

A Meeting of the Meridian City Council was called to order at 6:00 p.m., Tuesday, December 14, 2021, by Mayor Robert Simison.

Members Present: Robert Simison, Joe Borton, Luke Cavener, Treg Bernt and Brad Hoaglund.

Members Absent: Jessica Perreault and Liz Strader.

Also present: Chris Johnson, Bill Nary, Sonya Allen, Joe Dodson, Shawn Harper, Joe Bongiorno and Dean Willis.

ROLL-CALL ATTENDANCE

<input type="checkbox"/> Liz Strader	<input checked="" type="checkbox"/> Joe Borton
<input checked="" type="checkbox"/> Brad Hoaglund	<input checked="" type="checkbox"/> Treg Bernt
<input type="checkbox"/> Jessica Perreault	<input checked="" type="checkbox"/> Luke Cavener
<input checked="" type="checkbox"/> Mayor Robert E. Simison	

Simison: Council, we will call the meeting to order. For the record is Tuesday, December 14th, 2021, at 6:00 o'clock p.m. We will begin this evening's regular City Council meeting with roll call attendance.

PLEDGE OF ALLEGIANCE

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

(Pledge of Allegiance recited.)

COMMUNITY INVOCATION

Simison: For this next item I'm going to turn this over to Councilman Hoaglund.

Hoaglund: Well, thank you, Mr. Mayor. It's a pleasure for me to invite Pastor Tim Pusey to come up to provide our community invocation and we are going to invite people to participate in this community invocation or take this as a time of personal reflection. But before Pastor Pusey begins I just want to let folks know that after 14 years at Valley Shepherd he's retiring and I have had the pleasure of being a member of his congregation for those 14 years and, in fact, was on the pastoral search committee that brought him to Meridian. So, that seemed like a long time ago and now we are going to have to do it again. But he goes -- certainly goes with our blessing. He has been a wonderful leader for -- for our congregation and for the community. His involvement in the faith leaders group and all the activities that they engage in -- in -- in the needs of our community, it's -- it's been greatly appreciated and, pastor, for your faithfulness, coming before this -- this

-- this body on a regular basis to pray for us and to help with the leadership and our wisdom and certainly we need it and we greatly appreciate that and we wish you all the best going forward. So, thank you for being here tonight.

Pusey: Thank you. Honored by your words. Let's pray. Heavenly Father, as we gather here tonight for a meeting of the City Council, we -- we thank you, Lord, for this wonderful community, the way in which you have blessed this community. We thank you for the leaders who serve this community and the many servants of the community who take care of the needs of people. I -- I pray, Lord, for -- for your peace to rest upon this community. We pray first for peace in our own lives and we pray, Father, for -- for peace in this community. We pray, Lord, for -- for peace around the world. There is such a need for it. We thank you for this wonderful time of the year when many of us celebrate the birth of the one who was called Wonderful, Counselor, Mighty God, Everlasting Father, Prince of Peace and so we turn to you, Lord, asking for such peace to be in our hearts and in our lives and, Lord, I pray wisdom for our City Council tonight. I don't know all of what is on the agenda and all the issues behind it, but I pray for your wisdom and guidance. I understand that so many of the decisions they have to grapple with are not easy decisions and I just pray that you would somehow just guide them through the issues that they are dealing with tonight and, Lord, continue to bless this community. Thank you for allowing me to be a part of it these years and we trust you, Lord, to continue to bring good things in and through the Meridian -- the City of Meridian, in Christ's name we pray, amen.

Simison: Thank you, Pastor.

Hoaglund: Do you have a City of Meridian pin in your collection yet? So, thank you. Appreciate it.

ADOPTION OF AGENDA

Simison: Thank you, Councilman Hoaglund. Next item is the adoption of the agenda.

Bernt: That's me, Mr. Mayor. I'm ready to roll. So, with -- no changes to the agenda, so I move that we adopt the agenda as published.

Hoaglund: Second the motion.

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

MOTION CARRIED: FOUR AYES. TWO ABSENT.

PUBLIC FORUM – Future Meeting Topics

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

Johnson: Mr. Mayor, we do not.

ACTION ITEMS

- 1. Public Hearing and Reading of Ordinance No. 21-1958: An Ordinance of the City Council of the City of Meridian, Idaho, Approving the Urban Renewal Plan for the Linder District Urban Renewal Project, Which Plan Includes Revenue Allocation Financing Provisions; Authorizing the City Clerk to Transmit a Copy of This Ordinance and Other Required Information to County and State Officials and the Affected Taxing Entities; Providing Severability; Approving the Summary of the Ordinance; Providing for Waiver of the Reading Rules; and Providing an Effective Date**

Simison: Did not? Okay. Then we will go right into our Action Items this evening. First item up is a public hearing in reading of Ordinance No. 21-1958. Is Cameron, Tori -- no?

Johnson: Mr. Mayor, we are just trying to get the presentation loaded.

Simison: Okay. We will open this public hearing with staff comments. Meghan.

Johnson: Still waiting on it. Sorry.

Simison: Mr. Borton, if you would like to entertain us with pictures of your dog, feel free.

Borton: I don't know what you are talking about.

Conrad: Mr. Mayor, Council --

Simison: Oh. Oh. You are going to have to wait. Oh, there it is.

Conrad: Oh, there he is.

Simison: Sorry about that.

Conrad: No. No problem. I think while they are loading would you like me to go ahead and start? Okay. Thank you so much. My name is Meghan Conrad. I'm an attorney at Elam & Burke, special counsel for Meridian Development Corporation. 251 East Front Street, Boise, Idaho. I'm here today before you to discuss the urban renewal plan for the Linder District Urban Renewal Project. This project area is about 189 acres. There is 18 parcels, included six of which are still within the boundary of unincorporated Ada county. The plan elements specifically for an urban renewal plan are set forth in Idaho Code Section 50-2905. There are eight elements that are set forth in that statute and all eight of those elements have been specifically addressed within the confines of the plan or the attachments. I will just quickly run through those eight elements and identify where they are. There is a PowerPoint that does specifically identify the sections that we are talking

about, so you will have a record of where those are. The first is evaluation requirement that the collective values of the existing revenue allocation areas, combined with the proposed new district, cannot exceed ten percent of the total taxable value of the city. That analysis was done using the 2020 assessed values due to the timing of when the plan was created. That is currently 2.62 percent, the total of all of those findings, including the proposed North Gate and the First Amendment, which was considered at your December 7th meeting. So, those were included in the analysis as well. So, even using the 2021 assessed values, you are well below the ten percent threshold with this project area. The second is this statement listing the kind, number, and location of all the proposed public improvements that are specifically identified in Section 300 -- or 301, as well as Attachment 5. The third is the economic feasibility study that is set forth in Attachment 5 to the plan. There is also a fiscal impact statement requirement that is set forth in Section 502.8 of the plan, as well as Attachment 5. There is the description of the methods of financing. That's in Section 501 and Attachment 5. The plan has to include a termination date, which is set forth in Section 800. The termination date in this particular plan is for the full 20 years. So, a termination date would be December 31 of 2041, recognizing the agency would receive dollars within 2042. That does not preclude a revenue allocation area from terminating early, it just is to the extent that there is -- development is delayed or the revenues are less than projected on more time may be needed to fulfill the projects that are identified in the plan. And, then, the final point is the description of the disposition or retention of any assets, which is also set forth in 800. Typically at the time of termination of a revenue allocation area assets that are owned by the agency would be disposed of typically to the city, unless there is a better public entity to take those. There is a requirement in both the line and act that states if there is an agricultural operation -- and that is defined in the code and it's generally very broad and it does have a three year look back. It requires property owner consent to be included within the district. So, that analysis was undertaken. Six identified -- six parcels were identified as requiring an ag consent and those parcels did obtain an ag consent. The project list in this particular plan was informed by a number of different types of documents that are city planning documents, as well as property owner discussions. The city's Comprehensive Plan was reviewed. You also have a Ten Mile Interchange Specific Area Plan that greatly informed the types of projects that are included herein. City conversations with both city and Meridian Development Corporation staff, Ada County Highway District staff and property owners within that 188 acres. This proposed plan is extremely limited and really only contemplates three fairly significant projects. The first is the Linder overpass project that focuses on the southern approach to that overpass. As part of these projects, you know, there are some ancillary spin-off projects, such as, you know, the need to acquire some real property or perhaps other right-of-way improvements when we get down to the local road project. But that project is anticipated or estimated to cost 1.5 million. The second project is the sewer main project and that's anticipated to be a 3.5 million dollar project and, then, a local road project that is an east-west connection that's off of Overland Road that runs approximately between South Linder and South Ten Mile Road, that's a two million dollar project. So, we are talking about a total of seven million dollars worth of improvements within the life of this district. This map shows in an estimate as to the proposed siting of those projects as this project area builds out. Yellow line represents, obviously, the -- the approach to the Linder pass -- overpass

and, then, the -- the green line that is parallel to I-84 is the proposed location of the sewer line and, then, the pink -- pinkish line is the proposed location of the east-west local road. These are representative and, you know, once development occurs these will be more appropriately sited, but just for purposes of representation these are the estimated locations. So, Attachment 5 is the economic feasibility study to the plan. That includes the revenue model and assumptions that are used that drive whether or not this project is economically feasible. The -- the estimated tax increment yield over the 20 year life of this plan is 11.3 million dollars. The private investment in this area is estimated to be 110 million dollars and at the 20 year mark it's estimated that this project area will have accrued of 218 million dollars worth of increment value if it goes the full 20 years. The assumptions are similar to what you have seen before in these discussions. One difference is that it is anticipated that those unincorporated parcels will incorporate into the city prior to development occurring. Land value is estimated to increase at eight percent a year for five years and, then, four percent for the remainder of the term. Improvement values are increased at ten percent, with five percent for the balance of the term. The tax rate -- the overall tax rate that generates revenue for this project area is reduced by ten percent and held constant through the life the district, which is pretty conservative at .0053. Again, the total capital cost and the improvements over the life of the district are seven million dollars. The -- the Linder overpass is inset in 5.4 -- Attachment 5.4 to the plan. It shows how those funds will be, essentially, allocated to a fund that accrues over time. So, there is a revenue model that shows how all of these projects can be paid over the life of the district. Just a quick note. Council Member Strader had requested some information concerning scenarios showing the city's budget capacity with and without the Linder district revenue allocation area. That information was provided to Council Member Strader and it really does show that there is no harm to the tax base and that, in fact, the budget capacity does increase over the life should -- should this district be in place. Other considerations, since we are talking about a multi-jurisdictional project area, we did have to have a number of meetings with the Ada County Board of County Commissioners. They did review the eligibility study for this project area and determined that there was a basis to consider an urban renewal project for this area. Originally the project area was slightly larger as directed by this body at the time of the adoption of this -- of the eligibility study we were directed to remove some of the parcels north of I-84. So, the project area is smaller than the study area. Additionally as a statutory requirement, the Ada County Board of County Commissioners has to adopt a transfer of powers ordinance, as well as the intergovernmental agreement that's entered into between the Board of County Commissioners and the City Council. The Board of County Commissioners has completed both of those tasks and, then, finally, as this is a new project area and based on statutory changes, there is an agreement that was signed on Monday with Ada County Highway District and will -- between Ada County Highway District and Meridian Development Corporation concerning the use of those revenue allocation dollars in this project area. So, final point, here is the -- the timeline of the consideration of this project area. It's gone through a number of public meetings, both before the City Council, Meridian Development Corporation and the county as well. There has also been discussions with Ada County Highway District. The notice of this public hearing was published in the Idaho Press two times and today is the time set for the public hearing and ordinance reading. So, with that happy to stand for any questions.

Simison: Thank you. Council, any questions?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Not a question. I appreciate the timeline. It's helpful. We kind of look at these in week to week periods and putting them all together is helpful. Are you aware of any of these public hearings? Has anyone come to testify about these in -- particularly in opposition to what's being proposed?

Conrad: Thank you, Mr. Mayor, Council Member Cavener. Just to be clear, not all of these were public hearings. They were public meetings. I am not aware of anybody that has come forward. There has been significant public outreach with the property owners within this proposed project area. I have not -- I'm not aware of any conversation.

Cavener: Thank you.

Simison: Council, any additional questions? Okay. Thanks, Meghan.

Conrad: Thank you so much.

Simison: This is a public hearing. Mr. Clerk, do we have anyone signed up to provide testimony on this item?

Johnson: Mr. Mayor, no one signed up. We have also received no comments.

Simison: Okay. Well, if there is anybody in the room that wants to come forward and provide testimony on this item, you can -- now is the time to do so, or if there is anybody online that would like to provide testimony, please, use the raise your hand function and we will be happy to bring you in for any comments. Seeing no one in the audience that would like to provide testimony or nobody online wishing to provide testimony, Council, do I have a motion to close the public hearing?

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I move that we close the public hearing.

Hoaglund: Second the motion.

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

MOTION CARRIED: FOUR AYES. TWO ABSENT.

Simison: Next item up would be the reading of the Ordinance, No. 21-1958. Ask the clerk to read this ordinance by title.

Johnson: Thank you, Mr. Mayor. This is an ordinance of the City Council of the City of Meridian, Idaho, approving the urban renewal plan for the Linder District Urban Renewal Project, which plan includes revenue allocation financing provisions; authorizing the City Clerk to transmit a copy of this ordinance and other required information to county and state officials and the affected taxing entities; providing severability; approving the summary of the ordinance; providing for waiver of the reading rules; and providing an effective date.

Simison: You have heard this ordinance read by title. Is there anybody that would like it read in its entirety? If not, Council, what's your pleasure?

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I move that we approve Ordinance No. 21-1958.

Simison: Under suspension of the rules?

Bernt: With suspension of rules.

Hoaglund: Second the motion.

Simison: Have a motion and a second to approve Ordinance No. 21-1950 under suspension of the rules. Is there any discussion? If not, all in favor signify by saying aye.

Borton: Mr. Mayor, I abstain.

Simison: Any opposed? No opposed. So, the vote is three ayes, no nays, and one abstention.

Borton: Thank you.

Simison: Mr. Borton. And the item is agreed to.

MOTION CARRIED: THREE AYES. ONE ABSTAIN. TWO ABSENT.

- 2. Public Hearing for Pera Place Subdivision (H-2021-0056/H-2021-0091) by Leavitt & Associates Engineers, Located at 4600 W. Daphne St., 4546 W. Daphne St., and Parcel S0427325702, Near the Northeast Corner of N. Black Cat Rd. and W. McMillan Rd.**

- A. Request: Annexation and Zoning of 10 acres of land with a request for the R-8 zoning district.
- B. Request: A Rezone of 6.84 acres of land from the R-4 zoning district to the R-8 zoning district.
- C. Request: A Preliminary Plat consisting of 65 single-family detached building lots and 7 common lots on 16.63 acres of land.
- D. Request: Development Agreement Modification (H-2021-0091) to terminate the existing Development Agreement (Bellhaven Subdivision, AZ07-011 & PP-07-016, Inst. #108057324) to incorporate the subject parcel (S0427325702) into a new Development Agreement consistent with the proposed Preliminary Plat and Annexation for Pera Place Subdivision (H-2021-0056).

Simison: So, with that we will move on to Item No. -- thank you, Tori, Bruce, Meghan and Phil, who is online this evening for your work getting all those moving forward and done timely. Next item up is a public hearing for Pera Place Subdivision, H-2021-0056 and H-2021-0091. We will open this public hearing with staff comments from Joe.

Dodson: Thank you, Mr. Mayor, Members of Council. As noted this first action item tonight is going to be Pera Place Subdivision. The site consists of 16.63 acres of land, zoned RUT, Rural Urban Transition, and R-4, located across three different parcels, generally near the northeast corner of Black Cat and McMillan. To the north is existing R-4 and single family. To the east is -- to the east and south are county residential, five acre parcels. To the west is R-8 zoning with single family residential development approved and under development. The future land use designation on the site is medium density residential, which allows residential uses at density -- gross density specifically at three to eight dwelling units per acre. The request before you tonight include annexation and zoning of ten acres of land, with a request for the R-8 zoning district. A rezone of approximately seven acres of land from the R-4 zoning district to the R-8 zoning district and a preliminary plat consisting of 65 single family detached building lots and eight common lots on 16.6 acres of land. The subject project includes three existing parcels, one of which was annexed into the city with the R-4 zoning district in 2007 and has an existing development agreement. The area to the north of this project is developed with R-4 zoning and with detached single family homes. In addition, there is an R-8 subdivision approved to the west of this project as noted under the name of Brody Square Subdivision. The applicant is proposing Pera Place with 65 building lots, which equates to a gross density of 3.91 units per acre. The proposed use of detached single family residential is an allowed use and anticipated use within the requested R-8 zoning district and the future land use designation of medium density residential. The area of R-4 that's existing, which would be this north parcel here, this weird shaped one, created a county enclave, which is known as the Poorman outparcel, which is this little piece here. There is the property line directly in line with this property line. It created a county enclave that is still owned by the same property owner. The enclave is not annexed and was approved

for a plat in 2007. The plat is long expired, but the DA still exists. The applicant is requesting to rezone this area to the R-8 zoning district to match the requested zoning of the rest of the plat. Because there is an existing DA tied to a plat that is no longer valid and the applicant is requesting to rezone this area, the applicant did submit a development agreement modification to replace the existing DA -- well, to terminate it and, then, replace it with an new DA to incorporate this area into the boundary of the annexation under area concurrent with this plat. In general, staff finds that rezoning this area from R-4 to R-8 is a logical expansion of the existing zoning near this corner of Black Cat and McMillan. Staff finds a proposal to annex the ten acres and, then, rezone to the R-8 zoning district, offers an appropriate transitional density to the developed R-4 area to the north, specifically because of the changes that the applicant made to align the northern properties here with those existing to the north. There are two existing county residential single family homes with accessory structures on the two five acre parcels abutting Daphne Street. All structures are proposed to be removed upon development of this project. The Poorman outparcel also has their septic tank drain field on a small area just north of their property line near North Black Cat, which you can see with a dotted line here. Originally there was a nonbuildable lot in this area, but following staff's recommendation they have removed this buildable lot in lieu of an easement and future legal document, which is going to outline as maintenance use and termination as noted in an existing DA -- or proposed DA provision. Overall for the project the proposed use is detached single family residential with an average lot size of approximately 6,700 square feet. The minimum lot size of around 5,300 square feet. The proposed use, lot sizes, and revised lot of alignment along the north boundary should provide for a development that is cohesive with the adjacent development to the north and the planned development to the west and southwest. All subdivisions -- all subdivision developments are required to comply with the subdivision design improvement standards in UDC 11-6C-3. Specifically, the length of the proposed east-west cul-de-sac shown as West Philomena Court in the north portion of the site does not comply, because it was greater than 500 feet. It is approximately 550 feet in length. Now, originally the preliminary plat met this 500 foot requirement and it included an access easement from the cul-de-sac to the west to the Poorman outparcel. Staff recommended that the applicant extend Philomena Court further west, so that -- so that way right of way touched the property line. Staff recommended this, because easements are more difficult to track and maintain than having abutting right of way touching a property line. With the current layout the city will have more means of requiring the Poorman outparcel to take access to Philomena Court, instead of Black Cat should that property ever redevelop. Access for the site -- I will go back to the bigger picture. Access to the site is via multiple local street connections and does not have any arterial or collector street connections. One access is the extension of North Supino Avenue, a local street stubbed to the north property boundary here from the Vicenza Commons. The applicant is proposing two new north-south local street connections to West Daphne. West Daphne abuts the property along the south boundary here. So, these are the two other north-south local streets. Daphne Street is the access point for the existing county residents and is proposed to be improved with half plus 12 feet of pavement, curb, gutter, and five foot attached sidewalk, consistent with the local street -- street section. The proposed North Supino extension intersects Avilla Drive, which is being constructed from the west from Brody Square and is the access point for

