North Hickory Way, north of East Fairview Avenue on the southwest side of Hickory Way. This property was annexed with L-O zoning in 1992 and later resubdivided as a lot in Mellane Commercial Complex in 2001. The Comprehensive Plan future land use map designation is commercial. The applicant is requesting an amendment to the Comprehensive Plan future land use map to change the land use designation on 2.1 acres of land from commercial to medium high density residential as shown on the left and a rezone of 2.1 acres of land from the L-O, limited office, to the R-15, medium high density residential zoning district. Approval of the map amendment will allow the applicant to develop 19 single family residential attached and detached -- excuse me -- attached and townhome dwellings. I got a little sidetracked here. It looks like this is an old version of my presentation. So, ignore the exhibit there on the left. The right one is the current one. The gross density is proposed as 10.8 units per acre on this in-fill property, which will contribute to the range of residential land use designations and diversity in housing types and densities in this area and provide a transition in land uses from medium density residential to commercial and office uses. A revised concept plan, as I mentioned shown on the right, and building elevations were submitted showing how the property is planned to develop with 19 single family attached and townhouse dwellings consisting of one single family attached structure, three three unit townhouses and two four unit townhouses and a common area with a pathway and gazebo amenities. Because the site is below five acres in size, minimum qualified open space and site amenities are not required. This property is planned to be subdivided through a future application. Access to the site is proposed via a cross-access easement from an existing driveway from North Hickory Way, a collector street. No stub streets exist to this property. A private street is planned to provide access to the proposed development and for addressing purposes. An attached sidewalk is proposed along one side of the private street for pedestrian access. Off-street parking is proposed in accord with UDC standards. Four extra spaces are proposed for guest parking in the common area near the entry and five spaces are proposed in the common area at the southeast corner of the site. On-street parking is not allowed due to the width of the private street. Conceptual building elevations were submitted as shown for the proposed residential structures with a mix of materials consisting of horizontal wood siding, vertical board and batten siding, wood shake siding and cement plaster with stone veneer accents and architectural asphalt roofing. Commission did recommend approval of these applications. Blaine Womer, the applicant's representative, testified in favor, along with Louie Mellane. No one testified in opposition. There were a few folks that commented as follows. Dave McDonald, Shirley Moon, Randy Nelson and Ann Attarian. No written testimony was submitted. Key issues of discussion were as follows: Traffic and safety concerns on Hickory Way. Lack of visibility of cars pulling out onto Hickory Way from the site due to the curve of the road. Maintenance of the existing masonry wall and landscape strip along the north boundary of the site and inadequacy of parking in this area. Louie's restaurant and the bank patrons

currently parked on this property. Key issues a discussion by the Commission. They were in favor of the proposed development plan over previous plans for this site. They did have some concerns pertaining to safety of access onto Hickory Way and preference for the four unit townhome proposed along the north boundary to be reduced to a two or three unit townhouse for better transition to the existing homes to the north. The Commission did not make any changes to the staff recommendation and there are no outstanding issues for Council tonight. There has been no written testimony submitted since the Commission hearing. Staff will stand for any questions.

Simison: Thank you, Sonya. Council, any questions for staff? Okay. Thank you. Is the applicant here this evening? If you would state your name and address for the record, please.

Womer: Mr. Mayor, Members of the Council, my name is Blaine Womer, Womer Engineering. We are located at 4355 West Emerald in Boise. We are representing the applicant on this project this evening and we are glad to be before you for this consideration. We have reviewed the staff report and the conditions of approval with our client and we concur with both. There is one little housekeeping item that Sonya has probably already picked up on, but on page 19, number one, the development agreement refers to an annexation -- before the annexation is final that the development agreement should be in place and I believe that probably needs to be the zoning ordinance before the zoning ordinance is in place. Other than that this evening we are just here to answer any questions that the Council may have, as well as the public.

Simison: Thank you. Council, any questions?

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Mr. Womer, just wanted to follow up. As I read through the Planning and Zoning minutes there was concern expressed about traffic safety and pulling out and it sounded like there was action going to be taken by this development to make that -- there was a berm or some other things that were in play.

Womer: There -- there is an existing berm there and there is quite a few trees that are planted along that berm. We have done quite a bit of field reconnaissance out there trying to figure out what we have in the way of sight distance, if there is any issues. Visually we don't see any right now, but we -- when we do the preliminary plat we will be happy to provide a sight distance exhibit that shows that we can meet the ACHD standards.