the noted Philomena Court. The applicant is proposing a common drive off of North Supino, which was this here, and has access to three building lots. It looks confusing, but the back three take access off of this, these two take access off of Supino. All the local streets are proposed as 33 foot wide street sections with five foot attached sidewalk within 47 feet of right of way, consistent with ACHD policies. The applicant is also proposing to extend the Avilla Drive to the east boundary as a stub street for future road connectivity to the east. Five foot detached sidewalk is also proposed along Black Cat as required along an arterial. As proposed, this project and the existing conditions of the Poorman outparcel not being annexed into the city would create a sidewalk gap and continue the sidewalk gap along the east side of Black Cat. This gap would be approximately 190 feet in length and equates to the outparcels frontage along Black Cat. The sidewalk gap is wide -- the project required ACHD commission approval, instead of the standard staff level review. The ACHD commission approved the road layout and the overall project without this additional sidewalk, but instructed the applicant to try and obtain additional right of way and sidewalk along this outparcel frontage. Staff has recommended a condition of approval along the same lines of this. Consistent with other approvals in the area as well, staff does recommend an interim sidewalk is constructed along the outparcel frontage for pedestrian safety and to eliminate the sidewalk gap until frontage improvements are required, should the Poorman outparcel redevelop. So, the way this usually works is you take a portion of the shoulder and have a raised curb in order to have that sidewalk along that frontage. It should not impede too much on any existing landscaping or berming along Black Cat, but the applicant needs to work with the -- with ACHD, as well as the Poormans, to get that done. The application is proposing approximately 2.84 acres of qualified open space, which equates to approximately 17 percent of the gross area. They are also proposing three qualified amenities. A shade structure with a picnic table, a tot lot, and at least 20,000 square feet of extra open space, meaning above the minimum requirement. Staff finds the proposed open space and amenities to be thoughtfully designed and placed for appropriate recreation use. So, the two main areas -- this is linear open space here that has a nice pathway and three irrigation ponds, because there is apparently groundwater issues here for irrigation, and, then, there is a large green space here with some existing -- basically tree farm that they are maintaining and they will extend, from my understanding, so they get this pathway through and that was discussed at the Commission hearing as well. At the Commission hearing they did recommend approval with a couple of noted modifications. There was some public testimony. They discussed the location of the proposed micro path, transition and lot sizes between what's proposed here and there. So, that was Justin. Overall desire for the applications to be approved as proposed, because of the applicant's willingness to work with the sellers, and there was discussion about the city's place in creating the Poorman outparcel starting in 2007 and onward by not requiring the parcel to be annexed originally. The Commission discussed the use proposed for the irrigation ponds, configuration of the remaining parcels to the south and east. Specifically is the proposal in adequate transition to the larger county five acre -- the larger five acre county parcels. They discussed the size and configuration of the lots on the common drive and they discussed issues of allowing the existing Poorman outparcel to remain and not become part of the plat and what are our options in requiring them to annex. As noted, the Commission did recommend approval with two specific recommendations. They

wanted to move the micro path and the large open space lot to be further away from the existing fence, which they did. It used to be a little bit closer here and kind of looped around by the fence. They moved it more centralized to the cul-de-sac, which was an easy fix. They also revised -- they were required to revise the lot lines along the north boundary to align with the existing lot lines of the Vicenza Commons Subdivision, which they did. Therefore, there are no outstanding issues for City Council, other than I guess the noted waiver that they need to have the cul-de-sac longer than 500 feet. There has been no written testimony since the Commission hearing and so now I will stand for any questions.

Simison: Thank you, Joe. Council, any questions? Okay. Thank you. Would the applicant or their representative like to come forward? State your name and address for the record and be recognized for 15 minutes.

Tseng: Tony Tseng. 6518 North Fairborn Avenue, Meridian. Mr. Mayor, Members of Council, I appreciate the opportunity today to present Pera Place. My name is Tony, I represent Applied Media, developer of Pera Place. In attendance we have Dan Lardie with Leavitt and Associates. So, if there is any technical questions he is happy to jump up here and answer -- answer any questions. I want to start by thanking Joe and Bill, who have been greatly instrumental to getting this done. I think Bill was the gentleman that actually was part of this project back in 2007. So, he has a lot of background and had a lot of insight about the project. So, they have been really, really, really helpful, so -- I will just scroll there. Okay. So, a lot of this information here the staff has covered. And the reason I put this map up is that when you go to the overhead map via Google Maps or Apple Maps, it looks really sparse, because the maps aren't updated. So, what I did is I kind of put together what's being planned, what's been built. The little green spot there is our -- our Pera Place and, you know, we didn't choose to make it kind of shaped like a goat, but because the land that was available to us we had to fit this into what Brody Square has already done, what's available -- with the land that was available -- available to us to kind of create the subdivision. So, just want to illustrate what's going on there. I know there was question about density, a question about whether the R-8 density is appropriate for this piece, and I wanted to kind of illustrate -- if you look around this area there is a lot of R-8 density, some R-15, and since we are building to a much lower density, under four on a gross basis, a little bit above 4.7 on a net basis, I feel like it's a pretty -- pretty appropriate transition coming south from R-4 density and as you move towards Brody they are a little bit denser and Berkeley has a project down there that's R-15, it's like a townhome community, so I think it's a good blend. I stole a slide from staff. It kind of illustrates. Everything in red is the Jamestown Ranch. I know that they are not approved, but I know that's a plat that they are I think seeking approval in next month -- or, actually, this month for the Planning and Zoning and so this is a good overview of what -- what that side of the town is going to look like. It's kind of getting all developed out and this is just an illustration what the future land use was going to be. It's medium density residential, as Joe had stated, and so our little subdivision kind of fits right into that medium density, with the three to eight dwelling units per acre. So, as you can see, this is a little bit different than the illustration they have shown. Our engineers have told us that the pond had to be a little bigger, so you will see that adjustment, and the lot lines on

the north as per Planning and Zoning's recommendation is to line up the lot lines. So, we went ahead and eliminated one of the lots and if you have noticed the top left corner, that's kind of where the story really starts, is, you know, originally when we saw this piece of land, you know, we had four or five lots planned in that corner and so our original plat -- this is probably our fifth version -- included four or five lots there. So, during our first neighborhood meeting a lot of neighbors showed up and I noticed one of the biggest issues was this lot. The trees that have been there -- the Poormans have been there for going on 40 years. They started planting trees. There is -- there is willows and blue spruces and there is a -- it's a nice -- it's a little park in the middle of the city and the -- the neighbors all talked about how much they enjoyed this park, this -- this tree area and one of the neighbors, Maria, even said one of the reasons she bought her house was because of that piece. So, we went back to the drawing board, we heard what they had to say and we knew how important it was and we went out and decided to leave that area be. Put a little micro path in there, make it an amenity. I didn't realize how much people enjoyed that piece. In fact, back in 2000 -- in fact, Poormans tried to donate this two acres to the city and the city said the minimum donation size was five acres and that's how much they cared about the piece, they were willing to give it away, and they wanted to maintain it. They have seen it grow for 40 years. I mean I think Paul planted most of those trees himself. So, hearing all that and hearing public testimony and knowing that, you know, this qualifies as open space, it's not to our benefit to -- to have some more open space. We felt that, you know, it was a great recommendation by the neighbors. We took that into account and we went ahead and made that just an amenity. This is just the kind of summary of the raw data of the land. Obviously, a little higher than needed on the open space, but I'm sure that's expected. So, here is a picture of that lot -- that area that I spoke of. You can see this Google Earth aerial picture. There is going to be some -- I have already warned all the neighbors and the Poormans there is going to be some trees that need to be thinned. There is -- we are going to lose some trees that abut to Black Cat, just because of -- we have the sidewalks that go there. But our goal is to preserve as many trees, prune it back, make sure it's a safe lit walkway for the community -- not only Pera Place, but I know there is a letter from a gentleman -- a family across the street that said -- was very in favor of keeping this tree. I mean it was such a big issue that I probably -- whether I liked it or not, we are not going to fight it. There is a picture of the path -- the path area. I have been at this property many times and there is a natural path that we can, obviously, amend. We will work with the neighbors and make sure that the path makes sense. I know Joel, who didn't make it today, is concerned about it being too close to his property, so we did move it to a more centralized place and the lighting will be very -- we will take a lot of care into the lighting, because the last thing we want to do is have light shining into people's backyards. So, a little history. I just want to kind of bring up the history. I know this outparcel, this Poorman residence, is a discussion. This was the original 2007 annexation into the City of Meridian in an R-4 basis. You can see that it was kind of an interesting -- it was called Bellhaven at the time. Kind of an interesting little piece. Didn't really make sense. They had a couple of developers try to get this through, put some -- some lots in there and it kind of never made sense and then -- so, what happened was the Lamunyons, Cheryl and Gary, thought, hey, what if we did together and we -- so we kind of worked with the two families. Didn't make sense either. And upon advice from Bill, they have always said -- a couple developers to try to make

this subdivision work, but you need more land and so, therefore, we got the Peras involved and once the Peras agreed to be part of this -- kind of -- this project, we made it -- we were able to have enough land to make a subdivision make sense. So, the Poorman piece is really important. If you look at this, this is a view from the north heading south on Supino. It's a connector that would be connecting a lot of that southern piece to the northern piece where Pleasant -- Pleasant View Elementary School is. You know, obviously, with Brody Square having about 65 homes, the Daphne by Berkeley with 28 homes planned, and there is going to be hundreds of homes back there -- it provides a nice, safe, you know, interior path for children to access the elementary school. So, ACHD -- so, we went through ACHD -- got the ACHD approval. I know the big issue -- and I want to step into it -- is this sidewalk gap and we have worked with Poormans greatly and -- and their recommendation was -- they approve the project as is, but they want to make sure that we are working with the Poormans on a solution and so in this -- in this e-mail that -- in this e-mail I sent -- I'm going to show you the e-mail real quick. And, by the way, Paul and Gayle have been great in this process. You know, we have worked closely with them and I respect their rights as -- as landowners of -- you know, to stay in the county if they choose, but in the e-mail what I have said is, listen, if they want to annex I would be happy as a developing partner to pay for the curbs, pay for the asphalt, pay for any connection they want on the back end. Now, I'm not saying they should, but we are willing to and as part of ACHD's requirement is I need to work with them and so we offered to pay, we offered to help them out and, look, if you ever go to the Poorman's property, they built this house themselves back in '94. It took them three years to build. It's solar. It's heated by thermal. It's -- it's self sustaining. They have net metering. They are actually pumping power back into the city and so I respect their right to -- as their -- as a property owner, but one thing they have done is -- and you can see with ACHD -- their -- their -- their plan is that in 2036 they are going to expand the lanes. Now, we all know with the activity in Meridian that -- that timeline is going to be moved forward quite a bit, but the current plan is 2036 and, you know, the Poormans figured, hey, you know, we have a bunch of years left to keep this access. Let's try to keep it as long as we can and be self sustaining, so -- yeah. So, we went -- we have worked with the Poormans. We actually went out there and walked in and they have agreed to make a temporary sidewalk. We walked the property with them. In fact, they will now agree to allow us to create a temporary sidewalk. They are allowing us to kind of eat into some of their vegetation. Part of that is I agreed with them is that we are going to give them a fence. And one of the big things is that that's their front yard, they know the city wants it, they are working with us. I think they have been really fair and easy work with. That being said, do I -- if they are annexed in would this -- would it solve most of our problems? Sure. But I don't think we have -- I have a right and anyone has a right to force them to annex in. The seven acres has ready been annexed in, so, you know, I think that's a fair ask that -- I'm just very appreciative of the fact that they are willing to work with us on creating a temporary path and that's what -- this is what the path looks like. So, if you are looking from the north, this is what that area looks like. They are willing to give up some of the bushes and some of their -- their property in order to facilitate a safe path -- path for us to all work with. So, in short, you know, we have worked -- I think we -- I hope you appreciate the fact that we worked, you know, really hard to make this kind of unique piece -- it was pretty challenging. It's not the prettiest piece. You know, if we had a -- you know, a big

two or three nice rectangles to work with, you know, we could get a little more creative, but based on what we had to work with this is the best shot we had. So, I am happy to stand for any questions.

Simison: Thank you. Council, any questions?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: First off, Tony -- Tony, right?

Tseng: It's Tony. Yeah.

Simison: Thanks for being here. This is kind of a quasi in-fill project and they often bring with them such unique challenges and I will just say -- I think it's very rare that we have an applicant that comes before us that has been so proactive in trying to address them from many different angles. So, I appreciate that.

Tseng: Thank you.

Cavener: My only real question for you is, you know, this -- the common space is really a unique passive park is really what it kind of is and I'm -- I'm just curious -- we always hate, you know, thinning trees, particularly some that are really mature in that area. I know you are, too. I'm just curious. Is it your plan to engage the city arborist in that process?

Tseng: Absolutely. Yes. That's the plan.

Cavener: And just -- Mr. Mayor, one more if I may.

Simison: Councilman Cavener.

Cavener: Just -- just for clarification. I was under the impression the Poormans were not in favor of connecting the sidewalk, but your comments towards the end led me to believe that maybe they -- they --

Tseng: Yeah. They are not -- they weren't in favor and -- and we have been working -- I mean Paul and Gayle, I have got them pretty well. Yeah. I call them. I text them. They are probably sick of me, because I'm trying to find solutions and I really think as a developer it's trying to find a solution between the city and the community and I take recommendations as this is what you want, why fight it, you know, and that's -- even though -- the funny thing is if you look at the P&Z meeting Joel came up and said I like those, you know, northern lots lined up and, then, afterwards I go, Joel, why do you want them lined up, they will be staring into each other's backyard? He goes, yeah, you are right, I probably don't want them now. It's too late. They have -- they have ordered us

to line them up because -- based on your recommendation. I will lose a lot, kind of hurts, but I know it is what it is. And he was like, oh, man, you know, he thought about it somewhat -- some more afterwards, but what can I do; right? You can't unring a bell. So, you know, a lot -- a lot for me is trying to make it happen for the Poormans. I mean they have been working at this since 2007. You know, it's a long time, you know. And they are -- they are great people. So, you know --

Cavener: Great. I have no other questions at this time. Thank you.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Mr. Mayor, the thing -- the -- the property that's to the south of the Poorman's property, that's -- that's planned for development, if I recall, but do you know the time frame for that development to occur?

Tseng: Yeah. So, that's -- I think his name is Randy Clarno with Pinnacle. It's called Brody Square. So, they are approved. They have broken ground. So, they are in development right now on the -- on the horizontal side. I think I -- the last I talked to them -- they will be going vertical probably in the next four to six months. So, it's a timing. I mean they are -- they are having -- I think they got approved a bit ago. Maybe six or eight months ago. I haven't checked the record.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Yeah. Just to follow up, I was -- I was concerned, even with a temporary sidewalk, it was going to be a sidewalk to nowhere, you know, to -- just the timing on that. But it sounds like things will work out from a timing standpoint.

Tseng: Yeah. They are -- they are definitely ahead of us on the time scale.

Hoaglun: Thank you.

Dodson: Mr. Mayor?

Simison: Yes, Joe.

Dodson: Just wanted to clarify that point further. I have driven out there for other inspections and I think that their landscape buffer and fencing, especially on their north piece, is already done, which means the sidewalk is there.

Tseng: Sorry. I didn't notice.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: Can you explain what a temporary sidewalk will look like? Is it asphalt or is it going to be -- what is it going to be?

Tseng: I would -- we have talked about that and we are committed to put in whatever -- I mean the Poormans can speak -- we are -- we are putting -- we are prepared to put in what's safe. I think the curb is really important. That -- that piece is important. I have always pictured the asphalt. We are open -- we are willing to work with the city and ACHD. I have worked with ACHD on different projects and they are actually generally easy to work with. We -- we are open to whatever makes the most sense for ACHD and the city. I think it's a combination of both. No -- no firm plans. Sorry.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: Joe, what would be the recommendation of the city?

Dodson: Thank you, Mr. Bernt. I would say because it's going to be interim, Black Cat out will get widened, staff anticipates that ACHD will say it's going to be asphalt. Just the raised curb is probably one of the most important pieces, like Tony said, and, then, have that outside of the edge of the shoulder there. But asphalt should be fine.

Bernt: So, raised curb with asphalt?

Dodson: Yes, sir.

Bernt: You are okay with that?

Tseng: Absolutely.

Simison: So, just two cents that -- to take back in case there is still openness is it seems like it would be smarter if they want -- if they like the landscaping to do it now, to allow it to grow back before that road becomes a five lane road, unless they are committed to just having a fence be their only real solution. Take that for whatever that is. I don't know if they are listening, if they are watching or they are here, but to me that's what I would do. I would start getting my land -- get it put in the right place long term, so that your landscaping can grow back before you do have five lanes. But that's my two cents, for whatever that's worth. But I didn't have any question, it was more of a statement. Council, any additional questions? Okay.

Tseng: Thank you.

Simison: Thank you. Mr. Clerk, do we have anyone signed up to provide testimony tonight?

Johnson: Mr. Mayor, we do have a few. First is Paul Poorman.

Simison: Okay.

Johnson: I hope I pronounced that right.

Simison: If you will state your name and address for the record, please, and be recognized for three minutes.

Poorman: My name is Paul Poorman. Address is 5230 North Black Cat Road and, Mr. Mayor and Members of the City Council, I would like to present my comments about the Pera Place Subdivision and let me just say that I'm hoping that you will approve that -- approve the subdivision tonight and I will tell you why. I am going to skip way through my little talk here, because Tony pretty much said and summarize what I was going to say. He has really tried to -- and succeeded in bringing a lot of very different constraints and issues together and come up with a solution to pretty much all of them and he didn't have to do that, but he's been an extremely flexible developer and the -- the plan that he has really -- really looks like it's satisfied many of those concerns and I think we talked about the temporary pathway and Tony and I are -- and Gayle, my wife, are working on some ideas for that. We think we can come to some kind of agreement for something that works for us, as well as for Tony and for the city. We are hoping that that will -- will happen and so I guess I would just like to say that I hope you will approve the plan. Tony is a first class guy and he's working to build a community of desirable homes for generations to come and I think Meridian needs to encourage more developers like Tony to build our future here. Thank you.

Simison: Thank you. Council, any questions? Okay.

Johnson: Mr. Mayor, next is Gayle Poorman.

Simison: If you would state your name and address, please.