Hoaglund: Thank you.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: Thank you for being here tonight, Mr. Womer. Sell me on the idea of -- of changing the zoning in this area to accommodate what you are proposing. And the reason I ask that question is as a Council and especially myself, I -- we always -- at least I always -- I should speak for myself only. I apologize. What I always -- what I struggle with is -- is taking a commercial type zoning and making it residential, knowing what's going on in our market and -- and, you know, the balance between commercial versus residential. So, you need to sell me on why I need to do that.

Womer: Mr. Councilman, the -- most city councils are loathe to do such a thing. I get it. I do get it. The property has been in its current state, with a general -- with a commercial comp plan designation and a light office zoning for 26 years. It's been marketed for 26 years. It's location behind Louie's that doesn't have any frontage on to Fairview and it -- it just doesn't have the commercial appeal of -- for that type of use and, basically, what we are finding is that it -- it's a better -- it's better situated for a transitional use from the commercial along Fairview into the single family residential that's north of Hickory and northwest of the property itself. So, I think probably the best case we can make is it's been on the market for 26 years and there is no commercial viability for this property.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: So, what about like something, you know, light office, like a dentist's office or some type of medical use or something in that regard that doesn't really require -- it's more of a destination location, as opposed to something retail or restaurant oriented?

Womer: Councilman Bernt, that's -- that's also been on the table as far as its use, because that's its zone is light office --

Bernt: Yeah.

Womer: -- and the -- the owner of the property, who owns Louie's restaurant, has put great effort into trying to get this property sold. He would definitely -- at his advancing age he would like to be beyond this property and he's tried and he just doesn't find any interest in light office, any interest in commercial and, again, I think it has everything to do with its proximity and its lack of frontage on -- on Fairview. So, what we tried to do is create a balance, again, a transition of a townhome density. It's a 10.8 dwelling units to the acre density from the commercial uses to a single family residential to the north and northwest.

Bernt: Thank you.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Along those lines maybe talk Council through why the choice to go for a medium high zoning, as opposed to like a mixed use neighborhood. It looks like a mixed use neighborhood might kind of blend what they would have been envisioned by Council, but also give you some more flexibility to do some -- some residential. So, talk us through why -- why you are seeking this particular designation.

Womer: Well, I believe my client just saw it as an opportunity for -- for townhomes. This is -- they have built these before. They saw it as a nice opportunity as far as its location and, again, it being a transitional zone between the two uses. They didn't really give mixed use much thought. They, basically, had the townhome project adjacent to the commercial. It's not that far from The Village. There is -- there is certainly -- it's certainly walkable. So, the residential seems to be -- that density residential seemed to be the best use for the property.

Cavener: Mr. Mayor, follow up.

Simison: Councilman Cavener.

Cavener: Blaine, my assumption is is should you be granted this rezone that you guys would move really aggressively, then, and getting your plan in and having development commence or is it get the zoning and, then, wait to see what the market dictates in terms of building it out?

Womer: No. That's -- that's another reason that townhomes are being proposed. The market is here now for that and my client's direction to us is should we be fortunate enough to get approval tonight to move quickly forward with the preliminary plat, possibly starting final engineering as well.

Cavener: Thank you.

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

Womer: Thank you.

Simison: Mr. Clerk, do we have anybody signed up to provide testimony on this item?

Johnson: Mr. Mayor, we had three people sign in, only one marked they want to testify. Others might, but it's Dave McDonald.

Simison: And if there is anybody online that would like to provide testimony on this item, please, use your raise your hand function, so that we can make sure and bring you in. If you could state your name and address for the record, please.

McDonald: Yes. Dave McDonald. 2579 East Grapewood. I appreciate your time and I also recognize a few of you from the previous thing where we had a melee going on