G.Poorman: Mr. Mayor, Members of the City Council, my name is Gayle Poorman. 5230 North Black Cat Road in Meridian. If you would tolerate me, I want to tell you a little story about our place, because it is very special and I think it has become special to our new neighbors as well. About 40 years ago when we bought our property the whole area -- I don't know if any of you remember that are as old as I am, but it was all open. It was completely open space. It was farmland. And on our acreage it was just field grass, just bare. So, we decided to plant some trees. Five hundred of them to start with. And I questioned my husband's logic. In the middle of the desert I said. And it became known as Poorman's folly. Well, over the years as we watered, nurtured, and planted hundreds more trees, a lot of them we were able to sell to the neighbors, because they wanted landscaping trees, and so we -- we did those. There is a -- as Tony mentioned, there is

a wide variety of trees there. There is Scotch pine, Ponderosa pine, Norway spruce, Ash, willows and birch. So, as our trees became bigger and we got more out of the landscaping business, what we have today is a beautiful forest and it is home to a lot of birds. We have migratory birds. Our neighbors told us that they have -- they have observed a hawk family there this summer. So, it's been a really special place and I think that our neighbors recognize that and support this plan that Tony has come up with. I think what inspires me the most about this is that Tony, of all the developers that we have worked with over the years, has come up with a plan that -- that really accommodates not only our neighbors, but us and, hopefully, the city will realize that we are trying to work out this pathway thing and we will come up with something, so that -- so, that it is agreeable and I guess my vision for it is -- as -- as -- when we are gone is that this little place will become something that maybe future students, forestry students, could come and plant little seedlings and -- and just recognize how important it is to have a natural landscape in the middle of a sea of subdivisions. So, I just appreciate you listening to my story and I'm open to any questions you might have.

Simison: Thank you. Council, any questions?

Johnson: Mr. Mayor, next is David Pera.

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

Pera: David Pera. 4546 Daphne Street. Mr. Mayor, Council Members, thank you for hearing me. A little nervous. I don't talk in front of people much, because I usually say what's on my mind. Nobody really wants to hear that. I will stick to the cards. So, we have lived on Daphne Street since 2000. Over the course of time several developers have come -- real estate agents, knocked on doors and have given us offers, proposals, all the things you would expect from them. All of the proposals came up with unrealistic ideas for northwest Meridian, in our eyes anyway. We are working with Tony Tseng. His vision for the Pera Place Subdivision has been well thought out and he has offered and developed a great community. Taking into consideration all of the neighbors wants and needs in the area there -- it's not many of us -- he has been very thorough and fair to all involved. We have seen that area go from corn fields to neighbors -- neighborhoods with parks and schools. We love the area and wanted to stay. Tony worked with us to make our thing -- or our vision and things come to fruition. With moving on after -- if this goes through, if you approve it, we plan on staying in the community and being able to provide a house for sons, as well as us, so we can stick around, because we like it here. So, thank you for your time. Appreciate it.

Simison: Thank you. Council, any questions?

Johnson: Mr. Mayor, next is Erik Harter.

Harter: I'm Erik Harter. 5369 North Exeter Way. I just live just north of the trees that we keep talking about. We can't say enough about Tony. I don't think you are going to have any neighbors here to say don't approve it. I think everyone's going to be here to ask you

to approve it. I don't know if you have seen that in a long time where you are putting a new development in and neighbors are going -- we asked for bigger lots behind on the very north side of it added. Kept the trees, which was so important to us. We live there. We -- I have a picture of an owl on my back stoop that we know lives in those trees as well. So, having that nature around us -- it's, obviously, a great view for us, but it's just really cool and it's so unique and Tony did all of these little things to try and make it better for us and everyone that's here is here asking for you to approve it and I don't think you get that too often in a brand new development that's happening right behind development that has even a different R designation for it, too. So, we are just saying we would love for you to get approve it. Thank you.

Simison: Thank you. Council, any questions? Thank you.

Johnson: Mr. Mayor, Ken Tokowitz.

Tokowitz: My name is Ken Tokowitz. 5381 North Exeter. Unfortunately, gentlemen, I have not been privy to the other meetings. I was working out of town for the last several months. Fortunately, I'm back in town and was able to pretty much get the gist of everything from my other neighbors. We are actually in the corner lot that abuts Black Cat, so, we, obviously, have a tremendous amount of exposure to the Poorman's lot and really are privileged to all the things that everybody else has spoken about from the nature scape to just the beauty of seeing the trees. It provides a tremendous amount of benefit and it definitely sounds like everyone is on board. From what I have been told Tony has done an outstanding job of working relentlessly to make this happen and it seems like it's going to go through. So, I'm just here to also give a yea and say would really like to see you pass this. We do like the proposal.

Simison: Thank you. Council, any questions? Thank you.

Johnson: Mr. Mayor, next is Victoria Tague.

Tague: Good evening, Council. I'm Victoria Tague. I live at 4625 West Twisted Creek. I live exactly north of the cul-de-sac that's proposed and we are so excited about the trees. You have heard a lot about the trees. They are gorgeous. It's what my back porch looks out on. We, too, have seen the gorgeous birds and the wildlife that live there, so we are very pleased. Tony has been absolutely wonderful listening to us and having us be heard. My only concern at this point is that that cul-de-sac not become a parking lot. I look -- I will look directly out of that cul-de-sac and I know there is future talk about the Clements having access to that cul-de-sac if they are ever annexed, but I would just hope that cars don't remain there, get parked there, stay there long term. That's it. Any questions?

Simison: Council, any questions?

Bongiorno: Mr. Mayor?

Simison: Yes, Joe.

Bongiorno: I can address that concern if you would like.

Simison: You can certainly take a shot at it.

Bongiorno: Okay. Thank you. So, in the fire code that cul-de-sac, if I remember right, is the minimum size for a cul-de-sac and there will be no parking allowed on that -- on the cul-de-sac. It will be signed no parking fire lane.

Simison: Thank you.

Johnson: Mr. Mayor, there were a couple others, but they didn't say they wanted to speak, so that is everyone that signed up.

Simison: Okay. If there is anybody else that would like to provide testimony on this item, please, come forward at this time.

Harper: Mr. Mayor?

Simison: Okay. Thank you.

Harper: I just want to bring up a couple of things in regards to the tree area, which I'm not overly concerned about, but I just want to make sure that we get a really good plan on visibility through that -- through those trees without removing as many of them as possible. But, again, it does become a little bit of a safety concern if it's dark or it's densely -- if it's dense around the pathway, so it's something that we definitely want to take a closer look at and make sure that it is safe for families and people to walk in the evenings and be able to get through that area and enjoy it at the same time.

Simison: Is there anybody else who like to come forward and provide testimony or anybody online that would like to provide testimony? If so, use the raise your hand feature. Seeing no one else, would the applicant like to come forward for final comments? So, we are -- he is waving his -- oh, actually, you are going to have questions, so you probably should come up is what I'm hearing. State your name just for the record.

Tseng: One more thing is that -- I want to thank all the neighbors coming out. I know it's the personal time and having support really feels -- it feels good, so thank you. Thank you, guys, for coming out.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Tony, I appreciate you lining this up. This is a unique property and -- and as you know, being a developer in Meridian, a lot of times for our developments we want the open space and the common area to be more centrally located, but I think this is a unique situation with very valuable asset of trees and a beautiful location that needs to be

protected and -- and appreciate you working with them. But as we go back to the irrigation area and whatnot, we have got that. I know there was a -- I think you have a pergola with picnic tables and a tot lot. Where were those going to be? Were those going to be back in the central part or are we back to the tree area?

Tseng: Currently designed to be in the central part.

Hoaglund: Okay. Great. Thank you.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: Good work, Tony. Just one question as well with that common space area in the middle. Sometimes we don't get too excited about having irrigation ponds and such and not use as common space. I don't understand why in this particular situation it's necessary, but what are you going to do to mitigate the mosquitoes and -- I mean what is -- what are you going to do to beautify it and keep it from looking ragged when maybe there is not water in it or when there is water in it, you know, and have it look nice and have it be a real -- a real public amenity?

Tseng: Yeah. So, our landscaping budget is rather high, because we are -- we are basing it on the fact that we have -- and to address the police -- is that there is going to be as many lights as we can put on there for the nighttime, because that was a concern is we didn't want to turn that into a hazard. So, those are all concerns. Our landscaping budget is quite high for this project. You know, we are at 16.8, I think almost 17 percent open space, so we realize that -- the money you have to spend. We have a dedicated budget that is -- actually, I can pull a little bit more from it and, look, we -- the Peras are going to live there. I live less than a mile away. This is in my backyard. We have the budget and we want to make it nice. Now, specifics, if you want to outline specifics that you say, hey, Tony, I know you need to do these three things, again, you probably see -- heard from everyone here I'm happy to comply. I'm here to make it happen. As long as they are reasonable. If you want me to dome it and glass it probably a little pushback, but if there is suggestions we are open to it.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I would really recommend it being like a -- like a trophy trout pond. I mean if -- if you are -- if you are asking me what I would rather have in that area, I mean let's put some big ol' --

Tseng: We will look into it.

Bernt: Okay. No. At the end of the day you really don't want Council designing anything

from the dais. I mean any -- any presenter up here will tell you that will -- that -- that never turns out in your favor.

Tseng: But I like getting recommendations.

Bernt: You do. And you're -- I just had those one couple of questions. You answered them.

Tseng: Thank you.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Tony, I think it's more -- it's either, you know, a permeated stone or something like that. You don't -- I live in a neighborhood that has a retention pond that turns into the dog's mud pit, you know, a few times a year. I think you know what you are doing on that and just want to make sure that it serves as the intended amenity for the residents and I have got real confidence that you will do that.

Tseng: Thank you.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Mr. Mayor, question probably for Joe. You know, we talked about the lighting for that wooded area for security purposes and I'm pretty sure, Joe, the answer is the standards for that lighting still, even though it's for security, will be such that it's not going to be spotlights on neighbor's home and whatnot, that it would be for that particular area. So, just to make sure everyone's on the same page on that; is that correct?

Dodson: Yes, sir. That will be down lit. Absolutely. And probably -- it won't be like a common streetlight type of thing. I'm not thinking 25 foot tall poles, no, no, no, no. Like very -- just for the pathway. I was even thinking like, you know, if go on a college campus, the little tubular looking ones that just have a little ambient lighting almost to make sure that it's lit and when you are looking down it you can see what's on the pathway and adjacent to it. Not -- and not anything that's going to just completely light up the whole open space here.

Harper: Mr. Mayor?

Simison: Yes, Lieutenant.

Harper: Also with the -- with the path, having a buffer of some sort off the pathway -- and, again, I'm not trying to remove more trees, I don't want to be the bad guy in the room for

the night, but, again, having some distance off the path is also beneficial from a safety standpoint. You know, a ten foot buffer on each side, something like that, to where it's still natural, it's still a nice walking path, but people can -- can see in their periphery, you know, what's going on, just to keep themselves safe.

Tseng: Back to the theme is I would love the input. You know, I mean instead of me guessing, if you -- if you guys have the time to help out with the design and say, hey, does this -- how we would like to see it -- I mean I hate to say it, I kind of don't care. I care, but I don't care. If you make a suggestion that makes sense, who am I to push back on that, so --

Dodson: Mr. Mayor?

Simison: Yes, Joe.

Dodson: To that point I absolutely, with the final plat, I will -- I will bug Tony to give us some -- Tony and Dan to give us some more sections of it and what that could look like for the pathway for sure. But the existing landscape plan -- or I should say the submitted preliminary plat does show that the pond has -- it's really -- it's rock lined and it's -- it's not just grass into mud, which I know we don't want at all. I won't call out subdivisions that have had that, but I will say that we don't want that and what's shown on the landscape plan does -- does have the rock and all that around the edge, which will help with a lot of the aesthetic pieces of it and I will continue working with the applicant as well.

Tseng: I'm sorry, I should have probably brought Dan up here for that. He has that kind of -- more that of kind of data, so --

Simison: Tony, I hear you are a nice guy. That's what they said out there in the audience. So, I'm going to speak to you as a nice guy and, hopefully, the Poormans can also hear this and I also want to help them, whether they realize it or not, but once this project is completed and they are an enclave, if something ever happens with their water or septic, they will be required to hook up to city services. So, then, when that time comes I can't say what Council is going to be up here, but they could likely be asked to put in a full sidewalk at their expense at that time for annexation as well. So, in this conversation I hope that you guys are at least aware of those -- I have no idea what the septic system -- maybe it's brand new, maybe it's 40 years old, maybe the same with the well, but just so everyone is on the same page going into these assumptions that we are making about roads, about annexation, about things that -- want everyone to feel protected and not get a side thing in a couple of years, but that would likely be a requirement, so --

Tseng: And just a point of fact is we are stubbing all utilities to the property in the future. Possibility -- they know it's going to happen. The question is how long; right? So, we are planning for that.

Simison: It's not so much the annexation and stubbing, it's going to be the sidewalk on that that would likely be required at that time and that's not going to be -- it's one thing to

have your utilities go out. It's another thing to have to put in a sidewalk on your property when that becomes as a possibility. Depends on where ACHD is at that time. Just -- I want to get it on the record, so that everyone is clear and concise that -- but who knows what council will be here, if this in a year or would that be in five years. But it just needs to be known that those are the types of things that are likely to be required of that property.

Tseng: Understood.

Simison: Okay. I have done my due diligence, so -- Council, any additional comments, questions? Okay.

Tseng: Thank you.

Simison: Council, do I have a motion?

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I move that we close the public hearing.

Cavener: Second.

Simison: I have a motion and a second to close the public hearing. All in favor signify by saying aye. Opposed nay. The ayes have it and the public hearing is closed.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: Other than -- do we need to make an addition or a change to the approval about the cul-de-sac being extended like 50 feet? Do we have to say anything about that or --

Dodson: Mr. Mayor, just add that you approve the Council waiver and -- to have it longer than a 500 feet.

Bernt: Okay. Is that -- is that the only waiver we are looking for tonight?

Dodson: Yes, sir.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: After considering all staff, applicant, and public testimony, I move to approve file numbers H-2021-0056 and H-2021-0091, as presented in the staff report for the hearing date of December 14, 2021, with the following condition: That's to provide a waiver for the cul-de-sac to extend 50 feet to a total of 550 feet.

Cavener: Second.

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

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Real briefly. Tony, if you could put together like a Saturday class for how to do in-fill applications in the City of Meridian, I would buy the doughnuts. It's -- it's rare -- this is my eighth year doing this and typically support means that nobody shows up in opposition and to see a handful of folks from across the area come and speak in support speaks to who you are as an applicant. Look forward to seeing more applications from you in the future, sir.

Bernt: I agree.

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

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

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

MOTION CARRIED: FOUR AYES. TWO ABSENT.

3. Public Hearing for Outer Banks Subdivision/The 10 Meridian (H-2021-0063) by J-U-B Engineers, Inc., Located at the Southwest Corner of W. Franklin Rd. and S. Ten Mile Rd.

- A. Request: Preliminary Plat consisting of 25 buildable lots on 36+/- acres of land in the R-40 and C-C zoning districts.
- B. Request: Conditional use permit for a multi-family development containing a total of 516 residential dwelling units consisting of (364) high-density apartment, (126) flat and (26) townhome style units in the R-40 and C-C zoning districts.

Simison: Next item up is public hearing for Outer Banks Subdivision/The 10 at Meridian, H-2021-0063. We will open this public hearing with staff comments.

Allen: Thank you, Mr. Mayor, Members of the Council. The next application before you is a request for a preliminary plat and a conditional use permit. This site consists of 36 acres of land. It's zoned C-C and R-40 and it's located at the southwest corner of West Franklin Road and South Ten Mile Road. This property was annexed earlier this year with the requirement of a development agreement. The Comprehensive Plan future land use map designation is mixed use commercial, high density residential and mixed use residential in the Ten Mile Interchange Specific Area Plan. The proposed preliminary plat consists of 25 building lots on 36 acres of land in the R-40 and C-C zoning districts. The plan is proposed to develop in two phases with the portion east of the Kennedy Lateral developing first per the revised phasing plan. Kennedy Lateral is -- runs right through the site right here. West Cobalt Drive, a collector street, is proposed to be extended from Ten Mile Road to the west boundary of this site, consistent with the master street map and the transportation system map in the Ten Mile plan. The eastern portion of Cobalt, including a bridge across the Kennedy Lateral, will be constructed on this site and the western portion will be constructed on the adjacent property to the south prior to or with the first phase of development. The proposed street section, as shown, has been deemed to be generally consistent with the associated street section in the Ten Mile plan. A construction and cooperative development agreement for the construction of Cobalt has been signed between the subject property owner and the property owner to the south in accord with the development agreement. Access is proposed via West Franklin Road, a commercial arterial. South Ten Mile Road, a residential mobility arterial, and the future extension of West Cobalt Drive, a residential collection street, as shown on the plat and as noted in the staff report. No stub streets are proposed to the west, as none exist to this site. With the development of this property, based on ACHD's traffic counts, Franklin Road will operate in an acceptable level of service, but Ten Mile will not. It is anticipated to go from level of service D to F. An acceptable level of service is E. Common open space and site amenities for R-4 zoning district is proposed for the subdivision that meet the minimum UDC standards for such. The Kennedy Lateral bisects this site, as I mentioned, and is proposed to be pipped throughout the development. The proposed conditional use permit is for a multi-family residential development, containing a total of 516 dwelling units, consisting of 364 high density apartments, 126 flats, and one -- excuse me -- 26 townhome style units are proposed in the R-40 and C-C zoning district. A mix of one, two and three bedroom units are proposed. Vertically integrated residential is also proposed, but is not part of this application, as it's a principal permitted use in the zone. Common open space and site amenities are proposed for the development that comply with the minimum standards. Off-street parking is proposed as shown on the site plan. A minimum of 898 spaces are required for the multi-family development. Nine hundred and ninety-five spaces are proposed, which include 41 compact spaces, which although they are discouraged, are allowed to be provided above the minimum required spaces. A minimum of 31 spaces are required for the clubhouse. Thirty-one are proposed. Conceptual building elevations were submitted for the various types of multi-family units proposed in this development, including high density apartments, flats, and townhome style structures. All of the structures appear to be of a high quality design and consistent compliment of a compliment -- complimentary mix of materials, including wood look siding, Hardie siding, metal siding, stucco, tile, stone veneer and glazing and various colors. The high density and flats are four story buildings and the townhome style

buildings are three stories in height. The high density apartments will have secure entrances and be accessed by an internal hallway. The Commission did recommend approval of these applications. Summary of the Commission hearing. Wendy Schrief, JUB Engineers, the applicant's representative, testified in favor, along with Lane Borges. Hethe Clark from Spink Butler. No one testified in opposition and no one commented. No written testimony was received. The applicant requests the extension of Cobalt is within 70 feet of right of way as proposed and requests to work with staff on the details of the street section, which they have done. Key issues of discussion by the Commission was concern pertaining to traffic generated from the proposed development and its effects on areas streets, especially the functionality of Ten Mile Road, which will be at level of service F and concern pertaining to adequacy of proposed parking in the multi-family development and garages being used as storage, instead of parking. A revised site plan was submitted after the Commission hearing that provides 87 more spaces than originally proposed. No changes were made to the staff's recommendation. However, the commission did direct the applicant to work with staff on the road section for Cobalt Drive and improve the parking ratios for the development, which I mentioned has been done. Since the Commission hearing the applicant did work with staff on the design of Cobalt, added more parking for the multi-family development, submitted revised plans that reflect the following changes. A redesign of Cobalt Drive that complies with the street section in the Ten Mile plan, as recommended by staff. A redesign of the residential parking areas to provide a surplus of 97 parking spaces above the minimum required. Compact spaces were reduced from 58 to 41 and are provided above the minimum requirements. The garages along the western boundary have been relocated to comply with the minimum setbacks. Carports are depicted that are also required to comply with the minimum building setbacks or be relocated internally. The property lines at Building B-F-3 have been adjusted to comply with the minimum setbacks and the sidewalk along Ten Mile Road has been modified to reflect six foot wide detached sidewalk with an eight foot wide planter and parkway area. The staff report has been updated to include these revisions. No written testimony has been received since the Commission hearing. Staff will stand for any questions.

Simison: Thank you. Council, any questions for staff? Seeing none, would the applicant like to come forward?

Schrief: Good evening, Mayor, Council Members. Again, I'm Wendy Schrief, I'm a planner with JUB Engineers and my address is here in Meridian at 2760 Excursion Way, Meridian, Idaho. It's so nice to be here at Council. It's sort of been a long road. We were here last summer with our annexation and zoning request and our concept plan. When we were here originally we took back a couple of really good ideas. We up'd the amount of commercial we have in the development, which I think was a really positive thing. We are really glad that we did it. And we also re-oriented our open space to kind of group it together and move some of our larger multi-family buildings, but I think those are both really positive changes we made and we made it at the direction of Council. So, we are back here tonight with what is -- I think comparatively pretty straightforward. At this point we are here with a preliminary plat, so that we can eventually plat this project. We have 25 lots in this preliminary plat and we are here with a CUP for the multi-family, which you

saw previously with our -- with our concept plan. Again this project we are located -- we have 36 acres. We are located at the southwest corner of Franklin and Ten Mile. We are thinking it's going to be a really nice addition to this area. We worked really closely with -- with Sonya and Bill. They have been really great to work with in helping to steer the project to make sure we meet truly the -- the intent of the Ten Mile Specific Area Plan and I think what we have -- definitely what we are showing is the CUP and what you have previously seen with their concept plan meets that intent. We worked quite a bit on the alignment of Cobalt and with the neighbor to the south and those issues have been resolved and we are here with an agreement with that property. What we are really here for tonight, then, is -- is a preliminary plat, which is very straight forward. Twenty-five lots. We meet all dimensional standards for -- for the zones that we have and this will enable for different owners to take -- with the commercial and the multi-family piece this could potentially be under different ownership in the future. We are here tonight with our team. We have Lane Borges, who is the architect on the project. We are here with Josh Leonard. He is an attorney with Clark Wardle. And we are -- the two developers behind the project are here in person if you have any questions for them. We have Erik Pilagaard and Mark Ingstrom here this evening. So, we are -- we are here for any questions. We are really hoping we have a positive recommendation tonight. Lane is going to go through and give you a detailed look at the conditional use permit and those multi-family buildings. But we think we have a really great project that is going to be a really nice addition to this part of Meridian. I think it fits perfectly with the Ten Mile area plan. So, I will let Lane get started. Thank you. Merry Christmas.

Borges: Good evening, Mr. Mayor, Members of the Council. Lane Borges, representing Ten Mile Franklin, LLC, developers. My address 11500 Armor Court, Gold River, California. 95670. I'm going to try to limit my discussion to three major elements. One, I would like to kind of just walk you, again, briefly through the concept behind our project. I know that you have seen it two times prior, but it's been a little while and I know you see a lot of projects. Second, I want to talk about the issues that Planning Commission directed us to go back and work on and what we were able to achieve doing that and, then, third, I want to just review with you the last time kind of the architecture that we are proposing, because we are happy and proud of what this project is going to look like and represent to the city. Okay. Hard to advance. Okay. Our project I know tonight you are here to take action on the conditional use permit for the residential portions of the project, but it's kind of hard to break that out on its own without considering how that is a part of this mixed use development, because, after all, we had 36 acres of commercial -- vertically integrated commercial and residential, three types of residential units and, then, our recreation center and our -- our co-working facilities and they all kind of work together. So, my little description is going to cover it all -- all those specifically and we are looking at the residential CUP. One of the things that we -- I probably talked about last time on what we were trying to achieve was a goal that created a dynamic place for people to live, to work and to play, with an emphasis on managing pedestrian, vehicular, and bicycle traffic. Some of those words come directly from the -- the Ten Mile specific plan. That was the guiding document that we really paid close attention to and what we did is picked elements out of the plan that would be necessary in order to achieve those goals. So, things like focus on street design and a concept of complete streets. Even though in this

specific plan it refers to public streets, we tried to incorporate those ideas and philosophies into our internal private street system. Second, the concept of a street oriented design and streets as public spaces, with buildings that are close to the street, with pedestrian circulation that allows people to interact and get access to buildings, whether they are commercial or residential easily. Three, an abundance of landscaping and open space. Four, a mixed housing stock, which I already kind of mentioned. We have high density units. We have flats. We have townhouses, one, two, and three bedroom. And, then, five, of course, a high quality building architecture and design. So, the next slide kind of illustrates how we were able to achieve that relative to vehicular and bicycle circulation. You will see on this particular diagram the red dashed lines represent an internal road system that emulates what the specific plan asks for on public streets and that is two-way traffic with bike lanes, with parallel parking each side, with street trees, with buildings that are close to the street, so that we create this kind interactive urban environment and it all helps to create connectivity from the commercial side to the residential side. The next slide shows kind of the spider web that we have of the pedestrian activity. Obviously, if we are looking to create interaction between residential and commercial, we have got to create an easy way for it to happen. So, you will see there are street crossings everywhere, there is paths everywhere that allow the residential units access to the commercial. We have a path that meanders through the project, a public path, that goes from Franklin down to Ten Mile that's through our open space that also connects the site amenities at the same time. So, that's kind of just a brief overview of the concept behind how we kind of arrived at the layout to the project. I want to now just take a second and talk about the two issues that Planning Commission kind of sent us back to the drawing boards on. The first one was Cobalt Drive. In our original application we had a design that had been proposed kind of based on some standards that had been provided to us from ACHD, but were inconsistent with the street sections in the specific plan. So, staff recommended we go back and revisit that. So, shortly after our Planning Commission hearing we had a joint meeting with ACHD, with planning staff, with our development team and, basically, came up with a solution that provided what the staff was looking for relative to the specific plan, what was acceptable to ACHD and that's what's reflected in the proposal that's here before you tonight. The second important item that Commission asked us to revisit was the parking. Although we had met the minimum parking standards in our original application, we kind of barely met it by a small amount number of spaces and staff had suggested that Commission bring that up as a discussion item and Commission agreed that it was something that needed to be revisited and that we needed to kind of go back to the drawing boards and see what we could do to increase the parking and to address a concern that some Commissioner had about the garages. Now, we don't have an extensive number of garages on the project, but we do have some. We have 50 garages in the high density portion and the concern about whether those garages would actually be used for parking, whether they would be used for -- for storage. So, what we did is we went back and did redesign on the site and this chart here kind of gives you a summary of what we were going to do. So, now as opposed to having four surplus spaces, we have the 97 surplus spaces on this site and that is in addition -- and I'm going to slide over to Commercial, although it's not part of the CUP. We have an extra 250 some spaces in our commercial component. So, we didn't rob from the commercial side in order to create more spaces on the residential side and satisfy the -- the need.

We actually went in, redesigned, tightened things up and created 97 spaces within the residential portion of the site. The other thing that we did is we listened and heard and understand the concern about what happens in parking garage areas. So, although management's position is administratively to enforce people parking in their garages, there is a limit to how much you can enforce effectively and there may be some that slipped through the cracks. So, in an attempt to minimize that what we have done is we have come up with a garage design that basically provides storage within the garage spaces. So, you will see in the diagram we are creating a kind of vaulted garage space with a closed story windows above that creates a large storage area, the entire width of the garage above the car, so that people have a place to put boxes and things that they don't want in their apartment and be able to store them in the garage and still have room for their cars there. In our flats buildings -- and I don't know if you will recall, but those buildings have parking on half of the lowest level of those buildings and in addition to the garages there, we have separate and designated storage units that go with each garage. So, aside from the parking space the units vary in size from about five by seven to about six by nine, depending on the garage space. But we feel pretty comfortable that with a garage a design like this that provides that amenity for the tenants and regular enforcement by administration that we should be able to effectively handle the concern about how the garages are used. The other thing I think to keep in mind is that in the redesign of Cobalt we have additionally provided 37 parking spaces parallel along Cobalt Drive and while technically we can't count those towards meeting our parking requirement, we can functionally add those 37 spaces to the 97 space surplus that we have and, then, third, we also have a parking record for our clubhouse, which is quantified as a commercial building. So, we have 31 spaces designated for that building. Aside from the probably five to seven spaces that we will need for staff that operate that building and probably five to six spaces that will be designated for prospective tenants coming to visit, realistically we probably have a surplus of spaces there of maybe in the neighborhood like 15 or so. So, when you add all of those up, we technically exceed the requirements by 97. We feel like functionally we probably exceed the requirements closer to 150 and, then, the additional 250 space surplus that we have in the commercial side, makes us very comfortable that we have adequate parking throughout the project, because, clearly, we, as developers and designers, don't want to end up with a project that met the numbers, but functionally doesn't work. It becomes an administrative nightmare and a management nightmare and makes it difficult to lease commercial space when there is not sufficient parking. So, that was item number two. And, then, the last item -- I just want to run quickly through the images of the project. So, again, refresh you on quality of the design of the various elements, the articulation of the buildings, the variety of materials. This is clubhouse and co-work facility. The next is our high density buildings. No. Sorry. Actually, these are our flats. So, these are the four story flats with parking on half of the lower level. Next is our three story townhouses with garages and, then, of course, last is the high density housing and with that I would be happy to answer any questions that you might have.

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

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Lane, would you just walk us through -- you know, I know traffic -- these are busy -- busy areas and there was some restrictions ACHD has for right-in, right -- right-out. Left -- and left-in only. Would you mind just kind of walking us through those intersections real quick to make sure --

Borges: Yeah. Let me go back to a site on here, so that -- okay. So, along Franklin Road, the western-most entrance is full access, right-in, right-out, left-in, left-out. The eastern driveway closest to Franklin is right-in, right-out only. As we turn and go down Ten Mile, the northernmost access is actually right-out only. There is no turning in movements at that intersection and the southern driveway is right-in, right-out only.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: So, Cobalt Drive --

Borges: Oh, I'm sorry. Yes, Cobalt Drive is right-in, right-out, left-in, if I remember correctly. Is that correct? Yes. Right-in, right-out, left-in. Our drives on Cobalt are full access and you will see in the proposed plan we have designated a right turn lane that we are providing and a left turn eastbound lane to our primary entrance and, then, we have a secondary entrance with full access at the west corner of the site.

Hoaglund: Okay. Follow up, Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: And if you could remind me, Lane, as you come down Cobalt Drive driving west, right before you get to the property there is -- was that a fire access was that full access into the apartments there right at the western boundary?

Borges: That is a -- that is a full access.

Hoaglund: Okay. And another follow-up question. Not traffic related. Mr. Mayor. I have -- I drive past that every day and I happened to notice all the tiles are out there ready for -- for the Kennedy Lateral and I thought, boy, that's an awful lot. I'm thinking in the preliminary plans they were going to have some open areas, but it looks like that has -- that has --

Borges: Yeah. Originally when we brought the project before you for our annexation and rezone, we also asked for your approval to leave the channel open in portions as an open space amenity. Once we actually got in and started working with NMID on it it became clear that that was going to be a bit of a challenge. There was also a concern -- and it was brought up earlier about -- I think one of the other projects about -- well, what does

that ditch look like during the portion of the year that we are coming up on when there is no water in there. What does it look like when we have to fence it? What is the access roadway that NMID wanted going to look like and it became clear to us that probably the easier and better solution was to go ahead and pipe it. Although it came at a higher cost, it allowed us to resolve a lot of problems and issues and so that's what we have before us tonight.

Hoaglund: Okay. One last question.

Simison: Councilman Hoaglund.

Hoaglund: Thank you for that. I kind of figured there was some good reasoning behind it, but -- one of the things that we are dealing with in Meridian, especially when it comes to, you know, multi-family complexes is parking and appreciate you stepping up and working with staff and increasing parking, but -- and we see it in the single family neighborhood is -- where you have people who are on call, providing services, whether it's heating and cooling, plumbing, utility, we have people who are in the contract business. They have trucks with trailers and they are usually out in the street parking, because they got their vehicles in the -- in the driveway. But those same things are happening in multi-family units and we are finding -- and we know that staff is going to be working on parking plans for multi-family down the road, are -- are there places that people -- because you are going to have folks who are going to be on call and they provide a valuable service to people in our community -- when your heating goes out and it's, you know, 20 degrees out and you want heat and they have got a big service truck they have to park somewhere, do you have places that they can park those vehicles? Again, this isn't in our UDC yet, but it's just trying to think resolving real world problems that we are facing right now that, you know, you have got these people, they want to live in your units, but where do they park these bigger trucks or vans or vehicles?

Borges: I mean specifically at this point in time that wasn't a consideration that really came to mind. At this point, because of maybe the -- the foresight of staff to have us go back and look at our parking situation, we probably have the ability, if it were directed to go back and look at creating some places that could accommodate some larger vehicles. I think staff mentioned briefly that the majority of our spaces are all standard size, but we do still have -- out of the 97 surplus we 41 that are compact. Now, the reason we have those -- it's not so much because we save space or we squeezed in more parking, because the city standards require a compact space to be the same width as a standard space, but they are allowed be shorter. So, what it allowed us to do was to create areas for trees or more trees in the parking lots where we could have head to head parking with a planter in the middle of those spaces. But we certainly have the ability to go back and look at creating some spaces that maybe are sized a footer or two wider, a few feet longer in certain areas in order to handle some larger vehicles.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Well, I appreciate that and, again, this is not something that's required by the city, it's just one of those things we are running into more and more often and so it's -- we encourage you to kind of find those spaces for --

Borges: Oh, yeah. And it actually may be a good idea, because what happens is somebody can't fit into one, they park in two. So, now instead losing one and a quarter, you have lost two spaces. So, net overall it would probably be to our benefit to look at trying to do something.

Hoaglund: Mr. Mayor and, Lane, yes. And we are finding -- they are finding other places to park those rigs and they are out on the street, they are in businesses, they are over in the neighborhood and it just causes troubles for everybody. So, the more we can --

Borges: That's an excellent point.

Hoaglund: -- in on that -- so anyway. Just something I wanted to bring up. Thank you.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Thanks, Mr. Mayor. Lane, I think the -- it's no good beating around the bush on this. I was campaigning this year and I was out in that part of town and without a doubt the number one frustration is about traffic and the concerns from folks that live in this part of the area and further down really are frustrated with their commute times. They, obviously, associate it with growth. So, when I see that ACHD comes back with a level of service of F it raises my eyebrows and so I guess I'm asking you to help me understand how I can get over that hurdle. The feedback that I heard from our residents with this being a concern, they already think it's bad. That's with a D and now we are going to jump to F. How -- how this makes sense to really benefit our current residents.

Borges: A legitimate concern and I'm going to turn it over to the traffic expert standing next to me. He is a partner. Josh.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: Same question. I'm going to --

Leonard: Mr. Mayor, Members of the City Council, Josh Leonard of Clark Wardle. Address is 251 East Front Street, No. 310, in Boise. I appreciate the opportunity to kill two birds with one stone. As you noted, our TIS did indicate that -- that we reached level of service F on -- on Ten Mile. I have noted that that's only one hour a day. That's during the peak p.m. hour. Otherwise, we achieved those levels service that are -- that are required of us through there. Appreciate -- living in Eagle and before that Meridian,

appreciate the concerns and probably heated complaints that you got about commute time and -- and certainly recognize -- recognize that. Just a couple of things. As you know, the project is there. The property has been annexed and is approved with a fairly specific site plan and zoned in a way that entitles development and we are constrained a little bit by that zoning, just because we can't come in with single family homes or something that's much less than -- than what we propose. The other -- the other thing that -- that we are constrained by is -- and I want to preface this by saying we appreciate that you wanted more commercial. It does bring with it additional traffic and that's one of the -- one of the reasons -- or one of the basis for that failure at that p.m. peak hour. I also wanted to point out that the -- the applicant and -- and developer has proposed some -- some alternative mitigation for the site to -- to help eliminate or alleviate some of those traffic concerns. Multi-use pathways, widening the sidewalk along Ten Mile and some other things. Obviously, it's not going to take care of all of the traffic. It will take care of a little bit of it. Perhaps -- and most importantly and most persuasively the -- our TIS -- the approval of our TIS happened -- it predated the transportation department's announcement of Highway 16 extension being fully funded and now that they have announced that -- that being fully funded and even announced start dates coming up next year and a two to three year completion barring any -- any delays, they should be bringing that online about the time the traffic starts to move out of this -- from this development. Maybe we predate it just a little bit. One quote I wanted to read to you from the ACHD project report. The completion of construction of -- of State Highway 16 from Chinden Boulevard to Interstate 84 within the next five years -- and this is, again, the quote: Will divert a significant amount of traffic from Ten Mile Road, this -- State Highway 16 -- in order to reach I-84. Again, not taking into account, just given the timing of the TIS and its approval. I would also note just -- that the Ada County Highway District report didn't recommend any additional traffic mitigation -- in part because Ten Mile is built out, it's a -- there is just nowhere to go. Exactly. So, the proposal is one hundred percent within the specific area plan, as well as the -- the master street map and we did what we could and we are relying on -- on State Highway 16.

Cavener: Mr. Mayor, follow up?

Simison: Councilman Cavener.

Cavener: Josh, am I hearing you correctly that you think that it's more the -- the commercial aspect that's going to generate that p.m. peak traffic than the multi-family? Because, again, I'm not a traffic engineer, but to me that seems contrary to -- to what would -- you would think.

Leonard: I appreciate the clarification, Mayor, Members of the Council. What I should have said is that it contributes to it. Not the primary driving force behind that. Yeah. Certainly not. It's, obviously, going to be the residential.

Cavener: Thanks.

Simison: Council, any additional questions for staff or the applicant?

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Josh, to your point to the comment from ACHD in the staff report and Highway 16 being the -- perhaps the saving grace to the 36,000 average daily trips on Ten Mile, do you think this project should be -- would be in much greater jeopardy and perhaps a problem for the community long term if you didn't have Highway 16? If that additional added capacity wasn't available, that the city would look at this and should look at this entirely differently?

Leonard: Mr. Mayor and Members of the Commission -- and I appreciate that, Council Member Borton. I don't think it would be in jeopardy, but I think it would require a little bit different look at this and I think that Highway 16 being in there is -- is -- that announcement is fortuitous to the development of this -- of this property. I will also note, though, that in addition to -- to not recommending or requiring any mitigation along Ten Mile, as we mentioned a minute ago, that there is just really no place -- no place to go and it's been designed as -- as outlined in the master street map.

Borton: And that being primarily because there is no additional expansion of Ten Mile available. I mean it's fully built out, so they could make a recommendation to provide additional capacity on Ten Mile.

Leonard: Correct. Yes. Thank you, Council Member Borton.

Borton: Okay. Thanks.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: Mr. Leonard, just remind me of the phasing plan one more time. I know it's been talked about, I just need to remember --

Leonard: Sure. And I can do it really briefly and, then, I will let Lane talk a little bit more about it. East of the Kennedy Lateral, phase one, along with the road, Cobalt, that's on -- on the developer's property and back to the back -- I believe it's all phase one.