almost until midnight. Appreciate your thoughtful comments here and now and just like Councilman Bernt said, you know, obviously, the preference would have been, you know, dental offices, you know, single level adjacent to my home. I share -- I don't know why this microphone seems dead, but I share 120 feet of the 257 feet shared border to this property. So, it literally is in my backyard. The biggest questions -- and some of you remember comments. The density was an issue last time. Some of the same issues still exist here. I mean I know parking and traffic was a looming concept. I believe the staff does have a -- I guess a vicinity plan on page two. It shows a little bit more of the -- the street design. The concept plan is great. There is a lot of positive things. But there still are some of the same issues. How big, how close, and when -- one issue I went out to investigate myself over the weekend was with regards to the four unit townhome that's right in the middle adjacent to our property and there was comment in the P&Z about could that be broken up. I want to add an additional one. Could it be moved to the southern most lots away from our property line, because it -- I did go look at townhomes with a very similar look and it does loom large over your back fence. I believe Blaine Womer has been very adept at solving some of the challenges and problems with this site and there are many positive things. I think there are still some pending issues. One of the things that stood out to me when I looked at a similar townhome with four units like this and three units and two units, et cetera, was no parking on the private drive, so it spilled over, and because of the -- the traffic and, you know, I looked at the traffic counts. We tend to loom right around 4,000, just barely above the minimum thresholds for a collector, and one of the comments that was made by -- by the previous discussion on this property a few years ago -- and some of you may remember that was -- no parking on that collector. That was the one thing that really stood out to me. There is estimated to be approximately 15 school aged kids. On my way here I had to come out and around a -- some sort of construction truck with a trailer on there that was parked there and you wouldn't want kids zooming out on Hickory with the speeds there. So, you know, I do appreciate your thoughtful comments and would like to see if you and/or Mr. Womer have some solutions to the parking. You know, there are some additional concerns, but parking is one and also the setbacks and the utility easements. A lot of us rely on high speed internet for working from home and I understand there is some possible modifications to that. In a general sense I am supportive of this plan, even though it shares some of the same issues at a lower density as a previous project, just because it has been sitting empty for so long.

Simison: Council, any questions?

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: One question for you while you are looking on the map on the screen there. The P&Z was referencing a request -- or their -- their hope that the northern unit would be two or three instead of four. Well, there is also -- the first two units are, you know, fairly large. I mean the three unit one is on the side of my property. The four unit one would be the one most visible from my backyard and --

Borton: Okay.

McDonald: -- you know, there was some questions, you know, can we shift like the two unit model up. I don't think anybody asked about can we just take that four unit one and slam it all the way to the four southern most lots.

Borton: Okay.

McDonald: So, it's -- that -- that might be one thing. But I have been impressed with Mr. Womer and his ability to solve some of the challenges we have here. But traffic parking cross-access might be solved by some of the recent developments from ACHD about traffic exiting out of Louie's out onto Fairview, instead of using the light, but, you know, that's not going to be a solution for a few years.

Borton: Okay. Thank you.

McDonald: Thank you.

Cavener: Thanks for being here. Appreciate it.

Simison: Okay. Mr. Clerk, anybody else?

Johnson: That was all that indicated they wished to testify.

Simison: If there is anybody in the audience that would like to provide testimony, if you would like to come forward and make comments at this time. State your name and address for the record, please.

Abbott: I'm Brian Abbott and my address is 1855 East Chimere Drive in Meridian, Idaho. 83646. My concern, Mr. Mayor, is -- if I recall that land it seems like it's being subdivided a little bit, like they are parceling out. This land tends to go in an odd shape around the back of Louie's and that would entrap that section of land to have to come out onto Fairview. Is that correct or -- is it the whole section that goes all -- is it the whole L-shaped?

Simison: We will let -- we will let staff answer that or they can come up with their time.

Abbott: And, then, on the egress to Hickory there is another subdivision to the north, Solerra or Solterra, I believe, and I'm not sure the proximity of the two egresses there. Because it's because of that -- Solterra is on the curve to the north, it's not a real good sight -- line of sight turning left onto Hickory from Solterra, if that's the name of that street, so it would be -- I would be curious to know the juxtaposition of the two drives and I'm -- yeah. I might have a follow up. Thank you.

Simison: Council, any questions? You are good. Thank you. Was there anybody else that would like to provide testimony at this time? Okay. Would the applicant like to come forward for any final comments?