Borges: Yeah. As far as the residential components of the project, everything north and east of the existing canal. So, that would include three flats buildings. It would include the three townhouse buildings. It would include the clubhouse. And phase two -- and along with that would be Cobalt Drive. Phase two of the residential portion would be all of the high density buildings that are south and west of the canal.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I think roughly year 2023? I mean any idea on --

Borges: On all of that --

Hoaglund: -- the high density portion when you get to phase two. I'm sure you are going to --

Borges: Probably started in '22, not completed until '23 for the high density. I think the intent is to have elements of the first phase open in '22 and roll -- I mean we will probably start on phase two before -- it's not a matter of let's finish phase one and get it rented out and, then, we will start phase two, this is just a matter of resources and how much we can physically take on and manage at one time. The important parts from a marketing standpoint is, obviously, the clubhouse and, then, having product available for the prospective tenants and having a variety. So, by doing the flats and the townhouses we have basically one, two, and three bedroom units available.

Simison: Council, any additional questions for the applicant? Okay. Thank you very much. Mr. Clerk, do we have anyone signed up to provide testimony on this item?

Johnson: Mr. Mayor, we did not.

Simison: Okay. Well, if there is anybody who would like to provide testimony on this item, if you would like to come forward at this time to do so, or if there is anybody online that would like to provide testimony, if you can use the raise your hand feature. Okay. Not seeing anybody that would like to provide testimony, would the applicant like to make any last comments?

Borges: Really, the only comment I think I would like to offer is to thank the Council for some of their direction when we were going through the previous process. Thank staff for their suggestions and Planning Commission's directives. I think at the end of the day we have a better project. We have a little more commercial space, we have more open space, we have buildings that interface better with the open space. We have more parking. I think it's been a win-win experience for us through the whole process. I just want to thank the city for their help and cooperation in allowing us to just design a great project for the city.

Simison: Thank you.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I thought, you know, for a project this big maybe if we have discussion and -- without closing the public hearing it might be a good thing in case some other questions

come up that we can respond to. One of the things that occurred to me and I gave some thought to as I was going through the packet and reading -- and especially the transportation portion and the questions came out about the functionality of Ten Mile Road and whatnot and -- and, you know, this -- this is eventually going to be a very big project and it has an impact. I do travel Ten Mile every day and there are times you just -- if you want to get somewhere in a hurry don't -- and it's a certain time you don't take Ten Mile. It's just a fact of what the matter is. But if you wait a little while it will clear up and -- and you can move on. And, you know, I look at this project, it's very big, but it's following the plan that the city laid out. It's -- it's how we want things. It's got the commercial elements and I think if we are that concerned about Ten Mile Road that we are thinking that, well, we shouldn't approve it, because it's going to impact the road too much, we should be thinking about the -- the development we just approved earlier tonight is -- and that's the fact of does all development going to use -- have an impact on Ten Mile Road and -- which it will. And so we should be working from this site going out in terms of approvals, you know, when you have your core, when you think about transportation and they are accessing the freeway and the other thing that -- so, it just makes me think do we say no to something like this, which meets all the requirements, when we need to be looking on the outer edges of development -- that we are approving developments, because they are also impacting Ten Mile and the other thing is we -- we have no say over what Star, Middleton, northeast Canyon county does. They are coming down to Ten Mile to get access to the freeway I see the license plates every day. We know they are doing it. You know, if we could shut that off, hey, we got plenty of room, you know, but we can't do that. So, you know, looking at it from a transportation perspective will this impact that road? Yes, it will. Is that a reason to say no based on transportation? I have a hard time doing that, just because of -- we just have to be thoughtful -- if the road, just like schools, if they are to that point of not working, then, we have to look at our process of how we are going to approve things, if we approve things in these areas that are funnels into this -- into this roadway. So, that -- that was the big issue I had is trying to figure out that transportation component, because it does have an impact and in a major impact on that and we know the turn lane coming onto the freeway -- and to me that's -- that's being short sighted by our road departments, not planning that far enough in advance, just like they did Eagle Road many years ago when they put one lane coming in, had to go back, redesign the whole thing, because they didn't think far enough down the road and we are growing even faster now and -- and I know some of it's budget related and there is nothing they can do about that, but just -- just to speak to the transportation component of that that's -- that's just kind of my thinking on that. There might be other elements that make me go, oh, maybe not, but that's -- from a transportation standpoint I think we will have to make -- work with what we have and, hopefully, that Highway 16 extension does get through in a -- in a timely fashion.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Councilman Hoaglund frames it well. It's relatively straightforward at this stage, primarily because it's a P plat and a CUP. This isn't an annexation and zoning. Josh is

correct in that it's entitled property and this is, in fact, what we intended here. It's consistent with the future land use map. It has high density residential where it was intended. I think it's a beautiful design. I think it has been improved through this process greatly at P&Z and through the Council's discussion. So, I think the applicant's done a good job. The remarks that I questioned Mr. Leonard on with regards to Highway 16, I will circle back to later. There is a broader policy issue that is outside this conversation. But that added capacity long term does provide some certain relief to how Ten Mile is impacted, with traffic here and upstream. So, I think that's a critical piece of the puzzle. But for a CUP application and a preliminary plat, I think this hits all the marks with what was intended to be in this area and so I'm supportive of the application as presented tonight.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I'm happy to add my thoughts as well and I agree a lot with what Council Member Borton and Hoaglund have said, but I think Council Member Hoaglund at least touched on something that I have -- I have wrestled with, which is sometimes we will get an application and it shows that a middle school is going to be -- the application is going to generate two or three or maybe ten students over what that school can handle and sometimes I hold my nose and roll with that and, then, sometimes we see an application and it's just flooding that school that's already over capacity with more students and I have to say is it -- is it worth pressing pause and Mr. Leonard is correct, this has been annexed and I don't think that I have got any heartburn with approving the preliminary plat, I guess it's the CUP to me that I see the place that would be the appropriate spot to press pause. I love this project and I think that the applicant has done a really good commendable job of taking the feedback from the Council to make it really special in a special part of town, but I have also got to -- I hear in the back of my mind many of the folks that I heard from and I know will continue to hear from to say Ten Mile is already overtaxed and I know that ACHD says it's a D and I think if you polled a hundred drivers on Ten Mile at 5:00 o'clock you would probably get one answer, they would all say it's past an F and so I'm struggling with being supportive of granting the CUP tonight.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: This may be something that -- that Legal provides input on, but I'm not certain if -- if there is a design -- I understand a lot is behind that and that's what I was hinting at at some broader comments that are going to come later on this exact issue. I think Councilman Cavener points it out, but annexation is the stage most certainly to pause. If it's necessary -- if there is a capacity issue be it schools or roads, there is a belief that we don't have the ability to serve a component, I think that's where that has to occur. I don't know if that occurs in a CUP application. I don't know what the condition would be to place upon it to allow that to happen. So, I -- I understand the -- the comment, but not

certain that's an option here, but very well could be mistaken. So, maybe Mr. Nary needs to correct that if that's not right.

Nary: Well, Mr. Mayor, Members of the Council, Councilman Borton, I mean you hit the nail on the head. I mean the reality is conditional uses are allowed uses with conditions and not to make it sound so simple, but the reality is those are allowed uses and that's what these are. There is a language in the conditional use ordinance in the UDC that says that the proposed use will be served adequately by a central public facility and services such as highways, streets, schools, parks, police and fire protection. I think the conundrum here is the -- some relief for this is a different roadway. So, it's not widening this roadways, it's not adding more capacity to the roadway, it's simply another highway that's going to be constructed over the next five years or more. So, is it being adequately served? Well, I think what I heard Mr. Leonard say it isn't adequately served, because, again, it's a very minimal amount of time to add -- add the maximum capacity they can do anyway, so there is no other relief that the highway district or ITD can do to make a difference, so it may be difficult to make that -- that's the only finding in here that I see that is what you folks are all talking about. But I have a concern that, really, as you stated, the project has been annexed, you -- that -- that decision that this couldn't serve this, because it's very similar to what you saw at the annexation stage, it may be a little difficult to defend that particular finding without a little bit more discussion and maybe a little bit more conversation with the applicant as well.

Simison: And it is -- you know, it is a weird concept of -- we are talking even in some regards where it's the -- right there at the exit to the interstate, whereas, you know, on one hand we can say, well, look what ITD has done on the Eagle Road exit, they have extended that to four lanes wide going back three-quarters of a mile, because Eagle Road couldn't handle the traffic. So, there are mitigations that the state system can do to allow it to occur and, quite frankly, you could probably argue Eagle Road is a challenge, because of developments that are being approved in the city of Eagle as much as the last one in all the road -- or in this case the very first one in on the road in a lot of ways. You know, it's like what breaks the camel's back, the first one closest or the one further away, that you do or don't, who got there first versus who is there now. It's an interesting conversation, but I do go back to, you know, at least I felt like this project has been well put together from -- from the get go with the improvements -- it has gotten better with the improvements along the way to where we are here today, but if this is the one that breaks the camel's back that it's so close to our major -- major corridors, which are all improved -- Franklin is improved, Overland has been improved, Ten Mile has been improved. We have interchange. If we were to say that this is where the transportation challenge is, what about the stuff that's going to happen on the east side of this road that hasn't come in yet, which has as much, if not more traffic generation with the next project. Very philosophical if we want to start having those conversations about this location where we have invested in an urban renewal district, where we have invested in a Ten Mile specific plan, where we are putting our public transportation, where we are -- and, again, a lot of investment in this specific property's right here. There are problems downstream though. We know that. Problems in the east or west with the roadways that aren't improved. So, just two cents. The public hearing is still open.

Bernt: We are thinking. No rush.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I wouldn't mind, you know, having this discussion -- if the developer wants to weigh in and provide thoughts on this. You know, they have invested a lot and I'm sure they want us to move forward, but are there any arguments that we are missing on this discussion primarily really to traffic and mitigation, those types of things, so I wouldn't -- I wouldn't mind to hear from them.

Pilegaard: Council Members, thank you. Erik Pilegaard representing the -- Mark Ingram and myself. We started with the process with that traffic impact study with Kittelson, who designed the whole specific plan and worked with the city on that. It came back with the recommendations and, then, ACHD got a hold of it and we knew that, obviously, traffic and -- I was surprised, because we are so close to the -- to the intersection. It's a cumulative effect of all the other projects that are feeding down and you are absolutely right. I don't think that we could have a good chance before you tonight if we didn't have ACHD's approval. They are recommending approval for the project. We are going to pay our fees. They have had some mitigation for the pathways and walkways. I asked them if they could give me a recommendation somewhere in there that said once Highway 84 -- no. Excuse me. Sixteen is built what happens to our level of service and they said it's, obviously, going to go back down to normal. D. Where it is today. But I said that normal. Correct. But could I get that in writing and they say, no, because we have to build it first and, then, we will do the study with the traffic counts. So, if they came with a recommendation for denial based on traffic, I would have a hard time here, but they are the traffic experts. We hired Kittelson it is for that one hour peak time and that's why we created this live and work place. So, that's kind of my comment. If we didn't have their approval I would say, okay, I don't maybe have a leg to stand on. But they do govern traffic from our perspective as a developer.

Bernt: From our perspective as well.

Pilegaard: Okay. So, I don't -- I don't know if that answers your question or gets you to the right spot, but, you know, we are kind of the central hub close to the interchange and we are limited on the right-in and right-outs, so we don't have those full access issues, which would slow it down as well. It was a challenge getting those access points.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: My assumption -- I think I know the answer to this, but I'm just curious. Did you have any conversations with the highway district about the impact of each phase and how that triggers a change from D to E from E to F or does phase one automatically turns it to

F?

Pilegaard: No. It's -- it's not just phase one, it was the cumulative -- the entire project from the -- you know, it's peak hour trips; right? So, it's -- when the stores open, you know, the peak hours they come in. When they leave it's the peak hours when they go home from work. But that is actually -- while we have the live-work area there, the idea is that, hopefully, they don't do a lot of driving.

Cavener: Sure.

Pilegaard: If they do drive they use Cobalt to go over to the business offices that are right there, you know, across the street on -- on the Brighton development side. The idea is is that, hopefully, by combining the mixed use it all works together versus build them way out and using that traffic --

Cavener: Yeah.

Pilegaard: Hopefully that helps as well.

Leonard: Mr. Mayor, Members of the Council, the only thing I would add -- and it was just mentioned -- the fact that it is a live-work site and that we are trying to retrain -- retain traffic on site. Appreciate the discussion about traffic. Obviously, it's a hot topic and it's important both macro and micro and -- and has been mentioned a couple of times, that's probably more appropriate for -- at the annexation stage when we are looking at and as we mentioned, we -- the development agreement that came with annexation and the initial zone included a pretty specific concept plan that -- that included many of these uses and the only thing we added was a little bit more commercial and based on the recommendation from the highway district, the fact that, really, a conditional use is an approved use subject to conditions, to mitigate any kind of adverse impact and there not being mitigation on site or additional mitigation on site or on the adjacent roadway, I think that there is a -- I think -- I'm going to say that the answer is clear. It's easy to say that from my perspective, from where I stand, but I think the answer is -- the answer here is clear.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I -- I -- thank you, Mr. Leonard. I -- looking at this project and I was in support of annexation before and you guys have come a long ways. I feel like you have listened and you have dotted your I's and crossed your T's and you have worked with your neighbors -- I guess that would be to the south with regard to Cobalt. I know that was a sticky point before. Excited to see what these commercial buildings are going to be. Who is going to move into them. I like the connectivity throughout the entire project. I think it's just an interesting project. It's a huge project, but it's sort of does -- it's -- it's really hard to get a community feel with this type of project with so many different uses and I think

that you have accomplished that. The big -- the big elephant in the room is -- is -- is the traffic aspect of it for sure and it's -- I really do appreciate our -- our working relationships with our regional partners and one of those regional partners is ACHD. I don't know if my decision with annexation would have been any different knowing that, you know, the traffic on that area is an F, as opposed to what -- what the consultant mentioned that it was, you know, information -- information given during the -- the annexation -- previous annexation discussion. I do believe that our hands are tied -- somewhat tied, though. I think that -- I think that, Mr. Leonard, you have nailed -- nailed it and you have been very concise and I think that we are past the point of -- in my opinion denying this project or continuing this project because of traffic. So, I can't wait until Highway 16 is built. It's going to be a big game changer for our -- not only -- I think for the entire Treasure Valley, honestly, for the entire region. So, I think I'm in support of this application as it stands.

Simison: Or because it probably wasn't a traffic study that says Linder Road overpass gets built. That's got to take traffic off this area as well. Just throw that out there to Council.

Bernt: You don't have to talk us into that. I think we allocated 2.5 million dollars to that project, Mr. Mayor.

Simison: Yeah. Absolutely. There is more that can be done.

Bernt: Okay.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: If we want to move forward I would move that we close the public hearing on this item, H-2021-0063.

Bernt: Second.

Simison: I have a motion and second to close the public hearing. All in favor signify by saying aye. Opposed nay. The ayes have it.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

Hoaglund: Well, Mr. Mayor, I appreciate the discussion tonight and it -- you know, there are a lot of implications to this and future implications in terms of traffic on Ten Mile Road and what we need to look at with Highway 16 and those types of things, but as was stated by Councilman Borton and others about where we are in this process, the work that they have done to come to -- to meet all of the standards or requirements that we laid out and the approval by partner agent ACHD for this, I would move approval of H-2021-0063, after hearing from all staff and applicant testimony and as presented in this hearing date of today and also I would move approval that would also reflect the acceptance of the

revised changes as provided by staff and the applicant that were outlined in the staff report in that approval.

Bernt: Second.

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

Hoaglun: Mr. Mayor, I do want to ask --

Simison: Councilman Hoaglun.

Hoaglun: -- did I miss anything in -- in that? Because I think we did want to include -- include those revised changes that were included in the staff report and I was looking -- referring to -- at the bottom of the report that we get here -- outstanding issues, item number one, redesign of Cobalt that complies. Redesign of the residential parking area. The garages along the western boundary. Property lines of Building F3 and the sidewalk along Ten Mile. So, I assume those were included in the report and I want to reflect that we are including those as well.

Bernt: Second agrees.

Simison: Second agrees. Is there further discussion on the motion? Other comments before we vote? With that, Clerk will call the roll.

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

Simison: All ayes. Motion carries and the item is agreed to.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

Simison: Council, we are going to go ahead and take about a ten minute break, so that the -- any little guys that need to go outside can get -- get that break. Joe has got a little puppy at his house. I don't know what's going on. We will take a ten minute break and be back about 25 after.

(Recess: 8:11 p.m. to 8:26 p.m.)

4. Public Hearing for Aviator Springs (H-2021-0065) by The Land Group, Inc., Located at 3235 N. McDermott Rd.

- A. Request: Annexation of 40 acres of land with R-8 (27.63 acres), L-O (1.64 acres) and M-E (10.72 acres) zoning districts.
- B. Request: A Preliminary Plat containing a total of 112 lots consisting of (93) buildable lots and (13) common open space lots on 27.63

acres of land in the R-8 zoning district, (2) buildable lots on 1.64 acres of land in the L-O zoning district, (1) buildable lot on 10.72 acres of land in the M-E zoning district, and (3) future right-of-way lots on 40 acres of land.

Simison: All right. We will go ahead and come back from recess and we will move on to our next item this evening, public hearing for Aviator Springs, H-2021-0065. We will open this public hearing with staff comments.