Womer: Mr. Mayor, Members of the Council, again, for the record, Blaine Womer, Womer Engineering. In response to Mr. McDonald -- a couple of his questions. He initially asked what the separation from the property line -- the existing block wall -- his rear property line from the back of our proposed units. It's approximately 30 feet is what we have shown right now. There was discussion of traffic. In fact, at our neighborhood meeting that -- that came up. The one thing we wanted to make sure that the Planning Commission -- Planning and Zoning Commission knew, as well as the Council here, is we did look into that with a traffic engineering consulting firm that we deal with all the time and ask them to make a quick comparison for us based on the number of units we were proposing and what light office might have provided and we found out that the traffic counts are about 65 percent of what light office would have been. So, this is actually a -- from a traffic impact standpoint it's a better way to go. Parking was brought up. These units, as it states in the -- in the staff report are all self parking. They have garages and they also have parking in front of the garages, as well as the additional site parking that we have provided in the landscape area and the common area as well. With respect to Mr. Abbott's comments, the property does not wrap around Louie's. The property is directly behind Louie's. It consists of 2.1 acres gross. So, there is -- this property has no frontage on -- on Fairview whatsoever. And the Solterra -- I'm sorry, I'm not -- Solterra -- Solterra -- probably still not saying it right, but that -- those two drive -- their driveway to their development and our proposed drive -- well, our existing driveway that we will be utilizing line up, so there is -- there is no conflicting traffic movements there. So, I hope I have addressed their concerns adequately and, again, happy to answer any questions the Council may have.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Two additional questions. So, if I'm seeing this right, then, if this is developed the owners of these particular units will, essentially, be exiting onto Hickory or going kind of around the strip mall to get onto Fairview, utilizing the current Louie's parking lot? Is that accurate or is there its own access?

Womer: Well, unless I'm not understanding your question, the -- the main access to the project would be the Hickory driveway that is existing.

Cavener: Where you enter into Louie's.

Womer: If you are entering into Louie's from the back. This is off of Hickory; right?

Cavener: Doesn't Hickory connect to Fairview?



Womer: Yes.

Cavener: Okay.

Womer: Yes. Okay. I'm sorry. I may not have missed -- I may not have understood.

Cavener: Okay. Thank you. Mr. Mayor, one follow up.

Simison: Councilman Cavener.

Cavener: Particular to -- I think Mr. McDonald inquired about the size of the units that are going to face his backyard. I'm -- I'm certainly sympathetic to what the property owner is trying to achieve. Likewise, I'm also sympathetic to the resident that has there that has had an expectation about what was going to be developed. I know that we don't have a plat before us, but help me understand a little bit of the flavor for what the height of what you plan to build those units that are adjacent to his backyard and kind of what the development plan is.

Womer: Mr. McDonald expressed that concern as well at the Planning and Zoning Meeting and, you are correct, we don't have a site plan, nor a preliminary plat in front of you tonight. But we can certainly look at that, take his concern into account as we lay this out and if we can accommodate with -- with doing something else there. Height wise these are maximum two story units 30 feet away. We believe that the impact would be fairly minor, but we can certainly take a look at coming up with maybe a different configuration. The private street and the lots will be the same layout, but maybe we can put a three unit townhome there possibly. We will take a look at it, though, as we go through the process.

Cavener: Okay.

Simison: Council, any additional questions? Okay.

Cavener: Mr. Mayor, did you have a question?

Simison: The parking. And I'm just -- I'm concerned that we are going to get a call from the restaurant owner in a few years about residents parking in their parking lot on the evenings on a Friday and Saturday night when the residents may be most likely to have people visiting taking up parking. Again, you invite people over for Christmas morning and you are one place and you don't have enough parking potentially for the families in those nine additional spots.

Womer: Well, the restaurant owner, Louie, was supposed to be here tonight. He was unable to make it, but he is a very strong project proponent.

Simison: I know he is. Very -- very familiar with that. That's why -- I know I will get an earful just for making these comments. But it -- but it doesn't go without -- I mean if we

don't want people to park on Hickory and we don't want people to park in the adjacent restaurant parking lot during, you know, the important business hours, what's the solution for this area when nine is not enough and there will be times where nine we know is not enough. That's -- I'm not going to say it's all the time. Maybe seven days a week -- or seven days a year. I don't know. But that's really the question is what is the -- what is the parking solution for when there is not enough parking that's going to be good for the neighborhood, good for the streets, and good for the neighboring business.

Womer: We are certainly willing to take another look at that when we prepare the preliminary plat. We have got some room down there on the south to add some parking.

Simison: That's what I was wondering if -- to that exact point.

Womer: We are certainly willing to do that.

Simison: I understand townhomes are difficult. That's actually why private streets make a little bit more sense, but it also limits no parking typically in front in a meaningful way. And I mean street parking --

Womer: Right.