Allen: Thank you, Mr. Mayor, Members of the Council. The next and last application before you tonight is a request for annexation and zoning and a preliminary plat. This site consists of 40 acres of land. It's zoned RUT in Ada county and is located at 3235 North McDermott Road. The Comprehensive Plan future land use map designation is mixed use neighborhood. The applicant is requesting annexation of 40 acres of land with R-8 zoning, which consists of 31.59 acres; L-O zoning, which consists of 1.64 acres and ME zoning, which consists of 6.77 acres. The applicant proposes to develop the site with 93 single family residential detached homes at a gross density of three units per acre or 4.38 units per acre if only the developable areas included in the calculations, excluding the street buffer along future State Highway 16. An LDS seminary and donation of a lot to the Boys and Girls Club for a facility on the west side of future State Highway 16 and research and development uses on the east side of State Highway 16. Staff believes that proposed development plan is generally consistent with the vision of the Comprehensive Plan per the analysis in the staff report. Although the proposed density is below that desired in mixed use neighborhood designated areas of six to 12 units per acre and there are no supporting services for the residential development, staff believes the proposed development is appropriate for this area based on the lack of access available to this site from collector or arterial roadways. The proposed uses will provide a mix of uses as desired in the Comprehensive Plan, i.e., residential, civic and commercial and an LDS seminary and Boys and Girls Club will provide religious and childcare facilities within close proximity to the high school on the abutting property to the west, which will be a benefit for area residents and the community. If Council feels additional housing types, i.e., alley loaded single family residential attached, townhomes, should be provided, it should increase the density for the development. Staff did not include a recommendation for additional housing types to be provided due to the limited access available in this area and lack of employment uses provided in the residential area. Given the limitations with surrounding land uses, existing development pattern, poor access and bifurcation of the property with the extension of State Highway 16, it is not feasible to achieve full integration of uses as desired in mixed use neighborhood designated areas. However, the applicant's narrative does discuss how they believe the proposed development is consistent with the mixed use neighborhood designation. A preliminary plat consisting of a total of 112 lots, consisting of 93 buildable lots and 13 common open space lots, on 31.59 acres of land in the R-8 zoning district is proposed as shown. Two buildable lots on 1.64 acres of land in the L-O zoning district and one buildable lot on 6.77 acres of land in the ME zoning district. So, just to show you where we are at here, these two lots right here are the L-O zoned -- proposed to be L-O zoned lots and, then, over here on the east side is the ME zoning. There are three future right of way lots on a total of 48 acres of

land on the preliminary plat area. Two phases of development are proposed as shown. The first phase is the area on the west side of future State Highway 16 and the second phase is the ME zoned area on the east side. Access is proposed to the western portion of the development by the extension of two local streets from the north from Chukar Ridge Subdivision. Future State Highway 16 is planned to bisect this site on Lot 1, Block 5. Access is proposed to the eastern portion of the site via North McDermott Road. Direct access via future State Highway 16 is prohibited. One stub street is proposed to the south for future extension and interconnectivity. Qualified open space is proposed in excess of UDC standards. Based on the area of the plat, which is 48 -- excuse me -- 40 acres, a minimum of four acres is required. Ten percent. Seven point six four acres or approximately 23.8 percent of common open space is proposed, which includes a large common open space area adjacent to future State Highway 16, which will provide a buffer to residential uses. A minimum of two qualified site amenities are required. A swimming pool with changing rooms, pedestrian pathways, additional qualified open space of at least 20,000 square feet in area and children's natural play structures are proposed as amenities in excess of the minimum standards. As noise attenuation for future State Highway 16, a six foot tall berm and six foot tall wall on top of the berm is required within the street buffer consistent with adjacent developments that have been approved to the north of this site. Conceptual building elevations for the residential portion of the development were submitted as shown. The non-residential buildings are required to comply with the design standards in the architectural standards manual. The Commission did recommend approval of these applications. Matt Adams from the Land Group, the applicant's representative, testified in favor. No one testified in opposition. Todd Tucker, Boise Hunter Homes, commented on the application. He is requesting the stub street to the south is shifted approximately 45 feet to the east, so that it abuts the east side of future State Highway 16 right of way to provide a better alignment with the street connection planned to the south on the Boise Hunter Homes' property. And just a note. If this were to happen it appears there wouldn't be adequate area for the required street buffer along future State Highway 16. So, staff is not supportive of that request. Key issues. Boise Hunter Homes requested that -- again, as I mentioned, the stub street to the south be shifted farther to the east to align with the planned location of the street in the future development and the applicant stated that they would like to pursue development of the LDS seminary and residential portions of the development first and restrict development of the Boys and Girls Club lot until a second public street access is available consistent with the ACHD conditions of approval. The key Commission -- or discussion items by Commission was the single public street access to this development and secondary emergency access and parameters of the ME zoning district. The Commission did not make any changes to the staff recommendation and there really are no outstanding issues for Council tonight. There were several letters of testimony that were received, all in support of the LDS seminary building from Bart Hamilton, David Austin, Holly Miller, Jen Johnson, Jennifer Reece, Lance and Camie Olsen, Maile Thomas, Matthew and Nicole Gemette, Megan Roos, Trish Dildine, Troy Ball, Greg Borup, Paula Horsager and Melanie Evans. Matt Adams, the applicant, did submit comments today in agreement with the Commission recommendation. Staff will stand for any questions.

Simison: Thank you, Sonya. Council, any questions? Okay. Would the applicant like to come forward?

Adams: Thank you. Good evening. Matthew Adams, 462 East Shore Drive, Eagle, Idaho. I'm here to help get Highway 16 built, since it goes through my project, which helps everybody. And, Sonya, can you put my slideshow up? And thanks to the folks that stayed for this presentation. Thank you. All right. So, I'm excited to be here presenting an exceptional project. Aviator Springs is the right community in the right location at the right time. Tonight what I want to go over is how we align with the Comprehensive Plan and the context of Aviator -- Aviator Springs, which is really difficult to see without looking at the Fields sub area plan in the surrounding area. I want to talk about the community highlights, our community partners that have made this happen and, then, some specifics that Sonya alluded to at the P&Z Commission hearing and, then, ultimately, we are requesting approval of annexation, rezone, and preliminary plat. So, how do we align with the Comprehensive Plan? Well, we are a premier community. We are making an investment in 93 homes for Meridian families. We are an evolving community responding to the Fields sub area plan with major investment in what we consider resilient open space. We are a livable community, promoting family friendly recreation for healthy living, focused on natural systems for stormwater management, cooling of air, sightlines off of the project and we are also promoting public safety by implementing Crime Prevention Through Environmental Design. This will be a vibrant community. We are adjacent to the activity centers of the high school and a future elementary school, as well as many many future amenities as part of the sub area plan and we are making a nod to -- or celebrating the history of the site as agricultural through our open space and play design. We are a connected community with safe and efficient transportation, excellent connectivity to local streets and we are partnering with ITD to ensure Highway 16 infrastructure can successfully move forward. So, this is the Fields sub area plan that I have referred to a couple times and what we are specifically talking about is this southeast quadrant and, then, more specifically the very corner of that area. I do want to thank the city and Logan Simpson for assisting us in providing these background graphics. So, Aviator Springs integrates into the sub area plan and surrounding development patterns beautifully. We integrate by focusing on land use transportation, economics, and the parks and pathways. So, if you look at that area plan and that new Highway 16 as an edge, our density is appropriate for this area. All right. Let's talk about our specific project. Our project land use. As Sonya said we have R-8 in the yellow. We have got the L-O in the blue and, then, we have our mixed employment in the purple. So, we have three distinct zoning types and four distinct uses. Circulation we feel is excellent, because it provides for a lot of off-street circulation. So, we have got good -- good automobile circulation. We are stubbing to the north and south, which is the only available connectivity we have for automobiles and, then, we have great walking access. We are connecting to what will be pathways north of us on Five Mile Creek and we have walking ability to the elementary school in the future and to the high school today. Amenities. We are really proud to be going above and beyond the amenity package and providing a really great amount of open space. All right. Specific amenities. Pathways. Pathways comes up big when -- when your team does surveys and we think that people's ability to walk in loops and different figure eight patterns and things within their neighborhood a good distance, while

feeling safe on local streets and pathways, is very important and we propose multiple types of pathways, so that people of all abilities can access them. A pool is always a great amenity. People really enjoy that. You can walk to the pool. You can reserve the cabana on the side and have birthday parties and, then, we also have the small -- well, 20,000 square foot soccer play field in the southwest corner of the development. What I'm most proud of is our open space buffer along the east edge of the project. Now, we have to have -- we are required to have a 35 foot wide buffer. We have provided a 50 foot minimum width buffer, which is more generally greater than a hundred feet, which places the closest home to Highway 16 at 200 feet from the roadway. Within that buffer we are providing stormwater management. We are cooling the air, which is important. And we are doing sight and sound buffering from the highway. We are proposing waterwise climate appropriate landscape. We are actually looking at a hotter climate. We want the HOA to be able to afford to maintain this in the future. Provide habitat value, a unique aesthetic, and minimize maintenance. Pathways meander through the community with pedestrian bridges, undulating grade, and we create a sense of place. We also provide nature play. So, we have unstructured play for kids in a safe and contained environment. Natural creative play is proposed for the site, which creates a unique experience. It encourages exploration and engagement with the -- with the environment. Free range kids. Here is some images of some of that nature play feature that we think is appropriate. We will have, hopefully, some areas of mud for kids to play in. But no mosquitoes.

Bernt: What about trout ponds?

Adams: And there is no trout ponds at the current time. And, Sonya, I can't get it to advance. There we go. Just an artistic rendering of what that buffer could look like, so that you can get a sense of what the sound attenuation wall looks like, different pathways systems and, then, play equipment in the middle. All right. We do, of course, want to show our architectural character. The homes are planned as one and two story single family detached. The homes will be designed in what's -- I guess now -- I have traditional theme written here, but it's West Meridian traditional I suppose. They will be constructed using a variety of high quality materials, including cultured stone accents and siding. Buildings shall be designed with elevations that create interest through the use of broken panes, windows, fenestrations and produce a rhythm of materials and patterns. We do -- because we face Highway 16, we have a lot of homes -- we have to have all sides that look nice. So, these homes will be four sided aesthetic. Here is some view of the two story units. All right. It's important to me that -- to talk about partners. A project like this requires a lot of energy, a lot of time, a lot of investment and a commitment from many many people. So, I just want to acknowledge the City of Meridian, West Ada School District, Idaho Transportation Department, Ada County Highway District and Nampa-Meridian Irrigation District as agency partners. Of course, the LDS Church, which plans to develop the seminary, and the Boys and Girls Club, which we have a desired partnership on a donated parcel. Also, the development team, Jeff, Nick, Larry, Ryan Wade and Brady and, then, my team Tyler, Chad, Jim, Mike, Dan, Ben, Dustin and Dylan. So, now to the nuts and bolts. The staff reports and conditions -- we have no objection to the city staff report or the ACHD staff report. So, that's good. I do want to talk about

some specifics that came up during P&Z that are important. So, first is secondary access. So, we are -- we have main access on Achievement Street from the north. It comes into Chukar Ridge, which is under construction, but we will be submitting final plat shortly and that enters into the site. We do not have access to the south yet, but we are stubbed for that and we are -- we are hopeful for that to come soon. So, we have coordinated with the fire department, police department and West Ada School District to provide a secondary route through the high school site to this project. At the P&Z hearing that it wasn't depicted clearly how you get through the high school site, so this graphic is to show you more clearly that access route. This is on a recorded access agreement that's been signed by the school district and the landowner for this project. Also we are excited that Fire Station 8 is underway and should come online 2023, which provides great support to this community. Parking always a great issue. So, we wanted to give some counts. We are required by code to provide 372 parking stalls. We are providing all of those in the garages and on the driveway and, then, street parking provides an additional 174. So, we feel that we are providing adequate parking or more than enough. Knowing we are next to a high school, we have to plan for some on-street high school parking kids. I will say, though, Owyhee has close to 1,300 parking spaces, where Rocky Mountain had 900. So, there is already a built in extra parking at a Owyhee and we have gone above and beyond with a lot of street parking on this project. Okay. My final point here is schools, which is important. All of the schools that this community feeds into currently have capacity. So, they are anticipating 93 school aged children would come with this development and we have got capacity at all levels in the schools that these homes actually would attend and, more importantly, they can walk to the high school and in the future walk to the elementary school. So, a good seven -- a good nine years of your school career could be walkable. All right. What is Aviator Springs? Aviator Springs is really a partnership. Lots of people made this happen. It's 93 new homes for the City of Meridian. It's fully integrated with the Comprehensive Plan in the Fields sub area plan and we believe it is the right community at the right time in the right place. Thank you and I will take any questions.

Simison: Thank you, Matt. Council, any questions?

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Matthew, we will start you out with the big one right off the bat. When these people want to go to Boise what road are they going to access the freeway on?

Adams: They will go to Ten Mile. No, I'm just kidding. But, Mr. Mayor and Councilman, this -- they can exit out to Owyhee Storm Avenue, which was built with the high school and, then, they can either go up to McMillan or Ustick. Ustick will put them on Highway 16 and get them to the freeway. McMillan will take you into Meridian. So, how do you get to Boise? You know, we don't know. But people will find that quickest route. They will try different routes until they find the quickest one. For me map says that it's quickest for my house to take the connector and I always take Ustick all the way, because I don't

want to drive on the freeway. So, I think -- I think we are connected well. Our density is appropriate that we can actually -- we don't exceed the roadway capacity that's there for us and we have good connectivity to the future Ustick interchange. So, we are all depending on Highway 16 now.

Hoaglund: Mr. Mayor, follow up.

Simison: Councilman Hoaglund.

Hoaglund: Yeah. Understand that completely. And Highway 16 we are looking at -- at five years. You will probably -- if there is approval you will be moving forward probably fairly quickly. Those timings don't quite match up. I -- it's nicely laid out. It's a good job. I like the single family homes. That's 93. You know, if we are talking multi-family that's way more. But, you know, that Ustick widening, McMillan widening, all those roads out there are not improved and they are many years down -- down the road. So, that -- that is a challenge and I wasn't on the Council when -- when Owyhee High School and that discussion you guys had -- which, you know, you knew it was going to come. Once you put Owyhee High School out there things were going to happen and it's happening, which is the way things work, so -- I wasn't on Council then. So, I don't know all the -- all the issues around that. So -- anyway. It's just -- this is kind of -- it is a spin off after the -- after the last discussion we had. You know, this is an annexation. So, should we be considering these things for annexations, because the impacts will occur over here and that shouldn't be happening -- or we can't -- we have it with schools in south Meridian. We have it with roads in north Meridian more. The school capacity is fine. But, yet, we have quality developments coming along, you know, and -- and that's the rub is what -- what are we -- how do we make this work? It's not that -- personally I don't want to not make it work, but it's just the timing of things. How do we make things come together at the right time, so we have less traffic problems, fewer issues with development and conflict with growth. But, again, as I said earlier in the other hearing, was the fact that we don't control what other communities do and it's going to impact Meridian, because we are in a great place. We are in the middle of everything. We have access to everything. But people come through Meridian to go to that -- those -- those areas as well. So, I don't want to penalize our good folks and developers for doing good projects, because the roads are substandard, because they are going to come no matter what and we can't -- we have no say over that. So, I guess kind of open it up for you to comment and give you additional thoughts on that. Make your case.

Adams: Thank you. Mr. Mayor and Councilmen. So, that is unique. I stood right here during the Owyhee High School annexation and was part of that and since, then, we have had -- because of the unique location of this, we have Nampa, which is -- highly impacts these roads. The construction of the Amazon facility was occurring during Owyhee and during Chukar Ridge, which we got approved and we don't know if Nampa sending cars down Ustick or if all these people are going to go west to go to work. What our traffic study has told us is that the roads can handle these trips and they have recommended approval. I think one -- the one thing that this applicant can and will do is pay impact fees. We will build all the roadways and has located, hopefully in an area where

walkability is improved, but, really, I guess being unable to predict who buys each home, it's very difficult for us to predict all those behaviors -- those driving behaviors. Now, we are acknowledging that you get four cars at every one of these houses. That is the reality of where we live, but we think -- you know, with the highway -- I was out the other night, it was really foggy and I was driving around the high school and there is four traffic signals in the middle of nowhere in the fog. It was a very surreal experience. So, this area, believe it or not, I think is ahead of where Mountain View and Rocky Mountain were and maybe we are actually doing better than we think, we are just encountering new challenges as the numbers swell in the valley. But thank you for the question. I don't think I have a specific response or solution for you.

Simison: So -- so, Matt, my linear brain, no matter how many times this -- I can't get over you could drive by seven houses to get to a Boys and Girls Club -- what I would consider two semi-commercial elements with parking lots. Can you walk me through that, why my brain says, no, having these -- driving by homes that are fronted on a road, you drive by those to get into what to me are commercial style facilities and the Boys and Girls Club I don't -- are we talking like a 25 person daycare Boys and Girls Club? Are you talking like -- what -- what -- what is the envision -- I'm looking at the one over here across the street. Is that what we are putting inside -- I don't see this as adjacent to the school, I see this as inside the subdivision. That's me, because that's where the access is coming from, but that's my linear thinking.

Adams: Mr. Mayor, thank you for that question. So, to be compliant with the mixed use neighborhood land use designation, we are required to do a minimum of three different types of uses. So, the city's Comprehensive Plan guides us to this type of solution. Now, the arrangement of the solution within isn't spelled out by the land use plan. However, our desire to partner with Boys and Girls Club, their desire to partner with us, has led us to a facility that is associated with the high school. Now, they don't have any firm plans. Their board voted that they are interested in pursuing this donation, but they don't know what that would be and since I don't represent them I can't speak to the -- what exactly they would have. In conversation they have talked about everything from school aged after school programs to high tech programs for high school aged kids. So, what they end up landing on I don't know. There will be some traffic for parents coming to pick up kids from that facility. We also are hopeful that with the -- if the parks master plan for pathways is implemented we are going to have a lot of household rooftops where kids could ride a bike home from this facility or ride to this facility. So, we are hopeful that there could be a good blend there. It is definitely associated toward the high school and you do have to pass some homes, but it is away from most of the homes on the property.

Simison: Did you look at trying to move that -- what I'm going to call north where I'm looking at up into that corner where you have the access to the road and look at your different accesses and put it -- or you didn't have to do that, because at least, then, you have -- I don't know if that's a collector road that's going to be between this and the other one. I was looking at one of the pictures or does that not work for some other reasons?

Adams: I think -- well, the stub street from Chukar is already constructed, so we only

have 110 feet between the high school fence and that road as it comes south and, then, to meet ACHD standards you have to have a certain linear footage before you can have a curb or another intersection. So, this widening that you see around the seminary is as far north as that can occur. So, if this was going to be shifted north it would have to go to the east side of that roadway. We did look at several site plans. I think -- we did three pre-app meetings on this project and spent quite a bit of time working through different solutions and different densities with staff. This is what we felt positioned all the uses in the best location. The Boys and Girls Club had zero residential neighbors that are directly adjacent to it and that was -- that was one of our goals. That was the trade off.

Simison: Council, any additional questions?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I want to provide a little flavor, because I think I kind of started with your initial concerns, but my youngest spent his summer at the YMCA in Tuscany and we have lots of families who traveled to and through to elementary schools throughout Meridian. I mean I kind of saw this as a similar type of use.

Simison: I try -- I went to the same place, except for none of those homes front the roadway that comes in. They are all off from that standpoint. I went into the YMCA over in the other side -- the real YMCA that's over there in that residential sub. Again, none of the homes back up into the roadway where we are bringing commercial traffic that I could think of. Again, those are the two that I went to. I'm not going to say it doesn't happen in other parts of our community, but when you are putting commercial style things and we are driving past front -- what are considered -- I don't even know the name of the roadway network when you have the ones that come through the residential that are not meant to be fronted on, as compared to this, which they are. So, that's -- that's how I came to the -- my difference was exactly the same situation. Same concept, different roadway network design. That's really where it came down to. And I appreciate your -- I guess just my linear way of thinking. I'm not saying it's wrong, it just is hard for me to get my head around it personally.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: Matt, you know, I sat with you on the Comprehensive Plan committee and -- and we -- we spoke a lot about, you know, open space and a lot of different things and -- and from your comments -- or was it the open space -- one of the committees. It was the open space code. That's right. And so remembering your comments during that -- those discussions it doesn't shock me or -- that you would sort of design this -- this subdivision the way that you have and the developer has. It's just different and I think it's pretty cool. I think it's -- I think it's thoughtful and, you know, the little -- you know, creating a bigger

buffer, so the kiddos can have some really cool place to play -- I know in my subdivision down the street we have a lot of open space -- passive open space where the kiddos go find, you know, snakes and a kiddo found a turtle the other day before it got cold and they were, you know, trying to keep it alive. They like, Treg, Treg, we got a turtle. So, it's this type of like open space that you have created I think is pretty cool. I think the kiddos are really going to enjoy it in my opinion.

Adams: Thank you.

Harper: Mr. Mayor?

Simison: Thank you. Appreciate that.

Harper: Question for Matt. In pre-apps that we were talking about some parking concerns with that access to the high school. I noticed on your parking -- can you go back to the parking -- yeah. Right there. So, the seminary in that general area where the -- where there is a walkway to Owyhee High School, we have a similar setup at another high school in our city where we have had to find alternative parking options. Are you still considering what we discussed early on in regards to working with ACHD to have that posted for no parking during school hours?