Simison: -- from that standpoint, so --

Womer: Right side is -- aesthetically speaking it's a better look, but I certainly understand your concern and we will take that into account when we --

Simison: I just want to make sure we have happy restaurant owners and happy neighbors and happy residents, whatever that works out to be.

Womer: I understand the balance. Thank you.

Simison: Thank you. Council, what's your pleasure?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Question maybe for Mr. Nary. Bill, so just got an annexation -- or, excuse me, a rezone request before us. Appreciate what the applicant has said in terms of wanting to put something together, hopefully, that addresses some of the neighbors' needs. A plat comes before us and those elevations don't match that, how much teeth does the Council have in terms of denying, remanding -- I -- I'm worried that, you know, grant a rezone and Blaine's doing a great job, but, then, wins the Powerball and leaves and somebody else comes in and maybe -- maybe we don't get what we had intended here tonight. Just what -- what strength the Council has to be sympathetic to the neighbors.

Nary: So, Mr. Mayor, Members of Council, Council Member Cavener, the -- definitely much more limited. Again, the comp plan amendment is one piece of the teeth that you have to not do this. Secondly, the rezone is, obviously, next. Last is just the plat. So, a plat is just the division of land. So, that doesn't really have the same strength. I mean you can put some conditions, but there is no development agreement here I don't believe that we are talking about, so there is not a condition to amend or other opportunity for the Council to review. So, fairly limited at that point on the plat.

Simison: Would you like the -- the applicant to respond to that?

Cavener: He seems -- he seems enthusiastic to bring forth some information, so, yes.

Womer: Mr. Mayor, Members of the Council, Blaine Womer. Yes. And that -- that is actually Item D in our development agreement requirement. There is a development agreement required that needs to be done, completed prior to adoption of the new zoning ordinance should you approve tonight. So, we will be putting that into the development agreement, which my understanding will, indeed, have the teeth I think that you are looking for.

Cavener: Great. Thank you.

Womer: Thank you.

Nary: Yes. Apologize. So, he's correct. So, that -- those conditions can be in the DA modification -- or the DA conditions for the approval of the rezone, so --

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Question for Sonya. I wanted to follow up on that, because when he mentioned up here the first time about the DA refers to the annexation, but it should be changed, is that -- can you help me to understand that. It should be to the rezone?

Allen: Yes. Mr. Mayor, Councilman Hoaglund, it was just a typo in the staff report. I have corrected it. Thank you.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Follow up on Councilman Cavener's question. Usually the DA provisions require the plat to be consistent with the concept plan, but if there is going to be changes to this concept plan to accommodate the parking solution that we don't yet have, kind of a chicken or the egg. So, I'm not sure how we would craft that provision of the DA without seeing what the solution would be. Unless I'm missing something. The plat application

would look like what's on the screen, which doesn't afford any parking solution that we are all discussing. So, I think we need to put some specifics to that, so it can become a DA provision, so, then, the plat can be consistent with that, just so eyes are wide open on what the solution is going to be. I don't know what it would be or how you do that right now, but now would be the time we would have to articulate it.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Is that worded substantially consistent? That to me is a lawyer word. You know, what -- what does substantially mean and we could spend hours on that one. Because if the road is not changing, if by chance the three townhomes on this side swapped with four on the other side and some additional parking was added, to me that would meet the substantial requirement, but that's just my interpretation of it. I mean how much change can be done before it's -- it's not similar to what we saw tonight. I don't know if you can help, Sonya, or Bill, on -- on that type of question. Or Councilman Borton.

Borton: Mr. Mayor, I will answer -- at least the reason my concern came up is it could be substantially consistent with what's on the screen right now, which doesn't provide that solution, and so the fear isn't that there would be a big change, the fear would be that there is little or no change, which now allows the plat to get approved, because you can't deny it, because it's consistent with what's in front of us. So, we can figure it out. We can fix it somehow. I don't know what those terms would be.

Simison: Maybe one suggestion would be putting in a minimum number of other parking that you would be comfortable with. I don't know if it's a number. I don't know if it's location. You know, I have been mentally struggling with 19 units, 19 off site or two-thirds of that number. There is currently nine. You know, that's a number. I just don't know what really is a good standard when you don't have other things that's relative.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: It's a challenge. I think we are -- we are cautiously quiet. We are not sure how to do it up here on the Dais, nor should we. I think you might be able to articulate -- yeah. Go ahead.

Womer: Mr. Mayor, Members of the Council, Blaine Womer. We were just discussing the -- because the numbers are kind of floating and what -- you get -- the Council is struggling with what is the right number to make everything work. I think probably what could be written into the development agreement is an analysis by a licensed traffic engineer to do a parking analysis. That way they would be able to know, because Louie's is existing, they know how many tables are there, there is models for how a restaurant gets used and our project is parked hundred percent between garages and the driveways themselves,

plus the additional parking we are offering. I think if -- the Council may have -- may feel a little better with having it professionally analyzed as a part of the requirement for the development agreement, which we would be willing to have you write in. I just don't know any other way to do it without having someone that -- that is actually licensed and practices those types of analysis. So, that going forward we have got the right number of parking, because at the same time it's a waste to overpark it.

Simison: Well -- and I think this kind of is part of that conversation that we even have with other applications recently is restaurants are really busy during certain times and how does that work. I mean a cross-parking agreement to allow people to park in those areas would probably solve that, but that may not make the current or future restaurant owner happy to have residents parking there. That's what I want to protect the area from is -- at least from my perspective -- the nonvoting person's perspective, who actually really likes the project and thinks this makes a lot of sense, but trying to find that. Councilman Cavener.

Cavener: I think it's -- it's one step further. It's not so much about -- I think the Mayor is concerned about, you know, neighbors parking in Louie's restaurant. My concern is the inverse, is, you know, Louie's patrons parking in front of your future resident's driveway and preserving their access. I think those are the calls the Mayor's office is going to get as on a -- on an Easter Sunday or on a Wednesday when the Kiwanis and the U of I Alumni Association meets and the parking lot is already packed, they are going to -- they are going to bleed into your neighborhood and that's not good for your residents either. So, that -- I share those --

Simison: Do you need to disclose something that you are there every Wednesday?

Cavener: You wouldn't know it from looking at me, but I go to Louie's every Wednesday. Yes. Yes.

Womer: Well, we have checked and Louie's currently is parked definitely within the code.

Simison: Recognize that. I think it's how do we keep people off a Hickory, if that's a concern. Where are they naturally going to push if Hickory is not the option, when you exceed the parking here, which there will be times when that occurs.

Womer: Understood.

Simison: So, Council, I throw it back to you on conversation, next steps appropriateness.

Nary: Mr. Mayor?

Simison: Mr. Nary.

Nary: Mr. Mayor, Members of the Council, I mean I do appreciate the applicant's suggestion of at least having a professional provide you some data or some information

that's a little bit more objective, so that way we don't have a concern about it being arbitrary. I would suggest that we do that, though, that they make no less than what they have already presented. So, if you were to get a traffic engineer that comes back and says we really only need six extra parking spaces, you can take three of them away, we don't really want that. So, you could have at least a minimum of what they have shown and -- but they would need to comply with whatever is proposed by a traffic engineer. I think that helps. I think there is cross-parking already on these sites. So, I think it is something that they are all going to have to deal with that. I think the bigger concern we have heard tonight, though, so I don't want to make it part of the record necessarily, but I think what Councilman Cavener has raised is what we have heard before is other patrons, staff, those types of parking conflicts that you get. But, again, I think if you have cross-parking and they have at least an engineer telling you how much is appropriate, I think that's the best from the city's perspective we could do.

Simison: So, Mr. Nary, you believe this entire area is a cross-parked development?

Nary: Mr. Mayor, I would have to go verify that. I believe the portion that came in with Louie's is. I don't know if that includes the bank on the east side of the -- of the drive aisles or the retail commercial that's on -- to the west of them, but I thought these two pieces had a cross-parking between them, so --

Simison: Okay.

Nary: Because it was anticipated that they were going to be offices of some sort in the past. And if you would like we can certainly try to verify that before -- have another conversation. It's up to you. I don't have the DA in front of me.

Simison: Councilman Bernt.