Adams: Mr. Mayor, Lieutenant, great question. So, yes, when we -- we met with Scott, we met with Lieutenant, regarding this known issue, because when parking becomes a problem people call Meridian PD and they become parking police in a subdivision and, yes, so there was a lot of discussion on can certain areas be signed and that is something that's on our list. We are a little early right now, because we haven't submitted to ACHD. But that is on our list to take care of. I appreciate the reminder on that.

Simison: Council, any additional questions? Thank you, Matt. Mr. Clerk, do we have anyone signed up to provide testimony?

Johnson: Mr. Mayor, we have two people signed in. First is Todd Tucker.

Tucker: Good evening, Mr. Mayor and Council. My name is Todd Tucker and I represent Boise Hunter Homes. Our business address is 923 South Bridgeway Place in Eagle, Idaho. I just want to start out by saying we -- we actually support this project. We are in favor of it. We own the property directly to the south and we think this will be a good asset to that area and ties in very well with what we plan on submitting in the future. We did submit an application on this property a little bit over a year ago. It's since expired. We didn't pursue it any further than that and we -- we do anticipate resubmitting an application probably within the next couple of months on this -- on this property. We have one really just minor request. Sonya, if you bring up my slide. We anticipate when we do submit an application requesting a waiver or a variance with our development to have the internal road that will connect to the north to be moved closer to Highway 16 than what the code currently allows. If you could make it just a little bit smaller, so that the whole -- or can I do that? Or just slide it to the north all the way I guess. That would be fine. So, we do

anticipate requesting a waiver or variance to allow us to move our internal roadway a little bit closer to Highway 16. As you can see in this exhibit -- maybe if my mouse will work there. But the blue -- the blue line that kind of zigzags through the property, this is where we are anticipating a road running through the development and, really, this -- we would be requesting this because as Highway 16 bifurcates our property, it comes in at an angle and it really starts to pinch our development and make it difficult for us to have enough room to get a quality development in there and so as much as we could slide that road over we would like to do that. So, in -- you know, just briefly in conclusion, our request is really -- and this -- this may be the first time ever this has happened that a developer requests the Council grant another developer a waiver, but we would be asking that the Council actually allow this developer some flexibility to slide their stub street further to the east with anticipation or with the abilities that if we are successful in our request to get a waiver, that those roads could align a little bit better. So, that's really our request. They are -- they are providing in that area a 45 foot buffer from the western boundary of Highway 16 to the eastern boundary of their stub street to the south and so we would be requesting that they be allowed some flexibility to slide that road further to the east, with the thought that if we do -- if we are successful that those roads could align and that -- that concludes my -- my testimony.

Simison: Thank you. Council, any questions?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Todd, it is kind of an interesting request and so I guess my -- my first question would be have you had conversations with the applicant? Is that something that they want to pursue, but don't feel that they have the ability to? I mean it is kind of -- it's kind of a -- it's just different. So, I guess let me understand if -- the conversations you have had with the applicant and their willingness to want to do this.

Tucker: Sure. Mr. Mayor, Council Member Cavener, we -- we have discussed this a little bit. You know, I think they are complying with the code the way it is. Their property is a little bit different than ours. They have a little bit more room and flexibility. At the Planning and Zoning Commission meeting Matt did say that, hey, if -- if -- if you guys get approved to move your road closer to Highway 16, then, we will -- we can accommodate that. He did send me an e-mail a while back saying, hey, we reevaluated this to -- to -- you know, to meet the standards that we have for the berm and the -- the wall and the -- the pathway, we can't -- we can't do that by meeting the code, so -- but he did say, you know, that they were open to -- to making those arrangements or moving the road over if we get approved and so that's really our request is just -- and, again, it's -- this is a weird situation where we are a little bit -- we almost got a little bit the cart in front of the horse, but we are trying to do good planning and plan for the future and just thinking along the lines of it -- in our mind it makes a little bit more sense to have the road closer to Highway 16 to provide that buffer. It gives us a little bit more room for development and we really want these roads to align, so we are just saying if we are successful we would like the ability for these roads

to connect, which would, then, in turn, require you allowing this project a little bit of relief from those standards to move their road to the east.

Cavener: Okay.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Todd, my first question would -- would you still have a wall between Highway 16 and your road? I mean is there some sort of barrier or buffer? I think that is required -- berm and wall or just a wall.

Tucker: Sure. Mr. Mayor, Council Member Hoaglund, there is quite a bit of distance between the actual pavements of where Highway 16 will be and the right of way. There is about 50 to 70 feet in there and so we intend on visiting -- our intent is to visit with ITD. It's been done in some other places where they have actually allowed us -- developers to construct those improvements within that area. So, yes, to comply with the code will have to provide the berm and the wall and we think that's important. Again, this is a lot of requests that we would be making of other agencies, but, again, we are really just looking for some flexibility. If we are successful in those endeavors to have the ability for those roads to connect. We may be -- we may not be successful, but we just want the flexibility. We think it's good planning for the future to have that flexibility that if we are successful that it all aligns and works out well for everybody.

Hoaglund: Mr. Mayor, follow up.

Simison: Councilman Hoaglund.

Hoaglund: And I will ask you this question, but it's one that Matt might weigh in on as well, because it's their development where you come in -- coming into the site, coming through the other subdivision, go in front of the seven homes the Mayor was talking about and then -- and, then, you have the donated land for Boys and Girls Club, seminary, and, then, if you were to come down that street, take the little jog right and, then, straight you have got, what, four or five homes there. Why not come off of that street where -- showing green space and, then, reclaim that green space where their road is and come in from the upper section or the west section closer to the high school into the -- into your site? Would that solve problems? And -- but there might be other problems I'm not aware of, but just kind of looking at that map. Now you are not going through how many more homes to get to the homes that you you want to build, so --

Tucker: Sure. Mr. Mayor, Council Member Hoaglund, I'm pretty confident I understood what you said. One of the struggles that we will run into is there is a -- there is a canal that runs through there, so it would be requiring a bridge or another developer to build a bridge over that canal, which may be a little bit more onerous than -- than they are willing to take on, but -- but we did look at that and think about that. One of the concepts that

we are kicking around and thinking about for this area is a multi-family development and so it would be a -- basically a public street stubbing into the parking lot of a multi-family development and so just the way that we have it arranged we think works the best way. Again, you got a canal there that would require a bridge to come over, so --

Simison: Council, any additional questions? Thank you.

Johnson: Mr. Mayor, next is Ron Hopper.

Simison: Good evening. Thank you --

Hopper: Mr. Mayor, Councilmen, young lady. My address is 3510 North McDermott Road and I agree with Councilman Brad here. The traffic is horrendous. Okay? If this subdivision goes in, the traffic for the kids -- my grandson goes to Owyhee High School. I drop him off. It's a nightmare. Some kid is going to get hurt. I mean it really has to be looked at about all the egress points and everything on the subdivision. Okay? So, I mean I just want to voice my -- my neighbors on McDermott feel the same way. If -- I can bring 15 people in here with me and we can make a show, but I'm just saying that this subdivision -- I mean you know yourself, all these subdivisions -- I mean I first came to Idaho -- you guys may be born here, but I first came here in 1971. Fifty years ago in Custer County. I have only been down here a few years. But all these subdivisions -- you got to realize a lot of things. Ustick Road is torn up. Okay? Cherry is torn up. The cutting and patching. I was in construction for 45 years. I built everything but a dam. It's torn up. The patches are failing. They are six months old. That's the same thing going to be on McDermott. Cherry, Ustick, all those roads either -- you need to make these developers set up a contingency fund to come back and fix the screw ups. That's what you need to do. And, then, something else you got to realize. All these houses -- look it up. How much water -- last year we were told to conserve your water. I'm on a well and a septic. Okay? But how much water does each one of these homes take? Okay? A month? Three hundred gallons? You can Google it. That's my opinion and I have neighbors that agree with me and I appreciate your listening to me.

Simison: Thank you. Council.

Hopper: Okay.

Hoaglund: I do have a question.

Hopper: Yeah. That traffic -- you made a good point. The traffic in this whole area is ridiculous. You know that.

Hoaglund: I didn't get your first -- your name. What was your name?

Hopper: Ron Hopper. I get the Hopper. When you see it on TV, get the Hopper.

Hoaglund: Hopper. Okay. Thank you, sir. I just wanted to -- question. You are on -- you

are on McDermott?

Hopper: Right. 3510.

Hoaglund: Okay. I'm just trying to figure out -- we now have that -- that Storm Drive I think it's called or a Storm Road --

Hopper: Right.

Hoaglund: -- and they got the lights there and there is a lot of traffic going up and down that for the school and whatnot. Are you seeing more traffic on McDermott just from the school or just from the general development?

Hopper: Yeah. There is a lot of -- there is lots of traffic on McDermott, because you got your other subdivisions to the north. Like you say, the high school wasn't even there when we -- my wife bought the house, you know, but it's progress. It's fine. It's just got to be planned and like the Mayor said, you don't have a commercial building right in front of your big subdivision, you know. So, I agree with him one hundred percent on that, so --

Hoaglund: Thank you, Ron.

Hopper: Thank you, gentlemen. Have a good one.

Simison: Thank you. All right. That's everyone who has signed up in advance to testify. Ralph, any comments you would like to make this evening? Okay. Nothing on the record it appears.

Bernt: Oh, that was funny.

Simison: And online we just have ACHD and our parks director. If either one of you are looking to testify on this item you can go ahead and use the raise your hand feature. Otherwise, Matt, we will invite you up to -- for any closing comments.

Adams: Thank you. Sonya, would you mind putting my presentation back up? So, while we are waiting for that to come up -- to come up, Mr. Hopper makes a good point and we did -- he also attended our neighborhood meeting, which we -- was I believe 109 degrees that day and we did it outside and -- to be convenient, of course. But, oh, it was hot and he was one of the brave souls that actually attended and we appreciate that. At that time we felt that we were successful, because we don't have any residential, we don't have any high density on the east side of Highway 16. So, the uses that are occurring as part of this project on McDermott are going to be the least amount of traffic possible and I will also say that ITD in their planning has a plan to reroute McDermott. I don't live there, I don't know if that's viewed as a positive or a negative for the people that live there, but it is going to peel off, go around to the east and connect to Ustick in a new location. So, that's my comments on that. Regarding -- and this is an image of what's -- what we have

planned to occur on McDermott. This is the Acclima plan. They are a current Meridian business, research and development and manufacture of moisture sensors. They want to reinvest all the money from the sale of this land into a new facility here, where they would move their operation. So, there is very very little traffic and going out to McDermott from our project. This is an image to show you how our south sub street -- stub street works to the Hunter Homes parcel. Todd characterized everything accurately. We are not against his request. What we looked at is providing the required berm and wall, landscape buffer to street and based on the slopes of the berm and the height of the wall and ITD's roadway centerline, this is what we think works. We also think this is the most attractive entrance. Every developer thinks of where their edge is that's how you enter the community and the wall being next to the road, that's not something we contemplated and we have not coordinated with ITD to do any of our work on their parcel. So, our preference at this time would be to go with this design as shown, but I guess as we work through construction documents, if we can do some minor shifting we will do our best to accommodate that, but tonight I don't want to commit to sliding it over right to the property boundary. My last comment would just be to -- to thank staff, because they worked with us for about a year on this and if you count Chukar and Owyhee five years. So, you know, we like these kind of projects that keep -- keep going and keep us engaged with the -- the planning staff. So, thank you very much.

Simison: Thank you. Council, additional questions or comments for Matt?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Matt, I'm -- I'm curious about Mr. Tucker's request with the road and all that. Is that something that you guys are seeking? Is that something that you are interested in? Is -- I mean your layout doesn't contemplate that. I mean you are not coming with any type of a request, so my assumption is the layout that you have put together is what you plan to run with, but I don't like, you know, placing applicants against each other, but it -- because it's such a unique request I wanted to at least give you a chance to respond.

Adams: Right. Mr. Mayor, Councilman, we feel that our proposed design is the way we want to go. So, it provides the biggest buffer, the best berm and wall to provide the same type of sound and sight attenuation to the homes that are just on the other side of this road. However, we -- so, we want to proceed with this. We want to be a good neighbor, because there is going to be a time where we need Hunter Homes to maybe accommodate something from us. So, if -- we want to find a middle ground. We don't want to go all the way over. But we think there might be a little bit of wiggle -- wiggle room. At this time as tonight we are not asking for a variance. We are coming in with a code compliant proposal.

Cavener: Okay.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Sonya or Chris, whoever is controlling, can we go -- or maybe you, Matt. Can we go to one that showed the greenspace and -- and kind of above --

Adams: Well, I love this picture, but -- hopefully that's what we get.

Hoaglun: That's what the berm is going to look like when you are done I'm sure.

Adams: How about this?

Hoaglun: Yeah. That one works. That one works. You know, we have got that drain or irrigation canal down here in the lower left and you have cut off the corner of that lot right -- yeah. Keep going down, down, and -- right there. Yeah. And so we have got that angle. Because I asked about the street up there, why not come down and come straight, and, well, we have got a bridge. Well, that -- that irrigation easement is going to be going to the -- to the southeast, continue on. So, I'm thinking, okay, there is going to be issues there, but that's for another application. But, then, going back to yours, you have got that angle there to allow for that easement. Looking at that street, to give more room, can you angle the lot there -- same -- same block, but to the east and angle that so you have got room for your street to come in and not be so tight against the berm and give them some wiggle room? Just a thought. When I saw that I thought, well, you could do the same on the other side to bring that a little bit in and we move away from that. But again -- and who knows what the future holds for the next application to the south. But, you know, if you are looking at trying to work that out, that's just a thought.

Adams: Yeah. Mr. Mayor, Councilman, so I am not a civil engineer and my engineer would be cringing right now, because if we start to slide that road or curve or move that road, the ripple effect of that is pretty dramatic and the required radius on a curve and the amount of straight distance you need before you have a T-intersection, the -- as we start to look at that and maneuver that, yes, it could be done. We could look at a road on that -- further on that west side. I'm not sure that really would work well for what Hunter Homes is anticipating. There could be a little bit of maneuvering that we could do and still retain our aesthetics of our berm and the sound quality of it I think.

Hoaglun: Mr. Mayor, follow up on --

Simison: Councilman Hoaglun.

Hoaglun: -- a little different subject. The access point for your subdivision, I would anticipate they would be coming off of Storm Way -- Drive -- Road. Is that how you see -- where do you see the majority of your residents in this development coming into that -- that property?

Adams: So, Mr. Mayor, Councilman. So, yes. So, our property is not allowed to take access from McDermott, because -- we can't even build a temporary, because it will go

away. So, that would be a false promise to people living there. So, everyone who comes into this subdivision at the current time would exit Ustick or McMillan onto Owyhee Storm. Those are both signalized at this point and, then, partially improved on the roadways -- not fully improved. They would travel to Achievement and, then, head east into this project. There where they -- kind of the bright blue or the cyan arrow that points north-south on the west side of Trucker, that is a future road alignment that will connect into Gander Creek. The Trucker Ridge developer is constructing that crossing right now for emergency access vehicles from the fire station and that will become a roadway when the elementary school develops and so there would -- there would be another access through this area, but you still initiate -- you still get onto Owyhee Storm from either McMillan or Ustick, so -- and Owyhee Storm is built. It's a half section, because we didn't finish the other side, but it has a middle turn lane. It's -- it appears to be completely constructed. Even the west -- the west side is a shoulder and borrow ditch.

Hoaglund: Thank you.

Simison: So -- oh. Councilman Borton.

Borton: Mr. Mayor. Matt, could you put up the school capacity slide that you showed. That one right there. So, one of the things that's been highlighted more recently in some of these applications -- and it gets focused in the annexation discussion that we saw earlier now, is school capacity. So, the -- the column just to the right of the highlight is the elephant in the room on any of these applications. So, the difficult question for any applicant and -- and you with this one is, well, where do these kids go to school in light of all of the other approved platted parcels if a school bond does not pass?

Adams: Mr. Mayor, Councilman Borton, good question. So, yeah, the area I highlighted shows current enrollment and capacity and, then, the next column is approved preliminary plat parcels per attendance area. So, for example, Pleasantview Elementary, there is 3,089 parcels approved within that attendance area. This graphic does not tell us how many school aged children would be predicted to come from those parcels. We know just by looking at a map that more kids are going to start to -- they are going to take that 546 to 650 --

Borton: Sure.

Adams: -- then that will -- that will happen. Our project where it is in line with those 3,089 I do not know and it's -- I'm having like flashbacks to the Ten Mile question -- which project? Is it the person that lives next door to the school that is considered the overcrowded issue or is it the person from the North Oaks project that overcrowds? It's a really difficult question to answer. This is the data we have today.

Borton: Sure.

Adams: We know we can walk these kids into Owyhee, which feels good, and there is capacity there and we know that there is a future elementary school site. I think our

biggest burden on this particular area will become middle school as time goes by. But that's just my assumption as a resident of the city.

Borton: And Mr. Mayor?

Simison: Councilman Borton.

Borton: Just -- just some follow-up comments, Matt. And it's not -- not necessarily a fair question to ask you, quite frankly. I didn't -- you know, I don't think you have an answer, because you can't answer it. It highlights one of the concerns that -- it's just come up more recently and -- and some of the service level issues that we try to address on an annexation -- you know, roads and schools are big ones and with regards to roads, for better or for worse, there is at least impact fees that assist and there is some -- some recurring revenue that assists ACHD and albeit it might be slow, but -- to provide that infrastructure. But schools and school capacities is a unique wrinkle and it was highlighted, you know, weeks back in an earlier application. So, the challenge that I have with this and I guess any annexation going forward and -- the challenge I think for the Council is what do we do with that elephant in the room that, unlike other capacity issues, whether it's sewer capacity or road capacity, the school capacity is extremely unique, because it requires, you know, passage of a bond which our community has changed and at some point -- you know, each project by themselves is small incremental expansion of that, but when we look at the approved preliminary plats on the center column, at what point do we -- are we concerned enough as Council Members to say where do they go to school and who gets in first if a bond doesn't pass? So, one of the questions I will leave you with -- it's a difficult one, quite frankly, I think we have to wrestle with -- I'm coming to terms with the difficult decision, which I think needs to be made, but I'm curious your thoughts on a condition of the development agreement that says the first building permit can be issued upon passage of the next school bond. I'm just curious your initial thoughts on a concept like that, which ties the ability to construct any of this to the passage of a school bond that provides the capacity that we all admit is required.

Adams: Mr. Mayor, Councilman Borton, thanks. Wow, I -- we were getting late in the day I didn't know we would have this question come up. I read the newspaper article from a couple weeks ago regarding that crisis situation with the schools south of the freeway in the Hillsdale area and the comments from Council about it being kind of a game changing moment and a new focus on school capacity. Actually, that's why I put this slide in here. I wanted to address it head on and show that the snapshot view and the information we have available today shows that we have capacity. To answer your question, connecting development to passage of school bonds I think would be short sighted. But school bonds our elections run in the full school district boundary and have very little to do with local conditions and West Ada is barely passing school bonds today, even under crisis situations, and I think combining those two different agencies could create many many unintended consequences and I would not be supportive. I would be supportive of impact fees that go to schools, but I think tying it to bond passage takes the control away from the city. The city could get a project they really want, but can't approve because you can't get a school bond passed because North Eagle votes no on every bond. That could

become problematic.