Bernt: Mr. Mayor, thank you. I -- I'm certainly not against, you know, having a professional look at our concerns and providing data that's objective. I don't have a concern with that. But just being fully transparent, just for -- you know, just to be fair to the applicant in my opinion and it's -- I always take these rezones lightly, for obvious reasons, and -- because of the concerns that my fellow Council Members have discussed, whether it's parking, whether it's neighbors and having sympathy for neighbors that have lived there for a while expecting a certain development to occur and having that change is certainly something that we take into consideration. In my opinion right now I feel that this doesn't quite meet the benchmark for me to change the zoning. I'm open to the data and seeing what that looks like. That's where -- that's where I'm leaning in right now and these decisions are tough, because of the neighboring businesses that are long standing. Louie's -- you know, Louie's has been there for a long time and it's a great restaurant and they have been a great Meridian business for a long long time. So, got to sort of take that aspect out of the decision and -- and with that said I -- right now I'm a little -- a little hesitant just for transparency.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I will just throw my comment in there. You know, it's kind of nice to have an in-fill development that's brought to us and you don't have all the neighborhood adamantly opposed to in-fill development and comments that, you know, there are things they would like to see tweaked, but certainly aren't unhappy about and it's the best they have seen. You know, that -- that will certainly help. So, I don't want to, you know, throw the baby out with the bathwater on -- on something like this. There are some issues that we have to work. This is a rezone. I appreciate Council Member Cavener's comments about, you know, asking Council what -- what tools do we have to make sure things can move forward in a transparent way for what we are looking at and how it comes forth and I think we might have a few tools at our disposal to make that happen if we were to approve this, but -- and, hopefully, when the final plat comes forward -- the preliminary plat, those things are there and we can see what -- what it could be and attempt to resolve all those problems, because I -- I think if we just not do this it's -- which we certainly can, we can leave it as is, it's just going to continue to sit for quite a few more years and -- but, you know, it's certainly something worth wrestling with and trying to figure out what -- what the best path forward is.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I think the Planning and Zoning Commission called it the second best proposal that they could get and I tend to agree with that. I think like Council Member Bernt, I struggle with the rezone. We are losing a lot of commercial land. That sat for 20 years. They tried really hard to make it a go with commercial and if it just doesn't fit I hate to be so beholden to that that we don't -- we don't open our eyes to another option. So, I think I'm supportive of a rezone with the traffic or a parking study to be a condition. Potentially conditioning some height of those buildings that -- that face Mr. McDonald. I think that we could -- we could get there if we want to.

Borton: Mr. Mayor?

Simison: Mr. Borton.

Borton: I do think it's almost ready. It really is. I'm more inclined -- it's not ready today. I couldn't approve it today. But I think the problems with parking that the Mayor's brought up, you are spot on, we know what's going to happen here. Some engineering data might help. But intuitively we have seen this challenge where even a code compliant project creates problems, because -- it just does. And your example of what you described, Kiwanis Wednesday, I just -- you know, they -- Louie's parks on this dirt lot now. They are popular. So, there is challenges there. I'm not comfortable yet that we have the solution. I don't know how to draft the language to ensure the right number of parking spaces are

there. I think the applicant in a week or two might be able to come up with language that gets you there. Maybe. I would certainly want to know that there is a cross-parking agreement reported against both properties that would allow these residents to be able to use the Louie's lot, so we can have time to verify that. So, I'm not ready to move forward. I like it. I think it is kind of the next best thing, but it's not quite ready yet in my eyes.

Simison: Council Woman Perreault, anything to add?

Perreault: No. I don't have anything additional to add. I agree with Councilman Cavener. I think that we can get there and I -- I understand the applicant's struggle with bringing in a use, how it's currently dedicated in the -- in the Comprehensive Plan. So, I -- I like the concept. I would like to see if they could make something work. But I do think we need more data on the parking.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Blaine, are you open for another question? I think the public hearing is still open.

Simison: Yeah. Public hearing is still open.

Cavener: Blaine, you have heard I think some good conversation from the Council. I think I tend to agree, if we could get a parking study done first, I think that would maybe address some of the concerns of Council. Is that something you guys are -- are willing to do on the front end, as opposed to the back end, and we could continue it out for a few weeks and you could bring us back those results. Also give us some time to further explore the cross-agreements for parking and make sure that we are all speaking the same language?

Womer: Well, Mr. -- Mr. Mayor, Members of the Council, obviously, our preference tonight would be to get approval and come back to you with a preliminary plat with that supportive study, which I think could still work, because from what I'm hearing it seems like this generally is the -- is the right way to go. However, if at the same time we would take a continuance over denial. So, I guess that's probably the best way I can answer that question.