Borton: If I could just follow that comment up.

Simison: Councilman Borton.

Borton: You may be spot on, Matt. I don't disagree and, quite frankly, that's what gives me even more concern. I think you are right about the community's appetite for passing school bonds and the fact that there is a legitimate risk that they might not pass I think that it highlights the concern and -- and highlights the fact that you are just adding -- any applicant is adding approved plats and parcels, fighting for a finite number of seats in our schools and I just wrestle with -- it's death by a thousand cuts by approving each single application without addressing that. Now, the -- the building permit for school bonding is a way to -- it's a -- it's a concept -- it's out of the box, but to try and approve good projects. I think your project is really attractive and well designed, but like if we didn't have sewer capacity, a well designed project just -- it gets stuck. We can't service it.

Simison: Councilman Borton, you look like you froze. And it was on the word stuck.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Until we get Councilman Borton back on, I do have a question, Matthew, and you show 93 school aged children predicted from this development by West Ada School District. You have got 93 homes that you are going to have. I thought they were using a .7 ratio now, but is -- Sonya, I don't know if that's something staff tracks or -- it was -- I thought West Ada was doing .7 per -- per unit, as opposed to a one to one match, but I could be wrong for that. And also while Sonya is looking around for that, I know Cole Valley is out there somewhere, a Christian high school that's located downtown that is going to build. In Gem Prep is out there somewhere, aren't they? I'm not sure where exactly, but --

Simison: Yes.

Adams: Mr. Mayor, Councilman, so good question. So, I do not know how those numbers were calculated. I think Marcy Horner provides those from the school district. I would hate to guess. It could be proximity to the school you get a higher ratio. I don't know. Cole Valley, which I would advocate for approval of that project, which is coming to you soon, is probably one mile due north of this project and school choice is one small tool in alleviating some of West Ada's capacity issues and, then, Gem Prep -- I believe it's on Black Cat. It's within a mile or so and it's to the north of this project and, then, we also have Compass charter that's near there. Their newer facility as well.

Simison: So, Mr. Borton, we lost you right at the point where you said stuck.

Borton: Okay. My -- my battery died. It's a long day. I'm using up every device I got. Sorry about that.

Simison: Did you have anything further -- any questions or pontifications on your brilliance?

Borton: Yeah. Yeah. I will conclude the thought and the challenge. It was trying to see if -- if there is a tool such as that for the city to allow good projects to come forward as intended, but constrain the timing that they come on board to the ability to provide one of the critical essential services and that's school capacity and -- and the fact that bonds are difficult to pass it just highlights this concern. If the Council needs to pick a date that they are going to apply -- I just don't know how we don't address it. At some point we have to start and I don't know if, frankly, I can wait anymore and I thought that might be a way to address that concern and still allow good applications to go forward. So, that's the best -- the big hurdle I see with this and -- and, quite frankly, anything other -- anything else going forward of any particular scale in an annexation. That's -- I don't know how to ignore it anymore.

Simison: Matt, we won't ask you to -- I think that was an end comment without a question at this point in time. Mr. Borton, I don't want to put words in your mouth, but that's what I heard. Unless you want to reply.

Adams: Mr. Mayor --

Borton: -- the condition. That was it.

Simison: Okay.

Adams: Mr. Mayor, I would just say that everything Councilman Borton is saying I understand. I -- and I know these pressures. We do -- I do school development in Oregon, Washington, and Nevada and in Washington and Nevada -- Washington the state matches dollar for dollar. That's their solution. The state believes in and funds the construction of schools. In Nevada they have funding sources that we don't have through casinos and mineral extraction and they provide money for capital construction of schools. In Idaho we don't have that. In Idaho you can't build a school until there is so many kids in it that you are at a crisis situation and the voters vote yes. So, then, the high school builds millions of dollars of infrastructure to try to get open and, then, more development comes. I don't know that -- if the state legislature hasn't solved it, West Ada, Boise, Vallivue hasn't solved it. Madison County hasn't solved it. I don't know how we solve it tonight. I feel that if that were a condition tonight that would -- that would be overlooking the current data we have, the current rules we are trying to operate under.

Simison: Well, if only we had a 1.5 billion surplus that we were just trying to figure out what to do with it. Yeah. I'm talking about the state's 1.5 billion from this. But it is almost the definition of insanity to your point. You have overcrowding, you go build schools in places where you don't have people, so you put homes around those places where the

schools are and the schools fill up with people. So, you got to go build more schools other places. It seems like a self perpetuating problem. I have a question that's just more of a philosophical question that's going to be easy compared to this, the last one you did, but you mentioned -- you mentioned earlier that, you know, you -- under the expectations of the land use you had to put different types into the project, i.e., seminary, Boys and Girls Club. But you do have stuff on the -- over on the McDermott side. But for the requirement would you be putting the Boys and Girls Club facility in this location inside this project? I'm not going to put the seminary on your back, because that was -- you know, we understand -- they want to go by the school. I'm just curious, would this have been your or -- the people's first choice, more residential or this -- or that type of facility? Just so we can -- I think it's important for us from a land use perspective to be thinking about all these types of things when we are seeing these type of results of our -- of our, you know, policies.

Adams: Mr. Mayor, thank you for that. So, I think if this was just medium density residential land use we would have met that and we -- we would have likely pursued the seminary application as part of it or a parcel for that application and -- but it's less likely that we would have pursued some sort of a community partnering effort and a Boys and Girls Club type project. However, with the mixed use neighborhood land use and, then, the -- the position of Highway 16, which does not allow you any direct access from that western portion to Highway 16 and the seller's desire to retain that six acres for their project, their investment in the community, that is what led us to needing to provide multiple uses on the -- on the west side. So, when we looked at it with the developer, we were stuck with who would buy a parcel in the middle of a neighborhood behind a high school and we were left with probably no one and it would probably sit empty forever. That is not a good commercial space and we couldn't think of anything. So, this developer, who is also very community minded, said, well, let's come up with a better solution. Let's -- there are organizations in our community that need space, that can't afford space, that are seeking to provide services. Boys and Girls Club came up in those discussions, because they don't have anything in the west end of the city and that's a -- that's a -- for them it's a very underserved part of the community and with the number of households going up, rooftops, they got very excited about the opportunity. So, I guess to answer your question, that -- when we look at the land use map, we want to comply with the code, so we were aiming to provide multiple types of uses. Because of the high school and the highway position, true commercial didn't feel like it fit well and so our creative approach was to try to reach out to some sort of community partner that doesn't have a chance -- you know, they will save enough money just alone on the purchase of a one acre parcel to really kickstart a major project. So, it was just circumstances -- a culmination of circumstances that I think led us to that.

Simison: Matt, I appreciate it. It just -- it just seemed to be out of -- out of place, you know, throughout this project and sometimes when you have code and some policies that dictate that, you make it make a -- make it a great thing out of it, but on the front end it looks kind of like -- why did I do that for me and this -- I have heard this from a few different parties recently about the requirements that were being placed upon individual parcels that contain all those elements, as compared to looking at the area specific around it. But

-- and that's a different conversation. We don't have to -- I want to get us through this evening, we have people here, but I appreciate you -- the indulgence.

Adams: And, Mr. Mayor, if you look at the sub area plan -- Fields sub area plan, that is where you are talking about. We are on the edge and if you look at that four square miles you can see where these uses should go. These mixed use -- types of uses. Yeah. Thank you.

Simison: Thank you. Council, additional questions? Then do I have a motion to close the public hearing? Just want to make sure we get this done before we do the --

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Well, I will at least get the first half moving. I will move we close the public hearing on H-2021-0065.

Hoaglund: Second the motion.

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

MOTION CARRIED: FOUR AYES. TWO ABSENT.

Borton: Mr. Mayor, I -- I won't belabor the comments. I think Matt did a good job trying to answer a very difficult question. That is -- that is posed to us as much as it is him. So, I couldn't find an answer either in prep for this and in prep for knowing at what stage you make the very difficult decision. If an applicant was willing to DA provision that allowed a project to proceed with that, that was the only other avenue I could see something going forward and -- and I don't know if there is a clear line of when you start and make that difficult decision, but I think you have to begin somewhere and I think we are there. So, I'm not supportive of this application at this time for those reasons.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: These are -- these are becoming harder and harder. I have always been a proponent for growth growing up in Meridian. I was here in 1970 my family moved here and so I have seen so many changes and -- and growth has been great. We couldn't wait until we got McDonald's, even though we had the Hungry Onion and a few others, but -- that was a long time ago. And I like growth and there are challenges with growth and when I served previously on Council we were going through a terrible recession and I would much rather have the challenges of growth than a recession, which is so difficult

on people. But we are to the point when we talk about transportation, you know, gridlocks that are becoming more and more severe, we have talked about school overcrowding and we have asked for information now to look at what are the applications that have been approved that have impacts and, Matt, you are absolutely right, having grown up here and have seen it time and time again, until there is enormous amount of pressure and kids are spilling into the hallways, people are not going to vote to raise taxes to build a new school. It's -- it's got to be that -- that hard and so that makes it even more difficult. So, then, do we say, okay, we will just slow growth down, really pump the brakes and what will happen? Well, there won't be impact fees for roads. Of course, schools don't get impact fees. But voters aren't going to be asked to raise taxes and, then, here we sit and there are jobs to be had to growth and I'm a believer if you aren't growing at least to some degree you -- you could be getting stale and possibly even going backwards, just -- depends on the philosophy of how you look at growth and as we talked about in the -- in the previous application, the place really to deal with this is at the annexation level. I mean this is where we have to make the tough decision is going to be something we are moving forward with and this is annexation, zoning, and preliminary plat, now we are putting in place -- into motion certain things that -- that will move forward and this is -- this is not a bad application. It's well thought out. I keep thinking is a single family home, the 93 homes only, on -- on 40 acres saving grace, because it's single family. But it's just hard to go there, because I want to be consistent on how I -- how I do things and how I vote and -- and when we talk about traffic impacts and those types of things and my comments from the previous hearing about here we are at a major intersection of Ten Mile and the interstate and we are not going to possibly have growth occur there, because of everything we are doing out here and flowing up, when -- well, that has the least amount of impact. You know, a city wants to grow from the center and go out and same with transportation areas. You know, from there you want to -- want to grow out. So, it's -- for me it's hard, because it's about being consistent and in being that we are at the annexation phase of this, I don't think I can go there tonight. It just is -- despite a well thought out planned development that is -- has -- has some other amenities to it that folks want and that -- that makes it a very difficult vote.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I know a few weeks ago we were dealing with that application in south Meridian and I think somebody even called that it was kind of a game changer moment for us. I think it was Council President Bernt. One of the things I applaud and I appreciate Council Member Borton throwing out an idea -- a creative idea. I'm not quite sure I would be sold on it, but I appreciate -- I think it's that first step in that thoughtful, but collaborative and decisive action that we as a body need to decide that we are going to take. I like this application and there is I think some differences between a project that's multi-family in a area of town where the schools are already taxed versus one that is under capacity that we know will soon one day be full and I -- Council Member Hoaglund, I appreciate your desire and your willingness to be consistent throughout. I think that's something that we are all achieving. So, while I'm not opposed to this project, I'm not supportive of it tonight

and maybe this is a -- an instance where a continuance may make sense with some understanding that I think that we as a body need to maybe look at a workshop where we invite our community in, our citizens or community stakeholders, the development community and ask them for some ideas. Council President Bernt, earlier tonight you made a very appropriate comment. We shouldn't be designing from the dais and I think it's hard for us, when an applicant comes that we start to talk about these issues as it relates to a specific application. We need to be looking at it as a whole. So, that would be my suggestion is that we continue this out for a few weeks and have an opportunity to hear from people with other suggestions, other resources that we could look to explore and I think we should be inviting our legislative delegation to come to this meeting as well and share their suggestions, because the fact of the matter is that anything that's going to support our community long term is going to require some decisive and collaborative action at the state level.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I don't know if there is a whole lot that I can add to this discussion. I think that there has been some thoughtful comments made already. Matt, I stand by my comments from earlier. I think this is a great application. I -- I spoke about it during our time together on that committee debating open space and you had some creative ideas and some different ideas in that -- in that -- in that committee during those meetings and I -- and I still believe -- I believe that you applied exactly what you said in those committee meetings to this -- to this application. At the end of the day I think -- I think we are at a crossroads and if we weren't -- and if it wasn't clear two or three weeks ago, I think it -- I think it's pretty clear now that -- that, you know, we just need some high level discussions and we need them pretty quick and I know that government doesn't usually operate in the quickest form, but I think that we need to find what that looks like and we probably need to get on it as soon as possible. I have a lot of friends in the development community, I have a lot of -- I mean I own a flooring business and so I'm directly connected to the growth that happens in this -- in this area. I think we are all pro growth. I don't think there is a person that's sitting on this dais that -- that hasn't -- I mean we have had decades of past council members and councils who have been pro growth and pro business and so I don't think that that changes anything. I just think at the end of the day we just need to have some serious discussions as it relates to, you know, schools and transportation. So, consistent -- consistency is key and we just need to -- we need to get there. We owe it to our development community. We owe -- we owe it to those who are spending money and taking risks in our community and so we just need to get there sooner than -- sooner than later to -- to be able to afford some direction to our friends in the development community.

Simison: So, I am going to be a little bit different than the rest of you this evening. I actually -- you heard my comments. I wasn't excited about the design of this project. But I don't think this is the one that we make a decision on saying no on development at this time. It's in a priority growth area for us. We are putting a fire station right next to it. We are putting a police station right next to it. We are building -- the state is going to build an

interstate that's going to be put in place in this location before these homes are likely on -- on board from that standpoint. There is not just a brand new high school, there is going to be a brand new private high school, a brand new private elementary school. There are charter schools out in this area. There are a lot of investment that's occurring in this specific location at this specific time, which is what we have asked our development community to be focused on. Now, does that mean that we don't need to have a conversation about the larger issues about, you know, do you -- if there is -- quite frankly, I think the question for Council is, yeah, are you looking for a moratorium at this point in time on development to answer this question. Because I think that that's really where you are getting to. If you are wanting to say let's take a pause and have a conversation, there is an actual way that you can do that, if that's the way Council wants to proceed on these projects. Just throwing it out there. That may be the cleanest way to do it, rather than to continue to hear applications and have them move forward through the process, if you are feeling like you are not comfortable to make decisions and you want to put a pause and bring in the community and have that conversation. So, just food for thought for whatever decision you all make. But to me this is not the development where that decision needs to be made at this time based upon the investment that's occurring amongst everybody in this location in our community. Not to say we don't need to have a bigger conversation.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I appreciate your comments. I think that, you know, suggesting, you know, that this may or may not be a moratorium may be a hair premature. I -- of the respect I think that that's the reason why we have these conversations and we have a discussion and, you know, I -- I certainly wouldn't want to suggest that without, you know, many discussions and -- and, you know, getting our development partners in the room and our citizens who -- and the citizens who are -- you know, they have concern and who have interest in this -- in this dialogue as well. So, I think it's important for us to be clear in the sense that, you know, this isn't -- we are not -- we are not suggesting any type of moratorium or pause or anything of that regard, we are just -- you know, it's time to have high level discussions and I will -- and I will talk to Joe, you know, he started this discussion off earlier, but maybe he has some comments to -- to add to the discussion as well, so --

Simison: And if I could just real quick, I'm going to ask our legal department the question, because to me this is what a moratorium -- what moratoriums are designed for is to allow cities an opportune time to come up with a plan when there is certain parts of your 13 points which are not able to be fulfilled in your opinion. That's -- you know, I could be wrong, but that's why I have -- what I have been told, but if you can at least respond to that and, then, I would be happy to go to Mr. Borton afterwards.

Nary: Certainly, Mr. Mayor, Members of the Council. I guess the one concern I have -- and I was just getting the moratorium statute when you raised that. One, it's short.

Simison: Correct. It's a limited duration time period.

Nary: It's very short. It's to pass an ordinance for your city, but we are talking about solving a problem that we have no control over at all and so I don't know any ordinance that we could pass that could meet the concerns that you are talking about and that would be my one concern in trying to defend that is that I don't -- I don't think they fit together.

Simison: Okay. Fair enough.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I think that -- and the one you suggested, the continuance -- it's not for the sake of a moratorium, it is for the sake that -- to flush out some other suggestions or ideas, aside from just an annexation -- or building permit won't be issued until a school bond passes, that -- that could be one of many suggestions that may come not at 10:00 o'clock at night after -- after a long City Council meeting. I -- I think this is an opportunity for us to invite the public -- if citizens have suggestions, if stakeholders have suggestions, to offer those to us as we can consider these with this application that's before us and other applications that are in the future. It may result in a moratorium, but I -- I agree with Council President, that's a little premature for us to be saying that's what we are going to be doing.

Simison: And I understand the -- the -- I'm just getting to the point if it sounds like it, because we want to hold off on things until we address issues, but, Councilman Borton, go ahead.

Borton: Mr. Mayor, just to kind of close the loop, I don't have any concern on the -- a continuance, I only have concern -- and I love being consistent, but until some community partner can provide the data that shows this problem isn't the problem with the magnitude it appears to be, there just -- to your comment about -- it's sort of insane to do the same thing and expect different results. I don't know when we start and if it's kind of shocking and dramatic, then, so be it. I'm fine with continuing this, but this is the elephant in the room and you have to start at some point and if it upsets folks, so be it. We have to have the conversation. It's not popular, but I think that's part of our commitment and our obligation to the community and not everybody will like it, but I'm ready to have it. I'm ready to have it today. A continuance for the fairness of the applicant, I -- no problem with at all. If this goes, quite frankly, into January. But that's the data that we need and I don't know how to -- how else to solve this problem.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I move that we continue file number 2021 dash --

Simison: We need to reopen the public hearing if we are going to continue it, do we?

Borton: We don't have to.

Cavener: Okay. Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I move we open the public hearing on number four, Aviator Springs, file number H-2021-0065.

Hoaglund: Second the motion.

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

MOTION CARRIED: FOUR AYES. TWO ABSENT.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I move we continue Item 4, Aviator Springs dash -- H-2021-0065, to January 25th.

Hoaglund: Second the motion.

Simison: I have a motion and a second to continue these items to January 25th. Is there any discussion? If not, all in favor signify by saying aye. Opposed nay? The ayes have it and the items are continued.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

FUTURE MEETING TOPICS

Simison: Next item up is future meeting topics.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: This is sort of what I was hinting at in comments earlier. It wasn't an annexation, but this is certainly the elephant in the room that I think we have a commitment to try and address and accept the realities of what the data is telling us. So, whether it's a workshop or 6:00 p.m., to answer the question throughout our city when we have a magnitude of approved plats that far exceeds any capacity of a school, coupled with the new political

landscape in our community that everyone apparently concedes is not supportive of any debt and school bonds and -- it's unfortunate, but that combination is toxic and we have very difficult decisions to make as stewards of the community. So, somehow there is going to be -- I think -- I request -- maybe it's in January -- that workshop discussion to try and create solutions that -- and any of the community partners can help us try and solve.

Simison: Okay.

Borton: That's the request. Thank you.

Simison: Anything else? Then do I have a motion?

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: Move that we adjourn the meeting.

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

MOTION CARRIED: FOUR AYES. TWO ABSENT.

MEETING ADJOURNED AT 10:02 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS)

MAYOR ROBERT SIMISON

DATE APPROVED

ATTEST:

CHRIS JOHNSON - CITY CLERK