Simison: Well, maybe even this -- I mean even per the feedback, redoing some of the design and seeing where you could put in more parking, without doing the study may also meet the needs and desires without doing a formal study. Again, I don't know from the feedback you heard if you have even thought about what type of changes you could look at that would make sense in the short term in the next couple weeks.



Womer: Mr. Mayor, my concern with that is that we might come back and find this body still has the same concern. I think if -- if we are going to be continued, we would want to do that analysis. We would want to come back to you with tight numbers and some numbers we can certainly stand behind and support. So, I think that's probably the -- the way we would handle that would be to do the study now.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Blaine, how quickly -- how much time do you think you would need? Two weeks? Three weeks? Four weeks?

Womer: Well, I'm sure we could get it done in a couple of weeks and be ready to be back to you, if that -- if that works with Council and your agenda.

Cavener: Okay. Great. Thanks, Blaine. Appreciate it.

Simison: Sir, technically, the applicant has the last word, so we got to not take -- there will probably be another opportunity at the next meeting would be my guess, if we go that direction.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: So, we want to keep the public hearing open then? So, Mr. Mayor, I move that we continue Item No. 3, public hearing for Woodcrest Townhomes, H-20210015, to September 21st or August 21? Real quick, Sonya, is that going to give you guys enough time I feel like you might need?

Allen: Mr. Mayor, Councilman, for a parking analysis from the applicant? I believe they said a couple of weeks. It depends on if you need that the week before the Council meeting on the Tuesday before. So, that would really only give them a week. So, keep that in mind if you would like it ahead of time.

Cavener: Looking for a nod from the applicant if that's going to be enough time. I worry that it's not. Okay. Mr. Mayor, I'm going to revise my motion that we continue the public hearing for Woodcrest Townhomes, H-2021-0015, to September 7th.

Hoaglund: Second the motion.

Simison: I have a motion and a second to continue the public hearing. Is there any discussion? If not, all in favor signify by saying aye. Opposed nay. The ayes have it and the item is continued. Thank you. Look forward to seeing you back in September.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

**ORDINANCES [Action Item]**

- 4. Ordinance No. 21-1939: An Ordinance (H-2020-0127 – Skybreak Subdivision) For Annexation Of A Parcel Of Land Located In The S ½ Of The NW ¼ Of Section 4, Township 2 North, Range 1 East, Boise Meridian, Ada County, Idaho, As Described In Attachment “A” And Annexing Certain Lands And Territory, Situated In Ada County, Idaho, And Adjacent And Contiguous To The Corporate Limits Of The City Of Meridian As Requested By The City Of Meridian; Establishing And Determining The Land Use Zoning Classification Of 80.461 Acres (More Or Less) Of Land From RUT To R-8 (Medium Density Residential)(43.858 Acres) And R-15 (Medium High Density Residential)(36.604 Acres) Zoning Districts In The Meridian City Code; Providing That Copies Of This Ordinance Shall Be Filed With The Ada County Assessor, The Ada County Recorder, And The Idaho State Tax Commission, As Required By Law; And Providing For A Summary Of The Ordinance; And Providing For A Waiver Of The Reading Rules; And Providing An Effective Date.**

Simison: Council, next item up is Ordinance No. 21-1939. I will ask the Clerk to read this ordinance by title.

Johnson: Thank you, Mr. Mayor. This is an ordinance related to H-2020-0127 Skybreak Subdivision, for annexation of a parcel of land located in the S ½ of the NW ¼ of Section 4, Township 2 North, Range 1 East, Boise meridian, Ada county, Idaho, as described in Attachment “A” and annexing certain lands and territory, situated in Ada county, Idaho, and adjacent and contiguous to the corporate limits of the City of Meridian as requested by the City of Meridian; establishing and determining the land use zoning classification of 80.461 acres (more or less) of land from RUT to R-8 (Medium Density Residential)(43.858 acres) and R-15 (Medium High Density Residential)(36.604 acres) zoning districts in the Meridian City Code; providing that copies of this ordinance shall be filed with the Ada County Assessor, the Ada County Recorder, and the Idaho State Tax Commission, as required by law; and providing for a summary of the ordinance; and providing for a waiver of the reading rules; and providing an effective date.

Simison: Council, you have heard this ordinance read by title. Was there anybody that would like it read in its entirety? If not, do I have a motion?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I move that we approve Ordinance No. 21-1939 with the suspension of rules.